

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ORDINANCE NO. 26-06

An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar Energy Systems And Wind Farm Facilities) To Amend The Requirements For Renewable Energy Systems, To Update The Name For South Carolina Department Of Health And Environmental Control Throughout The Article, And Establish The Effective Date Of This Ordinance, As Amended

WHEREAS, the Darlington County Planning Commission has recommended amending the requirements for solar energy systems facilities to reflect the requirements currently included in Fee-In-Lieu-Of-Tax Agreements for renewable energy systems.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of Darlington County, South Carolina, the Darlington County Council, that:

SECTION 1

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.3 (Integrated energy systems permitting process), Item 4, **which currently reads:**

- 4. Approval is subject to:
 - a. Stormwater NPDES permit from SCDHEC or the county.
 - i. Land disturbance of one-acre or more requires a SWPPP prepared by either a licensed landscape architect, engineer in the State of South Carolina, or tier B land surveyor. Project may be required to comply with Article 17, Municipal Separate Storm Sewer System (MS4) Area Stormwater Management Protection Overlay District.

Be amended to read as follows:

- 4. Approval is subject to:
 - a. Stormwater NPDES permit from **South Carolina Department of Environmental Services (SCDES)** or the county.
 - i. Land disturbance of one-acre or more requires a SWPPP prepared by either a licensed landscape architect, engineer in the State of South Carolina, or tier B land surveyor. Project may be required to comply with Article 17, Municipal Separate Storm Sewer System (MS4) Area Stormwater Management Protection Overlay District.

SECTION 2

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.4 (Solar energy system and wind farm facilities), Item 3., **which currently reads:**

3. *Setbacks.* Solar Energy Systems must be set back 50 feet from adjoining property lines or 200 feet from the nearest residence.

Be amended to read as follows:

3. *Setbacks.*
No solar panels shall be located within one hundred feet of the property boundary of any parcel owned by any person or entity other than the developer or any developer's affiliate, or any lessor to any developer or developer's affiliate.

No solar panels shall be located within six hundred feet of any properly permitted residential structure, known at the time the applicant request for a planning certificate of completion, owned by any person or entity other than the developer or any developer's affiliate, or any lessor to any developer or developer's affiliate.

SECTION 3

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.4 (Solar energy system and wind farm facilities), Item 4., **which currently reads:**

4. Water and sewer systems approved by South Carolina Department of Health and Environmental Control (SCDHEC) and/or Darlington County Water and Sewer Authority (DCWSA).

Be amended to read as follows:

4. Water and sewer systems approved by South Carolina Department of ***Environmental Services (SCDES)*** and/or Darlington County Water and Sewer Authority (DCWSA).

SECTION 4

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.4 (Solar energy system and wind farm facilities), Item 13., **which currently reads:**

13. *Screening.* A continuous vegetative buffer shall be installed around the perimeter of the solar energy system/wind farm. This buffer shall be 36" to 48" in height at planting and must reach 100 percent of the panel height within three (3) years of planting. The vegetation must be planted in two staggered rows at a spacing

interval between 8' to 10' on center. The fence must be located on the inside of the vegetative buffer. Screening is not required along properties adjacent to non-residential uses or along roadways.

Be amended to read as follows:

13. *Screening. The developer shall install a continuous horizontal vegetative buffer, that reaches at a minimum height within three years of the project becoming operational, that of the tallest installed solar panel between the Project site and any roadways or residences, known at the time the applicant request for a planning certificate of completion. The buffer must be established in a manner that shields the solar panels from ground level views both horizontally and vertically from any roadways adjacent to the Project site or properly permitted residences, known at the time the applicant request for a planning certificate of completion, on parcels adjacent to the Project site.*

SECTION 5

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.4 (Solar energy system and wind farm facilities), Item 22., **which currently reads:**

22. Submit and maintain an updated facility decommission plan. The latest facility decommission plan shall be recorded in the county's clerk of courts office.

An applicant must include a decommissioning plan that describes the anticipated life of the solar energy system. Following a continuous six (6) month period in which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the solar energy system. Decommissioning includes removal of solar panels, buildings, cabling, electrical components and any other associated facilities below grade as described in the decommissioning plan. No later than thirty (30) days following the sixth (6th) anniversary of the operation date of the solar energy system, the owner of the solar energy system must provide Darlington County with a \$50,000 surety or performance bond to be maintained by the solar energy system owner or subsequent owner(s) until the solar energy system is decommissioned. Prior to the issuance of any electrical permit, the owner of the solar energy system must submit a notarized affidavit acknowledging the above decommissioning obligations. Decommissioning Plan must be passed by conveyance to successive owner(s).

Be amended to read as follows:

22. Submit and maintain an updated facility decommission plan. The latest facility decommission plan shall be recorded in the county's **Clerk of Court** office.

Decommission Costs: An applicant must include a decommissioning plan that describes the anticipated life of the solar energy system. Within six months of first date upon which the Project produces electricity, developers shall procure and deliver to the County a surety or performance bond or irrevocable letter of credit in the amount of \$50,000 or 125% of the estimated decommissioning costs associated with the Project, whichever is greater and shall not consider salvage value in determining the decommissioning cost. The estimated decommissioning costs shall be determined by an engineer licensed to practice in South Carolina and agreeable by Darlington County. The decommissioning plan must be passed by conveyance to any successive owners. Following a continuous six (6) month period in which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the solar energy system. Decommissioning shall include removal and proper disposal of solar panels, buildings, cabling, electrical components and any other associated facilities above and below grade. Prior to the issuance of any building/construction/electrical permits, the owner of the solar energy system must submit a notarized affidavit acknowledging the required decommissioning obligations.

SECTION 6

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.6 (Solar energy system/wind farm permitting process), Item 8., **which currently reads:**

8. Mandatory Permits/Agreements:
 - Utility Company Agreement
 - Lease Agreement
 - Stormwater NPDES Permit from South Carolina Department of Health and Environmental Control
 - Encroachment Permit by South Carolina Department Of Transportation or Darlington County Roads and Bridges
 - Fire Department Review and Approval per the International Fire Code

Be amended to read as follows:

8. Mandatory Permits/Agreements:
 - Utility Company Agreement
 - Lease Agreement
 - Stormwater NPDES Permit from South Carolina Department of **Environmental Services**
 - Encroachment Permit by South Carolina Department Of Transportation or Darlington County Roads and Bridges
 - Fire Department Review and Approval per the International Fire Code

SECTION 7

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.6 (Solar energy system/wind farm permitting process), Item 9., **which currently reads:**

9. If applicable approval letters:
 - MS4 approval (mandatory for wind/solar energy system within MS4 district)
 - FAA letter (mandatory for wind/solar energy system within Airport district)
 - Septic systems approved by South Carolina Department of Health and Environmental Control indicating sewer capacity/existing septic tank affidavit
 - South Carolina Department of Health and Environmental Control letter approving well or Darlington County Water and Sewer Authority approving water tap
 - Receipt of road and stop signage paid (for new roads only)
 - South Carolina Public Services Commission Approval (If applicable)

Be amended to read as follows:

9. If applicable approval letters:
 - MS4 approval (mandatory for wind/solar energy system within MS4 district)
 - FAA letter (mandatory for wind/solar energy system within Airport district)
 - Septic systems approved by South Carolina Department of **Environmental Services** indicating sewer capacity/existing septic tank affidavit
 - South Carolina Department of **Environmental Services** letter approving well or Darlington County Water and Sewer Authority approving water tap
 - Receipt of road and stop signage paid (for new roads only)
 - South Carolina Public Services Commission Approval (If applicable)

SECTION 8

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Section 19.7 (Nonconformity), **which currently reads:**

Sec. 19.7. Nonconformity.

Solar energy systems in existence prior to this article are grandfathered. Grandfathering is applicable as long as the current design and use remains unchanged. Changes, additions, and expansions shall comply with this article.

Be amended to read as follows:

Sec. 19.7. Nonconformity.

Solar energy systems in existence prior to this article are grandfathered. Grandfathering is applicable as long as the current design and use remains unchanged. Changes, additions, and expansions shall comply with this article. *Any project which has legally vested rights under S.C. Code Ann. §6-29-1510, et seq., or Article 14 of the Darlington County Development Standards Ordinance as of third reading of this Ordinance No. 26-06 shall be exempt from the requirements of Ordinance No. 26-06. Additionally, any project for which a Fee In Lieu Of Tax ("FILOT") arrangement has been issued prior to third reading of this Ordinance No. 26-06 shall be exempt from the requirements of Ordinance No. 26-06; provided, however, the project complies with all requirements of the FILOT agreement.*

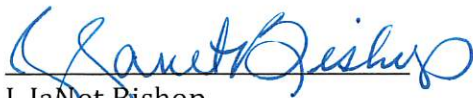
SECTION 9

The provision of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Darlington, as an amendment thereto.

SECTION 10

This ordinance shall become effective on Third Reading.

ATTEST:

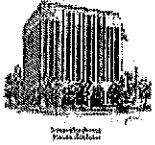

J. Janet Bishop
Clerk to Council

DARLINGTON COUNTY COUNCIL


Bobby Hudson, Chairman

First Reading: September 10, 2026
Second Reading: September 24, 2026
Public Hearing: October 8, 2026
Third Reading: October 8, 2026

Darlington County Recording Page



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