

ORDINANCE 2025 – 06

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF HARRISBURG

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

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE.

Ordinance 2025 - 06 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

Chapter 1 of the Zoning Regulations of the Municipal Ordinances of the City Harrisburg shall be amended as follows:

- 1.3. PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements. Wherever the requirements of these regulations ~~are in conflict at variance~~ with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

1.5. SEVERABILITY AND SEPARABILITY. ~~Should any section or provision of these regulations be declared by the courts~~Should the courts declare any section or provision of these regulations to be unconstitutional or invalid, ~~such that~~ decision shall not affect the validity of the Ordinance as a whole, or any part other than the part declared to be unconstitutional or invalid.

1.6. ADMINISTRATION AND ENFORCEMENT.

1.6.1. POWERS AND DUTIES. The Planning & Zoning Administrator is hereby authorized and directed to enforce all the provisions of the Zoning Ordinance and establish rules for its administration. For such purposes, ~~they-he~~ shall have the powers of a law enforcement officer. The Planning & Zoning Administrator shall have the power to render interpretations of these regulations. Such interpretations shall be within the intent and purpose of the Zoning Regulations and be set forth in writing. In addition, the Planning & Zoning Administrator may appoint or solicit technical advice, inspectors, city officials and other city employees to assist with the administration of the Zoning Regulations. The Planning & Zoning Administrator shall be a City employee, with ~~work week~~, hours of work and salary to be determined by the City Council or another person approved by the City Council. With approval of the City Council, the Mayor shall appoint the Planning & Zoning Administrator.

1.6.2. RIGHT OF ENTRY. When ~~ever necessary to make~~ an inspection ~~is necessary~~ to enforce any of the provisions of these regulations, the Planning & Zoning Administrator and authorized representatives may enter such building or premises at all reasonable times to inspect. ~~If the~~Provided ~~such~~ building or premises is occupied, the Planning & Zoning Administrator or authorized representative shall first present proper credentials and request entry. If ~~the~~such building or premises is unoccupied, the Planning & Zoning Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If ~~such~~ entry is refused, the Planning & Zoning Administrator or authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Planning & Zoning Administrator or authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry of the building or premises, no owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect to promptly permit entry.

1.6.3. STOP ORDER. Whenever any work ~~being done~~ or use conflicts with ~~being done contrary to~~ the provisions of these regulations, the Planning & Zoning Administrator may issue a written stop work order ~~the work or use stopped by notice in writing.~~ The notice order will be served on any person engaged

land within the City. The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, or repealed, provided however, that no such action may be taken until after public hearings, at which parties in interest and citizens shall have an opportunity to be heard.

The following procedure for requesting an amendment shall be followed:

- A. The Planning & Zoning Administrator shall review the application for the ~~amendment or~~ change of zone and forward the application and ~~their~~his/her comments to the Planning Commission for review.
- B. The Planning & Zoning Administrator shall set the date, time, and place for a Planning Commission public hearing. The Planning & Zoning Administrator shall publish the notice of the public hearing in a legal newspaper of the City. Such notice shall be published once not less than ten days prior to the public hearing. A sign shall be posted on the property for a continuous period of at least seven days immediately prior to any public hearing held by the Planning Commission to consider any rezoning application.
- C. ~~A public hearing shall be held by the Commission~~The Planning Commission shall hold a public hearing. Any~~one person~~ may appear in person, or by agent or attorney, at the public hearing. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.
- D. The Planning Commission shall recommend approval, ~~approval with conditions,~~ or denial of the application to the City Council.
- F. The City Council shall approve, ~~approve with conditions,~~ or deny the application and, if approved, adopt an ordinance describing the amendment or change of zone to these Zoning Regulations and to the Official Zoning Map, in accordance with standard procedures for reading, approval, publication, and effective date.
- G. Re-Application: No applica~~tion~~ requesting a change of zone~~ing on any property amendment~~ whose application includes any property entirely ~~the same~~ or substantially the same ~~requirements for the same or substantially the same property~~ as that which has been denied by the ~~Commission or~~ City Council shall be again considered by the Planning Commission before the expiration date of six months from the date of the final action of the City Council on the application.

3.2.2. CONDITIONAL USES.

<u>Use</u>	<u>Use-Specific Standards</u>
Campgrounds and RV Parks	Section 5.05.

3.2.3. LOT AND YARD REGULATIONS. Yard measurements shall be ~~taken~~ from the lot line to the building line. Values shown for lot area, lot width, and setbacks ~~and yard depth~~ are minimum values.

3.3. RRA-2 RURAL RESIDENTIAL DISTRICT. ~~This e purpose of this d~~District is intended to accommodate single-family dwellings, the transition from County jurisdiction to City jurisdiction of County housing eligibilities and the creation of lots for the homes for such eligibilities. ~~Subdivision for such a lot may occur before or after annexation. Such lots may have one accessory structures, and uses for those areas of the community where it is desirable to maintain a semi-rural environment. Further subdivision of these lots for residential development is discouraged and shall go through the change of zone and preliminary subdivision plan process building of up to 1,500 square feet.~~

3.3.1. PERMITTED USES

<u>Use</u>	<u>Use-Specific Standards</u>
<u>Single-Family Detached</u>	<u>Limited to one residence per lot.</u>
<u>Public Park, Playground, or Swimming Pool</u>	
Fences	Section 4.04.
In-Home Family Day Care Facilities	Section 5.07.
Manufactured Homes	See Section 5.13
One Single-Family Detached Dwelling Unit	

3.3.2. CONDITIONAL USES

<u>Use</u>	<u>Use-Specific Standards</u>
Bed and Breakfast Establishments	Section 5.04.

Single-Family Detached

Public Park, Playground, or
Swimming Pool

Accessory Use and Structures Section 4.1.

Fences Section 4.4.

In-Home Family Day Care Facilities Section 5.7.

Minor Home Occupations Section 5.11.

Neighborhood Utility Facilities

Recreation Facility, Public or Private Section 5.27.

Telecommunications Facilities on a Section 5.22.
Existing Support Structure

3.5.2. CONDITIONAL USES

Use Use-Specific Standards

Major Home Occupations Section 5.11.

Manufactured Home Courts Section 5.14.

Planned Unit Developments Section 5.19.

Pocket Neighborhoods See Sections 5.20 and 5.23. The
maximum tiny house lot size shall
be 3,500 square feet.

Solar Energy Systems See Section 5.21.

Wind Energy Conversion Systems See Section 5.26.

~~1.5.1.~~3.5.3. LOT AND YARD REGULATIONS. Yard measurements shall be
from the lot line to the building line. Values shown for lot area, lot width,
and setbacks are minimum values. Lot coverage may not exceed 60%,
except in Pocket Neighborhoods, where lot coverage may not exceed
40%.

3.7. R-3: MULTI-FAMILY RESIDENTIAL DISTRICT. The purpose of this district is to provide for areas of high-density residential use. This district provides for single-family attached dwellings, multi-family dwellings, and such supportive community facilities as parks, playgrounds, schools, libraries, and churches.

3.7.1. PERMITTED USES.

<u>Use</u>	<u>Use-Specific Standards</u>
Day care centers	Section 5.09.
Fences	Section 4.04.
In-Home Family Day Care Facilities	Section 5.07.

3.7.2. CONDITIONAL USES.

<u>Use</u>	<u>Use-Specific Standards</u>
Bed and Breakfast Establishments	Section 5.04.
Electrical Substations	A six feetn opaque screen six-foot in-height shall be located at all setback lines.

3.7.3. LOT AND YARD REGULATIONS. Yard measurements shall be taken from the lot line to the building line. Values shown for lot area, lot width, and ~~setbacks~~ ~~yard-depth~~ are minimum values. Lot coverage may not exceed 70%.

~~3.7 R-4: HIGH DENSITY RESIDENTIAL DISTRICT. The purpose of this district is to provide for high density residential areas for single-family detached dwellings.~~

~~3.7.1 PERMITTED USES.~~

<u>Use</u>	<u>Use-Specific Standards</u>
Accessory structures	See Section 4.01. Amended Ordinance 2024-15, effective 1/15/2025
Accessory Use and Structures	See Section 4.1 Amended Ordinance 2024-15, effective 1/15/2025
Campgrounds and RV Parks	See Section 5.05.

	Lot	Lot	Front	Side	Rear	Max.
	Area	Width	Yard	Yard	Yard	Ht.
Pocket Neighborhoods	1,500 sq. ft.	30 ft.	20 ft.	5 ft.	15 ft.	25 ft.

All Other Uses	6,500 sq. ft.	65 ft.	25 ft.	7 ft.	20 ft.	35 ft.
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Exceptions:

~~#1 There shall be a required front yard on each street side of a double frontage lot.~~

~~#2 There shall be a required front yard on each street side of a corner lot.~~

~~#3 One required front yard may be reduced to twenty feet on corner lots.~~

3.8. CB: CENTRAL BUSINESS DISTRICT. The purpose of this district is to provide a commercial area for those establishments serving the general shopping needs of the trade area, with specific attention to preserving the City's historic commercial core area. The grouping of uses is intended to preserve and improve the character and economic vitality of downtown Harrisburg.

3.8.1. PERMITTED USES.

<u>Use</u>	<u>Use-Specific Standards</u>
Fences	Section 4.04.

3.8.2. CONDITIONAL USES.

<u>Use</u>	<u>Use-Specific Standards</u>
Adult Uses	Section 5.01.
Automobile Repair Facilities	Section 5.02.
Automobile Service Stations	Section 5.03.
Day Care Centers	Section 5.09.

3.9. GB: GENERAL BUSINESS DISTRICT. The purpose of this district is to provide a commercial area for those establishments serving the general shopping and service needs of the trade area, with specific attention to the carrying capacity of roads and streets, and to encourage provision of adequate off-street parking and loading space. It is not the intent of this district to encourage the extension or enlargement of strip commercial areas.

3.10.3. LOT AND YARD REGULATIONS. ~~SetbackYard~~ measurements shall be ~~taken~~ from the lot line to the building line. Values shown for lot area, lot width, and ~~setbacksyard-depth~~ are minimum values. A parking lot is not included as a part of a side yard or rear yard.

3.11.HI: HEAVY INDUSTRIAL DISTRICT. This district is intended to provide for general industrial uses which may create some nuisance, and which are not properly associated with, nor compatible with residential, office, or commercial uses. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration, or heat when applicable.

3.11.1. PERMITTED USES.

<u>Use</u>	<u>Use-Specific Standards</u>
Fences	Section 4. 0 4.

3.11.3. LOT AND YARD REGULATIONS. ~~Setback Yard~~ measurements shall be from the lot line to the building line. Values shown for lot area, lot width, and ~~setbacksyard-depth~~ are minimum values. A parking lot is not included as a part of a side yard or rear yard.

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

Dated this 15 day of July, 2025.



Mayor

ATTEST:



Finance Officer

1st Reading: July 1, 2025

2nd Reading: July 15, 2025

Publication: July 24, 2025

Effective Date: Aug 13, 2025

2. A side yard of twenty feet shall be required where a lot is adjacent to or abuts a residential district.
3. A rear yard of 25 feet shall be required where a lot is adjacent to or abuts a residential district.
4. There shall be a required front yard on each street side of a corner lot and double frontage lot.

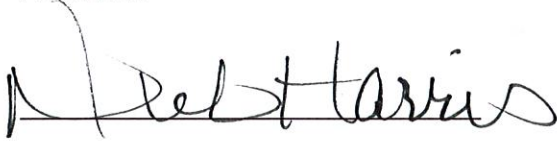
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Be it Ordained by the City Council of the City of Harrisburg as follows:

CHAPTER 9.02 ZONING REGULATIONS.

1. PURPOSE AND GENERAL PROVISIONS.

1.1. PURPOSE. These regulations are based upon the Harrisburg Comprehensive Plan and Chapters 11-4 and 11-6 of South Dakota Codified Law. These regulations are designed to carry out the goals, objectives, and policies of the Comprehensive Plan. It is the purpose of these regulations to:

- lessen congestion in the streets.
- secure safety from fire, panic, and other dangers.
- promote health and general welfare.
- provide adequate light and air.
- prevent overcrowding of land.
- avoid undue concentrations of population; and
- facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public necessities.

The City Council of the City of Harrisburg has deemed these regulations and controls to be reasonable and related to the needs of the residents of Harrisburg to control the use and development of land.

1.2. JURISDICTION. The provisions of these regulations shall apply to all territory within the boundaries of the City.

1.3. PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements. Wherever the requirements of these regulations ~~are in conflict at variance~~ with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

1.4. REPEAL OF CONFLICTING ORDINANCES. All prior zoning ordinances or parts of prior zoning ordinances in conflict with these regulations are hereby declared repealed.

1.5. SEVERABILITY AND SEPARABILITY. ~~Should any section or provision of these regulations be declared by the courts~~ Should the courts declare any section or provision of these regulations to be unconstitutional or invalid, ~~such that~~ that decision shall not affect the validity of the Ordinance as a whole, or any part other than the part declared to be unconstitutional or invalid.

1.6. ADMINISTRATION AND ENFORCEMENT.