

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.

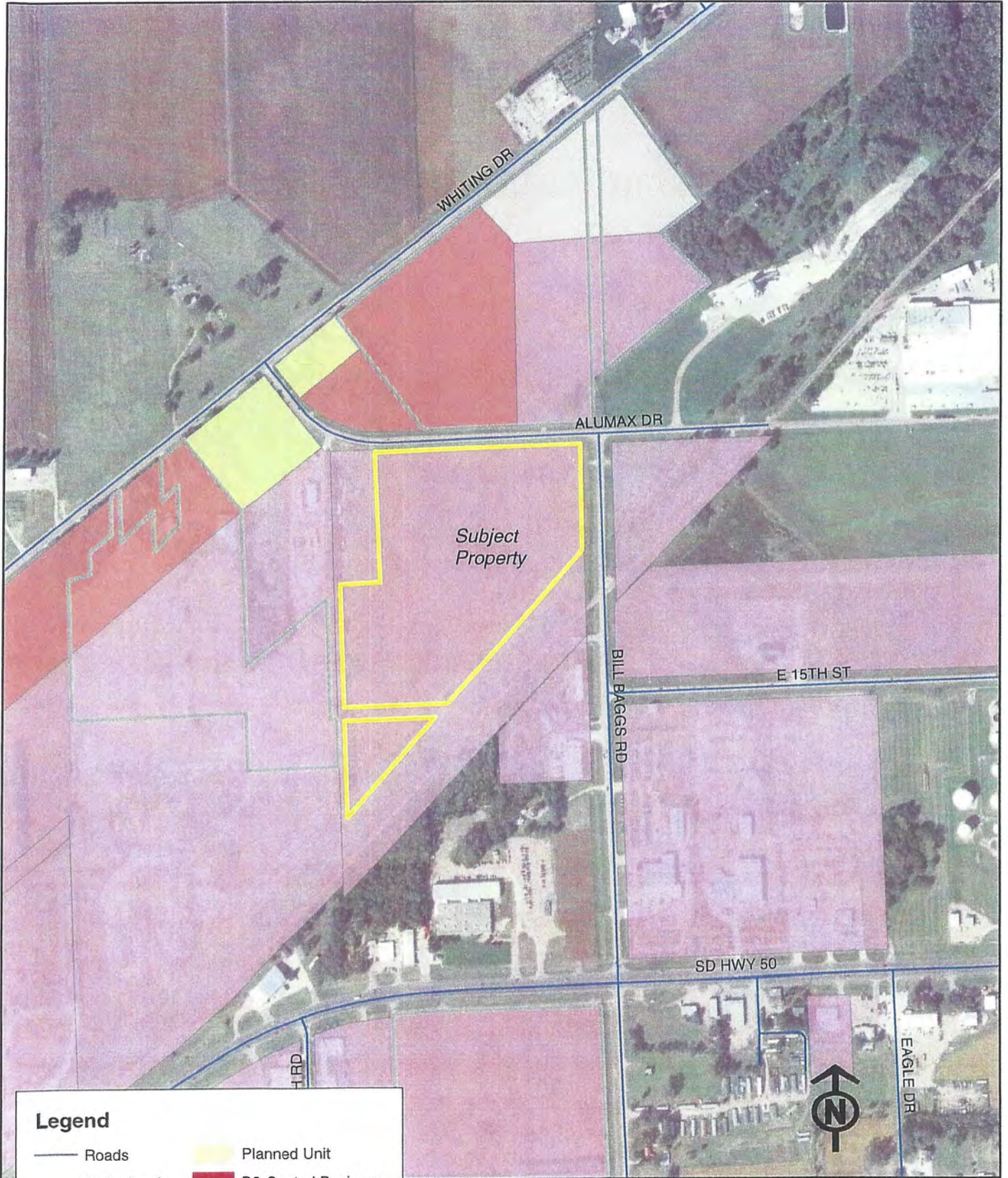
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2.2.2 Identify and provide proof of the current zoning in place.

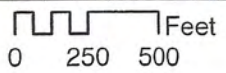
The property is zoned I-1, Industrial. The proposed uses of the property would be considered principal permitted uses in the I-1 District and would merely require a building permit to begin construction. See attached map and zoning regulations.

**Yankton Certified Ready Sites Proposal
Schenk 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.
 1. 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.

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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.