

Appendix A

Performance Standards for the General Industrial District

PERFORMANCE STANDARDS

1. **OCCUPATION NOISE.** Any use established shall be so operated that no noise resulting from the use is perceptible beyond the boundaries of that plat line of the site on which such use is located. This standard shall apply to incidental traffic, parking, loading, construction, or maintenance operation.
2. **SMOKE AND PARTICULATE MATTER.** Any use established, enlarged, or remodeled after the effective date of the ordinance codified in this ordinance shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public.
3. **TOXIC OR NOXIOUS MATTER.** Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter.
4. **ODORS.** Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located.
5. **VIBRATION.** Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
6. **EXPLOSIVES.** Any use requiring storage, utilization, or manufacturing of products which could decompose by detonation shall be located not less than 500 feet of the Rural-Residential (RR) district line.
7. **SCREENING.** Any use in the (I) industrial district abutting on the (RR) district shall effectively screen any open storage from eye level vision by providing and maintaining a wall, fence, or 30-foot-wide planting strip to screen and reduce the noise, dust, and vision between two uses. Such wall or fence shall be 6 feet in height and at least 50 percent closed.
8. **WASTE MATERIAL.** Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing, or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system, but shall be disposed of in a manner approved by the county engineer. The engineer may establish appropriate regulations and standards therefore.

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Appendix B

MCPHERSON COUNTY SUBDIVISION REGULATIONS

An Ordinance establishing rules, regulations, and standards governing the subdivision of the land within McPherson County, South Dakota, and providing harmonious development of the county and its environs for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the county for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

Now, therefore, be it enacted by McPherson County, South Dakota.

ARTICLE 1

GENERAL PROVISIONS

SECTION 101 - Purpose

These regulations shall be for the purpose of promoting harmonious development through the implementation of the McPherson County Comprehensive Plan.

SECTION 102 - Extent of Regulation

The provisions of these regulations shall apply to every addition to, or subdivision within McPherson County, South Dakota, and their prescribed area of extra-territorial jurisdiction. No plat of a subdivision of land shall be filed or recorded until it has been submitted to the Planning and Zoning Board for their review and then approved by the Board of County Commissioners.

SECTION 103 - Definitions

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word *person* includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

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The word *shall* is mandatory, the word *may* is permissive.

The words used or occupied included the words *intended*, *designed*, or *arranged* to be used or occupied

The word *lot* includes the words *plot* or *parcel*.

The word *building* includes the word *structure*.

Alley: A public right-of-way which is used primarily as a secondary means of access to the abutting property.

Block: A track or parcel of land bounded by public streets or land, streams, railroads, unplatted lands or a combination thereof.

Comprehensive Plan: A long-range plan for the improvement and development of McPherson County, South Dakota, as adopted by the Planning and Zoning Board and the Board of County Commissioners.

Cul-de-sac: A street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.

Improvements: Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading street signs, plantings, and other items for the welfare of the property owners and the public.

Lot: A portion of a subdivision or other parcel of plotted land, intended as a unit for transfer of ownership or for development.

Lot of Record: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of McPherson County, South Dakota.

Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

Right-of-Way: A strip of land separating private property from the existing road, street or alley or dedicated in public ownership.

Street: A right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.

Street-Major: Provides for the through traffic movement between areas and across the city, and direct access to abutting property; subject to necessary control of entrances, exits and curb use.

Street-Collector: Provides for traffic movement between major arterials and local streets, and direct access to abutting property.

Street-Local: Provides for direct access to abutting land, and for local traffic movements.

Subdivider: A natural person, firm, co-partnership, association or corporation who submits a proposed subdivision to the Planning and Zoning Board.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development.

Water Course, Drainage Way, Channel or Stream: A natural or man-made depression in which a current of surface run-off water flows following precipitation.

ARTICLE 2

PROCEDURES

SECTION 201 - Pre-Application

Prior to the subdivision of any land, the subdivider or his/her agent shall discuss informally with the Planning and Zoning Board on the proposed subdivision with reference to these Subdivision Regulations, the Planning and Zoning Ordinance, and the Comprehensive Plan.

SECTION 202 - Preliminary Application Fee

The subdivider shall pay to the Zoning Administrator a preliminary application fee as stated in the approved fee schedule before application.

SECTION 203 - Preliminary Application

The subdivider shall prepare and submit to the Planning and Zoning Board the following:

1. Seven (7) copies of the preliminary plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All preliminary submittals shall be in conformance with the design standards set forth in Article 3 of the Appendix B of this Ordinance and shall include or be accompanied by the following information:

- a) Receipt for preliminary platting fee.
- b) Proposed name of the subdivision, which shall not duplicate previously filed plat names.
- c) A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
- d) Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
- e) Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
- f) Existing contours wherever five (5) feet of deviation occurs.
- g) Location, width, and name of existing or platted streets and alleys, railroads, utilities, right-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.

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- h) Zoning classifications and existing and proposed land use.
- i) Written and signed statements, explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements, or in lieu of the completion of such work and installations previous to the final approval of a plat, the Board of County Commissioners may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the Board of County Commissioners and expressed in the bond, or in lieu of completion of such work and installations previous to the final approval of a plat for an assessment or other method whereby the municipality is put in an assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.
- j) Written and signed statements by the appropriate officials, obtained by the developer, ascertaining the availability of gas, electricity, and water for the proposed subdivision.
- k) Layout, numbers, and approximate dimensions of lots and the number of each block.
 - 1. After receipt of the preliminary plat applications, the Planning and Zoning Board shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations, and codes of the County. The findings of the examinations shall be returned to the Planning and Zoning Board within fifteen (15) days.
 - 2. The Planning and Zoning Board, upon receipt of the examination findings, shall approve or disapprove the preliminary plat application at the time of their next regularly scheduled meeting. Approval of the preliminary plat by the Planning and Zoning Board shall be void at the end of six (6) months unless a final plat has been submitted.
 - 3. Upon approval of the preliminary plat by the Planning and Zoning Board, the subdivider may proceed with the preparation of the final plat.

SECTION 204 - Final Application Fees

The subdivider shall pay to the Zoning Administrator a final application fee after preliminary approval and before final application. The fee shall be as stated in the approved fee schedule.

SECTION 205 - Final Plat Application

The subdivider shall prepare and submit to the Planning and Zoning Board the following, prepared by an engineer or land surveyor registered in the State of South Dakota:

1. Seven (7) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All final plat submittals shall be in conformance with the design standards set forth in Article 3 of Appendix B of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:
 - a) The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
 - b) Location and description of all monuments.
 - c) Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
 - d) Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds or lands for charitable, religious, or educational purposes, if any, and granting easements.
 - e) Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
 - f) Certificate signed by the Director of Equalization approving the plat.
 - g) One copy of any private restriction or covenants affecting the subdivision or any part thereof.
2. Any subdivision of land containing two or more lots, no matter how described, must be submitted to the Planning and Zoning Board for approval. Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the Board of County Commissioners without affording a hearing thereon, notice of the time and place of which shall be sent by registered mail to said address not less than five days before the date fixed therefore. Also any plan submitted for approval shall require the signature of the McPherson County Auditor and the Chairman of the McPherson County Board of County Commissioners.
3. The plat shall be approved or disapproved within sixty (60) days after submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Board of County Commissioners on demand;

provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the Board of County Commissioners.

4. The approval of a plat by the Board of County Commissioners shall not be deemed to constitute or effect any acceptance by the municipality or public of the dedication of any Street or other ground shown on the plat.
5. When any map, plan, plat or re-plat is tendered for filing in the office of the Register of Deeds, it shall be the duty of any such officer to determine whether such proposed map , plan, plat or re-plat is or is not subject to the provisions of the Ordinance and whether the endorsements required by this Ordinance appear thereon, and no register of deeds or deputy shall accept for record, or record, any map, plan, plat or re-plat unless and until the same shall have been approved by the Board of County Commissioners.

ARTICLE 3

DESIGN STANDARDS

SECTION 301 - General Standards

Land within the proposed subdivision which the Planning and Zoning Board finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

SECTION 302 - Streets and Alleys

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets should be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turn-around having a curb line diameter of not less than eighty (80) feet.
3. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall not be less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in Commercial and Industrial districts except where other definite and assured provision is made for services access.
8. The right-of-way widths and pavement widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<u>TYPE</u>	<u>PAVEMENT WIDTH</u>	<u>R.O.W</u>
Major Arterial Streets	66'	80'
Local Streets	46'	66'
Alleys	16'	20'

SECTION 303 - Lots

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
2. Every lot shall abut and have access to a public street.
3. Double frontage lots shall be avoided except where they back upon a major street.

SECTION 304 - Easements

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is transferred by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

ARTICLE 4

IMPROVEMENTS

SECTION 401 – Improvements

It shall be the responsibility of the developer to install in accordance with plans, specifications, and data approved by the Director of Equalization certain required improvements as follows:

1. Staking-the external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
2. Street Grading-all full width streets located entirely within the boundary of the subdivision, except major and collector streets, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade established by the Director of Equalization.
3. Street Surfacing-the streets shall be paved in accordance with street improvements and paving standards and regulations approved by the Board of County Commissioners of McPherson County, South Dakota.
4. Sanitary Sewer-where a municipal sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall submit to the Board of County Commissioners the plans for connection with a truck line to the existing system. The Board of County Commissioners shall then inform the subdivider of the truck size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the subdivider shall make provision for the disposal of sewage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
5. Water Mains- where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the County Code(s) requirements(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system and proper provisions for a maintenance thereof. Any lot so serviced shall have a minimum area of one-half (1/2) acre. The design of any such system shall be subject to the approval of the State Department of Health.

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ARTICLE 5

ENFORCEMENT

SECTION 501 - Enforcement

1. No plat of any subdivision within the application of this Ordinance shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.
2. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes as a part of or in conformity with any plat, plan, or re-plat of any subdivision within the area subject to application of this Ordinance unless said plan, plat, or re-plat shall have been approved as prescribed by this Ordinance and filed and recorded in the office of the Register of Deeds.

ARTICLE 6

PENALTY

SECTION 601 - Penalty

It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Ordinance. Violation thereof shall be a misdemeanor and may be punishable by a fine established by the Board of County Commissioners for each and every day that any violator fails to comply with the provisions of this Ordinance.

Any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent McPherson County from taking such other lawful action as is necessary to prevent any violation.

ARTICLE 7

SEVERABILITY CLAUSE

SECTION 701 - Severability Clause

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 8

LEGAL STATUS PROVISIONS

SECTION 801 – Conflict with Other Regulations

No final plat of land within the force and effect of the Planning and Zoning Ordinance shall be approved unless it conforms to these Regulations. Whenever there is a discrepancy between standards or dimensions noted herein and those contained in the Planning and Zoning Ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply.

Appendix C

PROCEDURE FOR REZONING

Procedure for Rezoning

1. The owner or his/her agent petitions to have their property rezoned.
2. The Planning and Zoning Board must hold a public hearing on the rezoning request. At least fifteen (15) days before the Planning and Zoning Board public hearing, the Zoning Administrator publishes a notice of the hearing in the County's newspapers.
3. Planning and Zoning Board hearing is held; they recommend either approval or disapproval of the zoning to the County.
4. Notice is given by the County Auditor in the newspaper once a week for at least two (2) successive weeks before a hearing of the Board of County Commissioners.
5. Abutting landowners must be notified by certified or registered mail at least seven (7) days before the hearing, that a hearing will take place concerning rezoning of the property by the Board of County Commissioners.* The individual landowner is responsible for notifying all abutting landowners.
6. The Board of County Commissioners holds hearing, take action. If approved it becomes effective twenty (20) days after a summary of the action is published in the County's newspapers.
7. The County Auditor files the certified copy of any maps or charts with the Register of Deeds.
8. Any changes to zoning district boundaries must be made in accordance with Section 402, Zoning Map Changes.

*IT IS ADVISABLE FOR THE NOTICE TO LIST BOTH THE PLANNING AND ZONING BOARD MEETING DATE AND THE REQUIRED COUNTY COMMISSION MEETING DATES. THIS WAY, IF THERE IS ANY OPPOSITION, IT WILL SURFACE AT THE PLANNING AND ZONING BOARD LEVEL AND MAY EFFECT THEIR (PLANNING AND ZONING BOARD) RECOMMENDATION TO THE FULL BOARD OF COUNTY COMMISSIONERS.

IT IS ALSO TO BE NOTED THAT THE LANDOWNER REQUESTING AN AREA REZONED OR A SUBDIVISION BUILT IS RESPONSIBLE FOR GETTING THE PLAT PREPARED (WHEATHER BY AN ENGINEER OR OTHER SERVICE), PAYING FOR THE PLAT INFORMATION, AND TURNING THE APPROPRIATE PLAT DOCUMENTS OVER TO THE COUNTY TO BE FILED.