



PLANNING COMMISSION VIDEO MEETING AGENDA

Wednesday, June 16, 2021

Zoom Virtual Platform
9611 SE 36th Street | Mercer Island, WA 98040
Phone: 206.275.7706 | www.mercerisland.gov

PLANNING COMMISSIONERS:

Chair: Daniel Hubbell

Vice Chair: Vacant

Commissioners: Carolyn Boatsman, Jordan Friedman, Tiffin Goodman, Michael Murphy, Victor Raisys, Ted Weinberg

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the Staff Liaison at least 24 hours prior to the meeting.

The Planning Commission meeting will be held virtually using video conferencing technology provided by Zoom, and the public will have the opportunity to provide comment during Appearances by either calling in or logging onto the meeting as a Zoom attendee.

Registering to Speak: Individuals wishing to speak during live Appearances or during the Public Hearing will need to register their request with the Sr. Administrative Assistant at 206.275.7791 or email at andrea.larson@mercerisland.gov and leave a message before 4pm on the day of the Planning Commission meeting. Please reference "Appearances" or "Public Hearing". Each speaker will be allowed three (3) minutes to speak.

Public Comment by Video: Notify the Sr. Administrative Assistant in advance that you wish to speak on camera and staff will be prepared to permit temporary video access when you enter the live Planning Commission meeting. Please remember to activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted, but documents may be emailed to the [Planning Commission](#).

To attend the meeting, please use the following Zoom information:

Join by Telephone at 6:00 pm: To listen to the hearing via telephone, please call 253.215.8782 and enter Webinar ID **810 2018 1760** and Passcode **488157** when prompted.

Join by Internet at 6:00 pm: To watch the hearing over the internet via your computer microphone/ speakers follow these steps:

1. Click this [Link](#)
2. If the Zoom app is not installed on your computer, you will be prompted to download it.
3. If prompted for Meeting ID, enter **810 2018 1760**; Enter Passcode **488157**

CALL TO ORDER & ROLL CALL, 6 PM

SPECIAL BUSINESS

1. Election – Chair / Vice-Chair

PUBLIC APPEARANCES

This is the time set aside for members of the public to speak to the Commission about issues of concern. If you wish to speak, please consider the following points:

- Speak audibly into the podium microphone.

- State your name and address for the record.
- Limit your comments to 3 minutes.

The Commission may limit the number of speakers and modify the time allotted. Total time for appearances: 15 minutes.

PUBLIC HEARING

2. ZTR19-003 Sign Code Update

Public hearing for the proposed Sign Code amendment.

REGULAR BUSINESS

3. May 19, 2021 Minutes

4. Review and adoption of Planning Commission Bylaws

5. ZTR19-003 Sign Code Update

Deliberation on the proposed Sign Code amendment.

OTHER BUSINESS

6. Director's Report

7. Planned Absences for Future Meetings

8. Announcements & Communications

9. Next Scheduled Meeting - July 21, 2021

ADJOURNMENT

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



PLANNING COMMISSION

To: Planning Commission

From: Andrea Larson, Sr. Administrative Assistant

Date: June 9, 2021

RE: Election – Chair / Vice-Chair

SUMMARY

The Planning Commission must elect officers for a term of 1 calendar year at the first regular meeting on or after June 1 each year.

PROCESS

To elect a new Chair, the current Chair will call on the Commissioners to nominate members of the Commission. Nominations do not require a second. When it appears that no one else wishes to make any further nomination, the current Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary.

After nominations have been closed, voting for the Chair takes place in the order nominations were made. A tie vote results in a failed nomination, and the current Chair will call for a vote on the next nominee. As soon as one of the nominees receives a majority vote of the Commissioners present, the Chair will declare him/her elected. No votes may be taken on any remaining nominees. Upon election, the newly-appointed Chair conducts the election for Vice Chair following the same process.

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PLANNING COMMISSION

To: Planning Commission
From: Alison Van Gorp, CPD Deputy Director
Date: June 9, 2021
RE: ZTR19-003 Sign Code Update

SUMMARY

The proposed code amendment amends MICC 19.06.020, 19.11.140 and 19.12.080 updating the code sections related to temporary signs, signs in Town Center and signs outside Town Center, respectively.

BACKGROUND

At the May 19 meeting, Daniel Kenny provided an overview of the *Reed v. Gilbert* case and the areas of the code where he is recommending amendments. The Commission provided initial feedback to staff on the proposed code amendment. Staff have integrated this initial guidance into the attached draft code amendment. The draft includes proposed amendments intended to do the following:

- Comprehensive changes
 - Exempt signs required by local state or federal law or regulations from code requirements – this could include temporary signs like land use notifications and required safety signs such as “caution” signs on utility poles or equipment.
 - Replace the term “code official” with “Director”.
- Temporary signs
 - Shift to define temporary signs based on type and materials rather than duration of placement.
 - Add clarity to the term “non-commercial messages”.
 - Remove exception to prohibition on banners and pennants for “community-wide civic activities” as it is content-based.
 - Reorganize and clarify provisions for real estate signs.
 - Remove provisions related to political signs as they are content-based (political signs will be covered by the general temporary sign provisions).
 - Remove requirement for signs to be “professionally produced by a person skilled in the art of graphic design”.
- Town Center Signs
 - Add allowance for signs along alleyways and through-block connections
 - Add provisions for lighted signs to respond to the tenants of the Dark Skies Initiative

- Signs Outside Town Center
 - Clarify how sign size should be measured for all sign types.
 - Add an allowance for externally lighted signs in all zones (code is currently silent on whether lighting is allowed). Add provisions that respond to the Dark Skies Initiative.
 - Add an allowance for signs at neighborhood entrances and driveway entrances for identification and navigation purposes.
 - Add an allowance for the replacement of existing non-conforming signs.

In addition, please review the Comment bubbles included along the right margin of the draft code amendment, as they include a few additional policy questions for the commission, mostly related to areas of the code that could benefit from additional clarity of the intent or application of a code provision.

At the June 16 meeting, the Planning Commission will hold a public hearing on the draft code amendment and begin deliberations on the amendment. The Commission may choose to keep the public hearing open to receive additional public input at the July meeting. After the public hearing, staff will provide an overview of the draft code amendment and review policy questions for further discussion and input from the Commission. Staff will also address any questions from the Commission. The Commission should begin discussion of the draft code amendment and provide feedback to staff, including any revisions the Commission would like to make.

NEXT STEPS

The Commission will hold a public hearing and review the draft code amendment at the June 16 meeting. The Commission may choose to continue the public hearing to the July 21 meeting if additional time for public input is desired. Staff will incorporate the Commission's feedback at the June 16 meeting into an updated draft code amendment. Final deliberation on this amendment and a recommendation are planned for the July 21 meeting. It is anticipated that the Planning Commission's recommendation will be transmitted to City Council for review in the September-October timeframe.

ATTACHMENTS

1. ZTR19-003 Draft Sign Code Amendment

19.06.020 Temporary signs.

A. *General Provisions.* All temporary signs in the city are subject to the following conditions:

1. Signs may not be placed on private property without permission of the owner.
2. All signs shall be unlit.
3. Signs shall not obstruct vehicular or pedestrian traffic.
4. It is the responsibility of the person posting a temporary sign to remove it.
5. Except as specified elsewhere in this section, temporary signs shall not exceed 60 inches above the ground and shall not exceed six square feet in area; provided, signs up to 16 square feet in area may be allowed subject to the issuance of a permit from the ~~code official~~Director; further provided, both sides of an A-frame sign shall be counted in calculating the sign's area.

6. Temporary signs shall be constructed of any durable material that will withstand rain, wind, and normal wear and tear for the anticipated use provided that the temporary sign otherwise conforms to the requirements of this Chapter. Signs shall at all times be maintained in an aesthetic and safe condition.

7. Signs required by local, state, or Federal rule, regulation, or law are exempt from this section.

~~68.~~ Signs in Public Rights-of-Way. Signs may not be placed on public property except for publicly owned rights-of-way. In addition to all other applicable conditions, signs placed in rights-of-way shall be subject to the following conditions:

- a. Signs may be placed on rights-of-way adjacent to a single-family dwelling only with permission of the adjoining property owner.
- b. Signs shall not create a traffic safety or maintenance problem, and the city may remove and dispose of any signs that do constitute a problem.
- c. Signs placed on public property shall be freestanding and shall not be attached to any structure or vegetation. Signs attached to utility poles, traffic signs, street signs, or trees are specifically forbidden.
- d. Signs shall be either an A-frame design or shall be attached to a stake, wire frame, or H-frame driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged by such a stake.

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

Commented [AVG1]: Practically speaking, it is difficult to enforce such a time limit – it is nearly impossible to truly know how long a sign has been in place. Signs are easily moved/replaced, look the same, code enforcement is not out daily to check and count days, etc.

B. Temporary Signs Allowed in All Zones.

1. *Temporary, Noncommercial Signs.* Temporary, noncommercial signs, which are signs that express non-commercial messages such as public/ community events, religious, political, ideological, or other philosophical messages, are allowed in all zones, subject to the conditions set out in subsection A of this section.

~~a. Except as allowed in subsection C of this section, banners, pennants, and other similar attention getting devices are not allowed; provided, such signs may be allowed for community-wide civic activities subject to the issuance of a permit from the code official/Director.~~

Commented [DPK2]: Policy decision – assuming “community-wide civic activities” is a noncommercial message and this allowance is limited to those messages, that’d be content based.

Does the City want to allow every noncommercial message to have this opportunity? Or, remove it for everyone?

2. *Temporary Commercial Signs.* Temporary commercial signs are not allowed outside of the TC, B and PBZ zones except for real estate signs and garage sale signs which are allowed subject to the conditions set out below and in subsection A of this section.

a. *Real Estate Signs.* Signs advertising the sale, rental, or lease of property are allowed in all zones, subject to the following conditions.

Commented [AVG3]: The following subsections have been reorganized for clarity.

i. One real estate sign per street frontage is allowed ~~on~~for property being offered for sale, rent, or lease. The signs may be located on the property or in the adjacent right of way.

ii. ~~iii.~~ Real estate sales and rental signs shall be removed within seven days after the sale or rental of the property being advertised.

iii. Three real estate A-frame signs may be posted in the public right-of-way to advertise a real estate open house or to direct the public to a dwelling unit that is available for sale, rent or lease. No more than four signs total may be posted for property being sold or rented by the same owner. The signs may be posted during the hours that a real estate or rental agent is present at the property and shall be removed at the end of the open house or when the sales or rental office closes each day, subject to the conditions set out in subsection (A)(86) of this section, for the following purposes:

~~(a) Advertising a real estate open house at a single family dwelling; provided, no more than four signs total may be posted for property being sold by the same owner;~~

~~(b) Directing the public to a multiple-family dwelling in which there is a dwelling unit available for rental or sale.~~

~~iii. Real estate sales and rental signs shall be removed within seven days after the sale or rental of the property being advertised.~~

~~iv. Real estate signs in public rights-of-way may be posted only during those hours that a real estate or rental agent is actually present at the property and shall be removed at the end of the open house or when the sales or rental office closes each day.~~

b. *Garage Sales.*

i. Three signs directing the public to a garage sale may be posted in a public right-of-way subject to the conditions set out in subsection ~~(A)(86)~~ of this section.

ii. ~~—~~Garage sale signs may be posted no more than 24 hours before the beginning of the sale and shall be removed at the end of the sale.

~~3. *Political Signs.* Political signs may be posted in the public right-of-way, subject to the conditions set out in subsection ~~(A)(6)~~ of this section.~~

C. Temporary Commercial Signs in the TC, B, and PBZ Zones. Temporary commercial signs in the form of banners, A-frame ~~sandwich boards~~ signs and streamers, ~~flags or pennants~~ are allowed in the TC, B, and PBZ zones; provided, temporary signs shall not be permanently attached to any structure on the site; and further provided, the temporary signs conform to the following conditions:

1. *Banners.*

a. Shall be no larger than 48 square feet; however, no business may display more than 10 square feet of banner per 10 feet of business facade as measured by that portion of the building facing the access street, up to a maximum of 48 square feet, but always in proportion to the business building.

b. Shall be limited to one banner per side of the business as it faces and is accessible to the public.

c. Shall be attached to the building housing the business.

d. May hang for up to 30 days at one time, but no more than a total of 120 days per calendar year on a side of the business designated for display. Any side of a business must be free of any banner for a period of no less than 14 days before the next banner is hung.

~~e. Shall be professionally produced by a person skilled in the art of graphic design.~~

ef. Shall be hung in a manner which does not obstruct traffic or a view of any other business.

fg. Shall be well maintained.

2. *A-Frames.* Each licensed business may post one A-frame sign either on property owned or controlled by the business or in the public right-of-way, subject to the conditions set out in subsection (A)(86) of this section; provided, the sign:

a. Shall not exceed 60 inches above the ground and shall not exceed 24 square feet in area; provided, both sides of the A-frame shall be counted in calculating the sign's area.

b. May be used on a daily basis, but only during business hours.

c. Shall be located within 100 feet of the business displaying the sign.

~~d. Shall be professionally produced by a person skilled in the art of graphic design.~~

de. Shall be well maintained.

3. *Streamers, Flags, or Pennants Attached to a String or Wire.*

a. May be used a maximum of two times per year for a maximum of seven days each time.

b. Shall be attached to the building housing the business displaying the streamer.

c. Shall not obstruct vehicular or pedestrian traffic or obstruct a view of any other business.

d. Shall be well maintained.

4. *Other Temporary Signage.* Other forms of portable signs are expressly prohibited. (Ord. 08C-01 § 2; Ord. 02C-05 § 7; Ord. 02C-04 § 9; Ord. 99C-13 § 1).

Commented [DPK4]: Clarification might be useful.
Is this 100 ft from the primary entrance, the property line, the edge of the building?

19.11.140 Signs.

A. Objectives. Signs shall be distinctive, finely crafted and designed to enhance the aesthetics of the Town Center and to improve pedestrian and motorist safety. Signs shall be designed for the purpose of identifying the business in an attractive and functional manner and to help customers find the specific business locations; they should not serve as general advertising. The size of signs shall be in proportion

[DPK2422609.DOCX;1/13045.000009/]

to the size of business store frontage. Signs shall be integrated into the building design, compatible with their surroundings and clearly inform pedestrians and motorists of business names, but should not detract from the architectural quality of individual buildings.

B. Development and Design Standards.

1. Freestanding Ground Signs.

- a. **Number.** A building or complex may not display more than one ground sign on each street frontage, alleyway or through-block connection.
- b. **Design.** The sign shall be architecturally compatible with the style, materials, colors and details of the building. The sign content should be integrated in one design (in contrast to displaying two or more separate elements). Use of symbols is encouraged.
- c. **Size.** All signs shall be:
 - i. **Proportionate.** Proportionate to the street frontage of the businesses they identify; and
 - ii. **Maximum Size.** In no case larger than:
 - (a) *Twenty-five square feet.* A maximum of 25 square feet for individual business ground signs, shopping complex identification ground signs and signs within a 10-foot setback from any property line on a street.
 - (b) *Fifty square feet.* A maximum of 50 square feet for joint ground signs (identifying more than one business): six square feet for each business included in the complex. When more than five businesses are included in the complex, one additional ground sign may be placed on the street front, if signs are located at least 100 feet apart.
- d. **Maximum Height.** The maximum height of any sign within 10 feet from any property line on a street shall be 42 inches. All other ground signs shall be a maximum of six feet in height. The height of a freestanding ground sign is measured from the top of the sign to the existing grade or finished grade, whichever is lower, directly below the sign being measured.
- e. **Backs of Signs.** Exposed areas of backs of signs should be finished to present an attractive appearance.

2. Wall Signs.

- a. **Eligibility.** A wall sign shall be granted to commercial uses occupying buildings facing the streets and are limited to one sign per business on each street frontage, alleyway or through-

block connection. Commercial uses occupying a building adjacent to a driveway shall not qualify for a second wall sign. However, a commercial use occupying a building whose only exposure is from a driveway or parking lot shall be allowed one wall sign. Businesses that demonstrate that the entry off a driveway or parking lot is used by customers shall be eligible for a wall sign.

b. *Size.* All signs shall be:

i. *Proportionate.* Proportionate to the street frontage of the businesses they identify; and

ii. *Maximum Size.* In no case larger than:

(a) *Twenty-five square feet.* Twenty-five square feet for individual business signs.

(b) *Fifty square feet.* Fifty square feet for joint business directory signs identifying the occupants of a commercial building and located next to the entrance.

c. *Determination of Size.* The sign size is measured as follows:

i. *“Boxed” Displays.* “Boxed” display – total area of display including the background and borders.

ii. *Individual Letters and Symbols.* Individual letters and symbols – total combined area of a rectangle drawn around the outer perimeter of each word and each symbol.

d. *Placement.* Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, or the windowsill of the second story.

e. *Signs above Window Displays.* When a commercial complex provides spaces for signs above window displays, these signs should be compatible in shape, scale of letters, size, color, lighting, materials and style.

f. *Design Commission Discretion.* If an applicant demonstrates to the satisfaction of the design commission that a wall sign is creative, artistic and an integral part of the architecture, the commission may waive the above restrictions.

g. *Master Sign Plan.* When multiple signs for individual businesses are contemplated for a major construction project, a master sign plan stipulating the location and size of future signs will be required.

3. Projecting Signs.

Commented [AVG5]: Clarity is needed on whether ATM signs count as a wall sign. Historically, they have not been included in the 1-sign per frontage limit.

- a. *Sidewalk Clearance.* Projecting signs should clear the sidewalk by a minimum of eight feet.
- b. *Maximum Size.* Projecting signs shall not be larger than six square feet.
- c. *Projection from Building.* Signs should not project over four feet from the building unless the sign is a part of a permanent marquee or awning over the sidewalk.
- d. *Awnings.* Awnings that incorporate a business sign shall be fabricated of opaque material and shall use reverse channel lettering. The design commission may require that an awning sign be less than the maximum area for wall signs to assure that the awning is in scale with the structure. Back-lit or internally lit awnings are prohibited.

4. Window Signs.

- a. *Area Limitation.* Permanent and temporary window signs are limited to maximum 25 percent of the window area.
- b. *Integration with Window Display.* Every effort should be made to integrate window signs with window display.

Commented [AVG6]: Clarity is needed - is this is per window, per tenant/business, or the entire building frontage

5. *Parking Lot Signs.* Signs within parking lots should be limited to those necessary for safety, identification and direction. The ~~code official~~Director shall specify required wording for signage identifying public parking required by MICC [19.11.130\(B\)\(2\)](#).

6. Directional Signs.

- a. *Minimal Number.* To avoid a cluttered appearance, only those directional signs necessary to protect the safety of pedestrians and passengers in vehicles will be allowed. The ~~code official~~Director may, however, require directional signs as necessary to provide motorists with required information to find parking area entrances.

- b. *Size.* These signs shall be no higher than 36 inches and no larger than four square feet.

7. *Temporary Signs.* Unless prohibited by this chapter, use of temporary signs in the Town Center shall be governed by MICC [19.06.020](#), Temporary signs.

8. Replacement Signs. When a sign is removed and replaced the wall or ground where the sign was located shall be repaired to original conditions prior to removal of the sign.

9. Exempt Signs. Signs required by local, state, or Federal rule, regulation, or law are exempt from this section.

10. Prohibited Signs.

- a. Roof. Signs mounted on the roof are not permitted.
- b. Moving Signs. Animated, moving, flashing, blinking, reflecting, revolving, or other similar signs or signs that incorporate these elements are prohibited.
- c. Pennants and Inflated Signs. Pennants or inflated signs, balloons and figures are prohibited.
- d. Vehicles. Signs attached to or painted on vehicles parked and visible from the public right-of-way are prohibited if, based on the relative amount of time the vehicle is parked rather than being used as a means for actual transportation, the vehicle's primary purpose is as a stationary sign rather than a means for actual transportation.
- e. *Phone Numbers.* Phone numbers are prohibited from permanent, exterior signs.

910. Lighted Signs. Lighted signs shall be of high quality and durable materials, distinctive in shape, designed to enhance the architectural character of the building and use ~~LED lights or other minimum wattage lighting~~ the lowest feasible wattage or lumens, as necessary to identify the facility or establishment. Ground-mounted lighting or other upwardly directed lighting of signs is prohibited. Channel or punch-through letters are preferred over a sign that contains text and/or logo symbols within a single, enclosed cabinet.

Commented [AVG7]: Clarity needed: Are neon signs allowed? (Applies to Town Center and PBZ only)

Commented [AVG8]: The Commission requested an amendment to respond to the Dark Skies Initiative. I have recommended a simple approach. You could also consider adding a limit on lumens or wattage (not sure how much? Technology may evolve over time...). You could also require dimming after a certain hour at night.

1011. Street Numbers.

- a. *Use.* City-assigned street numbers should be installed on all buildings.
- b. *Effect on Permitted Sign Area.* Street numbers will not be counted towards permitted sign area.

1112. *Design Commission Discretion.* If an applicant demonstrates to the satisfaction of the design commission that a sign is creative, artistic and an integral part of the architecture, the commission may waive the above restrictions.

1213. *Master Sign Plan.* When multiple signs for individual businesses are contemplated for a major construction project, a master sign plan stipulating the location and size of future signs will be required. (Ord. 16C-06 § 2 (Exh. A)).

19.12.080 Signs.**A. Objectives.**

1. Signs shall be distinctive in shape, of high quality and durable materials, designed to enhance the architectural character of the building and use the minimum wattage necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains the text and/or logo symbols within a single, enclosed cabinet.
2. Signs shall be designed for the purpose of identifying the facility or establishment in an attractive and functional manner and to help customers find the specific establishment and location; signs in residential zones should not serve as general advertising.
3. The size of signs shall be proportional to the size of the building and site.
4. Signs shall be integrated into both the site design and building design, shall be compatible with their residential, office, or business, or public park or open space surroundings, and clearly inform viewers of building or activity use, but shall not detract from the architectural quality of individual buildings or park surroundings.

5. Signs required by local, state, or Federal rule, regulation, or law are exempt from this section.

B. Standards.**1. General provisions.****a. Sign size. Sign size shall be measured as follows:**

- i. Boxed Sign Displays: Total area of a boxed sign display, including the background and borders.
- ii. Individual Letters and Symbols: Total combined area of a rectangle drawn around the outer perimeter of each word and each symbol.

b. Sign lighting. Sign lighting is allowed as follows:

- i. Internally lit signs, including neon signs, are prohibited in all zones other than the PBZ. Within the PBZ, lighted signs are permitted subject to the Town Center standards set forth in MICC 19.11.140(B)(10).

ii. Externally lit signs are allowed and shall use the lowest feasible wattage or lumens necessary to identify the facility or establishment. Ground-mounted lighting or other upwardly directed lighting of signs is prohibited.

Commented [AVG9]: The Commission requested an amendment to respond to the Dark Skies Initiative. I have recommended a simple approach. You could also consider adding a limit on lumens or wattage (not sure how much? Technology may evolve over time...). You could also require dimming after a certain hour at night.

2. Freestanding Ground Signs Outside Residential Zones.

a. *Number.* An individual building or a building complex outside residential zones may display one ground sign on each street frontage.

b. *Design.* The sign shall be architecturally compatible with the style, materials, colors and details of the building or complex. Use of symbols is encouraged.

c. *Size.* All signs shall be:

i. *Proportionate.* Proportionate to the street frontage of the use they identify; and

ii. *Maximum Size.* In no case shall a freestanding ground sign be larger than:

(A) Twenty-Five Square Feet. Twenty-five square feet for single-tenant building ground signs and complex identification ground signs. Such signs may be allowed in front or side yard setbacks; or

(B) Forty Square Feet. Forty square feet for joint tenant ground signs (identifying more than one facility or establishment within a building or building complex) with six square feet maximum for any one establishment included in a building or building complex; provided, joint tenant ground signs shall be restricted to a maximum of 25 square feet if located within front or side yard setbacks.

d. *Maximum Height.* The maximum height of any sign within 10 feet from any property line facing a street shall be 42 inches. All other ground signs shall be no higher than six feet.

e. *Backs of Signs.* Exposed areas of backs of signs should be finished with appropriate color, material or texture to present an attractive appearance relative to the building material, color and texture.

2. Wall Signs Outside Residential Zones.

a. *Number and Eligibility.* An individual building or a building complex outside residential zones may display one wall sign on each street frontage. A business or other use occupying a building whose only entrance is from a driveway or parking lot shall be allowed one wall sign facing that driveway or parking lot.

b. *Size.* All signs shall be:

- i. *Proportionate.* Proportionate to the street frontage of the use they identify; and
- ii. *Maximum Size.* In no case shall a wall sign be larger than:

(A) Twenty-Five Square Feet. Twenty-five square feet for any individual business or other use; or

(B) Forty Square Feet. Forty square feet for joint tenant directory signs identifying the occupants of a building or a building complex and located next to the entrance.

~~c. *Determination of Size.* The sign size shall be measured as follows:~~

~~i. *Boxed Sign Displays:* Total area of a boxed sign display, including the background and borders.~~

~~ii. *Individual Letters and Symbols:* Total combined area of a rectangle drawn around the outer perimeter of each word and each symbol.~~

~~c. *Placement.* Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, or the windowsill of the second story. Wall signs shall be integrated with the overall building and site design.~~

~~d. *Master Signage Plan.* When multiple signs for individual businesses in one building or multiple buildings in a complex are contemplated, a master signage plan stipulating the location and size of allowed signs shall be required.~~

3. *Signs for Non-Single-Family-Dwelling Uses in Residential Zones.* One wall sign and one freestanding ground sign are permitted on each separate public street frontage for non-single-family-dwelling uses in residential zones, such as apartment buildings, hospitals, assisted living and retirement facilities, churches, clubs, public facilities, schools, day cares, pre-schools, park and recreation facilities, assembly halls, libraries, pools or stadiums.

~~a. The location of any freestanding ground sign shall be subject to all setback requirements for the zone in which the sign is located.~~

~~b. A wall sign may be unlighted or exterior lighted, shall not to exceed 12 square feet. A free-standing ground sign shall be no larger than 18 square feet and shall not exceed a maximum height of 42 inches above grade.~~

~~The location of any freestanding ground sign shall be subject to all setback requirements for the zone in which the sign is located. _____~~

~~4. *Signs for Neighborhood Entrances, Driveway Entrances or Addressing in Residential Zones.* One freestanding ground sign is permitted on each separate public or private street frontage for single-family-dwelling uses to identify the home, group of homes or neighborhood for navigational purposes. The number of signs should be limited to those necessary for identification and navigation purposes. Signs shall be set back at least 5 feet from the property line and shall not impede vehicle or pedestrian sight lines. For neighborhoods entrances or groupings of 4 or more single-family dwellings, each sign shall be no larger than 18 square feet. For individual single-family dwellings or groups up to 3 single-family dwellings, each sign shall be no larger than 12 square feet. Signs shall not exceed a maximum height of 42 inches above grade.~~

Commented [AVG10]: Does this do enough to limit the number of signs?

Commented [AVG11]: Are these size limits appropriate?

~~5. *Signs for Licensed Practitioners or Service Operators in Residential Zones.* Licensed practitioners or service operators in residential zones shall be permitted one unlighted window or wall sign for identification purposes only, bearing only the occupant’s name and occupation, not to exceed 72 square inches.~~

~~6. *Parking Lot Signs.* Signs within parking lots should be limited to those necessary for safety and identification. Any required signs for individual stalls should be marked on the pavement. Freestanding or wall-mounted signs should not be permitted, with the exception of ADA handicapped accessible parking signs.~~

~~7. *Directional Signs.*~~

~~a. *Minimal Number.* To address safety concerns and avoid a cluttered appearance, only those directional signs necessary to protect the safety of pedestrians and vehicle occupants shall be allowed.~~

~~b. *Size and Height.* Directional signs shall be no larger than three square feet and no higher than 36 inches above grade.~~

~~8. *Temporary Signs.* Unless prohibited by this chapter, use of temporary signs shall be governed by MICC [19.06.020](#), Temporary Signs.~~

~~9. *Street Numbers.*~~

~~a. *Use.* City-assigned street numbers should be installed on all buildings.~~

~~b. *Effect on Permitted Sign Area.* Street numbers will not be counted towards permitted sign area.~~

c. *Size.* Street numbers for any building or building complex shall be no smaller than six inches in height.

~~910. *Replacement signs.* When a sign is removed and replaced the wall or ground where the sign was located shall be repaired to original conditions prior to removal of the sign. Non-conforming signs may be replaced with design commission approval. If an applicant demonstrates to the satisfaction of the design commission that the replacement sign is consistent with the site design, the commission may approve replacement of a non-conforming sign with a new sign of similar size and type.~~

Commented [AVG12]: Policy decision: should existing non-conforming signs be allowed to be replaced rather than just repaired/maintained?

11. *Prohibited Signs.*

a. *Roof.* Signs mounted on the roof are prohibited.

b. *Projecting Signs.* Projecting signs are prohibited in all zones other than the PBZ. Within the PBZ, projecting signs are permitted subject to the Town Center standards set forth in MICC [19.11.140\(B\)\(3\)\(b\)](#).

c. *Window Signs.* Window signs are prohibited in all zones other than the PBZ, except as provided above in MICC [19.12.080\(B\)\(4\)](#). Within the PBZ, window signs are permitted subject to the Town Center standards set forth in MICC [19.11.140\(B\)\(4\)](#).

d. *Inflated Signs.* Inflated signs, balloons and figures are prohibited.

~~e. *Internally Lit Signs.* Internally lit signs are prohibited in all zones other than the PBZ. Within the PBZ, lighted signs are permitted subject to the Town Center standards set forth in MICC.~~

~~f. *Neon.* Neon signs are prohibited.~~

Commented [AVG13]: Moved to General Provisions, above

g. *Portable.* Portable signs, such as signs on trailers, are prohibited. This standard is not intended to prohibit A-frame signs as allowed pursuant to MICC [19.06.020](#), Temporary Signs.

h. *Flashing, Moving or Animated Signs, Etc.* Flashing, moving, animated, blinking, reflecting, revolving, or other similar signs or signs that incorporate these elements are prohibited.

i. *Off-Premises Signs.* Off-premises signs (signs related to a building, business, tenant or establishment not located on the same premises as the sign) are prohibited.

j. *Vehicles.* Signs attached to or painted on vehicles parked and visible from the public right-of-way are prohibited if, based on the relative amount of time the vehicle is parked rather than being used as a means for actual transportation, the vehicle's primary purpose is as a stationary sign rather than a means for actual transportation.

k. *Vending Machines.* Vending machines, such as soft drink or snack machines, shall not be placed where they are visible from the public right-of-way.

~~1011~~. *Signs for Public Schools in Public Institution Zones.* One wall sign and one freestanding ground sign are permitted for each public school. A wall sign shall not exceed 12 square feet. A freestanding ground sign shall not exceed 18 square feet and shall not exceed a maximum height of 42 inches above grade. A freestanding ground sign shall be set back a minimum of 10 feet from a public right-of-way and 35 feet from abutting properties. Wall and freestanding ground signs shall not have internal lighting, except for an electronic readerboard.

~~1112~~. *Electronic Readerboards.* A public school may have no more than one electronic readerboard. This electronic readerboard shall count as the wall sign or freestanding ground sign allowed by MICC [19.12.080\(B\)\(10\)](#). Electronic readerboards shall comply with the following:

- a. Electronic readerboards shall be designed and placed to minimize light and glare from being visible to adjacent residential properties.
- b. Electronic readerboards shall dim during twilight and night hours to reduce glare.
- c. Electronic readerboards shall be turned off between 10 pm and 7 am.
- d. The display shall include only static text and/or static graphics. No moving graphics, animations such as flying or fading, video, or blinking/pulsing/strobe effects are allowed.
- e. Each message and/or graphic shall be displayed for at least 10 seconds. The change from one message/graphic to the next may utilize a scrolling or wipe effect, but the effect shall take no more than one second to complete.
- f. Electronic readerboards shall display any message deemed necessary by the City of Mercer Island Emergency Operations Center (EOC) upon request by the EOC. The display of any such message shall be exempt from the requirements of subsections [\(B\)\(11\)\(c\)](#) and [\(B\)\(11\)\(e\)](#) of this section. (Ord. 14C-06 § 7; Ord. 04C-08 § 1).



CITY OF MERCER ISLAND PLANNING COMMISSION REGULAR VIDEO MEETING MINUTES

Wednesday, May 19, 2021

Item 3.

CALL TO ORDER

The Planning Commission was called to order by Chair Hubbell at 6:01pm from a remote location.

PRESENT

Chair Daniel Hubbell
Commissioner Carolyn Boatsman
Commissioner Tiffin Goodman
Commissioner Michael Murphy
Commissioner Ted Weinberg
All Commissioners participated in the meeting remotely.

ABSENT

All commissioners were present.

STAFF PRESENT

Alison Van Gorp, Deputy CPD Director and Andrea Larson, Sr. Administrative Assistant participated in the meeting remotely.

APPEARANCES

There were no public appearances.

PUBLIC HEARING

Agenda Item #1 Public Hearing for ZTR19-004 Wireless Code Update

Chair Hubble opened the Public Hearing at 6:05pm

There were no public comments.

Chair Hubble closed the Public Hearing at 6:05pm

REGULAR BUSINESS

Agenda Item #1: Minutes

Moved by Weinberg; Seconded by Murphy to:

Approve the April 21, 2021 minutes.

Moved by Boatsman; Seconded by Weinberg to:

Amend the minutes to add a bullet point under the summary of discussion for ZTR21-004 stating:

Consider removing or revising 19.21.C to avoid conflating small wireless installations with new street lighting in neighborhoods.

Passed 5-0

Agenda Item #2: ZTR19-004 Wireless Code Update

Alison Van Gorp, CPD Deputy Director, gave a brief presentation to the Commission on ZTR19-004 – Wireless Code Update.

The Commission discussed the draft code and asked clarifying questions.

Moved by MM; Seconded by TG to:

Approve the drafted code amendment for ZTR19-004 – Wireless Code Update.

Moved by Boatsman; seconded by Weinberg to:

Add the word “noise” to the 5th Whereas in-between “visual blight and interference”.

Passed 5-0

Moved by Boatsman; seconded by Weinberg to:

Remove 19.06.070.C

Fail 1-4

Moved by Boatsman; seconded by Weinberg to:

Delete the first 3 sentences of 19.06.075.A.2 and replace with:

Noiseless small wireless facilities are required if feasible. If noiseless facilities are not feasible then the facility with the lowest noise profile is required.

Pass 5-0

Moved by Weinberg; seconded by Goodman to:

19.06.070 add a new C stating:

Hollow poles that can conceal equipment and appurtenances are preferred.

Passed 5-0

Moved by Boatsman; seconded by Weinberg to:

Change 19.06.070.D reads as follows:

Replacement Utility Pole – Street light Standard. With the express permission with the City, a street light standard may be installed to support a new small wireless facility. The design of the street light standard shall be in accordance with the City street light requirements in effect at the time. Wherever feasible, all equipment and cabling shall be internal to the replacement street lighting standard or concealed through the design and implementation of a concealment plan.

Passed 5-0

Main motion passed as amended 5-0

Agenda Item #3: ZTR19-003 Sign Code Update

Alison Van Gorp, CPD Deputy Director, gave a brief presentation to the Commission on process for ZTR19-002 – Sign Code Update.

Daniel Kenny, Attorney, gave a brief presentation to the Commission on updating the sign code to comply with Reed v. Gilbert.

The Commission provided feedback to staff on the scoping of this code amendment including:

- What are the areas of the code that may have existing problems we should look at? example: monument signs in neighborhoods.
- look into the dark skies initiative for guidance on lighting/lighted signs
- Make sure the new Commissioners are able to access the presentation on the Reed v. Gilbert and sign code.

OTHER BUSINESS

Deputy Director's Report

Andrea Larson, Sr. Administrative Assistant, gave a brief update to the Commission on status of the annual recruitment process for Boards & Commission, and a look forward at election of Chair/ Vice Chair and Planning Commission bylaws.

Alison Van Gorp, CPD Deputy Director, gave a brief update on the Commission on the work plan for the Summer and Fall.

Planned Absences

Commissioner Goodman may be absent for the July meeting.

Next Scheduled Meeting: May 19, 2021

Announcements & Communications

There were no announcements & communications.

ADJOURN

The meeting adjourned at 9:23pm

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: Planning Commission
From: Andrea Larson, Sr. Administrative Assistant
Date: June 9, 2021
RE: Bylaws

SUMMARY

Planning Commission Bylaws are adopted by the Commission annually at the first regular meeting on or after June 1.

PROCESS

There are no amendments proposed by the City staff.

Bylaws may be amended by a majority vote of the entire membership of the Commission (4 votes).

If amendments are proposed by the Commission and voted on by the majority of the Commission, staff will take the proposed changes for review by the City Attorney and bring the bylaws back to the Planning Commission at the next regular meeting for final adoption.

RECOMMENDED MOTION

Motion – Move to approve the Planning Commission bylaws.

Alternative Motion – Move to direct staff to review the proposed amendments to the Planning Commission bylaws with the City Attorney and schedule approval of the amended bylaws at the next regular meeting.

Mercer Island Planning Commission Bylaws
(Rules of Procedure)
Adopted: _____

ARTICLE I GENERAL PROVISIONS

Section 1.1 Relationship to Other Regulations. These bylaws are supplementary to chapter 3.46 Mercer Island City Code (“MICC”) and chapter 35A.63 Revised Code of Washington (“RCW”).

Section 1.2 Purpose and Responsibilities of Commission. The Planning Commission's role is to advise the City Council on growth management issues, land use policies, and development regulations. The Planning Commission (hereinafter “Commission”) is also responsible for making recommendations to the City Council on proposed street vacations and rezones. The members of the Commission accept the responsibility of the office and declare their intention to execute the duties defined under state law and city code to the best of their ability and to respect and observe the requirements established by the City Council.

ARTICLE II POWERS OF COMMISSION, MEMBERS, AND OFFICERS

Section 2.1 Powers of Commission. The Commission shall undertake the duties and responsibilities defined in chapters 3.46 and 19.15 MICC, including acting as a research agency, and serving in an advisory capacity to the City Council.

Section 2.2 Members. The Commission shall consist of 7 members appointed by the City Council. Membership on the Commission shall be limited to residents of Mercer Island. The term of each member is 4 years, unless removed earlier by the process set forth in Section 2.5 of these bylaws. No member may serve longer than two consecutive terms. Vacancies occurring other than through the expiration of terms shall be filled by the Mayor and Deputy Mayor confirmed by the City Council for the unexpired term.

Section 2.3 Officers and Duties. The officers of the Commission shall consist of a Chair and a Vice-Chair. Chair / Vice-Chair duties are to:

1. Run / Facilitate Commission meetings in a fair, efficient, productive, and informative manner;
2. Act as a spokesperson to City Council and, when necessary, to the public and/or media; and
3. Work with Community Planning and Development staff on schedule / calendar and meeting agendas.

Section 2.4 Officer Election and Vacancies. Officers shall be elected for a term of 1 calendar year at the first regular meeting on or after June 1 and annually thereafter. To elect a new Chair, Commissioners shall nominate members of the Commission for a given office. Nominations do not require a second. When it appears that no one else wishes to make any further nomination, the current Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary.

After nominations have been closed, voting for the Chair takes place in the order nominations were made. A tie vote results in a failed nomination, and the Chair will call for a vote on the next nominee. As soon as one of the nominees receives a majority vote of the Commissioners present, the Chair will declare him/her elected. No votes may be taken on any remaining nominees. Upon election, the newly-appointed Chair conducts the election for Vice Chair following the same process.

In the event of an officer vacancy, a replacement Chair and/or Vice-Chair shall be elected following the same process as above to serve the unexpired term of the vacant office(s). In the absence of the Chair and Vice-Chair, members shall elect a Chair *pro tem* following the same process as above to serve only for the meeting at which he/she is elected.

Section 2.5 Removal. Members may be removed by the Mayor, after public hearing and with the approval of City Council, for inefficiency, neglect of duty, or malfeasance in office.

ARTICLE III MEETINGS

Section 3.1 Regular Meetings. Regular meetings of the Commission shall be held on the first and third Wednesday of each month at 6:00 P.M., or such other day and time as determined by the Commission, in the Mercer Island City Hall or such other place as the Commission may determine. Any regular meeting may be canceled or re-scheduled by the Chair, or in his/her absence, by the Vice Chair. If a regular meeting falls on a legal holiday, the Commission shall have the discretion to hold the meeting on the next business day which is not a holiday.

Section 3.2 Special Meetings. Special meetings of the Commission may be called by any of the following: the Chair, or in his/her absence, by the Vice Chair, the City Manager, Community Planning and Development Director, or the Mayor.

- Section 3.3 Quorum. A majority of the Commission membership shall constitute a quorum. For the conduct of business, a majority vote of the members in attendance at a meeting, provided a quorum is present, shall be sufficient to act.
- Section 3.4 Open to the Public. All regular and special meetings of the Commission are open to the public. The scheduling and holding of all Commission meetings is to be done in accordance with these bylaws and Washington state law.
- Section 3.5 Legislative Public Hearings. The Commission is responsible for conducting public hearings. The Commission recognizes that public hearings are intended to obtain public input on legislative recommendations on matters of policy. Public hearings are required when the city addresses such matters as comprehensive land use plans, street vacations, or development regulations.

ARTICLE IV CONDUCT OF MEETINGS

- Section 4.1 Conduct. All meetings of the Commission shall be conducted in accordance with these bylaws and Washington state law. Where these bylaws fail to provide otherwise, the meetings shall be conducted in accordance with parliamentary rules and procedures in the most current edition of the Robert's Rules of Order.
- Section 4.2 Chair. The Chair shall preside at all Commission meetings and has the powers generally assigned such office in conducting the meetings. It shall be the Chair's duty to see that the transaction of Commission business is in accord with these bylaws and Washington state law. The Chair of the meeting shall be a full voting member but shall not initiate or second a motion.
- Section 4.3 Agenda Setting. An agenda for every regular meeting shall be prepared and distributed by the Community Planning and Development department to each member not less than 5 calendar days prior to the date of the meeting at which such agenda is to be considered. The agenda shall be accompanied with a complete copy of the unapproved minutes of the previous meeting, staff reports, and other materials as may pertain to the agenda.
- Section 4.4 Agenda Modification. All meetings shall be conducted in accordance with the agenda. To the extent it does not violate public notice requirements, the printed agenda of a regular meeting may be modified, supplemented, or revised at the beginning of the meeting by the affirmative vote of the majority of Commission members present.
- Section 4.5 Minutes. A staff liaison shall be provided by the Community Planning and Development department to prepare minutes of meetings and keep such record, attend to correspondence of the Commission, and perform such other duties as

may be deemed necessary. Minutes of all regular meetings shall be kept and made part of a permanent public record. All actions of the Commission shall be considered conclusive as to general import as of the date of such action. Details of phraseology, conditions, etc., shall be subject to correction at the time of consideration and approval of the meeting minutes.

ARTICLE V PUBLIC INVOLVEMENT

Section 5.1. Purpose. High quality public input is desired by the Commission and is needed to help inform the Commission's analysis, recommendations, and decisions. The Commission goals for public involvement are to:

- 1. Undertake a fair, meaningful, and effective outreach to affected parties for each work item, with opportunities for all interested parties to participate in a comfortable setting.
- 2. Use a consistent and adaptable process that allocates limited time efficiently and encourages input that is relevant, clear, and specific.

Section 5.2 Time Limits. Time limits on public input should be established to allow for the efficient use of the Commission’s time. Generally, the Commission will establish time limits as follows:

- 1. For public comment related to legislative matters such as the adoption of amendments to development regulations or the Mercer Island Comprehensive Plan, each speaker is limited to 3 minutes speaking time.
- 2. The Commission shall have the discretion to increase speaking times if necessary.

Section 5.3 Conduct. The public may address the Commission only after being recognized by the Chair of the meeting. All speakers must give their names and address. If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned.

Section 5.4 Alternative Communication. To communicate with the Commission on a matter not scheduled for public hearing, the public may communicate with the Commission in writing and/or speak during an optional portion of each meeting entitled "Appearances" near the beginning of the agenda. The Commission shall have the discretion to omit “Appearances” from the agenda. The Chair of the meeting shall endeavor to minimize the amount of cumulative redundant testimony by the public.

ARTICLE VI CONFLICT OF INTEREST, EX-PARTE CONTACT, AND APPEARANCE OF FAIRNESS DOCTRINE

Section 6.1 Conflict of Interest. Chapter 42.23 RCW prohibits commissioners from using their positions to secure special privileges or special exemptions for themselves or others. If an actual or perceived conflict of interest exists that affects the work of the Commission, it is each commissioner’s responsibility to refrain from any prior discussion of such matter with other members of the Commission, to openly describe the issue, and then recuse him/herself from the meeting during the period of discussion and action thereon.

ARTICLE VII DECISION-MAKING AND RECOMMENDATIONS

Section 7.1 Recommendations on Legislative Matters. The Commission’s goal is to provide a consensus recommendation to the City Council on legislative matters; in all cases, however, a majority vote is taken. To document the recommendations of the Commission, the Community Planning and Development department staff shall prepare a written statement or memorandum, including the facts and rationale for the final recommendations. This statement is then approved by the Chair whose responsibility it is to present the recommendations to the City Council on behalf of the Commission when requested by either the City Council or City staff.

ARTICLE VIII ATTENDANCE

Section 8.1 Regular and Special Meetings. Attendance at regular and special meetings is expected of all Commission members.

Section 8.2 Absence. Any member anticipating absence from a meeting should notify the Chair and staff liaison from the Community Planning and Development department.

Section 8.3 Chronic Absences. Chronic absences of any member may be referred by the Commission to the Mayor for a public hearing pursuant to Section 2.5 of these bylaws. “Chronic,” for the purposes of this section, means 6 or more absences in a 12-month period.

ARTICLE IX AMENDMENTS TO BYLAWS

These bylaws may be amended by a majority vote (4 votes) of the entire membership of the Commission.

Date Approved: _____

Planning Commission Chair: _____

Mercer Island Planning Commission Bylaws (adopted: _____)