

of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the county clerk and on due cause shown.

4. The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.

5. The concurring vote of majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the zoning administrator or decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect variation to this article.

(Ord. No. 97-8, § X, 5-5-97)

Sec. 11.10. Appeals.

1. Any person aggrieved, or any taxpayer affected, by any decision of the zoning administrator made in the administration of the article, may appeal to the board of adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the zoning administrator cause imminent peril to life or property. In such case, proceedings shall not be

stayed except by order of the board of adjustment or notice to the zoning administrator and on due cause shown.

4. The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The board of adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.

(Ord. No. 97-8, § XI, 5-5-97)

Sec. 11.11. Judicial review.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the circuit court as provided in applicable public laws.

(Ord. No. 97-8, § XII, 5-5-97)

Sec. 11.12. Penalties.

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable as provided by section 1-8 of the Darlington County Code.

(Ord. No. 97-8, § XIII, 5-5-97)

Sec. 11.13. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 97-8, § XIV, 5-5-97)

ARTICLE TWELVE. COMMUNICATION TOWERS

Sec. 12.1. Purpose and intent.

This article is designed to control the construction, placement, or modification of communica-

tion towers in the County of Darlington. It is the intent of this article to create regulations which allow for the harmonious co-existence of communication towers with other land uses. It is also the intent of this article to minimize the overall negative impact of communication towers by: 1) reducing the number of communication towers needed through a policy of encouraging co-location; and 2) if co-location is not feasible, encouraging the location of communication equipment on existing tall structures.
(Ord. No. 97-30, § 1, 11-3-97)

Sec. 12.2. Definitions.

A. *Communication tower*, as used in this ordinance shall mean a tower, pole or similar structure of any size which supports communication equipment, transmission or reception, and is utilized by government, commercial, or other public or quasipublic purposes above ground in a fixed location, freestanding or on a building. This does not include television reception antennas and satellite dishes or "communications towers" for amateur radio operations licensed by the Federal Communication Commission which are exempt from municipal zoning restrictions or "communication towers" under 100 feet in height used solely for educational communication purposes.

B. *Telecommunication*, as defined in the Federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as set or received.

C. *Antenna* means a device, dish, or array used to transmit or receive "telecommunication" signals.

D. *Height* of a "communication tower" is defined as the distance from the base of the tower to the top of the structure.

E. *Residential area* is defined as an area comprised of primarily single-family or multifamily dwellings at a minimum density of at least 25 residentially developed lots within a half-mile radius from the base of the proposed tower. This

area also extends to those areas identified as Future Residential on the Future Land Use Map of the Comprehensive Plan.

(Ord. No. 97-30, § 1, 11-3-97; Ord. No. 01-2, §§ 1—7, 4-2-01; Ord. No. 11-02, § II, 6-6-11)

Sec. 12.3. Co-location on existing towers and structures.

A. *Co-location effort and allowance of co-location*. The applicant shall make reasonable attempt to co-locate on existing communications towers, buildings, or other structures and the applicant shall be willing to allow other users to co-locate on the proposed communications tower in the future, subject to engineering capabilities of the structure, frequency considerations, and proper compensation from the additional user. Exception: Should Darlington County, the Darlington County Water and Sewer Authority, the Darlington County School District, or any general purpose unit of local government within Darlington County desire to locate an antenna on the proposed communications tower and it meets the above criteria it shall be approved without compensation;

B. *Co-location application*. Proposed communications equipment co-locating on existing towers and structures without exceeding the height of the structure by 30 feet would require only a building permit and would not be subject to the requirements detailed below unless the proposed location is within an airport district. Three copies of the following will need to be submitted to the planning commission department prior to the issuance of a building permit by building codes department:

- (1) Site plan and specifications.
- (2) Site location map.
- (3) Site location E-911 address.
- (4) Tax Map Number of tower location parcel.
- (5) Written authorization by the tower owner allowing co-location
- (6) Application fee of \$50.00.

(Ord. No. 97-30, § 2, 11-3-97; Ord. No. 01-2, § 8, 4-2-01)

Sec. 12.4. Communication towers and antennas permitted as conditional use.

A. Planning commission approval criteria:

1. *Height requirement*

- (a) *Residential areas:* A free-standing or guyed tower or antenna shall not exceed 195 feet;
- (b) *All other areas:* A free-standing or guyed tower or antenna shall not exceed 300 feet;

2. *Proximity to structures:* The base of the communications tower or antenna shall be located no closer to a residential or commercial structure than a distance equal to one and one-half feet for each one foot in height of the proposed tower or antenna. This requirement may be waived by the owner of the residential or commercial structure;

3. *Proximity to property lines and public right-of-ways:* The proposed communications tower or antenna shall be located at an adequate setback distance (fall zone), as defined and certified by a licensed structural engineer in the State of South Carolina, to prevent the tower or antenna's fall from encroaching onto public rights-of-way or adjoining properties. (Engineer's certification to be in the form of a letter which includes the engineer's signature and seal);

4. *Setbacks, aesthetics:* The proposed communications tower or antenna and associated improvements shall meet all applicable zoning district setbacks, landscaping, and aesthetic requirements;

5. *Location / visual impact:* The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements;

6. *Paint and illumination:* A communications tower or antenna shall not be painted or illuminated unless otherwise required by state or federal regulations. Night time strobe lighting shall not be incorporated unless required by the FAA, or other regulatory agencies;

7. *Fencing:* The proposed communications tower and associated structures shall be appropriately secured by means of a six-foot non-climbable fence. Guy wires may be fenced separately;

8. *Distance from existing tower:* A permit for a proposed tower or antenna site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and design requirements, or that a co-location agreement could not be obtained;

9. *Signage / identification:* No signage of any nature shall be placed on any portion of the tower, except as required by applicable state or federal law, rule, or regulation. Signs for the purpose of identification, warning, emergency function, or contact may be placed as required by standard industry practice;

10. *National Register of Historic Places / Scenic corridors:* The proposed communications tower shall not substantially detract from properties listed in the National Register of Historic Places, or from a road or river which has been officially designated as a scenic corridor;

11. *Maintenance:* The communications tower or antenna shall be maintained by common corrosion control procedures so it continuously maintains a minimum visual impact on surrounding properties.

(Ord. No. 97-30, § 3, 11-3-97; Ord. No. 01-2, § 9, 4-2-01)

Sec. 12.5. Application requirements.

The applicant for a permit for construction of a communications tower shall provide to the planning commission department the following:

1. *Application fee:* \$200.00;
2. *Co-location/alternate site statement:* Applicant shall provide disclosure of all co-location and alternate sites that were considered, including written justification for rejection of the other sites. Planning commission may require additional information to determine that co-location was unfeasible;
3. *Specifications:* Three copies of typical specifications for the proposed structure and/or antenna, including description and elevation drawings showing typical design characteristics, materials to be used, height, color and lighting and include documentation showing the structural capability of the communications tower to accommodate co-location;
4. *Site plan:* A plan drawn to scale (1" = 100') showing property boundaries, proposed tower location, location of communications tower, guy wires and anchors (if applicable), existing structures, proposed structures, parking, driveways (access), fencing, protected landmark trees affected by the proposed improvements, existing adjacent land uses and property owners;
5. *Tower location map:* A current map, or updated existing map showing the location of the applicant's tower or antenna, facilities, existing towers, and proposed towers which are reflected in the public records serving any property within the County of Darlington, South Carolina;
6. *RF coverage prediction maps:* A current RF coverage prediction map showing the area to be served before the addition of the new cell and an RF coverage prediction map that shows coverage after the new site is operational. Technical detail should be sufficient for an engineer to determine signal levels from the maps.
7. *Antenna capacity wind load:* A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand wind in accordance with ANSI/EIA/TIA222 (latest revision) standards;
8. *Antenna owners:* Identification of the owners of all antennae and equipment to be located on site;
9. *Design for multiple users:* The applicant must show documentation that proposed communications tower or antenna is designed to accommodate additional antennae equal in number to the applicant's present and future requirements and applicant must be willing for co-location to take place;
10. *Inability to locate on existing structures:* The applicant must show documentation that a proposed antenna and equipment can not be accommodated and function as required by applicable regulations and the applicant's technical design requirements without unreasonable modifications on any existing structure or tower under control of applicant, or to locate on an available and suitable tower at reasonable costs (i.e., at or below local area rent average);
11. *Necessity for location in residential area:* The applicant must show that the portion of the county intended to receive coverage cannot be adequately served by a communications tower or antenna placed in a non-residential area for valid technical reasons;
12. *Safety codes met:* Applicant must show all applicable health, nuisance, fire, building, and life safety code requirements are met;
13. *Owner authorization:* Written authorization from the site owner for the application;
14. *FCC license:* Evidence that a valid FCC license for the proposed activity has been issued;

- 15. *Aesthetics*: Provide documentation that screening exists or will be installed either by vegetation or opaque screening;
- 16. *Visual impact analysis*: A line of site analysis showing visual and aesthetic impacts on adjacent residential areas;
- 17. *Indemnity and claims resolution*: The applicant must show by certification from a registered professional engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the planning commission a written indemnification of the County of Darlington and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 dollars per occurrence which may arise from operation of the facility during its life, at no cost to the county, in a form approved by the county attorney;
- 18. *Tower abandonment/removal*: A surety bond in the amount of \$25,000.00 for tower removal and a written agreement to remove communication tower and/or antenna within 180 days after cessation of use. Tower owner to notify, in writing, the planning commission within 120 days of cessation of use (with no new application on file for any communication user);
- 19. *Surrounding property owner list*: A list of all current property owners within a 1,500-foot radius of the base of the tower, two sets of mailing labels with property owners' addresses as shown on the Darlington County tax books accompanied by a site map identifying the same area within a ten (10) square mile [radius] of the county;
- 20. *Additional information*: Documentation providing additional information as may be required by the planning commission to allow adequate review of approval criteria (i.e. aerial photographs or balloon height test).

(Ord. No. 97-30, § 4, 11-3-97; Ord. No. 01-2, § 10, 4-2-01)

Sec. 12.6. Public notification.

Within 15 working days of receipt of a completed application for a communication tower

permit, the Darlington County Planning staff shall send by first class mail a notice of the application to all property owners within a 1,500 foot radius from the base of the tower. The notification shall include projected date of the public hearing (regularly scheduled planning commission meeting) to be held by the planning commission, the projected issue date of the communication tower permit and the county's appeal procedure.

A public hearing will be held within 45 working days of receipt of the completed application. (Ord. No. 97-30, § 5, 11-3-97; Ord. No. 01-2, § 11, 4-2-01)

Sec. 12.7. Tower abandonment.

A communication tower not used for communication purposes for more than 120 days (with no new application on file for any communication user) shall be presumed to be out of service. The owner of such tower shall notify the planning commission staff and remove the tower within 60 days after the initial 120 days has elapsed. To assure the removal of communication towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility and a \$25,000.00 surety bond shall be submitted for each tower. Should the county be required to perform removal due to the tower owner's failure to do so, the removal cost shall be charged to the communication tower owner. Further, the communication tower owner, same is not the property owner, must affirm that its lease with the property owner places responsibility for the cost of removal of such communication tower on the tower owner.

(Ord. No. 97-30, § 6, 11-3-97)

ARTICLE THIRTEEN. REQUIREMENTS FOR MOBILE AND MANUFACTURED HOMES

Sec. 13. Definitions.

As used in this ordinance, the term "mobile home" or "manufactured home" shall be interpreted to mean a vehicle or structure that is designed to be movable on its own chassis for conveyance on public thoroughfares and designed

without a permanent foundation. A manufactured home may consist of one (1) or more components that can be disassembled for towing purposes or two (2) or more units that can be towed separately, but designed to be attached as one (1) integral unit. The Department of Housing and Urban Development must inspect all manufactured homes produced since June 15, 1976, during the manufacturing process and display an emblem of approval on the manufactured home. No manufactured home produced before June 15, 1976, shall be brought into and located in Darlington County.

(Ord. No. 01-14, § 1, 8-6-01)

Sec. 13.1. Scope and jurisdiction.

1. Sworn Codes Enforcement personnel of the County [of Darlington] shall enforce all applicable requirements of this ordinance upon reasonable request and notification.
2. Upon notice from the Code Enforcement Department, placement of a mobile home or manufactured home contrary to the provisions of this ordinance shall be immediately ceased. Such notice shall be in writing and shall be transmitted to the owner of the mobile home or manufactured home in violation. Notice shall state the violation and the conditions under which the violation shall be corrected. Written notice shall be sufficient if mailed by registered mail, hand delivered, or accepted by an agent or relative of the owner of the mobile home or manufactured home in violation.
3. It shall be unlawful for any public utility to provide service to any mobile home or manufactured home where a permit is required under this ordinance prior to the issuance of required permit(s) or to maintain any such service upon notification by the Code Enforcement Department that such violation was made against the provisions of this ordinance.

(Ord. No. 01-14, § 2, 8-6-01)

Sec. 13.2. Duty of owner.

Each owner of a mobile home or manufactured home located within Darlington County shall obtain and display a county registration decal as required by state law within (15) days of either purchase or change of ownership of a mobile home or manufactured home or if the home is relocated. The decal must be displayed on the mobile home or manufactured home in such manner as to be visible from the street or driveway to which the mobile home or manufactured home is addressed.

Exceptions:

1. A mobile home or manufactured home temporarily located within Darlington County for the express pre-determined purpose of conveyance outside of the county within thirty (30) days after arrival; or
2. A mobile home or manufactured home held for display or exhibition purposes by a mobile home dealer licensed by the State of South Carolina as such; or
3. A mobile home or manufactured home passing through Darlington County on a public street, road, or highway for conveyance elsewhere.
4. Temporary registration may be obtained for mobile homes moved and stored for evictions, repossessions and other court orders. Proof of court order or affidavit of repossession required.
5. Temporary registration may be obtained by individual owners for a period not to exceed one hundred eighty (180) days where circumstances do not allow for completion of all of the requirements for permanent registration in accordance with this ordinance.

(Ord. No. 01-14, § 3, 8-6-01; Ord. No. 03-02, § 1, 3-17-03)

Sec. 13.3. Registration.

Registration shall occur when the mobile home or manufactured home is properly listed with the Darlington County Tax Assessor's Office for ad valorem tax purposes within fifteen (15) days as specified herein Section 13.2; and upon such list-

ing the Darlington County Tax Assessor's Office shall issue a numbered decal to the person registering said mobile home or manufactured home. The decal shall be displayed as stated herein Section 13.2. Prior to the registration decal being issued, the following information must be submitted to the Darlington County Assessor's Office:

1. Sales contract, notarized bill of sale, or other title document evidencing ownership.
2. Lien holder's name and address, if any.
3. Copy of the moving permit. (If the mobile home or manufactured home has been moved from one site to another.)
4. Copy of DHEC certificate confirming that septic tank has been installed and approved or document showing connection to city or county service.
5. Name of the owner and person to be in possession, if other than owner.
6. Year, make, model, size and complete serial number of the mobile home or manufactured home.
7. Name and address of the owner of the land where the mobile home or manufactured home will be located.
8. Payment of a registration fee and late fee, if applicable. The fee schedule will be on file in the Darlington County Tax Assessor's Office and the Darlington County Codes Enforcement Office.

A registration decal shall be valid until title to such mobile home or manufactured home is transferred to a new owner or until the mobile home or manufactured home is relocated. The State-mandated registration fee shall be charged for the replacement of a registration decal (fee on file in the County's Tax Assessor's Office and Codes Enforcement Department).

(Ord. No. 01-14, § 4, 8-6-01)

Sec. 13.4. Moving permit requirements.

1. Prior to the movement of any mobile home or manufactured home being transported into, out of, or within the boundaries of Darlington County for any reason, a "Mov-

ing Permit" must be displayed at the rear of the mobile home or manufactured home during the entire transit period. Failure to acquire and display this permit will place the mobile home or manufactured home hauler and the owner in violation of this article.

2. Before issuing a moving permit, the Tax Assessor's Office shall require receipts from the county treasurer and the county tax collector indicating that all prior taxes and fees have been paid on the mobile home or manufactured home. If the mobile home or manufactured home is to be moved outside the boundaries of Darlington County, all current taxes and fees must be paid in addition to prior taxes and fees. For advance taxes, the current value of the mobile home or manufactured home shall be assessed by the assessor and the auditor shall base the taxes on the prior year's millage.
3. This requirement for a moving permit shall not apply to mobile home or manufactured home dealers moving a mobile home from their lot to a customer's lot when the delivery is required by the terms of the sale, or bringing a mobile home or manufactured home into the state for resale purposes. However, a moving permit is required for any other reason including, but not limited to repossession of a mobile home or manufactured home by or for a mobile home dealer.

(Ord. No. 01-14, § 5, 8-6-01)

Sec. 13.5. Dealer responsibility.

Each mobile home or manufactured home dealer shall complete in full a bill of sale form on every unit sold for placement in Darlington County. The bill of sale form must reflect all trade-ins, make, model, year, size, serial number, date of sale, and the purchaser's name. A copy of the bill of sale form shall be mailed to the Darlington County Tax Assessor's Office within fifteen (15) working days of the date of the sale. Mobile home or manufactured home dealers shall report all repossessions from the county, which are taken back into inventory. An affidavit of repossession must

be completed in full and mailed within fifteen (15) days from the date of repossession. Dealers must remove trade-ins from private lots within thirty (30) days of transaction date.

(Ord. No. 01-14, § 6, 8-6-01; Ord. No. 03-02, § 2, 3-17-03)

Sec. 13.6. Exceptions.

The provisions of this article shall not apply to transactions involving the sale and purchase of mobile homes or manufactured homes between manufacturers and licensed dealers as such are defined in state law.

(Ord. No. 01-14, § 7, 8-6-01)

Sec. 13.7. Habitability.

No mobile home or manufactured home shall be permitted, used, or occupied, nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Codes Enforcement Department.

The term "habitable" as used herein means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place and free from breaks. Further, the term habitable shall include the provisions of the following facilities:

1. *Sanitary facilities.* Every mobile home or manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
2. *Hot and cold water supply.* Every mobile home or manufactured home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running

water. All water shall be supplied through an approved system connected to a potable water supply.

3. *Heating facilities.* Every mobile home or manufactured home shall have heating facilities, which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile home or manufactured home shall be provided with an alternative system, approved by the Codes Enforcement Department.
4. *Cooking and heating equipment.* All cooking and heating equipment and facilities shall be installed in accordance with the Federal Manufactured Home Construction and Safety Standards.
5. *Smoke detector.* Every mobile home and manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.

(Ord. No. 01-14, § 8, 8-6-01)

Sec. 13.8. Compliance required.

No mobile home or manufactured home shall be used or occupied unless and until the home has been installed in accordance with these regulations and inspected for compliance by the Codes Enforcement Department.

Where upon inspection by the Codes Enforcement Department, a mobile home or manufactured home is found not to meet the minimum requirements of habitability described herein, said official shall take appropriate action to require owner to make the necessary improvements to render the unit habitable; or block the use and placement of said unit by denying electricity to the unit, and/or requiring the removal of said unit at the owners' expense.

Failure to secure inspection and approval prior to occupying such unit shall be a violation of this Ordinance.

The Codes Enforcement Department may grant exceptions to this requirement in hardship cases, not to exceed thirty (30) days.
(Ord. No. 01-14, § 9, 8-6-01)

Sec. 13.9. Manufactured housing set-up.

Manufactured home, residentially designed. A single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, provided the structure meets or exceeds the following criteria.

Manufactured housing, where permitted by this Ordinance, shall:

1. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accordance with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
2. Have skirting or a curtain wall around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
3. Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps with hand rails at each exterior doorway, in accordance with applicable Building Codes.
4. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
5. Be provided with sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
6. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of a separate meter. Any existing home not in compliance with this section upon the effective date of this Ordinance shall be served by a separate meter within one

hundred eighty (180) days of the effective date, or be declared by the Codes Enforcement Department to be in violation of this Ordinance.

It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the Codes Enforcement Department to establish said home.
(Ord. No. 01-14, § 10, 8-6-01)

Sec. 13.10. Mobile homes.

A mobile home, as defined by this ordinance, prior to being manufactured June 15, 1976, shall not be established within the unincorporated area of Darlington County on the effective date of this ordinance. However the use of an existing mobile home may be continued in accordance with the provisions of this ordinance, and/or relocated to another site, lot or parcel provided:

1. The mobile home is currently registered in Darlington County.
 2. The mobile home is currently being used as a residence.
 3. The mobile home meets all requirements in Sections 13.6, 13.7, 13.8 and 13.9 of this ordinance.
- (Ord. No. 01-14, § 11, 8-6-01)

Sec. 13.11. Fees.

A fee schedule is hereby established to cover the cost of registration and inspections for compliance with the provisions of this Ordinance, and is on file in the Darlington County Tax Assessor's Office and Codes Enforcement Department.
(Ord. No. 01-14, § 12, 8-6-01)

Sec. 13.12. Manufactured home parks.

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

1. The park site and all roads servicing the park must be named. The names must be approved by E911 Addressing.

2. The park site shall be not less than three (3) acres, and have not less than two hundred (200) feet of frontage on a public maintained road.
3. The park shall be served by public water and sewer systems or other systems approved by DHEC, a system of stormwater drainage, and refuse disposal facilities, plans of which shall be approved by DHEC officials.
4. All dead-end roadways shall have a cul-de-sac with a 50-foot radius.
5. Turnarounds shall be located every five hundred (500) feet.
6. All dwelling spaces shall abut upon an interior all weather roadway of crushed stone asphalt, cochina [coquina], concrete slag or other all weather material of not less than twenty (20) feet in width which shall have unobstructed access to a public street.
7. A copy of the proposed homeowner association or other group maintenance agreement must be submitted to and approved by the Darlington County Planning Commission.
8. All on-site roadway intersections shall be provided with a street light and proper signage.
9. Lots in parks shall be sized and arranged so that there will be at least fifty (50) feet of spacing between the manufactured homes, and at least thirty-five (35) feet from the right-of-way of any street or drive providing common circulation.
10. All homes shall be installed in accordance with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
11. All homes shall have skirting or a curtain wall.
12. All homes shall have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accordance with applicable Building Codes.
13. Not less than ten (10) percent of the park site shall be set aside and developed for common open space and recreation usage.
14. Permanent space numbers shall be established for each mobile or manufactured home space and shall be located so as to be visible from the street or roadway. Signs identifying space locations shall be erected at each street or roadway intersection.
15. No manufactured home space shall have direct access to a public street, but shall instead access an internal street system.
16. Manufactured home parks shall be limited to no more than two (2) entrances off a public roadway, provided the entrances must meet South Carolina Department of Transportation or the County [of Darlington] spacing and size requirements.
17. The maximum number of manufactured home spaces shall not exceed four (4) per acre with county water and not to exceed two (2) per acre with well and septic tank or current DHEC standards.
18. Two parking spaces shall be provided for each designated manufactured home parking space. Parking may be provided at a designated space or in community parking areas.
19. In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible.
20. A surveyed site plan showing the above required data and in all other aspects meeting the minimum requirements for a building permit shall accompany all applications to establish a manufactured home park with plans being submitted to the Planning Commission Office for approval.

(Ord. No. 01-14, § 13, 8-6-01)

Sec. 13.13. Failure to comply with notice.

Upon the failure or refusal of the owner, tenant or dealer, so notified in section 13.1 of violations of this ordinance to comply with said violations, the Codes Enforcement Department shall issue a uniform summons for the ordinance violation or institute legal action under the appropriate state statute.

(Ord. No. 03-02, § 3, 3-17-03)

Sec. 13.14. Penalties.

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by fine of not more than two hundred (\$200.00) dollars. Each day of violation after the expiration of time provided herein for compliance after notification of a violation shall be considered a separated violation.

(Ord. No. 03-02, § 4, 3-17-03)

ARTICLE FOURTEEN. VESTED RIGHTS

Sec. 14. Purpose.

The purpose of this ordinance is to provide for the establishment of vested rights to allow for the commencement, completion, and use of property pursuant to an approved site specific development plan or an approved phased development plan in order to help insure that developers who expend significant funds in planning and development costs to meet existing standards will not have regulations changed to alter their ability to proceed. This would give developers the vested right to build their proposed development under the standards and regulations in effect at the time they perform a "significant act" towards development; limiting the "significant act" to final approval of development plans and/or extending the vested right only to the phase of the project being approved in a phased development plan. The article provides for an initial two-year term and up to five (5) annual renewals of the vested right.

(Ord. No. 05-12, § 1, 6-6-05)

Sec. 14.1. Definitions.

1. *County* shall mean the unincorporated area of the county.

2. *Approved* means a final review and approval, in accordance with its established procedures by Darlington County, of a site specific development plan. Phased development plans remain subject to review of all phases prior to being vested.

3. *Building permit* means a written warrant or license issued by a local building official that authorizes the construction or renovation of a building or structure at a specified location.

4. *Conditionally approved or conditional approval* means an interim action taken by a local governing body that provides authorization for a site specific development plan or a phased development plan, but is subject to further approval.

5. *Darlington County Planning Commission* means the five-member body appointed by the Darlington County Council. This does not include the director of planning or any other planning commission staff personnel.

6. *Landowner* means an owner of a legal or equitable interest in real property including heirs, devisees, successors and assigns, and personal representatives of the owner. It may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed development plan.

7. *Land development ordinances* are those ordinances that address the development of land and may include, but are not limited to, developments, subdivisions, mobile home parks, telecommunication towers, special flood hazard areas, airport districts, road construction and dedications, or other ordinances in effect in Darlington County.

8. *Local governing body* means: (a) the governing body of Darlington County or (b) a county body authorized by statute or by the governing body of Darlington County to make land-use decisions.