

Buchanan

Chapter 71.

Unified Development Ordinance

Buchanan, Michigan

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ARTICLE I. GENERAL PROVISIONS

Sec. 71-1 Title

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

Sec. 71-2 Authority

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

Sec. 71-3 Applicability

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 All ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions are hereby repealed and superseded to the full extent necessary to give this chapter full force and effect.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

Sec. 71-4 Purpose

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

- A. That neighborhoods, corridors, and centers should be compact, pedestrian-oriented and mixed-use.
- B. That ordinary activities of daily living should occur within walking distance of most dwellings, as much as is feasible, allowing independence to those who do not drive.
- C. That within neighborhoods, a range of housing types should be provided to accommodate diverse ages and incomes.
- D. That buildings and landscaping should contribute to the physical definition of streets as civic places.
- E. That development should adequately accommodate automobiles while prioritizing the pedestrian, the bicyclist, and the spatial form of public areas.
- F. That the preservation and adaptive reuse of historic buildings should be facilitated to encourage destination heritage tourism.

ARTICLE 1 – GENERAL PROVISIONS BUCHANAN ZONING ORDINANCE

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- G. That the zoning district descriptions in [Sec. 71-5 Zoning districts established](#) constitute the intent of this chapter with regard to the general character of each of these environments.

Sec. 71-5 Zoning districts established

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

- A. Zoning under this chapter is limited to the following district designations.
 1. Natural (N) consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. Public parks may occur in this district.
 2. Neighborhood Edge (NE) includes low density residential areas, with some mix of use, home occupations and accessory buildings. Street and yard planting are naturalistic and building setbacks are relatively deep.
 3. General Neighborhood (GN) consists of a mix of uses but is primarily mixed density residential. Setbacks and landscaping are variable.
 4. Neighborhood Center (NC) includes blended density mixed-use buildings that accommodate retail, offices, and apartments. Buildings are set close to the sidewalks.
 5. Downtown (D) consists of higher density mixed-use buildings that accommodate retail, offices, and apartments. Buildings are set close to the sidewalks.
 6. Suburban Commercial (SC) includes existing strip commercial areas developed in a single use, auto-dependent manner. These areas may evolve into mixed-use over time.
 7. Industrial (I) provides for manufacturing, processing, research, science, engineering, wholesale trade, services, general commercial, institutional and retail sales.
- B. The Planned Unit Development (PUD) district from the prior ordinance remains in effect.
- C. Neighborhood Plans (NP) are development standards available by-right for any application containing a minimum of three contiguous acres. See [Sec. 71-17 Neighborhood plans](#).

Sec. 71-6 Transition from previous ordinance

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

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Sec. 71-7 Nonconformities

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

Sec. 71-8 Enforcement

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

Sec. 71-9 Severability

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

Sec. 71-10 Effective date

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

Sec. 71-11 Repealer

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

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ARTICLE II. DEFINITIONS

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

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

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

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

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

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

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

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

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.

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

Building Height: the vertical extent of a building measured in stories. A half story is defined as the space within an attic.

City: The City of Buchanan, Berrien County, Michigan

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

Civic Space: an outdoor area permanently dedicated for public use.

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

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

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

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

Common Open Space (PUD): A parcel, or an area of water, or a combination of land and water within a Planned Unit Development (PUD) designed for the use of residents or occupants of the Planned Unit Development. Common open space may contain structures and improvements as are appropriate for the benefit of all residents but will not include areas reserved for the exclusive use of any individual tenant or owner, including dedicated streets, public right-of-ways, vehicle drives, parking areas, loading and storage areas, and areas reserved for non residential related uses.

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

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

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Development Plan (PUD): The application for submission, review and approval of a Planned Unit Development.

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

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

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

Encroachment: any structural element that encroaches.

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

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

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

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

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

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

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

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

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

Frontage Line: a lot line bordering a public frontage.

Gross Acreage (PUD): All land occupied by a Planned Unit Development except land within a public right-of-way.

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

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

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

Height: see building height.

Home Occupation: commercial enterprises permitted under [Sec. 71-26](#).

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

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

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

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

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

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

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

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

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

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

MCLA: Michigan Compiled Laws Annotated.

Mezzanine: an intermediate level between the floor and ceiling of any story, and covering less than thirty-three and one-third percent of the floor area immediately beneath. Mezzanines do not count as a story in the calculation of building height.

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

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

Modular Home: a structure subject to State Building Code standards. These units are referred to as “modular” rather than “manufactured” homes. Modular units are treated as the equivalent of site-built homes for zoning purposes and must meet the following minimum design standards:

1. The pitch of the roof must be no less than five feet of rise for every twelve feet of run for homes with a single, predominant roofline.
2. The eave projections of the roof must not be less than eight inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
3. The minimum height of the first-story exterior wall must be at least eight feet.
4. The materials and texture of exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
5. The modular home must be designed to require foundation supports around the perimeter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signs: A device, 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 sign: Awning signs are mounted to awnings of cloth canvas, or other appropriate materials and are of the same or similar material as the awning.

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

Canopy or marquee sign: A permanent on-premises sign on a canopy or marquee which projects from a building. The term also includes a shelter above a fuel service island.

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

Freestanding sign: Any permanent sign, other than an attached sign, supported by some structure or the ground and independent of support from any building, including an off-premise sign, ground sign, or similar sign that is not mounted on a building.

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

Monument or Ground Sign: An on-premises freestanding sign attached directly to the ground by its entire sign base.

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.

Pole sign: An on-premises freestanding sign not meeting all of the characteristics of a monument sign.

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

Sculptural sign: An attached sign including copy or graphics on a sculptural object.

Sidewalk sign: a temporary sign permitted within the public right-of-way.

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

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

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

Site Plan: an illustration containing information that is needed for the submission, review and approval of a zoning matter, see [Sec. 71-37 G](#).

Solar Farm: a facility where photovoltaic (PV) systems are clustered.

Solar public furniture: the installation of solar panels on public fixtures, used to power public energy requirements.

Solar Roof: a building roof that supports an array of solar panels, including solar shingles.

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

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

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

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

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

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

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

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ARTICLE III. SUBDIVISIONS

Sec. 71-12 Applicability

Conflicting ordinances. This article supersedes Chapter 90, Article III as it applies to Neighborhood Plans (NP), see [Sec. 71-17 Neighborhood plans](#).

This article does not supersede Chapter 90, Article III as it applies to Planned Unit Developments. See

Sec. 71-13 Street, block, and lot standards

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

TABLE 71-B RIGHT-OF-WAY DIMENSIONS		
Criteria	Medium Intensity (NP-M)	High Intensity (NP-H)
Travel lane width		
Mixed Use	10 ft., 11 ft. if on bus route	10 ft., 11 ft. if on bus route
Residential	9 ft.	9.5 ft.
Parallel parking lane width		
Mixed Use	8 ft. max.	
Residential	7.5 ft. max.	8 ft. max.
Curb return radii		
15 ft.		
Sidewalk width		
Mixed Use	8 ft. min.	10 ft. min.
Residential	5 ft. min.	5 ft. min.
Planter type		
Mixed Use	Tree wells	Tree wells
Residential	Continuous	Continuous or tree wells

- B. Block standards.
 1. Block perimeters are defined by rights-of-way or pedestrian ways.

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- 2. Rectangular block perimeters at a ratio of at least 1.25:1 are limited to 1,500 feet in length. Square blocks are limited to a perimeter of 2,000 feet. Exceptions are as follows:
 - a. Blocks containing more than 50% civic space are exempt;
 - b. Blocks at the perimeter of the application area may be exempt if connections cannot be made to adjacent properties; and
 - c. Blocks abutting natural waterways and slopes greater than 10% are exempt.
- 3. Blocks with a perimeter exceeding 2,000 feet must include a pedestrian way traversing the block from the facade of greatest length.
- C. Lot standards. All developable land must be subdivided into lots. The following standards do not apply to lots platted before the effective date of this ordinance.
 - 1. Lot widths must meet the following width requirements for Neighborhood Plans, see [Sec. 71-17](#).
 - a. Medium Intensity (NP-M) – 20 ft. min., 100 ft. max.
 - b. High Intensity (NP-H) – 16 ft. min., 200 ft. max. Existing lots designated as NP-H may exceed the 200 ft. max. lot width.
 - 2. Lots containing only civic uses may exceed maximum lot size requirements.

Sec. 71-14 Civic space standards

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

- A. A minimum of 5% of the developable land within each neighborhood plan must be assigned to civic space.
- B. The design, programming, and landscaping of all civic space must comply with the following:
 - 1. Size – 2,000 sq. ft. min.
 - 2. Proportion – 1:5 max. width to length
 - 3. Edge condition – street, path, or sidewalk required on one side, min. but are required at all rights-of-way adjacent to the civic space.
 - 4. Surface – 30% max. paved
 - 5. Landscape – 30% mature canopy required

Sec. 71-15 Public utilities

- A. Utility Easements. Utility easements must be concealed from view of the street where possible and are not located where they would hinder the further development of lots over time.
- B. Location
 - 1. New electric power, telephone lines, cable services and fiber optics must be below ground for subdivisions greater than 5 parcels.

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- C. Transformers and Utility Pedestals
 - 1. Transformers and utility pedestals must be located behind buildings and screened from view of the sidewalk or the street.
- D. Existing Overhead Utilities. For properties with existing overhead utilities:
 - 1. Dry utility services must be placed below ground from the pole to any new structure;
 - 2. Where possible, transformers and utility pedestals must be located behind principal building; and
 - 3. Reservation of an easement for future below ground placement of utilities is required.
- E. Environmental hazards. The subdivision design must make adequate provision for natural drainage channels and floodplains. Added surface water produced by the development, particularly excess runoff created by impervious surfaces, must be properly managed within the subdivision or drained into natural or man-made channels to minimize the exposure to flood hazard, and minimize erosion so as not to produce a flood hazard for adjacent properties. No inter basin transfer or modification of historic drainage patterns is permitted.

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ARTICLE IV. ZONING STANDARDS

Sec. 71-16 Zoning districts

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

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

TABLE 71-C ZONING DISTRICT SUMMARY			
Previous district		New district	
R1-A	Single-family residential	NE	Neighborhood edge
R1-B	Single-family residential	GN	General neighborhood
R-2	Two-family residential		
R-3	Multi-family residential	NC	Neighborhood center
R-4	Multi-family senior residential		
C-1	Neighborhood commercial	SC	Suburban commercial
C-2	Commercial		
C-3	Central business	D	Downtown
I-1	Light industrial	I	Industrial
I-2	Heavy industrial		
PUD	Planned unit development	unchanged	
		NP	Neighborhood plan
CD	Cluster residential	Deleted	

Sec. 71-17 Neighborhood plans

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

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

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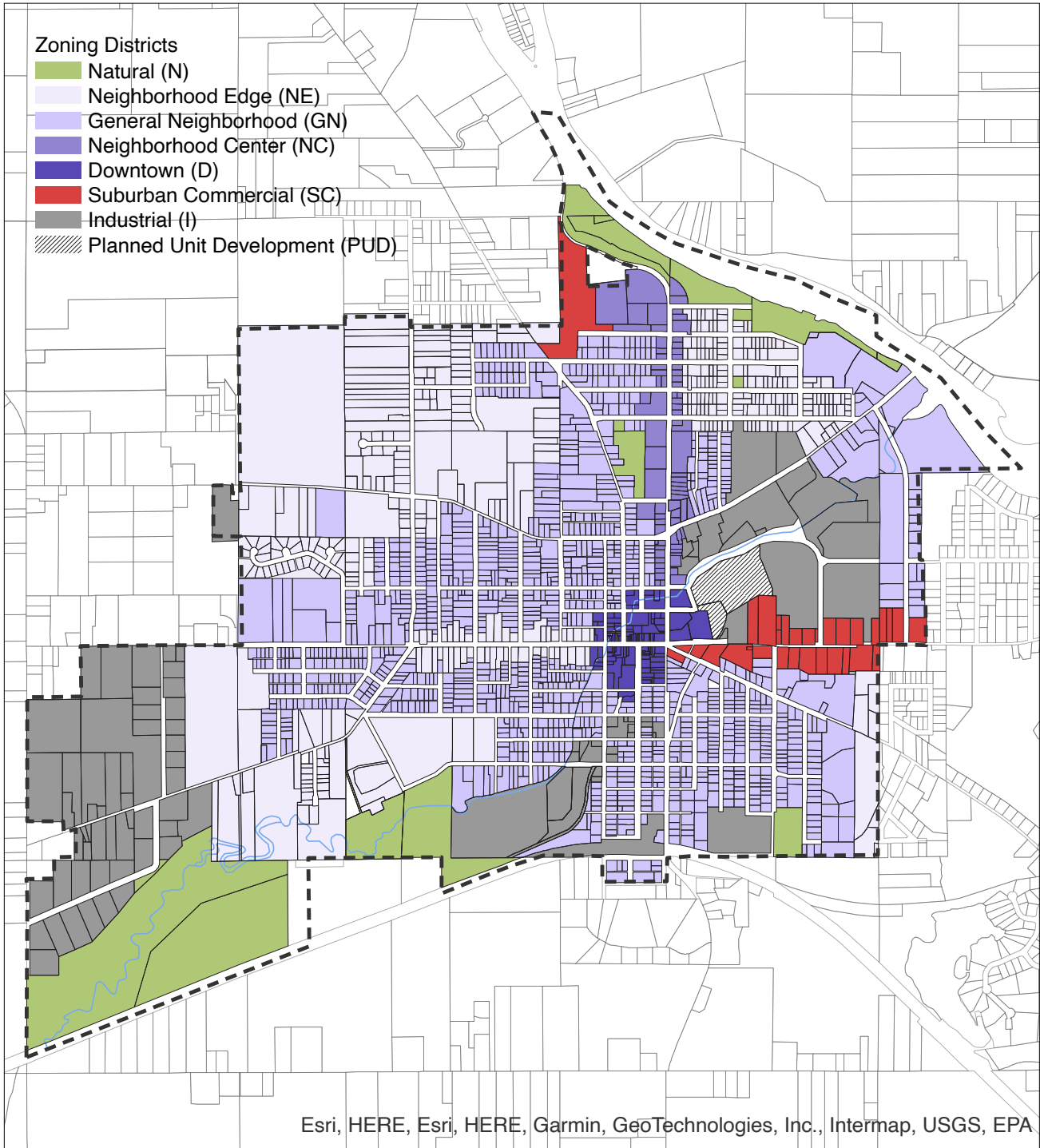


Figure 71-A Buchanan Zoning Map

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- C. Neighborhood plans are subject to the standards of [Article III. Subdivisions](#), in addition to this article.
- D. Mobile home parks. Mobile homes are only permitted in mobile home parks. Mobile home parks are only permitted through the development of, and compliance with the requirements of a neighborhood plan and Act 96 of 1987 - THE MOBILE HOME COMMISSION ACT (125.2301 - 125.2350), as amended.

Sec. 71-18 General requirements

The following requirements apply to all zoning districts, planned unit developments, and neighborhood plans.

- A. Buildings and Yards
 - 1. Building placement. Structures must be set back from lot boundaries as specified in [Table 71-C](#) through [Table 71-H](#) and [Sec. 71-19 Planned unit developments](#).
 - 2. Elements that project from facades are permitted to encroach into setbacks as specified in [Sec. 71-20 F](#).
 - 3. Buildings and covered structures are limited in the total area they may occupy as a percentage of the net lot area as specified by lot coverage in [Table 71-C](#) through [Table 71-H](#) and [Sec. 71-19 Planned unit developments](#).
 - 4. Outdoor dining on private property is permitted in all districts. See [Sec. 71-20 F](#) for use of public sidewalks.
- B. Building Height
 - 1. Building height is limited according to [Table 71-C](#) through [Table 71-H](#) and [Sec. 71-19 Planned unit developments](#), measured as follows:
 - a. Building height is measured in stories above sidewalk grade adjacent to the principal building entrance;
 - b. Stories are measured from finished floor to finished ceiling;
 - c. Stories are limited to 14 feet high, except a first floor non-residential use may be a maximum of 20 feet high;
 - d. Split levels and mezzanines are not counted as a story;
 - e. Stories exceeding 14 feet are counted as one story for every 14 feet;
 - f. Below ground stories do not count toward building height provided they do not extend more than 4 feet above sidewalk grade; and
 - g. Height limits do not apply to attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
 - 2. Height exception. Chimneys, cooling towers, communication towers, and other necessary structures in the industrial district (I) may exceed the height limitations if they are set back from the adjacent property line the same distance as their height.
 - 3. Rooftops are habitable in all zones except Neighborhood Edge (NE).

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- C. Solar standards.
 - 1. Alternative energy production is permitted according to [Table 71-J Use Matrix](#).
 - 2. A solar roof should be large enough to generate at least one megawatt.
- D. Facade requirements are established in [Sec. 71-20](#). [Sec. 71-19](#) is not subject to this section.
- E. Travel trailers. The occupancy of travel trailers may not exceed seven days as a temporary dwelling.
- F. Storage of recreational vehicles. Unoccupied recreational vehicles may be stored on a lot as long as it is stored in the area designated for parking according to [Table 71-C](#) through [Table 71-H](#). [Sec. 71-19 Planned unit developments](#) is not subject to this section.
- G. Floodplain
 - 1. Delineation of the floodplain.
 - a. Boundary. The floodplain overlays existing zoning districts and coincides with the boundaries of the area of special flood hazard (Zone A) as defined by the Federal Emergency Management Administration (FEMA). FIRM Panel #0403C, 4-17-2006
 - b. Suspension of city action. The City will suspend the processing of any application for zoning or building permit that includes the establishment, modification, or revision of a floodplain until a final determination is made by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and filed with the community development director.
 - 2. EGLE Permit. No development within the floodplain is permitted without a permit issued by EGLE.
 - 3. Land division. Land may not be divided in a manner that creates a lot that cannot comply with the requirements of this section.
 - 4. Liability. This section does not imply areas outside the floodplain will be free from flood damage. It does not create liability on the part of the City of Buchanan for any flood damage which results from reliance on this section.
- H. Corner lot clear sight lines. New buildings, signs, and trees higher than 30 inches above grade may not be located within a triangle formed by the intersection of the streets and a line drawn between points along the two street lines 30 feet from the intersection. Controlled intersections do not require clear sight lines. See [Figure 71-B Clear Site Lines](#). Intersections within the Downtown (D) district are exempt from this subsection.

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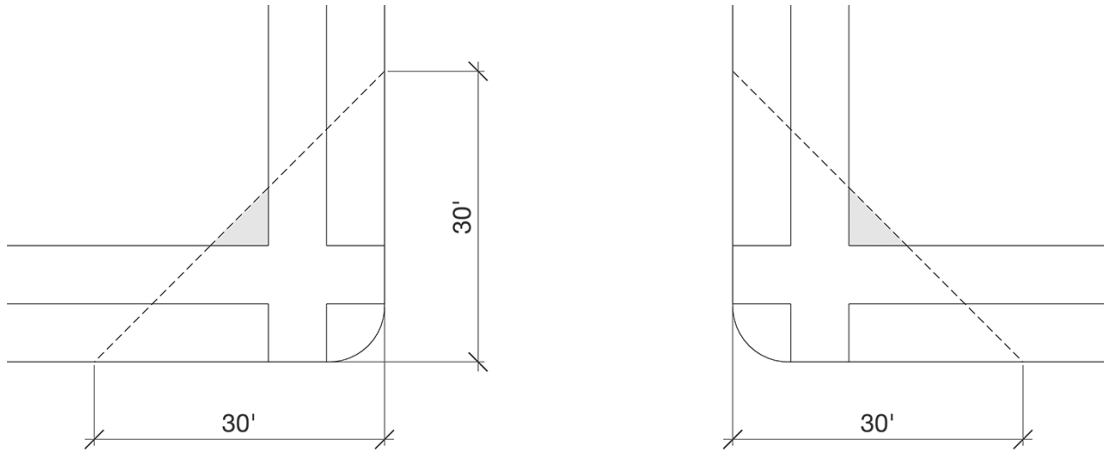
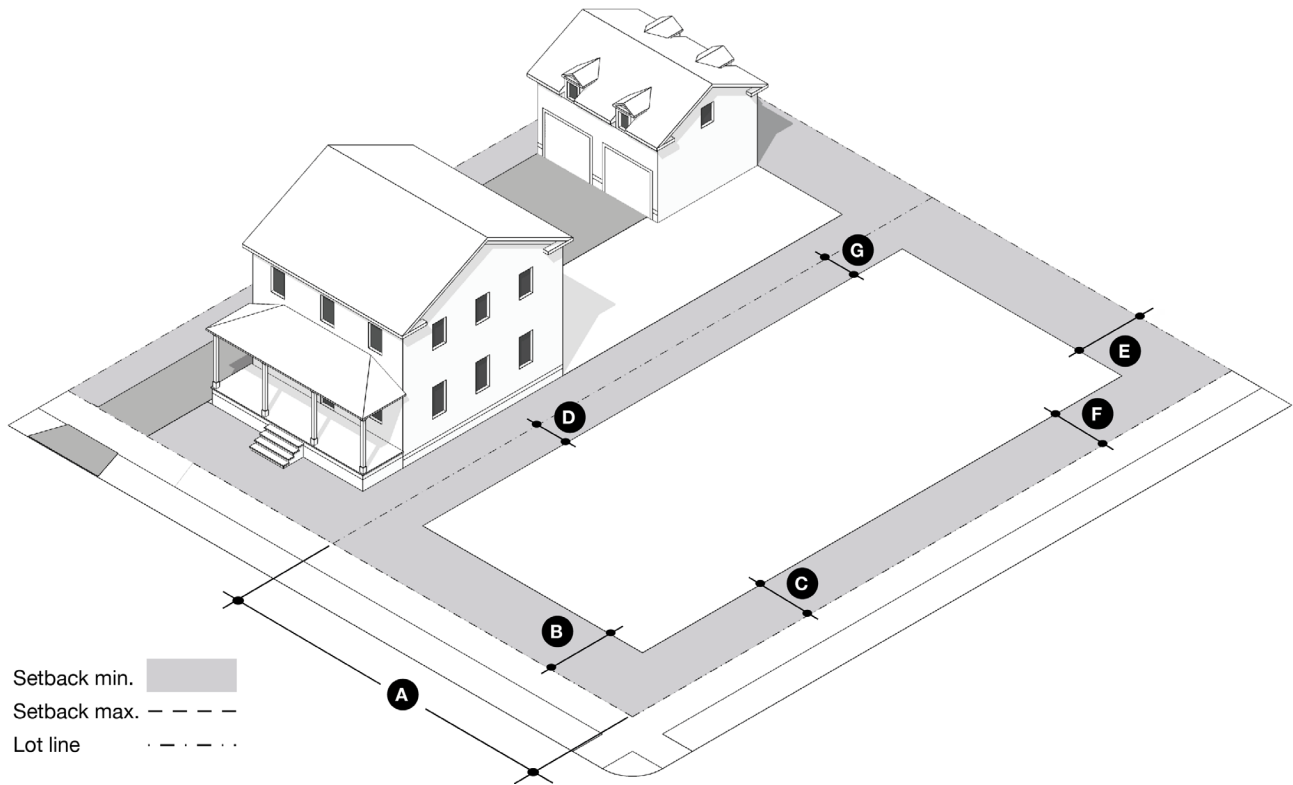


Figure 71-B Clear Site Lines

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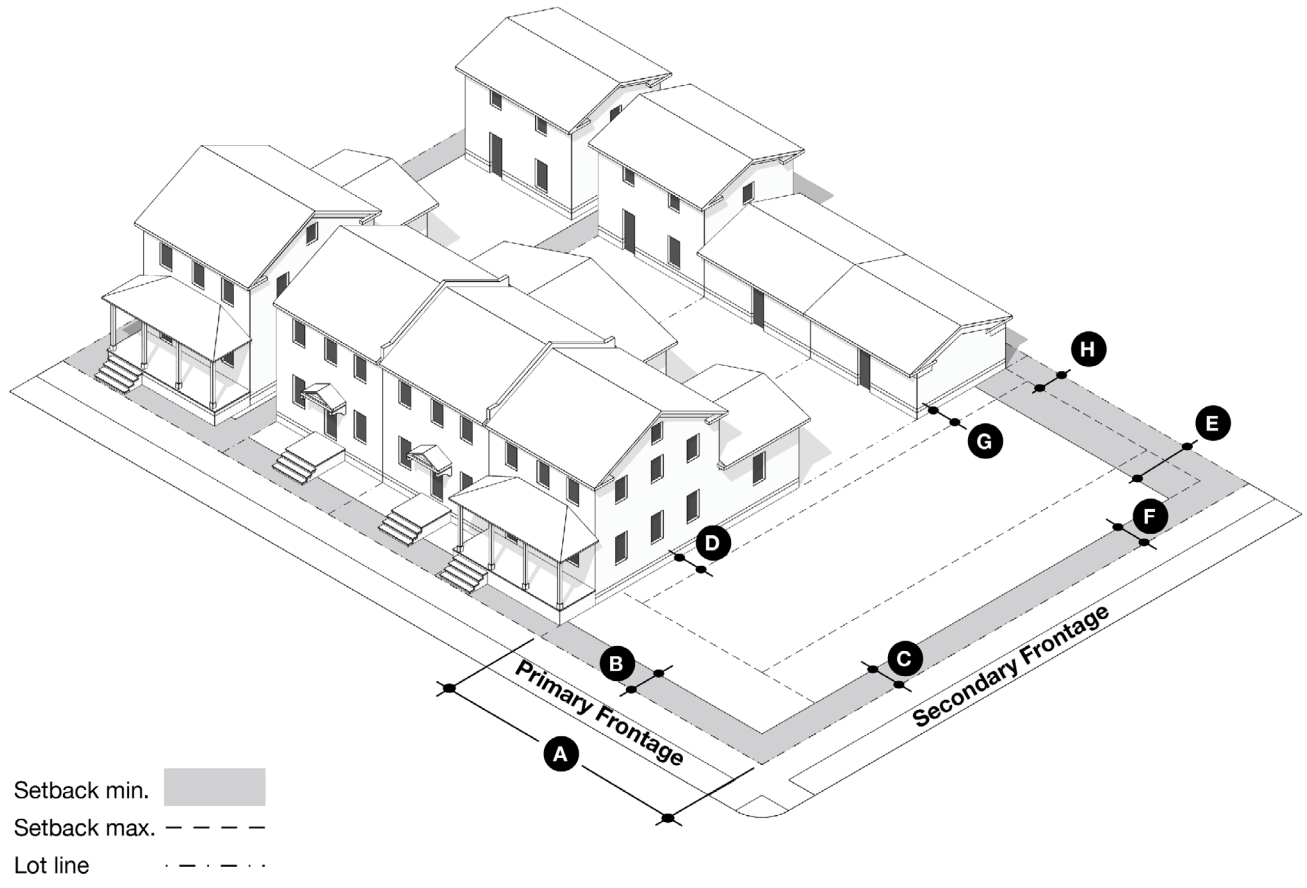
TABLE 71-D NEIGHBORHOOD EDGE (NE) STANDARDS

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Lot Occupation		Accessory Structures	
A Lot Width	60 ft. min.	Front Setback	B + 20 ft. min.
Lot Coverage	50% max.	F Sidestreet Setback	6 ft. min.
Buildings		G Side Setback	6 ft. min.
B Front Setback	20 ft. min.	E Rear Setback	6 ft. min.
C Sidestreet Setback	15 ft. min.	Height	2 stories max.
D Side Setback	6 ft. min.	Parking, Loading and Storage	
E Rear Setback	20 ft. min.	Front Setback	B
Height	2.5 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	15%	Structure Height	n/a

TABLE 71-E GENERAL NEIGHBORHOOD (GN) STANDARDS



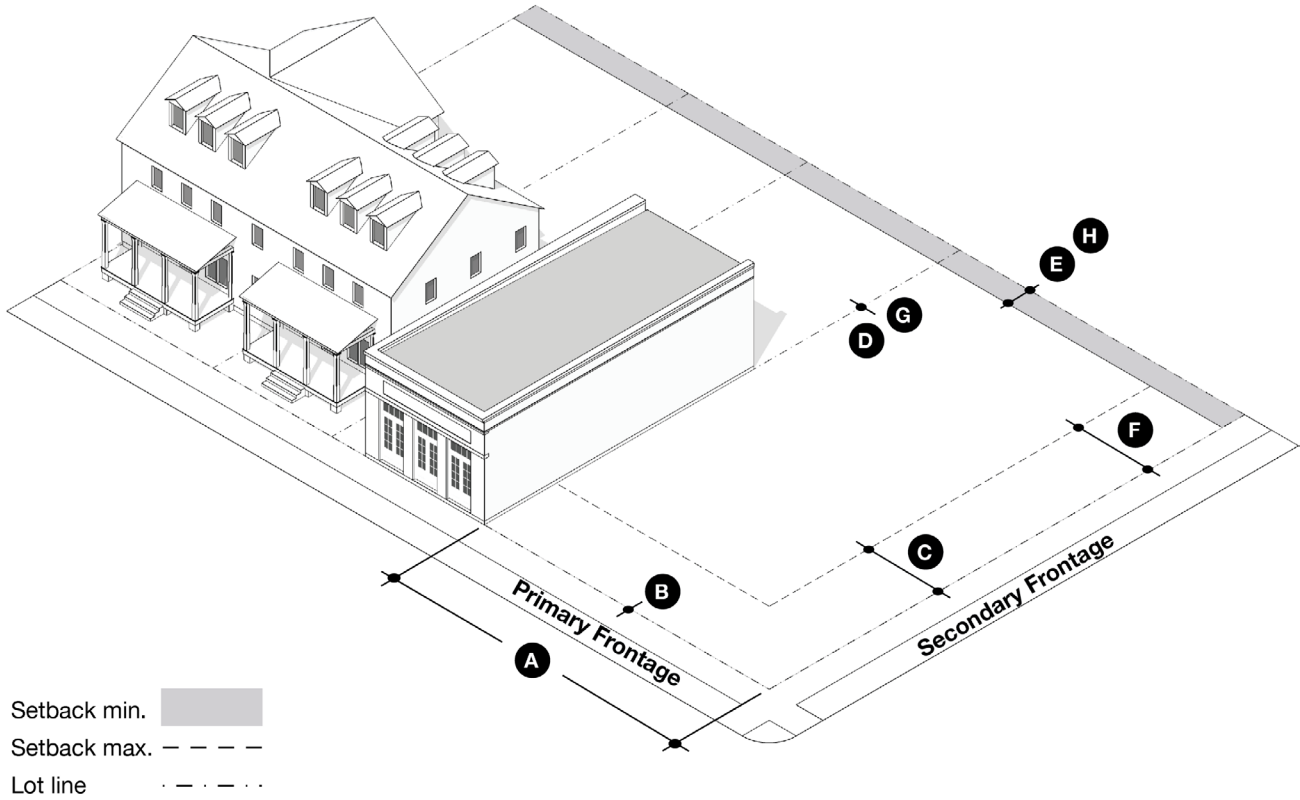
Lot Occupation	
A Lot Width	20 ft. min.
Lot Coverage	60% max.
Buildings	
B Front Setback	16 ft. min., 25 ft. max.
C Sidestreet Setback	10 ft. min., 25 ft. max.
D Side Setback	0 ft. or 6 ft. min.
E Rear Setback	10 ft. min.
E Rear Alley Setback	15 ft. min. from centerline
Height	2.5 stories max.
Ground Floor Glazing	15%
Upper Floor Glazing	15%
Entry Frequency	n/a

Accessory Structures	
Front Setback	B + 20 ft. min.
F Sidestreet Setback	6 ft. min.
G Side Setback	3 ft. min.
H Rear Setback	6 ft. min.
H Rear Alley Setback	15 ft. min. from centerline
Height	2 stories max.
Parking, Loading and Storage	
Front Setback	B + 20 ft. min.
Sidestreet Setback	6 ft. min.
Structure Height	n/a

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TABLE 71-F NEIGHBORHOOD CENTER (NC) STANDARDS

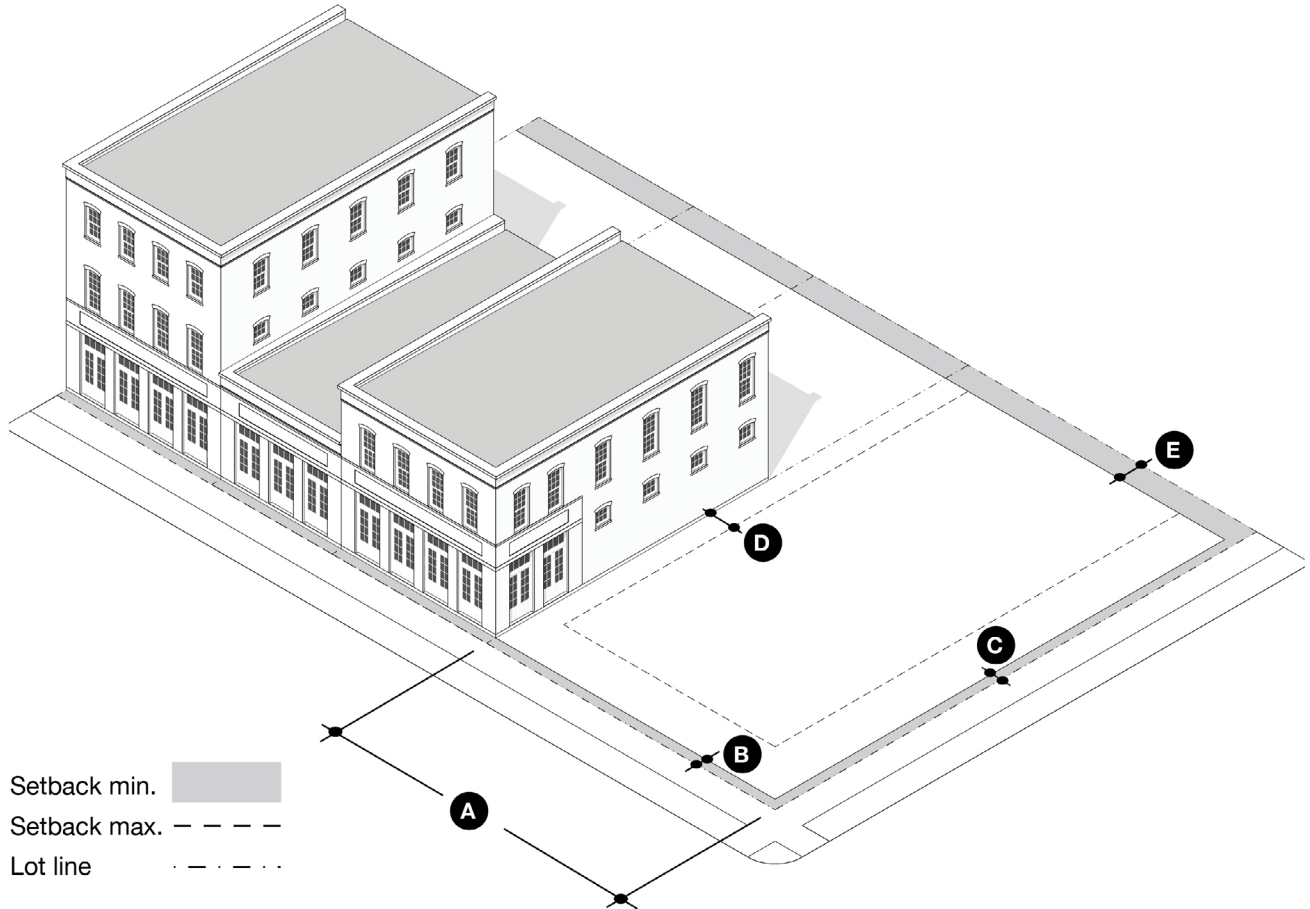
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Lot Occupation		Accessory Structures	
A Lot Width	20 ft. min.	Front Setback	B + 20 ft. min.
Lot Coverage	75% max.	F Sidestreet Setback	0 ft. min., 16 ft. max.
Buildings		G Side Setback	0 ft. min.
B Front Setback	0 ft. min., 25 ft. max.	H Rear Setback	6 ft. min.
C Sidestreet Setback	0 ft. min., 25 ft. max.	H Rear Alley Setback	15 ft. min. from centerline
D Side Setback	0 ft. or 6 ft. min.	Height	2 stories max.
E Rear Setback	10 ft. min.	Parking, Loading and Storage	
E Rear Alley Setback	15 ft. min. from centerline	Front Setback	B + 20 ft. min.
Height	2.5 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	30% min. ¹	Structure Height	n/a
Upper Floor Glazing	15% min.		
Entry Frequency	n/a		

1 See Sec. 71-20 D. for additional glazing requirements.

TABLE 71-G DOWNTOWN (D) STANDARDS



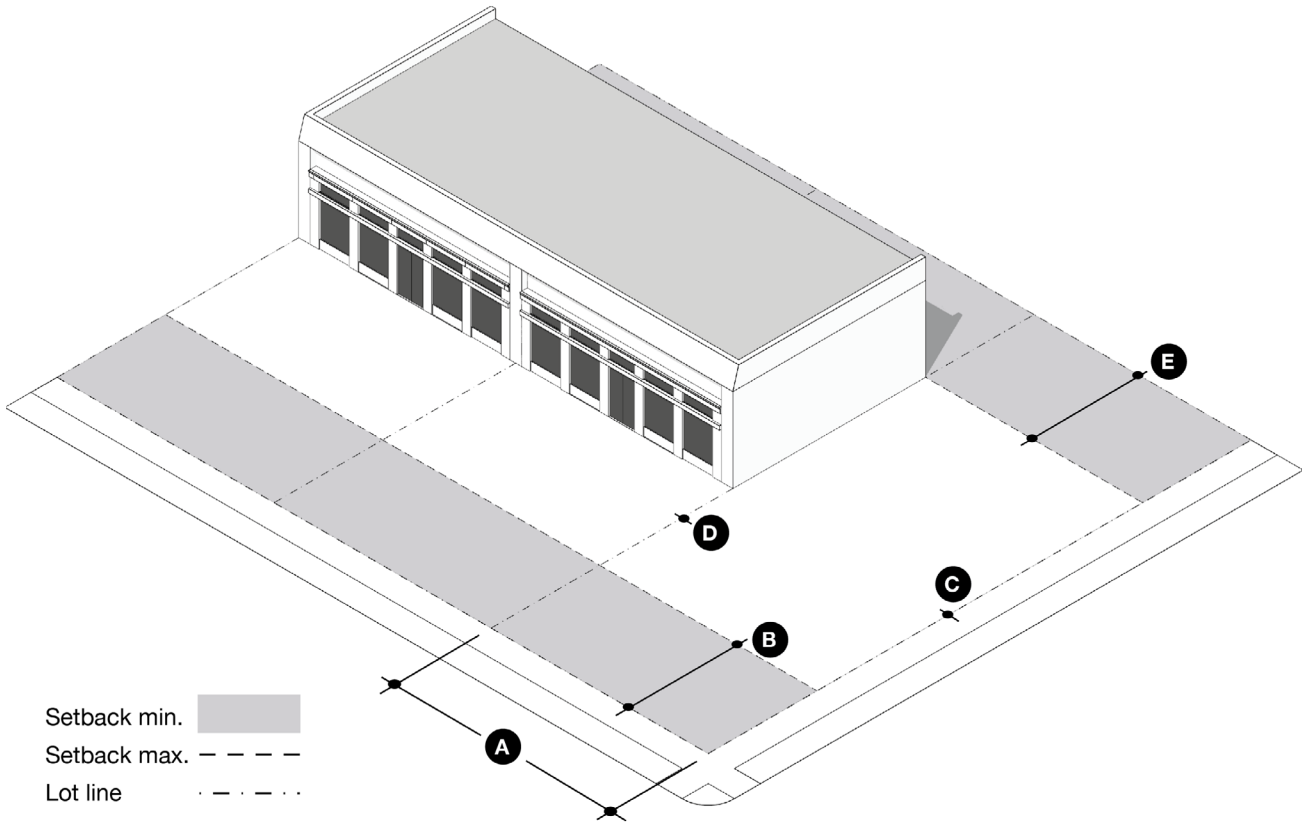
Lot Occupation		Accessory Structures	
A Lot Width	Not applicable	Front Setback	B + 20 ft. min.
Lot Coverage	Not applicable	F Sidestreet Setback	0 ft. min.
Buildings		G Side Setback	0 ft. min.
B Front Setback	0 ft. min., 2 ft. max. ²	H Rear Setback	6 ft. min.
C Sidestreet Setback	0 ft. min., 2 ft. max.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

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

3 See [Sec. 71-20 D.](#) for additional glazing requirements.

TABLE 71-H SUBURBAN COMMERCIAL (SC) STANDARDS

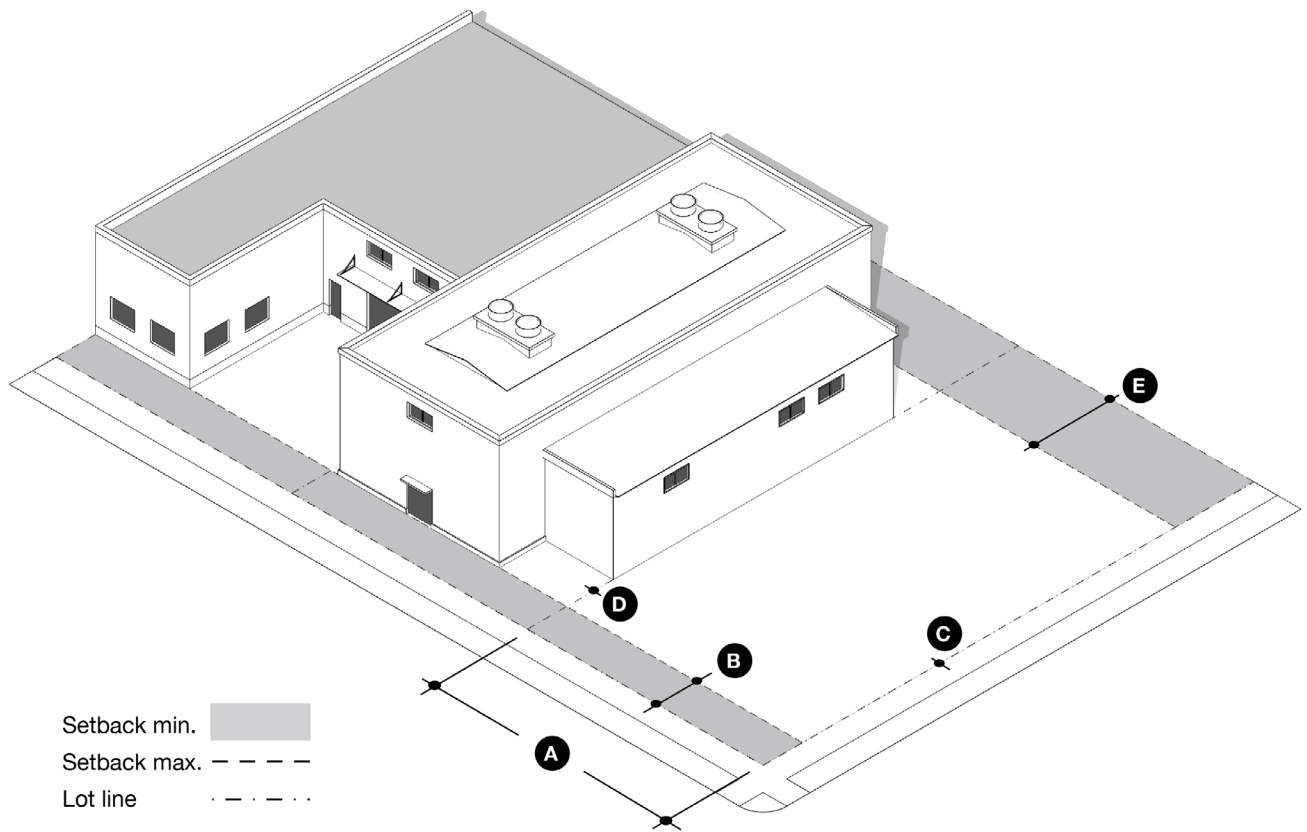
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Lot Occupation		Accessory Structures	
A Lot Width	50 ft. min.	Front Setback	B
Lot Coverage	65% max.	C Sidestreet Setback	0 ft. min. ¹
Buildings		D Side Setback	6 ft. min. ¹
B Front Setback	25 ft. min. ⁴	E Rear Setback	6 ft. min. ¹
C Sidestreet Setback	0 ft. min. ³	Height	2 stories max.
D Side Setback	0 ft. total ³	Parking, Loading and Storage	
E Rear Setback	25 ft. min. ³	Front Setback	4 ft. min.
Height	3 stories max.	Sidestreet Setback	4 ft. min.
Ground Floor Glazing	30% min. ⁵		

⁴ 30 ft. min. abutting residential
⁵ See Sec. 71-20 D. for additional glazing requirements.

TABLE 71-I INDUSTRIAL (I) STANDARDS



Lot Occupation		Accessory Structures	
A Lot Width	60 ft. min.	Front Setback	B + 20 ft. min.
Lot Coverage	80% max.	C Sidestreet Setback	6 ft. min. ¹
Buildings		D Side Setback	6 ft. min. ¹
B Front Setback	10 ft. min. ¹	E Rear Setback	6 ft. min. ¹
C Sidestreet Setback	10 ft. min.	Height	2 stories max.
D Side Setback	0 ft. min. ⁶	Parking, Loading and Storage	
E Rear Setback	20 ft. min. ¹	Front Setback	B + 20 ft. min.
Height	2.5 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	n/a		

⁶ 45 ft. min. abutting residential

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Sec. 71-19 Planned unit developments

- A. Purpose. This district permits results that serve the public health, safety, and welfare with a controlled degree of flexibility. Permitting these developments can increase convenience, be comparable with the overall character of the district, and not be detrimental to the adjoining properties.
- B. Intent. A Planned Unit Development (PUD) is intended to permit:
 - 1. Variety and flexibility of land development for residential, commercial, and industrial purposes that are necessary to meet the changes in technology and demand and which will be consistent with the best interests of the City as a whole and that will encourage a creative approach in the development of land; and
 - 2. Utilization of sites that are characterized by special features of geography, topography, size or shape for their best potential.
- C. Applicability. Any plat not submitted as a Neighborhood Plan for recording under the terms of the State of Michigan Land Division Act, P.A. 87 of 1997, as amended (formally Subdivision Control Act) or the Condominium Act, P.A. 58 of 1978, as amended must be submitted and processed as a Planned Unit Development.
- D. Procedures. These procedures for a PUD are regulated in [Sec. 71-36](#).
- E. Standards. Development must be consistent with the following standards for use of land, the use of, type and mass, design and location of buildings, the density, common open space, and public facilities servicing the site:
 - 1. Buildings. The density of the underlying zoning district may be increased by no more than twenty-five (25) percent if a variety of housing or building types are provided, including clustered housing, buildings sharing common walls, etc., and are incorporated in a unique design approved by the plan commission.
 - 2. Building lot coverage. The building coverage ratio may be increased by twenty-five (25) percent by the plan commission in combination with any approval granted in paragraph one (1) above.
 - 3. Building height. The PUD Development Plan must conform to the height requirements of the underlying zoning district.
 - 4. Mixture of uses. A mixture of uses is permitted in any PUD Development Plan subject to approval by the plan commission.
 - 5. Perimeter setbacks. The applicant must provide perimeter setbacks at the same dimensions required of the underlying zoning district subject to approval of the plan commission, which may require greater setback distances if the proposed PUD will have a detrimental effect on abutting land uses.
 - 6. Conveyance of open spaces. Any area designated as open space must be conveyed to an appropriate public body or a private owners' association.
 - 7. Off-street parking and loading. Off-street parking and loading must conform with the minimum specifications of [Sec. 71-29](#) for the land uses proposed within the Planned Unit Development.

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- 8. Utilities. The proposed PUD Development Plan must provide for installation of public water, sanitary sewer and storm drainage meeting the standards of the City of Buchanan.
- 9. Landscaping and screening. Landscaping and screening must conform with the minimum specifications of [Sec. 71-30](#) as controlled by the underlying zoning district. The plan commission may require additional landscaping and screening when the proposed PUD will have a detrimental effect on abutting land uses.
- 10. Pedestrian pathways and sidewalks. Pedestrian pathways and sidewalks shall be in conformance with the minimum specifications and development standards of the City, as they pertain to the specific uses proposed within the PUD. The plan commission may require additional pathways and sidewalks when the intensity of development requires additional pathways and sidewalks to safely move pedestrian traffic.
- 11. Signs. Signs must conform with the specifications of [Sec. 71-32](#). Signs in a PUD residential areas are controlled by GN in [Table 71-M](#). Signs in single use commercial areas are controlled by SC in [Table 71-M](#). Signs in mixed use areas are controlled by NC in [Table 71-M](#).

Sec. 71-20 Facade requirements

This section applies to the building facade and any attachments. [Sec. 71-19](#) is not subject to this section.

- A. Facade requirements regulate the following:
 - 1. Building facades nearest the front and side street lot lines; and
 - 2. Elements that project from the building facade into front and side street setbacks such as eaves, porches, stoops, awnings, canopies, and bay windows.
- B. A facade type according to [Table 71-I Facade Types](#) must be specified for each building facade facing a street as follows:
 - 1. Multiple facade types may be used sequentially along a facade; and
 - 2. A shopfront facade is required for all ground floor retail uses and all buildings in the following locations:
 - a. Front Street between Oak Street and South Red Bud Trail,
 - b. Main Street south of East Dewey Street,
 - c. West side of Red Bud Trail, south of E 3rd Street, and
 - d. Days Avenue north of Roe Street.
- C. Buildings located within 30 feet of streets and civic spaces must comply with the following:
 - 1. Building entries must be provided from streets and civic spaces at the minimum frequency specified in [Table 71-C](#) through [Table 71-H](#); and
 - 2. Buildings on corner lots are exempt from entry frequency requirements along the shorter facade if it is less than 75 feet in length.

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- D. Facades must meet the minimum clear glass requirements of [Table 71-C](#) through [Table 71-H](#) and as follows:
 - 1. Glass percentage is calculated individually for each facade and is measured between two and ten feet in height above grade along the length of the facade;
 - 2. The entire frame and structure of doors, transom windows, and display windows are considered glass for this calculation;
 - 3. Shopfronts must have a minimum of 60% clear glass;
 - 4. Secondary frontage glazing minimum is 50% of the requirements of [Table 71-C](#) through [Table 71-H](#); and
 - 5. Tinted, mirrored and reflective glass, and glass covered by screening sheets, white, or UV protection film are prohibited.

- E. Blank walls visible from the public sidewalk must not exceed 50 linear feet. Walls along interior side lot lines with a zero setback are exempt from this requirement.

- F. Encroachments. Facade elements may encroach as follows:
 - 1. Minor facade elements:
 - a. Eaves, cornices, window and door surrounds, and other facade elements may encroach into setbacks up to 2 feet beyond the structure they are attached to; and
 - b. Minor facade elements must not encroach into rights-of-way.
 - 2. Major facade elements:
 - a. Major facade elements may encroach according to facade type as specified in [Table 71-I Facade Types](#); and
 - b. Major facade elements include bay windows, display windows, balconies, stoops, porches, awnings, and canopies.
 - 3. Ground floor retail uses may utilize the public sidewalk for seating, dining, displays of merchandise, and other business related activities provided a 5 foot clear pedestrian path is maintained.
 - a. All retail furnishings must be stored inside between 12 AM and 6 AM.
 - b. A right-of-way use permit is required for public sidewalk use.

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- G. All outdoor electrical, plumbing, and mechanical equipment must be located behind the front facade or concealed from street view with a screen or wall. These facilities may not encroach into any setback.
- H. Drive-through facilities and lanes must be located behind the building relative to sidewalks.
- I. Awning facades must meet the following requirements:
 - 1. If transom windows exist, awnings must be installed between the transom and the shopfront;
 - 2. Awnings must be fabric;
 - 3. Awnings may be retractable;
 - 4. Awnings must extend a minimum of six feet from the building facade;
 - 5. Awnings must be set back from the curb a minimum of two feet;
 - 6. A minimum of eight foot clearance must be maintained above the sidewalk; and
 - 7. Awnings must span the shopfront area up to 80% of its width without gaps, except between tenants.

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TABLE 71-J FACADE TYPES

Shopfront

Zones	NC, D, SC, I
Combinations	Awning or canopy
A Max. Setback	By district
B Encroachment	Seating by permit; bay and display windows to lot line; awning and canopy by element
C Entry Condition	At grade entry
D Horizontal Clear.	N/A
E Vertical Clear.	N/A
Special Conditions	Band, window, or blade sign required Bulkhead height is 12 in. min.



Awning or Canopy

Zones	GN, NC, D, SC, I
Combinations	Shopfront
A Max. Setback	N/A
B Encroachment	Awning or canopy to within 2 ft. of curb
C Entry Condition	N/A
D Horizontal Clear.	6 ft. min.
E Vertical Clear.	8 ft. min.
Special Conditions	Awning must be fabric and exclude side panels. If transom windows exist, awning or canopy must be installed below transom.

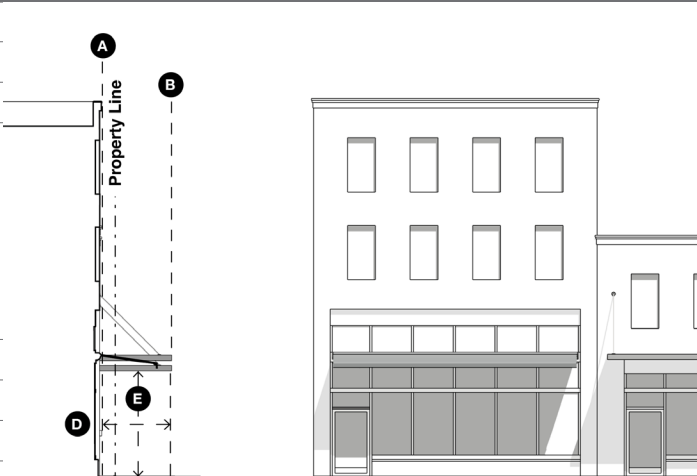


TABLE 71-J FACADE TYPES

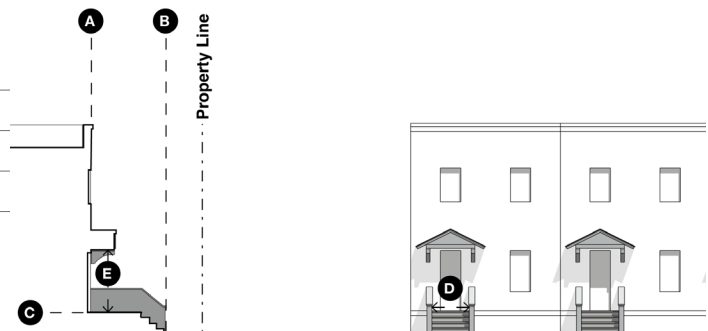
Common Entry

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



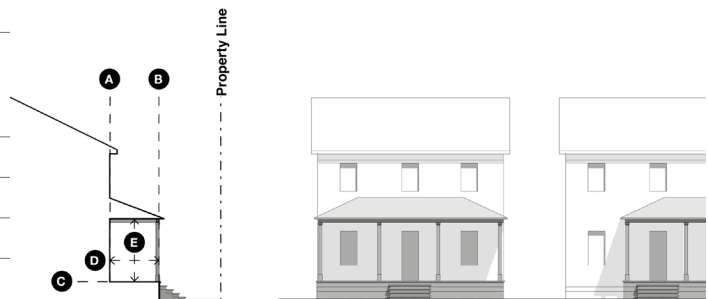
Stoop

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



Porch

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



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Sec. 71-21 Use

- A. Uses are limited according to [Table 71-J Use Matrix](#).
- B. Additional restrictions apply in [Table 71-K Use Restrictions](#).
- C. [Sec. 71-19](#) is not subject to this section.

TABLE 71-K USE MATRIX							
	N	NE	GN	NC	D	SC	I
Commercial							
Adult retail, services, and entertainment							S
Automobile sales						S	P
Automobile service						S	P
Cannabis designated consumption establishment					S	S	P
Cannabis retail					S	S	S
Child care		A	A	P	P	P	X
Commercial laundry				P	P	P	P
Crematorium							S
Dry cleaners				P	P	P	P
Food and beverage			A	P	P	P	P
Funeral home				P	P	P	P
Gas station						P	P
Hospital						P	P
Market			T	P	T	P	P
Office			A	P	P	P	P
Package liquor store					P	P	P
Retail			A	P	P	P	P
Self-storage						S	P
Service, professional			A	P	P	P	P
Service, personal			A	P	P	P	P
Entertainment							
Adult entertainment							S
Indoor sports facility				P	P	P	P
Outdoor sports facility		P	P			P	P
Theater, excluding drive-in				P	P	P	
Solar Infrastructure							
Solar farm							S
Solar roof		P	P	P	P	P	P
Solar public furniture	P	P	P	P	P	P	P
Industrial and Manufacturing							
Cannabis cultivation							P

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TABLE 71-K USE MATRIX

	N	NE	GN	NC	D	SC	I
Cannabis production							P
Industrial							P
Manufacturing, artisanal				S	S	S	P
Warehouse storage and distribution							P
Institutional							
Cultural (library, museum, gallery)	S	S	S	P	P	P	
Performing Arts			P	P	P		
Meeting Hall			P	P	P		
Religious assembly		P	P	S	S	P	
School: primary		P	P	S	S	P	
School: secondary		P	P	S	S	P	
Lodging							
6 rooms or less		S	P	P	P	S	
12 rooms or less				P	P	P	
More than 12 rooms					P	P	
Residential							
Home occupation		S	S	S	S		
1 dwelling unit per lot		P	P	P			
1 dwelling unit per lot (zero lot line)			P	P			
2 dwelling units per lot			P	P	P		
4 dwelling units per lot			P	P	P	S	
8 dwelling units per lot				P	P	S	
More than 8 dwelling units per lot					P		

Permitted use P
 Temporary use T
 Accessory use A
 Special use permit S
 Prohibited use

Sec. 71-22 Specific use restrictions

- A. Uses are further restricted as specified in [Table 71-K Use Restrictions](#) and as follows:
 1. Cannabis retail stores in Downtown (D) are restricted to no more than 10% of the available shopfront length in total feet of all properties in the district. At the effective date of this ordinance there are 947 linear feet of shopfront in Downtown, permitting 95 linear feet of cannabis retail stores.
 2. Retail outlets specializing in paraphernalia used for consumption of cannabis, tobacco and items related to cannabis culture in Downtown (D) are restricted to no more than 5% of the available shopfront length in total feet of all properties in the district. At the effective date of this ordinance 48 linear feet of paraphernalia outlets are permitted in D.

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TABLE 71-L USE RESTRICTIONS			
	GN	NC	D
Institutional Uses	10 parking spaces max.	20 parking spaces max.	Not applicable
Commercial Uses	5,000 sq. ft. max.	20,000 sq. ft. max.	60,000 sq. ft. max.

Sec. 71-23 Cannabis standards

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

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Sec. 71-24 Communication towers

- A. Location restrictions. The City prohibits the location of additional towers or communication support structures unless the applicant can demonstrate the following:
 - 1. There is no existing tower or support structure that can be used for the proposed antenna attachment.
 - 2. There is no existing tower or support structure having sufficient height to meet the applicant’s engineering requirements.
 - 3. There is no existing tower or support structure having sufficient structural strength to meet the applicant’s engineering standards.

- B. General requirements. All new towers must conform to the following requirements:
 - 1. New towers are only permitted in the industrial zoning district unless colocated per A. above.
 - 2. The tower must be set back from all property lines a distance equal to its height.
 - 3. The base of the tower must not occupy more than 500 square feet of area.
 - 4. New towers may not be located within one-half mile of an existing tower.
 - 5. Tower height must not exceed 300 feet and no tower within 500 feet of a residential use can exceed 175 feet in height above grade.
 - 6. Existing vegetation must be preserved where possible.
 - 7. A vegetative buffer is required if property adjoins any residentially zoned property or land use. The buffer must consist of the following:
 - a. Two alternating rows of evergreen trees with a minimum height of five feet, planted 20 feet on center along the perimeter of the property;
 - b. Buffer must be located 20 feet from the property line but must maintain a ten foot setback from the tower.
 - 8. Signage is not permitted on the tower structure or accessory structures.
 - 9. Accessory structures are limited to uses associated with the operation of the tower and must comply with [Table 71-H](#).
 - a. Accessory structures may not exceed 600 square feet of gross building area.
 - 10. The site must be secured from unauthorized access.
 - 11. The tower must be removed by the property owner within six months of abandonment.

- C. Application requirements.
 - 1. Engineering plans and specifications must be provided for the special use application by an engineer licensed in the State of Michigan.

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- 2. The applicant must provide a performance bond or irrevocable letter of credit equal to the estimated cost of removal, but not less than \$50,000, to be used by the City to remove the tower if it is abandoned and not removed according to the terms of this section.

Sec. 71-25 Adult entertainment

- A. Adult entertainment facilities are subject to the following special provisions:
 - 1. No business may be located within 1,000 feet of a lot containing residential, commercial, or institutional use.
 - 2. All business must be conducted in an enclosed building, and occupancy is limited to 50 persons.

Sec. 71-26 Home occupations

This section does not apply to individuals working from home without employees or signs.

- A. Home occupations are permitted in all residential districts, except NE as follows:
 - 1. Must not exceed 50% of the dwelling unit or 1,000 square feet, whichever is less;
 - 2. Hours of operation are limited to 8:00 AM through 6:00 PM;
 - 3. A maximum of 1 individual not residing in the household may be employed, except adult or child day care homes; and
 - 4. Signage is limited to one non-illuminated sign, no greater than 3 feet in area.
- B. Prohibited uses in home occupations:
 - 1. Repair or assembly of vehicles, equipment, and large appliances;
 - 2. Dispatch facilities;
 - 3. Employment agencies;
 - 4. Warehousing;
 - 5. Animal sales or kennels; and
 - 6. Merchandise warehousing, packing, and shipping.
- C. Nuisances standards must be met as follows:
 - 1. The dwelling and site must remain residential in appearance.
 - 2. No equipment, material, or process may be used that creates noise, vibration, glare, smoke, fumes, particulate matter, excessive heat or humidity, electrical interference, odors, or hazards.
 - 3. Outdoor equipment not typically found or used for domestic household use is prohibited.
 - 4. Residential trash and recycling volumes and facilities may not be materially exceeded.

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- 5. Commercial vehicles are prohibited unless stored within a garage.

D. Permits. Home occupations subject to a special use permit.

Sec. 71-27 Accessory dwelling units.

- A. One accessory dwelling unit per principal dwelling unit is permitted by special use in all residential districts.
 - 1. Accessory dwelling units in NE may not exceed 720 square feet per story.
 - 2. Accessory dwelling units may be attached or detached.
 - 3. Accessory dwelling units are limited to one bedroom.
 - 4. Either the primary residence or accessory unit must be inhabited by the owner of the parcel.

Sec. 71-28 Group homes and adult foster care facilities

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

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

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Sec. 71-29 Parking and loading standards.

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

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

TABLE 71-M PARKING REQUIREMENTS

	N	NE	GN	NC	D	SC	I
Home occupations	N/A						
Accessory dwellings	N/A	1 / ADU		N/A			
1 & 2 dwelling units per lot	N/A	2 / unit	1.5 / unit	1 / unit		N/A	
Over 2 dwelling units per lot	N/A	N/A	1.5 / unit	1 / unit		N/A	

- E. Off-street parking standards.
 - 1. Minimum size of parking spaces. Off-street parking spaces must meet the following requirements:
 - a. Width – nine feet min.;
 - b. Length – 20 feet min.; and
 - c. Vertical clearance – seven feet min.

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2. Minimum size of drive aisles. Parking lot drive aisles must meet the following widths:
 - a. Perpendicular parking – 20 feet min.;
 - b. Angle parking two-way traffic, 16 feet min.; and
 - c. Angle parking one-way traffic, 12 feet min.
 3. Automobile parking must be located according to [Table 71-C](#) through [Table 71-H](#).
 4. Downtown parking lots must be paved.
 5. Off-street parking in NE and GN must be used for noncommercial passenger vehicles.
 6. Off-street parking must be accessed by rear alleys or rear lanes where available.
 7. Where rear alleys or rear lanes are not available, off-street parking may be accessed from the following locations:
 - a. From secondary facades driveways should be located near the rear lot line; and
 - b. Where secondary facades are not available, parking may be accessed from the primary facade.
 8. Driveways providing access to off-street parking are limited to 10 feet in width for one-way access, and 20 feet in width for two-way access.
 9. Parking lots must be screened along front and side street lot lines by one or more of the following methods:
 - a. Buildings. A minimum of 70% of parking lot width must be screened;
 - b. A masonry wall no less than 4 feet in height; or
 - c. A metal fence with a hedge or other landscape element no less than four feet in height.
- F. Loading standards.
1. Loading facilities must be provided for commercial uses in NC, D, SC, and I districts according to the following requirements:
 - a. Location of loading facilities must comply with the setbacks according to [Table 71-C](#) through [Table 71-H](#). No loading bay for vehicles over a two ton capacity may be closer than 50 feet to a NE or GN lot unless completely enclosed by a building.
 - b. Off-street loading and refuse collection must be located and screened so it is not visible from adjacent streets, or residential uses.
 - c. Loading bays must be a minimum of 10 feet wide by 25 feet long, exclusive of the aisle and must have a vertical clearance of 14 feet.
 - d. Loading facilities may not satisfy the requirements for off-street parking.

- e. Loading bays in the NC and D districts may be located off an adjacent alley.
- 2. Required loading area. On-site loading must be provided for all buildings greater than 50,000 square feet as follows:
 - a. Loading bays are required in the amounts specified below:
 - i. 50,000 sq. ft. - 160,000 sq. ft.: 1 bay
 - ii. 160,000 sq. ft. - 320,000 sq. ft.: 2 bays
 - iii. Over 320,000 sq. ft. 1 per 180,000 sq. ft.

Sec. 71-30 Landscape standards.

- A. The spacing and placement of plants must be adequate for the typical size, shape, and habit of the plant species at maturity.
- B. Trees must meet the following clearances at maturity:
 - 1. Two feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
 - 2. Three feet from walkways, curbing, and other impervious pavements when planted in a continuous swale;
 - 3. Five feet from street lights, underground utilities, utility meters and service lines, fences, walls, and other ground level obstructions;
 - 4. Six feet from porch eaves, awnings, and similar overhead obstructions associated with the ground level of buildings;
 - 5. Eight feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings;
 - 6. Eight feet of vertical clearance above sidewalks; and
 - 7. Thirteen feet of vertical clearance above roads and parking lots.
- C. In NE, GN, and NP-M, trees must be planted within the front setback as follows:
 - 1. In NE, two understory trees must be planted, min;
 - 2. In GN and NP-M one understory tree must be planted, min.; and
 - 3. Ten shrubs may be substituted for one understory tree.
- D. Preservation of existing trees and vegetation is encouraged and may be used to fulfill the landscape requirements.
- E. Planting with spines, thorns, or needles that may present hazards are prohibited within two feet of front and side street lot lines.

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- F. Artificial plants or artificial turf are prohibited, excluding active recreation sports fields that are typically subject to intense use and soil compaction which prohibits the establishment of turf grass.
- G. Noxious or invasive plant species must be removed.
- H. Suburban commercial and industrial landscaping requirements.
 - 1. In the SC and I districts the following landscaping must be provided
 - a. 15% of the gross lot area must be landscaped. Landscaping must include:
 - i. Two shrubs for every 250 square feet of lot area,
 - ii. Two trees for every 500 square feet of lot area, and
 - iii. Ground cover, mulch, or stone must cover 100% of the required ground area.
 - b. 25% of the required landscaping must be located on lot lines abutting another zoning district.
 - c. Trees must be 1-1/2" in caliper upon installation.
- I. Suburban commercial and industrial screening requirements.
 - 1. Storage of materials, equipment, and waste areas must be screened from view of the street and the adjoining lots. All screening must comply with the following standards:
 - a. Lot line. Screening must include a six foot high opaque fence or wall, or a hedge of evergreen shrubs within 15 feet of the lot line separating uses.
 - b. All fences, walls, and hedges must be maintained in good condition.

Sec. 71-31 Fencing standards.

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

Sec. 71-32 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. Sidewalk 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 community development director 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. Roof signs;
 - 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;

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- 7. Portable signs, except sidewalk 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-M](#) and [Table 71-N](#):
 - 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. Sidewalk 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.
- G. Changeable copy.
- 1. Changeable copy may be used as part of sign listed in [Table 71-M](#) and [Table 71-N](#). Only one changeable copy sign is allowed per business.
 - 2. The changeable copy portion of a sign must not exceed 40 percent of the sign surface area of any permitted sign type.
 - 3. A sign that does not change more than 2 times per 24 hour period is not considered a changeable copy sign.

4. Electronic Message Centers (EMC). EMCs must comply with the following regulations:
 - a. All EMC signs must have automatic dimming controls, either by photocell or via software settings, in order to bring EMC lighting level at night into compliance with this section;
 - b. EMC signs located within 200 feet of a residential lot cannot be illuminated between the hours of 11pm and 6am;
 - c. In the D district, EMC is only permitted by Special Exception;
 - d. All messages must be static and displayed for a minimum of 8 seconds;
 - e. Change in an electronic message must be instantaneous without fading in, dropping in, spinning, rotating, or similar moving copy changes;
 - f. Full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC is prohibited; and
 - g. Any EMC sign that is malfunctioning must be turned off until it is functioning properly.

TABLE 71-N SIGN STANDARDS

Sign	Signs (max)	Area (max)	Copy Height (max)	N	NE	GN	NC	D	SC	I
Awning	1 sloping plane & 1 valence per awning	75% awning area	16 in. on sloping plane, 8 in. on valence				■	■	■	■
Banner	1 per event	24 sq.ft.	n/a				■	■	■	■
Blade	1 per tenant	6 sq.ft.	8 in.				■	■	■	
Canopy	1 per canopy	2 sq.ft. per linear ft.	30 in.				■	■	■	■
Marquee	1 per building	4 sq.ft. per linear ft.	30 in.					■	■	
Monument	1 per parcel	36 sq.ft.	n/a		■	■	■		■	■
Mural	1 per facade	50 ft. x 60 ft. max.	n/a				■	■	■	■
Off-premise	Not permitted	n/a	n/a							
Pole	1 per property	200 sq.ft.	30 in.						■	■
Roof	Not permitted									
Sidewalk	1 per tenant	9 sq.ft.	n/a				■	■	■	■
Sculptural	1 per tenant	12 sq.ft.	n/a				■	■	■	■
Wall	1 per tenant	3 sq.ft. per linear ft.	18 in.					■	■	■
Window	1 per window	25% of glazed area	12 in.				■	■	■	■

■ Permitted

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TABLE 71-O SPECIFIC SIGN REGULATIONS AND ILLUSTRATIONS

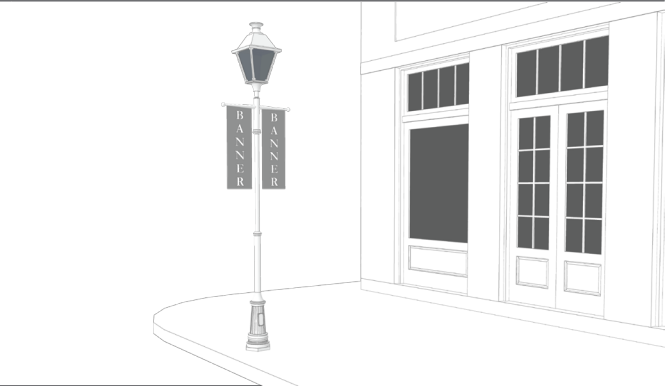
Awning

- Requirements**
1. Valence sign area must maintain 1 inch border.



Banner

- Requirements**
1. A 1 inch border must be maintained from text. Graphics are not subject to the border requirement.



Blade

- Requirements**
1. Blade signs may project up to 5 feet from the facade.
 2. Blade signs be attached to the building or hang from a surface above.



Canopy

- Requirements**
1. Canopy signs may be externally illuminated.
 2. Fixtures must be shielded to prevent glare.
 3. Conduit, raceways and wiring may not be exposed to view from the sidewalk.



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TABLE 71-O SPECIFIC SIGN REGULATIONS AND ILLUSTRATIONS

Marquee

- Requirements**
1. Marquee signs may occur parallel to the facade and are permitted only on buildings over one story in height.
 2. Bottom of the marquee must be 12 feet above the sidewalk.



Monument

- Requirements**
1. Sign must comply with setbacks for the zoning district.
 2. Monument signs must be constructed of durable materials.
 3. Sign must be attached directly to the ground by its entire base.



Mural

- Requirements**
1. Only text or graphics painted directly on the wall are permitted.



TABLE 71-O SPECIFIC SIGN REGULATIONS AND ILLUSTRATIONS

Pole

- Requirements**
1. Sign height may not exceed 20 ft.
 2. Pole may not exceed 12" in diameter.
 3. Sign panel may not exceed 12 sq. ft. in area.
 4. Sign panels may be sculptural but are limited to the size standards above.
 5. Sign must comply with setbacks for the zoning district and no portion of the sign or structure may encroach into the ROW.
 6. Signs must be constructed of durable materials.
 7. Sign panels must be externally illuminated.



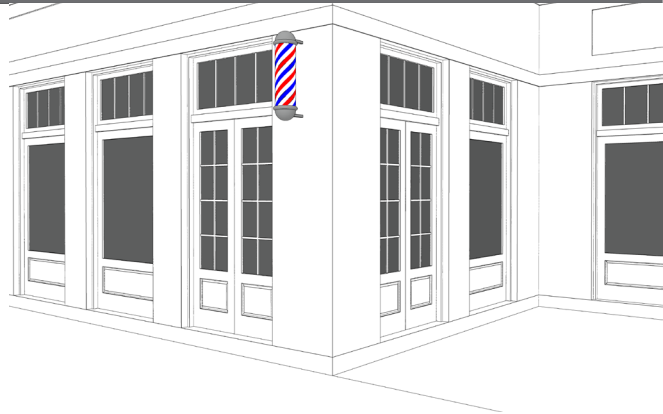
Sidewalk

- Requirements**
1. Sign height may not exceed 42 in.
 2. Sign width may not exceed 24 in.
 3. Sign may not be located within the pedestrian area of the sidewalk.



Sculptural

- Requirements**
1. Projecting signs may include painted, vinyl or extruded copy or graphics on a sculptural object.
 2. Sign may be attached to wall of a building and must include a supporting structure which is not computed as part of the allowable sign area.
 3. Bottom of sign must be a minimum of 8 feet above the sidewalk.



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TABLE 71-O SPECIFIC SIGN REGULATIONS AND ILLUSTRATIONS

Wall

- Requirements**
1. Wall signs may be externally illuminated or neon.
 2. Fixtures must be shielded to prevent glare.
 3. Conduit, raceways and wiring may not be exposed.



Window

- Requirements**
4. The following window signs are permitted: graphics or letters painted directly on the window, neon signs, hanging signs behind the glass, and vinyl applique applied to the window. Appliques must consist of individual letters or graphics with no visible background.



H. 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.

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ARTICLE V. 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.

- A. City commission.
 1. Powers and duties. In addition to any authority granted the city commission by charter, ordinance or state law, the commission has the following powers and duties under this chapter:
 - a. Amendments to text and zoning map. To review, hear, consider and approve or disapprove:
 - i. Text amendments. Petitions to amend the text of this chapter.
 - ii. Zoning map amendments. Petitions to amend the zoning map.
 - b. Initiate amendments. To initiate petitions to the text of this chapter and the zoning map.
 - c. Other. To take any other action not delegated to the planning commission, zoning board of appeals or heads of city departments, as the city commission may deem desirable and necessary to implement the provisions of this chapter.
- B. Planning commission. The planning commission establishment, organization, powers and duties are enumerated in Chapter 70 of the City of Buchanan Code of Ordinances.
- C. Community development director
 1. Powers and duties. In addition to the jurisdiction, authority and duties that may be conferred upon the community development director by other provisions of this chapter and general or special law, the community development director has the following jurisdiction, powers and duties under this chapter:
 - a. Administrative adjustments. To review, hear, consider and approve or disapprove administrative adjustments.
 - b. Temporary use permit. To review, hear, consider and approve, approve with conditions or disapprove temporary use permits.
 - c. Minor deviations. To review, hear, consider and approve, approve with conditions or disapprove minor deviations for site plans.
 - d. Interpretations. To render interpretations of all provisions of this chapter, including interpretations of the text; interpretations of the zoning map boundaries; and determinations of whether an unspecified use falls within a use classification or use group allowed in a zone district.
 - e. Enforcement. To enforce the provisions of this chapter.

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- f. Administer chapter. To establish application requirements and schedules, to review and make recommendations to the city commission, plan commission and zoning board of appeals on all applications considered by those boards, and take any other actions necessary to administer the provisions of this chapter.
- g. Provide expertise and technical assistance. To provide expertise and technical assistance to the city commission, planning commission and zoning board of appeals.

D. Zoning board of appeals.

- 1. Powers and Duties. The zoning board of appeals has the following powers and duties under this chapter:
 - a. Variances. To review, hear, consider and approve, approve with conditions or disapprove variances.
 - b. Appeals of administrative decisions. To hear, review, consider, and affirm, modify or reverse any decision or interpretation of the community development director.
- 2. Appeals. An appeal of a decision by the zoning board of appeals must be filed with the Circuit Court within 30 days after the decision in writing, or within 21 days after the board approves the minutes of the meeting.

E. Design Review Committee (DRC).

- 1. Powers and Duties. The DRC has those powers and duties established by the city commission by resolution.

Sec. 71-34 General provisions.

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

A. Authority to file applications. Applications may be submitted by the following entities:

- 1. Community development department. The authority of the community development department to file an application is limited to applications that may be required for activities or development on city-owned land.
- 2. Staff, city commission, or planning commission. The authority of the city commission or planning commission to file an application is limited to applications for text amendments or applications for zone map amendments.
- 3. Applicant is not the owner. If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application is required.
- 4. Applicant is not the sole owner. If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing the owners consenting to or joining in the application is required.

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- B. Simultaneous processing of applications. Whenever two or more forms of review and approval are required, the applications for those approvals may be processed simultaneously.
- C. Fees.
1. Determination of fees. The city commission will determine the fees to accompany all applications submitted under this chapter.
 2. Fees to be paid. No application can be processed until the established fee has been paid.
- D. Determination of Sufficiency.
1. Determination of sufficiency. Within seven days following receipt of the application, the community development director will determine if the application is complete.
 2. Determined insufficient. If the community development director determines the application is not sufficient, a notice will be provided to the applicant specifying the deficiencies. If the applicant fails to correct the deficiencies within 60 days, the application will be considered withdrawn.
- E. Scheduling of public hearing. When an application for development approval is subject to a public hearing, the community development director will ensure that the public hearing is scheduled by the decision-making body reviewing the application.
- F. Public Notification. All applications for development approval requiring public hearings must comply with the Michigan Statutes, [Table 71-O](#), and the other provisions of this section.
1. Content. All notices for public hearings must:
 - a. Identify the application. Identify the application and the name, address, and telephone number of the applicant or the applicant's agent.
 - b. Date, time, and place of public hearing. Indicate the date, time and place of the public hearing.
 - c. Location. Describe the land involved by street address or by legal description and nearest cross street, and area (size).
 - d. Describe nature and scope of application. Describe the nature, scope, and purpose of the application.
 - e. Notify the public where they may be heard. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application.
 - f. Written comments. Include a statement describing where written comments will be received prior to the public hearing.
 2. Published notice. When the provisions of this chapter require that notice be published, the applicant is responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation that has been selected by the city.

3. Written notice.

- a. General. When this chapter requires that written notice be provided, the applicant is responsible for preparing and mailing the written notice. Notice will be mailed to:
 - i. All property owners and occupants of the land subject to the application.
 - ii. All property owners, and occupants of structures within 300 feet of the boundary of the land subject to the application.
 - iii. All neighborhood organizations, public utility companies, railroads, and other persons who have requested to receive notice by mail.
 - iv. For appeals of administrative decisions or requests seeking an interpretation of this chapter not involving a specific parcel of property, notice under [Sec. 71-34 F 2](#) is sufficient.
 - v. Failure to give proper notice does not invalidate a proceeding unless mandated by state law.
- b. Notice by mail. Notice will be deemed given when deposited during normal business hours for delivery with the United States postal service or other private or public delivery service as first class or similar mail.

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

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

H. Registration to receive notice by mail.

- 1. General. Any neighborhood organization, public utility company, railroad or any other person may register with the city clerk to receive written notice of all applications for development approval.

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- 2. Requirements for eligibility. To be eligible for registration, the requesting party must provide the city clerk information in the form required to ensure notification can be made.
- I. Deferral of review of application.
 - 1. Submission of request. An applicant may request that consideration of an application at a public hearing be deferred by submitting a written request for deferral to the community development director.
 - 2. Community development director review. The community development director will consider deferral requests of less than 30 days, and grant the requests for good cause.
 - 3. Decision-making or advisory body review. The decision-making or advisory body reviewing the application will consider deferral requests of more than 30 days, or beyond the next regularly scheduled meeting of such body, and will grant the requests for good cause.
- J. Withdrawal of application.
 - 1. Submission of application. Any request for withdrawal of an application will be submitted in writing to the community development director.
 - 2. Prior to notice of public hearing. The community development director will approve a request for withdrawal of an application if it has been submitted prior to the time of a public hearing or decision on the application.
- K. Review of applications by decision-making bodies.
 - 1. Text amendments and zoning map amendments.
 - a. Review and recommendation by planning commission. After submission of an application for a text amendment or zoning map amendment, the planning commission will conduct a public hearing on the application. After the close of the public hearing, the planning commission will make a recommendation to the city commission recommending either to approve, approve with conditions, or disapprove the application.
 - b. Review and action by city commission.
 - i. After receipt of the recommendation from the planning commission, the city commission will conduct a public hearing on the application. After the close of the public hearing, the city commission will approve, approve with conditions, or disapprove the application based on the relevant review standards.
 - ii. If a valid protest petition is filed against a proposed amendment to the zoning map according to MCLA § 125.584(5), as amended, the approval request will not be approved except by a favorable vote of two-thirds of the city commission membership.
 - c. Notice of adoption. Notice of the adoption of an amendment to the text of this chapter or the zoning map will be published in a newspaper of general circulation within 15 days after the date of adoption according to MCLA § 125.584(7), as amended.

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- 2. Special use permit. After submission of an application for a special use permit, the planning commission will conduct a public hearing on the application. After the close of the public hearing, the planning commission will either approve, approve with conditions, or disapprove the application based on the relevant review standards.
- 3. Variance. After submission of an application for a variance, the zoning board of appeals will conduct a public hearing on the application. After the close of the public hearing, the zoning board of appeals will either approve, approve with conditions, or disapprove the application based on the relevant review standards.
- L. Notification of decision. Notification of a decision on an application will be provided by the community development director to the applicant within 14 days after the decision. A copy of the decision will also be made available to the public at the offices of the community development director, during normal business hours.

Sec. 71-35 Public hearing procedures.

All public hearings must comply with the following procedures.

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

Sec. 71-36 Specific standards for PUD approval.

- A. Procedures. Applicants may submit an application for approval of the Planned Unit Development (PUD) at either the preliminary PUD development plan stage or the final PUD development plan stage.

1. Pre-application conference. Before applying for a PUD, an applicant confers with the plan commission to obtain information and guidance before entering binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.
2. Preliminary development plan. The application begins with payment of the fee and submission of a completed application with a preliminary PUD development plan prepared according to the following:
 - a. A preliminary PUD development plan must demonstrate the relationship of the PUD to adjoining areas. The maps may be in general schematic form containing the following information:
 - i. Existing topography with contours shown at five foot intervals, minimum;
 - ii. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
 - iii. The character, type, and number of dwelling units or other principal and accessory buildings proposed;
 - iv. The approximate location of major arterial and collector streets and provision for parking vehicles;
 - v. The locations of all public uses, including schools, parks, playgrounds, common open spaces, etc.;
 - vi. the approximate location of existing utility systems; and
 - vii. any other information, maps, and plans the plan commission may request.
 - b. A complete “Application for Planned Unit Development” on a form provided by the City.
 - c. A complete “Petition for Rezoning” form.
- B. Approval of preliminary PUD development plan. Procedures for the approval of a preliminary PUD development plan are:
 1. Rezoning public hearing. After a submission is deemed complete the Plan Commission will schedule a public hearing with private property and public notice as required by [Table 71-O](#) and [Sec. 71-35](#).
 2. Rezoning approval. The plan commission will submit a recommendation for the approval or denial of the rezoning to the city commission. The recommendation may be:
 - a. approved as submitted;
 - b. granted tentative approval subject to specific conditions not included in the PUD Development Plan as submitted; or
 - c. denied approval.

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- 3. Form of Action. The recommendation of the plan commission will be in the form of a written statement and include findings of fact and other factual findings which describe the reasons for the approval or denial of the applicants request
- C. Status of PUD after preliminary development plan approval. Procedures for the notification of the applicant and status of the approval are as follows:
 - 1. Notification of Applicant. Within five days after the approval of the rezoning and approval of the preliminary PUD development plan by the plan commission, notice of approval will be mailed via first class postage to the applicant by the city clerk or zoning administrator.
 - 2. Status of preliminary PUD development plan. Approval does not qualify as a land division act plat or condominium act plat for the purposes of recording with the Berrien County Register of Deeds.
 - a. A PUD development plan which has been given tentative approval as submitted or which has been given tentative approval subject to conditions that the applicant has agreed, will not be modified or revoked by action of the City pending an application for final approval without the consent of the applicant; provided an application for final approval is filed, or in the case of staged development, provided applications are filed within the time or times specified in the action granting approval or tentative approval.
 - 3. Abandonment of preliminary PUD development plan. If a preliminary PUD development plan is given tentative approval, but prior to final approval, the applicant chooses to abandon the preliminary PUD development plan or fails to submit an application for final approval within the required time period, the approval or tentative approval is revoked, and the action will be noted in the record of the city clerk. Upon abandonment, the plan commission may consider recommending rezoning of the subject property from PUD to its prior zoning district classification.
- D. Approval of final PUD development plan. Procedures for the final approval of a PUD development plan are:
 - 1. Submission deadline and extension. Not more than six months after the preliminary PUD development plan approval, the applicant must file a final PUD development plan. The plan commission may extend the period for filing the final PUD development plan up to six months for good cause.
 - 2. Final PUD development plan contents. The final PUD development plan must include:
 - a. a plat in conformance with the State of Michigan Land Division Act, P.A. 87 of 1997, as amended (formally Subdivision Control Act) or the Condominium Act. P.A. 58 of 1978, as amended, signed and sealed by a State of Michigan registered surveyor;
 - b. water and sewer system engineering drawings with accompanying State of Michigan Department of Public Health or State of Michigan Department of Environmental Quality system extension permits signed and sealed by a State of Michigan licensed professional civil engineer;
 - c. a storm water drainage system plan specifications for all streets in conformance with the City of Buchanan development standards, prepared, signed and sealed by a State of Michigan ILicensed professional civil engineer; and

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- d. other maps and/or drawings as deemed necessary by the plan commission to render a decision concerning the approval of a final PUD development plan.
- 3. Optional public hearing. The plan commission may give notice and provide an opportunity for the public to comment on the proposed final PUD development plan.
- 4. Approval of final PUD development plan. The plan commission will approve the final PUD development plan if it is in substantial compliance with the preliminary PUD development plan and contains the information required by this subsection.
- 5. Application of conditions and restrictions. Prior to the approval, the plan commission may recommend the adoption of covenants, conditions, and restrictions for the PUD as necessary for the purposes of the public interest and to secure compliance with the criteria specified in this chapter.
- 6. Status of final approval of PUD development plan. After approval, the use of land and the construction, modification or alteration of any building or structures within the PUD will be governed by the approved final PUD development plan rather than by any other provision of this chapter.
- 7. Minor changes. Any minor extensions, alternations, or modifications of existing buildings or structures may be authorized by the plan commission if they are consistent with the purposes and intent of the final PUD development plan.
- 8. Major changes. Any major change, as determined by the Plan Commission, requires an amendment to the final PUD development plan according to the approval process for both the preliminary and final PUD development plan approval.
- 9. Abandonment of PUD approval. If construction does not begin on an approved PUD within one year after the date of final approval, or after a one year extension by the plan Commission, or upon written notification by the applicant that the proposed PUD will not be constructed, the plan commission may rescind the final PUD development plan approval and take rezone the property back to its original zoning district classification.

Sec. 71-37 Specific standards for development approval.

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

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TABLE 71-Q DEVELOPMENT REVIEW PROCEDURES

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

Key

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

B. Amendments to text or zoning map.

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

- e. Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.
- C. Special use permit.
1. Purpose. Special uses are uses that may have a greater propensity to adversely affect surrounding uses and require special review of their location, design, configuration, and intensity to ensure compatibility, public facility adequacy, natural resource protection, and the public health, safety and welfare of the residents of the city.
 2. Authorization.
 - a. General. The planning commission will review, consider and approve, approve with conditions or disapprove special use permits.
 - b. Uses authorized. Only those uses authorized as special uses in [Table 71-J](#), may be approved as special uses. The designation of a special use in [Table 71-J](#), does not constitute an authorization that the use will be approved.
 3. Standards. The planning commission will approve a special use permit if it finds all of the following are met:
 - a. Compatibility. The proposed special use is appropriate for its proposed location and compatible with the surrounding land uses.
 - b. Location and design. The location and design of the proposed special use minimizes adverse effects, including visual impact of the proposed use on adjacent lands by:
 - i. Avoiding significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance;
 - ii. Retaining, to the greatest extent possible, the natural features of the landscape where they provide a barrier or buffer between the proposed special use and adjoining lands;
 - iii. Locating buildings, structures, and entry ways to minimize impact; and
 - iv. Providing appropriate screening, fencing, landscaping, and setbacks.
 - c. Minimizes environmental impact. The proposed special use minimizes environmental impacts, and conforms to all relevant environmental protection standards of this chapter, or any other state or federal laws.
 - d. Road ingress and egress. The proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.
 - e. Impact on other public facilities. There are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use.
 - f. Other standards of this chapter. The proposed special use complies with all applicable provisions of this chapter.

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- 4. Conditions of approval. The planning commission may impose conditions on approval of the proposed use as it determines are required to prevent or minimize adverse effects from the proposed use and development on surrounding lands.
- 5. Recording. The planning commission may require the applicant to record the special use permit with the County Register of Deeds. The special use permit is binding upon the landowners, their successors and assigns.
- 6. Expiration. Unless otherwise specified in the special use permit, an application for a construction permit must be applied for and approved within two years of the date of the approval of the special use permit or the special use permit is invalid. Permitted time frames do not change with successive owners.
- 7. Extension. Upon written request, one extension of one year may be granted by the planning commission for good cause.

D. Variances

- 1. Purpose
 - a. General. There are two types of variances allowed under the terms of this chapter: dimensional variances and use variances.
 - b. Dimensional variances. Dimensional variances are deviations from the height, setback, yard, lot coverage, parking, landscaping and signage standards of this chapter, when special conditions make the literal enforcement of the provisions of this Ordinance result in peculiar difficulties to the owners of the land, and the deviation would not be contrary to the public interest.
 - c. Use variances. Use variances are variations from the schedule of permitted uses in a zone district when unnecessary hardship uniquely associated with the property, this chapter unreasonably restricts the property owner’s access to permitted uses.
- 2. Authority. The zoning board of appeals is authorized to review and approve, approve with conditions or disapprove an application for a variance.
- 3. Standards.
 - a. Dimensional variance. The zoning board of appeals will approve a dimensional variance on finding there is evidence that all of the following standards are met:
 - i. There are special circumstances that are peculiar to the property for which the variance is sought, that is not applicable to other land in the same zone district.
 - ii. The special circumstances are not the result of the actions of the applicant or titleholder of the land.
 - iii. The literal interpretation of the terms and provisions of this chapter would deprive the applicant of rights commonly enjoyed by other land in the same zone district.
 - iv. The variance will not adversely affect adjacent land in a material way.
 - v. The variance is generally consistent with the purposes and intent of this chapter.

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- b. Use variance. The zoning board of appeals will approve a use variance on a finding there is evidence that all of the following standards are met:
 - i. The literal interpretation of the terms and provisions of this chapter would deprive the applicant from using the property for a permitted use which is a right commonly enjoyed by other land in the same zone district.
 - ii. There is unnecessary hardship based on special circumstances that are peculiar to the property for which the variance is sought that is not applicable to other land or structures in the same zone district.
 - iii. The special circumstances are not the result of the actions of the applicant.
 - iv. The variance will not adversely affect adjacent land in a material way.
 - v. The variance will be generally consistent with the purposes and intent of this chapter.
 - c. Conditions of approval. The zoning board of appeals may impose conditions on the proposed use as necessary to ensure compliance with the standards in this section.
 - d. Recording. The zoning board of appeals may require the applicant to record the variance with the County Register of Deeds. The variance is binding upon the landowners, their successors and assigns.
 - e. Expiration. Unless specified in the variance, an application for a construction permit must be applied for and approved within one year of the date of the approval of the variance, otherwise the variance becomes invalid. Permitted time frames do not change with successive owners.
 - f. Extension. Upon written request, one extension of six months may be granted by the zoning board of appeals for good cause.
- E. Appeals of administrative decisions.
- 1. Authorization. Any person affected by any decision made by the community development director may appeal the decision to the zoning board of appeals.
 - 2. Procedure.
 - a. Initiation of appeal. An appeal must be initiated by filing within 30 days of the date of the decision.
 - b. Contents of appeal. The written appeal of the administrative decision must include a statement of the error, the date of that decision, and all materials related to the decision. A nonrefundable filing fee as set by resolution of the city commission must also be submitted.
 - c. Scheduling of notice and hearing. The community development director will schedule a hearing at the next regularly scheduled zoning board of appeals meeting.

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- d. Action by zoning board of appeals. At the hearing on the appeal, the appellant must state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The community development director will be given an opportunity to respond. After the conclusion of the hearing, the zoning board of appeals will affirm, partly affirm, modify, or reverse the decision.
- 3. Standards. A decision will not be reversed or modified unless there is substantial evidence in the record that the decision fails to comply with either the procedural or substantive requirements of this chapter, state law, or the federal or state constitutions.
- 4. Conditions. The zoning board of appeals may impose conditions upon an affirmative decision to ensure the requirements and purposes of this chapter are followed.
- F. Administrative adjustments.
 - 1. General. This section sets out the procedures and standards for administrative adjustments, which are modifications of 10% or less of any numeric dimensional standard of this chapter.
 - 2. Procedure.
 - a. Action by community development director. Within 30 days after the application is determined sufficient, the community development director will review the application and approve, approve with conditions, or disapprove the administrative adjustment.
 - 3. Standards. The community development director may approve an administrative adjustment upon a finding that all of the following standards are met:
 - a. General. The requested adjustment eliminates an unnecessary inconvenience to the applicant, is consistent with the character of development in the surrounding area and will not result in incompatible land uses;
 - b. Mitigates adverse impacts. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible; and
 - c. Technical nature. The administrative adjustment is of a technical nature and is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general.
 - 4. Conditions of approval. The community development director may impose restrictions and conditions on an approval as determined to ensure compliance with the general goals, objectives, and policies of this chapter.
- G. Site plans.
 - 1. Applicability. Unless exempted according to §2 below, prior to the development of any structure, any change of an existing use of land, the expansion or conversion of any use or structure, or any other development activity, a site plan must be approved according to this section.
 - 2. Exemptions. The following are exempted from the requirements of this section:
 - a. One- or two-family dwelling. The development or expansion of a one-family or two-family dwelling unit.

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- b. Internal construction. The internal construction or change in the floor area of a structure that does not increase gross floor area on a site that meets all development and site design standards of this Ordinance.
 - c. Site clearing within an area less than 1/2 acre. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area of less than 1/2 acre in size.
 - d. Temporary uses. Temporary uses.
 - e. Minor development or expansion. Expansion or new structures up to and including 250 square feet in area.
3. Overview. Development for which a site plan is required is subject to one of two processes: sketch plan review or full site plan review.
- a. Sketch plan review. Sketch plan review is required for smaller sized development and development with less impact. It requires review and approval, approval with conditions or disapproval by the community development director.
 - b. Full site plan review. Full site plan review is required of larger sized development, and development with potentially greater impacts. It requires review and approval, approval with conditions or disapproval of a preliminary site plan and then a final site plan by the community development director. The applicant may consolidate review of the preliminary site plan and final site plan. The preliminary site plan presents the proposed development concept with sufficient information to enable staff to determine if the concept complies with this chapter. The final site plan requires submission of detailed information about the proposed development with exact dimensions, representing a firm commitment about development of the site.
4. Thresholds for plan review. The thresholds for which type of development is subject to sketch plan review or full site plan review are shown in [Table 71-Q](#).

TABLE 71-R PLAN REVIEW THRESHOLDS		
Development	Required Review	
	Sketch Plan	Full Site Plan
New residential development		
Residential development, unless exempted		■
Residential care facilities (state licensed) that are permitted uses	■	
Residential care facilities (state licensed) that require special use permit		■
New non-residential or mixed-use development		
Construction of new building or structure		■
Development requiring special use permit		■
Erection of communication antenna on existing facility	■	
Erection of communication structure or towers		■
Public service buildings and storage areas		■

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TABLE 71-R PLAN REVIEW THRESHOLDS		
Development	Required Review	
	Sketch Plan	Full Site Plan
Expansion		
An increase in the floor area up to 1,500 square feet or 10% of the existing floor area, whichever is less	■	
An increase in the building floor area greater than that specified above		■
An increase in parking or loading area over 10% or 6,000 square feet of pavement area, whichever is less	■	
Other types of development		
A change in elevation of a downtown building		■
Architectural changes to a multiple-family residential structure (more than three units) or a nonresidential structure (only an elevation plan describing changes and construction materials is required if no changes to the use of the site are proposed)	■	
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees of one-half acre or more	■	
Home occupations	■	

5. Procedure. The planning commission is responsible for approval of all site plans. However the planning commission will delegate authority to approve site plans to the community development director, or to the design review committee for downtown lots.
 - a. Sketch plan review. Sketch plan review will follow the following procedure:
 - i. Initial review. The community development director will review the application and prepare a written staff report on whether the application complies with this chapter.
 - ii. Plan does not comply. If the staff report identifies changes that need to be made to the sketch plan to ensure it complies with this chapter, the applicant must submit a modified sketch plan addressing the required changes.
 - iii. Action after resubmittal. The community development director will review the sketch plan after its resubmittal, and approve, approve with conditions or disapprove the application. If the sketch plan is not resubmitted within 60 days of the date of the staff report, the application will be considered withdrawn.
 - b. Full Site Plan Review. A preliminary site plan review is optional at the discretion of the applicant.
 - i. The preliminary site plan review follows the requirements of §a above.
 - ii. The procedure for the review of a final site plan is the same as the procedure for a preliminary site plan. The final site plan must be in substantial conformance with the preliminary site plan.
6. Standards. A site plan will be approved upon a finding that:
 - a. Uses. The uses in the site plan comply with [Table 71-J](#).

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- b. Downtown design standards. The development proposed in a site plan located within downtown conforms to all applicable design and development standards.
 - c. Preservation of historic resources. The site plan must preserve and protect historic resources to the greatest extent reasonable, and the site plan meets all federal, state, and local regulations pertaining to historic resources.
 - d. Open space. Open space is distributed and conveniently located physically with respect to the overall development, will be accessible to all residents of the development and is located to meet the needs of the residents or occupants.
 - e. Preservation of natural features. The site plan must preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns.
 - f. Landscaping and screening. Proposed landscaping complies with the standards of [Sec. 71-30](#), and all other applicable landscaping and screening requirements of the city. The amount, type, and minimum size of landscaping must be identified in a plant list with appropriate labeling on the landscaping plan.
 - g. Stormwater management. Stormwater management is consistent with all federal, state and city regulations. The development will not substantially reduce the natural retention storage capacity of any watercourse, increase the potential for flooding, or increase the stormwater runoff from the site.
 - h. Traffic impacts. The site plan is designed so the location and design of driveways are safe in relation to streets giving access to the site and in relation to pedestrian traffic.
 - i. Parking and loading spaces. The number and dimensions of off-street parking and loading/unloading spaces, and the design of parking and loading areas, comply with the requirements of [Sec. 71-29](#).
 - j. Signs. Signage proposed in the site plan complies with [Sec. 71-32](#).
 - k. Utilities. The site plan provides adequate utility services. All new utility distribution lines (public or private) must be placed underground, when feasible. Proposed utilities must be approved by the city engineer.
 - l. Site development standards. The development proposed in the site plan and its general layout and design comply with all appropriate standards in [Article IV. Zoning Standards](#).
7. Conditions of Approval. The community development director may impose conditions on the approval as determined to ensure compliance with the standards of this section.
 8. Engineering plans. Subsequent to sketch plan or final site plan approval, and before any construction proceeds, complete engineering plans and specifications for construction of storm sewers and drains, sanitary sewers, water mains, driveways, roads and parking area improvements, all conforming to city standards, must be submitted for review and approval by the city.
 9. Modification of plan during construction. It is the responsibility of the applicant to notify the city if changes to the sketch plan or final site plan are made during construction. They

are subject to review and approval, approval with conditions or disapproval by the community development director.

H. Sign permit.

1. Procedure

- a. Action. After the application is determined sufficient, the community development director will review the application and determine if the application complies with the standards in [Sec. 71-32](#).
- b. Approval. If the community development director finds that the application complies, the community development director will approve the sign permit.
- c. Fails to Comply.
 - i. If the community development director 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. 71-32](#).
 - ii. If the application is not resubmitted within 30 days, the application will be considered withdrawn.

I. Temporary use permit.

- 1. Applicability. The provisions of this section shall apply to all proposed temporary uses identified in [Table 71-J](#), unless otherwise exempted.
- 2. Procedure.
 - a. Action. Within 10 days after the application is determined sufficient, the community development director will review the application and approve, approve with conditions or disapprove the application for temporary use permit based on the relevant standards.
 - b. Permit Issued. All approved applications will be issued a temporary use permit authorizing the establishment of the approved temporary use.

J. Right-of-way use permit.

- 1. Applicability. The provisions of this section shall apply to all proposed temporary uses identified in [Sec. 71-20 F 3](#).
- 2. Procedure.
 - a. Action. Within 10 days after the application is determined sufficient, the community development director will review the application and approve, approve with conditions or disapprove the application for temporary use permit based on the relevant standards.
 - b. Permit Issued. All approved applications will be issued a right-of-way use permit authorizing the establishment of the approved use.

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K. Approval of Zoning Compliance.

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

L. Interpretations

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

