

SOUTH DAKOTA CERTIFIED READY SITES

APPLICATION FORM

2.2.1 Identify the level of government responsible for zoning.

The City of Yankton has administrative powers over the zoning of the property.

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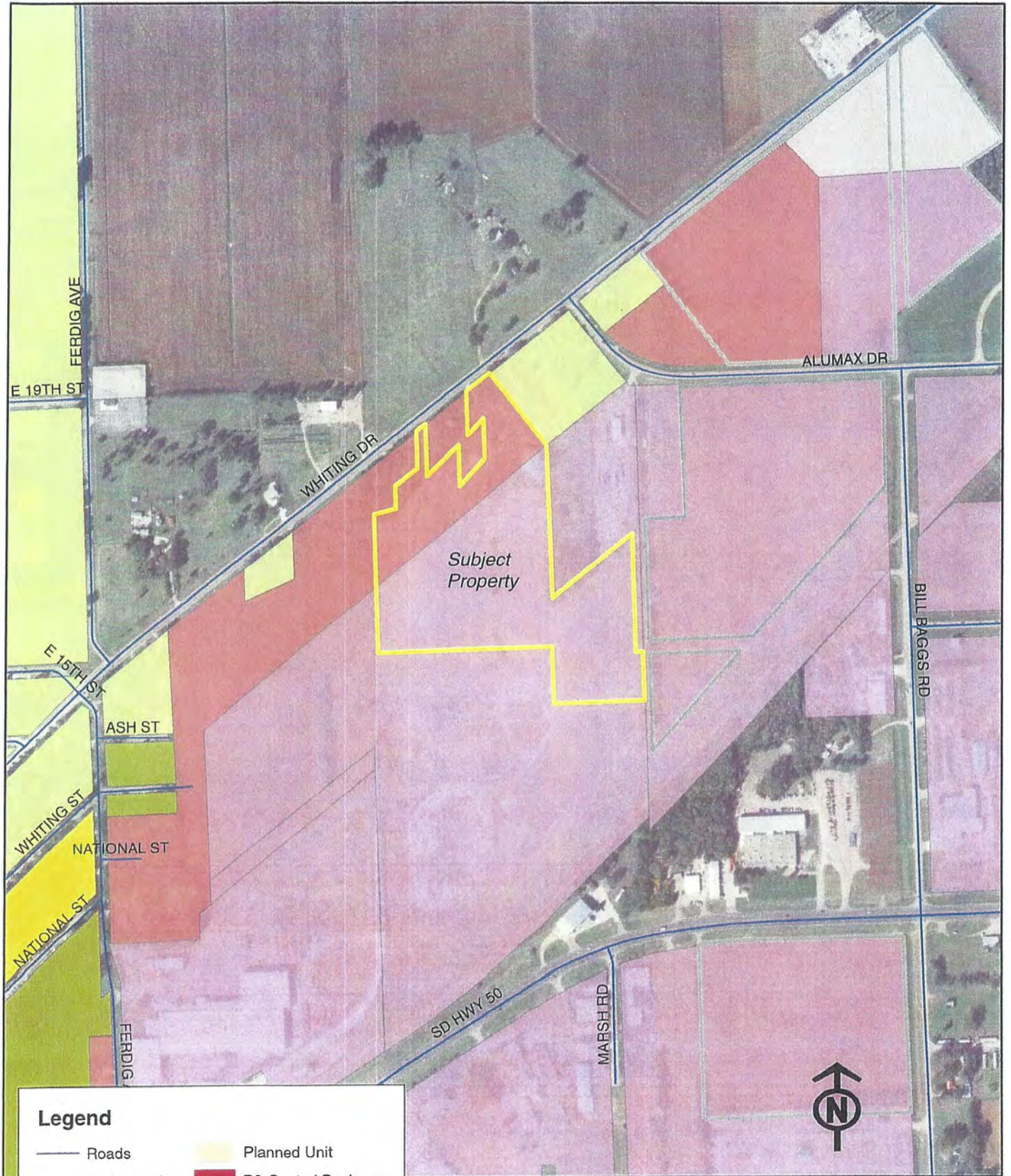
APPLICATION FORM

2.2.2 Identify and provide proof of the current zoning in place.

The property is zoned B2, Highway Business, and I1, Industrial. See attached map and zoning regulations.

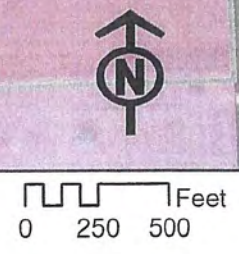
A proposed use of light manufacturing would be considered a principal permitted use in the Highway Business District. Any industrial use would be permitted in the Industrial District. A developer could erect an industrial building on the portion of the parcel zoned I1, while building office and light manufacturing facilities in the B2 District.

Yankton Certified Ready Sites Proposal Marquardt Industrial Site



Legend

— Roads	Planned Unit
Agricultural	B3-Central Business
R1-Residential	B2-Hwy Business
R2-Residential	B1-Local Business
R3-Residential	I1-Industrial
R4-Residential	



Zoning Map

I-1; Industrial District

Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
<p>(1) Any use permitted in the B-3 central business district except that the erection, construction, or structural alteration of dwelling units shall not be permitted.</p> <p>(2) Field crops, orchards, nurseries, fairgrounds, warehouses.</p> <p>(3) Any manufacturing use and any other use not in conflict with any city ordinances regulating nuisances, provided further, that no building occupancy permit shall be issued for any of the manufacturing uses listed under the conditional use provision of this district until the location and plan of development of such use shall have been authorized by the board of city commissioners under the conditional use provisions of this chapter.</p> <p>(4) Goods, wares, merchandise or property displayed or exhibited for sale outside shall not occupy any required off-street parking area, and can only occupy an area equal to or less than twenty-five (25) per cent of the floor area of the permitted principal structure unless an open air sales permit is in force under the provisions of section 27-4(o).</p> <p>Open storage for the sale of automobiles, trailers, boats, and gasoline from service stations are exempt from the provisions of this part, however, all such open storage is prohibited on the city rights-of-way.</p> <p>(5) A dwelling shall not be erect in the I-[1] industrial district: However, the sleeping quarters of a watchman or caretaker are permitted.</p> <p>(6) Kennels.</p>	<p>(1) Accessory buildings which are clearly incidental to and customarily accessory to the permitted principal uses are allowed.</p> <p>(2) No accessory building may encroach upon any required side or front yards.</p> <p>(3) Accessory buildings shall be no closer than five (5) feet from the rear lot line or any other building.</p>	<p>(1) Stockyards or slaughter of animals.</p> <p>(2) Acid manufacturing.</p> <p>(3) Cement, lime, gypsum or plaster of paris manufacturing.</p> <p>(4) Distillation of bones.</p> <p>(5) Explosive—Manufacture or storage.</p> <p>(6) Fat rendering.</p> <p>(7) Fertilizer manufacturing.</p> <p>(8) Garbage, or dead animal reduction or dumping.</p> <p>(9) Glue manufacturing.</p> <p>(10) Smelting of tin, copper, zinc, or iron ore.</p> <p>(11) Petroleum refining.</p> <p>(12) Mining, quarrying, alloying of metal.</p> <p>(13) Airports and landing fields.</p> <p>(14) Towers exceeding sixty-five (65) feet in height above ground level.</p> <p>(15) Wind energy conversion systems (WECS). The regulations regarding wind energy conversion systems (hereafter referred to as WECS) shall be as follows:</p> <p>(a) Limited use: No WECS installed in accordance with the requirements of this ordinance shall generate power as a commercial enterprise unless it meets all of the applicable requirements of the Public Utilities Commission regulations and the interconnect requirements of the electric utility company.</p> <p>(b) Setback requirements: The minimum distance between the property line, overhead utility lines or another wind turbine and any tower support base of a WECS shall be equal to the proposed tower height (plus the radius of the rotor for the horizontal axis machines). Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the city for their approval.</p> <p>(c) Tower height. In no event shall the height of a WECS exceed 125 feet as measured from the ground to highest point of the structure at its peak point in rotation. Further, there shall be no less than 30 feet between the lowest arc of the rotors of a WECS and the ground, any portion of a structure or any tree.</p> <p>(d) Tower access: Climbing access to the WECS tower shall be limited either by means of a fence six feet high around the tower base with a locking portal, by limiting tower climbing apparatus so there is access to it no lower than 12 feet from the ground or installation of a locked anti-climb device on the tower.</p> <p>(e) Electromagnetic interference. No WECS shall produce electromagnetic interference so as to disrupt transmissions such as those from radio, television or microwave towers. At the time of application for the conditional use, the petitioner must submit</p>

information from the manufacturer indicating that, once operational, the WECS will not adversely affect the transmissions. If necessary, generators and alternators shall be filtered, shielded, or both so as to prevent the emission of radio and television signals.

(f) Air space: A WECS shall be located or installed in compliance with the guidelines of the federal aviation regulations with regard to airport approach zones.

(g) Rotor size/operation. The maximum size of the rotors of a WECS shall be reviewed upon application for a conditional use. In determining the appropriate size for the rotors, the city shall consider such factors as noise, proximity to surrounding residences, safety and aesthetic issues. All systems shall be equipped with appropriate braking devices or similar protective devices to slow down or stop the rotors if the wind exceeds the capacity of the system.

(h) Noise. No WECS system shall produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system. Information from the manufacturer of the WECS shall be submitted at the time of the submittal of the conditional use, ensuring that this requirement can be met once the system is operational.

(i) Warning information. Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the WECS shall be posted near the base of the tower in a visible location.

(j) Lighting. Unless required by a more restrictive regulation, no lighting shall be installed on a WECS.

(k) Tower design. In reviewing the conditional use for a WECS, the city shall consider the design and color of the tower to ensure that no significant adverse impacts are occurring to neighboring property owners, including, but not limited to, infringement into natural and urban view sheds, historic property, major community entryways, parks, schools, churches, playgrounds, or similar public and recreational uses.

(l) Manufacturer warranty/maintenance information. Upon application for a conditional use for a WECS, the petitioner shall submit a manufacturer's statement documenting that the system has been successfully and safely operated in atmospheric conditions that are similar to conditions in Yankton. Further, the petitioner shall provide a copy of the manufacturer's warranty indicating that the system is warranted against any system failures reasonably expected during severe weather conditions. Further, the petitioner shall submit system specifications including maximum power output and a maintenance schedule for the system.

(m) Construction standards. Any WECS shall be constructed in accordance with all applicable life, safety, building and fire codes including but not limited to the following:

1. An applicant for a building permit for a WECS shall submit plans and specifications stamped by a registered engineer.
2. Lightning Protection. Any WECS shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters and deep earth grounding.
 - (n) Abandonment/removal.
 - l. Any WECS which has not been used for a period of 12 months or more shall be declared abandoned. Upon abandonment of the system, the city may revoke the conditional use permit and the system shall be removed at the expense of the property owner. The city may determine that a WECS has not been used if the following criteria apply:
 - a. The WECS has not been operating for a substantial period of time and the owner of the system is unable to provide documentation demonstrating that the system has produced a minimum of 25% of the power output as stated in the system specifications over the past 12 months;
 - b. The WECS has fallen into obvious disrepair and/or has been condemned by the City of Yankton.
 - c. The WECS has become a violation of some other local, state or federal law and the owner of the system has not taken appropriate actions to remedy the problem.
 2. If deemed appropriate, the city may stipulate through the conditional use that the WECS shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning district classification in which wind energy conversion systems are not allowed as either a permitted use or conditional use.

B-2; Highway Business District

Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses
<p>(1) Multiple dwellings and apartments, provided that dwelling units erected or structurally altered in this district shall meet the same lot, yard, and open space requirements as applied in the R-4 multiple-family district.</p> <p>(2) All business permitted in the B-1 local business district and other offices and establishments selling goods and services at retail, including wholesale establishments and automobile sales, auditoriums, motels, and funeral homes, outdoor theaters.</p> <p>(3) Light manufacturing provided that all of the following requirements are met:</p> <ol style="list-style-type: none"> All operations including storage of any kind are conducted within a completely enclosed building. No operation shall be conducted which is in excess of normal traffic noise of the adjacent street at the time of peak traffic volume. No operation shall be conducted which produces a disagreeable odor. No operation shall be conducted which produces vibrations that are measurable outside of the structure. Private off-street parking spaces at a ratio of one (1) space for each two (2) employees shall be provided. Said operation shall meet all regulations established by the South Dakota Department of Environmental Protection. Goods, wares, merchandise or property displayed or exhibited for sale outside shall not occupy any required off-street parking area, and can only occupy an area equal to or less than twenty-five (25) per cent of the floor area of the permitted principal structure unless an open air sales permit is in force under the provisions of section 27-4(0). Kennels. 	<ol style="list-style-type: none"> Accessory buildings which are clearly incidental to and customarily accessory to the permitted principal uses are allowed. No accessory building may encroach upon any required side or front yards. Accessory buildings shall be no closer than five (5) feet from the rear lot line or any other building. 	<ol style="list-style-type: none"> Facilities for the disposal of trash or garbage (i.e., landfills). Auto wrecking or junkyards provided the provisions of Chapter 13, section 13-107 of the Municipal Code of Ordinances are met. Mobile home courts. Towers exceeding sixty-five (65) feet in height above ground level. Airports or land fields. One- and two-family dwellings provided that dwelling units erected or structurally altered in this district shall meet the same lot, yard, and open space requirements as applied in the R-2 single-family district. Self-storage facilities subject to the following: <ol style="list-style-type: none"> Use shall be limited to the storage of customers' residential goods and wares only. Special conditions: <ol style="list-style-type: none"> All storage on the property shall be kept within an enclosed building. Outdoor lights shall be shielded to direct light and glare away from all adjoining property. No fencing shall be permitted beyond the building setback lines. No door openings for any self-storage unit shall be constructed facing any residentially zoned property. Prohibited uses include but are not limited to the following: <ol style="list-style-type: none"> Auctions, commercial wholesale or retail sales, or miscellaneous garage sales. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment. Operation of power tools, spray-painting, welding, or other similar equipment. The establishment of a transfer and storage business or commercial warehouse. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations. Vehicle storage yards are subject to the following: <ol style="list-style-type: none"> The outdoor portion of any vehicle storage yard must be totally screened from view from all sides. Such screen shall be at least 6 feet in height. Appropriate screening materials can be manmade and/or vegetative and shall be properly maintained at all times. Wind energy conversion systems (WECS). The regulations regarding wind energy conversion systems (hereafter referred to as WECS) shall be as follows: <ol style="list-style-type: none"> Limited use: No WECS installed in accordance with the requirements of this ordinance shall generate power as a

commercial enterprise unless it meets all of the applicable requirements of the Public Utilities Commission regulations and the interconnect requirements of the electric utility company.

(b) Setback requirements: The minimum distance between the property line, overhead utility lines or another wind turbine and any tower support base of a WECS shall be equal to the proposed tower height (plus the radius of the rotor for the horizontal axis machines).

Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the city for their approval.

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B-2; Highway Business District

- b. The WECS has fallen into obvious disrepair and/or has been condemned by the City of Yankton.
- c. The WECS has become a violation of some other local, state or federal law and the owner of the system has not taken appropriate actions to remedy the problem.
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APPLICATION FORM

2.2.3 If the property is not currently zoned for intended land use, outline plan to bring into compliance.

The property is currently zoned appropriately for the proposed uses. The parcel could be rezoned into a planned unit development if a developer had a cohesive vision for the property. This process involves a public hearing held by the Yankton Planning Commission. Recommendation would be made by the Planning Commission to the Board of Adjustment for final approval at a separate hearing. Building permits could be obtained when the rezone/conditional use permit process has been successfully completed.