

**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 28th day of May, 2019, at 7:00 p.m., Local Time.

PRESENT: Members: Fisk, Lytle, Pullen, Ronning, Schellinger, Van Noord

ABSENT: Members: Cramer

The following preamble and ordinance were offered by Member Fisk and seconded by Member Lytle:

ORDINANCE NO. 2105

**AN ORDINANCE TO AMEND CHAPTER 78 OF THE ZONING ORDINANCE OF THE
VILLAGE OF MIDDLEVILLE AND MATTERS RELATED THERETO**

THE VILLAGE OF MIDDLEVILLE ORDAINS:

Section 1. **Amendment of Section 78-555 of the Zoning Ordinance.** Section 78-555

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

(a) A minor home occupation meeting criteria set forth below may receive a zoning compliance permit from the zoning administrator for the conduct of the minor home occupation without holding a public hearing. For purposes of this chapter, a "minor home occupation" shall include the following: fine art instruction or in-home craft. All other home occupations shall file for special land use approval as prescribed in this section.

(b) The following land uses shall not be considered home occupations:

- (1) Warehousing and rental of storage space for gain.
- (2) Adult businesses.
- (3) Motor vehicle repair.
- (4) Bed and breakfasts.
- (5) Junk yards.

(c) Minor home occupations shall comply with the following standards:

(1) The use shall be conducted entirely within the dwelling or accessory building.

(2) The use shall be operated only by persons residing in the dwelling.

(3) The exterior appearance of the dwelling shall not be modified to accommodate the minor home occupation.

(4) The minor home occupation shall not occupy more than 400 square feet of floor area or 30 percent of the floor area of the dwelling, excluding area of basement, whichever is less.

(5) There shall be no selling of goods, merchandise, supplies or products, provided that orders made by telephone or at sales events off the premises may be filed on premise so long as customers do not arrive on premise to acquire orders.

(6) Outdoor storage or display is prohibited.

(7) There shall be no regular deliveries from commercial suppliers to the premises.

(8) There shall be no activity on premise resulting in noise, vibration, smoke, dust, odors, heat or glare that creates a nuisance to adjoining properties.

(9) As a result of operating the minor home occupation, motor vehicle traffic shall not exceed that considered normal for a dwelling.

(10) No combustible, toxic or hazardous substances used in connection with the minor home occupation shall be kept on premise.

(11) Each minor home occupation shall be subject to an annual compliance inspection.

(12) The zoning administrator shall have discretion to refer any application for a home occupation to the planning commission for approval.

(d) Home occupations unable to meet the standards set forth in Section 78-555© above shall be considered major home occupations, as defined herein and which require a special land use permit issued by the planning commission following a public hearing and subject to the following standards:

(1) The use shall be conducted entirely within the dwelling and/or not more than one accessory building.

(2) The use shall be operated by persons residing in the dwelling and not more than one other person.

(3) The exterior appearance of the dwelling and accessory building, if used in connection with the major home occupation, shall not be modified to accommodate the use.

(4) The major home occupation shall not occupy more than 30 percent of the total dwelling floor area, excluding basement.

(5) The use shall be clearly incidental and secondary to the dwelling.

(6) Outdoor display of goods or merchandise is prohibited.

(7) Equipment used in connection with the major home occupation shall be parked or stored within a building or within a gated six-foot high screening fence enclosure.

(8) There shall be adequate off-street parking and maneuvering area.

(9) There may be only incidental and occasional selling of goods, merchandise, supplies or products.

(10) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.

(11) There shall be no activity that would interfere with radio or television vibrations, smoke, dust, odors, heat, or glare resulting in an adverse effect at or beyond the property line.

(12) As a result of the major home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.

(13) There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.

(e) The following land uses shall be considered major home occupations:

(1) Barber.

(2) Beauty salon.

(3) Tax preparation.

(f) Signs for any home occupation described in this Section 78-555 shall comply with the requirements of Article VII of this chapter and the district in which the home occupation is located; provided, however that no home occupation shall be permitted to have an illuminated sign or changeable copy ground sign.

Section 2. **Amendment of Section 78-635(e) of Zoning Ordinance.** Section 78-635(e) of the Zoning Ordinance is hereby amended to read in its entirety as follows:

(e) Signs for home occupations shall comply with the provisions of section 78-555(f).

Section 3. **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 4. **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: Fisk, Lytle, Pullen, Ronning, Schellinger, Van Noord

NAYS: Members: None

ABSENT: Members: Cramer

ORDINANCE DECLARED ADOPTED.

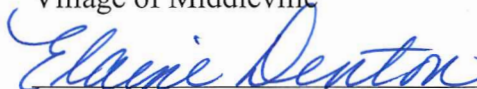


Elaine Denton, Village Clerk
Village of Middleville

Passed and adopted by the Village of Middleville on May 28, 2019.



Charles Pullen, President
Village of Middleville

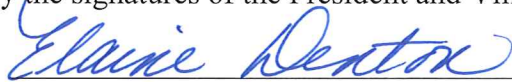


Elaine Denton, Clerk
Village of Middleville

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 May 28, 2019, 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.


Elaine Denton, Clerk

CERTIFICATE OF PUBLICATION

I hereby certify that a summary of Ordinance No. 2105, adopted by the Village Council of the Village of Middleville, was published in the *Sun & News* on June 1, 2019.


Elaine Denton, Clerk

