

Town of Milton
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ORDINANCE NO. 2017-010

**AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED
"ZONING," REGARDING SIGNAGE.**

WHEREAS, the Charter of the Town of Milton vests power in the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Charter of the Town of Milton vests power in the Town Council to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

WHEREAS, the Town Council of the Town of Milton has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 220 of the Town Code; and

WHEREAS, pursuant to Chapter 220, the Town Council of the Town of Milton may, from time to time, on its own motion or on petition or upon recommendation by the Planning and Zoning Commission, amend, supplement or change the boundaries of the districts or the zoning regulations after public notice and hearing; and

WHEREAS, the Town of Milton Planning and Zoning Commission held a duly noticed hearing on _____ and voted _____ in the Advisory Report received by Town Council; and

WHEREAS, to promote the purposes expressed in Section 220-61; and

WHEREAS, The Town Council held a public hearing on _____, as scheduled by prior resolution, with proper notice by publication as required by Town Code Section 220-101; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby by incorporated into Chapter 220 of the Town Code, entitled "Zoning," in Article VIII, entitled "Signage."

Section 1. Amend Section 220-62 of the Town Code at the list of definitions by making additions as shown by underline and deletions shown by strikethrough as follows and ordering in alphabetical order:

OBSCENE SIGN

A sign that displays material within the definition of obscene in Title 11, Section 1364 of the Delaware Code, as amended.

POLITICAL SIGN

~~A temporary sign erected no sooner than 90 days prior to any federal, state, county, school district, or municipal contested election or referendum with voting by Milton's residents and removed within 14 days following the election or referendum. A legally permitted outdoor advertising sign shall not be considered to be a political sign.~~

TEMPORARY SIGN

~~A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground or not permanently affixed to a building or sign structure that is permanently embedded in the ground are considered temporary signs.~~

Section 2. Amend Section 220-63 of the Town Code by making additions as shown by underline and deletions shown by strikethrough as follows:

B. Signs restricted.

....

~~(4) Signs judged offensive by the Planning and Zoning Commission~~ Obscene signs are prohibited.

...

F. Temporary signs, subject to the following limitations:-

~~(1) Real estate signs such as but not limited to "for sale," "to let" or "household sale" signs relating to the premises and containing the name, address and telephone number of the owner or authorized agent, or both. Such sign shall not exceed six square feet in area in the residential districts, and 16 square feet in all other districts. Individual properties in excess of two acres shall be permitted signs not to exceed 32 square feet. Not more than one such sign shall be permitted for each street frontage and may not be illuminated or impede pedestrian traffic. No permit is required.~~

~~(2) Contractor signs shall not exceed 16 square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign per contractor per site.~~

~~(3) Announcement signs stating the future use of the building enterprise or subdivision announcement shall not exceed 32 square feet in any district. A sign permit is required; the fee shall be determined by Town Council and included in the fee schedule.~~

~~(4) Temporary signs must be removed within 14 days after the intent of business of the sign is complete.~~

G. Political signs:

(1) No artificially illuminated signs of any type are allowed.

(2) Size is limited to six 6 square feet per side; however, any property that is advertised for sale in a non-residential district may have one sign up to 16 square feet.

(3) Signs must be freestanding.

(4) No more than one sign per office in the contested election or per issue on the referendum is 4 signs are allowed per lot.

- (5) No sign shall be placed closer than 25 feet to an intersection.
- ~~(6) No political signs shall be erected placed~~ (6) No signs shall be placed in a right-of-way.
- (7) No permit is required for temporary signs under this subsection.
- (8) No sign shall be placed closer than 1 foot to any sidewalk or public thoroughfare.

Section 3. Amend Section 220-70 of the Town Code by making additions as shown by underline and deletions shown by strikethrough as follows:

§ 220-70. ~~(Reserved)~~ Substitution.

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

I, THEODORE J. KANAKOS, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 11th day of September, **2017**, following a duly noticed public hearing, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR

SYNOPSIS

This ordinance amends the Town Code's zoning ordinance relating to signage.