

2010 Legal and Public Notices

gress to or from the rear side of the subject tract or any adjacent property;

5) When the grades are changed, a grading plan shall be submitted and approved for the minor plat of replat;

6) Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;

7) Does not adversely affect the remainder of the parcel or adjoining property;

8) Does not conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance or these regulations.

Section 602 Replats

If the land proposed for platting is a resubdivision, it shall require a preliminary plan and a final plan of the subdivision, requiring the same review and approval procedures, including the fees, as the original preliminary and final plans. However, if the resubdivision meets the following requirements, then it may be submitted as a plat.

A) The perimeter of the tract being replatted shall not be altered by the replat.

B) The previous platting lines shall be shown on the plat.

C) When the grades are changed a grading plan shall be submitted and approved for the minor plat of replat.

Section 603 Vacation of Plats

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

ARTICLE 7 LOTS AND BLOCKS

Section 701 Blocks

A) The length, width, and shape of blocks shall be determined with regard to:

1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

2) The need for convenient access, circulation, and safety of traffic.

3) Topographic conditions.

B) Block lengths shall generally not exceed 1300 feet in length and shall be normally wide enough to provide for two tiers of lots of an appropriate depth.

Section 702 Lots

A) Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing permits to build on all lots in compliance with the zoning regulations.

B) The minimum lot width required by the zoning regulations shall be measured along the building setback line.

C) Corner lots for residential use shall have extra width to permit adequate building setbacks from both roads.

D) All interior lot lines should be a straight line or a series of straight lines. Curved interior lot lines may be allowed where topography, waterways or other circumstances require curved lot lines.

E) Side lot lines may be at right angles to roads except on curves where they are radial, or when otherwise approved.

F) Double frontage and reverse frontage lots shall be avoided except where essential to separate a development from traffic arteries, or to overcome specific disadvantages of topography and orientation. Driveways for such lots shall have access only to an interior subdivision road. Where double frontage lots are used, an extra lot depth or width shall be required to provide for an extra setback to offset the impact of higher traffic volumes.

G) Plats for residential development adjacent to functioning railroad rights-of-way shall provide additional lot depth or width to provide for sufficient setback to offset the impact of the railroad traffic.

H) Each lot shall abut a dedicated public right-of-way, approved private roadway or have an appropriate easement to a public road.

I) Minimum lot size required by the zoning regulations shall not include any public right-of-way.

ARTICLE 8 MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS

Section 801 Arrangement and Design

A) Roads shall be related appropriately to the topography.

B) All new subdivision roads shall be properly integrated with the existing system of roads. There should be a road connecting adjacent subdivisions where topographical and land use considerations permit.

C) In order to maintain consistent signage throughout the County, it shall be the County's responsibility to erect road signs at all road intersections, both public and private, within the new subdivision. The owner or developer shall pay the County for all material and installation costs as determined by the Highway Superintendent.

D) Proposed collector roads shall be extended to the boundary lines of the tract to be subdivided,

unless prevented by topography or other physical conditions.

E) The arrangement of all collector roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.

F) All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication. An owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads and be filed with the final subdivision plan with the Yankton County Planning Department (see Section 1102).

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

1) The access easement shall provide for perpetual unobstructed access to the area it serves, and prohibit the erection of any structure within or adjacent to the access area which would interfere with the use of the access easement by the public or any governmental agency.

2) Access easements shall be indicated on the plat.

3) Any plat which shows an access easement as a means of access shall provide language in the owner's certificate (see Section 1102) reserving the easement area for perpetual unobstructed access.

Section 802 Minimum Road Right-of-Way

A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 46 feet shall be reserved for private roadways. A maximum right-of-way of 100 feet may be required on roads designated as arterial and collector.

B) Cul-de-sacs will be required where, due to physical constraints, they are necessary for the reasonable development of the subdivision. The minimum radius of a turnaround at the end of a cul-de-sac shall be within the 66 feet right of way. This shall also apply to private roadways with the minimum radius of a turnaround at the end of a cul-de-sac within the 46 feet right of way.

Section 803 Subdivision Road Standards

A) Access from individual lots within a subdivision onto an arterial road shall be prohibited. Frontage roads are not encouraged but may be considered when special circumstances exist.

B) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards.

C) Minimum width of the driving surface shall be 24 feet. Ditches and driveways shall have a maximum inslope of 4:1 in accordance with specifications of the Yankton County Highway Department.

D) The subdivision roads may have a gravel driving surface. The subdivision roads shall be constructed in accordance with the specifications of the Yankton County Highway Department.

E) Gravel roads shall have an initial three inch lift of gravel spread over the driving surface. This lift shall be allowed to settle over one winter season. A second three inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt and Portland cement concrete surfaces shall be constructed in accordance with specifications of the Yankton County Highway Department.

F) Culverts under roadways shall be R.C.P. Culverts under driveways shall be either R.C.P. or C.M.P. All culverts shall be in accordance with the specifications of the Yankton County Highway Department.

G) The minimum culvert diameter shall be 12 inches.

H) A cross slope (crown) shall be provided on all roads at a rate of .02 feet per foot.

I) The road ditch shall be constructed in accordance with the specifications of the Yankton County Highway Department.

J) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Section 804 Private Roadways

A) Private roadways shall be indicated on the plat.

B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.

C) The Owner's Certificate in accordance with Section 1102 shall reserve the private road for permanent unobstructed access to abutting property and establishing private responsibility for maintenance of the roads.

D) All road standards specified in Section 803 shall also apply to private roadways constructed in accordance with the specifications of the Yankton County Highway Department.

Section 805 Intersections

A) Acute angles at road intersec-

tions are to be avoided in so far as possible, but in no case will an angle of less than 80 degrees be permitted.

B) Not more than two roads shall intersect at one point unless specifically approved.

C) Intersection offsets of less than 250 feet shall be avoided.

ARTICLE 9

GRADING AND DRAINAGE

Section 901 Grading Plan

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

A) Final Site Grading Plan

The grading plans shall show the contours with intervals acceptable to the Zoning Administrator. The site grading plan shall also show the drainage arrows for each lot.

B) Final Road Grading Plan

The road grading plan shall show all proposed roads, drainage arrows, and location and size of culverts.

Section 902 Drainage Plan

A) All drainage is subject to the approval of the Zoning Administrator and Highway Superintendent. The plan shall provide the following information:

1) Existing contour lines and any major alteration of the existing drainage pattern. The contour interval shall be of such detail that the final drainage pattern is adequately illustrated.

2) The boundaries of all drainage easements.

3) Individual lot drainage shall be coordinated with the general surface drainage pattern for the area. Drainage shall be designed so as to avoid a concentration of storm drainage water from each lot to adjacent lots.

4) across or around any intersection.

5) Driveways shall not inhibit or restrict the flow of surface water. It shall be the responsibility of each lot owner to install and maintain a culvert under the driveway when construction commences.

ARTICLE 10 EROSION CONTROL PLAN

Section 1001 Specifications

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

A) The Zoning Administrator shall require a "General Permit for Storm Water Discharges Associated with Construction Activities" from South Dakota Department of Environment and Natural Resources when the development creates exposure greater than one (1) acre.

B) The Zoning Administrator shall require proof of compliance from the South Dakota Department of Environment and Natural Resources before any building permits shall be approved.

Section 1002 Existing Features

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

ARTICLE 11 CERTIFICATES REQUIRED

Section 1101 Certificates for Preliminary Subdivision Plans

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

OWNER'S CERTIFICATE

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

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

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

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

effect until a public entity accepts the maintenance of said roads.

Dated this ____ day of _____, 2 0 ____.

Property Owners Name

OWNER'S CERTIFICATE FOR PRIVATE MAINTENANCE OF FACILITIES

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

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

If private roadways are shown, include:

I further grant and certify that the roadway(s) shown as (Names of private roads) are private roadways which are hereby reserved as a permanent unobstructed access. Said roadways are for vehicular and pedestrian travel for the purpose of access to the abutting property. It is understood that the Owner, their lessees and assignees have the responsibility with respect to maintaining said private roadway. Said grant is to run with the land. As no dedication to the public is being made of said private roadways, the Owners, their lessees and assignees, of the property

plated as (Name of subdivision) _____, shall at their own cost and expense keep and preserve said private roadways at all times in a good condition of repair and maintenance, and clear of snow and other obstructions and neither erect nor permit erection of any improvements of any kind within said private roadways which might interfere in any way with the proper maintenance, use, repair, reconstruction and patrolling of said private roadways. This shall remain in effect until a public entity accepts the roadways as a public dedication.

If access easements are shown, include:

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

COUNTY ZONING ADMINISTRATOR'S CERTIFICATE

I, Zoning Administrator of Yankton County, do hereby certify that this preliminary plan has been reviewed by me or my authorized agent and has been approved.

Approved this ____ day of _____, 20 ____.

Zoning Administrator
Yankton County, South Dakota

COUNTY ZONING ADMINISTRATOR'S CERTIFICATE

I, Zoning Administrator of Yankton County, do hereby certify that this preliminary plan has been reviewed by me or my authorized agent and has been approved.

Approved this ____ day of _____, 20 ____.

Zoning Administrator
Yankton County, South Dakota

COUNTY PLANNING COMMISSION APPROVAL

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

Chair, County Planning Commission
Yankton County, South Dakota

Section 1102 Certificates for Final Subdivision Plans

SURVEYOR'S CERTIFICATE

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

Dated this ____ day of _____, 20 ____.

(SEAL)

Registered Land Surveyor
OWNER'S CERTIFICATE

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

We hereby dedicate to the public

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

Dated this ____ day of _____, 2 0 ____.

Property Owners Name

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

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

My commission expires: _____

Notary Public, Yankton County, South Dakota

TOWNSHIP ACCEPTANCE OF ROAD DEDICATION

I hereby certify that the Board of Supervisors of Township, at an official meeting conducted on the ____ day of _____, 20____, accepted the roads indicated on the plan of (Name of subdivision) _____

Clerk, _____
Township

Yankton County, South Dakota

COUNTY ZONING ADMINISTRATOR'S CERTIFICATE

I, Zoning Administrator of Yankton County, do hereby certify that this final plan has been reviewed by me or my authorized agent and has been approved.

Approved this ____ day of _____, 20 ____.

Zoning Administrator
Yankton County, South Dakota

COUNTY PLANNING COMMISSION APPROVAL

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

Chair, County Planning Commission
Yankton County, South Dakota

COUNTY COMMISSION APPROVAL

I hereby certify that the final plan of (Subdivision Name) Addition was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the ____ day of _____, 20 ____.

Chairman County Commission
Yankton County, South Dakota

COUNTY AUDITOR CERTIFICATE

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

Dated this ____ day of _____, 20 ____.

County Auditor
Yankton County, South Dakota

DIRECTOR OF EQUALIZATION

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

Director of Equalization
Yankton County, South Dakota

COUNTY TREASURER'S CERTIFICATE

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

Treasurer
Yankton County, South Dakota

REGISTER OF DEEDS

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

Register of Deeds
Yankton County, South Dakota

The Ordinance shall be effective upon the twenty-first (21st) day after publication of this summary and notice. Written comments shall be submitted to the Auditor's Office no later than 5:00 P.M. on the twentieth (20th) day after publication of this notice

Patty Hojem
Yankton County Auditor
Published once at the approximate cost of \$597.95.

Call Classifieds
665-7811

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PUBLIC MEETING NOTICE

A meeting of the Yankton County Board of Adjustment will be held at 4:45 P.M., Thursday, April 3, 2014, at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton, South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustments, Yankton County South Dakota, at 4:45 P.M. on the 3rd day of April, 2014, at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to four +/- (4.13) acres in an Agricultural District (AG) in Yankton County to construct an electrical Switchyard facility. Said property is legally described as W 54 acres, S1/2, SW1/4, S21-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is TBD 436th Ave., Utica, SD.

Plat consideration:

Said property legally described as: NWE Napa Junction Switchyard Addition, SW1/4, S21-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 30680 436th Ave., Utica, SD.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustments, Yankton County South Dakota, at 4:50 P.M. on the 3rd day of April, 2014, at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to three +/- (3.975) acres in an Agricultural District (AG) in Yankton County. Said property is legally described as Lots 1 - 4 exc Parcels A - D & exc Lot A of Parcel C, S21-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is 44823 312th Street, Gayville, SD.

Plat consideration:

Said property legally described as: A. Burnell Johnson Addition, Gov. Lot 4, S21-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is 44823 312th Street, Gayville, SD.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County South Dakota, at 4:55 P.M. on the 3rd day of April, 2014, at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to construct a self-storage warehouse in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as L & C Business Center exc E822.17', W1072.17', & exc E435' & exc Lots 1, 2, 7, 8 & 18 - 22 & exc N194', W224.54', E1072.16', S401.73', S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBD SD Hwy 52, Yankton, SD.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustments, Yankton County South Dakota, at 5:00 P.M. on the 3rd day of April, 2014, at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to construct a campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Tract 1, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBD Deer Boulevard, Yankton, SD.

Patrick Garity
Zoning Administrator