

Resolution  
Failed 11/7/17  
2-6

**RESOLUTION NO. R17-67**

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING A PICTOGRAPHIC CHANGEABLE COPY SIGN FOR SCHOOL DISTRICT #7 TO BE LOCATED ON PROPERTY LOCATED IN THE COMMUNITY ENTRY ZONING DISTRICT.**

WHEREAS, School District #7 owns property located on East Maryland Lane within the city limits of the City of Laurel and such property is within the Community Entryway Zoning District which generally does not allow Pictographic Changeable Copy Signs;

WHEREAS, School District #7 desires to replace its existing sign with a Pictographic Changeable Copy Sign on its property which constitutes a non-conforming sign in the Community Entryway Zoning District; and

WHEREAS, the property owner constitutes an agency as defined by Montana Code Annotated, ("MCA") Section 76-2-402 which requires the City to provide a public forum to gather public comments on the proposed sign through its Board of Adjustments; and

WHEREAS, MCA Section 76-2-402 further restricts the City from denying School District #7's request and as a consequence the City Staff is recommending approval subject to the enforceable restrictions provided herein; and

WHEREAS, the City Council, performing the duties of the City's Board of Adjustments pursuant to MCA 76-2-402, conducted a public hearing on School District #7's request on November 7, 2017 and gathered public comment to the proposed sign; and

WHEREAS, based on the request, materials and information provided by School District #7 and the provisions of Montana law provided herein, the City Council finds it is in the best interest of the City to approve the request with the conditions recommended by City Staff.

NOW THEREFORE, BE IT RESOLVED that School District #7's request to place a Pictographic Changeable Copy Sign on its property located on East Maryland Lane, within the City of Laurel, is hereby authorized and approved subject to the following conditions:

1. School District #7 shall apply for a building permit pursuant to LMC 17.26.040; and
2. Contractors utilized for the project by School District #7 must possess a City Business License.

Introduced at a regular meeting of the City Council on 7<sup>th</sup> day of November, 2017 by Council Member Dickerson.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 7<sup>th</sup> day of November, 2017.

APPROVED BY THE MAYOR this 7<sup>th</sup> day of November, 2017.

\_\_\_\_\_  
Mark A. Mace, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Keeler, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Sam Painter, Civil City Attorney



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel Board of Adjustments  
FROM: Noel Eaton, City Planner  
RE: Land Use Contrary to Zoning-School District #7  
HEARING  
DATE: November 7<sup>th</sup>, 2017  
WORKSHOP  
DATE: October 31<sup>ST</sup>, 2017

#### DESCRIPTION/LOCATION:

School District #7 has submitted an application for Land Use Contrary to Zoning. The affected property is located at 203-208-210-300 E Maryland Lane in the City of Laurel. The Parcel is Public. The applicant is requesting a review for the use of a Pictographic Changeable Copy Sign in Community Entryway Zoning.

#### STAFF FINDINGS:

##### Applicant Data:

Owner: School District # 7  
Applicant: Tyler Thelen- Epcon Sign Group  
Legal Description: Morris Subdivision 1<sup>st</sup> Filing S 09 T 02 S R 24E Block 7, lots 12-22 & Lots 11-20  
Address: 203-208-210-300 E Maryland Lane  
Parcel Size: 9.996 acres  
Existing Land Use: Laurel High School  
Proposed Land Use: Pictographic Changeable Copy sign  
Existing Zoning: Public-Community Entryway Zoning District

##### Surrounding Land Use and Zoning (See Exhibits A & B)

North: Zoning: Public	Land Use: Residential
South: Zoning Public	Land Use: Baseball Fields/Thomson Park
East: Zoning R-7,500	Land Use: Residential
West: Zoning: R-7,500	Land Use: Residential

1. The application, zoning map, and images of the property have been attached.
2. The application is requesting a Land Use review from LMC 17.42 to allow a "Pictographic Changeable Copy Sign" in Community Entryway Zoning District.
  1. Definition: a sign whose still framed pictographic or symbolic content can be changed or altered by manual or electric, electromechanical or electronic means. Still frame pictures may change but not

sooner than every sixty seconds. No pictographic changeable copy sign can depict motion, flashing, blinking or other special effects including scrolling text.

3. A "Computer Controlled Variable Message Electronic Sign" is already on the property.
  1. Definition: Signs whose alphabetic or numeric content can be changed or altered by means of computer-driven electronic impulses.
4. LMC 17.42.050 (table) does not allow Pictographic changeable copy signs in EZD zoning. LMC 17.42.050.F. Signs Prohibited: states "Animated" and "Pictographic changeable copy signs" which depict motion of any kind, including blinking, and scrolling text or other special effect; (are prohibited)
5. The sign's existing and proposed location is approximately 160 feet from the property line of the baseball field & Thomson Park (see attachment).
6. The advertising requirements of LMC 17.68.030 C-E have been met.
7. MCA 76-2-402 Local Zoning Regulations—application to agencies. States "Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held.
  1. The local board of adjustments, as provided in this chapter, shall hold a public hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations."

#### STAFF RECOMMENDATIONS:

1. The applicant shall apply for a building permit LMC 17.26.040
2. If the applicant does not already have a City of Laurel business license they shall apply for one.

Staff recommends the applicant consider the following requirements for the proposed sign.

1. LMC 17.26.052.A.1 Signage Review Consideration for Community Entryway Zoning District:
  - a. Use of subdued, low-key colors;
  - b. Location, size, and height do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
  - c. Sign is built of permanent, durable materials;
  - d. Size and location avoids or minimizes the sense of clutter with nearby signs;
  - e. The sign is professionally prepared and finished on both sides;
  - f. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
  - g. The sign will not obstruct views of users of adjacent buildings to side yards, yards, or to nearby open space;
  - h. The sign will not negatively impact the visual quality of a public open space, such as a recreation facility, square, plaza, court yard and the like;
  - i. The sign cannot be seen from the Yellowstone River or any city, county, or state park or if it can be seen it must be located one thousand feet from the boundaries of such spaces
2. The sign shall not depict motion of any kind, including blinking, and scrolling text or other special effect.
3. The sign shall not change images sooner than every sixty (60) seconds

**BOARD OF ADJUSTMENT'S CONSIDERATIONS:**

MCA 76-2-402(2) states "The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use."



## Land use complaint to zoning

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: Seneca District # 7
2. Name of Applicant if different from above: TERRY TIGER
3. Phone number of Applicant: 248-7461
4. Street address and general location: 705 200th Ave SW E Missoula
5. Legal description of the property: See Attached
6. Current Zoning: Residential
7. Provide a copy of covenants or deed restrictions on property.

I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: \_\_\_\_\_

[Signature]

Date of Submittal: 9/19/2017

MCA Contents / TITLE 76 / CHAPTER 2 / Part 4 / 76-2-402 Local zoning r...

TITLE 76. LAND RESOURCES AND USE  
CHAPTER 2. PLANNING AND ZONING

Part 4. Application to Governmental Agencies Group and Foster Homes

## Local Zoning Regulations -- Application To Agencies

**76-2-402. Local zoning regulations -- application to agencies.** Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held.

(1) The local board of adjustments, as provided in this chapter, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.

(2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

**History:** En. Sec. 2, Ch. 397, L. 1981.

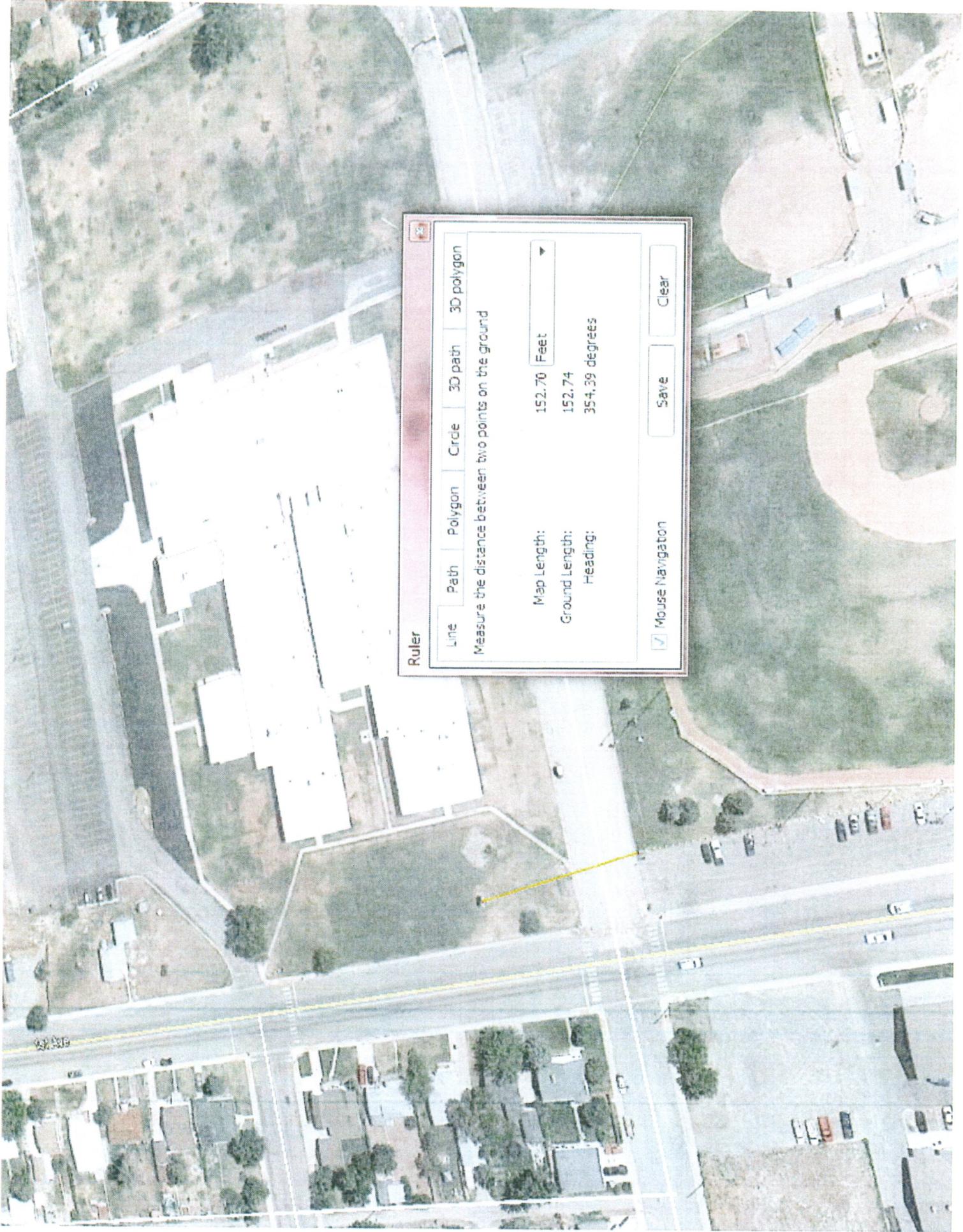
Created by LAWS





© 2017 Google





Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

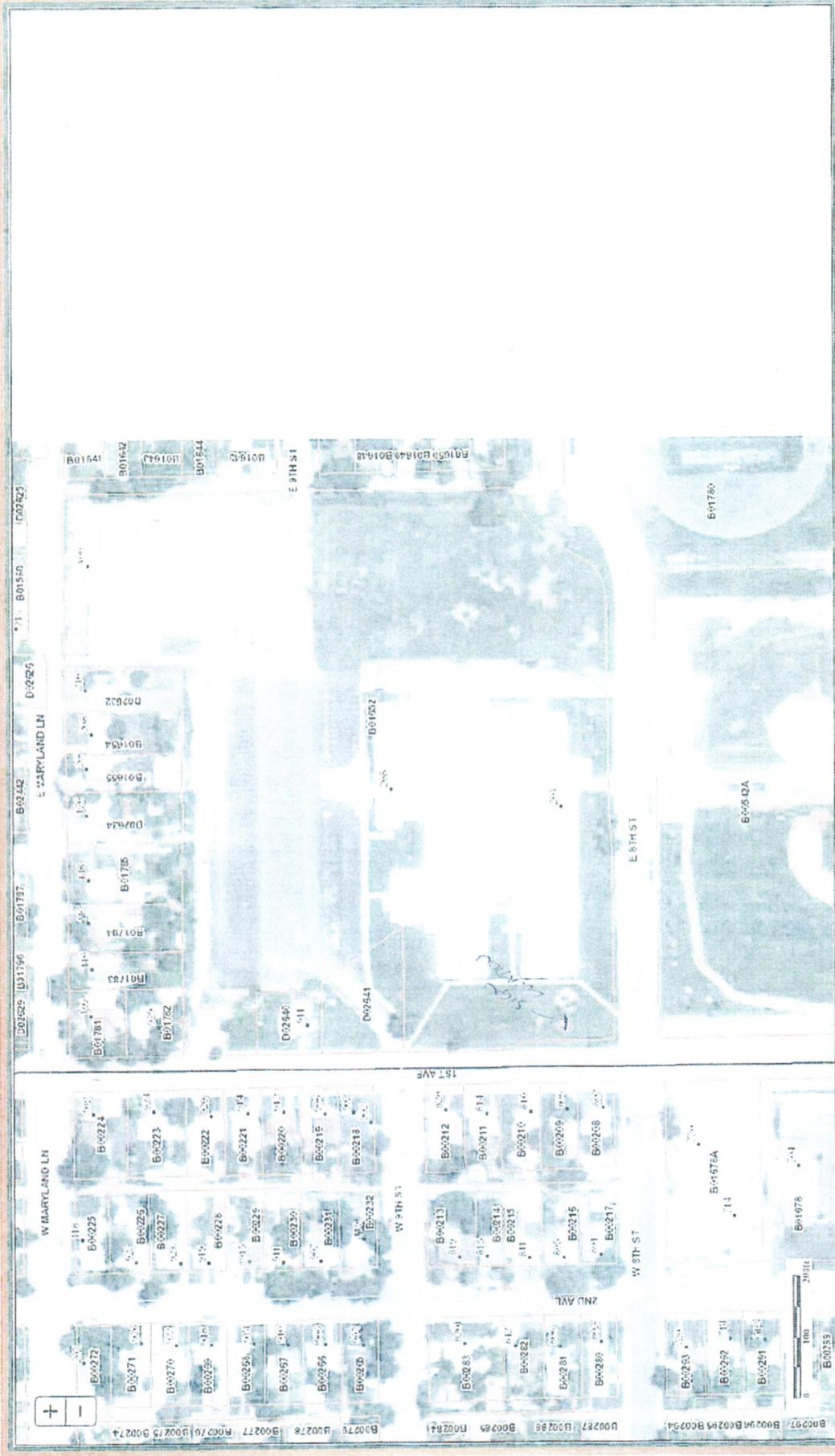
Map Length: 152.70 Feet  
Ground Length: 152.74  
Heading: 354.39 degrees

Mouse Navigation

Save

Clear





Longitude: 108.731 Latitude: 45.679  
State Plane X: 65557.842, Y: 19008.656

Legend  
Results