

**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.

9. *Person* means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

10. *Phased development plan* means a development plan submitted to Darlington County Planning Commission by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in stages.

11. *Real property or property* means all real property that is subject to the land use and development ordinances or regulations of the Darlington County governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

12. *Site specific development plan* means a plan submitted to Darlington County Planning Commission by a landowner which describes with reasonable certainty the types and density or intensity of uses for specific property. The plan may be in the form of, but is not limited to, the following plans or approvals: site development plans, subdivisions, mobile home parks, telecommunication towers, or other plan approval designations as are used by Darlington County.

13. *Vested right* means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or phased development plan as provided in this ordinance, in the vested rights act, and in the Darlington County land development ordinances or regulation.

(Ord. No. 05-12, § 2, 6-6-05)

#### **Sec. 14.2. Establishment of vested right.**

1. A vested right is established for two years upon the final approval of a site specific development plan.

2. The Darlington County Planning Commission may, but shall not be required to, grant a vested right to a phased development plan. If the Darlington County Planning Commission decides to establish such vested right for a phased development plan, such vested right shall be for two

years and shall be specifically and expressly approved by the Darlington County Planning Commission in writing when the phased development plan is approved. Unless otherwise specified, the vested right shall only apply to the specific phase being approved and does not apply to subsequent phases.

3. A landowner of real property with a vested right may apply before the end of the vesting period, but not thereafter, to the Darlington County Planning Commission for an annual extension of the vested right. Darlington County Planning Commission must approve applications for at least five annual extensions of the vested right if a timely application for such an extension has been filed with the Darlington County Planning Commission; unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval. If the application is not made in a timely order by the landowner to the Darlington County Planning Commission for an annual extension, the vested period or annual extension applicable to such real property shall expire at the end of the vested period or the annual extension thereof.

4. A vested right in a site specific development plan or phased development plan shall not attach until all plans have been received and approved and all fees paid in accordance with the procedure outlined in this ordinance. All administrative appeals must be resolved in favor of the applicant before a vested right attaches. Upon approval, such vested right must attach prior to the issuance of a building permit, but not later than authorization to proceed with investments in infrastructure.

5. The Darlington County Board of Zoning Appeals, if and when established, shall not be authorized to grant or approve a vested right and no vested right shall be established, created, or accrue as a result of any decision of the zoning board of appeals.

(Ord. No. 05-12, § 3, 6-6-05)

#### **Sec. 14.3. Conditions and limitations of vested rights.**

1. A vested right established by this ordinance shall be in accordance with the standards and procedures of the Darlington County land use codes, ordinances, and regulations.

2. The form and content of a site specific development plan or phased development plan submitted by a landowner must conform and comply with the Darlington County planning, stormwater management and sediment control, building, electrical, mechanical, fire, flood hazard, and other land-use codes, ordinances and regulations.

3. No vested right in a site specific development plan or phased development plan shall be established except in conformity with the Darlington County planning, stormwater management and sediment control, building, electrical, mechanical, flood hazard, and other land-use codes, ordinances and regulations.

4. A vested right established under a conditionally approved site specific development plan or conditionally approved phased development plan may be terminated by the Darlington County Planning Commission upon the determination following notice and a public hearing that the landowner has failed to meet the terms of the conditional approval.

5. A vested right established in accordance with the provisions of this ordinance shall be vested upon the approval of the Darlington County Planning Commission of the site specific development plan or phased development plan that authorizes the developer or landowner to proceed with investing in grading, installation of utilities, street/roads or other infrastructure and to undertake other specific expenditures necessary to prepare for application for a building permit. No developer or landowner shall proceed with investment in grading, installation of utilities, street/roads or other infrastructure, or shall undertake other significant expenditures necessary to prepare for application for a building permit before a site specific development plan or phased development plan authorizing such improvements and expenditures has been approved by the Darlington County Planning Commission. No investment in grading, installation of utilities, streets/roads or other infrastructure, or other significant expenditures shall give rise to or establish a vested right until the Darlington County Planning Commission has approved the site specific development plan or phased development plan that authorizes

the developer or landowner to proceed with improvements or undertake other significant expenditures on the real property which is proposed for development.

6. A site specific development plan or phased development plan for which a variance is necessary does not qualify and may not claim or receive vested rights status unless and until the variance is obtained.

7. The Darlington County Planning Commission shall designate the vested point for a phased development plan as the date of approval of the phased development plan. The vested right shall only attach to the phase being approved unless otherwise specified in the approval.

8. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development ordinances and regulations in effect at the time of the building permit application.

9. A vested site specific development plan or vested phased development plan which has been approved by the Darlington County Planning Commission may be amended if the amendments are approved by the Darlington County Planning Commission pursuant to the provisions of the applicable Darlington County Land Development Ordinance and regulations in effect at the time of the amendment.

10. A valid permit does not expire or is not revoked upon expiration or termination of a vested right, except for public safety reasons or as prescribed by applicable building codes in effect at the time.

11. A vested site specific development plan or vested phased development plan which has been approved by the Darlington County Planning Commission may be revoked by the Darlington County Planning Commission upon its determination, after notice and a public hearing, that there was material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

12. A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws or ordinances adopted to protect public health, safety, and welfare, including but not limited to, building, fire, plumbing, electrical and mechanical codes, and nonconforming structures and use regulations which do not provide for grand-fathering of the vested rights. The issuance of the building permit vests the specific construction project authorized by building, fire, plumbing, electrical, mechanical codes in force at the time of the issuance of the building permit.

13. If a vested site specific development plan or vested phased development plan which has been approved by the Darlington County Planning Commission is annexed, the governing body of the municipality to which the real property has been annexed must determine, after public notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after annexation.

14. The Darlington County Council, the Darlington County Planning Commission, or local planning and building codes officials shall not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or phased development plan.  
(Ord. No. 05-12, § 4, 6-6-05)

#### **Sec. 14.4. Nature of the vested right.**

1. A vested right pursuant to this ordinance or the Vested Rights Act is not a personal right but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to the Vested Rights Act or this ordinance may rely upon and exercise the vested right for its duration, subject, however to applicable federal, state, and local laws adopted for public health, safety, and welfare, including, but not limited to, building, fire, plumbing, electrical and mechanical codes and nonconforming structures and use regulations which do not provide for grand-fathering of the vested rights. Nothing contained herein shall preclude judicial determination that a vested right exists pursuant to other statutory provisions.

(Ord. No. 05-12, § 5, 6-6-05)

#### **Sec. 14.5. Severability.**

1. The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by a court of competent jurisdiction, such declaration shall not effect the constitutionality, legality or enforceability of any other section or provision of this ordinance.  
(Ord. No. 05-12, § 6, 6-6-05)

### **ARTICLE FIFTEEN. OUTDOOR ADVERTISING SIGNAGE**

#### **Sec. 15. Purpose.**

The purpose of this ordinance is to allow legitimate business opportunities for individuals to own, lease, and sell outdoor advertising signs within Darlington County, to prevent future incompatible or undesirable locations of outdoor advertising signs within the county; and to preserve the quality of life, community aesthetics, and property values in Darlington County.  
(Ord. No. 05-13, § 1, 6-6-05)

#### **Sec. 15.1. Definitions.**

1. *Monopole* means a single steel pole support structure.

2. *Outdoor advertising signs* means signage, of any type, placed with the express intent of directing traffic, of any sort, to a specific business, event or location, either public or private, or to provide a public message. Outdoor advertising signs shall be considered separately from on-premise signs.

3. *Qualified business* means a permanent or physical building from which the qualifying business operation shall be conducted. A qualified business must:

- A. Must have been in operation for at least twelve (12) months prior to submitting an application for an outdoor advertising sign permit.
- B. Must have a least one employee at the site and available to the public for at least thirty-six (36) hours a week, four (4) days per week, and forty-six (46) weeks per year.

- C. Must have electricity, telephone service, running water, an indoor restroom, permanent flooring, and adequate heating.

4. *Reader signs* means a sign that has illuminated words that change or move across the area of the sign.

5. *On-premises signs* means signage/signs located on the same parcel as the business or activity for which it is advertising. On-premises signs are not regulated by this ordinance. (Ord. No. 05-13, § 2, 6-6-05; Ord. No. 06-3, § II, 4-3-06)

**Sec. 15.2. Obscene or indecent billboards prohibited.**

This section is as outlined in S.C. Code 1976 § 57-25-20, as amended.

- 1. No billboard shall be erected or displayed containing obscene or indecent words, photographs, or depictions.
- 2. Obscene words, photographs, or depictions must be defined and interpreted as provided in S.C. Code 1976 § 16-15-305 (B), (C), (D), and (E).
- 3. A billboard is indecent when:
  - A. Taken as a whole, it describes, in a patently offensive way, as determined by contemporary community standards, sexual acts, excretory functions, or parts of the human body; and
  - B. Taken as a whole, it lacks serious literary, artistic, political, or scientific value.

(Ord. No. 05-13, § 3, 6-6-05)

**Sec. 15.3. Requirements for locating outdoor advertising signs in the unincorporated areas of the county.**

1. No outdoor advertising sign shall be located within one thousand two hundred (1,200) feet of any other outdoor advertising sign including those signs on opposite sides of the road.

- A. If located on an interstate highway, an outdoor advertising sign shall only be allowed on the side of the highway where the qualified business exists.

2. All outdoor advertising signs shall be set back from front and side property lines not less than ten (10) feet.

3. All outdoor advertising signs must be within six hundred (600) feet of a qualified business operation (permanent building).

4. All outdoor advertising signs must be located within six hundred (600) feet of the right-of-way along the interstate.

(Ord. No. 05-13, § 4, 6-6-05)

**Sec. 15.4. Maximum face area square footage.**

1. The maximum square footage of the face of any outdoor advertising sign shall not exceed three hundred-seventy-eight (378) square feet except on an interstate highway:

- A. The sign face shall not exceed six hundred-seventy-two (672) square feet when located along an interstate highway.
- B. An outdoor advertising sign may include extensions or cutouts totaling no more than one hundred fifty (150) square feet.

(Ord. No. 05-13, § 5, 6-6-05)

**Sec. 15.5. Maximum height.**

1. The maximum height of any outdoor advertising sign shall not exceed forty (40) feet in height measured from the average roadway grade level to the top of the sign face except on an interstate highway:

- A. The sign may have maximum height of one hundred (100) feet measured from the average roadway grade level to the top of the sign when located along an interstate highway.

(Ord. No. 05-13, § 6, 6-6-05)

**Sec. 15.6. Structure designs.**

1. Any outdoor advertising sign with a sign face area greater than thirty-two (32) square feet shall be designed and constructed with a monopole support structure, meeting the standards as set forth by the local building code with respect to wind loads and foundation design.

2. No stacked (double decked) sign faces or side-by-side sign faces shall be allowed.  
(Ord. No. 05-13, § 7, 6-6-05)

**Sec. 15.7. Lighting restrictions.**

1. No outdoor advertising sign shall have attached to it or be illuminated by flashing or pulsing lights or lights that change colors.

A. This prohibition shall not apply to on-premises signs as defined in section 15.1.5.

2. Outdoor advertising signs that are lighted must be constructed and maintained in order to effectively shield or prevent beams or rays of light from being directed at any portion the street or road on which the sign is directing the message.

3. No outdoor advertising sign shall be permitted with lighting of such brilliance or intensity as to cause glare or impair the vision of the drivers of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle.

4. No ground mounted lighting fixtures shall be permitted to illuminate any outdoor advertising sign.

Darlington Planning Commission recommends sign contractors to refer to the International Dark-Sky Association and the Illuminating Engineering Society of North America for light fixture types, styles and models that would satisfy the requirements as specified above.

(Ord. No. 05-13, § 8, 6-6-05; Ord. No. 09-1, § 1, 3-2-09)

**Sec. 15.8. Nonconforming structures.**

1. Existing, lawfully erected, outdoor advertising signs that do not meet the ordinance regulations shall be classified as legal non-conforming and shall be grandfathered. However:

A. If there are any changes in ownership, modification, alteration, enlargement or relocation of a legal nonconforming sign structure, said structure shall be required to meet the standards of this ordinance with the following exception:

1) The owner of a legal non-conforming outdoor advertising sign that was originally constructed by means other

than a monopole as required by this ordinance shall be permitted to upgrade the sign with a monopole support structure in the same location only. All other aspects of the new sign's construction must conform to the requirements of this ordinance.

(Ord. No. 05-13, § 9, 6-6-05)

**Sec. 15.9. Sign maintenance.**

1. All outdoor advertising signs must be structurally safe and maintained in a good state of repair, which includes but not limited to:

A. The sign face must be maintained free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.

B. All parts of the sign, including any cut-outs, extensions, borders, trim, and sign structure must be maintained in a safe manner, free from rusting, rotting, breaking or other deterioration.

C. The sign face must not have any vegetation growing upon it, touching or clinging to it.

(Ord. No. 05-13, § 10, 6-6-05)

**Sec. 15.10. Permitting process.**

1. All applications shall include:

A. A site map to scale showing the location of the proposed sign and any other outdoor advertising signs within two thousand five hundred (2,500) feet of the proposed location.

B. Site map showing the distance to the qualified business, property line setbacks and outdoor advertising signs within one thousand two hundred (1,200) feet.

C. Detailed plans of the sign to include the height, support structure, face size and lighting plan.

D. Tax map parcel number and ownership information of the proposed sign location.

E. Detailed information describing the qualified business.

F. Property lease agreement, if applicable.

2. The applicant shall obtain a sign permit from the planning department prior to obtaining a building permit. The applicant shall obtain a building permit from the building codes office prior to submitting for a sign permit from the South Carolina Department of Transportation (SCDOT).

3. In addition to the county regulations, any outdoor advertising sign must also obtain a permit from South Carolina Department of Transportation prior to the erection of any sign along any interstate or US or SC Route or where required by state law.

4. The regulations set forth in the ordinance shall apply to all unincorporated areas within Darlington County.  
(Ord. No. 05-13, § 11, 6-6-05)

**ARTICLE SIXTEEN. TATTOO FACILITIES**

**Sec. 16. Purpose.**

The purpose of this ordinance is to allow tattoo facilities in the unincorporated areas of Darlington County.  
(Ord. No. 06-13, § I, 7-3-06)

**Sec. 16.1. Definitions.**

*Tattoo facility* means any room, space, location, area, structure, or business, or any part of these places where tattooing is practiced or where the business of tattooing is conducted.

*Tattoo* or *tattooing* means to indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments.  
(Ord. No. 06-13, § II, 7-3-06)

**Sec. 16.2. Location.**

Tattoo facilities shall be located no closer than one thousand (1,000) feet from the following:

- A. Church;
  - B. School;
  - C. Playground.
- (Ord. No. 06-13, § III, 7-3-06)

**Sec. 16.3. Service provided.**

Tattoo facility may only provide tattooing and may not engage in any other retail business including, but not limited to, the sale of goods or performing any form of body piercing other than tattooing.  
(Ord. No. 06-13, § IV, 7-3-06)

**ARTICLE SEVENTEEN. STORMWATER MANAGEMENT PROTECTION DISTRICT**

**Sec. 17. Municipal separate storm sewer system (MS4) area stormwater management protection overlay district.**

[This article provides for the establishment of a municipal separate storm sewer system (MS4) area stormwater management protection overlay district to protect water quality, to define the regulations, enforcement, and administration within the district boundaries, and to establish the effective date of this article.]  
(Ord. No. 07-13, § 1, 8-20-07)

**Sec. 17.1. Purpose and intent.**

The purpose of this article is to protect water quality by encouraging the promotion, protection, and improvement of the general health, safety, and welfare of the people, and to encourage the conservation of natural resources within the regulated MS4 of Darlington County as designated by the Environmental Protection Agency (EPA) and South Carolina Department of Health and Environmental Control (SCDHEC) based upon the Urbanized Area (UA). In order to protect the quality of water discharging from the regulated MS4 of Darlington County, these regulations are enacted to minimize the erosion of soils, reduce the sedimentation of streams, regulate stormwater runoff coming from developing areas, reduce the damage potential of floodwater, protect properties near land disturbing activities, minimize the clogging of ditches, reduce the silting of water bodies, strive to provide unobstructed and sanitary channels for stormwater runoff, reduce flooding caused by the encroachment of buildings or other structures on natural waterways and drainage chan-