

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, MARCH 14, 2022 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

**MINUTES**

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

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

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

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

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

**I. Call to Order**

Mayor Denison called meeting to order at 7:00 PM.

**II. Recognition**

None

**III. Pledge of Allegiance**

Mayor Denison led in the Pledge of Allegiance of the United States of America.

**IV. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Patrick Swem, Commissioner Larry Money.

City Staff Present: City Manager, Heather Grace; Community Development Director, Rich Murphy; Treasurer, Stephanie Powers; Bookkeeper, Courtney Baham; Public Service Director Mike Baker, Public Work

**V. Approve Agenda**

*Motion made by Swem, Seconded by Weedon to add Item D, under Consent Agenda to excuse Downey from Feb 14, 2022, regular meeting. Roll call vote carried unanimously.*

*Motion made by Weedon, Seconded by Money to approve the amended agenda. Roll call vote carried unanimously.*

**VI. Open Public Hearing**

A. The purpose of the Public Hearing is for the City Commission to receive public comment regarding the submittal of a Michigan Department of Natural Resources (DNR) Michigan Natural Resources Trust Fund (MNRTF) grant application to fund the McCoy’s Creek Trail Extension Project in Buchanan.

Public Hearing was opened at 7:02 P.M.

*Motion made by Downey, Seconded by Money to open the public hearing. Roll call vote carried unanimously.*

Murphy gave a brief statement about the MNRTF grant.

Jerry Flenar spoke in favor of the trail. Denison gave him recognition for working so hard on the trail.

## **VII. Close Public Hearing**

*Motion made by Money, Seconded by Downey to close the public hearing at 7:10 P.M. Roll call vote carried unanimously.*

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

Don Ryman expressed his concerns about not being chosen for the Michigan Main Street Board of Directors.

Norma Ferris would like something in writing about the golf carts.

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

A. Consider Approving Expenditures for March 14, 2022, in the amount of \$231,691.03

B. Consider Approving Regular Meeting Minutes for February 28th, 2022.

C. Consider Accepting Staff Activity Reports.

D. Excuse Cameron Downey from the February 14, 2022, Regular Meeting.

*Motion made by Downey, Seconded by Swem to approve the amended Consent Agenda including the expenditures in the amount of \$231,691.03. Roll call vote carried unanimously.*

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

A. Prein & Newhof update on Downtown Reconstruction and Wellhouse and Treatment Facility Projects.

Mike Schwartz gave a brief update on the USDA project. Gave a brief presentation to the Commission. The construction will begin hopefully in the fall of 2023, communication with the community will be key. Working with Murphy and the team about design aspects to make sure we are hitting the bid date.

B. Mike Summers would like to propose the use of Golf Carts in the City of Buchanan.

Mike Summers presented to the Commission about the use of Golf Carts in the city. He thinks it would provide old fashion communication, attend more activities, free parking, more sales at the farmers market, allow tours for new residents.

Commissioner's discussed different rules and requirements that this would require.

Motion made by Swem, Seconded by Money to authorize city administration to further review the proposed use of golf carts in the city of Buchanan with a goal of presenting further details at a future meeting for consideration by the commission. Roll call vote carried unanimously.

## **XI. Reports by: Departments, Committees, Boards**

A. Community Development Director Report- Rich Murph- Consider Resolution No. 2022.03/425 of Support for Local Match for DNR MNRTF Grant for the McCoy's Creek Trail Extension.

*Motion made by Weedon, Seconded by Swem to approve resolution no. 2022.03/425 to support local match for DNR MNRT Grant for McCoy's Creek Trail Extension. Roll call vote carried unanimously.*

**B. Chamber Executive Director/ Main Street Manager, Ashley Regal**

1. Consider Michigan Main Street Board of Directors Applications recommended by the Buchanan Area Chamber of Commerce Board of Directors.

Tracy Dippo (BACC Board Representative; position to be filled upon a vacancy), Jennifer Moutsatson Garry, Randy Hendrixson, Anthony "Tony" Houser, April Jonatzke, Amanda Miller Kelley, Ulrike McCarty, Elizabeth Martin, Meg Paulette, John Shaver, Ann Tuite, Kathy Virgil, Mark Weedon.

Regal reported that they had many applications for the program and is thankful for the community.

*Motion made by Money, Seconded by Downey, to approve the recommendation of Buchanan Area Chamber of Commerce regarding board appointments to the City of Buchanan Main Street Board of Directors with the following changes, to include Jeff Griffin, Tracy Dippo (BACC Board Representative; position to be filled upon a vacancy), Jennifer Moutsatson Garry, Randy Hendrixson, Anthony "Tony" Houser, April Jonatzke, Amanda Miller Kelley, Ulrike McCarty, Elizabeth Martin, Meg Paulette, John Shaver, Ann Tuite, Kathy Virgil, Mark Weedon.*

*Yes: Denison, Downey, Money, Swem*

*Abstain: Weedon, board appointment.*

Swem- the amount of time that was put in to reviewing every person that was selected for this committee. Every single person that applied had significant support for as to why they are a great applicant and all the attributes they have and all the good things they can do for this board. With that said not every single person can be on that board and we must recognize that as the board grows, it's harder to decide. They did make sure that every single person could be heard by creating 5 different subcommittees so they could be involved.

2. Common Rental Draft Policy.

*Motion made by Swem, Seconded by Money to the table the rental draft policy decision until next meeting 3/28/2022.*

Discussion: Political/Religious events: what legal position do we take if we deny a group that does not represent the city. Grace said it's not a clear answer. Trying to use vague verbiage to make it as objective as possible is the start. Regal would like to set the precedence now.

**C. Treasurer's Report-** Stephanie Powers will provide the Commission with a brief update.

Powers provided a brief report to the Commission.

**D. Board Appointments-** Consider an appointment of John Shaver to The Buchanan Tree Friends, who was recommended and approved by the Buchanan Tree Friends on February 9th.

Motion made by Swem, Seconded by Weedon to appoint John Shaver to the Buchanan Tree Friends. Roll call vote carried unanimously.

**XII. Unfinished Business**

- A. Seconded reading and consideration of Ordinance 2022.02/428 - Ordinance for Land Development Policy. Attachment A

*Motion made by Money, seconded by Downey to approve the second reading of Ordinance 2022.02/428 to authorize the ordinance for land development to take place after publication. Roll call vote carried unanimously.*

- B. Second reading and consideration of Ordinance 2022.02/429- Food Truck Ordinance

Motion made by Weedon, Seconded by Swem to approve the second reading of ordinance 2022.02/429 the food truck ordinance to take effect after publication. Roll call vote carried unanimously. *Attachment B*

- C. Berrien County Trail Master Plan

Grace has had conversation with Gary Wood one of the Berrien County Planning Commissioners, who is also the lead with Friends of the Trails for Berrien County. He is requesting for the City of Buchanan to contribute toward the Friends of the Berrien County Trails.

*Motion made by Swem, Seconded by Money to approve the expenditure \$1500 to be paid to the Friends of Berrien County Trails group as payment for services rendered toward the completion of a county wide trail master plan. Roll call vote carried unanimously.*

### XIII. New Business

- A. First reading of ordinance 2022.03/430- IPMC Adoption Ordinance, Property Maintenance Code

*Motion made by Swem, Seconded by Weedon to approve the first reading of Ordinance 2022.03/430. Roll call vote carried unanimously.*

- B. USDA bond work contract for legal services.

*Motion made by Money, Seconded by Downey to authorize City Manager Grace to sign the USDA bond work contract for legal services, as presented. Roll call vote carried unanimously.*

*Brief recess to wait for city attorney. Motion made by Weedon, Seconded by Money voice vote call carries unanimously.*

*Motion made by Weedon, Seconded by Money to Re-open regular meeting at 8:06 PM voice vote carries unanimously.*

- C. Closed Session- matters subject to attorney-client privilege and to discuss the potential purchase of real property.

*Motion made by Swem, Seconded by Money to enter closed session in pursuant of MCL 15.268 (h) and (d) at 8:06 PM. Roll call vote carried unanimously.*

*Motion made by Weedon, Seconded by Money to re-enter open session at 9:39 P.M. Voice call vote carried unanimously.*

- D. Consider taking action based on Closed Session Discussions.

*Motion made by Swem, Seconded by Weedon to authorize the City Administration to take the actions discussed in Closed Session. Roll call vote carried unanimously.*

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

- A. 2022 Oakridge Cemetery Clean Up- Remove all decorations by April 1; Maintenance clean-up: April 4 thru April 14; New Decorations: April 15th. If you have a loved one interned at the Veteran's

Circle, we are asking you to please read the Rules and Regulations regarding the Veteran's Circle that is available on the City Website.

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

- Norma Ferris complimented the Commission.

**XVI. Executive Comments**

A. City Manager Comments

Thank you to everyone.

B. Commissioner Comments

None

C. Mayor Comments

None

**XVII. Adjourn**

*Motion made by Weedon, Seconded by Money to Adjourn the meeting at 9:41 P.M. Roll call vote carried unanimously.*

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Courtney Baham, Bookkeeper

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Mayor Sean Denison

City of Buchanan  
County of Berrien, State of Michigan  
Ordinance No. 2022.03/428

ORDINANCE FOR LANF DEVELOPMENT POLICY

THE CITY OF BUCHANAN, BERRIEN COUNTY, STATE OF MICHIGAN ORDAINS

Sec. \_\_-\_\_. - Planned Developments.

Subsec. \_\_-\_\_. - Intent.

This Section \_\_\_\_ provides enabling authority and standards for the submission, review, and approval of applications for any planned development (PD) within the City. A PD is intended to allow for a combination of land uses, site designs, layout flexibility and innovation. The primary purpose of this Section \_\_ is to encourage the creation of desirable and efficient working and/or living environments that are designed and developed as integrated projects with harmonious land uses and compatibility with surrounding areas and natural features. This Section \_\_\_\_ authorizes the consideration and use of PD regulations to:

1. Encourage the use of land in accordance with its character and adaptability;
2. Promote the conservation of natural features, fragile lands and the preservation of important and historic community resources;
3. Encourage flexibility and innovation in land use and design for the purpose of protecting the character of the community and enhancing the quality of life in the City;
4. Promote the efficient use of land to facilitate an economic arrangement of buildings, circulation systems, land uses and utilities;
5. Promote the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the City and visitors; and
6. Promote and ensure greater compatibility of design and use between and among neighboring properties.

Any PD must comply with this Section \_\_\_\_ and the 2003 Zoning Ordinance or amended Zoning Ordinance (hereinafter “Zoning Ordinance”). The provisions of this Section \_\_ are intended to result in land use and development substantially consistent with the goals, objectives and future land use plan reflected in this Section \_\_ and the City’s Master Plan, as amended.

(Ord. Rev. 2022 § \_\_)

Subsec. \_\_-\_\_. - Qualifying conditions.

A PD may be considered in any area of the City. However, as a condition of PD application approval, the applicant must demonstrate that the PD will result in a recognizable and substantial benefit to the ultimate users and occupants of the PD and the community. Such benefit may include, but shall not be limited to, the preservation of important natural and/or historic features, the provision of open lands, the provision of a mix of land uses, and/or innovation in design and project configuration.

( Ord. Rev. 2022, § \_\_)

Subsec. \_\_\_ - \_\_\_\_\_. - Development requirements.

A. *PD Application Evaluation.* The City shall evaluate each PD application in accord with the following general standards. The proposed development shall be:

1. Designed, constructed, and maintained to be an integrated and harmonious development, appropriate in appearance with the existing or intended character of the general vicinity and land uses;
2. Served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer, telecommunications;
3. Compatible with the capacities of public services and facilities it may affect;
4. In compliance with the intent for a planned development as contained herein; and
5. In compliance with the Floodplain Overlay District requirements of the Zoning Ordinance, as amended.

B. *Permitted Uses Within a PD.* Any principal or accessory land uses permitted in any Zoning District, either as a use by right or a use subject to special conditions under this Ordinance Section, or any combination of such uses, may be considered within a PD, provided, however, that the Planning Commission and City Commission must reach a finding that all such proposed uses and the impacts they may generate on one another and on the surrounding community shall be generally compatible and harmonious with one another. In the event of any inconsistent findings, the findings and PD approval decision of the City Commission shall be final and controlling.

C. *PD Guidance Standards.* Unless specifically waived or adjusted by the City Commission through the provisions of Subsection \_\_\_-21. \_\_.D, below, the dimensional standards set forth in Table 1 shall be used as a guide in evaluating the size, bulk and dimensions of proposed PD. For a PD proposing more than one type of land use, the appropriate guidance and Zoning Ordinance standards shall be applied for each such type of use.

TABLE 1. GUIDANCE STANDARDS

Proposed Redevelopment Land Use	Building Separation	Front Yard	Side Yards (Each)	Rear Yard	Building Height-Stories/Ft.	Lot Min. Max. Bldg. Coverage	Min. Area per Unit
Light Industrial	0 ft., except as provided herein	10 ft., or 45 ft., if abutting residential	0 ft., or 45 ft., if abutting residential	20 ft., or 45 ft., if abutting residential	2.5/40	Min. 7500 Sq. Ft. Max. 80% of lot	N/A

Heavy Industrial		10 ft., or 45 ft., if abutting residential	0 ft., or 45 ft., if abutting residential	20 ft., or 45 ft., if abutting residential	2.5/40	Min. 20,000 Sq. Ft. Max. 80% of lot	N/A
Central Business District	N/A	0 ft., or 30 ft., if abutting residential	0 ft., or 30 ft., if abutting residential	15 ft., or 30 ft., if abutting residential	3/40	N/A	N/A
CD Cluster Residential or PUD	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance
Commercial District	N/A	25 ft., or 30 ft., if abutting residential	0 ft., or 30 ft., if abutting residential	25 ft., or 30 ft., if abutting residential	3/40	Min. 10,000 Sq. Ft. Max. 65% of lot	N/A
Neighborhood Commercial	N/A	25 ft.	0 ft., or 30 ft., if abutting residential	10 ft., or 25 ft., if abutting residential	2.5/40	Min. 7000 Sq. Ft. Max. 65% of lot	N/A
Multi-Family Senior Residential	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance
Single Family Residential	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance
Two Family Residential District	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance
Multi-Family Residential District	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance

Table 1 Guidance Standards Requirements.



1. In the event of a conflict between the specifications of Table 1 and any provisions of the Zoning Ordinance, the Zoning Ordinance shall be controlling.
2. All development uses must comply with all provisions, requirements, prohibitions and regulations of the applicable Zone and all other provisions of the Zoning Ordinance.
3. For buildings proposed to house more than one type of use, the guidance standards of the principal use within the structure, as proposed by the applicant, shall be used.
4. Building separation standards shall apply to multiple structures located on a single parcel within the PD and shall not be less than twenty (20) feet, except in the case of party-wall or zero lot line structures.
3. Applicable setback standards shall be applied for structures within a PD and sited on individual parcels. For structures located adjacent to the boundary of the PD, the setback between such structure and boundary of the PD shall be determined from the requirements for the Zoning District adjoining that boundary.
4. In no instance shall building heights exceed forty (40) feet.

D. *Departures from Guidance Standards.* Consistent with the planned development concept, and to encourage flexibility and creativity in development, departures from the guidance standards may be granted upon the recommendation of the Planning Commission as part of the approval of a PD. Such departures may be authorized, in the judgment of the City Commission, upon the report of the Planning Commission:

1. There are features or planning mechanisms incorporated into the project which would generally achieve the objectives of each of the regulations from which a departure is being requested; and/or
2. The proposed planned development is likely to be more consistent with the objectives of the city's future land use plan than a development under the terms of the guidance standards. Provided, that under no circumstances shall a structure exceed a maximum height of forty (40) feet.

E. *Phasing/Staging.* The stages or phases of any PD shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the prior phase(s) or stage(s) shall be consistent with the provisions of this Section and shall not detract from the feasibility of developing the remaining portion of the subject PD area in an appropriate and desirable manner.

F. *Private Roads.* Private roads within a PD, if any, shall conform to the minimum road construction standards established by the City. The City Commission, upon report from the Planning Commission, may approve departures from the strict application of such private road standards where an alternative road design is likely to be more consistent with the objectives of the PD and the City's future land use plan than roads meeting the City's minimum construction standards. The applicant must pay all costs of inspection and maintenance. All necessary agreements pertaining to private road construction and maintenance shall be reviewed and approved by the City and must be executed and recorded prior to the commencement of construction.

( Ord. Rev. 2022, § \_\_ )

Subsec. \_\_\_ - \_\_\_. - Application process.

A. *Application Procedure.* The procedure for application, review, and approval of a PD shall be a two-part process. The first part shall be application and approval of a preliminary development plan, which may at the City Commission's sole discretion require amending the Zoning Ordinance so as to reclassify the property for the purposes of the proposed PD. Such action shall confer upon the applicant concept approval for the length of time established by the City Commission in the amendatory ordinance granting the PD designation. The second part of the review and approval process shall be the application for approval of a final development plan for the entire project or for anyone or more phases of the PD. Final development plan approval shall require the granting of site plan approval by the Planning Commission pursuant to the Zoning Ordinance.

B. *Effect of approval.* The granting of a PD application may require an amendment of the Zoning Ordinance and the zoning map. If so, an approval granted under this Section \_\_\_\_\_, including all aspects of the final development plan and conditions imposed, will constitute an inseparable part of the Zoning Ordinance.

C. *Preapplication Conference.* Prior to the submission of an application for planned development, the applicant shall meet with the planning and development team appointed by the City Manager. The applicant shall present at such conference, or conferences, a sketch plan of the PD, and the following information:

1. A description of the property in question and disclosure of ownership interests;
2. The total number of acres or square feet to be included in the PD project;
3. A description of the proposed land uses including the approximate number of residential units, if any, and the approximate number, type, and square footage of nonresidential development. This shall also include a description of the general development concept, including structures to be retained, remodeled or removed, an overall architectural concept or development theme, and markets to be served by the PD;
4. The relationship of the PD to the surrounding neighborhood.
5. The approximate area of the proposed PD to be devoted to each use;
6. A general description of any departures from the regulations of this Section \_\_\_\_\_ that may be requested;
7. A description of how the proposed PD will relate to the objectives of the City's Master Plan;
8. All known natural resources, historic sites and natural features, including any views from off the site to important natural features and any impediments to development;
9. The benefits that are expected to result from the adoption of the PD provisions pertaining to the subject site; and
10. If the plan is to be carried out in phases or stages, a description the phases or stages and the approximate time line for each phase or stage.

Based on the information presented, the planning and development team will advise the applicant of possible issues and concerns the City may want addressed should the PD application be submitted. However, any such initial response from the planning and development team shall not constitute legal or project advice or be regarded as either conclusive or complete and the applicant shall be so advised.

*D. Preliminary Development Plan and/or Rezoning Request—Submission and Content.* Following the preapplication conference, fourteen (14) paper copies (unless otherwise required by the City) and an electronic PDF of a preliminary development plan and a PD application shall be submitted. The submission shall be made to the Zoning Administrator who shall forward it to the Planning Commission for consideration at a regular or special meeting and Planning Commission subsequent written report to the City Commission. The plan shall be prepared by a licensed professional engineer, community planner, or architect and shall be accompanied by an application form and fee as determined by the City Commission. The application for preliminary development plan approval and/or rezoning shall contain the all of the following information, unless specifically waived by the Planning Commission:

1. All the information required for the preapplication conference.
2. A boundary and topographic survey including date, north arrow, and scale that shall not be more than 1" = 100'.
3. Locational sketch of site in relation to surrounding area.
4. Legal description of property including common street address(es).
5. All lot or property lines with dimensions.
6. General location of all buildings within one hundred (100) feet of all property lines.
7. General location and size of all existing structures on the site.
8. General location and size of all proposed structures on the site.
9. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces, and typical dimensions.
10. General size and location of all areas devoted to open space.
11. Detail on the abutting Zoning District(s) and the general dimensions and approaches planned to achieve a gradual transition between the proposed PD and the surrounding neighborhood.
12. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
13. All areas within the Floodplain Overlay District as defined in accordance with the Zoning Ordinance.
14. A general signage plan, showing the type, location and dimensions of all signs. Only the signage located on the signage specifications stated within the plan will be permitted.
15. A plan for debris management and dust abatement during construction.
16. An illustration of parking areas including traffic flow diagrams and a detailed estimate of parking demand based on all proposed uses.
17. A written narrative describing all of the following:
  - a. The nature and concept of the project.
  - b. The proposed density, number, and types of dwelling units if a residential PD.
  - c. How the proposed project meets the objectives of this PD Ordinance.
  - d. The legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed.
  - e. How the proposed project will be served by public water, sanitary sewer, storm drainage, electric, gas, and telecommunications which shall be prepared by a registered professional engineer.
  - f. The phasing or staging plan.
  - g. Proof of ownership or legal interest in property or deed from the City and related Development Agreement with the City.

18. The name, address and phone number of the applicant.
19. The name, address and seal of the professional engineer, planner or architect that prepared the plan.

*E. Preliminary Development Plan—Planning Commission Review.*

1. Pre-public hearing discussion (optional). The applicant may meet with the Planning Commission in a pre-public hearing discussion. At the pre-public hearing discussion, the Planning Commission shall review the preliminary development plan and shall make reasonable inquiries of the applicant. The Planning Commission shall determine whether the application is complete and may ask questions of the applicant and seek further information. The Planning Commission shall consider any waivers of application materials or direct that materials or information recommended for waiver be provided. The Planning Commission shall review the preliminary development plan for consistency with the provisions of this Ordinance Section and may provide the applicant with its initial comments, provided, however, that the Planning Commission shall not render any judgments concerning the PD application prior to the public hearing and the applicant shall be advised that any initial comments of the Planning Commission during the pre-public hearing discussion are subject to change and shall not be construed as a final judgment of the City.

2. Planning Commission Public Hearing. Prior to setting the public hearing, the applicant shall submit all required and requested information to the City. Once complete, the Planning Commission shall conduct a public hearing, subject to all public meeting hearing notices. Following the hearing, the Planning Commission shall render a decision on the proposed PD application or table the matter for further information and/or consideration. Any decision made on the PD application shall take into account the project's consistency with this Section \_\_\_ - \_\_\_\_\_. (Ord. Rev. 2022, § \_\_\_)

Subsec. \_\_\_ - \_\_\_\_\_. - PD design considerations and performance standards.

A proposed PD shall take into account the following design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located. The Planning Commission shall review the preliminary development plan to evaluate whether each of the following standards are appropriately addressed in the design and development plan. In all instances, except with regard to building height, the Planning Commission may recommend exceptions where the imposition of one or more of the following standards would result in patterns of development that would be out of character with the development and/or with the surrounding area:

A. *Building massing.* Except as provided herein, exterior building surfaces must not exceed thirty (30) feet in length without an architectural break, such as a change in elevation, window or doorway or building line. Multiple buildings on a single parcel (if permitted) shall be separated by a distance of at least twenty (20) feet. Existing sight corridors from off the site to natural, cultural or historic features shall be preserved or enhanced to the greatest extent possible.

B. *Building height.* Buildings within a PD may exceed the height limitations of the most proximate abutting zoning district and the guidance standards of Subsection \_\_\_\_\_.C, or Table 1, hereof, if a

minimum yard equal to the height of the building shall be provided on any side of a building adjoining another Zoning District, provided, that under no circumstances shall a structure exceed a maximum height of forty (40) feet.

C. *Fumes and odors.* No fumes or odors shall be permitted at any property line.

D. *Dust and litter.* During construction of a PD, the terms of the debris management and dust abatement shall be followed.

E. *Architectural character and landscaping.* Building architecture shall reflect a common theme or pattern that shall be internally consistent within the PD and aesthetically appropriate for the setting and neighborhood. Landscaping shall be required along public roadways to soften presentation from the street.

F. *Artificial light.* Artificial lighting shall be aesthetically designed and shielded to prevent light from casting off the property, to the greatest extent possible. Building surface reflectivity, on-site lighting and landscape screening shall be planned and executed such that the degree of light cast off the site shall not exceed one foot candle at the PD boundary. Exceptions may be made for decorative fixtures.

G. *Traffic and access.* Maximum daily traffic volumes shall be estimated prior to development and the site design shall be developed to accommodate such volumes safely. In addition, the Planning Commission may require a traffic impact study and contingency provisions within the development to manage volumes that exceed such estimate. Access shall be provided to regional arterial roadway through on-site access or off-site cross access easements. Where possible, nonresidential development shall provide cross access easements to adjoining nonresidential development.

H. *Stormwater runoff.* No off-site discharge of stormwater shall be permitted except to an approved drainage system.

I. *Noise.* The applicant shall document measures proposed in the PD to achieve full compliance with the City's Noise Ordinance.

J. *Visual screening.* A visual barrier, preferably consisting of mixed evergreens and deciduous vegetation, shall be established to provide a permanent opaque screen of service areas, dumpsters and loading docks and a partial buffer to parking areas and similar less intrusive elements, from surrounding residentially zoned or used property. Where natural landscaping is not feasible, fences or walls may be substituted if they are designed to complement the proposed development and buildings and are generally compatible with surrounding uses.

K. *Outdoor storage.* All outdoor storage, if permitted, shall be completely screened from view from all offsite points with natural landscaping. If natural landscaping is not feasible, fences or walls may be substituted, if designed to complement and enhance the proposed development and buildings and are generally compatible with surrounding uses.

L. *Signage.* Exterior signage shall conform to the requirements of the Sign Ordinance and the signage plan submitted as a part of the preliminary development plan and shall include effective design approaches to screen signs within the PD from view from surrounding private property occupied by residential land uses.

M. *Parking.* Off-street parking shall be provided in accord with the requirements of \_\_\_\_\_ of the Zoning Ordinance. In a mixed use development, the applicant shall propose shared parking arrangements to reduce pavement within the development. For such shared parking arrangement, the applicant shall provide for an enforceable mechanism to assure cooperation among future building owners and occupants to assure the viability of a shared parking arrangement. The minimum number of off-street parking spaces shall be determined by considering each proposed

use and its likely peak hour parking demand. A maximum daily parking demand matrix will be used to determine the peak hour demand for all combined uses and the proposed PD shall provide for not less than the greatest peak hour requirement for the combined uses reflected in such matrix. The use of deferred parking areas (or reserved interim green areas) may be considered to calibrate the required parking standards with evolving conditions.

(Ord. Rev. 2022, § \_\_)

Subsec. \_\_ - \_\_. - Standards for Zoning Approval.

Following the public hearing, the planning commission shall recommend to the City Commission either approval, denial, or approval with conditions of the PD application and preliminary development plan. In making its recommendation, the Planning Commission shall make written findings on the following standards:

A. Granting of PD will result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

B. The proposed type and density of use shall be compatible with the capacities of the public services and facilities it may affect, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

C. The proposed development shall be compatible with the Master Plan of the City and shall be consistent with the intent and spirit of this Section \_\_.

D. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this ordinance.

E. The proposed phasing/staging plan is feasible and each of the proposed phases/stages shall be capable of standing on its own and in conjunction with previously constructed phases/stages in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PD and surrounding residents.

( Ord. Rev. 202, § \_\_)

Subsec. \_\_ - \_\_. - City Commission approval.

A. *Manner of approval.* After receiving the recommendation of the Planning Commission, the City Commission shall consider the PD application at a public hearing in accordance with this Section \_\_\_\_, hearing notice requirements hereof and, following said hearing, either approve, deny, or approve with conditions the PD application and preliminary development plan in accordance the standards for approval and conditions for a PD. No building permit shall be issued for any improvements in the PD until Planning Commission approval of the PD final development plan.

B. *Effect of approval.*

1. Any PD amendment, including the preliminary development plan as approved, the incorporated narrative and all conditions imposed, if any, shall constitute the land use authorization for the PD. Such authorization shall remain in effect for a period of one year from the date of approval by the City Commission, unless a longer period is granted by the City Commission. Uses not specifically identified in the preliminary development plan, as amended, shall not be permitted. During the period of effectiveness of the preliminary development plan, the applicant shall be permitted to submit one (or more if the project is to be proposed in phases/stages) site plan applications seeking

final PD approval pursuant to Subsection \_\_. In the event that an application for a final PD is not submitted within the time limits set forth in the approved preliminary concept development plan and any extensions thereof that may be permitted and approved, the approval granted under this Section \_\_\_\_ shall expire.

3. Prior to commencement of construction, the applicant shall record an affidavit with the Berrien County Register of Deeds that shall contain the following:

- a. Date of approval of the PD by the City Commission.
- b. Legal description of the property.
- c. A statement that the property shall be developed in accordance with the approved PD preliminary development plan and any conditions imposed by the City Commission or Planning Commission.

(Ord. Rev. 2022, § \_\_)

Subsec. \_\_ - \_\_\_\_ . - Final development plan.

A. *Submittal.* After receiving the PD preliminary development plan approval from the City Commission, the applicant shall submit a final development plan for review and approval by the Planning Commission prior to starting any construction. The final development plan shall contain the same information required for the preliminary development plan, the information required for site plan review in Section \_\_\_\_, a detailed plan indicating all signs proposed in accordance with the preliminary development plan, and any information specifically requested by the Planning Commission in its review of the preliminary development plan. Only signage located in detail on the signage specifications stated within the plan will be permitted.

B. *Standards for PD final development plan approval.* Upon receipt of a complete application for final development plan for an approved PD, the Planning Commission shall review said application and either approve, deny, or approve with conditions the final development plan. In making its decision, the Planning Commission shall make findings on whether the proposed PD meets the intent of the PD, that it is consistent with the preliminary development plan and that it meets the requirements of Section \_\_\_\_ for site plan approval.

C. *Conditions.*

1. In approving a PD final development plan, the Planning Commission may impose reasonable conditions. Conditions imposed shall be:

a. Designed to protect natural resources, the health, safety, and welfare, and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

b. Related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.

c. Necessary to meet the intent and purpose of the Zoning Ordinance and the preliminary development plan, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

2. The conditions imposed with respect to the approval of a PD final development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that are unchanged. The final development plan, as approved, shall act as a restriction upon the development. The development must conform with the final development plan

and no building permit shall be issued for any improvements that are not in compliance with said plan.

( Ord. Rev. 2022, § \_\_ )

Subsec. \_\_ - \_\_. - Applicant Performance.

The City Manager is authorized, subject to City Commission review and final approval, to enter into and execute any real and/or personal property transfers, one or more Development Agreements, and such further instruments as are required to carry into effect a PD application or finally approved application.

( Ord. Rev. 2022, § \_\_ )

Subsec. \_\_ - \_\_. - Commencement of construction.

Except otherwise as provided in an applicable Development Agreement, Construction of a PD must be started within one (1) year from the effective date of the grant of final development plan approval. This time limit may be extended upon application to the Planning Commission if it is demonstrated that substantial progress is being made in completing plans and securing financing. In the event that construction has not commenced within these time limits and any extensions thereof that may be permitted and approved, the approval granted under this Section \_\_\_\_ shall expire. For the purposes of this Subsection, completion of a final phase/stage shall be the date all structures intended for occupancy by homeowners, tenants, residents or businesses have been approved for occupancy by the City.

( Ord. Rev. 2022, § \_\_ )

Subsec. \_\_ - \_\_. - Modification and amendments.

*A. Changes to a PD preliminary development plan.* Minor changes to a PD preliminary development plan may be approved by mutual agreement of the applicant and the Planning Commission, provided the changes comply with all applicable requirements of this Section \_\_ and the Zoning Ordinance and all other city regulations or state law. In reaching a determination on whether a proposed change may be treated as a minor amendment, the Planning Commission shall make a determination based on the facts presented by the applicant and shall be guided by the standards of this Section \_\_\_\_ . Minor changes include:

1. Adjustments to the total combined building area not to exceed the lesser of five thousand (5,000) square feet or five (5) percent of the gross floor area in any phase/stage of development, provided that the cumulative effect of such changes shall not exceed the lesser of five thousand (5,000) square feet or five (5) percent of total gross floor area in the PD. Adjustments to building heights shall not be considered a minor amendment.
2. Adjustments to project phases/stages to either accelerate or retard the development of previously approved project elements, provided, however, the Planning Commission shall have the authority to evaluate such a proposed change in project phasing/staging to determine whether the sequence of project elements proposed was a key element of approval of the preliminary development plan. If, in the judgment of the Planning Commission, project phasing/staging and the sequence of development elements are regarded as key elements of the preliminary



development plan approval, a proposed change to project phasing/staging shall not be regarded as a minor change under this Subsection.

3. A change in the land uses proposed within the PD resulting in an increase or decrease in any type of use; such as, but not limited to retail uses or residential uses; of not more than ten (10) percent of the floor area originally approved for that type of use. provided, however, if in the judgment of the Planning Commission, the particular mix of land uses proposed and approved in the preliminary development plan is regarded as a key element of the preliminary development plan approval, a proposed change to the mix of land uses shall not be regarded as a minor change under this Subsection.

4. A change proposing the relocation of a building or structure such that not less than seventy (70) percent of building or structure footprint shall remain within the footprint as reflected in the preliminary development plan.

5. The Planning Commission may not approve as a minor change any element of a preliminary development plan that the City Commission in its approval of the preliminary development plan identified as a key element in its approval. The Planning Commission may not modify any condition imposed by the City Commission when the City Commission approved the preliminary development plan.

B. *Modification of a final development plan.* Minor changes to a PD finally approved development plan may be approved by the Planning Commission, as follows:

1. The relocation of structures, the relocation and reconfiguration of roads, planting areas, parking areas, signs, lighting, and driveways, provided that all such improvements remain in the same general location as approved by the Planning Commission and provided further that all such changes shall result in no significant additional impact on adjoining properties than would result from the original development.

2. Minor adjustments among proposed land uses which, in the judgment of the Planning Commission, do not result in a fundamental change in the character of the development, provided, however, that no use type originally approved shall be eliminated and no new use not originally approved shall be added as part of a minor amendment to a PD.

C. *Amendment of an approved PD.* Except as provided in Subsections \_\_\_\_\_.A. and B., all changes in an approved PD shall be considered major changes and shall be processed in accord with the original approval procedures for a PD. Nothing in this Section \_\_\_\_ shall prevent the Planning Commission from treating any proposed change to a PD as a major change to be processed in accord with the original approval procedures, if in the judgment of the Planning Commission, a more complete review and approval process is needed to evaluate the proposed change.

( Ord. Rev. 2022 , § \_\_ )

Subsec. \_\_ - \_\_ . - Existing planned developments.

PD's that have been approved and developed under the provisions of this Section \_\_\_\_\_ prior to this amendment shall continue to be occupied and used in accordance with the provisions in effect when they were approved. However, where the development has not yet occurred or phases/stages have not been completed, such uncompleted phases/stages shall be developed only in accordance with the current provisions of this Section \_\_\_\_\_. Furthermore, any changes or modifications to such planned developments shall be approved in accordance with the requirements and procedures of the current provisions of Section \_\_\_\_\_.

( Ord. Rev. 2022 , § \_\_ )

Subsec \_\_ - \_\_. – Requests for proposals and contractual arrangements.

In order to effectuate the purposes of this Ordinance, the City Commission may, in its sole discretion, direct the issuance and publication of one or more requests for proposals for purchase, lease and/or development of a property or combination of properties as the City Commission deems necessary and award bids and enter into contractual arrangements with one or more successful bidders for purchase, lease and/or development of a property or combination of properties.

Introduced and filed on 28<sup>th</sup> day of FEB 2022 and effective 15 days after date and adoption and publication as required by Section 7.4 of the City Charter.

MADE, PASSED AND ADOPTER BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE 14<sup>TH</sup> DAY OF MARCH, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD ON MARCH 31, 2022 AND IS EFFECTIVE IN FIFTEEN DAYS

At a regular meeting of the City of Buchanan, County of Berrien, State of Michigan held in said City on Monday, March 14, 2022, the Ordinance was offered by Commissioner Money, Seconded by Commissioner Downey

YEAS: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Larry Money, Commissioner Cameron Downey, Commissioner Patrick Swem

NAYS: NONE

ABSTAIN: NONE

ABESENT: NONE

Sean Denison, Mayor \_\_\_\_\_

Kalla Langston, City Clerk \_\_\_\_\_

I hereby certify that the above is true and complete copy of a ordinance adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on the 14<sup>th</sup> day of March 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

\_\_\_\_\_  
Kalla Langston, City Clerk

City of Buchanan  
County of Berrien, State of Michigan  
Ordinance No. 2022.03/429

An Ordinance on Mobile Food Vending.

**The City of Buchanan, Berrien County, State of Michigan, ordains:**

Chapter \_\_ - MOBILE FOOD VENDING

ARTICLE I. – In General

Sec. \_\_\_\_ - Mobile Food Vending.

- (a) The provisions of this Chapter shall apply to all businesses or individuals engaged mobile food vending activities covered by this Chapter on any public or private properties or within any public right-of-way located within the City.
- (b) This does not apply to mobile food vendors that move from place to place and do not remain in the same location for more than fifteen (15) minutes at a time.
- (c) Except as otherwise provided in City Ordinances, preparation, distribution, or sale of alcoholic beverages, marihuana, or alcohol or marihuana infused beverages or food items is prohibited from mobile food vending covered by this Chapter.
- (d) For the purposes of this Chapter, the term “mobile food vending” shall mean any cooking, preparation, serving, distribution and/or sale of food or beverages or offering for free any food or beverages from a mobile food unit and any use that meets the definition of a food service establishment under Michigan Public Act 92 of 2000, which shall include the ancillary sales of branded items of mobile food vending including items of clothing or personal apparel.
- (e) For the purposes of this Chapter, “mobile food vending unit” shall mean any motorized or non-motorized vehicle, trailer, cart, portable stand, portable cooking device, any means of transportation or other instrument of device designed to be portable.
- (f) All mobile food vendors shall be subject to and must comply with all other provisions of the City’s Ordinances, including but not limited to Chapter 38, Article II – Nuisances, Article II - Division 2 – Litter; Chapter 58 - Article IV – Offenses Against Property, Chapter 58 - Article V – Offenses Against Public Peace; Chapter 62- Parks and Recreation; Chapter 66 – Peddlers and Solicitors; Chapter 76 – Signs; Chapter 86 – Streets, Sidewalks and Other Public Places; and Chapter 98 – Traffic and Vehicles.

(g) In addition to satisfying the requirements of this Chapter, evidence of approval from the Berrien County Health Department shall be provided to the City Clerk prior to issuance of any mobile food vending permit.

## ARTICLE II - Permits.

### Sec. \_\_\_\_ - Permit Requirement.

No vendor shall engage in mobile food vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permit and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this Chapter.

### Sec. \_\_\_\_ - Permit Duration and Non-transferability.

(a) Permits shall be issued by the Clerk for a period not to exceed \_\_\_\_\_. Any permit issued under the Chapter shall not be transferred from the original applicant to another person or entity. Permit transfer is prohibited by means of sale or assignment of business or business assets. No person or entity shall hire or subcontract any other person or entity to attempt or actually evade the provisions of this Chapter.

(b) A single-event application is also available from the City Clerk for vendors wishing to operate a mobile food vending unit during a City-sponsored or City-endorsed special event or to operate at a public or private event held on public or private property. The application for a single event permit shall be accompanied by payment of a fee established under this Chapter.

### Sec. \_\_\_\_ - Permit Application.

(a) Every individual or entity desiring to engage in mobile food vending shall make a written application to the City Clerk for a permit under this Chapter on a form to be provided by the City. The applicant shall truthfully state, in full, all information required by the application and submit the required fee.

(b) The amount of any application fee shall be established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit application has been filed with the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-City

property, no application fee shall be charged to a business that is on the city's tax rolls and whose normal business includes the sale of food and/or beverages. .

(c) Additionally, the applicant shall provide all documentation, such as proof of insurance and Berrien County Health Department documentation, as may be required by the City.

### Article III - Mobile Food Vending Unit Operations Requirements

Sec. \_\_\_ - Operations Requirements. Any vendor engaging in mobile food vending shall comply with the following requirements:

(a) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis, or more frequently in order to prevent littering.

(b) If operating on City-owned or controlled property, a mobile food vendor may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable traffic and parking ordinances.

(c) Shall not operate on public property within one block of a City-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.

(d) Shall not use any flashing or blinking lights or strobe lights in connection with the mobile food vending unit operation. All exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.

(e) Shall not use any music, sound system, amplification devices, or "crying out" or any other audible methods to gain attention to or market for the mobile food unit operation.

(f) Comply with all other applicable City ordinances, including but not limited to Chapter 38, Article II – Nuisances, Article II - Division 2 – Litter; Chapter 58 - Article IV – Offenses Against Property, Chapter 58 - Article V – Offenses Against Public Peace; Chapter 62- Parks and Recreation; Chapter 66 – Peddlers and Solicitors; Chapter 76 – Signs; Chapter 86 – Streets, Sidewalks and Other Public Places; and Chapter 98 – Traffic and Vehicles.

(g) Comply with all applicable federal, state and county statutes, ordinances and regulations.

(h) No more than one portable sign that is six square feet, with no dimension greater than three feet and no top height greater than four feet above ground level. All signs shall be located within three feet of the mobile food vending unit. Under no circumstances shall any sign be placed upon any sidewalk, impede pedestrian and/or vehicle traffic, or cause a threat to public safety.

- (i) Mobile food vending activities shall only be permitted in the \_\_\_\_\_ areas of the City during the hours of \_\_:\_\_ a.m. and \_\_:\_\_ p.m. The City reserves the right in its sole discretion to limit or prohibit mobile food vending that interferes with or impedes motor vehicle traffic, pedestrian space, parking space or constitutes a threat or risk to public safety. Other restrictions regarding hours of operation may be established by resolution of the City Commission. A mobile food vending unit shall not be left unattended at any time.
- (j) A mobile food vendor shall not represent the granting of a permit under this Chapter as an endorsement of any kind by the City.
- (k) All City issued permits shall be prominently displayed on the mobile food vending unit at all times.
- (l) No food shall be sold, prepared or displayed outside of the mobile food vending unit.
- (m) Vendors are prohibited from locating, placing, or putting personal property outside of a mobile food vending unit, including but not limited to dining furniture, benches, chairs, umbrellas, tables, condiment stands, fixtures, or any other equipment.
- (n) No vendor shall utilize any electricity or power without the prior written authorization of the relevant power customer. No extension cord or power cable or similar device shall be extended at or across any street, sidewalk or area of pedestrian traffic, except in a safe manner. If a mobile food unit is not self-contained and requires electric service, an additional permit issued by the City Building Department is required.

#### Article IV- Impoundment

In addition to any other penalties under this Chapter, any mobile food unit and equipment associated with mobile food vending that are not in compliance with this Chapter or left on public property outside of the hours of permitted operation may be impounded at the owner's expense.

#### Article V – Other Permits

A permit obtained under this Chapter shall not relieve any mobile food vendor of the responsibility for obtaining any other permit, or authorization required by any other statute, ordinance, or administrative rule.

#### Article VI - Revocation

The City Clerk shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local laws or regulations, makes a false statement on a mobile food vendor application. Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder personally or by certified mail to its place of business or residence as indicated on the application. Immediately upon permit revocation, the permit shall become null and void.

## Article VII – Complaints, Revocation Appeals

If a written complaint from any source is filed with the City Clerk alleging a food vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained, the permit shall be denied or revoked, the applicant may appeal the City Manager's decision to a court of competent jurisdiction in accordance with Michigan law and applicable Court Rules.

## Article VIII – Appearance Tickets

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter, consistent with Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

## Article IX – Civil Infraction

A vendor that violates this Chapter is responsible for a civil infraction and subject to a fine of \$500.00 per day. Provided, however, that the fine for parking or traffic violations shall be those as otherwise in other applicable City ordinances.

Introduced and filed on 28<sup>th</sup> day of FEB 2022 and effective 15 days after date and adoption and publication as required by Section 7.4 of the City Charter.

MADE, PASSED AND ADOPTER BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE 14<sup>TH</sup> DAY OF MARCH, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD ON MARCH 31, 2022 AND IS EFFECTIVE IN FIFTEEN DAYS

At a regular meeting of the City of Buchanan, County of Berrien, State of Michigan held in said City on Monday, March 14, 2022 the Ordinance was offered by Mayor Pro Tem Weedon, Seconded by Commissioner Swem.

YEAS: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Larry Money, Commissioner Cameron Downey, Commissioner Patrick Swem

NAYS: NONE

ABSTAIN: NONE

ABESENT: NONE

Sean Denison, Mayor \_\_\_\_\_

Kalla Langston, City Clerk \_\_\_\_\_

I hereby certify that the above is true and complete copy of a ordinance adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on the 14<sup>th</sup> day of March 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

\_\_\_\_\_  
Kalla Langston, City Clerk