

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY

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Delaware City, Delaware 19706

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**CITY OF DELAWARE CITY  
DELAWARE CITY, DELAWARE  
Ordinance No. 18-0521-03**

**PLANNING COMMISSION RECOMMENDED ORDINANCE TO AMEND CITY  
CODE CERTAIN SIGN AND OUTDOOR ADVERTISING REGULATIONS IN  
CHAPTER 46, ARTICLE X**

**WHEREAS**, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code"); and

**WHEREAS**, Chapter 46, Sections 46-3, 46-81, 46-83, and Section 46-90, should be amended to revise the Code regarding temporary signs, projecting signs, sign illumination, and banner signs; and

**WHEREAS**, a new Section 46.89.1 should be added that relates to commercial corner lots abutting two streets, and a new Section 46-95 should be added to address obscenities and profanity; and

**WHEREAS**, Sections 46-81 through 46-84 are amended for consistency with the proposed revisions to Sections 46-3, 46-81, 46-83, 46.89.1, and 46-90; and

**WHEREAS**, Section 46-93 should also be amended to clarify that temporary signs do not require a permit.

**NOW, THEREFORE**, the Mayor and City Council believe this ordinance is in the best interest of the City and is necessary to enhance the health, safety, and welfare of the City of Delaware City, and as such, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

**Section 1.** Amend the definition of "Temporary Sign" in Section 46-3 by deleting the existing text and replacing it as follows:

Temporary Sign: A sign which is erected for a time not to exceed a cumulative period not to exceed eight (8) weeks per calendar year without the approval of the City Manager or code official for a longer period of time.

**Section 2.** Amend the definition of “Projecting Sign” in Section 46-3 by deleting the existing text and replacing it as follows:

Projecting Sign: A sign that is perpendicular and adequately attached to and projects at an angle of not less than forty-five degrees from a structure or building face. A projecting sign shall provide a seven-foot clearance between its bottom edge and the ground if it hangs over public right-of-way and shall comply with the size requirements set forth herein. All projecting signs shall not exceed ten (10) square feet.

**Section 3.** Amend Section 46-81, the last paragraph, by adding the underlined language below:

No sign, other than directional signs and banner signs as permitted in § 46-90 b), shall exceed twenty-five (25) square feet in size.

**Section 4.** Amend Section 46-82c., by adding the underlined language below:

No sign, other than directional signs and banner signs as permitted in § 46-90 b), shall exceed twenty-five (25) square feet in size.

**Section 5.** Amend Section 46-83d., by adding the underlined language below:

No sign, other than directional signs and banner signs as permitted in § 46-90 b), shall exceed twenty-five (25) square feet in size.

**Section 6.** Amend Section 46-84b., by adding the underlined language below:

No sign, other than directional signs and banner signs as permitted in § 46-90 b), shall exceed twenty-five (25) square feet in size.

**Section 7.** Amend Section 46-81, titled “R-1 District (Single Family Residential), R-2 District (One and Two Family Residential); C-1L (Commercial Low Impact) and HPR (Historic Preservation and Redevelopment)” by striking existing subsection n) and replacing it with the underlined language below:

m) One (1) Projecting Sign.

**Section 8.** Amend Section 46-83, titled “C-1 (Central Commercial) and C-1M (Marina)” by adding the underlined language set forth below:

(e) One (1) Projecting Sign.

**Section 9.** Create a new Section 46-89.1 relating to Corner Lots, which shall read as follows:

**Section 89.1 – Corner Lots**

In the CL1, C1, C-1M, C-2 and M-1 districts, for properties that are corner lots abutting two streets, such corner lots are permitted to have signs that face each street so long as the type of signs utilized are permitted in the underlying commercial or manufacturing zoning district. This section permits a second sign to be placed on a corner lot in commercial or manufacturing districts even if the underlying commercial or manufacturing zoning classification allows only one sign.

**Section 10.** Amend Section 46-90, titled “Banners” by deleting the existing text and replacing it as follows:

- a) A permit for the use of a Banner Sign must be received from the City prior to display. The size of a Banner Sign shall not exceed twenty (20) square feet. A banner permit issued under this subsection shall not be issued for a period of time lasting more than sixty (60) days. The City Manager may extend any banner permit for a period of an additional thirty (30) days. No more than two (2) banner permits shall be issued for any property, or to any individual or entity, in any calendar year.
- b) Subsection a) notwithstanding, the City Manager may grant a permit for a Banner Sign that crosses a street not to exceed one hundred ten (110) square feet for parades and City sponsored special events, provided that the Banner Sign is required to be removed within thirty (30) business days of the installation of the special event or parade related Banner Sign.

**Section 11.** Amend Section 46-81 h) by deleting the existing text and replacing it as follows:

One (1) sign or bulletin board not exceeding thirty-four (34) square feet in area upon the premises of a church, similar religious institution, or governmental entity.

**Section 12.** Amend Section 46-81 l) by deleting the existing text and replacing it as follows:

One portable sign not to exceed six (6) square feet in area, placed by a licensed business, and placed on property where the business is located.

**Section 13.** Delete existing Sections 46-81 m) and 46-81 n) in their entirety.

**Section 14.** Amend Section 46-93, titled “Permits” by deleting the existing text and replacing it as follows:

All signs, except for: (1) signs to regulate traffic, (2) signs required to be posted by law, (3) warning signs, (4) no trespassing signs, (5) signs established by governmental regulation, (6) signs indicating bus stops, taxi stands and similar transportation facilities, (7) portable signs, and (8) temporary signs shall require a permit. Permits shall be issued in accordance with a defined fee schedule set by the City Manager.

**Section 15.** Create a new Section 46-95, entitled “Profanity or Obscenities” which shall read as follows:

**Section 46-95 Profanity or Obscenities**

No sign shall be permitted to display profanity or obscenities. The City Manager or code official may deny a sign permit for a sign that proposes to display profanities or obscenities. Any sign displaying profanities or obscenities may be immediately removed by the City.

**Section 16. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council’s intent.

**(Signature Page Follows)**

ADOPTED BY THE MAYOR AND COUNCIL, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
City Solicitor

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

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Council Member

\_\_\_\_\_  
Council Member

First Reading on \_\_\_\_\_,

Second Reading, Public Hearing, and Final Passage on \_\_\_\_\_.