Article I. Introduction and Definitions

§ 440-1. Purpose.

This chapter is enacted for the following purposes: to promote the health, safety, morals, and general welfare of the inhabitants of the City of Harrington by lessening congestion in the streets, securing safety from fire, panic and other dangers, providing adequate light and air, preventing overcrowding of land, avoiding undue concentration of populations, facilitating adequate provision for transportation, water, sewage, schools, parks and other public requirements, conserving and enhancing the value of property and buildings and encouraging the most appropriate use of land.

§ 440-2. Scope.

From and after the effective date of this revision, the use of all land and every building or portion of a building erected, every use within a building or accessory use thereto in the City of Harrington shall be in conformity with the provisions of this Code and/or the International Building Code (IBC) and other applicable ordinances.

§ 440-3. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where existing provisions or other laws or ordinances are inconsistent or in conflict with the provisions of this chapter or regulation, or the International Building, Residential, or Property Maintenance Codes, the provisions of any law, other ordinance or regulations that are the most restrictive shall be controlling.

§ 440-4. Short title.

This chapter shall be known and may be cited as "The City of Harrington Zoning Code."

§ 440-5. Severability.

If any word, sentence, section, or any other provision or portion of this chapter or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

§ 440-6. Authority.

A. Responsibility. This article will be administered and enforced by the City of Harrington City Manager.

B. Administration. The City Manager will administer the Code as set forth herein. The City Manager may implement procedures, forms, and written policies for administering the provisions of this article.

§ 440-7. General rules for reading and applying the charter language.

Reading and applying the charter. Literal readings of the charter language will be used.

§ 440-8. Construction of provisions.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenants or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon land development, construction, the use of buildings or premises, upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, or regulations or by easements, covenants, or agreements, the provisions of this chapter shall govern. Any reference to the City Manager in this chapter shall be deemed to include the City Manager's designee.

§ 440-9. Word usage; definitions.

A. Defining words. Words used in this chapter have their dictionary meaning unless they are listed and described otherwise. Words listed in this section have the specific meaning stated, unless the context clearly indicates another meaning.

B. Tenses and usage.

(1) Words used in the singular include the plural. The reverse is also true.

(2) Words used in the present tense include the future tense. The reverse is also true.

(3) The words “shall”, "must," "will," and "may not" are mandatory.

(4) "May" is permissive.

(5) When used with numbers, "up to x," "not more than x," and "a maximum of x" all include x.

(6) The word "person" includes a corporation, association, or partnership as well as an individual.

(7) The word "lot" includes the word "plot."

(8) The term "occupied" or "used" as applied to any building shall be construed as followed by the words "or intended, arranged or designed to be occupied or used."

C. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:

(1) "And" indicates that all connected items or provisions apply;

(2) "Or" indicates that the connected items or provisions may apply singly or in combination;

(3) "Either...or" indicates that the connected items or provisions apply singly, but not in combination.

D. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

E. Unless otherwise stated, the following terms shall, for the purpose of this chapter, have the following meanings:

Abandoned Sign. A sign that for ninety (90) days or more no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located or a sign that for seven (7) days or more no longer identifies or advertises an event or election.

Accessory Use. See *Use, Accessory*.

Addition. An extension or increase in floor area or height of a building or structure.

Adjacent. Physically touching or bordering upon; sharing a common boundary, but not overlapping.

Alley. See *Street, Alley*.

Alteration. Any construction or renovation to an existing structure other than a repair or addition.

Alteration, Sign. A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

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

(1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

(3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of no illumination. For the purposes of this chapter, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds eight (8) seconds.

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

Applicant. Any individual submitting a plan for development under the provisions of this chapter.

Arcade. An architectural feature that provides public access to building entrances, retail space and/or public space.

Architectural Projection. Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also *Awning; Back-lit Awning;* and *Canopy, Attached* and *Freestanding*.

Articulation. A change in depth of the vertical building plane or a change in building material.

Average Daily Traffic (ADT). The total volume of traffic during a given time period in whole days greater than one (1) day and less than one (1) year, divided by the number of days in that time period.

Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign. A sign displayed on or attached flat against the surface or surfaces of an awning. See also *Wall or Fascia Sign*. An awning that contains a "sign" section or copy area shall comply with the applicable sign area requirements for parallel signs contained in this chapter. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a *Sign Area* calculation. Refer also to § 440-173, Typical on-premise sign types, for visual reference example.

Back-lit Awning. An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner. A flexible substrate on which copy or graphics may be displayed.

Banner Sign. A sign utilizing a banner as its display surface.

Basement. A space partly underground and having at least half of its height underground.

Bed & Breakfast. A lodging place with no more than four (4) guest rooms, or suites of rooms, available for temporary (no more than two (2) weeks) occupancy, whose owner resides at the facility, and where meals are available only to guests at the facility.

Bench Sign. A sign applied or affixed to the seat or back of a bench.

Bicycle storage, Class I. A locker, enclosed structure, or supervised area within a building providing for long term bicycle protection from theft, vandalism, and weather conditions. As defined by the American Association of State Highway and Transportation Officials (AASHTO).

Bicycle storage, Class II. A stand or other device constructed so as to enable the user to secure a bicycle by locking the frame and one (1) wheel of each bicycle parked therein. Class II bicycle storage shall support bicycles in stable, upright positions and must be easily useable with both U-locks and cable locks. As defined by the American Association of State Highway and Transportation Officials (AASHTO).

Bicycle storage, Class III. A rack constructed of steel pipe or tubing that is securely anchored to an immovable level surface. The rack design shall provide stable support for a bicycle locked against it by allowing at least two points of contact for a typical bicycle frame. As defined by the American Association of State Highway and Transportation Officials (AASHTO).

Billboard. See *Off-Premise Sign* and *Commercial Outdoor Advertising Sign*.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Board. Board of Adjustment for the City of Harrington.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of this chapter have been met.

Building. Any structure having a roof supported by columns or walls intended for the shelter, housing, or enclosure of any individual, animal, process equipment, goods, or materials of any kind.

> **Building, Accessory.** A subordinate structure on the same lot as a main building in which is conducted a use that is clearly incidental and subordinate to the lot's principal use.
>
> **Building, Main or Principal.** A building in which is located the principal use of the lot on which it is located.

Building Code. The International Building Code (IBC). See Chapter 102, Building Standards.

Building Façade. That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Building Height. The vertical distance from grade plane to the average height of the highest roof surface.

Building Line. A line parallel to the street line touching that part of a building closest to the street.

Building Mass. The three-dimensional bulk of a structure: height, width, and depth.

Building Scale. The proportional relationship between the mass and shape of a building and its surroundings, including the width of street, open space, and surrounding buildings.

Building Sign. A sign that is applied or affixed to a building.

Build-to Line. A line extending through the lot, which is generally parallel to the front property line and marks the location from which the vertical plane of the front building elevation must be erected; intended to create an even building façade line along a street. The build-to-line is established on the record plan.

Bulkhead. A structure on the roof of a building to provide headroom over a stairwell or other opening.

Caliper Dimension. The outside diameter measurement of the trunk of a tree measured at a vertical distance of three (3) feet above grade.

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

Candela per square meter (cd/m²). The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as *Nits*.

Candle or Candlepower. Synonymous with *Candela*, but in English, not SI, terms.

Canopy (Attached). A multi-sided overhead structure or architectural projection supported by attachment to a building on one (1) or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

Canopy (Freestanding). A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy Sign. A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Refer also to §440-173, Typical on-premise sign types, for visual reference example.

Car Wash. A building or portion thereof containing mechanical facilities for the washing or waxing of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport. A covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall. Unlike most structures a carport does not have four walls and usually has one or two.

Cellar. See *Basement.*

Certified Comprehensive Land Use Plan. A document prepared, adopted, and certified according to the provisions of Title 22, Chapter 7 and Title 29, Chapter 92 of the *Delaware Code*.

Chamfered Corner. Two (2) wall planes intersecting with a diagonal cutoff such as a beveled edge.

Changeable Sign. A sign with the capability of content change by means of manual or remote input includes the following types:

(1) Manually Activated: Changeable sign whose message copy or content can be changed manually on a display surface.

(2) Electrically Activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: *Electronic Message Center or Sign*.

Channel Letter (open faced). A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

Channel Letter (internally illuminated). A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

Channel Letter (reverse). A dimensional letter with a face and sides but no back, opposite to an Open Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

Circulation Area. That portion of the parking area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles and parking spaces) comprise the circulation area.

City Manager. Person authorized to administer and enforce this Code and/or his/her designee.

Cladding. A non-structural covering designed to conceal the actual structural supports of a sign. See also *Pole Cover or Pylon Cover*.

Club. A group of people, organized for a social, educational, or recreational purpose, operating primarily neither for profit nor to render services customarily carried on by commercial businesses.

Column. An architectural and structural element that transmits, through compression, the weight of the structure above to other structural elements below.

Commercial Outdoor Advertising Sign. A permanent off-premise sign erected, maintained, or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

Community Center. A building used for recreational, social, educational, and cultural activities.

Concept Plan. An informal sketch or drawing of a site plan of sufficient accuracy to be used for discussion only and utilizing § 440-290, Contents of Concept Plan Submittals.

Conforming Sign. A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

Copy. The graphic content or message of a sign.

Copy Area of Sign. The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background. See § 440-174, Sign area computational methodology/ground signs, for computational methodology.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, newspapers, or prepared foods usually for off-site consumption.

Cornice. The uppermost section of moldings along the top of a wall or just below a roof.

County. Kent County, Delaware.

Day Care Centers. Provide care, protection, supervision and guidance for twelve (12) or more children, including preschool children who are related to the operator. Service is provided on a regular basis for periods of less than twenty-four (24) hours per day, unattended by parent or guardian, and for compensation. The following facilities which operate for less than twenty-four (24) hours per day are not included in the definition of day care center:

(1) Summer camps licensed by the Division of Public Health, or summer schools or classes for religious instruction conducted by churches during summer months known as Vacation Bible Schools, for periods not to exceed four (4) weeks during a twelve (l2) month period.

(2) Child care facilities established in connection with a religious institution, a business, or recreation center, in which children are provided care for brief periods of time, while parents are on the premises.

(3) Any public or private school that provides regular and thorough instruction through at least the sixth grade in the subjects prescribed for the schools of the State, in a manner suitable to children of the same age and stage of advancement, and that reports to the State Board of Education. This exclusion shall include all programs operated by such schools and shall also include preschool education programs for handicapped persons as defined by 14 Del. C., Chapter 31, 3101 (4).

(4) Preschool, kindergarten and school age programs operated independently for no more than four (4) hours per day and such preschool or kindergarten programs which operate two (2) schedules of no more than four (4) hours each with each session admitting different children.

Dimensional and Density Standards. Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which a building can be located, including coverage, setbacks, height, floor area ratio, and yard requirements; also called bulk regulations.

Dimensional Letter, Symbol, or Graphic. A letter, symbol, or graphic that is three-dimensional in character, containing height, width, and depth.

Directional Sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Display Time. The amount of time a message and/or graphic is displayed on an *Electronic Message Sign*.

Dissolve. A mode of message transition on an *Electronic Message Sign* accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Distribution Center. An establishment that distributes and stores goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District. See *Zone*.

Dog Kennel. See *Kennel*.

Double-faced Sign. A sign with two faces, back to back.

Drive-In Use. An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dwelling. A building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

Dwelling, Cottage. A single-family detached dwelling type with a smaller living area, yard, and lot area than standard single-family dwellings.

Dwelling, Manufactured Home. A single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location of jacks or foundations, connections to utilities and the like. The term “mobile home” shall not include a single-family dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the City’s building, plumbing, electrical, and housing codes.

Dwelling, Modular. A dwelling unit fabricated in an off-site manufacturing facility in accordance with the International Building Code, transported to the building site for final assembly on a site-built permanent foundation, is not designed to be moved once so erected or installed, and which is not constructed or equipped with a permanent hitch, and which does not have permanently attached to its body or frame any wheels or axles. Modular homes also include, but are not limited to, panelized, pre-fabricated, and kit homes.

Dwelling, Multi-Family. A building containing three (3) or more dwelling units, including units that are located one over the other.

Dwelling, Single-Family Detached. A building containing one (1) dwelling unit that is not attached to any other dwelling unit by any means and is surrounded by open space or yards.

Dwelling, Duplex. One (1) of two (2) dwelling units attached to the other by a common wall or floor.

Dwelling, Townhouse. A single-family dwelling unit in a row of at least three (3), and no more than six (6), such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical, common, fire-resistant walls extending from ground to roof.

Dwelling Unit. One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within for the exclusive use of a single family maintaining a household.

Dynamic Frame Effect. An *Electronic Message Sign* frame effect in which the illusion of motion and/or animation is used.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Educational Institution. Any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education.

Electric Sign. Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sign (EMC). An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: *Display Time*, *Dissolve*, *Dynamic Frame Effect*, *Fade*, *Frame*, *Frame Effect*, *Scroll*, *Transition*, and *Travel*).

Entertainment Establishment. Any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the enjoyment of the patrons, either independent or in conjunction with any other use.

Externally Illuminated Sign. See *Illuminated Sign*.

Exterior Sign. Any sign placed outside a building.

Façade. See *Building Façade*.

Fade. A mode of message transition on an *Electronic Message Sign* accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family. One (1) or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five (5) persons, exclusive of domestic servants, or not more than one (1) boarder of roomer, not related by blood, marriage or adoption, shall not be considered to constitute one (1) family.

Family Child Care. Homes provide care, education, protection, supervision, and guidance in private homes on a regular basis for one (1) to six (6) children, not including the exclusive care of relatives. Service is provided for part of the twenty-four (24) hour day, unattended by parent or guardian, and for compensation.

Fascia Sign. See *Wall or Fascia Sign*.

Flashing Sign. See *Animated Sign, Electrically Activated*.

Floodplain. When used in this Chapter, the term “floodplain” refers to the area impacted by the one hundred (100) year flood as depicted on the most recent Flood Insurance Rate Maps (FIRMs) developed by the Federal Emergency Management Agency (FEMA) or a more accurate topographic survey of a parcel or group of parcels which specifically identify the area impacted by the one hundred (100) year flood using the FEMA determined flood elevation.

Floor Area.

Floor Area, Gross (GFA). The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than seven feet.

Floor Area, Net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Font. A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

Foot Candle. An English unit of measurement of the amount of light falling upon a surface (illuminance). One (1) foot candle is equal to one (1) lumen per square foot. Can be measured by means of an illuminance meter.

Foot Lambert. An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

Frame. A complete, static display screen on an *Electronic Message Sign*.

Frame Effect. A visual effect on an *Electronic Message Sign* applied to a single frame. See also *Dynamic Frame Effect*.

Freestanding Sign. A sign principally supported by one (1) or more columns, poles, or braces placed in or upon the ground. May also be referenced as a *Ground Sign* or Monument Sign. Refer also to §440-173, Typical on-premise sign types, for visual reference examples.

Frontage (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

Frontage (Building). The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

Grade Plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Greenhouse, Commercial. A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

Ground Sign. See *Freestanding Sign*.

Home Occupation. Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit. See Article XIII, General Regulations.

Hospital. A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) hours in any week of four (4) or more non-related individuals suffering from illness, disease, injury, or deformity; or a place devoted primarily to providing for not less than twenty-four (24) hours in any week of obstetrical or other medical or nursing care for two (2) or more non-related individuals requiring a license issued under *Delaware Code*, Title 16, Chapter 10, Sec. 1003; but does not include sanatoriums, rest homes, nursing homes, or boarding homes.

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

Illuminated Sign. A sign characterized by the use of artificial light, either projecting through its surface(s) (Internally or trans-illuminated); or reflecting off its surface(s) (externally illuminated).

Impervious Coverage. The sum of parking lots, roads, buildings, sidewalks, or other created surfaces through which rainwater cannot pass or infiltrate the soil.

Internally Illuminated Sign. See *Illuminated Sign*.

Interior Sign. Any sign placed within a building, but not including window signs as defined by this Chapter. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

Kennel. The boarding, breeding, raising, grooming, or training of two (2) or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Large Family Child Care Homes. Child care in a private home or commercial (non-residential) setting for seven (7) to twelve (12) children preschool-age or younger and one (1) or two (2) school-age children;

Lintel. A structural horizontal block that spans the space or opening between two vertical supports.

Listed Sign. A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and/or the National Electric Code (NEC).

Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of §440-223, Loading and unloading space.

Lot. A designated parcel, tract, or area of land established either by plat, subdivision, or considered as a unit of property by virtue of a metes and bounds description, to be separately owned, used, developed, or built upon. See also *Yard*.

Lot, Corner. A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street (not to include alleys).

Lot, Depth. The average distance measured from the front lot line to the rear lot line.

Lot, Double Frontage. A lot, other than a corner lot, that has frontage on two (2) streets.

Lot, Frontage. That side of a lot abutting on a street; the front lot line.

Lot, Interior. A lot other than a corner lot.

Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public street or any other public space.

Lot Line, Front. The lot line separating a lot from a street right-of-way.

Lot Line, Rear. The line opposite and most distant from the *Front Lot Line*.

Lot Line, Side. Any lot line other than a *Front Lot Line* or *Rear Lot Line*.

Lot of Record. A lot that exists either by virtue of a metes and bounds description or by depiction on a plat or deed recorded in the Office of the County Recorder of Deeds.

Lot, Width. A line parallel to the front lot line and drawn through those points closest to and farthest from the street.

Lot Line Adjustment. The removal, relocation or replacement of a lot line to make an adjustment to the lot configuration and area.

Luminance. The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (*Candelas*) per unit area (square meters in SI measurement units or square feet in English measurement units). Expressed in *SI* units as cd/m², and in English units as F*oot Lamberts*. Sometimes also expressed as *Nits*, a colloquial reference to *SI* units. Can be measured by means of a luminance meter.

Lux. The *SI* (metric) unit for *Illuminance*. One (1) lux equals 0.093 *Foot Candles*.

Major Recreational Equipment. Major Recreational Equipment includes boats, boat trailers, travel trailers, pick-up campers, or coaches designed to be mounted on motor vehicles, recreational vehicles (RVs), motorized dwellings, tent trailers, personal watercraft, snow mobiles, and similar equipment as well as cases or boxes used for transporting major recreational equipment regardless of whether the equipment is inside of the boxes.

Mansard. A roof-like façade comparable to an exterior building wall. See §440-175, Comparison: roof and wall sign distinctions, for visual reference.

Manufactured Housing. See *Dwelling, Manufactured Home*.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. Manufacturing includes all mechanical or chemical transformations regardless of whether the new product is finished or semi-finished as a raw material for further processing.

Marquee. See *Canopy Sign*.

Marquee Sign. See *Canopy Sign*.

Medical Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Mixed-use Development. Development that contains a mix of housing types and a variety of development forms such as size and height, as regulated under the provisions of this chapter.

Mixed-use Building. A single building containing more than one (1) type of land use or a single development of more than one (1) building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and

functionally integrated to the use of shared vehicular and pedestrian access and parking areas, as regulated under the provisions of this chapter.

Mobile Home. See *Dwelling, Mobile Home*.

Modular Home. See *Dwelling, Modular*.

Motel. A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

Motor Vehicle Filling Station. An establishment where liquids used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles, and may include facilities for the sale of other retail products.

Motor Vehicle Repair and Service. An establishment used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles, including body, frame, muffler, wheels and brakes, painting, and similar activities.

Motor Vehicle Sales and Storage. An establishment used for the storage and display for sale of more than two (2) motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

Multiple-Faced Sign. A sign containing three (3) or more faces.

Municipality. The City of Harrington, Delaware.

Net Acre. The area within lot boundaries of all lands comprising the buildable area. The net acre is the gross acreage of land excluding street rights-of-way, tax ditch easements, protected environmentally sensitive land such as wetlands, and other publicly-dedicated improvements, such as parks, open space, and stormwater detention and retention facilities.

Nit. A photometric unit of measurement referring to luminance. One (1) nit is equal to one (1) cd/m^2.

Nonconformities. Uses, structures, lots, or signs that were lawful prior to the adoption, revision, or amendment of this chapter, but as a result of the adoption, revision, or amendment of this chapter no longer comply with the current provisions of this chapter.

Non-Conforming Sign. A sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which no longer complies with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

Non-Conforming Use. A continued and lawful use of property, including a sign or signs lawfully installed, in accordance with laws or ordinances then existing.

Nursing & Similar Care Facilities. A facility that offers any of the following types of care or services and including, but not limited to, facilities regulated by the State Department of Health and Social Services:

Assisted Living Facility. Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication and may provide other services such as recreational activities, financial services, and transportation.

Extended Care Facility. A long-term facility or distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

Intermediate Care Facility. A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

Long-Term Care Facility. An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients who are not related to the governing authority or its member by marriage, blood, or adoption.

Other. Including family care homes, group homes, intermediate care facilities for persons with mental retardation, neighborhood group homes, family care homes, and rest residential facilities.

Off-Premise Sign. See *Outdoor Advertising Sign*. See also *Wayfinding Sign*.

On-Premise Sign. A sign erected, maintained, or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Off-Street Parking Space. A permanently-reserved, temporary storage area for one (1) motor vehicle that is not located on, but is directly accessible to, a dedicated street which affords ingress and egress for a motor vehicle.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communications equipment.

On-Street Parking Space. A temporary parking space for one (1) motor vehicle that is located within the street right-of way.

Open Space, Active. Land set aside as a part of a development project that is intended and designed to be used for active recreational activities. Active open space must be free of wetlands or other site constraints that would restrict the use and enjoyment of the open space by the community. Active open space is often improved with playground equipment, playing fields, walkways, and the like.

Open Space, Passive. Land set aside as part of a development project that is intended to be left in its natural state, and enjoyed for its aesthetic and ecological values. Any public use of the passive open space should be consistent with the preservation of ecological functions of the open space.

Outdoor Advertising Sign. A permanent sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an *Off-Premise Sign*, *Billboard*, or *Commercial Outdoor Advertising Sign*.

Parallel Sign. See *Wall Sign*.

Parapet. The extension of a building façade above the line of the structural roof.

Parking Area. That portion of a lot that is used by vehicles for access, circulation, parking, drive-in windows, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Parking Area Aisles. That portion of the parking area consisting of lanes providing access to parking spaces.

Parking Space. A portion of the vehicle accommodation area set for the parking of one (1) vehicle.

Perpendicular Sign. See *Freestanding Sign* and *Projecting Sign*.

Pharmacy. A building or structure that is intended to provide prescribed and non-prescribed medication along with other items that can be used for improving health and quality of life.

Place of Worship. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Pole Cover or Pylon Cover. An enclosure designed to conceal poles and/or other structural supports of a sign. See also *Cladding*.

Pole Sign. See *Freestanding Sign*.

Political Sign. A temporary sign intended to advance a political statement, cause, or candidate for office.

Portable Sign. Any sign not permanently attached to the ground and can be removed without the use of tools.

Portico. A covered walk or porch that is supported by columns or pillars; also known as colonnade.

Premises. A lot, parcel, tract, or plot of land together with the buildings and structures on them.

Projecting Sign. A sign other than a *Wall Sign* that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. Refer also to §440-173, Typical on-premise sign types, for visual reference example.

Public Building. A building, owned or leased, occupied, and used by an agency or political subdivision of the federal, state, county, or municipal government.

Public Parking Facility. Any parking area that is available to the public at all times.

Public Safety Facility. A building or structure used for the provision of public safety services, such as fire protection, emergency medical service, and rescue operations.

Public Utility Service. The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transit to the public.

Public Utility Service Facility. Any use or structure associated with the provision of utility services.

Public Utility Service Lines. The system of lines, pipes, wires, or tracks that distributes, transmits, or provides a utility service. This includes equipment that is incidental and necessary to the lines and that is located on the lines.

Pylon Sign. See *Freestanding Sign*.

Quoin. An architectural detail at the external corner of a building, including the stones used to form that corner. These stones are both structural and decorative in that they often differ in jointing, color, texture, or size from the masonry of the adjoining walls.

Real Estate Sign. A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Recorder of Deeds. The Recorder of Deeds for Kent County, Delaware.

Recreation Facility. A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Facility, Commercial. A recreation facility operated as a business and open to the public for a fee.

Recreation Facility, Personal. A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

Recreation Facility, Private. A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

Recreation Facility, Public. A recreation facility open to the general public.

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Restaurant. A restaurant includes the following:

(1) Establishments where food and drink are prepared, served, and sold primarily for consumption within the principal building.

(2) Establishments where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside of the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Retail food establishment. Establishments selling food or beverages for consumption off premises either immediately or with further preparation. Such establishments may include, but not be limited to, grocery store, bakery, candy store, butcher, delicatessen, convenience store, and similar establishments.

Retail Sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of such uses include:

(1) Usually a business place engaged in activity to attract the general public to buy.

(2) Buys and receives as well as sells merchandise.

(3) May process or manufacture some of its products, such as a jeweler or a bakery, but processing is secondary to principal use.

(4) Generally sells to customers for personal or household use.

Revolving Sign. A sign that has the capability to revolve three hundred sixty (360) degrees about an axis. See *Animated Sign, Mechanically Activated*.

Roof Line. The uppermost line of the roof of a building or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Roof Sign. A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard façades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. Refer to §440-175, Comparison: roof and wall sign distinctions, for visual reference example of roof signs and comparison of differences between roof and fascia signs.

Satellite Parking Facility. A parking area that is located on a different parcel than the building or use in which it serves.

Scroll. A mode of message transition on an *Electronic Message Sign* in which the message appears to move vertically across the display surface.

Self-Storage Facility. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on an individual basis for varying amounts of time.

Services. Establishments primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

Services, Business. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

Services, Personal. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Services, Professional. Establishments primarily engaged in rendering services to individuals, businesses, or organizations by someone trained and engaged in such work for a career (e.g. doctors, lawyers, engineers, accountants, architects), on a fee or contract basis, and predominately on the premises of the office.

Services, Retail. Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including hotels and

motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries.

Services, Social. Establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, and physical disabilities.

Setback Line. The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure or an accessory structure must be placed. See also *Yard*.

SI (International System of Units). The modern metric system of measurement; abbreviated SI for the French term “Le Systeme International d’Unites.”

Sign. Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, symbol, mark, point, plane, marquee sign, design, poster, pictorial, picture, stoke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, merchandise whatsoever, and displayed in any manner outdoors for advertising purpose.

Sign Area. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign. See § 440-174, Sign area computational methodology/ground signs, for computational methodology for various sign area configurations.

Sign Copy. The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign Face. The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the *Sign Copy* is displayed by a distinct delineation, such as a reveal or border. Refer to § 440-174, Sign area computational methodology/ground signs, for sign face computational illustrations.

(1) In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet, or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

(2) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

(3) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Sign Structure. Any structure designed for the support of a sign.

Sign, Temporary. An on-premises sign made of non-rigid material, designed and displayed for a seasonal or brief activity such as, but not limited to, sales, specials, promotions, holidays, auctions, business grand openings, and signs advertising the sale, lease, or vacancy of residential units. Symbols, figures, balloons, and other similar items shall be considered temporary signs.

Sill. The bottom horizontal member of a wall or building to which vertical members are attached.

Site. The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of record.

Special Event Sign. A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

State. The State of Delaware.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement if its ceiling is over five (5) feet above the level from which the height of the building is measured or if it is used for business purposes other than storage.

Street. Any vehicular way that: (1) is an existing State, County, or Municipal roadway; (2) is shown upon an approved plat; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the Office of the Recorder of Deeds prior to the appointment of the Planning Commission and the grant of power to review plats. A street includes the land between the right-of-way lines, whether improved or unimproved.

Street, Access. A street designed to provide vehicular access to abutting property and to discourage thru traffic.

Street, Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Street, Arterial. A street which is used primarily for fast moving or heavy volumes of traffic.

Street, Boulevard. A street designed to carry heavy volumes of traffic from *Collector Streets* to *Local Streets*. This road serves access to over three hundred (300) dwelling units (over 3001 ADT).

Street, Centerline of. The center line of any street shown on any official Municipal, County, or State records.

Street, Collector. A street designed to carry moderate volumes of traffic from local residential streets to *Local Streets* or *Commercial / Mixed Use Area Boulevard* or from *Local Street* to *Local Street*. A residential collector street shall be used for streets serving access to fifty (50) to three hundred (300) dwelling units (501 to 3000 ADT).

Street, Commercial / Mixed Use Area Boulevard. A street designed to carry heavy volumes of traffic from *Collector Streets* to *Local Streets*. This road serves access to over three hundred (300) dwelling units (over 3001 ADT).

Street, Cul-de-Sac. A street with a single common ingress and egress with a turnaround at the end.

Street, Dead-End. A street with a single common ingress and egress.

Street Frontage. See *Frontage*.

Street Line. The line between a lot, tract, or parcel of land and an adjacent street.

Street, Local Residential. A street designed to carry low volumes of traffic and provides primary access to individual residential properties in residential neighborhood areas. A local residential street shall be used for streets serving access to less than fifty (50) dwelling units (500 ADT or less).

Street , Local. A State Maintained Road identified on DelDOT's Functional Classification Map.

Street, Private. A street that has not been dedicated to the Municipality or the State.

Street, Service. A street running parallel to a freeway or an expressway that serves abutting properties, but restricts access to the freeway or expressway.

Stringcourse. A decorative horizontal band on the exterior wall of a building. Such a band, either plain or molded, is usually formed of brick or stone.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Supermarket. A retail establishment primarily selling food and other convenience and household goods.

Surgical Center. A facility where outpatients come for simple surgical procedures and are not lodged overnight.

Swimming Pool. Any structure intended for swimming, recreational bathing, or wading that contains water over twenty-four (24) inches (610 mm) deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas; and fixed-in-place wading pools.

Terminal Landscape Island. A curbed landscape island in parking areas that are located at the end of a row of parking spaces.

Trans-Illuminated Sign. See *Illuminated Sign*.

Transit Facility. Any structure that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers.

Transition. A visual effect used on an *Electronic Message Sign* to change from one message to another.

Travel. A mode of message transition on an *Electronic Message Sign* in which the message appears to move horizontally across the display surface.

Traditional Neighborhood. A compact, mixed use neighborhood where residential, commercial, and civic buildings are within close proximity to each other.

Trellis. An architectural feature, typically a panel with crossbarred work or latticework that lets light pass through, which is affixed to a roof or exterior walls of a building. A trellis helps identify a building entry, adds architectural interest to a building façade, and can provide cover from the elements.

Under Canopy Sign or Under Marquee Sign. A sign attached to the underside of a canopy or marquee.

Use. The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

> **Use, Accessory.** A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, Principal. The primary or predominant use of any lot or parcel.

V Sign. A sign containing two (2) faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine (179) degrees at the point of juncture of the individual faces.

Variance. Permission to depart from the literal requirements of this Chapter.

Wall or Fascia Sign. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed. Refer also to § 440-173, Typical on-premise sign types, and § 440-175, Comparison: roof and wall sign distinctions, for visual reference examples, and comparison examples of differences between wall or fascia signs and roof signs.

Warehouse. A building used primarily for the storage of goods and materials.

Waterway. Any body of water, including any creek, canal, river, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Wayfinding Sign. A sign, frequently off-premise, specifically designed to provide directional or destination information.

Wetland. Those areas of land which fall within the definition of wetlands currently used by the U.S. Army Corps of Engineers, or those adopted by the State of Delaware in accordance with the Army Corps of Engineers; or areas that are defined and delineated in accordance with the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January 10, 1989, and as amended.

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Window Sign. A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

Yard. An open space that lies between the principal building or buildings and the nearest lot line. See also *Lot*.

Yard, Front. A space extending the full width of the lot between any building and the lot line and measured perpendicular to the building to the closest point of the lot line.

Yard, Rear. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Side. A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zone. A specifically delineated area in the Municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

§ 440-10 to 440-11 Reserved

Article II. Zoning Classifications

§ 440-12. Classes of zoning.

For the purpose of this chapter, the City of Harrington is hereby divided into the following zoning classifications, which are designated as follows:

Single-Family Residential Zone (R-1)
Duplex Residential Zone (R-2)
Townhouse Residential Zone (R-3)
Multi-Family Residential Zone (R-4)
Neighborhood Commercial Zone(C-1)
Central Commercial Zone(C-2)
Service Commercial Zone (C-3)
Manufacturing Zone (M)
Industrial Park Manufacturing Zone (IMP)
Traditional Neighborhood Development Zone (TND)

§ 440-13. Zoning map.

The boundaries of said zoning shall be as shown on the map(s) known as the "Zoning Map of the City of Harrington." Said map and all notations, reference, and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein. The Zoning Map is on file in the City offices.

§ 440-14. Temporary buildings; movement of buildings into City.

No temporary building shall be moved onto any lot, portion of lot, or farm lands situated within the limits of the City of Harrington; nor may any building be moved into or within the limits of the City of Harrington without first obtaining a permit for that purpose from the City Manager.

§ 440-15 to 440-20 Reserved

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Article III. Single-Family Residential Zone (R-1)

§ 440-21. Purpose; uses permitted.

A. In the Single-Family Residential Zone (R-1), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the R-1 Zone is to provide for low-density single-family detached dwellings and supporting uses. This zone is located in areas of the City where low-density single-family development patterns are generally established or where services and facilities will be adequate to serve the anticipated population.

C. Permitted uses. The following uses are permitted in the R-1 Zone:

(1) Single-family detached dwellings, not to exceed one such dwelling per lot.

(2) Public buildings, structures, and uses, including parks and playgrounds.

(3) Existing manufactured housing may be replaced if all dimensional and density standards can be met.

D. Conditional uses. See Article XVI, Conditional Use Permits.

(1) Places of worship, including parish houses, schools, philanthropic, and charitable institutions, hospitals, and sanitariums for general medical care.

(2) Railroads and public utility rights-of-way and structures necessary to serve the area within the City.

(3) Annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, swimming pools, tennis courts, and recreation buildings not conducted as business enterprises.

E. Home occupations, meeting the requirements of Article XIII, General Regulations, are permitted in the R-1 Zone.

§ 440-22. Development standards.

A. Dimensional and density standards. See § 440-141, Dimensional and Density Standards, Table 13.3.

B. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.1, Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones.

C. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4 Permitted Projections into Required Yards.

§ 440-23. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-24 to 440-30 Reserved

Article IV. Duplex Residential Zone (R-2)

§ 440-31. Purpose; uses permitted.

A. In the Duplex Residential Zone (R-2), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the R-2 Zone is to provide for low to medium-density duplex dwellings and supporting uses. This zone is located in areas of the City where low to medium-density development patterns are generally established or where services and facilities will be adequate to serve the anticipated population.

C. Permitted uses. The following uses are permitted in the R-2 Zone:

(1) All uses permitted in the R-1 Zone provided that all R-1 regulations are complied with.

(2) Duplex dwellings. Duplex dwelling units must have separate utility systems and may be owned separately if individual lots are recorded as separate parcels.

D. Bed-and-breakfast houses are permitted as a conditional use.

§ 440-32. Development standards.

A. Dimensional and density standards. See § 440-141, Dimensional and Density Standards, Table 13.3.

B. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.1, Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones.

C. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4, Permitted Projections into Required Yards.

§ 440-33. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-34 to 440-40 Reserved

Article V. Townhouse Residential Zone (R-3)

§ 440-41. Purpose; uses permitted.

A. In the Townhouse Residential Zone (R-3), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the R-3 Zone is to provide for medium-density townhouse dwellings and supporting uses. This zone is located in areas of the City where medium-density townhouse development patterns are generally established or where services and facilities will be adequate to serve the anticipated population.

C. Permitted uses. The following uses are permitted in the R-3 Zone:

(1) All uses permitted in the R-1 and R-2 Zones provided that all R-1 and R-2 regulations are complied with, respectively.

(2) Townhouse dwellings.

D. Bed-and-breakfast houses are permitted as a conditional use.

§ 440-42. Development standards.

A. Dimensional and density standards.

(1) Dimensional and density standards. See § 440-141, Dimensional and Density Standards, Table 13.3.

(2) Building Setbacks.

(a) The minimum distance between any two (2) unattached townhouse structures shall be sixty (60) feet as to facing walls and thirty (30) feet as to end walls. This distance shall exclude any driveway or vehicular access, which shall be in addition to the combined side yard width. Setback between buildings in townhouse projects designed in a courtyard fashion may be approved on a case-by-case basis by the Planning Commission.

(b) No townhouse structure shall be closer than thirty (30) feet to any interior driveway, abutting street, parking area, or open space.

B. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.1, Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones.

C. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4, Permitted Projections into Required Yards.

D. General design standards.

(1) The number of dwelling units per group shall not exceed six (6) nor be fewer than three (3).

(2) Townhouses with rear yards abutting the subdivision property lines or open space may have sidewalks in lieu of alleys, provided that such sidewalks connect to the front sidewalk between each townhouse group.

§ 440-43. Parking standards.

A. Parking shall comply with the requirements provided in Article XV, Parking and Access.

B. Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading, and parking. This requirement may be waived by the City Manager for single, infill lots where an alley is not practical.

C. Garages with front access and off-street parking in the front yard are prohibited. Parking shall be provided by one (1), or a combination, of the following:

(1) Garage or driveway in the rear or side yards accessed via an alley.

(2) Off-street parking areas located to the side or rear of buildings.

(3) Alternative methods as approved by the Planning Commission.

(4) This requirement may be waived by the City Manager for single, infill lots where rear access is not practical.

§ 440-44. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Signage, see Article XIV, Signs;

B. Building standards, see Chapter 102, Building Standards;

C. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

D. Floodplain, see Chapter 212, Floodplain Regulations;

E. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

F. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

G. Portable storage units, see Chapter 297, Portable Storage Units;

H. Property maintenance, see Chapter 305, Property Maintenance;

I. Sewers, see Chapter 330, Sewers;

J. Source water, see Chapter 350, Source Water Protection;

K. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

L. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

M. Recreational vehicles, see Chapter 417, Recreational Vehicles;

N. Water, see Chapter 425, Water.

§ 440-45 to 440-50 Reserved

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Article VI. Multi-Family Residential Zone (R-4)

§ 440-51. Purpose; uses permitted.

A. In the Multi-Family Residential Zone (R-4), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the R-4 Zone is to provide for medium to high-density multi-family dwellings and supporting uses. This zone is located in areas of the City where medium to high-density development patterns are generally established or where services and facilities will be adequate to serve the anticipated population. The zone will permit development of townhouses that will yield high densities in selected areas, multi-family dwellings and single-family dwellings.

C. Permitted uses. The following uses are permitted in the R-4 Zone:

(1) All uses permitted in the R-1, R-2, and R-3 Zone provided that all R-1, R-2, and R-3 regulations are complied with, respectively.

(2) Multifamily dwellings, provided that the entire lot occupied by a multiple dwelling shall be maintained in single ownership throughout the life of the building, or in multiple ownership under the provisions of the laws of the State of Delaware relating to condominiums.

D. Permitted accessory uses. The sale of the following commodities and services, are permitted as accessory uses and appropriate adjuncts to a multi-family building, which are designed to serve the tenants' daily needs: medication, food, sundries, and personal services, provided that said use and design are approved by the Planning Commission and provided that:

(1) Such uses are limited to the main floor of the building or below; and

(2) There is no direct entrance thereto from the outside of the building; and

(3) No part of such accessory use or the entrance thereto is visible from the sidewalk; and

(4) No sign or display indicating the existence of such accessory use is visible from the outside of the building; and

(5) The accessory uses authorized under this subsection are intended to supply tenants of the multi-family dwelling with commodities supplementary to those established in the commercial zones.

E. Bed-and-breakfast houses are permitted as a conditional use.

§ 440-52. Development standards.

A. Dimensional and density standards.

(1) Dimensional and density standards. See § 440-141, Dimensional and Density Standards, Table 13.3.

(2) Building setbacks.

(a) All buildings and structures shall be set back a minimum of sixty (60) feet from the right-of-way line of any public street or adjacent property lines. This setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.

(b) The minimum distance between any two (2) principle multi-family buildings shall be sixty (60) feet as to facing walls and thirty (30) feet as to end walls. This distance shall exclude any driveway or vehicular access, which shall be in addition to the combined side yard width. Setback between buildings in multi-family projects designed in a courtyard fashion may be approved on a case-by-case basis.

B. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.1, Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones.

C. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4, Permitted Projections into Required Yards.

D. General design standards.

(1) When there are common entries, they shall be clearly identifiable and visible from the street with well-defined walkways from pedestrian routes to building entries.

(2) Front yards shall include an entrance sequence between the sidewalk and the building including elements, such as trellises, site furnishings, low hedges, landscaped borders, or special paving.

(3) Pedestrian scale lighting shall be provided to create conditions of personal security.

(4) All common areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.

(5) All public ways, common areas or other common facilities shall be maintained by the property owners within the townhouse group.

§ 440-53. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-54 to 440-60 Reserved

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Article VII. Neighborhood Commercial Zone (C-1)

§ 440-61. Purpose; uses permitted.

A. In the Neighborhood Commercial Zone (C-1), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the C-1 Zone is to accommodate the development of small-scale retail stores and service establishments within close proximity to residential communities, along with those appropriate related facilities necessary to such an area. This zone encourages development that is pedestrian-oriented and blends harmoniously with surrounding housing units.

C. Permitted uses. The following uses are permitted in the C-1 Zone:

(1) Retail sales.

(2) Retail food establishments.

(3) Business services.

(4) Personal services.

(5) Retail services.

(6) Social services.

(7) Residential dwellings on the second floor.

(8) Drive-through facilities are prohibited.

D. Residential uses. Residences are permitted in the C-1 Zone, upon recommendation by the Planning Commission with final approval by the City Council.

§ 440-62. Development standards.

A. Dimensional and density standards.

(1) Dimensional and density standards. See § 440-141, Dimensional and Density Standards, Table 13.3.

(2) Mixed Use. Mixed use buildings may include first floor retail, personal service, or office uses, as described herein and residential apartments or condominiums or

office uses on the upper floors. A minimum of twenty (20) percent of the first floor of the building located along the street frontage shall be office or retail uses.

(3) Floor space restrictions. The total floor space in any one retail or service store or establishment shall not exceed two thousand (2,000) square feet, unless approved by the Planning Commission.

B. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.1 Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones.

C. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4 Permitted Projections into Required Yards.

§ 440-63. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-64 to 440-70 Reserved

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Article VIII. Central Commercial Zone (C-2)

§ 440-71. Purpose; use regulations.

A. In the Central Commercial Zone (C-2), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the C-2 Zone is to provide for a commercial uses that primarily provide local goods and services, as well as supporting residential uses within the Central Commercial Zone. This zone is located in the central areas of the City where a moderate and high density mixed-use development patterns are generally established and desired, and where building reuse and infill to create higher densities are encouraged. The zone is designed to create lively, safe, human-scaled gathering places for the community through building design and orientation and by encouraging a mix of uses. This zone is also intended to ensure an attractive, inviting pedestrian-oriented setting through supplementary appearance, parking, and sign regulations.

C. Permitted uses.

(1) All uses permitted in the Neighborhood Commercial Zone (C-1) provided that all C-1 regulations are complied with.

(2) Residential dwellings on the second floor.

(3) Restaurant establishments serving food or beverages to the general public, such as, but not limited to, breweries, restaurants, cafés, taprooms, taverns, retail bakers, and confectionery or ice cream shops, including walk-up windows and outdoor dining.

(4) Entertainment establishments such as theaters for motion pictures and stage plays.

(5) Financial institutions, consisting of a bank or savings and loan association.

(6) Professional offices, such as, but not limited to those for the practice of medicine or other health services, or for law, engineering, architecture, design related, accounting, or veterinarian offices.

(7) Business offices, such as, but not limited to real estate sales, insurance sales, advertising, or retail copying and printing services.

(8) Institutional uses, such as government administration, post offices, community centers, public libraries, museums, and offices for public utilities.

(9) Public parks, plazas, squares, courtyards, urban gardens, and public recreation areas.

(10) Art and cultural uses, such as, but not limited to, galleries and museums and studios for dance, music, fitness, art, or photography.

(11) Bed-and-breakfast establishments.

(12) Health care and clinics.

(14) Educational institutions, such as tutoring businesses, learning centers, universities, and colleges.

(15) Religious institutions and their ancillary uses.

(16) Private clubs and fraternal organizations.

(17) Fitness/wellness centers.

(18) Professional day care centers.

(19) Drive-through facilities are prohibited, except for financial or governmental institutions.

D. Residential uses. Residences are permitted in the C-2 Zone, upon recommendation by the Planning Commission with final approval by the City Council.

§ 440-72. Applicability.

A. This article shall apply to all new buildings and projects, excluding single-family residential dwellings, in the C-2 Zone.

B. This article shall apply to all renovations and redevelopment, including applicable additions of an existing building, site, or project in the C-2 Zone where the cost of such addition, renovation, or redevelopment exceeds fifty (50) percent of the assessed value of the existing structure(s), or would exceed twenty-five (25) percent of the square footage of the gross area of the existing structures. "Renovation" is not intended to apply to routine repairs and maintenance of an existing building.

C. Deviations. Deviation(s) from the provisions of this article may be approved by the City Manager for renovations of existing buildings where special or unique circumstances or factors exist which make compliance with this article unfeasible.

§ 440-73. Lot and building development standards.

A. Dimensional and density standards.

(1) Lot area: two thousand five hundred (2,500) square feet, minimum

(2) Maximum building area: the maximum building footprint for nonresidential buildings is ten thousand (10,000) square feet

(3) Minimum lot width at front building line: twenty-five (25) feet

(4) Minimum lot depth: one hundred (100) feet

(5) Build-to-line.

(a) The build-to line for new construction shall be:

[1] Built to the sidewalk or right-of-way line, whichever is farthest from the street; or

[2] Setback a maximum of fifteen (15) feet from the sidewalk for purposes of a plaza, square, courtyard, or outdoor dining. No parking shall be located in this area.

(b) A minimum of seventy-five (75) percent of the façade of any building along a public street must be constructed at the build-to line.

(6) Side yard setback

(a) Sharing a party wall: none

(b) Not sharing a party wall: ten (10) feet (5 feet per each building)

(c) Adjoining residential zone: twenty-five (25) feet

(7) Rear yard setback:

(a) Adjoining nonresidential zone: ten (10) feet

(b) Adjoining residential zone: fifteen (15) feet

(8) Maximum impervious coverage: eighty-five (85) percent

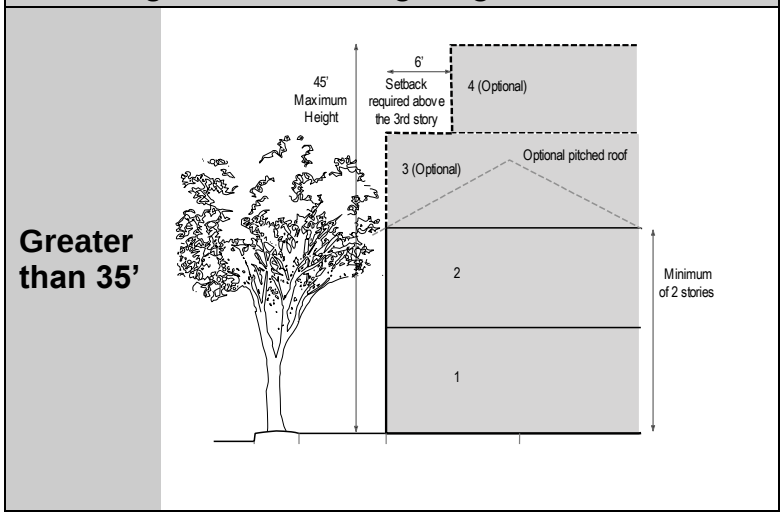
(9) Building height

(a) Buildings shall be a minimum of two (2) stories, unless approved by the Planning Commission, and a maximum of forty-five (45) feet in height.

(b) For buildings exceeding thirty-five (35) feet, a six (6) foot setback is required for the top story. See Figure 8.1.

(c) See Article XIII, General Regulations, for exemptions in height limitations.

Figure 8.1. Building Height Standard



(10) Mixed use. Mixed use buildings may include first floor retail, personal service, or office uses, as described herein and residential apartments or condominiums or office uses on the upper floors. Residential density of upper floor apartments or condominium in a mixed-use building shall not exceed eight (8) units per acre. Each apartment or condominium shall have a private access separate from that of the commercial uses.

C. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.3 Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones.

D. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4, Permitted Projections into Required Yards.

E. Building design standards. New construction for non-residential and mixed use developments shall meet the following requirements:

(1) Building orientation and entrances

(a) Buildings must have a primary entrance door oriented towards a public street and sidewalk.

(b) Entrances at building corners may be used to satisfy this requirement.

(c) All primary building entrances should be accentuated. Entrance accentuations permitted include recessed, protruding, canopy, portico, or overhang. Entrances at building corners shall be articulated with a chamfered corner, turret, canopy, or other similar building feature.

(2) Building character. New development shall generally employ building types that are compatible to the existing architecture of the area in their massing and external treatment. Typical elements of architecture in the area include pitched roofs, gables, masonry walls, and punched or separate inset windows.

(3) Windows

(a) The ground floor front façades of retail buildings shall include a minimum of fifty (50) percent window that allow views of indoor nonresidential space or product display areas. See Figure 8.2.

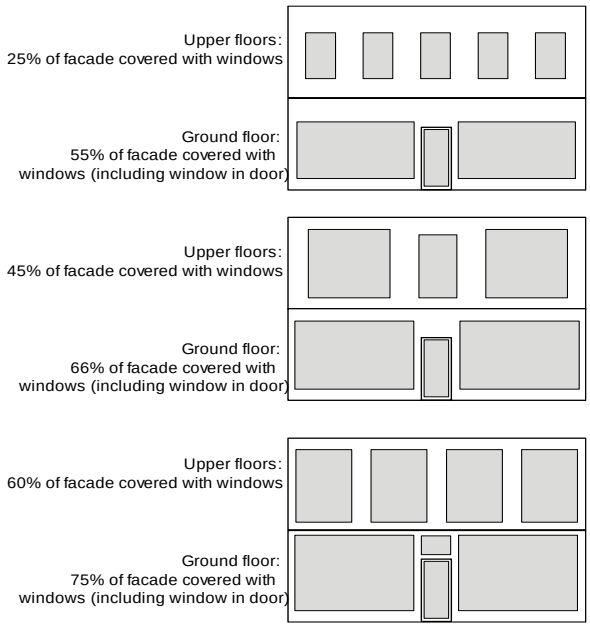
(b) Upper story windows shall be generally aligned with windows and doors on the first floor.

(c) Upper story windows of front façades shall include a minimum of thirty (30) percent and a maximum of sixty (60) percent window area in the façade above the ground floor.

(d) Smoked, reflective, opaque, or black glass in windows viewable from a public street is prohibited.

(e) The bottom edge of any window or product display window used to satisfy the window standard above should not be more than three (3) feet above the adjacent sidewalk.

Figure 8.2. Illustration of Range of Required Window Area



(4) Roofs

(a) Architectural embellishments that add visual interest to roofs, such as dormers, masonry chimneys, cupolas, towers, and other similar elements, shall be included in the design of buildings.

(b) Flat roofs are allowed on buildings of two (2) stories or more, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.

(c) Pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12.

(d) The roof shall be articulated above the building entrance.

(5) Façade articulation

(a) Façade is defined as the exterior walls of a building facing a public street.

(b) Façades shall have horizontal articulation elements such as window sills, window lintels, protruding horizontal courses on each floor of the building, and cornices. See Figure 8.3.

(c) The top level shall be treated with a distinct outline with elements such as projecting parapet, cornice, or other projection.

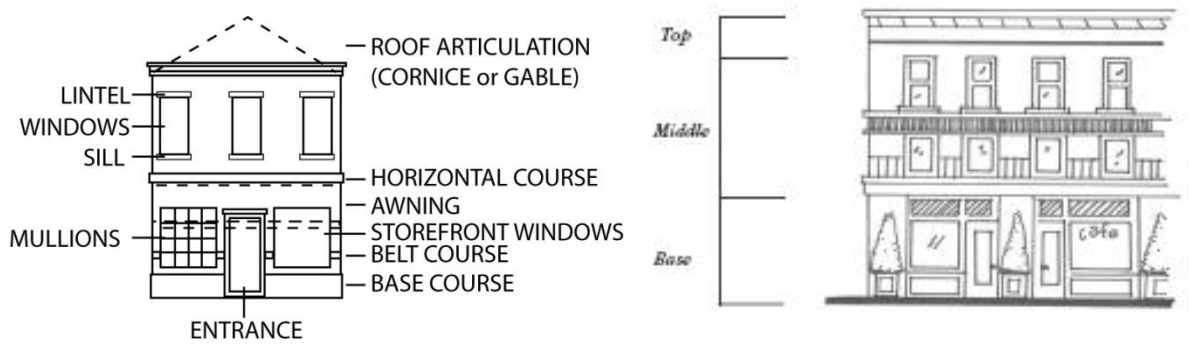
(d) Façades fronting on sidewalks of any structure shall be of a primary building material comprised of at least seventy-five (75) percent of the façade, excluding glass and doors with architectural details such as storefront bulkheads, quoin, cornices, pilasters, sills, lintels, stringcourse, and columns of different materials.

(e) Façades should have a distinct base course of at least one (1) foot in height at ground level using materials that are different from the main façade such as stone, masonry, or decorative concrete.

(f) Façades should have vertical articulation at a maximum distance of every twenty (20) feet of continuous façade. Vertical articulation should be created through changes in plane or building material for a minimum of one (1) foot wide and protruding a minimum of two (2) inches.

(g) To further articulate the building façade and increase architectural interest while facilitating all-weather comfort of pedestrians, continuous awnings (both permanent and retractable), canopies, and building overhangs, including arcade structures with occupied space above, are encouraged along the street frontages.

Figure 8.3. Illustrations of Façade Articulation Example



(6) Design guidelines for improvements to and reuse of existing buildings. Where an applicant is improving or changing an existing structure to accommodate a change in use, it is encouraged the applicant integrate any of the following design standards that are relevant to the improvements being completed. The applicant should illustrate how a new use within an existing structure attempts to accommodate the following standards:

(a) Locate primary building entrances toward the street.

(b) Provide more than twenty-five (25) percent transparent or translucent materials on each story below the roofline.

(c) Locate parking to the side or rear of the principal building.

(d) Utilize pedestrian scale façade articulation and changes in plane on all façades to distinguish each building story and imply regularly spaced storefronts between twenty (20) to forty (40) feet.

F. Buffer and screening standards. See buffer and screening requirements in Article XIII, General Regulations.

G. Exterior lighting

(1) Pedestrian pathways need to be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites.

(2) Pedestrian-oriented lighting shall be provided between the curb and the sidewalk at a maximum spacing of sixty (60) feet. A minimum foot candle of 0.5 shall be required for safety.

(3) Light standard heights

(a) Pedestrian lighting for sidewalks and walkways shall be a maximum of twelve (12) feet in height measured from the ground to the top of the light fixture.

(b) Other lighting for streets and parking areas shall be a minimum of fifteen (15) feet and a maximum of eighteen (18) feet in height measured from the ground to the top of the light fixture.

(c) Lighting fixtures shall not exceed the height of the principal building on the site.

H. Outdoor dining. Outdoor furnishings are limited to tables, chairs, and umbrellas. Outdoor furniture shall be stored inside the restaurant after normal operating hours. Planters, posts with ropes, or other removable enclosures, as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the café. Refuse facilities shall be provided. Outdoor dining cannot impede pedestrian traffic flow. A minimum pathway of at least four (4) feet free of obstacles shall be maintained.

I. Pedestrian amenities. Vegetation planters, urban gardens, water features, special pavement treatments, all-weather street furniture (e.g. benches, trash receptacles, bicycle racks), public art (e.g. sculpture or artist designed street furniture), and other pedestrian amenities should be considered along sidewalks and in public plazas, squares, and courtyards.

J. Fences. Chain link and barbed wire fences are prohibited.

§ 440-74. Streetscape standards.

All developments in the C-2 shall be required to provide the following improvements along the entire length of all public streets on which they obtain frontage:

A. Sidewalks

(1) Sidewalks within the C-2 shall conform to the requirements of Article XIII, General Regulations.

(2) Sidewalks are required to connect the street frontage to all building entrances, parking areas, open space, and any other destination that generates pedestrian traffic.

(3) Sidewalks shall connect to existing sidewalks on abutting parcels and other nearby pedestrian destination points and transit stops.

(4) Sidewalks shall be stamped concrete and shall be designed to be consistent with adjoining properties.

(5) The sidewalk material across driveways shall conform to City of Harrington specifications.

(6) All sidewalks, walkways and curb ramps shall meet Americans with Disabilities Act (ADA) requirements.

(7) Concrete, stamped concrete, brick pavement, and/or a planting bed shall extend from the sidewalk edge to the building.

B. Street trees

(1) Street trees shall be planted along all public rights-of-way provided that a minimum width of four (4) feet of unobstructed sidewalk at the tree well location can be provided.

(2) Spacing. Street trees shall be spaced forty (40) feet apart. In spacing trees, consideration shall be made for driveways, street lights, utility poles, underground utilities, traffic light poles, and other obstructions, as well as existing and future placement of trees in front of adjacent properties.

(3) Trees shall be a minimum of three (3) inches in caliper. Types of trees shall be approved by the City Engineer. See Appendix 1, Approved Trees.

(4) Street trees shall be planted in tree wells located between the curb and the sidewalk or in the sidewalk. Tree wells shall be a minimum of three (3) feet long by

three (3) feet wide by three and one half (3 ½) feet deep below the ground surface and shall be covered with tree grates or decorative concrete unit pavers.

(5) Trees located under wires shall not be of a species that is expected to grow into the utility lines.

(6) If street trees cannot be planted, every effort shall be made by the property owner to add planters or other landscaping. Planters shall not obstruct the sight triangles. Planters shall not encroach into the sidewalk so that less than four (4) feet of sidewalk is available for pedestrians.

§ 440-75. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-76 to 440-85 Reserved

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Article IX. Service Commercial Zone (C-3)

§ 440-86. Use regulations.

A. In the Service Commercial Zone (C-3), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the C-3 Zone is to provide for highway-oriented retail, automotive, and heavier service-type business activities which ordinarily require main-highway locations and cater to transient as well as to local customers.

C. Permitted uses. The following uses are permitted in the C-3 Zone:

(1) All uses permitted in the Neighborhood Commercial (C-1) Zone or the Central Commercial (C-2) Zone provided that all C-1 and C-2 regulations are complied with, respectively.

(2) Drive-through facilities designed primarily to provide goods and services to persons while they are in automobiles.

(3) Motor vehicle sales, repair, service and storage, including boat or farm equipment (see § 440-87 D).

(4) Motor vehicle filling stations (see § 440-87 D).

(5) Car washes.

(6) Motels.

(7) Funeral homes.

(8) Kennel and veterinary boarding hospitals.

(9) Supermarkets.

(10) Shopping centers.

(11) Nurseries, commercial greenhouses, and garden and agriculture supply sales

(12) Wholesale, storage, and warehouse facilities.

(13) Laundry, dry-cleaning, or clothes-pressing establishments.

(14) Transit stations.

(15) Transshipment, distribution, and trucking terminals.

§ 440-87. Development standards.

A. Dimensional and density standards. See § 440-141, Dimensional and Density Standards, Table 13.3.

B. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.1, Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones.

C. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4, Permitted Projections into Required Yards.

D. Development standards for motor vehicle sales, repair, service, and storage and motor vehicle filling stations:

(1) The minimum lot size for such service stations shall be twenty thousand (20,000) square feet, and the minimum street frontage shall be one hundred (150) feet, unless approved by the Planning Commission.

(2) Vehicle lifts or pits, dismantled or disabled motor vehicles and all parts and supplies shall be located within the building and enclosed on all sides.

(3) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of fuels or oils, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(4) The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer then thirty-five (35) feet to any property line other than the street line.

(5) No gasoline pump shall be located nearer than fifteen (15) feet to any street line.

§ 440-88. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-89 to 440-95 Reserved

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Article X. Manufacturing Zone (M)

§ 440-96. Use regulations.

A. In the Manufacturing Zone (M), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the Manufacturing Zone is to provide locations for the development of light to moderate intensity manufacturing, office, warehouse, wholesale and research establishments. To provide employment opportunities in the manufacturing industry in close proximity to the City.

C. Permitted uses. The following uses are permitted in the Manufacturing Zone:

(1) Manufacturing, assembling, converting, altering, finishing, printing, publishing, cleaning, or any other processing, handling, or storage of products or materials, involving the use of only oil, gas, or electricity for fuel, and laundry, dry-cleaning, or clothes-pressing establishment.

(2) Research, design, and development laboratories.

(3) Wholesale storage, warehousing, building contractors' yards, and grain elevators.

(4) Public utility or quasi-public utility uses. Quasi-public utility uses shall include but not be limited to transmission and/or receiving towers for radio and television service for public or private use.

(5) Breweries. Establishments that are primarily a brewery, which produce more than fifteen thousand (15,000) barrels (465,000 US gallons/17,602.16 hectoliters) per year. A regional (small) brewery typically has an annual beer production of between fifteen thousand (15,000) and six million (6,000,000) barrels.

(6) Beverage blending or bottling, bakery products, candy manufacturing, dairy products and ice cream, and fruit and vegetable processing and canning.

(7) Credit card or application processing or mailing business.

(8) Nursery, commercial greenhouse, and garden and agriculture supply sales.

D. All uses shall be conducted within a completely enclosed building with no open storage or raw, in-process or finished material and supplies or waste material, except that finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street by a landscaped screen, fence, or wall.

E. The front yard shall be maintained in a neat and attractive condition.

F. All fencing shall have a uniform and durable character and shall be properly maintained.

§ 440-97. Uses prohibited.

A. Residences.

B. Manufacturing uses involving: asphalt, hot mix, asphalt bituminous concrete, cement, concrete, charcoal and fuel briquettes, chemicals, aniline, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohols, nitrates (manufacture or natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn; hydrochloric, nitric, phosphoric, picric or sulphuric acids; coal coke and tar products, including gas manufacturing, explosives, fertilizers, gelatin, glue and sizing (animal), linoleum and oil cloth, matches, paint varnishes and turpentine, rubber (natural and synthetic), soaps, including fat rendering, starch, and other substances regulated by OSHA.

C. Processes such as nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry, reduction, refining, smelting and alloying of metal or metal ores; slag piles; refining secondary aluminum; refining petroleum products such as gasoline, kerosene, naphtha, lubrication oils; distillation of wood or bones; reduction and processing wood pulp and fiber, including paper mill operations; and other processes regulated by OSHA.

D. Operations involving stockyards and slaughterhouses.

E. Storage of explosives; bulk or wholesale storage of gasoline, kerosene, propane, or other petroleum products above ground.

F. Quarries, stone crushers, screening plants, or storage of quarry screening equipment accessory to such uses.

G. Junkyards, vehicle dismantling plants or storage of used parts of vehicles or other machines or dismantled or junked vehicles. Temporary storage of dismantled parts of vehicles or implements must be undercover, within a solid fence.

H. Accessory uses shall not be permitted without a principal use.

§ 440-98. Area regulations.

The following minimums must be observed:

A. Lot width: one hundred (100) feet

B. Lot depth: one hundred (100) feet

C. Front, side, and rear yard: twenty (20) feet each

D. No part of any building, accessory structure, or sign shall be located closer than one hundred (100) feet to any residential zone boundary, unless approved by the Planning Commission.

E. No parking or storage of material or products shall be permitted in the required front yard.

§ 440-99. Height regulations.

Height limitations in the M Zone shall be forty-five (45) feet.

§ 440-100. Development standards.

A. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.2, Dimensional Standards for Accessory Buildings and Structures for Manufacturing and Industrial Park Manufacturing Zones.

B. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4, Permitted Projections into Required Yards.

§ 440-101. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-102 to 440-110 Reserved

Article XI. Industrial Park Zone (IMP)

§ 440-111. Use regulations.

A. In the Industrial Park Zone (IMP), no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses and complying with the requirements so indicated.

B. Purpose. The purpose of the Industrial Park Zone (IMP) is to provide a wide variety of industrial uses, including those which may produce some objectionable conditions. To create more intense industrial uses in areas which would least impact neighboring land uses while creating employment opportunities.

C. Permitted uses. All uses permitted in the Manufacturing Zone are permitted in the Industrial Park Zone.

E. All uses shall be conducted within a completely enclosed building with no open storage or raw, in-process or finished material and supplies or waste material, expect that finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street by a landscaped screen, fence, or wall.

G. The front yard shall be maintained in a neat and attractive condition.

H. All fencing shall have a uniform and durable character and shall be properly maintained.

§ 440-112. Uses prohibited.

A. Residences.

B. Accessory uses shall not be permitted without a principal use.

C. Manufacturing uses involving: asphalt, hot mix, asphalt bituminous concrete, cement, concrete, charcoal and fuel briquettes, chemicals, aniline, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohols, nitrates (manufacture or natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn; hydrochloric, nitric, phosphoric, picric or sulphuric acids; coal coke and tar products, including gas manufacturing, explosives, fertilizers, gelatin, glue and sizing (animal), linoleum and oil cloth, matches, paint varnishes and turpentine, rubber (natural and synthetic), soaps, including fat rendering, starch, and other substances regulated by OSHA.

D. Processes such as nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry, reduction, refining, smelting and alloying of metal or metal ores; slag piles; refining secondary aluminum; refining petroleum products

such as gasoline, kerosene, naphtha, lubrication oils; distillation of wood or bones; reduction and processing wood pulp and fiber, including paper mill operations; and other processes regulated by OSHA.

E. Operations involving stockyards and slaughterhouses.

F. Storage of explosives; bulk or wholesale storage of gasoline, kerosene, propane, or other petroleum products above ground.

G. Quarries, stone crushers, screening plants, or storage of quarry screening equipment accessory to such uses.

H. Junkyards, vehicle dismantling plants or storage of used parts of vehicles or other machines or dismantled or junked vehicles. Temporary storage of dismantled parts of vehicles or implements must be undercover, within a solid fence.

I. Accessory uses shall not be permitted without a principal use.

§ 440-113. Area regulations.

The following minimums must be observed:

A. Lot area: five (5) acres

B. Lot width: three hundred (300) feet

C. Lot depth: five hundred (500) feet

D. Front yard: one hundred (100) feet

E. Side yard: fifty (50) feet (Note: If side or rear yards adjoin a residential zone, there shall be a minimum side and/or rear yard of not less than one hundred (100) feet)

F. Rear yard: twenty (20) feet (Note: If side or rear yards adjoin a residential zone, there shall be a minimum side and/or rear yard of not less than one hundred (100) feet)

G. No parking or storage of material or products shall be permitted in the required front yard.

§ 440-114. Height regulations.

Height limitations in the IMP Zone shall be forty-five (45) feet.

§ 440-115. Development standards.

A. Accessory buildings and structures. See § 440-140, Accessory uses, buildings, and structures, Table 13.2, Dimensional Standards for Accessory Buildings and Structures for Manufacturing and Industrial Park Manufacturing Zones.

B. Projections into required yards. See § 440-144, Projections into required yards, Table 13.4, Permitted Projections into Required Yards.

§ 440-116. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Parking, see Article XV, Parking and Access;

B. Signage, see Article XIV, Signs;

C. Building standards, see Chapter 102, Building Standards;

D. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

E. Floodplain, see Chapter 212, Floodplain Regulations;

F. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

G. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

H. Portable storage units, see Chapter 297, Portable Storage Units;

I. Property maintenance, see Chapter 305, Property Maintenance;

J. Sewers, see Chapter 330, Sewers;

K. Source water, see Chapter 350, Source Water Protection;

L. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

M. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

N. Recreational vehicles, see Chapter 417, Recreational Vehicles;

O. Water, see Chapter 425, Water.

§ 440-117 to 440-125 Reserved

Article XII. Traditional Neighborhood Development Zone (TND)

§ 440-126. Purpose, administrative procedures.

A. Purpose. The purpose of the TND Zone is to allow development consistent with design principles of a traditional neighborhood. A traditional neighborhood is compact; is designed for the human and pedestrian scale; provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to each another in the neighborhood; is architecturally integrated; provides a mix of housing styles, types and sizes to accommodate a variety of households; is integrated into the surrounding communities; incorporates interconnected streets with sidewalks and paths that offer multiple routes for motorists, pedestrians and bicyclists; provide for the connections of those streets to existing and future developments; and incorporates and enhances significant environmental features into the design.

B. Minimum criteria

(1) TND shall only be permitted on parcels of twenty-five (25) acres or greater. Parcels less than the minimum acreage may be developed as TND if they are contiguous to an existing TND zoned area and development on said parcels or tracts can be harmoniously integrated consistent with the requirements and purposes of this zone.

(2) The TND shall have access to an existing or planned arterial or collector road.

(3) The TND shall be served by adequate existing or planned infrastructure.

(4) No land shall be classified as TND Zone unless it is so designated in the City Comprehensive Land Use Plan.

C. Review procedures and guidelines

(1) See Article XVIII, Administration.

(2) The requirements of this article apply to all proposed development within the TND Zone. The Planning Commission may approve variations to the standards in this article as deemed appropriate, provided that the Planning Commission finds that the variations will still produce a development that complies with the intent of this zone, Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design, and the Comprehensive Land Use Plan.

(3) When the provisions of these regulations conflict with other standards found in the Code of the City of Harrington, the more restrictive regulation shall apply.

§ 440-127. Permitted uses.

A. Permitted uses. Permitted uses shall be as follows:

(1) Single-family detached dwellings.

(2) Cottage dwellings.

(3) Duplex dwellings.

(4) Townhouses.

(5) Multi-family dwellings.

(6) Uses in C-1 and C-2.

(7) Residential above retail, restaurants, and service uses.

(8) Office units located on upper floors above commercial uses.

(9) Public and private noncommercial parks and recreation areas, including clubs, parks, and swimming pools.

B. Accessory uses permitted in the R-1 Zone.

§ 440-128. Development standards.

A. Density & dimensional standards.

(1) Number of dwelling units permitted. The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:

(a) The maximum number of single-family, duplex, and townhouse units permitted shall not exceed eight (8) dwelling units per net acre.

(b) The maximum number of multi-family units shall not exceed twelve (12) dwelling units per net acre.

(c) Dwelling units constructed above retail and service uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units constructed above retail and service uses shall not be more than ten (10) percent of the total number of single-family attached and detached units.

(2) The gross ground floor area of nonresidential development uses shall not exceed ten (10) percent of the traditional neighborhood development gross area.

(3) Non-residential buildings shall be of similar scale and massing as residential structures and shall not exceed two thousand five hundred (2,500) square foot ground floor area for each retail or service business. The scale and massing variations of any non-residential building permitted shall be reviewed and approved by the Planning Commission on a case-by-case basis.

(4) See § 440-141, Dimensional and Density Standards, Table 13.3.

(5) Development standards for duplex dwellings and townhouses shall be as regulated in the R-2 and R-3 Zones, respectively.

B. Design requirements

(1) General design requirements

(a) At least seventy-five (75) percent of residential structures shall be within one quarter (1/4) mile radius from existing or proposed retail, institutional, and open space areas; reviewed and approved by the Planning Commission on a case-by-case basis.

(b) A mix of residential dwelling types is required within a TND; however, not less than fifty (50) percent of the total dwelling units must be single-family detached dwellings. No more than fifty (50) percent of the single-family detached dwellings provided shall be cottage dwellings.

(c) A minimum of at least three (3) of the following permitted housing types must be provided: single-family, duplex, townhouse, and multi-family dwellings.

(2) Lot and block standards and alley design

(a) All lots shall have frontage on a street or square. All buildings, except accessory structures, shall have their main entrance onto a street or square.

(b) Non-residential and mixed-use buildings shall abut sidewalks.

(c) Lot and building widths shall create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.

(d) Street layouts shall provide for perimeter blocks that are generally in the range of one hundred eighty (180) to three hundred (300) feet deep by four hundred (400) to six hundred (600) feet long.

(e) A variety of lot sizes shall be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

(f) Alley design

[1] Public alleys shall be platted with a twenty (20) feet to twenty-two (22) feet right-of-way and a twelve (12) feet to sixteen (16) pavement width for residential areas and a twenty-two (22) foot right-of-way and pavement width for non-residential areas.

[2] When utilities are located within or adjacent to alleys, an adjacent five (5) width access and utility easement shall be provided on both sides of the alley right-of-way or easement.

[3] Additional pavement at alley and street intersections will be necessary to facilitate turns. See § 440-128 B (4) (a), Corner Radii.

[4] Parking in alleys is not permitted.

[5] Alleys shall be paved per Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design.

[6] Sidewalks, curb and gutters, and planting strips are not required for alleys.

(3) Circulation standards. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes, control but not prohibit through traffic, limit lot access to streets of lower traffic volumes, provide secondary access to parking and service areas with alleys, and promote safe and efficient mobility through the Traditional Neighborhood Development.

(a) Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Traditional Neighborhood Development Zone. Where feasible, any existing pedestrian routes through the site shall be preserved, extended and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design and Chapter 370, Subdivision of Land.

(b) Motor vehicle circulation

[1] Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

[2] A street hierarchy shall be established for the TND development and shall be indicated on the concept plan. Each street shall be classified and

designed according to Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design.

[3] The use of alleys is required. The Planning Commission may waive the alley requirement for single family homes. Alleys provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to non-residential properties.

[4] Private streets in a TND shall be prohibited.

[5] For any street in a TND, alternative right-of-way and pavement widths from that required by Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, and Chapter 370, Subdivision of Land, may be approved by the Planning Commission with approval by the City Council.

(4) Street layout standards. The TND should extend the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

(a) Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of fifteen (15) feet for secondary streets and twenty (20) feet for intersections involving collector streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of ten (10) feet.

(b) Curb cuts for driveways to individual residential lots shall be discouraged along collector streets. Curb cuts shall be limited to intersections with other streets or access drives to parking lots for commercial, civic, or multifamily residential uses.

(c) The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except secondary streets may terminate in stub streets when such streets act as connections to future phases of the development. Secondary streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

(d) Secondary streets shall not end in a cul-de-sac unless existing natural constraints make it necessary.

(5) Parking**.** Off-street parking lots in a TND shall comply with the Article XV, Parking and Access. In addition:

(a) A parking area may not be adjacent to or opposite a street intersection.

(b) The maximum number of parking spaces provided shall not exceed the minimum number required by more than ten (10) percent. Reduction of parking area and the use of shared parking facilities as set forth in § 440-215, Joint use, shared facilities, and satellite parking, is encouraged.

(c) Parking areas for townhouses, multi-family dwellings, mixed-use buildings, and non-residential buildings shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Article XV, Parking and Access.

(d) Parking areas shall be accessed by alley or rear lane, where feasible.

(e) The vehicular entrance of a parking area from a public street shall be no wider than thirty (30) feet.

(f) Parking areas shall have direct pedestrian connection to the building entry points, especially if the parking is located along the side and/or behind the buildings. Designated pedestrian access shall be provided from all parking lots to the public sidewalk and primary building entrances.

(g) Parking areas shall not include dead-end aisles.

(h) Parking areas shall be separated from buildings by a landscaped strip whenever possible or a raised concrete walkway or pedestrian plaza.

(i) Parking lot screening and landscaping standards shall be provided in accordance with Article XV, Parking and Access

(j) See § 440-222, Bicycle Accessibility, Mobility, and Parking.

(k) Curb extensions at intersections in mixed-use and non-residential areas are required when on-street parking is provided.

(l) Parking areas with twenty-five (25) or more spaces should be designed with a series of smaller parking fields. Smaller parking fields can be incorporated by physically separating parking areas with buildings and plazas, and may also be delineated with an on-site circulation system that utilizes uninterrupted drive aisles, landscape islands and planters, pedestrian walkways, or any combination thereof.

(m) Avoid aligning all travel lanes in parking lots in long straight configurations. The maximum length of any row of parking shall be ten (10) parking spaces.

(n) Provide cross-access easements between adjacent lots to facilitate the flow of traffic.

(6) Building location and orientation

(a) The front façade of the principal building shall face a public street or square.

(b) The front façade of any building shall not be oriented to face directly toward a parking lot.

(c) Mixed-use and non-residential development:

[1] Multiple buildings in a single project shall create a positive functional relationship to each another. Where possible, multiple buildings shall be clustered to achieve a “village” scale. This creates opportunities for plazas and pedestrian areas while preventing long “barracks-like” rows of buildings. When clustering is impractical, a visual link shall be established between buildings with the use of an arcade system, trellis, colonnade, covered walkways, landscaping, enhanced paving, building articulation and detailing, or similar features.

[2] Orienting buildings closer to the street to screen parking in the interior of the site and provide strong pedestrian connections to buildings is encouraged where appropriate (e.g. does not negatively impact any abutting residential areas).

C. Architectural standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

(1) Entries, façades, scale, and form

(a) The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street or square.

(b) Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements shall define the front entrance to all residences.

(c) Mixed-use and non-residential development:

[1] For retail and food service buildings, a minimum of fifty (50) percent of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

[2] Non-residential buildings shall be designed with an architectural style and/or theme. The intent of this guideline is to ensure that non-residential development incorporates architecturally valid design of each building and

architectural compatibility within an integrated development. Not all building elevations of a structure will have the same level of detailing and articulation in order to avoid monotony.

[3] The design of all buildings shall employ textured surfaces, projections, recesses, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural devices to avoid monolithic shapes and surfaces and to emphasize building entries. Designs shall avoid the use of long, unbroken, flat walls.

[4] Building façades greater than eighty (80) feet in length, measured horizontally, shall incorporate wall plane projections, articulation or recesses having a depth of at least three (3) percent of the length of the façade (or at least three (3) feet) and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed sixty (60) horizontal feet.

[5] Building façades shall also include a repeating pattern of one or more of the following design elements/features.

i. Variations in color

ii. Variations in texture

iii. Change in relief

iv. Material module change

[6] Design building entries and street side façades with elements that enhance pedestrian comfort and orientation while presenting features with visual interest that invite activity.

[7] Ground floor façades that face public streets or proposed promenade or pedestrian walkway shall have arcades, display windows, entry areas, awnings, canopies, or other such features. Landscaping and architectural detail at the street level should be used to soften the edge of the building and enhance the pedestrian scale and streetscape.

[8] Each principal building on a site shall have clearly defined, highly visible customer entrances featuring one or more of the following:

i. Canopies or porticos

ii. Overhangs

iii. Recesses/projections

iv. Arcades

v. Raised corniced parapets over the door

vi. Peaked roof forms

vii. Arches

viii. Display windows

ix. Architectural details such as tile work, moldings, stone, or brick integrated into the building structure and design

x. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

xi. Special paving patterns and materials

[9] Designs that emphasize floor lines or that express rhythms and patterns of windows, columns, cornices, dormers, and other architectural features are encouraged.

[10] Building components such as windows, doors, eaves, and parapets shall have good proportions and relationships to each another that are compatible in size and design.

(2) Roof forms and materials for commercial development.

(a) Avoid rooflines running in continuous planes wherever appropriate.

(b) Partial mansard roofs and pitched roofs that do not reach a true peak or hip should be avoided.

(c) Roof materials should be of high quality, durable, and consistent with local architectural themes.

(d) Design roof forms to correspond to and denote building elements and functions such as entrances, arcades, and porches.

(e) Roof forms should relate to adjacent buildings or developments.

(f) Screen roof top mechanical units from view with architecturally integrated screening units, roof parapets, or sloped roof forms.

(3) Residential garages

(a) Front loading garages attached to the front of the main structure are prohibited.

(b) Permitted garage access locations on a single-family housing lot include:

[1] Detached rear garage accessed from a local street or alley;

[2] Attached side garage accessed from the local street or alley;

[3] Attached rear garage accessed from the local street or alley;

[4] Detached rear garage, behind the house, accessed from the local street or alley.

(4) Signage. See Article XIV, Signs.

(5) Lighting

(a) Street lighting shall be provided on both sides of all streets at intervals of no greater than seventy-five (75) feet.

(b) Parking lot poles should be located in medians or perimeter buffer areas wherever possible. Landscaping improvements should not conflict with the location of poles.

(c) Lighting should be provided to highlight entrances, art, terraces, and special landscape features; however fixtures should be concealed to prevent glare.

(d) The maximum height of parking lot poles is thirty (30) feet, measured from grade. The maximum height of poles within plaza and other pedestrian areas is twenty (20) feet, also measured from grade. The use of shorter height poles than the maximums listed above shall be encouraged provided illumination levels meet all intensity and safety requirements.

(e) Parking area light fixtures should be designed with a concealed/recessed light source that shields light downward and confines light spread within a site's boundaries and does not adversely impact any adjoining residential areas.

(f) Provide separate pedestrian scale lighting for walkways in mixed-use and non-residential areas.

(g) Street lighting design shall meet the current edition of the minimum standards developed by the Illumination Engineering Society.

(h) See Chapter 365, Streets and Sidewalks.

(6) Storage, loading, and service areas

(a) Loading docks, storage, and service areas shall be located away from any public street in areas of low visibility such as the rear of buildings.

(b) Loading docks and service areas shall be combined to the extent feasible between multiple sites.

(c) Service entrances shall be clearly marked with signs to discourage the use of main entrances for deliveries.

D. Buffers, street trees, and landscaping standards. See Article XIII, General Requirements.

E. Stormwater management. The design and development in the TND Zone shall minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. All development shall meet the following requirements:

(1) Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.

(2) Erosion and sediment controls must be implemented to remove eighty (80) percent of the average annual load of total suspended solids.

(3) Areas for snow storage should be provided unless the applicant provides an acceptable snow removal plan.

(4) Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.

(5) All treatment systems or Best Management Practices (BMPs) must have operation and maintenance plans to ensure that systems function as designed.

F. Open space and recreation. See § 440-154, Open Space and Recreation.

§ 440-129. Additional regulations.

Additional regulations may apply including, but not limited to:

A. Building standards, see Chapter 102, Building Standards;

B. Impact fees, see Chapter 175, Impact Fees (community service); § 330-9, Sewer impact and connection fees; and § 425-10, Impact fees (water);

C. Floodplain, see Chapter 212, Floodplain Regulations;

D. Manufactured homes, see Chapter 250, Manufactured Homes, and Chapter 255, Manufactured Home Licenses;

E. Building permits and certificates of occupancy, see Chapter 292, Permits and Approvals;

F. Portable storage units, see Chapter 297, Portable Storage Units;

G. Property maintenance, see Chapter 305, Property Maintenance;

H. Sewers, see Chapter 330, Sewers;

I. Source water, see Chapter 350, Source Water Protection;

J. Standard specifications, see Chapter 357, Standard Specifications for Utility Construction Projects and Subdivision Pavement Design;

K. Streets and sidewalks, see Chapter 365, Streets and Sidewalks;

L. Recreational vehicles, see Chapter 417, Recreational Vehicles;

M. Water, see Chapter 425, Water.

§ 440-130 to 440-135 Reserved

Article XIII. General Regulations

§ 440-136. Use regulations.

A. Permitted uses. A permitted use is a use permitted by-right. The permitted uses are set forth in each applicable zone.

B. Conditional use. See Article XVI Conditional Use Permits.

C. Interpretation of uses. A use not specifically listed as permitted in a zone is prohibited unless determined similar in accordance with.

(1) Determination of similar uses. A determination as to whether a use is similar to a use permitted by right shall be considered an expansion of the use regulations of the zone and not as a variance applying to a particular situation. Any use found similar shall be included in the list of uses permitted by right.

(2) Application

(a) All applications for permits involving uses not specifically listed among the uses permitted by right in any zone shall be submitted to the City Manager.

(b) The City Manager shall have the authority to determine that a use is similar to a use permitted by right.

(3) Standards governing the determination of similar use

(a) That the use closely resembles and contains the same characteristics as the classification to which it is to be added.

(b) That the use does not create dangers to health and safety, and does not create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added.

D. All structures shall have visible address numbers on the structure in accordance with the most recently adopted edition of the International Property Maintenance Code.

§ 440-137. Prohibited uses (nuisances).

A. No lot or premises may be used, in or within one hundred (100) feet of a residence for any use which is noxious or offensive by reason of odor, dust, vibration, illumination or noise, or which constitutes a public hazard whether by fire, explosion or otherwise.

B. In all zones, no noxious, offensive, or hazardous use shall be permitted unless adequate provision is made to reduce and minimize such objectionable elements to

the satisfaction of the Planning Commission. In order to ensure adequate safeguards are provided and maintained, and in order to determine whether a use is injurious to the public health or safety, the Planning Commission may consult such official agencies or private experts as it deems necessary.

§ 440-138. Nonconforming uses.

A. Continuation. Any lawful use of a building or land existing at the effective date of this chapter may be continued even though such use does not conform to the provisions of this chapter.

B. Extension. A nonconforming use may not be extended.

C. Changes. If a nonconforming use is changed, the subsequent use must conform.

D. Restoration. A nonconforming use in which the building wholly or partially destroyed by fire, explosion, flood, or other phenomenon, may be reconstructed and used for the same nonconforming use, provided that building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned, and shall be carried on without interruption.

E. Abandonment. If a nonconforming use is abandoned and ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformance with the provisions of this chapter.

§ 440-139. Home occupation.

A. Permitted home-based businesses

(1) Offices for professionals including architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, manufactures' representatives, and travel agents.

(2) Personal services including barbershops, beauty parlors, manicure and pedicure shops, pet grooming, catering, and chauffeuring services.

(3) Instructional services including music, dance, art and craft classes, and tutoring.

(4) Family child care.

(5) Studios for artists, sculptors, musicians, photographers, and authors.

(6) Workrooms for tailors, dressmakers, milliners, and craft persons including weaving, lapidary, jewelry making, cabinetry, and woodworking.

(7) Repair services including small appliances, computers, electronic devices, and small engines (all materials and equipment shall be stored indoors).

(8) Direct sales parties.

B. Prohibited home-based businesses

(1) Kennels, veterinary clinics, and hospitals.

(2) Medical clinics, dental clinics, and hospitals.

(3) Restaurants, bars, and night clubs.

(4) Funeral homes and undertaking establishments.

C. Operational standards

(1) No more than twenty-five (25) percent, or four hundred (400) square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation.

(2) Operating Hours

(a) General standard. Customer and client visits to the home-based business are limited to the hours from 8:00 A.M. to 8:00 P.M.

(b) Additional provisions

[1] These operational standards recognize that some home-based businesses occasionally rely on client/customer visits that begin before 8 A.M. and last beyond 8:00 P.M.

[2] Businesses shall be considered as operating within the home-based business standards as long as they do not cause undue traffic congestion, and comply with the standards governing equipment used or operated by home-based businesses.

(3) Employees

(a) On-premise employees. A home-based business shall have not more than two (2) non-resident employees on the premises at any one time.

(b) Off-premise employees. The number of non-resident employees working at locations other than at the home-based business, is not limited.

(4) Equipment. Equipment used in, and the operation of a home-based business, shall not:

(a) Create any vibrations, heat, glare, dust, odors, or smoke discernible at the property lines;

(b) Generate noise that violates any municipal ordinance or regulation pertaining to noise;

(c) Create any electrical, magnetic, or other interference off the premises;

(d) Consume utility quantities that negatively impact the delivery of those utilities to surrounding properties;

(e) Use and/or store hazardous materials in excess of quantities permitted in residential structures.

(f) There shall be no outdoor storage of equipment or materials used in the home occupation.

(g) No display of goods is visible from the street.

(h) City fees, including sewer, water, and trash fees, including, but not limited to impact and connection fees, may be increased to compensate the City for increased usage of such utility.

(5) No alteration of the principle residential building shall be made which changes the character and appearance thereof as a dwelling.

(6) Signage. Signage shall comply with the requirements provided in Article XIV, Signs.

§ 440-140. Accessory uses, buildings, and structures.

A. Except as otherwise provided, no more than two (2) accessory uses are permitted in the R-1, R-2, R-3, R-4, C-1, C-2, C-3, and TND Zones, including, but not limited to:

(1) Solar panels not attached to the building

(2) Wind turbines

(3) Carports

(4) Antennas

(5) Storage building/shed

B. A use is an accessory use if it meets all of the following criteria:

(1) Is incidental and subordinate to the principal use; and

(2) Is customary to the principal use; and

(3) Is operated and maintained under the same ownership and on the same lot as the principal use; and

(4) Does not include structures or structural features inconsistent with the principal use; and

(5) Does not contain habitable space.

C. All accessory buildings and structures must adhere to Table 13.1, Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones, or Table 13.2, Dimensional Standards for Accessory Buildings and Structures for Manufacturing and Industrial Park Manufacturing Zones.

Table 13.1. Dimensional Standards for Accessory Buildings and Structures for Residential Uses and C-1, C-2, C-3, and TND Zones

Standard	Detached Accessory Buildings
Location	Rear yard
Setbacks	-
Side	5 feet
Rear	5 feet
Distance from main building	10 feet
Maximum Height	The maximum height of accessory buildings and structures shall not exceed the height of the principal structure. See § 440-142, Height Limit Exemptions.
Maximum Lot Coverage	Must be included in calculation of coverage for principal building
Maximum number of accessory structures	Total of 2

Note: The minimum setback maybe adjusted based on the location of tax ditch easements. Contact the Tax Ditch Association (DNREC) to determine easement locations.

Table 13.2. Dimensional Standards for Accessory Buildings and Structures for Manufacturing and Industrial Park Manufacturing Zones

Standard	Detached Accessory Buildings
Location	Front, side, and rear
Setbacks	-
Front	20 feet
Side	5 feet
Rear	20 feet
Distance from adjacent Residential zone	50 feet
Maximum Height	45 feet
Maximum Lot Coverage	Must be included in calculation of coverage for principal building

§ 440-141. Dimensional and density standards.

All lots and structures must adhere to Table 13.3, Dimensional and Density Standards.

Table 13.3. Dimensional and Density Standards

	Minimum Lot Requirements			Minimum Yard Requirements			Max. Height[1] (feet)	Max. Lot Coverage[2] (%)
Zone	Lot Area (sq. ft.)[4]	Width (feet)	Depth (feet)	Front[5] (feet)	Side (feet)	Rear (feet)		
R-1 Single-Family Residential								
Single-family detached	7,500	75	100	35	7.5	30	35	40%
Manufactured home	5,000	50	100	20	7.5	10	35	40%
R-2 Duplex Residential								
Single-family detached	See R-1							
Duplex	3,750/unit 7,500/duplex	37.5/unit 75/duplex	100	25	7.5	30	35	50%
R-3 Townhouse Residential								
Single-family detached	See R-1							
Duplex	See R-2							
Townhouse	1,800	18	100	15	See §440-42	30	35	50%
R-4 Multi-Family Residential								
Single-family detached	See R-1							
Duplex	See R-2							
Townhouse	See R-3							
Multi-family	7,500	75	100	15	See §440-52	See §440-52	45	50%
C-1 Neighborhood Commercial								
Commercial	3,500	100	75	25	7.5	20	35	50%
C-2 Central Commercial								
Mixed use and non-residential	See Article VIII, Central Commercial Zone (C-2)							
C-3 Service Commercial								
Commercial	7,500	75	150	25	10	20	35	50%

TND Traditional Neighborhood Development								
Single-family detached	3,500	40	80	5 min. 15 max.	5 min. 10 max.	30	35	65%
Cottage	2,500	30	80	5 min. 15 max.	5 min. 10 max.	30	35	65%
Duplex	3,000/unit 6,000/duplex	30 /unit 60/duplex	80	5 min. 15 max.	5 min. 10 max.	30	35	65%
Townhouse	See R-3						45	85%
Multi-family	See R-4						45	85%
Non-residential (Retail, Service, Office, Institutional)	2,500	25	100	See § 440-128, Development Standards			45	85%
Residential above Retail/Office	See § 440-128, Development Standards						45	N/A

Notes:
1. See §440-142, Height limit exemptions.
2. Includes both principle, accessory buildings, and impervious coverage.
3. Tract Area is the minimum acreage or square footage needed to develop land for each unit type.
4. Lot Area is the minimum lot size for each dwelling unit type.
5. See § 440-145, Front yard adjustments.

§ 440-142. Height limit exemptions.

The height limitations of this chapter do not apply to appurtenances usually required to be placed above the roof level and not intended for human occupancy. Such appurtenances are:

Belfries	Lightning rods	Smoke stacks	Ventilators
Chimneys	Ornamental towers	Solar collectors	Water tanks
Cupolas	Public monuments	Spires	Water towers
Flag poles	Television antennas for residential use	Sky lights	Windmills

§ 440-143. Lot frontage.

A. Street frontage of any lot shall be as specified in the dimensional and density standards of this article measured along the right-of-way line.

B. Double frontage lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

§ 440-144. Projections into required yards.

A. See Table 13.4 Permitted Projections into Required Yards.

B. Projections into required yards refer to structural features and elements that are permitted, without a variance, to extend into the setbacks otherwise specified by this

chapter. These structural features and elements may be constructed within the required setbacks as otherwise permitted.

Table 13.4. Permitted Projections into Required Yards

Type of Projection	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Balconies, bay windows, entrances, oriels, and vestibules less than 10 feet wide	3 feet	3 feet	3 feet	3 feet
Decks, platforms, or similar raised structures	Not permitted	Not permitted	Not permitted	6 feet
Outside stairways	Not permitted	Not permitted	Not permitted	6 feet
Porches, steps, stoops, terraces, and similar features				
Open	5 feet	3 feet	3 feet	9 feet
Roof covering porches, steps, stoops, terraces	4 feet	Not permitted	Not permitted	4 feet
Enclosed, including screened-in porches	Not permitted	Not permitted	Not permitted	Not permitted

§ 440-145. Front yard adjustments.

The front yard required for a dwelling in any zone which permits residences may be reduced in the case of a dwelling to be located between two (2) existing dwellings or in line with an existing structure which lack the required front yard. In the case of two (2) nonconforming front yard setbacks on adjoining lots, the front yard shall not be less than the average of the two adjoining lots.

§ 440-146. Minimum roof pitch.

All new construction in residential zones shall have a minimum roof pitch of 4:12 and a maximum of 12:12 (measured as the ratio of the roof's rise to its horizontal run).

§ 440-147. Fences and walls.

Fences and walls shall be permitted in any residential zone, subject to the City Manager's approval of materials and the following restrictions:

A. Height limitations for fences and walls

(1) Front yard: not exceed four (4) feet in height

(2) Side or rear yard: the maximum height shall be six (6) feet

(3) Setback: six (6) inches from property line.

B. No fence shall be erected, altered, or maintained in such fashion as may cause danger to traffic on a street, alley, or public road by obscuring the view.

C. Chain-link fences are permitted in residential zones only in the rear yard.

§ 440-148. Visibility at intersections within “sight triangle”.

At street intersections, nothing shall be built, placed, planted, or allowed to grow higher than three (3) feet within the “sight triangle” measured along the right-of-way line above the curb level of the intersecting streets for a distance of twenty (20) feet from the intersection and formed by connecting the respective twenty (20) foot distances. Obstructions existing at the time this chapter is adopted may remain.

§ 440-149. Sidewalks and curbs.

A. Requirements. All new construction in the City of Harrington shall include:

(1) Installation of sidewalks and curbing on street frontage, on corner lots and the side exposed to traffic.

(2) New streets in subdivisions shall provide sidewalks on both sides of the street. Sidewalks shall be dedicated as part of the right-of-way of all streets.

(3) Curbs and gutters may be required for the purposes of drainage, safety, and the delineation or protection of pavement edges.

(4) Sidewalks and curbing must be installed before a certificate of occupancy is issued.

B. Construction Standards. See Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design.

§ 440-150. Wetlands.

If wetlands are designated as existing on a property, all pertinent federal, state, and county agencies' regulations shall apply.

§ 440-151. Bufferyards.

A. Purpose

(1) One of zoning's most important functions is the division of land uses into zones which have similar character and contain compatible uses. All uses permitted in

any zone have generally similar nuisance characteristics. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

(2) The bufferyard is a combination of setback and a visual buffer or barrier; it is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this chapter are specified and are designed to ameliorate nuisances between adjacent zones to ensure a desired character along public streets and roads. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as "buffers."

(3) Bufferyards shall be required to separate different zones from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Mature woodlands are considered the best buffers and should be used whenever possible.

B. Location of bufferyards. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located along the lot frontage. Bufferyards shall not be required internally between varying uses within the TND Zone.

C. Determination of Required Bufferyard. To determine the type of bufferyard required on a parcel or between two (2) parcels or between a parcel and a street, the following procedure shall be used:

(1) Identify whether any portion or property line of the site constitutes a zone boundary. If it does, determine the zoning on both sides of the property line.

(2) Determine whether the land on the adjoining property is vacant or developed or whether a plat of the subdivision has been approved.

(3) The width of the bufferyard shall be a minimum of fifteen (15) feet unless otherwise determined by the Planning Commission.

D. Responsibility for bufferyards

(1) When a proposed use adjoins a vacant parcel for which a bufferyard is required by the presence of a zoning boundary, that use shall at the time of development provide one half (½) of the buffer.

(2) The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total bufferyard required between those two (2) uses.

(3) Existing plant material and/or land located on the preexisting (first developed) land use which meets the requirements of this chapter may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

E. Acceptable bufferyard materials

(1) A brick or stone wall.

(2) Wooden fence.

(3) Vinyl fence designed to look like wood.

(4) Planted vegetation, in which:

(a) All evergreen trees to be installed shall not be less than six (6) feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than fifteen (15) feet.

(b) One hundred (100) percent of required trees and at least seventy-five (75) percent of required shrubs shall be evergreen species.

(c) Shrub plantings shall be a minimum of three (3) feet high upon installation, with an expected height of at least six (6) feet at maturity, no unobstructed openings wider than four (4) feet will be permitted.

(d) Existing vegetation.

(e) A combination of these elements, which will meet the purpose of the requirement if deemed suitable by the Planning Commission.

§ 440-152. Screening.

A. Purpose. The purpose of a screen is to provide a visual barrier between unsightly or out of scale development features and the views from public streets and abutting properties.

B. Screening requirements for mixed-use and non-residential uses.

(1) All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment. The screening of mechanical equipment shall not be subject to the maximum height requirements if it is unoccupied.

(2) Service and loading areas, including trash handling and recycling, outdoor storage, vehicle storage, loading docks, and wall or ground mounted equipment, shall be located on the side or rear of the building and shall be visually screened from street and pedestrian ways with an opaque screen that may be composed of:

(a) A brick or stone wall.

(b) Wooden fence.

(c) Vinyl fence designed to look like wood.

(d) Planted vegetation, in which:

i. All evergreen trees to be installed shall not be less than six (6) feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than fifteen (15) feet.

ii. One hundred (100) percent of required trees and at least seventy-five (75) percent of required shrubs shall be evergreen species.

iii. Shrub plantings shall be a minimum of three (3) feet high upon installation, with an expected height of at least six (6) feet at maturity, no unobstructed openings wider than four (4) feet will be permitted.

(e) Existing vegetation.

(f) A combination of these elements, which will meet the purpose of the requirement if deemed suitable by the Planning Commission.

(3) Building construction materials and related equipment storage, provided that storage areas shall be screened from public view.

§ 440-153. Trees.

A. Tree planting on lots

(1) The developer shall plant at least two (2) trees on each new lot.

(2) These trees shall be in place before the time that a certificate of occupancy is issued for the structure on that lot.

(3) The trees shall be selected from the list found in Appendix 1, Approved Trees, and shall not be invasive or nuisance species.

B. Tree planting in open space

(1) The developer shall plant at least one (1) tree per three thousand (3,000) square feet of land area in all active open space areas.

(2) These trees shall be in place before the time that the City accepts the public improvements (streets and utility infrastructure) for dedication.

(3) The trees shall be selected from the list found in Appendix 1, Approved Trees, and shall not be invasive or nuisance species.

(4) Tree planting and reforestation is encouraged in passive open space areas.

C. Shade trees in parking areas

(1) Shade trees in parking areas shall be provided per the parking area landscaping requirements provided in Article XV, Parking and Access.

(2) Parking areas that are required to be paved must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least twelve (12) inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix 1, Approved Trees.

(3) Each tree shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, twenty (20) percent of the vehicle accommodation area will be shaded.

(4) No paving may be placed within twelve and one-half feet (12 ½) feet (measured from the center of the trunk) of any tree retained to comply with Article XV, Parking and Access, and new trees planted to comply with Article XV, Parking and Access, shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved area.

(5) Parking areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three (3) feet, six (6) inches.

§ 440-154. Open space and recreation.

The City of Harrington shall require the reservation of recreational open space in accordance with the provisions of this section as a condition of approval for all TND, major subdivisions, and residential developments requiring conditional use approval, site development plan approval, or land subdivision approval by the Planning Commission.

A. Recreational open space areas.

(1) Purpose. The purpose of this section is to ensure that active recreation areas are provided as an integral design element within residential developments and that such facilities are of an adequate scale in relation to the size of the residential development and provide residents with a variety of active recreational pursuits.

(2) Definition. The following are illustrative of the types of active recreation areas and passive open space, including subsequent facilities that shall be deemed to serve recreational and open space needs, and therefore to count toward satisfaction of the requirements of this section.

(a) Active recreational open space. Land set aside as a part of a development project that is intended and designed to be used for active recreational activities. Active open space must be free of site constraints that would restrict the use and enjoyment of the open space by the community. A combination of two (2) or more of the following features or facilities shall be used:

[1] Athletic facilities, ball fields, and courts.

[2] Swimming pools, saunas, and exercise rooms.

[3] Playgrounds/tot-lots.

[4] Pocket parks with permanent amenities.

[5] Community gardens and orchards.

[6] Village greens, public plazas, and/or squares with permanent amenities.

[7] Outdoor educational facilities.

[8] Outdoor meeting or festival grounds.

[9] Trail with fitness stations.

[10] Walking, jogging, and biking trails when constructed as an accessory to central recreation facilities. The developed trail shall be the only area counted toward the area requirement.

Note: Permanent amenities include, but are not limited to, fixed benches, fixed picnic tables, pavilions, amphitheaters, kiosks, fountains, monuments, bike racks, trash receptacles, bicycle racks, aesthetic lighting, perennial gardens, and similar features may be included.

(b) Passive open space. Land set aside as part of a development project that is intended to be left in its natural state, and enjoyed for its aesthetic and ecological values. Any public use of the passive open space should be consistent with the preservation of ecological functions of the open space.

[1] Green space, open fields if an integral part of the design

[2] Forested areas

[3] Nature preserves, fish and wildlife areas, etc.

[4] Identified areas of cultural resources

[5] Areas used for stormwater management ponds, drainage swales, rain gardens, or other BMPs if the features are an integral component of the overall design, as approved by the Planning Commission.

(c) The following activities or land uses may not be counted as a part of designated open space:

[1] Existing rights-of way and utility easements

[2] Setbacks and lawns

[3] Stormwater management facility except for § 440-154 A 2 (b) [5]

(3) Area required

(a) All residential developments shall provide that a contiguous recreational area in a size equal to seven and one half (7½) percent of the gross area of the development be so dedicated or reserved when the gross area is greater than five (5) acres.

(b) The minimum area of an active recreation area shall be five thousand (5,000) square feet.

(4) Design guidelines

(a) Integrated. Passive and active open space areas shall be an integral component of the overall development design. Active open space should be integrated with passive open space and natural areas whenever practical.

(b) Accessible. Recreation areas shall be accessible within the development and arranged in a manner which affords reasonable access to all residents within the development. When warranted, recreation areas can be dispersed throughout the development, provided that each remote location is accessible.

(c) Pedestrian-oriented. Recreation areas shall be pedestrian-oriented and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

(d) Age-oriented. The nature and scope of planned recreation areas shall reflect an awareness of, and sensitivity toward, the anticipated age groups that would reside within the proposed development.

(e) Parking. Designs shall consider the need for parking facilities associated with recreation areas.

(f) Setbacks. No structure, equipment, or game court surface required under this section shall be located nearer than thirty (30) feet to any lot line of a lot to be used for residential purposes, nor nearer than twenty-five (25) feet to any right-of-way line.

(g) Landscaping. Such uses shall be landscaped as determined by the Planning Commission during the site plan approval process, and where warranted, visual screening of parking areas, game courts, playground areas, and other features as necessary to preserve and protect the interests of adjoining residential properties may be required.

(h) Protected. Passive open space shall be permanently protected through deed restrictions or conservation easements. Passive open space shall be demarked with permanent markers to ensure against encroachment.

(i) No structures, lot lines, or infrastructure shall be permitted within passive open space, with the exception of walking trails.

(j) Active recreation facilities shall be designed and installed using National Recreation and Park Association (NRPA) standards, and in accordance with Accessible Recreation Facilities Guidelines.

(5) Cash in lieu of recreation area construction.

(a) Determination of suitability for cash donation. If the Planning Commission determines that the construction of recreation is not practical due to close proximity to existing available recreation facilities or infeasible due to natural characteristics of the land or will not benefit the residents of the development, the Planning Commission shall require a full or partial cash donation to be made by the developer in lieu of a full or partial dedication of land.

(b) Amount of each donation. The cash donation shall be as set forth in Chapter 180, Municipal Fees. The amount shall be reviewed on a regular basis as part

of the budgetary process. The payment in lieu of recreation area construction shall be a maximum of fifty (50) percent.

(c) Payment of cash donation. One hundred (100) percent of the cash donation provided under this section shall be collected prior to issuing the first zoning compliance certificate for the development.

B. Management and maintenance of common open space and recreational areas.

(1) Management and maintenance required. There shall be provisions which ensure that the common open space land and all public facilities not dedicated to the City of Harrington shall continue as such and be properly maintained. These provisions shall be in a form acceptable to the City of Harrington. The developer shall either (a) retain ownership and responsibility for maintenance of such open land; or (b) provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space. In the case of (b) above, each organization shall be a nonprofit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

(2) Homeowners' association requirements. If a homeowners' association or open space trust is formed, it shall be governed according to the following:

(a) Membership mandatory. Membership in the organization is mandatory for all purchasers of homes therein and their successors. The members of the organization shall share equitably the costs of maintaining and developing common open space and recreation areas, in accordance with procedures established by them.

(b) Responsibilities. The organization shall be responsible for maintenance, insurance, and taxes on common open space, recreation facilities, and open public facilities, including but not limited to roads, gutters, sidewalks, curbs, drainage systems, water distribution systems, and sewer facilities not dedicated to the City of Harrington.

§ 440-155 to 440-170 Reserved

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Article XIV. Signs

§ 440-171. Purpose.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

A. To ensure that signs are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare;

B. To allow and promote positive conditions for sign communication;

C. To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan zones and promote an attractive environment;

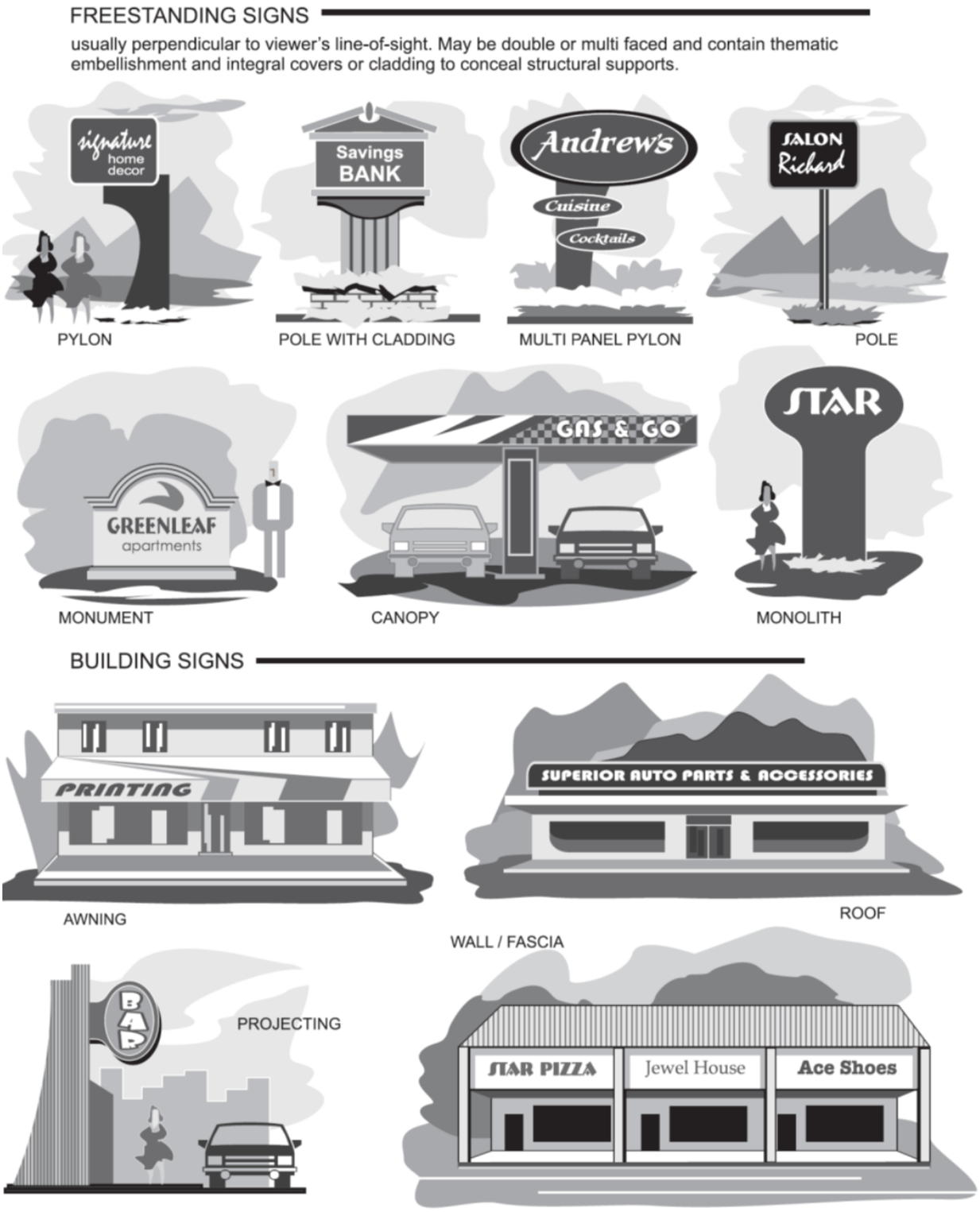
D. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway.

E. To ensure that the constitutionally guaranteed right of free expression is protected.

§ 440-172. Hierarchy of regulations.

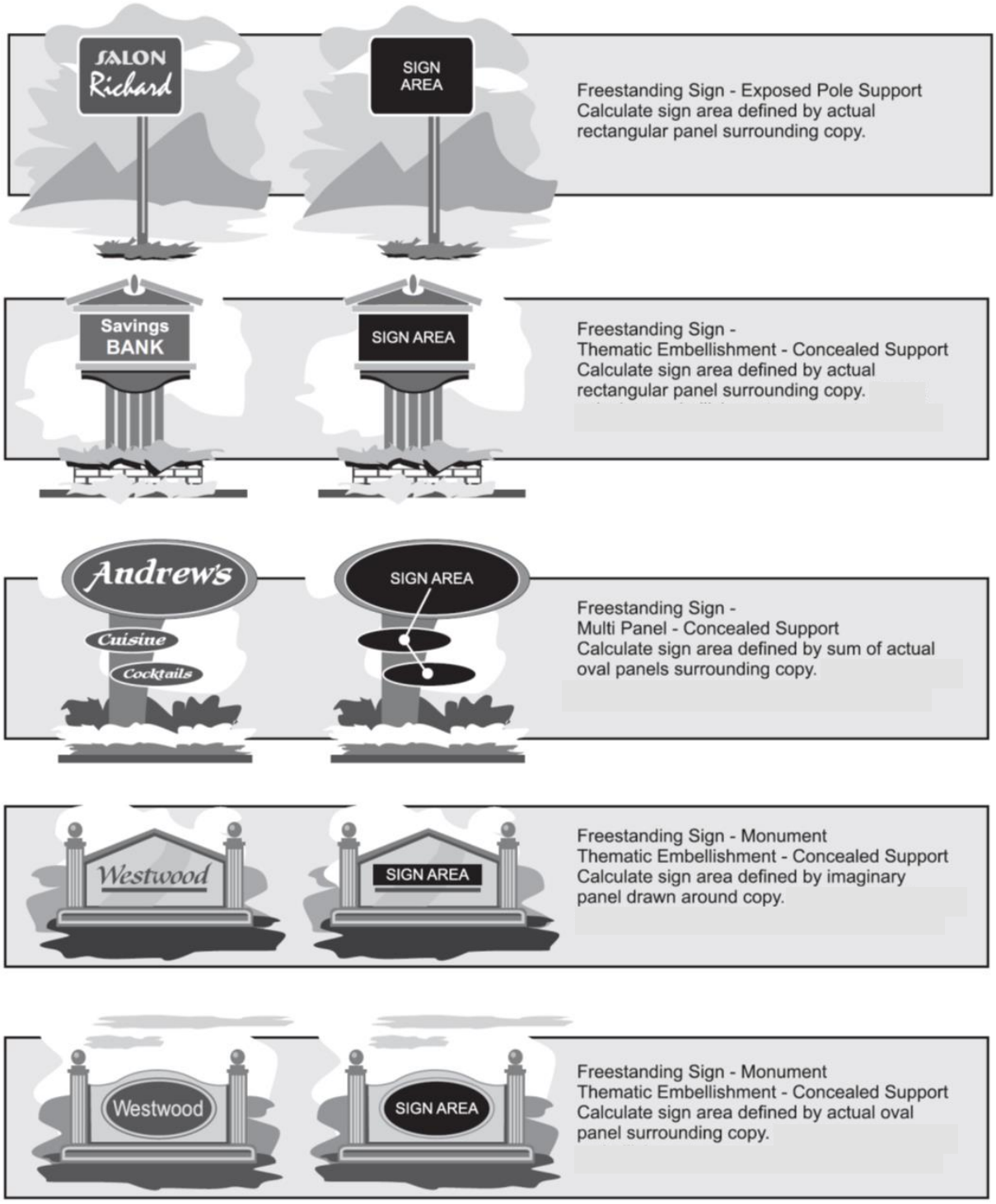
Where there is a conflict between specific sign regulations and the base or general sign regulations of this chapter, the specific sign regulations supersede the base sign regulations.

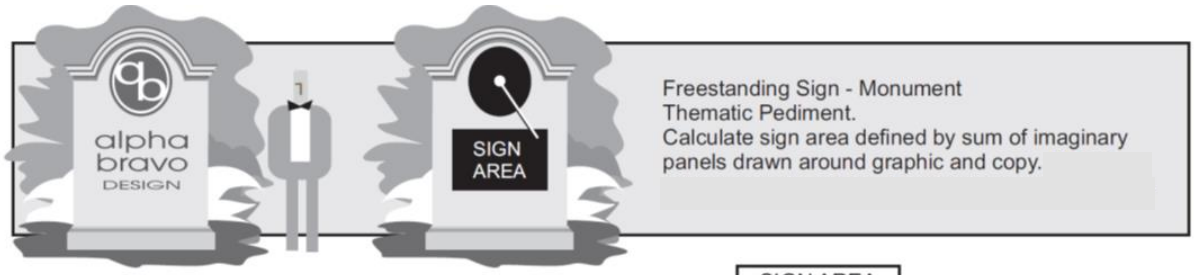
§ 440-173. Typical on-premise sign types.



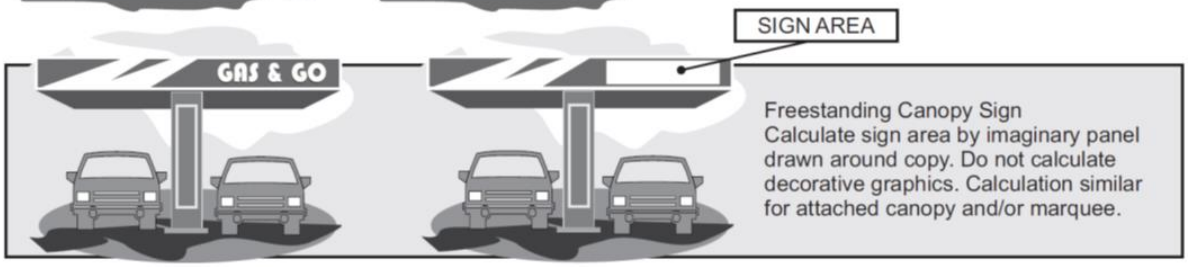
§ 440-174. Sign area computational methodology/ground signs.

Embellishment or support cladding is not included in the sign area unless it contains copy.





Freestanding Sign - Monument
Thematic Pediment.
Calculate sign area defined by sum of imaginary panels drawn around graphic and copy.



Freestanding Canopy Sign
Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall / Fascia Signs

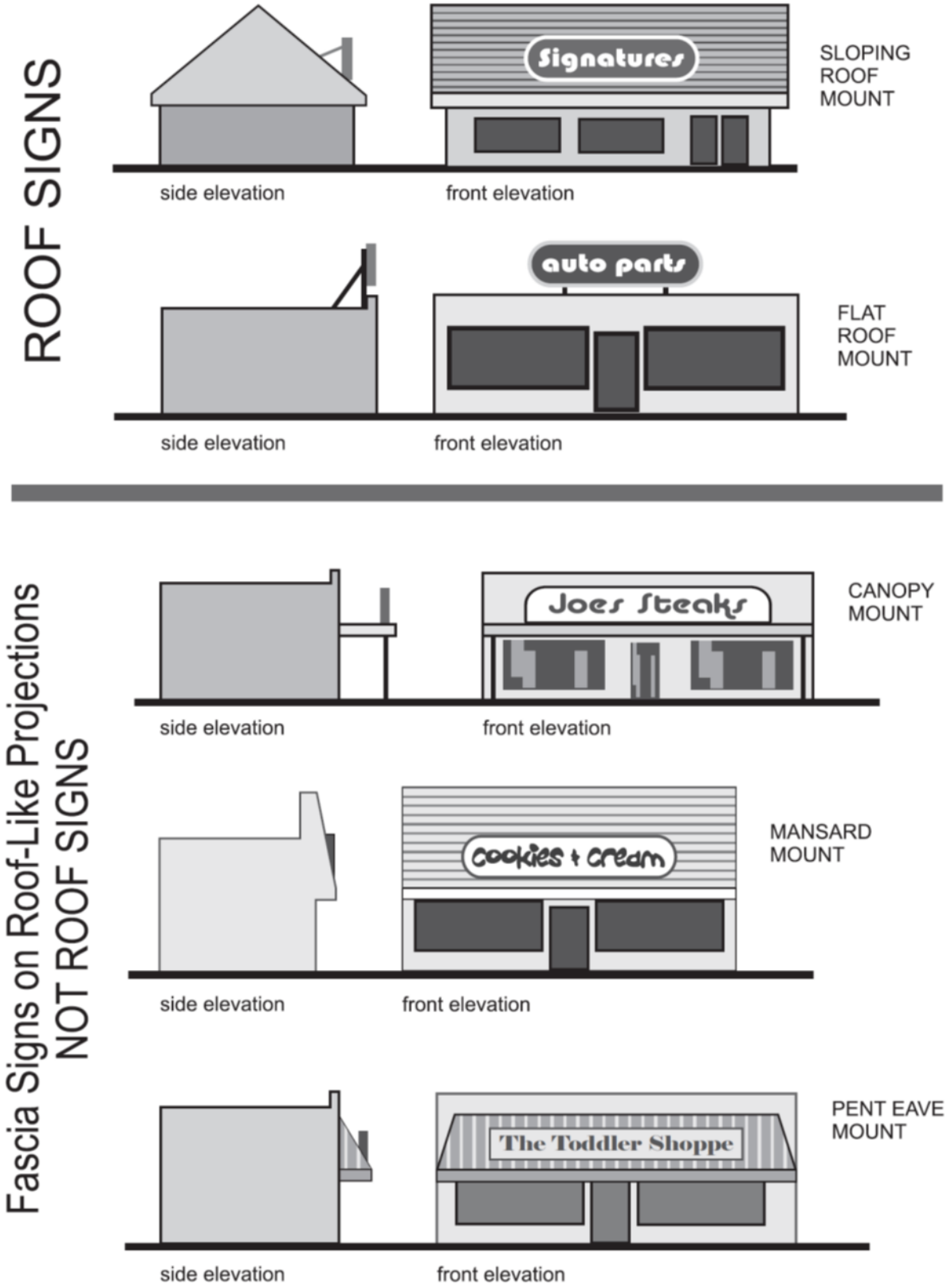
Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.

Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.

Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics

§ 440-175. Comparison: roof and wall sign distinctions.



§ 440-176. Exemptions.

The following are exempt from the regulations of this article, but may be subject to other regulations enacted by the City where applicable:

A. Signs inside a building;

B. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade to qualify under this provision; they must be a part of the physical construction of the building materials comprising the façade; letters or signs that are merely attached to the exterior façade of the building do not qualify, even if the same finish or color;

C. Signs required by federal or state law;

D. Signs required by municipal authority;

E. Name and address. Up to two (2) signs indicating address, number, and/or name of occupants of the premises, which do not exceed two (2) square feet in area per side, and do not include any commercial advertising or other identification;

F. Decals. Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment;

G. Handicapped parking space. Signs not exceeding two (2) square feet in area reserving parking for handicapped individuals;

H. Private drive signs. On-premise private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area;

I. Public signs. Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities and any signs erected by the City;

J. Security and warning signs. On-premise signs regulating the use of the premises, such as “no trespassing,” “no hunting,” and “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area in residential areas and one (1) sign five (5) square feet in area in Commercial, Manufacturing, and Industrial Park Manufacturing Zones. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

§ 440-177. Sign face area.

A. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet.

B. Double sided signs. Only one (1) side of a double sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area.

C. Round, oval, & irregularly shaped signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval, or irregularly shaped sign.

D. Calculating sign area (See § 440-174, Sign area computational methodology/ground signs).

(1) Signs containing integral background areas. The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

(2) Signs without integral background areas. In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

(E) Awnings and canopies. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

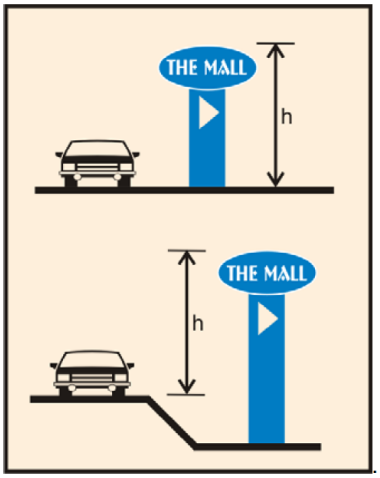
§ 440-178. Height of signs.

A. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

B. Exception. Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will

be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure 14.1.

Figure 14.1. Sign Height for Roadways with Higher Grade



§ 440-179. Standards in Single-Family (R-1), Duplex (R-2), Townhouse (R-3), and Multi-Family (R-4) residential zones.

A. General standards. Standards for permanent on-premise signs in the following residential zones are described below:

R-1 Single-Family Residential
R-2 Duplex Residential
R-3 Townhouse Residential
R-4 Multi-Family Residential

B. Subdivisions, apartment, duplex, and townhouse complexes are permitted a freestanding sign not to exceed sixty-four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, duplex or townhouse complex.

C. For properties located in a residential zone as described in subsection B above, other directional, incidental, and/or accessory signs are also permitted, to be located within the subdivision, duplex, or townhouse complex development. Such directional, incidental, and/or accessory signs shall not exceed six (6) square feet in sign area and four (4) feet in height (if freestanding).

D. Other non-residential uses in a residential zone are permitted a freestanding sign not to exceed forty-eight (48) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use.

E. Electronic message centers (EMC). EMC's are allowed, by conditional use only, on properties with permitted non-residential uses in a residential zone. They are prohibited on residential properties and on subdivision, apartment, multi-family dwellings, and condominium properties. See § 440-183, Electronic message centers.

F. See § 440-190, Permitted and prohibited signs in all zones.

§ 440-180. Standards in Neighborhood Commercial (C-1) and Central Commercial (C-2) Zones.

A. Any signs permitted in a residential zone that relate to a use permitted in the Neighborhood and Central Commercial Zones are permitted.

B. Signs for a multi-tenant office development or professional building, including a directory of tenants engaged in professional and/or commercial activity on the premises. The area of any such sign shall not exceed one hundred (100) square feet and not more than two (2) such signs shall be permitted on premises held in single and separate ownership unless such premises fronts on more than one (1) street in which case two (2) such signs shall be permitted on each separate street frontage, and further provided that one (1) sign, the area of which shall not exceed one hundred (100) square feet, shall be permitted for each means of entrance to or exit from the premises.

C. Signs for permitted uses within the Neighborhood and Central Commercial Zones other than a multi-tenant office development or professional building provided that the area of any such sign shall not exceed seventy-five (75) square feet and further provided that not more than two (2) such signs shall be permitted.

D. Freestanding signs shall be limited to a height of twelve (12) feet above the grade level.

E. Electronic message centers prohibited in Neighborhood and Central Commercial Zones.

§ 440-181. Standards in Service Commercial (C-3), Manufacturing (M), and Industrial Park Manufacturing (IMP) Zones.

General standards and sign features. The standards for permanent signs in Service Commercial, Manufacturing, and Industrial Park Manufacturing Zones are as follows. All such signs must conform to the regulations of this section.

A. Any signs permitted in a Residential Zone or Neighborhood/Central Commercial Zones are permitted in Commercial, Manufacturing, and Industrial Park Manufacturing Zones.

B. Signs for permitted uses within the Neighborhood and Central Commercial Zones other than a multi-tenant office development or professional building provided that the area of any such sign shall not exceed one hundred fifty-three (153) square feet and further provided that not more than three (3) such signs shall be permitted.

C. Freestanding signs shall be limited to a height of twelve (12) feet above the grade level.

§ 440-182. Additional standards in all zones.

A. Where these regulations apply. These regulations apply to all signs regulated by this article.

B. Sign placement. All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right of way.

C. Signs extending into the right-of-way. Exceptions:

(1) Projecting signs, awnings, and marquees in a Neighborhood or Central Business Zone, projecting over a public sidewalk.

(2) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.

(3) A-frame signs**.** A-frame signs may be used in a Neighborhood or Central Business Zone if they meet the following standards:

(a) The sign is entirely outside the street or roadway;

(b) The sign is no larger than four (4) square feet;

(c) The sign does not obstruct a continuous through pedestrian zone of at least five (5) feet in width.

(d) The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:

[1] Transit stop areas;

[2] Designated disabled parking spaces;

[3] Disabled access ramps; or

[4] Building exits including fire escapes.

D. Removal of signs. The City Manager may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.

E. Freestanding signs may not extend into the right-of-way.

F. Fascia or wall signs.

(1) Vertical extensions. Fascia or wall signs may not extend above the top of the building wall upon which they are mounted.

(2) Horizontal extensions. Fascia or wall signs may not extend more than eighteen (18) inches out from the wall or structure to which they are attached.

G. Projecting signs placement. Projecting signs are not allowed on rooftops or on pitched roofs. Projecting signs may not extend over a right-of-way unless they are located in a Neighborhood or Central Commercial Zone. There must be eight (8) feet from grade to the bottom of the projecting sign.

H. Directional signs.

(1) General standards. Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on any property or site.

(2) Size. Freestanding directional signs may be up to six (6) square feet in area and forty-eight (48) inches above grade. Fascia directional signs may be up to sixteen (16) square feet in area.

(3) Directional signs in any zone may have internal or external illumination.

I. Temporary signs. Temporary signs for special events, including inflatable signs with a surface area of less than one hundred (100) square feet and not more than twenty (20) feet tall, may be erected on the premises of any establishment conducting a special event, provided that such signs do not exceed a total of two (2) signs with a total of one hundred (100) square feet in sign area. For the purposes of this section, a temporary sign is a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Any signs not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. A temporary sign shall be displayed no more than ninety (90) days per calendar year and no more than thirty (30) consecutive days. For grand openings, the maximum number, sign type, and allowable area may be waived by the City Manager. Permits for such signs

are required and shall be accompanied by a fee as provided for in Chapter 180, Municipal Fees. Inflatable signs can be used with the following provisions:

(1) The inflatable sign shall be set back from the edge of the right-of-way a minimum of twenty-five (25) feet;

(2) The inflatable sign shall be securely anchored to the building or ground;

(3) The inflatable sign shall not interfere with utility lines and traffic.

§ 440-183. Electronic message centers.

A. In the Service Commercial, Manufacturing, and Industrial Park Manufacturing Zones, electronic message centers (EMCs) are permitted in accordance with the sign areas noted in this article.

B. Additional general EMC regulations.

(1) An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.

(2) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with § 440-184, Sign Illumination Standards.

C. EMC regulations by zone.

(1) In residential zones, EMC signs are permitted only in certain circumstances by conditional use in accordance with § 440-179 E of this article. They are otherwise prohibited in residential zones.

(2) In residential zones, where permitted, EMC signs shall have a minimum display time of twelve (12) seconds. The transition time between messages and/or message frames is limited to one (1) second.

(3) In residential zones, where permitted, the following EMC display features and functions are prohibited: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.

(4) In Service Commercial, Manufacturing, and Industrial Park Manufacturing Zones, EMC signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and or other transition effects.

(5) In Service Commercial, Manufacturing, and Industrial Park Manufacturing Zones, the following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement, and full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC.

§ 440-184. Sign illumination standards.

Signs may be illuminated consistent with the following standards:

A. A sign in any zone may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.

B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one half (½) hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

D. On-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations that the City has adopted, or will adopt in the future.

§ 440-185. Nonconforming signs.

A. Nonconforming permanent signs must achieve conformity within ten (10) years of the adoption of this chapter. Nonconforming signs must be removed and changed in accordance with the provisions of this chapter.

B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style sign may also be changed by right, and such change does not constitute a structural alteration nor trigger loss of nonconforming status.

C. Ownership. The status of a nonconforming sign is not affected by changes in ownership.

D. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.

E. Loss of nonconforming sign status.

(1) Discontinuance. A sign, including, but not limited to, structures, supports, poles, braces, and anchors, that for ninety (90) days or more no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located or a sign that for seven (7) days or more no longer identifies or advertises an event or election.

(2) Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:

(a) Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.

(b) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.

§ 440-186. Electrical regulations applying to all permanent and temporary on-premise signs.

A. All on-premise electric signs, outline lighting systems and skeleton neon lighting systems shall be manufactured and installed in compliance with NFPA 70, the National Electric Code (NEC).

B. The listing label number for all signs shall be provided on the sign permit application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory (NRTL) validation, a NRTL file number from the sign manufacturer shall be provided for all electric signs on the sign permit application.

C. The City Manager shall have the authority to immediately remove any sign that is not in conformance with this article, or to have said sign removed, at the property owner's expense.

§ 440-187. Construction and structural requirements.

A. Structural standards.

(1) Signs, sign structures, sign foundations, and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of Chapter 102, Building Standards. All signs and their foundations and attachments must be designed for the appropriate dead, wind, and snow loads for the geographic area in question.

(2) The supports and foundations used in construction for all signs and sign structures must be located outside of any rights-of-way.

(3) Welds of sign structures & sections of sign structures must be welded in accordance with Chapter 102, Building Standards.

B. Engineering standards.

(1) Signs, sign structures, sign foundations and anchorages to a building must be individually designed in accordance with Chapter 102, Building Standards, and the provisions of this article.

(2) When Chapter 102, Building Standards, calls for sealed sign design construction plans to be submitted as a part of any sign permit application, this requirement is not compulsory as it relates to on premise signs regulated under this chapter. The instances when sealed plans by a licensed engineer are required and when they are not required will be determined by specific criteria and procedures established by the City and administered by the City Manager on a case-by-case basis.

C. Clearances.

(1) Vision clearance areas. Vision clearance areas are triangular shaped areas located at the intersection of any combination of right of- way, alleys, or driveways. The sides of the triangle extend thirty (30) feet from the intersection of the right-of-way, alley, or driveway in either/each direction. No sign may be installed within this clear sight triangle.

(2) Vehicle area clearances. In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

(3) Pedestrian area clearances. When a sign or awning extends more than twelve (12) inches over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least eight (8) feet above the ground.

(4) Clearances from fire escapes, means of egress, or standpipes. Signs, sign structures, and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or awnings to a fire escape is prohibited.

(5) Obstruction of windows and ventilation. Signs, sign structures, and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by either Chapter 102, Building Standards, or Chapter 305, Property Maintenance.

D. Signs, sign structures, supports, foundations, panels, and methods to attach the sign to the structure shall be removed when a sign is abandoned.

§ 440-188. Maintenance requirements.

A. Signs, sign structures, and awnings, together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The City Manager may order the removal of any sign, sign structure or awning that is not maintained in accordance to this chapter.

B. Dangerous structures and equipment.

(1) Signs, sign structures, or awnings that are dangerous must be taken down and removed or made safe as the City Manager deems necessary. Signs may be deemed dangerous for one (1) or more of the following reasons:

(a) Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of Chapter 102, Building Standards;

(b) Whenever any portion or member of a sign, sign structure, or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property;

(c) Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;

(d) Whenever a sign, sign structure, or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate

maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment.

(2) All signs, sign structures, and awnings determined after inspection by the City Manager to be dangerous must be abated by repair, rehabilitation, demolition, or removal.

§ 440-189. Permit.

No sign, advertising display, or structure, poster, or device shall be erected, moved, enlarged, replaced, refaced, or reconstructed except by permit from the City Manager and in accordance with this chapter. See Chapter 292, Permits and Approvals, Article II, Building Permits and Certificates of Occupancy.

§ 440-190. Permitted and prohibited signs in all zones.

A. Signs permitted in all zones.

(1) Signs advertising the sale, lease, or rental of the premises upon which the sign is located, which shall not exceed six (6) square feet in residential zones and thirty-two (32) square feet in all other zones, and shall be located behind the property line. One (1) such sign shall be permitted for each two hundred (200) linear feet of street frontage for the parcel.

(2) Signs designating the name and address of the occupants, hours of operation, security notices, and business policy statements, and may not exceed four (4) square feet.

(3) Signs denoting the architect, engineer, developer, or contractor placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed thirty-two (32) square feet in area. No more than two (2) signs of any type are permitted for any one (1) property or building project. Signs shall be fifty (50) feet from other signs on the site, except where it is not physically possible, then the signs shall be as far away from the other sign as possible.

(4) Public signs. "Public sign" is defined as a sign erected by or on behalf of a governmental body to post a legal notice, identify public property, or public buildings, convey public information, and direct or regulate pedestrian or vehicular traffic.

(5) Any sign located in an internal location on a site, campus, or complex and that cannot be seen from any public right-of-way or adjacent property.

(6) Historical and memorial signs or tablets, name plates, and/or address identification signs, provided that no more than two (2) are erected per premises, with each sign area being no more than two (2) square feet.

(7) People wearing costumes of the logo or character associated with the company, as long as they are located on the business premises.

(8) Political signs shall not be over six (6) square feet in sign area in all residential zones and shall not be over thirty-two (32) square feet in all other zones. All election signs shall be removed no later than seven (7) days after the election.

(9) Signs noting a tenant, store, building, etc., is "coming soon," which sign shall not exceed thirty-two (32) square feet, and only one (1) sign is permitted on the site. The sign shall be fifty (50) feet from other signs. The sign shall not be placed on the site for more than six (6) months. After six (6) months, the sign shall be removed even if the tenant, store, building etc., has not opened or been constructed.

(10) Portable signs designed to be transported, including, but not limited to, A-frames, T-frames, and sandwich boards used for advertising. These types of signs shall not obstruct pedestrian or vehicular access or traffic, are limited to one (1) sign per business, and shall not be over four (4) feet above grade.

(11) Signs required by federal or state law or by a municipal authority.

(12) Decorative flags or flags indicating the establishment is open for business on flag poles and individual pennants not on a string with the following provisions:

(a) When installed over a public sidewalk, the bottom of the flag shall be no less than six (6) feet above the established sidewalk;

(b) The flag shall not impede pedestrian traffic along public sidewalks;

(c) The size of the flag shall be no larger than three (3) feet by five (5) feet;

(d) Flags displayed shall be limited to the hours which the business is open or dawn to dusk.

(13) Open-for-business signs, not to exceed two (2) square feet per business.

(14) Civic, non-profit event signs used to advertise, promote public entertainment uses, including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events, and civic fund-raising events such as carwashes and yard sales. The following provisions apply:

(a) For the purposes of this subsection, civic event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle-mounted signs and portable signs are prohibited, except as may otherwise be provided in § 440-190 A (10).

(b) No strobe lights, flashing lights, or search lights are permitted.

(c) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard, or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.

(d) Size and quantity of signs are not regulated; however, signs shall not be displayed for more than fourteen (14) days prior to the event and shall be removed within forty-eight (48) hours after the event.

(15) Pennants on a string in motor vehicle sales lots, provided that they are securely fastened to permanent structures and set back from all streets and driveways. Pennants that are determined by the City Manager to be torn, faded, or soiled are prohibited.

B. The following signs are prohibited in all zones:

(1) Signs adversely affecting safety. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part; no sign other than a safety sign shall be attached to a stand-pipe or fire escape.

(2) Simulated traffic signs and obstructions. Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection, or extend into the public right-of-way.

(3) Signs with intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger or such as are customarily used by police, fire, ambulance vehicles, fire police, or for navigation purposes. Signs located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from the normal approaching position of a vehicle at a distance of twenty-five (25) feet to three hundred (300) feet, or which competes for attention with, or may be mistaken for, traffic signals, as determined by the City Manager. Also, any sign that is determined by the City Manager, to constitute a traffic hazard by reason of size, location, content, color, or type of illumination.

(4) Signs which emit smoke, gaseous matter, visible vapors, particles, sound, or odor shall be permitted; open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

(5) Mechanically moving signs. An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical, or other means, including but not limited to pennant strings, streamers,

spinners, propellers, and search lights. See also § 440-183, Electronic message centers.

(6) Animated signs. See § 440-9, Word usage; definitions.

(7) Signs that are flashing, rotating, or fluttering material or that give the appearance of movement, or are illuminated by flashing or intermittent lights, or lights of changing degrees or intensity, or signs containing strobe lights.

(8) Off-premises signs of any type (billboards, temporary signs, directional signs for developments, etc.), except for freestanding signs shared with an immediately adjacent property.

(9) Vehicle and utility trailer signs. A motor vehicle or utility trailer may not park on City streets or in a place visible from a public roadway as a sign or as the base for a sign where the primary purpose of the motor vehicle or utility trailer is general advertising or advertising for hire. The following criteria may be used in determining whether the primary purpose of the motor vehicle or utility trailer is a sign. It is not necessary that any one or all of the listed criteria are present in order to determine that a sign is a prohibited vehicle sign or utility trailer sign:

(a) Whether the sign is painted upon or applied in a permanent manner directly to an integral part of the vehicle or trailer or merely temporarily attached to the vehicle or trailer;

(b) Whether the vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets, when applicable;

(c) While the business is open, the vehicle or trailer is not moved and the vehicle or trailer is so parked or placed that the signs thereon are displayed to the public;

(d) Whether the vehicle or trailer is regularly parked in a location and in a manner so as to be observed by passersby;

(e) Whether the vehicle or trailer is actively used in the daily function of the business to which such signs relate; and

(f) Whether the sign includes directional copy that would only be applicable if parked in the vicinity of the use.

(10) Roof signs, except where it has been determined that the building's mountable wall area would permit less than one half (½) of the permitted maximum wall signage, in which case a roof sign is permitted under the following conditions:

(a) The sign must be mounted within three (3) feet of the eave;

(b) The sign cannot exceed half of the maximum permitted wall sign area;

(c) The sign may not be higher than it is wide;

(d) The sign may not be higher than the roof ridge;

(e) The sign must meet the same design standards as wall signs.

(11) Signs painted on or attached to trees, fences, natural features, or telephone or utility poles.

(12) People wearing sandwich boards or holding other types of signs, except as used for community events or by nonprofit organizations for fund-raising purposes as approved by the City Manager.

(13) Temporary signs made of cardboard, paper, canvas, or similar impermanent material, except as permissible in § 440-182 I. A temporary sign is also a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Any signs not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

(14) Inflatable signs, balloons, streamers, flags, etc., except as provided for in this section or on a temporary basis as approved by the City Manager for grand opening events and community festivals.

(15) Portable signs designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A-frames or T-frames, sandwich boards, and umbrellas used for advertising, except those permitted in § 440-190 A (10).

(16) Window signs covering more than fifty (50) percent of a window or a door or mounted above the first floor.

(17) Window signs in or adjacent to residential properties or zones.

(18) Mirrors. No mirror device shall be used as part of a sign.

(19) Torn, faded, or soiled signs.

(20) Abandoned sign structures, as defined by this chapter.

§ 440-191. Jurisdiction.

In areas under the joint overlapping jurisdiction of the Department of Transportation and the City of Harrington with reference to setback requirements of signs from the front lot line of a property, the more restrictive regulation shall apply.

§ 440-192 to 440-210 Reserved

Article XV. Parking and Access

§ 440-211. Applicability.

A. The standards of this article shall apply to all development or existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on previously approved plans. All off-street parking areas established by this article shall be continuously maintained in accordance with this article.

(1) New buildings and sites. Off-street parking and loading shall be provided for any new building or site constructed.

(2) Additions, enlargements, and changes of use or occupancy. Off-street parking and loading shall be provided for any addition to or enlargement of an existing building or use, or any change of use or occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building or use.

(3) Deviations. Deviation(s) from the provisions of this article may be permitted for additions, enlargements, and changes of occupancy projects where special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land based and the following:

(a) Deviation is approved by the Planning Commission;

(b) Approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare;

(c) The applicant has demonstrated that compliance is unfeasible due to the special, unique circumstances or factors;

(d) Proposed improvements have been made to the greatest extent possible.

B. The parking requirements in this part of the article do not limit requirements or conditions that may be imposed on development plan approvals or other approvals.

§ 440-212. General requirements.

A. All off-street parking spaces required to serve buildings or a use erected or established after the effective date of this chapter shall be located on the same zoning lot as the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use or where spaces are provided collectively or used jointly by two (2) or more non-residential buildings or

establishments, the required spaces may be located and maintained as set forth in this article.

B. Parking facilities may not be used for the sale, repair, servicing, or dismantling of any type of vehicle, equipment, material, or supplies.

C. Parking and/or storage of vehicles are not permitted unless all requirements of this article are met, including, but not limited to, surface type.

§ 440-213. Required number of spaces.

A. General. The minimum number of required off-street parking spaces shall be determined according to the Table 15.1, *Required Off-Street Parking Spaces*.

B. Uses not specifically listed. The required number of parking spaces for uses not specifically listed in Table 15.1, *Required Off-Street Parking Spaces*, shall be the same as for a similar listed use.

C. Modification of required spaces.

(1) The Planning Commission may waive the off-street parking requirements for Category A site plans if, in its opinion, the applicant identifies the location of adequate parking.

(2) A parking reduction waiver in C-2 Central Commercial Zone may be granted for a fee as established in Chapter 180, Municipal Fees, to go towards municipal lot and/or on-street parking improvements as determined by the City Manager.

(3) In cases not specifically covered in Table 15.1, *Required Off-Street Parking Spaces*, the City is authorized to determine the parking requirements using this table as a guide. Strict application of the parking this section may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.

Table 15.1. Required Off-Street Parking Spaces

Use	***Number of Required Spaces***
All Dwelling Units: Single-Family, Cottage, Duplex, Townhouse, and Multi-Family Dwellings	2 spaces per unit
Residents Dwellings in Mixed-Use Buildings	2 spaces per unit
Day Care Center/Kindergarten	1 space for each adult attendant plus 2 spaces for every 10 children
Educational Institutions	Elementary/Junior High – 1 space for every 20 classroom seats, 1 space for every 5 seats in all-purpose room, 3 spaces for visitors
Continues on next page	*Continues on next page*

Educational Institutions, continued	High school/Technical/College/University – 2 spaces for every 3 students, plus 1 space for each staff member, 20 spaces for visitors, 1 space for every 3 seats in auditorium or 1 space for each 40 square feet of seating where fix seating is not used
Equipment Sales/Service Shop/Wholesale Storage and Facilities	2 spaces per 1,000 sq. ft. GFA plus 1 space per 300 sq. ft. GFA over 1,000 sq. ft.
Financial Institution	1 space per 300 sq. ft. GFA plus 1 space for each employee
Fitness/Wellness Center	10 spaces per every 1,000 sq. ft. GFA plus 1 per every 2 employees
Food/Beverage Processing and Packaging	Same as for Manufacturing
Funeral Home	1 space per for every 2 employees plus 10 spaces per public room
Home Occupation	1 space per non-resident employee, 1 space per 100 sq. ft. of floor area for those home occupations with a visiting clientele
Hospital, Medical Center, Nursing Home (Emergency/Overnight Services)	1 space for each 2 beds, 1 space per staff, 1 space per hospital vehicle, and 10 space per outpatient services
Hotels, Motel, Bed and Breakfast	1 space per guest room plus 1 space for each 3 employees and 1 space per 200 sq. ft. of common or public use (lobby, bar, meeting rooms, etc.)
Kennel, Veterinary Boarding Hospital	1 space per 400 sq. ft. floor space in office with a 4 space minimum
Laundry, Dry-Cleaning, Clothes-Pressing Establishment	1 space per 300 sq. ft. GFA
Manufacturing	1 space per 200 sq. ft. floor area devoted to sales plus 1 space for every 2 employees of the largest shift
Motor Vehicle Filling Station, Repair, Service, Storage	1 space per 300 sq. ft. GFA plus 1 space per employee
Motor Vehicle Sales	10 spaces for customers plus 1 space per employee
Nursery, Commercial Greenhouse, Garden and Agriculture Supply Sales	Same as for Manufacturing
Offices: Business, Professional, Social Services including Health Care/Dental Walk-In Services	1 space per 200 sq. ft. GFA plus 1 space for each 2 employees
Places of Worship	1 space per 5 seats or 1 per 200 sq. ft. GFA
Post Office	1 space per 600 sq. ft. GFA plus 1 space per employee
Private Clubs, Fraternal Organizations, Community Centers, Theater, Entertainment Establishment, Museum	1 space for each 3 seats or 1 space for each 1,000 sq. ft. of floor area
Public Safety Facilities including Ambulance, Fire, Police, Emergency Medical Services	1 space per 200 sq. ft. GFA of office space plus 1 per 400 sq. ft. GFA of meeting space
Research/Design/Development Laboratories	1 space per 1,000 sq. ft. GFA
Restaurants including Fast Food	1 space per 3 seats or 1 space for each 100 sq. ft. GFA whichever is greater
Retail Sales, Retail Food Establishment, Personal Service (excluding supermarkets)	1 space per 200 sq. ft. floor area devoted to sales/service plus 1 space for each 2 employees
Shopping Center	4 spaces per 1,000 sq. ft. GFA
Supermarket, Shopping Center	3 spaces per 3,000 sq. ft. GFA
Transshipment/Distribution/Trucking Terminals	Same as for Manufacturing

Table Notes: GFA = Gross Floor Area; When determination of the number of parking spaces required results in a fractional space, any fraction shall be counted as one (1) parking space.

D. Parking lots for shared or community uses are encouraged, as set forth in § 440-215, Joint use, shared facilities, and satellite parking.

E. For uses in the C-1 and C-2 Zones, no more than one hundred twenty (120) percent of the required minimum number of parking spaces is permitted.

§ 440-214. Excess parking.

A. For projects which require a minimum of eighty (80) off-street parking spaces, the maximum paved surface parking allowed is one hundred twenty (120) percent. Parking in excess of one hundred twenty (120) percent of the article minimum will require approval by the Planning Commission and will be required to provide one hundred fifty (150) percent of the landscaping required in interior landscape requirements.

B. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for excess parking spaces, remote parking area, and parking areas for periodic uses. Driveways, handicapped spaces, and access aisles shall be paved. Substitute materials from the required standard specifications must be approved by the City Engineer.

§ 440-215. Joint use, shared facilities, and satellite parking.

A. Joint use/shared facilities. One (1) parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one (1) use may not be credited to any other use.

(1) If the joint use of the same parking spaces by two (2) or more principal uses involves satellite parking spaces, then the provisions of § 440-215 B, Satellite parking, are also applicable.

(2) In the case of mixed uses (with different parking requirements occupying the same building or premises) or in the case of a joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately

(3) Off-street parking areas required for residential use shall not be included in any joint parking arrangement, with the exception of shared parking facilities in the C-2 Zone.

(4) The Planning Commission may authorize a reduction in the number of required parking spaces for mixed use developments or for uses that are located near each another and which have different peak parking demands and operating hours. A shared parking study acceptable to the City Engineer shall be submitted and include, at a minimum, the following:

(a) Clearly establishes that the uses will use the shared spaces at different times of the day, week, month or year;

(b) Address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic loads;

(c) Be calculated according to the following formula:

[1] Calculate the minimum amount of parking required for each land use as if it were a separate use;

[2] To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in Table 15.2 below for each of the six (6) time periods;

[3] Calculate the column total for each of the six (6) time periods;

[4] The column (time period) with the highest value shall be the minimum parking requirement.

Table 15.2. Percentage to Calculate Peak Parking

Uses	Monday - Friday			Saturday and Sunday		
	8 am - 6 pm	6 pm - Midnight	Midnight - 8 am	8 am - 6 pm	6 pm - Midnight	Midnight - 8 am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional (non-religious)	100%	40%	5%	10%	10%	5%
Religious Institution	20%	40%	5%	100%	50%	5%

(5) Provide for no reduction in the number of required handicapped spaces;

(6) Be approved by the Planning Commission and City Engineer as part of the Site Plan or Subdivision Plan approval, based on the feasibility of the users to share parking due to their particular peak parking and trip generation characteristics;

(7) An agreement for satellite or shared parking plan is executed between multiple users as set forth in § 440-215 C, Agreement for satellite or joint use/shared facilities.

B. Satellite parking.

(1) If the number of off-street parking spaces required by this article cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

(2) All such satellite parking spaces must be located within four hundred (400) feet of a public entrance of a principal building housing the use associated with such parking. Parking spaces for deliveries and loading and for uses oriented to emergency services as well as the elderly shall be located within one hundred (100) feet of a public entrance of a principal building housing the use associated with such parking. For uses located in all zones other than the C-2 Zone, no more than forty (40) percent of the total required spaces are to be located in satellite parking spaces.

(3) Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.

(4) The satellite parking areas shall be subject to all requirements of this article concerning surfacing, lighting, drainage, landscaping, screening, and setbacks.

(5) The Planning Commission shall make finding that a safe, convenient, and adequate pedestrian connection, existing or planned, is located between the use and the satellite parking spaces.

C. Agreement for satellite or joint use/shared facilities. A shared parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots, or redesigning internal traffic circulation and pedestrian walkways. A shared parking plan shall be enforced through written agreement. To the extent the shared parking plan implements requirements of this article an attested copy of the agreement between the owners' of record and the City shall be submitted to the City for review and approval. The agreement shall be recorded in the Kent County Recorder of Deeds by the owners' of record prior to issuance of a certificate of occupancy. Proof of recordation of the agreement shall be presented to the City Manager prior to certification. The agreement shall:

(1) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;

(2) Provide a legal description of the land;

(3) Include a site plan showing the area of the parking parcel;

(4) Describe the area of the parking parcel and designate and reserve it for satellite or shared parking unencumbered by any conditions which would interfere with its use;

(5) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;

(6) Assure the continued availability of the spaces and provide assurance that all spaces will be usable without charge to all participating uses;

(7) Describe the obligations of each party, including the maintenance responsibility to retain;

(8) Incorporate the shared parking study by reference;

(9) Be made part of the site plan/final subdivision plan;

(10) Describe the method by which the covenant shall, if necessary, be revised;

(11) Change in use. Should any of the satellite or shared parking uses be changed, or should the City Manager find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the standards of this section or of providing the number of spaces required for each use as if computed separately.

§ 440-216. Design standards.

A. Parking space dimensions.

(1) Perpendicular and diagonal parking: ten (10) feet by twenty (20) feet

(2) Parallel parking: ten (10) feet by twenty-two (22) feet off-street; eight (8) feet by twenty-two (22) feet on-street

B. Location of parking areas.

(1) Parking facilities may be located within required building setback areas, unless specified otherwise herein.

(2) No required off-street parking space in any residential zone shall be located within any required front yard or side street side yard area except that parking in driveways for two (2) spaces is permitted.

(3) The percentage of coverage of permitted parking areas and driveways in any residential zone shall not exceed fifty (50) percent of the total required front yard or side street side yard.

(4) For all non-residential zones other than the C-1 or C-2 Zones, off-street parking facilities may be located within the required front yard, but shall not be nearer than fifty (50) feet to any residential zone.

(5) In the C-1 and C-2 Zones, all off-street parking spaces shall be located to the side or rear of the principal structure occupying a lot, where possible.

C. Access.

(1) Entrances and exits along state maintained streets shall be in accord with the requirements of applicable state regulations and standards. In areas under the joint or overlapping jurisdiction of the Department of Transportation and the City of Harrington, the regulations of the Department of Transportation relating to ingress and egress drives shall apply in lieu of the foregoing.

(2) Entrances and exits to all streets shall comply with the following:

(a) No more than one (1) point of access shall be provided along a single street frontage. For lots with street frontage greater than three hundred thirty (330) feet, an additional access point may be granted upon review by the City Engineer and approved by the Planning Commission. In no case shall the access center lines be spaced at less than seventy-five (75) feet apart; handle no more than two (2) lanes of traffic; be less than one hundred (100) feet from the street line of any intersecting street; and be less than ten (10) feet from any property line.

(b) Curbing shall be depressed at the driveway or have the curbing rounded at the corners and the driveway connected with the street in the same manner as another street. Continuous open driveways shall be prohibited.

(c) At the discretion of the Planning Commission, landscaping or barriers may be approved in lieu of curbing along lot boundaries to control entrance and exit of vehicles or pedestrians.

(d) Single residential units driveways shall have a minimum width of ten (10) feet and a maximum width of twenty-four (24) feet, measured at the front property line. The Planning Commission may approve an increase to the maximum driveway width for shared driveways that serve duplex dwellings. Driveways which are one car wide may be either twenty (20) feet in length or forty (40) or more feet in length.

(e) Non-residential driveways and major developments shall be not less than ten (10) feet or exceed fifteen (15) feet in width for one-way traffic and not less than eighteen (18) feet or exceed thirty (30) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic when (a) the driveway is not longer than fifty (50) feet, (b) it provides access to not more than six (6) spaces, and (c) sufficient turning space is provided so that vehicles need not back into a public street.

(f) A "sight triangle" shall be observed within a triangle formed by the intersection of the street center lines and points on the street line twenty-five (25) feet from the intersection at all street intersection or intersections of driveways with streets.

(3) Backing onto public road prohibited. Off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, except for dwelling units each having an individual driveway.

(4) Separation from walkways and streets. Off-street parking spaces shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(5) Parking shall be arranged in a manner so as not to block the travel lanes or impede access to rear access areas and to not obstruct any driveway, alley, walkway, pathway, curb cut, or cul-de-sac and other designated turning areas.

(6) In the C-1 and C-2 Zones, vehicular access to parking lots shall be from an alley or the secondary street frontage where possible.

(7) Pedestrian access. Safe provisions for pedestrian access to and through a parking lot shall be required. Pedestrian walkways through the surface parking shall connect to sidewalks along public streets.

(8) Interconnected parking lots.

(a) Parking lots on abutting nonresidential lots shall be interconnected by access driveways, where possible.

(b) Each parking lot shall provide cross access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

D. Circulation and aisles.

(1) Parking area aisle widths shall conform to Table 15.3, Parking Angle, below, which varies the width requirement according to the angle of parking.

Table 15.3. Parking Angle

Aisle Width (feet)	**0º**	**45º**	**60º**	**90º**
One-Way Traffic	15	16	18	24
Two-Way Traffic	22	22	23	24

(2) Parking areas of all development shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(3) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(4) Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare into residential areas.

§ 440-217. Surfacing and curbing.

A. See Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design.

B. For parking that exceeds the minimum number of off-street spaces per Table 15.1, *Required Off-Street Parking Spaces*, of this article or if the Planning Commission determines that the paving of some or all parking spaces will have significant negative environmental impacts, then the Planning Commission may require that the parking spaces not be paved, and that the spaces be compacted, stabilized, well drained, and surfaced with interlocking permeable pavers, durable grass cover, or other pervious surface material, as reviewed and accepted by the City Engineer.

C. All off-street parking and loading areas shall be provided with curbing or an approved equivalent so that vehicles cannot be driven onto required landscaped areas, bufferyards, and street rights-of-way and so that each parking lot has controlled entrances and exits and drainage control. Curbing or wheel stops shall be located to prevent any part of the vehicle from overhanging the street right-of-way, property lines or internal sidewalks. Parking and loading spaces shall not be an extension of any street right-of-way.

D. Drainage. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.

§ 440-218. Marking and signage.

Parking spaces shall be appropriately demarcated with painted lines or other markings. Identification and directional signs and markers shall be used to indicate traffic flow, to ensure efficient traffic operation of the lot, and designed in accordance with the Delaware Manual on Unified Traffic Control Devices (MUTCD).

§ 440-219. Accessible parking.

Accessible parking spaces shall be signed in accordance with the following:

A. Each handicapped parking space shall meet the requirements of the Americans with Disabilities Act (ADA);

B. Such signs shall be vertical and placed at a height of at least five (5) feet from grade but no more than seven (7) feet when measured from the surface directly below the sign to the top of the sign for each parking space;

C. Such signs shall comply with state and federal specifications for identification of parking spaces reserved for persons with disabilities which limit or impair the ability to walk. A sign at least twelve (12) inches wide (horizontal) and eighteen (18) inches tall (vertical) that includes the universal handicapped (wheelchair) symbol of access shall be required for each parking space reserved for use by persons with disabilities;

D. These requirements shall not be construed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space, or a tow-away warning sign;

E. Pedestrian improvements must meet ADA requirements and Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design.

§ 440-220. Parking area landscaping.

A. Interior landscaping.

(1) All rows of parking spaces shall contain no more than twelve (12) parking spaces uninterrupted by a required landscaped island, which shall measure inside the curb not less than four (4) feet in width and at least eight (8) feet in length. At least one (1) approved tree shall be planted in each island. The remainder of the landscaped island shall be landscaped with sod, ground covers, or shrubs or a combination of any of the above. Where existing trees are retained in a landscape island the

amount of parking spaces in that row may be increased to fifteen (15). Interior landscaping areas shall serve to divide and break up the expanse of paving at strategic points. Perimeter landscaping shall not be credited toward interior landscaping.

(2) All rows of parking spaces shall be bordered on each end by curbed landscape islands (terminal landscape islands). Each terminal island shall measure inside the curb not less than four (4) feet in width and extend the entire length of the single or double row of parking spaces bordered by the island. A terminal island for a single row of parking spaces shall be landscaped with at least one (1) approved tree. A terminal island for a double row of parking spaces shall contain not less than two (2) approved trees. The remainder of the terminal island shall be landscaped with sod, ground covers, or shrubs or a combination of any of the above.

B. Perimeter landscaping for parking lots visible from a street shall have a landscaped area of a minimum width of four (4) feet. The landscaping shall include one or a combination of one or more of the following to provide a continuous screen of the parking lot.

(1) Evergreen hedges (evergreen shrubs installed two and one half (2½) feet on center), installed at four (4) feet in height, to grow into a continuous screen within three (3) years. Breaks in the hedge shall be provided a minimum of every thirty-six (36) feet and a maximum of every fifty (50) feet for pedestrian access.

(2) Mixed planting including street trees installed a maximum of thirty (30) feet on center and evergreen hedges (evergreen shrubs installed two and one half (2½) feet on center), installed at four (4) feet in height, to grow into a continuous screen within three (3) years. Breaks in the hedge shall be provided a minimum of every thirty-six (36) feet and a maximum of every fifty (50) feet for pedestrian access.

(3) Other materials may be considered on a case by case basis by the Planning Commission.

C. Parking lots for non-residential uses adjacent to a residential use shall be continuously screened by evergreen hedges (evergreen shrubs installed two and one half (2½) feet on center), installed at four (4) feet in height, to grow into a continuous screen within three (3) years.

§ 440-221. Maintenance.

Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

§ 440-222. Bicycle accessibility, mobility, and parking.

All development in the R-4, C2, and TND Zones shall be subject to the following minimum off-street bicycle lane and parking requirements:

A. Bicycle lanes shall be striped on all interior streets, parking lots, or roadways and/or "share the road;" Manual on Uniform Traffic Control Devices (MUTCD) approved signage shall be installed;

B. Bicycle storage racks, or bicycle stands, shall be reserved for the particular use of the structure for which they are required.

C. Class II bicycle storage racks shall be installed to accommodate a minimum of six (6) bicycles or one (1) bicycle for every fifteen (15) auto parking spaces required for the use, whichever is greater, with a maximum of thirty (30) bicycle spaces required.

§ 440-223. Loading and unloading space.

Off-street loading and unloading space with proper access from a street or alley shall be provided on any lot for which a building for trade or business is hereafter erected or substantially altered, provided that these requirements may be decreased or waived when recommended by the Planning Commission with final approval by City Council in any case where the unreasonableness of these regulations is clearly demonstrated.

§ 440-224. Parking standards for traditional neighborhood developments.

A. Parking requirements. Parking areas for shared or community use should be encouraged. The typical area in a mixed-use area anticipated by this article is depicted below in Figure 15.4, Sketch of Mixed Use Buildings and Parking. Parking in a TND Zone shall comply with the parking requirements set forth in Article XII, Traditional Neighborhood Development Zone, in addition to the following:

    (1) Rear and side parking;

        (a) For all buildings up to thirty-five thousand (35,000) square feet, a minimum of fifty (50) percent of the required parking area shall be located at the rear or side of buildings. The Planning Commission may grant a waiver to this standard as part of the site plan review process. The waiver must aid in the overall good design, and provide for safe, convenient, and efficient access.

        (b) For all buildings of thirty-five thousand (35,000) square feet and larger, at least twenty-five (25) percent of the required parking spaces shall be placed in the side areas of the proposed development project.

    (2) The parking lot(s) shall be located between the smaller structures and the larger structure;

(3) In order to reduce the scale of parking areas, break the parking areas up into groups of no more than thirty-five (35) spaces per area, separated by pedestrian walkways, landscape islands and planters, public streets, buildings, or any combination thereof;

(4) The parking lot shall be designed with traffic-calming features along the fire lanes fronting the building façades;

(5) Pedestrian access shall be provided from all parking areas to the primary building entrances;

(6) Design parking lots to avoid dead-end aisles;

(7) Separate parking areas from buildings by a landscaped strip, a raised concrete walkway, or pedestrian plaza;

(8) For mixed-use areas, parking should be provided that takes in account the needs of the different users through design measures such as shared parking with time provisions and metered parking;

(9) Provide cross-access easements between adjacent lots to facilitate the flow of traffic between complementary users;

(10) Applicants may request that the City consider designs that provide for shared parking between different uses with staggered peak parking demand in order to reduce the total number of spaces within the development. Shared parking must comply with § 440-215, Joint use, shared facilities, and satellite parking;

(11) A parking lot or garage may not be adjacent to or opposite a street intersection;

(12) Parking lots or garages must provide not less than one bicycle rack for every twenty-five (25) motor vehicle parking spaces;

(13) Parking shall be accessed by alley or rear lane, when available;

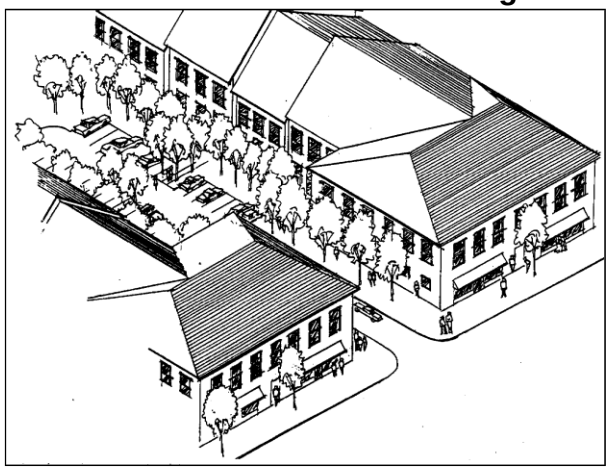
(14) Pedestrian entrances to all parking lots and parking structures shall be directly from a frontage line;

(15) The vehicular entrance of a parking lot or garage on a frontage shall be no wider than thirty (30) feet;

(16) The maximum number of parking spaces provided shall not exceed the minimum number required by more than ten (10) percent. Any parking areas that exceed the minimum number required shall be pervious parking. Pervious parking areas shall be constructed of permeable pavement and turf pavement like "turf block,"

"turf stone," and SF-Rima or grass, or some other material as approved by the Planning Commission.

Figure 15.4. Sketch of Mixed Use Buildings and Parking



Aerial perspective sketch of a mixed-use area integrating commercial (ground floor) and residential (second story) uses. A relatively narrow gap in the continuous street wall (created by the mixed-use buildings) provides access from the street to a landscaped, pedestrian-friendly parking lot.

B. Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.

C. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

D. Parking area landscaping and screening. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential zones or uses, shall provide:

(1) A landscaped area at least five (5) feet wide along the public street or sidewalk;

(2) Screening at least three (3) feet above grade and not less than fifty (50) percent opaque;

(3) Screening shall have openings no larger than is necessary to allow automobile and pedestrian access and shall not obstruct motorist of vehicular and pedestrian traffic on the adjoining street;

(4) One tree for each twenty-five (25) linear feet of parking lot frontage;

(5) Parking area interior landscaping;

(6) The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native

grasses, or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks, or bicycle parking;

(7) One landscaped island shall be provided for every fifteen (15) parking spaces.

§ 440-225 to 440-240 Reserved

Article XVI. Conditional Use Permits

§ 440-241. Purpose.

A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.

B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter, after duly advertised hearings, held in accordance with provisions of § 440-242 C.

§ 440-242. Application and approval procedures.

A. The application for a conditional use shall first be made with the City Manager who shall then forward the materials to the Planning Commission.

B. See § 440-287, Uses requiring site plans.

C. The Planning Commission shall hold a public hearing and study such information and make recommendations to the City Council within sixty (60) days of the City Manager's referral to the Planning Commission.

C. The City Council shall then act within sixty (60) days of the receipt of the Planning Commission's recommendation to either approve with conditions or deny such use after holding a duly advertised public hearing. Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Land Use Plan and is consistent with the purpose and intent of this chapter.

§ 440-243. Evaluation criteria.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

A. The presence of adjoining similar uses;

B. An adjoining zone in which the use is permitted;

C. There is a need for the use in the area proposed as established by the Comprehensive Land Use Plan;

D. There is a sufficient area to screen the conditional use from adjacent different uses;

E. The use will not detract from permitted uses in the zone;

F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses;

G. Minimal effect on neighboring properties.

§ 440-244. Conditions on approval.

A. In granting a conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in this article and that such use will continue to do so.

B. An application that has been denied for a conditional use permit for the same lot or use shall not be considered by the City Council within a period of three hundred sixty-five (365) days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.

C. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the City Manager to officially notify the applicant in writing of all conditions approved by the City Council.

D. The approval of a conditional use is valid for one (1) year. Unless permits are obtained, or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by Council for failure to comply with the stated conditions of approval or applicable regulations.

§ 440-245. Prohibited uses.

The following are prohibited uses:

A. Automatic wrecking yards, junkyards, or sorting and baling of scrap metal, paper, rags, glass, or other scrap material;

B. The parking, storing, or keeping of a dismantled, inoperative, or discarded motor vehicle or any parts thereof, unless within an enclosed building;

C. The storage of or keeping of derelict manufactured homes or any parts thereof, unless in an enclosed building;

D. Any uses not permitted by this chapter are prohibited.

§ 440-246 to 440-255 Reserved

Article XVII. Board of Adjustment

§ 440-256. Creation, membership, term, hearings.

A. A Board of Adjustment is hereby created which shall hereafter be referred to as "Board." The Board shall consist of five members, who shall be residents of the City of Harrington with knowledge of the problems of urban and rural development, appointed by the Mayor and approved by a majority of all the members of the City Council. No member of the Board of Adjustment at the time of his or her appointment and throughout his or her term of office shall be a candidate for Mayor or for the City Council, nor shall any member of the Board of Adjustment be the Mayor, a member of the City Council, or an employee of the City.

B. Each member of the Board of Adjustment shall be appointed for a term of three (3) years; provided, however, that upon the original appointments, two (2) members shall be appointed for a term of one (1) year; two (2) members for a term of two (2) years; and one (1) member for a term of three (3) years. Any member of the Board of Adjustment may be reappointed for an additional term of three (3) years.

C. If any member of the Board of Adjustment fails to attend three (3) consecutive meetings of the Board of Adjustment, he/she shall be conclusively deemed to have resigned. Any member of the Board of Adjustment may be removed from office for cause after a hearing by a majority vote of all the elected members of the City Council. Any vacancy occurring other than by expiration of term shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

D. The Board shall select a Chair and a Vice Chair from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs. The Chair, or in his or her absence the Vice Chair, shall have the power to issue subpoenas for the attendance of witnesses and the production of records and may administer oaths and take testimony.

E. For the conduct of any hearing, a quorum shall not be less than three (3) members and a majority vote of the members of the Board present and voting shall be required to overrule any decision, ruling, or determination of the official charged with enforcement of this chapter, or to approve any variance. All meetings of the Board shall be open to the public.

F. Prior to the commencement of any hearing before the Board of Adjustment, each Board member present shall sign an affidavit verifying that (1) he or she has no personal or private interest which might tend to impair the independent judgment of an official in the performance of his or her duties in connection with the application or property which is the subject of the hearing; and (2) he or she has not had any ex parte communications with anyone involving the property which is the subject of the hearing.

§ 440-257. Procedures.

The following shall be the procedures of the Board of Adjustment:

A. Applications for interpretations and variances may be made by any property owner, tenant, government official, department, board, or bureau. Such application shall be made to the City Manager in accordance with rules adopted by the Board of Adjustment. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Chair of the Board of Adjustment, who shall place the matter on the docket and instruct the City Manager to advertise a public hearing thereon, and give written notice of such hearing to the parties in interest.

B. An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the City Manager covered under this chapter. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the City Manager a notice of appeal specifying the grounds thereof. The City Manager shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the City Manager certifies to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Adjustment or by a court of record, on application and on notice to the City Manager and on due cause shown.

C. The Chair shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within thirty (30) days following the hearing. Upon the hearing, any party may appear in person or by agent or by attorney. Public notice of the hearing shall consist of publication at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the City of Harrington, specifying the time, place and nature of the hearing. In addition, the Board may cause the date, time, place and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Board. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the City Manager.

D. The Board of Adjustment shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the Harrington City Hall and shall be a public record. All testimony shall be sworn.

§ 440-258. Powers of Board.

The Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this chapter.

B. To authorize, in specific cases, such variance from the terms of this chapter that will not be contrary to the public interest, where, owing to special conditions or exceptional situations, a literal interpretation of the chapter will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the chapter shall be observed and substantial justice done, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the chapter.

§ 440-259. Appeals.

In exercising the powers provided in this chapter, the Board may, in conformity with this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

§ 440-260. Interpretation.

The Board shall have the power, on appeal from an order, requirement, decision, or determination made by an administrative official, or a request by any official, board, commission, or agency of the City, to decide any of the following questions:

A. Determination of the meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter;

B. Determination of the exact zoning boundary of a property or zone shown on the Zoning Map;

C. Variances.

§ 440-261. Variances.

The Board of Adjustment may authorize, in specific cases, such variance from any zoning ordinance, code, or regulation that will not be contrary to the public interest, where, owing to special conditions or exceptional situations, a literal interpretation of the zoning ordinance, code, or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the ordinance, code, or regulation shall be observed and substantial justice done, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning ordinance, code, regulation, or map. Variances shall be

subject to terms and conditions to be fixed by the Board; provided, however, that no such variance shall be granted unless the Board finds:

A. That there are physical conditions, fully described in the findings of the Board, applying to the land or buildings for which the variance is sought, which conditions peculiar to such land or building have not resulted from any act of the applicant or any predecessor in title.

B. That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of all reasonable use of such land or buildings, and the variance granted by the Board is the minimum variance that will accomplish this purpose.

C. That the granting of the variance under such conditions as the Board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this chapter, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof, and will not be otherwise detrimental to the public welfare.

§ 440-262. Duration of variance approval.

After the Board of Adjustment has granted a variance, the variance so granted shall lapse after the expiration of one (1) year if no substantial construction, site plan, or subdivision plan approval, or change of use has taken place in accordance with the plans for which such variance was granted.

§ 440-263. Amendment of variance.

The procedure for amendment of a variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application; except that where the City Manager determines the change to be minor relative to the original approval, he or she may transmit the same to the Board of Adjustment with the original record without requiring that a new application be filed.

§ 440-264. Filing of appeals.

Appeals to courts from a decision of the Board may be filed in a manner prescribed by law.

§ 440-265 to 440-280 Reserved

Article XVIII. Administration

§ 440-281. Planning Commission.

A. Establishment. There is hereby established a commission to be known as the "Planning Commission," hereinafter referred to as the "Commission."

B. Membership; appointment; terms of office; removal from office.

(1) The Commission shall be comprised of five (5) members, appointed by the Mayor, subject to the approval of the City Council. Each of the members shall be at least twenty-one (21) years of age, a property owner in the City of Harrington, and a resident of the City of Harrington, with an interest in urban and rural planning and development.

(2) Members of the Planning Commission shall be appointed for terms of three (3) years; provided, however, that upon the original appointments, all members of the previously constituted Planning Commission shall be appointed for the remainder of their current terms. All members shall be eligible for reappointment.

(3) If a member of the Planning Commission fails to attend three (3) consecutive meetings of the Planning Commission, he/she shall be conclusively deemed to have resigned. Any member of the Planning Commission may be removed by a majority vote of the Mayor and City Council, after public hearing, for inefficiency, neglect of duty, or malfeasance in office.

(4) Prior to the commencement of any meeting before the Planning Commission, each member present shall sign an affidavit verifying that (1) he or she has no personal or private interest which might tend to impair the independent judgment of an official in the performance of his or her duties in connection with the application or property which is the subject of the hearing; and (2) he or she has not had any ex parte communications with anyone involving the property which is the subject of the meeting.

C. Chair; vacancies. The Chair of the Commission shall be elected from the members of the Commission by a majority of such members. Any vacancy which may occur on the Commission shall not affect its powers or functions, but shall be filled in the same manner in which the original appointment was made.

D. Salaries and compensation. The members of the Commission shall serve without compensation, but they shall be reimbursed within a budget approved by the City Council for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties vested in the Commission.

E. Powers and duties. The Commission shall have all of the powers, duties, and responsibilities provided for in the laws of the State of Delaware, ordinances of the

City of Harrington, and other powers, duties and responsibilities as assigned by the Mayor and City Council.

F. Meetings; quorum.

(1) The Commission shall hold regular monthly meetings, the dates to be determined by the Commission; provided, however, that nothing shall prohibit the Commission from cancelling a meeting if no business is to be acted on or holding additional meetings.

(2) For the conduct of any meeting or hearing, a quorum shall not be less than three (3) members.

(3) A majority vote of the members present and voting shall be required to take any action on questions brought before the Commission.

G. Consultation with outside sources. In carrying out its duties, the Commission shall seek the advice of various groups with interest in matters of concern to the Commission, including but not limited to federal, state, and county governments, public and private organizations, and civic groups working in the field of municipal planning issues.

H. Contracts. The Commission is not authorized to enter into any contract or agreement with any public or private organization, but shall recommend such course of action to the City Council in order to carry out its assigned tasks.

§ 440-282. Other duties of Planning Commission.

The City Council may, at its discretion, assign other duties to the Planning Commission.

§ 440-283. Amendments.

The City Council may, from time to time, amend, supplement, or change by ordinance the boundaries of the zones or the regulations of this chapter. Any such amendment may be initiated by resolution of the City Council or by motion of the Planning Commission, or by petition of any property owner addressed to the City Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.

§ 440-284. Action of Planning Commission on amendments.

Before taking any action on any proposed amendment, supplement, or change, the City Council may submit the same to the Planning Commission for its recommendations and report. Failure of the Commission to report within fifteen (15) days after the proposal has been referred to the Planning Commission shall be deemed a recommendation of approval.

§ 440-285. Public hearings.

A. The Planning Commission may hold a public hearing on any proposed amendment, supplement, or change before submitting its report to the City Council and for this purpose may request the submission of all pertinent data and information by any person concerned.

B. Before acting on any report by the Planning Commission concerning a proposed amendment, supplement, or change, the City Council shall hold a public hearing thereon.

§ 440-286. Denial of petitions; reconsideration.

Whenever a petition requesting an amendment, supplement, or change has been denied by the City Council, such petition, or one (1) substantially similar, shall not be reconsidered sooner than six (6) months after the previous denial.

§ 440-287. Uses requiring site plans.

Site plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and site design standards, the Comprehensive Land Use Plan, and the Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

A. Category A site plans. Site plans for the following major uses, including new construction, or the relocation of a building, not otherwise subject to separate procedures, shall be subject to review by the Planning Commission and shall be called “Category A site plans”:

(1) Business and office buildings, commercial buildings, manufacturing, or industrial buildings;

(2) Business and professional complexes;

(3) Churches, temples, and synagogues;

(4) Government buildings of all types;

(5) Hotels, motels, or motor lodges;

(6) Multiple-family dwellings containing more than two (2) dwelling units or forming a part of a multiple-dwelling development of two (2) or more buildings;

(7) Townhouses;

(8) Education or institutional buildings.

B. Category B site plans. Category B site plans require administrative review as provided for in § 440-293, Category B/administrative plan review procedures, and include the following:

(1) One-family detached dwellings, two-dwelling units, and rehabilitation projects;

(2) Additions as deemed necessary by the City Manager;

(3) Change of use;

(a) Structures changing the existing use to another permitted use in any zone will require an approval from the City of Harrington prior to any renovations or remodeling.

(b) Change of use site plans that do not require waivers and/or variances shall be submitted for review to the City Manager; all others must go through the Category A review process of § 440-289, Category A site plan procedures.

(c) The City may establish additional requirements for the change of use review based on the increase in services and/or outside agency approvals.

(4) Minor subdivisions of three lots or less, lot line adjustments, and conversion of existing deeded lots to parcels;

(5) Commercial additions under five thousand (5,000) square feet of gross floor area;

(6) Additions in the Manufacturing and Industrial Park Manufacturing Zones under ten thousand (10,000) square feet of gross floor area.

§ 440-288. Site plan processing procedures.

The Planning Commission's site plan processing procedures for Category A site plans are set forth in § 440-289. Administrative review procedures for Category B site plans and other plans are set forth in § 440-293.

A. The City Manager shall establish appropriate procedures, checklists, and application forms necessary to ensure the timely and proper review and processing of site plans consistent with this chapter. The City Manager shall establish the number and acceptable format for the various types of plans submitted for review under this chapter.

B. Procedures and application forms shall be made available at City Hall. Procedures may be modified from time to time upon approval of the City Manager.

§ 440-289. Category A site plan procedures.

There are three (3) primary stages in the Category A site plan process: concept, preliminary, and final.

A. Concept stage. The purpose of the concept stage is to provide the Planning Commission with the opportunity to informally review a development proposal prior to the substantial commitment of time and expense on the part of the applicant in preparing a site plan.

(1) No application for Category A site plan approval shall be accepted by the City until:

(a) A concept site plan package as provided for in § 440-290, Contents of concept plan submittals, is submitted for review by the City Manager;

(b) Any required concept plan review fees have been paid;

(c) The steps for concept site plan review as established by the City Manager are completed.

(2) The City Manager shall review the concept site plan package for completeness and shall refer it to the appropriate individuals or agencies for review, comment, and/or approval prior to submitting it to the Planning Commission.

(3) The applicant for site plan approval shall attend a meeting with the City Manager prior to submitting the concept plan to the Planning Commission. Consistent with the purpose of site plan review as set forth in § 440-287, Uses requiring site plans, the purpose of the meeting shall be to provide the City with an opportunity to address issues or concerns with the concept plan, identify any impact studies that may be required, and provide direction to the applicant on the scope of such studies.

(4) The Planning Commission shall hold one (1) meeting on the concept plan to receive an informational briefing on the plan and the anticipated issues and impacts related thereto. The Planning Commission shall take no action to approve or disapprove a concept plan. Should the Planning Commission determine that the development project represented by the concept plan may have substantial impact on the physical, economic, or social environment, the Planning Commission may hold more than one meeting on the concept plan.

(5) For all Category A site plans submitted for review, the City Manager shall submit to the applicant a list of all owners of property adjoining and immediately across the street from the subject property. The applicant shall submit written notice to all

owners of property adjoining and immediately across the street from the subject property. Such written notice shall state the date, time, place, and subject matter of the meeting to discuss the concept site plan and the name of the applicant. Such notice shall be sent by first class mail and postmarked not less than seven (7) days before the day of the meeting.

(6) If applicable, each applicant shall address the Planning Commission's comments during conceptual review and submit for Delaware Office of State Planning Coordination Preliminary Land Use Service (PLUS) review, if applicable.

(7) Prior to acceptance of a preliminary site plan for review, the applicant shall provide the City Manager with the formal comments from the Delaware Office of State Planning Coordination Preliminary Land Use Service (PLUS), if applicable.

B. Preliminary stage. The purpose of the preliminary stage is to provide the Planning Commission with the information necessary for it to take action to approve or disapprove a site plan. The Planning Commission shall review and take action to approve or deny all Category A site plans.

(1) Preliminary site plans meeting the submittal requirements of § 440-291, Contents of preliminary site plan, shall be submitted to the City Manager who shall review the plans for compliance with these regulations and the requirements for preliminary site plans and shall transmit said plans to the Planning Commission with his or her comments for review.

(2) The Planning Commission shall examine the proposed development with respect to the traffic and circulation patterns and safety (internal and external), utilities, drainage, community facilities (existing or proposed), surrounding development (existing or future), the preservation of trees and historic sites, protection of natural environmental features and processes, provision for open space, street lighting, recreational needs, safety of residents and neighbors, landscaping, architecture, compatibility with Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, and, in general, with the objective of ensuring a durable, harmonious and appropriate use of the land.

(3) The Planning Commission shall take action to approve, approve with conditions, disapprove, or table pending further investigation and/or receipt of certain additional information, but shall take no action until the following have occurred:

(a) The City Manager has reviewed the site plan and determined that it is complete and submitted his/her findings in writing to the Planning Commission;

(b) The applicant has submitted any impact studies that may be required by § 440-295, Impact studies, and has obtained City approval of such required studies;

(c) Comments on the site plan from appropriate agencies and individuals have been requested and sufficient time has been provided for such agencies and individuals to provide comments;

(d) The applicant has paid all appropriate preliminary site plan review and application fees to the City;

(4) No public hearing shall be required but may be called at the option of the Planning Commission.

C. Final stage. The purpose of the final stage is to ensure that all submittal requirements of final site plans as set forth in this section are specifically and accurately addressed, to ensure that all conditions of the Planning Commission's recommendations and City Council's approval are specifically and accurately met and to finalize any and all necessary formal agreements related to the project which may include public works agreements and easement agreements, among others.

(1) Final site plan approval shall be granted prior to the commencement of any development activity.

(2) Final site plans shall be submitted to the City Manager who shall review the plans for compliance with these regulations and the conditions, if any, of Planning Commission approval. If specified conditions or stipulations are met in revised plans, the City Manager shall approve issuance of zoning compliance certificates in accord with the revision without returning the plans for further Planning Commission review.

(3) When all review and approvals have been completed and documentation of such approvals provided to the City Manager he/she shall sign the site plan to indicate completion of review and approval by the City and to certify that conditions, if any, of site plan approval have been met. The applicant shall submit all local, county, state, and/or federal approvals as may be required. No permit shall be issued until this approval has been given.

(4) When a public works agreement is required, the City Manager may not certify final approval of a site plan until that public works agreement has been executed by the applicant and the City.

D. The City Manager shall assure that the project is completed in conformance with the approved site plan before issuing a certificate of occupancy.

E. Before the City issues a certificate of occupancy, either all the work must be completed or, in the City's discretion, all remaining work must be bonded.

§ 440-290. Contents of concept plan submittals.

The concept site plan package shall meet the requirements as to content and organization as may be established by the City Manager and at minimum shall include the following:

A. Project concept plan: a scaled drawing showing the proposed development on a survey of the project boundaries. It shall show the project layout, proposed and existing land uses, open spaces, circulation routes and points of access to the adjacent street network, and main design features. If phasing is proposed, a master plan for entire project shall be shown. Drawings shall be twenty-four (24) inches by thirty-six (36) inches. The scale shall be no less detailed than one (1) inch equals one hundred (100) feet and shall show adjacent streets and adjacent property owners. A vicinity map at a scale no less detailed than one (1) inch equals one thousand (1,000) feet shall be included which shows the location with respect to neighborhood streets. Typical architectural elevations shall be included.

B. Project area schematic: a scaled drawing or GIS aerial photograph showing the main features of the project in relationship within the neighborhood. Included in the drawing shall be existing property and streets within at least one thousand (1,000) feet of the project, water and sanitary sewers within four hundred (400) feet of the project, and the location of proposed stormwater discharge. The scale shall be no less detailed than one (1) inch equals four hundred (400) feet for large projects and one (1) inch equals two hundred (200) feet for small projects. Drawings shall be no larger than twenty-four (24) inches by thirty-six (36) inches.

C. Site investigation report. The intent of the site investigation report is to provide readily available information in a brief narrative format to assist the applicant and the City in their initial evaluation of the proposed development. A report providing information and data on the physical and environmental characteristics of the site, the proposed number of lots, uses and utility demands, anticipated impacts of the proposed development on neighboring properties, area infrastructure and services, recreational resources and other public facilities, compliance with the Comprehensive Land Use Plan, and the proposed architectural and design character. The site investigation report shall follow the format established by the City Manager as may be amended from time to time, and shall address the following:

    (1) Site data summary chart: tax map and parcel number, zoning classification, proposed zoning, allowable density, proposed density, total site area, flood zone, wetlands (state and federal), number of proposed lots, number of proposed units and types, availability of utilities, zoning setback requirements, zoning lot size requirements, maximum building height allowed by zoning, open space required by zoning, and proposed open space, use of open space, parking required by zoning and proposed parking. Breakdowns for each phase or land use shall be provided as appropriate.

(2) Land use overview: provide narrative of existing site conditions and provide legible copy of the Kent County soil map with an outline of the property sketched on it; describe existing context and highlight any issues regarding marginal siting conditions, including topography, hydric soils, existing drainage patterns, standing water, culverts, ditches, wetlands, or sensitive areas.

(3) Comprehensive Land Use Plan compliance: provide narrative of designated land use and how project will be consistent with the Comprehensive Land Use Plan and Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, as appropriate.

(4) Traffic access overview: provide narrative of existing roads, lanes, width, material, condition, curb, sidewalk, and off-site improvements needed to accommodate the project; if the project is known to require a DelDOT traffic study, provide summary information and study schedule.

(5) Utility demands and services overview: provide narrative of sanitary sewer, public water, gas, electric, cable, and describe any off-site improvements needed; if privately owned and maintained facilities or open spaces are proposed, provide a sample covenants clause and describe management structure.

(6) Stormwater management overview: provide narrative of types of conveyance and management and a summary of any off-site improvements needed.

(7) Construction phasing overview: provide narrative of time of construction and estimate the number of anticipated zoning compliance certificates per year.

(8) Economic impact: provide narrative of anticipated construction cost of infrastructure and buildings, fees, and dedications; discuss estimated zoning compliance certificate fees, transfer fees, impact fees, tax revenues, employment opportunities, and tax assessments.

(9) Architectural theme: provide illustrations and/or narrative of overall design concepts.

(10) Provide narrative of recreational needs and opportunities.

(11) Attach “ability to serve” letters: provide letters from utility providers other than the City of Harrington (power, gas, communications, emergency, fire, and ambulance).

(12) Provide a copy of the letter of notification to the local school board for residential developments.

§ 440-291. Contents of preliminary site plan.

The applicant is responsible for preparing the preliminary site plan. The preliminary site plan shall be submitted as a multiple-sheet document with drawings on sheets no larger than twenty-four (24) inches by thirty-six (36) inches and at scales no less detailed than one (1) inch equals one hundred (100) feet. Submittals shall meet specific technical requirements set forth in Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design.

A. The order of plan sheets of the preliminary site plan shall be as follows below. The City Manager may waive certain sheets that are clearly not applicable to the project under review and may authorize minor variations in the order as the case may warrant.

(1) Title sheet.

(2) Record plat(s) (see requirements for subdivision record plats).

(3) G-1 general sheet (general notes, site data notes, etc.).

(4) Key plan and overview plan (for large projects with multiple sheets).

(5) Site and grading plans horizontal (conforming to requirements for construction improvement plans).

(6) Utility plans horizontal conforming to requirements for construction improvements plans (for scale of one (1) inch equals twenty (20) feet, grading and utilities may be combined on same drawing; for scale of one (1) inch equals thirty (30) feet or one (1) inch equals forty (40) feet, provide separate drawings for grading and utilities where needed for clarity).

(7) Sediment and stormwater management plans to include horizontal location, contours, inflow pipes, outfall, amenities, paths, buffers, and forestation areas, if applicable.

(8) Preliminary street and storm drain profiles, cross-section for streets and curbing.

(9) Site details to include, where applicable, curbs, sidewalks, handicap ramps, fences, lampposts, light fixtures, signs, catch basins, bike paths, crosswalks, medians, and any special structures such as retaining walls or concrete pavers.

(10) Utility profiles, sewer, and force main (may be left blank for preliminary plan submittal).

(11) Pump station details, if applicable (may be left blank for preliminary plan submittal).

(12) Sewer and water details using Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, where applicable and available (may be left blank for preliminary plan submittal).

(13) Landscape and lighting plan with signage locations and details.

(14) Architectural elevations (all sides); twenty-four (24) inches by thirty-six (36) inches by registered architect.

(15) Electrical/mechanical where applicable (may be left blank for preliminary plan submittal).

(16) Copy of itemized letter to Office of State Planning addressing all the PLUS comments, if applicable.

(17) Copy of PLUS comments from the Office of State Planning, if applicable.

B. Preliminary site plans.

(1) The preliminary site plan shall show the North point, scale, date, and the following:

(a) The seal and signature of a registered Delaware land surveyor and/or the seal and signature of licensed engineer and/or the seal and signature of a registered architect as appropriate.

(b) Revision block on each sheet to accurately disclose any drawing revisions made after the first submittal for preliminary plan review.

(c) A key and overview plan for multistage projects.

(d) Geographical location, showing existing zone boundaries.

(e) Existing and proposed changes in zoning classification on the site and adjacent sites.

(f) Topographic contours at a minimum of one-half-foot intervals unless waived by the City Manager as clearly unnecessary to review the project or proposal.

(g) The location and nature of all proposed construction, excavation or grading, including but not limited to buildings, streets, and utilities.

(h) A grading plan (horizontal) conforming to requirements of a construction improvement plan set forth in Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design. Proposed grading, if required, shall be indicated by one-foot contours and supplemental spot elevations.

(i) A utility plan (horizontal) conforming to requirements of a construction improvement plan set forth in Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design. It shall show all existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades, and the location of all connections to the utility system.

(j) Where deemed appropriate and necessary by the City Engineer, provisions for the adequate disposition of natural and stormwater, indicating the location, size, type and grade of ditches, catch basins, pipes, and connections to existing drainage system, and on-site water retention.

(k) Where deemed appropriate and necessary by the City Engineer, provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.

(l) A landscape and lighting plan, including location and details of signage.

(m) A parking plan, showing all off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required by this chapter.

(n) Architectural elevations in color, including at least one (1) presentation board of no smaller than twenty-four (24) inches by thirty-six (36) inches.

(o) Preliminary street profiles and cross-sections for streets and curbing; all existing and proposed streets and easements, including widths.

(p) Approximate location of points of ingress and egress to existing public highways; if ingress or egress is onto a state-maintained roadway, an accompanying letter from the Department of Transportation indicating preliminary approval shall be required.

(q) All existing easements of any kind; if easements are to be granted, a separate easement plat.

(r) The number of construction phases proposed, if any, with the site plan showing the approximate boundaries of each phase, and the proposed completion date of each phase.

(s) A tabulation of the total number of acres in the project, gross or net, as required in the zone regulations, and the percentage thereof proposed to be devoted to

the several dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations.

(t) Number of dwelling units to be included by type of housing: apartments of three (3) stories and under; apartments over three stories; one-family dwellings; townhouses; and two-family dwellings; the overall project density in dwelling units per acre, gross or net, as required by zone regulations.

(u) Proposed buildings and structures with dimensions, setbacks, and heights designated, including floor areas of all nonresidential buildings and the proposed use of each.

(v) Approximate location and size of nonresidential areas, if any (parking areas, loading areas. or other).

(w) Approximate location and size of recreational areas and other open spaces.

(x) Existing vegetation, proposed removal of vegetation, and proposed replacement of vegetation.

(y) Location, type, size, and height of fencing, retaining walls, and screen planting.

(z) Location, orientation, design, and size of signs, if any.

(2) The Planning Commission may establish additional requirements for preliminary site plans, and may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

§ 440-292. Contents of final site plan.

The applicant is responsible for preparing the final site plan. The final site plan shall comply with all laws, regulations, and ordinances governing the approval of site plans applicable as of the date of the submission of the application for final site plan approval and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits.

A. In addition to meeting the submittal requirements of a preliminary site plan, the final site plan shall meet all specific plan submittal requirements and all applicable engineering details set forth in Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design.

B. Submittals shall demonstrate compliance with any conditions of site plan approval and shall include all necessary approvals from any local, county, state, and federal agency.

C. As a condition of site plan approval, the Planning Commission may establish additional submittal requirements for a final site plan, and may waive a particular

requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

D. Final site plans submittals shall adhere to the order of plan sheets required under § 440-291 B, with any additional required details and plan drawings inserted into the order prescribed by the City Engineer.

E. A site plan may be developed in phases. If developed in phases, the Planning Commission shall require such information and mechanisms as they deem necessary to assure that the entire development is developed in accordance with the site plan principles as indicated on the preliminary plan and concept plan. Said information and mechanisms may include but is not limited to deed restrictions, easements, financial sureties, architectural renderings, and site design details that display consistency with the site plan principles.

§ 440-293. Category B/administrative plan review procedures.

Administrative plan review is for projects with relatively minor impact, which require less information than for Category A site plans and can be reviewed and approved in a shorter time. In administrative plan review, the City Manager is the approving authority. Administrative plan review is required for Category B site plans as determined in § 440-287, Uses requiring site plans.

A. No application for administrative plan approval shall be accepted by the City until:

(1) A plan in compliance with in § 440-294, Contents of plans for Category B/administrative review, is submitted for review by the City Manager.

(2) Any required review fees have been paid. See Chapter 180, Municipal Fees.

B. Plans requiring administrative review shall be submitted to the City Manager who shall review the plans for compliance with these regulations. If the City Manager finds that such plans meet the intent of this chapter and are consistent with the Comprehensive Land Use Plan, then the City Manager shall affix his/her signature on the plan(s) certifying approval. If the City Manager finds that the plan does not meet the intent of this chapter and/or is not consistent with the Comprehensive Land Use Plan, then the City Manager shall deny approval and transmit that decision in writing to the applicant.

C. The City Manager shall not take action to approve or deny a plan requiring administrative review until the following have occurred:

(1) He/She has reviewed the plan and determined that it is complete as provided in § 440-294, Contents of plans for Category B/administrative review.

(2) The applicant has submitted any impact studies that may be required by § 440-295, Impact studies and has obtained City approval of such required studies.

(3) Comments on the plan from appropriate agencies and individuals have been requested and sufficient time has been provided for such agencies and individuals to provide comments.

(4) The applicant has submitted all local, county, state, and/or federal approvals as may be required.

D. The City Manager shall act to approve or disapprove and shall promptly transmit his/her decision in writing to the applicant.

E. Any person aggrieved by an administrative plan review decision and desiring to appeal such decision must appeal to the Board of Adjustment.

§ 440-294. Contents of plans for Category B/administrative review.

Plans for administrative review shall comply with all existing laws, regulations, and ordinances governing development approval and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits. The plan shall show the North point, a scale not to exceed one (1) inch equals forty (40) feet, the date, and the following:

A. The seal and signature of a registered Delaware land surveyor or licensed engineer as appropriate;

B. All existing property lines with dimensions;

C. If converting an existing deeded lot to a new parcel, old lot lines with dimensions and numbers;

D. If proposing a minor subdivision or lot line adjustment, proposed lot lines with dimensions;

E. All setbacks lines;

F. All existing structures (dimensions, total square footage, distance from property lines);

G. Zoning classification (property and adjoining properties);

H. Reference deed book/page and plat/book page;

I. Proposed signs, if applicable;

J. Proposed building elevations of all sides visible from the public right-of-way, if applicable;

K. Proposed landscaping, if applicable;

L. All existing and proposed driveway/parking spaces/interior roadway areas and dimensions, if applicable;

M. For a change of use and/or addition, interior layout with dimensions to include existing and proposed uses;

N. Adjacent street names and alleys, if applicable;

O. Revision table specifying dates for submittals and revisions;

P. Other information as may be required by the City Manager or City Engineer to adequately review the plan;

Q. Sanitary sewer, public water, and storm drain locations, including the location of all lines and tie-ins;

R. Kent County tax parcel number;

S. All existing and proposed easements and rights-of-way, if applicable.

§ 440-295. Impact studies.

A. As provided for in Chapter 357, Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, impact studies may be required and shall be submitted with the Category A preliminary site plan or Category B/administrative review plan as may be appropriate.

B. The City shall review impact studies as part of its plan review procedures to determine the nature and extent of off-site impacts of the proposed development.

C. If impact studies plans are determined to be required, no site plan shall be submitted to the Planning Commission for action prior to studies being completed to the satisfaction of the City Manager, City Engineer, or other appropriate City official.

§ 440-296. Amendment of approved site plan.

Amendments to an approved site plan shall be submitted to the City with an appropriate application. The City Manager shall determine at that time the appropriate fee amount and payment schedule, if any, which shall apply.

A. The City Manager shall determine if the modification is major or minor. A "minor modification" is a modification that does not change the intensity of the use or alter the traffic pattern. A "major modification" is a modification that changes the intensity of the use or alters the traffic pattern.

B. If the site plan to be modified is a Category A site plan and the modification is determined to be major, the applicant shall submit new drawings to the City Manager who shall distribute the drawings to the appropriate agencies or individuals for comment. Obtaining agency approvals from other than the City of Harrington shall be the responsibility of the applicant. The proposed modification shall be approved or denied by the Planning Commission.

C. If the site plan to be modified is a Category B site plan and/or the modification is determined to be minor, the applicant shall indicate the change on the previously approved plan and submit the modified plan to the City Manager who may distribute the plan to the appropriate agencies or individuals for comments. The proposed modification shall be approved or rejected by the City Manager except that a minor modification of an approved Category A site plan may, at the discretion of the City Manager be submitted to the Planning Commission for review and approval.

§ 440-297. Expiration of site plan approvals.

A. Preliminary site plan. The Planning Commission’s preliminary site plan approval shall become null and void unless the application for final site plan approval for the proposed development is received by the City within one (1) year from the date of the Planning Commission approval. The Planning Commission may for good cause grant one six (6) month extension.

B. Final site plan. The Planning Commission's final site plan approval shall become null and void unless a zoning compliance certificate has been issued for the proposed development within two (2) years from the date of the Planning Commission approval. The Planning Commission may for good cause grant one (1) eighteen (18) month extension.

§ 440-298. Zoning compliance certificates required.

The following conditions shall apply when issuing a zoning compliance certificate:

A. No building or structure shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner or owners first having obtained a zoning compliance certificate therefor from the City Manager and such permit shall require conformity with the provisions of this chapter; provided, however, the City Manager at his or her discretion, may issue an emergency permit not in conformity with the provisions of this chapter when:

(1) A building has been made uninhabitable by fire, wind, flood, or impact by motor vehicle or airplane, or similar natural or man-made disaster.

(2) A written statement by the applicant and a personal inspection have been filed certifying the dwelling to be uninhabitable due to fire, wind, flood, impact, or similar natural or man-made disaster.

B. No zoning compliance certificate shall be issued for construction or alteration of any building(s) on a lot without frontage upon a public street improved to the satisfaction of the Planning Commission, or without access to public sewer and water services.

C. Any filing fee shall accompany each application for a zoning compliance certificate in such amount as required by Chapter 180, Municipal Fees. All applications will be billed for professional services above and beyond the applicable fee, if these services are needed to complete the application. The application must comply with § 292-1, Denial of permits or approvals for failure to comply with required payments, actions, or filings.

D. A zoning compliance certificate issued in accordance with the provisions of this chapter shall become void ninety (90) days after the date of its issuance, if no application for a building permit has been made.

§ 440-299. Application for zoning compliance certificate.

A. Required documents for buildings and structures other than fences and signs. The plot plan shall meet the requirements as to content and organization as may be established by the City Manager. Plans for zoning compliance review shall comply with all existing laws, regulations, and ordinances governing approval and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits. Plans must be legible. The plan shall show the North point, a scale not to exceed one (1) inch equals forty (40) feet, the date, and the following:

(1) All existing property lines with dimensions, to insert include lines and grading plan;

(2) All setbacks lines;

(3) All existing structures (dimensions, total square footage, distance from all property lines);

(4) Zoning classification (property and all adjoining properties);

(5) Proposed building elevations and/or images of all side, if applicable;

(6) Proposed landscaping, if applicable;

(7) All existing and proposed driveway/parking spaces/interior roadway areas and all dimensions, if applicable;

(8) Adjacent street names and alleys, if applicable;

(9) Revision table specifying dates for submittals and revisions;

(10) Other information as may be required by the City Manager or City Engineer to adequately review the plan;

(11) Sanitary sewer, public water, and storm drain locations, including the location of all lines and tie-ins;

(12) Kent County tax parcel number;

(13) All existing and proposed easements and rights-of-way, if applicable.

B. Required documents for fences. The plot plan shall meet the requirements as to content and organization as may be established by the City Manager. Plans for zoning compliance review shall comply with all existing laws, regulations, and ordinances governing approval and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits. Plans must be legible. The plan shall show the North point, a scale not to exceed one (1) inch equals forty (40) feet, the date, and the following:

(1) All existing property lines with dimensions;

(2) All existing structures (dimensions, total square footage, distance from all property lines);

(3) Zoning classification (property and all adjoining properties);

(4) All existing and proposed driveway/parking spaces/interior roadway areas and all dimensions, if applicable;

(5) Adjacent street names and alleys, if applicable;

(6) Revision table specifying dates for submittals and revisions;

(7) Other information as may be required by the City Manager or City Engineer to adequately review the plan;

(8) Sanitary sewer, public water, and storm drain locations, including the location of all lines and tie-ins;

(9) Kent County tax parcel number;

(10) All existing and proposed easements and rights-of-way, if applicable;

(11) Height of fence;

(12) Type and material of fence.

C. Required documents for signage. The plot plan shall meet the requirements as to content and organization as may be established by the City Manager. Plans for zoning compliance review shall comply with all existing laws, regulations, and ordinances governing approval and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits. Plans must be legible. The plan shall show the North point, a scale not to exceed one (1) inch equals forty (40) feet, the date, and the following:

(1) All existing property lines with dimensions;

(2) All setbacks lines;

(3) All existing structures (dimensions, total square footage, distance from all property lines);

(4) Zoning classification (property and all adjoining properties);

(5) Proposed building elevations, if applicable;

(6) Proposed landscaping, if applicable;

(7) All existing and proposed driveway/parking spaces/interior roadway areas and all dimensions, if applicable;

(8) Adjacent street names and alleys, if applicable;

(9) Revision table specifying dates for submittals and revisions;

(10) Other information as may be required by the City Manager or City Engineer to adequately review the plan;

(11) Sanitary sewer, public water, and storm drain locations, including the location of all lines and tie-ins;

(12) Kent County tax parcel number;

(13) All existing and proposed easements and rights-of-way, if applicable;

(14) Type of signage (proposed/all existing); see Article XIV, Signs;

(15) Specify single or double sided (proposed and all existing);

(16) Detailed sign plan to include the following:

(a) Sign image/picture with dimensions (proposed and all existing);

(b) Provided in square feet;

(c) Existing individual signage;

(d) Existing total aggregate square feet of all signage;

(e) Proposed individual signage square feet;

(f) Proposed total aggregate square feet of all signage.

§ 440-300. Drawings to accompany applications for zoning compliance certificates.

All applications for zoning compliance certificates shall be accompanied by a drawing or plat in duplicate or as required by the City Manager showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in City Hall and a duplicate copy shall be kept at the building at all times during construction.

§ 440-301. Procedure for zoning compliance certificate.

A. The application and all supporting documentation shall be made in triplicate to the City. The City shall return one (1) copy of all documents to the applicant. Any applicable forms must be legible and completed in its entirety.

B. A site inspection shall be required prior to the issuance of any certificate. Said site inspection will be made by the City Manager. If existing violations are found during the site inspection, said violations must be correct prior to the issuance of the zoning compliance certificate.

C. Except as otherwise specified in this chapter, the City Manager shall, within a reasonable time after the filing of a complete and properly prepared application, either issue or deny a zoning compliance certificate. If a zoning compliance certificate is denied, the City Manager shall state in writing the reasons for such denial.

D. A record of all permits and certificates shall be kept on file in an office of the City, and a copy of such permits and/or certificates shall be furnished upon request to any person having a proprietary tenancy interest in the building or premises affected.

§ 440-302. Building permits.

See Chapter 292, Permits and Approvals, Article II, Building Permits and Certificates of Occupancy.

§ 440-303. Certificates of occupancy and compliance.

See § 102-3. Adoption of Standards.

§ 440-304. Filing fees.

A. The Board of Adjustment and Planning Commission filing fees are established by the City Council and shall be paid in advance to the City. See Chapter 180, Municipal Fees.

B. All other application filing fees are established by the City Council and shall be paid in advance to the City. See Chapter 180, Municipal Fees.

C. Any additional professional service costs associated with the project will be billed to the applicant, if required, and must be paid prior to the issuance of a zoning compliance certificate.

§ 440-305 to 440-320 Reserved

Article XIX. Remedies and Penalties

§ 440-321. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter or any regulation made pursuant thereto, the City Manager in addition to other remedies, may institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the occupancy of said building, structure, or land or use in or about such property.

§ 440-322. Enforcement, violations, and penalties.

The following regulations shall apply in regards to enforcement, violations and penalties:

A. It shall be the duty of the City Manager to enforce the provisions of this chapter and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of said chapter. It shall also be the duty of all officers and employees of the City of Harrington to assist the City Manager by reporting to him/her any seeming violation in new construction, reconstruction, or land uses.

B. In case any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this chapter, the City Manager is authorized and directed to institute any appropriate action to put an end to such violation.

C. Any person or corporation who or which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, or who or which shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a violation and shall be liable to a fine of as established in Chapter 180, Municipal Fees, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and shall be fined as established in Chapter 180, Municipal Fees.

D. Repeat offenders shall not receive warnings. Each day that any violation continues shall constitute a separate offense. The minimum fine is not subject to suspension.

§ 440-323 to 440-330 Reserved