

**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 24th day of September, 2019, at 7:00 p.m., Local Time.

PRESENT: Members: Charles Pullen, Mike Lytle, Sherry Ronning, Amanda Fisk, Ed Schellinger, and Phil Van Noord

ABSENT: Members: Mike Cramer

The following preamble and ordinance were offered by Member Schellinger and seconded by Member Ronning:

ORDINANCE NO. 2110

**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 78-31 of the Zoning Ordinance.** Section 78-31

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

Sec. 78-31. – Fences.

The following standards shall apply to all fences installed after the effective date of this chapter or fences installed to replace fencing present on the effective date of this chapter:

- (a) A fence shall not be placed in any portion of a public road right-of-way or private road easement.
- (b) A fence located in a front yard setback shall not exceed three feet in height and shall not be completely opaque; provided, however, that if the parcel is located in a residential or agricultural district and the fence is to be located within the front yard setback on the street side of a corner lot, the fence may be: (1) a height greater than three feet but not more than six feet, (2) located at a distance not closer than one-half the distance of the required setback, and (3) opaque.
- (c) Fencing located in a side or rear yard shall not exceed six feet in height.
- (d) A fence shall not be located within a clear vision area.

(e) Fencing is not permitted in any waterfront lot or parcel between the waterfront and the principal building, excluding required swimming pool enclosures to assure safety.

(f) All fences shall be maintained in good condition.

(g) Side and rear yard fencing, if opaque, shall be installed with a finished side facing adjoining property or the adjoining street.

(h) If a fence will be located on a lot line, or near an indeterminable lot line, a certified boundary survey and staking shall be required prior to village approval of the fence.

Section 2. **Amendment of Section 78-83 of the Zoning Ordinance.** The portion of the table set forth in Section 78-83 of the Zoning Ordinance relating to districts in which a state licensed residential facility is permitted as of right or as a special use is revised to read as follows:

	AG	RE	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
Uses	Agricultural	Residential Estate Single-Family	Low Density Single-Family	Medium Density Single-Family	Multiple-Family Residential	Mobile Home Residential	Central Businesses	Highway Commercial	Light Industrial	Heavy Industrial
State licensed residential facility		P	P	P	SU					

Note: All other provisions in Sec. 78-83, including other provisions in the table set forth therein, remain unchanged.

Section 3. **Amendment of Section 78-292(30) of the Zoning Ordinance.** Section 78-292(30) of the Zoning Ordinance is hereby amended to read in its entirety as follows:

(30) Dwellings, subject to the following standards:

a. Dwellings shall not occupy so-called storefront or street level floor space nor basement spaces, unless unit fronts and takes access from a side street (not Main Street), as defined in this Code.

b. Each dwelling shall have minimum useable floor area as follows:

1. Efficiency unit, 450 square feet.

2. One-bedroom unit, 600 square feet.
3. Two-bedroom unit, 800 square feet.
4. Three-bedroom unit, 900 square feet.

c. Parking shall be provided as required in sections 78-661 through 78-667, however based on subsection 78-666(f), the village council based on advice from the planning commission may waive parking requirements or consider parking alternatives.

d. Each dwelling established in this district shall meet all requirements of the building code then in effect.

Section 4. Amendment of Section 78-295(c) of the Zoning Ordinance. Section 78-

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

(c) There shall be a required minimum 16-inch pilaster or wall surface every 20 feet to 40 feet along the building facade facing a street or public sidewalk. On ground floor frontage of new buildings in the C-1 District, a minimum of 80 percent of the frontage shall be transparent in the form of clear glass. The definition of ground floor frontage shall be the lowest level of the building facing the public street or public sidewalk, between 2 feet and 10 feet in height from grade. Existing buildings that do not meet the minimum 80 percent clear glass requirement of this subsection will not be required to increase the amount of clear glass unless site plan review is required per Sec. 78-583. If site plan review is required, the building shall have a minimum of transparent clear glass equal to 50 percent of ground floor frontage. Entry door transparency shall be included as part of this requirement. Building entries shall be located at the principal frontage of the building.

Section 5. Amendment of Section 78-605(6) of the Zoning Ordinance. Section 78-

605(6) of the Zoning Ordinance is hereby amended to read in its entirety as follows:

(6) Raised curb shall protect all interior landscape areas. Raised curb shall meet the standard for curbs as found in Sec. 30-163. Exterior landscape areas may be protected by a raised curb or rolled curb.

Section 6. Amendment of Section 78-667 of the Zoning Ordinance. Section 78-667

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

Sec. 78-667. - Minimum parking and maneuvering lane.

(a) For the purpose of this chapter, the average parking area consisting of one parking space with maneuvering lane shall be deemed to be 300 square feet.

(b) Minimum parking and maneuvering areas must be designed in accordance with the following schedule:

MINIMUM PARKING SPACE MANEUVERING STANDARDS						
Parking Pattern	Maneuvering Lane Width in Feet		Parking Space Length in Feet		Total Width of Two Tiers Plus Maneuvering Lane in Feet*	
	1-way	2-way	Length (1)	Length (2)	1-Way	2-Way
Parallel	11	18	9	25	29	36
30 to 50 Deg.	12	20	9	21	55	62
51 to 74 Deg.	13	22	9	20	55	62
75 to 90 Deg.	15	24	9	19	55	62

*The total width of a two-tier parking spaces plus a maneuvering lane is commonly referred to as a parking bay.

- (1) Measured perpendicular to the space centerline.
- (2) Measured along the space centerline.

Section 7. **Amendment of Section 78-834 of the Zoning Ordinance.** Section 78-834 of the Zoning Ordinance is hereby amended to read in its entirety as follows:

Sec. 78-834. - Expiration of building permits.

A permit for a single-family dwelling for which all construction work has not been completed within one year from the date of its issuance shall expire automatically. A permit for any other building or structure for which all construction work has not been completed within one year from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this section shall, upon reapplication, be renewable one time for additional term of one year upon payment of an additional fee equal to one-half of the then-current permit fee. Buildings or structures that require Planning Commission approval may be granted an extension of zoning compliance greater than one year and, in the Planning Commission's discretion, may be automatically renewed until final occupancy has been granted.

Section 8. **Amendment of Section 78-878 of the Zoning Ordinance.** Section 78-878 of the Zoning Ordinance is hereby amended to add the definition of the terms "Raised Curb" and "Topsoil" to be inserted in alphabetical order in the existing definitions to read as follows:

Raised curb means the raised edge alongside the street and alongside an interior landscape island or landscape area within an off-street parking lot. A raised curb shall be at least 18" in length, 6" in height from the curb base, and 12" in height

from the rear of the curb, with a radius of 6" to provide for protection. The raised curb shall be made up of material as detailed in Sec. 30-83 and 30-163 of the Code of Ordinances.

Topsoil means the upper layer of soil, usually darker and richer than subsoil with rich amount of organic matter, and has the ability to retain moisture and germinate seeds.

Section 9. **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.

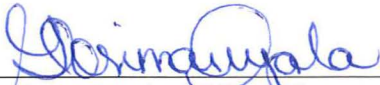
Section 10. **Publication/Effective Date.** This ordinance shall become effective seven days after its publication or seven days after publication of a summary of its provisions in a local newspaper of general circulation in the Village.

AYES: Members: Pullen, Lytle, Ronning, Fisk, Schellinger, and Van Noord

NAYS: Members: None

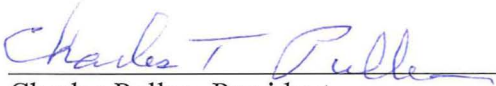
ABSENT: Members: Cramer

ORDINANCE DECLARED ADOPTED.




Glorimar Ayala, Village Deputy Clerk
Village of Middleville

Passed and adopted by the Village of Middleville on September 24, 2019.



Charles Pullen, President
Village of Middleville



Glorimar Ayala, Deputy Clerk
Village of Middleville

CERTIFICATION OF VILLAGE DEPUTY 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 September 24, 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.

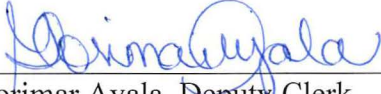
I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the President and Village Deputy Clerk.



Glorimar Ayala, Deputy Clerk

CERTIFICATE OF PUBLICATION

I hereby certify that a summary of Ordinance No. 2110, adopted by the Village Council of the Village of Middleville, was published in the *Sun & News* on October 5, 2019.



Glorimar Ayala, Deputy Clerk