



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5952
October 19, 2021
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 5952: Development Code Amendment ZTR19-003 Signage (Ord. No. 21C-21 Second Reading)	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Adopt Ordinance No. 21C-21 amending the temporary non-commercial sign regulations in MICC 19.06.020.	<input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Director Alison Van Gorp, Deputy Director Daniel Kenny, Legal Counsel
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 21C-21 (Proposed) 2. Memo from Daniel Kenney dated 10/7/21
CITY COUNCIL PRIORITY:	n/a

SUMMARY

On September 21, 2021, the City Council directed staff to prepare a revised version of Ordinance No. 21C-21, including only the revisions to the code necessary to comply with the U.S. Supreme Court ruling in *Reed v. Town of Gilbert* (“*Reed*”). The City Council also requested information on neighboring cities’ approaches to *Reed* compliance, particularly in regard to duration regulations and simple permit processes for temporary, non-commercial signs.

CODE AMENDMENT

The revised Ordinance presents updated code amendments that make the minimum necessary revisions to comply with the *Reed* ruling. These necessary revisions only impact regulations in Mercer Island City Code (MICC) 19.06.020 for temporary non-commercial signs. The other amendments recommended by the Planning Commission that were not required for *Reed* compliance have been stripped out of the revised code amendment. The revised code amendment (Exhibit 1) now includes only the following updates:

- **MICC 19.06.020 - Temporary Signs**
 - Defines temporary signs based on type and materials;
 - Removes provisions related to duration of placement;
 - Removes provisions related to political signs; and
 - Removes provision allowing banners, pennants and other similar attention getting devices for community-wide civic activities.

Regulating Duration/Placement of Temporary Signs

Under the current code provisions, temporary signs may be placed subject to a range of general restrictions in [MIMC 19.06.020\(A\) and \(B\)](#). The only current limitation on duration of sign placement is related to signs in the right-of-way, and is found in (A)(6)(e):

A temporary sign, other than a political sign, may only be erected for a maximum of 90 days during any 365-day period.

In other words, the current code has no durational limit for political signs. All other temporary signs in the ROW have a 90-day limit.

Because of the *Reed* case, temporary noncommercial sign regulations should not be broken out by the content of the sign. The durational limit referenced above has been removed from the revised code amendment. With this change, the only remaining durational limits for temporary signs are those included for specific types of commercial temporary signs (such as real estate signs and garage sale signs).

Options for Additional Revisions

At the September 21 meeting, the City Council asked staff to research neighboring jurisdiction's approaches to the issue of regulating duration of placement for temporary non-commercial signs. Daniel Kenny, the City's legal counsel on this matter, researched signage regulations in several area jurisdictions and provided a memo summarizing his findings (Exhibit 2). This research netted five alternative options for regulating duration, which are summarized in Exhibit 2.

The City Council also asked staff to research neighboring jurisdiction's approaches to simple permit processes for temporary signs, that might aid in enforcement of durational limits. Exhibit 2 also includes examples from three other cities of sign permit or sign agreement requirements.

Staff will present these alternative approaches at the October 19 City Council meeting for feedback and discussion. Should the City Council desire to pursue one or more of these approaches, staff should be directed to make further revisions to the code amendment and prepare for a third reading.

RECOMMENDED ACTION

Adopt Ordinance No. 21C-21 amending the temporary non-commercial sign regulations in MIMC 19.06.020.