
AGENDA

The City of Buchanan Planning Commission, in compliance with Michigan's Open Meetings Act, hereby gives notice of a Planning Commission meeting to be held in the Chamber of City Hall.

** Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at rmurphy@cityofbuchanan.com*

** Buchanan City will provide necessary and reasonable auxiliary aide and services to those individuals with disabilities who wish to attend the public meeting upon receiving at least one (1) week's prior notice. Any such individual requiring such aids or services should contact the city in writing or by telephoning: Buchanan City Clerk; 302 North Redbud Trail, Buchanan, MI 49107, 269-695-3844.*

I. Regular Meeting - Call to Order**II. Pledge of Allegiance****III. Roll Call****IV. Approve Agenda****V. Public Comments - Agenda Items****VI. Approve Minutes**

A. *Consider approving Regular Meeting Minutes from June 10, 2025.*

VII. Old Business**VIII. New Business**

A. *Zoning Draft & Map*

B. *Short Term Rental Ordinance*

IX. Public Comment - Non-Agenda Items Only**X. Community Development Director Comments****XI. Commissioner Comments****XII. Adjournment**



CITY OF BUCHANAN PLANNING COMMISSION

TUESDAY, JUNE 10, 2025 – 6:00 PM

CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. *The City of Buchanan Planning Commission, in compliance with Michigan's Open Meetings Act, hereby gives notice of a Planning Commission meeting to be held in the Chamber of City Hall.*

II. ** Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at rmurphy@cityofbuchanan.com*

** Buchanan City will provide necessary and reasonable auxiliary aide and services to those individuals with disabilities who wish to attend the public meeting upon receiving at least one (1) week's prior notice. Any such individual requiring such aids or services should contact the city in writing or by telephoning: Buchanan City Clerk; 302 North Redbud Trail, Buchanan, MI 49107, 269-695-3844.*

III. Regular Meeting - Call to Order

Meeting called to order at 6:01pm.

IV. Pledge of Allegiance

McDonald led in the Pledge of Allegiance.

V. Roll Call

Present: McDonald, Vigansky, Houser, Pleasant, Lysy, Garry

Absent: Brown

City Hall Staff Present: Community Development Director, Richard Murphy; City Clerk, Kalla Langston

VI. Approve Agenda

Motion by Houser, supported by Vigansky, to approve agenda as presented. Roll call vote carries unanimously.

VII. Public Comments - Agenda Items

None.

VIII. Approve Minutes

A. Minutes- Consider approving the Regular Meeting Minutes from May 13th, 2025.

Motion by Pleasant, supported by Houser, to approve minutes as presented. Roll call vote carries unanimously.

IX. Old Business

None.

X. New Business

A. Short-term Rental Discussion- Darwin Watson, City Manager of the City of New Buffalo.

Murphy provided the Commission copies of New Buffalo's short term rental ordinance. Vigansky would like to have a first draft by next meeting for the Commission to review. Murphy would like some guidance from the commission as all ordinances are different. Pleasant said he's had communication from the City Commission that they have priorities they'd like to see in the ordinance as well. Murphy and the Planning Commission agreed that Murphy will write a framework of the ordinance that the Planning Commission can review.

Motion by Vigansky, supported by Houser, to postpone short-term rental discussion until next meeting, provided the City Manager is available. Roll call vote carries unanimously.

B. Zoning: Use-Based vs. Form-Based Zoning presentation by Planning Commissioner Vice-Chair, Tony Houser.

Houser presented on use-based vs. form-based zoning as part of his Master Citizen Planner program. The presentation included a history of zoning in America and the progression of use-based zoning to form-based. Use-based zoning saw the rise of urban sprawl and inefficiencies in land use. Form-based prioritizes the form over the land use, promoting mixed use development and walkability. Buchanan's current zoning code is use-based and its new, draft code is form-based.

Performance-based zoning focuses on the impact of development, and incentive-based zoning allows property owners to receive certain benefits or exemptions from zoning regulations if they align with community goals. Houser reviewed the standards of these different zoning approaches.

C. Update on Zoning Project

Murphy will have a call with the consultant later this week to discuss the progress on draft three.

XI. Public Comment - Non-Agenda Items Only

Norma Ferris: Asked if a police officer would be needed to direct traffic at the daycare expansion downtown.

XII. Community Development Director Comments

Murphy will prepare a draft short-term rental ordinance for the Planning Commission.

XIII. Commissioner Comments

Garry: Thanked the Commission for a good meeting.

Lysy: Updated Commission on the last Design Review Committee meeting, where the placement of a sign was approved and the purpose of the Design Review Committee was discussed.

Pleasant: Thanked Houser for his presentation.

Vigansky: Thanked Houser for his presentation.

McDonald: Thanked the Planning Commission.

XIV. Adjournment

Meeting adjourned at 7:14pm.

Buchanan

Chapter 71.

Zoning Ordinance

BUCHANAN UDC**TABLE OF CONTENTS**

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BUCHANAN UDC**ARTICLE 1 – GENERAL PROVISIONS**

Buchanan, Michigan

ARTICLE I. GENERAL PROVISIONS**Sec. 71-1 Title**

This chapter is the “Unified Development Code of the City of Buchanan,” and will be referred to in this manner or as the UDC.

Sec. 71-2 Authority

This ordinance is enacted according to the powers granted by the laws of the State of Michigan including the statutory authority granted in the Michigan Zoning Enabling Act (P.A. 110 of 2006) as amended, MCL 125.3101 et. seq., the Natural Resources and Environmental Protection Act (Part 91 of P.A. 451 of 1994) as amended, MCL 324.9101 et. seq., the Land Division Act (P.A. 288 of 1967) as amended, MCL 560.101 et seq., and other relevant laws of the state.

Sec. 71-3 Applicability

- A. Conflicting ordinances. All ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions are hereby repealed and superseded to the full extent necessary to give this chapter full force and effect.
- B. Rules of construction. The following general rules apply to regulations governing this chapter:
 - 1. Numerical metrics take precedence over graphic metrics;
 - 2. The diagrams and illustrations within this chapter are considered regulatory in nature and are legally binding; and
 - 3. The definition of a term in this chapter takes precedence over the definition of the same term elsewhere in the Code of Ordinances, City of Buchanan, Michigan.
 - a. Terms used throughout this chapter may be defined in [Article V. Definitions](#). Those terms not defined in [Article V. Definitions](#) are accorded their commonly accepted meanings.

Sec. 71-4 Purpose

The purpose of this chapter is to enable, encourage and qualify the implementation of the following policies:

- A. That neighborhoods, corridors, and centers should be compact, pedestrian-oriented and mixed-use.
- B. That ordinary activities of daily living should occur within walking distance of most dwellings, as much as is feasible, allowing independence to those who do not drive.
- C. That within neighborhoods, a range of housing types should be provided to accommodate diverse ages and incomes.
- D. That buildings and landscaping should contribute to the physical definition of streets as civic places.
- E. That development should adequately accommodate automobiles while prioritizing the pedestrian, the bicyclist, and the spatial form of public areas.
- F. That the preservation and adaptive reuse of historic buildings should be facilitated, to affirm the continuity and evolution of society.
- G. That the zoning district descriptions in [Sec. 71-5 Zoning districts established](#) constitute the intent of this chapter with regard to the general character of each of these environments.

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ARTICLE 1 – GENERAL PROVISIONS BUCHANAN ZONING ORDINANCE

Buchanan, Michigan

Sec. 71-5 Zoning districts established

The City of Buchanan, Michigan regulates the location of uses and buildings, and the volume, height, and area of buildings for the purpose of meeting the needs of its residents and businesses, ensuring that use of the land is situated in appropriate locations, and to promote public health, safety, and welfare.

- A. Zoning under this chapter is limited to the following district designations.
 1. Natural (N) consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. Public parks may occur in this district.
 2. Neighborhood Edge (NE) includes low density residential areas, with some mix of use, home occupations and accessory buildings. Street and yard planting are naturalistic and building setbacks are relatively deep.
 3. General Neighborhood (GN) consists of a mix of uses but is primarily mixed density residential. Setbacks and landscaping are variable.
 4. Neighborhood Center (NC) includes blended density mixed-use buildings that accommodate retail, offices, and apartments. Buildings are set close to the sidewalks.
 5. Downtown (D) consists of higher density mixed-use buildings that accommodate retail, offices, and apartments. Buildings are set close to the sidewalks.
 6. Suburban Commercial (SC) includes existing strip commercial area developed in a single use, auto-dependent manner. This areas may evolve into mixed-use over time.
 7. Industrial (I) provides for manufacturing, processing, research, science, engineering, wholesale trade, services, general commercial, institutional and retail sales.
- B. The Planned Unit Development (PUD) district from the prior ordinance remains in effective for areas with this designation but is unavailable for future applications.
- C. Neighborhood Plans (NP) are development standards available by-right for any application containing a minimum of three contiguous acres. See [Sec. 71-15 Neighborhood plans](#).

Sec. 71-6 Transition from previous ordinance

- A. An application that has been accepted by the city as complete prior to the effective date of this chapter will be decided based on the standards in effect when the application was accepted as complete.
- B. An application that has not been accepted by the city as complete prior to the effective date of this chapter, or that is submitted after that effective date, must be processed in compliance with the requirements of this chapter.
- C. Any permit or development that was approved before the effective date of this chapter will remain valid.

Sec. 71-7 Severability

The provisions of this chapter are hereby intended to be severable. If any of its sections, provisions, exceptions, or parts should be held unconstitutional or void, then the remainder of the ordinance will continue to be in full force and effect, it being the legislative intent now hereby declared that this ordinance would have been adopted even if such unconstitutional or void matter had not been included herein.

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BUCHANAN UDC**ARTICLE 1 – GENERAL PROVISIONS**

Buchanan, Michigan

Sec. 71-8 Effective date

This ordinance will take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Sec. 71-9 Repealer

All prior zoning ordinances and maps previously enacted are hereby repealed.

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ARTICLE 1 – GENERAL PROVISIONS

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ARTICLE 2 – SUBDIVISION

Buchanan, Michigan

ARTICLE II. SUBDIVISION

Sec. 71-10 Applicability

Conflicting ordinances. This article supersedes Chapter 90, Article III as it applies to Neighborhood Plans (NP), see [Sec. 71-15 Neighborhood plans](#).

Sec. 71-11 Street, block, and lot standards

A. Street network. Layout and design of streets must:

1. Be dedicated for public use.
2. Extend existing streets into the proposed project where they terminate at the bounds of the proposed subdivision.
3. Provide stub streets to the boundary of the subdivision where conditions permit the later extension of thoroughfares into adjacent areas.
4. Ensure both ends of every street terminate at intersections and form a network of streets composed of lots and blocks. Network density should equal or exceed 150 per square mile.
5. Alleys are required for neighborhood plans. Alleys are not mandatory where the rear lot lines are at the edge of the site to be subdivided or where the block has been previously subdivided.
6. New streets must meet the requirements of [Table 71-A](#).
 - a. Street trees are required to be planted an average of 40 ft. on center.

TABLE 71-A RIGHT-OF-WAY DIMENSIONS

Criteria	Medium Intensity (NP-M)	High Intensity (NP-H)
Travel lane width		
Mixed Use	10 ft., 11 ft. if on bus route	10 ft., 11 ft. if on bus route
Residential	9 ft.	9.5 ft.
Parallel parking lane width		
Mixed Use	8 ft. max.	
Residential	7.5 ft. max.	8 ft. max.
Curb return radii	15 ft.	
Sidewalk width		
Mixed Use	8 ft. min.	10 ft. min.
Residential	5 ft. min.	5 ft. min.
Planter type		
Mixed Use	Tree wells	Tree wells
Residential	Continuous	Continuous or tree wells

B. Block standards.

1. Block perimeters are defined by rights-of-way or pedestrian ways.
2. Rectangular block perimeters at a ratio of at least 1.25:1 are limited to 1,500 feet in length. Square blocks are limited to a perimeter of 2,000 feet. Exceptions are as follows:

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ARTICLE 2 – SUBDIVISION

BUCHANAN UDC

Buchanan, Michigan

- a. Blocks containing more than 50% civic space are exempt;
- b. Blocks at the perimeter of the application area may be exempt if connections cannot be made to adjacent properties; and
- c. Blocks abutting natural waterways and slopes greater than 10% are exempt.
3. Blocks with a perimeter exceeding 2,000 feet must include a pedestrian way traversing the block from the facade of greatest length.
- C. Lot standards. All developable land must be subdivided into lots. The following standards do not apply to lots platted before the effective date of this ordinance.
 1. Lot widths must meet the following width requirements for each zoning district.
 - a. Natural (N) – Not applicable
 - b. Neighborhood Edge (NE) – 60 ft. min., 200 ft. max.
 - c. General Neighborhood (GN) – 20 ft. min., 100 ft. max.
 - d. Neighborhood Center (NC) – 20 ft. min., 180 ft. max.
 - e. Downtown (D) – Not applicable
 - f. Suburban Commercial (SC) – 50 ft. min.
 - g. Industrial (I) – 60 ft. min.
 - h. Neighborhood Plan, see [Sec. 71-15 on page 09](#):
 - i. Medium Intensity (NP-M) – 20 ft. min., 100 ft. max.
 - ii. High Intensity (NP-H) – 16 ft. min., 200 ft. max. Existing lots designated as NP-H may exceed the 200 ft. max. lot width.
 2. Lots containing only civic uses may exceed maximum lot size requirements.

Sec. 71-12 Civic space standards

Civic spaces permanently dedicated as public open space are required for each neighborhood plan.

- A. A minimum of 5% of the developable land within each neighborhood plan must be assigned to civic space.
- B. The design, programming, and landscaping of all civic space must comply with the following:
 1. Size – 2,000 sq. ft. min.
 2. Proportion – The longest side of the civic space may be no more than five (5) times the shortest side.

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BUCHANAN UDC**ARTICLE 2 – SUBDIVISION**

Buchanan, Michigan

3. Edge condition – street, path, or sidewalk required on one side, min. but are required at all rights-of-way adjacent to the civic space.
4. Surface – 30% max. paved
5. Landscape – 20% mature canopy required

Sec. 71-13 Public utilities

- A. Utility easements must be concealed from view of the street where possible and are not located where they would hinder the further development of lots over time.
- B. Location.
 1. New electric power, telephone lines, cable services and fiber optics must be below ground for subdivisions greater than 5 parcels, except where the applicant can show the planning commission that underground installation is not practicable.
- C. Transformers and utility pedestals.
 1. Transformers and utility pedestals must be located behind building and screened from view of the sidewalk or the street.
- D. Existing overhead utilities. For properties with existing overhead utilities:
 1. Dry utility services must be placed below ground from the pole to any new structure;
 2. Where possible, transformers and utility pedestals must be located behind principal building; and
 3. Reservation of an easement for future below ground placement of utilities is required.
- E. Environmental hazards. The subdivision design must make adequate provision for natural drainage channels and floodplains. Added surface water produced by the development, particularly excess run-off created by impervious surfaces, must be properly managed within the subdivision or drained into natural or man-made channels to minimize the exposure to flood hazard, and minimize erosion so as not to produce a flood hazard for adjacent properties. No inter basin transfer or modification of historic drainage patterns is permitted.

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ARTICLE 2 – SUBDIVISION

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BUCHANAN UDC**ARTICLE 3 – ZONING**

Buchanan, Michigan

ARTICLE III. ZONING**Sec. 71-14 Zoning districts**

The zoning districts listed in [Sec. 71-5 Zoning districts established](#) are created by this chapter. [Table 71-B](#) indicates the consolidation of zoning districts upon adoption of this chapter.

- A. Official zoning map. The location and boundaries of each of the districts are shown on the official zoning map and the map is a part of this code, see [Figure 71-A Buchanan Zoning Map](#). Whenever amendments or changes are made in district boundaries, the amendments or changes must be made by ordinance and recorded on the official zoning map. The official zoning map located in the office of the planning department is the final authority in determining current zoning status.
- B. Zoning districts summary table. [Table 71-B](#) generally shows the City of Buchanan's previous zoning districts in relation to this chapter's zoning districts.

TABLE 71-B ZONING DISTRICT SUMMARY

Previous district		New district	
R1-A	Single-family residential	NE	Neighborhood edge
R1-B	Single-family residential	GN	General neighborhood
R-2	Two-family residential		
R-3	Multi-family residential	NC	Neighborhood center
R-4	Multi-family senior residential		
C-1	Neighborhood commercial	SC	Suburban commercial
C-2	Commercial		
C-3	Central business	D	Downtown
I-1	Light industrial	I	Industrial
I-2	Heavy industrial		
PUD	Planned unit development	Archived	
		NP	Neighborhood plan
CD	Cluster residential	Deleted	

Sec. 71-15 Neighborhood plans

A neighborhood plan is a regulatory category that defines the physical form, intensity, character, and size of the application area.

- A. Each plan must include a combination of two intensities as described below and regulated by this section.
 1. Medium intensity (NP-M): Medium intensity consists of a mix of uses but is primarily blended density residential. It contains a wide range of building types: houses, cottages, townhouses, duplexes, triplexes, small apartment buildings, and live-work units. NP-M must comply with the GN standards, see [Table 71-D](#) and [Table 71-J](#).
 2. High Intensity (NP-H): High intensity consists of higher density mixed-use buildings that accommodate retail, offices, institutions, and apartments. NP-H must comply with the NC standards, see [Table 71-E](#) and [Table 71-J](#).
- B. A neighborhood plan is available by-right on any parcel three acres or greater, regardless of the underlying zoning.
- C. Neighborhood plans are subject to the standards of [Article II. Subdivision](#), in addition to this article.

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ARTICLE 3 – ZONING

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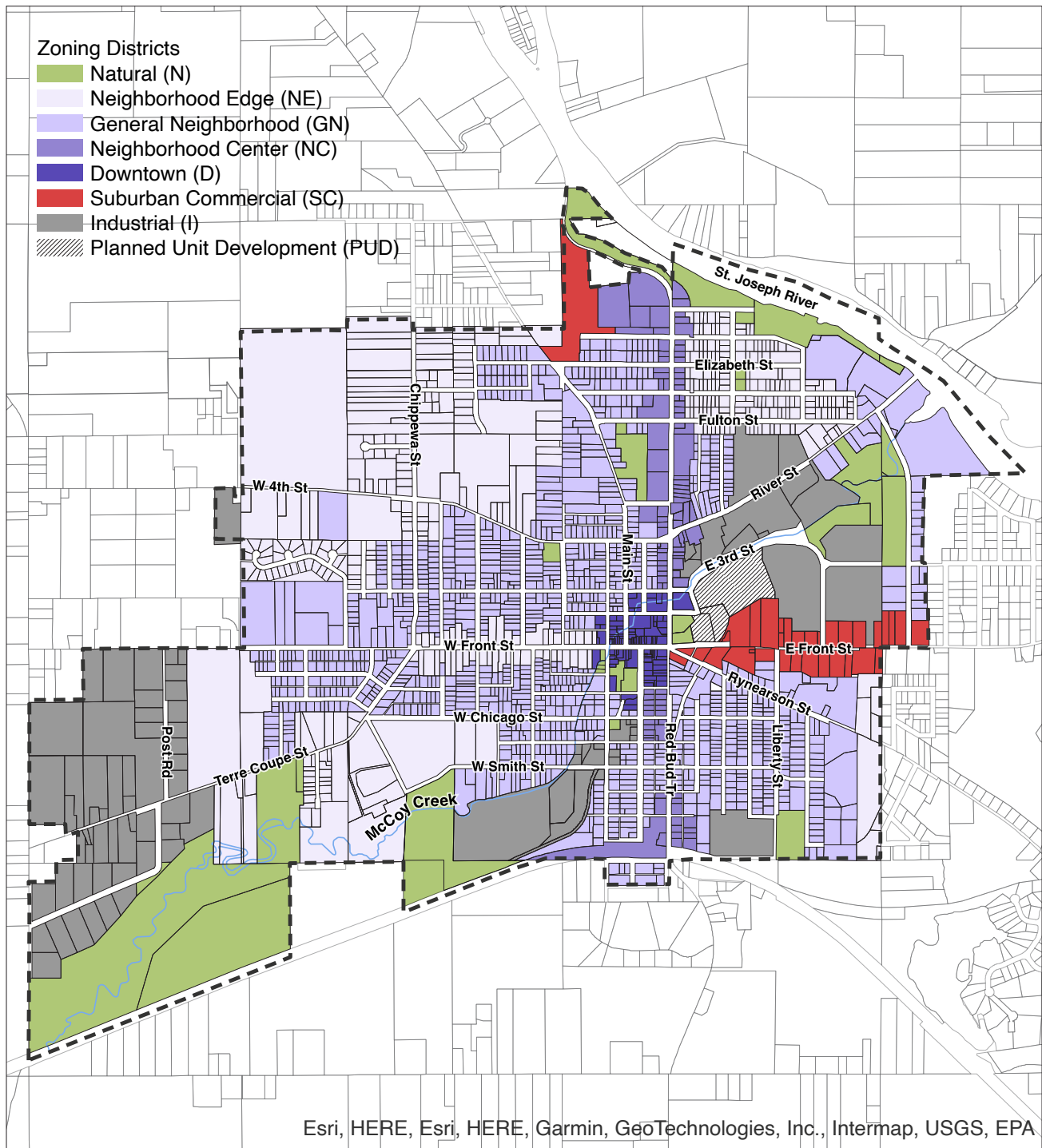


Figure 71-A Buchanan Zoning Map

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ARTICLE 3 – ZONING

Buchanan, Michigan

- D. Mobile home parks. Mobile homes are only permitted in mobile home parks. Mobile home parks are only permitted through the development of, and compliance with the requirements of a neighborhood plan and Act 96 of 1987 - THE MOBILE HOME COMMISSION ACT (125.2301 - 125.2350), as amended.

Sec. 71-16 General requirements

The following requirements apply to all zoning districts and neighborhood plans.

- A. Buildings and Yards.
1. Building placement. Structures must be set back from lot boundaries as specified in [Table 71-C through Table 71-H](#).
 2. Elements that project from facades are permitted to encroach into setbacks as specified in [Sec. 71-17 F](#).
 3. Buildings and covered structures are limited in the total area they may occupy as a percentage of the net lot area as specified by lot coverage in [Table 71-C through Table 71-H](#).
 4. Outdoor dining on private property is permitted in all districts. See [Sec. 71-17](#) for use of public sidewalks.
- B. Building height.
1. Building height is limited according to [Table 71-C through Table 71-H](#), measured as follows:
 - a. Building height is measured in stories above sidewalk grade adjacent to the principal building entrance;
 - b. Stories are measured from finished floor to finished ceiling;
 - c. Stories are limited to 14 feet high, except a first floor non-residential use may be a maximum of 20 feet high;
 - d. Stories exceeding 14 feet are counted as one story for every 14 feet;
 - e. Below ground stories do not count toward building height provided they do not extend more than 4 feet above sidewalk grade; and
 - f. Height limits do not apply to attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
 2. Height exception. Chimneys, cooling towers, communication towers, and other necessary structures in the industrial district (I) may exceed the height limitations if they are set back from the adjacent property line the same distance as their height.
 3. Rooftops are habitable in all zones except Neighborhood Edge (NE).
- C. Facade requirements are established in [Sec. 71-17](#).
- D. Travel trailers. The occupancy of travel trailers may not exceed seven days as a temporary dwelling.
- E. Storage of recreational vehicles. Unoccupied recreational vehicles may be stored on a lot as long as it is stored in the area designated for parking according to [Table 71-C – Table 71-H](#).

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F. Floodplain.

1. Delineation of the floodplain.

- a. **Boundary.** The floodplain overlay district coincides with the Special Flood Hazard Area (Zone A) delineated on the Federal Emergency Management Administration (FEMA) Flood Insurance Rate Map (FIRM) Panel 0403C, effective April 17, 2006.
- b. **Suspension of city action.** The City will suspend the processing of any application for zoning or building permit that includes the establishment, modification, or revision of a floodplain until a final determination is made by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and filed with the community development director.

2. EGLE permit. No development within the floodplain is permitted without a permit issued by EGLE.

3. Land division. Land may not be divided in a manner that creates a lot that cannot comply with the requirements of this section.

4. Liability. This section does not imply areas outside the floodplain will be free from flood damage. It does not create liability on the part of the City of Buchanan for any flood damage which results from reliance on this section.

- G. **Corner lot clear sight lines.** New buildings, signs, and trees higher than 30 inches above grade may not be located within a triangle formed by the intersection of the streets and a line drawn between points along the two street lines 30 feet from the intersection. Controlled intersections do not require clear sight lines. See [Figure 71-B Clear Site Lines](#).

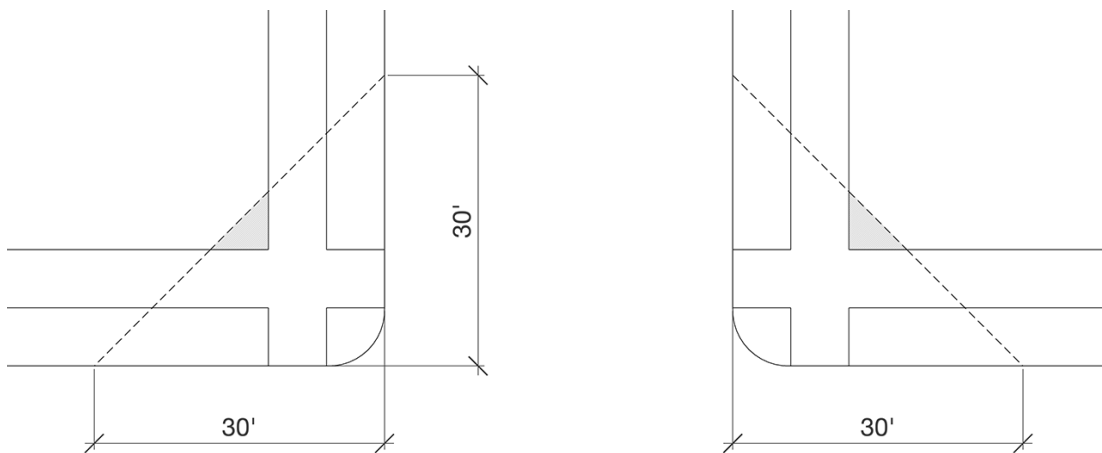


Figure 71-B Clear Site Lines

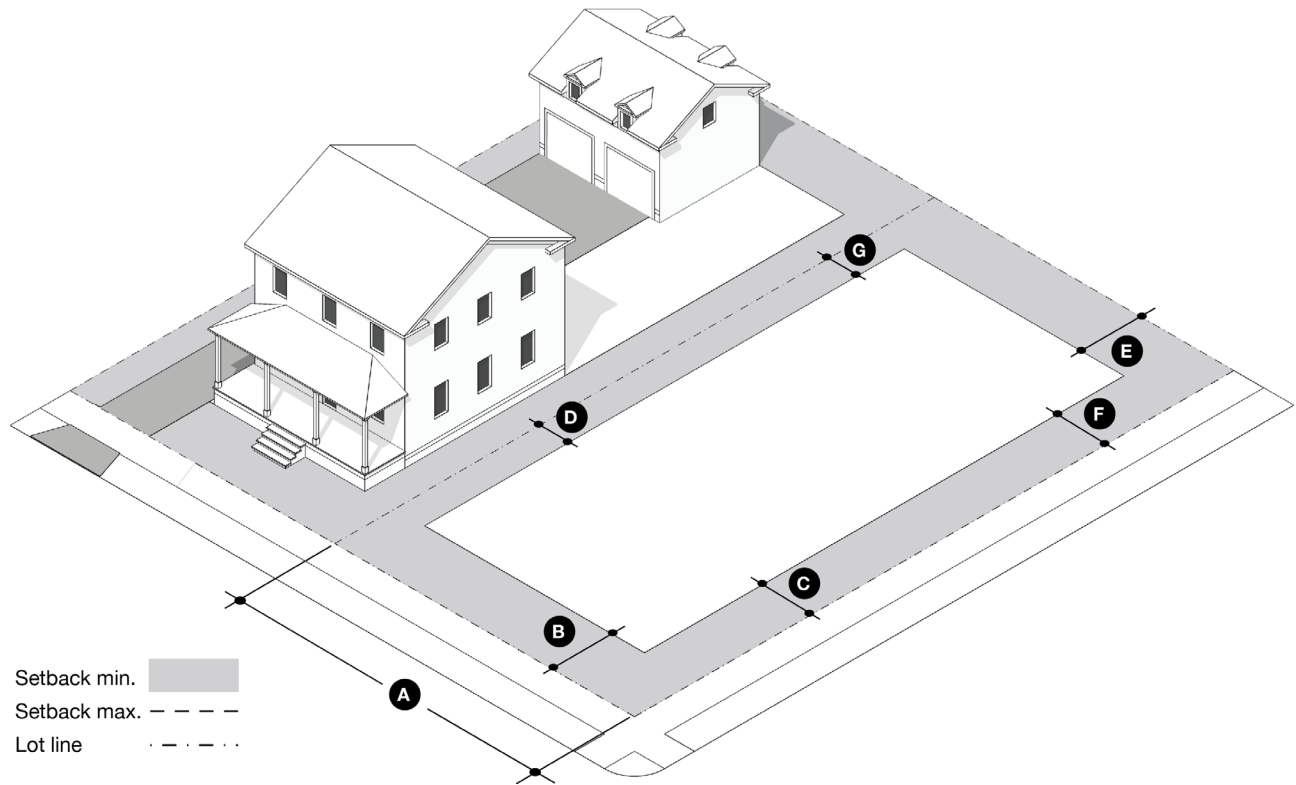
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ARTICLE 3 – ZONING

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TABLE 71-C NEIGHBORHOOD EDGE (NE) STANDARDS



Lot Occupation		Accessory Structures	
A Lot Width	See Sec. 71-11 C	Front Setback	B + 20 ft. min.
Lot Coverage	50% max.	F Sidestreet Setback	6 ft. min.
Buildings		G Side Setback	6 ft. min.
B Front Setback	20 ft. min.	H Rear Setback	6 ft. min.
C Sidestreet Setback	15 ft. min.	H Rear Alley Setback	15 ft. min. from centerline
D Side Setback	6 ft. total	Height	2 stories max.
E Rear Setback	20 ft. min.	Parking, Loading and Storage	
E Rear Alley Setback	15 ft. min. from centerline	Front Setback	B
Height	2.5 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	15%	Structure Height	n/a
Upper Floor Glazing	15%		
Entry Frequency	n/a		

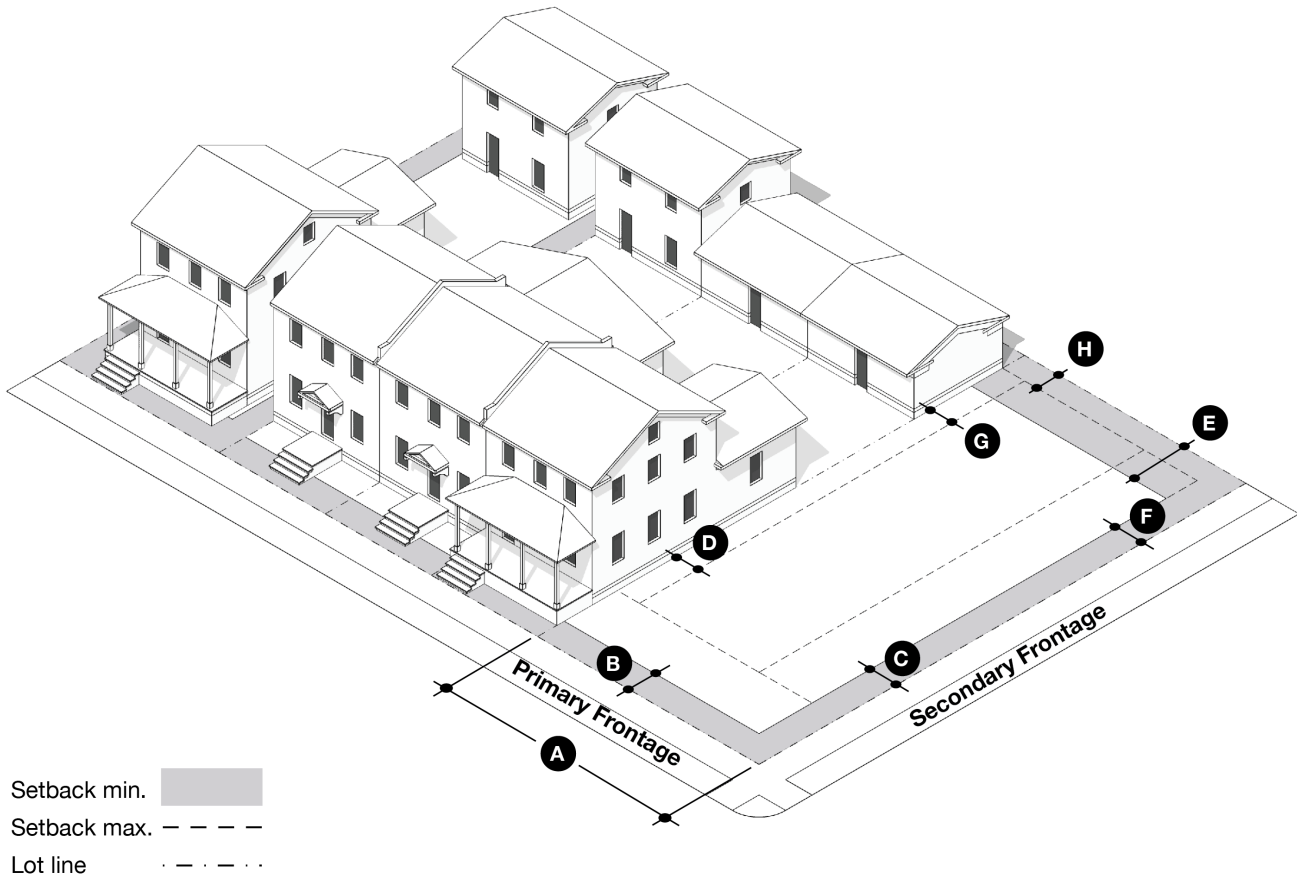
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TABLE 71-D GENERAL NEIGHBORHOOD (GN) STANDARDS



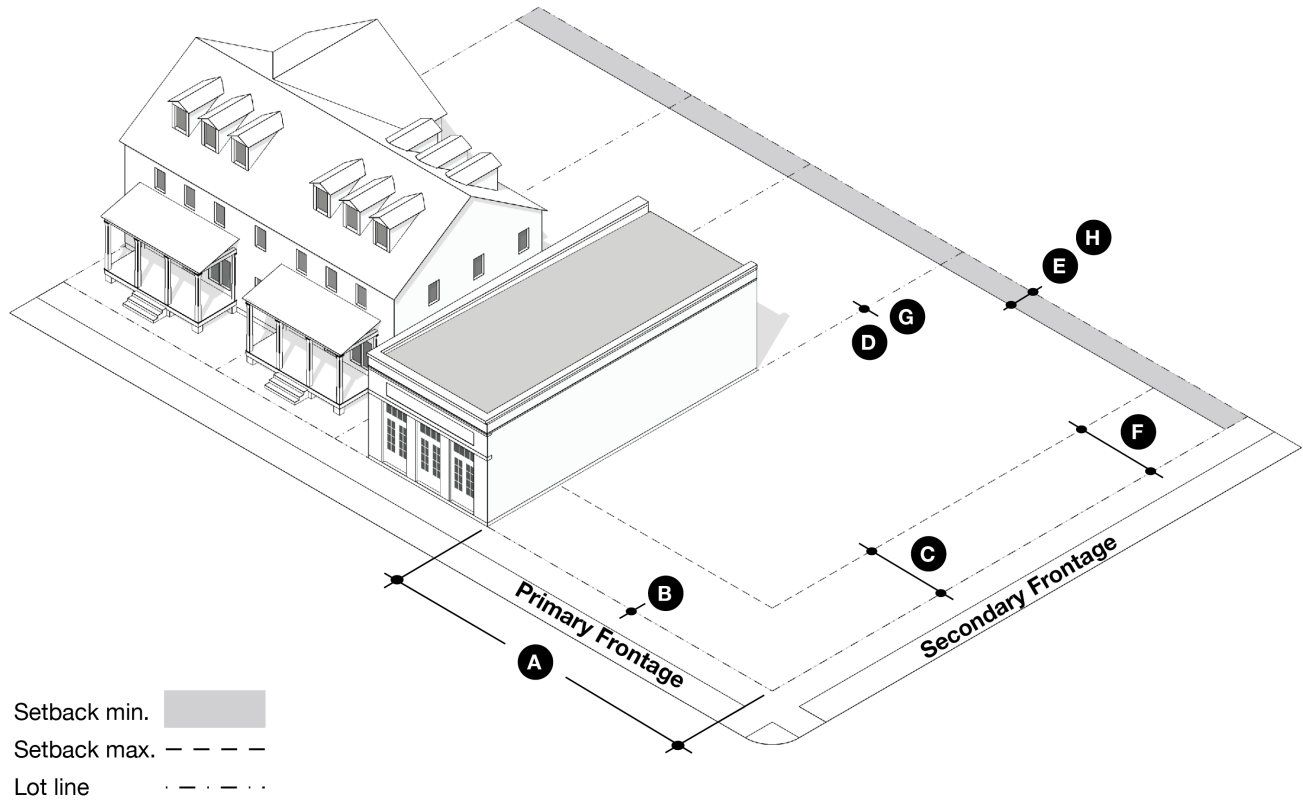
Lot Occupation		Accessory Structures	
A Lot Width	See Sec. 71-11 C	Front Setback	B + 20 ft. min.
Lot Coverage	60% max.	F Sidestreet Setback	6 ft. min.
Buildings		G Side Setback	3 ft. min.
B Front Setback	16 ft. min., 20 ft. max.	H Rear Setback	6 ft. min.
C Sidestreet Setback	10 ft. min., 20 ft. max.	H Rear Alley Setback	15 ft. min. from centerline
D Side Setback	3 ft. min.	Height	2 stories max.
E Rear Setback	10 ft. min.	Parking, Loading and Storage	
E Rear Alley Setback	15 ft. min. from centerline	Front Setback	B + 20 ft. min.
Height	2.5 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	15%	Structure Height	n/a
Upper Floor Glazing	15%		
Entry Frequency	n/a		

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ARTICLE 3 – ZONING

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TABLE 71-E NEIGHBORHOOD CENTER (NC) STANDARDS



Lot Occupation		Accessory Structures	
A Lot Width	See Sec. 71-11 C	Front Setback	B + 20 ft. min.
Lot Coverage	75% max.	F Sidestreet Setback	0 ft. min., 16 ft. max.
Buildings		G Side Setback	0 ft. min.
B Front Setback	0 ft. min., 16 ft. max.	H Rear Setback	6 ft. min.
C Sidestreet Setback	0 ft. min., 16 ft. max.	H Rear Alley Setback	15 ft. min. from centerline
D Side Setback	0 ft. min.	Height	2 stories max.
E Rear Setback	10 ft. min.	Parking, Loading and Storage	
E Rear Alley Setback	15 ft. min. from centerline	Front Setback	B + 20 ft. min.
Height	2.5 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	30% min. ¹	Structure Height	n/a
Upper Floor Glazing	15% min.		
Entry Frequency	n/a		

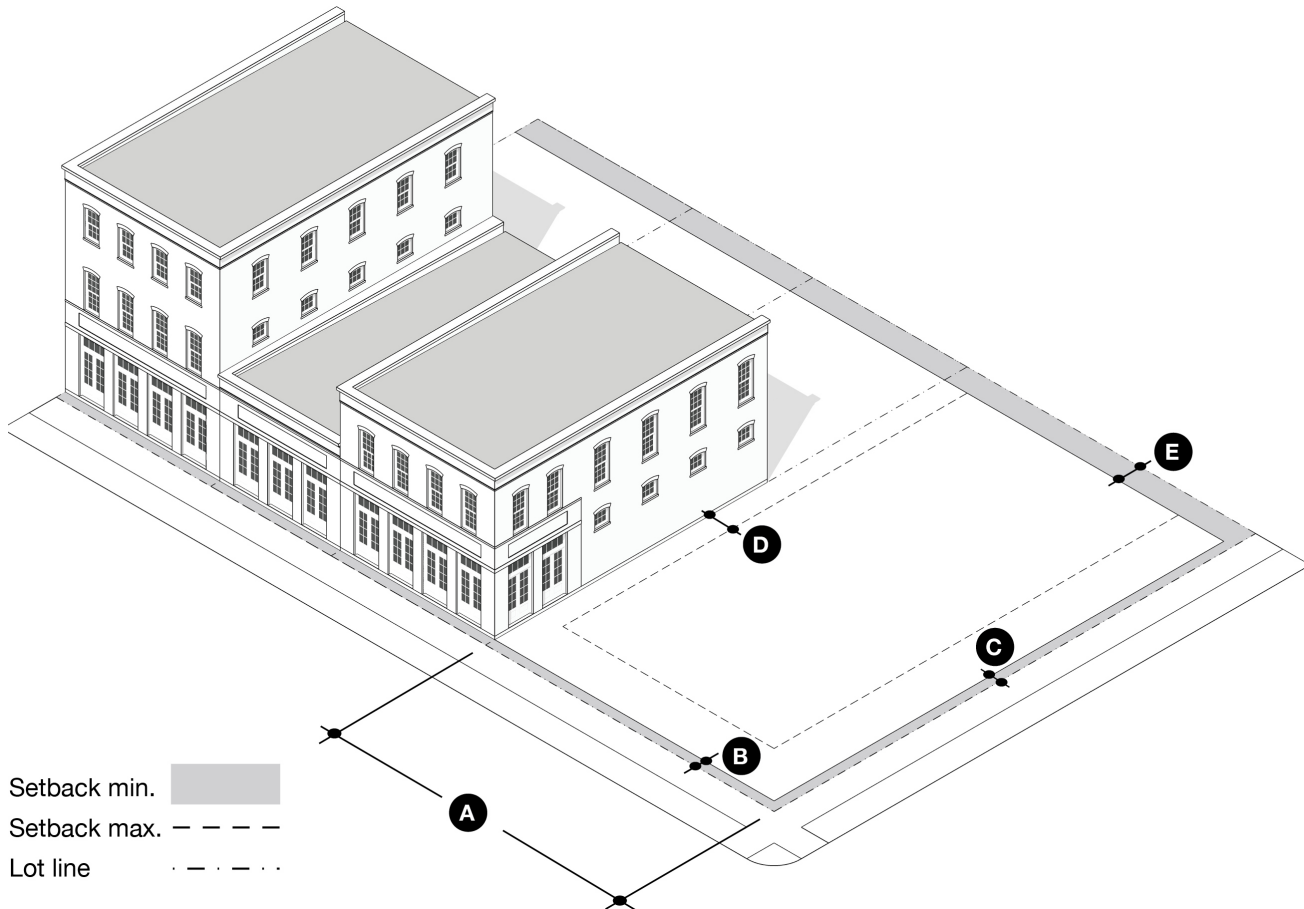
¹ See [Sec. 71-17 D](#). for additional glazing requirements.

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TABLE 71-F DOWNTOWN (D) STANDARDS



Lot Occupation		Accessory Structures	
A Lot Width	See Sec. 71-11 C	Front Setback	B + 20 ft. min.
Lot Coverage	Not applicable	F Sidestreet Setback	0 ft. min.
Buildings		G Side Setback	0 ft. min.
B Front Setback	0 ft. min., 12 ft. max. ²	H Rear Setback	6 ft. min.
C Sidestreet Setback	0 ft. min., 12 ft. max.	H Rear Alley Setback	15 ft. min. from centerline
D Side Setback	0 ft. min.	Height	2 stories max.
E Rear Setback	10 ft. min.	Parking, Loading and Storage	
E Rear Alley Setback	15 ft. min. from centerline	Front Setback	B + 20 ft. min.
Height	3 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	50% min. ³	Structure Height	n/a
Upper Floor Glazing	20% min.		
Entry Frequency	50 ft. min.		

² Front Street, between S Red Bud Tr and S Oak St has a 0 ft. setback maximum.

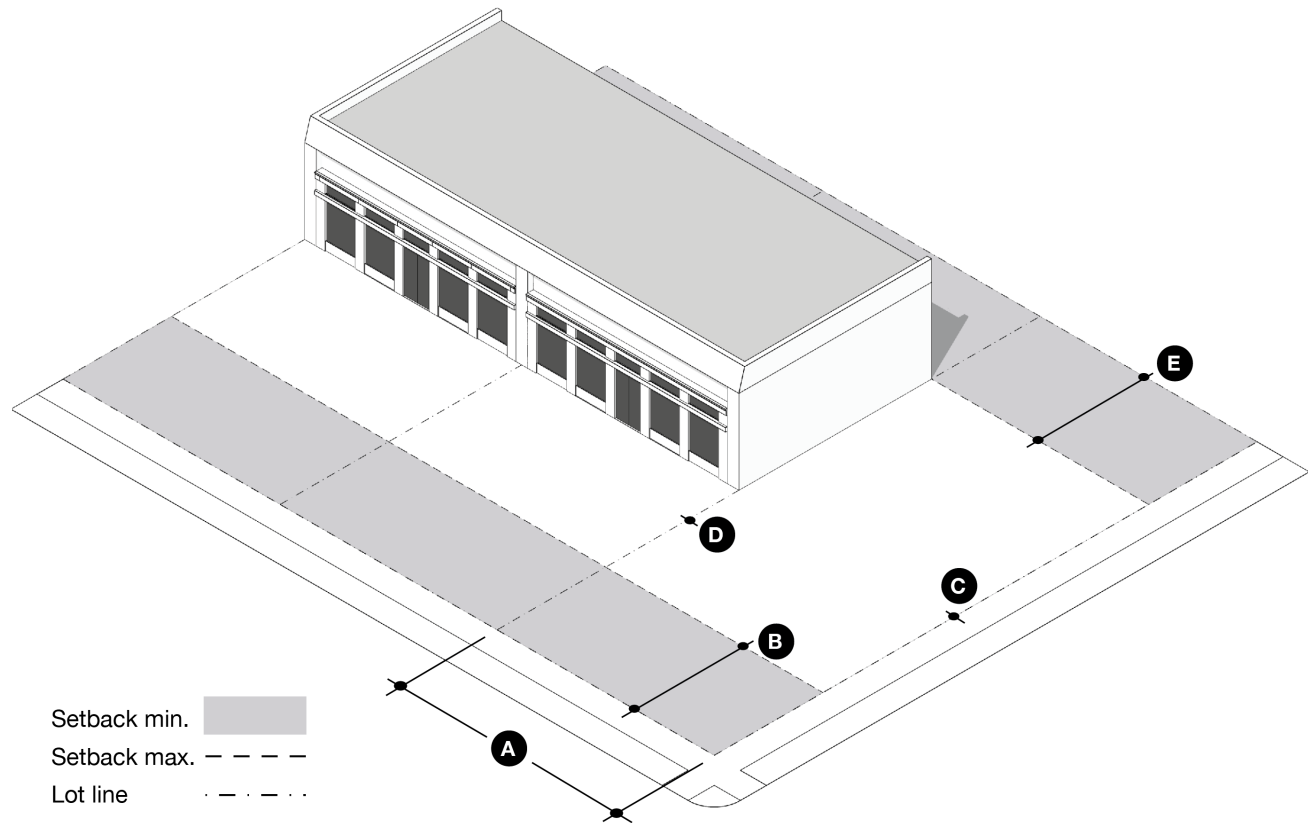
³ See [Sec. 71-17 D](#). for additional glazing requirements.

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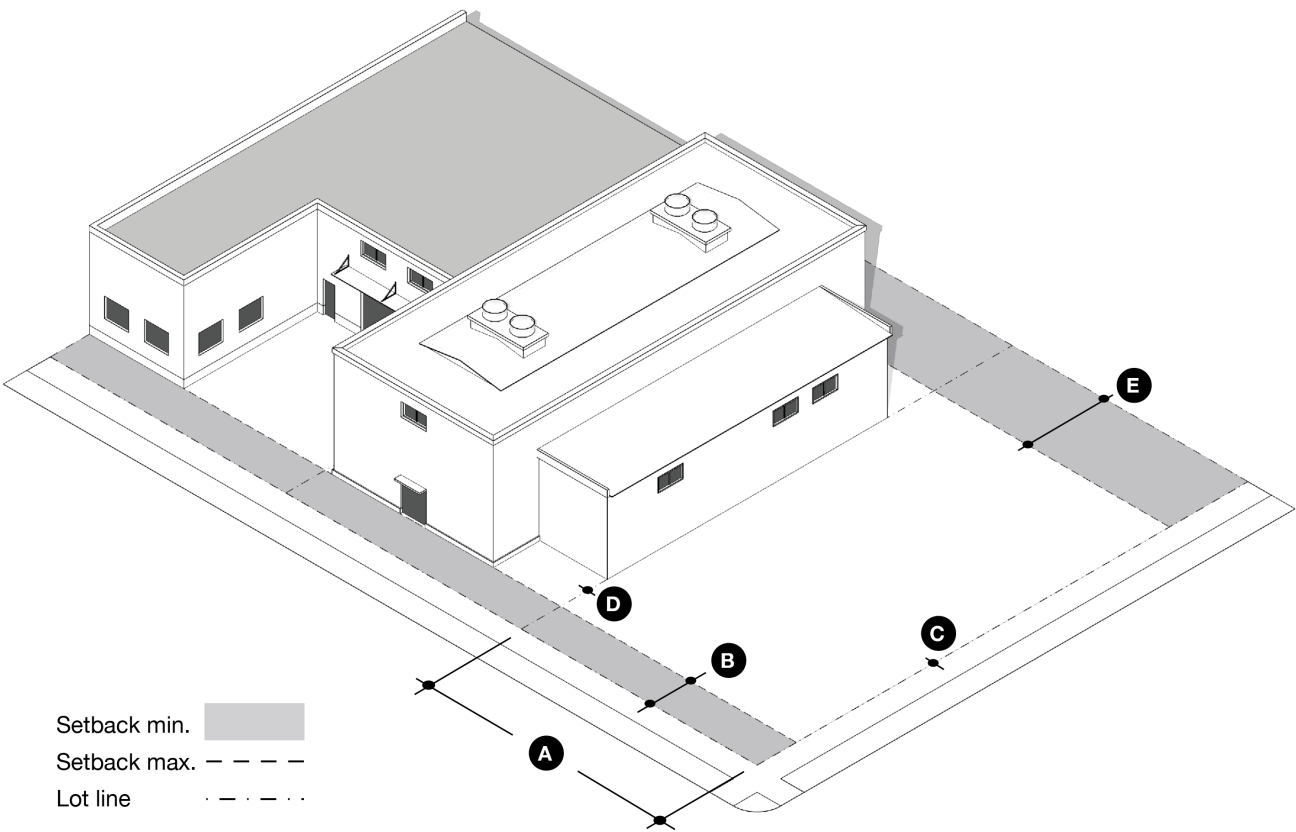
TABLE 71-G SUBURBAN COMMERCIAL (SC) STANDARDS



Lot Occupation		Accessory Structures	
A Lot Width	See Sec. 71-11 C	Front Setback	B
Lot Coverage	65% max.	F Sidestreet Setback	0 ft. min. ¹
Buildings		G Side Setback	6 ft. min. ¹
B Front Setback	25 ft. min.	H Rear Setback	6 ft. min. ¹
C Sidestreet Setback	0 ft. min.	H Rear Alley Setback	15 ft. min. from centerline
D Side Setback	0 ft. total	Height	2 stories max.
E Rear Setback	25 ft. min.	Parking, Loading and Storage	
E Rear Alley Setback	15 ft. min. from centerline	Front Setback	4 ft. min.
Height	3 stories max.	Sidestreet Setback	4 ft. min.
Ground Floor Glazing	30% min. ⁴		

4 See [Sec. 71-17 D](#). for additional glazing requirements.

TABLE 71-H INDUSTRIAL (I) STANDARDS



Lot Occupation		Accessory Structures	
A	Lot Width	See Sec. 71-11 C	
	Lot Coverage	80% max.	
Buildings		F	Sidestreet Setback
B	Front Setback	10 ft. min.	
C	Sidestreet Setback	10 ft. min.	
D	Side Setback	0 ft. min. ⁵	
E	Rear Setback	20 ft. min.	
E	Rear Alley Setback	15 ft. min. from centerline	
	Height	2.5 stories max.	
	Ground Floor Glazing	n/a	
		Parking, Loading and Storage	
		Front Setback	B + 20 ft. min.
		Sidestreet Setback	6 ft. min.

5 45 ft. min. abutting residential

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Sec. 71-17 Facade requirements

This section applies to the building facade and any attachments.

- A. Facade requirements regulate the following:
 1. Building facades nearest the front and side street lot lines; and
 2. Elements that project from the building facade into front and side street setbacks such as eaves, porches, stoops, awnings, canopies, and bay windows.
- B. A facade type according to [Table 71-I Facade Types](#) must be specified for each building facade facing a street as follows:
 1. Multiple facade types may be used sequentially along a facade; and
 2. A shopfront facade is required for all ground floor retail uses and all buildings in the following locations:
 - a. Front Street between Oak Street and Red Bud Trail,
 - b. Red Bud Trail N between Front Street and E 3rd Street,
 - c. Main Street south of East Dewey Street, and
 - d. Days Avenue north of Roe Street.
- C. Buildings located within 30 feet of streets and civic spaces must comply with the following:
 1. Building entries must be provided from streets and civic spaces at the minimum frequency specified in [Table 71-C through Table 71-H](#); and
 2. Buildings on corner lots are exempt from entry frequency requirements along the shorter facade if it is less than 75 feet in length.
- D. Facades must meet the minimum clear glass requirements of [Table 71-C through Table 71-H](#) and as follows:
 1. Glass percentage is calculated individually for each facade and is measured between two and ten feet in height above grade along the length of the facade;
 2. The entire frame and structure of doors, windows, and storefront systems are considered glass for this calculation;
 3. Shopfronts must have a minimum of 60% clear glass;
 4. Secondary frontage glazing minimum is 50% of the requirements of [Table 71-C through Table 71-H](#); and
 5. Tinted, mirrored and reflective glass, and glass covered by screening sheets, white, or UV protection film are prohibited.
- E. Blank walls visible from the public sidewalk must not exceed 50 linear feet. Walls along interior side lot lines with a zero setback are exempt from this requirement.

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- F. Encroachments. Facade elements may encroach as follows:
1. Minor facade elements.
 - a. Eaves, cornices, window and door surrounds, and other facade elements may encroach into setbacks up to 2 feet beyond the structure they are attached to; and
 - b. Minor facade elements must not encroach into rights-of-way.
 2. Major facade elements.
 - a. Major facade elements may encroach according to facade type as specified in [Table 71-I Facade Types](#); and
 - b. Major facade elements include bay windows, display windows, balconies, stoops, porches, awnings, and canopies.
 3. Ground floor retail uses may utilize the public sidewalk for seating, dining, displays of merchandise, and other business related activities provided a 5 foot clear pedestrian path is maintained.
 - a. All retail furnishings must be stored inside between 12 AM and 6 AM.
 - b. A right-of-way use permit is required for public sidewalk use.
- G. All outdoor electrical, plumbing, and mechanical equipment must be located behind the front facade or concealed from street view with a screen or wall. These facilities may not encroach into any setback.
- H. Drive-through facilities and lanes must be located behind the building relative to sidewalks.
- I. Awning facades must meet the following requirements:
1. If transom windows exist, awnings must be installed between the transom and the shopfront;
 2. Awnings must be fabric;
 3. Awnings may be movable;
 4. Awnings must extend a minimum of six feet from the building facade;
 5. Awnings must be set back from the curb a minimum of two feet;
 6. A minimum of eight foot clearance must be maintained above the sidewalk; and
 7. Awnings must span the shopfront area up to 80% of its width without gaps, except between tenants.

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TABLE 71-I FACADE TYPES

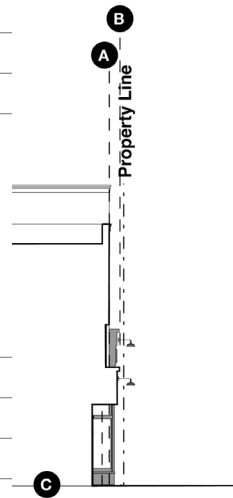
Shopfront

Zones	NC, D, SC, I
Combinations	Awning or canopy
A Max. Setback	By district

B Encroachment

Seating by permit; bay and display windows to lot line; awning and canopy by element

C Entry Condition	At grade entry
D Horizontal Clear.	N/A
E Vertical Clear.	N/A
Special Conditions	Band, window, or blade sign required

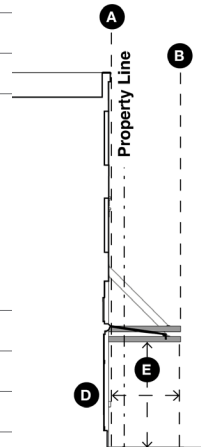
**Awning or Canopy**

Zones	GN, NC, D, SC, I
Combinations	Shopfront
A Max. Setback	N/A

B Encroachment

Awning or canopy to within 2 ft. of curb

C Entry Condition	N/A
D Horizontal Clear.	6 ft. min.
E Vertical Clear.	8 ft. min.
Special Conditions	Awning must be fabric and exclude side panels.



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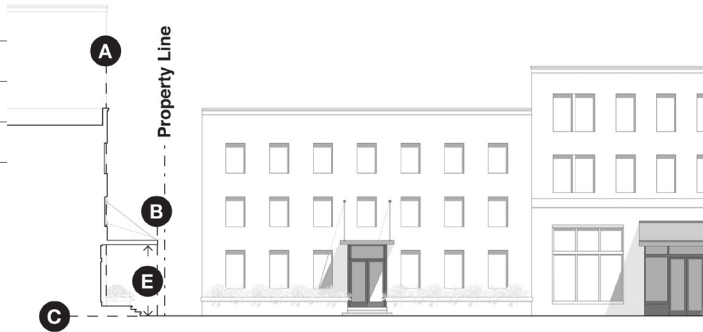
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TABLE 71-I FACADE TYPES

Common Entry

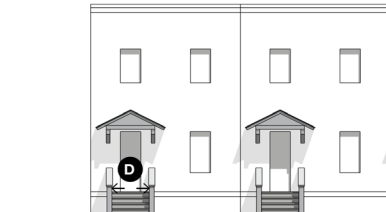
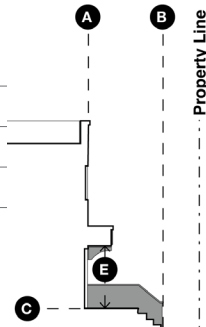
Zones	NC, D, SC, I
Combinations	Awning or canopy
A Max. Setback	By district
B Encroachment	Bay windows or raised planter to lot line; awning by element
C Entry Condition	At grade entry
D Horizontal Clear.	N/A
E Vertical Clear.	8 ft. min.

Special Conditions Planters must contain evergreen foliage.

**Stoop**

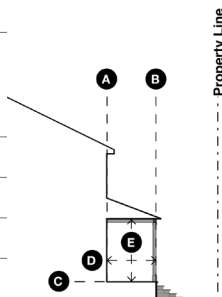
Zones	GN, NC
Combinations	None
A Min. Setback	By district
B Encroachment	Landing, cover, and stairs up to 100% of setback
C Entry Condition	Raised entry
D Horizontal Clear.	Landing 5 ft. min.
E Vertical Clear.	Covered stoop 8 ft. min.

Special Conditions Stoop may be engaged into the building volume.

**Porch**

Zones	NE, GN, NC
Combinations	None
A Min. Setback	By district
B Encroachment	Porch up to the greater of 8 ft. or 60% of the setback
C Entry Condition	Raised entry
D Horizontal Clear.	Porch 8 ft. min.
E Vertical Clear.	Porch 8 ft. min.

Special Conditions None



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Sec. 71-18 Use

- A. Uses are limited according to [Table 71-J Use Matrix](#).
- B. Additional restrictions apply in [Table 71-K Use Restrictions](#).

TABLE 71-J USE MATRIX

	N	NE	GN	NC	D	SC	I
Commercial							
Adult retail, services, and entertainment							S
Automobile sales						S	■
Automobile service						S	■
Cannabis designated consumption establishment					S	S	S
Cannabis retail					S	S	S
Child care		A	A	■	■	■	
Commercial laundry				■	■	■	■
Crematorium							S
Dry cleaners				■	■	■	■
Festivals				T	T	T	
Food and beverage			A	■	■	■	■
Funeral home				■	■	■	■
Gas station						■	■
Hospital						■	■
Market			T	■	T	■	■
Office			A	■	■	■	■
Package liquor store					■	■	■
Retail			A	■	■	■	■
Self-storage						S	■
Service, professional			A	■	■	■	■
Service, personal			A	■	■	■	■
Entertainment							
Adult entertainment							S
Indoor sports facility				■	■	■	■
Outdoor sports facility		■	■			■	■
Theater, excluding drive-in				■	■	■	
Industrial and Manufacturing							
Cannabis cultivation							S
Cannabis production							S
Industrial							■
Junk/salvage yards							■
Manufacturing, artisanal				S	S	S	■
Warehouse storage and distribution							■

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TABLE 71-J USE MATRIX

	N	NE	GN	NC	D	SC	I
Institutional							
Cultural (library, museum, gallery)	S	■	■	■	■	■	
Government		■	■	■	■	■	■
Meeting Hall			■	■	■		
Performing Arts			■	■	■		
Religious assembly		■	■	S	S	■	
School: primary		■	■	S	S	■	
School: secondary		■	■	S	S	■	
Lodging							
6 rooms or less		S	■	■	■	S	
12 rooms or less				■	■	■	
More than 12 rooms					■	■	
Residential							
Home occupation		A	A	A	A		
1 dwelling unit per lot		■	■	■			
1 dwelling unit per lot (zero lot line)			■	■			
2 dwelling units per lot			■	■	■		
4 dwelling units per lot			■	■	■		
8 dwelling units per lot				■	■		
More than 8 dwelling units per lot					■		

Permitted use ■
 Temporary use T
 Accessory use A
 Special use permit S
 Prohibited use blank space

Sec. 71-19 Specific use restrictions

A. Uses are further restricted as specified in [Table 71-K Use Restrictions](#) and as follows:

1. Cannabis retail stores in Downtown (D) are restricted to no more than 10% of the available shopfront length in total feet of all properties in the district. At the effective date of this ordinance there is 947 linear feet of shopfront in Downtown, permitting 95 linear feet of cannabis retail stores.

TABLE 71-K USE RESTRICTIONS

	GN	NC	D
Institutional Uses	10 parking spaces max.	20 parking spaces max.	Not applicable
Commercial Uses	5,000 sq. ft. max.	20,000 sq. ft. max.	60,000 sq. ft. max.

Sec. 71-20 Cannabis standards

- A. In addition to Chapter 18 Article III MEDICAL MARIHUANA FACILITIES and Article IV ADULT USE MARIHUANA ESTABLISHMENTS requirements, cannabis cultivation and production is subject to the following standards.
 1. On-site consumption dispensing businesses is permitted by special permit in the industrial zoning district (I), the downtown (D) and the suburban commercial (SC) districts subject to the requirements of Chapter 18.
 2. Colocation of a dispensing organization and a grower center is permitted by special permit in the industrial zoning district (I) subject to the requirements of Chapter 18. The colocated establishments must be the sole use of the tenant space.
- B. Cultivation and production performance standards.
 1. Ventilation and odor. All cannabis cultivation or manufacturing facilities are required to be in compliance with the state requirements and must have odor mitigation systems such that odor is imperceptible from the outside of any building or lease line.
 - a. A ventilation plan is required for marijuana cultivation and manufacturing facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or manufacturing of marijuana or marijuana related products from being dispersed or released outside the building. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter to be effectively confined to the building.
 2. Light. Those cultivators using artificial lighting for mixed-light cultivation must shield greenhouses so that little to no light escapes. Light must not escape at a level that is visible from neighboring properties between sunset and sunrise.
 - a. The light source must be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).
 3. Noise. The cultivation of cannabis must not exceed the following noise level standards: 55 A-weighted decibels (dBA) from seven a.m. to seven p.m. and 50 dBA from seven p.m. to seven a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between ten p.m. and seven a.m.
 4. Water use. Water used for the cultivation of cannabis must be sourced on-site from a permitted well, surface water diversion and/or rain catchment system.
 5. The cultivation of cannabis must not create erosion or result in contaminated runoff into any stream, creek, river or body of water.
- C. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, must be stored in a secured and locked structure or device. All uses of pesticide products must be in compliance with state pesticide laws and regulations.

Sec. 71-21 Communication towers

- A. Location restrictions. The City prohibits the location of additional towers or communication support structures unless the applicant can demonstrate the following:
 1. There is no existing tower or support structure that can be used for the proposed antenna attachment.

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2. There is no existing tower or support structure having sufficient height to meet the applicant's engineering requirements.
 3. There is no existing tower or support structure having sufficient structural strength to meet the applicant's engineering standards.
- B. General requirements. All new towers must conform to the following requirements:
1. New towers are only permitted in the industrial zoning district unless colocated per A. above.
 2. The tower must be set back from all property lines a distance equal to its height.
 3. The base of the tower must not occupy more than 500 square feet of area.
 4. New towers may not be located within one-half mile of an existing tower.
 5. Tower height must not exceed 300 feet and no tower within 500 feet of a residential use can exceed 175 feet in height above grade.
 6. Existing vegetation must be preserved where possible.
 7. A vegetative buffer is required if property adjoins any residentially zoned property or land use. The buffer must consist of the following:
 - a. Two alternating rows of evergreen trees with a minimum height of five feet, planted 20 feet on center along the perimeter of the property;
 - b. Buffer must be located 20 feet from the property line but must maintain a ten foot setback from the tower.
 8. Signage is not permitted on the tower structure or accessory structures.
 9. Accessory structures are limited to uses associated with the operation of the tower and must comply with [Table 71-H Industrial \(I\) Standards](#).
 - a. Accessory structures may not exceed 600 square feet of gross building area.
 10. The site must be secured from unauthorized access.
 11. The tower must be removed by the property owner within six months of abandonment.
- C. Application requirements.
1. Engineering plans and specifications must be provided for the special use application by an engineer licensed in the State of Michigan.
 2. The applicant must provide a performance bond or irrevocable letter of credit equal to the estimated cost of removal, but not less than \$50,000, to be used by the City to remove the tower if it is abandoned and not removed according to the terms of this section.

Sec. 71-22 Adult entertainment

- A. Adult entertainment facilities are subject to the following special provisions:

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1. No business may be located within 1,000 feet of a lot containing residential, commercial, or institutional use.
2. All business must be conducted in an enclosed building, and occupancy is limited to 50 persons.

Sec. 71-23 Home occupations

A. Home occupations are permitted in all residential districts as follows:

1. Home occupations within the NE Neighborhood require a special use permit. This includes all properties east of Red Bud Trail N and north of Fulton Street.
2. Must not exceed 50% of the dwelling unit or 1,000 square feet, whichever is less;
3. Hours of operation are limited to 8:00 AM through 6:00 PM;
4. A maximum of 1 individual not residing in the household may be employed, except adult or child day care homes; and
5. Signage is limited to one non-illuminated sign, no greater than 3 feet in area.

B. Prohibited uses in home occupations:

1. Repair or assembly of vehicles, equipment, and large appliances;
2. Dispatch facilities;
3. Employment agencies;
4. Warehousing;
5. Animal sales or kennels; and
6. Merchandise warehousing, packing, and shipping.

C. Nuisances standards must be met as follows:

1. The dwelling and site must remain residential in appearance.
2. No equipment, material, or process may be used that creates noise, vibration, glare, smoke, fumes, particulate matter, excessive heat or humidity, electrical interference, odors, or hazards.
3. Outdoor equipment not typically found or used for domestic household use is prohibited.
4. Residential trash and recycling volumes and facilities may not be materially exceeded.
5. Commercial vehicles are prohibited unless stored within a garage.

D. Permits. Applications and hearings for home occupation use are not required. Home occupations must obtain a city business license.

Sec. 71-24 Accessory dwelling units

A. One accessory dwelling unit per principal dwelling unit is permitted in all districts.

1. Accessory dwelling units in the NE Neighborhood may not exceed 720 square feet per story.

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2. Accessory dwelling units may be attached or detached.
3. Accessory dwelling units are limited to one bedroom.
4. Either the primary residence or accessory unit must be inhabited by the owner of the parcel.

Sec. 71-25 Group homes

Group homes and adjust foster care facilities must comply with the following regulations:

- A. Group homes and adult foster care facilities are a residential permitted use for facilities for not more than six adult foster care residents. Facilities for more than six residents require a special use approval.
 1. Facility operators must provide a license from the Michigan Department of Independent Family Living and/or Michigan Department of Public Health prior to operation.
 2. The Plan Commission may grant special approval for a group home or adult foster care facility only if the lot area has minimum of 3,000 square feet for each resident over six.
- B. NE, GN residential districts, permitted use. Facilities providing care for six or fewer residents may only be permitted in one building per parcel. It is not a permitted use if a facility with more than six residents is located within 1,500 feet.
- C. NC, DT, mixed-use districts and SC commercial district special use.
 - a. Group homes providing care for one to 12 residents and adult foster care facility providing care for seven to 12 adult foster care residents. No more than one care facility in one building on one lot is allowed, nor is a facility within 2,000 feet of another facility.
 - b. Facilities providing care for 13 to 20 residents. No more than one facility is permitted in one building on one lot is allowed, nor is any facility which is within 3,000 feet of another facility.
 - c. A facility providing care for more than 20 residents, with the condition that each living unit cannot exceed 20 individuals. No more than one facility in any single building or on one parcel of land, is allowed, nor is any facility within a 3,000 feet of another facility.

Sec. 71-26 Buffering

Buffering is required between industrial and commercial development and adjacent uses.

- A. Transition with landscape buffers. A landscape buffer is required along shared lot lines where different zoning districts abut, as specified in [Table 71-L Buffer Requirements](#).
- B. Buffers must meet the configuration standards in [Table 71-M Buffer Types](#).
- C. Landscape buffers must:
 1. Be located on the newly developing property;
 2. Include continuous evergreen hedges with one row per five feet of buffer width;
 3. Include ground cover to cover all exposed soil; and
 4. Allow two understory trees to substitute for one canopy tree, up to 30 percent of the required tree count.

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5. Natural drainage ways or existing vegetation may be substituted for required buffers when:

a. The feature is at least 20 feet wide.

TABLE 71-L BUFFER REQUIREMENTS

Proposed Zoning	Existing Adjacent Zoning						
	N	NE	GN	NC	D	SC	I
N							
NE				A	B	C	C
GN				A	B	B	C
NC	C	B	A				B
D	C	B	A				B
SC	C	C	C	B	B		
I	C	C	C	C	C	B	

TABLE 71-M BUFFER TYPES

Type	Width of Buffer	Hedge	Canopy Trees
A	6' minimum	6' high at maturity, planted 30 inches on center, minimum.	1 per each 50 linear ft.
B	10' minimum		1 per each 40 linear ft.
C	25' minimum		2 per each 50 linear ft.

Sec. 71-27 Parking and loading standards

Off-street parking must be provided according to the requirements of this section, with the exception of the Downtown (D) district. It is exempt from parking quotas, but is subject to the parking location requirements of subsection §F.

- A. Automobile parking is required in the amount specified in [Table 71-N](#) and as follows:
1. All uses are added to determine the minimum required parking;
 2. When requirements result in a fractional number, fractions are rounded down; and
 3. Uses within buildings less than 30 feet in depth and no more than two stories are exempt from required parking.
- B. One automobile parking space may be reduced for every four bicycle parking spaces provided.
- C. Required parking for residential uses may be adjusted downwards by 50% where spaces serve state licensed assisted living and senior independent living facilities.
- D. Required automobile parking may be fulfilled in the following locations:
1. Within the same lot;
 2. On-street parking spaces located along lot lines;
 3. Within an adjacent shared parking lot; and
 4. Within a shared parking facility located within 600 feet of the use.

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TABLE 71-N PARKING REQUIREMENTS

	N	NE	GN	NC	SC	I
Civic Space	No minimum					
Commercial	N/A	3 / 1,000 sq. ft.		2.5 / 1,000 sq. ft.	3 / 1,000 sq. ft.	1 / 1,000 sq. ft.
Entertainment	N/A			1 / 6 fixed seats or patrons		
Industrial & Manufacturing	Not applicable					1 / 2 employees
Institutional	N/A	1 / 4 fixed seats or patrons		1 / 8 fixed seats or patrons	Not applicable	
Lodging	N/A	1 / room		0.5 / room	Not applicable	
Residential						
Home occupations	N/A					
Accessory dwellings	N/A	1 / ADU			N/A	
per dwelling unit	N/A	2 / unit	1.5 / unit	1 / unit	N/A	

E. Shared parking.

1. Shared parking reductions are available for the NC district and Neighborhood Plans. Required parking may be adjusted downward by shared parking according to [Table 71-O](#). Shared parking is determined as follows:
 - a. Shared parking is available for two or more uses on one lot or within one block.
 - b. Parking facilities may utilize shared parking for uses within 500 feet of the facility.
 - c. Step 1. Calculate the parking required by each use in [Table 71-N](#) and sum the total.
 - d. Step 2. The gross minimum number of parking spaces from Step 1. is multiplied by the “occupancy rate” as determined by [Table 71-O](#), for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively.
 - e. The gross minimum numbers of parking spaces for each of the purposes referred to for each time period must be added to produce the aggregate gross minimum numbers of parking spaces for each time period.
 - f. The greatest of the aggregated gross minimum numbers of parking spaces for each period will be the parking minimum.
 - g. [Table 71-O](#) defines the percent of the basic minimum needed during each time period for shared parking. (M-F = Monday to Friday)

TABLE 71-O PARKING OCCUPANCY RATES

USES	M – F	M – F	M – F	SAT & SUN	SAT & SUN	SAT & SUN
	8 AM–6 PM	6 PM–12 AM	12 AM–8 AM	8 AM–6 PM	6 PM–12 AM	12 AM–8 AM
Residential	60%	100%	100%	80%	100%	100%
Office/ Warehouse/ Industrial	100%	20%	5%	5%	5%	5%

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TABLE 71-O PARKING OCCUPANCY RATES

USES	M – F	M – F	M – F	SAT & SUN	SAT & SUN	SAT & SUN
	8 AM–6 PM	6 PM–12 AM	12 AM–8 AM	8 AM–6 PM	6 PM–12 AM	12 AM–8 AM
Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional	100%	20%	5%	10%	10%	5%
Religious	10%	5%	5%	100%	50%	5%

F. Off-street parking standards.

1. All off-street parking spaces and aisles must meet AASHTO size and configuration standards.
2. Automobile parking must be located according to [Table 71-C through Table 71-H](#).
3. Off-street parking in NE and GN must be used for noncommercial passenger vehicles.
4. Off-street parking must be accessed by rear alleys or rear lanes where available.
5. Where rear alleys or rear lanes are not available, off-street parking may be accessed from the following locations:
 - a. From secondary facades driveways should be located near the rear lot line; and
 - b. Where secondary facades are not available, parking may be accessed from the primary facade.
6. Driveways providing access to off-street parking are limited to 10 feet in width for one-way access, and 20 feet in width for two-way access.
7. Parking lots must be screened along front and side street lot lines by one or more of the following methods:
 - a. Buildings. A minimum of 70% of parking lot width must be screened;
 - b. A masonry wall no less than 4 feet in height; or
 - c. A metal fence with a hedge or other landscape element no less than four feet in height.

G. Bicycle parking standards.

1. Bicycle parking is required in the Downtown zone as specified in [Table 71-P](#) and as follows:
 - a. Enclosed spaces for multi-family residential must be located at ground level.

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TABLE 71-P DOWNTOWN BICYCLE PARKING REQUIREMENTS

USES	MINIMUM SPACES	ENCLOSED SPACES	ON-STREET SPACES
Residential			
Over 4 dwellings per lot	.5 / unit	25% min.	25% max.
Commercial			
Food & beverage	.5 / 1,000 sq. ft.	n/a	100% max.
Other	.2 / 1,000 sq. ft.	n/a	100% max.
Institutional			
All assembly uses	.2 / 1,000 sq. ft.	n/a	100% max.
Other			
All other uses	No minimum requirements.		

H. Loading standards.

1. Loading facilities must be provided for commercial uses in NC, D, SC, and I districts according to the following requirements:
 - a. Location of loading facilities must comply with the setbacks according to [Table 71-C through Table 71-H](#). No loading bay for vehicles over a two ton capacity may be closer than 50 feet to a NE or GN lot unless completely enclosed by a building.
 - b. Off-street loading and refuse collection must be located and screened so it is not visible from adjacent streets, or residential uses.
 - c. Loading bays must be a minimum of 10 feet wide by 25 feet long, exclusive of aisle and must have a vertical clearance of 14 feet.
 - d. Loading facilities may not satisfy the requirements for off-street parking.
 - e. Loading bays in the NC and D districts may be located off an adjacent alley.
2. Required loading area. On-site loading must be provided for all buildings greater than 50,000 square feet as follows:
 - a. Loading bays are required in the amounts specified below:
 - i. 50,000 sq. ft. - 160,000 sq. ft.: 1 bay
 - ii. 160,000 sq. ft. - 320,000 sq. ft.: 2 bays
 - iii. Over 320,000 sq. ft. 1 per 180,000 sq. ft.

Sec. 71-28 Tree preservation and landscape standards**A. Purpose.**

1. Preserve and increase Buchanan's urban tree canopy for public health, safety, welfare, storm-water management, heat-island mitigation, habitat, community character, and economic development.
2. Implement the Buchanan Tree Maintenance Program, including its risk-based priorities, seven-year pruning cycle, planting targets, and species-diversity goals.

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3. Satisfy Tree City USA eligibility and the MEDC “Development-Ready Communities” Best Practice 2.6 for Green Infrastructure.
 4. Provide plain, prescriptive standards that is simple to administer, with direction from the Tree Board (formerly Buchanan Tree Friends) as needed.
- B. Applicability.
1. All new construction, site-plan, or subdivision applications in every zoning district.
 2. Any removal of a Protected Tree (≥ 8 in. diameter at breast height (DBH)) or Landmark Tree (≥ 24 in. DBH or on the City’s “special-status” list).
 3. Public trees in rights-of-way, parks, civic spaces, and City facilities.
 4. Routine single- or two-family yard activity that does not remove a Protected or Landmark Tree is exempt from subsections E - G.
- C. Administration.
1. The community development director (or designee) is the approving authority.
 2. Tree-Work / Tree-Removal Permits are one-page forms; compliant applications are approved administratively within 5 working days.
 3. The community development director may consult a certified arborist, the Tree Board, or the City’s on-call engineer; reasonable review costs may be charged to the applicant.
 4. A Tree Fund is hereby created; in-lieu fees, fines, and donations are used solely for public-tree planting, maintenance, or inventory updates.
 5. Tree Board designation. The volunteer organization known as Buchanan Tree Friends is hereby designated as the Buchanan Tree Board for the purposes of this Code, Tree City USA, and grant eligibility.
- D. Public tree care.
1. Street- and park-tree pruning must follow a 6- to 7-year cycle; young trees (< 6 in. DBH) must receive structural training every 3 years.
 2. High-risk trees identified in the Buchanan Tree Maintenance Program are treated first, then moderate-risk, then routine maintenance.
 3. Any contractor working on a public tree must hold ISA Certified Arborist credentials and obtain a permit.
- E. Tree preservation in development.
1. Tree survey. Site plans must show location, species, and DBH of all existing trees ≥ 6 in. DBH.
 2. Preservation priority. Designs must avoid Landmark Trees. The Administrator may waive preservation if no prudent and feasible alternative exists.

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3. Protection during construction. Preserved trees must be fenced at the dripline or ≥ 10 ft. radius, whichever is greater; no grading, trenching, storage, or vehicle traffic is permitted inside the fence.
4. Credits for preservation. Each healthy tree ≥ 8 in. DBH retained counts toward new-tree requirements, per [Table 71-Q](#).

TABLE 71-Q TREE PRESERVATION CREDITS	
Existing Tree Diameter at Breast Height (DBH)	Count As
8 to 17 in.	2 new trees
18 to 23 in.	3 new trees
≥ 24 in. (Landmark trees)	4 new trees

F. Tree removal and replacement.

1. Removal of any Protected or Landmark Tree requires a permit.
2. Replacement is calculated on total diameter removed:
 - a. Protected Trees – replace 50% of removed DBH (inch-for-inch).
 - b. Landmark Trees – replace 100% of removed DBH.
3. Replacement stock: deciduous 2.5-in. caliper minimum; evergreen 8 ft. tall minimum.
4. If the site cannot physically accept all required inches, pay an in-lieu fee of \$200 per 2.5-in. caliper (or equivalent) to the Tree Fund.

G. Landscape planting standards.

1. Front-yard planting by zoning district:
 - a. NE: ≥ 2 understory trees or 1 understory tree + 10 shrubs.
 - b. GN & NP-M: ≥ 1 understory tree or 10 shrubs.
 - c. Existing healthy trees may satisfy these counts.
2. Suburban Commercial (SC) & Industrial (I) Districts
 - a. Minimum landscaped area: 15% of gross lot area.
 - b. Minimum 2 shrubs per 250 sq. ft. and 2 trees per 500 sq. ft. of required landscape area; cover beds 100% with living groundcover or mulch.
 - c. At least 25% of landscaping must lie along lot lines if abutting a different zoning district.
 - d. Outdoor storage and waste areas within 15 ft. of a lot line must be screened by a continuous 6-ft. opaque fence, wall, or evergreen hedge.
3. Street trees, parking lots, and internal landscaping.

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- a. Street frontage. 1 canopy tree per 40 linear ft. of new public or private street.
 - b. Parking lots. 1 landscape island with a canopy tree per 12 spaces; islands minimum 9 × 18 ft. and curbed with openings for infiltration.
 - c. Internal plantings may count toward the lot-wide tree totals.
4. Clearances between trees and objects are required per [Table 71-R](#).

TABLE 71-R TREE CLEARANCES

Horizontal	
2 ft.	from walks and curbs (in wells or planters)
3 ft.	from swales
5 ft.	from underground utilities
6 ft.	from one-story eaves
8 ft.	from two-story eaves
Vertical	
8 ft.	above walks
13 ft.	above drives and streets

5. Prohibited material.
 - a. Plants with hazardous thorns within 2 ft. of front or side-street lot lines.
 - b. Artificial plants or artificial turf except on athletic fields.
 - c. Species listed as “invasive or noxious” by the State of Michigan or subsection [L](#).
- H. Exemptions.
 1. Dead or imminently hazardous trees (documented by photo or arborist letter).
 2. Species classified as invasive by the State of Michigan.
 3. Emergency work by public utilities.
 4. Active commercial orchards or Christmas-tree farms.
 5. Routine pruning that follows ANSI A300 and removes ≤ 25% of live crown in one season.
- I. Species selection and diversity.
 1. Follow the Recommended Species List in subsection [M](#), excerpted from the Tree Maintenance Program, as amended by resolution.
 2. Diversity goal: no more than 20% of any one genus or 10% of any one species within a development phase.
 3. To reduce over-representation, no additional maples may be planted until the citywide maple share falls below 30%.

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J. Maintenance and warranty.

1. Applicants must guarantee survival of new plant material for two growing seasons; dead plantings must be replaced at the applicant's cost.
2. For large projects requiring financial guarantees, the City shall inspect replacements before releasing any bond or letter of credit.

K. Enforcement and penalties.

1. Violation is a municipal civil infraction; fines per Ch. 58 plus required tree replacement.
2. Illegal removal of a Landmark Tree requires 200% inch-for-inch replacement or equivalent in-lieu fee.
3. The Administrator may issue stop-work orders for continued non-compliance.

L. Prohibited species list.

1. The following species shall not be planted within the City and, if present, should be removed when practical:
 - a. Tree-of-Heaven (*Ailanthus altissima*)
 - b. Black Locust (*Robinia pseudoacacia*)
 - c. Common Buckthorn (*Rhamnus cathartica*)
 - d. Glossy Buckthorn (*Frangula alnus*)
 - e. Callery/Bradford Pear (*Pyrus calleryana*)
 - f. Norway Maple (*Acer platanoides*)
 - g. Russian Olive (*Elaeagnus angustifolia*)
 - h. Any species listed as "Prohibited" or "Restricted" under Michigan's Natural Resources and Environmental Protection Act, Part 413.

M. Recommended species list.

1. The recommended species list is in [Table 71-S](#). The City Commission may, by resolution, add to or revise this list to address pests, climate trends, or inventory data without amending the text of this section.

TABLE 71-S RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
American Elm	<i>Ulmus americana</i>	Valley Forge; Princeton	Yes	Vase	50 to 70	70 to 90

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TABLE 71-S RECOMMENDED SPECIES LIST						
COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
American Hornbeam	Carpinus caroliniana		Yes	Upright	20 to 30	20 to 30
American Linden	Tilia americana		Yes	Rounded	30 to 50	50 to 80
American Yellowwood	Cladrastis kentukea		No	Rounded/ Vase	20 to 50	40 to 50
Bald Cypress	Taxodium distichum		No	Pyramidal	25 to 35	60 to 80
Blackgum	Nyssa sylvatica		No	Pyramidal / Oval	25 to 35	65 to 75
Bur Oak	Quercus macrocarpa		Yes	Upright Oval / Spreading	40 to 60	60 to 70
Cockspur Thornless Hawthorn	Crataegus crusgalli var inermis		Yes	Rounded	10 to 25	10 to 15
Crabapple	Malus spp.	Sugar Tyme; Prairie Fire; Various	No	Rounded	20 to 25	20 to 25
Cucumbertree magnolia	Magnolia acuminata	Various	No	Pyramidal	20 to 35	40 to 70
Dawn Redwood	Metasequoia glyptostroboides		No	Upright Pyramidal	20 to 30	60 to 80
Eastern Hackberry	Celtis occidentalis		Yes	Rounded	40 to 50	60 to 70
European Hornbeam	Carpinus betulus	Fastigiata; Various	No	Oval	20 to 30	10 to 30
Ginkgo	Ginkgo biloba	male trees only	No	Round / Pyramidal	30 to 60	50 to 75
Golden Raintree	Koelreuteria paniculata		No	Rounded	30 to 40	30 to 40
Green hawthorn	Crataegus viridis	Winter King	No	Upright Vase to Spreading	15 to 20	10 to 15
Hybrid Elm	Ulmus X	Patriot; Triumph; Ac-colade	No	Vase	30 to 45	40 to 60

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TABLE 71-S RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
Japanese Tree Lilac	Syringia reticulata	Ivory Silk	No	Oval to Rounded	15 to 20	20 to 30
Katsura tree	Cercidiphyllum japonicum		No	Upright to Pyramidal	30 to 40	30 to 40
Kentucky Coffeetree	Gymnocladus dioica		No	Upright to Rounded	40 to 70	50 to 70
Kousa dogwood	Cornus kousa		No	Rounded / Vase	15 to 30	15 to 30
Little-leaf Linden	Tilia cordata	Greenspire	No	Pyramidal to Rounded	30 to 40	40 to 60
London Planetree	Platanus x acerifolia	Bloodgood; Various	No	Pyramidal / Rounded	50 to 70	75 to 90
Northern Red Oak	Quercus rubra		Yes	Rounded	60 to 80	50 to 60
Pin Oak	Quercus palustris		Yes	Upright Pyramidal / Oval	40 to 50	60 to 80
Red Horsechestnut	Aesculus x carnea	Briotti; Ft. McNair	Hybrid	Upright / Oval	30 to 40	60 to 80
Redbud	Cercis canadensis	Various	Yes	Rounded	15 to 25	15 to 30
River Birch	Betula nigra		Yes	Upright / Oval	30 to 40	40 to 60
Serviceberry or Juneberry	Amelanchier x grandiflora	Autumn Brilliance; Princess Diana	Hybrid	Rounded	10 to 15	10 to 25
Silver Linden	Tilia tomentosa		No	Broad Columnar	30 to 50	50 to 70
Swamp White Oak	Quercus bicolor		Yes	Upright Oval / Rounded	50 to 60	50 to 70
Sweetgum	Liquidambar styraciflua		Yes	Pyramidal / Oval	35 to 50	60 to 75
Sycamore	Platanus occidentalis		Yes	Pyramidal / Rounded	50 to 70	75 to 90

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TABLE 71-S RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
Thornless Honeylocust	Gleditsia triacanthos var inermis	Various	Yes	Rounded	30 to 70	30 to 70
Tuliptree	Liriodendron tulipifera		Yes	Pyramidal / Oval	35 to 50	70 to 90
Zelkova	Zelkova serrata	Green Vase; Village Green	No	Vase	40 to 50	60 to 80

Sec. 71-29 Fencing standards

- A. Construction of a fence requires a zoning compliance permit issued by the zoning administrator prior to construction.
- B. When erected on a lot line, all of the fence and any of its supporting structures must be contained within the lot.
- C. Chain link, barbed wire, razor wire, and electrically charged fences are not permitted.
- D. Fences may not exceed four feet in height in the front yard and may not exceed six feet in height in all other yards.

Sec. 71-30 Sign standards

This section establishes the standards for the number, size, placement, and physical characteristics of on-premise signs visible from a public sidewalk or adjacent property.

- A. These regulations do not restrict the content of signs.
- B. Permits required. All signs with the exception of the following require a sign permit:
 1. A-frame ground sign;
 2. Small signs. Any sign that does not exceed four square feet in area;
 3. Window signs;
 4. Official sign. Notices required by law, signs erected by a governmental agency or public utility; and
 5. Temporary signs. Not more than one temporary sign is permitted per facade and may not exceed 32 square feet in area. Temporary signs must be removed within 48 hours after the event. Temporary signs may not be displayed longer than the event or 30 days.
- C. Removal. The zoning administrator or their designee is authorized to remove any sign deemed to be unsafe or a hazard to the public. The cost of the removal will be billed to the property owner.
- D. Non-conforming signs.

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1. If a sign display is not current, is in a state of disrepair, or is left blank for a continuous period of 60 days, it is considered abandoned, within 30 days after abandonment the owner of the property must remove or replace the sign or the message. The sole exception to this provision is signs installed as an integral component of a building.
 2. Illumination may not be added to a nonconforming sign.
 3. A nonconforming sign may not be replaced except to bring it into complete conformance with this section.
 4. If a sign is removed or damaged to the extent that the cost of restoration exceeds 50 percent of the original value of the sign it must be removed or brought into complete conformance with this section.
- E. Prohibited signs. Signs with the following features are prohibited:
1. Off-premise signs, including snipe or bandit signs and vehicular signs;
 2. Signs located within the clear sight triangle according to [Figure 71-B Clear site lines](#);
 3. Signs extended above the parapet or eave of a roof;
 4. Signs utilizing animation or which contain the optical illusion of sign movement;
 5. Signs incorporating noisy mechanical devices or emitting smoke or steam;
 6. Inflatable signs;
 7. Portable signs, except a-frame ground signs; and
 8. Any unsafe sign.
- F. Permitted signs and restrictions.
1. Permitted sign types are limited by district and the following restrictions according to [Table 71-T](#):
 - a. The number of signs per type;
 - b. The area of signs; and
 - c. The height of sign copy.
 2. All signs must be a minimum of eight feet clear over sidewalks and vehicular areas.
 3. No sign may be placed in or over a public right-of-way with the exception of the following:
 - a. A-Frame signs are permitted on a public sidewalk during hours the associated business is open, but must maintain a five foot clear path for pedestrian travel;
 - b. Awning and/or canopy signs;
 - c. Hanging signs;
 - d. Marquee signs; and

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- e. Projecting signs.
- 4. All signs may be double-sided by right, if the configuration of the sign permits. Only the larger side contributes to the calculation of sign area.
- 5. All signs may be illuminated by an external light source or internally illuminated if neon with the exception of signs located in NE and GN.
 - a. If externally illuminated, the source of the light must be enclosed and directed to prevent the source of light from shining directly onto traffic or a residential property.
- 6. All signs must comply with the building and electrical codes of the City of Buchanan. Underground wiring is required for all illuminated signs.

TABLE 71-T SIGN STANDARDS										
Sign	Signs (max)	Area (max)	Copy Height (max)	N	NE	GN	NC	D	SC	I
A-Frame	1 per tenant	9 sq. ft.	n/a				■	■	■	■
Awning	1 sloping plane & 1 valence per awning	75% awning area	16 in. on sloping plane, 8 in. on valence				■	■	■	■
Banner	1 per event	76 sq. ft.	n/a				■	■	■	■
Canopy	1 per canopy	2 sq. ft. per linear ft.	30 in.				■	■	■	■
Hanging	1 per tenant	6 sq. ft.	n/a				■	■	■	
Marquee	1 per entry	4 sq. ft. per linear ft.	30 in.					■	■	
Monument	1 per facade	36 sq. ft.	n/a		■	■	■		■	■
Mural	1 per facade	no max.	n/a				■	■	■	■
Off-premise	Not permitted	n/a	n/a							
Pole	1 per property	200 sq. ft.	30 in.						■	■
Projecting	1 per tenant	6 sq. ft.	8 in.				■	■	■	■
Reader board	1 per tenant	6 sq. ft.	12 in.						■	■
Wall	1 per tenant	3 sq. ft. per linear ft.	18 in.					■	■	■
Window	1 per window	25% of glazed area	12 in.				■	■	■	■

■ Permitted

G. Maintenance and liability.

- 1. Painted or paper-faced signs must be maintained free of peeling paint or paper, sun fading, staining, rust or other conditions which impair the legibility of the sign.
- 2. Any permitted signs, including all supports, braces, guys and anchors, must be maintained in a manner not to cause a hazard to the public.

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3. The city requires proof of current, in-force liability insurance in the aggregate amount of at least \$500,000.00, as a condition of granting a sign permit or as a condition of allowing the continued use of an existing sign, in the following instances:
 - a. Signs that extend over the city right-of-way.
 - b. Freestanding signs whose height exceeds the horizontal distance of the base of the sign to the nearest city right-of-way

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ARTICLE IV. ADMINISTRATION AND PROCESS

This article outlines the bodies with review, approval, and appellate authority in administering this chapter.

Sec. 71-31 Nonconformities

- A. Within the districts established by this UDC there exist lots, structures, and uses which were lawful when established, but would be prohibited under the terms of this ordinance. These nonconformities may continue until they are removed or abandoned. Nonconformities may not be increased, enlarged, expanded or extended except as permitted by subsections 2., 3., and 4. below.
1. Continuance. A nonconforming use lawfully existing at the effective date of this article may be continued, although it does not conform with the provisions of this article.
 2. Restoration to safe condition. Nothing in this article prevents the restoration of any building or structure to a safe condition when required by the proper authorities.
 3. Restoration after damages. Other than detached dwellings, no nonconforming building or structure which has been damaged by fire or other causes to more than fifty (50) percent of its current replacement value prior to the time of such damage, may be rebuilt or restored except in conformity with the provisions of this article.
 4. Modifications. Nonconforming structures can be maintained, repaired and modified, provided such maintenance, repairs or modifications do not increase or alter the non-conforming structure in any way which increases the non-conformity, but any non-conforming structure may be altered to decrease its non-conformity.
 5. Abandonment. A nonconforming use which has been discontinued for a continuous period of one (1) year cannot be reestablished, and any future use must be in conformity with this ordinance.
 6. Change in use. A nonconforming use cannot be changed to another nonconforming use.
 7. The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this chapter.

Sec. 71-32 Enforcement

Should a violation of an approved application occur during construction, or should any construction, site work, or development be commenced without an approved application, the city has the right to require the owner to stop, remove, and mitigate the violation, or to secure a variance to cover the violation.

- A. Authority.
1. The code enforcement officer is authorized to enforce the provisions of this code and to initiate corrective action for any violation.
 2. City departments, including building department, code enforcement, and legal, may support enforcement efforts as coordinated by the code enforcement officer.
 3. Nothing in this section limits the City's authority to enforce other applicable laws or to pursue civil or criminal penalties as provided by law.
- B. Violations. A violation of this code includes, but is not limited to:
1. Initiating construction, land disturbance, or site modifications without required approvals;
 2. Installing signage, landscaping, utilities, or structures not shown on approved plans;

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3. Failing to install or maintain required public or private improvements;
4. Removing or damaging protected trees or landscaping without approval;
5. Occupying a site or building in violation of use, parking, or access requirements; or
6. Failing to comply with a condition of approval or decision by the planning commission, city commission, zoning board of appeals, or zoning administrator.

C. Notice and correction.

1. Upon identifying a violation, the code enforcement officer must provide written notice to the responsible party describing:
 - a. The nature of the violation;
 - b. The code section(s) violated;
 - c. Required corrective action; and
 - d. A deadline for compliance.
2. Notice may be provided in person, by mail, or by posting on the subject property.
3. Failure to correct the violation within the specified time frame may result in additional penalties or legal action.

D. Remedies and penalties.

1. The City may pursue one or more of the following remedies for any violation of this code:
 - a. Withholding of permits, approvals, or inspections until the violation is corrected;
 - b. Revocation of permits or approvals granted in error or obtained through misrepresentation;
 - c. Removal or abatement of noncompliant development or improvements at the owner's expense;
 - d. Assessment of civil penalties as authorized by ordinance or state law;
 - e. Filing of legal action in Berrien County Circuit Court to compel compliance.
2. Each day that a violation continues constitutes a separate offense.

E. Stop work orders.

1. The zoning administrator or code enforcement officer may issue a stop work order if any regulated activity is occurring in violation of this code.
2. The order must specify the violation and the conditions that must be met before work may resume.
3. No work may resume until the violation has been resolved and the order is lifted in writing.

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Sec. 71-33 Review and decision making bodies.**A. City Commission.**

1. Powers and duties. In addition to any authority granted the City Commission by charter, ordinance or state law, the commission has the following powers and duties under this chapter:
 - a. Amendments to text and zoning map. To review, hear, consider and approve or disapprove:
 - i. Text amendments. Petitions to amend the text of this chapter.
 - ii. Zoning map amendments. Petitions to amend the zoning map.
 - b. Initiate amendments. To initiate petitions to the text of this chapter and the zoning map.
 - c. Other. To take any other action not delegated to the Planning Commission, Zoning Board of Appeals or heads of city departments, as the City Commission may deem desirable and necessary to implement the provisions of this chapter.

B. Planning Commission. The Planning Commission establishment, organization, powers and duties are enumerated in Chapter 70 of the City of Buchanan Code of Ordinances.**C. Community Development Director/Zoning Administrator.**

1. Powers and duties. In addition to the jurisdiction, authority and duties that may be conferred upon the Zoning Administrator by other provisions of this chapter and general or special law, the zoning administrator has the following jurisdiction, powers and duties under this chapter:
 - a. Administrative adjustments. To review, hear, consider and approve or disapprove administrative adjustments.
 - b. Temporary use permit. To review, hear, consider and approve, approve with conditions or disapprove temporary use permits.
 - c. Minor deviations. To review, hear, consider and approve, approve with conditions or disapprove minor deviations for site plans.
 - d. Interpretations. To render interpretations of all provisions of this chapter, including interpretations of the text; interpretations of the zoning map boundaries; and determinations of whether an unspecified use falls within a use classification or use group allowed in a zone district.
 - e. Enforcement. To enforce the provisions of this chapter.
 - f. Administer chapter. To establish application requirements and schedules, to review and make recommendations to the City Commission, Planning Commission and Zoning Board of Appeals on all applications considered by those boards, and take any other actions necessary to administer the provisions of this chapter.
 - g. Provide expertise and technical assistance. To provide expertise and technical assistance to the city commission, planning commission and zoning board of appeals.

D. Zoning Board of Appeals.

1. Powers and duties. The Zoning Board of Appeals has the following powers and duties under this chapter:

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- a. Variances. To review, hear, consider and approve, approve with conditions or disapprove variances.
 - b. Appeals of administrative decisions. To hear, review, consider, and affirm, modify or reverse any decision or interpretation of the zoning administrator.
2. Appeals. An appeal of a decision by the Zoning Board of Appeals must be filed with the Circuit Court within 30 days after the decision in writing, or within 21 days after the board approves the minutes of the meeting.
- E. Design Review Committee.
- 1. Powers and duties. The design review Committee is the decision-making body for applications subject to downtown design standards unless the proposed work qualifies for administrative approval under [Sec. 71-36 H. Downtown applications](#).
 - 2. The Design Review Committee meets on an as-needed basis when discretionary review is required.

Sec. 71-34 General provisions.

The general provisions of this article apply to all applications for development approval and procedures under this chapter, unless otherwise stated.

- A. Authority to file applications. Applications may be submitted by the following entities:
 - 1. Community development department. The authority of the community development department to file an application is limited to applications that may be required for activities or development on city-owned land.
 - 2. Staff, city commission, or planning commission. The authority of the city commission or planning commission to file an application is limited to applications for text amendments or applications for zone map amendments.
 - 3. Applicant is not owner. If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application is required.
 - 4. Applicant is owner. If the applicant is the owner of the land, a letter signed by the owner, including other owners, if applicable, or an association representing the owners consenting to or joining in the application is required.
- B. Simultaneous processing of applications. Whenever two or more forms of review and approval are required, the applications for those approvals may be processed simultaneously.
- C. Fees.
 - 1. Determination of fees. The city commission will determine the fees to accompany all applications submitted under this chapter.
 - 2. Fees to be paid. No application can be processed until the established fee has been paid.
- D. Determination of Sufficiency.
 - 1. Determination of sufficiency. Within seven days following receipt of the application, the Zoning Administrator will determine if the application is complete.

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2. Determined insufficient. If the Zoning Administrator determines the application is not sufficient, a notice will be provided to the applicant specifying the deficiencies. If the applicant fails to correct the deficiencies within 60 days, the application will be considered withdrawn.
- E. Scheduling of public hearing. When an application for development approval is subject to a public hearing, the zoning administrator will ensure that the public hearing is scheduled by the decision-making body reviewing the application.
- F. Public Notification. All applications for development approval requiring public hearings must comply with the Michigan Statutes, [Table 71-U](#), and the other provisions of this section.
1. Content. All notices for public hearings must:
 - a. Identify application. Identify the application and the name, address, and telephone number of the applicant or the applicant's agent.
 - b. Date, time, and place of public hearing. Indicate the date, time and place of the public hearing.
 - c. Location. Describe the land involved by street address or by legal description and nearest cross street, and area (size).
 - d. Describe nature and scope of application. Describe the nature, scope, and purpose of the application.
 - e. Notify public where they may be heard. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application.
 - f. Written comments. Include a statement describing where written comments will be received prior to the public hearing.
 2. Published notice. When the provisions of this chapter require that notice be published, the city is responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation that has been selected by the city, and paid for by the applicant.
 3. Written notice.
 - a. General. When this chapter requires that written notice be provided, the applicant is responsible for preparing and mailing the written notice. Notice will be mailed to:
 - i. All property owners and occupants of the land subject to the application.
 - ii. All property owners, and occupants of structures within 300 feet of the boundary of the land subject to the application.
 - iii. All neighborhood organizations, public utility companies, railroads, and other persons who have requested to receive notice by mail.
 - iv. For appeals of administrative decisions or requests seeking an interpretation of this chapter not involving a specific parcel of property, notice under [Sec. 71-34 F 2](#) is sufficient.
 - v. Failure to give proper notice does not invalidate a proceeding unless mandated by state law.

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- b. Notice by mail. Notice will be deemed given when deposited during normal business hours for delivery with the United States postal service or other private or public delivery service as first class or similar mail.

- G. Timing of notice. Unless otherwise provided in the Michigan statutes and laws or this chapter, notice will be provided as shown in [Table 71-U](#).

TABLE 71-U NOTICE TIMING		
Application	Notice Required	
	Written	Published
Text amendment		Planning commission: Not less than 15 days prior to public hearing
		City commission: not less than 15 days prior to public hearing
Zoning map amendment	Planning commission: not less than 15 days prior to public hearing	Planning commission: Not less than 15 days prior to public hearing
	City commission: reasonable time prior to public hearing	City commission: not less than 15 days prior to public hearing
Special use permit	Not less than 15 days prior to public hearing	
Variance		
Appeal		

- H. Registration to receive notice by mail.

1. General. Any neighborhood organization, public utility company, railroad or any other person may register with the city clerk to receive written notice of all applications for development approval.
2. Requirements for eligibility. To be eligible for registration, the requesting party must provide the city clerk information in the form required to ensure notification can be made.

- I. Deferral of review of application.

1. Submission of request. An applicant may request that consideration of an application at public hearing be deferred by submitting a written request for deferral to the zoning administrator.
2. Zoning administrator review. The zoning administrator will consider deferral requests of less than 30 days, and grant the requests for good cause.
3. Decision-making or advisory body review. The decision-making or advisory body reviewing the application will consider deferral requests of more than 30 days, or beyond the next regularly scheduled meeting of such body, and will grant the requests for good cause.

- J. Withdrawal of application.

1. Submission of application. Any request for withdrawal of an application will be submitted in writing to the zoning administrator.

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2. Prior to notice of public hearing. The zoning administrator will approve a request for withdrawal of an application if it has been submitted prior to the time of a public hearing or decision on the application.
- K. Review of applications by decision-making bodies.
1. Text amendments and zoning map amendments.
 - a. Review and recommendation by planning commission. After submission of an application for a text amendment or zoning map amendment, the planning commission will conduct a public hearing on the application. After the close of the public hearing, the planning commission will make a recommendation to the city commission recommending either to approve, approve with conditions, or disapprove the application.
 - b. Review and action by city commission.
 - i. After receipt of the recommendation from the planning commission, the city commission will conduct a public hearing on the application. After the close of the public hearing, the city commission will approve, approve with conditions, or disapprove the application based on the relevant review standards.
 - ii. If a valid protest petition is filed against a proposed amendment to the zoning map according to MCLA § 125.584(5), as amended, the approval request will not be approved except by a favorable vote of two-thirds of the city commission membership.
 - c. Notice of adoption. Notice of the adoption of an amendment to the text of this chapter or the zoning map will be published in a newspaper of general circulation within 15 days after the date of adoption according to MCLA § 125.584(7), as amended.
 2. Special use permit. After submission of an application for a special use permit, the planning commission will conduct a public hearing on the application. After the close of the public hearing, the planning commission will either approve, approve with conditions, or disapprove the application based on the relevant review standards.
 3. Variance. After submission of an application for a variance, the zoning board of appeals will conduct a public hearing on the application. After the close of the public hearing, the zoning board of appeals will either approve, approve with conditions, or disapprove the application based on the relevant review standards.
- L. Notification of decision. Notification of a decision on an application will be provided by the zoning administrator to the applicant within 14 days after the decision. A copy of the decision will also be made available to the public at the offices of the zoning administrator, during normal business hours.

Sec. 71-35 Public hearing procedures.

All public hearings must comply with the following procedures.

- A. Conduct of public hearing.
1. Burden of proof or persuasion. The burden of demonstrating that an application complies with applicable review and approval standards of this chapter is on the applicant.
 2. Rights of all persons. Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization.

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3. Exclusion of testimony. The body conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, or unduly repetitious.
4. Offers of testimony. In the event any testimony or evidence is excluded, the person offering such testimony or evidence will have an opportunity at that meeting to offer the testimony or evidence for the record.
5. Continuance of public hearing.
 - a. General. The body conducting the public hearing may continue the public hearing to a fixed date, time and place. An applicant has the right to request and be granted one continuance; however, all subsequent continuances are granted at the discretion of the body conducting the public hearing only upon good cause shown.
 - b. Notice. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements, provided that the continuance is set for a date within 30 days, or to the next regularly scheduled meeting, and the date and time of the continued hearing is announced at the time of the continuance.
6. Time. Action must be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the city and the city.

Sec. 71-36 Specific standards for development approval.

- A. General. [Table 71-V](#) summarizes the development review procedures for all types of applications.

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES

Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Text amendments	R	[R]		[DM]		N
Zoning map amendment	R	[R]		[DM]		W, N
Special use permit	R	[DM]				W, N
Variance	R		[DM]			W
Appeals of administrative decision			[DM]			W
Administrative adjustments	DM		[A]			
Site plan review	DM					
Sign permit	DM		[A]			
Temporary use permit	DM		[A]			
Certificate of zoning compliance	DM					
Downtown application	R				DM	
Interpretations	DM		[A]			

Key

Planning Commission	PC
Zoning Board of Appeals	ZBA
City Commission	CC
Design Review Committee	DRC
Review & Recommendations	R
Decision Making Body	DM
Appellate Body	A
Public Hearing Required	[]
Published Notice	N
Written Notice	W

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B. Amendments to text or zoning map.

1. **Authority.** The city commission may adopt an ordinance amending the text of this chapter or amending the zoning map.
2. **Standards.** The advisability of amending the text of this chapter or making an amendment to the zoning map is a matter committed to the legislative discretion of the city commission. In determining whether to adopt or disapprove the proposed amendment, the city commission must consider the following factors:
 - a. **Consistent with master plan and vision plan.** Whether and the extent to which the proposed amendment is consistent with the master plan and the vision plan.
 - b. **Changed conditions.** Whether and the extent to which there are changed conditions that require an amendment.
 - c. **Community need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need.
 - d. **Compatible with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land, or the proposed amendment to the text of this chapter will maintain or improve compatibility among uses and will ensure efficient development within the City.
 - e. **Development patterns.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

C. Special use permit.

1. **Purpose.** Special uses are uses that may have a greater propensity to adversely affect surrounding uses and require special review of their location, design, configuration, and intensity to ensure compatibility, public facility adequacy, natural resource protection, and the public health, safety and welfare of the residents of the city.
2. **Authorization.**
 - a. **General.** The planning commission will review, consider and approve, approve with conditions or disapprove special use permits.
 - b. **Uses authorized.** Only those uses authorized as special uses in [Table 71-J](#), may be approved as special uses. The designation of a special use in [Table 71-J](#), does not constitute an authorization that the use will be approved.
3. **Standards.** The planning commission will approve a special use permit if it finds all of the following are met:
 - a. **Compatibility.** The proposed special use is appropriate for its proposed location and compatible with the surrounding land uses.

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- b. Location and design. The location and design of the proposed special use minimizes adverse effects, including visual impact of the proposed use on adjacent lands by:
- Avoiding significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance;
 - Retaining, to the greatest extent possible, the natural features of the landscape where they provide a barrier or buffer between the proposed special use and adjoining lands;
 - Locating buildings, structures, and entry ways to minimize impact; and
 - Providing appropriate screening, fencing, landscaping, and setbacks.
- c. Minimizes environmental impact. The proposed special use minimizes environmental impacts, and conforms to all relevant environmental protection standards of this chapter, or any other state or federal laws.
- d. Road ingress and egress. The proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.
- e. Impact on other public facilities. There are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use.
- f. Other standards of this chapter. The proposed special use complies with all applicable provisions of this chapter.
4. Conditions of approval. The planning commission may impose conditions on approval of the proposed use as it determines are required to prevent or minimize adverse effects from the proposed use and development on surrounding lands.
5. Recording. The planning commission may require the applicant to record the special use permit with the County Register of Deeds. The special use permit is binding upon the landowners, their successors and assigns.
6. Expiration. Unless otherwise specified in the special use permit, an application for a construction permit must be applied for and approved within two years of the date of the approval of the special use permit or the special use permit is invalid. Permitted time frames do not change with successive owners.
7. Extension. Upon written request, one extension of one year may be granted by the planning commission for good cause.
- D. Variances
- Purpose
 - General. There are two types of variances allowed under the terms of this chapter: dimensional variances and use variances.
 - Dimensional variances. Dimensional variances are deviations from the height, setback, yard, lot coverage, parking, landscaping and signage standards of this chapter, when special conditions make the literal enforcement of the provisions of this Ordinance result in peculiar difficulties to the owners of the land, and the deviation would not be contrary to the public interest.

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- c. Use variances. Use variances are variations from the schedule of permitted uses in a zone district when unnecessary hardship uniquely associated with the property, this chapter unreasonably restricts the property owner's access to permitted uses.
2. Authority. The zoning board of appeals is authorized to review and approve, approve with conditions or disapprove an application for a variance.
3. Standards.
 - a. Dimensional variance. The zoning board of appeals will approve a dimensional variance on finding there is evidence that all of the following standards are met:
 - i. There are special circumstances that are peculiar to the property for which the variance is sought, that is not applicable to other land in the same zone district.
 - ii. The special circumstances are not the result of the actions of the applicant or titleholder of the land.
 - iii. The literal interpretation of the terms and provisions of this chapter would deprive the applicant of rights commonly enjoyed by other land in the same zone district.
 - iv. The variance will not adversely affect adjacent land in a material way.
 - v. The variance is generally consistent with the purposes and intent of this chapter.
 - b. Use variance. The zoning board of appeals will approve a use variance on a finding there is evidence that all of the following standards are met:
 - i. The literal interpretation of the terms and provisions of this chapter would deprive the applicant from using the property for a permitted use which is a right commonly enjoyed by other land in the same zone district.
 - ii. There is unnecessary hardship based on special circumstances that are peculiar to the property for which the variance is sought that is not applicable to other land or structures in the same zone district.
 - iii. The special circumstances are not the result of the actions of the applicant.
 - iv. The variance will not adversely affect adjacent land in a material way.
 - v. The variance will be generally consistent with the purposes and intent of this chapter.
 - c. Conditions of approval. The zoning board of appeals may impose conditions on the proposed use as necessary to ensure compliance with the standards in this section.
 - d. Recording. The zoning board of appeals may require the applicant to record the variance with the County Register of Deeds. The variance is binding upon the landowners, their successors and assigns.
 - e. Expiration. Unless specified in the variance, an application for a construction permit must be applied for and approved within one year of the date of the approval of the variance, otherwise the variance becomes invalid. Permitted time frames do not change with successive owners.

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- f. Extension. Upon written request, one extension of six months may be granted by the zoning board of appeals for good cause.

E. Appeals of administrative decisions.

1. Authorization. Any person effected by any decision made by the zoning administrator may appeal the decision to the zoning board of appeals.
2. Procedure.
 - a. Initiation of appeal. An appeal must be initiated by filing within 30 days of the date of the decision.
 - b. Contents of appeal. The written appeal of the administrative decision must include a statement of the error, the date of that decision, and all materials related to the decision. A nonrefundable filing fee as set by resolution of the city commission must also be submitted.
 - c. Scheduling of notice and hearing. The zoning administrator will schedule a hearing at the next regularly scheduled zoning board of appeals meeting.
 - d. Action by zoning board of appeals. At the hearing on the appeal, the appellant must state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The zoning administrator will be given an opportunity to respond. After the conclusion of the hearing, the zoning board of appeals will affirm, partly affirm, modify, or reverse the decision.
3. Standards. A decision will not be reversed or modified unless there is substantial evidence in the record that the decision fails to comply with either the procedural or substantive requirements of this chapter, state law, or the federal or state constitutions.
4. Conditions. The zoning board of appeals may impose conditions upon an affirmative decision to ensure the requirements and purposes of this chapter are followed.

F. Administrative adjustments.

1. General. This section sets out the procedures and standards for administrative adjustments, which are modifications of 10% or less of any numeric dimensional standard of this chapter.
2. Procedure.
 - a. Action by the zoning administrator. Within 30 days after the application is determined sufficient, the zoning administrator will review the application and approve, approve with conditions, or disapprove the administrative adjustment.
3. Standards. The zoning administrator may approve an administrative adjustment upon a finding that all of the following standards are met:
 - a. General. The requested adjustment eliminates an unnecessary inconvenience to the applicant, is consistent with the character of development in the surrounding area and will not result in incompatible land uses;
 - b. Mitigates adverse impacts. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible; and

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- c. Technical nature. The administrative adjustment is of a technical nature and is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general.
 - 4. Conditions of approval. The zoning administrator may impose restrictions and conditions on an approval as are determined are required to ensure compliance with the general goals, objectives, and policies of this chapter.
- G. Site plans.
- 1. Applicability. Unless exempted according to subsection §2 below, prior to the development of any structure, any change of an existing use of land, the expansion or conversion of any use or structure, or any other development activity, a site plan must be approved according to this section.
 - 2. Exemptions. The following are exempted from the requirements of this section:
 - a. One- or two-family dwelling. The development or expansion of a one-family or two-family dwelling unit.
 - b. Internal construction. The internal construction or change in the floor area of a structure that does not increase gross floor area on a site that meets all development and site design standards of this Ordinance.
 - c. Site clearing within area less than 1/2 acre. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area of less than 1/2 acre in size.
 - d. Temporary uses. Temporary uses.
 - e. Minor development or expansion. Expansion or new structures up to and including 250 square feet in area.
 - 3. Overview. Development for which a site plan is required is subject to one of two processes: sketch plan review or full site plan review.
 - a. Sketch plan review. Sketch plan review is required for smaller sized development and development with less impact. It requires review and approval, approval with conditions or disapproval by the zoning administrator.
 - b. Full site plan review. Full site plan review is required of larger sized development, and development with potentially greater impacts. It requires review and approval, approval with conditions or disapproval of a preliminary site plan and then a final site plan by the zoning administrator. The applicant may consolidate review of the preliminary site plan and final site plan. The preliminary site plan presents the proposed development concept with sufficient information to enable staff to determine if the concept complies with this chapter. The final site plan requires submission of detailed information about the proposed development with exact dimensions, representing a firm commitment about development of the site.
 - 4. Thresholds for plan review. The thresholds for which type of development is subject to sketch plan review or full site plan review are shown in [Table 71-W](#).

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TABLE 71-W PLAN REVIEW THRESHOLDS

Development	Required Review	
	Sketch Plan	Full Site Plan
New residential development		
Residential development, unless exempted		■
Residential care facilities (state licensed) that are permitted uses	■	
Residential care facilities (state licensed) that require special use permit		■
New non-residential or mixed-use development		
Construction of new building or structure		■
Development requiring special use permit		■
Erection of communication antenna on existing facility	■	
Erection of communication structure or towers		■
Public service buildings and storage areas		■
Expansion		
An increase in the floor area up to 1,500 square feet or 10% of the existing floor area, whichever is less	■	
An increase in the building floor area greater than that specified above		■
An increase in parking or loading area over 10% or 6,000 square feet of pavement area, whichever is less	■	
Other types of development		
A change in elevation of a downtown building		■
Architectural changes to a multiple-family residential structure (more than three units) or a nonresidential structure (only an elevation plan describing changes and construction materials is required if no changes to the use of the site are proposed)	■	
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees of one-half acre or more	■	
Home occupations	■	

5. **Procedure.** The planning commission is responsible for approval of all site plans. However the planning commission will delegate authority to approve site plans to the zoning administrator, or to the design review committee for downtown lots.

- a. **Sketch plan review.** Sketch plan review will follow the following procedure:
 - i. **Initial review.** The zoning administrator will review the application and prepare a written staff report on whether the application complies with this chapter.
 - ii. **Plan does not comply.** If the staff report identifies changes that need to be made to the sketch plan to ensure it complies this chapter, the applicant must submit a modified sketch plan addressing the required changes.
 - iii. **Action after resubmittal.** The zoning administrator will review the sketch plan after its resubmittal, and approve, approve with conditions or disapprove the application. If

the sketch plan is not resubmitted within 60 days of the date of the staff report, the application will be considered withdrawn.

- b. Full site plan review. A preliminary site plan review is optional at the discretion of the applicant.
 - i. The preliminary site plan review follows the requirements of subsection §a above.
 - ii. The procedure for the review of a final site plan is the same as the procedure for a preliminary site plan. The final site plan must be in substantial conformance with the preliminary site plan.
- 6. Standards. A site plan will be approved upon a finding that:
 - a. Uses. The uses in the site plan comply with Table 71-J.
 - b. Downtown design standards. The development proposed in a site plan located within downtown conforms to all applicable design and development standards.
 - c. Preservation of historic resources. The site plan demonstrates judicious effort to preserve and protect historic resources to the greatest extent reasonable, and the site plan meets all federal, state, and local regulations pertaining to historic resources.
 - d. Open space. Open space is distributed and conveniently located physically with respect to the overall development, will be accessible to all residents of the development and is located to meet the needs of the residents or occupants.
 - e. Preservation of natural features. The site plan demonstrates judicious effort to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns.
 - f. Landscaping and screening. Proposed landscaping complies with the standards of Sec. 71-28, and all other applicable landscaping and screening requirements of the city. The amount, type, and minimum size of landscaping must be identified in a plant list with appropriate labeling on the landscaping plan.
 - g. Stormwater management. Stormwater management is consistent with all federal, state and city regulations. The development will not substantially reduce the natural retention storage capacity of any watercourse, increase the potential for flooding, or increase the stormwater runoff from the site.
 - h. Traffic impacts. The site plan is designed so the location and design of driveways are safe in relation to streets giving access to the site and in relation to pedestrian traffic.
 - i. Parking and loading spaces. The number and dimensions of off-street parking and loading/unloading spaces, and the design of parking and loading areas, comply with the requirements of Sec. 71-27.
 - j. Signs. Signage proposed in the site plan complies with Sec. 71-30.

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- k. Utilities. The site plan provides adequate utility services. All new utility distribution lines (public or private) must be placed underground, when feasible. Proposed utilities must be approved by the city engineer.
 - l. Site development standards. The development proposed in the site plan and its general layout and design comply with all appropriate standards in [Article III. Zoning](#).
 - 7. Conditions of approval. The zoning administrator may impose conditions on the approval as is required to ensure compliance with the standards of this section.
 - 8. Engineering plans. Subsequent to sketch plan or final site plan approval, and before any construction proceeds, complete engineering plans and specifications for construction of storm sewers and drains, sanitary sewers, water mains, driveways, roads and parking area improvements, all conforming to city standards, must be submitted for review and approval by the city.
 - 9. Modification of plan during construction. It is the responsibility of the applicant to notify the city if changes to the sketch plan or final site plan are made during construction. They are subject to review and approval, approval with conditions or disapproval by the zoning administrator.
 - H. Downtown applications.
 - 1. Applicability.
 - a. This subsection applies to all proposed exterior work in the D Downtown District subject to the Downtown Design Standards, including new construction, façade alterations, cosmetic upgrades, and signage.
 - 2. Administrative approvals. The community development director may approve proposed work when all of the following criteria are met:
 - a. The work does not involve the addition or removal of architectural features that define the character of the building, including but not limited to cornices, transoms, storefront configurations, or decorative masonry.
 - b. The work is consistent with the City of Buchanan Downtown Design Standards, including any applicable design guidance or previously issued staff interpretations.
 - c. The work is located on a non-primary façade or is minimally visible from the public right-of-way, unless the proposed materials and design match the existing conditions.
 - d. The work is limited to repainting, signage, awning replacement, lighting, window or door replacement of the same size and material, or similar minor treatments.
 - e. The proposal does not require interpretation of discretionary design guidance or involve requests for exceptions to adopted standards.
 - 3. DRC referral. The community development director may refer any application to the DRC when the proposed work is unusual, precedent-setting, or potentially inconsistent with the Downtown Design Standards.

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4. Effect of noncompliance. Proposals determined not to comply with Downtown Design Standards may not proceed until amended to achieve compliance and receive approval from the appropriate review authority.
- I. Sign permit.
 1. Procedure.
 - a. Action. After the application is determined sufficient, the zoning administrator will review the application and determine if the application complies with the standards in [Sec. 71-30](#).
 - b. Approval. If the zoning administrator finds that the application complies, the zoning administrator will approve the sign permit.
 - c. Fails to comply.
 - i. If the Zoning Administrator determines the application fails to comply, the applicant will be provided comments explaining why the application fails to comply, and an opportunity to submit a revised application. A revised application will be reviewed and approved, approved with conditions or disapproved, based on the standards in [Sec. 71-30](#).
 - ii. If the application is not resubmitted within 30 days, the application will be considered withdrawn.
 - J. Temporary use permit.
 1. Applicability. The provisions of this section shall apply to all proposed temporary uses identified in [Table 71-J](#), unless otherwise exempted.
 2. Procedure.
 - a. Action. Within 10 days after the application is determined sufficient, the Zoning Administrator will review the application and approve, approve with conditions or disapprove the application for temporary use permit based on the relevant standards.
 - b. Permit issued. All approved applications will be issued a temporary use permit authorizing the establishment of the approved temporary use.
 - K. Right-of-way use permit.
 1. Applicability. The provisions of this section shall apply to all proposed temporary uses identified in [Sec. 71-17 F 3](#).
 2. Procedure.
 - a. Action. Within 10 days after the application is determined sufficient, the zoning administrator will review the application and approve, approve with conditions or disapprove the application for temporary use permit based on the relevant standards.
 - b. Permit issued. All approved applications will be issued a right-of-way use permit authorizing the establishment of the approved use.

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L. Approval of zoning compliance.

1. **Purpose.** An approval of zoning compliance is required in order to ensure that proposed development complies with the standards of this chapter, and to otherwise protect the public health, safety, and welfare of the citizens of the city.
2. **Applicability.** An approval of zoning compliance is required prior to approval of all construction permits that require zoning compliance.
3. **Procedure.**
 - a. **Receipt of construction permit application.** After receipt of an application for a construction permit, the building official will forward the construction permit application to the zoning administrator for review.
 - b. **Action.** After receipt of a construction permit application, the zoning administrator will review the application and approve or disapprove based on the standards of this chapter. If the application is approved, an approval of zoning compliance shall be issued.

M. Interpretations.

1. **Authority.** Interpretations to this chapter are made by the zoning administrator, including: interpretations of the text of this chapter; interpretations of the zone district boundaries; and interpretations of whether an unspecified use falls within a use classification or use group allowed in a zone district.
2. **Procedure.**
 - a. **Submission of request for interpretation.** Before a written interpretation will be provided by the zoning administrator, a request for interpretation must be submitted to the zoning administrator in writing in a form.
 - b. **Rendering of interpretation.** Within 30 days after the request for interpretation has been submitted, the zoning administrator will review and evaluate the request in light of the master plan, this chapter, the zoning map, and other relevant codes and statutes, and then render an interpretation.
 - c. **Form.** The interpretation will be in writing and sent to the applicant by mail within seven days after the interpretation is made by the zoning administrator.
3. **Appeal.** Any person aggrieved by a written interpretation from the community development director may appeal the interpretation to the zoning board of appeals, by filing a written appeal of the administrative determination.

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ARTICLE 5 – DEFINITIONS

Buchanan, Michigan

ARTICLE V. DEFINITIONS

This Section provides definitions for terms in this chapter that are technical in nature or that may not reflect a common usage of the term.

Accessory Building: a structure which is on the same parcel of property as a principal structure and the use is incidental to the use of the principal structure. For example a residential structure may have a detached garage, storage shed, or guest house.

Accessory Dwelling Unit (ADU): an accessory dwelling unit not greater than 600 square feet, sharing ownership and utility connections with a principal building; it may be within an outbuilding or within the principal building. (Syn: ancillary unit)

Accessory Use: A supplemental use on the same lot with, and where the use is of a nature which is customarily incidental and subordinate to, the principal use; such as a home occupation or guest house in a residential district.

Adult Entertainment: Any adult retail, entertainment, or services which presents material, exhibition, or services depicting sexual activities or explicit anatomical areas.

Adult Foster Care Facility: Residence for the adult population in a private home with a design capacity of six or fewer residents (not including staff) that provides lodging, meals, and care. Adult foster care facilities does not include licensed homes for the aged, nursing homes, or mental hospitals.

Alley: an access easement, designated to be a secondary means of vehicular access to the rear or side of properties; an *Alley* may connect to a vehicular driveway located to the rear of lots providing access to outbuildings, service areas and parking, and containing utility easements.

Attic: the interior part of a building contained within a pitched roof structure.

Block: the aggregate of private lots, civic zones, passages, alleys and rear lanes, circumscribed by streets.

Building Height: the vertical extent of a building measured in stories.

City: The City of Buchanan, Berrien County, Michigan

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, municipal government, and transit.

Civic Space: an outdoor area permanently dedicated for public use, operated by a civic organization.

Child Care: Child care as regulated by the Michigan Department of Family Independence Services. The licensed care of twelve or less, children is exempt for the terms of this ordinance and is allowable in any residential dwelling unit.

Commercial: the term collectively defining workplace, office, retail, service, and lodging functions.

Corner Lot: a lot or parcel of land abutting two (2) or more streets at their intersection, or two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Common Entry: a facade that provides a single collective entry to a lobby at the primary building entrance. This type is common to residential and office uses.

Curb: the edge of the vehicular pavement that may be raised, usually incorporates the drainage system.

Density: the number of housing units within a standard measure of land area.

Driveway: a vehicular lane within a lot, often leading to a garage.

Elevation: an exterior wall of a building not along a lot line. See facade.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public right-of-way, or above a height limit.

Encroachment: any structural element that encroaches.

Event: A circumstance that requires signage, held for a specific duration. Events may include a wide range of situations including sales, races, festivals, political races, construction, and many other occasions.

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Exception: a ruling that would permit a practice that is not consistent with a specific provision of this Section but is justified by its Intent.

Facade: the exterior wall of a building that faces the street.

Facade Plan: an illustration showing a facade, including architectural details, materials, colors, and dimensions.

Fence: a permeable metal or wooden wall, independent of a building.

Front Setback: the distance from the lot line to the point where a building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments.

Frontage: the area between a building facade and the vehicular lanes, inclusive of its built and planted components.

Frontage, Primary: corner lots have two frontages. The primary frontage faces the street of the property address.

Frontage, Secondary: the frontage facing the non-addressed street on a corner.

Frontage Line: a lot line bordering a public frontage.

Group homes: Group homes may be provided for children or adults as defined below:

Foster family group home: a private home in which up to six minor children, who are not related to an adult member of the household by blood or marriage and who are not placed in the household according to the Michigan Adoption Code, Chapter X of the Probate Code of 1939, 1939 PA 288, MCLA § 710.21 to 710.70, are provided care for 24 hours a day, unattended by a parent or legal guardian.

Adult group home: a facility that provides short-term, in patient care, treatment, or rehabilitation services for up to six persons who do not require continued hospitalization but do require medical treatment. This use does not include facilities meeting the definition of a “hospital” or “nursing/convalescent home.”

Height: see building height.

Home Occupation: commercial enterprises permitted under Sec. 71-24.

Industrial: the function associated with a business or activity involving production, manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, and other business serving primarily industrial needs.

Live-Work: a mixed-use unit consisting of a commercial and residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry.

Lodging: a building function available for daily and weekly renting of bedrooms.

Lot: a parcel of land accommodating a building or buildings under single ownership.

Lot Coverage: the percentage of a lot that is covered by buildings and other roofed structures.

Lot Line: the boundary that legally and geometrically demarcates a lot.

Lot Width: the length of the principal frontage line of a lot.

Marijuana Cultivation, Manufacturing and Processing: any use or facility, indoors or outdoors, which involves the cultivation, processing, handling, storage, transportation (including direct delivery) or manufacturing of marijuana, marijuana derived, or marijuana infused products.

Marijuana Testing and Research: any use which involves the handling, storage, transporting, and manipulation of marijuana or marijuana derived products for purposes of testing or research.

MCLA: Michigan Compiled Laws Annotated.

Mobile Home: a structure, transportable in one or more section, which is built on a chassis and designed to be used as a dwelling without permanent foundation and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

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Mobile Home Park: a parcel of land under the control of a person upon which contains three (3) or more mobile homes developed in accordance with the specification in P.A. 96 of 1987, as amended and approved by the Michigan Mobile Home Park Commission.

Outdoor Marijuana Cultivation: any use or facility which involves the storage, processing, transportation and outdoor cultivation of marijuana, including but not limited to open air, hot house, or cold frame greenhouse production, which is not (a) for personal use or (b) conducted by a licensed caregiver, in amounts not to exceed the state imposed limits for individuals or caregivers.

Recreational Marijuana Retail: any use which involves the sale and/or consumption of marijuana, marijuana derived, marijuana infused, or marijuana related products and services to adults 21 years of age and older.

Manufacturing: premises available for the creation, assemblage, and repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their retail sale.

Mixed-use: multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by warrant.

Net Lot Area: the area of a lot within the lot lines, excluding any portions of street rights-of-way or other required dedications.

Nonconforming: a use, building, or lot conflicting with the provisions of this chapter at the time of its enactment.

Office: premises available for the transaction of general business but excluding retail, artisanal, and manufacturing uses.

Open Space: land intended to remain undeveloped; it may be for civic space.

Park: a civic space type that is a natural preserve available for unstructured recreation.

Parking Lane: a vehicular lane designated and used for parking motor vehicles.

Planning Commission: the City Plan Commission of the City of Buchanan, Berrien County, Michigan

Planter: the element of the right-of-way which accommodates street trees, whether continuous or individual.

Porch: an open air room appended to a building, with floor and roof but no walls on the sides facing streets.

Principal Building: the main building on a lot, usually located toward the primary frontage.

Principal Entrance: the main point of access for pedestrians into a building.

Rear Setback: the distance from the rear lot line to the point where a building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments.

Regulating Plan: a zoning map or set of maps that show the transect zones, civic zones, special districts, special requirements, and street assignments of areas subject to, or potentially subject to, regulation by this Section.

Residential: characterizing premises available for long-term human dwelling. This chapter regulates residential use by the number of dwelling units per lot.

Retail: characterizing premises available for the sale of merchandise and food service.

Setback: the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of encroachments. (Syn: build-to-line.)

Shared parking: When land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day, the parking may serve multiple uses. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

Shopfront: a private facade conventional for retail use with substantial glazing wherein the facade is aligned close to the lot line with the building entrance at sidewalk grade.

Sidewalk: the paved section of the public right-of-way dedicated exclusively to pedestrian activity. (Syn: walkway)

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Signs: A devise, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity. Multiple types of signs exist and are defined below:

Awning or canopy: a fixed or movable shading structure, cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions. Awnings are typically used to cover outdoor seating for restaurants and cafes.

Flag: Any fabric, banner or bunting containing distinctive color, letters or symbols.

Freestanding sign: a temporary or permanent sign erected by the City of Buchanan, Berrien County, or the state or federal government, including temporary signs as necessary in conjunction with the improvement of public infrastructure.

Inflatable sign: a sign composed of an inflatable, nonporous bag, and exceeding 20 cubic feet.

Marquee: a permanent structure constructed of rigid materials that projects from the exterior wall of a building.

Marquee sign: a sign affixed flat against the surface of a marquee.

Mural: a design or representation painted or drawn on a wall.

Off-premises sign: a freestanding sign owned by a person, corporation or other entity that engages in the business of selling or donating the display space on that sign, commonly referred to as a billboard.

Permanent sign: a sign that has a permanent location on the ground or which is painted on or attached to a structure having a permanent location and which meets the structural requirements for signs as established in the building code.

Projecting sign: a double-faced sign attached to and not parallel with a building or wall.

Reader board: a portion of a sign on which copy can be changed periodically, either manually or electronically.

Temporary sign: a sign intended for a limited period of display, including all portable signs, banners, and/or balloon signs.

Wall sign: a single faced sign painted or attached directly to and parallel to the exterior wall of a building.

Window sign: a sign placed on the inside of a window and intended to be viewed from the outside.

Site Plan: an illustration containing information that is needed for the submission, review and approval of a zoning matter, see Sec. 71-36 G.

Stoop: a private facade wherein the facade is aligned close to the lot line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

Story: a habitable level within a building by which height is measured, excluding an attic or raised basement.

Street Network: an interconnected network of vehicular, pedestrian and bicycle mobility.

Streetscreen: a freestanding wall built along the lot line, or coplanar with a facade. (Syn: streetwall)

Substantial Modification: alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new.

Walkway: the portion of the street dedicated exclusively to pedestrian activity. The walkway includes sidewalks and the planting areas of the streetscape. (Syn: Sidewalk)

Zoning Compliance Permit: a written statement issued by the community development director or their designee addressing compliance with the terms of this chapter whether issued as an individual permit or as part of a building permit according to the Michigan Construction Code.

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Memorandum



Date: July 3, 2025
To: City of Buchanan Planning Commission
From: Tony McGhee, City Manager
Subject: Short Term Rental Policy Recommendation

While the final recommendation to the City Commission on the regulation of short-term-rentals (STR) in the community is the decision of the Planning Commission, City staff have developed the attached draft ordinance for your consideration as a starting place to regulate this land use in the community. The policy was developed on the premise that you can always expand where they are allowed, but restricting that right once it has been granted is difficult to impossible.

The following memo provides a rationale for the City of Buchanan to limit STRs to zoning districts outside of R-1 (Single Family Residential). This approach is supported by relevant legal rulings in the State of Michigan, prevailing land use interpretations of STRs, and observed impacts STRs can have on traditional neighborhoods and school districts. Our goal is to balance property rights with the long-term health, safety, and cohesion of Buchanan's residential neighborhoods.

Legal Context in Michigan

Several Michigan court decisions and legislative discussions have helped clarify the treatment of STRs under zoning regulations. While the State has not passed broad legislation preempting local STR regulations, local governments retain significant zoning authority under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq.

1. Legal Authority to Regulate STRs Through Zoning:

- The Michigan Court of Appeals has consistently ruled that municipalities may regulate STRs under zoning ordinances. In *Reimink v. Township of Laketown* (2020), the court upheld a township's zoning ordinance that prohibited STRs in residential zones, affirming that the local government had the right to interpret and enforce the ordinance based on land use rather than ownership intent.
- Similarly, in *Cherry Home Ass'n v. Baker* (2021), the Court of Appeals upheld the decision that transient lodging was inconsistent with the intent of low-density residential zoning and therefore could be regulated.

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2. Interpretation of STRs as Commercial Use:

- Although operated out of residential structures, STRs often exhibit commercial characteristics due to their transient occupancy, profit motive, and operational management. Many Michigan municipalities have adopted the view that STRs functionally resemble commercial lodging, more similar to hotels or inns, especially when run at scale or for profit.

3. Legislative Background:

- In 2021 and 2022, legislative attempts to preempt local regulation of STRs were introduced (e.g., HB 4722), but as of now, these bills have not become law. This indicates continuing recognition of the importance of local control over land use and zoning.

STRs as a Land Use: Residential vs Commercial

While STRs may appear residential in structure and layout, their operational use is more transient in nature and often commercial in effect:

- **Transient Occupancy:** The defining feature of STRs is short-term, non-permanent lodging, typically less than 30 days. This disrupts the residential character of neighborhoods traditionally occupied by long-term residents.
- **Commercial Incentives:** Many STRs are operated for profit, with investors purchasing homes specifically for use as income-generating properties. This shifts the property function from personal residence to commercial enterprise.
- **Code Enforcement and Management Issues:** High turnover often increases demands on city services (trash, noise complaints, parking enforcement) and creates challenges in accountability and neighborhood compatibility.

For these reasons, limiting STRs to zoning districts designed for mixed-use or commercial flexibility is a reasonable and legally sound distinction.

Impacts of STRs on Traditional Neighborhoods and School Districts

Limiting STRs in R-1 neighborhoods is an effort to protect the integrity, stability, and long-term livability of Buchanan's most traditional and family-oriented areas.

1. **Neighborhood Character and Stability**

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- STRs increase residential turnover, weakening community bonds, diminishing neighborhood identity, and often undermining long-standing civic norms like neighborly support, volunteerism, and neighborhood watch.
- Increased vehicle traffic, late-night disturbances, and unfamiliar guests can lead to increased tensions between owners and surrounding residents.

2. Housing Affordability and Availability

- The rise of STRs has been linked to decreasing long-term rental supply and increasing housing costs. Investors competing with families for limited housing stock can displace local buyers and renters.
- Restricting STRs to non-R-1 zones helps preserve housing for permanent residents and supports neighborhood demographic stability.

3. Impact on School Enrollment and Community Investment

- Reduced long-term residency and family occupancy directly affects school enrollment levels and educational planning.
- Schools benefit from stable populations; STRs disrupt this by removing potential family housing from the market.

4. Public Safety and Code Enforcement

- STRs place unique burdens on code enforcement and public safety resources due to noise complaints, fire safety issues, and general occupancy oversight.
- Permanent residents are more likely to maintain properties and follow community norms, reducing city enforcement costs.

Conclusion

The Staff's recommendation to limit STRs to certain non-R-1 zoning districts reflects sound legal reasoning, an understanding of land use distinctions, and a strong commitment to neighborhood preservation. R-1 zones are designed to promote stability, affordability, and community-building, elements that are difficult to maintain with frequent and transient occupancy. While it is acknowledged that the zoning map used to differentiate areas that are R1 and not will soon be replaced by a new zoning map we are recommending to move forward with this policy based on the current zoning map for two reasons. First, it reflects the intent of where STRs should initially be allowed in the City based on current land uses. And secondly, it would likely be beyond the current

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eight (8) month STR moratorium before that work is completed further dragging out this issue.

Staff recommends continuing to allow STRs in zoning districts highlighted on the attached map which have a greater commercial or mixed-use capacity, while preserving R-1 districts as a cornerstone of Buchanan's long-term community vision. In addition to the above referenced map in Attachment A, Attachment B contains a draft STR ordinance created by Rich Murphy, the City of Buchanan's Community Development Director based on the information above. It should be noted that all STRs which were documented at the beginning of the STR moratorium should be allowed to continue operating as they have under the new policy.

Please feel free to contact me directly at tmcghee@cityofbuchanan.com or at (269) 695-3844 ext. 15 if you have any questions or would like additional information.

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CITY OF BUCHANAN

COUNTY OF BERRIEN, STATE OF MICHIGAN
ORDINANCE 2025.XX/XXX

THE CITY OF BUCHANAN ORDAINS THAT CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, DWELLING UNIT REGISTRATION-GENERALLY OF THE CITY OF BUCHANAN CODE OF ORDINANCE IS HEREBY AMENDED BY ADDING THE FOLLOWING SHORT-TERM RENTAL ORDINANCE

ORDINANCE 2025.XX.XXX**Section 1: Purpose**

The purpose of this ordinance is to protect and promote the health, safety and welfare of the City's residents, property owners, visitors, and neighborhoods by allowing short-term rentals (STRs) within the City under certain conditions and in certain zoning districts and establishing standards and regulations for the operation of the same.

A. The City recognizes that tourism can provide economic development benefits in the form short-term rentals in the vacation rental marketplace. This marketplace has grown exponentially with the increasing use of online booking websites, and it will likely continue to grow as surrounding municipalities limit, restrict or eliminate the practice.

B. While short-term rentals can provide community benefits, their proliferation in single-family neighborhoods can also cause difficulties where the character of the use takes on a more transitory and commercial character. Michigan courts have recognized that transitory and commercial uses are in tension with the traditional use of single-family dwellings.

C. The City wishes to take a proactive position with the adoption of this ordinance to ensure that the operation of short-term rentals is done in a safe and beneficial manner for the well-being of all in the community. The character of residential zoning districts must also be protected and preserved.

Section 2: Intent

The intent of this ordinance is to protect and promote the health, safety and welfare of the City's residents, property owners, and visitors by licensing short-term rentals and establishing standards and regulations for the operation of short-term rentals. The City recognizes that short-term rentals may potentially promote tourism, increase property values, and provide valuable business opportunities for property owners. Also, absent reasonable regulation and enforcement, short-term rentals may potentially create conflicts with adjacent properties, degrade the residential character of neighborhoods, impact long-term housing availability, and create nuisance conditions. Therefore, the intent of this ordinance is to license and regulate short-term rentals in order to

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promote responsible development of short-term rentals, maintain the City's status as a desirable tourist destination, address potential adverse impacts of short-term rentals, and preserve the character of the City.

Section 3: Definitions

For the purpose of this ordinance, the following definitions shall apply.

BEDROOM. A room intended for sleeping or placement of a bed, separated from other spaces in a dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedroom: i) kitchens; ii) dining areas; iii) gathering spaces such as family rooms, dens, or living rooms; and iv) attics or basements without egress meeting standards in applicable building, residential, and fire codes. To count as a bedroom, a room must comply with applicable requirements for bedrooms and habitable spaces set forth in Chapter 3 of the Michigan Residential Code.

ENFORCING OFFICER. The City of Buchanan's Zoning Administrator or his or her designee.

LOCAL AGENT. An individual designated to: i) oversee the short-term rental of a rental unit in accordance with this chapter; ii) respond to calls from renters, concerned citizens, and representatives of the City; and iii) act as an agent of the owner with respect to a short-term rental unit, which shall include the authority to accept service of legal papers relating to the unit on the owner's behalf. Status as a Local Agent must be established by submitting to the City an original written document signed under notary by the Owner that specifically authorizes the Local Agent to carry out the duties described in this definition.

OCCUPANT. An individual who is living in, sleeping in, or otherwise having possession of a short-term rental dwelling unit. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours of 8:00 a.m. and 10:00 p.m. and will not stay overnight.

OFF-STREET PARKING SPACE. A parking space that is provided on the same lot as the short-term rental unit that satisfies the requirements to count toward the minimum parking calculation per the City Zoning Ordinance.

OWNER. A person who is the legal or equitable titleholder of the premises in question. In situations where the record titleholder is a trust, corporation, limited liability company, or other similar legal entity, the term "owner" shall refer to persons with control or partial control over such entity, e.g., a trustee, designated corporate representative, any and all members and managers of a limited liability company, etc.

SHORT-TERM RENTAL ACTIVITY. The rental of a dwelling unit for compensation for a term of less than one month. However, short-term rental activity does not include the following: transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, other health-care-related clinic, or dwelling units owned by a business entity and

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made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

SHORT-TERM RENTAL TERM

The duration of a short-term rental occupancy by a given renter or group of renters. A rental term shall be deemed to end when there is a complete turnover in the occupancy of the dwelling unit.

SHORT-TERM RENTAL UNIT

A dwelling unit in which short-term rental activity is permitted to occur subject to the terms and conditions of this chapter and the City's Zoning Ordinance.

SHORT-TERM RENTAL UNIT PERMIT

A written document issued by the City indicating that the dwelling unit identified thereon is authorized to operate as a short-term rental unit in accordance with this chapter. When used in this chapter, the word "permit" refers to short-term rental permits. Short-term rental unit permits are not assignable or transferable to any parties by any means, including sale or other disposition of the Owner's premises. A short-term rental unit permit shall expire on the effective date of any sale or other disposition of the premises.

Section 4: Short-term rental permits: requirements, applications, and review procedure.

A. Short-term rentals in the City are only allowed in the areas depicted in Map Exhibit 1 of this ordinance, City of Buchanan Short-Term Rental Map, except as noted below in Sub-Section B.

B. Short-term rentals that were pre-existing uses and that operated prior to the adoption of Resolution 2025.03/12, A Resolution to Impose a Moratorium on the Registration of Short-Term Rental Units in the City of Buchanan, are allowed to continue their operation regardless of their location under the provisions of this ordinance but shall otherwise comply with registration and permit procedures of this Ordinance.

C. Permits required. All dwelling units used for short-term rental activity must be registered with and have a short-term rental unit permit issued by the City and must comply with any applicable provisions of the City's Zoning Ordinance.

D. Application. To apply for a short-term rental unit permit, the owner(s) shall:

1. Provide and certify as true the following on a form provided by the City:
 - a. The street address of the short-term rental unit, along with other identification if more than one short-term rental unit has the same street address.
 - b. The number of short-term rental units in the building, if more than one.
 - c. The number of bedrooms in each short-term rental unit.

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d. The number of off-street parking spaces provided on the lot that are reserved exclusively for occupants of the short-term rental unit. Valid off-street parking spaces include space in a garage, on an improved driveway, or in a carport.

e. A statement certifying that the owner(s) consents to inspections by the City and that the owner(s) or local agent will make the dwelling unit available to inspections upon request.

f. Such additional information as the City may require from time to time in an amended application form.

2. Sign the application form and provide the signature of the local agent. If the application form is signed by a local agent, documented proof of agency status as required in this ordinance must also be submitted with the application form.

3. Pay an annual administrative fee, as set forth by the City Commission.

4. Submit the property to an annual inspection for compliance with applicable codes and ordinances. Failure to satisfactorily complete an inspection shall be grounds for withholding a permit or deeming an existing permit to be immediately void.

E. Permit issuance. To the extent permits are available in the pertinent zoning district at the time of the application, a short-term rental unit permit shall be granted after a successful inspection if the requirements in this chapter for short-term rental units and applications for a short-term rental unit permit are met.

F. Validity and renewal. Short-term rental unit permits become invalid in each of the following circumstances:

1. A permit expires one year from the date of issuance of the permit;

2. A permit is terminated when the property to which the permit applies is conveyed to another party by sale or lease or any other form of conveyance under State or Federal law;

3. A permit is terminated when revoked in accordance with provision of this ordinance.

4. Short-term rental unit permits are not assignable or transferable to any parties by any means, including sale or other disposition of the Owner's premises. A short-term rental unit permit shall expire on the effective date of any sale or other disposition of the premises. A new owner of a property previously permitted for short-term rental by a prior owner must file a short-term rental permit application with the city no later than 365 calendar days following the effective date of any sale or other disposition of the premises.

G. Delinquent payments. No permit shall be issued or renewed unless the owner is current on the payment of all real property taxes, utility rates, fees, charges, special assessments,

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other ordinance violations and other amounts due to the City. Delinquencies on any such payments to the City, regardless of whether they relate to the rental unit for which a rental unit permit is sought, shall result in denial of the permit.

H. Changes in information. An owner or local agent shall notify the City in writing within 15 days of any change in the information provided on the application form. An owner of a short-term rental unit shall notify the City in writing within 15 days of any change in the designated local agent and shall submit the proof of agency status required by this Ordinance.

Section 5: Responsibilities of short-term rental operators.

The owner(s) and local agent for each short-term rental unit shall each be responsible for ensuring compliance with the following regulations, except where expressly provided otherwise:

A. Local agent availability. During each short-term rental term, the local agent shall be available 24 hours per day, seven days per week, for the purpose of complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.

B. Timely and effective response. The owner or local agent shall, upon notification that any occupant or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, parked vehicles in violation of this chapter, or committed any other violations of applicable laws, rules or regulations pertaining to the use and occupancy of the short-term rental unit, respond in a timely and appropriate manner to halt and prevent a recurrence of such violations.

C. Reasonably prudent business practices. The owner and/or the local agent shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term vacation rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit.

D. Maximum occupancy; advertising regulations. Each short-term rental unit permit shall indicate the maximum occupancy for the unit. A Short-term rental unit shall not be advertised for an occupancy that is greater than the allowed maximum occupancy calculated pursuant to this section. Any advertisement posted on an online short-term rental platform must state the maximum occupancy.

E. Reservation requirements. At least 24 hours prior to the commencement of a short-term rental term, the owner or the local agent shall:

1. Obtain the contact information for at least one of the occupants who will be staying in the unit;

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2. Inform the prospective occupants in writing of the maximum occupancy of the short-term rental dwelling unit; and
3. Inform the prospective occupants in writing of the number and location of off-street parking spaces provided on the lot.

F. Basement regulations. No basement can be used for a bedroom unless it has an egress window approved by the City inspector and found in compliance with local and state code requirements.

G. Curbside refuse pickup. The owner or local agent must make provisions to have refuse picked up (curbside) at least once per week when the short-term rental unit is being rented. Where curbside pickup is not reasonably available, this requirement may be satisfied by provision of a communal dumpster available for use by occupants of the short-term rental unit.

H. Renter turnover procedure. For short-term rental units, the owner or local rental agent shall, at least once per month, inspect the premises (or ensure inspection by a designee of the agent) using a City-designated checklist and shall ensure that all smoke detectors, carbon monoxide detectors, lights in common areas and stairways, egress doors, and railings are in a safe and working condition; any defects discovered shall be corrected promptly.

I. Compliance with safety equipment requirements and applicable codes. All short-term rental units shall comply with the safety equipment requirements for all applicable zoning, construction, fire, and property maintenance codes, ordinances, or other regulations. A violation of any of the foregoing shall also be a violation of this section.

Section 6: Responsibilities of short-term rental occupants and guests.

A. Street parking prohibited. No short-term rental occupant, nor any other guest visiting a short-term rental unit during a short-term rental term, shall park vehicles on public streets adjacent to the unit. Rather, the off-street parking spaces provided on the lot must be utilized, and any excess vehicles must be parked in public parking lots or other permitted off-site locations.

B. Duty to comply with applicable laws. Short-term rental occupants and guests shall comply with the City's noise ordinance, fireworks ordinance, trash disposal ordinances, open burning regulations, applicable offenses against the public peace, and any other applicable ordinances or laws. A violation of any of the foregoing shall also be a violation of this section.

MSD REPLY TO RPM VERSION DATED 07/03/25**Section 7: Unauthorized rentals without a permit.**

A. Unauthorized rentals. It shall be unlawful to engage in short-term rental activity with respect to any dwelling unit that has not been issued a permit pursuant to this chapter. In any prosecution or action to determine a violation of this section, the following shall apply:

1. Advertising that offers a property as a short-term rental home shall constitute prima facie evidence of short-term rental activity involving the property, and the burden of proof shall be on the property owner or other defendant to establish that the subject property has not been used for short-term rentals.

2. Any communication in which a person offers a dwelling unit for rent for a term of less than one month shall constitute prima facie evidence of short-term rental activity, and the burden of proof shall be on the property owner or other defendant to establish that the subject property had not been used for short-term rentals.

B. Unauthorized advertising. It shall be unlawful to advertise any dwelling unit that does not have a short-term rental permit issued pursuant to this section for rent for a period of less than one month. Such advertisement shall constitute a violation of this ordinance.

Section 8: Inspections.

A. Scheduling. Upon written notice from the City, it shall be the owner's and local agent's responsibility to schedule and allow the City's inspection of the short-term rental unit. Inspections shall generally occur during the City's regular business hours, except in emergency situations or when otherwise agreed to by the City and the owner or local agent. All fees shall be paid prior to the inspection.

B. Opportunity to correct deficiencies. If an inspection reveals that the short-term rental unit is not in compliance with this chapter or applicable codes, the owner(s) or local agent shall be provided a written list of deficiencies or violations that must be corrected. Failure to correct such deficiencies in a reasonable time shall be grounds for withholding a permit or voiding an existing permit.

C. Additional inspections. The City may conduct additional inspections as it deems necessary, upon reasonable notice to the owner(s) or agent, such as when:

1. A complaint is filed with the City; or

2. The City otherwise has reasonable cause to believe a short-term rental unit is in violation of any City ordinance.

D. Changes in conditions following inspection. The owner(s) or local agent shall notify the City in writing within 30 days if any of the items inspected pursuant to this chapter are altered after inspection by the City.

MSD REPLY TO RPM VERSION DATED 07/03/25**Section 9: Maximum occupancy calculation.**

The number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:

- A. Fourteen total occupants;
- B. Two occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code

Section 10: Violations.

A. Violations as municipal civil infractions. Any person who violates any of the provisions of this chapter is responsible and may be prosecuted for a municipal civil infraction in court of competent jurisdiction, subject to payment of a civil fine of not less than \$250, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

- 1. The fine for any offense which is a first repeat offense shall not be less than \$500 plus costs and other sanctions.
- 2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$1,000, plus costs and other sanctions.
- 3. A repeat offense means a second (or any subsequent) violation of this chapter:
 - a. Committed by a person within any twelve-month period; and
 - b. For which the person admits responsibility or is determined to be responsible.

B. Administrative notices in lieu of citations. As an alternative or initial remedy, the City may seek to obtain compliance with this chapter by issuing an administrative violation notice to the owner(s) and/or local agent for the unit to which the violation pertains. Each time a violation notice is issued, the owner(s) and local agent shall immediately cease the offending conduct or take corrective action to terminate the violation described. Each violation notice shall be served and contain the following information:

- 1. The name of the responsible person(s);
- 2. The Code section violated;
- 3. The address where the Code violation occurred;
- 4. A description of the Code violation;
- 5. The names of the issuing department and enforcement officer.

MSD REPLY TO RPM VERSION DATED 07/03/25**Section 11: Short-term rental permit revocation.**

A. Grounds for revocation. The City may revoke the short-term rental permit for any short-term rental unit which is the site of at least three separate incidents within a thirty-six-month period (occurring on three separate days) constituting a violation of any provision of this chapter, whether committed by an owner, local agent, occupant or guest. In order to qualify as an incident for purposes of this subsection: 1) the City must have issued a civil infraction citation or administrative violation notice regarding the offending conduct prior to commencing revocation proceedings pursuant to Subsection B below; and 2) the violation must be either admitted by the owner or local agent or proven by a preponderance of the evidence in a civil-infraction prosecution in State Court or in a revocation hearing as provided in Section 13 below.

B. Revocation procedure. Upon a determination by the City that the short-term rental permit is subject to revocation pursuant to Subsection A, the City shall serve a notice, pursuant to Section 11-12, to the property owner(s) and the local agent stating that the City intends to revoke the short-term rental permit. The notice shall inform the owner(s) and local agent of the date and time at which a revocation hearing will be conducted before a hearing officer, in accordance with Section 13. Determinations by the hearing officer regarding revocation shall constitute final orders of the City.

C. Period of ineligibility following revocation. Upon revocation of a permit, a renewed short-term rental permit will not be issued for a period of 12 months, and the unit cannot be used for short-term rentals until a new permit is obtained.

Section 12: Service of notices.

Any notice issued pursuant to this chapter shall be considered served as of the date of the earliest of any of the following events:

- A. The posting of the notice on or adjacent to the premises, in conjunction with the mailing of the notice to the responsible party's last known address by first-class mail;
- B. The sending of the notice by email to an email address designated on the Rental Registration Form for the property;
- C. Personal delivery of the notice to the responsible party; or
- D. The responsible party's receipt of the notice by certified U.S. Mail, as indicated in a notification of receipt.

MSD REPLY TO RPM VERSION DATED 07/03/25**Section 13: Permit revocation and permit-ineligibility hearings.**

The following standards and procedures shall apply in any permit revocation or permit-ineligibility hearing conducted under this chapter:

A. Opportunity to be heard. Property owners and local agents shall be provided with the opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine witnesses. A request for a hearing must be made in writing and filed with the City Clerk no later than 30 calendar days after the date of the notice of permit revocation or permit ineligibility. Hearings shall be scheduled with reasonable promptness, provided that the property owner(s) and local agent shall be given at least 14 days after service of process to prepare for the hearing.

B. Evidence. A hearing officer will be appointed by the City Commission. The hearing officer may admit and give probative effect to evidence of any type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Effect shall be given to the rules of privilege recognized by law. Objections to offers of evidence may be made and shall be noted in the record. Subject to these requirements, the hearing officer, for the purpose of expediting hearings and when the interests of the parties will not be substantially prejudiced thereby, may provide in an administrative hearing or by rule for submission of all or part of the evidence in written form.

C. Burden of proof. The City shall have the burden of establishing that the grounds for permit revocation by a preponderance of the evidence. A decision and an order shall not be made except upon consideration of the record as a whole or a portion of the record as may be cited by any party to the proceeding and as supported by and in accordance with the competent, material, and substantial evidence. A written decision from the hearing officer shall be issued within 30 days of the hearing.

D. Appeals to Circuit Court. Final determinations of the hearing officer shall be subject to judicial review in accordance with Article VI, § 28, of the Michigan Constitution in an appeal taken pursuant to Michigan Court Rule 7.123.

MSD REPLY TO RPM VERSION DATED 07/03/25**Section 14: Effective Date**

This Ordinance shall become effective fifteen (15) days after its adoption and publication as required by Section 7.4 of the City Charter.

BY

MARK WEEDON, MAYOR _____

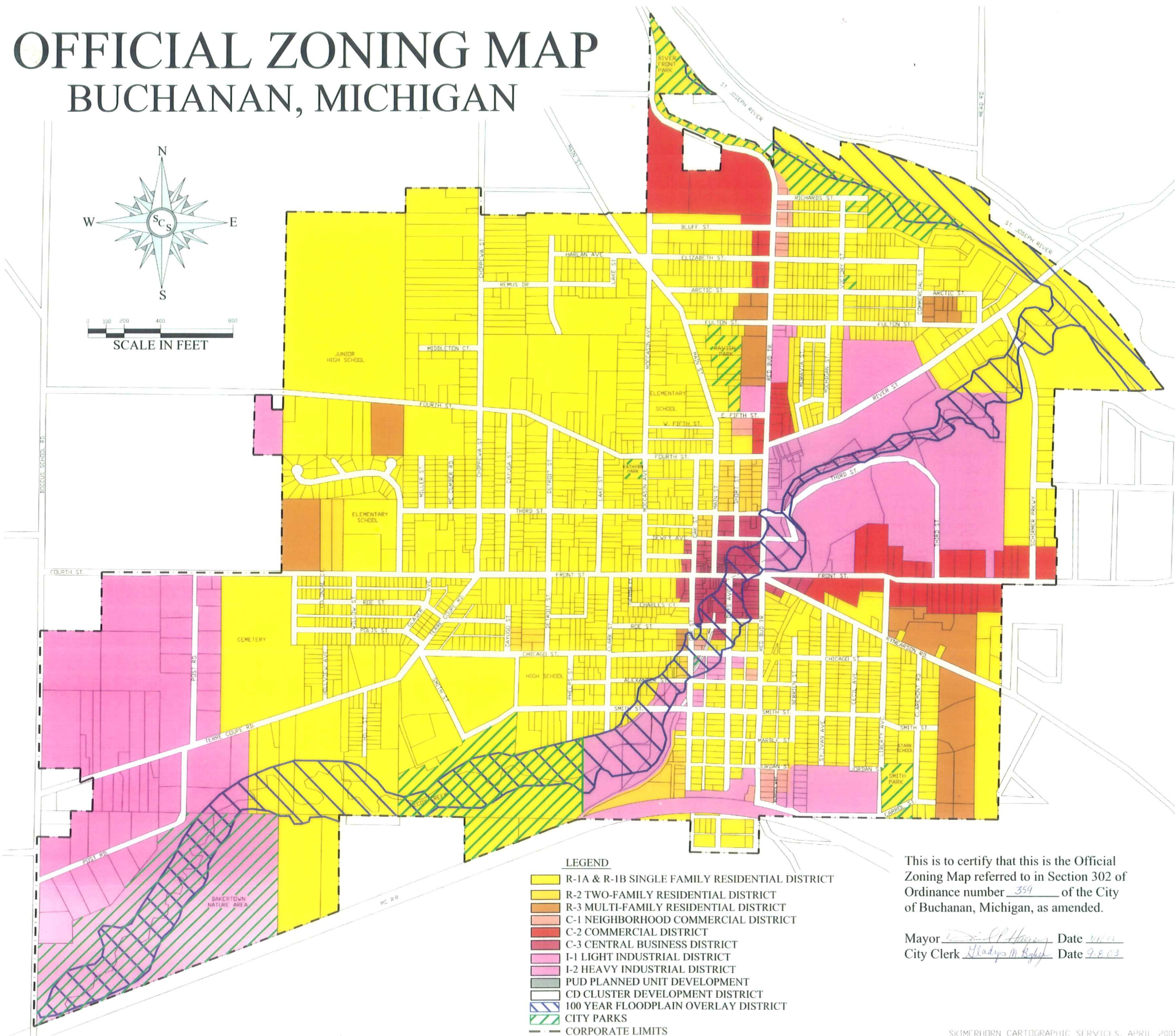
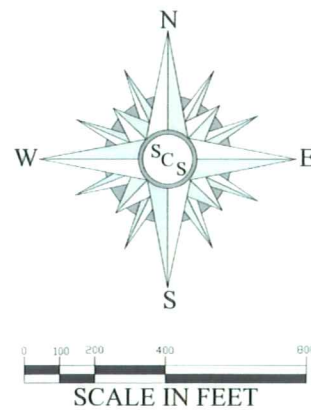
KALLA LANGSTON, CITY CLERK _____

CERTIFICATION, I hereby certify that the above is a true and complete copy of an ordinance adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on 24th day of March, 2025, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

Kalla Langston, City Clerk

OFFICIAL ZONING MAP

BUCHANAN, MICHIGAN



LEGEND

- R-1A & R-1B SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 TWO-FAMILY RESIDENTIAL DISTRICT
- R-3 MULTI-FAMILY RESIDENTIAL DISTRICT
- C-1 NEIGHBORHOOD COMMERCIAL DISTRICT
- C-2 COMMERCIAL DISTRICT
- C-3 CENTRAL BUSINESS DISTRICT
- I-1 LIGHT INDUSTRIAL DISTRICT
- I-2 HEAVY INDUSTRIAL DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- CD CLUSTER DEVELOPMENT DISTRICT
- 100 YEAR FLOODPLAIN OVERLAY DISTRICT
- CITY PARKS
- CORPORATE LIMITS

This is to certify that this is the Official Zoning Map referred to in Section 302 of Ordinance number 359 of the City of Buchanan, Michigan, as amended.

Mayor David P. Hagg Date 4/1/01
City Clerk Gladys M. Ryker Date 9-8-03