

YANKTON COUNTY
STATE OF SOUTH DAKOTA

COUNTY ORDINANCE NO. 11

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF
A RURAL ADDRESSING SYSTEM

WHEREAS, the Yankton County Board of Commissioners has established an Emergency 911 telephone system pursuant to SDCL 34-45; and

WHEREAS, the Yankton County Board of Commissioners believes that the establishment of a Rural Addressing system is in the best interest of Yankton County residents;

NOW, THEREFORE, BE IT ORDAINED by the Commission, and it is hereby ordained by authority of the same, as follows:

SECTION I. NAMING OF ROADS

The names of roads are hereby fixed and adopted in accordance with, and as shown by the maps of the county on file in the office of the **Register of Deeds**, which are hereby designated and adopted as the official road address maps of the county. The names on these maps shall supersede the road names found on the plats recorded in the office of the **Register of Deeds**. The **Register of Deeds** is hereby authorized to make the necessary changes on the plats to correspond with the names on these maps.

SECTION II. DESIGNATION OF ADDRESSES

Addresses for rural dwelling units and places of business on all public and private roads and streets shall be assigned by the **Director of Equalization**. These addresses shall be in accordance with South Dakota Administrative Rules Chapter 50:02:03 except when it is deemed appropriate to utilize a municipality's addressing system in areas adjacent to the corporate limits and procedures adopted by Yankton County. The **Director of Equalization** shall keep a record of all numbers assigned under this ordinance.

SECTION III. POSTING OF DESIGNATED ADDRESS

Initially, the owner, occupant or person in charge of any house or building to which an address has been assigned, will be notified by the **U.S. Postal Service** of the address assigned.

Once the addresses are in place, the owner, occupant or person in charge of any house or building will acquire the official address of any new or existing structure from the **Director of Equalization**.

Within thirty (30) days after notification from the **U.S. Postal Service**, the owner, occupant or person in charge of the structure to which an address has been assigned, shall affix the address to the structure, if visible from the road, or to a sign or number post if not visible from the road, in such a way that the address can be clearly seen from the roadway.

It shall be the duty of every person having a home or business establishment outside of municipal boundaries to affix the assigned number and remove any other number which might be mistaken for or confused with, the number assigned to said structure by the **Director of Equalization**.

Each principal building shall display the assigned address to the frontage on which the front entrance is located. In the cases where a principal building is occupied by more than one business and/or family dwelling unit, each separate dwelling or unit must display a separate address.

Numbers and/or letters indicating the official address for each principal building shall be posted in a manner as to be legible and distinguishable from the road, with letters of a contrasting color to the background, of not less than two inches (2") in width and not less than four inches (4") in height. If a building is situated in such a way that the address cannot easily be seen from the road in front of the building, a sign or address post must be used at the entrance of the primary driveway. The post must be installed so that the address is displayed on the right hand side of the driveway while looking at the building. The post must also be installed on private property, off of the road right-of-way. The sign must be between 4 feet (4') and 6 feet (6') above the ground. For ease of recognition by emergency responders and uniformity throughout the county, the sign posted at the driveway shall have a green background with white reflective letters and/or numbers. The letters and/or numbers shall be not less than two inches (2") in width and four inches (4") in height. The sign shall be displayed horizontally, so that the address is readable from left to right.

SECTION IV. NEW STRUCTURES

The location of the principal building will determine where the owner or developer shall procure the official address of the premises. A building located within city limits, shall procure the official address of the premises from the **City's Building Permitting Authority**. A building located within the County's jurisdiction or city buffer zone shall procure the official address of the premises from the **Director of Equalization** of Yankton County.

No utility hookup or mail service shall be issued for any principal building until the owner or developer has procured the official address of the premises. For new construction, the building number shall be displayed prior to occupancy of the building. A letter of certification will be issued at the time the address is issued. The letter of certification will provide clearance for utility hookups and to initiate mail service at the designated address.

SECTION V. PENALTIES

Failure to comply with any of the provisions of this ordinance shall constitute a violation of said ordinance. Each day such violations committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Violations of this ordinance shall constitute a Class 2 Misdemeanor.

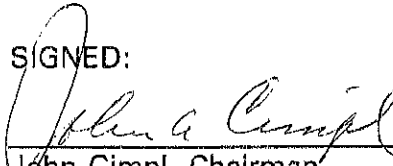
SECTION VI. EFFECTIVE DATE

This ordinance shall take effect and be in full force and effect twenty (20) days after its publication.

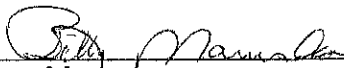
All ordinances or parts of ordinances in conflict therewith are hereby repealed.

ADOPTED on this 17 day of October, 1995.

SIGNED:


John Cimpl, Chairman
Yankton County Board of Commissioners

ATTEST:


Betty Maruska
Yankton County Auditor

FIRST READING: October 10, 1995
SECOND READING: October 17, 1995
ADOPTED: October 17, 1995
PUBLISHED: October 27, 1995
EFFECTIVE DATE: November 16, 1995

50:02:03:01. Definitions. The following definitions apply to this chapter:

- (1) "Rural address," a numerical location number and thoroughfare name or thoroughfare number assigned to each location within the unincorporated area of a county;
- (2) "South Dakota Rural Addressing Grid System Reference" or "GSR," the document which designates the numerical assignments to all section lines in South Dakota;
- (3) "South Dakota Rural Addressing Procedural Handbook," the document establishing standards and procedures to be followed in rural addressing;
- (4) "Firenumbering system," a system of assigning an alphanumeric designator to each location within a fire department's coverage area and specifying the location of this number on a map;
- (5) "Thoroughfare," a course or way of travel from one place to another;
- (6) "Cul-de-sac," a thoroughfare closed at one end and 500 feet long or less;
- (7) "Dead end," a thoroughfare closed at one end and more than 500 feet long;
- (8) "Grid line," a section line given a thoroughfare number in the GSR; and
- (9) "Lot," a parcel of land, one side of which measures 1/50th of the length of one side of a section.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:02. Applicability of standards. A county instituting a rural addressing system shall utilize this chapter and the standards and grids as outlined in the South Dakota Rural Addressing Procedural Handbook, 1992 Edition, revised October 1993, and the GSR, 1992 Edition, revised October 1993, to designate rural addresses. Such rural addresses shall replace all rural route and box numbers and all thoroughfare names in place on January 24, 1993, in counties instituting the system. Optional standards specified in the South Dakota Rural Addressing Procedural Handbook may be instituted at the discretion of the county commission. Nothing in this chapter precludes a county from maintaining an addressing system that was in place prior to the effective date of this chapter. Nothing in this chapter requires a county to implement a rural addressing system.

Source: 19 SDR 108, effective January 24, 1993; 20 SDR 189, effective May 15, 1994.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-2, 34-45-16.

References:

"South Dakota Rural Addressing Procedural Handbook," 1992 edition, revised October 1993, South Dakota 9-1-1 Task Force, published by the South Dakota County Commissioners Association and the South Dakota Municipal League. Copies may be obtained from the South Dakota Division of Emergency Management, 500 East Capitol, Pierre, SD 57501. Cost: Free of charge.

"South Dakota Rural Addressing Grid System Reference," 1992 edition, revised October 1993, South Dakota 9-1-1 Task Force, published by the South Dakota County Commissioners Association and the South Dakota Municipal League. Copies may be obtained from the South Dakota Department of Transportation, Reproduction Section, 700 East Broadway, Pierre, SD 57501. Cost: \$82 plus tax for the map set or \$1 plus tax for each map.

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50:02:03:03. Firenumbering systems. Existing firenumbering systems are not affected by this chapter. New firenumbering systems may not contain thoroughfare names or numbers.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:04. Thoroughfare naming. For the purpose of the rural addressing system, county and township thoroughfares shall be designated according to the following table:

THOROUGHFARE DIRECTION OR DESIGN DESIGNATOR	THOROUGHFARE
East/West Street	
North/South Avenue	
Diagonal	Road
Meandering	Road
Cul-de-sac	Court
Begins and ends on same thoroughfare Loop	
Dead end Place	

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:05. Federal and state highways to retain designation. A federal or state highway shall retain its governmental highway number for purposes of the rural addressing system. Highways shall be designated and abbreviated according to the following table:

Type of Highway	Designation
State highway	SD ###
Federal highway	US ###

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:06. Thoroughfares not falling on grid lines. A thoroughfare not falling on a grid line as specified in the GSR shall be named by the county and assigned with the applicable designations specified in § 50:02:03:04.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:07. Variation from the grid. A rural addressing system within a county may not deviate from the GSR by more than 20 percent of the total number of thoroughfares which fall on a grid line.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:08. Duplicate thoroughfare names. A new thoroughfare name assigned may not duplicate or be similar to an existing thoroughfare name within that county's geographical area.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:09. Location numbers required. Each occupied house, occupied building, or other occupied structure within a county's boundaries shall be assigned a separate rural address. Each area of separate occupancy in a building or another occupied structure shall be assigned a separate rural address and an apartment number or suite number.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:10. Location number assignment. A location number is a five-digit number. The first three digits are the number of the grid line just passed to the north or west of the location which is most nearly perpendicular to the thoroughfare on which the location lies. The last two digits are the lot number within the section where the location or the primary access road to the location lies. Even-numbered lots are located on the north or east side of the thoroughfare and odd-numbered lots are located on the south or west side of the thoroughfare.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:11. Addressing system maintenance. A county shall maintain a rural addressing system established under this chapter continuously in a condition that allows effective emergency response and that provides for the safety of the citizens of the county.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:12. Postal service coordination. A county may coordinate implementation of a rural addressing system with the United States postal service to ensure the use of rural addresses as valid mailing addresses.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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50:02:03:13. Maps required to be submitted. A county implementing a rural addressing system shall provide the division of emergency management with two copies of the official map of the jurisdiction indicating the assignment of addresses according to the rural addressing system.

Source: 19 SDR 108, effective January 24, 1993.

General Authority: SDCL 34-45-16.

Law Implemented: SDCL 34-45-16.

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**YANKTON COUNTY
STATE OF SOUTH DAKOTA**

COUNTY ORDINANCE NO. 11 (Amended)

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT
OF A RURAL ADDRESSING SYSTEM**

WHEREAS, the Yankton County Board of Commissioners has established an Emergency 911 telephone system pursuant to SDCL 34-45; and

WHEREAS, the Yankton County Board of Commissioners believes that the establishment of a Rural Addressing system to complement the 911 system is in the best interest of Yankton County residents;

NOW, THEREFORE, BE IT ORDAINED by the Commission, and it is hereby ordained by authority of the same, as follows:

SECTION I NAMING OF ROADS

The names of roads are hereby fixed and adopted in accordance with, and as shown by the maps of the county on file in the Planning office, which are hereby designated and adopted as the official road address maps of the county. The names on these maps shall supersede the road names found on the plats recorded in the **Register of Deeds**. The **Register of Deeds** is hereby authorized to make the necessary changes on the plats to correspond with the names on these maps.

- A. New Road Intersection signs that have been approved by the Planning office with concurrence of the E-911 Committee shall be installed at intersections once the road is developed or constructed. Sign shall be designed to meet US DOT specifications.**
- B. No new addresses will be assigned to the new road until the Intersection sign is installed.**
- C. Cost of the Road Intersection Sign is the responsibility of the developer.**

SECTION II. DESIGNATION OF ADDRESSES – ALL EXISTING STRUCTURES

Addresses for rural dwelling units and places of business on all public and private roads and streets shall be assigned by the Planning office. These addresses shall be in accordance with South Dakota Administrative Rules Chapter 50:02:03 except when it is deemed appropriate to utilize a municipality's addressing system in areas adjacent to the corporate limits and procedures adopted by Yankton County. The office of **Planning and Zoning** shall keep a record of all numbers assigned under this ordinance.

Section III. Road Names

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

SECTION IV. POSTING OF DESIGNATED ADDRESS

Initially, the owner, occupant or person in charge of any house or building to which an address has been assigned, **will be responsible for maintaining and replacing said sign if it is damaged, removed, or becomes unreadable.**

Once the addresses are in place, the owner, occupant or person in charge of any house or building will acquire the official address of any new or existing structure from the office of **Planning and Zoning.**

It shall be the duty of every person having a home or business establishment outside of municipal boundaries to affix the assigned number and remove any other number which might be mistaken for or confused with, the 911 rural address assigned to said structure by the office **Planning District III.**

Each principal building shall display the assigned address to the frontage on which the front entrance is located. In the cases where a principal building is occupied by more than one business and/or family dwelling unit, each separate dwelling or unit must display a separate address.

Numbers and/or letters indicating the official address for each principal building shall be posted in a manner as to be legible and distinguishable from the road, with letters of a contrasting color to the background, of not less than two (2) inches in width and not less than four (4) inches in height. If a building is situated in such a way that the address cannot easily be seen from the road in front of the building, a sign or address post must be used at the entrance of the primary driveway. The post must be installed so that the address is displayed on the right hand side of the driveway while looking at the building. The post must also be installed on private property, outside the road right-of-way. The sign must be between Four (4) feet and Six (6) feet above the ground. For ease of recognition by emergency responders and uniformity throughout the county, the sign posted at the driveway shall have a green background with white reflective letters and/or numbers. The letters and/or numbers shall be not less than two (2) inches in width and four (4) inches in height. The sign shall be displayed horizontally, so that the address is readable from left to right.

SECTION V. ALL NEW STRUCTURES

The location of the principal building will determine where the owner or developer shall procure the official address of the premises. A building located within city limits shall procure the official address of the premises from the **City's Building Permitting Authority**. A building located within the County's jurisdiction shall procure the official address of the premises from the Yankton County Planning and Zoning office.

No utility hookup or mail service shall be initiated for any principal building until the owner or developer has procured the official address of the premises. For new construction, **the rural address number shall be displayed prior to issuing a building permit.**

The building permit will provide clearance for the installation of for utility hookups and initiation of mail service at the designated address.

SECTION VI. CAMPGROUNDS

Campground owners/operators shall apply for an address for the campground entrance. In addition, each camping pad/unit shall have identifying numbers, letters, or a combination of the two that identifies that pad/unit. Pad/unit addresses will be assigned by the owner of the campground and a map of the campground with pad/unit numbers shall be provided to the **Planning and Zoning Office** before any campers are placed in the campground

SECTION VII. PENALTIES

Failure to comply with any of the provisions of this ordinance shall constitute a violation of said ordinance. Each day such violations committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Violations of this ordinance shall constitute a Class 2 Misdemeanor **as amended a fine of \$500.00 and 30 days in jail.**

SECTION VI. EFFECTIVE DATE

This ordinance shall take effect and be in full force and effect twenty (20) days after its 2nd Notice of Adoption.

All ordinances or parts of ordinances in conflict therewith are hereby repealed.

ADOPTED on this____ day of_____

Signed

Chairman County Commission

Yankton County Board of Commissioners

ATTEST: Patty Hojem

— Yankton County Auditor

FIRST READING:
SECOND READING:
ADOPTED:
PUBLISHED:
EFFECTIVE DATE:

DRAFT

DRAFT



YANKTON COUNTY

ZONING ORDINANCE 2020

Adopted: February 18, 2020

Amended June 21, 2022

Prepared by: Yankton County Commission

Yankton County Planning Commission

DEFINITIONS

Definitions

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

Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 (1/2) of its height, from finished floor to finished ceiling or to the underside of the floor joists of the story next above, as the case may be, below the average finished grade level adjacent the exterior walls of the building.

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

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

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

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

Common Wall- A wall common to but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

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. **(Added June 21, 2022)**

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

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

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

The following shall not be included in this definition:

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

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

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

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

Manure System Definitions: (Amended August 19, 2021)

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

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

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

(Amended November 4, 2021)

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

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.

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

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 (½) 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.

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.

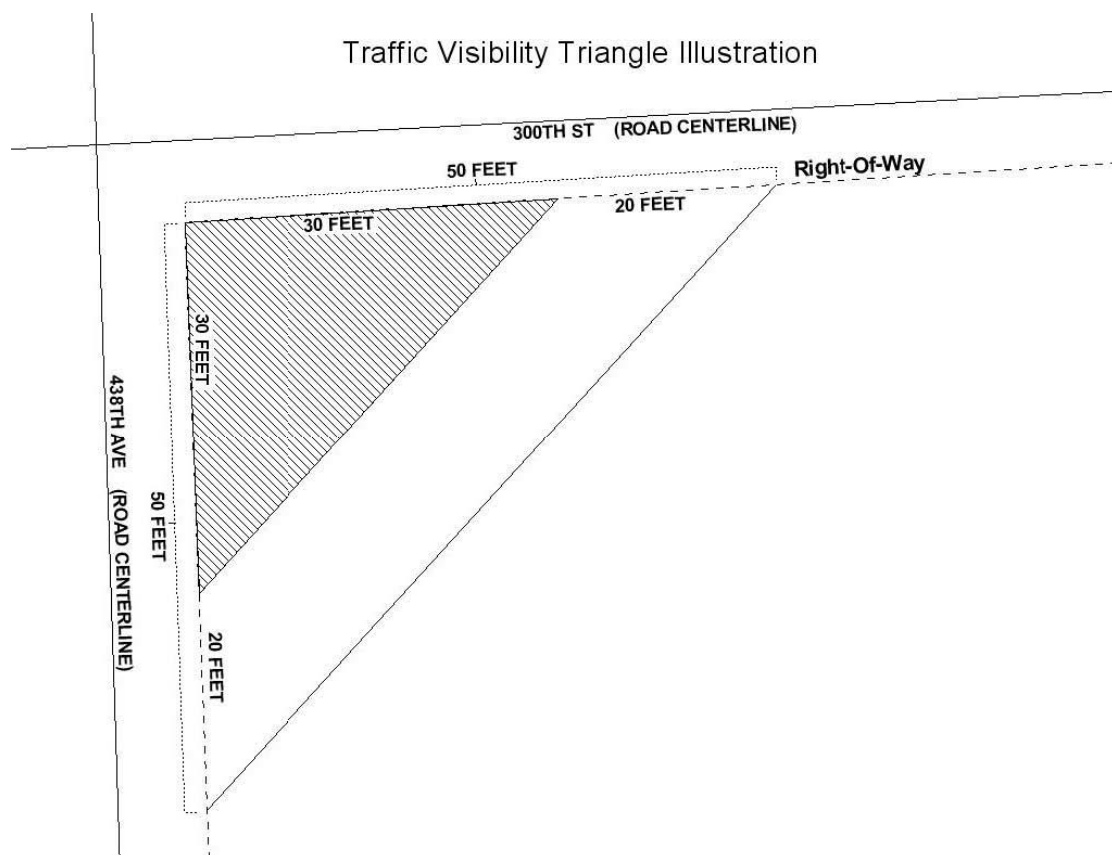
Temporary Signs - Signs and sign structures that are temporary in nature used in conjunction with a specific event, that are placed or erected in such a manner to be easily removed from the property and are not permanently affixed. All political signs

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. Marquardt's 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.

Zero Lot-Line – A common lot line on which a wall of a structure may be constructed.

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

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 14

SIGN REGULATIONS

Section 1401 Signs, Billboards, and Other Advertising Structures

Authority: Yankton County's authority to regulate signs, billboards and other advertising structures is specified in South Dakota Codified Law Ch. 31-29.

Intent: The purpose of this Section shall be to establish effective local regulation of outdoor advertising so as to promote the health, safety, and general welfare of those persons using and residing adjacent to public right-of-ways. The following regulations are intended to promote and preserve the natural aesthetics of Yankton County while providing for the convenience of the traveling public, for the promotion of locally available facilities, goods, and services, and to minimize negative impacts on property adjacent to public right-of-ways.

Section 1403 General Provisions:

In any zoning district where signs are allowed, a Yankton County Sign Permit shall be required unless otherwise stated. In addition to all applicable state and federal regulations, any sign erected within the unincorporated area of Yankton County shall be required to conform to the following regulations:

1. New Signs
 - A. A Sign Permit shall be required for any new on-premise or off-premise sign installation. At the time of installation, the new sign must conform to all requirements of the Zoning Ordinance at the time of installation. All off-site signs require a Conditional Use Permit.
 - B. The provisions of Section 1805 of the Yankton County Zoning Ordinance apply to all Conditional Use Permits. In addition, due consideration shall be given to the relationship between the sign(s) and the natural horizon/view shed in the area of the proposed sign location.
 - C. The owner of any sign requiring a permit must apply for and obtain a valid permit as per State Law and this Ordinance before construction or placement of the sign occurs. A sign erected or maintained without a permit is a public nuisance and subject to abatement by the State Department of Transportation or Yankton County, as the case may be.
2. No off-site sign shall be erected or placed closer than 1,500 feet from any residential district and/or dwelling unit.
3. Off-site signs shall be located no closer than 1,500 feet from all other off-site signs.

4. No illuminated sign shall be permitted within 1,500 feet of any dwelling unit or residential district without an approved Conditional Use Permit. All illuminated signs shall be installed and maintained so as to minimize spillage of light outside of the sign face.
5. Off-site signs shall not exceed a height of 30 feet. The maximum display area of any off-premise sign located adjacent to a two or more lane highway shall not exceed 250 square feet on each face. The height of the off-site sign shall be measured from the road surface.
6. All off-site and on-site signs shall be placed or erected in conformity with all applicable side and rear yard setback requirements for structures. The minimum front yard setback requirement for on-site or off-site signs shall be five (5) feet from the property line.
7. No signs, including political signs, are allowed to be located in any public right-of-way, public or private access easement. All signs issued by the Yankton County Planning Department for public notice of proposed land use changes are exempt from this requirement.
8. There shall be a 50 foot separation between an off-site sign and an on-site sign, unless agreed to by the sign owner and property owner.
9. All on-site and off-site sign structures may be painted and maintained in muted colors as to blend into the natural surroundings. Colors may include, but not be limited to, brown, black, or tan. Wood sign structure may remain unpainted and allowed to have a natural patina. At no time shall bright or neon colors be used for either wood or metal sign structures.
10. No debris, including, but not necessarily limited to, wood material, posts, metal, paper, plastic, cardboard or other materials from the construction or maintenance of a sign shall be left at the location or vicinity of a sign. Any violation of this section is hereby declared a nuisance and subject to abatement.
11. On-site signs shall not exceed a height of 30 feet. The maximum display area of any on-premise sign shall not exceed 250-square feet on each side. The height of the on-site sign shall be measured from the road surface.
12. On-site signs, which advertise or direct attention to a home occupation shall not exceed six (6) square feet in area, and shall be limited to one such sign per approved home occupation. A home occupation shall be allowed to have one wall sign or one freestanding sign. The freestanding sign shall not be located closer than 17 feet to the nearest street right-of-way line. A Conditional Use Permit may allow for a larger size sign, if appropriate to the area.
13. Each real estate subdivision that has been approved in accordance with the

regulations of the Zoning Ordinance shall be allowed one on-site sign per entrance, not exceeding 100 square feet in area, advertising the sale of property in such subdivision and/or the name of such subdivision. The subdivision sign shall not encroach into a road right-of-way or road easement. The signs should be aesthetically pleasing and blend into the surroundings.

14. In any zoning district, the following signs shall be allowed with no permit:

- A. Parking Area Permits: For each permitted or required parking area that has a capacity of more than four cars, one sign, not exceeding four (4) square feet in area, may be allowed at each entrance to or exit from such parking area. In addition, one sign, not exceeding nine (9) square feet in area, is allowed for identifying or designating the conditions of use of such parking area.
- B. “For Sale” or “For Rent” signs: Not more than one non-illuminated “For Sale” or “For Rent” sign, not exceeding 32 square feet in area is allowed for the purpose of advertising the sale, rental or lease of the premises on which the sign is located.
- C. “Under Construction” signs: For construction on or development of lots, not more than three signs with a combined total area of 70 square feet, stating the names of contractors, engineers or architects, is allowed during the time that construction or development is actively underway.
- D. “Emergency 911” signs: Residential locator or E-911 signs.
- E. “Political Campaign” signs: Political campaign signs that are temporarily placed on the ground, pending an election, shall not exceed 32 square feet and shall be removed within ~~three~~ seven (7) days after the election.
- F. “Directional” signs: Directional signs shall not exceed 20 square feet.
- G. “Temporary” signs: As defined in this Zoning Ordinance.

15. Applications and Permitting

Applications for a Sign Permit shall be made in writing upon forms furnished by the Yankton County Planning Department. No permit shall be issued until each sign application is approved by the Planning Official or the Yankton County Planning Board and Yankton Board of Adjustments in the case of a Conditional Use Permit. At a minimum, the following complete information shall be provided before an application is considered:

- a. Name and address of the sign owner and the contractor.
- b. Name and address of the property owner where the sign is to be located.

- c. The legal description of the proposed sign location.
 - d. Clear and legible drawing of the proposed sign to scale with description of the sign showing construction type and lighting.
 - e. Site plan showing the location and setbacks on the property where the sign is to be located.
 - f. The property owner's notarized signature.
 - g. Global Positioning Systems (GPS) coordinates of proposed sign.
 - h. Other such data and information deemed necessary by the Yankton County Planning Department.
16. No off-site or on-site sign shall be constructed which resembles any official marker erected by a governmental entity or which by reason of position, shape or color would conflict with the proper functioning of any official traffic control device, sign or marker.
17. Owners of on-site and off-site signs are encouraged to allow public service announcements to be located on signs that will display no advertisement for more than thirty calendar days.
18. A vehicle or trailer of any form or type, whether licensed or not or in working condition or not, intended to be used as or in conjunction with an on-site or off-site sign, shall not be located adjacent to any public right-of-way or on private or public property so as to be visible from the public right-of-way.
19. Outdoor Lighting For Outdoor Advertising:

Lighting: Signs may be illuminated subject to the following restrictions:

Signs that contain, include, or are illuminated by any flashing, intermittent (less than six seconds) moving light(s) are prohibited.

- A. Electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple-face signs are permitted, provided such signs do not interfere with traffic safety, do not change messages less than every six seconds and do not resemble or simulate traffic control or safety devices or signs. Given the commercial and intrusive nature of these signs, their placement shall be limited to Commercial Districts (C).
- B. Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

- C. No off-site sign shall be lighted after 12:00 midnight, unless otherwise permitted through a Conditional Use Permit.
20. A nonconforming sign or sign structure existing at the time of the adoption of Article 14 of the Zoning Ordinance as amended, may be continued, maintained, and repaired as follows: Any sign or sign structure not required to be removed or until the time of actual removal, may be used and may be repaired if the expense of ordinary and customary maintenance does not exceed fifty percent of the depreciated value of the sign or if the same has not been damaged beyond fifty percent of its depreciated value by an act of God unless special circumstances warrant a variance by the Board of Adjustment, such as, but not necessarily limited to acts of vandalism or an accident.
21. No sign shall exceed two (2) sides. Signs shall have no more than one frontal face (front) and one back face (back) as viewed from one static position.
22. The changing of advertising messages or face on an existing sign shall be allowed without fee or permit. The changing of advertising messages on an existing sign shall be allowed without fee or permit.

Section 1405 Enforcement of Sign Ordinance

1. In addition to any and all remedies allowed under the laws of the State of South Dakota and this Zoning Ordinance, a violation of any requirement of this ordinance shall also be subject to the penalties as outlined in Article 23, Section 2303 of the Zoning Ordinance.
2. Unlawful Signs

Whenever it shall be determined by the Zoning Administrator that any sign or sign structure has been constructed or erected or is being maintained in violation of the terms of this Zoning Ordinance or has been abandoned, said sign or sign structure is hereby declared to be unlawful. Any sign or sign structure found to be unlawful shall be made to conform to all applicable laws and regulations or shall be removed at the expense of the sign owner or landowner (if the sign owner is unknown and reasonable efforts have been made to locate the sign owner with no success).
3. Removal of Signs
 - A. The Yankton County Board of Commissioners or the Zoning Administrator may cause to be removed any unlawful sign or sign structure. The Yankton County Planning Department shall prepare a written notice which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation or condition is not corrected within 30 calendar days from the date of the notice, the sign shall be removed in accordance with the provision of this Zoning Ordinance at the expense to the

sign owner or landowner (if the sign owner is unknown and reasonable efforts have been made to locate the sign owner with no success).

- B. Service of the notice shall be made upon the sign owner or landowner (as applicable) by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested. If service is made upon the landowner, service shall be to the landowner at their address as it appears on the last equalized assessment role of the County.
- C. Any person receiving notice may appeal the determination of the Zoning Administrator by filing a written notice of appeal to the Yankton County Commissioners within seven (7) days of receipt of the notice. Failure by any person to appeal the notice within that time period shall constitute a waiver of right to an administrative hearing.
- D. The sign owner or landowner, if the sign owner is unknown, shall have One (1) year to remove advertisements for establishments that are no longer in business.

Section 1407 The following types of signs shall be allowed in the following Districts

- 1. Agriculture District (AG) and Rural Transitional District (RT):
 - A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.
 - B. Advertising signs for agricultural products only. Signs four (4) square feet or less are exempted.
 - C. Off-site signs, upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.
 - D. Community signs.
- 2. Rural Residential District (R1, R-2, R-3):
 - A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.
 - B. Community signs.
- 3. Planned Unit Development District (PUD)
 - A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.
 - B. Off-site signs provided they are permitted in the conditions of PUD approval or upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.

- C. Community signs.
- 4. Lakeside Commercial Districts (LC)
 - A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.
 - B. Off-site signs, upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.
 - C. Community signs.
- 5. Commercial (C):
 - A. Business signs.
 - B. Off-site signs, upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.
 - C. Community signs.

Section 1409 Permits and Fees

Permits and fees for signs shall be as determined by the Yankton County Commission pursuant to Article 17 – Sections 1721 - 1735.

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 (Amended June 21, 2022)

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. 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.

Section 1527 Shared Wall Structures

The exterior of the shared wall structure must meet all ordinance requirements (minimum lot size, setbacks, etc.). The shared wall structure may be divided and platted into smaller, separately owned units that do not meet minimum lot area requirements or setback requirements in relation to the shared wall as long as the original structure maintains all required yards and setbacks. Shared wall structures include: dwellings two family, dwellings multiple family, residential and commercial buildings.

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, 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 (Amended June 21, 2022)

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 (**Amended June 21, 2022**)

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, 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
(Amended June 21, 2022)

The building permit shall expire if the work described in any building permit, 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, 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.

DEFINITIONS

Definitions

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

Terms

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

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

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

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

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

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

Common Wall- A wall common to but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

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.

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

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

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

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

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

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

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

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

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

Zero Lot-Line – A common lot line on which a wall of a structure may be constructed.

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

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 14

SIGN REGULATIONS

Section 1401 Signs, Billboards, and Other Advertising Structures

Authority: Yankton County's authority to regulate signs, billboards and other advertising structures is specified in South Dakota Codified Law Ch. 31-29.

Intent: The purpose of this Section shall be to establish effective local regulation of outdoor advertising so as to promote the health, safety, and general welfare of those persons using and residing adjacent to public right-of-ways. The following regulations are intended to promote and preserve the natural aesthetics of Yankton County while providing for the convenience of the traveling public, for the promotion of locally available facilities, goods, and services, and to minimize negative impacts on property adjacent to public right-of-ways.

Section 1403 General Provisions:

In any zoning district where signs are allowed, a Yankton County Sign Permit shall be required unless otherwise stated. In addition to all applicable state and federal regulations, any sign erected within the unincorporated area of Yankton County shall be required to conform to the following regulations:

1. New Signs
 - A. A Sign Permit shall be required for any new on-premise or off-premise sign installation. At the time of installation, the new sign must conform to all requirements of the Zoning Ordinance at the time of installation. All off-site signs require a Conditional Use Permit.
 - B. The provisions of Section 1805 of the Yankton County Zoning Ordinance apply to all Conditional Use Permits. In addition, due consideration shall be given to the relationship between the sign(s) and the natural horizon/view shed in the area of the proposed sign location.
 - C. The owner of any sign requiring a permit must apply for and obtain a valid permit as per State Law and this Ordinance before construction or placement of the sign occurs. A sign erected or maintained without a permit is a public nuisance and subject to abatement by the State Department of Transportation or Yankton County, as the case may be.
2. No off-site sign shall be erected or placed closer than 1,500 feet from any residential district and/or dwelling unit.
3. Off-site signs shall be located no closer than 1,500 feet from all other off-site signs.

regulations of the Zoning Ordinance shall be allowed one on-site sign per entrance, not exceeding 100 square feet in area, advertising the sale of property in such subdivision and/or the name of such subdivision. The subdivision sign shall not encroach into a road right-of-way or road easement. The signs should be aesthetically pleasing and blend into the surroundings.

14. In any zoning district, the following signs shall be allowed with no permit:

- A. Parking Area Permits: For each permitted or required parking area that has a capacity of more than four cars, one sign, not exceeding four (4) square feet in area, may be allowed at each entrance to or exit from such parking area. In addition, one sign, not exceeding nine (9) square feet in area, is allowed for identifying or designating the conditions of use of such parking area.
- B. "For Sale" or "For Rent" signs: Not more than one non-illuminated "For Sale" or "For Rent" sign, not exceeding 32 square feet in area is allowed for the purpose of advertising the sale, rental or lease of the premises on which the sign is located.
- C. "Under Construction" signs: For construction on or development of lots, not more than three signs with a combined total area of 70 square feet, stating the names of contractors, engineers or architects, is allowed during the time that construction or development is actively underway.
- D. "Emergency 911" signs: Residential locator or E-911 signs.
- E. "Political Campaign" signs: Political campaign signs that are temporarily placed on the ground, pending an election, shall not exceed 32 square feet and shall be removed within ~~three~~ seven (7) days after the election.
- F. "Directional" signs: Directional signs shall not exceed 20 square feet.
- G. "Temporary" signs: As defined in this Zoning Ordinance.

15. Applications and Permitting

Applications for a Sign Permit shall be made in writing upon forms furnished by the Yankton County Planning Department. No permit shall be issued until each sign application is approved by the Planning Official or the Yankton County Planning Board and Yankton Board of Adjustments in the case of a Conditional Use Permit. At a minimum, the following complete information shall be provided before an application is considered:

- a. Name and address of the sign owner and the contractor.
- b. Name and address of the property owner where the sign is to be located.

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 (Amended June 21, 2022)

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. 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;

- 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.

Section 1527 Shared Wall Structures

The exterior of the shared wall structure must meet all ordinance requirements (minimum lot size, setbacks, etc.). The shared wall structure may be divided and platted into smaller, separately owned units that do not meet minimum lot area requirements or setback requirements in relation to the shared wall as long as the original structure maintains all required yards and setbacks. Shared wall structures include: dwellings two family, dwellings multiple family, residential and commercial buildings.

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 an 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, 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

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

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/11/2022

Applicant

East River Electric - PLAT

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

☐ LC – Lakeside Commercial ☒ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Lots 1 and 2 of Lewis and Clark Substation Addition in the Southwest Quarter of the Southwest Quarter of Section 15 and in the Northwest Quarter of the Northwest Quarter of Section 22, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 3.00 Acres more or less

Planning Commission date: ~~8/9/2022~~ 9/13/22
Board of Adjustment date: ~~9/6/2022~~ 9/28/2022

Time:

Time:

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Lots 1 and 2 of Lewis and Clark

Section No: 15 Township No: 93

Range: 56 Number of Lots/Tracts: 2

Number of Acres: 60.0

How is the property currently being used? RT and LD

What is the proposed use of the property? MD

Surveyor/Engineer Information

Firm Name: Stockwell Engineering, Inc

Address: _____

City: Yankton State: SD Zip: 57078

Contact Person: Brett Kennedy

Phone: 6056658092

Property Owner Information

Name: East River Electric

Address: 211 S. Harth Ave.

City: Madison State: SD Zip: 57042

Contact person: Brett Kennedy

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

Agent's name: _____

Agents 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) 1.3 and 1.7 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: substation

Name, address and phone number of contractor(s)

Owner certification

This is to certify that East River Electric
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.

Don Weiss

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: 08/09/2022

Board of Adjustment date: _____

CENTRAL TWP.

(Landowners)

437th AVE

438th AVE

439th AVE

440th AVE

441st AVE

442nd AVE

443rd AVE

444th AVE

445th AVE

446th AVE

447th AVE

448th AVE

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792nd AVE

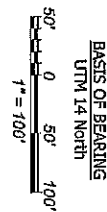
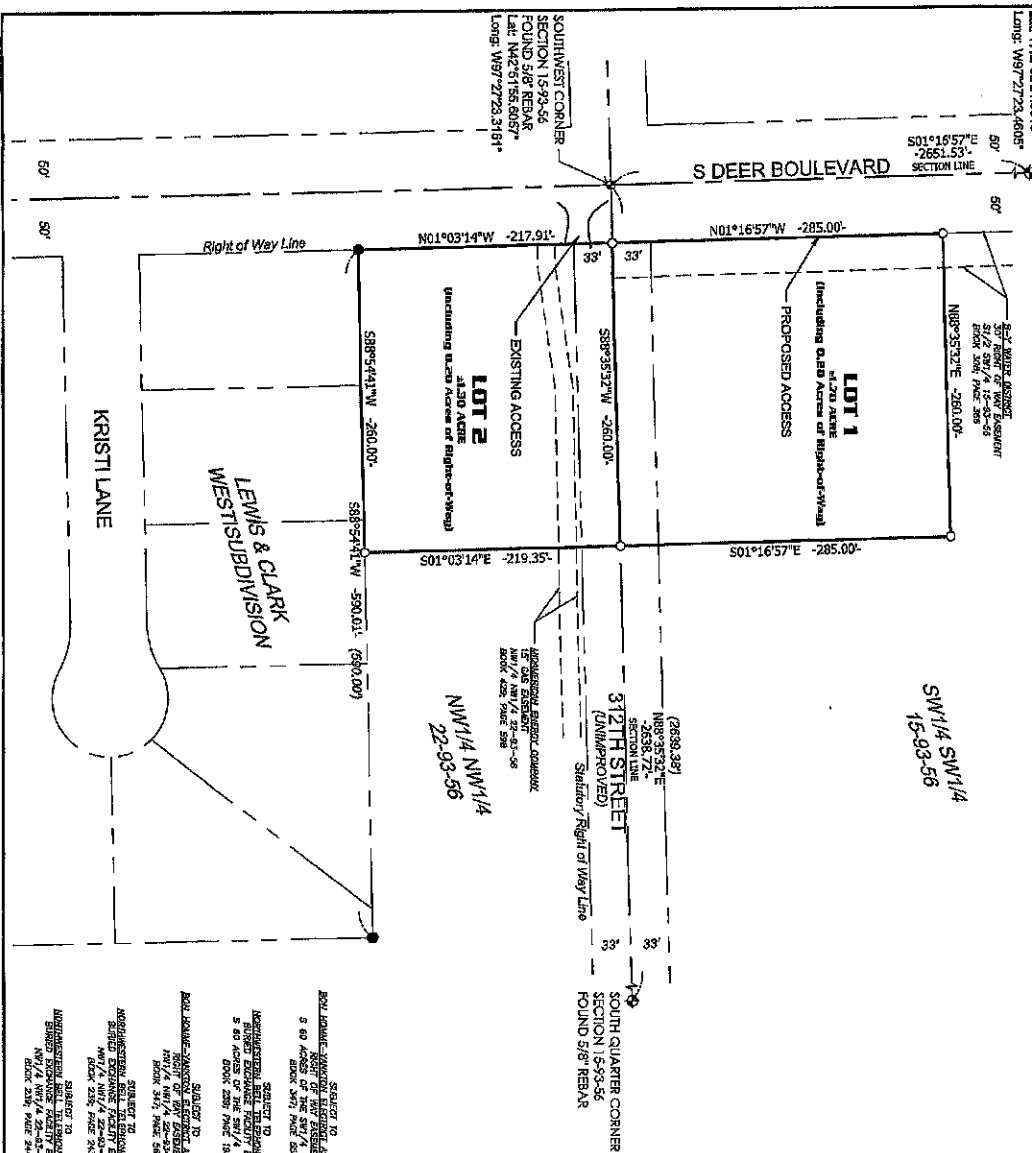
793rd AVE

794th AVE

795th AVE

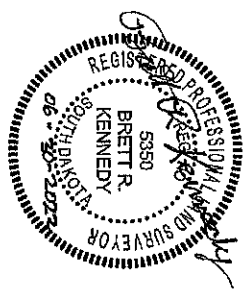
PLAT OF LOTS 1 AND 2 OF LEWIS AND CLARK SUBSTATION ADDITION

IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15 AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA, CONTAINING 3.00 ACRES MORE OR LESS



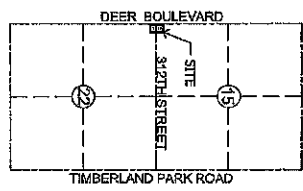
Legend

- Set 5/8" x 18" Rebar Stamped "GIVENEDY 5360"
- Found Corner with CAP Stamped "2313"
- ◆ Section Corner As Noted
- Partial Property Line
- (1323.33) Record Dimension from deed or plat



This survey was performed without the benefit of a Title Report and does not purport to show easements of record, if any.

KEY MAP T83N-R56W



SECTION 15
 RIGHT OF WAY CORNER
 FOUND 5/8" REBAR
 LAT. N42°52'21.80" W
 LONG. W97°27'23.46" W

SECTION 22
 RIGHT OF WAY CORNER
 FOUND 5/8" REBAR
 LAT. N42°51'55.60" W
 LONG. W97°27'23.31" W

SECTION 15
 RIGHT OF WAY CORNER
 FOUND 5/8" REBAR
 LAT. N42°52'21.80" W
 LONG. W97°27'23.46" W

SECTION 22
 RIGHT OF WAY CORNER
 FOUND 5/8" REBAR
 LAT. N42°51'55.60" W
 LONG. W97°27'23.31" W

SECTION 15
 RIGHT OF WAY CORNER
 FOUND 5/8" REBAR
 LAT. N42°52'21.80" W
 LONG. W97°27'23.46" W

SECTION 22
 RIGHT OF WAY CORNER
 FOUND 5/8" REBAR
 LAT. N42°51'55.60" W
 LONG. W97°27'23.31" W

LOTS 1 AND 2
LEWIS AND CLARK SUBSTATION ADDITION
 YANKTON COUNTY, SOUTH DAKOTA

East River
 Electric



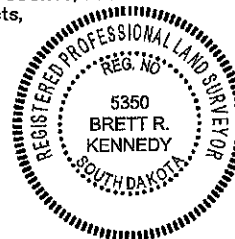
SURVEYOR'S CERTIFICATE

I, Brett R. Kennedy, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before June 20, 2022, survey that parcel of land described as: LOTS 1 AND 2 OF LEWIS AND CLARK SUBSTATION ADDITION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15 AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA.

I also hereby certify that this plat is to the best of my knowledge and belief, in all respects, a true description of said property.

Dated this 30th day of June, 2022.

Brett R. Kennedy
Brett R. Kennedy, L.S. 5350



OWNER'S CERTIFICATE

We do hereby certify that we are the owners of all the land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purpose of locating, marking and platting, 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 _____, _____.

By: _____ By: _____ By: _____ By: _____ By: _____
Gary J. Heine, Member Ronald B. Heine, Member Gene G. Heine, Member Thomas Heine, Member Steven M. Heine Revocable Trust
Janet. Heine, Trustee
Member

COUNTY _____
STATE OF _____

On this, the ___ day of _____, before me, the undersigned, a Notary Public, personally appeared Gary J. Heine, Ronald B. Heine, Gene G. Heine, Thomas Heine and Janet M. Heine as Members of Heine Farms S.D., L.L.C., known to me to be the person whose name is subscribed to the foregoing Dedication, and I hereby acknowledge that he/she executed the foregoing instrument.

In witness whereof, I hereunto set my hand and official seal.

My commission expires _____.

Notary Public

Dated this ___ day of _____, _____.

West Yankton, Inc.

COUNTY _____
STATE OF _____

On this, the ___ day of _____, before me, the undersigned officer, appeared _____ for West Yankton, Inc., known to be the person whose name is subscribed to the within instrument and acknowledged to me that h/she, executed the same for the purposes therein contained.

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

My commission expires _____.

Notary Public

2 OF 3

JB PROJECT 11-22-15

REVISIONS

LOTS 1 AND 2
LEWIS AND CLARK SUBSTATION ADDITION
YANKTON COUNTY, SOUTH DAKOTA

East River
Electric

STOCKWELL
STOCKWELL ENGINEERING, INC.
1010 MARKET STREET
SUITE 200
YANKTON, SD 57401
TEL: 605.466.8800
FAX: 605.466.8803

CERTIFICATE OF STREET AUTHORITY

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

Approved this ____ day of _____, ____.

State/County/Township Road Authority

COUNTY PLANNING COMMISSION APPROVAL

Approval of the final plan of LOTS 1 AND 2 OF LEWIS AND CLARK SUBSTATION ADDITION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15 AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA, is hereby granted by the Yankton County Planning Commission on this ____ day of _____, ____.

Chair, County Planning Commission
Yankton County, South Dakota

COUNTY COMMISSION APPROVAL

I hereby certify that the final plan of LOTS 1 AND 2 OF LEWIS AND CLARK SUBSTATION ADDITION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15 AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the ____ day of _____, ____.

Chairman, County Commission
Yankton County, South Dakota

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 _____, ____.

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 at my office.

Dated this ____ day of _____, ____.

Director of Equalization Yankton
County, South Dakota

COUNTY TREASURER 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.

Dated this ____ day of _____, ____.

Treasurer
Yankton County, South Dakota

REGISTER OF DEEDS

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

Register of Deeds
Yankton County, South Dakota

1 OF 3

REVISION 11-2005

REVISION 11-2005

LOTS 1 AND 2
LEWIS AND CLARK SUBSTATION ADDITION
YANKTON COUNTY, SOUTH DAKOTA

 East River
Electric

STOCKWELL
 TECHNICAL SERVICES, INC.
 1000 W. 10TH STREET
 YANKTON, SD 57401
 605.466.1111
 FAX 605.466.1112

Plat Approval Fees Paid
 Application \$100.00
 51283
 Applicant Created
 Bill Testing July 11, 2022

Number
51283

Final | Lots 1 and 2 of Lewis
 and Clark Substation Addition
 in the Southwest Quarter of the
 Southwest Quarter of Section
 15 and in the Northwest
 Quarter of the Northwest
 Quarter of Section 22,
 Township 93 North, Range 56
 West of the 5th Principal
 Meridian, Yankton County,
 South Dakota. Containing 3.00
 Acres more or less | East River
 Electric | 211 S. Harth Ave. |
 09.015.300.200
 Submitted by BillTesting on
 7/11/2022



Applicant

Bill Testing

test@test.com

Parcel search Completed On 7/11/2022 9:44 AM EST by bconkling



Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.015.300.200			HEINE FARMS (D)	60.000

Requested Information Completed On 7/11/2022 10:14 AM EST by bconkling

Fee

\$100.00

Plat Type

Final

Development Information

Plat Name

Lots 1 and 2 of Lewis and Clark Substation Addition in the Southwest Quarter of the Southwest Quarter of Section 15 and in the Northwest Quarter of the Northwest Quarter of Section 22, Township 93 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 3.00 Acres more or less

Section No:

15

Township No:

93

Range

56

Number of Lots/Tracts

2

Number of Acres

60.0

How is this property currently being used?

RT and LD

What is the proposed use of the property?

MD

Surveyor/Engineer Information**Firm Name**

Stockwell Engineering, Inc

Address

201 Walnut

City

Yankton

State

SD

Zip
57078

Contact Person
Brett Kennedy

Phone
6056658092

Property Owner Information

Owner Name
East River Electric

Address
211 S. Harth Ave.

City
Madison

State
SD

Zip
57042

Owner Phone
6052568269

Contact Person
Brett Kennedy

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)

1.3 and 1.7 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

Yes

If Yes:

substation

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

Plat Approval Items Completed On 7/18/2022 9:20 AM 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

[20220705095435280.pdf](#)

Plat Approval Applicant Checklist ⓘ

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 7/18/2022 9:21 AM EST by bconkling

Owner Certification

Owner(s)

East River Electric

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



Donna Wong

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 7/18/2022 9:21 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	60969
Amount Paid	\$100.00

Planning Commission Review Completed On 7/18/2022 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:

08/09/2022

[Plat Approval Application \(Planning Commission\)](#)

External Notes

Documents

Internal Notes

Documents

Yankton County, South Dakota

Paid by
Bill Testing
test@test.com

Payment number
Date paid
Payment method

Receipt

60969
July 18, 2022 09:21 AM
Check

\$100.00 paid on July 18, 2022

Plat Approval Application
Application ID: 51283

Description	Amount
Fee	\$100.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 8/3/2022

Applicant

Schmidt- PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☒ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat of Tracts 1 and 2 in Lot 5 of Section 32, Township 95 North, Range 55 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 48.12 Acres more or less

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Plat of Tracts 1 and 2 in Lot 5 of

Section No: 32 Township No: 95

Range: 55 Number of Lots/Tracts: 2

Number of Acres: 45.76

How is the property currently being used? AG

What is the proposed use of the property? Ag

Surveyor/Engineer Information

Firm Name: Stockwell Engineering

Address: _____

City: Yankton State: SD Zip: 57078

Contact Person: Brett Kennedy

Phone: 605665-8092

Property Owner Information

Name: Jesse schmidt

Address: 44847 307 ST

City: MISSION State: SD Zip: 57046

Contact person: Brett Kennedy

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

Agent's name: _____

Agents 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) 37.71 and 10.41

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

4. If a farmstead, how many acres are surrounding it? 10-0.41

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 Jessie Schmidt
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.

Jessie Schmidt
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

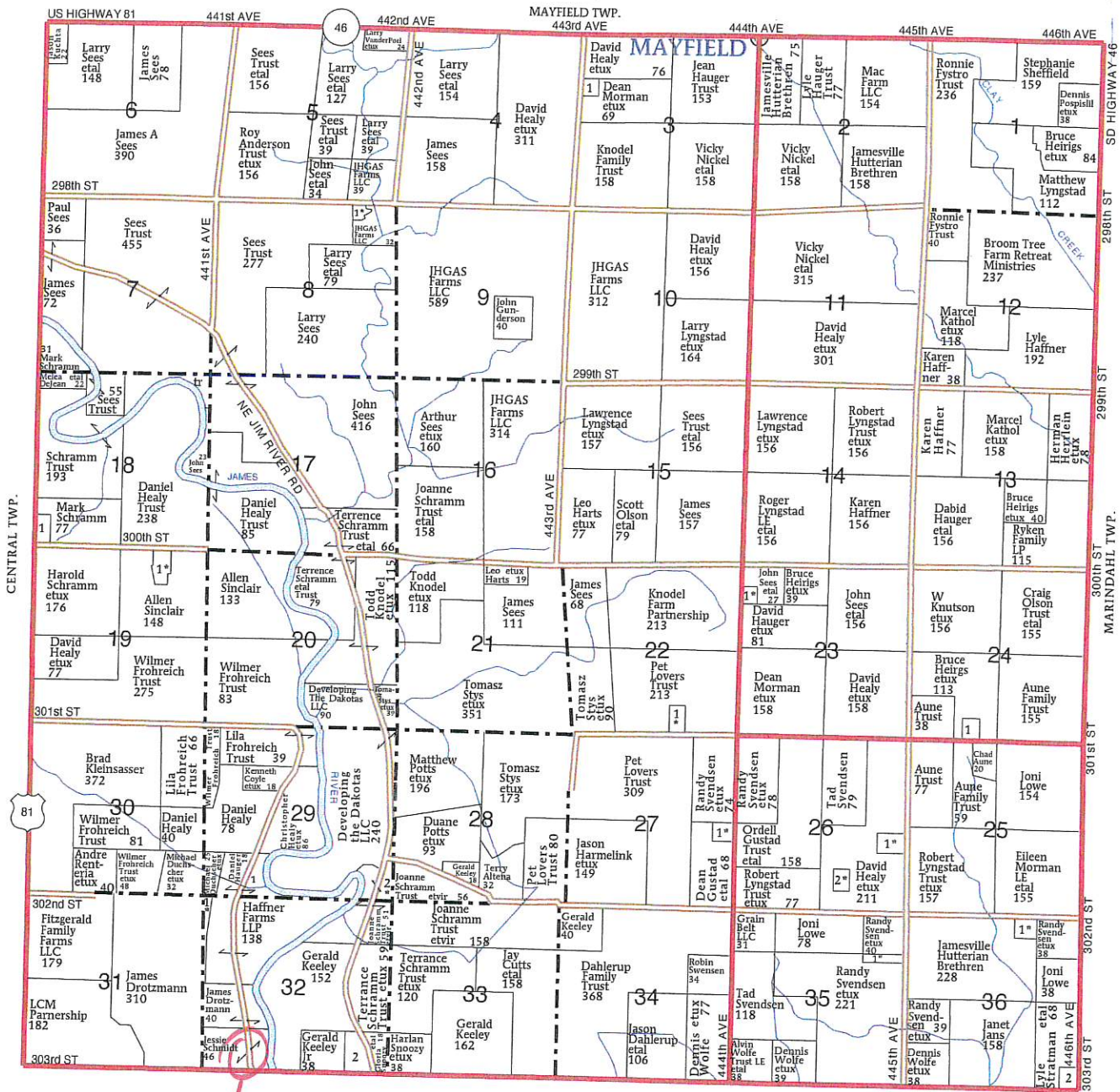
In order to insure prompt approval of your plat, please follow these steps:

<input checked="" type="checkbox"/> 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: 09/13/2022

Board of Adjustment date: _____



location

WALSHTOWN TOWNSHIP

SECTION 3

1. Fuhrer, Darren 11

SECTION 8

1. Zimmerman, Levi etux 8

SECTION 18

1. Schramm, Mark 15

SECTION 19

1. Sinclair, Allen etal 12

SECTION 22

1. Moehring, Alan etal 7

SECTION 23

1. Dykstra, Jerry etux 9

SECTION 24

1. Sorensen, Gordon 5

SECTION 26

1. Andrzejek, Patrick etux 13
2. Truman, Gary etux 7

SECTION 27

1. Habeck Trust, Robert etux 6

SECTION 29

1. Haffner Farms LLP 31
2. Schramm Trust, Joanne etvir 31

SECTION 32

1. Duchscher, Michael etux 7

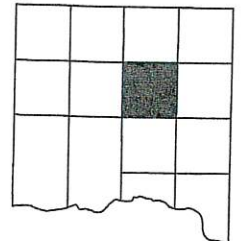
2. Great Bear Sand and Gravel LLC 20

SECTION 35

1. Ekeren, Glendon etux 13

SECTION 36

1. Mellem, Paul etux 8
2. Daugherty, Rick 8



SURVEYOR'S CERTIFICATE

I, Brett R. Kennedy, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before August 8, 2022, survey that parcel of land described as: **TRACTS 1 AND 2 OF LOT 5 OF SECTION 32, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA.**

I also hereby certify that this plat is to the best of my knowledge and belief, in all respects, a true description of said property.

Dated this 2nd day of August, 2022.

Brett R. Kennedy
Brett R. Kennedy, L.S. 5350



OWNER'S CERTIFICATE

I do hereby certify that I am the owner of all the land included in the above plat and that said plat has been made at my request and in accordance with my instructions for the purpose of locating, marking and platting, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations:

I 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. I 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 2 day of August, 2022.

JES
Jessie E. Schmidt

On this, the 2 day of August, 2022, before me, the undersigned officer, appeared Jessie E. Schmidt, known to be the persons whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained.

In witness thereof, I have hereunto set my hand and official seal this 2 day of August, 2022.

My commission expires 7/13/2027.

Laurie Wilson
Notary Public, Yankton County, South Dakota

CERTIFICATE OF STREET AUTHORITY

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

Approved this ____ day of _____, ____.

State/County/Township Road Authority

COUNTY PLANNING COMMISSION APPROVAL

Approval of the final plan of **TRACTS 1 AND 2 OF LOT 5 OF SECTION 32, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA**, is hereby granted by the Yankton County Planning Commission on this day of _____, ____.

Chair, County Planning Commission
Yankton County, South Dakota

COUNTY COMMISSION APPROVAL

I hereby certify that the final plan of **TRACTS 1 AND 2 OF LOT 5 OF SECTION 32, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA** was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the ____ day of _____, ____.

Chairman, County Commission
Yankton County, South Dakota

2 OF 3

NB PRO-277 # 22320

YANKTON COUNTY, SOUTH DAKOTA

TRACTS 1 AND 2
LOT 5 SECTION 32, T95N, R55W
YANKTON COUNTY, SOUTH DAKOTA

STOCKWELL
STOCKWELL ENGINEERING, INC.
1001 S. 10TH AVE.
YANKTON, SD 57401
TEL: 605.466.2222
FAX: 605.466.2223

ZONING ADMINISTRATOR

The undersigned, County Zoning Administrator of Yankton County, South Dakota, hereby certifies that this plat has been reviewed by me or my authorized agent in accordance with Section 513 (Farmstead, Minimum Lot Requirements) of the Yankton County Subdivision Regulations, and TRACT 1 OF LOT 5 OF SECTION 32, TOWNSHIP 95 NORTH, RANGE 55 WEST OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA, does qualify as a Farmstead.

Zoning Administrator
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 _____, _____.

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 at my office.

Dated this ____ day of _____, _____.

Director of Equalization Yankton
County, South Dakota

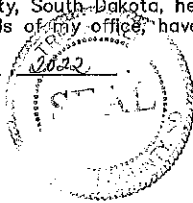
COUNTY TREASURER CERTIFICATE

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.

Dated this 5th day of August, 2022

[Signature]

Treasurer
Yankton County, South Dakota

**REGISTER OF DEEDS**

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

Register of Deeds
Yankton County, South Dakota

3 OF 3

SR PROJECT # 2200

 DIVISION ACQUISITION
 DATE
TRACTS 1 AND 2

LOT 5 SECTION 32, T95N, R55W
YANKTON COUNTY, SOUTH DAKOTA

STOCKWELL
STOCKWELL ENGINEERS, INC.
10101 13TH AVE. S.W.
YANKTON, SD 57401
TEL: 605.455.8500
FAX: 605.455.8502

Plat Approval
Application
55534
Applicant
Bill Testing
Fees Paid
\$100.00
Created
August 5, 2022

Number
55534

Final | Plat of Tracts 1 and 2 in
Lot 5 of Section 32, Township
95 North, Range 55 West of the
5th Principal Meridian, Yankton
County, South Dakota.
Containing 48.12 Acres more or
less | Jesse schmidt | 44847
307 ST | 07.032.300.200
Submitted by BillTesting on
8/5/2022

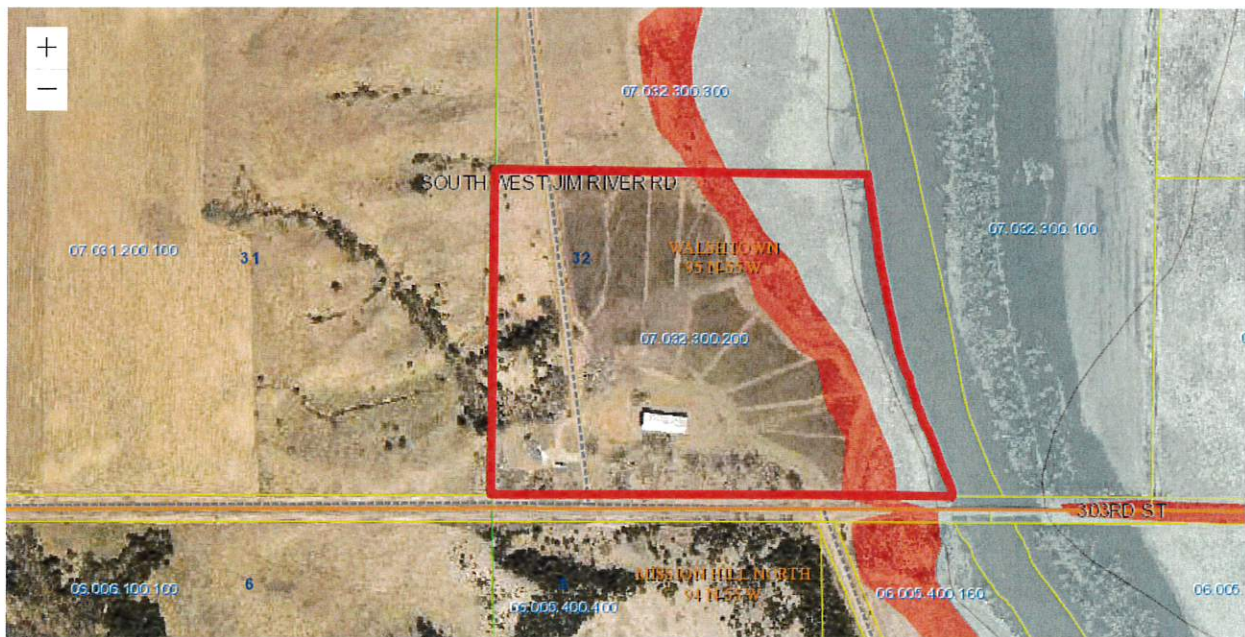


Applicant

Bill Testing

test@test.com

Parcel search Completed On 8/5/2022 10:21 AM EST by bconkling



ParcelID	Address	City	OwnerName	Acres
07.032.300.200		YANKTON	SCHMIDT, JESSIE E (D)	45.760

Requested Information Completed On 8/5/2022 10:25 AM EST by bconkling

Fee
\$100.00

Plat Type
Final

Development Information

Plat Name

Plat of Tracts 1 and 2 in Lot 5 of Section 32, Township 95 North, Range 55 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 48.12 Acres more or less

Section No:

32

Township No:

95

Range

55

Number of Lots/Tracts

2

Number of Acres

45.76

How is this property currently being used?

AG

What is the proposed use of the property?

Ag

Surveyor/Engineer Information

Firm Name

Stockwell Engineering

Address

201 Walnut St

City

Yankton

State

SD

Zip

57078

Contact Person

Brett Kennedy

Phone

605665-8092

Property Owner Information

Owner Name

Jesse schmidt

Address

44847 307 ST

City

MISSION HILL

State

SD

Zip

57046

Owner Phone

6056658092

Contact Person

Brett Kennedy

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?

No

What Is/are the lot size(s)

37.71 and 10.41

Is this plat an existing farmstead

Yes

If a farmstead, how many acres are surrounding it

10-.41

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)

Plat Approval Items Completed On 8/5/2022 10:26 AM 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

[schmidt plat.pdf](#)

Plat Approval Applicant Checklist ⓘ

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 8/5/2022 10:26 AM EST by bconkling

Owner Certification

Owner(s)

Jessie Schmidt

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 8/5/2022 10:27 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	1844
Amount Paid	\$100.00

Planning Commission Review Completed On 8/5/2022 10:27 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:

09/13/2022

Plat Approval Application (Planning Commission) Completed On 8/5/2022 10:27 AM EST by bconkling

Documents

Internal Notes

Documents

Yankton County, South Dakota

Paid by
Bill Testing
test@test.com

Payment number
Date paid
Payment method

Receipt

1844
August 5, 2022 10:27 AM
Check

\$100.00 paid on August 5, 2022

Plat Approval Application

Application ID: 55534

Description	Amount
Fee	\$100.00

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 8/2/2022

Applicant

Harold's Addition- PLAT

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

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☒ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat of Harold's Addition in the NE1/4 of Section 11, T96N, R55W of the 5th P.M., Yankton County, South Dakota

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

-----Development Information-----

Plat Name: Plat of Harold's Addition in the

Section No: 11 Township No: 96

Range : 55 Number of Lots/Tracts: 1

Number of Acres: 155.16

How is the property currently being used? AG

What is the proposed use of the property? AG

-----Surveyor/Engineer Information-----

Firm Name: Tom Week

Address:

City: Yankton State: SD Zip: 57078

Contact Person: Tom Week

Phone: 6056658333

-----Property Owner Information-----

Name: David Jensen

Address: JENSEN, DAVID P

City: Viborg State: SD Zip: 57078

Contact person: Tom Week

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

Agent's name: _____

Agents 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) 14

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

4. If a farmstead, how many acres are surrounding it? 14.219 Acres

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 Janelle Ekeren
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.

Janelle Ekeren
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.

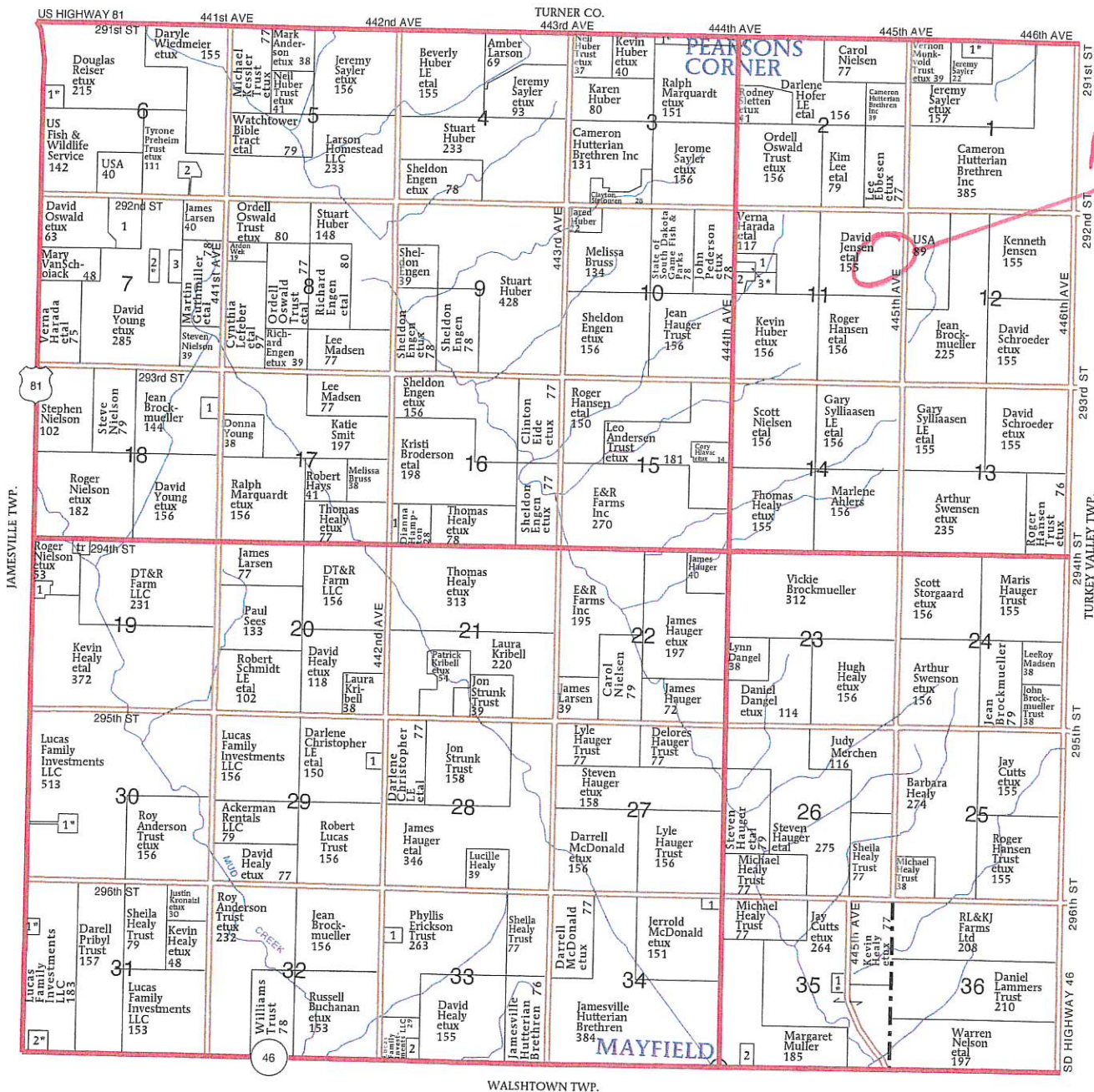
YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

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: 09/13/2022
Board of Adjustment date: _____



MAYFIELD TOWNSHIP

SECTION 1

1. Jensen, Corey et al 16

SECTION 3

1. Skjonsberg Sr, Ronald et al 6

SECTION 6

1. Kopejka, Tracy et al 7

2. Massey, Larry 7

SECTION 7

1. State of South Dakota

Game Fish & Parks 17

2. Young, David et al 9

3. Larsen, James 8

SECTION 11

1. Kerns, Connie 14

2. Sorensen, Ethel 8

3. Kerns-Grams, Connie et al 17

SECTION 16

1. Highland, Corey 11

SECTION 18

1. Rye Trust 12

SECTION 19

1. Our Redeemer Lutheran Church 9

SECTION 29

1. Jones, Judy 7

SECTION 30

1. VanBuren Sr, Lloyd et al 8

SECTION 31

1. Lucas, Benjamin et al 6

2. Kramer, Chris et al 9

SECTION 33

1. Brockmueller, Jean 11

2. Jensen, Donald 7

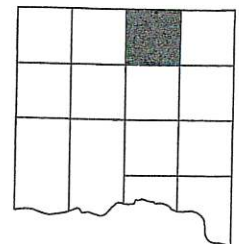
SECTION 34

1. St Columbia Church Mayfield 5

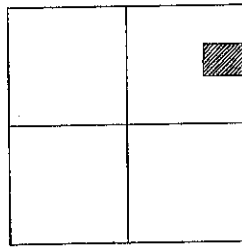
SECTION 35

1. Nelson, Rory et al 6

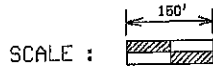
2. Nelson, Timothy 6



PLAT OF HAROLD'S ADDITION IN THE NE1/4 OF SECTION 11, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

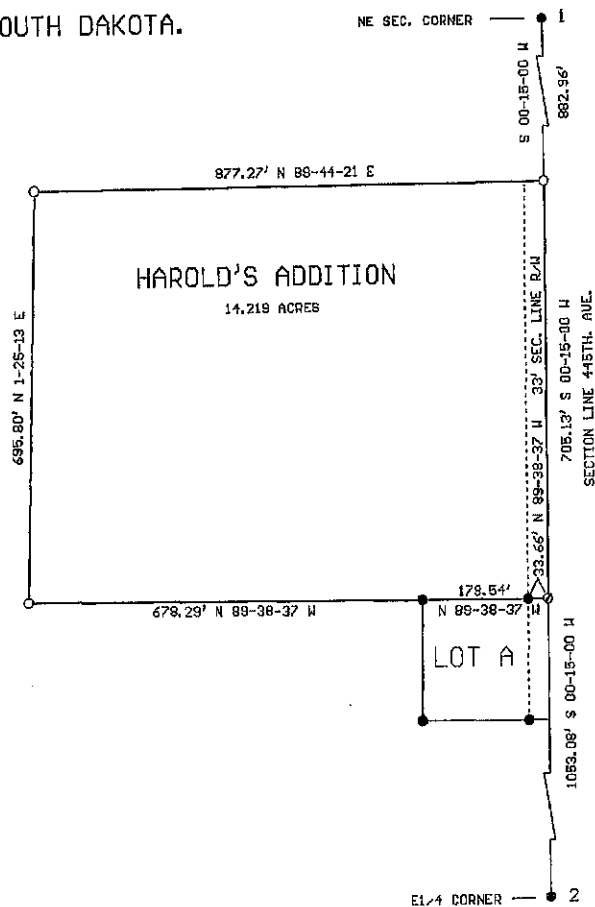


SECTION 11, T96N, R55W



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

1, LAT. = 43-09-18.07842 N LAT. = 97-17-54.16124 W
2, LAT. = 43-09-51.98608 N LAT. = 97-17-54.31665 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 HAROLD'S ADDITION IN THE NE1/4 OF SECTION 11, T96N, 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 20TH. DAY OF AUGUST, 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 HAROLD'S ADDITION IN THE NE1/4 OF SECTION 11, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

ZONING ADMINISTRATOR

THE UNDERSIGNED, COUNTY ZONING ADMINISTRATOR OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THIS PLAT HAS BEEN REVIEWED BY ME OR MY AUTHORIZED AGENT IN ACCORDANCE WITH SECTION 513 (FARMSTEAD, MINIMUM LOT REQUIREMENTS) OF THE YANKTON COUNTY SUBDIVISION REGULATIONS, AND HAROLD'S ADDITION DOES QUALIFY AS A FARMSTEAD.

ZONING ADMINISTRATOR

PLAT OF HAROLD'S ADDITION IN THE NE1/4 OF SECTION 11, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

WE, DAVID P. JENSEN, JOANN EBBESEN, JERAINA LARSEN, JEROME SAYLER AND JANELLE EKEREN, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED PROPERTY: HAROLD'S ADDITION IN THE NE1/4 OF SECTION 11, T96N, 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 _____, ____.

DAVID P. JENSEN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, ____., BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DAVID P. JENSEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

JOANN EBBESEN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, ____., BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JOANN EBBESEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

JERAINA LARSEN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, ____., BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JERAINA LARSEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

JEROME SAYLER

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, ____., BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JEROME SAYLER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

JANELLE EKEREN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, ____., BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JANELLE EKEREN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

PLAT OF HAROLD'S ADDITION IN THE NE1/4 OF SECTION 11, T96N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: HAROLD'S ADDITION IN THE NE1/4 OF SECTION 11, T96N, 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

CERTIFICATE OF STREET AUTHORITY

ACCESS TO HAROLD'S ADDITION IS HEREBY APPROVED. ANY FURTHER ACCESS POINTS WILL REQUIRE ADDITIONAL APPROVAL.

DATED THIS ____ DAY OF _____, _____.

TOWNSHIP/COUNTY APPROVAL

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

Section No:

11

Township No:

96

Range

55

Number of Lots/Tracts

1

Number of Acres

155.16

How is this property currently being used?

AG

What is the proposed use of the property?

AG

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

David Jensen

Address

JENSEN, DAVID P

City

Viborg

State

SD

Zip

57078

Owner Phone

6056658333

Contact Person

Tom Week

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?

No

What is/are the lot size(s)

14

Is this plat an existing farmstead

Yes

If a farmstead, how many acres are surrounding it

14.219 Acres

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)

Plat Approval Items Completed On 8/25/2022 10:47 AM 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

[Scanned Document_20220820_140125.pdf](#)

Plat Approval Applicant Checklist ⓘ

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 8/25/2022 10:47 AM EST by bconkling

Owner Certification

Owner(s)

Janelle Ekeren

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 8/25/2022 10:47 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	7463
Amount Paid	\$100.00

Planning Commission Review Completed On 8/25/2022 10:48 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:

09/13/2022

Plat Approval Application (Planning Commission) Completed On 8/25/2022 10:48 AM EST by bconkling

[Plat Approval Application \(Planning Commission\)](#)

External Notes

Internal Notes

Documents

Yankton County, South Dakota

Paid by
Bill Testing
test@test.com

Payment number
Date paid
Payment method

Receipt

7463
August 25, 2022 10:47 AM
Check

\$100.00 paid on August 25, 2022

Plat Approval Application

Application ID: 58193

Description	Amount
Fee	\$100.00