



TOWN OF DEWEY BEACH

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Gordon E. Elliott
Town Manager

RESOLUTION NO. 95

A RESOLUTION TO SEND TO PLANNING AND ZONING COMMISSION A DRAFT ORDINANCE TO AMEND ARTICLE V "GENERAL SIGN REGULATIONS" OF THE ZONING CODE OF THE TOWN OF DEWEY BEACH

WHEREAS, the display of outdoor merchandise is a traditional part of the commercial activities of many merchants in Dewey Beach; and

WHEREAS, the Zoning Ordinance of the Town of Dewey Beach does not currently permit said use; and

WHEREAS, the Display Committee believes that it is in the public interest to enact an ordinance providing for the outdoor displays of merchandise, both privately on site and through the appropriate use of the City's right-of-way under an encroachment permit.

NOW THEREFORE:

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware as follows:

The Zoning Code for the Town of Dewey Beach, Chapter 185 is hereby amended as follows:

185-27.1 "Purpose" The purpose of this Article is to provide reasonable limits on the outdoor display of merchandise in conjunction with legally operating businesses. These criteria are intended to ensure that the outdoor display of merchandise may be permitted to assist in normal activities of a business while not creating a public health or safety hazard or public nuisance.

185-27.2 "Standards" Outdoor display of merchandise shall only be permitted in conjunction with an existing permitted use that occupies the subject property. Display items shall be limited to merchandise sold by the business or decorative items which relate to or compliment the business.

185-27.3 "Definitions"

FLASHING SIGN – An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color. Any sign that revolves or moves, shall also be considered a flashing sign.

SIGN – A structure, constant in intensity and color that is arranged, intended, designed, or used as an advertisement, announcement, identification, description, or direction.

SIGN, ADVERTISING – A sign, including a billboard, directing attention to a business located in the Town of Dewey Beach during off-summer business season businesses may advertise other businesses owned by the same ownership outside the town.

SURFACE AREA – For the purpose of determining the size of the signs, the total area shall include the width of the sign times the height of the sign and is an integral part of the sign and includes the entire display. Fixed lettering on the window shall be included in the surface area computation but displays inside the window are not included in surface area computation. Structures not specifically designed as a sign, such as an awning or gasoline station island, the calculation shall only include the areas covered with lettering or other design material. Frames and structural members not bearing advertising matter shall not be included in the computation of the surface area.

FLAGS – One outdoor flag or other type of announcement no greater than 4' by 6' indicating that the business is open for the use of the word "Open", "Welcome," "Enter," "Sale" or any word or words conveying such meaning and removed at the end of the business day. Flags shall not be included in the calculation of permitted signage.

BANNER – Temporary signs per business are not to exceed a combined total of 30 square feet that contains information or advertising related to a specific product, event or events are subject to town approval.

SANDWICH BOARDS – A displays that is one (1) or two (2) sided, totaling no greater than Sixteen (16) square feet, and designed to be located in front by the sidewalk adjacent to the entrance of the business, and removed at the end of the business day. Sandwich boards shall not be included in the calculation of permitted signage. Any business using sandwich boards shall not be permitted to have an outdoor display.

OUTDOOR DISPLAY PERMITS – Shall be issued by the Building Official upon application by business license holders for an initial period not to exceed one (1) year. Said permit shall be renewable providing that the location, duration, or extent of the activity permitted is not altered or changed and the Permittee is in compliance with all

terms of the prior permit. Application procedures, shall include the total area location requirements and other limitations, and shall provide for adequate automobile parking, vehicular access, and pedestrian access, both for the permitted activity and other uses on the subject property. Any business that has an outdoor display, shall not be permitted to use a sandwich board.

185-27.4. Display of seasonable merchandise on private property shall be not taller than 12 feet or the first floor and shall cover no more than 30% of the outside private property of the specific retail business. The outside private property shall be determined by the specific business' frontage on Coastal Highway or public right of way multiplied by the depth from the public sidewalk to the specific business' building structure. Should there be an irregular frontage the depth shall be determined by the average depth. Such calculation shall not include designated parking areas or vehicular access ways. The entire usable 30% shall not exceed 500 square feet.

Such display shall be designated by the specific business on the application permit and shall be subject to safety, ingress, egress and nuisance conditions and approved in writing by the building official. The appeal from a decision of the Building official shall go to the Board of Adjustment, with the status quo remaining until the Boards' decision.

Should these restrictions be a hardship for a specific business then they shall remedy by making an application for a conditional use.

185-27.5. Sidewalk sales may be coordinated by the Chamber of Commerce or community groups involving individual retail establishments on a maximum of three (3) separate occasions per calendar year with each separate occasion extending for a period not to exceed four (4) consecutive days provided for this that no sidewalk sales may occur between the Friday of Memorial Day weekend and through Labor Day. A sidewalk sale shall only be conducted by the retail establishment located on the property and shall only include merchandise that is regularly offered for sale inside that retail establishment.

185-27.6. Outdoor sales by resident Non-Profit Organizations are permitted provided that written documentation of charitable status and written permission from the property owner is provided to the Building Official prior to the outdoor sale.

185-27.7. All portions of the public sidewalk shall be continuously maintained for pedestrian access, and shall not be blocked at any time.

185-27.8. Any outdoor eating areas shall be situated on private property only with the owner's permission.

SYNOPSIS

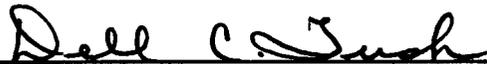
This is the revised display committee proposal to be reviewed by planning and zoning.

PENALTY- Any person found guilty of violating this Ordinance shall be given a 30 day grace period beginning June 1, 2008 to July 1, 2008 to correct violation. Any person found guilty of violating this Ordinance after the grace period shall be warned for the first offense, fined \$50.00 for the seconded offense, \$100.00 for the third offense. This penalty shall sunset September 15, 2008.

SYNOPSIS:

This is the revised Display Committee proposal to be reviewed by Planning and Zoning.

BE IT ENACTED AND ORDAINED by the Commissioners of the Town of Dewey Beach that this 12 day of April, 2008 the above draft ordinance is referred to Planning and Zoning Commission for their recommendation and comment.



DELL TUSH

Mayor

ATTEST:



GORDON E. ELLIOTT

Town Manager