

## ORDINANCE NO. B2022-01-01

### AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE XII "GENERAL REQUIREMENTS, ADOPTED BY ORDINANCE B2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF DEUEL.

BE IT ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that that Article XII, "GENERAL REGULATIONS" Section 1215.03. Wind Energy System requirements. General Provisions, adopted by Ordinance B2004-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding be amended by adding language in bold and underline language:

#### 2. Setbacks

Wind turbines shall meet the following minimum spacing requirements.

- b. Distance from existing Non-participating residences and businesses shall not be less than four times the height of the wind turbine. Distance from existing Participating residences, businesses and public buildings shall not be less than fifteen hundred feet. Non-participating property owners shall have the right to waive the respective setback requirements. **For purposes of this section only, the term "business" does not include agricultural uses**

#### 13. Noise and Shadow Flicker.

- a. Noise level for **non-participating residences** shall not exceed 45 dBA, average A-Weighted Sound Pressure. **The** noise level **is** to be measured at the perimeter of existing **non-participating** residences.

This ordinance shall become effective upon the date of publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1st Reading: November 28, 2022

2nd Reading: December 6, 2022

Adopted: December 6, 2022

Published: December 14, 2022

Published: December 21, 2022

Effective: January 10, 2023