

ARTICLE FIVE
PERFORMANCE CRITERIA FOR CERTAIN BUILDINGS,
USES, AND PROJECTS

SECTION A: GENERAL:

5.a.1. Uses, Buildings, Projects and Areas Affected by this Article: Due to the potential adverse impacts associated with certain land use developments, the following activities or areas within the City of Sumter or the unincorporated area of Sumter County shall be guided by additional reviews and standards:

- a. Conditional uses as set forth in Article Three, or Special Exceptions as set forth in 5.b.2.
- b. Manufacturing and processing plants;
- c. Certain hazardous and/or potentially disruptive land development activities;
- d. Flood Hazard Areas.

5.a.2. Applications: An application for a permit for any of the above listed uses, buildings or projects shall be accompanied by a plat or site plan as appropriate, in accord with the provisions of Article Nine, Section C. The application shall describe the proposed use in sufficient detail to determine compliance with the provisions of these regulations and the standards of the set forth herein.

5.a.3. Review: Review and approval by the Sumter City/County Planning Commission Staff shall be a prerequisite to the issuance of a building permit for any conditional use identified in Article 3 of this Ordinance. If the conditions or standards are met, the zoning administrator may issue a permit for the use without review by the Sumter City/County Board of Zoning Appeals. If the Board reviews a case and imposes additional conditions, the use is listed as a permitted *special exception* after a public hearing.

5.a.4. Public Hearing: The Zoning Administrator shall schedule a public hearing as per Section 1.i.6. of this Ordinance for all special exceptions derived from conditional use zoning.

**SECTION B: SPECIFIC CONDITIONS AND STANDARDS FOR
CONDITIONAL USES AND SPECIAL EXCEPTIONS:**

5.b.1. Criteria for Review: The following guidelines and criteria shall be implemented by the Zoning Administrator and/or the Sumter City-County Zoning Board of Appeals if a case is referred to the Board by the Zoning Administrator. Additionally, the Board shall be guided by 1.h.4.c. of the Zoning Ordinance in addition to the requirements set forth herein.

- a. That ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;
- b. The off-street parking and loading areas, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties;
- c. That refuse and service areas be adequately screened so as not to be visible from adjacent property or public rights-of-way and shall be located in such a way as not to create a nuisance to adjacent properties;
- d. That screening, buffering or separation of any nuisance or hazardous feature be provided with reference to type, dimensions and character, and be fully and clearly represented on the submitted plans, to protect adjacent properties;
- e. That proposed signs and exterior lighting be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties;
- f. That the affected site shall be suitable in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to insure compatibility and the safety and welfare of area residents.
- g. Home Day Care as a Home Occupation – The following Conditional Use process will be used for initial review of this use and anytime the number of children receiving care exceeds six out-of-home children:
 - 1. The home day care applicant will contact all abutting property owners, including those properties across the street, and provide them details of the proposed home occupation of home day care and the number of children involved. 75 percent of those property owners must agree to the proposed use.
 - 2. The approval document and DSS forms will be submitted with the Conditional Use Request and Fee.
 - 3. If the number increases from at or below 6, the above process will be repeated.
 - 4. Appeals of the Conditional Use will be filed in accordance with this regulation.

5.b.2. Enumeration of Certain Hazardous and/or Potentially Disruptive land Development Activities: As per 5.a.1.c. above, the following uses shall be reviewed by the Sumter City-County Board of Appeals, and if approved shall be classified as a permitted special exception:

- a. Stockyards, poultry houses, commercial kennels, slaughter houses, and animal auction houses (SIC Codes 0211, 025, 0752, 2011, 2015, and 5154);
- b. Mining and extraction operations (SIC Code 10);
- c. Telecommunications Towers (SIC Code 48);
- d. In addition to the normal review, siting review will include an Environmental Impact Analysis and disclosure of emergency procedures –
- e. Sewerage Treatment Plants (SIC Code 49);
- f. Electric Substations (SIC Code 49);
- g. Jails & Correctional Facilities (SIC Code 9223);
- h. Hazardous Waste and Nuclear Waste Disposal Sites (SIC Code 4953);
- i. Resource recovery facilities, solid waste storage and transfer facilities, waste tire and treatment sites, composting facilities, Manned Convenience Centers and incinerators (SIC Code 4953);
- j. Sanitary Landfills and inert dump sites (SIC Code 4953);
- k. Scrap Metal (SIC Code 5093);
- l. Drinking Places (SIC Code 5813);
- m. Liquor Stores (SIC Code 592);
- n. Adult Uses and Tattoo Parlors (SIC Code 7299);
- o. Salvage, re-cycling and junk yards (SIC Code 7389);
- p. Vehicular race and testing tracks (SIC Code 7948);
- q. Amusements and Receptions (not classified). This includes but is not limited to Bingo Parlors, Pool Halls, and pistol, rifle, or skeet shooting range (SIC Code 7999);
- r. Bed and Breakfast Inns;
- s. Security & commodity brokers; insurance carriers & agents; real estate agents & managers; employment agencies; legal services offices; tutoring services & adult education; engineering, accounting, architectural services & research (SIC Code 62, 63, 64, 6531, 7361, 81, 8299, 87)

5.b.3. Special Design Review Criteria for Applicable Items in 5.b.2: Due to the unusual nature of some of the operations associated herein, the following shall be required of the development and/or included in any review process:

a. Sanitary Land Fills and Inert Dump Sites (SIC Code 49):

1. No such uses shall be located within one thousand (1,000 ft.) feet (measured in a straight line) of any existing residential, religious, educational, medical, or public use;
2. An engineering firm with specific land fill expertise shall render a written opinion that, to the best of their professional judgement, the rock formations and/or artificial liners being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated. A permit from the South Carolina Department of Health and Environmental Control (DHEC) shall accompany the zoning application;
3. A drainage and sedimentation plan shall accompany the request, showing off-site run-off;
4. The facility shall be effectively buffered and screened in accordance with an approved method sanctioned by the Zoning Board of Appeals upon the recommendation of the Zoning Administrator.

b. Hazardous Waste and Nuclear Waste Transfer, Storage, and Treatment and/or Disposal Sites (SIC Code 4953):

1. Shall be located no closer (measured in a straight line) than one thousand (1,000 ft) feet to any existing residential, recreational, religious, educational or public use; no closer than one thousand five hundred (1,500 ft) feet to any navigable stream (measured in a straight line), no closer than two thousand five hundred (2,500 ft) feet to any lake, pond or reservoir used or scheduled to be used as a direct or connecting source of public drinking water, and disallowed in any water source, wetlands or flood plain areas;
2. The facility shall be effectively buffered and screened in accordance with an approved method sanctioned by the Zoning Board of Appeals upon the recommendation of the Zoning Administrator;
3. The zoning application shall be accompanied by an environmental impact statement, prepared by an engineering firm with specific expertise in environmental safety and environmental quality issues and approved by the South Carolina Department of Health and Environmental Control (DHEC);
4. In the zoning application written documentation shall be submitted disclosing the hazardous waste materials to be handled and the approximate quantity to be accommodated over the life of the facility;
5. The applicant shall comply with all requirements imposed by the Zoning Board of Appeals on the property in the final adjudication of the submitted application.

- c. Vehicular Racing and Testing Tracks (SIC Code 7948):
 - 1. No such use shall be located within one thousand five hundred (1,500 ft) feet of any residential use (measured in a straight line);
 - 2. The proposed facility shall have direct access off of a paved road meeting the criteria of a collector or arterial road.

- d. Mining and Extraction Operations (SIC Code 10)
 - 1. A zoning permit application shall be accompanied by a reclamation and reuse plan once mining operations are completed. Also, an approximate operating schedule shall be submitted with the zoning permit application which shall include times when explosives will be used.
 - 2. Mining and extraction operations shall not be located less than three hundred (300 ft) feet from any residential use. When explosives are to be used the minimum distance shall become two thousand five hundred (2,500 ft) feet. If a modification to the distance regulation is approved by the Zoning Board of Appeals, then specific measures shall be established to mitigate the affects of mining and extraction operations.
 - 3. Access to a mining or extraction site shall be from a paved road meeting the criteria of a collector or arterial road.
 - 4. Mining and extraction uses that are non-conforming but which were previously permitted by agencies of the State of South Carolina prior to the enactment of this Ordinance, or mining and extraction activities, or business on such parcel or contiguous parcel where the mineral or the surface rights which are under the same ownership or control on the date of passage of this Ordinance shall be exempt from the requirements of this section.

- e. Outdoor Pistol, Rifle or Skeet Range (SIC 7999):
 - 1. The site shall not be located within one thousand (1,000 ft) feet (measured in a straight line) of any residential use, nor within two thousand five hundred (2,500 ft) feet (measured in a straight line) at and between a 45 degree angle on either side of the direction of fire, of any residential use on the down range side of said use.
 - 2. The site shall be oriented away from habitable areas.

- f. Stockyards, Poultry Houses, Commercial Kennels, Slaughter Houses, and Animal Auction Houses (SIC Codes 0211, 025, 0752, 2015, and 5154):

1. The referenced use shall not be located closer than one thousand (1,000 ft) feet (500 ft. for commercial kennels) to any adjacent residential use on a separately platted parcel of land under separate ownership. No incineration of animals or animal refuse shall be permitted on-site.

g. Adult Uses (SIC Code 7299):

1. It is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City of Sumter. The provisions of this Article have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Article to condone or legitimize the distribution of obscene material.
2. The referenced use shall not be located within one thousand (1,000 ft) feet of a residential use, church or religious institution, public or private schools and/or educational facilities; public parks and recreational facilities, and any other sexually oriented business.

h. Resource Recovery Facilities, Solid Waste Storage and Transfer Facilities, Waste Tire and Treatment Sites, Composting Facilities, and Incinerators (SIC Code 4953):

1. The referenced uses shall not be located closer than one thousand (1,000 ft) feet to any residential district, church, school, historical place, or public park, nor within four hundred (400 ft) feet of an existing residential use not in a residential district. It is further provided however, that any *manned convenience center* (i.e., re-cycling center) shall not be located within one hundred (100 ft) feet of any residential use, church, school, historical place or public park, and not within fifty (50 ft) feet of any property line;
2. Manned convenience center shall have gravel or paved surfaces in all driving, parking and loading areas, and must be located on and have direct access from an arterial or collector road;
3. Manned convenience centers must be entirely enclosed within an eight foot high security fence.
4. All uses within this category shall be screened in such a fashion as not to be visible from off-site. Screening may be accomplished by any combination of

fencing, walls, berms, or landscaping approved by the Board of Appeals upon the recommendation of the Zoning Administrator.

5. No material shall be placed in open storage or areas in such a manner that it is capable of being transported by wind, water, or other causes.

i. Salvage and Junk Yards (SIC Code 7389):

1. Referenced uses shall not be located closer than five hundred (500 ft) feet to any residential use, church, school, historical place or public park;
2. That no material because it is discarded and incapable of being re-used in some form shall be placed in open storage;
3. That no material shall be placed in open storage in such a manner that it is capable of being transported by wind, water, or other causes;
4. That all paper, rags, cloth and other fibers, and activities involving the same materials, other than loading and unloading, shall be within fully enclosed buildings;
5. All materials and activities not within fully enclosed buildings shall be enclosed by a structure approved by the Board of Appeals upon the recommendation of the Zoning Administrator.

j. Video Poker (Video Games – Coin Operated Amusement Devices with payout):

1. Principal Use:
 - a. 1 (one) parking space per 50 sq. ft. Gross Floor Area (GRA)
2. Accessory Use:
 - a. 5 (five) or less machines
 - b. At least 2,000 sq. ft. of Gross Floor Area (GFA)
 - c. Less than forty percent (40%) of gross income from machines
 - d. Located in zoning districts where the principal use is a permitted use or an allowed Conditional Use as defined by the district regulations.
3. For all video games
 - a. Machines shall be at least 300 feet (City) or 500 feet (County) from a house of worship, a public or private elementary, middle or secondary school, a public or private kindergarten, a public playground or park, a

public vocational or trade school or technical education center, or a public or private college or university.

k. Tattoo Parlors;

1. The referenced use shall not be located within five hundred (500 ft.) feet of a residential use, church or religious institution, public or private school, public park or playground, or any other tattoo parlor.

l. Scrap Metal (SIC Code 5063);

1. This use shall not be within 1500 feet of a residential use, church, school or public playground on a separately platted parcel.
2. A six-foot security fence shall enclose the entire use.

m. Drinking Places (SIC Code 5813);

1. This use shall not be within 300 feet (measured in a straight line from structure to structure) of a residential use (except in the portion of the Central Business District outlined in blue on the Sumter Central Business & Historic Preservation Downtown design Review District Map attached to this ordinance – see appendix D), church, school or public playground on a separately platted parcel.
2. A six-foot fence that is a visual screen will be installed to separate this use from residential uses (except in the Central Business District).

n. Liquor Stores (SIC Code 592);

1. This use shall not be within 300 feet (measured in a straight line from structure to structure) of a residential use, church, school or public playground on a separately platted parcel.
2. A six-foot fence that is a visual screen will be installed to separate this use from residential uses.

o. Bingo Parlor / Pool Hall (SIC Code 7999);

1. This use shall not be within 150 feet (measured in a straight line from structure to structure) of a church, school or public playground that is on a separately platted parcel under different ownership.

p. Jails / Correctional Facilities (SIC Code 9223);

1. Besides the requirements for an Environmental Impact Analysis and disclosure of emergency procedures, this use shall not be within 2500 feet (measured in a straight line from structure to structure) of a residential use,

church, school, or public playground that is on a separately platted parcel under different ownership.

2. Access shall be from arterial roads only.
3. Proper fencing and screening at the property line as well as internal security requirements.

q. Bed and Breakfast Inns

1. Shall be owner occupied with the owner-operator residing on premises.
2. Limit exterior alterations to those necessary to assure safety of the structure or enhance compatibility of the bed and breakfast with the surrounding area.
3. A maximum of one (1) bed and breakfast inn shall be permitted on any one parcel.
4. Operation of the Inn shall involve no exterior storage of materials or supplies.
5. The principal use of any such structure or structures shall be residential.
6. Rooms for sleeping shall be part of the primary residential structure.
7. Owner must demonstrate that adequate space is available for required off street parking (1 space per bedroom).
8. No guest shall occupy the Bed & Breakfast for more than seven (7) consecutive nights.
9. The resident owner shall keep a current guest register including names, addresses and dates of occupancy for all guests.
10. Meals may only be served to registered guests.

r. Security & commodity brokers; insurance carriers & agents; real estate agents & managers; employment agencies; legal services offices; tutoring services & adult education; engineering, accounting, architectural services & research (SIC Code 62, 63, 64, 6531, 7361, 81, 8299, 87).

1. A site plan and landscape plan must be submitted showing the following:
 - a. Ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;

- b. Off-street parking areas must be located in the side or rear yard. The off-street parking and loading areas shall be designed and provided in harmony with adjacent properties;
- c. Refuse and service areas must be located in the side or rear yard and must be adequately screened with solid fencing and/or vegetation so as not to be visible from adjacent property or public rights-of-way. All refuse areas shall be located in such a way as not to create a nuisance to adjacent properties;
- d. All proposed HVAC and air conditioning units must be located at the rear façade or in a non-visible area of the secondary façade. All existing and proposed units must be adequately screened with solid fencing and/or vegetation so as not to be visible from adjacent property or the public rights-of-way. Window air conditioning units shall be installed at secondary or rear façades rather than the primary façade.
- e. A minimum ten foot (10 ft.) landscape buffer must be provided along all side and rear property lines. Screening and buffering shall be provided with reference to type, dimensions and character of the proposed use, and be fully and clearly represented on the submitted plans, to protect adjacent properties. Buffer yards shall be planted accordingly:
 - 1. Existing healthy vegetation shall be retained;
 - 2. Existing trees shall be protected and retained, if removal is necessary, two trees must be planted for every one tree removed;
 - 3. Three (3) canopy trees, six (6) evergreen trees and/or shrubbery and three (3) understory trees per 100 linear feet or a solid brick wall a minimum of six feet (6 ft.) in height;
 - 4. All plant materials shall be native to the South Carolina Midlands to ensure their health and longevity.
- f. Proposed signs and exterior lighting shall be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties. Freestanding signs shall not be taller than five feet (5 ft.) in height or larger than six square feet (6 sq. ft.) in size.
 - 1. Signs which flash, are animated, or rotate shall not be permitted.
- g. New construction shall be compatible with adjacent buildings in terms of size, scale, and character. Maximum building size is not to exceed 5,000 sq. ft. gross floor area. Building elevations meeting the following criteria must be submitted:

1. New construction must maintain the rhythm of door and window openings of adjacent structures;
2. Primary facades shall not have blank walls or walls with only one door or window opening;
3. Window and door openings shall not exceed the height and width ratios of adjacent buildings by more than ten percent (10%);
4. Roof forms and orientation should be consistent with adjacent buildings;
5. Primary entrances must be oriented towards the street;
6. New buildings on corner lots may have entrances located on both street façades;
7. Exterior entrance staircases and/or fire escapes for second floors shall not be placed on primary façades;
8. New construction shall be compatible in height with adjacent structures. New construction shall vary no more than ten percent (10%) with the average building height along its block.

h. Setbacks –

1. Front setbacks for new construction shall be consistent with adjacent structures.
2. Side and rear setbacks shall be in accordance with zoning district regulations for non-residential uses.

s. Mobile Vendors and Concession Operators

1. Concession Operators are allowed only during special events such as festivals, carnivals, and city-wide celebrations and shall be permitted directly by the Business License Department without any additional information from the Planning Department.
2. Mobile Vendors shall be permitted:
 - a. To operate on private property or on designated public property that is located within the GC zoning districts, **and the cart and all items associated with any Mobile Vending operation must be removed from the premises during non-business hours.**
 - b. To operate only on property on which there is located at least one active, permitted Primary Use. Under no circumstances shall a Mobile Vendor be issued a permit to operate on property that is uninhabited or vacant.

- c. To operate only between the hours of 7 a.m. and 5 p.m. on weekdays, and between the hours of 7 a.m. and 6 p.m. on Saturdays, and between 12 p.m. and 5 p.m. on Sundays;
- d. To operate only within designated parking areas on private property only so long as the minimum parking requirements for the primary use located on the property are met, or within a designated Mobile Vending area on a sidewalk or on private property where such designated Mobile Vending areas are set aside expressly for the use. The mobile vendor shall not be located more than 50 feet from the principal structure. **The 50 foot distance limitation does not apply to mobile produce vendors licensed under this section of the Zoning Ordinance.** If the mobile vendor is to be located within a designated Mobile Vending area on private property, a zoning visit shall be required prior to the issuance of a permit to ensure that the size and location of the Mobile Vending area is in conformity with all other requirements for the primary use, including parking, landscaping, ingress and egress, and vehicular circulation.
- e. To operate only with the maintenance and use of a litter receptacle that is made available for the patrons' use. Excessive litter caused by product packaging **or other associated products of the Mobile Vendor operation** may result in revocation of zoning approval to operate.
- f. To operate only in a self-contained manner and without the utilization of any outside power source.
- g. To operate only with such signage as may be attached to the cart, vehicle, or device (not to exceed two (2) sq. ft.) and without any further signage used to advertise the business, including portable signs or signs affixed to any structure.
- h. To operate and to sell only such permitted merchandise as is listed herein. **Permitted merchandise** shall be limited to reading material such as newspapers, magazines, and books; **produce, (meaning fruits and vegetables, from a vehicle such as a pickup truck, as long as all produce remains in the vehicle until sold. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer. The sale of produce from a cart will also be permitted. No merchandise other than produce may be sold from a vehicle.)** and ready-to-eat items and finger foods such as hot dogs, sausages, hamburgers, tacos, burritos, baked potatoes, bagels, pastries, candy, prepackaged sandwiched, cookies, chips, biscuits, popcorn, nuts, pretzels, ice product, ice cream, milk products, frozen yogurt, hot and cold beverages containing no alcohol, flowers, and items related to permitted merchandise. Items specifically banned from being sold by Mobile Vendors include, cigarettes, cigars, and any product containing tobacco.

- i. To operate only with the appropriate licensing as required by SC-DHEC and the Sumter City Business License Department, **including a background check and any other requirements for Mobile Vendor operations of the City, County, and the State of South Carolina.**
- j. **To operate upon written permission of the property owner.**
- k. **To operate only when *all* conditions listed have been met. There shall be no temporary licensing of Mobile Vendors until such conditions are met. Only duly licensed operators shall be permitted.**

5.b.4. Communication Towers and Antennae: These regulations will permit the placement of communication towers and antennae in locations which will allow telecommunication services to be rendered in conformity with the authority specified in the Federal Telecommunications Act of 1996. A communications tower and/or antenna may be treated as a conditional use without further review by the Zoning Board of Appeals upon the determination by the Zoning Administrator that *all* applicable conditions in this Ordinance are met. If the Board reviews a case and imposes additional conditions, the use is listed as a *permitted special exception* after a public hearing as similarly required in 5.a.4.

- a. Districts in which communication towers and antennas are conditionally permitted with specified height limitations:
 - 1. **Residential:** Towers and antennas are always special exceptions in all residential districts subject to 1.h.4.c. of this ordinance and must be approved by the Board of Appeals. If allowed, a free standing or guyed tower or antenna shall not exceed one hundred (100 ft) feet in height;
 - 2. **Commercial:** Free-standing or guyed tower with height not to exceed one hundred eighty (180 ft) feet, and heights exceeding one hundred eighty (180 ft) feet requires a Special Exception from the Board of Appeals.
 - 3. **Industrial:** Free-standing or guyed tower with height not exceeding three hundred twenty (320 ft) feet is permitted; heights exceeding three hundred twenty feet require a permitted special exception permit from the Zoning Board of Appeal.
 - 4. **Conservation:** Same as residential.
 - 5. **Agricultural Conservation:** Same as industrial.
- b. Permitted Height Above Structures in All Districts: Tower and/or antenna mounted on buildings, water tanks, or structures other than a free-standing or guyed communications tower must not exceed more than thirty (30 ft) feet above the highest part of a structure.
- c. Variances: Variances from conditions imposed by this Section may not be granted by the Zoning Board of Appeals. However, variances from other general regulations not

a part of this section may be granted under standards set forth in 1.h.4.c. of this Ordinance.

- d. **Application Requirements:** The applicant for a permit for construction of a communications tower or the placement of a communications antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of five hundred (\$500.00) dollars and the following documents:
1. **Specifications:** One (1) copy of typical specifications for the proposed structure and/or antenna, including description of design characteristics and materials;
 2. **Site Plan:** A plan drawn to scale showing property boundaries, tower location, tower height, guide wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (note: a site plan is not required if a antenna is mounted on an approved existing structure);
 3. **Tower Location Map:** A current map, or updated existing map showing the location of the applicant's antenna, facilities, existing towers, and proposed towers which are reflected in the public records serving any property within the City and County of Sumter, South Carolina;
 4. **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/TIA 222 (latest revision) standards;
 5. **Antenna Owners:** Identification of the owners of all antennae and equipment to be located on site;
 6. **Owner Authorization:** Written authorization from the site owner for the application;
 7. **FCC License:** Evidence that a valid FCC license for the proposed activity has been issued;
 8. **Visual Impact Analysis:** A line of site analysis showing visual and aesthetic impacts on adjacent residential districts;
 9. **Removal Agreement:** A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use;

10. **Conditions Met:** Evidence that applicable conditions in subsection 5.b.4.e. are met.
- e. Conditions: Applicant must show that all of the following conditions are met:
1. **Location and Visual Impact:** The proposed tower, antenna or accessory structure will be placed on site in such a manner that it will minimize the visual impact on the surrounding properties;
 2. **Inability to locate on existing structures:** The applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and the applicants' technical design requirements without unreasonable modifications on any existing structure or tower under control of applicant, or to locate on an available and suitable nearby tower at reasonable costs (i.e., at or below local area rent average);
 3. **Necessity for location in residential district:** The applicant must show that the portion of the city and/or county intended to receive coverage cannot be adequately served by a communications tower or antenna placed in a non-residential district for valid technical reasons;
 4. **Public property or other private property not suitable:** Prior to consideration of a permit for location on private property which must be acquired, the applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements;
 5. **Design for multiple use:** Applicants must show that a new tower is designed to accommodate additional antennae equal to applicant's present and future requirements;
 6. **Safety Codes Met:** Applicant must show that all applicable health, nuisance, fire, building, and life safety code requirements are met;
 7. **Paint and illumination:** A communications tower must not be painted or illuminated unless otherwise required by state or federal regulations;
 8. **Distance from existing tower:** A permit for a proposed tower site within one thousand (1,000 ft) feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicants structural specifications and design requirements, or that a co-location agreement could not be obtained;
 9. **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 Zoning Administrator a written indemnification of the city or county of Sumter and proof of liability insurance or financial ability to respond to claims up to one million (\$1,000,000.00) dollars in the aggregate which may arise from the operation of the facilities during its life, at no cost to the city and county and in a form approved by the City or County Attorneys.

10. **Minimum Setback:** A tower must be set back from all lot lines by distances equal to the district setback requirement or one hundred (100%) percent of the tower height, whichever is greater;
11. **Technical Assistance:** Prior to issuing a permit, the Zoning Administrator may make use of professional technical services to determine if the standards in 5.b.4.d. are met;
12. **Maintenance:** The communications tower shall be maintained by common corrosion control procedures so it continuously maintains a minimum visual impact on surrounding properties.

f. Applicant may appeal to the Zoning Board of Appeals as follows:

1. Failure of the Zoning Administrator to act within thirty (30) days upon the submission of a completed application meeting the requirements in Sections 5.b.4.d. and 5.b.4.e. (unless extended by agreement), which may be considered to be a denial of a permit; and therefore, is the basis for an appeal to the Board.
2. Applicant may appeal for a variance from the general zoning district regulations, setback requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted by Special Exception pursuant to Section 1.h.4.c.

g. **Special Exception:** A tower, pole, or antenna may be permitted by Special Exception together with the findings considered in Section 1.h.4.c. after a public hearing along with the following criteria:

1. All application requirements and conditions imposed by 5.b.4.d. and 5.b.4.e. are met except height limitations and setbacks;
2. If additional tower height is required, the total tower height will not exceed one hundred-fifty (150%) percent of the maximum height permitted in the district. The absolute maximum in residential districts is one hundred (100 ft) feet. In unincorporated portions of Sumter County, radio and television towers are exempt at the Board of Appeals from tower height limits (this rule does not apply within the corporate limits of the City of Sumter).

3. The applicant has demonstrated that additional height above that permitted by the regulations is necessary for service to occupants of an area within the city or County of Sumter;
4. Setback requirements and additional conditions are established by the Zoning Board of Appeals as it deems necessary to remove dangers to public health and safety and to protect adjacent property;
5. Prior to approving a permit by Special Exception or on appeal from the Zoning Administrator, the Board may make use of professional technical services to determine that the standards in 5.b.4.d and 5.b.4.e. are met.

5.b.5. Manufacturing and Processing Plants: The purpose of this section is to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition. As a practical matter, the enforcement of this section must result as a response to complaints because a violation cannot be known or remedied before it occurs. Therefore, industries shall be made cognizant of the following provisions and shall be required to sign a “compliance guarantee” as a condition for the issuance of a building permit.

- a. **Vibration:** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments or at any point beyond the lot line. In industrial parks vibration beyond the lot line within the industrial parks, which only effects neighboring industries or commercial enterprises, shall not be a violation of this ordinance. Vibration emanating from construction activities between 7:00 a.m. and 9:00 shall be exempt from these regulations;
- b. **Fire and Explosives:** All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosions, including adequate fire fighting and fire suppression equipment;
- c. **Noise:** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values established in Exhibits 9 or 10; in any octave band or frequency. Sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.
- d. **Air Pollution:** The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the Environmental Quality Control Division of the South Carolina Department of Health and Environmental Control (DHEC).
- e. **Odor:** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. In industrial parks odor beyond the lot line within the industrial park, which only effects neighboring industries and

commercial enterprises, shall not be a violation of this ordinance. Notwithstanding, any process which may involve the creation or emission of any such odor shall be provided with both a primary and secondary safe guard system so that control may be maintained in the event of failure of the primary system.

- f. **Glare:** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.
- g. **Fumes and Vapor:** There shall not be emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.
- h. **Heat, Cold, Dampness or Movement of Air:** Activity which could produce any adverse affects on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.
- i. **Toxic Matter:** The measurement of toxic matter shall be at the ground level or habitable elevation and shall be the average of any twenty-four (24) hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in threshold limit values established by the Department of Health and Environmental control (DHEC).
- j. **Exterior Illumination:** All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed in Exhibit 11. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light on adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A in Exhibit 11. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B in Exhibit 11.

5.b.6. Compliance Guarantee: The applicant of a permit for a manufacturing or processing plant shall acknowledge in writing his understanding of the performance standards 5.b.5.a through j. The applicant shall also indicate his (her) agreement to conform with such standards at all times. Any violation after the fact as per 5.b.5. shall constitute a violation of this Ordinance and shall be treated accordingly.

**EXHIBIT 9
MAXIMUM PERMISSIBLE SOUND LEVELS
NIGHT TIME SCHEDULE***

Frequency Band (in cycles per Second)	Sound Pressure Levels (in decibels)	
	At Non-residential	At Residential
	<u>Lot Line</u>	<u>Lot Line</u>
20 – 75	69	65
75 – 150	60	50
150 – 300	56	43
300 – 600	51	38
600 – 1,200	42	33
1,200 – 2,400	40	30
2,400 – 4,800	38	28
<u>4,800 – 10,000</u>	35	20

*Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m. (Note: Noise radiating from a facility between the hours of 7 a.m. and 9 p.m. shall be the same as in Exhibit 9, except as specified and corrected in Exhibit 10).

**EXHIBIT 10
DAY TIME SCHEDULE**

Type of Operations <u>Character of Noise</u>	Correction <u>In Decibels**</u>
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character <u>(hum, speech, etc.)</u>	minus 5

** Apply to the preceding Exhibit 9 one of the corrections only.

EXHIBIT 11
MAXIMUM INTENSITY OF LIGHT SOURCES*
AS PER 5.b.5.j.

	<u>Column A</u>	<u>Column B</u>
Bare Incandescent Bulbs	15 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Backlighted or Luminous Background Signs	150 ft. lamberts	250 ft. lamberts
Outdoor Illuminated Signs & Poster Panels	25 ft. candles	110 ft. candles
Any Other Unshielded Sources <u>Intrinsic Brightness</u>	50 candela per sq. centimeter	50 candela per sq. centimeter

*Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

5.b.7. Flood Hazard Areas: These regulations apply to all Special Flood Hazard Areas, as determined and delineated in The Federal Emergency Management Agency Flood Insurance Rate Maps for the City of Sumter and the unincorporated areas of Sumter County dated February 16, 2007. Future Revisions become effective on map date or as soon as received, whichever is later.

- a. Development Standards for New Construction, Manufactured Homes, and Substantial Improvements:
 1. Structures shall be anchored to prevent flotation, collapse or lateral movement;
 2. Structures shall be constructed with materials and utility equipment resistant to flood damage;
 3. Shall be constructed by methods and practices that minimize flood damage;
 4. Structures shall have all electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. Whenever any portion of the flood plain is used, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be

compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse;

6. New buildings must be constructed on properly designed and compacted fill that extends beyond the building walls before dropping below the base flood elevation (BFE), and has appropriate protection from erosion and scour. The design of the fill must be approved and certified in writing by a South Carolina Registered Civil Engineer;
- b. New and Replacement Water Supply Systems: Such systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - c. New and Replacement Sanitary Sewerage Systems: Such uses shall be designed to minimize or eliminate infiltration of flood waters into systems and discharges from the systems into the flood waters;
 - d. On-site Waste Disposal Systems: Such uses shall be located and constructed to avoid impairment to them on contamination from them during flooding;
 - e. Residential Uses:
 1. All new construction or substantial improvements of any residential structure with base flood elevation shall have the lowest floor, including basement, no lower than two feet above the base flood elevation, should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood water shall be provided in accordance with 5.b.7.d.
 2. All new construction or substantial improvements of any residential structure without base flood elevation shall have the lowest floor, including basement, no lower than three (3) feet above the highest adjacent grade, should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood water shall be provided in accordance with 5.b.7.d.
 - f. Non-residential Uses: New construction or substantial improvement of any non-residential structures:
 1. With base flood elevation, shall have the lowest floor, including the basement no lower than two (2) feet above the base flood elevation; or,
 2. Without base flood elevation, shall have the lowest floor, including the basement no lower than three (3) feet above the highest adjacent grade; or,

3. May be flood proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A South Carolina Registered Architect or Civil Engineer shall certify that the standards of 5.b.7.e.2. are met.
- g. Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by the foundation and other exterior walls below the base flood elevation shall be designed to allow the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. A South Carolina Registered Architect or Civil Engineer shall certify that 5.b.7.f. is met. Also,
 1. That a minimum of two openings have a net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade;
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
 - h. Swimming Pools: All pools, both above and below ground, located within the flood fringe of the SFHA must be designed and constructed to prevent floatation, collapse and lateral movement under flood conditions. Pools are not allowed in a mapped regulatory floodway or in any other floodway as established by Ordinance. And in no case shall pools be allowed within twenty-five feet of the top of bank of a stream.
 - i. Utility Connections: Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
 - j. Parking and Storage: The utilization of enclosed areas shall be the minimum necessary to allow for vehicle parking or limited storage of maintenance equipment used in the connection with the use of the premises;
 - k. Finished Construction: The interior portion of enclosed areas below the first floor elevation shall not be partitioned or finished into separate rooms.
 - l. Guidelines for Streams without Established Base Flood Elevations: Where no base flood elevation data have been provided, the following shall apply;
 1. No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of the bank or twenty feet of each side, whichever is greater;

2. New construction or substantial improvements of structures shall be elevated or flood proofed in accordance 5.b.7.e. and f. 1. & 2.

SECTION C: TEMPORARY USES

5.c.1. Permit Fee: An administrative fee will be charged for permitting a temporary use. The Zoning Administrator is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without such a permit.

5.c.2. Public Safety and Nuisance Avoidance: All applicants filing for a temporary use must operate from a secured and permanently affixed to the ground structure with no displays or goods outside the structure which will distract motorists. Such temporary use shall not cause traffic congestion or create a nuisance to surrounding property.

5.c.3. Limitations on Renewal and Revocation of Permits: All permits for temporary uses may be renewed no more than one time within one calendar year, provided that it is determined that the said use is clearly of a temporary nature. Any temporary use that in the judgment of the Zoning Administrator is creating a nuisance or is disruptive to the surrounding properties will have its temporary permit revoked, and shall receive ten (10) days notice of such action.

5.c.4. Removal of Temporary Use: Structures from which the temporary use is operated shall be removed from the site after the temporary use permit has expired.

5.c.5. Parking and Access Requirements: A minimum of five (5) off-street parking spaces shall be required for any one temporary use per parcel. The Zoning Administrator at his/her discretion may require additional off-street parking in concert with the off-street parking standards established in Article 8, Section J, if such standards require more parking spaces by land use category. Ingress and egress to the site shall be clearly marked. The parking area shall be a dust-free surface of asphalt, crushed rock, concrete or other surface approved by the Zoning Administrator.

5.c.6. Permitted Temporary Uses: The following temporary uses (and no other) may be permitted by the Zoning Administrator subject to the conditions met in 5.c.1. through 5. above:

- a. Carnivals or circus for a period not to exceed twenty-one (21) days upon the approval of the Sumter City Council or its designee or the Sumter County Council as the case may be;
- b. Religious meetings in a tent or other temporary structure in industrial or commercial zones, for a period not to exceed sixty (60) days;
- c. Open lot sales of Christmas trees, in the NC, GC, LI, and HI, districts for a period not to exceed forty-five (45) days;

- d. Fire cracker stands in the NC, LC, GC, or industrial districts for a period not to exceed thirty (30) days;
- e. Contractor's office and equipment shed, in any district, for a period covering a construction phase of a project not to exceed one (1) year, provided that such an office be placed on the property where the construction is to occur;
- f. Temporary retail sales stands in the NC, LC, GC, and Industrial districts for a period not to exceed sixty (60) days, provided that,
 - 1. The sales stands are structures that are permanently affixed to the ground;
 - 2. They are accessory to the principal use on the property;
 - 3. The sales stands are located within the buildable area of the property;
 - 4. Powered or non-powered vehicles cannot be used as a temporary retail sales stand;
 - 5. Seating accommodations may be permitted for no more than fourteen (14) people;
 - 6. Any sign used must be in full compliance with Article 8, Section I of this Ordinance;

(Note: Non-profit and government sponsored events that last less than one (1) week are exempt from items 1,2, and 4 above);
- g. Portable classrooms shall be permitted in any district for cultural facilities, community facilities, and educational facilities, or religious complexes, for a period not to exceed one (1) year, provided that the structures are located behind the principal building(s). Mobile homes may not be considered portable classrooms. Rear and side yard setbacks for the appropriate residential districts shall be maintained.
- h. Mobile homes may not be allowed as a temporary use, except under the following conditions,
 - 1. Caretaker Mobile Home – In order to provide continuous security for commercial and industrial uses as long as occupancy is limited to security personnel associated with the principal use. Occupancy may not occur until approved by the Zoning Administrator and a permit is issued;
 - a. Security Personnel occupying Caretaker Mobile Home may include the caretaker and his immediate family;

- a. Only one mobile home shall be allowed for each principal use;
 - b. The mobile home shall be located in such a fashion as to be generally screened from public view. The Zoning Administrator shall determine the acceptability of the screening;
 - c. Two off-street parking spaces shall be provided for the mobile home;
 - d. The mobile home shall be located on the premises only as long as the principal use occupies the site;
 - e. The temporary permit must be renewed annually;
2. Construction Site Trailers – A mobile home may be located at a major construction site for the temporary use of a watchman, supervisor or other construction personnel; provided that,
- a. The trailer must be located on or immediately adjacent to a major construction site;
 - b. The trailer may be located at the site during the period of construction;
 - c. A temporary permit is renewable semi-annually.
3. Temporary Office Trailer – An establishment which is expanding, rebuilding, or remodeling, and is located in a commercial or industrial zone may obtain a Temporary permit, subject to the following conditions;
- a. The trailer cannot be the principal building. The trailer must be an annex to a pre-existing structure wherein the primary activity of the establishment is customarily conducted;
 - b. The trailer must be located on the property at a site which is furthest removed from public view. The Zoning Administrator will review and approve the proposed site of the trailer;
 - c. The temporary permit is renewable quarterly and is restricted to a maximum of duration of nine months.
- i. Portable on Demand Storage (PODS), sea vans, etc: Defined as portable storage and/or warehouse units that can be acquired on demand and dropped off for either commercial or residential use.

Residential Uses:

- A maximum of two (2) temporary storage units.

- Normally placed in side or rear yard only. However, may be placed in front yard if side and rear are not accessible (without impacting safety – sight triangles or emergency response access).
- Setback of 5 ft. from property lines. No minimum spacing between units and/or structures.
- Maximum dimensions of 8 ft. width, 40 ft. length, and 9 ft. height, and 2880 cubic ft. volume.
- Limited to 90 days with one 90 day renewal in a calendar year.
- A Temporary Use Permit is required.
- Exclusion: All construction sites with active permits or public school construction sites may place all storage units as needed on the site without restrictions or permits. Units must be removed not later than seven (7) days after the CO or Letter of Completion are issued. This does not apply to any office units temporarily on site for construction.

NOTE: Units may not create any safety issues for sight triangles or emergency response access.

All other Districts – GC, NC, LC, PD, LI, HI, AC, AC-10, CP, CBD (City), MUI (County):

- No limit on number or size.
- 5 ft. setback from all property lines except 25 ft. for abutting property line with a residential use.
- No minimum spacing.
- No permit required except when placed in front / secondary front setback area. May only be placed in these areas after demonstrating need for front placement. Permit is for 90 days and may have one renewal in a calendar year.
- Placement may not create a safety hazard especially for sight triangles and emergency access.
- Exclusion: All construction sites with active permits or public school construction sites may place all storage units as needed on the site without restrictions or permits. Units must be removed not later than

seven (7) days after the CO or Letter of Completion are issued. This does not apply to any office units temporarily on site for construction.

NOTE: Units may not create any safety issues for sight triangles or emergency response access.

5.c.7. Allowed Temporary Uses: Within designated “Farmer’s Market” areas, individuals may sell produce (fruits and vegetables) grown by the seller or a member of the seller’s immediate family or household from roadside-type stands or personal vehicles. No permit is required as long as all sales are conducted within the designated area. **NO WHOLESALE/RESALE WILL BE PERMITTED.** Sumter City Council will designate parcels within commercial and industrial districts recommended by the Planning Staff as Farmer’s Market areas with the concurrence of the property owner. Sales may only be conducted during daylight hours. Any other temporary retail sales must comply with Section 5.c.6.f.

5.c.8. Outside Storage: No outside storage (which shall include in its meaning “outside display”) shall be permitted in a PO district. Outside storage of merchandise which is for sale, exclusive of non-useable merchandise i.e., salvage or junk, shall be permitted in NC, LC, GC districts. Outside storage shall be permitted in the LI and HI districts provided that such storage is located behind the principal structure. However, outside storage where allowed by district regulations may not be permitted in any bufferyards, or parking areas.