

Ord. No: 003-24

AN ORDINANCE AMENDING APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO PERMIT ILLUMINATED SIGNS IN THE INSTITUTIONAL AND RECREATIONAL (I&R) ZONING DISTRICT

WHEREAS, the Town Council of the Town of Smyrna has enacted zoning regulations in the Town of Smyrna as authorized pursuant to 22 *Del. C.* Chapter 3 and Section 4.2.37 of the Town Charter, which regulations include sign regulations;

WHEREAS, signs are an essential form of communication in the Town of Smyrna, providing way-finding guides and creating an affordable medium for the communication of personal views and to demonstrate support for a particular idea or cause;

WHEREAS, the Town Council finds that when left unregulated, signs can create traffic hazards by distracting drivers and create visual blight due to the size and number of signs and materials, all of which can negatively impact the aesthetics of the Town;

WHEREAS, the Town Council finds that permitting illuminated signs in the Institutional and Recreational (I&R) zoning district subject to special exception approval will not create the negative effects of illuminated signs that the sign regulations are designed to guard against;

WHEREAS, the Planning Commission considered this ordinance at a duly noticed meeting held on March 27, 2024, and recommended to the Town Council that this ordinance be approved;

WHEREAS, the Town Council held a public hearing on 05/08/2024, notice for which was published in the Delaware State News on 04/03/2024 and posted at Town Hall on 05/01/2024, at which time all interested members of the public were given an opportunity to comment on this ordinance; and

WHEREAS, the Town Council finds that allowing illuminated signs in the Institutional and Recreational (I&R) zoning district subject to special exception approval is in the best interest of the public health, safety, and welfare.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Appendix A (Zoning) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Section 6 (Supplementary District Regulations), Subsection 15 (Signs), Subsection E (District Regulations) by making insertion as shown by underline and deletions and shown by strikethrough, as follows:

E. District regulations.

1. The following types of signs are allowable in the listed zoning district, subject to compliance with all permitting requirements.

Zoning District	Electronic Variable Message Sign	Ground Sign	Monument Sign	Wall Sign or Marquee Sign	Illuminated Sign	"A-Frame" Signs	Small Ground Sign ⁹
A, R-1, R-1A, R-2, R-2A, R-3	NA	NA	P ¹³	NA	NA	NA	NA
I&R	SE	NA	P ⁷	P ²	<u>SE</u> NA ⁻¹	NA	P
LC	NA	NA	P ¹²	P ²	SE	NA	P
CC	NA	NA	NA	P ²	P	P	P
HC	P	P ⁴	P ⁶	P ³	P	NA	P
M	P	NA	P ⁷	P ³	SE	NA	P
MHP	NA	NA	P ¹³	P ⁵	SE	NA	P
IORP	SE	NA	P ⁷	P ²	SE	NA	P
CRD	NA	NA	NA	SE	SE	NA	NA
SC	SE	P ⁴	P ⁶	P ³	P	NA	P
HPOD ⁸	NA	NA	NA	P	P	P	NA
NC, ¹⁰ SCZ ¹¹	NA	NA	P	P	P	P	P

P: Permitted
 NA: Not allowed
 SE: Special exception

1. Allowable for hospitals and emergency medical center
2. Two sq. ft. per linear ft. of building frontage, up to 100 sq. ft. maximum area
3. Three sq. ft. per linear ft. of building frontage, up to 150 sq. ft. maximum area
4. One sign of 200 sq. ft. maximum area
5. One sign for management office, 4 sq. ft. maximum area
6. One sign not to exceed one sq. ft. per linear ft. of building frontage, up to 200 sq. ft. maximum area
7. One sign not to exceed 75 sq. ft. maximum area; height shall not exceed 16 ft.
8. Subject to additional review by the historic district review board.
9. Up to four small ground signs permitted per property.
10. See regulations specific to NC zone for additional sign standards.
11. See regulations specific to SCZ zone for additional sign standards.
12. One sign with up to 25 sq. ft. maximum area; height shall not exceed 10 feet.
13. One sign with up to 32 sq. ft. maximum area; height shall not exceed 5 feet.

Section 2. 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 Town 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 Town Council's intent.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance updates the sign regulations found in the Smyrna Zoning Code to allow illuminated signs in the Institutional and Recreational (I&R) zoning district, subject to special exception approval.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on May 5, 2024.

ATTEST:



Council Secretary



Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on April 3, 2024 and posted at the Town Hall on May 1, 2024.

So Certifies:



Town Clerk