

RESOLUTION NO. R15-77

*Resolution
was not
considered
or approved.*

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 ELECTRONIC CONTROLLED 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 electronically controlled 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, comments were submitted into the record during the public hearing; and

WHEREAS, the City Council denied the variance on May 5, 2015 based on the public input, recommendations of staff, and issue of safety with the use of an animated sign adjacent to the Interstate; and

WHEREAS, the applicant has provided new information regarding the proposed sign indicating the sign is electronically controlled but will not be utilized as an animated sign as previously understood by Staff and the City Council; and

WHEREAS, an additional public hearing was held on September 1, 2015 and additional evidence was submitted into the record; and

WHEREAS, based on the newly submitted information regarding the sign constituting an electronic sign that will not be utilized as an animated sign, the Council reconsidered its decision as follows:

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. Prior to the construction of a new sign, the applicant shall apply and pay for a sign permit.
2. The Used Car sign shall be removed prior to any construction of the sign proposed in this application.
3. Any future alteration of the sign shall be applied for and 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. Proof of MDT approval shall be submitted prior to any permit issued by the City of Laurel. If MDT determines no permit is necessary, the applicant shall provide that information in writing.
5. The new digital sign shall only display still framed images and text. No video or motion shall be displayed. Still displays shall not change less than every 30 seconds.
6. The variance shall only apply to the sign and location identified in the application. Any alteration will be considered a zoning violation.
7. Per LMC 17.26.052.1 the sign shall contain on premise advertising messages only. On premise is defined by Laurel Municipal Code as a "sign that advertises solely for the business on the specific tract of record for which it is located."
8. All non-conforming and prohibited signs shall be removed prior to the construction of the new proposed digital sign. These signs include the temporary sign located along SE 4th Street and the wind-driven flags. (For definition of wind-driven flag please see LMC 15.40.040 for definition and LMC 15.40.050.B. for signs prohibited)
9. All conditions must be met prior to the City issuing a building permit for the proposed sign.

Introduced at a regular meeting of the City Council on September 1, 2015, by Council Member _____:

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 1st day of September, 2015.

APPROVED BY THE MAYOR this 1st day of September, 2015.

Mark A. Mace, Mayor

ATTEST:

Shirley Ewan, Clerk/Treasurer

APPROVED AS TO FORM:

Sam S. Painter, Civil City Attorney