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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

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## PLANNING COMMISSION

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**To:** Planning Commission

**From:** Robin Proebsting, Senior Planner

**Date:** January 30, 2020

**RE:** ZTR19-003 - Sign Code Update. Introduction and scope of work to the sign code amendment.

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### SUMMARY

Components of the City of Mercer Island's regulations pertaining to signs are out of compliance with a 2015 court decision, which limited the ways in which signs may be regulated. The Planning Commission will be embarking on a code update in 2020 to bring the City's sign code into compliance with this decision.

The purpose of the review on February 5, 2020 is to provide the Planning Commission with an overview of the regulations, the effect of the recent court case, and to establish a scope of review for the project.

### BACKGROUND

In 2015, the U.S. Supreme Court issued a decision in the case *Reed v. Town of Gilbert*, which redefined the legal parameters of sign regulations. *Reed v. Town of Gilbert* requires state and local sign regulations to be content neutral. That is, signs containing different types of content (e.g. commercial signs, political signs, etc.) cannot have different standards applied to them based on their content, purpose, or author. Mercer Island's City Code (MICC) currently differentiates sign standards based on content and is therefore inconsistent with the court decision. The aim of the sign code update is to revise the MICC so that our sign regulations are consistent with this decision.

At the Planning Commission's first meeting on this topic on February 5, 2020, staff aim to confirm the project scope and approach with the Commission. Staff recommends keeping the scope of the code update narrow by focusing on the following:

1. Reviewing existing sign regulations and definitions for consistency with the *Reed v. Town of Gilbert* decision;
2. Where the existing MICC is inconsistent with the decision, revise code standards to be consistent with the *Reed v. Town of Gilbert* decision, while striving to maintain existing policy direction; and
3. Developing a purpose statement and severability clause for sign regulations.

Possible “add-ons” to this scope if the Planning Commission opts to expand the scope would be:

1. Consider adding standards where there are existing signs that do not meet current standards (e.g. monument signs with subdivision names in residential zones)
2. Consider revisions to current standards, even when the Reed v. Town of Gilbert decision does not require it.

#### **NEXT STEPS**

Please review the attached code and reference materials, and 1) send me any questions you may have prior to the February 5th meeting, and 2) identify any add-ons you wish to discuss with the Commission as a whole. (Note that Attachment 3 is roughly 100 pages, but staff have highlighted key points.)

At the February 5, 2020 meeting, staff will provide an introduction to the topic then look for confirmation on the proposed scope of work for the sign code update. This scope will be then be presented to the City Council for review in Q1 of 2020, after which the Planning Commission will review of the substance of the code.

#### **ATTACHMENTS**

1. Excerpts from Mercer Island City Code: Sections 19.11.140, 19.12.080, 19.06.020 and Title 19 Appendix C.
2. “The Importance of Bringing Your Sign Code Up-to-Date” by Steve Butler, MRSC Blog, October 29, 2015, [The Importance of Your Sign Code](#)
3. Free Speech Law for On Premise Signs, by Daniel Mandelker, Washington University in Saint Louis, 2016.