



# Kent County

## Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP  
Director of Planning Services  
KRISTOPHER S. CONNELLY, AICP  
Assistant Director of Planning Services

Phone: 302/744-2471  
FAX: 302/736-2128

### STAFF RECOMMENDATION REPORT May 6, 2021

**Application Number** : C-21-02, First State Signs/Dale McCalister

**Present Zoning District** : BG (General Business)

**Present Use** : Vacant Lot

**Proposed Use** : Billboard

**Relation to Growth Zone** : Inside

**Area and Location** : 0.13± acre on the west side of S. DuPont Highway (US Rt. 13), approx. 853 ft. south of Webbs Lane (CR 192), south of Dover.

---

#### **I. STAFF RECOMMENDATION:**

The staff recommends **CONDITIONAL APPROVAL** of the application based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the County Code and shown in Section A below. The applicant also must meet the code requirements listed under section B.

#### **A. §205-266. Billboards on divided highways only**

Conditions of this use shall be as follows:

- A. If an on-premises sign is located on an individual parcel in a BG - General Business District, no off-premises sign (billboard) is permitted.
- B. All billboards must be set back 25 feet from the street right-of-way.
- C. Billboards shall not exceed 288 square feet in area.
- D. No more than one double-faced billboard is permitted per parcel, with no more than

one advertisement per side.

- E. Billboards shall be no more than 35 feet in height.
- F. No billboard shall be closer than a one-thousand-two-hundred-foot radius from another billboard, except that the Levy Court may approve a lesser distance in cases of existing nonconforming billboards seeking conditional use approval; however, for static message billboards a minimum five-hundred-foot separation distance shall be maintained on controlled access highways and a minimum three-hundred-foot separation distance shall be maintained on non-controlled access roads, and for electronic variable message billboards, a separation distance of 2,500 feet shall be maintained from another electronic variable message billboard, and a separation distance of 500 feet shall be maintained from a static message billboard.[Amended 1-25-2011 by Ord. No. 11-01]

## **B. Code Requirements**

1. §205-227.F. states that all permanent non-residential signs shall be located not less than 50 ft. from any residential property line. The closest residential property to the west, parcel 2-00-08512-02-4300, is zoned RS1 (Single Family Residential) and will be approximately 250 +/- ft. from the proposed billboard. The closest residential property to the east, parcel 2-00-08613-01-2200, is also zoned RS1, and will be approximately 550 +/- ft. from the proposed billboard. Parcels to the north and south are zoned commercial, and there are no residentially zoned parcels within 50 ft. north or south of the proposed board.
2. The nearest billboard to the proposed billboard is located approximately 1,900 feet south of this proposed billboard location, on the opposite side of S. DuPont Hwy. Therefore, this application would meet the 1,200 sq. ft. separation distance required in section F.

## **II. BACKGROUND INFORMATION:**

- The subject site is currently a vacant commercial property with no signage.
- The applicant is proposing a 12' x 24' (288 sq. ft.) off-premise sign (billboard) located approx. 25' feet from the right-of-way of S. DuPont Hwy. (US Rt. 13). The proposed sign is 35' in height.
- The BG zoning district allows for this use through the Conditional Use process, but does not require a site plan review; therefore it does not fall under the purview of the Adequate Public Facilities Ordinance. [§187-90.2 (D) (8)]
- The Comprehensive Plan calls for highway commercial uses in this area.

## **III. AGENCY COMMENTS**

### **A. DELAWARE DEPARTMENT OF TRANSPORTATION:**

1. The billboard signage shall comply with Section 2601 Outdoor Advertising granted to the Department by Section 1103, Subchapter 1, Chapter 11, Title 17 of the Delaware Code.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Data Sheet  
Exhibit A – Zoning and Location Map  
Exhibit B – Plot Plan

# Kent County

## Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP  
Director of Planning Services

KRISTOPHER S. CONNELLY, AICP  
Assistant Director of Planning Services

Phone: 302/744-2471

FAX: 302/736-2128

### DATA SHEET FOR CONDITIONAL USE

Regional Planning Commission Public Hearing of: **Thursday, May 6, 2021**

Regional Planning Commission Business Meeting of: **Thursday, May 13, 2021**

Levy Court Public Hearing of: **Tuesday, May 25, 2021**

---

<b>Application # / Title</b>	:	C-21-02, First State Signs/Dale McCalister
<b>Applicant</b>	:	First State Signs Attn: Dale McCalister 2015 S. DuPont Hwy. Dover, DE 19901
<b>Owner</b>	:	TAT TAT TAT, LLC Attn: Donna Figueroa 1666 S. DuPont Hwy. Dover, DE 19901
<b>Other Contact</b>	:	The Malmberg Firm 30 The Green Dover, DE 19901
<b>Present Zoning District</b>	:	BG (General Business)
<b>Relation to Growth Zone</b>	:	Inside
<b>Present Use</b>	:	Vacant Lot
<b>Proposed Use</b>	:	Billboard
<b>Proposed Improvement</b>	:	12 x 24 ft. Doubled-Sided Billboard (35 ft. Height)
<b>Levy Court District</b>	:	5 <sup>th</sup> – Jody Sweeney

**School District** : Caesar Rodney

**Fire District** : Camden-Wyoming

**Area and Location** : 0.13± acres on the west side of S. DuPont Highway (US Rt. 13), approx. 853 ft. south of Webbs Lane (CR 192), south of Dover.

**Property Identification Number** : ED-00-086.09-01-32.00-000



# Kent County Levy Court

## LOCATION AND ZONING MAP Exhibit A

Application: C-21-02  
First State Signs (TAT TAT TAT, LLC)

**APPLICANT:** First State Signs

**OWNER:**  
TAT TAT TAT, LLC

**PRESENT ZONING DISTRICT:**  
BG (General Business)

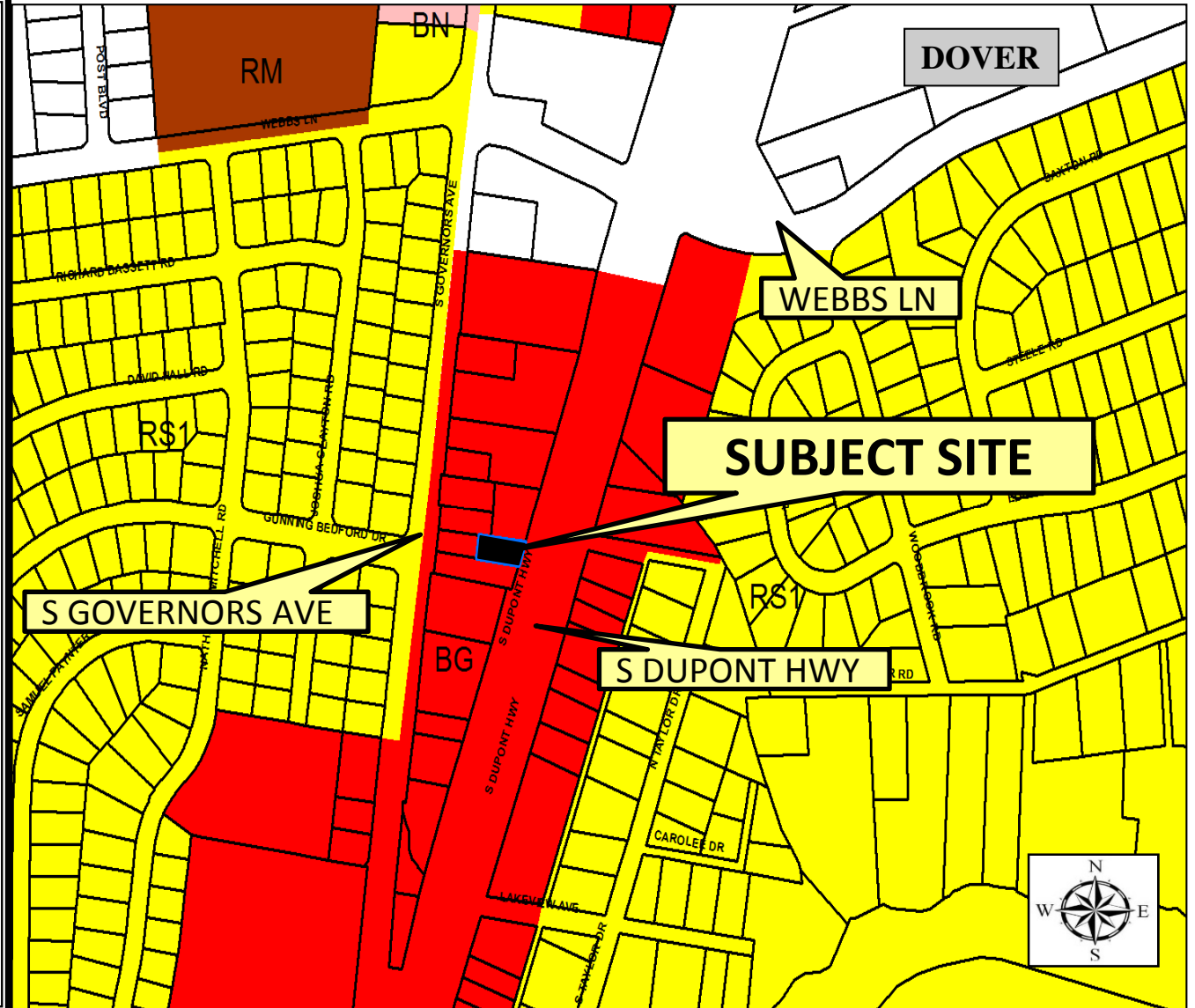
**PRESENT USE:**  
Vacant

**PROPOSED USE:**  
12 x 24 ft. Double-Sided Billboard  
(35 ft. Height)

**LEVY COURT DISTRICT:**  
5th - Sweeney

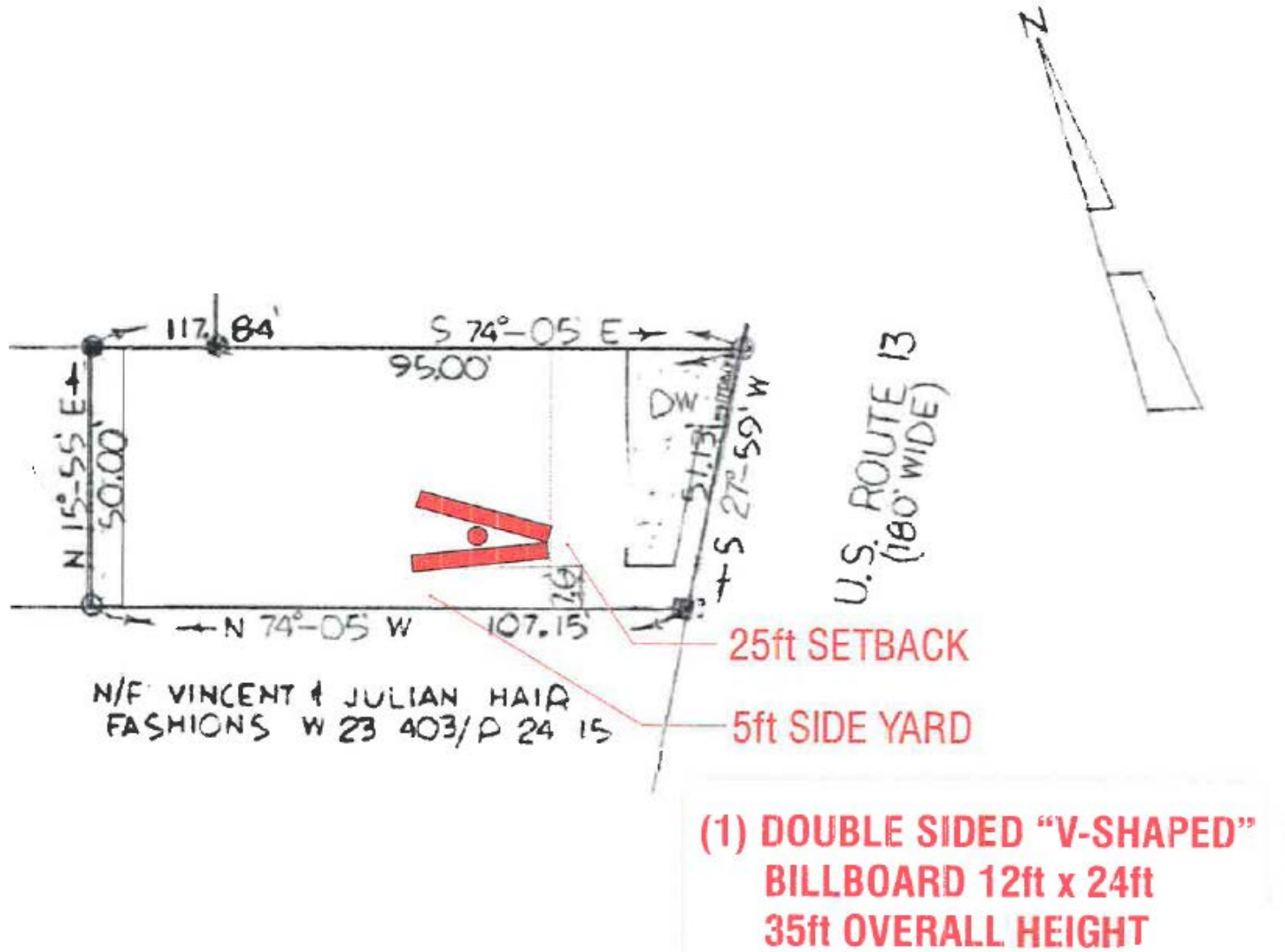
**TAX MAP NO:**  
ED-00-086.09-01-32.00-000

**LOCATION:** 0.13 ± acres on the west side of S. Dupont Highway (US Rt. 13), approx. 853 ft. south of Webbs Lane (SHR 192), south of Dover



# Exhibit B

**PROPOSED CONDITIONAL USE: 12 X 24 ft. Double-Sided Billboard (35 ft. Height)**



## PLOT PLAN