

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159

Delaware City, Delaware 19706

302-834-4573

**ORDINANCE 19-0128-01**

**AN ORDINANCE TO AMEND AND MODIFY CHAPTER 46, ARTICLE X  
"SIGN AND OUTDOOR ADVERTISING REGULATIONS"**

**Chapter 46 Zoning**

**The City of Delaware City**

**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; and

**WHEREAS**, the Mayor and City Council believe amending and modifying the sign and outdoor advertisement regulations is in the best interest of The City of Delaware City; and

**WHEREAS**, to establish changes to the Sign and Outdoor Advertisement Regulations, the Mayor and Council desire to modify and amend Chapter 46, Article X, and its subparts, as set forth below ("Proposed Code Sections"); and

**WHEREAS**, pursuant to Chapter 47, Section 3 of the Delaware City Code and 22 *Del. C.* § 703, the Delaware City Planning Commission has recommended the Proposed Code Sections; and

**WHEREAS**, pursuant to Article V, Section 5-02(B) of the Charter and Delaware City Code Section 46-139, the Proposed Code Sections were introduced by a member of Council at a regular meeting, duly read in full or in abstract, prominently posted for fifteen (15) days in The City of Delaware City, and published in a newspaper of general circulation for two (2) consecutive weeks.

**NOW, THEREFORE**, the Mayor and the City Council of The City of Delaware City hereby ordain:

**Section 1.** Chapter 46, Article X, Section 46-81 of the Delaware City Code, is hereby modified by deleting the below struck-through language and shall read as follows:

**~~Section 46-81 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)~~**

**Section 2.** Chapter 46, Article X, Sections 46-85 and 46-86 of the Delaware City Code, are hereby modified by adding the underlined language and deleting the struck-through language to read as a single section as follows:

**Section 46-85 OS-R District (Open Space – Recreation) and OS-BA District (Open Space and Buffer Area)**

The following signs are permitted in any OS-R and OS-BA Districts:

- a.) One (1) sign, that does not exceed fifty square (50) feet in area.
- b.) Section (a) notwithstanding, amateur athletic fields may have up to three signs (which may be digital, animated, and illuminated signs) per athletic field.

**~~Section 46-86 OS-BA District (Open Space and Buffer Area)~~**

~~The following signs are permitted in any OS-BA District:~~

- ~~a.) All signs permitted in the OS-R District.~~

**Section 3.** Chapter 46, Article X, of the Delaware City Code, is hereby modified by adding the underlined language as, Section 46-86, and shall read as follows:

**Section 46-86 HPR (Historic Preservation and Redevelopment) Signage Standards**

The following signs are permitted in the HPR Districts:

- a) The Canal District shall allow all signs permitted in any R-1 and R-2 Districts.
- b) Officers Row shall allow all signs permitted in any R-1 and R-2 Districts.
- c) Marina Village shall allow all signs permitted in any R-3, C-1, and C-1M Districts.
- d) Theater District shall allow all signs permitted in any C-1 District.
- e) Quartermaster Place District shall allow all signs permitted in any R-3, C-1 and C-1L Districts.
- f) Barracks District shall allow all signs permitted in any R-3 and C-1 Districts.
- g) Battery Row District shall allow all signs permitted in any R-3 and C-1 Districts.
- h) Reeves Farm District shall allow all signs permitted in any R-3 and C-1 Districts.
- i) Parade Grounds shall allow all signs permitted in any C-1 or OS-R Districts.
- j) Grass Dale District shall allow all signs permitted in any C-1 District.
- k) National Guard District shall allow all signs permitted in any C-1 District.

**Section 4. Inconsistent Ordinances and Resolutions Repealed.** Ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

**Section 5. 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 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 one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the City Council's intent.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption by majority vote of City Council.

**ADOPTED BY THE MAYOR AND COUNCIL, this \_\_\_\_ day of \_\_\_\_\_, 2019.**

**ATTEST:**

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

\_\_\_\_\_  
**Mayor**

**APPROVED AS TO FORM:**

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

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

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

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

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

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

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

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