

**PLANNING AND ZONING ORDINANCE 25-2
MCPHERSON COUNTY
SOUTH DAKOTA**

**FIRST PUBLIC READING:
SECOND PUBLIC READING:
ADOPTED:**

EFFECTIVE DATE:

**ORDINANCE 2025-2
AN ORDINANCE AMENDING MCPHERSON COUNTY ORDINANCE 24-1, AN
ORDINANCE ESTABLISHING ZONING REGULATIONS FOR ACCESS APPROACH
PERMITS IN MCPHERSON COUNTY**

BE IT ORDAINED BY MCPHERSON COUNTY, SOUTH DAKOTA:

Article II, Definitions, of McPherson County Planning and Zoning Ordinance 24-1 shall be amended to include the following definition for Data Processing Center:

Access Approach. A constructed access point that connects a public roadway or highway with private property, allowing vehicles to enter or exit the public right-of-way to or from private property. An access approach may also be referred to as “access” or “approach.” An access approach shall comply with Chapter 5.34.

The definition for Access Approach shall be inserted before the definition for Accessory Buildings and Uses. All other portions of Article II shall remain the same.

Article IV, District Requirements, Chapter 4.01, Agricultural Land District, Section 4.01.01, Permitted Uses, of McPherson County Planning and Zoning Ordinance 24-1 shall be amended to include Data Processing Center as follows:

CHAPTER 4.01. “A” AGRICULTURAL LAND DISTRICT

Section 4.01.01. Permitted Uses.

1. Field crops and grasslands (exempt from building permit).
2. Fisheries services.

3. Game propagation areas.
4. Government grain storage sites.
5. Orchards and tree farms.
6. Public parks and recreation areas.
7. Truck gardening.
8. Botanical gardens (nurseries and greenhouses); without on-site retail sales.
9. Farm and Non-farm dwelling, to include modular home or for a manufactured home connected to an existing farmstead, but not within one (1) mile of a concentrated animal feeding operation unless a waiver of such setback is registered with the McPherson County Register of Deeds specifying the legal description of the farm dwelling or non-farm dwelling property.
10. Stables.
11. Grain bins.
12. Home occupations.
13. Bed and Breakfast provided they meet requirements of 5.20.
14. Agricultural activities and farm related buildings, including concentrated animal feeding operations that do not meet the minimum requirements of Chapter 5.08.
15. On-premise signs.
16. Accessory uses and buildings.
17. Temporary roadside stands for sales of agricultural products grown or produced on the premises.
18. Private Wind Energy Conversion System (PWECS). Provided they meet the requirements of Chapter 5.21
19. Access Approach. Provided they meet the requirements of Section 5.34.

Article V, General Requirements, shall be amended to include Chapter 5.34, Access Approach and Existing Access Approach Modification, as follows:

CHAPTER 5.34 ACCESS APPROACH AND EXISTING ACCESS APPROACH MODIFICATION.

Section 5.34.01. Access Approach Permit.

1. Chapter 5.34 shall be interpreted in accordance with SDCL Chapter 31-24.
2. No one may construct or modify an existing access approach abutting a McPherson County public road unless the landowner has first obtained an approved Access Approach Permit from the McPherson County Highway Superintendent.
3. A McPherson County Access Approach Permit application can be obtained by the McPherson County Highway Department.
4. The McPherson County Highway Superintendent may issue and approve an Access Approach Permit for an access approach abutting a McPherson County public road if the Access Approach Permit Application meets the required criteria found hereinbelow.
5. An Access Approach Permit Application shall be filed with the McPherson County Highway Department at least fourteen (14) days before construction is to begin.
6. An Access Approach Permit shall be valid for one hundred eighty (180) days and may be revoked, suspended, and/or revised by the McPherson County Highway Superintendent at any time if the required criteria found hereinbelow is not being met.
7. The maintenance of an access approach in violation of the terms of the permit shall render the permit void except as to the permit holder's liability for damages and indemnification.
8. The construction of an access approach in violation of the terms of the permit shall render the permit void except as to the permit holder's liability for damages and indemnification.
9. The construction of a access approach without a permit, or if the permit holder is in violation of the specific terms of the permit, is punishable by a maximum fine of five hundred dollars (\$500.00), in addition to any other civil or criminal penalties provided by law.
10. The possession of an Access Approach Permit shall not relieve the permit holder of civil liability and responsibility for personal injury or property damage which may occur in connection with the construction or modification of the new or existing access, including the liability for damage to roads, bridges, signs, or other structures.
11. One (1) access approach shall be allowed for each lot, tract, and parcel of land unless otherwise approved.

12. A secondary access approach may be considered, but are not limited to: geography, drainage, population or housing density, parcel size, road frontage, and traffic. The McPherson County Board of County Commissioners shall review for approval or denial all secondary access approaches.

Section 5.34.02. Access Approach Permit Application Fees.

1. The McPherson County Board of County Commissioners shall, by resolution, establish an Access Approach Permit Application fee. This fee shall be reviewed and may be adjusted on an annual basis. This fee shall be payable to the McPherson County Treasurer and paid at the time the Access Approach Permit Application is submitted. This fee shall be sufficient to offset county review of the application and are necessary and reasonable for the County promote the health, convenience, order, and welfare of the present and future inhabitants of McPherson County.
2. Refunds will not be issued for the permit fee if the permit is not granted or is revoked.

Section 5.34.03. Access Approach Requirements.

1. Construction Requirements:
 - a. Access approaches shall be built with a minimum road base width of twenty-four feet (24'), a minimum shoulder radius of twenty-five feet (25'), and a driving surface at least twenty-four feet (24') wide with least four inches (4") of gravel compacted to a uniform consistency.
 - b. Access approaches shall have a maximum road base width of forty feet (40'). An extension of twenty feet (20') may be granted at the discretion of the (McPherson County Highway Superintendent) OR (Board of Adjustment).
 - c. For a minimum distance of thirty feet (30') before an access approach intersects with the edge of the drivable surface of a public road, a vertical gradient of zero percent (0%) plus or minus two percent (+/-2%) is required.
 - d. From the drivable surface of the access approach extending outward into the right of way, a slope of four (4) to one (1) shall be maintained.
 - e. The edges of an access approach are required to be connected to the edge of the driving surface of the public road. Access approaches with lesser shoulder radii may be allowed with the approval of the McPherson County Highway Superintendent.
2. Drainage Requirements:

- a. All private roads and driveways must be constructed so as not to impair existing roadway drainage systems and ditches. Drainage structures are required to be of a size, type and length to ensure proper drainage at the approach site. (see SDCL 31-24-7)
- b. The minimum size required for culverts is eighteen inches (18") in diameter. The minimum lengths required are thirty feet (30') or thirty-two feet (32'). Culverts must be constructed of concrete or galvanized material; however, double walled plastic pipe may be used with the prior approval of the McPherson County Highway Superintendent.
- c. The required minimum bottom depth of ditches at all culvert inlets and outlets is two and one-half feet (2 1/2') below the driving surface. Certain installations may require ditch improvement to achieve proper drainage.

Section 5.34.04. Access Approach Expense Liability.

1. If there is not an existing access approach, McPherson County shall be liable for the cost and construction of one (1) access approach per lot, tract, or parcel of land.
2. A landowner shall be fully responsible for cost and construction of any secondary access approach.

Dated this _____ day of _____, 2025.

Mark Opp
Chairman of the McPherson Co. Board of County Commissioners

ATTEST:

Lindley Howard
McPherson County Auditor

FIRST READING:
SECOND READING:
ADOPTED:
PUBLICATION DATE:
EFFECTIVE DATE: