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1-6*

RESOLUTION NO. R15-30

A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM CHAPTER 15.40 OF THE CITY'S SIGN CODE FOR THE PROPERTY LOCATED AT 202 SE 4TH STREET TO ALLOW THE REMOVAL AND REPLACEMENT OF A FREESTANDING POLE SIGN WITH AN ANIMATED SIGN WHICH IS CURRENTLY PROHIBITED.

WHEREAS, the property located at 202 SE 4th Street is currently governed by the City of Laurel's Sign Code which is located at LMC 15.40, and the business located at such address is a car sale and service business;

WHEREAS, the prior property owner had constructed two free standing non-animated pole signs on the property which constituted a non-conforming use under the City's Sign Code and Montana law; and

WHEREAS, the property owner seeks a variance to allow him/her to remove one of the non-animated pole sign and replace it with an animated pole sign that is adjacent and visible from the Interstate Highway; and

WHEREAS, LMC 15.40.050 currently prohibits more than one pole sign and all animated pole signs; and

WHEREAS, the City Council held a public hearing on May 5, 2015, after proper notification was sent to all property owners within 300 feet of the subject property as well as published notice in the Laurel Outlook pursuant to Montana law, no objections were noted or received into the record; and

WHEREAS, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to allow the variance since:

1. Granting the variance in this case relates only to a special condition that is specific to the applicant;
2. The current hardship was not created by the applicant;
3. The variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. Granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the property owners' request for a variance from City Ordinance LMC 15.40.050 that prohibits more than one pole sign and all animated pole signs with the following conditions:

1. The property owner shall apply for and obtain a sign permit prior to construction;
2. The existing "used car sign" must be removed and discarded prior to construction; and
3. Any alteration of the proposed sign must be approved by the City.
4. Before the construction of any sign, the applicant shall contact MDT and apply for any necessary permits that may be required as the structure is located within 600' of a controlled roadway.

Introduced at a regular meeting of the City Council on May 5, 2015, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 5th day of May, 2015.

APPROVED BY THE MAYOR this 5th day of May, 2015.

Mark A. Mace, Mayor

ATTEST:

Shirley Ewan, Clerk/Treasurer

APPROVED AS TO FORM:

Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Monica Plecker, Planning Director
RE: Variance for 202 SE 4th Street
HEARING
DATE: May 5, 2015

Steve Zabawa of Rimrock II LLC has submitted an application for a variance of LMC. 15.40 Sign Code. Specifically, the application is requesting the property located at 202 SE 4th Street be allowed to remove and replace a 2nd freestanding pole sign. Furthermore, the signage plan proposes the new sign be an animated sign which is prohibited by LMC 15.40.050.


1. On April 16th an ad was published stating that the application requested a third freestanding pole sign. This was an incorrect statement. Per the advice of legal counsel, a corrected ad was published in the Laurel Outlook on April 23. A corrected ad was mailed to each property owner within 300' of the property on April 16th. The ad specifically noted the correction.
2. A preapplication meeting was held prior to the application submittal.
3. The property owner has submitted a variance application asking to replace and move an existing pole to a new location. Currently the property has 2 freestanding pole signs that are not animated. The letter which accompanies the application states they "propose to remove the Used Car sign on SE 4th St. and replace it with a computer controlled variable Message Center on the South end of the property to address the Interstate." The letter further states that the "dealership has no presence on the Interstate because of national requirements for positioning the GM logo sign, as well as difference in grade between the Interstate and Chevrolet properties."
4. Laurel Municipal Code 15.40.130.H states that "One on-premise, freestanding sign may be installed to a height of forty feet and may be a maximum of three hundred fifty square feet if the principal purpose of such signs is to address interstate traffic as determined by the director. The sign must be oriented perpendicularly to the interstate so the sign is visible to interstate travelers."

5. The signage plans provided by the applicant propose an animated sign. LMC 15.40.040 defines an animated sign as “any sign that uses movement or change or lighting to depict actions or create a special effect or scene.” Furthermore, LMC 15.40.050.E states that animated signs are prohibited.
6. Laurel Municipal Code 15.40 Sign Code has been attached as a reference.
7. The applicant has provided an application for variance, accompanying letter, written response to criteria for a variance and sign drawings that depict material and coloring.
8. A public hearing will be held by the City Council on May 5, 2015. The hearing was noticed twice in the Laurel Outlook and property owners within 300’ were notified not less than 15 days prior to the hearing.

The City Council should consider whether or not the criteria for granting a variance has been met. The applicant has provided a written statement addressing each item. All seven criteria shall be met prior to granting a variance. The applicant’s response is attached to this staff report.

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
3. Unless the basis is something more than mere financial loss to the owner;
4. Unless the hardship was created by someone other than the owner;
5. Unless the variance would be within the spirit, intent, purpose, and general plan of this title;
6. Unless the variance would not affect adversely or injure or result in injustice to others; and
7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

Upon staff review of the application and supplemental materials, it is recommended that the variance be denied. Substantial evidence to support the criteria for a variance has not been presented by the applicant. Furthermore, the protection of entryway points into the community has always been a priority of the Planning Board and City Council. Most recently the Planning Board and Council have taken action to protect the character of the commercial districts within the City by adopting overlay districts. An animated sign like this one proposed would be detrimental to the character of the SE 4th Street area. Furthermore, the ordinance allows for only one freestanding sign. While the two existing signs were permitted, a change in ordinance makes the property nonconforming. Nonconforming structures are permitted to continue as long as there is no change. Without the granting of this variance, the existing second sign could continue to be used. The code allows for a height of 40’ so that businesses can be noticed by interstate travelers.



If the City Council recommends approval of the land use variance, the following conditions are suggested:

1. The applicant shall apply for a sign permit before constructing any new sign.
2. The Used Car sign shall be removed prior to any construction of the sign proposed in this application.
3. Any alteration of the sign shall be permitted by the City.
4. Before the construction of any sign, the applicant shall contact MDT and apply for any necessary permits that may be required as the structure is located within 600' of a controlled roadway.

Chapter 15.40**SIGN CODE****Sections:**

- 15.40.010 Adoption.**
 The Uniform Sign Code, 1997 Edition, published by the International Conference of Building Officials, together with any appendix or subsequent amendments or additions thereto, adopted or as may be adopted in the future by the city of Laurel, is adopted by and declared to be the sign code of the city.
- 15.40.020 Updated references.**
15.40.030 Intent.
15.40.040 Definitions.
15.40.050 Signs prohibited.
15.40.060 Portable and banner signs.
15.40.070 Signs not requiring permits.
15.40.080 Entryway zoning district.
15.40.090 Calculation of sign area.
15.40.100 Maintenance.
15.40.110 Lighting.
15.40.120 Changeable copy.
15.40.130 Signs permitted (exceptions to this section are noted in the entryway zoning district).
15.40.140 Shopping center signs (exceptions to this section are noted in the entryway zoning district).
15.40.150 Common signage plan.
15.40.160 Nonconforming signs.
15.40.170 Construction specifications.
15.40.180 City fees and/or charges for signs.

One full printed copy of the code shall be available in the offices of the city. The aforesaid Uniform Sign Code, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "Uniform Sign Code" of the city. (Ord. 05-15 (part), 2005)

15.40.020 Updated references.

The sign code described in Section 15.40.010 of this chapter may be amended by resolution or administrative order of the mayor. (Ord. 05-15 (part), 2005)

15.40.030 Intent.

This code shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or fraternal organization; gravestones; barber poles; religious symbols; or any display or construction not defined in this chapter as a sign. (Ord. 05-15 (part), 2005)

15.40.040 Definitions.

As used in this chapter:

"Animated sign" means any sign that uses movement or change or lighting to depict action or create a special effect or scene.

"Area of sign" means the entire area of a sign including the area within a perimeter, which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign, which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. (See below section calculation of sign area.)

“Banner sign” means any sign (other than an official flag) made of cloth, paper or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

“Beacon” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

“Building marker” means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

“Canopy sign” means any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.

“Changeable copy sign” means a sign whose informational content can be changed or altered by manual or electric, electromechanical or electronic means. Changeable signs include the following types:

1. Manually Activated. Signs whose alphabetic, pictographic or symbolic information content can be changed or altered by manual means.

2. Electrically Activated. Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven change-

able segments. Electrically activated signs include the following two types:

- a. Fixed Message Electronic Signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming.

- b. Computer Controlled Variable Message Electronic Signs. Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

“Copy” means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

“Directional/informational sign” means an on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than twenty percent of the total sign.

“Director” means the director of public works of the city of Laurel or his or her designee.

“Flag” means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

“Freestanding sign” means any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including monument signs.

“Government sign” means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

“Height of sign” means the vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.

“Lot” means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer or ownership.

“Maintenance” means, for the purposes of this code, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.

“Monument sign” means a sign mounted directly to the ground with maximum height not to exceed ten feet.

“Nonconforming sign” means a sign, which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

“On-premise sign” means a sign that advertises solely for the property on which it is located.

“Portable sign” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

“Principal building” means a structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other

clearly accessory uses shall not be considered principal buildings.

“Projecting sign” means a sign, other than a wall sign, which is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.

“Roof sign, above-peak” means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

“Roof sign, integral” means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

“Setback” means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

“Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

“Street” means a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated which has been dedicated to or acquired for public use, and which extends the full width between right-of-way lines.

“Street frontage” means the length of the property line of any one premise along each public right-of-way it borders excluding al-

leys, government easement accesses, and the interstate highway.

“Suspended sign” means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

“Temporary sign” means a nonpermanent sign erected and maintained for a specific limited period of time.

“Wall sign” means any sign attached parallel to, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Wall signs shall not exceed twenty-two inches in depth measured from the face on the wall on which the sign is mounted.

“Wind-driven sign” means any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

“Window sign” means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. (Ord. 05-15 (part), 2005)

15.40.050 Signs prohibited.

All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:

- A. Beacons;
- B. Wind-driven signs, except flags as defined in this chapter;

C. Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;

- D. Inflatable signs and tethered balloons;
- E. Animated signs;
- F. Above-peak roof signs;
- G. Abandoned signs;
- H. Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way;

I. Signs placed on vehicles or trailers, which are parked or located for the primary purpose of displaying, said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business). (Ord. 05-15 (part), 2005)

15.40.060 Portable and banner signs.

Permits Required. It shall be unlawful for any owner or person entitled to possession of any property or business, or their authorized representatives, to erect, construct, move, or display a temporary sign or cause the same to be done, without first obtaining a temporary sign permit from the sign administrator. A temporary sign permit may be issued:

A. To new businesses or to existing businesses which are relocating and shall be limited in use to one time for no longer than sixty days; or

B. To existing businesses for the purpose of advertising and shall be limited to a maximum of thirty consecutive days per calendar year. Such thirty-day period may be split into no more than two separate periods of fifteen consecutive days each. (Ord. 05-15 (part), 2005)

15.40.070 Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in con-

formance with all other requirements of this section:

- A. Construction signs of sixteen square feet or less;
- B. Special event or holiday lights or decorations;
- C. Nameplates of two square feet or less;
- D. Public signs or notices, or any sign relating to an emergency;
- E. Real estate signs (see signs permitted, Section 15.40.130(B));
- F. Political signs (see signs permitted, Section 15.40.130(D));
- G. Interior signs not visible from the exterior of the building;
- H. Directional signs not to exceed twelve square feet in area or six feet in height. (Ord. 05-15 (part), 2005)

15.40.080 Entryway zoning district.

The provisions of the entryway zoning district pertaining to signs shall apply to all signs in that district and are in addition to the provisions of this section. (Ord. 05-15 (part), 2005)

15.40.090 Calculation of sign area.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces. (Ord. 05-15 (part), 2005)

15.40.100 Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. (Ord. 05-15 (part), 2005)

15.40.110 Lighting.

Unless otherwise prohibited by this code, all signs may be illuminated provided they do not cause or contribute to a public nuisance. Lighting restricted to the sign face. (Ord. 05-15 (part), 2005)

15.40.120 Changeable copy.

Unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign.

Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road. (Ord. 05-15 (part), 2005)

15.40.130 Signs permitted (exceptions to this section are noted in the entryway zoning district).

A. One nonilluminated sign for each street frontage of a construction project, not to exceed forty-eight square feet in sign area. Such signs may be erected thirty days prior to beginning of construction and shall be removed thirty days following completion of construction.

B. One nonilluminated real estate sign per lot or premises not to exceed sixteen square feet in sign area for residential properties and thirty-two square feet for commercial properties. Such signs must be removed fifteen days following sale, rental, or lease of the real estate involved.

C. One nonilluminated attached building nameplate per occupancy, not to exceed two square feet in sign area.

D. Nonilluminated political signs not to exceed sixteen square feet in sign area each. Such signs shall not be erected more than forty-five days prior to the election or referendum concerned and shall be removed ten days

following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.

E. One subdivision sign per street frontage not to exceed forty-eight square feet in sign area in each location.

F. One identification sign per entrance to an apartment or condominium complex, not to exceed thirty-six square feet in sign area.

G. The total square footage of all signs located on the property, including, but not limited to, freestanding, wall, projecting, integrated roof, canopy, under-canopy and directional signs, shall not exceed three square feet in sign area for each lineal foot of property frontage. This frontage shall be calculated using local streets (not the interstate highway).

H. One on-premise, freestanding sign may be installed to a height of forty feet and may be a maximum of three hundred fifty square feet if the principal purpose of such signs is to address interstate traffic as determined by the director. The sign must be oriented perpendicularly to the interstate so the sign is visible to the interstate traveler.

I. Freestanding signs which are not on-premise and/or which do not address interstate traffic as determined by the director may be installed to a maximum height of twenty-four feet and may have a maximum size of one hundred fifty square feet. Exceptions to this are noted in the entryway zoning district.

J. The setback for the leading edge of freestanding signs shall be a minimum of ten feet.

K. No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.

L. Wall signs shall not exceed twenty percent of the square footage of the wall area

upon which they are installed. Electric awning and canopy signs shall not exceed twenty percent of the square footage of the wall area upon which they are installed. The combination of wall signs, electric awning, canopy signs and projecting signs shall not exceed twenty percent of the allowed wall sign area.

M. Integrated roof signs may be used instead of wall signs. The integrated roof sign size shall not exceed the allowable size for a wall sign. Integrated roof signs shall be constructed so as to conceal all structures and fastenings. The height of the sign shall not exceed the roof to which it is attached.

N. Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten feet over sidewalk and fourteen feet over any parking lot, driveway or crown of the street, whichever is higher. Projecting sign size shall not exceed the allowable size for a wall sign.

O. One under-canopy sign for each separate occupancy or separate entrance not to exceed eight square feet in sign area. Under-canopy signs must have a minimum clearance of nine feet from the sidewalk.

P. Window signs shall not cover more than thirty percent of the window area.

Q. On-site directional signs as required. (Ord. 06-15, 2007; Ord. 05-15 (part), 2005)

**15.40.140 Shopping center signs
(exceptions to this section
are noted in the entryway
zoning district).**

A. Shopping centers shall be allowed one freestanding sign directory sign per frontage. The sign shall not exceed one hundred fifty square feet plus five percent of the one hun-

dred fifty square feet per tenant. Maximum sign size shall not exceed three hundred fifty square feet.

B. Shopping centers signs shall not exceed the maximum allowable freestanding signage.

C. Shopping center signs cannot be used if the common signage plan is used. (Ord. 05-15 (part), 2005)

15.40.150 Common signage plan.

A. If the owners of two or more contiguous or adjacent (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (excluding accessory buildings) or multiple use buildings file with the director for such lot(s) a common signage plan conforming with the provisions of this section, a twenty-five percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.

B. Provisions of Common Signage Plan. The common signage plan shall contain all of the following information:

1. An accurate plot plan of the lot, at such scale as the director may reasonably require;
2. Location of buildings, parking lots, driveways, clear vision triangles and landscaped areas on such lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this chapter;
4. An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not;
5. Window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window

signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

The common signage plan shall also specify standards of consistency among all signs on the lots affected by the plan with regard to:

1. Color scheme;
2. Letter or graphic style;
3. Lighting;
4. Location of each sign on the building(s);
5. Material; and
6. Sign proportions.

C. Limit on Number of Freestanding Signs Under Common Signage Plan. The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Where street frontage exceeds five hundred feet, one additional freestanding sign may be allowed per five hundred-foot increment.

D. Other Provisions of the Common Signage Plan. The common signage plan may contain other restrictions as the owners of the lots may reasonably determine.

E. Consent. Common signage plan shall be signed by all owners or their authorized agents in such form as the director shall require.

F. Procedures. Common signage plan shall be included in any development plan, site plan, planned development or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

G. Amendment. Common signage plan may be amended by filing a new common

signage plan that conforms with all requirements of the code in effect.

H. Existing Signs Not Conforming to Common Signage Plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within five years, all signs not conforming to the proposed amended plan or to the requirements of this section effective on the date of submission.

I. Binding Effect. After approval of a common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this section and common signage plan, the section shall control.

J. Dissolution of Common Signage Plan. If the signatories of a common signage plan wish to dissolve the common signage plan, written notice must be submitted to the director. All signs on the property for which the common signage plan was dissolved must bring all signs into conformance with this section within thirty days of the date written notice was submitted to the director. (Ord. 05-15 (part), 2005)

15.40.160 Nonconforming signs.

A. Existing signs which do not conform to the specific provisions of this section may be eligible for the designation "legal nonconforming" provided that:

1. The director determines such signs are properly maintained and do not in any way endanger the public;
2. The sign was installed in conformance with a valid permit or variance or complied with all applicable laws on the date of adoption of this section; and

3. The sign owner registers the sign with the director within six months of the adoption of this code. If the owner fails to register the nonconforming sign with the director, the sign then must be brought into compliance with this code within thirty days.

B. A legal nonconforming sign may lose this designation if:

1. The sign is relocated or replaced; or
2. The structure or size of this sign is altered in any way except toward compliance with this section. This does not refer to change of copy or normal maintenance.

C. The legal nonconforming sign is subject to all requirements of this section regarding safety, maintenance, and repair. However, if the sign suffers more than fifty percent damage or deterioration, as based on appraisal, it must be brought into conformance with this section or removed.

D. Nonconforming signs located in the entryway zoning district must be brought into compliance with the conditions of the entryway zoning district within seven years. (Ord. 05-15 (part), 2005)

15.40.170 Construction specifications.

A. Plans and specifications and the required review fee for all signs, including those in the entryway zoning district, must be submitted to the city of Laurel building department prior to the start of construction. The building department must grant a construction permit prior to any construction activity.

B. All signs shall be installed in compliance with the International Building Code (IBC) and applicable electrical codes required, permitted and enforced by the state of Montana.

C. All signs shall be inspected by the city of Laurel building department for compliance with all applicable codes (including, but not

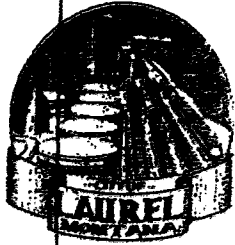
limited to, structure, wind load, and electrical hook-up).

D. All electrical freestanding signs must have underground electrical service to such signs.

E. Any change in sign construction or face, excluding changeable copy as defined in this chapter, shall require a new construction permit and fee. (Ord. 05-15 (part), 2005)

15.40.180 City fees and/or charges for signs.

The city council shall establish reasonable fees and/or charges for all signage within the jurisdiction of the city by annual resolution after a public hearing. (Ord. 07-06 (part), 2007)



Laurel Variance Request Application

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: Rimrock II LLC
2. Name of Applicant if different from above: Steve Zabawa
3. Phone number of Applicant: 670-8100
4. Street address and general location: 202 SE 4th St.
5. Legal description of the property: Block 11A Lot 1A1 Hageman Subd. 3rd Filing S16, T02, R24 E, Block 11A, Lot 1A1, AMD (12)
6. Current Zoning: HC
7. Provide a copy of covenants or deed restrictions on property.

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand 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: *SAZ* STEPHEN A. ZABAWA, M.M.

Date of Submittal: 3/26/15 3-31-15
Pd. 1100.00
v # 133574



1131 Monad Rd Billings, MT 59101
Ph: 406-248-7401 Fax: 406-248-1815 1-800-332-7168

4041 Whipperwill Dr. Missoula, MT 59808
Ph: 406-543-7444 Fax: 406-543-2920 1-888-395-6067

4825 53rd Ave SW Great Falls, MT 59403
Ph: 406-453-6577 Fax: 406-453-6578 1-800-835-1749

www.epconsigngroup.com

March 25, 2015

Honorable Mayor & City Council Members

Rimrock Chevrolet currently has 2 pylons on the property and a building identification sign on the building which faces SE 4th St. We are proposing to remove the Used Car sign on SE 4th St. and replace it with a computer controlled variable Message Center on the South end of the property to address the Interstate. In section 15.40.130-H, signs in this code are allowed 40' in height and 350 sf. The proposed sign will be 40' in height and 221 sf.

At this point in time, the dealership has no presence on the Interstate because of national requirements for positioning the GM logo sign, as well as difference in grade between Interstate and Chevrolet properties. We intend to use this display to promote the dealership and our services as well as display public information, i.e.; time and temperature along with Laurel events and promotions.

In summary, the dealership intends to replace a pylon with a new pylon which will reduce the sign clutter on SE 4th St. and open new exposure potential for travelers on the Interstate.

Sincerely,
Steve Zabawa
Owner

A handwritten signature in black ink, appearing to read "S. Zabawa", written over a white background.

Ken Fichtner
General Manager

Timothy Thelen
President

"A BRIGHTER IDEA".



4/28/15


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Monica Plecker
Planning Director
RE: Rimrock Chevrolet Variance

According to Chapter 17.60.020 of the LMC the Zoning Commission may not recommend granting a land use variance:

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
It denies the right to use the highway frontage for exposure.
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
There are many businesses that have more than 1 pylon.
3. Unless the basis is something more than mere financial loss to the owner;
It is a loss to the community as the owner plans to set aside time for community messages and events.
4. Unless the hardship was created by someone other than the owner;
The sign code was changed by the City.
5. Unless the variance would be within the spirit, intent, purpose, and general plan of this title;
The variance would help the owner and the public.
6. Unless the variance would not affect adversely or injure or result in injustice to others; and
It would not harm or be injustice to anyone.
7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
The business has been in this location since 1977.

Sincerely,

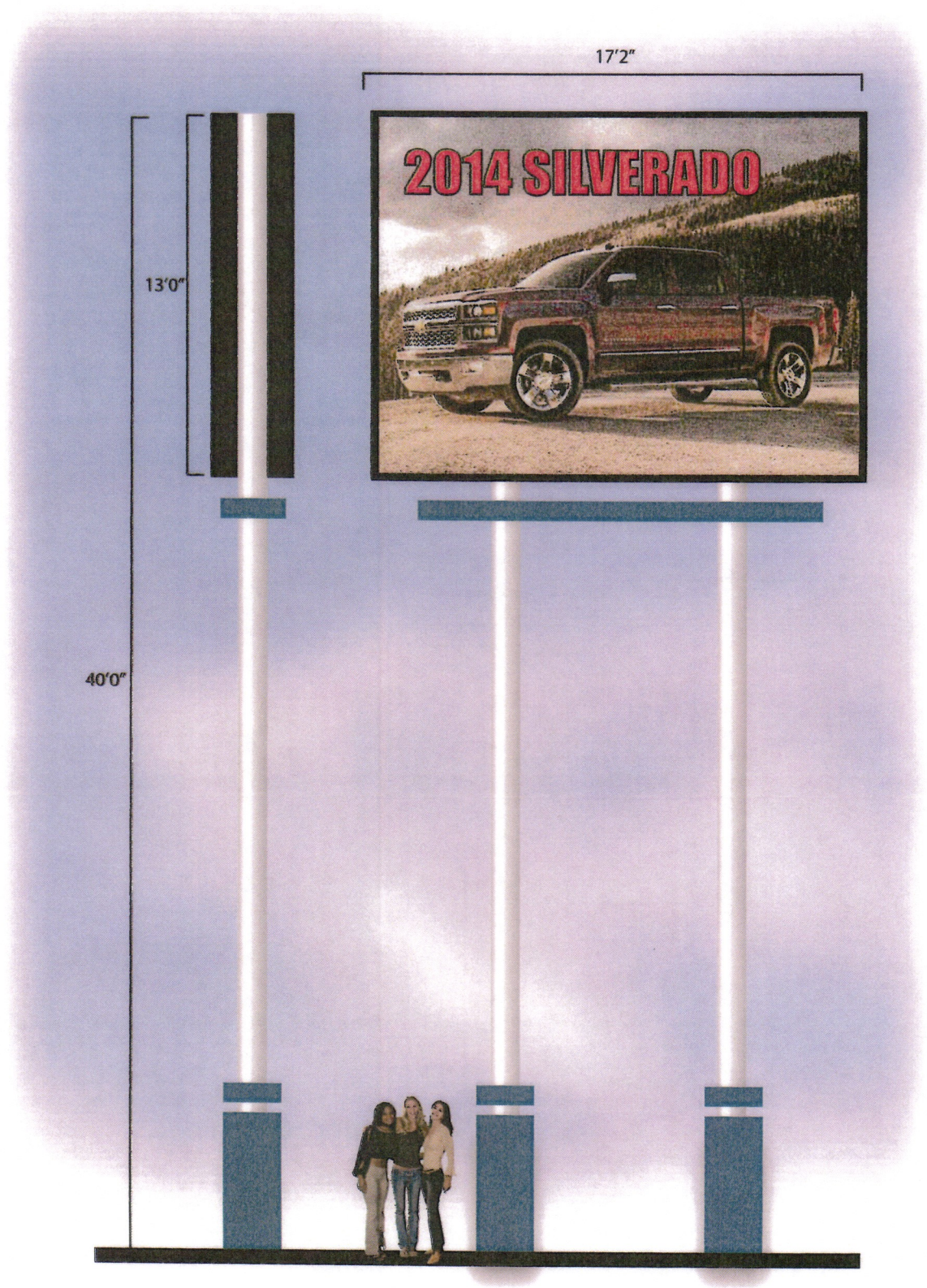

Timothy Thelen
President
Epcon Sign Company

"A BRIGHTER IDEA".



EPCON
Sign Group

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192X256 20 MM RGB MESSAGE CENTER. PAINTED STEEL PIPE WITH FABRICATED GALVANEAL FILLER AND BASES, PRIME AND PAINT SMOOTH.

- | | |
|----------------------|-----------------------|
| FINISH COLORS | SPECIFICATIONS |
| 1 WHITE | BASE |
| 2 BLUE | 3M PROCESS |
| 3 BLACK | BASE |

DOUBLE FACE HI-RISE ELECTRONIC DISPLAY



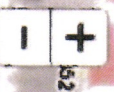
1131 MONARD RD
 RD. BOX 21239
 BILLING, MT 59104
 ● 406-245-7803
 ● 800-333-7166
 ● 406-245-1015
 ● epochsign.com

DESIGN NO: 159.14.BG
 SCALE: 1/4"=1'-0"
 DATE: 9.12.14

CLIENT: BAIRROCK CHEVROLET
 LOCATION: LAUREL, MT.

DESIGNER: DK
 SALESPERSON: TIM
 REVISED: 9.18.14

THIS DESIGN IS THE EXCLUSIVE PROPERTY OF EPOCH SIGN COMPANY AND CANNOT BE REPRODUCED EITHER IN WHOLE OR IN PART WITHOUT THEIR CONSENT. EPOCH SIGN COMPANY WILL endeavor TO CLOSELY MATCH COLORS, INCLUDING PMS COLORS WHERE SPECIFIED. WE CANNOT GUARANTEE EXACT MATCHES DUE TO VARYING COMPATIBILITY OF SURFACE MATERIALS AND PRINTS USED.



52

B00451A

B00444

B00445

B00450

B00450A

B00451

B00452A

SE 4TH ST

S MONTANA AVE

S 1ST AVE

B00221

B00470

B00457A

B00222

B00223

B00465

B00453C

B00454

B00454B

B00232

B00455

D03144D

HIGHWAY 212 S

