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**OFFICE**

# MEMO

To: HARRISBURG CITY COUNCIL  
From: Kirk Petroski, City Clerk  
LEGISLATIVE APPROVAL FORM

Date:

**LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE**

**BILL NO. 17 -2020**

**RESOLUTION NO. -2020**

**THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:**

**/s/Tiffanie E. Baldock**  
**Sr. Deputy City Solicitor**

**11/23/2020**  
**Date**

**Requested by Department/Bureau: Mayor, Planning Bureau and City Council**

**Department/Bureau Contact Person: Mayor and City Council**

**For Action on or before:**

**The attached was received in the Office of the City Clerk for introduction on**

\_\_\_\_\_

**Received by: \_\_\_\_\_**

**Date: \_\_\_\_\_**

**BILL NO. \_\_\_\_ - 2020**

Moved by: \_\_\_\_\_

An Ordinance amending Part 3 of Title 7, the Zoning Code of the City of Harrisburg, to provide certain zoning relief for developments which contain affordable housing dwelling units in the City of Harrisburg to encourage the development of affordable housing throughout the City of Harrisburg.

**WHEREAS**, one of the purposes of the Zoning Code, as outlined in Chapter 7-301.2(a)(7) and in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq.* (MPC), is to provide diverse housing opportunities, including housing that is affordable; and

**WHEREAS**, the City of Harrisburg (the “City”) recognizes the need to increase the supply of affordable housing to enhance social and economic opportunities for those residing within the City; and

**WHEREAS**, the City is committed to advancing the creation of suitable residential units that are well-maintained, attractive and stable by creating an alternative set of regulations for residential development which leads to the creation of affordable housing; and

**WHEREAS**, the City finds that providing zoning incentives and real estate tax abatement will encourage the creation and maintenance of affordable housing units which will increase the supply of affordable housing, preclude over-concentration of affordable housing in any one area and protect property values and thereby realize a genuine improvement in access to affordable housing; and

**WHEREAS**, the City’s Bureau of Planning recommends the following amendments to the Zoning Code of the City of Harrisburg in furtherance of the above-stated findings.

31           **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
32 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, AS**  
33 **FOLLOWS:**

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35           Ch. 1-201.1.C PROVIDES "AMENDMENTS TO EXISTING LEGISLATION ARE TO  
36 BE UNDERLINED; DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO  
37 PROPOSED LEGISLATION WHICH AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED;  
38 DELETIONS SHALL BE INDICATED BY STRIKING (-) ."

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40 **SECTION 1. AMENDMENT TO THE ZONING CODE.**

41 Part 3 of Title 7 of the Codified Ordinances for the City of Harrisburg is hereby amended  
42 as follows:

43   "PART 3 (7-300), ZONING CODE  
44   CHAPTER 7-301  
45   TITLE, PURPOSE, AND COMMUNITY DEVELOPMENT OBJECTIVES

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48   CHAPTER 7-305  
49   DESIGNATION OF ZONING DISTRICTS

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51 § 7-305.4 Purpose of Zoning Districts

52           In addition to the overall purpose and community development objectives stated in Chapter  
53 7-301, the purpose for each designated Zoning District is as follows:

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57           (e) CG Commercial General – To provide for a wide range of commercial, office, ~~and~~  
58 service uses, and some residential uses that serve local and regional needs and are located on major  
59 arterials.

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63 § 7-305.7 Permitted Uses by Zoning District

64 A. Unless otherwise provided by law or specifically stated in this Zoning Code, including but  
65 not limited to Chapter 7-309, Specific Criteria, land or a structure shall only be used as or  
66 occupied by a use specifically listed in this Chapter as being permitted in the respective  
67 zoning district, as listed in the following tables.

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TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
A. Residential Principal Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
<i>(For Accessory Uses, Refer to Section C)</i>									
Dormitory	N	N	N	N	N	P	N	P	N
Dwelling, Attached	N	<del>N</del> SE	P	P	<del>N</del> P	P	P	N	N
Dwelling, Detached	N	P	P	P	N	N	P	N	N
Dwelling, Manufactured Home	N	P	P	P	N	N	P	N	N
Dwelling, Multifamily (7-309)	N	N	SE	P	<del>N</del> P	P	SE	SE	N
Dwelling, Semi-Detached	N	P	P	P	<del>N</del> P	N	P	N	N
Supportive Housing-Emergency (7-309)	N	N	N	SE	SE	SE	N	P	N
Supportive Housing-Facility (7-309)	N	N	N	P	N	P	SE	P	N
Supportive Housing-Family (7-309)	N	P	P	P	N	P	P	P	N
<b>B. Non-Residential Principal Uses</b>									
<i>(For Accessory Uses, Refer to Section C)</i>									
Adult Day Care (7-309)	N	N	SE	P	P	P	P	P	N
Adult Establishment (7-309)	N	N	N	N	N	N	N	N	SE
Amusement Arcade (7-309)	SE	N	N	SE	P	SE	N	N	N
Amusement Park	SE	N	N	N	P	SE	N	N	P
Animal Hospital/Veterinarian/Kennel (7-309)	N	N	N	SE	P	N	N	N	P
Animal Stables	P	N	N	N	N	N	N	N	N
Assembly or Finishing of Products Using Materials Produced Elsewhere	N	N	N	N	P	SE	N	N	P
Auction House	N	N	N	N	P	P	N	N	P
Automobile Auction and/or Automobile Parking or Storage Compound	N	N	N	N	N	N	N	N	P
Auto Body Shop and/or Repair Garage (7-309)	N	N	N	N	P	N	N	N	P
Auto, RV, Boat, or Manufactured Home Sales (7-309)	N	N	N	N	P	N	N	N	P

71 **P Permitted by Right**72 **SE Special Exception**73 **N Not Permitted**74 **7-309: Specific Criteria**75 **\*\*\*\***

TYPES OF USES	ZONING DISTRICTS								
	Open Space Recreation	Residential		Commercial & Downtown			Special		Industrial
C. Accessory Residential and Non-Residential Uses	OSR	RL	RM	CN	CG	DC	RF	INS	IND
Accessory Dwelling Unit (7-309)	N	<del>SE</del> P	<del>SE</del> P	P	N	N	<del>SE</del> P	N	N
Accessory Parking Lot or Structure	SE	P	P	P	P	P	P	P	P
Adult Day Care (7-309)	N	N	SE	P	P	P	P	P	N
Bed and Breakfast (7-309)	N	SE	SE	P	N	N	SE	N	N
Child Care Home – Family (7-309)	N	P	P	P	N	P	P	N	N
Child Care Home – Group (7-309)	N	SE	SE	SE	N	SE	SE	N	N
Child Day Care Center (7-309)	N	SE	SE	P	P	P	P	P	P
Coffee Shops/Cafes	N	N	SE	P	P	P	SE	SE	N
Dormitory (7-309)	N	N	N	N	N	P	N	P	N
Drive-Thru Facility (7-309)	N	N	N	SE	P	N	N	N	P
Essential Services	P	P	P	P	P	P	P	P	P
Fitness Center	N	N	N	P	P	P	SE	P	P
Heliport, Emergency	N	N	N	N	N	P	N	P	P
Home Occupation (7-309)	N	P	P	P	P	P	P	N	N
Restaurant	N	N	N	P	P	P	SE	SE	P
Retail Store	N	N	N	P	P	P	N	SE	N
90 Rooming House (7-309)	N	N	SE	SE	N	SE	SE	N	N
Special Occasion Home (7-309)	N	SE	SE	P	N	N	P	N	N

77 **P Permitted by Right**78 **SE Special Exception**79 **N Not Permitted**

80 7-309: Specific Criteria

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82 CHAPTER 7-307  
83 DEVELOPMENT STANDARDS

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85 \*\*\*\*

86 Section 7-307.3A. Development Standards

87 Section 7-307.3B. Affordable Housing Development Standards

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90 § 7-307.3A. DEVELOPMENT STANDARDS

91 The following development standards shall apply for the specific zoning district, unless a more  
92 restrictive requirement for a specific use is required by Chapter 7-309, Specific Criteria, or another  
93 section of this Code. If a lot includes more than one use, whichever requirements of this Code  
94 which are more restrictive shall apply. All measurements shall be in feet unless otherwise stated.

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98 § 7-307.3B. Affordable Housing Development Standards

99 This section applies to those Affordable Housing Developments which have received a Certificate  
100 of Qualification pursuant to Chapter 12-101 of Title 12, Affordable Housing Certification. The  
101 following development standards shall apply for the specific zoning district, unless a more  
102 restrictive requirement for a specific use is required by Chapter 7-309, Specific Criteria, or another  
103 section of this Code. If a lot includes more than one use, whichever requirements of this Code  
104 which are more restrictive shall apply. All measurements shall be in feet unless otherwise stated.  
105 Nothing in the subsection shall relieve an Affordable Housing Developer from the development  
106 standards outlined in Section 7-307.3A for the following:

107 (1) Minimum Lot Width at Lot Frontage;

108 (2) Front Yard Setback;

109 (3) Minimum Rear Yard Setback;

110 (4) Principal Building Width.

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<u>7-307.3B</u> <u>AFFORDABLE HOUSING DEVELOPMENT STANDARDS</u>					
<u>Table 2</u>					
<u>RL Zoning District</u>					
	<u>% Units Affordable</u>	<u>Density Bonus (%)</u>	<u>Minimum Lot Area (sq. ft.) per Dwelling Unit</u>	<u>Max Impervious Lot Coverage (%)</u>	<u>Principal Building Height</u>
<b>Existing</b>	--	--	<u>5,000</u>	<u>50%</u>	<u>36 feet maximum</u>
<u>Low Income (&lt;80% MFI)</u>	<u>20%</u>	<u>35%</u>	<u>3,250</u>	<u>65%</u>	<u>50 feet maximum</u>
<u>Workforce (80-120% MFI)</u>	<u>20%</u>	<u>15</u>	<u>4,250</u>	<u>50%</u>	<u>40</u>

<u>RM Zoning District</u>					
	<u>% Units Affordable</u>	<u>Density Bonus (%)</u>	<u>Minimum Lot Area (sq. ft.)/DU</u>	<u>Max Impervious Lot Coverage (%)</u>	<u>Max Building Height (ft.)</u>
<b>Existing</b>	--	--	<u>1,500</u>	<u>70%</u>	<u>45</u>
<u>Low Income (&lt;80% MFI)</u>	<u>20%</u>	<u>50</u>	<u>750</u>	<u>85%</u>	<u>60</u>
<u>Workforce (80-120% MFI)</u>	<u>20%</u>	<u>30</u>	<u>1,050</u>	<u>75%</u>	<u>55</u>

<u>CN Zoning District</u>					
	<u>% Units Affordable</u>	<u>Density Bonus (%)</u>	<u>Minimum Lot Area (sq. ft.)/DU</u>	<u>Max Impervious Lot Coverage (%)</u>	<u>Max Building Height (ft.)</u>
<b>Existing</b>	--	--	<u>1,200</u>	<u>95%</u>	<u>75</u>
<u>Low Income (&lt;80% MFI)</u>	<u>20%</u>	<u>45</u>	<u>660</u>	<u>95%</u>	<u>100</u>
<u>Workforce (80-120% MFI)</u>	<u>20%</u>	<u>35</u>	<u>790</u>	<u>95%</u>	<u>85</u>



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CHAPTER 7-309  
SPECIFIC CRITERIA

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§ 7-309.2 SPECIFIC CRITERIA

A. Accessory Dwelling Unit: An Accessory Dwelling Unit shall be permitted by right Special Exception in the RL, RM, ~~CN~~, and RF zoning districts and by Special Exception in the CN zoning district, subject to the following criteria:

- (1) The accessory dwelling unit may be created within the principal residential unit or may be located as a detached unit on the same lot;
- (2) The accessory dwelling unit may not be larger than ~~25%~~ 33% of the square footage of the principal residential unit; and
- (3) ~~The accessory dwelling unit must include one off street parking space.~~ The principal residential structure shall be owner-occupied.

\*\*\*\*

V. Dwelling, Multifamily: A Multifamily Dwelling is permitted by Special Exception in the RM and RF zoning districts and by right in the CN, CG, and DC zoning districts, subject to the following criteria:

- (1) Existing detached, semi-detached, and attached dwellings may be converted to multifamily dwellings provided there is a minimum of 2,500 square feet in the existing dwelling unit; and
- (2) A maximum of three (3) units shall be permitted in an existing detached, semi-detached, and attached dwelling that is converted to a multifamily dwelling.

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CHAPTER 7-327  
OFF-STREET PARKING AND LOADING

147 § 7-327.1 PURPOSE

148 The purpose of this Chapter is to provide standards for the provision of off-street parking for  
149 different land uses, including design standards and screening requirements, in specific zoning  
150 districts. This Chapter also provides criteria to permit a reduction or waiver of parking requirements  
151 in order to encourage alternative transportation modes and the utilization of existing off-street  
152 parking spaces.

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154 § 7-327.2 APPLICABILITY

155 This Chapter applies to each use that is newly developed, enlarged, significantly changed in  
156 type or increased in number of establishments. Reductions or waivers of the required off-street  
157 parking spaces are only permitted based on specific provisions of this Chapter. Any requests for a  
158 reduction in off-street parking spaces or other requirements of this Chapter require a Special  
159 Exception which must be approved by the Zoning Hearing Board. The off-street parking  
160 requirements in this Chapter do not apply to uses within the Downtown Center or Commercial  
161 Neighborhood zoning districts. This section shall not apply to those Multifamily Dwelling,  
162 Affordable Housing Developments which have received a Certificate of Qualification pursuant to  
163 Chapter 12-101 of Title 12, Affordable Housing Certification and contain at least 25% Affordable  
164 Housing dwelling units.

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168 Section 7-327.6A Off-Street Parking Requirements

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172 Section 7-327.6B Affordable Housing Off-Street Parking Incentives

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175 § 7-327.6A Off-Street Parking Requirements

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179 § 7-327.6B Affordable Housing Off-Street Parking Incentives

180 This Section shall apply to those Multifamily Dwelling, Affordable Housing Developments which  
181 have received a Certificate of Qualification pursuant to Chapter 12-101 of Title 12, Affordable  
182 Housing Certification and contain at least 25% Affordable Housing dwelling units.

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<u>AFFORDABLE HOUSING OFF-STREET PARKING REQUIREMENTS</u>	
<u>TYPES OF USES</u>	<u>NUMBER OF MINIMUM OFF-STREET PARKING SPACES REQUIRED</u>
<u>A. RESIDENTIAL PRINCIPAL USES</u>	
<u>Dwelling, Multifamily</u>	<u>1 space per market rate unit and 0.5 spaces per Affordable Housing dwelling unit</u>

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186 If the total number of parking spaces required for a Multifamily Dwelling, Affordable Housing  
187 Development is other than a whole number, the number shall be rounded down to the next whole  
188 number.

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192 CHAPTER 7-333  
193 DEFINITIONS

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197 § 7-333.2 TERMS DEFINED

198 (a) The following words, terms, and phrases shall have the following meanings, unless  
199 expressly stated otherwise or unless the context clearly indicates otherwise.

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203 **Density Bonus**

204 A density increase for residential units over the otherwise allowed residential density under  
205 the applicable zoning and land use designation on the date an application is deemed  
206 complete.

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**SECTION 2.** DELEGATION. Appropriate City officials are authorized to take such actions as are necessary to effectuate this ordinance, including but not limited to, the implementation of rules and regulations to carry out the purpose of this ordinance.

**SECTION 3.** SEVERABILITY. If any provision, sentence, clause, section or part of this ordinance or the application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the City of Harrisburg that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

**SECTION 4.** REPEALER. All ordinances or provisions of ordinances in conflict with the provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

**SECTION 5.** EFFECTIVE DATE. This ordinance shall take effect in accordance with the law.

Seconded by: \_\_\_\_\_

Passed by Council: \_\_\_\_\_

Signed by the Mayor: \_\_\_\_\_