



# PLANNING COMMISSION

## AGENDA

March 26, 2013

CITY OF OAK HARBOR  
PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL

AGENDA  
March 26, 2013  
7:30 P.M.

ROLL CALL:        FAKKEMA \_\_\_\_\_ WASINGER \_\_\_\_\_  
                          JENSEN \_\_\_\_\_ PETERSON \_\_\_\_\_  
                          FIKSE \_\_\_\_\_ FREEMAN \_\_\_\_\_  
                          SCHLECHT \_\_\_\_\_

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1. **Approval of Minutes – February 26, 2013**
2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.

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3. **2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting**  
The Planning Commission will continue discussion and analysis of scenic views that have been identified for preservation. Planning Commission has previously discussed criteria for determining which of the scenic views are in the public interest to preserve and have selected seven views for further analysis and possible preservation.

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4. **DIGITAL SIGNS CODE UPDATE – Public Meeting**  
Planning Commission has given staff preliminary direction on scenarios for regulating digital signs. Staff will facilitate continued discussion on the digital signs topic, including discussion on brightness level of these signs. It is anticipated that Planning Commission will give staff direction to begin preparing a first draft of the digital signs code in accordance with Commission direction up to this point in the project.
5. **ECONOMIC DEVELOPMENT UPDATE – Public Meeting**  
Economic development staff will brief the planning commission on the “Economic Profile and Needs Assessment” report which contains information regarding Oak Harbor’s economy and business climate, as well as its economic development needs. This item is primarily for informational purposes, but staff will request that Planning Commission give comments and feedback on the profile and needs assessment.

# MINUTES

February 26, 2013

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
February 26, 2013**

**ROLL CALL: Present:** Keith Fakkema, Greg Wasinger, Jeff Wallin, Kristi Jensen, David Fikse and Bruce Freeman  
**Absent:** Ana Schlecht  
**Staff Present:** Development Services Director, Steve Powers

Chairman Fakkema called the meeting to order at 7:35 p.m. and reported that the Planning Commission had agreed to reorder the items on the agenda to place the Digital Signs Code Update before the Draft Zoning Regulations for Maritime Zone.

**MINUTES: MS. JENSEN MOVED, MR. WALLIN SECONDED, MOTION CARRIED TO APPROVE THE JANUARY 22, 2013 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**

None present for comment.

**DIGITAL SIGNS CODE UPDATE** – Public Meeting

Mr. Powers noted that this item was mistakenly advertised as a public hearing and is actually a public meeting. Mr. Powers presented a Power Point presentation (Attachment 1) which introduced four scenarios for regulating digital signs as follows:

**Scenario 1 “Least Restrictive”**

The digital signs would be allowed in all commercially and industrially zoned areas of the City with the exception of Pioneer Way. Digital signs would be allowed both as building mounted and on freestanding signs. Digital sign size could not be more than 50% of the total sign area for the site, and could comprise up to 100% of a single sign with 100 square feet being the maximum size of a sign. Electronic motion and video would be allowed on the signs. Signs would have to remain 100 feet away from residentially zoned areas. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

**Scenario 2-“Medium Restriction”**

The digital signs would be allowed in all commercial and industrial districts except for C1 and CBD, excluding along Pioneer Way. Movement would be allowed on the signs, but each graphic/text frame would need to remain for a minimum of two seconds. The best practices literature recommends a minimum display time ranging from 1-8 seconds depending on location. Signs would have to remain 100 feet away from residentially zoned areas. Digital signs could not be more than 50% of the sign allocation for the site and 50% of any single sign, as well as no more than 50 square feet in size. Signs could only be building mounted. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

**Scenario 3-“Most Restrictive”**

The digital signs would be allowed only in C-3, C-4, and C-5 zones, excluding Pioneer Way and could only be building mounted. No motion would be allowed on the sign and minimum frame time would be 20 seconds. Signs would be limited to 25 square feet in size. The frame duration and size restrictions in this scenario match what the City of Anacortes has adopted. Signs would have to be 200 feet away from a residentially zoned property. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required. The digital signs would only be

allowed to operate from 8:00 a.m. to 8:00 p.m. during Fall and Winter and 8:00 a.m. to 10:00 p.m. during the Spring and Summer.

#### **Scenario 4-“Prohibited”**

This scenario is essentially the “no action alternative.” The consideration of such a scenario is common practice when undertaking a planning study. Under this scenario, the existing code language code remains as is or it could be modified to specifically exclude digital signs. Staff’s understanding is that digital signs can legally be prohibited outright, as long as ample alternative channels of commercial speech are available such as other sign types, internet, and newspaper.

Mr. Powers stressed that the scenarios are not staff recommendations but are provided as a starting point for the Planning Commission.

The tentative schedule for the digital sign code update is to open the public hearing in March. In April staff will draft the code and issue the SEPA Determination. In May the SEPA comment period is closed, the public hearing is closed and Planning Commission makes a recommendation to City Council.

Mr. Powers noted that Planning Commission requested further research at the previous meeting and staff has provided that research in the staff report provided for this meeting.

#### Planning Commission Discussion

Mr. Fikse commented on each of the items as follows:

Display Change: Supports not allowing flashes of light, blinking or chasing lights; but under Scenario 1, portrayal of explosions and fireworks should be allowed on the 4<sup>th</sup> of July.

Motion: Slides can be distracting as well. Smooth motion video should be allowed versus “jerky” motion of slides.

Color: Supports prohibition of white background but not in favor of trying to regulate near white background since there is no standard of how much white. Stark white is awful, off-white is not. White background are not bad in the LCD (upcoming technology) but awful in the LED. We need to be mindful that we don’t put something in the code that will hamper future technology.

In case of sign malfunction: The requirement that the display go dark should depend on the malfunction. “Malfunction” should be defined. If one block goes bad the sign can be set to stay on one solid color. There are other things that can be done other than having the display go dark to mitigate a malfunction depending on what the malfunction is.

Mr. Powers asked Mr. Fikse if it was necessary to address sign malfunction and leave it to the business owners discretion. Mr. Fikse and Ms. Jensen believed that business owners would not want their sign on if it wasn’t working. Mr. Powers suggested looking at the section of the code that applies to the state of repair for all signs, there may be general language that could address the problem if it is not self-correcting. Mr. Fikse agreed.

Brightness: Supports the autodimming requirement but the 500 nits darkness and 5000 nits daylight should be changed because light bulbs are different sizes and wattages. The diameter of the LED and the tightness of the cluster of the LED all affect nits. As the proposed regulation

scenario is written currently, his sign wouldn't meet the requirement. His sign if running at 100% power runs at 14,260 nits, at 90% it runs at 12,384 nits in full sun. At 10% power at night it is running at 1,426 nits. Mr. Fikse provided a handout (Attachment 2) that shows how brightness is affected by the tightness of the cluster of the LEDs. Mr. Fikse suggested using a percentage. 75% should be the starting point with the understanding that if you have a sign that glares at night that would have re-examined because 75% may not work with all of the technology.

Mr. Powers asked if it would be acceptable to set the bottom limit to 10% at night. Mr. Fikse said he had no problem setting the max brightness of 90% but suggested making it 10% at night with the understanding if that percentage is not right for the type of sign, a waiver could be granted on an individual basis. These percentages should be specifically for LED signs.

Mr. Powers said that staff would need to outline the process for a waiver so that it is not subjective.

Mr. Wasinger suggested that having this flexibility would allow business owners to purchase an LED sign that is less expensive and still be able to meet the brightness requirements.

Ms. Jensen commented that she preferred Scenario 1 "Least Restrictive" but she wanted to limit having a mounted LED sign or a freestanding LED sign but not both. She also suggested changing the Zone Area/Restrictions language to say CBD instead of Pioneer Way.

Planning Commission agreed that the hours of operation should be 8 a.m. to 10 p.m. where visible from residential but the term "where visible from residential" should be defined. Mr. Powers suggested using a certain number of feet or using the term "adjacent" to residentially zoned property. The distinction between residentially zoned and residentially used property should be made because there are some houses in that are non-conforming in commercial districts. The idea is that they will transition out over time, but residentially zoned property with stay residential.

Mr. Freeman raised The Element night club which is adjacent to a residential area and suggested the code should be written to address the worst case scenario.

Mr. Powers said that the code needs to be written to address where the sign is, how to deal with residentially used properties that are within a certain distance, how to deal with certain properties that are residentially zoned and how to deal with commercial zoning with residential uses.

Mr. Fakkema was concerned about increasing the signage in Oak Harbor. Mr. Powers pointed that when the code was revised to allow electronic message board signs there wasn't a rush for these types of signs and typically business owners will replace old signs with new signs. This change to the code does not affect the number of signs a business is allowed to have.

There was discussion about the ratio between the LED portion and the non-LED portion of the three types of freestanding signs. Planning Commission talked about addressing the three types of freestanding signs separately. Mr. Fikse commented that the code needs to be consistent for all signs whether it is an LED sign or not. Mr. Powers suggested that if the Planning Commission wanted to propose language to the Council that would limit the amount of sign area that could be LED, the simplest way would be to have a fixed percentage. Mr. Powers said he wouldn't suggest unique standards for each type of freestanding signs.

Mr. Powers said that staff would show the Planning Commission options for the three types of freestanding signs at the next meeting.

Mr. Fikse pointed out Comprehensive Plan policy Economic Development Goal 3 which states: "increase Oak Harbor's market share of retail sales to reduce the economic leakage off island." Mr. Fikse said it is difficult to do business in Oak Harbor and business need every tool to help them be as successful as they can while keeping Oak Harbor looking attractive as possible.

#### **DRAFT ZONING REGULATIONS FOR MARITIME ZONE** – Public Meeting

Mr. Powers reported that the 2012 Comprehensive Plan amendments considered adding a new land use category to the Comprehensive Plan to capture the potential of maritime industrial and commercial uses for land that is currently adjacent to the marina. After incorporation of the new land use category into the Comprehensive Plan, zoning regulations have to be adopted to implement the intent of the new land use category.

Some of the key elements that the land use designation is intending to achieve can be derived from the key words and phrases found within the adopted intent statement for the Maritime designation. They are listed below:

- Accommodate high intensity water-related and water-dependent uses
- Clean industrial uses
- Commercial uses similar to uses permitted in the Central Business District
- Flexible standards for streets and parking
- Sufficient screening between industrial and commercial uses

Water-related and water-dependent uses are defined in the City's Shoreline Master Program (SMP) that was recently adopted by the City.

Since the intent statement makes a strong connection to the CBD district and the SMP, development regulations for the Maritime District can be adapted for this district from these documents.

The staff report presents some water-dependent uses and some of the uses to consider under the Conditional Use category.

Mr. Powers concluded by asking for Planning Commission feedback.

#### **Planning Commission Discussion**

Planning Commission discussed the challenges of the land ownership land the development challenges in the area of the Marina.

Mr. Powers indicated that a good way to start the conversation is to get the right mix of uses.

Mr. Freeman commented that conference center, hotel and motel listed in the conditional use category are parking intensive.

Ms. Jensen stated that she wanted to avoid creating another shopping district in that area because the shopping districts are already established.

Mr. Powers said that if the Planning Commission thought that a uses didn't fit with their vision of what is going to be reality that they can remove those uses knowing that they can put them back in at some point in the future if necessary.

Commissioners agreed on keeping conference center and hotel/motel under the conditional use category recognizing that there are serious space constraints today but there could be some redevelopment activity that may allow for these uses in the future.

**YEARLY REPORT TO CITY COUNCIL** – Public Meeting

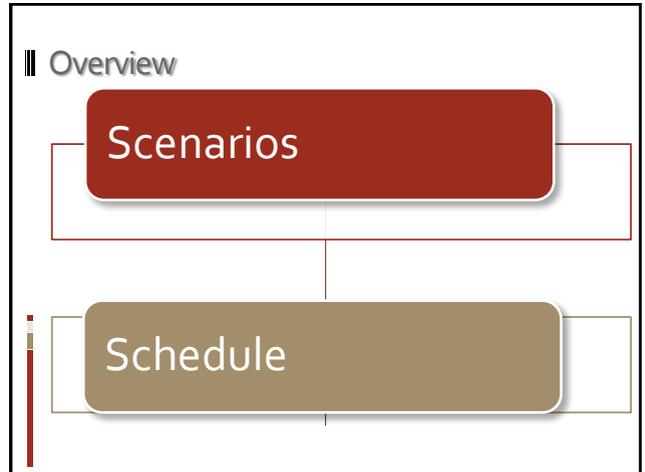
Mr. Powers reported that OHMC Section 18.04.070 requires the Planning Commission to make an annual report to the City Council. Staff prepared a draft report but left the section for recommendations to the City Council blank so that staff may collect and compile any recommendations the Commission would like to make and add them to the report. Once the draft is complete, staff will schedule the matter for an upcoming City Council meeting.

Planning Commission discussed Planning Division staffing levels and agreed to forward any recommendations to staff for inclusion in the report and final approval by the Planning Commission at the March business meeting.

Mr. Fakkema noted that it was Mr. Wallin's last meeting and Planning Commissioners thanked Mr. Wallin for his service on the Planning Commission.

**ADJOURN: 9:20 p.m.**

DRAFT



- || Purpose**
- Familiarity with scenarios and parameters
  - Discussion
  - Possible guidance?

- || Scenario 1: "Least Restrictive."**
- |   |  |
|---|--|
| <p><b><u>Size:</u></b></p>                      | <ul style="list-style-type: none"><li>•100% of single sign, 50% of sign allocation, 100 SF</li></ul> |
| <p><b><u>Motion</u></b></p>                     | <ul style="list-style-type: none"><li>•Full motion and video</li></ul>                               |
| <p><b><u>Site location restrictions</u></b></p> | <ul style="list-style-type: none"><li>•Building mounted and freestanding</li></ul>                   |
| <p><b><u>Quantity</u></b></p>                   | <ul style="list-style-type: none"><li>•No more than 1 per property</li></ul>                         |
| <p><b><u>Zone/Area Restrictions</u></b></p>     | <ul style="list-style-type: none"><li>•All commercial and industrial except Pioneer</li></ul>        |
| <p><b><u>Hours:</u></b></p>                     | <ul style="list-style-type: none"><li>•8:00 a.m. – 10:00 p.m.</li></ul>                              |

**Scenario 2: "Medium Restriction"**

**Size:** •50% of single sign, 50% of sign allocation, 50 SF

**Motion** •Some motion, no video. Image duration 2 s.

**Site location restrictions** •Building mounted only

**Quantity** •No more than 1 per property

**Zone/Area Restrictions** •All commercial except Pioneer (no industrial)

**Hours:** •8:00 a.m. – 10:00 p.m.

**Scenario 3: "Most Restrictive"**

**Size:** •50% of single sign, 30% of sign allocation, 25 SF

**Motion** •No motion; image duration 20 s

**Site location restrictions** •Building mounted only

**Quantity** •No more than 1 per property

**Zone/Area Restrictions** •C3, C4, C5 except Pioneer

**Hours:** •8:00 a.m. – 8:00 p.m. October thru March; 8:00 – 10:00 p.m. April thru September

**Schedule**

**February** •Discuss scenarios

**March** •Public hearing, give guidance to staff

**April** •Public hearing, review draft code

**May** •Close hearing. Make recommendation

**Questions?**



## 6mm Prism Display Systems®



### Key Features

- High resolution 6mm pixel spacing
- Modules are 32x32 matrixes
- Weatherproof silicone sealed components
- Conformal-coated boards & sealed cabinet encasements
- PrismView® software for easily creating and managing content
- Multiple communications options
- Made of only the highest quality LEDs
- Manufactured entirely in the United States

### Specifications

Pixel pitch	3mm x 3mm diode on 6.35mm (.25") centers	Color temperature	4,500 - 9,000K (adjustable)
Pixel configuration	3-in 1 SMD	Module configuration	32x32 matrix
Pixel density	24,800 m <sup>2</sup> / 2,313 ft <sup>2</sup>	Power frequency	120/240 volts, 50/60 Hz
Diode type	Surface Mount Technology (SMT)	Module weight	1.2 lbs. / .55 kg
Diode density	74,400 m <sup>2</sup> / 6,939 ft <sup>2</sup>	Software	PrismView®
Brightness	9,000 nits	Animation rate	30 frames per second
Viewing angle	160° (+/- 80°) horizontal 85° (+30°/- 50°) vertical	Video rate	60 frames per second
LED lifetime	100,000 hours to half brightness	Calibration	Pixel to pixel Module to module
Video processing	19 bit, 100% digital	Working temperature	-30°F to 122°F (-34°C to 50°C)
Color processing	18 bit per color (54 bit)	Cabinet construction	Aluminum construction
Dimming capability	10 bit (1024 levels of brightness)	Weatherproofing	Silicone sealed
Number of colors	18 quadrillion colors	Louvers	Injection molded
Intensity	262,144 levels of red, green, and blue	Certification	UL listed
Color wavelength	red: 630nm, green: 530nm, blue: 465nm	Cooling	Quiet running vent fans

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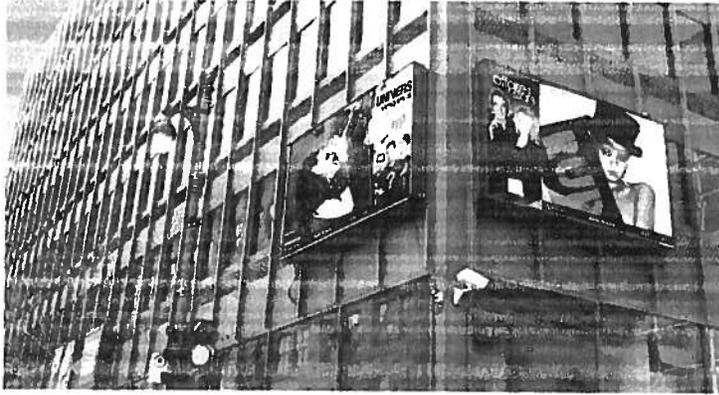
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- PrismView® software for easily creating and managing content
- Multiple communications options
- Made of only the highest quality LEDs
- Manufactured entirely in the United States

### Specifications

Pixel pitch	3mm x 3mm diode on 10.32mm (.40625") centers	Color temperature	4,500 - 9,000K (adjustable)
Pixel configuration	3-in-1 SMD	Module configuration	16x32 matrix
Pixel density	9,392 m <sup>2</sup> / 876 ft <sup>2</sup>	Power frequency	120/240 volts, 50/60 Hz
Diode type	Surface Mount Technology (SMT)	Module weight	1.2 lbs / .55 kg
Diode density	28,176 m <sup>2</sup> / 2,628 ft <sup>2</sup>	Software	PrismView®
Brightness	8,837 nits	Animation rate	30 frames per second
Viewing angle	160° (+/- 80°) horizontal 85° (+30°/- 50°) vertical	Video rate	60 frames per second
LED lifetime	100,000 hours to half brightness	Calibration	Pixel to pixel Module to module
Video processing	19 bit, 100% digital	Working temperature	-30°F to 122°F (-34°C to 50°C)
Color processing	18 bit per color (54 bit)	Cabinet construction	Steel or aluminum construction
Dimming capability	10 bit (1024 levels of brightness)	Weatherproofing	Silicone sealed
Number of colors	18 quadrillion colors	Louvers	Injection molded
Intensity	262,144 levels of red, green, and blue	Certification	UL listed
Color wavelength	red: 630nm, green: 530nm, blue: 465nm	Cooling	Quiet running vent fans

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- Weatherproof silicone sealed components
- Conformal-coated boards & sealed cabinet encasements
- PrismView™ software for easily creating and managing content
- Multiple communications options
- Made of only the highest quality LEDs
- Manufactured entirely in the United States

### Specifications

Pixel pitch	5.5mm x 5.5mm diode on 12.7mm (.5") centers	Color temperature	4,500 - 9,000K (adjustable)
Pixel configuration	3-in-1 SMD	Module configuration	16x16 matrix
Pixel density	6,200 m <sup>2</sup> / 576 ft <sup>2</sup>	Power frequency	120/240 volts, 50/60 Hz
Diode type	Surface Mount Technology (SMT)	Module weight	1.2 lbs. / .55 kg
Diode density	18,600 m <sup>2</sup> / 1,728 ft <sup>2</sup>	Software	PrismView®
Brightness	14,260 nits <i>98% 12,834 10% 1,426</i>	Animation rate	30 frames per second
Viewing angle	160° (+/- 80°) horizontal 85° (+30°/- 50°) vertical	Video rate	60 frames per second
LED lifetime	100,000 hours to half brightness	Calibration	Pixel to pixel Module to module
Video processing	19 bit, 100% digital	Working temperature	-30°F to 122°F (-34°C to 50°C)
Color processing	18 bit per color (54 bit)	Cabinet construction	Aluminum construction
Dimming capability	10 bit (1024 levels of brightness)	Weatherproofing	Silicone sealed
Number of colors	18 quadrillion colors	Louvers	Injection molded
Intensity	262,144 levels of red, green, and blue	Certification	UL listed
Color wavelength	red: 630nm, green: 530nm, blue: 465nm	Cooling	Quiet running vent fans

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## 16mm Prism Display Systems®



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- Conformal-coated boards & sealed cabinet encasements
- PrismView™ software for easily creating and managing content
- Multiple communications options
- Made of only the highest quality LEDs
- Manufactured entirely in the United States

### Specifications

Pixel pitch	13.7mm x 7.6mm cluster on 16.5mm (.65") centers	Color temperature	4,500 - 9,000K (adjustable)
Pixel configuration	1 red, 1 green, 1 blue	Module configuration	16x16 matrix
Pixel density	3,669 m <sup>2</sup> / 344 ft <sup>2</sup>	Power frequency	120/240 volts, 50/60 Hz
Diode type	Discrete lamp	Module weight	2.1 lbs. / .85 kg
Diode density	11,007 m <sup>2</sup> / 1,032 ft <sup>2</sup>	Software	PrismView™
Brightness	12,658 nits	Animation rate	30 frames per second
Viewing angle	140° (+/- 70°) horizontal 65° (+/- 32.5°) vertical	Video rate	60 frames per second
LED lifetime	100,000 hours to half brightness	Calibration	Pixel to pixel Module to module
Video processing	19 bit, 100% digital	Working temperature	-30°F to 122°F (-34°C to 50°C)
Color processing	18 bit per color (54 bit)	Cabinet construction	Aluminum construction
Dimming capability	10 bit (1024 levels of brightness)	Weatherproofing	Silicone sealed
Number of colors	18 quadrillion colors	Louvers	Injection molded
Intensity	262,144 levels of red, green and blue	Certification	UL listed
Color wavelength	red: 630nm, green: 530nm, blue: 465nm	Cooling	Quiet running vent fans

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## 20mm Prism Display Systems®



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- Conformal-coated boards & sealed cabinet encasements
- PrismView® software for easily creating and managing content
- Multiple communications options
- Made of only the highest quality LEDs
- Manufactured entirely in the United States

### Specifications

Pixel pitch	13.7mm x 7.6mm cluster on 20.6mm (.8125") centers	Color temperature	4,500 - 9,000K (adjustable)
Pixel configuration	1 red, 1 green, 1 blue	Module configuration	8x16 matrix
Pixel density	2,350 m <sup>2</sup> / 218 ft <sup>2</sup>	Power frequency	120/240 volts, 50/60 Hz
Diode type	Discrete lamp	Module weight	2.2 lbs. / 1 kg
Diode density	7,050 m <sup>2</sup> / 654 ft <sup>2</sup>	Software	PrismView®
Brightness	9,000 nits	Animation rate	30 frames per second
Viewing angle	140° (+/- 70°) horizontal 65° (+/- 32.5°) vertical	Video rate	60 frames per second
LED lifetime	100,000 hours to half brightness	Calibration	Pixel to pixel Module to module
Video processing	19 bit, 100% digital	Working temperature	-30°F to 122°F (-34°C to 50°C)
Color processing	18 bit per color (54 bit)	Cabinet construction	All aluminum construction
Dimming capability	10 bit (1024 levels of brightness)	Weatherproofing	Silicone sealed
Number of colors	18 quadrillion colors	Louvers	Injection molded
Intensity	262,144 levels of red, green, and blue	Certification	UL listed
Color wavelength	red: 620nm, green: 530nm, blue: 465nm	Cooling	Quiet running vent fans

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## 25mm Prism Display Systems®



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- Conformal-coated boards & sealed cabinet encasements
- PrismView® software for easily creating and managing content
- Multiple communications options
- Made of only the highest quality LEDs
- Manufactured entirely in the United States

### Specifications

Pixel pitch	13.7mm x 7.6mm cluster on 25mm (1.0") centers	Color temperature	4,500 - 9,000K (adjustable)
Pixel configuration	1 red, 1 green, 1 blue	Module configuration	8x16 matrix
Pixel density	1,550 m <sup>2</sup> / 144 ft <sup>2</sup>	Power frequency	120/240 volts, 50/60 Hz
Diode type	Discrete lamp	Module weight	1.9 lbs. / .8 kg
Diode density	4,652 m <sup>2</sup> / 432 ft <sup>2</sup>	Software	PrismView®
Brightness	7,500 nits	Animation rate	30 frames per second
Viewing angle	140° (+/- 70°) horizontal 65° (+/- 32.5°) vertical	Video rate	60 frames per second
LED lifetime	100,000 hours to half brightness	Calibration	Pixel to pixel Module to module
Video processing	19 bit, 100% digital	Working temperature	-30°F to 122°F (-34°C to 50°C)
Color processing	18 bit per color	Cabinet construction	Aluminum construction
Dimming capability	10 bit (1024 levels of brightness)	Weatherproofing	Silicone sealed
Number of colors	18 quadrillion colors	Louvers	Injection molded
Intensity	262,144 levels of red, green, and blue	Certification	UL listed
Color wavelength	red: 630nm, green: 530nm, blue: 465nm	Cooling	Quiet running vent fans

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2012 Comprehensive Plan

Amendment

Scenic Views

Public Meeting

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**CITY OF OAK HARBOR**

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**TO:** PLANNING COMMISSION  
**FROM:** CAC KAMAK, SENIOR PLANNER  
**SUBJECT:** 2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS  
**DATE:** 3/21/2013  
**CC:** STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

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The Planning Commission selected 9 scenic views for further analysis at the January 26, 2013 meeting. The selected views are listed below:

1. Northbound SR 20 – Scenic Heights Street to Erie Street
2. Waterfront Trail – Windjammer Park
3. Waterfront Trail – Flintstone Park
4. Bayshore Drive – Dock Street to Midway Blvd
5. Dock Street – Barrington Drive to Bayshore Drive
6. Pioneer Way – Ireland Street to Midway Blvd
7. Pioneer Way – Midway Blvd to Regatta Drive
8. Regatta Drive – SE 8<sup>th</sup> Avenue to Pioneer Way
9. Southbound SR 20 at NE 16<sup>th</sup> Avenue

Currently there is no adequate information to present to the Planning Commission on this topic. Staff is continuing to work on this Comprehensive Plan Amendment and will present information for discussion at the next meeting.

# Digital Signs Code Update

## Public Meeting

# Memo

To: Members of the Planning Commission  
Cc: Steve Powers, Development Services Director  
From: Ethan Spoo, Senior Planner  
Date: 3/19/13  
Re: Digital Signs Continued Discussion

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## PURPOSE

The purpose of this memorandum is to further refine regulatory scenarios for digital signs in Oak Harbor. Last month, the Planning Commission began discussing these alternatives. This month, staff will discuss changes to these scenarios. In preparing this memorandum, staff reviewed the audio recording and minutes from the February Planning Commission meeting and revised the scenarios. Staff has attempted to present balanced scenarios which consider the range of comments made. This month, staff anticipates that Planning Commission will direct staff to prepare a draft code corresponding to the chosen alternative.

## DESCRIPTION OF SCENARIOS

Since last month, there have been revisions to the regulatory scenarios based upon the comments received from Planning Commission at the February Commission meeting. Those changes are described here and reflected in Attachment 1. As with last month, none of these scenarios should be interpreted as a staff recommendation.

### SCENARIO 1– “LEAST RESTRICTIVE”

#### Description

This scenario allows digital signs under few restrictions. The digital signs would be allowed in all commercial, industrial, and public facilities (PF) zoned areas of the City with the exception of CBD zones. Digital signs would be allowed as building mounted or freestanding signs, but not both. Digital signs could not be more than 50% of the total sign square footage allotted to each business/building and in no case could be larger than 100 square feet. Building mounted and freestanding signs are treated differently in this scenario. Digital signs can comprise 100% of a building mounted sign, 75% of a monument sign, and 50% of a pole or pylon sign. Electronic motion and video would be allowed on the signs, with prohibitions on distracting effects such as flashing, pulsing, blinking, etc. Signs would have to remain 100 feet away from residentially zoned areas. No objective brightness standard would be set, but the code would rely upon a general statement which says “signs cannot be unreasonably bright so as to cause glare”, with the exception of adjacent to residential areas where an objective standard would be set. The sign proponent would be required to submit factory setting demonstrating compliance with sign permit. The brightness option would give the business owner maximum flexibility and independent judgment in determining what is too bright.

#### Changes since February

- **Size:** Building mounted and freestanding signs are treated differently in this scenario based upon Planning Commission input. Digital signs are allowed to comprise 100% of building mounted signs, 75% of monument signs, and 50% of pole and pylon signs under the theory that freestanding signs are more visible to traffic and therefore more distracting.

- **Color:** Color has been changed to prohibit white backgrounds in accordance with Planning Commission comment.
- **Site Location Restrictions:** Building mounted or freestanding digital signs are allowed in this scenario, but not both on the same site.
- **Zone/Area Restrictions.** This scenario would allow digital signs in all commercial, industrial and public facilities zoned areas except in the central business district.
- **Compatibility:** Additional protections for residential areas are included by defining “adjacent” to include “across a public right-of-way”. See also bullet related to brightness below.
- **Brightness:** Staff have changed the brightness standard in this scenario to reflect Planning Commissions comments. The standard now says that: “signs cannot be unreasonably bright so as to cause glare.” In addition, there is a brightness limit of 1,000 nits nighttime and 8,000 nits daytime where adjacent to residential areas.

### **SCENARIO 2-“MEDIUM RESTRICTION”**

#### Description

This scenario allows digital signs with some restrictions. The digital signs would be allowed in the C3, C4, and C5 commercial districts and the Public Facilities (PF) zone. Movement would be allowed on the signs, but each graphic/text frame would need to remain for a minimum of two seconds. The best practices literature recommends a minimum display time ranging from 1-8 seconds depending on location. Signs would have to remain 150 feet away from residentially zoned areas. Digital signs could not be more than 50% of the square footage allotment for the business/building and 50% of any single sign size, as well as no more than 50 square feet in size. Signs could only be building mounted. Autodim technology, within limits of 1,000 nits nighttime and 8,000 nits daytime, would be required.

#### Changes since February

- **Color.** Color has been changed to prohibit white backgrounds in accordance with Planning Commission comment.
- **Zone/Area Restrictions.** This scenario would allow digital signs in the more auto-oriented commercial zones such as C3, C4, and C5, as well as the Public Facilities (PF) zone.
- **Brightness.** Brightness has been changed in response to Planning Commission comments and further research on the issue to be 1,000 nits nighttime and 8,000 nits daytime.

### **SCENARIO 3-“MOST RESTRICTIVE”**

#### Description

This scenario allows digital signs subject to narrower restrictions. The digital signs would be allowed only in C-3, C-4, and C-5 zones and could only be building mounted. No motion would be allowed on the sign and minimum frame time would be 20 seconds. Signs would be limited to 25 square feet in size. The frame duration and size restrictions in this scenario match what the City of Anacortes has adopted. Signs would have to be 200 feet away from a residentially zoned property. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required. The digital signs would only be allowed to operate from 8:00 a.m. to 8:00 p.m. during Fall and Winter and 8:00 a.m. to 10:00 p.m. during the Spring and Summer.

#### Changes since February

- **Size:** Building mounted digital signs cannot be more than 33% of any individual sign area.
- **Color:** Prohibition on white background.
- **Zone/Area:** Auto-oriented commercial zones only C3, C4, C5.

## **SCENARIO 4-“PROHIBITED”**

### Description

This scenario is essentially the “no action alternative.” The consideration of such a scenario is common practice when undertaking a planning study. Under this scenario, the existing code language code remains as is or it could be modified to specifically exclude digital signs. Staff’s understanding is that digital signs can legally be prohibited outright, as long as ample alternative channels of commercial speech are available such as other sign types, internet, and newspaper.

### Changes since last February

None.

## **DISCUSSION**

### **BRIGHTNESS**

Due to the amount of discussion and questions about the brightness issue, staff performed further research and interviews for this issue.

There are a number of different measures of luminance or brightness including: nits, foot candles and lux. These units can be converted back and forth using formulas. At February’s meeting, staff suggested an objective standard of 500 nits nighttime and 5,000 nits daytime for digital signs. These limits came from research literature about current practice in cities across the country.<sup>1</sup> The literature notes that there is no truly objective standard for measuring brightness, because it depends heavily upon the context in which the sign is operating. For instance, a digital sign set at 1,000 nits on a totally dark night with no other light sources around would seem very bright. On the other hand a digital sign set at 1,000 nits in the context of many other light sources would not seem so bright. This fact, means that it is important to set limits for the context, especially near sensitive land uses such as residential areas.

Staff also interviewed two sign contractors and manufacturers. First, staff interviewed Jeffery Rossi of Oak Harbor Signs who indicated that they have installed several digital signs in Oak Harbor, including those for Island Café, Flyer’s Restaurant, and the Seventh-Day Adventist Church. Flyer’s sign is set to 10,000 nits daytime and 800 nits nighttime. Each of these signs has video and motion capabilities, but does not currently use them.

Staff also interviewed Jacob Tilton of Watchfire Signs which is an American manufacturer of digital signs. Mr. Tilton is the regional representative for Watchfire Signs. Staff questioned Mr. Tilton about the brightness of signs and what he thought was “too bright.” Mr. Tilton indicated that it is difficult to measure brightness, because it depends upon the context in which it occurs and there can be interference from other light sources. He also indicated that it is simple to set the brightness of the digital signs both before and after installation. The brightness is controlled using the computer software program that comes with the sign. The manufacturer can preset the brightness level of the sign prior to installation. Or, the brightness level can be set after installation if the sign owner requests by Watchfire with a password to access the software at no cost. Due to the subjectivity of measuring brightness, Mr. Tilton recommended that we have a subjective standard which says that “the sign cannot be unreasonably bright.” He also mentioned that Spokane, Tacoma, and Boise are examples of cities where digital signs are located in close proximity to each other. Mr. Tilton stated his belief that there is no factual information or studies to indicate that sign brightness causes traffic accidents.

Finally, staff spoke with the City of Monroe Planning Director, Paul Popelka, who is updating their sign code, including language pertaining to digital signs. The City of Monroe has a draft code which places maximum brightness limits on digital signs by zone. Digital signs in commercial areas are allowed the highest limit of 0.8 foot candles (2,546 nits); office, and downtown commercial areas are permitted a brightness of 0.5 foot candles (1,592 nits); and open space areas are permitted a brightness of 0.3 foot candles (955 nits). The City of Monroe

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<sup>1</sup> See “The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs”, Triantafillou, Menelaos, University of Cincinnati and Weinstein, Alan C., Cleveland State University.

used brightness standards recommended to them by their consultant, Tom Beckwith. Mr. Popelka stated that he felt brightness limits were important for driver safety and to protect the character of their city. At the same time, the city recognizes that digital and video signs are an emerging technology which needs to be permitted under regulations, which are not overbearing.

## **ENFORCEMENT**

Any objective, numerical standard of brightness, such as nits or foot candles, would require an enforcement procedure. The City of Oak Harbor currently enforces its codes on a complaint-only basis. Light meters are inexpensive instruments ranging in price from \$15 to \$500.

There are practical difficulties with regard to brightness standards. Ideally, there should be an objective standard so that each business or property owner is measured against the same standard. However, in the case of brightness, it is difficult to be completely objective because there can be interference from other light sources. So, while the City may be able to purchase a light meter, it may not be able to tell the brightness of any specific sign because of the surrounding light conditions. This is one drawback in adopting a specific standard and measuring compliance with that standard.

On the other hand, not having an objective standard could make enforcement even more difficult and legally problematic. How does the City enforce a standard such as “the sign cannot be unreasonably bright so as to cause glare”? What is “unreasonably bright”? Also, what role should the context in which the digital sign is located play? Should the City adopt regulations which are different by zone?

Staff requests planning commission guidance on whether to have an objective or subjective standard given the practical difficulties involved. Scenario 1, “Least Restrictive” proposes a subjective standard, except adjacent to residentially zoned areas.

## **SIZE**

Staff reviewed Planning Commission comments from February regarding size limitations for digital signs. In Scenario 1 (Least Restrictive), signs are limited by the type of sign proposed. Building mounted digital signs can comprise 100% of the individual sign size. Monument digital signs can be 75% of the individual sign size, and pole/pylon digital signs can be 50% of the individual sign size. The theory behind the sign size limitations is that freestanding signs (monument, pole, or pylon) are customarily located closer to the road where they are more attention-getting and therefore more distracting. Thus, more restrictive limits are proposed for freestanding digital signs. Once again, the proposed size restrictions were made based upon Planning Commission comment from February.

## **SCHEDULE**

- February – discuss scenarios with Planning Commission
- March – Conclude discussion on scenarios. Planning Commission gives staff formal direction on scenarios.
- April – Staff drafts code and issues SEPA. Public hearing remains open for citizen comment.
- May – Staff closes SEPA comment period. Planning Commission closes public comment period and makes a recommendation to City Council.

## **ATTACHMENTS**

1. Digital Signs Regulation Scenarios
2. OHMC 19.36.030 “Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.”

3. "The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs", Triantafillou, Menelaos, University of Cincinnati and Weinstein, Alan C.
4. Example Graphics for Signs

## **RECOMMENDED ACTION**

Select scenario and direct staff to prepare draft code based on selected scenario.

### City of Oak Harbor Digital Signs Regulation Scenarios

	Scenario 1: Least Restrictive	Scenario 2: Medium Restriction	Scenario 3: Most Restrictive	Scenario 4: Prohibited
<b>Size</b>	50% of sign allocation area for the site, but no more than 100 SF. Building mounted digital signs can be 100% of any individual sign size, monument signs can be 75% of individual sign size, pole/pylon signs can be 50% of any individual sign size.	50% of total sign area allocation for site, but no more than 50 SF. Building mounted digital signs can be 50% of any individual sign	30% of the sign area allocation for the site, but no more than 25 SF total. Building mounted can be 33%. No freestanding signs.	N/A
<b>Motion</b>	Full motion and video. No flashing, undulating, pulsing, portrayal of explosions, fireworks, flashes of light, or blinking or chasing lights	Some motion, no video. Would allow appearance of motion, but no video. For example, there could be rotating or moving digital objects, but no video of real objects. A hamburger restaurant could have a rotating/moving digital hamburger, but no video footage of a real hamburger. No flashing, undulating, pulsing, portrayal of explosions, fireworks, flashes of light or blinking or chasing lights.	Motion prohibited entirely. No animation, no scrolling letters, no appearance of movement. Images are static. No flashing, undulating, pulsing, portrayal of explosions, fireworks, flashes of light or blinking or chasing lights.	N/A
<b>Color</b>	Prohibition on white background	Prohibition on white background	Prohibition on white background	N/A
<b>Display Change</b>	Must change instantaneously	Instantaneous change between graphics/messages. Minimum frame time of 2 seconds.	Instantaneous change between graphics/messages. Minimum display time of 20 seconds, thus no movement allowed.	N/A
<b>In case of sign malfunction:</b>	Display must go dark	Display must go dark	Display must go dark	N/A
<b>Site Location Restrictions</b>	Building mounted or freestanding, but not both on same property	Building mounted signs only, minimum distance of 50 feet from street	Building mounted signs only, minimum distance of 50 feet from street	N/A
<b>Quantity</b>	No more than 1 digital sign per property	No more than 1 sign per property. Multitenant buildings would share a single sign	No more than 1 sign per property. Multitenant buildings would share a single sign	N/A
<b>Zone Area/ Restrictions</b>	C1, C3, C4, C5, I, PIP, PBP, PF zones, orientation away from adjacent residentially zoned properties (including across ROWs) and distance of 100 feet away from adjacent residentially zoned properties	C-3, C-4, C-5, PF zoned areas. Orientation must be away from residential areas and distance of 150 feet from residentially zoned properties, only for multiple tenant developments greater than 5 acres in size	C-3, C-4, C-5 zones only. Orientation must be away from residential areas and distance of 200 feet from residentially zoned properties, only for multiple tenant developments over 10 acres in size	N/A
<b>Hours of Operation</b>	8 a.m. to 10:00 p.m.	8 a.m. to 10:00 p.m.	8 a.m. - 8 p.m. October - March, p.m., 8 a.m - 10 p.m. April - September	N/A
<b>Brightness</b>	"Sign can't be unreasonably bright so as to cause glare." Autodim technology required. However, where adjacent to residentially or mixed use zoned areas, 1,000 nits darkness, 8,000 nits daylight. Enforcement: sign proponent required to submit factory setting demonstrating compliance with sign permit.	1,000 nits darkness, 8,000 nits daylight with autodimming. Enforcement: sign proponent required to submit factory setting demonstrating compliance with sign permit.	500 nits darkness, 5000 nits daylight with autodimming. Enforcement: sign proponent required to submit factory setting demonstrating compliance with sign permit.	N/A

**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) of this section 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) of this section 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) of this section.

(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) of this section 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 subsection (5)(g)(xiii) of this section. "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 multicolored 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 10 seconds. Displays which scroll onto the signboard must hold for a 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 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 p.m. and 6:00 a.m.;

(xiii) A single, portable (nonstationary) electronic message center sign may be located in the window of a business subject to the provisions of subsection (5)(g) of this section. The portable sign shall comply with the provisions of subsections (5)(g)(v) through (ix) of this section.

(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. 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. (Ord. 1553 § 3, 2009; Ord. 1307 §§ 3, 4, 2002; Ord. 1221 § 1, 2000. Formerly 19.36.020).

# Example Digital Sign Allocations for 2,000 SF Building Façade - Scenario 1

**Pole Sign**

100 SF, 25 Feet High

**Pylon Sign**

48 SF, 10 Feet High

**Monument Sign**

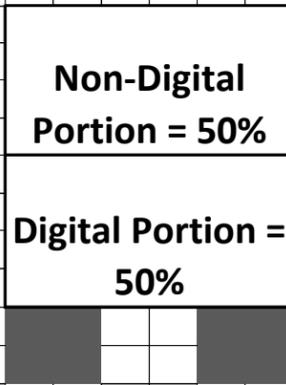
32 SF, 8 Feet High

**Non-digital portion = 50%**

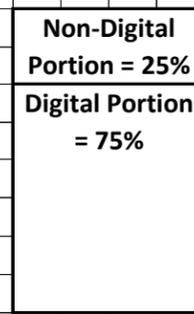
**Digital portion = 50%**



OR



OR



## Building Mounted

Size = 181.5 Square Feet

**Non-digital portion = 81.5 SF**

**Digital Portion = 100 SF**

OR

**100% Digital - 100 SF**

Notes: Above examples are for an imaginary building façade of 2,000 SF. The sign area allocation for 2,000 SF site is a 181.5 SF building-mounted sign, plus 3 other signs. The pole sign could be 100 SF, pylon sign could be 48 SF, and the monument sign could be 32 SF. Only one freestanding sign is allowed per business. Only one digital sign per business.

# Example Digital Sign Allocations for 2,000 SF Building Façade - Scenario 2

Pole Sign

100 SF, 25 Feet High

Pylon Sign

48 SF, 10 Feet High

Monument Sign

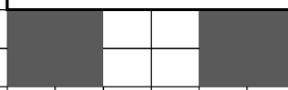
32 SF, 8 Feet High

**Digital Pole Sign Not Allowed in this scenario**



OR

**Digital Pylon Sign Not Allowed in This Scenario**



OR

**Digital Monument Sign Not Allowed in This Scenario**

## Building Mounted

Size = 181.5 Square Feet

**Non-Digital Portion = 131.5 SF**

**Digital Portion = 50 SF**

OR

**100% Digital - 50 SF**

Notes: Above examples are for an imaginary building façade of 2,000 SF. The sign area allocation for 2,000 SF site is a 181.5 SF building-mounted sign, plus 3 other signs. The pole sign could be 100 SF, pylon sign could be 48 SF, and the monument sign could be 32 SF. Only one freestanding sign is allowed per business. Only one digital sign per business.

# Example Digital Sign Allocations for 2,000 SF Building Façade - Scenario 3

Pole Sign

100 SF, 25 Feet High

Pylon Sign

48 SF, 10 Feet High

Monument Sign

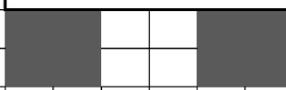
32 SF, 8 Feet High

**Digital Pole Sign Not Allowed in this scenario**



OR

**Digital Pylon Sign Not Allowed in This Scenario**



OR

**Digital Monument Sign Not Allowed in This Scenario**

## Building Mounted

Size = 181.5 Square Feet

**Non- Digital Portion = 156.5 SF**

Digital Portion = 25 SF

OR

**100 % Digital  
25 SF**

Notes: Above examples are for an imaginary building façade of 2,000 SF. The sign area allocation for 2,000 SF site is a 181.5 SF building-mounted sign, plus 3 other signs. The pole sign could be 100 SF, pylon sign could be 48 SF, and the monument sign could be 32 SF. Only one freestanding sign is allowed per business. Only one digital sign per business.