

1st Reading: December 3, 2024
2nd Reading: December 17, 2024
Date Adopted: December 17, 2024
Date Published: December 26, 2024
Date Effective: January 15, 2025

ORDINANCE 2024 - 15

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

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE.

Ordinance 2024 - 15 is an ordinance to amend the Zoning Regulations of the City of Harrisburg. The Harrisburg City Council has deemed these regulations and controls to be reasonable and 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 3.1.1 be amended to remove:

Use
Accessory Structures

Use-Specific Standards
See Section 4.01

B. That Section 3.1.2 be amended to add to Conditional Uses:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

C. That Section 3.2.1 be amended to remove:

Use
Accessory Structures

Use-Specific Standards
See Section 4.01

D. That Section 3.2.2 be amended to add to Conditional Uses:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

E. That Section 3.3.1 be amended to remove:

Use
Accessory Structures

Use-Specific Standards
See Section 4.01 applies but one
accessory building of up to 1,500 square
feet is allowed.

F. That Section 3.3.2 be amended to add to Conditional Uses:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

G. That Section 3.4.1 be amended to read:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

H. That Section 3.5.1 be amended to read:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

I. That Section 3.6.1 be amended to read:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

J. That Section 3.7.1 be amended to read:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

K. That Section 3.8.1 be amended to read:

Use
Accessory Use and Structures

Use-Specific Standards
See Section 4.1

L. That Section 3.9.1 be amended to read:

<u>Use</u>	<u>Use-Specific Standards</u>
Accessory Use and Structures	See Section 4.1

M. That Section 3.10.1 be amended to read:

<u>Use</u>	<u>Use-Specific Standards</u>
Accessory Use and Structures	See Section 4.1

N. That Section 3.11.1 be amended to read:

<u>Use</u>	<u>Use-Specific Standards</u>
Accessory Use and Structures	See Section 4.1

O. That Section 8 be amended as follows to remove following definitions: ~~ACCESSORY-~~

~~STRUCTURE OR USE - An accessory structure or use is one which:~~

- ~~1. Is customary and clearly incidental to the principal use;~~
- ~~2. Serves exclusively the principal use;~~
- ~~3. Is subordinate in area, extent or purpose to the principal use served;~~
- ~~4. Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and~~
- ~~5. Is located on the same lot as the principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot as the building or use served.~~

~~GARAGE, PRIVATE - An accessory building designed or used for the storage for the storage of not more than four motor vehicles used by the occupants of the building to which it is accessory.~~

P. That Section 8 be amended as follows to add the following definitions:

Accessory Structure - a secondary or subordinate building, the use of which is incidental to that of a principal structure located on the same zone parcel.

Accessory Use - A use subordinate to and serving the principal use on the same parcel, which is compatible with and customarily incidental to the principal use.

Garage, Private Residential - A residential accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

Yard, Second Front- The non-addressed front yard of a double frontage lot.

Q. That Section 4.1 be amended to read as follows:

4.1 Accessory Use and Structures. Accessory uses and structures shall conform to the following standards:

A. In all zoning districts:

- a) Accessory structures shall not be erected upon a lot until the construction of the principal building has commenced or an active principal land use exists on the lot. No accessory buildings or structures may be used unless an active principal land use exists on the lot.
- b) No accessory buildings or structures may be placed within a utility or drainage easement except equipment pertaining to said easement. Any existing accessory building or structure placed within an easement may be removed by the City, or the City's representative, at the property owner's expense.
- c) Fences shall conform to Section 4.4 and shall not be considered an accessory structure for the purposes of this Ordinance.

B. Accessory Buildings in all zoning districts:

- a) Accessory buildings shall be five feet, or more, from the rear and side property lines.
- b) Accessory buildings shall not be used as dwellings or accessory dwelling units.
- c) Any accessory building accessed directly from an alley shall not be closer than twenty feet to the property line abutting the alley.
- d) No accessory building shall be erected or located within any front yard.
 1. Exception: An accessory building may be erected or located within the second front yard on a double frontage lot, provided it is not in front of a residence or within the required front yard setback.
- e) Accessory buildings shall be secured to a concrete or asphalt slab or secured to the ground with concrete or auger anchors in a manner to make the structure immobile.
- f) A maximum of two accessory buildings shall be allowed unless a conditional use permit for additional structures has been granted.

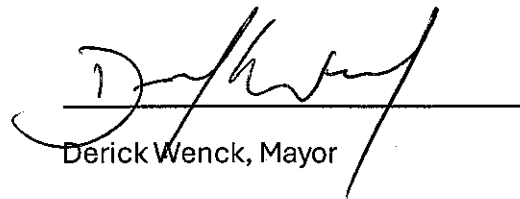
C. For NR, A-1, or A-2 Districts: A Conditional Use Permit shall be required for accessory buildings. They are not required to be subordinate to the principal building in size or height.

D. For R-1, R-2, R-3, or R-4 Residential Districts: Accessory buildings shall be subordinate to the principal building regarding size and height.

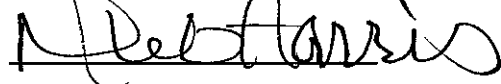
- a) Accessory structures shall not exceed 30 percent of the rear yard or have sidewalls greater than ten feet in height.
 - b) The roofing and siding materials of accessory buildings larger than 150 square feet shall be like the principal structure it is associated with.
 - c) Children's playhouses: Children's playhouses and similar structures shall not be counted as an accessory building if they meet the following criteria:
 - 1. The structure does not exceed one story.
 - 2. The structure does not exceed ninety square feet in gross floor area.
 - d) Chicken coops shall not be counted as an accessory building and shall be reviewed for compliance with Section 5.12 as a part of the application to keep chickens. Building permit(s) are not required for chicken coops.
- E. For CB and GB Commercial Districts: Accessory buildings shall be subordinate to the principal building regarding size and height.
- a) The roofing and siding materials of accessory buildings larger than 784 square feet shall be like the principal structure it is associated with.
- F. For LI and HI Industrial Districts: Accessory buildings are not required to be subordinate to the principal building regarding size and height.
- a) The roofing and siding materials of accessory buildings larger than 1024 square feet shall be like the principal structure it is associated with.

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

Date Adopted:


Derick Wenck, Mayor

Attest:



Deb Harris, Finance Officer