

CITY OF HARRISBURG ORDINANCE #2017-13,
TO AMEND THE ZONING REGULATIONS

BE IT ORDAINED by the City Council of the City of Harrisburg as follows:

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE.

Ordinance #2017-13 is an ordinance to amend the Zoning Regulations of the City of Harrisburg. The City Council of the City of Harrisburg has deemed these regulations and controls to be reasonable and reasonably related to the purpose of promoting the health, safety, and general welfare of the City of Harrisburg.

SECTION 2 – JURISDICTION.

This Ordinance shall govern all territory within the statutory jurisdiction of the City of Harrisburg, South Dakota.

SECTION 3 – SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

ARTICLE II – AMENDMENTS TO CHAPTER 9.02: ZONING REGULATIONS

A. That Section 2.6 be amended to read:

The Official Zoning Map for the City, dated ~~September 19, 2016~~ January 1, 2018, is hereby adopted by reference and declared to be a part of these regulations.

B. That Section 4.3.C be amended to add the following paragraphs and the paragraphs in the section then be renumbered:

The use of flat or corrugated sheet metal for the exterior walls is prohibited;

Use of corrugated sheet metal for roofing is prohibited;

Use of shipping containers or semi-trailers for residential or accessory building use is prohibited.

C. That Section 4.9.F be amended to read:

One freestanding sign may be located on any parcel except parcels within NR, ~~and residential zoning R-1, and R-2~~ districts (unless otherwise specifically allowed by use-specific standards in these regulations). If a

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principal building is not present on the parcel, a Conditional Use Permit is required to place such a sign.

D. That Section 4.9.C be amended to read:

A sign permit is required in order to put up a freestanding sign larger than 32 square feet or a roof or projecting sign. A sign permit is also required for wall signs if more than three wall signs are proposed for a building or if the total sign face area for proposed wall signs on a building exceeds 300 square feet. If a sign is installed without a sign permit, a late application fee of four times the sign fee will be added to the permit fee at the time the permit is submitted.

E. That the following definition be added to Section 8.2:

ADULT COMMERCIAL ESTABLISHMENT – An establishment having more than five percent of its stock and trade for sale or rent photographs, films, motion pictures, videocassettes or reproductions or slides, or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas” or instruments, devices, gift items, gag gifts, trinkets, or paraphernalia that are designed for use in connection with “specified sexual activities”.

F. That the following definition be deleted from Section 8.2:

ADULT MINI-MOTION PICTURE THEATER - An enclosed building with a capacity for less than fifty persons used for presenting material for observation by patrons and which excludes minors by virtue of age.

G. That the following definitions in Section 8.2 be amended to read:

ADULT BOOKSTORES - An establishment having ~~as a substantial or significant portion~~ more than five percent of its stock and trade, books, magazines, ~~and other periodicals,~~ or other printed matter which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined below, or an establishment with a segment or section devoted to the sale or display of such materials.

ADULT USE - The term “adult use” shall include adult amusement or entertainment establishments, adult bookstores, ~~adult mini-motion picture theaters,~~ adult commercial establishments, adult motion picture theaters, and adult photo studios.

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H. That Section 4.8.B be amended to read:

Single- or multi-family dwellings 2 spaces for each dwelling unit
excluding detached garage stalls that have separate rental fees.

BE IT FURTHER ORDAINED by the City Council of the City of Harrisburg that this Ordinance shall become effective in accordance to law.

CITY OF HARRISBURG

ATTEST:

RYAN WOLBRINK
President

MARY MCCLUNG
Finance Officer

(SEAL)

First Reading: December 4, 2017
Second Reading: December 18, 2017
Published: December 28, 2017
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