

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ORDINANCE NO. 16-19

AN ORDINANCE TO AMEND DARLINGTON COUNTY CODE OF ORDINANCE, APPENDIX A (DEVELOPMENT STANDARDS ORDINANCE), ARTICLE NINETEEN (RENEWABLE ENERGY SYSTEMS) TO UPDATE THE VERBIAGE, TO CLARIFY THE PROCESS AND REGULATIONS, AND TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE

Purpose

The purpose of this ordinance is to update the verbiage, to clarify the process and regulations regarding renewable energy systems.

Section 1.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.1 (Definitions), be amended by adding the following definition alphabetically:

Engineer. Designs materials, structures, and systems while considering the limitations imposed by practicality, regulation, safety, and cost. Engineer must be licensed in the State of South Carolina.

Section 2.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.1 (Definitions), be amended by adding the following definition alphabetically:

Setbacks. Setbacks must be from the fence line of the renewable energy system to the adjoining property line or residence.

Section 3.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.1 (Definitions), which currently reads:

Solar farm. A series of ground mounted solar collectors placed in an area for generating photovoltaic (PV) power as a commercial enterprise. The minimum size for a solar farm is five acres.

Be amended to read as follows:

~~Solar farm.~~ **Solar Energy System.** A series of ground mounted solar collectors placed in an area for generating photovoltaic (PV) power as a commercial enterprise. The minimum size for a solar farm is five acres **solar energy system is one acre. The maximum megawatt output of a solar energy system is 75.**

Section 4.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.1 (Definitions), which currently reads:

Wind farm. Two or more ground-mounted wind turbines placed in an area of generating power as a commercial enterprise. The minimum for a wind farm is five acres.

Be amended to read as follows:

Wind farm. Two or more ground-mounted wind turbines placed in an area of generating power as a commercial enterprise. The minimum for a wind farm is ~~five acres~~ **one acre.**

Section 5.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.2 (Integrated energy systems), subsection 1., which currently reads:

1. Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer. Plans must be sealed.

Be amended to read as follows:

1. Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer **in the State of South Carolina.** Plans must be sealed.

Section 6.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.2 (Integrated energy systems), subsection 8.(a.), which currently reads:

- a. Sealed structural details with mounting specifications and roof dead load capacity certification by a licensed engineer.

Be amended to read as follows:

- a. Sealed structural details with mounting specifications and roof dead load capacity certification by a licensed engineer *in the State of South Carolina.*

Section 7.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.2 (Integrated energy systems), subsection 8.(e.), which currently reads:

- e. Sealed structural details with foundation plans certified by a licensed engineer.

Be amended to read as follows:

- e. Sealed structural details with foundation plans certified by a licensed engineer *in the State of South Carolina.*

Section 8.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.2 (Integrated energy systems), subsection 9.(7.)(a.), which currently reads:

- a. Sealed structural details with mounting specifications and roof dead load capacity certification by a licensed engineer.

Be amended to read as follows:

- a. Sealed structural details with mounting specifications and roof dead load capacity certification by a licensed engineer *in the State of South Carolina.*

Section 9.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.3 (Integrated energy systems permitting process), subsection 2, which currently reads:

2. Submit three scaled 11-inch by 17-inch or larger site plans by licensed land surveyor, landscape architect, or engineer. The site plan contains: developer and property owner's name, address, and phone; road(s) layout; tax map number, scale, and date; vicinity map and north arrow; identify existing and proposed structures, include dimensions (i.e. equipment location, fencing); property boundaries with dimensions, and identify adjacent property owners land uses (i.e. residential, commercial, farmland, or wooded); public road(s); bodies of water (i.e. lakes, ponds, and streams) with minimum 40 foot buffer shown, flood hazard areas,

wetlands, adjacent ditches, and easements; proposed surface covers (i.e. grass, gravel, etc.); and, area and size of land disturbance.

Be amended to read as follows:

2. Submit three scaled 11-inch by 17-inch or larger site plans by licensed land surveyor, landscape architect, or engineer in the State of South Carolina. The site plan contains: developer and property owner's name, address, and phone; road(s) layout; tax map number, scale, and date; vicinity map and north arrow; identify existing and proposed structures, include dimensions (i.e. equipment location, fencing); property boundaries with dimensions, and identify adjacent property owners land uses (i.e. residential, commercial, farmland, or wooded); public road(s); bodies of water (i.e. lakes, ponds, and streams) with minimum 40 ~~50~~ foot buffer shown, flood hazard areas, wetlands, adjacent ditches, and easements; proposed surface covers (i.e. grass, gravel, etc.); and, area and size of land disturbance.

Section 10.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.3 (Integrated energy systems permitting process), subsection 3, which currently reads:

3. Submit sealed structural plans with foundation details certified by licensed engineer, wiring/thermal diagram, vertical illustrations with maximum height, roof diagram for roof-mounted panels/turbines.

Be amended to read as follows:

3. Submit sealed structural plans with foundation details certified by licensed engineer in the State of South Carolina, wiring/thermal diagram, vertical illustrations with maximum height, roof diagram for roof-mounted panels/turbines.

Section 11.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.3 (Integrated energy systems permitting process), subsection 4.(a.)i., 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, 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 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.

Section 12.

Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), which currently reads:

Sec. 19.4. – Solar and wind farm facilities.

The establishment and operation of solar and wind farm facilities shall comply with the following design and development standards:

Be amended to read as follows:

Sec. 19.4. – Solar energy systems and wind farm facilities.

The establishment and operation of solar energy systems and wind farm facilities shall comply with the following design and development standards:

Section 13.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), subsection 1., which currently reads:

1. Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer. Plans must be sealed.

Be amended to read as follows:

1. Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. Plans must be sealed.

Section 14.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), subsection 3., which currently reads:

3. Setbacks. Solar farms must be set back 20 feet from the edge of all the property lines and public right-of-way. Wind farm turbines minimum setbacks shall equal one and one-half times its height, including rotor blades, from all property lines, overhead utility lines, dwelling units, structures, meteorological towers, public roads, other wind turbines, schools, and others.

Be amended to read as follows:

3. Setbacks. ~~Solar farms must be set back 20 feet from the edge of all the property lines and public right-of-way. Wind farm turbines minimum setbacks shall equal one and one-half times its height, including rotor blades, from all property lines, overhead utility lines, dwelling units, structures, meteorological towers, public roads, other wind turbines, schools, and others.~~ **Solar Energy Systems must be set back 50 feet from adjoining property lines or 200 feet from the nearest residence.**

Section 15.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), subsection 13., which currently reads:

13. Screening. The perimeter adjacent to residential properties shall be screened by landscaping and/or berm. A berm is a vegetated earthen wall at least five feet in height. Screening is not required along properties adjacent to non-residential uses.

Be amended to read as follows:

13. Screening. ~~The perimeter adjacent to residential properties shall be screened by landscaping and/or berm. A berm is a vegetated earthen wall at least five feet in height. Screening is not required along properties adjacent to non-residential uses.~~ **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.**

Section 16.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), subsection 14., which currently reads:

14. Development shall maintain a 40-foot vegetated buffer from any body of water (i.e. lakes, streams, ponds, and rivers) to preserve the county's water quality and prevent any adverse stormwater effects.

Be amended to read as follows:

14. Development shall maintain a ~~40~~ **50**-foot vegetated buffer from any body of water (i.e. lakes, streams, ponds, and rivers) to preserve the county's water quality and prevent any adverse stormwater effects.

Section 17.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), subsection 17., which currently reads:

17. Signage. A warning sign concerning voltage must be placed at the main gate to include the address, and name of the solar or wind farm operator and a local phone number for the solar or wind farm operator in case of an emergency.

Be amended to read as follows:

17. Signage. A warning sign concerning voltage must be placed at the main gate to include the address and name of the solar **energy system** or wind farm operator and a local **24-hour** phone number for the solar **energy system** or wind farm operator in case of an emergency.

Section 18.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), subsection 21., which currently reads:

21. All active solar and wind systems shall meet all requirements of the county building codes department.

Be amended to read as follows:

21. All active solar **energy systems** and wind systems shall meet all requirements of the county building codes department.

Section 19.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.4 (Solar and wind farm facilities), subsection 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. The plan contains:
- a. Condition(s) for decommissioning a facility;
 - b. Timeline for restoring the property to its near original condition;
 - c. Party(ies) responsible for decommissioning the facility; and,
 - d. Agreement with landowner regarding decommissioning.

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 courts office. ~~The plan contains:~~
- ~~a. Condition(s) for decommissioning a facility;~~
 - ~~b. Timeline for restoring the property to its near original condition;~~
 - ~~c. Party(ies) responsible for decommissioning the facility; and,~~
 - ~~d. Agreement with landowner regarding decommissioning.~~

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).

Section 20.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.5 (Public notification), which, currently reads:

Sec. 19.5. - Public notification.

Upon receipt of a completed solar farm application, the county planning staff shall send by first class mail a notice of the application to all property owners within 500 feet of the proposed solar/wind farm. The notification shall include projected date of the public hearing (regularly scheduled planning commission meeting) to be held by the planning commission. Public notification includes posting in the local newspaper at least 15 days prior to the public hearing.

Be amended to read as follows:

Sec. 19.5. - Public notification.

Upon receipt of a completed solar energy system farm application, the county planning staff shall send by first class mail a notice of the application to all property owners within ~~500~~ 1320 feet of the proposed solar energy system/wind farm. The notification shall include projected date of the public hearing (regularly scheduled planning commission meeting) to be held by the planning commission. Public notification includes posting in the local newspaper and mail notice to residents postmarked at least 15 days prior to the public hearing.

Section 21.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.6 (Solar/wind farm permitting process), which currently reads:

Sec. 19.6. - Solar/wind farm permitting process.

Applicants shall apply to the planning department and meet the following requirements:

1. Complete and submit solar/wind farm application.

Submit three scaled 11-inch by 17-inch or larger site plans by licensed land surveyor, landscape architect, or engineer. The site plan contains: developer and property owner's name, address, and phone; road(s) layout; tax map number, scale, and date; vicinity map and north arrow; identify existing and proposed structures, include dimensions (i.e. equipment location, fencing); property boundaries with dimensions, and identify adjacent property owners land uses (i.e. residential, commercial, farmland, or wooded); public road(s); bodies of water (i.e. lakes, ponds, and streams) with minimum 40 foot buffer shown, flood hazard areas, wetlands, adjacent ditches, and easements; proposed surface covers (i.e. grass, gravel, etc.); and, area and size of land disturbance.

3. Submit sealed structural plans with foundation details certified by licensed engineer, wiring diagram, and vertical illustration of panels with maximum height.

4. Public notification/hearing by the planning commission.

5. 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, 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.

b. Fire department review and approval.

- c. Utility company agreement.
- d. Lease agreement.
- e. South Carolina Public Service Commission Approval (Nameplate of 75 or more megawatts).
- f. FAA letter (mandatory for wind farm; solar farm within airport districts).
- g. Evidence of road and stop signage paid for new roads.
- h. Encroachment permit by SCDOT or the county roads and bridges department.
- i. E911 Addressing approval.
- j. Restrictive covenants affidavit.
- k. Evidence of paid water tap fee from DCWSA or approved well by DHEC (if applicable).
- l. Septic systems approved or verified by DHEC indicating sewer capacity/existing septic tank affidavit (if applicable).
- m. Approved site plan.
- n. Facility decommission plan.

Be deleted in its entirety and replaced with the following:

Sec. 19.6. – Solar energy system/wind farm permitting process.

Applicants shall apply to the planning department and meet the following requirements:

- 1. Request for district of location letter.**
- 2. Submit solar energy system/wind farm application and payment.**
- 3. E-911 Address Inquiry and Approval.**
- 4. Restrictive Covenants Affidavit.**
- 5. Submit three (3) 11" x 17" (or larger) site plans by land surveyor, engineering, or landscape architecture to include:**
 - (a) Developer's name, address, and phone number.**
 - (b) Property boundaries with dimensions and identify adjacent property owners and land uses (i.e. residential, commercial, farmland, or wooded).**
 - (c) Road(s) layout and public roads.**
 - (d) North arrow and vicinity map (may attach Assessor's tax map of vicinity).**
 - (e) Identify existing and proposed structures, include dimensions (i.e. equipment location, fencing).**

- (f) Tax Map Number, Scale (engineer scale: i.e. 1 inch = 30 feet or 1" = 30'), and date.
 - (g) Bodies of water (i.e. lakes, ponds, and streams) with minimum 50-foot buffer shown flood hazard areas, wetlands, adjacent ditches, and easements.
 - (h) Proposed surface covers (i.e. grass, gravel, etc.), location and size of land disturbance, and vegetated landscaping.
6. Submit a complete set of sealed construction plans and specifications including the design of all structures, foundation details, wiring/thermal diagrams, vertical illustrations of panels with maximum height, a grading plan with drainage details, and maintenance service road plan certified by licensed engineer in South Carolina.
 7. Facility Decommission Plan.
 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
 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 (Nameplate of 75 or more megawatts)
 10. Public Hearing once all other conditions are met.

Section 22.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.7 (Nonconformity), which currently reads:

Sec. 19.7. – Nonconformity.

Solar farms 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 farms 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.

Section 23.

Darlington County Code of Ordinances, Appendix A (Development Standards ordinance), Article Nineteen (Renewable Energy Systems), Section 19.8 (Fees), which currently reads:

Sec. 19.8. - Fees.

Fees are the following: Integrated Energy Systems — \$25.00; Solar or Wind Farm — \$400.00 plus cost. Cost refers to expenses (i.e. public notice local newspapers, mailings, and etcetera) associated with the public participation process. Stormwater permit fees reflect 17.5.4.

Be amended to read as follows:

Sec. 19.8. - Fees.

Fees are the following: Integrated Energy Systems — \$25.00; Solar energy system or Wind Farm — \$1,000.00 ~~\$400.00~~ plus cost. Cost refers to expenses (i.e. public notice local newspapers, mailings, and etcetera) associated with the public participation process. Stormwater permit fees reflect 17.5.4.

Section 24.

The provision of this ordinance shall be included and incorporated in the Code of Ordinances for Darlington County, as an amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the code.

Section 25.

This ordinance shall become effective upon public hearing and third reading.

DARLINGTON COUNTY COUNCIL

ATTEST:

Bobby Hudson, Chairman

J. JaNet Bishop
Clerk to Council

FIRST READING: October 3, 2016
SECOND READING: February 6, 2017
THIRD READING: March 6, 2017
PUBLIC HEARING: November 7, 2016