



REGULAR MEETING OF THE BUCHANAN CITY COMMISSION

MONDAY, SEPTEMBER 28, 2026 – 7:00 PM

BUCHANAN CITY HALL | 302 N RED BUD TRAIL

AGENDA

THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan's Open Meetings Act, hereby gives notice of a regular meeting of the Buchanan City Commission to be held in the Chamber of City Hall.

* Requests to be added to the agenda as a "Scheduled Matter from the Floor" should be submitted in writing to the City Clerk at least 5 business days prior to the scheduled meeting during which the speaker wishes to appear, and the approval of such requests remain within the discretion of the Mayor. If denied, the speaker may nonetheless speak during the "non-agenda items only" public comments section of the agenda.

* Those who are unable to appear during a meeting but who still wish to share public comment may submit such comments in written form to the City Clerk at least 4 hours in advance of the meeting.

* Individuals with disabilities may request necessary reasonable accommodations by submitting requests to the City Clerk, preferably at least 24 hours in advance.

* Written requests and comments may be submitted to the City Clerk either in person or via mail to Buchanan City Hall, 302 N. Redbud Trail, Buchanan, MI 49107, or via email to clerk@cityofbuchanan.com

I. Public Hearing No. 1

- A. Call to Order: Public Hearing No. 1
- B. Roll Call
- C. Open Public Hearing No.1
- D. The purpose of the public hearing is to receive public comment regarding proposed ordinance 2026.09/455, Workforce Housing Payment in Lieu of Taxes (PILOT) Ordinance. The proposed ordinance would establish a process through which qualifying workforce housing developments or rehabilitation projects may receive an exemption from ad valorem property taxes and instead pay an annual service charge in lieu of those taxes.
- E. Public Comment-Speakers shall come to the podium, state their name, direct comments to the City Commission, and limit comments to the subject of the public hearing; comments may be limited to three (3) minutes per speaker, and all persons wishing to speak will be given an opportunity to do so.
- F. Close of Public Hearing No. 1

II. Public Hearing No. 2

- A. Call to Order: Public Hearing No. 2
- B. Roll Call
- C. Opening Public Hearing No. 2
- D. Statement of Purpose- The purpose of this public hearing is to receive comments regarding proposed amendments to the City of Buchanan Unified Development Code (UDC), including the following ordinances:

Ordinance No. 2026.10/456 – Map Amendment (Rezoning), East Third Street and Skyline Drive – N Natural to I Industrial.

Ordinance No. 2026.10/457 – Unified Development Code Amendment – Downtown Design Review Overlay District.

Ordinance No. 2026.10/458 – Unified Development Code Amendment – Fencing, Lighting, Screening and Landscaping Standards.

Ordinance No. 2026.10/459 – Unified Development Code Amendment – Sign Standards.

Public comment will be taken separately for each proposed ordinance.

- E. *Public Comment-Speakers shall come to the podium, state their name, direct comments to the City Commission, and limit comments to the subject of the public hearing; comments may be limited to three (3) minutes per speaker, and all persons wishing to speak will be given an opportunity to do so.*

1) Public Comment- Ordinance No. 2026.10/456

2) Public Comment- Ordinance No. 2026.10/457

3) Public Comment- Ordinance No. 2026.10/458

4) Public Comment- Ordinance No. 2026.10/459

- F. *Close of Public Hearing No. 2*

III. Recognition

IV. Pledge of Allegiance

V. Invocation

VI. Roll Call

VII. Approve Agenda

VIII. Public Comment - Agenda Items Only *(3-minute limit)*

IX. Consent Agenda *(can be approved all in one motion, for general housekeeping items)*

A. **Buchanan Harvest Fest Street Closure Request** -Consider approval of the Buchanan Area Chamber of Commerce’s amended request for temporary street closures on October 3, 2026, for Buchanan Harvest Fest, including Front Street between Redbud Trail and Oak Street, Main Street from Dewey Street to Front Street, and the requested portion of Days Avenue. The requested closure time is revised to begin at 12:00 p.m. to 7:00 p.m.

B. **Minutes-** Consider the Regular Meeting Minutes and Closed Session Meeting Minutes from September 14th, 2026.

C. **Buchanan Track and Field Boosters Special Event Permit** - Consider approval of a Special Event Permit for the Buchanan Track and Field Boosters Fundraiser to be held on November 13 and 14, 2026, at the McCoy Creek Recreation Area, utilizing the same course used by the school cross-country team.

X. Scheduled Matters from the Floor *(if any)*

XI. Reports by: Departments, Committees, Boards

XII. Unfinished Business

A. **Ordinance 2026.09/455-** Consider the 2nd reading and enactment of Ordinance 2026.09/455, a Workforce Housing Payment in Lieu of Taxes (PILOT) Ordinance.

B. **Unified Development Code Amendments – Second Reading and Scheduling of Second Public Hearing**

Consider the second reading of the following proposed amendments to the City of Buchanan Unified Development Code and schedule the second public hearing for October 26, 2026:

- 1) Ordinance No. 2026.10/456 – Map Amendment (Rezoning), East Third Street and Skyline Drive – N Natural to I Industrial.
- 2) Ordinance No. 2026.10/457 – Downtown Design Review Overlay District.
- 3) Ordinance No. 2026.10/458 – Fencing, Lighting, Screening and Landscaping Standards.
- 4) Ordinance No. 2026.10/459 – Sign Standards.

- C. **Support for Buchanan Area Senior Center Millage Funding Distribution-** Consider approval of a letter to the Berrien County Board of Commissioners supporting the Buchanan Area Senior Center's position that the current equal seven-way distribution of Berrien County senior center millage funding remain in place.

XIII. New Business

- A. **FY 2027 Lead Service Line Replacement- Engineering Service Agreement** - Consider approval of the Professional Services Agreement with Prein & Newhof, Inc. for engineering design, bidding assistance, and construction-phase services related to the City's FY 2027 Drinking Water State Revolving Fund (DWSRF) Lead Service Line Replacement Project. The project is anticipated to replace approximately 200 lead/galvanized water service lines throughout the City.
- B. **Re-Award of 2026 General Paving Work** – Consider re-awarding the 2026 general paving work to Astrong Construction in an amount not to exceed \$125,000, with the City providing traffic control during the work. The revised proposal would allow the paving work, including Alexander Street and several other locations, to be completed during the remaining 2026 paving season rather than being delayed until spring 2027. Staff further recommends authorizing the City Manager to execute the necessary contract documents and close out the prior award to Rieth-Riley Construction.
- C. **Introduction of Ordinance No. 2026.11/460, Map Amendment (Rezoning), 1106 Victory Street-** Consider introduction of Ordinance No. 2026.11/460, a proposed map amendment to rezone the City-owned property located at 1106 Victory Street from N Natural to NE Neighborhood Edge, and direct staff to schedule the public hearing and first reading for October 26, 2026, following Planning Commission review and recommendation.
- D. **Expenditures-** Consider the expenditures in the amount of \$81,450.38

XIV. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

XV. Public Comment - Non-Agenda Items Only *(3-minute limit)*

XVI. Executive Comments

- A. City Manager Comments
- B. Commissioner Comments
- C. Mayor Comments

XVII. Adjourn



City of Buchanan

Street Closure Request Form

Street(s) requested to be closed Front Street: Between Red Bud Trl
and Oak. Main street: Dewey to Front. Days Ave: Front to
past Library.
 Street Closing: from 10/3/20 12:01 AM to 10/3/20 11:59 pm
Date Time Date Time

Reason: Buchanan Harvest Fest - downtown family festival,
including featured chili walk

Request being made by

Organization Name: Buchanan area chamber of commerce

Address: 324 E Dewey St. Ste #20
Buchanan, MI 49107

Phone: 269-326-1814 (Libby Hein Cell)

Company Representative Name (printed): Libby Hein

Company Representative Signature: [Signature]

Title: Secretary

Approved: _____
Police Chief

Approved: _____
Fire Chief

Approved: _____
Public Services Director

Approved: _____
City Manager

Comments (Office Use Only)



REGULAR MEETING OF THE BUCHANAN CITY COMMISSION

MONDAY, SEPTEMBER 14, 2026 – 7:00 PM

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

MINUTES

THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan's Open Meetings Act, hereby gives notice of a regular meeting of the Buchanan City Commission to be held in the Chamber of City Hall.

** Requests to be added to the agenda as a "Scheduled Matter from the Floor" should be submitted in writing to the City Clerk at least 5 business days prior to the scheduled meeting during which the speaker wishes to appear, and the approval of such requests remain within the discretion of the Mayor. If denied, the speaker may nonetheless speak during the "non-agenda items only" public comments section of the agenda.*

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** Individuals with disabilities may request necessary reasonable accommodations by submitting requests to the City Clerk, preferably at least 24 hours in advance.*

** Written requests and comments may be submitted to the City Clerk either in person or via mail to Buchanan City Hall, 302 N. Redbud Trail, Buchanan, MI 49107, or via email to clerk@cityofbuchanan.com*

I. Public Hearing No. 1

A. Call to Order: Public Hearing No. 1

Swem called Public Hearing No. 1 to order at 7:00pm.

B. Roll Call

Present: Swem, George, Money, Vigansky

Absent: Weedon

C. Opening Public Hearing No. 1

George moved, seconded by Money, to open Public Hearing No. 1 at 7:00pm. Voice vote carried unanimously.

D. Statement of Purpose- The purpose of this public hearing is to receive comments regarding the proposed establishment of the L&L Air Trim Plant Rehabilitation District pursuant to Public Act 198 of 1974, as amended.

E. Public Comment-Speakers shall come to the podium, state their name, direct comments to the City Commission, and limit comments to the subject of the public hearing; comments may be limited to three (3) minutes per speaker, and all persons wishing to speak will be given an opportunity to do so.

F. Close of Public Hearing No. 1

Money moved, seconded by Vigansky, to close Public Hearing No. 1 at 7:02pm. Voice vote carried unanimously.

II. Public Hearing No. 2

A. Call to Order

B. Roll Call

Present: Swem, George, Money, Vigansky

Absent: Weedon

B. Opening Public Hearing No. 2

Vigansky moved, seconded by George, to open Public Hearing No. 2 at 7:02pm. Voice vote carried unanimously.

D. Statement of Purpose- The purpose of the public hearing is to hear public comments on proposed amendments to Sections 71-18 Uses – Table 71-J Use Matrix – Residential and Article V Definitions, and any other sections of the Unified Development Code that may be necessary.

E. Public Comment- *Speakers shall come to the podium, state their name, direct comments to the City Commission, and limit comments to the subject of the public hearing; comments may be limited to three (3) minutes per speaker, and all persons wishing to speak will be given an opportunity to do so.*

F. Close of Public Hearing No. 2

Money moved, seconded by Vigansky, to close Public Hearing No. 2 at 7:03pm. Voice vote carried unanimously.

III. Call to Order the Regular Meeting

The regular meeting was called to order at 7:03pm.

IV. Pledge of Allegiance

Swem led in the Pledge of Allegiance.

V. Invocation

Pastor Bill Walters of Buchanan Methodist Global Methodist Church led the invocation.

VI. Roll Call

Present: Swem, George, Money, Vigansky

Absent: Weedon

City Staff Present: City Manager Tony McGhee, Treasurer Deborah Perez, Planning & Community Development Director Kristen Gundersen, Director of Public Works Mike Baker, Deputy Clerk & Administrative Coordinator Emma Lysy

VII. Approve Agenda

George moved, seconded by Vigansky, to approve the agenda as presented. Voice vote carried unanimously.

VIII. Public Comment - Agenda Items Only *(3-minute limit)*

None.

IX. Consent Agenda *(can be approved all in one motion, for general housekeeping items)*

A. Consider Approval of Special Event Application – Buchanan Business Boosters Halloween Street Dance, October 31, 2026.

B. Consider Approval of Buchanan High School Homecoming Parade Street Closure- Front Street and Terre Coupe Street on Friday, October 2, 2026, from 5:45 p.m. to 6:45 p.m. for the annual Homecoming Parade

C. Consider Approval of Minutes – August 24, 2026 Public Hearings & Regular City Commission Meeting

D. Department Head Reports- Accept the monthly reports

Vigansky moved, seconded by Money, to approve the consent agenda as presented. Voice vote carried unanimously.

X. Scheduled Matters from the Floor *(if any)*

- A. Buchanan Area Senior Center – County Senior Center Millage Funding Formula:** Consideration of a request from the Buchanan Area Senior Center asking the City Commission to support maintaining the current Berrien County senior center millage funding formula, which provides funding among the seven county senior centers.

Adam Burck of the Buchanan Area Senior Center was in attendance to request the Buchanan City Commission's support. He reported that all the local Senior Centers work well together currently and they would like to maintain the current millage funding formula. The Commission directed staff to draft a letter of support they will vote on in the next meeting.

XI. Reports by: Departments, Committees, Boards

Director of Public Services Mike Baker reported on the leak in the 2" service line at E Front St in front of the Bliss building. The DPW and Contractor Kalin Construction were able to address it quickly and it is all under warranty.

Treasurer Perez reported that the City is waiting for the audit list and everything is on track.

XII. Unfinished Business

- A. Consider Second Reading and Enactment of Ordinance 2026.09/454 – Residential Uses and Dwelling Definitions:** Consider the second reading and enactment of Ordinance 2026.09/454 amending the Unified Development Code, including Table 71-J Residential Use Matrix and Article V Definitions, related to residential uses, accessory dwelling units, attached dwelling units, and dwelling definitions

City Manager McGhee spoke to the ordinance. The goal is to add uses and rights in various districts and expand housing.

Vigansky moved, seconded by Money, to approve the second reading and enact Ordinance 2026.09/454, amending the Unified Development Code related to residential uses and dwelling definitions. Roll call vote carried unanimously.

- B. Consider Resolution No. 2026.09/15 – Establish L&L Air Trim Plant Rehabilitation District:** Consider adoption of Resolution No. 2026.09/15 establishing the L&L Air Trim Plant Rehabilitation District for 600 Cecil Street, 607 Berrien Street, and 701 Berrien Street, following the public hearing.

The Resolution will allow the property owner to explore development opportunities. A plan must be in place before approval is given.

Money moved, seconded by George, to adopt Resolution No. 2026.09/15 establishing the L&L Air Trim Plant Rehabilitation District for 600 Cecil Street, 607 Berrien Street, and 701 Berrien Street.

Vigansky clarified that the property owner requested this resolution, it was not solicited by the City. George asked what the end goal for the property is, and McGhee answered that the end goal is for the property owner to have his own space for his business and then rent out the remaining space.

Roll call vote carried unanimously.

XIII. New Business

- A. Consider Water Tower Compliance Repairs – Pittsburgh Tank & Tower Maintenance Co.:** Consider authorizing Pittsburgh Tank & Tower Maintenance Co. to complete corrective repairs to the City's water towers, including overflow discharge modifications and installation of vandal guards, as identified through recent maintenance inspections and required for EGLE compliance, at a total quoted cost of \$24,350.00

McGhee presented the bid received by Pittsburgh, which was the only bid. The modifications and updates are best practice requirements from EGLE.

Vigansky moved, seconded by Money, to authorize Pittsburgh Tank & Tower Maintenance Co. to complete the proposed water tower compliance repairs at a total cost not to exceed \$24,350.

George asked about the lifespan of a water tower, and McGhee responded that our water towers are well maintained and have another 30+ years.

Roll call vote carried unanimously.

- B. Consider Professional Engineering Services – Wastewater Treatment Plant UV System:** Consider approval of Gosling Czubak Engineering Services, Inc. to provide professional engineering services to evaluate the wastewater treatment plant's UV disinfection system, identify the cause of the ongoing issues, and assist in developing a solution, for an amount not to exceed \$15,000.

McGhee explained the City is re-opening an insurance claim after receiving more evidence that damage to the Wastewater Treatment Plant UV system was caused by a previous electrical surge.

Money moved, seconded by George, to approve Gosling Czubak Engineering Services, Inc. to provide professional engineering services related to the Wastewater Treatment Plant UV disinfection for an amount not to exceed \$15,000. Roll call vote carried unanimously.

- C. Consider Resolution No. 2026.09/16 – USDA Rural Business Development Grant:** Consider adoption of Resolution No. 2026.09/16 accepting the USDA Rural Development Letter of Conditions for a Rural Business Development Grant in an amount not to exceed \$203,142 for the reconstruction of an existing downtown parking lot, acknowledging the required \$71,375 match, and authorizing City Manager Anthony C. McGhee to execute the necessary grant documents.

McGhee spoke to the grant for turning the Nelson Transfer Station lot into a parking lot, noting that the design work has already been done through a previous grant.

George moved, seconded by Vigansky, to adopt Resolution No. 2026.09-16 accepting the USDA Rural Development Letter of Conditions for a Rural Business Development Grant in an amount not to exceed \$203,142 for the reconstruction of an existing downtown parking lot, acknowledging the required \$71,375 match, and authorizing City Manager Anthony C. McGhee to execute the necessary grant documents. Roll call vote carried unanimously.

- D. Consider Resolution No. 2026.09/17 – Abolishment of the Third Street Brownfield Plan:** Consider adoption of Resolution No. 2026.09/17 abolishing the Third Street Brownfield Plan pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended, following the Brownfield Redevelopment Authority's recommendation to formally close out the plan.

The abolishment of the existing Brownfields is clerical cleanup work of plans established in 1996, and will pave the way for new Brownfields with current plans.

Money moved, seconded by Vigansky, to adopt Resolution No. 2026.09/17 abolishing the Third Street Brownfield Plan pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended. Roll call vote carried unanimously.

E. Consider Resolution No. 2026.09/18 – Abolishment of the Smith Street Brownfield

Plan: Consider adoption of Resolution No. 2026.09/18 abolishing the Smith Street Brownfield Plan pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended, following the Brownfield Redevelopment Authority's recommendation to formally close out the plan.

Vigansky moved, seconded by George, to adopt Resolution No. 2026.09/18 abolishing the Smith Street Brownfield Plan pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended. Roll call vote carried unanimously.

F. Consider Resolution No. 2026.09/19 – Abolishment of the River Street Brownfield Plan: Consider adoption of Resolution No. 2026.09/19 abolishing the River Street Brownfield Plan pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended, following the Brownfield Redevelopment Authority's recommendation to formally close out the plan.

George moved, seconded by Vigansky, to adopt Resolution No. 2026.09/19 abolishing the River Street Brownfield Plan pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended. Roll call vote carried unanimously.

G. Consider Approval of Bendzinski & Co. Engagement Letters – Water and Sewer Rate Studies and DWSRF Municipal Advisory Services: Consider approval of engagement letters with Bendzinski & Co. Municipal Finance Advisors for a Water Rate Study and 2027 Drinking Water State Revolving Fund bond/loan municipal advisory services in the amount of \$24,700, and a Sewer Rate Study in the amount of \$6,000.

Per State law, the City will be required to replace lead services. McGhee summarized the process and the bond/loan advisory services Benzinski & Co provide. Swem noted that this replacement is a requirement the whole State of Michigan must comply with, and the City of Buchanan is well above replacements made, especially with the recent downtown infrastructure project, and our water continues to be safe.

Money moved, seconded by Vigansky, to approve the engagement letters with Bendzinski & Co. Municipal Finance Advisors for a Water Rate Study and 2027 DWSRF municipal advisory services in the amount of \$24,700, and a Sewer Rate Study in the amount of \$6,000.

Vigansky clarified the process of replacement with McGhee. If an effected pipe is identified, the City replaces it.

Roll call vote carried unanimously.

H. Closed Session – Acquisition of Real Property Consider entering closed session pursuant to MCL 15.268(1)(d) to consider the acquisition of real property.

Money moved, seconded by George that the City Commission enter into closed session pursuant to MCL 15.268(1)(d) to consider the purchase or lease of real property. Roll call vote carried unanimously.

Entered into closed session at 7:45pm.

Money moved, seconded by George to reconvene the regular meeting of the Buchanan City Commission. Roll call vote carried unanimously.

Reentered open session at 8:03pm.

I. Consider Approval of Agreement and Release of Claims with Trane Technologies Company LLC: Consider approval of the Agreement and Release of Claims between the City of Buchanan and

Trane Technologies Company LLC regarding claim resolution, property conveyance, and related obligations.

Per the agreement, the City will take possession of the 5-acre parcel behind Clark Testing, in exchange the City will assume Due Care responsibilities while the underlying contamination is still the responsibility of Trane, and in addition the City will receive \$200,000 to resolve other claims relating to the replacement of the sewer on Third St, and will allow for a path for residential development on the River St lot

Vigansky moved, seconded by Money to approve the Agreement and Release of Claims between the City of Buchanan and Trane Technologies Company LLC and authorize the City Manager to execute the agreement on behalf of the City.

Swem noted the agreement was reviewed by the City's legal council specializing in environmental law and has been in negotiations for a year.

Roll call vote carried unanimously.

- J. Consider Approval of Expenditures:** Consider approval of the City's expenditures as presented for the current payment period.

Vigansky moved, seconded by Money to approve the City's expenditures in the amount of \$285,145.83, as presented. Roll call vote carried unanimously.

XIV. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

None.

XV. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Mary Gilbert – Asked the Commissioners who are up for reelection what large scale accomplishments they've done for Buchanan over the past four years.

Adam Burck – Introduced the Buchanan Area Senior Center Board to the City Commission.

Haley Jones – Reminded everyone to signup for the Chili Walk on October 3rd.

XVI. Executive Comments

A. City Manager Comments

The Fire Department has been repainted, they did a great job. City Hall will be finishing their BS&A transition to the cloud October 8th, & 9th. City Hall will be open during this time and able to take payments, though they will not be able to access account information. City Hall will begin new hours on Monday, September 28th of 8am-4:30pm, Monday through Friday.

B. Commissioner Comments

Money – Thanked Burck for coming to the meeting and providing more information. Shouted out Baker and the DPW for his work on the service line break over the weekend. Thanked City Hall staff and the Commission for their hard work. Thanked Swem for taking over.

Vigansky – He is proud of asking questions that need to be answered, his role in hiring McGhee, and bringing marijuana to Buchanan.

George – Faith and Family Day was a great success, with about 1,000 visitors. Thei pantry served over 480 families and any excess food was donated to RAM Love. Patriot Day was also a great event. Please take the Buchanan Area Recreation Board 5-year plan survey and share what you want to see next in Buchanan parks. George has learned a lot in her two years on the board, and being a part of hiring

McGhee is one of her proudest achievements. She was also involved in the infrastructure project downtown and the new equipment in Kathryn Park.

Swem – The Fire Department looks great. The City Commission will support the Senior Center and make sure that support is noted. He thanked the DPW team for their work downtown.

C. Mayor Comments

XVII. Adjourn

Vigansky moved, seconded by Money to adjourn the meeting at 8:24pm. Voice vote carried unanimously.

Emma Lysy, Deputy City Clerk

Mayor Mark Weedon



City of Buchanan | 302 N Redbud Trail

269-695-3844 | Buchanan, MI 49107

Special Event Application Form

Important: Please fill out each item as completely as possible, to allow your application to be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to City Hall, 302 N Redbud Trail. Completed applications can also be sent to clerk@cityofbuchanan.com.

Special Events must be approved by the City Commission, which typically meets twice per month. We recommend submitting your application at least two months before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Commission may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: Buchanan Track and Field Boosters Fundraiser

Sponsoring Organization (if applicable): Buchanan Track and Field Boosters

Mailing Address: 401 W. Chicago

City/State/Zip: Buchanan, MI 49107

Contact Person(s): Maria Batchelor-Molitor

Phone: 269.362.3179 Email: toddmolitor@sbcglobal.net

Event Information

*A separate event schedule and/or description may be attached in response to questions 1 through 4.

**For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.

1. What is the requested day(s), date(s), and time(s) of the Special Event?:

November 13th and 14th

2. Is there a requested alternative date(s)? YES: _____ No: X

If YES, please provide the alternative date(s): _____

3. Please describe the Event:

Fundraiser using the cross country course through the High School and Park.

4. What is the requested location(s) of the Event:

McCoy Creek Recreation Area. The run will follow the same course used by the school cross country team.



Special Event Application Form

Please complete the following check list regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses. * Indicates attachments required

- | | |
|--|--|
| <p>1. Is this event expected to occur again in a future calendar year?</p> <p>Normal annual date: <u>Fall</u></p> <p>2. Have you included a map indicating the location of your event? *</p> <p>3. Does the applicant wish to prohibit vending within the event area?</p> <p>4. Does the applicant plan to include vending as part of this event? *</p> <p>5. Will this event include the use of signs?</p> <p>6. Is the applicant providing special parking arrangements, such as reserved parking? *</p> <p>7. Is the applicant requiring utility connections, such as electric?</p> <p>8. Does the applicant require other public services?</p> <ul style="list-style-type: none"> • Barricades/fencing • Street Sweeping • Mowing • Rubbish Containers • Picnic Tables • Cessation of Lawn Sprinkling • Other _____ • Map included indicating locations of these services?* <p>9. Does the applicant have any special security or safety concerns?</p> <p>10. Are you requesting assistance from the Public Safety?</p> <p>11. Are you requesting security/safety assistance form an outside agency?</p> <p>12. Will the event include loud or unusual sounds?</p> <ul style="list-style-type: none"> • Musicians/Amplified Announcers • Carnival Rides/ Motor Vehicle Noises • Other _____ <p>13. Will the event include unusual lighting beyond what is normal at that location?</p> <p>14. Are alcoholic beverages proposed to be served as part of the event?</p> <p>Have all necessary liquor licenses been obtained at the time of this application?</p> <p>15. Does the applicant have any other requests that are not listed in this form?</p> <p>16. The applicant is required to provide \$1,000,000 of liability insurance coverage with respect to the event; have you attached a Certificate of Insurance listing the City of Buchanan as an additional named insures?</p> | <p>Yes <u>X</u> No ____</p> <p>Yes <u>X</u> No ____</p> <p>Yes ____ No <u>X</u></p> <p>Yes <u>X</u> No ____</p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes ____ No <u>X</u></p> <p>Yes <u>X</u> No ____</p> |
|--|--|



City of Buchanan | 302 N Redbud Trail

269-695-3844 | Buchanan, MI 49107

Special Event Application Form

1. Is this event expected to occur again in a future calendar year? You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. Note: Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.

2. An Event Map — If your event will use streets or sidewalks or will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request.

3. Does the applicant wish to prohibit vending within the event area? Vendors with current permits to operate within the event area are allowed to continue vending at their normal location even within the event area, unless alternate arrangements are agreed to by the vendor and by the City Commission as part of this application. Please note these arrangements, if requested. However, if the application is approved, the City Commission would not approve additional vendors.

4. If vending is not prohibited, does the applicant wish to have control of vending within the festival area? In some instances, the applicant may be granted control of vending, the applicant is solely responsible for ensuring that all vendors are properly licensed with any appropriate agencies. If vending is not prohibited but the applicant does not wish to have the responsibility of controlling vendors, please direct any potential vendors to contact the City Clerk's Office to apply for the appropriate vending permit.

5. Will this event include the use of signs? If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.

6. Is the applicant requesting special parking arrangements — such as limiting parking areas to certain groups of users? If yes, you must coordinate with the Police Chief.

7. Is the applicant requiring utility connections, such as electric service or water? If yes, you must coordinate with the Director of Public Services to review what utilities are available in the requested area and provide a description or map showing the utilities requested.

8. Does the applicant have any other requests for public services, such as street sweeping, mowing, rubbish containers or removal, placement or removal of picnic tables or other fixtures, or cessation of lawn sprinkling? If yes, you must coordinate with the Director of Public Services to determine if assistance from Public Services is appropriate and available and provide a description of the services Public Services has indicated it could provide. The applicant may be charged for these services.

9. Does the applicant have any special security or safety concerns? Is the applicant requesting assistance from the Department of Public Safety in addressing these concerns? If yes, you must contact the Director of Public Safety to determine what assistance from Public Safety is appropriate and available and provide a description of the services Public Safety has indicated it could provide. The applicant may be charged for these services.

10. Is the applicant requesting assistance from an outside agency or contractor in addressing these concerns? If yes, you must please attach information indicating all of these contractors on this application.



City of Buchanan | 302 N Redbud Trail

269-695-3844 | Buchanan, MI 49107

Special Event Application Form

11. Will the event include loud or unusual sounds, such as a musicians, singers, amplified announcers, carnival rides, motor vehicle noises beyond those regularly present in the location, etc.? If yes, you must please attach information indicating all of these on this application.

12. Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties? If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, and whether the lighting is constant or intermittent during those times.

12. Are alcoholic beverages proposed to be served as part of the event? If yes, you must advise the Department of Public Safety of your intention to serve alcoholic beverages. Approval of the special event does not constitute final approval of service of alcoholic beverages; any necessary approval of a liquor license is a separate process. You must have any and all necessary liquor licenses been obtained at the time of this application.

13. Please attach a separate sheet detailing any aspects of the event that are not specifically addressed in this form but of which the City Commission should be aware to make a fully informed decision with regard to approval of the proposed event.

14. The applicant is required to provide a minimum of \$1,000,000 of general liability insurance coverage with respect to the event. The City may require additional insurance coverage based on the potential risk and nature of the event. A Certificate of Insurance with the City of Buchanan listed as additional insured must be provided one month before the event. Additional Insureds include the following: The City of Buchanan, all elected and appointed officials, all employees and volunteers, agents, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of Buchanan as additional insured, coverage afforded is considered to be primary and any other insurance the City of Buchanan may have in effect shall be considered secondary and/or excess. Please email a copy to clerk@cityofbuchanan.com, attach below or mail to 302 N Redbud Trail, Buchanan MI 49107.

15. Will the event be requesting a street closure? If yes, please attach your street closure request form with this application.

The City of Buchanan **PROHIBITS** any and all painting of any city property, including sidewalks and streets. Events of those persons violating this policy will be canceled and no future event will be allowed.

Applicant Signature

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules and regulations of the City of Buchanan, and that the event takes place in accordance with the application as approved by the Buchanan City Commission, including any conditions placed thereon.

Printed Name: Maria Batchelor-Molitor

Date: 9/24/26



Date: July 21, 20226

To: City Commission

From: Tony McGhee

Subject: Introduction of Pilot Ordinance to Support Workforce Housing

Background

The proposed ordinance would establish a local framework for considering Payment in Lieu of Taxes, commonly referred to as PILOT, requests for new or rehabilitated workforce housing. Expanding the range of quality housing available at attainable price points supports employer recruitment and retention, allows more people to live near their jobs, strengthens neighborhoods, and keeps more household spending within the local economy.

Workforce housing addresses the gap between traditional income restricted housing and higher cost market rate housing. Households may earn too much for many conventional assistance programs while still finding new rents or home prices difficult to afford. Depending on household size and wages, this may include teachers, police officers, firefighters, health care workers, tradespeople, manufacturing employees, municipal employees, and workers in retail, hospitality, and other service industries.

Michigan law permits a municipality to exempt a qualifying workforce housing project from ordinary ad valorem property taxes and accept an annual service charge in their place. Replacing an uncertain future tax expense with a predictable charge for a defined period can help a project secure financing, manage operating costs, and maintain rents at attainable levels.

A PILOT is not a complete waiver of payment or an automatic entitlement. The owner pays an annual service charge, and the City Commission evaluates each request through a project specific resolution. The draft also requires a recorded restrictive covenant, Michigan State Housing Development Authority certification, and continuing compliance with affordability requirements.

The draft ordinance defines workforce housing as housing that is reasonably affordable to and occupied by households with total household income not greater than 120 percent of

Memorandum

Area Median Income. The limit changes by household size. Under the Michigan State Housing Development Authority Missing Middle limits effective May 1, 2026, the current Berrien County limits are:

Household Size	Maximum Annual Income	Approximate Monthly Gross Income
One person	\$77,520	\$6,460
Family of four	\$110,640	\$9,220

These are maximum household income limits, not required household earnings or guaranteed rent levels. The limits are updated annually and must be confirmed when a project applies.

The ordinance creates an application and review process, but does not approve any project by itself. Major provisions include:

- Eligibility for new construction or rehabilitation serving households at or below 120 percent of Area Median Income.
- A detailed application with site control, plans, unit and rent information, development experience, schedule, financial pro forma, and ten year cash flow projection.
- City Commission review of housing units, Master Plan consistency, neighborhood benefits, amenities, energy efficiency, zoning, and project viability.
- Approval only through a project specific resolution and recorded workforce housing covenant, generally for not more than 15 years under the draft.
- An annual service charge. The proposed ordinance uses the greater of the preconstruction tax or 10 percent of annual shelter rent for new construction, and the lesser of the pre-rehabilitation tax or 10 percent of annual shelter rent for rehabilitation, subject to statutory limits.
- Full taxation of nonworkforce portions of a project and an application fee to offset City review costs.

A project specific PILOT would reduce property tax collections compared with full ad valorem taxation during the approved period. The policy objective is to use a measured, temporary incentive when needed to make a desirable project feasible. The practical comparison may be between a PILOT supported development and a project that is delayed, reduced, or not built without the incentive.

Memorandum

Project specific review preserves the Commission's ability to consider the incentive amount and duration, units created, demonstrated financial need, community benefit, and effect on taxing unit revenues. No exemption would occur without separate Commission action and state certification.

Recommendation

Staff recommends introduction of the Workforce Housing PILOT Ordinance for first reading. It would add an important housing and economic development tool while preserving project by project review and Commission discretion. The City Attorney should complete technical and editorial review before the ordinance returns for second reading and possible adoption.

Attachment A



ORDINANCE NO. ____

An ordinance to provide for approval of an exemption from ad valorem property taxes for housing being developed or rehabilitated for workforce housing for persons and families whose household income is not greater than 120% of area median income, as authorized by provisions of the State Housing Development Authority Act of 1966, Public Act 346 of 1966, as amended, MCL 125.1401, et seq.

WORKFORCE HOUSING PILOT ORDINANCE

IS HEREBY ORDAINED BY THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN:

SECTION 1. Title

This Ordinance shall be known and cited as the “City of Buchanan Workforce Housing PILOT Ordinance.”

SECTION 2. Preamble

It is a proper public purpose for the City of Buchanan (“City”) to encourage the development or rehabilitation of workforce housing for persons and families whose household income is not greater than 120% of area median income by exempting such housing from all ad valorem property taxes imposed by any taxing jurisdiction and providing for payment of an annual service charge for public services in lieu of all such taxes, known as Payment in lieu of taxes (“PILOT”). A PILOT, or service charge payment in lieu of taxes, is an effective means of incentivizing the construction of workforce house. A stable and predictable service charge paid in lieu of all ad valorem property taxes for a fixed period is essential to the determination of the economic feasibility of workforce housing projects developed or rehabilitated in reliance on such tax exemption. City of Buchanan is authorized by section 15a of Public Act 346 of 1966 (“Act”), as amended, MCL 125.1415a, to establish, or change by any amount it chooses, the service charge to be paid in lieu of all ad valorem taxes in accordance with section 15a with respect to new or rehabilitated workforce housing, but not an amount that exceeds the taxes that would be paid but for this authorization or the other limitations imposed by that section. Because workforce housing for individuals and families whose household income is not greater than 120% of area median income is a public necessity, and because the City of Buchanan will be benefited and improved by such housing, encouraging the same through an ad valorem property tax exemption is a valid public purpose, this ordinance is enacted.

SECTION 3. Definitions

- (A) “Additional Amount” means an amount equal to the difference between the following:
- (1) the millage rate levied for operating purposes by the County multiplied by the current Taxable Value of a workforce housing project for which a PILOT Resolution has been adopted, and
 - (2) the amount of the annual service charge paid in lieu of ad valorem property taxes by the housing project under subsection (4)(C) that is distributed to the County pursuant to MCL 125.1415a(5).
- (B) “Annual Shelter Rent” means the total collections during an agreed annual period from or paid on behalf of the occupants of a housing project representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants and paid for by the housing project.
- (C) “Area Median Income” means the median for the area in which City is located, as determined under the United States Housing Act of 1937, 42 U.S.C. § 1437, et seq.
- (D) “Housing project” means either: a residential real property developed or to be developed pursuant to or receiving benefits provided under the Act or this Ordinance; or a specific work or improvement either for rental or for subsequent sale to an individual purchaser undertaken by a nonprofit housing corporation, consumer housing cooperative, limited dividend housing corporation, pursuant to or receiving benefits under the Act or this Ordinance to provide dwelling accommodations, including the acquisition, construction, or rehabilitation of lands, buildings, and improvements.
- (E) “Sponsor” means any person or entity applying for a workforce housing exemption under this Ordinance, and includes any person or entity who subsequently owns the housing project.
- (F) “Authority” means the Michigan State Housing Development Authority.
- (G) “Restrictive Covenant” means a recorded agreement between Sponsor and the City of Buchanan running with the land that restricts the use of the housing project to workforce housing, as defined in this Ordinance, for a period not to exceed 15 years, or such greater or lesser period of time as may be authorized by state law and as may be required by the PILOT Resolution.
- (H) “County” means the County of Berrien
- (I) “PILOT Resolution” means a project-specific resolution adopted by the City Commission that approves a housing project for exemption under this Ordinance.
- (J) “Taxable Value” means taxable value as calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.
- (K) “Workforce housing” means rental units or other housing options that are reasonably affordable to, and occupied by, a household whose total household

income is not greater than 120% of the area median income published by the United States Department of Housing and Urban Development.

SECTION 4. Authorization and Establishment of Workforce Housing Exemption.

- (A) The class of housing projects to which the tax exemption shall apply and for which a service charge may be paid in lieu of all ad valorem property taxes are housing projects being developed or rehabilitated for workforce housing.
- (B) Subject to the recording of a Restrictive Covenant, workforce housing and the property on which such housing is or will be located shall be exempt from all ad valorem property taxes as of December 31 of the year in which construction or rehabilitation commences. Construction must start within [one] year of the date of the Authority's notification of exemption or such longer period of time as may be provided by the PILOT Resolution.
 - (1) Commencement of construction began within one year of the date of the Authority's notification of exemption or such longer period of time as may be provided by the PILOT Resolution;
 - (2) The Restrictive Covenant instrument required by the Act and this Ordinance has been accepted, approved, and recorded by the City within a year of the commencement of construction; and
 - (3) The City has received a certified notification of exemption from the Authority.
 - (4) If any of these have not occurred, an otherwise approved PILOT Resolution for exemption shall automatically be null and void.
- (C) City will accept payment of an annual service charge in lieu of all ad valorem property taxes for public services from the owner of a housing project for which the City has received a certified notification of exemption from the Authority in accordance with the following:
 - a. Subject to subsections (B), (D), (E) and (F), for a new construction project, an amount that is the greater of the tax on the property on which the project is located for the tax year proceeding the date on which the construction is commenced or 10% of the Annual Shelter Rent obtained from the project.
 - b. Subject to subsections (B), (D), (E) and (F), for a rehabilitation project, an amount that is the lesser of the tax on the property on which the project is located for the tax year proceeding the date on which rehabilitation is commenced or 10% of the Annual Shelter Rent obtained from the project.
 - c. The service charge paid in lieu of taxes shall not exceed the amount in ad valorem taxes that the Sponsor would have otherwise paid if the workforce housing project were not tax exempt.
- (D) Notwithstanding subsection (C), the service charge paid each year in lieu of taxes for that part of a workforce housing project that is tax exempt under this Ordinance but not used for workforce housing must be equal to the full amount of the taxes

that would be paid on that portion of the project as if the project were not tax exempt. The owner of the project shall allocate the benefits of any tax exemption granted pursuant to this Ordinance exclusively to workforce housing or to the maintenance and preservation of the housing project as a safe, decent, and sanitary workforce housing.

(E) The annual service charge under subsection (C) for a workforce housing project for which a PILOT Resolution has been adopted must be increased by the Additional Amount if both of the following requirements are met:

- (1) Not later than 45 days after the county treasurer's receipt of the certified notification of exemption, the County Board of Commissioners passes a resolution, by majority vote, that provides that the Additional Amount must be paid.
- (2) The approval of the resolution described in subparagraph (1) is in accordance with an ordinance or resolution adopted by the County Board of Commissioners establishing the factors to be considered when assessing whether the Additional Amount must be paid.

SECTION 5. Workforce Housing Exemption Application, Review and Approval Process

- (A) The Sponsor of a workforce housing project must own the property that is the subject of the application or must be the purchaser under a purchase or option agreement or otherwise demonstrate it has control over the property. The property that is the subject of the application must be zoned for the intended use at the time of application.
- (B) Prior to applying for a workforce housing exemption, the Sponsor shall submit a written proposed workforce housing project plan to the City Manager. The plan shall include at a minimum: the legal description and survey of the proposed exempt property, proof of ownership interest or control, a site plan, a description of the Sponsor's organizational structure and development experience, a narrative describing the scope of the workforce housing project, including location, number and type of units, typical floor plans and exterior elevations, the targeted median income and proposed rent limits, a schedule with projected milestones, a development income and expense pro forma (including the estimated Annual Shelter Rents), a ten-year cash flow projection, and additional or supplemental information as the City administration may request or require.
- (C) The Sponsor shall submit its request for a workforce housing exemption using the form provided by City Assessor and including the information identified in subsection (B). The fully completed form, and any supplements thereto, shall be filed with the City Clerk along with the administrative review fee for workforce housing PILOTs, as established by City Council resolution.

- (D) If a complete application is received no less than 30 days prior to the next regularly scheduled City Commission meeting, the City Clerk will place the request on the agenda of the next regularly scheduled meeting. If the application is received less than 30 days prior to the next regularly scheduled City Commission meeting, the application shall be placed on the agenda of the regular meeting that follows the next regularly scheduled meeting or the agenda for a special meeting scheduled by the City Commission at the request of the Sponsor.
- (E) When reviewing an application for a workforce housing exemption, the decision to approve or deny the request shall be guided by the City Commission's consideration of the following factors:
- (1) Whether the workforce housing project will increase the number of available workforce housing units in the City.
 - (2) Whether the workforce housing project will reduce the functional obsolescence of an existing building or housing unit(s).
 - (3) Whether the workforce housing project is likely to encourage expansion of the population of the City.
 - (4) Whether the location of the workforce housing project is consistent with the goals and objectives of the City's Master Plan.
 - (5) Whether the development or rehabilitation of the workforce housing project requires zoning variances or results in the continuation of a nonconforming use.
 - (6) Whether the workforce housing project will include a level of amenities desired by or appropriate for the community.
 - (7) Whether the workforce housing project will add attractive, viable housing units to the community.
 - (8) Whether the workforce housing project incorporates green technologies or energy-efficient components.
- (F) Approval of an exemption for a workforce housing project requires passage of a PILOT Resolution by a majority vote of the City Council/Village Council/Township Board that includes the findings with respect to the standards of subsection (E) above.
- (G) If the workforce housing exemption application is approved, the City Clerk will deliver to the Sponsor a certified copy of the resolution approving the application.
- (H) To defray the administrative cost of processing an application for a workforce housing exemption, the City Commission shall include a workforce housing application fee in its annually adopted fee schedule.

SECTION 6. Authority Affidavit and Assessor Notification

- (A) Following adoption of the PILOT Resolution, the Sponsor must submit an affidavit to the Authority in the form required by the Authority for certification by the Authority that the project is eligible for the workforce housing exemption.
- (B) Upon receipt of notification from the Authority that the project is eligible for a workforce housing exemption, the Sponsor or the Authority must file the certified notification of exemption with the City Assessor before November 1 of the year preceding the tax year in which the exemption is to effective.
- (C) Not later than 5 business days after receipt of the certified notification of exemption, the assessor shall provide a copy of the certified notification of exemption to the County treasurer.

SECTION 7. Payment of PILOT

- (A) No later than April 1st of each calendar year, or such other date provided for in the PILOT Resolution, Sponsor shall submit to the City Treasurer, Sponsor's budget for Annual Shelter Rent for the current calendar year and a copy of Sponsor's audited financial statements for the preceding calendar year, prepared in accordance with generally accepted auditing standards or, if Sponsor is not subject to an audit requirement, Sponsor's compiled financial statements for the preceding calendar year prepared in accordance with generally accepted accounting principles and certified by Sponsor. Within 30 days of receipt of the foregoing documents, the treasurer shall issue an invoice showing the PILOT payment due for the current year, which payment shall be due no later than June 20 of the calendar year.
- (B) Except as otherwise provided in this Section and Section 4, any payments for public services under this Ordinance shall be distributed to the governmental units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The distribution to those governmental units shall be made as if the number of mills levied for local school district operating purposes were equal to the number of mills levied for the purposes in 1993 minus the number of mills levied under the state education tax act, 1993 PA 331, as amended, MCL 211.901 to 211.906, for the year for which the distribution is calculated. The amount of payments in lieu of taxes to be distributed to a local school district for operating purposes under this subsection must not be distributed to the local school district but instead must be paid to the state treasury and credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.
- (C) Any PILOT payment or portion of PILOT payment remaining unpaid as of the due date shall bear interest at 1% per month and require payment of a 3% penalty fee. The collection of past due PILOT payments shall otherwise be in accordance with

the provisions of Chapter 211 of the General Property Tax Act, Act 206 of 1893, as amended; MCL 211.44 et seq.

SECTION 8. Duration and Recorded Restrictive Covenant

- (A) A workforce housing project approved for an exemption by a PILOT Resolution shall be encumbered by a valid and binding Restrictive Covenant recorded in the office of the register of deeds for the County of Berrien.
- (B) The Restrictive Covenant shall acknowledge: (i) that the economic feasibility of the workforce housing project depends on the approval and continuing effect of the payment in lieu of all ad valorem taxes as approved by the PILOT resolution; (ii) the City agreement to accept payment of an annual service charge in lieu of all ad valorem taxes in consideration of the Sponsor's offer to construct or rehabilitate workforce housing; and (iii) the amount of the annual service charge to be paid for each operating year.
- (C) The Restrictive Covenant shall provide: (a) for the reporting and monitoring of the Sponsor's compliance with the Restrictive Covenant, this Ordinance and the PILOT Resolution; (b) that the Restrictive Covenant is enforceable by City and any Tenants to be benefitted at law or in equity; (c) any additional remedies available to the City for non-compliance, including termination of the exemption and repayment of all prior years' tax savings under the workforce housing exemption after notice and hearing; and (d) that the Restrictive Covenant cannot be modified or terminated except in a written instrument executed by the Sponsor or then current owner and the City.

SECTION 9. Severability

The provisions of this Ordinance shall be deemed to be severable, and should any provision be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or provision of this Ordinance, other than the provision so declared to be unconstitutional or invalid.

SECTION 10. Inconsistent Ordinances

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent necessary to give this ordinance full force and effect.

SECTION 11. 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.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE __ DAY OF 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON DAY __ OF 2026

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 the __ day of 2026, 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-Weiss, City Clerk

Memorandum



Date: September 14, 2026

To: Buchanan City Commission

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Consideration of a Map Amendment (rezoning) from N Natural to I Industrial district for property at northeast corner of E Third Street and Skyline Drive – 805 E Third Street – First Reading of Ordinance**

Background

The City of Buchanan is requesting a map amendment (rezoning) from the N Natural to I Industrial district for the irregularly shaped 4.82-acre parcel located near the northeast corner of East Third Street and Skyline Drive. The property is owned by Ingersoll Rand Company – Trane Technologies Company LLC

A portion of the property is improved with a 10' wide trail for McCoy Creek along with a surface parking lot. The remaining portion of the property has vegetation and is enclosed with a fence. The previous zoning map had the property designated as I-2 Heavy Industrial and the property owner has stated they were not aware of the Unified Development Code or any proposed changes to the zoning map that took place in late 2025.

This property was previously owned by Clark Equipment and has an ongoing due care plan under the Michigan Natural Resources Environmental Protection Act (NREPA). The due care plan is based on the property being in an industrial zoning district. There is a Declaration of Restrictive Covenant from 2007 which restricts the use of the property. An easement was granted in 2001 to allow the construction of the 10' wide pedestrian path.

Table 71-H Industrial Standards require a minimum lot width of 60' and no minimum lot area. The existing parking lot would be considered nonconforming as Table 71-H requires parking to be located 20' behind the minimum 10' building setback or 30'. Table 71-J Use Matrix allows governmental uses in the I Industrial district. The table only references cultural (library, museum, gallery) as a special use in the I Industrial district.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on the request during their September 8th meeting. No audience members spoke and the Planning Commission unanimously recommended approval of the request.

Standards for Review

Section 71-36.B.2 Standards provides five factors that must be considered when reviewing proposed amendments to the Unified Development Code. Please review and discuss each factor before a motion and action is taken.

Memorandum

- 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 impose 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.

Action/Recommendation

The public hearing was conducted earlier in the meeting. Please deliberate the request, review the factors stated above from Section 71-36.B.2 before making a motion. If the Commission concurs with the Planning Commission's recommendation a motion could be stated as "move to approve the first reading of an ordinance to allow a map amendment (rezoning) from N Natural to I Industrial District for the 4.82-acre parcel located near the northeast corner of East Third Street and Skyline Drive now known as 805 East Third Street as the request meets the factors as found in Section 71.36.B.2 of the Unified Development Code for map amendments/rezoning and schedule the second public hearing for the October 26th City Commission meeting."

DRAFT PROPOSED ORDINANCE**09/28/26**

**CITY OF BUCHANAN
ZONING MAP AMENDMENT
ORDINANCE NO. 2006.10/456**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE ZONING MAP OF THE
CITY OF BUCHANAN FOR THE PROPERTY KNOWN AS 805 EAST THIRD STREET**

IT IS HEREBY ORDAINED BY THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN:

Article III, Section 71-14.A Official zoning map and Figure 71-A Buchanan Zoning Map of the City of Buchanan Unified Development Code is hereby amended as follows:

Figure 71-A “Buchanan Zoning Map” is hereby amended in accordance with Article III, Section 71-14.A, to rezone from N Natural District to I Industrial District the property having the common address of 805 East Third Street, Buchanan, MI, Tax ID Number 11.58.0700.0006.02.0

All other parts of the Unified Development Code not in conflict with this ordinance shall remain in full force and effect.

Sec. 14-317 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.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE __ DAY OF OCTOBER 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON DAY__ OF NOVEMBER 2026 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 the __ day of October 2026, 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



302 Redbud Trail N
Buchanan, MI 49107
Tel: (269) 695-3844
Fax: (269) 695-4330

Item XII. B.

Map Amendment (Rezoning) Application

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. If additional space is needed, please use additional sheets of paper.

Property Information

Property Address (es): Northeast corner of E Third and Skyline - 805 E Third Street

Property Code Number(s) (Tax Number): 11-58-0700-0006-02-0

Briefly Explain Request: Map amendment from N Natural to I Industrial -
to allow existing Due Care Plan based on I Industrial district to remain. Returns to previous zoning district prior to UDC adoption in December 2025.

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: City of Buchanan

Relationship to Property Owner: _____

Mailing Address: 302 N Redbud Trail

City: Buchanan State: MI Zip Code: 49107

Telephone Number: 269.695.3844 Emergency Number: _____

E-mail Address: _____

Name of Property Owner: Ingersoll Rand Company

Mailing Address: 800 E Beaty St

City: Davidson State: NC Zip Code: 28036

Telephone: _____ E-mail Address: _____

Attorney: Grant Gilezan

Mailing Address: 777 Woodward Ave Ste 400

City: Detroit State: MI Zip Code: 48226

Telephone: _____ E-mail Address: ggilezan@dykema.com

Engineer or Architect: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Site Information

General description or characteristics of the site: wooded with a ravine and trail running through property from west to east and surface parking lot

Master Plan Designation: Open Space

Existing Zoning and Land Use: N Natural - McCoy Creek Trail and parking

Proposed Zoning and Land Use: I Industrial - McCoy Creek Trail and parking

Existing square footage of property: 4.82-acres or 209,959 square feet

Proposed square footage of Property: 4.82-acres or 209,959 square feet

Existing square footage of all buildings on the property: no buildings

Proposed square footage of all buildings on the property: no buildings

Existing zoning and land uses of adjacent parcels:

North: I Industrial and N Natural, City Wastewater plant and vacant

South: I Industrial, industrial building

East: N Natural, McCoy Creek Trail system

West: I Industrial, McCoy Creek Trail system and industrial building

Is there floodplain or wetlands on the property? Yes: XX No: _____

Map Amendment Standards

If needed use additional sheets of paper to respond to Standards.

Section 71-36.B.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 d 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.
The Master Plan designates the property as Recreational and Land Conservation. The property is improved with the McCoy Creek Trail and small surface parking lot. No changes are proposed to the existing use of the property.
- b. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment.
Prior to the adopted of the Unified Development Code in Dec 2025, this property was located in the I Industrial District. There is an existing Due Care Plan based on the previous zoning of I-2 Heavy Industrial associated with Phase I Audit from 1993 along with recorded restrictive covenants which limits allowable uses.
- c. Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.
To remain compliant with the Due Care Plan, the property must remain in an Industrial zoning district. Representatives of the property owner have stated they were not aware the property was being rezoned as part of the new Unified Development Code and would have addressed the issue at that time.
- 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.
The property was previously located in the I-2 Heavy Industrial district along with other owned properties to the south and southwest which are now both located in the I Industrial District. The existing surface parking lot and trail, both associated with the McCoy Creek Trail will remain.
- e. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.
The use of the property for a trail and surface parking lot will not change. The Due Care Plan based on underlying zoning of I Industrial and the restrictive covenants limits the uses on the property. The existing trail and surface parking are allowed.

MAP AMENDMENT (REZONING) APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the 10th, day of August, 2026, I/We have read the above certification, understand it, and agree to abide by its conditions.

[Signature] City of Buchanan Kristen Gundersen
 Signature of Applicant or Authorized Agent Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this 10 day of
Aug, 2026

[Signature]
 Notary Public

KALLA LANGSTON
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF BERRIEN
 My Commission Expires June 09, 2032
 Acting in the County of Berrien

MAP AMENDMENT (REZONING) APPLICATION OWNER'S CONSENT FORM

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant,
City of Buchanan - Kristen Gundersen, Planning and Community Development Director
 (Company name and contact person) to seek Map Amendment Request from N Natural to I Industrial
 (state request that can be made) as required by the City of Buchanan, Michigan for the
 property commonly known as irregularly shaped parcel at northeast corner of Third Street and Skyline Drive
 (street address) and having the Property Code Number (Tax Number) of 11-58-0700-0006-02-0

On the 6th, day of August, 2026, I/We have read the above certification, understand it, and agree to abide by its conditions.

Terri Hamill

Signature of Property Owner

Trans Technologies Co LLC Successor
in trust to Ingersol Rand Company

Name of Property Owner

 Signature of Property Owner

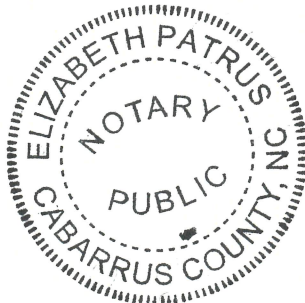
 Name of Property Owner

State of North Carolina
County of Mecklenburg
 SUBSCRIBED AND SWORN

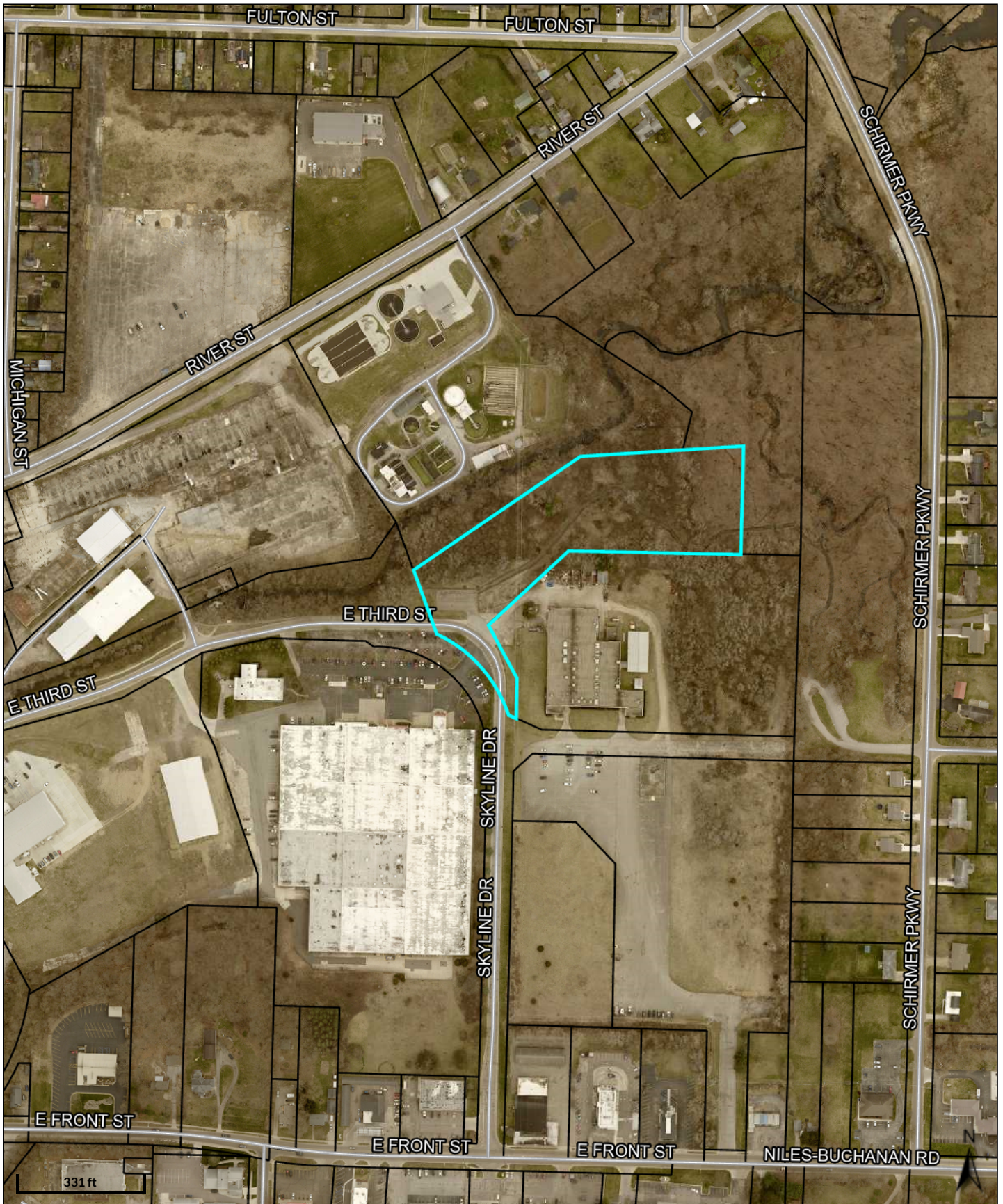
To before me this 6th day of
August, 2026

Elizabeth Patrus
 Elizabeth Patrus
 Notary Public

My Commission expires
5/12/2029



Location Map - Northeast corner of E. Third Street and Skyline Drive



Zoning Map – Northeast corner of East Third Street and Skyline Drive



Zoning Districts

-  Natural (N)
-  Neighborhood Edge (NE)
-  General Neighborhood (GN)
-  Neighborhood Center (NC)
-  Downtown (D)
-  Suburban Commercial (SC)
-  Industrial (I)
-  Planned Unit Development (PUD)



Photographs – Northeast corner of East Third Street and Skyline Drive



View looking northeast from East Third Street.



View looking northeast from East Third Street.

Memorandum



Date: September 14, 2026

To: Buchanan Planning Commission

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Consideration of an Amendment to the Unified Development Code – Creation of Downtown Design Review Overlay District and standards for review – Amendments to Sections 71-5.A, 71-14.A, 71-16.H.12, 71-33.E and 71-34.G and Article V Definitions – First Reading of Ordinance**

Background

The Unified Development Code was adopted in late 2025 and included language for staff to administratively review and approve requests “downtown applications”. The language did not include any standards for the committee to review, nor did it establish an appeal process.

Review of the previous zoning ordinance that dates back to 2003 found Section 22.07 Planning Commission Review of Façade Plan which stated, “The Planning Commission shall review the building façade plan and make recommendations to the applicant based on façade design and aesthetic standards established by the Downtown Development Authority and approved by resolution of the City Commission.” No standards were found in the zoning ordinance.

In 2007, the Downtown Design Standards established 6 goals with 7 areas of review and had the Secretary of the Interior’s Standards for Rehabilitation attached. In addition, the City Commission approved changes to Section 11.04 of the zoning ordinance which created the Design Review Committee and process.

The different documents appear to have created confusion on the process and the Unified Development Code from late 2025 did not completely address the concerns. Staff brought several concerns to the Planning Commission which referred to the discussion and drafting of regulations to the Design Review Committee. The Committee also discussed its purpose and understood the need to allow improvements in the downtown area while working to maintain the character of the area and its design elements. The draft changes do not reference historic preservation, rather calls out best practice principles for historic downtowns. The discussions also included the creation of a Downtown Design Review Overlay District be created.

The Committee has reviewed and discussed the draft document during their April, May, June and August meetings and recommended to the Planning Commission the changes be reviewed and a public hearing scheduled. The Planning Commission reviewed the document during their August 11, 2026, meeting and directed staff to schedule the necessary public hearing and complete the necessary applications and documents. Following are some of the changes made:

- Established the Downtown Design Review Overlay District and included language addressing the intent of the district.
- Changed the name from Design Review to Downtown Design Review. This will help eliminate confusion of what properties the Committee reviews.

Memorandum

- In keeping with past practice, no public hearing or notice is required for applications under review.
- Established the Planning Commission as the appeal board/commission.
- Provided written purpose statement pertaining to the review of applications, established the review process, along with adopting standards to be used when reviewing applications for both Committee review and administrative reviews.
- Added the definition of the overlay district, similar to the Short-term rental overlay district created earlier this year.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on the requested text changes during their September 8th meeting. No audience members spoke and the Planning Commission unanimously recommended approval of the request.

Standards for Review

Section 71-36 Specific standards for development approvals and within 71-36.B.2 standards for Amendments to text or the zoning map are stated. The Planning Commission needs to review and discuss the standards before a motion is made. Following is the language from Section 71-36.B.2 of the Unified Development Code:

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.

Memorandum**Action/Recommendation**

The public hearing was conducted earlier in the meeting. Please deliberate the request, review the factors stated above from Section 71.36.B.2 before making a motion. If the Commission concurs with the Planning Commission's recommendation a motion could be stated as "Move to approve the first reading of an ordinance to amend and establish regulations pertaining to the creation of the Downtown Design Review Overlay District, review processes and standards in Sections 71.5.A, 71-14.A, 71-16.H.12, 71-33.E and 71.34.G and Article V Definitions and any other sections of the Unified Development Code that may be necessary as the proposed amendment is consistent with the factors for a text amendment as found in Section 71.36.B.2 of the Unified Development Code and to schedule the second reading of the ordinance and public hearing for October 26, 2026."

**DRAFT PROPOSED ORDINANCE
09282026**

**CITY OF BUCHANAN
DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT ORDINANCE
UNIFIED DEVELOPMENT CODE
ORDINANCE NO. 2006.10/457**

AN ORDINANCE TO AMEND SECTIONS OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE FOR AND REGULATE THE DOWNTOWN DESIGN REVIEW PROCESS OF THE CITY OF BUCHANAN TO PROVIDE FOR A DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT AND REVIEW STANDARDS TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE.

IT IS HEREBY ORDAINED BY THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN:

SECTION 1. Article IV Administration, Sections 71-33.E Design Review Committee and 71-36.H Downtown applications is hereby repealed because the language is being removed entirely as follows:

Article IV Administration, Sections 71-33.E Design Review Committee and 71-36.H Downtown applications are hereby repealed in their entirety, and new language is being substituted.

SECTION 2. Article I General Provisions, Section 71-5 is hereby amended by adding Downtown Design Overlay District as follows:

Sec. 71-5 Zoning districts established

A. Zoning under this chapter is limited to the following district designations.

9. Downtown Design Overlay District establishes specific geographic areas where exterior design review by the Downtown Design Review Committee is required.

SECTION 3. Article III Zoning, Section 71-14 is hereby amended to include Downtown Design Overlay District reference to the zoning map provisions as follows:

Sec. 71-14 Zoning districts

A. Official zoning map – Figure 71-A (Zoning Map shall have the following language added under “Zoning Districts”)

Overlay District

Downtown Design Review Overlay District – see Sec. 71-16.H.12

SECTION 4. Article III Zoning, Section 71-16.H is hereby amended to include new Downtown Design Review Overlay District subsection as follows:

Sec. 71-16 General requirements

Section 71-16.H Establishment of zoning districts and regulations

12. Downtown Design Review Overlay District (DDR0D)

a. Intent. The Downtown Design Review Overlay District is established and applies to the area shown on the map in Section 71-16.H.12.c. The intent of the Downtown Design Review Overlay District is:

i. Preserve and promote the historic and architectural qualities of the downtown and thereby preserve the distinctive character of the City. The downtown business district has special historical, cultural, and design significance and contains historic or unique sites deserving protection. The preservation and appropriate development of these sites require rules and regulations specifically addressing these distinctive characteristics.

ii. To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the City's cultural, social, economic, and architectural history or distinction.

iii. To maintain the local, "small town" atmosphere of and the downtown business area within the City.

iv. To insure compatibility of new development with the existing characteristics of the area.

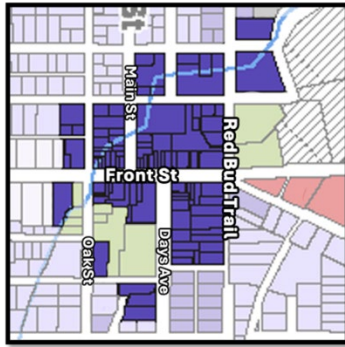
v. To protect sensitive areas of transition from one land use to another.

vi. To protect and enhance the downtowns attractiveness to visitors and the support and stimulus to local business provided thereby.

vii. To strengthen the economy and promote improvements in the City.

viii. To promote the use of areas within the Downtown Design Review Overlay District for the education, pleasure, and welfare of the residents of the City.

b. Downtown Design Review Areas. The Downtown Design Review Overlay District will consist of all properties located in the D Downtown District and those properties located in the N Natural District located between Days Avenue and South Oak Street between East Roe and East Front Streets in addition to parcels abutting the west side of South Oak Street between Charles Court and West Front Street and land located between East Front Street and south of unimproved East Dewey Street and east of North Redbud Trail.



c. Applicability, Exception

i. The placement of allowed non-permanent items such as sandwich board signage, outdoor seating, planter boxes and other similar items in accordance with adopted regulations and policies shall be excluded from the Downtown Design Review Overlay District standards of review as found in Sec. 71-36.H.3

SECTION 5. Article IV Administration, Section 71-33.E is hereby repealed in its entirety and replaced with the following new language as follows:

Sec. 71-33 Review and decision making bodies.

E. Downtown Design Review Committee

1. Powers and duties. The Downtown Design Review Committee has the following powers and duties under this chapter:

a. Downtown Design Review Overlay District. To review, hear, consider and approve, approve with conditions or disapprove applications .

b. Appeals to administrative decisions. To hear, review, consider and affirm, modify, or review decisions of the Zoning Administrator as allowed under Sec 71-36.H.5

2. Appeals. An appeal of a decision by the Downtown Design Review Committee must be filed with the City of Buchanan Planning Commission in writing within 60 days after the decision is made or within 21 days after the Downtown Design Review Committee approves the meeting minutes, whichever comes first.

SECTION 6. Article IV Administration, Section 71-34.G – Table 71-U Notice Timing is hereby amended with the following additional language as follows:

Sec. 71-34 General provisions.

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
Downtown Design Review Overlay District	None	None

SECTION 7. Article IV Administration, Section 71-34.K.4 is hereby amended with the following new language as follows:

K. Review of applications by decision-making bodies.

4. Downtown Design Review Overlay District. After submission of an Application for Downtown Design Review, the Downtown Design Review Committee will hear comments on the application during a public meeting. -The Downtown Design Review Committee will either approve, approve with conditions, or disapprove the application based on actual conditions and the relevant review standards.

SECTION 8. Article IV Administration, Section 71-36.1 – Table 71-V Development Review Procedures is hereby amended with the following additional language as follows:

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	
<u>Downtown design review</u>	DM	A			DM	

- a) Key
Downtown Design Review Committee DRC

SECTION 9. Article IV Administration, Section 71-36.H Downtown applications is hereby replaced with new language as follows:

H. Downtown design review.

1. Purpose. Downtown design review is required for properties located within the Downtown Design Review Overlay District as established in Sec. 71-16.H.12.a. and applies to all proposed exterior work in the Downtown Design Review Overlay District associated with exterior alterations to existing buildings related but not limited to windows, doors, awnings, signage, lighting; changes to the façade such as new siding

or paint; and new construction.

2. Approval Process Options. No building or sign permit may be issued for work on the exterior of a building located within the Downtown Design Review Overlay District until either an administrative approval has been issued by the zoning administrator, or the Downtown Design Review Committee has approved the request.

a. Administrative approvals. The Zoning Administrator along with the City Manager considers and may approve, approve with condition or disapprove downtown design review applications for proposed work when all of the following criteria are met:

- i. The work does not involve the addition, removal, or covering of architectural features that define the character of the building, including but not limited to cornices, transoms, storefront configurations, or decorative masonry.
- ii. The work is limited to repainting, signage replacement, awning replacement, lighting, window or door replacement with units of the identical size, material, and construction, or similar minor treatments.
- iii. The repair or replacement of a roof surface when not visible from the street and retaining the original roof design.
- iv. The proposal does not require interpretation of discretionary design guidance or involve requests for exceptions to adopted standards.
- v. The Zoning Administrator or City Manager may choose not to review a request and instead send it to the Downtown Design Review Committee for action.

b. Downtown Design Review Committee approvals. The Downtown Design Review Committee is authorized to review and approve, approve with conditions or disapprove an application for modifications or new construction for properties located in the Downtown Design Review Overlay District in accordance with Objectives and Standards found in Sec. 71-36.H.3.

4. Objectives and Standards

The Downtown Design Review Committee shall review the following Objectives and Standards when reviewing applications for exterior work within the Downtown Design Review Overlay District.

a. Building character, context and mass

- i. Objective. Each new development or exterior renovation should relate and contribute towards a positive image in terms of architectural style and details, placement, shape, scale, character, and materials, as well as relationship to adjacent buildings.

- ii. Standard: New development must maintain setbacks, and should maintain building proportions, roof and cornice lines, façade divisions, rhythm and proportions of openings, building materials, and colors that are consistent with or similar to surrounding commercial buildings, where present, and shall adhere to the established regulations found within this code pertaining to bulk standards and façade type requirements.

b. Architectural Style.

- i. Objective. To ensure general consistency with historic architectural styles found in downtown Buchanan.
- ii. Standard. For new construction, historic architectural styles need not be replicated. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Buchanan is encouraged. Elements should be based upon, and consistent with, an architectural inventory of the existing downtown district. Elements of multiple architectural styles should not, however, be mixed in a single building. For renovations of or additions to existing buildings, the architectural style of the existing building will inform the design of the new work, which will be consistent and harmonious with the existing building.

c. Roof Treatment.

- i. Objective. Roof forms should provide visual interest that is consistent with the roof forms of adjacent buildings.
- ii. Standard. Flat roofs and low-pitch (no more than 2:12) roofs are the most common traditional downtown roof form and should be used on all new buildings. Detailed cornices or parapets are encouraged to emphasize the roofline and conceal the roof.

d. Corner Buildings.

- i. Objective. To emphasize the importance of corner locations for pedestrian circulation and visibility.
- ii. Standard. New buildings on corner lots should be oriented to the corner and both public streets. Both street-facing facades should be built up to the established building façade line on each block. Corner entrances may be desirable but are not required. However, both street-facing facades should maintain similar articulation, detailing, and rhythm of window openings.
- iii. Existing buildings on corner lots should maintain or create orientation on both public streets.

e. Building Widths and Facades

- i. Objective. To reflect typical existing building widths found in the downtown and to avoid long building facades with a monolithic or monotonous appearance.
 - ii. Standard. Buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet each) through articulation of the facade. This can be achieved through combinations of the following techniques and others that may meet the objective, as long as they all conform to a single architectural style: stepping back or extending forward a portion of the façade; using different textures or materials drawn from a common palette; dividing the storefronts with separate display windows and entrances; varying the rooflines by alternating parapets, stepped roofs, or other roof elements; using arcades, awnings, window bays, arched windows, and balconies as focal points or defining elements.
- f. Materials – All elevations and roof
- i. Objective. To ensure that high-quality, durable and authentic materials typical of Buchanan’s traditional downtown continue to be used.
 - ii. Standard:
Primary materials: New buildings should be constructed of high-quality materials, including but not limited to the following: brick, natural stone, precast concrete units and decorative concrete block (provided that surfaces are molded, serrated or textured giving the wall surface a three-dimensional character), stucco, jumbo brick (which may be used on up to 30 percent of any façade, provided that it is used only on the lower third of the building wall), EIFS (exterior insulating finish system, which may be used as an accent but not a primary material), architectural metalwork.
 - ii. The following materials are prohibited: unadorned plain or painted concrete block, tilt-up concrete panels, reflective or darkly tinted glass, or pole buildings.
 - iii. Accent materials may be used on up to 15 percent of the building’s façade. These may include metal, glass, block, painted wood panels, spandrel glass or similar materials as approved by the Downtown Design Review Committee (DDRC).
 - iv. Existing buildings should be rehabilitated using original materials to the extent feasible. If original features or materials cannot be restored or replicated, the primary materials listed above may be used.
 - v. Roofs, generally flat or low pitch (2:12 or less). Asphalt shingles and asphalt roll roofing are prohibited on flat or low-pitch roofs. New

roofing material may not be terminated on the fascia or the wall below the roof, that is, the existing fascia must be retained or replaced in kind and may not be covered by the roofing material.

g. Architectural Details.

- i. Objective. Incorporate architectural details to serve as identifiable and visually interesting enhancements to building facades and help to establish a pedestrian supportive environment.
- ii. Standard. Architectural design shall be sensitive to the massing and proportion of adjacent structures, and reflect or complement the detailing of surrounding buildings, with elements such as lintels, cornice lines, balconies and decorative brick or stonework. Exterior lighting, awnings and signage shall be installed without damaging the building or visually impairing distinctive architectural features. Fasteners will be placed in mortar joints and not into masonry units.

h. Openings in Front

- i. Objective. To establish the visual importance of the primary street entrance, and to ensure those entries contribute to the visual attractiveness of the building and are readily visible to the customer.
- ii. Standard. The main entrance should always face the primary street, with secondary entrances to the side or rear. Entries to corner-oriented buildings may face the corner rather than either primary street. The main entrance of commercial, office and mixed-use facilities should be placed at sidewalk grade to facilitate ease of access.

i. Windows and Doors

- i. Objective. Preservation of the historic character of the building and downtown.
- ii. Standard. Historic windows and doors should be rehabilitated or repaired if possible. Replacement of historical windows or doors will either replicate or simulate the appearance of the historical unit.
- iii. The removal of existing doors and windows and replacement by a solid wall is typically not allowed unless the applicant can provide detailed information regarding why the removal is necessary.
- iv. Original or historic windows and doors should be rehabilitated or repaired whenever possible. Options for dual glazing (storm panels) is the preferred method to improve energy efficiency. When rehabilitation or repair is not possible, replacement is allowed.

Door and window openings shall not decrease in size. When it is proposed to increase the size of an existing opening or create a new opening, clear and detailed information must be provided in the application. Care must be given not to damage or remove any existing architectural elements.

When original or historic doors are to be replaced, the new units must be of a similar style, have the same number and placement of panels, lights, etc., and have similar molding profiles. Historic pattern or decorative glass (glue-chip, etched, beveled, etc.) must be replaced with identical materials. When non-historic doors are to be replaced, the new doors should be of a style appropriate to the architectural style of the building.

When original or historic windows are to be replaced, the new units must be of a similar style (i.e. double-hung, casement, fixed, etc.), have the same number and placement of lights (i.e. 6 over 6, 3 over 1, etc.), and have similar muntin widths (with no more than 1/8" variation from the original). Historic pattern or decorative glass (prism, reeded, glue-chip, etched, beveled, etc.) must be replaced with identical materials. If the window sash are not true divided light, grilles simulating muntin's must be permanently installed on both the inner and outer sides of the glass.

When non-historic windows are to be replaced, the new windows should be of a style appropriate to the architectural style of the building and should otherwise follow the standards for replacement of historic windows above.

Triple-track storm units are not allowed.

j. Color and Use of Paint.

- i. Objective. To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.
- ii. Standard. Principal building colors shall consist of subtle, neutral or muted colors, with low reflectance. Allowed colors include browns, grays, tans, beiges, and muted greens, blues and reds. No more than two principal colors may be used on a façade or storefront. Bright, white, or primary colors shall be used only as accents, occupying a maximum of 15 percent of a building's facades. This standard does not apply to murals or other works of public art.
- iii. Buildings that currently have painted masonry may change paint color as stated above.
- iv. Painting masonry surfaces is strongly discouraged as it cannot be easily removed without damaging the masonry, often creates conditions that lead to the accelerated deterioration of the masonry, and turns a maintenance-free surface into a maintenance-required surface. Any application to paint an unpainted masonry building must include clear, detailed, and persuasive reasons as to why painting the masonry is necessary. Simple aesthetic preference is not a sufficient reason.
- v. Removing the paint from historically painted masonry surfaces is also strongly discouraged. Any application to remove paint in such situations must clearly demonstrate why the removal of the paint is necessary, what

methods and materials are to be used in the removal, the plan for repairing or replacing deterioration, which is revealed, and the planned material to be used to treat or finish the newly exposed brick.

k. Mechanical Equipment and Service Areas.

- i. Objective. To ensure that views of rooftop equipment and services areas from public streets or pedestrian ways are minimized.
- ii. Standard. All rooftop equipment shall be screened from view six feet above by an adult standing at ground level on adjacent streets, public rights-of-way, or properties. Preferably, rooftop equipment should be screened by the building parapet or located out of view from the ground. If this is not feasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of 1 ½ times its height from any façade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

If ground mounted outdoor mechanical units or storage, service, or loading areas face adjacent residential uses or are visible from a public street, alley or walkway, they shall be screened from view by masonry walls or plant material. Screen walls shall be architecturally compatible with the primary structure. Loading docks and loading doors shall be located to the side or rear of the building.

5. Appeal process.

- a. A decision by the Zoning Administrator may be appealed to the Downtown Design Review Committee. The applicant shall submit a complete application for such request to the Downtown Design Review Committee on such forms provided by the City for that purpose and subject to the fees set by the City Commission prior to the posted submittal deadline prior to the next regularly scheduled Downtown Design Review Committee meeting.
- b. Appeals of a decision of the Downtown Design Review Committee shall be made to the Planning Commission on such forms provided by the City for that purpose and subject to such fees set by the City Commission and within 60 days after the decision or within 21 days after the Downtown Design Review Committee approves the meeting minutes, whichever comes first.
- c. A building permit shall not be issued for proposed exterior work unless the Downtown Design Review Application has been approved or approved with conditions. An occupancy permit will not be issued until the Zoning Administrator has inspected the work and finds it is in compliance with the plans approved by the Zoning Administrator or the Downtown Design Review Committee.

SECTION 10. Article V Definitions is hereby amended with one new definition as follows:

Article 5. Definitions is partially amended as follows:

Overlay District:

Downtown Design Review Areas. The Downtown Design Review Overlay District will consist of all properties located in the D Downtown District and those properties located in the N Natural District located between Days Avenue and South Oak Street between East Roe and East Front Streets in addition to parcels abutting the west side of South Oak Street between Charles Court and West Front Street and land located between East Front Street and south of unimproved East Dewey Street and east of North Redbud Trail.



Sec. 14-317 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.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE __ DAY OF APRIL 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON DAY __ OF APRIL 2026 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 the __ day of April 2026, 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



Text Amendment (Changing Language in Unified Development Code – zoning ordinance) Application

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. If additional space is needed, please use additional sheets of paper.

Property Information

Applicable Section of Zoning Ordinance that amendment is requested: Sections 71-5.A, 71-14.A, 71-16.H.12 establishing the Downtown Overlay District and 71-33.E, 71-34.G and K providing review process

Briefly Explain Request: Creation of a Downtown Design Review Overlay District, review process, standards for review and appeal process

Are there other requests associated with application?: If yes, explain: No, please see attached redline and draft language.

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: City of Buchanan - Kristen Gundersen, Planning/Community Dev. Director

Relationship to Property Owner: staff

Mailing Address: 302 N Redbud Trail

City: Buchanan State: MI Zip Code: 49107

Telephone Number: 269.695.3844 Emergency Number: _____

E-mail Address: kgundersen@cityofbuchanan.com

Attorney: Butzel

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Engineer or Architect: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Proposed Language Change (please use additional paper if needed)

Existing section and language from Zoning Ordinance: See attached

Proposed new language for the Zoning Ordinance: See attached

Explain how the proposed new language supports the goals and objectives of the adopted Master Plan: The draft changes will help to ensure the development review process is simple, efficient, predictable and easily accessible (4-1) by establishing the Downtown Design Review Overlay District and establishing set processes, standards for review and appeal process. While the proposed overlay district and standards for review do not reference historic preservation, many elements of historic preservation have been incorporated to help educate on the history and architecture of the community while allowing opportunity for new development and redevelopment of existing buildings to happen (2-2 and 10-4).

Text Amendment Standards

If needed use additional sheets of paper to respond to Standards.

Section 71-35.B.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 d 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. Proposed amendments are consistent with 4-1 to ensure the development review process is simple, efficient, predictable and easily accessible. The proposed amendment establishes standards for reviewing applications and eliminates confusion of previously adopted documents.
- b. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment. Several ordinances over time have been adopted relating to design review in the City, however, they were stand alone documents. The proposed amendment will eliminate the need for the stand alone documents and relies on regulations found in the UDC. The draft language has also moved away from historic preservation with the understanding the need to allow appropriate redevelopment.

- c. Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

The Unified Development Code did not include any standards for the Downtown Design Review Committee to review as part of requests before them. The draft language also incorporates an appeal process before the Planning Commission.

- 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.

The proposed text amendment pertains to properties or uses described in the language. It is believed the proposed amendment creates, clear and concise regulations.

- e. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Properties relying on the proposed amendment for improvements to private property will help to maintain a logical and orderly development pattern.

TEXT AMENDMENT APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

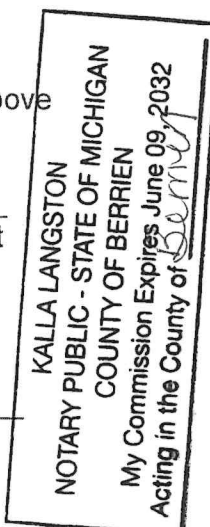
On the 10th, day of August, 2026, I/We have read the above certification, understand it, and agree to abide by its conditions.

[Signature] City of Buchanan Kristen Gundersen
 Signature of Applicant or Authorized Agent Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this 10 day of
Aug, 2026

[Signature]
 Notary Public



NOTE: Language to be deleted is shown with strikethrough. New language is shown with highlight. Final formatting will take place in adopting ordinance.

Section 71-36 Specific standards for development approval.

~~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.~~

~~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.~~

PROPOSED DRAFT LANGUAGE

Sec. 71-5 Zoning districts established

A. Zoning under this chapter is limited to the following district designations.

9. Downtown Design Review Overlay District establishes specific geographic areas where exterior design review by the Downtown Design Review Committee is required

Sec. 71-14 Zoning districts

A. Official zoning map – Figure 71-A (Zoning Map shall have the following language added under “Zoning Districts”)

Overlay District

Downtown Design Review Overlay District – see Sec. 71-16.H.12

Sec. 71-16 General requirements

Section 71-16.H Establishment of zoning districts and regulations

1. through 10 - intentionally left blank (in future Tables 71-C through 71-H will be retitled)

11. Short-Term Rental Overlay District (STROD)

12. Downtown Design Review Overlay District (DDROD)

a. Intent. The Downtown Design Review Overlay District is established and applies to the area shown on the map in Section 71-16.H.12.c. The intent of the Downtown Design Review Overlay District is:

i. Preserve and promote the historic and architectural qualities of the downtown and thereby preserve the distinctive character of the City. The downtown business district has special historical, cultural, and design significance and contains historic or unique sites deserving protection. The preservation and appropriate development of these sites require rules and regulations specifically addressing these distinctive characteristics.

ii. To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the City’s cultural, social, economic, and architectural history or distinction.

iii. To maintain the local, "small town" atmosphere of and the downtown business area within the City.

iv. To insure compatibility of new development with the existing characteristics of the area.

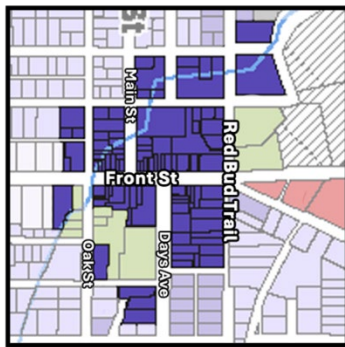
v. To protect sensitive areas of transition from one land use to another.

vi. To protect and enhance the downtowns attractiveness to visitors and the support and stimulus to local business provided thereby.

vii. To strengthen the economy and promote improvements in the City.

viii. To promote the use of areas within the Downtown Design Review Overlay District for the education, pleasure, and welfare of the residents of the City.

b. Downtown Design Review Areas. The Downtown Design Review Overlay District will consist of all properties located in the D Downtown District and those properties located in the N Natural District located between Days Avenue and South Oak Street between East Roe and East Front Streets in addition to parcels abutting the west side of South Oak Street between Charles Court and West Front Street and land located between East Front Street and south of unimproved East Dewey Street and east of North Redbud Trail.



 Natural (N)

 Downtown (D)

c. Applicability, Exception

i. The placement of allowed non-permanent items such as sandwich board signage, outdoor seating, planter boxes and other similar items in accordance with adopted regulations and policies shall be excluded from the Downtown Design Review Overlay District standards of review as found in ____.

Sec. 71-33 Review and decision making bodies.

E. Downtown Design Review Committee

1. Powers and duties. The Downtown Design Review Committee has the following powers and duties under this chapter:

a. Downtown Design Review Overlay District. To review, hear, consider and approve, approve with conditions or disapprove applications .

b. Appeals to administrative decisions. To hear, review, consider and affirm, modify, or review decisions of the Zoning Administrator as allowed under Sec ____.

2. Appeals. An appeal of a decision by the Downtown Design Review Committee must be filed with the City of Buchanan Planning Commission in writing within 60 days after the decision is made or within 21 days after the Downtown Design Review Committee approves the meeting minutes, whichever comes first.

Sec. 71-34 General provisions.

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	None	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. City Commission: reasonable time prior to public hearing	Planning Commission: Not less than 15 days prior to public hearing. City Commission: not less than 15 days prior to public hearing.
Special use permits	Not less than 15 days prior to public hearing.	Not less than 15 days prior to public hearing
Variance	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
Appeal	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
Downtown Design Review Overlay District	None	None

K. Review of applications by decision-making bodies.

4. Downtown Design Review Overlay District. After submission of an Application for Downtown Design Review, the Downtown Design Review Committee will hear comments on the application during a public meeting. -The Downtown Design Review Committee will either approve, approve with conditions, or disapprove the application based on actual conditions and the relevant review standards.

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					
<u>Downtown</u> design review	DM	A			DM	
Interpretations	DM		[A]			

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Key						
Planning Commission	PC					
Zoning Board of Appeals	ZBA					
City Commission	CC					
Downtown Design Review Committee	DRC					
Review & Recommendations	R					
Decision Making Body	DM					
Appellate Body	A					
Public Hearing Required	[]					
Published Notice	N					
Written Notice	W					

H. Downtown design review.

4. Purpose. Downtown design review is required for properties located within the Downtown Design Review Overlay District as established in Sec. 71-16.H.12.a. and applies to all proposed exterior work in the Downtown Design Review Overlay District associated with exterior alterations to existing buildings related but not limited to windows, doors, awnings, signage, lighting; changes to the façade such as new siding or paint; and new construction.

2. Approval Process Options. No building or sign permit may be issued for work on the exterior of a building located within the Downtown Design Review Overlay District

until either an Administrative approval has been issued by the zoning administrator, or the Downtown Design Review Committee has approved the request.

a. Administrative approvals. The Zoning Administrator along with the City Manager considers and may approve, approve with condition or disapprove downtown design review applications for proposed work when all of the following criteria are met:

- i. The work does not involve the addition, removal, or covering of architectural features that define the character of the building, including but not limited to cornices, transoms, storefront configurations, or decorative masonry.
- ii. The work is limited to repainting, signage replacement, awning replacement, lighting, window or door replacement with units of the identical size, material, and construction, or similar minor treatments.
- iii. The repair or replacement of a roof surface when not visible from the street and retaining the original roof design.
- iv. The proposal does not require interpretation of discretionary design guidance or involve requests for exceptions to adopted standards.
- v. The Zoning Administrator or City Manager may choose not to review a request and instead send it to the Downtown Design Review Committee for action.

b. Downtown Design Review Committee approvals. The Downtown Design Review Committee is authorized to review and approve, approve with conditions or disapprove an application for modifications or new construction for properties located in the Downtown Design Review Overlay District in accordance with Objectives and Standards found in Sec. 71-36.c.____

4. Objectives and Standards

The Downtown Design Review Committee shall review the following Objectives and Standards when reviewing applications for exterior work within the Downtown Design Review Overlay District.

a. Building character, context and mass

- i. Objective. Each new development or exterior renovation should relate and contribute towards a positive image in terms of architectural style and details, placement, shape, scale, character, and materials, as well as relationship to adjacent buildings.
- ii. Standard: New development must maintain setbacks, and should maintain building proportions, roof and cornice lines, façade divisions, rhythm and proportions of openings, building materials, and colors that are consistent with or similar to surrounding commercial buildings, where present, and shall adhere to the established regulations found within this code pertaining to bulk standards and façade type requirements.

b. Architectural Style.

- i. Objective. To ensure general consistency with historic architectural styles found in downtown Buchanan.
- ii. Standard. For new construction, historic architectural styles need not be replicated. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Buchanan is encouraged. Elements should be based upon, and consistent with, an architectural inventory of the existing downtown district. Elements of multiple architectural styles should not, however, be mixed in a single building. For renovations of or additions to existing buildings, the architectural style of the existing building will inform the design of the new work, which will be consistent and harmonious with the existing building.

c. Roof Treatment.

- i. Objective. Roof forms should provide visual interest that is consistent with the roof forms of adjacent buildings.
- ii. Standard. Flat roofs and low-pitch (no more than 2:12) roofs are the most common traditional downtown roof form and should be used on all new buildings. Detailed cornices or parapets are encouraged to emphasize the roofline and conceal the roof.

d. Corner Buildings.

- i. Objective. To emphasize the importance of corner locations for pedestrian circulation and visibility.

- ii. Standard. New buildings on corner lots should be oriented to the corner and both public streets. Both street-facing facades should be built up to the established building façade line on each block. Corner entrances may be desirable but are not required. However, both street-facing facades should maintain similar articulation, detailing, and rhythm of window openings.
- iii. Existing buildings on corner lots should maintain or create orientation on both public streets.

e. Building Widths and Facades

- i. Objective. To reflect typical existing building widths found in the downtown and to avoid long building facades with a monolithic or monotonous appearance.
- ii. Standard. Buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet each) through articulation of the facade. This can be achieved through combinations of the following techniques and others that may meet the objective, as long as they all conform to a single architectural style: stepping back or extending forward a portion of the façade; using different textures or materials drawn from a common palette; dividing the storefronts with separate display windows and entrances; varying the rooflines by alternating parapets, stepped roofs, or other roof elements; using arcades, awnings, window bays, arched windows, and balconies as focal points or defining elements.

f. Materials – All elevations and roof

- i. Objective. To ensure that high-quality, durable and authentic materials typical of Buchanan's traditional downtown continue to be used.
- ii. Standard:
Primary materials: New buildings should be constructed of high-quality materials, including but not limited to the following: brick, natural stone, precast concrete units and decorative concrete block (provided that surfaces are molded, serrated or textured giving the wall surface a three-dimensional character), stucco, jumbo brick (which may be used on up to 30 percent of any façade, provided that it is used only on the lower third of the building wall), EIFS (exterior insulating finish system, which may be used as an accent but not a primary material), architectural metalwork.
- ii. The following materials are prohibited: unadorned plain or painted concrete block, tilt-up concrete panels, reflective or darkly tinted glass, or pole buildings.

- iii. Accent materials may be used on up to 15 percent of the building's façade. These may include metal, glass, block, painted wood panels, spandrel glass or similar materials as approved by the Downtown Design Review Committee (DDRC).
- iv. Existing buildings should be rehabilitated using original materials to the extent feasible. If original features or materials cannot be restored or replicated, the primary materials listed above may be used.
- v. Roofs, generally flat or low pitch (2:12 or less). Asphalt shingles and asphalt roll roofing are prohibited on flat or low-pitch roofs. New roofing material may not be terminated on the fascia or the wall below the roof, that is, the existing fascia must be retained or replaced in kind and may not be covered by the roofing material.

g. Architectural Details.

- i. Objective. Incorporate architectural details to serve as identifiable and visually interesting enhancements to building facades and help to establish a pedestrian supportive environment.
- ii. Standard. Architectural design shall be sensitive to the massing and proportion of adjacent structures, and reflect or complement the detailing of surrounding buildings, with elements such as lintels, cornice lines, balconies and decorative brick or stonework. Exterior lighting, awnings and signage shall be installed without damaging the building or visually impairing distinctive architectural features. Fasteners will be placed in mortar joints and not into masonry units.

h. Openings in Front

- i. Objective. To establish the visual importance of the primary street entrance, and to ensure those entries contribute to the visual attractiveness of the building and are readily visible to the customer.
- ii. Standard. The main entrance should always face the primary street, with secondary entrances to the side or rear. Entries to corner-oriented buildings may face the corner rather than either primary street. The main entrance of commercial, office and mixed-use facilities should be placed at sidewalk grade to facilitate ease of access.

i. Windows and Doors

- i. Objective. Preservation of the historic character of the building and downtown.
- ii. Standard. Historic windows and doors should be rehabilitated or repaired if possible. Replacement of historical windows or doors will either replicate or simulate the appearance of the historical unit.

- iii. The removal of existing doors and windows and replacement by a solid wall is typically not allowed unless the applicant can provide detailed information regarding why the removal is necessary.
- iv. Original or historic windows and doors should be rehabilitated or repaired whenever possible. Options for dual glazing (storm panels) is the preferred method to improve energy efficiency. When rehabilitation or repair is not possible, replacement is allowed.

Door and window openings shall not decrease in size. When it is proposed to increase the size of an existing opening or create a new opening, clear and detailed information must be provided in the application. Care must be given not to damage or remove any existing architectural elements.

When original or historic doors are to be replaced, the new units must be of a similar style, have the same number and placement of panels, lights, etc., and have similar molding profiles. Historic pattern or decorative glass (glue-chip, etched, beveled, etc.) must be replaced with identical materials. When non-historic doors are to be replaced, the new doors should be of a style appropriate to the architectural style of the building.

When original or historic windows are to be replaced, the new units must be of a similar style (i.e. double-hung, casement, fixed, etc.), have the same number and placement of lights (i.e. 6 over 6, 3 over 1, etc.), and have similar muntin widths (with no more than 1/8" variation from the original). Historic pattern or decorative glass (prism, reeded, glue-chip, etched, beveled, etc.) must be replaced with identical materials. If the window sash are not true divided light, grilles simulating muntin's must be permanently installed on both the inner and outer sides of the glass.

When non-historic windows are to be replaced, the new windows should be of a style appropriate to the architectural style of the building and should otherwise follow the standards for replacement of historic windows above.

Triple-track storm units are not allowed.

j. Color and Use of Paint.

- i. Objective. To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.
- ii. Standard. Principal building colors shall consist of subtle, neutral or muted colors, with low reflectance. Allowed colors include browns, grays, tans, beiges, and muted greens, blues and reds. No more than two principal colors may be used on a façade or storefront. Bright, white, or primary colors shall be used only as accents, occupying a maximum of 15 percent of a building's facades. This standard does not apply to murals or other works of public art.

iii. Buildings that currently have painted masonry may change paint color as stated above.

iv. Painting masonry surfaces is strongly discouraged as it cannot be easily removed without damaging the masonry, often creates conditions that lead to the accelerated deterioration of the masonry, and turns a maintenance-free surface into a maintenance-required surface. Any application to paint an unpainted masonry building must include clear, detailed, and persuasive reasons as to why painting the masonry is necessary. Simple aesthetic preference is not a sufficient reason.

v. Removing the paint from historically painted masonry surfaces is also strongly discouraged. Any application to remove paint in such situations must clearly demonstrate why the removal of the paint is necessary, what methods and materials are to be used in the removal, the plan for repairing or replacing deterioration which is revealed, and the planned material to be used to treat or finish the newly exposed brick.

k. Mechanical Equipment and Service Areas.

i. Objective. To ensure that views of rooftop equipment and services areas from public streets or pedestrian ways are minimized.

ii. Standard. All rooftop equipment shall be screened from view six feet above by an adult standing at ground level on adjacent streets, public rights-of-way, or properties. Preferably, rooftop equipment should be screened by the building parapet or located out of view from the ground. If this is not feasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of 1 ½ times its height from any façade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

If ground mounted outdoor mechanical units or storage, service, or loading areas face adjacent residential uses or are visible from a public street, alley or walkway, they shall be screened from view by masonry walls or plant material. Screen walls shall be architecturally compatible with the primary structure. Loading docks and loading doors shall be located to the side or rear of the building.

5. Appeal process.

a. A decision by the Zoning Administrator may be appealed to the Downtown Design Review Committee. The applicant shall submit a complete application for such request to the Downtown Design Review Committee on such forms provided by the City for that purpose and subject to the fees set by the City Commission prior

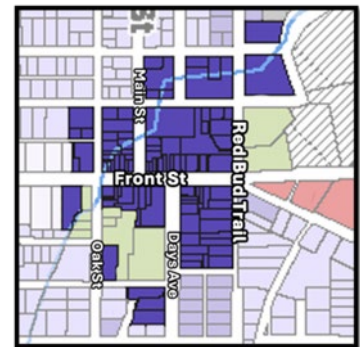
to the posted submittal deadline prior to the next regularly scheduled Downtown Design Review Committee meeting.

- b. Appeals of a decision of the Downtown Design Review Committee shall be made to the Planning Commission on such forms provided by the City for that purpose and subject to such fees set by the City Commission and within 60 days after the decision or within 21 days after the Downtown Design Review Committee approves the meeting minutes, whichever comes first.
- c. A building permit shall not be issued for proposed exterior work unless the Downtown Design Review Application has been approved or approved with conditions. An occupancy permit will not be issued until the Zoning Administrator has inspected the work and finds it is in compliance with the plans approved by the Zoning Administrator or the Downtown Design Review Committee.

Article V. DEFINITIONS

Overlay District:

Downtown Design Review Areas. The Downtown Design Review Overlay District will consist of all properties located in the D Downtown District and those properties located in the N Natural District located between Days Avenue and South Oak Street between East Roe and East Front Streets in addition to parcels abutting the west side of South Oak Street between Charles Court and West Front Street and land located between East Front Street and south of unimproved East Dewey Street and east of North Redbud Trail.



Final draft 08222026 PC changes



Date: September 22, 2026

To: Buchanan City Commission

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Consideration of an Amendment - Unified Development Code – New Section 71-28 Fencing, Lighting, Screening and Landscaping Standards and deletion of Sections 71-26 Buffering, 71-28 Tree preservation and landscape standards and 71-29 Fencing standards – First Reading of Ordinance**

Background

The Unified Development Code was adopted in late 2025. Staff have been using the document daily to better understand it and to answer questions. In March 2026, staff brought several concerns to the Planning Commission associated with Sections 71-26 Buffering, 71-28 Tree preservation and landscape standards and 71-29 Fencing standards and the Planning Commission directed staff to work on amendments.

Draft language was reviewed, discussed and modified during the April, May and August Planning Commission meetings and the public hearing is scheduled for September 8th. Staff also worked with the Tree Friends Board to create an improved list of appropriate species for planting. Following are some of the changes made:

- Sections 71-26 buffering, 71-28 tree preservation and landscape standards and 71-29 fencing standards have been deleted in their entirety.
- All new language associated with fencing, screening and landscaping have been consolidated into one section and language was added for lighting.
- Changes are proposed to Section 71-27F.7 off-street parking standards – landscaping for parking lots along with H.1.b off-street loading and refuse screening.
- A purpose statement was added explaining the intent of the regulations.
- Within Article IV Administration (Sections 71-32.B4, 71-33.D and G, 71-34.K.3, 71-36.A and D) new language was added to allow the Zoning Board of Appeals to grant fence modifications.

Fencing changes include:

- Language was added regarding measurement, use of gates, reference to clear sight lines and having the good side of the fence face out toward the adjacent properties.
- Defined open and closed fences and limit location of fencing. UDC prohibits the use of chain-link fencing, draft language allows chain-link under certain conditions.

- Incorporated language for public recreational and protective measure fences to be taller under certain conditions.
- Established list of allowable and prohibited materials.
- Added a Fence Height Maximum chart for the different zoning districts.
- Added language for the Zoning Board of Appeals to grant modifications to the fence regulations with different standards for review and requiring written notice to property owners.

Lighting regulations were added:

- Established basic standards to help prevent glare and establishes a 0.5 foot-candle for lighting levels at lot lines other than in the D Downtown District.

Screening standards replace “buffering”:

- Establishes minimum standards for mechanical equipment, outdoor storage, refuse containers and loading areas.
- Provides for use of fencing or berming where appropriate.

Landscaping and buffering standards changes include:

- Removed language associated with tree preservation.
- Updated recommended species list after consulting with Tree Friends.
- Included simple reference to Code of Ordinances for Tree lawns and public trees.
- Provided design guidance for berms, retaining walls and green infrastructure.
- Regulations established for perimeter landscaping, parking lot landscaping, foundation plantings and transitional buffers strips.
- Minimum plant size table created for easy reference.
- Exceptions made for existing structures and residential uses.

Article V Definitions

- Modified the definition of “Fence” and defined “yards and mechanical equipment”.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on the requested text changes during their September 8th meeting. No audience members spoke and the Planning Commission unanimously recommended approval of the request.

Standards for Review

Section 71-36 Specific standards for development approvals and within 71-36.B.2 standards for Amendments to text or the zoning map are stated. The Planning Commission needs to review and discuss the standards before a motion is made. Following is the language from Section 71-36.B.2 of the Unified Development Code:

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.

Recommendation

The public hearing was conducted earlier in the meeting. Please deliberate the request, review the factors stated above from Section 71.36.B.2 before making a motion. If the Commission concurs with the Planning Commission's recommendation a motion could be stated as "Move to approve the first reading of an ordinance relating to the deletion of Article III Zoning Sections 71-26 Buffering, 71-28 Tree Preservation and Landscaping and 71-29 Fencing standards and the establishment of Section 71-28 Fencing, Lighting, Screening and Landscaping along with amendments to Article IV Administration Sections 71-27.H.1.b, 71-32.B.4, 71-33D and G, 71-34.K.3, 71-36.A and D allowing fence modifications to be granted by the Zoning Board of Appeals under certain conditions and Article V Definitions and any other sections of the Unified Development Code that may be necessary as the proposed amendment is consistent with the factors for a text amendment as found in Section 71.36.B.2 of the Unified Development Code and to schedule the second reading of the ordinance and public hearing for October 26, 2026."

**DRAFT PROPOSED ORDINANCE
09282026**

**CITY OF BUCHANAN
FENCING, LIGHTING, SCREENING AND LANDSCAPING ORDINANCE
UNIFIED DEVELOPMENT CODE
ORDINANCE NO. 2006.10/458**

AN ORDINANCE TO REPEAL REGULATIONS FOUND IN SECTIONS 71-26 BUFFERING, 71-28 TREE PRESERVATION AND LANDSCAPE STANDARDS AND 71-29 FENCING REGULATIONS IN THEIR ENTIRETY AND TO ESTABLISH NEW REGULATIONS IN SECTION 71-28 PERTAINING TO FENCING, LIGHTING, SCREENING AND LANDSCAPING ALONG WITH SECTIONS 71-27.H.1.b, 71-32.B.4, 71-33.D. and G, 71-34.K.3, 71-36.A and D TO ALLOW FENCE MODIFICATIONS BY THE ZONING BOARD OF APPEALS AND ARTICLE V DEFINITIONS TO ADD NEW TERMS IN THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BUCHANAN TO PROVIDE CLEAR AND CONCISE REVIEW STANDARDS AND TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.

IT IS HEREBY ORDAINED BY THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN:

SECTION 1. Article III Zoning, Sections 71-26 Buffering and 71-29 Fencing standards are hereby repealed as the language is being removed entirely as follows:

Article III Zoning, Sections 71-26 Buffering and 71-29 Fencing standards are hereby repealed in their entirety.

SECTION 2. Article III Zoning – Section 71-27.H.1.b is hereby amended to read as follows:

Sec. 71-27 Parking and loading standards

H. Loading standards.

1. b. Required off-street loading shall be located and screened in accordance with Section 71-28.

SECTION 3. Article III Zoning Section 71-28 Tree preservation and landscape standards is hereby repealed as the language is being removed entirely and replaced with the following new language as follows:

Section 71-28 Fencing, Lighting, Landscaping and Screening Standards

A. Intent and Purpose

The intent and purpose of this section is to provide regulations and requirements for fencing, lighting, landscape and screening of certain uses and perimeters while protecting the character of surrounding areas, enhancing the visual environment, lessening the impact of differing intensity and

use of adjacent properties, securing property, providing safety for individuals, stabilizing soils, controlling blowing dust and debris, preventing the glaring of lighting on adjacent properties, reducing stormwater runoff, and reducing noise.

B. Fencing and wall standards

1. These standards shall apply to fences as an accessory structure in all zoning districts.
 - a. Permits Required. Construction of a fence shall require issuance of a permit issued by the City, prior to construction or installation of any fence.
 - b. Measurement of Fence Height. Fence height is measured from the grade below the fence, to the top of the fence. Anchor posts may be up to 6 inches above the fence. There will be an additional tolerance of not more than 3 inches due to grade changes along the fence.
 - c. Setbacks. All portions of the fencing including support posts must be installed on the parcel and cannot extend over the lot line. It is the responsibility of the property owner to determine the location of the lot lines.
 - d. Clear Sight Lines. All fencing shall comply with the Clear sight lines regulations found in Section 71-16G.
 - e. Gates. Shall not swing over public rights-of-way or onto an adjacent property.
 - f. Pools. Fences that serve as enclosure for a swimming pool shall meet the permit requirements and standards of the State of Michigan Building Code.
 - g. Placement in recorded easements. Fencing may be approved within recorded easements, however, those with easement rights may need to remove the fence.
2. Fence design, types, materials and maintenance. These standards shall apply to fences in all zoning districts.
 - a. Finished Side Out. All fences shall be constructed to present a finished outside fence appearance to adjacent property and public rights-of-way by either:
 - ii. Symmetrical construction having identical inside and outside appearance, including anchor posts and frame members.
 - ii. Offset construction with anchor posts and horizontal and vertical frame members visible on inside face only and horizontal and vertical members or materials mounted on outside surface of frame and anchor post members.
 - b. Fence Types.
 - i. Open Fence. An open fence is more than 50% open when viewed from an angle perpendicular to the fence. Examples of open fences include split rail, chain link, picket, or metal open fences.
 - ii. Solid Fence. A solid fence is 50% or less open when viewed from an angle perpendicular to the fence. The fence may also provide sound blocking. Examples of solid fences include vinyl privacy fencing, brick walls, wood stockade fencing and board on board fencing.
 - c. Public Recreational Use Fence. An open fence is used to keep recreational equipment within a confined area. Typically installed around the perimeter of tennis or pickleball courts or baseball fields or basketball courts.

d. Protective Measure Fence. A protective measure fence is used to protect utility and public service installations, other uses or facilities as determined necessary. The zoning administrator, city manager and police or fire chief will determine if the property requires a protective measure fence.

i. An exception to increase the maximum allowable height of a fence maybe granted not to exceed 12' in height.

ii. A protective measures fence may incorporate barbed wire, concertina wire, razor wire or electrically charged fencing or incorporate jagged or sharp materials, so long as these materials are at least 8' above grade.

iii. A protective measures fence shall be placed to protect only the authorized facilities and a reasonable adjacent area that is necessary to provide access to the authorized facilities or that is impractical to separate from the authorized facilities. The specific location and design of the protective measure fence shall be subject to approval by the zoning administrator, city manager, police and fire chief.

3. Materials.

a. Fences shall be constructed of pressure-treated wood, wrought iron, brick, masonry, high-quality vinyl, chain link or other materials designed for permanent outdoor fencing.

b. Wood fences shall be constructed of cedar, redwood, or other decay-resistant wood.

c. Alternative materials such as scrap or "recycled" materials such as recycled doors, sheet metal, corrugated metal, wood pallets, siding, filing cabinets, tires, plywood, and similar materials must be reviewed and approved by the Zoning Board of Appeals in accordance with Section prior to any permit being issued.

d. Prohibited materials. The following materials are prohibited barbed wire, concertina wire, razor wire or electrically charged fencing. The use of slats in chain link or the use of chicken wire, fabric, tarps and materials not traditionally used for fencing is prohibited.

4. Maintenance.

a. Fences shall be maintained in good repair and safe condition.

b. Peeling, flaking, and chipped coating shall be eliminated and surfaces shall be recoated.

c. Damaged boards or panels shall be replaced.

d. Nonconforming fencing may not be replaced.

4. Table 71-Q Fence Height Maximums

Table 71-Q Fence Height Maximums					
	N, NE, GN, NC – One and Two- Family Residential Uses	N, NE, GN, NC – Three-Family or more Residential Uses or Non- Residential Uses	D	SC	I
Front Yard	4' – open excluding chain-link 3' - solid	4' – open excluding chain- link 3' - solid	N/A	4' – open excluding chain link	4' – open or solid excluding chain link
Secondary Front Yard – Behind front face of building	6'	6'	6'	6'	6'
Side Yard – Behind front face of building	6'	6'	6'	6'	6'
Rear Yard	6'	6'	6'	6'	6'
Public Recreational Use Fencing	6'	12'	N/A	N/A	12'

C. Lighting standards

1. The standards shall apply to all exterior lighting found in any zoning district.
2. Exceptions. The following types of outdoor lighting shall not be subject to this Ordinance; however, no lighting shall cause a disturbance on private property.
 - a. Residential decorative lighting such as porch, low level lawn lights, and seasonal lights.
 - b. Ground lights that illuminate flags and lights that are incorporated as architectural accent features shall be placed so that lighting or glare is not directed toward streets or adjacent properties, and fixtures shall be located, aimed, or shielded to minimize light spilling into the night sky.
 - c. Internally and externally illuminated signage as regulated in Section 71-30 of this Ordinance.
 - d. Lighting necessary for road work, utility work or emergency work.
 - e. Lighting for a permitted temporary event such as carnival, fair or city approved event.
 - f. Motion sensitive security lighting.
 - g. Fossil fuel light. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (i.e., gas lamps) is exempt from the provisions of this section.
 - h. Streetlights located within the public right-of-way.

3. Lighting Plan and manufacturer lighting details. A lighting plan with manufacturer lighting information is required if exterior lighting is required. The plan will include placement of lighting equipment and foot-candle readings along lot lines and location of highest foot-candle readings.
4. Lighting requirements.
 - a. Maximum height
 - i. Light Pole Height. The maximum height of light pole shall be 20' as measured from the ground to the top of the pole or light fixture, except for approved outdoor recreation area lighting associated with ballfields, tennis courts or stadiums.
 - ii. Wall Mounted Light Height. A wall mounted light shall not extend above the wall or be located on a roof.
 - iii. Lighting under a canopy shall be fully recessed.
 - b. Maximum light levels. The maximum light level at any lot line shall be 0.5 foot-candles. The maximum light level anywhere else on the property is 15 foot-candles. Buildings located in the D Downtown District and built at the lot line are exempt from the foot-candle levels.
 - c. Shielding. All exterior light fixtures shall be shielded, hooded and or louvered to provide a glare free area from all lot lines. 100% of the light shall be cut off above the horizontal plane at the lowest part of the light source.
 - d. Design. All exterior lighting shall be downward facing to reduce glare and arranged to direct and deflect light away from adjacent properties.
 - e. Ground lighting. Ground lighting shall not produce glare on adjacent properties.
 - f. Maintenance. Light fixtures shall be maintained in good working order. Bulbs and fixtures shall be promptly replaced as needed as not to become a hazard or nuisance.

D. Screening standards

1. These standards apply to all uses and zoning districts where mechanical equipment, outdoor storage and refuse containers are found on the exterior of the building.
2. Exceptions to screening requirements. One to four-family dwellings are excluded from the screening requirements following.
3. Mechanical equipment. Screening is required at time of installation of new or the replacement of existing mechanical equipment.
 - a. Rooftop mechanical equipment. All rooftop mechanical equipment shall be screened from ground-level view at the property line with the use of a concealing roof line, a parapet, a screening wall, or grillwork constructed of the same building material as the building directly surrounding the equipment, other alternatives may be approved by both the zoning administrator and city manager. All mechanical equipment shall be sufficiently setback from the façade edge to be concealed from street-level view or where roofs are visible from abutting and adjacent properties shall be covered. Any screening material shall be no taller than necessary to achieve the required screening.
 - b. Ground mounted equipment. All ground mounted equipment shall be screened from view by fencing or landscaping of sufficient height to screen the equipment.

4. Outdoor storage. All stored materials, supplies, equipment, or other similar materials, including any vehicle, trailers, commercial vehicles, boats (or similar), recreational vehicles, or similar materials that are not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by landscaping or fencing or wall with a minimum height of 6' at time of installation. If outdoor storage materials exceed the height of the allowable fence, then a combination of berming, fencing and landscaping shall be used to accomplish appropriate screening.
5. Refuse containers. With the exception of one and two-family dwellings and properties located in the D Downtown District, refuse containers including recycling and grease containers shall be installed as follows:
 - a. Location. Refuse containers shall be located in the side or rear yards of the property and at least 5' from any principal building. To the greatest extent possible, the door side of the enclosure shall be situated as to not face an abutting property, sidewalk, or street. Properties abutting residential uses shall place the refuse containers as far away as possible from the residential use. Refuse containers may not be placed in the front yard.
 - b. Access. Refuse containers shall be accessible by the waste hauler to prevent damage to vehicles and buildings.
 - c. Screening. Refuse containers shall be enclosed by a fence or wall on three sides with a gate for the refuse hauler to gain access.
 - d. Base. Refuse containers must be located on a concrete or asphalt base, designed to support the refuse container. Where grease containers are used, curbing shall be provided around the enclosure base to contain any spillage.
6. Loading areas. All new exterior loading areas shall be placed at the rear of the building when possible.
 - a. Loading areas visible from the street shall be screened with a wall or landscaping sufficient height to screen equipment and vehicles.

E. Landscaping and Buffering standards

1. The standards contained in this Section are considered the minimum necessary to achieve the intent. The standards are intentionally flexible to encourage creative design. Property owners are encouraged to provide additional landscaping beyond the minimum requirements to improve the function, appearance, and value of their property.
2. General requirements
 - a. Design creativity. Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the integration with existing landscaping on adjacent properties.
 - b. Installation. When a landscaping plan is required, it shall be installed as part of the building permit construction process. In the event of building completion in the winter months, an installation bond may be required to guarantee completion of the project.
3. Landscape Plan requirements. When a landscape plan is required pursuant to this Ordinance, the landscaping plan shall clearly describe the location, type, size, height, and spacing of materials. The landscape plan may be incorporated into the site plan.

4. General standards for landscape materials and ground cover
- a. Table 71-R Permitted species. Following is a list of permitted species of trees to be planted. Species not listed are either prohibited or must be reviewed and approved by the zoning administrator after review of the updated MDNR Recommended Trees for Community Planting and/or discussions with the Buchanan Tree Friends Board prior to installation.

Table 71- R Permitted species						
<u>Common Name</u>	<u>Botanical Name</u>	<u>Size</u>	<u>Native</u>	<u>Street Sidewalk Friendly</u>	<u>Riparian Friendly</u>	<u>Park or Utility Friendly</u>
<u>Serviceberry</u>	<u>Amelanchier spp.</u>	<u>Small</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Eastern Redbud</u>	<u>Cercis canadensis</u>	<u>Small</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Pagoda Dogwood</u>	<u>Cornus alternifolia</u>	<u>Small</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Flowering Dogwood</u>	<u>Cornus florida</u>	<u>Small</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Kousa Dogwood</u>	<u>Cornus kousa</u>	<u>Small</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Hawthorn (Thornless)</u>	<u>Crataegus spp. Var. inermis</u>	<u>Small</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Star Magnolia</u>	<u>Magnolia stellata</u>	<u>Small</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Saucer Magnolia</u>	<u>Magnolia x soulangiana</u>	<u>Small</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Red Horsechestnut</u>	<u>Aesculus x carnea</u>	<u>Medium</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>River Birch – single stem only</u>	<u>Betula nigra</u>	<u>Medium Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>European Hornbeam</u>	<u>Carpinus betulus</u>	<u>Small Medium</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>American Hornbeam</u>	<u>Carpinus Carolina</u>	<u>Small Medium</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Yellowwood</u>	<u>Cladrastis kentukea</u>	<u>Medium</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Turkish Filbert – Turkish Hazel</u>	<u>Corylus colurna</u>	<u>Medium</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

<u>Ginkgo (male only)</u>	<u>Ginkgo biloba</u>	<u>Medium Large</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>
<u>Thornless Honeylocust</u>	<u>Gleditsia triacanthos var. inermis</u>	<u>Medium Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>American Tamarack</u>	<u>Larix laricina</u>	<u>Medium</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Hop-Hornbeam Ironwood</u>	<u>Ostrya virginiana</u>	<u>Small medium</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Sourwood</u>	<u>Oxydendrum arboreum</u>	<u>Small medium</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Persian Parrotia</u>	<u>Parrotia persica</u>	<u>Small medium</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Ohio Buckeye</u>	<u>Aesculus glabra</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Bitternut Hickory</u>	<u>Carya cordiformis</u>	<u>Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Red Maple</u>	<u>Acer rubrum</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>
<u>Sugar Maple</u>	<u>Acer saccharum</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Pignut Hickory</u>	<u>Carya glabra</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Shagbark Hickory</u>	<u>Carya ovata</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Catalpa</u>	<u>Catalpa spp.</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Hackberry</u>	<u>Celtis occidentalis</u>	<u>Medium Large</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Katsura</u>	<u>Cercidiphyllum japonicum</u>	<u>Medium Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>no</u>
<u>American Beech</u>	<u>Fagus grandifolia</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Kentucky Coffeetree</u>	<u>Gumnocladus dioicus</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Tulip Tree</u>	<u>Liriodendron tulipifera</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Dawn Redwood</u>	<u>Metasequoia glyptostroboides</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Sycamore</u>	<u>Platanus occidentalis</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>

London Planetree	Platanus _____ x acerifolia	Large	Yes	No	No	no
White Pine	Pinus strobus	Large	Yes	No	No	No
White Oak	Quercus alba	Large	Yes	Yes	No	No
Swamp White Oak	Quercus bicolor	Large	Yes	Yes	Yes	No
Shingle Oak	Quercus imbricaria	Large	Yes	No	No	No
Bur Oak	Quercus macrocarpa	Large	Yes	Yes	No	No
Chinkapin Oak	Quercus muehlenbergli	Large	Yes	Yes	No	No
Red Oak	Quercus rubra	Large	Yes	Yes	No	No
Baldcypress	Taxodium distichum	Large	Yes	Yes	No	no
American Linden Basswood	Tilia americana	Large	Yes	Yes	No	No
Littleleaf Linden	Tilia cordata	Large	Yes	No	No	No
Silver Linden	Tilia tomentosa	Large	Yes	No	No	No
American Elm	Ulmus americanan x Hybrids	Large	Yes	Yes	Yes	No
Zelkova	Zelkova serrata	Large	No	No	No	no

5. Maintenance. All lot areas not used for buildings, parking, loading, and storage shall be landscaped. Maintenance shall include all reasonable and regular watering, weeding, fertilizing, and pruning. Plant materials that show signs of insect pests, diseases, and/or damage should be removed immediately or as soon as practical under the seasonal conditions existing and according to the approved landscape plan. Any mulch or stone used for ground cover must be maintained and refreshed as needed. Any debris or refuse must be removed as soon as possible. The developer or subsequent owner(s) shall be responsible for maintaining all on-site landscaping in a living condition and shall replace any removed plants required based on the approved landscape plan.

F. Tree lawns and Public Trees.

See Chapter 106 Vegetation in the Code of Ordinances.

G. Berms

1. Berms shall be constructed as follows:
 - a. Dimensions. Berms shall be measured from the grade or flat ground adjacent to the berm and shall be constructed with slopes no steeper than one (1) foot vertical

for each three (3) feet horizontal (33% slope), with a least two (2) feet of flat area on top. Berms may undulate in height, subject to review and approval of the berm design. The height of a berm should not exceed three (3) feet.

- b. Protection from erosion. Any berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, or other types of construction materials to retain the shape and height of the berm shall be prohibited.
- c. Required plantings. The installation of a berm does not eliminate the landscaping requirements.

H. Retaining walls.

A retaining wall more than four feet in height when measured from existing grade to the highest point requires a building permit.

I. Green infrastructure.

The use of rain gardens or bioretention or vegetated swale facilities may be incorporated into parking lot design. Standard design principles shall be incorporated into the facility.

J. Perimeter Landscaping, Parking Lot Landscaping, Foundation Plantings and Transitional Buffer Strips

1. Applicability.

- a. One- and two-family residential properties shall be exempt from providing perimeter landscaping, parking lot landscaping as required as provided in this Section.
- b. For all other properties any development activity involving an improved property, such landscaping shall be required when the floor area of any building or structure, or parking areas, or any combination thereof, is increased, as follows:
 - i. If the total of the existing such area(s) is increased twenty-five percent (25%) or less, no additional landscaping is required.
 - ii. If the total of the existing such area(s) is increased more than twenty-five percent (25%) but less than fifty percent (50%), such landscaping is required for that portion of the lot which is faced by the expanded area(s).
 - iii. If the total of the existing such area(s) is increased fifty percent (50%) or more, such landscaping is required for the entire development.

The percentage of increase shall be calculated by combining all increases in floor or parking area(s) after the effective date of this ordinance.

- 2. Table 71-S Minimum Plant sizes at time of planting. The minimum size of landscape plant material at time of installation shall comply with the following:

Table 71-S Minimum Plan Sizes at Time of Planting

Plant Type	Minimum Caliper	Minimum Height	Minimum Spread
<u>Deciduous/Canopy Tree</u>	<u>2" measured 2' above grade</u>	<u>N/A</u>	<u>N/A</u>
<u>Ornamental Tree</u>	<u>1.5 inches measured 2' above grade</u>	<u>N/A</u>	<u>N/A</u>
<u>Evergreen Tree</u>	<u>N/A</u>	<u>5'</u>	<u>2'</u>
<u>Deciduous Shrub</u>	<u>N/A</u>	<u>2'6"</u>	<u>2'</u>
<u>Upright Evergreen Shrub</u>	<u>N/A</u>	<u>3-gallon container or 30" in height whichever is greater</u>	<u>N/A</u>
<u>Spreading Evergreen Shrub</u>	<u>N/A</u>	<u>N/A</u>	<u>2' spread</u>
<u>Ornamental or Native Grasses</u>	<u>N/A</u>	<u>18"</u>	<u>N/A</u>
<u>Perennials</u>	<u>N/A</u>	<u>1-gallon container</u>	<u>N/A</u>

3. Perimeter Landscaping.

- a. Trees: Shade trees or evergreen trees are required based on one (1) tree for each seventy (70) feet of lot line length, exclusive of access drives perpendicular to the lot lines.
- b. Ground Cover: Except where occupied by planting beds and trees, all perimeter landscaping areas shall be sodded or seeded with turf grass.

4. Foundation Landscaping: Foundation plantings shall be located adjacent to all sides of buildings which face a public right-of-way or internal street access drives, excluding buildings that are constructed at the front or street side which are not required to provide foundation landscaping.

- a. The foundation landscaping area shall be a minimum of two (2) feet in width and shall remain open and free of all paving except where interrupted for sidewalks and driveways leading directly into the building as necessary ingress and egress.
- b. Foundation plantings shall consist of a minimum ratio of one plant for every three (3) linear feet of building length. A combination of deciduous shrubs, evergreens, flowers, ornamental grasses and other native ground covers should be used. All planting areas which are not occupied by trees, shrubs, flowers, ground cover, ornamental grasses or mulch shall be sodded or contain decorative landscape stone. Attention should be paid to providing transitions between the building and ground plane, visual breaks along monotonous building facades, and enhancing walkways, entrances, seating areas or other pedestrian areas.

- c. At the discretion of the Zoning Administrator and City Manager, required foundation plantings may be relocated elsewhere on site or provided in an alternate manner, such as using above-ground planting containers or boxes.

5. Parking Lot Landscaping.

All parking spaces used by employees and guests shall comply with the required parking lot landscape regulations except for areas specifically designated for the storage of vehicles as follows:

- a. Parking in the front and street side yards.
 - i. Where parking stalls and drive aisles abut or face a public street, landscaping shall be required between the parking area and the street right-of-way and shall consist of a landscape strip of land at least five (5) feet in width.
 - ii. Landscaping consisting of one shrub or ornamental grass for each 5' of street frontage excluding curb cuts. One (1) ornamental tree may be planted instead of 5 shrubs or ornamental grasses. Landscaping installed may be placed in groupings within the required landscape strip.
- b. Internal parking lot landscaping and Islands.
 - i. For every twenty (20) parking spaces, there shall be provided a landscape island at least ten (10) feet in width and eighteen (18) in length. The islands shall be dispersed evenly throughout the parking lot.
 - ii. Each landscape island shall include one canopy tree and include ground cover, ornamental grasses, annual or perennial flowers or shrubbery. Vegetation planted shall not infringe on access to the adjacent parking spaces.
 - iii. The landscape island may be used as part of the on-site stormwater management system.

6. Transitional buffer strips.

Transitional buffer strips shall be provided along the interior side and rear yards of a lot where a non-residential use abuts directly upon land zoned or used for one or four family dwellings. Properties located in the D Downtown District are exempt from providing a transitional buffer strip.

- a. A minimum 10' wide transitional buffer strip shall be provided along the shared lot line.
- b. Screening within the 10' wide transitional buffer strip may consist of the following:
 - i. Fence or Wall. A solid 6' fence or wall located 10' from the lot line. The area located outside of the fence must have established grass, ground cover, or other suitable live plant materials and shall be planted over the entire length of the transition buffer strip.
 - ii. Landscaping. The use of evergreens or a landscape screen is proposed, the plans shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complex visual barrier that is at least eight (8) feet above the ground level within three (3)

years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.

iii. A berm may be installed to help create the required transitional buffer strip. Landscaping will be required on the berm.

SECTION 4. Article IV Administration, Section 71-32.B.4 is hereby amended as follows:

4. Removing or damaging required landscaping without approval of a revised site and landscape plan.

SECTION 5. Article IV Administration, Section 71-33.D is hereby amended with additional new language as follows:

c. Fence modifications. To review, hear, consider and approve, approve with conditions or disapprove modification.

Section 6. Article IV Administration, Section 71-34.G – Table 71-U Timing Notice is hereby amended with the following additional language as follows:

TABLE 71-U NOTICE TIMING		
Application	Notice Required	
	Written	Published
Fence Modification	Not less than 15 days prior to meeting date	None

SECTION 7. Article IV Administration, Section 71-34.K3 Review of applications by decision making bodies is hereby amended to add the following new language:

a. Fence Modification. After the submission of an application for a fence modification, 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.

SECTION 8. Article IV Administration, Section 71-36.A Table 71-V Development Review Procedures is hereby amended to add the following:

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	
Fence Modification	R		[A]			W

SECTION 9. Article IV Administration, Section 71-36.D Variances is hereby amended to add new language as follows:

D. Variances

1. Purpose

- a. General. There are three types of variances allowed under the terms of this chapter: dimensional variances, use variances and fence modifications.
- d. Fence modifications. Fence modifications are deviations from Section 71-28.B Fence and Wall Standards from height, setback, yard, or alternative materials when special circumstances of the property which are not the reasonably foreseeable result of the actions of the property owner, and the strict enforcement of Section 71.28.B would unreasonably deprive the owner of the lawful use and enjoyment of the property or would be contrary to the spirit and purpose of these provisions or the public interest.

3. Standards

- c. Fence modification. The zoning board of appeals may approve a fence modification on a finding there is evidence of the following:
 - i. There are special circumstances of the property which are not the reasonably foreseeable result of the actions of the property owner, and the strict enforcement of Section 71.28.B would unreasonably deprive the owner of the lawful use and enjoyment of the property or would be contrary to the spirit and purpose of these provisions or the public interest.
 - ii. The applicant has demonstrated the proposed alternative materials are appropriate for the location and how they will be maintained as not to become a nuisance per se.
- d. Conditions of approval...
- e. Recording....
- f. Expiration...
- g. Extension...

Section 0. Article V. Definitions is amended to add or modify the following definitions:

Berm: a raised mound of soil designed to enhance both the aesthetic and functional aspects of outdoor spaces. They can be installed improve drainage, provide privacy or create a focal point

Fence: a barrier, railing, buffer or other fixed upright structure, typically of wood, metal or vinyl, enclosing an area of ground, marking a boundary, screening an activity, or creating a visual barrier. A retaining wall is not a fence. Plant material is considered landscaping and not fencing.

Mechanical equipment: a system or part of a system installed outside of a structure and utilized to provide control of environmental conditions and related process within a structure. Equipment can include air conditioning units, emergency generators, heat pumps, ductless heat pump (mini-splits), water pumps or other similar things.

Retaining wall: a structure designed to restrain the existing natural grade of land or changes to grade associated with mass grading of a parcel where the soil slope would not naturally keep due to steep, near vertical or vertical slopes. A retaining wall is considered landscaping.

Yard: the open area between a building and a property line, as determined by the actual construction on a property. Depending on the footprint of the building, the yard may not be rectangular in shape.

Front Yard: the open space extending the full width of the lot between the wall of the building and the front lot line.

Streetside Yard: the open space between the wall of the building street side lot line.

Rear Yard: the open space extending the full width of the lot between the wall of the building and the rear lot line.

Side Yard: the open space between the building and the side lot line.

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.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE __ DAY OF APRIL 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON DAY__ OF APRIL 2026 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 the __day of April 2026, 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



Text Amendment (Changing Language in Unified Development Code – zoning ordinance) Application

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. If additional space is needed, please use additional sheets of paper.

Property Information

Applicable Section of Zoning Ordinance that amendment is requested: Sections 71-26 Buffering, 71-28 Tree preservation and landscape standards, 71-29 Fencing standards - see redline for smaller items.

Briefly Explain Request: Three sections will be deleted in entirety and new language has been added to provide clear intent, inclusion of standards language and consolidating into one section.

Are there other requests associated with application?: If yes, explain: No, please see attached redline and draft language.

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: City of Buchanan - Kristen Gundersen

Relationship to Property Owner: staff

Mailing Address: 302 N Redbud Trail

City: Buchanan State: MI Zip Code: 49107

Telephone Number: 269.695.3844 Emergency Number: _____

E-mail Address: kgundersen@cityofbuchanan.com

Attorney: Butzel

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Engineer or Architect: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Proposed Language Change (please use additional paper if needed)

Existing section and language from Zoning Ordinance: See attached

Proposed new language for the Zoning Ordinance: See attached

Explain how the proposed new language supports the goals and objectives of the adopted Master Plan: The draft changes will help to ensure the development review process is simple, efficient, predictable and easily accessible (4-1) by consolidating the location of similar regulations. Removes tree preservation regulations as there is not qualified staff to coordinate process. Will help to improve appearance of properties when redeveloped by having consistent, easy to understand regulations (4-6)

Text Amendment Standards

If needed use additional sheets of paper to respond to Standards.

Section 71-35.B.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 d 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. Proposed amendments are consistent with 4-1 to ensure the development review process is simple, efficient, predictable and easily accessible. The proposed amendments consolidate similar regulations into one section.
-
-

- b. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment. The existing language had a very detailed tree removal process and there is no qualified staff to administer such a program. The fencing regulations did not include standard design requirements typical to fence requirements. It was unclear if creening was required for refuse disposal containers, loading areas, or mechanical equipment. Trees listed are not desired in the area.
-

- c. Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

There are no existing regulations associated with on-site lighting requirements. The Unified Development Code needs to provide easy to understand regulations while improving the built environment and limiting negative impacts on the surrounding area.

- 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.

The proposed text amendment pertains to properties or uses described in the language. It is believed the proposed amendment creates, clear and concise regulations.

- e. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Properties relying on the proposed amendment for improvements to private property will help to maintain a logical and orderly development pattern.

TEXT AMENDMENT APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the 10th, day of August, 2026, I/We have read the above certification, understand it, and agree to abide by its conditions.

[Signature], City of Buchanan
Signature of Applicant or Authorized Agent

Kristen Gundersen
Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this 10 day of
Aug, 2026

[Signature]
Notary Public

KALLA LANGSTON
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF BERRIEN
 My Commission Expires June 09, 2032
 Acting in the County of Berrien

NOTE: Language to be deleted shown with strikethrough. New language shown with highlight. Additional formatting will take place with creation of adopting ordinance.

Section 71-26 Buffering (delete in entirety)

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;
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. 71-28 Tree preservation and landscape standards~~
(delete in entirety)

~~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.~~
- ~~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 $\geq$ 6 in. DBH.~~
2. ~~Preservation priority. Designs must avoid Landmark Trees. The Administrator may waive preservation if no prudent and feasible alternative exists.~~
3. ~~Protection during construction. Preserved trees must be fenced at the dripline or $\geq$ 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 $\geq$ 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
$\geq$ 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.~~
1. ~~Replacement stock: deciduous 2.5-in. caliper minimum; evergreen 8 ft. tall minimum.~~
2. ~~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: $\geq$ 2 understory trees or 1 understory tree + 10 shrubs.~~
 - b. ~~GN & NP-M: $\geq$ 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.

- 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.

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

4. 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%.~~

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 municipal Schedule of Fees 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. ~~Cattery/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
American Hornbeam	<i>Carpinus caroliniana</i>		Yes	Upright	20 to 30	20 to 30
American Linden	<i>Tilia americana</i>		Yes	Rounded	30 to 50	50 to 80
American Yellowwood	<i>Cladrastis kentukea</i>		No	Rounded/ Vase	20 to 50	40 to 50
Bald Cypress	<i>Taxodium distichum</i>		No	Pyramidal	25 to 35	60 to 80
Blackgum	<i>Nyssa sylvatica</i>		No	Pyramidal/ Oval	25 to 35	65 to 75
Bur Oak	<i>Quercus macrocarpa</i>		Yes	Upright Oval/ Spreading	40 to 60	60 to 70
Cockspur Thornless Hawthorn	<i>Crataegus crusgalli</i> var <i>inermis</i>		Yes	Rounded	10 to 25	10 to 15
Crabapple	<i>Malus</i> spp.	Sugar Tyme; Prairie Fire; Various	No	Rounded	20 to 25	20 to 25

TABLE 71-S RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
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	40 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; Accolade	No	Vase	30 to 45	40 to 60
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

TABLE 71-S—RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
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
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~~ (Delete in entirety)

- ~~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.~~

Section 71-28 Fencing, Lighting, Landscaping and Screening Standards

A. Intent and Purpose

The intent and purpose of this section is to provide regulations and requirements for fencing, lighting, landscape and screening of certain uses and perimeters while protecting the character of surrounding areas, enhancing the visual environment, lessening the impact of differing intensity and use of adjacent properties, securing property, providing safety for individuals, stabilizing soils, controlling blowing dust and debris, preventing the glaring of lighting on adjacent properties, reducing stormwater runoff, and reducing noise.

B. Fencing and wall standards

1. These standards shall apply to fences as an accessory structure in all zoning districts.
 - a. Permits Required. Construction of a fence shall require issuance of a permit issued by the City, prior to construction or installation of any fence.
 - b. Measurement of Fence Height. Fence height is measured from the grade below the fence, to the top of the fence. Anchor posts may be up to 6 inches above the fence. There will be an additional tolerance of not more than 3 inches due to grade changes along the fence.
 - c. Setbacks. All portions of the fencing including support posts must be installed on the parcel and cannot extend over the lot line. It is the responsibility of the property owner to determine the location of the lot lines.
 - d. Clear Sight Lines. All fencing shall comply with the Clear sight lines regulations found in Section 71-16G.
 - e. Gates. Shall not swing over public rights-of-way or onto an adjacent property.
 - f. Pools. Fences that serve as enclosure for a swimming pool shall meet the permit requirements and standards of the State of Michigan Building Code.
 - g. Placement in recorded easements. Fencing may be approved within recorded easements, however, those with easement rights may need to remove the fence.
2. Fence design, types, materials and maintenance. These standards shall apply to a fences in all zoning districts.
 - a. Finished Side Out. All fences shall be constructed to present a finished outside fence appearance to adjacent property and public rights-of-way by either:
 - ii. Symmetrical construction having identical inside and outside appearance, including anchor posts and frame members.
 - ii. Offset construction with anchor posts and horizontal and vertical frame members visible on inside face only and horizontal and vertical members or materials mounted on outside surface of frame and anchor post members.
 - b. Fence Types.
 - i. Open Fence. An open fence is more than 50% open when viewed from an angle perpendicular to the fence. Examples of open fences include split rail, chain link, picket, metal open fences.
 - ii. Solid Fence. A solid fence is 50% or less open when viewed from an angle perpendicular to the fence. The fence may also provide sound blocking. Examples of solid fences include vinyl privacy fencing, brick walls, wood stockade fencing and board on board fencing.
 - c. Public Recreational Use Fence. An open fence is used to keep recreational equipment within a confined area. Typically installed around the perimeter of tennis or pickleball courts or baseball fields or basketball courts.
 - d. Protective Measure Fence. A protective measure fence is used to protect utility and public service installations, other uses or facilities as determined necessary. The zoning administrator, city

manager and police or fire chief will determine if the property requires a protective measure fence.

i. An exception to increase the maximum allowable height of a fence maybe granted not to exceed 12' in height.

ii. A protective measures fence may incorporate barbed wire, concertina wire, razor wire or electrically charged fencing or incorporate jagged or sharp materials, so long as these materials are at least 8' above grade.

iii. A protective measures fence shall be placed to protect only the authorized facilities and a reasonable adjacent area that is necessary to provide access to the authorized facilities or that is impractical to separate from the authorized facilities. The specific location and design of the protective measure fence shall be subject to approval by the zoning administrator, city manager, police and fire chief.

3. Materials.

a. Fences shall be constructed of pressure-treated wood, wrought iron, brick, masonry, high-quality vinyl, chain link or other materials designed for permanent outdoor fencing.

b. Wood fences shall be constructed of cedar, redwood, or other decay-resistant wood.

c. Alternative materials such as scrap or "recycled" materials such as recycled doors, sheet metal, corrugated metal, wood pallets, siding, filing cabinets, tires, plywood, and similar materials must be reviewed and approved by the Zoning Board of Appeals in accordance with Section prior to any permit being issued.

d. Prohibited materials. The following materials are prohibited barbed wire, concertina wire, razor wire or electrically charged fencing. The use of slats in chain link or the use of chicken wire, fabric, tarps and materials not traditionally used for fencing is prohibited.

4. Maintenance.

a. Fences shall be maintained in good repair and safe condition.

b. Peeling, flaking, and chipped coating shall be eliminated and surfaces shall be recoated.

c. Damaged boards or panels shall be replaced.

d. Nonconforming fencing may not be replaced.

5. Fence Height Maximums

	N, NE, GN, NC – One and Two- Family Residential Uses	N, NE, GN, NC – Three- Family or more Residential Uses or Non-Residential Uses	D	SC	I
Front Yard	4' – open excluding chain- link 3' - solid	4' – open excluding chain-link 3' - solid	N/A	4' – open excluding chain link	4' – open or solid excluding chain link
Secondary Front Yard – Behind front face of building	6'	6'	6'	6'	6'
Side Yard – Behind front face of building	6'	6'	6'	6'	6'

Rear Yard	6'	6'	6'	6'	6'
Public Recreational Use Fencing	6'	12'	N/A	N/A	12'

C. Lighting standards

1. The standards shall apply to all exterior lighting found in any zoning district.
2. Exceptions. The following types of outdoor lighting shall not be subject to this Ordinance; however, no lighting shall cause a disturbance on private property.
 - a. Residential decorative lighting such as porch, low level lawn lights, and seasonal lights.
 - b. Ground lights that illuminate flags and lights that are incorporated as architectural accent features shall be placed so that lighting or glare is not directed toward streets or adjacent properties, and fixtures shall be located, aimed, or shielded to minimize light spilling into the night sky.
 - c. Internally and externally illuminated signage as regulated in Section 71-30 of this Ordinance.
 - d. Lighting necessary for road work, utility work or emergency work.
 - e. Lighting for a permitted temporary event such as carnival, fair or city approved event.
 - f. Motion sensitive security lighting.
 - g. Fossil fuel light. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (i.e., gas lamps) is exempt from the provisions of this section.
 - h. Streetlights located within the public right-of-way.
3. Lighting Plan and manufacturer lighting details. A lighting plan with manufacturer lighting information is required if exterior lighting is required. The plan will include placement of lighting equipment and foot-candle readings along lot lines and location of highest foot-candle readings.
4. Lighting requirements.
 - a. Maximum height
 - i. Light Pole Height. The maximum height of light pole shall be 20' as measured from the ground to the top of the pole or light fixture, except for approved outdoor recreation area lighting associated with ballfields, tennis courts or stadiums.
 - ii. Wall Mounted Light Height. A wall mounted light shall not extend above the wall or be located on a roof.
 - iii. Lighting under a canopy shall be fully recessed
 - b. Maximum light levels. The maximum light level at any lot line shall be 0.5 foot-candles. The maximum light level anywhere else on the property is 15 foot-candles. Buildings located in the D Downtown District and built at the lot line are exempt from the foot-candle levels.
 - c. Shielding. All exterior light shall be shielded, hooded and or louvered to provide a glare free area from all lot lines. 100% of the light shall be cut off above the horizontal plane at the lowest part of the light source.
 - d. Design. All exterior lighting shall be downward facing to reduce glare and arranged to direct and deflect light away from adjacent properties.
 - e. Ground lighting. Ground lighting shall not produce glare on adjacent properties.
 - f. Maintenance. Light fixtures shall be maintained in good working order. Bulbs and fixtures shall be promptly replaced as needed as not to become a hazard or nuisance.

D. Screening standards

1. These standards apply to all uses and zoning districts where mechanical equipment, outdoor storage and refuse containers are found on the exterior of the building.
2. Exceptions to screening requirements. One and two-family dwellings are excluded from the screening requirements following.
3. Mechanical equipment. Screening is required at time of installation of new or the replacement of existing mechanical equipment as follows:
 - a. Rooftop mechanical equipment. All rooftop mechanical equipment shall be screened from ground-level view at the property line with the use of a concealing roof line, a parapet, a screening wall, or grillwork constructed of the same building material as the building directly surrounding the equipment, other alternatives may be approved by both the zoning administrator and city manager. All mechanical equipment shall be sufficiently setback from the façade edge to be concealed from street-level view or where roofs are visible from abutting and adjacent properties shall be covered. Any screening material shall be no taller than necessary to achieve the required screening.
 - b. Ground mounted equipment. All ground mounted equipment shall be screened from view by fencing or landscaping of sufficient height to screen the equipment.
4. Outdoor storage. All stored materials, supplies, equipment, or other similar materials, including any vehicle, trailers, commercial vehicles, boats (or similar), recreational vehicles, or similar materials that are not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by landscaping or fencing or wall with a minimum height of 6' at time of installation. If outdoor storage materials exceed the height of the allowable fence, then a combination of berming, fencing and landscaping shall be used to accomplish appropriate screening.
5. Refuse containers. With the exception of one to four-family dwellings and properties located in the D Downtown District, refuse containers including recycling and grease containers shall be installed as follows:
 - a. Location. Refuse containers shall be located in the side or rear yards of the property and at least 5' from any principal building. To the greatest extent possible, the door side of the enclosure shall be situated as to not face an abutting property, sidewalk, or street. Properties abutting residential uses shall place the refuse containers as far away as possible from the residential use. Refuse containers may not be placed in the front yard.
 - b. Access. Refuse containers shall be accessible by the waste hauler to prevent damage to vehicles and buildings.
 - c. Screening. Refuse containers shall be enclosed by a fence or wall on three sides with a gate for the refuse hauler to gain access.
 - d. Base. Refuse containers must be located on a concrete or asphalt base, designed to support the refuse container. Where grease containers are used, curbing shall be provided around the enclosure base to contain any spillage.
6. Loading areas. All new exterior loading areas shall be placed at the rear of the building when possible.
 - a. Loading areas visible from the street shall be screened with a wall or landscaping sufficient height to screen equipment and vehicles.

E. Landscaping and Buffering standards

1. The standards contained in this Section are considered the minimum necessary to achieve the intent. The standards are intentionally flexible to encourage creative design. Property owners are encouraged to provide additional landscaping beyond the minimum requirements to improve the function, appearance, and value of their property.

2. General requirements

- a. Design creativity. Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the integration with existing landscaping on adjacent properties.
- b. Installation. When a landscaping plan is required, it shall be installed as part of the building permit construction process. In the event of building completion in the winter months, an installation bond may be required to guarantee completion of the project.

3. Landscape Plan requirements.

When a landscape plan is required pursuant to this Ordinance, the landscaping plan shall clearly describe the location, type, size, height, and spacing of materials. The landscape plan may be incorporated into the site plan.

4. General standards for landscape materials and ground cover.

- a. Permitted species. Following is a list of permitted species of trees to be planted. Species not listed are either prohibited or must be reviewed and approved by the zoning administrator after review of the updated Michigan Department of Natural Resources (MDNR) Recommended Trees for Community Planting and/or discussions with the Buchanan Tree Friends Board prior to installation.

Common Name	Botanical Name	Size	Native	Street Sidewalk Friendly	Riparian Friendly	Park/Utility Friendly
Serviceberry	Amelanchier spp.	Small	Yes	Yes	No	No
Eastern Redbud	Cercis canadensis	Small	Yes	Yes	No	No
Pagoda Dogwood	Cornus alternifolia	Small	Yes	Yes	No	No
Flowering Dogwood	Cornus florida	Small	Yes	No	No	No
Kousa Dogwood	Cornus kousa	Small	Yes	No	No	No
Hawthorn (Thornless)	Crataegus spp. Var. inermis	Small	No	No	No	No
Star Magnolia	Magnolia stellata	Small	No	No	No	No
Saucer Magnolia	Magnolia x soulangiana	Small	No	No	No	No
Red Horsechestnut	Aesculus x carnea	Medium	No	No	No	No

River Birch – single stem only	Betula nigra	Medium Large	Yes	No	No	No
European Hornbeam	Carpinus betulus	Small Medium	Yes	No	No	No
American Hornbeam	Carpinus Carolina	Small Medium	Yes	Yes	Yes	Yes
Yellowwood	Cladrastis kentukea	Medium	Yes	Yes	No	No
Turkish Filbert – Turkish Hazel	Corylus colurna	Medium	No	No	No	No
Ginkgo (male only)	Ginkgo biloba	Medium Large	No	Yes	No	Yes
Thornless Honeylocust	Gleditsia triacanthos var. inermis	Medium Large	Yes	No	No	No
American Tamarack	Larix laricina	Medium	Yes	Yes	No	No
Hop-Hornbeam Ironwood	Ostrya virginiana	Small medium	Yes	Yes	Yes	Yes
Sourwood	Oxydendrum arboreum	Small medium	Yes	No	No	No
Persian Parrotia	Parrotia persica	Small medium	Yes	No	No	No
Ohio Buckeye	Aesculus glabra	Large	No	No	No	No
Bitternut Hickory	Carya cordiformis	Large	Yes	No	No	No
Red Maple	Acer rubrum	Large	Yes	Yes	No	Yes
Sugar Maple	Acer saccharum	Large	Yes	Yes	Yes	Yes
Pignut Hickory	Carya glabra	Large	No	No	No	No
Shagbark Hickory	Carya ovata	Large	No	No	No	No
Catalpa	Catalpa spp.	Large	No	No	No	No
Hackberry	Celtis occidentalis	Medium Large	Yes	Yes	Yes	No
Katsura	Cercidiphyllum japonicum	Medium Large	Yes	No	No	no
American Beech	Fagus grandifolia	Large	No	No	No	No
Kentucky Coffeetree	Gumnocladus dioicus	Large	Yes	Yes	No	No
Tulip Tree	Liriodendron tulipifera	Large	Yes	Yes	No	No
Dawn Redwood	Metasequoia glyptostroboides	Large	No	No	No	No
Sycamore	Platanus occidentalis	Large	Yes	Yes	No	No
London Planetree	Platanus acerifolia x	Large	Yes	No	No	no
White Pine	Pinus strobus	Large	Yes	No	No	No
White Oak	Quercus alba	Large	Yes	Yes	No	No

Swamp White Oak	<i>Quercus bicolor</i>	Large	Yes	Yes	Yes	No
Shingle Oak	<i>Quercus imbricaria</i>	Large	Yes	No	No	No
Bur Oak	<i>Quercus macrocarpa</i>	Large	Yes	Yes	No	No
Chinkapin Oak	<i>Quercus muehlenbergii</i>	Large	Yes	Yes	No	No
Red Oak	<i>Quercus rubra</i>	Large	Yes	Yes	No	No
Baldcypress	<i>Taxodium distichum</i>	Large	Yes	Yes	No	no
American Linden Basswood	<i>Tilia americana</i>	Large	Yes	Yes	No	No
Littleleaf Linden	<i>Tilia cordata</i>	Large	Yes	No	No	No
Silver Linden	<i>Tilia tomentosa</i>	Large	Yes	No	No	No
American Elm	<i>Ulmus americanus</i> x Hybrids	Large	Yes	Yes	Yes	No
Zelkova	<i>Zelkova serrata</i>	Large	No	No	No	no

5. Maintenance. Areas not used for buildings, parking, loading, and storage shall be landscaped. Maintenance shall include all reasonable and regular watering, weeding, fertilizing, and pruning. Plant materials that show signs of insect pests, diseases, and/or damage should be removed immediately or as soon as practical under the seasonal conditions existing and according to the approved landscape plan. Any mulch or stone used for ground cover must be maintained and refreshed as needed. Any debris or refuse must be removed as soon as possible. The developer or subsequent owner(s) shall be responsible for maintaining all on-site landscaping in a living condition and shall replace any removed plants required based on the approved landscape plan.

6. Tree lawns and Public Trees.
See Chapter 106 Vegetation in the Code of Ordinances.

F. Berms.

A berm is a raised mound of soil designed to enhance both the aesthetic and functional aspects of outdoor spaces. They can be installed to improve drainage, provide privacy or create a focal point. Berms shall be constructed as follows:

1. Dimensions. Berms shall be measured from the grade or flat ground adjacent to the berm and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33% slope), with a least two (2) feet of flat area on top. Berms may undulate in height, subject to review and approval of the berm design. The height of a berm should not exceed three (3) feet.
2. Protection from erosion. Any berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad

ties, cement blocks, or other types of construction materials to retain the shape and height of the berm shall be prohibited.

3. Required plantings. The installation of a berm does not eliminate the landscaping requirements.

G. Retaining walls.

A structure designed to restrain the existing natural grade of land or changes to grade associated with mass grading of a parcel where the soil slope would not naturally keep due to steep, near vertical or vertical slopes. A retaining wall is considered landscaping. A retaining wall more than four feet in height when measured from existing grade to the highest point requires a building permit.

H. Green infrastructure.

The use of rain gardens or bioretention or vegetated swale facilities may be incorporated into parking lot design. Standard design principles shall be incorporated into the facility.

I. Perimeter Landscaping, Parking Lot Landscaping, Foundation Plantings and Transitional Buffer Strips

1. Applicability.

- a. One- and two-family residential properties shall be exempt from providing perimeter landscaping, parking lot landscaping as required as provided in this Section.
- b. For all other properties any development activity involving an improved property, such landscaping shall be required when the floor area of any building or structure, or parking areas, or any combination thereof, is increased, as follows:
 - i. If the total of the existing such area(s) is increased twenty-five percent (25%) or less, no additional landscaping is required.
 - ii. If the total of the existing such area(s) is increased more than twenty-five percent (25%) but less than fifty percent (50%), such landscaping is required for that portion of the lot which is faced by the expanded area(s).
 - iii. If the total of the existing such area(s) is increased fifty percent (50%) or more, such landscaping is required for the entire development.

The percentage of increase shall be calculated by combining all increases in floor or parking area(s) after the effective date of this ordinance.

2. Minimum Plant sizes at time of planting. The minimum size of landscape plant material at time of installation shall comply with the following:

Plant Type	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous/Canopy Tree	2" measured 2' above grade	N/A	N/A
Ornamental Tree	1.5 inches measured 2' above grade	N/A	N/A
Evergreen Tree	N/A	5'	2'

Deciduous Shrub	N/A	2'6"	2'
Upright Evergreen Shrub	N/A	3-gallon container or 30" in height whichever is greater	N/A
Spreading Evergreen Shrub	N/A	N/A	2' spread
Ornamental or Native Grasses	N/A	18"	N/A
Perennials	N/A	1-gallon container	N/A

3. Perimeter Landscaping.

Perimeter landscaping shall be provided as follows

- a. Trees: Shade trees or evergreen trees are required based on one (1) tree for each seventy (70) feet of lot line length, exclusive of access drives perpendicular to the lot lines.
- b. Ground Cover: Except where occupied by planting beds and trees, all perimeter landscaping areas shall be sodded or seeded with turf grass.

4. Foundation Landscaping.

Foundation plantings shall be located adjacent to all sides of buildings which face a public right-of-way, internal street or access drive, and shall exclude buildings that are constructed at the front or street side lot lines which are not required to provide foundation landscaping. Landscaping is required as follows:

- a. The foundation landscaping area shall be a minimum of two (2) feet in width and shall remain open and free of all paving except where interrupted for sidewalks and driveways leading directly into the building as necessary ingress and egress.
- b. Foundation plantings shall consist of a minimum ratio of one plant for every three (3) linear feet of building length. A combination of deciduous shrubs, evergreens, flowers, ornamental grasses and other native ground covers should be used. All planting areas which are not occupied by trees, shrubs, flowers, ground cover, ornamental grasses or mulch shall be sodded or contain decorative landscape stone. Attention should be paid to providing transitions between the building and ground plane, visual breaks along monotonous building facades, and enhancing walkways, entrances, seating areas or other pedestrian areas.
- c. At the discretion of the Zoning Administrator and City Manager, required foundation plantings may be relocated elsewhere on site or provided in an alternate manner, such as using above-ground planting containers or boxes.

5. Parking Lot Landscaping.

All parking spaces used by employees and guests shall comply with the required parking lot landscape regulations except for areas specifically designated for the storage of vehicles as follows:

- a. Parking in the front and street side yards.

- i. Where parking stalls and drive aisles abut or face a public street, landscaping shall be required between the parking area and the street right-of-way and shall consist of a landscape strip of land at least five (5) feet in width.
- ii. Landscaping consisting of one shrub or ornamental grass for each 5' of street frontage excluding curb cuts. One (1) ornamental tree may be planted instead of 5 shrubs or ornamental grasses. Landscaping installed may be placed in groupings within the required landscape strip.

b. Internal parking lot landscaping and islands.

- i. For every twenty (20) parking spaces, there shall be provided a landscape island at least ten (10) feet in width and eighteen (18) in length. The islands shall be dispersed evenly throughout the parking lot.
- ii. Each landscape island shall include one canopy tree and include ground cover, ornamental grasses, annual or perennial flowers or shrubbery. Vegetation planted shall not infringe on access to the adjacent parking spaces.
- iii. The landscape island may be used as part of the on-site stormwater management system.

6. Transitional buffer strips.

Transitional buffer strips shall be provided along the interior side and rear yards of a lot where a non-residential use abuts directly upon land zoned or used for one to four family residential. Properties located in the D Downtown District are exempt from providing a transitional buffer strip.

- a. A minimum 10' wide transitional buffer strip shall be provided along the shared lot line.
- b. Screening within the 10' wide transitional buffer strip may consist of the following:
 - i. Fence or Wall. A solid 6' fence or wall located 10' from the lot line. The area located outside of the fence must have established grass, ground cover, or other suitable live plant materials and shall be planted over the entire length of the transition buffer strip.
 - ii. Landscaping. The use of evergreens or a landscape screen is proposed, the plans shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complex visual barrier that is at least eight (8) feet above the ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.
 - iii. A berm may be installed to help create the required transitional buffer strip. Landscaping will be required on the berm.

Sec. 71-27 *Parking and loading standards*

F. Off-street parking standards

7. Parking lots shall be screened designed in accordance with Section 71-28 Fencing, Lighting, Landscaping and Screening Standards ~~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.~~

H. Loading standards

1.b Off-street loading shall be screened and designed in accordance with Section 71-28 Fencing, Lighting, Landscaping and Screening Standards ~~and refuse collection must be located and screened so it is not visible from adjacent streets, or residential uses.~~

Sect. 71-32 Enforcement

B. Violations.

4. Removing or damaging protected trees or required landscaping without approval of a revised site and landscape plan.

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
Fence Modification	R		[A]			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]			

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
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

D. Variances and Fence Modifications

1. Purpose

a. General. There are ~~two~~ **three** types of variances allowed under the terms of this chapter: dimensional variances ~~and~~ use variances **and fence modifications**.

d. Fence modifications. Fence modifications are deviations from Section ____ Fence and Wall Standards from height, setback, yard, or alternative materials when special circumstances of the property which are not the reasonably foreseeable result of the actions of the property owner, and the strict enforcement of Section ____ would unreasonably deprive the owner of the lawful use and enjoyment of the property or would be contrary to the spirit and purpose of these provisions or the public interest.

2. Authority. The zoning board of appeals is authorized to review and approve, approve with conditions or disapprove an application for a variance **or fence modification**.

3. Standards.

c. Fence modification. The zoning board of appeals may approve a fence modification on a finding there is evidence of the following:

i. There are special circumstances of the property which are not the reasonably foreseeable result of the actions of the property owner, and the strict enforcement of Section ____ would unreasonably deprive the owner of the lawful use and enjoyment of the property or would be contrary to the spirit and purpose of these provisions or the public interest.

ii. The applicant has demonstrated the proposed alternative materials are appropriate for the location and how they will be maintained as not to become a nuisance per se.

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.

Fence: ~~a permeable metal or wooden wall, independent of a building.~~ A barrier, railing, buffer or other upright structure, typically of wood, metal or vinyl, enclosing an area of ground, marking a boundary, screening an activity, or creating a visual barrier. A retaining wall is not a fence. Plant material is considered landscaping and not fencing.

Yard: the open area between a building and a property line, as determined by the actual construction on a property. Depending on the footprint of the building, the yard may not be rectangular in shape.

Front Yard: the open space extending the full width of the lot between the wall of the building and the front lot line.

Front Secondary Yard: the open space between the wall of the building and the secondary front lot line.

Rear Yard: the open space extending the full width of the lot between the wall of the building and the rear lot line.

Side Yard: the open space between the building and the side lot line.

Mechanical equipment: means a system or part of a system installed outside of a structure and utilized to provide control of environmental conditions and related process within a structure. Equipment can include air conditioning units, emergency generators, heat pumps, ductless heat pump (mini-splits), water pumps or other similar things.

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

Memorandum



Date: August 17, 2026

To: Buchanan City Commission

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Introduction - Consideration of an Amendment - Unified Development Code – Section 71-30 Sign standards and Article V Definitions**

Background

The Unified Development Code was adopted in late 2025. Staff have been using the document daily to better understand it and to answer questions. In January 2026, staff brought several concerns to the Planning Commission associated with the Sign standards and the Planning Commission directed staff to work on amendments.

Draft language was reviewed, discussed and modified during the February, March, April, May and August Planning Commission meetings and the public hearing is scheduled for September 8th. The proposed changes help to create a user-friendly document which addresses the 2015 U.S. Supreme Court ruling associated with temporary signage. Following are some of the changes made:

- Included a purpose statement to explain the reasoning on why the regulations have been established along with standard language pertaining to substitution/no discrimination against non-commercial signs or speech.
- Expanded list of exempt signs and prohibited signs.
- Modified sign standard table by including maximum height of sign structure, decreased the maximum square footage for some signage types and the number of permitted signs on a property or business. Decreased the minimum clearance of wall sign from 8' to 6'8".
- Expanded the list of allowable temporary signage and included regulations.
 - The 2015 US Supreme Court ruling prohibits the reading of text on signage. To eliminate reading, temporary signs include a maximum size, height. The standard that many communities have adopted in sign ordinances that comply with the Supreme Court ruling allow residential dwellings (not apartment complexes) to have a total of 24 square feet of signage with the maximum size sign of 6 square feet. The signage that falls into this category includes the following type of signage: construction, real estate, political, express (advertising a business or school or sport) to name a few. Temporary signage for other uses is set at a maximum of 32 square feet.
 - Limited the use of pennants, feather flags and portable changeable signage.
 - Expanded signage on the public sidewalk in the D Downtown District to allow not more than one temporary sign on the public sidewalk or hanging over the public

Memorandum

sidewalk. A business owner has the option of either a sandwich board or a hanging attention device. During the August 11th Planning Commission meeting, staff prepared draft language in response to the Buchanan Business Boosters interest in providing “open flag” signs to the businesses. The Planning Commission was supportive of the request and draft language. The discussion also included decreasing the minimum clearance required from 8’ to 6’8” as part of the discussion. While preparing information for the introduction and Planning Commission public hearing, staff believes the proposed signage should not be limited to “open” only and has changed the name to “hanging attention device”. A definition has been included which also references flags and windsocks and excludes the display of business name or logo on the device.

- Establishes how setback, overall height and sign area is measured along with illumination standards.
- Incorporates standards for changeable message centers/boards/reader boards.
- Establishes off-premise advertising regulations (billboards).
- Expands regulations pertaining to removal of unsafe, abandoned, obsolete and prohibited signs and sign structures along with nonconforming signs.
- Introduced language that allows the Planning Commission to review and approve sign modifications (variances) for certain requests and under certain conditions.
- Within Article V Definitions, modified and added definitions associated with signs.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on the requested text changes during their September 8th meeting. One audience member spoke and one written letter was received expressing concern regarding the minimum clearance of 6’8” for temporary hanging attention devices in the D Downtown District.

The Planning Commission heard comments during the August 11th meeting regarding minimum clearances for signs and decreased the amount from 8’ to 6’8” which meets ADA standards and reviewed new draft language for the temporary hanging attention devices (example open flags) which would allow display under certain conditions.

While deliberating the request on September 8th, the Planning Commission concluded decreasing the minimum clearance at this time could create other problems and they wanted to see the draft language move forward. Staff also explained that while a sidewalk café ordinance has been adopted for table service on public sidewalk, it is believed a sidewalk amenities policy will be needed to address other items placed on the public sidewalk and this might be a better place for language or the Unified Development Code could be amended if ADA requirements could be met. The Planning Commission unanimously recommended approval of the draft language.

Memorandum

Standards for Review

Section 71-36 Specific standards for development approvals and within 71-36.B.2 standards for Amendments to text or the zoning map are stated. The Planning Commission needs to review and discuss the standards before a motion is made. Following is the language from Section 71-36.B.2 of the Unified Development Code:

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.

Recommendation

The public hearing was conducted earlier in the meeting. Please deliberate the request, review the factors stated above from Section 71.36.B.2 before making a motion. If the Commission concurs with the Planning Commission's recommendation a motion could be stated as "Move to approve the first reading of an ordinance repealing and replacing Article III Zoning Section 71-30 Sign standards, Article IV Administration Sections 71-33.B, 71-34.G, 71-36.A, 71-36.I modifying sign permit process and allowing the Planning Commission the ability to grant sign modifications, mural requests and iconic sign designations under certain conditions and Article IV Definitions with fourteen sign terms deleted and 38 sign terms added and any other sections of the Unified Development Code that may be necessary as the proposed amendment is consistent with the factors for a text amendment as found in Section 71.36.B.2 of the Unified Development Code and to schedule the second reading of the ordinance and public hearing for October 26, 2026."

**DRAFT PROPOSED ORDINANCE
09282026**

**CITY OF BUCHANAN
SIGN STANDARDS ORDINANCE
UNIFIED DEVELOPMENT CODE
ORDINANCE NO. 2006.10/459**

AN ORDINANCE TO REPEAL AND REPLACE ARTICLE III ZONING SECTION 71-30 SIGN STANDARDS AND ARTICLE IV ADMINISTRATION SECTION 71-36.I IN THEIR ENTIRETY AND TO ESTABLISH NEW REGULATIONS IN SECTION 71-30 PERTAINING TO SIGN STANDARDS, AND ARTICLE IV ADMINISTRATION SECTIONS 71-33.B, 71-34.G, 71-36.A AND 71-36.I TO ALLOW GRANTING OF SIGN MODIFICATIONS, MURAL REQUESTS AND ICONIC SIGN DESIGNATION BY THE PLANNING COMMISSION AND ARTICLE IV DEFINITIONS TO ADD AND REMOVE TERMS ASSOCIATED WITH SIGNS IN THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BUCHANAN TO PROVIDE CLEAR AND CONCISE REVIEW STANDARDS AND TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.

IT IS HEREBY ORDAINED BY THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN:

SECTION 1. Article III Zoning, Section 71-30 Sign standards is hereby repealed as the language is being removed entirely as follows:

Article 3 Zoning, Sections 71-30 Sign standards are hereby repealed in their entirety.

SECTION 2. Article III. Zoning Section 71-30 Sign standards is hereby amended to read as follows:

Sec. 71-30 Sign standards

71-30.A General Provisions

1. Purpose

This section establishes the standards for the number, size, placement, and physical characteristics of on-premises signs visible from a public sidewalk or adjacent property. Signage regulated is located on private property and does not include directional, emergency, or traffic related signs owned or required by city, county, state or federal governmental agencies. The regulations are designed to protect the interest of public health, safety and welfare while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse and otherwise communicate information to residents of the City of Buchanan, the business community and visitors.

The regulations also promote the goals of the master plan by improving the visual character of thoroughfares and fostering business retention while attracting new businesses. Accommodation for special circumstances or events may create a need for temporary signs or modifications to adopted regulations. The need to eliminate potential hazards to motorists

and pedestrians resulting from sign clutter and visual distractions and preventing blight is necessary.

While these regulations allow for a variety of sign types and sizes, they do not necessarily ensure every property owner or business owner's desired level of visibility. It is not the intent or purpose to regulate the message or content displayed on any sign.

2. Compliance and applicability of other regulations

It shall be unlawful for any person to erect, relocate, enlarge, alter, modify or maintain a sign or allow a sign to remain on property in the city except for compliance with this Section. All regulations in this section shall be in addition to any other applicable laws, rules and regulations concerning signs. If any provision in this section is inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive will apply.

3. Exclusions

Government signs are not regulated by this section.

4. No vested rights.

Nothing in this section shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign, and it is hereby declared to be subsequent amendment, change or modification as may be necessary for the preservation of public health, safety and welfare.

5. Substitution/no discrimination against non-commercial signs or speech.

The owner of any sign which is otherwise allowed by this section may substitute non-commercial content in lieu of any other commercial or non-commercial content. This substitution of content may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provisions to the contrary in this section.

The clause shall not be construed to allow content, which is obscene, profane, threatening, discriminatory or otherwise not protected by the First Amendment to the United States Constitution or art. 5 of the Michigan Constitution.

71-30.B Sign regulations.

1. Permits required

- a. A permit is required to erect, alter, place, or replace any sign or sign structures as regulated and required by this section or by the City's Code of Ordinance. A permit is also required for substantial maintenance or repair to an existing nonconforming sign.
- b. To obtain a sign permit, a completed application as provided by the city shall be filed with the City in accordance with Section 71-26I Sign Permit.
- c. Properties located within the D Downtown District are required to obtain Downtown Design Review in accordance with Section 71-36H Downtown Applications.

2. Signs exempt from obtaining permits.

The following signs may be installed or erected without a permit:

- a. Donor signs up to two square feet in size.
- b. Historic markers placed under the authority of the local, state, or federal government and not exceeding two square feet in size.
- c. Home occupation sign, not to exceed 3 square feet and nonilluminated (from section 71-23.A.5)
- d. Nameplate or plaques up to 2 square feet in size, bearing the name of the building occupant, one per occupant.
- e. Official legal notice.
- f. On-site informational signs.
- g. Vehicle signs, where the vehicle on which the sign is displayed does not regularly go unoperated for a period exceeding seven consecutive days.
- h. Signs located on or within a building, in compliance with MCL125.3205d (or Article I, Section 5 of MI Constitution), that commemorate any of the following:
 - i. Any of the following who die in the line of duty: police officers, firefighters, medical first responders, members of the United States Armed Forces or correction officers;
 - ii. Veterans of the United States Armed Forces.
- i. Window signs when applied to the interior or exterior of the window or door glass does not exceed 50% of the glass area. Windows that are immediately adjacent, on the same wall face of the same building, maybe averaged together.

3. Prohibited signs.

The following signs as described are prohibited:

- a. Abandoned signs.
- b. Inflatable signs or devices except for balloons used in temporary, non-commercial situations.
- c. Neon, LED, or other light types permanently outlining windows or doors.
- d. Pornographic or obscene signs.
- e. Roof signs.
- f. Signs emitting smoke, vapors, particulate matter, odor or open flames.
- g. Signs imitating or resembling official traffic or government signs or signals that confuse, mislead, or create a safety hazard.
- h. Signs prohibited under federal, state, or local laws, rules or regulations.
- i. Signs utilizing animation or which contain the optical illusion of sign movement.
- j. Snipe signs.
- k. Signs that emit noise.

4. Permanent district sign regulations

Table 71-T sets forth the sign types, maximum size, height and number of signs allowed, minimum setbacks, prohibited or permitted signs. All permitted signs require a sign permit prior to installation unless exempt under section 71-30.B.2 or allowed as temporary under section 71-30.B.5 of this chapter.

Table 71-T Permanent District Sign Regulations					
-	<u>N, NE, GN, NC - One to Four Residential Dwellings Units</u>	<u>N, NE, GN, NC - Five- Family or more Residential Dwelling Units or Non-Residential Use</u>	<u>D</u>	<u>SC</u>	<u>I</u>
Wall Signs: Awning, Canopy, Wall	Permit Required				
<u>Maximum square footage for business frontage</u>	-	<u>One times (1 x) the building frontage</u>	<u>Two times (2x) the building frontage not to exceed a combined total of 150 square feet</u>		
<u>Number allowed</u>	-	<u>1 per building frontage</u>	<u>3 per building frontage</u>		
<u>Maximum square footage for side or rear wall having a secondary entrance (not on building frontage)</u>	-	<u>20 square feet</u>			
<u>Number allowed on a side or rear wall having a secondary entrance (not on building frontage)</u>	-	<u>1 per wall</u>			
<u>Maximum height</u>	-	<u>20 feet or below the bottom of any second floor window, whichever is less. Shall not extend above the roof deck or parapet and shall not be located on a penthouse or elevator overrun.</u>			
<u>Minimum vertical clearance</u>	-	<u>Six feet eight inches (6'8") when located over public or private sidewalk; 15 feet over public rights-of-way or drive aisles. If projection less than 4" no minimum vertical clearance</u>			
<u>Maximum projection</u>	-	<u>12" from face of building</u>			

	N, NE, GN, NC - One to Four Residential Dwellings Units	N, NE, GN, NC - Five- Family or more Residential Dwelling Units or Non-Residential Use	D	SC	I
<u>Illumination - see section 71-30.C.5 for additional information</u>	-	-			
<u>Wall Signs: Projecting or Hanging</u>	Permit Required				
<u>Maximum square footage</u>	-	-	6 square feet		
<u>Number allowed</u>	-	-	1 per building frontage		
<u>Maximum projection from wall of building</u>	-	-	4 feet		
<u>Maximum height</u>	-	-	Below the bottom of the second floor window		
<u>Minimum vertical clearance</u>	-	-	6 feet 8 inches		
<u>Illumination - see section 71-30.C.5 for additional information</u>	-	-	-		
<u>Ground Signs</u>	-	Permit Required			
<u>Number allowed, total</u>	1 per development entrance	1 per parcel	1 per parcel		
<u>Maximum size</u>	32 square feet	32 square feet	50 square feet		
<u>Maximum Height - Monument</u>	6 feet	6 feet	8 feet		
<u>Maximum Height - Pole</u>	-	6 feet	15 feet	-	
<u>Minimum setback</u>	3 feet from any lot line	3 feet from any lot line	3 feet from any lot line		
<u>Minimum vertical clearance for pole sign</u>	6 feet 8 inches	6 feet 8 inches	6 feet 8 inches		
<u>Illumination - see section 71-30.C.5 for additional information</u>	-	-	-	-	-

<u>Changeable message board - see section 71-30.D for additional information</u>	-	-	-	-	-
<u>Billboards, see Section 71-30.E for additional information</u>	-	-	-	-	<u>Permit Required</u>
<u>Number allowed</u>	-	-	-	-	<u>1 per parcel</u>
<u>Maximum size</u>	-	-	-	-	<u>260 sf</u>
<u>Maximum height</u>	-	-	-	-	<u>30 feet</u>
<u>Minimum setback</u>	-	-	-	-	<u>50 feet</u>
<u>Distance between signs</u>	-	-	-	-	<u>300 feet</u>
<u>Minimum clearance from ground</u>	-	-	-	-	<u>6 feet 8 inches</u>
<u>Illumination - see section 71-30.C.5 for additional information</u>	-	-	-	-	-

5. Temporary signs allowed under certain conditions.

- a. Temporary signs which allow for the freedom of expression or promotion of temporary events while minimizing clutter, visual distractions, obstructions, and nuisances when meeting the following:

General regulations:

- i. Shall not be illuminated;
 - ii. Shall not have supports or borders wider than two inches on any side; and
 - iii. Shall be removed no more than seven days after an event concludes if the sign is associated with a particular commercial event.
- b. Signs placed on a lot where the primary use is a single-family or two-family residential use.
- i. The maximum overall sign height is four feet.
 - ii. The maximum sign area is six square feet.
 - iii. The maximum total area of all temporary signs displayed concurrently on one lot is 24 square feet.
- c. Signs placed on parcels where the use is not a single-family or two-family residential use.
- i. The maximum overall height is eight feet.
 - ii. the maximum total area of all temporary signs displayed concurrently on one parcel is 32 square feet.

d. Temporary signage in the D Downtown District. A business is limited to one temporary sign being a sandwich board or hanging attention devices that is placed on or hangs over the public sidewalk under the following:

i. Sandwich Boards

- aa. One sandwich board sign per business
- bb. Maximum height of 4 feet
- cc. Maximum size is 8 square feet.
- dd. Maximum width 30".
- ee. Displayed outside during business hours and stored inside when the business is closed.
- ff. Shall not have moving parts or attachments, including but not limited to, balloons, pinwheels, streamers, pennants, flags, or similar adornments.
- gg. Shall not be illuminated or have sound amplification.
- hh. Shall be constructed of wood, metal, or other similarly durable material and shall have adequate support to prevent tipping or movement of the sign and shall not present a tripping hazard to pedestrians.
- ii. Must be placed to allow unobstructed ADA compliant route to business and surrounding areas.

ii. Hanging Attention Device

- aa. One hanging attention device.
- bb. Minimum clearance of 6'8" from the ground to the lowest hanging portion of device.
- cc. Maximum projection of equipment from building of not more than 24".
- dd. Maximum size of 3.5 square feet. For circular items the square footage is based on drawing a rectangle around the largest portions of the item.
- ee. Displayed outside during business hours and stored inside when the business is closed.
- ff. Wording shall not include business name or logo.
- gg. Shall be constructed of fabric or similar material that blows in the wind.

e. Pennant signs are allowed under the following:

- i. Shall be displayed for not more than thirty (30) days when associated with a business grand opening.

f. Feather flag signs are allowed under the following:

- i. No more than two feather flag signs per commercial property.
- ii. Shall be located on private property.
- iii. Shall only be displayed during business hours.

- g. Portable Changeable Message signs are allowed under the following:
 - i. No more than one portable changeable message sign is allowed on an non-residentially zoned property or on properties which have non-residential uses.
 - ii. Shall be displayed on private property no more than one week prior to advertised event.
- h. Sandwich boards located on private property are allowed under the following:
 - i. One sandwich board sign per business
 - ii. Maximum height of 4 feet
 - iii. Maximum square footage of 8 square feet.
 - iv. Maximum width 30".
 - v. Displayed outside during business hours and stored inside when the business is closed.
 - vi. Shall not have moving parts or attachments, including but not limited to, balloons, pinwheels, streamers, pennants, flags, or similar adornments.
 - viii. Shall not be illuminated or have sound amplification.
 - ix. Shall be constructed of wood, metal, or other similarly durable material and shall have adequate support to prevent tipping or movement of the sign and shall not present a tripping hazard to pedestrians.
 - x. Must be placed to allow unobstructed ADA compliant route to business and surrounding areas.

71-30.C Sign design standards in all districts

1. Corner lot clear sign lines

No sign shall be located within the required corner lot clear sight line as established in Section 71-16.G of this Code.

2. Setback – minimum distance

The minimum required distance between any sign, building or property line is measured by drawing a straight horizontal line that represents the shortest distance between the sign and other sign, building or property line.

3. Sign height/overall height

The height of a sign is measured from the existing average finished grade level of the premises where the sign is located to the highest point of the sign structure. Freestanding signs located in raised planter boxes shall have the height measured from the existing average finished grade outside the planter box. The ground beneath a sign shall not be raised to artificially raise the height of a sign.

4. Sign area measurement

- a. The area of a sign shall be measured as the area within a single, continuous perimeter composed of either the smallest square, or rectangle, which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the

display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Reader boards shall be included in the sign measurement.

- b. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as one face.

5. Illumination

- a. Any permanent wall or free-standing sign may be internally or externally illuminated.
- b. If externally illuminated, the source of the light shall be located, shielded and directed to prevent the source of light from shining directly onto any public right-of-way or residential property.
- c. Uniform lighting shall be used throughout a sign to create a uniform appearance rather than creating some areas that appear brighter than others.
- d. Signs shall not be illuminated between the hours of 11:00 pm and 6:00 am, except that a business open after 11:00 pm or before 6:00 am may have illumination during business hours.
- e. All signs must comply with the building and electrical codes of the City of Buchanan. Underground wiring is required for all illuminated signs.

71-30.D Changeable message centers/boards/reader boards

- 1. In addition to other regulations contained in this section, the following provisions shall apply to changeable message boards, where allowed:
 - a. One changeable message board is permitted per business; however, no more than one changeable message board is permitted per lot where the business is located.
 - b. Changeable message boards shall only advertise on-site products or services or non-commercial public information such as time/temperature, safety alerts, and community/civic events.
 - c. Changeable message boards are permitted only on free-standing signs and shall not be attached to the exterior wall of a building.
 - d. Changeable message boards shall be integrated into a free-standing sign in order to create a cohesive, single-looking sign and shall not occupy more than 50% of the total sign face on each side.
 - e. With the exception of wall mounted signage located in the D Downtown district, illumination shall not exceed 0.0 foot-candles at any lot lines that are adjacent to or across a right-of-way from a residential use. In all other cases, the illumination shall not exceed 0.5 foot-candles at the lot line.
 - f. Changeable message boards shall not be illuminated between the hours of 11:00 pm and 6:00 am, except that a business open after 11:00 pm or before 6:00 am may have the changeable message board illuminated during business hours.

2. Electronic message centers (EMC) must comply with the following additional regulations:
 - a. An EMC shall not be used or displayed in a way that presents multiple screens within a single sign face, whether simulated or actual.
 - b. Transition from one message to another shall be instantaneous, without movement or other transition effects between messages.
 - c. Messages must remain on display for no less than seven seconds. Scrolling and flashing display messages is prohibited.
 - d. Illumination shall not exceed 0.0 foot-candles at any lot lines that are adjacent to or across a right-of-way from a residential use. In all other cases, the illumination shall not exceed 0.5 foot-candles at the lot line.
 - e. Any new EMC must be equipped with both a programable dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day. Such programming and mechanical equipment shall be set so that the electronic sign, from dusk to dawn or in overcast conditions, will be no more than 40% of the daytime brightness level. Manufacturers' information must be submitted with the sign permit application.
 - f. A copy of the manufacturer's operating manual for the EMC, including any recommended standards for brightness, display operations and any interfaced computer programs, must be available for immediate access at the business location where it is operating and must be provided to the zoning administrator upon request.
3. Electronic vehicle fuel station signs displaying fuel prices must comply with the following:
 - a. A maximum of three fuel products may be displayed per sign face, limited to fuel product pricing only.
 - b. The maximum electronic message area is 12 square feet or five square feet per fuel product displayed.

71-30.E Billboards

The following standards shall apply to all billboards unless specifically exempted in this section:

1. A sign face shall not exceed 260 square feet per side, and the total area of a double-faced sign shall not exceed 520 square feet. A double-faced sign shall consist of the two sign faces being parallel to each other and facing opposite directions.
2. Billboards greater than 100 square feet in size shall be located a minimum of 50 feet from the nearest property line and 100 feet from any residential use or district, public park, religious institution or any public or private school.
3. Billboards must have a minimum ground clearance of eight feet and may not exceed 30 feet in height.
4. Billboards must have a minimum separation of 300 feet from any other billboard or any public waterway.
5. Billboards shall be located perpendicular to the nearest street.
6. Billboards must be free-standing and shall not be attached to, erected on, cantilevered over or constructed above any other structure.

7. Billboards shall not incorporate flashing or rotating lights, beacon lights, running lights, animated copy, electronic message centers or digital displays.

Exemption: Billboards lawfully existing on the date this chapter becomes effective shall be allowed to continue in their current location and size even if in conflict with the provisions of this chapter. However, all other regulations shall continue to apply to such billboards.

71-30.F. Maintenance

1. Signs and sign structures must be maintained free of broken or torn materials, 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.

71-30.G. Removal of unsafe, abandoned, obsolete and prohibited signs and sign structures.

1. Public Property or Rights-of-Way. Any unauthorized sign or sign structure located in a public right-of-way or on public property may be removed without notice and may be destroyed after seven days of being removed.
2. Abandoned, Obsolete, Unsafe or Prohibited Signs. If upon inspection, the zoning administrator finds that a sign or sign structure located on private property is abandoned, obsolete, unsafe, and/or prohibited, the zoning administrator shall issue a written order to the sign owner and the property owner upon which the sign or sign structure is located stating the nature of the violation and requiring them to repair, remove, or conform the permanent sign or sign structure within 30 calendar days of the date of the order, or to remove temporary signs or sign structures within five calendar days of the order.
3. Imminent Danger. When any sign or sign structure is found to be in such condition as to make it an imminent danger to the life or safety of the public, in addition to any other remedy in this chapter, the zoning administrator is hereby authorized and empowered to immediately order the necessary work to be done as is necessary to render such sign or sign structure temporarily safe. In such event, the owner of the premises upon which the sign is located is responsible for such costs and the zoning administrator shall cause such appropriate action as is necessary to recover those costs.

71-30.H. Non-conforming signs.

Every permanent sign which was erected legally and which lawfully exists at the time of the enactment of this article, but which does not conform to the provisions of this chapter as of the date this chapter is effective, is hereby deemed to be nonconforming and may remain except as provided in this section.

1. Nonconforming status shall not be granted to any temporary sign, banner, or other non-permanent sign. In addition, a sign illegal at the time of the adoption of the ordinance from which this section derives shall not become a non-conforming sign by reason of such adoption, but shall remain an illegal sign.
2. The right to maintain any nonconforming sign shall terminate whenever any of the following occurs:
 - a. The nonconforming sign is dimensionally or structurally altered, enlarged, modified, added to, reduced or changed, except as may be required by law, unless it is made to conform with this chapter.

- b. The nonconforming sign is located on property that is being modified as requested and initiated by the owner of the property or owner's representative, for an application that involves a public hearing request before the planning commission (examples include: map amendment (rezoning), text amendment, special use permits, or planned unit developments) or zoning board of appeals (example, a dimensional variance).
 - c. The principal structure associated with the sign or the non-conforming sign is demolished or destroyed by fire or other casualty loss when restoration will constitute more than 50 percent of the value of the structure.
 - d. The principal structure associated with the sign is renovated or remodeled when renovation or remodeling will constitute more than 50 percent of the value of the structure on the date the renovation or remodeling begins.
 - e. The nonconforming sign is unsafe, abandoned, obsolete and/or prohibited.
3. The nonconforming sign shall not be relocated or moved in whole or part to any other location on the same or any other lot unless every portion of such sign is made to conform to the regulations of this chapter and other applicable regulations of the city.

SECTION 3. Article IV Administration, Section 71-33 Review and decision making bodies is hereby amended with additional language as follows:

Sec. 71-33 Review and decision making bodies.

- B. Planning Commission. The Planning Commission establishment, organization, powers and duties are enumerated in Chapter 70 of the City of Buchanan Code of Ordinances and include review, hear, consider and approve, approve with conditions or disapprove Sign Modifications, Mural requests or Iconic Sign Designation.

SECTION 4. Article IV Administration, Section 71-34 General provisions – Table 71-U Notice Timing is amended with new language as follows:

Sec. 71-34 General provision.

- G. Timing of notice - Table 71-U

TABLE 71-U NOTICE TIMING		
Application	Notice Required	
	Written	Published
<u>Sign modification, mural request or iconic sign designation</u>	<u>No notice is required</u>	

SECTION 5. Article IV Administration, Section 71-36.A Specific standards for

development approval – Table 71-V Development Review Procedures is hereby amended with new language as follows:

Sec. 71-36 Specific standards for development approval.

A. General Table 71-V

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Sign permit, modifications, mural and iconic designation	DM or R	DM		A		

SECTION 6. Article IV Administration, Section 71-36.I Sign permit is hereby repealed and replaced in its entirety with new language as follows:

I. Sign permit.

1. Administrative review of sign applications.

- 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. Appeals from any interpretations, determinations, or denials made by the zoning administrator shall be made to the planning commission and submitted on such forms provided by the city for that purpose and subject to such fees set by the city commission prior to the posted submittal deadline prior to the next regularly scheduled planning commission meeting.
- d. Applications denied by the zoning administrator for the reason that the proposed sign requires a sign modification of the sign regulations by the planning commission as provided under section 71.36.I.2 of this section, the applicant shall submit a complete application for such request to the planning commission on such forms provided by the city for that purpose and subject to the fees set by the city commission prior to the posted submittal deadline prior to the next regularly scheduled planning commission meeting.
- e. Appeals from a decision of the planning commission shall be made to the city commission on such forms provided by the city for that purpose and subject to such fees set by the city commission and within 30 days after the decision in writing, or within 21 days after the planning commission approves the meeting minutes.

2. Planning commission review and approval of certain sign modifications and murals

Subject to the standards and limitations set forth in this section, the planning commission shall have the authority to review certain sign applications and grant approvals. Any approval granted shall be valid for not more than 180 days.

a. Authority to Grant Requested Modifications of Sign Regulations. The planning commission has no authority to grant a modification for signs prohibited under section 71-30.B of this section. However, the planning commission has authority, in connection with an application, to grant approval of a request for modification of the sign regulations for permitted signs, subject to the following regulations.

i. Review. The planning commission shall, within 60 days of receiving a complete application, either grant approval of the application by written findings stating the reasons therefor, deny the application, or grant the application with modifications or conditions. Failure of the planning commission to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision of denial.

ii. Authorized Modification. The planning commission may grant an applicant's request to modify the provisions of this section as follows:

aa. To increase by no more than 20 percent the maximum allowable height of any free-standing sign.

bb. To increase by no more than 20 percent the maximum area of signage otherwise allowed.

cc. To increase by no more than one sign the maximum number of signs or sign types otherwise allowed.

dd. To allow no more than one sign type to be located on a lot where signs of such types are not otherwise allowed.

ee. To adjust the required spacing between any signs, structures or lot lines.

iii. Factors for Approval of Modifications. The factors to be considered by the planning commission for permitted modifications shall include, but are not limited to the following:

aa. Minimum Request. The modification requested is the minimum change necessary to alleviate the hardship while addressing the unique and specific needs of the applicant.

bb. General Standards. Carrying out the strict letter of the provisions of this Ordinance would create a particular hardship or a practical difficulty not caused by an act or omission of the applicant.

cc. Unusual Physical Limitations. The subject property or the structure on which the sign is proposed to be located is burdened with an unusual physical limitation, such as irregular shape, unusual geographic location, exceptional feature, or other extraordinary physical condition, that is peculiar to the subject property and is more than merely an inconvenience or cost consideration to the applicant.

dd. Location Factors. The subject property location supports the

permitted modification, reviewing such factors as size and use of parcel, setbacks, adjacent property uses, and speed of adjacent roadway(s).

- ee. Adverse Impacts. The modification, if granted, would have no significant adverse impact on any abutting or adjacent property, the essential character of any part of or all of the neighborhood, or the use, enjoyment or value of other nearby properties.
- ff. Public Health and Safety. The modification, if granted, would have no significant adverse impact on and would not endanger the public health or safety of the public.

b. Authority to Approve Requested Mural Installations. The planning commission has authority, in connection with an application to grant approval of a request for installation of a mural as defined in Article V subject to the following regulations.

- i. Review. The planning commission shall, within 60 days of receiving a complete application, either grant approval of the application by written findings stating the reasons therefor, deny the application, or grant the application with modifications or conditions. Failure of the planning commission to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision of denial.
- ii. Factors for Approval of Murals. The factors to be considered by the planning commission for installation of a mural shall include, but are not limited to the following:
 - aa. Art Work. The mural design does not include elements that would be considered inappropriate and/or indecent by community standards and the art work provided is sufficient and accurate for review.
 - bb. Location Appropriate. The proposed mural placement on the building does not negatively impact vehicular or pedestrian traffic once installed and does not disrupt the properties landscaping and maintenance activities.
 - cc. Placement in Neighborhood/Surrounding Area. How many murals are in the neighborhood/surrounding area and what impact could the new mural have on existing ones.
 - dd. Scale and Placement on Building. Is the scale of the mural on the exterior wall and view from public right-of-way properly designed and placed. Does the mural design minimize alterations to the existing façade of the building including windows or doors.
 - ee. Enhancement and Activation. How will the proposed mural enhance and activate the pedestrian and streetscape experience.
 - ff. Installation Process. The applicant has sufficiently documented how the exterior wall will be prepared prior to installation of the mural, how the mural will be installed and what if any city permits will be required (right-of-way permit), documentation regarding public utilities being disturbed either on the building or overhead.
 - gg. Maintenance and Removal. Written document has been provided regarding the future maintenance and/or removal of the mural.

c. Authority to Grant Iconic Sign Designation and Maintenance. The planning

commission has authority, in connection with an application, to grant approval of the application for iconic sign designation, subject to the following regulations.

- i. Review. The planning commission shall, within 90 days of receiving a complete application, either grant the application by written findings stating the reasons therefor, deny the application, or grant the application with modifications or conditions. The failure of the planning commission to act within 90 days, or such further time to which the applicant may agree, shall be deemed to be a decision of denial.
- ii. Factors for Approval of Iconic Sign Designation. Iconic sign standards are intended to provide for the preservation of the city's unique character, history, or identity as reflected in its historic and iconic signs. A sign may be designated as an iconic sign if the planning commission determines that the sign is structurally safe or capable of being made so without materially altering its historical character or significance, and the applicant presents a proposed maintenance program that addresses general maintenance, repair, restoration, and other potential future modifications (e.g., text changes).

In addition, the planning commission must determine that the sign meets a majority of the following criteria:

- aa. The sign has been in continuous existence at its present location for at least 10 years.
- bb. The sign is associated with historic figures, events, or locations within the city; is recognized as a popular focal point in the community; or reflects the history or historical use of the building or the history of the city.
- cc. The sign is of exemplary technology, craftsmanship, or design for the period in which it was constructed; uses historic sign materials or means of illumination; or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation.
- iii. Factors for Approval of Iconic Sign Repair or Restoration. Any repair or restoration to an iconic sign requires a permit and shall be reviewed by the planning commission by the above described process, and must comply with the following:
 - aa. The sign will be restored and repaired to its substantially original condition, using the same color scheme, graphics, and materials to the extent practicable in order to replicate the original appearance of the sign;
 - bb. Text changes either match or are compatible with existing text in material(s), letter size, font/typography; and

cc. Restoration or repair of the sign is not expanded beyond the original sign area.

iv. Iconic Sign Removal. Nothing in this chapter prohibits the voluntary removal of an iconic sign. Once removed, an iconic sign cannot be replaced unless it is removed as part of an approved sign restoration.

Section 7 Article V Definitions is amended to delete definitions as follows:

Signs; Awning or canopy; Flag; Freestanding sign; Inflatable sign; Marquee sign; Mural; Off-premises sign; Permanent sign; Projecting sign; Reader board; Temporary sign; Wall sign and Window sign.

Section 8 Article V Definitions is amended to include new definitions as follows:

Signs: an object, 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.

Banner: a temporary lightweight sign that is made of flexible, nondurable materials such as fabric, cloth or plastic and is typically affixed to a building or accessory structure. A banner sign does not include a feather or pennant sign.

Billboard: an off-premises sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.

Business frontage: the maximum linear width between exterior wall(s) of a building, or in the case of a multi-tenant building, the maximum linear width between the exterior and/or demising walls of an individual tenant located at street level and having an individual exterior entrance. Building frontage must abut a public street or a parking lot abutting a public street; it is measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot. The building frontage is used to determine the maximum square footage of wall signs. A corner lot is considered to have a building frontage abutting each public street or parking lot; maximum signage is calculated individually per building frontage.

Donor or memorial sign: a sign that contains names, acknowledgements, or factual information to acknowledge or honor a benefactor, volunteer, or individual associated with the structure or site upon which it is located.

Electronic message center: an electronic changeable message board, including an electronic screen or monito, which is not an animated sign.

Expressive sign: a temporary sign that promotes or expresses an individual's personal non-commercial ideology, belief, value, or message. Examples of expressive signs include, but are limited to, signs expressing political beliefs, supporting clubs or sports teams, and expressing religious views.

Feather flag: a temporary sign applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing, are generally a single sign attached to a support post and typically having a dimensional ratio of four high to one wide and move in the wind to attract attention. This can also be referred to as a feather banner or feather sign.

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

Freestanding sign: a sign that is not affixed to a separate structure or building but is affixed to the ground, including but limited to pole signs or monument/ground signs.

Hanging attention device: a temporary visual display, sign, or object extending from the face of a building typically by a pole on an angle used to draw attention to the space or business. Examples can include flags, balloons or windsocks or similar items.

Historical marker sign: a plaque bearing historical information related to the nearby structure, land or area upon which it is located (i.e., date of construction, early owners and builder, etc.).

Iconic sign: a sign found in its sustainably original form or construction that exemplifies historical, cultural or architectural features or is deemed to be unusual, significant, or meaningful to the city streetscape or the city's history.

Inflatable sign: a sign composed of an inflatable, nonporous bag.

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

Monument sign: a base-mounted, freestanding sign placed on the ground and not attached to any building or other structure. A monument sign includes a solid supporting base of at least twelve inches in height and a width equal to or greater than the width of the sign face.

Mural: a design, graphics, or representation painted or drawn on a wall or other structure which does not contain commercial copy, advertising symbols, lettering, trademarks or other references to a particular entity, product or service located on the premises where the mural is located, or any other premise.

Obscene: any material that meets all of the following criteria:

- ___ a. The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest.
- ___ b. The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- ___ c. The material depicts or describes sexual conduct in a patently offensive way

Official legal notice: notices required by law, signs erected by a governmental agency or public utility

Off-premises sign: a sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located. Sometimes referred to as a billboard and can be free-standing or attached to a building.

On-site informational sign: a sign that identifies entrances and exits, safety precautions, open and closed information, warnings and other such incidental information for the property upon which the sign is located, including drive-thru menu boards, which is of a minimum size and height to provide the necessary information while not extending above the parapet, eave or wall of the building. On-site informational signs are located entirely on private property and do not extend or have the ability to extend over lot lines.

Pennant sign: a geometric piece of fabric or other material, commonly attached by string, with rows of loose materials, streamers, shapes, or strands, or supported on small poles intended to flap in the wind and used to draw attention. A pennant sign is not a feather flag.

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.

Pole sign: a freestanding sign that is affixed, attached, or erected on a pole that is not an integral part of or attached to a building or structure.

Portable changeable message board or sign: a sign containing a changeable message and designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

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

Reader board: a portion of a sign, with written representation, emblem, graphic, logo, symbol or other display that can be changed periodically, either manually or electronically without altering the face surface of the sign, whether or not displayed is periodically rearranged. This definition excludes sandwich boards.

Roof sign: a sign which is erected, constructed and maintained above any portion of the roof or parapet.

Sandwich board sign: a free-standing, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians; it is also known as an A-frame sign or inverted T-shaped sign.

Sign: an object, device, display or structure, or part thereof situated outdoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images.

“Signs” do not include the following:

- a. Flags which do not advertise a business, product or service, not larger than 30 square feet and affixed to permanent flagpoles or flagpoles mounted to buildings, subject to the maximum building height of the zoning district it is in and located on private property. However, if such flags are greater than 30 square feet, they are considered signs and are subject to regulations in this Section 71-30 Sign standards.
- b. Seasonal decorations which do not advertise a business, product or service.
- c. Interior signs that are not visible from adjacent property or public rights-of-way.
- d. Merchandise, pictures or models of products or services incorporated in a window display.
- e. Governmental, educational, military, religious, fraternal, and civic symbols or crests.
- f. Tablets or plates containing only the building’s name and/or date the building was installed when cut into the masonry surface or permanently affixed to the building.
- g. Time and temperature devices not related to a product and not larger than six square feet.

- h. Works of art, including murals, which do not advertise a business, product or service.
- i. Address numbers in compliance with the International Property Maintenance Code, Premises identification.

Sign structure: poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe sign: any sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property in the public right-of-way or on any private property with or without the permission of the property owner for commercial uses.

Temporary sign: any sign which is erected or displayed on a non-permanent basis for a limited period of time. Examples of temporary signages include, but not limited to, a banner sign, construction sign, garage sale sign, political sign, expressive sign, real estate sign, and sandwich board sign.

Transported sign: a sign attached to or pulled by a vehicle that may be displayed or affixed to a moveable object such as but not limited to a car, truck, trailer, or similar transportation device. A transported sign is not a vehicle sign.

Vehicle sign: a sign, painted or otherwise, attached to an operable vehicle or pulled trailer that is regularly used and moved. A vehicle sign is not a transported sign.

Wall sign: any sign mounted or attached to and supported by the wall of any part of a building or structure and in which the horizontal sign surface is parallel to the building wall or structure.

Window sign: any sign painted on, affixed to or placed against any window intended to be viewed from the outside.

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.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE __ DAY OF APRIL 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON DAY __ OF APRIL 2026 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 the __ day of April 2026, 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



Text Amendment (Changing Language in Unified Development Code – zoning ordinance) Application

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. If additional space is needed, please use additional sheets of paper.

Property Information

Applicable Section of Zoning Ordinance that amendment is requested: _____
Section 71-30 Sign standards and Article V Defintions.

Briefly Explain Request: Updated sign standard regulations while addressing missing regulations
and modified and added definitions associated with signage

Are there other requests associated with application?: If yes, explain: No, please see
attached redline and draft language.

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: City of Buchanan - Kristen Gundersen

Relationship to Property Owner: staff

Mailing Address: 302 N Redbud Trail

City: Buchanan **State:** MI **Zip Code:** 49107

Telephone Number: 269.695.3844 **Emergency Number:** _____

E-mail Address: kgundersen@cityofbuchanan.com

Attorney: Butzel

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Engineer or Architect: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Proposed Language Change (please use additional paper if needed)

Existing section and language from Zoning Ordinance: See attached

Proposed new language for the Zoning Ordinance: See attached

Explain how the proposed new language supports the goals and objectives of the adopted Master Plan: The draft changes will help to ensure the development review process is simple, efficient, predictable and easily accessible (4-1) by adding purpose statement, layout, sign categories and definitions. Creates a process where the Planning Commission can grant sign modifications without going to Zoning Board of Appeals for requests.

Text Amendment Standards

If needed use additional sheets of paper to respond to Standards.

Section 71-35.B.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 d 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. Proposed amendments are consistent with 4-1 to ensure the development review process is simple, efficient, predictable and easily accessible. The proposed amendments improved the flow of the section while providing detailed information for sign regulations and standards.

- b. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment. The existing language did not provide enough information to easily make decisions. The 2015 US Supreme Court ruling regarding temporary signs found existing language was unclear and would be difficult to enforce. Clear and concise information is needed in sign regulations to decrease confusion.

- c. Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

The maximum allowable size of a free-standing sign was similar to an off-premise billboard sign. Limiting the font size was difficult for others to design signage. Standards needed to be provide improved to allow those using the standards to easily understand and design compliant signage.

- 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.

The proposed text amendment pertains to properties or uses described in the language. It is believed the proposed amendment creates, clear and concise regulations.

- e. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Properties relying on the proposed amendment for improvements to private property will help to maintain a logical and orderly development pattern.

TEXT AMENDMENT APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the 10, day of August, 2026, I/We have read the above certification, understand it, and agree to abide by its conditions.

[Signature], City Buchanan
Signature of Applicant or Authorized Agent

Kristen Gundersen
Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this 10 day of

Aug, 2026

[Signature]

Notary Public

KALLA LANGSTON
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF BERRIEN
 My Commission Expires June 09, 2032
 Acting in the County of Berrien

NOTE: Deleted language is shown with strikethrough and new language is shown with highlight. For ease of review all of Section 71-30 Sign standards was deleted along with associated definitions. In several cases, the current language can be found in the new draft language.

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.~~

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~~
 - 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		■	■	■		■	■

TABLE 71-T SIGN STANDARDS

Sign	Signs (max)	Area (max)	Copy Height (max)	N	NE	GN	NC	D	SC	I
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.
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

Sec. 71-36 Specific standards for development approval**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.~~

Article V Definitions

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.~~

Sec. 71-30 Sign standards

71-30.A General Provisions

1. Purpose

This section establishes the standards for the number, size, placement, and physical characteristics of on-premises signs visible from a public sidewalk or adjacent property. Signage regulated is located on private property and does not include directional, emergency, or traffic related signs owned or required by city, county, state or federal governmental agencies. The regulations are designed to protect the interest of public health, safety and welfare while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse and otherwise communicate information to residents of the City of Buchanan, the business community and visitors.

The regulations also promote the goals of the master plan by improving the visual character of thoroughfares and fostering business retention while attracting new businesses. Accommodation for special circumstances or events may create a need for temporary signs or modifications to adopted regulations. The need to eliminate potential hazards to motorists and pedestrians resulting from sign clutter and visual distractions and preventing blight is necessary.

While these regulations allow for a variety of sign types and sizes, they do not necessarily ensure every property owner or business owner's desired level of visibility. It is not the intent or purpose to regulate the message or content displayed on any sign.

2. Compliance and applicability of other regulations

It shall be unlawful for any person to erect, relocate, enlarge, alter, modify or maintain a sign or allow a sign to remain on property in the city except for compliance with this Section. All regulations in this section shall be in addition to any other applicable laws, rules and regulations concerning signs. If any provision in this section is inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive will apply.

3. Exclusions

Government signs are not regulated by this section.

4. No vested rights.

Nothing in this section shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign, and it is hereby declared to be subsequent amendment, change or modification as may be necessary for the preservation of public health, safety and welfare.

5. Substitution/no discrimination against non-commercial signs or speech.

The owner of any sign which is otherwise allowed by this section may substitute non-commercial content in lieu of any other commercial or non-commercial content. This substitution of content may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provisions to the contrary in this section.

The clause shall not be construed to allow content, which is obscene, profane, threatening, discriminatory or otherwise not protected by the First Amendment to the United States Constitution or art. 5 of the Michigan Constitution.

71-30.B Sign regulations.

1. Permits required

- a. A permit is required to erect, alter, place, or replace any sign or sign structures as regulated and required by this section or by the City's Code of Ordinance. A permit is also required for substantial maintenance or repair to an existing nonconforming sign.
- b. To obtain a sign permit, a completed application as provided by the city shall be filed with the City in accordance with Section 71-26I Sign Permit.

- c. Properties located within the D Downtown District are required to obtain Downtown Design Review in accordance with Section 71-36H Downtown Applications.

2. Signs exempt from obtaining permits.

The following signs may be installed or erected without a permit:

- a. Donor signs up to two square feet in size.
- b. Historic markers placed under the authority of the local, state, or federal government and not exceeding two square feet in size.
- c. Home occupation sign, not to exceed 3 square feet and nonilluminated (from section 71-23.A.5)
- d. Nameplate or plaques up to 2 square feet in size, bearing the name of the building occupant, one per occupant.
- e. Official legal notice.
- f. On-site informational signs.
- g. Vehicle signs, where the vehicle on which the sign is displayed does not regularly go unoperated for a period exceeding seven consecutive days.
- h. Signs located on or within a building, in compliance with MCL125.3205d (or Article I, Section 5 of MI Constitution), that commemorate any of the following:
 - i. Any of the following who die in the line of duty: police officers, firefighters, medical first responders, members of the United States Armed Forces or correction officers;
 - ii. Veterans of the United States Armed Forces.
- i. Window signs when applied to the interior or exterior of the window or door glass does not exceed 25% of the glass area. Windows that are immediately adjacent, on the same wall face of the same building, maybe averaged together. (25% per existing code)

3. Prohibited signs.

The following signs as described are prohibited:

- a. Abandoned signs.
- b. Inflatable signs or devices except for balloons used in temporary, non-commercial situations.
- c. Neon, LED, or other light types permanently outlining windows or doors.
- d. Pornographic or obscene signs.
- e. Roof signs.
- f. Signs emitting smoke, vapors, particulate matter, odor or open flames.
- g. Signs imitating or resembling official traffic or government signs or signals that confuse, mislead, or create a safety hazard.
- h. Signs prohibited under federal, state, or local laws, rules or regulations.
- i. Signs utilizing animation or which contain the optical illusion of sign movement.
- j. Snipe signs.
- k. Signs that emit noise.

4. District sign regulations

Table 71-T sets forth the sign types, maximum size, height and number of signs allowed, minimum setbacks, prohibited or permitted signs. All permitted signs require a sign permit prior to installation unless exempt under section ____ or allowed as temporary under section ____ of this chapter.

Table 71-T Permanent Sign Standards

Table 71-T District Sign Regulations

	N, NE, GN, NC - One to Four Residential Dwellings Units	N, NE, GN, NC - Five-Family or more Residential Dwelling Units or Non-Residential Use	D	SC	I
Wall Signs: Awning, Canopy, Wall	Permit Required				
Maximum square footage for business frontage		One times (1 x) the building frontage	Two times (2x) the building frontage not to exceed a combined total of 150 square feet		
Number allowed		1 per building frontage	3 per building frontage		
Maximum square footage for side or rear wall having a secondary entrance (not on building frontage)		20 square feet			
Number allowed on a side or rear wall having a secondary entrance (not on building frontage)		1 per wall			
Maximum height		20 feet or below the bottom of any second floor window, whichever is less. Shall not extend above the roof deck or parapet and shall not be located on a penthouse or elevator overrun.			
Minimum vertical clearance		Six feet eight inches (6'8") when located over public or private sidewalk; 15 feet over public rights-of-way or drive aisles. If projection less than 4" no minimum vertical clearance			
Maximum projection		12" from face of building			
Illumination - see section ___ for additional information					
Wall Signs: Projecting or Hanging	Permit Required				
Maximum square footage			6 square feet		
Number allowed			1 per building frontage		
Maximum projection from wall of building			4 feet		
Maximum height			Below the bottom of the second floor window		
Minimum vertical clearance			6 feet 8 inches		
Illumination - see section ___ for additional information					

	N, NE, GN, NC - One to Four Residential Dwellings Units	N, NE, GN, NC - Five-Family or more Residential Dwelling Units or Non-Residential Use	D	SC	I
Ground Signs			Permit Required		
Number allowed, total	1 per development entrance	1 per parcel			1 per parcel
Maximum size	32 square feet	32 square feet			50 square feet
Maximum Height - Monument	6 feet	6 feet			8 feet
Maximum Height - Pole		6 feet		15 feet	
Minimum setback	3 feet from any lot line	3 feet from any lot line			3 feet from any lot line
Minimum vertical clearance for pole sign					6 feet 8 inches
Illumination - see section ___ for additional information					
Changeable message board - see section ___ for additional information					
Billboards, see Section ___ for additional information					Permit Required
Number allowed					1 per parcel
Maximum size					260 sf
Maximum height					30 feet
Minimum setback					50 feet
Distance between signs					300 feet
Minimum clearance from ground					6 feet 8 inches
Illumination - see section ___ for additional information					

5. Temporary signs allowed under certain conditions

- a. Temporary signs which allow for the freedom of expression or promotion of temporary events while minimizing clutter, visual distractions, obstructions, and nuisances when meeting the following:

General regulations:

- i. Shall not be illuminated;
- ii. Shall not have supports or borders wider than two inches on any side; and
- iii. Shall be removed no more than seven days after an event concludes if the sign is associated with a particular commercial event.

- b. Signs placed on a lot where the primary use is a single-family or two-family residential use

- i. The maximum overall sign height is four feet.
- ii. The maximum sign area is six square feet.
- iii. The maximum total area of all temporary signs displayed concurrently on one lot is 24 square feet.

- c. Signs placed on parcels where the use is not a single-family or two-family residential use

- i. The maximum overall height is eight feet.
- ii. the maximum total area of all temporary signs displayed concurrently on one parcel is 32 square feet.

- d. Temporary signage in the D Downtown District - sandwich board or hanging attention device are allowed under the following:

- i. A business is limited to one temporary sign that is placed on or hangs over the public sidewalk that complies with the following:

a. Sandwich Boards

- i. One sandwich board sign per business
- ii. Maximum height of 4 feet
- iii. Maximum size is 8 square feet.
- iv. Maximum width 30".
- v. Displayed outside during business hours and stored inside when the business is closed.

- vi. Shall not have moving parts or attachments, including but not limited to, balloons, pinwheels, streamers, pennants, flags, or similar adornments.

- viii. Shall not be illuminated or have sound amplification.

- ix. Shall be constructed of wood, metal, or other similarly durable material and shall have adequate support to prevent tipping or movement of the sign and shall not present a tripping hazard to pedestrians.

- x. Must be placed to allow unobstructed ADA compliant route to business and surrounding areas.

b. Hanging Attention Device

- i. One hanging attention device.

- ii. Minimum clearance of 6'8" from the ground to the lowest hanging portion of device.

- iii. Maximum projection of equipment from building of not more than 24".

- iv. Maximum size of 3.5 square feet. For circular items the square footage is based on drawing a rectangle around the largest portions of the item.

- v. Displayed outside during business hours and stored inside when the business is closed.

- vi. Wording shall not include business name or logo.

- vii. Shall be constructed of fabric or similar material that blows in the wind.

- e. Pennant signs are allowed under the following:

- i. Shall be displayed for not more than thirty (30) days when associated with a business grand opening.
- f. Feather flag signs are allowed under the following:
 - i. No more than two feather flag signs per commercial property.
 - ii. Shall be located on private property.
 - iii. Shall only be displayed during business hours.
- g. Portable Changeable Message signs are allowed under the following:
 - i. No more than one portable changeable message sign is allowed on an non-residentially zoned property or on properties which have non-residential uses.
 - ii. Shall be displayed on private property no more than one week prior to advertised event.
- h. Sandwich boards located on private property are allowed under the following:
 - i. One sandwich board sign per business
 - ii. Maximum height of 4 feet
 - iii. Maximum square footage of 8 square feet.
 - iv. Maximum width 30".
 - v. Displayed outside during business hours and stored inside when the business is closed.
 - vi. Shall not have moving parts or attachments, including but not limited to, balloons, pinwheels, streamers, pennants, flags, or similar adornments.
 - vii. Shall not be illuminated or have sound amplification.
 - ix. Shall be constructed of wood, metal, or other similarly durable material and shall have adequate support to prevent tipping or movement of the sign and shall not present a tripping hazard to pedestrians.
 - x. Must be placed to allow unobstructed ADA compliant route to business and surrounding areas.

71-30.C Sign design standards in all districts

1. Corner lot clear sign lines
No sign shall be located within the required corner lot clear sight line as established in Section 71-16.G of this Code.
2. Setback – minimum distance
The minimum required distance between any sign, building or property line is measured by drawing a straight horizontal line that represents the shortest distance between the sign and other sign, building or property line.
3. Sign height/overall height.
The height of a sign is measured from the existing average finished grade level of the premises where the sign is located to the highest point of the sign structure. Freestanding signs located in raised planter boxes shall have the height measured from the existing average finished grade outside the planter box. The ground beneath a sign shall not be raised to artificially raise the height of a sign.
4. Sign area measurement
 - a. The area of a sign shall be measured as the area within a single, continuous perimeter composed of either the smallest square, or rectangle, which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Reader boards shall be included in the sign measurement.
 - b. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as one face.

5. Illumination

- a. Any permanent wall or free-standing sign may be internally or externally illuminated.
- b. If externally illuminated, the source of the light shall be located, shielded and directed to prevent the source of light from shining directly onto any public right-of-way or residential property.
- c. Uniform lighting shall be used throughout a sign to create a uniform appearance rather than creating some areas that appear brighter than others.
- d. Signs shall not be illuminated between the hours of 11:00 pm and 6:00 am, except that a business open after 11:00 pm or before 6:00 am may have illumination during business hours.
- e. All signs must comply with the building and electrical codes of the City of Buchanan. Underground wiring is required for all illuminated signs.

71-30.D Changeable message centers/boards/reader boards

1. In addition to other regulations contained in this section, the following provisions shall apply to changeable message boards, where allowed:
 - i. One changeable message board is permitted per business; however, no more than one changeable message board is permitted per lot where the business is located.
 - ii. Changeable message boards shall only advertise on-site products or services or non-commercial public information such as time/temperature, safety alerts, and community/civic events.
 - iii. Changeable message boards are permitted only on free-standing signs and shall not be attached to the exterior wall of a building.
 - iv. Changeable message boards shall be integrated into a free-standing sign in order to create a cohesive, single-looking sign and shall not occupy more than 50% of the total sign face on each side.
 - v. With the exception of wall mounted signage located in the D Downtown district, Illumination shall not exceed 0.0 foot-candles at any lot lines that are adjacent to or across a right-of-way from a residential use. In all other cases, the illumination shall not exceed 0.5 foot-candles at the lot line.
 - vi. Changeable message boards shall not be illuminated between the hours of 11:00 pm and 6:00 am, except that a business open after 11:00 pm or before 6:00 am may have the changeable message board illuminated during business hours.
2. Electronic message centers (EMC) must comply with the following additional regulations:
 - i. An EMC shall not be used or displayed in a way that presents multiple screens within a single sign face, whether simulated or actual.
 - ii. Transition from one message to another shall be instantaneous, without movement or other transition effects between messages.
 - iii. Messages must remain on display for no less than seven seconds. Scrolling and flashing display messages is prohibited.
 - iv. Illumination shall not exceed 0.0 foot-candles at any lot lines that are adjacent to or across a right-of-way from a residential use. In all other cases, the illumination shall not exceed 0.5 foot-candles at the lot line.
 - v. Any new EMC must be equipped with both a programable dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day. Such programming and mechanical equipment shall be set so that the electronic sign, from dusk to dawn or in overcast conditions, will be no more than 40% of the daytime brightness level. Manufacturers' information must be submitted with the sign permit application.
 - vi. A copy of the manufacturer's operating manual for the EMC, including any recommended standards for brightness, display operations and any interfaced computer programs, must be available for immediate access at the business location where it is operating and must be provided to the zoning administrator upon request.

3. Electronic vehicle fuel station signs displaying fuel prices must comply with the following:
 - i. A maximum of three fuel products may be displayed per sign face, limited to fuel product pricing only.
 - ii. The maximum electronic message area is 12 square feet or five square feet per fuel product displayed.

E. Billboards.

The following standards shall apply to all billboards unless specifically exempted in this section:

- a. A sign face shall not exceed 260 square feet per side, and the total area of a double-faced sign shall not exceed 520 square feet. A double-faced sign shall consist of the two sign faces being parallel to each other and facing opposite directions.
- b. Billboards greater than 100 square feet in size shall be located a minimum of 50 feet from the nearest property line and 100 feet from any residential use or district, public park, religious institution or any public or private school.
- c. Billboards must have a minimum ground clearance of eight feet and may not exceed 30 feet in height.
- d. Billboards must have a minimum separation of 300 feet from any other billboard or any public waterway.
- e. Billboards shall be located perpendicular to the nearest street.
- f. Billboards must be free-standing and shall not be attached to, erected on, cantilevered over or constructed above any other structure.
- g. Billboards shall not incorporate flashing or rotating lights, beacon lights, running lights, animated copy, electronic message centers or digital displays.

Exemption: Billboards lawfully existing on the date this chapter becomes effective shall be allowed to continue in their current location and size even if in conflict with the provisions of this chapter. However, all other regulations shall continue to apply to such billboards.

F. Maintenance

1. Signs and sign structures must be maintained free of broken or torn materials, 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.

G. Removal of unsafe, abandoned, obsolete and prohibited signs and sign structures.

1. Public Property or Rights-of-Way. Any unauthorized sign or sign structure located in a public right-of-way or on public property may be removed without notice and may be destroyed after seven days of being removed.
2. Abandoned, Obsolete, Unsafe or Prohibited Signs. If upon inspection, the zoning administrator finds that a sign or sign structure located on private property is abandoned, obsolete, unsafe, and/or prohibited, the zoning administrator shall issue a written order to the sign owner and the property owner upon which the sign or sign structure is located stating the nature of the violation and requiring them to repair, remove, or conform the permanent sign or sign structure within 30 calendar days of the date of the order, or to remove temporary signs or sign structures within five calendar days of the order.
3. Imminent Danger. When any sign or sign structure is found to be in such condition as to make it an imminent danger to the life or safety of the public, in addition to any other remedy in this chapter, the zoning administrator is hereby authorized and empowered to immediately order

the necessary work to be done as is necessary to render such sign or sign structure temporarily safe. In such event, the owner of the premises upon which the sign is located is responsible for such costs and the zoning administrator shall cause such appropriate action as is necessary to recover those costs.

H. Non-conforming signs.

Every permanent sign which was erected legally and which lawfully exists at the time of the enactment of this article, but which does not conform to the provisions of this chapter as of the date this chapter is effective, is hereby deemed to be nonconforming and may remain except as provided in this section.

1. Nonconforming status shall not be granted to any temporary sign, banner, or other non-permanent sign. In addition, a sign illegal at the time of the adoption of the ordinance from which this section derives shall not become a non-conforming sign by reason of such adoption, but shall remain an illegal sign.

2. The right to maintain any nonconforming sign shall terminate whenever any of the following occurs:

a. The nonconforming sign is dimensionally or structurally altered, enlarged, modified, added to, reduced or changed, except as may be required by law, unless it is made to conform with this chapter.

b. The nonconforming sign is located on property that is being modified as requested and initiated by the owner of the property or owner's representative, for an application that involves a public hearing request before the planning commission (examples include: map amendment (rezoning), text amendment, special use permits, or planned unit developments) or zoning board of appeals (example, a dimensional variance).

c. The principal structure associated with the sign or the non-conforming sign is demolished or destroyed by fire or other casualty loss when restoration will constitute more than 50 percent of the value of the structure.

d. The principal structure associated with the sign is renovated or remodeled when renovation or remodeling will constitute more than 50 percent of the value of the structure on the date the renovation or remodeling begins.

e. The nonconforming sign is unsafe, abandoned, obsolete and/or prohibited.

3. The nonconforming sign shall not be relocated or moved in whole or part to any other location on the same or any other lot unless every portion of such sign is made to conform to the regulations of this chapter and other applicable regulations of the city.

ARTICLE IV. ADMINISTRATION AND PROCESS

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

Sec. 71-33 Review and decision making bodies.

B. Planning Commission. The Planning Commission establishment, organization, powers and duties are enumerated in Chapter 70 of the City of Buchanan Code of Ordinances and include review, hear, consider and approve or disapprove Sign Modifications, Mural requests or Iconic Sign Designation.

Sec. 71-34 General provisions.

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 City commission: reasonable time prior to public hearing	Planning commission: Not less than 15 days 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		
Sign modification or mural	No notice is required	

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, modifications, mural and iconic designation	DM or R	DM	[A]	A		

Temporary use permit	DM		[A]			
Certificate of zoning compliance	DM					
Downtown application	R				DM	
Interpretations	DM		[A]			

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES

Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
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					

B. Sign permit.**1. Administrative review of sign applications.**

- 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. Appeals from any interpretations, determinations, or denials made by the zoning administrator shall be made to the planning commission and submitted on such forms provided by the city for that purpose and subject to such fees set by the city commission prior to the posted submittal deadline prior to the next regularly scheduled planning commission meeting.
- d. Applications denied by the zoning administrator for the reason that the proposed sign requires a sign modification of the sign regulations by the planning commission as provided under section ____- of this section, the applicant shall submit a complete application for such request to the planning commission on such forms provided by the city for that purpose and subject to the fees set by the city commission prior to the posted submittal deadline prior to the next regularly scheduled planning commission meeting.
- e. Appeals from a decision of the planning commission shall be made to the city commission on such forms provided by the city for that purpose and subject to such fees set by the city commission and within 30 days after the decision in writing, or within 21 days after the planning commission approves the meeting minutes.

2. Planning commission review and approval of certain sign modifications and murals

Subject to the standards and limitations set forth in this section, the planning commission shall have the authority to review certain sign applications and grant approvals. Any

approval granted shall be valid for not more than 180 days.

a. Authority to Grant Requested Modifications of Sign Regulations. The planning commission has no authority to grant a modification for signs prohibited under section _____ of this section. However, the planning commission has authority, in connection with an application, to grant approval of a request for modification of the sign regulations for permitted signs, subject to the following regulations.

1. Review. The planning commission shall, within 60 days of receiving a complete application, either grant approval of the application by written findings stating the reasons therefor, deny the application, or grant the application with modifications or conditions. Failure of the planning commission to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision of denial.
2. Authorized Modification. The planning commission may grant an applicant's request to modify the provisions of this section as follows:
 - (a) To increase by no more than 20 percent the maximum allowable height of any free-standing sign.
 - (b) To increase by no more than 20 percent the maximum area of signage otherwise allowed.
 - (c) To increase by no more than one sign the maximum number of signs or sign types otherwise allowed.
 - (d) To allow no more than one sign type to be located on a lot where signs of such types are not otherwise allowed.
 - (e) To adjust the required spacing between any signs, structures or lot lines.
3. Factors for Approval of Modifications. The factors to be considered by the planning commission for permitted modifications shall include, but are not limited to the following:
 - (a) Minimum Request. The modification requested is the minimum change necessary to alleviate the hardship while addressing the unique and specific needs of the applicant.
 - (b) General Standards. Carrying out the strict letter of the provisions of this Ordinance would create a particular hardship or a practical difficulty not caused by an act or omission of the applicant.
 - (c) Unusual Physical Limitations. The subject property or the structure on which the sign is proposed to be located is burdened with an unusual physical limitation, such as irregular shape, unusual geographic location, exceptional feature, or other extraordinary physical condition, that is peculiar to the subject property and is more than merely an inconvenience or cost consideration to the applicant.
 - (d) Location Factors. The subject property location supports the permitted modification, reviewing such factors as size and use of parcel, setbacks, adjacent property uses, and speed of adjacent roadway(s).
 - (e) Adverse Impacts. The modification, if granted, would have no significant adverse impact on any abutting or adjacent property, the essential character of any part of or all of the neighborhood, or the use, enjoyment or value of other nearby properties.
 - (f) Public Health and Safety. The modification, if granted, would have no significant adverse impact on and would not endanger the public health or safety of the public.

b. Authority to Approve Requested Mural Installations. The planning commission has authority, in connection with an application to grant approval of a request for installation of a mural as defined in Article V subject to the following regulations.

1. Review. The planning commission shall, within 60 days of receiving a complete application, either grant approval of the application by written findings stating the reasons therefor, deny the application, or grant the application with modifications or conditions. Failure of the planning commission to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision of denial.
2. Factors for Approval of Murals. The factors to be considered by the planning commission for installation of a mural shall include, but are not limited to the following:
 - (a) Art Work. The mural design does not include elements that would be considered inappropriate and/or indecent by community standards and the art work provided is

sufficient and accurate for review.

- (b) Location Appropriate. The proposed mural placement on the building does not negatively impact vehicular or pedestrian traffic once installed and does not disrupt the properties landscaping and maintenance activities.
- (c) Placement in Neighborhood/Surrounding Area. How many murals are in the neighborhood/surrounding area and what impact could the new mural have on existing ones.
- (d) Scale and Placement on Building. Is the scale of the mural on the exterior wall and view from public right-of-way properly designed and placed. Does the mural design minimizes alterations to the existing façade of the building including windows or doors.
- (e) Enhancement and Activation. How will the proposed mural enhance and activate the pedestrian and streetscape experience.
- (f) Installation Process. The applicant has sufficiently documented how the exterior wall will be prepared prior to installation of the mural, how the mural will be installed and what if any city permits will be required (right-of-way permit), documentation regarding public utilities being disturbed either on the building or overhead.
- (g) Maintenance and Removal. Written document has been provided regarding the future maintenance and/or removal of the mural.

3. Authority to Grant Iconic Sign Designation and Maintenance. The planning commission has authority, in connection with an application, to grant approval of the application for iconic sign designation, subject to the following regulations.

- a. Review. The planning commission shall, within 90 days of receiving a complete application, either grant the application by written findings stating the reasons therefor, deny the application, or grant the application with modifications or conditions. The failure of the planning commission to act within 90 days, or such further time to which the applicant may agree, shall be deemed to be a decision of denial.
- b. Factors for Approval of Iconic Sign Designation. Iconic sign standards are intended to provide for the preservation of the city's unique character, history, or identity as reflected in its historic and iconic signs. A sign may be designated as an iconic sign if the planning commission determines that the sign is structurally safe or capable of being made so without materially altering its historical character or significance, and the applicant presents a proposed maintenance program that addresses general maintenance, repair, restoration, and other potential future modifications (e.g., text changes).

In addition, the planning commission must determine that the sign meets a majority of the following criteria:

- 1. The sign has been in continuous existence at its present location for at least 10 years.
- 2. The sign is associated with historic figures, events, or locations within the city; is recognized as a popular focal point in the community; or reflects the history or historical use of the building or the history of the city.
- 3. The sign is of exemplary technology, craftsmanship, or design for the period in which it was constructed; uses historic sign materials or means of illumination; or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation.

- c. *Factors for Approval of Iconic Sign Repair or Restoration.* Any repair or restoration to an iconic sign requires a permit and shall be reviewed by the planning commission by the above described process, and must comply with the following:

1. The sign will be restored and repaired to its substantially original condition, using the same color scheme, graphics, and materials to the extent practicable in order to replicate the original appearance of the sign;
 2. Text changes either match or are compatible with existing text in material(s), letter size, font/typography; and
 3. Restoration or repair of the sign is not expanded beyond the original sign area.
- d. *Iconic Sign Removal.* Nothing in this chapter prohibits the voluntary removal of an iconic sign. Once removed, an iconic sign cannot be replaced unless it is removed as part of an approved sign restoration.

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.

***** definitions A – Z with exception of sign related language not included *****

Signs: An object, 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.

Banner: a temporary lightweight sign that is made of flexible, nondurable materials such as fabric, cloth or plastic and is typically affixed to a building or accessory structure. A banner sign does not include a feather or pennant sign.

Billboard: An off-premises sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.

Business frontage: The maximum linear width between exterior wall(s) of a building, or in the case of a multi-tenant building, the maximum linear width between the exterior and/or demising walls of an individual tenant located at street level and having an individual exterior entrance. Building frontage must abut a public street or a parking lot abutting a public street; it is measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot. The building frontage is used to determine the maximum square footage of wall signs. A corner lot is considered to have a building frontage abutting each public street or parking lot; maximum signage is calculated individually per building frontage.

Donor or memorial sign: a sign that contains names, acknowledgements, or factual information to acknowledge or honor a benefactor, volunteer, or individual associated with the structure or site upon which it is located.

Electronic message center: an electronic changeable message board, including an electronic screen or monito, which is not an animated sign.

Expressive sign: a temporary sign that promotes or expresses an individual's personal non-commercial ideology, belief, value, or message. Examples of expressive signs include, but are limited to, signs expressing political beliefs, supporting clubs or sports teams, and expressing religious views.

Feather flag: A temporary sign applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing, are generally a single sign attached to a support post and typically having a dimensional ratio of four high to one wide and move in the wind to attract attention. This can also be referred to as a feather banner or feather sign.

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

Freestanding sign: A sign that is not affixed to a separate structure or building but is affixed to the ground, including but limited to pole signs or monument/ground signs.

Hanging attention device: A temporary visual display, sign, or object extending from the face of a building typically by a pole on an angle used to draw attention to the space or business. Examples can include flags, balloons or windsocks or similar items

Historical marker sign: a plaque bearing historical information related to the nearby structure, land or area upon which it is located (i.e., date of construction, early owners and builder, etc.)

Iconic sign: A sign found in its sustainably original form or construction that exemplifies historical, cultural or architectural features or is deemed to be unusual, significant, or meaningful to the city streetscape or the city's history.

Inflatable sign: a sign composed of an inflatable, nonporous bag.

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

Monument sign: A base-mounted, freestanding sign placed on the ground and not attached to any building or other structure. A monument sign includes a solid supporting base of at least twelve inches in height and a width equal to or greater than the width of the sign face.

Mural: A design, graphics, or representation painted or drawn on a wall or other structure which does not contain commercial copy, advertising symbols, lettering, trademarks or other references to a particular entity, product or service located on the premises where the mural is located, or any other premise.

Obscene: Any material that meets all of the following criteria:

a. The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest.

b. The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

c. The material depicts or describes sexual conduct in a patently offensive way

Official legal notice: Notices required by law, signs erected by a governmental agency or public utility

Off-premises sign: A sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located. Sometimes referred to as a billboard and can be free-standing or attached to a building.

On-site informational sign: a sign that identifies entrances and exits, safety precautions, open and closed information, warnings and other such incidental information for the property upon which the sign is located, including drive-thru menu boards, which is of a minimum size and height to provide the necessary information while not extending above the parapet, eave or wall of the building. On-site informational signs are located on entirely on private property and do not extend or have the ability to extend over lot lines.

Pennant sign: a geometric piece of fabric or other material, commonly attached by string, with rows of loose materials, streamers, shapes, or strands, or supported on small poles intended to flap in the wind and used to draw attention. A pennant sign is not a feather flag.

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.

Pole sign: a freestanding sign that is affixed, attached, or erected on a pole that is not an integral part of or attached to a building or structure.

Portable changeable message board or sign: A sign containing a changeable message and designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

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

Reader board: a portion of a sign, with written representation, emblem, graphic, logo, symbol or other display that can be changed periodically, either manually or electronically without altering the face surface of the sign, whether or not displayed is periodically rearranged. This definition excludes sandwich boards.

Roof sign: a sign which is erected, constructed and maintained above any portion of the roof or parapet.

Sandwich board sign: a free-standing, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians; it is also known as an A-frame sign or inverted T-shaped sign.

Sign: An object, device, display or structure, or part thereof situated outdoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images.

“Signs” do not include the following:

- a. Flags which do not advertise a business, product or service, not larger than 30 square feet and affixed to permanent flagpoles or flagpoles mounted to buildings, subject to the maximum building height of the zoning district it is in and located on private property. However, if such flags are greater than 30 square feet, they are considered signs and are subject to regulations in this Section 71-30 Sign standards.
- b. Seasonal decorations which do not advertise a business, product or service.
- c. Interior signs that are not visible from adjacent property or public rights-of-way.
- d. Merchandise, pictures or models of products or services incorporated in a window display.
- e. Governmental, educational, military, religious, fraternal, and civic symbols or crests.
- f. Tablets or plates containing only the building’s name and/or date the building was installed when cut into the masonry surface or permanently affixed to the building.
- g. Time and temperature devices not related to a product and not larger than six square feet.
- h. Works of art, including murals, which do not advertise a business, product or service.
- i. Address numbers in compliance with the International Property Maintenance Code, Premises identification.

Sign structure: poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe sign: Any sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property in the public right-of-way or on any private property with or without the permission of the property owner for commercial uses.

Temporary sign: Any sign which is erected or displayed on a non-permanent basis for a limited period of time. Examples of temporary signages include, but not limited to, a banner sign, construction sign, garage sale sign, political sign, expressive sign, real estate sign, and sandwich board sign.

Transported sign: A sign attached to or pulled by a vehicle that may be displayed or affixed to a moveable object such as but not limited to a car, truck, trailer, or similar transportation device. A transported sign is not a vehicle sign.

Vehicle sign: A sign, painted or otherwise, attached to an operable vehicle or pulled trailer that is regularly used and moved. A vehicle sign is not a transported sign.

Wall sign: any sign mounted or attached to and supported by the wall of any part of a building or structure and in which the horizontal sign surface is parallel to the building wall or structure.

Window sign: any sign painted on, affixed to or placed against any window intended to be viewed from the outside.

WRITTEN PUBLIC COMMENT

Proposed Amendment to UDC Section 71-30

To: City of Buchanan Planning Commission

From: William T. Bielby

Date: September 8, 2026

Re: Barrier option for hanging attention devices

I support the proposed revisions to Buchanan's sign regulations, including the creation of a small "hanging attention device" for downtown businesses. I appreciate the work city staff and the Planning Commission have done to accommodate the Buchanan Business Boosters' OPEN-flag initiative.

One important issue remains. The proposed language requires the lowest portion of every hanging attention device to be at least 6 feet 8 inches, or 80 inches, above the sidewalk. We ask the Commission to retain 80 inches as the normal minimum wherever pedestrians may walk beneath the device, but also permit a carefully controlled installation below 80 inches when a compliant barrier prevents pedestrian travel into the area of reduced clearance.

This is not a request to disregard or weaken accessibility standards. Section 307.4 of the 2010 ADA Standards expressly provides that where vertical clearance is less than 80 inches, a guardrail or other barrier must be provided, with its leading edge no more than 27 inches above the walking surface. The U.S. Access Board's official guidance specifically identifies fixed planters, benches and similar elements as possible barriers.

We therefore ask the Commission to recommend a limited barrier option subject to conditions such as these:

- The bench, planter, railing or similar barrier must be fixed or otherwise secured while in use, must be cane-detectable, and must prevent pedestrian travel beneath the entire area of reduced clearance.
- The protected area must account for the rigid support and the reasonably foreseeable movement of the fabric.
- An unobstructed ADA-compliant pedestrian route must remain available around the installation.
- The barrier must be present whenever the below-80-inch device is displayed. If the barrier is removed for snow clearing, seasonal storage or any other reason, the device must also be removed or raised to provide 80 inches of clearance.
- Each proposed installation must provide sufficient dimensional information for city staff to determine whether these requirements are satisfied.

The OPEN-flag hardware we have proposed projects approximately 19 inches horizontally from the building, while a typical 24-inch-deep bench or planter extends beyond the rigid support. Compliance would still have to account for the full movement of the fabric and the conditions at each location. Approval of the barrier option would not mean that every business or every bench automatically qualifies.

The practical concerns that have been raised can therefore be addressed through clear standards, staff review and enforcement. No business would be permitted to display a low-hanging device without its required barrier. If winter conditions make the barrier impractical, the low device simply cannot be displayed during that period.

Our bottom line is straightforward: permit the ADA-recognized barrier method, require businesses to comply with all of its conditions, enforce those conditions, and evaluate the policy based on actual experience. If genuine problems emerge, the City can revisit the regulation. The possibility of future noncompliance is not, by itself, a reason to prohibit a properly designed and compliant installation.

Respectfully submitted,

William T. Bielby

RiverTown Gallery & Studio

111 Main Street

Federal references: 2010 ADA Standards for Accessible Design, Section 307.4; U.S. Access Board, Guide to the ADA Accessibility Standards, Chapter 3: Protruding Objects.



September 28, 2026

Berrien County Board of Commissioners
701 Main Street
St. Joseph, MI 49085

RE: Buchanan Area Senior Center – Senior Center Millage Funding

Dear Members of the Berrien County Board of Commissioners:

The Buchanan City Commission is writing regarding the distribution of Berrien County senior center millage funding and the position presented by the Buchanan Area Senior Center.

The Buchanan Area Senior Center is one of seven senior centers serving Berrien County residents age 60 and older. The current millage funding structure provides an equal distribution of funding among the seven centers.

The City Commission understands that a proposal has been presented to Berrien County to modify the current distribution formula. The Buchanan Area Senior Center has requested that the existing equal seven-way distribution remain in place and has provided information to the City Commission regarding the potential effect of a revised funding formula on the Buchanan Area Senior Center and other senior centers serving smaller communities.

At its meeting, the Buchanan City Commission considered this matter and formally approved supporting the Buchanan Area Senior Center's position regarding the continued equal distribution of senior center millage funding.

Accordingly, the Buchanan City Commission respectfully communicates its support for maintaining the current equal seven-way distribution of Berrien County senior center millage funding.

Thank you for your consideration and for your continued service to the residents of Berrien County.

Respectfully,

Buchanan City Commission

Mark Weedon, Mayor

Patrick Swem, Mayor Pro Tem

Larry Money, Commissioner

Dan Vigansky, Commissioner

Raquell George, Commissioner

Memorandum



Date: September 24, 2026

To: Buchanan City Commission

From: Tony McGhee

Subject: Lead Service Line Replacement Professional Services Agreement

Background

The City has received a proposal from Prein&Newhof to provide the professional engineering services necessary for the City's FY 2027 Lead Service Line Replacement Project. The project will replace approximately 200 known lead or galvanized water service lines throughout the City.

The proposed scope includes reviewing the City's service line inventory, identifying the addresses to be included in the project, preparing the plans and specifications, coordinating with EGLE, assisting with the State Revolving Fund application, bidding the project, providing construction observation, communicating with residents, processing payment requests, and updating the City's GIS and service line inventory as replacements are completed.

Prein&Newhof proposes completing these services on a time and expense basis for an amount not to exceed \$190,500 without additional authorization from the City. The project is scheduled for a third quarter State Revolving Fund closing, which would allow construction to begin as early as the summer of 2027. Milestones for the contracted work include completing the final bid documents in January, advertising the project in February, opening bids in March, and closing on the loan in June 2027.

The City is required to complete this work under Michigan's Lead and Copper Rule. The rule requires public water systems with lead service lines to replace them regardless of whether the water system is currently exceeding the lead action level. Michigan's requirements generally call for replacement at an average rate of 5 percent per year, with all identified lead service lines replaced within 20 years. This project is therefore not discretionary work that the City can indefinitely delay. The City is required to continue making measurable progress toward removing lead and qualifying galvanized service lines from the water system.

Memorandum

The overall project will be funded through a \$2.3 million Drinking Water State Revolving Fund loan from EGLE. Based on the current funding package, the City expects approximately 10 percent, or \$230,000, of the loan to be forgiven. The remaining balance of approximately \$2.07 million is expected to be financed at 0 percent interest. The proposed engineering cost will be paid through the project loan and is included within the overall project financing, subject to final EGLE approval and loan closing.

This funding provides the City with an opportunity to complete a significant portion of its required lead service line replacements while receiving principal forgiveness and financing the remaining project cost without interest. The work also builds upon the service line inventory and verification work the City has already completed and allows us to move from identifying these lines to getting them out of the ground.

Recommendation

Staff recommends that the City Commission approve the professional services agreement with Prein&Newhof for the FY 2027 Lead Service Line Replacement Project in an amount not to exceed \$190,500 and authorize the City Manager to execute the agreement and any related documents necessary to move the project forward

Attachment A: Prein & Newhof Professional Services Agreement

Attachment A



September 18, 2026

Mr. Tony McGhee, City Manager
 City of Buchanan
 302 N. Redbud Trail
 Buchanan, MI 49107

Re: Proposal for Professional Engineering Services
 Drinking State Water Revolving Fund (DWSRF)
 FY 2027 Lead Service Line Replacement Project

Dear Mr. McGhee:

Thank you for the opportunity to provide this proposal for professional engineering services to assist you with the FY 2027 Lead Service Line Replacement (LSLR) Project. This project will be funded through the Michigan Department of Environment, Great Lakes, and Energy's (EGLE's) DWSRF program. The City will be receiving a \$2,300,000 loan for lead service line replacements, with 10% principal forgiveness.

It is our understanding that the funding will be used to replace 200 of the known lead/galvanized water services throughout the City. We have developed the following scope of services to assist you with engineering design, bidding and construction phase services for this work. We assume that the construction will be completed within a three-year period to provide optimal contractor availability, flexibility and the best pricing opportunities.

This project is considered an equivalency project and full environmental and SHPO reviews are required. This SHPO and environmental review work has been excluded from this project scope as it was completed with available TMF Grant funds. Our proposed services for this project include the following:

Design Phase

- Hold project kick off meeting
- Review water service line materials inventory data for the project area and prepare materials verification and replacement address lists
- Review locations in the field with City staff, if needed
- Confirm existing streets pavement material based on City records and visual observation
- Coordinate with EGLE and respond to comments on project planning document
- Prepare project technical specifications including specific DWSRF requirements
- Prepare bidding and contract documents needed to meet City and EGLE/DWSRF requirements
- Hold review meeting with the City

Mr. Tony McGhee
 September 18, 2026
 Page 2

- Review draft documents with EGLE staff and prepare final documents based on comments from EGLE
- Assist City with resident communications
- Assist City with Part I and II DWSRF application forms

Bidding Assistance

- Assist with advertising project to potential bidders
- Answer questions during bidding and issue addenda, if needed
- Attend the bid opening in person
- Review and tabulate bids
- Review contractor references, if needed
- Provide Notice of Award documentation to City and EGLE for project award
- Assist with finalizing and distributing signed contracts
- Prepare Notice to Proceed
- Assist City with Part III DWSRF application forms

Construction Phase

- Schedule and attend preconstruction meeting and prepare minutes
- Track and review submittals
- Assist with resident communications
- Develop ArcGIS Online Mapping for Contractor
- Provide construction observation services – We have assumed up to 630 hours of field observation, 45 hours per week over 14 weeks.
- Project administration: respond to RFIs, prepare payment applications and change orders, submit EGLE disbursement requests (assumes 5 hours per week during the construction period noted above)
- Assist with DWSRF administration submittals
- Prepare punch lists and closeout documents
- Complete service witness records and update City GIS and LSL inventory after project completion

Schedule and Fee

The City's DWSRF is scheduled for 3rd Quarter which would allow for construction to begin as early as the summer of 2027. Select 3rd Quarter milestones include:

1. Ninety percent complete bid documents by November 30, 2026.
2. Final bid documents by January 19, 2027.
3. Bid advertisement by February 23, 2027.
4. Bid opening on March 24, 2027.
5. Loan closing on June 3, 2027

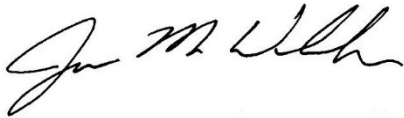
Mr. Tony McGhee
September 18, 2026
Page 3

Based on the scope of work and assumptions described above, we propose completing the work for a not to exceed cost of \$190,500. Our hourly rates are adjusted each January; we have included an annual increase of 4% in hourly rates from 2026 to 2028. We propose to work on a time and expense basis. If the contractor does work in a shorter time than expected, then our assumed hours will be less.

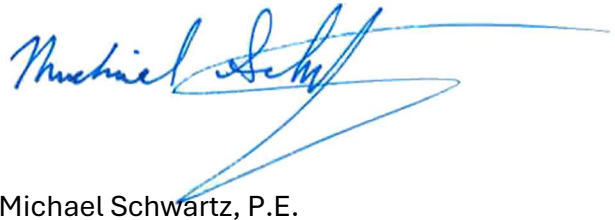
If this proposal is acceptable to you, please sign and return the enclosed Professional Services Agreement. We look forward to working with you and your staff on this project. Should you have any questions, please contact us.

Sincerely,

Prein&Newhof



Jason Washler, P.E.
Vice President



Michael Schwartz, P.E.
Project Manager / Team Leader

Encl: Professional Service Agreement

Project No.

Professional Services Agreement

This Professional Services Agreement is made this ____ day of _____, 2026 (“Agreement”) by and between Prein & Newhof, Inc. (“P&N”), of 3355 Evergreen Drive NE, Grand Rapids, MI 49525, and City of Buchanan (“Client”), of 302 N. Redbud Trail, Buchanan, MI 49107 .

WHEREAS Client intends to:

Implement a Lead Service Line Replacement Project under the FY27 Drinking Water State Revolving Loan Fund, replacing approximately 200 services

NOW THEREFORE, for and in consideration of the terms and conditions contained herein, the parties agree as follows:

ARTICLE 1 – DESIGNATED REPRESENTATIVES

Client and P&N each designate the following individuals as their representatives with respect to the Project.

For P&N

Name: Michael Schwartz, P.E.

Title: Project Manager

Phone Number: 269-372-1158

E-mail: mschwartz@preinnewhof.com

For Client

Name: Tony McGhee

Title: City Manager

Phone Number: (269) 695-3844

E-mail: tmcghee@cityofbuchanan.com

ARTICLE 2 – GENERAL CONDITIONS

This Agreement consists of this Professional Services Agreement and the following documents which by this reference are incorporated into and made a part of this Agreement.

- ☒ P&N Standard Terms and Conditions for Professional Services
- ☐ P&N Proposal dated
- ☐ P&N Standard Rate Schedule
- ☐ P&N Supplemental Terms and Conditions
- ☐ Other:

ARTICLE 3 – ENGINEERING SERVICES PROVIDED UNDER THIS AGREEMENT:

Client hereby requests, and P&N hereby agrees to provide, the following services:

- ☒ P&N Scope of Services per Proposal dated, September 18, 2026
- ☐ Scope of Services defined as follows:

N/A

ARTICLE 4 – COMPENSATION:

- ☐ Lump Sum for Services Described in Article 3 above - \$
- Additional services to be billed per P&N's Standard Rate Schedule in effect on the date the additional services are performed.
- ☐ Hourly Billing Rates plus Reimbursable Expenses per P&N's Standard Rate Schedule in effect on the date services are performed.
- ☒ Other: Hourly rates and expenses as described in the September 18, 2026 proposal. Maximum not to exceed \$190,500 without City of Buchanan authorization.

ARTICLE 5 – ADDITIONAL TERMS (If any)

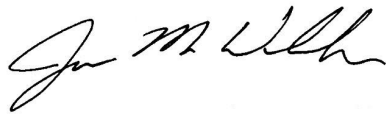
None

This Agreement constitutes the entire Agreement between P&N and Client and supersedes all prior written or oral understandings. This Agreement may not be altered, modified, or amended, except in writing properly executed by authorized representatives of P&N and Client.

Accepted for:
Prein&Newhof, Inc.

Accepted for:
City of Buchanan

By: _____



Printed Name: Jason Washler, P.E.

Title: Vice President

Date: 9/18/2026

By: _____

Printed Name: Tony McGhee

Title: City Manager

Date: _____

Standard Terms & Conditions

- A. General** - As used in this Prein&Newhof Standard Terms and Conditions for Professional Services (hereinafter “Terms and Conditions”), unless the context otherwise indicates: the term “Agreement” means the Professional Services Agreement inclusive of all documents incorporated by reference including but not limited to this P&N Standard Terms and Conditions for Professional Services; the term “Engineer” refers to Prein & Newhof, Inc.; and the term “Client” refers to the other party to the Professional Services Agreement.

These Terms and Conditions shall be governed in all respects by the laws of the United States of America and by the laws of the State of Michigan.

- B. Standard of Care** - The standard of care for all professional and related services performed or furnished by Engineer under the Agreement will be the care and skill ordinarily used by members of Engineer’s profession of ordinary learning, judgment or skill practicing under the same or similar circumstances in the same or similar community, at the time the services are provided.
- C. Disclaimer of Warranties** - Engineer makes no warranties, expressed or implied, under the Agreement or otherwise.
- D. Construction/Field Observation** - If Client elects to have Engineer provide construction/field observation, client understands that construction/field observation is conducted to reduce, not eliminate the risk of problems arising during construction, and that provision of the service does not create a warranty or guarantee of any type. In all cases, the contractors, subcontractors, and/or any other persons performing any of the construction work, shall retain responsibility for the quality and completeness of the construction work and for adhering to the plans, specifications and other contract documents.
- E. Construction Means and Methods** - Engineer shall not have control or charge of and shall not be responsible for construction means, methods, techniques, sequences, or procedures, or for any safety precautions and programs in connection with the construction work, for the acts or omissions of the Contractor, Subcontractors, or any other persons performing any of the construction work, or for the failure of any of them to carry out the construction work in accordance with the plans, specifications or other contract documents.
- F. Opinions of Probable Costs** - Client acknowledges that Engineer has no control over market or contracting conditions and that Engineer’s opinions of costs are based on experience, judgment, and information available at a specific period of time. Client agrees that Engineer makes no guarantees or warranties, express or implied, that costs will not vary from such opinions.
- G. Client Responsibilities**
1. Client shall provide all criteria, Client Standards, and full information as to the requirements necessary for Engineer to provide the professional services. Client shall designate in writing a person with authority to act on Client’s behalf on all matters related to the Engineer’s services. Client shall assume all responsibility for interpretation of contract documents and construction observation/field observation during times when Engineer has not been contracted to provide such services and shall waive any and all claims against Engineer that may be connected thereto.
 2. In the event the project site is not owned by the Client, the Client must obtain all necessary permission for Engineer to enter and conduct investigations on the project site. It is assumed that the Client possesses all necessary permits and licenses required for conducting the scope of services. Access negotiations may be performed at additional costs. Engineer will take reasonable precaution to minimize damage to land and structures with field equipment. Client assumes responsibility for all costs associated with protection and restoration of project site to conditions existing prior to Engineer’s performance of services.
 3. The Client, on behalf of all owners of the subject project site, hereby grants permission to the Engineer to utilize a small unmanned aerial system (sUAS) for purposes of aerial mapping data acquisition. The Client is responsible to provide required notifications to the property owners of the subject project site and affected properties where the sUAS services will be performed. The Engineer will operate the sUAS in accordance with applicable State and Federal Laws.
- H. Hazardous or Contaminated Materials/Conditions**
1. Client will advise Engineer, in writing and prior to the commencement of its services, of all known or suspected Hazardous or Contaminated Materials/Conditions present at the site.
 2. Engineer and Client agree that the discovery of unknown or unconfirmed Hazardous or Contaminated Materials/Conditions constitutes a changed condition that may require Engineer to renegotiate the scope of or terminate its services. Engineer and Client also agree that the discovery of said Materials/Conditions may make it necessary for Engineer to take immediate measures to protect health, safety, and welfare of those performing Engineer’s services. Client agrees to compensate Engineer for any costs incident to the discovery of said Materials/Conditions.
 3. Client acknowledges that Engineer cannot guarantee that contaminants do not exist at a project site. Similarly, a site

which is in fact unaffected by contaminants at the time of Engineer's surface or subsurface exploration may later, due to natural phenomena or human intervention, become contaminated. The Client waives any claim against Engineer, and agrees to defend, indemnify and hold Engineer harmless from any claims or liability for injury or loss in the event that Engineer does not detect the presence of contaminants through techniques commonly employed.

4. The Client recognizes that although Engineer is required by the nature of the services to have an understanding of the laws pertaining to environmental issues, Engineer cannot offer legal advice to the Client. Engineer urges that the Client seek legal assistance from a qualified attorney when such assistance is required. Furthermore, the Client is cautioned to not construe or assume that any representations made by Engineer in written or conversational settings constitute a legal representation of environmental law or practice.
5. Unless otherwise agreed to in writing, the scope of services does not include the analysis, characterization or disposal of wastes generated during investigation procedures. Should such wastes be generated during this investigation, the Client will contract directly with a qualified waste hauler and disposal facility.

I. Underground Utilities – To the extent that the Engineer, in performing its services, may impact underground utilities, Engineer shall make a reasonable effort to contact the owners of identified underground utilities that may be affected by the services for which Engineer has been contracted, including contacting the appropriate underground utility locating entities and reviewing utility drawings provided by others. Engineer will take reasonable precautions to avoid damage or injury to **underground** utilities and other underground structures. Client agrees to hold Engineer harmless for any damages to below ground utilities and structures not brought to Engineers attention and/or accurately shown or described on documents provided to Engineer.

J. Insurance

1. Engineer will maintain insurance for professional liability, general liability, worker's compensation, auto liability, and property damage in the amounts deemed appropriate by Engineer. Client will maintain insurance for general liability, worker's compensation, auto liability, and property damage in the amounts deemed appropriate by Client. Upon request, Client and Engineer shall each deliver certificates of insurance to the other evidencing their coverages.
2. Client shall require Contractors to purchase and maintain commercial general liability insurance and other insurance as specified in project contract documents. Client shall cause Engineer, Engineer's consultants, employees, and agents to be listed as additional insureds with respect to any Client or Contractor insurances related to projects for which Engineer provides services. Client agrees and must have Contractors agree to have their insurers endorse these policies to reflect that, in the event of payment of any loss or damages, subrogation rights under these Terms and Conditions are hereby waived by the insurer with respect to claims against Engineer.

K. Limitation of Liability - The total liability, in the aggregate, of Engineer and Engineer's officers, directors, partners, employees, agents, and consultants, whether jointly, severally or individually, to Client and anyone claiming by, through, or under Client, for any and all injuries, losses, damages and expenses, whatsoever, arising out of, resulting from, or in any way related to the Project or the Agreement, including but not limited to the performance of services under the Agreement, from any cause or causes whatsoever, including but not limited to the negligence, professional errors or omissions, strict liability or breach of contract or warranty, expressed or implied, of Engineer or Engineer's officers, directors, partners, employees, agents, consultants, or any of them, shall not exceed the sum of one million dollars and no cents (\$1,000,000.00). Recoverable damages shall be limited to those that are direct damages. Engineer shall not be responsible for or held liable for special, indirect or consequential losses or damages, including but not limited to loss of use of equipment or facility, and loss of profits or revenue.

Client acknowledges that Engineer is a corporation and agrees that any claim made by Client arising out of any act or omission of any director, officer, or employee of Engineer, in the execution or performance of the Agreement, shall be made against Engineer and not against such director, officer, or employee.

L. Documents and Data

1. All documents prepared or furnished by Engineer under the Agreement are Engineer's instruments of service, and are and shall remain the property of Engineer.
2. Hard copies of any documents provided by Engineer shall control over documents furnished in electronic format. Client recognizes that data provided in electronic format can be corrupted or modified by the Client or others, unintentionally or otherwise. Consequently, the use of any data, conclusions or information obtained or derived from electronic media provided by Engineer will be at the Client's sole risk and without any liability, risk or legal exposure to Engineer, its employees, officers or consultants.
3. Any extrapolations, conclusions or assumptions derived by the Client or others from the data provided to the Client, either in hard copy or electronic format, will be at the Client's sole risk and full legal responsibility.

- M. Differing Site Conditions** - Client recognizes that actual site conditions may vary from the assumed site conditions or test locations used by Engineer as the basis of its design. Consequently, Engineer does not guarantee or warrant that actual site conditions will not vary from those used as the basis of Engineer's design, interpretations and recommendations. Engineer is not responsible for any costs or delays attributable to differing site conditions.
- N. Terms of Payment** - Unless alternate terms are included in the Agreement, Client will be invoiced on a monthly basis until the completion of the **Project**. All monthly invoices are payable within 30 days of the date of the invoice. Should full payment of any invoice not be received within 30 days, the amount due shall bear a service charge of 1.5 percent per month or 18 percent per year plus the cost of collection, including reasonable attorney's fees. If Client has any objections to any invoice submitted by Engineer, Client must so advise Engineer in writing within fourteen (14) days of receipt of the invoice. Unless otherwise agreed, Engineer shall invoice Client based on hourly billing rates and direct costs current at the time of service performance. Outside costs such as, but not limited to, equipment, meals, lodging, fees, and subconsultants shall be actual costs plus 10 percent. In addition to any other remedies Engineer may have, Engineer shall have the absolute right to cease performing any services in the event payment has not been made on a current basis.
- O. Termination** - Either party may terminate services, either in part or in whole, by providing 10 calendar days written notice thereof to the other party. In such an event, Client shall pay Engineer for all services performed prior to receipt of such notice of **termination**, including reimbursable expenses, and for any shut-down costs incurred. Shut-down costs may, at Engineer's discretion, include expenses incurred for completion of analysis and records necessary to document Engineer's files and to protect its professional reputation.
- P. Severability and Waiver of Provisions** - Any provision or part of the Agreement held to be void or unenforceable under any laws or regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Client and P&N, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable **provision** that comes as close as possible to expressing the intention of the stricken provision. Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of the Agreement.
- Q. Dispute Resolution** - If a dispute arises between the parties relating to the Agreement, the parties agree to use the following procedure prior to either party pursuing other available remedies:
1. Prior to commencing a lawsuit, the parties must attempt mediation to resolve any dispute. The parties will jointly appoint a mutually acceptable person not affiliated with either of the parties to act as mediator. If the parties are unable to agree on the mediator within twenty (20) calendar days, they shall seek assistance in such regard from the Circuit Court of the State and County wherein the Project is located, who shall appoint a mediator. Each party shall be responsible for paying all costs and expenses incurred by it, but shall split equally the fees and expenses of the mediator. The mediation shall proceed in accordance with the procedures established by the mediator.
 2. The parties shall pursue mediation in good faith and in a timely manner. In the event the mediation does not result in resolution of the dispute within thirty (30) calendar days, then, upon seven (7) calendar days' written notice to the other party, either party may pursue any other available remedy.
 3. In the event of any litigation arising from the Agreement, including without limitation any action to enforce or interpret any terms or conditions or performance of services under the Agreement, Engineer and Client agree that such action will be brought in the District or Circuit Court for the County of Kent, State of Michigan (or, if the federal courts have exclusive jurisdiction over the subject matter of the dispute, in the U.S. District Court for the Western District of Michigan), and the parties hereby submit to the exclusive jurisdiction of said court.
- R. Force Majeure** - Engineer shall not be liable for any loss or damage due to failure or delay in rendering any services called for under the Agreement resulting from any cause beyond Engineer's reasonable control.
- S. Assignment** - Neither party shall assign its rights, interests or obligations under this Agreement without the express written consent of the other party.
- T. Modification** - The Agreement may not be modified except in writing signed by the party against whom a modification is sought to be enforced.
- U. Survival** - All express representations, indemnifications, or limitations of liability included in the Agreement shall survive its completion or termination for any reason.
- V. Third-Party Beneficiary** - Client and Engineer agree that it is not intended that any provision of this Agreement establishes a third-party beneficiary giving or allowing any claim or right of action whatsoever by a third party.
- W. Fee Escalation** - Engineer's fees are based on its billing rates, which are adjusted annually. For multi-year projects, Engineer's fees incorporate an estimate of future billing rates. If inflation causes actual billing rates to exceed these estimates, Engineer reserves the right to adjust its fees accordingly.

Memorandum



Date: September 25, 2026

To: Buchanan City Commission

From: Tony McGhee

Subject: Re-Awarding of Portion of 2026 Local Paving Work

Background

Earlier this year, the City issued a Request for Proposals for its 2026 utility cut restoration and general paving work. The proposal allowed the City to award the two work scopes separately based on what was in the City's best interest.

The utility cut restoration work was awarded to Astrong Construction as the low bidder. The general paving work was awarded to Rieth-Riley Construction at its low bid of \$101,500. The general paving scope includes work on Alexander Street from Oak Street to Clark Street, along with portions of North Lake, Sylvan, Victory, Arctic, Smith, and several smaller locations.

The wet spring and early summer pushed paving schedules throughout the region further into the season. Because the City's work was bid later in the paving season, those delays affected when Rieth-Riley could complete the project. Rieth-Riley has offered to hold its original price, but the work would not be completed until the spring of 2027.

Under normal circumstances, waiting until spring would be a reasonable option. The concern is the current condition of Alexander Street, which is one of the primary access routes to Buchanan High School. Alexander Street should have been repaved at least 10 years ago and has now reached the point where staff is concerned about whether it can withstand another winter and the related freeze and thaw cycles without experiencing significant additional failure.

If the pavement continues to deteriorate, the City may be looking at more than the currently proposed milling and resurfacing work. Additional failures could require deeper pavement removal, base repairs, temporary patching, and a larger overall project in the spring. Beyond the added cost, allowing the road to deteriorate further would create additional concerns for residents, school traffic, buses, and emergency vehicles using the street.

Memorandum

There is also financial risk in pushing paving work into another construction season if for some reason it would need to be rebid for some unknown reason. Asphalt binder is produced through petroleum processing, while the equipment used to produce, transport, and place asphalt depends heavily on diesel fuel. As crude oil and fuel costs increase, those costs work their way into asphalt production, trucking, equipment operation, and ultimately contractor pricing. The ongoing conflict in the Middle East has impacted oil exports and reduced global inventories. The U.S. Energy Information Administration reported that crude oil prices remained elevated in the second half of 2026 and that continued disruptions were expected to create additional price volatility.

While no one can say with certainty what asphalt prices will be next spring, there is no assurance that rebidding the work would produce a price at or below the current proposal. There is also a real likelihood that the required quantities and scope of work on Alexander Street will increase if the road is allowed to go through another winter.

Given these concerns, staff reached out to Astrong Construction to determine whether there was a way to complete the general paving work during the remaining 2026 paving season at a lower cost than its original bid of \$166,285. Staff worked out an arrangement where the City would provide traffic control while work is underway on each street. In exchange, Astrong Construction has agreed to reduce its price for the general paving work to \$125,000 and complete the work during the 2026 paving season.

The revised Astrong Construction proposal is \$41,285 below its original bid and \$23,500 above Rieth-Riley's original bid. The additional \$23,500 can be absorbed within the current street budget because the City will begin receiving additional Public Act 51 funding from the State this year. Additionally, the price proposed to do the work by Astrong Construction is inline with costs being seen in the Michigan Engineer's Resource Library which tracks the bidding environment for public works projects.

Recommendation

Staff recommends that the City Commission award the 2026 general paving work to Astrong Construction in an amount not to exceed \$125,000, with the City providing traffic control as outlined in the revised agreement. Staff further recommends authorizing the City Manager to execute the necessary contract documents and take the steps required to close out the prior award to Rieth-Riley. Astrong has already satisfactorily completed its

Memorandum

contracted 2026 utility patch paving work for the City and performed well under that contract.

Attachment A: Original Bid Tabs for the Proposed Work

Attachment A



Request for Proposals



Project Name: 2026 Utility Cut Restoration and Mill & Overlay Program
Issue Date: April 13, 2026
Bid Due Date: May 13, 2026 at 10am EST

INVITATION TO BID 2026 ASPHALT PATCHING, UTILITY-CUT RESTORATION, AND MILL & OVERLAY PROGRAM

1. Project Summary

The City of Buchanan is soliciting sealed bids from qualified contractors to furnish all labor, material, equipment, supervision, traffic control, and incidentals necessary to complete asphalt patching, utility-cut restoration, and mill & overlay work at various roadway and parking lot locations within the City. The work is divided into two separately awardable work scopes:

Work Scope 1 – Full-Depth Asphalt Patching / Utility-Cut Restoration

Sawcutting, removal, disposal, base repair as directed, tack/bond coat, hot mix asphalt placement, compaction, joint sealing, and all incidentals at the locations listed in the Bid Schedule.

Work Scope 2 – Mill & Overlay / Mill & Fill

Cold milling, surface preparation, utility casting adjustment, tack/bond coat, asphalt replacement, compaction, pavement marking restoration, and all incidentals at the locations listed in the Bid Schedule.

The City reserves the right to award Work Scope 1, Work Scope 2, both or partial work scopes, or neither work scope, whichever is in the City's best interest.

2. Applicable Standards

Unless modified by these specifications, all work shall conform to the current editions in effect on the advertisement date of:

- MDOT Standard Specifications for Construction

Request for Proposals

- MDOT Local Agency Program Hot Mix Asphalt Selection Guidelines
- Michigan Manual on Uniform Traffic Control Devices (MMUTCD), Part 6
- Applicable MDOT standard plans, special details, and Michigan test methods
- MIOSHA and all other applicable federal, state, and local requirements

Where these specifications are more stringent than a referenced standard, these specifications shall govern.

3. Scope of Work

Work Scope 1 – Full-Depth Asphalt Patching / Utility-Cut Restoration

At the locations listed in the Bid Schedule, the Contractor shall:

1. Field verify limits with the City before removal.
2. Sawcut pavement straight and square.
3. Extend removals to sound pavement and not less than 12 inches beyond the visible failed area or trench edge, unless otherwise directed by the City.
4. Where failure extends to underlying joints, concrete base, curb returns, or other structural features, extend the patch limits as directed by the City to provide a durable repair.
5. Remove and dispose of existing asphalt and unsuitable base material.
6. Restore base or subbase where directed by the City.
7. Clean the prepared surface and apply tack/bond coat to all vertical edges and contact surfaces.
8. Place HMA to match the existing work scope directed by the City, in lifts appropriate to the required thickness.
9. Compact each lift to MDOT requirements.
10. Seal all finished pavement joints.
11. Restore any disturbed pavement markings, castings, or appurtenances.

Work Scope 2 – Mill & Overlay / Mill & Fill

At the locations listed in the Bid Schedule, the Contractor shall:

1. Cold mill the existing HMA surface to a depth of 3 inches, unless otherwise directed by the City.
2. Remove and lawfully dispose of millings, unless the City directs otherwise in writing.
3. Clean the milled surface thoroughly.
4. Adjust valve boxes, manholes, and other utility castings to final grade.

Request for Proposals

5. Apply tack/bond coat to the milled surface and vertical edges.
6. Place replacement HMA in lifts to achieve the specified compacted thickness.
7. Repair isolated failed areas or unstable base encountered after milling when authorized in writing by the City.
8. Restore all disturbed pavement markings and traffic-control devices.

4. HMA Materials and Quality Control

All HMA used on this project shall be selected in accordance with current MDOT and MDOT Local Agency Program requirements for the applicable traffic level and location. The successful bidder shall submit the following no later than ten (10) business days prior to paving:

- Job Mix Formula (JMF)
- HMA mix design information / HMA Application Table
- Proposed placement temperatures
- Contractor Quality Control Plan
- Name and qualifications of QC personnel/testing laboratory

No paving shall begin until the City or its representative has reviewed the required submittals.

5. Traffic Control, Access, and Coordination

The Contractor shall coordinate all work with the City so that roads, drives, parking lots, businesses, residences, and public facilities remain safely accessible throughout construction.

The Contractor shall:

- submit a traffic-control plan and proposed work schedule at least five (5) business days before starting work;
- maintain emergency vehicle access at all times;
- provide safe pedestrian accommodation where applicable;
- not close any street or lane without prior City approval;
- furnish, maintain, and remove all signs, barricades, flagging, plates, temporary patching, and other traffic-control devices required for the work;
- notify affected property owners/businesses at least 48 hours before work that materially affects access.

6. Schedule

Request for Proposals

Anticipated start of work is **May 2026**, subject to weather and issuance of Notice to Proceed.

The successful bidder shall:

- begin work within forty-five (10) calendar days after Notice to Proceed; and
 - substantially complete all awarded work within 30 calendar days after work begins
- Bidders shall state their proposed total working days for completion in the Bid Form.

7. Measurement and Payment

This contract shall be awarded and paid on a **unit-price basis** using estimated quantities. Lump-sum pricing is not preferred for this work because actual field conditions may vary.

Estimated quantities are for bid comparison only. Final payment will be based on actual quantities authorized and accepted by the City.

No payment will be made for additional or extra work unless the City authorizes it in writing.

8. Bid Submittal Requirements

Each bid shall include, at a minimum:

- completed Bid Form and bid schedule;
- acknowledgment of all addenda;
- bid security in the amount of five percent (5%) of the total bid;
- certificate of insurance or evidence of insurability;
- list of at least three comparable municipal asphalt patching and/or mill & overlay projects completed within the last five years;
- name of proposed superintendent/project manager;
- proposed working days for completion.

9. Basis of Award

Award will be made to the lowest responsive and responsible bidder based on:

- Work scope 1 total,
- Work scope 2 total,
- combined total of both work scopes, or
- any combination deemed by the City to be in its best interest.

Request for Proposals

The City reserves the right to reject unbalanced bids, waive minor irregularities, and verify bidder qualifications, references, and capacity before award.

10. Insurance and Bonding

The successful bidder shall furnish insurance acceptable to the City, including:

- Commercial General Liability
- Automobile Liability
- Workers' Compensation
- Employer's Liability

The City should also consider requiring performance and payment bonds if the final contract value or City policy warrants it.

11. Warranty

The Contractor shall warrant all work for a minimum period of **one (1) year** from final acceptance against defects in materials and workmanship. Any defective work identified during the warranty period shall be repaired at no cost to the City.

If the City has an adopted pavement-warranty policy that is more specific, that policy shall govern.

12. Standard Terms and Conditions

The following standard clauses shall apply to all Requests for Proposals (RFPs) issued by the City of Buchanan, State of Michigan. Submission of a proposal constitutes acknowledgment and acceptance of these terms.

Right to Reject or Accept Proposals

The City reserves the right to accept or reject any or all proposals, to waive any informalities or irregularities in the proposals received, and to award the contract in whole or in part to the proposer deemed to be in the best interest of the City.

No Obligation to Award

Issuance of this RFP does not obligate the City to award a contract, and the City shall not be liable for any costs incurred by proposers in the preparation, submission, or presentation of proposals or in anticipation of award.

Proposal Costs

All costs associated with the preparation, submission, and presentation of a proposal shall

Request for Proposals

be borne solely by the proposer. The City shall not be responsible for any costs or expenses related to this process.

Right to Negotiate

The City reserves the right to negotiate with one or more proposers deemed most responsive and qualified, to request additional information or clarification, and to conduct interviews or presentations as necessary.

Proposal Validity

All proposals shall remain valid and binding for a period of not less than ninety (90) days following the proposal due date unless otherwise specified in the RFP.

Addenda and Modifications

Any interpretation, correction, or change to this RFP will be made by written addendum issued by the City. Only those communications identified by formal written addendum shall be binding.

Disclosure and Public Record

Proposals submitted in response to this RFP become public records subject to disclosure under the Michigan Freedom of Information Act (FOIA), MCL 15.231 et seq., following award or rejection of all proposals.

Award and Contract Execution

The successful proposer shall be required to enter into a written agreement with the City in a form acceptable to the City Attorney. The City reserves the right to accept or reject proposed contract terms and to make modifications in the best interest of the City.

Compliance with Laws

The proposer shall comply with all applicable federal, state, and local laws, ordinances, codes, and regulations, including but not limited to those governing non-discrimination, safety, and employment.

Reservation of Rights

The City reserves the right to:

1. Reject any proposal deemed non-responsive or non-responsible;
2. Withdraw or cancel the RFP at any time without obligation;
3. Negotiate with one or more proposers;
4. Postpone proposal submission or opening dates; and
5. Consider any other factors deemed to be in the City's best interest.

Request for Proposals

13. Questions and Addenda

All questions shall be submitted in writing to the designated City contact no later than May 8 at 11am.

Only written addenda issued by the City shall be binding. Oral interpretations or instructions shall not be binding.

14. Bid Schedule

In order to be considered, the proposal must be received at the City of Buchanan, 302 N Redbud Trail, Buchanan MI 49107, on or before **May 13, 2026 at 10:00AM EST**. All proposals shall be in a sealed package marked: ATTN: BID – Asphalt Patching. Electronic bids are not accepted.

Please submit your sealed bid by **May 13, 2026 at 10:00AM EST** to:
Kalla Langston-Weiss, City Clerk
302 North Red Bud Trail
Buchanan, MI 49107

For any questions regarding the project, please contact:
Tony McGhee, City Manager
tmcghee@cityofbuchanan.com
269-695-3844 ext. 15

Request for Proposals

PROPOSAL FORM

A contractor can bid Work Scope 1 OR Work Scope 2 or BOTH, and does not need to bid for every listing in Work Scope 2 to be considered.

Work Scope 1			
Intersection	Nearest Address	Size	Info
Front & Skyline	801 E Front	5.5'x5.5'	Needs cutout
River St	408 River	17'x11'	Needs cutout
River St	502 River	41'x36'	Needs cutout
River St	509 River	6'x70'	Needs cutout
4 th & Oak	104 W 4 th	8'x10'	Needs cutout
Harlan & Main	917 N Main	11'x16'	Needs squaring up
Harlan & Main	S side	2'x20'	
Harlan & N Detroit	315 Harlan	8'x7'	Needs squaring up
Fulton & Michigan	528 Michigan	6'x7'	Needs cutout
Arctic, near Main	107 Arctic	6'x13'	Needs cutout
4 th and Moccasin	315 Moccasin	13'x60'	Needs cutout
Elizabeth & Harlan	500 Circle Dr	13'x8'	Needs cutout
Elizabeth & Moccasin	102 Elizabeth	10'x14'	Needs cutout

Proposal total for Work Scope 1 Asphalt Paving: \$ 95,000.00

Work Scope 2			
Nearest St	Nearest Intersection	Size	Price
Alexander	Oak to Clark	21'x488'	
N Lake	Remus to Harlan	28'x68'	
Sylvan	Rynearson to Chicago	20'x300'	
Victory	Arctic to Fulton	31'x25'	
Arctic	East of Victory	26'x30'	
Arctic	East of Victory	13'x50'	
Smith	East of Redbud	15'x67'	
Smith	East of Redbud	20'x45'	
Victory	Victory and Fulton	22.5'x11'	
N Redbud Trail	Redbud & 4th		
307 Miller		4'7x2'3	
111 W Front	Fire Station Parking Lot	4'5x1'6	
111 W Front	Fire Station Parking Lot	3'6x6'7	

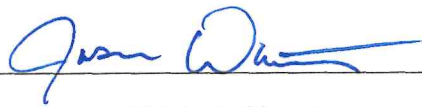
Proposal total for Work Scope 2 Asphalt Paving: \$ 101,500.00

194,500

Request for Proposals

Additional information (optional): SCHEDULE PROVIDED AFTER AWARD.

BID BASED ON AREAS PROVIDED, BID INCLUDES REMOVALS, TRUCKING,
CLEAN-UP AND REPLACEMENT.



Bidder's Signature

JASON WHITMYER
 RETH-RILEY CONSTRUCTION

Print Bidder's Name

2350 PIPESTONE RD, BENTON HARBOR, MI

269-716-1593

Mailing Address City/State/Zip

49022

Bidder's Telephone Number

Request for Proposals

REFERENCES

Please list three (3) references (Municipal Government) wherein your company has provided similar services of this type being proposed for the City of Buchanan. Failure to list references may result in your company being disqualified.

CLIENT CITY OF BUCHANAN
 ADDRESS 302 N. RED BUD TRAIL, BUCHANAN, MI 49107
 CONTACT PERSON TONY MCGHEE
 PHONE NUMBER 269-695-3844 EXT 15
 EMAIL _____

CLIENT BERRIEN COUNTY ROAD COMMISSION
 ADDRESS 2860 E. NAPER AVE, BENTON HARBOR, MI 49022
 CONTACT PERSON ANDY HENDERSON
 PHONE NUMBER 269-925-1196 EXT 4423
 EMAIL ahenderson2@BCROAD.org.

CLIENT CITY OF NILES
 ADDRESS 333 N. SECOND ST, NILES, MI 49120
 CONTACT PERSON ZACH HOLT
 PHONE NUMBER 269-683-4700 EXT 3050
 EMAIL dpwdirector@nilesmi.org.

NOTE

Previous experience and performance may be a factor in making the award.



RFP ADDENDUM

2026 Utility Cut Restoration and Mill & Overlay Program

NOTICE TO ALL POTENTIAL RESPONDENTS:

The Request for Proposals (RFP) is modified as set forth in this Addendum. The original RFP Documents and any previously issued addenda remain in full force and effect, except as modified by this Addendum, which is hereby made part of the RFP. Respondent shall take this Addendum into consideration when preparing and submitting its Proposal. The Proposal submittal deadline remains the same and is not changed by this Addendum.

Revision 1:

Additional details for the project scope of Work Scope 1 & 2:

Work Scope #1 will be 4" depth fills, and Work Scope #2 will be 3" depth mill and fills.

END OF ADDENDUM

BID BOND**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**
Hartford, Connecticut 06183

KNOW ALL MEN BY THESE PRESENTS,

That we, RIETH-RILEY CONSTRUCTION CO., INC., as Principal, hereinafter called the Principal, and TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, of Hartford, Connecticut, a corporation duly organized under the laws of the State of Connecticut, as Surety, hereinafter called the Surety, are held and firmly bound unto CITY OF BUCHANAN, as Obligee, hereinafter called the Obligee, in the sum of FIVE PERCENT OF TOTAL BID Dollars (\$ 5%), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

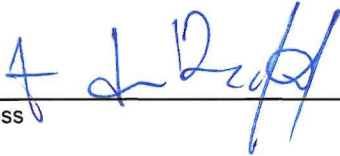
WHEREAS, the Principal has submitted a bid for

CITY OF BUCHANAN PATCHING

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such, or in the *event* of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 12TH day of MAY, 2026

Witness



RIETH-RILEY CONSTRUCTION CO., INC.

(Principal) (Seal)

JASON WHITMYER, ESTIMATOR, Jan W
(Name & Title)

Witness



Tai Babilonia

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Karolynne Ramirez
Karolynne Ramirez Attorney-in-Fact



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and the Companies do hereby make, constitute and appoint **KAROLYNNE RAMIREZ** of **UNIONDALE**, **New York**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **16th** day of **February, 2024**.



State of Connecticut

City of Hartford ss.

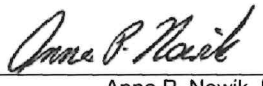
By: 
 Bryce Grissom, Senior Vice President

On this the **16th** day of **February, 2024**, before me personally appeared **Bryce Grissom**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2026**




 Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

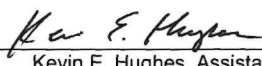
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **26th** day of **MAY**, **2024**.




 Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

RIETH-RILEY CONSTRUCTION Co., Inc.

100% Quality • 100% Employee Owned • Over 100 Years

CERTIFICATE OF AUTHORITY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned President of Rieth-Riley Construction Co., Inc., a corporation duly organized and existing under the laws of the State of Indiana, hereby represents and confirms that **Jason L. Whitmyer, Estimator**, has full power and authority to make, execute, seal, if required by law, and deliver for and on its behalf, and as its act and deed any and all bids, proposals or contracts, said bids, proposals or contracts not to exceed **\$500,000.00** which bids, proposals or contracts call for work, services, or materials to be furnished by Rieth-Riley Construction Co., Inc., whether such bids, proposals or contracts are being submitted to an individual or entity, public or private, and to bind Rieth-Riley Construction Co., Inc. thereby as fully and to the same extent as if such bids, proposals or contracts were signed by an Executive Officer of Rieth-Riley Construction Co., Inc., and sealed, if required by law, and attested by one of such officers, and hereby ratifies and confirms all that the above named designee may do in pursuance hereof.

The authority granted to the above named designee is pursuant to Section 6.03 of the Amended and Restated Code of By-Laws of Rieth-Riley Construction Co., Inc., as amended, effective April 26, 2019 (the "Restated By-Laws"), and which Restated By-Laws, as amended, and the authority granted to the above named designee continue in full force and effect.

This Certificate of Authority is issued, signed and sealed, if required by law, by facsimile under and by authority of the following standing resolutions adopted by the Board of Directors of Rieth-Riley Construction Co., Inc., at a meeting held on the 16th day of February, 1996, at which a quorum was present, and which resolutions have not been amended or repealed and continue in full force and effect:

"Resolved that for purposes of clarification and in furtherance of the intent of Section 6.03 of the By-Laws of the Company the authority granted in Section 6.03 shall extend to the making, execution, sealing, if required by law, and delivery on behalf of the Company of all documents required as part of any bid, proposal or contract, which is for work, services or materials to be furnished by Company and which is being submitted to an individual or entity, public or private."

"Resolved that in carrying out the provisions of Section 6.03 of the By-Laws of the Company the signatures of such directors and officers and, if required by law, the seal of the Company may be affixed to any such Certificate of Authority or any certificate relating thereto by facsimile, and any such Certificate of Authority or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such Certificate of Authority so executed and certified by facsimile signature and facsimile seal shall be valid and binding upon the Company, with respect to any bid, proposal or contract to which it is attached."

IN WITNESS WHEREOF, Rieth-Riley Construction Co., Inc., has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this **4th day of February, 2025**.



RIETH-RILEY CONSTRUCTION CO., INC.

A. Keith Rose, President

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

On this **4th day of February, 2025**, before me personally came A. Keith Rose, to me known, who, being by me sworn, did depose and say: that he is President of Rieth-Riley Construction Co., Inc., the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; and that he executed the said instrument on behalf of the corporation by authority of his office pursuant to corporation's Restated By-Laws and standing resolutions.

My Commission Expires: May 16, 2027



Traci L. Funderburk, Notary Public
Residing in Elkhart County, Indiana

I, Robert L. Konopinski, do hereby certify that I am the duly appointed and acting Secretary of Rieth-Riley Construction Co., Inc., a corporation duly organized, validly existing and in good standing under the laws of the State of Indiana; that the foregoing Certificate of Authority has neither been amended or rescinded and remains in full force and effect; and furthermore, that the Restated By-Laws and standing resolutions of the corporation, as referred to and set forth in this Certificate of Authority, continue in full force and effect.

Signed and Sealed at the Corporate Office of Rieth-Riley Construction Co., Inc., in the City of Goshen, State of Indiana. Dated this 12th day of May, 2026.



Robert L. Konopinski, Secretary

Request for Proposals



Project Name: 2026 Utility Cut Restoration and Mill & Overlay Program
Issue Date: April 13, 2026
Bid Due Date: May 13, 2026 at 10am EST

INVITATION TO BID 2026 ASPHALT PATCHING, UTILITY-CUT RESTORATION, AND MILL & OVERLAY PROGRAM

1. Project Summary

The City of Buchanan is soliciting sealed bids from qualified contractors to furnish all labor, material, equipment, supervision, traffic control, and incidentals necessary to complete asphalt patching, utility-cut restoration, and mill & overlay work at various roadway and parking lot locations within the City. The work is divided into two separately awardable work scopes:

Work Scope 1 – Full-Depth Asphalt Patching / Utility-Cut Restoration

Sawcutting, removal, disposal, base repair as directed, tack/bond coat, hot mix asphalt placement, compaction, joint sealing, and all incidentals at the locations listed in the Bid Schedule.

Work Scope 2 – Mill & Overlay / Mill & Fill

Cold milling, surface preparation, utility casting adjustment, tack/bond coat, asphalt replacement, compaction, pavement marking restoration, and all incidentals at the locations listed in the Bid Schedule.

The City reserves the right to award Work Scope 1, Work Scope 2, both or partial work scopes, or neither work scope, whichever is in the City's best interest.

2. Applicable Standards

Unless modified by these specifications, all work shall conform to the current editions in effect on the advertisement date of:

- MDOT Standard Specifications for Construction

Request for Proposals

- MDOT Local Agency Program Hot Mix Asphalt Selection Guidelines
- Michigan Manual on Uniform Traffic Control Devices (MMUTCD), Part 6
- Applicable MDOT standard plans, special details, and Michigan test methods
- MIOSHA and all other applicable federal, state, and local requirements

Where these specifications are more stringent than a referenced standard, these specifications shall govern.

3. Scope of Work

Work Scope 1 – Full-Depth Asphalt Patching / Utility-Cut Restoration

At the locations listed in the Bid Schedule, the Contractor shall:

1. Field verify limits with the City before removal.
2. Sawcut pavement straight and square.
3. Extend removals to sound pavement and not less than 12 inches beyond the visible failed area or trench edge, unless otherwise directed by the City.
4. Where failure extends to underlying joints, concrete base, curb returns, or other structural features, extend the patch limits as directed by the City to provide a durable repair.
5. Remove and dispose of existing asphalt and unsuitable base material.
6. Restore base or subbase where directed by the City.
7. Clean the prepared surface and apply tack/bond coat to all vertical edges and contact surfaces.
8. Place HMA to match the existing work scope directed by the City, in lifts appropriate to the required thickness.
9. Compact each lift to MDOT requirements.
10. Seal all finished pavement joints.
11. Restore any disturbed pavement markings, castings, or appurtenances.

Work Scope 2 – Mill & Overlay / Mill & Fill

At the locations listed in the Bid Schedule, the Contractor shall:

1. Cold mill the existing HMA surface to a depth of 3 inches, unless otherwise directed by the City.
2. Remove and lawfully dispose of millings, unless the City directs otherwise in writing.
3. Clean the milled surface thoroughly.
4. Adjust valve boxes, manholes, and other utility castings to final grade.

Request for Proposals

5. Apply tack/bond coat to the milled surface and vertical edges.
6. Place replacement HMA in lifts to achieve the specified compacted thickness.
7. Repair isolated failed areas or unstable base encountered after milling when authorized in writing by the City.
8. Restore all disturbed pavement markings and traffic-control devices.

4. HMA Materials and Quality Control

All HMA used on this project shall be selected in accordance with current MDOT and MDOT Local Agency Program requirements for the applicable traffic level and location. The successful bidder shall submit the following no later than ten (10) business days prior to paving:

- Job Mix Formula (JMF)
- HMA mix design information / HMA Application Table
- Proposed placement temperatures
- Contractor Quality Control Plan
- Name and qualifications of QC personnel/testing laboratory

No paving shall begin until the City or its representative has reviewed the required submittals.

5. Traffic Control, Access, and Coordination

The Contractor shall coordinate all work with the City so that roads, drives, parking lots, businesses, residences, and public facilities remain safely accessible throughout construction.

The Contractor shall:

- submit a traffic-control plan and proposed work schedule at least five (5) business days before starting work;
- maintain emergency vehicle access at all times;
- provide safe pedestrian accommodation where applicable;
- not close any street or lane without prior City approval;
- furnish, maintain, and remove all signs, barricades, flagging, plates, temporary patching, and other traffic-control devices required for the work;
- notify affected property owners/businesses at least 48 hours before work that materially affects access.

6. Schedule

Request for Proposals

Anticipated start of work is **May 2026**, subject to weather and issuance of Notice to Proceed.

The successful bidder shall:

- begin work within forty-five (10) calendar days after Notice to Proceed; and
 - substantially complete all awarded work within 30 calendar days after work begins
- Bidders shall state their proposed total working days for completion in the Bid Form.

7. Measurement and Payment

This contract shall be awarded and paid on a **unit-price basis** using estimated quantities. Lump-sum pricing is not preferred for this work because actual field conditions may vary.

Estimated quantities are for bid comparison only. Final payment will be based on actual quantities authorized and accepted by the City.

No payment will be made for additional or extra work unless the City authorizes it in writing.

8. Bid Submittal Requirements

Each bid shall include, at a minimum:

- completed Bid Form and bid schedule;
- acknowledgment of all addenda;
- bid security in the amount of five percent (5%) of the total bid;
- certificate of insurance or evidence of insurability;
- list of at least three comparable municipal asphalt patching and/or mill & overlay projects completed within the last five years;
- name of proposed superintendent/project manager;
- proposed working days for completion.

9. Basis of Award

Award will be made to the lowest responsive and responsible bidder based on:

- Work scope 1 total,
- Work scope 2 total,
- combined total of both work scopes, or
- any combination deemed by the City to be in its best interest.

Request for Proposals

The City reserves the right to reject unbalanced bids, waive minor irregularities, and verify bidder qualifications, references, and capacity before award.

10. Insurance and Bonding

The successful bidder shall furnish insurance acceptable to the City, including:

- Commercial General Liability
- Automobile Liability
- Workers' Compensation
- Employer's Liability

The City should also consider requiring performance and payment bonds if the final contract value or City policy warrants it.

11. Warranty

The Contractor shall warrant all work for a minimum period of **one (1) year** from final acceptance against defects in materials and workmanship. Any defective work identified during the warranty period shall be repaired at no cost to the City.

If the City has an adopted pavement-warranty policy that is more specific, that policy shall govern.

12. Standard Terms and Conditions

The following standard clauses shall apply to all Requests for Proposals (RFPs) issued by the City of Buchanan, State of Michigan. Submission of a proposal constitutes acknowledgment and acceptance of these terms.

Right to Reject or Accept Proposals

The City reserves the right to accept or reject any or all proposals, to waive any informalities or irregularities in the proposals received, and to award the contract in whole or in part to the proposer deemed to be in the best interest of the City.

No Obligation to Award

Issuance of this RFP does not obligate the City to award a contract, and the City shall not be liable for any costs incurred by proposers in the preparation, submission, or presentation of proposals or in anticipation of award.

Proposal Costs

All costs associated with the preparation, submission, and presentation of a proposal shall

Request for Proposals

PROPOSAL FORM

A contractor can bid Work Scope 1 OR Work Scope 2 or BOTH, and does not need to bid for every listing in Work Scope 2 to be considered.

Work Scope 1			
Intersection	Nearest Address	Size	Info
Front & Skyline	801 E Front	5.5'x5.5'	Needs cutout
River St	408 River	17'x11'	Needs cutout
River St	502 River	41'x36'	Needs cutout
River St	509 River	6'x70'	Needs cutout
4 th & Oak	104 W 4 th	8'x10'	Needs cutout
Harlan & Main	917 N Main	11'x16'	Needs squaring up
Harlan & Main	S side	2'x20'	
Harlan & N Detroit	315 Harlan	8'x7'	Needs squaring up
Fulton & Michigan	528 Michigan	6'x7'	Needs cutout
Arctic, near Main	107 Arctic	6'x13'	Needs cutout
4 th and Moccasin	315 Moccasin	13'x60'	Needs cutout
Elizabeth & Harlan	500 Circle Dr	13'x8'	Needs cutout
Elizabeth & Moccasin	102 Elizabeth	10'x14'	Needs cutout

Proposal total for Work Scope 1 Asphalt Paving: \$ 45,860.00

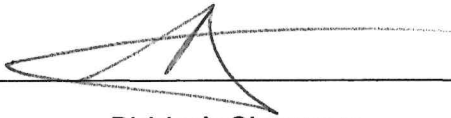
Work Scope 2			
Nearest St	Nearest Intersection	Size	Price
Alexander	Oak to Clark	21'x488'	49,950.00
N Lake	Remus to Harlan	28'x68'	24,200.00
Sylvan	Rynearson to Chicago	20'x300'	32,500.00
Victory	Arctic to Fulton	31'x25'	9,850.00
Arctic	East of Victory	26'x30'	9,915.00
Arctic	East of Victory	13'x50'	8,260.00
Smith	East of Redbud	15'x67'	12,775.00
Smith	East of Redbud	20'x45'	11,440.00
Victory	Victory and Fulton	22.5'x11'	5,145.00
N Redbud Trail	Redbud & 4th		
307 Miller		4'7x2'3	750.00
111 W Front	Fire Station Parking Lot	4'5x1'6	750.00
111 W Front	Fire Station Parking Lot	3'6x6'7	750.00

Proposal total for Work Scope 2 Asphalt Paving: \$ 166,285

166,285
45,860
212,145

Request for Proposals

Additional information (optional): _____



Bidder's Signature

Mike Armstrong - Astrong Construction

Print Bidder's Name

2912 N. US Hwy 31, Niles, MI 49120

Mailing Address City/State/Zip

269-450-7520

Bidder's Telephone Number

Request for Proposals

REFERENCES

Please list three (3) references (Municipal Government) wherein your company has provided similar services of this type being proposed for the City of Buchanan. Failure to list references may result in your company being disqualified.

CLIENT Spicer Group

ADDRESS 2464 Byron Station Dr. SW STE C, Byron Center, MI 49315

CONTACT PERSON Ehrland Bosworth, PMP

PHONE NUMBER 616-376-4106

EMAIL ehrland.bosworth@spicergroup.com

CLIENT City of Buchanan Public Works

ADDRESS 302 N. Redford Trl, Buchanan, MI 49107

CONTACT PERSON Mike Baker

PHONE NUMBER 269-695-3844

EMAIL mbaker@cityofbuchanan.com

CLIENT New Buffalo Public Works

ADDRESS 224 West Buffalo St., New Buffalo, MI 49117

CONTACT PERSON Josh Bolton

PHONE NUMBER 269-612-0259

EMAIL jbolton@cityofnewbuffalomi.gov

NOTE

Previous experience and performance may be a factor in making the award.

Auto-Owners INSURANCE

LIFE • HOME • CAR • BUSINESS

Item XIII. B.

BOND NUMBER: BD163821

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, ASTRONG CONSTRUCTION 2700 N US HIGHWAY 31 NILES, MI 49120-8958 as Principal, hereinafter called the Principal, and Auto-Owners Insurance Company as Surety, hereinafter called the Surety, are held and firmly bound unto CITY OF BUCHANAN 302 N RED BUD TRL, BUCHANAN MI 49107-1311 as Obligee, hereinafter called the Obligee, in the penal sum of Five percent of bid dollars (5% of attached bid) for the payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that WHEREAS, the Principal has submitted or is about to submit a proposal to the Obligee on a contract for ASPHALT SERVICE AND REPAIR

NOW, THEREFORE, if the said contract be timely awarded to the Principal and the Principal shall, within such time as may be specified, enter into the contract in writing, and give bond, if bond is required, with surety acceptable to the Obligee for the faithful performance of the said contract, then this obligation shall be void; otherwise to remain in full force and effect.

SIGNED AND SEALED this 13TH day of MAY, 2026.

Alexa Perry
Witness

ASTRONG CONSTRUCTION
Principal

By [Signature]



Auto-Owners Insurance Company
Surety

Susan E. Theisen
Susan E. Theisen
Witness

By Niki Conway
Niki Conway
Attorney-in-Fact

**ACKNOWLEDGEMENT BY SURETY**

STATE OF MICHIGAN

County of Eaton

On this 13TH day of MAY, 2026, before me personally appeared Niki Conway, known to me to be the Attorney-in-Fact of Auto-Owners Insurance Company, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.





Jeffrey P. Many

Notary Public in the State of Michigan
County of Ingham

JEFFREY P MANY
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY INGHAM
My Commission Expires Jan 26, 2029
Acting in the County of _____

Memorandum



Date: September 22, 2026

To: Buchanan City Commission

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Introduction - Consideration of a Map Amendment (rezoning) from N Natural to NE Neighborhood Edge district for property at 1106 Victory Street**

Background

The City of Buchanan is requesting a map amendment (rezoning) from the N Natural to NE Neighborhood Edge district for the approximate 32,480 square foot unimproved parcel located at 1106 Victory Street. The property is owned by the city of Buchanan.

The city purchased the property in November 1979 and is planning on selling the property to allow for residential development. Table 71-C Neighborhood Edge (NE) Standards and Section 71-11.C require a minimum lot width of 60' and no minimum lot area.

Recommendation

Please direct staff to schedule the necessary public hearing for the application requesting approval of a map amendment (rezoning) from N Natural to NE Neighborhood Edge District for the property located 1106 Victory Street for the October 26th City Commission meeting after the Planning Commission has conducted its public hearing and made a recommendation. This would be the first reading of an adopting ordinance.



Map Amendment (Rezoning) Application

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. If additional space is needed, please use additional sheets of paper.

Property Information

Property Address (es): 1106 Victory Street

Property Code Number(s) (Tax Number): 11-58-2000-0360-00-8

Briefly Explain Request: Map Amendment/rezoning from N Natural to NE Neighborhood Edge

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: City of Bucchanan

Relationship to Property Owner: Kristen Gundersen, Planning & Community Development Director - staff

Mailing Address: 302 N Redbud Trail

City: Bucchanan State: MI Zip Code: 49107

Telephone Number: 269.695.3844 Emergency Number: _____

E-mail Address: _____

Name of Property Owner: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Attorney: Butzel

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Engineer or Architect: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Site Information

General description or characteristics of the site: Vacant with wooded ravine at rear
or east end of property

Master Plan Designation: R1A/R1B Residential with park reference

Existing Zoning and Land Use: N Natural - vacant

Proposed Zoning and Land Use: NE Neighborhood Edge - residential

Existing square footage of property: 140' x 232' - 32,480 sf or 0.75-acres

Proposed square footage of Property: No change

Existing square footage of all buildings on the property: Vacant

Proposed square footage of all buildings on the property: Unknown

Existing zoning and land uses of adjacent parcels:

North: N Natural - vacant with unimproved public right-of-way

South: NE Neighborhood Edge - vacant and residential

East: N Natural - Indiana Michigan Power Company property

West: NE Neighborhood Edge - vacant and residential

Is there floodplain or wetlands on the property? Yes: _____ No: XX

Map Amendment Standards

If needed use additional sheets of paper to respond to Standards.

Section 71-36.B.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 d 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.
While the 2021 Master Plan depicts the parcel as a city park, staff has research and found that the property has not been formally dedicated as a park and there are no recorded documents referencing park land.
There is a need for additional housing in the community.
- b. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment.
The property was never formally designated as park land and city is looking to develop other parcels with park improvements. There is a need for additional housing units in the city which could be constructed in the NE Neighborhood Edge District.
- c. Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.
There is a nation wide housing shortage. This parcel is owned by the city and could be sold for housing.
- 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.
The properties to the west and and south are located in the NE Neighborhood Edge District and improved with residential dwellings.
- e. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.
The properties to the west and south are located in the NE Neighborhood Edge District and improved with residential dwellings.

MAP AMENDMENT (REZONING) APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the 21st, day of Sept, 20 26, I/We have read the above certification, understand it, and agree to abide by its conditions.

Kristen Gundersen for City of Buchanan Kristen Gundersen
 Signature of Applicant or Authorized Agent Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this 21st day of
Sept, 20 26

Deborah Perez
 Notary Public



Location Map - 1106 Victory Street



Zoning Map – 1106 Victory Street



Zoning Districts

- Natural (N)
- Neighborhood Edge (NE)
- General Neighborhood (GN)
- Neighborhood Center (NC)
- Downtown (D)
- Suburban Commercial (SC)
- Industrial (I)
- Planned Unit Development (PUD)

Photographs – 11106 Victory Street



View looking east from Victory Street of northern portion of parcel



View looking east from Victory Street of southern portion of parcel

INVOICE REGISTER FOR BUCHANAN CITY
EXP CHECK RUN DATES 09/28/2026 - 09/28/2026
POSTED AND UNPOSTED
OPEN

Item XIII. D.

Invoice Number

Inv Ref #	Vendor Description GL Distribution	Invoice Date Entered By	Due Date	Invoice Amount	Amount Due	Status	Posted Post Date
INV01134154 00033465	USA BLUE BOOK X5 HACH FLUORIDE REAGENT, X4 100PK CHLOR CBAHAM 592-591.000-743.000	08/17/2026	09/17/2026	466.88 466.88	466.88	Open	N 08/31/2026
8.31.26-WATER 00033554	REDBUD HARDWARE AUGUST 2026 PURCHASES 592-591.000-756.000 592-591.000-756.000 592-591.000-756.000 592-591.000-756.000 592-591.000-756.000 592-591.000-756.000	08/31/2026 CBAHAM WEED & GRASS KILLER WASP & HORNET SPRAY WASP & HORNET SPRAY SHOVEL COLD CHISEL AA BATTERIES	09/15/2026	106.94 28.99 5.99 8.99 32.99 22.99 6.99	106.94	Open	N 08/31/2026
08.31.26-DPW 00033555	REDBUD HARDWARE AUGUST 2026 PURCHASES 101-441.000-756.000 101-441.000-756.000 101-761.009-756.008 101-441.000-758.000 101-567.000-758.000 101-441.000-756.000 101-441.000-756.000 101-441.000-756.000 701-000.000-675.009 101-441.000-756.000 101-441.000-756.000 101-441.000-756.000	08/31/2026 CBAHAM WASP & HORNET SPRAY BOLTS FOR BANNER, WASP & HORNET SPRAY BIT FOR BENCH PLAQUES 2001 DUMP TRUCK - FILTER HOUSING BOLTS BOLTS FOR STROBE LIGHT ON NEW 1 TON WASP & HORNET SPRAY SPOUL FOR VINEGAR TRASH RUN SUPPLIES GRK FASTNERS FOR DISC GOLF BASKET SIGN P TRASH RUN SUPPLIES TRASH RUN SUPPLIES MISCELLANEOUS SUPPLIES	09/15/2026	523.80 11.98 41.98 10.49 3.18 10.12 5.99 13.77 82.96 47.98 89.46 89.95 115.94	523.80	Open	N 08/31/2026
8.31.26-WWTP 00033556	REDBUD HARDWARE AUGUST 2026 PURCHASES 592-590.000-756.000	08/31/2026 CBAHAM CUTTING EDGE, ROTARY FILE SET, PTFE TAPE	09/15/2026	39.47 39.47	39.47	Open	N 08/31/2026
8.31.26-PD 00033557	REDBUD HARDWARE AUGUST 2026 PURCHASES 101-301.000-756.000	08/31/2026 CBAHAM BATTERIES FOR SIGHTS X2PK 3V	09/15/2026	89.95 89.95	89.95	Open	N 08/31/2026

INVOICE REGISTER FOR BUCHANAN CITY
 EXP CHECK RUN DATES 09/28/2026 - 09/28/2026
 POSTED AND UNPOSTED
 OPEN

Item XIII. D.

Invoice Number

Inv Ref #	Vendor Description GL Distribution	Invoice Date Entered By	Due Date	Invoice Amount	Amount Due	Status	Posted Post Date
8.31.26-TREE 00033558	REDBUD HARDWARE AUGUST 2026 PURCHASES 701-000.000-582.091	08/31/2026 CBAHAM BUCHANAN TREE FRIENDS	09/15/2026	23.58 23.58	23.58	Open	N 08/31/2026
8.31.26-FD 00033559	REDBUD HARDWARE AUGUST 2026 PURCHASES 101-336.000-756.000 101-336.000-756.000	08/31/2026 CBAHAM NOZZLE, CAULK, CLR, CONCRETE PATCH MISCELLANEOUS SUPPLIES	09/15/2026	137.41 117.42 19.99	137.41	Open	N 08/31/2026
0177261-IN 00033560	S.E. BERRIEN COUNTY LANDFILL SLUDGE DISPOSAL 592-590.000-936.000	09/09/2026 CBAHAM SOLIDS HANDLING & DISPOSAL	10/09/2026	403.86 403.86	403.86	Open	N 09/09/2026
9.16.26 00033561	AT&T MONTHLY LANDLINE BILLING - 08.17.26-09.1 101-761.005-853.000 592-590.000-853.000 592-591.000-853.000	09/16/2026 CBAHAM 269.695.5525 PEARS MILL 2696954028 - WWTP LANDLINE 2694098372 - WATER	10/05/2026	260.09 184.51 33.49 42.09	260.09	Open	N 09/15/2026
3313HN92272 00033562	ALS GROUP USA, CORP. ADDITIONAL MONITORING - AUG 2026 592-590.000-820.000	09/10/2026 CBAHAM LAB ANALYTICAL SERVICE	10/10/2026	873.85 873.85	873.85	Open	N 09/22/2026
79218 00033563	FLEIS & VANDENBRINK PROJECT#: 875750 - PROF. SERVICES RENDER 243-000.000-818.005	09/10/2026 CBAHAM ENGINEERING SERVICES	10/10/2026	4,039.12 4,039.12	4,039.12	Open	N 08/31/2026
1030064211 00033564	PITNEY BOWES RED INK CARTRIDGE FOR POSTAGE MACHINE 101-265.000-756.000	09/10/2026 CBAHAM MISCELLANEOUS SUPPLIES	10/10/2026	112.87 112.87	112.87	Open	N 09/22/2026
1030108101 00033565	PITNEY BOWES RED INK CARTRIDGE FOR POSTAGE MACHINE 101-265.000-756.000	09/15/2026 CBAHAM MISCELLANEOUS SUPPLIES	10/15/2026	112.87 112.87	112.87	Open	N 09/22/2026

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115989 00033566	GASVODA & ASSOCIATES. INC. SERVICE CALL ON LIFT STATION AT GLACIER CBAHAM 592-590.000-938.000	09/11/2026	10/11/2026	2,206.10 2,206.10	2,206.10	Open	N 08/31/2026
4771 00033567	SUNRISE CLEANING, LLC CITY HALL CLEANING SERVICES 7.26.26-9.6. CBAHAM 101-265.000-818.000	09/01/2026	09/01/2026	1,260.00 1,260.00	1,260.00	Open	N 08/31/2026
27655 00033568	BISBEE INFRARED SERVICES INFARED ELECTRICAL INSPECTION -WWTP CBAHAM 592-590.000-818.000	09/09/2026	09/30/2026	550.00 550.00	550.00	Open	N 09/22/2026
13779113920926 00033569	SHERWIN WILLIAMS CO. X2 GAL. PAINT - FIRE STATION CBAHAM 101-336.000-756.000	09/13/2026	10/13/2026	85.90 85.90	85.90	Open	N 09/22/2026
583878 00033570	HAVILAND PRODUCTS COMPANY SODIUM BISULFATE X3 DRUMS - CREDIT MEMO CBAHAM 592-590.000-743.000	09/16/2026	10/16/2026	502.73 502.73	502.73	Open	N 09/22/2026
2064768 00033571	POLYDYNE, INC. CLARIFLOC C-6286 WWTP X4 CBAHAM 592-590.000-743.000	09/10/2026	10/10/2026	3,334.86 3,334.86	3,334.86	Open	N 09/22/2026
9.13.26 00033572	AT&T WATER DEPT. INTERNET - 8.14.26-9.13.26 CBAHAM 592-591.000-853.000	09/13/2026	10/05/2026	124.13 124.13	124.13	open	N 08/31/2026
94220 00033573	PEERLESS-MIDWEST, INC. WELL #3 - PULL PUMPING EQUIP & WELL ABAN CBAHAM 592-591.000-971.000	09/14/2026	10/14/2026	9,820.00 9,820.00	9,820.00	open	N 09/22/2026

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9.16.26 00033574	PAYNES EXCAVATING, LLC X4 LOADS SAND 592-591.000-756.006	09/16/2026 CBAHAM MATERIAL FOR EXCAVATION FILLS	10/16/2026	880.00 880.00	880.00	Open	N 09/22/2026
83006 00033575	LOWE'S VARIOUS SUPPLIES TO COVER WINDOWS/FINISH 101-336.000-756.000	09/14/2026 CBAHAM MISCELLANEOUS SUPPLIES	10/14/2026	290.06 290.06	290.06	Open	N 09/22/2026
159337 00033576	FOX FIRE SAFETY SALES & SERVICE ANNUAL FIRE EXTINGUISHER INSP. 101-265.000-818.000	09/11/2026 CBAHAM CONTRACTUAL	09/26/2026	127.00 127.00	127.00	Open	N 09/22/2026
58986-2 00033577	STAR UNIFORM NEW DUTY PANTS FOR PAT FELLOWS 101-336.000-768.000	09/10/2026 CBAHAM UNIFORMS	10/10/2026	56.00 56.00	56.00	Open	N 09/22/2026
59081-2 00033578	STAR UNIFORM TASER HOLDER 101-301.000-768.000	09/14/2026 CBAHAM UNIFORMS	10/14/2026	57.00 57.00	57.00	Open	N 09/22/2026
59220-2 00033579	STAR UNIFORM WINTER COAT FOR A. WOOTTON 101-301.000-768.000	09/17/2026 CBAHAM UNIFORMS	10/17/2026	408.00 408.00	408.00	Open	N 09/22/2026
402708228 00033580	KEYSTONE COOPERATIVE FILL STATION - FORK LIFT TANK 101-441.000-751.000	09/09/2026 CBAHAM GAS AND OIL	10/09/2026	26.25 26.25	26.25	open	N 09/22/2026
IN12272 00033581	AUSRA KUBOTA, INC. ASSY WHEEL, COLLAR GAUG, WASHER. LINCH P 101-441.000-758.000	09/14/2026 CBAHAM EQUIPMENT MAINT SUPPLIES	10/14/2026	303.06 303.06	303.06	open	N 09/22/2026

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39036 00033582	WELDY SALES AND SERVICE X2 SPOOLS 101-567.000-756.000	09/10/2026 CBAHAM MISCELLANEOUS SUPPLIES	10/10/2026	85.98 85.98	85.98	Open	N 09/22/2026
39037 00033583	WELDY SALES AND SERVICE 6PK OIL 101-567.000-751.000	09/10/2026 CBAHAM GAS AND OIL	10/10/2026	32.99 32.99	32.99	Open	N 09/22/2026
9.14.26-10.13.2 00033584	COMCAST BUSINESS MOTHLY CYCLE 592-590.000-853.000 101-441.000-853.000 101-567.000-853.000	09/07/2026 CBAHAM TELEPHONE, INTERNET, CABLE TELEPHONE, INTERNET, CABLE TELEPHONE, INTERNET, CABLE	09/28/2026	1,014.40 521.32 311.75 181.33	1,014.40	Open	N 09/23/2026
0176871-IN 00033585	S.E BERRIEN COUNTY LANDFILL SLUDGE DISPOSAL 592-590.000-936.000	08/13/2026 CBAHAM SOLIDS HANDLING & DISPOSAL	09/13/2026	403.86 403.86	403.86	Open	N 08/31/2026
09182026 00033586	ROBERT KRAUSE II WORKED HS FOOTBALL GAME - 9.18.26 101-301.000-818.002	09/18/2026 CBAHAM RESERVE OFFICER WAGES	10/18/2026	42.00 42.00	42.00	Open	N 09/23/2026
0918192026 00033587	PAT ZIEGLER WORKED HS FOOTBALL GAMES - 9.18.26 & SCR 101-301.000-818.002	09/18/2026 CBAHAM RESERVE OFFICER WAGES	10/18/2026	132.00 132.00	132.00	Open	N 09/23/2026
09182026 00033588	SWEET C. ROBINSON WORKED HS FOOTBALL GAME - 9.18.26 101-301.000-818.002	09/18/2026 CBAHAM RESERVE OFFICER WAGES	10/18/2026	48.00 48.00	48.00	Open	N 09/23/2026
09112026 00033589	DAKOTA CONWAY WORKED SCREAM PARK 101-301.000-818.002	09/11/2026 CBAHAM RESERVE OFFICER WAGES	10/11/2026	40.00 40.00	40.00	Open	N 09/23/2026

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09192026 00033590	TIM RICHARDS CITY PATROL & SCREAM PARK 101-301.000-818.002	09/19/2026 CBAHAM RESERVE OFFICER WAGES	10/19/2026	90.00 90.00	90.00	Open	N 09/23/2026
6153113777 00033591	VERIZON WIRELESS X3 AIR CARDS FOR PATROL VEHICLES 101-301.000-853.000	09/10/2026 CBAHAM TELEPHONE, INTERNET, CABLE	10/02/2026	91.11 91.11	91.11	Open	N 08/31/2026
1976657-090626 00033592	COREWELL HEALTH ACCT#: 93714753 RECRUIT BYERLE 101-301.000-961.000	09/06/2026 ONBOARDIN CBAHAM MEDICAL EXAMS	09/27/2026	530.60 530.60	530.60	Open	N 08/31/2026
5377 00033593	PRO SAFETY INNOVATIONS LLC FIRE EXTINGUISHER INSPECTIONS AT PD 101-301.000-818.000	09/11/2026 CBAHAM CONTRACTUAL	10/11/2026	208.00 208.00	208.00	Open	N 09/23/2026
26-27962 00033594	NATIONAL HOSE TESTING ANNUAL AERIAL/LADDER TESTING 101-336.000-851.001	09/21/2026 CBAHAM EQUIPMENT TESTING	10/21/2026	850.00 850.00	850.00	Open	N 09/23/2026
98146 00033595	PREIN & NEWHOF PROJECT#: 2260432 - PHASE 2 - DOWNTOWN I 592-591.000-818.005 592-590.000-818.005 202-463.000-818.000	09/04/2026 CBAHAM ENGINEERING SERVICES ENGINEERING SERVICES CONTRACTUAL	10/04/2026	9,110.25 3,036.75 3,036.75 3,036.75	9,110.25	Open	N 08/31/2026
98156 00033596	PREIN & NEWHOF PROJECT#: 2260297 - WATER SYSTEM RELIABI 592-591.000-818.005	09/04/2026 CBAHAM ENGINEERING SERVICES	10/04/2026	2,743.00 2,743.00	2,743.00	Open	N 08/31/2026
22772 00033597	LOWE'S 3/4" PEX BALL VALVE, GREEN MARKING, 100' 592-591.000-756.000	09/02/2026 CBAHAM MISCELLANEOUS SUPPLIES	10/02/2026	171.38 171.38	171.38	Open	N 09/24/2026

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96070 00033598	LOWE'S LIGHT, BOARDS AND SUPPLIES TO FINISH WIN CBAHAM 101-336.000-756.000	09/23/2026	10/23/2026	227.89 227.89	227.89	Open	N 09/24/2026
C5166 00033599	MEAD & WHITE ELECTRIC EXIT SIGN AT DPW BUILDING 101-441.000-931.000	09/10/2026	10/10/2026	413.47 413.47	413.47	Open	N 09/24/2026
83001 00033600	R.W. LAPINE INC. CONDENSATE DRAIN LINE CLEARING & RELEASE CBAHAM 101-441.000-931.000	09/16/2026	10/16/2026	315.00 315.00	315.00	Open	N 09/24/2026
IN208758 00033601	D.L. GALLIVAN OFFICE SOLUTIONS CITY HALL, WWTP, POLICE DEPT PRINTER CON CBAHAM 592-590.000-934.000 101-265.000-934.000 101-301.000-934.000 101-265.000-934.000 101-265.000-756.000	09/17/2026	10/02/2026	208.01 4.66 15.46 24.26 152.79 10.84	208.01	Open	N 08/31/2026
2020-19025 00033602	MRWA REGISTRATION FOR LIMITED TREATMENT CLASS CBAHAM 592-591.000-960.000	09/18/2026	10/18/2026	400.00 400.00	400.00	Open	N 09/24/2026
INV01160624 00033603	USA BLUE BOOK REAGENT, INDICATOR SOLUTION FOR ULR CHLO CBAHAM 592-590.000-757.000	09/14/2026	10/14/2026	268.70 268.70	268.70	Open	N 09/24/2026
112199 00033604	ALEXANDER CHEMICAL CORP X2 DRUMS SODIUM BISULFATE- WWTP 592-590.000-743.000	09/11/2026	10/11/2026	934.63 934.63	934.63	Open	N 09/24/2026

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10891694838 00033605	DELL MARKETING L.P. VARIOUS PC REPLACEMENTS DUE TO WINDOWS 1 CBAHAM 592-591.000-756.003 K. WELCH LAPTOP 592-591.000-756.003 WATER OFFICE LAPTOP 592-590.000-756.003 WWTP SCADA DESKTOP 592-590.000-756.003 WWTP LAB LAPTOP 101-336.000-756.003 FIRE DESKTOP 101-336.000-756.003 FIRE LAPTOP	09/14/2026	10/29/2026	8,101.78 1,466.36 1,466.36 1,118.17 1,466.36 1,466.36 1,118.17	8,101.78	Open	N 09/24/2026
10892095594 00033606	DELL MARKETING L.P. ASSESSOR DESKTOP REPLACEMENT CBAHAM 101-265.000-756.003 ASSESSOR LAPTOP	09/16/2026	10/31/2026	1,537.33 1,537.33	1,537.33	Open	N 09/24/2026
242958 00033607	PRINTING SYSTEMS VOTER RESPONSE FORMS, AV BALLOT ENVELOPE CBAHAM 101-262.000-728.000 OFFICE SUPPLIES	09/11/2026	10/11/2026	470.28 470.28	470.28	Open	N 09/24/2026
4280117585 00033608	CINTAS CORPORATION SHOP TOWELS & MATS - NOT CHARGED FOR THE CBAHAM 101-441.000-818.000 CONTRACTUAL	08/25/2026	09/15/2026	259.81 259.81	259.81	open	N 08/31/2026
653247-090326 00033609	ENTERPRISE FLEET MANAGEMENT FLEET LEASE & MAINTENANCE MANAGEMENT 09. CBAHAM 101-265.000-991.001 LEASE - ENTERPRISE FLEET 101-265.000-993.005 ENETERPRISE - INTEREST EXPENSE 101-265.000-818.006 ENTERPRISE - MAINTENANCE MANAGEMENT 101-301.000-991.001 LEASE - ENTERPRISE FLEET 101-301.000-993.005 ENETERPRISE - INTEREST EXPENSE 101-301.000-818.006 ENTERPRISE - MAINTENANCE MANAGEMENT 101-301.000-991.001 LEASE - ENTERPRISE FLEET 101-301.000-993.005 ENETERPRISE - INTEREST EXPENSE 101-301.000-818.006 ENTERPRISE - MAINTENANCE MANAGEMENT 592-000.000-304.000 LEASE PAYABLE - ENTERPRISE FLEET 592-000.000-907.000 ENTERPRISE - INTEREST EXPENSE 592-591.000-818.006 ENTERPRISE - MAINTENANCE MANAGEMENT 101-567.000-818.006 ENTERPRISE - MAINTENANCE MANAGEMENT 101-567.000-991.001 LEASE - ENTERPRISE FLEET 101-567.000-991.001 LEASE - ENTERPRISE FLEET 101-567.000-971.002 ONE TON	09/03/2026	09/18/2026	21,448.54 471.70 106.24 106.31 681.47 128.27 68.03 681.47 128.27 68.03 843.97 188.23 143.54 113.97 740.75 1,043.79 15,934.50	21,448.54	open	N 09/24/2026

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9.02.26 00033610	INDIANA MICHIGAN POWER COMPANY SEPTEMBER 2026 USAGE 101-441.000-921.000 UTILITIES 101-755.000-921.000 UTILITIES 202-463.000-928.000 TRAFFIC SIGNAL-FRONT & REDBUD 592-590.000-921.000 UTILITIES 101-441.000-926.000 STREET LIGHTING 101-567.000-921.000 UTILITIES 101-336.000-921.000 UTILITIES 101-265.000-921.000 UTILITIES 592-591.000-921.000 UTILITIES 101-761.003-921.000 UTILITIES 101-253.000-956.000 BANK FEES AND CHARGES	09/02/2026 CBAHAM	10/05/2026	4,049.59 828.18 321.27 112.83 682.05 74.21 109.14 285.71 1,555.85 66.08 11.92 2.35	4,049.59	Open	N 09/24/2026
# of Invoices:	58	# Due: 58	Totals:	81,450.38	81,450.38		
# of Credit Memos:	0	# Due: 0	Totals:	0.00	0.00		
Net of Invoices and Credit Memos:				81,450.38	81,450.38		
 --- TOTALS BY FUND ---							
	101 GENERAL			35,843.55	35,843.55		
	202 MAJOR STREETS			3,149.58	3,149.58		
	243 BROWNFIELD REDEVELOPMENT AUTHOR			4,039.12	4,039.12		
	592 WATER AND SEWER FUND			38,346.57	38,346.57		
	701 TRUST AND AGENCY			71.56	71.56		
 --- TOTALS BY DEPT/ACTIVITY ---							
	000.000			5,142.88	5,142.88		
	253.000 TREASURER			2.35	2.35		
	262.000 ELECTIONS			470.28	470.28		
	265.000 CITY HALL			5,569.26	5,569.26		
	301.000 POLICE			3,516.46	3,516.46		
	336.000 FIRE DEPARTMENT			4,517.50	4,517.50		
	441.000 DEPARTMENT OF PUBLIC WORKS			2,986.94	2,986.94		
	463.000 ROUTINE STREET MAINTENANCE			3,149.58	3,149.58		
	567.000 CEMETERY			18,252.57	18,252.57		
	590.000 SEWER MAINTENANCE & OPERATI			16,380.86	16,380.86		
	591.000 WATER MAINTENANCE & OPERATI			20,933.51	20,933.51		
	755.000 PARKS & RECREATION			321.27	321.27		
	761.003 TIN SHOP THEATRE			11.92	11.92		
	761.005 PEARS MILL			184.51	184.51		
	761.009 MCCOY CREEK TRAIL			10.49	10.49		