# *ARTICLE TEN*
# *DEFINITIONS*

## SECTION A: PURPOSE

**10.a.1**. **Purpose:** Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meaning hereinafter indicated.

## SECTION B: DEFINITIONS

### 10.b.1. Definitions:

**Abandonment:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Abutting:** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**Accessory Apartment:** A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with the provision within the structure for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

**Accessory Building:** A building subordinate to the principal building on a lot used for the purposes customarily incidental to those of the main building.

**Accessory Use:** A use incidental to and on the same lot as a principal use.

**Administrative Officer:** The Zoning Administrator shall be the governmental officer charged with administering development regulations.

**Adult Uses:** Adult uses include any establishment or use which sells, displays or exhibits materials, including books, magazines, movies, tapes, photographs, etc., which appeals to prurient interests, containing patently offensive depictions of sexual conduct, and having no serious literary, artistic, political or scientific value. More specifically, such uses shall include the following:

1. **Adult Arcade:** Any place to which the public is permitted wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images depicting or describing specific sexual activities or specific anatomical areas;

2. **Adult Bookstore or Adult Video Store:** A commercial establishment which as one of its principal business purposes, offers for sale or rent (or for form of consideration) any one or more of the following:

    **a.** Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representation which depict or describe specified sexual activities or specified anatomical areas; or

    **b.** Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rent materials depicting or describing specific sexual activities or anatomical areas and still be categorized as an adult bookstore or adult video store. Such business purposes will not serve to exempt such commercial establishments from being categorized as an adult book store or adult video store so long as one of its principal business purposes is the offering for sale or rent for consideration the specified materials which depict or describe specific sexual activities or specified anatomical areas.

3. **Adult Club:** A club, bar, restaurant or similar commercial establishment which regularly features:

    **a.** Persons who appear in a state of nudity or semi-nudity; or

    **b.** Live performances which are characterized by the exposure of specific anatomical areas or by specific sexual activities, or

    **c.** Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

4. **Adult Motel:** A hotel, motel, or similar commercial establishments which:

    **a.** Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specific sexual activities or specific anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

    **b.** Offers a sleeping room for rent for a period of less than ten hours; or

    **c.** Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of less than ten hours.

5. **Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by depictions or descriptions of specific sexual activities or specified anatomical areas;

6. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specific anatomical areas or specified sexual activities.

7. **Specified Sexual Activities:** As herein, specified sexual activities means and includes any of the following: a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; c) masturbation, actual or simulated; or c) excretory functions as part of or in connection with any of the activities set forth in this definition.

8. **Semi-Nudity:** Semi-nude means a state of dress in which opaque clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

9. **Specified Anatomical Areas:** Specified Anatomical Areas means human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola and male human genitals in a discernable turgid state, even if completely and opaquely covered.

**Agriculture** (*See also* **farm**): The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, the operation of any such storing or packing process meets the requirements in this ordinance.

**Airport:** Any area of land or water designated and set aside for the landing and take-off of military or civilian aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Alley:** A public or private street primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Alteration:** Any change, addition, or modification in construction or occupancy of an existing structure.

**Alteration, Structure:** Any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, including the application of any exterior siding to the existing building for the purpose of beautifying and

modernizing shall be considered a structural alteration in the historic or design control overlay districts of this ordinance.

**Amortize:** To force the discontinuance of a non-conforming use within a specified period of time.

**Ash Garden:** A parcel of land located adjacent to or a part of a religious and/or consecrated facility used for the interment of cremated remains of deceased persons. This parcel should include an area for the scattering of cremated ashes in a garden-like setting.

**Application for Development:** The application form and all accompanying documents required by ordinance for approval of a subdivision plat or site plan.

**Approving Authority:** The Sumter City-County Planning Commission, unless otherwise specifically stated by Ordinance.

**Automobile Wrecking Yard** (*See also* **junkyard**): The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping or dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**Auxiliary Uses:** Auxiliary establishments are subordinate to and serve a primary establishment or use. They may or may not be located on the same lot or parcel as a primary use, unlike accessory uses which must be located on the same lot as the principal or primary use.

**Bar:** Any premise wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five (25%) percent of the gross receipts.

**Base Flood:** The flood having a one (1%) percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation:** The crest elevation in relation to a mean-sea level expected to be reached by the one (1%) percent annual chance flood, i.e., the one (100 yr.) hundred year flood.

**Basement:** That portion of a building having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast Inn:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on or in adjacent premises.

**Billboard:** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

**Boarding House:** An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

**Borrow Pit:** Any place or premise where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

**Buildable Area:** That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard and buffer requirements that have been subtracted from the total lot area.

**Building:** Any structure put together for the support, shelter, or enclosure of persons, animals, and property.

**Building, Accessory:** A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

**Building, Principal:** A building in which is conducted, or in which is intended to be conducted, the main or principal uses of the lot on which it is located.

**Buffer Area:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**Canopy**: A structure which is entirely supported from the building and has at least a 9 foot clearance between the lowest point or projection and a sidewalk immediately below.

**Canopy Tree**: A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

**Cemetery**: A parcel of land used for interment of the dead in the ground or in a mausoleum.

**Certificate of Appropriateness**: A certificate of approval issued by a Design Review Committee for alteration, construction, removal, or demolition of a structure within a Historic Zoning District.

**Certification of Zoning Compliance:** A document issued by the Zoning Administrator indicating that the plans for a proposed meet all applicable codes and regulations.

**Civic Organization**: A non-profit organization committed to community development.

**Clinic**: An establishment where medical or dental patients, are not lodged overnight, rather are given examinations and treatment.

**Club, Private**: An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

**Compost:** The humus-like product of the process of compost waste.

**Composting Facility:** Means any facility used to provide aerobic thermophillic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

**Condominium**: A unit in a multi-unit structure owned by individual who has use of all common areas associated with that structure.

**Convenience Store**: A convenience store is any retail store selling primarily food, beverages, household supplies and gasoline. It is designed to attract and depends upon a large volume of stop-and-go traffic, such as Handy Pantry, 7-11, Zippy Mart, etc. It also exhibits the following characteristics:

1. Requires an ABC permit for the sale and distribution of beer and/or wine.
2. Has less than 3,200 square feet in retail space, on average, and.
3. Is open 15 to 24 hours a day.

**Day Care Services:**

1. **Family Day Care Home**: A family day care home is one in which care is given by a family member during the day only for one and not more than twelve children, including the day care parents, own children.

2. **Child Care Services**: Child care services shall mean or include any home, center, agency, or place, however styled, when children not related to the operator are received for custodial care, apart from their parents whether for compensation, reward, or otherwise, during part or all of the day or night and upon any number of successive day or nights.

**Density:** The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are express in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

**Developed Lot or Parcel**: A developed lot or parcel is one which contains $50,000 in commercial, industrial or business improvements, according to records in the tax assessor's office or receipt of a valid building permit in said amount.

**Digital Sign:** means an off-site sign or billboard that utilizes digital or light-emitting diodes (LEDs) or similar electronic methods to create a changeable image display area.

**Dwelling**: A building or portion of a building arranged or designed to provide living quarters for one or more families.

**Dwelling, Apartment**: See dwelling, Multi-family.

**Dwelling, Attached**: A one-family dwelling attached to two or more one- family dwellings by common vertical walls.

**Dwelling, Cluster**: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. It is applied principally to single-family residential subdivision that permit a reduction in lot area provided there is not increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

**Dwelling, Group**: A building or portion of a building intended for occupancy by several unrelated person. The term "group dwelling" includes the terms "rooming house," "fraternity house," and "sorority house."

**Dwelling, Mobile Home**: A mobile home is a transportable structure of one or more sections built on a permanent metal chassis and designed to be towed. The term "mobile home" as used in this Ordinance shall not include prefabricated, modular, or unitized dwellings placed on permanent foundations, nor shall it include travel trailers, motor homes, campers, or similar units designed for recreation or other short term uses.

**Dwelling, Multi-Family**: A dwelling designed for or occupied by five or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Patio House**: A single-family detached or semi-detached unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

**Dwelling, Quadruplex**: A single building designed, constructed, or reconstructed and used for four (4) dwelling units which are separated by common walls between the individual dwelling units.

**Dwelling, Single-Family, Detached:** A detached dwelling of one unit, other than a mobile home, designed for or occupied exclusively by one family.

**Dwelling, Town House**: A series of attached one-family dwelling units on separate lots which may or may not be a common roof and are separated from each other by common vertical walls.

**Dwelling, Two-Family or Duplex**: A single building designed, constructed, and used for two (2) dwelling units connected by a common wall.

**Dwelling, Triplex:** A single building designed, constructed, and used for three (3) dwelling units which are separated by common walls between the individual dwelling units.

**Dwelling Unit**: A single unit providing completely independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation

**Dwelling, Zero Lot Line**: A zero lot line house is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio house.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**Electronic Gaming Operations:** Any business enterprise, whether as a principal use or an accessory use, where persons use electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, actual or simulated, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined results. This term includes, but is not limited to internet cafes, internet sweepstakes, cybercafés, sweepstakes promotions, or sweepstakes parlors. This does not include any lottery approved by the State of South Carolina.

**Electronically Changing Message Sign:** means a sign or portion thereof designed to accommodate frequent message changes composed of characters or letters, and that can be changed or rearranged electronically without altering the face or surface of such sign.

**Environmental Assessment:** A study to determine the on-site and off-site effects on natural resources from the development of certain land uses outlined in this ordinance wherein an Environmental assessment is called for. The principal items to be investigated includes on-site and off-site water pollution; on-site and off-site soil erosion; noise; heat; glare; vibration; trash & litter; and air pollution emanating from the site.

**Evergreen Tree:** A coniferous or deciduous tree that remains green throughout the year.

**Exterior Architectural Appearance**: The architectural characteristics and general composition of the exterior of a structure, including but not limited to the kind, color, and

texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

**Family:** One or more person occupying a dwelling unit and living as a single household unit, including up to nine (9) mentally or physically handicapped persons for whom care is provided on a 24-hour basis, in accordance with 6-7-830 or the S.C. Code of Laws.

**Farm or farmland** (*See also* **agriculture**)**:** A farm is a parcel of land of not less than thirty-five (35 ac.) acres, in one ownership, that is used primarily for commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock. The term "one ownership" shall include an individual, corporation, business trust, estate, trust, partnership, association, or two or more persons having a joint or common interest in the land.

**Firewood Shop:** Firewood shop is a business that processes timbers into fire logs and sells the wood on site.

**Flood Plain:** Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

**Floor Area Ration**: An intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

**Garage**: Any building, premises and land in which or upon which a business, service or industry involving the maintenance servicing, repair or painting of vehicles is conducted or rendered.

**Garage, Private**: An accessory building or portion of a principal building used for the storage of private motor vehicles and in which no business, occupation, or service for profit is in any way connected.

**Gross Floor Area (GFA)**: The sum of the floor area for each of the building's stories measured from the exterior limits of the faces of the structures, including basement floor area. It does not include enclosed porches or any floor space in an accessory building or in the principal building which is designed for parking or motor vehicles.

**Hazardous and Nuclear Waste Disposal Sites**: Any site used for the underground burial of hazardous chemicals or nuclear wastes, or the processing by incineration or other methodology of disposal. This term also includes infectious waste generated in the health care community in the diagnosis, treatment, immunization, or care of human beings; generated in autopsy or necropsy; generated in research pertaining to the production of biologicals which have been exposed to human pathogens; generated in research using human pathogens where the disposal of such materials poses a hazard to environmental conditions.

**Height**: The vertical distance between the finished grade along the front of the structure to the highest point of the structure.

**Historic Zoning District**: An area designated by Ordinance of the City/County Council containing within definable geographic boundaries one or more historically significant properties, buildings, or places.

**Home Occupation**: Any occupation within a dwelling including a family day care home, and clearly incidental thereto, carried on a by a member of the family residing on the premises, provided that:

1. No exterior indication of the use is evident other than a business identification sign affixed to the principal structure located on the premises, meeting all dimensional requirements in Article Eight Section I of this Ordinance;

2. The maximum floor area used for such occupation shall not exceed 600 square feet or 10 percent of the gross floor area of the principal structure, whichever is lesser in accordance with the adopted Building Codes;

3. If such a home occupation is to occupy an accessory structure on the premises, space limitation for the home occupation listed in item two (2) shall apply. However, all dimensional requirements governing side and rear yard setbacks must be observed. No hardship variances from this requirement shall be permitted whatsoever. Furthermore, an accessory structure used as a home occupation must be located in the rear or side yard of the principal structure and the accessory structure must not be no higher than the principal structure;

4. All parking necessary to accommodate the home occupation shall be located on the zoned lot, and on-street parking shall be expressly prohibited. No hardship variances from this requirement shall be permitted whatsoever;

5. The following uses do not meet the definition of a home occupation and are expressly prohibited:

    a. Automobile and/or body and fender repair;

    b. Repair, manufacturing and processing uses. However, this shall not exclude the home occupation of a dressmaker or tailor where goods are not manufactured for stock sale or distribution;

    c. Construction trades where office or business activities associated with the conduct of the business are conducted on the premises;

    d. Service trades where automobile or truck fleets are customary to the conduct of the business.

**Hotel**: Any building containing six or more guest rooms intended to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests. The term "hotel" shall include the term "motel."

**Impervious Surface**: Impervious surfaces are those that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Zoning Administrator to be impervious within the meaning of this definition also will be classed as impervious surfaces.

**Impervious Surface Ratio**: The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

**Industrial Uses, Heavy**: Heavy industrial uses are characteristically defined as meeting one or more of the following criteria:

1. Lot size of 10 acres or more;
2. Facilities requiring large structures outside principal buildings, such as refineries;
3. Buildings exceeding one-story;
4. Buildings with a floor area ration of .25 percent or more.

**Industrial Uses, Light**: Light industrial uses are characteristically defined as meeting the following criteria:

1. Lot size less than 10 acres;
2. All processing and storage of raw materials are contained in completely enclosed buildings;
3. Buildings not exceeding one-story;
4. Buildings with floor area less than .25 percent.

**Inert Dump Site**: A site designed and intended as a repository for material whose rate of decomposition by micro-organisms or chemical oxidation is such that environmental pollution does not result. Examples include broken brick, concrete, and asphalt.

**Institutional Uses**: Uses which are supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly. While some uses may be operated for private profit, they duplicate services that are generally provided by public or non-profit groups.

**Junk or Salvage Yard**: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or two or more unregistered, inoperable motor vehicles or other type of junk.

**Kennels, Commercial**: An establishment where small animals are boarded principally outdoors for compensation or where dogs are raised and/or bred on a commercial scale. This definition does not include veterinary clinics, where the boarding of animals is enclosed.

**Kennels, Domestic**: A pen, shelter or structure where no more than three dogs are boarded.

**Landmark**: A property or structure designated as a "landmark" by City or County Council that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance.

**Lot:** An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Sumter County, as maintained in the Sumter County Courthouse.

The terms "lot," "lot record," "lot of record," "property," or "tract," whenever used in this Ordinance are interchangeable.

**Lot, Corner**: A lot located at the intersection of two or more streets.

**Lot, Double Frontage**: A lot which has frontage on more than one street.

**Lot, Interior**: A lot, other than a corner lot, which as frontage on only one street other than an alley.

**Lot, Depth**: The horizontal distance between front and rear lot lines.

**Lot, Width**: The distance between side lot lines measured at the front building line.

**Lot Area**: The area contained within the boundary lines of a lot.

**Lot Line**: A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Manned Convenience Center**: A facility used for the collection and transfer of household waste and recyclable waste products, including such items as aluminum, glass, cardboard, plastics, white goods, paper, tree limbs, etc. Such centers shall have employee(s) on the site during all of its operating hours.

**Mini-Warehouse:** A building or group of buildings in a controlled-access and fenced compound that contains individual compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

**Mobile Home Park**: A lot or parcel with space, improvements and utilities for the long-term parking of three (3) or more mobile homes which may include services and facilities for the residents.

**Mobile Home Space**: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Mobile Food Unit:** All mobile food units shall be manufactured for the express purpose of mobile food vending. Mobile vending shall be from a commercially manufactured (not homemade) commercial grade cart or vehicle of a type outlined below.

1. **Cart –** any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor. Carts come in two varieties, those which the operator stands on the ground or those which the operator stands inside the cart. Typically there is not electric or mechanical refrigeration associated with the cart.

2. **Frozen food truck/cart –** a mobile motorized or non motorized concession on wheels that normally contains a commercial freezer. All products served are frozen and prepackaged.

3. **Soft serve ice cream truck –** a motorized vehicle that has a soft serve ice cream machine on board along with toppings and contains: commercial refrigerators/freezers that are permanently affixed inside the truck; sink systems that are large enough to handle all items that must be washed/rinsed/sanitized in the concession to include a three-compartment sink with a faucet; hand washing sink with faucet, and a water system that can handle the hot water needs of the food service; there must also be adequate food/dry goods storage; adequate wastewater storage tank.

4. **Catering Type Truck –** a motorized truck that carries prepackaged and non-prepackaged hot and cold type foods. Catering trucks that have a commercial grill, soup warmer, and/or undertake on-site food preparation must provide sink systems that are large enough to handle all items that must be washed/rinsed/sanitized in the concession to include a three-compartment sink with a faucet; hand washing sink with faucet, and a water system that can handle the hot water needs of the food service; there must also be adequate food/dry goods storage; adequate wastewater storage tank.

**Modular Home or Modular Structure**: A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings. When meeting the requirements of the Modular Building's Construction Act (22-43-10 of the South Carolina Code of Laws), said building or structure may be located in any of the County's several zoning districts.

**Non-Conforming**: Lots, structures, signs, uses of land and structures, and characteristics of uses which are prohibited under the terms of this Ordinance, but were lawful at the date of the Ordinance's enactment.

**Non-Residential Use**: A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

**Open Space:** Any parcel of land designed to meet the twenty-five (25%) percent open space provision as setforth in any Planned Development District created as a result of this Ordinance. Expressly allowed as open space are recreation spaces, drainage detention or retention facilities, wetlands as determined by the Army Corp of Engineers or Sumter County Soil Conservation Service, landscaped area and/or bufferyards, and public right-of-way that contain street trees, sidewalks, and concrete curb and gutter. Public ownership of any lands designated for open space shall be by specific action of the governing authority at the time of final plat approval. Nothing in this ordinance shall create a presumption that public ownership of open space shall arise without the express consent of the governing authority.

**Open Space Ratio**: The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

**Park:** A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

**Poultry House, Commercial**: A building or structure where chickens, turkeys, ducks, or other domestic birds are raised exclusively for commercial use, and where the structure(s) in which they are housed is not less than 200 sq. ft. in aggregate.

**Produce:** fresh fruits, vegetables and other plant materials or plant by-products such as herbs, spices, edible mushrooms and honey.

**Public Utilities:** Companies and persons generating, transmitting, distributing, transporting and/or collecting in any manner public infrastructure including but not limited to: electricity (electrical utility), heat (other than means of electricity), water, sewer, communications (telephone utility) and cable to the public or any portion of for compensation. SIC Codes covered in this Section include the following: SIC 484, 491, 492, 493, 494, 4952, 48.

a. Major Public Utility – Infrastructure services providing regional or community-wide services.

b. Minor Public Utility – Infrastructure services that need to be located in or near the development or use it is intended to serve. These utilities are typically unmanned and include water towers, pump stations, and service compounds.

**Resource Recovery**: The process of obtaining material or energy resources from solid waste which no longer have any useful life in its present form and preparing the waste for recycling.

**Resource Recovery Facility**: A combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste so that component materials or substances or recoverable resources may be used as a raw material or energy source.

**Recreational Vehicle**: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**Sanitary Landfill**: A means of disposing of solid waste on land by spreading the waste in thin layers, compacting the waste to the smallest practical volume, and covering the waste with earth cover at the conclusion of each working day so as not to create pollution, nuisances or hazards to public health safety.

**Sign**: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Sign, Abandoned**: A sign structure not containing a sign for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists, or to which it refers.

**Sign, Awning, Canopy or Marquee**: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee.

**Sign, Banner**: A temporary sign constructed of a non-rigid material that is exposed to the weather or wind including signs that are protected by eaves, awnings, or other structures.

**Sign, Face:** The area or display surface used for the message.

**Sign, Flat**: A single faced sign attached flush to a building or projecting no more than 12 inches.

**Sign, Free-Standing**: Any non-movable sign not affixed to a building.

**Sign, Permanent**: A sign attached to a building, structure, or the ground in some manner and made of materials intended for more than short term use.

**Sign, Political**: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

**Sign, Portable**: A sign that is not permanent, affixed to a building, structure or the ground.

**Sign, Projecting**: A sign that is not permanent affixed to the building, structure or the ground.

**Sign, Roof**: A sign that is mounted on the roof of a building which is wholly dependent upon a building for support and while projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

**Sign, Temporary**: A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

**Sign, Wall**: A sign painted on the wall of a building and has sign structure.

**Sign, Window**: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

**Solid Waste**: Any non-hazardous garbage, refuse, or sludge from a waste treatment facility, water supply plant.

**Solid Waste Storage**: The containment of solid waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided however, that storage in containers by persons or solid waste resulting from their own activities on their property, leased or rented property, if the solid waste in such containers is collected at least once a week, shall not constitute "storage" for purposes of this act. The term does not apply to containers provided by or under the authority of solid waste prior to disposal.

**Stock Yard**: An open or closed compound where livestock is fed, graded, bought, sold, or maintained for transfer.

**Street, Public**: Any vehicular way which: (1) is an existing accepted and publicly-maintained (state, county or municipal) roadway; or (2) is shown upon a plat approved pursuant to law after January 1, 2000 and has been improved to all standards required for acceptance by a public body or a bond has been posted to guarantee such improvement; or (3) is accepted by other official action. It includes the land between the street lines, whether improved or unimproved.

**Expressway**: A public thoroughfare with limited access that could have both at-grade intersections and grade separated interchanges.

**Arterial Street**: A public thoroughfare which filters traffic from local streets and conducts it to arterial streets or local traffic generators such as schools, recreation areas, and public parks.

**Local Street**: A public thoroughfare designed to provide access to property abutting the right-of-way.

**Private Street:** A private street is a vehicular way not dedicated, accepted, or maintained by Sumter County Council, a municipality, the State Department of Transportation, or any other governmental entity. All such non dedicated streets, where they are permitted, shall meet the same design and construction standards for comparable public streets.

**Structure:** Anything constructed or erected, including canopies

**Structural Alteration**: Any change in the supporting members of construction, such as the bearing walls, beams or girders, or and change in the dimension or configuration of the roof of exterior walls of a building.

**Subdivider**: Any person, firm, corporation or other legal entity subdividing land within the jurisdiction of this Ordinance.

**Subdivision:** The division of a tract, parcel or lot into two or more lots or building sites, or other divisions of land for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and includes the re-subdivision of land.

**Subdivision, Exempt**: (as defined in S.C. Code 6-29-1110); An exempt subdivision is one which meets the following conditions:

1. Combining or recombining portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the Ordinance Standards.

2. Dividing land into parcels of five (5) acres or more where no new street is involved. The Planning Commission must receive plats of these exceptions as information and indicate that fact on the plats. A parcel of five (5) acres or more is exempt if it meets the minimum frontage requirements for the zoning district on a public street. An exempt parcel may not be subdivided on a private street or easement. However, a parcel of five (5) acres or more may be subdivided even though it fronts on a private street or easement so long as the land is used only for bona fide agricultural purposes and no improvements are made to the real estate. In that case, the subdivision plat shall be annotated to indicate that limitation before it may be recorded in the Office of the Register of Deeds.

3. Combining or recombining entire lots or record where no new streets or change in existing streets is involved.

4. A subdivision involving cemetery lots

5. The subdivision of property pursuant to specific directions for the divisions of the property set out in a will executed prior to the effective date of the Subdivision Ordinance adopted as Ordinance 1287 on December 1, 1991 in the City of Sumter, and November 12, 1999 in the County of Sumter.

6. A lifetime transfer or conveyance of property from parent to child and/or the spouse of any such donee child, and the lifetime transfer from grandparent to grandchild (**Any other family relationships requesting to use this provision must be reviewed and approved by the Sumter Planning Commission**), subject, however, to the following conditions:

    1. The grantor(s) must ensure that the grantee(s) shall have sufficient access to the property. If the property to be granted does not abut a public street or rural community driveway, then an easement for ingress and egress must be established. The easement must be passable and available to public and private vehicles. The easement must be at least 15 feet in width and located on a recordable plat of survey. The grantee's legal right to use the easement must be certified by a licensed attorney at law who shall write a title opinion letter verifying the Grantee(s)' right to use the easement. Acceptable exceptions in the attorney's title opinion shall be easement for utilities and real estate taxes for the then current year and subsequent years;

    2. All addressed provisions of the E-911 system must be met;

    3. Maintenance of the easement will be the responsibility of each property owner who uses the easement;

    4. This exemption will be disqualified if the property is ever conveyed outside the immediately family of the grantee(s) for whom this exemption applies ("immediate family" being defined as parents, siblings, spouses and children). In that case, and prior to the transfer being effective, the easement must be upgraded to an all weather surface with at least a 15 foot travel way and covenants consistent with the provisions for a Rural Community Driveway in subsections 8.e.2.c. through 8.e.2.g. of this Ordinance shall be recorded to provide for the maintenance of the easement. Also, the design and improvement standards for the easement shall then become the same as those for a Rural Community Driveway as set forth in section 8.e.2. including specifically subsection 8.e.2.i. unless compliance with that specific subsection is impossible due to the width of the original easement and the inability of the disqualifying grantor to obtain the necessary travel way width for the benefit of the disqualifying grantee. To ensure compliance with this subsection section, any deed for

property which constitutes an exempt subdivision under this subsection shall contain the following language: **"This property is subject to restrictions found in the Sumter County Subdivision Ordinance of December 14, 1999, under the definition of 'subdivision, exempt:' in Article 10, Section 10.b.1, or any successor ordinance or statue having the force of law."**

**Subdivision, Major**: A major subdivision is any subdivision other than an exempt or minor subdivision.

**Subdivision, Minor**: A minor subdivision is on which does not involve the provision of any new street for access; but includes subdivisions involving Rural Community Driveways.

**Subdivision Review Committee:** A Committee formed to coordinate the processing of all subdivisions located within the jurisdiction of this Ordinance, also referred to herein as the "Committee".

**Surveyor**: A person who is registered by the South Carolina State Board of Engineering Examiners to practice land surveying in South Carolina.

**Transfer Station**: A combination of structures, machinery, or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units with or without reduction of volume, for movement to another solid waste management facility.

**Treatment**: Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character of composition of any hazardous waste so as to neutralize such waste, or so as to render such waste as non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovers, amenable for storage, reduced in volume.

**Understory Tree**: A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees, and others.

**Use:** The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

**Use, Principal**: The primary purpose for which land is used.

**Variance:** A modification of the area regulations of this Ordinance granted by the Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification

will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

**Waste Tire Site:** An establishment, site, or place of business, without a collector or processor permit, that is maintained, operated, used or allowed to be used for the disposal, storing, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements:

1. All vehicles serviced, owned, or leased by the owner or operator of the service facility;

2. No more than two hundred waste tires are accumulated for a period of not more than thirty days at a time;

3. The facility does not accept any tires from sources other than its own; and

4. All waste tires are stored under a covered structure.

**Waste Tire Treatment Site**: A permitted site used to produce or manufacture usable materials, including fuel from waste tires.

**Wetlands**: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The wetlands will have the following diagnostic environmental characteristics (not given in detail here): Vegetation, Soil, and Hydrology.

Carolina bays, savannahs, or other naturally occurring depressions which may or may not be regulated by the Corps of Engineers definition should be regulated as follows:

1. Naturally occurring depression two (2) acres or less may be developed provided that satisfactory drainage is accomplished and that all FEMA regulation as to the flood plains are adhered to

2. Naturally occurring depressions greater than two acres in area may be developed as recreational areas and may be incorporated as green space

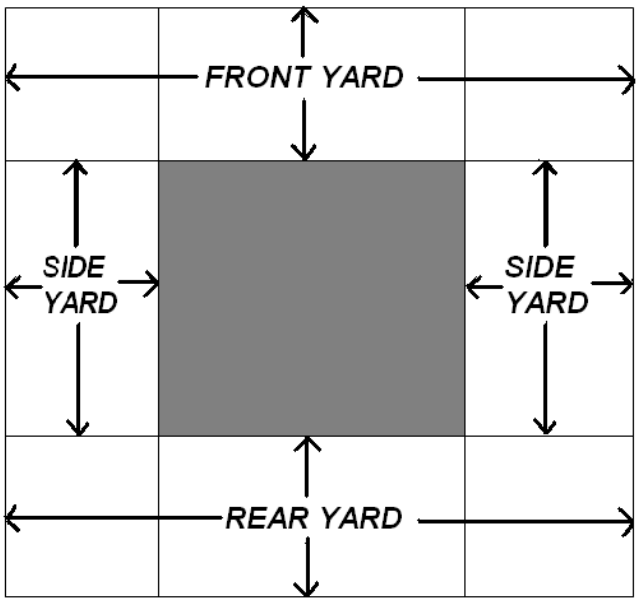
**Yard**: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

**Yard, Front**: A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

**Yard, Rear**: A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

**Yard, Required**: That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

**Yard, Side:** A space extending from the front yard to the rear yard and lying between each side lot line and the principal building on the lot.




**Zoning District:** The term applied to various geographical areas (districts) of the City of Sumter and Sumter County for the purpose of interpreting the provision of this Ordinance, as designated on the Official Zoning Map(s) for the City of Sumter and Sumter County.