

VILLAGE OF MIDDLEVILLE
COUNTY OF BARRY, MICHIGAN

Minutes of a regular meeting of the Village Council of the Village of Middleville, County of Barry, Michigan, held in the Village Hall, 100 East Main Street, Middleville, Michigan, on the 22nd day of March 2022, at 7:00 p.m., Local Time.

PRESENT: Members: Mike Cramer, Tom DeVries, Fran French, Mike Lytle, Sherry Ronning,
Ed Schellinger

ABSENT: Members: Kevin Smith

The following preamble and ordinance were offered by Member Cramer and seconded by Member French:

ORDINANCE NO. 2124

AN ORDINANCE TO AMEND SECTIONS 78-25, 78-192, 78-193, 78-222, 78-479, 78-480, 78-566(a), 78-633(15), 78-705, AND 78-878 AND ARTICLES II, III, AND VIII OF CHAPTER 78 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MIDDLEVILLE AND MATTERS RELATED THERETO

THE VILLAGE OF MIDDLEVILLE ORDAINS:

Section 1. Amendment of Section 78-25 of Chapter 78 of the Village of Middleville

Code of Ordinances. Section 78-25 of the Code of Ordinances of the Village of Middleville (the "Zoning Ordinance") is hereby amended to read in its entirety as follows:

Section 78-25. Vehicle Storage.

(a) No person, firm or corporation shall store, place or permit to be stored or placed, or allow to remain on any parcel of land for a period of more than 30 days in one calendar year an unlicensed, dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed public or private garage or unless approved as part of a junk yard or auto repair facility by the planning commission in accordance with article IV of this chapter.

(b) Mechanical work on owner-operated vehicles under this chapter is permitted but must be performed entirely within an enclosed building; however mechanical work may be performed outside of an entirely enclosed building for a

period of no more than ten consecutive days. Total days shall not exceed 30 days per calendar year. Parts or vehicles not in a legally operative condition shall be stored inside.

(c) Within a residential district or on a lot used for residential purposes, display for sale of one passenger motor vehicle or recreational vehicle at a time is permitted as an accessory use if the vehicle is owned by a person who currently resides on the property. Not more than two such vehicles may be displayed during a calendar year, and the total time of display shall not exceed 30 days in any calendar year.

(d) Parking or storage of commercial vehicles, tractor trailers, trucks of more than one-ton capacity, front-end loaders, and similar vehicles and equipment on any roadway or within a road right-of-way is prohibited.

(e) Recreational vehicles, as defined in this chapter, shall be stored in the rear or side yard, but not any closer to 5 feet from any rear lot line and 7 feet from any side lot line in any residential zoning district. No recreational vehicle shall be parked in any front yard or front yard setback; however, this requirement does not include short-term parking in the driveway for purposes of loading/unloading or cleaning of the recreational vehicle. Short-term parking is defined as 48 hours from initial parking to removal and the zoning administrator and code enforcement officer are each authorized to determine the commencement and end of the 48-hour timeframe for short term parking. The short-term parking for loading/unloading or cleaning may be suspended by Village Council by resolution from time to time.

(f) Commercial vehicles as defined in the chapter, shall be stored in the rear or side yard, but not in the required side or rear yard setback in any residential zoning district. Commercial vehicles may be stored in front yard setback, as defined in table 78-83(b).

Section 2. Amendment of Section 78-192 of the Zoning Ordinance. Section 78-192

of the Zoning Ordinance is hereby amended to read in its entirety as follows:

Sec. 78-192. Uses Permitted by Right.

The following uses shall be permitted by right in the R-2 medium density single-family district:

- (1) Community facilities.
- (2) Day care, family home.
- (3) Dwelling, single-family.

- (4) Dwelling, two-family
- (5) Home occupation, minor.
- (6) Park.

Section 3. Amendment of Section 78-193 of the Zoning Ordinance. Section 78-193

of the Zoning Ordinance is hereby amended to read in its entirety as follows:

Sec. 78-193. Uses Permitted by Special Use.

The following uses may be allowed as special uses in the R-2 medium density single-family district in accordance with article IV of this chapter:

- (1) Bed and breakfast.
- (2) Church.
- (3) Community center.
- (4) Day care, group home.
- (5) Funeral home/mortuary.
- (6) Home occupation, major.
- (7) Library.
- (8) Mixed use.
- (9) Museum.
- (10) Office.
- (11) Private wind energy facility.
- (12) School.

Section 4. Amendment of Section 78-222 of the Zoning Ordinance. Section 78-222

of the Zoning Ordinance is hereby amended to read in its entirety as follows:

Sec. 78-222. Uses Permitted by Right.

The following uses shall be permitted by right in the R-3 multiple-family residential district:

- (1) Community facilities.
- (2) Cottage housing
- (3) Day care, family home.
- (4) Dwelling, multiple-family.
- (5) Dwelling, two-family.
- (6) Dwelling, triplex
- (7) Dwelling, quadplex
- (8) Home occupation, minor.
- (9) Park.

Section 5. Amendment to Sections 78-479 and 78-480 of the Zoning Ordinance.

Sections 78-479 and 78-480 are amended to read as “**Reserved.**”

Section 6. Amendment to Article II of the Zoning Ordinance. Article II of Chapter 78 of the Zoning Ordinance is hereby amended to add a new division, Division 15, entitled “Transitional Mixed-Use,” and a new division, Division 16, entitled “Transitional Industrial” to read in their entirety as follows:

Division 15 – Transitional Mixed-Use

Sec. 78-481. Description and Purpose.

The Village adopted the 2021 Master Plan and included the “Transitional Mixed-Use” district as future land use category. The land use category is designed to complement the transitional area between M-37 and downtown on parcels abutting Main Street with development flexibility, housing choice, and neighborhood scale services. The transitional mixed-use (TMU) zoning district is intended for a variety of small scale mixed-uses.

The transitional mixed-use district wishes to avoid commercial strip buildings, large scale retail, and large off-street parking areas. The mixed-use would allow for reduced front, side and rear yard setbacks to more accurately reflect the existing buildings’ footprint and eliminate nonconformities. The uses will be complemented with traffic calming features, crosswalk demarcations, landscaping

and buffering between incompatible uses, and housing density up to 8 units an acre and 12 units an acre for mixed-use.

Sec. 78-482. Uses permitted by right.

The following uses shall be permitted by right in the transitional mixed-use district:

- (1) Dwelling, single-family.
- (2) Home occupation, minor.
- (3) Park.

Sec. 78-483. Uses permitted by special use.

The following uses may be allowed as special uses in the transitional mixed-use in accordance with article IV of this chapter:

- (1) Bed and breakfast.
- (2) Art Studio
- (3) Coffee Shop
- (4) Bakery
- (5) Dwelling, two-family.
- (5) Dwelling, triplex
- (6) Dwelling, quadplex
- (6) Dwelling, multiple-family
- (7) Home occupation, major.
- (8) Library.
- (9) Mixed use.
- (10) Museum.
- (11) Office.

Sec. 78-484. Other Uses.

Other uses in the transitional mixed-use district shall be:

- (1) Signs as provided for in article VII of this chapter.
- (2) Accessory uses as are provided for in section 78-20 and section 78-21.
- (3) Essential services as are provided for in section 78-15.
- (4) Temporary uses or structures requiring zoning inspector authorization as provided for in section 78-18.

Sec. 78-485. Site Plan Review.

All uses in the Transitional Mixed-Use District shall be subject to site plan review, except those permitted by right, subject to the process found in article V of this chapter.

Sec. 78-485. Landscape Standards and Buffer Zone.

In cases where site plan review is required, a landscape buffer and screening shall be required if the adjoining uses are determined to be incompatible by the zoning administrator. The width of the buffer zone can be reduced with an inclusion of screening and planting options, depending on the compatibility of the adjacent uses.

Sec. 78-487. Height Regulation.

No building or structure in the transitional mixed-use district shall exceed 35 feet in height.

Sec. 78-488. Area Regulations.

No building or structure nor any enlargement thereof in the transitional mixed-use district shall be erected except in conformance with the following yard, lot area and building coverage requirements:

- (1) Front yard. There shall be a front yard of not greater than 20 feet.
- (2) Side yard. For all uses, there shall be total side yards of not less than 10 feet; however, no side yard shall be less than 5 feet.
- (3) Rear yard. There shall be a rear yard of not less than 10 feet.
- (4) Lot area and lot width. The minimum lot area and width shall be 7,250 square feet and 60 feet, respectively.

Sec. 78-489. Minimum Floor Area.

The following shall be the minimum floor areas for the transitional mixed-use district:

- (1) Single-family. Each dwelling unit shall have a minimum of 960 square feet of usable floor area with a minimum of 600 square feet on the ground floor for units of more than one story.
- (2) Two-family. Each dwelling unit shall have a minimum of 750 square feet of usable floor area.
- (3) Apartment units. An apartment units shall have a minimum floor area of 400 square feet for an efficiency unit, 600 square feet for one-bedroom, and 750- square feet for two-bedroom unit

Sec. 78-490. – Reserved.

Division 16 – Transitional Industrial

78-491. Description and Purpose.

- (a) The 2021 Master Plan included a future land use category as “Transitional Industrial.” The purpose of this district is to accommodate residential, mixed-use and light industrial uses. The transitional industrial (TI) district is specified in an area of the Village located off State Street east of M-37. The transitional industrial district is intended to blend seamlessly into the adjacent residential neighborhoods. Appropriate screening and landscaping shall be including for parcels who may be incompatible.

The transitional industrial district is provided in recognition of the location and space needs of industrial activities which create only a minimum of off-site effects. This district does not include industrial uses which cause excessive noise, vibration, odors, visual blight, environmental pollution or which are involved in potentially hazardous processes.

- (b) The transitional industrial district sets forth development standards for the mutual protection of these industrial areas and areas for other land use activity in the vicinity so industrial uses are protected from the intrusion of other land uses which may be incompatible with industrial uses.
- (c) Important in determining the location and size of an industrial area in the transitional industrial district is the accessibility of the location to transportation facilities, the availability of public utilities, and the adequacy of fire and police protection. The topography of the area should be relatively level with no flood

hazard. Industrial areas may be in close proximity to other land use areas, but wherever possible appropriate physical features should be used as boundaries.

78-492. Uses Permitted by Right.

The following uses shall be permitted by right in the I-1 transitional industrial district:

- (1) Business incubators
- (2) Distribution/packaging center.
- (3) Dwelling, multiple-family
- (4) Dwelling, triplex
- (5) Dwelling, quadplex
- (6) Educational institutions
- (7) Mixed-Use
- (8) Office.
- (9) Research/training facility.
- (10) Minor Manufacturing Facility
- (11) Warehouse.
- (12) Wholesale establishment, minor.

78-493. Uses Permitted by Special Use.

The following uses may be allowed as special uses in the transitional industrial district:

- (1) Manufacturing facility.
- (2) Recreational Marihuana Grower (Class A-C)
- (3) Recreational Marihuana Processor
- (4) Recreational Marihuana Safety Compliance Facility
- (5) Recreational Marihuana Secure Transporter
- (6) Recreation establishment, indoor.

78-494. Other Uses.

Other uses in the transitional industrial district shall be:

- (1) Signs as provided for in article VII of this chapter. (As amended)
- (2) Accessory uses as provided for in sections 78-20 and 78-21.
- (3) Essential services as provided for in section 78-15.
- (4) Temporary uses or structures as provided for in section 78-18.
- (5) Parking and loading as provided for in article VIII of this chapter.

78-495. Required Conditions.

- (a) All uses in the transitional industrial district shall be subject to the site plan review provisions of article V of this chapter.
- (b) All outdoor storage areas in association with non-residential uses in the transitional industrial district shall be completely screened from adjacent lands pursuant to sections 78-30 and 78-36.
- (c) Outdoor lighting in the transitional industrial district shall be designed, located and operated so as to avoid casting light or glare on adjacent or nearby lands.
- (d) For non-residential uses, outdoor storage of materials and equipment must be conducted inside or rear yards and screened by a fence of adequate opacity and height to obscure view of the storage area, subject to applicable fencing requirements.

78-496. Industrial Performance Standards.

All non-residential uses in the transitional industrial zoning district shall comply with the following standards to ensure the health, safety and welfare of the residents of the village. Any violation of these standards will be corrected, the costs of inspection by experts for compliance to be borne by the violator.

- (1) Sound. Every use shall be so operated that the sound emanating from the operation will be no more audible beyond the boundaries of the immediate site than the volume of traffic sound on the nearest street.
- (2) Vibration. Every use shall be so operated that no vibration will be discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

- (3) Emission of glare and heat. Any operation producing intense glare and/or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any adjoining parcel or lot.
- (4) Smoke, fumes, gases, dust, odors. Every use shall be operated in such a manner that there shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot or parcel occupied by such use in such a manner as to create a public or private nuisance.
- (5) Liquid or solid waste. The discharge of untreated industrial waste into any surface water body and/or the groundwater is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by the village and the state health departments. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors, or discolor, poison or otherwise have a tendency to pollute any surface water body and/or the groundwater in any way.

78-497. Height Regulations.

No building or structure in the transitional industrial district shall exceed 45 feet in height, except that a greater height may be permitted if authorized by the planning commission as a special land use under article IV of this chapter.

78-498. Area Regulations.

No building or structure in the transitional industrial district nor any enlargement thereof shall be erected except in conformance with the following yard, lot area, and building coverage requirements:

- (1) Front yard. There shall be a front yard of not less than 10 feet.
- (2) Side yards. There shall be a side yard of not less than 20 feet.
- (3) Rear yard. There shall be a rear yard of not less than 10 feet.
- (4) Lot area. The minimum lot area shall be one-half acre.
- (5) Lot width. There shall be a minimum lot width of 75 feet.
- (6) Lot coverage. For any non-residential uses, not more than 50 percent of the area of a lot or parcel shall be occupied by buildings or other structures or impervious surface.

78-499-78-500. - Reserved.

Section 7. **Amendment to Article III of the Zoning Ordinance.** Article III of Chapter 78 of the Zoning Ordinance is hereby amended to specify that the title of Article III shall be “Wireless Communications Facilities; Solar Equipment and Other Provisions”; that the existing provisions set forth in Section 78-501 through and including 78-513 shall be included in Division 1 of Article III, which shall be entitled “Wireless Communications Facilities”; and that a new Division, entitled “Division 2 – Solar Equipment” shall be added immediately thereafter to read in its entirety as follows:

Division 2 – Solar Equipment

Sec. 78-514. – Intent and Purposes.

The Village of Middleville promotes the effective and efficient use of solar energy collection systems. It is the intent of the Village to permit these systems by regulating the site, design, and installation of such systems to protect the public health, safety and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors, as defined in this ordinance, shall comply with the provisions of this Section.

Sec. 78-515. – Criteria for the Use of All Solar Energy Equipment.

- (a) Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional
- (b) Solar energy equipment shall be repaired, replaced or removed within three (3) months of becoming non-functioning.
- (c) Each system shall conform to applicable industry standards including those of the current NEC, as amended.

Sec. 78-516. – Application for Administrative Review.

An applicant who seeks to install building-mounted solar energy equipment or ground-mounted solar energy collectors totaling less than 400 square feet shall submit an application for administrative review, as provided by the Village. The application shall include the following:

- (1) Photographs of the property's existing conditions.

- (2) Renderings or catalogue cuts of the proposed solar energy equipment
- (3) Certificate of compliance demonstrating that the system has been tested and approved by Underwriter Laboratories (UL) or other approved independent testing agency.
- (4) Plot plan to indicate where the solar energy equipment is to be installed on the property
- (5) Description of the screening to be provided for ground or wall mounted solar energy equipment
- (6) Any fee(s) as determined by the Village Council from time to time.

Sec. 78-517. – Exclusions for Administrative Review.

- (a) The installation of one (1) solar panel with a total area of less than eight (8) square feet.
- (b) Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

Sec. 78-518. –Solar Energy Collector Requirements.

Solar energy collectors shall be either building-mounted or ground-mounted.

(a) Building-Mounted Solar Energy Collector Requirements. A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts subject to the following requirements:

- (1) An Administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use.
- (2) Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
- (3) Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof, thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Village Building official prior to installation; such certification shall be subject to the Building Official's approval.

- (4) Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.
 - (5) Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
 - (6) The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
 - (7) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Village Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
 - (8) Solar energy collectors, and the installation and use thereof, shall comply with the State construction code, the electrical code, and other applicable codes and ordinances.
- (b) Ground-Mounted Solar Energy Collector Requirements. A ground-mounted solar energy collector system shall be subject to the following requirements.
- (1) Commercial ground-mounted solar energy collector systems and fields are subject to a Special Land Use requiring approval by the Planning Commission in all zoning districts.
 - (2) Ground-mounted solar collectors less than 400 square feet are permitted as an accessory use in all zoning districts and are subject to Administrative Review.
 - (3) Ground-mounted solar collectors 400 square feet and greater shall be considered a Solar Farm and shall be subject to a Special Land Use requiring approval by the Planning Commission.
 - (4) Ground mounted solar energy collectors shall be located only as follows:
 - a. May be located in the rear yard and side yard, but not closer than 5 feet from the rear lot line and 7 feet from any side lot line

and not closer than 10 feet from the principal structure, unless permitted by the Planning Commission in its approval of a special land use.

b. On lots 4 acres or larger, solar energy collectors may be located in the front yard only if permitted by the Planning Commission as a special land use but, in any event, they shall not be located within the front yard setback.

- (5) Ground mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.
- (6) Total area of all ground mounted solar energy collectors on a lot shall be limited as follows:
 - a. Residential ground mounted solar arrays shall not exceed 8% of lot area.
 - b. Commercial ground mounted solar energy collector systems lot coverage shall be subject to Planning Commission review.
- (7) Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special use application and shall be subject to the Planning Commission's approval.
- (8) Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the Special Use application. The Special Use, if granted, may be subject to the Building Official's inspection to determine compliance with the manufacturer's directions.
- (9) The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
- (10) Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the State construction code, the electrical code and other applicable Village codes and ordinances.
- (11) The Special Use may include terms and conditions in addition to those stated in this subsection.

Sec. 78-519. – 78-540. – RESERVED.

Section 8. Amendment to Section 78-566(a) of the Zoning Ordinance. Section 78-

566(a) of the Zoning Ordinance is hereby amended to read in its entirety as follows:

Sec. 78-566. Marihuana Businesses.

Marihuana Businesses are special land uses subject to the following requirements:

No Marihuana Business shall be located within one thousand (1,000) feet of any lot on which is located an existing public or private elementary or secondary school or licensed day care facility. For purposes of this Section, the 1,000 feet shall be calculated by measuring a straight line from the closest point on the real property line of each of the two lots, parcels, or units.

Section 9. Amendment to Article VIII of the Zoning Ordinance. Article VIII of Chapter

78 of the Zoning Ordinance is hereby amended in its entirety to read as follows:

Sec. 78-661. Purpose and Intent.

The intent of this article is to ensure sufficient land area out of the public right-of-way set aside for the temporary storage or parking of motor vehicles to avoid vehicle congestion and parking on roadways. As such, no parking space required herein shall be located in, or encroach upon, any public right-of-way unless otherwise noted. Additionally, this article is intended to preclude "over-parking" and excessive parking area pavement, which can undermine the small-town character of the village and cause storm-water runoff issues.

Sec. 78-662. Scope.

In all zoning districts, off-street facilities for the temporary storage or parking of motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this chapter, shall be provided as herein prescribed.

Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this chapter for all new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means as applicable, additional off-street parking shall be provided commensurate with such increase in intensity of use.

Sec. 78-663. Maximum Parking Spaces Required.

In all zoning districts, there shall be provided before any building or structure is occupied or enlarged or increased in capacity, the maximum number of off-street parking spaces for motor vehicles as follows, subject to section 78-664:

#	CATEGORY	DESCRIPTION	REQUIREMENT
1	Residential	One- or two-family	2 for each dwelling unit
2	Residential	Multiple-family, one or two bedrooms	2 per dwelling unit
3	Residential	Multiple-family, three or more bedrooms	2 per dwelling unit
4	Residential	Homes for the elderly	1 for each 3 beds
5	Institutional	Church and other places of worship	1 for each 4 seats in the main worship area
6	Institutional	Hospital	2 per patient bed
7	Institutional	Nursing homes, sanitariums, convalescent homes	1 for each 2 beds, plus 1 per employee during the maximum shift
8	Institutional	Elementary and junior high school	2 per classroom, plus 1 for each 300 square feet of administrative office area, plus 1 for each 4 seats or 8 feet of bench for an auditorium and/or stadium
9	Institutional	Senior high school and institution of higher learning	7 per classroom, plus 1 for each 300 square feet of administrative office area, plus 1 for each 4 seats or 8 feet of bench for an auditorium and/or stadium
10	Institutional	Day care centers	1 per employee, plus 1 for each 10 care recipients
11	Institutional	Private clubs and lodges	1 for each 5 active members and 1 for each employee with a minimum of 1 for each 100 square feet of floor area
12	Institutional	Theaters, auditoriums, and stadiums	1 for each 4 seats or 8 feet of marked bench
13	Institutional	Community center	1 for each 100 square feet of assembly floor area
14	Institutional	Libraries, museums, post office	1 for each 100 square feet of floor area

15	Business and commercial	Retail stores	1 per each 200 square feet of floor area
16	Business and commercial	Supermarkets, department stores, personal service shops	1 per each 400 square feet of floor area
16	Business and commercial	Lodging, rooming and boardinghouses, bed and breakfast establishments	2 for each 3 guest rooms or each 6 beds for guests, whichever amount is greater
17	Business and commercial	Hotels/motels	1 per unit, plus 1 for each 3 seats in any dining or meeting room facilities
18	Business and commercial	Bowling alleys	8 per alley
19	Business and commercial	Establishments for the sale and consumption of beverages, food or refreshments on the premises	1 for each 3 seats
20	Business and commercial	Mortuaries or funeral homes	1 for each 50 square feet of floor area used for services
21	Business and commercial	Marinas	2 for each slip or mooring
22	Business and commercial	Drive-in restaurants or similar drive-in uses for the sale of food, beverages or refreshments	1 for each 100 square feet, plus 1 for each 3 employees
23	Offices	Banks, business offices, and public buildings not specifically mentioned elsewhere	1 for each 300 square feet of floor area
24	Offices	Offices and buildings	1 for each 300 square feet of floor area
25	Offices	Medical doctors' office or dental clinic	8 for each doctor, plus 1 for each employee
26	Offices	Business or offices, research laboratories and/or similar uses that do not cater directly with the general public	1 for each employee on the maximum shift or peak employment period

27	Industrial	Manufacturing, processing and fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related, but not necessarily connected to, a manufacturing or industrial building	1 employee space for every 1.3 employees on all shifts, plus 1 visitor space for every 50 employees on the maximum shift, plus 1 fleet parking space for each vehicle in the company fleet
28	Industrial	Warehousing	1 per 600 square feet of floor area, plus additional 1 per 200 square feet for offices
29	Industrial, commercial	Mini storage	5 per premises, plus 1 for each 5 storage bays

Section 10. Amendment of Section 78-705 of the Zoning Ordinance. Section 78-705

of the Zoning Ordinance is amended to read in its entirety as follows:

Sec. 78-705. Nonconforming lots of record.

(a) Where the owner of a single, lawful nonconforming lot of record in existence at the effective date of the ordinance from which this article is derived does not own sufficient land to enable conformance with requirements of this chapter relating to lot width, lot area, or both, such lot of record may be used as a building site, provided that requirements of this article are met to the extent reasonable and practical. The zoning administrator may permit a variance of required, side yard and/or rear yard setback for the principal building or detached accessory building to be placed on a legal, nonconforming lot of record of up to one-half the setback requirement. The zoning administrator may grant an administrative variance for a principal building in the front yard setback equal to the average depth of the established setbacks of adjoining parcels on either side of and within a distance of 150 feet of the nonconforming lot of record. Any other variance from the requirements of this chapter shall require review and approval by the zoning board of appeals.

(b) Prior to granting a front yard, side yard or rear yard variance on a lot of record, the zoning administrator shall provide written notice to the property owner on record, based on the most recent tax assessment roll. The notice shall state the proposed construction, nature of the variance, and the variance applicability based on subsection (a).

(c) Lawfully created nonconforming lots of record may not be divided except in conformance with terms and requirements of this section.

Section 11. Amendment to Section 78-878 of the Zoning Ordinance. Section 78-878

of the Zoning Ordinance is hereby amended to add the following terms and definitions, in appropriate alphabetical order:

Business incubator means an organization, firm, entity, business, or institution designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources and services that include physical space, capital, common services and networking connections.

Cottage housing means small, detached dwelling units clustered around a central common open space.

Department store means a business conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

Impervious surface means any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreation areas.

Personal service shop means an establishment providing nonmedically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; psychic readers, shoe-repair shops; tanning salons; and other similar establishments.

Quadplex means a single structure containing four dwelling units.

Supermarket means food market, or combination of food markets and department stores with more than 4,000 square feet of floor area.

Triplex means a single structure containing three dwelling units.

Section 12. Renumbering Necessary Sections. The Village Clerk is hereby authorized to make such changes as are necessary to conform the amendments set forth in this ordinance to the provisions of the Village Code including, but not limited to, and as and if necessary,

renumbering or re-lettering divisions, sections and subsections, rearranging insertions and modifying reserved sections.

Section 13. Severability. In the event that any section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other articles, sections or provisions of this ordinance, except so far as the article, section or portion so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 14. Publication/Effective Date. This ordinance shall become effective seven days after its publication or seven days after publication of a summary of its provisions in a local newspaper of general circulation in the Village.

AYES: Members: Cramer, DeVries, French, Schellinger, Lytle, Ronning

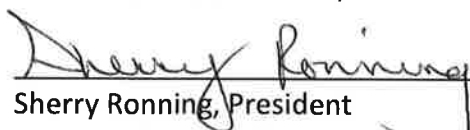
NAYS: Members: None

ORDINANCE DECLARED ADOPTED.




Glorimar Ayala, Village Clerk
Village of Middleville

Passed and adopted by the Village of Middleville on March 22, 2022.



Sherry Ronning, President
Village of Middleville



Glorimar Ayala, Clerk
Village of Middleville

CERTIFICATION OF VILLAGE CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Middleville, County of Barry, State of Michigan, at a regular meeting held on March 22, 2022, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan of 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the President and Village Clerk.



Glorimar Ayala, Clerk

CERTIFICATE OF PUBLICATION

I hereby certify that a summary of Ordinance No. 2124, adopted by the Village Council of the Village of Middleville, was published in the *Sun & News* on April 16, 2022.



Glorimar Ayala, Clerk