



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	April 22, 2024
Originating Department	Community Development Department
Contact Person	Mark Hofman, AICP, Community Development Director
Title	Draft Ordinance - 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
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Attachments:

1. Draft amendments to Chapter 18.52 of the Lake Forest Park Municipal Code
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Executive Summary

The Planning Commission completed a review and amendments to the sign code, held a public hearing, and forwarded a recommendation in 2023 to the City Council. 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.

The draft Amendments 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. With that now completed, the Administration wishes to reintroduce the recommended amendments at Council and continue the review process.

The materials included in the Council meeting packet for December 14, 2023 included several instances where sentences overlapped with each other. Because it was therefore not entirely clear what each/all amendments included, the recommended materials from Planning Commission are corrected and reintroduced as a replacement first step for Council. The Community Development

Director will also respond to several questions and comments from the Council's December 14 discussion and receive any new/additional feedback and questions.

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 required 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 the 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 when 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.