

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. Public comment shall be taken at the meeting.

(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 DeIDOT 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. 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.

(1) All signs are required to provide a 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;

(g) Type of signage (proposed/all existing); see Article XIV, Signs;

(h) Specify single or double sided (proposed and all existing).

(2) All freestanding signs shall be required to submit a plot plan along with a detailed sign plan. The plot plan shall meet the requirements as to content and organization as may be established by the City Manager. The plot plan shall show the North point, the date, and the following:

(a) All existing property lines with dimensions;

(b) All setbacks lines;

(c) All existing structures (dimensions, total square footage, distance from all property lines);

(d) All existing and proposed driveway/parking spaces/interior roadway areas, if applicable;

(e) Adjacent street names and alleys;

(f) Plot plan note specifying dates for submittals and revisions;

- (g) Other information as may be required by the City Manager or City Engineer to adequately review the plan;
- (h) Sanitary sewer, public water, and storm drain locations, including the location of all lines and tie-ins;
- (i) All existing and proposed easements and rights-of-way, if applicable.

§ 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