



## Planning Commission Meeting Agenda September 30, 2020

*(The meeting scheduled for September 22, 2020 was cancelled due to a lack of quorum; this meeting is the rescheduled meeting with the same topics.)*

7:00 PM

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Chairperson: Todd Culver  
Commissioners: Roger Bristol, Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber and Susan Jackson.  
Meeting Location: Harrisburg Municipal Center located at 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 Recorder/Assistant City Administrator Michele Eldridge, at 541-995-6655.*
7. *The Municipal Center is disinfected prior to meetings. Seating is staged 6' apart, but if there are multiple people in the room, there is a chance that seating could be closer together.*
8. *Masks are required, and 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 AUGUST 18, 2020**

**OLD BUSINESS**

- 2. THE MATTER OF A VISIT FROM REPRESENTATIVES FROM THE MCCrackEN MOTOR FREIGHT PROJECT**

**WORK SESSION**

- 3. THE MATTER OF DISCUSSING A REVISED DRAFT OF THE ZONING MATRIX AND SITE PLAN REVIEW, (AS PER THE AUGUST 18<sup>TH</sup> PLANNING COMMISSION MEETING) AS WELL AS A 'FIRST LOOK' AT SECTIONS 2.2.040. D – 2.2.080, ZONING DISTRICT REGULATIONS**

**STAFF REPORT:**

Exhibit A: Revised Zoning Matrix

Exhibit B: Revised Site Plan Review Procedures

Exhibit C: "New" Zoning District Regulations

Exhibit D: HMC Chapter 17 – 'Subdivisions' and Chapter 18 –

'Zoning and Land Use' (*Planning Commission members will find a notebook with these materials.*)

**ACTION:  
MEETING**

**NO ACTION – DISCUSSION ONLY – SEPT. 30, 2020**

**OTHERS**

**ADJOURN**



## Planning Commission Meeting Minutes August 18, 2020

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Chairperson Present: Todd Culver  
 Commissioners Present: Roger Bristol, Jeremy Moritz, and Suzan Jackson  
 Staff Members Present: City Administrator/Planner John Hitt, City Recorder/Asst. City Administrator Michele Eldridge  
 Commissioners Absent: Rhonda Giles, Kurt Kayner, and Kent Wullenwaber  
 Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

**INTRODUCTION OF NEW MEMBER:** Eldridge introduced Susan Jackson, who had just been appointed to the Planning Commission at the last City Council meeting. She has lived here in Harrisburg all her life, and has volunteered in several capacities, including during our Sesquicentennial Event in 2016, and she serves on the HFEA (Harrisburg Festival and Events Association) board with Eldridge.

**CALL TO ORDER AND ROLL CALL at 7:00pm**

**CONCERNED CITIZEN(S) IN THE AUDIENCE.** None

### **APPROVAL OF MINUTES**

- Moritz motioned to approve the minutes and was seconded by Bristol. The Planning Commission then voted unanimously to approve the Minutes for July 21, 2020.

### **WORK SESSION**

**THE MATTER OF A DISCUSSION OF DRAFT PROPOSED CHANGES TO HMC TITLE 17 (SUBDIVISION) AND 18.95 (SITE PLAN REVIEW) AS WELL AS REVIEW OF THE DRAFT ZONING MATRIX.**

**STAFF REPORT:** Hitt told the Planning Commission that in a small City, there are lots of moving parts to the Municipal Code. Much of the model code, is in a matrix and charts, rather than

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narrative, which is how Harrisburg's code was modeled. He described the differences between the two types of code

- Moritz asked what requires this change, and was told technically, nothing for this. He asked if we were changing for the sake of changing, or are there issues that we are trying to clean up?
- Hitt said that there are internal inconsistencies, and the code could definitely benefit from being cleaned up.
- Moritz wasn't sure when we last did this. It's not like we are adding verbiage; but it looks like this is a lot of work. He was reading the agenda over the weekend, and he was just concerned about our reason for doing this. He asked if we've had applicants asking questions, because the code was ambiguous, or were there other reasons?
- Eldridge said that there are quite a few discrepancies, and the code is notoriously hard to find certain types of information. For instance, to get to the section that talks about driveways, a person would need to go to the zone section that a house is located in, and then there is information in the site plan section for residential dwellings, as well as in supplementary regulations, and in one other area. Applicants have had a hard time in finding all the information they were looking for. We have had developers ask for simplification.
- Chairperson Culver thought that the last time we amended the zoning code was around ten years ago. He wondered the same thing; will we do this procedure every time we change City Administrators?
- Moritz said that is why he was asking that.
- Hitt said that we had started on this; in fact, Brian started this process back in 2016, but had to back off on it.
- Bristol said that he remembered redoing the code with Bruce.
- Eldridge added that it took approximately a year and a half for that process when Bruce did it.
- Hitt felt it was a very fair question.
- Chairperson Culver said that he had a concern from ten years ago, and now. There are certain things we are talking about simplifying, which will not come before the Planning Commission. His concern is that we are taking the oversight out of the equation. Where there is a public body, appointed or elected, to review these things, and then there is simplification for it all to stay in City Hall, then he thinks there should be checks and balances in what we do. Some of these coming to the Planning Commission to review, he feels is a positive thing.
- Moritz said that he felt things like variances should come to them. It's obvious if what a builder is doing is cut and dry, then that's ok, but otherwise, it should come in front of the Planning Commission.
- Hitt said that this is a model code from the DLCD/State of Oregon. He's made some revisions to what they've suggested. You can change what is being suggested, and the City Council can change it. Anybody would have the right to appeal any decision that staff makes, to the next governmental body up. A decision he would make would be appealable to the Planning Commission. The code lays out criteria that you decide is acceptable, and either a builder can meet that criteria, or they can't. You either meet the required size of the public utilities required for this project, or you don't. Variances will always come to the Planning Commission. Staff would certainly review it, and provide recommendations, but the Planning Commission's opinion should decide it. On page 38, which is land divisions, such as subdivisions, minor partitions and property line adjustments, staff

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would have the ability to approve a minor partition, if it is 3 or fewer lots. However, major partitions, and subdivisions, would all come to the Planning Commission. Many of these other types of decisions would also come to the Planning Commission.

- Eldridge added that the Planning Commission could ask to see a report of administrative decisions at each month's meeting, to keep them informed of what projects staff is approving.
- Hitt then returned to the regular review of the zoning matrix; on page 19, he prefers the matrix. He explained how to read the matrix, and pointed out with a SFD, that it would be allowed outright in 3 different residential zones, but in a commercial zone, it would require special use standards. There are some things in the matrix, such as a residential care home, which is also governed by state law. Special use just means that there will be certain requirements that an applicant will need to meet, which are ultimately set by the Planning Commission. He realizes that the Planning Commission might want to come back and look at some of the special use standards, to make sure of what they want coming in front of them.
- Chairperson Culver asked him in a commercial zone, is the state model code staying that a non-attached single-family dwelling could be allowed in a commercial zone?
- Hitt told him that was correct. You don't have to allow that to be a special use standard.
- Chairperson Culver asked him in the current code, we don't allow a residential use in a commercial zone, correct?
- Hitt told him it was; we allow mixed use, but not full residential use only.
- Chairperson Culver asked why we would change that?
- Hitt told him that it's just like the last project we approved, with Anthony Bucher. It's a 5,000 sq. ft. lot, and because the current code doesn't allow residential use in a commercial zone, he had to pay out additional funds and go through the process to change the zoning on the property. This is another way, if you have a special condition, where it is not feasible or practical to use the lot for a commercial use, in how it could be permitted.
- Bristol said that we currently have residences in commercial zones.
- Hitt told him yes, and that's another reason to change.
- Bristol asked then, if current residential use in commercial zones are grandfathered in but you can't add to it.
- Hitt told him that was correct. He went on to page 20, and the PUZ zone. It doesn't make a lot of sense in the current code, that we have a lot of special uses, such as sports fields, which now are allowed through a conditional use permit, when it could just be a public use. Those areas are already separated from residential areas. That includes buildings like those the City has for utility storage. It allows more options to be permitted.
- Bristol said that we have designated PUZ zones.
- Hitt told him we don't. We have just one PUZ zone, which is Priceboro Park.
- Bristol asked that with the school, and the work they did, did they need a Conditional Use Permit?
- Eldridge told him yes; dependent upon what they did.
- Moritz asked if we could change the school to PUZ zoning?
- Hitt told him yes.
- Moritz asked if they must be city operated?

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- Hitt told him no, they are a government use, which accounts for the schools, the fire department, and the city. He then moved on to industrial uses. His argument, is that any heavy industrial use, has to go through site plan process. You can control it by the site plan/conditional use process.

Bristol, Moritz and Hitt spoke about industrial uses, and Bristol expressed dismay about residential properties coming in when property adjacent to them is bare ground, that then gets developed. Somebody may have put a lot of money into a property, which then they claim gets devalued, because there is a lot of noise, dirt, and trucks. Hitt hears a lot of complaints about those. He felt that they are better controlled through the conditional use process. Our current code either requires a site plan or a conditional use permit, depending upon how heavy a use a property will have. The Planning Commission can keep it this way, or they can change it. You can change from a S to a CU if desired. Technically, a conditional use permit still requires a site plan. That's typical when dealing with raw materials. The Planning Commission then discussed a business doing due diligence, or for a residential application. Moritz wanted to make sure that if somebody buys a property, and they want a high use of that property, that then after they start, they don't get told no. Moritz felt that with M-2 type of facilities in a M-1 zone, that it felt closer to the public use zones. Chairperson Culver was concerned about why we had it set up in this way, looking at the zone map. Hitt told him that he's seen in several cities, that there is only one industrial zone: not separate and distinct industrial zones. Looking at the map, Bristol noticed all the purple zones that are there. Eldridge pointed out that the M-1 zones along the edge of the M-2 on S. 6<sup>th</sup> St., along with the commercial zones further up S. 6<sup>th</sup>, were just added in the last UGB zone change. We were hoping to spur different types of development. Hitt noted that with the current zoning, you could have a battery manufacturer right next to the highway, or next to a residential area. The model code looks at performance orientation. It's not exactly where you are, but what you are going to do, and how you do it. Bristol added though, that where it is, could be part of a safety plan. Hitt agreed, and it could be depending upon a level of performance. There is not such thing as a guarantee. Moritz was worried about something like a battery place, that if ten years later, they go bankrupt, could someone just move in, and start doing something similar? Would they still have to go through hoops? Hitt told him they would. It would likely be a change of use. In the current code, any industrial use requires a site plan.

Hitt told the Planning Commission that on page 29, you can see what level of review these types of land uses require. Site plan approval criteria starts on page 35. You'll see that section 4.2.050.e, gives the Planning Commission authority to approve a site plan, but it also allows them to mitigate the effect it may have on nearby zones. You could ask a manufacturer with a lot of noise, to build a building with 4' walls. Moritz said a lot of people don't buy property until they know what they can do with it. However, Hitt told him actually no, a lot of people buy property, and then find out what they can do with it. The bigger developers will check on the uses of a property. Moritz asked if that happens with subdivisions, and Hitt told him yes, it does, quite often. Moritz didn't think that someone would want to buy something, and then find out you can't build on it. Hitt told him that the larger developers are accustomed to the site plan process. They know that with a manufacturer, either you don't cause pollution, or it's controlled, or mitigated. They would understand that there are conditions attached with that. Eldridge said that is similar to what McCracken did.

Hitt added that on page 30, it talks about the review procedures, and there is A, which talks about trip generations, and mentions that there is a 1,000 sq. ft. building. B, specifies that a site plan review is triggered if a use exceeds 5,000 sq. ft. The Planning Commission could lower that number, based on the fact that the current code is 1,200 sq. ft. Lowering those requirements,

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would result in more site plans coming to the Planning Commission. 1,200 seems to low to him, but he'd like to find out what the Planning Commission might prefer as a number. He suggested that a site plan could be formal, or informal, with the informal plan being smaller. He also suggested that the trip generation trigger in A be reduced to 50 average daily trips. Chairperson Culver asked if the fee charged to an applicant would be the same for a smaller or informal plan, and Hitt said that if it's formal, then it can be charged one type of fee, and an informal could result in a reduced fee. Eldridge added that we calculate site plan fees based upon staff time, and the cost of public noticing. The result is that you are being fair to applicants. Moritz said 1,200 is way too low, and he thinks 2,500 sq. ft and up is more in line. The Planning Commission discussed this for a time and compared some recent site plans that had come to them, such as Farmer's Helper. Moritz made a point that Calvary Chapel is in a commercial zone, and if we used the 5,000 sq. ft. rule, that wouldn't have come to the Planning Commission. He felt that was a critical site plan, that would really need to come to the Planning Commission, so he felt the one number of 5,000 sq. ft. was too large, and 1,200 sq. ft is too low. He suggested again that we use 2,500 sq. ft. Chairperson Culver wasn't a fan of the decisions made on an administrative level. He doesn't like the thought of smaller site plans not having the same level of planning. Can we change the conditions on those, if we don't like them? Hitt told him no, but then they could complain to the City Council about what John is doing. He's not arguing to keep the change he is suggesting but wants the Planning Commission to feel comfortable with what is being proposed. Chairperson Culver said that he felt that land use decisions should go by this governing body as much as possible. He does agree with the 2,500 sq. ft. suggestion.

The Planning Commission further discussed the administrative decisions, and Bristol said that a lot of the site plans are so cut and dry, and are informal, that he wouldn't mind some of those being administrative. Chairperson Culver was ok with that, if what was allowed is in writing, and the city reduced the price for them. Bristol added that it could shorten the process for an applicant as well. People spend six weeks, and lots of money, and then only talk to us for about 40 minutes. Hitt told them that one thing to keep in mind, and he's not trying to spin things, but we create clear criteria. You have a check box on an application, and their project has this kind of parking, this kind of landscaping, and this kind of lighting. If they meet all the requirements, then it's a permitted use in the zone. That is not appealable. You make the decision, and you apply judgement to an application, then that decision can be appealed if needed. Eldridge noted for the Planning Commission that we have a lot of business owners, all in the industrial areas south of the city, who all very frustrated when we require a site plan for anything 1,200 sq. ft. or over. One company only wanted an open sided bin for raw products, but the code required them to come to the Planning Commission. 2,000 sq. ft. or more would be a great number. The Planning Commission continued to discuss the changes that could be made to this section. ***The Planning Commission agreed on a square foot requirement of 2,500 sq. ft. as a trigger requiring a site plan to come to the Planning Commission, and also determined that they would prefer to keep the M-1 zone. In addition, they agreed that section A in 4.2.030 could be reduced from 100 average daily trips to 50.***

Hitt commented that most of site plan section, is not that different from our current code. The new code has more detailed requirements; like circulation, access and landscaping. The model code for the site plan process, is more thorough than our current code, which is very complicated. He suggested that the Planning Commission feel free to take more time yourselves to compare the codes, but it is similar to what we have. There is plenty of opportunity for the Planning Commission to make changes. Continuing to Land Divisions on page 28, it's similar to our current code, but is

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also simpler. There are clear definitions of what triggers a partition, and a major partition. It also addresses flag lots. It provides a little more detail, that helps you understand the differences between land use requests. He thinks that there is reasonable distinction between these, but the Planning Commission might want to change the scope of the size. Moritz asked if they should be looking at the current code? Hitt told him it's really like a different language in comparison to our code. Eldridge said that she could provide a copy of the code at the next meeting.

**OTHERS**

- Hitt said that because Sept 1<sup>st</sup> is a 1<sup>st</sup> Tuesday of the month, it threw us off on the meetings. We'd like to set up Sept 15<sup>th</sup> for the City Council, and the Planning Commission to be held on 22<sup>nd</sup>. Consensus from Planning Commission members present is that would work for them.

**ADJOURN: The meeting was adjourned at 8:11pm.**



# Agenda Bill

## **Harrisburg Planning Commission**

### Harrisburg, Oregon

**THE MATTER OF DISCUSSING A REVISED DRAFT OF THE ZONING MATRIX AND SITE PLAN REVIEW, (AS PER THE AUGUST 18<sup>TH</sup> PLANNING COMMISSION MEETING) AS WELL AS A 'FIRST LOOK' AT SECTIONS 2.2.040. D – 2.2.080, ZONING DISTRICT REGULATIONS**

**STAFF REPORT:**

Exhibit A: Revised Zoning Matrix

Exhibit B: Revised Site Plan Review Procedures

Exhibit C: "New" Zoning District Regulations

Exhibit D: HMC Chapter 17 – 'Subdivisions' and Chapter 18 – 'Zoning and Land Use' (*Planning Commission members will find a notebook with these materials.*)

**ACTION: NO ACTION – DISCUSSION ONLY – SEPT. 30, 2020 MEETING**

**THIS AGENDA BILL IS DESTINED FOR:** Regular Agenda – September 30, 2020

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
N/A	N/A	N/A

**STAFF RECOMMENDATION:**

**Staff recommends a quick review of the changes to the Zoning Matrix (Exhibit A) and Site Plan Review (Exhibit B) that came out of the August 18<sup>th</sup> Planning Commission meeting. In addition, be prepared to discuss Sections 2.2.040 – 2.2.080, Zoning District Regulations (Exhibit C)**

**BACKGROUND INFORMATION:**

Just over four years ago, the Planning Commission began work on the city's zoning and subdivisions codes in order to: 1. More closely follow the State of Oregon's Model Code. 2. Reduce/eliminate contradictions in the current code. 3. Facilitate a more speedy and predictable land use review and approval process.

While this is a difficult and complex process, I think the potential benefits to the City of Harrisburg are substantial. The Model Code, with the revisions and updates we are and will be making, is easier to use, reduces paperwork and timelines, and provides greater predictability for developers as the approval standards in the Model Code are more objective and somewhat easier to achieve.

At the 08/18 meeting the Planning Commission expressed a desire to retain the M-1 Limited Industrial Zone and to reduce the “trigger” for the Site Plan Review process from the 5,000 square feet in the Model Code to 2,500 Square feet for commercial and industrial structures (1,200 in current HMC) as well as reduce the ‘trigger’ of traffic generation to 50 trips per day from 100. These have been implemented in Exhibits A and B.

Exhibit C. deals with densities, set-backs, lot dimensions, building heights, fencing, etc. These are similar to, (except densities) to what is scattered throughout the different zoning descriptions of HMC 18.15,.20,.22.30.40.45,.80 and others.

Finally, just for point of reference, we have Exhibit D, which is the current Harrisburg Municipal Code governing zoning, land use requirements and land division requirements and process. You will find this in the notebook, along with the current zoning and comprehensive plan maps.

REVIEW AND APPROVAL:

_____ John Hitt City Administrator	_____ Date
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## 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.

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## 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		
<b>A. Residential Uses<sup>1</sup></b>										
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]
<b>User's Guide:</b> 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.										

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<sup>1</sup> **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>B. Public and Institutional Uses<sup>2</sup></b>										
[Airport, Public Use]	N	N	N	N		S	CU	S		[per Airport Overlay Zone]
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		
[Community Garden]	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		[Sec 2.3.210]
[Prison]	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.

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

City of Harrisburg  
Oregon Model Development Code

2-10

Draft | April 2020

## 2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

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	P	CU		
<b>B. Public and Institutional Uses<sup>3</sup> (continued)</b>											
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	

<sup>3</sup> 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-J	M-1	M-2	---		
<b>C. Commercial Uses<sup>4</sup></b>								PUZ	
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.

<sup>4</sup> **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		
C. Commercial Uses (continued) <sup>5</sup>								
[Data Center or Server Farm]								
Customer Call Center	N	S	S	P	P	CU	N	Low traffic, no noise, R. type construction
Drive-Through Service	N	N	CU	P	P	CU	N	
	N	N	CU	S	S		N	Traffic, house, size
[Golf Course or driving range, with pro shop, clubhouse, or restaurant open to public]	CU	CU	N	CU	CU	N	CU	
[Golf Course without pro shop, clubhouse, or restaurant open to public]	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	
[Recreational Vehicle Park]	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	

<sup>5</sup> **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 Uses <sup>6</sup>											See M-1
[Airport]											
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		
[Data Center or Server Farm]	N	N	S		P	P	P		N		
Dwelling for a caretaker or watchman	N	N	S		S	P	P		N		Dwelling size

<sup>6</sup> 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>D. Indus. and Mixed Employment Uses<sup>7</sup> (cont')</b>											
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.

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

## 4.2 – Site Design Review

### Chapter 4.2 - Site Design Review

#### Sections:

- 4.2.010 Purpose
- 4.2.020 Applicability
- 4.2.030 Review Procedure
- 4.2.040 Application Submission Requirements
- 4.2.050 Approval Criteria and Adjustments
- 4.2.060 Assurances
- 4.2.070 Compliance with Conditions, Permit Expiration, and Modifications

#### **4.2.010 Purpose**

The purpose of this chapter is to advance all of the following objectives in the public interest:

- A. Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;
- B. Promote the public health, safety, and general welfare;
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- D. Encourage efficient use of land resources and public services, and the provision of transportation options.

#### **4.2.020 Applicability**

Site Design Review approval is required for new development. Site Design Review approval is also required to expand a non-conforming use or development. Except as specified by a condition of approval of a prior City decision, or as required for uses subject to Conditional Use Permit approval, Site Design Review is not required for the following:

- A. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development;
- B. Single-family detached dwelling (including manufactured home) on its own lot, except as required for designated historic landmarks or properties within a designated historic district;
- C. An accessory dwelling unit;
- D. A single duplex;

- E. Non-residential building addition of up to 1000 square feet, or 10 percent, whichever is greater;
- F. Home occupation, except for uses requiring a Conditional Use Permit;
- G. Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application or part of a Planned Unit Development, provided that modifications to such plans may require Site Design Review, pursuant to Chapter 4.7;
- H. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Administrator, except where a condition of approval requires Site Design Review; and
- I. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair.

#### 4.2.030 Review Procedure

**User's Guide:** The following thresholds for minor versus major projects should be tailored to meet the needs of your community. Minor projects would be reviewed by staff and major projects require a public hearing.

Site Design Review shall be conducted using the Type III procedure, except that proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in Section 4.1.040:

- A. The proposed use's estimated vehicle trip generation exceeds 50 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual [*This is the equivalent of approximately 10 dwelling units or a 1,000-square-foot bank with a drive-through window*];
- B. The use exceeds 2,500 square feet of gross floor area; or the project involves more than one acre total site area;
- C. The proposal involves a Conditional Use Permit (new or expanded);
- D. The proposal requires a variance under Chapter 4.7;
- E. The proposal involves expansion of a non-conforming use; or
- F. The City Administrator determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.
- G. The proposal includes more than two non-residential structures, three or more dwelling units, is required by HMC 18.210, or involves complex or multiple uses, especially those that generate noise, odors, pollution, outdoor storage and/or manufacturing, a DEQ air pollution or storm water permit, or otherwise may impose an unusual or excessive burden on the City's streets, water, stormwater or wastewater system.

## 4.2 – Site Design Review | Application Submission Requirements

### 4.2.040 Application Submission Requirements

All of the following information is required for Site Design Review application submittal, except where the City Administrator determines that some information is not pertinent and therefore is not required.

#### A. General Submission Requirements

1. Information required for Type III review, as applicable (see Chapter 4.1).
2. **Public Facilities and Services Impact Review.** The proposal shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the review. The proposal shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(5).

**B. Site Design Review Information.** In addition to the general submission requirements, an applicant for Site Design Review shall provide the following information, as deemed applicable by the City Administrator. The City Administrator may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

1. **Site analysis map.** The site analysis map shall contain all the following information, as the City Administrator deems applicable:
  - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
  - b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes, or that topographic contours are not needed;
  - c. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
  - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
  - e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, existing storm water drainage pattern or flow, and areas

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designated by the City, county, or state as having a potential for geologic hazards;

- f. Areas subject to overlay zones;
- h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
- i. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 12 inches greater at 4 feet above grade;
- j. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and
- k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
- l. Location of wetlands JAW a site survey or state/county mapping.

**2. Proposed site plan.** The site plan shall contain all the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area;
- b. Features identified on the existing site analysis maps that are proposed to remain on the site;
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on, or immediately adjacent to the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- f. Elevations showing the size, appearance, construction materials, height and function(s) of all proposed structures;
- g. The location and dimension of all existing or proposed storm water pipes, detention areas, drainage swales, or collection locations and assurance that the proposed site plan will not result in new or additional storm water on to coming abutting or area properties;
- h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, including all impervious and pervious areas);



- j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, walkways, pathway connections to adjacent properties, and any bicycle lanes or trails;
  - k. Loading and service areas for waste disposal, loading, and delivery;
  - l. Location, type, and height of outdoor lighting;
  - m. Location of mail boxes, if known;
  - n. Name and address of project proponent, designer and civil engineer;
  - o. Locations of bus stops and other public or private transportation facilities; and
  - p. Locations, sizes, content, and types of signs.
  - q. Location, size, and materials of proposed buffer areas or fencing, or screening materials;
  - r. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
3. **Architectural drawings.** Architectural drawings shall include, as applicable:
- a. Building elevations with dimensions;
  - b. Building materials, colors, and type; and
  - c. Name and contact information of the architect or designer.
4. **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one acre or larger, or as otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.6.040.
5. **Landscape plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 3.4:
- a. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - b. The location, size, and species of the existing and proposed plant materials, including statement of conformance with city landscaping standards (at time of planting);
  - c. Existing and proposed building and pavement outlines;
  - d. Specifications for soil at time of planting, irrigation plan, and anticipated planting schedule; and

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- e. Other information as deemed appropriate by the City Administrator. An arborist's report may be required for sites with mature trees that are to be retained and protected.

## 4.2 – Site Design Review | Application Submission Requirements

- 6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.
- 7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050, and brief written summary of proposed project and proposed new structures.
- 8. **Traffic Impact Analysis,** when required by Section 3.6.020.A(5).
- 9. **Other information** determined by the City Administrator. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, screening noise reduction, etc.), as necessary to determine a proposal's conformance with this Code.

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## 4.2 – Site Design Review | Approval Criteria

### 4.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Harrisburg Planning Commission, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria contained herein.

- A. The application is complete, in accordance with Section 4.2.040, above;
- B. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;
- C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 1.4 Non-Conforming Uses and Development;
- D. The proposal complies with all of the Development and Design Standards of Article 3, as applicable, including, but not limited to:
  - 1. Chapter 3.3 Access and Circulation;
  - 2. Chapter 3.4 Landscaping, Fences and Walls, Outdoor Lighting;
  - 3. Chapter 3.5 Parking and Loading; and
  - 4. Chapter 3.6 Public Facilities; and
  - 5. Chapter 3.7 Signs
- E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and
- F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
- G. The Planning Commission may impose off-site/public improvements, as a condition of approval, that may be necessary to reduce, mitigate, prevent development impacts including, but not limited to, traffic, noise, odors, dust, pollution, or others that may affect surrounding existing uses or the City as a whole.

**Note:** Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

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**4.2.060 Assurances**

Public improvement required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 3.6.090, as applicable.

## 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]
<b>Residential Density</b> , 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]	
<b>Minimum Lot Area* (square feet)</b>				
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]
<b>Minimum Lot Width</b>				
Single-Family, Not Attached:				
Corner Lot	[60] ft	[50] ft	[40] ft	
Interior Lot	[50] ft	[45] ft	[40] ft	
Single-Family, Attached or Common Wall:				
Corner Lot	Not permitted	[100] ft	[90] ft	
Interior Lot	Not permitted	[80] ft	[70] ft	
Duplex	[100] ft	[80] ft	[80] ft	
Multiple-Family (3 or more dwelling units on a lot, where allowed)	[120] ft	[85] ft	[85] ft	
Non-Residential Uses				
<b>Minimum Lot Depth</b> [Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Chapter 4.3.050.]	[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]	
<b>Building or Structure Height.</b> 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.				
Level Site (slope less than 15%), maximum height	[30 ft]	[35 ft]	[40 ft]	
Building Height Transition Required Abutting R-1 District (Sec 2.2.080)	No	<del>Yes</del> No	<del>Yes</del> No	

**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.)

<b>Standard</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>[Reserve]</b>
<b>Fences and Non-Building Walls</b> 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	
<b>Lot Coverage [(two options)]:</b>  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% Not permitted 60% 60% Not applicable 60%	55% 70% 70% 70% 75% 60%	60% 75% 75% 75% 75% 60%	
<b>[2) Coverage Bonus]</b>  This bonus is an incentive for low-impact development, to reduce impacts associated with surface water runoff.	<i>[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.]</i>			
<b>Minimum Landscape Area (% lot area),</b> Landscape area may include plant areas and some non-plant areas as allowed under Section 3.4.030.	30%	25%	20%	
<b>Minimum Setbacks (feet).</b> 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.				
<b>Front and Street-Side Setback Yards</b>  Standard Setback Garage or Carport Opening Porch or Similar Open Structure (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]
<b>Interior Side Setback Yards</b>				
<u>Structure &gt;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 &lt;12' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	6 ft	5 ft	5 ft	
<u>Garage or Carport Opening, except alley</u>	20 ft	20 ft	20 ft	
<b>Exceptions:</b>				
<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>	Not permitted	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	
<b>Note: Always avoid utility easements when building near property lines.</b>				

**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]
<b>Rear Setback Yard</b>				
<u>Structure &gt;24' height</u>	15 ft	10 ft	10 ft	
<u>Structure 12'-24' height</u>	10 ft	5 ft	5 ft	
<u>Structure &lt;12' height</u>	5 ft	5 ft	3 ft	
<b>Garage or Carport Opening, except alley</b>	20 ft	20 ft	20 ft	
<b>Exceptions:</b>				
<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	
<b>Special Setback for Planned Street Improvements:</b> 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.

<b>Table 2.2.040.E – Lot and Development Standards for Non-Residential zones</b> (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.)			
<b>Standard</b>	<b>C-I</b>	<b>M-I</b>	<b>PFZ</b>
<b>Minimum Lot Area* (square feet)</b> *Development must conform to lot width, depth, yard setback, and coverage standards.	None	None	None
<b>Minimum Lot Width and Depth</b>	None	[None, or # acres, per Economic Opportunities Analysis]	None
<b>Building and Structure Height*</b>  <u>Standard (slope less than 15%), maximum height</u>  <u>[Height Bonus for Residential Use in Upper Building Story]</u>  <u>[Building Height Transition required adjacent to R-I District, per Section 2.2.080.]</u>  <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.]	60 ft   15 ft  Yes  Yes	75 ft   N/A  Yes  Yes	50 ft   None  No  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.)

<b>Standard</b>	<b>C-I</b>	<b>M-I</b>		<b>PFZ</b>
<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		
<b>Lot Coverage [(two options)]:</b> I. Maximum Lot Coverage (foundation plane area as % of site area)	90%	90%		90%
<b>[2. Coverage Bonus]</b>	<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>			
<b>Minimum Landscape Area (% site area),</b> 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	[Reserve]
<b>Minimum Setback Yards (feet):</b> (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	0 ft	0 ft	—
<u>Garage or Carport Entry</u> , setback from street	20 ft	20 ft	—
<u>Alley</u>	3 ft	3 ft	—
<u>Adjacent to RL District</u>	5 ft, and per Section 2.2.170	20 ft, and per Section 2.2.170	—
<b>Special Setback for Planned Street Improvements:</b> 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.			
<b>Note:</b> Always check for utility easements prior to construction.			

**2.2 – Zoning District Regulations: Setback Yards Exceptions****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.

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## 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.

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## 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.