ORDINANCE NO. 2024-01

An Ordinance Amending the Douglas County Zoning Ordinance

AN ORDINANCE ENTITLED, DOUGLAS COUNTY ZONING ORDINANCE AMENDMENTS TO THE COUNTY ZONING ORDINANCE, AS APOPTED ON MAY 1, 2018, AS AMENDED, AND AS ADOPTED ON SEPTEMBER 7, 2021, AS AMENDED, OF THE ZONING ORDINANCE OF DOUGLAS COUNTY.

WHEREAS, Douglas County desires to regulate the Conditional Uses section of the Douglas County Zoning Ordinance;

Now Therefore, BE IT ORDAINED by the Board of County Commissioners of Douglas County, South Dakota: that Section 507, "CONDITIONAL USES," adopted by Douglas County Zoning Ordinance on May 1, 2018, as amended, of the Zoning Ordinance of the Douglas County shall be amended by adding the following to Section 507:

"57. Gas Pipeline Facility"
"58. Solar Energy System (SES)"

BE IT FURTHER ORDAINED by the Board of County Commissioners of Douglas County, South Dakota: that "DEFINITIONS" adopted by Douglas County Zoning Ordinance on May 1, 2018, as amended, of the Zoning Ordinance of Douglas County be amended by adding the following Definitions:

Gas Pipeline Facility - A pipeline, a right of way, a facility, a building, or equipment used in transporting gas or a Regulated Substance or for treating such gas or Regulated Substance during its transportation. This term does not include gas pipeline facilities used to transport "natural gas" as defined by the Natural Gas Act, 15 U.S.C. §717 et seq, as in effect on July 1, 2023. (amended by MC16-179-23 7/13/2023)

Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES) - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A SES is the principal land use for the parcel on which it is located. A SES site may include an array of devices, or structural design features, the purpose of which is to provide for generation of electricity, the collection, storage, and distribution of solar energy."

Severability: This ordinance and the various parts, sections, paragraphs, and subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a

court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Passed and adopted this __ day of March 2024.

SIGNED: _____
Lori Sparks, Chairperson
Board of County Commissioners

ATTEST: _____
Phyllis Barker, County Auditor

Passed and adopted by the Douglas County Commissioners, Douglas County, South Dakota on the first reading on the ____ day of _____, 2024, by the following vote:

Ayes:
Nays:
Absent:

Passed and adopted by the Douglas County Commissioners, Douglas County, South Dakota on the second reading on the ____ day of _____, 2024, by the following vote:

Ayes:
Nays:
Absent:

Date of Publication _____

Attest: Signed