

May 10, 2022

AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Cherie Hoffman
☐ Cathy Weiss
☐ Don Kettering

☐ Dennis Michael
☐ Chris Barkl
☐ Matt Evans

☐ 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

7:05 P.M.

Conkling – Conditional Use Permit

Applicant is requesting a Conditional Use Permit for horticulture sales in a Low Density Residential District per Article 6 Section 607. Said property is legally described as the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), Section Fourteen (14), Township Ninety-three (93), Range Fifty-five (55), County of Yankton, South Dakota, less highways and roadways. E911 address is 31125 445th Ave, Yankton, South Dakota - Mission Hill South

7:10 P.M.

Ehresmann – Conditional Use Permit

Applicant is requesting a Conditional Use Permit for Manufacturing in a Commercial District (CM) per Article 10 Section 1007. Said property is legally described as Tract B in the S1/2 of the SW1/4 of Section 33, T94N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 4400 W 31st St, Yankton, South Dakota – Utica North

7:15 P.M.

Plats

Hogberg - Plat of Lot 42, Being a Replat of Lots 40 and 41, Wildwood Park Addition, in Section 3, T93N, R55W of the 5th P.M., Yankton County, South Dakota – Mission Hill South

7:20 P.M.

Zoning Amendment discussion

Yankton County Ordinance 2020 Definitions, Article 5 Agricultural District (AG), Article 6 Low Density Residential District (R1), Article 7 Moderate Density Residential District (R2), Article 8 High Density Residential District (R3), Article 10 Commercial District (C), Article 11 Lakeside Commercial District (LC), Article 12 Rural Transitional District (RT), Article 13 Planned Unit Development (PUD), Article 15 Supplementary District regulations, Article 17 Administrative Procedure and Enforcement, Article 19 Board of Adjustment, Article 21 Duties on Matters of Appeal, and Article 28 Subdivision Regulations

7:25 P.M.

Public Comment

7:30 P.M.

Adjourn

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 4/12/2022 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling

ROLL ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

CALL:

APPROVAL OF MINUTES: MOTION BY: Hoffman SECOND BY: Evans

PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

APPROVAL OF AGENDA: MOTION BY: Kettering SECOND BY: Evans

PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Reorganization of Planning Commission Officers**

ADDRESS/LEGAL: _____

COMMENTS: _____

MOTION: Hoffman nominated Michael for Chair, Weiss Second
Michael nominated Barkl for Chair, Kettering Second
Hoffman withdrew her motion. **Barkl elected 7-0**
Hoffman nominated Michael for Vice-Chair, Kettering second. **Michael elected 7-0**

APPROVAL: MOTION BY: _____ SECOND BY: _____

PLANNING: ☐ BARKL ☐ EVANS ☐ KETTERING ☐ MICHAEL ☐ NELSON ☐ WEISS ☐ HOFFMAN

AGENDA ITEM: **Posch – Variance**

ADDRESS/LEGAL: Applicant is requesting a variance to minimum lot size in a Rural Transitional District for accretion property per Article 18 Section 1807 and Article 19 Section 1907. Said property is legally described as Plat of Lot B1, Being Accretion Property lying south of lot B in Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota

COMMENTS: Thomas Posch - Applicant

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Kettering SECOND BY: Evans

PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Jensen - Variance**

ADDRESS/LEGAL: Applicant is requesting a variance to minimum lot size in a Moderate Density Residential District for accretion property per Article 18 Section 1807 and Article 19 Section 1907. Said property is legally described as Tracts 3A, 6A and 8A of DJ's Addition, Being Accretion Property lying south of Lots A and B, in Section 16, T93N, R55W of the 5th P.M., Yankton County, South Dakota

COMMENTS: Darlene Jensen - Applicant

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Michael SECOND BY: Evans

PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Heine – Conditional Use Permit**

ADDRESS/LEGAL: Applicant is requesting a Conditional Use Permit to hold events that may include live entertainment and the serving of food and alcohol in an Agriculture District per Article 5 Section 509. Said property is legally described as the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) and in the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section 16, Township 93, Range 56 West of the 5th P.M., Yankton County, South Dakota. E911 address is 4200 Alphonse Rd, Yankton

COMMENTS: Ryan Heine – Applicant
Michael Campbell –
Mr. Heine asked Commissioner Evans to recuse himself, Mr. Evans refused

MOTION: **Approve as presented, Passed 5-2**
Evans and Weiss voted no

APPROVAL: MOTION BY: Kettering SECOND BY: Hoffman

PLANNING: ☒ BARKL ☐ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☐ WEISS ☒ HOFFMAN

AGENDA ITEM: **Rolfes – Conditional Use Permit**

ADDRESS/LEGAL: Applicant is requesting a Conditional Use Permit to use his house as a vacation rental in a Moderate Density Residential District per Article 7 Section 709. Said property is legally described as Lot One (1), Dan Kaiser Addition in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), Section Fourteen (14), Township Ninety-three (93), Range Fifty-seven (57), together with a perpetual easement for ingress and egress across, over and through Lot Four (4) of Kabeisman Tract 8, as platted in Book S18, page 351, and a perpetual 40' ingress/egress & utility easement over, across and through the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), Section Fourteen (14), Township Ninety-three (93), Range Fifty-seven (57), for the benefit of Lot One (1), Dan Kaiser Addition, County of Yankton, South Dakota as per plat recorded in Book S18, Page 354. E911 address is 506 Hidden Hollows Dr, Yankton

COMMENTS: Kerry Woehl – for applicant

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Evans SECOND BY: Hoffman
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Posch - Plat**
ADDRESS/LEGAL: Plat of Lot B1, Being Accretion Property lying south of lot B in Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota

COMMENTS:

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Kettering SECOND BY: Evans
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Sorenson - Plat**
ADDRESS/LEGAL: Plat of Alexa's Addition, in the NW1/4 of Section 13, T96N, R56W of the 5th P.M., Yankton County, South Dakota

COMMENTS:

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Kettering SECOND BY: Evans
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Hubbs - Plat**
ADDRESS/LEGAL: Administrative Plat of Lot 1 except the North One Hundred Seventy feet of the West Two Hundred Thirty feet thereof, Smith Farming Enterprises, Inc. Subdivision located in the Northwest Quarter of the Northwest Quarter of Section 32, Township 94 North, Range 55 West of the 5th P.M., Yankton County, South Dakota

COMMENTS:

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Hoffman SECOND BY: Nelson
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Law - Plat**

ADDRESS/LEGAL: Plat of Lot 3 of Block 4, Law Overlook Subdivision, in the SE1/4 of Section 7 and in the NE1/4 of Section 18, all in T93N, R56W of the 5th P.M., Yankton County, South Dakota

COMMENTS:

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Michael SECOND BY: Kettering
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Law - Plat**

ADDRESS/LEGAL: Plat of Lot 10, Block 1, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota

COMMENTS:

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Kettering SECOND BY: Hoffman
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Cuka - Plat**

ADDRESS/LEGAL: Plat of Tract 1, Cuka Addition, in the SW1/4 of the SE1/4 and in Gov't Lots 10 and 11, Section 34, T96N, R56W of the 5th P.M.; Tract 2 Cuka Addition, in Gov't Lots 5 and 6, Section 35, T96N, R56W of the 5th P.M.; And Tract 3, Cuka Addition, in Gov't Lot 13, Section 2, T95N, R56W of the 5th P.M., All in Yankton County, South Dakota

COMMENTS: _____

MOTION: **Approve as presented, Passed 7-0**

APPROVAL: MOTION BY: Michael SECOND BY: Hoffman
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

AGENDA ITEM: **Public Comment**
ADDRESS/LEGAL: _____
COMMENTS: NONE

MOTION: Adjourn

APPROVAL: MOTION BY: Kettering SECOND BY: Michael
PLANNING: ☒ BARKL ☒ EVANS ☒ KETTERING ☒ MICHAEL ☒ NELSON ☒ WEISS ☒ HOFFMAN

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant **Bill Conkling – Conditional Use Permit 4/1/2022**

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

Applicant is requesting a Conditional Use Permit for horticulture sales in a Low Density Residential District per Article 6 Section 607. Said property is legally described as the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), Section Fourteen (14), Township Ninety-three (93), Range Fifty-five (55), County of Yankton, South Dakota, less highways and roadways. E911 address is 31125 445th Ave, Yankton, South Dakota

PC: Article 18 Section 1805
BOA: Article 19 Section 1905

Planning Commission date:
5/10/2022
Board of Adjustment date:
6/7/2022

Time:

Time:

Permit Number: CUP-2022-71

Yankton County

 Variance X Conditional Use Rezoning

Owner: Bill Conkling

Owners Address: 902 Karen Dr

Owners Phone: 6056600618

Applicants Name,
if different from

Owner: Bill Conkling

Applicants
Address: 902 Karen Dr

Job Address: 31125 445 AVE

Legal: SE4 NE4

Section,
Township, Range: 14-93-55

Zoning
Classification: R1

Affected Zoning
Ordinance: Section 607, Section 1805 Section 607, Section 1805

Reason for
Request: Conditional Use Permit for horticulture sales

List Specific
Hardships:

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 05/10/2022 7:05 PM CDT

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$300.00 Check #: 183916714 Receipt #:

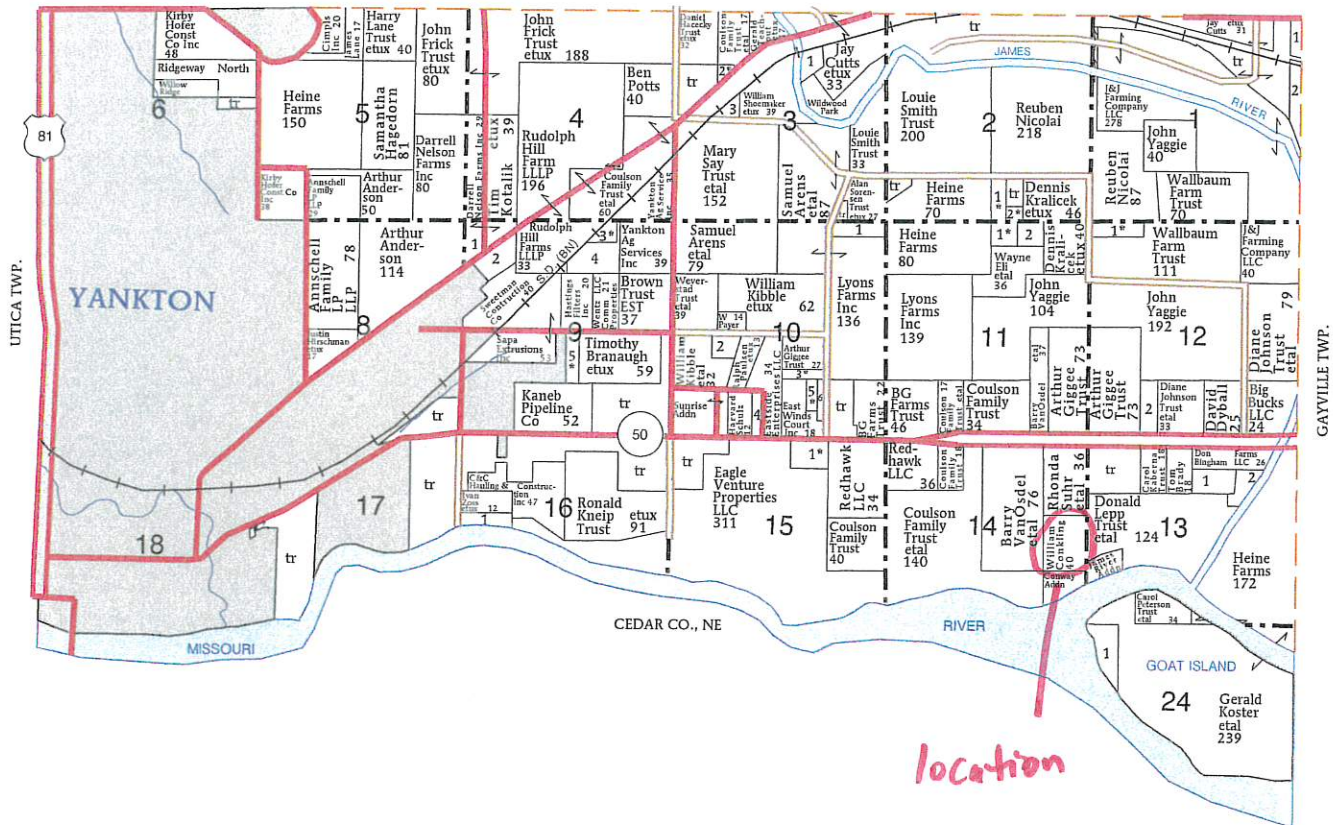
Signature:  Date: 04/01/2022
Bill Conkling

Site Map



Parcel Number: 05.014.100.200

Site Description:

(Landowners)
MISSION HILL 'N' TWP.**MISSION HILL 'S'**
TOWNSHIP**SECTION 1**

1. RWH Land LLC 6
2. Nelson, Nancy 13

SECTION 2

1. Palecek, Lance etux 15
2. Willman, David etux 5

SECTION 3

1. State of South Dakota 9

2. Anderson, Richard etux 9
3. Loecker, Reynold 9

SECTION 9

1. Keehr, Mark 5
2. Northwestern Public Service 15
3. Eide, Mark etux 6
4. Yankton Area Progressive Growth Inc 25

5. Holmstrom, Thomas etux 10

SECTION 10

1. Madson Trust, Clifford 14
2. Goeden, Josephine 10
3. Brasel, Anthony etux 6
4. Schulz Trust, Harvard 6
5. Tackle, Dan etal 7
6. Tackle, Dan 5

SECTION 11

1. Jensen Trust, Gary etux 10
2. Merkwan, Daryl 10

SECTION 12

1. Kopejka, Jeff etux 8
2. Kaberna Trust, Carol 8

SECTION 13

1. Brady Tree Farm & Landscape LLC 27
2. Brady, Thomas 8

SECTION 15

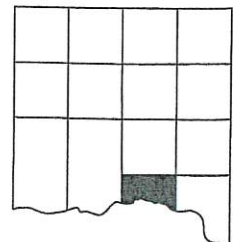
1. Harper, John etux 8

SECTION 16

1. National Field Archery Assn Foundation 12

SECTION 24

1. Henning, Mary 15



FINDINGS OF FACT – CONDITIONAL USE PERMIT

Conkling– CUP-2022-71

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 horticulture sales in a Low Density Residential District per Article 6 Section 607. Said property is legally described as the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), Section Fourteen (14), Township Ninety-three (93), Range Fifty-five (55), County of Yankton, South Dakota, less highways and roadways. E911 address is 31125 445 th Ave, Yankton, South Dakota
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.	





05.014.100.100

250.1

250.3

251.2

30

05.014.100.200

Variance, Conditional
Use and Rezoning
Application
CUP-2022-71
Applicant
William J Conkling
Fees Paid
\$300.00
Created
March 31, 2022

Number
CUP-2022-
71
05.014.100.200 | Bill Conkling |
31125 445 AVE, YANKTON, SD,
57078
Submitted by FreedomFarm on
3/31/2022



Applicant

William J Conkling

6056600618

b.conkling13@gmail.com

Parcel search Completed On 3/31/2022 2:48 PM EST by bconkling



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
05.014.100.200	31125 445 AVE	YANKTON	CONKLING, WILLIAM JOHN (D)	40.000

Request Information Completed On 3/31/2022 2:50 PM EST by bconkling

Type of Request

Conditional Use

Fee

\$300.00

Reason for Request

Conditional Use Permit for horticulture sales

List Specific Hardships

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Bill Conkling

Applicant Address

902 Karen Dr

Applicant Phone

6056600618

Owner Information

Owner Name

Bill Conkling

Owner Address

902 Karen Dr

Owner Phone Number

6056600618

Property Information

Parcel ID Number

05.014.100.200

Legal Description

SE4 NE4

Site Address

31125 445 AVE

City

YANKTON

Zip

57078

Section-Township-Range

14-93-55

Zoning District

LD

Zoning Description

LD

Existing Use of Property

Low Density Residential

Draft Building Permit Completed On 3/31/2022 2:52 PM EST by bconkling

Upload Draft Building Permit 

Draft Building Permit Form Completed On 3/31/2022 2:52 PM EST by bconkling

Job Address

31125 445 AVE

Legal Description of Construction Site

SE4 NE4

Owner Name

CONKLING, WILLIAM JOHN (D)

Owner Address

Owner Phone

Contractor

Contractor Mailing Address

Contractor Phone

Architect or Designer

Architect or Designer Mailing Address

Architect or Designer Phone

Type and Use of Building

Class of Work

Describe Work

Valuation of Work

\$

Generate Draft Building Permit Completed On 3/31/2022 2:52 PM EST by bconkling

[Generate Draft Building Permit](#)

Submit Completed On 4/1/2022 10:18 AM EST by bconkling

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature



Date

4/1/2022

Application Submitted Successfully Completed On 4/1/2022 10:18 AM EST by bconkling

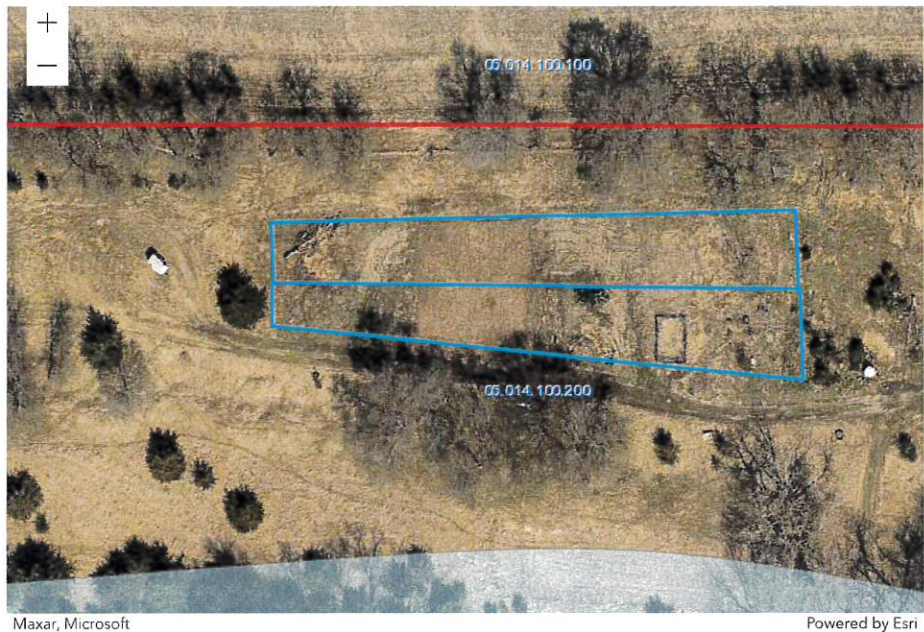
Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Site Plan Completed On 4/1/2022 11:45 AM EST by bconkling

Map - Mark the location of structures and other necessary information.

- 👁 Sketch Layer
- 👁 Reference Layer
- ▶ 👁 Mapproxy



Maxar, Microsoft

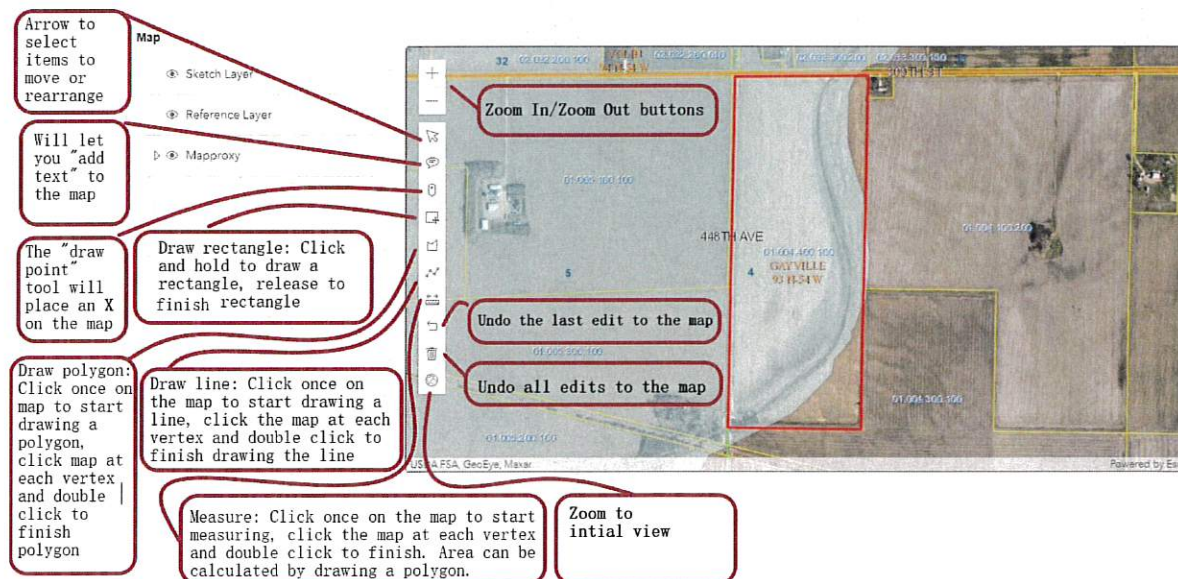
Powered by Esri

Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents

[Garden.jpg](#)

[Road.jpg](#)



Planning Review Completed On 4/1/2022 11:58 AM EST by gvetter

Continue with application

Continue

Describe what the applicant is requesting

Horticulture Sales

Planning Commission Code Reference

Section 607

Section 1805

Other Planning Commission Code Reference ⓘ

Board of Adjustment Code Reference

Section 607

Section 1805

Other Board of Adjustment Code Reference ⓘ

Please confirm the zoning provided by the applicant. If zoning is incorrect, please enter the correct zoning. It is this field that is printed on the final form to avoid applicant/system error. The correct zoning must be entered.

Zoning Classification ⓘ

R1

Wave Fee

Notes ⓘ

Director Review Completed On 4/1/2022 11:58 AM EST by gvetter

Zoning Director Review

Approve

Payment Completed On 4/1/2022 1:29 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$300.00

Confirmation Data

Payment Method	Online
Confirmation Number	183916714

Amount Paid

\$300.00

External Notes

Documents

Internal Notes

Documents

AFFIDAVIT OF MAILING

I, William Conkly, hereby certify that on the 28
day of April, 20 22, 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 1,320 feet radius
of the proposed project to the most recent address of the
recipient known to your Affiant.

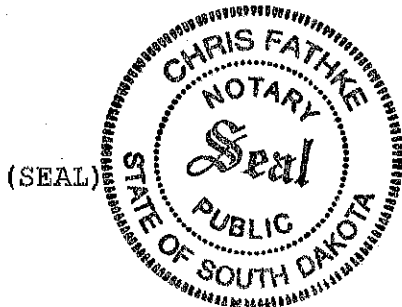
A true and correct copy of the Notice of Public Hearing
notification letters are attached as Exhibit #1 or #2.

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

Dated the 28 day of April, 20 22.

William Conkly
(Name)
Affiant

Subscribed and sworn to before me this 28th day of
April, 20 22.



Chris Fathke
Notary Public - South Dakota
My commission expires: 09-10-2027

NOTIFICATION

April 25, 2022

Bill Conkling
902 Karen Dr
Yankton, SD 57078

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 1,320 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 10th day of May, 2022 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 horticulture sales in a Low Density Residential District per Article 6 Section 607. Said property is legally described as the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), Section Fourteen (14), Township Ninety-three (93), Range Fifty-five (55), County of Yankton, South Dakota, less highways and roadways. E911 address is 31125 445th 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,
Bill Conkling

Petitioner

BOESE, VALERIE (D)
%GALL, JAMES R & ARLENE F
31112 445 AVE
YANKTON SD 57078

CONKLING, WILLIAM JOHN (D)
902 KAREN DR
YANKTON SD 57078

CONWAY, AARON R (D)
1011 WEST 12 ST
YANKTON SD 57078

COULSON FAMILY PROTECTION TRST (D)
1205 WEST 11 ST
YANKTON SD 57078

COULSON, THOMAS (D)
1205 WEST 11 ST
YANKTON SD 57078

CUTLER, SCOTT A (D)
107 POISON IVY LN
YANKTON SD 57078

GUTHMILLER HOLDINGS LLC (D)
224 WEST 3 ST
YANKTON SD 57078

JUEDEN, REGG (D)
2507 DUNHAM DR
YANKTON SD 57078

KABERNA, CAROL LYNN TRUST (D)
29542 399 AVE
WAGNER SD 57380

KOCMICH, ELLA M (D)
31104 445 AVE
YANKTON SD 57078

KOSTER, GERALD G (D)
100 POISON OAK DR
YANKTON SD 57078

KOSTER, TRAVIS R (D)
108 POISON IVY LN
YANKTON SD 57078

KUDRNA, MICHAEL J (D)
44525 LANE RD
YANKTON SD 57078

LABRIE, RICK (D)
31106 445 AVE
YANKTON SD 57078

LAW, BOB LIVING TRUST (D)
PO BOX 7094
YANKTON SD 57078

LEPP, DONALD LIVING TRUST (D)
101 POISON IVY LN
YANKTON SD 57078

MITTLEIDER, DUSTIN F (D)
26795 COUNTRY ACRES DR
SIOUX FALLS SD 57106

NOVAK, PATRICIA (D)
3921 E CAMPBELL AVE
GILBERT AZ 85234

PANKRATZ, LAURA L (D)
PO BOX 650
KEYSTONE SD 57751

SCHAECHER, TIM (D)
118 MULLIGAN DR
YANKTON SD 57078

SUHR, RHONDA (D)
44485 SD HWY 50
YANKTON SD 57078

VAN OSDEL, BARRY G (C)
44732 SD HWY 50
MISSION HILL SD 57046

WARD, JILL (D)
44517 LANE RD
YANKTON SD 57078

WESTRUM, AMY J (D)
44521 LANE RD
YANKTON SD 57078

WUESTEWALD, JAMES (D)
31120 445 AVE
YANKTON SD 57078

2010 Legal and Public Notices

EOE and Drug Free Workplace

YANKTON DAILY
PRESS & DAKOTAN

	38	37				
39		40			41	42

Yankton County, South Dakota

Paid by
William J Conkling
b.conkling13@gmail.com

Payment number
Date paid
Payment method

Receipt

183916714
April 1, 2022 01:29 PM
Online

\$300.00 paid on April 1, 2022

Variance, Conditional Use and Rezoning Application

Application ID: CUP-2022-71

Description	Amount
Fee	\$300.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant **EEI Real Estate – Conditional Use Permit 4/4/2022**

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 1007 ☐ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit for Manufacturing in a Commercial District (C) per Article 10 Section 1007. Said property is legally described as Tract B in the S1/2 of the SW1/4 of Section 33, T94N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 4400 W 31st St, Yankton, South Dakota

PC: Article 18 Section 1805

BOA: Article 19 Section 1905

Planning Commission date:
5/10/2022
Board of Adjustment
date:6/7/2022

Time:

Time:

Permit Number: CUP-2021-72

Yankton County

 Variance X Conditional Use Rezoning

Owner: Gregg Ehresmann

Owners Address: 705 W. 10th St. Yankton SD 57078

Owners Phone: 6056657532

Applicants Name,
if different from

Owner: Ehresmann Holdings

Applicants

Address: 4400 W. 31st St. Yankton SD 57078

Job Address: 4400 WEST 31 ST

Legal: Tract B in the S1/2 of the SW1/4 of Section 33, T94N, R56W of the 5th

Section,

Township, Range: 33-94-56

Zoning

Classification: Commercial

Affected Zoning

Ordinance: Section 1007Section 1007

Reason for

Request: Conditional use to conduct manufacturing in a Commercial District

List Specific

Hardships:

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 05/10/2022 7:10 PM CDT

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$300.00 Check #: 185283099 Receipt #:

Date:

Signature: Gregg Ehresmann

12/27/2021

Site Map



Parcel Number: 10.033.300.100

Site Description:

CENTRAL TWP.

434th AVE

SD HIGHWAY 153

436th AVE

437th AVE

438th AVE

439th AVE

US HIGHWAY 81

UTICA TOWNSHIP**SECTION 1N**

1. Siebrandt, Jacob etux 5

SECTION 2N

1. Kralicek, Melissa 11

SECTION 2S

1. Holdahl, Robert etux 5

SECTION 3N

1. Grate, Leo etux 11

SECTION 3S

1. Holtzmann Family Trust

SECTION 4N

1. Nedved, Mark 7

SECTION 4S

1. Larson, Robert 8

SECTION 5N

2. Brandt Trust, Merle etal 11

SECTION 5S

3. Zimmerman, Steve 20
4. List Trust, Robert 18

SECTION 6N

1. Batcheller, Jay 8

SECTION 6S

1. Town of Utica 6

SECTION 6S

1. Maska, Leann 5

SECTION 7N

1. Anthony, Craig etux 10

SECTION 7S

1. Phillips, Timothy etux 5

SECTION 8N

1. Christianson, David etux 6

SECTION 8S

2. Hughes, Scott etux 13

SECTION 9S

1. Fanta, Timothy etux 9

SECTION 9S

1. Rokahr, Steven 9

SECTION 11S

1. Hecky Trust, Terrance etux 11

SECTION 11S

2. 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. Tacke, WM etux 13

SECTION 18N

1. Cap LE, Stanley etal 5

SECTION 19

2. Cap, Robert etux 7

SECTION 19

1. Schenkel, Daniel etux 7

SECTION 20N

1. Yankton Co Sharpshooters Assn 12

SECTION 20N

2. Johnson, Michael etux 9

SECTION 21N

1. Kralicek, Frank etux 5

SECTION 21S

1. White Crane Estates LLC 18

SECTION 22N

1. Taggart, William etux 9

SECTION 24

1. Marquardt, Doug 13

SECTION 24

2. Keller, Dallas etux 10

SECTION 26

1. Barnes, David etux 7

SECTION 32

1. Zimmerman Trust, Henry etal 12

SECTION 33

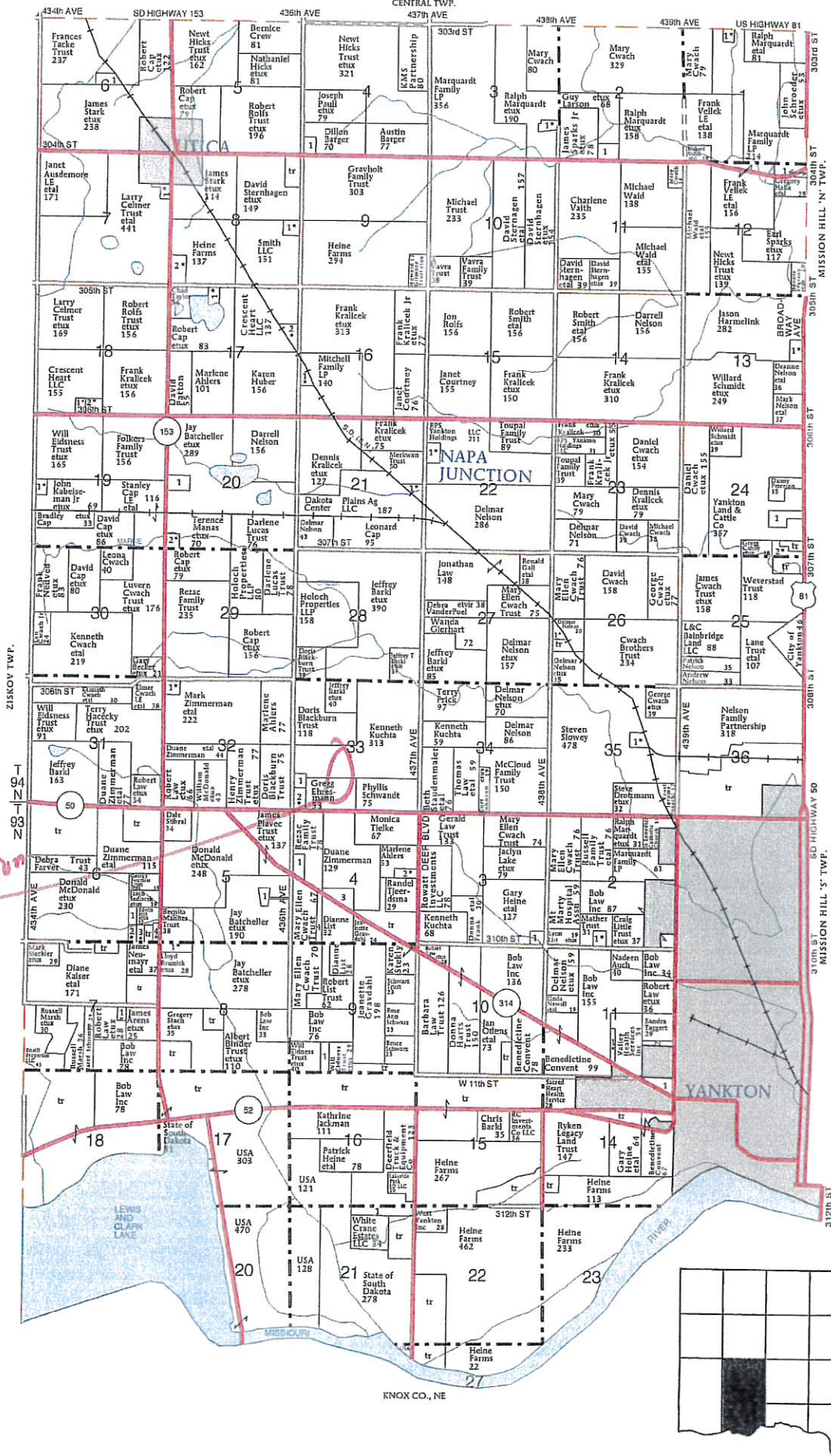
1. Delozler, Darrik 6

SECTION 35

2. Waddell, Edward etux 8

SECTION 35

1. Slowey, Steven etux 14

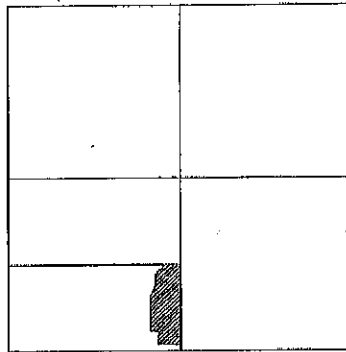


FINDINGS OF FACT – CONDITIONAL USE PERMIT

EEI Real Estate– CUP-2021-57

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 Manufacturing in a Commercial District (CM) per Article 10 Section 1007.
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.	


PLAT OF TRACT B IN THE S1/2 OF THE SW1/4 OF SECTION 33,
T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

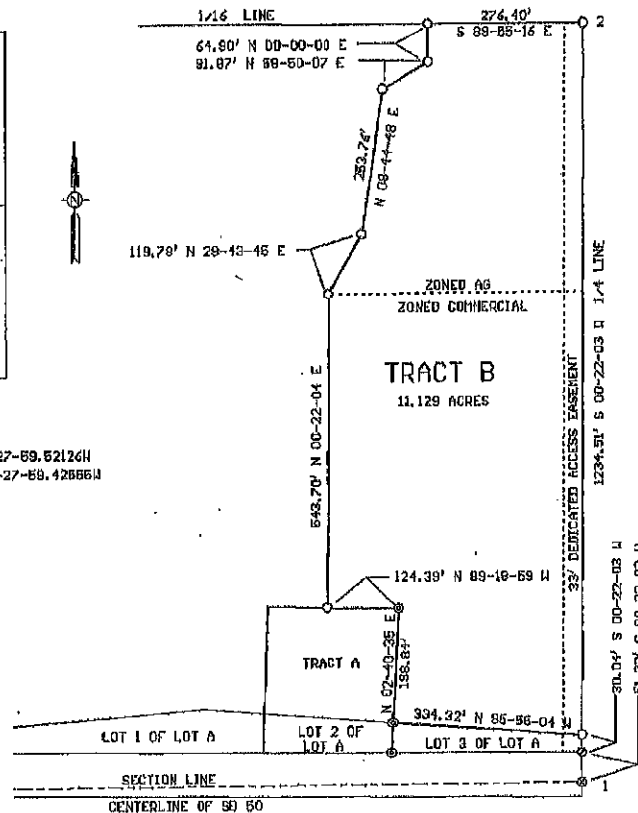
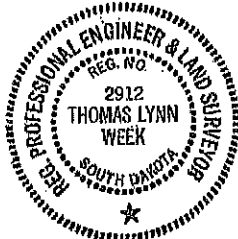


SECTION 33, T94N, R56W

POINT 1, LAT= 42-54-31.91162N, LONG= 97-27-59.52126W
POINT 2, LAT= 42-54-44.80730N, LONG= 97-27-58.42886W

- ⊙ CALCULATED CORNER
- ⊙ FOUND X IN CONCRETE
- ⊙ FOUND REBAR WITH CAP
- SET 5/8" REBAR WITH CAP
STAMPED TOM WEEK LS 2912

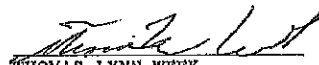
SCALE : 



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT B IN THE S1/2 OF THE SW1/4 OF SECTION 33, T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 28TH. DAY OF OCTOBER, 2021.


THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING TRACT B IN THE S1/2 OF THE SW1/4 OF SECTION 33, T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT, DATED THIS 3rd DAY OF December, 2021.


DIRECTOR OF EQUALIZATION, YANKTON COUNTY, S.D.

Variance, Conditional
Use and Rezoning

Fees Paid
\$300.00

Application
CUP-2021-72

Applicant
ERIC TAYLOR

Created
December 27,
2021

Number
CUP-2021-
72

10.033.300.100 | Gregg
Ehresmann | 4400 WEST 31 ST,
YANKTON, SD, 57078
Submitted by etaylorsd on
12/27/2021



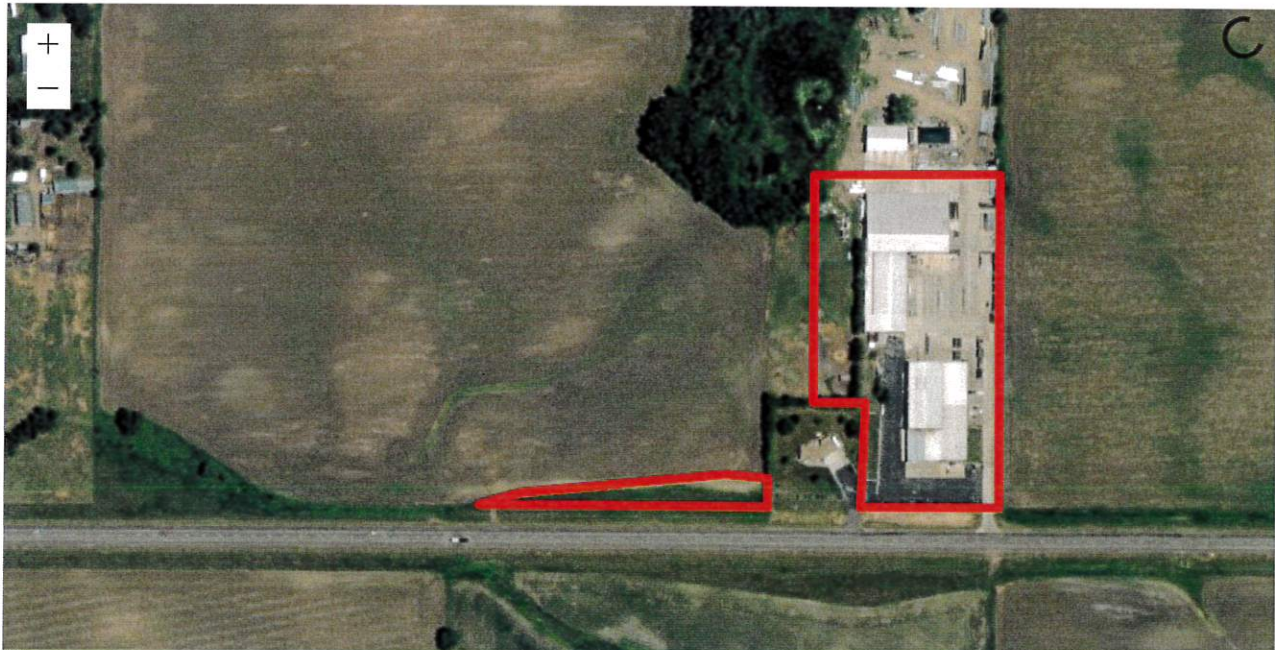
Applicant

ERIC TAYLOR

6056657532

E.TAYLOR@EHRESMANNENGINEERING.COM

Parcel search Completed On 12/27/2021 3:34 PM EST by Anonymous



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
10.033.300.100	4400 WEST 31 ST	YANKTON	EHRESMANN HOLDINGS LLC (D)	0.000

Draft Building Permit Completed On 12/27/2021 3:41 PM EST by etaylorsd

Upload Draft Building Permit

Draft Building Permit Form Completed On 12/27/2021 3:42 PM EST by etaylorsd

Job Address

4400 WEST 31 ST

Legal Description of Construction Site

LTS 1 & 3 LT A S2 SW4 & S851.23' E450' EXC TRACT A & EXC LT H1 & EXC HWY ROW

Owner Name

EHRESMANN HOLDINGS LLC (D)

Owner Address

705 W 10th St.

Owner Phone

6056657532

Contractor

Ehresmann Engineering, Inc.

Contractor Mailing Address

4400 vW. 31st St

Contractor Phone

6056657532

Architect or Designer

Architect or Designer Mailing Address

Architect or Designer Phone

Type and Use of Building

Class of Work

Describe Work

Valuation of Work

\$

Generate Draft Building Permit Completed On 12/27/2021 3:42 PM EST by etaylorsd

[Generate Draft Building Permit](#)

Submit Completed On 12/27/2021 3:43 PM EST by etaylorsd

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one

hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature



Date

12/27/2021

Application Submitted Successfully Completed On 12/28/2021 9:01 AM EST by bconkling

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Request Information Completed On 4/4/2022 3:11 PM EST by bconkling

Type of Request

Conditional Use

Fee

\$300.00

Reason for Request

Conditional use to conduct manufacturing in a Commercial District

List Specific Hardships

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Ehresmann Holdings

Applicant Address

4400 W. 31st St. Yankton SD 57078

Applicant Phone

605-665-7532

Owner Information

Owner Name

Gregg Ehresmann

Owner Address

705 W. 10th St. Yankton SD 57078

Owner Phone Number

6056657532

Property Information

Parcel ID Number

10.033.300.100

Legal Description

Tract B in the S1/2 of the SW1/4 of Section 33, T94N, R56W of the 5th P.M., Yankton County, South Dakota

Site Address

4400 WEST 31 ST

City

YANKTON

Zip

57078

Section-Township-Range

33-94-56

Zoning District

CM

Zoning Description

CM

Existing Use of Property

Commercial - Manufacturing

Site Plan Completed On 4/4/2022 3:13 PM EST by bconkling

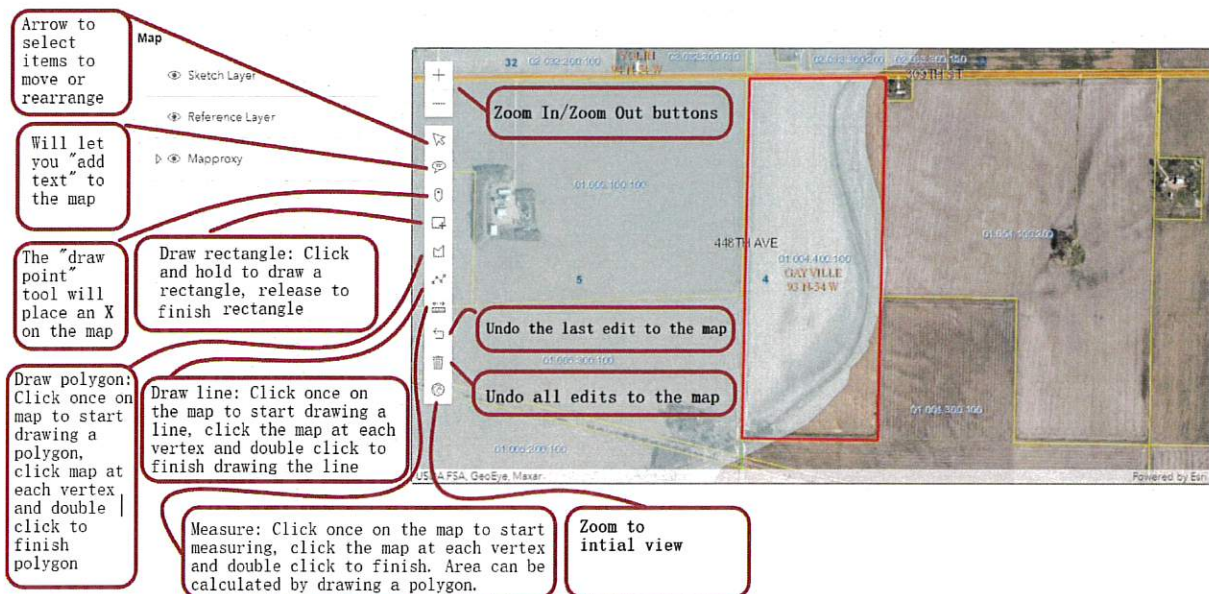
Map - Mark the location of structures and other necessary information.

- ☐ Sketch Layer
- ☐ Reference Layer
- ☒ Mapproxy



Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents



Planning Review Completed On 4/4/2022 3:14 PM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Planning Commission Code Reference

Section 1007

Other Planning Commission Code Reference ⓘ

Board of Adjustment Code Reference

Section 1007

Other Board of Adjustment Code Reference ⓘ

Please confirm the zoning provided by the applicant. If zoning is incorrect, please enter the correct zoning. It is this field that is printed on the final form to avoid applicant/system error. The correct zoning must be entered.

Zoning Classification ⓘ

Commercial

Wave Fee

Notes ⓘ

Director Review Completed On 4/4/2022 3:15 PM EST by bconkling

Zoning Director Review

Approve

Payment Completed On 4/13/2022 11:08 AM EST by etaylor

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$300.00

Confirmation Data

Payment Method	Online
Confirmation Number	185283099
Amount Paid	\$300.00

Planning Commission Meeting

Planning Commission Meeting Date and Time

May 10th 2022, 7:10 pm CDT

Letters to be mailed 10 days prior to the public meeting:

04/30/2022 7:10 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

05/02/2022 7:10 PM

Place your zoning action sign 7 days prior to the public meeting:

05/03/2022 7:10 PM

Date to send email to applicant

04/25/2022

Upload PC Mailing Labels

[labels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[CUP NOT Letter.pdf](#)

Upload PC Newspaper Publication

[Legals 5-10-2022.pdf](#)

Permit Number

CUP-2021-72

Receipt Number

Documents

Internal Notes

Documents

AFFIDAVIT OF MAILING

I, Eric Taylor, hereby certify that on the 27 day of April, 2022, 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 1,320 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 day of April, 2022.


(Name)
Affiant

Subscribed and sworn to before me this 27 day of April, 2022.


Notary Public - South Dakota
My commission expires: 06/09/2024

(SEAL)

NOTIFICATION

April 25, 2022

EEL Real Estate
4400 W 31st
Yankton, SD 57078

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 1,320 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 10th day of May, 2022 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 Manufacturing in a Commercial District (CM) per Article 10 Section 1007. Said property is legally described as Tract B in the S1/2 of the SW1/4 of Section 33, T94N, R56W of the 5th P.M., Yankton County, South Dakota. E911 address is 4400 W 31st St, 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,
Eric Taylor

Petitioner

DELOZIER, DARRIK D (D)
30878 436 AVE
YANKTON SD 57078

EHRESMANN HOLDINGS LLC (D)
705 WEST 10 ST
YANKTON SD 57078

EHRESMANN, GREGG (D)
705 WEST 10 ST
YANKTON SD 57078

EHRESMANN, PAMELA A TRUST (D)
705 WEST 10 ST
YANKTON SD 57078

KUCHTA, KENNETH L (D)
3501 DEER BLVD
YANKTON SD 57078

REZAC FAMILY REVOCABLE TRUST (D)
30776 435 AVE
YANKTON SD 57078

SCHWANDT, PHYLLIS (D)
3804 WEST 31 ST
YANKTON SD 57078

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

TIELKE, MONICA M (D)
% MONICA HORAK
2905 N CONWAY AVE UNIT #11
MISSION TX 78574

WADDELL, EDWARD (D)
30884 436 AVE
YANKTON SD 57078

ZIMMERMAN, DUANE G (D)
2717 DEER BLVD
YANKTON SD 57078

Yankton County, South Dakota

Paid by

ERIC TAYLOR

E.TAYLOR@EHRESMANNENGINEERING.COM

Receipt

Payment number

185283099

Date paid

April 13, 2022 11:02 AM

Payment method

Online

\$300.00 paid on April 13, 2022

Variance, Conditional Use and Rezoning Application

Application ID: CUP-2021-72

Description	Amount
Fee	\$300.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 4/14/2022

Applicant

Wildwood Park Addition- PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ 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 Lot 42, Being a Replat of Lots 40 and 41, Wildwood Park Addition, in Section 3, T93N, R55W of the 5th P.M., Yankton County, South Dakota

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Plat of Lot 42, Being a Replat of

Section No: 3 Township No: 93

Range: 55 Number of Lots/Tracts: 1

Number of Acres: 2.2

How is the property currently being used?
Moderate Density Residential

What is the proposed use of the property?
Moderate Density Residential

Surveyor/Engineer Information

Firm Name: Tom Week

Address:

City: Yankton State: SD Zip: 57078

Contact Person: Tom Week

Phone: 6056658333

Property Owner Information

Name: Conny Hogberg

Address: 266 Wildwood Dr

City: Yankton State: SD Zip: 57078

Contact person: Conny Hogberg

If the property owner is represented by an authorized agent, please provide the following:

Agent's name:

Agent's Title:

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☒ Yes ☐ No

2. What is/are the lot size(s) 2.2 Acres

3. Is this (plat) an existing farmstead? ☐ Yes ☒ No

4. If a farmstead, how many acres are surrounding it?

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? ☒ Yes ☐ No

6. Is this property to have construction on it? ☐ Yes ☒ No
If yes:

Name, address and phone number of contractor(s)

Owner certification

This is to certify that Conny Hogberg
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Conny Hogberg

Owner Signature

Owner Signature

This is to certify that _____
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____

County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

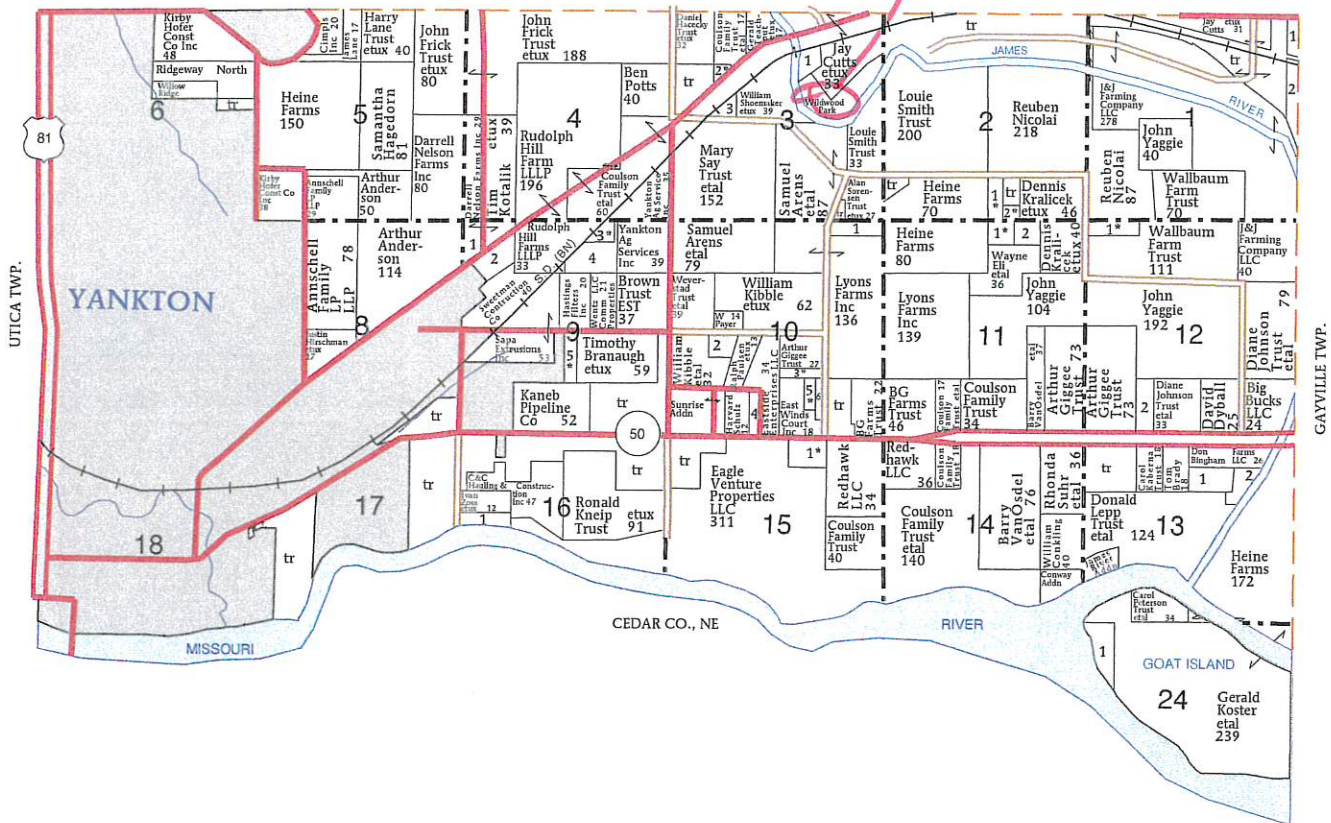
In order to insure prompt approval of your plat, please follow these steps:

☒ Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- ☒ 1. All required signatures notarized (owner(s), surveyor)?
- ☒ 2. Taxes paid at County Treasures?
- ☒ 3. County Treasurer's signature?
- ☒ 4. Ownership verified by Director of Equalization and signed?
- ☒ 5. Street authority signature (DOT, Highway, Township)?
- ☒ 6. \$100.00 Fee Paid at Zoning Office?
- ☒ 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- ☐ 8. County Planning Commission Chair signature?
- ☐ 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- ☐ 10. County Commission Chairs signature?
- ☐ 11. County Auditor's signature?
- ☐ 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 05/10/2022

Board of Adjustment date: _____

(Landowners)
MISSION HILL 'N' TWP.**MISSION HILL 'S'****TOWNSHIP****SECTION 1**

1. RWL Land LLC 6
2. Nelson, Nancy 13

SECTION 2

1. Palecek, Lance etux 15
2. Willman, David etux 5

SECTION 3

1. State of South Dakota 9

2. Anderson, Richard etux 9

3. Loecker, Reynold 9

SECTION 9

1. Keehr, Mark 5
2. Northwestern Public Service 15
3. Elide, Mark etux 6
4. Yankton Area Progressive Growth Inc 25

5. Holmstrom, Thomas etux 10

SECTION 10

1. Madson Trust, Clifford 14
2. Goeden, Josephine 10
3. Brasel, Anthony etux 6
4. Schulz Trust, Harvard 6
5. Tackle, Dan etal 7
6. Tackle, Dan 5

SECTION 11

1. Jensen Trust, Gary etux 10

2. Merkwan, Daryl 10

SECTION 12

1. Kopejtko, Jeff etux 8
2. Kaberna Trust, Carol 8

SECTION 13

1. Brady Tree Farm & Landscape LLC 27
2. Brady, Thomas 8

SECTION 15

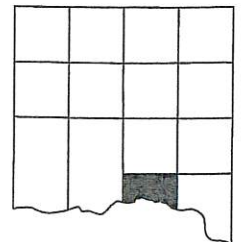
1. Harper, John etux 8

SECTION 16


1. National Field Archery Assn Foundation 12

SECTION 24

1. Henning, Mary 15

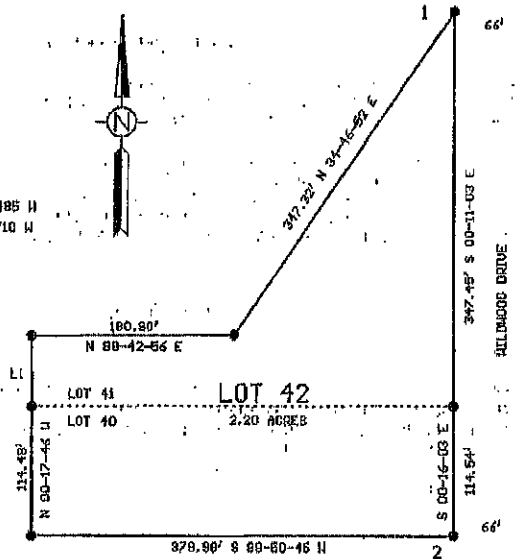


PLAT OF LOT 42, BEING A REPLAT OF LOTS 40 AND 41, WILDWOOD PARK ADDITION,
IN SECTION 3, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

SCALE : 

● FOUND REBAR

1, LAT. = 43-54-15.92240 N, LAT. = 97-19-18.88185 W
2, LAT. = 43-54-11.25942 N, LAT. = 97-19-18.96710 W
LI = 62.37' N 00-06-18 W



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF LOT 42, BEING A REPLAT OF LOTS 40 AND 41, WILDWOOD PARK ADDITION, IN SECTION 3, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 6TH. DAY OF APRIL, 2022.

THOMAS LYNN WEEK
REG. LAND SURVEYOR
REG. NO. 2912

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING LOT 42, BEING A REPLAT OF LOTS 40 AND 41, WILDWOOD PARK ADDITION, IN SECTION 3, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

CERTIFICATE OF STREET AUTHORITY

ACCESS TO LOT 42 IS HEREBY APPROVED. ANY FURTHER ACCESS POINTS WILL REQUIRE ADDITIONAL APPROVAL.

DATED THIS _____ DAY OF _____,

TOWNSHIP/COUNTY APPROVAL

SHEET 1 OF 2

PLAT OF LOT 42, BEING A REPLAT OF LOTS 40 AND 41, WILDWOOD PARK ADDITION, IN SECTION 3, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

WE, CONNY O. HOGBERG AND RANAE L. HOGBERG, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED PROPERTY: LOT 42, BEING A REPLAT OF LOTS 40 AND 41, WILDWOOD PARK ADDITION, IN SECTION 3, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS _____ DAY OF _____,

CONNY O. HOGBERG RANAE L. HOGBERG

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED CONNY O. HOGBERG AND RANAE L. HOGBERG, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: LOT 42, BEING A REPLAT OF LOTS 40 AND 41, WILDWOOD PARK ADDITION, IN SECTION 3, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS _____ DAY OF _____,

COUNTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS _____ DAY OF _____,

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS _____ DAY OF _____,

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS _____ DAY OF _____, _____ O'CLOCK _____ M., AND DULY RECORDED IN BOOK NO. _____, PAGE _____.

PREPARED BY: TOM WEEK.

407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333

REGISTER OF DEEDS, YANKTON COUNTY, SD

Plat Approval
Application
36434
Applicant
Bill Testing

Fees Paid
\$100.00
Created
April 6, 2022

Number
36434

Final | Plat of Lot 42, Being a
Replat of Lots 40 and 41,
Wildwood Park Addition, in
Section 3, T93N, R55W of the
5th P.M., Yankton County, South
Dakota | Conny Hogberg | 266
Wildwood Dr | 05.003.500.040
Submitted by BillTesting on
4/6/2022



Applicant

Bill Testing

test@test.com

Parcel search Completed On 4/6/2022 10:47 AM EST by bconkling



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
05.003.500.040	266 WILDWOOD DR	MISSION HILL	HOGBERG, CONNY O (D) HOGBERG, RANAE L (D)	0.000

Plat Approval Items Completed On 4/13/2022 2:06 PM EST by bconkling

In order to insure prompt approval of your plat, please complete the following steps before submitting your application

Upload Copy of Plat

[wildwood.pdf](#)

Plat Approval Applicant Checklist 1

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasurer's signature?

Submit Application Completed On 4/13/2022 2:07 PM EST by bconkling

Owner Certification

Owner(s)

Conny Hogberg

This is to certify that the aforementioned owner(s) undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton County Zoning Ordinance.

Owner Signature



Owner Signature

If represented by an Agent, please provide name and signature below

Agent Name

This is to certify that (Agent) acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understood Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Payment Completed On 4/14/2022 9:20 AM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$100.00

Confirmation Data

Payment Method	Check
Confirmation Number	1630
Amount Paid	\$100.00

Planning Commission Review Completed On 4/14/2022 9:21 AM EST by bconkling

Plat Approval Planning Commission Checklist

Please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasure's signature?

Ownership verified by Director of Equalization and signed?

Street authority signature (DOT, Highway, Township)?

\$100.00 Fee Paid at Zoning Office?

Plat has been scheduled/approved by the Yankton County Planning Commission?

Planning Commission date:

05/10/2022

Requested Information Completed On 4/14/2022 9:36 AM EST by bconkling

Fee

\$100.00

Plat Type

Final

Development Information

Plat Name

Plat of Lot 42, Being a Replat of Lots 40 and 41, Wildwood Park Addition, in Section 3, T93N, R55W of the 5th P.M., Yankton County, South Dakota

Section No:

3

Township No:

93

Range

55

Number of Lots/Tracts

1

Number of Acres

2.2

How is this property currently being used?

Moderate Density Residential

What is the proposed use of the property?

Surveyor/Engineer Information

Firm Name

Tom Week

Address

407 Regal dr

City

Yankton

State

SD

Zip

57078

Contact Person

Tom Week

Phone

6056658333

Property Owner Information

Owner Name

Conny Hogberg

Address

266 Wildwood Dr

City

Yankton

State

SD

Zip

57078

Owner Phone

6056802740

Contact Person

Conny Hogberg

If the property owner is represented by an authorized agent, please provide the following:

Agent's name

Agent's Title

Plat Information

Does this lot/tract conform with Yankton County Zoning Ordinance required minimum lot sizes?

Yes

What is/are the lot size(s)

2.2 Acres

Is this plat an existing farmstead

No

If a farmstead, how many acres are surrounding it

The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?

Yes

Is this property to have construction on it

No

If Yes:

Construction contractors Name, Address, and phone number (if applicable)

External Notes

Documents

Internal Notes

Documents

Yankton County,
South Dakota

Paid by
Bill Testing
test@test.com

Payment number
Date paid
Payment method

Receipt
1630
April 14, 2022 09:20 AM
Check

\$100.00 paid on April 14, 2022

Plat Approval Application
Application ID: 36434

Description	Amount
Fee	\$100.00

COUNTY OFFICIALS

Yankton County Commission:

Dan Klimisch, ~~Yankton~~ Utica

Joseph Healy, Yankton

Cheri Loest, Utica

Don Kettering, Yankton

Wanda Howey-Fox, Yankton

Yankton County Planning Commission:

Don Kettering, Yankton

Dennis Michael, Yankton

Chris Barkl, Yankton

Cherie Hoffman, Utica

Cathy Weiss, Menno

~~Kristi Schultz~~ Lauren Nelson, Yankton

~~Doug Hevle~~ Matt Evans, Yankton

Yankton County Zoning Administrator:

Gary Vetter, (605) 260-4445

Yankton County Deputy Zoning Administrator:

Bill Conkling, (605) 260-4447

Yankton County Auditor:

Patty Hojem, (605) 260-4436

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.

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,

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:

	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.

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):

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. Swimming pools; and~~
16. Towers; ~~and~~
17. 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. (Amended May 19, 2020)

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):

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. Swimming pools; and~~
12. Towers; ~~and~~
13. 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. **(Amended May 19, 2020)**

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.

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):

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. Swimming pools; and~~
8. Towers; and
9. 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. **(Amended May 19, 2020)**

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;
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

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; and
30. Wholesale sales;
31. Cannabis Cultivation Facility;
32. Cannabis Dispensary;
33. Cannabis Product Manufacturing Facility;
34. Cannabis Testing Facility; and
35. Accessory Structures

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):

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. Swimming pools;~~
21. Tank farms;

22. Towers, pursuant to Article 25 & Article 26;
23. Truck or equipment terminals;
24. Veterinary services; **(Amended May 19, 2020)**
25. Wind energy systems; and **(Amended May 19, 2020)**
26. Firework Sales. **(Amended May 19, 2020)**

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

1. The minimum lot area shall be ~~two (2) acres~~ 40,000 sq. ft.; and
2. The minimum lot width shall be ~~one hundred and fifty (150)~~ 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:

1. There shall be a front yard of not less than a depth of ~~one hundred (100)~~ fifty (50) feet;
2. There shall be a rear yard of not less than a depth of ~~fifty (50)~~ 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; ~~and~~
19. Utility facilities;
20. Cannabis Cultivation Facility;
21. Cannabis Dispensary;
22. Cannabis Product Manufacturing Facility; ~~and~~
23. Cannabis Testing Facility

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.

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility; ~~and~~
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. Veterinary clinics; and
21. Warehousing facilities.

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

1. The minimum lot area shall be ~~one (1) acre~~ 20,000 sq. ft.; and
2. The minimum lot width shall be ~~one hundred and fifty (150)~~ 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:

1. There shall be a front yard of not less than a depth of ~~seventy five (75)~~ 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; and
4. Utility facilities.

Section 1205 Permitted Accessory Uses and Structures

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

1. Accessory **agricultural** 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):

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); ~~by an Animal Feeding Operation, as defined herein, pursuant to Section 519(11)(12);~~
9. Temporary construction facilities; and

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).

landscaping and paved areas, transportation patterns, and water and sewer services; and

C. Such other information as may be required by the County Planning Commission to determine if the proposed planned unit development is consistent with the intent of the district.

2. The County Planning Commission shall, within sixty (60) days of receiving the plan for the proposed planned unit development, consider such plan at a minimum of one public hearing pursuant to Section 1809. Upon consideration, the County Planning Commission shall inform the applicant in writing of its approval or denial of the plan. In the event of denial, the Commission shall inform the applicant of the reason(s) for denial, including any recommended modifications in the plan, which would cause the Commission to reconsider.
3. Upon approval of the plan by the County Planning Commission, it shall forward its written recommendations to the Board of County Commissioners along with a copy of the approved plan, that the tract be designated a Planned Unit Development (PUD) by amendment of the Official Zoning Map.
4. Upon receiving the County Planning Commissioner's written recommendation, the Board of County Commissioners shall consider the proposed development and possible amendment of the Official Zoning Map in accordance with Section 2201.
5. Following the amendment of the Official Zoning Map by the Board of County Commissioners, the County Zoning Administrator may, upon proper application, issue a building permit for construction of the planned unit development in accordance with the approved plan.
6. If previously approved PUD plan does not exist, the Homeowner's Association will submit a new amended plan for approval.
7. If no Homeowner's Association exists to amend a missing PUD plan the closest comparable zoning requirements will be used.

Section 1305 Subsequent Performance

Following issuance of a building permit for the planned unit development by the Zoning Administrator, the applicant shall begin construction within a period of six (6) months. Failure to do so shall invalidate the building permit. Construction shall follow precisely the plan approved by the County Planning Commission to which modifications may be granted only by the County Planning Commission upon the filing of an amended plan. Failure to follow the approved plan on the part of the applicant or their agent shall be considered a violation of this Ordinance punishable as herein prescribed.

ARTICLE 15

SUPPLEMENTARY DISTRICT REGULATIONS

Section 1501 Accessory Buildings

No accessory building shall be erected in any defined setback and no separate accessory building shall be erected within five (5) feet of any other 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 residential living quarters. It shall be unlawful to use manufactured homes for any use 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 1503 Erection of More than One Principal Structure on a Lot

In any district, more than one structure, housing a permitted or permissible principal use, may be erected on a single lot, provided, that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 1505 Manufactured Homes

No camping unit, mobile, or manufactured homes shall be parked and occupied in any district for more than forty-eight (48) hours, except upon a special permit issued by the Zoning Administrator. ~~Such permit shall be issued for a period not to exceed fourteen (14) days and shall not be renewable within the same calendar year.~~ **Provided,** However, a permit may be issued for parking and occupying a camping unit, mobile, or manufactured home on land owned by the occupant or occupants, during the construction of a house thereon or for a period not exceeding one (1) year and which shall be renewable for an additional period not exceeding one (1) year. However, if material progress with site development or house construction is not made within forty-five (45) days from the issuance of a permit, or if site or construction work ceases for a consecutive period of forty-five (45) days, said permit shall become void. This Section shall not be applicable when a manufactured home is used for agricultural-related (nonhuman habitation) purposes.

Section 1713 Board of Adjustment Appointment and Terms

The Yankton County Commission shall serve as the Board of Adjustment. The Board of Adjustment is hereby designated to hear all requests for variances, conditional uses and appeals.

The Yankton County Commission may also appoint a first alternate and a second alternate for a term of three years each. If a member is unable to attend a meeting, the first alternate, or second alternate, in turn, shall serve in the member's place.

The County Auditor shall act, as secretary to the Board of Adjustment when acting in zoning cases, but shall take no part in the deliberations. Meetings of the Board of Adjustment acting in zoning cases shall be held at the call of the Chairperson and at such other times, as the Board shall determine.

All meetings of the Board of Adjustment shall be open to the public. Those meetings designated as public hearings shall allow for testimony from all interested parties. The Board, acting in zoning cases, shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the County Auditor by 5:00 P.M. the following business day and shall be a public record.

Section 1715 Board of Adjustment Voting Requirements

The Board of Adjustment can hear and determine conditional uses as authorized by the zoning ordinance. The uses shall be determined by an affirmative majority vote of the full membership of the board of adjustment.

The Board of Adjustment shall, upon a vote of two-thirds (2/3) (4 of 5) of the full membership of the Board of Adjustment, ~~overrule the Zoning Administrator or grant conditional uses or variances to the terms of this ordinance.~~ Reverse any order, requirement, decision, or determination of any administrative official or to effect any variation in the ordinance.

Section 1717 Board of Adjustment Appeal, Variance, and Conditional Use Duties

Upon notification of a request for an appeal, variance, conditional use, or any part thereof the Board of Adjustment shall schedule a public hearing. Notice of the time and place of the hearing shall be given pursuant to Section 1903. Any person may appear and support or protest the pending action. The Board shall discuss the application and formulate a decision. The decision should be in the form of a motion clearly stating the Board's decision and the reasons supporting said decision. All requests shall be in accordance with Articles 18, Article 19 and Article 20. Appeals of a Board decision shall be done pursuant to Section 2101.

Section 1719 County Commission Amendment and Rezoning Duties

The County Commission may amend, supplement, change, modify, or repeal any regulation, restriction, boundary, or enforcement provision established in the zoning ordinance or Zoning Map. The County Commission shall forward a copy of the proposed changes to the Planning Commission for public review and comment

the building permit, conditional use, or variance the potential purchaser may submit and sign all documents required for application. All applications for building permits shall be accompanied by a site plan.

The site development plan shall be drawn to scale and indicate the following:

1. Location and topography of the proposed structure(s), including adjacent property owners and proximity to federal, state highways, and to county, township, or city roads;
2. A north arrow;
3. The actual dimensions and shape of the lot to be built upon;
4. The exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration;
5. Property lines and square footage of the proposed structure(s);
6. Location and dimensions of all easements and right-of-ways;
7. General road and pedestrian walkway plan;
8. General utility and sewer plans with proximity and proposed connection to central or individual services; and
9. Site drainage plan and development impact on culverts, etc.

Refer to document entitled Site Plan Requirements for a detailed example of a site plan.

The application shall include such other information as may be lawfully required by the Zoning Administrator, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, rental units, or animal units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. The Zoning Administrator shall return one (1) copy of the application to the applicant after they shall have marked such copy either as approved or disapproved and attested to same by their signature on such copy.

If a building permit is refused, the Zoning Administrator shall state the reasons for such refusal in writing. The Zoning Administrator shall retain the original and one (1) copy of the application, similarly marked. The issuance of a building permit shall in no case be construed as waiving any provisions of this Ordinance.

Section 1725 Expiration of Building Permits, Conditional Uses and Variances

The building permit shall expire if the work described in any building permit, ~~conditional use, or variance~~ has not begun within one hundred eighty (180) days from the date of issuance.

The building permit shall also expire if the work described in any building permit, ~~conditional use, or variance~~ has not been completed within two (2) years from the date of issuance.

~~When unforeseen circumstances occur, a one-time extension for building permits for six months may be allowed at the discretion of the Zoning Administrator.~~

~~Any special permitted use, conditional use, or variance granted under this chapter does not expire for a period of two years following approval or completion of any final appeal of the decision. Any county zoning ordinance provision to the contrary is invalid or unenforceable and the special permitted use, conditional use, or variance shall be allowed if actual construction as approved is commenced within this period. The authority constitutes a lawful use, lot, or occupancy of land or premises existing at the time of the adoption of a zoning ordinance amendment or replacement within this period or while an appeal is pending regardless of the commencement of actual construction, so that the approved use shall be allowed if upheld on final appeal. For the purpose of this section, the term, actual construction, means that construction materials are being permanently placed and the construction work is proceeding without undue delay.~~

Section 1727 Construction and Use to be as Provided in Application, Plans, Permits, and Application for Zoning Compliance

Building permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 2303 of this ordinance.

Section 1729 Schedule of Fees, Charges, and Expenses

The Yankton County Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for variances, conditional uses, amendments, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Yankton County Commission. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1731 Building Permit in a Conspicuous Place

All building permits issued by the Zoning Administrator must be placed along the property's frontage to be visible from the nearest public access point. If a property does not have a road frontage, then such permits shall be placed upon the available right-of-way and upon the property in a conspicuous location within 5 working days of receipt of the building permit and must remain for the duration of the construction of work described.

ARTICLE 19

BOARD OF ADJUSTMENT

Section 1901 Powers and Duties

The Board of Adjustment shall have the power to hear requests for variances, conditional uses and appeals of a decision rendered by the Zoning Administrator.

Section 1903 Appeals

The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction on application or notice to the officer for whom the appeal is taken and on due cause shown.

The appeal shall be taken within a reasonable time not to exceed ten (10) working days, as provided by the rules of the board of adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken. All appeals relating to a particular action or property shall be consolidated and heard on an expedited basis.

The board of adjustment shall hold at least one public meeting of the appeal. Notice of the time and place shall be given at least ten days in advance by publication in a legal newspaper of the county, and due notice shall be given to the parties in interest. The board of adjustment shall decide the appeal within sixty days of receiving a notice of appeal. Any party may appear at the hearing in person or by agent or by attorney.

Prior to hearing an appeal, the following requirements shall be completed.

1. The Board of Adjustment and appellant shall act upon appeals pursuant to Section 2101.

ARTICLE 21

DUTIES ON MATTERS OF APPEAL

Section 2101 Duties of Zoning Administrator, Board of Adjustment, and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment. Upon exhaustion of the administrative appeal process as described herein recourse shall be to the Court of competent jurisdiction.

The appeal shall be taken within a reasonable time not to exceed ten (10) working days, as provided by the rules of the board of adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken. All appeals relating to a particular action or property shall be consolidated and heard on an expedited basis.

The board of adjustment shall hold at least one public meeting of the appeal. Notice of the time and place shall be given at least ten days in advance by publication in a legal newspaper of the county, and due notice shall be given to the parties in interest. The board of adjustment shall decide the appeal within sixty days of receiving a notice of appeal. Any party may appear at the hearing in person or by agent or by attorney.

- B) The subdivision of any lot or any parcel of land, by the metes and bounds description for the purpose of sale (pursuant to SDCL 43-21-1), transfer or lease, with the intent of evading the terms of this ordinance shall not be permitted.
- C) No zoning or building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this ordinance.

Section 2811 Penalties (Amended June 16, 2020)

Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a Class 2 Misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day that the violation continues may constitute a separate offense.

SUBDIVISION PLANS IN GENERAL

Section 2812 Plat Required (Amended June 16, 2020)

Whenever any subdivision of land into a lot or lots less than twenty (20) acres is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer, owner, or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth below. **Note: If a parcel is not a full 40 acres due to right of way dedication the County Commission may consider an equal half split of the parcel.**

Section 2813 Recording, Use and Selling (Amended June 16, 2020)

- A) No plat of any subdivision shall be allowed to be recorded with the Register of Deeds or have any validity until it has been approved in the manner prescribed by this ordinance. If any such unapproved plat is recorded, it is invalid and the County Commission shall institute proceedings to have the plat stricken from the records.
- B) No owner, or agent of the owner, of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein.
- C) No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance if it is found that such real property is contrary to the public health, safety, or welfare. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of his interest in said real property.

16, 2020)

G) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of access easements, the following requirements shall apply:

- 1) The access easement shall provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the access easement by the public or any governmental agency.
- 2) Access easements shall be indicated on the plat.
- 3) Any plat which shows an access easement as a means of access shall provide language in the owner's certificate (see Section 2836) reserving the easement area for perpetual unobstructed access. **(Amended June 16, 2020)**

Section 2827 Minimum Road Right-of-Way (Amended June 16, 2020)

- A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 46 feet shall be reserved for private roadways. A maximum right-of-way of 100 feet may be required on roads designated as arterial and collector. **Half-width streets shall be prohibited, except where necessary for the reasonable development of the subdivision in conformance with the other requirements of this article and where the County Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street has already been provided adjacent to an area to be subdivided, the other remaining half of the street shall be platted within such subdivision.**
- B) Cul-de-sacs will be required where, due to physical constraints, they are necessary for the reasonable development of the subdivision. The minimum radius of a turnaround at the end of a cul-de-sac shall be within the 66 feet right of way. This shall also apply to private roadways with the minimum radius of a turnaround at the end of a cul-de-sac within the 46 feet right of way.

Section 2828 Subdivision Road Standards (Amended June 16, 2020)

- A) Access from individual lots within a subdivision onto an arterial road shall be prohibited. Frontage roads are not encouraged but may be considered when special circumstances exist.
- B) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards.
- C) Minimum width of the driving surface shall be 24 feet. Ditches and driveways shall have a maximum inslope of 4:1 in accordance with



YANKTON COUNTY

ZONING ORDINANCE 2020

Adopted: February 18, 2020

Amended November 4, 2021

Prepared by: Yankton County Commission

Yankton County Planning Commission

COUNTY OFFICIALS

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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:

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.

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 - 10,000</u>
Class B	<u>200 – 499</u>

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 (½) 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.

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**)

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 not exceeding one (1) mile in width immediately adjoining the City of Yankton.

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)**

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° F or less. Flammable liquid is any liquid having a flash point below 100°F and having vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100°F. Combustible liquid is any liquid having a flash point at or above 100°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.

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.

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.

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

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.

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.

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.

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.

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.

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.

~~Swimming Pool - A water filled enclosure, permanently constructed or portable, having a depth of more than twenty four inches below the level of the surrounding land, or an above ground pool, having a depth of more than thirty inches, designed used and maintained for swimming and bathing.~~

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.

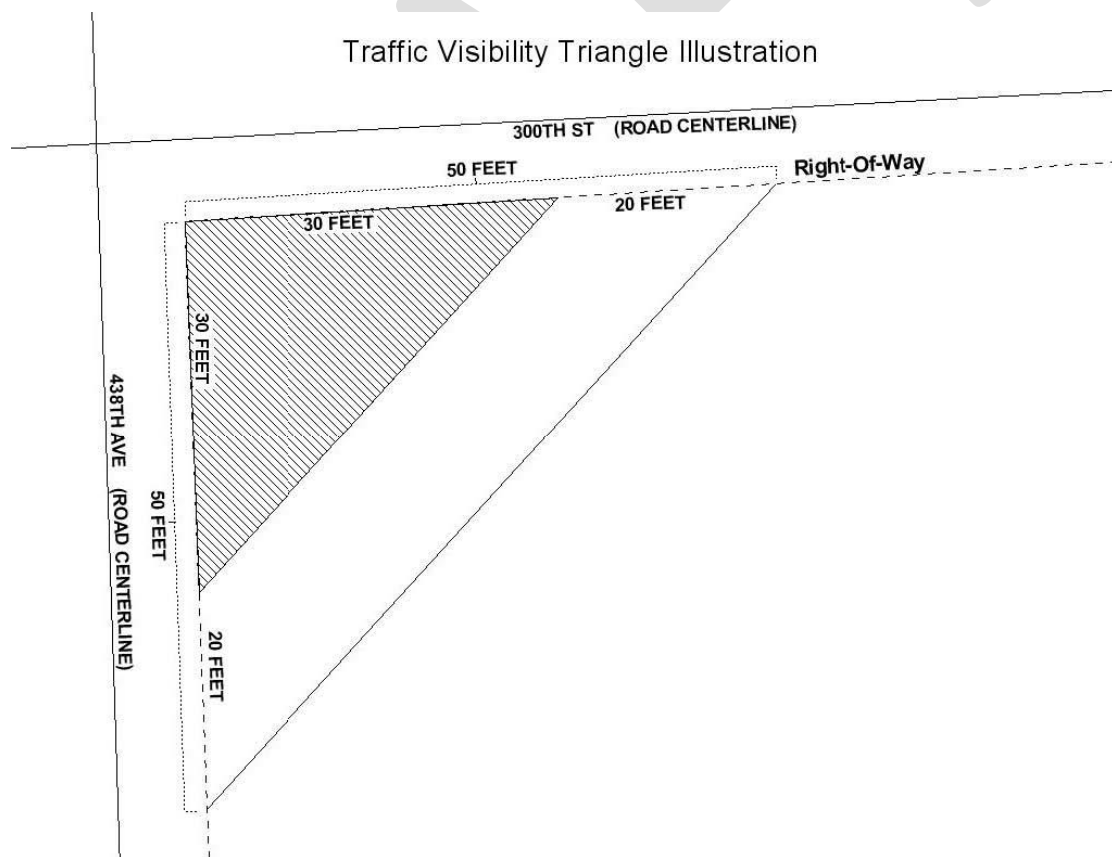
Temporary Construction Facilities - Parcels of land or structures where construction or mining support facilities are constructed or placed at or near a job site to provide materials and support mechanisms for construction or mining projects. The term shall include but is not limited to portable offices, 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-way 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.

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 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, 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.

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 Energy System - A structure or place, such as a wind turbine, designed and constructed to generate power for distribution to off-site users. This definition shall not include private facilities with a single tower or turbine less than seventy-five (75) feet in height and not designed for distribution of power to off-site users.

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.

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

Section 505 Permitted Accessory Uses and Structures

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

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;~~
17. Swimming Pools;

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. 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);
41. Temporary construction facilities; and
42. Towers, pursuant to Article 25 & Article 26;
43. Wildlife and game production areas; and
44. Wind energy systems, pursuant to Article 26.

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:

	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.

<u>Facility Setback Chart (Feet)</u>		
Class	A	B
Animal Units	500 to 10,000	200 to 499
<i>Solid Manure System*</i>		
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
<i>Liquid Manure System*</i>		
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
<i>Any Style Manure System</i>		
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 $(1000 \text{ AU} \times 1.98\text{ft.}) + (940 \text{ AU} \times 2.64 \text{ ft.}) = 4462'$

- 3. Manure application.** New Animal Feeding Operations and waste facilities shall comply to the following:
- A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
 - 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.
 - 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 is 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.

Manure Application Setback Chart			
	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
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; and
6. Utility facilities.

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):

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. Swimming pools; and~~
16. Towers; and
17. 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. (Amended May 19, 2020)

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.

DRAFT

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; and
6. Utility facilities.

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):

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. Swimming pools; and~~
12. Towers; ~~and~~
13. 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. **(Amended May 19, 2020)**

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. 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):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services; and
4. Horticulture;
5. Modular homes;
6. Utility facilities;

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):

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. Swimming pools; and~~
8. Towers; and
9. 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. **(Amended May 19, 2020)**

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;
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 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):

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; and
30. Wholesale sales;
31. Cannabis Cultivation Facility;
32. Cannabis Dispensary;
33. Cannabis Product Manufacturing Facility;
34. Cannabis Testing Facility; and
35. Accessory Structures

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):

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. Swimming pools;~~
21. Tank farms;

22. Towers, pursuant to Article 25 & Article 26;
23. Truck or equipment terminals;
24. Veterinary services; (**Amended May 19, 2020**)
25. Wind energy systems; and (**Amended May 19, 2020**)
26. Firework Sales. (**Amended May 19, 2020**)

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

1. The minimum lot area shall be ~~two (2) acres~~ 40,000 sq. ft.; and
2. The minimum lot width shall be ~~one hundred and fifty (150)~~ 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:

1. There shall be a front yard of not less than a depth of ~~one hundred (100)~~ fifty (50) feet;
2. There shall be a rear yard of not less than a depth of ~~fifty (50)~~ 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.

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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):

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; ~~and~~
19. Utility facilities;
20. Cannabis Cultivation Facility;
21. Cannabis Dispensary;
22. Cannabis Product Manufacturing Facility; and
23. Cannabis Testing Facility

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.

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility; ~~and~~
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. Veterinary clinics; and
21. Warehousing facilities.

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

1. The minimum lot area shall be ~~one (1) acre~~ 20,000 sq. ft.; and
2. The minimum lot width shall be ~~one hundred and fifty (150)~~ 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:

1. There shall be a front yard of not less than a depth of ~~seventy-five (75)~~ 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; and
4. Utility facilities.

Section 1205 Permitted Accessory Uses and Structures

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

1. Accessory ~~agricultural~~ 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):

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); ~~by an Animal Feeding Operation, as defined herein, pursuant to Section 519(11)(12);~~
9. Temporary construction facilities; and

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.

ARTICLE 13

PLANNED UNIT DEVELOPMENT (PUD)

Section 1301 Intent

The provisions of this article are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this Ordinance. A planned development, to be eligible under this Article, must be:

1. In accordance with the comprehensive plans of the county, including all plans for redevelopment and renewal;
2. Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the county;
3. So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the county; and
4. A minimum of five (5) acres in land area.

Section 1303 Application Procedure

1. An applicant for consideration under the terms of this district, who must be owner, lessee, or the holder of a written purchase option of the tract of land under consideration, shall submit to the County Planning Commission a site plan for the proposed planned unit development. The plan shall indicate:
 - A. The location and extent of the proposed planned unit development, including its relationship to surrounding properties;
 - B. The exact nature and extent of improvements to be developed or erected upon the tract, including contoured site plans, building plans and elevations, and plans for

landscaping and paved areas, transportation patterns, and water and sewer services; and

- C. Such other information as may be required by the County Planning Commission to determine if the proposed planned unit development is consistent with the intent of the district.
2. The County Planning Commission shall, within sixty (60) days of receiving the plan for the proposed planned unit development, consider such plan at a minimum of one public hearing pursuant to Section 1809. Upon consideration, the County Planning Commission shall inform the applicant in writing of its approval or denial of the plan. In the event of denial, the Commission shall inform the applicant of the reason(s) for denial, including any recommended modifications in the plan, which would cause the Commission to reconsider.
3. Upon approval of the plan by the County Planning Commission, it shall forward its written recommendations to the Board of County Commissioners along with a copy of the approved plan, that the tract be designated a Planned Unit Development (PUD) by amendment of the Official Zoning Map.
4. Upon receiving the County Planning Commissioner's written recommendation, the Board of County Commissioners shall consider the proposed development and possible amendment of the Official Zoning Map in accordance with Section 2201.
5. Following the amendment of the Official Zoning Map by the Board of County Commissioners, the County Zoning Administrator may, upon proper application, issue a building permit for construction of the planned unit development in accordance with the approved plan.
6. If previously approved PUD plan does not exist, the Homeowner's Association will submit a new amended plan for approval.
7. If no Homeowner's Association exists to amend a missing PUD plan the closest comparable zoning requirements will be used.

Section 1305 Subsequent Performance

Following issuance of a building permit for the planned unit development by the Zoning Administrator, the applicant shall begin construction within a period of six (6) months. Failure to do so shall invalidate the building permit. Construction shall follow precisely the plan approved by the County Planning Commission to which modifications may be granted only by the County Planning Commission upon the filing of an amended plan. Failure to follow the approved plan on the part of the applicant or their agent shall be considered a violation of this Ordinance punishable as herein prescribed.

ARTICLE 15

SUPPLEMENTARY DISTRICT REGULATIONS

Section 1501 Accessory Buildings

No accessory building shall be erected in any defined setback and no separate accessory building shall be erected within five (5) feet of any other 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 residential living quarters. It shall be unlawful to use manufactured homes for any use 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 1503 Erection of More than One Principal Structure on a Lot

In any district, more than one structure, housing a permitted or permissible principal use, may be erected on a single lot, provided, that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 1505 Manufactured Homes

No camping unit, mobile, or manufactured homes shall be parked and occupied in any district for more than forty-eight (48) hours, except upon a special permit issued by the Zoning Administrator. ~~Such permit shall be issued for a period not to exceed fourteen (14) days and shall not be renewable within the same calendar year.~~ **Provided,** However, a permit may be issued for parking and occupying a camping unit, mobile, or manufactured home on land owned by the occupant or occupants, during the construction of a house thereon or for a period not exceeding one (1) year and which shall be renewable for an additional period not exceeding one (1) year. However, if material progress with site development or house construction is not made within forty-five (45) days from the issuance of a permit, or if site or construction work ceases for a consecutive period of forty-five (45) days, said permit shall become void. This Section shall not be applicable when a manufactured home is used for agricultural-related (nonhuman habitation) purposes.

Section 1507 Manufactured Home Performance Standards I

Manufactured homes placed within the applicable zoning district, shall comply with the following requirements:

1. The roof shall be shingled with conventional roofing products;
2. The pitch of the main roof shall be not less than one (1) foot of rise for each three (3) feet of horizontal run;
3. The exterior walls shall be encased with conventional house siding; flat or corrugated sheet metal is prohibited;
4. The manufactured home shall be placed on and anchored to a permanent foundation constructed of wood or masonry. At a minimum, the foundation shall include frost footings, piers, and anchor bolts as prescribed with the manufactured home's design. The foundation shall be inspected and approved by the Zoning Administrator prior to placement of the home;
5. A semi-permanent structure replicating an exterior foundation wall shall form a complete enclosure around the perimeter of the home from the lower edge to the ground. The design and materials list shall be approved by the Zoning Administrator prior to placement of the home;
6. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion;
7. The running gear and hitch shall be removed;
8. Anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design;
9. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards; and
10. Prior to placement of home on the foundation, the County Zoning Administrator must approve the foundation and exterior foundation wall.

Nothing contained in this Regulation shall prevent a permanent manufactured home from being placed on an established farmstead, to be used as a secondary residence, so long as it is connected to the existing farm operation on non-deeded land.

Section 1509 Manufactured Home Performance Standards II

Manufactured homes placed within the applicable zoning district, shall comply with the following requirements:

1. The roof shall be shingled with conventional roofing products;

2. The pitch of the main roof shall be not less than one (1) foot of rise for each three (3) feet of horizontal run;
3. The exterior walls shall be encased with conventional house siding; flat or corrugated sheet metal is prohibited;
4. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than fourteen (14) feet, as measured across the narrowest portion;
5. The manufactured home shall be skirted with a material which is not highly combustible and installed around the perimeter of the home from the bottom of the home to the ground;
6. Anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design; and
7. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards.

Nothing contained in this Regulation shall prevent a permanent manufactured home from being placed on an established farmstead, to be used as a secondary residence, so long as it is connected to the existing farm operation on non-deeded land.

Section 1511 Existing Trailer Park Performance Standards

Prior to any changes, replacement, modification, addition, or increase to any existing Trailer Parks, as defined herein, the owner of said property shall provide, at a minimum, a site development plan pursuant to Section 1723.

The Zoning Administrator and Planning Commission shall review the plan. No activity as mentioned herein shall continue until the Planning Commission has approved said plan. The Planning Commission shall have the discretion to review the plan at a meeting format of their choice.

In addition, existing Trailer Parks shall comply with the following standards:

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 public right-of-way shall be thirty (30) feet; and
3. It shall be unlawful to use manufactured homes for any use other than residential living quarters. It will also 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.

Section 1513 Individual Septic System Performance Standards

Individual septic systems or similar systems proposed for lots one (1) acre or less in size or where the concentration of development shall merit such review as determined by the Zoning Administrator, prior to construction or development of a lot:

- 1 Soil suitability;
- 2 Percolation test; and
- 3 Impact of proposed system on existing systems within the area.

Section 1515 Quarries and/or Mining

All mining activity shall be conducted in accordance with SDCL 45-6.

Section 1519 Right-of-Way Preservation Standards

No structure shall be permitted to occupy any right-of-way or future public right-of-way. Right-of-way or future public right-of-way shall include a minimum of a sixty six (66) foot corridor centered on each one quarter ($\frac{1}{4}$) line and each one sixteenth ($\frac{1}{16}$) line. This section shall apply to legally established sections within the township and range system. This section shall be subject to the Planning Commission's and Board of Adjustment's determination of applicability and implementation.

Section 1521 Campgrounds

Any campgrounds shall be no less than five (5) acres in size and be of contiguous or abutting lands.

Section 1525 Camping Units

No camping unit as defined herein shall be parked and occupied upon a lot and not within a designated campground for a period greater than fourteen (14) days within a calendar year unless in accordance with Section 1505. Any camping unit placed with the intent to occupy said unit for a period greater than fourteen (14) days within a calendar year and not pursuant to Section 1505 shall obtain a conditional use prior to occupying said camping unit on the fifteenth or greater day. This Section shall apply whether the camping unit is placed for a continuous period or intermittently throughout a calendar year.

ARTICLE 17

ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

Section 1701 Yankton County Zoning Administrator

An administrative official who shall be known as the Zoning Administrator and who shall be designated by the Yankton County Commission shall administer and enforce this ordinance. They may be provided with the assistance of such other persons as the County Commission may direct.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by the Ordinance to insure compliance with or to prevent violation to its provisions. The Zoning Administrator shall report all actions to the Planning Commission and County Commission at the next general meeting of each.

Section 1703 Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Zoning Administrator or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises an ordinance violation, the Zoning Administrator or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Zoning Administrator by this ordinance, provided that if such building or premises be occupied, they shall first present proper credentials and request entry; and if such building or premises be unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Zoning Administrator or an authorized representative shall have recourse to every remedy provided by law to secure entry.

Section 1705 Planning Commission Appointment and Terms

The Yankton County Commission shall appoint a Planning Commission and as provided in SDCL 11-2-2. The County Planning Commission shall consist of an odd number of members, including at least one (1) county commissioner. The term of each of the appointed members of the County Planning Commission shall be for three (3) years; provided, that when the Planning Commission is first appointed, the lengths of the terms shall be varied so that no more than one-third (1/3) of the terms shall expire in the same year. Any appointed member of the County Planning Commission may be removed for cause, after hearing prior to the expiration of their term by a majority vote of the elected members of the Board of County Commissioners.

Administrative officials of the county may be appointed as ex officio members of the commission.

The Planning Commission shall adopt rules necessary for the conduct of its affairs and keeping with the provisions of this Ordinance including the selection of a Chairperson and Vice-Chairperson. The Commission shall have a quorum present prior to conducting official business. A quorum shall be defined as fifty one (51) percent of the Commission's total membership. The term of the Chairman and Vice-Chairman shall be for one (1) year. The Planning Commission shall keep a record of all proceedings. Meetings shall be regularly scheduled and held at the call of the Chairman, at such other times as the Planning Commission may determine, but in no event, shall the Commission meet less than once (1) every three (3) months. All meetings of the Planning Commission shall be open to the public except as provided by SDCL 1-25-5. Those meetings designated as public hearings shall allow for testimony from all interested parties.

Section 1707 Planning Commission Voting Requirements

The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed with the County Auditor. All votes shall be by simple majority of the members present. An abstention vote shall not be considered as a vote in the positive or negative. The Planning Commission shall adopt from time to time, additional regulations, as it may deem necessary to carry appropriate provisions of this Ordinance into effect. No official action or vote shall be acted upon without a quorum present in accordance with Section 1705.

Section 1709 Planning Commission Amendment and Rezoning Duties

Upon notification of a request for an amendment or rezone or any part thereof the Planning Commission shall schedule a public hearing. The Commission shall discuss the application and formulate a recommended action. The recommendation should be in the form of a motion clearly stating the Commission's recommended action. The Commission shall forward its recommendation to the County Commission at least ten (10) days in advance of the County Commission meeting at which the application is being considered.

Section 1711 Planning Commission Variance and Conditional Use Duties

The Planning Commission shall review all applications for variances or conditional uses at an official public hearing of the Commission. Notice of the time and place of the hearing shall be given pursuant to Section 1803 (3-5). Any person may appear and support or protest the pending action. In hearing conditional use and variance applications, the Commission shall discuss the application and formulate a recommended action. The recommendation should be in the form of a motion clearly stating the Commission's recommendation. The Commission shall forward its recommendation to the Board of Adjustment at least ten (10) days in advance of the Board of Adjustment meeting at which the application is being considered.

Section 1713 Board of Adjustment Appointment and Terms

The Yankton County Commission shall serve as the Board of Adjustment. The Board of Adjustment is hereby designated to hear all requests for variances, conditional uses and appeals.

The Yankton County Commission may also appoint a first alternate and a second alternate for a term of three years each. If a member is unable to attend a meeting, the first alternate, or second alternate, in turn, shall serve in the member's place.

The County Auditor shall act, as secretary to the Board of Adjustment when acting in zoning cases, but shall take no part in the deliberations. Meetings of the Board of Adjustment acting in zoning cases shall be held at the call of the Chairperson and at such other times, as the Board shall determine.

All meetings of the Board of Adjustment shall be open to the public. Those meetings designated as public hearings shall allow for testimony from all interested parties. The Board, acting in zoning cases, shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the County Auditor by 5:00 P.M. the following business day and shall be a public record.

Section 1715 Board of Adjustment Voting Requirements

The Board of Adjustment can hear and determine conditional uses as authorized by the zoning ordinance. The uses shall be determined by an affirmative majority vote of the full membership of the board of adjustment.

The Board of Adjustment shall, upon a vote of two-thirds (2/3) (4 of 5) of the full membership of the Board of Adjustment, ~~override the Zoning Administrator or grant conditional uses or variances to the terms of this ordinance.~~ Reverse any order, requirement, decision, or determination of any administrative official or to effect any variation in the ordinance.

Section 1717 Board of Adjustment Appeal, Variance, and Conditional Use Duties

Upon notification of a request for an appeal, variance, conditional use, or any part thereof the Board of Adjustment shall schedule a public hearing. Notice of the time and place of the hearing shall be given pursuant to Section 1903. Any person may appear and support or protest the pending action. The Board shall discuss the application and formulate a decision. The decision should be in the form of a motion clearly stating the Board's decision and the reasons supporting said decision. All requests shall be in accordance with Articles 18, Article 19 and Article 20. Appeals of a Board decision shall be done pursuant to Section 2101.

Section 1719 County Commission Amendment and Rezoning Duties

The County Commission may amend, supplement, change, modify, or repeal any regulation, restriction, boundary, or enforcement provision established in the zoning ordinance or Zoning Map. The County Commission shall forward a copy of the proposed changes to the Planning Commission for public review and comment

pursuant to Section 1809. Upon receipt of the comments from the Planning Commission the County Commission shall provide a notice of public hearing pursuant to Section 2003. The County Commission shall thereafter either adopt or reject such amendment, supplement, change, modification, or repeal. If adopted the County Commission shall publish a notice of fact of adoption once in a legal newspaper of the County and take effect on the twentieth day after its publication. (SDCL 11-2-30)

Section 1721 Building Permits

No construction shall commence on any building or structure, which meets any one (1) of the criteria listed below without a permit therefore, issued by the Zoning Administrator. A building permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless they received a written order from the Board of Adjustment in the form of an administrative review, conditional use, or variance as provided by this Ordinance. All building permits are subject to the appeal process; therefore, any work begun prior to the appeal period shall be at the owner's risk.

Building permits are required in the following instances:

1. For any structure or building in which the structure or building is erected, partially erected, moved, added to, or structurally altered;
2. For any structure or building in which the use for that structure or building is significantly changed; or
3. For any structure or building, regardless of cost, if additional land or area is required for the improvements to be sited on.

An exemption/exception from a building permit does not automatically preclude the activity from the remaining zoning regulations. Exceptions to building permits shall be:

1. Remodeling, improvements, or maintenance provided such activity does not include structural alterations or require additional land or space;
2. Concrete slabs on grade;
3. Fences, corrals, and windbreaks pursuant to Section 517;
4. Semi-portable agricultural structures; and
5. A (one) one hundred twenty (120) square foot accessory building without a sub-grade foundation.

Section 1723 Applications for Building Permits, Conditional Uses,

Variances, and Amendments

All applications for building permits, conditional uses, variances, amendments, and rezoning must be signed or approved in writing by the owner of record. In the event the owner of record has a binding purchase agreement contingent on the approval of

the building permit, conditional use, or variance the potential purchaser may submit and sign all documents required for application. All applications for building permits shall be accompanied by a site plan.

The site development plan shall be drawn to scale and indicate the following:

1. Location and topography of the proposed structure(s), including adjacent property owners and proximity to federal, state highways, and to county, township, or city roads;
2. A north arrow;
3. The actual dimensions and shape of the lot to be built upon;
4. The exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration;
5. Property lines and square footage of the proposed structure(s);
6. Location and dimensions of all easements and right-of-ways;
7. General road and pedestrian walkway plan;
8. General utility and sewer plans with proximity and proposed connection to central or individual services; and
9. Site drainage plan and development impact on culverts, etc.

Refer to document entitled Site Plan Requirements for a detailed example of a site plan.

The application shall include such other information as may be lawfully required by the Zoning Administrator, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, rental units, or animal units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. The Zoning Administrator shall return one (1) copy of the application to the applicant after they shall have marked such copy either as approved or disapproved and attested to same by their signature on such copy.

If a building permit is refused, the Zoning Administrator shall state the reasons for such refusal in writing. The Zoning Administrator shall retain the original and one (1) copy of the application, similarly marked. The issuance of a building permit shall in no case be construed as waiving any provisions of this Ordinance.

Section 1725 Expiration of Building Permits, Conditional Uses and Variances

The building permit shall expire if the work described in any building permit, ~~conditional use, or variance~~ has not begun within one hundred eighty (180) days from the date of issuance.

The building permit shall also expire if the work described in any building permit, ~~conditional use, or variance~~ has not been completed within two (2) years from the date of issuance.

When unforeseen circumstances occur, a one-time extension for building permits for six months may be allowed at the discretion of the Zoning Administrator.

Any special permitted use, conditional use, or variance granted under this chapter does not expire for a period of two years following approval or completion of any final appeal of the decision. Any county zoning ordinance provision to the contrary is invalid or unenforceable and the special permitted use, conditional use, or variance shall be allowed if actual construction as approved is commenced within this period. The authority constitutes a lawful use, lot, or occupancy of land or premises existing at the time of the adoption of a zoning ordinance amendment or replacement within this period or while an appeal is pending regardless of the commencement of actual construction, so that the approved use shall be allowed if upheld on final appeal. For the purpose of this section, the term, actual construction, means that construction materials are being permanently placed and the construction work is proceeding without undue delay.

Section 1727 Construction and Use to be as Provided in Application, Plans, Permits, and Application for Zoning Compliance

Building permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 2303 of this ordinance.

Section 1729 Schedule of Fees, Charges, and Expenses

The Yankton County Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for variances, conditional uses, amendments, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Yankton County Commission. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1731 Building Permit in a Conspicuous Place

All building permits issued by the Zoning Administrator must be placed along the property's frontage to be visible from the nearest public access point. If a property does not have a road frontage, then such permits shall be placed upon the available right-of-way and upon the property in a conspicuous location within 5 working days of receipt of the building permit and must remain for the duration of the construction of work described.

Section 1733 Reserved for future use

Section 1735 Bad Actor Legislation

The Yankton County Commission may reject an application for any permit filed for a building permit, variance, conditional use, amendment, rezoning, or otherwise for the reasons and on the grounds set forth in SDCL 1-40-27, as revised and amended. Such rejection shall be based upon a specific finding by the Commission that the applicant has engaged in the activity identified in the aforesaid statute. The burden on the Commission to make the specific finding provided for herein shall be by a preponderance of the evidence.

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ARTICLE 19

BOARD OF ADJUSTMENT

Section 1901 Powers and Duties

The Board of Adjustment shall have the power to hear requests for variances, conditional uses and appeals of a decision rendered by the Zoning Administrator.

Section 1903 Appeals

The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction on application or notice to the officer for whom the appeal is taken and on due cause shown.

The appeal shall be taken within a reasonable time not to exceed ten (10) working days, as provided by the rules of the board of adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken. All appeals relating to a particular action or property shall be consolidated and heard on an expedited basis.

The board of adjustment shall hold at least one public meeting of the appeal. Notice of the time and place shall be given at least ten days in advance by publication in a legal newspaper of the county, and due notice shall be given to the parties in interest. The board of adjustment shall decide the appeal within sixty days of receiving a notice of appeal. Any party may appear at the hearing in person or by agent or by attorney.

Prior to hearing an appeal, the following requirements shall be completed.

1. The Board of Adjustment and appellant shall act upon appeals pursuant to Section 2101.

2. Any person aggrieved by a decision of the Zoning Administrator shall file a written intent to appeal with the Zoning Administrator within ten (10) working days after the building permit has been issued in accordance with Section 1731. A full written appeal must be filed with the Zoning Administrator within five (5) additional working days.

3. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed was taken;

4. Notice of the hearing date shall be given at least ten (10) days in advance by publication in a legal newspaper of the county;

5. A good faith effort must be made by the appellant to notify the applicant, and all property owners in accordance with the following provisions:

A. Projects within lands zoned Agriculture shall notify all property owners lying within two thousand six hundred forty (2,640) feet of the property on which the appeal is pending.

B. Projects within lands not zoned Agriculture shall notify all property owners lying within one thousand three hundred twenty (1,320) feet of the property on which the appeal is pending.

The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant Yankton County 132 with "Notice of Hearing" forms for this purpose, and the notices shall be given to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by affidavit certifying that the required mailing was completed. The affidavit shall be provided to the Planning Department at least seven (7) days prior to the Planning Commission meeting.

6. A notification sign furnished by Yankton County shall be posted by the applicant on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along the property's access frontage so as to be visible from the nearest public access point. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall be not less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy, or change such posted notice prior to such hearings; (Amended May 19, 2020)

7. The Zoning Administrator shall present the decision to the Board of Adjustment for review; and

8. The Board of Adjustment shall uphold, overrule, or amend the decision

pending before the Board.

9. Upon exhaustion of the administrative appeal process as described herein recourse shall be to the Court of competent jurisdiction pursuant to Section 2101.

Section 1905 Conditional Uses

The Board of Adjustment shall have the power to hear and decide, in accordance with the provisions of this ordinance, requests for conditional uses or for decisions upon other special questions upon which the Board of Adjustment is authorized by this ordinance to pass; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. Prior to hearing a request for a conditional use the following requirements shall be met.

1. The applicant shall specifically cite, within the application the section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested;
2. The Planning Commission has reviewed the application pursuant to Section 1805 of this Ordinance;
3. Notice of public hearing shall be given, as in Section 1803 (3-5);
4. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
5. The Board of Adjustment shall make a finding that it is empowered under the Yankton County 133 section of this Ordinance described in the application to:
 - A. Grant the conditional use;
 - B. Grant with conditions; or
 - C. Deny the conditional use.
6. Before any conditional use is issued, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - A. Ingress and egress to property and 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 and compatibility and harmony with properties in the district;
- 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.

Section 1907 Variances

The Board of Adjustment shall have the power to hear requests for variances from this Ordinance in instances where strict enforcement would cause unnecessary hardship, and to grant such variances only when the following provisions apply:

1. No such variance shall be authorized by the Board of Adjustment unless it finds:
 - A. The strict application of the ordinance would produce undue hardship;
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and
 - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.
2. No variance shall be authorized unless the Board of Adjustment finds that the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.
3. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:
 - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;

B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

C. The special conditions and circumstances do not result from the actions of the applicant; and

D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.

4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

5. The Planning Commission has reviewed the application pursuant to Section 1807 of this Ordinance.

6. Notice of public hearing shall be given, as in Section 1803 (3-5).

7. The public hearing shall be held. Any party may appear in person for by agent or by attorney. Yankton County 135

8. The Board of Adjustment shall make findings that the requirements of this Section have been met by the applicant for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

9. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 2303 of this ordinance.

10. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

ARTICLE 21

DUTIES ON MATTERS OF APPEAL

Section 2101 Duties of Zoning Administrator, Board of Adjustment, and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment. Upon exhaustion of the administrative appeal process as described herein recourse shall be to the Court of competent jurisdiction.

The appeal shall be taken within a reasonable time not to exceed ten (10) working days, as provided by the rules of the board of adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken. All appeals relating to a particular action or property shall be consolidated and heard on an expedited basis.

The board of adjustment shall hold at least one public meeting of the appeal. Notice of the time and place shall be given at least ten days in advance by publication in a legal newspaper of the county, and due notice shall be given to the parties in interest. The board of adjustment shall decide the appeal within sixty days of receiving a notice of appeal. Any party may appear at the hearing in person or by agent or by attorney.

ARTICLE 28
(Formerly Ordinance #20)
Amended June 16, 2020

SUBDIVISION REGULATION

DEFINITIONS

Arterial Road- A principal traffic artery which is more or less continuous across the County.

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 principle building including covered porches and paved patios, is a building in which is conducted the principle use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principle building on the lot on which the same is situated.

Building – A structure having a roof supported by columns or walls for housing, shelter; or enclosure of persons, animals, movable personal property or property of an kind.

Building, Principle – A building in which is conducted the principle use of the lot on which it is situated. In a residential district any dwelling is deemed to be the principle building on the lot which it is situated. The principle dwelling shall meet Yankton County Zoning Ordinance #16, Article 15, Section 1527 Principle Dwelling Performance Standards.

Building, Accessory – A building which is subordinate, and the use of which is incidental to that of the principle building, structure or use on the same lot.

Collector Road - A road which carries traffic from local roads to arterial roads and highways, including the principle entrance roads of a residential development and roads for circulation in such development.

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

County - Yankton County, South Dakota.

County Commission - A duly elected governing body of Yankton County.

Cul-de-sac Road- 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.

Publically Dedicated Property- A grant of land deeded to the public for their perpetual use.

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.

Double Frontage Lot- A lot which abuts a road on two opposite sides (not a corner lot).

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.

Final Subdivision Plan - The plan shall include final drainage and grading plans and an erosion control plan.

Frontage Road - A road generally located adjacent and parallel to an arterial road, used only for access to abutting property providing limited access to the arterial road.

Highway Superintendent - The person appointed by the County Commission to direct the operations of the County Highway Department.

Local Road - A road intended to provide access to arterial and collector roads from individual properties in a subdivision and to provide right-of-way for various utilities but not intended to be used for through traffic.

Lot - A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and including such yards and other open spaces as are herein required. Such parcel shall have frontage on an improved public right-of-way, or 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; in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance, unless approved by the County Commission.

Major Road Plan - The transportation plan adopted as part of the Comprehensive Plan by the County Commission.

Monument - A boundary marker of concrete, enduring stone or material, permanently planted and firmly fixed in the ground placed so that the top of the monument is flush with natural ground. The monument shall meet current professional survey standards.

Planning Commission - The Yankton County Planning Commission, a body of persons having the power to hear and make recommendations to the Board of Adjustment or County Commission, based on Findings of Fact, in accordance with provisions of the Subdivision Ordinance, on requests for conditional use permit, variance, amendment or change in zoning. The term Planning Commission shall be synonymous with Planning and Zoning Commission and Commission, but shall not include Board of Adjustment or Zoning Board.

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

Preliminary Plan – A map depiction consisting of the preliminary subdivision plan, and showing the preliminary drainage and grading plan.

Preliminary Subdivision Plan – Maps, drawings and /or writings indicating the proposed layout of the lots, blocks, and public rights-of- way within a subdivision.

Private Roadway – An access that has not been dedicated, but rather reserved as private access to property. The access shall be owned and maintained by the property owners which it serves, and shall be the full width of the easement including the driving surface and ditches.

Replat - A map depiction changing an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.

Right-of-Way; ROW - An area of land that is legally described in a registered deed. 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.

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.

Anything manufactured or constructed by humans, as opposed to that occurring in nature, which is affixed, anchored, or otherwise attached to or below surface of the ground.

Anything manufactured or constructed by humans, as opposed to that occurring in nature, which is attached, to something else having been affixed, anchored, or otherwise attached to or below the surface of the ground.

Structure, Accessory – A structure which is subordinate to a principle building and the use of which is incidental to that of the principle use on the same lot.

Subdivision - The division of a parcel of land into more than two (2) lots; or parcels less than twenty (20) acres in size platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new road regardless of parcel size or the number of parcels. (SDCL 11-3-8)

Unconventional Septic Systems – All septic systems which are not defined as “On-site wastewater system – a system designed to contain, distribute, or treat wastewater on or near the location where the wastewater is generated, including sewers, septic tanks and absorption fields”.

Zoning Administrator - An official of the County, hired by the Yankton County Commission, to administer and enforce the Subdivision Regulations and other provisions of the Yankton County Zoning Ordinance. This official may be given administrative authority to approve future plats in a subdivision after a final subdivision plan has been approved by the Yankton County Board of Adjustment or Yankton County Commission.

GENERAL PROVISIONS

Section 2801 Title (Amended June 16, 2020)

These regulations shall be referred to as the Subdivision Regulation Ordinance of Yankton County, South Dakota.

Section 2802 Purpose (Amended June 16, 2020)

It is the purpose of this ordinance to regulate the subdivision of land so as to provide coordination of roads with other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sanitation facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to prevent unauthorized land subdivision; to protect and provide for the public health, safety, and general welfare of the County; and to conform with the comprehensive plan.

Section 2803 Jurisdiction (Amended June 16, 2020)

- A) These subdivision regulations shall apply to all subdivisions of land, as described herein, located within the unincorporated area of the county.
- B) It shall be unlawful for any person having control of any land within the jurisdiction of the County to subdivide or lay-out such land in lots less than twenty (20) acres, unless by plat, in accordance with the laws of the State of South Dakota and the regulations contained herein.
- C) No land shall be subdivided until the owner or developer has submitted the preliminary plan, if required, to the Planning Commission for its approval.
- D) No plat shall be recorded in the office of the Register of Deeds and no lots shall be sold from such plat unless and until approved as herein provided. The Register of Deeds shall not record any document of any sale or transfer of unplatted property except in accordance with this ordinance.

Section 2804 Conformity With Other Plans (Amended June 16, 2020)

In addition to the requirements established herein, all subdivision plans and plats shall comply with the following laws, rules, and regulations:

- A) The Comprehensive Plan for the County and the policies set forth therein.
- B) The Zoning Ordinance of the County.
- C) Other plans which may be or have been adopted that would affect the subdivision and use of the land. An example is the Flood Damage Prevention ordinance.

Section 2805 Interpretation, Abrogation and Severability (Amended June 16, 2020)

- A) In interpreting and applying the provisions of this Ordinance, these regulations are the minimum requirements for the promotion of public safety, health, and general welfare. It is not the intent of this Ordinance to uphold, repeal, abrogate or impair any existing easement, covenant, or deed restriction, or non-conforming lots of record at the effective date of adoption or amendment of the Subdivision Ordinance, where these provisions conflict or overlap.
- B) Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any portion thereof.

Section 2806 Amendments (Amended June 16, 2020)

For the purpose of providing for the health, safety and general welfare of the community, the County Commission may from time to time amend the provisions imposed by these subdivision regulations.(SDCL 11-2-30) Public hearings on all

proposed amendments shall be held by the Planning Commission and the County Commission in the manner prescribed by law. (SDCL 11-2-18)

Section 2807 Fees (Amended June 16, 2020)

- A) The developer shall pay to the Planning Department a fee as set by the County Commission for the final subdivision plan, including all plats to be filed with the Register of Deeds at this approval period. All additional plats submitted after the initial final subdivision plan shall pay a fee as set by the County Commission for each plat shown on the final subdivision plan. Prior to release of the plat, the developer shall also pay for the cost of all road signs as specified in Section 2826 (C). **(Amended June 16, 2020)**
- B) A fee as set by the County Commission shall be charged for the filing of a subdivision variance. **(Amended June 16, 2020)**

ENFORCEMENT

Section 2808 Powers and Duties (Amended June 16, 2020)

- A) The Zoning Administrator is hereby authorized to administer and enforce this ordinance. Any appropriate actions may be taken by law or in equity to prevent any violation of this ordinance, to prevent unlawful construction, to recover damages, to correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below.
- B) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section 2809 Variations and Exceptions (Amended June 16, 2020)

Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of this ordinance would result in real difficulties or substantial hardship or injustice, the Planning Commission, after a report detailing the exception or variance by the Zoning Administrator, may recommend and the County Commission may approve modifications in the requirements so that the developer may develop the property in a reasonable manner, but so that, at the same time, the public welfare and interests of the County are protected and the general intent and spirit of this ordinance are preserved.

Section 2810 Violations (Amended June 16, 2020)

- A) No person, firm, or corporation shall transfer or sell any parcel either by reference to, exhibition of, or by the use of a final subdivision plan before such lot or subdivision has been approved by the County in accordance with this ordinance and has been filed with the County Register of Deeds.

- B) The subdivision of any lot or any parcel of land, by the metes and bounds description for the purpose of sale (pursuant to SDCL 43-21-1), transfer or lease, with the intent of evading the terms of this ordinance shall not be permitted.
- C) No zoning or building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this ordinance.

Section 2811 Penalties (Amended June 16, 2020)

Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a Class 2 Misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day that the violation continues may constitute a separate offense.

SUBDIVISION PLANS IN GENERAL

Section 2812 Plat Required (Amended June 16, 2020)

Whenever any subdivision of land into a lot or lots less than twenty (20) acres is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer, owner, or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth below. **Note: If a parcel is not a full 40 acres due to right of way dedication the County Commission may consider an equal half split of the parcel.**

Section 2813 Recording, Use and Selling (Amended June 16, 2020)

- A) No plat of any subdivision shall be allowed to be recorded with the Register of Deeds or have any validity until it has been approved in the manner prescribed by this ordinance. If any such unapproved plat is recorded, it is invalid and the County Commission shall institute proceedings to have the plat stricken from the records.
- B) No owner, or agent of the owner, of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded in the manner prescribed herein.
- C) No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance if it is found that such real property is contrary to the public health, safety, or welfare. The authority to deny such a permit shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is the current owner of record or a vendee of the current owner pursuant to a contract of sale with, or without, actual or constructive knowledge of the violations at the time of acquisition of his interest in said real property.

Section 2814 Plat Approval Process (Amended June 16, 2020)

All proposed subdivision plats must be approved. **(Amended June 16, 2020)**

- A) Preliminary and Final Plats/Plans - The final plan shall consist of the proposed plat, Latitude/Longitude on a minimum of two connections to roads or section lines, an electronic submittal of the plat in either AutoCAD (dwg format) or an ESRI (Shapefile format), the final drainage and grading plan, and the final erosion control plan. The plat shall provide the information indicated in Section 2820 and shall require the approval of the Planning Commission and County Commission. **(Amended June 16, 2020)**

Flood Designated Areas. When located within flood prone areas as designated on the Flood Insurance Rate Map (FIRM), all subdivision proposals:

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. Shall have adequate drainage provided to reduce exposure to flood damage and shall not put additional burden on adjacent land owners; and
4. Shall provide base flood elevation data for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less). **(Amended June 16, 2020)**

Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a plat of the resubdivision, requiring the same review and approval procedures as the preliminary plan and the plat. The Zoning Administrator may waive the requirements for a preliminary plan. **(Amended June 16, 2020)**

Filing Fee

The developer shall pay to the Planning Department a fee as set by the County Commission for the final subdivision plan, including all plats to be filed with the Register of Deeds at this approval period. All additional plats submitted after the initial final subdivision plan shall pay a fee as set by the County Commission for each plat shown on the final subdivision plan. Prior to release of the plat, the developer shall also pay for the cost of all road signs as specified in Section 2826 (C). **(Amended June 16, 2020)**

PRELIMINARY PLAN

Section 2815 Information Required (Amended June 16, 2020)

Whenever a preliminary plan is proposed, the developer shall submit a plan at standard, defined scale no smaller than 8 ½" X 11" and no larger than 15" X 26".

The preliminary plan shall be submitted to the Planning Department and shall contain the following:

A) Preliminary Subdivision Plan

- 1) The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining an existing subdivision. All subdivision names shall be subject to approval by the Zoning Administrator.
- 2) The names of all adjacent subdivisions and their platting pattern. Adjoining unplatted land shall be labeled as such.
- 3) The correct legal description. Notations stating acreage, scale, and north arrow.
- 4) The owner, developer, and surveyor's names and telephone numbers.
- 5) Vicinity map, showing locations of the preliminary plan and surrounding property.
- 6) Exterior boundaries of the proposed subdivision referenced to a corner marker of the U.S. Public Land Survey, corner marker of adjacent subdivision or existing survey plat and the total acreage encompassed thereby.
- 7) The location and width of all proposed and existing road rights-of-way, existing structures, easements, railroad rights-of-way, standard survey notations, topography and aerial maps/photographs.
- 8) Existing contours at vertical intervals not greater than ten feet. A lesser interval may be required in those cases where the character or topography of the land is difficult to determine.
- 9) A systematic lot and block numbering pattern, lot lines and road names.
- 10) The dimensions and acreage of all lots.
- 11) Latitude/Longitude on a minimum of two connections to roads or section lines, an electronic submittal of the plat in either AutoCAD (dwg format) or an ESRI (Shapefile format) (**Amended June 16, 2020**)

B) Other Preliminary Plans.

Generally, the following plans shall be submitted in conjunction with the

preliminary plan:

- 1) Preliminary Drainage and Grading. The existing drainage pattern for the area should be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns.
- 2) Erosion Control. In any proposed subdivision in which an area greater than five acres will be disturbed, or in areas where topographic features are such that erosion, siltation or temporary runoff problems may occur, a site plan shall be required showing how these problems will be resolved.
- 3) Wastewater and Septic System. All unconventional septic systems will provide specific details as required by South Dakota Codified Law (chapter 34A-2) and South Dakota Administrative Rules (chapter 74:53:01).

Section 2816 Approval of Preliminary Plan (Amended June 16, 2020)

After the preliminary plan has been recommended for approval or disapproval by the Planning Commission, it shall be kept on file in the office of the Zoning Administrator. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no zoning or building permits shall be issued based on the approval of the preliminary plan.

Section 2817 Effective Period of Preliminary Approval (Amended June 16, 2020)

The approval of a preliminary plan shall be effective for a period of 18 months with a single extension of 18 months, at the end of which time approval of the subdivision plat or a portion thereof must have been obtained from the County Commission. Any plan which has not received approval for all or a portion of it within the period of time set forth herein, shall be null and void, and the developer shall be required to resubmit a new plan for preliminary approval subject to any new subdivision regulations.

Section 2818 Revisions to Preliminary Plan (Amended June 16, 2020)

Minor amendments to an approved preliminary plan may be made at the discretion of the Zoning Administrator and Highway Superintendent.

FINAL PLANS AND THE PLAT

Section 2819 Final Plans (Amended June 16, 2020)

Following the approval of the Preliminary Plan, if the developer wishes to proceed, final drainage, grading and erosion control plans shall be submitted to the Zoning Administrator and Highway Superintendent for review and approval. Any or all of

these plans may be deleted at the Zoning Administrator's discretion.

Section 2820 The Plat (Amended June 16, 2020)

Two copies and one reproducible Mylar of the plat shall be submitted to the Zoning Administrator for review and approval. If the plat is not approved by the Zoning Administrator within ten (10) days of submittal, the plat shall be presented to the County Commission for action. The plat should be drawn at a scale of 100 feet to an inch from an accurate survey and on one or more sheets whose dimensions are as required by State Law. If more than two sheets are required, an index sheet of the same dimension shall be attached and filed. Plats which describe large agricultural tracts may be drawn at a scale of 200, 300, 400 or 600 feet to the inch. The plat shall contain the following information:

- A) The name of the proposed subdivision and location by quarter section, section, township and range. Each plat shall be titled as follows: (Name) Addition in the quarter, Section , T N, R W of the 5th P.M., Yankton County, South Dakota.
- B) Scale and north arrow.
- C) The names of all adjacent subdivisions, all lot and block lines, type of easements, and rights- of-way.
- D) A systematic lot and block numbering pattern, lot lines and road names, and the square footage or acreage of all lots.
- E) The location and width of all proposed and existing rights-of-way, easements and private roadways.
- F) The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest section corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
- G) Location of all monuments and permanent control points, and all survey pins, either set or located.
- H) The location and description of any portions of the property intended to be dedicated or granted for public use.
- I) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision lots, roads, easements and type of easement, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
- J) The radii, chords, length of curve, points of tangency, and central angles for all curvilinear roads and radii for rounded corners.
- K) Acknowledgment of the owner or owners of the plat of any restrictions,

including dedication of all public roads, alleys, parks, or other open spaces shown thereon and the granting of easements required.

L) All formal irrevocable offers of dedication for all public roads and other uses as required.

M) Certificates as specified in Article 11.

N) Latitude/Longitude on a minimum of two connections to roads or section lines, an electronic submittal of the plat in either AutoCAD (dwg format) or an ESRI (Shapefile format) (**Amended June 16, 2020**)

Section 2821 Road Names (Amended June 16, 2020)

A) Roads obviously in alignment with existing roads shall bear the names of those roads.

B) Provisions:

No road names shall be used which duplicate, be the same in spelling or alike in pronunciation with any other existing roads. Road names shall not exceed 12 letters, including spaces. Road name suffixes shall be applied as follows:

Street - a road running east and west

Avenue - a road running north and south

Road - a road running east and west or north and south but which is not appropriate to name as a street or avenue

Lane - a road running northeast to southwest

Drive - a road running northwest to southeast

Trail - a road which wanders in different directions

Circle - all cul-de-sacs

Court - a road with two openings which enters and exits on the same road

Place - all private roads

REPLATS AND PLAT VACATIONS

Section 2822 Replats (Amended June 16, 2020)

If the land proposed for platting is a resubdivision, it shall require a final plan of the subdivision, requiring the same review and approval procedures, including the fees,

as the original final plans. However, if the resubdivision meets the following requirements, then it may be submitted as a plat. **(Amended June 16, 2020)**

- A) The perimeter of the tract being replatted shall not be altered by the replat.
- B) The previous platting lines shall be shown on the plat.
- C) Latitude/Longitude on a minimum of two connections to roads or section lines, an electronic submittal of the plat in either AutoCAD (dwg format) or an ESRI (Shapefile format). **(Amended June 16, 2020)**

Section 2823 Vacation of Plats (Amended June 16, 2020)

Any plat or any part of a plat intended to be vacated shall be governed by the requirements of SDCL11-3.

LOTS AND BLOCKS

Section 2824 Blocks (Amended June 16, 2020)

- A) The length, width, and shape of blocks shall be determined with regard to:
 - 1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - 2) The need for convenient access, circulation, and safety of traffic.
 - 3) Topographic conditions.
- B) Block lengths shall generally not exceed 1300 feet in length and shall be normally wide enough to provide for two tiers of lots of an appropriate depth.

Section 2825 Lots (Amended June 16, 2020)

- A) Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing permits to build on all lots in compliance with the zoning regulations.
- B) The minimum lot width required by the zoning regulations shall be measured along the building setback line.
- C) Corner lots for residential use shall have extra width to permit adequate building setbacks from both roads.
- D) All interior lot lines should be a straight line or a series of straight lines. Curved interior lot lines may be allowed where topography, waterways or other circumstances require curved lot lines.

- E) Side lot lines may be at right angles to roads except on curves where they are radial, or when otherwise approved.
- F) Double frontage and reverse frontage lots shall be avoided except where essential to separate a development from traffic arteries, or to overcome specific disadvantages of topography and orientation. Driveways for such lots shall have access only to an interior subdivision road. Where double frontage lots are used, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of higher traffic volumes.
- G) Plats for residential development adjacent to functioning railroad rights-of-way shall provide additional lot depth or width to provide for sufficient setback to offset the impact of the railroad traffic.
- H) Each lot shall abut a dedicated public right-of-way, approved private roadway or have an appropriate easement to a public road.
- I) Minimum lot size required by the zoning regulations shall not include any public right-of-way.

MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS

Section 2826 Arrangement and Design (Amended June 16, 2020)

- A) Roads shall be related appropriately to the topography.
- B) All new subdivision roads shall be properly integrated with the existing system of roads. There should be a road connecting adjacent subdivisions where topographical and land use considerations permit.
- C) In order to maintain consistent signage throughout the County, it shall be the County's responsibility to erect road signs at all road intersections, both public and private, within the new subdivision. The owner or developer shall pay the County for all material and installation costs as determined by the Highway Superintendent.
- D) Proposed collector roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions.
- E) The arrangement of all collector roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.
- F) All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication. An owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads and be filed with the final subdivision plan with the Yankton County Planning Department (see Section 2836). **(Amended June**

16, 2020)

- G) When the traffic impact of one or more proposed property developments indicates that the public safety can be better served by the use of access easements, the following requirements shall apply:
- 1) The access easement shall provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the access easement by the public or any governmental agency.
 - 2) Access easements shall be indicated on the plat.
 - 3) Any plat which shows an access easement as a means of access shall provide language in the owner's certificate (see Section 2836) reserving the easement area for perpetual unobstructed access. **(Amended June 16, 2020)**

Section 2827 Minimum Road Right-of-Way (Amended June 16, 2020)

- A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 46 feet shall be reserved for private roadways. A maximum right-of-way of 100 feet may be required on roads designated as arterial and collector. **Half-width streets shall be prohibited, except where necessary for the reasonable development of the subdivision in conformance with the other requirements of this article and where the County Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street has already been provided adjacent to an area to be subdivided, the other remaining half of the street shall be platted within such subdivision.**
- B) Cul-de-sacs will be required where, due to physical constraints, they are necessary for the reasonable development of the subdivision. The minimum radius of a turnaround at the end of a cul-de-sac shall be within the 66 feet right of way. This shall also apply to private roadways with the minimum radius of a turnaround at the end of a cul-de-sac within the 46 feet right of way.

Section 2828 Subdivision Road Standards (Amended June 16, 2020)

- A) Access from individual lots within a subdivision onto an arterial road shall be prohibited. Frontage roads are not encouraged but may be considered when special circumstances exist.
- B) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards.
- C) Minimum width of the driving surface shall be 24 feet. Ditches and driveways shall have a maximum inslope of 4:1 in accordance with

specifications of the Yankton County Highway Department.

- D) The subdivision roads may have a gravel driving surface. The subdivision roads shall be constructed in accordance with the specifications of the Yankton County Highway Department.
- E) Gravel roads shall have an initial three inch lift of gravel spread over the driving surface. This lift shall be allowed to settle over one winter season. A second three inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt and Portland cement concrete surfaces shall be constructed in accordance with specifications of the Yankton County Highway Department.
- F) Culverts under roadways shall be R.C.P. Culverts under driveways shall be either R.C.P. or C.M.P. All culverts shall be in accordance with the specifications of the Yankton County Highway Department.
- G) The minimum culvert diameter shall be 12 inches.
- H) A cross slope (crown) shall be provided on all roads at a rate of .02 feet per foot.
- I) The road ditch shall be constructed in accordance with the specifications of the Yankton County Highway Department.
- J) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Section 2829 Private Roadways (Amended June 16, 2020)

- A) Private roadways shall be indicated on the plat.
- B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.
- C) The Owner's Certificate in accordance with Section 2836 shall reserve the private road for permanent unobstructed access to abutting property and establishing private responsibility for maintenance of the roads. **(Amended June 16, 2020)**
- D) All road standards specified in Section 2836 shall also apply to private roadways constructed in accordance with the specifications of the Yankton County Highway Department. **(Amended June 16, 2020)**

Section 2830 Intersections (Amended June 16, 2020)

- A) Acute angles at road intersections are to be avoided in so far as possible, but

in no case will an angle of less than 80 degrees be permitted.

- B) Not more than two roads shall intersect at one point unless specifically approved.
- C) Intersection offsets of less than 250 feet shall be avoided.

GRADING AND DRAINAGE

Section 2831 Grading Plan (Amended June 16, 2020)

The final grading plan for the subdivision shall be submitted to and approved by the Zoning Administrator and Highway Superintendent.

- A) Final Site Grading Plan
The grading plans shall show the contours with intervals acceptable to the Zoning Administrator. The site grading plan shall also show the drainage arrows for each lot.
- B) Final Road Grading Plan
The road grading plan shall show all proposed roads, drainage arrows, and location and size of culverts.

Section 2832 Drainage Plan (Amended June 16, 2020)

- A) All drainage is subject to the approval of the Zoning Administrator and Highway Superintendent. The plan shall provide the following information:
 - 1) Existing contour lines and any major alteration of the existing drainage pattern. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.
 - 2) The boundaries of all drainage easements.
 - 3) Individual lot drainage shall be coordinated with the general surface drainage pattern for the area. Drainage shall be designed so as to avoid a concentration of storm drainage water from each lot to adjacent lots.
 - 4) Surface water shall not be carried across or around any intersection.
 - 5) Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain a culvert under the driveway when construction commences.

EROSION CONTROL PLAN

Section 2833 Specifications (Amended June 16, 2020)

Stripping of vegetation, regrading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible natural vegetation shall be retained, protected and supplemented. Every effort shall be made to retain the natural vegetation on all ditches and drainage ways. Ditches and drainage ways will not be disturbed without the approval of the Zoning Administrator. Erosion control plans shall show:

- A) The Zoning Administrator shall require a “General Permit for Storm Water Discharges Associated with Construction Activities” from South Dakota Department of Environment and Natural Resources when the development creates exposure greater than one (1) acre.
- B) The Zoning Administrator shall require proof of compliance from the South Dakota Department of Environment and Natural Resources before any building permits shall be approved.

Section 2834 Existing Features (Amended June 16, 2020)

Existing natural features which would add value to residential development or to the community as a whole, such as trees, water courses, and similar irreplaceable assets, should be preserved in the design of the subdivision.

CERTIFICATES REQUIRED

Section 2835 Certificates for Preliminary Subdivision Plans (Amended June 16, 2020)

Certificates shall be attached to the preliminary plan in the following form:

OWNER'S CERTIFICATE

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

We hereby dedicate to the public for public use forever, the streets, roads, alleys and parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds, whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

If the plat does not include a certificate for Township Acceptance of Road Dedication, include:

We also certify that construction and maintenance, including snow removal, of ___
(name of roads)___ as shown on said plat shall be provided by ___(name)___ in
accordance with the covenants filed with the Yankton County Register of Deeds, and
said roads shall be kept and preserved at all times in a good condition of repair and
maintenance. This shall remain in effect until a public entity accepts the maintenance
of said roads.

Dated this _____ day of _____, 20__.

Name

Property Owners

OWNER'S CERTIFICATE FOR PRIVATE MAINTENANCE OF FACILITIES

We do hereby certify that we are the owners of all land included in the above plat and
that said plat has been made at our request and in accordance with our instructions for
the purposes ___(indicated herein)___, and that the development of this land shall
conform to all existing applicable zoning, subdivision and erosion and sediment
control regulations.

We also certify that ownership and maintenance of streets, roads, and alleys, parks
and other open space, drainage ways and detention areas, if any, as shown on said
plat, and any improvements thereto, shall be provided by the _____(Name)
Homeowners Association except those areas, improvements, or facilities with respect
to which an offer of dedication to the public has been accepted by the appropriate
public authority. We also hereby grant easements to run with the land for water,
drainage, sewer, gas, electric, telephone or other public utility lines or services under,
on or over those strips of land designated hereon as easements.

If private roadways are shown, include:

I further grant and certify that the roadway(s) shown as _____(Names of private
roads)___ are private roadways which are hereby reserved as a permanent
unobstructed access. Said roadways are for vehicular and pedestrian travel for the
purpose of access to the abutting property. It is understood that the Owner, their
lessees and assignees have the responsibility with respect to maintaining said private
roadway. Said grant is to run with the land. As no dedication to the public is being
made of said private roadways, the Owners, their lessees and assignees, of the
property platted as _____(Name of subdivision)___, shall at their own cost and expense
keep and preserve said private roadways at all times in a good condition of repair and
maintenance, and clear of snow and other obstructions and neither erect nor permit
erection of any improvements of any kind within said private roadways which might
interfere in any way with the proper maintenance, use, repair, reconstruction and
patrolling of said private roadways. This shall remain in effect until a public entity
accepts the roadways as a public dedication.

If access easements are shown, include:

We further grant and certify that the access easement is hereby created as a perpetual common unobstructed access in favor of the lots abutting on it. The easement is for vehicular and pedestrian travel for the purpose of access to the abutting property. The owner, their lessees and assignees shall maintain the easement area. They shall, at their own expense, keep the easement area in good repair and maintenance and clear of snow and other obstructions. No improvements of any kind may be erected within the easement area which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of the access easement. This covenant shall run with the land.

Section 2836 Certificates for Final Subdivision Plans (Amended June 16, 2020)

SURVEYOR'S CERTIFICATE

I, _____ (Name), a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before _____ (Date), survey that parcel of land described as _____ (Legal Description).

Dated this _____ day of _____, 20____.

(SEAL)

Registered Land Surveyor

OWNER'S CERTIFICATE

We do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purposes (indicated herein), and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

We hereby dedicate to the public for public use forever, the streets, roads, alleys and parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds, whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

Dated this _____ day of _____, 20____.

Property Owners

Name

On this _____ day of _____, 20__, before me, the undersigned officer, appeared (name), known to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness thereof, I have hereunto set my hand and official seal this ____ day of _____, 20__.

My commission expires:

Notary Public, Yankton County, South Dakota

CERTIFICATE OF STREET AUTHORITY (Amended June 16, 2020)

The location of existing access roads abutting or approaches entering the State/County/Township Road, is hereby approved. Any change in the existing access shall require additional approval.

Approved this ____ day of _____, 20__.

State/County/Township Road Authority

COUNTY PLANNING COMMISSION APPROVAL

Approval of the final plan of (Subdivision Name) Addition is hereby granted by the Yankton County Planning Commission on this ____ day of _____, 20__.

Chair, County Planning Commission
Yankton County, South Dakota

COUNTY COMMISSION APPROVAL

I hereby certify that the final plan of (Subdivision Name) Addition 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 _____, 20__.

Chairman County Commission
Yankton County, South Dakota

COUNTY AUDITOR CERTIFICATE

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this ____ day of _____, 20__.

County Auditor
Yankton County, South Dakota

DIRECTOR OF EQUALIZATION

I, the Director of Equalization of Yankton County, South Dakota, do hereby certify that a copy of the above final plan has been filed in my office.

Director of Equalization
Yankton County, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Yankton County, South Dakota, hereby certify that all taxes which are liens upon any land shown in the above plat as shown by the records of my office, have been paid in full.

Treasurer
Yankton County, South Dakota

REGISTER OF DEEDS

Filed for record this _____ day of _____, 20 __, at _____ O'clock, __M., and recorded in book _____ of plats on page _____.

Register of Deeds
Yankton County, South Dakota