



Planning Commission Meeting Agenda

July 20, 2021

7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber and Susan Jackson.
Meeting Location: Harrisburg Municipal Center @ 354 Smith St.

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Administrator Michele Eldridge, at 541-995-2200.*
7. *The Municipal Center is disinfected prior to meetings. At this time, the Municipal Center is open for full use with no distance proximity requirements.*
8. *Masks are not required, but the City asks for anyone running a fever, having an active cough or respiratory difficulties to not attend the meeting.*
9. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting and can also call someone during the meeting if verbal testimony is needed.*

CALL TO ORDER AND ROLL CALL

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

APPROVAL OF MINUTES

- 1. MOTION TO APPROVE THE MINUTES OF JUNE 15, 2021.**

WORK SESSION

- 2. THE MATTER OF REVIEWING CHAPTER 1 AND 2.2 OF THE DRAFT CODE**

STAFF REPORT EXHIBITS:

Exhibit A: Memo from John Hitt

Exhibit B: Chapter 1 of the Proposed Model Code

Exhibit C: Chapter 2.2 of the Proposed Model Code

ACTION: NONE. FOR REVIEW ONLY

OTHERS

ADJOURN



Planning Commission Meeting Minutes
June 15, 2021

Chairperson: Todd Culver, Presiding
 Commissioners Present: Roger Bristol, Susan Jackson, Kurt Kayner and Kent Wullenwaber
 Absent: Jeremy Moritz, and Rhonda Giles
 Staff Present: City Administrator/Planner Michele Eldridge, City Planner Jordan Cogburn, Public Works Director Chuck Scholz and Finance Officer/Deputy City Recorder Cathy Nelson
 Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Chairperson Todd Culver.
CONCERNED CITIZEN(S) IN THE AUDIENCE. Everyone present were there for items on the agenda.

APPROVAL OF MINUTES

Kayner motioned to approve the minutes for May 18, 2021 and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Approve the Minutes for May 18, 2021.

PUBLIC HEARING

THE MATTER OF THE BUTTERFLY GARDEN PRELIMINARY 24-LOT SUBDIVISION APPLICATION AND CONCURRENT VARIANCE AND SITE PLAN REVIEW APPLICATION (LU 429-2021).

Chairperson Todd Culver read aloud the order of proceedings, and noted the procedures for a continuance, and the process to keep the record open.

At the hour of 7:01PM, the Public Hearing was opened.

Culver asked if there were any Conflicts of Interest or any Ex Parte contacts. None stated. There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

June 15, 2021

Culver then read aloud the criteria that were relied upon for this land use hearing and noted additional copies of criteria near the door. He also directed the audience on how they would need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Cogburn gave a brief background of the property noting that this is the same property that applied for a manufactured park earlier in the year. The new application is dividing the 2.2 acres into 24 lots for townhomes, which are allowed in the code. He went over the eleven (11) suggested conditions.

The City of Harrisburg received written public testimony from Tim and Karen Salisbury as seen on page 50 of the agenda packet. The letter requested an 8' masonry fence for privacy and sound protection. The City received written public testimony from Terry and Christina Crabb as seen on page 48 of the agenda packet. The letter addressed their concern about the townhomes becoming rental properties.

Scholz noted that the applicant also requested a variance for the 125 ft. setback to 121 ft setback in relation to street placement. He did not see any safety issues with this request.

- Kayner asked about bulb-outs referred to in Condition 4. Scholz state that he did not feel they were necessary for this application. Any other current plans have been given variances to remove the bulb-out requirement. Cogburn agreed that they were not necessary.
- Bristol asked for more information on reserve strips. Cogburn explained that they are placed to prevent further development to preserve street continuity for grid alignment.

APPLICANTS TESTIMONY: Applicants Kevin Reed and Jeremy Zuidema addressed the Planning Commission. He reviewed his application and highlighted that the shortage of manufactured homes caused the pivot to town houses and will still provide affordable housing for 55+.

- Culver asked if the applicant had gone over the conditions of approval and if they were good with them. Reed replied that they had, and they prefer no bulb-outs and the requested variance of 4 feet for the setback.
- Bristol asked about the concrete wall referred to in the written testimony from Tim and Karen Salisbury. Reed said they were planning on doing a combination of vegetation, fencing and noise dampening material. Zuidema said they will construct a standard cedar fence. They understand that the neighbor has requested an 8ft tall perimeter fence. They do not think this is necessary and that their proposed fencing will be sufficient.
- Jackson asked how high the town houses are. Redd replied that they are a standard 2-story building.

TESTIMONY IN FAVOR, IN OPPOSTITION, AND NEUTRAL TESTIMONY WAS ASKED FOR.

In Favor:

None given.

In Opposition:

None given.

Neutral:

None given.

June 15, 2021

No rebuttal of testimony or additional questions for the public.

The public hearing was closed at the hour of 7:25 pm.

- **Kayner motioned to amend the conditions as presented to remove Condition 4. He was seconded by Bristol. The Planning Commission then voted unanimously to approve the amendment to remove Condition 4.**
- **Kayner motioned to approve with conditions as amended for the Butterfly Garden Preliminary 24-lot Subdivision, Variance, and Site Plan Review Application (LU 429-2021), subject to the conditions of approval contained in the June 15, 2021 staff report. This motion is based on findings presented in the staff report to the Planning Commission on June 15, 2021, and on testimony and findings made by the commission during deliberations on the request. He was seconded by Bristol. The Planning Commission then voted unanimously to approve with conditions as amended for the Butterfly Garden Preliminary 24-lot Subdivision, Variance, and Site Plan Review Application (LU 429-2021), subject to the conditions of approval contained in the June 15, 2021 staff report. This motion is based on findings presented in the staff report to the planning Commission on June 15, 2021, and on testimony and findings made by the commission during deliberations on the request.**

PUBLIC HEARING

THE MATTER OF THE VINCENT FERRIS CONSTRUCTION BUILDING SITE PLAN REVIEW AND FILL PERMIT (LU 430-2021).

Chairperson Todd Culver read aloud the order of proceedings, and noted the procedures for a continuance, and the process to keep the record open.

At the hour of 7:33PM, the Public Hearing was opened.

Culver asked if there were any Conflicts of Interest or any Ex Parte contacts.

Kayner stated that he had Ex Parte contact that would influence his decision. He recused himself from the rest of the discussion and left the meeting at 7:34pm.

There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Culver then read aloud the criteria that were relied upon for this land use hearing and noted additional copies of criteria near the door. He also directed the audience on how they would need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Eldridge gave a brief background of the application highlighting the proposed construction and the wetland area adjacent to the lot line. The Wetland Use Notice was filed along with the plans. Eldridge also pointed out that they will need an ADA parking space. The lot is in M-1 and M-2 zones. All the buildings proposed are in the M-1 zone. The biggest issues that need to be addressed are utilities and drainage.

- Bristol inquired about landscaping. Sidewalks and trees go in when triggered and all other landscaping will be done now. Eldridge said that was correct.

APPLICANTS TESTIMONY: Applicant Vincent Ferris addressed the Planning Commission. He said that his business has grown, and he needs a place to keep his equipment when weather requires. He is proposing to build buildings with room enough to grow. He asked for clarification on some of the conditions.

June 15, 2021

- Ferris asked if the screening needed to be along the whole property or just where needed to cover certain areas. Eldridge said they had all kinds of options to work with. All processing and storage areas needs to be screened.
- Ferris asked if DSL had been contacted. Eldridge stated that the City has already contacted them and were waiting for a reply in writing.
- Wullenwaber asked where the customers will park. Ferris replied that in the future they will have a paved parking lot in front.
- Ferris asked if the fencing can be greenery. Eldridge replied that it can be if it reached a certain size by a certain timeframe.

TESTIMONY IN FAVOR, IN OPPOSTITION, AND NEUTRAL TESTIMONY WAS ASKED FOR.

In Favor:

None given.

In Opposition:

None given.

Neutral:

None given.

No rebuttal of testimony or additional questions for the public.

The public hearing was closed at the hour of 7:55 pm.

- **Bristol motioned to approve with conditions listed the Vincent Ferris Construction Building Site Plan and Fill Permit (LU 430-2021) subject to conditions of approval contained in the June 7, 2021 Staff Report and after due consideration of written and oral public testimony and findings made by the commission during deliberations on the application. He was seconded by Jackson. The Planning Commission then voted unanimously to approve with conditions listed the Vincent Ferris Construction Building Site Plan and Fill Permit (LU 430-2021) subject to conditions of approval contained in the June 7, 2021 Staff Report and after due consideration of written and oral public testimony and findings made by the commission during deliberations on the application.**

OTHERS

- John Hitt brother passed. He will come back in the next few weeks to work on the Subdivision and Zoning Code updates.

With no further discussion, the meeting was adjourned at the hour of 8:00 pm.

Chairperson

City Recorder

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF REVIEWING CHAPTER 1 AND 2.2 OF THE DRAFT CODE

STAFF REPORT EXHIBITS:

Exhibit A: Memo from John Hitt

Exhibit B: Chapter 1 of the Proposed Model Code

Exhibit C: Chapter 2.2 of the Proposed Model Code

ACTION: NONE. FOR REVIEW ONLY

MEETING DATE: July 20, 2021

BACKGROUND

The Planning Commission has been reviewing the most recent land use legislative amendments for the Zoning and Subdivision codes since July 2020. Our consultant, former City Administrator/Planner John Hitt is now returning to facilitate the review of the draft code and has provided us with a memo (**Exhibit A**) detailing how we will be approaching the review in the coming months.

The Planning Commission briefly reviewed the draft changes at the meeting in May, 2021. All of those meeting materials are on-line on the City website. Included with John Hitt's memo are the sections of the revised model code that he would like to review with the Planning Commission at this time. **Exhibit B** consists of Chapter 1 of the Proposed Model Code. This is code that was first reviewed with the Planning Commission when Brian Latta first started this process. **Exhibit C** consists of Chapter 2.2 of the proposed model code. These are fairly recent materials and will be more familiar to the Planning Commission at this time.

120 Smith Street
PO Box 378
Harrisburg, OR 97446



(541) 995-6655
FAX: (541) 995-9244
TDD: (800) 753-2900

"2002 Award of Excellence"

"2006 All-America City Finalist"

www.ci.harrisburg.or.us

July 12, 2021

Harrisburg Planning Commission

Harrisburg, Oregon

Re: Planning Commission Meeting of 07/20 and Harrisburg Zoning and Development Code Revision.

Honorable Chairman and Members of the Planning Commission

I regret that it has been so long since I was able to meet with you concerning the code update that has been pending for a substantial period of time. I had no idea when I left Harrisburg in late February that the death of my brother and serving as Executor of his estate would occupy so much of my time and energy.

In light of the long hiatus since you last considered this matter, I would like to spend the next meeting discussing the broad (big picture if you will) differences between the new, draft code and the city's current one. These are outlined, as I see them, below.

Keep in mind, that it is always an option for the Planning Commission to keep the current code as it exactly now exists, or do a modest, rifle shot, update of the current code.

The current draft represents a wholesale change and would establish a different approach to zoning and development in Harrisburg.

This wholesale change can be briefly summarized as follows:

Chapter 1.2 – Purpose and Goals of the new code

1. Allows more compatible mixed uses in most zones.
2. Offers a broader mix of housing opportunities in all 'R' zones, including Accessory Dwelling Units and greater densities, except 'R-1' Zone which would now allow very large lot development.
3. Flexibility. Grants the Planning Commission more options for approving appropriate development and not always having to apply the most restrictive/demanding standards.

Chapter 2 – Zoning Regulations

1. Allows more uses to be permitted outright provided certain standards re met.
2. Allows more administrative (staff) approval of development applications.
3. Enhances the Public Use (PFZ) zone
4. Clarifies the approval process and limits requirements for Condition Use Permits (CUP)
5. Increases landscaping requirements but allows more set-back and lot coverage requirements.

Chapter 3 – Building Design

Increases design requirements by clarifying construction standards.

Chapter 4 – Review Procedures

1. Clarifies review process requirements.
2. Condenses timeline for review.
3. Grants successful applicant more time to begin and complete project.

Chapter 5 – Definitions

Greatly expands code definitions (glossary) and updates them.

The good news is that the Planning Commission has reviewed most of the draft code, with the exception of Chapter 3 and 5. Chapter 3 is the most detailed and complex section of the new code. It would require one entire meeting, or perhaps more, to review.

In light of the above, I would recommend the following schedule:

- August – Review Chapter 3
- September – Review entire draft code.
- October – Study changes recommended by legal review consultant.
- November – Review entire final draft.
- December – Hold public hearing.
- January – consider changes based on public hearing and recommend consideration/adoption by City Council.

Article I — Introduction and General Provisions

Chapters:

- I.1 Introduction
- I.2 Title, Purpose, and General Administration
- I.3 Lot of Record and Legal Lot Determination
- I.4 Non-Conforming Situations
- I.5 Code Interpretations
- I.6 Enforcement

Chapter I.1 — Introduction

The City of Harrisburg Development Code (“Code”) is administered by the City Administrator or his or her designee. The Code regulates land use and development within the City of Harrisburg, and is organized as follows:

Article 1. Article 1 describes the title, purpose, authority, organization, and general administration of the Code. Article 1 also explains how City officials interpret and enforce code requirements.

Article 2. Article 2 contains the zoning regulations. Zones are designated by the City of Harrisburg Zoning Map, consistent with the City of Harrisburg Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before purchasing a piece of property or commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner should verify the City’s zoning requirements.

Article 3. Article 3 contains community development and design standards for new development or significant expansions in all zones.

Article 4. Article 4 contains the City’s application requirements and review procedures for land use and development decisions, including, but not limited to, procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances.

Article 5. Article 5 contains definitions and other exhibits that the City uses to interpret and administer this code.

I.2 – Title, Purpose, and Authority

Chapter I.2 — Title, Purpose, and Authority

Sections:

Section I.2.010 Title

Section I.2.020 Purpose

Section I.2.030 Compliance and Scope Section

I.2.040 Rules of Code Construction

Section I.2.050 Development Code Consistency with Comprehensive Plan and Laws Section

I.2.060 Development Code and Zoning Map Implementation

Section I.2.070 [*Zoning Checklist and*] Coordination of Building Permits

Section I.2.080 Official Action

I.2.010 Title

The official name of this Title 18 is “The City of Harrisburg Zoning and Land Use Code.” It may also be referred to as “Development Code” and “Code.”

I.2.020 Purpose

This Code is enacted to promote the public health, safety, and welfare; and to encourage the orderly and efficient development and use of land within the City of Harrisburg, consistent with the City of Harrisburg Comprehensive Plan and the following principles:

- A. Compact Development**, which promotes the efficient provision of public services and infrastructure;
- B. Mixed-Use**, which, to the extent feasible, places homes, jobs, stores, parks, and services within walking distance of one another;
- C. Housing**, which promotes a mix of housing and full range of residential opportunities for both ownership and renting.
- D. Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
- E. Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- F. Human-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;
- G. Environmental Health**, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and

- H. Employment Opportunities**, or development that brings employment opportunities and promotes access to the types of retail, professional and personal services that enhances quality of life.
- I. Flexibility.** A code that does not impose “one size fits all” type development, but allows flexibility by encouraging unique or special design or uses consistent with a changing and evolving economy and built environment.
- J. Efficient Administration of Code Requirements**, consistent with the needs of the City of Harrisburg, a small city with limited administrative capacity.

1.2.030 Compliance and Scope

- A. Compliance with the Development Code.** No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this Code. Furthermore, *[annexations and]* amendments to the Zoning Map, and amendments Development Code shall conform to applicable provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Transfer of Development Standards Prohibited.** Except as otherwise specifically authorized by this Code, no lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use.

1.2.040 Rules of Code Construction

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Highest standard or most applicable requirement applies.** Whereas the requirement of this Code varies from another provision of this Code or with other applicable regulations, the highest standard, or that standard or regulation most relevant or applicable to the proposed land use, shall govern. The City Administrator or Planning Commission, as applicable, shall determine which Code provision sets the highest standard, and/or is most applicable. Where the applicability of a Code provision is unclear, the Planning Commission, or upon referral the City Council, may issue a formal interpretation pursuant to Chapter 1.4 Interpretation.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar directive terms, means the Code provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the (City decision-making body) to exercise such discretion.
- E. Interpreting Illustrations.** This Code contains illustrations and photographs, code “graphics,” which are intended to serve as examples of development design that either meet or do not meet particular Code standards. Except where a graphic contains a specific numerical standard or uses the word “shall,” “must,” “required,” or “prohibited,” strict adherence to the graphic is not required.

I.2 – Title, Purpose, and Authority | Rules of Code Construction

- F. Severability.** The provisions of this Code are severable. If any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

I.2.050 Development Title Consistency with Comprehensive Plan and Laws

- A. City of Harrisburg Comprehensive Plan.** This Title implements the City of Harrisburg Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Title shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements of this Title, all uses and development must comply with all other applicable City, State of Oregon, and federal rules and regulations.
- C. References to Other Regulations.** All references to other City, state, and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of state or federal regulations. Where a proposal, permit, or approval is subject to both City of Harrisburg requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.
- D. Current Versions and Citations.** All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Title, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret and apply this Title.

I.2.060 Development Code and Zoning Map Implementation

- A. Zoning of Areas to be Annexed.** Concurrent with annexation of land to the City of Harrisburg, the City Council [*, upon considering the recommendation of the Planning Commission,*] shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to the Comprehensive Plan, which shall guide the designation of zoning for annexed areas.
- B. Land Use Consistent With Development Code.** Land and structures in the City of Harrisburg may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code, or is allowed as a legal non-conforming use, pursuant to provided state or federal law does not prohibit the use.
- C. Development Code and Zoning Map.** The City’s Official Zoning Map (“Zoning Map”), which may be published, amended, and filed separately from this Code, is part of this code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on

the Zoning Map.

- D. Interpreting the Zoning Map.** Except as otherwise specified by this Code, the City’s zoning boundaries are as designated on the Official Zoning Map, which is kept on file at City Hall. The City may adopt and publish supplemental zoning maps. In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property, but its exact location is unknown.
- E. Boundary Lines.** Zoning district boundaries are determined pursuant to Title _____.
- F. Changes to Official Zoning Map.** Proposed changes to the Official Zoning Map are subject to review and approval under Title _____ Amendments.

I.2 – Title, Purpose, and Authority | *[Zoning Checklists and]* Coordination of Building Permits

I.2.070 *[Zoning Checklists and]* Coordination of Building Permits

- A. Land Use Approvals and Building Permits.** Land use and building approvals are processed by two City officials: The Building Official administers building codes *[including floodplain regulations,]* and issues building permits; and the City Administrator administers the Development Code, processes land use approvals, and coordinates with the Building Official, City Engineer, and Fire Marshall on development and building projects to ensure compliance with the Development Code.
- B. Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the City Administrator has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.

I.2.080 Official Action

- A. Official Action.** The City of Harrisburg City Administrator, Planning Commission, and City Council are all vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Title _____ Application Requirements, Administrative Procedures, and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The City Administrator shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.
- C. Referral to Planning Commission.** In addition to those actions that require Planning Commission approval, the City Administrator may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.5 Code Interpretations and Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.
- D. Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 4.1 General Review Procedures.

I.3 – Lot of Record and Legal Lot Determination

Chapter I.3 — Lot of Record and Legal Lot Determination

Sections:

- I.3.010 Purpose and Intent
- I.3.020 Criteria
- I.3.030 Legal Lot Determination Procedure

I.3.010 Purpose and Intent

The purpose of Chapter I.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a non-conforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of a lot of record shall not be denied development of one single-family dwelling per lot of record, provided applicable building codes are met. The City shall accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 4.7.

I.3.020 Criteria

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.190:

- A.** The plot of land was lawfully created through a subdivision or partition plat in Linn County prior to annexation to the City of Harrisburg.
- B.** The plot of land was created through a deed or land sales contract recorded with Linn County [*before the adopted planning, zoning, subdivision or partition regulations*].
- C.** The plot of land was created through a deed or land sales contract recorded with Linn County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

I.3.030 Legal Lot Determination Procedure

The City Administrator, through a Type I procedure, shall process requests to validate a lot of record, pursuant to ORS 92.010 to 92.190.

Chapter 1.4 — Non-Conforming Situations

Sections:

- 1.4.010 Purpose and Applicability
- 1.4.020 Non-conforming Use
- 1.4.030 Non-conforming Development
- 1.4.040 Non-conforming Lot

1.4.010 Purpose and Applicability

Chapter 1.4 provides standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with current Code standards (“non-conforming situations”). The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections, as follows:

- A. Non-conforming uses, developments and lots** (e.g., industrial use in residential zone) are subject to this Title.

1.4.020 Non-conforming Use & Development

Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

- A. Expansion of Non-conforming Use Limited.** Any expansion of a non-conforming use exceeding 10 percent of the subject site or building, or for more than 2,000 square feet of building area that existed as of the construction of the now non-conforming use(s) requires approval of a Conditional Use Permit under Chapter 4.3.
- B. Location of Non-conforming Use.** A non-conforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into closer conformance with this Code.
- C. Discontinuation or Abandonment of Non-conforming Use.** A non-conforming use that is discontinued for any reason (other than fire or other catastrophe or destruction beyond the owner’s control) for a period of more than 18 months (six months for signs) shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the 18-month period, a use is discontinued when the most recent of one or more of the following events has occurred:
 1. The use of land is physically vacated;
 2. The use ceases to be actively involved in the sale, production, storage or promotion of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or other utilities;

3. Commercial or business signs that no longer reflect or communicate correct information shall be removed, demolished or updated within 60 days of notice of non-conforming status and shall be brought into conformity with Article 3.7;
4. Any lease or contract under which the non-conforming use has occupied the land is terminated;
5. A request for final reading of water and power meters is made to the applicable utility;
6. The owner's utility bill or property tax bill account became delinquent; or
7. Structures have become dilapidated, failing, hazardous or otherwise not suitable for their former use(s);
8. The owner does not obtain or keep current a city business license, as may be required in HMC 5.05-5.25;
9. An event occurs similar to those listed in subsections 1-8, above, as determined by the City Administrator.

D. Application of Code Criteria and Standards to Non-conforming Use. Once the City deems a use abandoned pursuant to this Title, any subsequent use of the subject lot shall conform to the current standards and criteria of this Code.

E. Extension of Non-Conforming Status for Discontinued Use. Notwithstanding the provisions of this Title, a non-conforming use that is discontinued shall not be considered abandoned where, through a Type III procedure, the Planning Commission approves an extension for repair, including ongoing, active renovation and efforts to lease the subject property. The owner must request the extension within the 18-month period of initial discontinuance.

I.5 – Code Interpretations

Chapter I.5 — Code Interpretations

Sections:

I.5.010 Code Interpretations

I.5.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

- A. Authorization of Similar Uses.** Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the City Administrator may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the City Administrator finds are similar to those that are prohibited, are not allowed. Similar use rulings shall be processed following the Type I procedure of this Code. The City Administrator may refer a request for a similar use determination to the Planning Commission for its review and decision.
- B. Code Interpretation Procedure.** Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the City Administrator and shall be processed as follows:
1. The City Administrator, within 14 business days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
 2. The City Administrator or Planning Commission shall advise the person making the inquiry of his or her decision within a reasonable timeframe. However, at least five days prior to notification of interpretation applicant, the City Administrator shall provide public notice and inform all members of the Harrisburg Planning Commission of his/her proposed interpretation. Any member of the Planning Commission or public may require a public hearing before the Commission prior to any administrative code interpretation becoming final.
- C. Written Interpretation.** Following the close of the public comment period on an application for a code interpretation, the City Administrator shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided comment on the application. The decision shall become effective when the appeal period for the decision expires.
- D. Referral to City Council.** Where a code interpretation may have significant citywide policy implications, the City Administrator may bypass the usual procedure and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of this Code.
- E. Interpretations on File.** The City shall keep on file a record of its code interpretations.

I.6 – Enforcement

Chapter I.6 — Enforcement

Sections:

- I.6.010 Violation
- I.6.020 Other Remedies

I.6.010 Violations

Any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed an infraction, which, upon conviction thereof, is punishable as prescribed in HMC I.10. Such person is guilty of a separate violation for each and every day during any portion of which a violation of this Code is committed or continued. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The court of primary jurisdiction to hear cases of infractions of this code section is the Harrisburg Municipal Court.

A. Violations. Violations shall be identified by the City Administrator under the requirements of HMC I.10.050 and I.10.040.

B. Penalties. Code violations may be subject to criminal, civil, or other sanctions authorized under HMC I.10.

- I. Civil Penalties and Remedies - In addition to, or in lieu of, the penalties under HMC I.10, a violation of this code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

I.6.020 Other Remedies

The City, in addition to finding a Code violation is an infraction, may use any of the other remedies available to it, including, but not limited to, the following:

A. Stop Work Order. The City may issue a stop work order.

B. Public Nuisance. The City may find a violation of this Code is a public nuisance and take enforcement action pursuant to HMC 8.05 and 8.10..

C. Mediation. The City and property owner may agree to engage in mediation.

2.2 – Zoning District Regulations | Purpose

Chapter 2.2 – Zoning District Regulations

Sections:

- 2.2.010 Purpose
- 2.2.020 Applicability
- 2.2.030 Allowed Uses
- 2.2.040 Lot and Development Standards
- 2.2.050 Setback Yards Exceptions
- 2.2.060 Residential Density Standards
- 2.2.070 Lot Coverage
- 2.2.080 Height Measurement, Exceptions, and Transition

2.2.010 Purpose

Chapter 2.2 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Harrisburg Comprehensive Plan and the purposes of the Harrisburg Municipal Code, Title 18.

2.2.020 Applicability

All real property in the City of Harrisburg is subject to the zoning regulations of Title 18. Certain types of land uses are also subject to the Special Use regulations in this Title. In addition, some properties are subject to both the general (“base zone”) regulations and the Overlay Zone regulations of this Title. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

2.2 – Zoning District Regulations | Allowed Uses

2.2.030 Allowed Uses

User’s Guide: Three types of land use designations are provided: “P” means the use is permitted; “S” means the use is permitted with Special Use Standards (Chapter 2.3); “CU” means the use is allowed, subject to approval of a Conditional Use Permit (Chapter 4.4); and “N” means the use is not allowed. Uses that are not listed and that the city determines are not similar to an allowed use are prohibited. The designation of allowed uses in Table 2.2.110 should be tailored to local conditions. First, consider whether any existing land uses would become non-conforming before changing your code. (Chapter 1.4 addresses non-conforming uses.) The Model Code text should be adjusted, as needed, to minimize the number of non-conforming uses created.

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted (P) outright, those that are permitted subject to meeting special use standards or requirements (S), those that are allowed subject to approval of a conditional use permit (CU), as identified by Table 2.2.030, and those that are allowed uses that fall into four general categories: Residential, Public and Institutional, Commercial, and Other. Where Table 2.2.030 does not list a specific use, and Article 5 Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the Code Interpretations of this Title. Uses not listed in Table 2.2.030 and not found to be similar to an allowed use are prohibited.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to relevant Lot and Development Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter _____ Special Use Standards. Uses listed as “Not Allowed (N)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to the Conditional Use Permit process of this Title.
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Chapter _____ of this Title, Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.
- E. Master Planned Developments/Planned Unit Developments.** Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter _____ of this Title.
- F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 5 Definitions.
- G. Mixed-Use.** Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and building code requirements are met.

2.2 – Zoning District Regulations | Allowed Uses

- H.** Any outdoor activities or regular ongoing or continuous accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under this Title. *[Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.]*
- I. Temporary Uses.** Temporary uses may occur no more than four times in a calendar year and for not longer than eight days cumulatively in any calendar year upon approval of a special event or use permit in accordance with HMC _____. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 4.3 Site Design Review.
- J. Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site. The City Administrator may require a special permit to allow outdoor or temporary use(s) that is otherwise permitted in the zone.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District										
Uses	Residential Zones			Commercial Zones and Employment Zones				Public Use		Special Use Standards
	R-1	R-2	R-3	C-1	---	M-1	M-2	PUZ		
A. Residential Uses¹										
Single-Family Dwelling, Non-Attached	P	P	P	S		CU	CU	N		Sec 2.3.090
Single-Family Dwelling, Attached (Townhome 5)	S	P	P	S		N	N	N		Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	S	S	S	CU		N	N	N		[Sec 2.3.170]
[Boarding or Rooming House]	N	CU	S	CU		N	N	N		No more than 50% of main house on 8000 sq lot or larger
[Cottage Housing Cluster]	N	S	S	N		N	N	N		[Sec 2.3.190]
Duplex Dwelling	S	P	P	N		N	N	N		Sec 2.3.060
Manufactured Home	S	S	S	N		N	N	N		Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	N	S	S	N		N	N	N		Sec 2.3.140
Multifamily Dwelling	N	S	S	S		N	N	N		Sec 2.3.080; 2.3.090
Family Daycare	S	S	S	N		N	N	N		Sec 2.3.100
Residential Care Home	S	S	S	N		N	N	N		Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	S	S	S	S		N	N	N		Sec. 2.3.090; Sec 2.3.110
Home Occupation	S	S	S	S		N	N	N		Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	S	S	S	S		S	S	S		[Sec 2.3.200] with commercial retail
Vacation Rentals	S	S	P	S		N	N	N		[Sec 2.3.220]

User’s Guide: The above residential uses represent the range of “needed housing” that cities are generally required to zone land for under Statewide Planning Goal 10 (Housing). Care Homes or Facilities are subject to ORS 197.665 and 197.670, and the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3615). The model code provides clear and objective standards for housing, per state law, and allows residential uses in commercial districts, per OAR 660-012-060.

1 KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District										
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		Special Use Standards
	R-1	R-2	R-3	C-1	---	M-1	M-2	PUZ		
B. Public and Institutional Uses²										
<i>[Airport, Public Use]</i>	N	N	N	N		S	CU	S		<i>[per Airport Overlay Zone]</i>
Automobile Parking, Public Off-street Parking	N	N	CU	S		CU	CU	P		
Cemetery, including Crematorium	N	N	N	N		N	N	S		Size limited
Child Daycare Center	N	N	S	CU		CU	N	S		
Club Lodge, Fraternal Organization	N	N	CU	S		N	N	S		Must match surrounding uses & limit size
Community Service; includes Governmental Offices	N	N	CU	P		CU	N	P		
<i>[Community Garden]</i>	P	P	P	P		N	N	P		
Clinic, Outpatient Only	N	N	S	P		CU	N	P		
Emergency Services; includes Police, Fire, Ambulance	CU	CU	CU	CU		CU	N	P		
Hospital, including Acute Care Center	N	N	CU	CU		CU	N	S		
Mortuary	N	N	CU	CU		CU	N	CU		
Non-Profit Member Organization Offices	N	N	S	P		CU	CU	CU		Must match surrounding uses & limit size
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	S	S	S	S		CU	CU	P		<i>[Sec 2.3.210]</i>
<i>[Prison]</i>	N	N	N	N		CU	N	CU		

User's Guide: Because parks and open spaces can generate noise and lighting concerns, some communities require conditional use permit approval for parks and some open space uses. Another alternative is to allow uses subject to special standards. For example, neighborhood parks (e.g., tot lots or informal play fields) and natural areas that are limited to daytime use typically do not raise compatibility concerns and therefore can be permitted with standards.

² **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District										
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		Special Use Standards
	R-1	R-2	R-3	C-1		M-1	M-2	PUZ	—	
B. Public and Institutional Uses³ (continued)										
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	N	N	N	CU		P	CU	P		
[Railroad Facilities]	N	N	N	N		P	P	CU		
Religious Institutions and Houses of Worship	CU	S	S	S		CU	N	S		Seating, # of services, & parking
School, Preschool-Kindergarten	CU	CU	CU	CU		N	N	P		
School, Secondary	CU	CU	CU	CU		N	N	P		
[School, College or Vocational]	N	N	CU	CU		CU	N	P		
Solid Waste Disposal or Recycling, except as accessory to permitted use	N	N	N	N		CU	CU	CU		
Transportation Facilities; includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with [Transportation System Plan / Comprehensive Plan].	CU	CU	CU	P		P	CU	P		
Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P		P	P	P		
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	CU	CU	CU	CU		CU	CU	CU		
[Wireless Communication Facilities]	CU	CU	CU	CU		P	P	S		Broadly used by public & shared use

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District										
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]	Special Use Standards	
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ			
C. Commercial Uses⁴										
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	CU	P	CU	N		CU		
Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses			S	S	P	CU		N		Sec 2.3.040. R&M not larger than 2500 sq. connected w/rental sales of at least 50%
Automobile Parking, Commercial Parking	N	N	S	P	S	CU		N		Parking limited to 100 for M-1 & 20 for R-3
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	CU	S	S	CU		N		Sec 2.3.050. Size of site no larger than 2 acres
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N	P	CU	N		N		
[Bed and Breakfast Inn]	S	S	S	P	N	N		N		[Sec 2.3.180] Family occupied + 3 rentable BR
Commercial Retail Sales and Services	N	CU	CU	P	CU	CU		N		
Commercial Retail Sales and Services, in Conjunction with a Permitted Industrial Use, and limited to 5000 square feet gross leasable area	N	N	N	P	P	CU		N		

User’s Guide: The above provisions limiting automobile sales and service uses in downtowns and main street districts are consistent with the Multi-Modal Mixed Use provisions under OAR 660-012-060. See also, the drive-through service and general industrial use regulations in other parts of this table. The provision for “artisanal uses” is intended to encourage cottage industries that combine light manufacturing and retail uses in commercial zones.

⁴ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District								
Uses	Residential Zones			Commercial Zones and Employment Zones			[Public Use]	Special Use Standards
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ	
C. Commercial Uses (continued)⁵								
<i>[Data Center or Server Farm]</i>	N	S	S	P	P	CU	N	Low traffic, no noise, R. type construction
Customer Call Center	N	N	CU	P	P	CU	N	
Drive-Through Service	N	N	CU	S	S		N	Traffic, house, size
<i>[Golf Course or driving range, with pro shop, clubhouse, or restaurant open to public]</i>	CU	CU	N	CU	CU	N	CU	
<i>[Golf Course without pro shop, clubhouse, or restaurant open to public]</i>	CU	CU	N	CU	S	CU	CU	
Hotels, Motels, and Similar Overnight Accommodations	N	N	CU	P	CU	CU	N	
Kennel (See also, “Veterinary Clinic”)	N	N	N	S	CU	CU	N	
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	CU	S	P	CU	N	Limited size & homes
Medical Clinic, Outpatient	N	N	S	P	N	N	S	
Offices	N	N	S	P	P	CU	S	
<i>[Recreational Vehicle Park]</i>	N	CU	CU	CU	S	CU	CU	Limited size, otherwise CU/P
Self-Service Storage, Commercial	N	N	CU	S	P	P	N	Limited area & # of units
Veterinary Clinic	N	N	CU	P	CU	CU	N	

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District												
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]				Special Use Standards
	R-1	R-2	R-3	C-1	M-1	M-2		PUZ				
D. Industrial and Employment Uses⁶												See M-1
<i>[Airport]</i>												
Artisanal and Light Manufacture Uses in Industrial and Public Facility zones	N	N	N	S	P	P		S				
Auction Yard	N	N	N	S	P	CU		N				Frequency, noise, traffic
Beverage and Bottling Facility, except as allowed for Commercial Uses	N	N	N	S	P	CU		N				Hours, noise, traffic
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N	N	CU		N				
Cement, Glass, Clay, and Stone Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	CU	CU	CU		N				
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N	N	CU		N				
Concrete or Asphalt Batch Plants	N	N	N	N	N	CU		N				
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	CU	P	CU		N				
<i>[Data Center or Server Farm]</i>	N	N	S	P	P	P		N				
Dwelling for a caretaker or watchman	N	N	S	S	P	P		N				Dwelling size

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District										
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		Special Use Standards
	R-1	R-2	R-3	C-1	M-1	M-2	PUZ			
D. Indus. and Mixed Employment Uses⁷ (cont⁷)										
Finished Textile and Leather Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	P	CU		N		
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving[; except as allowed for Artisanal and Light Manufacture Uses.] Rendering Plants are prohibited.	N	N	N	N	P	P		N		
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses	N	N	N	CU	P	P		N		
Machine Shop, and Sales, Service and Repair of Machinery[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	S	P	CU		N		Size, hours, noise
Metal Plating	N	N	N	N	N	CU		N		
Metal Manufacture, Welding [; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	CU	CU		N		
Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses	N	N	N	P	P	CU		N		
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry	N	N	N	CU	CU	CU		N		
Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses	N	N	N	N	CU	CU		N		
Wrecking, Demolition, Junk Yards, Recycling Centers	N	N	N	N	N	CU		N		

User’s Guide: Industrial and employment uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. The above list of uses should be tailored to fit your community based on local planning priorities and economic factors.

⁷ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Lot and Development Standards

2.2.040 Lot and Development Standards

- A. Development Standards.** Section 2.2.040 provides the general lot and development standards for each of the City's base zoning districts. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential *[and Residential-Commercial]* zones, and Table 2.2.040.E applies to non-residential zones.
- B. Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3. Notwithstanding the provisions of Table 2.2.040 and Article 3, different standards may apply in specific locations, such as at street intersections, *[within overlay zones,]* adjacent to natural features, and other areas as may be regulated by this Code or subject to state or federal requirements. *[For requirements applicable to the City's overlay zones, please refer to Chapter 2.4.]*
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. *[Submittal of a Zoning Checklist for review and approval by the City Administrator (is / may be) required in order to determine whether use is allowed on a given site, and whether further land use review is required.]*

2.2 –Zoning District Regulations | Lot and Development Standards

D. Lot and Development Standards for Residential Districts. The development standards in Table 2.2.040.D apply to all [new] development [as of (effective date)] in Residential zones.

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	R-1	R-2	R-3	[Reserve]
Residential Density , per Section 2.2.060 (Dwelling Units per [gross / net] acre) – Minimum and Maximum	Min 1 acre Max 6 per acre [Per Comp Plan]	Min 2 per acre Max 12 per acre [Per Comp Plan]	Min 6 per acre Max 18 per acre [Per Comp Plan]	
Minimum Lot Area* (square feet)				
Single-Family, not attached				
Corner Lot	[7,000 sf]	[6,000 sf]	[4,000 sf]	
Not a Corner Lot	[6,000 sf]	[5,000 sf]	[4,000 sf]	
Single-Family, common-wall dwellings:				
Corner Lot	Not permitted	[4,000 sf]	[4,000 sf]	
Not a Corner Lot	Not permitted	[3,000 sf]	[2,500 sf]	
Single-Family, with accessory dwelling	[7,000 sf]	[6,000 sf]	[5,000 sf]	
Duplex	[9,000 sf]	[7,000 sf]	[6,000 sf]	
Multiple-Family or Cottage Cluster	[9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[8,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[8,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	
Non-Residential Uses	[Same as single- family, not attached]	[Same as single- family, not attached]	[Same as single- family, not attached]	
User’s Guide: Minimum lot size should be based on a city’s planned residential densities, per the land use designations and housing needs in the comprehensive plan. An alternative to increasing lot size standards for sloping sites is to allow clustering of smaller lots in exchange for open space conservation on the most sensitive hillsides. See also, recommendations for “Lot Size Averaging” below.				
[*Lot size may be reduced in new subdivisions through Lot Size Averaging, per Section 4.3.050, or through approval of a Master Planned Development under Chapter 4.8, provided the density standards of this section are met.] Minimum lot sizes do not apply to open space tracts and similar properties where development is restricted.				

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	R-1	R-2	R-3	[Reserve]
Minimum Lot Width				
Single-Family, Not Attached: Corner Lot Interior Lot	[60] ft [50] ft	[50] ft [45] ft	[40] ft [40] ft	
Single-Family, Attached or Common Wall: Corner Lot Interior Lot	Not permitted Not permitted	[100] ft [80] ft	[90] ft [70] ft	
Duplex	[100] ft	[80] ft	[80] ft [85] ft	
Multiple-Family (3 or more dwelling units on a lot, where allowed)	[120] ft	[85] ft	[80] ft	
Non-Residential Uses	[1.5 times min. width or 80 feet, whichever is less]	[1.5 times min. width or 75 feet, whichever is less]	[1.5 times min. width or 70 feet, whichever is less]	
Minimum Lot Depth [Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Chapter 4.3.050.]				
Building or Structure Height. See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.				
<u>Level Site (slope less than 15%),</u> maximum height	[30 ft]	[35 ft]	[40 ft]	
<u>Building Height Transition Required</u> Abutting R-1 District (Sec 2.2.080)	No	Yes	Yes	
User's Guide: The building height standards for sloping lots are intended to provide regulatory relief for daylight basements. Adjustment for a sloping site may not be necessary if the city measures building height from "grade plane," as defined by International Building Code. Grade plane provides for height adjustment on sloping lots by using an average finished grade as the basis for measuring height.				

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	R-1	R-2	R-3	[Reserve]
Fences and Non-Building Walls Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street-Side; or Reverse Frontage Lot (rear) (See also, Section 3.4.040.)	4 ft 7 ft 7 ft 6 ft; with 4 ft landscape buffer	4 ft 7 ft 7 ft 6 ft; with 4 ft landscape buffer	4 ft 7 ft 7 ft 6 ft; with 4 ft landscape buffer	
Lot Coverage [(two options)]: 1) Maximum Lot Coverage (foundation plane area as % of site area) Single-Family, Not Attached Single-Family, Attached/Common Wall Duplex Multifamily or Cottage Cluster Mixed-Use/Live Work/Commercial Civic/Institutional/Open Space	50% <i>Not permitted</i> 60% 60% <i>Not applicable</i> 60%	55% 70% 70% 70% 75% 60%	60% 75% 75% 75% 75% 60%	
[2] Coverage Bonus This bonus is an incentive for low-impact development, to reduce impacts associated with surface water runoff.	[The City Administrator, subject to review through a Type II procedure, may approve an increase to the lot coverage standards, above, pursuant to Section 2.2.070.]			
Minimum Landscape Area (% lot area), Landscape area may include plant areas and some non-plant areas as allowed under Section 3.4.030.	30%	25%	20%	
Minimum Setbacks (feet). See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.				
Front and Street-Side Setback Yards <u>Standard Setback</u> <u>Garage or Carport Opening</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio, wall) where structure is less than 50% enclosed Exception (0 ft for wheelchair ramp)	15 ft 20 ft 15 ft	15 ft 20 ft 10 ft	12 ft 20 ft 10 ft	

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones
 (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	R-1	R-2	R-3	[Reserve]
Interior Side Setback Yards				
<u>Structure >24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	8 ft	7 ft	7 ft	
<u>Structure 12'-24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	7 ft	6 ft	6 ft	
<u>Structure <12' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	6 ft	5 ft	5 ft	
<i>Garage or Carport Opening, except alley</i>	20 ft	20 ft	20 ft	
<i>Exceptions:</i>				
<u>Alley</u>	5 ft	5 ft	5 ft	
<u>Porch or Similar Open Structure</u> (e.g., balcony, wheelchair ramp, portico, patio, wall) where structure is less than 50% enclosed	5 ft	5 ft	5 ft	
<u>Common Walls or Zero Lot Line Developments</u>	<i>Not permitted</i>	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	
Note: Always avoid utility easements when building near property lines.				

User's Guide: The city may require fire suppression sprinkler systems for some structures where, due to the structure's height, sprinkler systems are necessary.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	R-1	R-2	R-3	[Reserve]
Rear Setback Yard				
<u>Structure >24' height</u>	15 ft	10 ft	10 ft	
<u>Structure 12'-24' height</u>	10 ft	5 ft	5 ft	
<u>Structure <12' height</u>	5 ft	5 ft	3 ft	
<i>Garage or Carport Opening, except alley</i>	20 ft	20 ft	20 ft	
<i>Exceptions:</i>				
<u>Alley</u>	5 ft	5 ft	5 ft	
<u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio wall) where structure is <50% enclosed	5 ft	5 ft	5 ft	
<u>Common Walls or Zero Lot Line</u>	0 ft	0 ft	0 ft	
_____				—
Special Setback for Planned Street Improvements: New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.				

2.2 –Zoning District Regulations | Lot and Development Standards

E. Lot and Development Standards for Non-Residential Districts. The development standards in Table 2.2.040.E apply to all [new] development [as of (effective date)] in the City’s Non-Residential zones, as follows.

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)			
Standard	C-I	M-I	PFZ
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback, and coverage standards.	None	None	None
Minimum Lot Width and Depth	None	[None, or # acres, per Economic Opportunities Analysis]	None
Building and Structure Height*			
<u>Standard (slope less than 15%), maximum height</u>	60 ft	75 ft	50 ft
<u>[Height Bonus for Residential Use in Upper Building Story]</u>	15 ft	N/A	None
<u>[Building Height Transition required adjacent to R-1 District, per Section 2.2.080.]</u>	Yes	Yes	No
* <u>[Height Increase</u> The City may increase the standard height, above, for specific projects with approval of a Conditional Use Permit (CUP), per Chapter 4.4.]	Yes	Yes	Yes

User’s Guide: The city may require fire suppression sprinkler systems for some structures where, due to the structure’s height, sprinkler systems are necessary.

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	C-I	M-I		PFZ
<u>Fences and Non-Building Walls</u> Maximum Height – Front Yard Maximum Height – Interior Side Maximum Height – Rear Yard Maximum Height – Street-Side or Reverse Frontage Lot (rear) (See also, Section 3.4.040.)	4 ft 8 ft 10 ft 6 ft with 5 ft landscape buffer	4 ft, except City-required screens 8 ft, except City-required screens 10ft, except City-required screens 6 ft with 5 ft landscape buffer		
Lot Coverage <i>[(two options)]:</i> I. Maximum Lot Coverage (foundation plane area as % of site area)	90%	90%		90%
[2. Coverage Bonus]	<i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increase to the lot coverage standards, above, pursuant to Section 2.2.070.]</i>			
Minimum Landscape Area (% site area) , includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single-family dwellings. [Landscape area may include street trees and civic space improvements in some zones, per Sections 3.2.050 and 3.4.030.]	10% - 20%	10% - 20%		10% - 25%

2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 2.2.040-2.2.080, or as modified under Chapter 4.5 Master Planned Developments and Chapter 4.7 Adjustments and Variances)			
Standard	C-I	M-I	<i>[Reserve]</i>
Minimum Setback Yards (feet): (See also, Section 2.2.080, RL Height Step-Down.) <u>Front, Street-Side, Interior Side, and Rear</u> property lines, except garage or carport, or as required by other code provisions <u>Garage or Carport Entry</u> , setback from street <u>Alley</u> <u>Adjacent to RL District</u>	0 ft 20 ft 3 ft 5 ft, and per Section 2.2.170	0 ft 20 ft 3 ft 20 ft, and per Section 2.2.170	— — — —
<p>Special Setback for Planned Street Improvements: New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.</p>			
<p><u>Note:</u> Always check for utility easements prior to construction.</p>			

2.2.050 Setback Yards Exceptions

User's Guide: The following supplements the dimensional standards in the above tables. The flag lot standards are optional because not all cities allow flag lots. Flag lots should be discouraged where local street connections are to be made. See also, Chapter 4.3 Land Divisions and Property Line Adjustments.

A. Encroachments

1. Except as otherwise restricted by applicable building codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than 24 inches, provided that a setback of not less than 36 inches is maintained, all applicable building codes are met, and the clear vision standards in Section 3.3.030 are met.
2. Porches, decks, patios, and similar features not exceeding 30 inches in height may encroach into setbacks, provided a minimum setback of not less than 36 inches is maintained and all applicable building codes are met.
3. Fences may be placed within setback yards, subject to the standards of Section 2.2.040 and 3.4.040.

B. Flag Lots

The City Administrator or the Planning Commission may designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:

1. front yard parallel to the street providing automobile access; or
2. front yard parallel to the flagpole from which driveway access is received; or
3. other as surrounding land uses or building construction needs may indicate.

The City shall review proposals for flag lots pursuant to the standards in Section 4.3.050 and may impose reasonable conditions to ensure development is compatible with adjacent uses.

2.2 –Zoning District Regulations | Lot Coverage

2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.040, except as provided below in subsections 1-3:

- A.** Residential care homes and facilities, senior housing, including assisted living, accessory dwellings, and subdivisions are exempt from the minimum density standard.
- B.** The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
- C.** Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.
- D.** Areas reserved for flag lot access (flag poles) are not counted as part of the total parcel or lot area for the purpose of calculating density.

2.2 –Zoning District Regulations | Residential Density Standards

2.2.070 Lot Coverage

User's Guide: The following supplements the lot coverage standards in Table 2.2.040. Subsection B is necessary if your city allows the lot coverage bonus in Table 2.2.040.

- A. Lot Coverage Calculation.** The maximum allowable lot coverage, as provided in Table 2.2.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 36 inches or greater above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade.
- B. Lot Coverage Bonus.** The City Administrator or the Planning Commission, subject to review through a Type II procedure, may approve increases to the lot coverage standards in Table 2.2.040.D, as follows:
1. Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.
 2. Lot coverage may increase by up to three-quarters (75%) a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing stormwater infiltration).
 3. Lot coverage may increase by up to three-quarters (75%) a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.
 4. In approving increases in lot coverage under subsections 1-3 of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.
 5. Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this Code, must be met.

2.2 –Zoning District Regulations | Lot Coverage

2.2.080 Height Measurement, Exceptions, and Transition

User's Guide: The following supplements the building height standards in Table 2.2.040.

- A. Building Height Measurement.** Building height is measured pursuant to the building code.
- B. Exception from Maximum Building Height Standards.** *[Except as required pursuant to FAA regulations,]* Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.
- C. Fence Height Increase.** Where Table 2.2.040 provides for a height increase, the proposal shall be subject to City review and approval pursuant to Chapter 4.4.

