



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	December 14, 2023
Originating Department	Planning
Contact Person	Phillip Hill, City Administrator Kim Adams Pratt, City Attorney
Title	ORDINANCE XXXX, 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
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Attachments:

1. Draft amendments to Chapter 18.52 LFPMC
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Executive Summary

The Planning Commission has completed their review and amendments to the sign code, held a public hearing and have forwarded their recommendations to Council. During the public hearing, a Town Center business owner relayed concern that the temporary sign size limitations would be too restrictive for temporary signs, and that flags signs could be interpreted as “animated signs” and therefore prohibited.

Changes 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.

At the point during council review where no additional substantive changes are anticipated, planning staff will begin the SEPA review and submit the proposed code to the Department of Commerce for their review. Both processes must be completed prior to Council’s adoption of the 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.

Alternatives

<i>Options</i>	<i>Results</i>
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Staff Recommendation

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