



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	June 13, 2024
Originating Department	Community Development Department
Contact Person	Mark Hofman, AICP, Community Development Director
Title	Ordinance 24-1295/Amending Chapter 18.52 of the Lake Forest Park Municipal Code, Signage, to bring the Sign Code into compliance with recent legal decisions

Legislative History

- First Presentation December 14, 2023, Regular City Council Meeting
 - Reintroduction (New CD Director) April 22, 2024, Committee of the Whole
 - Return Reintroduction Materials June 13, 2024, Regular City Council Meeting
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Attachments:

1. Draft amendments to Chapter 18.52, Signage, of the Lake Forest Park Municipal Code (All amendments are in red font with additions underlined and deletions in strikeout format. Unchanged code text remains in black font).
 2. Current adopted Chapter 18.52 of the Lake Forest Park Municipal Code.
 3. Draft ordinance.
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Executive Summary

The Planning Commission completed a review and amendments to the city's adopted sign code, held a public hearing, and forwarded a recommendation in 2023 to the City Council. Changes generally include those to definitions, clarification of Illegal signs, exemptions from permitting, new provisions for temporary signs, the addition of exterior signage for businesses located interior to the Town Center, and the addition of signs allowed in Southern Gateway zones.

The draft recommended amendments/additions were introduced to the City Council at the regular meeting of December 14, 2023. The continuing effort at Council was then temporarily put on hold until a new community development director came on board at the city and had time to familiarize with the background materials and process. The Community Development Director joined the city in January

2024 and reintroduced the recommended amendments at City Council on April 22, 2024, to continue the review process.

The materials included in the Council meeting packet for December 14, 2023, and April 22, 2024, included some text issues of several instances of multiple sentences overwritten each other. Because it was therefore not entirely clear what each and every included amendment and addition was contained in the Commission's recommendation, the materials from Planning Commission were corrected and verified. Materials are now corrected and returned as a replacement step at City Council.

The Community Development Director has now reviewed the updated materials and prior meetings/discussions on the update effort. The Director will be able to receive and respond to several past questions and comments from the Council's December 14, 2023, discussion, as well as any new/additional feedback and questions from the Council or public.

At the point during City Council review where no additional substantive changes are anticipated, planning staff will begin the environmental (SEPA) review and submit the proposed code amendments to the Department of Commerce for their required review. Both processes must be completed prior to the City Council's adoption of any proposed code.

Background

The Planning Commission's review of the sign code was done with the limits imposed by Courts in mind. The U.S. Supreme Court in *Reed v. Gilbert*, held that regulating signs based on their content, in most cases, is an unconstitutional violation of the First Amendment right to free speech. The U.S. Ninth Circuit Court of Appeals, of which Washington is a part, held that the *Reed* decision only applies to non-commercial signs. Non-commercial signs that regulate the content of a sign will be subject to "strict scrutiny" when determining whether they violate the First Amendment right to free speech. When regulating signs that are off-premises (not on the premises they convey information about), the U.S. Supreme Court in *City of Austin v. Reagan National Advertising*, held that a city's regulation of off-premises signs is facially content neutral because the message on the sign is only relevant because it tells the reader about location. Neutral reading of sign for location will pass the Constitutional test.

Fiscal & Policy Implications

Fiscal impacts are minor, related to staff time and the costs of codifying the updated code. By adopting the proposed amendments, the city's sign code will be in compliance with case law.

Staff Recommendation

Review the draft code forwarded by the Planning Commission and provide staff with feedback and direction.