

City of Rehoboth Beach, DE
Wednesday, May 16, 2018

Chapter 270. Zoning

Article VII. Signs

§ 270-56. Definitions.

As used in this article, the following definitions shall be applicable unless the context clearly indicates to the contrary:

AWNING SIGN

Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural projection or cover over a door, window, building front, building side or outdoor service area.

[Added 3-3-2008 by Ord. No. 0708-01]

BANNER SIGN

Any sign intended to be hung, either with or without frames, and possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags and flags of political subdivisions shall not be considered banners for the purpose of this article.

BENCH SIGN

A sign located on any part of the surface of the bench or seat placed on or adjacent to a public right-of-way.

BILLBOARD SIGN

A non-point-of-sale sign which advertises a business, organization, event, persons, place or thing, unless such sign is more specifically defined herein.

BOX SIGN

Any sign of any shape equipped with internal lighting and one or more translucent covers, excluding signs composed of individual internally lit letters.

[Added 3-3-2008 by Ord. No. 0708-01]

CHANGEABLE COPY SIGN

A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face of the surface of the sign. This shall also include the changing of copy on billboards.

CONSTRUCTION SIGN

Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

DIRECTORY SIGN

A sign on which the names and locations of the occupants or the use or products offered for sale on the premises are given. This shall include office buildings and church directories.

[Amended 7-16-2010 by Ord. No. 0710-01]

FREESTANDING SIGN

Any mobile or portable sign or sign structure not securely attached to the ground or to any other structure. This definition shall not include "trailer signs" as defined in this section.

GROUND AND/OR POLE SIGN

Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

ILLUMINATED SIGN

Any sign illuminated in any manner by an artificial light source.

INFORMATIONAL SIGN

Any sign providing a description of the policies or procedures observed by the occupants of a property building, and their affiliations, but without a description of the business, commodity, service, or entertainment conducted, sold, or offered on the same property.

[Added 3-3-2008 by Ord. No. 0708-01]

INTEGRAL SIGN

Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and mounted on the face of the building.^[1]

MURAL

A drawing, painting, or applique of a decorative nature, without any lettering, logos, or trademarks, applied directly to a wall of a structure.

[Added 3-3-2008 by Ord. No. 0708-01]

NONCONFORMING SIGN

Any sign which does not conform to the regulations of this article. Where a nonconforming sign existed on the effective date of the original enactment of Chapter 270, such date being March 12, 1976, such sign may be continued, subject to the following provisions:

- A. No such sign may be enlarged or altered in any way which increases its nonconformity.
- B. If the sign is destroyed by any means to an extent of more than 50% of its size, it shall not be reconstructed except in compliance with the provisions of this article.^[2]

PROJECTING SIGN

Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

PUBLIC SERVICE SIGN

Any sign that informs the public about safety and health information, community services or public affairs.

[Added 3-3-2008 by Ord. No. 0708-01]

REAL ESTATE SIGN

Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

ROOF SIGN

Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

SIGN

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations

herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of the premises.
- B. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- C. Legal notices, identification, information or directional signs erected by governmental bodies.
- D. Integral decorative or architectural features of buildings, including murals and facade art, except letters, trademarks, moving parts or moving lights.
[Amended 3-3-2008 by Ord. No. 0708-01]
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SNIPE SIGN

Any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on public or private property.

STREET BANNER SIGN

Any banner sign which is stretched across and hung over a public right-of-way.

TRAILER SIGN

Any sign mounted on a vehicle normally licensed by the State of Delaware as a trailer and used for advertising or promotional purposes.

WALL SIGN

Any sign painted on or attached to and erected parallel to the face of an outside wall of any building and supported by such wall or building.

[Amended 3-3-2008 by Ord. No. 0708-01]

WINDOW SIGN

Any device displaying words, letters or numbers placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

[Amended 3-3-2008 by Ord. No. 0708-01]

YARD SALE SIGN

Any sign that advertises the location of a yard sale or garage sale.

[Added 3-3-2008 by Ord. No. 0708-01]

[1] *Editor's Note: The definition of "marquee sign," which immediately followed this definition, was repealed 3-3-2008 by Ord. No. 0308-01.*

[2] *Editor's Note: The definition of "point-of-sale sign," which immediately followed this definition, was repealed 3-3-2008 by Ord. No. 0308-01.*

§ 270-57. Signs to conform to regulations.

No sign shall be erected or maintained in any district other than signs of the character, size and construction expressly authorized by § 270-60.

§ 270-58. Temporary signs.

- A. Announcing signs. One sign per street frontage of a building which is under construction or structural

alteration or repair announcing the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers and others, provided that the area of such sign shall not exceed 16 square feet in residential districts or 32 square feet in other districts.

B. Real estate signs in residential districts.

[Amended 3-3-2008 by Ord. No. 0308-01]

- (1) One sign per street frontage not exceeding four square feet in residential districts or eight square feet in other districts, advertising the sale, rental or lease of the premises on which displayed.
- (2) One temporary real estate sign without lights, no larger than six square feet in area nor more than 10 feet in height and comprising not more than two colors for the purpose of advertising the sale, lease or rental of the property; provided, however, that in the case of property facing on more than one street, two for-sale signs may be erected, one such sign on each street. No sign advertising the lease or rental of property shall remain on the property for longer than three months in any calendar year. This type of sign may be freestanding and shall be erected on one or two four-by-four-inch posts or may be erected on a bracket sign from a building not to exceed six square feet in area. Each type of sign permitted herein may be perpendicular to the street and shall be no nearer than five feet to the front property line.

C. Subdivision signs. One sign per street entrance to the subdivision and located on the property to be subdivided, provided that such sign shall not exceed 32 square feet in area. Such sign may not be erected until the subdivision has been approved by the appropriate City official and may be displayed for a period of one year from the date of erection, which date must be filed with the Building Inspector within 30 days after erection. Erection date will be determined to be the same as the subdivision approval date if not filed within the thirty-day period.

D. Yard sale signs. Yard sale signs shall not exceed four square feet and are permitted on the day of the yard sale event only between the hours of 7:00 a.m. and 5:00 p.m. and shall be removed by 5:00 p.m.

[Added 7-16-2010 by Ord. No. 0710-01]

§ 270-59. Lighting restrictions.

- A. Signs shall not be lighted in any manner which may constitute a traffic hazard or be a nuisance.
- B. No sign shall be erected in any district that provides blinking, moving, animation, revolving, chaser lights or moving spotlights.

§ 270-60. Table of signs.

The table of signs permitted by zoning district is included at the end of this chapter.

§ 270-61. R-1 and R-1(S) Districts.

The following signs shall be permitted in R-1 Residence Districts and in R-1(S) Residence Districts:

- A. One nameplate sign no larger than 1 1/2 square feet in area displaying the name and street address of a building or the name of a building manager or the name of a permitted use.

§ 270-62. Location of signs in R-1 and R-1(S) Districts.

No sign in R-1 and R-1(S) Residence Districts shall be placed closer to the property line than five feet.

§ 270-63. R-2 and ER Districts.

[Amended 7-16-2010 by Ord. No. 0710-02]

The following signs shall be permitted in R-2 and ER Districts:

- A. All signs permitted in R-1 and R-1(S) Residence Districts.
- B. One identification sign no larger than two square feet in area for the purpose of identifying a boarding, rooming or tourist home or an apartment house.

§ 270-64. Location of signs in R-2 and ER Districts.

[Amended 7-16-2010 by Ord. No. 0710-02]

No signs in the R-2 and ER Districts shall be placed closer to the front property line than five feet.

§ 270-65. Commercial districts; permits and fees.

[Amended 9-8-1995 by Ord. No. 995-1; 10-10-1997 by Ord. No. 1095-1; 3-3-2008 by Ord. No. 0308-01]

- A. Other than real estate signs, it shall be unlawful for any person to erect or maintain within the commercial districts of the City of Rehoboth Beach any sign for a commercial purpose, as defined in this chapter, without first obtaining a permit from the Building Inspector and making payment of the fee as provided in Schedule E of § 102-10 of this Code.
- B. All rights and privileges acquired under the provisions of this article, or any amendment thereto, are mere licenses revocable at any time by the Commissioners of Rehoboth Beach, and all such permits shall contain this provision. The Building Inspector is hereby authorized and empowered to revoke any permit issued by them upon failure of the holder thereof to comply with any provision of this article.

§ 270-66. Regulations applicable in commercial districts.

[Amended 3-3-2008 by Ord. No. 0708-01]

The following regulations shall be applicable to any permanent or temporary sign located in the commercial district:

- A. Unless otherwise provided herein, compliance with this section shall be the duty of the sign permit holder and not the duty of the owner of the property upon which the business is conducted.
- B. Signs shall be attached to the property to which they pertain and shall advertise a business, commodity, service, or entertainment conducted, sold, or offered on the same property on which the sign is maintained.
- C. Allowable number and area of signs in commercial districts.
 - (1) Each business shall be permitted up to three signs.
 - (2) Each side, front, and back of a commercial property with frontage on a commercial street, and with an entrance, shall be permitted up to three square feet of sign area for each foot of building frontage that faces the commercial street. All other building sides with an entrance may have up to two square feet

of sign area for each foot of building frontage on the lot. However, no sign in a commercial district shall exceed 100 square feet on a side.

D. Excluded signs.

- (1) Information signs. Informational signs shall be excluded from the calculation of the maximum number of signs and the maximum permissible sign area. Each business shall be allowed up to three square feet of informational signs on its front.
- (2) Temporary business signs. Temporary business signs, as identified in this section, shall be excluded from the calculation of the maximum number of signs but shall not be excluded from the calculation of the maximum permissible sign area.

E. Types of signs permissible in commercial districts.

- (1) Wall signs. Wall signs shall be lower than 25 feet and may not extend beyond the limits of the wall. Wall signs shall not exceed four inches in thickness. Individually lighted letters, logos and design elements may extend up to 12 inches from a wall sign.
[Amended 7-16-2010 by Ord. No. 0710-01]
- (2) Ground or pole or directory signs. All ground or pole signs must be set back a minimum of three feet from the public sidewalk or pedestrian way.
[Amended 7-16-2010 by Ord. No. 0710-01]
 - (a) Ground, pole and directory signs shall not be internally lit.
 - (b) A group of stores or offices, not all facing the street, shall be permitted one ground or pole sign naming the center or mall and listing each business in the center or mall. A ground or pole sign shall not count against the area calculation or the allowable number of signs permitted per business. This sign shall be lower than the eave of the building closest to the sign, shall be no more than three feet long on its longest side, shall have no more than two faces and shall be no larger than 4.5 square feet on each face, except that a group of stores with vehicular access from Delaware Route 1 may have a sign no larger than 50 square feet on each face, no more than 30 feet tall and no more than 10 feet long on its longest side.
 - (c) Ground or pole signs erected on a side of a restaurant other than the side having the main entrance shall have an area no larger than 24 inches by 18 inches, shall not exceed 6.0 inches in depth and shall display the restaurant menu only.
 - (d) Directory signs. Directory signs shall be permitted in front of a structure occupied by a church or more than one licensed business. Directory signs shall be no more than four square feet in size and no taller than seven feet. Directory signs shall be parallel to the building, except that where there is a front yard or courtyard in front of the building to which they pertain, directory signs may be perpendicular to the building. A directory sign shall not count against the area calculation or the allowable number of signs permitted per business.
- (3) ^[1]Integral signs.

[1] *Editor's Note: Former Subsection E(3), regarding directory signs, was repealed 7-16-2010 by Ord. No. 0710-01. This ordinance also provided that former Subsection E(4) through (10) be redesignated as Subsection E(3) through (9).*
- (4) Window signs/window coverings. Permanent window signs with the business name, products sold therein, or any other sign of a permanent nature must not take up more than 25% of the window.
[Amended 7-16-2010 by Ord. No. 0710-01]
 - (a) Transparent window tinting designed to reduce ultraviolet rays shall not be deemed window signs

or window coverings.

- (b) During a renovation or extended closure of a building, windows may be covered from the inside with paper or fabric, leaving an area on the main entrance sufficiently open for viewing the interior of the facility.
- (5) Retractable or fixed awning signs. Signs may be imprinted on retractable or fixed awnings. Retractable or fixed awning signs shall be opaque and not translucent. Lights shall be permitted under awnings but shall not be permitted to shine through the awning. Awnings may be lit from above.
- (6) Roof signs. Roof signs shall be affixed to the roof. No part of a roof sign may project higher than the structure to which it is attached.
- (7) Temporary business signs. A temporary business sign shall be of a nonpermanent nature. Temporary business signs shall be permitted to remain for a period of up to 120 days.
 - (a) Temporary public service signs. Each business shall be allowed to display up to three square feet of public service signs in the bottom half of its primary entry door or in the bottom left or bottom right corner of a window. Signs may not advertise events more than 60 days prior to the event and must be removed within seven days after the completion of the event.
 [Amended 7-16-2010 by Ord. No. 0710-01^[2]
 [2] *Editor's Note: This ordinance also repealed former Subsection E(8)(a), regarding temporary window signs, and provided that former Subsection E(8)(b) through (i) be redesignated as Subsection E(8)(a) through (h).*
 - (b) Temporary banners. Temporary banners are prohibited on business facades, except that temporary banners shall be permitted for a new business for up to 60 days while the new business is awaiting permanent signage.
 [Amended 7-16-2010 by Ord. No. 0710-01]
 - (c) Changeable-copy signs. Internally lit changeable-copy signs are prohibited, except that hotels shall be permitted to use changeable-copy signs for the purpose of announcing vacancies and special events. Chalkboards shall not be considered changeable-copy signs.
 [Amended 7-16-2010 by Ord. No. 0710-01]
 - (d) Freestanding signs. Freestanding signs are prohibited on public property. Freestanding signs shall be permitted on private property but shall not be closer than three feet to any public property. Each face of a freestanding sign shall count as one of the allowable signs per business.
 [Amended 7-16-2010 by Ord. No. 0710-01]
 - (e) Televisions or display screens. Businesses using television or display screens as a window display shall be limited to one television or display screen per business.
 - (f) Real estate signs. Businesses shall be permitted to display one for-sale sign and one lease sign per property. For-sale and lease real estate signs shall be parallel to the street and within one foot of the designated structure. Real estate signs shall be placed parallel or perpendicular to the street. Open house real estate signs shall not exceed four square feet. Open house real estate signs are permitted on the day of the open house event only, between the hours of 10:00 a.m. and 5:00 p.m., and shall be removed by 5:00 p.m.
 - (g) Construction signs. A building permit holder shall be permitted one construction sign with sign area of up to six square feet on each of its front and back sides.
 - (h) Yard sale signs. Yard sale signs shall not exceed four square feet and are permitted on the day of the yard sale event only between the hours of 7:00 a.m. and 5:00 p.m. and shall be removed by 5:00 p.m.

- (8) Box signs. Box signs are permitted only on the side of a building fronting on the Boardwalk.
- (9) Projecting signs. Businesses may have one projecting sign on the side of a building where a sign is permitted. A projecting sign may not exceed three feet in width and 4 1/2 square feet on each side. The inboard side of a projecting sign may not be more than 18 inches from the attaching wall. The lowest point of a projecting sign and its supporting structure that extends over a public or private sidewalk or other pedestrian way by more than four inches must be at least eight feet above the surface below, and no portion of a projecting sign may extend over any surface designated for vehicular traffic. The highest point of a projecting sign and its supporting structure may not be more than 15 feet above the surface below. Projecting signs must be in a fixed position and may not include internal lighting. Projecting signs may not interfere with pedestrian visibility, as determined by the Building Official. Projecting signs are not permitted for any business with its primary entrance on the Boardwalk.
[Amended 7-16-2010 by Ord. No. 0710-01]

F. ~~[3]~~ Illumination.

- (1) Signs shall not be lighted in any manner which may constitute a traffic hazard, interfere with pedestrian movements, or point directly into windows of adjacent or nearby properties.
- (2) The length of any apparatus extending a light source illuminating a sign away from the structure to which the light source is affixed shall not exceed 30 inches.
- (3) Any glazing used in the construction or makeup of this sign shall be tempered or safety glass.
[Added 7-16-2010 by Ord. No. 0710-01]

[3] *Editor's Note: Former Subsection F, regarding Boardwalk signs, was repealed 7-16-2010 by Ord. No. 0710-01. This ordinance also provided that former Subsections G through I be redesignated as Subsections F through H.*

- G. Safety. Prior to the issuance of a permit that includes the construction or installation of a sign, the Building Inspector may require an engineering analysis to confirm the proposed sign complies with all applicable building codes and regulations.
- H. Legal nonconforming signs; maintenance. Removal of a legal nonconforming signs for the purpose of refreshing or maintaining such sign shall not terminate the sign's legal nonconforming status if such sign is replaced within three months from its removal, provided that prior to removal, a building permit is obtained at no charge.

§ 270-67. Maintenance and removal.

[Amended 10-10-1997 by Ord. No. 1095-1]

- A. Every sign, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for maintenance of the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials. The Building Inspector shall require compliance with all standards of this article. If the sign is not made to comply with adequate safety standards, the Building Inspector shall require its removal in accordance with this section.
- B. Abandoned signs. Except as otherwise provided in this article, any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more and any sign which pertains to a time, event or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such

business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises.

- C. Dangerous or defective signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- D. The Building Inspector shall cause to be removed any sign that has been constructed or erected or is being maintained in violation of the provisions of this article or that endangers the public safety, such as an abandoned, dangerous or materially, electrically or structurally defective sign. The Building Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation corrected within 72 hours, the sign shall be removed in accordance with the provisions of this section. Further, written notice for removal shall not be required where a sign has been removed or brought into compliance, within the applicable seventy-two-hour period and, thereafter, within 60 days of the original said written notice, the same sign or a substantially similar sign has been constructed or erected on the same property. All notices mailed by the Building Inspector shall be sent by United States mail, postage prepaid. Any time periods provided in this section shall be deemed to commence on the date of the mailing. If the notice is not complied with within the time period specified the Building Inspector shall cause the sign to be removed at the expense of the owner or lessee. If the delay in repairing or removing the sign is occasioned by circumstances beyond the control of the owner or the lessee, the Building Inspector may grant, in writing, additional time for removal or repair of this sign.
- E. For all signs other than those designated in Subsection D, notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. A copy of the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property, if known.
- F. Notwithstanding the above, in cases of emergency, the City Manager, or his designee, may cause the immediate removal of a dangerous or defective sign without notice.^[1]

[1] *Editor's Note: Former § 19-79.1, Annual application to continue use; charges and fees, which immediately followed this section, was repealed 9-8-1995 by Ord. No. 995-1.*

§ 270-68. Enforcement.

[Added 10-10-1997 by Ord. No. 1095-1]

- A. No sign shall be permitted to be maintained or used in the City contrary to the provisions of this article. The City Manager, by and through the duly authorized employees of the City, shall enforce the provisions of this article, and he is hereby authorized and directed to cause removal of all signs from areas in which they are prohibited by this article or which are maintained or used contrary to the provisions of this article.
- B. The City Building Inspector is authorized to issue a citation to any person or persons who violate a provision of this article, requiring the payment of a fine within 10 days of issuance. If the fine remains unpaid after the expiration of the ten-day period, the Building Inspector may take further action to resolve the violation by filing a summons for the arrest of the violator by the City's police.
[Amended 7-16-2010 by Ord. No. 0710-01]
- C. The City Manager, by and through the duly authorized employees of the City, shall provide a dated and numbered sticker for each authorized sign. The sticker is to be placed in a conspicuous area on the sign for which it was issued; or for any sign higher than two stories, the sticker shall be located in the window closest to the entry door.

[Added 7-16-2010 by Ord. No. 0710-01]

§ 270-69. Violations and penalties.

[Added 10-10-1997 by Ord. No. 1095-1]

- A. Violation of the provisions of this article shall constitute a misdemeanor, punishable by a fine of not less than \$25, not to exceed \$250 per offense, plus court costs. Whenever such persons shall have been notified by the Building Inspector or by service of a summons in a prosecution or in any other way that they are committing such violation of this chapter, each day that they shall continue shall constitute a separate offense punishable by like fine or imprisonment.
- B. In addition to the fines and penalties herein described, the City may avail itself of any and all civil and equitable remedies for the purpose of stopping continuing offenses of this article.