



45 Signs, including outdoor advertising structures, are herein regulated with  
46 the intent of regulating excess signage, encouraging the positive economic  
47 development of the County, preserving and improving tourism views,  
48 promoting the safety of the traveling public, protecting property values in  
49 both residential and non-residential areas, preventing overcrowding of the  
50 land and excess clutter, and protecting the aesthetics of the County.

51  
52 **§ 115-157.1. Definitions.**

53 **A. General.**

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55 **ABANDONED ON-PREMISES SIGN**

56 A sign that no longer identifies or advertises an ongoing business,  
57 product, location, service, idea, or activity conducted on the  
58 premises on which the sign is located and the sign permit for said  
59 sign has expired for at least 6 months.

60  
61 **ABANDONED OFF-PREMISES SIGN**

62 A sign that, for 6 months or more, no longer:

- 63  
64 a. Directs attention to a business, commodity, service or  
65 entertainment conducted, sold, or offered elsewhere than  
66 upon the premises where the sign is maintained; and  
67  
68 b. No longer markets, advertises, or promotes the sign for  
69 sale or rent.

70  
71 **ANIMATED SIGN**

72 [A mechanical sign or electronically illuminated or nonilluminated sign  
73 which displays letters, words, characters, or symbols which are not  
74 stationary.]

75  
76 A sign employing actual motion, the illusion of motion, or light or color  
77 changes achieved through mechanical, electrical, or electronic means.  
78 Animated signs, which are differentiated from changeable signs as  
79 defined and regulated by this article, include the following types:

- 80  
81 (1) Environmentally Activated – Animated signs or devices  
82 motivated by wind, thermal changes, or other natural  
83 environmental input. Includes spinners, pinwheels, pennant  
84 strings, or other devices or displays that respond to naturally  
85 occurring external motivation.

87 (2) Mechanically Activated – Animated signs characterized by  
88 repetitive motion or rotation activated by a mechanical system  
89 powered by electric motors or other mechanically induced  
90 means.

91  
92 (3) Electrically Activated – Animated signs producing the illusion  
93 of movement by means of electronic, electrical, or  
94 electromechanical input or illumination capable of simulating  
95 movement throughout employment of the characteristics of  
96 one or both the classifications noted below:

97  
98 (a) Flashing: Animated signs or animated portions of signs  
99 whose illumination is characterized by a repetitive cycle  
100 in which the period of illumination is either the same as  
101 or less than the period of non-illumination. For  
102 purposes of this ordinance, flashing will not be defined  
103 as occurring if the cyclical period between on-off  
104 phases of illumination exceeds ten (10) seconds.

105  
106 (b) Patterned Illusionary Movement: Animated signs or  
107 animated portions of signs whose illumination is  
108 characterized by simulated movement through alternate  
109 or sequential activation of various illuminated elements  
110 for the purpose of producing repetitive light patterns  
111 designed to appear in some form of constant motion.

112  
113 **CANDELA**

114 The basic unit of measurement of light in SI (metric) units.

115  
116 **CANDELA PER SQUARE METER (cd/m<sup>2</sup>)**

117 The SI (metric) unit used to describe the luminance of a light source  
118 or of an illuminated surface that reflects light. Also referred to as  
119 Nits.

120  
121 **DISSOLVE**

122 A mode of message transition on an electronic message center  
123 accomplished by varying the light intensity or pattern, where the first  
124 message gradually appears to dissipate and lose legibility  
125 simultaneously with the gradual appearance and legibility of the  
126 second message.

127  
128 **FADE**

129 A mode of message transition on an electronic message center  
130 accomplished by varying the light intensity, where the first message  
131 gradually reduces intensity to the point of not being legible and the

132 subsequent message gradually increases intensity to the point of  
133 legibility.

134  
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136 **FOOT CANDLE**

137 An English unit of measurement of the amount of light falling upon a  
138 surface (illuminance). One foot candle is equal to one lumen per  
139 square foot. Can be measured by means of an illuminance meter.

140

141 **FRAME**

142 A complete stationary display screen on an electronic message  
143 center.

144

145 **FRAME EFFECT**

146 A visual effect on an electronic message center applied to a single  
147 frame to attract the attention of views.

148

149 **GROUND LEVEL**

150 The average grade of the property or the elevation at the centerline  
151 of the adjacent street or road, whichever is higher.

152

153 **ILLUMINANCE**

154 The amount of light falling upon a real or imaginary surface,  
155 commonly called “light level” or “illumination”. Measured in foot  
156 candles (lumens/square foot) in the English system, and lux  
157 (lumens/square meter) in the SI (metric) system.

158

159

160 **INDIRECTLY ILLUMINATED SIGN**

161 ...

162

163 **LUMINANCE**

164 The light that is emitted by or reflected from a surface. Measured in  
165 units of luminous intensity (candelas) per unit area (square meters in  
166 SI measurement units or square feet in English measurement units.)  
167 Expressed in SI units as cd/m<sup>2</sup>, and in English units as foot lamberts.  
168 Sometimes also expressed as “nits”, a colloquial reference to SI  
169 units. Can be measured by means of a luminance meter.

170

171 **LUX**

172 The SI (metric) unit for illuminance. One lux equals 0.093 foot  
173 candles.

174

175 **MULTIFACED SIGN**

176

177 ...

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179 **NIT**

180 **A photometric unit of measurement referring to luminance. One nit**  
181 **is equal to one cd/m<sup>2</sup>.**

182

183 **PUBLIC LAND**

184 **Land owned by the United States of America, the State of Delaware,**  
185 **or a municipality or political subdivision thereof which is used as**  
186 **park, recreation area, historical site, wildlife refuge, public forest**  
187 **land, preservation land, or greenway. Public lands shall not include**  
188 **areas which are public streets, roads, utilities, or right-of-ways**  
189 **dedicated for transportation or other means of ingress and egress.**

190

191 **SCROLL**

192 **A mode of message transition on an electronic message center**  
193 **where the message appears to move vertically across the display**  
194 **surface.**

195

196 **SETBACK**

197 ...

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199 **SI (International System of Units)**

200 **The modern metric system of measurement; abbreviated SI for the**  
201 **French term “Le Systeme International d’Unites.”**

202

203 **SIGN**

204 ...

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206 **SIGN AREA**

207 **The total area of a sign shall include all sides or area of display of a**  
208 **single or multifaced sign, together with all moldings, battens,**  
209 **cappings, nailing strips and latticing which are attached and are part of**  
210 **the sign proper [and/] or incidental to its decoration. Structural**  
211 **elements, such as aprons or skirting, which serve to shade, deflect or**  
212 **block light generated by a sign and which do not display advertising**  
213 **on their surfaces shall not be included in the total area of a sign. For**  
214 **the purpose of this article, signs which are composed of letters, words,**  
215 **numbers, pictures, logos, symbols, or representations only and which**  
216 **follow no square or rectangular pattern shall be considered to include**  
217 **in sign area a square or rectangle as drawn at the outer limits of the**  
218 **letters, words, numbers, pictures, logos, symbols, or representations.**

219

220 **SIGN COPY**

221 The physical sign message including any words, letters, numbers,  
222 pictures, logos, and symbols.

223  
224 **SIGN FACE**

225 The surface upon, against or through which the sign copy is  
226 displayed or illustrated, not including structural supports,  
227 architectural features of a building or sign structure, or decorative  
228 trim, or any areas that are separated from the background surface  
229 upon which the sign copy is displayed by a distinct delineation, such  
230 as a reveal or border.

231  
232 **SIGN STRUCTURE**

233 Any structure designed for the support of a sign.

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236 **STREET LINE**

237 ...

238 **TRANSITION**

239 A visual effect used on an electronic message center to change from  
240 one message to another.

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242 **TRAVEL**

243 A mode of message transition on an electronic message center  
244 where the message appears to move horizontally across the display  
245 surface.

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247 **B. Type.**

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249 **BULLETIN BOARD**

250 A manually activated changeable sign of permanent character, but with  
251 movable letters, words or numerals, indicating the names of persons  
252 associated with or events conducted upon or products or services  
253 offered upon the premises upon which such a sign is maintained.

254  
255 **CHANGEABLE SIGN**

256 A sign with the capability of content change by means of manual or  
257 remote input including the following types:

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259 (1) Manually activated – a changeable sign whose message copy  
260 or content can be changed manually on a display surface.

261  
262 (2) Electrically activated – a changeable sign whose message copy  
263 or content can be changed by means of remote electrically

264 energized on-off switching combinations of alphabetic or  
265 pictographic components arranged on a display surface.  
266 Illumination may be integral to the components, such as  
267 characterized by lamps or other light-emitting devices; or it  
268 may be from an external light source designed to reflect off the  
269 changeable component display.

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271 **DIRECTIONAL SIGN**

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274 **ELECTRONIC MESSAGE CENTER**

275 An electrically activated changeable sign whose variable message or  
276 graphic presentation capability can be electronically programmed by  
277 computer or an electronic device onsite or from a remote location.

278  
279 **[ELECTRONIC MESSAGE DISPLAY]**

280 [A sign capable of displaying words, symbols, figures, or images that  
281 can be electronically or mechanically changed by remote or automatic  
282 means. Changes relating to electronic message display include:

283  
284 **(1) DISSOLVE**

285 A mode of message transition on an electronic message display  
286 accomplished by varying the light intensity or pattern, where the first  
287 message gradually appears to dissipate and lose legibility  
288 simultaneously with the gradual appearance and legibility of the  
289 second message.

290  
291 **(2) FADE**

292 A mode of message transition on an electronic message display  
293 accomplished by varying the light intensity, where the first message  
294 gradually reduces intensity to the point of not being legible and the  
295 subsequent message gradually increases intensity to the point of  
296 legibility.

297  
298 **(3) FRAME**

299 A complete stationary display screen on an electronic message  
300 display.

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302 **(4) FRAME EFFECT**

303 A visual effect on an electronic message display applied to a single  
304 frame to attract the attention of viewers.

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306 **(5) SCROLL**

307 A mode of message transition on an electronic message display where  
308 the message appears to move vertically across the display surface.

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**(6) TRANSITION**

A visual effect used on an electronic message display to change from one message to another.

**(7) TRAVEL**

A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.]

**INSTRUCTIONAL SIGN**

...

**NON-CONFORMING SIGN**

A sign that was legally installed in conformance with all sign laws, ordinances, and regulations in effect at the time of its installation, but which no longer complies with laws, ordinances, and regulations having jurisdiction relative to the sign.

**NON-CONFORMING OFF-PREMISES SIGN**

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained and which was legally installed in conformance with all sign laws, ordinances, and regulations in effect at the time of its installation, but which no longer complies with laws, ordinances, and regulations having jurisdiction relative to the sign.

**OFF-PREMISES ELECTRONIC MESSAGE CENTER**

An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer or electronic device onsite or from a remote location which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained.

**OFF-PREMISES SIGN**

...

**ON-PREMISES ELECTRONIC MESSAGE CENTER**

An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer or electronic device onsite or from a remote location which directs attention to an ongoing business, commodity, service, or



entertainment conducted, sold, or offered upon the same premises as those upon which the sign is maintained.

**ON-PREMISES SIGN**

A sign directing attention to an ongoing business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained or on a property adjacent to the property on which the sign is located when the adjacent property has an easement for access and/or signage on or along the property on which the sign is to be located.

**PORTABLE SIGN**

...

**TEMPORARY SIGN**

...

**V SIGN**

A sign containing two faces positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

**C. Location.**

...

Section 2. Sussex County Code, Chapter 115, Section 115-158 shall be amended by the addition of the underlined language, as follows:

§ 115-158. Signs prohibited in all districts.

Signs prohibited in all districts shall be as follows:

A. ...

...

~~I. Animated signs.~~

J. Abandoned on-premises signs.

K. Abandoned off-premises signs.

L. Mirrors. No mirror device shall be used as part of a sign.

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**ML. V signs where the two faces are positioned at an interior angle subtending more than sixty degrees (60°).**

Section 3. Sussex County Code, Chapter 115, Section 115-159 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159. Signs permitted in all districts.

Signs permitted in all districts shall be as follows:

A. ...

...

F. No more than two subdivision-identifying signs, not exceeding 75 square feet of sign area per [face] side, maintained on private property. The minimum setback from the front lot line shall be a minimum of five feet for signs 32 square feet or less and a minimum of 25 feet for signs from 32 square feet to 75 square feet.

G. A temporary real estate sign indicating sale, rental or lease of the premises on which it is located, with a maximum area of 1032 square feet of sign area per side [or facing], nonilluminated, and one sign for each street frontage on which the premises abuts. ~~Each sign shall contain no more than two sides or facings, back to back.~~

H. ...

Section 4. Sussex County Code, Chapter 115, Section 115-159.1 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.1. Signs permitted in AR-1 and AR-2 Agricultural Residential Districts and GR General Residential Districts.

A. Signs permitted shall be as follows:

(1) ...

- 435 (2) One indirectly illuminated on-premises sign, not to exceed 32  
436 square feet [on any side or facing] of sign area per side for  
437 each building devoted to the following uses: church, school,  
438 hospital, nursing home, country club, golf course or similar  
439 use. Such signs shall be solely for the purpose of displaying  
440 the name of the institution or association and its activities or  
441 services. In addition, a bulletin board may be permitted,  
442 provided that the total of 32 square feet [on any side or facing]  
443 of sign area per side is not exceeded by both the bulletin  
444 board and the on-premises sign. ...  
445  
446 (3) One nonilluminated on-premises sign not to exceed six square  
447 feet [on any side or facing] of sign area per side, identifying a  
448 permitted home occupation on the premises or a permitted  
449 use on a farm of five acres or more. ...  
450  
451 (4) Nonilluminated on-premises signs not to exceed three signs,  
452 of which each sign shall not exceed 32 square feet [on any  
453 side or facing] of sign area per side, identifying any truck  
454 garden, orchard, nursery, commercial greenhouse, produce  
455 sale or public stable permitted on the same premises. ...  
456

457 B. ...  
458

459 Section 5. Sussex County Code, Chapter 115, Section 115-159.2 shall be  
460 amended by the addition of the underlined language and deletion of the  
461 bracketed language, as follows:  
462

463 § 115-159.2. Signs permitted in MR Medium Density Residential and UR  
464 Urban Residential Districts.

465 A. Signs permitted shall be as follows:  
466

- 467 (1) ...  
468  
469 (2) One indirectly illuminated on-premises sign, not to exceed 32  
470 square feet [on any side or facing] of sign area per side for  
471 each building devoted to the following uses: church, school,  
472 hospital, nursing home, country club, golf course or similar  
473 use. Such sign shall be solely for the purpose of displaying  
474 the name of the institution or association and its activities or  
475 services. In addition, a bulletin board may be permitted,  
476 provided that the total of 32 square feet [on any side or facing]

477 of sign area per side is not exceeded by both the bulletin  
478 board and the on-premises sign. ...

479  
480 (3) One nonilluminated on-premises sign, not to exceed six  
481 square feet [on any side or facing] of sign area per side,  
482 identifying a permitted home occupation on the premises or a  
483 permitted use on a farm of five acres or more. ...

484  
485 B. ...

486  
487 Section 6. Sussex County Code, Chapter 115, Section 115-159.3 shall be  
488 amended by the addition of the underlined language and deletion of the  
489 bracketed language, as follows:

490  
491 § 115-159.3. Signs permitted in HR-1 and HR-2 High-Density Residential  
492 Districts.

493 A. Signs permitted shall be as follows:

494 (1) ...

495  
496 (2) One illuminated on-premises sign, not to exceed 10 square  
497 feet [on any side or facing] of sign area per side, identifying the  
498 name and/or address of management of a multifamily dwelling or  
499 group of multifamily dwellings. ...

500  
501 (3) One nonilluminated on-premises sign, not to exceed 32 square  
502 feet [on any side or facing] of sign area per side, identifying any  
503 motel, hotel, multifamily dwelling structure or townhouse project of  
504 eight or more units. ...

505  
506  
507 B. ...

508  
509 Section 7. Sussex County Code, Chapter 115, Section 115-159.4 shall be  
510 amended by the addition of the underlined language and deletion of the  
511 bracketed language, as follows:

512  
513 § 115-159.4. Signs permitted in B-1 Neighborhood Business Districts, M  
514 Marine Districts and UB Urban Business Districts.

515 A. Signs permitted shall be as follows:

516 (1) ...

518

519 (2) One indirectly illuminated on-premises sign, not to exceed 32  
520 square feet [on any side or facing] of sign area per side for  
521 each building devoted to the following uses: church, school,  
522 hospital, nursing home, country club, golf course or similar  
523 use. Such sign shall be solely for the purpose of displaying  
524 the name of the institution or association and its activities or  
525 services. In addition, a bulletin board may be permitted,  
526 provided that the total 32 square feet [on any side or facing] of  
527 sign area per side is not exceeded by both the bulletin board  
528 and the on-premises sign. ...

530 (3) One nonilluminated on-premises sign, not to exceed six  
531 square feet [on any side or facing] of sign area per side,  
532 identifying a permitted home occupation on the premises or a  
533 permitted use on a farm of five acres or more. ...

534 (4) One on-premises ground sign per street or road frontage per  
535 parcel, not to exceed 200 square feet [on any side or facing] of  
536 sign area per side. [Electric message displays shall be  
537 permitted. Such displays shall be limited to frames with  
538 displays, messages, animated graphics or images and frame  
539 effects that appear or disappear from the display through  
540 dissolve, fade, flip or window shade moves. Scrolling left or  
541 right and/or flashing messages shall not be permitted. Each  
542 message on the sign must be displayed for a minimum of eight  
543 seconds based on a real second measurement of 1000-1, 1000-  
544 2, 1000-3, 1000-4, etc., count. When a message is changed, it  
545 shall be accomplished in one second or less with all moving  
546 parts or illumination changing simultaneously and in unison.  
547 Variable message signs shall contain a default design that will  
548 freeze the sign in one position if a malfunction occurs or in the  
549 alternative shut down.]

551 (5) [In addition, each store, shop, office or similar unit shall be  
552 permitted an on-premises illuminated awning, marquee,  
553 projecting, wall sign or electric message display not exceeding  
554 a combination of signs or one sign not exceeding 150 square  
555 feet. The sign shall not exceed 15% of total square footage of  
556 wall area where a wall exceeds 1,000 square feet.]

560 On-premises wall, illuminated awning, marquee, and  
561 projecting signs not to exceed a total sign area of 150 square  
562 feet or 15% of the total square footage of the wall area on  
563 which the signs are located, whichever is greater. In the case

564 of a shopping center, a group of stores or other business  
565 uses, or a multi-tenant building on a lot held in single or  
566 separate ownership, on-premises wall, illuminated awning,  
567 marquee, and projecting signs not to exceed a total sign area  
568 of 150 square feet or 15% of the total square footage of the  
569 wall area on which the signs are located, whichever is greater,  
570 shall be permitted with respect to each building, separate  
571 store, separate storefront, or separate use.

572  
573 (6) ...

574  
575 B. ...

576  
577 Section 8. Sussex County Code, Chapter 115, Section 115-159.5 shall be  
578 amended by the addition of the underlined language and deletion of the  
579 bracketed language, as follows:

580  
581 § 115-159.5. Signs permitted in C-1 General Commercial, CR-1 Commercial  
582 Residential, LI-1 Limited Industrial, LI-2 Light Industrial and HI-  
583 1 Heavy Industrial Districts.

584 A. Signs permitted shall be as follows:

585  
586 (1) ...

587  
588 (2) One indirectly illuminated on-premises sign, not to exceed 32  
589 square feet [on any side or facing] of sign area per side for  
590 each building devoted to the following uses: church, school,  
591 hospital, nursing home, country club, golf course or similar  
592 use. Such sign shall be solely for the purpose of displaying  
593 the name of the institution or association and its activities or  
594 services. In addition, a bulletin board may be permitted,  
595 provided that the total 32 square feet [on any side or facing] of  
596 sign area per side is not exceeded by both the bulletin board  
597 and the on-premises sign. ...

598  
599 (3) One nonilluminated on-premises sign, not to exceed six  
600 square feet [on any side or facing] of sign area per side,  
601 identifying a permitted home occupation on the premises or a  
602 permitted use on a farm of five acres or more. A sign shall  
603 contain no more than two sides or facings, back to back, and  
604 shall conform to the setbacks referenced in  
605 Subsection A(2) above.  
606

607 (4) One on-premises ground sign per street or road frontage per  
608 parcel, not to exceed 200 square feet [on any side or facing] of  
609 sign area per side. [Electric message displays shall be  
610 permitted. Such displays shall be limited to frames with  
611 displays, messages, animated graphics or images and frame  
612 effects that appear or disappear from the display through  
613 dissolve, fade, flip or window shade moves. Scrolling left or  
614 right and/or flashing messages shall not be permitted. Each  
615 message on the sign must be displayed for a minimum of eight  
616 seconds based on a real second measurement of 1000-1, 1000-  
617 2, 1000-3, 1000-4, etc., count. When a message is changed, it  
618 shall be accomplished in one second or less with all moving  
619 parts or illumination changing simultaneously and in unison.  
620 Variable message signs shall contain a default design that will  
621 freeze the sign in one position if a malfunction occurs or in the  
622 alternative shut down.]

623  
624 (5) [In addition, each store, shop, office or similar unit shall be  
625 permitted an on-premises illuminated awning, marquee,  
626 projecting, wall sign or electric message display not exceeding  
627 a combination of signs or one sign not exceeding 150 square  
628 feet. The sign shall not exceed 15% of total square footage of  
629 wall area where a wall exceeds 1,000 square feet.]

630  
631 On-premises wall, illuminated awning, marquee, and  
632 projecting signs not to exceed a total sign area of 150 square  
633 feet or 15% of the total square footage of the wall area on  
634 which the signs are located, whichever is greater. In the case  
635 of a shopping center, a group of stores or other business  
636 uses, or a multi-tenant building on a lot held in single or  
637 separate ownership, on-premises wall, illuminated awning,  
638 marquee, and projecting signs not to exceed a total sign area  
639 of 150 square feet or 15% of the total square footage of the  
640 wall area on which the signs are located, whichever is greater,  
641 shall be permitted with respect to each building, separate  
642 store, separate storefront, or separate use.

643  
644 (6) ...

645  
646 B. Off-premises signs, after obtaining a special use exception, pursuant  
647 to § 115-80C, [not exceeding 600 square feet total], and provided  
648 that:

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650 (1) [All off-premises signs not exceeding 200 square feet shall  
651 have a minimum front yard setback of 25 feet and a minimum

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side yard setback of 20 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.]

All off-premises signs shall have a minimum front yard setback of 4025 feet, a minimum side yard setback of 50 feet, and a minimum rear yard setback equal to the required rear yard setback for a principal building within the pertinent zoning district. An off-premises sign shall not be erected within 150300 feet of ~~property which is used as a dwelling, church, school, or public lands as measured on a radius from the edges of the off-premises sign. An off-premises sign shall not be erected within 50 feet of an on-premises sign and an on-premises sign shall not be erected within 50 feet of an off-premises sign.~~

- (2) [All off-premises signs exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 50 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.]

A single off-premises sign structure shall support no more than one sign per side and no more than two signs in total. Signs which are stacked or side-by-side on an off-premises sign structure are prohibited.

- (3) [A single off-premises sign structure shall support no more than one sign. No off-premises sign structure shall display more than one three-hundred-square-foot maximum sign on a side or facing. The total square footage of the sign shall not exceed 600 square feet.]

For all off-premises signs which are located on properties adjacent to roads which have less than 4 travel lanes (excluding turn lanes), the following regulations shall apply:

- (a) An off-premises sign shall not be erected within 600 feet of another off-premises sign as measured on a radius from the edges of the off-premises signs.
- (b) No off-premises sign shall exceed 25 feet in height from ground level.



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(c) An off-premises sign shall not exceed 300 feet of sign area per side and shall not exceed more than 600 square feet of sign area per off-premises sign structure.

(4) [See the general regulations for all districts for signs exceeding 32 square feet.]

For all off-premises signs which are located on properties adjacent to roads which have 4 or more travel lanes (excluding turn lanes), the following regulations shall apply:

(a) An off-premises sign shall not be erected within 600 feet of another off-premises sign. This separation distance shall be measured from the edges of the off-premises sign and shall apply only to signs which are located on the same side of the road.

(b) No off-premises sign shall exceed 35 feet in height from ground level.

(c) An off-premises sign shall not exceed 600 feet of sign area per side and shall not exceed more than 1,200 square feet of sign area per off-premises sign structure.

(5) An applicant for a special use exception for an off-premise sign must, at the time the application is filed with the Office of Planning & Zoning, submit documentation from the Delaware Department of Transportation which confirms that the Delaware Department of Transportation does not object to the proposed off-premise sign.

~~(6) Except as otherwise permitted in §115-161.2, no variances shall be issued from any of the regulations in this article for off-premise signs which have been erected or approved to be erected after August 1, 2016.~~

C. [No off-premises sign structure or any part of the sign face shall exceed 35 feet in height from ground level.]

See the general regulations for all districts for signs exceeding 32 square feet.

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Section 9. Sussex County Code, Chapter 115, Section 115-160 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

**§ 115-160. General regulations for all districts.**

**A. No sign, unless herein excepted, shall be erected, constructed, structurally altered or relocated, except as provided in this article and in these regulations, until a permit has been issued by the Director.**

**(1) ...**

**(2) ...**

**(3) [Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises]. Fees.**

**(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.**

**(b) A construction permit shall be charged at a rate of \$0.65 per square foot, with a minimum charge of \$32 per sign for signs larger than 32 square feet.**

**(c) Annual fees shall be charged at a rate of \$0.32 per square foot, with a minimum charge of \$32 per sign for signs larger than 32 square feet. A one-time fee of \$10.00 will be charged for signs 32 square feet or smaller.**

**[(4) Fees.**

**(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.**

780 (b) A construction permit shall be charged at a rate of \$0.50  
781 per square foot, with a minimum charge of \$25 per sign  
782 for signs larger than 32 square feet.

783  
784 (c) Annual fees shall be charged at a rate of \$0.25 per  
785 square foot, with a minimum charge of \$25 per sign for  
786 signs larger than 32 square feet. A one-time fee of \$7.50  
787 will be charged for signs 32 square feet or smaller.]  
788

789 **B. The following signs may be erected or constructed without a permit**  
790 **but in accordance with structural and safety requirements:**

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792 (1) ...

793  
794 (2) ...

795  
796 (3) Temporary nonilluminated signs, not exceeding **4032** square  
797 feet of sign area per side [or facing], advertising real estate for  
798 sale or lease or announcing contemplated improvements of  
799 real estate and located on the premises, ~~with no more than two~~  
800 ~~sides or facings, back to back,~~ with one such sign for each  
801 street frontage.

802  
803 (4) Temporary nonilluminated signs not exceeding **4032** square  
804 feet of sign area per side [or facing] erected in connection with  
805 new construction work and displayed on the premises during  
806 such time as the actual construction work is in progress, with  
807 one such sign for each street frontage ~~with no more than two~~  
808 ~~[sides or facings] sign faces, back to back.~~

809  
810 (5) ...

811  
812 (6) ...

813  
814 (7) Temporary nonilluminated portable signs, not exceeding six  
815 square feet of sign area per side [or facing] and not exceeding  
816 two [sides or facings] sign faces, back to back, in a  
817 commercial or industrial district, with one sign for each 50 feet  
818 of street frontage.

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820 (8) ...

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822 (9) ...

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824 (10) ...

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(11) Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet of sign area per side [or facing] sign face and shall contain no more than two [sides or facings] sign faces, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum and removed within 30 days after the election or referendum date.

C. ...

...

I. The Director shall remove or cause to be removed[, at the owner's expense,] any sign erected or maintained in conflict with these regulations at the expense of the owner of the sign, the owner of the real property from which the illegal sign has been removed, and the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign. Removal of a sign by the Director or his designee shall not affect any fines instituted under this article or any legal proceeding instituted against the violator prior to removal of such sign[, as follows:] [(1) The Sussex County will be free to dispose of all removed illegal signs and shall not be held liable for doing so. Sussex County will collect a [removal] disposal fee of [\$25] \$100 per sign [from the owner of an illegal sign, or from the owner of the real property from which an illegal sign has been removed, if the owner gave permission for the placement of the illegal sign, and from the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign].

J. ...

K. Except as provided in §115-159.5, n[N]o sign [structure or any part of the sign face] shall exceed 25 feet in height above [grade] ground level.

L. ...

M. Any person or corporation who shall violate any of the provisions of this article or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any sign in violation of any detailed statement or plan submitted and approved hereunder,

870 shall be guilty of a misdemeanor or of a civil offense, and shall be  
871 liable to a fine of not less than \$100 nor more than \$1,000 or be  
872 imprisoned not more than 10 days, or both, and each and every day  
873 such violation shall continue shall be deemed a separate offense.  
874 The Director or its designee, any other Code Enforcement Official or  
875 attorney hired or retained by Sussex County shall bring charges of  
876 any violation pursuant to this provision in a court of competent  
877 jurisdiction of the State of Delaware in and for Sussex County, which  
878 court shall have original jurisdiction for such matters. The minimum  
879 fine of \$100 is mandatory and is not subject to suspension or  
880 reduction. Each day on which the violation continues shall be  
881 considered a separate offense.

882  
883 N. After due notice has been given, the Director may cause to be  
884 removed, at the expense of the owner of the sign, the owner of the  
885 real property from which the illegal sign was removed, and the  
886 business or development being promoted or advertised by the sign,  
887 the sign face of any abandoned on-premises sign. Removal of a sign  
888 face by the Director or his designee shall not affect any fines  
889 instituted under this article or any legal proceeding instituted against  
890 the violator prior to removal of such sign face. Sussex County will  
891 be free to dispose of all removed illegal sign faces and shall not be  
892 held liable for doing so. Sussex County will collect a disposal fee of  
893 \$100 per sign face.

894  
895  
896 **Section 10. Sussex County Code, Chapter 115, Section 115-161 shall be**  
897 **amended by the addition of the underlined language and deletion of the**  
898 **bracketed language, as follows:**

899  
900 **§ 115-161. Construction and lighting.**

901 **A. ...**

902  
903 **B. Lighting of signs.**

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905 **(1) ...**

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907 **(2) ...**

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909 **(3) ...**

910  
911 **(4) Signs that have external illumination, whether the lighting is**

912 **mounted above or below the sign face or panel, shall have**

913 lighting fixtures or luminaires that are shielded to focus light  
914 only on the sign.

915 (5) All illuminated signs, including Electronic Message Centers,  
916 must comply with ~~one of the following~~ maximum luminance  
917 levels:

918 (a) No illuminated sign, including Electronic Message  
919 Centers, shall have a maximum luminance greater than  
920 ~~of~~ seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-  
921 half hour before Apparent Sunset, as determined by the  
922 National Oceanic and Atmospheric Administration  
923 (NOAA), United States Department of Commerce, for the  
924 specific geographic location and date. All illuminated  
925 signs must comply with this maximum luminance level  
926 throughout the night, if the sign is energized, until  
927 Apparent Sunrise, as determined by the NOAA, at which  
928 time the sign may resume luminance levels appropriate  
929 for daylight conditions, when required or appropriate.

930 (b)

931  
932 (6) ~~All~~ No illuminated signs, including Electronic Message Centers,  
933 shall have a ~~must comply with the~~ maximum illuminance level  
934 ~~greater than~~ of 0.3 foot candles above ambient light, as  
935 measured using a foot candle meter, or similar technology, at  
936 a pre-set distance. Pre-set distances to measure the foot  
937 candle impact vary with expected viewing distances of each  
938 sign size. Measurement distance shall be based upon the sign  
939 area using the following formula:

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

<u>300</u>	<u>173</u>
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For signs with a sign area in square feet other than those measurements specifically listed in the table above, the measurement distance shall be calculated with the following formula: Measurement Distance =  $\sqrt{\text{Sign Area in Square Feet} \times 100}$ .

Section 11. In Sussex County Code, Chapter 115, a new Section 115-161.1 shall be added by the insertion of the underlined language, as follows:

§ 115-161.1 Electronic Message Centers.

A. On-Premises Electronic Message Centers:

- (1) In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).
- (2) In the C-1 (General Commercial), CR-1 (Commercial Residential), LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per street or road frontage per parcel and that the sign face shall not exceed 200 square feet of sign area per side. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).
- (3) On-Premises Electronic Message Centers shall be prohibited in the AR-1 and AR-2 (Agricultural Residential), GR (General Residential), MR (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2 (High Density Residential) Zoning

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Districts unless specifically permitted as part of a conditional use.

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~~(4) An On-Premises Electronic Message Center which has a sign area of less than or equal to 100 square feet shall not be erected within 50 feet of an off-premises sign. If the sign area of an On-Premises Electronic Message Center is greater than 100 square feet, the separation distance requirement from the On-Premises Electronic Message Center and the off-premises sign shall be equal to 50 feet plus 1 foot of separation distance for each 1 square foot of sign area of the On-Premises Electronic Message Center in excess of 100 square feet. The separation distance shall be measured on a radius from the edge of the On-Premises Electronic Message Center. No variances from this regulation are permitted.~~

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(54) An On-Premises Electronic Message Center may use the following display features and functions of Electronic Message Centers: images and frame effects that appear or disappear from the display through dissolve, fade, flip, or window shade movements. ~~S~~Continuous scrolling left or right, live action video, or streaming video, and flashing messages, and all other animated signs shall not be permitted.

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B. Off-Premises Electronic Message Centers:

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(1) In the C-1 (General Commercial), CR-1 (Commercial Residential), LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, an off-premises sign may be an electronic message center provided that the owner obtains a special use exception pursuant to §115-80C and complies with the regulations for off-premises signs pursuant to §115-159.5.

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(2) Off-Premises Electronic Message Centers shall be prohibited in the AR-1 and AR-2 (Agricultural Residential), GR (General Residential), MR (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2 (High Density Residential) Zoning Districts.



1012 **(3) For all Off-Premises Electronic Message Centers which are**  
1013 **located on properties adjacent to roads which have less than 4**  
1014 **travel lanes (excluding turn lanes), an Off-Premises Electronic**  
1015 **Message Center shall not be erected within 1,200 feet of**  
1016 **another Off-Premises Electronic Message Center. This**  
1017 **separation distance shall be measured from the edge of the**  
1018 **Off-Premises Electronic Message Center and shall apply only**  
1019 **to signs which are located on the same side of the road.**

1020 **(4) For all Off-Premises Electronic Message Centers which are**  
1021 **located on properties adjacent to roads which have 4 or more**  
1022 **travel lanes (excluding turn lanes), an Off-Premises Electronic**  
1023 **Message Center shall not be erected within 2,500 feet of**  
1024 **another Off-Premises Electronic Message Center. This**  
1025 **separation distance shall be measured from the edge of the**  
1026 **Off-Premises Electronic Message Center and shall apply only**  
1027 **to signs which are located on the same side of the road.**

1028  
1029 **(5) Off-Premises Electronic Message Centers shall be prohibited**  
1030 **from using display features and functions of the signs,**  
1031 **including, but not limited to, the following: animation,**  
1032 **flashing, streaming or real time video, fading, dissolving,**  
1033 **continuous scrolling and / or traveling, spinning, rotating, and**  
1034 **similar moving effects, and all dynamic frame effects or**  
1035 **patterns of illusionary movement or simulating movement.**  
1036 **For Off-Premises Electronic Message Centers, the transition**  
1037 **time between messages or message frames is limited to 1**  
1038 **second.**

1040 **C. Electronic Message Centers: The following regulations shall apply**  
1041 **to all electronic message centers.**

1042 **(1) An Electronic Message Center may be changed at intervals by**  
1043 **electronic or mechanical process or remote control provided**  
1044 **that:**

1045 | **(a) On an off-premises Electronic Message Center, Each**  
1046 **message remains fixed for a minimum of at least 10**  
1047 **seconds.**

1048 | **(b) On an off-premises Electronic Message Center, wW**  
1049 **hen the message is changed, the change must be**  
1050 **accomplished in 1 second or less, with all moving parts**  
1051 **or illumination changing simultaneously and in unison.**

1052 (c) An Electronic Message Center shall contain a default  
1053 design that will freeze the sign in one position, shut  
1054 down, or show a full black image on the display if a  
1055 malfunction occurs that affects at least fifty percent of  
1056 the sign face.

1057 (d) Except as otherwise provided in this Article, an  
1058 Electronic Message Center may not contain or display  
1059 any lights, effects, or messages that flash, move, appear  
1060 to be animated or to move, scroll, or change in intensity  
1061 during the fixed display period.

1062 (e) An Electronic Message Center shall appropriately adjust  
1063 display brightness as ambient light levels change and  
1064 shall have automatic dimming controls, either by  
1065 photocell, hardwire, or software settings, in order to  
1066 bring the lighting level at night into compliance with  
1067 sign illumination standards set forth in this Article.

1068 (f) An owner who seeks a building permit or a special use  
1069 exception for an electronic message center shall  
1070 provide documentation at the time of application which  
1071 demonstrates that the sign shall appropriately adjust  
1072 display brightness as ambient light levels change and  
1073 shall have automatic dimming controls, either by  
1074 photocell, hardwire, or software settings, designed to  
1075 bring the lighting level at night into compliance with  
1076 sign illumination standards set forth in this article.

1077 (g) A sign that attempts or appears to attempt to direct the  
1078 movement of traffic or which contains wording, color,  
1079 shapes, or likeness of official traffic control devices is  
1080 prohibited.

1081 (h) No Electronic Message Center shall emit any audio or  
1082 verbal announcement or noises of any kind.

1083 ~~(2) No variances shall be permitted from the regulations for any~~  
1084 ~~electronic message center.~~

1085  
1086 Section 12. In Sussex County Code, Chapter 115, a new Section 115-161.2  
1087 shall be added by the insertion of the underlined language, as follows:  
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1089 § 115-161.2 Non-Conforming Off-Premises Signs.

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**A. A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless abandoned or totally destroyed as specified in §115-161.2(C). However, in no case may such signs be expanded. A non-conforming sign may be re-constructed or re-erected provided that it meets the standards set forth in §115-161.2(D).**

**B. Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited, unless the applicant is replacing two or more non-conforming off-premises signs with a single electronic message center.**

**C. If a sign is damage by any natural causes, such as fire, wind or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage. Any off-premises sign which is destroyed by the forces of nature to any of the following extents for any reason whatsoever shall be considered totally destroyed, shall lose its right to the benefit of any nonconformity provisions, and may not be re-erected except as provided for in §115-161.2(D). For the purposes hereof, "destruction" shall mean the rendering of the off-premises sign element as unusable and the "facing" shall include the copy area and trim.**

**(1) Destruction of fifty percent or more of the supporting piles or structure located above ground;**

**(2) Destruction of seventy-five percent or more of the facing;**

**(3) Destruction of twenty-five percent or more of the supporting piles or structure located above ground and fifty percent or more of the facing.**

**D. Provided that the owner obtains all necessary variances from the Board of Adjustment pursuant to §115-211, an owner of a non-conforming off-premises sign may replace a non-conforming off-premises sign with a new off-premises sign which does not comply with separation distance or setback requirements. As part of a variance request for a non-conforming off-premises sign under this section, the replacement off-premises sign must comply with the height and size requirements set forth in §115-159.5. †The Board of Adjustment shall ensure consider whetherthat the overallany non-conformityies in the height and size are brought into compliance**

1129 ~~with the is substantially reduced by the~~ installation of the  
1130 ~~replacement sign. Any replacement off-premises sign must comply~~  
1131 ~~with the height and size requirements set forth in §115-159.5. No~~  
1132 ~~variances from the height and size requirements shall be permitted.~~

1133  
1134 Section 13. In Sussex County Code, Chapter 115, a new Section 115-161.3  
1135 shall be added by the insertion of the underlined language, as follows:  
1136

1137 **§ 115-161.3 Substitution.**

1138 The owner of any sign that is otherwise allowed under this Article may  
1139 substitute non-commercial copy in lieu of any other commercial or non-  
1140 commercial copy. This substitution of copy may be made without any  
1141 additional approval or permitting. The purpose of this section is to prevent  
1142 any inadvertent favoring of commercial message over any other non-  
1143 commercial messages. This provision prevails over any more specific  
1144 provision to the contrary. This provision does not create the right to  
1145 increase the total amount of signage on a parcel or allow the substitution  
1146 of an off-premises commercial message in place of an on-premises  
1147 commercial message.

1148  
1149 Section 14. In Sussex County Code, Chapter 115, a new Section 115-161.4  
1150 shall be added by the insertion of the underlined language, as follows:  
1151

1152 **§ 115-161.4 Severability.**

1153 If any portion of this Ordinance, Article, section, or subdivision thereof  
1154 shall be declared unconstitutional or in violation of the general laws of this  
1155 state, such declaration shall not affect the remainder of this Ordinance and  
1156 Article which shall remain in full force and effect.

1157  
1158 Section 15. Upon the adoption of this Ordinance in accordance with  
1159 Section 16 hereof, the moratorium imposed by Ordinance No. 2414 entitled “An  
1160 Ordinance to Establish a Moratorium Upon the Acceptance of Special Use  
1161 Exception Applications for Off-Premises Signs,” any extensions thereof, shall be  
1162 immediately terminated.  
1163

1164           **Section 16. This Ordinance shall become effective upon its adoption by a**  
1165 **majority of the elected members of Sussex County Council.**

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**Synopsis**

1170           **This Ordinance revises the provisions of Chapter 115, Article XXI of the**  
1171 **Sussex County Code related to the type, usage, and placement of signs in Sussex**  
1172 **County. In addition, this Ordinance terminates the moratorium on the acceptance**  
1173 **of any special use exception applications for off-premises signs.**