



PLANNING COMMISSION

AGENDA

July 23, 2013

ROLL CALL: FAKKEMA_____ WASINGER_____

 JENSEN_____ PETERSON_____

 FIKSE_____ FREEMAN_____

 SCHLECHT_____

- Page 4*
1. **Approval of Minutes – June 25, 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.

- Page 28*
3. **DIGITAL SIGNS CODE UPDATE (Electronic Message Center) – Public Hearing**
This item is a continuation of the public hearing that was opened in April. Staff will present a revised draft digital signs code update based on previous discussions and research. Planning Commission will accept public comments and is expected to close the hearing.

- Page 61*
4. **BED & BREAKFAST CODE – Public Meeting**
Planning Commission will continue its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential zones.

- Page 98*
5. **ECONOMIC DEVELOPMENT STRATEGY – Public Meeting**
Economic development staff will brief the planning commission on the “Economic Development Strategy” which will direct the City’s economic development efforts for the next 3-5 years. Staff is requesting Planning Commission feedback on the strategy.

- Page 100*
6. **2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**
Staff will update the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. An update will also be provided on staff’s coordination with Island County and the work that’s related to the County Wide Planning Policies.

MINUTES

June 25, 2013

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
June 25, 2013**

ROLL CALL: Present: Keith Fakkema, Greg Wasinger, Ana Schlecht, Kristi Jensen, Bruce Freeman and Sandi Peterson

Absent: David Fikse

Staff Present: Development Services Director, Steve Powers, Senior Planners, Cac Kamak and Ethan Spoo.

Chairman Fakkema called the meeting to order at 7:35 p.m.

MINUTES: MS. PETERSON MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO APPROVE THE May 28, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None

DIGITAL SIGNS CODE UPDATE – Public Hearing

Spoo reported that this item is a continuation of the public hearing that was opened in April. Mr. Spoo displayed a Power Point presentation which summarized the changes to the draft code that resulted from the public input and Planning Commission discussion at the May 28th meeting (Attachment 1).

Discussion

Planning Commission discussed the difference between the nits and foot candle standard of measurement. Mr. Spoo explained that the foot candle and nits are used to measure two different conditions so it is not possible to convert nits to foot-candles. Foot-candle measures illuminance which is the amount of light intersecting an object at a given distance and nit measures luminance which is a measure of the absolute amount of light emitted from an object (not measured from a distance). The International Sign Association (ISA) recommends using foot-candles to measure brightness and set the limit of an electronic message center sign at 0.3 foot-candles above ambient light levels at night. So the code will only regulate brightness of signs at night except for during the day when the auto dim function of the sign would be working.

Mr. Spoo also noted that since the proposed code talks about regulating existing electronic messages center signs and will require existing electronic message center signs to be in conformance within one year, it is appropriate to notify those affected. This will take another month so staff is recommending that the hearing be continued to next month's meeting.

Mr. Spoo reported that Planning Commissioner Fikse is requesting that the hearing be continued so that he can discuss his concerns about the latest draft code. Mr. Fikse prefers the nit standard over the foot-candle standard.

Planning Commission questioned staff about non-conforming signs based on the new code. Mr. Powers commented that from the brightness perspective, it is not clear that there would be any non-conforming electronic message center signs.

Mr. Spoo also provided a handout from the ISA with additional information about how to measure foot-candles and why ISA recommends it (Attachment 2).

Mr. Fakkema asked anyone wanted to offer public comment.

Billie Cook (651 SE Bayshore Drive) thanked everyone for their hard work and was glad that the Planning Commission is addressing duration and brightness of electronic message center signs.

ACTION: MS. PETERSON MOVED, MS. JENSEN SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S JULY 23, 2013 BUSINESS MEETING, MOTION CARRIED.

BED AND BREAKFAST CODE – Public Meeting

Mr. Spoo explained that the Economic Development Committee has request that Planning Commission consider more permissive regulation for bed and breakfast (B&B). Mr. Spoo displayed a Power Point presentation that provided a summary of the existing code and the proposed code (Attachment 3). In the current code there are only two type of B&B's they are B&B Inns (4 rooms), B&B Rooms (50% of existing rooms). B&B Inns & B&B rooms are conditional uses in R-2, R3, R-4, & R-O. Requires parking on premises, resident/manager domiciled, signs can be no greater than 4 SF and no commercial dining is allowed.

The propose code suggests three types of B&B's, they are B&B Inns, Residential B&B and Commercial B&B with the following restrictions:

	Inns	Residential	Commercial
Max # Rooms	10	4	4
Room Capacity	4	4	4
Commercial Meals	No	No	No
Other Business	No	No	No
Resident/Manager	Full-time Mgr domiciled onsite	Resident in primary dwelling	Mgr onsite
Parking	Onsite/2+ 1 per room. Meet dimensions.	Onsite/2+ 1 per room. No dimensions.	Onsite/2+ 1 per room. No dimensions.
Signs	Per OHMC 19.36	4 SF monument/building	4 SF monument/building

Discussion

Planning Commission questioned staff about the restriction regarding other business being conducted on site within the B&B, the conditional use process, the on-site parking requirement as it relates to the Central Business District (CBD) and whether it makes sense to have B&B's in R1 zoning districts. Mr. Powers indicated that there is no prohibition on having more than one home occupation and we may have to consider whether that makes sense with a B&B and whether there is a land use impact on the surrounding neighborhood that should be of concern. The conditional use permit can take between 60 and 90 days depending on the submittal and the public process. Staff will look at that the parking requirement for the CBD and the possibility of allowing B&B's in only certain R1 zoning districts.

2016 COMPREHENSIVE PLAN AMENDMENT – Public Meeting

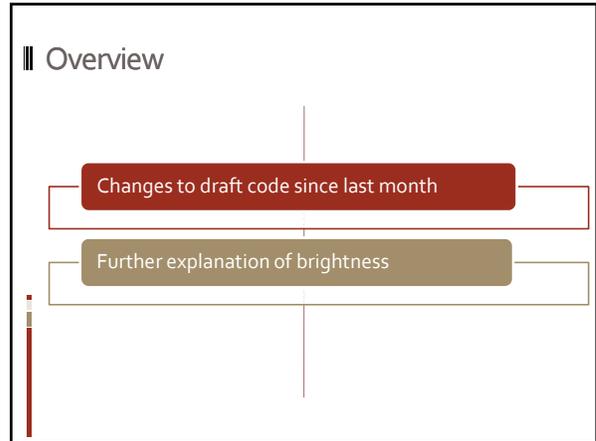
Mr. Kamak displayed the Power Point presentation (Attachment 3) that was provided at the May meeting. He reviewed the population demographics provided last month and then went on to the household data and Naval Air Stations impacts. Mr. Kamak pointed out that the Navy estimates approximately 1,000 military personnel increase in North Whidbey. Since the average household size according to the 2010 census is 2.53 staff estimates the total population increase is approximately 2,530.

Mr. Kamak reported that Island County has proposed a 20-year population projection for Island County of 87,917 which includes the City's estimates for military personnel increases. Mr. Kamak explained the method that the County utilized and stated that staff believes that Island County has reasonable justification to arrive at that number and recommends that the Planning Commission recommend that the City Council accept the County's 20-year population projection of 87,917.

ACTION: MR. FREEMAN MOVED, MS. SCHLECHT SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ACCEPT ISLAND COUNTY'S 20-YEAR POPULATION PROJECTION OF 87,917, MOTION CARRIED.

ADJOURN: 9:25 p.m.

DRAFT



Changes to draft code since last month

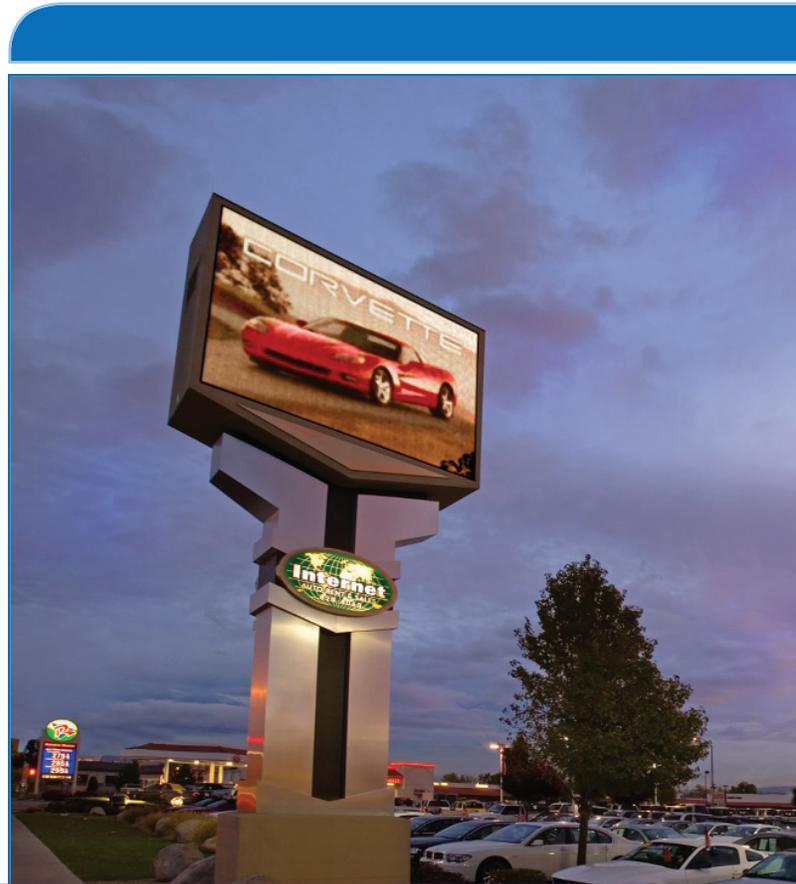
EMCs vs. Digital Signs:	•Digital signs now referred to as EMCs
Duration:	•Minimum duration time of 10 seconds for graphics, text, images. Videos 2-5 seconds.
Brightness:	•Code now reflects ISA recommendation – 0.3 FC +
Hours of operation:	•Correct 200-foot conflict
Shielding:	•Perpendicular to ground
Non-conforming:	•1-year for brightness/hours

More on brightness

Two ways to measure:	•Luminance / Illuminance
Previous code:	•Used luminance (nits)
Current draft:	•Uses illuminance (foot-candles)
Comparable?	•No/ISA felt previous proposal was too bright
Shielding:	•0.3 foot candles over ambient condition
Other info:	•Relative standard for night. Day would use autodim

- ### Next Steps
- 1: Notify existing EMC sign owners
 2. Close public hearing:
 3. Make recommendation:

Recommended
*Night-time
Brightness Levels*
for On-Premise
Electronic Message
Centers (EMC's)

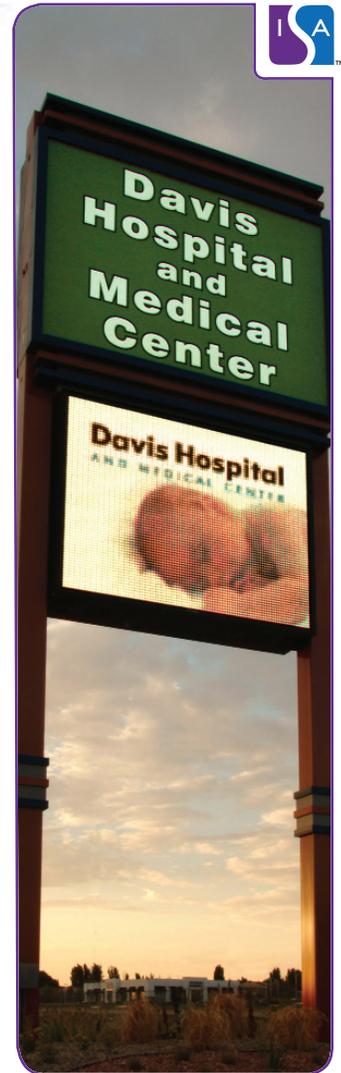


ISA INTERNATIONAL
SIGN ASSOCIATION

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Introduction



Electronic Message Centers (EMC's)



One of the more interesting types of signage that is becoming increasingly popular is on-premise **electronic message centers**, or EMCs. You may have heard EMCs being referred to as changeable message displays or digital signs.

EMCs are *not* digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located *on the premises* of the business, and that advertise goods and services that are provided at the location.



Digital billboard/off-premise sign advertising an automobile business away from where the sign is located



Electronic Message Center (EMC)/on-premise sign advertising an automobile business that is located at the place of business

There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, *we are focusing solely and exclusively on EMCs.*

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and the planning community have a common goal: ensuring that EMCs are appropriately legible. We know the messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright.



That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry. Dr. Lewin's full report can be found at www.signs.org.

As a result of this research, the recommended night-time brightness level for on premise EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice.

The research and the recommendations contained in this report pertain only to EMCs, not traditionally internally illuminated signs, such as these channel letter and neon signs below. EMC's use a different lighting technology than most of these types of signs, and as such the scientific approach differs.



You can rest assured that the information contained in this publication is relevant, appropriate and workable for determining night-time EMC brightness levels.

We have provided six short steps to help guide the process and recommended statutory language. If you need further assistance, feel free to contact ISA at (703) 836-4012 to answer any of your EMC brightness questions.

EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes.

Executive Summary



ISA Electronic Message Display Brightness Recommendations



This summary has been developed to assist stakeholders concerned with development of brightness standards for large-format, electronic displays used for on-premise sign applications. This summary comprises:

- 1) *an overview of the importance of ensuring appropriate brightness,*
- 2) *technology utilized to ensure appropriate brightness,*
- 3) *recommended brightness standards, and*
- 4) *brightness measurement methodology.*

1. Overview of the importance of ensuring appropriate night-time brightness.

Electronic displays that are too bright at night can be offensive and ineffective. There are significant advantages to ensuring that an electronic display is not overly bright. These advantages include:

- » Conservation of energy
- » Increased life expectancy of the electronic display components
- » Building goodwill with the community
- » Ensuring the legibility of the display

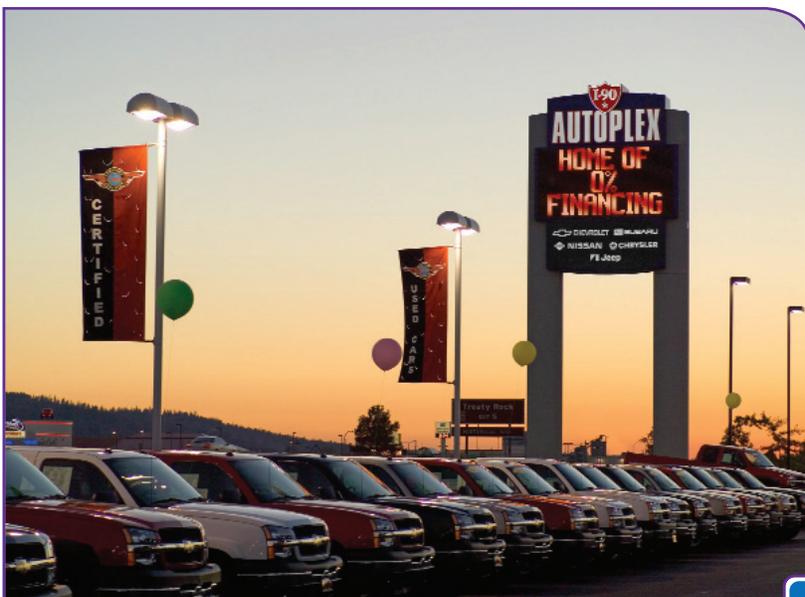
It is in the best interest of all stakeholders to ensure that electronic displays are sufficiently bright to ensure clear legibility, while at the same time avoiding a display that is overly bright.

2. Technology utilized to ensure appropriate brightness.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing. The following general methods are used to dim an electronic display for appropriate night-time viewing:

1. **Manual Dimming.** Using this method, the sign operator dims the display in response to changing ambient light conditions.
2. **Scheduled Dimming.** Sunset-sunrise tables allow an electronic display to be programmed to dim at the same time that the sun sets and rises. This method is generally acceptable, but is more effective when used as a backup to automatic dimming controls capability, such as photocell technology.
3. **Photocell Technology.** An electronic display that utilizes photocell technology can automatically dim as light conditions change. A photocell sensor alerts the display to adjust brightness according to ambient light conditions.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.



3. Recommended brightness standards.

ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays. Dr. Lewin is a leading lighting expert with over thirty years experience in the lighting industry.

Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMC's are sufficiently visible but not overly bright, it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

...it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

4. Brightness measurement methodology.

There are two generally accepted measures of brightness in the sign industry; illuminance and luminance. Illuminance, the preferred method, is a measure of the amount of light intercepting an object at a given distance from a light source and is measured in footcandles or its metric equivalent, lux. Illuminance can be measured with a footcandle meter (also know as a luxmeter), which are relatively inexpensive (\$100-1000) and commonly available. The footcandle meter should be accurate to two decimal points for accurate measurements. The second method, luminance, is an absolute measure of the amount of brightness that is being emitted from a light source and is usually measured in candelas per square meter, also known as "nits." Luminance can be measured by use of a "nit gun", which are expensive (~\$3,000) and difficult to procure. The preferred method of measurement is illuminance using a footcandle meter because a measure of luminance fails to account for ambient light conditions.



Recommended Legislative Language



1. **Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.
 - A. **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.
 - B. **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
 - C. **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
 - D. **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.



SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

Six STEPS: EMC Brightness Levels

How to Measure the Brightness of an Electronic Message Center (EMC)

STEP 1

OBTAIN AN ILLUMINANCE METER.

Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

If you do not have an illuminance meter, the Konica Minolta T-10 is a high quality illuminance meter that works well. However, other less expensive illuminance meters may also provide adequate results. The International Sign Association has no affiliation with Konica Minolta.

STEP 2

DETERMINE SQUARE FOOTAGE.

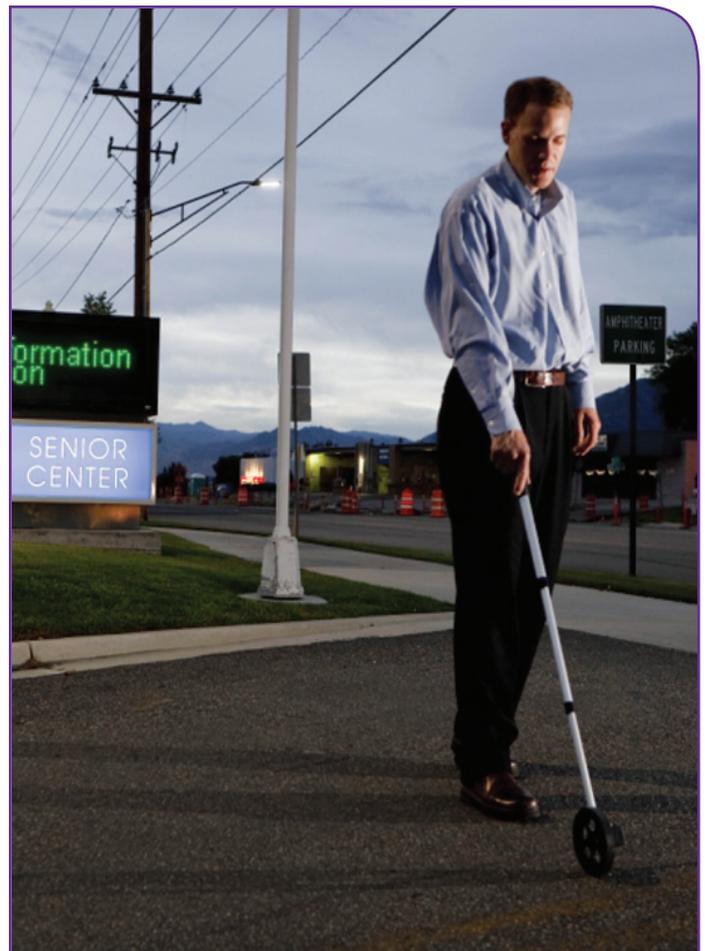
Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).



STEP 3

DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 6, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel is the most convenient way to measure the distance.



How to Measure the Brightness of an Electronic Message Center

STEP 4

PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. You may wish to have a requirement that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

STEP 5

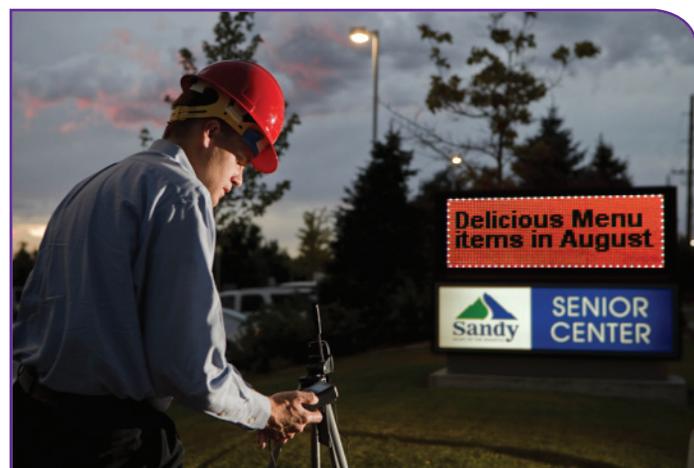
USE AN ILLUMINANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.



STEP 5 [CONTINUED]

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer’s recommended procedures.



STEP 6

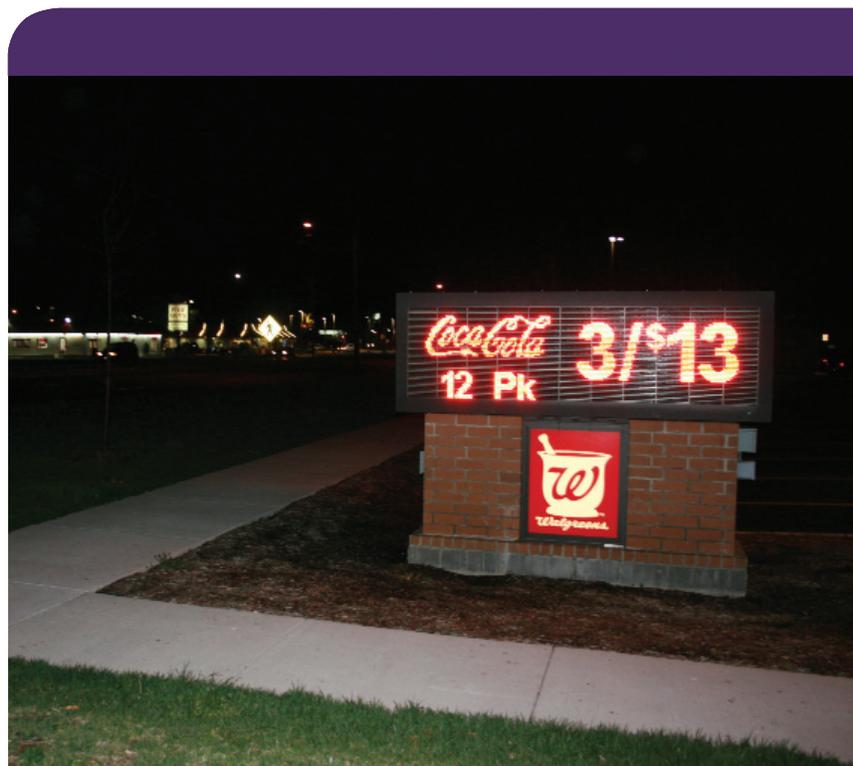
ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.

As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.



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RECOMMENDED NIGHT-TIME BRIGHTNESS LEVELS FOR ON-PREMISE ELECTRONIC MESSAGE CENTERS

Demographics

US
Washington
Island County
Oak Harbor

Population

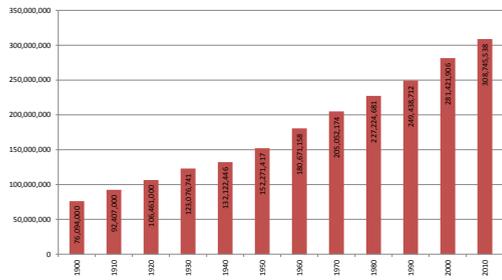
2010 Census - US Total Population — 308,745,538

Today's (May 28, 2013) estimate at 4pm - US Population — 315,965,944
 Births this year - 10,782,982
 Deaths this year - 6,861,900
 Net immigration - 1,887,023

2010 Census Washington - 6,724,540
 Island County - 78,506
 Oak Harbor - 22,075

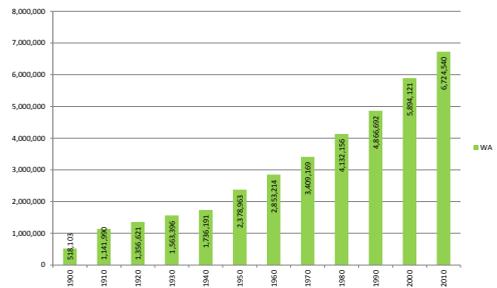
Population Growth

US



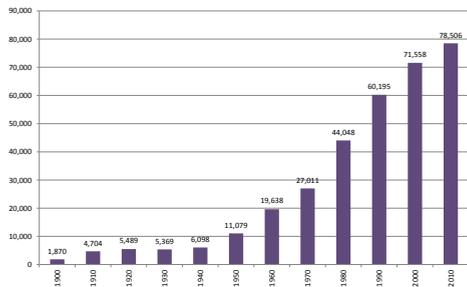
Population Growth

WA



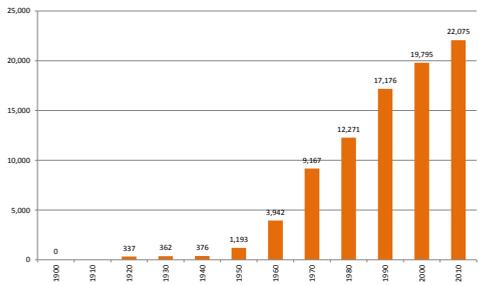
Population Growth

Island County

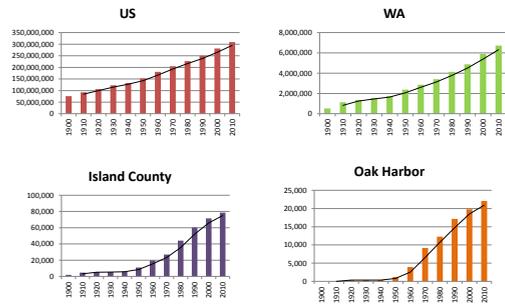


Population Growth

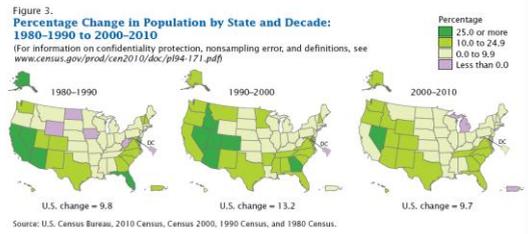
Oak Harbor



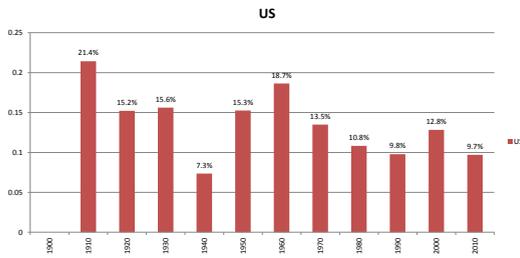
Population Growth



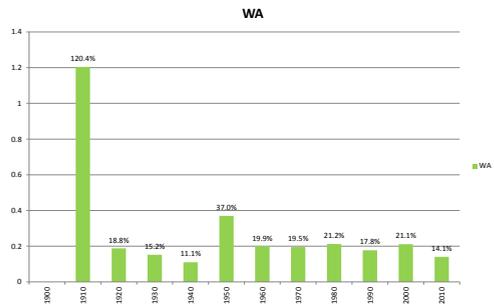
US – Percentage Change in Population



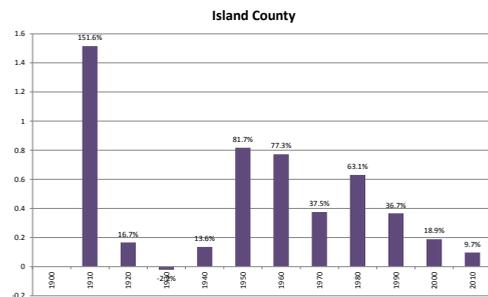
Population Change percentage



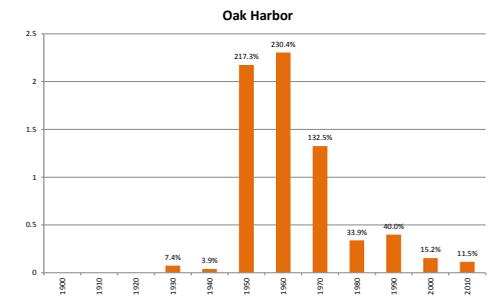
Population Change percentage



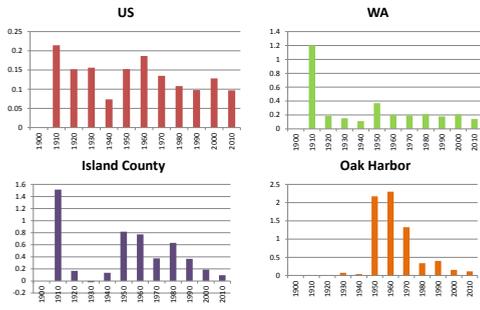
Population Change percentage



Population Change percentage



Population Change percentage



Age and Sex

US	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	138,053,563	49.1%	151,781,326	49.2%	13,727,763	9.9%
Female	143,368,343	50.9%	156,964,212	50.8%	13,595,869	9.5%
Total	281,421,906	100.0%	308,745,538	100.0%	27,323,632	9.7%

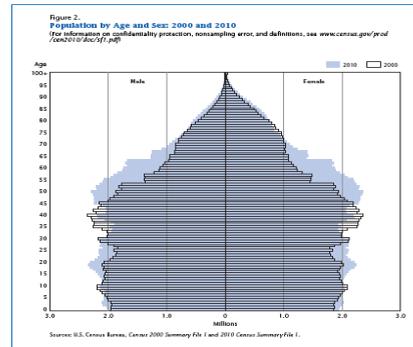
Washington	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	2,934,300	49.8%	3,349,707	49.8%	415,407	14.2%
Female	2,959,821	50.2%	3,374,833	50.2%	415,012	14.0%
Total	5,894,121	100.0%	6,724,540	100.0%	830,419	14.1%

Age and Sex

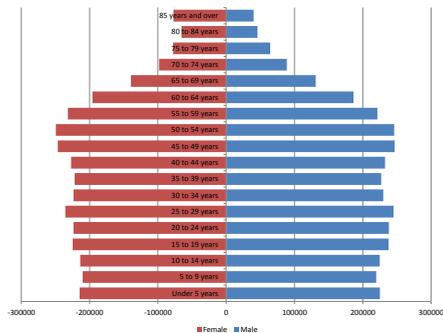
Island County	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	35,846	50.1%	38,857	49.5%	3,011	8.4%
Female	35,712	49.9%	39,649	50.5%	3,937	11.0%
Total	71,558	100.0%	78,506	100.0%	6,948	9.7%

Oak Harbor	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	9,833	49.7%	10,851	49.2%	1,018	10.4%
Female	9,962	50.3%	11,224	50.8%	1,262	12.7%
Total	19,795	100.0%	22,075	100.0%	2,280	11.5%

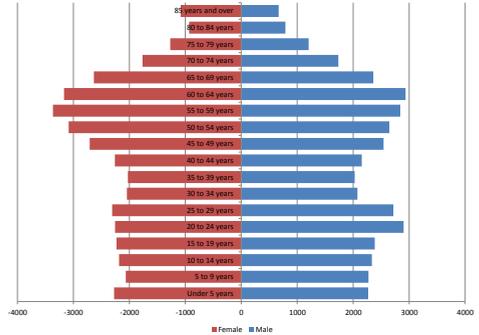
Age Distribution



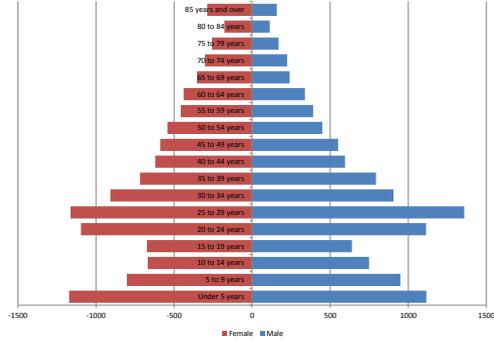
Age Distribution - WA



Age Distribution - Island



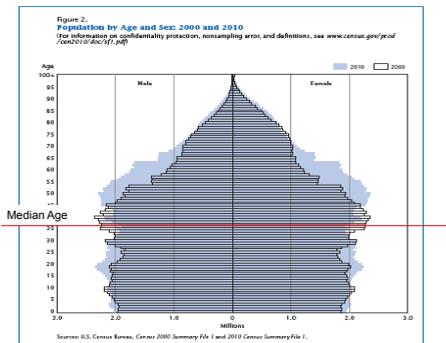
Age Distribution – Oak Harbor



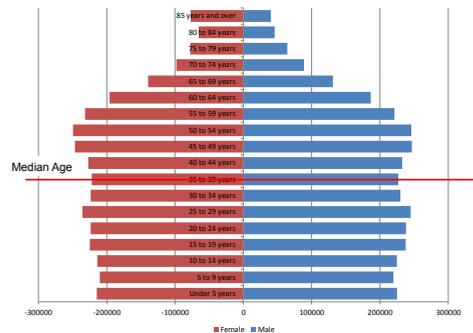
Median Age

	Median Age	
	2000	2010
US	35.3	37.2
WA	35.3	37.3
Island	37	43.2
Oak Harbor	28.3	29

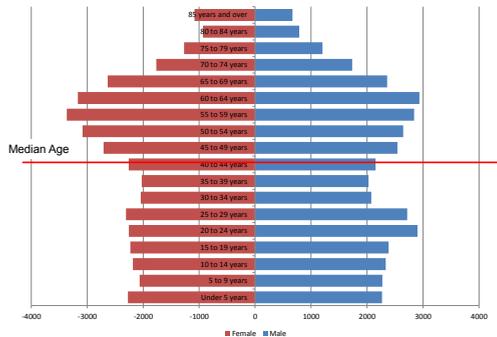
Median Age - US



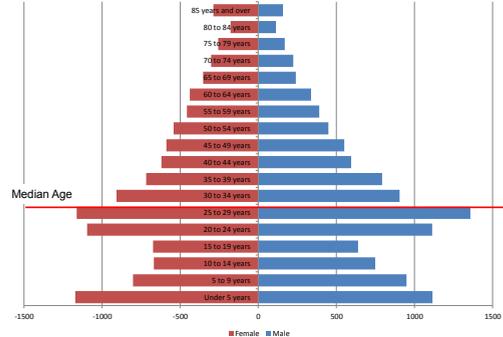
Median Age - WA



Median Age - Island



Median Age – Oak Harbor



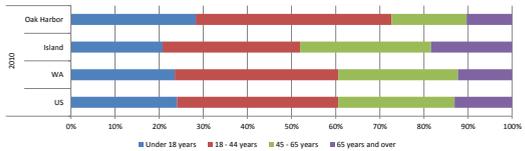
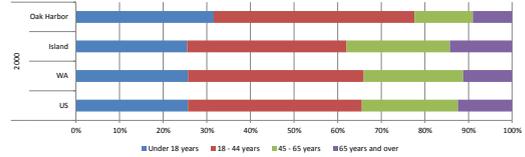
Median Age - Other

Island	2000	2010
Coupeville	43	51.1
Langley	49	57

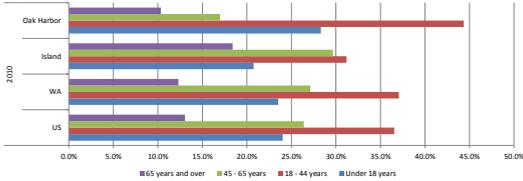
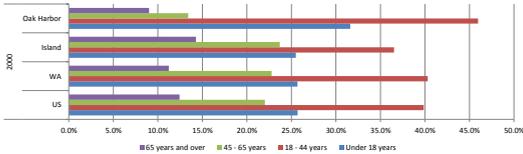
WA		
Anacortes	42.6	47.2
Burlington	29.6	32.1
Mt Vernon	31.1	32.3

US		
Highest	Maine	42.7
Lowest	Utah	29.2

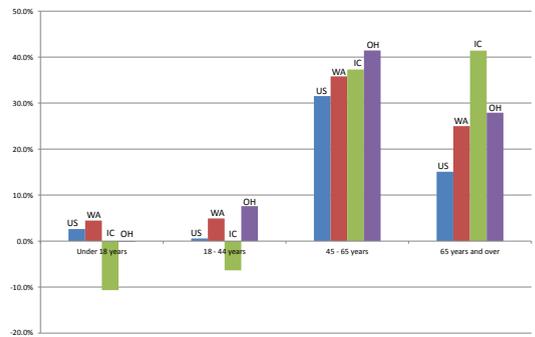
Age Distribution - 2000



Age Distribution - 2010



Age Distribution - % Change 2000-2010



Age Distribution

- Oak Harbor
 - Slight decrease (-0.1%) in population for under 18 age group
 - Slight increase (7.6%) in population for 18-44
 - Increase (41.5%) in population for 45-65
 - Increase (27.9%) in population for 65+
- Island County
 - Decrease (-10.7%) in population for under 18 age group
 - Decrease (-6.3) in population for 18-44
 - Increase (37.3%) in population for 45-65
 - Increase (41.4%) in population for 65+

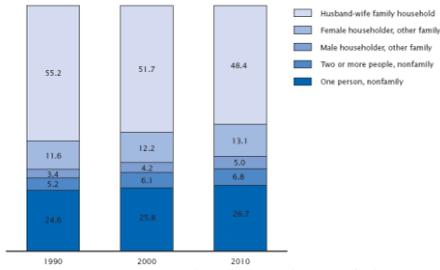
Households

- “Household” includes all the people who occupy a housing unit.
- “Family” includes householder and one or more person related to the householder by birth, marriage or adoption.
- Household and Family sizes differ within a community

Households

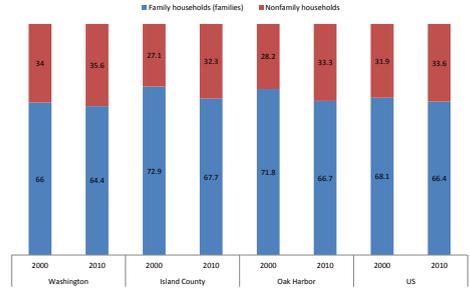
Households by Type: 1990, 2000, and 2010

Percent distribution. For information on confidentiality protection, nonsampling error, and definitions, see www.census.gov/prod/cen2010/doc/r1.pdf



Sources: U.S. Census Bureau, Census 2010 Summary File 1; Census 2000 Summary File 1; 1990 Census of Population, Summary Population and Housing Characteristics, United States (1990 CH1-1).

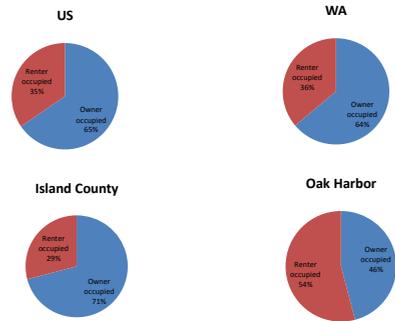
Households



Households

Households by Type	Washington		Island County		Oak Harbor	
	Number	Percent	Number	Percent	Number	Percent
Total households	2,620,099	100	32,246	100	8,677	100
Family households (families)	1,687,462	64	22,156	69	5,788	67
With own children under 18 years	762,414	29	8,238	25	3,193	37
Husband-wife family	1,288,848	49	18,627	57	4,485	52
With own children under 18 years	534,541	20	6,052	19	2,252	26
Male householder, no wife present	134,463	5.1	1,048	3.2	307	3.5
With own children under 18 years	65,903	2.5	600	1.8	215	2.5
Female householder, no husband present	274,234	10.5	2,888	9.0	993	11.4
With own children under 18 years	162,003	6.2	1,588	4.8	728	8.4
Nonfamily households	932,637	36	10,190	32	2,889	33
Householder living alone	711,618	27	8,492	26	2,338	27
Male	331,357	13	3,758	12	1,085	12
65 years and over	68,342	2.6	1,024	3.1	174	2
Female	390,283	15	4,213	13	1,256	14
65 years and over	199,455	7.6	2,317	7.1	666	7.6
Households with individuals under 18 years	836,731	32	8,932	27	3,355	39
Households with individuals 65 years and over	697,620	27	10,033	31	1,642	19
Average household size	2.8	(X)	2.35	(X)	2.5	(X)
Average family size	3.08	(X)	2.8	(X)	3.08	(X)

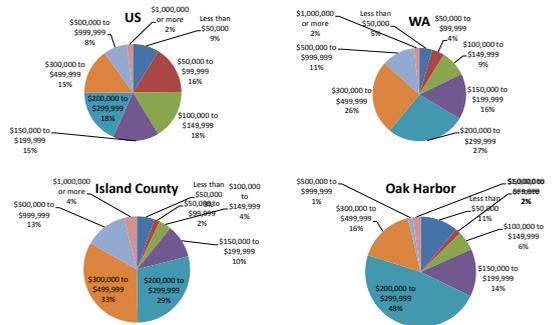
Housing – Owner/Renter



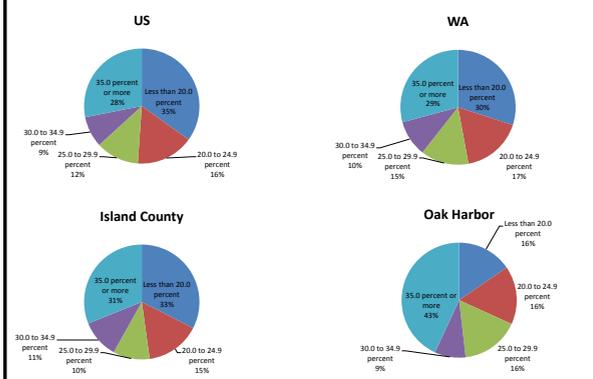
Housing – units in structure



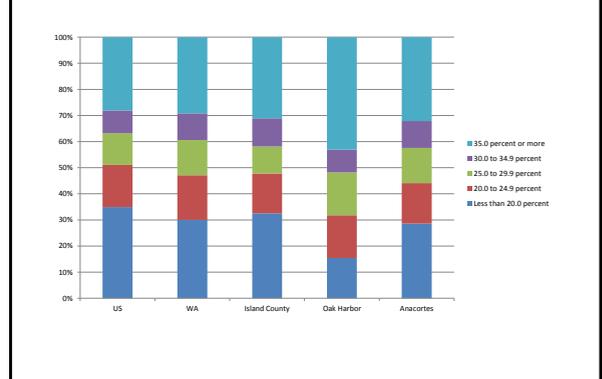
Housing – Owner Occupied - Value



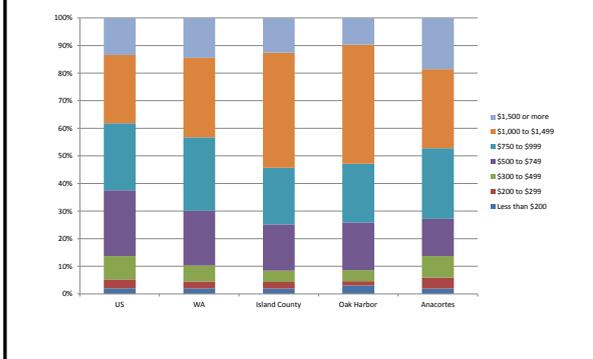
Housing - % of income



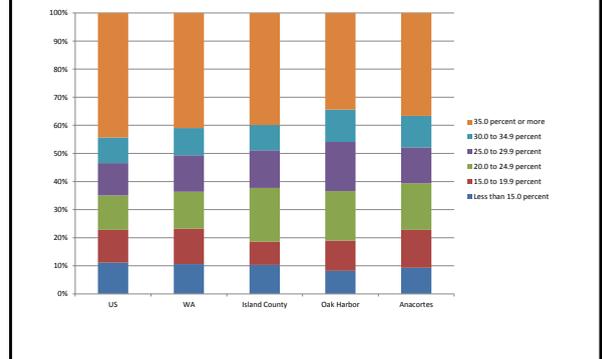
Housing - % of income (owner)



Housing - Gross Rent

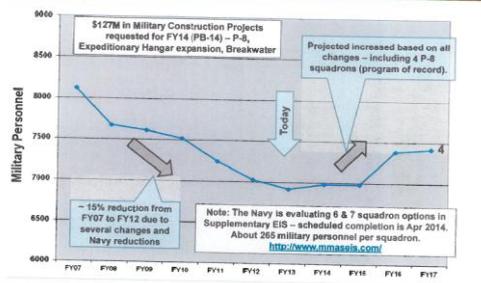


Housing - Gross Rent - % of Income



Population Impacts of Base expansion

Military Population NAS Whidbey Island



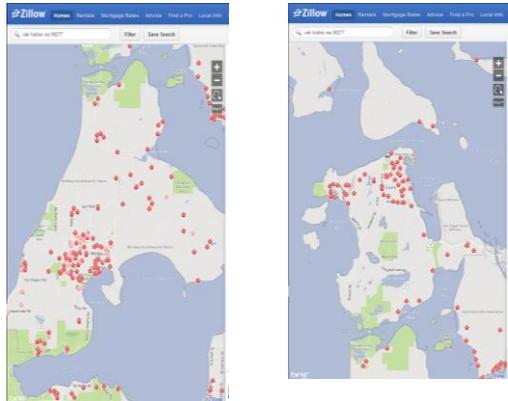
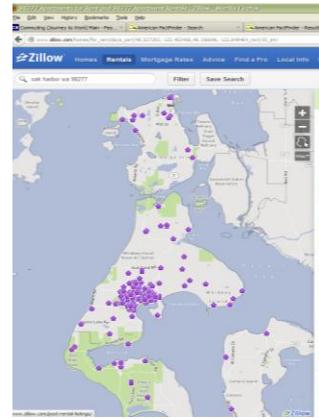
Military Population

- Initial announcement – 7 squadrons (2-2015, 1-2016, 3-2017, 1-2017)
- Recent estimates - 4 squadrons by 2015, 3 yet to be confirmed
- Plan for 7 squadrons
- Approximately 450 with initial 4 squadrons by 2015
- 795 (3 x 265) for additional three squadrons
- Total of 1245

Military Population

- All 1245 will not live on Whidbey Island
- Consider a high percentage (80%) to live on Whidbey based on the following:
 - Natural desire for people to live within a short commute to work
 - Oak Harbor and Anacortes within the 26 min commute avg for WA
 - Identical vacancy rates but more housing available in OH
 - Current market indicates more available housing (rental and for-sale) in Oak Harbor
 - Transportation cost are increasing
 - School District in Oak Harbor have invested in capital facilities and programs

Housing Occupancy	Oak Harbor		Anacortes	
	Number	Percent	Number	Percent
Total housing units	9,553	100.0	7,680	100.0
Occupied housing units	8,677	90.8	6,980	90.9
Vacant housing units	876	9.2	700	9.1
For rent	467	4.9	163	2.1
Rented, not occupied	56	0.6	25	0.3
For sale only	144	1.5	164	2.1
Sold, not occupied	18	0.2	28	0.4
For seasonal, recreational, or occasional use	72	0.8	214	2.8
All other vacant	119	1.2	106	1.4



Military Population

- Approximately 1000 military personnel increase in North Whidbey
- Average household size (2010 census) is 2.53
- Total population increase is approximately 2530

20 year Population Projection

Island County

Island County

- 20 year population adoptions
 - 2016 update
 - Consistency for the CWPP
- Based on OFM projections “low”, “medium”, and “high”

Island County	2010	2016	2020	2025	2030	2036
Low	78,506	71,432	70,516	69,866	69,410	69,004
Medium	78,506	80,808	82,735	85,073	87,621	90,848
High	78,506	92,984	99,714	107,420	115,351	124,992

Island County

- “Medium” as a base
- Recommend a reduction
 - OFM over estimated the total fertility rate
 - Supported by an increase in female median age
 - OFM optimistic on in-migration
 - Other than NAS Whidbey no large growth in employment sectors
 - Shorter commute trends
 - Population growth has dropped by half in each successive decennial census period

Island County

- Proposed 85,387 on May 30, 2013
 - Did not account for the military personnel increase
 - Oak Harbor provided the estimates of 2530
- Current proposal 87,917

Planning Commission

- Forward a recommendation to the City Council to accept the proposed 20 year population projection for Island County as proposed (87,917).

Digital Signs
(Electronic Message Center)

Code Update

Public Hearing

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 7/23/13
Re: Electronic Message Centers – Further Discussion of Draft Code and Public Hearing

PURPOSE

At Planning Commission's request, this memorandum provides more information regarding how other jurisdictions around the state regulate the brightness of electronic message center (EMC) signs.

SUMMARY OF RESEARCH ON BRIGHTNESS STANDARDS IN THE NORTHWEST

At the June Planning Commission meeting, staff offered to perform additional research to explore how other jurisdictions around Washington regulate the brightness of EMCs. At the outset of this project, staff did research the codes of other jurisdictions to see how they regulate EMCs, especially with regard to their digital capabilities. At that time, staff found very few jurisdictions which had codes in place regulating digital-capable EMCs.

The focus of the most recent round of research was on the issue of brightness and how this is regulated in other jurisdictions. Staff found four jurisdictions (Jefferson County, SeaTac, Monroe, and Burlington) and one additional jurisdiction in Idaho (Moscow) which regulate the brightness of EMCs. Staff also sampled three other jurisdictions near to Oak Harbor (Everett, Anacortes, Bellingham) and two other jurisdictions (Federal Way and Shoreline) to see how they address EMCs. Attachment 2 highlights how these jurisdictions approach brightness. In addition, in the course of doing our research on brightness, staff also noted how these jurisdictions address video/animation, and the duration of messages/images on the screen. The following bullet points summarize the findings of this research:

- Of the five jurisdictions which regulate brightness, two use exclusively nits, two use exclusively footcandles, and one uses both.
- Brightness limits for nits range from 500-1,000 nits during the night and up to 8,000 nits during the day. Of the jurisdictions using footcandles, limits range from 0.3 to 0.8 above ambient lighting conditions.
- Three of the five jurisdictions which regulate brightness require the use of autodim technology.
- Of the ten jurisdictions researched, 30 percent allow for video or animation. Jefferson County, Monroe, Moscow, and Shoreline appear to have updated their codes recently to account for digital technology and have specifically prohibited video and animation.
- Most of the jurisdictions researched regulate the minimum amount of time graphics or text can be on the screen and some have specific provisions for the length of videos. For graphics or text, the most common standard is an eight second minimum. Jefferson County and Monroe require that videos be at least two seconds in duration.

In addition to researching brightness standards in other jurisdictions, staff contacted the Illumination Engineering Society of North America (IES) which claims to be “the recognized authority on illumination.” In a conversation on July 16, 2013 with Ms. Pat McGillicuddy, a technical expert on illumination, IES stated that it does not have recommended standards for EMCs at this time, but an internal committee is working on such a standard. Ms. McGillicuddy indicated that she may be able to share some of the results of the committee’s work, if they deem appropriate. Those results were not available at the time this memorandum was written. However, Monroe and Jefferson County both use an illumination standard which they source to IES measured in footcandles above the ambient lighting level.

REVIEW OF BRIGHTNESS DISCUSSIONS SINCE JANUARY

Attachment 3 is a table reviewing the various brightness standards discussed with Planning Commission since January, summarized as follows:

- **A. Original Proposal:** was for 500 nits (night)/ 5,000 nits (day) based upon a technical paper called “The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs.”
- **B. Modified Proposal:** was for 1,000 nits (night)/8,000 nits (day) for the C1, I, PIP, PBP, and PF zones and 1,500 nits (night)/13,000 nits (day) for the C3, C4, and C5 zones and was based upon Planning Commission Discussion.
- **C. Input from the ISA Proposal:** was for 0.3 footcandles above ambient light levels at night with autodim technology and was based upon a technical document from the International Sign Association called “Recommended Night Time Brightness Levels for On-Premise Electronic Message Centers (EMCs).”
- **D. The Further Research Proposal:** is a summary of the findings of various codes around the Northwest with jurisdictions using both nits and footcandles, and one jurisdiction using both. Nit ranges are from 500-1,000 during the night and limited to 8,000 during the day in these jurisdictions with autodim required.

With the discussions to date in mind and the additional research staff performed, staff are requesting that Planning Commission give direction on which proposal they would like to see used. Staff notes that there may be a benefit in using a dual standard (nits and footcandles) so that sign owners would have targets to set their brightness at and the City would have a way to measure and enforce (footcandles), if a complaint were received.

INVENTORY OF EXISTING EMC SIGNS

Staff also performed an inventory of all existing EMC signs within City limits (see Attachment 4). There are 18 existing EMC signs within City limits, most of those occurring along SR 20 and Midway Boulevard. The signs range in size from three square feet to approximately 70 square feet.

COMPLIANCE WITH REVIEW CRITERIA

Zoning code text amendments are subject to the criteria in OHMC 19.80. Here, staff provide a brief written analysis of these criteria for Planning Commission discussion.

OHMC 19.80.020 REVIEW CRITERIA

1. The amendment must be consistent with the Oak Harbor comprehensive plan.

Response: The Oak Harbor Comprehensive Plan contains many goals and policies. The most pertinent goals and policies pertaining to electronic message center signs are: Land Use Goal 1; Land Use policies 1(d and e); Urban Design policies 2f and 5c; and Economic Development Goal 3. A further response is provided to each of the pertinent goals and policies below.

- a) *Land Use Goal 1: “To respect the “small town” heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City’s future as a regional center.”*

Further Response: *Oak Harbor’s downtown is its historic center and focus of its small town heritage. The downtown continues to maintain a historic feel in its building architecture. Downtown commercial retail properties have narrow lot widths as compared with those along the highway. Lots which have commercial/retail land uses on them in downtown are typically much narrower than commercial properties elsewhere in the City. In addition, commercial buildings are located near front property lines. Buildings reflect architecture from the early to mid 1900s. For these reasons, electronic message center signs are incompatible with the small town heritage of downtown and the draft code proposes language which prohibits electronic message center signs in the Central Business District. This prohibition will respect Oak Harbor’s small town heritage.*

Oak Harbor is a growing community which is the largest commercial center on Whidbey Island. Electronic message center signs are an advertising medium for Oak Harbor businesses which will likely be an important type of signage for businesses outside of downtown in the future. The draft code proposes restrictions on the size, brightness, hours of operation, distance from sensitive land uses, and color which will help make electronic message center signs compatible with their context.

- b) *Land Use 1.d: “Business-related signs, both temporary and permanent, should serve the needs of the business owner and public to identify business locations but should not proliferate in a manner whereby the sum of all signs detracts from a positive aesthetic experience of the City’s commercial areas.”*

Further response: *Electronic message center signs can be an important medium for advertising and identifying businesses. The overall quantity of signs allowed for a property/business is not proposed to be changed with the draft code. Electronic message center signs will be considered to be one more alternative sign type from which business/property owners can choose, but the overall amount of signage allowed for a given property will not increase with this proposal. In addition, staff are proposing restrictions on the size, brightness, hours of operation, distance from sensitive land uses, and color to help control aesthetic impacts of electronic message center signs in all areas where they would be allowed.*

- c) *Land Use 1.e: “Signage standards should promote design sensitivity to the context in which signs are placed and scaled to both the mass of the building and the location of the sign on the lot.”*

Further response: *As with all other types of commercial signs, the quantity and size of electronic message center signs is primarily controlled by the size of the building façade as outlined in OHMC 19.36.030(2): larger building facades are permitted larger and more signs. The size of electronic message center signs is further controlled by the proposed code language limiting building mounted electronic message center signs to 100 square feet in area, EMC pole signs to 50 square feet, EMC monument signs to 24 square feet, and EMC pylon signs to 24 square feet. In addition, no more than one EMC is allowed per property. Thus, EMC signs are scaled to the mass of the building. Moreover, the EMC sign code places contextual limitations on brightness whereby the sign cannot exceed a brightness of 0.3 footcandles above ambient light levels and signs must maintain a minimum distance of 200 feet from residential or open space zoned areas.*

- d) *Urban Design 2.f: “Consideration should be given to revising the sign ordinance in order to encourage signage more in keeping with the unique character of Oak Harbor.”*

Further response: *The proposed code will constitute a revision to the sign ordinance. It will be Planning Commission’s discretion as to whether EMCs are “in keeping with the unique character of Oak Harbor.”*

- e) *Urban Design 5.c: “Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts.”*

Further response: The speed limit on SR-20 is 35-40 miles per hour and 30 miles per hour along Midway. The posted speed along Goldie Road is 35 miles per hour. Together these three streets constitute the vast majority of areas where EMCs could be placed if the proposed ordinance is adopted. The proposed EMCs ordinance contains provisions prohibiting scrolling or moving text, thereby helping to ensure that digital signs are readable from the adjacent roadway.

- f) Economic Development Goal 3: "Increase Oak Harbor's market share of retail sales to reduce the economic leakage off island."

Further response: Signs have been posited to contribute positively to the financial performance of retail businesses according to a study conducted by the University of San Diego between 1995 and 1997, which was sponsored by the sign industry¹. "On average, one additional sign installed on a site would result in an increase in annual sales in dollars of 4.75 percent at the site"² To the degree that EMCs help Oak Harbor businesses advertise and get additional attention from potential patrons, they are likely to contribute positively to the businesses' financial performance.

2. The amendment must substantially promote the public health, safety and welfare.

Response: As previously mentioned, studies have indicated that signs can contribute positively to the economic welfare of the community. Aside from the studies pertaining to traffic safety which are inconclusive, there is no information that staff is aware of that EMCs negatively affect public health.

The topic of safety is more difficult to address. Several studies have been conducted; their results taken as a whole are inconclusive. The majority of studies regarding EMCs with digital capabilities address digital billboards along highways, rather than on-site EMCs with digital capabilities and therefore may not be particularly applicable to this discussion. However, there are a few studies which have applicable findings for on-site EMCs with digital capabilities including a 2004 study by the University of Toronto which found that drivers make twice as many glances at video signs than they do at static signs. In addition, video signs and scrolling text signs received the longest average maximum glance duration³. The only study which deals specifically with onsite EMCs with digital capabilities which staff is aware of found that there is no significant relationship between these signs and automobile accidents and was sponsored by the sign industry.⁴ Therefore, the information available to staff indicates that there are inconclusive studies with regard to the safety impacts of EMCs with digital capabilities.

RECOMMENDED ACTION

Staff requests that Planning Commission provide staff direction on desired brightness standards.

SCHEDULE

The proposed schedule for the remainder of the project is as follows:

- July – Complete discussion on brightness
- August - Conclude public hearing.

¹ Ellis, Seth R. and Robert Johnson. 1997. "Research on Signage Performance." In *The Economic Value of On-Premise Signage*. Malibu, Calif. And Alexandria, Va.: California Electric Sign Association and the International Sign Association.

² Morris, Mayra; Henshaw, Mark L; Mace, Douglas and; Weinstein, Alan. "The Economic Context of Signs." In *Context Sensitive Signage Design*. American Planning Association, page 84.

³ University of Toronto, 2004. "Observed Driver Glance Behavior at Roadside Advertising Signs. Beijer & Smiley.

⁴ Texas A&M University. December, 2012. "Statistical Analysis of the Relationship between On-Premise Digital Signage and Traffic Safety."

ATTACHMENTS

1. Electronic Message Center Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030.
2. Summary of EMC Regulations in Washington and the Northwest
3. Inventory of Existing Electronic Message Center Signs in Oak Harbor
4. Review of Brightness Discussion Since January

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.36 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED "SIGN CODE" TO ALLOW FOR ELECTRONIC MESSAGE CENTER SIGNS WITH VIDEO, ANIMATION, GRAPHIC AND IMAGE CAPABILITIES.

WHEREAS, the City's Comprehensive Plan, Land Use Element, Goal 1 says: "To respect the "small town" heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City's future as a regional center."

WHEREAS, the City's Comprehensive Plan, Land Use Element, Policy 1(d) says: "Business-related signs, both temporary and permanent, should serve the needs of the business owner and public to identify business locations but should not proliferate in a manner whereby the sum of all signs detracts from a positive aesthetic experience of the City's commercial areas," and;

WHEREAS, the City's Comprehensive Plan, Land Use Element, Policy 1(e) says "Signage standards should promote design sensitivity to the context in which signs are placed and scaled to both the mass of the building and the location of the sign on the lot" and;

WHEREAS, the City's Comprehensive Plan, Urban Design Element, Policy 5(c) says "Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts."

WHEREAS, the City of Oak Harbor Comprehensive Plan, Economic Development Element, Goal 3 says: "Increase Oak Harbor's market share of retail sales to reduce the economic leakage off island."

WHEREAS, the City of Oak Harbor conducted a public hearing before the Planning Commission on April 23, 2013 and May 28, 2013. The public hearing was closed on May 28, 2013. Public meetings were held before the Planning Commission on January 22, 2013, February 26, 2013, and March 26, 2013 and;

WHEREAS, the Oak Harbor Planning Commission recommended approval of the subject ordinance to the City Council and;

WHEREAS, the City of Oak Harbor issued Notice of Application on April 27, 2013 and a Determination of Non-Significance (DNS) on June 5, 2013 for a SEPA Environmental Checklist in accordance with Chapter 43.21 RCW and;

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

Section One. Section 19.36.020 of the Oak Harbor Municipal Code last amended by Ordinance 1640 section 1 in 2012 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) "Campaign sign" means a sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a ballot issue.
- (10) "Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.
- (11) "Canopy sign" means any sign erected upon, against or directly above a canopy.
- (12) "Commercial sign" means a sign containing expression related to the economic interests of the advertiser and its audience or a sign proposing a commercial transaction.
- (13) "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.
- ~~(14)~~(14) "Electronic message center" means a sign capable of displaying words ~~or~~ symbols, graphics, images, or video 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.
- ~~(15)~~(165) "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.

(16) "Foot-candle" means a unit of illuminance or illumination, equal to one lumen incident per square foot.

~~(16)~~(17) "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.

~~(17)~~(18) "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.

~~(18)~~(199) "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.).

~~(19)~~(2020) "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.

~~(20)~~(21) "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.

~~(21)~~(22) "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.

~~(22)~~(23) "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.)

~~(23)~~(24) "Marquee" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.

~~(24)~~(25) "Monument sign" means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.

~~(25)~~(26) "Multiple-occupancy building" means a single structure housing more than one type of retail business office or commercial venture.

~~(26)~~(27) "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.

(28) "Nit" means a luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

~~(27)~~(2829) "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.

~~(28)~~(2930) "Occupant" means the person, firm or corporation that occupies the land or building.

~~(29)~~(310) "Office building" means an office building in the commercial and residential-office land use districts as defined by the Oak Harbor zoning ordinance.

~~(30)~~(3132) "Parapet" means that portion of a building wall which extends above the roof of the building.

~~(31)~~(3233) "Penthouse" means a structure on top of a building roof such as houses an elevator shaft or similar form.

~~(32)~~(3334) "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.

~~(33)~~(3435) "Political free speech sign" means a sign which promotes a position on a public or social issue.

~~(34)~~(3536) "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 of incidental signs (see OHMC 19.36.030 and subsection (22) of this section) or temporary or special signs (see 19.36.080). The term "primary sign" is intended to include virtually all signs of a commercial nature.

~~(35)~~(3637) "Property line" means the line denoting the limits of legal ownership of property.

~~(36)~~(338) "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.

(39) "Public service information" means amber alerts or information about community events sponsored by a government or non-profit.

~~(37)~~(3840) "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.

~~(38)~~(41) "Right-of-way" means either a publicly owned fee, an easement or privilege to traverse over land. A right-of-way is for public travel. Rights-of-way may be opened or unopened, and when open usually contain street improvements.

~~(39)~~(42) "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.

~~(40)~~(43) "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.

(41)(4244) "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.

(42)(45) Special Signs. See "Temporary and Special Signs."

(43)(4446) "Special projection sign" means a sign no larger than six square feet projecting out from the side of a building.

(44)(47) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.

(45)(48) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.

(46)(49) Surface Area. See "Area or surface area of sign."

(47)(50) "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.

(48)(51) Temporary and Special Signs. "Temporary and special signs" are those which are not defined as "primary signs" or "incidental signs" by this chapter. Different types of temporary and special signs include, but are not limited to, construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs, subdivision directional signs, A-frame signs, political signs, and campaign signs (see OHMC 19.36.080).

(52) Transition. "Transition" means the time interval between display changes of graphics, text, messages, or images on electronic message center signs.

(49)(53) Transitory signs. Transitory signs, also known as "human signs," are those carried by or worn by a human being usually for the purposes of a protest, demonstration, rally, or other similar event.

(50)(54) "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.~~

(51)(52) ~~"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.~~

(52)(55) "Way open to public" means any paved or unpaved area on private property open to the general public for driving or parking.

~~(53)~~(556) “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 Two. Section 19.36.030 of the Oak Harbor Municipal Code last amended by Ordinance 1553 section 3 in 2009 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) 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~~ C-1, C-3, C-4, and C-5, zoning districts. Said signs shall meet the following standards:
- (i) ~~Electronic message center signs~~ Electronic message center signs ~~The sign~~ shall follow the standards established in subsections (2) through (5) of this section above ~~except where further modified by the specific provisions in this subsection entitled "Electronic Message Center Signs."~~ except where further modified by the specific provisions in this subsection entitled "Electronic Message Center Signs."
 - ~~(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;~~
 - (ii) Size. Electronic message center signs shall be included in the maximum sign area allowed for the business or development under 19.36.030(2 and 3); However, in no case shall an electronic message center sign exceed 100 square feet in size. Additionally,

electronic message center signs can comprise 100 percent of a building mounted primary sign, no more than 75 percent of a monument primary sign, and no more than 50 percent of a pole or pylon primary 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;~~
- (iii) Number. Only one electronic message center sign is allowed per property. Multitenant buildings on a single property are permitted a single electronic message center sign.
- ~~(iv) Freestanding electronic message center signs shall be constructed~~The sign shall be constructed as an integral part of a permanent sign constructed on site, except as permitted under subsection (5)(g)(~~xix~~ii) 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~~
- (vi) Animation and video. Animation and video are permitted on electronic message center signs. Animation and video must be steady and avoid shaking, trembling, quavering, or quaking effects. Animation and video cannot portray action or movement at speeds faster than what occurs in real life. Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.
- (vii) Duration. The entirety of a message, text, graphic, or image including message segments must remain on-screen for a minimum of ten seconds. There is no maximum duration for messages, text, graphics, or images. Videos must have a minimum duration of two seconds and a maximum duration of five seconds.
- (viii) Transitions. Instantaneous transitions of colors, graphics, text, or images are prohibited. When the sign is transitioning between colors, graphics, images, or text the transition must occur within one second and no less than 0.5 seconds. This provision shall not be interpreted to prohibit video.
- (vix) Scrolling or moving text is prohibited.
- (x) Color. Color may be used in electronic message center signs. However, white backgrounds are prohibited.
- ~~(vixi) 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)(j) 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~~
- ~~;(xiv) Orientation. Freestanding electronic message center signs must be directed away from adjacent residentially zoned or open space zoned properties including properties across a public right-of-way. No electronic message center sign may be located closer than 200 feet from residentially zoned or open space zoned properties as measured from the sign location to the nearest property line of the residential or open space zoned property.~~
- ~~(x) Electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts brightness because of ambient light conditions;~~
- ~~(xv)(xi) Brightness/Illuminance. (Brightness Standards To Be Determined.) 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; settings of the sign so as to exceed the brightness standard specified herein.~~
- ~~- The City may request and the sign owner/operator may voluntarily choose to reduce the brightness/illuminance level of a sign that meets brightness standards, but is still perceived to be too bright for its surrounding context.~~
- ~~(xviii) 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.; Hours of operation. Electronic message center sign displays must be turned off between the hours of 10:00 p.m. and 6:00 a.m. when located 300 feet from a residentially zoned property.~~
- ~~(xvii) Angle. Electronic message center signs shall be mounted perpendicular to the ground.~~
- ~~(xviii). Malfunction. If the electronic message center sign malfunctions so as to affect the normal function and display of the sign, the sign is required to be turned off until function has been restored.~~
- ~~(xix)(iii) 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~~x) of this section.

(xx). All existing electronic message center signs which are non-conforming with regard to brightness and/or hours of operation must be brought into conformance with the brightness and hours of operation standards within one year of the adoption of this code.

- (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.

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 19.36.030(5)(g).
 - (d) 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).
 - (e) Street Address Identification. Each building or complex of buildings shall display and maintain on-premises street address number identification.
 - (f) 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.
 - (g) 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.
 - (h) Legal nonconforming signs same as OHMC 19.36.030(10) and (11).
 - (i) 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 Three. Section 19.36.050 of the Oak Harbor Municipal Code last amended by Ordinance 1553 section 4 in 2009 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 in the I, PIP, and PBP zones and shall be meet the requirements of 19.36.030 for business district signs.

Section Four. Section 19.36.060 of the Oak Harbor Municipal Code last amended by Ordinance 1640 section 2 in 2009 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 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(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) 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. Electronic message center signs in the PF zone are allowed and shall meet the requirements of 19.36.030 for business district signs.~~

Section Five. 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 Six. Effective Date. This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this _____ day of _____ 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Approved as to Form:

Valerie J. Loffler, City Clerk

Grant K. Weed, Interim City Attorney

Introduction:

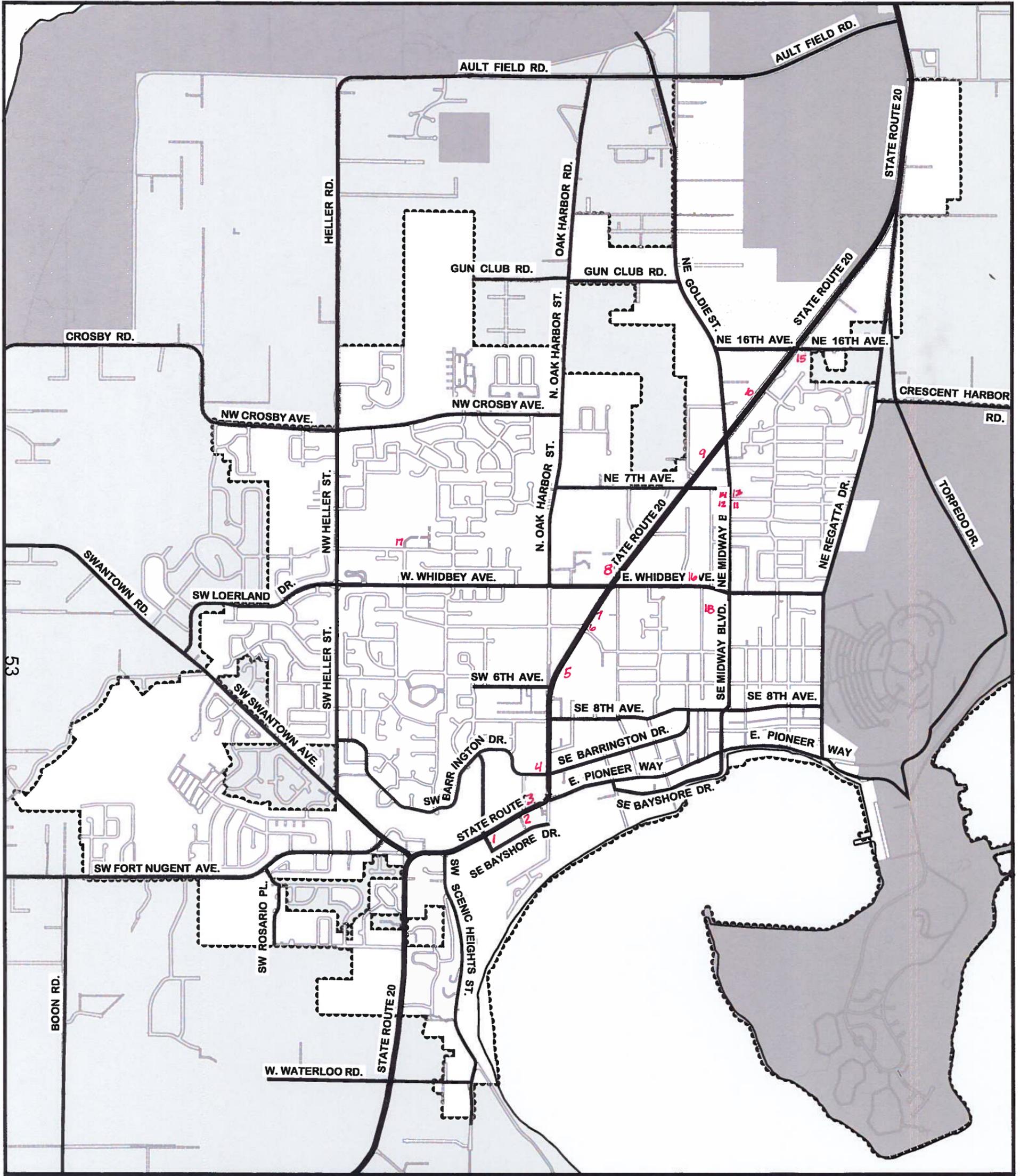
Adopted:

Published:

Summary of EMC Regulations in Washington and the Northwest

Sign Feature	Jefferson County	SeaTac	Monroe	Moscow, ID	Burlington	Federal Way	Everett	Shoreline	Anacortes	Bellingham
Brightness Standard	0.3 to 0.8 footcandles above ambient depending on the zone. Must use autodim.	500 nits (night) - 8,000 nits (day).	0.3 to 0.8 footcandles above ambient depending on the zone. Must use autodim.	500 nits (night) - 8,000 nits (day). In addition, no more than 0.3 footcandles above ambient. Must use autodim.	1,000 nits (night) - 8,000 nits (day)	N/A	non-numeric: "shall be of such a light intensity to not cause any disruption of surrounding residential uses."	None	None	N/A
Video/Animation?	Yes, provided that sign is 35 feet from another sign using electronic display	No	Yes, provided that sign is 35 feet from another sign using electronic display	No	No	No	No	No	None	Animated signs allowed, but only for theaters
Duration	Minimum 8 seconds for text/2 second duration for video	1.5 seconds minimum	Minimum 8 seconds for text/2 second duration for video	Once every 8 seconds	Minimum of 2 seconds	N/A	Minimum 2 seconds for text	N/A	Once every 20 seconds	N/A
Other	Permit must be renewed each year.	Issue non-conforming sign permits for existing signs	Permit must be renewed each year.	Non-conforming signs must comply to the extent feasible						

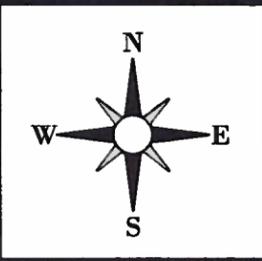
Map Location	Name of Business	Street Address	Freestanding / Building Mounted	Type of Sign	Height	Size in Sq Ft	Setback Front Ft	Setback Side Ft	Notes / Comments
1	Whidbey Island Bank	450 SW Bayshore Dr	Freestanding Pole	Time & Temp	12' 8"	8	8'	125'	
2	7 Eleven	31300 SR 20	Freestanding Pole	Gas Price	14'	25	20	40	
3	DK Market	31325 SR 20	Freestanding Pole	Gas Price	12'	3	5'	5'	On Corner of Lot
4	Safeway Gas	31525 SR 20	Freestanding Pole	Gas Price	20'	21	5'	72'	
5	7th Day Adventist Church	31830 SR 20	Freestanding Monument	Message Center	4' 6"	23	5'	90'	
6	Island Café	32070 SR 20	Freestanding Pole	Message Center	9' 6"	16	15'	9'	On Corner of Lot
7	Island Drug	32170 SR 20	Freestanding Pole	Message Center	11' 5"	35	5'	100	
8	Flyers	32295 SR 20	Freestanding Pole	Message Center	13'	19	5'	21'	
9	Navy Federal Credit Union	32885 SR 20	Freestanding Monument	Message Center	4' 6"	23	5'	106'	
10	China City	33185 SR 20	Freestanding Pole	Message Center	17' 6"	14	15'	100'	
11	Banner Bank	570 NE Midway Blvd	Freestanding Pole	Time & Temp	14' 10"	16.25	5'	105'	
12	Gerald's Jewelery	645 NE Midway Blvd	Building Mounted	Message Center	20' 3"	68.5	100'	NA	
13	Alaska Federal Credit Union	650 NE Midway Blvd	Freestanding Pole	Time & Temp	16'	10	10'	20'	
14	Whidbey Island Bank	675 NE Midway Blvd	Freestanding Pole	Time & Temp	12'	8	5'	5'	
15	Midway Shell	960 NE Midway Blvd	Freestanding Pole	Gas Price	18	18	8'	20'	On Corner of Lot
16	Dr. Wezeman Dental	926 E Whidbey Ave	Freestanding Monument	Time & Temp	7'	1.5	18'	22' 6"	
17	Oak Harbor High School	1 Wildcat Way	Freestanding	Message Center	10'	19	26'	525'	
18	Oak Harbor Elementary	151 SW Midway Blvd	Building Mounted	Message Center	12	8	NA	NA	Sign on West Façade of Gymnasium Facing Student Pick Up & Drop Off - Not Yet Installed



LEGEND

- Navy Land
- City Limits

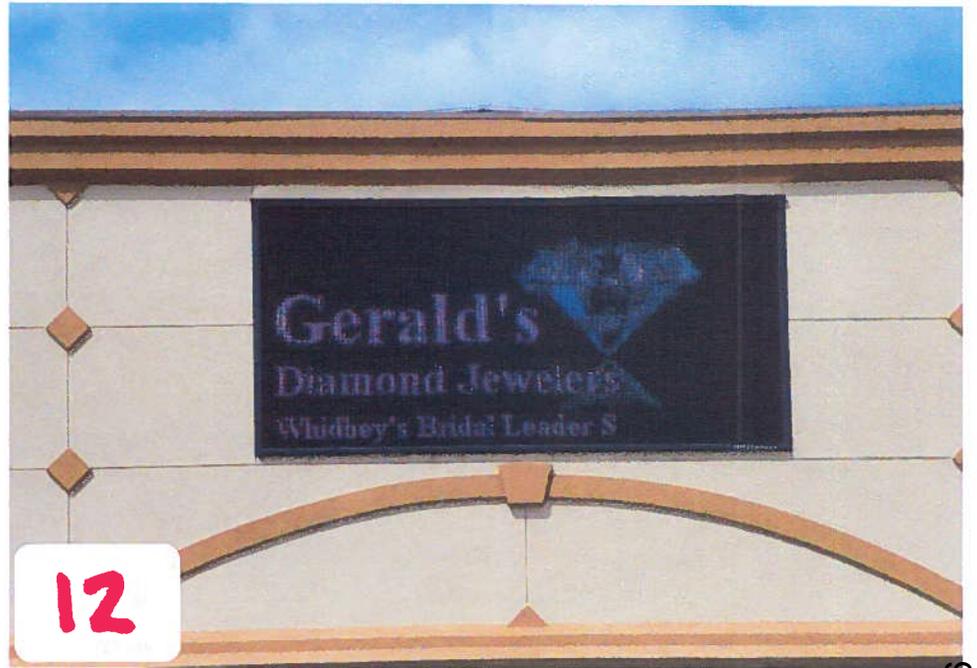
0 1000 2000 3000
SCALE IN FEET



**VICINITY MAP
FIGURE X.X**









14



16



13



15



PERMITTED SIGN



Review of Brightness Discussions Since January

	A. Original Proposal	B. Modified Proposal	C. Input from ISA	D. Further Research
Brightness Standard Used	500 nits (night), 5,000 nits (day)	C1, I, PIP, PBP, PF: 1,000 nits (night), 8,000 nits (day). C3, C4, C5: 1,500 nits (night), 13,000 nits (day)	0.3 footcandles above ambient with autodim technology	Jefferson Cty/Monroe: 0.3 to 0.8 footcandles above ambient with autodim. Seatac 500 nits (night)/8,000 nits (day). Burlington: 1,000 nits (night) - 8,000 nits (day). Moscow: 500 nits (night), 8,000 nits day w/ autodim.
Source for this Standard	"The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs."	Planning Commission Input	International Sign Association: "Recommended Night Time Brightness Levels for On-Premise Electronic Message Centers (EMCs)"	Code research

Bed and Breakfast Code

Introduction

Public Meeting

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 7/16/13
Re: Bed and Breakfast Draft Code- Continued Discussion

PURPOSE

This month, Planning Commission will continue its discussion on the draft code provisions to more permissively allow bed and breakfast establishments (B&Bs) in Oak Harbor. This memorandum discusses changes to the draft code since last month's discussion based upon input from the Planning Commission, as well as the schedule for the remainder of the project.

CHANGES TO THE DRAFT CODE SINCE LAST MONTH

Staff made the following changes to the draft code based upon Planning Commission input:

- **Accessory Commercial.** Staff changed the definition of “Bed and Breakfast Inns” and “Bed and Breakfast Rooms (residential)” to allow accessory business, service, or commercial uses at these B&B establishments in residential zones. Planning Commission had expressed a desire to allow B&Bs to sell trinkets, postcards, t-shirts, etc. The business, service, or commercial use could not comprise more than 100 square feet in residential zones. Note that in the commercial zones where B&Bs are allowed, (C1 and CBD) there is no particular limit on commercial uses in conjunction with B&Bs other than those restrictions already specified for commercial uses in the code.
- **Signs in residential zones:** Staff added language for B&B signs in all residential districts indicating that signs shall use “non-flashing, non-reflective material” and may contain only the name of the facility or the operator. This provision will help protect residential uses from the light impacts of reflective and flashing signs.
- **Signs in the C-1 and CBD zones:** Rather than limit B&B establishments in these commercial zones to a four-square-foot sign, staff revised this language to allow signs consistent with other commercial uses in this district.
- **Parking in CBD:** Staff deleted language requiring parking to be onsite in the CBD. As with all other uses in the CBD, B&Bs in this zone would not be required to have off-street parking.
- **Resident/manager in commercial zones:** Staff revised language to indicate that a resident *or* manager must be onsite. Previously, the language indicated that a resident must be present at residential or commercial B&Bs in commercial zones. The language was problematic because the City cannot likely require a residence at a commercial B&B.

DISCUSSION OF CONDITIONAL USES

Planning Commission requested information on the conditional use process and how this integrates with the proposed B&B code. B&B establishments would be permitted through a conditional use permit in the R-1 and R-2 zones and would, thus, be subject to the conditional use permit requirements in OHMC 19.67. The conditional use process is a Type III review with a recommendation made by staff to the City's hearing examiner who conducts a public hearing. This process notifies all property owners within 300 feet of the proposal and gives them an opportunity to comment on the proposal at the public hearing. Conditional use applications typically take approximately 60 days to process once all application materials have been received accounting for required public notice periods and the hearing.

The conditional use process sets up a system whereby the impacts of a proposal can be considered on a case-by-case basis and appropriate conditions attached. Thus, if a particular B&B proposal was thought to have unique impacts on the surrounding area, such as being located very close to another residence where noise and light impacts might be a concern. In this theoretical example, staff could recommend that the B&B establishment be conditioned to require additional landscaping to help buffer noise and downward directed lighting to reduce light overflow.

Therefore, the conditional use permit process allows staff and the hearing examiner to apply appropriate conditions on a case-by-case basis, rather than treating all B&Bs exactly the same. The proposed code would require that B&B establishments in the R-1 (low density residential) and R-2 (limited multifamily residential) zones obtain a conditional use permit under the assumption that B&Bs would have the greatest impact on adjacent uses in these zones.

SCHEDULE

The following is a proposed schedule for this project:

- July – Planning Commission continued discussion of B&Bs
- August – Public hearing for bed and breakfast draft code. Close public hearing and make recommendation to City Council.

ATTACHMENTS

1. Bed and Breakfast Draft Code – Amendments to OHMC Chapters 19.08, 19.20, and 19.44.
2. OHMC Chapter 19.67 “Conditional Uses.”

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.08 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED “DEFINITIONS” AND ALSO AMENDING CHAPTER 19.20 ENTITLED “ZONING.”

WHEREAS, the City’s Comprehensive Plan, Economic Development Goal 6 says: “Ensure tourism with an emphasis on strengthening Oak Harbor as a tourist destination.” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element, Goal 5 says “To protect existing land uses as new development occurs” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element Goal 6 says “To encourage land use opportunities for diversified economic development, and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element, Goal 8 says “to ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element Goal 19 says “ to create and maintain a balanced community that mixes residential and non-residential uses in a way that promotes environmental quality and community aesthetics.”

WHEREAS, the City of Oak Harbor conducted a public hearing before the Planning Commission on May 28. A public meeting was held before the Planning Commission on April 23, 2013.

WHEREAS, the Oak Harbor Planning Commission recommended approval of the subject ordinance to the City Council and;

WHEREAS, the City of Oak Harbor issued Notice of Application on XXXX, 2013 September 15, 2012 and a Determination of Non-Significance (DNS) on XXXX, 2013 for a SEPA Environmental Checklist in accordance with Chapter 43.21 RCW and;

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

Section One. Chapter 19.08 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 4 in 2009 is hereby amended to read as follows:

Chapter 19.08 DEFINITIONS

Sections:

- 19.08.005 Definitions.
- 19.08.010 Accessory dwelling unit.
- 19.08.015 Accessory use.
- 19.08.020 Alley.
- 19.08.025 Alteration.
- 19.08.030 Assisted living facility.
- 19.08.035 Auto convenience market.
- 19.08.040 Automatic teller machine.
- 19.08.045 Automobile service station including self-service.
- 19.08.050 Aviation environs.
- 19.08.055 Banner.
- 19.08.060 Basement.
- 19.08.061 Bed and Breakfast Inns
- 19.08.062 Bed and Breakfast Room (residential)
- 19.08.063 Bed and Breakfast Room (commercial)
- 19.08.065 Berm.
- 19.08.070 Binding site plan.
- 19.08.075 Hearing examiner.
- 19.08.078 Building code.
- 19.08.079 Fire code.
- 19.08.080 Brew pub.
- 19.08.085 Buffer.
- 19.08.090 Buildable area.
- 19.08.095 Building.
- 19.08.100 Building, accessory.
- 19.08.105 Building area.
- 19.08.110 Building, detached.
- 19.08.115 Building height.
- 19.08.120 Building line.
- 19.08.125 Building, multiple-occupancy.
- 19.08.130 Building, office.
- 19.08.135 Building, quasi-public.
- 19.08.140 Building, single-occupancy.
- 19.08.145 Building site.
- 19.08.150 Canopy.
- 19.08.155 Carport.
- 19.08.160 Certificate of occupancy.
- 19.08.165 Child day care center.
- 19.08.170 Church.
- 19.08.175 City.
- 19.08.180 City staff.

19.08.185	Club.
19.08.190	Coffee kiosk.
19.08.195	Commercial use.
19.08.200	Commercial vehicle.
19.08.205	Conditional use.
19.08.210	Condominium.
19.08.215	Court.
19.08.220	Covered moorage building area.
19.08.225	Currency exchange.
19.08.230	Data processing facility.
19.08.235	Day-night average sound level (Ldn).
19.08.240	Deciduous.
19.08.245	Density.
19.08.250	Design review board.
19.08.252	Director of development services.
19.08.255	Dock.
19.08.260	Dwelling, multifamily.
19.08.265	Dwelling, single-family.
19.08.270	Dwelling unit.
19.08.275	Electrical distribution substation.
19.08.280	Essential public facility.
19.08.285	Essential use.
19.08.290	Evergreen.
19.08.295	Extended stay motel.
19.08.300	Factory-built structure.
19.08.305	Family.
19.08.310	Floor area.
19.08.315	Fraternity, sorority or student cooperative.
19.08.320	Garage, commercial.
19.08.325	Gated community.
19.08.330	General promotions.
19.08.335	Grade (adjacent ground elevation).
19.08.340	Grand openings and anniversaries.
19.08.345	Greenbelt.
19.08.350	Ground cover.
19.08.355	Health club.
19.08.360	Home, family child day care.
19.08.365	Home, foster.
19.08.370	Home, group.
19.08.375	Home improvement center.
19.08.380	Home occupation.
19.08.385	Hospital.
19.08.390	Hospital, animal.
19.08.395	Hotel.
19.08.400	House, apartment.
19.08.405	House, boarding, lodging or rooming.

19.08.410	House, guest.
19.08.415	Institution, educational.
19.08.420	Junkyard.
19.08.425	Kennel, commercial.
19.08.430	Kitchen.
19.08.435	Land clearing.
19.08.440	Landscape perimeter.
19.08.445	Landscape policy manual.
19.08.450	Landscape setback.
19.08.455	Landscaping.
19.08.460	Ldn contour.
19.08.465	Lot.
19.08.470	Lot area.
19.08.475	Lot, corner.
19.08.480	Lot coverage.
19.08.485	Lot depth.
19.08.490	Lot, developed single-family residential.
19.08.495	Lot, interior.
19.08.500	Lot, irregular shaped.
19.08.505	Lot line.
19.08.510	Lot line, front.
19.08.515	Lot line, rear.
19.08.520	Lot line, side.
19.08.525	Lot, partially developed single-family residential.
19.08.530	Lot, through.
19.08.535	Lot, undeveloped.
19.08.540	Lot width.
19.08.545	Marquee.
19.08.550	Mixed use.
19.08.555	Manufactured home.
19.08.560	Manufactured home park.
19.08.565	Manufactured home subdivision.
19.08.570	Moorage.
19.08.575	Motel.
19.08.580	Multiple-occupancy complex.
19.08.585	Neighborhood convenience store.
19.08.590	Noise zone map.
19.08.595	Nonconforming structure.
19.08.600	Nonconforming use.
19.08.605	Nonconforming use, land.
19.08.610	Occupant.
19.08.615	Opaque.
19.08.620	Open space.
19.08.625	Parapet.
19.08.630	Parking, employee.
19.08.635	Parking, off-street.

- 19.08.640 Parking space.
- 19.08.645 Penthouse.
- 19.08.650 Permit, conditional use.
- 19.08.655 Permit, land clearing.
- 19.08.660 Permit, minor clearing.
- 19.08.665 Permit, temporary use.
- 19.08.670 Permitted use.
- 19.08.675 Primary use.
- 19.08.680 Professional office.
- 19.08.685 Property line.
- 19.08.690 Public utility.
- 19.08.695 Qualified affordable housing.
- 19.08.700 Recreation facilities.
- 19.08.705 Recreational vehicle.
- 19.08.710 Reside.
- 19.08.715 School, commercial.
- 19.08.720 Schools – Elementary, junior or senior high, including public, private and parochial.
- 19.08.725 Screen.
- 19.08.730 Secondary use, incidental or accessory.
- 19.08.735 Setback and yard requirements.
- 19.08.740 Shelter station.
- 19.08.745 Shopping center.
- 19.08.750 Shrub.
- 19.08.755 Sign.
- 19.08.760 Sign, abandoned.
- 19.08.765 Sign, area or surface area.
- 19.08.770 Sign, billboard.
- 19.08.775 Sign, building-mounted.
- 19.08.780 Sign, canopy.
- 19.08.785 Sign, construction.
- 19.08.790 Sign, freestanding.
- 19.08.795 Sign, grade.
- 19.08.800 Sign, height of.
- 19.08.805 Sign, incidental.
- 19.08.810 Sign, low-profile.
- 19.08.815 Sign, noncommercial public service.
- 19.08.820 Sign, political.
- 19.08.825 Sign or signs, primary.
- 19.08.830 Sign, projection.
- 19.08.835 Sign, reader board.
- 19.08.840 Sign, roof.
- 19.08.845 Signs, subdivision.
- 19.08.850 Signs, temporary and special.
- 19.08.855 Sign, window.
- 19.08.860 Skilled nursing facility.

19.08.865	Solid planting.
19.08.870	Sorority.
19.08.875	Story.
19.08.880	Street.
19.08.885	Structure.
19.08.890	Structural alteration.
19.08.895	Surface area or facade.
19.08.896	Temporary.
19.08.897	Tree.
19.08.898	Tree cluster, grove or stand.
19.08.899	Tree root zone.
19.08.900	Understory.
19.08.901	Tree, ornamental.
19.08.905	Tree, shade.
19.08.910	Tree, significant.
19.08.915	Upholstery shop.
19.08.920	Use.
19.08.925	Use district.
19.08.930	Used car lot.
19.08.935	Uses, prohibited.
19.08.940	Variance.
19.08.945	Vehicular surface area.
19.08.950	Video rental store.
19.08.955	Waste, hazardous.
19.08.960	Waste, hazardous – Off-site treatment and storage facility.
19.08.965	Waste, hazardous – On-site treatment and storage facility.
19.08.970	Waste, hazardous – Storage of.
19.08.975	Waste, hazardous – Treatment of.
19.08.980	Way open to public.
19.08.985	Wireless communications facility, macro.
19.08.990	Wireless communications facility, micro.
19.08.995	Wireless communications facility, mini.
19.08.1000	Wireless communications facility, monopole.
19.08.1005	Xeriscape.
19.08.1010	Yard.
19.08.1015	Yard, front.
19.08.1020	Yard, rear.
19.08.1025	Yard, service.
19.08.1030	Yard, side.

19.08.061 Bed and Breakfast Inn

“Bed and Breakfast Inn” means a building or group of buildings on a lot which is designed or used for rental for transient lodging, where:

- (1) Not more than ten rooms are available for such rental;
- (2) No meals are served to members of the general public;
- (3) In residential zones, only accessory business, service, or commercial activity is allowed or provided on premises which shall not exceed 100 square feet in size. Such business shall only serve guests of the bed and breakfast establishment.
- (4) No room is rented to more than four persons.

19.08.062 Bed and Breakfast Rooms (residential)

“Bed and breakfast room (residential) means a room used for rental to not more than four persons for transient lodging situated in a building which is used primarily as the dwelling for a non-transient family, or in the case where there is an approved accessory dwelling unit on the same property, the principal dwelling is owner-occupied, and where:

- (1) Not more than four rooms are available for such rental
- (2) No meals are served to members of the general public; and
- (3) In the residential zones, only accessory business, service, or commercial activity is allowed or provided on premises which shall not exceed 100 square feet in size. Such business shall only serve guests of the bed and breakfast establishment.
- (4) If the principal dwelling ceases to be owner-occupied, the bed and breakfast use shall be terminated.

19.08.063 Bed and Breakfast Rooms (commercial)

“Bed and breakfast room (commercial)” means a room used for rental to not more than four persons for transient lodging situated in a building which is used primarily as a commercial establishment, where:

- (1) Not more than four rooms are available for such rental
- (2) No meals are served to members of the general public; and
- (1)(3) The room(s) are located above the first or street level or behind the street front side of the building.

Section Two. Section 19.20.005 through 19.20.095 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 is hereby readopted.

Section Three. Sections 19.20.100 through 19.20.120 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article II. R-1 – Single-Family Residential

19.20.100 Purpose and intent.

The R-1 single-family residential district is intended for low-density, urban, single-family residential uses, while providing sufficient density to allow the city to effectively provide

needed urban services. Manufactured home subdivisions are also allowed in this zone. The densities for this district range between a minimum of three units per gross acre and a maximum of six units per gross acre.

19.20.105 Principal permitted uses.

In an R-1 district, the following are principal permitted uses:

- (1) One single-family detached dwelling structure on each lot;
- (2) Development under a planned residential development as per Chapter 19.31 OHMC;
- (3) Manufactured home subdivisions as defined by OHMC 19.08.565 and in compliance with Chapter 19.25 OHMC.

19.20.110 Accessory permitted uses.

In an R-1 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops, and barns; provided, that none shall be rented or occupied for gain;
- (2) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located within the setback lines of the lot.

19.20.115 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-1 district when authorized by the hearing examiner:

- (1) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located outside of the setback lines of the lot when:
 - (a) Reception cannot be obtained when located within the setback lines;
 - (b) The location in a setback yard does not block the view of Oak Harbor Bay proposed from other property;
 - (c) The antenna does not cause a danger to adjacent properties;
 - (d) The antenna installation complies with all other zoning and building provisions of this code.
- (2) Assisted living facility.
- (3) Bed and breakfast rooms (residential only) subject to the following conditions:
 - (a) A resident is domiciled onsite;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Such signs shall use nonflashing nonreflective materials; and the legend shall show only the name of the facility and/or the operator and/or the address. Pole or pylon signs are prohibited.
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;

- | (~~34~~) Cemetery, mausoleum, or crematorium, but only in connection therewith.
- | (~~54~~) Churches and associated rectories, convents or other similar structures.
- | (~~65~~) Community center building.
- | (~~76~~) Excavations, other than simple foundation.
- | (~~87~~) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution.
- | (~~98~~) Golf course, including club house, but not an independent pitch-and-putt course, golf driving range or miniature golf.
- | (~~910~~) Government buildings for administrative or protective services, government storage yards, treatment plants, well sites, pump stations and sanitary landfills.
- | (~~1011~~) Group home.
- | (~~1112~~) Home occupations as regulated in Chapter 19.34 OHMC.
- | (~~1213~~) Hospital.
- | (~~1314~~) Landfills, reclamation to improve steep, low or otherwise unusable land.
- | (~~1415~~) Mortuaries.
- | (~~1516~~) Nursery and landscape material, including greenhouses.
- | (~~1617~~) Private club, lodge, social or recreation building or community assembly hall (except those having a chief activity carried on for monetary gain); provided, that the buildings used for such purpose may require additional front, rear or side yard setback from an adjoining lot in any residential district beyond the established requirements in the parent zoning district.
- | (~~1718~~) Private nursery school, foster home, kindergarten, or child day care center, not qualifying as a home occupation, on a legal lot, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight.
- | (~~1819~~) Private park or recreational area operated by a nonprofit community organization or association as a neighborhood playground, or local community recreational area, operated for the benefit of and exclusive use of members and their invited guests. Applications for a conditional use under this section shall state the specific use or uses to which the proposed neighborhood playground or local community recreational area shall be put. Conditional uses granted under this section shall be limited to one or more of the specific use or uses requested. Any use or uses in addition to or different from those specifically permitted by the hearing examiner hereunder shall require the separate approval of the hearing examiner. Included within the generality of the phrase “neighborhood playground, or local community recreational areas,” but not limited thereto, are swimming pools, community beaches and tennis courts, together with appurtenances thereto.
- | (~~1920~~) Public school.
- | (~~2021~~) Public or private college.
- | (~~2122~~) Public, private or parochial school and supporting dormitory facilities.
- | (~~2223~~) Public or semi-public building serving as a library, museum or other similar purpose.
- | (~~2324~~) Public transportation shelter stations.
- | (~~2425~~) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, or pumping station, provided there shall be no service or storage buildings or yards in connection therewith.

- (~~2526~~) Radio and television broadcasting stations and towers.
- (~~2627~~) Rapid transit terminals.
- (~~2728~~) Skilled nursing facility.

19.20.120 Density provisions.

For single-family dwelling structures, in an R-1 district, the following density provisions apply:

- (1) Minimum density, three DU/AC; maximum density, six DU/AC;
- (2) Minimum lot area, 7,200 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard, 20 feet;
- (6) Minimum side yard setbacks are 12 feet and five feet; however, minimum side yard along the flanking street of a corner lot, 15 feet;
- (7) Minimum rear yard, 20 feet;
- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage, 35 percent of lot area;
- (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
- (11) Development as a planned residential development may occur subject to Chapter 19.31 OHMC.

Section Four. Sections 19.20.125 through 19.20.155 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article III. R-2 – Limited Multiple-Family Residential

19.20.125 Purpose and intent.

The R-2 limited multiple-family residential district is intended for medium density residential housing. Manufactured home subdivisions and parks are allowed in this zone. The densities for this district range between a minimum density of three units per gross acre and a maximum density of 12 units per gross acre. The R-2 districts are intended only for those areas having safe and convenient access to improved collector or arterial streets and adequate public services.

19.20.130 Principal permitted uses.

In an R-2 district, the following are principal permitted buildings and uses:

- (1) Principal use permitted in an R-1 district;
- (2) Duplexes, two-family dwelling structures;
- (3) Multifamily dwellings;

- (4) Development under a planned residential development as per Chapter 19.31 OHMC;
- (5) Manufactured home subdivisions and parks in compliance with Chapter 19.25 OHMC.

19.20.135 Accessory permitted uses.

In an R-2 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines.

19.20.140 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-2 district when authorized by the hearing examiner:

- ~~(1) Any conditional use permitted in an R-1 district;~~
- ~~(2) Bed and breakfast rooms (residential only) subject to the following conditions:~~
 - ~~(a) A resident is domiciled onsite;~~
 - ~~(b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.~~
 - ~~(c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Such signs shall use nonflashing nonreflective materials; and the legend shall show only the name of the facility and/or the operator and/or the address. Pole or pylon signs are prohibited.~~
 - ~~(d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;~~
- ~~(2) Bed and breakfast inns subject to the following conditions:~~
 - ~~(a) There shall be no more than four guest rooms;~~
 - ~~(b) Service of meals shall be to registered guests only;~~
 - ~~(c) here shall be a full-time manager domiciled on the premises;~~
 - ~~(d) Parking of guest vehicles shall be accommodated on the same site with the main building;~~
 - ~~(e) Only one on-premises sign not exceeding four square feet in area shall be permitted. Maximum height of pole signs shall be 42 inches;~~
- ~~(3) Bed and breakfast rooms subject to the following conditions:~~
 - ~~(a) A resident family is domiciled within the structure;~~
 - ~~(b) No more than 50 percent of the existing bedrooms are devoted to bed and breakfast;~~
 - ~~(c) Parking of guest vehicles shall be accommodated on the premises;~~
 - ~~(d) Only one on-premises sign not more than four square feet in area shall be permitted. Maximum height of pole signs shall be 42 inches;~~
 - ~~(e) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;~~

~~(f) The use of the building as a dwelling is the predominant use.~~

19.20.145 Density provisions.

In an R-2 district, the following density provisions apply:

- (1) Minimum density, three DU/AC; maximum density, 12 DU/AC;
- (2) Minimum lot area: 6,000 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard setback, 20 feet; see also subsection (6) of this section;
- (6) Minimum side yard setbacks are 20 feet, five feet on one side for duplexes and multiple-family dwellings while single-family detached dwelling structures must provide minimum 12-foot and five-foot side yard setbacks. For both single-family and multiple-family dwellings, side yard along the flanking street of a corner lot is 15 feet (see also subsection (7) of this section);
- (7) Minimum rear yard setbacks where distinguishable from side yards and where required for a platted lot shall not be less than 25 feet for duplexes and multiple-family dwellings, while for single-family detached dwelling structures they shall not be less than 20 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;
- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot is to be kept free of impervious surfacing;
- (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line; provided, there are six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
- (11) Development may occur as a planned residential development subject to Chapter 19.31 OHMC.

19.20.150 Landscaping requirements.

Except for single-family dwellings and duplexes, landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.155 Site plan review required.

Site plan review shall be required as defined in Chapter 19.48 OHMC.

Section Five. Sections 19.20.160 through 19.20.190 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article IV. R-3 – Multiple-Family Residential

19.20.160 Purpose and intent.

The R-3 multiple-family residential district is intended to provide for and protect areas for medium- to high-density multiple-family residential development. The densities for this district range between a minimum density of six units per gross acre and a maximum density of 16 units per gross acre. The R-3 districts are intended only for those areas adjacent to arterials or collector streets, without generation of additional traffic upon residential streets, and with adequate public services.

19.20.165 Principal permitted uses.

In an R-3 district, the following are principal permitted buildings and uses:

- (1) Principal uses permitted in an R-2 district, except single-family uses;
- (2) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises;
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of OHMC Chapter 19.44;
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Such signs shall use nonflashing nonreflective materials; and the legend shall show only the name of the facility and/or the operator and/or the address. Pole or pylon signs are prohibited.
- (3) Bed and breakfast rooms (residential only) subject to the following conditions:
 - (a) A resident is domiciled onsite;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Such signs shall use nonflashing nonreflective materials; and the legend shall show only the name of the facility and/or the operator and/or the address. Pole or pylon signs are prohibited.
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;
- ~~(2)~~(4) ~~(42)~~ Manufactured home park, subject to the provisions of Chapter 19.25 OHMC;
- ~~(3)~~(5) ~~(53)~~ Multifamily dwellings;
- ~~(4)~~(6) ~~(64)~~ Development under a planned residential development as per Chapter 19.31 OHMC.

19.20.170 Accessory permitted uses.

In an R-3 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines.

19.20.175 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-3 district when authorized by the hearing examiner:

- (1) Any conditional use permitted in an R-2 district;
- (2) Assembly hall;
- (3) Gymnasium or stadium in connection with public or private schools certified by the State of Washington Board of Education.

19.20.180 Density provisions.

In an R-3 district, the following density provisions apply:

- (1) Minimum density, six DU/AC; maximum, 16 DU/AC;
- (2) Minimum lot area: 6,000 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard setback, 20 feet; see subsection (7) of this section;
- (6) Minimum side yard setbacks are 20 feet, five feet on one side. Minimum side yard along flanking street of a corner lot is 15 feet; see subsection (7) of this section;
- (7) Minimum rear yard setbacks, where distinguishable from side yards and where required for a platted lot, shall not be less than 25 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;
- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot area is to be kept free of impervious surfacing;
- (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line, provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
- (11) Development as a planned residential development may occur subject to Chapter 19.31 OHMC.

19.20.185 Landscaping requirements.

Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.190 Site plan review required.

Site plan review shall be required as defined in Chapter 19.48 OHMC.

Section Six. Sections 19.20.195 through 19.20.225 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted:

Section Seven. Sections 19.20.230 through 19.20.260 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eight. Sections 19.20.265 through 19.20.295 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article VII. C-1 – Neighborhood Commercial

19.20.265 Purpose and intent.

The C-1 neighborhood commercial district is intended to provide for limited commercial facilities serving residents of the surrounding residential district.

19.20.270 Principal permitted uses.

In a C-1 district, the following are principal permitted uses:

- (1) Principal uses permitted in an RO district;
- (2) Artist's studios and supplies;
- (3) Auto convenience market;
- (4) Bakery, retail only;
- (5) Barber shop or beauty shop;
- (6) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises;
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of OHMC Chapter 19.44;
 - (c) Signs shall meet the requirements of OHMC 19.36 for the C-1 zone.
- (7) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident or manager is domiciled onsite;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Signs shall meet the requirements of OHMC 19.36 for the C-1 zone.
- (86) Book and stationery store;
- (97) Clothing store;
- (108) Confectionery;
- (119) Dairy products, retail only;
- (1240) Delicatessen;
- (1344) Dress and millinery shop;
- (1442) Drug store, including fountain;
- (1543) Dry cleaners;
- (1644) Florist shop;
- (1745) Garden supplies and horticultural nursery, not including greenhouses;
- (4186) Grocery store;
- (1947) Hardware store;
- (2048) Health club;
- (2149) Laundry, self-service;
- (2220) Library;
- (2324) Office supply and equipment store;

- (~~2422~~) Photographic studio and supplies;
- (~~2523~~) Private nursery school, child day care center or kindergarten, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (~~2624~~) Radio and television sales and service;
- (~~2725~~) Restaurant, including sidewalk cafes;
- (~~2826~~) Service station;
- (~~2927~~) Single-family residential uses when located on the second floor above a permitted use;
- (~~3028~~) Shoe repair shop;
- (~~3129~~) Variety store;
- (~~3230~~) Other uses as defined by the planning director to be similar to those identified above and having equal or less impact on the purposes of this section. .

19.20.275 Accessory permitted uses.

In a C-1 district, following are accessory uses permitted outright:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed 35-foot height limitations;
- (4) Outdoor storage as an accessory use is not permitted.

19.20.280 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a C-1 district when authorized by the hearing examiner:

- (1) Church;
- (2) Excavations, other than simple foundation;
- (3) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution;
- (4) Governmental buildings for administrative or protective service, government storage yards, treatment plants, well sites, pump stations and sanitary landfills;
- (5) Landfill, reclamation to improve steep, low or otherwise unusable land;
- (6) Nursery and landscape material including greenhouses;
- (7) Public transportation shelter stations;
- (8) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, pumping station; provided, there shall be no service or storage building or yards in connection therewith, including microwave relay stations;
- (9) Rapid transit terminals;
- (10) Roller rink;
- (11) Swimming pools or beaches, public or private.

19.20.285 Density provisions.

In a C-1 district, the following density provisions apply:

- (1) Multifamily dwelling structures shall conform to the requirements of the R-4 district;
- (2) Other uses shall conform to the following standards:
 - (a) Minimum lot area, 5,000 square feet;
 - (b) Minimum lot width, 50 feet;
 - (c) Minimum lot depth, 90 feet;
 - (d) Minimum front yard, 15 feet;
 - (e) Minimum side yard, 10 feet each side;
 - (f) Minimum side yard along flanking street of corner lot, 15 feet;
 - (g) Minimum rear yard, 20 feet;
 - (h) Minimum rear yard abutting a public street, 15 feet;
 - (i) Maximum building height, 35 feet;
 - (j) Maximum lot coverage, 60 percent of lot area.

19.20.290 Conditions governing permitted uses.

Uses permitted in a C-1 district, except conditional uses and dwellings, shall be subject to the following conditions:

- (1) All business, service, repair, processing, storage, or merchandise display shall be conducted within a wholly enclosed building except for the following:
 - (a) Off-street parking or loading;
 - (b) Drive-in windows, but not including food or drink service;
 - (c) Food and drink service in connection with a delicatessen or confectionery;
 - (d) Sale of plant materials in connection with a florist shop;
- (2) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;
- (3) The use shall not be objectionable because of odor, dust, smoke, cinders, exhaust fumes, noise, vibration, disturbance to television or radio reception or because of unsightly structure, facilities or use of land;
- (4) Design shall be in accordance with the provisions of the design guidelines;
- (5) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.295 Site plan and design review required.

- (1) Site plan and design review shall be required as defined in Chapter 19.48 OHMC.
- (2) The planning director, under site plan review, may impose the following conditions before a building permit will be issued for the proposed development:
 - (a) Limit or prohibit openings to structures on sides within 50 feet of a residential district if the openings will cause glare, excessive traffic, noise or other adverse effects on adjacent residential areas;
 - (b) Access shall be limited to streets designated as collector or arterial streets in the comprehensive plan;
 - (c) Require additional setbacks and landscaping or screening abutting a residential district if necessary to minimize the detrimental effects of commercial activity such as glare and noise.

Section Nine. Sections 19.20.300 through 19.20.330 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed use developments, combining retail and visitor-oriented activities on the ground floor with office, retail and residential uses above, are required. Within the district, pedestrian-oriented activity is encouraged. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential development within specific areas of the central business district. Large surface parking lots are not encouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians.

19.20.305 Principal permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are principal permitted uses (for the purposes of this district only, uses considered to be "retail" are denoted with an (R)):

- (1) Antique shop (R);
- (2) Artist's studios and supplies (R);
- (3) Bakery, retail only (R);
- (4) Bank;
- (5) Barber and beauty shops;
- (6) Bars (R);
- (7) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises;
 - (b) Signs shall meet the requirements of OHMC 19.36 for the CBD zone.
- (8) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident or manager is domiciled onsite;
 - (b) Signs shall meet the requirements of OHMC 19.36 for the CBD zone.
- (97) Bicycle shop (R);
- (108) Billiards and pool hall (R);
- (119) Blueprinting;
- (1240) Bookstore (R);
- (1344) Brew pub (R);
- (1442) Camera and supply shop (R);
- (1543) Clothes and apparel shop (R);
- (1644) Cocktail lounge (R);

- (~~1715~~) Coffee house (R);
- (~~1816~~) Confectionery store (R);
- (~~1917~~) Conference center;
- (~~2018~~) Data processing facility;
- (~~2119~~) Delicatessen (R);
- (~~2220~~) Department store (R);
- (~~2321~~) Dry cleaners;
- (~~2422~~) Furniture shop (R);
- (~~2523~~) Florist shop (R);
- (~~2624~~) Gift shop (R);
- (~~2725~~) Grocery store, neighborhood, provided gross floor area shall not exceed 12,000 square feet (R);
- (~~2826~~) Hardware store (R);
- (~~2927~~) Hobby shop (R);
- (~~3028~~) Hotel and motel;
- (~~3129~~) Ice cream shop (R);
- (~~3230~~) Interior decorator studio (R);
- (~~3331~~) Jewelry store (R);
- (~~3432~~) Leather goods store (R);
- (~~3533~~) Music store (R);
- (~~3634~~) Offices;
- (~~3735~~) Office supply and equipment store (R);
- (~~3836~~) Pet shop (R);
- (~~3937~~) Pharmacy and drug store (R);
- (~~4038~~) Photographic film processing and associated retail sales (R);
- (~~4139~~) Photographic studio and supplies;
- (~~4240~~) Photocopying;
- (~~4341~~) Post office;
- (~~44442~~) Printing shop;
- (~~4543~~) Residential uses, provided:
 - (a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;
 - (b) In subdistricts CBD-1 or CBD-2: dwelling units may be the primary use of the site;
- (~~4644~~) Restaurant, including sidewalk cafe (R);
- (~~4745~~) Schools for the fine arts;
- (~~4846~~) Shoe repair shop (R);
- (~~4947~~) Shoe store (R);
- (~~5048~~) Sporting goods shop (R);
- (~~5149~~) Tailor shop (R);
- (~~5250~~) Tavern (R);
- (~~5351~~) Taxi service;
- (~~5452~~) Theater;
- (~~5553~~) Tobacco shop (R);
- (~~5654~~) Toy store (R);

- (~~5755~~) Travel agencies;
- (~~5856~~) Trophy shop (R);
- (~~5957~~) Upholstery shop;
- (~~6058~~) Variety store (R);
- (~~6159~~) Visitor information center;
- (~~6260~~) Other uses similar to those identified above and having equal or less impact on the purposes of this section.

19.20.310 Accessory permitted uses.

In a central business district (CBD, CBD-1, or CBD-2), the following are accessory permitted uses:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed the height limitations and other standards as set out in OHMC 19.20.320; provided said height limitation may be increased when such height is permitted per OHMC 19.28.040 and 19.28.050.

19.20.315 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

- (1) Coffee kiosk;
- (2) Dancehall;
- (3) Governmental buildings for administrative or protective services;
- (4) Health club;
- (5) Land reclamation with water-dependent marine development;
- (6) Parking lots or garages not in conjunction with permitted uses;
- (7) Places of entertainment and amusement, if conducted within a wholly enclosed building;
- (8) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (9) Public utility and communications facility;
- (10) Transit terminals;
- (11) Swimming pools or beaches, public or private;
- (12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises.

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

(1) Allowable density:

District	Minimum	Maximum
CBD	None	None
CBD-1	9 du/ac	None
CBD-2	13 du/ac	None

- (2) Minimum lot area, no limitation;
- (3) Minimum lot width, no limitation;
- (4) Minimum lot depth, no limitation;
- (5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;
- (6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;
- (7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;
- (8) Maximum building height; 35 feet; except:
 - (a) In CBD: building height may be increased to 45 feet if ground floor retail space (as defined in OHMC 19.20.300) is developed in conjunction with a residential use;
 - (b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);
 - (c) In CBD: building height may be increased to 45 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines;
 - (d) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines. The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary;
- (9) Maximum lot coverage, no limitation;
- (10) Parking.

- (a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (b) Residential uses shall provide parking per Chapter 19.44 OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (c) Any parking provided beneath a permitted residential use shall be enclosed;
 - (d) No more than 50 percent of the gross floor area along pedestrian-oriented streets may be used for residential parking;
- (11) Design Standards.
- (a) Development shall be in accordance with the provisions of the Oak Harbor commercial and industrial design guidelines;
 - (b) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;
 - (c) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:
 - (i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;
 - (ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;
 - (iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC 19.48.040;
 - (d) Residential development in subdistrict CBD-1 or CBD-2 shall be under a planned residential development per Chapter 19.31 OHMC;
 - (e) Nonresidential development with building heights greater than 45 feet, as approved by the design review board, shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor commercial and industrial design guidelines) plus an additional 25 square feet for each vertical foot of building height above 45 feet;
 - (f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet.

19.20.325 Conditions governing permitted uses.

All principal uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

- (1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:
 - (a) Off-street parking and loading;
 - (b) Food and drink service in connection with cafes, restaurants or other eating establishments.
- (2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

- (3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter 19.48 OHMC.

Section Ten. Sections 19.20.335 through 19.20.368 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eleven. Sections 19.20.370 through 19.20.408 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are readopted.

Section Twelve. Sections 19.20.410 through 19.20.440 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Thirteen. Sections 19.20.445 through 19.20.595 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Fourteen. Sections 19.20.600 through 19.20.720 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Fifteen. Sections 19.20.725 through 19.20.768 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Sixteen. Sections 19.20.770 through 19.20.805 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Seventeen. Sections 19.20.810 through 19.20.840 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eighteen. Chapter 19.44 of the Oak Harbor Municipal Code last amended by Ordinance 1614 section 1 in 2009 is hereby amended to read as follows:

**Chapter 19.44
PARKING**

Sections:

- 19.44.010 Purpose and intent.
- 19.44.020 General requirements.
- 19.44.030 Bicycle parking.
- 19.44.040 Location.
- 19.44.050 Expansion, enlargement and occupancy.
- 19.44.060 Mixed occupancies.
- 19.44.070 Uses not specified.
- 19.44.080 Joint use.
- 19.44.090 Conditions required for joint use.

- 19.44.100 Minimum parking space standards.
- 19.44.105 Maximum parking space standards.
- 19.44.110 Parking space size and access requirements.
- 19.44.120 Car and van pool parking.
- 19.44.130 Plans.
- 19.44.140 Loading areas.

19.44.010 Purpose and intent.

Provisions of this chapter are of general application to several of the districts described in Chapter 19.20 OHMC, except as noted in the CBD central business district. It is the intent of this chapter to set down provisions for off-street parking and loading areas to prevent congestion in the streets, promote and protect property values and to provide for the health, safety and welfare of the citizenry.

19.44.020 General requirements.

Parking areas, public or private, are permitted as accessory uses, operating in conjunction with permitted uses, unless otherwise permitted by this title. Each off-street parking space shall have a net area of not less than 180 square feet, exclusive of driveways or aisles, and shall be of usable shape and condition. To determine on a gross area basis, 270 square feet shall be allowed per vehicle. If the required parking space for a one-family or two-family dwelling is not provided in a covered garage, then such space shall be not less than 180 square feet. The circulation pattern of all off-street parking areas excepting driveways serving single-family or two-family dwellings shall not have as a part of the pattern any parking or parking maneuvers on a public sidewalk, highway, road, street or alley.

19.44.030 Bicycle parking.

Bicycle racks shall be provided for all nonresidential and multifamily uses. Such racks shall provide space for a minimum of one bicycle for each 10 parking spaces required to a maximum of 10 bicycle spaces.

19.44.040 Location.

Off-street parking facilities shall be located and operated in conjunction with the permitted use as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

- (1) For one-family and two-family dwellings, on the same lot with the building they are required to serve;
- (2) For multiple dwellings, not more than 100 feet;
- (3) For hospitals, skilled nursing facilities, assisted living facilities, rooming houses and boarding houses, fraternity and sorority houses, not more than 300 feet;
- (4) For uses other than those specified above, not more than 500 feet;
- (5) Parking lots for passenger automobiles only shall be allowed when such parking lots are for the purpose of providing the off-street parking required by this title and are located and improved in accordance with this chapter, except that when any such parking lot is to serve a use first permitted in a less restrictive zone than the

zone in which the parking lot is to be located, such parking lot may be allowed only by a variance granted by the hearing examiner after a public hearing and the finding that such parking lot will not be unduly detrimental to surrounding properties; provided, that additional landscaping or fencing as directed by the hearing examiner to visually screen parked cars from all residential properties in the vicinity shall be provided as conditions precedent to the granting of such variance; and provided, that at least 40 lineal feet of the boundary of such parking lot adjoins a less restrictive zone or is separated therefrom only by the width of an alley or street. Such parking lots shall not extend beyond said less restrictive zone more than 150 feet into the more restrictive zone in which the parking lot is to be located. No such parking lots shall be allowed for the purpose of serving nonconforming uses.

19.44.050 Expansion, enlargement and occupancy.

All new or substantially altered uses or structures shall be provided with special purpose off-street parking facilities as required by this chapter. No application for a building permit or change of occupancy for a new or substantially altered structure or improvement shall be approved unless there is included with such improvement or use a plot plan showing the required special off-street parking as required in this chapter. Wherever any building is enlarged in height or in ground coverage, off-street parking shall be provided for said expansion or enlargement in accordance with the requirements of the schedule; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement is less than 10 percent of the parking spaces specified in the schedule for the building.

19.44.060 Mixed occupancies.

In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking facilities for one use shall not be considered as specified for joint use.

19.44.070 Uses not specified.

In the case of uses not specifically mentioned in sections below, the requirements for off-street parking facilities shall be determined by the planning director. Such determination shall be based upon the requirements for the most comparable use listed.

19.44.080 Joint use.

Joint use of parking facilities is encouraged, where appropriate. The director, upon application, may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

- (1) Up to 50 percent of the parking facilities required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as daytime uses such as banks, offices, retail and personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses;

- (2) Up to 50 percent of the parking facilities required by this chapter for primarily daytime uses may be supplied by primarily nighttime uses;
- (3) Up to 100 percent of the parking facilities required by this chapter for a church, or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature.

19.44.090 Conditions required for joint use.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities in addition to which:

- (1) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed;
- (2) The applicant shall present a properly drawn legal instrument to be recorded with the Island County auditor, executed by the parties concerned for joint use of off-street parking facilities and approved as to form and manner of execution by the city attorney, to the hearing examiner upon application, such instrument to be filed with the building official upon approval of the hearing officer.

19.44.100 Minimum parking space standards.

Use	Required Parking
Residential, single-family	Two per dwelling
Residential, duplex	Two per dwelling
Residential, multiple	One and one-half per dwelling unit
Three or more bedroom dwelling unit	Two per three or more bedroom dwelling unit. In addition, multifamily projects with eight or more units shall provide one visitor parking space for each eight units.
Banks	One per 400 square feet of gross floor area, plus employee parking
<u>Bed and breakfast inns and rooms</u>	<u>Two for primary resident or on-site manager plus one for each guest room</u>
Bowling alleys	Four per alley, plus employee parking
Churches, auditoriums and similar enclosed places of assembly	One per four seats and/or one per 30 square feet of assembly space without fixed seats
Skilled nursing facilities	One per five beds, plus owner and employee parking
College	One space per 200 square feet of classroom space
Assisted living facilities	Minimum of 0.8 spaces per unit, with a maximum of one and one-half spaces per unit
Food and beverage places with sales and consumption on premises	One per three seats, plus one space for every two employees on the largest shift
Furniture, appliance, hardware, clothing and shoe	One per 600 square feet gross floor area, plus

Use	Required Parking
stores, personal service stores such as beauty parlors, barbershops and physical fitness centers	employee parking
Gasoline stations	15 spaces, including pump and service area
Hospital	One per two beds, excluding bassinets
Hotels, motor hotels	One per sleeping room, plus owner and employee parking
Libraries and museums	One per 200 square feet gross floor area, plus employee parking
Manufacturing uses, research testing and processing, assembling, all industries	One per each two employees on maximum shift and not less than one per each 800 square feet gross floor area
Mortuaries	One per 100 square feet of gross floor area used for assembly or one per five seats, plus employee parking
Motels	One per unit, plus owner and employee parking
Motor vehicle, machinery, plumbing, heating, ventilating, building supplies stores and services	One per 1,000 square feet floor area, plus employee parking
Offices, medical and dental (including optometrists)	One per 200 gross square feet of floor area, plus employee parking
Offices not providing customer services	One per each employee
Offices of opticians, chiropractors and others licensed by the state of Washington to practice the healing arts	One per 400 square feet of gross floor area, plus employee parking
Offices, business and professional (other than medical and dental) with on-site customer service	One per 400 square feet of gross floor area, plus employee parking
Rooming houses, similar uses	One per dwelling unit
Schools, elementary and junior high	One per each employee and faculty member, plus 15 visitor parking
Schools, high	One per each 10 students, plus one per each employee and faculty member, plus 15 visitor parking
Shopping centers with over 30,000 square feet of gross floor area	Four and one-half spaces per 1,000 square feet gross floor area, but not to exceed five spaces per 1,000 square feet of gross floor area
Stadiums, sport arenas and similar open assemblies	One per four seats and/or one each 30 square feet of assembly space without fixed seats
Theaters	One per four seats, plus employee parking
Warehouses, storage and wholesale business	One per each employee, plus two additional spaces
Other retail	One per 300 square feet gross floor area, plus employee parking

19.44.105 Maximum parking space standards.

Impervious parking areas generate stormwater runoff, with negative impacts to water quality, wildlife habitat, and municipal budgets. The following maximum parking space standards are designed to limit the total impervious area resulting from large, off-street parking lots, reducing negative water quality impacts, while at the same time providing sufficient parking for land uses within Oak Harbor.

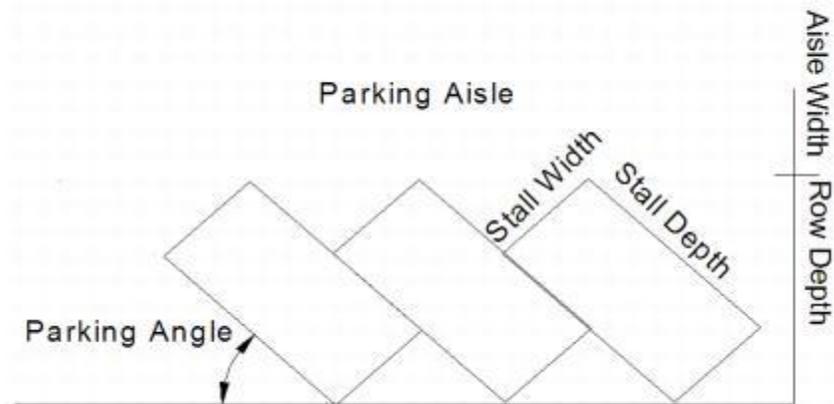
- (1) Applicability. The standards in this section shall apply to all new development and redevelopment which meets both of the following criteria:
 - (a) All new development, as well as building remodels, site retrofits, and redevelopment which exceeds 60 percent of the total assessed value for the property; and
 - (b) Off-street parking lots with 100 or more spaces proposed or required.
- (2) Pervious Requirement. Each additional parking space over 150 percent of the minimum number of required spaces must have a pervious surface approved by the city engineer wherever soil conditions make infiltration feasible. The pervious area may be provided at any location within the parking lot, including drive aisles, as long as its size is equivalent to the area of parking stalls exceeding 150 percent.
 - (a) Other LID techniques may be proposed in place of the pervious area requirement in subsection (2) of this section, as approved by the city engineer and in compliance with the Low Impact Development Technical Guidance Manual for Puget Sound (current edition).
- (3) In no case shall more than 250 percent of the required minimum number of parking spaces be approved.

19.44.110 Parking space size and access requirements.

- (1) Standard Parking Spaces. All standard parking spaces shall meet the minimum criteria outlined in the table and figure below.
- (2) Compact Parking Spaces. Up to 40 percent of required parking spaces may be provided as compact spaces. The aisle widths required for standard spaces shall be applied to compact spaces. Parking space width, parking space depth and row width shall be as shown in the following table. The minimum parking space depth shall be 16 feet and the minimum parking space width shall be eight feet. Compact parking spaces shall be clearly marked by painting the word “compact” on the parking space(s).

Required Parking Dimensions					
Parking Angle	Stall Width	Stall Depth	Row Depth	Aisle Width (One Way)	Aisle Width (Two Way)
0°	Standard: 9' Compact: 8'	Standard: 23' Compact: 19'	Standard: 9' Compact: 8'	10'	18'
30°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 18' Compact: 15'	12'	20'
40°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	12'	20'
45°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 21' Compact: 17'	12'	20'
50°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	15'	20'
60°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	17'	20'
70°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	20'	20'
80°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	24'	24'
90°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	24'	24'

PARKING PLAN LAYOUT



19.44.120 Car and van pool parking.

Any nonresidential development which shall provide priority spacing for car pools and van pools shall be allowed to reduce the total amount of required parking by 1.15 spaces for each priority car pool and van pool space provided.

19.44.130 Plans.

The plan of the proposed parking area shall be submitted to the development services department at the time of the application for the building for which the parking area is required. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, construction details and other features and appurtenances required. The illustrations provided at the end of this chapter shall serve as a guide and illustrate the minimum requirements for parking stall configurations.

A legal description of the property is required and a parking area designated and recorded.

- (1) Parking areas shall be designed in conformance with the Oak Harbor design guidelines.
- (2) All traffic-control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs, and other developments, shall be installed and maintained as shown on the approved plans. Hard-surfaced parking areas shall use paint or similar devices to delineate car stalls and directional arrows. All driveways, off-street parking areas and public off-street parking areas shall be hard surfaced with a minimum of two inches of asphalt concrete. Alternative surfaces, including low impact development practices, may be allowed in compliance with the LID Technical Guidance Manual for Puget Sound (current edition) or as approved by the city engineer.

- (3) Minimum dimensions of off-street parking areas shall be not less than stated in this chapter.
- (4) Screen all parking lots from view of adjoining residential district or use through use of sight-obscuring fences, earth berms or landscaped planting strips, to a height of not less than six feet.
- (5) At least 15 percent of every parking lot shall be landscaped. In all cases, landscaping shall be distributed throughout the parking area. LID stormwater management facilities are to be incorporated into the required landscaping as much as possible, unless site or soil conditions make LID stormwater management facilities infeasible. Parking lot landscaping shall conform to OHMC 19.46.030(5) with a preference for native species. For computation of required landscape area, allow 30 square feet per parking space. The landscaping shall consist of deciduous or coniferous plant material and may include turf, shrubs and flowers.
- (6) Lighting of areas provided for off-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic and where said lots share a common boundary with any "R" classified property, the illuminating devices shall be so shaded and directed to play their light away from "R" classified property.
- (7) Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, and repair of traffic control devices, signs, light standards, fences, walls, surfacing material, curbs and railings. Maintenance of LID stormwater management facilities shall be completed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition), the city's public works maintenance standards and an approved operating and maintenance agreement.

19.44.140 Loading areas.

Each off-street loading space shall measure not less than 30 feet by 12 feet and shall have an unobstructed height of 14 feet six inches and shall be made permanently available for such purposes, and shall be hard surfaced, improved and maintained as required by this chapter. Required loading spaces shall be in conformance with the following table:

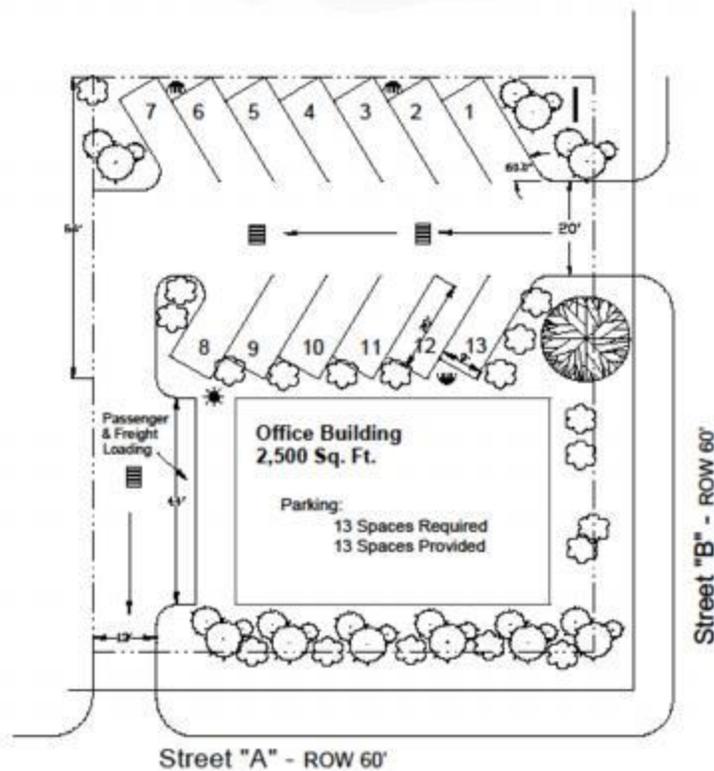
Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores or storage warehouses or any similar use which has or intends to have 10,000 square feet or more shall provide truck loading or unloading berths:

Square feet of aggregate gross floor area	Required number of berths
10,000 to 15,999	1
16,000 to 39,999	2
40,000 to 65,000	3
Each additional 16,000	1 additional

Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants or similar uses which have or intend to have an aggregate gross floor area of 40,000 square feet or more shall provide truck loading or unloading berths:

Square feet of aggregate gross floor area	Required number of berths
40,000 to 59,999	1
60,000 to 160,000	2
Each additional 60,000	1 additional

Area of Parking Lot = 5,504 Sq. Ft.



Street "A" - ROW 60'

Street "B" - ROW 60'

TYPICAL PLOT PLAN - PARKING LAYOUT

LEGEND

- N
- Directional Lighting
- Light Pole
- Sign
- Property Line
- Drainage Catch Basin

Section Nineteen. 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 Twenty. Effective Date. This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this _____ day of _____ 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest: Approved as to Form:

Valerie J. Loffler, City Clerk Grant K. Weed, Interim City Attorney

Introduction:

Adopted:

Published:

Chapter 19.67 CONDITIONAL USES

Sections:

19.67.010	Purpose.
19.67.020	Hearing examiner.
19.67.030	Criteria.
19.67.040	General conditions.
19.67.050	Special permit condition.
19.67.060	Time decision is effective.

19.67.010 Purpose.

The purpose of this chapter is to set forth criteria, conditions and procedures for granting or denying a conditional use permit. (Ord. 1555 § 27, 2009).

19.67.020 Hearing examiner.

Conditional use permits shall be granted or denied by the hearing examiner; provided, that the city council may grant or deny a conditional use permit as part of a rezone or a planned residential development under this title. (Ord. 1555 § 27, 2009).

19.67.030 Criteria.

No conditional use shall be granted unless it meets the following criteria:

- (1) All special conditions for the particular use are met;
- (2) It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property;
- (3) It is provided with adequate parking;
- (4) It is served with adequate public streets, public utilities and facilities;
- (5) It otherwise meets the purpose of the district in which it is to be placed;
- (6) It meets the goals and policies of the Oak Harbor comprehensive plan. (Ord. 1555 § 27, 2009).

19.67.040 General conditions.

The following conditions shall be applied to each permit:

- (1) The conditional use shall not be transferable to a subsequent user unless specifically authorized by the hearing examiner who finds it appropriate and a permit authorizing the transferability is on record with the Island County auditor;
- (2) The conditional use permit must be acted on within one year of the date of granting. Otherwise the conditional use permit shall expire and be null and void;
- (3) The conditional use permit applies only to the property for which application is made. (Ord. 1555 § 27, 2009).

19.67.050 Special permit condition.

Approval of a conditional use permit application may be conditioned so that the required findings can be made. Permit conditions may include requirements which:

- (1) Increase the required lot size or yard dimensions;

- (2) Increase street width;
- (3) Control the location and number of access points to the property;
- (4) Increase the number of off-street parking or loading spaces required;
- (5) Limit the number of signs;
- (6) Limit the coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;
- (7) Limit or prohibit openings in sides of buildings or structures or expand requirements for screening or landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area;
- (8) Establish requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed;
- (9) Establish regulations for the use of the property as necessary to protect nearby property or improvements from detrimental effects of the proposed use such as limiting the hours of operation or number of employees. (Ord. 1555 § 27, 2009).

19.67.060 Time decision is effective.

The decision of the hearing examiner is final 10 days after the date of action by the hearing officer. The decision of the hearing examiner shall be final unless appealed to superior court within 10 days from the date of action. (Ord. 1555 § 27, 2009).

Economic Development Strategy

Public Meeting

No handouts for this item
(verbal report will be given)

2016 Comprehensive Plan

Update

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: 2016 COMPREHENSIVE PLAN UPDATE, CWPP – COUNTY/CITY
DATE: 7/18/2013
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

2016 Comprehensive Plan Update – Oak Harbor

Staff continues the review of the Comprehensive Plan against the checklist provided by the WA Department of Commerce. The review will provide information on whether the City's plan is GMA compliant and to determine the scope of the update. This review is still in progress and not ripe for discussion. More updates will be provided at the August Planning Commission meeting.

2016 Comprehensive Plan Update and CWPP – Island County

The City Council will consider Island County's twenty year population projection at their August 7, 2013 meeting. In the meantime, staff is working with Island County on the County Wide Planning Policies. The next meeting with County staff is scheduled during the last week in July, therefore the next update on this topic will also be at the August Planning Commission meeting.