

**CITY OF HARRISBURG ORDINANCE #2024-01,
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 #2024-01 is an ordinance to amend the Conditional Use Permit Regulations section of 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 6 be amended to read:

6. Conditional Use Permits

6.1 Procedure

The Planning Commission may authorize by conditional use permit the uses designated in this subchapter when located in a zoning district allowing that use. The Planning Commission shall impose those conditions as appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare in the issuance of the conditional use permit. Unless expressly modified, all regulations of the zoning district in which the use is located shall apply.

6.2 Application

To obtain a conditional use permit, the applicant shall file an application with the Department of Planning and Zoning on a form as provided. Every application shall contain the following information:

1. Legal description of the land on which the conditional use is requested, together with local street address.
2. Name and address of each property owner.
3. Name, address, phone number, and signature of the applicant.
4. Zoning district classification under which the property is regulated at the time of the application.
5. A site plan, unless waived by the Planning and Zoning Administrator.
6. Any other pertinent information requested by city staff of the Planning Commission.

6.3 Fees

Upon the filing of any application for a conditional use permit with the Department of Planning and Zoning, the applicant shall pay to the city the appropriate fee as designated by resolution of the City Council.

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6.4 Information on Site Plan

1. In addition to the following information, scaled plans shall be drawn upon substantial paper or provided electronically and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed. All work must conform to the provisions of this chapter and all relevant laws, ordinances, rules, and regulations.
 - a) The address and/or legal description of the property
 - b) The name of the project and/or business.
 - c) The scale and north arrow.
 - d) All existing and proposed buildings or additions and uses.
 - e) Dimensions and total square footage of all buildings: Include height and number of stories.
 - f) Distance from all building lines to the property lines at the closest points.
 - g) Dimensions of all property lines, including platted property lines.
 - h) Name and location of all adjacent streets, alleys, waterways, and other public facilities.
 - i) Screening: show height, location, and type of material to be used.
 - j) The landscaped setback and trees: indicate species of trees and material to be used for landscaping.
 - k) Location and dimensions of the parking lots; designate each space, stall, and aisle. Include access to public right-of-way.
2. Exception: The Planning and Zoning Administrator may waive the submission of plans, if the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this chapter.
3. Approved site plans shall not be substantially changed, modified, or altered and all work shall be done in accordance with the approved site plans.

6.5 Planning Commission Hearing

Upon the filing of an application for a conditional use permit, the Planning and Zoning Administrator shall set a date for a public hearing on the request, at which time and place the Planning Commission shall meet to consider the conditional use request.

1. Signs. A sign(s) to be provided by the Department of Planning and Zoning shall be posted on the property at least seven calendar days prior to the scheduled hearing.
2. Publication. The public hearing date, time, and location shall be published at least ten days in advance of the hearing in the legal newspaper(s) of the City.
3. Action. The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are deemed appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. Approval or denial of any application for a conditional use permit shall be by a majority of members present. The decision of the Planning Commission shall be final unless an appeal is filed in accordance with Section 6.6.

6.6 Appeal

1. The decision rendered by the Planning Commission on a conditional use permit may be appealed to the City Council. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Department of Planning and Zoning within five working days of the Planning Commission decision.
2. When an appeal is filed, the Planning and Zoning Administrator shall present the Planning Commission's decision to the City Council for review. Notice of the meeting shall be given as required by Section 6.5.
3. The City Council shall vote to either uphold, overrule, or amend the decision of the Planning Commission.

6.7 Expiration

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1. A conditional use permit shall expire two years from the date upon which it becomes effective if no substantial work has commenced. Upon written request to the Planning and Zoning Administrator, and prior to the conditional use permit expiration date, a one-year time extension for the conditional use permit may be granted, subject to the following conditions.
 - a) There was no public objection presented during the public hearing process for the original conditional use permit.
 - b) The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit.
 - c) The project start and/or completion has been impacted by ongoing permitting processes or necessary engineering/studies.
2. A conditional use permit approved in accordance with 6.1 through 6.9 shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

6.8 Permit Revocation

If the Planning and Zoning Administrator finds at any time that the terms, conditions, and/or requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the conditional use permit or any amendment thereto, they shall report this fact to the applicant and the Planning Commission. The Planning Commission may, after conducting a public hearing, of which the applicant shall be notified, submit a recommendation to the City Council for their consideration and action. The City Council may, after a public hearing of which the applicant shall be notified, revoke the conditional use permit for failure to comply with those terms, conditions, and requirements, or take other action as it may deem necessary to obtain compliance.

6.9 Re-Application

No applicant requesting a conditional use permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning Commission or City Council shall be again considered by the Planning Commission before the expiration date of six months from the date of the revocation.

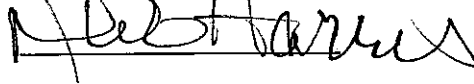
BE IT FURTHER ORDAINED by the City Council of the City of Harrisburg that this Ordinance shall become effective in accordance with law.

CITY OF HARRISBURG



Mayor

ATTEST:



Finance Officer

(SEAL)

First Reading: February 20, 2024
Second Reading: March 5, 2024
Published: March 14, 2024
Effective: April 3, 2024

