

CITY OF HARRISBURG ORDINANCE #2015-08,
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 #2015-08 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 the Applicable Standards definition of the Planned Unit Developments (PUD) Conditional Use listed in Section 4.02 be amended to read:

11.15, 18.01

Neighborhood commercial within a multiple-use Planned Unit Development.

B. That Section 4.03 be amended to read:

All measurements shall be taken from the lot line to the building line. Lot coverage shall not exceed 50%.

	Minimum Lot Area	Minimum Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached dwelling	6,500 sq. ft.	65 ft. see #1	25 ft. see #2, #3	7 ft.	20 ft.	35 ft.

Single-family attached dwelling (up to 2 dwelling units)	9,000 sq. ft.	90 ft.	25 ft. see #2, #3	7 ft.	20 ft.	35 ft.
Single-family attached dwellings--2 dwelling units on 2 lots	4,500 sq. ft.	45 ft.	25 ft. see #2, #3	7 ft. or 0 ft. on party wall	20 ft.	35 ft.
All other uses	N/A	N/A	25 ft. see #2, #3	10 ft.	20 ft.	35 ft.

Exceptions:

- #1 A single-family detached dwelling may be constructed on a lot of record which has less area or width than herein required.
- #2 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.
- #3 One required front yard may be reduced to 20 feet on corner lots.
- #4 See also Adjustment to Yard Regulations (Chapter 12) and Non-Conforming Uses (Chapter 13) for other specific exceptions.

C. That the Applicable Standards definition of the Planned Unit Developments (PUD) Conditional Use listed in Section 5.02 be amended to read:

11.15, 18.01

Neighborhood commercial within a multiple-use Planned Unit Development.

D. That Section 5.03 Lot and Yard Regulations, Single-family detached dwelling units Minimum Lot Area be changed to 6,500 square feet and the Minimum Lot Width be changed to 65 feet.

E. That Section 11.15, Planned Unit Developments, be amended to read:

PLANNED UNIT DEVELOPMENTS.

A. Scope. This Section applies to Planned Unit Developments (PUD) Conditional Use Permits. All PUD Conditional Use Permits shall follow the standards and procedures as forth in Section 18.01 of this Ordinance.

B. General Provisions. A PUD is a tract of land developed as a unit under single or unified ownership or control and which generally includes two or more principal buildings or uses but which may consist of one building containing a combination of principal and supportive uses.

C. Purpose. The purposes of this Section are:

1. To encourage a more creative and efficient development of land and its improvements through the preservation of natural features and/or desirable site characteristics than is possible under strict application of zoning requirements. A PUD shall meet the goals and policies of the comprehensive plan while preserving the health, safety, and welfare of the citizens of the City.
2. To allow for the potential mixture of compatible uses in an integrated and well-planned area.
3. To ensure concentration of open space into more usable areas, and a preservation of the natural features of the site.
4. To facilitate the economical provision of streets and public utilities.
5. To assist in providing affordable housing.

D. Effect on Existing Zoning: Interpretation. The granting of a PUD Conditional Use Permit does not alter in any manner the existing zoning district classification except that building permits shall not be issued which are not in conformity with an approved PUD Conditional Use Permit.

E. Uses. Uses not otherwise allowed in the zoning district are prohibited within a PUD unless specific provisions are made and listed in the PUD Conditional Use Permit or its conditions of approval. A PUD may include varied and compatible land uses within one defined development. Uses may include:

1. Dwelling units in detached, clustered, semi-detached or attached multi-storied structures or combinations thereof.
2. Commercial and office uses.
3. Supporting community facilities and institutional uses.
4. Parks, recreational facilities and open space.

F. Pre-Application Meeting. Prior to the submission of any PUD Conditional Use Permit Application to the Planning Commission, the applicant shall meet with the Planning & Zoning Administrator to discuss the proposed development.

G. PUD Conditional Use Permit. In addition to the requirements in Section 18.01, the following exhibits and written narratives shall be submitted as part of the application for a PUD Conditional Use Permit:

1. An explanation of the planned unit development and an explanation as to why this planned unit development provides a public benefit.
2. An explanation of the expected schedule of development including phasing and time schedule.
3. Unless waived by the Planning & Zoning Administrator, the applicant shall also submit a Preliminary Plan and all necessary documentation as required by the City's Subdivision Regulations of all of that portion of the project to be platted. For the purpose of administrative simplification, the public hearings required for the PUD Conditional Use Permit and the Preliminary Plan may be held concurrently.
4. Any additional information requested by City staff or by the Planning Commission that may be required for clarification of the proposed development.

F. That the following definition be added to Section 19.02:

SHED – An accessory building used primarily for storage purposes.

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

JULIE BURKE BOWEN
Mayor Julie Burke-Bowen

ATTEST:

MARY MCCLUNG
Finance Officer Mary McClung

(SEAL)

First Reading: December 7, 2015
Second Reading: December 21, 2015
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