

Memorandum



Date: February 4, 2026

To: Planning Commission Members

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Discussion #2 - Unified Development Code – Signs**

Background

During the January 13th meeting, the Commission heard concerns regarding regulations found in Section 71-30 Sign standards as found in the Unified Development Ordinance that became effective on December 12, 2025. The Planning Commission directed staff to begin drafting changes to the document for review at a future meeting.

Update

Attached is the first draft of changes to Section 71-30. While working on the project, Unified Development Ordinances from the city of Holland and village of Bridgeman were reviewed along with the previous Sign Ordinance from Buchanan. Staff also reviewed the cities of Benton Harbor and New Buffalo ordinances as they both adopted new zoning ordinances in 2025 which include sign regulations.

Please disregard formatting. Once a final draft document is completed, proper formatting will take place along with review by the city attorney before a final recommendation is taken by the planning commission. In cases where there is a list of items, information will be provided in alphabetical order when appropriate.

New language added is shown in yellow highlight and underline with ~~deleted language being stricken~~. Following is summary in order of draft changes made:

- Purpose statement – language added
- Compliance - language added
- Exclusions - language added
- No vested rights – language added
- Substitution - language added
- Permits required – expanded the language
- Signs exempt from permits – modified and expanded the language
- Permitted signs and restrictions – modified #5 regarding illumination and added 1) Electronic message center #7; sign area measurement #8 and 2) sign height measurement #9

Article IV Administration and process

Please note a larger portion of the current language from this Article is included in the draft document to help provide context. Where language has been removed, the section names have been provided.

- Section 71-33.B Planning Commission – added reference to sign modifications
- Section 71-34.G/Table 71-U – Timing of notice added “Sign modification”
- Section 71-34.K Review of applications by decision-making bodies – added Sign Modifications
- Section 71.36.A/Table 71-V Specific standards – modified Sign permit making PC being appellate body rather than ZBA
- Section 71-36.I Sign permit – modified and expanded language included for PC to review and approve sign modifications. Established process, requests that can be made and factors for granting modification.

Article V Definitions

- Modified: awning or canopy; free-standing; mural; off-premises sign and reader board
- Added: banner; donor; electronic message center; expressive sign; Historical marker; on-site informational; roof; sandwich board

Future action

- Removal
- Non-conforming
- Prohibited signs
- Permitted signs and restrictions
 - Expand illumination and include reader board
 - Add minimum setback or distances for monument and pole sign
- Table 71-T
 - Remove reference to signage that is exempt from permits – regulations moved to Exempt signs
 - Need to determine maximum number of permanent wall signage – awning/canopy/hanging/marquee/projecting/wall
 - Need to determine maximum overall height for monument and pole signs
 - Need to determine maximum square footage allowances for monument/pole signs
 - Allow signage in N and NE districts for non-residential uses (i.e., religious institutions or multiple family developments)
- Maintenance and liability – review and likely move “removal” to this section

Next Steps

Review the draft changes and direct staff to make changes. Discuss total number of permanent wall type signs, overall height for free-standing signs.

DRAFT 1 – 02102026 PC MEETING DISCUSSION

Sec. 71-30 Sign standards

A. Purpose

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. Signage regulated is located on private property and does not include directional, emergency, or traffic related signs owned or required by city, county, state or federal governmental agencies. The regulations are designed to protect the interest of public health, safety and welfare while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse and otherwise communicate information.

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

~~(A) These regulations do not restrict the content of signs.~~

B. Compliance and applicability of other regulations

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

C. Exclusions.

Government signs are not regulated by this section.

D. No vested rights.

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

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

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

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

A. ~~(b)~~ Permits required.

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

B. ~~(b)~~ Signs exempt from permits.

All signs with the exception of the following require a sign permit: The following signs may be installed or erected without a permit:

1. A-frame ground sign; changed name to sandwich board
2. Small signs. Any sign that does not exceed four square feet in area; referenced as nameplate
3. Window signs; moved and expanded
4. Official sign. Notices required by law, signs erected by a governmental agency or public utility; reworked
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.
6. Donor signs up to two square feet in size.
7. Historic markers placed under the authority of the local, state, or federal government and not exceeding two square feet in size.
8. Home occupation sign, not to exceed 3 square feet and nonilluminated (from section 71-23.A.5)
9. Nameplate or plaques up to 2 square feet in size, bearing the name of the building occupant, one per occupant.
10. Official legal notice.
11. On-site informational signs.
12. Sandwich Board signs under the following: (likely will be moved to a different area)
 - a. One board per business;
 - b. Maximum height of 4 feet (no requirement now);
 - c. Maximum square footage of 9 8 square feet (reduced to 8 sf);
 - d. Maximum width 24" or 30" **NEED TO DECIDE** ;
 - e. Displayed outside during business hours and stored inside when the business is closed;
 - f. Shall not have moving parts or attachments, including but not limited to, balloons, pinwheels, streamers, pennants, flags, or similar adornments;
 - g. Shall not be illuminated or have sound amplification;
 - h. Shall be constructed of wood, metal, or other similarly durable material and shall have adequate support to prevent tipping or movement of the sign and shall not present a tripping hazard to pedestrians.
 - i. Must be placed to allow unobstructed ADA compliant route to business and surround areas;
 - j. Located on private property or the necessary license received for use public property in the D Downtown district.
13. Signs located on or within a building, in compliance with MCL125.3205d, that commemorate any of the following:
 - a. Any of the following how die in the line of duty: police officers, firefighters, medical first responders, members of the United States Armed Forces or correction officers;
 - b. Veterans of the United States Armed Forces.
14. Temporary signs which allow for the freedom of expression or promotion of temporary events while minimizing clutter, visual distractions, obstructions, and nuisances when meeting the following: (likely will be moved to a different area)
 - a. General regulations:
 - i. Shall not be illuminated;

- ii. Shall not have supports or borders wider than two inches on any side; and
 - iii. Shall be removed no more than seven days after an event concludes if the sign is associated with a particular commercial event.
- b. Signs placed on a lot where the primary use is a single-family or two-family residential use
 - i. The maximum overall sign height is four feet.
 - ii. The maximum sign area is six square feet.
 - iv. The maximum total area of all temporary signs displayed concurrently on one lot is 24 square feet.
- c. Signs placed on parcels where the use is not a single-family or two-family residential use
 - i. The maximum overall height is eight feet.
 - ii. the maximum total area of all temporary signs displayed concurrently on one parcel is 32 square feet.
- 15. Window signs when applied to the interior or exterior of the window or door glass does not exceed 25% of the glass area. Windows that are immediately adjacent, on the same wall face of the same building, maybe averaged together. (25% per existing code)

D. Removal. The zoning administrator or their designee is authorized to remove any sign deemed to be unsafe or a hazard to the public. The cost of the removal will be billed to the property owner.

E. 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.

F. Prohibited signs. Signs with the following features are prohibited:

1. Off-premise signs, including snipe or bandit signs and vehicular signs;
2. Signs located within the clear sight triangle according to [Figure 71-B Clear site lines](#);
3. ~~Signs extended above the parapet or eave of a roof;~~ [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;
7. Portable signs, except ~~a frame ground signs~~ [sandwich boards](#) and

8. Any unsafe sign.

G. Permitted signs and restrictions.

1. Permitted sign types are limited by district and the following restrictions according to [Table 71-T](#):
 - a. The number of signs per type;
 - b. The area of signs; and
 - c. ~~The height of sign copy.~~
2. All signs must be a minimum of eight feet clear over sidewalks and vehicular areas.
3. No sign may be placed in or over a public right-of-way with the exception of the following:
 - a. A-Frame signs are permitted on a public sidewalk during hours the associated business is open, but must maintain a five foot clear path for pedestrian travel;
 - b. Awning and/or canopy signs;
 - c. Hanging signs;
 - d. Marquee signs; and
 - e. Projecting signs.
4. All signs may be double-sided by right, if the configuration of the sign permits. Only the larger side contributes to the calculation of sign area.

5. Illumination

~~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. – existing language modified question NE and GN because of religious institutions located in these districts.~~

- a. Any permanent wall or free-standing sign may be internally or externally illuminated.
- b. If externally illuminated, the source of the light ~~must be enclosed~~ shall be located, shielded and directed to prevent the source of light from shining directly onto traffic any public right-of-way or a residential property.
- c. Uniform lighting shall be used throughout a sign to create a uniform appearance rather than creating some areas that appear brighter than others.
- d. Signs shall not be illuminated between the hours of 11:00 pm and 6:00 am, except that a business open after 11:00 pm or before 6:00 am may have illumination during business hours. ~~old code C-1 neighborhood district only – “shall be lit only during actual hours of business operation”~~

- e. **Illumination may be by means of exposed neon or LED strip lighting. TO BE DISCUSSED**
- 6. All signs must comply with the building and electrical codes of the City of Buchanan. Underground wiring is required for all illuminated signs.
- 7. **Changeable message centers/boards/reader boards**
 - a. **In addition to other regulations contained in this section, the following provisions shall apply to changeable message boards, where allowed:**
 - i. **One changeable message board is permitted per business; however, no more than one changeable message board is permitted per lot.**
 - ii. **Changeable message boards shall only advertise on-site products or services or non-commercial public information such as time/temperature, safety alters, and community/civic events.**
 - iii. **Changeable message boards are permitted only on free-standing signs and shall not be attached to the exterior wall of a building.**
 - iv. **Changeable message boards shall be integrated into a free-standing sign in order to create a cohesive, single-looking sign and shall not occupy more than 6 square feet of the total sign face on each side. (6 sf allowance comes from Table 71-T) may want to consider % of sign face **TO BE DISCUSSED****
 - v. **With the exception of wall mounted signage located in the D Downtown district, Illumination shall not exceed 0.0 foot-candles at any lot lines that are adjacent to or across a right-of-way from a residential use. In all other cases, the illumination shall not exceed 0.5 foot-candles at the lot line.**
 - vi. **Changeable message boards shall not be illuminated between the hours of 11:00 pm and 6:00 am, except that a business open after 11:00 pm or before 6:00 am may have the changeable message board illuminated during business hours.**
 - b. **Electronic message centers (EMC) must comply with the following additional regulations:**
 - i. **An EMC shall not be used or displayed in a way that presents multiple screens within a single sign face, whether simulated or actual.**
 - ii. **Transition from one message to another shall be instantaneous, without movement or other transition effects between messages.**
 - iii. **Messages must remain on display for no less than seven seconds. Scrolling and flashing display messages is prohibited.**
 - iv. **Illumination shall not exceed 0.0 foot-candles at any lot lines that are adjacent to or across a right-of-way from a residential use. In all other cases, the illumination shall not exceed 0.5 foot-candles at the lot line.**
 - v. **Any new EMC must be equipped with both a programmable dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day. Such programming and mechanical equipment shall be set so that the electronic sign, from dusk to dawn or in overcast conditions, will be no more than 40% of the daytime brightness level. Manufacturers' information must be submitted with the sign permit application.**
 - vi. **A copy of the manufacturer's operating manual for the EMC, including any recommended standards for brightness, display operations and any computer interfaced programs, must be available for immediate access at the business location where it is operating and must be**

provided to the zoning administrator upon request.

c. Electronic vehicle fuel station signs displaying fuel prices must comply with the following:

- i. A maximum of three fuel products may be displayed per sign face, limited to fuel product pricing only.
- ii. The maximum electronic message area is 12 square feet or five square feet per fuel product displayed.

8. Sign area measurement (old code)

- a. The area of a sign shall be measured as the area within a single, continuous perimeter composed of either the smallest square, or rectangle, or circle which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Reader boards shall be included in the sign measurement. (old code)
- b. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face. (old code)

9. Sign height measurement (partial old code)

- a. The height of a sign shall be measured as the vertical distance from the highest point to grade of the top of the curb or the center of the street immediately adjacent to the sign or parking lot surface whichever is greater.
- b. Unless otherwise provided in this section, the height of a sign is measured from the existing average finished grade level of the premises where the sign is located to the highest point of the sign structure. Freestanding signs located in raised planter boxes shall have the height measured from the existing average finished grade outside the planter box. The ground beneath a sign shall not be raised to artificially raise the height of a sign.

TABLE 71-T SIGN STANDARDS

Sign	Signs (max)	Area (max)	Copy Height (max)	N	NE	GN	NC	D	SC	I
A-Frame	1 per tenant	9 sq. ft.	n/a				■	■	■	■
Awning	1 sloping plane & 1 valance per awning	75% awning area	16 in. on sloping plane, 8 in. on valance				■	■	■	■
Banner	1 per event	76 sq. ft.	n/a				■	■	■	■
Canopy	1 per canopy	2 sq. ft. per linear ft.	30 in.				■	■	■	■
Hanging	1 per tenant	6 sq. ft.	n/a				■	■	■	
Marquee	1 per entry	4 sq. ft. per linear ft.	30 in.					■	■	
Monument	1 per facade	36 sq. ft.	n/a		■	■	■		■	■

TABLE 71-T SIGN STANDARDS

Sign	Signs (max)	Area (max)	Copy Height (max)	N	NE	GN	NC	D	SC	I
Mural	1 per facade	no max.	n/a				■	■	■	■
Off-premise	Not permitted	n/a	n/a							
Pole	1 per property	200 sq. ft.	30 in.						■	■
Projecting	1 per tenant	6 sq. ft.	8 in.				■	■	■	■
Reader board	1 per tenant	6 sq. ft.	12 in.						■	■
Wall	1 per tenant	3 sq. ft. per linear ft.	18 in.					■	■	■
Window	1 per window	25% of glazed area	12 in.				■	■	■	■

■ Permitted

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

ARTICLE IV. ADMINISTRATION AND PROCESS

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

Sec. 71-33 Review and decision making bodies.

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 and include the review, hear, consider and approve or disapprove Sign Modifications.

C. Community Development Director/Zoning Administrator.

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

D. Zoning Board of Appeals.

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

E. Design Review Committee.

1. Powers and duties. The design review Committee is the decision-making body for applications subject to downtown design standards unless the proposed work qualifies for administrative approval under [Sec. 71-36 H. Downtown applications](#).
2. The Design Review Committee meets on an as-needed basis when discretionary review is required.

Sec. 71-34 General provisions.

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

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

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

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

TABLE 71-U NOTICE TIMING		
Application	Notice Required	
	Written	Published
Text amendment		Planning commission: Not less than 15 days prior to public hearing
		City commission: not less than 15 days prior to public hearing
Zoning map amendment	Planning commission: not less than 15 days prior to public hearing	Planning commission: Not less than 15 days prior to public hearing
	City commission: reasonable time prior to public hearing	City commission: not less than 15 days prior to public hearing
Special use permit	Not less than 15 days prior to public hearing	
Variance		
Appeal		
Sign modification	No notice is required	

H. Registration to receive notice by mail.

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

I. Deferral of review of application.

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

J. Withdrawal of application.

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

2. Prior to notice of public hearing. The zoning administrator will approve a request for withdrawal of an application if it has been submitted prior to the time of a public hearing or decision on the application.

K. Review of applications by decision-making bodies.

1. Text amendments and zoning map amendments.
 - a. Review and recommendation by planning commission. After submission of an application for a text amendment or zoning map amendment, the planning commission will conduct a public hearing on the application. After the close of the public hearing, the planning commission will make a recommendation to the city commission recommending either to approve, approve with conditions, or disapprove the application.
 - b. Review and action by city commission.
 - i. After receipt of the recommendation from the planning commission, the city commission will conduct a public hearing on the application. After the close of the public hearing, the city commission will approve, approve with conditions, or disapprove the application based on the relevant review standards.
 - ii. If a valid protest petition is filed against a proposed amendment to the zoning map according to MCLA § 125.584(5), as amended, the approval request will not be approved except by a favorable vote of two-thirds of the city commission membership.
 - c. Notice of adoption. Notice of the adoption of an amendment to the text of this chapter or the zoning map will be published in a newspaper of general circulation within 15 days after the date of adoption according to MCLA § 125.584(7), as amended.
2. Special use permit. After submission of an application for a special use permit, the planning commission will conduct a public hearing on the application. After the close of the public hearing, the planning commission will either approve, approve with conditions, or disapprove the application based on the relevant review standards.
3. Variance. After submission of an application for a variance, the zoning board of appeals will conduct a public hearing on the application. After the close of the public hearing, the zoning board of appeals will either approve, approve with conditions, or disapprove the application based on the relevant review standards.
4. Sign Modifications. After submission of an application for a sign modification, the planning commission during a public meeting will either approve, approve with conditions, or disapprove the application based on the relevant review standards.

- L. Notification of decision. Notification of a decision on an application will be provided by the zoning administrator to the applicant within 14 days after the decision. A copy of the decision will also be made available to the public at the offices of the zoning administrator, during normal business hours.

Sec. 71-35 Public hearing procedures.

All public hearings must comply with the following procedures.

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

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

Sec. 71-36 Specific standards for development approval.

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

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Text amendments	R	[R]		[DM]		N
Zoning map amendment	R	[R]		[DM]		W, N
Special use permit	R	[DM]				W, N
Variance	R		[DM]			W
Appeals of administrative decision			[DM]			W
Administrative adjustments	DM		[A]			
Site plan review	DM					
Sign permit	DM	[A]	[A]			
Temporary use permit	DM		[A]			
Certificate of zoning compliance	DM					
Downtown application	R				DM	
Interpretations	DM		[A]			

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Key						
Planning Commission	PC					
Zoning Board of Appeals	ZBA					
City Commission	CC					
Design Review Committee	DRC					
Review & Recommendations	R					
Decision Making Body	DM					

Appellate Body	A
Public Hearing Required	[]
Published Notice	N
Written Notice	W

*****Section B Amendment to text or zoning map and C Special use permit not included *****

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.
- 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.

- 3. Authorization. Any person effected by any decision made by the zoning administrator may appeal the decision to the zoning board of appeals.
- 4. Procedure.
 - a. Initiation of appeal. An appeal must be initiated by filing within 30 days of the date of the decision.
 - b. Contents of appeal. The written appeal of the administrative decision must include a statement of the error, the date of that decision, and all materials related to the decision. A nonrefundable filing fee as set by resolution of the city commission must also be submitted.
 - c. Scheduling of notice and hearing. The zoning administrator will schedule a hearing at the next regularly scheduled zoning board of appeals meeting.
 - d. Action by zoning board of appeals. At the hearing on the appeal, the appellant must state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The zoning administrator will be given an opportunity to respond. After the conclusion of the hearing, the zoning board of appeals will affirm, partly affirm, modify, or reverse the decision.
- 5. 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.
- 6. 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.

- 7. 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.
- 8. Procedure.
 - a. Action by the zoning administrator. Within 30 days after the application is determined sufficient, the zoning administrator will review the application and approve, approve with conditions, or disapprove the administrative adjustment.
- 9. Standards. The zoning administrator may approve an administrative adjustment upon a finding that all of the following standards are met:
 - a. General. The requested adjustment eliminates an unnecessary inconvenience to the applicant, is consistent with the character of development in the surrounding area and will not result in incompatible land uses;
 - b. Mitigates adverse impacts. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible; and
 - 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.
- 10. Conditions of approval. The zoning administrator may impose restrictions and conditions on an approval as are determined are required to ensure compliance with the general goals, objectives, and policies of this chapter.

*****Section G Site Plan and H Downtown applications not included *****

I. Sign permit.

1. Administrative review of sign applications. ~~Procedure.~~

- a. Action. After the application is determined sufficient, the zoning administrator will review the application and determine if the application complies with the standards in [Sec. 71-30](#).
- b. Approval. If the zoning administrator finds that the application complies, the zoning administrator will approve the sign permit.
- c. Appeals from any interpretations, determinations, or denials made by the zoning administrator shall be made to the planning commission and submitted on such forms provided by the city for that purpose and subject to such fees set by the city commission prior to the posted submittal deadline prior to the next regularly scheduled planning commission meeting.

~~Fails to comply.~~

- ~~1. If the Zoning Administrator determines the application fails to comply, the applicant will be provided comments explaining why the application fails to comply, and an opportunity to submit a revised application. A revised application will be reviewed and approved, approved with conditions or disapproved, based on the standards in [Sec. 71-30](#).~~

- ~~2. If the application is not resubmitted within 30 days, the application will be considered withdrawn.~~

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

2. Planning commission review and approval of certain sign modifications

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

- a. Authority to Grant Requested Modifications of Sign Regulations. The planning

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

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

ARTICLE V. DEFINITIONS

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

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

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

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

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

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

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

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

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

Freestanding sign: ~~A temporary or permanent sign erected by the City of Buchanan, Berrien County, or the state or federal government, including temporary signs as necessary in conjunction with the improve-ment of public infrastructure.~~ A sign that is not affixed to a separate structure or building but is affixed to the ground, including but limited to pole signs or monument/ground signs.

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

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

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

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

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

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

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

On-site informational sign: a sign that identifies entrances and exits, safety precautions, open and closed information, warnings and other such incidental information for the property upon which the sign is located, including drive-thru menu boards, which is of a minimum size and height to provide the necessary information while not extending above the parapet, eave or wall of the

building.

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

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

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

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

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

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