

April 8, 2025

# AGENDA

## YANKTON COUNTY PLANNING COMMISSION

☐ Cheri Loest  
☐ Mike Welsh  
☐ Don Kettering

☐ Sam Hummel  
☐ Chris Barkl  
☐ Dan Clark

☐ Lauren Nelson

### **7:00 P.M.**

Call Meeting to Order

Roll Call

Approve Minutes from previous meetings

Items to be added to Agenda

Approval of Agenda

Conflict of Interest Declarations

**Reorganize Commission**

### **7:05 P.M.**

#### **Michels Road and Stone – Conditional Use Permit**

Applicant is Requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construct a Concrete batch plant to supply the SDDOT US HWY 81 construction project per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905. Said property is located at the South half of the Northwest Quarter (S2 NW4) and the West half of the Southwest Quarter (W2 SW4) excluding the South Eight hundred fifty-eight feet (S858') of the Southwest Quarter of the Southwest Quarter (SW4SW4) EXC 3A W/HIWAY and excluding Lot H2 of Government Lot One (1) in the Northwest Quarter (NW4) and Government Lot Two (2) in the Southwest Quarter (SW4)and excluding TRACT One (1) JONES Addition in the Southwest Quarter of the Southwest Quarter (SW4SW4) and Excluding part of Lots One and two (1 &2) of Hackberry addition in the South half (S2) all in Section six (6) Township Ninety-four (T94), Range Fifty-five (55) West of the 5<sup>th</sup> P.M., Yankton County, Yankton, South Dakota. E911 address is 30344 US HWY 81, Yankton, South Dakota.

### **7:10 P.M.**

#### **Central Specialties, Inc – Conditional Use Permit**

Applicant is Requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construct a Temporary portable crushing and HMA plant site for road Construction per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905. Said property is located at the Southeast Quarter, Excluding Lot H1 and excluding Lot 6 Sun Valley Subdivision in Section two (2) Township Ninety-four (94) North, Range Fifty-six (56) West of the 5<sup>th</sup> P.M., Yankton County, Yankton, South Dakota. E911 address is 30344 US HWY 81, Yankton, South Dakota. E911 address is 30371 439<sup>th</sup> Ave, Yankton.

### **7:15 P.M.**

#### **Public Hearing on proposed ordinance changes**

### **7:20 P.M.**

#### **Plats**

**Slowey** - Plat of Tract 2 of Yaggie's Addition in the N1/2 SE1/4 of Section 35, Township 94 North, Range 56 West of the 5<sup>th</sup> P.M., Yankton County, South Dakota containing 665,600 S.F (15.28 acres more or less)

### **7:25 P.M.**

#### **Public Comment**

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular  
DATE: 3/11/2025 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling/Vetter  
ROLL ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK  
CALL:  
APPROVAL OF MINUTES: MOTION BY: Welsh SECOND BY: Loest  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☐ CLARK

APPROVAL OF AGENDA: MOTION BY: Loest SECOND BY: Hummel  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☐ CLARK  
**Change – remove Schmidt plat from agenda**

**AGENDA ITEM:** Kaddatz Plat  
**ADDRESS/LEGAL:** Plat of Kaddatz Addition, in the W1/2 of the SW1/4 of Section 3, T95N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota  
**COMMENTS:** None

**MOTION:** Approve as presented  
Passed 6-0  
**APPROVAL:** MOTION BY: Loest SECOND BY: Welsh  
**PLANNING:** ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

**AGENDA ITEM:** Schmidt Plat  
**ADDRESS/LEGAL:** Plat of Parcel A in Tract 1 of Schmidt’s 4<sup>th</sup> Addition, in the SW1/4 of Section 13, T94N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota  
**COMMENTS:**

**MOTION:** Removed from agenda  
**APPROVAL:** MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
**PLANNING:** ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

**AGENDA ITEM:** Discussion on proposed ordinance changes  
**ADDRESS/LEGAL:**

COMMENTS: None

MOTION: Recommend moving to Public Hearing in April  
Passed 6-0

APPROVAL: MOTION BY: Hummel SECOND BY: Loest  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: Public Comment  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: None

MOTION: Adjourn  
Passed 6-0

APPROVAL: MOTION BY: Loest SECOND BY: Hummel  
PLANNING: ☒ BARKL ☒ LOEST ☒ KETTERING ☒ HUMMEL ☐ NELSON ☒ WELSH ☒ CLARK

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

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COMMENTS: \_\_\_\_\_

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ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK



**AGENDA ITEM:** \_\_\_\_\_  
**ADDRESS/LEGAL:** \_\_\_\_\_  
**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_  
**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**APPROVAL:**            **MOTION BY:** \_\_\_\_\_ **SECOND BY:** \_\_\_\_\_  
**PLANNING:**        ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
**ADDRESS/LEGAL:** \_\_\_\_\_  
**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_  
**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**APPROVAL:**            **MOTION BY:** \_\_\_\_\_ **SECOND BY:** \_\_\_\_\_  
**PLANNING:**        ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
**ADDRESS/LEGAL:** \_\_\_\_\_  
**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_  
**MOTION:** \_\_\_\_\_

\_\_\_\_\_  
**APPROVAL:**            **MOTION BY:** \_\_\_\_\_ **SECOND BY:** \_\_\_\_\_  
**PLANNING:**        ☐ BARKL ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ NELSON ☐ WELSH ☐ CLARK

**Yankton County Planning Commission**  
**Yankton County Board of Adjustment**

Applicant

**Michels Road and Stone**

**District type:** ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☒ Section 507 ☐ Section 607 ☐ Section 707 ☐ Section 807

☒ Section 1805 ☒ Section 1905

**NOTE:**

**Conditional Use Permit**

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PC: Article 18 Section 1805

BOA: Article 19 Section 1905

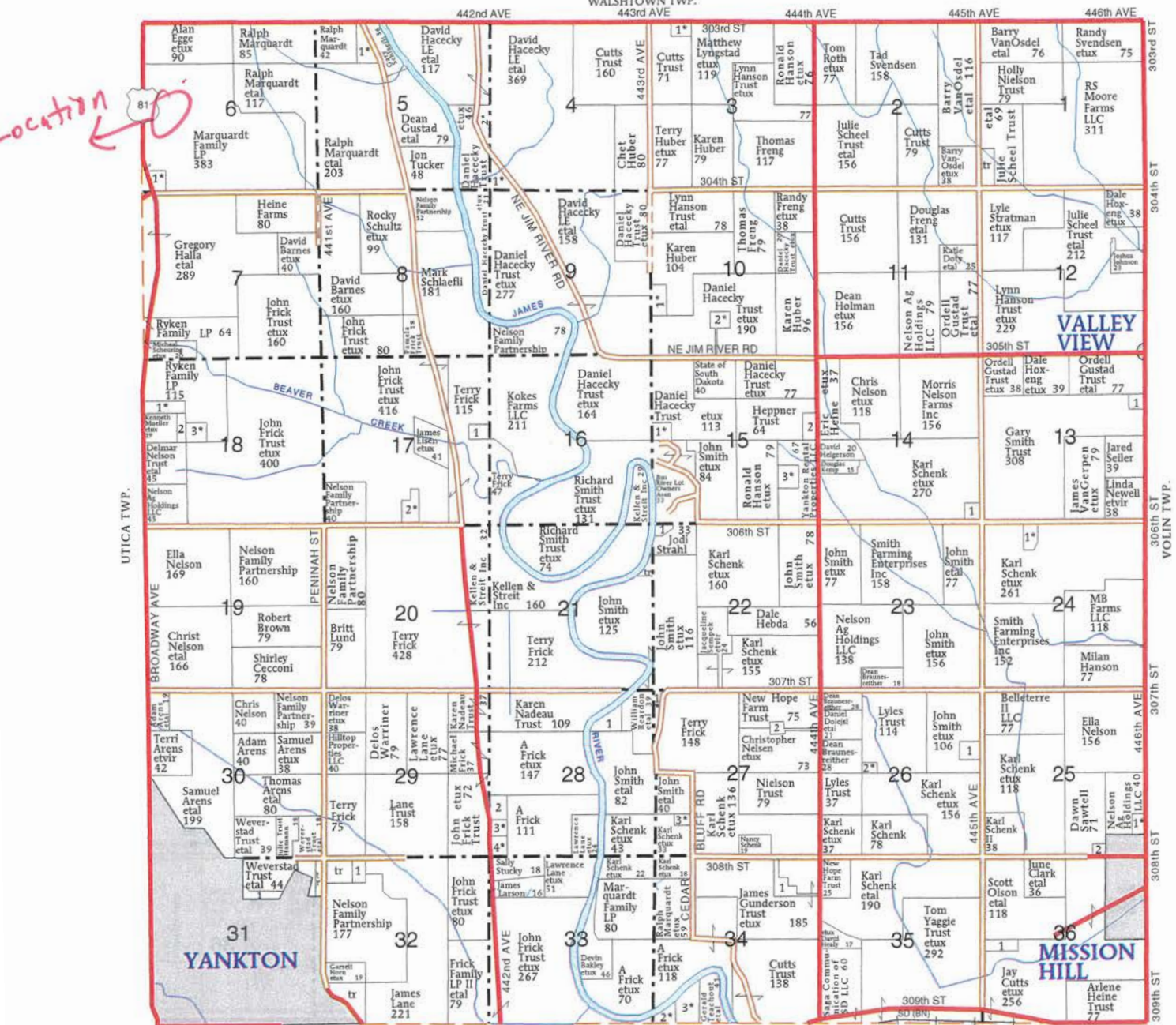
Planning Commission date:  
4/8/2025

Board of Adjustment date:  
5/6/2025

Time:  
7:05  
PM  
Time:  
6:30  
PM

(Landowners)

WALSTOWN TWP.



MISSION HILL 'S' TWP.

## MISSION HILL 'N' TOWNSHIP

## SECTION 3

1 KNODE, DALE ETUX 8

## SECTION 4

1 HACECKY TRUST, DANIEL ETUX 25

## SECTION 5

1 MARQUARDT, RALPH ETAL 10

2 HACECKY LE, DAVID ETAL 7

## SECTION 6

1 MARQUARDT, RALPH ETUX 5

## SECTION 10

1 HACECKY LE, DAVID ETAL 15

2 WATHIER, GEORGE ETUX 8

## SECTION 13

1 QUATIER, TODD 6

## SECTION 14

1 HELGERSON, DAVID 6

## SECTION 15

1 LARSON, JEFFERY ETUX 6

2 GRATE, RODNEY 10

3 WILLIAMS TRUST, JAMES ETUX 11

## SECTION 17

1 KOKES FARMS LLC 9

2 FRICK, CHRISTOPHER ETUX 9

## SECTION 18

1 BOGATZ, STEVE ETUX 14

2 LIKNES, MICAH 11

3 LIKNES, MICAH ETUX 10

## SECTION 22

1 JIM RIVER LOT OWNERS ASSN 6

## SECTION 24

1 ADAMS, RICHARD ETUX 9

## SECTION 25

1 PALMER, EVAN ETUX 12

2 WILLIAMS, DARLENE 71

## SECTION 26

1 SARRINGAR, MARGARET 10

2 RUEB, TERRY ETUX 6

## SECTION 27

1 REARDON, WILLIAM ETAL 5

2 NELSEN, CHRISTOPHER 9

3 OLSON, GORDON ETUX 6

## SECTION 28

1 SMITH FARMING ENTERPRISES INC 10

2 LUBEN LLC 9

3 MONTAGNE, PIERRE ETUX 5

4 NELSON, STEVEN ETUX 5

## SECTION 31

1 CITY OF YANKTON 12

## SECTION 32

1 LOTZ, ERIC 7

## SECTION 34

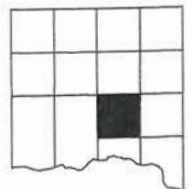
1 AUNE, DAVID 11

2 HACECKY TRUST, DANIEL ETUX 15

3 COULSON FAMILY TRUST 19

## SECTION 36

1 TOWN OF MISSION HILL 12



# FINDINGS OF FACT – CONDITIONAL USE PERMIT

## Michels Road and Stone– CUP-2511

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is Requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construction a Concrete batch plant to supply the SDDOT US HWY 81 construction project per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905.
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – Published –
3. Attend the public hearing	
4. Planning Commission: Make a recommendation to include:  a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	
5. Planning Commission must make written findings certifying compliance with specific rules including:  a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;	
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	
d. Utilities, with reference to locations, availability, and compatibility;	
e. Screening and buffering with reference to type, dimensions, and character;	
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	

g. Required yards and other open spaces; and	
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	

# CUP MANAGER

Submitted by: Anonymous user

Submitted time: Mar 3, 2025, 4:42:12 PM

Point

**Lat: 42.989644 Lon: -97.397537**



Longitude

**-97.39849977411939**

Latitude

**42.98957743613377**

Permit Number

**CUP2511**

Parcel Number

**06.006.300.110**

Permit Status

**Approved Active**

Permit Fee

**300**

Total Due

**300**



Was fee paid?

**Yes**

Receipt Number

**240108**

Planning Commission Action Date

**Apr 8, 2025, 7:05:00 PM**

Planning Commission Action Time

**7:05 PM**

Board Adjustment Action Date

**May 6, 2025, 6:30:00 PM**

Board\_Adjustment Action Time

**6:30 PM**

Application Accepted By

**Bill Conkling**

Checked By

**BILL GARY**

Existing Zoning

**AGRICULTURE**

Affected Zoning Ordinance

**Article 5 Section 507**

Is location in floodplain?

**No**

Applicant Name

**Michels Road & Stone Inc.**

Applicant Phone

**5073694546**

Applicant Address

**817 Main street, Brownsville, WI 53006**

Applicant Email Address

**gcarlson@michels.us**

Owner Name

**Ralph Marquardt**

Owner Phone

**605-660-6970**

Owner Address

**PO Box 1040 Yankton, SD 57078**

Owner Email Address

**cweatherton@hotmail.com**

Property Address

**30344 US-81, Yankton, SD 57078**

Reason for Request

**The erection and use of a Temporary Concrete Batch Plant to supply the SDDOT USH-81 construction project for the months of Mid April- End of July. Uses will include laydown area for materials, aggregate stockpiling and equipment storage.**

Legal Description

**Mobile Concrete Batch Plant**

Date of Application Submission

**Mar 3, 2025, 12:00:00 PM**



Attachments:

A handwritten signature in black ink, appearing to be "JCA" with a stylized flourish.

ApplicantSignature-.jpg

Handwritten initials "RM" in black ink, with the letters slightly slanted.

OwnerSignature-.jpg

PDF

SKETCH-.pdf  
7MB



REVISIONS			
REV #	DATE	DESCRIPTION	INITIAL

DESIGNED BY: JRK  
 CHECKED BY:  
 DATE: 02/19/25  
 PROJECT NO.: NH-CR-00811(122)3

BATCH PLANT LAYOUT PLAN  
 25246472P - USH81 YANKTON, SD  
 YANKTON COUNTY, SD

**MICHEL'S®**  
 ROAD & STONE, INC.

**VERIFICATION OF APPROVAL  
YANKTON COUNTY, SOUTH DAKOTA**

I Ralph Michels date this 5 day of  
March, 2025 am aware of the

proposed Variance/CUP/Rezone/Building Permit being proposed by Michels  
Road & Stone Inc. at the property legally

described as 30344 US-81 Yankton SD, 57078

Ralph Michels P&A Don Michels  
Signature

Po Box 1040  
Address

Yankton SD 57078  
City, State, Zip

605-660-6972  
Phone

AFFIDAVIT OF MAILING

I, Angie Perry, hereby certify that on the 25<sup>th</sup> day of March, 2025, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 25<sup>th</sup> day of March, 2025.

Angie Perry  
(Name)  
Affiant

Subscribed and sworn to before me this 25<sup>th</sup> day of March, 2025.

Amanda Saegert  
Notary Public South Dakota  
My commission expires: March 29, 2027

(SEAL)



## **NOTIFICATION**

March 24, 2025

Applicant:  
Michels Road and Stone  
817 Main St.  
Brownsville, WI 53006

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 8th day of April, 2025 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is Requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construct a Concrete batch plant to supply the SDDOT US HWY 81 construction project per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905. Said property is located at the South half of the Northwest Quarter (S2 NW4) and the West half of the Southwest Quarter (W2 SW4) excluding the South Eight hundred fifty-eight feet (S858') of the Southwest Quarter of the Southwest Quarter (SW4SW4) EXC 3A W/HIWAY and excluding Lot H2 of Government Lot One (1) in the Northwest Quarter (NW4) and Government Lot Two (2) in the Southwest Quarter (SW4)and excluding TRACT One (1) JONES Addition in the Southwest Quarter of the Southwest Quarter (SW4SW4) and Excluding part of Lots One and two (1 &2) of Hackberry addition in the South half (S2) all in Section six (6) Township Ninety-four (94) North, Range Fifty-five (55) West of the 5<sup>th</sup> P.M., Yankton County, Yankton, South Dakota. E911 address is 30344 US HWY 81, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,  
Michels Road and Stone  
Petitioner



ANDERSON, ROGER D (D)  
212 RIVERSIDE DR  
YANKTON SD 57078

BAKKE, DALE W (D)  
43992 304 ST  
YANKTON SD 57078

BROKEN ARROW LIVING TRUST (D)  
743 EAST US HWY 14  
SHERIDAN WY 82801

BROWNE, PHILIP (D)  
120 HACKBERRY LN  
YANKTON SD 57078

DROTZMANN, JAMES (D)  
605 JAMES PL  
YANKTON SD 57078

EGGE, ALAN (D)  
44021 303 ST  
YANKTON SD 57078

FRANK, MARK (D)  
116 DE CAZA DR  
YANKTON SD 57078

HALLA, GRANT (D)  
2900 OAKSIDE DR  
BRYAN TX 77802

HALLA, GREGORY (D)  
415 COLORADO AVE #C  
CHULA VISTA CA 91910

HEINE FARMS (D)  
PO BOX 477  
YANKTON SD 57078

LCM PARTNERSHIP (D)  
44023 306 ST  
YANKTON SD 57078

MARQUARDT FAMILY LTD PRTRSHIP (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH (C)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

MURTHA, MISTY J (D)  
128 HACKBERRY LN  
YANKTON SD 57078

SCHROEDER, JOHN (D)  
101 SKY RANCH DR  
YANKTON SD 57078

SD DEPT OF TRANSPORTATION (D)  
700 EAST BROADWAY AVE  
PIERRE SD 57501

SD DEPT OF TRANSPORTATION (D)  
NSPORTATION  
700 EAST BROADWAY AVE  
PIERRE SD 57501

SPARKS, EARL R (D)  
30479 US HWY 81  
YANKTON SD 57078

ULMER, AL E (D)  
43984 304 ST  
YANKTON SD 57078

VELLEK, FRANK C (LE) (D)  
1010 APRIL LN  
YANKTON SD 57078



**Yankton County Planning Commission**  
Yankton County Board of Adjustment

Applicant

**Central Specialties, Inc – Conditional Use Permit**

**District type:** ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☒ Section 507 ☐ Section 607 ☐ Section 707 ☐ Section 807

☒ Section 1805 ☒ Section 1905

**NOTE:**

**Conditional Use Permit**

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PC: Article 18 Section 1805

BOA: Article 19 Section 1905

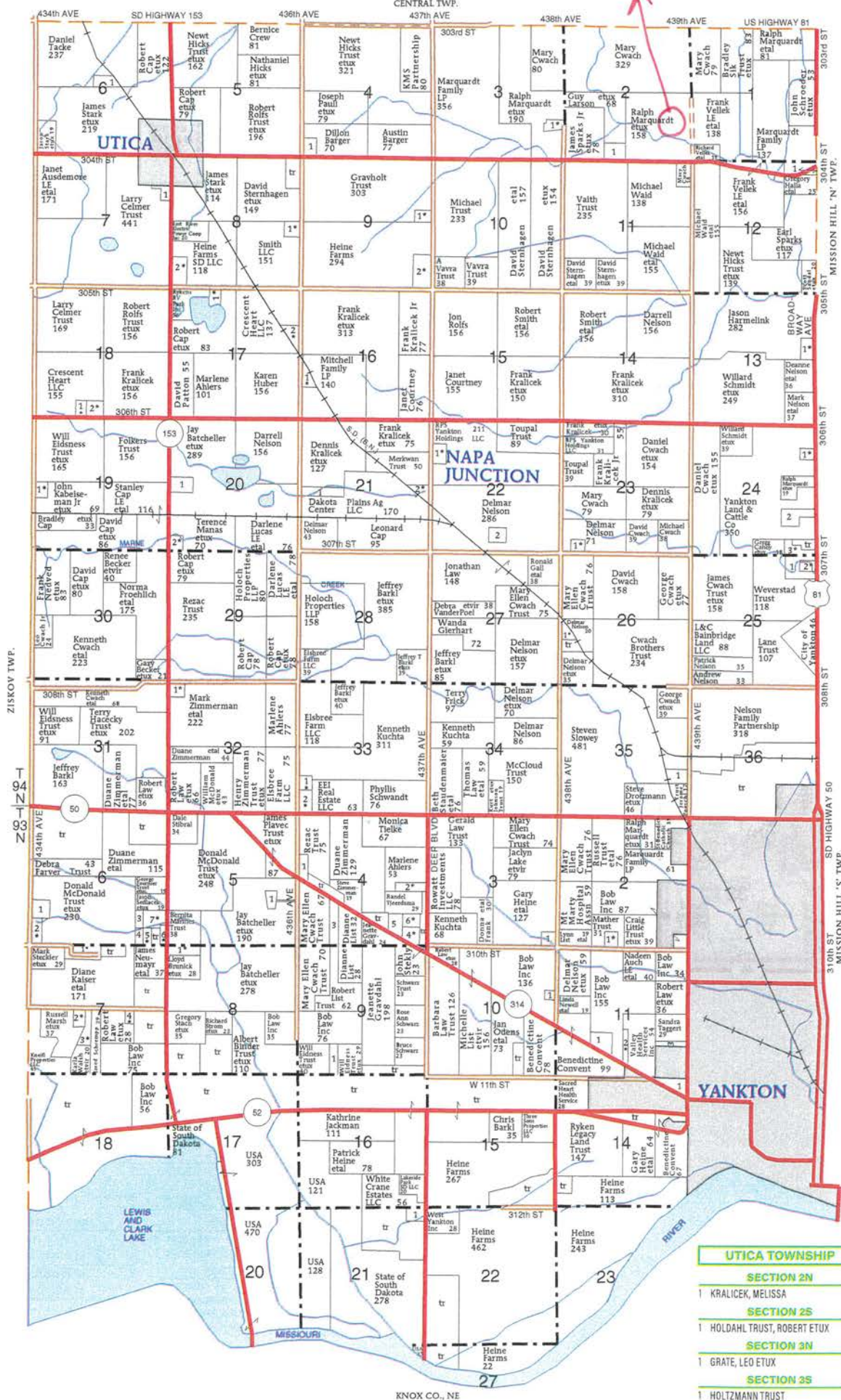
Planning Commission date:  
4/8/2025

Board of Adjustment date:  
5/6/2025

Time:  
7:10  
PM  
Time:  
6:35  
PM



CENTRAL TWP.



## SECTION 4N

1 NEDVED, MARK 7

## SECTION 4S

1 MARQUARDT, RALPH 8  
 2 BRANDT TRUST, MERLE ETAL 11  
 3 LIST TRUST, ROBERT 18  
 4 SWEDLUND, JERALD ETUX 14  
 5 HAMBERGER, BRIAN 8  
 6 SMITH, NATHAN ETUX 8

## SECTION 5S

1 BATCHELLER, JAY 8

## SECTION 6N

1 TOWN OF UTICA 6

## SECTION 6S

1 GILMORE, TONIA 10  
 2 VAN MAANEN, TODD ETUX 11  
 3 MASKA, LEANN 5  
 4 KOZAK, KARLEE 6  
 5 LOCKER, MARK ETUX 5  
 6 BLAHA, JON ETUX 5  
 7 HILL, EDWIN ETUX 12

## SECTION 7N

1 BOLD PURSUITS LLC 10

## SECTION 7S

1 GUITRON, MARIA ETAL 13  
 2 ROBB, RUSSELL ETUX 7  
 3 LIVINGSTON, CARL ETUX 10  
 4 PHILIPS, TIMOTHY ETUX 5

## SECTION 8N

1 CHRISTIANSON, DAVID ETUX 6  
 2 HUGHES, SCOTT ETUX 13

## SECTION 8S

1 FANTA, TIMOTHY ETUX 9

## SECTION 9N

1 KILBURN, REX ETUX 7

## SECTION 9S

2 GILMORE TRUST, HOWARD ETUX 17

## SECTION 10S

1 ROKAHR, STEVEN 9

## SECTION 11S

1 HEJNA, JAMIE 5  
 1 BILLION, ERIKA 12  
 2 HECKY TRUST, TERRANCE ETUX 11  
 3 AFFORDABLE SELF STORAGE LLC 8

## SECTION 12N

1 MARQUARDT FAMILY LP 6

## SECTION 13N

1 COTTON, JEFFREY ETUX 8

## SECTION 14S

1 YANKTON MEDICAL CLINIC PC 12

## SECTION 16N

1 ANSTINE, RODNEY ETUX 7

## SECTION 17N

1 SCHENKEL, DARRELL ETUX 8

## SECTION 18N

1 CAP LE, STANLEY ETAL 5  
 2 CAP, ROBERT ETUX 7

## SECTION 19

1 SCHENKEL, DANIEL ETUX 7

## SECTION 20N

1 YANKTON CO SHARPSHOOTERS ASSN 12

## SECTION 21N

2 JOHNSON, MICHAEL ETUX 9

## SECTION 21S

1 YANKTON PROTEIN LLC 12

## SECTION 22N

1 KRALICEK, FRANK ETUX 5

## SECTION 23N

1 WHITE CRANE ESTATES LLC 8

## SECTION 24

1 TAGGART, WILLIAM ETUX 9

## SECTION 25

2 NELSON TRUST, FLOYD 12

## SECTION 23N

1 POSPISIL, SCOTT ETAL 7

## SECTION 24

1 MARTS, LUCAS ETUX 7

## SECTION 25

2 MARQUARDT, DOUG 13

## SECTION 26

3 KELLER, DALLAS ETUX 10

## SECTION 27

1 SLOWEY TRUST 15

## SECTION 28

2 WOELH, TOBY ETAL 7

## SECTION 29

1 BARNES, DAVID ETUX 7

## SECTION 30

1 ZIMMERMAN TRUST, HENRY ETAL 12

## SECTION 31

1 DELOZIER, DARRIK ETAL 6

## SECTION 32

2 WADDELL, EDWARD ETUX 8

## SECTION 33

1 YAGGIES INC 10

## UTICA TOWNSHIP

## SECTION 2N

1 KRALICEK, MELISSA 11

## SECTION 2S

1 HOLDAHL TRUST, ROBERT ETUX 5

## SECTION 3N

1 GRATE, LEO ETUX 11

## SECTION 3S

1 HOLTZMANN TRUST 7

# FINDINGS OF FACT – CONDITIONAL USE PERMIT

Central Specialties, Inc – CUP-2512

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is Requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construct a Temporary portable crushing and HMA plant site for a road construction project per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905.
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – Published –
3. Attend the public hearing	
4. Planning Commission: Make a recommendation to include:  a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	
5. Planning Commission must make written findings certifying compliance with specific rules including:  a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:	
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	
d. Utilities, with reference to locations, availability, and compatibility;	
e. Screening and buffering with reference to type, dimensions, and character;	
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	

g. Required yards and other open spaces; and	
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	

# CUP MANAGER

Submitted by: Anonymous user

Submitted time: Mar 13, 2025, 1:10:38 PM

Point

**Lat: 42.986267 Lon: -97.422917**



Esri Community Maps Contributors, Nebraska Game & Parks Commission, South Dakota Game Fish and Parks, © OpenStreetMa... Powered by Esri

Longitude

**-97.42291714651893**

Latitude

**42.98626683503167**

Permit Number

**CUP2512**

Parcel Number

**10.002.200.100**

Permit Status

**Approved Active**

Permit Fee

**300**

Total Due

**300**



Was fee paid?

**Yes**

Receipt Number

**00644257**

Planning Commission Action Date

**Apr 8, 2025, 7:10:00 AM**

Planning Commission Action Time

**7:10 PM**

Board Adjustment Action Date

**May 6, 2025, 6:35:00 PM**

Board\_Adjustment Action Time

**6:35 PM**

Application Accepted By

**Bill Conkling**

Checked By

**BILL GARY**

Existing Zoning

**AGRICULTURE**

Affected Zoning Ordinance

**Article 5 Section 507**

Is location in floodplain?

**No**

Applicant Name

**Central Specialties, Inc. - Luke Lippert**

Applicant Phone

**3208940691**

Applicant Address

**6325 County Road 87 SW, Alexandria, MN 56308**

Applicant Email Address

**lukel@centralspecialties.com**

Owner Name

**Ralph Marquardt (Dave Husby - Lessee\_**

Owner Address

**Po Box 1040, Yankton, SD 57078**

Property Address

**30371 439 AVE**

Reason for Request

**Temporary portable crushing and HMA plant site for road construction.**

Height of Building

**Temporary plant setup**

Legal Description

**SE4 EXC LT H1 & EXC LT 6 SUN VALLEY S/D**

Date of Application Submission

**Mar 13, 2025, 12:00:00 PM**

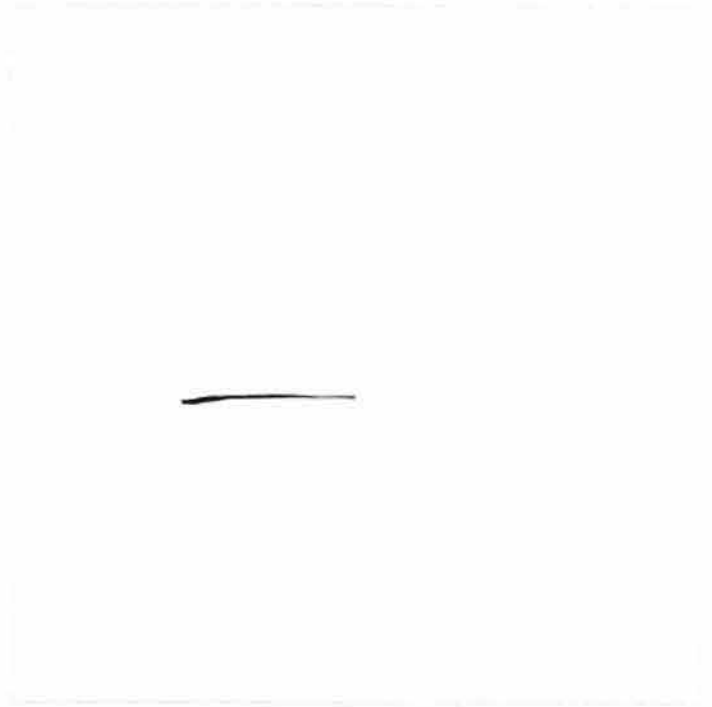
Section Township Range

**2-94-56**

Attachments:



ApplicantSignature-.jpg



OwnerSignature-.jpg



PDF SKETCH-.pdf  
509.7KB

PDF Marquardt Site Operations and Reclamation Plan.pdf  
95.4KB

# Proposed Plant Site

Marquardt Pit

## Legend

-  42.986442, -97.422473
-  Proposed Plant Site



Google Earth

Image © 2025 Airbus





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## Introduction

### Company Background

Central Specialties, Inc. (CSI) is a third generation, award-winning, family-owned general contracting company serving Minnesota and the surrounding midwestern states. Based in Alexandria, Minnesota, CSI was built on the company values of responsive customer service, job safety, and high-quality products and services.

CSI is experienced in all phases of heavy construction and provides services to public, commercial, and private customers. CSI specializes in asphalt paving and milling for highways, municipal and residential streets, parking lots, recreational facilities, and airports. Additional services include excavating and grading site work; culvert and drainage installation; and residential, commercial, and industrial site development.

CSI's aggregate production services of crushing, screening, washing, and stockpile loading provide an availability of graded aggregate base and shouldering materials, washed rock and sand, and crushed asphalt and concrete products. In addition, CSI's six hot mix asphalt (HMA) plants all provide high quality asphalt and bituminous products.

### Purpose and Summary

The purpose of this Site Operations and Reclamation Plan is to establish a structured and consistent approach for operating, managing, and reclaiming sites while also ensuring compliance with regulatory requirements, environmental standards, and industry best practices. By adhering to this plan, CSI maintains high standards in all previously mentioned areas and also benefits local communities through high quality road construction.

### Operational Overview.

#### Gravel Pit Mining and Processing Overview

Gravel pit operations involve the extraction of construction sand, gravel, and other aggregates from naturally occurring deposits which are essential for road construction and maintenance.

Raw materials are extracted by excavation equipment and processed by portable crushing plant equipment through a combination of crushing, screening, blending, and washing



before they are stockpiled for storage. The mining operation is run by 2-5 employees depending on material type and quantity.

### HMA Plant Overview

CSI operates portable dryer-drum asphalt plants that dry, heat, and mix materials in a single, uninterrupted process that provides continuous production which is efficient and cost effective. These plants are made up of multiple portable pieces of equipment that are hauled in and assembled on-site. Once in operation, 6-10 employees run the plant.

### Site Location and Description

The Marquardt Pit is an existing gravel pit located on parcel 10.002.200.100. More specifically, the site is located in SE4 of section 2 of T94N, R56W in Yankton County and is zoned Agricultural. Currently, the active mining site is approximately 34 acres.

## Operations Plan

CSI intends to obtain permit coverage that allows for mining, extraction, processing, and the operation of an asphalt plant. CSI operates in gravel pits throughout the state. Since operations are dependent on job proximity, active site operations are infrequent and intermittent, however, having numerous permitted sites available allows CSI options during the bidding process which helps lower road construction costs.

### Extraction and Crushing Summary

As gravel pits are established, berms are created and stabilized at site boundaries using stripped topsoil during site clearing which is saved for reclamation. CSI does not intend to mine material at this location for the projects occurring the construction season 2025.

Crushing and stockpiling activities typically occur 3-4 weeks prior to HMA plant operations, but are dependent on weather, soil conditions, and plant scheduling

If washing activities are to be implemented, a series of sediment ponds will be established to allow sediment to settle out of the water, and the water the be reused and contained to the site. CSI does not intend to wash material on this site.

### HMA Plant Summary

Following crushing operations, CSI's portable HMA plant will be moved to the site.





HMA plant operations use the prepared aggregate materials to produce asphalt mix that will be used for road construction projects in the surrounding area. Duration of each project is dependent on job size, however, most last 3-6 weeks. The exact schedule is dependent on job specific timelines and scheduling of all awarded jobs each season.

## Site Layout and Access

Vegetated berms and other agricultural sites screen the pit. Equipment placement shall be consistent with setback standards and requirements, and as the gravel pit is excavated, equipment will be deeper and further screened from outside the site.

Plant equipment and employee parking shall occur within the plant site. No truck parking or equipment storage shall occur on the public roadways.

The site is accessible from 304<sup>th</sup> St via a pre-existing driveway. This driveway has been constructed so as not to create a safety hazard and to comply with the manual of uniform traffic control devices as specified by the Department of Transportation.

There are no encroachments into utility rights-of-way.

## Hours of Operation

March through November, 05:00 to 20:00, Monday through Saturday. No operations on federal holidays.

Typically, equipment is started and allowed to warm up during the first hour before major operations begin.

## Site Security

Central Specialties, Inc. will take appropriate actions to control activity and provide security within the pit area during on-site operations. This may be accomplished by gated entrances, fencing, or maintaining personnel on-site should circumstances warrant such action. The site is bound by berms which provide an additional screening effect for the location.

## Truck Activity

Truck activity for this site is expected to be 10 round trips per hour on average. CSI does not expect truck traffic to exceed 20 round trips per hour. During active hauling, signs may be set up to alert traffic as necessary. Haul routes will be approved by the appropriate parties prior to hauling.



## Sanitary Facilities and Waste Management

Portable sanitary facilities shall be provided for workers during active operations.

Waste containers will be supplied on-site as needed. No waste materials will be disposed of onsite unless authorized.

## Regulatory Compliance and Environmental Stewardship

Central Specialties, Inc. is environmentally responsible and attains the highest standards for environmental performance and compliance.

### Plant Air Emissions and Pollution Control

CSI maintains valid state-issued air permits for all portable facilities and remains in compliance with all applicable air quality standards.

Each HMA plant has a pollution control device called a baghouse. The baghouse uses filter socks to remove pollutants from the exhaust stream and allows the HMA plant to keep emission values far below the regulatory limits.

The baghouse has daily, weekly, and monthly maintenance and operational checks that personnel perform on-site to keep it operating effectively and efficiently.

### Stormwater Management

CSI also maintains valid state-issued stormwater permits for all portable facilities and remains in compliance with all applicable stormwater requirements.

Erosion prevention and sediment control BMPs shall be followed while CSI is on-site.

The nature of gravel extraction forms a pit as the site is developed. Site access roads and driveways naturally descend to the pit bottom. This creates a natural detention basin for stormwater and prevents stormwater discharge from the site.

### Dust, Noise, and Odor Control

Best management practices (BMPs) for dust, noise, and odor control focus on minimizing environmental impact and nuisance conditions for the surrounding populace.

Dust is controlled by water trucks applying water spray to the site as necessary. In the event that haul roads are unpaved, they shall also have water spray applied as needed to



control visible dust emissions. In exceptionally dry conditions, calcium or magnesium chloride may be added to the water to provide further dust control than water alone.

Noise control strategies involve positioning equipment away from sensitive areas, maintaining equipment and machinery to reduce excessive noise, and limiting higher-noise activities to daytime hours.

Odor control measures include maintaining proper combustion efficiencies on burners to limit volatile organic compound (VOC) emissions, ensuring storage vessels are properly sealed, and may include using low-odor asphalt additives. CSI maintains the plant burner and executes a burner tune annually at minimum.

Berms and other vegetative structures on-site provide additional screening against dust, noise, and odors.

## Site Reclamation

In preparation for developing the following reclamation plan, [A Handbook for Reclaiming Sand and Gravel Pits in Minnesota](#) by the Minnesota Department of Natural Resources, Division of Minerals was reviewed, and the plans were based on the standards from this source.

### Reclamation Background

A reclamation plan is an essential feature of an overall mining site. The objective of reclamation is to achieve an appropriate after-use of the affected site by stabilizing soil, enhancing environmental quality, and promoting long term sustainable land uses once mining activities have permanently ceased.

Factors considered in reclamation planning include: site location and characteristics, topsoil and water availability, surrounding landscape, zoning and other land-use restrictions, end-use objectives, and practicality and cost-effectiveness. Whenever possible, progressive reclamation measures shall be carried out concurrently with extraction to stabilize land and establish end use while minimizing wildlife disturbance.

### Interim Reclamation Plan

Periods of dormancy are expected during the life of mining operations. Interim reclamation measures shall be initiated during these periods of inactivity. Since operations are dependent on local contracts, the frequency and duration of dormancy are difficult to





forecast. This requires flexibility detailing the exact measures that may be appropriate for the current conditions at the time.

CSI's objective for interim reclamation during periods of dormancy is to stabilize and secure the site. Common management techniques include keeping drainage structures clear and grading and stabilizing steep slopes to prevent surface shifting or shedding. Additionally, stabilizing exposed soils with self-regenerating vegetation to prevent erosion and enhance appearance may be carried out along with debris removal to maintain a safe and orderly site.

### Final Reclamation Plan

Since this site will remain an active mining and extraction pit after CSI's involvement and presence, CSI will not be performing any reclamation measures.

The mining and extracting owners and operators are responsible for the reclamation of this site. They will complete all reclamation activities upon permanent cessation of their mining and extracting operations to the end-use they desire.

### Conclusion

This Site Operations and Reclamation Plan outlines the essential procedures to responsibly operate and manage a mining and HMA plant site. Through adherence and compliance with all regulatory requirements and environmental best practices, CSI will mitigate all environmental impacts and disturbances. Interim and final reclamation efforts will ensure the site is restored to a stable and beneficial end-use.

By following this plan, CSI can continue providing high quality construction materials while upholding commitment to environmental safety and sustainability. Central Specialties, Inc. is a conscientious road building company with an excellent environmental record and has built a reputation for being responsive to the needs of the communities by producing a cost-effective product that increases the quality of life for local residents.

**VERIFICATION OF APPROVAL  
YANKTON COUNTY, SOUTH DAKOTA**

I Ralph Marguerdt date this 18 day of March, 2025 am aware of the  
proposed Variance/CUP/Rezone/Building Permit being proposed by Central Specialties, Inc. (Luke Lippert) at the  
property legally  
described as SE4 EXC LT H1 & EXC LT 6 SUN VALLEY S/D

Ralph P. Marguerdt  
Signature

1317 Golf View Lane PO Box 1040  
Address

Yankton, SD 57078  
City, State, Zip

605-660-6970  
Phone



AFFIDAVIT OF MAILING

I, Luke Lippert, hereby certify that on the 27<sup>th</sup> day of March, 2025, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

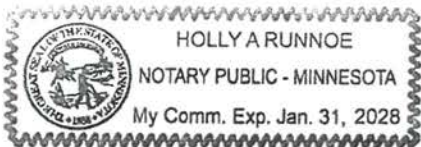
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 27<sup>th</sup> day of March, 2025.

Luke Lippert  
(Name)  
Affiant

Subscribed and sworn to before me this 27<sup>th</sup> day of March, 2025.



(SEAL)

Holly A Runnoe  
Notary Public - South Dakota  
My commission expires: 1/31/2028

## **NOTIFICATION**

March 24, 2025

Applicant:  
Central Specialties, Inc  
6325 County Road 87 SW  
Alexandria, MN 56308

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 8th day of April, 2025 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is Requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District Applicant is Requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construct a Temporary portable crushing and HMA plant site for a road construction project per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905. Said property is located at the Southeast Quarter, Excluding Lot H1 and excluding Lot 6 Sun Valley Subdivision in Section two (2) Township Ninety-four (94) North, Range Fifty-six (56) West of the 5<sup>th</sup> P.M., Yankton County, Yankton, South Dakota. E911 address is 30371 439<sup>th</sup> Ave, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,  
Central Specialties, Inc  
Petitioner

BOYKO, THOMAS R (D)  
30386 438 AVE  
YANKTON SD 57078

CWACH, MARY J (D)  
30627 439 AVE  
YANKTON SD 57078

CWACH, MARY KAY (D)  
30427 439 AVE  
YANKTON SD 57078

GRATE, LEO L (D)  
30375 438 AVE  
YANKTON SD 57078

JRD ENTERPRISES LLC (D)  
PO BOX 76  
YANKTON SD 57078

KRALICEK, MELISSA M (D)  
43844 304 ST  
YANKTON SD 57078

LARSON, GUY W (D)  
30370 438 AVE  
YANKTON SD 57078

MARQUARDT FAMILY LTD PRTRSHIP (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

SD DEPT OF TRANSPORTATION (D)  
700 EAST BROADWAY AVE  
PIERRE SD 57501

SD DEPT OF TRANSPORTATION (D)  
NSPORTATION  
700 EAST BROADWAY AVE  
PIERRE SD 57501

SIK, BRADLEY REVOCABLE TRUST (D)  
PO BOX 473  
YANKTON SD 57078

VAITH FAMILY PROTECTION TRUST (D)  
42838 303 ST  
LESTERVILLE SD 57040

VELLEK, FRANK C (LE) (D)  
1010 APRIL LN  
YANKTON SD 57078

VELLEK, RICHARD (C)  
43904 304 ST  
YANKTON SD 57078

WAID, MICHAEL C REVOCABLE TRST (C)  
703 CHALKSTONE RD  
YANKTON SD 57078



Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construct a concrete batch plant to supply the SDDOT US HWY 81 construction project per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905. Said property is located at the South half of the Northwest Quarter (S2 NW4) and the West half of the Southwest Quarter (W2 SW4) excluding the South Eight hundred fifty-eight feet (S858') of the Southwest Quarter of the Southwest Quarter (SW4SW4) EXC 3A W/HWY and excluding Lot H2 of Government Lot One (1) in the Northwest Quarter (NW4) and Government Lot Two (2) in the Southwest Quarter (SW4) excluding TRACT One (1) JONES Addition in the Southwest Quarter of the Southwest Quarter (SW4SW4) and Excluding part of Lots One and two (1 & 2) of Hackberry addition in the South half (S2) all in Section six (6) Township Ninety-four (94) North, Range Fifty-five (55) West of the 5th P.M., Yankton County, Yankton, South Dakota. E911 address is 30344 US HWY 81, Yankton, South Dakota.

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 8th day of April, 2025 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Central Specialties, Inc. is requesting a Conditional Use Permit for a Temporary construction facility in an AG (Agriculture) District. Applicant wishes to construct a Temporary portable crushing and HMA plant site for a road construction project per Article 5 Section 507, Article 18 Section 1805, and Article 19 Section 1905. Said property is located at the Southeast Quarter, Excluding Lot H1 and excluding Lot 6 Sun Valley Subdivision in Section two (2) Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, Yankton, South Dakota. E911 address is 30371 439th Ave. Yankton.

Published twice at the total approximate cost of \$48.39 and can be viewed free of charge at [www.sd-publicnotice.com](http://www.sd-publicnotice.com)

Published March 28 & April 4, 2025.

#### PUBLIC NOTICE

Yankton Transit, Inc. dba Southeast Public Transit intends to apply for funds under Section 5311 of the Surface Transportation Assistance Act for the continued operation of a public transportation project in Clay County of South Dakota.

This notice offers the opportunity for a public hearing, statement of service proposals or comments regarding the project. Interested public or private transit or paratransit providers are invited to comment on this proposal or submit proposals to provide this service. Requests for a public hearing, comments or requests for a copy of Southeast Public Transit's proposal should be directed to: Yankton Transit, Inc. dba Southeast Public Transit, 901 E. 7th St., Street Yankton, South Dakota 57078 by April 30, 2025.

Published twice at the total approximate cost of \$19.87 and can be viewed free of charge at [www.sd-publicnotice.com](http://www.sd-publicnotice.com)

Published March 28 & April 4, 2025.

STATE OF SOUTH DAKOTA )  
COUNTY OF YANKTON )

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

In the Matter of the Petition  
regarding

Declan Michael Austin & Eva Ann Austin  
(Birth Certificate Name), A Minor Child.

For a Change of Name to

Declan Michael Hardy & Eva Ann Hardy  
(Proposed Name)

66CIV:25-108

NOTICE OF HEARING  
FOR NAME CHANGE  
OF A MINOR CHILD  
(UNTESTED)

NOTICE IS HEREBY GIVEN that a Verified Petition for Name Change

Clerk of Court  
By: Nichole Semmler  
Deputy

Published four times at the total approximate cost of \$61.04 and can be viewed free of charge at [www.sd-publicnotice.com](http://www.sd-publicnotice.com)

Published March 21 & 28, April 4 & 11, 2025.

#### YANKTON COUNTY COMMISSION MEETING March 18, 2025

The regular meeting of the Yankton County Commission was called to order by Chairman John Marquardt at 6:00 p.m. on Tuesday, March 18, 2025.

Roll call was taken with the following Commissioners present: Ryan Heine, Dan Klimisch, Don Kettering, Wanda Howey, Fox and John Marquardt.

There were no conflicts reported by members of the board.

Action 2583C: A motion was made by Fox and seconded by Klimisch to approve the meeting agenda. All present voted aye; motion carried, 5-0.

There was no public comment. Chairman Marquardt closed public comment.

County Treasurer Patty Vavra appeared to inform the board that Garland Pearson is requesting a Tax Freeze of his 2024 real estate taxes. Vavra said Mr. Pearson missed the deadline to apply for the Tax Freeze Program. Vavra said Mr. Pearson received the tax freeze for several years and would have qualified again if he had submitted the form in time. Pearson placed the application form in a file but forgot to submit it due to health issues.

Action 2584C: A motion was made by Klimisch and seconded by Heine to approve the Tax Freeze Abatement for Garland Pearson. All present voted aye; motion carried, 5-0.

Emergency Management Director Paul Scherschligt presented reports on LEPC and LEMPC grants received and different cost saving programs that are available. Scherschligt said his department will be changing cellphone equipment from Verizon to T-Mobile. He said the Verizon bill keeps getting more expensive. Scherschligt also said the county was recognized as a Storm-Ready Community by the National Weather Service (NWS). The board approved the change in vendors.

Action 2585C: A motion was made by Fox and seconded by Klimisch to approve the March 4, 2025 meeting minutes. Voting aye: Fox, Klimisch, Kettering and Marquardt. Heine abstained. Motion carried, 4-0.

Action 2586C: A motion was made by Fox and seconded by Klimisch to approve the following claims: Commission: Clarity Telecom, LLC (Utilities) \$50.50; Alternative TR, LLC (Prof Services) \$1,135.01; South Dakota Public Assurance Alliance (Liability Insurance) \$2,058.79; Yankton County Observer (Publishing) \$380.64; Yankton Daily Press & Dakotan (Publishing) \$458.72; IRS (Other) \$41.32; Elections: Qualified Preson Service (Supplies) \$74.88; Court: Avera Sacred Heart Hospital (Lab) \$1,164.00; Blackburn & Stevens Prof. LLC (Prof Services) \$977.42; Certified Languages International (Prof Services) \$112.20; Grand Jury (Fees) \$529.06; Physicians Laboratory, PC (Prof Services) \$3,174.00; Megan Reeves (Prof Services) \$142.10; Kenney & Pier Lotus & Reynolds, LLP (Prof Services) \$4,091.50; Kozletsky Law Office, Prof. LLC (Prof Services) \$4,013.00; Department of Health (Lab) \$1,225.00; Dean Schaefer (Prof Services) \$1,038.00; Thomson Reuters-West (Supplies) \$1,236.13; Auditor: Clarity Telecom, LLC (Utilities) \$121.15; South Dakota Public Assurance Alliance (Liability Insurance) \$1,017.52; First Bankcard (Travel) \$436.58; LEAF (Rentals) \$183.35; Qualified Preson Service (Supplies) \$238.44; SDACES (Travel) \$153.00; One Office Solution (Maintenance) \$205.76; Thomson Reuters-West (Prof Services) \$186.13; Treasurer: Andersen Telecom, LLC (Maintenance) \$250.00; Clarity Telecom, LLC (Utilities) \$197.20; South Dakota Public Assurance Alliance (Liability Insurance) \$1,017.52; LEAF (Rentals) \$133.60; Qualified Preson Service (Supplies) \$151.89; SDACES (Travel) \$15.00; Data: Andersen Telecom, LLC (Maintenance) \$891.98; Clarity Telecom, LLC (Utilities) \$851.54; First

Bankcard (Supplies) \$62.58; First Bankcard (Education) \$765.00; Michelle Goecken (Travel) \$52.00; Microfilm Imaging Systems (Maintenance) \$120.00; Qualified Preson Service (Supplies) \$732.09; SDACES (Travel) \$15.00; One Office Solution (Maintenance) \$150.54; Register of Deeds: Clarity Telecom, LLC (Utilities) \$171.50; Executive Management Finance (Supplies) \$51.00; South Dakota Public Assurance Alliance (Liability Insurance) \$1,017.52; Qualified Preson Service (Supplies) \$493.33; SDACES (Travel) \$15.00; Veterans Service Office: Clarity Telecom, LLC (Utilities) \$153.25; South Dakota Public Assurance Alliance (Liability Insurance) \$476.85; LEAF (Rentals) \$559.76; One Office Solution (Maintenance) \$103.36; Safety Center Building: Clarity Telecom, LLC (Utilities) \$82.99; Horwath Equipment (Maintenance) \$141.23; Bow Creek Metal, Inc. (Maintenance) \$300.00; City of Yankton (Utilities) \$160.00; South Dakota Public Assurance Alliance (Liability Insurance) \$31,693.74; First Bankcard (Contract) \$923.09; Johnson Controls, Inc. (Maintenance) \$1,146.28; Menards (Maintenance) \$446.95; MidAmerican Energy (Utilities) \$3,428.52; United Laboratories, Inc. (Supplies) \$918.22; Sheriff: Kopsky's Ace Hardware (Supplies) \$12.99; Andersen Telecom, LLC (Computer Services) \$200.00; City of Yankton (Fuel) \$3,659.39; Guardian Alliance Technologies, Inc. (Maintenance Contract) \$625.00; South Dakota Public Assurance Alliance (Liability Insurance) \$28,409.17; Teller Industries, LLC (Law Enforcement Equipment) \$149.70; FedEx (Prof Services) \$22.22; Qualified Preson Service (Maintenance Contract) \$156.16; Lewis & Clark Food (Maintenance) \$661.94; Tire Muffler, Algonquin (Maintenance) \$92.25; Yankton County Observer (Publishing) \$380.64; Yankton Daily Press & Dakotan (Publishing) \$458.72; County Jail: Avera Sacred Heart Hospital (Prof Services) \$2,360.23; Andersen Telecom, LLC (Security Maintenance) \$225.00; ICS Jail Supplies, Inc. (Supplies) \$682.89; Avera Medical Group-Willcockson Eye Associates (Prof Services) \$159.70; Avera Medical Group Radiology (Prof Services) \$25.38; Sapphire Health, LLC (Prof Services) \$550.00; White Deerforce (Prof Services) \$2,112.50; South Dakota Public Assurance Alliance (Liability Insurance) \$18,557.80; JCL Solutions (Supplies) \$1,754.54; Olson's Pest Technicians (Maintenance) \$155.00; Phoenix Supply (Supplies) \$738.78; Yankton Rexall Drug Co. (Prof Services) \$619.17; Coroner: One Office Solution (Supplies) \$667.91; Juvenile Detention: Minnehaha County Juvenile Detention Center (Rentals) \$23,749.12; Poor Relief: Qualified Preson Service (Supplies) \$15.39; Public Health Nurse: South Dakota Public Assurance Alliance (Liability Insurance) \$199.70; Ambulance: Clarity Telecom, LLC (Utilities) \$87.99; Bound Tree Medical, LLC (Supplies) \$650.37; City of Yankton (Supplies) \$1,287.07; South Dakota Public Assurance Alliance (Liability Insurance) \$5,075.80; Sacred Heart Health Services (Supplies) \$5.50; First Bankcard (Supplies) \$337.01; First Bankcard (Travel) \$727.61; First Bankcard (Prof Services) \$32.00; LEAF (Rentals) \$170.08; Menards (Supplies) \$157.77; Olson's Pest Technicians (Maintenance) \$119.00; O'Reilly Auto Parts (Maintenance) \$10.99; Mentally Handicapped: SD Achieve dba Lifescope (Monthly Allowment) \$120.00; Mental Illness Board: Val Larson (Hearings) \$48.00; Kozletsky Law Office, Prof. LLC (Hearings) \$350.00; Mark Katerberg (Hearings) \$48.00; Lewis & Clark Behavioral Health Services (Hearings) \$1,125.00; Lincoln County Treasurer (Hearings) \$3,829.74; Luci Lewno (Hearings) \$985.46; Extension: South Dakota Public Assurance Alliance (Liability Insurance) \$2,190.97; MidAmerican Energy (Utilities) \$181.67; Northwestern Energy (Utilities) \$191.64; Soil Conservation: South Dakota Public Assurance Alliance (Liability Insurance) \$199.76; Word: Bomgaars (Supplies) \$27.98; Amazon Capital Services (Supplies) \$9.79; South Dakota Public Assurance Alliance (Liability Insurance) \$2,046.31; First Bankcard (Travel) \$67.55; One Office Solution (Supplies) \$24.87; Planning and Zoning: Clarity Telecom, LLC (Utilities) \$50.50; ESRI (Maintenance) \$2,100.00; South Dakota Public Assurance Alliance (Liability Insurance) \$1,418.00; First Bankcard (Supplies) \$23.00; First Bankcard (Maintenance) \$62.38; Microfilm Imaging System (Maintenance) \$70.00; Yankton Daily Press & Dakotan (Publishing) \$79.50; Highway: Bomgaars (Maintenance) \$99.98; Bomgaars (Supplies) \$25.94; B-Y Water District

Center (Maintenance) \$1,332.66; I State Truck Center (Supplies) \$607.50; Janessa's Garbage Service (Utilities) \$600.00; Menards (Supplies) \$533.54; Menards (Supplies) \$122.30; MidAmerican Energy (Utilities) \$1190.62; Yankton County Observer (Publishing) \$14.06; SD Department of Transportation (Bridges) \$1,554.64; Southeastern Electric Company (Utilities) \$212.12; Truck Trailer Sales & Service (Maintenance) \$1,41.50; One Office Solution (Supplies) \$141.08; Yankton Daily Press & Dakotan (Publishing) \$44.06; E911: Goldenwest Telecommunications (Utilities) \$147.21; OEY Andersen Telecom, LLC (Maintenance) \$82.00; B-Y Electric (Utilities) \$65.00; NAPA Auto Parts of Yankton (Maintenance) \$52.98; ESRI (Maintenance) \$2,100.00; First Bankcard (Supplies) \$813.24; First Bankcard (Prof Services) \$705.62; First Bankcard (Maintenance) \$46.20; LEAF (Rentals) \$134.13; Midcontinent Communications (Utilities) \$179.96; Tabor Lumber Corp. (Supplies) \$227.47; County Buildings: Automatic Building Controls (Maintenance) \$2,891.00; Kaiser Heating & Cooling (Maintenance) \$1,008.65; 24/7: Precision Kiosk Technologies (Prof Services) \$1,500.00; M & PR Fund: One Office Solution (Supplies) \$61.01; Non-Departmental: Yankton County Observer (Yankton County Ditch) \$408; Yankton Daily Press & Dakotan (Yankton County Ditch) \$6.24; Satellite Tracking of People (Jail Tracking Monitors) \$65.50; Sun Com Inc. (Jail Tracking Monitors) \$235.50; Byron Nopelcoer (Cable Mail Fees) \$2,907.00; Byron Nogelmeier (State Participation Fees) \$1,324.00; Southeast Public Transportation (Diversion Expense) \$260.00; First Bankcard (Diversion Expense) \$82.46; DetectaChem, Inc. (Opium Funding) \$1,843.50; Inter-County Transfer of Offroad Equipment (Maintenance) \$1,000.00; Yankton County Revenue (Revenue) \$358,259.43; South Dakota Department of Revenue (Waste Fees) \$6,366.25; South Dakota Department of Revenue (ROD Fees) \$1,680.00; South Dakota Department of Revenue (HSC Services) \$5,114.64; South Dakota Department of Revenue (Redfield Services) \$120.00; SDACO (M & PR Funds) \$342.00; General Fund \$235,745.00; Road & Bridge \$138,879.19; Emergency Management \$4,406.60. All present voted aye; motion carried, 5-0.

Action 2587C: A motion was made by Klimisch and seconded by Heine to adopt the following resolution: Whereas it appears Janette Kaddatz and Todd A. Cichos, owners of record, have caused a replat to be made of the following real property: Kaddatz Addition, W/2, SW1/4, Section 3-95N-56W, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision, erosion and sediment control and same is hereby approved. County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried, 5-0.

The board discussed the possibility of changing or eliminating step raises for employees. Commissioner Klimisch said because of Yankton County's current financial situation, moving employees more than one step should be reconsidered. Commissioner Fox was also concerned with the step increases. Commissioner Marquardt suggested eliminating the step matrix and having a performance incentive cap of 1.25 percent over the CPI. Commissioner Kettering suggested allowing the financial planning task force, which consists of three department heads and two commissioners, to review the matter and come up with a recommendation. Register of Deeds Brian Hunhoff and County Treasurer Patty Vavra also spoke during the discussion.

Action 2588C: A motion was made by Kettering and seconded by Heine to temporarily limit employee anniversary raises to one step.

Action 2589C: A motion was made by Fox and seconded by Heine to reverse the regular session and convene in executive session to discuss a legal matter with States Attorney Tyler Larsen. All present voted aye; motion carried, 5-0.

Action 2590C: A motion was made by Fox and seconded by Klimisch to adjourn executive session and reconvene in regular session. All present voted aye; motion carried, 5-0.

made by Fox and seconded by Heine to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of February 2025 showing Total Cash of \$9,236,179.10. The General Fund was \$5,432,150.65; Special Funds were \$2,336,207.82; and Trust and Agency Funds were \$1,967,820.63 adding to a Grand Total of General Ledger Cash and Investments of \$9,736,179.10. A detailed report is on file with the County Auditor. All present voted aye; motion carried, 5-0.

Action 2593AUD: A motion was made by Fox and seconded by Heine to approve the 2024 4th Quarter MI Report. All present voted aye; motion carried, 5-0.

Action 2594C: A motion was made by Klimisch and seconded by Heine to approve a property tax abatement of \$2,038.51. All present voted aye; motion carried, 5-0.

The board discussed using Clear Gov program for budget preparation. No action was taken.

There was no public comment. Chairman Marquardt closed public comment.

Commissioner updates: The Rock-a-ton fundraiser for Meals on Wheels was a great success with several county officials participating. Board of Equalization hearings are scheduled.

#### CROSSWORD

By THOMAS JOSEPH

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22 Clumsy

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23 Raptors'

home

26 Soccer's

Lionel

28 Passion

29 Runs out

31 Research

site

32 Skating

jump

33 Reactor

parts

34 Schooner

feature

36 Ukraine's

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38 Useful

skill

40 Rival

43 Take the

wheel

44 Concur

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IRON	AERIAL
SECT	SCOTTY
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ERR	PILOT
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IDO	COP
COURT	FAKES
ENTER	AGE
LABRADOR	
LAREDO	TOGO
ATONED	EURO
GENTRY	STEM

#### Yesterday's answer

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18 Jerry	33 Fab
Herman	Four
musical	drummer
19 Pinnacle	34 Like the
21 Historic	Ger. "der"
periods	35 Regarding
23 Bike	37 Casual
part	assent
24 Warty	39 Attempt
creature	41 Got
25 Balls	together
27 "Sweet"	42 Word of
age	accord

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AXYDLBAAXR  
is LONGFELLOW

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

#### CRYPTOQUOTE

JLNKK YWRCZ LIM FWYCMY

LIMYM HED QENL E CMQ

YWEZ WY E JMFYML SELM.

O.Y.Y. LWKTNMC

Yesterday's Cryptoquote: SHE STOOD IN THE STORM, AND WHEN THE WIND DID NOT BLOW HER WAY, SHE ADJUSTED HER SAILS. — ELIZABETH EDWARDS



Lagoon - Any pond, basin, or other impoundment made by excavation or earthen fill for storage or treatment of human sewage or animal waste.

Landing Strip - A strip of ground used or capable of being used for the landing and take-off of aircraft.

Large Wind Energy Conversion System (LWECS) - shall mean an electrical generating facility producing 50 kW or more and comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid. **Accessory facilities do not include facilities utilized for energy storage. (Amended-September 3, 2024)**

Loading Area - A completely off right-of-way, space, or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public right-of-way.

Loading Space, Off Right-of-Way - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off right-of-way loading space is not to be used as off right-of-way parking space in computation of required off right-of-way parking space.

Locker - A meat processing plant and any other facility where meat, poultry or eggs are cooked, cured, smoked, or otherwise processed or packed, provided that all activities are carried out indoors. This term shall not include a delicatessen, stockyard, slaughterhouse, tannery, a poultry killing establishment, an animal food factory, or an animal by-products plant.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public right-of-way, or on an approved private right-of-way, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Coverage - The percent of the area of a lot occupied by buildings, or structures, including accessory building or structures.

Lot Depth - The average horizontal distance between the front and rear lot lines.

Lot Frontage - The portion of the lot nearest the right-of-way; for the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to right-of-ways shall be considered frontage, and yards shall be provided as indicated under "Yards" in this ordinance.



## ARTICLE 5

### AGRICULTURAL DISTRICT (AG)

#### Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

#### Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG): **(Amended August 19, 2021)**

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Farms, ranches or orchards as defined herein;
5. Farm buildings;
6. Historic sites;
7. Horticulture;
- ~~8. Utility facilities; and~~
9. Veterinary services.
10. Cannabis Cultivation Facility
11. Cannabis Dispensary
12. Cannabis Product Manufacturing Facility
13. Cannabis Testing Facility
14. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 505 Permitted Accessory Uses and Structures

519(3);

42. Temporary construction facilities; (**Amended December 19, 2023**)

43. Towers, pursuant to Article 25 & Article 26;

44. Wildlife and game production areas; and

45. Wind energy systems, pursuant to Article 26.

#### **46. Utility Facilities**

#### Section 509 Classification of Unlisted Uses

In order to ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5). (**Amended August 19, 2021**)

#### Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

#### Section 513 Minimum Lot Requirements (**Amended August 19, 2021**)

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.
5. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

#### Section 515 Minimum Yard Requirements (**Amended August 19, 2021**)

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

## ARTICLE 6

### LOW DENSITY RURAL RESIDENTIAL DISTRICT (R1)

#### Section 601     Intent

The intent of Low Density Rural Residential Districts (R1) is to provide for residential uses of larger lots and other compatible uses in a pleasant and stable environment.

#### Section 603     Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Low Density Rural Residential District (R1):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes;(Amended December 19, 2023)
- ~~6. Utility facilities. and (Amended December 19, 2023)~~
7. Solar Energy Conversion Systems (SECS) under 50 Kilowatts alternating current (AC) (Amended December 19, 2023)

#### Section 605     Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Low Density Rural Residential District (R1):

1. An aggregate maximum total floor area of 4,000 square foot accessory building or buildings. Side wall height shall not exceed sixteen (16) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing. (Amended May 19, 2020)
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;

6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

#### Section 607 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Low Density Rural Residential District (R1): **(Amended June 21, 2022)**

1. Accessory agricultural structures;
2. Bed and breakfasts;
3. Campgrounds;
4. Cemeteries;
5. Home based sales;
6. Greenhouses;
7. Golf courses;
8. Hobby farms;
9. Horticultural sales;
10. Kennels;
11. Manufactured homes, pursuant to Section 1507;
12. Manufacturing, light;
13. Parks;
14. Signs, off-site;
- ~~15.~~ Towers; ~~and~~
- ~~16.~~ One Accessory Structure exceeding 4,000 square feet or Accessory Structures with an aggregate maximum total floor area exceeding 4,000 square feet and/or exceeding a sidewall height of sixteen (16) feet ~~and~~ **-(Amended May 19, 2020)**



## 17. Utility Facilities

### Section 609 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Low Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

### Section 611 Prohibited Uses and Structures

All uses and structures, which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 609, shall be prohibited.

### Section 613 Minimum Lot Requirements

1. The minimum lot area shall be five (5) acres; and
2. The minimum lot width shall be two hundred (200) feet.

### Section 615 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting a arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet; and
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

### Section 617 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning



## ARTICLE 7

### MODERATE DENSITY RURAL RESIDENTIAL DISTRICT (R2)

#### Section 701 Intent

The intent of Moderate Density Rural Residential Districts (R2) is to provide for residential uses of moderate lots and other compatible uses in a pleasant and stable environment.

#### Section 703 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Moderate Density Rural Residential District (R2):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes; **(Amended December 19, 2023)**
- ~~6. Utility facilities, and **(Amended December 19, 2023)**~~
7. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **( Amended December 19, 2023)**

#### Section 705 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Moderate Density Rural Residential District (R2):

1. An aggregate maximum total floor area of 2,400 square foot accessory structure or structures. Side wall height shall not exceed fourteen (14) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing. **(Amended May 19, 2020)**
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;

6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

#### Section 707 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Moderate Density Rural Residential District (R2): **(Amended June 21, 2022)**

1. Bed and breakfasts;
2. Campgrounds, pursuant to 1521;
3. Churches;
4. Day cares, group family home;
5. Dwellings, multi-family;
6. Dwellings, two family;
7. Manufactured homes, pursuant to Section 1507;
8. Parks;
9. Schools, public;
10. Signs, off-site;
- ~~11. Towers; and~~
- ~~12. One Accessory Structure exceeding 2,400 square feet or Accessory Structures with an aggregate maximum total floor area exceeding 2,400 square feet and/or exceeding a sidewall height of fourteen (14) feet and - (Amended May 19, 2020)~~
- 13. Utility Facilities**

#### Section 709 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Moderate Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 711 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 709 shall be prohibited.

Section 713 Minimum Lot Requirements

1. The minimum lot area shall be ~~one (1) acre or~~ forty thousand (40,000) square feet;
2. The minimum lot area for multi-family dwellings in areas of two (2) units shall be one (1) acre or forty thousand (40,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and
3. The minimum lot width shall be one hundred (100) feet.

Section 715 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting a arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 717 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. ~~2.~~ Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning

## ARTICLE 8

### HIGH DENSITY RURAL RESIDENTIAL DISTRICT (R3)

#### Section 801    Intent

The intent of High Density Rural Residential Districts (R3) is to provide existing concentrated residential subdivisions as recorded with the Register of Deeds and other compatible uses a pleasant and stable environment. Yet, not allow an extension of these areas beyond their respective boundaries as recorded at the time of zoning ordinance adoption.

#### Section 803    Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a High Density Rural Residential Districts (R3): **(Amended June 21, 2022)**

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes;
- ~~6. Utility facilities; and (Amended December 19, 2023)~~
7. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 805    Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a High Density Rural Residential Districts (R3):

1. An aggregate maximum total floor area of 1,600 square foot accessory structure or structures. Side wall height shall not exceed twelve (12) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing. **(Amended May 19, 2020)**
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;



6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

#### Section 807 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a High Density Rural Residential Districts (R3): **(Amended June 21, 2022)**

1. Day cares, group family home;
2. Dwellings, multi-family;
3. Dwellings, two family;
4. Manufactured homes, pursuant to Section 1507;
5. Parks;
6. Signs, off-site;
- ~~7.~~ Towers; ~~and~~
- ~~8.~~ One Accessory Structure exceeding 1,600 square feet or Accessory Structures with an aggregate maximum floor area exceeding 1,600 square feet and/or exceeding a sidewall height of twelve (12) feet ~~and~~ **-(Amended May 19, 2020)**
- 9. Utility Facilities**

#### Section 809 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a High Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

#### Section 811 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 809 shall be prohibited.

#### Section 813 Minimum Lot Requirements



1. The minimum lot area shall be ~~one-half (1/2) acre or~~ twenty thousand (20,000) square feet **and meeting DANR sewer requirements;**
2. The minimum lot area for multi-family dwellings shall be one-half (1/2) acre or twenty thousand (20,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and
3. The minimum lot width shall be seventy five (75) feet.

#### Section 815     Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting an arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet; and
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

#### Section 817     Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

## ARTICLE 9

### MANUFACTURED HOME PARK DISTRICT (MHP)

#### Section 901    Intent

The intent of the Manufactured Home Park District (MHP) is to preserve and enhance property values by providing designated, distinctive areas in which manufactured homes may be situated as a residential dwelling. It is the intent that this district be a desirable, prominent area providing adequate open space and essentially the same considerations given to citizens of other residential districts.

#### Section 903    Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Dwellings, single family;
2. Manufactured homes, pursuant to Section 1409;
3. Modular homes;
4. Parks; **(Amended December 19, 2023)**
- ~~5. Utility facilities, and (Amended December 19, 2023)~~
6. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 905    Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Accessory buildings;
2. Garages;
3. Home occupations;
4. Signs, banner;
5. Signs, directional on-site;
6. Signs, directional off-site;
7. Signs, easement and utility;

8. Signs, flag;
9. Signs, name and address plate; and
10. Signs, real estate.

It shall be unlawful for any person, firm, or corporation to use any van body, truck body, semi-trailer, rail car, “shipping crate”, and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. In addition, manufactured homes shall not be for any purpose other than residential living quarters. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include ‘RVs’ and camping trailers.

#### Section 907 Conditional Uses

After the provisions relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Manufactured Home Park District (MHP):

1. Day care centers;
2. Day cares, family;
3. Day cares, group family home;
4. Dwellings, two family;
5. Laundry facilities;
6. Self-storage warehouses;
7. Signs, bulletin board;
8. Signs, ground and monument;
9. Signs, mounted wall;
10. Signs, off-site;
11. Signs, portable;
- ~~12.~~ Swimming pools; ~~and~~
- ~~13.~~ Towers ~~and~~
- ~~14.~~ Utility Facilities

#### Section 909 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or

18. Repair shops, auto-body;
19. Repair shops, motor vehicle;
20. Restaurants;
21. Restaurants, drive-in;
22. Restaurants, in-house;
23. Retail sales;
24. Self-storage warehouses;
25. Service establishments;
26. Theaters;
- ~~27. Utility facilities;~~
28. Veterinary clinics;
29. Warehousing facilities;
30. Wholesale sales.
31. Cannabis Cultivation Facility
32. Cannabis Dispensary
33. Cannabis Product Manufacturing Facility
34. Cannabis Testing Facility; **(Amended December 19, 2023)**
35. Accessory Structures. and **(Amended December 19, 2023)**
36. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 1005 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Commercial District (C) when established in conformance within the space limits of this district.

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility;
5. Signs, flag;

21. Towers, pursuant to Article 25 & Article 26;
22. Truck or equipment terminals;
23. Veterinary services; **(Amended May 19, 2020)**
24. Wind energy systems; **(Amended December 19, 2023)**
25. Firework Sales; ~~and~~ **(Amended December 19, 2023)**
- ~~26.~~ Solar Energy Conversion System (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29; ~~and, (Amended December 19, 2023)~~

## **27. Utility Facilities**

### Section 1009      Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Commercial District (C) shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

### Section 1011      Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1009 shall be prohibited.

### Section 1013      Minimum Lot Requirements (Amended June 21, 2022)

1. The minimum lot area shall be ~~two~~ 40,000 sq. ft.; and
2. The minimum lot width shall be seventy-five (75) feet.

### Section 1015      Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to loading docks, decks, patios, and covered areas: **(Amended June 21, 2022)**

1. There shall be a front yard of not less than a depth of Fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty-five (25) feet; and
3. Each side yard shall be not less than twenty-five (25) feet.

### Section 1017      Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar



18. Theaters;

~~19. Utility facilities.~~

20. Cannabis Cultivation Facility

21. Cannabis Dispensary

22. Cannabis Product Manufacturing Facility; **(Amended December 19, 2023)**

23. Cannabis Testing Facility, and **(Amended December 19, 2023)**

24. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC)  
**(Amended December 19, 2023)**

#### Section 1105 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Lakeside Commercial District (LC) when established in conformance within the space limits of this district. **(Amended June 21, 2022)**

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility;
5. Signs, flag.
6. Signs, name and address plate;
7. Signs, on-site;
8. Signs, real estate; and
9. Accessory Structures.

#### Section 1107 Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Lakeside Commercial District (LC):

1. Amusement parks;
2. Campgrounds;
3. Day care centers;
4. Dwellings, multi-family;

5. Dwellings, single-family;
6. Dwellings, two-family;
7. Exhibition areas;
8. Garages, public;
9. Hotels;
10. Kennels;
11. Motels;
12. Outdoor shooting/archery ranges;
13. Outdoor storage areas;
14. Repair shops, auto-body;
15. Repair shops, motor vehicle;
16. Self-storage warehouses;
17. Signs, off-site, pursuant to Article 14;
18. Swimming pools;
19. Towers, pursuant to Article 25 & Article 26;

#### **20. Utility Facilities**

21. Veterinary clinics; **and**
22. Warehousing facilities; **and**

#### **23. Firework sales.**

### Section 1109      Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

### Section 1111      Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1109 shall be prohibited.

### Section 1113      Minimum Lot Requirements (Amended June 21, 2022)

## ARTICLE 12

### RURAL TRANSITIONAL DISTRICT (RT)

#### Section 1201    Intent

The intent of Rural Transitional Districts (RT) is to protect un-developed and under developed lands lying within or adjacent to expected growth corridors from unstructured or incompatible land uses in order to preserve land best suited for planned development to ensure practicality and service delivery.

#### Section 1203    Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Rural Transitional District (RT):

1. Agriculture;
2. Historic sites;
3. Horticulture; **(Amended December 19, 2023)**
- ~~4. Utility facilities; and (Amended December 19, 2023)~~
5. Solar Energy Conversion systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 1205    Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Rural Transitional District (RT): **(Amended June 21, 2022)**

1. Accessory structures.
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Shelterbelts;
6. Signs, banner;
7. Signs, directional off-site;
8. Signs, directional on-site;
9. Signs, easement and utility;

10. Signs, flag;
11. Signs, name and address plate;
12. Signs, on-site;
13. Signs, real estate;
14. Stock dams; and
15. Temporary/seasonal roadside stands.

#### Section 1207 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Rural Transitional District (RT): **(Amended June 21, 2022)**

1. Dwellings, single family.
2. Individual septic or sewage treatment facilities, pursuant to Section 1513;
3. Manure irrigation;
4. Parks;
5. Portable processing plants;
6. Rural Developments, pursuant to Section 1219;
7. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
8. Spreading, injection, or other application of manure or animal waste generated from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Rural Transitional (RT) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);
9. Temporary construction facilities; and

#### 10. Utility Facilities.

#### Section 1209      Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Rural Transitional District (RT) shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis





# YANKTON COUNTY

## ZONING ORDINANCE 2020

Adopted: February 18, 2020

Amended: September 3, 2024

Prepared by: Yankton County Commission

Yankton County Planning Commission

## DEFINITIONS

### **Definitions**

For the purpose of this Ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word shall means mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word lot includes the word plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

### **Terms**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: **(Amended June 21, 2022)**

Abandoned Sign/Billboard - a sign or sign structure that is blank, obliterated or displays obsolete advertising material for a period in excess of twelve continuous months. The twelve-month period for determining if a sign is abandoned commences upon notification of violation to the offender.

Abut - Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Agricultural Structure - A structure customarily incidental and necessary to farming and the raising of animals including barns and other animal shelters, corrals and fences, silos and storage sheds for machinery and crops.

Accessory Building - A subordinate building, the use of which is purely incidental to the main building. It shall be unlawful for any person, firm, or corporation in the following Yankton County Zoning Districts: Low Density Rural Residential (R1), Moderate Density Rural Residential (R2), High Density Rural Residential (R3), Manufactured Home Park (MHP), Lakeside Commercial (LC), Rural Transitional (RT), Planned Unit Development (PUD) to use any van body, truck body, semi-trailer, rail car, "shipping crate", and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. It shall be unlawful to use manufactured homes for any use other than residential living quarters in all Yankton County Zoning Districts. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include 'RVs' and camping trailers. **(Amended May 19, 2020)**

Accessory Use or Structure - A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. It shall be unlawful for any person, firm, or corporation in the following Yankton County Zoning Districts: Low Density Rural Residential (R1), Moderate Density Rural Residential (R2), High Density Rural Residential (R3), Manufactured Home Park

(MHP), Lakeside Commercial (LC), Rural Transitional (RT), Planned Unit Development (PUD) to use any van body, truck body, semi-trailer, rail car, “shipping crate”, and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. It shall be unlawful to use manufactured homes for any use other than residential living quarters in all Yankton County Zoning Districts. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include ‘RVs’ and camping trailers.

Actual Construction - Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially commenced, preparatory to building, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Addition - Any construction that increases the size of a building such as a porch, attached garage or carport, or a new room.

Administrative Review - A process brought forth by the Zoning Administrator to clarify a provision of the Zoning Ordinance. A review may include policy interpretation or procedural questions but shall not include the appeals process as detailed herein.

Adult Entertainment - Any premises or part thereof in which a principal feature or characteristic is the nudity or partial nudity of any person; to include a place or part thereof where, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Advertising Sign - An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such advertising sign is located or to which it is affixed, but does not include those business signs which direct attention to the business on the premises to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.

Agribusiness – A business which directly supports the agricultural industry, such as suppliers of feed, seed, chemicals, fertilizer, farm equipment, and equipment parts, farm equipment repair services, veterinary services, drain tile installers, and commercial grain elevators. **(Amended August 19, 2021)**

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Agrioltaics - The use of land for both agriculture (crop production, livestock grazing and pollinator habitat) and solar photovoltaic energy generation. This is located underneath solar panels and/or between rows of solar panels. **(Amended December 19, 2023)**

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus: **(Amended August 19, 2021)**

1. Establishes that the person suffered an injury, an invasion of a legally protected interest that is both concrete and particularized, and actual or imminent, not conjectural or hypothetical;
2. Shows that a causal connection exists between the person's injury and the conduct of which the person complains. The causal connection is satisfied if the injury is fairly traceable to the challenged action, and not the result of the independent action of any third party not before the court; (3) Shows it is likely, and not merely speculative, that the injury will be redressed by a favorable decision, and; (4) Shows that the injury is unique or different from those injuries suffered by the public in general.

Alley - A way which affords only a secondary means of access to abutting property.

Amendment - A change in the wording or substance of this ordinance or a change in the boundaries or classifications upon the Official Zoning Map.

Amusement Park - A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment and restaurants and souvenir sales.

Animal Feeding Operation: An animal feeding operation is a lot or facility where 200 or greater animal units, excluding aquaculture, are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure. **(Amended August 19, 2021)**



For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	<u>500</u> - 10,000
Class B	<u>200</u> – 499

Animal Feeding Operation or CAFO, New - An animal feeding operation or CAFO, (see definitions), constructed after the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. Operations in existence upon adoption or prior to future amendments may be considered a new operation if the facility is expanded to facilitate an increase of more than three hundred (300) animal units. Any new construction relating to an expansion must comply with the applicable performance standards. The Planning Commission and Board of Adjustment shall have the authority to decrease or waive any standard deemed contradictory to the intent of the zoning ordinance upon review and in accordance with the conditional use and variance process described herein. **(Amended May 19, 2020)**

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units: **(Amended August 19, 2021)**

Cow, feeder, or slaughter beef animal, including cow/calf pairs	1.0 A.U.
Horse	2.0 A.U.
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.
Farrow-to-finish sows	3.7 A.U.
Swine in a production unit	0.47 A.U.
Nursery swine less than 55 pounds	0.1 A.U.
Finisher swine over 55 pounds	0.4 A.U.
Sheep or lambs, goats	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

Apartment - A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Applicant - For purposes of this Ordinance a person shall be deemed to be an applicant if they are the owner of the proposed facility; an officer or director of the owner thereof; or an owner of any interest, direct or indirect, in any company, except a publicly traded company, which is the owner of the proposed development.

Aquaculture - Land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.

Arcade - A place of business where an individual, association, partnership or corporation maintains four or more amusement devices for public use.

Auction Barn - Any premises used predominantly as a livestock auction facility and may include the auction of agriculturally related items on an incidental or accessory basis only. The term may also include a building or structure or lands used for the storage of goods and materials which are to be sold on the premises by public auction, and for the sale of the said goods and materials by public auction and on an occasional basis.

Auction Yard - Any premises used predominantly as an auction pavilion or any area dedicated to consignment auctions or similar activities. A yard may include structures, open, and fenced display areas.

Automobile-Machinery Service Station - Building and premises where motor fuel, oil, grease, batteries, tires, and vehicle accessories may be supplied and dispensed at retail, and where, in addition, customary repair services may be rendered.

Automobile Wrecking Yard - Any premises on which two or more self-propelled vehicles not in running order or operating condition are stored in the open. See also Junkyard and Salvage Yard.

Back-To-Back Sign: An off-site or on-site sign consisting of two sign facings oriented in the opposite direction with not more than one face per side.

Bar - A building or part thereof where, in consideration of payment therefore, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

Basement - A portion of a building with the floor located below the mean grade level. For the purpose of this ordinance, any such basement with more than four (4) feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than four (4) feet above grade level.

Bed and Breakfast - A dwelling occupied by a family and used incidentally to provide accommodation and meals to guests for remuneration, but shall not include a boarding house, residential care facility, hotel, motel, or other similar uses.

Billboard - See Sign, Off-Site.

Board of Adjustment - The Yankton County Commission shall serve as the Board of Adjustment.

Bona fide practitioner-patient relationship” means: (Amended November 4, 2021)

- a. A practitioner and patient have a treatment or consulting relationship, during course of which the practitioner has completed an assessment of the patient’s medical history and current medical condition, including an appropriate in-person physical examination;
- b. The practitioner has consulted with the patient with respect to the patient’s debilitating medical condition; and
- c. The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;

Buildable Area - The portions of a lot remaining after required yards have been provided.

Building - The word "building" includes the word structure and is a structure that is entirely separate from any other structure by space or by walls in which there is no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Building Line, Front - A line parallel to the street, or right-of-way intersecting the foremost point of the building, excluding uncovered steps.

Building Permit - A type of authorization that must be granted by a government or other regulatory body before the construction of a new or expansion of existing building can legally occur. **(Amended August 19, 2021)**

Building Setback Lines - A line parallel or approximately parallel to the lot lines at a specified distance therefrom, marking the minimum distance from the lot line that the building may be erected.

Building Site - A lot or parcel, or portion thereof, whether a lot of record or described by metes and bounds, used or intended to be used as the location of a building for housing one or two families.

Building, Alterations of - Any change or rearrangement of the supporting members (such as bearing walls, beams, columns, or girders) of a building, an addition to a building, or movement of a building from one location to another. See Structural Alterations.

Building, Height of - The vertical distance measured from the average grade of the building level of the highest and lowest elevations of the site covered by the building to the top of the roof or parapet of the highest story.

Building, Principal - A building in which is conducted the main use of the lot on which said building is located.

Bus Depot - A building or premises where commercial motor vehicles pick up and discharge fare-paying, passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

Business Sign - A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed. See also on-site and off-site signs.

Camper - See Travel Trailer.

Campground - Any premises where two (2) or more camping units are parked or placed for camping purposes, or any premises used or set apart for supplying to the public camping space for two (2) or more camping units for camping purposes, which

include any buildings, structures, vehicles or enclosures, uses or intended for use or intended wholly, or in part, for the accommodation of transient campers.

Camping Unit - Any vehicle, tent, trailer or portable shelter used for camping purposes.

Cannabis (or Marijuana) - all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds. The term does not include fiber produced from the mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin when extracted from any part of the plant or cannabidiol in a drug product approved by the United States Food and Drug Administration. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis. **(Amended October 21, 2021)**

Cannabis, Allowable amount - **(Amended November 4, 2021)**

- a. Three ounces of cannabis or less;
- b. A quantity of cannabis products with an equivalent cannabis weight as established by rules promulgated by the department under § 34-20G-72;
- d. If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
- e. If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;

Cannabis Cultivation Facility - a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment. **(Amended October 21, 2021)**

Cannabis Dispensary - a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials. **(Amended October 21, 2021)**

Cannabis Establishment - a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary. **(Amended October 21, 2021)**

Cannabis Establishment, Non-licensed - an entity which would otherwise meet the definition of a cannabis establishment but which is not legally licensed. **(Amended October 21, 2021)**

Cannabis product - any concentrated cannabis, cannabis extracts, and products that are



infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils and tinctures. **(Amended November 4, 2021)**

Cannabis Product Manufacturing Facility - a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary. **(Amended October 21, 2021)**

Cannabis Testing Facility - a legally licensed entity legally authorized to analyze the safety and potency of cannabis. **(Amended October 21, 2021)**

Cardholder - a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card **(Amended November 4, 2021)**

Car Wash - An establishment having facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices. This definition may also include a self-service operation.

Casino - A room or rooms in which legal gaming is conducted.

Cellar - A portion of a building between two floor levels which is partly or wholly underground and which has more than one-half (1/2) of its height, from finished floor to finished ceiling or to the underside of the floor joists of the story next above, as the case may be, below the average finished grade level adjacent the exterior walls of the building.

Cemetery - Land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Church - A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

Clinic - A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, podiatrists, chiropractors, or drugless practitioners, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associate with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club - A building owned, leased, or hired by a non-profit association of persons the use of which is generally restricted to due-paying members and their guests. Such club may periodically be rented, or leased, to non-members for gathering such as weddings, anniversaries, and dances, but no portion of the building shall continuously be used for business purposes.

Common Wall - A wall common to but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof (**Amended October 18, 2022**)

Company - For purposes of this ordinance the term, “company” includes, but is not limited to, any corporation, partnership, limited liability company, limited liability partnership, limited partnership, business trust and any other business entity.

Comprehensive Plan - Any legally adopted part or element of the Yankton County Comprehensive Plan.

Commissioners - the Yankton County Board of County Commissioners (**Amended November 4, 2021**)

Concentrated Animal Feeding Operation (CAFO) - An animal feeding operation that is previously defined meets one or more of the following criteria: (**Amended August 19, 2021**)

1. Contains at least 500 animal units
2. Utilizes a Liquid Manure System (see definitions)
3. Utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device
5. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

Concentrated Animal Feeding Operation (CAFO) Existing - Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. (**Amended August 19, 2021**)

Concentrating Solar thermal Device - CST technologies use mirrors to reflect and concentrate sunlight onto a receiver. The energy from the concentrated sunlight heats a high temperature fluid in the receiver. (**Amended December 19, 2023**)

Conditional Use - A conditional use is a use that would not be appropriate, generally or without restriction, throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as conditional uses, if specific provision for such conditional use is made in this Ordinance.

Congregate Housing - Housing units that provide a semi-independent living environment, which offers residential accommodations, central dining facilities (where at least one (1) meal a day is provided seven (7) days a week), related facilities, and supporting staff and services to persons of at least sixty-two (62) years of age or with disabilities.

Construction Services - A yard, structure, or combination thereof of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

Contiguous - Next to, abutting, or touching and having a boundary, or portion thereof, which is adjoining.

Contractor - The person who contracts with an individual or developer to construct a building on a parcel of land prepared by a developer.

Convenience Store - A retail store in which articles for sale are restricted to gasoline sales and a limited range of food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy. Retail sales may also include the limited sale of magazines, books, house wares, toiletries, bait, alcoholic beverages and tobacco.

Court - Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two or more sides by the walls of a building.

Covenant - An agreement, convention, or promise of two or more parties, by deed in writing, signed and delivered, by which either of the parties pledges himself to the other that something is either done, or shall be done, or shall not be done. The term is currently used primarily with respect to promises in conveyance or other instruments relating to real estate.

Cul-de-sac - A local right-of-way with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic turnaround.

Cultivation facility - an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment. **(Amended November 4, 2021)**

Day Care - The providing of care and supervision of children or adults as a supplement to regular parental or home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

Day Care Center - Any type of group day care programs including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for pre-school children, programs covering after-school care for school children provided such establishment is licensed by the State and conducted in accordance with State requirements.

Day Care, Family - The provision of regular care and supervision of no more than twelve (12) children including the provider's own children who are under the age of

six (6) years for part of a twenty-four (24) hour period as a supplement to regular parental care.

Day Care, Group Family Home - The provision of regular care and supervision of thirteen (13) to twenty (20) children either in the provider's home or in a facility outside the provider's home for part of a twenty-four (24) hour period as a supplement to regular parental care.

Debilitating medical condition – **(Amended November 4, 2021)**

- a. chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
- b. Any other medical condition or its treatment added by the department, as provided for in SDCL 34-20G-26;

Deck - A structure abutting a dwelling with no roof or walls except for visual partitions and railings that is constructed on piers or a foundation above-grade for use as an outdoor living area.

Department - the Department of Health **(Amended November 4, 2021)**

Designated caregiver - a person who: **(Amended November 4, 2021)**

- a. Is at least twenty-one (21) years of age;
- b. Has agreed to assist with a qualifying patient's medical use of cannabis;
- c. Has not been convicted of a disqualifying felony offense; and
- d. Assists no more than five (5) qualifying patients with the medical use of cannabis, unless the designated caregivers' qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed

Developer - The owner of the property being platted or replatted or the person designated by the owner as being responsible for the development of the property. The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this Ordinance. The developer shall also be defined as the builder or contractor if they are responsible for the construction of buildings and/or structures or permanent improvements.

Directional Sign - A sign erected for the convenience of the public, such as directing traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities and bearing no advertising in the message.

Disqualifying felony offense - a violent crime that was classified as a felony in the jurisdiction where the person was convicted. **(Amended November 4, 2021)**



Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

Dormitory - A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

Double Faced Sign - An off-site or on-site sign with two adjacent faces oriented in the same direction and not more than 10-feet apart at the nearest point between the two faces.

Drive-in Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Due Diligence - Such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent man under the particular circumstances; not measured by any absolute standard, but depending on the relevant facts of the special case.

Dwelling - A building or portion of a building designed for residential purposes, including one and two family dwellings, but not including hotels, motels or lodging houses.

Dwelling Unit - A room or suite of rooms designed for and occupied by one family and having not more than one kitchen facility.

Dwelling, Efficiency Unit - A dwelling unit having only one room exclusive of bathroom, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted in a multi-family dwelling.

Dwelling, Multiple Family - A residential building designed for, or occupied by, three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single Family - A detached residential dwelling unit other than a manufactured home designed for or occupied by one (1) family only.

Dwelling, Two Family - A building containing two dwelling units designed exclusively for occupancy by two families living independently of each other.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property. For the purposes of this Ordinance the term shall primarily be used to describe utility access.

Edible cannabis products - any product that: **(Amended November 4, 2021)**

- a. Contains or is infused with cannabis or an extract thereof;
- b. Is intended for human consumption by oral ingestion; and
- c. Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;

Employee(s) - In regard to off right-of-way parking requirements, all who work in the enterprise, including owners.

Enclosed, locked facility - any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation. **(Amended November 4, 2021)**

Exhibition Areas - A building, group of buildings, or place where art, objects, articles, or livestock or agricultural projects are placed on display for the public.

Extraterritorial Zoning Jurisdiction - The area illustrated within the Official Zoning Map of Yankton County as described per Article 1 Section 103 Jurisdiction. **(Amended December 19, 2023)**

Facility - A building, piece of land or any combination thereof owned and operated by the same owner and dedicated to a specific use or uses. The term shall include those operations where indoor and outdoor activities may be conducted in concert and are integral or compliment the operation as a whole. An example may be an automobile dealership with office spaces, a small indoor display area, separate maintenance facility, and an outdoor display area.

Fairground - An agricultural fairground where farm produce is on display for judging and for sale, and livestock shows, horseracing and other sports events are held and on occasion for auctions, flea markets and concession stands.

Family - Any number of individuals living together as a single housekeeping unit, in which not more than five (5) individuals are unrelated by blood, marriage or adoption. This definition shall not include foster families as regulated by the State.

Farm Building - All buildings and structures needed in agricultural operation. **(Amended July 20, 2021)**

Farm Drainage Systems - The term shall include all waterways, ditches, flood control, watershed, and erosion control structures and devices provided each individual system or structure comply with the applicable local, state, and federal regulations.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of more than two (2) persons not residing in the home, which does not

cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel. **(Amended August 19, 2021)**

Farmstead - A place with empirical evidence of a previous farmstead including at a minimum foundations, structures, or a tree belt. For the purposes of this ordinance the Zoning Administrator or Planning Commission shall determine the eligibility of a farmstead as a building site as described within Section 516. **(Amended August 19, 2021)**

Feeder Line - shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system. **(Amended September 3, 2024)**

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Financial Institutions - The premises of a bank, trust, finance, mortgage, or investment company.

Fireworks, Sales - A building, structure, or place where fireworks are sold, pursuant to all applicable state statutes.

Fishery - As defined by South Dakota Administrative Rules, Sections 74:51:02:02 and 74:51:02:03 (January 17, 1999). Yankton County as described in Section 74:51:02:68.

- Lakes Marindahl and Yankton (Section 74:51:02:03(4)) are warm water permanent fish life propagation waters;

- State or Beaver Lake and Westside Kid's Pond (Section 74:51:02:03(6)) are warm water marginal fish life propagation waters.
- The Missouri River (Section 74:51:03:05(1,4,7,8,11)) is a domestic water supply, warm water permanent fish life propagation waters, immersion recreation waters, limited contact recreation waters, and commerce and industry waters.
- James River (Section 74:51:03:20(5,8)) is a warm water semi permanent fish life propagation waters and limited contact recreation waters;
- Beaver Creek, Mud Creek (Section 74:51:03:20(6, 8)), Clay Creek, and Turkey Creek (Section 74:51:03:25(6, 8)) are warm water marginal fish life propagation waters and limited contact recreation waters.

Flammable or Combustible Liquids, or Hazardous Material - Flammable material is any material that will readily ignite from common sources of heat, or that will ignite at a temperature of 600<sup>0</sup> F or less. Flammable liquid is any liquid having a flash point below 100<sup>0</sup>F and having vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100<sup>0</sup>F. Combustible liquid is any liquid having a flash point at or above 100<sup>0</sup>F. Hazardous material includes any flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hyperbolic materials, pyrophoric materials, and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of wetlands, lakes, streams, tributaries, or other water bodies; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - The official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without an accumulative increase in the water surface.

Food Product Processing Facility - A commercial establishment in which food or food-related products are processed, packaged, or otherwise prepared for human consumption but not consumed on the premises.

Footprint – The land area covered or occupied by a building and a facility as defined herein. The term shall also include any land area dedicated to a use such as outdoor storage or any area utilized for storage, display, or livestock confinement as part of or in support of the building or use.

Game Farm - An area of five (5) acres or more, which is used for producing hatchery, raised game and non-domestic animals for sale to private shooting preserves.

Game Lodge - A building or group of detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Gaming Device or Gaming Equipment - Any mechanical contrivance or machine used in connection with gaming or any game.

Gaming or Gambling - The dealing, operating, carrying on, conducting, maintaining, or exposing for pay of any game.

Gaming or Gambling Establishment - Any premises wherein or whereon gaming is done.

Garage - An accessory building or portion of a building including a carport which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garage, Public - A building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as “gasoline stations” or “service stations”.

Gasoline Station - Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning such vehicles.

Golf Course - A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, driving ranges, and miniature golf courses, and similar uses.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Grandfather - For the purposes of this ordinance the term “grandfather” shall be defined as a lay term used to describe structures, land uses, facilities, operations or similar activities in existence prior to adoption of the zoning ordinance. The term is generally applied to uses not allowed or further regulated within the new ordinance. The act or condition of grandfathered is more fully addressed in the nonconforming Article herein.

Greenhouse, Commercial - A building for the growing of flowers, plants, shrubs, trees, and similar vegetation which are not necessarily transplanted outdoors on the



same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

Group Home - See Residential Care Facility.

High voltage transmission line - means a conductor of electric energy and associated facilities. **(Amended September 3, 2024)**

Highway - Every way or place of whatever nature open to the public, as a matter of right, for purposed of vehicular travel, is a highway. The term “highway” shall also include private access easements and roadways.

Home Occupation - A business activity customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal household operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of traffic in excess of that experienced on an average right-of-way of similar design, noise, electrical interference, fumes, odors, etc.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Horticulture Sales - The on-site retail sale of farm produce, floral, fauna, or similar items. The majority of the produce sold shall be seasonal in nature and grown on-site. An exception may be a cooperative venture between numerous producers.

Hospital - An institution devoted primarily to the operation of facilities of the diagnosis, treatment, and cure of disease, illness, injury, or other abnormal physical conditions with provisions for keeping patients overnight.

Hotel - An establishment of transient guests having sleeping rooms without individual cooking facilities for more than six (6) persons for compensation and may or may not provide meals.

Interchange - A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting right-of-ways.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Junkyard - A place where non-recyclable waste, having no economic values, or waste, which is recyclable, but has no chance of being recycled is deposited.

Kennel - Any place where more than twenty (20) dogs, cats, or other domesticated animals of breeding age are housed, groomed, bred, boarded, trained, harbored, kept, or sold for commercial purposes.

Lagoon - Any pond, basin, or other impoundment made by excavation or earthen fill for storage or treatment of human sewage or animal waste.

Landing Strip - A strip of ground used or capable of being used for the landing and take-off of aircraft.

Large Wind Energy Conversion System (LWECS) - shall mean an electrical generating facility producing 50 kW or more and comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid. **Accessory facilities do not include facilities utilized for energy storage. (Amended September 3, 2024)**

Loading Area - A completely off right-of-way, space, or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public right-of-way.

Loading Space, Off Right-of-Way - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off right-of-way loading space is not to be used as off right-of-way parking space in computation of required off right-of-way parking space.

Locker - A meat processing plant and any other facility where meat, poultry or eggs are cooked, cured, smoked, or otherwise processed or packed, provided that all activities are carried out indoors. This term shall not include a delicatessen, stockyard, slaughterhouse, tannery, a poultry killing establishment, an animal food factory, or an animal by-products plant.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public right-of-way, or on an approved private right-of-way, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Coverage - The percent of the area of a lot occupied by buildings, or structures, including accessory building or structures.

Lot Depth - The average horizontal distance between the front and rear lot lines.

Lot Frontage - The portion of the lot nearest the right-of-way; for the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to right-of-ways shall be considered frontage, and yards shall be provided as indicated under "Yards" in this ordinance.

Lot Frontage, Pie Shaped - A lot usually abutting a cul-de-sac. For the purpose of determining frontage, said distance shall be measured perpendicularly to the said lot lines at a point thirty (30) feet from the front line.

Lot Line - The legally defined limits of any lot.

Lot, Corner - A lot situated at the intersection of two (2) right-of-ways, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

Lot, Double Frontage - A lot having frontage on two (2) non-intersecting right-of-ways, as distinguished from a corner lot.

Lot Line, Exterior - The side lot line, which abuts the right-of-way on a corner lot.

Lot Line, Rear - The lot line or point of intersection of the side lot lines farthest from and opposite the front lot line.

Lot Line, Side - A lot line other than a front or rear lot line.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. For the purposes of this Ordinance, a legally transacted parcel prior to adoption may be considered as a lot of record.

Lot Width - The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth or the same distance measured at the front building line.

Lot, Corner - A corner lot is defined as a lot located at the intersection of two (2) or more right-of-ways. A lot abutting on a curved right-of-way(s) shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Interior - An interior lot is defined as a lot other than a corner lot with only one frontage on a right-of-way.

Lot, Through - A through lot is defined as a lot other than a corner lot with frontage on more than one right-of-way. Through lots abutting two right-of-ways may be referred to as double frontage lot.

Lot, Reversed Frontage - A reversed frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner or a through lot.

Main Building – A building in which is conducted the primary or predominant use of the lot on which it is located. **(Added June 21, 2022)**

Major Road Plan - The Transportation Plan in the Yankton County Comprehensive Plan.

**Major Recreational Equipment** - Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**Manufactured Home** - A moveable or portable dwelling which is eight (8) feet or more in width and thirty-two (32) feet or more in length, constructed on a chassis, and which is designed to be towed, designed for year-round occupancy, primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units, separately transportable, but designed to be joined together into one integral unit. Manufactured homes are built according to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Manufactured homes are not mobile homes.

The following shall not be included in this definition:

1. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
2. Manufactured modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing, and heating systems.

**Manufactured Home Park** - A parcel of land under single ownership, which has been planned and improved for the placement of, manufactured homes for non-transient use.

**Manufacturing** - The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

**Manufacturing Light** - The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service. Light manufacturing shall have no more than ten employees.

**Manure System Definitions: (Amended August 19, 2021)**

1. Solid Manure System – Any style of manure not conforming to the definition of “Liquid Manure”. Example systems include floor-raised poultry, deep-bedded housing systems, and dry lots. Vast majority (>90%) of excreted manure will be maintained in form that can be handled with a front-end loader and stacked without seepage under normal operating conditions. Example systems include floor-raised poultry, deep-bedded housing systems, and drylots
2. Liquid Manure System – Vast majority (>90%) of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. Example\_

systems include slatted floor facilities and facilities where manure can be transferred via gravity.

Massage Establishment - Any premises or part thereof where massages are given, offered or solicited in pursuance of a trade or calling, business or occupation provided that the service is rendered by a person duly trained, licensed and registered under the appropriate statute.

Medical use - includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:

**(Amended November 4, 2021)**

- a. The cultivation of cannabis by a nonresident cardholder;
- b. The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the card holder's registry identification card; or
- c. The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility

Meteorological Tower - shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Small or Large Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the South Dakota Department of Transportation, or other applications to monitor weather conditions. **(Amended September 3, 2024)**

Mobile Home - A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Home - A structure or building module that is manufactured at a location other than the site upon which it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This term includes the plumbing, heating, air conditioning, and electrical systems contained within the structure.

Motel - A group of attached or detached buildings on the same lot containing sleeping quarters for rental to transients.

Motor Vehicle Track or Play Area - An area of land utilized for the racing or recreational riding of motor vehicles with or without a defined area or track. The term may include a racetrack with spectators and an established racing affiliation or a day use area utilized by a club, group, or independent individuals. A motor vehicle may



include cars, trucks, motorcycles, all-terrain vehicles or similar items. **(Amended May 19, 2020)**

Museum - A building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.

Navigable Waters - A body of water presently being used or is suitable for use for transportation and commerce, or if it has been so used or was suitable for such use in the past, or if it could be made suitable for such use in the future by reasonable improvements.

Non-Participating – A property that is not a participating property.  
**(Amended September 3, 2024)**

Nonconforming Lot - A lot of record existing on the date of passage of this ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

Nonconforming Structure - A lawful structure which exists on the date of passage of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard setbacks, or other characteristics of the structure.

Nonconforming Use - A land use or building or structure or portion thereof lawfully existing at the effective date of this ordinance or at the time of any amendment thereto, which does not conform to the regulations of the zone in which it is located.

Nonresident cardholder - a person who: **(Amended November 4, 2021)**

- a. Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
- b. Is not a resident of this state or who has been a resident of this state for fewer than forty-five (45) days;
- c. Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and.
- d. Has submitted any documentation required by the department and has received confirmation of registration

Noxious - When used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of

carrying on same, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery, Swine - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size. **(Amended August 19, 2021)**

Nursing Home, Rest Home, Convalescent Home - A place which undertakes through its ownership or management to provide maintenance, personal, or nursing care for three or more persons who by reason of illness, physical deformity, or old age are unable to care for themselves.

Obstruction - Any structure or vegetation that blocks the complete vision of people.

Off-Site Sign - A sign/billboard that advertises goods or services not available at the location of the billboard or advertising sign.

Office - A building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly.

On-Site Sign - A sign identifying an establishment's activities, products or services conducted or available on the property upon which it is located and signs advertising the sale or lease of the property upon which they are located.

Open Sales Area - Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including but not limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft, and monuments.

Outdoor Storage Area - Any open land or area used for the purpose of storage of any product or part of a product either before, during, or after manufacturing, servicing, or repairing and not displayed for retail sale. This does not include open sales areas.

Owner - The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided.

Ownership Line - A line defining ownership of property under one owner of record.

Parcel - A legally defined piece of property including a platted lot, legally described portion, or similarly described piece of property primarily used as an identifier within taxation.

Park - An area consisting largely of open space, which may include a recreational area, playground, or similar use but shall not include a mobile home park, a campground or trailer park.

Parking Space - An off right-of-way space available for parking of a motor vehicle and which is held to be an area for dimension of which are ten (10) feet by twenty (20) feet or which covers two hundred (200) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto. Off right-of-way parking shall be on or adjacent to the property on which the principal use is located.

Parking Space, Off Right-of-Way - For the purposes of this ordinance, an off right-of-way parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a right-of-way and maneuvering room. Required off right-of-way parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any right-of-way, and so that any automobile may be parked and un-parked without moving another. For purposes of rough computation, an off right-of-way parking space and necessary access and maneuvering may be estimated at three hundred (300) square feet, but off right-of-way parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the County.

Participating – A property that is a host property to a project or a property that is subject of an agreement that provides for the payment of monetary compensation to the landowner regardless of whether any part of the project is constructed on the property and specifies in writing any waiver of a requirement or right under this ordinance and the landowner's acceptance of payment establishes the landowner's property as a participating property. **(Amended September 3, 2024)**

Pawnshop - An establishment where money is loaned on the security of personal property pledged in the keeping of the pawnbroker.

Performance Standards –

Criterion established for the purposes of:

1. Assigning proposed land uses to proper districts; and
2. Controlling noise, odor, glare, smoke, toxic matter, aesthetics, vibration, fire/explosive hazards generated by, or inherent in, uses of land or buildings.

Permitted Use - A use by right, which is specifically authorized in a particular zoning district.

Permitted Special Use - A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use. **(Amended August 19, 2021)**

Person - Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Places of Assembly - Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.

Place of worship - a structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a place of worship by reason of design, signs, or architectural or other features. **(Amended November 4, 2021)**

Plat - a map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including roads, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Planning Commission - The Planning Commission of Yankton County. The term Planning Commission shall be synonymous with Planning and Zoning Commission and Commission, but shall not include Board of Adjustment or Zoning Board.

Planning Official: The Planning (Zoning) Administrator and his/her designee charged with the administration and enforcement of the Yankton County Zoning Ordinance.

Plaza - A public square or similar open area.

Portable Processing Plant - Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

Practitioner - a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence. **(Amended November 4, 2021)**

Principal Use - The main use of land or structures as distinguished from a secondary or accessory use.

Private Recreation Area - Any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private individual(s), club or fraternal organization for members only, and may include therein one or more of the following activities: swimming, boat facilities, picnic area, tennis courts, outdoor skating rinks, athletic fields, walking, riding and cross-country

skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game and/or larger game is released for the purpose of hunting, for a fee, over an extended season.

Property Line - The division between two parcels of land, or between a parcel of land and the right-of-way.

Public - Promotion of a public cause or service, including utilities having a franchise from Yankton County or other governmental entity, but excluding other for-profit organizations.

Public Building - Any building which is owned, leased, primarily used, and/or primarily occupied by a school district or municipal, county, state, or federal government, or any subdivision or agency of the school district, municipal, county, state, or federal government.

Publicly Traded Company - For purposes of this Ordinance a “publicly traded company” means a company, the shares or other interests in which are regularly traded on the New York Stock Exchange, the American Stock Exchange, NASDAQ or similar recognized security market.

Qualifying patient - a person who has been diagnosed by a practitioner as having a debilitation medical condition. **(Amended November 4, 2021)**

Quarry - A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial, or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Recreational Equipment - The term recreational equipment shall include boats and boat trailers, jet skis, snowmobiles, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Recycling Center - A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Registry identification card - a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to SDCL 34-



20G-29 to SDCL 34-20G-42 inclusive. **(Amended November 4, 2021)**

Remote Fuel Depots - A structure, usually unmanned, that is used for the sale of gasoline, diesel, or other motor vehicle fuel.

Rent-All Shop - A building or part of a building where residential and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

Repair Shop, Auto Body - A general industrial establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include a motor vehicle repair shop, an impounding yard, an automobile service station or a gas station.

Repair Shop, Motor Vehicle - A service commercial or general industrial establishment for the repair or replacement of parts in a motor vehicle and without limiting the generality of the foregoing, shocks, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an auto body repair shop, an impounding yard, an automobile service station or a gas station.

Residential Care Facility - A family home, group care facility, or similar facility for twenty-four (24) hour non-medical care of persons in need of personal services, supervision or assistance for sustaining the activities of daily living or for the protection of the individual.

Restaurant - A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.

Restaurant, Drive-In - A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to eat either off the premises or within automobiles parked on the premises.

Restaurant, In-House - A private business establishment consisting of a kitchen, with or without a dining room, whose primary purpose is to prepare and serve food to be eaten by employees of the principal employer. For the purposes of this ordinance, the term "cafeteria" shall be synonymous with "Restaurant, In-House."

Rest Home - See Nursing Homes.

Retail Sales - A building where goods, wares, merchandise, substances, articles, or items are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles, or items sufficient only to service such store.

Retail Store - A building where goods, wares, merchandise, substances, articles or items are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or items sufficient only to service such store.

Retaining Wall - A structure constructed to hold back or support an earthen bank.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

Right-of-Way; ROW - An area of land that is legally described in a registered deed for the provision of public access within which there is usually a road or street. The term right-of-way shall include any defined access route or point including but not limited to public and private accesses, road easements, streets, roads, and drives other than a private drive serving a single owner.

Right-of-Way Line - A dividing line between a lot, tract, or parcel of land and the public right-of-way.

Roadside Stand - A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises, bait, and other approved products.

Rodeo Grounds - A building or place where rodeo events such as roping and riding are done for practice or competition.

Rotor Diameter - shall mean the diameter of the circle described by the moving rotor blades. **(Amended September 3, 2024)**

Row of Trees - Ten (10) or more trees planted in a line, separated by a distance of forty (40) feet or less.

Running Gear - The parts which allow a manufactured home to be mobile including the tires, wheels, axles, running lights, and hitch. This definition shall include all mobility items exclusive of the parts of the chassis that make up the structural integrity of the manufactured home.

Salvage Yard - The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of lot, or tract of land for the sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Satellite Dish/Receiver - A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish or cone designed and used for the reception of television signals related back to earth from a terrestrially and/or orbital based communications satellite.

School, Boarding - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or

secondary schools, accredited by the State of South Dakota and provides room and board for its students; but excluding private trade or commercial schools. “Day Care Centers” as herein defined, shall not be considered schools as applicable to this definition.

School, Denominational or Private - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools and accredited by the State of South Dakota; but excluding private trade or commercial schools. “Day Care Centers” as herein defined, shall not be considered schools as applicable to this definition.

School, Public - A school under the sponsorship of a public agency providing elementary or secondary curriculum, and accredited by the State of South Dakota; but excluding private trade or commercial schools.

School, Trade or Commercial - An establishment other than an accredited or licensed public, private or denominational school, offering training or instruction in art, occupation or trade.

Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively screen the property which it encloses, and is broken only by access drives and walks.

Secondhand Shop - The use of land or building or structure or part thereof where used goods, wares, merchandise, substances, or articles are offered or kept for sale but shall not include a pawnshop.

Security Dwelling Unit - A building or portion thereof designed for occupancy by a security employee.

Self-Storage Warehouse - A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Semi-Portable Agricultural Structures - Anything that requires placement on the ground for agriculture related purposes. Semi-portable agricultural structures include, but are not limited to, feed bunks, calving, lambing, or farrowing sheds, and temporary grain storage facilities.

Services - Establishments, primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and other lodging places, establishments providing personal business, repair, and amusement services, health, legal, engineering, and other professional services, educational institutions, membership organizations, and other miscellaneous services.

Service Establishment - Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and other lodging places, establishments providing personal business, repair, and amusement services, health, legal, engineering, and other professional

services, educational institutions, membership organizations and other miscellaneous services.

Setback - The minimum horizontal distance from a lot line, to a wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such lot lines.

Shared Wall Structure – A structure that contains two (2) or more units that share common walls (known as party walls). Shared wall structures include: dwellings two family, dwellings multiple families, residential and commercial buildings. **(Amended October 18, 2022)**

Shelterbelt - Five or more rows of trees and/or shrubs that reduce erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of two or more rows of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Side Wall - The measurement from the highest point of the finished floor at grade to the height of the highest point of wall framing.

Sight Triangle - See “Traffic Visibility Triangle”.

Signs/Billboards - Any sign defined in this ordinance which displays or conveys any identification, description, illustration, or device illuminated or non-illuminated, which directs attention to a product, service, business activity, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays.

Sign Structure - The sign face and support members that are permanently affixed to the ground or attached to a structure.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification or premises not having commercial connotations;
2. Flags and insignias of any government, except when displayed in connection with commercial promotion;
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural feature of buildings, except letters, trademarks, moving parts, or moving lights; and
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Banner - A temporary sign, which has a maximum area of twelve (12) square feet, composed of lightweight material either enclosed or not in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere (i.e., pennants, twirling signs, balloon, or other gas-filled figures, ribbons, or other similar moving devices) and intended to be displayed for a limited period of time.

Sign, Bulletin Board - An exterior sign, which has a maximum area of thirty-five (35) square feet, used by public, charitable, and religious institutions for the purpose of informing the public about activities of their organization.

Sign, Directional Off-Site - An exterior sign that is generally informational, that has a purpose secondary to the use of the primary use on a property that is not adjacent to the property on which the directional off-site sign exists. Said sign shall include only those signs placed by a political subdivision and shall include those signs standardized by the South Dakota Department of Transportation.

Sign, Directional On-Site - An exterior sign that is generally informational, that has a purpose secondary to the use of the property on which it is located, such as “no parking,” “entrance,” and “loading only.” Said sign shall conform to standards adopted or approved by the regulating public agency.

Sign, Easement and Utility - An exterior sign, which has a maximum area of five (5) square feet, used to identify the location of easements, property lines, utilities, hazards, or otherwise providing notice of restrictions on public access.

Sign, Exterior On-site - An exterior sign relating in subject to the premises upon which it is located, or to products, accommodations, services, or activities on the premises. Exterior on-site signs do not include signs erected by outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards, which are off-site signs.

Sign Facing - That portion of a sign structure upon which advertising is affixed or painted and visible in one direction at one time.

Sign, Flag - Any fabric or bunting containing distinctive colors, patterns, or symbols, which has a maximum area of twenty (20) square feet and is used as a symbol of government, political subdivision, or other entity.

Sign, Ground and Monument - An exterior sign permanently attached to the ground to identify churches, schools, institutional, and public uses. Said sign may also identify a specific neighborhood by displaying the name of the tract. Ground and monument signs:

1. Are generally constructed of concrete or other masonry material;
2. Shall not exceed twenty (20) feet in height above the mean right-of-way centerline or grade;
3. Shall meet a minimum of one-half ( $\frac{1}{2}$ ) of the yard requirements for the district in which it is located; and
4. Shall not exceed one hundred (100) square feet on one (1) side or two hundred (200) square feet on all sides of any one (1) premise.

Sign, Mounted Wall - A sign, which has a maximum area of one hundred (100) square feet, that is attached to or erected against a wall of a building and shall project no more than twelve (12) inches from the wall of the building. Said sign is intended to be read from directly in front of the face of the building.

Sign, Name and Address Plate - A sign, which has a maximum area of two (2) square feet, that is affixed to the side of a building informing the public as to the residents, occupation, and/or address of the building.

Sign, Off-Site - A sign other than an on-site sign. Off-site signs are conventionally known as billboards regardless of size.

Sign, Portable - Any sign, which has a maximum area of twenty (20) square feet, not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs. Signs attached to or painted on vehicles parked and visible from the public right-of-way shall not be included in this definition and shall be prohibited unless said vehicle is used in normal day-to-day operations of the business. Said sign is intended to be displayed for a limited period of time.

Sign, Projecting - Any sign, which has a maximum area of one hundred (100) square feet, that is affixed to a building or wall in such a manner that its face is perpendicular to the face of the building and the sign extends more than twelve (12) inches beyond the surface of such building or wall.

Sign, Real Estate - An exterior sign for the purpose of advertising the sale, rental, lease of real property. Said sign is located on the premises for sale, rental, or lease and shall be of a temporary nature and shall have a maximum area of four (4) square feet except in the Commercial, Highway Commercial, or Industrial Districts where the maximum area shall be thirty-two (32) square feet.

Sign, Roof - Any sign, which has maximum area of three hundred (300) square feet that is erected upon, against, or directly above a roof or on top of the parapet of a building.

Small Wind Energy Conversion System - shall mean a wind energy conversion system consisting of a Horizontal-Axis Wind Turbine (HAWT), a Vertical-Axis Wind Turbine (VAWT), which may include a tower, and associated control or conversion electronics, which has a rated capacity of less than 50 kWh and which is primarily intended to reduce on-site consumption of utility power. **(Amended September 3, 2024)**

Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. **(Amended December 19, 2023)**

Solar Energy Conversion System – Solar energy conversion systems are any combination of solar panels on a parcel of property **(Amended December 19, 2023)**



Start of construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.  
**(Amended August 19, 2021)**

Street - A right-of-way established by a recorded plat to provide the primary means of access to abutting property. The term shall also include the term “road” or other similar means of conveyance or access.

Street Line - The right-of-way line of a street.

Street, Arterial - A public street or highway intended to be used primarily for fast or heavy through traffic.

Structure - Anything constructed or erected which requires location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include, but are not limited to, buildings and manufactured homes. This definition does not include semi-portable agricultural structures.

Structural Alterations - Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles. See Building, Alterations of.

Substations - shall mean any electrical facility to convert electricity to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines.  
**(Amended September 3, 2024)**

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Tank Farm - A facility having two or more storage containers for the transfer of inorganic liquids or gases and from which wholesale sales of fuel to the public is or may be conducted.

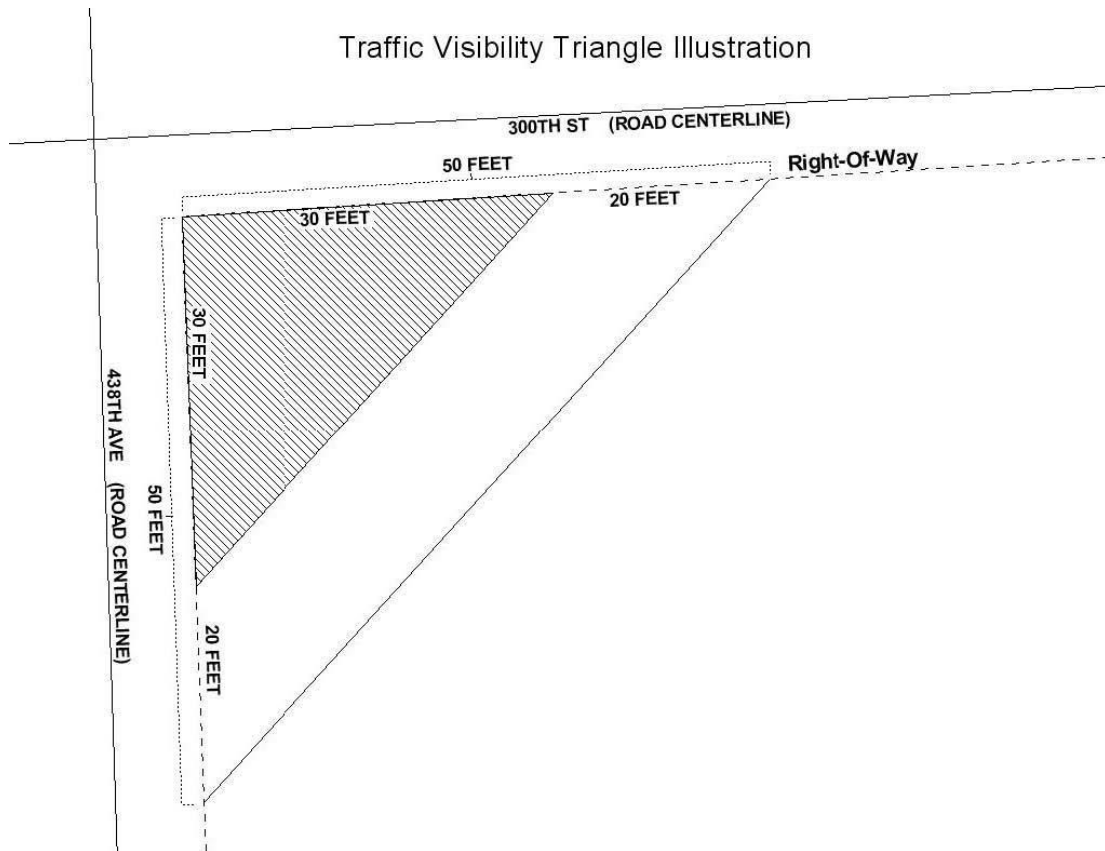
Temporary Construction Facilities - Parcels of land or structures where construction or mining support facilities are constructed or placed at or near a job site to provide materials and support mechanisms for construction or mining projects. The term shall include but is not limited to portable offices, signage, trailers, stationary and mobile equipment, and scales. Common uses include portable concrete, processing, or asphalt plants, job site trailers, and areas for equipment parking, material storage or stockpiling. The term temporary shall be flexible yet is generally tied to a related construction project with defined start-up and completion times.

Temporary Signs - Signs and sign structures that are temporary in nature used in conjunction with a specific event, that are placed or erected in such a manner to be easily removed from the property and are not permanently affixed. All political signs shall be considered temporary signs. Temporary signs shall not exceed 32 square feet in size.

Thrift Shop - A shop operated by a charitable organization, which sells, donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.

Tower - A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for governmental dispatch communications.

Traffic Visibility Triangle - The triangular space formed by the right-of-way lines of a corner lot and driveways with a line drawn from a point in one right-of-way line to a point in the other right-of-way line, each such point being thirty (30) feet from the point of intersection of the right-of-way lines (measured along the right-of-ways lines). Where the two (2) right-of-way lines do not intersect at a point, the point of intersection of the right-of-way lines shall be deemed to be the intersection of the projection of the right-of-way lines or the intersection of the tangents to the right-of-way lines. In the case of arterial highways intersecting with other arterial highways or railways, the distances establishing the sight triangle shall be increased to fifty (50) feet.



Trailer Park - This definition shall include the following existing trailer courts or parks:

1. Country Acres, legally described as LT C exc LTS H2 & all LT D lane's S/D;
2. Country Liven', legally described as Lot A NE4 SW4 10-93-55;
3. Country View, legally described as LT A & S2 LT B & W30' N2 NE4 NE4 16-93-55;
4. Sunrise, legally described as Parcel C LT 2 NE4 less LTS H1 & H2 16-93-55;
5. Hansen's Court, legally described as LT D N2 NE4 NE4 less Lot H1 16-93-55;
6. Lakeside Court, legally described as Lakeside SE4 SE4 (10.66 A) 16-93-56;
7. Crosley Court, legally described as Lot 4 truck/trailer S/D 15-93-55;
8. Blue Shak Rentals, legally described as Vera Van Epps Add'n exc Lot H1 & H2 SW4 NW4 (2.47 a) 3-93-55;
9. Marquardts Trail Acres, legally described as Lots 2-4 trail acres Lot G of Gov LT 1 1- 93-55;
10. Lakeview, legally described as LTS F1 & F2 Fitzgerald Park & E6' W150' orig. Fitzgerald Park 17-93-56;

11. Black Walnut, legally described as N2 N2 NE4 exc Parcels 17-93-56;
12. Shreve's, legally described as Parcel A LT 5 NW4 SE4 3-93-55;
13. Eastwinds, legally described as Blk 1 Edna's Add'n & Par A W2 SW4 SE4 10-93-55;
14. Country Manor Estates, legally described as LT 2, ex W170' & NW4 NW4 exc E417.4' & S417.4' W482.2' S220' N578.7' & Parcel C exc W170' NW4 NW4 16-93-55; and
15. Larson's Landing, legally described as E2 LT 2 Shore Acres 27-93-56.

Transmission Line - shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers. **(Amended September 3, 2024)**

Travel Trailer - A moveable vehicle with wheels designed or used as living and sleeping quarters or for recreation or business purposes, and such vehicles that have not had the wheels removed. Including campers, recreation vehicles, and trailer coaches.

Truck or Equipment Terminal - A building, structure or place where six (6) or more commercially licensed trucks are rented, leased, kept for hire, stored, or parked for compensation, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include warehouse space.

Use - Use shall mean the purpose for which a lot or a building or structure, or any portion thereof, is designed, arranged, intended, occupies, or maintained, and "used" shall have a corresponding meaning.

Utility - shall mean any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipality utility. **(Amended September 3, 2024)**

Utility Facilities - Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, a private citizen, or any entity defined as a public utility for any purpose and used in connection with the production or generation., transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. **(Amended August 19, 2021)**

Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for area and size of structure or

size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district or because of conditions created by the landowner.

**Veterinary Clinic** - A building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. No outside runs, pens, or facilities shall be permitted.

**Veterinary Service** - Shall be defined as a veterinary clinic except that outside pens and runs are allowed.

**Video Rental Shop** - The use of land, building or structure for the purpose of renting video cassette recorders and/or video disc players and/or the rental of video tapes and/or discs.

**Vision Clearance** - An unoccupied triangular space at the intersection of right-of-ways with other right-of-ways or at the intersection of right-of-ways with railroads. See Traffic Visibility Triangle.

**Warehouse** - A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

**WECS Total Height** - shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Small or Large Wind Energy Conversion System. **(Amended September 3, 2024)**

**WECS Tower** - shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment of the Small or Large Wind Energy Conversion System. **(Amended September 3, 2024)**

**Wholesale** - The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business even if the said trade of business is the consumer or end user of the commodity.

**Wind Turbines** - shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind. **(Amended September 3, 2024)**

**Windbreak** - Any non-opaque manmade structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

**Written certification** - a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or

palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition. **(Amended November 4, 2021)**

Yard - An open space at grade, other than a court or plaza, between a structure and the adjacent lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

Yard, Front - An open, unoccupied space on a lot facing a right-of-way and extending across the front of the lot between the side lot lines; measured from the road right-of-way to the structure.

Yard, Rear - An open, unoccupied space extending across the rear of a lot from one side lot line to the other side lot line.

Yard, Side - An open, unoccupied space on the same lot with a building situated between the building and sideline of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a sideline.

Zero Lot-Line – A common lot line on which a wall of a structure may be constructed. **(Amended October 18, 2022)**

Zero Lot-Line Structure – A multi-family dwelling located on a single lot line that is (a) constructed as one (1) unit, (b) but is intended to be sold as separate sites and (c) otherwise meets all requirements of the zone in which it is located. **(Amended October 18, 2022)**

Zone - An area within which, in accordance with the provisions of this Ordinance, certain uses of lands, buildings, and structures are permitted and certain others are prohibited, where yards and other open spaces are required, where lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone and district in which they apply.

Zoning Administrator - An official of the County appointed by the Chairman and confirmed by the County Commission, charged with the responsibility of administering this ordinance.



## ARTICLE 5

### AGRICULTURAL DISTRICT (AG)

#### Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

#### Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG): **(Amended August 19, 2021)**

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Farms, ranches or orchards as defined herein;
5. Farm buildings;
6. Historic sites;
7. Horticulture;
- ~~8. Utility facilities; and~~
9. Veterinary services.
10. Cannabis Cultivation Facility
11. Cannabis Dispensary
12. Cannabis Product Manufacturing Facility
13. Cannabis Testing Facility
14. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural

District (AG): **(Amended June 21, 2022)**

1. Accessory structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;
12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate;
16. Stock dams; and

**Section 506 Permitted Special Uses (Amended August 19, 2021)**

1. Dwellings, single family including modular homes pursuant to Section 516
2. Dwellings, two-family pursuant to Section 516
3. Dwellings, additional farm dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3);
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over current operation size if the operation exists on an

occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2). All DANR requirements must be met.

7. Agribusinesses are allowed on lots no smaller than five (5) acres. A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.

**Section 507 Conditional Uses (Amended August 19, 2021)**

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. Agricultural, fertilizer, and chemical sales and applications;
2. Agricultural product processing facilities;
3. Aquaculture;
4. Auction yards and barns;
5. Bars;
6. Bed and breakfast operations;
7. Buying stations;
8. Churches;
9. Concentrated Animal Feeding Operations and Concentrated Animal Feeding Operation expansion over 25% of current operation size.
10. Construction services;
11. Day cares, group family home;
12. Exhibition areas;
13. Fairgrounds;
14. Fireworks sales;
15. Game farms;
16. Game lodges;
17. Golf courses;

18. Grain elevators;
19. Indoor shooting/archery ranges;
20. Kennels;
21. Landing Strips;
22. Manufacturing, light;
23. Motor vehicle tracks or play areas;
24. Manure irrigation;
25. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
26. Open sales areas;
27. Outdoor shooting/archery ranges;
28. Parks;
29. Portable processing plants;
30. Private recreation areas;
31. Private shooting preserves;
32. Quarries, pursuant to Section 1515;
33. Remote fuel depots;
34. Repair shops, auto-body;
35. Repair shops, motor vehicle and equipment;
36. Riding stables;
37. Rodeo arenas;
38. Salvage yards;
39. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
40. Solar Energy Conversion Systems (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29. **(Amended December 19, 2023)**
41. Spreading, injection, or other application of manure or animal waste generated

from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);

42. Temporary construction facilities; **(Amended December 19, 2023)**
43. Towers, pursuant to Article 25 & Article 26;
44. Wildlife and game production areas; and
45. Wind energy systems, pursuant to Article 26.

#### **46. Utility Facilities**

### Section 509 Classification of Unlisted Uses

In order to ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5). **(Amended August 19, 2021)**

### Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

### Section 513 Minimum Lot Requirements **(Amended August 19, 2021)**

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.
5. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

**Section 515 Minimum Yard Requirements (Amended August 19, 2021)**

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of fifty (50) feet;
2. There shall be a rear yard of not less than a depth of fifty (50) feet;
3. There shall be two (2) side yards, each of which shall not be less than fifty (50) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Agriculture and Natural Resources regulations.
6. Non-conforming lots of record that are allowed to develop must meet the following setbacks: All allowable uses 50' Minimum Front Yard, 10' Minimum Side Yard and 50' Minimum Rear Yard. **(Added June 21, 2022)**

	Lot Size	Min. Front Yard	Min. Side Yard	Rear Yard
Single Family Dwelling	Under 20 Acres	50'	10'	50'
Other Allowable Use	Under 20 Acres	50'	10'	50'

**Section 516 New Residence Requirements (Amended August 19, 2021)**

The requirements herein apply to all new residences including but not limited to single family dwellings, two family dwellings, and modular homes.

1. Any new residence must acknowledge that any AFO and/or CAFO operation located within 1.5 miles of the new residence and that is operating at the time of the issuance of the new residence's building permit may expand in the future without regard to setbacks from this new residence. Setbacks for already established residences still apply to expansion of these AFO and/or CAFO operations. This acknowledgement shall be attached to the building permit and include:
  - a. A specific list of all operators of the AFO and/or CAFO operations



- which are allowed to expand without regard to this residence as noted above;
- b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.
  - c. Be signed by the building permit applicant; and
  - d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
  3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

#### Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. No perennial vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials. **(Amended August 19, 2021)**

#### Section 519 Concentrated Animal Feeding Operation Performance Standards (Amended August 19, 2021)

1. **Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a Concentrated Animal Feeding Operation Conditional Use Permit:

- a. **Site description information:**

- i. The owners', managers', management company's or similar entities' name, address and telephone number.
- ii. A legal description of the site and proposed 911 address for the location.
- iii. The type and number of animals to be housed at the site.
- iv. Site diagram of all existing and proposed buildings and structures.
- v. Information on ability to meet designated setback requirements (Section 519(2)), including maps showing measured distances.
- vi. Information on the types of soils at the site, and whether there are any shallow aquifers and/or 100-year floodplain designations at or within one half mile of the proposed site.
- vii. Provide a Farm Service Agency wetland map.
- viii. Test boring location and test boring results *may* be required. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings shall be followed.

- b. **A facility management plan shall include:**

- i. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. Temporary dead animal storage or disposal sites shall be a screened substantially built fence to hold up to removal and prevent scavenging, and ~~or~~ located out of site from neighboring dwellings and the adjacent right-of-way.
- ii. The methods utilized to control pests and flies.
- iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
- iv. A review of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor reduction technologies. Applicant shall identify which practices will be utilized, subject to approval of Planning Commission and Board of Adjustment.
- v. A storm water management plan shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor

production.

- vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP
- c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:
  - i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
  - ii. A state general permit is required if any of the following situations are met.
    - 1 Any CAFO greater than or equal to 1000 animal units.
    - 2 A general permit is required by the South Dakota Department of Environment and Natural Resources.
    - 3 A general permit is required by Yankton County as a condition of approval.
    - 4 The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources First Occurrence of Aquifer Materials in Yankton County, SD (Refer to South Dakota Department of Agriculture and Natural Resources).
  - iii. Proposed maintenance of waste facilities.
  - iv. Number and size of containment areas.
  - v. Timeframe for removal of manure from storage containment.
  - vi. Land application process and/or methods (surface, injection, etc.).
  - vii. Legal description and map, including documented proof of area to be utilized for manure application.
  - viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
- d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.
- e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information or conditions reasonably related to a concentrated animal feeding operation not contained in these regulations

2. **Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe. The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<b><u>Facility Setback Chart (Feet)</u></b>		
Class	A	B
Animal Units	500 to 10,000	200 to 499
<b><i>Solid Manure System*</i></b>		
Residence other than owner, active church, business, schools	1.98 feet per A.U. (minimum 1,320) (maximum 1.5 miles)	1,320
Municipalities	2.2 feet per A.U. (minimum 2,640) (maximum 1.5 miles)	2,640
<b><i>Liquid Manure System*</i></b>		
Residence other than owner, active church, business, schools	2.64 feet per A.U. (minimum 1,320) (maximum 1.5 miles)	1,320
Municipalities	2.64 feet per A.U. (minimum 2,640) (maximum 1.5 miles)	2,640
<b><i>Any Style Manure System</i></b>		
Public wells	1,000	1,000
Private well	250	250
Private well (operator's)	150	150
Lakes, rivers and streams	660	660
Right-of-way line	330	330
Property line delineating a change in ownership	660	660
100 year flood plain	PROHIBITED	PROHIBITED

\*Operations that utilize both solid and liquid manure have a blended setback, taking into account setback distances proportional to the number of animal units of each style of manure. Example: An operation w/1000 dry lot beef cattle and 940 AU's of finishing swine would have a setback of (1000 AU x 1.98ft.) + (940 AU x 2.64 ft.) = 4462'

3. **Manure application.** New Animal Feeding Operations and waste facilities shall comply to the following:

- a. A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
- b. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.
- c. All liquid manure shall be injected to provide for better agronomic benefits, to reduce the potential for runoff, and to minimize odor. Liquid manure may be surface applied if approved by the Department of Natural Resources for emergency discharge only. Documentation of this approval shall be maintained by the operator and be available upon request by the Planning Department.
- d. If irrigation is used for dewatering a lagoon (gray water) basin, these rules apply:
  - i. Must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.
  - ii. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.
  - iii. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
  - iv. No irrigation shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.
  - v. No irrigation over FSA designated wetlands.
  - vi. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
- e. Manure should not be applied over frozen or snow covered ground.
- f. No pipes or drag lines may be permanently installed in the public right-of-way.
- g. The producer, or agent acting on behalf of the producer, shall inspect the land application equipment, land application sites and irrigation equipment, if used, on a daily basis while land application of process wastewater or manure is occurring. This inspection is to ensure that the land application equipment is not leaking and runoff from the land application site is not occurring. If a discharge or leak is found where process wastewater or manure is reaching any surface waters of the state, flowing onto property not owned by the producer, or not included in the nutrient management plan, the producer is responsible for taking immediate steps to stop the discharge or leak and report the leak to the county zoning office, state DENR and the affected landowner. The producer shall keep documentation of these inspections so the Zoning Administrator can review them upon request or during an inspection
- h. A notification section should be formulated by the applicant. It should be a reasonable attempt to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process should be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer

seasons should be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

<b>Manure Application Setback Chart</b>			
	<b>Injection or Incorporated within 24 hours</b>	<b>Surface Applied</b>	<b>Irrigated</b>
Public wells (feet)	1,000	1,000	1,000
Private wells (feet)	250	250	250
Private wells (operator's) (feet)	150	150	150
Lakes, rivers and streams (public drinking supply) (feet)	1,000	1,000	1,000
Lakes, rivers and streams (fisheries) (feet)	250	660	660
All public road right- of-ways (feet)	10	10	100
Municipalities (feet)	660	1,000	2,640
Residence other than operator's (feet)	100	330	750

Section 520 Conditional Use Permit for an Animal Feeding Operation Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering. **(Amended August 19, 2021)**

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility if the Applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the Applicant to any other person or entity within five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.



Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

## ARTICLE 6

### LOW DENSITY RURAL RESIDENTIAL DISTRICT (R1)

#### Section 601     Intent

The intent of Low Density Rural Residential Districts (R1) is to provide for residential uses of larger lots and other compatible uses in a pleasant and stable environment.

#### Section 603     Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Low Density Rural Residential District (R1):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes;(Amended December 19, 2023)
- ~~6. Utility facilities. and (Amended December 19, 2023)~~
7. Solar Energy Conversion Systems (SECS) under 50 Kilowatts alternating current (AC) (Amended December 19, 2023)

#### Section 605     Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Low Density Rural Residential District (R1):

1. An aggregate maximum total floor area of 4,000 square foot accessory building or buildings. Side wall height shall not exceed sixteen (16) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing. (Amended May 19, 2020)
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;

6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

#### Section 607 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Low Density Rural Residential District (R1): **(Amended June 21, 2022)**

1. Accessory agricultural structures;
2. Bed and breakfasts;
3. Campgrounds;
4. Cemeteries;
5. Home based sales;
6. Greenhouses;
7. Golf courses;
8. Hobby farms;
9. Horticultural sales;
10. Kennels;
11. Manufactured homes, pursuant to Section 1507;
12. Manufacturing, light;
13. Parks;
14. Signs, off-site;

~~15.~~ Towers; ~~and~~

~~16.~~ One Accessory Structure exceeding 4,000 square feet or Accessory Structures with an aggregate maximum total floor area exceeding 4,000 square feet and/or exceeding a sidewall height of sixteen (16) feet ~~and .-(Amended May-19, 2020)~~

17. Utility Facilities

Section 609 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Low Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 611 Prohibited Uses and Structures

All uses and structures, which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 609, shall be prohibited.

Section 613 Minimum Lot Requirements

1. The minimum lot area shall be five (5) acres; and
2. The minimum lot width shall be two hundred (200) feet.

Section 615 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting a arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet; and
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 617      Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning

Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

## ARTICLE 7

### MODERATE DENSITY RURAL RESIDENTIAL DISTRICT (R2)

#### Section 701 Intent

The intent of Moderate Density Rural Residential Districts (R2) is to provide for residential uses of moderate lots and other compatible uses in a pleasant and stable environment.

#### Section 703 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Moderate Density Rural Residential District (R2):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes; (**Amended December 19, 2023**)
- ~~6. Utility facilities, and (**Amended December 19, 2023**)~~
7. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). ( **Amended December 19, 2023**)

#### Section 705 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Moderate Density Rural Residential District (R2):

1. An aggregate maximum total floor area of 2,400 square foot accessory structure or structures. Side wall height shall not exceed fourteen (14) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing. (**Amended May 19, 2020**)
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;

6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

#### Section 707 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Moderate Density Rural Residential District (R2): **(Amended June 21, 2022)**

1. Bed and breakfasts;
2. Campgrounds, pursuant to 1521;
3. Churches;
4. Day cares, group family home;
5. Dwellings, multi-family;
6. Dwellings, two family;
7. Manufactured homes, pursuant to Section 1507;
8. Parks;
9. Schools, public;
10. Signs, off-site;

~~11. Towers; and~~

~~12. One Accessory Structure exceeding 2,400 square feet or Accessory Structures with an aggregate maximum total floor area exceeding 2,400 square feet and/or exceeding a sidewall height of fourteen (14) feet and - (Amended- May 19, 2020)~~

**13. Utility Facilities**

#### Section 709 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Moderate Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.



Section 711 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 709 shall be prohibited.

Section 713 Minimum Lot Requirements

1. The minimum lot area shall be ~~one (1) acre or~~ forty thousand (40,000) square feet;
2. The minimum lot area for multi-family dwellings in areas of two (2) units shall be one (1) acre or forty thousand (40,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and
3. The minimum lot width shall be one hundred (100) feet.

Section 715     Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting a arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 717     Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. ~~2.~~ Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning

Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

## ARTICLE 8

### HIGH DENSITY RURAL RESIDENTIAL DISTRICT (R3)

#### Section 801    Intent

The intent of High Density Rural Residential Districts (R3) is to provide existing concentrated residential subdivisions as recorded with the Register of Deeds and other compatible uses a pleasant and stable environment. Yet, not allow an extension of these areas beyond their respective boundaries as recorded at the time of zoning ordinance adoption.

#### Section 803    Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a High Density Rural Residential Districts (R3): **(Amended June 21, 2022)**

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes;
- ~~6. Utility facilities; and (Amended December 19, 2023)~~
7. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 805    Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a High Density Rural Residential Districts (R3):

1. An aggregate maximum total floor area of 1,600 square foot accessory structure or structures. Side wall height shall not exceed twelve (12) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing. **(Amended May 19, 2020)**
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;

6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

#### Section 807 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a High Density Rural Residential Districts (R3): **(Amended June 21, 2022)**

1. Day cares, group family home;
2. Dwellings, multi-family;
3. Dwellings, two family;
4. Manufactured homes, pursuant to Section 1507;
5. Parks;
6. Signs, off-site;
- ~~7.~~ Towers; ~~and~~
- ~~8.~~ One Accessory Structure exceeding 1,600 square feet or Accessory Structures with an aggregate maximum floor area exceeding 1,600 square feet and/or exceeding a sidewall height of twelve (12) feet ~~and~~ **-(Amended May 19, 2020)**
- 9. Utility Facilities**

#### Section 809 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a High Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

#### Section 811 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 809 shall be prohibited.

#### Section 813 Minimum Lot Requirements

1. The minimum lot area shall be ~~one-half (1/2) acre or~~ twenty thousand (20,000) square feet ~~and meeting DANR sewer requirements;~~
2. The minimum lot area for multi-family dwellings shall be one-half (1/2) acre or twenty thousand (20,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and
3. The minimum lot width shall be seventy five (75) feet.

#### Section 815     Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting an arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet; and
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

#### Section 817     Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

## ARTICLE 9

### MANUFACTURED HOME PARK DISTRICT (MHP)

#### Section 901     Intent

The intent of the Manufactured Home Park District (MHP) is to preserve and enhance property values by providing designated, distinctive areas in which manufactured homes may be situated as a residential dwelling. It is the intent that this district be a desirable, prominent area providing adequate open space and essentially the same considerations given to citizens of other residential districts.

#### Section 903     Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Dwellings, single family;
2. Manufactured homes, pursuant to Section 1409;
3. Modular homes;
4. Parks; (**Amended December 19, 2023**)
- ~~5. Utility facilities. and (**Amended December 19, 2023**)~~
6. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). (**Amended December 19, 2023**)

#### Section 905     Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Accessory buildings;
2. Garages;
3. Home occupations;
4. Signs, banner;
5. Signs, directional on-site;
6. Signs, directional off-site;
7. Signs, easement and utility;
8. Signs, flag;
9. Signs, name and address plate; and

## 10. Signs, real estate.

It shall be unlawful for any person, firm, or corporation to use any van body, truck body, semi-trailer, rail car, “shipping crate”, and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. In addition, manufactured homes shall not be for any purpose other than residential living quarters. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include ‘RVs’ and camping trailers.

### Section 907 Conditional Uses

After the provisions relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Manufactured Home Park District (MHP):

1. Day care centers;
2. Day cares, family;
3. Day cares, group family home;
4. Dwellings, two family;
5. Laundry facilities;
6. Self-storage warehouses;
7. Signs, bulletin board;
8. Signs, ground and monument;
9. Signs, mounted wall;
10. Signs, off-site;
11. Signs, portable;
- ~~12. Swimming pools; and~~
- ~~13. Towers and~~
- ~~14. Utility Facilities~~

### Section 909 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use



in one or more districts on the basis of similarity to uses specifically listed.

#### Section 911 Prohibited Uses and Structures

No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. **(Amended May 19, 2020)**

#### Section 913 Minimum Lot Requirements

1. The minimum park size is three (3) acres;
2. The minimum park width is three hundred (300) feet;
3. The minimum lot area for individual manufactured homes shall be four thousand (4,000) square feet;
4. The density of any manufactured home park shall not exceed eight (8) units per gross acre; and
5. The net density of any particular acre shall not exceed ten (10) units per net (gross reduced by required yards, right-of-ways, etc.) acre.

#### Section 915 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot line. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and garages:

1. The minimum distance required for the separation of a manufactured home from side and rear lot lines shall be ten (10) feet. In no case shall a manufactured home be closer than twenty (20) feet from another manufactured home;
2. The minimum setback distance required from a private drive or public right-of-way shall be thirty (30) feet; and
3. Accessory buildings shall not encroach on minimum yard requirements.

#### Section 917 Manufactured Home Park Application Requirements

The applicant follows the rezoning process pursuant to Articles 16 -21;

1. A request for a change in zoning districts to a Manufactured Home Park District shall set forth the location and legal description of the proposed manufactured home park property;
2. Each application for a manufactured home park shall be accompanied by a detailed site development plan incorporating the regulations established herein. The plan shall be drawn to scale and indicate the following:

- A. Location and topography of the proposed manufactured home park, including adjacent property owners and proximity to federal and state highways, and to county, township, or city roads;
  - B. Exterior and interior property or individual lot lines with dimensions and square footage of the proposed park;
  - C. Location and dimensions of all easements and right-of-ways;
  - D. Proposed lot layout, including parking and recreational areas;
  - E. General pedestrian access or transportation plan;
  - F. General utility, water, and sewer plan with proximity and proposed connection to municipal and/or private utilities; and
  - G. Site drainage plan and development impact on culverts, etc.
3. Certification of compliance with all ordinances and regulations regarding manufactured home park licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations.

#### Section 919      Manufactured Home Regulations within a Manufactured Home Park

- 1. Manufactured home developments should be located to avoid the need for excessive traffic movement from the park to pass through an existing single-family residential area or area suitable for future single-family residential development; and
- 2. Access and Right-of-way Requirements:
  - A. All manufactured home spaces must be served from internal private right-of-ways within the manufactured home park and there shall be no direct access from a manufactured home space to a public right-of-way;
  - B. Internal private right-of-ways must be graveled at a minimum and kept in good repair to prevent excessive potholes or pooling of water;
  - C. A minimum of two (2) off right-of-way parking spaces shall be provided for each manufactured home lot; guest parking of one (1) parking space per five (5) manufactured home spaces shall be interspersed throughout the manufactured home park;
  - D. No internal private right-of-way access to public right-of-ways shall be located closer than one hundred (100) feet to any public right-of-way intersection;
  - E. Stop signs shall be placed at all public right-of-way intersections and Yield signs placed appropriately on internal private right-of-way;
  - F. Entrance to manufactured home parks shall have direct connections to a public road

and shall be designed to allow free movement of traffic on such public roads; and

- G. Travel surfaces should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of traveled way with twelve (12) feet minimum moving lanes for collector roads, twelve (12) feet minimum moving lanes for minor roads, and eight (8) feet minimum lanes for parallel parking.

3. Other Requirements:

- A. Manufactured homes may be of single or multiple sections and shall not be less than fourteen (14) feet as assembled on the site, as measured across the narrowest portion;
- B. Manufactured homes shall be skirted with materials that are not highly combustible. The skirting shall be installed around the perimeter of the home from the chassis of the manufactured home to the prevailing grade;
- C. The hitch shall be removed;
- D. All electric service shall be underground;
- E. Each manufactured home lot shall be connected to a sanitary sewer system and central water system including individual utility service lines and valves as approved by the Zoning Administrator or their designee;
- F. If individual refuse collection points are not available, each manufactured home park shall provide screened areas or enclosed containers accessible for refuse collection of an adequate size for the number of units served, and shall provide for the disposal of such refuse on a regularly scheduled basis;
- G. Manufactured homes shall be anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design;
- H. Not less than ten (10) percent of the gross site area shall be devoted and maintained as recreational facilities for occupant needs;
- I. No manufactured home shall occupy more than fifty (50) percent of the area of the lot on which it is situated;
- J. In accordance with Section 921 a landscaped buffer area of ten (10) feet in width shall be provided and maintained around the perimeter of the park, except where the park abuts a public right-of-way then the buffer shall be thirty (30) feet. This does not include those places where walks and drives penetrate the buffer;
- K. The manufactured home shall meet or exceed the federal Manufactured Home Construction and Safety Standards (HUD code); and
- L. Additional development requirements may be prescribed as conditions for approval when determined to be necessary to ensure protection of the neighboring property's

character, compatibility with land uses, and health and safety of manufactured home park occupants.

Section 921     Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

## ARTICLE 10

### COMMERCIAL DISTRICT (C)

#### Section 1001 Intent

The intent of the Commercial District (C) is to provide commercial areas for those establishments that can function most satisfactorily in an area related to a rural or municipal fringe environment requiring major vehicular circulation routes and off right-of-way parking and loading due to the nature of the merchandise handled and the display space required.

#### Section 1003 Permitted Principal Uses and Structures (Amended October 21, 2021)

The following principal uses and structures shall be permitted in a Commercial District (C): (Amended June 21, 2022)

1. Arcades;
2. Bars;
3. Day care centers;
4. Financial institutions;
5. Funeral homes;
6. Garages, public;
7. Gasoline stations;
8. Golf courses;
9. Governmental services;
10. Historic sites;
11. Hotels;
12. Indoor archery/shooting ranges;
13. Lockers;
14. Manufacturing, light;
15. Motels;
16. Open sales areas;
17. Parks;

- 18. Repair shops, auto-body;
- 19. Repair shops, motor vehicle;
- 20. Restaurants;
- 21. Restaurants, drive-in;
- 22. Restaurants, in-house;
- 23. Retail sales;
- 24. Self-storage warehouses;
- 25. Service establishments;
- 26. Theaters;
- ~~27. Utility facilities;~~
- 28. Veterinary clinics;
- 29. Warehousing facilities;
- 30. Wholesale sales.
- 31. Cannabis Cultivation Facility
- 32. Cannabis Dispensary
- 33. Cannabis Product Manufacturing Facility
- 34. Cannabis Testing Facility; **(Amended December 19, 2023)**
- 35. Accessory Structures. and **(Amended December 19, 2023)**
- 36. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC). **(Amended December 19, 2023)**

#### Section 1005 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Commercial District (C) when established in conformance within the space limits of this district.

- 1. Signs, banner;
- 2. Signs, directional off-site;
- 3. Signs, directional on-site;
- 4. Signs, easement and utility;

5. Signs, flag;
6. Signs, name and address plate;
7. Signs, on-site; and
8. Signs, real estate.

#### Section 1007 Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Commercial District (C):  
**(Amended June 21, 2022)**

1. Adult entertainment;
2. Agricultural fertilizer and chemical manufacturing, sales, and applications;
3. Agricultural product processing;
4. Amusement parks; and
5. Asphalt plants;
6. Buying stations;
7. Campgrounds;
8. Concrete plants;
9. Construction services;
10. Dwellings, single-family;
11. Dwellings, two-family;
12. Grain elevators;
13. Manufacturing;
14. Manufacturing, distribution, sale, or storage of flammable, combustible, or hazardous material;
15. Outdoor shooting/archery ranges.
16. Sale and auction yards and barns;
17. Salvage yards;
18. Sanitary landfills and restricted use sites, permitted by DENR;
19. Signs, off-site, pursuant to Article 14;



20. Tank farms;
21. Towers, pursuant to Article 25 & Article 26;
22. Truck or equipment terminals;
23. Veterinary services; **(Amended May 19, 2020)**
24. Wind energy systems; **(Amended December 19, 2023)**
25. Firework Sales; ~~and~~ **(Amended December 19, 2023)**
- ~~26.~~ Solar Energy Conversion System (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29; ~~and. (Amended December 19, 2023)~~

## **27. Utility Facilities**

### Section 1009      Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Commercial District (C) shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

### Section 1011      Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1009 shall be prohibited.

### Section 1013      Minimum Lot Requirements **(Amended June 21, 2022)**

1. The minimum lot area shall be ~~two~~ 40,000 sq. ft.; and
2. The minimum lot width shall be seventy-five (75) feet.

### Section 1015      Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to loading docks, decks, patios, and covered areas: **(Amended June 21, 2022)**

1. There shall be a front yard of not less than a depth of Fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty-five (25) feet; and
3. Each side yard shall be not less than twenty-five (25) feet.

### Section 1017      Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

## ARTICLE 11

### LAKESIDE COMMERCIAL DISTRICT (LC)

#### Section 1101     Intent

The intent of the Lakeside Commercial District (LC) is to provide commercial areas for those establishments that can function most satisfactorily in an area directly related to a tourist, outdoor recreation, and residential environment requiring vehicular circulation routes and large off right-of-way parking due to the nature of the customer base and vehicle traffic.

#### Section 1103     Permitted Principal Uses and Structures (Amended October 21, 2021)

The following principal uses and structures shall be permitted in a Lakeside Commercial District (LC): **(Amended June 21, 2022)**

1. Arcades;
2. Bars;
3. Day Cares, family;
4. Day Cares, group family home;
5. Financial institutions;
6. Gasoline stations;
7. Golf courses;
8. Governmental services;
9. Historic sites;
10. Indoor archery/shooting ranges;
11. Open sales areas;
12. Parks;
13. Restaurants;
14. Restaurants, drive-in;
15. Restaurants, in-house;
16. Retail sales;

17. Service establishments;

18. Theaters;

~~19. Utility facilities.~~

20. Cannabis Cultivation Facility

21. Cannabis Dispensary

22. Cannabis Product Manufacturing Facility; **(Amended December 19, 2023)**

23. Cannabis Testing Facility, and **(Amended December 19, 2023)**

24. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC)  
**(Amended December 19, 2023)**

#### Section 1105 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Lakeside Commercial District (LC) when established in conformance within the space limits of this district. **(Amended June 21, 2022)**

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility;
5. Signs, flag.
6. Signs, name and address plate;
7. Signs, on-site;
8. Signs, real estate; and
9. Accessory Structures.

#### Section 1107 Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Lakeside Commercial District (LC):

1. Amusement parks;
2. Campgrounds;
3. Day care centers;

4. Dwellings, multi-family;
5. Dwellings, single-family;
6. Dwellings, two-family;
7. Exhibition areas;
8. Garages, public;
9. Hotels;
10. Kennels;
11. Motels;
12. Outdoor shooting/archery ranges;
13. Outdoor storage areas;
14. Repair shops, auto-body;
15. Repair shops, motor vehicle;
16. Self-storage warehouses;
17. Signs, off-site, pursuant to Article 14;
18. Swimming pools;
19. Towers, pursuant to Article 25 & Article 26;

#### 20. Utility Facilities

21. Veterinary clinics; ~~and~~
22. Warehousing facilities; ~~and~~

#### 23. Firework sales.

### Section 1109      Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

### Section 1111      Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1109 shall be

prohibited.

**Section 1113      Minimum Lot Requirements (Amended June 21, 2022)**

1. The minimum lot area shall be 20,000 sq. ft.; and
2. The minimum lot width shall be seventy-five (75) feet.

**Section 1115      Minimum Yard Requirements**

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports: **(Amended June 21, 2022)**

1. There shall be a front yard of not less than a depth of fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty-five (25) feet; and
3. Each side yard shall be not less than twenty-five (25) feet.

**Section 1117      Traffic Visibility**

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

## ARTICLE 12

### RURAL TRANSITIONAL DISTRICT (RT)

#### Section 1201     Intent

The intent of Rural Transitional Districts (RT) is to protect un-developed and under developed lands lying within or adjacent to expected growth corridors from unstructured or incompatible land uses in order to preserve land best suited for planned development to ensure practicality and service delivery.

#### Section 1203     Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Rural Transitional District (RT):

1. Agriculture;
2. Historic sites;
3. Horticulture; (**Amended December 19, 2023**)
- ~~4. Utility facilities. and (**Amended December 19, 2023**)~~
5. Solar Energy Conversion systems (SECS) under 50 kilowatts alternating current (AC). (**Amended December 19, 2023**)

#### Section 1205     Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Rural Transitional District (RT): (**Amended June 21, 2022**)

1. Accessory structures.
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Shelterbelts;
6. Signs, banner;
7. Signs, directional off-site;
8. Signs, directional on-site;
9. Signs, easement and utility;



10. Signs, flag;
11. Signs, name and address plate;
12. Signs, on-site;
13. Signs, real estate;
14. Stock dams; and
15. Temporary/seasonal roadside stands.

#### Section 1207 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Rural Transitional District (RT): **(Amended June 21, 2022)**

1. Dwellings, single family.
2. Individual septic or sewage treatment facilities, pursuant to Section 1513;
3. Manure irrigation;
4. Parks;
5. Portable processing plants;
6. Rural Developments, pursuant to Section 1219;
7. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
8. Spreading, injection, or other application of manure or animal waste generated from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Rural Transitional (RT) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);
9. Temporary construction facilities; **and**

#### **10. Utility Facilities.**

#### Section 1209 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Rural Transitional District (RT) shall be

deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

#### Section 1211 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

#### Section 1213 Minimum Lot Requirements

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot width shall be five hundred (500) feet;
3. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a single-family home is requested on an existing farmstead site, as defined herein;
4. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 18 and as approved by the Zoning Administrator.
5. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and
6. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

#### Section 1215 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting an arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;

3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

#### Section 1217      Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

#### Section 1219      Development Standards

1. All platted lots shall be part of planned development or subdivision;
2. All planned developments or subdivisions shall be platted with a minimum of four platted lots and recorded with the Register of Deeds;
3. The minimum lot area shall be one (1) acre;
4. The minimum lot width shall be two hundred (200) feet;
5. All yards must meet the following criteria, which shall apply to all buildings and structures, including decks, patios, and car ports:
  - a. Front yard of not less than a depth of thirty (30) feet;
  - b. Rear yard of not less than a depth of twenty (20) feet; and
  - c. Each side yard shall not be less than a width of ten (10) feet.
6. The proposed development must have controlled public road access;

7. Planned developments or subdivisions shall not be located within the 100-year floodplain;
8. All lots within a planned development or subdivision shall be served by a Department of Environment and Natural Resources approved water system;
9. A site plan and topographic maps shall be submitted with the building permit application, said plan and maps shall include, at a minimum:
  - a. Proposed site layout;
  - b. Storm water drainage;
  - c. Roads and streets, including ingress and egress; and
  - d. Water and sewer service.
10. Water and sewer or sanitary drainage systems shall be installed by certified plumber and shall comply with all applicable South Dakota Department of Environment and Natural Resources regulations.

## Low Density Rural {R1}

### Section 613 Minimum Lot Requirements

1. The minimum lot area shall be one-hundred thirty thousand six hundred eighty (130,680) sq. ft or eighty-seven thousand one hundred twenty (87,120)? sq. ft. ~~five (5) acres~~; and

NOTE: It was asked if the campground option for a conditional use in R-1 could be eliminated?

## Moderate Density Rural (R2)

### Section 713 Minimum Lot Requirements

1. The minimum lot area shall be ~~one (1) acre or~~ forty thousand (40,000) square feet;

## HIGH DENSITY RURAL RESIDENTIAL DISTRICT (R3)

### Section 801 Intent

The intent of High Density Rural Residential Districts (R3) is to provide existing concentrated residential subdivisions as recorded with the Register of Deeds and other compatible uses a pleasant and stable environment.

Extension of these areas is at the discretion of the Planning Commission and County Commission. ~~Yet, not allow an extension of these areas beyond their respective boundaries as recorded at the time of zoning ordinance adoption.~~

### Section 813 Minimum Lot Requirements

1. The minimum lot area shall be ~~one-half acre or~~ twenty thousand (20,000) sq. ft. and meeting DANR sewer requirements.

## Commercial (C)

### Section 1013 Minimum Lot Requirements (Amended June 21, 2022)

1. The minimum lot area shall be twenty thousand (20,000) sq. ft. ~~two 40,000-sq. ft.~~; and

## Section 513 Minimum Lot Requirements (Amended August 19, 2021)

1. ~~The minimum lot area shall be twenty (20) acres;~~ The base density permitted in the Agricultural district is one (1) dwelling unit per quarter-section to be placed where two (2) section lines intersect with a minimum lot area of five (5) acres. All existing dwellings, including those on parcels of record are counted towards calculation of overall base density per quarter section. Rights have been transferred from a quarter section shall be counted against the base density in the quarter section they have been transferred from;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be ~~two hundred (200) five hundred (500)~~ feet; NOTE: Should we consider setback change also.
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.
5. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 11/26/2024

Applicant

Steven D Slowey - PLAT

District type: ☐ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional  
☒ ETJ – City Extraterritorial Jurisdiction

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

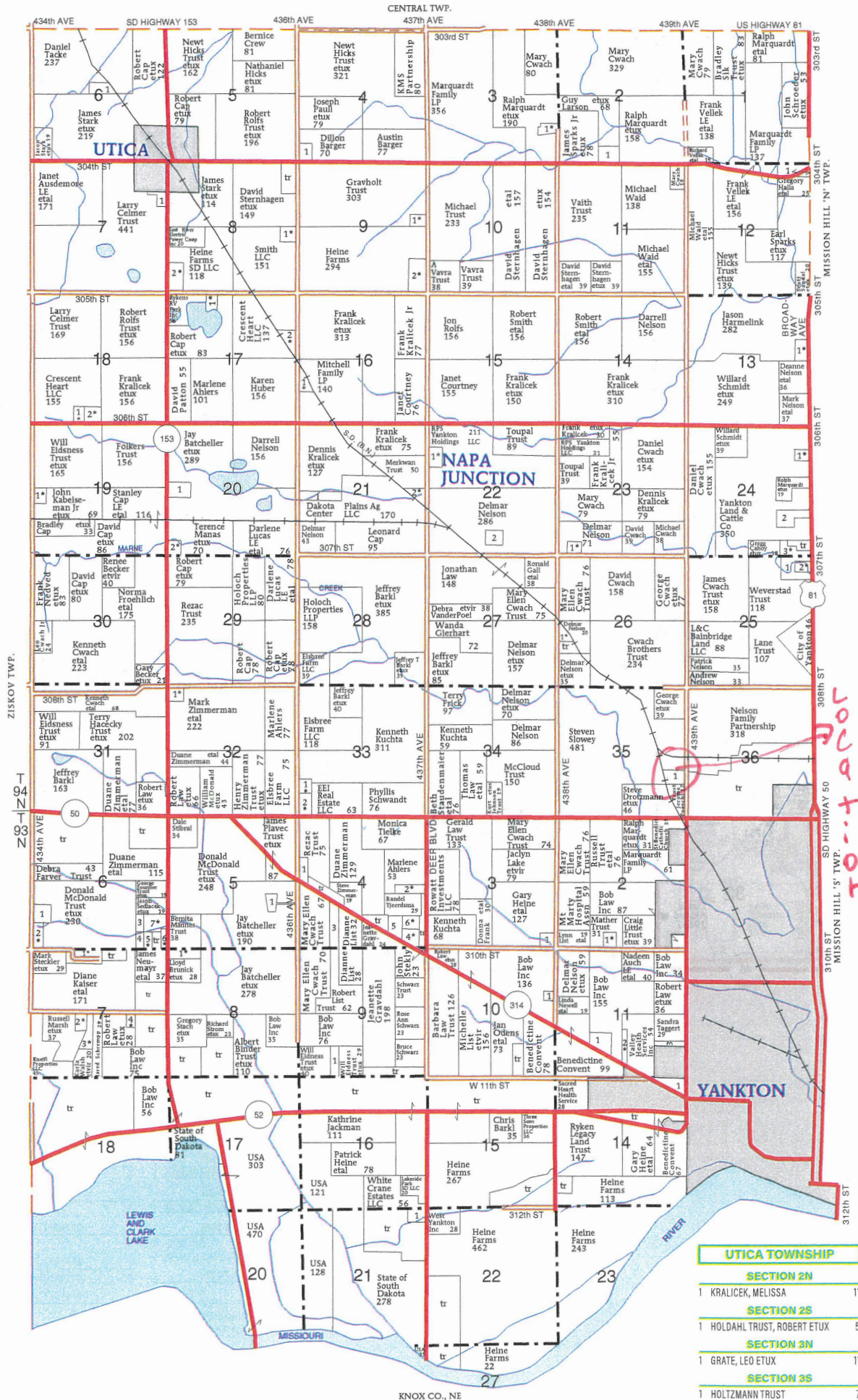
Proposed sidewall height:

Affects Section:

**NOTE:**

Plat of Tract 2 of Yaggie's Addition in the N1/2 SE1/4 of Section 35, Township 94 North, Range 56 West of the 5<sup>th</sup> P.M., Yankton County, South Dakota containing 665,600 S.F (15.28 acres more or less)

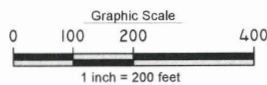
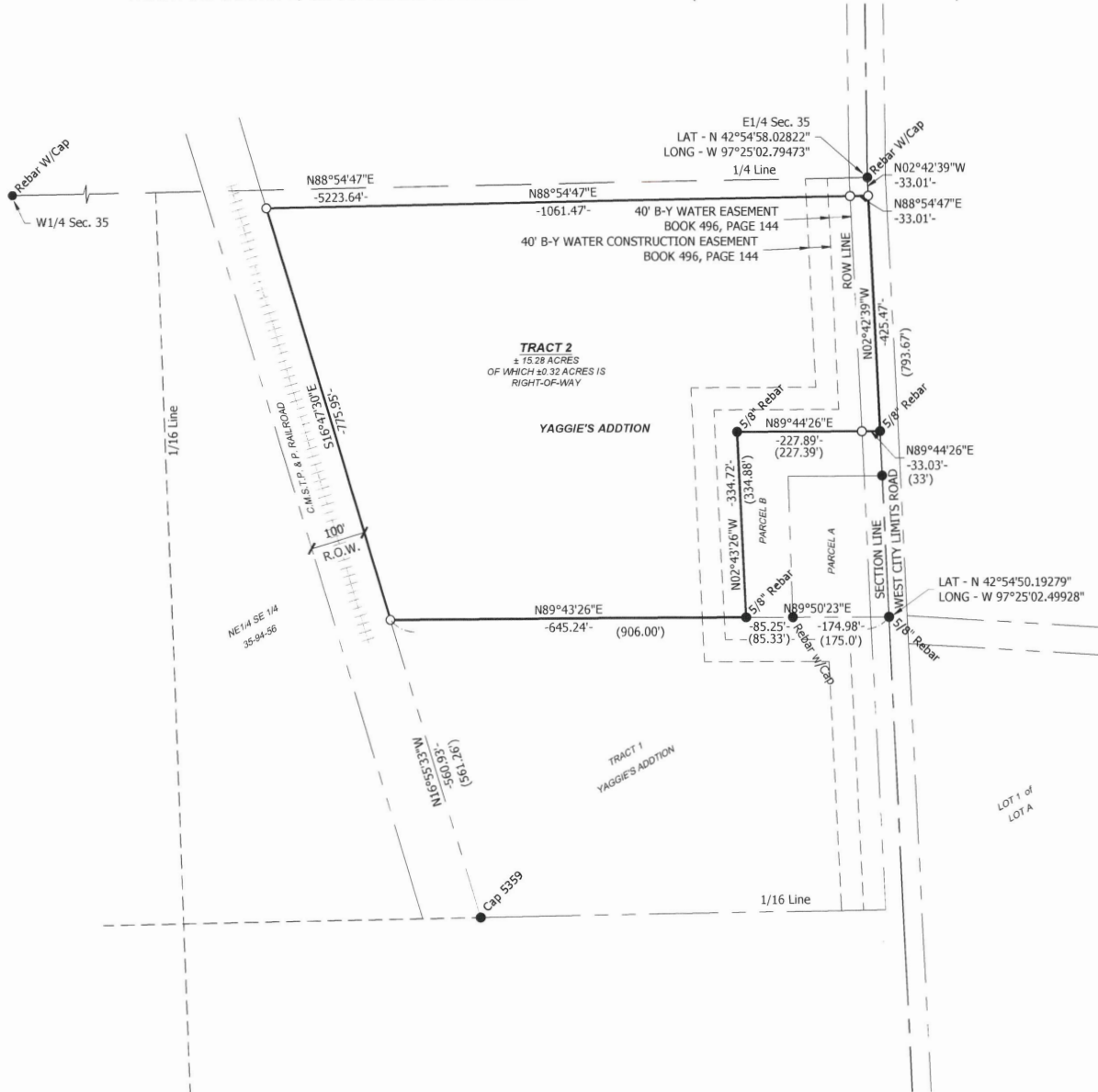






A PLAT OF  
**TRACT 2 OF YAGGIE'S ADDITION**

IN THE N1/2 SE1/4 OF SECTION 35, TOWNSHIP 94 NORTH, RANGE 56 WEST OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA CONTAINING 665,600 S.F. (15.28 ACRES MORE OR LESS)



**LEGEND:**

- Set 5/8" Rebar w/ cap LS 5350
- Found Corner as Noted
- (90°) Recorded Distance

**SURVEYOR'S CERTIFICATE**

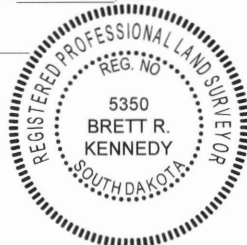
I, Brett R. Kennedy, a Licensed Land Surveyor in the state of South Dakota, do hereby certify that at the request of the owner and under their direction, did on or prior to November 19, 2024 survey the land described as follows:

TRACT 2 OF YAGGIE'S ADDITION IN THE N1/2 SE1/4 OF SECTION 35, TOWNSHIP 94 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

I also hereby certify that this plat is to the best of my knowledge and belief, in all respects, a true description of said property.  
I have executed this document this 21st day of November, 2024.

**PRELIMINARY**

Brett R. Kennedy, LS 5350



PROJECT NUMBER:	24367
CREW CHIEF:	JREED
DRAFTED BY:	CGADEKEN
REVIEWED BY:	BKENNEDY
DRAWING:	24367 - Plat
LAYOUT:	Plat
SHEET NO. 1 OF 3 TOTAL SHEETS	

Prepared By:



**OWNER'S CERTIFICATE**

I, the undersigned, hereby certify that I am the absolute and unqualified owner of the land included in this plat being entitled: **A PLAT OF TRACT 2 OF YAGGIE'S ADDITION IN THE N1/2 SE1/4 OF SECTION 35, TOWNSHIP 94 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA** that the plat was made at my request and under my direction, for the purpose of defining and describing the property as shown by this plat; that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations, and we hereby dedicate to the public, for public use forever as such, the right-of-ways and easements, as shown and marked on this plat.

In witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_  
Steven D. Slowey

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a Notary Public, personally appeared Steven D. Slowey, known to me to be the person whose name is subscribed to the foregoing Dedication, and I hereby acknowledge that he/she executed the foregoing instrument.

In witness whereof, I hereunto set my hand and official seal.  
My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
**APPROVAL OF HIGHWAY AUTHORITY**  
STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON

Access to West City Limits Road is approved. This access approval does not replace the need for any permits required by Law to establish the precise access location.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Highway or Street Authority

**RESOLUTION OF APPROVAL**

Whereas it appears that the owner thereof has caused a plat to be made of the following described real property: **A PLAT OF TRACT 2 OF YAGGIE'S ADDITION IN THE N1/2 SE1/4 OF SECTION 35, TOWNSHIP 94 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA** for approval; and

Whereas such plat has been submitted to the Planning Commission of the City of Yankton, South Dakota for a report and recommendations thereon to the City Commission as required by law;

Therefore be it resolved that such plat has been executed according to the law and the same is hereby approved and the City Finance Officer is hereby authorized and directed to endorse on such plat a copy of this resolution and certify the same.

\_\_\_\_\_  
Mayor, City of Yankton, South Dakota

I, \_\_\_\_\_, City Finance Officer of the City of Yankton, South Dakota, do hereby certify that the within and foregoing is a true copy of the resolution passed by the City Commission of the City of Yankton, South Dakota on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
City Finance Officer, Yankton, South Dakota

**COUNTY PLANNING COMMISSION APPROVAL**

Approval of the final plan of **A PLAT OF TRACT 2 OF YAGGIE'S ADDITION IN THE N1/2 SE1/4 OF SECTION 35, TOWNSHIP 94 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA**, is hereby granted by the Yankton County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chair, County Planning Commission  
Yankton County, South Dakota

**COUNTY COMMISSION APPROVAL**

I hereby certify that the final plan of **A PLAT OF TRACT 2 OF YAGGIE'S ADDITION IN THE N1/2 SE1/4 OF SECTION 35, TOWNSHIP 94 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA** was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chairman, County Commission  
Yankton County, South Dakota

**CERTIFICATION OF COUNTY AUDITOR**

I, the undersigned, County Auditor of Yankton County, South Dakota, hereby certifies that the above Certificate of Approval is true and correct, including the signature thereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Yankton County Auditor

PROJECT NUMBER:	24367
CREW CHIEF:	JREED
DRAFTED BY:	CGADEKEN
REVIEWED BY:	BKENNEDY
DRAWING:	24367 - Plat
LAYOUT:	Text
SHEET NO. 2 OF 3 TOTAL SHEETS	

Prepared By:

  
**STOCKWELL**  
STOCKWELL ENGINEERS, INC.  
201 WALNUT STREET  
YANKTON, SD 57078  
PH: 605.665.8092  
www.stockwellengineers.com

**DIRECTOR OF EQUALIZATION**

I, the undersigned, County Director of Equalization for Yankton County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Director of Equalization, Yankton County

**CERTIFICATE OF COUNTY TREASURER**

I, the undersigned, County Treasurer for Yankton County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above and foregoing plat as shown by the records of my office have been fully paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
County Treasurer, Yankton County

**CERTIFICATE OF REGISTER OF DEEDS**

STATE OF SOUTH DAKOTA    )  
  )  
COUNTY OF YANKTON        )

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_

o'clock \_\_\_\_\_ M. and recorded in Book \_\_\_\_\_ of Plats on page \_\_\_\_\_ herein.

\_\_\_\_\_  
Register of Deeds, Yankton County

PROJECT NUMBER:	24367
CREW CHIEF:	JREED
DRAFTED BY:	C.GADEKEN
REVIEWED BY:	BKENNEDY
DRAWING:	24367 - Plat
LAYOUT:	Text 2
SHEET NO. <u>3</u> OF <u>3</u> TOTAL SHEETS	

Prepared By:



# PLAT PERMIT

Longitude

**-97.41949137828337**

Latitude

**42.91499413853878**

Permit Number

**PLAT2420**

Parcel Number

**10.035.300.100**

Permit Status

**Approved Active**

Permit Fee

**100**

Total Due

**100**

Was fee paid?

**Yes**

Receipt Number

**9121**

Application Accepted By

**Bill Conkling**

Site Plan Checked By

**Gary Vetter**

Is location in floodplain?

**No**

Existing Zoning

**City ETJ**

Size of the Current Parcel

**144**

Current Legal Description

**N2 SW4 & N2 SE4 EXC PARCELS A & B NE4 SE4 & EXC TR 1 YAGGIE'S ADDN**

Applicant Name

**Steven Slowey**

Applicant Phone

**6056658092**

Applicant Address

**201 Walnut St, Yankton**

Applicant Email Address

**bkennedy@stockwellengineers.com**

Name of the Surveyor / Engineer

**Brett Kennedy**

Surveyor / Engineer Address

**201 Walnut St**

Surveyor / Engineer Phone

**6056658092**

Surveyor / Engineer Email

**bkennedy@stockwellengineers.com**

Surveyor / Engineer Contact Person

**Brett Kennedy**

Owner Name

**Steven Slowey**

Owner Phone

**6056658092**

Owner Address

**201 Walnut St, Yankton**

Owner Email Address

**bkennedy@stockwellengineers.com**

Location of Property

**Lat: 42.914994 Lon: -97.419491**



Powered by Esri

Section Township Range

**35-94-56**

Tract or Lot Number

**Tract 2**

Number of Acres Being Platted

**15**

Addition Name

**Yaggie's Addition**

How is the Property Currently Being Used

**AG**

How Will the Property Be Used

**AG**

Is this Property an Existing Farmstead

**No**

If a Farmstead, How Many Acres Surround it

**0**

Has the Plat Been Approved By the City of Yankton

**Yes**

Is Owner Signature Notarized

**Yes**

Do you have Signatures and Approval from the Road Authority

**Yes**

Do you have the County Treasurer's Signature

**Yes**

Insert Plat Here

**PDF** [PLAT-.pdf](#)  
667.8KB



Applicant Signature

A handwritten signature in black ink, appearing to read "Steve Slom". The signature is fluid and cursive, with the first name "Steve" and the last name "Slom" clearly distinguishable.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to be a stylized "DM". The signature is fluid and cursive, with the letters "D" and "M" clearly distinguishable.

OwnerSignature-.jpg

Date of Application Submission

**Nov 26, 2024**