

Sign Code Updates

Plan Commission Workshop

June 14, 2017

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Background

- SMC 17C.240 – Signs
- Last comprehensive update 2009
- Need to update
 - to respond to City Council Moratorium
 - to incorporate changes recommended by Current Planning staff
 - to comply with recent Supreme Court decision

Emergency Ordinance

- Emergency Ordinance 35490
 - Passed April 10, 2017
 - SMC 17C.240.250 (B)(2) Public Works Exception
 - Moratorium on the relocation of off-premise signs into areas having a Center and Corridor zoning designation



Current Planning Recommendations

- Maintained a list of needed revisions as they encounter challenges implementing the code
- Eight recommended changes
 - SMC 17C.240.250 B. – Off- Premise Signage, Public Works Exception
 - Clarify definition of *roadway* and add relocation requirements

Reed v. Town of Gilbert

- Supreme Court case decided in 2015.
 - Provided new guidance on sign code regulations
- A church was cited for violating the Town of Gilbert's sign code
- In 2008 the church filed suit in Federal District Court
- The Supreme Court unanimously agreed that the sign code violated the First Amendment



Background

- First Amendment
 - Prohibits laws abridging freedom of speech
 - Courts have not take a literal approach
 - Restrictions on content trigger the highest level of scrutiny
 - Restrictions that are content neutral are afforded a lower level of scrutiny

Background

- Content Neutral Tests
 - Need to read vs. government purpose
- Content Neutral Regulations
 - Time, place and manner
 - Intermediate scrutiny
- Regulations that differ based on the content of the message
 - Strict scrutiny

Background

- Strict vs. Intermediate Scrutiny
 - Strict Scrutiny
 - Must be justified by a *compelling* government interest
 - Must use the least restrictive means to achieve that interest
 - Government bears the burden of proof
 - Intermediate Scrutiny
 - Must be justified by a *substantial* government interest
 - Must be narrowly tailored to achieve that interest
 - Must leave open ample alternative avenues of communication

SMC 17C. 240 - Signs

- Our code is set up similar to Gilbert's
- There are currently 10 categories of temporary signs, 8 of which do not require a permit
- Our Purpose Statement Cites
 - Health, Safety, and General Welfare
 - Avoiding Nuisances
 - Zoning
 - Aesthetics
 - Communication
 - Free Speech
 - Visual Clutter (traffic safety)



Project Scope

- Amend the code to be sign-content neutral
- Respond to the City Council's moratorium
- Clarify code requirements and improve overall efficiency and effectiveness in code administration.
- Public engagement process to ensure viable outcome



Project Scope

What the scope does ***NOT*** include:

- Changes to size, number, placement of signs*
- Changes to regulations regarding different sign types*



Recommended Revisions

- Strengthen purpose statement
- Reevaluate exemptions and prohibitions
- Address temporary signs and content neutrality
- Eight changes recommended by Current Planning
- Reexamine definitions for completeness and organization
- Reorganize for readability and cleanup for clarity

Timeline

April - May	Internal staff audit and baseline draft development
June 14	Plan Commission workshop and appointment of Work Group members
June-August	Work Group review and recommendations
September 13	Plan Commission workshop
September 14	Submittal to Washington State Department of Commerce for 60 day review (prior to Council Action)
September 27	Plan Commission Hearing
October 2	Council Briefing at PED
November 6	Council Advance Briefing
November 13	Council First Reading
November 20	Council Hearing and adoption



Work Group Participants

- City staff
 - Planning
 - Legal
 - Streets
- Community Assembly
- Sign Code Industry (1-2)
- Plan Commission Members (1-2)



Action Items

- Feedback and approval of project charter
- 1-2 Volunteers for work group