

ORDINANCE NO. 1553

AN ORDINANCE READOPTING AND AMENDING SECTIONS 19.36.020, 19.36.030, 19.36.050, 19.36.060, 19.36.110, 19.36.120, 19.36.130, AND 19.36.160 OF THE OAK HARBOR MUNICIPAL CODE TO ALLOW ELECTRONIC MESSAGE CENTER SIGNS IN CERTAIN COMMERCIAL AND INDUSTRIAL DISTRICTS.

WHEREAS, the City of Oak Harbor has established standards in the sign code for the design, placement, and size of signs in the community in order to protect the public health, safety and welfare; and

WHEREAS, it is the purpose of the regulations, standards and criteria of this code to permit and encourage the design of signs which are responsive to the needs of the public in locating a business establishment by identification, address and product and/or services information; and

WHEREAS, the City of Oak Harbor recognizes that a business person's right to identify his or her business contributes to the economic well-being of the community; and

WHEREAS, responsible regulation of signs may, in fact, improve business opportunity as a result of the increased attractiveness of the city's environment; and

WHEREAS, the City of Oak Harbor recognizes that expanding the list of permitted signs to include electronic message center signs can better serve the needs of businesses and the greater community alike; and

WHEREAS, having reviewed the proposed amendment to the sign code, a form of development regulation, for consistency with its Comprehensive Plan as required by RCW 36.70A.040(4); and

WHEREAS, also having reviewed the proposed amendment for consistency with the text amendment criteria identified in OHMC 19.80, namely consistency with the Oak Harbor Comprehensive Plan and substantial promotion of the public health, safety and welfare; and

WHEREAS, being satisfied that the proposed amendment is consistent with the above requirements;

NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. The Title and index for Subchapter 19.36 of the Oak Harbor Municipal Code shall read as follows:

Chapter 19.36
SIGN CODE

Sections:

- 19.36.010** **General provisions.**
- 19.36.020** **Definitions.**
- 19.36.030** **Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.**
- 19.36.040** **Residential/office district and neighborhood commercial district signs – RO and C-1 zones.**
- 19.36.050** **Industrial, planned industrial park and planned business park district signs – I, PIP, and PBP zones.**
- 19.36.060** **Multifamily residential district and public facilities district signs – Zones R-2, R-3, R-4 and PF.**
- 19.36.070** **Single-family residential signs – R-1 zones.**
- 19.36.080** **Temporary and special signs.**
- 19.36.090** **Street right-of-way signs.**
- 19.36.100** **Exempt signs or displays.**
- 19.36.110** **Requirements applicable to all signs.**
- 19.36.120** **Prohibited signs.**
- 19.36.130** **Permits and fees.**
- 19.36.140** **Administration, enforcement and sign removal.**
- 19.36.150** **Nonconforming signs.**
- 19.36.160** **Hearing examiner jurisdiction and power.**
- 19.36.170** **Conflicting provisions.**

19.36.010 **General provisions.**

- (1) Title. This chapter shall be known as the Oak Harbor sign code, may be cited as such, and will be referred to herein as “this code.”
- (2) Purpose and Scope. The purpose of this code is to protect the health, safety, property and welfare of the citizens of the city of Oak Harbor (hereafter “city”), by establishing standards for the design, placement, size and maintenance of all exterior signs and sign structures in the city. Furthermore, it is the purpose of the regulations, standards and criteria of this code to permit and encourage the design of signs which are responsive to the needs of the public in locating a business establishment by identification, address and product and/or services information.
- (3) It is recognized that the businessman’s right to identify his business contributes to the economic well-being of the community. However, it is felt that this right can be exercised in such a way as to bring great benefit to the public without affecting the welfare of the businessman. The responsible regulation of signs may, in fact, improve business opportunity as a result of the increased attractiveness of the city’s environment.

Section Two. Oak Harbor Municipal Code Section 19.36.020 is hereby amended to read as follows:

19.36.020 **Definitions.**

- (1) “Abandoned sign” means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
- (2) “Animation” means the use of movement or some element thereof, to depict action or create a special effect or scene.
- (3) “Area or surface area of sign” means the greatest area of a sign, on which copy or

- artwork can be placed and not just the portion of which is covered by letters or symbols, enclosed within not more than three circles, rectangles or squares, or any combination of these forms which produces the smallest area. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy and are not internally lighted shall not be included.
- (4) "Architectural blade" means a projecting sign with no exposed legs or braces, designed to look as though it could have been part of the building structure rather than something suspended from the building.
 - (5) "Banner" means a flexible material (i.e., cloth, paper, vinyl, etc.) on which a sign is painted or printed.
 - (6) "Billboard" means outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.
 - (7) "Building line" means a line established by ordinance defining the limits of buildings in relation to streets. A building line in some instances may coincide with the property line. "Building line" is sometimes referred to as "required setback line."
 - (8) "Building-mounted sign" means a single or multiple-faced sign attached to the face of a building or marquee.
 - (9) "Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.
 - (10) "Canopy sign" means any sign erected upon, against or directly above a canopy.
 - (11) "Construction sign" means an information sign which identifies the architect, engineers, contractors and other individuals, or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.
 - (12) "Electronic message center" means sign capable of displaying words or symbols that can be electronically or mechanically changed by remote or automatic means. An electronic message center is considered a primary sign and may be either freestanding or building mounted.
 - (13) "Flashing" means pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.
 - (14) "Frame effect" means a visual effect on an electronic message center applied to a single frame to transition from one message to the next. Such usage must comply with the 2-1-2 provision.
 - (15) "Freestanding sign" means a single or multiple-faced sign supported from the ground by one or more columns, uprights or braces. Freestanding signs include monument, pylon and pole signs.
 - (16) "General promotions" means events which occur on a regular basis in retail business for the purpose of boosting sales, attracting new business, selling of certain items (i.e., year end, seasonal sales, civic events, etc.).
 - (17) "Grade" means the elevation or level of the street closest to the sign to which reference is made, as measured at the street's centerline, or the relative ground level in the immediate vicinity of the sign.
 - (18) "Grand openings and anniversaries" means events that are held on a "once per year" basis for the purpose of advertising grand openings, ownership changes, or anniversaries.
 - (19) "Height" or "height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity of the sign.
 - (20) "Incidental sign" means a single or double-faced sign not exceeding four square feet in surface area of a noncommercial nature, intended primarily for the convenience of the

public. Included are signs designating restrooms, address numbers, hours of operation, public telephone, etc. Also included are signs designed to guide pedestrian or vehicular traffic to an area or place on the premises of a business, building or development. Also included are building directories with the letters not to exceed four inches in height. (See OHMC 19.36.100.)

- (21) "Marquee" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.
- (22) "Monument sign" means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.
- (23) "Multiple-occupancy building" means a single structure housing more than one type of retail business office or commercial venture.
- (24) "Multiple-occupancy complex" means a group of structures housing more than one type of retail business, office or commercial venture and generally under one ownership and control.
- (25) "Noncommercial public service sign" means noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages, including, but not limited to the advertising of events sponsored by a governmental agency, a school, church, civic or fraternal organization or other organizations engaged in activities for profit.
- (26) "Occupant" means the person, firm or corporation that occupies the land or building.
- (27) "Office building" means an office building in the commercial and residential-office land use districts as defined by the Oak Harbor zoning ordinance.
- (28) "Parapet" means that portion of a building wall which extends above the roof of the building.
- (29) "Penthouse" means a structure on top of a building roof such as houses an elevator shaft or similar form.
- (30) "Pole sign" means a primary freestanding sign where the sign is supported by a pole or other similar structural element that is substantially narrower than the width of the sign.
- (31) "Political sign" means signs advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot.
- (32) "Primary sign or signs" means all signs, including freestanding signs, of a user which are not exempt (see OHMC 19.36.100), or which do not come within the category incidental signs (see OHMC 19.36.030 and subsection (16) of this section). The term "primary sign" is intended to include virtually all signs of a commercial nature.
- (33) "Property line" means the line denoting the limits of legal ownership of property.
- (34) "Pylon sign" means a primary freestanding sign other than a pole sign with the appearance of a solid base. The base of a pylon sign shall be distinctive in appearance from the sign area.
- (35) "Reader board" means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.
- (36) "Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.
- (37) "Sign" means any letters, figures, design, symbol, trademark or device intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever. Sources of light used primarily to illuminate a sign, or a building, or ground surrounding the building, shall not be considered signs themselves; provided however, that sources of light used primarily to attract attention to the light itself or as a decorative feature of the display shall be considered as part of the sign. Lighted canopies, with the exception of the signed portion, shall not be considered signs themselves. Excluded from the definition are official traffic

signs or signals, sheriff's notices, court notices or official public notices and the flag of a government or noncommercial institution, and signs not visible from the street or sidewalk (see OHMC 19.36.100 for more detailed treatment of exempt signs), and religious symbols.

- (38) "Single-occupancy building" means a commercial building or structure with one major enterprise, generally under one ownership. A building is classified as single occupancy only if:
- (a) It has only one occupant;
 - (b) It has no wall in common with another building;
 - (c) No part of its roof in common with another building.
- (39) Special Signs. See "temporary and special signs."
- (40) "Special projection signs" means a sign no larger than six square feet projecting out from the side of a building.
- (41) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.
- (42) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.
- (43) Surface Area. See "area or surface area of sign."
- (44) "Surface area of facade" means the area of that front, side or back elevation, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of facade shall be the area of that front, side or back immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.
- (45) Temporary and Special Signs. Different types of temporary and special signs included in this category are limited to construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs and subdivision directional signs (see OHMC 19.36.080).
- (46) "Video" means the use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by an electronic message center or similar device. The use of video is not permitted in any zoning district.
- (47) "Video board" means an electronically activated sign that creates the effect of motion or animation, except as allowed by this chapter for changing electronic message signs which are in compliance with the 2-1-2 provision, and the prohibition of RGB technology. Video board signs are not permitted in any zoning district.
- (48) "Way open to public" means any paved or unpaved area on private property open to the general public for driving or parking.
- (49) "Window sign" means all signs located inside and affixed to or within three feet of windows of a building, whether temporary or permanent, except lighted signs of a commercial advertisement nature which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of a window. Lighted window signs shall be included in determining the number of primary signs and in determining the permissible sign area for each facade. Does not include incidental signs. (See OHMC 19.36.030.)

Section Three. Oak Harbor Municipal Code Section 19.36.030 is hereby amended to read as follows:

19.36.030 Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.

- (1) General.
- (a) In general, this city takes the view that signs should be scaled to the building to

which the sign is related. Accordingly, in the following sections will be found regulations on the area, number and height of signs, which are a function of the size of the building to which the sign is related.

- (b) Any single-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (6) of this section. No more than one freestanding sign is permitted per single-occupancy building unless the building faces on more than one street (see subsection (4) of this section), and is not a part of a multiple-building complex.
 - (c) Each occupant in a multiple-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) except that no more than one freestanding sign is permitted per multiple-occupancy building unless the building faces more than one street (see subsection (4) of this section), and is not part of a multiple-building complex.
 - (d) Each occupant in a multiple-building complex in the business districts, which is composed of single and/or multiple-occupancy buildings, shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) except that no more than one freestanding sign is permitted per multiple building complex, unless the building faces on more than one street. (See subsection (4) of this section.)
 - (e) Each enterprise shall display and maintain on-premises street address number identification. (See subsection (6) of this section.)
 - (f) A multiple-building complex encompassing at least five acres may display one complex identification sign along with each right-of-way which provides direct access to the complex. Each sign may not exceed 75 square feet in surface area and 25 feet in height. Each sign is subject to the sight distance requirements of the zoning ordinance.
- (2) Setback Limitations – Freestanding Signs. Except as otherwise provided in this section the size of any freestanding sign shall not exceed the following limits, based on the setback of the sign from the front property line:

Minimum Setback: 5 feet from front property
line
Maximum Area: 100 square feet (per side)

- (a) Sign Height – Freestanding Signs. Except as otherwise provided in this section the height of any freestanding sign shall not exceed the following limits, based on the sign setback of the sign:
Maximum Height: 25 feet

A minimum height of eight feet from grade to the bottom of the sign is required, for signs greater than 48 square feet, to ensure adequate sight lines for signs closer than 10 feet to the front property line.

- (b) Facade Limitations, Building-Mounted Signs, Roof or Canopy-Mounted Signs. The surface area of any building-mounted sign and roof or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	Maximum Sign Surface Area for that Facade
Below 100	25 percent of facade
100 – 199	26 sq. ft. + 11 percent of facade area over 100 sq. ft.
200 – 499	38 sq. ft. + 12 percent of facade area over 200 sq. ft.
500 – 999	75 sq. ft. + 11 percent of facade area over 500 sq. ft.
1,000 – 1,499	131 sq. ft. + 7.5 percent of facade area over 1,000 sq. ft.
1,500 – 2,999	169 sq. ft. + 2.5 percent of facade area over 1,500 sq. ft.
Over 3,000	206 sq. ft. + 1.5 percent of facade area over 3,000 sq. ft. to a maximum of 300 sq. ft.

In multiple-occupancy buildings the facade area for each occupant is derived by measuring only the surface area of the exterior facade of the premises actually used by the occupant, and the sign displayed by the occupant must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple-occupancy building, if:

- (i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;
- (ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;
- (iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

- (c) **Sign Height – Building-Mounted Signs.** The height of any building-mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.
- (3) **Number of Primary Signs.** The permissible number of signs for each occupant is dependent upon the surface area of the largest single facade of the building that is under his control. The permitted number of signs is as follows (not including incidental signs):

Surface Area of Largest Facade	Maximum Number of Signs
Less than 999 sq. ft.	3
1,000 – 2,999	4
3,000 and over	5

Buildings or occupants with more than 3,000 square feet on any face, with several clearly differentiated departments, each with separate exterior entrances, are permitted one sign for each different department with a separate exterior entrance, in addition to the five allotted.

- (4) **Buildings on More Than One Street.** Buildings facing on more than one street are entitled

to a bonus in primary signage, depending on whether the building is on two intersecting streets or whether it extends through a block so as to face on two different parallel streets, as defined in subsections (4)(a) and (4)(b) following.

- (a) Buildings on Intersecting Streets. When a building is located on intersecting streets, two freestanding signs are permitted if they are located on two different streets and are separated more than 100 feet measured in a straight line between signs. Otherwise, only one freestanding sign is permitted and must meet the setback limitation under subsection (2) of this section.
 - (b) Buildings Facing on Two Parallel Streets. Single occupancy buildings that extend through a block to face on two parallel streets with customer entrances on each street are permitted the sign area allowed under subsections (2)(a) and (2)(b) of this section, and the sign number under subsection (3) for each end of the building facing on a street; provided, however, that no more than one freestanding sign is permitted per building unless such signs are located on two different streets and are separated more than 100 feet measured in a straight line between the signs. No more than two freestanding signs are permitted in such case.
- (5) Types and Placement of Primary Signs. The permissible types of primary signs, their placement and other limitations are as follows:
- (a) Freestanding Signs.
 - (i) Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line; provided, however, that a freestanding sign may be located within five feet of the property line with the written consent of the title holder of the adjacent property. If such consent is obtained, the consenting party or his successors or assigns may not place a freestanding sign on his property within 20 feet of the first freestanding sign.
 - (ii) A freestanding sign located five feet from the property line shall be wholly behind the five-foot setback, and a freestanding sign located at the building line shall be wholly behind the building line.
 - (iii) Any freestanding sign must be "integrated." That is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited.
 - (b) Building-Mounted Signs.
 - (i) Any building-mounted sign shall not project more than five feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.
 - (ii) Any building-mounted signs shall be limited in content and message to identifying the building and the name of the firm, or the major enterprise, and principal product and/or service information.
 - (iii) Special projection signs are permitted within the CBD and are allowed in addition to permitted signage. Special projection signs are limited to one per business and shall be attached to the building. The bottom of the sign shall be at least seven feet above the sidewalk.
 - (c) Roof Signs.
 - (i) All such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself.

- (ii) All roof signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.
- (d) Canopy Signs.
 - (i) All such signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself.
 - (ii) All canopy signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.
- (e) Monument Signs. Monument signs shall not exceed eight feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the front property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.
- (f) Pylon Signs.
 - (i) Pylon signs shall not exceed 10 feet in height measured from the finished grade to top of the sign and not exceed 48 square feet in area. Pylon signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.
 - (ii) If a pylon sign is used instead of a pole sign an additional 15 percent of wall signage area over that than otherwise permitted shall be allowed. The additional square footage may be used on any facade that permits wall signage.
- (g) Electronic message center signs. Stationary electronic message center signs and other changeable copy signs may be incorporated in the permanent signage for a business or development in the C-3, C-4 and C-5 zoning districts. Said signs shall meet the following standards:
 - (i) The sign shall follow the standards established in subsections (2) through (5) of this section;
 - (ii) Only one such sign shall be used in a development and it shall not exceed 50 percent of the sign area for that sign;
 - (iii) The electronic message center sign shall be included in the maximum number of signs or sign area allowed for the business or development;
 - (iv) The sign shall be constructed as an integral part of a permanent sign constructed on site, except as permitted under (xiii). Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign;
 - (v) Electronic message center signs may be used only to advertise activities or goods or services available on the property on which the sign is located, or to present public service information.
 - (vi) No segmented message shall last longer than 12 seconds.
 - (vii) Only those changing electronic message signs utilizing monochrome colors such as white, red or amber shall be permitted. No RGB (Red-Green Blue) technologies or other multi-colored display shall be permitted in an electronic message center sign in a manner that would create a video board. This subsection does not prohibit the use of color in a sign that is not a video board.
 - (viii) No changing electronic message center may contain the use of animation, video or flashing as defined in this chapter.

- (ix) Changing electronic message signs shall maintain a 2-1-2 transition frequency. "2-1-2" means a message display time of a minimum of two seconds, a transition time between messages of a maximum of one second, followed by a message display time of a minimum of two seconds with all segments of the total message to be displayed within ten seconds. Displays which scroll onto the signboard must hold for minimum of two seconds including scrolling. Frame effects may be used for the purpose of transition.
 - (x) Electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts brightness because of ambient light conditions.
 - (xi) The owners of electronic message center of electronic message center signs shall include a signed letter accompanying their permit application, certifying that they will not tamper with the manufacturer preset automatic brightness levels on such signs.
 - (xii) For locations adjacent to a residential use or district electronic displays shall be turned off between the hours of 10:00 pm and 6:00 am.
 - (xiii) A single, portable (non-stationary) electronic message center sign may be located in the window of a business subject to the provisions of this subsection. The portable sign shall comply with the provisions of 19.36.030(5)(g) (v) through(ix).
- (6) Incidental Signs. Incidental signs means signs less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience; designating restrooms, address numbers, hours of operation, entrances to a building, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.
- (7) Directional Signs. Directional signs to give the traveling public specific information as to gas, food or lodging available on a crossroad with the state highway may be erected in accordance with RCW 47.42.046 and 47.42.047.
- (8) Gasoline Price Signs. Gasoline price signs shall be located greater than five feet from the property line and must be permanently anchored. Such signs may be freestanding, may be attached to marquees or canopy columns, or may be reader boards. The sign area shall not exceed 20 square feet, and no more than one such sign for each street frontage is permitted. Gasoline price signs shall not be included in determining the number of primary signs, nor in determining the permissible number of freestanding signs.
- (9) Window Signs. The total surface area of all window signs excluding lighted signs shall not exceed 50 percent of the window area, whichever is greater. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each facade. Window signs do not require permits.
- (10) Signs for Nonconforming Buildings or Uses. There remain in the city some buildings which were built prior to enactment of Oak Harbor's present zoning ordinance. Generally, under the city zoning ordinances, these legal nonconforming buildings or uses are allowed to remain unless they are altered or improved. As few of these nonconforming buildings are located behind the building line as determined by ordinances currently in effect almost no signing would be possible under the foregoing sign code provisions. Therefore, this section provides for a partial relaxation of the standard sign requirements for signs on legal nonconforming buildings, only so long as

the buildings or uses remain legally nonconforming under provisions of the Oak Harbor zoning code.

- (11) Permitted Signs on Legally Nonconforming Buildings. All provisions of the sign code for business district signs apply to signs on nonconforming buildings or uses with the following exceptions:
 - (a) Building-mounted signs may project over the building line, but shall not approach a street closer than five feet. Such signs may extend five feet from the face of the building to which attached and shall have a maximum clearance over sidewalk below of eight feet, six inches.
 - (b) Legally nonconforming buildings are allowed the same sign area as other buildings zoned as commercial districts, as per this section.

19.36.040 Residential/office district and neighborhood commercial district signs – RO and C-1 zones.

- (1) General. This section applies only to office and apartment buildings in RO and buildings in C-1 zones of the city. Such buildings in other zones are governed by the sign regulations of the applicable zone. As the RO and C-1 zones are primarily placed as a buffer between CBD, C-3, C-4 and C-5 business district zones and residential zones, the permissible signs are scaled down from those allowed in business districts.
- (2) Setback Limitations – Freestanding Signs. The size of any freestanding sign in an RO or C-1 district shall not exceed the following limits, based on the sign setback of the sign:
 Minimum Setback: 5 feet from front property line
 Maximum Area: 35 square feet (per side)

- (a) Sign Height – Freestanding Signs. The height of any freestanding sign in an RO or C-1 district shall not exceed the following limits, based on the sign setback of the sign:
 Maximum Height: 15 feet

- (b) Facade Limitations – Building-Mounted Signs, Roof and Canopy-Mounted Signs. The surface area of any building-mounted sign and roof or canopy-mounted sign in the RO and C-1 districts shall not exceed the figures derived from the following schedule:

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	Maximum Sign Surface Area for that Facade
Below 100	20 percent of the sign area
100 – 199	21 sq. ft. + 9 percent of facade area over 100 sq. ft.
200 – 499	30 sq. ft. + 10 percent of facade area over 200 sq. ft.
500 – 999	60 sq. ft. + 9 percent of facade area over 500 sq. ft.
Over 1,000	105 sq. ft. maximum

In multiple-occupancy buildings the facade area for each occupant is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user, and the sign displayed by that tenant or user must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building, if:

- (i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;
- (ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;
- (iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

- (c) **Sign Height – Building-Mounted Signs.** No building-mounted sign in the RO or C-1 district, regardless of type, shall exceed a height of 20 feet above grade, or above the height of the building to which it is attached, whichever is less.
 - (d) **Limitation.** Any freestanding or building-mounted sign located in these districts shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and the principal service or product of the business without references to prices or the characteristics of the product or services offered.
- (3) **Number of Signs.** In the RO and C-1 districts no more than two primary signs are permitted for buildings facing on one street, only one of which may be freestanding. Buildings or building complexes on street corner locations may have two freestanding signs only if they are located on two different streets and are separated more than 100 feet, measured in a straight line between the signs.

Buildings or building complexes which extend a block to face on two parallel streets are permitted two primary signs on each street, only one of which may be freestanding for each street.

For purposes of determining the limit on number of signs for apartments, a single apartment complex, regardless of the number of buildings, shall be considered one building.

- (4) **Types and Placement.** Within RO and C-1 districts the permissible types of signs, their placement and other limitations are as follows:
 - (a) **Freestanding Signs.** Requirements are identical to OHMC 19.36.030(5)(a), except that advertising shall not be permitted.
 - (b) **Building-Mounted Signs.** Requirements are identical to OHMC 19.36.030(5)(b), except that advertising shall not be permitted.
 - (c) **Electronic Message Center Signs.** These signs are allowed only in the C-1 district. Requirements are identical to OHMC 19.35.030(5)(g).
 - (c) **Incidental Signs.** In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in OHMC 19.36.030(6).
 - (d) **Street Address Identification.** Each building or complex of buildings shall display and maintain on-premises street address number identification.
 - (e) **Signs or portions of signs indicating premises for rent** (e.g., “Apartment for Rent,” “Apartment Available,” “Vacancy,” “Now Renting,” “Free Rent,” etc.) shall not exceed a surface area of six square feet and many remain up until the premises are sold or rented.

- (f) The illumination of any sign in the RO and C-1 districts shall be shaded, shielded, directed or reduced so that it is not visible from a public street or adjoining residential property.
- (g) Legal nonconforming signs same as 19.36.030(10) and (11).
- (h) Monument signs shall not exceed six feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

Section Four. Oak Harbor Municipal Code Section 19.36.050 is hereby amended to read as follows:

19.36.050 Industrial, planned industrial park and planned business park district signs – I, PIP, and PBP zones.

Permissible signs and their limitation in the industrial district (Zone I), shall be identical to those in the commercial districts CBD, CBD-1, CBD-2, C-3, C-4 and C-5 (OHMC 19.36.030). Electronic message center signs are permitted.

Section Five. Oak Harbor Municipal Code Section 19.36.060 is hereby amended to read as follows:

19.36.060 Multifamily residential district and public facilities district signs – Zones R-2, R-3, R-4 and PF.

Requirements for signs in multifamily residential districts and public facilities districts shall be identical to those for the R-O residential office district and the C-1 neighborhood commercial district zones as set forth in OHMC 19.36.040.

- (1) Exceptions. In the public facilities zoning district, a single freestanding or wall building mounted changing general electronic reader board is allowed with the following restrictions:
 - (a) Freestanding signs are limited to 35 square feet in sign area, no more than 15 feet in height and must be set back five feet from the property line;
 - (b) Wall mounted signs are limited to 35 square feet in sign area and no more than 20 feet in height;
 - (c) Lettering shall not be more than 12 inches in height;
 - (d) The electronic message shall be limited to those allowed on noncommercial signs as defined in OHMC 19.36.020(21) (25) and shall not change more frequently than every four seconds;
 - (e) The sign's lights shall be limited to a warm-toned, off-white color or other similar color as approved by the development services director;
 - (f) An electronic reader board counts as one of the allowed primary signs; and
 - (g) The hours of operation for reader board signs shall be limited to be from 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and to be from 6:00 a.m. to 12:00 midnight on Fridays and Saturdays. For locations adjacent to a residential use or district, electronic displays shall be turned off between the hours of 10:00 pm and 6:00 am.

19.36.070 Single-family residential signs – R-1 zones.

- (1) General. Two categories of sign uses are covered by this section:
 - (a) Existing, Legal Nonconforming Commercial Uses. The provisions herein for signs for commercial uses apply only to legal nonconforming uses which have

been approved under applicable zoning ordinances prior to the enactment of this code.

- (b) Noncommercial uses such as schools, churches, fire stations and house number identification.
- (2) Signs for Existing Legal Nonconforming Uses. No more than one primary sign is permitted for each use in this category so long as the building remains legally nonconforming under provisions of OHMC Title 19 as follows:
- (a) Such sign may be either freestanding or building-mounted.
 - (b) If freestanding, the sign shall conform to the requirements of OHMC 19.36.030(5)(a) in regard to placement and OHMC 19.36.040(2)(a) in regard to size and height.
 - (c) A building-mounted sign shall conform to the requirements of OHMC 19.36.030(5)(b); provided, however, that no sign shall exceed 20 square feet in surface area.
- (3) Signs for Noncommercial Uses.
- (a) On-premises signs for churches, schools, golf courses, fire stations, police stations, noncommercial use or public service, or other similar noncommercial uses:
 - (i) Signs shall be unobtrusive, in keeping with the character of the neighborhood and constructed of quality materials, as approved in advance by the administrator of this code. No building-mounted signs shall exceed 20 feet in height and 50 square feet in surface area and no freestanding sign located between the building line and the property line shall exceed five feet in height and 25 square feet in surface area. A freestanding sign located at the building line or behind it shall not exceed 15 feet in height or 35 square feet in area. No more than one freestanding sign and one building-mounted sign is permitted from the above uses per street frontage.
 - (ii) Off-premises signs for nonconforming uses may be approved by the site plan review committee subject to the following conditions:
 - (A) The sign is to identify current events or activities;
 - (B) The sign or message is for a temporary period of time sufficient to inform the public of the event or activity with a maximum of two weeks;
 - (C) The sign shall not be located on street right-of-way except when a part of a permanent subdivision or neighborhood designation sign (see subsection (3)(d) below);
 - (D) The sign shall not exceed 15 square feet in area nor five feet in height;
 - (E) Not more than two such signs shall be permitted.
 - (b) Illumination. Illumination from or upon any signs in single-family residential districts shall be shaded, shielded, directed or reduced so that the light intensity or brightness does not affect the enjoyment of residential property in the vicinity in any substantial way.
 - (c) House Numbers. All houses in the single-family residential district shall display house numbers visible from the street and letters or numbers shall be a minimum of five inches in height.
 - (d) Permanent Subdivision or Neighborhood Designation Signs. Signs shall be unobtrusive, in keeping with the character of the neighborhood, and constructed of quality materials, as approved in advance by the administrator of this code. Signs shall not exceed five feet in height and 25 square feet in surface area, and

shall be located between the building line and property line unless a location of excess city right-of-way is approved by the superintendent of public works. Responsibility for the future maintenance or removal of these signs must be determined prior to their construction.

19.36.080 Temporary and special signs.

Temporary and special signs or displays are nonpermanent in nature and are intended for use only for a short period of time. The category includes any banner, pennant or advertising display constructed of canvas, fabric, wood, plastic or other semi-durable material, with or without frame. Permissible signs, with applicable limitations, are as follows:

- (1) Construction Signs.
 - (a) These signs identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building, or the purpose for which the building is intended. Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site. Only one such sign (which may be double faced) is permitted per construction project for each public street upon which the project fronts.
 - (b) In all zones other than single-family residential zones, no construction sign shall exceed 32 square feet in surface area or 10 feet in height, nor be located closer than 10 feet from the property line or closer than 30 feet from the property line of the abutting owner. Further, such signs must be removed by the date of first occupancy of the premises, or one year after placement of the sign, whichever first occurs.
 - (c) In single-family residential zones, no construction sign shall exceed eight square feet in surface area, or be located closer than 10 feet from the property line of the abutting owner. Such signs shall be removed by the date of first occupancy of the premises or six months after first placement of the sign, whichever first occurs.
- (2) General Promotions.
 - (a) General promotions are those events which occur on a regular basis in retail businesses for the purpose of boosting sales, attracting new business, selling of certain items (i.e., year end, etc.), seasonal sales and the like.
 - (b) Allowed temporary signage for these types of events consists of posters in windows, posters under motor vehicle hoods, glass painting, small balloons of less than 12 inches in diameter and a maximum of one banner per street frontage placed on the exterior of the building on the space that the particular business occupies. The size of the banners will be limited to a maximum of four feet in height and a maximum length of either 50 percent of the length of the side of the building on which the banner is located or 30 feet. Businesses with a facade of less than 24 feet in length may have banners of up to 12 feet in length. Each separate business is permitted to have one banner on the building.
 - (c) No clusters of flags or pennants, ribbons, streamers, shimmering discs, spinners, twirlers, or propellers, strings of lights, moving, flashing, rotating or blinking lights, chasing or scintillating lights, flares, or large balloons, bubble machines and similar devices of a carnival nature, or containing elements creating sound or smell may be used for these types of promotions with the exception of Christmas when flashing Christmas type lights will be allowed.
 - (d) The duration of these promotions will be 30 days maximum (except banners) and no permit will be required. Banners have no time restrictions but shall be placed solely on the building for which the banner is advertising. In the event that the banner becomes dilapidated or otherwise ruined it must be removed or replaced.

Such promotions are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations. Banners shall be allowed in addition to primary signage and shall not be used as primary signs. When no primary sign is installed the duration of a banner shall be no more than 30 days.

- (3) Light Pole Banners.
 - (a) Businesses may have light pole banners on 100 percent of the total number of poles located in privately owned parking lots.
 - (b) Size of banners shall be limited to three feet by seven feet free flying or two feet by six feet when attached by brackets.
 - (c) There shall be at least eight feet of clearance between the bottom of the banner and the ground. No banner shall extend over a public sidewalk or street.
 - (d) There is no time limit for light pole banners. However, when the banners become dilapidated or otherwise ruined they must be removed or replaced.
 - (e) No other signage of any type shall be permitted on light poles where light pole banners are displayed.
- (4) Grand Openings and Anniversaries.
 - (a) Businesses may have one grand opening or anniversary promotion per year. One additional such promotion may be held if the business changes ownership or management, should this occur less than one year after a particular grand opening or anniversary promotion.
 - (b) In addition to those items allowed in general promotions (above) the business may also use flags, pennants, ribbons, streamers, various types of balloons (including large "hot air" types), and strings of lights.
 - (c) These promotions will be no more than 30 days in length.
- (5) Grandfathered Commercial Promotions Signage. No existing temporary or special signage will be grandfathered. Businesses will have 60 days from the date of enactment of the ordinance codified in this chapter in which to comply.
- (6) Real Estate Signs. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits, are as follows:
 - (a) Residential "For Sale" or "For Rent" Signs. Signs advertising residential property "For Sale" or "For Rent" shall be limited to one single or double-faced sign per street frontage. Sign to be installed 30 days prior to becoming available or during a vacancy only. The sign may not exceed four square feet in surface area, and must be placed wholly on the property for sale or rent. The "For Sale" or "For Rent" sign may remain up until the property is sold or rented.
 - (b) Residential Directions "Open House" Signs. Signs advertising "Open House" and the directions to a residence for sale shall be limited to one single or double-faced on-premises for sale and three single or double-faced off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, off-premises signs are limited to four for the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. No such sign shall exceed four square feet in surface area. The sign may be placed along the periphery of a public right-of-way.
 - (c) Residential Condominiums, Condominium Conversions, Apartments, Mobile Home Parks and New Subdivisions.
 - (i) Temporary Real Estate Signs. Temporary signs, posters and banners may be used for the grand opening and ongoing promotion of new residential projects having five or more units. These signs and banners may be used in a particular project for a period not exceeding one year after the date of issuance of the final occupancy permit for that project or at such time as the project is 90 percent

occupied, whichever occurs first, or in the case of subdivision and mobile home parks, one year after final plat approval. In the event that the project consists of more than one phase, as in a “phased” condominium project, the signs and banners promoting one phase must be removed prior to installing the signs and banners for the next phase. A time extension may be granted for up to one year in length by the building official where 90 percent occupancy has not been obtained. Justification for the extension includes:

- (A) Certification of vacant units; and
 - (B) Statement of reason for lack of occupancy.
- (ii) Allowable Number and Sizes of Signs.
- (A) One banner of not more than 30 feet in length and four feet in height advertising the project for sale or rent;
 - (B) Banners or signs of not more than 18 square feet each on each model unit with a maximum of three of these types allowed per project or phase;
 - (C) “A-frame” and other signs used internally within the project as needed for the purpose of directing traffic to model units or open house functions;
 - (D) One sign per road frontage of not more than 32 square feet per side advertising the project for rent or sale. These signs may be installed only after the construction sign has been removed.
- (d) Undeveloped Commercial or Industrial Property “For Sale or Rent” Signs. Signs advertising undeveloped commercial or industrial property “For Sale or Rent” shall be limited to one single or double-faced sign per street frontage. Signs may be displayed while the property is actually for sale or rent. The sign may not exceed 16 square feet in surface area. If freestanding, the sign may not exceed five feet in height, and shall be located more than 15 feet from any abutting interior property line and wholly on the property for sale or rent.
- (e) Developed Commercial or Industrial Property “For Sale or Rent” Signs. Signs advertising developed commercial or industrial property “For Sale or Rent” shall be limited to one single or double-faced sign per street frontage. Signs may be displayed while the building is actually for rent or sale. The sign may not exceed 16 feet in surface area. If freestanding, the sign may not exceed five feet in height and shall be located more than 15 feet from any abutting side or rear property line, and wholly on the property for sale or rent.
- (f) Residential Land Subdivision Signs. Signs advertising residential subdivisions shall be limited to one single or double-faced sign not exceeding a total of 32 square feet in surface area placed at a right angle to the street, or two signs not exceeding a total of 32 square feet in surface area facing the street, which shall be at least 200 feet apart. No sign shall project beyond the building line. Such signs must be placed more than 30 feet from the abutting owner’s property line and may not exceed a height of 12 feet. Such signs shall be removed by the end of one year or when 75 percent of the houses in the subdivision are sold or occupied, whichever first occurs. Permanent subdivision or neighborhood designation signs shall be approved by the administrator of this code as set forth in OHMC 19.36.070.
- (g) Subdivision Directional Signs Designating New Development. Signs advertising the direction to a subdivision shall be furnished and placed only by the developer or residents of the subdivision, but at locations designated by the city. Signs shall be of the dimensions 12 inches by 36 inches, shall bear only the name of the subdivision and a directional arrow (no name or realtor permitted), and be limited

in number to four. The city will designate placement of the signs at street intersections a maximum of one mile from the nearest subdivision entrance. The signs shall be maintained by the developer and removed at the end of one year or when 75 percent of the subdivision is occupied, whichever first occurs, unless a variance is granted by the hearing examiner.

- (h) Undeveloped Multifamily Property “For Sale” Signs. Permissible signs and their limitations for undeveloped multifamily zoned property shall be identical to those for undeveloped commercial and industrial property “For Sale” signs as set forth in subsection (6)(d) of this section.
 - (i) Undeveloped Single-Family Acreage “For Sale” Signs. Permissible signs and their limitations for undeveloped, unsubdivided single-family property which may be legally divided into four or more single lots shall be identical to those for undeveloped commercial and industrial property “For Sale” signs as set forth in subsection (6)(d) of this section.
- (7) Political Headquarters Signs.
- (a) Party Headquarters. On-premises political signs are permitted on the premises of political headquarters located in the business districts (OHMC 19.36.030), on office buildings in the residential/office and neighborhood commercial districts (OHMC 19.36.040), and in the industrial district (OHMC 19.36.050), so long as the signs meet the requirements of those districts.
 - (b) Headquarters for Candidate or Ballot Issue. On-premises political signs are permitted on the premises of the headquarters of a candidate for public elective office (whether partisan or nonpartisan) or on the headquarters of persons supporting or opposing a public issue decided by ballot, when such headquarters are located in the commercial districts (OHMC 19.36.030), on office buildings in the residential/office and neighborhood commercial districts (OHMC 19.36.040), and in the industrial district (OHMC 19.36.050), so long as the signs meet the requirements of those districts and so long as the signs remain for a period no longer than six months. Such signs shall be removed within seven days after the general election.
- (8) Political Signs on Private Property Not a Headquarters.
- (a) Signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property. Such signs, posters or bills shall be permitted only for a period of 60 days preceding the election and for a period of seven days following such election; provided, that signs, posters or bills promoting successful candidates in a primary election may remain displayed on private property until seven days following the immediately subsequent general election.
 - (b) Sign Dimension and Location. Political signs shall not exceed 32 square feet in surface area per side or 10 feet in height, or be located closer than five feet from the property line or closer than 15 feet from the property line of an abutting owner. Signs must be located so as not to restrict sight distances on approaches to intersections. A-frame type political signs are not permitted. Political signs located along SR-20 within the city limits of Oak Harbor must be located on private property. Signs installed within the SR-20 right-of-way will be removed by the city or State Highway Department personnel.
 - (c) Removal of Signs Following Election. Any such sign, poster or bill shall be removed within seven days following an election. It shall be the responsibility of the above campaign officer or responsible official to have the signs, posters or bills removed.
 - (d) Political Signs Not Allowed on Public Property. It is unlawful for any person to

paste, paint, affix or fasten on any utility pole or on the sidewalk, roadway, or on any public building or structure any such sign, poster, bill or other advertising device when such facilities are located on public property or within public easements.

- (e) Public Notices Unaffected. Nothing in this section shall be construed to prohibit the placement of public notices required by law.
 - (f) The display of any political sign in violation of this section, or any portion thereof, shall be presumed to have been done at the direction and request of the campaign officer or responsible official.
 - (g) No permit is required for placement of political signs.
- (9) Community Events and Fundraisers. Celebrations such as Holland Happening, the Fourth of July, and similar events scheduled for the benefit of the general community may install temporary directional signing, provided such signs are removed within two days following the event.
- (10) Civic Organizations. Civic organizations shall be allowed to have two A-frame signs per event or sale. This sign is in addition to directional signs that may be necessary. The sign shall be no larger than the allowed maximum for a business and subject to all requirements of A-frames for businesses. The sign shall be placed solely on the property for which the activity will be conducted and written permission must be obtained from the property owner or their designee. A civic organization sign shall be in addition to any other A-frame signs existing on site at time of application.
- (11) Portable A-Frame Signs.
- (a) Portable A-frame signs for the purpose of this code also includes sandwich board signs.
 - (b) Portable A-frame signs are allowed in all districts throughout the city except the CBD.
 - (c) Each business is permitted to have one portable A-frame sign no larger than 36 inches by 48 inches. The portable A-frame sign shall be included in the total allowable signage for said business.
 - (d) The portable A-frame sign shall be placed solely on the property of the business for which the sign advertises during normal business hours and removed at the close of business, and located no further than four feet from the building line. No two portable A-frames shall be closer than 20 feet from one another. No direct or indirect lighting of any kind shall be permitted.
 - (e) A-frame signs shall be constructed to be sturdy and withstand all types of weather conditions. No more than two-thirds of the total A-frame sign area may be reader board or changeable copy. All artistic embellishments and lettering shall have the appearance of professionalism.
- (12) No temporary vehicular mounted sign shall be placed in such a manner as to subvert the intentions of this chapter.

19.36.090 Street right-of-way signs.

- (1) General. Signs for the purpose of identification only, which contain no advertising, may be located upon the street right-of-way only where view-obstructing acoustical protective devices such as acoustical walls, berms or solid fences have been legally installed with city approval at property line thereby making building-mounted or conforming freestanding signs ineffective. Such signing may not exceed the maximum square footage for signs permitted in the applicable district.
- (2) Design and Materials. Street right-of-way signs shall be in keeping with the character of the zoning district in which they are located and shall be constructed of quality materials. The proposed design and materials to be utilized in the construction of any such sign

shall be approved in advance of the issuance of any sign permit by the administrator of this code.

- (3) **Types of Signs Permitted.** Only signs identifying the use being maintained or operated upon the immediately abutting property and incidental signs indicating the appropriate entrance to and exit therefrom are permitted upon the public right-of-way under this section; provided, that vacancy signs no larger than three square feet in surface area may be installed as an addition to the identification sign.
- (4) **Sign Location.** Signs permitted upon the street right-of-way shall not be installed or placed on the top of acoustical protective devices, nor shall such signs be installed upon or attached to acoustical protective devices constructed by the city.
- (5) **Sign Dimensions.** Street right-of-way signs shall have a maximum height of five feet measured from the street grade only, a maximum surface area of 15 square feet.
- (6) **Sign Illumination.** Street right-of-way sign illumination shall be from a source other than the sign itself.
- (7) **Permit Requirements.** Street right-of-way signs are subject to all general requirements of this code; provided, that no such sign may be erected without a permit regardless of the size of the sign; and provided further, that any application for a street right-of-way sign permit is subject to the approval of the superintendent of public works.

19.36.100 Exempt signs or displays.

The following signs or displays are exempted from coverage under this code:

- (1) Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest, which are erected by or on the order of a public officer in the performance of his public duty;
- (2) Regulatory, informational, identification or directional signs installed by or at the direction of, a government entity;
- (3) Signs required by law;
- (4) Official public notices, official court notices or official sheriff's notices;
- (5) The flag of a government or noncommercial institutions such as schools;
- (6) Exterior signs or displays not visible from streets or ways open to the public;
- (7) Signs in the interior of a building more than three feet from the closest window or not facing a window;
- (8) Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed three square feet in surface area;
- (9) "No Trespassing," "No Dumping," "No Parking," "Private," and other informational warning signs, which shall not exceed three square feet in surface area;
- (10) Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season;
- (11) Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;
- (12) Existing theater marquees (freestanding and/or building-mounted);
- (13) Nonflashing, low-lumen building outline and window accent lighting may be installed by businesses in the CBD, CBD-1, CBD-2, C-3, C-4 and C-5 business and commercial districts. Permit and plan review is required.

Section Six. Oak Harbor Municipal Code Section 19.36.110 is hereby amended to read as follows:

19.36.110 Requirements applicable to all signs.

- (1) Design. Signs shall be designed using shapes, graphics, colors, materials, and lighting which are coordinated, integrated into, and a natural extension of the design of the building, development or business identified. Building mounted signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from or change the architectural lines of the building. The provisions of this section shall not apply to signs lawfully constructed as of the effective date of this ordinance.
- (2) Structural Requirements. The structure and erection of signs within the city shall be governed by the building code, most recent adopted edition (or any superseding edition adopted by the city).
- (3) Electrical Requirements. Electrical requirements for signs shall be regulated as under state law.
- (4) Sign Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare, or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonable distracting of pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.
- (5) Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the sign code administrator. The premises surrounding a freestanding sign shall be free and clear of rubbish and the landscaping area free of weeds.
- (6) Sign Obstructing View or Passage. No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress and egress from parking areas of any way open to the public or which obstructs the view in any direction at the intersection of a street or with an alley or driveway. This includes the parking of a vehicle, trailer, or device in such a manner to constitute a sign.
- (7) Landscaping for Freestanding Signs. All primary freestanding signs shall include as part of their design, landscaping about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation. If the required landscaping is not completed within 60 days after completion of the sign installation, the sign shall be in violation of this chapter. The code administrator, for reasons of weather, good planting practices, or unforeseeable construction delay may grant a reasonable extension of the time period specified in this subsection.
- (8) Sign Inspection. All sign users shall permit the periodic inspection of their signs by the city upon city request.
- (9) Conflicting Provisions. Whenever two provisions of this code overlap or conflict with regard to the size or placement of a sign, the more restrictive provision shall apply.
- (10) Building Line. In any area of the city where the applicable building line is located more than 65 feet from the centerline of the city street on which it faces, the building line shall,

- for purposes of limiting size or placement of signs under this code, be deemed to begin 65 feet from the centerline of the street and to run parallel thereto.
- (11) Painted Signs – Mounting. Painted signs may be painted on plywood or other backing material, so that the sign can be physically removed from the building or be painted on the building wall itself; provided, that the copy is surrounded by an appropriate border so that the sign can be distinguished from the building wall.
 - (12) Abandoned Signs. Signs identifying, or window signs advertising, activities, products, businesses or services which have been discontinued for more than 60 days on the premises upon which the signs are located must be removed by the building owner except sign structures in good condition may remain; provided the advertising copy is removed.

Section Seven. Oak Harbor Municipal Code Section 19.36.120 is hereby amended to read as follows:

19.36.120 Prohibited signs.

The following signs or displays are prohibited, except as indicated. Prohibited signs are subject to removal by the city at the owner's or user's expense. (See OHMC 19.36.140.)

- (1) Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose premises or property the sign is located (except real estate "Open House" and subdivision directional signs as governed by OHMC 19.36.080(6)(b) and (6)(f)); provided, however, on-premises signs may call the attention of the public to public holidays or community events, the time and temperature;
- (2) Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "Stop," "Caution," "Danger," "Warning," or similar words;
- (3) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any traffic or street sign or signal device;
- (4) Signs which rotate or have a part or parts which move or revolve, , except that movement of the hands of a clock or digital changes indicating time and temperature or national market indices are permitted;
- (5) Signs or displays of banners, clusters of flags, posters, pennants, ribbons, shimmering discs, streamers, strings of lights, spinners, twirlers or propellers, flashing, rotating or blinking lights, chasing or scintillating lights, flares, balloons, bubble machines and similar devices of a carnival nature, or containing elements creating sound or smell. Exception: Certain of these devices are permitted on a limited basis as seasonal decorations under OHMC 19.36.100(10) or for grand openings of new business under OHMC 19.36.080(4) and (6);
- (6) Animated signs which flash or simulate motion with an electronic or manufactured source of supply or contain wind activated motion;
- (7) Signs attached to trees, utility poles, street lights, or any public property without permission of the government agency owning the same;
- (8) Billboards;
- (9) Portable signs, which for the purpose of this code means a sign which has no permanent attachment to a building or the ground, including mobile signs, but not including real estate open house signs, light pole banners or A-frame signs permitted under OHMC 19.36.080, and political signs, provided such political signs must meet the requirements of OHMC 19.36.080, where applicable;
- (10) Roof-mounted statues, figures or objects used to attract attention to a particular business;

- (11) Signs for which a permit has been granted under conditions with which the permittee does not comply;
- (12) Signs for which a permit has been granted and subsequently revoked for cause by the administrator of this code;
- (13) Signs erected, altered or relocated without a permit issued by the city or any other governmental agency which requires a permit by law;
- (14) Search lights and beacons;
- (15) Illuminated outdoor vending machines;
- (16) Signs placed on vehicles or trailers which are parked or located for the primary purpose of display and block traffic sight visibility. (This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business);
- (17) Signs not properly maintained, showing neglect, or in a dilapidated or hazardous condition so as to violate the purpose, intent and objective of this chapter shall be required to be repaired or removed.

Section Eight. Oak Harbor Municipal Code Section 19.36.010 is hereby amended to read as follows:

19.36.130 Permits and fees.

- (1) **Permit Requirements.** All signs more than six square feet in surface area as governed by this code and all lighted signs must have a permit issued by the city, excluding nonlighted window signs in C-1 zones.
- (2) **Permit Applications.** Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement, and such other pertinent information as the administrator of this code may require to ensure compliance with this code and other applicable ordinances. Permit applications shall be available for inspection by the public upon request.
- (3) **Expiration of Permits.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within one year of its issuance. Permits for temporary or special signs (OHMC 19.36.080) shall expire a maximum of 12 months from the date of the sign installation. Such permits are not subject to renewal.
- (4) **Permit Exceptions.** No new permit shall be required:
 - (a) For repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure or content is not modified in any way;
 - (b) For the changing of the advertising copy or message on an approved reader board or theater marquee, during the period of amortization.
- (5) **Notice of Permit Denial – Reasons.** When a sign permit is denied by the administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
- (6) **Sign Permit Appeals.**
 - (a) **Appeal from Denial of Permit.** Appeals from the administrator’s denial of a sign permit shall be taken to the Hearing Examiner as per OHMC 19.36.160.
 - (b) **Appeal from Failure of Administrator to Act on Permit Application Within 30 Days.** The administrator’s failure to either formally grant or deny a sign application within 30 days of the date an application meeting the requirements of subsection (2) of this section is filed shall be grounds for appeal to the hearing

examiner under terms of OHMC 19.36.160.

- (7) Fees. The applicant shall submit the applicable fees at the time of application.

Permit Application	Fee
Sign permit:	
under 25 sq. ft.	25.00
\$26 sq. ft. and over	\$50.00

- (8) Permit Fee. Sign permit fees shall be determined by value of the sign and a fee shall be charged as set forth in OHMC 17.04.030, Table 17-3.

19.36.140 Administration, enforcement and sign removal.

- (1) Code Administrator. The administrator of this code is the building official or his/her designee. The administrator is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance and with all due speed. To that end, the administrator is authorized to formulate procedures consistent with the purposes of this code. The administrator is further empowered to delegate the duties and powers granted to and imposed upon him under this code. As used in this code, "administrator of this code" or "administrator" includes his authorized representative.
- (2) Inspection by Administrator. The administrator is empowered to enter or inspect any building, structure or premises in the city, upon which, or in connection with which a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.
- (3) Code Violations and Enforcement. The remedies provided in this section for violations of or failure to comply with provisions of this code, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law. Any sign which is not in compliance with all provisions of this code is an unlawful sign.
- (a) Civil Remedies. The violation of or failure to comply with any of the provisions of this code, or the erection, use or display of any sign not in compliance with all of the provisions of this code is declared to be unlawful.
- (i) Injunction and Abatement. The city, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provision of this code, or against the erector, owner or user of an unlawful sign is located, to prevent, enjoin, abate or terminate violations of the foregoing, furnish the hearing examiner with a brief written statement of the reasons for the failure.
- (ii) When a sign is erected which does not conform to the provisions of the sign code, no additional signage will be permitted on the premises until such sign is removed or brought into compliance.
- (b) Statement in Support of Administrator's Position. Upon any appeal, the administrator may, in his discretion, furnish the hearing examiner with a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the board at least 10 days in advance of the hearing on the appeal.
- (c) Administrator's Appearance at the Hearing. The administrator or his representative shall attend and state his position at any appeal or variance hearing.

19.36.150 Nonconforming signs.

- (1) General. To ease the economic impact of this code on businessmen with substantial investment in signs in existence on the date of adoption of the ordinance codified in this code, this section provides for continued use of a nonconforming sign in its existing state for 25 years from August, 1986. During this period, it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the city after the code's enactment.
- (2) Nonconforming Signs.
 - (a) Notification of Nonconformity or Illegality. The sign code administrator shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this code. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign and where practicable the owner of the property on which the sign is located of the following; provided, that the business licensee of the business with which the sign is associated shall be presumed to be the sign user under this code:
 - (i) The sign's nonconformity or illegality;
 - (ii) Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

- (b) Signs Eligible for Nonconforming Sign Permit. With the exceptions herein provided, any on-premises primary sign located within the city limits on the date of adoption of the ordinance codified in this code, or located in areas annexed to the city thereafter, which does not conform with the provisions of this code, is eligible for characterization as a nonconforming sign provided it meets the following requirements:
 - (i) The sign was covered by a sign permit on the date of adoption of the ordinance codified in this code, if one was required under applicable law; or
 - (ii) If no sign permit is required under applicable law for the sign in question; the sign was in all respects in compliance with applicable law on the date of adoption of the ordinance codified in this code.
 - (iii) Exceptions: No temporary or special signs, as defined by OHMC 19.36.080, prohibited signs, as defined by OHMC 19.36.120, or incidental signs, as defined by OHMC 19.36.030(6), shall be eligible for characterization as nonconforming signs.
- (c) Permit for Nonconforming Signs. A nonconforming sign permit is required for each nonconforming sign designated under subsection (2)(b) of this section. The permit shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located within 60 days of notification by the city (under subsection (2)(a) of this section) that the sign is nonconforming.

Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located and such other pertinent information as the administrator may require to ensure compliance with the code, including proof of the date of installation of the sign.

A nonconforming sign for which no permit has been issued within the 60-day period shall within six months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, owner or owner of the property on which the sign is located to the remedies

and penalties of OHMC 19.36.150(3).

- (d) Loss of Nonconforming Status.
 - (i) A freestanding, nonconforming sign shall immediately lose its nonconforming designation if:
 - (A) The sign is altered in any way, which tends to or makes the sign less in compliance with the requirements of this code than it was before the alteration; or
 - (B) The sign is relocated to a position making it less in compliance with the requirements of this code; or
 - (C) The sign is replaced.
 - (ii) A building-mounted, nonconforming sign shall immediately lose its nonconforming designation if:
 - (A) The sign is altered in any way which tends to or makes the sign less in compliance with the requirements of this code than it was before the alteration; or
 - (B) The sign is relocated to a position making it less in compliance with the requirements of this code; or
 - (C) The sign is replaced.
 - (e) On the happening of any one of (A), (B) or (C) of subsection (2)(d)(i) or (2)(d)(ii) of this section, any permit or designation for what had been designated as a nonconforming sign shall become void, the administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this code and a new permit secured therefore, or shall be removed.
- (3) **Illegal Signs.** An illegal sign is any sign which does not comply with the requirements of this code within the city limits as they now or hereafter exist and which is not eligible for characterization as nonconforming under this section. The city may immediately remove an illegal sign, at owner's expense, located on city property or right-of-way. The city may immediately remove an illegal sign located on private property no less than 10 days following the mailing of notice to the property owner or person in charge of the premises that the sign is illegal and must be removed.
- (4) **Amortization Period for Nonconforming Signs.** Those signs which have been approved either through a sign permit or through the building permit/site plan review process, or have been in existence since before such permit processes were in effect, or have been issued a nonconforming sign permit, shall be permitted to remain for 25 years after adoption of the ordinance codified in this chapter.
- (5) **Nonconforming Sign Maintenance and Repair.** Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, contained in OHMC 19.36.110, and from the provisions on prohibited signs, contained in OHMC 19.36.120; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it less in compliance with the requirements of this code or the sign will lose its nonconforming status. (See subsection (2)(e) of this section.)

Section Nine. Oak Harbor Municipal Code Section 19.36.160 is hereby amended to read as follows:

19.36.160 Hearing examiner jurisdiction and power.

- (1) The hearing examiner shall have the power and duty to:
 - (a) Hear and decide appeals by a sign permit applicant from the decision of the administrator of this code denying or failing to grant a sign permit within 30 days of application;
 - (b) Grant a variance from the requirements of this code as part of the disposition of an appeal from action of the code administrator denying or failing to grant a sign permit (see subsection (2)(b) of this section);
 - (c) Hear and decide appeals by a sign owner, user or owner of the property on which a sign is located from characterization of a sign as nonconforming or illegal under OHMC 19.36.150;
 - (d) Hear appeals from denial of a sign permit on grounds of noncompliance with requirements of the building code.
- (2) Criteria for Hearing Examiner Decision.
 - (a) Appeals Without Petition for Variance. In appeals to the hearing examiner from decision of the code administrator denying a sign permit in connection with which no petition of variance has been filed, the hearing examiner's scope of review shall be limited to determining whether or not the code administrator's decision is in accordance with the requirements of this code and accordingly affirm or reverse such decision. If the code administrator's decision is reversed, the hearing officer shall direct the administrator to issue the permit in accordance with its decision. In appeals from failure of the administrator to grant a permit within 30 days of application, the hearing officer shall determine whether the sign and the application meet the requirements of this code. If so, the hearing officer shall direct the administrator to issue the permit. If not, the hearing officer shall deny the permit.
 - (b) Appeals with Petition for Variance. In appeals from decisions of the code administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a petition for variance, the hearing officer shall have the power and duty described in subsection (1) of this section and, in addition, shall have the power to hear, decide and grant or deny the requested variance from the provisions or requirements of this code. The hearing officer may grant a variance no greater than 15 percent (rounded to the nearest foot or square foot as applicable) from the provisions or requirements of this code only where practical difficulties exist rendering compliance with the provisions of this code impractical, and such compliance would create unnecessary hardships to the user or owner of the sign or signs. The hearing officer may grant a variance in harmony with the general purpose and intent of this code by varying the application of rules, regulations or provisions so long as the spirit and benefits of this code will be preserved; provided, however, no variance may be granted from the number of signs authorized by this code. The hearing officer shall not vary any of the rules, regulations or provisions of this code unless the hearing officer, upon due and diligent investigation and after public hearing, shall make specific findings that all of the following conditions exist in such cases:
 - (i) The variance will not constitute a grant of special privilege inconsistent with the limitation upon signage and uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located;
 - (ii) Such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with signage use rights and privileges permitted to

other properties in the vicinity and in the zone in which the subject property is located;

- (iii) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated; and
- (iv) Owing to the special circumstances found under subsection (2)(b)(ii) of this section, a strict enforcement of the rules, regulations or provisions of this code will result in unnecessary hardship to the sign user or owner or property owner applying for the variance, and such special circumstances are not the result of the voluntary action of the applicant or its agents.

In granting a variance, the hearing officer may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this code of moderating the size, number and obtrusive placement of signs and reduction of clutter in the public interest.

(3) Perfection of Appeal.

(a) An appeal with or without petition for variance may be considered by the hearing examiner only if:

(i) Written notice of appeal, with or without petition for variance, is filed with the planning department:

(A) Within 10 days of decision of the code administrator denying a sign permit; or

(B) Within 40 days of the submission of a sign permit application which the administrator has neither granted nor denied within 30 days; or

(C) Within 60 days of the administrator's characterization of the sign as nonconforming or illegal, which period shall begin to run with the mailing of notice of such characterization to the sign user or the sign owner, or the owner of the property on which the sign is located; or the posting of such notice on the sign or the associated business premises.

(ii) The notice of appeal is accompanied by a fee as required by OHMC 19.36.130(7).

(iii) The hearing examiner shall, on their own initiative or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of subsection (3)(a) of this section or for failure of the appellant to otherwise diligently prosecute the appeal, or if the hearing officer finds the appellant has made any knowingly false or misleading statement or representation in his sign application or appeal.

19.36.170 Conflicting provisions.


If any provision of this code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard shall prevail.

Section Ten. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Eleven. Effective Date. This ordinance shall be in full force and effect five days after the date of publication.

PASSED by the City Council and approved by its Mayor this 6th day of May, 2009.

THE CITY OF OAK HARBOR



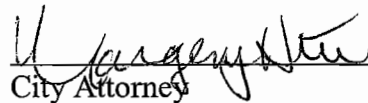
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

Published: May 9, 2009