

REGULAR MINUTES  
PERE MARQUETTE DEPOT  
Tuesday, November 17, 2009

A meeting of the City Council of the City of Belding, Michigan was convened in open and public session at 7:00 p.m. on Tuesday, November 17, 2009.

The City Clerk took the roll call:

Members Present: Council Members Bunce, Scheid, Belding, Thompson and Wills.

Members Absent: None.

Council Member Bunce delivered the invocation.

The Mayor led the audience in the Pledge of Allegiance.

The Mayor called for the City Manager's Report – noted and filed.

The Mayor called for Election Agenda

**A – ACCEPTANCE OF REPORT OF IONIA COUNTY BOARD OF CANVASSERS**

Mike Scheid	253
Andrea Belding	183
Robert Thompson	170
Carl Jonas	167
Tami Tefft	144
Rick Stout	106
Rose Compo	74
Robert Train	51

Council Member Bunce made a motion to accept the report of the Ionia County Board of Commissioners for the November 3, 2009 election, supported by Council Member Belding.

Ayes: Council Members Bunce, Scheid, Belding, Thompson and Wills.

Nays: None.

**B – OATH OF OFFICE**

City Clerk Thomas administered the oath of office to Mike Scheid, Andrea Belding and Robert Thompson.

**C – ELECTION OF MAYOR AND MAYOR PROTEM**

Council Member Thompson made a motion to nominate Roger Wills for the position of Mayor, supported by Council Member Scheid.

Ayes: Council Members Bunce, Scheid, Belding, Thompson and Wills.

Nays: None.

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Council Member Scheid made a motion to nominate Robert Thompson for the position of Mayor Protem, supported by Council Member Thompson.

Ayes: Council Members Scheid and Thompson.  
Nays: Council Members Belding, Wills and Bunce.

Council Member Scheid made a motion to nominate Andrea Belding for the position of Mayor Protem, supported by Council Member Belding.

Ayes: Council Members Bunce, Scheid, Belding, Thompson and Wills.  
Nays: None.

The Mayor called for the Consent Agenda.

- A. APPROVAL OF MINUTES 11-3-09
- B. DART – SURPLUS PROPERTY
- C. DDA APPOINTMENT – TERRY CONLEY

Council Member Scheid made a motion to approve Item A of the consent agenda, supported by Council Member Thompson.

The question on the motion was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Belding and Wills.  
Nays: None.  
Abstain: Council Members Scheid and Thompson.

Council Member Scheid made a motion to approve Items B & C of the consent agenda, supported by Council Member Thompson.

The question on the motion was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Scheid, Belding, Thompson and Wills.  
Nays: None.

Following are the resolutions contained in the Consent Agenda.

**B. DART – SURPLUS PROPERTY**

CITY OF BELDING  
RESOLUTION NO. 2009-11-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN DECLARING CITY-OWNED PROPERTY AS SURPLUS PROPERTY.

WHEREAS, Section 2.392 of Chapter 2 of the Code of the City of Belding states that City Council may declare city-owned property that is no longer needed as surplus; and,



WHEREAS, the surplus property may be sold to the highest bidder through a sealed bid process.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City-owned property be declared as surplus and sold to the highest bidder through a sealed bid process.

**C. DDA APPOINTMENT – TERRY CONLEY**

**RESOLUTION NO. 2009-11-89**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING TERRY CONLEY TO THE DDA BOARD.

WHEREAS, a vacancy exists of the DDA Board due to the resignation of Dr. Robert Rogers; and

WHEREAS, Terry Conley has indicated his willingness to serve a term on the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Terry Conley be appointed to the DDA Board with a term of office to expire on June 30, 2011.

The Mayor called for Business Agenda Item **A – SIGN ORDINANCE AMENDMENT – ADOPTION**

The City Clerk read the preamble to the ordinance.

Council Member Belding moved the adoption of the ordinance and the motion was supported by Council Member Bunce.

**ORDINANCE NO. 509**

**AN ORDINANCE TO AMEND APPENDIX B (ZONING ORDINANCE) OF THE CODE OF ORDINANCES OF THE CITY OF BELDING.**

**THE CITY OF BELDING ORDAINS:**

**Section 1. Amendment of Section 16.4 - Signs**

Section 16.4 of Appendix B of the City of Belding Code of Ordinances (“City Code”) will read in its entirety as follows:

**SECTION 16.4 SIGNS**

**A. Intent**

This section is intended to protect and further the health, safety, and welfare of the residents of the City of Belding; to maintain and improve the appearance of the City of Belding; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community.

**B. Sign Definitions**

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1. *Awning sign:* A sign affixed flat against the surface of an awning.
  2. *Balloon sign:* A sign composed of a non-porous structure filled with air or supported by air.
  3. *Business Center Sign:* A pole or ground sign identifying the name of a business center and/or one (1) or more individual businesses within the center.
  4. *Construction Sign:* A sign that identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
  5. *Commercial Event Sign:* A temporary sign advertising a commercial event, such as a grand opening, special sale, or similar event on a commercial property.
  6. *Directional Sign:* A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
  7. *Electronic Display:* A sign or portion of a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
  8. *Garage or Estate Sale Sign:* A temporary sign erected to advertise the resale of personal property belonging to the resident. This definition includes signs for garage sales, estate sales, rummage sales, yard sales or any similar casual sale of tangible personal property.
  9. *Government Sign:* A temporary or permanent sign erected by the City of Belding, Ionia County, or the state or federal government.
  10. *Ground Sign:* A sign resting directly on the ground or supported by short poles not attached to a building or wall.
  11. *Marquee Sign:* A sign affixed flat against the surface of a marquee.
  12. *Mural:* A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
  13. *Occupant Frontage:* The width of a building, or the width of a tenant space within a multi-tenant building, on the side oriented toward the street, parking lot or access drive.
  14. *Off-Premise Sign:* A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
  15. *On-Premise Sign:* Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
  16. *Placard:* A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
  17. *Pole Sign:* A sign supported on poles not attached to a building or wall.
  18. *Political Sign:* A temporary sign used in connection with a noncommercial message or an official City of Belding, school district, county, state, or federal election or referendum.
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19. *Portable Sign*: Any sign not permanently attached to the ground or other permanent structure and designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, or signs made as A-frames or T-frames (see examples).

20. *Projecting Sign*. A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.

21. *Property Development Sign*: A sign advertising a new subdivision, development or structure, which advertises lots for sale, buildings for sale or lease, etc.

22. *Reader Board*: A portion of a sign on which copy is changed manually.

23. *Real Estate Sign*: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

24. *Roof Sign*: A sign erected upon a roof. A sign erected upon a mansard roof or other roof surface with a pitch of greater than forty-five (45) degrees shall be considered to be a wall sign.

25. *Sign*: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.

26. *Special Event Sign*: Temporary signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.

27. *Temporary Sign*: A sign, flag, banner, balloon, pennant or valance, usually constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, or any other sign, other than a portable sign, that is not permanently secured and is not intended or designed for permanent use.

28. *Vehicle Sign*: A sign designed to be mounted to a vehicle or trailer and designed to be visible to other motorists or pedestrians while so mounted, with the primary purpose of advertisement while the sign is being transported. A sign painted on a vehicle that identifies the business that owns or uses the vehicle, or a sign depicting the name of the owner of the vehicle, shall not be considered a vehicle sign.

29. *Wall Sign*: A sign painted on or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.

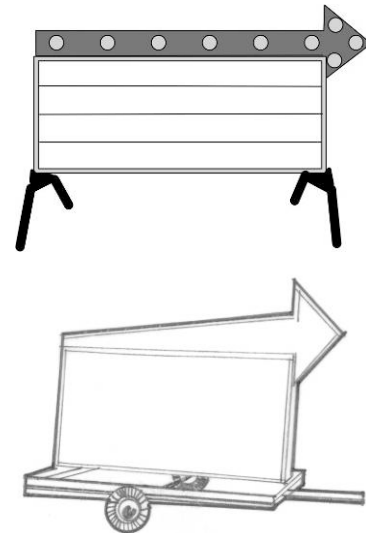
30. *Window Sign*: A sign installed inside a window and intended to be viewed from the outside.

C. Permit Required: No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a sign permit, except those specifically exempted from permit requirements in Section 16.04, F, below.

D. General Sign Provisions

1. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility or creates a blighting, unsightly or unsafe condition.

2. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.



*Portable Sign Examples*

3. When a sign is allowed to be illuminated, it may be internally illuminated, or if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
4. Sign Location: No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section and as follows:
  - a. In the B-1 District, a projecting sign may extend over the public sidewalk, provided that the bottom of the sign is at least eight (8) feet above the sidewalk. The City may require the owner of the sign to provide insurance and indemnification in the event that the sign may damage public property or cause injury to persons or property within the public right-of-way.
  - b. A garage or estate sale sign is permitted within a City of Belding right-of-way, subject to the requirements of Table 16.4-3.
5. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
6. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
7. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street.
8. Except for electronic displays as allowed by this Section, no sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
9. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
10. No wall sign shall extend above or beyond the edge of the wall to which it is affixed.

#### E. Prohibited Signs

The following signs shall be prohibited within the City of Belding:

1. Off-premise signs, except special event signs as permitted by this Section.
2. Vehicle signs; however, signs attached to a public transit vehicle or other government-owned vehicle shall be exempt from this Section
3. Roof signs
4. Balloon signs, except when allowed as a commercial event sign
5. Signs that are held by or supported by a person for commercial advertising purposes

#### F. Exempted Signs

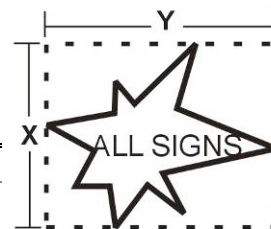
The following signs shall be exempt from the permit requirements of this Section, except for the provisions of Section 16.4, D:

1. Directional signs, subject to the requirements of Sec. 16.4, J, 1, below
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2. Government signs. A permanent government sign may include an electronic display or reader board
3. Commercial event signs of four (4) square feet in size or less, except that balloons shall not be allowed. For commercial event signs that exceed four (4) square feet or that utilize balloons, see Table 16.4-2
4. Historical markers
5. Window signs, provided that no more than fifty (50) percent of the window area is covered with signs.
6. Political signs, subject to the requirements of Section 16.4, L, Table 16.4-2.
7. Memorial signs or tablets
8. Murals, provided that no portion of the mural contains advertising
9. Signs not visible from any street or alley
10. Signs for essential services
11. Placards not exceeding two (2) square feet
12. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
13. Flags or insignia of any nation, state, city, community organization, or educational institution
14. Commercial signs mounted to a public transit vehicle or government vehicle

G. Non-conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses

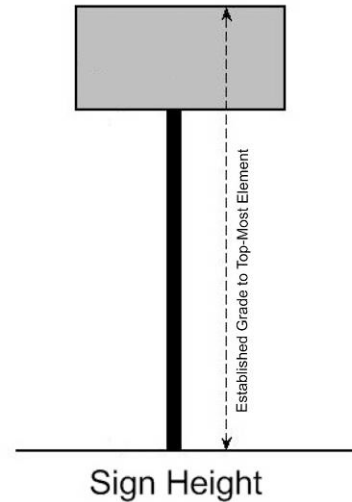
1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
2. Non-conforming signs may not be expanded, enlarged, or extended; however, the face of a nonconforming sign may be replaced, so long as the nonconforming nature of the sign is not expanded or increased. Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this paragraph shall not apply, and the sign may not be replaced.
4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
5. Any sign which for a period of three (3) months or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator. The Zoning Administrator may grant one extension of up to six (6) months, provided that the proprietor of the sign can show due cause for the extension.
6. A sign accessory to a non-conforming use may be erected in the city in accordance with the sign regulations for the subject zoning district.



H. Units of Measurement

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1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any rectangular figure 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.
2. The area of a pole, ground or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less. Where the ground is built up or raised (such as a berm), the height of the sign shall be measured from the original grade. Increasing the grade for the purpose of increasing sign height is prohibited.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking the occupant frontage applicable to each tenant and computing sign requirements for that portion of the structure.



#### I. Sign Regulations Applicable to All Zoning Districts

1. Reader Boards: All ground, pole and wall signs as permitted in Section 16.4, K, below, may include a reader board. No more than forty (40) percent of the sign area may be a reader board. A reader board is not permitted on a sign that has an electronic display.
2. Any sign, including awnings and marquees to which signs are affixed or displayed, not resting directly on the ground, shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.

#### J. Specific Sign Requirements

1. Directional signs are permitted for nonresidential uses and multiple family developments in any zone district, subject to the following restrictions:
  - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
  - b. No such sign shall exceed four (4) square feet in area or three (3) feet in height.
  - c. Directional signs shall be limited to traffic control functions only.
  - d. Directional signs may only be illuminated from within.
2. Home Occupation Signs. A sign for a home occupation shall be limited to one (1) wall sign that is no greater than four (4) square feet in area. A home occupation sign may not be illuminated.
3. Business Center Signs.
  - a. In the B-2 District, a business center sign is permitted, subject to the following requirements:

- (1) Any property or building designed for more than one (1) business shall require a business center sign. Separate pole or ground signs for individual businesses within a Business Center shall not be permitted.
  - (2) Number: One (1) per street frontage, but not more than two (2) signs, provided that lots with two street frontages shall have a minimum width at each right-of-way line of at least seventy-five (75) feet in order to have a second sign.
  - (3) Area: A business center sign in the B-2 District shall not exceed one-hundred fifty (150) square feet in area, subject to the following:
    - (a) For a business center sign advertising two (2) to four (4) businesses, each business shall be limited to no more than thirty (30) square feet.
    - (b) For a business center sign advertising more than four (4) businesses, each business shall be limited to no more than twenty (20) square feet.
    - (c) The name and primary street address of the Business Center shall be displayed on the sign with lettering at least four inches (4") in height.
  - (4) A business center pole sign must have a minimum ten (10) foot visual clearance.
  - (5) Location: Minimum of ten (10) feet from any property line for ground or pole signs; however, this setback shall be increased to ensure clear vision from any driveway or street; or fifteen (15) feet from any property line for pole signs.
  - (6) Height: No higher than six (6) feet for ground signs or thirty five (35) feet for pole signs.
  - (7) Illumination. Business center signs may be illuminated according to Section 16.4.D.3.
- b. In the B-1 District, one business center sign is permitted for an enclosed shopping center. This sign shall be limited to fifty (50) square feet and thirty (30) feet in height. This sign shall contain the name of the business center and also may be used to advertise City and community events.
4. Marquee and Awning Signs: In the B-1 and B-2 districts, a marquee or awning sign is permitted, subject to the following requirements:
- a. Marquee signs:
    - (1) One (1) sign is permitted per marquee, located on the front fascia.
    - (2) No more than one (1) marquee sign is permitted per street frontage.
    - (3) No marquee sign shall be larger than forty (40) percent of the marquee fascia, with a maximum area of twenty-five (25) square feet.
    - (4) A marquee sign may be backlit or illuminated by exterior lamps attached to the marquee and directed only upon the sign.
  - b. Awning signs:
    - (1) No more than one (1) sign is permitted on each awning. There may be no more than one (1) awning sign per street frontage.
    - (2) No awning sign shall be larger than twenty (20) percent of the face of the awning to which it is attached, with a maximum area of twenty (20) square feet.
    - (3) An awning sign may be illuminated only by means of backlighting behind the awning surface. The light source shall not be visible from outside the awning.
5. Electronic displays: An electronic display is permitted, subject to the following requirements:
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a. General Requirements

- (1) An electronic display is permitted only on pole or ground signs, except that an electronic display that displays time and temperature only may be allowed as part of a wall sign.
- (2) An electronic display is not permitted on a sign that has a reader board.
- (3) The entire sign face shall only convey a single product or message at any one time.
- (4) Except for the change from one display to the next, which shall be instantaneous, each individual sign display shall be stationary. No elements of the display may move, flash or scroll, except to change from one display to the next.
- (5) Displays may change no less than five (5) seconds apart.

b. District Requirements

- (1) In residential districts and residential planned unit developments, an electronic display is permitted for an allowed non-residential use only. The electronic display shall consist of no more than sixty (60) percent of the sign area.
- (2) In the OS-1, B-2 and I-1 districts and any commercial or industrial planned unit development, an electronic display is permitted, provided that the electronic display shall consist of no more than fifty (50) percent of the sign area.
- (3) B-1 District:
  - (a) For pole and ground signs, an electronic display is permitted, provided that the electronic display shall consist of no more than forty (40) percent of the sign area.
  - (b) For the one business center sign permitted in Section 16.4.J.3.b, an electronic display is permitted, provided that the electronic display shall consist of no more than fifty (50) percent of the sign area.

6. Portable Signs.

a. Portable Signs Existing at the Time of Adoption. Any portable sign existing on the effective date of this Section, regardless of nonconforming or permitted status, shall be allowed to continue, subject to the following requirements:

- (1) All signs existing on the effective date of this Section shall be inventoried by the Zoning Administrator. The requirements of this subparagraph shall apply only to those signs listed on the inventory.
  - (2) A portable sign shall not be the primary sign for the property. At least one (1) permanent sign that is not a portable sign, meeting the requirements of this Section, must be located on the premises.
  - (3) All such signs shall be maintained and repaired in good working condition. All frames, etc. shall be painted and rusted areas shall be rustproofed and repainted.
  - (4) Lettering shall be maintained to create complete words and readable messages.
  - (5) The portable sign structure shall be correctly oriented horizontally and vertically, and shall not be allowed to bend or sag.
  - (6) Illumination may be backlighting from within the sign, or from a shielded light source directed only upon the sign. The light source shall not be visible from the street.
  - (7) A portable sign under this subparagraph shall not be mounted on a trailer or other wheeled vehicle.
  - (8) All portable signs subject to this subparagraph shall be brought into conformance with the above requirements no less than six (6) months after the effective date of this Section. Any sign not in compliance by this deadline shall be removed by the owner of the property on which the sign is located, or if the owner fails to do so, by the City at the expense of the owner. The City may use any authorized means to recover the costs related to such removal.
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(9) All portable signs subject to this subparagraph shall be removed no later than five (5) years after the effective date of this Section. Any sign not removed by this deadline may be removed by the City at the expense of the owner of the property on which the sign is located. The City may use any authorized means to recover the costs related to such removal.

b. Temporary Portable Signs

(1) This subparagraph applies only to any request for a new portable sign after the effective date of this Section. Any property subject to subparagraph.a, above, shall not be eligible for a temporary portable sign until all existing portable signs on that property have been removed.

(2) The Zoning Administrator may issue a permit for a temporary portable sign according to the requirements in Table 16.4-2.

c. Ground, Wall and Pole Sign Requirements: Where permitted, ground, wall and pole signs shall be erected according to the requirements of Table 16.4-1.

d. Temporary Sign Requirements: Requirements for temporary signs shall be according to Tables 16.4-2 and 16.4-3. Except as stated within the tables, temporary signs shall not be illuminated.

**Section 2.**      **Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 3.**      **Repeal.**

Any and all Ordinances of the city or any parts or provisions thereof to the extent that they are contrary to or inconsistent with the provisions of this Ordinance are hereby expressly repealed.

**Section 3.**      **Effective Date.**

This Ordinance becomes effective ten (10) days after its adoption and upon publication in a newspaper of general circulation.

