

Review by P&Z Commission: 06/24/20
Sponsor: Councilman Pressley
First Reading: 07/20/20
Ord. No: 017-20

AN ORDINANCE AMENDING APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO CLARIFY THE REGULATIONS FOR THE DISPLAYING OF SIGNS ON PUBLIC PROPERTY IN SMYRNA

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;

WHEREAS, signs are an essential form of communication in the Town of Smyrna, providing way-finding guides to residents, visitors, public safety officials, customers and potential customers of local businesses, delivery people and others;

WHEREAS, signs serve a vital role in the communication of personal views and provide an affordable medium through which residents can express his or her personal views and 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, which distractions can lead to vehicle accidents that can result in property damage and/or injury or death to drivers, passengers, pedestrians, and cyclists;

WHEREAS, the Town Council finds that the proliferation of signs can result in visual blight as a result of the size and number of signs permitted on a property, along with the means and materials by which signs are constructed, all of which negatively impact the aesthetics of the Town;

WHEREAS, the Town Council desires to reduce the potential adverse impact of signs on aesthetics and traffic safety by regulating the size of signs, the location of signs, the means and materials by which signs are constructed, and the number of signs that may be situated on a particular property;

WHEREAS, the Planning Commission considered this ordinance at a duly noticed meeting held on June 24, 2020 and recommended to the Town Council that this ordinance be adopted;

WHEREAS, the Town Council held a public hearing on July 20, 2020, notice for which was published in the Delaware State News on July 5, 2020 and posted at Town Hall on July 2, 2020, 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 the amendments to the zoning regulations of the Town of Smyrna outlined herein are 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), by making insertions and shown by underline and deletions as shown by strikethrough as follows:

B. General. Signs may be located within the setback prescribed for a property, provided that all signs except those affixed directly to a building shall be located a minimum of five feet from all property lines. Except for traffic safety signs, street identification signs, and traffic and parking instructional signs affixed to posts as approved by DelDOT, Signs signs shall be positioned outside vehicular ~~line of sight areas~~ sight triangles, defined as the triangular area formed by measuring from the corner where two intersecting streets about a property a distance of twenty-five (25) along the property line abutting each of the two adjacent streets. Except as otherwise indicated herein, the maximum height for any sign is 25 feet.

Section 2. Amend Section 6 (Supplementary District Regulations), Subsection 15 (Signs), by making insertions and shown by underline and deletions as shown by strikethrough as follows:

F. Not permissible at any time in any zoning district.

1. Billboards within the incorporated area of the town.
2. Roof signs of any kind.
3. Flashing or rotating lights.
4. Noise emitting signs or lights.
5. Signs located within any right-of-way whether dedicated or owned in fee simple or as an easement, except for traffic safety signs, street identification signs, and traffic and parking instructional signs affixed to posts as approved by DelDOT.
6. Signs erected in such a manner as to obstruct free and clear vision or, by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of words "stop," "look," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse vehicular traffic.
7. Signs erected, constructed or maintained so as to obstruct or be attached to any firefighting equipment, windows, doors or openings used as a means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
8. Construction height greater than 25 feet.
9. Dimensions greater than 200 square feet, except as otherwise expressly provided for herein.

10. Signs on public property, except for government signs and traffic safety signs, street identification signs, and traffic and parking instructional signs affixed to posts as approved by DelDOT.

Section 3. Amend Section 6 (Supplementary District Regulations), Subsection 15 (Signs), by making insertions and shown by underline and deletions as shown by strikethrough as follows:

M. Removal of signs on public property.

1. *Removal of signs on public property.* Any signs placed or erected in a public street, alley or right-of-way, or other public ~~place~~ property, except as otherwise expressly permitted in this Zoning Code, ~~which are not specifically permitted in such place,~~ shall be deemed an unlawful sign, and the town may cause the sign to be removed. Such removal may be without written or other notice to the owner of the sign or the owner, lessee or occupant of the property adjacent to the public street, alley, or right-of-way, or other public place upon which such sign is located.

Section 4. 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 the 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 the Town Council's intent.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance clarifies how the vehicular sight triangle is determined. This ordinance clarifies that government signs are allowed on public property and traffic safety signs, street identification signs, and traffic and parking instructional signs are permitted on public property and within rights of way and the vehicular sight triangle.

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 _____, 2020.

ATTEST:

Council Secretary

Mayor