PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

A G E N D A

August 10, 2009 - 12:00 Noon - City Hall Conference Room - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at Tmcdowell@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Review of Active Recreation Areas - Village of Maple Dale: Planned Neighborhood Design - Senior Housing Option

2. Proposed Zoning Text Amendments
   A. Ordinance #2009-18 - Proposed Amending Appendix B - Zoning, Article 3 - District Regulations, Section 20A - Industrial Park Manufacturing Zone - Technology Center (IPM2) and Appendix B - Zoning, Article 4 - Bulk and Parking Regulations, Section 4.16 IPM
   B. Ordinance #2009-19 - Proposed amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations

3. Updates
   A. Puncheon Run Watershed Action Team Update
   B. Planning and Funding for New Library
   C. CDBG Program
   D. Housing and Recovery Act of 2008 Funds (Neighborhood Stabilization Fund)
   E. Skate Park Committee
   F. Youth Advisory Committee
   G. Comprehensive Rezoning and Plan Amendment

/tm
S:\ClerksOffice\PACKETS\2009\Committee\PR&CE\08-10-2009\08-10-2009 PR&CE.wpd

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

DATA SHEET FOR RECREATION PLAN REVIEW

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF August 10, 2009
Planning Commission: Future Meeting

Plan Title:	Villages of Maple Dale Senior Housing Community (MI-09-06) Planned Neighborhood Design – Senior Citizen Housing Option
Plan Type:	Conceptual Plan: Active Recreation Area Plan Recreation Plan Dated July 22, 2009
Location:	Northeast side of Kenton Road; east of Maple Dale Road
Tax Parcel Number:	ED-05-067.00-04-01.00-000
Owner:	Maple Dale Country Club, Inc.
Property Area: Project Site Area:	149.2 Acres +/- 12.0 Acres +/-
Proposed Use:	Residential Development: 3 Condominium Buildings (Total 54 units) and 30 Townhouse Lots Golf Course with facilities
Zoning:	RC (Recreational and Commercial Zone)

Project Summary

The Villages of Maple Dale will be reviewed as a Conceptual Plan under the provisions of the Planned Neighborhood Design: Senior Citizen Housing Option. The subject project area is twelve (12) acres of the overall property consisting of 149.2 acres +/-. The Plan proposes the construction of two types of housing units totaling 84 residential units: thirty (30) townhouse units on fee simple lots and three condominium building of 18 units each (total 54 units). Since this PND project involves the subdivision of land the Planning Commission review process is a two step process starting with the Conditional Use Review of the Conceptual Plan then the Preliminary Subdivision Plan (Article 3 §24).

Active Recreation Area Plan Summary:

As part of the Plan review process for this project, the applicant prepared a Conceptual Recreation Plan which illustrates how the Villages of Maple Dale development will provide recreation amenities in accordance with the design specifications described in Article 3 § 24.61 Common Open Space and Article 5 §10 Open space, recreation, and other public facilities of the *Zoning Ordinance*. The following excerpt from Article 3§24.61(b) describes the common open space design requirements for this type of PND project:

> Article 3 §24.61
> (b) *Senior citizen housing option.* Useable open space shall be provided in accordance with the area requirements set forth in article 5, section 10.16 of this ordinance. The location, dimensions and orientation shall be designed to afford maximum accessibility and convenience for the residents of the development. Open space areas shall include landscaped walkways with park benches, patios, and garden areas, and may include other active recreation amenities suited to the needs, abilities and preferences of the anticipated service population. The open space area requirement may be reduced or waived by the planning commission if it is determined that the property on which a senior citizen housing option is proposed is within one-quarter mile walking distance of a public park which offers pedestrian amenities and appropriate recreation opportunities for senior citizens.

The Plan indicates that a series of amenities are proposed for use as the Active Recreation Area for the PND project. The proposed amenities include the following: the existing 137 +/- acre 18 hole golf course; two tennis courts (new courts built to replace those displaced by condominium units); swimming pool (new pool built to replace the one displaced by condominium units); existing clubhouse building with its meeting rooms, banquet facility, bar/restaurant; putting green; driving range; and walking paths (existing and new paths). This submission indicates that these amenities will be available for use by the prospective buyers of the residential units.

This recreational component must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Preliminary Site Plan/Subdivision Plan by Planning Commission.

The following table provides information from the submitted Plan (dated 7/22/2009) for the Active Recreation Area proposed:

	Required	**Provided on Plan**
Common Open Space in PND – Senior Option (Article §24.61b)	Useable open space following the area requirement of Active Recreation Area	Facilities for golf, tennis, and swimming Walking paths
Active Recreation Area (Article 5 §10.16)	275 S.F. per dwelling unit or 0.5 acre, greater thereof 84 DU = 23,100 S.F. (0.53ac) Requires 0.53 acres	Golf course with putting green and driving range (existing with hole reconfigurations) Tennis courts (new construction to replace existing) Clubhouse (existing) Swimming Pool (new construction to replace existing) Walking paths
Active Recreation Amenities (Article 5 §10.15)	Accessible	Series of sidewalks and walking paths located on the property connecting buildings and as part of golf course circulation
Active Recreation Amenities (Article 5 §10.15)	Age Oriented to development	Golf, tennis, and swimming facilities allow for various skill levels. A more passive activity is the walking path.

	Parking	On site parking provided for each dwelling unit (2 spaces per unit). A general parking lot is located on the west side of the clubhouse.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	Clubhouse, swimming pool, tennis court locations are in compliance as required.
	Landscaping	Limited information shown on the plan for the Active Recreation Area. Property does include existing trees.

Staff Recommendations:

The following are comments and recommendations from Staff of the Department of Planning & Inspections and the Parks & Recreation Department following review of the Active Recreation Area proposed.

1. The proposed plan presents a series of existing (and reconfigured) amenities associated with the Maple Dale Country Club as the Active Recreation Area for this project. The plan is required to provide 0.53 acres of Active Recreation Area and it is proposing 137 acres of Active Recreation Area if the full extents of the Maple Dale Country Club property are recognized.

2. Staff recommends approval of the golf course and related facilities, tennis courts, swimming pool, clubhouse, and walking path as meeting the intent of the Active Recreation Area requirements with the following conditions:
    a. Documentation of the provisions for the residents' use of the existing facilities must be submitted and noted on the project plans. Clarification is necessary of the residential buyers access to the amenities i.e. membership, additional fees, etc.
    b. Walking Path improvements must accommodate both pedestrians and golf carts for those areas where the golf course circulation requires a shared use path.

3. Staff recommends the creation of a lawn games area specifically for the use of these residents as an Active Recreation Area. This could provide a lawn area space where games such as bocce, crochet, ladder golf, fitness activities, etc. could be played by the residents. The area adjacent to townhouse Lot 1 could be developed in this fashion including bench seating, tree plantings, landscaping, etc. and specifically identified as the Active Recreation Area for the residential project.

4. Clarification of the walking path system is recommended to identify which areas are intended for golf course users versus the walking path for the residents.
    a. Identify the construction materials and width of walking path. A paved hard surface is recommended.
    b. Appropriate signage will need to be installed regarding the hazards of golf course activities, rules of usage, etc.
    c. Identify the location of rest spots with bench seating along walking path.
    d. Clarify the path system near the relocated 9th fairway.
    e. The walking path system should connect to the clubhouse. A portion of the system appears to be missing near the putting green.

f. The walking path system must include the appropriate accessibility accommodations, crosswalks, signage, etc. especially at the points of intersection with vehicular travel lanes.
g. Identify if a pedestrian connection to Pine Valley Road is proposed for the walking path located northwest of the condominium buildings.

5. The following items should be included on the Plan to clarify the construction of the recreation area improvements:
    a. Identify the length of new walking paths to serve this project.
    b. Provide a construction detail of the new walking path (width, materials).
    c. A list of the existing and proposed features needs to be provided on the Active Recreation Plan (i.e. the list of amenities, the number of benches and the details of the items).
    d. Show tree planting locations on the Active Recreation Plan.
    e. Identify location of lighting.
    f. Lawn areas shall be appropriate planted (seeded or sodded) and maintained for active recreation activities.
    g. Indicate the location of the fence and gates around the pool.
    h. Indicate any landscaping/plantings around the existing ponds.

6. The applicant should consider provisions for such as parking of and regulations on the use/ownership of personal golf carts by the residents of the Villages of Maple Dale.

7. Identify the location of bicycle parking facilities associated with the condominium buildings, the general parking lot, and the clubhouse/pool/tennis court area.

8. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

    Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

9. There shall be provisions which insure that the common open space land (including active recreation area) shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.

10. In the event, that major changes and revisions to the Site Plan/Subdivision Plan occur in the finalization of the Site Plan/Subdivision Plan contact the Department of Planning and Inspections. Examples include reorientation of buildings, relocation of site components like stormwater management areas, and increases in floor area. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to

the plan.

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan.

Attachments: Recreation Plan Sheet dated July 22, 2009
List of Amenities

LIST OF AMENITIES
VILLAGES OF MAPLE DALE / SENIOR HOUSING COMMUNITY
Dover, Delaware
2009037.01

The following is the list of amenities available for use by the prospective buyers of the proposed townhouse and condominium units for the referenced project.

1. 137 +/- acre, 18 hole golf course.
2. Two (2) tennis courts.
3. 3,400 s.f. +/- Swimming pool.
4. Clubhouse with meeting rooms, banquet facilities, bar/restaurant.
5. Putting Green.
6. Driving Range.
7. Walking Paths.



SITE DATA

1.	OWNER OF RECORD:	MAPLE DALE COUNTRY CLUB, INC. c/o LARRY MCALLISTER, RESIDENT 39 MAPLE DALE ROAD DOVER, DE 19904 302-674-4951	
2.	ENGINEER :	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE. DOVER, DE 19904 302-734-7950	
3.	PROPERTY MAP NUMBER:	ED-05-067.00-04-01.00-000	
4.	ZONING CLASSIFICATION:	EXISTING: PROPOSED:	RC RC/PND
5.	DEED SUMMARY:	D 2692 0054, D 2692 0059, D 3500 0176	
6.	USE:	EXISTING: PROPOSED:	GOLF COURSE GOLF COURSE, TOWNHOUSES, CONDOMINIUMS
7.	TOTAL SITE AREA:	149.2 ACRES	
8.	PROJECT SITE AREA:	12.0 ACRES +/-	
9.	BUILDINGS:	PROPOSED TOWNHOUSES PROPOSED CONDOMINIUMS: HEIGHT:	30 UNITS 54 UNITS (3- 18 UNIT BUILDINGS)(33,279 S.F. EA.) 2 STORY, 35 FT. (WAIVER TO BE REQUESTED FOR CONDOMINIUMS, 4-STORY)
10.	RECREATION AREA:	REQUIRED: PROPOSED:	84 UNITS (275 S.F./UNIT) = 23,100 S.F. 137 ACRES (COURSE AND ALL FACILITIES)

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington
3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

VILLAGES OF MAPLE DALE SENIOR HOUSING COMMUNITY

MAPLE DALE DRIVE
CITY OF DOVER
KENT COUNTY, DELAWARE

SHEET TITLE

PARKS AND RECREATION PLAN

ISSUE BLOCK

MARK	DATE	DESCRIPTION

LEGISTIC - PENDING

PROJECT NO.:	2009037.01
DATE:	7-22-09
SCALE:	1" =100'
DRAWN BY: M.J.,H.	PROJ. MGR.: M.J.H.

SHEET 1

COPYRIGHT 2009

F:\AutoCAD\Projects\2009\2009037\dwg\2009037-RECREATION-PLAN.dwg, Jul 17, 2009 - 3:31pm

ACTION FORM

PROCEEDING: Parks, Recreation & Community Enhancement Committee
DEPARTMENT OF ORIGIN: Planning **DATE SUBMITTED**: July 29, 2009
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development
SUBJECT: Proposed Amendment to IPM-2 Zoning District
REFERENCE: Appendix B, Zoning
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: Proposed Ordinance
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Forward to City Council for first reading on August 24, 2009; Public Hearing before Planning Commission on September 21, 2009; Public Hearing and Final Action by City Council on October 12, 2009
RECOMMENDED ACTION: Staff recommends that the proposed ordinance be forwarded to City Council with a favorable recommendation.

BACKGROUND AND ANALYSIS

The proposed amendment to the Zoning Ordinance would amend the Industrial Park Manufacturing Zone –Technology Center (IPM-2) zone two permit electric generating uses and to reduce the minimum lot size from 50 acres to 10 acres.

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2009-18

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 3 - District Regulations, Section 20A. - Industrial Park Manufacturing Zone – Technology Center (IPM2), be amended by inserting the text indicated in bold, blue, italics:

Section 20A. Industrial park manufacturing zone--Technology Center (IPM2).

20A.1 *Uses permitted*. No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8, and subject to site development plan approval as set forth in article 10, section 2:

20A.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing, industrial, or technological processing of any goods, materials, products, instruments, appliances, biotechnology, and devices, provided that the fuel used shall be oil, gas or electricity; together with incidental clinics, cafeterias and recreational facilities for the exclusive use of employees of the concern engaged in such undertaking.

20A.12 Research, design, testing and development laboratories.

20A.13 Offices for corporate support operations for financial services, insurance, and health care industries.

20A.14 Agricultural or farm uses as defined and permitted in article 3, section 1.11.

20A.15 Production of electricity provided that the fuel used shall be gas, oil, solar or wind.

20A.2 *Uses prohibited.* The following uses are specifically prohibited:

20A.21 Residences, except those existing at the time of adoption of this amendment.

20A.22 Manufacturing uses involving primary production of the following products from raw materials: Asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, and carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke, and tar products, including gas manufacturing; explosives, fertilizers, glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural or synthetic); [and] soaps, including fat rendering.

Draft

20A.23 Storage and warehousing, except that which is incidental to the primary use on the lot.

20A.24 The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, [and] lubricating oil; distillation of wood or bones; [and] reduction and processing of wood pulp and fiber, including papermill operations.

20A.25 Operations involving stock yards, slaughter houses, and slag piles.

20A.26 Storage of explosives, [and] bulk or wholesale storage of gasoline above [the] ground.

20A.27 Dumps.

20A.28 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

20A.29 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

20A.6 *Site development plan approval*. Site development plan approval, in accordance with article 10, section 2 hereof, shall be required for either conventional individual lot development or planned industrial park development of land zoned IPM prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

20A.7 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Park Regulations, Section 4.16 - M. IPM Zones, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Section 4.16. M, IPM zones.

Bulk and parking regulations for industrial zones in M and IPM [districts are as follows]:

Draft

TABLE INSET:

For All Permitted Uses	M	IPM (Conventional Planned)	IPM (Planned Industrial Park)	IPM2 (Technology Center)
Lot area	1/2 acre	2 1/2 acres	2 1/2acres average; 60,000 sq. ft. minimum	~~50~~ ***10*** acres
Lot width (ft.)	100	200	150	~~200~~ ***100***
Lot depth (ft.)	150	300	250	~~300~~ ***100***
Front yard (ft.)	40	60	60	60
Side yard (ft.)	20	40	40	40
Rear yard (ft.)	20	40	40	40
Side or rear yard which adjoins a residential zone (ft.)	50	100	100	100
Off-street parking space:				
Per 800 sq. ft. of floor area	1	1	1	1
Per employee, per largest working shift (if greater than the requirement under the floor area calculation)	1	1	1 1/2	1
Maximum permitted:				
Building height				
Stories	2	Not limit	2	Not limit
Feet	35	Equal to distance to nearest lot line	35	Equal to distance to nearest lot line
Floor area ratio	0.5	0.5	0.5	0.5

ADOPTED: *

Draft

SYNOPSIS

The proposed ordinance would add electric power generation as a permitted use within the IPM-2 zone and amend the minimum lot size in the IPM-2 zoning district from 50 acres to 10 acres.

Actions History

August 10, 2009 - Introduced at Parks, Recreation, and Community Enhancement

Draft

ACTION FORM

PROCEEDING: Parks, Recreation and Community Enhancement Committee
DEPARTMENT OF ORIGIN: Planning **DATE SUBMITTED**: 7-29-09
PREPARED BY: Ann Marie Townshend, AICP
SUBJECT: Amendment to the Zoning Ordinance Article 5 Section 4 Supplementary Sign Regulations
REFERENCE: N/A
RELATED PROJECT: None
APPROVALS: N/A
EXHIBITS: Proposed Amendments to Sign Regulations
EXPENDITURE REQUIRED: **N/A** **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE: First reading by City Council on August 24, 2009; Referral to Planning Commission for September 21, 2009; Public hearing and final action by City Council on October 12, 2009
RECOMMENDED ACTION: Staff recommends that the Committee forward the proposed ordinance to City Council with a favorable recommendation.

BACKGROUND AND ANALYSIS

The proposed amendments to the Sign Regulations of the *Zoning Ordinance* will clarify items and provide additional signage options. The amendments were created by identifying areas of the regulations that provided obstacles in both administering the ordinance and use by the public. Staff shared the proposed changes with members of the business community at a workshop on July 9, 2009.

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2009-19

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 5- Supplementary Regulations, Section 4 - Supplementary Sign Regulations, be amended by inserting the text in bold, blue, italics, and deleting the text indicated in red strikeout as follows:

Section 4. Supplementary sign regulations.

4.1 *Purpose statement.* The purpose of this ordinance [section] is to create a legal framework for a comprehensive and balanced system of signs and other street graphics to facilitate an easy and pleasant communication between people and their environment. This ordinance [The ordinance from which this section is derived] is enacted to avoid the visual clutter that is potentially harmful to vehicular and pedestrian safety, property values, business environment and opportunities, and community appearance. With these purposes in mind, it is the intent of this ordinance [section] to authorize the use of signs which are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of individual activities and the community as a whole, and legible in the circumstances in which they are seen, understanding that it is important for the economic vitality of the community as well as individual businesses and institutions that they are clearly identified and their services are understood by the traveling public.

All signs, which are regulated by this ordinance, shall conform to the following general guidelines:

A. *The legibility of signs.* Signs shall be legible under the circumstances in which they are primarily seen. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them. The legibility of signs is related to the speeds at which they are viewed; the context and surroundings in which they are seen; [and] the design, colors, and contrasts of the sign copy and sign face.

B. *The relationship of signs to the buildings and sites they identify.* Signs shall be an integral architectural element of the buildings and sites that they identify and their design shall be consistent with, and not detract from, the overall architectural concept of the site. Signs ~~must~~ ***should*** be of an appropriate size and scale in relation to the buildings on the lot.

4.2 *General provisions.*

A. *Permitting.* No sign, advertising display or structure, poster or device shall be erected, moved, enlarged or reconstructed except in accordance with this ordinance. All signs, except exempt signs, shall require a permit and fee as prescribed in ~~the building code~~ ***Appendix F***.

Draft

B. *Administration.* Administration, interpretation, and enforcement of the provisions of this section shall be under the authority of the city planner or ***his*** authorized designee. In administering the provisions of this ordinance, the city planner shall evaluate signs and applications for sign permits for conformity with the design guidelines, standards, and specifications contained herein. Appeals from the application or interpretation of any provision of this ordinance may be processed in accordance with the provisions of article 9 (board of adjustment) of this ordinance.

C. *Unsafe, dilapidated and illegal signs.* If it is determined by the city planner, or ~~[~~his~~]~~ authorized designee, that any sign is unsafe, presents a hazard to the safe operation and movement of motorized or non-motorized vehicular traffic, or to pedestrians, or is in a dilapidated condition, or is in a state of disrepair, or is otherwise in violation of any provision of this ordinance, the owner of such sign shall be responsible for removal of such sign and supporting structure within 14 days of receipt of written notification by the city planner. In cases where signs are determined to be unsafe or present a hazard, the city planner may order their removal in a shorter period of time. Responsibility for removal shall be in accordance with § [subsection] 4.10B, and § [subsection] 4.11 of this section.

4.3 *Sign definitions.*

Abandoned sign: A sign relating to or identifying a business or activity, which has not been conducted on the premises for 60 days, or seven days after an election or event.

Adjacent to residential: Property lines which are situated within 200 feet and which front on the same street as a parcel, or group of parcels containing residential uses, or that are zoned for residential uses, excluding residential uses and districts fronting on principal arterial roads.

Architectural feature: An exterior component of the architecture of a building, which has a structural, functional or decorative purpose. This term shall apply to elements such as windows, doors, entry porticos, porte-cocheres, colonnades, cornices, porch columns, railings and balusters, band courses, coins, water tables, exterior vents and louvers, moldings and other trim.

Awning sign: A wall sign that is a part of a fabric or other non-structural awning.

Banner: A lightweight fabric or similar material which is mounted to a pole or structure, either enclosed in a frame or mounted to allow movement caused by the atmosphere.

Canopy sign: A type of wall sign attached to a permanent, decorative porch or walkway cover, other than an awning, which is attached to a building or supported by columns, extending to the ground.

Changeable copy sign: Any sign involving mechanical or electronic systems which enable such signs, letters, numbers, or graphics to be changed periodically to display different text messages or graphics.

Draft

Clear Height: The distance from the ground to the bottom of the sign. The minimum clear height shall be 8 ft. for pylon sign, projecting sign, and any other sign that may impact pedestrian traffic.

~~*Collector and local streets:* All streets within the corporate limits of the City of Dover which are not specifically classified as principal arterials or minor arterials under the provisions of this ordinance.~~

Comprehensive signage plan: A plan for all signs associated with a unified campus or complex.

Conforming sign: Any sign that conforms to the provisions of this ordinance.

Construction sign: A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and/or the expected completion date.

Directional sign: A freestanding sign whose primary function is to give aid to motorists or pedestrians in locating buildings or roads.

Exclusion zone: The area adjacent to an existing or proposed freestanding sign within which no other freestanding sign of a similar sign type shall exist or be placed. The exclusion zone shall be measured outward in all directions from the extreme limits of the sign structure a prescribed distance.

Freestanding sign: A sign that is not attached to a building and is permanently attached to the ground by one or more supports. Freestanding signs include monument, pylon, ***post and panel,*** and post signs.

Frontage: For the purposes of this section, the term "frontage" refers to a lot's frontage along a right-of-way, be it public or private, excluding alleys and service drives that are abutting residential properties. The parcel must be directly adjacent to the right-of-way for it to be considered to have frontage.

Historical or memorial sign: A sign or tablet attached to a building indicating the date of construction and/or the names of the building, the principals involved in its construction, or the history of the building or the site.

Inflatable sign: A sign that is designed to be filled with air to form a three-dimensional shape which is designed to be anchored to the ground.

~~*Minor Arterials:* DE Route 8 (Forrest Street); McKee Road; Saulsbury Road; College Road; North Street (Saulsbury Road to the western city limits); Kenton Road (College Road to DE Route 8); State Street (from Walker Road north to US Route 13 and Wyoming Avenue south to the southern city limits); Loockerman Street; Leipsic Road; and Governors Avenue (Division Street to the southern city limits) are considered to be minor arterials under the provisions of this ordinance.~~

Draft

Monument sign: A ***low*** freestanding sign that is affixed to a base that is equal to or wider than the sign itself. The height of the sign is to be measured from the finished grade to the top of the sign. (See figure 5-3.) Such signs shall be situated so as to have the longer dimension oriented horizontal, and to have the shorter dimension oriented vertical.

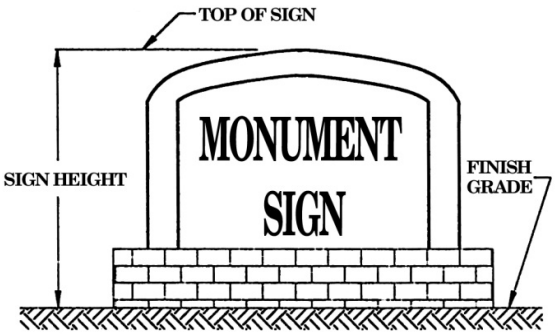


FIGURE 5-3

Mountable wall area: The area of ~~[~~a~~]~~ wall where a wall sign is to be physically mounted. The area of the wall must be a regular geometric shape (square, rectangle, triangle, or circle), and be uninterrupted by windows, doors, or other architectural features. (See figure 5-4.)

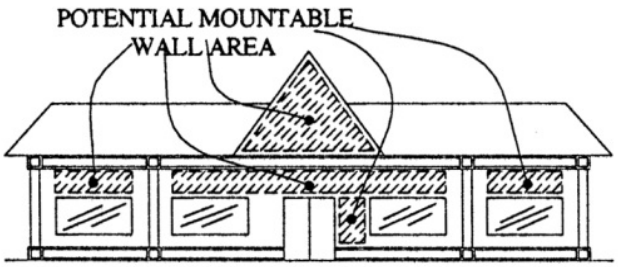


Figure 5-4

Nonconforming sign: Any sign which does not conform to the regulations of this ordinance, including any signs granted by variance where it can be demonstrated that the original hardship on which the variance was based no longer exists. This definition also includes the structure upon which the sign is erected, or the mounting hardware in the case of wall mounted signs.

*Off-premises sign (billboard**, etc.):*** A sign, other than a shared freestanding sign as defined by this ~~ordinance~~ ~~[~~section~~]~~, which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only minor or incidental activity upon the premises where the sign is displayed. The sale of a commodity is considered a minor activity if the commodity advertised is a specific brand or if the operator of the on-premises business does not directly control the advertising content. These product-oriented signs shall be considered on-premises signs if they comply with on-premises sign requirements.

Draft

On-premises sign: A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

Portable sign: Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels; A- or T-frame signs; [and] menu and sandwich board signs.

Post sign: A freestanding sign that is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane. (See figure 5-5.).

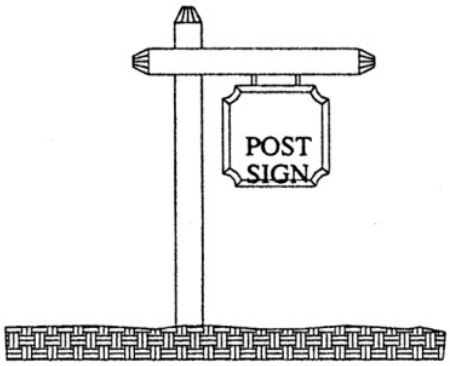


FIGURE 5-5

Post and Panel sign: A freestanding sign that has a non-internally illuminated panel, not more than 6 inches in depth that is affixed to two posts and is not more than 7 feet in total height. The sign shall not be higher than the supporting posts. (See figure 5-6)

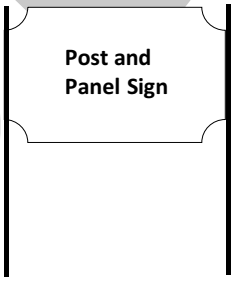


FIGURE 5-6

~~*Principal Arterial:* US Route 13, US Route 113 and Court Street between 13 and 113 are considered to be principal arterials under the provisions of this ordinance.~~

Projecting sign: A wall sign attached to a building with a bracket or other support projecting at a right angle from the building face. (See figure 5-~~6~~7.)

Draft



Figure 5-7

Public sign: A sign erected by or on behalf of a governmental body to post a legal notice, identify public property ***or public buildings***, convey public information, and direct or regulate pedestrian or vehicular traffic.

Pylon sign: A ***tall freestanding*** sign that is held up by a pole or poles. The supporting structure ***must be equal to or*** narrower than the sign itself. (See figure 5-~~7~~ **8**.)

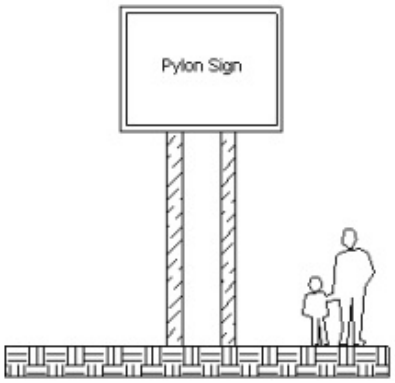


Figure 5-8

Race weekend sign: Any sign erected seven days prior to or after a sanctioned automobile race for the purpose of advertising products and services to race fans.

Real estate sign: A sign advertising the premises for sale, rent or lease.

Roof sign: A sign that is attached or painted on the roof, including porch roofs, dormer roofs, overhang roofs, canopy roofs or roofs of another architectural feature. Signs on the lower portion of a mansard or canopy are considered wall signs.

Shared freestanding sign: A sign structure which is shared among not more than two nonresidential properties or business interests for the purpose of displaying the name, logo type or other commercial message of not more than two non-residential occupants of said adjoining properties.

Draft

Sign: Any letter, word, model, banner, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, attraction, or directive.

Sign area: Sign area is determined by calculating the area of an imaginary rectangle, circle or triangle which fully encloses the sign face, including background and logos, but not including supports or braces. For sign structures limited to two sign faces of identical dimensions oriented parallel to one another and not more than 24 inches apart***; or not more than 36 inches apart for freestanding signs on an Urban Principal Arterial,*** sign area shall be determined by calculating the area of one of the sign faces. For all other multi-faced signs, the sign area shall be determined by calculating the sum of all sign faces in aggregate.

Sign face: The outwardly visible portion of the sign upon which a name or names, logo types or other commercial message, or combination thereof, is displayed.

Sign height: The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming, filling or excavating solely for the purpose of locating the sign shall be computed as a part of the sign height.

Sign setback: The straight line distance measured in linear feet between the street right-of-way line and the nearest element of a sign.

Temporary sign: Any sign which is intended for temporary use or which is not permanently mounted and intended for a designated period in time not to exceed 30 days ***except as stated in 4.9D1.***

Unified campuses and complexes: The term "unified campuses and complexes" means:

(1) Any "shopping center" as the term is defined in this ordinance;

(2) Or, any group of three or more principal structures under common management and operation, located on one or more contiguous properties;

(3) Or, any single commercial or institutional parcel which has more than 400 linear feet of frontage on a principal arterial roadway which is occupied by a conforming commercial or institutional use. Unified campuses and complexes include, but are not limited to, shopping centers; entertainment, educational, medical, governmental, or religious campuses; office complexes; and industrial parks.

Urban Collector and Local Streets: All streets or portion of streets within the corporate limits of the City of Dover which are not specifically classified as urban principal arterials or urban minor arterials under the provisions of this ordinance.

Urban Minor Arterials: DE Route 8 (including all alternative names); McKee Road; Saulsbury Road; College Road; North Street (Saulsbury Road to the western city limits); Kenton Road (College Road to DE Route 8); State Street (from Walker Road north to US Route 13 and Wyoming Avenue south to the southern city limits); Loockerman Street; Leipsic Road; Webbs Lane, New Burton Road, Scarborough Road, Walker Road and Governors Avenue (Division Street to the southern city limits) are considered to be urban minor arterials under the provisions of this ordinance.

Draft

Urban Principal Arterial: US Route 13, Bay Road and Court Street between 13 and Bay Road are considered to be urban principal arterials under the provisions of this ordinance. Delaware State Route 1 is not considered to be a road that will provide frontage for any parcel.

Vehicle sign: A sign displaying a name or names, logo types, graphics, commercial messages or any combination thereof, which is attached to, painted on, or otherwise applied to a motor vehicle.

Wall area: For purposes of calculating wall area, the calculations shall include the height of the wall from ground level to the roofline (mansard roofs also count as wall area), multiplied by the width of the wall (including all architectural features). (See figure 5-4.)

Wall sign: Any sign, other than a projecting sign, which is attached to or painted on any wall of any building and projects from the plane of the wall less than 12 inches. A sign attached to the lower slope or face of a mansard roof, canopy, or awning shall be considered a wall sign for purposes of this ordinance. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building. Canopy, marquee, and awning signs are all types of wall signs. (See figure 5-~~8~~*9*).



Figure 5-9

Window sign: A wall sign which is attached to, painted on or etched into a window or door, or which is displayed within 12 inches of the window and is legible from outside the window.

4.4 *Design requirements.*

A. *Freestanding signs.*

1. Freestanding signs, and attendant structures and bases shall be designed as an integral part of the site development and shall be coordinated and compatible with site grading, utility placements, landscaping and architectural elements.

2. Freestanding signs and associated landscaping shall be situated and maintained so as not to impair or block visibility of motorists and/or pedestrians traveling within the public street right-of-way or entering, ~~existing~~ ***exiting*** or crossing vehicular site entrances. ***No sign or landscaping in excess of three (3) feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines.***

3. Freestanding signs shall be situated on the site and dimensioned so as not to substantially impair or block the visibility of adjacent buildings and/or existing signs.

4. All freestanding signs shall respect the exclusion zone. When a sign is not permitted within the exclusion zone, a second wall sign may be permitted in accordance with the wall sign regulations.

5. When the presence of an existing freestanding sign on an adjoining property precludes a property from placing a freestanding sign due to exclusion zone provisions, the two adjoining property owners and/or business interests may share a single freestanding sign structure in accordance with the provisions of [sub]sec. 4.9G.

6. Location of monument/post and panel signs may be approved by the Planning Commission as a part of a Site Development Plan Approval process.

B. *Materials and craftsmanship of signs.* Signs shall be carefully crafted, durable, and consistent with the quality and permanence of the buildings and sites that they identify. Lettering shall be of a professional quality.

C. *Wall sign placement.*

1. When wall signs are planned, such signs shall be designed as an integral component of the building facade architectural composition.

2. Wall signs shall be limited in area and number in accordance with the provisions of [sub]sec. 4.7, except that the aggregate area of a wall sign on a building shall not exceed 50 percent of the mountable wall area of the building.

3. Wall signs shall be situated so as not to cover or overlap decorative architectural elements such as cornices, belt courses, and window and doorframe moldings. Wall signs shall not project beyond the exterior wall corners of a building.

4. In cases where only one wall sign is permitted because the lot has one frontage, the ~~owner~~ **business** may choose to locate the sign on any exterior wall of the building to afford the best possible visibility for the traveling public.

5. In cases where more than one (1) wall sign is permitted, the city planner or his authorized designee may allow the business to locate the additional wall sign on a different exterior wall of the building to afford the best possible visibility for the traveling public.

Draft

6. Wall sign height may be increased by the Planning Commission as a part of the Architectural Review of a Site Development Plan Approval process; however, the wall sign height may not exceed the building height. The proposed height shall complement the architecture of the building as determined by the Planning Commission.

D. *Illumination.* Sign lighting is one of the greatest sources of light in commercial districts. The glare and aesthetic impacts of signage depend strongly on the design of the sign and its lighting. Proper illumination affects the legibility of signs. This [sub]section discourages excessive lighting by favoring darker backgrounds for internally illuminated signs, and the lighting of only the sign faces for externally illuminated signs to reduce light pollution, while increasing legibility.

1. Signs that are equipped with illumination sources shall be designed to be equally legible during the day and at night.

2. The intensity of illumination for the sign shall not be excessively bright and shall be evenly illuminated over the face of the sign, with no bright spots, in order to prevent direct glare.

3. Exterior illumination shall be shielded so that its direct light is confined to the surface of the sign.

4. Internally illuminated signs, except changeable copy signs, not in or not adjacent to residential areas must conform to one of the following styles:

(a) Illuminated with an opaque background and translucent text or symbols.

(b) Illuminated with a colored (not pure white, off-white, light gray, cream, or yellow) background and lighter text or symbols.

(c) Illuminated with a background that is white, yellow, off-white, light gray, [or] cream, consisting of no more than 40 percent of the sign area and not less than 60 percent is text or symbols of a dark color.

5. Internally illuminated signs in or adjacent to a residential use must conform to one of the following styles:

(a) Illuminated with an opaque background and translucent text or symbols.

(b) Illuminated with a colored (not pure white, off-white, light gray, cream, or yellow) background and lighter text or symbols.

Draft

E. *Changeable copy signs.*

1. Changeable copy signs may be incorporated into a sign face when the changeable component of the sign face occupies less than 70 percent of the total area of that sign face.

2. Changeable copy sign area shall be integrated into the sign face and shall be enclosed by a border or similar enclosure so as to form one sign panel.

3. The changeable copy sign area text message and/or graphics shall not change any more than one time in any given ~~30~~ ***15***-second period, except for time and temperature displays which may change more frequently than every ~~30~~ ***15*** seconds. ***There shall be no movement for any part of the sign including: flashing, animation, scrolling, etc. When the sign changes it shall change in less than 1 second and it shall not flash or have animation.***

4. The colors, text styles, graphic patterns, and brightness of the changeable copy sign area shall be compatible with and complimentary to the colors, text styles, graphic patterns and brightness of other signs on the premises, and signs on other properties in the immediate vicinity.

5. Changeable copy signs shall comply with the provisions of [sub]sec. 4.4.D of this ordinance [section] pertaining to sign illumination.

F. *Sign lettering size for freestanding signs.* The lettering of numeric and alphanumeric text messages on signs shall be sized to comply with the following minimum specifications:

TABLE INSET:

Minimum Letter Height for Freestanding Signs		
Road Type	*Primary Message*	*Secondary Message*
Urban Principal Arterial	16 inches	8 inches
Urban Minor Arterial	10 inches	5 inches
Urban Collector and Local	8 inches	4 inches

4.5 *Signs permitted in all districts and not requiring permits*

A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, which sign shall not exceed 6 ¼ square feet in residential districts and 32 square feet in all other districts, and shall be located behind the property line. One such sign shall be permitted for each 200 linear feet of street frontage for the parcel.

Draft

B. Signs designating the name and address of the occupants, hours of operation, security notices, and business policy statements, [and] may not exceed four square feet.

C. Signs denoting the architect, engineer, ***developer***, or contractor placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed 32 square feet in area. ***No more than two (2) signs of any type are permitted for any one property or building project. Signs shall be fifty (50) feet from other signs on the site, except where it is not physically possible then the signs shall be as far away from the other sign as much as possible.***

D. Directional signs limited in area to no more than three square feet per sign, plus one square foot for each additional tenant. ***A permit is required for directional signs identifying the entrance or exit of a site if over three (3) SF in sign area. The sign area for these larger directional signs shall not exceed five (5) SF and shall not be over four (4) feet in height.***

E. Public signs.

F. Historical and memorial signs.

G. Any sign located in an internal location on a site, campus, or complex and that cannot be seen from any public right-of-way or adjacent property.

H. Window signs made of paper, cardboard, plastic or similar material, provided such signs are in compliance with all provisions of [sub]sec. 4.9.A.

I. People wearing costumes of the logo or character associated with the company as long as they are located on the business location.

J. Political signs shall not be over 6 SF in sign area in all Residential Zones and Districts and the signs shall not be over 32 SF in all other zoning districts. All election signs shall be removed no later than seven (7) days after the election.

K. Signs noting a tenant, store, building, etc. is "coming soon", which sign shall not exceed 32 SF and only one (1) sign is permitted on the site. The sign shall be fifty (50) feet from other signs. The sign shall not be placed on the site for more than six (6) months. After six (6) months the sign shall be removed even if the tenant, store, building, etc. has not opened or been constructed.

L. Portable signs designed to be transported, including, but not limited to, A-frames, sandwich boards, and umbrellas used for advertising, only those associated with a café, restaurant, or outdoor eating establishments throughout the city and retail and personal service stores located within the Downtown Redevelopment Target Area (as defined in Appendix C). These types of signs shall not obstruct pedestrian or vehicular access and are limited to one (1) sign per business, shall not be over 4 feet in height.

Draft

4.6 Sign prohibited in all districts.

A. Any sign which emits a sound, odor or visible matter.

B. Any sign which competes for attention with, or may be mistaken for, traffic signals. Also, any sign that is determined by the city planner to constitute a traffic hazard by reason of size, location, content, color, or type of illumination.

C. Off-premises signs ***of any type*** (billboards***, temporary signs, directional signs for developments, real estate signs, etc.***), except for shared freestanding signs as provided in ***subsection*** ~~[sub]sec.~~ 4.4.A.5 and ***subsection*** ~~[sub]sec.~~ 4.9.G of this **ordinance** ~~[~~section~~]~~.

D. Inflatable signs, except as specifically permitted in ***subsection*** ~~[sub]sec.~~ 4.9.D.3.

E. Portable signs designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A-frames or T-frames, ***sandwich boards,*** and umbrellas used for advertising, except those ***permitted in subsection 4.5L*** ~~associated with a café or outdoor eating establishments.~~

F. Signs attached to or painted on vehicles parked ***including changeable copy signs located on vehicles*** so as to be visible from the public right-of-way, unless no other parking spaces out of the public view are available on the lot. ***Vehicles shall not be located immediately adjacent to the right-of-way if there are no other parking spaces.***

G. Roof signs, except where it has been determined that the building's mountable wall area would permit less than one-half of the permitted maximum wall signage, in which case, a roof sign is permitted under the following conditions:

(1) [The] sign must be mounted within three feet of the eave.
(2) The sign cannot exceed one-half of the maximum permitted wall sign area.
(3) The sign may not be higher than it is wide.
(4) The sign may not be higher than the roof ridge.
(5) [The] sign must meet the same design standards as wall signs.

H. Signs painted on or attached to trees, fence posts, natural features,~~[~~or~~]~~ telephone or utility poles.

I. Signs that are flashing, rotating, or fluttering material or that give the appearance of movement, or are illuminated by flashing or intermittent lights, or lights of changing degrees or intensity, except as permitted under [sub]sec. 4.4 below.

~~J. Statuary bearing the likeness or suggestion of any product or logo.~~ ***People wearing sandwich boards or holding other types of signs.***

K. Temporary signs made of cardboard, paper, canvas or similar impermanent material, except those permitted in [sub]sec. 4.9.

L. Window signs covering more than ~~20~~ ***30*** percent of a window or a door, or mounted above the first floor***, except those permitted in 4.9A5 and F1.***

Draft

M. Window signs in or adjacent to residential properties or districts.

N. Pennants, balloons, streamers, flags, etc. except when permitted in 4.9D1.

4.7 *Permitted signs.* Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses and road classification.

TABLE INSET:

SIGN TABLE

Use			Permitted Signs						
	Specific	Road Type	Sign Type	Number Permitted	Max Size	Max Height	% of Wall**	Setback (R.O.W)	Exclusion Zone
Residential Uses ***and Non - Residential Uses in Residential Districts***	Single-Family Detached/ Semi-detached	All Streets	Signs permitted in § 4.5 only						
	Professional Office ~~Family Daycare~~	All Streets	Post ***or***	1	~~4~~ ***5*** S.F.	5'	N/A	5'	N/A
		All Streets	Monument	1/entrance	12 S.F.	4'	N/A	5'	50'
	Subdivisions Multi-family residential uses Manufactured home parks	All Streets	Wall &	1/frontage	24 S.F.	20'	<=15 %	N/A	N/A
			Monument ***or Post and Panel #***	~~1~~ ***2*** /entrance	24 S.F.	5'	N/A	5'	50'
Non-Residential uses adjacent to Residential Districts or uses	Places of Worship Daycare Centers Approved Conditional Uses Educational/ Institutional All other approved Non-residential Uses	***Urban*** Principal Arterial	Wall &	1/frontage	32 S.F.	30'	<= 15%	N/A	N/A
			Monument ***or Post and Panel #***	1/entrance	32 S.F.	~~10'~~ ***7'***	N/A	10'	50'
			Pylon*	1/frontage	32 S.F.	30'	N/A	30'	200'
		Urban Minor Arterial	Wall &	1/frontage	24 S.F.	30'	<= 10%	N/A	N/A
			Monument ***or Post and Panel # OR***	1/entrance	~~16~~ ***24*** S.F.	7'	N/A	10'	50'
			Post*	***1/frontage***	***6 S.F.***	***7'***	***N/A***	***5'***	***25'***
		Urban Local/ Collector	Wall &	1/frontage	16 S.F.	20'	<= 5%	N/A	N/A
			Monument ***or Post and Panel # OR***	1/entrance	16 S.F.	~~10'~~ ***7'***	N/A	10'	50'
			Post*	***1/frontage***	***6 S.F.***	***7'***	***N/A***	***5'***	***25'***

Draft

Non-Residential Uses in Non-Residential Districts	Non-Residential Uses	***Urban*** Principal Arterial	Wall &	1/frontage	No max	30' ***	<= 15%	N/A	N/A
			Monument ***or Post and Panel #***	1/entrance	63 S.F.	10'	N/A	~~5~~ ***10'***	50'
			Pylon OR*	1/frontage	75 S.F.	30'	N/A	15'	150'
			Pylon*	1/frontage	100	30'	N/A	31'	150'
		Urban Minor Arterial	Wall &	1/frontage	32 S.F.	30' ***	<= 15%	N/A	N/A
			Monument ***or Post and Panel # OR***	1/entrance	32 S.F.	7'	N/A	10'	50'
			Post*	***1/frontage***	***8 S.F.***	***7'***	***N/A***	***10'***	***25'***
		Urban Local/ Collector	Wall &	1/frontage	32 S.F.	30'	<= 15%	N/A	N/A
			Monument ***or Post and Panel # OR***	1/entrance	32 S.F.	7'	N/A	10'	50'
			Post*	***1/frontage***	***8 S.F.***	***7'***	***N/A***	***10'***	***25'***

* Denotes that an additional wall sign may be permitted/added in lieu of a freestanding ~~pole~~ ***pylon*** sign.

** No wall mounted sign shall exceed more than 50 percent of the mountable wall area as defined in [sub]sec. 4.4.C.2.

******Sign height may be increased by the Planning Commission as a part of the Architectural Review of a Site Development Plan Approval process; however, the sign height may not exceed the building height. The proposed height shall complement the architecture of the building as determined by the Planning Commission.***

******* Post sign would be in lieu of a monument sign or post and panel sign.***
 # Location of monument/post and panel signs may be approved by the Planning Commission as a part of a Site Development Plan Approval process.

4.8 *Unified campuses and complexes.*

A. *Purpose statement.* Recognizing that large campuses and complexes have signage needs that may not be adequately addressed by traditional sign regulations, this [sub]section of the ordinance is intended to allow a procedure for approval of a comprehensive signage plan for these sites.

1. Campuses and complexes are required to follow all standard signage requirements, as embodied elsewhere in this ordinance, unless they choose to apply to the planning commission for comprehensive signage plan approval. All such plans must embody a thorough review of all existing signs.

Draft

2. Any proposed shopping center or group of three or more principal structures under common management and operation located on one or more contiguous properties is required to submit an application for comprehensive signage plan approval to the planning commission**.** ~~, concurrently with their site plan application.~~

3. Any business or institution which has more than 400 linear feet of frontage on a principal arterial may submit an application for comprehensive signage plan approval.

B. *Design guidelines for comprehensive signage plans.*

1. Unified campuses and complexes applying for a comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other sections of this ordinance. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.

2. All comprehensive signage plans must comply with all design guidelines found in [sub]sec. 4.4 of this ordinance, as well as all specific design guidelines found in this section.

3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.

4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex ***unless otherwise approved by the Planning Commission.***

5. There shall be architectural harmony and unity of signs within a united campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.

C. *Planning commission duties.* In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property owners of the immediate neighborhood in particular, and shall ensure that ~~united~~ ***unified*** campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

1. That the size and complexity of the campus or complex warrants the need for extra signage under the provisions of this ordinance;

2. That, in respect to the number and type of entrances, the placement of signage at or near those entrances provides superior visibility in order to ensure the safety of the driving public;

Draft

3. That the proposed signs are adequate in number to safely direct the public to the use or uses on the site;

4. The proposed signs must not have an adverse impact on the visibility of adjacent signs, and shall be consistent with, or an improvement over, the prevailing type and style of signage in the general area;

5. That the proposed signs will be of a style and color which will complement the architecture of the site, and the area in general.

D. *Submission requirements.*

1. A pre-application meeting is required. No application will be accepted without a pre-application meeting.

2. ~~Twelve~~ ***C***~~c~~opies of a sign plan, which details the signage proposal, including relevant application forms, will be due on the regularly scheduled submission deadline for planning commission review. The sign plan shall illustrate the physical location of all existing and proposed signs on the subject property and their relationship to existing and/or proposed buildings on the site. The submission plan shall include color renderings of each proposed sign (drawn to scale), along with architectural elevation drawings of the building depicting the placement of all wall mounted signs existing and proposed.

3. Public notice is required, following the procedures set forth in article 10, sec. 2.47.

4. The application fee as prescribed in Appendix F ~~*The application fee shall be $200.00, and*~~ ***is due at time of application***.

~~5. Comprehensive sign plans which are submitted as part of a site plan or conditional use site plan application under the provisions of article 10 shall be reviewed as part of the site plan and shall not be assessed the review fee prescribed in [sub]section D.4. above.~~

E. *Amendments to approved comprehensive signage plans.* Any new or revised signs to be placed on a property with an approved comprehensive signage plan need not go back to the planning commission for re-approval if the sign area is not increased more than five percent, and the proposed signs conform to the overall design concept and colors as approved. The five percent increase shall be calculated cumulatively over the life of the project, based upon the originally approved sign area.

4.9 *Supplementary sign provisions.*

A. *Window signs.*

1. Three window signs shall be permitted as additional signage on walls fronting on the public right-of-way. Text, including lettering and numbers, shall not exceed a height of 12 inches.

Draft

2. Window signs shall not cover more than ~~20~~ ***30*** ~~[~~percent~~]~~ of any window pane or glass door panel, exclusive of window and/or door frame.

3. Windows principally viewed from drive aisles and parking lots and not prominently visible from the public right-of-way shall be exempt from restrictions on the number of signs, and may be approved by the city planner for a window coverage area greater than ~~20~~ ***30*** percent, and/or lettering height taller than 12 inches, when the business elects to have less window signage than permitted on the windows fronting on, or prominently visible from, the public right-of-way.

4. Window signs shall be permitted on windows on the first floor of a building only.

5. The city planner may waive the provisions of this section when it has been demonstrated that the proposed window signs are of a unique or superior quality and style, and are intended to compliment the architectural design of the building, or when the business elects to use less wall signs than permit~~[~~ted~~]~~ for the purpose of complimenting the architectural design of the building. Signs granted this waiver are not exempt from the requirement to obtain a sign permit.

B. *Historic district signs.*

1. All signs in the historic district must meet the standards laid out in the design standards and guidelines for the City of Dover historic district zone. Any and all standards found elsewhere in this ordinance may be waived as part of the architectural review approval when proposed signs are determined to contribute to or improve the historic context of the building.

C. *Gas station signage.*

1. *Canopy signs.*

(a) Canopy sign height shall not exceed 30 feet.

(b) Canopy sign copy shall be directed toward a public street.

(c) Canopy sign area shall be limited to no greater than ten percent of the area of the canopy face to which the sign is applied.

2. *Exempt signs.*

(a) State or federal required price per gallon signage shall not count towards overall sign area for the site, unless they exceed 20 square feet in size.

(b) Price per gallon signs not exceeding two square feet, located on the pump itself.

Draft

D. *Temporary signs*

1. ***Temporary Signs*** ~~[*Special event signs.*]~~ Temporary signs for special events ***not requiring a special event permit***, including inflatable signs with a surface area of less than 100 square feet, may be erected on the premises of any establishment conducting a special event, provided that such signs do not exceed ***a total of two (2) signs with at total of*** 100 square feet in sign area, and provided that such temporary signs shall not be displayed for ***either (a)*** a continuous period in excess of 30 days in any given three-month period ***or (b) a continuous period in excess of 15 days in a given 45 day period***. For grand openings, the maximum number, sign type, and allowable area may be waived by the city planner ~~and inspections~~. Permits for such signs are required and shall be accompanied by a fee ~~of $15.00~~ ***as prescribed in Appendix F. The city planner may waive the time period, not to exceed an additional 30 days, if he/she determines that there are extenuating circumstances requiring further time for a temporary sign.***

(a) Special Event Permit Temporary* Signage.** ***When signage is requested in association with a Special Event Permit the signage shall be permitted and limited to the timeframe of the proposed Special Event as identified on the Special Event Permit. The number of signs shall be limited to a maximum of three (3) signs with an overall sign area of 100 SF. Each sign shall require a temporary sign permit and shall be accompanied by the associated fee for a temporary sign as prescribed in Appendix F.

i. The signage for the Special Event Permit Temporary sign shall not impact the timeframe of Temporary signage. Signage associated with a Special Event Permit shall be separate from the time period for temporary signage in Article 5 Section 4.9 D1.

2. *Race weekend signs.* During any seven-day period prior to or seven-day period following the Saturday or Sunday that auto racing is occurring, temporary signs may be erected without a permit and with no restrictions on the number or size of the signs.

3. *Inflatable signs.* Inflatable signs greater than 100 square feet are permitted only during grand opening events, community festivals and during race weekends, and must meet the following requirements:

(a) A ~~special~~ permit is required to ensure that adequate anchoring will be provided for the sign.

(b) A plot plan is required showing the placement of [the] inflatable in respect to utility lines and traffic patterns.

(c) No inflatable shall be placed any closer to the right-of-way than the height of the inflatable itself.

Draft

(d) Inflatable signs shall be securely anchored to the ground or securely fastened to a building for the purpose of maintaining such devices in a stationary location while on display.

E. *Motor vehicle sales lots.* This ~~[~~sub~~]~~section allows motor vehicle sales lots to compensate for their likelihood to be mistaken for ordinary parking lots unless additional signs or other attention getting devices are placed in the sales area. It has also been demonstrated that these businesses tend to have smaller buildings relative to their land area diminishing their ability to effectively use wall signs.

1. Banners are permitted on motor vehicle sales lots ***with a permit*****.** Such banners may be permitted at a rate not to exceed one banner for each ten motor vehicle parking/storage spaces on the premises, and any such banner shall not be situated closer than 50 Feet of any other banner on the premises. Parking spaces required for employees, customers, and service department uses shall not be counted to calculate the number of banners. The term "banner" does not include pennants, streamers, ***balloons,*** or other temporary or permanent signs.

2. Banners shall not exceed a width of three feet.

3. All banners must be securely attached to light standards, poles, or other substantial mounting hardware. Except for temporary signs permitted under the provisions of ~~[~~subsection~~]~~ 4.9.D of this ~~ordinance~~ ~~[~~section~~]~~, all banners must be constructed of a permanent, weather resistant material.

F. *Window and wall signs located 100 feet or more from the roadway.*

1. Any window or wall sign associated with an approved nonresidential use, and which is not adjacent to a residential use, is eligible for sign area bonuses when located at least 100 feet from the public right-of-way. To qualify for the bonus, the sign must be placed on an exterior building wall which is set back at least 100 feet from the right-of-way line, and shall face the public right-of-way line from which the setback distance is measured. Sign area bonuses are authorized according to the following schedule:

TABLE INSET:

Distance from Right-of-Way	Bonus Sign Area (Allowable Area × % Bonus)	Mountable Wall Area Bonus (Mountable Wall Area × % Bonus)	Window Coverage Bonus (Allowable Area × % Bonus)
100 feet	17%	55%	~~30%~~ **35%**
150 feet	18%	60%	40%
200 feet	19%	65%	50%
300 feet or more	21%	75%	60%

Draft

G. *Shared freestanding signs.*

1. For adjoining non-residential properties, a freestanding sign structure may be shared among adjoining property owners or businesses solely for the purpose of identification of the adjoining premises or businesses.

2. Where two property owners have agreed to share a freestanding sign as referenced in ~~[~~sub~~]~~sec***tion*** 4.4, the shared freestanding sign shall be entitled to a combined sign area bonus of not more than 50 percent over the freestanding sign area otherwise permitted for the property on which the shared freestanding sign would be placed.

3. The permit application for a shared freestanding sign shall be accompanied by a binding legal agreement between the two adjoining property owners and/or businesses which describes the ownership and maintenance obligations for such shared sign.

H. *Single buildings with multiple commercial tenant spaces or facades.*

1. Structures, such as shopping centers, which contain multiple commercial tenant spaces, are permitted to have at least one wall sign on each unit. This provision shall only apply to units on the first floor of the structure.

2. When a structure is designed so that there are distinctly different facades or sections of the building along a single frontage, at least one wall sign is permitted on each facade or section of the building.

3. Multi story office buildings with multiple tenants are permitted one wall sign per tenant. The total sign area for all of the signs for all of the tenant spaces may be up to but not exceed 50% more than the sign area permitted by Section 4.7. The signs shall be located in the same area on the building.

4.10 *Nonconforming signs.*

A. *Exclusions.* Non-conforming signs which are within ten percent of compliance of any height, area or location requirement and which conform to all other provisions of this ordinance shall be considered legal signs for the purposes of these regulations, except as provided in ~~[~~sub~~]~~sec***tion***. 4.10.B.5 below.

B. *Removal or compliance required.* Nonconforming signs shall be removed from the premises or otherwise made to comply with these regulations in the following instances:

Draft

1. When there is renovation to more than 75 percent of the exterior of the principal building measured in square feet of exterior wall surface area, or expansion of more than 20 percent of the floor area of the principal building measured in square feet of floor area on the premises on which such nonconforming signs are present, except that freestanding signs that are nonconforming with respect to front setback requirements shall not be made to be set back further than the front of the principal structure. When, within any given two-year period, individual renovation projects involving less than 75 percent of the building exterior and/or individual building additions involving less than 20 percent of the floor area of the principal building on the premises would in aggregate exceed the 75 percent renovation and/or 20 percent expansion thresholds set forth herein, all such non-conforming signs shall be brought into conformity with these regulations or shall be removed from the premises.

2. Prior to the issuance of any permit for the placement of any additional signage on the property. No new signs of any type shall be added to the property until the nonconforming sign is removed.

3. Nonconforming signs (including all supporting structures and mounting hardware) which have been abandoned shall be removed from the premises or otherwise made to conform within one year from the date of abandonment. Refacing the sign in accordance with other requirements of this ordinance does not absolve an owner from complying with this [sub]section. In certain instances where it is evident that the reoccupation or reuse of a premises which contains an abandoned non-conforming sign is imminent, the city planner may grant an extension of time within which to reestablish the use of such nonconforming sign.

4. When there is a change of use to a property where nonconforming signs exist, such signs shall be brought into conformity with these regulations or shall be removed from the premises.

5. Any nonconforming sign which has been removed from the premises shall be considered discarded, and replacement shall constitute a new sign, and require new permits.

C. *Notification and responsibility.* It shall be the responsibility of the owner of record of such property to cause the removal of such nonconforming signs in accordance with these provisions. When any of the above-listed conditions exist, the city planner is authorized to issue written notice ~~by certified mail~~ to the owner of record of such property, stating that such signs shall be removed within two calendar weeks of the date of receipt of the written notice. In cases where signs are determined to be unsafe or present a hazard, the city planner may order their removal in a shorter period of time. Failure to comply with these regulations, after due notice, shall be deemed a violation of this ordinance and [is] punishable in accordance with the provisions of article 8, section 4 of this ordinance. In addition, in the event that compliance is not achieved within the stated period, the city planner may remove or cause to be removed from the premises any such signs in violation of this ordinance. All expenses incidental to such removal shall be charged to the owner of record of such property and shall constitute a lien upon such property.

Draft

4.11 *Abandoned **and Damaged** signs.*

A. *Refacing.* All signs that conform to the current regulations which are deemed abandoned shall either be refaced with a blank or blacked out face or removed totally (including the supporting structure and/or mounting hardware) within 60 days of abandonment. Covering sign copy with tarps, paper, tape, cardboard or other nonpermanent materials is not an acceptable method of refacing.

B. *Removal.* Any conforming sign, which has been removed from the premises, shall be considered discarded, and replacement shall constitute a new sign, and require new permits.

C. Repair. All signs that are damaged (no longer working, cracked, missing piece, etc.) shall be repaired within 30 days. A permit is not required as long as the sign will look exactly the same as it did before the sign was damaged. If there are any changes (color, script, etc.) to the sign a new permit will be required.

4.12 Historic or Significant Signs

A. Preservation of Historic or Significant Signs. Signs that are at least fifty (50) years old and considered historic or to have cultural/aesthetic significance shall be protected and preserved. If these signs are legal non-conforming they shall maintain their non-conforming status indefinitely. The determination of the historic or cultural/aesthetic significance of the sign shall be determined by the Historic District Commission.

1. The owner of the premises on which these signs reside shall maintain the sign to ensure they work and are in good condition.

ADOPTED: *

S:\ClerksOffice\Ordinances\2009\Draft Ordinances\Ordinance 2009-19 - Signs.wpd

SYNOPSIS

The proposed ordinance would amend some of the provisions within the sign regulations. It would clarify some provisions and allow administrative flexibility on other provisions.

Actions History:

August 10, 2009 – Introduced in Parks, Recreation and Community Enhancement Committee

Draft

Status of FY-2008 CDBG Projects

Monthly statistics for the month of July.

Dover Interfaith Ministry to the Homeless

The city is waiting for HUD approval regarding the lease purchase of the property located at 684 Forest Street for a shelter.

Connections Community Support Program

Connections has expended all CDBG funding year to date.

Dover Police Department Community Policing

All funding for this program has been expended.

Homeowner Rehabilitation Program

All projects have been completed for FY08 and remaining balance of funds will be utilized for FY09 projects.

Homeownership Assistance Program (Down payment Assistance)

Four (4) families have received settlement assistance to purchase property in the City of Dover year to date and one (1) family is expected to close in late August.

Neighborhood Stabilization Program (NSP)

The city's NSP manual has been submitted to the Delaware State Housing Authority for review and approval. Once approved, the city's NSP partners will be eligible to purchase foreclosed properties.

Status of FY-2008 Program Funds Spent - Fiscal Year 7/1/08-6/30/09

2008 Grant Projects	Project Details	Total Grant	Funds Encumbered	Funds Expended	Unencumbered Balance
Homeownership Assistance Program	One (1) closing is pending the second week of August.	$47,162		$40,009	$7,153
*Housing Rehabilitation Program	Project complete. Remaining funds will be used in FY09 budget.	$91,000		$53,465	$37,535
Dover Police Department	Project complete	$21,112		$21,112	$0
RC& D Emergency Home Repairs	Project complete	$25,000		$25,000	$0
Connections Community Support	Project complete	$15,112		$15,112	$0
Dover Interfaith Ministry	HUD is reviewing purchasing request	$60,000		$0	$60,000
Total		$259,386		$154,698	$104,688

MEMORANDUM

Department of Public Services – Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: July 29, 2009

To: Parks, Recreation & Community Enhancement Committee

From: Ann Marie Townshend, AICP

RE: Comprehensive Rezoning and Plan Amendment

As you know, City Council adopted the *2008 Comprehensive Plan* in February 2009. Delaware Code requires that within 18 months of this adoption, the City rezone properties to be consistent with the Comprehensive Plan. Since the adoption of the Comprehensive Plan, the planning staff has been working on the initial phases of the Comprehensive Rezoning project. Along with the Comprehensive Rezoning, staff will present a proposed amendment to the Comprehensive Plan to correct any errors found during the detailed parcel-level analysis performed. Below please find a chronology of the Comprehensive Rezoning process to date and path forward for the process.

- Planning Staff analysis of zoning and Land Development Plan to identify inconsistencies between them and develop initial recommendation on rezoning and proposed amendments to the Comprehensive Plan (April – May 2009)
- Letters sent to property owners initially identified for rezoning, informing the property owners of the proposal and their opportunities for input into the process (June 30, 2009)
- Planning staff meet with property owners and hold a public workshop to discuss potential rezoning of properties (July 13 – July 22, 2009)
- Planning staff meet to review results of meetings and comments received to-date (July 30, 2009)
- Planning staff submit proposed changes to the *2008 Comprehensive Plan* to the Office of State Planning Coordination for PLUS review (August 3, 2009)
- PLUS meeting regarding proposed amendments (August 26, 2009 – *date tentative*)
- Prepare Comprehensive Rezoning and amendment to Comprehensive Plan for first reading (September 2009 – *date tentative*)
- Planning Commission public hearings on Comprehensive Rezoning and Comprehensive Plan amendment (October 2009 – *date tentative*)
- Final reading and City Council action on Comprehensive Rezoning and Comprehensive Plan amendment (November 2009 – *date tentative*)

I will be glad to discuss this process in more detail at the Parks, Recreation & Community Enhancement Committee meeting on August 10, 2009.

cc: MI-09-08
MI-09-09