

MINUTES OF THE CITY COUNCIL OF LAUREL

AUGUST 11, 2020

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:31 p.m. on August 11, 2020.

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 Bruce McGee
 Richard Klose Irv Wilke
 Don Nelson

COUNCIL MEMBERS ABSENT: Scot Stokes Richard Herr

OTHER STAFF PRESENT: Stan Langve, Police Chief
 Haley Swan, Police Officer
 Joshua McFarland, Police Officer
 Jerad Anglin, Police Officer
 Ryan Sedgwick, Police Officer

Mayor Nelson led the Pledge of Allegiance to the American flag.

Mayor Nelson asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of July 28, 2020, as presented, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CORRESPONDENCE: None.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Budget Amendment Resolution Amending Appropriation And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2019-2020.

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Budget Amendment Resolution Amending Appropriation And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2019-2020.

Mayor Nelson opened the public hearing.

Mayor Nelson opened the floor for public comment and asked that Staff present the item.

Mayor Nelson state this budget amendment is for the Federal Equitable Sharing Fund. The City is unable to budget those funds and has to do a budget amendment each year. This is the City's share of the things ceased by the Drug Task Force.

Mayor Nelson stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Nelson asked three times if there were any proponents. There were none.

Mayor Nelson asked three times if there were any opponents. There were none.

Mayor Nelson asked Staff to respond to any relevant questions. There were none.

Mayor Nelson closed the public hearing.

TN

- Public Hearing – Special Review.

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of The City Council Approving An Application For Special Review For The Town Pump Located At 312 S. 1st Avenue, City Of Laurel, For The Purpose Of Allowing Replacement Of Manual Reading Board Signs With Electronic Message Boards.

Mayor Nelson opened the public hearing.

Mayor Nelson opened the floor for public comment and asked that Staff present the item.

Nick Altonaga, Planning Director, reviewed the attached staff report.

Mark Lind, 10 Bridlewood Drive, stated he is an employee of Sign Pro. He stated they wouldn't just switch that up; they would restack those so it would have a nice tidy appearance. Town Pump is the cooperation; he is just the installer. Not saying he would be responsible for them, just when people rode into Laurel, that is the first thing they saw. Would abide by the rules but also clean those up.

Mayor Nelson stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Nelson asked three times if there were any proponents. There were none.

Mayor Nelson asked three times if there were any opponents. There were none.

Mayor Nelson asked Staff to respond to any relevant questions. There were none.

Mayor Nelson closed the public hearing.

CONSENT ITEMS:

- **Claims entered through 8/7/2020 in the amount of \$313,166.30.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 7/26/2020, totaling \$171,886.74.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR:

- Swearing in of new Officers Haley Swan and Joshua McFarland.

Police Chief Langve, Officer Jerad Anglin, and Officer Ryan Sedgwick read the Criminal Justice Code of Ethics with Haley and Joshua.

Both Officers have been sworn in, but a ceremony was performed for the family in attendance.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of July 28, 2020.
- City/County Planning Board Minutes of July 22, 2020.
- Cemetery Commission Minutes of January 28, 2020.
- Cemetery Commission Minutes of February 18, 2020.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Bill Mountsier to the Public Works Committee.**

Motion by Council Member Eaton to approve the Mayor's appointment of Bill Mountsier to the Public Works Committee, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Appointment of Bill Mountsier to the Emergency Services Committee.**

Motion by Council Member Eaton to approve the Mayor's appointment of Bill Mountsier to the Emergency Services Committee, seconded by Council Member Sparks. There was no public comment.

Council noted how difficult it could be to find citizens willing to serve on Committees. They were glad to see interest in serving on these Committees.

A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R20-41: A Resolution To Authorize The Mayor To Sign An Agreement With Laurel Public Schools, District 7 and 7-70, Continuing The School Resource Officer (SRO) Program For the Laurel High School.**

Motion by Council Member Sparks to approve Resolution No. R20-41, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R20-42: A Resolution To Authorize The Mayor To Sign An Agreement With Laurel Public Schools, District 7 and 7-70, Continuing The School Resource Officer (SRO) Program For the Laurel Middle School.**

Motion by Council Member Klose to approve Resolution No. R20-42, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R20-43: Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2019-2020**

Motion by Council Member Nelson to approve Resolution No. R20-43, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R20-44: A Resolution Of The City Council Approving An Application For Special Review For The Town Pump Located At 312 S. 1st Avenue, City Of Laurel, For The Purpose Of Allowing Replacement Of Manual Reading Board Signs With Electronic Message Boards.**

Motion by Council Member Wilke to approve Resolution No. R20-44, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R20-45: Resolution Approving Change Order #2 To The City's Contract With Hardrives Construction, Inc. Authorizing Additional Work For City Of Laurel's 2020 Pavement Maintenance Project And To Authorize The Mayor To Sign Change Order Documents On The City's Behalf.**

Motion by Council Member Eaton to approve Resolution No. R20-45, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Ordinance No. O20-03: An Ordinance Amending Title 12 Chapter 12.04 Of The Laurel Municipal Code Relating To The City's Street And Sidewalk Construction And Maintenance.** First Reading

Motion by Council Member Sparks to adopt Ordinance No. O20-03, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Wilke, Nelson, Klose, McGee, and Eaton voted aye. Motion carried 6-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Police Reserves did not have a proper graduation this year. There will be a BBQ this Saturday at Thomson Park at 5:00 p.m. Council is invited to come to meet the new Reserve Officers.

COUNCIL DISCUSSION:

Public Works Committee will meet on August 17, 2020, at 6:00 p.m. in the Council Conference Room.

Discussion on the one-acre for the Cemetery parking lot has been moved to the September 1st Workshop.

The National Cemetery holds a ceremony on the 1st Wednesday of each quarter to do a ceremony for veterans interred without honors. COVID has delayed these ceremonies. Wednesday, August 12th, they will hold a ceremony for these veterans.

Council noted that the 5th Avenue crossing is complete.

Council noted the paving being done on the EDII project. The sidewalks will go in at a later date.

MAYOR UPDATE:

Mayor Nelson stated the EDII project is a couple of weeks from completion.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member McGee to adjourn the council meeting, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:10 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 25th day of August 2020.


Thomas C. Nelson, Mayor

Attest:


Bethany Langve, Clerk/Treasurer



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board / Zoning Commission
FROM: Nicholas Altonaga, Planning Director
RE: Special Review – Town Pump Signage at 312 S. 1st Ave
DATE: July 29, 2020

DESCRIPTION/LOCATION:

The applicant Mark Lynde of Sign Pro has submitted an application for special review on behalf of his client, Town Pump. The affected property is located at 312 S. 1st Avenue in the City of Laurel. The Parcel is zoned Highway Commercial and is within the Community Entryway Zoning District.

The applicant is requesting a special review to replace manual reader board signs with electronic message boards. The property is legally described as EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY & TR A-B COS 2460.

Applicant Data:

Owner: MBDII RE LLC
Legal Description: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY & TR A-B COS 2460
Address: 312 S. 1st Ave
Parcel Size: 67,076 Sq. Ft.
Existing Land Use: Town Pump gas station
Proposed Land Use: Town Pump gas station (updated signage)
Existing Zoning: Central Business District
Overlay District: Community Entryway Overlay District

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

North Zoning:	Highway Commercial	Land Use:	Montana Lil's Casino
South Zoning:	Residential Limited Multi-Family	Land Use:	Residential
East Zoning:	Highway Commercial	Land Use:	Conoco, Subway, Citybrew, CENEX
West Zoning:	Community Commercial	Land Use:	Southside Storage

The Zoning Commission shall review and make determinations on Chapter 17.68 – Special Review Procedure, Section 040 – Zoning Commission Action. This section is presented below.

A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:

1. Grant the application for special review;
2. Deny the application;
3. Delay action on the application for a period not to exceed thirty days; or

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

1. The applicant is requesting a special review for the proposed replacement of a manual reader board sign with an electronic message board sign.
2. The application packet is attached and contains:
 - a. Cover Letter,
 - b. Application Form,
 - c. Site Map,
 - d. Tax Information,
 - e. Sign renderings, and
 - f. Certified list of surrounding property owners.
3. LMC 17.42.050 Table – Signs by Zoning District lists:
 - a. "Fixed Message Electronic Variable Message Sign" and "Computer Controlled Variable Message Sign" are SR, Special Review, within the Entryway Zoning District.
 - b. "Pictographic Changeable Copy Signs which depict only still frames and change not less than 60 seconds" are SR, Special Review, within Highway Commercial Zoning but are Not allowable within the Entryway Zoning District.
 - c. "Pictographic Changeable Copy Signs which depict motion, flashing, and blinking of any kind" are not allowable within any Laurel zoning district.
4. LMC 17.42.040 – Definitions lists specific definitions for these sign types under "Changeable Copy Sign"
 - a. Fixed Message Electronic Signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projections, such as time and temperature
 - b. Computer Controlled Variable Message Electronic Signs. Signs whose alphabetic or numeric content can be changed or altered by means of computer driven electronic impulses.
 - c. Pictographic Changeable Copy Sign means 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 movement or motion, flashing, blinking or other special effects including scrolling text.
5. LMC 17.26.052 Development Standards - Signage is attached to this staff report in full.
6. LMC 17.42 – Sign Code is attached to this Staff Report in Full.
7. LMC 17.68 – Special Review Procedure is attached to this Staff Report in Full.
8. The advertising requirements of LMC 17.68.030 C, D, and E have been met.

STAFF FINDINGS:

4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
 1. Complies with all requirements of this section;
 2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
 3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
 4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
 - a. Street and road capacity,
 - b. Ingress and egress to adjoining streets,
 - c. Off-street parking,
 - d. Fencing, screening and landscaping,
 - e. Building bulk and location,
 - f. Usable open space,
 - g. Signs and lighting,
 - h. Noise, vibration, air pollution and similar environmental influences.

STAFF SUGGESTED CONDITIONS:

The Planning Board/Zoning Commission recommends the following conditions for approval if the City Council votes to approve this application for Special Review.

1. Signs shall comply with Chapter 17.42 of the Laurel Municipal Code.
2. Signs shall comply with Chapter 17.26.052 of the Laurel Municipal Code.
3. Installed electronic signs shall be either a fixed message electronic variable message sign or computer controlled variable message sign.
4. Pictographic changeable copy signs depicting motion, flashing, and blinking of any kind shall not be installed as part of this proposed upgrade, or any future proposed signage upgrade on site.
5. Signs shall be properly maintained through actions such as cleaning, painting, and the prompt replacement of defective parts.

PROCEDURAL HISTORY:

- The initial application was submitted on February 19, 2020.
- The onset of the COVID-19 pandemic caused a postponement of the regular meetings of the Laurel City-County Planning Board.
- The Planning Director had been in contact with the applicant as to scheduling the special review and providing supporting documentation.
- A public hearing was conducted at the July 22, 2020 meeting of the Laurel City-County Planning Board regarding the application.
- The Laurel City-County Planning Board voted to approve the special review with the suggested Staff Conditions within the staff report.
- A public hearing is scheduled to be conducted at the August 11, 2020 meeting of the Laurel City Council.

- A. Signage.
1. Review Consideration. Signage in the ESD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and business, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:

- a. Use of subdued, low-key colors;
 - b. Location, size, and height that 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 location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections;
 - g. The sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance;
 - h. The sign will not obstruct views of users of adjacent buildings to side yards, yards or to nearby open space;
 - i. The sign will not negatively impact the visual quality of a public open space such as a recreation facilities, square, plaza, court yard and the like;
 - j. 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. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.
 3. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made.
 4. Signs shall be limited to one hundred sixty square feet in copy area.
 5. Non-conforming signs are required to be brought into compliance with this section within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events.

- a. The sign is relocated or replaced;
- b. The structure or size of the sign is altered in any way;
- c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means;
- d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.

6. No portable signs as described in the city signage ordinance are allowed in the ESD.
7. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit

administrator and in consultation with the public work director. All benches must comply with any applicable city, state, and or/federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.

8. Lighting. All sign lighting must incorporate cut-off shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.

17.42.010 - 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 [by this Section] 17.42.010 adopted by and declared to be the sign code of the City.

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. 99-10 (part), 1999; Ord. 96-11, 1996; Ord. 859, 1986; prior code § 15.52.010)
(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.020 - Updated references.

The sign code described in Section 17.42.010 may be amended by resolution or administrative order of the mayor.

(Ord. 99-10 (part), 1999; Ord. 860, 1986; prior code § 15.52.020)

17.42.030 - 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.02-32 (part), 2003)

17.42.040 - Definitions.

"Animated sign." A sign depicting action, motion, light, or color change, or that change the sign displayed through electrical or mechanical means. Animated also includes signs that use blinking, flashing or scrolling or other special effects to depict motion.

"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.)

"Bandit sign" means an illegal commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right of way or public property or on private property. A bandit sign generally has less than six square feet or less of advertising area and are made of vinyl, paper, cloth or fabric, plywood, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, including signs with wood or wire framing, posts or stakes.

"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.

"Billboard, on-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product,

commodity, service, entertainment or communication which is sold or offered at the premises on which the sign is located.

"Billboard, off-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product, commodity, service, entertainment or communication which is not sold or offered at the premises on which the sign is located.

"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 alphabetic and numeric content can be changed or altered by manual or electric, electromechanical or electronic means. Changeable copy signs are limited to time and temperature displays. For changeable copy signs displaying informational and other pictographic content see "pictographic changeable copy sign."

- a. Fixed Message Electronic Signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projections, such as time and temperature.
- b. Computer Controlled Variable Message Electronic Signs. Signs whose alphabetic or numeric content can be changed or altered by means of computer-driven electronic impulses.

"Copy" means the content of a sign surface in either permanent or removable letter, alphabetic or numeric form.

"Directional/informational sign" means an on-premises 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 planning 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 uprights or braces permanently placed upon the ground, and not attached to any building.

"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-premises sign" means a sign that advertises solely for the property on which it is located.

"Pictographic changeable copy sign" means 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 movement or motion, flashing, blinking or other special effects including scrolling text.

"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 no more than twelve inches. 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 identification, descriptions, illustrations or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall include all sign structures.

"Snake sign" means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

"Street" means a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, 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 premises along each public right-of-way it borders excluding alleys, government easement accesses, and the interstate highway.

"Suspended sign" means a sign that is suspended from the underside of a horizontal place 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 or any building or structure, which is supported by such wall or building, and which displays only one sign surface. Wall signs shall not exceed twelve inches in depth measured from the face on the wall on which the sign is mounted.

"Wind-driven sign, allowable" means any sign consisting of one or two banners, flags, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

"Wind-driven sign, conditional" means any ribbons, spinners, streamers, pennants, balloons, inflatable or other wind driven signs subjected to pressure by wind, fan, 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. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.050 - 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. Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;
- C. Animated signs;
- D. Above-peak roof signs;
- E. Abandoned signs;
- F. Pictographic changeable copy signs which depict motion of any kind, including flashing, blinking and scrolling text or other special effects;
- G. Snipe signs or bandit signs;
- H. 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. 02-32 (part), 2003)

Table - Signs by Zoning District

Type of Sign	A G	R P	N C	C BD	C C	H C	L I	H I		E ZD	Ove rlay District	All Residen tial Districts
Animated Sign (Including Flashing, Blinking, Scrolling)												
Bandit Sign												
Banner Sign		A	A	A	A	A	A	A	/	A	A	
Beacon												
Billboard - On Premise	S R					S R						
Billboard - Off Premise	S R					S R						
Building Marker	A	A	A	A	A	A	A	A	/	A	A	
Canopy Sign		A	A	A	A	A	A	A		A	A	

Temporary Sign	A	A	A	A	A	A	A	A	A	A	A	
Wall Sign	A			A		A	A	A		A	A	
Wind-driven Sign, allowable						A	A	A		A	A	
Wind-driven Sign, conditional						S R	S R	S R		S R	SR	
Window Sign				A	A	A	A	A		A	A	

*As allowable by subdivision regulations

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.060 - 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.02-32 (part), 2003) (Laurel Supp. No. 3, 12-04)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.070 - Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in conformance 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 17.42.130(B);
- F. Political signs; (see signs permitted, Section 17.42.130(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. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.080 - Overlay zoning districts.

The provisions of the Entryway Zoning district, SE 4th Overlay District, or Downtown Overlay District pertaining to signs shall apply to all signs in that district and are in addition to the provisions of this section.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.090 - 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. 02-32 (part), 2003)
(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.100 - Maintenance.
All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.
(Ord. 02-32 (part), 2003)
(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.110 - 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. 02-32 (part), 2003)
(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.120 - 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. 02-32 (part), 2003)
(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.130 - Signs permitted (exceptions to this section are noted in the overlay zoning district).
A. One non-illuminated 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 non-illuminated 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 non-illuminated attached building nameplate per occupancy, not to exceed two square feet in sign area.
D. Non-illuminated 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, and directional signs, shall not exceed two 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 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 the sidewalk and fourteen feet over any parking lot, driveway or crown of the street, whichever is higher. Where zoning allows for one hundred percent lot coverage or zero setbacks, projecting signs shall never extend beyond the sidewalk and must be ten feet over the sidewalk. Projecting sign size shall not exceed the allowable size for a wall sign.
 - O. Window signs shall not cover more than thirty percent of the window area.
 - P. On-site directional signs as required.
- (Ord. 02-32 (part), 2003)
- (Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)
- 17.42.140 - Shopping center signs (exceptions to this section may be noted in the Entryway Zoning, SE 4th Street or Downtown Overlay 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 hundred fifty square feet per tenant. Maximum sign size shall not exceed three hundred fifty square feet.
 - B. Shopping center signs shall not exceed the maximum allowable freestanding signage.
 - C. Shopping center signs cannot be used if the common signage plan is used.
- (Ord. 02-32 (part), 2003)

Table - Sign Requirements

Type of Sign	Requires Permit**	Illumination	Maximum Height	Maximum Sign Area	Setbacks	Maximum Number of Signs*	Maximum Permitted Sign Use
Banner Sign	Y						60 days/30 days see 17.42.060
Billboard - On Premises	Y						

Monument Sign	Y						
On Premises Sign	Y						
Political Signs		N		16 sq. ft.	Prohibited in ROW		No more than 45 days prior to election and removed immediately following
Portable Sign	Y				In CBD may extend over sidewalk with 10' clearance. Prohibited encroachment into right of way in all other zoning districts		60 days/30 days see 17.42.060
Real Estate Sign		N		32 sq.ft.	Prohibited in ROW	1 per lot	15 days after the sale, rental or lease
Projecting Sign	Y						
Roof Sign, Integral	Y		Cannot exceed roofline	20% of wall area			
Shopping Center Signs (cannot be used if	Y			150 sq.ft. plus 5% per tenant.		1 Freestanding Pole per frontage	

common signage plan is used.)				Maximum sign not to exceed 350 sq.ft.				
Tempora ry Sign	Y							
Wall Sign	Y			20% of wall area				
Window Sign	Y			Up to 30% of window area				
*The total square footage of all signs located on the property shall not exceed 2 square feet in sign area for each lineal foot of local street frontage (Does not include interstates).								
**See 17.42.040								

(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.150 - 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, 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.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.160 - 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.
- 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.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.170 - 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. 02-32 (part), 2003)
- (Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)
- 17.42.180 - 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)
- (Ord. No. 016-01, 2-2-2016)

Attachment 3. Chapter 17.68 - SPECIAL REVIEW PROCEDURE

Sections:

17.68.010 - Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

17.68.020 - Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
 1. A legal and general description of the tract(s) upon the special review use is sought;
 2. A map showing the dimensions, acreage and location of the tract(s);
 3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
 4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
 5. A time schedule for development;
 6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

17.68.030 - Evaluation responsibility—Consultation—Notification.

The planning director, upon receiving an application for a special review of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdiction of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;

- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;
- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 - Zoning commission action.

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:

- 1. Grant the application for special review;
 - 2. Deny the application;
 - 3. Delay action on the application for a period not to exceed thirty days; or
 - 4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
 - 1. Complies with all requirements of this section;
 - 2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
 - 3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
 - 4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
 - a. Street and road capacity,
 - b. Ingress and egress to adjoining streets,
 - c. Off-street parking,
 - d. Fencing, screening and landscaping,
 - e. Building bulk and location,
 - f. Usable open space,
 - g. Signs and lighting,
 - h. Noise, vibration, air pollution and similar environmental influences.

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

17.68.050 - City council action.

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

(Ord. 94-18, 1994; prior code § 17.88.050)