

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 25, 2019

The City Council of the City of Milford met in Workshop Session on Monday, November 25, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:00 p.m.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

*Respect and Harassment Awareness Training for Managers*

HR Director Jamesha Eaddy provided an intro of the training. She advised that in 2018, Senate Bill 360 was passed, that protects all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, agricultural workers, domestic workers, and unpaid interns.

Delaware is one of five states that mandate this training, which became effective January 1, 2019.

This requires employee and supervisor training, which began in March 2019. The last training will take place on Monday, December 2<sup>nd</sup> for any new employees.

Kathy Mickle-Askin of Health Advocate, the Employee Assistance Program for the City of Milford, the State of Delaware, as well as other entities, that provides a wide range of support services. Ms. Askin shared this is one of their most important issues in the workplace. She has been involved each of the sessions that have been provided by the City.

She then discussed the definition of harassment, which sexual harassment is one form. Ms. Askin will also talk about how to prevent it and how to maintain a respectful workplace.

She also shared how the evolution of Milford has changed over the years with growth and influx of residents from other towns and states, which has resulted in different cultures, different atmospheres and the diversity within the workplace and its impact.

She then provided and discussed the following presentation, which included a number of scenarios for consideration:

EAP+Work/Life Program Features

- 24/7 Unlimited Telephone Access
- In-person Assessments
- Unlimited HR & Management Consultations
- Employee wellness and prevention seminars
- Critical Incident Debriefings

EAP+Work/Life Program Features

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- In-person assessments
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- Critical incident debriefings

Work/Life Support

Work/Life Specialists find support services and local resources to help with:

- Eldercare, childcare
- Legal concerns
- Financial issues
- Time management
- Relocation issues

Employee Assistance Program (EAP)

Short-term problem resolution with Licensed Professional Counselors for help addressing a wide range of issues:

- Stress; depression; anxiety
- Marital problems; family/parenting issues
- Work conflicts
- Anger, grief and loss; substance abuse

Provides referrals for more long-term support

Goals and Objectives

- Identify
- Stop
- Prevent

The Interpersonal “Stew”

- Workplaces have collective emotional “atmospheres”
- Each of us puts “ingredients” into this “stew” through our actions
- Each of us takes out “emotional food”

Thin or Thick Skinned?

Thin

- Sensitive
- Reactive
- Aware

Thick

- Non-Sensitive
- Non-Reactive
- Non-Aware

Why Victims Do Not Speak Out

- Fear of loss of job opportunities
- Fear of rejection by coworkers
- Fear of being labeled a “trouble-maker” or a “feminist”
- Fear of not being considered a “team player”
- Fear of being accused of not having a “sense of humor”
- Fear of the “rumor mill”
- Fear of being labeled “over-sensitive” or “mentally unstable”
- Fear of not being believed
- Fear of being “wrong”

High Costs

Harassment History and The Law

Title VII, Pub. L. 88-352, 78 Stat. 253 (42 U.S.C. 2000e et seq.)

- Quid Pro Quo
- Hostile Environment
- Prevention

Reasonable Person Standard

“The discrimination would detrimentally affect a reasonable person of the same sex in that position”

What's the Motive?

- Power
- Control
- Bullying

Liability Rests with Management

An employer is generally responsible for its acts and those of its agents and supervisory employees with respect to harassment regardless of whether the specific act complained of was authorized or even forbidden by the employer, and often regardless of whether the employer knew or should have known of its occurrence.

Management Responsibility

- Inform their organizations about this policy
- Properly investigate claimed violations
- Give careful consideration to the confidentiality of the information
- Communicate that reprisal toward affected individuals will not be tolerated
- Take appropriate action when the policy is violated up to and including termination

Stopping Harassment Is Part of Your Job

Because so many legal actions result from mishandling of complaints by supervisors or other “agents” of the employer, it is vital that every manager use every means possible to handle complaints effectively within the organization.

Top Mistakes Managers Make

Trying to resolve complaints personally

- Ignoring a complaint
- Not taking it seriously
- Not taking action

Manager's Role in Promoting Respect

- Be self-aware: Monitor your behavior to role model respect and inclusion of co-workers.
- Include & Value: Pull people in and affirm their basic worth.
- Be oversensitive:
  - Be thin-skinned toward disrespectful behavior and confront it early. Act promptly and follow policy.
- Be fair: Work to treat everyone the same.
- Advocate: Openly value and promote respect and the acceptance of differences.

Important Facts about Harassment Awareness

- Men can harass men; women can harass women
- Harassment does not have to be directed at a particular individual
- Offenders can be supervisors, co-workers or non-employees (customers, vendors, suppliers)
- Harassment does not have to be intentional
- What is offensive is in the “eye of the beholder”

Definition

Harassment depends on how the person being harassed is affected, not on the harasser's intent.

What Constitutes Harassment?

- Person states it is unwelcome
- Person is made aware it is unwelcome
- Behavior continues
- Most one-time incidents do not constitute harassment with the exception of physical touching

The Term Harassment Includes, but is Not Limited to:

Conduct-

- Verbal
- Non-Verbal
- Physical
- Written

Relating to All Individuals

- Race
- Color
- Religion
- National Origin
- Age
- Gender
- Disability
- Veteran Status
- Sexual Orientation (some jurisdictions)
- Gender Identity (some jurisdictions)

Examples of Disrespect

- Insensitive jokes or “horseplay”
- Malicious gossip
- Verbal or non-verbal threats or intimidation
- The unwelcome use of profanity
- Written, photographic or electronic media that ridicule, intimidate or demean
- Excluding with the “silent treatment”
- Screaming, name-calling or public “dressing down”
- Statements or actions that stereotype individuals
- Ignoring someone’s contributions or ideas

Continuum: Respect to Violence

- Respect — Affirms and Includes
- Disrespect — Denigrates and Excludes
- Harassment — Demeans
- Violence — Destroys
- Violence Continuum

Violence Continuum

- Deadly Violence
- Assault
- Stalking
- Property Destruction
- Explicit Threats
- Intimidation
- Harassment
- Implied Threats
- Profanity
- Insensitivity

Common Excuses for Disrespect

- “Everybody else was OK. What’s their problem?”
- “What about my right to free speech?”
- “I didn’t mean any harm.”
- “But we were off duty.”
- “If nobody complained, what’s the big deal?”

- “Can’t anybody take a joke?”
- “I was just having a bad day.”
- “It’s just the way I was brought up.”

Questions to Ask Yourself

- Can I demonstrate respect toward a co-worker whom I do not personally like?
- Do I feel intolerant toward certain types of individuals or groups?
- Do I feel entitled to treat others as less than equal?
- How would I feel if someone treated me, my spouse, partner or one of my children the way that I treat my co-workers?

Check Your Own Behavior

- Would I want any of those behaviors to be a headline in the newspaper?
- Is there equal power between me and the person with whom I’m interacting?
- Would I behave the same way if the person with whom I’m in a relationship were standing next to me?
- Would I want someone else to act this way toward a person with whom I’m in a relationship?

Confronting Disrespect

- Do confront in a respectful manner
- Do tell the person what you find disrespectful, insensitive or harassing
- Do tell the person the behavior bothers you
- Do tell the person what you want or don’t want to have happen
- Don’t “punish” the other person
- Don’t ignore the behavior
- Don’t try to handle
- Examine your own behavior
- Be open and available to discuss concerns
- Remain alert to disrespectful or excluding behavior and, if it occurs, confront it early
- Act promptly harassment on your own

Expectations

- Be a good role model
- Examine your own behavior
- Be open and available to discuss concerns
- Remain alert to disrespectful or excluding behavior and, if it occurs, confront it early
- Act promptly

Upon its conclusion, there being no additional questions, the Workshop Session of Council concluded at 7:03 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 25, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 25, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:04 p.m.

#### INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation was given by Councilmember Wilson.

#### RECOGNITION

No special guests in attendance.

#### PUBLIC HEARINGS

##### *Ordinance 2019-37*

*Change of Zone of Annexed Lands belonging to Baltimore Aircoil Company, Incorporated*

*Tax Map MD-00-182.00-01-14.00*

*49.25 +/- Acres located at 1162 Holly Hill Road, Milford, DE*

*Current Zoning: IL/Proposed Zoning: I2*

Planning Director Rob Pierce presented the request on behalf of Baltimore Aircoil Company, Incorporated (BAC) referencing the following report:

The Annexation Committee met on September 9, 2019, to review the request and the report is included in the Council packet. The petition involves 49+ acres of land on the south side of Holly Hill Road, southwest of the Route 14 intersection and the current location of the existing BAC manufacturing facility.

The comprehensive plan designation is industrial and the proposed zoning is I-2 (General Industrial District) under the City of Milford zoning ordinance.

A map showing the property location in relation to the current Milford municipal boundary was presented (see Council packet), in addition to a future land use exhibit showing the property to be future industrial land.

An annexation agreement has been executed by the City of Milford and BAC.

The following letter was received from Delaware Principal Planner David Edgell of the Office of State Planning Coordination.

*RE: Plan of Services 2019-07, Lands of Baltimore Aircoil Company, Inc.  
Tax Parcel(s) 5-00-08200-01-1400-000*

*Dear Mr. Pierce,*

*This letter is to confirm that we have received and accepted the completed Plan of Services for the above referenced annexation. The City has completed all relevant annexation requirements of Title 22, Section 101, and subsection (3) of the Delaware Code.*

*After this property has been annexed please notify our office in writing so that we may update our records and maps. A copy of the annexation committee report and the official annexation resolution should accompany this notification. Please do not hesitate to contact me if I can be of any further assistance.*

The property is currently served by the City of Milford sewer after it was extended in 2005-2006, prior to the parcel being contiguous with the City of Milford, through a small lift station and force main along the Milford-Harrington Highway.

City water is not currently available to the site with the closest connection point being 3,000 feet to the east also along the Milford-Harrington Highway. The property is currently served by a State-approved drinking well until such time water becomes technically available at a connection point.

The public notice was advertised in the Milford Beacon on September 25, 2019, and all property owners within 200 feet of the subject parcel were mailed a copy. The Planning Commission recommended approval of the I-2 zoning at their November 19, 2019 meeting by unanimous vote.

BAC Plant Manager Stephen Tsotsoros was present and verified that he agrees with Planning Director Pierce that Baltimore AirCoil is prepared to move forward with the annexation that began many years ago when the City provided sewer to their property. The petition was filed, the fee submitted and he hopes this will be one of the final steps in the process, as they look forward to joining the Milford community officially.

Mayor Campbell opened the floor to public comments. No one responded. The floor was closed.

Councilman Brooks moved to approve the annexation of Baltimore Air Coil, Incorporated at 1162 Holly Hill Road, seconded by Councilman Morrow. Motion carried.

Councilman Boyle moved to adopt Ordinance 2019-37 and authorize the change of zone from IL to I2, General Industrial District, seconded by Councilmember Wilson:

**ORDINANCE 2019-37**

Change of Zone of Annexed Land Belonging to Baltimore Aircoil Company, Incorporated  
1162 Holly Hill Road, Milford, DE 19963  
Tax Map MD-00-182.00-01-14.00  
49.25 +/- Acres  
Current Zone I-L/Proposed Zone I-2

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 49.25 +/- acres of newly annexed lands from I-L to I-2 at 1162 Holly Hill Road, Milford, DE 19963.

WHEREAS, in accordance with Title 22 of the Delaware State Code and Chapter 230 of the City of Milford Code, the City provided public notice by advertisement in the Milford Beacon and by mailing public notices to property owners within a 200-foot radius of the site of the property being considered for a change of zone; and

WHEREAS, on Tuesday, October 15, 2019, the Planning Commission held a noticed public hearing during which interested persons have an opportunity to testify in support of, or opposition to, the proposed zoning change, after which a recommendation by favorable vote of the Commissioners was made; and

WHEREAS, City Council considered evidence presented, public comments and the Planning Commission's recommendation at their hearing on Monday, October 28, 2019, and has deemed it to be in the best interest of the City of Milford to allow the change of zone as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 49.25 +/- acres, as shown on the plan denoted as Exhibit A, to be zoned as I-2 (General Industrial) and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. Following a favorable vote by City Council on November 25, 2019, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 4, beginning on the effective date of this Ordinance.

Section 4. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Kent County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 5. Dates.

Introduction to City Council: October 14, 2019

Planning Commission Public Hearing: November 19, 2019

City Council Public Hearing and Review: November 25, 2019

Section 6. Effective Date.

December 5, 2019

Attachments:

Exhibit A

Exhibit B

Motion carried.

*Ordinance 2019-39*

*Judith Diaz on behalf of The Chaney Center LLC for a Conditional Use for a Daycare on 2.09+/- acres in a C-3 Zoning District. Property is located at the southeast corner of North Rehoboth Boulevard and Northeast Front Street intersection, addressed as 600 NE Front Street, Milford, Delaware. Present Use: Shopping Center; Proposed Use: Shopping Center with Daycare to be known as Little Bucs Learning Center. Tax Map MD-16-183.07-01-029.00, -030.00*

Planning Director Pierce reviewed the application pointing out the comprehensive plan designation is commercial and is zoned accordingly.

The applicant proposes to convert approximate 2,600 square feet of the existing shopping center into a daycare facility and provide an outdoor, fenced in play area for children, as is indicated in the provided survey. Chapter 230-14(C)(12) states a daycare center is a conditional use within the C-3 Highway Commercial zoning district and is subject to City Council approval.

The staff analysis can be found in the Council packet and is based on the criteria found under Chapter 230-48 Conditional Uses.

A copy of the survey showing the site meets the parking criteria. There is a need to restripe the area to comply with ADA requirements and includes a proposed fenced-in play area south of the parking lot.

A narrative was submitted by the applicant related to their hours of operation, parking, daycare plans, etc. for review.

The public notice was advertised in the Milford Beacon on October 30, 2019, and all property owners within 200 feet of the subject parcel mailed a copy. The Planning Commission recommended approval of the application at their November 19, 2019 meeting by unanimous vote with no additional conditions.

Councilman James referred to the requirement for the applicant to obtain a building permit from the City of Milford for associated renovations, which require State Fire Marshal and State Plumbing Office approvals. He asked if any other State agencies would need to approve because it will be a regulated daycare.

Planning Pierce confirmed they cannot operate until all regulations and licensing requirements have been met for daycares.

Applicant Judith Diaz then addressed Council stating she is requesting approval to open the Little Bucs Learning Center at the Chaney Center, as Mr. Pierce described.

In response to questions, Ms. Diaz explained she will need to go through licensing and hire teachers in accordance with the State of Delaware regulations. The space will be measured to determine the number of children permitted. She currently owns and has operated a large family childcare at 844 Northeast Front Street for the past eighteen years. Presently, she has twelve children.

She is unsure how many children will be permitted at the new facility, as that will be based on the size of the building. However, she is required to have a teacher for each room. However, she hopes to be able to have 25 to 35 maximum children.

Once the new daycare is open, the existing daycare will close.

Councilmember Peel recused from the herself from the discussion because she was Ms. Diaz' instructor for Programming and Administration for Early Childhood Businesses.

When the floor was opened for public comment, Peggy Schmidt (unknown address) stated the only concern she has is there is no place for outdoor play. However, she understands the State Daycare regulations allow the substitution of a large indoor area.

It was noted there is a fenced-in, outdoor playground area at the site.

No one else wished to speak and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2019-39 approving the request for a conditional use for a daycare at the Chaney Center at the intersection of Rehoboth Boulevard and Northeast Front Street, seconded by Councilmember James:

ORDINANCE 2019-39

Judith Diaz on behalf of The Chaney Center LLC for a Conditional Use for a Daycare on 2.09+/- acres  
in a C3 (Highway Commercial) Zoning Districts.

Property is located at the southeast corner of N Rehoboth Blvd and NE Front St intersection,  
addressed as 600 NE Front Street, Milford, Delaware.

Present Use: Shopping Center;

Proposed Use: Shopping Center with Daycare to be known as Little Bucs Learning Center.

Tax Map MD-16-183.07-01-029.00, -030.00

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Daycare to be known as Little Bucs Learning Center as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.* Upon the adoption of this ordinance, Judith Diaz on behalf of The Chaney Center LLC is hereby granted a Conditional Use Permit to allow a Daycare to be known as Little Bucs Learning Center in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3. Dates.*

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

Effective: December 5, 2019

Motion carried by the following 7-0-1 roll call vote:

Marabello-yes for the establishment of a daycare center, which conforms with the daycare regulations and does not adversely impact the surrounding properties. It is beneficial to the community.

Boyle-yes, the applicant falls under the criteria established in Chapter 230(48) condition use of the site for a daycare center.  
Peel-abstained.

Culotta-yes based on the recommendation of the Planning Commission and the fact the shopping center is not properly utilized and this will be good for that area, the shopping center and Milford in general.

Brooks-yes based on the Planning Commission and it is much needed in that area.

Morrow-yes for the previous stated reasons.

James-yes because it conforms with the code and fits the designation of the comprehensive plan and that the site could be used for commercial uses, and it does fit a need for the city for more quality childcare.

Wilson-yes based on the Planning Commission's recommendation and she thinks it is wonderful to be able to expand the current services and because this is someone that has been in business for ten years, so she must provide good service.

*Ordinance 2019-40*

*Liborio Watergate LLC for an Amended Conditional Use and Amended Final Major Subdivision of 47.39 +/- acres into a 276-unit subdivision consisting of 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center in an R-3 Zoning District. Property is located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware. Present use: Vacant Land Proposed Use: Planned Unit Development to be known as Watergate. Tax Map: 3-30-11.09-030.00 & 031.00*

Mr. Pierce reviewed the applicant stating this is an amendment to the existing conditional use planned unit development approval for the Watergate Community and an amended final major subdivision.

He stated that in April 2018, City Council approved the Final Major Subdivision application associated with the revised Watergate Planned Unit Development. Since then, the applicant had entered into discussions with Beach Babies Daycare to add a building in front of the community. As a result, modifications were needed to eliminate two proposed twelve-unit multi-family apartment buildings needed to allow the appropriate room for the daycare facility. As a result, they came back with the revised plan, creating a residual R-3 (Garden Apartment and Townhouse) zoned parcel to be used for a

daycare facility. The overall subdivision layout remains the same except for the front section where the daycare will be built. The developer is reducing the overall number of dwelling units in the Watergate subdivision from 300 to 276.

City Council approved the conditional use application and Planning Commission approved the preliminary site plan approval for the proposed daycare facility in July. That now requires a revision to the Watergate subdivision before final site plan approval can be granted.

The packet shows the various types of units that will be constructed in the Watergate community. Back in 2006, the plan was originally approved for 303 units. In 2008, there was some minor modifications, but the number of units stayed the same. In 2018, they reduced the number of units to make some internal adjustments to the overall layout resulting in a reduction to 300. The latest revision further reduces that number to 276 units.

The only major change to the plan is the added area along Marshall Street, north of Watergate Boulevard South, which was originally planned for two multi-housing structures and a parking area.

The public notice was advertised in the Milford Beacon on October 30, 2019, and all property owners within 200 feet of the subject parcel were mailed a copy. The Planning Commission recommended approval of the amended PUD and Final Major Subdivision at their November 19, 2019 meeting by unanimous vote.

When asked if the design has changed much since the last time it was approved, Mr. Pierce confirmed the design is the same other than the addition of the daycare. He reported there were comments at the previous conditional use hearing about pushing the playground area back further and some modifications were made as a result. However, that will be determined by the State licensing agency for the daycare.

Mr. Pierce reiterated the landscape screening design remains, as was discussed in the past.

PE Scott Lobdell of Van Cleef Engineering Associates commended Mr. Pierce for his comments. He noted that prior to their final site plan approval, the lots needed to be adjusted, which is the reason for this process.

He also noted that all original agreements have been settled with the self-storage facility, that will remain with no changes.

If the daycare is approved, it will be a better situation for the neighbor because the buildings are not as high.

When asked how many units are completed, Mr. Lobdell explained they are working on the third street of townhouses, and estimates roughly fifty units. No apartments, duplexes or single-family homes have been started. They are prepared to begin construction on the daycare and hope to open in Fall 2020.

Also present was Sean Turner, Chief Operations Officer, Beach Babies Childcare, who announced their opening date will be September 2020, in conjunction with next school year as they hope to enroll as many children as possible in their after-school program.

They anticipate licensing for 220 children, though they estimate approximately 180. Mr. Turner said they are part of the Delaware Stars program so they keep their numbers lower.

The floor was opened to public comment by Mayor Campbell. With no one responding, the floor was then closed.

Councilmember Boyle moved to adopt Ordinance 2019-40, amending the Liborio Watergate LLC conditional use and final major subdivision, seconded by Councilmember Culotta:

ORDINANCE 2019-40

Liborio Watergate LLC for an Amended Conditional Use and Amended Final Major Subdivision  
of 47.39 +/- acres into a 276-unit subdivision consisting of 33 single family units,

10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center in an R-3 Zoning District.

Property is located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware.

Present use: Vacant Land

Proposed Use: Planned Unit Development to be known as Watergate.

Tax Map: 3-30-11.09-030.00 & 031.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for an amended conditional use and for final approval of an amended plat; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the amended conditional use and amended plat, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Following adoption of Ordinance 2019-40, and upon the effective date, Liborio Watergate LLC is hereby granted an Amended Conditional Use and Amended Final Major Subdivision to allow 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

Effective: December 5, 2019

Motion carried by the following unanimous roll call vote:

Marabello-yes to approve the changes as described and accept the amended PUD and final major subdivision because it has been reviewed and approved by the Planning Commission and does not change the plan other than reducing the number of units previously approved. He also feels the daycare center will be a good fit with the eventual completion of this community.

Boyle-yes because it fits the needs of the City by providing another daycare center and also reduces the density of the subdivision.

Peel-yes, the business is reputable as far as providing childcare, quality programming for the younger students in Milford.

Culotta-yes because it is good for Milford and a sizable daycare that should meet the demand in Milford.

Brooks-yes because it is much needed.

Morrow-yes for the previous stated reasons by Council.

James-yes and likes the reduction in density, in addition, to providing a better accommodation to the neighboring business, and for the units Milford has on the books, this capacity at a daycare is needed to meet that demand.

Wilson-yes based on all the reasons mentioned.

*Ordinance 2019-38*

*Code of The City of Milford/Part II-General Legislation/Chapter 230-Zoning/Sign Regulations*

Mr. Pierce deferred to Assistant Solicitor James Sharp, also in attendance, to talk about the work on the City's sign code, and provide a background.

Assistant Solicitor Sharp recalled this was discussed at a joint meeting of City Council and the Planning Commission this past May. He also noted that this time last year, they began to organize a working group to review the sign ordinance. Representatives from the sign industry, Chamber of Commerce and other individuals made up the group to take a deep dive into the code.

The sign committee came up with several recommendations, in addition to updated formatting that will provide easier reference. Also discussed were the needs for the changes, as well as the benefits to the proposed ordinance.

Mr. Pierce then reviewed the following memo:

*In May 2018, the Community & Economic Development Committee discussed the need for updating Milford's sign ordinance. It was determined that the Chamber of Commerce, Downtown Milford, Inc. and sign company representatives would work with the Planning Commission to review the current ordinance and prepare a draft code amendment. Staff attempted to schedule a Planning Commission workshop in the fall of 2018, but found it difficult to get a commitment from other stakeholders for the evening meetings. Due to the scheduling conflicts, staff organized a working group comprised of one City Council member, one Planning Commissioner and the organizations listed above. The "Sign Code Working Group" included the following members;*

*Michael Boyle, Ward 1 Councilmember  
David Mosley, East Coast Signs  
Raymond Lynch, Planning Commissioner  
Wendy Longstreet, Phillips Signs  
James Sharp, Esquire, Moore & Rutt  
Eric Norenberg, City of Milford  
Jo Schmeiser, Chamber of Commerce  
Rob Pierce, City of Milford  
Murrie Zlotziver, Downtown Milford, Inc.  
Evan Miller, City of Milford  
Lynn Rogers, Rogers Sign Company*

*The working group met five times between November 2018 and February 2019 to review the current code and discuss recommendations on improvements to the ordinance. The major items of discussion included the following:*

- 1. The existing sign regulations are located throughout Chapter 230 Zoning and are not in one location.*
- 2. The definitions section needed to be updated and modernized.*
- 3. Portions of the sign code are ambiguous and contain conflicting language.*
- 4. There is very little guidance on how to address legal non-conforming signs and maintenance of existing signs.*
- 5. The group felt signs should be constructed with durable, high-quality materials, and some guidance should be provided within the code related to construction materials.*
- 6. The Electronic Message Center (EMC) sign regulations needed to be updated based on advances in technology and should include more detailed illumination standards.*
- 7. The City should consider allowing EMC Signs in other zoning districts besides C-3 Highway Commercial, and should consider allowing larger EMCs.*
- 8. There are no regulations for signage for non-residential uses in residential zones (schools, churches, etc.) in the current code.*
- 9. Temporary sign regulations in existing code are not "content neutral."*

10. There are no specific regulations for off-premise Signs (Billboards).

Generally speaking, the working group found the current sign code disjointed, difficult to interpret and fairly restrictive.

The Planning Commission held three workshops prior to their regularly scheduled monthly meetings for June, July and August 2019 to discuss the findings of the working group, review draft code changes presented by staff and provide recommendations on additional code revision items. Enclosed is the final copy reviewed and prepared by the Planning Department and Assistant Solicitor Sharp with input from the working group and the Planning Commission.

Below is a summary of the major items that have been updated. Each section provides a comparison between the current sign code and the proposed sign code related to the particular subject.

### **Overview of Ordinance Changes**

**Utilize the United States Sign Council (USSC) Foundation On-Premise Sign Code Template and consolidate regulations into one single article.**

**Current Code:** The current sign regulations can be found in Chapter 230 Article VI and within each zoning district's use and area regulations section. There appears to be no consistency in format. Definitions for signs are provided amongst all other definitions for Chapter 230 Zoning and include outdated terminology.

**Proposed Code:** The draft code amendment utilizes an on-premise sign code template prepared by the United States

Sign Council Foundation. The USSC template was prepared by sign industry experts and serves as a starting point, by providing updated definitions, more appropriate terminology, clear sign area calculations, sign type illustrations, maintenance and construction standards, and a general format for a content neutral sign code. One of the goals of the update was to consolidate the sign regulations into a single article for ease of use for business owners, sign companies and staff.

The draft ordinance has removed the old language from Chapter 230 within the definitions section, each zoning category and the former Article VI in its entirety and replaces it with the updated language.

### **Sign Heights, Areas and Setbacks**

	Freestanding		Building	Canopy	Awning	Projecting	
Zones	Height	SF	%	%	%	SF	EMC
R-1	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
R-2	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
R-3	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
R-8	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
C-2	4	4	10	10?	10?	20	Prohibited
C-2A	4	4	10	10?	10?	20	Prohibited
C-1	4	4	10	10?	10?	15	Prohibited
OB-1	n/a	n/a	20 sf	n/a	n/a	n/a	Prohibited
BP	6	48	10	10?	10?	n/a	Prohibited
OC-1	28	225	5	5?	5?	n/a	Prohibited
H-1	25	70	5	5?	5?	n/a	Prohibited
IM	n/a	18/36	n/a	n/a	n/a	n/a	Prohibited
IS	n/a	100	5%/100 sf	n/a	n/a	n/a	Prohibited
I-1	28	200	5	5?	5?	n/a	Prohibited
I-2	28	200	5	5?	5?	n/a	Prohibited

C-3	28	225	10	10?	10?	20	Permitted max 32 sf
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*Current Code: There appears to be no consistency for some of the size regulations in relationship to one another and the uses within the zoning districts. Staff found through field measurements, that several signs in the residential zoning categories and signs in the BP, OC-1, C-1 and OB-1 zoning districts do not comply with the current standards and are considered non-conforming. Table 1 provides the current sign regulations.*

*Table 1 – Current Sign Regulations*

*\*EMCs are permitted within the C-3 zoning category but are limited to 32 square feet in area.*

*Proposed Code: The proposed code would adjust the sign height, size, area and setback regulations better reflect what has been constructed in the field. The zoning categories have been grouped into zones based on the types of uses and intensity of uses. Area regulations were derived using the former code as a starting point, comparing the old code to what was constructed in the field, and coming up with more reasonable height, area and setback requirements for each type of zone based on the character of these areas along with the general traffic types (high speed vehicles, low speed vehicles, pedestrian traffic).*

*The proposed code would allow shared freestanding signs for adjoining non-residential properties to reduce sign clutter and allow those commercial properties with limited highway frontage the ability to advertise their business.*

*Shared freestanding signs would require verification of an easement between property owners along with an executed agreement for long-term maintenance.*

*See proposed Chapter 230-24.11 through 24.16 for specific language pertaining to each zone. Table 2 shows the proposed sign regulations.*

*Table 2 – Proposed Sign Regulations*

Zones	Freestanding				Building	Canopy	Awning	Projecting	EMC
	Height	SF	Front Setback	Side Setback	%	%	%	SF	
<i>Residential Zones (R- 1, R-2, R-3, R-8)</i>	<i>Prohibited</i>	<i>Prohibited</i>		<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>
<i>Subdivision</i>	<i>4</i>	<i>64</i>		<i>64</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>
<i>Home Occupation</i>	<i>4</i>	<i>6</i>	<i>15</i>	<i>5</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>
<i>Non-residential Uses</i>	<i>10</i>	<i>48</i>	<i>5</i>	<i>15</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Downtown Commercial Zones (C-2, C-2A)</i>	<i>6</i>	<i>24</i>	<i>10</i>	<i>15</i>	<i>10</i>	<i>40</i>	<i>40</i>	<i>20</i>	<i>Prohibited</i>
<i>Neighborhood Commercial Zones (C-1, OB-1)</i>	<i>6</i>	<i>24</i>	<i>10</i>	<i>15</i>	<i>10</i>	<i>40</i>	<i>40</i>	<i>20</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Business Park and Office Zones (BP, OC- 1)</i>	<i>10</i>	<i>48</i>	<i>10</i>	<i>15</i>	<i>10</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Institutional Zones (H-1, IM, IS)</i>	<i>10</i>	<i>120</i>	<i>10</i>	<i>25</i>	<i>5</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Commercial and Industrial Zones (I-1, I-2, C-3)</i>	<i>28</i>	<i>225</i>	<i>10</i>	<i>25</i>	<i>15</i>	<i>40</i>	<i>40</i>	<i>20</i>	<i>Permitted by- right</i>

*\*EMCs would be permitted within the C-3, I-1 & I-2 zoning categories by-right and would be permitted within the R-1, R-2, R-3, R-8, C-1, OB-1, BP, OC-1, H-1, IM & IS zoning categories by conditional use approval for uses such as schools, churches, social clubs, fraternal, civic, union or social organizations. For signs 32 square feet or less, the EMC portion of the sign could make up 100% of the sign. For signs larger than 32 square feet, the EMC portion of the sign would be limited to 70% of the sign area or 100 square feet, whichever is less. Each zone governs the overall size limitation for EMCs.*

### ***Non-residential uses in Residential Zoning Districts***

*Current Code: The current sign code does not provide specific guidance on the allowable height, area and placement of signs for non-residential uses in residential zones. These uses include places like schools, churches, day-cares which are generally found residential areas.*

*Proposed Code: The proposed code amendment addresses these issues and provides guidance on sign characteristics for uses like churches, schools, daycares and similar uses that are generally found in residential zoning categories as shown in Table 2 above. See proposed Chapter 230-11 (E) for specific language.*

### ***Incorporate a Comprehensive Signage Plan review process***

*Current Code: Deviations from the current sign code can only be approved by the Board of Adjustment through the variance review process.*

*Proposed Code: The draft code amendment would allow the Planning Commission and/or City Council the ability to review and approve deviations from the proposed sign code for site plans and subdivisions as part of a comprehensive signage submission. This would allow the City to review the sign plan for these types of projects in a holistic manner and make a determination if deviations from the sign code should be permitted. See proposed Chapter 230-24.25 for specific language.*

### ***Review the current Electronic Message Center regulations***

*Current Code: The current code only permits EMCs within the C-3 Highway Commercial zoning category with a maximum size of 32 square feet in sign area.*

*Proposed Code: The draft code amendment proposes to allow EMC's in C-3, I-1 and I-2 zoning categories by- right and would allow EMCs within residential zones, neighborhood commercial and office zones and business park zones by conditional use approval from City Council. EMC's would remain prohibited in the Central Business District. For EMC signs 32 square feet or less, the EMC portion of the sign can make up 100% of the sign. For signs larger than 32 square feet, the EMC portion of the sign is limited to 70% of the sign area or 100 square feet, whichever is less.*

*The draft amendment utilizes illumination standards from the Sussex County sign code and provides enforcement measures for the City to ensure electronic signs meet ambient light standards, with the intention of minimizing adverse effects on neighboring property owners and vehicle operators. See proposed Chapter 230-24.20 & 230-24.21 for specific language.*

### ***No regulations for Off-Premise Signs (Billboards)***

*Current Code: The current code permits billboards by conditional use approval within the C-3 zoning district only.*

*There are no specific regulations as to the height, size and spacing of such signs in the City Code and simply references receiving DelDOT approval.*

*Proposed Code: The draft code would prohibit any new off-premise signs within the City. See proposed Chapter 230-14.19 for specific language.*

***The Temporary Sign language conflicts with recent court decisions***

*Current: The City's temporary sign regulations are not "content neutral" and potentially violate freedom of speech laws. The current sign code regulates business, real estate and political signs differently, which conflicts with recent Supreme Court decisions. The current sign code contains language conflicts, particularly under the prohibited sign section where it lists several types of signs that are not allowed within City limits, but ends the statement with "allowance shall be determined by the Code Official." There needs to be more definitive criteria as to what is allowed and not allowed when it comes to temporary signs.*

*Proposed: Each property or storefront would be permitted one temporary wall sign and one temporary freestanding sign in the Business Park and Office, Institutional or Commercial and Industrial Zones. These signs would be limited to 20 square feet in area and would need to be setback 10 feet from the property line and 15 feet from side property lines.*

*Each property would be permitted up to 12 square feet in total sign area per road frontage within the Residential Zones for both wall signs and freestanding signs. These signs would need to be setback 5 feet from the front property line and 15 feet from adjacent property lines.*

*Temporary freestanding or wall signs may be displayed no longer than 90 days.*

*Temporary banners would be permitted under a Special Event Sign Permit for events like grand openings, closing sales, sale events, festivals and special events. Temporary banners would be limited to 2 per property or storefront and would be limited to a maximum size of 32 square feet. Three Special Event Sign Permits may be issued in a calendar year for each property or storefront, with a period of 30 days for each.*

*Temporary signs and banners would not be permitted within the public right-of-way, with the exception of A-Frame signs in the Downtown and Commercial Zones. All other temporary signs in the right-of-way will be removed by the Code Enforcement Official.*

*See proposed Chapter 230-24.18 for specific language regarding Temporary Signage.*

***Downtown Design Criteria***

*Current Code: The current sign code provides specific design criteria for signs located in the Central Business District related to design, themes, color, material and placement.*

*Proposed Code: The draft code amendment incorporates the signage recommendations from the Downtown Milford, Inc. (DMI) design standards into the City Code, providing regulations on size, color, placement and aesthetics. Similar to the current code, there some criteria that are mandatory while others are recommendations. City Council should note the differences between "shall" statements and "should" statements.*

*See proposed Chapter 230-24.12(B)(7) for specific guidelines.*

A comprehensive review of the amended code followed (see Ordinance 2019-38 attached) by the Assistant Solicitor.

When Council was asked to comment, Councilmember Peel questioned the temporary signs/banners. In the past, she understands there was an opportunity to hang signs across a street downtown from building to building for certain events. That has not been permitted in recent years and asked how that is addressed in the revision.

Councilmember Morrow left at this time.

Mr. Pierce then referenced below language:

1452 (2) In all other zones and for non-residential uses in Residential Zones, temporary banners may be  
1453 permitted by the Code Official after obtaining a Special Event Sign Permit and meeting the  
1454 following standards:  
1455 (a) Permits may be issued for Special Events, including but not limited to Festivals, Grand  
1456 Openings, Closing Sales, and Holiday Sales.

He also noted there may be additional regulations when extending a banner across a DelDOT road. However, he has not researched that possibility.

City Manager Norenberg added the other problem is having a safe and suitable point to attach the banner on either side, particularly downtown where the buildings would be used. Councilmember Peel questioned if private business owners would be interested in that possibility, considering the increasing number of festivals in Milford.

Mr. Pierce then discussed below subsections:

1430 I. Temporary Signs are prohibited in the right-of-way unless approved as part of a Special Event  
1431 Permit.

Councilmember Wilson recalled it being permitted when there was a large festival in the original shopping center downtown.

Mr. Norenberg said though it has not occurred since he has been here, he was informed that a banner came down at some point in the past, and a vehicle and/or people were injured as a result. There has not been a big push since that time, that he is aware of, because of the liability risk.

He recommends we research other communities who permit over-street banners for special events and to obtain information of what is permitted for certain roads/streets. In that way, we may be able to figure out a technical way it can be addressed, while protecting the City, if that is agreeable to DelDOT.

Mr. Pierce believes it would be limited to 32 square feet and a certain weight, though there is a statement that the placement in the right of way could be waived as part of a special event permit. He agrees that something needs to be drafted related to the size limitation, or add a requirement the sign must be associated with a community-sponsored special event.

Assistant Solicitor Sharp then referenced the following subsection that require the bottom of the sign to be at least 14 feet above the ground:

1646 C. Clearances.

1647 (1) Vision clearance areas. Vision clearance areas are triangular-shaped areas located at the  
1648 intersection of any combination of right-of-ways, alleys, or driveways. The sides of the  
1649 triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in  
1650 either/each direction. No sign may be installed within this clear site triangle.

1651 (2) Vehicle area clearances. In areas outside of rights-of-way, when a sign or awning extends over  
1652 an area in which vehicles travel or are parked, the bottom of the structure must be at least 14  
1653 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and  
1654 maneuvering areas.

He confirmed that it would be prohibited, and referenced the language that 'anything in a right of way, except as otherwise permitted'.

Assistant Solicitor Sharp explained that means that unless it is allowed in the code, it cannot be done. The example is we are allowing A-frame signs in the right-of-way, but not necessarily allowing a banner to be hung above Walnut Street. He does not think that ability is in the proposed code. However, Council has the right to decide if that should be added.

Councilmember Peel recommends that if our past practice has been not to allow them, something stating that should be included in the code.

Mr. Pierce reiterated that anything not specifically listed in the code as permitted, is prohibited, and is how the zoning code is enforced. Solicitor Rutt agreed.

When asked if it could be included in the special event permit process, Mr. Piece said that is possible because all City departments comment or sign off on those applications.

It was agreed that several technical aspects need to be considered, with the first being the attachment to any buildings.

Though it would not hold up the adoption of this draft, it was agreed that could be addressed as a separate matter and brought back before Council.

Councilmember Culotta said he has some apprehensions about prohibiting billboards. He shared that the current code allows billboards by conditional use approval within the C-3 zoning district. There are no specific regulations as to the height, size and spacing of such signs in the City Code and instead, it simply references DeIDOT approval.

He noted that the draft code language prohibits any new off-premise signs within the City. Though that may be ok in some areas, he has no problem with billboards along Route 1 or Route 113, adding that the City limits extend north to IG Burton's Dealership. He is aware of property owners who want to put up full-size billboards, which are 600 square feet, or an electronic billboard.

Councilmember Culotta pointed out that an electronic billboard replaces six to eight traditional signs. He is not talking about downtown on Walnut Street, but instead out on Route 113 and Route 1. He feels we are limiting our businesses and believes we are only focusing on the downtown part of the City. There are highways throughout the State that allow many things though they are somewhat restrictive in the sense you cannot place two, ten feet apart from one another.

It was agreed there are different regulations in each County.

Councilmember Culotta stated that a lot of property owners want to lease out their lands and electronic billboards cost \$150,000 and those costs need to be recouped.

Mr. Pierce explained that initially, some separation distance and regulations were initially considered, but the Planning Commission instead considered the overall benefit of the off-premise signs to the community and residents. They felt there was not a lot of benefit to the municipality.

Various size and standards were then discussed. Councilman Culotta reiterated they need to be considered on the highways. Councilmember Wilson recalled a few years back when the Council Chambers was packed when a billboard was being considered by Council.

Councilman Culotta recommends some additional clarification be added so that billboards can be considered on highways.

Councilman James said he does not have a problem with that, as long as it on a commercial strip of land, under a conditional use application, and that in no way will it impact any residences or residential areas. He agrees that if something is not on a billboard, he most likely will not see it when he is traveling.

Mr. Pierce pointed out that billboards do not advertise the business at that location, and instead, more often a business in another City. He confirmed a billboard cannot advertise what exists on the property.

He believes that if billboards are permitted in a C3 zone, that would mean they could be installed along the shopping corridors in Milford, where traffic is going 40 to 50 miles per hour and people are stopping for traffic lights. Most businesses rely on local ordinance regulations, otherwise they are only restricted by the separation distance and size the State of Delaware requires.

Assistant Solicitor Sharp noted that the State of Delaware has requirements based on the Lady Bird Act in the 1960's and highway beautification that must be complied with. They have areas where they can be erected, based on separation and size. In Sussex County, DeDOT approval is required before the application can be submitted to the County.

Mr. Pierce also noted that two billboards were approved on the south side of Route 113 that is currently undeveloped. However, there will be a large residential community behind them that could potentially be impacted, and feels that long term consideration is a must.

Assistant Solicitor Sharp then commented on Route 1 in Lewes and Rehoboth, and the fact that most people do not even read the billboards because there are so many of them along that commercial corridor. If Council wants them to be considered, he wants them to visualize their impact, because it will have an impact on the City, and not just for five years, but instead fifty plus years. The C3 parcel may be vacant today, but at some point, it could be developed and include the fast food restaurants and hotels. That needs to be kept in mind as well, because that prevents someone from seeing that restaurant that you may have stopped at, because the billboard is obstructing the structure.

Councilmember Culotta disagrees stating that the City cannot limit an opportunity for a billboard only because there may be a later housing development built beside it a couple years from now. He does not feel that is appropriate for these property owners.

Councilmember Boyle said what needs to be considered is the appearance of our City. He recommends driving up to the Frederica areas to see the digital signs, and one sign that reflects on both sides, has a tremendous impact on the new homes that were built in that same area. He is familiar with a resident who lives there and the back of their home requires their curtains be closed both day and night. It is bright and continually changes its messages and detracts from that area. In addition, these billboards are most likely going to be advertising the businesses at the beach or further north, depending on the size of the highway they are on. Very rare does it advertise a business within the same town.

Councilmember James said the most compelling thing he has heard so far, is we cannot just think about now, but instead the need to consider long term. It may not be developed as a residential community right now, though that can absolutely occur. He is thinking about the Cypress Hall and Milford Pond communities whose lands were vacant for many years. Had the City approved billboards along that corridor, that would be a problem for those residents.

Councilmember Culotta pointed out the electronic billboards allow Milford businesses affordable advertising at that level. A six-month commitment on a static billboard costs \$5,000 to \$10,000. On an electronic billboard, it rotates with six different ads at a much cheaper rate.

Councilmember Boyle recalled when DMI looked into advertising on an electronic sign, and found it was extremely cost prohibitive.

Councilmember Marabello also referenced Lewes and Rehoboth Beach. He feels the signs are meaningless and asked if that is the look Milford wants. Councilmember Culotta said once we grow that big, we won't worry about it. Councilmember Marabello disagrees, stating at that point it would be too late. He emphasized that first impressions are a matter of seconds. If we want a honky-tonk look, people will not want to come here to visit.

A discussion followed about whether billboards were becoming somewhat passé' with on line shopping, in addition to directional apps on cell phones.

Councilman James noted that EMCs (electronic message electronic signs) over 32 square feet, cannot exceed 70% or up to 100 feet, whichever is less. He asked how we got to the 70%; Attorney Sharp explained that came from the working group and mainly recommendations from the sign companies.

Mr. Pierce said their thinking was a large EMC would be unattractive without some additional accents around it. The sign companies pointed them into the direction of a municipality that had similar language and set a standard based on the percentage of the sign. He emphasized that was a recommendation from business people that sell signs for a living.

Assistant Solicitor Sharp added that a 100 square foot electronic message center sign is a substantial sign.

Mayor Campbell then opened the floor to public comment.

Sara Pletcher of 8 Elizabeth Street stated that in her previous position as DMI President, in response to Councilmember Peel's question about overhead banners, they ran into problems with the facades of the buildings. Most cannot withstand the wind of a sign. If it is agreed this would be allowed, some type of permanent structure, barrier, or pole would need to be erected. She recalled several years ago when the University of Delaware had a sign across Front Street at Rite Aid and believes there were issues with DelDOT. Therefore, she suggests more discussion.

In terms of billboards on the highway, Ms. Pletcher recalled considering highway signs for downtown festivals and other events, and determined a stationary sign was \$1,200 a month and a revolving sign is \$900 a month, paid on a six or twelve-month contract. Non-profits and small businesses are unable to afford anything like that, even if they could add fifty merchants to a sign which would be unfeasible as far as content.

She agrees that it is more financially feasible for Rehoboth and Lewes businesses, who can afford that type of advertising.

Ms. Pletcher also noted that the ones approved on south on Route 1 are advertising Ryan Homes and not benefitting anything in this community.

PE Ring Lardner of Davis, Bowen and Friedel, commended the committee that has been working on this. He feels the proposed ordinance before Council this evening is very beneficial because it places all sign-related matters in one chapter and adds clarity. He has been asked by clients on numerous occasions to assess a sign but always hesitated. He lives in Milford Ponds and wonders what it would be like if they had been allowed there. He pointed out that signage may get someone where they are going though it does not have to be directional.

One of his concern is absolutely prohibiting billboards. He feels billboards do provide advertising for items such as new homes. There are people that drive to the beach every day though he does not see a sign that says Milford Ponds or Brookstone Trace, or another community. There are also a lot of electronic message boards for the benefit of public advertisement including drug prevention, etc.

He also pointed out that billboards are a business because people put the names of their company on the billboard and often see the sign company such as Geyer, Silicato, etc. By prohibiting billboards, we are prohibiting a business from being able to lease a billboard within the City limits.

He agrees the City will continue to grow, whether it is east, north, south or west. Adjacent counties allow billboards and one of the things that may prevent a homeowner from annexing into the City could be the fact that a billboard is prohibited when that is a business for them.

Mr. Lardner recommends the conditional use process be considered if billboards were to be permitted. He has worked with many billboards, though he agrees there are many locations where billboards are inappropriate. He also recommends that additional requirements be considered if billboards were to be approved including spacing, size, etc. That may help with some of the concerns related to potential billboard clutter on Route 1 or Route 113 and could be addressed by allowing 1,000 or 2,000-foot distances between.

Peggy Schmidt said she loves to talk about billboards. This is something she has followed in the three states she has lived in. The nicer the community is, the less likely it is to have billboards. When driving down an interstate there are billboards throughout, but when you get to the City without billboards, all of a sudden it becomes quieter and more peaceful.

She said they drove down from Philadelphia the other day. Her husband said the billboards are very distracting to drivers when the electronic signs are flashing and when they are changing and become really bright.

Ms. Schmidt suggests that if the City decides to allow some type of billboards, they not permit electronic message center signs. Looking at Florida, northern Virginia and what happened in her hometown in Mississippi, which is very similar in size to Milford, the nicer communities do not have billboards. It is a sign that town or community is just a step above the others.

David Pickrell of Gallery 37 stated that he hates billboards. But we need billboards. Two facts he heard—on Route 113 and 13 where traffic slows down to 50, we can stack them up ten feet apart from each other. Route 1, where DE Turf is, traffic is 85 miles per hour. He asks that they be spread out quite a distance. He hates billboards, but feels we need to get drivers off Route 1 because they want to get to the beach. He said God help those people that live in those houses by DE Turf with the LED billboards in their backyards. He hopes they knew that before they bought, though he thinks the builder owns the signs, and hopefully told those people that built homes the sign would be installed.

Mr. Pickrell said his point is that he is a champion ‘sort of not’ of billboards though we need to get people off Route 1. A little Milford logo on the sign of a bridge abutment is not going to do it. And the little Milford sign from someone’s club at the apex at Route 113 and 1 is not going to do it. He approached the City years ago about putting welded artistic signage on the overpasses or entrance ramps to Route 1 to create a desire to get off the road. He prefers we look at that. But if limited to billboards, they need to be positioned properly so they can be read at 75 miles per hour. About two miles north of Milford perhaps, though we can do what we want on Route 113 because he does not live there. His importance is Walnut Street though he knows where Walmart is.

There being no further comment, the public comment session was closed.

It was agreed to adopt the ordinance, as was presented. In addition, Mr. Pierce will draft an amendment that addresses billboards and overhead banners.

Councilmember Boyle moved to adopt Ordinance 2019-38, amending Chapter 230-Zoning/Sign Regulations and direct the City Planner look into potential amendments related to billboards and overhead banner signs, seconded by Councilmember James.

Motion carried by the following 7-0 vote (Councilmember Morrow absent):

Marabello-yes to approve based on the comments and recommendation previously stated by Councilmember Boyle.  
Boyle-yes, he was on the committee that drafted this and there was a lot of thought and work put into it and commends Mr. Pierce and Assistant Solicitor Sharp for the heavy lifting they did. He particularly wants to commend the sign companies that participated, adding that they never tried to force their point of view and provided impartial information and background information, as well as technical data, and were extremely helpful. He agrees this is a comprehensive ordinance and will provide clarity for businesses coming into town, which is the most important reason for it.

Peel-yes, approved with the aforementioned future amendments.

Culotta-yes only with the caveat the two areas will be reviewed and a solution brought back before Council and a separate public discussion held.

Brooks-yes, he also agrees with Councilmember Boyle’s opinion on this and recalls when Council voted against billboards when Councilman Marabello was Mayor.

James-yes, stating this sign ordinance goes back to the early 2000’s at which time there was an attempt to clean it up then, though it never got very far. To see the work that has been done, and the great process that has been made by the committee,

is good for the City and good for the businesses and stakeholders, with the caveat of the two amendments for consideration at a later date related to the overhead banner and billboards, for the previous reasons stated.

Wilson-yes based on the hard work that has been put into this ordinance and thanks them for cleaning this code up and is definitely thankful for the conditional use, which could make it work for everyone, as we move forward.

Attorney Sharp recommends the two items be handled as two separate ordinances so the discussion can be tailored accordingly. However, that can be worked out once the work begins.

Mr. Pierce said we are approaching our deadline for the January meetings, so he anticipates at the earliest, they would be back for introduction in February.

## COMMUNICATION & CORRESPONDENCE

### *Public Works Student Positions*

Mr. Norenberg reported that as we go through this transition period, the Public Works Department, has agreed to partner with the public schools to provide the students some work experience. As a result, a high school student will be starting on Monday, December 2<sup>nd</sup> who will perform various intern duties while receiving some work experience throughout the department.

Unless there is any objection, the student will start that date and work through the remainder of the school year.

In addition, there are still a few positions open for recruitment right now, though we are not at the point of getting to the point of hiring before the end of the year. However, he will keep Council posted on that.

### *Tree Lighting Ceremony*

The City Manager reminded Council of the holiday tree lighting event will begin Saturday afternoon at 5:00 p.m., following Shop Small Saturday downtown.

### *Employment Notifications*

Councilmember Culotta then brought up the decisions about employee hiring because Mr. Norenberg is sending emails to all of Council with those notifications. He pointed out that if one Councilperson responds, it then becomes a public meeting. Mr. Norenberg emphasized that he asked Council to let him know if anyone had any questions or concerns. However, any responses by Councilmembers need to be directed only to Mr. Norenberg even though no one responded.

### *Thanksgiving Meals*

Councilmember Wilson reminded those in attendance that St. Paul's Church, in collaboration with community members, provide meals to approximately 500 residents.

Councilmember James added that over twenty years, beginning at St. Paul's Church, there have been more than 400 dinners served to the Greater Milford community. It was moved from St. Paul's Church to Seaford, Delaware, and last year, returned to Milford. This year, Carlisle Fire Company is allowing them to use their facilities to do the cooking and more than 500 dinners will be distributed to the homeless and the needy in this area. The Fire Company has offered their hall for those that can come in and sit down to have a meal.

They will begin preparations Wednesday evening and deliveries will begin at 8 a.m. on Thursday and continue until all 513 dinners are delivered.

## UNFINISHED BUSINESS

*Delaware Avenue Tree Removal:**Impose Moratorium/Future Tree Removals**Create/Policy/Future Tree Removals**Authorization/Removal/Two Trees*

Because of family members' involvement in the petition submitted, Councilmembers Culotta and Brooks recused themselves from discussion, and left the room.

Public Works Director Whitfield discussed the following recommendation:

*The City of Milford recognizes the existence of unordained/unopened/unimproved alleys and rights-of-way with the City. These alleys existed as "paper" rights-of-way as noted on subdivision plots, and the alleys were referenced in property deeds. Because most, if not all of the alleys noted as such, are more than 20 years old, the City no longer has rights to ownership or use of the rights-of-way. While not formally vacated, staff recommends an amendment to the City Code for the vacation and abandonment of rights-of-way in order to make the ownership and responsibility of maintenance clear. In such vacation or abandonment, Y2 of the of right-of-way could revert back to the abutting properties, if all the abutters agree. The vacation or abandonment of a right-of-way would not preclude the private use of the right-of-way by property owners within the subdivision. Even if the City vacates any municipal interest, should all property owners not agree, the alley remains "private" and must remain open for the enjoyment of the property owners within the subdivision*

*The City does have the right for tree trimming and/or tree removal on private property as outlined in the City's Tree Ordinance and Electric Tariff. The Tree Ordinance does state that the maintenance of trees between the sidewalk and curb, within the public right-of-way, is the responsibility of the abutting property owner.*

*Staff recommends City Council confirm the policy of trimming or removing trees on private property and in private alleys/rights-of-way.*

*Confirmation of Policy: Since July 2016, the City has not completed tree removal or tree trimming on private property and in private alleys/rights-of-way unless such trimming or removal was completed in compliance with the City Code. City Council concurs and affirms the policy that the City will not remove or trim such trees on private property or in private alleys/rights-of-way unless authorized by the City Code.*

*Recommendation: Staff recommend Council consider authorizing the drafting of an ordinance for the abandonment and vacation of rights-of-way. The proposed ordinance should be reviewed and recommended by the Planning Commission and the Finance & Public Works Committee of Council.*

Planning Director Pierce provided a presentation (see Council packet) that included related photos and the following information:

-Right-of-ways are dedicated to public use upon recordation but are not taken over by the City of Milford until they are improved and meet City specifications.

-A new subdivision street in a neighborhood that has not begun construction.

-As construction progresses, utilities are constructed by the developer within the right-of-way, along with curbing and road base. Again, maintenance responsibility is not assumed by the City until the improvements have been dedicated to the City.

-The right-of-way is often wider than the area needed for the public improvements.

-To the right, there is approximately 12 feet between the property line and the back of curb.

-The City only maintains the curb, pavement and utilities within the right of way, and it is the property owners responsibility to maintain the grass and any vegetation between the property line and back of curb.

-North Walnut Street, showing trees and plantings within the public right-of-way. The City is not maintaining the vegetation and it is the property owner's responsibility to make sure the vegetation does not interfere with pedestrian and vehicular traffic.

-An improved alleyway within the City.

-The City maintains the improved surface, but does not cut the excess grass outside the improved surface. This is the responsibility of the property owner.

-One of many unimproved paper alleys within the City that is not maintained by the City. The yards, vegetation and trees are being maintained by the adjacent property owners to the centerline of the alley.

-The City only maintains the public improvements within public right of ways and does not cut grass, trim trees or repair sidewalks adjacent to private land. This is the responsibility of the property owner.

Mr. Whitfield said he has been following the ordinance. He feels he has been fairly liberal when it comes to the ordinance and if an arborist feels something is a hazard or there is the potential to interfere with an electric line, the tree is removed. The ordinance provides that flexibility, but in this case, the tree is in the backyard.

As was requested, an estimate for City crews and equipment to remove the tree was obtained and determined to be roughly \$2,650. A private contractor has quoted \$2,700.

He emphasized that to get to the tree, private property will need to be torn up because of its location. As a result, his recommendation to Council is to confirm the policy, which has been in place since July 2016.

In addition, Mr. Whitfield suggests an ordinance be written to address the abandonment and vacation of rights-of-way and alleys so it is perfectly clear to everyone.

Mr. Pierce added that his Code Officials have been working with Public Works crews to identify some trees that have been getting in the way of trash vehicles or other vehicles and are creating hazards. Because that is a code violation, letters are being sent to inform the property owners they must maintain their trees a certain clearance and setback. That has been done for some time and residents throughout the City have complied.

Councilmember Peel thanked Mr. Whitfield and Mr. Pierce for their work and clarification. She said the sticking point the last time this was discussed was not having a full picture, and the situations involving other residents who had similar situations in the past. Because of the confusion, she agrees there is a need to clean up some of the ambiguity.

Mr. Whitfield agrees there are many misunderstandings about what the City is responsible for, in terms of a right-of-way. One of the first things he did when he was hired, was to educate his staff on how to handle these land matters. He is pretty confident on property law and his employees were very quick to admit they did not know property law and an employee told him at the time, that because it was a right-of-way, they just always assumed it belonged to the City. Because of that, they did what they thought they had to at the time because they had no other direction.

Councilmember Wilson stated that it sounds like such decisions were made administratively in the past. As she has explained, Councilmembers are now aware that some trees were removed and other were not. She appreciates the need for more clarifying language to ensure all property owners are treated in the same manner.

The City Manager noted the end of the memo relates to the confirmation of policy and asked for consensus and a motion to confirm that. The next step will be to send the letter that Public Works was going to send, and initially started this conversation a few weeks ago. In the future, he will develop an ordinance that can be brought back to Council.

Councilmember Boyle moved to direct the Public Works Director to begin drafting an ordinance for the abandonment and vacation of rights-of-way, to be reviewed and a recommendation made by the Planning Commission and the Finance and Public Works Committee, before bringing it back to the full Council, seconded by Councilmember James. Motion carried by a 5-0 vote of those Councilmembers present.

Councilmember Peel moved to impose a moratorium on future tree removal on private property or private right-of-ways, unless authorized by the City Code, seconded by Councilmember Wilson. Motion carried by a 5-0 vote of those Councilmembers present.

Councilmember Boyle moved to deny the request to remove the tree discussed by City Council, seconded by Councilmember Marabello. Motion carried by a 5-0 vote of those Councilmembers present.

## NEW BUSINESS

Councilmembers Culotta returned at this time.

### *Board of Adjustment Resignation/Vacancy*

The following memo was received from Board of Adjustment Member Ron Baker:

Subject: Resignation from Board of Adjustment (BOA)

*Dear Mayor Campbell:*

*It has been a pleasure to serve on the BOA these past few years and my tenure has been a wonderful experience. Mostly, my service has felt like an extension of my career as an Appeals Hearing Officer, absence the stress.*

*Recently, I have taken time for reflection and determined it's time to move on. Therefore, I resign from the BOA, effective January 31, 2020. I believe this resignation date will allow sufficient time to locate a suitable replacement. I truly thank you, the City of Milford, and those who supported me through this exceptional opportunity. I intend to look for other opportunities to serve our community.*

Mr. Pierce asked Council to inform any resident who may be interested to submit the online application for the vacancy. There being only three members, this vacancy should be filled as quickly as possible.

Solicitor Rutt reminded Council this board requires a candidate to have specific qualifications that are outlined in the Code.

### *City Council Rules of Procedure*

City Manager Norenberg recalled at the last meeting, City Council discussed some of the projects agreed to work on from the retreat, which included updating the Rules of Procedure and Business. Councilmember Marabello met with City Clerk Hudson and the Deputy City Clerk to work on edits to the document. The goal is to allow more opportunities for the public to comment on items on the agenda.

City Clerk Hudson stated the main objective was to add a public comment session to the Council meetings. After an hour of considering several scenarios, it was agreed it would be most beneficial to add the session prior to the start of the Council meeting, as has been done in the past.

The consensus of Council was to proceed accordingly.

## EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statute, seconded by Councilmember Culotta:

*Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation*

Motion carried.

Mayor Campbell recessed the Council Meeting at 9:34 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Council returned to Open Session at 9:50 p.m.

*Council Appointee Goals*

Mayor Campbell announced that no action was needed at this time.

ADJOURNMENT

There being no further business, Councilmember Culotta moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried.

The Council Meeting adjourned at 9:51 p.m.

Respectfully submitted,

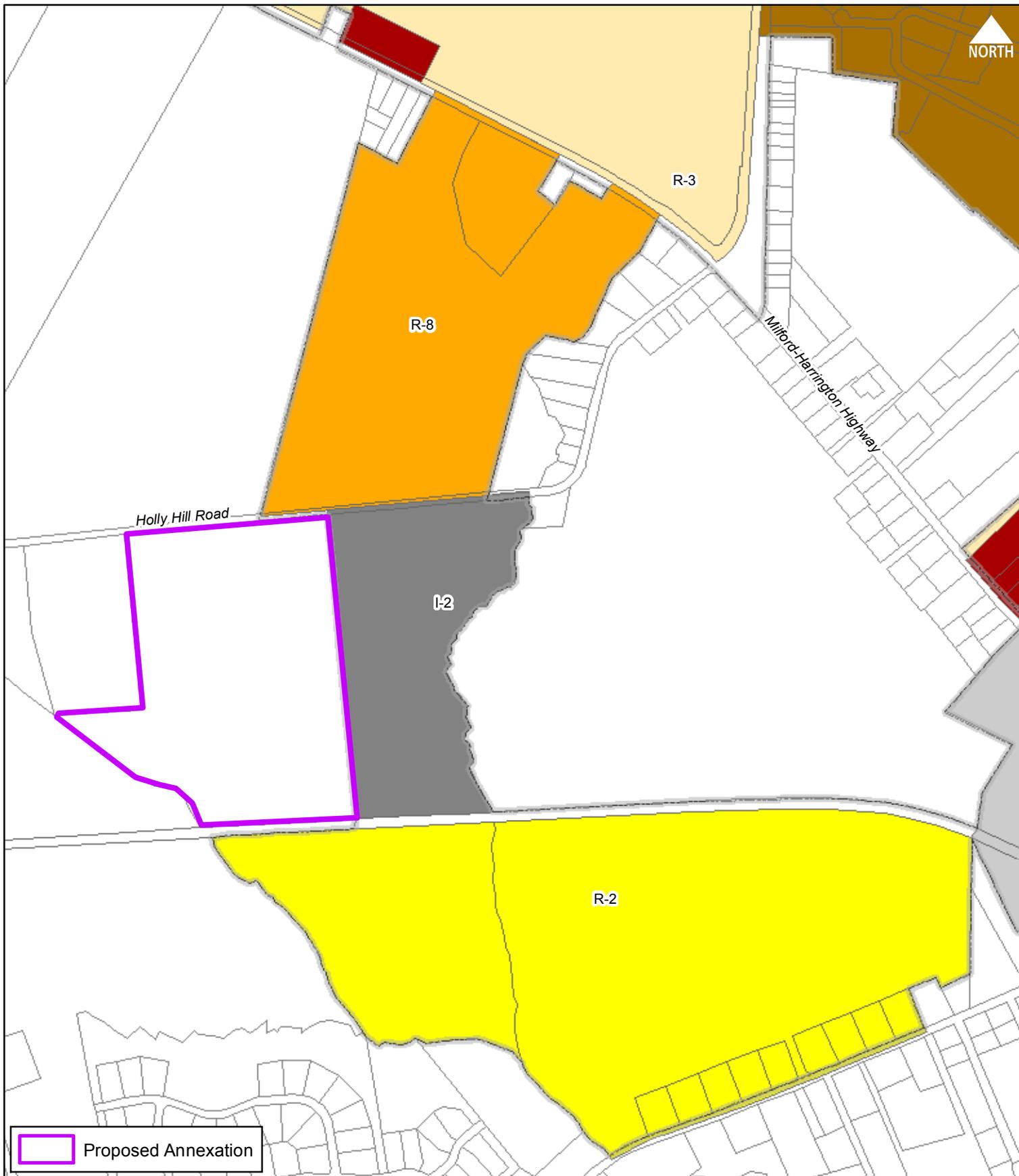
Terri K. Hudson, MMC  
City Clerk/Recorder

Attachments:

Ordinance 2019-35 Baltimore Air Coil Annexation & Change of Zone

Attachment A & B

Ordinance 2019-38 Zoning Ordinance/Sign Code



 Proposed Annexation



Scale:  Feet  
0 375 750

Drawn by: WRP Date: 03/15/18

Title:

Proposed Annexation  
**Baltimore Aircoil Company**  
Location & Zoning Map

Filepath: Annexation\_BaltimoreAircoilCompany.mxd

# EXHIBIT B

OWNER: Baltimore Aircoil Company, Inc.  
TAX MAP NO.: 05-00-18200-01-1400-00001

## 49.25 ACRES ±

All that certain lot, piece or parcel of land, situated in the Milford Hundred, Kent County, State of Delaware, lying on the southerly side of Holly Hill Road, being bounded on the north by said Holly Hill Road, on the east by lands now or formerly of Crop Production Services, on the south by lands now or formerly Delaware Railroad Real Estate Agent and on the west by lands now or formerly of R & C Fry Farms LP and as shown on a plan entitled "Annexation Plan – Lands of Baltimore Aircoil Company, Inc." as prepared by Becker Morgan Group, Inc., dated February 12, 2018 and being more particularly described as follows to wit:

Beginning at a set iron rod with cap at a corner for the southerly right of way of Holly Hill Road and this property, said point being South 84°50'14" West 1179.37 feet as measured from the intersection of centerline of a ditch and the southerly right of way line of Holly Hill Road; thence leaving said point of beginning and running in part with Holly Hill Road right of way, lands of Crop Production Services, Inc. and lands of Delaware Railroad Real Estate Agent 1) South 05°33'56" East 1794.82 feet to a found concrete monument at a corner for this parcel and lands of Delaware Railroad Real Estate Agent; thence running with the northerly right of way of a railroad, lands of Delaware Railroad Real Estate Agent 2) South 87°03'19" West 901.13 feet to a point at the intersection of the centerline of Ludnam Branch and the northerly right of way of railroad, thence running by and with the centerline of Ludnam Branch and lands of R & C Fry Farms LP the following fifty one courses and distances:

3) North 06°45'46" West 78.53 feet; thence 4) North 21°43'49" West 76.42 feet; thence 5) North 32°09'39" West 128.58 feet; thence 6) North 78°17'45" West 37.14 feet; thence 7) South 68°06'32" West 26.11 feet; thence 8) North 66°22'48" West 23.24 feet; thence 9) North 34°55'59" West 11.56 feet; thence 10) North 78°12'49" West 10.31 feet; thence 11) North 50°01'04" West 12.45 feet; thence 12) North 10°04'15" West 14.21 feet; thence 13) North 78°42'40" West 43.16 feet; thence 14) South 74°46'37" West 47.89 feet; thence 15) North 36°28'42" West 22.28 feet; thence 16) North 77°51'17" West 9.36 feet; thence 17) South 55°33'29" West 35.98 feet; thence 18) North 82°03'35" West 15.89 feet; thence 19) North 61°40'39" West 18.26 feet; thence 20) South 80°33'17" West 12.51 feet; thence 21) North 45°30'31" West 10.86 feet; thence 22) North 03°24'47" East 12.49 feet; thence 23) North 26°34'45" West 15.29 feet; thence 24) North 73°07'32" West 12.01 feet; thence 25) South 72°10'42" West 12.32 feet; thence 26) North 62°21'41" West 24.20 feet; thence 27) North 29°28'45" East 25.11 feet; thence 28) North 40°26'54" West 16.55 feet; thence 29) North 27°59'18" West 11.04 feet; thence 30) North 03°42'11" West 14.75 feet; thence 31) North 59°40'16" West 10.03 feet; thence 32) North 88°18'36" West 13.89 feet; thence 33) North 62°46'45" West 15.18 feet; thence 34) South 81°50'06" West 20.75 feet; thence 35) North 54°24'29" West 15.51 feet; thence 36) South 76°51'26" West 13.13 feet; thence 37) North 66°25'07" West 13.71 feet; thence 38) North 87°30'28" West 10.26 feet; thence 39) North 69°01'09" West 41.09 feet; thence 40) North 22°10'06" East 12.99 feet; thence 41) North 11°30'44" West 40.88 feet; thence 42) North 44°46'42" West 40.57 feet; thence 43) North 77°21'51" West 24.59 feet; thence 44) North 29°29'46" East 26.54 feet; thence 45) North 75°44'13" West 36.96 feet; thence 46) North 05°37'15" East 28.39 feet; thence 47) North 55°01'12" West 33.19 feet; thence 48) North 22°48'04" East 11.59 feet; thence 49) North 23°36'25" West 7.85 feet; thence 50) South 87°13'13" West 15.76 feet; thence 51) North 49°19'05" West 29.82 feet; thence 52) North 40°14'52" West 47.03 feet; thence 53) North 25°06'01" East 5.56 feet to a point in the centerline of Ludnem Branch and at a corner of this parcel and the lands of R & C Fry Farms LP, said courses and distances

having a tie line with a bearing and distance of North 48°31'06" West 1035.23 feet; thence departing the centerline of Ludnem Branch and continuing with the lands of R & C Fry Farms LP the following two courses and distances 54) North 85°01'06" East, passing over a found concrete monument at 5.42 feet and continuing a total distance of 405.34 feet to a found concrete monument; thence 55) North 05°33'56" West 1000.05 feet to a found concrete monument at the corner of this parcel and in line with the southerly right of way of Holly Hill Road; thence with said Holly Hill Road right of way 56) North 84°26'04" East 1200.27 feet to the point and place of beginning, and containing 49.25 acres of land be the same, more or less.

1 CITY OF MILFORD  
2 NOTICE OF PUBLIC HEARINGS  
3

4 Planning Commission Hearing: Tuesday, November 19, 2019 @ 7:00 p.m.  
5 City Council Hearing: Monday, November 25, 2019 @ 7:00 p.m.  
6

7 Notice is hereby given that the Planning Commission and City Council will hold Public Hearings in the  
8 Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, to allow  
9 interested parties to participate in the discussion and consideration of the following matter:  
10

11 **ORDINANCE 2019-38**  
12 **CODE OF THE CITY OF MILFORD**  
13 **PART II-GENERAL LEGISLATION**  
14 **CHAPTER 230-ZONING**  
15 **SIGN REGULATIONS**  
16

17 WHEREAS, the regulating of signage throughout the City is necessary to balance the need to protect the  
18 public safety and welfare, the need for a well maintained and attractive community, the need for  
19 adequate identification, communication, and advertising; and  
20

21 WHEREAS, Chapter 230 of the Code of Ordinances provides for such regulations; and  
22

23 WHEREAS, after a review of sign regulations, City Council has determined it is in the best interest of  
24 the City to update and further clarify regulations regarding the size, style, location, and maintenance of  
25 signage; and  
26

27 WHEREAS, many of the present sign regulations have been in existence for many years; and  
28

29 WHEREAS, recent amendments to State statutes regarding the regulation of signs require modification  
30 of the current City Code.  
31

32 NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:  
33

34 *Section 1:* Chapter 230 is hereby renamed by adding language shown as underlined as follows:  
35

36 Chapter 230 - ZONING CODE  
37

38 *Section 2:* §230-4 “Definitions and word usage” is hereby amended by removing language indicated by  
39 strikethrough, as follows:  
40

41 ~~ANIMATION—Mechanical or electrical movement or change of lighting, either natural or artificial, to~~  
42 ~~depict action or to create visual motion. This includes blinking, fading, flashing, scrolling vertically,~~  
43 ~~traveling or crawling horizontally.~~  
44

45 ~~BILLBOARD—A sign directing attention to a business, commodity, service or entertainment conducted,~~  
46 ~~sold or offered elsewhere than upon the premises where the sign is maintained.~~  
47

48 ~~EMB SIGN—An electronic message board sign that is capable of displaying words, numbers, symbols,~~  
49 ~~figures or images that can be electronically or mechanically changed by remote or automatic means. The~~  
50 ~~display of State mandated fuel pricing shall not be considered an EMB sign.~~

51 ~~SIGN, ADVERTISING~~—A sign which directs attention to a business or profession conducted or to a  
52 commodity, service or entertainment sold or offered upon the premises where such sign is located or to  
53 which it is affixed.

54  
55  
56 ~~SIGN, BUSINESS~~—A sign which directs attention to a business or profession conducted or to a  
57 commodity, service or entertainment sold or offered upon the premises where such sign is located or to  
58 which it is affixed.

59  
60 ~~SIGN, GROSS SURFACE AREA OF~~—The entire area within a single continuous perimeter enclosing  
61 the extreme limits of such sign and in no case passing through or between any adjacent elements of the  
62 same. However, such perimeter shall not include any structural or framing elements lying outside the  
63 limits of such sign and not forming an integral part of the display.

64  
65 *Section 3: §230-9 “R-1 Single-Family Residential District.”* is hereby amended by removing language  
66 indicated by strikethrough, adding language shown underlined, and renumbering Section C(6)  
67 accordingly, as follows:

68  
69 B. Permitted uses. Permitted uses for the R-1 District shall be as follows:

70 ~~(h) A maximum of one nonilluminated sign (size and setback specified in Article VI of this~~  
71 ~~chapter) may be affixed to the building or placed within the front property line.~~

72  
73 C. Conditional uses subject to special regulations. The following uses may be permitted with the approval  
74 of a conditional use permit by the Milford City Council in accordance with the provisions in Article  
75 IX of this chapter:

76 (5) Professional occupation restricted to the owner/occupant, subject to conformance with the  
77 following requirements:

78 ~~(h) A maximum of one nonilluminated display sign affixed to the building not exceeding two~~  
79 ~~square feet shall be permitted.~~

80 (6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors  
81 and other similar persons, subject to conformance with the following requirements:

82 ~~(f) A maximum of one nonilluminated display sign affixed to the building not exceeding two~~  
83 ~~square feet shall be permitted.~~

84 ~~(g)~~ (f) A maximum of two employees shall be permitted in the operation of the home occupation  
85 or studio.

86 (11) Planned Residential Neighborhood Development.

87 ~~(k) Signs. Signs shall be reviewed and approved by the Planning Commission and City Council to~~  
88 ~~ensure they meet the requirements of this chapter.~~

89 (12) Bed-and-breakfast, subject to the following requirements:

90 ~~(k) Signs. For each bed-and-breakfast, one small unlighted announcement sign not exceeding three~~  
91 ~~square feet in area may be attached to and parallel with the front porch or wall of the building.~~

92  
93 *Section 4: §230-11 “R-3 Garden Apartment and Townhouse District.”* is hereby amended by removing  
94 language indicated by strikethrough, adding language shown underlined, and renumbering Section C(6)  
95 accordingly, as follows:

96  
97 C. Conditional uses subject to special regulations. All uses specified as conditional uses in the R-1 and  
98 R-2 Districts and subject to its area regulations, and the following uses may be permitted with the  
99 approval of a conditional use permit by the Milford City Council in accordance with the provisions of  
100 Article IX of this chapter:

101 (6) Mobile home parks, subject to conformance with the following requirements and subject to site  
102 plan review:

103 ~~(g) Signs:~~

104 ~~[1] An identification sign may be set up at the park entrance. This sign may be illuminated and~~  
105 ~~shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may~~  
106 ~~not exceed 20 square feet of area on either side.~~

107 ~~[2] Unilluminated traffic direction signs may also be erected. These signs shall have a street~~  
108 ~~and property setback of 15 feet. They shall be no more than four square feet in area or two~~  
109 ~~feet in height.~~

110 ~~(h)~~ (g) Streets shall be required from abutting public streets to individual lots. The streets shall be  
111 designed to minimize congestion and traffic hazards and must be built to the street and storm  
112 drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two  
113 streets shall intersect at one point.

114 ~~(i)~~ (h) Minimum requirements for mobile home lots.

115 [1] Lot area shall be 5,000 square feet per mobile home.

116 [2] Width shall be 40 feet.

117 [3] Public street setback shall be 50 feet.

118 [4] Mobile home park setback shall be 35 feet.

119 [5] Mobile home street or parking area setback shall be 30 feet.

120 [6] Distance from other mobile homes and buildings shall be 25 feet.

121 [7] One patio shall be required per unit, 10 feet by 40 feet paved.

122 [8] Landscaping shall be one tree per lot.

123 [9] Mobile homes must meet the requirements of the Federal Manufacturer Housing  
124 Construction and Safety Standard Act of 1974.

125 [10] The entire lot occupied by a mobile home park shall be maintained in single ownership  
126 throughout the entire life of the mobile home park.

127  
128 *Section 5: §230-13 “C-2 Central Business District.” is hereby amended by removing language indicated*  
129 *by strikethrough and adding language shown underlined, as follows:*

130  
131 D. Area regulations.

132 (5) Signs shall comply with the requirements provided in Article VI of this chapter.

133  
134 *Section 6: §230-13.1 “C-2A Riverfront Development District.” is hereby amended by removing language*  
135 *indicated by strikethrough and adding language shown underlined, as follows:*

136  
137 D. Area and bulk requirements.

138 (11) ~~Signs shall comply with the requirements for C-2 Central Business District as provided in Article~~  
139 ~~VI of this chapter.~~ Signs shall comply with the requirements provided in Article VI of this chapter.

140  
141 *Section 7: §230-14 “C-3 Highway Commercial District.” is hereby amended by removing language*  
142 *indicated by strikethrough, adding language shown underlined, and renumbering Section 19 accordingly,*  
143 *as follows:*

144  
145 C. Conditional uses subject to special requirements. The following uses are permitted subject to  
146 receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

147 ~~(18) Billboard, subject to the following:~~

148 ~~(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-~~  
149 ~~Highways, Chapter 11 Regulations of Outdoor Advertising, Subchapter 1 General Provisions.~~

150 ~~(19)~~ (18) Aquarium.

151  
152 *Section 8:* §230-15 “H-1 Institutional Development District.” is hereby amended by adding Section 8  
153 shown underlined, as follows:

154  
155 D. Area regulations.

156 (8) Signs shall comply with the requirements provided in Article VI of this chapter.

157  
158 *Section 9:* §230-16 “I-1 Limited Industrial District.” is hereby amended by removing language indicated  
159 by strikethrough and adding language shown underlined, as follows:

160  
161 F. Area and height regulations.

162 (10) ~~Sign requirements. See Article VI of this chapter.~~ Signs shall comply with the requirements  
163 provided in Article VI of this chapter.

164  
165 *Section 10:* §230-17 “I-2 General Industrial District.” is hereby amended by removing language indicated  
166 by strikethrough and adding language shown underlined, as follows:

167  
168 F. Area and height regulations.

169 (10) ~~Sign requirements. See Article VI of this chapter.~~ Signs shall comply with the requirements  
170 provided in Article VI of this chapter.

171  
172 *Section 11:* §230-18 “OC-1 Office Complex District.” is hereby amended by removing language indicated  
173 by strikethrough and adding language shown underlined, as follows:

174  
175 F. Area and height regulations.

176 (10) ~~Sign requirements.~~ Signs shall comply with the requirements provided in Article VI of this  
177 chapter.

178  
179 ~~(a) A single sign facing each street from which access to the lot is provided announcing the name~~  
180 ~~or logo (or both) of all establishments or businesses housed therein shall be allowed.~~

181 ~~(b) The sign shall be applied to the wall of the building and shall not exceed 50 square feet.~~

182 ~~(c) The sign shall not extend beyond the wall of the building upon which it is attached.~~

183 ~~(d) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall~~  
184 ~~be shielded from the view of adjacent properties or streets.~~

185 ~~(e) One identification sign shall be allowed at each access point with an area of not more than eight~~  
186 ~~square feet.~~

187  
188 *Section 12:* §230-19 “OB-1 Office Building District.” is hereby amended by removing language indicated  
189 by strikethrough and adding language shown underlined, as follows:

190  
191 F. Area and height regulations shall be as follows:

192 (10) ~~Sign requirements.~~ Signs shall comply with the requirements provided in Article VI of this  
193 chapter.

194 ~~(a) A wall sign shall be allowed, with the following stipulations:~~

195 ~~[1] The sign shall be applied or affixed to the building and shall not exceed 20 square feet in~~  
196 ~~area.~~

197 ~~[2] The sign shall not extend beyond the wall of the building upon which it is attached and~~  
198 ~~shall not protrude from the wall more than six inches.~~

199 ~~[3] If a sign is illuminated, said illumination shall be of an indirect nature and shall have its~~

- 200 ~~light source shielded from all adjacent properties and streets.~~  
201 ~~(b) One identification sign shall be allowed at each street access point, the size of which shall not~~  
202 ~~exceed one foot by two feet.~~

204 *Section 13:* §230-19.1 “BP Business Park District.” is hereby amended by removing language indicated  
205 by strikethrough and adding language shown underlined, as follows:

- 207 G. ~~Signage requirements.~~ Signs shall comply with the requirements provided in Article VI of this  
208 chapter.  
209 ~~(1) A single wall and/or low profile freestanding sign announcing the name or logo (or both) of all~~  
210 ~~establishments or businesses housed therein shall be allowed.~~  
211 ~~(2) The sign shall be applied to the wall of the building and shall not exceed 10% of the wall area to~~  
212 ~~which it is affixed.~~  
213 ~~(3) The freestanding low profile sign shall be no more than six feet in height and eight feet in width.~~  
214 ~~(4) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be~~  
215 ~~shielded from the view of adjacent properties or streets.~~

217 *Section 14:* §230-19.2 “IS Institutional Service District.” is hereby amended by removing language  
218 indicated by strikethrough and adding language shown underlined, as follows:

- 220 I. ~~Signs in the Institutional Service District.~~ Signs shall comply with the requirements provided in  
221 Article VI of this chapter.  
222 ~~(1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner~~  
223 ~~of support, of all business identification signs located on or affixed to the facade of a building~~  
224 ~~within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5%~~  
225 ~~of said lower two story area of the building facade or 100 square feet, whichever is lower, per~~  
226 ~~sign for each side of the building. For any freestanding sign not located on or affixed to a building,~~  
227 ~~the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not~~  
228 ~~be greater than 100 square feet per sign for each side of the building. For business identification~~  
229 ~~signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the~~  
230 ~~area of the building facade measured from the ground to the top of the applicable proposed sign.~~  
231 ~~(2) On-site informational signs. Any building less than 5,000 square feet shall be allowed four on-site~~  
232 ~~informational signs not to exceed 50 square feet per side for each sign for each building. Any~~  
233 ~~building greater than 5,000 square feet shall be allowed eight (8) on-site informational signs not~~  
234 ~~to exceed 50 square feet per side for each building. In no case shall an on-site informational sign~~  
235 ~~be constructed so as to obstruct the view at an intersection of a public street.~~  
236 ~~(3) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct~~  
237 ~~rays from the lights will not fall on any adjoining property. Signs in the Institutional Service~~  
238 ~~District or lighting for signs shall not be placed in such a position that it will cause danger to traffic~~  
239 ~~or create a traffic hazard by obscuring the view or in any way interfering with driver vision.~~

241 *Section 15:* §230-19.3 “IM Institutional Medical District.” is hereby amended by removing language  
242 indicated by strikethrough and adding language shown underlined, as follows:

- 244 J. ~~Signs in the Institutional Medical District.~~ Signs shall comply with the requirements provided in  
245 Article VI of this chapter.  
246 ~~(1) In those instances involving a single building with a single business use occupying a single lot, the~~  
247 ~~total allowable sign area shall be 18 square feet, exclusive of the necessary architectural supports~~  
248 ~~or columns. The reference to sign area is reference to size of structure without reference to size of~~  
249 ~~actual advertising area.~~

- 250 ~~(2) In those instances involving a single building but with multiple business uses, there may be erected~~  
 251 ~~a single advertising sign on which there shall be listed all of the occupants of the building, in which~~  
 252 ~~case the total allowable sign area, determined as provided in Subsection J (1) above, may be up to~~  
 253 ~~but not in excess of 36 square feet. The only other allowable signage for the lot shall be name~~  
 254 ~~identification signs for each individual business, which shall not exceed two square feet for each~~  
 255 ~~and shall be limited solely to the name of the business being identified and shall be attached to the~~  
 256 ~~building.~~
- 257 ~~(3) In those instances involving a single lot comprised of a building with multiple occupants as well~~  
 258 ~~as a detached building with a single occupant or detached building with multiple occupants, the~~  
 259 ~~allowable signage for the lot shall be as provided in Subsection J (2) above.~~
- 260 ~~(4) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct~~  
 261 ~~rays from the lights will not fall on any adjoining property. Signs in the Institutional Medical~~  
 262 ~~District or lighting for signs shall not be placed in such a position that is will cause danger to traffic~~  
 263 ~~or create a traffic hazard by obscuring the view or in any way interfering with driver vision.~~

265 *Section 16:* §230-19.4 “R-8 Garden Apartment and Townhouse District.” is hereby amended by removing  
 266 language indicated by strikethrough and adding language shown underlined, as follows:

267  
 268 C. Conditional uses subject to special regulations. The following uses and any conditional use allowed  
 269 in R-1, R-2, and R-3 Districts may be permitted with the approval of a conditional use permit by the  
 270 Milford City Council in accordance with the provisions of Article IX of this chapter:

- 271 (6) Mobile home parks, subject to conformance with the following requirements and subject to site  
 272 plan review:
- 273 (g) Signs shall comply with the requirements provided in Article VI of this chapter.
- 274 ~~[1] An identification sign may be set up at the park entrance. This sign may be illuminated and~~  
 275 ~~shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may~~  
 276 ~~not exceed 20 square feet of area on either side.~~
- 277 ~~[2] Nonilluminated traffic direction signs may also be erected. These signs shall have a street~~  
 278 ~~and property setback of 15 feet. They shall be no more than four square feet in area or two~~  
 279 ~~feet in height.~~

280  
 281 D. District regulations.

- 282 (3) Signs shall comply with the requirements provided in Article VI of this chapter.

283  
 284 *Section 17:* ARTICLE VI – Signs §230-24 through §230-26 is hereby repealed in its entirety indicated by  
 285 language shown by strikethrough and replaced with language shown underlined, as follows:

286  
 287 ~~§ 230-24. — Permitted and prohibited signs.~~

288 ~~For the purpose of this article of this chapter, the regulations are hereby set forth as follows:~~

289 ~~A. Signs permitted without limitation in all zoning districts shall be as follows:~~

- 290 ~~(1) Authorized signs regulating traffic under state or city authority.~~  
 291 ~~(2) Signs designating public transportation pickup points.~~  
 292 ~~(3) Informational signs: those erected for safety or those installed to provide directional~~  
 293 ~~information and those erected for the identification of public rest areas, public parking areas,~~  
 294 ~~entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and~~  
 295 ~~nonilluminated).~~  
 296 ~~(4) Warning signs and no trespassing signs.~~  
 297 ~~(5) Memorial plaques, corner stones and signs designating historical sites.~~  
 298 ~~(6) Signs required to be posted by law.~~  
 299 ~~(7) Duly authorized governmental signs, public notices and signs posted or maintained by~~

- 300 governmental order, rule or regulation.  
301 (8) ~~Flags or emblems of governmental, educational or religious organizations.~~  
302 (9) ~~Address signs, not to exceed one for each principal building or premises, not to exceed 160~~  
303 ~~square feet in area. The signs shall show only numerical address designations of premises upon~~  
304 ~~which they are affixed/maintained.~~  
305 (10) ~~—Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only~~  
306 ~~two per each street frontage.~~  
307 (11) ~~—Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger~~  
308 ~~than the servicing device to which they are attached.~~  
309 (12) ~~—Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location.~~  
310 ~~Allowance shall be determined by the Code Official.~~

- 311  
312 ~~B. Signs prohibited in all zoning districts shall be as follows:~~  
313 ~~(1) Flashing signs.~~  
314 ~~(2) Animated signs.~~  
315 ~~(3) Signs producing noise or sounds.~~  
316 ~~(4) Signs emitting visible smoke, vapor, particles or odor.~~  
317 ~~(5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.~~  
318 ~~(6) Signs which, by reason of wording, position, shape or color, may cause interference with or~~  
319 ~~obstruction of view or may be confused with authorized traffic signage. The allowance shall~~  
320 ~~be determined by the Code Official.~~  
321 ~~(7) Signs attached to fire fighting equipment, emergency egress doors, windows and like~~  
322 ~~emergency purposes.~~  
323 ~~(8) Signs causing radio, television or other communication interference because of lighting or~~  
324 ~~control mechanism(s).~~  
325 ~~(9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A type,~~  
326 ~~sidewalk/curb signs (nonpermanent) and balloons or other gas filled figures. Allowance shall~~  
327 ~~be determined by the Code Official.~~  
328 ~~(10) Signs attached to trees, fences, utility poles or any other means not designated by this article~~  
329 ~~or that which is not approved by a City Code Official. Exceptions are public notices and public~~  
330 ~~announcements (as previously stated).~~  
331 ~~(11) Portable signs, fixed on movable stands or chassis, or those self-supported types not~~  
332 ~~permanently embedded or any sign that allows ready transport from site to site.~~

- 333  
334 ~~§ 230-25. — Construction; violations and penalties.~~  
335 ~~A. All signs permitted by this article shall be erected/placed in accordance with the zoning~~  
336 ~~requirement set forth by this chapter (regarding setbacks, sizes and height limitations) and shall be~~  
337 ~~constructed so as to withstand loadings imposed by wind or the direct result of the sign's weight~~  
338 ~~or stresses that may be otherwise imposed. All signage applications shall be accompanied by scale~~  
339 ~~drawings and shall meet the approval of the Plans Review Official.~~  
340 ~~B. Any violations of city code(s)/ordinance(s) regarding the laws governing signs within the City of~~  
341 ~~Milford shall be grounds for the removal of the sign in question, fines, imprisonment or all of the~~  
342 ~~preceding. This shall be determined by the Code Official.~~

- 343  
344 ~~§ 230-26. — General standards.~~  
345 ~~The chart, found at the end of this chapter, shall determine the size and height requirements allowed within~~  
346 ~~the designated zoning district. Additional requirements are as follows:~~  
347 ~~A. —Setback.~~  
348 ~~(1) Commercial/industrial districts: 10 feet from front right-of-way line.~~  
349 ~~(2) Noncommercial districts (nonresidential):~~

- 350 (a) Advertising: 10 feet from front right-of-way line.
- 351 (b) Nameplate, identification and instruction: five feet from right-of-way line.

352  
353 ~~B. Sign standards chart (end of chapter).~~

354  
355 ~~C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning~~  
356 ~~districts:~~

- 357 (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.
- 358 (2) Variances for dimensional increases in area, height or coverage must be submitted for review
- 359 and determination by the Board of Adjustment of the City of Milford. Violations of the
- 360 requirements set forth in the attached chart shall be deemed as a violation of this chapter and
- 361 will be subject to the penalties herein described.
- 362 (3) All signs whose primary function it is to direct attention to the identity of the business,
- 363 professional or industrial activity and which describes said nature of such operation shall be
- 364 deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

365  
366 ~~D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within~~  
367 ~~the C-2 Downtown Commercial District:~~

- 368 (1) Signs shall reflect simplicity, using graphics and minimum information.
- 369 (2) Light colored lettering should be used over dark matte background as the dominant motif.
- 370 (3) Signs should have a singular theme.
- 371 (4) A maximum of three colors may be used.
- 372 (5) Signs should employ a style consistent with the age of the building.
- 373 (6) Signs should fit into the size and proportions of the building.
- 374 (7) Wall signage shall be placed directly above the storefront.
- 375 (8) Wall signs should be made of natural materials, when feasible.
- 376 (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All
- 377 awning signage and the awning assembly shall be kept properly maintained and shall be
- 378 repaired as needed.

379  
380 ~~E. Political signs:~~

- 381 (1) Residential and Downtown Commercial Districts:
- 382 (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
- 383 (b) The maximum height of any political sign shall not exceed three feet.
- 384 (c) All political signs shall be removed within seven days after the election.
- 385 (2) Other zoning districts:
- 386 (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
- 387 (b) The maximum height of any political sign shall be no more than five feet.
- 388 (c) All political signs shall be removed within seven days after the election.

389  
390 ~~F. EMB signs. The following are the guidelines for all EMB signage:~~

- 391 (1) EMB signs are only permitted in the C-3 Zoning District.
- 392 (2) Contain static messages for at least eight seconds before changing the message and shall not
- 393 have animation on any part of the sign, nor shall such sign have varying light intensity during
- 394 the display of any single message.
- 395 (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels
- 396 as measured at a distance of 150 feet.
- 397 (4) The owner of said EMB sign shall provide a certification by an independent contractor of the
- 398 lumens showing compliance at time of building permit application.
- 399 (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the

- 400 natural ambient light conditions change.
- 401 ~~(6) Shall meet the same installation and permitting requirements and inspections as set out for all~~
- 402 ~~other signs.~~
- 403 ~~(7) The owner of said sign shall coordinate with the local authorities to display, when appropriate,~~
- 404 ~~emergency information important to the traveling public including, but not limited to Amber~~
- 405 ~~Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information~~
- 406 ~~messages shall remain in the advertising rotation according to the protocols of the agency that~~
- 407 ~~issues the information.~~
- 408 ~~(8) The owner of said sign shall provide to the City of Milford contact information for a person~~
- 409 ~~who is available to be contacted at any time and who is able to turn off the electronic sign~~
- 410 ~~promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are~~
- 411 ~~no longer working, the owner of said sign shall make repairs to the sign within 60 days or the~~
- 412 ~~sign will require removal.~~
- 413 ~~(9) Each sign located on a state maintained road must comply with all Delaware Department of~~
- 414 ~~Transportation rules and regulations applicable to electronic changeable message signs where~~
- 415 ~~not in conflict with this [article].~~
- 416 ~~(10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than~~
- 417 ~~a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of~~
- 418 ~~12 feet and shall be no larger than 32 square feet total.~~

419

420 § 230-24. Purpose.

421 These regulations balance the need to protect the public safety and welfare, the need for a well maintained

422 and attractive community, and the need for adequate identification, communication, and advertising. The

423 regulations for signs have the following specific objectives:

- 424 A. To ensure that signs are designed, constructed, installed and maintained according to minimum
- 425 standards to safeguard life, health, property and public welfare.
- 426
- 427 B. To allow and promote positive conditions for sign communication.
- 428
- 429 C. To reflect and support the desired ambience and development patterns of the various zones and
- 430 districts and promote an attractive environment.
- 431
- 432 D. To ensure that the constitutionally guaranteed right of free expression is protected.
- 433

434 § 230-24.1. Hierarchy of Regulations.

- 435 A. Where there is a conflict between specific sign regulations and the base for general sign regulations
- 436 of this Code, the specific sign regulations supersede the base sign regulations.
- 437
- 438 B. Other conflicts. Where there is a conflict between a land use regulation and a structural regulation,
- 439 or other conflicts not otherwise addressed by this section, the most restrictive regulation applies.
- 440

441 § 230-24.2. Definitions.

442 For purpose of this Article, certain words and phrases shall be interpreted and defined as follows:

443

444 ABANDONED OFF-PREMISE SIGN – A sign that, for 180 days or more, no longer:

- 445 (1) Directs attention to a business commodity, service or entertainment conducted, sold, or offered
- 446 elsewhere than upon the premises where the sign is maintained; and
- 447 (2) No longer markets, advertises, or promotes the sign for sale or rent.
- 448

449 ABANDONED ON-PREMISE SIGN – A sign or sign structure that, for 180 days or more, no longer  
450 identifies an ongoing business, product, location, service, idea, or activity conducted on the  
451 premises on which the sign is located or on a property adjacent to the property on which the sign  
452 is located when the adjacent property has a recorded easement for access on or along the property  
453 on which the sign is located.

454  
455 ALTERATION – A change in the size or shape of an existing sign. Copy or color change of an  
456 existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

457  
458 ANIMATED SIGN – A sign employing actual motion, the illusion of motion, or light and color  
459 changes achieved through mechanical, electrical, or electronic means. Animated signs, which are  
460 differentiated from changeable signs as defined and regulated by this Code, include the following  
461 types:

462 (1) ENVIRONMENTALLY ACTIVATED - Animated signs or devices motivated by wind,  
463 thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant  
464 strings, and other devices or displays that respond to naturally occurring external motivation.

465 (2) MECHANICALLY ACTIVATED - Animated signs characterized by repetitive motion or  
466 rotation activated by a mechanical system powered by electric motors or other mechanically  
467 induced means.

468 (3) ELECTRICALLY ACTIVATED - Animated signs producing the illusion of movement by  
469 means of electronic, electrical, or electromechanical input or illumination capable of  
470 simulating movement through employment of the characteristics of one or both of the  
471 classification notes below:

472 (a) FLASHING - Animated signs or animated portions of signs whose illumination is  
473 characterized by a repetitive cycle in which the period of illumination is either the same as  
474 or less than the period of non-illumination. For the purposes of this ordinance, flashing  
475 will not be defined as occurring if the cyclical period between on-off phases of illumination  
476 exceeds eight seconds.

477 (b) PATTERNED ILLUSIONARY MOVEMENT - Animated signs or animated portions of  
478 signs whose illumination is characterized by simulated movement through alternate or  
479 sequential activation of various illuminated elements for the purpose of producing  
480 repetitive light patterns designed to appear in some form of constant motion.

481  
482 ARCHITECTURAL PROJECTION – Any projection from a building that is decorative or functional  
483 and not intended for occupancy, and that extends beyond the face of an exterior wall of a building  
484 but that does not include signs as defined herein. See also Awning; Back-lit Awning; and Canopy,  
485 Attached and Freestanding.

486  
487 AWNING – An architectural projection or shelter projecting from and supported by the exterior wall  
488 of a building and composed of a covering of rigid or non-rigid materials or fabric on a supporting  
489 framework that may be either permanent or retractable.

490  
491 AWNING SIGN – A sign displayed on or attached flat against the surface or surfaces of an awning.  
492 See also Wall or Fascia Sign. An awning that contains a “sign” section or copy area shall comply  
493 with the applicable sign area requirements for parallel signs contained in this Code. Only the sign  
494 or copy area displayed on an awning shall be used to determine the permitted sign area; the entire  
495 awning shall not be included in a Sign Area calculation.

496  
497 BACK-LIT AWNING – An awning comprised of covering material exhibiting the characteristic of  
498 luminosity obtained by means of a source of illumination contained within its framework.

499 BANNER – A flexible substrate on which copy or graphics may be displayed.  
501  
502 BANNER SIGN – A sign utilizing a banner as its display surface.  
503  
504 BENCH SIGN – A sign applied or affixed to the seat or back of a bench.  
505  
506 BILLBOARD – See Off-Premise Sign and Commercial Outdoor Advertising Sign.  
507  
508 BUILDING FAÇADE – That portion of any exterior elevation of a building extending vertically from  
509 grade to the top of a parapet wall or eaves and horizontally across the entire width of the building  
510 elevation.  
511  
512 BUILDING SIGN – A sign that is applied or affixed to a building.  
513  
514 CANDELA – The basic unit of measurement of light in SI (metric) units.  
515  
516 CANDELA PER SQUARE METER (cd/m<sup>2</sup>) – The SI (metric) unit used to describe the luminance of  
517 a light source or of an illuminated surface that reflects light. Also referred to as Nits.  
518  
519 CANDLE OR CANDLEPOWER – Synonymous with Candela, but in English, not SI, terms.  
520  
521 CANOPY (Attached) – A multi-sided overhead structure or architectural projection supported by  
522 attachment to a building on one or more sides and either cantilevered from such building or also  
523 supported by columns at additional points. The surface(s) or soffit of an attached canopy may be  
524 illuminated by means of internal or external sources of light. Similar to a Marquee.  
525  
526 CANOPY (Freestanding) – A multi-sided overhead structure supported by columns, but not enclosed  
527 by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of  
528 internal or external sources of light.  
529  
530 CANOPY SIGN – A sign affixed to the visible surface(s) of an attached or freestanding canopy. May  
531 be internally or externally illuminated. Similar to a Marquee Sign.  
532  
533 CHANGEABLE SIGN – A sign with the capability of content by means of manual or remote input,  
534 includes the following types:  
535 (1) MANUALLY ACTIVATED – Changeable sign whose message copy or content can be  
536 changed manually on a display surface.  
537 (2) ELECTRONICALLY ACTIVATED – Changeable sign whose message copy or content can  
538 be changed by means of remote electrically energized on-off switching combinations of  
539 alphabetic or pictographic components arranged on a display surface. Illumination may be  
540 integral to the components, such as characterized by lamps or other light-emitting devices; or  
541 it may be from an external light source designed to reflect off the changeable component  
542 display. See also Electronic Message Center.  
543  
544 CHANNEL LETTER (Open Faced) – A dimensional letter with a back and sides but no face at the  
545 front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or  
546 illuminated by a light source contained inside the open channel of the letter itself, such as a neon  
547 tube.  
548

549 CHANNEL LETTER (Internally Illuminated) – A dimensional letter with a back, sides, and a  
550 translucent front face capable of transmitting light from an internal light source within the letter.  
551  
552 CHANNEL LETTER (Reverse) – A dimensional letter with a face and sides but no back, opposite to  
553 an Open-Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or  
554 building to which it is affixed. A Reverse Channel Letter may contain a source of illumination  
555 designed to project lighting against the surface behind the letter, commonly referred to as a Backlit  
556 Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse  
557 Channel Letter does not illuminate.  
558  
559 CLADDING – A non-structural covering designed to conceal the actual structural supports of a sign.  
560 See also Pole or Pylon Cover.  
561  
562 COMMERCIAL OUTDOOR ADVERTISING SIGN – A permanent off-premise sign erected,  
563 maintained or used in the outdoor environment for the purposes of providing copy area for  
564 commercial or noncommercial messages.  
565  
566 CONFORMING SIGN – A sign that is legally installed in conformance with all prevailing  
567 jurisdictional laws and ordinances.  
568  
569 COPY – The graphic content or message of a sign.  
570  
571 COPY AREA OF SIGN – The actual area of the sign copy as applied to any background. Copy area  
572 on any individual background may be expressed as the sum of the geometrically computed shape  
573 or shapes encompassing separate individual letters, words, or graphic elements on the background.  
574  
575 DIMENSIONAL LETTER, SYMBOL, OR GRAPHIC – A letter, symbol, or graphic that is three  
576 dimensional in character, containing height, width, and depth.  
577  
578 DIRECTIONAL SIGN – Any sign that is designed and erected for the purpose of providing direction  
579 or orientation for pedestrian or vehicular traffic.  
580  
581 DISPLAY TIME – The amount of time a message or graphic is displayed on an Electronic Message  
582 Sign.  
583  
584 DISSOLVE – A mode of message transition on an Electronic Message Sign accomplished by varying  
585 the light intensity or pattern, in which the first message gradually appears to dissipate and lose  
586 legibility with the gradual appearance and legibility of the second message.  
587  
588 DOUBLE-FACED SIGN – A sign with two faces, back to back.  
589  
590 DYNAMIC FRAME EFFECT – An Electronic Message Sign frame effect in which the illusion of  
591 motion or animation is used.  
592  
593 ELECTRIC SIGN – Any sign activated or illuminated by means of electrical energy.  
594  
595 ELECTRONIC MESSAGE CENTER OR SIGN (EMC) –An electrically activated changeable sign  
596 whose variable message or graphic presentation capability can be electronically programmed by  
597 computer from a remote location. Also known as an EMC. EMCs typically use light emitting  
598 diodes (LEDs) as a lighting source. (See also following terms principally associated with

599 Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame  
600 Effect, Scroll, Transition, Travel)  
601  
602 EXTERNALLY ILLUMINATED SIGN – See Illuminated Sign.  
603  
604 EXTERIOR SIGN – Any sign placed outside a building.  
605  
606 FAÇADE – See Building Façade.  
607  
608 FADE – A mode of message transition on an Electronic Message Sign accomplished by varying the  
609 light intensity, where the first message gradually reduces intensity to the point of not being legible  
610 and the subsequent message gradually increases intensity to the point of legibility.  
611  
612 FASCIA SIGN – See Wall Sign.  
613  
614 FLASHING SIGN – See Animated Sign, Electrically Activated.  
615  
616 FONT – A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.  
617  
618 FOOT CANDLE – An English unit of measurement of the amount of light falling upon a surface  
619 (Illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means  
620 of an illuminance meter.  
621  
622 FOOT LAMBERT – An English unit of measurement of the amount of light emitted by or reflecting  
623 off a surface (luminance) equivalent to 3.4262591 candelas per square meter.  
624  
625 FRAME – A complete, static display screen on an Electric Message Sign.  
626  
627 FRAME EFFECT – A visual effect on an Electronic Message Sign applied to a single frame. See also  
628 Dynamic Frame Effect.  
629  
630 FREESTANDING SIGN – A sign principally supported by one or more columns, poles, or braces  
631 placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also  
632 to Section 8 for visual reference examples.  
633  
634 FRONTAGE (Property) – The length of the property line(s) of any single premise along either a public  
635 way or other properties on which it borders.  
636  
637 FRONTAGE (Building) – The length of an exterior building wall or structure of a single premise  
638 along either a public way or other properties that it faces.  
639  
640 GROUND SIGN – See Freestanding Sign.  
641  
642 ILLUMINANCE – The amount of light falling upon a real or imaginary surface, commonly called  
643 “light level” or “illumination.” Measured in foot candles (lumens/square foot) in the English  
644 system, and lux (lumens/square meter) in the SI (metric) system.  
645  
646 ILLUMINATED SIGN – A sign characterized by the use of artificial light, either projecting through  
647 its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally  
648 illuminated].

649 INTERNALLY ILLUMINATED SIGN – See Illuminated Sign.  
650  
651  
652 INTERIOR SIGN – Any sign placed within a building, but not including window signs as defined by  
653 this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by  
654 this ordinance.  
655  
656 LISTED SIGN – A sign manufactured and labeled in accordance with specifications promulgated by  
657 a recognized testing laboratory designed to assure compliance with applicable American National  
658 Standards (ANSI) and the National Electric Code (NEC).  
659  
660 LUMINANCE – The light that is emitted by or reflected from a surface. Measured in units of  
661 luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet  
662 in English measurement units). Expressed in Si units as cd/m<sup>2</sup>, and in English units as foot  
663 lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured  
664 by means of a luminance meter.  
665  
666 LUX – the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.  
667  
668 MANSARD – A roof-like façade comparable to an exterior building wall.  
669  
670 MARQUEE – See Canopy (Attached).  
671  
672 MARQUEE SIGN – See Canopy Sign.  
673  
674 MULTIPLE-FACED SIGN – A sign containing 3 or more faces.  
675  
676 NIT – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m<sup>2</sup>.  
677  
678 NON-CONFORMING SIGN – A sign that was legally installed by permit in conformance with  
679 municipal sign regulations and ordinances in effect at the time of its installation, but which may  
680 no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to  
681 the sign.  
682  
683 NON-CONFORMING USE – A continued and lawful use of property, including a sign or signs  
684 lawfully installed in accordance with laws or ordinances prevailing at the time of installation.  
685  
686 OFF-PREMISE SIGN – See Outdoor Advertising Sign. See Also, Wayfinding Sign.  
687  
688 ON-PREMISE SIGN – A sign erected, maintained or used in the outdoor environment for the purpose  
689 of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the  
690 property on which it is displayed or on a property adjacent to the property on which the sign is  
691 located when the adjacent property has a recorded easement for access on or along the property on  
692 which the sign is located.  
693  
694 ORIGINAL ART MURAL - A hand produced work of visual art which is tiled or painted by hand  
695 directly upon, or affixed directly to, an exterior wall of a building or structure. Original Art Mural  
696 does not include: mechanically produced or computer-generated prints or images, including but  
697 not limited, to digitally printed vinyl, murals containing electrical or mechanical components, or  
698 changing image murals.

699  
700 OUTDOOR ADVERTISING SIGN – A permanent sign erected, maintained or used in the outdoor  
701 environment for the purpose of the display of commercial or non-commercial messages not  
702 appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is  
703 displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor  
704 Advertising Sign.  
705  
706 PARALLEL SIGN – See Wall Sign.  
707  
708 PARAPET – The extension of a building façade above the line of the structural roof.  
709  
710 PERMITTED ORIGINAL ART MURAL - An Original Art Mural for which a permit has been issued  
711 by the City of Milford pursuant to this Article.  
712  
713 PERPENDICULAR SIGN – See also Freestanding Sign; See also Projecting Sign.  
714  
715 POLE COVER OR PYLON COVER – An enclosure designed to conceal poles or other structural  
716 supports of a sign. See also Cladding.  
717  
718 POLE SIGN – See Freestanding Sign.  
719  
720 POLITICAL SIGN – A temporary sign intended to advance a political statement, cause, ballot, issue,  
721 or candidate for office.  
722  
723 PORTABLE SIGN – Any sign not permanently attached to the ground and can be removed without  
724 the use of tools.  
725  
726 PROJECTING SIGN – A sign other than a Wall Sign that is attached to or projects more than 18  
727 inches from a building face or wall or from a structure whose primary purpose is other than the  
728 support of a sign.  
729  
730 PYLON SIGN – See Freestanding Sign.  
731  
732 REAL ESTATE SIGN – A temporary sign advertising the sale, lease, or rental of the property or  
733 premises upon which it is located.  
734  
735 REVOLVING SIGN – A sign that has the capability to revolve 360 about an axis. See also: Animated  
736 Sign, Mechanically Activated.  
737  
738 ROOF LINE – The uppermost line of the roof of a building or, in the case of an extended façade or  
739 parapet, the uppermost point of said façade or parapet.  
740  
741 ROOF SIGN – A sign mounted on the main roof portion of a building or on the uppermost edge of a  
742 parapet wall of a building and which is wholly or partially supported by such building. Signs  
743 mounted on mansard facades, pent eaves, and architectural projections such as canopies or  
744 marquees shall not be considered to be roof signs.  
745  
746 SCROLL – A mode of message transition on an Electronic Message Sign in which the message  
747 appears to move vertically across the display surface.  
748

749 SI (International System of Units) – The modern metric system of measurement abbreviated Sis for  
750 the French term “Le Systeme International d’Unites.”  
751

752 SIGN – Any device visible from a public place whose essential purpose and design is to convey either  
753 commercial or noncommercial messages by means of graphic presentation of alphabetic or  
754 pictorial symbols or representations. Noncommercial flags or any other flags displayed from  
755 flagpoles or staffs will not be considered to be signs.  
756

757 SIGN AREA – The area of the smallest geometric figure, or the sum of the combination of regular  
758 geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign  
759 shall be the area of the largest single face only. The area of a sphere shall be computed as the area  
760 of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the  
761 area of all faces of the sign.  
762

763 SIGN COPY – The letters, numerals, figures, symbols, logos and graphic elements comprising the  
764 content or message of a sign, exclusive of numerals identifying a street address only.  
765

766 SIGN FACE – The surface upon, against or through which the sign copy is displayed or illustrated,  
767 not including structural supports, architectural features of a building or sign structure,  
768 nonstructural thematic or decorative trim, or any areas that are separated from the background  
769 surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.  
770 (1) In the case of panel or cabinet signs, the sign face shall include the entire area of the sign panel,  
771 cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open  
772 space between separate panels or cabinets.  
773 (2) In the case of signs painted on a building, or individual letters or graphic elements affixed to a  
774 building or structure, the sign face shall comprise the sum of the geometric figures or  
775 combination of regular geometric figures drawn closest to the edge of the letters or separate  
776 graphic elements comprising the sign copy, but not the open space between separate groupings  
777 of sign copy on the same building or structure.  
778 (3) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a  
779 background contrasting in color with the color of the building or structure, the sign face shall  
780 comprise the area within the contrasting background, or within the painted or illuminated  
781 border.  
782

783 SIGN STRUCTURE – Any structure designed for the support of a sign.  
784

785 SITE – The ground area legally designated as a zoning lot, which may be categorized as a permanent  
786 parcel (a lot of record), multiple lots of record, or a portion of a lot of record.  
787

788 SPECIAL EVENT SIGN – A temporary sign pertaining to any civic, patriotic, or special event of  
789 general public interest.  
790

791 TEMPORARY SIGN – A sign intended to display either commercial or noncommercial messages of  
792 a transitory or temporary nature. Portable signs or any sign not permanently embedded in the  
793 ground, or not permanently affixed to a building or sign structure that is not permanently embedded  
794 in the ground, are considered temporary signs.  
795

796 TRANS-ILLUMINATED SIGN – See Internally Illuminated Sign.  
797

798 TRANSITION – A visual effect used on an Electronic Message Sign to change from one message to  
799 another.

800  
801 TRAVEL – A mode of message transition on an Electronic Message Sign in which the message  
802 appears to move horizontally across the display surface.

803  
804 UNDER CANOPY OR UNDER MARQUEE SIGN – A sign attached to the underside of a canopy or  
805 marquee.

806  
807 V SIGN – A sign containing two faces of equal size, positioned at an interior angle subtending less  
808 than 179 degrees at the point of juncture of the individual faces.

809  
810 WALL OR FASCIA SIGN – A sign that is in any manner affixed to any exterior wall of a building or  
811 structure and that projects not more than 18 inches from the building or structure wall. Also  
812 includes signs affixed to architectural projections that project from a building provided the copy  
813 area of such signs remains on a parallel plane to the face of the building façade or to the face or  
814 faces of the architectural projection to which it is affixed.

815  
816 WAYFINDING SIGN – A sign, frequently off-premise, specifically designed to provide directional  
817 or destination information and installed or maintained by the City or another government agency.

818  
819 WINDOW SIGN – A sign affixed to the surface of a window with its message intended to be visible  
820 to the exterior environment.

821  
822 § 230-24.3. Typical On-Premise Sign Types.  
823 The purpose of this section is to provide visual examples of certain types of signs.



PYLON

POLE WITH CLADDING

MULTI PANEL PYLON

POLE



MONUMENT

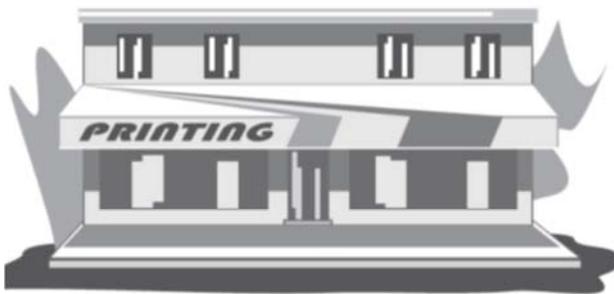


CANOPY



MONOLITH

BUILDING SIGNS



AWNING

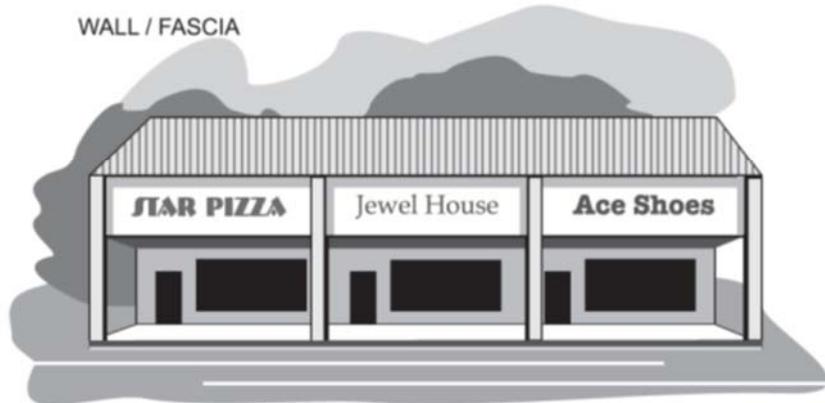


ROOF



PROJECTING

WALL / FASCIA



825

826

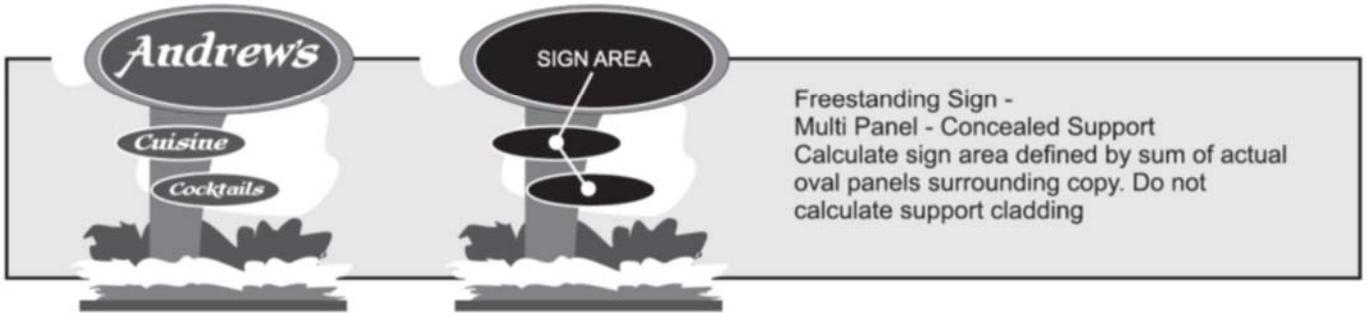
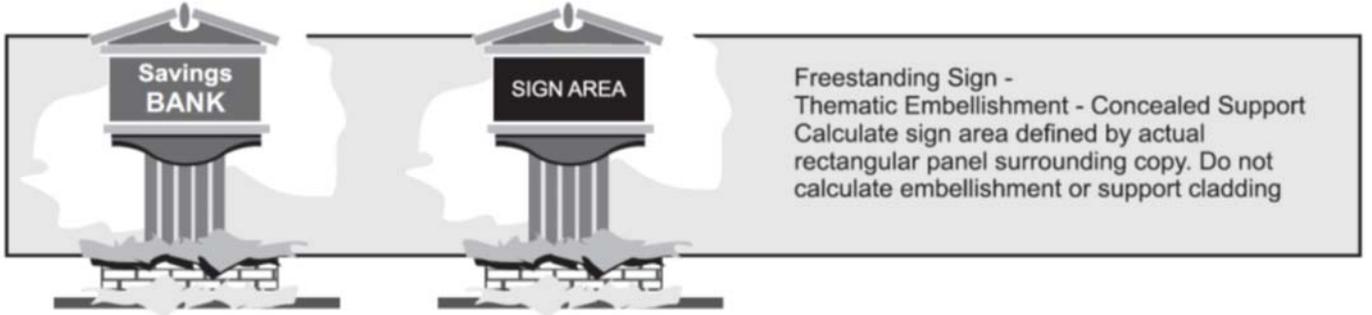
827

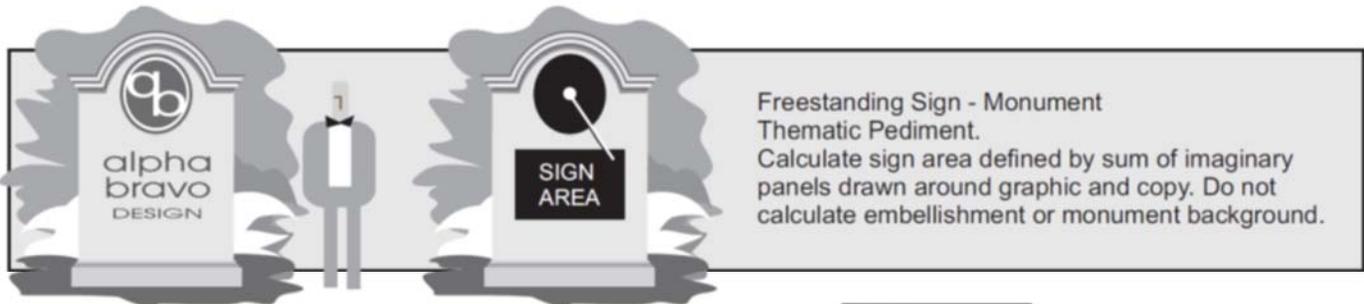
828

§ 230-24.4. Sign Area Computational Methodology.

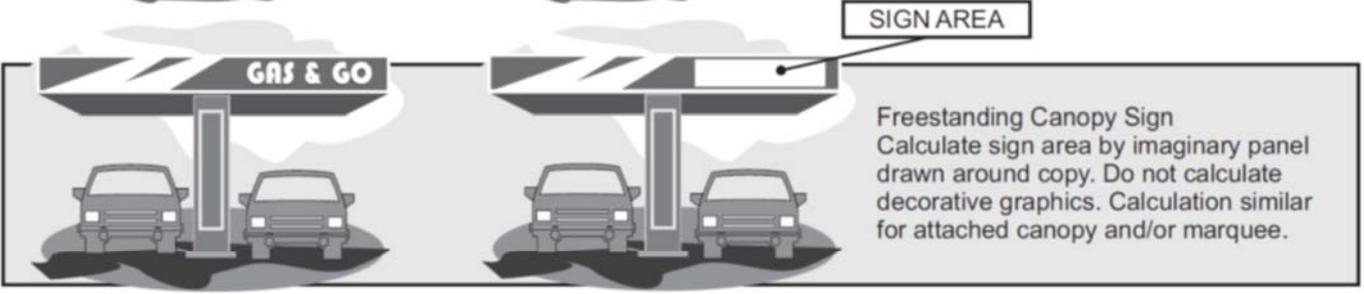
Sign areas shall be calculated using the methodology set forth in this section, except that embellishment

or support cladding is not included in the sign area unless it contains copy.



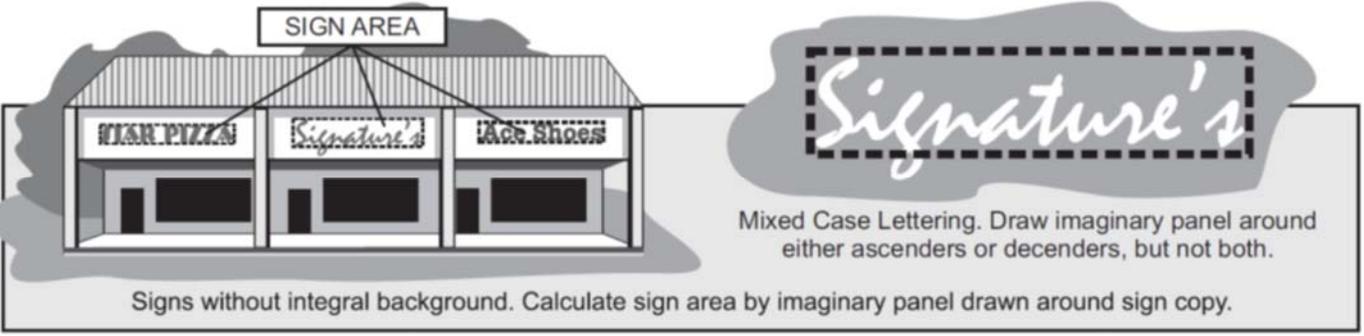


Freestanding Sign - Monument  
Thematic Pediment.  
Calculate sign area defined by sum of imaginary panels drawn around graphic and copy. Do not calculate embellishment or monument background.



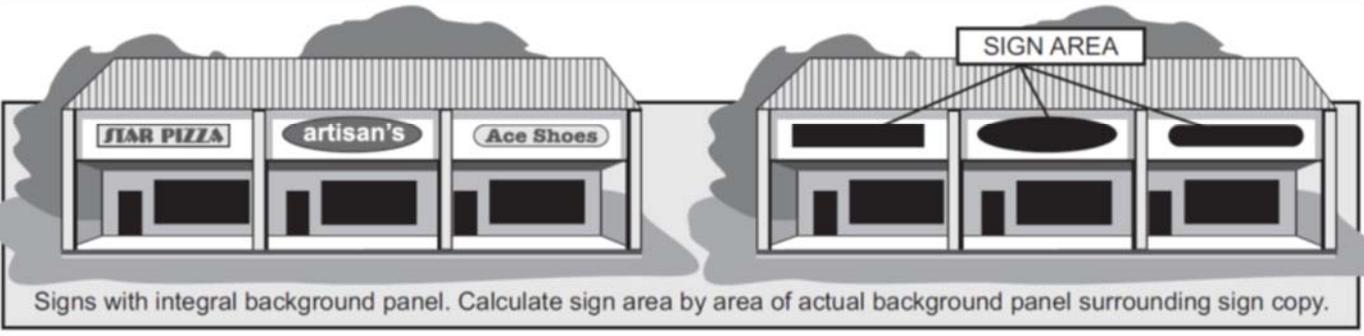
Freestanding Canopy Sign  
Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

**Wall / Fascia Signs**

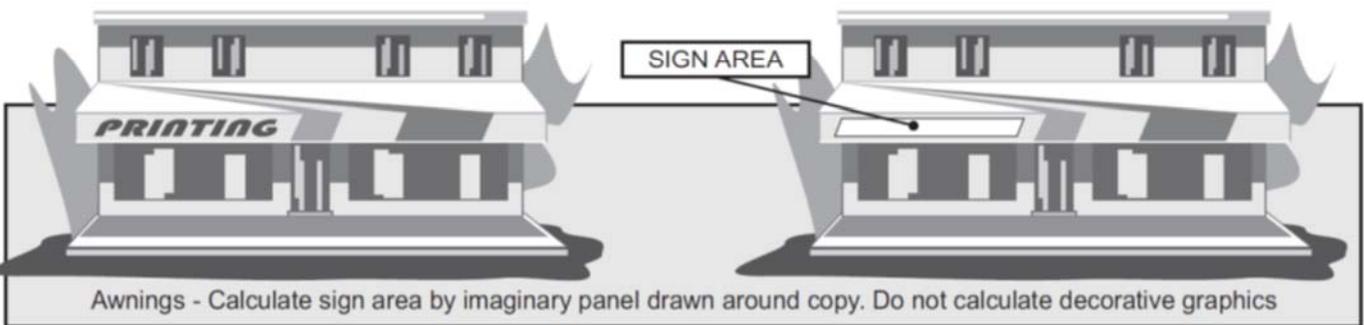


Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.



Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.



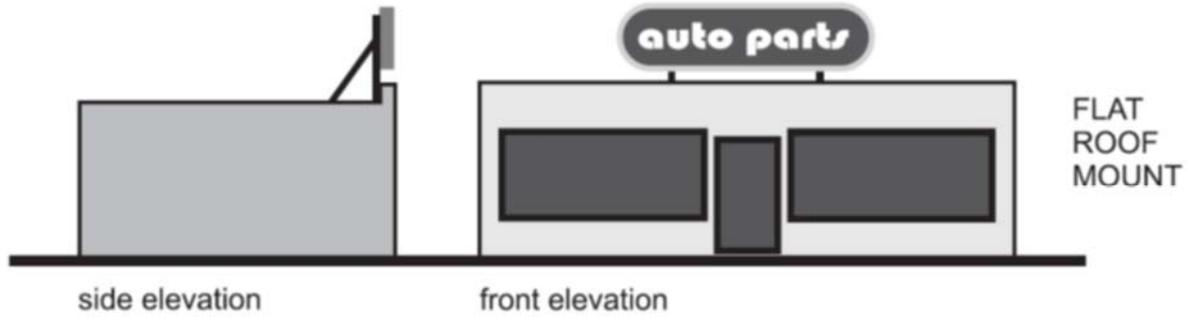
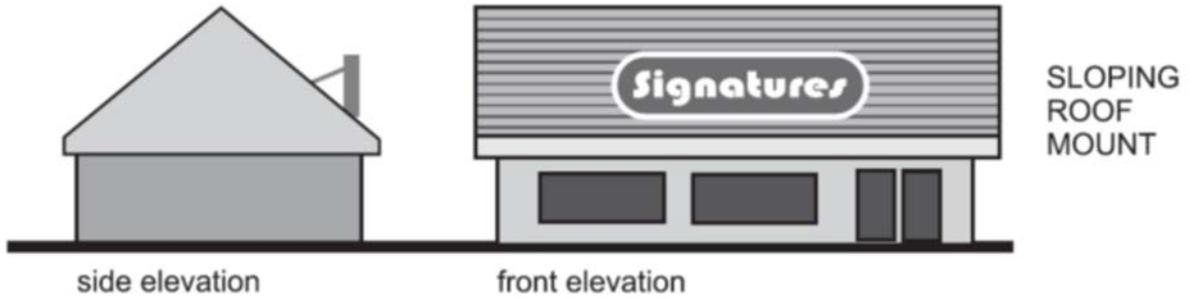
Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics

832  
833  
834  
835

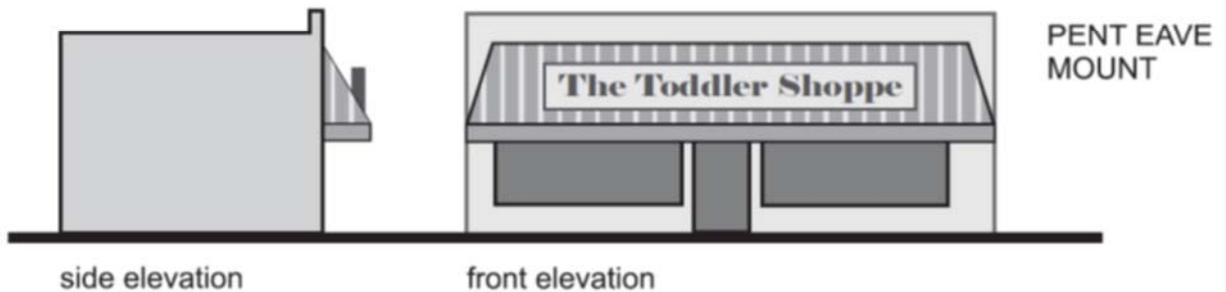
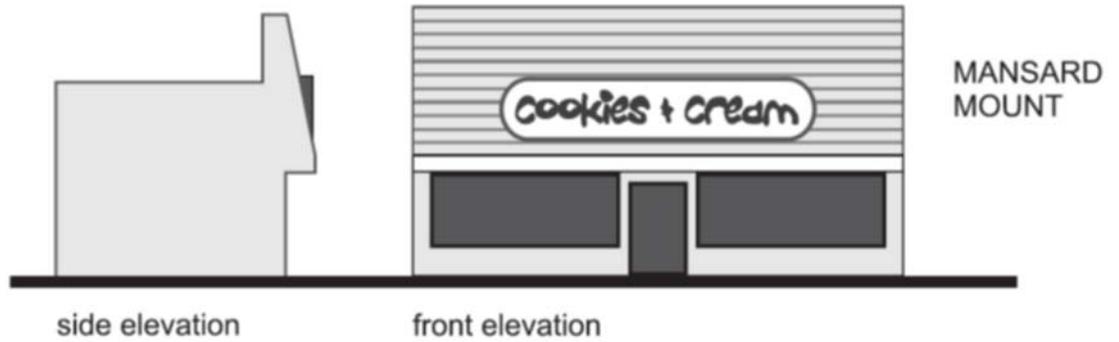
§ 230-24.5. Comparison: roof and wall sign distinctions.

836 The following diagrams demonstrate visual examples of distinctions between roof signs and wall signs.  
837

# ROOF SIGNS



# Fascia Signs on Roof-Like Projections NOT ROOF SIGNS



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888

§ 230-24.6. Sign Face Area.

- A. Sign Cabinets. The area of sign faces enclosed in frames or cabinets shall be determined based on the outer dimensions of the frame or cabinet.
- B. Double-sided signs. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than 91 degrees shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.
- C. Round, Oval, and Irregularly shaped signs shall be measured based on the appropriate mathematical formula to obtain the sign area for the shape of the sign.
- D. Calculating Sign Area
  - (1) Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.
  - (2) Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.
- E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

§ 230-24.7. Height of Signs.

- A. Except as otherwise provided in this section, the overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.
- B. Where a freestanding sign or sign structure is mounted along a roadway that has a higher-grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

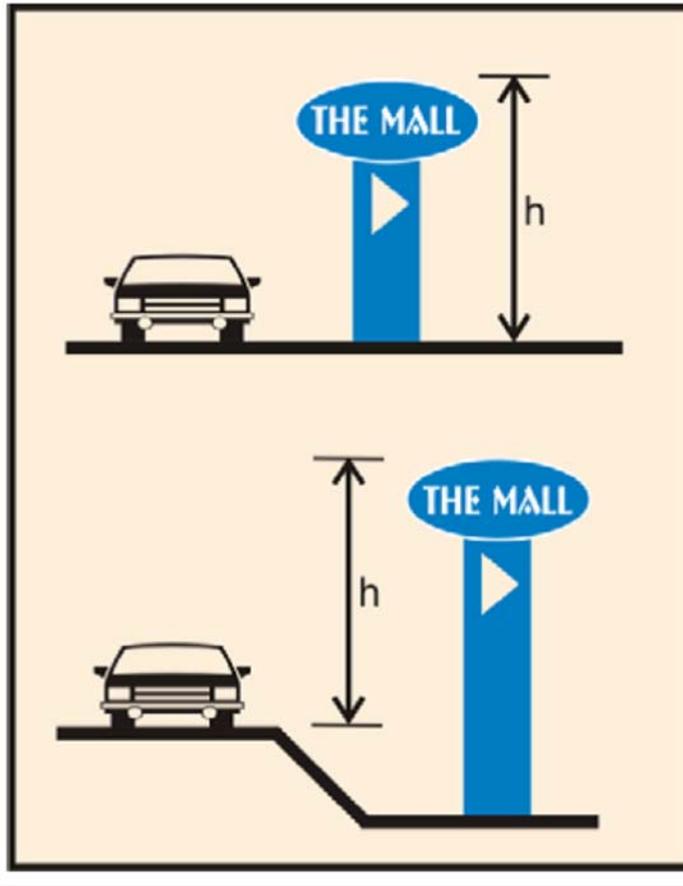


Figure A.

§ 230-24.8. Signs Permitted in All Zones. Exempt from Permit.

The following are exempt from the regulations of this Article, but may be subject to other portions of this Chapter where applicable:

- A. Signs inside a building and not visible from outside the building.
- B. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade and a part of the physical construction of the building materials comprising the façade in order to qualify for relief under this provision. Letters or signs that are merely attached to the exterior façade of the building, even if the same finish and color, shall not qualify for this exemption.
- C. Signs required by federal, state, county, or City of Milford law or regulation.
- D. Painted or applied wall accents and decorations, provided that the accents and decorations are typically not associated with the brand or company that owns or occupies the building, site, or tenant space.
- E. Illuminated building accents and decorations, provided the accents and decorations are typically associated with the brand or company that owns or occupies the building, site, or tenant space.
- F. Public Art, including Permitted Original Art Murals.

- 916 G. Name and Address – Up to two signs indicating address, number or name of occupants of the  
917 premises, that do not exceed two square feet in area per side, and do not include any commercial  
918 advertising or other identification.  
919  
920 H. Decals – Decals or logos affixed to windows or door glass panels, such as those indicating  
921 membership in a business group or identifying credit cards accepted at the establishment.  
922  
923 I. Americans with Disabilities Act Parking Space – Signs not exceeding two square feet in area  
924 reserving parking for handicapped individuals.  
925  
926 J. Private Drive Signs – On-premise private drive signs are limited to one per driveway entrance, not  
927 exceeding two square feet in area.  
928  
929 K. Public Signs – Signs erected by government agencies or utilities, including traffic, utility, safety,  
930 railroad crossing and identification signs for public facilities and any signs erected by the City of  
931 Milford.  
932  
933 L. Security and Warning Signs – On-premise regulating the use of the premises, such as “no  
934 trespassing”, “no hunting” and “no soliciting” signs that do not exceed one sign consisting of two  
935 square feet in area per side in residential areas and one sign consisting of five square feet in area  
936 per side in commercial and industrial zones. These limitations shall not apply to the posting of  
937 conventional “no trespassing” signs in accordance with state law.  
938  
939 M. Vehicles - The use of business logos, identification, or advertising on vehicles primarily and  
940 actively used for business or personal transportation shall be permitted.  
941

942 § 230-24.9. Permit.  
943

- 944 A. Except as otherwise provided in this Article, no on-premise or off-premise sign or structure shall  
945 be erected, moved, enlarged, replaced, refaced, or reconstructed except by permit from the City  
946 and in accordance with this chapter. See Chapter 88, Building Construction.  
947  
948 B. Except for Special Event Signs, temporary signs shall not require a permit.  
949

950 § 230-24.10. Prohibitions.  
951

952 The following signs are prohibited:  
953

- 954 A. Signs containing strobe lights.  
955  
956 B. Abandoned sign structures.  
957  
958 C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of  
959 providing signage not otherwise allowed under this Article. Except as otherwise provided in this  
960 Article, any sign displayed on a parked trailer or truck or other vehicle where the primary purpose  
961 of the vehicle is to advertise a product, service, business, or other activity, whether on-premise or  
962 off-premise shall be prohibited. This regulation shall not prohibit the use of business logos,  
963 identification, or advertising on vehicles primarily and actively used for business or personal  
964 transportation.  
965

- 966 D. Mechanically Moving Signs – An environmentally activated sign or other display with actual  
967 mechanical motion powered by natural, manual, mechanical, electrical or other means, including  
968 but not limited to pennant strings, streamers, spinners, propellers, and search lights.  
969  
970 E. Flashing Signs.  
971  
972 F. Inflatable Signs and Other Permanent Objects – Signs and other objects which are inflated,  
973 including but not limited to, balloons except that balloons may be permitted in temporary non-  
974 commercial situations such as for special occasions at a residence, which are permitted.  
975  
976 G. Posters and Handbills – Signs affixed to any structure, utility or sign pole, trees, or other natural  
977 vegetation, rocks or poles.  
978  
979 H. Roof Signs.  
980  
981 I. Simulated Traffic Signs and Obstructions – Any sign which may be confused with, or obstruct the  
982 view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road  
983 intersection or extend into the public right-of-way.  
984  
985 J. A-frame/Wheeled Signs – Any portable “A” frame or similar portable sign is prohibited except as  
986 described under Temporary Signs.  
987  
988 K. Signs Adversely Affecting Safety – Signs which prevent free ingress or egress from any door,  
989 window, fire escape, or that prevent free access from one part of a roof to any other part. No sign  
990 other than a safety sign shall be attached to a stand-pipe or fire escape.  
991  
992 L. Sign Emissions – No sign which emits smoke, visible vapors, particles, sound or odor shall be  
993 permitted. Open flames used to attract public attention to a place of business or to an advertising  
994 sign shall not be permitted.  
995  
996 M. Mirrors – No mirror device shall be used as part of a sign.  
997  
998 N. Animated Signs.  
999  
1000 O. Any sign located or projecting into the public right-of-way except as otherwise expressly permitted  
1001 in this Article.  
1002  
1003 P. Permanent Banners – Banners used as permanent signs.  
1004  
1005 Q. Temporary Signs placed within any right-of-way.  
1006

1007 § 230-24.11. Standards in Residential Zones.  
1008

- 1009 A. General standards and sign features: Permanent on-premise signs in Residential Zones, as  
1010 identified herein, shall be subject to the standards set forth in this section.  
1011 (1) R-1 Single-Family Residential District  
1012 (2) R-2 Residential District  
1013 (3) R-3 Garden Apartment and Townhouse District  
1014 (4) R-8 Garden Apartment and Townhouse District  
1015

- 1016 B. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted the  
1017 following:  
1018 (1) One freestanding sign not to exceed 64 square feet of sign area per side and four feet in height  
1019 and further provided that one such sign shall be permitted for each separate entrance.  
1020 (2) Other directional, incidental, or accessory signs located within the subdivision, complex, or  
1021 multi-family residential development provided that such signs shall not exceed 6 square feet  
1022 of sign area per side and four feet in height, if freestanding.  
1023  
1024 C. For properties located in a Residential Zone as described in subsection B above, other directional,  
1025 incidental or accessory signs are also permitted, to be located within the subdivision, complex or  
1026 multi-family residential development. Such directional, incidental and/or accessory signs shall not  
1027 exceed six square feet in sign area per side and four feet in height, if freestanding.  
1028  
1029 D. Home Occupation – One non-illuminated on-premise sign not to exceed six square feet of sign  
1030 area per side, identifying a permitted home occupation on the premises. A sign shall contain no  
1031 more than two sides or facings, back-to-back, and shall have a minimum setback five feet from the  
1032 front lot line, and a minimum setback of 15 feet from all adjacent property lines, and shall not  
1033 exceed four feet in height.  
1034  
1035 E. Properties in a Residential Zone which are used for permitted non-residential uses are permitted a  
1036 freestanding sign not to exceed 48 square feet of sign area and 10 feet in height, and further  
1037 provided that one such sign shall be permitted for each separate street frontage occupied by the  
1038 permitted use. A sign shall contain no more than two sides or facings, back-to-back, and shall  
1039 have a minimum setback of 10 feet from the front lot line, and a minimum setback of 15 feet from  
1040 all adjacent property lines.  
1041  
1042 F. Electronic Message Centers are prohibited except as may be permitted by conditional use approval  
1043 from City Council on properties used for any of the following uses:  
1044 (1) Public and private schools  
1045 (2) Churches and other places of worship  
1046 (3) Social clubs or fraternal, social service, union, or civic organizations  
1047

1048 § 230-24.12. Standards in Downtown Commercial Zones.  
1049

- 1050 A. General standards and sign features: Permanent on-premise signs in the Downtown Commercial  
1051 Zones, as identified herein, shall be subject to the standards set forth in this section.  
1052 (1) C-2 Central Business District  
1053 (2) C-2A Riverfront Development District  
1054  
1055 B. Subject to the regulations in this section, Downtown Commercial Zone properties are limited to a  
1056 combination of two signs per street or road frontage. No more than one sign per street or road  
1057 frontage shall be either a freestanding sign or a projecting sign. No more than one sign per street  
1058 or road frontage shall be either a building sign, a canopy sign, or an awning sign.  
1059 (1) Freestanding Signs  
1060 (a) Freestanding signs shall be limited to one per street frontage.  
1061 (b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet  
1062 of sign area per side.  
1063 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a  
1064 minimum setback of 15 feet from adjacent property lines.  
1065 (2) Projecting Signs

- 1066 (a) Except as otherwise stated herein, projecting signs shall not be permitted in addition to any  
1067 permitted freestanding sign. Projecting signs shall be limited to one per building façade  
1068 on which any such sign is mounted except for a use that fronts on more than one street, in  
1069 which case, one such sign shall be permitted per façade for each separate street frontage.  
1070 (b) A projecting sign shall have a sign area of no greater than 20 square feet per side.  
1071 (c) No projecting sign shall extend in a vertical dimension above the highest architectural point  
1072 of the façade to which it is mounted in excess of 25% of the vertical dimension of the  
1073 façade itself.  
1074 (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance  
1075 not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of  
1076 clearance between the projecting sign and the sidewalk.  
1077 (e) A property may have a projecting sign and a freestanding sign provided that the property  
1078 has more than one street or road frontage provided that all other requirements governing  
1079 projecting signs are met.  
1080 (f) Projecting signs should be located above the storefront windows and below the sills under  
1081 the second-floor windows.

### 1082 (3) Building Signs

- 1083 (a) Building signs include wall or fascia signs, and signs otherwise permanently applied to  
1084 walls or other building surfaces. Building signs should be placed directly over the  
1085 storefront.  
1086 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed  
1087 10% of the building façade in elevation view, including window and door areas and  
1088 cornices to which they are affixed or applied.  
1089 (c) Window Coverings - A maximum of 20% of storefront windows may be covered with  
1090 signage or decals.

### 1091 (4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)

- 1092 (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are  
1093 mounted to structures that project off the face of the building more than 18 inches.  
1094 (b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding  
1095 canopy, marquee, or architectural projection provided that the copy area of any such sign,  
1096 as defined herein, does not exceed an area equal to 40% of the product of the height and  
1097 length of the face area of the canopy, marquee, or architectural projection to which such  
1098 sign is affixed or applied, or 10% of the building façade to which it is attached, whichever  
1099 is greater.  
1100 (c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any  
1101 building or freestanding canopy, marquee, or architectural projection provided that the  
1102 striping or patterns are not typically associated with the brand or company occupying the  
1103 building, site or suite, and the area of any such graphic allowed treatment shall not be  
1104 calculated as a component of permitted copy area.

### 1105 (5) Awning Signs

- 1106 (a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are  
1107 permitted provided that the copy area does not exceed an area equal to 40% of the product  
1108 of the height and length of the face area of the awning to which the sign is affixed or  
1109 applied, or 10% of the building façade to which it is attached, whichever is greater.  
1110 (b) Graphic treatment and embellishment in the form of striping, patterns, or valances shall be  
1111 permitted on the face or side surfaces of any awning or backlit awning provided that the  
1112 striping or patterns are not typically associated with the brand or company occupying the  
1113 building, site or suite, and the area of any allowed such graphic treatment and  
1114 embellishment shall not be calculated as a component of permitted copy area.  
1115 (c) Awning signs should add variety and color to the streetscape.

- 1116 (6) Electronic Message Centers: Prohibited.  
1117 (7) Signs within the Downtown Commercial Zone are subject to the following standards and  
1118 guidelines.  
1119 (a) Overall Design  
1120 [1] Historically significant signs shall be retained, repaired, and reused.  
1121 [2] Signs shall reflect simplicity, using graphics and minimum information.  
1122 [3] Signs should employ a style consistent with the age of the building and should fit into  
1123 the size and proportions of the building.  
1124 [4] When multiple signs are used on one property, the signs should be compatible with one  
1125 another and part of an overall sign plan for the building.  
1126 (b) Size and Shape  
1127 [1] Signs should be scaled and oriented to relate to pedestrians and passing motorists.  
1128 [2] Buildings signs should be typically horizontal.  
1129 [3] Projecting signs should be typically vertical.  
1130 [4] Nonrectangular shapes add variety and interest and can be appropriate, but the use of  
1131 strange or highly irregular shapes, where not rationalized by the nature of the business,  
1132 should be avoided.  
1133 (c) Colors  
1134 [1] Sign colors should be chosen to complement the color of the building.  
1135 [2] It is preferred to use no more than 3 colors on a sign. A fourth color might be used for  
1136 illustrations if applicable.  
1137 [3] It is preferred that dark or medium colors be used for the main background of the sign  
1138 and that light colors be used for the lettering. The use of the following color types is  
1139 encouraged for signage; nature blending, earth tone colors, neutral colors, pastel colors.  
1140 Bright colors, primary colors, and metallic colors are generally best limited to accent  
1141 areas. Background colors should be burgundy red, forest green, chocolate brown,  
1142 black, charcoal, or navy blue. Suggested letter colors should be ivory, white, or gold.  
1143 (d) Sign Illumination  
1144 [1] Illuminated signs shall use an indirect lighting method, such as overhead or gooseneck  
1145 lights.  
1146 [2] Signs may be externally illuminated by one or more shielded, stationery bulbs  
1147 projecting onto the sign.  
1148 [3] Neon signs, exposed tubes filled with a gas that glows when electrified, are permitted  
1149 if located behind the storefront glass.  
1150 [4] Internally lit signs, fluorescent lighting, or spotlights are prohibited for signs on the  
1151 exterior of buildings.  
1152 (e) Materials  
1153 [1] Metal and wood are traditional materials that are preferred and appropriate for historic  
1154 buildings.  
1155 (f) Typefaces.  
1156 [1] Typefaces should be harmonious with the building and the nature of the building and  
1157 should be easily legible.  
1158

1159 § 230-24.13. Standards in Neighborhood Commercial Zones.  
1160

1161 A. General standards and sign features: Permanent on-premise signs in the Neighborhood  
1162 Commercial Zones, as identified herein, shall be subject to the standards set forth in this section.

1163 (1) OB-1 Office Building District

1164 (2) C-1 Community (Neighborhood) Commercial District  
1165

- 1166 B. Subject to the regulations in this section, Neighborhood Commercial Zone properties are limited  
1167 to a combination of two signs per street or road frontage. No more than one sign per street or road  
1168 frontage shall be either a freestanding sign or a projecting sign. No more than one sign per street  
1169 or road frontage shall be either a building sign, a canopy sign, or an awning sign.  
1170 (1) Freestanding Signs  
1171 (a) Freestanding signs shall be limited to one per street frontage.  
1172 (b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet  
1173 of sign area per side.  
1174 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a  
1175 minimum setback of 15 feet from adjacent property lines.  
1176 (2) Projecting Signs  
1177 (a) Projecting signs shall be limited to one per building façade on which any such sign is  
1178 mounted except for a use that fronts on more than one street, in which case, one such sign  
1179 shall be permitted per façade for each separate street frontage.  
1180 (b) The sign area of any projecting sign shall be no greater than 20 square feet per side.  
1181 (c) No projecting sign shall extend in a vertical dimension above the highest architectural point  
1182 of the façade to which it is mounted in excess of 25% of the vertical dimension of the  
1183 façade itself.  
1184 (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance  
1185 not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of  
1186 clearance between the projecting sign and the sidewalk.  
1187 (e) A property may have a projecting sign and a freestanding sign provided that the property  
1188 has more than one street or road frontage provided that all other requirements governing  
1189 projecting signs are met.  
1190 (3) Building Signs  
1191 (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently  
1192 applied to walls or other building surfaces.  
1193 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed  
1194 10% of the building façade in elevation view, including window and door areas and  
1195 cornices to which they are affixed or applied.  
1196 (4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)  
1197 (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are  
1198 mounted to structures that project off the face of the building more than 18 inches.  
1199 (b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding  
1200 canopy, marquee, or architectural projection provided that the copy area of any such sign,  
1201 as defined herein, does not exceed an area equal to 40% of the product of the height and  
1202 length of the face area of the canopy, marquee, or architectural projection to which such  
1203 sign is affixed or applied, or 10% of the building façade to which it is attached, whichever  
1204 is greater.  
1205 (c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any  
1206 building or freestanding canopy, marquee, or architectural projection provided that the  
1207 striping or patterns are not typically associated with the brand or company occupying the  
1208 building, site or suite, and the area of any such graphic allowed treatment shall not be  
1209 calculated as a component of permitted copy area.  
1210 (5) Awning Signs  
1211 (a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are  
1212 permitted provided that the copy area does not exceed an area equal to 40% of the product  
1213 of the height and length of the face area of the awning to which the sign is affixed or  
1214 applied, or 10% of the building façade to which it is attached, whichever is greater.  
1215 (b) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be

1216 permitted on the face or side surfaces of any awning or backlit awning provided that the  
1217 striping or patterns are not typically associated with the brand or company occupying the  
1218 building, site or suite, and the area of any allowed such graphic treatment or embellishment  
1219 shall not be calculated as a component of permitted copy area.

1220 (6) Electronic Message Centers are prohibited except as may be permitted by conditional use  
1221 approval from City Council on properties used for any of the following uses

1222 (a) Public and private schools

1223 (b) Churches and other places of worship

1224 (c) Social clubs or fraternal, social service, union, or civic organizations

1225

1226 § 230-24.14. Standards in Business Park and Office Zones.

1227

1228 A. General standards and sign features: Permanent on-premise signs in the Business Park and Office  
1229 Zones, as identified herein, shall be subject to the standards set forth in this section.

1230 (1) BP Business Park District

1231 (2) OC-1 Office Complex District

1232

1233 B. Subject to the regulations in this section, Business Park and Office Zone properties are limited to  
1234 a combination of two signs per street frontage.

1235 (1) Freestanding Signs

1236 (a) Freestanding signs shall be limited to one per street frontage.

1237 (b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 48 square feet of  
1238 sign area per side.

1239 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a  
1240 minimum setback of 15 feet from adjacent property lines.

1241 (2) Projecting Signs: Prohibited

1242 (3) Building Signs

1243 (a) Building signs include wall or fascia signs, and signs otherwise permanently applied to  
1244 walls or other building surfaces.

1245 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed  
1246 10% of the building façade in elevation view, including window and door areas and  
1247 cornices to which they are affixed or applied.

1248 (4) Canopy Signs: Prohibited.

1249 (5) Awning Signs: Prohibited.

1250 (6) Electronic Message Centers are prohibited except that electronic message centers may be  
1251 permitted by conditional use approval from City Council on properties used for any of the  
1252 following uses

1253 (a) Public and private schools

1254 (b) Churches and other places of worship

1255 (c) Social clubs or fraternal, social service, union, or civic organizations

1256

1257 § 230-24.15. Standards in Institutional Zones.

1258

1259 A. General standards and sign features: Permanent on-premise signs in the Institutional Zones, as  
1260 identified herein, shall be subject to the standards set forth in this section.

1261 (1) H-1 Institutional Development District

1262 (2) IM Institutional Medical District

1263 (3) IS Institutional Service District

1264

1265 B. Subject to the regulations in this section, Institutional Zone properties as regulated by reference to

- 1266 types noted below are limited to a combination of two signs per street frontage.
- 1267 (1) Freestanding Signs
- 1268 (a) Freestanding signs shall be limited to one per street frontage.
- 1269 (b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 120 square feet
- 1270 of sign area per side.
- 1271 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a
- 1272 minimum setback of 25 feet from adjacent property lines.
- 1273 (2) Projecting Signs: Prohibited.
- 1274 (3) Building Signs
- 1275 (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently
- 1276 applied to walls or other building surfaces.
- 1277 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed
- 1278 5% of the building façade in elevation view, including window and door areas and cornices
- 1279 to which they are affixed or applied.
- 1280 (4) Canopy Signs: Prohibited.
- 1281 (5) Awning Signs: Prohibited.
- 1282 (6) Electronic Message Centers are prohibited except as may be permitted by conditional use
- 1283 approval from City Council on properties used for any of the following uses
- 1284 (a) Public and private schools
- 1285 (b) Churches and other places of worship
- 1286 (c) Social clubs or fraternal, social service, union, or civic organizations

1287

1288 § 230-24.16. Standards in Commercial and Industrial Zones.

1289

1290 A. General standards and sign features: Permanent on-premise signs in the Commercial and Industrial

1291 Zones, as identified herein, shall be subject to the standards set forth in this section.

1292 (1) C-3 Highway Commercial District

1293 (2) I-1 Limited Industrial District

1294 (3) I-2 General Industrial District

1295

1296 B. Subject to the regulations in this section, Commercial and Industrial Zone properties are limited to

1297 a combination of two signs per street or road frontage. No more than one sign per street or road

1298 frontage shall be either a freestanding or a projecting sign. No more than one sign per street or

1299 road frontage shall be either a building sign, a canopy sign, or an awning sign.

1300 (1) Freestanding Signs

1301 (a) Freestanding signs shall be limited to one per street frontage. In the case of shopping

1302 centers with separate buildings or pad sites, one additional freestanding sign will be

1303 permitted for each separate building or pad site.

1304 (b) Freestanding signs shall not exceed 28 feet in height and shall not exceed 225 square feet

1305 of sign area per side.

1306 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a

1307 minimum setback of 25 feet from adjacent property lines.

1308 (d) Shared Freestanding Signs

1309 [1] For adjoining nonresidential properties, a freestanding sign structure may be shared

1310 among adjoining property owners or tenants solely for the purpose of identification of

1311 the adjoining property or business located thereon.

1312 [2] The permit application for a shared freestanding sign shall be accompanied by an

1313 agreement regarding ownership and maintenance obligations for the shared sign

1314 executed by the adjacent property owners or tenants, as the case may be.

1315 (2) Projecting Signs

- 1316 (a) Projecting signs shall be limited to one per building façade on which any such sign is  
1317 mounted per each separate street frontage.
- 1318 (b) The area of any projecting sign shall be no larger in area than 20 square feet per side.
- 1319 (c) No projecting sign shall extend in a vertical dimension above the highest architectural point  
1320 of the façade to which it is mounted in excess of 25% of the vertical dimension of the  
1321 façade itself.
- 1322 (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance  
1323 not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of  
1324 clearance between the projecting sign and the sidewalk.
- 1325 (e) A property may have a projecting sign and a freestanding sign provided that the property  
1326 has more than one street or road frontage provided that all other requirements governing  
1327 projecting signs are met.
- 1328 (3) Building Signs
- 1329 (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently  
1330 applied to walls or other building surfaces.
- 1331 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed  
1332 15% of the building façade in elevation view, including window and door areas and  
1333 cornices to which they are affixed or applied.
- 1334 (c) In the case of a shopping center or a group of stores or other business uses on a lot held in  
1335 single and separate ownership, the provisions of this section relating to the total area of  
1336 signs permitted on a premise shall apply with respect to each building, separate store,  
1337 separate storefront, or separate use.
- 1338 (4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)
- 1339 (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are  
1340 mounted to structures that project off the face of the building more than 18 inches.
- 1341 (b) Signs affixed or applied in an essentially flat plan to the face of a building or freestanding  
1342 canopy, marquee, or architectural projection provided that the copy area of any such sign,  
1343 as defined herein, does not exceed an area equal to 40% of the product of the height and  
1344 length of the face area of the canopy, marquee, or architectural projection to which such  
1345 sign is affixed or applied, or 10% of the building façade to which it is attached, whichever  
1346 is greater.
- 1347 (c) In the case of a shopping center or a group of stores or other business uses on a lot held in  
1348 single and separate ownership, the provisions of this section relating to the total area of  
1349 signs permitted on a premise shall apply with respect to each building, separate store,  
1350 separate storefront, or separate use.
- 1351 (d) Graphic treatment in the form of striping or patterns shall be permitted on the face of any  
1352 building or freestanding canopy, marquee, or architectural projection provided that the  
1353 striping or patterns are not typically associated with the brand or company occupying the  
1354 building, site or suite, and the area of any such graphic allowed treatment shall not be  
1355 calculated as a component of permitted copy area.
- 1356 (5) Awning Signs
- 1357 (a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are  
1358 permitted provided that the copy area does not exceed an area equal to 40% of the product  
1359 of the height and length of the face area of the awning to which the sign is affixed or  
1360 applied, or 10% of the building façade to which it is attached, whichever is greater.
- 1361 (b) In the case of a shopping center or a group of stores or other business uses on a lot held in  
1362 single and separate ownership, the provisions of this section relating to the total area of  
1363 signs permitted on a premise shall apply with respect to each building, separate store,  
1364 separate storefront, or separate use.
- 1365 (c) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be

1366 permitted on the face or side surfaces of any awning or backlit awning provided that the  
1367 striping or patterns are not typically associated with the brand or company occupying the  
1368 building, site or suite, and the area of any allowed such graphic treatment or embellishment  
1369 shall not be calculated as a component of permitted copy area.

1370 (6) Electronic message centers are permitted on properties used for non-residential purposes as  
1371 part of a freestanding sign or building sign subject to the regulations of this Article.

1372  
1373 § 230-24.17. Additional Standards.  
1374

1375 A. Applicability. These regulations apply to all signs regulated by this Code.  
1376

1377 B. Sign placement. All signs and sign structures must be erected and attached totally on or within the  
1378 site or property to which they refer, behind any applicable legal right of way.  
1379

1380 C. Signs extending into the right-of-way. Except as otherwise provided herein, no sign may be  
1381 erected, placed, project, or extend over or into a right-of-way.

1382 (1) Projecting, awning, and marquee signs in the Downtown Commercial Zone, projecting over a  
1383 public sidewalk are permitted provided that no sign shall project farther than 2/3 of the width  
1384 of the sidewalk.

1385 (2) A-frame signs. A-frame signs may be used in the Downtown Commercial Zones and in the  
1386 Commercial and Industrial Zones if said signs meet the following standards:

1387 (a) The sign is entirely outside the street or roadway.

1388 (b) The sign is no larger than 10 square feet of sign area per side.

1389 (c) The sign does not obstruct a continuous path through pedestrian zone of at least four feet  
1390 in width.

1391 (d) The sign is placed no further than 10 feet from the primary entrance to the associated  
1392 business.

1393 (e) The sign does not constitute an off-premise sign.

1394 (f) The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of  
1395 the following:

1396 [1] Transit stop areas;

1397 [2] Designated parking spaces to comply with the Americans with Disabilities Act;

1398 [3] Access ramps to comply with the Americans with Disabilities Act; or

1399 [4] Building exits including fire escapes.  
1400

1401 D. Removal of signs. The City may require signs extending into the right-of-way to be modified or  
1402 moved if streets are widened, or other improvements made in the right-of-way, which result in the  
1403 creation of unsafe conditions. The modifications or moving will be at the owner's expense. If a  
1404 nonconforming sign is moved under this requirement, it may be re-erected on the site without  
1405 being brought into conformance.  
1406

1407 E. Freestanding Signs may not extend into the right-of-way.  
1408

1409 F. Fascia or Wall Signs.

1410 (1) Vertical extensions: Fascia or wall signs may not extend above the top of the building wall  
1411 upon which they are mounted.

1412 (2) Horizontal extensions: Fascia or wall signs may not extend more than 18 inches out from the  
1413 wall or structure to which they are attached.  
1414

1415 G. Projecting Signs

- 1416 (1) Placement: Projecting signs are not allowed on rooftops or on pitched roofs.  
1417 (2) Projecting signs may not extend over a right-of-way unless they are located in the Downtown  
1418 Commercial Zone. There shall be at least eight feet of clearance between the projecting sign  
1419 and the sidewalk.

1420  
1421 H. Directional Signs

- 1422 (1) General standards: Directional signs that meet the standards of this subsection are allowed in  
1423 all zones and are not counted in the total square footage of permanent sign allowed on any  
1424 property or site.  
1425 (2) Size: Freestanding directional signs may consist of up to six square feet in area per side and  
1426 eight feet in height. Fascia directional signs may consist of up to 16 square feet in area per  
1427 side.  
1428 (3) Directional signs in any zone may have internal or external illumination.

- 1429  
1430 I. Temporary Signs are prohibited in the right-of-way unless approved as part of a Special Event  
1431 Permit.

1432  
1433 § 230-24.18. Temporary Signage.

- 1434  
1435 A. Signs that meet the standards of this section are exempt from the standards for permanent signs  
1436 and are not counted in the total square footage of signage allowed on any particular property or  
1437 site. Signs that do not meet the standards of this section are subject to the standards for permanent  
1438 signs.

- 1439  
1440 B. Temporary signs may have external or internal illumination.

- 1441  
1442 C. Temporary signs and banners shall be anchored or have adequate base weight to prevent blowing  
1443 away or blowing over.

- 1444  
1445 D. Temporary banners: Temporary banners are subject to the following regulations:

- 1446 (1) In all Residential Zones, temporary banners are prohibited on properties used for residential  
1447 purposes except that the following temporary banners are permitted for the following:  
1448 (a) Holidays  
1449 (b) Religious commemoration  
1450 (c) Special family events  
1451 (d) New development home sales and model homes  
1452 (2) In all other zones and for non-residential uses in Residential Zones, temporary banners may be  
1453 permitted by the Code Official after obtaining a Special Event Sign Permit and meeting the  
1454 following standards:  
1455 (a) Permits may be issued for Special Events, including but not limited to Festivals, Grand  
1456 Openings, Closing Sales, and Holiday Sales.  
1457 (b) Three Special Event Sign Permits may be issued in a calendar year for each property or,  
1458 on a multi-use property, each storefront. Each Special Event Sign Permit is limited to 30  
1459 days for each permit period.  
1460 (c) Only two temporary banners shall be permitted for each property and shall be limited to a  
1461 maximum of 32 square feet each.  
1462 (d) Temporary banners shall have a minimum setback of 10 feet from the front lot line, a  
1463 minimum setback of 25 feet from the right of way line of an intersection with another street  
1464 or road, and a minimum setback of 15 feet from all adjacent property lines.  
1465 (e) Exceptions:

1466 [1] Temporary banners are permitted on motor vehicle sales lots with a permit. Such  
1467 temporary banners may be permitted at a rate not to exceed one temporary banner for  
1468 each 10 motor vehicle parking/storage spaces on the premises, and any such temporary  
1469 banner shall not be situated closer than 50 feet of any other temporary banner on the  
1470 premises. Parking spaces required for employees, customers and service department  
1471 uses shall not be counted to calculate the number of temporary banners. For purposes  
1472 of this exception, the term “banner” does not include pennants, streamers, balloons or  
1473 other temporary or permanent signs.

1474 (3) Any temporary banner that is faded, frayed, ripped, or otherwise damaged by weather, neglect,  
1475 or other circumstances, must be removed immediately.

1476  
1477 E. Temporary Wall or Fascia Signs.

1478 (1) Business Park and Office, Institutional, Commercial and Industrial Zones.

1479 (a) One temporary wall sign is allowed per property or, on a multi-use property, per storefront  
1480 in these Zones and is not counted in the total square footage of permanent signage allowed  
1481 on the site.

1482 (b) Temporary wall signs may be up to 20 square feet in area.

1483 (c) Temporary wall signs may not extend above roof lines.

1484 (d) Extensions into the right-of-way are prohibited.

1485 (e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

1486 (2) Residential, Downtown Commercial and Neighborhood Commercial Zones.

1487 (a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per  
1488 road frontage.

1489 (c) Temporary wall signs may not extend above roof lines.

1490 (d) Extensions into the right-of-way are prohibited.

1491 (e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

1492  
1493 F. Temporary Freestanding or Portable Signs.

1494 (1) Business Park and Office, Institutional, Commercial, and Industrial Zones.

1495 (a) One temporary freestanding sign is allowed per property or, on a multi-use property, per  
1496 storefront in these Zones and is not counted in the total square footage of permanent  
1497 signage allowed on the site.

1498 (b) Temporary freestanding signs may be up to 20 square feet in area.

1499 (c) A sign shall not contain more than two sides or facings, back to back, and shall have a  
1500 minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the  
1501 right of way line of an intersection with another street or road, and a minimum setback of  
1502 15 feet from all adjacent property lines. Extensions into the right-of-way are prohibited.

1503 (d) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

1504 (2) Residential, Downtown Commercial, Neighborhood Commercial Zones.

1505 (a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per  
1506 road frontage.

1507 (b) A sign shall contain no more than two sides or facings, back to back, and shall have a  
1508 minimum setback of five feet from the front lot line, a minimum setback of 25 feet from  
1509 the right-of-way line of an intersection with another street or road, and a minimum setback  
1510 of 15 feet from all adjacent property lines.

1511 (c) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

1512  
1513 § 230-24.19. Off-Premise Signs.

1514 Off premises signs are prohibited.  
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§ 230-24.20. Electronic Message Centers.

A. General Electronic Message Center regulations

- (1) An Electronic Message Center may consist of a portion of a building sign or freestanding sign, subject to the following limitations:
  - (a) For a sign with a sign area of 32 square feet or less, all of the sign can be comprised of an Electronic Message Center.
  - (b) For a sign with a sign area of greater than 32 square feet, the electronic message center portion of the sign cannot exceed 70% of the sign area or 100 square feet per sign, whichever is less.
- (2) All Electronic Message Centers shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the Electronic Message Center lighting level at night into compliance with Chapter § 230-24.21, Sign Illumination Standards. The owner of the Electronic Message Center shall provide a certification by an independent contractor of the lumens showing compliance with the Illumination Standards at the time of building permit issuance.
- (3) The owner of the Electronic Message Center shall provide the City with contact information for a person who is available at any time to turn off the Electronic Message Center promptly if a malfunction occurs.
- (4) All Electronic Message Center display features and functions are permitted, except that the following features and functions are prohibited:
  - (a) Flashing.
  - (b) Full motion video or film display via an electronic file imported into the Electronic Message Center software or streamed in real time into the Electronic Message Center.

§ 230-24.21. Sign Illumination Standards.

Signs may be illuminated consistent with the following standards:

- A. A sign in any Zone may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m<sup>2</sup> or Nits, regardless of the method of illumination.
- B. The following signs are prohibited:
  - (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of any roadway or residential area.
  - (2) Signs which are of such intensity or brilliance as to cause glare or to impair the vision of any resident or the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle.
  - (3) Signs which are so illuminated that they interfere with the effectiveness of or obscures an official traffic sign, device or signal.
- C. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded to focus light only on the sign.
- D. All illuminated signs must comply with the maximum luminance level of 750 cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level

1566 throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA,  
1567 at which time the sign may resume luminance levels appropriate for daylight conditions, when  
1568 required or appropriate.

1570 E. No illuminated sign, including Electronic Message Centers, shall have a maximum illuminance  
1571 level greater than 0.30 foot candle above ambient light, as measured using a foot candle meter, or  
1572 similar technology, at a preset distance. Preset distances to measure the foot candle impact vary  
1573 with expected viewing distances of each sign size. Measurement shall be based upon the sign area  
1574 using the following formula:

<u>Sign Area (in square feet)</u>	<u>Measurement Distance (in feet)</u>
<u>10</u>	<u>32</u>
<u>50</u>	<u>71</u>
<u>100</u>	<u>100</u>
<u>200</u>	<u>141</u>
<u>300</u>	<u>173</u>

1576 Notes: For signs with a sign area in square feet other than those measurements specifically listed  
1577 in the table above, the measurement distance shall be calculated with the following formula:  
1578 Measurement Distance = Sign Area in Square Feet x 100

1581 F. On-premise signs shall not be used as a form of outdoor lighting at night for security purposes or  
1582 egress illumination.

1584 § 230-24.22. Nonconforming Signs.

1586 A. Except as otherwise provided in this Article, nonconforming signs may remain on the property  
1587 where located.

1589 B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must  
1590 be brought into conformance with the sign regulations except that nonconforming signs required  
1591 to be moved because of public right-of-way improvements may be re-established. Removable  
1592 faces or sign panel inserts in a cabinet style may also be changed by right and such change does  
1593 not constitute a structural alteration nor trigger a loss of nonconforming status.

1595 C. Ownership. The status of a nonconforming sign is not affected by changes in ownership of the  
1596 sign or of the property where the sign is located.

1598 D. Except as otherwise provided in this Article, once a sign is altered to conform or is replaced with  
1599 a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may  
1600 not be re-established.

1602 E. If an on-premises sign or an off-premises sign is abandoned, as defined by this Article, the sign  
1603 shall no longer be considered a nonconforming sign and shall be removed from the property or  
1604 otherwise brought into compliance with this Article.

1606 F. Nothing in this subsection shall require any change in the plans, construction, or designated use of  
1607 any sign or part thereof, the construction of which shall be lawfully in progress at the time of  
1608 passage of this Article or for which a permit shall have been issued pursuant to law, provided that  
1609 construction shall be promptly and diligently pursued.

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G. In any case where a district boundary line crosses a sign which existed at the time such boundary was established, a sign permitted in the less restricted of the two districts may be extended as a nonconforming sign during the life of said sign into that part of the sign situated within the more restricted district.

H. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.

(1) Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.

(2) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials as long as the work is completed within 12 months of the destruction.

§ 230-24.23. Construction and Structural Requirements.

A. Structural Standards.

(1) Signs, sign structures, sign foundations, and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of Chapter 88 Building Construction. All signs and their foundations and attachments must be designed for the appropriate dead, wind, and snow loads for the geographic area in question.

(2) The supports and foundations used for construction for all signs and sign structures must be located outside of any right-of-way.

(3) Welds of sign structures and sections of sign structures must be welded in accordance with Chapter 88 Building Construction.

B. Engineering Standards.

(1) Signs, sign structures, sign foundations, and anchorages to a building must be individually designed in accordance with Chapter 88 Building Construction and the provisions of this Article.

(2) The Building Code Official may waive the requirement for a signed, sealed design construction plan as set forth in Chapter 88 for an on-premises sign if the permit application contains sufficient information to satisfy the Building Code Official that the sign will be constructed to meet the structural standards of this Article.

C. Clearances.

(1) Vision clearance areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of right-of-ways, alleys, or driveways. The sides of the triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in either/each direction. No sign may be installed within this clear site triangle.

(2) Vehicle area clearances. In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

(3) Pedestrian area clearances. When a sign or awning extends more than one foot over a sidewalk, walkway or other space used by pedestrians, the bottom of the structure must be at least 8 feet above the ground.

(4) Clearances from fire escapes, means of egress, or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the

- 1660 free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or  
1661 awnings to a fire escape are prohibited.  
1662 (5) Obstruction of windows and ventilation. Signs, sign structures, and awnings are prohibited  
1663 from being installed in any way that obstructs any building openings to such an extent that  
1664 light, ventilation, or exhaust are reduced to a level below that required by either Chapter 88  
1665 Building Construction or Chapter 174 Property Maintenance.  
1666  
1667 D. Signs, sign structures, supports, foundations, panels, and methods to attach the sign to the structure  
1668 shall be removed when the principal structure on the lot is demolished.  
1669

1670 § 230-24.24. Maintenance Requirements  
1671

- 1672 A. Signs, sign structures, and awnings, together with their supports, braces, guys, anchors, and  
1673 electrical components must be maintained in a proper state of repair. The City Manager may order  
1674 the removal of any sign, sign structure, or awning that is not maintained in accordance with this  
1675 Code.  
1676

1677 B. Dangerous Structures and Equipment

- 1678 (1) Signs, sign structures, or awnings that are dangerous must be taken down and removed or made  
1679 safe as the City Manager deems necessary. Signs may be deemed dangerous for one or more  
1680 of the following reasons:

1681 (a) Whenever a sign structure or its foundation, a sign's attachments to a building, or a building  
1682 to which a sign is attached is damaged by fire, earthquake, wind, flood, or by any other  
1683 cause, to such an extent that the structure's strength or stability is materially less than it  
1684 was before the catastrophe and is less than the minimum requirements of the Building  
1685 Code;

1686 (b) Whenever any portion or member of a sign, sign structure, or awning is likely to fail, or  
1687 become detached or dislodged, or to collapse;

1688 (c) Whenever any portion or member of a sign, sign structure, or awning is likely to partially  
1689 or completely collapse as a result of any cause, including, dilapidation, deterioration, or  
1690 decay, faulty construction or wiring, or removal, movement or instability of any portion of  
1691 the ground or building necessary for supporting such structure;

1692 (d) Whenever a sign, sign structure, or awning is structurally or electrically unsafe or otherwise  
1693 hazardous to human life or safety by reason of inadequate maintenance, dilapidation,  
1694 obsolescence, fire hazard, disaster, damage, or abandonment;

- 1695 (2) All signs, sign structures and awnings determined after inspection by the City Manager to be  
1696 dangerous must be abated by repair, rehabilitation, demolition, or removal.  
1697

1698 § 230-24.25. Comprehensive Signage for Major Subdivisions and Complexes  
1699

- 1700 A. Purpose. In recognition that large developments and complexes have signage needs that may not  
1701 be adequately addressed by the standard sign regulations of Chapter 230, this section is specifically  
1702 intended to establish an optional procedure for approval of comprehensive signage plans for such  
1703 projects.  
1704

- 1705 B. Qualifications. Comprehensive signage plans may only be submitted in conjunction with the  
1706 following types of development projects:

1707 (1) Major subdivisions and residential developments involving more than one entrance or  
1708 involving 200 or more dwelling units;

1709 (2) Planned unit developments;

- 1710 (3) Shopping centers;
- 1711 (4) Groups of three or more nonresidential principal structures under common management and
- 1712 located on one or more contiguous properties; or
- 1713 (5) Any institutional complex, professional office, medical or educational campus, or business
- 1714 park.

1715

1716 C. Standards. Comprehensive signage plans shall comply with the following standards:

- 1717 (1) If approved, comprehensive signage plans may not be held to the size, height, numbers, and
- 1718 area regulations for signs found in other sections of this Article provided that the number, type,
- 1719 and size of signs proposed shall not be excessive and must be in proportion to the scale of the
- 1720 buildings and the uses planned for the site.
- 1721 (2) All proposed signage shall be designed and coordinated with the overall architectural concept
- 1722 for the buildings on the site. Sign type, color scheme, size, and illumination shall be
- 1723 coordinated and compatible with the architecture of the development so as to formulate a
- 1724 thematic sign plan for the site.
- 1725 (3) Wall-mounted signs shall be coordinated with the overall design theme of the site and designed
- 1726 as an integral component of the facades of buildings.
- 1727 (4) Site landscaping shall be designed to complement and not conflict with sign placements.
- 1728 (5) No off-premises signage will be permitted as part of an application for a comprehensive
- 1729 signage plan.

1730

1731 D. Approval process.

- 1732 (1) Comprehensive signage plans shall be submitted for review by the Planning Commission for
- 1733 the purpose of providing commentary and recommendation to the City Council, if applicable.
- 1734 The City Council shall have authority to approve or deny the comprehensive signage plans,
- 1735 except for applications that are not required to be reviewed by City Council, in which case the
- 1736 Planning Commission shall have the authority to approve or deny the comprehensive signage
- 1737 plans.
- 1738 (2) Applicants may submit a comprehensive signage plan in conjunction with, and as a component
- 1739 of, any Preliminary Site Plan or Preliminary Major Subdivision application, for review and
- 1740 consideration by the Planning Commission and City Council, if applicable.
- 1741 (3) Owners of existing developments or previously approved but not completed developments, or
- 1742 successors in interest thereto, including but not limited to legally created homeowners
- 1743 associations, that own and control subdivision identification signage in subdivision that meet
- 1744 the qualifications of Chapter 230-24.25(B) may submit a comprehensive signage plan for
- 1745 consideration as a conditional use site plan in accordance with the procedures set forth in
- 1746 Chapter 230 of this Code.
- 1747 (4) Sign permits shall be obtained for each sign approved for installation as part of a
- 1748 comprehensive signage plan prior to the installation or placement of the sign.

1749

1750 E. Submission requirements. The following minimum submission materials shall accompany any

1751 request for consideration of a comprehensive signage plan.

- 1752 (1) A site plan which details the signage proposed to include the physical location of all existing
- 1753 and proposed signs on the property and their relationship to all existing and proposed buildings,
- 1754 structures, streets, parking areas, stormwater management ponds, and all other physical
- 1755 features of the site.
- 1756 (2) Fully dimensioned elevation drawings of each proposed sign. Proposed wall-mounted signs
- 1757 shall be illustrated as a component of the architectural elevation drawing of the building façade.
- 1758 (3) Colored renderings of each proposed sign.
- 1759 (4) Miscellaneous specifications to include proposed illumination type, mounting details, and

1760 materials proposed.

1761

1762 F. Planning Commission and City Council considerations. In considering approval of comprehensive  
1763 signage plans, the Planning Commission and City Council shall take into consideration the public  
1764 health, safety, and welfare, the comfort and convenience of the public in general, and the residents,  
1765 businesses, and property owners in the immediate vicinity in particular, and shall ensure that  
1766 qualifying developments are afforded adequate, but not excessive, signage.

1767

1768 § 230-24.26. Severability.

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1770 If any portion of this Ordinance, Article, Section, or subdivision thereof shall be declared unconstitutional  
1771 or in violation of the general laws of this state, such declaration shall not affect the remainder of this  
1772 Ordinance and Article which shall remain in full force and effect.

1773

1774 § 230-24.27. Substitution.

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1776 The owner of any sign that is otherwise allowed under this Article may substitute non-commercial copy  
1777 in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without  
1778 any additional approval or permitting. The purpose of this section is to prevent inadvertent favoring of  
1779 commercial message over any other non-commercial messages. This provision prevails over any more  
1780 specific provision to the contrary. This provision does not create a right to increase the total amount of  
1781 signage on a parcel or to allow the substitution of an off-premises commercial message in place of an on-  
1782 premises commercial message.

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1784 § 230-25. Reserved.

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1786 § 230-26. Reserved.

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City of Milford  
Sign Types and Allowable Dimensions and Restrictions

1789

**ZONING**

1791

City of Milford

Sign Types and Allowable Dimensions and Restrictions

1793

Zoning District	Types of Signs												
	Wall or Mailbox (residence/occupant ID)		Freestanding [mounted on post(s)]		Fascia: Commercial (wall, roof edge, etc.) (of wall square feet)	Hanging/Projecting (extended from wall) (square-feet)	Marquee (movable letters)		Illuminated (nonflashing)		EMB	Mobile (mounted, trailer, etc.)	Billboard
	Height (inches)	Square feet	Height	Square feet			Height	Square feet	Height	Square feet			
R-1	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohib	N/A	Prohibi

												ited		ted
R-2	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-3	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
C-1	42 in	2	48 in	4	10%	15	48 in	9	48 in	4	4	Prohibited	N/A	Prohibited
C-2	N/A	N/A	48 in	4	10%	20	48 in	9	48 in	4	4	Prohibited	N/A	Prohibited
C-3	N/A	N/A	28 ft	225	10%	20	10 ft	48	28 ft	225	225	Height ÷ greater than 2', max 5' Width ÷ max 12' Max 32-sq ft total	N/A	Conditional use  per DeIDOT  standards
H-1	N/A	N/A	25 ft	70	5%	N/A	N/A	N/A	25 ft	70	70	Prohibited	N/A	Prohibited
OC-1	N/A	N/A	28 ft	225	5%	N/A	10 ft	48	28 ft	225	225	Prohibited	N/A	Prohibited
I-1	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	200	Prohibited	N/A	Prohibited
I-2	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	200	Prohibited	N/A	Prohibited

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*Section 18: Dates.*

Planning Commission Review and Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Review and Public Hearing: November 25, 2019

Effective: December 5, 2019

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

*Advertised: Beacon 10/30/19*