

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
ARTICLE ONE:	ADMINISTRATION	
ARTICLE ONE SECTION A:	AUTHORITY	
1.a.1.	Authority to Adopt	1
1.a.2.	Purpose, General	1
1.a.3.	Purpose, Specific	1
1.a.4.	Purpose, Implementation of Comprehensive Plan	1
ARTICLE ONE SECTION B:	JURISDICTION	
1.b.1.	Areas affected by Zoning	1
1.b.2.	Amendments to Ordinance	1
ARTICLE ONE SECTION C:	FEES	
1.c.1.	Items for Which Fees Will be Changed	1
ARTICLE ONE SECTION D:	ENFORCEMENT & PENALTIES	
1.d.1.	Role of Zoning Administrator	2
1.d.2.	Legal Remedies for Violation	2
ARTICLE ONE SECTION E:	INTERPRETATION, CONFLICT, AND SEPARABILITY	
1.e.1.	Zoning Standards are the Minimum Requirements	2
1.e.2.	Zoning Standards are Separable	2
ARTICLE ONE SECTION F:	PLANNING COMMISSION ESTABLISHMENT AND PURPOSE	
1.f.1.	Authority Found in State Law	3
1.f.2.	Requirement for Rules of Procedure	3
1.f.3.	Appointment of Planning Commissioners and Terms of Office	3
1.f.4.	Planning Commission Must Approve Plats	3
1.f.5.	Building Permits Require Site Plan Approval	3
1.f.6.	Zoning Board of Appeals Jurisdiction Over Site Plans & Subdivisions	3
1.f.7.	Waiver of Site Plan Applications	3
ARTICLE ONE SECTION G:	PLANNING COMMISSION, RULES OF PROCEDURE	
1.g.1.	Officers	4
1.g.2.	Meetings	4
1.g.3.	Public Hearings	5
1.g.4.	Records	5
1.g.5.	Review Procedures for Zoning Amendments, Plats, Comprehensive Plan, Reconstruction, Appeals	6
ARTICLE ONE SECTION H:	BOARD OF ZONING APPEALS, ESTABLISHMENT AND PURPOSE	
1.h.1.	Authority Found in State Law	8
1.h.2.	Rules of Procedure	8
1.h.3.	Appointment of Appeals Board Members	8
1.h.4.	Role of Zoning Administrator, Administrative Interpretation, Variances, Special Exceptions	8
ARTICLE ONE SECTION I:	ZONING BOARD OF APPEALS: RULES OF PROCEDURE	
1.i.1.	Officers	10
1.i.2.	Appeals Process	11

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
ARTICLE ONE SECTION I:	ZONING BOARD OF APPEALS: RULES OF PROCEDURE	
1.i.3.	Meetings & Conduct Thereof	12
1.i.4.	Actions on Appeals	13
1.i.5.	Public Notice	13
1.i.6.	Public Hearings on Appeals	13
1.i.7.	Stay of Proceedings	13
1.i.8.	Expiration of Variances or Special Exception	14
1.i.9.	Appeals from Board of Zoning Appeals	14
ARTICLE ONE SECTION J:	DESIGN REVIEW BOARD: ESTABLISHMENT AND PURPOSE	
1.j.1.	Authority Found in State Law	16
1.j.2.	Requirements for Rules of Procedure	16
1.j.3.	Composition of the Design Review Board	16
1.j.4.	Powers of Design Review Board	16
ARTICLE ONE SECTION K:	HAMPTON PARK, DOWNTOWN HISTORIC DISTRICT, OVERLAY DISTRICTS ARE CREATED	
1.k.1.	Location of Overlay District Shown on Zoning Map	17
1.k.2.	Intent of Overlay Districts	17
1.k.3.	Permit Uses in Districts	17
ARTICLE ONE SECTION L:	SWAN LAKE OVERLAY DISTRICT	
1.l.1.	Purpose	18
1.l.2.	Certificate of Appropriateness	18
1.l.3.	Uses	18
ARTICLE ONE SECTION M:	CERTIFICATES OF APPROPRIATENESS CRITERIA FOR ISSUANCE	
1.m.1.	Criteria for a Certificate of Appropriateness	18
1.m.2.	Additional Criteria for a Certificate of Appropriateness	19
ARTICLE ONE SECTION N:	DESIGN REVIEW BOARD, RULES OF PROCEDURE	
1.n.1.	Officers	19
1.n.2.	Meetings	20
ARTICLE ONE SECTION O:	DESIGN REVIEW BOARD APPLICATION REQUIREMENTS FOR A CERTIFICATE OF APPROPRIATENESS	
1.o.1.	Time Frame for Submittals	21
1.o.2.	Type of Information Required for a Certificate of Appropriateness	21
1.o.3.	Public Hearing Requirements	21
1.o.4.	Time Frame for Demolition Permits	21
1.o.5.	General Certification of Appropriateness	22
1.o.6.	Appeals to the Design Review Board	22
1.o.7.	Denial of Certificate of Appropriateness	22
1.o.8.	Appeals from the Design Review Board	22
1.o.9.	Contempt; penalty.	23
1.o.10.	Pre-litigation mediation; notice; settlement approval effect on real property; unsuccessful mediation.	23
1.o.11.	Notice of appeal, transcript; supersedeas	24
1.o.12.	Determination of appeal; costs; trial by jury	24

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
ARTICLE ONE SECTION P:	ADMINISTRATIVE OFFICER AND RESPONSIBILITIES	
1.p.1.	Zoning Administrator Enforces the Zoning Ordinance	25
1.p.2.	Zoning Administrator & Building Official	25
1.p.3.	Zoning Administrator Authorized to Prevent Violations	25
ARTICLE ONE SECTION Q:	LAND CLEARANCE, GRADING, BUILDING, AND SIGN PERMITS	
1.q.1.	Zoning Administrator to Issue Permits	25
ARTICLE ONE SECTION R:	APPLICATION FOR A BUILDING PERMIT	
1.r.1.	Site Plan Required	26
1.r.2.	City / County Engineer to Approve Infrastructure Design	26
ARTICLE ONE SECTION S:	CERTIFICATES OF ZONING COMPLIANCE FOR NEW OR ALTERED USES	
1.s.1.	Building Permits Require Zoning Certificates	26
ARTICLE ONE SECTION T:	CONSTRUCTION AND USE TO BE AS SHOWN IN THE APPLICATIONS, SITE PLANS, BUILDING PERMITS, AND CERTIFICATES OF OCCUPANCY	
1.t.1.	Permits Issued with Approval Plans	26
1.t.2.	Certificate of Occupancy guidelines	26
ARTICLE ONE SECTION U:	AMENDMENT AUTHORIZATION AND PROCEDURE	
1.u.1.	Planning Commission to Recommend Changes to The Zoning Ordinance	27
1.u.2.	Who May Initiate Amendments	27
1.u.3.	Application Fee Required	27
1.u.4.	Planning Commission Report	27
1.u.5.	Declaration of Policy for Rezoning	27(a)
1.u.6.	Public Hearing Required for Rezoning	27(a)
1.u.7.	Action of Councils on Rezoning	27(a)
1.u.8.	Resubmission of Denied Applications	27(a)
ARTICLE TWO:	ESTABLISHMENT OF ZONING DISTRICTS AND MAPS	
ARTICLE TWO SECTION A:	ZONING DISTRICTS	
2.a.1.	Listing of Zoning Districts	28
ARTICLE TWO SECTION B:	ZONING DISTRICT BOUNDARIES AND THE OFFICIAL MAP	
2.b.1.	Approval of the Official Zoning Map	29
2.b.2.	Incorporation of the Flood Insurance Rate Map into the Zoning Ordinance	29
2.b.3.	Interpretation of Zoning District Boundaries	29
2.b.4.	Amendments to the Official Zoning Map	30
2.b.5.	Annexation Zoning into a Municipality	30
ARTICLE THREE:	ZONING AND DEVELOPMENT DISTRICT REGULATIONS	
ARTICLE THREE SECTION A:	GENERAL	
3.a.1.	Compliance with applicable district regulations set Forth in Ordinance	32

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
ARTICLE THREE SECTION B:	<i>R-15 AND R-9 SINGLE FAMILY DISTRICTS</i>	
3.b.1.	Purpose	32
3.b.2.	Permitted Uses	32
3.b.3.	Conditional Uses	33
3.b.4.	Special Exceptions	34
3.b.5.	Development Standards	34
ARTICLE THREE SECTION C:	<i>R-6 SINGLE FAMILY RESIDENTIAL DISTRICT</i>	
3.c.1.	Purpose	35
3.c.2.	Permitted Uses	35
3.c.3.	Conditional Uses	35
3.c.4.	Special Exceptions	36
3.c.5.	Development Standards	36
3.c.6.	Off Street Parking	36
3.c.7.	Landscape Requirements	36
	EXHIBIT 1 – Development Standards for Uses in R-6 District	37
ARTICLE THREE SECTION D:	<i>GENERAL RESIDENTIAL DISTRICT</i>	
3.d.1.	Purpose	38
3.d.2.	Permitted Uses	38
3.d.3.	Conditional Uses	38
3.d.4.	Special Exceptions	39
3.d.5.	Development Standards	39
3.d.6.	Special Development Standards for Manufactured Units Or Mobile Homes	39
3.d.7.	Special Development Standards for Mobile Home Parks	40
3.d.8.	Off Street Parking	40
3.d.9.	Landscape Requirements	40
	EXHIBIT 2 - Development Standards for Uses in GR District	41
ARTICLE THREE SECTION E:	<i>RESIDENTIAL MULTI-FAMILY DISTRICT</i>	
3.e.1.	Purpose	42
3.e.2.	Permitted Uses	42
3.e.3.	Conditional Uses	42
3.e.4.	Special Exceptions	42
3.e.5.	Development Standards	42
3.e.6.	Off Street Parking	42
3.e.7.	Landscape Requirements	42
	EXHIBIT 3 – Development Standards for Uses in RMF District	43
	EXHIBIT 4 – Permitted & Conditional Uses in Residential Districts	44
ARTICLE THREE SECTION F:	<i>PROFESSIONAL OFFICE DISTRICT</i>	
3.f.1.	Purpose	47
3.f.2.	Permitted Uses	47
3.f.3.	Conditional Uses	48

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
3.f.4.	Special Exceptions	49
3.f.5.	Development Standards	49
ARTICLE THREE SECTION G:	<i>NEIGHBORHOOD COMMERCIAL DISTRICT</i>	
3.g.1.	Purpose	50
3.g.2.	Permitted Uses	50
3.g.3.	Conditional Uses	50
3.g.4.	Special Exceptions	51
3.g.5.	Development Standards	51
ARTICLE THREE SECTION H:	<i>LIMITED COMMERCIAL DISTRICT</i>	
3.h.1.	Purpose	52
3.h.2.	Permitted Uses	52
3.h.3.	Conditional Uses	55
3.h.4.	Special Exceptions	55
3.h.5.	Development Standards	55
ARTICLE THREE SECTION I:	<i>GENERAL COMMERCIAL DISTRICT</i>	
3.i.1.	Purpose	56
3.i.2.	Permitted Uses	56
3.i.3.	Conditional Uses	58
3.i.4.	Special Exceptions	59
3.i.5.	Development Standards	60
ARTICLE THREE SECTION J:	<i>CENTRAL BUSINESS DISTRICT</i>	
3.j.1.	Purpose	61
3.j.2.	Permitted Uses	61
3.j.3.	Conditional Uses	62
3.j.4.	Special Exceptions	63
3.j.5.	Development Standards	63
ARTICLE THREE SECTION K:	<i>LIGHT INDUSTRIAL – WAREHOUSE DISTRICT</i>	
3.k.1.	Purpose	64
3.k.2.	Permitted Uses	64
3.k.3.	Conditional Uses	66
3.k.4.	Special Exceptions	68
3.k.5.	Development Standards	69
ARTICLE THREE SECTION L:	<i>HEAVY INDUSTRIAL DISTRICT</i>	
3.l.1.	Purpose	70
3.l.2.	Permitted Uses	70
3.l.3.	Conditional Uses	71
3.l.4.	Special Exceptions	72
3.l.5.	Development Standards	72
ARTICLE THREE SECTION M:	<i>AGRICULTURAL CONSERVATION</i>	
3.m.1.	Purpose	73
3.m.2.	Permitted Uses	73
3.m.3.	Conditional Uses	74
3.m.4.	Special Exceptions	75
3.m.5.	Development Standards	76

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
<i>ARTICLE THREE SECTION N:</i>	<i>CONSERVATION PRESERVATION DISTRICT</i>	
3.n.1.	Purpose	77
3.n.2.	Permitted Uses	77
3.n.3.	Conditional Uses	77
3.n.4.	Special Exceptions	77
3.n.5.	Development Standards	77
	EXHIBIT 5 – Permitted & Conditional Uses in the Commercial, Industrial, Agricultural, & Conservation Districts	79
<i>ARTICLE THREE SECTION O:</i>	<i>AGRICULTURAL CONSERVATION – 10 (AC-10) DISTRICT</i>	
3.o.1.	Purpose	90
3.o.2.	Permitted	90
3.o.3.	Conditional Uses	90
3.o.4.	Special Exceptions	91
3.o.5.	Development Standards	91
<i>ARTICLE THREE SECTION P:</i>	<i>PLANNED DEVELOPMENT DISTRICT</i>	
3.p.1.	Purpose	92
3.p.2.	Area of Ownership	92
3.p.3.	Map Designation	92
3.p.4.	Planning Requirements	92
3.p.5.	Permitted Uses	93
3.p.6.	Private Streets	93
3.p.7.	General Design Criteria and Development Standards	93
3.p.8.	Administrative Procedures	94
3.p.9.	Staff Action on Approved PD Amendments	96
3.p.10.	Changes in Approved Plans	96
<i>ARTICLE THREE SECTION Q:</i>	<i>AIRFIELD COMPATIBILITY DISTRICTS</i>	
3.q.1.	Purpose	96
3.q.2.	Type of Districts	96
3.q.3.	Restrictions Within the Airfield Compatibility Districts	96
3.q.4.	Land Use	97
	EXHIBIT 6 – Concentrations of Persons Per Acre Standards	97
3.q.5.	Performance Standards	98
3.q.6.	Prohibited Uses	98
3.q.7.	Non-Conforming Uses	98
3.q.8.	Permits	99
3.q.9.	Variance Permits	99
3.q.10.	Other Ordinances	99
	EXHIBIT 7 – Airfield Compatibility District (ACD) Use Regulations ACD Districts	100
<i>ARTICLE THREE SECTION R:</i>	<i>RANGE COMPATIBILITY DISTRICTS (RCD)</i>	
3.r.1.	Purpose	106
3.r.2.	Within RCD, Several Overlay Districts	106
3.r.3.	Restrictions Within the Range Compatibility Districts	106

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
ARTICLE THREE SECTION R:	RANGE COMPATIBILITY DISTRICTS (RCD)	
3.r.4.	Land Use	106
3.r.5.	Performance Standards	106
3.r.6.	Prohibited Uses	106
3.r.7.	Non-Conforming Uses	106
3.r.8.	Permits	106
3.r.9.	Variance Permits	107
3.r.10.	Other Ordinance	107
3.r.11.	DNL Lines	107
	Note: Mobile Homes in DNL Zones	107
ARTICLE THREE SECTION S	NOISE ATTENUATION (NA) DISTRICT	
3.s.1.	Purpose	107
3.s.2.	Noise Notification Zone	107
ARTICLE THREE SECTION T	HIGHWAY CORRIDOR PROTECTION DISTRICT	
3.t.1.	Purpose	107
3.t.2.	Highway Corridor Protection District Map	109
3.t.3.	General Standards	109
3.t.4.	Architectural Standards	109
3.t.5.	Required Information	110
ARTICLE THREE SECTION U	FARMING	
3.u.1.	General Farming Operations	110
ARTICLE THREE SECTION V	PUBLIC UTILITIES AND PUBLIC SERVICE COMPANIES	
3.v.1.	Purpose	111
3.v.2.	Operating On Own Property Can Get Relief	111
ARTICLE FOUR:	GENERAL AND SUPPLEMENTAL REGULATIONS	
ARTICLE FOUR SECTION A:	GENERAL	
4.a.1.	General Regulations Supplement District Regulations	112
ARTICLE FOUR SECTION B:	APPLICATION OF REGULATIONS	
4.b.1.	Regulations Establish Minimum Standards	112
ARTICLE FOUR SECTION C:	USE OF LAND, BUILDINGS, OR STRUCTURES	
4.c.1.	Only Uses Allowed Are Permitted in the Various Districts	112
ARTICLE FOUR SECTION D:	HEIGHT OF BUILDINGS AND/OR STRUCTURES	
4.d.1.	Only Height Limits of Structures are Permitted as Set Forth in the Various Districts	112
ARTICLE FOUR SECTION E:	DENSITY	
4.e.1.	Density Regulations	113
4.e.2.	Density Limits and Computation of Density	113
ARTICLE FOUR SECTION F:	YARD REGULATIONS	
4.f.1.	Yards which abut streets	113
4.f.2.	Yards abutting Service Lanes	113
4.f.3.	Yards located on Lots with More than one Principal Building	113
4.f.4.	Front Yards	113
4.f.5.	Side Yards	114

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
4.f.6.	Side Yards requirements for Special Housing Type	114
4.f.7.	Structures Projecting into Required Yards	115
4.f.8.	Fence Regulations	115
4.f.9.	Yard Setbacks from Railroad right-of-way	115
ARTICLE FOUR SECTION G:	ACCESSORY BUILDINGS AND USES	
4.g.1.	General Standards for Accessory Uses	116
4.g.2.	Residential Accessory Structures	116
	Exhibit 8A: Maximum Square Footage	117
4.g.3.	Commercial Accessory Structures	119
4.g.4.	Agricultural Accessory Structures	119
ARTICLE FOUR SECTION H:	VISUAL CLEARANCE AT INTERSECTIONS	
4.h.1.	General	119
4.h.2.	Removal of Obstructions	119
	EXHIBIT 8 – Sight Triangles	120
ARTICLE FOUR SECTION I-N:	PARKING AND STORAGE OF CERTAIN VEHICLES IN RESIDENTIAL ZONES	
4.i.1.	General Requirements	121
4.j.1.	Parking, Storage, or use of Campers or other Major Recreational Vehicles	121
4.k.1.	Containers and Dumpsters	121
4.l.1.	Appearance or Fences and Walls	122
4.m.1.	Access to Commercial and Industrial Zoned Property Prohibited from Residential Zones	122
4.n.1.	Mini-Warehouses	122
ARTICLE FIVE	PERFORMANCE CRITERIA FOR CERTAIN BUILDINGS, USES, AND PROJECTS	
ARTICLE FIVE SECTION A:	GENERAL	
5.a.1.	Uses Affected by Performance Criteria	123
5.a.2.	Applications	123
5.a.3.	Review	123
5.a.4.	Public Hearings	123
ARTICLE FIVE SECTION B:	SPECIFIC CONDITIONS AND STANDARDS FOR CONDITIONAL USES AND SPECIAL EXCEPTIONS	
5.b.1.	Criteria for Review	124
5.b.2.	Listing of Hazardous or Disruptive Land Development Activities	124
5.b.3.	Special Design Review Criteria for Applicable Items in 5.b.2.	125
5.b.4.	Communications, Towers, and Antennae	132
5.b.5.	Manufacturing and Processing Plants	136
5.b.6.	Compliance Guarantee	137
	EXHIBIT 9 – Maximum Permissible Sound Levels Night Time Schedule	137
	EXHIBIT 10 – Day Time Schedule	138

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
	EXHIBIT 11 – Maximum Intensity of Light Sources	138
5.b.7.	Flood Hazard Areas	139
ARTICLE FIVE SECTION C:	TEMPORARY USES	
5.c.1.	Permit Fee	141
5.c.2.	Public Safety and Nuisance Avoidance	141
5.c.3.	Limitations on Renewal and Revocation of Permits	141
5.c.4.	Removal of Temporary Uses	141
5.c.5.	Parking and Access Requirements	141
5.c.6.	Permitted Temporary Uses	141
5.c.7.	Allowed Temporary Uses	144
5.c.8.	Outside Storage	144
ARTICLE SIX:	NONCONFORMING ZONING USES AND SITES	
ARTICLE SIX SECTION A:	PURPOSE OF ARTICLE AND DEFINITIONS	
6.a.1.	Purpose	145
6.a.2.	Definitions	145
ARTICLE SIX SECTION B:	NONCONFORMING USES	
6.b.1.	Proof of Legal Nonconformance and Continuance of Use	146
6.b.2.	Loss of Nonconforming Use Status	146
6.b.3	Accidental Destruction	146
ARTICLE SIX SECTION C:	NONCONFORMING SITES	
6.c.1.	Proof of Legal Nonconformance and Continuance	146
6.c.2.	Loss of Legal Nonconforming Site Status	146
6.c.3.	Loss of Legal Nonconforming Status (Mobile Home Parks)	146
6.c.4.	Projects at Nonconforming Sites	146
6.c.5.	Nonconforming Sites Incapable of Compliance	147
6.c.6.	Accidental Destruction	147
ARTICLE SIX SECTION D:	NONCONFORMING LOTS OF RECORD	
6.d.1.	Nonconforming Lots of Record	147
ARTICLE SIX SECTION E:	DISCONTINUANCE OF NONCONFORMING USE	
6.e.1.	Re-use or Re-occupancy	148
ARTICLE SEVEN	SUBDIVISION AND SITE PLAN PROCEDURES	
ARTICLE SEVEN SECTION A:	PURPOSE	
7.a.1.	Purpose	149
7.a.2.	Exempt Subdivisions	149
ARTICLE SEVEN SECTION B:	PRE-APPLICATION	
7.b.1.	Pre-Application Conference	149
7.b.2.	Site Plan & Subdivision Review Committee	149
7.b.3.	Applications	150
7.b.4.	Content	150
7.b.5.	Complete Application	150
7.b.6.	Planning Commission Quorum	150
	EXHIBIT 13 – Flow Chart for the Plan Review Process	151

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
ARTICLE SEVEN SECTION C:	MINOR SUBDIVISION APPROVAL AND MINOR SITE PLAN APPROVAL	
7.c.1.	Definitions	152
7.c.2.	Submittals	152
7.c.3.	Declaration of Completeness	152
7.c.4.	Staff Action	152
7.c.5.	Time Frame For Action For Minor Subdivision or Site Plan Approval	153
7.c.6.	Expiration of Minor Subdivision Plat Approval	153
7.c.7.	Expiration of Approval of Minor Site Plan	153
7.c.8.	Appeals of Staff Action on Minor Site Plans and Minor Subdivision Plats	153
ARTICLE SEVEN SECTION D:	MAJOR SUBDIVISION AND MAJOR SITE PLAN	
7.d.1.	Definitions	153
7.d.2.	Submittal	154
7.d.3.	Declaration of Completeness	154
7.d.4.	Time Frame For Action For Major Subdivision and/or Site Plans	154
7.d.5.	Effect of Preliminary Plat or Site Plat Approval	154
7.d.6.	Final Approval of a Major Subdivision and/or Site Plan	155
7.d.7.	Effect of Final Approval of a Major Subdivision and/or Site Plan	156
7.d.8.	Maintenance Guarantee:	156
7.d.9.	Performance Guarantee	157
7.d.10.	Traffic Study for Major Subdivision and/or Site Plans	158
ARTICLE SEVEN SECTION E	EFFECT OF FINAL PLAT APPROVAL	
7.e.1	Final Plat Approval	161
ARTICLE EIGHT:	DESIGN AND IMPROVEMENT STANDARDS	
ARTICLE EIGHT SECTION A:	PURPOSE	
8.a.1.	Purpose	163
ARTICLE EIGHT SECTION B:	SITE DESIGN STANDARDS	
8.b.1.	Site Analysis	163
8.b.2.	Subdivision and Site Design	163
8.b.3.	Residential Development Design	164
8.b.4.	Commercial and Industrial Design	164
8.b.5.	Circulation System Design	164
8.b.6.	Landscape Design	165
ARTICLE EIGHT SECTION C:	OPEN SPACE AND RECREATION	
8.c.1.	Purpose	165
8.c.2.	Minimum Requirements	165
8.c.3.	Improvement of Open Space Parcels	166
8.c.4.	Exceptions to the Standards	166

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
8.c.5.	Deed Restrictions	166
8.c.6.	Open Space Ownership	166
8.c.7.	Homeowners Association	167
ARTICLE EIGHT SECTION C:	OPEN SPACE AND RECREATION	
8.c.8.	Maintenance of Open Space Areas	167
ARTICLE EIGHT SECTION D:	LANDSCAPING STANDARDS	
8.d.1.	Purpose	167
8.d.2.	Landscape Plan	168
8.d.3.	Site Protection and General Planting Requirements	168
8.d.4.	Additional Landscaping in Residential Areas	170
8.d.5.	Planting Specifications For All Forms of Development	171
8.d.6.	Street Trees	171
8.d.7.	Buffering	171
	EXHIBIT 14 – Bufferyard Illustrated Drawing	173
8.d.8.	Parking Lot Landscaping	173
8.d.9.	Paving Materials in Pedestrian Areas	174
8.d.10.	Walls and Fences	174
8.d.11.	Retrofitting Under Prevailing Landscaping, Buffering, and Parking Lot Landscaping Standards	174
ARTICLE EIGHT SECTION E:	STREETS	
8.e.1.	General	174
8.e.2.	Street Hierarchy	176
8.e.3.	Roadway Width	176
8.e.4.	Curbs and Gutters	177
8.e.5.	Sidewalks	178
8.e.6.	Utility and Shade Tree Areas	178
8.e.7.	Right-of-Way	179
8.e.8.	Street Grade and Intersections	179
8.e.9.	Horizontal Curves	179
8.e.10.	Vertical Curves	180
8.e.11.	Lighting	180
8.e.12.	Signage and Names	180
8.e.13.	Lots	181
	EXHIBIT 15 – Trip Generation Rates by Major Land Use Categories	182
	EXHIBIT 16 – Residential Street Hierarchy: Definition	184
	EXHIBIT 17 – Street Width & Right-of-Way Requirements	186
	EXHIBIT 18 – Right-of-Way Profiles (Residential Access Street(s) Low and Medium Intensity)	189
	EXHIBIT 18a – Right-of-Way Profiles (Residential Access Street(s) High Intensity)	190
	EXHIBIT 18b – Residential Collectors (Low and Medium Intensity)	191
	EXHIBIT 18c – Residential Subcollectors (Low, Medium, and High Intensity)	192

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
	EXHIBIT 18d – Residential Subcollectors (High Intensity Two-Side and Off Street Parking with Curb)	193
ARTICLE EIGHT SECTION F:	WATER SUPPLY	
8.f.1.	General	194
8.f.2.	Capacity	194
ARTICLE EIGHT SECTION G:	SANITARY SEWERS	
8.g.1.	General	195
ARTICLE EIGHT SECTION H:	FIRE HYDRANTS	
8.h.1.	General	196
ARTICLE EIGHT SECTION I:	SIGN REGULATIONS	
8.i.1.	Purpose	196
8.i.2.	General Provisions	196
8.i.3.	Determination of the Size and Height of Signs	196
8.i.4.	Signs Allowed on Private Property	198
8.i.5.	Signs Allowed on Public Property or Within the Public Right-of-Ways	198
8.i.6.	Temporary Signs	199
8.i.7.	Prohibited Signs	200
8.i.8.	Special Purpose Signs	201
8.i.9.	Off-Premise Advertising	201
8.i.10	Flagpoles & Flags	203
8.i.11	General Sign Development Standards	205
	EXHIBIT 19 – Maximum Total Sign Area by Use, Number, Dimensions, and Location of Individual Signs	206
	EXHIBIT 20 – Permitted Sign by Type & Zoning Classification	209
ARTICLE EIGHT SECTION J:	PARKING REGULATIONS	
8.j.1.	Purpose	210
8.j.2.	General Provisions	210
8.j.3.	Design Requirements	210
	EXHIBIT 21 – Guidelines for Parking Lot Aisles	211
	EXHIBIT 22 – Handicapped Parking Requirements	212
	EXHIBIT 23 – Off Street Parking Requirements for Non-Residential Land Uses	214
ARTICLE NINE:	DOCUMENTS TO BE SUBMITTED	
ARTICLE NINE SECTION A:	SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED	
9.a.1.	Purpose	220
ARTICLE NINE SECTION B:	REQUIREMENTS	
9.b.1.	Assisting Applicant in Meeting Requirements	220
ARTICLE NINE SECTION C:	DOCUMENTS TO BE SUBMITTED	
9.c.1.	Requirements for Sketch Plan	220

DIVISIONS	SUBJECT OR TITLE	PAGE NUMBERS
9.c.2.	Minor Applications for Subdivision or Site Plan	221
9.c.3.	General Development Plan	223
9.c.4.	Major Application / Subdivision Preliminary and Final	224
ARTICLE NINE SECTION C:	DOCUMENTS TO BE SUBMITTED	
9.c.5.	Major Application / Final Site Plan	225
	EXHIBIT 24 – Summary of Required Submission Documents	228
ARTICLE TEN:	DEFINITIONS	
ARTICLE TEN SECTION A	PURPOSE	
10.a.1.	Purpose	231
10.b.1.	Definitions	231
EXHIBITS:		
Appendix A: Stormwater Management Sediment Control Ordinance (Ordinance 1627)		
Appendix B: City of Sumter - Guidelines for Utility; Roadway & Drainage Construction		
Appendix C: Displaying the US Flag		
Appendix D: Central Business District Drinking Exception Boundaries Map		

“This page left blank intentionally.”

ARTICLE ONE

ADMINISTRATION

SECTION A: AUTHORITY

1.a.1. This ordinance is adopted pursuant to the authority delegated to cities and counties in South Carolina under the Code of Laws, in Title 6, Chapter 29 S.C. 6-29-710.

1.a.2. The purpose of this ordinance is to protect the health, safety, and general welfare, while allowing for the cost saving efficiencies, through the proper subdivision of land and the creation of zoning districts of such number, shape, and size the City and County Councils of Sumter determines to be best suited to carry out the purposes of this ordinance.

1.a.3. The purpose of this ordinance will be to regulate:

- a. Use of buildings, structures, and land.
- b. Size, location, height, bulk, orientation, number of stories
- c. Erection, construction, recreation, alteration, demolition.
- d. Removal in whole or in part of buildings and other structures.
- e. Area and dimensions of land, water, and air space to be occupied by buildings and structures.
- f. The effects of aircraft noise and maximize the safety of land use in and around Shaw Air Force Base.

1.a.4. The provisions of this ordinance shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the comprehensive plan.

SECTION B: JURISDICTION

1.b.1. The provisions in this ordinance shall be applicable within the entire City of Sumter and the unincorporated portions of the County of Sumter, South Carolina.

1.b.2. When necessary to further its provisions, this ordinance shall be amended by the City and County Councils of Sumter.

SECTION C: FEES

1.c.1. Reasonable fees sufficient to recover incurred costs shall be set at the Planning Commission meeting in July and approved by the City Manager and County Administrator for the following:

- a. Rezoning Application;
- b. Zoning Board of Appeals Application;

- c. Historic Preservation Design Review Application;
- d. Copies of Comprehensive Plan Map;
- e. Copies of Zoning Map;
- f. G.I.S. Maps;
- g. G.I.S. Maps and relevant database;
- h. Copies of the Sumter City-County Zoning and Development Standards Ordinance;
- i. Planned Development/General Development Plan Review;
- j. Site Plan Review;
- k. Preliminary Subdivision Plat Approval;
- l. Final Subdivision Plat Approval.
- m. Temporary Use Fee
- n. Mobile Home Certification
- o. Conditional Use Request
- p. Appeal Application
- q. Subdivision Variances
- r. Text Amendment
- s. Street Name Change

Note: Said fees shall be established by the Sumter City-County Planning Commission based on costs associated therewith, i.e., publishing, printing, copying, man hours, materials, etc.

SECTION D: ENFORCEMENT AND PENALTIES

1.d.1. It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance and bring to the attention of the appropriate court any violation or lack of compliance.

1.d.2. Violations of the provisions of this ordinance shall be deemed a misdemeanor, punishable as provided by law and with each day such violation continues constituting a separate offense. The Zoning Administrator shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provision of these regulations.

SECTION E: INTERPRETATION, CONFLICT AND SEPARABILITY

1.e.1. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. The Sumter City-County Planning Commission or the Sumter City-County Zoning Board of Appeals may impose more stringent standards if it is demonstrated that different standards are necessary to promote the health, safety, and welfare of the public.

1.e.2. The provisions of this ordinance are separable. If a section, sentence, clause, or phrase of this ordinance is determined by a court of competent jurisdiction to be invalid, the decision shall not affect remaining portions of this ordinance.

SECTION F. PLANNING COMMISSION, ESTABLISHMENT AND PURPOSE

1.f.1. The Sumter City-County Planning Commission is hereby established pursuant to S.C. Code of Laws, Title 6, and Chapter 29.

1.f.2. These rules of procedure are adopted pursuant to S.C. Code 6-29-360 for the City-County Planning Commission, which consists of nine members appointed by the City and County Councils of Sumter.

1.f.3. The members of the Planning Commission, upon appointment, shall serve four (4) year terms, or until successors are appointed, whichever is later. Upon a vacancy created by a resignation of any member, the vacancy shall be filled for the unexpired term in the manner as are original appointments.

1.f.4. Jurisdiction of the Sumter City-County Planning Commission is established pursuant to S.C. Code 6-29-1110, wherein, approval of subdivision plats by the Planning Commission is hereby required as a condition for the filing of such plats with the Office of Deeds of Sumter County. (See definition of Exempt Subdivisions in Article Ten).

1.f.5. The approval of site plans is hereby required as a condition for the issuance of a building permit, except that individual lot applications for detached one or two dwelling unit buildings shall be exempt from site plan review approval.

1.f.6. The decision of the Zoning Board of Appeals shall substitute for that of Planning Commission wherever the Board of Appeals has jurisdiction over a subdivision or site plan pursuant to S.C. 6-29-800.

1.f.7. Waiver of the Site Plan Application:

- a. The Planning Commission may waive the requirement for site plan approval where there is a use or occupancy and no extensive construction or improvements is sought. The waiver may be granted only upon a resolution by the Planning Commission finding that the use will not affect existing drainage, traffic, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan approval, and that the existing facilities do not require upgrade or additional site improvements. The application for waiver of the site plan shall include a discussion of the prior use of the site, the proposed use, and its impact.
- b. Exception of Specific Subdivision and Site Plan Requirements: The Planning Commission shall have the power to grant exceptions from the requirements for subdivision and/or site plan approval as may be reasonable and within the general purpose and intent of the provisions of this ordinance, if the literal enforcement of one or more provisions of this ordinance is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question.

SECTION G: PLANNING COMMISSION, RULES OF PROCEDURE

1.g.1. **Officers:** The officers of the Sumter City-County Planning Commission shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Planning Commission in each calendar year. The officers of the Planning Commission may serve consecutive terms. The Planning Director or his/her designee shall serve as secretary to the Sumter City-County Planning Commission.

a. **Chairman:** The chairman shall be a voting member of the Planning Commission and shall:

1. Call meetings of the Planning Commission;
2. Preside at meetings and hearings;
3. Act as spokesperson for the Planning Commission;
4. Sign documents for the Planning Commission;
5. Transmit reports and recommendations to the City and County Councils of Sumter;
6. Perform other duties approved by the Planning Commission.

b. **Vice-Chairman:** The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, the members present shall elect an acting chairman.

c. **Secretary to the Planning Commission:** The Secretary shall:

Provide notice of meetings;
Assist the chairman in preparation of agendas;
Keep minutes of meetings and hearings;
Maintain Planning Commission records as public records;
Attend to Planning Commission correspondence;
Perform other duties normally carried out by a secretary.

1.g.2. **Meetings:**

a. Applications for Planning Commission review shall be submitted through the office of the Zoning Administrator. Prior to the placement of an item on the agenda of the Planning Commission an application must be “*complete*” as determined by the Zoning Administrator, and must be submitted in its complete form twenty-two (22) days prior to a meeting of the Planning Commission. The Planning Commission shall act on a complete application within thirty (30) days of receipt of the complete application.

b. **Time and Place:** An annual schedule of regular meetings shall be adopted, published and posted at the Opera House/Sumter City Hall and the Sumter County Administration Building in January of each year. The chairman upon twenty-four (24) hour notices, posted and delivered to all Planning Commission members and the local news media may call special meetings. Meetings shall be held at the place stated in the notices, and

shall be open to the public in accordance with State Freedom of Information (F.O.I) regulations.

- c. **Agenda:** A written agenda shall be furnished by the Secretary to each member of the Planning Commission and the news media, and shall be posted at least four (4) days prior to each regular meeting and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.
- d. **Quorum:** A majority of the members of the Sumter City-County Planning Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting.
- e. **Voting:** A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member(s) affected, who shall announce the reasons for disqualification, have it placed in the minutes, and refrain from deliberation or voting on the question.
- f. **Public Input:** Except for public input sought by the Planning Commission, no person shall speak at a Planning Commission meeting unless invited to do so by the Planning Commission. The Chairman or the Vice-chairman presiding at a Planning Commission meeting reserves the unilateral right to gauge the amount of public input desired.
- g. **Conduct:** No member of the Planning Commission shall participate in a matter in which he or she has a pecuniary or special interest.

1.g.3. **Public Hearings:**

- a. **Notice:** The Secretary to the Planning Commission shall give the notice required by statute or ordinance for all public hearings conducted by the Sumter City or County Councils.
- b. **Procedure:** Before enacting an amendment to this ordinance, the City or County Council shall hold a public hearing thereon. The time and location of this public hearing shall be published in a newspaper of general circulation within Sumter County at least fifteen (15) days prior to the date of the hearing.

1.g.4. **Records:**

- a. **Minutes:** The Secretary to the Planning Commission shall record all meetings and hearings of the Planning Commission on tape which shall be preserved until final action on all matters presented. The Secretary shall prepare minutes of each meeting for approval by the Planning Commission at the next regular meeting. Minutes shall be maintained as a public record.
- b. **Reports:** The Secretary shall assist in the preparation and the forwarding of all reports and recommendations of the Planning Commission in appropriate form. Copies of all notices, correspondence, reports, and forms shall be maintained as public records.

- c. **Attendance:** The minutes shall show the members in attendance at each meeting and the reasons for absence submitted by any member. The Planning Commission shall recommend to the City and County Councils of Sumter the removal for cause of any member who is absent twenty-five percent (25%) or from three (3) consecutive meetings without adequate reason.

1.g.5. **Review Procedures:**

- a. **Zoning Amendments:** Proposed zoning text and/or map amendments shall be considered and recommendations shall be forwarded to the Sumter City or County Councils within sixty (60) days after receipt of the proposed amendments. Conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.
- b. **Plats:** All plats shall be subject to review of the Planning Commission with the exception of the following which may be reviewed by the staff of the Planning Commission for approval and recording.
 - 1. Plats of existing lots of record;
 - 2. Minor subdivisions of land which meet all zoning requirements;
 - 3. Subdivisions which are exempt from regulation pursuant to S.C. Code 6-29-1110(2).

Note: The Sumter City-County Planning Commission shall be informed at the next regular meeting following all staff approvals and the facts shall be included in the minutes thereof.

- c. **Comprehensive Plan:** All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the Sumter City or County Councils.
- d. **Reconsideration:** The Planning Commission may reconsider any review when so requested by the Sumter City or County Councils.
- e. **Appeals:**
 - 1. Staff action, if authorized to approve or disapprove a land development plan or Highway Corridor Protection Plan, may be appealed to the Planning Commission by any party in interest. The Planning Commission must act on the appeal within sixty days, and the action of the Planning Commission is final.
 - 2. a. An appeal from the decision of the Planning Commission must be taken to the circuit court within thirty days after actual notice of the decision.

b. A property owner whose land is the subject of a decision of the Planning Commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 1.g.5.f.

A notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the Planning Commission is mailed.

c. Any filing of an appeal from a particular Planning Commission decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8-21-310(11) of South Carolina State Law.

d. When an appeal includes no issues triable of right by jury or when the parties consent, the appeal must be placed on the nonjury docket. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a property owner from subsequently electing to assert a pre-existing right to trial by jury of any issue beyond the subject matter jurisdiction of the Planning Commission, such as , but not limited to, a determination of the amount of damages due for an unconstitutional taking.

f. Pre-litigation mediation; notice; settlement approval; effect on real property; unsuccessful mediation.

1. If a property owner files a notice of appeal with a request for pre-litigation mediation, the request for mediation must be granted, and the mediation must be conducted in accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules and this section. A person who is not the owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the Planning Commission.
2. The property owner or his representative, any other person claiming an ownership interest in the property or his representative, and any other person who has been granted leave to intervene pursuant to subsection (1) or his representative must be notified and have the opportunity to attend the mediation. The governmental entity must be represented by at least one person for purposes of mediation.
3. Within five working days of a successful mediation, the mediator must provide the parties with a signed copy of the written mediation agreement.
4. Before the terms of a mediation settlement may take effect, the mediation settlement must be approved by:
 - a. the local legislative governing body in public session; and
 - b. the circuit court as provided in subsection (7).

5. Any land use or other change agreed to in mediation which affects existing law is effective only as to the real property which is the subject of the mediation, and a settlement agreement sets no precedent as to other parcels of real property.
6. If mediation is not successful or if the mediated settlement is not approved by the local legislative governing body, a property owner may appeal by filing a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The petition must be filed with the circuit court within thirty days of :
 - a. the report of an impasse as provided in the South Carolina Circuit Court Alternative Dispute Resolution Rules; or
 - b. the failure to approve the settlement by the local governing body.

The circuit court judge must approve the settlement if the settlement has a rational basis in accordance with the standards of this chapter. If the mediated settlement is not approved by the court, the judge must schedule a hearing for the parties to present evidence and must issue a written opinion containing findings of law and fact. A party may appeal from the decision:

- a. in the same manner as provided by law for appeals from other judgments of the circuit court; or
- b. by filing an appeal pursuant to subsection (6).

SECTION H: BOARD OF ZONING APPEALS:

ESTABLISHMENT - PURPOSE

1.h.1. A Board of Zoning Appeals is hereby established pursuant to South Carolina Code of Laws, Section 6-29-780.

1.h.2. These rules of procedure are adopted pursuant to S.C. Code 6-29-790 for the Sumter City-County Board of Zoning Appeals which consists of nine (9) members appointed by the Sumter City and County Councils.

1.h.3. The members of the Board of Zoning Appeals, upon appointment, shall serve four (4) year terms, or until successors are appointed, whichever is later. Upon a vacancy created by a resignation of any member, the vacancy should be filled for the unexpired term in the manner as are original appointments.

1.h.4. **Powers of the Board of Zoning Appeals:** It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such question shall be presented to the Board of Zoning Appeals only on appeal from the Zoning Administrator.

The Board of Zoning Appeals shall have the following powers and duties:

a. Appeals from administrative interpretation: To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official of the Sumter City-County Planning Commission in the enforcement of the Zoning Ordinance.

1. An appeal shall be taken within thirty (30) days from the date of the decision rendered by the Zoning Administrator by filing with his or her office a written notice of appeal specifying the grounds thereof.
2. Appeals shall be submitted on application forms obtained from the Zoning Administrator.
3. All papers constituting the record upon which the appeal action was taken shall forthwith be transmitted to the Board of Zoning Appeals.
4. An application fee to be utilized for the incidental costs of administration and advertisement shall accompany appeal applications.
5. Any communication purporting to be an application for an appeal shall be regarded as mere notice to seek relief until it is made in the form required.

b. Variances:

1. To hear and decide appeals for variances from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains all of the following:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
 - b. These conditions do not generally apply to other property in the vicinity.
 - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.
2. The Board may not grant a variance the effect of which would be to:
 - a. Allow the establishment of a use not otherwise permitted in a zoning district.
 - b. Extend physically a nonconforming use of land.
 - c. Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.
3. The fact that property may be utilized more profitably, should a variance be granted, shall not be considered grounds for a variance.

4. In granting a variance, the Board may attach to it such conditions regarding location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to promote the public health, safety, or general welfare.

c. Special Exception:

1. Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.
2. Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:
 - a. That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.
 - b. That the special exception will be in substantial harmony with the area in which it is located.
 - c. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
3. In granting a special exception, the Board of Zoning Appeals may impose such additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the special exception. At the conclusion of the review, the Board of Zoning Appeals shall approve the application with specific modification, or disapprove the application. If approved, the Board of Zoning Appeals shall instruct the Zoning Administrator to issue such permits contingent on the specific modification imposed. If disapproved, the Board of Zoning Appeals shall notify the applicant, in writing, of the action disapproving the application, with the reasons therefore.

SECTION I: ZONING BOARD OF APPEALS:

RULES OF PROCEDURE

1.i.1. **Officers:** The officers of the Board shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Board in each calendar year. The Planning Director or his/her designee shall serve as secretary to the Sumter City-County Zoning Board of Appeals.

- a. **Chairman:** The chairman shall be a voting member of the Board and shall:
 1. Call meetings of the Board;
 2. Preside at meetings and hearings and swear in witnesses;
 3. Act as spokesperson for the Board;
 4. Sign documents for the Board;
 5. Have orders of the Board served on parties;
 6. Perform other duties approved by the Board.

- b. **Vice-Chairman:** The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, the members present shall elect an acting chairman.
- c. **Secretary to the Board:** The Secretary shall:
 1. Provide and publish notice of appeals and meetings;
 2. Assist the chairman in preparation of the agenda;
 3. See that property involved in appeals for variances or special exceptions are properly posted;
 4. Keep recordings and minutes of meetings and hearings;
 5. Maintain Board records as public records;
 6. Serve Board decisions on parties;
 7. Attend to Board correspondence;
 8. Perform other duties normally carried out by a secretary.

1.i.2. Appeals Process:

- a. **Form of Appeal:** Appeals from administrative decisions, applications for variances, and applications for special exceptions shall be filed on forms approved by the Board and provided to applicants by the Board Secretary. The Board may require additional information deemed necessary for their deliberation on matters before the Board. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.
- b. **Time of Appeal:** An appeal from an administrative decision must be filed within thirty (30) days after actual notice of the decision by delivery of the approved appeal form to the Board Secretary who shall notify the Board that an appeal has been received.
- c. **Calendar:** Appeals and applications shall be marked with the date of receipt and placed on the Board agenda in the order in which received. Appeals shall be heard in the order on the agenda unless otherwise set by the Board for good cause shown.
- d. **Withdrawal of Appeal:** Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal from an administrative decision which is withdrawn may not be re-filed after thirty (30) days time from the date when originally withdrawn. Withdrawn applications for variances and special exceptions may be re-filed after twelve (12) months and shall be placed on the calendar according to the date re-filed.
- e. **Continuances:** The hearing of an appeal or application may be continued one time by the Board for good cause shown.
- f. **Disposition:** The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote provided that no less than a quorum are qualified to vote. The vote may be taken at the same or subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public.
- g. **Form of Order:** An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for

- lack of jurisdiction. Findings of fact and conclusions of law shall be separately stated in an order.
- h. **Rehearing:** The Board at its discretion may grant a rehearing of an application which has been dismissed or denied. A written request for a rehearing shall be filed with the secretary within fifteen (15) days after the delivery of an order. Said request shall be accompanied by any new evidence which could not have been presented at the initial hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.
 - i. **Order and Documents:** The secretary shall assist in the preparation and services of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as a public record.
 - j. **Service of Order:** The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the Chairman.

1.i.3. Meetings:

- a. Applications for the Board of Appeals shall be submitted through the office of the Zoning Administrator. Prior to the placement of an item on the agenda of the Board of Appeals an application must be **“complete”** as determined by the Zoning Administrator, and must be submitted in its complete form twenty-two (22) days prior to a meeting of the Board of Appeals. The Board of Appeals shall act on a complete application within thirty (30) days of receipt of the complete application.
- b. **Time and Place:** An annual schedule of regular meetings shall be adopted, published and posted at the Opera House/Sumter City Hall and the Sumter County Administration Building in January of each year. Special meetings may be called by the Chairman upon twenty-four (24) hour notice. Meetings shall be held at the place stated in the notices, and shall be open to the public.
- c. **Agenda:** A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting and at least twenty-four (24) hours prior to a special meeting. Item may be added to or removed from the agenda or postponed at a meeting by a majority vote.
- d. **Quorum:** A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than the rescheduling of meetings.
- e. **Appearance:** The applicant or any interested party may appear in person, or be represented by an agent or an attorney. The Board may postpone or proceed to dispose of a matter in the absence or lack of appearance of the applicant or representative thereof.
- f. **Witnesses:** Interested parties may present testimony under oath. Witnesses may be compelled to attend by subpoena, which has been signed by the Chairman and served at least ten (10) days prior to a hearing. The Board may call its own witnesses when deemed appropriate.
- g. **Cross-Examination:** No party shall have the right to cross-examination witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses shall not be allowed.

- h. **Evidence:** Legible copies of relevant documents, photographs, maps, drawings, etc., will be received in the record without authentication. Relevant testimony, which is not cumulative, repetitive, or hearsay, will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.
- i. **Conduct of Hearing:** The normal order of hearing, subject to modification by the Chairman, shall be:
 - 1. Statement of matter to be heard (Zoning Administrator);
 - 2. Presentation by applicant and supporters (five minute limit);
 - 3. Presentation by opponents (five minute limit);
 - 4. Rebuttal by applicant (three minute limit);
 - 5. Un-sworn public comment when appropriate;
 - 6. The Board may question participants at any point in the hearing.
 - 7. Matters in which additional time is granted may be moved to the end of the agenda.Note: Chairman will have discretion on time limits
- j. **Minutes:** The secretary shall record all meetings and hearings of the Board on tape, which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as a public record.

1.i.4. **Actions on Appeals:** In exercising the above powers, the Board in conformity with the provisions of this Ordinance, may reverse or affirm, wholly or partly, or may modify the order, requirements, or decision of the Zoning Administrator or other administrative officials; and to that end, shall have all powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

1.i.5. **Public Notice:** Notice of a hearing of the Board shall be provided by publication in a newspaper of general circulation in Sumter County, S.C. fifteen (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected. In cases involving variances and special exceptions, conspicuous notice shall be posted on the property affected, with at least one such notice being visible from each road that abuts the property.

1.i.6. **Public Hearings on Appeal:** The Board of Zoning Appeals shall fix a reasonable time for hearing matters referred to it after the required posting and notice has occurred. The Board shall follow whatever rules of procedure it may adopt, and shall provide due notification to other parties in interest. At the hearing any party in interest may appear in person or by agent or by attorney. The Board must act upon the request within thirty (30) days after the public hearing. If no decision has been made within that time, the request shall automatically be considered approved by the Board, and the Board shall direct that the necessary permits be issued.

1.i.7. **Stay of Proceedings:** An appeal stays all legal proceedings in furtherance of the action from which the appeal has been taken, unless the Zoning Administrator certifies to the Board, that by reason of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed unless by a restraining

order which may be granted by the Board or by a Court of competent jurisdiction in Sumter County.

1.i.8. Expiration of Variance or Special Exception: If the work authorized by any variance or special exception has not begun within six (6) months from when the date of the variance or special exception was approved, said variance or special exception shall be canceled by the Zoning Administrator and written notice thereof shall be given to the person(s) affected.

1.i.9. Appeals From The Board of Zoning Appeals:

- a. Any person who may have a substantial interest in any decision of the Sumter City-County Board of Zoning Appeal may appeal the decision to the Circuit Court in and for Sumter County, filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly wherein such decision of the Board is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.
- b. A property owner whose land is the subject of a decision of the Board of Appeals may appeal either:
 1. as provided in subsection (A) ; or
 2. by filing a notice of appeal with the Circuit Court accompanied by a pre-litigation mediation in accordance with Section 1.i.10.

Any notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the Board is postmarked.

- c. Any filing of an appeal from a particular Board of Appeals decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8-21-310(11)(a) of SC Law.

1.i.10. Pre-litigation mediation; notice; settlement approval; effect on real property; unsuccessful mediation.

- a. If a property owner files a notice of appeal with a request for pre-litigation mediation, the request for mediation must be granted, and the mediation must be conducted in accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules and this section. A person who is not the owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the Board of Appeals.
- b. The property owner or his representative, any other person claiming an ownership interest in the property or his representative, and any other person who has been granted leave to intervene pursuant to subsection (A) or his representative must be notified and have the opportunity to attend the mediation. The government entity must be represented by at least one person for purposes of mediation.
- c. Within five working days of a successful mediation, the mediator must provide the parties with a signed copy of the written mediation agreement.

- d. Before the terms of mediation settlement may take effect, the mediation settlement must be approved by:
 - 1. the local legislative governing body in public session; and
 - 2. the Circuit Court as provided in subsection (G).
- e. Any land use or other change agreed to in mediation which affects existing law is effective only as to the real property which is the subject of the mediation, and a settlement agreement sets no precedent as to other parcels of real property.
- f. If mediation is not successful or if the mediated settlement is not approved by the local legislative governing body, a property owner may appeal by filing a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The petition must be filed with the Circuit Court within thirty days of:
 - 1. the report of an impasses as provided in the South Carolina Circuit Court Alternative Dispute Resolution Rules; or
 - 2. the failure to approve the settlement by the local governing body.
- g. The circuit court judge must approve the settlement if the settlement has a rational basis in accordance with the standards of this chapter. If the mediated settlement is not approved by the court, the judge must schedule a hearing for the parties to present evidence and must issue a written opinion containing findings of law and fact. A party may appeal from the decision:
 - 1. in the same manner as provided by law for appeals from other judgments of the circuit court; or
 - 2. by filing an appeal pursuant to subsection (F).

1.i.11. Notice of appeal; transcript; supersedeas.

- a. Upon the filing of an appeal with a petition as provided in Section 1.i.9 or Section 1.i.10, the clerk of the circuit court must give immediate notice of the appeal to the secretary of the board and within thirty days from the time of the notice, the board must file with the clerk a duly certified copy of the proceedings held before the Board of Appeals, including a transcript of the evidence heard before the board, if any, and the decision of the board including its findings of fact and conclusions.
- b. The filing of an appeal in the circuit court from any decision of the board does not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

1.i.12. Determination of appeal; costs; trial by jury.

- a. At the next term of the circuit court or in chambers, upon ten day's notice to the parties, the presiding judge of the circuit court of the county must proceed to hear and pass upon the appeal on the certified record of the board proceedings. The findings of

- fact by the board of appeals must be treated in the same manner as a finding of facts by a jury, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the zoning board of appeals for rehearing. In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law. In the event that the decision of the board is reversed by the circuit court, the board is charged with the costs, and the costs must be paid by the governing authority which established the board of appeals.
- b. When an appeal includes no issues triable of right by jury or when the parties consent, the appeal must be placed on the non-jury docket. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a property owner from subsequently electing to assert a pre-existing right to trial by jury of any issue beyond the subject matter jurisdiction of the board of appeals, such as , but not limited to, a determination of the amount of damages due for an unconstitutional taking.

SECTION J: DESIGN REVIEW BOARD: ESTABLISHMENT AND PURPOSE

1.j.1. The City of Sumter Design Review Board is hereby established pursuant to S.C. Code of Laws, Title 6, Chapter 29.

1.j.2. These rules of procedure are adopted pursuant to S.C. Code 6-29-870 for the City of Sumter Design Review Board which consist of seven (7) members appointed by the Mayor and City Council of Sumter, S.C.

1.j.3. The members of the City of Sumter Design Review Board, upon appointment, shall serve four (4) year terms, or until successors are appointed, whichever is later. Upon a vacancy created by a resignation of any member, the vacancy should be filled for the unexpired term in the manner as are original appointments. Membership on the Board shall be composed as follows: one (1) professional architect to extent such a professional is available in the City of Sumter; one (1) person specifically qualified by reason of education, training or experience in the financing of commercial and residential real property; two (2) persons actively engaged in business, commerce or industry; one (1) person experienced in real estate; and (1) resident of Hampton Park; and one (1) person specifically qualified by reason of education, training or experience in the area of Historic Preservation.

1.j.4. **Powers of the Design Review Board:** Where within a designated overlay district such as the Hampton Park Design Review District, and/or the Sumter Downtown Historic District, exterior appearance of any building or structure is involved, the Zoning Administrator and/or the Building Official shall not issue a permit for erection, alteration, improvement, demolition, or moving of such structure or building unless and until a project application has been submitted to the Design Review Board and a Certificate of Appropriateness is issued. Toward this objective, the Design Review Board shall have the following powers and duties:

- a. To adopt procedural regulations;
- b. To conduct and/or maintain an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the county or city; and develop criteria for designating historic zoning districts or parts thereof;
- c. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
- d. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
- e. To advise and assist owners of landmarks and properties or structures within historic or design review districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- f. To review and evaluate all national register nominations from Sumter, prior to consideration by the State Board of Review;
- g. To inform and educate the citizens of Sumter concerning the historic and architectural heritage of the City and County by publishing appropriate maps, newsletters, brochures, and pamphlets, by holding programs and seminars, and through media exposure;
- h. To confer recognition upon the owners of landmarks or property or structures with design review or historic districts by means of certificates, plaques, or markers.
- i. To develop and amend design guidelines for both overlay districts with final approval of City Council by resolution. Once approved, to implement the guidelines.

SECTION K: HAMPTON PARK DESIGN REVIEW AND DOWNTOWN HISTORIC DISTRICT, OVERLAY DISTRICTS ARE CREATED

1.k.1. Where the Hampton Park Design Review District, and the Downtown Historic District are cited in this Ordinance, they shall be noted as an “overlay” district and shown on the Official Zoning Map, referencing their name and designating their existence by map shading.

1.k.2. The “overlay” districts are intended to promote the educational, cultural, economic and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection and enhancement of existing historic and architecturally valuable structures, properties, and neighborhoods which serve as a visible reminder of the social, cultural, economic, political and/or architectural history of the City and County of Sumter, South Carolina.

1.k.3. Within “overlay” districts the permitted uses are determined by the “underlying” or primary zoning district. Therefore, the uses of land and the uses of buildings is not a matter to be decided by the Design Review Board.

SECTION L: SWAN LAKE OVERLAY DISTRICT

The District is shown on the map adopted by City Council and maintained in the Sumter Planning Commission GIS.

1.1.1. **PURPOSE:** To Protect Swan Lake and Gardens and its surroundings from encroachments and non-compatible uses while maintaining the character of the surrounding landscape and structures.

1.1.2. **Certificate of Appropriateness.** A Certificate of Appropriateness shall be issued by the Design Review Committee for all new construction, major renovation and rehabilitation of buildings, and landscape changes including removal of any trees listed in Article 8, Section D of this Ordinance. The Design Review Committee will ensure compatibility with the par/gardens/lake as its major criteria.

1.1.3. **Uses.** The following uses are the only uses permitted in the Swan Lake Overlay District:

1. Park and Playground
2. City government Offices and Uses
3. Single-family detached homes excluding mobile/manufactured homes
4. Residential accessory uses including home occupations.

Any other use allowed by the underlying zoning district regulations may be permitted only as a Special Exception granted by the Sumter Board of Zoning Appeals after a Public Hearing and finding that the use would be compatible with the purposes of the overlay district.

SECTION M: CERTIFICATES OF APPROPRIATENESS, CRITERIA FOR ISSUANCE

1.m.1. In considering the issue of appropriateness, the Design Review Board shall be guided by the following general guidelines, taking into account the following:

- a. Where appropriate the historic character of a property shall be retained and preserved;
- b. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;
- c. Where feasible, deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials.
- d. For historic residential or commercial buildings, aluminum or vinyl siding may be an acceptable alternative *only* if:
 1. The existing siding is so deteriorated or damaged that it can not be repaired;
 2. The substitute material can be installed without irreversibly damaging or obscuring the architectural features and trim of the building; and

3. The substitute material can match the historic material in size, profile, and finish so that there is no change in the character of the historic building.
 4. In cases where a non-historic artificial siding has been applied to a building, the removal of such a siding, and the application of aluminum or vinyl siding would be an acceptable alternative, as long as the above mentioned first two conditions are met.
- e. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - f. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - g. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

1.m.2. The design standards to be used by the Design Review Board in reviewing an application for a Certificate of Appropriateness may take into consideration the following considerations:

- a. Height - the height of any alteration or construction should be compatible with the style and character of the proposed or modified structure or building and with the surrounding buildings and structures;
- b. Proportions of windows and doors - the proportions and relationships between doors and windows should be compatible with the architectural style and character of the building and surrounding buildings;
- c. The relationship of a building or structure to the open space between it and adjoining building or structure should be compatible;
- d. Roof Shape - the design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures;
- e. Landscaping - landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes;
- f. Scale - the scale of the building or structure after alteration, construction, or partial demolition should be compatible with the its architectural style and character and with surrounding buildings and structures;
- g. Architectural Details - architectural details including materials, colors, and textures should be treated so as to make a building and/or structure compatible with its original architectural style and character and to preserve and enhance the architectural style of the Hampton Park Design Review District and/or the Downtown Historic District.

SECTION N: DESIGN REVIEW BOARD, RULES OF PROCEDURE

1.n.1. **Officers:** The officers of the City of Sumter Design Review Board shall be a chairman and vice-chairman elected for one year at the first meeting of the Design Review Board in each calendar year. The officers of the Design Review Board may serve consecutive terms. The

Planning Director for the City-County Planning Commission shall serve as an ex-officio (non-voting) member of the Design Review Board. A member of the staff of the City-County Planning Commission shall serve as the secretary to the Design Review Board.

- a. **Chairman:** The chairman shall be a voting member of the Design Review Board and shall:
 1. Call meetings of the Design Review Board;
 2. Preside at meetings;
 3. Act as spokesperson for the Design Review Board;
 4. Sign documents for the Design Review Board;
 5. Perform other duties approved by the Design Review Board.

- b. **Vice-Chairman:** The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the Chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

- c. **Secretary to the Design Review Board:** The secretary shall:
 1. Provide notice of meetings;
 2. Assist the chairman in preparation of agendas;
 3. Keep minutes of meetings and hearings;
 4. Maintain Design Review Board records as public records;
 5. Attend to Design Review Board correspondence;
 6. Perform other duties normally carried out by a secretary.

1.n.2. **Meetings:**

- a. **Time and Place:** An annual schedule of regular meetings shall be adopted, published and posted at the Opera House/City Hall in January of each year. Special meetings may be called by the chairman upon twenty-four (24) notice, posted and delivered to all members of the Design Review Board and the local media. Meetings shall be held at the place stated in the notice, and shall be open to the public.
- b. **Agenda:** A written agenda shall be furnished by the secretary to each member of the Design Review Board and the news media, and shall be posted at least four (4) days prior to each regular meeting and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by a majority vote.
- c. **Quorum:** A majority of the members of the Design Review Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting.
- d. **Voting:** A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member(s) affected, who shall announce the reasons for disqualification, have it placed in the minutes, and refrain from deliberation or voting on the question.
- e. **Public Input:** Except for public input sought by the Design review Board, no person shall speak at a Design Review Board Meeting unless invited to do so by the Design Review Board. The chairman or the vice-chairman presiding at a Design Review

- Board meeting reserves the unilateral right to gauge the amount of public input desired;
- f. **Minutes:** The secretary to the Design Review Board shall prepare minutes of each meeting for approval by the Design Review Board at the next regular meeting. Minutes shall be maintained as a public record;
 - g. **Attendance:** The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Design Review Board shall recommend to the Mayor and City Council the removal for cause of any member who is absent from three (3) consecutive meeting without adequate reason.

SECTION O: DESIGN REVIEW BOARD, APPLICATION REQUIREMENTS FOR A CERTIFICATE OF APPROPRIATENESS

1.o.1. Applications for a certificate of appropriateness shall be submitted through the office of the Zoning Administrator. Prior to the placement of an item on the agenda of the Design Review Board an application for a certificate of appropriateness must be “**complete**” as determined by the Zoning Administrator, and must be submitted in its complete form twenty-two (22) days prior to a meeting of the Design Review Board. The Design Review Board shall act on a complete application within thirty (30) days of receipt of the complete application.

1.o.2. An application shall be determined to be complete by the timely submittal of all items listed Article One, Section L of this Ordinance, and any of the following which adds to an understanding of an application:

- a. architectural plans;
- b. site plans;
- c. landscape plans;
- d. proposed signs;
- e. proposed exterior lighting arrangements;
- f. elevations of all portions of structures or buildings with relationships to public views;
- g. indications of construction materials proposed for buildings and/or structures;
- h. photographs or perspective drawings indicating visual relationships to adjoining structures and spaces.

1.o.3. A public hearing shall be required when an application for a Certificate of Appropriateness is requested. The time and location of the Public Hearing shall be published in a newspaper of general circulation in Sumter at least fifteen (15) days prior to the public hearing. The property in question shall be posted for the same period as the newspaper notice.

1.o.4. Where a request for a demolition permit is involved in an application for a certificate of appropriateness, the Design Review Board may postpone the issuance of a demolition permit for one hundred (120) days pending a thorough review of the matter. An extension of an additional one hundred (120) days may be authorized when the Design Review Board is reasonably certain that an alternative to demolition can be achieved during the additional time period. The Design Review Board shall provide a recommendation to the Mayor and City Council when it is in the

public interest to save valuable architectural, cultural, and/or archeological resources which would be damaged or lost by the demolition or partial demolition or the moving of a building or structure.

1.o.5. General Certification of Appropriateness: A general certification for appropriateness for specific kinds of alterations may be issued by the Zoning Administrator if he/she finds that a particular material, paint color, design, architectural feature or style is generally acceptable and appropriate within the district(s). If the Zoning Administrator finds, upon examination of the application, that all aspects which would require Board approval are met through the general certificate of appropriateness process, he/she may proceed without referral to the Board. However, the authority to issue a general certification of appropriateness regarding particular materials, paint color etc., shall first be recommended by the Design Review Board and approved by the Mayor and City Council. Only then may a general certification of appropriateness become established covering a particular material, paint color, design architectural feature, etc., which the Zoning Administrator may unilaterally decide upon. **The following General Certifications have been approved by City Council:**

- 1. Vinyl siding in Hampton Park Historic District – 1998**
- 2. Vinyl replacement windows in Hampton Park Historic District – 2007**
- 3. Paint Colors for residential structures in Hampton Park Historic District – 2010:**
 - a. Sherwin Williams – Classical / Colonial 1800’s**
 - b. Sherwin Williams – Victorian 1900’s**
 - c. Sherwin Williams – Suburban Modern 1950’s**
 - d. Sherwin Williams – Arts & Crafts 1900’s**

(Note: Paint may be purchased from supplier of choice – the paint color is only required to match the selected palette colors.)

- 4. Awnings for buildings in the Central Business District that conform to the Design Review Guidelines. In cases where there are possible conflicts with a proposed awning color, placement, scale, or design that is not approvable by Staff in accordance with what is stated in the Guidelines, the review shall be forwarded to the Historic Preservation Design Review Committee, who shall make a decision on the proposal.**

1.o.6. Appeals to the Design Review Board: Appeals to the Board may be taken by any person aggrieved by any alleged error in an order, requirement, determination, or decisions of the Zoning Administrator or other staff members of the Planning Department. The appeal must be taken within thirty (30) days of a staff decision and must be made on a form supplied by the Zoning Administrator. The Zoning Administrator shall transmit to the Board all the paper constituting the record upon which the action appealed from was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator or the Building Official certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certification a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by the Circuit Court.

1.o.7. Denial of Certificate of Appropriateness: A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for denial. An applicant may resubmit an amended application or reapply for a building or demolition permit that takes into considerations the findings of the Board.

1.o.8. Appeal from the Design Review Board:

Changes # 3 & 7

- a. A person who may have a substantial interest in any decision of the Historic Preservation Design Review Committee (HPDRC) or any officer, or agent of the appropriate governing authority may appeal from any decision of the HPDRC to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the HPDRC.
- b. A property owner whose land is the subject of a decision of the HPCRC may appeal either:
 1. as provided in subsection (a); or
 2. by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 1.o.10.

A notice of appeal and request fro pre-litigation mediation must be filed within thirty (30) days after the decision of the HPDRC is postmarked.

- c. Any filing of an appeal from a particular HPDRC decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8-21-310(a)(a) of South Carolina Law.

1.o.9. **Contempt; penalty.** In case of contempt by a party, witness, or other person before the HPDRC, the HPDRC may certify the fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

1.o.10. **Pre-litigation mediation; notice; settlement approval; effect on real property; unsuccessful mediation.**

- a. If a property owner files a notice of appeal with the a request for pre-litigation mediation, the request for mediation must be granted and the mediation must be conducted in accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules and this section. A person who is not the owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the HPDRC.
- b. The property owner or his representative, any other person claiming an ownership interest in the property or his representative, and any other person who has been granted leave to intervene pursuant to subsection (a) or his representative must be notified and have the opportunity to attend the mediation. The government entity must be represented by at least one person for the purpose of mediation.
- c. Within five (5) working days of a successful mediation, the mediator must provide the parties with a signed copy of the written mediation agreement.
- d. Before the terms of a mediation settlement may take effect, the mediation settlement must be approved by:
 1. the local legislative governing body in public session; and
 2. the circuit court as provided in subsection (g)
- e. Any land use or other change agreed to in mediation which affects existing law is effective only as to the real property which is the subject of the mediation, and a settlement agreement sets no precedent as to other parcels of real property.

- f. If mediation is not successful or if the mediated settlement is not approved by the local legislative governing body, a property owner may appeal by filing a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The petition must be filed with the circuit court within thirty (30) days of:
 - 1. the report of an impasse as provided in the South Carolina Circuit Court Alternative Dispute Resolution Rules; or
 - 2. the failure to approve the settlement by the local governing body.
- g. The circuit court judge must approve the settlement if the settlement has a rational basis in accordance with the standards of this chapter. If the mediated settlement is not approved by the court, the judge must schedule a hearing for the parties to present evidence and must issue a written opinion containing findings of law and fact. A party may appeal from the decision:
 - 1. in the same manner as provided by law for appeals from other judgments of the circuit court; or
 - 2. by filing an appeal pursuant to subsection (f).

1.o.11. Notice of appeal, transcript; supersedeas.

- a. Upon filing of an appeal with a petition as provided in Section 1.o.8.a. or Section 1.o.10.f., the clerk of the circuit court must give immediate notice of the appeal to the secretary of the HPDRC and within thirty (30) days from the time of the notice, the HPDRC must file with the clerk a duly certified copy of the proceedings held before the HPDRC, including a transcript of the evidence heard before the HPDRC, if any, and the decision of the HPDRC including its findings of fact and conclusions.
- b. The filing of an appeal in the circuit court from any decision of the HPDRC does not ipso facto act as a supersedeas, but the judge of the circuit court may, in his discretion, grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

1.o.12. Determination of appeal; costs; trial by jury.

- a. At the next term of the circuit court or in chambers upon ten days notice to the parties, the resident residing judge of the circuit court of the county must proceed to hear and pass upon the appeal on the certified record of the HPDRC proceedings. The findings of fact by the HPDRC are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter must be remanded to the HPDRC for rehearing. In determining the questions presented by the appeal, the court must determine only whether the decision of the HPDRC is correct as a matter of law. In the event that the decision of the HPDRC is reversed by the circuit court, the HPDRC must be charged with the costs which must be paid by the governing authority which established the HPDRC.
- b. When an appeal includes no issues triable of right by jury or when the parties consent, the appeal must be placed on the non-jury docket. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a property owner from subsequently electing to

assert a pre-existing right to trial by jury of any issue beyond the subject matter jurisdiction of the HPDRC.

SECTION P: ADMINISTRATIVE OFFICER AND RESPONSIBILITIES

1.p.1. There shall be an administrative officer who shall have the responsibility for implementation and enforcement of all provisions of this ordinance as planning director and zoning administrator. This officer may delegate duties to subordinate officials within the department to assist in such administration and implementation and to represent the department as needed. Ultimate responsibility to City Council and County Council for such implementation, enforcement, and representation shall remain with the administrative officer.

1.p.2. The Zoning Administrator shall accept and examine all applications for construction, land use or reuse, and shall jointly issue building and zoning permits in full cooperation with the Building Official where such applications are in accord with the provisions of this Ordinance and the applicable Standard Building Code regulations. He/she shall direct parties in conflict with this Ordinance, cause to be kept records and files of any and all matters referred to him, and execute any and all reports as the City and County Councils of Sumter, South Carolina, may require.

1.p.3. If the Zoning Administrator shall find that any one of the provisions of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order the discontinuance of illegal uses of land, (and in full cooperation with the Building Official) the discontinuance of illegal buildings and structures; the removal of illegal buildings or structures; illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

SECTION Q: LAND CLEARANCE, GRADING, BUILDING, AND SIGN PERMITS REQUIRED

1.q.1. Unless elsewhere exempted by this Ordinance, no building, sign, parking lot or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Zoning Administrator. Furthermore, no large-scale (greater than two (2) acres) land clearance or grading of property shall be permitted without a tree protection and landscape plan submitted and approved by the Sumter City-County Planning Commission, which shall then direct the Zoning Administrator concerning the issuance of grading or land clearance permit. Small-scale (less than two (2) acres) land clearance and grading plans will be submitted directly to the Zoning Administrator for approval and permit. Nothing in this Section shall prohibit farming operations regulated elsewhere in this Ordinance. The permit, if issued, shall be posted on the property in full view from each street upon which the property abuts.

SECTION R: APPLICATION FOR A BUILDING PERMIT

1.r.1. All applications for building permits as required by the Sumter City and County Building Codes shall be accompanied by a site plan in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and location on the lot of buildings already existing, if any; and the location and dimension of the proposed buildings or alterations. The application shall include such other information as lawfully may be required by the Zoning Administrator; including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

1.r.2. One copy of the plans shall be returned to the applicant by the Building Official after he shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. The original copy of the plan, similarly marked shall be retained by the Building Official. The City or County Engineer shall attest to the correctness and the adequacy of all infrastructure improvements shown on the site plan and/or as-built survey accompanying the site plan by affixing his signature and seal on the plans.

SECTION S: CERTIFICATES OF ZONING COMPLIANCE FOR NEW OR ALTERED USES

1.s.1 Zoning compliance is shown by the completion of the Planning Section of the Building and/or Sign Permit.

SECTION T: CONSTRUCTION AND USE TO BE AS SHOWN IN THE APPLICATIONS, SITE PLANS, BUILDING PERMITS, AND CERTIFICATES OF OCCUPANCY

1.t.1. Building permits or certificate of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. No other use, arrangement or construction shall be allowed.

1.t.2. No building, other structure, or land shall be used; nor shall any building, structure or land be converted, wholly or in part, to any other use, until a Certificate of Occupancy, certifying compliance with this Ordinance, has been issued by the Zoning Administrator and the Building Official. No Certificate of Occupancy shall be issued where such use is in violation of the provisions of this Ordinance, or of any other applicable law or regulations.

SECTION U: AMENDMENT AUTHORIZATION AND PROCEDURE

1.u.1. This Zoning and Development Standards Ordinance, including the map(s), may be amended from time to time by the Sumter City or County Councils, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Sumter City-County Planning Commission for review and recommendation. The Sumter City-County Planning Commission shall have thirty (30) days from the meeting at which the amendment was presented within which to submit its report. If the Sumter City-County Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the requested amendment. Any communication (written, verbal or otherwise) purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication, the interested parties shall be supplied with the proper application form(s) by the Zoning Administrator.

1.u.2. **Initiation of Amendment:** Proposed changes or amendments to the Sumter City-County Zoning and Development Standards Ordinance and Map(s) may be initiated by the Sumter City Council, the Sumter County Council, the Sumter City-County Planning Commission, the Sumter City-County Zoning Board of Appeals and individual property owners.

1.u.3. **Application Fee:** Before any action shall be taken on an amendment request, the party or parties proposing or recommending said amendment shall deposit the required fee with the Zoning Administrator. The application fee shall not be refunded for failure of said amendment to be adopted. The fee is not required where the amendment is initiated by a public body listed in 1.t.2. above.

1.u.4. **Planning Commission Report:** The Sumter City-County Planning Commission shall prepare a report and make recommendations on any proposed amendment, stating its findings and its evaluation of the request. In making its report, the Sumter City-County Planning Commission shall consider the following factors:

- a. The relationship of the request to the City-County Comprehensive Plan and whether the request violates or supports the Plan;
- b. Whether the use permitted by the proposed change would be appropriate in the area concerned;
- c. Whether adequate public school facilities, roads, and other public services exist or can be provided to serve the needs of the development likely to take place as a result of such change and the consequence of such change;
- d. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewer to the area. In the absence of such infrastructure capabilities, the proposed change must demonstrate that a safe and sanitary living environment exists through the provision of facilities sanctioned by the South Carolina Department of Health and Environmental Control (DHEC);

- e. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City or County of Sumter, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

1.u.5. **Declaration of Policy:** As a matter of policy, no request to change the text of the Zoning Ordinance or the Zoning Map shall be acted upon favorably except:

- a. Where necessary to implement the Comprehensive Plan; or,
- b. To correct an original mistake or manifest error in the regulations or map; or,
- c. To recognize substantial change or changing conditions or circumstances in a particular locality; or
- d. To recognize change in technology, the style of living, or manner of doing business.

1.u.6. **Public Hearing and Notice Thereof:** Before enacting an amendment in this Ordinance, the City or County Council shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of the hearing shall be published in a newspaper of general circulation in Sumter County. When a proposed amendment affects the district classification of property, notice shall be made by posting the subject property, with at least one notice being visible from each road that abuts the property. Posting of said property shall occur at such time as the notice is given, and shall be at least fifteen (15) days prior to the hearing. All adjoining property owners directly abutting a parcel scheduled for rezoning (and those property owners within a circumference of five hundred (500) feet shall be contacted in writing at least (15) days prior to the public hearing.

- a. When it is deemed beneficial by the Planning Commission to hold a public hearing, no public hearing by the City or County Council is required before amending the Zoning Ordinance text or maps. However, the City and/or County Council may hold a public hearing to obtain additional public input on its own initiative;
- b. No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made sixty (60) days after the decision of the City or County Council, if there has been substantial compliance with the notice requirements of this section, and with established procedures of the Sumter City or County Council and the Sumter City-County Planning Commission.

1.u.7. **Action by the Sumter City and County Councils:** The Sumter City and County Councils shall consider the recommendations of the City-County Planning Commission on each proposed zoning amendment. However, the Sumter City and County Councils are not bound by the recommendation in making a final decision, and may call for additional information.

1.u.8. **Resubmission of denied Application:** In no instance shall a property owner(s) initiate action for a zoning amendment affecting the same parcel or lot, or any part thereof, for a period of twelve (12) months following denial of such request by the Sumter City or County Councils. The Sumter City-County Planning Commission, the Sumter City-County Zoning Board of Appeals, or the Sumter City and County Councils may initiate a change in the Ordinance any time without regard to the twelve (12) month limitation.

“This page intentionally left blank”

ARTICLE TWO
ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

SECTION A: ZONING DISTRICTS

2.a.1. In order to implement the Sumter City-County 2020 Comprehensive Plan, the City and County of Sumter is hereby divided into the following zoning and development districts:

- a. **Residential Districts Shall be Identified as Follows:** Map Symbols
- | | |
|------------------------------------|------|
| Single-Family Residential District | R-15 |
| Single-Family Residential District | R-9 |
| Residential District | R-6 |
| General Residential District | GR |
| Residential Multi-Family District | RMF |
- b. **Non-Residential Districts:**
- | | |
|---|------|
| Professional Office District | PO |
| Neighborhood Commercial District | NC |
| Limited Commercial District | LC |
| General Commercial District | GC |
| Central Business District | CBD |
| Light Industrial and Wholesale District | LI-W |
| Heavy Industrial District | HI |
| Conservation-Preservation District | CP |
| Agricultural Conservation District | AC |
- c. **Special Purpose Districts:**
- | | |
|--------------------------------------|---------|
| Airfield Compatibility District | APZ/DNL |
| Planned Development | PD |
| Highway Corridor Protection District | HCP |
- d. **Overlay Districts:**
- | | |
|---|----|
| Hampton Park Design Review District | HP |
| Downtown Historic Preservation District | DT |

2.a.2. The minimum area of any free-standing zoning area will be 2 acres. Free-standing zoning areas are areas where common types of zoning are contiguous. Those common types include commercial (GC, LC, NC, and PO), Industrial (HI, and LI) City and (HI, LI, and M-U-I) County, Residential (R-15, R-9, R-6, GR, and MFR), Planned Development, Agricultural (AC and AC-10), and Conservation Preservation.

SECTION B: ZONING DISTRICT BOUNDARIES AND THE OFFICIAL MAP(S)

2.b.1. Official Zoning & Development Standards Map(s): The boundaries of the zoning districts are shown on a map(s) entitled “Official Zoning and Development Standards Map(s), City of Sumter, South Carolina, or Sumter County, South Carolina, which together with all explanatory matter is adopted by reference and declared to be a part of this Ordinance. The Official Zoning and Development Standards Map for the City of Sumter shall be identified by the signature of the Mayor of the City of Sumter, and attested to by the City Clerk. Likewise the Official Zoning and Development Standards Map for the County of Sumter shall be identified by the signature of the Chairperson of the Sumter County Council, and attested to by the Clerk of County Council. The Official Zoning and Development Standards Map(s) shall record the original date of adoption with each revision so noted on the Map(s).

- a. Regardless of the existence of the purported copies of the Official Zoning and Development Standards Map(s) which may from time to time be made, sold, or published, or the FIRM Boundary Maps, the Official Map(s) shall be located in the Clerk of Councils offices for the City and County of Sumter, and the offices of the Sumter City-County Planning Commission. The Official Zoning and Development Standards Map(s) for the City and/or County of Sumter shall be the final authority as to the current zoning status of the lands, water areas, buildings, and other structures in the City and County of Sumter.

2.b.2. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) City of Sumter, South Carolina, and, Sumter County, South Carolina, (Unincorporated Areas): Referenced as Community-Panel Numbers 450184 001-0004 Map Revised December 18, 1981, and Community Panel Numbers 450182 0025-0275 Effective Date: January 5, 1989, are hereby adopted for use in the implementation of this Ordinance. Future revisions are adopted as published and become effective on map date or as soon as received, whichever in later.

2.b.3. Interpretations of the Boundaries on the Official Map(s): Where boundaries of districts are shown on the official Zoning and Development Standards Map(s) or the FIRM maps, the following rules shall apply:

- a. Boundaries indicated as approximately following the center line of streets, highways, or roads, shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following platted lot lines;
- c. Boundaries indicated as approximately following political boundaries shall be construed as following such lines;
- d. Boundaries indicated approximately as parallel to or extension of features in the above mentioned items shall be so construed;

- e. Boundaries indicated as following approximately the centerline of waterways, creeks, ditches, shall be construed as following such lines;
- f. Distances not specifically indicated on the Official Zoning and Development Standards Map(s) shall be determined by the scale of the Map(s);
- g. Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning and Development Standards Map(s), or other circumstances covered in the above mentioned items, the Sumter City-County Board of Zoning Appeals shall interpret the district boundaries;

2.b.4. Amendments to the Official Zoning & Development Standards Map(s): If, in accordance with the provisions of this Ordinance and S.C. 6-29-720, changes are made in district boundaries or other matters portrayed on the Official Zoning and Development Standards Map(s), such changes shall be entered on the Map(s) promptly after the amendments have been made by the Sumter City and/or County Councils. No amendments to this Ordinance which involve matters portrayed on the Map(s) shall become effective until after such changes have been made on the said Map(s).

2.b.5. Annexation Zoning: All territory which may hereafter be granted or annexed to the City of Sumter, shall be classified automatically in the zoning which it was previously zoned in the unincorporated portion of Sumter County. However, the applicant or owner of said property may request and/or City Council may designate a zoning district that is compatible with existing surrounding land uses and supports the Comprehensive Plan, at the time of annexation. Such changes in zoning which emerge with annexation of property into the City must be accompanied with the recommendation from the Sumter City-County Planning Commission.

“This page intentionally left blank”

ARTICLE THREE
ZONING AND DEVELOPMENT DISTRICT REGULATIONS

SECTION A: GENERAL

3.a.1. No building, structure, parking lot, or land shall hereafter be used and no building, structure, parking lot or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in compliance with applicable district regulations set forth in this Ordinance.

SECTION B: R-15 AND R-9 LARGE AND MEDIUM SINGLE-FAMILY LOT RESIDENTIAL DISTRICTS

3.b.1. **Purpose:** The purpose of these two (2) districts is to recognize the essential suburban living character of significant portions of the City and County of Sumter where low and medium density single-family residential development is the predominant living environment of the existing and future population. Also, changing patterns of work and home environments create incentives to view the single-family dwelling as a center of work and residential living activities.

3.b.2. **Permitted Uses:** Within the R-15 and R-9 Districts a building, structure or premise shall be used only for the following purpose:

- a. Dwelling, single-family detached, excluding mobile, or manufactured homes;
- b. Horticulture, agriculture, and livestock specialties, with SIC classifications 01 & 02;
- c. Neighborhood, community parks, and similar uses;
- d. Accessory uses such as, bathhouses, cabanas, non-commercial greenhouses, private garages and carports, storage buildings, swimming pools, tool sheds & work shops, and home occupations except home day care;
- e. Signs for which a permit is not required, together with restrictions governing the use of signs in Article Eight, Section I.
- f. Accessory Apartments subject to the development criteria established in Section 4.g.2.

3.b.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any conditional use identified below.

- a. Single-family attached dwelling;
- b. Townhouse and patio homes (subject to the provisions in the R-6 district);
- c. Community Centers;
- d. Golf courses - public and private, with SIC classifications 7992 & 7997;
- e. Swimming & Tennis Clubs, with SIC classification 7997;
- f. Elementary & secondary schools, with SIC classifications 82 & 821;
- g. Libraries, with SIC classification 823;
- h. Nursing & Personal Care Facilities (only in R-9), with SIC classification 805;
- i. Museums & Art Galleries, with SIC classification 841;
- j. Arboreta & Botanical or Zoological Gardens, with SIC classification 842;
- k. Civic, Social, & Fraternal Associations (only in R-9), with SIC classification 864;
- l. Religious organizations, with SIC classification 866;
- m. Public safety facilities or buildings, with SIC classification 922;
- n. Ash gardens (only allowed adjacent to a religious or consecrated facility);
- o. Cemeteries (only in R-9);
- p. Child Day Care (only in R-9) SIC classification 832 & 835;
- q. Adult Day Care (only in R-9) SIC classification 832 & 835.
- r. Colleges and Universities, public and private with SIC 82
- s. Individual and Family Care with SIC 83 (only in R-9)
- t. Home Day Care (R-15 and R-9) as Home Occupation – See Section 5.b.1.g

3.b.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any uses listed below are allowed in these districts:

- a. Communication Towers (SIC Code 48)
- b. Public Utilities and Infrastructure (SIC Code 49)
- c. Bed and Breakfast Inns

3.b.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply with the R-15 and R-9 Zoning Districts.

a. **Lot Requirements (Minimum)**

	<u>R-15 District</u>	<u>R-9 District</u>
Lot Area	15,000 sq. ft.	9,000 sq. ft.
Lot width	100 ft.	75 ft.
Lot depth	120 ft.*	100 ft.*

* Linear feet measured from front lot line to rear lot line. Where lot lines are not parallel, measure by drawing lines from front to rear lines, at right angles to front lot line, every ten feet and average the length of these lines.

b. **Yard and Building Set Back Requirements (minimum)**

	<u>R-15 District</u>	<u>R-9 District</u>
Front	35 ft (local/coll.) 45 ft (all other)	35 (local/coll.) 45 (all other)
Side (2 sides required)	12 ft. 50 ft. (non-res.)	10 ft. 50 ft. (non-res.)
Rear	25 ft. 50 ft. (non-res.)	25 ft. 50 ft. (non-res.)

c. **Building Height Requirements (maximum)**

	<u>R-9-15 District</u>	<u>R-9 District</u>
Residential Uses	35 ft.	35 ft.
all other permitted uses	45 ft.	45 ft.

d. **Impervious Surface Ratio (Both Districts):** . 40

e. **Off-street Parking Requirements:** Off-street parking requirements for the uses permitted herein are established in Article Eight, Section J

f. **Landscape Requirements:** Landscape requirements for the uses permitted herein are established in Article Eight, Section D.

SECTION C: R-6, SMALL LOT, SINGLE-FAMILY RESIDENTIAL DISTRICT

3.c.1. **Purpose:** The purpose of this district is to provide for a variety of single-family housing on small lots to meet market demands for smaller lot developments. It is also the intent of this district to balance higher densities with common open space.

3.c.2. **Permitted Uses:** Within the R-6 District, a building or premise shall be used only for the following purpose:

- a. Single-family, detached dwelling excluding mobile or manufactured homes;
- b. Duplex;
- c. Accessory uses, such as bathhouses, cabanas, non-commercial greenhouses, private garages & carport, storage buildings, swimming pools, tool shed & work shop, and home occupations except home day care;
- d. Signs for which a permit is not required, together with restrictions governing the use of signs in Article Seven, Section G;
- e. Public parks & playgrounds;
- f. Agricultural production - livestock specialties, with SIC Classification 02.
- g. Accessory Apartments subject to the development criteria established in Section 4.g.2.

3.c.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any conditional use identified below.

- a. Townhouse, patio homes, triplex and quadraplex;
- b. Single-Family attached dwellings, excluding mobile or manufactured homes;
- c. Community centers;
- d. Golf courses, public and private with SIC Codes 7992 & 7997;
- e. Elementary school & secondary school with SIC Codes 82 & 821;
- f. Swimming & Tennis club with SIC Code 7997;
- g. Colleges, universities, and professional schools with SIC Code 822;
- h. Libraries with SIC Code 823;
- i. Nursing & Personal Care Facilities with SIC Code 805;
- j. Individual & Family Social Services with SIC Code 83 & 83 excluding offender rehabilitation agencies, offender self-help agencies, parole offices, and probation offices;
- k. Childcare Services with SIC Code 835;
- l. Residential Care with SIC Code 836 excluding halfway homes for delinquents and offenders, juvenile correctional homes; and training schools for delinquents;
- m. Museums and Art Galleries with SIC Code 841;
- n. Arboreta & Botanical or Zoological Garden with SIC Code 842;
- o. Religious Organizations with SIC Code 866;

- p. Civic, social, and fraternal organizations with SIC Code 864;
- q. Public Safety facilities including fire protection with SIC Code 922;
- r. Cemeteries and Ash Gardens adjacent to or part of consecrated facilities;
- s. Adult Care Services with SIC 83.
- t. Home Day Care as Home Occupation – See Section 5.b.1.g.

3.c.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any uses listed below are allowed in these districts:

- a. Communication Towers (SIC Code 48);
- b. Public Utilities and Infrastructure (SIC Code 49);
- c. Bed and Breakfast Inns;
- d. Security & commodity brokers with SIC Code 62;
- e. Insurance carriers & agents with SIC Code 63 & 64;
- f. Real estate agents and managers with SIC Code 6531;
- g. Employment Agencies with SIC Code 7361;
- h. Legal services offices with SIC Code 81;
- i. Tutoring services and adult education with SIC Code 8299;
- j. Engineering, accounting, architectural services and research with SIC Code 87.

3.c.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the R-6 Zoning Districts. See Development Standards - Exhibit 1.

3.c.6. **Off Street Parking:** Off street parking requirements for the uses permitted or conditionally allowed herein are set forth in Article Eight, Section J.

3.c.7. **Landscaping Requirements:** Landscaping requirements for uses permitted or conditionally allowed herein are set forth in Article Eight, Section D.

EXHIBIT I DEVELOPMENT STANDARDS FOR USES IN R-6 DISTRICT

	Non-Residential Uses	Detached Dwellings	Duplex Dwellings	Patio Homes and Zero Lot Line Housing Projects	Townhouses ****	Triplex and quadruplex dwellings
Minimum Lot Area Per Structure (sq. ft.)	N/A	6,000	10,000	5,000	2,000	N/A
Minimum Site Area	N/A	N/A	N/A	2 acres	2 acres	2 acres
Minimum Lot Width	N/A	60 ft.	80 ft.	45 ft.	16 ft.	150 ft.
Minimum Yards, Per Structure:						
Front	25 ft.	35 ft local/collector 45 ft. all others	35 ft. local/collector 45 ft. all others	25 ft. local/collector 45 ft. all others	15 ft. local/ collector 45 ft. all others	25 ft. local/collector 45 ft. all others
Side	25 ft.	8 ft.	10 ft.	0/8 ft. *	0/7.5 ft. **	30 ft.
Rear	50 ft.	20 ft.	20 ft.	20 ft.	20 ft.	35 ft.
Minimum Distance Between Buildings	30 ft.	N/A	N/A	N/A	15 ft.	40 ft.
Maximum Impervious Surface Percentage	45%	45%	45%	45%	65%	60%
Common Open Space Ratio (% project area) ***	N/A	N/A	N/A	N/A	20% ***	25% ***
Maximum Density (units per gross acre)	N/A	7.2	14	14	14	16
Maximum Height of Buildings	45 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

* Minimum Side Yard Setback required on one side only.

** Zero between units, seven and a half (7.5) ft feet between end structure and side property line.

*** For projects with ten (10) or fewer units, no common open space is required.

**** Townhouse buildings shall not exceed eight (8) continuous units.

SECTION D: GENERAL RESIDENTIAL (GR) DISTRICT

3.d.1. **Purpose:** The purpose of this district is to accommodate higher density residential development and a variety of housing types on small lots.

3.d.2. **Permitted Uses:** Within the GR District, a building or a premise shall be used only for the following purpose:

- a. Single-family, detached dwelling;
- b. Duplex;
- c. Manufactured homes;
- d. Accessory uses such as bathhouses, cabanas, non-commercial greenhouse, private garage & carport, storage building, swimming pool, tool shed, workshop and home occupations except home day care;
- e. Signs for which a permit is not required, together with restrictions governing the use of signs in Article Seven, Section G,
- f. Public parks & playgrounds;
- g. Agricultural production - livestock specialties with SIC Codes 01, 02;
- h. Accessory Apartments subject to development criteria established in Section 4.g.2.

3.d.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.1.3. shall be a prerequisite to the issuance of a building permit for any conditional use identified below.

- a. Single-family attached and semi-detached dwelling;
- b. Mobile home park;
- c. Townhouse;
- d. Patio home;
- e. Triplex and quadraplexes;
- f. Rooming and boarding house, with SIC code 702;
- g. Organization hotels & lodging houses on a membership basis with SIC Code 704;
- h. Elementary and Secondary Schools, with SIC Codes 82 and 821;

- i. Colleges, universities and professional schools, with SIC Code 822;
- j. Libraries, with SIC Code 823;
- k. Nursing and personal care facilities, with SIC Code 805;
- l. Individual and family social services, with SIC Code 83 and 832;
- m. Residential care facilities, with SIC Code 836;
- n. Child Care Services, with SIC Code 835;
- o. Adult Care Services with SIC Code 83;
- p. Museums and Art Galleries, with SIC Code 841;
- q. Arboreta and Botanical Gardens or Zoological Gardens, with SIC Code 842;
- r. Civic, social or fraternal associations, with SIC code 864;
- s. Religious organizations, with SIC Code 866;
- t. Public safety facilities including fire protection, with SIC Code 922;
- u. Ash gardens and cemeteries adjacent to religious or consecrated facilities only.
- v. Home Day Care as Home Occupation – See Section 5.b.1.g.

3.d.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any uses listed below are allowed in these districts:

- a. Communication Towers (SIC Code 48)
- b. Public Utilities and Infrastructure (SIC Code 49)
- c. Bed and Breakfast Inns

3.d.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance; the following minimum requirements shall apply with the GR District. See Development Standards - Exhibit 2.

3.d.6. **Special Development Standards for manufactured units or mobile homes:** The following development standards shall be required in addition to those found in Exhibit 2;

- a. The mobile home shall be attached to a foundation and securely underpinned and/or anchored in accord with manufacturer's specification. The securing of a unit to a foundation must be inspected and approved by the Building Inspection Division;
- b. Each mobile home shall have skirting constructed of brick, concrete block, vinyl, or wood that extends from the exterior wall to the ground. The axle, tongue, and wheels must be removed from the unit;
- c. All mobile homes in Agricultural Conservation (AC) District shall be placed with the longest dimension parallel to the lot frontage;

3.d.7. **Special Development Standards for Mobile Home Parks:** The following development standards shall be required in addition to those found in Exhibit 2;

- a. A mobile home park shall be served by a community water and sewer system, storm drainage system, and a refuse disposal facility;
- b. Internal paved roadways shall be required of all parks, and roadways shall have a minimum travel width of eighteen (18) feet exclusive of parking;
- c. No mobile home shall have direct access to a collector or arterial street;
- d. Each mobile home shall meeting the off street parking requirements in Article Eight, Section J, Exhibit 21;
- e. A minimum of ten (10%) percent of the park shall be developed for recreational purposes, with no recreation area having less than five (500) square feet in area;
- f. All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400 foot intervals.
- g. Each mobile home site shall be at least 15 feet from any other mobile home and at least 15 feet from the right-of-way of any drive which provides common circulation, and 25 feet from any side or rear property line, and shall meet the front yard setbacks for the street upon which it is located.

3.d.8. **Off Street Parking:** Off street parking requirements for the uses permitted or conditionally allowed herein are set forth in Article Eight, Section J.

3.d.9. **Landscaping Requirements:** Landscaping requirements for uses permitted or conditionally allowed are set forth in Article Eight, Section D.

EXHIBIT 2 DEVELOPMENT STANDARDS FOR USES IN GR DISTRICT

	Non-Residential Uses	Detached Dwellings (1)	Duplex Dwellings	Single Family Semi-Detached Dwelling	Patio Homes and Zero Lot Line Housing Projects	Townhouses ****	Triplex and quadraplex Housing	Mobile Home Park (2)
Minimum Lot Area Per Structure (sq. ft.)	N/A	6,000	10,000	5,000	5,000	2,000	N/A	5,000
Minimum Site Area	N/A	N/A	N/A	2 acres	2 acres	2 acres	2 acres	5 acres
Minimum Lot Width	N/A	60 ft.	80 ft.	45 ft.	45 ft.	16 ft.	150 ft.	45 ft.
Minimum Yards, Per Structure:								
Front (local/collector)	25 ft. 45 ft. all other	35 ft. 45 ft. all other	35 ft. 45 ft. all other	25 ft. 45 ft. all other	25 ft. 45 ft. all other	15 ft. local/ collector 45 ft. all others	25 ft. 45 ft. all other	25 ft. 45 ft. all other
Side	25 ft.	8 ft.	10 ft.	0/8 ft. *	0/8 ft. *	0/7.5. **	30 ft.	25 ft.
Rear	50 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	35 ft.	25 ft.
Minimum Distance Between Buildings	30 ft.	N/A	N/A	N/A	N/A	15 ft.	40 ft.	N/A
Maximum Impervious Surface Percentage	45%	45%	45%	45%	45%	65%	60%	45%
Common Open Space Ratio (% project area) ***	N/A	N/A	N/A	N/A	N/A	20% ***	25% ***	10% Minimum
Maximum Density (units per gross acre)	N/A	7.2	14	14	14	14	16	8
Maximum Height of Buildings	45 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	35 ft.

1. A manufactured housing unit or mobile home shall be considered a detached dwelling, but shall comply with the additional development standards specified in 3.d.5
2. Mobile Home Park: See additional requirements in Section 3.d.6
 - * Minimum Side Yard Setback required on one side only.
 - ** *Zero between units, seven and a half (7.5) feet between end structure and side property line.*
 - *** For projects with ten (10) or fewer units, no common open space is required.
 - **** Townhouse buildings shall not exceed eight (8) continuous units.

SECTION E: RESIDENTIAL MULTI-FAMILY (RMF) DISTRICT

3.e.1. **Purpose:** The purpose of this district is to accommodate multi-family development within areas appropriately suited and compatible with surrounding development.

3.e.2. **Permitted Uses:** Within the RMF District, a building or a premise shall be used for only the following purpose:

- a. Single-family, attached dwelling;
- b. Multi-family apartments;
- c. Organization hotels & lodging houses - on a membership basis;
- d. Accessory uses such as bathhouses, cabanas, non-commercial greenhouses, private garage & carport, storage building, swimming pool, tool shed, workshop, and home occupations except home day care;
- e. Nursing & personal care facilities, with SIC Code 805;
- f. Agriculture production - crops, with SIC Code 01;
- g. Agriculture production - livestock specialties, with SIC Code 02;

3.e.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any conditional use identified below:

- a. Single-family semi-detached dwelling;
- b. Townhouse;
- c. Patio home;
- d. Public safety facilities including fire protection, with SIC Code 922;
- e. Ash gardens adjacent to religious or consecrated facilities only;
- f. Religious Institutions;
- g. Home Day Care as Home Occupation – See Section 5.b.1.g.

3.e.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any uses listed below are allowed in these districts:

- a. Communication Towers (SIC Code 48)
- b. Public Utilities and Infrastructure (SIC Code 49)

3.e.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the entire RMF Zoning District. See Development Standards - Exhibit 3.

3.e.6. **Off Street Parking:** Off street parking requirements for the uses permitted or conditionally allowed herein are set forth in Article Eight, Section J.

3.e.7. **Landscaping Requirements:** Landscaping requirements for uses permitted or conditionally allowed herein are set forth in Article Eight Section D.

EXHIBIT 3

DEVELOPMENT STANDARDS FOR USES IN RMF DISTRICT

	Non-Residential Uses	Single Family Attached Dwellings	Single Family Detached Dwellings	Patio Homes and Zero Lot Line Housing Projects	Townhouses ****	Triplex and Quadruplex Housing	Multi Family Apartments
Minimum Lot Area Per Structure (sq. ft.)	N/A	10,000	5,000	5,000	2,000	N/A	N/A
Minimum Site Area	N/A	N/A	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres
Minimum Lot Width	N/A	80 ft.	60 ft.	45 ft.	16 ft.	150 ft.	200 ft.
Minimum Yards, Per Structure:							
Front (local/collector)	25 ft. 45 ft. all other	35 ft. 45 ft. all other	25 ft. 45 ft. all other	25 ft. 45 ft. all other	15 ft. local/ collector; 45 ft. all others	25 ft. 45 ft. all other	50 ft. all streets
Side	25 ft.	10 ft.	0/8 ft. *	0/8 ft. *	0/7.5. **	30 ft.	50 ft.
Rear	50 ft.	20 ft.	20 ft.	20 ft.	20 ft.	35 ft.	50 ft.
Minimum Distance Between Buildings	30 ft.	N/A	N/A	N/A	15 ft.	40 ft.	30 ft.
Maximum Impervious Surface Percentage	45%	45%	45%	45%	65%	60%	65%
Common Open Space Ratio (% project area) ***	N/A	N/A	N/A	N/A	20% ***	25% ***	25% ***
Maximum Density (units per gross acre)	N/A	14	14	14	14	16	16
Maximum Height of Buildings	45 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	45 ft.

- * Minimum Side Yard Setback required on one side only.
- ** *Zero between units, seven and a half (7.5) feet between end structure and side property line.*
- ** Zero between units, twenty (20) feet between end structure and side property line.
- *** For projects with ten (10) or fewer units, no common open space is required.
- **** Townhouse buildings shall not exceed eight (8) continuous units.

EXHIBIT 4
PERMITTED AND CONDITIONAL USES IN THE RESIDENTIAL DISTRICTS

PERMITTED & CONDITIONAL USES	R-15	R-9	R-6	GR	RMF	SIC
Dwelling-Single Family Detached	P	P	P	P		N/A
Dwelling-Single Family Attached	C	C	C	C	P	N/A
Bed and Breakfast Inn	S	S	S	S		N/A
Horticulture, Agricultural, Livestock	P	P	P	P	P	01 / 02
Townhouse and Patio Homes	C	C	C	C	C	N/A
Neighborhood and Community Parks	P	P	P	P		N/A
Community Centers	C	C	C	C		N/A
Golf Courses	C	C	C	C		7992 / 7997
Swimming, Tennis Clubs	C	C	C	C		7997
Public Utility and Infrastructure	S	S	S	S	S	49
Communication Towers	S	S	S	S	S	48
Telephone Utility	P	P	P	P	P	48
Cable Services	P	P	P	P	P	484
Electrical Services	P	P	P	P	P	491
Gas Production & Distribution	P	P	P	P	P	492
Combination of Electric & Gas	P	P	P	P	P	493
Water Supply	P	P	P	P	P	494
Sewerage Systems	P	P	P	P	P	4952

EXHIBIT 4 (Continued)
PERMITTED AND CONDITIONAL USES IN THE RESIDENTIAL DISTRICTS

PERMITTED & CONDITIONAL USES	R-15	R-9	R-6	GR	RMF	SIC
Schools, Elementary & Secondary	C	C	C	C		82 / 821
Libraries	C	C	C	C		823
Accessory Uses	P	P	P	P	P	N/A
Home Day Care as Home Occupation	C	C	C	C	C	N/A
Nursing and Personal Care Facilities		C	C	C	P	805
Museums and Art Galleries	C	C	C	C		841
Arborata, Botanical, and Zoological Gardens	C	C	C	C		842
Civic and Fraternal Associations		C	C	C		864
Churches and Religious Organizations	C	C	C	C	C	866
Public Safety Facilities	C	C	C	C	C	922
Ash Gardens	C	C	C	C	C	N/A
Cemeteries		C	C	C		N/A
Rooming and Boarding Houses			C	C		702

EXHIBIT 4 (Continued)
PERMITTED AND CONDITIONAL USES IN THE RESIDENTIAL DISTRICTS

PERMITTED & CONDITIONAL USES	R-15	R-9	R-6	GR	RMF	SIC
Colleges and Universities	C	C	C	C		822 / 8221
Child Care Facilities		C	C	C		835
Adult Care Facilities		C	C	C		8322
Individual and Family Care		C	C	C		8322
Residential Care Facility			C	C		836
Manufactured Homes				P		N/A
Mobile Home Park				C		N/A
Single Family Semi-Detached				C	C	N/A
Tri-Plex and Quadraplex			C	C		N/A
Multi Family Apartments					P	N/A
Duplex			P	P		N/A
Organization Hotels and Lodging			C	C	P	704

Note: Residential Care Homes are addressed in South Carolina State Statutes.

SECTION F: PROFESSIONAL OFFICE (PO) DISTRICT

3.f.1. **Purpose:** The purpose of this district is to accommodate offices, institutional uses and residential uses in areas whose character is neither commercial nor exclusively residential in nature. It is intended principally for areas along major streets.

3.f.2. **Permitted Uses:** Within the PO District, a building or a premise shall be used for only the following purpose:

- a. Central administrative offices, with Auxiliary SIC Code 1;
- b. Research, development & testing laboratories, with Auxiliary SIC Code 2;
- c. U.S. postal service facilities, with SIC Code 43;
- d. Water supply facilities, with SIC Code 494;
- e. Drug & sundry stores, with SIC Code 591;
- f. Optical good stores, with SIC Code 5995;
- g. Depository and non-depository institutions, with SIC Codes 60 & 61;
- h. Security & Commodity brokers, dealers, and exchange services, with SIC Code 62;
- i. Insurance carriers, agents, and brokers, with SIC Codes 63 and 64;
- j. Real Estate, holding and other investment offices, with SIC Code 65;
- k. Photographic Studios with SIC Code 722;
- l. Beauty and Barber Shops, with SIC Codes 723 and 724;
- m. Advertising Agencies, with SIC Code 7311;
- n. Commercial Art and graphic Design, with SIC Code 7336;
- o. Secretarial and Court Reporting Services, with SIC Code 7338;
- p. Employment agencies, with SIC Code 7361;
- q. Computer Programming Services, with SIC Code 7371;
- r. Computer Facilities Management Services, with SIC Code 7376;
- s. Computer Related Services, Not Elsewhere Classified, with SIC Code 7379;
- t. Detective Agencies, Private Investigators, Lie Detection Service and Polygraph Service, with SIC Code 7381;
- u. Security Systems Services, with SIC Code 7382 including Burglar alarm monitoring and maintenance, Fire alarm monitoring and maintenance, and monitoring of Security systems devices, burglar and fire alarms;
- v. Business Services, Not Elsewhere Classified with SIC Code 7389 including only the following: agents and brokers for authors and nonperforming artists; appraisers (except real estate); arbitration and conciliation services; artists' agents and brokers (except performing artists); author's agents and brokers; business brokers (buying and selling business enterprises); decoration service for special events; drafting services; fundraising on a contract or fee basis; handwriting analysis; interior decorating consulting service (except painters and paper hangers); interior designing service (except painters and paper hangers); lecture bureaus; map drafting service; map making – including aerial; message service/telephone answering (except beeper service); Notaries public, paralegal service; photogrammetric mapping service (not professional

engineers), photography brokers, playwrights' brokers, process serving service, recording studios on a contract or fee basis, speakers' bureaus, tax collection agencies: collecting for a city, county, or state, and translation services.

- w. Medical and dental offices, with SIC Codes 801, 802, 803, & 804;
- x. Nursing & personal care facilities, with SIC Code 805;
- y. Home Health Care Services with SIC Code 808;
- z. Legal service offices, with SIC Code 81;
- aa. Libraries, with SIC Code 823;
- bb. Tutoring Service (Maximum 48 students per day or 16 at one time) and Adult Education with SIC 8299.
- cc. Social service facilities and offices, with SIC Code 832;
- dd. Child care facilities and residential care, with SIC Codes 835 & 836;
- ee. Museums, art galleries and botanical gardens, with SIC Codes 841 & 842;
- ff. Business associations, professional membership organizations, and labor unions or similar organizations, with SIC Codes 86, 861, 862, 863;
- gg. Civic, social, and political organizations, with SIC Codes 864, 865, 869;
- hh. Professional offices such as engineering, accounting, research, psychology, and management, with SIC Codes 87, 89;
- ii. Government offices such as administrative, executive, legislative, and judicial, with SIC Codes 911, 912, 919, 92, 93, 94, 95, 96;
- jj. Fire protection facilities, with SIC Code 9224;
- kk. Parks and playgrounds.

3.f.3. Conditional Uses: Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:

- a. Horticulture, Agriculture, and Livestock specialties with SIC Code 01 and 02;
- b. Eating Places (SIC Code 5812);
- c. Veterinary Services, with SIC Code 074; (Note: Veterinary facilities which specialize in large animals shall be located no closer than three hundred [300] feet to a residential property line, nor one hundred-fifty [150] feet from any other property line. Sheltering and boarding of animals shall be clearly incidental to the veterinary services offered in the facility whether specializing in large or small animals);
- d. Pet Shops with SIC Code 5999;
- e. Funeral Homes and Crematories with SIC Code 726;
- f. Miscellaneous Personal Services with SIC Code 729;
- g. Massage Parlors and Spas with SIC Code 7299;
- h. Churches and religious organizations, SIC Code 866;
- i. Ash gardens (Note: provided that the facility or premise is adjacent to or part of a religious or consecrated facility only);

- j. Single-Family attached and detached homes, duplexes, townhouses, patio homes, tri-plex and quadraplex units, and multi-family apartments developed in accordance with Exhibit 5A;
- k. Residential accessory structures, uses, and home occupations as provided for in 3.d.2.d;
- l. Bed and breakfast.

3.f.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Communication Towers (SIC Code 48)

3.f.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the PO District.

a. **Lot Requirements (Minimum)**

Lot width is measured by the linear feet required at the building setback line: The minimum requirement for commercial development is 40 feet.

Depth: N/A

b. **Yard and Building Set Back Requirements (Minimum)**

Front Yard Setback

From Local/Collector Streets 35 ft.

(Note: 20 feet is the required front yard setback from arterial streets when off-street parking spaces are located on the side or rear of buildings.

45 feet is the required front yard setback from arterial streets if the parking is located in front of the building).

Side Yard Setback

From abutting Residential Districts 30 ft.

(Note: 5 feet from other districts which are not residential).

Rear Yard Setback

From all types of abutting Districts 25 ft.

c. **Building Requirements (Maximum)**

Building Height 35 ft.

Impervious Surface Ratio .75

Floor Area Ratio .65

- d. **Off-street Parking Requirement:** Off-street parking requirements for the uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section J.
- e. **Landscaping Requirements:** Landscape requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section D.

SECTION G: NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

3.g.1. **Purpose:** This district is intended to meet the commercial and service needs generated by nearby residential development. Goods and services normally available in this district are of a “convenience variety.” The size of the district should relate to the surrounding residential market area.

3.g.2. **Permitted Uses:** Within the NC District, a building or a premise shall be used for only the following purpose:

- a. United States Post Office facilities, with SIC Code 43;
- b. Water supply facilities, with SIC Code 494;
- c. Hardware stores, with SIC Code 525;
- d. Grocery stores, with SIC Code 54;
- e. Convenience stores, with SIC Code 541;
- f. Apparel & accessory stores, with SIC Code 56;
- g. Eating Places (Sic Code 5812);
- h. Home furniture, furnishings, & equipment stores, with SIC Code 57;
- i. Drug stores, with SIC Code 591;
- j. General merchandise stores such as bicycle and sporting goods, books, stationery, jewelry, toy, photography, gift, luggage, sewing, catalog, etc., with SIC Codes 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5961;
- k. Personal service stores such as florist, optical goods, art supplies, telephone stores, pet stores, with SIC Codes 5992, 5993, 5995, 5999;
- l. Banks and lending institutions, with SIC Codes 60 and 61;
- m. Dry cleaners and laundry services, with SIC Codes 7212, 7213, 7215;
- n. Photographic studios, beauty shops, barber shops, with SIC Codes 722, 723, 724;
- o. Shoe repair, shoe shine, hat cleaning, with SIC Code 725;
- p. Miscellaneous personal services, with SIC Code 729;
- q. Nursing and personal care facilities, child day care, residential care, with SIC Codes 805, 835, 836;
- r. Judicial facilities, police and fire protection facilities, with SIC Codes 92 and 9224;

3.g.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission or accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:

- a. Horticulture, agriculture, and livestock specialties with SIC Code 01 and 02;
- b. Automotive dealers & gasoline service stations, with SIC Codes 55 & 5531;
- c. Eating and drinking places with SIC Code 58;
- d. Liquor stores, with SIC Code 592;
- e. Antique Stores (SIC Code 5932);
- f. Power Laundries/Dry Cleaning Plants with SIC 7211 and 7216;
- g. Car washes, with SIC Code 7542;
- h. Video Tape rentals with SIC Code 784;
- i. Individual and Family Social Services, SIC Code 8322;
- j. Churches or other religious organizations, with SIC Code 866;
- k. Ash gardens with the same qualifications imposed as set forth in 3.f.3.d.;
- l. Single-Family detached and attached units, duplexes, townhouses, patio homes, tri-plexes, quadraplexes, and multi-family apartments developed in accordance with Exhibit 5 A;
- m. Bed and breakfast;
- n. Residential accessory structures, uses, and home occupation as provided in 3.d.2.d.

3.g.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Communication Towers (SIC Code 48)
- b. Drinking Places (SIC Code 5813)
- c. Liquor Stores (SIC Code 592)
- d. Amusements and Recreation (Not Classified Elsewhere) (SIC Code 7999)

3.g.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the NC District.

a. **Lot Requirements (Minimum)**

Lot width is measured by the linear feet required at the building setback line: The minimum requirement in the NC District for commercial development is 40 feet.
Depth: N/A

b. **Yard and Building Set Back Requirements (Minimum)**

Front Yard Setback

From Local/Collector Street 35 ft
(Note: The front yard setback is forty-five [45 ft.] feet from all other streets).

Side Yard Setback

From abutting Residential Districts 30 ft.
(Note: 5 feet from other districts which are not residential)

Rear Yard Setback

From all types of abutting Districts 25 ft.

c. **Building Requirements (Maximum)**

Building Height 35 ft
Impervious Surface Ratio .75
Floor Area Ratio .65

d. **Off-street Parking Requirement:** Off-street parking requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section J.

e. **Landscaping Requirements:** Landscaping requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section D.

SECTION H: LIMITED COMMERCIAL (LC) DISTRICT

3.h.1. **Purpose:** This district is intended to accommodate commercial development along major streets, while promoting land use compatibility by limiting the type and conditions of development.

3.h.2. **Permitted Uses:** Within the LC District, a building or a premise shall be used for only the following purposes:

- a. Vet Services for Animal Specialties [Small Animals Only], with SIC Code 0742;
- b. Landscape Counseling & Land Planning, with SIC Code 0781;
- c. Administrative offices, with SIC Auxiliary Code 1;
- d. Research, development and testing laboratories, with SIC Auxiliary Code 2;
- e. United State Postal Service, with SIC Code 43;

- f. Travel Agencies, Tour Operators, Arrangement of Transportation, with SIC Code 472;
 - g. Water supply facilities, with SIC Code 494;
 - h. Paint and Wallpaper – Not Glass, with SIC Code 523;
 - i. Hardware stores, with SIC Code 525;
 - j. Antique Stores (SIC Code 5932);
 - k. Food stores, with SIC Code 54;
 - l. Convenience Stores, with SIC Code 541;
 - m. Apparel & accessory stores, with SIC Code 56;
 - n. Home furniture, furnishing & equipment stores, with SIC Code 57;
 - o. Eating Places (SIC Code 5812);
 - p. Drug stores, with SIC Code 591;
 - q. General merchandise stores as described in 3.g.2.i.; with SIC Codes 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, and 5961;
 - r. Personal service stores as described in 3.g.2.j.; with SIC Codes 5992, 5993, 5995, 5999;
 - s. Pet shops with SIC Code 5999;
 - t. Banking, lending institutions, security & broker services, insurance companies, with SIC Codes 60, 61, 62, 63, 64;
 - u. Real estate agencies, with SIC Code 65;
 - v. Dry cleaners and laundry services as described in 3.g.2.l.; with SIC Codes 7212, 7213, and 7215;
 - w. Photographic studios, beauty shops, barber shops, shoe repair, with SIC Codes 722, 723, 724, 725;
 - x. Funeral service & crematories, with SIC Code 726;
 - y. Miscellaneous personal services, with SIC Code 729;
 - z. Business services, including Advertising, with SIC Code 731; Advertising Agencies, with SIC Code 7311; Reporting and credit agencies, with SIC Code 732; Mailing, reproduction, commercial art, photography, photocopying, direct mail and stenographic services, with SIC Code 733; Secretarial / Court Services, with SIC Code 7338; Medical Equipment Rental and Leasing, with SIC Code 7352; Personnel and employment agencies, with SIC Code 736; Computer programming, data processing, systems design, information retrieval, facilities management services, and computer rental, maintenance, and repair with SIC Code 737; Detective, guard, and armored car services [Except rental of dog for protective services & armored car services], with SIC Code 7381; Security systems and alarm services, with SIC Code 7382; News syndicates, with SIC Code 7383;
- And the following with SIC Code 7389 (Business services not elsewhere classified):**
- Agents and brokers for screenwriters, playwrights, nonperforming artists and author,
 - Appraisers, except real estate,

- Arbitration and conciliation services,
 - Artists' Agents and Brokers [except performing artists],
 - Auctioneers,
 - Author's Agents,
 - Bondspersons, Business brokers, Check validation services, Credit card services,
 - Business Brokers [buying and selling business enterprises],
 - Decoration Service for Special Events,
 - Drafting services,
 - Fundraising services,
 - Fundraising on a Contract or Fee Basis,
 - Handwriting analysis,
 - Interior decorating consulting and services,
 - Interior Decorating Services [except painters and paper hangers],
 - Interior Designing Service [except painters and paper hangers],
 - Laminating and lettering services,
 - Lecture Bureaus,
 - Map Drafting Service,
 - Map Making – including aerial,
 - Message and answering services,
 - Message service / Telephone answering [except beeper service],
 - Notaries public,
 - Paralegal services,
 - Parcel packing services,
 - Patent registration and brokering services,
 - Photogrammetry and mapping services (not professional engineers),
 - Photography Brokers,
 - Playwrights' Brokers,
 - Post office contract stations,
 - Process Serving Service,
 - Recording Studios on a Contract or Fee Basis,
 - Repossession services,
 - Safety inspection services except automotive,
 - Speakers' Bureaus,
 - Swimming pool cleaning & maintenance,
 - Tax collection agencies,
 - Tax Collection Agencies: collecting for a city, county or state
 - Telemarketing and telephone answering services,
 - Textile designers,
 - Tourist information and bureaus and welcoming services,
 - Transcription and translation services,
 - Water softener services.
- aa. Car washes, with SIC Code 7542, along with the requirements set forth in 3.g.3.e.;
 - bb. Watch, Clock & Jewelry Repair, with SIC Code 7631;
 - cc. Video Tape Rental, with SIC Code 784;

- dd. Dance Studios, with SIC Code 791;
 - ee. Physical Fitness Facilities, with SIC Code 7991;
 - ff. Offices for health care services, such as doctors, dentists, and nursing, and personal care facilities, with SIC Codes 801, 802, 803, 804, 805;
 - gg. Home Health Care Services, with SIC Code 808
 - hh. Legal services offices, with SIC Code 81;
 - ii. Educational services, such as libraries, vocational schools, and other schools, with SIC Codes 823, 824, 829;
 - jj. Individual & family Social Services, with SIC Code 832;
 - kk. Social Services, such as job training and vocational rehabilitation, child care services, residential care services, with SIC Codes 833, 835, 836;
 - ll. Museums & Art Galleries, with SIC Code 841;
 - mm. Botanical Gardens, with SIC Code 842;
 - nn. Organization facilities for uses such as business, professional, labor, civic, political, governmental and others, with SIC Codes 861, 862, 863, 864, 865, 869, 911, 912, 919, 92, 9224, 93, 94, 95, 96;
 - oo. Professional offices and work shops for engineering, accounting, research, artists, authors, geologists, psychologists, with SIC Codes 87, and 89.
- Parks and Playgrounds

3.h.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:

- a. Horticulture, agriculture, and livestock specialties with SIC Code 01 and 02;
- b. Power laundries and dry cleaning plants, with SIC Codes 7211, 7216;
- c. Religious organizations, with SIC Code 866;
- d. Ash gardens with the same qualifications imposed as set forth in 3.f.3.d.;
- e. Single-Family attached and detached units, duplexes, townhouses, patio homes, tri-plexes, quadraplexes, and multi-family apartments developed in accordance with Exhibit 5 A;
- f. Bed and breakfast;
- g. Residential accessory structures, uses, and home occupations as provided in 3.d.2.d.;
- h. Massage parlors and spas with SIC Code 7299.

3.h.4. **Special Exceptions:** Review and approval by the Sumter board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Communication Towers (SIC Code 48)
- b. Manned Convenience Centers and refuse systems (SIC Code 4953)
- c. Drinking Places (SIC Code 5813)
- d. Liquor Stores (SIC Code 592)
- e. Amusements and Recreation (Not Classified Elsewhere) (SIC Code 7999)
- f. Jails / Correctional Facilities (SIC Code 9223)

Change # 10

3.h.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the LC District.

a. **Lot Requirement (Minimum)**

Lot width is measured by the linear feet required at the building setback line: The minimum requirement in the LC District for commercial development is 40 feet.
Depth: N/A

b. **Yard and Building Set Back Requirements (Minimum)**

	<u>Front Yard Setback</u>
From Local/Collector Streets	35 ft.

(Note: The front yard setback is 20 feet if the street is an arterial street when off-street parking is provided on the side or rear of a building; 45 feet if the parking is located in front of the building).

	<u>Side Yard Setback</u>
From abutting Residential Districts	30 ft.

(Note: None required when abutting property in non-residential).

	<u>Rear Yard Setback</u>
From all types of abutting Districts	35 ft.

c. **Building Requirements (Maximum)**

Building Height	35 ft.
Impervious Surface Ratio	.80
Floor Area Ratio	.80

d. **Off-street Parking Requirement:** Off-street parking requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section J.

e. **Landscaping Requirements:** Landscaping requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section D.

SECTION I: GENERAL COMMERCIAL (GC) DISTRICT

3.i.1. **Purpose:** This district is to accommodate the broadest possible range of commercial uses, determined principally by market conditions, while protecting the environment from potentially objectionable uses.

3.i.2. **Permitted:** Within the GC District, a building or a premise shall be used only for the following purpose:

- a. Agriculture, farm, landscaping, horticulture related services and facilities and auxiliary uses customary thereto, with SIC Codes 071, 072, 074, 076, 078,

(Note: Veterinary Services in this classification of uses shall be regulated by the standards set forth in 3.f.3.c.);

- b. Administrative offices, with SIC Auxiliary Code 1;
- c. Research, development, and testing, with SIC Auxiliary Code 2;
- d. Printing, publishing, and allied industries, with SIC Code 27;
- e. Warehouses, with SIC Auxiliary Code 3;
- f. Mini-warehouses, with SIC Code 4225. Note: Mini-warehouses shall not exceed four (4) acres; lot coverage is limited to 50 percent of total lot; ingress-egress is limited to one point each side of a site abutting any street lot line; no business activities will be allowed except rental storage units not to exceed 500 square feet; no outside storage allowed.
- g. Postal, transportation, communication, facilities and services, with SIC Codes 43, 47, 48;
- h. Water Transportation and Marinas with SIC Code 44 and 4493;
- i. General retail trade such as: building-hardware-garden supplies, department & food stores, convenience store, automobile sales and service, clothing and home furnishing, eating establishments, drug stores, used merchandise (but not flea markets), *Antique Stores*, specialty and novelty stores (i.e., bicycle, books, stationery, jewelry, hobby & toy, camera & photo, luggage, sewing, and catalog, florist, tobacco, optical, artist supply, pet shops, firewood, monuments), with SIC Codes 52, 521, 523, 525, 526, 53, 54, 541, 55, 5531, 56, 57, 5812, 591, 593, 5932, 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5961, 5992, 5993, 5995, 5999;
- j. Gasoline Service Stations and alternative motor fuels dealers, with SIC Code 5541;
- k. Fuel dealers, with SIC Code 598;
- l. Fireworks stands, with SIC Code 5999 (Note: Shall comply with temporary use requirements set forth in 5.c.b.d.)
- m. Banking, lending institutions, security & broker services, insurance companies, with SIC Codes 60, 61, 62, 63, 64;
- n. Real estate agencies, with SIC Code 65;
- o. Hotels, motels, rooming houses, boarding houses and organization hotels, with SIC Code 701, 702, 704;
- p. Dry cleaning and laundry operations & services, with SIC Codes 7211, 7212, 7213, 7215, 7217, 7219;
- q. Industrial Laundries with SIC Code 7218;

Change # 5

- r. Personal service stores, such as: photo studios, beauty shops, barber shops, shoe repair, funeral services & crematories, miscellaneous personal services (not message parlors & spas), with the following SIC Codes 722, 723, 724, 725, 726, 729;
- s. Business services and employment agencies with SIC Code 73, and 7361;
- t. Automotive rental & leasing, auto service (except repairs); miscellaneous repairs, car washes (along with the requirements set forth in 3.g.3.e), with SIC Codes 751, 754, 7542, 7549, 76;
- u. Movie theaters, video rental, and motion picture distribution & allied services, with SIC Codes 782, 783, 784;
- v. Amusement and recreation facilities, dance studios, dance schools, bowling alleys, sports clubs, physical fitness facilities, golf courses, coin operated amusement centers, amusement parks, parks and playgrounds, with SIC Codes 791, 793, 7941, 7991, 7992, 7993, 7996, 7997;
- w. Hospitals, doctors, dentist offices, office & clinics of other health practitioners, medical dental labs, home health services, health and allied services, with SIC Codes 801, 802, 803, 804, 805, 806, 807, 808, 809;
- x. Attorney or legal services offices, with SIC Code 81;
- y. Library, museum, art galleries, botanical gardens, vocational schools, job training offices, and other schools and educational services, with SIC Codes 823, 824, 829, 833, 841, 842;
- z. Individual and family social services, with SIC Code 832;
- aa. Child care, residential care, other social services, with SIC Codes 835, 836, 839;
- bb. Offices and facilities for business associations, professional membership organizations, labor unions, civic & fraternal associations, political organizations, with SIC Codes 861, 862, 863, 864, 865, 869;
- cc. Professional offices for uses such as: engineering, accounting, research, psychology, etc., with SIC Codes 87, 89;
- dd. Executive, administrative and judicial offices and facilities for government, with SIC Codes 911, 912, 919, 92, 93, 94, 95, 96;
- ee. Fire protection facilities, with SIC Code 9224;
- ff. Single-Family attached and detached units, duplexes, townhouses, and patio homes developed in accordance with Exhibit 5 A;

- gg. Parks and playgrounds;
- hh. National Guard Armory with SIC Code 97;
- ii. General Contractors with SIC Code 15; (No outside storage of material or construction equipment).

3.i.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Use identified below:

- a. Agriculture, farming, and animal husbandry, with SIC Codes 01, 02, 021, 0212, 0213, 0214, 0219, 024, 027, 0271, 0272, 0273, 0279, 029; (Note: Refer to Article 5, Section B for conditions and special exceptions);
- b. Animal services, except veterinary, with SIC Code 075;
- c. Local & inter-urban highway passenger transportation and communications, with SIC Codes 40, 41, 42;
- d. Local trucking without storage (Note: No trucking operations involving waste materials, especially hazardous waste, or activities involving offensive odors or excessive noise, shall be allowed in a GC District), with SIC Code 4212;
- e. Mobile home or manufactured housing unit dealerships, with SIC Code 527;
- f. Flea markets, with SIC Code 593;
- g. Recreational vehicle parks and camps, with SIC Code 703;
- h. Massage parlors, and spas with SIC Code 7299;
- i. Automobile parking lots, with SIC Code 752;
- j. Automotive repair shops, with SIC Code 753;
- k. Religious organizations, with SIC Code 866;
- l. Ash gardens & cemeteries, with the same qualifications imposed as set forth 3.f.3.d.;
- m. Mobile Vendors and Concession Operators (SIC Code 7999, and Recreation Services, Not Elsewhere Classified.)
- n. Mobile Home Park, with the qualifications established in 3.d.6.;
- o. Triplex, quadraplex, multi-family and group dwellings developed in accordance with Exhibit 5A (Note: May be included as a mixed use in commercial or office projects).

- p. Residential accessory structures, uses, and home occupations as provided in 3.d.2.d.
- q. Specialty Contractors with SIC 17 (no outside storage of material or construction equipment, no overnight parking trailers or heavy trucks).

3.i.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Commercial Kennels (SIC Code 0852)
- b. Communication Towers (SIC Code 48)
- c. Electric, Gas and Sanitary Services (SIC Code 49)
- d. Manned Convenience Centers and Refuse Systems (SIC Code 4953)
- e. Drinking Places (SIC Code 5813)
- f. Liquor Stores (SIC Code 592)
- g. Adult Uses and Tattoo Parlors (SIC Code 7299)
- h. Racing Track and Operations (SIC Code 7948)
- i. Bingo Parlor / Pool Halls (SIC Code 7999)
- j. Amusement and Recreation (Not Classified Elsewhere) (SIC Code 7999)
- k. Jails / Correctional Facilities (SIC Code 9223)

3.i.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the GC District.

a. **Lot Requirement (Minimum)**

No minimum lot width requirement is set forth in the GC District. The minimum lot size for residential use is 6,000 sq. ft.

Depth: N/A.

b. **Yard and Building Set Back Requirements (Minimum)**

Front Yard Setback

From Local/Collector Streets 35 ft.

(Note: The front yard setback is 20 feet if the street is an arterial street when off-street parking is provided on the side or rear of a building; 45 feet if the parking is located in front of the building).

Side Yard Setback

From abutting Residential Districts 50 ft.

(Note: None required when abutting property is non-residential)

For Residential Uses 8 ft.

Rear Yard Setback

From all types of abutting Districts 20 ft.

(except abutting residential district) 50 ft.

- c. **Building Requirements** **(Maximum)**

Building Height	60 ft
Impervious Surface Ratio	.92
Floor Area Ratio	N/A

- d. **Off-street Parking Requirements:** Off-street parking requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section J.

- e. **Landscaping Requirements:** Landscaping requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section D.

SECTION J: CENTRAL BUSINESS DISTRICT (CBD)

3.j.1. **Purpose:** The intent of this district is to promote the concentration and vitality of commercial and residential development in Downtown Sumter. Multi-storied buildings, retail stores, professional offices, and government and health services characterize the district.

3.j.2. **Permitted:** Within the CBD District, a building or a premise shall be used only for the following purpose:

- a. Auxiliary uses, such as central administrative offices, research, development and testing laboratories, with Auxiliary SIC Codes 1, 2;
- b. Printing, publishing, & allied industries, with SIC Code 27;
- c. Local and suburban transit with SIC Code 41;
- d. Transportation, communication, and utility services, such as transit facilities, postal services, with SIC Codes 43, 47, & 48;
- e. Retail trade activities, such as paint & wallpaper stores, hardware stores, general mercantile stores, food stores, apparel stores, home furnishings, eating places, drug stores, sporting goods & bicycle shops, book stores, stationery shops, jewelry stores, hobby & games stores, camera stores, gift shops, luggage stores, sewing & piece goods stores, catalog & mail order shops, florist shops, tobacco stores, optical goods, pet shops, art supply stores, miscellaneous retail, with SIC Codes 523, 525, 53, 54, 5531, 56, 57, 58, 591, 593, 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5961, 5992, 5993, 5995, 5999;

- f. Finance, insurance and real estate services, such as, depository and non-depository institutions, security & commodity broker services, insurance carriers, investment offices, with SIC Codes 60, 61, 62, 63, 64, 65;
- g. Organization Hotels and Lodges with SIC Code 704;
- h. Personal service establishments, such as laundry & dry cleaners, linen supply services, photographic studios, beauty & barber shops, shoe repair shops, business services, automotive rental, employment agencies, miscellaneous repair, motion picture theaters & film distribution, video tape rentals, with SIC Codes 7212, 7213, 722, 723, 724, 725, 729, 73, 7361, 751, 7549, 76, 782, 783, 784;
- i. Amusement and recreation services, such as dance studios, bowling alleys, sports clubs and promoters, physical fitness facilities, coin operated amusement centers, with SIC Codes 791, 793, 7991, 7993;
- j. Health services, such as doctors' medical offices and clinics, dentist offices and clinics, osteopathy doctors offices, offices for health practitioners, nursing & personal care facilities, hospitals, medical & dental laboratories, home health care services, miscellaneous & allied health care services, with SIC Codes 801, 802, 803, 804, 805, 806, 807, 808, 809;
- k. Legal services with SIC Code 81;
- l. Museums & art galleries with SIC Code 841;
- m. Botanical gardens with SIC Code 842;
- n. Membership Organizations, such as business associations, professional membership organizations, labor unions & similar organizations, civic & fraternal associations, political organizations, other membership organizations, with SIC Codes 861, 862, 863, 864, 865, 869;
- o. Engineering, accounting, research, management, & related services with SIC Code 87;
- p. Miscellaneous services, such as artist, authors, geologists, psychologists, etc., with SIC Code 89;
- q. Public Administration Services, such as executive offices, legislative offices, general government, judicial, public order & safety, courts, fire protection, public finance & taxation, human resources programs, environmental & housing programs, with SIC Codes 911, 912, 919, 92, 9224, 93, 94, 95, 96;
- r. Second story and above residential uses.

3.j.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- a. Electronic equipment and components except computer with SIC Code 36;
- b. Optical goods with SIC Code 38;
- c. Automotive Accessories with SIC Code 5531;
Conditions:
 - a. No outside work to occur as part of the business.
- d. Convenience Stores with SIC Code 541;
- e. Antique Stores with SIC 5932;
- f. Hotels and motels with SIC Code 701;
- g. Automobile parking lots with SIC Code 752;
- h. Membership sports and recreational clubs with SIC Code 7997;
- i. Colleges, Universities, and Professional Schools; SIC Code 822, 8221
- j. Child Daycare Services with SIC 835 and the following conditions:
 - 1. Safe access and adequate parking
 - 2. 300 feet from existing drinking places
 - 3. Renewable after 3 years (maximum)
- k. Residential uses such as Single-Family (detached & attached), duplex, townhouses, patio homes, triplex & quadraplex, multi-family & group dwellings developed in accordance with Exhibit 5 A. In the CBD, the parking requirement shall be 1 space per residential unit unless City Council permits a smaller number on an individual basis.
- l. First floor or detached residential uses;
- m. Residential accessory structures, uses, and home occupations as provided in 3.d.2.d.

3.j.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Drinking Places (SIC Code 5813)
- b. Liquor Stores (SIC Code 592)
- c. Amusement and Recreation (Not Classified Elsewhere) (SIC Code 7999)

3.j.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the CBD District.

a. **Lot Requirement (Minimum)**

No minimum lot width requirement is set forth in the CBD District.
Depth: N/A

b. **Yard and Building Set Back Requirements (Minimum)**

Front Yard Setback
“None Required”

From Local/Collector Streets

Note: Buildings in the CBD are intended to directly abut the sidewalk facing each building.

Side Yard Setback
“None Required”

Note: Buildings in the CBD are intended to share common walls with adjacent buildings. However, walkways are encouraged between buildings to provide pedestrian access to rear parking lots.

Rear Yard Setback
“None Required”

Note: Rear parking in the CBD may abut the rear portion of each building. However, a ten (10ft) foot parameter (irrigated) landscape bufferyard must be provided where a rear parking lot fronts on a parallel or opposite street abutting the rear portion of a building(s) fronting on Main Street.

c. Building Requirements	(Maximum)
Building Height	90 ft
Impervious Surface Ratio	100%
Floor Area Ratio	N/A

d. **Off-street Parking Requirement:** Off street parking is not required in the CBD except where residential uses are provided on site. Article Eight, Section J, details the parking requirements for each residential type use.

d. **Landscaping Requirements:** Landscaping requirements are not provided for in the CBD except as part of the 10 ft. parameter landscape buffer as set forth in 3.j.4.b. above.

SECTION K. LIGHT INDUSTRIAL-WAREHOUSE (LI-W) DISTRICT

3.k.1. **Purpose:** The intent of this District is to accommodate wholesaling, distribution, storage, processing and light manufacturing in an environment suited to such uses and operations while promoting land use compatibility both within and beyond the boundaries of such districts.

3.k.2. **Permitted:** Within the LI-W District, a building or a premise shall be used only for the following purpose:

- a. Uses associated with Agriculture, forestry & fishing, such as crops production, livestock (including beef cattle feed lots, beef cattle, hogs, sheep & goats), dairy farms, animal specialties, fur-bearing animals, horses, animal aqua-culture, bee raising, with the following SIC Codes 01, 02, 021, 0212, 0213, 0214, 0219, 024, 027, 0271, 0272, 0273, 0279, 029;
- b. Agricultural services such as, soil preparation services, crop services, veterinary services (Note: the provisions set forth in section 3.f.3. of this ordinance for veterinary services shall apply in the LI-W District), farm labor & management services, landscape & horticulture service, forestry, fishing-hunting-trapping, with SIC Codes 071, 072, 074, 076, 078, 08, 09;
- c. Auxiliary Uses, such as central administrative offices, research, development & testing laboratories, warehouses, accessory buildings & uses, with SIC Codes 1, 2, 3;
- d. Construction companies and specialty trade contractors with SIC Codes 15 and 17;
- e. Manufacturing uses specializing in lumber & wood products, furniture and fixtures, printing, publishing & allied industries, fabricated metal products (except machinery & transportation equipment), electronic & other electrical equipment & component (except computer equipment), measuring, analyzing & controlling instruments, photographic, medical and optical goods, watches & clocks, and miscellaneous manufacturing industries, with SIC Codes 24, 25, 27, 34, 36, 38, 39;
- f. Transportation , communications, and utilities with SIC Codes 40, 41, 42, 4212, 44, 4493, 46, 47, 48;
- g. Mini-warehouses, with SIC Code 4225;
- h. Wholesale Trade uses for durable and non-durable goods, with SIC Codes 50, 51, (Except SID Codes 5093 and 5154);
- i. U.S. Postal Services, with SIC Code 43;
- j. Retail trade activities involving the following types of goods: lumber and building materials, paint, glass & wall paper stores, hardware stores, retail nurseries & lawn and garden stores, convenience stores, fuel dealers, fire wood shops (outdoor storage must be located behind a principal building),

fireworks, monuments and tombstone sales, with SIC Codes 521, 523, 525, 526, 541, 598, 5999;

- k. Personal service establishments such as power laundries, garment pressing & dry cleaning, linen supply, coin operated laundries, dry cleaning plants (except rug cleaning), carpet & upholstery cleaning, industrial laundries, laundry & garment cleaning not elsewhere classified, car washes, with SIC Codes 7211, 7212, 7213, 7215, 7216, 7217, 7218, 7219, 7542;
- l. Disinfecting and pest control services with SIC Code 7342 including the following uses: bird proofing, deodorant servicing of rest rooms, disinfecting service, exterminating service, fumigating service, pest control in structures, rest room cleaning service, termite control, and washroom sanitation service.
- m. Heavy construction equipment rental and leasing with SIC Code 7353 including the following uses: bulldozer rental and leasing, construction equipment, heavy: rental and leasing; crane rental and leasing, and earth moving equipment rental and leasing.
- n. Equipment rental and leasing, not elsewhere classified with SIC Code 7359 including only the following uses: airplane rental and leasing, appliance rental and leasing, coin-operated machine rental and leasing, electronic equipment rental and leasing, except medical and computer; industrial truck rental and leasing, oil field equipment rental and leasing, oil well drilling equipment rental and leasing, toilets, portable: rental and leasing; tool rental and leasing, and vending machines, rental only.
- o. Miscellaneous amusement & recreation services such as physical fitness facilities, public golf courses, coin operated amusement devices, amusement parks, membership sports & recreation clubs, with SIC Codes 7991, 7992, 7993, 7996, 7997;
- p. Child care services with SIC Code 835;
- q. Organizational facilities and business associations, with SIC Codes 861, 862, 863, 864, and 865;
- r. Fire protection, with SIC Code 9224;
- s. National Guard Armory with SIC Code 97;
- t. Eating Places with SIC Code 5154.

3.k.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- a. Animal services, except veterinary, with SIC Code 075;
- b. Building materials with SIC Code 52;

Change # 2

- c. Mobile home dealers, with SIC Code 527;
- d. Retail trade activities such as general merchandise stores, food stores, automotive dealers & gasoline service stations, apparel and accessory stores, home furniture, furnishings and equipment stores, with SIC Codes 53, 54, 55, 56, 57, 5531;
- e. Miscellaneous retail such as drug & proprietary stores, used merchandise (pawn & flea markets), *Antique Stores*, sporting goods & bicycle shops, book stores, stationery shops, jewelry stores, hobby, toy, and game shops, camera & photography supply houses, gift, novelty & souvenir shops, luggage and leather goods, sewing & piece good stores, mail order & catalog houses, with SIC Codes 591, 593, 5932, 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5961;
- f. Miscellaneous retail not elsewhere classified such as florists, tobacco stores, optical goods, artist supply, auction rooms, stamp and telephone stores, pet shops, with SIC Codes 5992, 5993, 5995, 5999;
- g. Finance and Insurance activities such as depository institutions, non-depository institutions, security & commodity brokers, insurance carriers, with SIC Codes 60, 61, 62, 63, 64;
- h. Commercial Services such as real estate offices, holding & other investment offices, hotel & motel, camping & recreational vehicle parks (Note: recreation trailer parks shall be located no closer than 300 feet from any residential district, and shall have a landscaped or natural buffer as specified in Article Eight, Section J, with SIC Codes 65, 701, and 703;
- i. Rooming and boarding houses with SIC Code 702;
- j. Organization, hotels and lodges with SIC Code 704;
- k. Miscellaneous personal services, massage parlors & spas, business services, and employment agencies, with SIC Codes 729, 7299, 73, 7361;
- l. Photographic studios with SIC Code 722;
- m. Beauty and barber shops with SIC Code 723 and 724;
- n. Shoe repair and shine, hat cleaning with SIC Code 725;
- o. Funeral homes and crematories with SIC Code 726;
- p. Auto rental, leasing, parking, repair shops, service except repair and misc. repair with SIC Codes 751, 752, 753, 754, 7549, and 76;
- q. Motion picture distributors and video tape rentals with SIC Codes 782 and 784;
- r. Professional sports clubs and promoters with SIC Code 7941;

- s. Motion picture theaters, with SIC Code 783;
- t. Amusement and recreation services such as dance studios, bowling alleys, with SIC Codes 791, 793;
- u. Video Games (Video Poker), with SIC 7993
- v. Parks & playgrounds;
- w. Offices and clinics of doctors, dentists, doctors of osteopathy, nursing & personal care facilities, hospitals, with SIC Codes 801, 802, 803, 804, 805, 806;
- x. Medical and dental labs with SIC Code 807;
- y. Home health care with SIC Code 808 and 809;
- z. Legal services with SIC Code 81;
- aa. Universities, colleges, and professional schools, with SIC codes 822;
- bb. Libraries, vocational, other schools and education services with SIC Codes 823, 824, and 829;
- cc. Social & civic facilities such as individual & family social services, museums & art galleries, botanical gardens, with SIC Codes 832, 839, 841, 842;
- dd. Job training and rehabilitation services with SIC Code 833;
- ee. Religious organizations, other membership organizations, management & related services, and services offered by professionals like artists, authors, geologists, etc., with SIC Codes 866, 869, 89;
- ff. Organizational facilities and business associations with SIC Codes 861, 862, 863, 864, and 865;
- gg. Ash gardens and cemeteries.
- hh. Engineering, accounting, research with SIC Code 87;
- ii. Public administration services and government offices with SIC Codes 911, 912, 919, 93, 94, 95, and 96;

3.k.4. **Special Exceptions:** Review and approval by the Sumter Zoning Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Stockyards (SIC Code 0211)
- b. Commercial Kennels (SIC Code 0752)
- c. Communication Towers (SIC Code 48)
- d. Electric, Gas, and Sanitary Services (SIC Code 49)
- e. Manned Convenience Centers and Refuse Systems (SIC Code 4953)

- f. Animal Auctions (SIC Code 5154)
- g. Drinking Places (SIC Code 5813)
- h. Liquor Stores (SIC Code 592)
- i. Tattoo Parlors (SIC Code 7299)
- j. Racing Track and Operations (SIC Code 7948)
- k. Bingo Parlor / Pool Hall (SIC Code 7999)
- l. Amusements and Recreation (Not Classified Elsewhere) (SIC Code 7999)
- m. Jails / Correctional Facilities (SIC Code 9223)

3.k.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the LI-W District.

a. **Lot Requirement (Minimum)**

Lot width is measured by the linear feet required at the building setback line: *The minimum lot width requirement for LI-W development is 100 feet.*

Depth: 250 feet. (Note: Linear feet is measured from front lot line to rear lot line. Where lot lines are not parallel, measure by drawing lines from front to rear lot lines, at right angles to the front lot line, every ten (10) feet and averaging the length of these lines).

Lot Area: One (1) acre.

b. **Yard and Building Set Back requirement (Minimum)**

	<u>Front Yard Setback</u>
From local/collector Streets	35 ft.
From all other type Streets	100 ft.
	<u>Side Yard Setback</u>
From abutting Residential Districts	100 ft.
From other Districts not Residential	15 ft.
	<u>Rear Yard Setback</u>
From abutting Residential Districts	100 ft.
From other Districts not Residential	25 ft.

c. **Building Requirements (Maximum)**

Building Height	60 ft.
Impervious Surface Ratio	.80
Floor Area Ratio	NA

d. **Off-street Parking Requirements:** Off-street parking requirements for the uses permitted herein or conditionally allowed by action of the Planning commission are established in Article Eight, Section J.

- e. **Landscaping Requirements:** Landscaping requirements for uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section D.

SECTION L: HEAVY INDUSTRY (HI) DISTRICT

3.1.1. **Purpose:** The intent of this district is to concentrate heavy industrial uses in areas where they will flourish without adversely affecting adjacent less intensive uses, and to preserve prime industrial lands for future industrial development. Toward these ends, residential development is not permitted, nor is the establishment of this district on other than a major road or highway.

3.1.2. **Permitted:** Within the HI District, a building or a premise shall be used only for the following purpose:

- a. Uses associated with Agriculture, Forestry & Fishing as set forth in 3.k.2.a. of the LI-W District;
- b. Agricultural services as set forth in 3.k.2.b. of the LI-W District;
- c. Auxiliary uses, such as central administrative offices, research, development, and testing and labs, warehouses, oil and gas extraction, with SIC Auxiliary Codes 1, 3 and SIC Code 13;
- d. Construction companies and specialty trade contractors, with SIC Codes 15, 16, 17;
- e. Manufacturing uses involving food and other products, tobacco products, textile mill products, apparel & other finished products made from fabric, lumber & wood products, furniture & fixtures, paper & allied products, chemical & allied products, petroleum refining & related industries, rubber & miscellaneous plastic products, leather & leather products, stone, clay, glass & concrete products, primary metal industries, fabricated metal products, industrial & commercial machinery & computer equipment, transportation equipment, measuring-analyzing & controlling instruments, photographic, medical & optical goods; watches & clocks, and miscellaneous manufacturing industry, with SIC Codes 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39;
- f. Transportation, communications, electric, and gas and sanitary services such as railroad transportation, highway passenger facilities, motor freight transportation & warehouse facilities, mini-warehouses, U.S. Post office facilities, water transportation, marinas, public boat docks, transportation by air & airports & terminals, pipelines, except natural gas, transportation services, communications, with SIC Codes 40, 41, 42, 4225, 43, 44, 4493, 45, 46, 47, 48;
- g. Wholesale trade for durable and non-durable goods, with SIC Codes 50, 51 (Except SIC Codes 5093 and 5154);

- h. Retail trade activities involving lumber & building materials, paint-glass & wallpaper stores, hardware stores, convenience stores, fuel dealers, fireworks stores, monuments & tombstones, with the following SIC Codes 521, 523, 525, 541, 598, 5541, 5999;
- i. Personal service establishments involving the following uses: power laundries, garment pressing & agents for laundries & dry cleaners, linen supply, dry cleaning plants, carpet & upholstery cleaning, industrial laundries, laundry & garment services not classified elsewhere, with SIC Codes 7211, 7212, 7213, 7216, 7217, 7218, 7219;
- j. Funeral homes and crematories with SIC Code 726;
- k. Disinfecting and pest control services with SIC Code 7342 including the following uses: bird proofing, deodorant servicing of rest rooms, disinfecting service, exterminating service, fumigating service, pest control in structures, rest room cleaning service, termite control, and washroom sanitation service.
- l. Heavy construction equipment rental and leasing with SIC Code 7353 including the following uses: bulldozer rental and leasing, construction equipment, heavy: rental and leasing; crane rental and leasing, and earth moving equipment rental and leasing.
- m. Equipment rental and leasing, not elsewhere classified with SIC Code 7359 including only the following uses: airplane rental and leasing, appliance rental and leasing, coin-operated machine rental and leasing, electronic equipment rental and leasing, except medical and computer; industrial truck rental and leasing, oil field equipment rental and leasing, oil well drilling equipment rental and leasing, toilets, portable: rental and leasing; tool rental and leasing, and vending machines, rental only.
- n. Business services such as automotive parking, automotive repair shops, miscellaneous repairs, with SIC codes 752, 753, 76;
- o. Educational services such as vocational schools, other schools & educational services, with SIC Codes 824, 829;
- p. Child day care services with SIC Code 835;
- q. Professional services involving engineering, accounting, research, management & related services, with SIC Code 87;
- r. Justice, public order and safety with SIC Code 92;
- s. Land Uses involving justice, public order & safety, fire protection with SIC Code 9224;
- t. National Guard Armory, with SIC Code 97.

3.1.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- a. Mining & quarrying of non-metallic minerals, with SIC Code 14;
- b. Facilities associated with public finance, taxation, & monetary policy, with SIC Code 93;
- c. Facilities associated with the administration of human resc ^{Change # 2} with SIC Code 94;
- d. Facilities associated with the administration of environmental quality & housing programs, with SIC code 95;
- e. Facilities associated with the administration of economic programs, with SIC Code 96;
- f. Eating Places with SIC Code 5812.

3.1.4. **Special Exceptions:** Review and approval by the Sumter Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Stockyards (SIC Code 0211)
- b. Commercial Kennels (SIC Code 0752)
- c. Metal Mining (SIC Code 10)
- d. Slaughter Houses (SIC Code 2011/2015)
- e. Communication Towers (SIC Code 48)
- f. Electric, Gas, and Sanitary Services (SIC Code 49)
- g. Manned Convenience Centers and Refuse Systems (SIC Coe 4953)
- h. Scrap Metal (SIC Code 5093)
- i. Animal Auctions (SIC Coe 5154)
- j. Salvage of Damaged Merchandise (Sic Code 7589)
- k. Jails/Correctional Facilities (SIC Code 923)

3.1.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the HI, Heavy Industry District.

a. **Lot Requirement (Minimum)**

Lot width is measured by the linear feet required at the building setback line: The minimum lot width requirement for HI development is 100 feet.

Depth: 250 feet. (Note: Linear feet is measured from front lot line to rear lot line. Where lot lines are not parallel, measure by drawing lines from front to rear lot lines, at right angles to the front lot line, every ten (10) feet and average the length of these lines).

Lot Area: One (1) acre.

b. Yard and Building Set Back requirements (Minimum)

	<u>Front Yard Setback</u>
From local/collector Streets	35 ft.
From all other type Streets	100 ft.
	<u>Side Yard Setback</u>
From abutting Residential Districts	100 ft.
From other Districts not Residential	15 ft.
	<u>Rear Yard Setback</u>
From abutting Residential Districts	100 ft.
From other Districts not Residential	25 ft.

c. Building Requirements (Maximum)

Building Height	120 ft.
Impervious Surface Ratio	.80
Floor Area Ratio	NA

d. Off-Street Parking Requirements: Off-street parking requirements for the uses permitted herein or conditionally allowed by action of the Planning Commission are established in Article Eight, Section J.

e. Landscaping Standards: Landscaping requirements for uses permitted herein or conditionally allowed are established in Article Eight, Section D.

SECTION M: AGRICULTURAL CONSERVATION (AC) DISTRICT

3.m.1. **Purpose:** The intent of this district is to protect and preserve areas of the county which are presently rural or agricultural in character and use, and are uniquely suited to agricultural use. Where urban development is permitted within the district, strict quality standards should be required.

3.m.2. **Permitted:** Within the AC District, a building or a premise shall be used only for the following purpose:

- a. Uses associated with Agriculture, forestry & fishing as set forth in 3.k.2.a. of the LI-W District;
- b. Agricultural services such as soil preparation services, crop services, veterinary services (Note: For small animals – all services shall be in enclosed buildings and no noise or odors shall be detected outside the building(s). For large animals – all facilities shall be located no closer than 300 ft. to a Residential District, nor 150 ft. to any other property line. Adequate measures must be shown that no odor, noise, or drainage shall become a nuisance on adjacent property. No incineration of animal refuse shall be permitted. Sheltering and boarding of animals, including commercial kennels is considered a permitted use), landscape & horticulture services, forestry, fishing, hunting & trapping, with SIC Codes 071, 072, 074, 078, 08, 09;
- c. United States Postal Service, with SIC Code 43;
- d. Public boat docks, with SIC Code 4493;
- e. Firewood shops, with SIC Code 5999;
- f. Botanical gardens with SIC Code 842;
- g. Cemeteries;
- h. Churches and religious organizations with SIC Code 866;
- i. Single-Family detached dwellings;
- j. Manufactured Housing/Mobile Homes;
- k. Residential Accessory Uses such as bathhouses, cabanas, non-commercial greenhouses, private garage & carport, storage building, swimming pool, tool shed & work shop, home occupation.

3.m.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Uses identified below:

- a. Animal services, except veterinary, with SIC Code 075;
- b. Mining & quarrying of nonmetallic minerals (Note: a reclamation and reuse plan must accompany a zoning permit, an approximate operating schedule including times when explosives will be used must be presented, no such use shall be located within 300 feet of any residential use, no explosives shall be used within 2,500 feet of a residential structure unless a variance is obtain from the Planning Commission on a case by case basis, the site must obtained

its highway access from a collector or an arterial street, mining and extraction uses permitted by South Carolina Department Health Environmental Control, Division of Mining & Reclamation, which are non-conforming and any extension of such use, operations, activities, or business on such parcel or contiguous parcel where the minerals 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) with SIC Code 14;

- c. Airports, flying fields, and terminals, with SIC Code 458;
- d. Recreational vehicle parks and camps with SIC Code 703;
- e. Public golf course, with SIC Code 7992;
- f. Membership sports & recreation clubs, with SIC Code 7997;
- g. Educational services such as elementary schools, secondary schools, colleges & universities, vocational schools, and other schools & educational services, with SIC Codes 821, 822, 824, 829;
- h. Child care services, with SIC Code 835;
- i. Ash gardens;
- j. Public administrative services such as executive offices, legislative bodies, general government, justice-public order & safety, courts, public finance-taxation & monetary policy, human resources, administration of environmental quality & housing programs, administration of economic programs, with SIC Codes 911, 912, 919, 92, 93, 94, 95, 96;
- k. Fire protection facilities with SIC Code 9224;
- l. Parks and playgrounds;
- m. Mobile home parks.
- n. National Guard Armory, with SIC Code 97

3.m.4. **Special Exceptions:** Review and approval by the Sumter board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Stockyards (SIC Code 0211)
- b. Poultry Houses (SIC Code 025)
- c. Commercial Kennels (SIC Code 0752)
- d. Communication Towers (SIC Code 48)

- e. Electric, Gas, and Sanitary Services (SIC Code 49)
- f. Manned Convenience Centers and Refuse Systems (SIC Code 4953)
- g. Animal Auctions (SIC Code 5154)
- h. Jails / Correctional Facilities (SIC Code 9223)

3.m.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the AC, Agricultural Conservation District:

a. Lot Requirement (Minimum)

Minimum lot width requirement in the AC District is 60 .

Depth: There is no minimum lot depth requirement in the AC District.

Lot Area: 1 acre minimum

b. Yard and Building Set Back Requirements (Minimum)

	<u>Front Yard Setback</u>
From local/collector Streets	35 ft.
From all other type Streets	45 ft.
	<u>Side Yard Setback</u>
For Residential Uses	12 ft.
For Non-Residential Uses	50 ft.
	<u>Rear Yard Setback</u>
From abutting Residential Districts	50 ft.
From Non-Residential Districts	50 ft.

c. Building Requirements (Maximum)

Building Height	35 ft.
Impervious Surface Ratio	.80
Residential Density (Gross Acreage)	0.5
Floor Area Ratio (Non-residential)	.15

d. Off-Street Parking: Off-street parking requirements for uses permitted herein or conditionally allowed are established in Article Eight, Section J.

e. Landscaping Requirements: Landscaping requirements permitted herein or conditionally allowed are established in Article Eight, Section D.

**SECTION N: CONSERVATION PRESERVATION (CP)
DISTRICT**

3.n.1. **Purpose:** The intent of this district is to recognize, preserve and protect environmentally sensitive areas for future generations.

3.n.2. **Permitted Uses:** Within the CP District, a building or a premise shall be used only for the following purposes:

- a. Uses associated with Agriculture, forestry & fishing as set forth in 3.k.2.a. of the LI-W District;
- b. Agricultural Services such as soil preparation services, crop services, landscape & horticultural services, fishing, hunting & trapping, with SIC Codes 071, 072, 078, 08, 09;
- c. Parks & playgrounds;
- d. Cemeteries;
- e. Single-family detached dwelling;
- f. Mobile Home (all development standards apply);
- g. Residential accessory uses, structures and home occupations.

3.n.3. **Conditional Uses:** Review and approval by the Sumter City-County Planning Commission shall be a prerequisite to the issuance of a building permit for any conditional uses identified below:

- a. RV parks and camps, with SIC Code 703;
- b. Ash gardens.

3.n.4. **Special Exceptions:** Review and approval by the Sumter Board of Appeals in accordance with the Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Communication Towers (SIC Code 48)

3.n.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply with the CP, Conservation Preservation District.

a. **Lot Requirement (Minimum)**

Minimum lot area in the City of Sumter is 5 acres.

Minimum lot area in the County of Sumter is 5 acres.

Note: Provided, however, notwithstanding any other provision of this ordinance to the contrary, the usual lot size restrictions applicable for CP Districts (in the unincorporated areas of Sumter County) shall not be applicable to the transfer by conveyance, devise, inheritance, or court order from or on behalf of the owner(s) thereof to any child, stepchild, son-in-law, daughter-in-law, grandchild, niece, nephew, sister, brother, parent,

stepparent, uncle, aunt, or grandparent of the said owner(s) (inclusive of a transfer pursuant to partition deed or court order) where the lot transferred contains at least two (2) acres of land, where it is demonstrated that there is a good faith intention that the said lot shall be used as the personal residence of the transferee(s) AND where the transferee(s) has/have not previously been transferred any other real property under the provisions of this provision that would have otherwise been prohibited by this ordinance except being permitted by this provision.

b. Yard Building Set Back Requirements (Minimum)

	<u>Front Yard Setback</u>
From local/collector Streets	35 ft.
From all other type streets	45 ft.
	<u>Side Yard Setback</u>
From abutting Residential Districts	50 ft.
From Non-Residential Districts	50 ft.
	<u>Rear Yard Setback</u>
From abutting Residential Districts	80 ft.
From Non-Residential Districts	80 ft.

c. Building Requirements (Maximum)

Building Height	35 ft.
Impervious Surface Ratio	.10
Maximum Residential Density (Gross Acreage)	0.2
Floor Area Ratio	.05

d. Off-Street Parking: Off-Street Parking requirements for uses permitted herein or conditionally allowed are established in Article Eight, Section D.

e. Landscaping Requirements: Landscaping requirements permitted herein or conditionally allowed are established in Article Eight, Section D.

EXHIBIT 5
PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	CP	SIC CODE
Agriculture, Farming	C	C	C	C		P	P	P	P	P	01, 02, 021, 0212, 0213, 0214, 0219, 024, 027, 0271, 0272, 0273, 0279, 029
Stockyards						S	S	S			0211
Poultry Houses								S	S		025
Soil Preparation Services/Crop Services				P		P	P	P	P	P	071, 072
Veterinary Services	C			P		P		P	P		074
Vet Services for Animal Specialties [Small animals only]			P								0742
Animal Services (except veterinary)				C		C		C	C		075
Commercial Kennels				S		S	S	S	S		0752
Farm Labor & Management Services				P		P	P				076
Landscape & Horticultural Services				P		P	P	P	P	P	078
Landscape Counseling & Land Planning			P								0781
Forestry						P	P	P	P	P	08
Fishing, Hunting & Trapping						P	P	P	P	P	09
Administrative Offices	P		P	P	P	P	P				1 Auxiliary Code
Metal Mining							S				10
Oil & Gas Extraction							P				13
Mining & quarrying of non-metallic minerals							C	C	C		14
Building Construction-general contractors				P		P	P				15
Heavy Construction-other than building construction contractors							P				16
Construction-Special Trade Contractors				C		P	P				17
Research, Development testing labs	P		P	P	P	P					2 Auxiliary Code
Food & Kindred Products							P				20
Slaughter Houses							S				2011/2015
Tobacco Products							P				21
Textile Mill Products							P				22
Apparel & Other Finished Products made from Fabric							P				23

Note: Communications Towers are Special Exception in all districts

Change # 10

EXHIBIT 5 (Continued)
PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC- 10	CP	SIC CODE
Lumber & Wood Products, except furniture						P	P				24
Furniture & Fixtures						P	P				25
Paper and Allied Products							P				26
Printing & Publishing				P	P	P	P				27
Chemicals & Allied Products							P				28
Petroleum Refining							P				29
Warehouses				P		P	P				3 Auxiliary Code
Rubber and Misc. Plastic Products							P				30
Leather and Leather Products							P				31
Stone, Clay, Glass, and Concrete Production							P				32
Primary Metals Industries							P				33
Fabricated Metal Products, Except Machinery & Transportation Equipment						P	P				34
Industrial & Commercial Machinery & Computer Equipment							P				35
Electronic & Other Electrical Equipment and Components Except Computer Equipment					C	P	P				36
Transportation Equipment							P				37
Optical Goods Stores/Misc. Manufacturing					C	P	P				38/39
Railroad Transportation				C		P	P				40
Local & Suburban Transit				C	P	P	P				41
Motor Freight Transportation & Warehousing				C		P	P				42
Local Trucking Without Storage				C		P					4212
Mini-Warehouses				P		P	P				4225
U.S. Postal Services	P	P	P	P	P	P	P	P			43
Water Transportation				P		P	P				44
Marinas/Boat Docks				P		P	P	P	P		4493
Transportation by Air							P	C			45
Pipelines, Except Natural Gas						P	P				46
Transportation Services				P	P	P	P				47
Travel Agencies, Tour Operators, Arrangement of Transportation			P								472

EXHIBIT 5 (Continued)
PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	CP	SIC CODE
Communications				P	P	P	P	C	C		48
Communication Towers	S	S	S	S		S	S	S	S	S	48
Telephone Utility	P	P	P	P	P	P	P	P	P	P	48
Cable Services	P	P	P	P	P	P	P	P	P	P	484
Electric, Gas, & Sanitary Services				S		S	S	S	S		49
Electrical Services	p	P	P	P	P	P	P	P	P	P	491
Gas Production & Distribution	P	P	P	P	P	P	P	P	P	P	492
Combination of Electric & Gas	P	P	P	P	P	P	P	P	P	P	493
Water Supply Facilities	P	P	P	P	P	P	P	P	P	p	494
Sewerage Systems	P	P	P	P	P	P	P	P	P	P	4952
Manned Convenience Centers			S	S		S	S	S			4953
Wholesale Trade						P	P				50/51
Scrap Metal							S				5093
Animal Auctions						S	S	S	S		5154
Building Materials				P		C					52
Lumber & Building Materials				P		P	P				521
Paint, Glass, and Wallpaper				P	P	P	P				523
Paint and Wallpaper – Not Glass			P								523
Hardware Stores		P	P	P	P	P	P				525
Retail Nurseries & Lawn Garden Shop				P		P			C		526
Mobile Home Dealers				C		C					527
General Merchandise Stores				P	P	C					53
Grocery Stores		P	P	P	P	C					54
Convenience Stores		P	P	P	C	P	P				541
Automotive Dealers		C		P		C					55
Automotive Accessories		C		P	C	C					5531
Fuel Dealers				P			P				5541
Apparel & Accessory Store		P	P	P	P	C					56
Home Furniture, Furnishing Stores		P	P	P	P	C					57
Eating Places	C	P	P	P	P	P	C				5812
Drinking Places		S	S	S	S	S					5813
Drug & Sundry Stores	P	P	P	P	P	C					591

EXHIBIT 5 (Continued)
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	CP	SIC CODE
Liquor Stores		S	S	S	S	S					592
Used Merchandise shops				P		C					593
Pawn Shops				P		C					593
Flea Markets				C		C					593
Antique Stores		C	P	P	C	C					5932
Sporting Goods & Bicycle Shops		P	P	P	P	C					5941
Book Stores		P	P	P	P	C					5942
Stationary Shops		P	P	P	P	C					5943
Jewelry Stores		P	P	P	P	C					5944
Hobby, Toy, Game Shop		P	P	P	P	C					5945
Camera, Photo Supply Houses		P	P	P	P	C					5946
Gift, Novelty, Souvenirs Shops		P	P	P	P	C					5947/5948
Sewing, Needle & Piece Goods		P	P	P	P	C					5949
Catalog & Mail Order Houses		P	P	P	P	C					5961
Fuel Dealers				P		P	P				598
Florist		P	P	P	P	C					5992
Tobacco Stores		P	P	P	P	C					5993
Optical Goods Store	P	P	P	P	P	C					5995
Misc. Retail (i.e. artist supplies, Antenna rooms, stamps, & Telephone stores)		P	P	P	P	C					5999
Firewood Shops				P		P		P	P		5999
Pet Shops	C	P	P	P	P	C					5999
Fireworks				P		P	P				5999
Monuments & Tombstones				P		P	P				5999
Depository & Non-Depository Institution	P	P	P	P	P	C					60, 61
Security & Commodity Brokers	P		P	P	P	C					62
Insurance Carriers & Agents	P		P	P	P	C					63, 64
Real Estate, Holding Investment	P		P	P	P	C					65
Hotel & Motels				P	C	C					701
Rooming & Boarding Houses				P		C					702
Recreational Vehicle Parks and Camps				C		C		C		C	703
Organization Hotels & Lodges				P	P	C					704
Power Laundries/Dry Cleaning Plants		C	C	P		P	P				7211/7216

EXHIBIT 5 (Continued)
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	CP	SIC CODE
Agents for Laundry & Dry Cleaners, Linen Supply		P	P	P	P	P	P				7212/7213
Coin Operated Laundries		P	P	P		P					7215
Carpet & Upholstery Cleaning, Other				P		P	P				7217/7219
Industrial Laundries				P		P	P				7218
Photographic Studios	P	P	P	P	P	C					722
Beauty & Barber Shops	P	P	P	P	P	C					723, 724
Shoe Repair, Shoe Shine, Hat Cleaning		P	P	P	P	C					725
Funeral Homes & Crematories	C		P	P		C	P				726
Miscellaneous Personal Services	C	P	P	P	P	C					729
Massage Parlors and Spas	C		C	C		C					7299
Adult Uses				S							7299
Tattoo Parlor				S		S					7299
Business Services				P	P	C					73
Advertising Agencies	P		P								7311
Reporting and Credit agencies			P								732
Mailing, reproduction, commercial art, photography, photocopying, direct mail and stenographic services			P								733
Commercial Art / Graphic Design	P										7336
Secretarial /Court Reporting Services	P		P								7338
Disinfecting and pest control services to include the following uses: bird proofing; deodorant servicing of rest rooms, disinfecting service; exterminating service; fumigating service; pest control in structures; rest room cleaning service; termite control; and washroom sanitation service						P	P				7342
Medical Equipment Rental and Leasing			P								7352
Heavy construction equipment rental and leasing to include the following uses: bulldozer rental and leasing; construction equipment, heavy: rental and leasing; crane rental and leasing; and earth moving equipment rental and leasing						p	p				7353

EXHIBIT 5 (Continued)
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	CP	SIC CODE
Equipment rental and leasing, not elsewhere classified, to include only the following uses: airplane rental and leasing; appliance rental and leasing; coin-operated machine rental and leasing; electronic equipment rental and leasing, except medical and computer; industrial truck rental and leasing; oil field equipment rental and leasing; oil well drilling equipment rental and leasing; toilets, portable: rental and leasing; tool rental and leasing; and vending machines, rental only						P	p				7359
Personnel and Employment Agencies	P		P	P	P	C					736
Computer programming, data processing, systems design, information retrieval, facilities management services, and computer rental, maintenance and repair			P								737
Computer Programming Services	P										7371
Computer Facilities Management Services	P										7376
Computer Related Services Not Elsewhere Classified	P										7379
Detective Agencies, Private Investigators, Lie Detection Service and Polygraph Service	P										7381
Detective, guard, and armored car services [Except rental of dog for protective services & armored car services]			P								7381
Security Systems Services including Burglar alarm monitoring and Maintenance, Fire Alarm Monitoring and Maintenance, and Monitoring of Security Systems devices, Burglar/Fire Alarms;	P		P								7382
News Syndicates			P								7383
Salvage of Damaged Merchandise							S				7389
The Following Business Services Not Elsewhere Classified											
Agents And Brokers For Screenwriters, Playwrights, Nonperforming Artists And Authors			P								7389
Appraisers [except real estate]	P		P								7389
Arbitration and Conciliation Services	P		P								7389
Artists' Agents and Brokers [except performing artists]	P		P								7389

EXHIBIT 5 (Continued)
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC- 10	CP	SIC CODE
Auctioneers			P								7389
Author's Agents			P								7389
Bondspersons, Business Brokers, Check Validation Services, Credit Card Services			P								7389
Business Brokers [buying and selling business enterprises]	P		P								7389
Decoration Service for Special Events	P		P								7389
Drafting Services	P		P								7389
Fundraising Services			P								7389
Fundraising on a Contract or Fee Basis	P		P								7389
Handwriting Analysis	P		P								7389
Interior Decorating Consulting and Services			P								7389
Interior Decorating Services [except painters and paper hangers]			P								7389
Interior Designing Services [except painters and paper hangers]	P		P								7389
Laminating and Lettering Services			P								7389
Lecture Bureaus	P		P								7389
Map Drafting Service	P		P								7389
Map Making – including aerial	P		P								7389
Message and Answering Services			P								7389
Message Service / Telephone Answering [except beeper service]	P		P								7389
Notary Public	P		P								7389
Paralegal Services	P		P								7389
Parcel Packing Services			P								7389
Patent Registration and Brokering Services			P								7389
Photogrammetric and Mapping Services [not professional engineers]	P		P								7389
Photography Brokers	P		P								7389
Playwrights' Brokers	P		P								7389
Post Office Contract Stations			P								7389

EXHIBIT 5 (Continued)
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	C P	SIC CODE
Process Serving Service	P		P								7389
Recording Studios on a Contract or Fee Basis	P		P								7389
Repossession Services			P								7389
Safety Inspection Services [except automotive]			P								7389
Speakers' Bureaus	P		P								7389
Swimming Pool Cleaning and Maintenance			P								7389
Tax Collection Agencies			P								7389
Tax Collection Agencies: Collecting for a City, County or State	P		P								7389
Telemarketing and Telephone Answering Services			P								7389
Textile Designers			P								7389
Tourist Information and Bureaus and Welcoming Services			P								7389
Transcription and Translation Services			P								7389
Water Softner Services			P								7389
Business Services Not Elsewhere Classified - Including Only: Agents & Brokers for Authors and Nonperforming Artists; Author's Agents and Brokers; Interior Decorating Consulting Service [except painters and paper hangers]; and Translation Services	P										7389
Auto Rental & Leasing				P	P	C					751
Automotive Parking				C	C	C	P				752
Auto Repair Shop				C		C	P				753
Car Washes		C	P	P		P					7542
Auto Service Except Repair				P	P	C					7549
Miscellaneous Repairs				P	P	C	P				76
Watch, Clock & Jewelry Repair			P								7631
Motion Picture Dist.				P	P	C					782
Motion Picture Theaters				P	P	C					783
Video Tape Rentals		C	P	P	P	C					784
Dance Studios			P	P	P	C					791
Physical Fitness Facilities			P								7991
Theatrical Producers / Bowling Alley's				P	P	C					792/793

EXHIBIT 5 (Continued)
PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	C P	SIC CODE
Professional Sports Clubs & Promoters				P		C					7941
Racing Track and Operations				S		S					7948
Bingo Parlor / Pool Hall				S		S					7999.1
Physical Fitness Facilities				P	P	P					7991
Golf Courses, Public				P		P		C			7992
Coin Operated Amusement Devices				P	P	P					7993
Video Games (Video Poker) (Reference 5.g.3.j.)				C		C					7993
Amusement Parks				P		P					7996
Membership Sports & Rec. Clubs				P	C	P		C			7997
Amusements & Rec. (Not Classified)		S	S	S	S	S					7999
Medical & Dental Offices	P		P	P	P	C					801, 802, 804
Doctor's of Osteopathy	P		P	P	P	C					803
Nursing Care Facility	P	P	P	P	P	C					805
Hospitals				P	P	C					806
Medical & Dental Laboratories				P	P	C					807
Home Healthcare Services/Misc.	P		P	P	P	C					808
Misc. Health & Allied Services				P	P	C					809
Legal Services Offices	P		P	P	P	C					81
Elementary, Secondary Schools								C			821
Colleges, University, Professional Schools					C	C		C			822, 8221
Libraries	P		P	P		C					823
Vocational Schools			P	P		C	P	C			824
Other Schools & Education Services			P	P		C	P	C			829
Tutoring Service	P	P	P	P	C	C	P	C			8299
Adult Education	P		P	P		C	C				8299
Individual & Family Social Services			P								832
Social Seminars Individual & Family	P	C		P		C					832, 8322
Job Training & Rehabilitation Services			P	P		C					833
Child Care Services	P	P	P	P	C	P	P	C			835
Residential Care	P	P	P	P							836

EXHIBIT 5 (Continued)
**PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL
INDUSTRIAL, AGRICULTURAL, AND CONSERVATION DISTRICTS**

PERMITTED & CONDITIONAL USES	PO	NC	LC	GC	CBD	LI	HI	AC	AC-10	CP	SIC CODE
Other Social Services				P		C					839
Museums & Art Galleries	P		P	P	P	C					841
Botanical Gardens	P		P	P	P	C		P			842
Organization Facilities & Business Assoc.	P		P	P	P	C					861, 862, 863, 864, 865
Churches & Religious Organizations	C	C	C	C		C		P	C		866
Other Membership Organizations	P		P	P	P	C					869
Engineering, Accounting, Research	P		P	P	P	C	P				87
Misc. Services—Artist, Authors, etc.	P		P	P	P	C					89
Government Offices	P		P	P	P	C		C			911, 912, 919
Justice, public order and safety	P	P	P	P	P	P	P	C			92
Correctional Institutions/Facilities			S	S		S	S	S			9223
Fire Protection Facilities	P	P	P	P	P	P	P	C	P		9224
Public Administration Offices	P		P	P	P	C	C	C			93, 94, 95, 96
National Guard Armory				P		P	P	C			97
Ash Gardens	C	C	C	C		C		C		C	N/A
Single Family Detached	C	C	C	P	C			P	P	P	N/A
Single Family Attached	C	C	C	P	C						N/A
Duplex, Residential	C	C	C	P	C						N/A
Townhouses, Patio Homes	C	C	C	P	C						N/A
Tri-plex & Quadraplex	C	C	C	C	C						N/A
Multi-family Apartments	C	C	C	C	C						N/A
Parks & Playgrounds	P			P		C		C	P	P	N/A
Cemeteries								P	P	P	N/A
Mobile Homes								P	P	P	N/A
Mobile Home Park				C				C			N/A
Bed & Breakfast	C	C	C						C		N/A
Second Story and above Residences					P						N/A
Residential Accessory Uses (Bath houses, Cabanas, Non-Commercial Greenhouses, Private Garage & Carport, Storage Building, Swimming Pool, Tool Shed & Work Shop	C	C	C	C	C			P	P	P	N/A
Parks and Playgrounds			P								N/A

EXHIBIT 5A

DEVELOPMENT STANDARDS FOR RESIDENTIAL USES IN COMMERCIAL DISTRICTS

	Singe Family Attached Dwellings	Single Family Detached Dwellings	Duplex Dwellings	Patio Homes and Zero Lot Line Housing Projects	Townhouses ****	Triplex and Quadruplex Housing	Multi-Family Apartments
Minimum Lot Area Per Structure (sq. ft.)	10,000	6,000	10,000	5,000	2,000	N/A	N/A
Minimum Site Area	N/A	N/A	N/A	2 Acres	2 Acres	2 Acres	2 Acres
Minimum Lot Width	80 ft.	60 ft.	80 ft.	45 ft.	16 ft.	150 ft.	200 ft.
Minimum Yards, Per Structure:							
Front (local/collector)	35 ft. local/collector 45 ft all other	35 ft. local/collector 45 ft all other	35 ft. local/collector 45 ft all other	25 ft. local/collector 45 ft all other	15 ft. local/collector 45 ft. all other	25 ft local/collector 45 ft. all other	50 ft. all streets
Side	10 ft.	8 ft.	10 ft.	0/8 ft. *	0/7.5 ft **	30 ft.	50 ft.
Rear	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	35 ft.	50 ft.
Minimum Distance Between Buildings	N/A	N/A	N/A	N/A	15 ft.	40 ft.	30 ft.
Maximum Impervious Surface Percentage	45%	45%	45%	45%	65%	60%	65%
Common Open Space Ration (% project area) ****	N/A	N/A	N/A	N/A	20% ***	25% ***	25% ***
Maximum Density (units per gross acre)	14	7.2	14	14	14	16	16
Maximum Height of Buildings	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	45 ft.

* **Minimum Side Yard Setback required on one side only.**

** **Zero between units, seven and on-half feet (7.5 ft.) between end structure and side property lines.**

*** **For projects with ten (10) or fewer units no common open space is required.**

***** **Townhouse buildings shall not exceed eight (8) continuous units.**

SECTION O: AGRICULTURAL CONSERVATION –10 (AC-10) DISTRICT

3.o.1. **Purpose:** The intent of this district is to protect and preserve area of the county which are presently rural or agricultural in character and use, and are uniquely suited to agricultural use.

3.o.2. **Permitted:** Within the AC-10 District, a building or a premise shall be used only for the following purpose:

- a. Uses associated with Agriculture, forestry, & fishing as set forth in 3.k.2.1 of the LI-W District;
- b. Agricultural services such as soil preparation services, crop services, veterinary services (Note: For small animals – all services shall be in enclosed buildings and no noise or odors shall be detected outside the building(s). For large animals – all facilities shall be located no closer than 300 ft. to a Residential District, nor 150 ft. to any other property line. Adequate measures must be shown that no odor, noise, or drainage shall become a nuisance on adjacent property. No incineration of animal refuse shall be permitted. Sheltering and boarding of animals, including commercial kennels is considered a permitted use), landscape & horticulture services, forestry, fishing, hunting & trapping, with SIC Codes 071, 072, 074, 078, 08, 09;
- c. Public boat docks, with SIC Code 4493;
- d. Firewood shops, with SIC Code 5999;
- e. Cemeteries;
- f. Fire protection facilities, with SIC Code 9224;
- g. Single-Family dwellings;
- h. Manufactured Housing/Mobile Homes;
- i. Parks and playgrounds;
- j. Residential Accessory Uses such as bathhouses, cabanas, non-commercial greenhouses, private garage & carport, storage building, swimming pool, tool shed & work shop, home occupation.

3.o.3 **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3 shall be a prerequisite to the issuance of a building permit for any Conditional Use identified below:

- a. Animal services, except veterinary, with SIC Code 075;
- b. Mining and quarrying of nonmetallic minerals (Note; a reclamation and reuse plan must accompany a zoning permit, an approximate operating schedule including times when explosives will be used must be presented, no such use shall be located within 300 feet of any residential use, no explosives shall be used within 2,500 feet of a residential structure unless a variance is obtained

from the Planning Commission on a case by case basis, the site must obtain its highway access from a collector or an arterial street, mining and extraction uses permitted by South Carolina Department of Health and Environmental Control, Division of Mining & Reclamation, which are non-conforming and any extension of such use, operations activities, or business on such parcel or contiguous parcel where the minerals 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);

- c. Retail nurseries and lawn garden shop, with SIC Code 526;
- d. Churches and religious organizations, with SIC Code 866;
- e. Bed and Breakfast;

3.o.4. **Special Exception:** Review and approval by the Sumter Board of Appeals in accordance with Article 5, Section B shall be a requirement before any use listed below is allowed in this district:

- a. Poultry Houses (SIC Code 025)
- b. Commercial Kennels (SIC Code 0752)
- c. Communication Towers (SIC Code 48)
- d. Electric, Gas, and Sanitary Services (SIC Code 49)
- e. Animal Auctions (SIC Code 5154)

3.o.5. **Development Standards:** Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the AC-10, Agricultural Conservation – 10 District:

a. **Lot Requirement (Minimum)**

Minimum lot width requirement in the AC – 10 District is 300.

Depth: There is no minimum lot depth requirement in the AC – 10 District

Lot Area: 10 acres minimum

b. **Yard and Building Set Back Requirements (Minimum)**

	<u>Front Yard Setback</u>
From local/collector Streets	35 ft.
From all other type Streets	45 ft.
	<u>Side Yard Setback</u>
For Residential Uses	50 ft.
For Non-Residential Uses	50 ft.
	<u>Rear Yard Setback</u>
From abutting Residential Districts	50 ft.
From Non-Residential Districts	50 ft.
c. Building Requirements	(Maximum)
Building Height	35 ft.

Impervious Surface Ratio	.10
Residential Density (Gross Acreage)	0.1
Floor Area Ratio (Non-residential)	.15

- d. **Off-Street Parking:** Off-street parking requirements for uses permitted herein or conditionally allowed are established in Article Eight, Section D

Warning Notice: A statement must be placed on the final plat indicating the seller or designee will inform the buyer prior to purchasing a lot within or adjacent to this district as follows: “Farming activities may occur on adjacent parcels that may create disturbing odors and noise. Livestock and poultry (make noises, cross property lines, smell, cause insects), organic pesticides (manure and compost) and inorganic fertilizer (smell, cross property lines, and can temporarily affect air and water quality), hours of operation (early morning and late night activities occur involving heavy machinery and noisy equipment). In addition, we understand the following: normal farming activities create situations deems nuisance by individuals not familiar with rural living, no additional liabilities are placed on the farmer; he has no obligation to accommodate our decision to move adjacent to his farm, and no county laws or ordinance exist to assist us in having these issues stopped.”

SECTION P: PLANNED DEVELOPMENT (PD) DISTRICT

3.p.1. **Purpose:** The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its appropriate use; to improve the design, character and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open space. The principal feature of a Planned Development is to accommodate mixed uses.

3.p.2. **Area and Ownership:** In order to qualify as a Planned Development District a project request shall meet the following requirements:

- a. The site shall be in single ownership or control, or if in several ownerships, the application for amendment to the Zoning Ordinance shall be filed jointly by all of the owners.

3.p.3. **Map Designation:** A PD District may be established on the Official Zoning Map for the City or County of Sumter in the same manner and in the same form prescribed in Article One, Section T for other zoning districts. The general development plan and administrative review requirements of this section shall not be required for a map amendment. However, such requirements and all additional requirements of this section and Article One, Section T shall be addressed prior to the issuance of a building or development permit.

3.p.4. **Planning Requirements:** A General Development Plan shall be submitted as a prerequisite to the consideration of all multi-phase development projects. In addition to this requirement, a detail site plan or subdivision plat (preliminary and final) shall be required prior to a request for a building or development permit. The requirements are specified in 9.c.3.

3.p.5. **Permitted Uses:** Any use proposed by the developer and considered by the Planning Commission as being compatible to other nearby uses within and beyond the proposed PD District may be permitted in such district, upon approval of the Sumter City-County Planning Commission and the City or County Councils of Sumter. A listing of proposed uses including type and number of dwelling units within a particular PD District shall be adopted as part of the regulations applying to that District. After approval by the Planning Commission and the City or County Council, the list of permitted uses (or portion thereof) shall be adopted as part of the regulations applying to that particular PD District. Thereafter, the uses permitted in the District shall be restricted to those listed, approved and adopted.

3.p.6. **Private Streets:** Private streets may be permitted in an approved PD District, provided such streets meet the design and construction standards for public streets as required in Article Eight, Section E, Guidelines for Utility, Roadway, and Drainage Construction, and approved by the Engineering Department for the City or County of Sumter.

3.p.7. **General Design Criteria and Development Standards:**

- a. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, streets and street patterns, and use relationships.
- b. To encourage the use of this district and permit flexibility in urban form, the development standards are set forth as parameters. The following are used as a guideline beyond which development flexibility is not permitted. The guidelines are applicable to the aggregate project site, not to individual parcels or buildings. However, when the total project is completed, the defined items in this section shall have been achieved, unless a variance on any particular criteria is granted by the Planning Commission in writing and recorded in the minutes of the Planning Commission.

Development Standards

Maximum Height	45 feet, except otherwise permitted by the Comprehensive Land Use Plan.
Maximum Density	16 residential units per gross acre
Required Open Space	25 percent of project area*
Maximum Imperious Surface Ratio	60 percent of project area
Front Property Line Setback	40 feet
Other Property Line Setback	30 feet from residential district
Setback	10 feet from all other districts

* Street R-O-Ws which provide street trees, sidewalks and landscaped areas may count the accumulated acreage therein to help off-set the open space requirements

listed in 3.o.7.b. Notwithstanding this provision, the open space percentage shall not fall below 25 percent.

- c. Parking requirements for each PD District shall comply with the requirements of Article Eight, Section J. Areas designated for parking shall be physically separated from public streets by suitable barriers against unchannelled motor vehicle ingress and egress. All uses should be located at least fifty (50 ft.) feet from the intersection of any street line and shall be designated in a manner conducive to safe ingress and egress. Access points to public streets shall be no less than three (300 ft.) feet apart.
- d. Landscaping and bufferyards between uses in this district and adjacent uses shall meet the minimum requirements for and between such uses prescribed by Article Eight, Section D. Landscaping and bufferyards may be required by the Sumter City-County Planning Commission between uses within any PD District.

3.p.8. **Administrative Procedures:**

- a. **Application Stage:** An applicant or owner shall submit his/her plans twenty-two (22) days prior to a regular scheduled meeting of the Sumter City-County Planning Commission. The staff shall review the proposal for compliance and completeness with the Comprehensive Plan and the regulations herein. The applicants are strongly encouraged to coordinate their entire request with the staff at least 60 days prior to the Planning Commission meeting. Due to the potential complexity of Planned Developments, a recommendation for denial will be forwarded to the Planning Commission and Council if all required items are not submitted by the twenty-two (22) day suspense.

During such study, the applicant shall be notified of any discrepancies, and advised of the willingness of the staff to confer with the applicant for the purpose of assisting in bringing the material submitted into conformity with the requirements of this Ordinance or the Comprehensive Plan.

In the course of such conferences any recommendation for change shall be recorded in writing, with reasons cited, and shall then become part of the record in the application process. Applicants shall indicate, in writing, their disagreements and reasons and such response by the applicant shall be included in the record.

At the conclusion of the review stage, the planning staff shall report to the Planning Commission as to:

1. The type of PD proposed, physical characteristics of the land, relation of the proposed development to the surrounding areas and existing and probable future development;
2. The relationship of the PD proposed to major roads, utilities and other facilities and services;

3. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed;
 4. The suitability of plans proposed, or the desirability of amendments, with reasons therefore;
 5. Desirable specific modifications in regulations or the Comprehensive Plan as applicable in a particular case, based on determinations that such modifications are necessary or justified in the particular case by demonstrating that the public purpose of the PD District or other regulations would be met to at least an equivalent degree by the proposal of the applicant. Based on such findings, the planning staff shall recommend approval of the PD amendment as proposed, approval conditioned on specific stated modifications, or disapproval, with recorded reasons therefore.
- b. **Review Stage:** After the sixty (60) day period for the PD subdivision or site plan application process is concluded, the Planning Commission shall have thirty (30) days from the Planning Commission meeting, at which the PD application is considered, to prepare a report and make a recommendation to the City or County Councils on a PD application. In making its report, the Planning Commission should consider the following factors:
1. The relationship of the request to the 2020 Sumter City-County Comprehensive Land Use Plan;
 2. Whether the request violates or supports the Plan;
 3. Whether the permitted uses would be appropriate in the area concerned;
 4. Whether adequate public facilities such as roads, water & sewer facilities, drainage facilities, and schools and other public services exist or can be provided to serve the needs of the development.
- c. **City or County Council Action:** Action by the City or County Council shall be provided by Ordinance generally. City or County Council shall grant or deny the PD application within thirty (30) days from the receipt of the Planning Commission's recommendation.

Either Council may grant the application, may include specific modifications to the proposal or other applicable regulations, or may deny the application. If the Ordinance is granted, the City or County Council shall approve the application as recommended by the Planning Commission or approve the application with modifications, which shall be binding on the applicant. If modifications are required, the City or County Council shall officially state its reasons in the record.

If an amendment to the Comprehensive Plan is involved, neither Council shall proceed on the PD amendment until the Comprehensive Plan amendment is completed.

If the application is granted, the development shall be required to be in accord with the approved PD, meeting the requirements of these and other regulations, as supplemented or modified by the City or County Council in the particular case as part of the amendment action, and shall conform to any time or priority limitation established by the City or County Council on the beginning or completion of the development as a whole or in specified stages. In taking action to amend the Official Zoning Map(s) to establish the approved PD, City or County Council shall pass upon the adequacy of the application, in form and/or substance relative to any agreements, contracts, deed restrictions, sureties, or other instruments involved, and before development may proceed, such instruments shall be approved by the appropriate city or county officers and departments.

3.p.9. Staff Action on Approved PD Amendments: Once a PD District is established on the official zoning map, no building permit shall be issued therein unless the City or County of Sumter has approved plans and reports for the development as adopted by the City or County Council, whole or in stages that are deemed satisfactory in relation to the total development. Upon approval, building permits shall be issued in such manner as for building permits generally. All plans and reports approved shall be binding on the applicant(s) and any successors in title so long as the PD zoning is applicable.

3.p.10. Changes in Approved Plans: Minor changes in approved final plans and reports may be approved by the planning staff only upon findings identical to those required for original approval. Major changes shall be subject to further amendatory action by the Planning Commission and City or County Council.

SECTION Q: AIRFIELD COMPATIBILITY (ACD) DISTRICTS

3.q.1. Purpose: The intent of the ACD is to prevent incompatible land uses or the creation of flight hazards which would impair the utility and public investment of the Shaw Air Force Base and the Sumter Airport.

3.q.2. Types of Districts: With the ACD there are several overlay districts which are shown on the Official Zoning Map(s) as follows:

- a. APZ-1, Accident Potential Zone I;
- b. APZ-2, Accident Potential Zone II;
- c. DNL-1, Day-Night Noise Level Zone I;
- d. DNL-2, Day-Night Noise Level Zone II;
- e. DNL-3, Day-Night Noise Level Zone III;
- f. NA, Noise Attenuation District.

3.q.3. Restrictions Within the Airfield Compatibility Districts: Land designated APZ-1, APZ-2, DNL-1, DNL-2, or DNL-3 may not be used for any purpose other than those indicated

by Exhibit 7, and under the conditions attached thereto. Property owners or land users should consult both the text of this Section and the Official Zoning Map to determine the location of properties in question and the limitations imposed thereon by this Section.

3.q.4. **Land Use:** The use of land within these zones shall be subject to the following safety and performance standards and the requirements of Exhibit 7. Where permitted uses listed by Exhibit 7 are at variance with the applicable residential or non-residential zoning districts within which they are proposed, the more restrictive shall apply.

a. Safety Standards – the concentration of persons per use shall be in compliance with Exhibit 6.

1. Maximum Number of Persons – The maximum number of persons per use shall be a function of the number of hours of operation per day of the use and shall be expressed on an acre per hour basis. Furthermore, a structure or use or contiguous structure or use, shall not accommodate a gathering of individuals, including employees and non-employees, that would result in an average density of greater than twenty-five (25) persons per acre per hour during a 24-hour period or that would exceed fifty (50) persons per acre at any given time.

Such limitations shall be a special condition of the issuance of the building permit and the certificate of occupancy. The occupant of any such premises shall not permit such limitations to be exceeded. The premises shall thereafter continuously be posted with a form of notice of such limitations, as prescribed by the Sumter City-County Planning Commission.

2. Concentrations of Persons Per Acre Standard

Exhibit 6	
Concentrations of Persons Per Acre Standards	
Hours of Operation Per Day	Maximum Persons Allowed Per Acre/During the Day
24	25
23	26
22	27
21	28
20	30
19	31
18	33
17	35
16	37
15	40
14	42
13	46
12 or less	59*

*Concentrations of persons per acre cannot exceed 50 persons per acre at any time.

Note: Fractions in the maximum persons allowed column are rounded to the lowest whole number.

3. **Formula** – The maximum persons per acre per hour for the duration of Time that persons are expected to be on site during a 24-hour period may be determined as follows:

- a. Average densities of persons per hour during a 24-hour period are determined by calculating the number of persons per acre expected on a site, multiplying by the number of hours they will be on the site, and dividing the total by 24.

Example #1: One 8-hour shift of 30 workers on a one (1) acre site.

$$30 \text{ persons expected} \times 8 \text{ hours on site} = 240$$

$$\frac{240}{24} = \text{average density of 10 persons per acre per hour during a 24-hour period.}$$

Example #2: Two 8-hour shifts of 30 workers on a one (1) acre site.

$$30 \text{ persons expected} \times 16 \text{ hours on site} = 480$$

$$\frac{480}{24} = \text{average density of 20 persons per acre per hour during a 24-hour period.}$$

- b. The maximum number of persons allowed per acre per hour is calculated by dividing 24 hours by the number of hours persons will be on the site, and multiplying the results by 25 persons per acre per hour.

Example #3: A use on a one (1) acre site has two 8-hour shifts.

$$\frac{24 \text{ hours}}{16 \text{ hours}} \times 25 \text{ persons} = 37.5 \text{ maximum}$$

3.q.5. **Performance Standards:** Height and size requirements shall be evaluated in accord with the “Ordinance Regulating the Height of Structures and other Activities in the vicinity of Shaw Air Force Base,” as adopted October 13, 1981.

- a. **Setbacks:**
 - Front 50 feet
 - Rear 50 feet
 - Side Interior Side – 20 feet
 - Exterior Side – 50 feet

- b. **Off-Street Parking:** Off-street parking for uses within this district shall comply with Article 8, Section J as appropriate.

3.q.6. **Prohibited Uses:** All uses indicated by a “**NO**” in the applicable sub-zone column of Exhibit 7 are expressly prohibited.

3.q.7. **Non-Conforming Uses:** The regulations prescribed by this section shall not be construed to require the removal, lowering of the height or other changes or alteration of any structure or use not conforming to the regulations as of December 30, 1991, or otherwise interfere with the

continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which has begun or plans or residential plats which have been filed in the Planning Commission Office prior to December 30, 1991.

3.q.8. **Permits:** Building permits and sign permits shall be required for all construction, in accordance with Section 1.p.1.

- a. Future Uses: Each application for a building permit shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use or structure would conform to the regulations herein prescribed.
- b. Existing Uses: Any existing non-conforming use or structure may be replaced, substantially altered, or rebuilt in accord with the permit requirements in Article Six, Section A; provided such non-conforming use will not:
 1. Create a flight hazard or use not authorized by this Ordinance, or
 2. Permit a non-conforming use or structure to be made or become a greater hazard to air navigation or less compatible in use than it was on December 30, 1991, or than it is when the application for a permit is made.

3.q.9. **Variance Permits:** The Sumter City-County Board of Appeals shall have the power to grant variances to the Safety Requirement Standards and/or the Performance Standards Regulations of this Section and to authorize the issuance of variance permits therefor as defined in Article 1, Section H of this Ordinance; provided that the Commander of Shaw Air Force Base, or his designee, shall be notified of any variance being requested and shall be asked for comments on such requests.

3.q.10. **Other Ordinance:** Adoption of this Ordinance shall not invalidate any existing Ordinance, and shall be used in addition to such Ordinances, such as the “Ordinance Regulating the Height of Structures and other Activities in the Vicinity of Shaw Air Force Base,” as adopted on October 13, 1981.

EXHIBIT 7
AIRFIELD COMPATIBILITY DISTRICT (ACD) USE REGULATIONS
ACD DISTRICTS

LAND USE CATEGORY	APZ-1	APZ-2	DNL-1 65-75 dB	DNL-2 75-80 dB	DNL-3 80+dB
Single-Family	NO	NO	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾
Mobile Homes*	NO	NO	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾
Single-Family **	NO	NO	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾
Multi-Family***	NO	NO	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾
Mobile Home Parks	NO	NO	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾
Hotels, Motels	NO	NO	30 ⁽¹⁴⁾	35 ⁽¹⁴⁾	35 ⁽¹⁴⁾
INDUSTRIAL/ MANUFACTURING	APZ-1	APZ-2	DNL-1 65-75 dB	DNL-2 75-80 dB	DNL-3 80+dB
Food & Kindred Products	NO	YES ¹	(10)	(12)	(13)
Textile Mill Products	NO	YES ¹	(10)	(12)	(13)
Apparel	NO	NO	(10)	(12)	(13)
Lumber & Wood Products	YES ¹	YES ¹	(10)	(12)	(13)
Furniture & Fixtures	YES ¹	YES ¹	(10)	(12)	(13)
Paper & Allied Products	YES ¹	YES ¹	(10)	(12)	(13)
Printing, Publishing	YES ¹	YES ¹	(10)	(12)	(13)
Chemicals & Allied Products	NO	NO	(10)	(12)	(13)
Petroleum Refining & Related Industries	NO	YES ¹	(10)	(12)	(13)
Rubber & Plastics	NO	NO	(10)	(12)	(13)
Stone, Clay & Glass	NO	YES ¹	(10)	(12)	(13)

EXHIBIT 7 (Continued)
AIRFIELD COMPATIBILITY DISTRICT (ACD) USE REGULATIONS
ACD DISTRICTS

INDUSTRIAL/ MANUFACTURING	APZ-1	APZ-2	DNL-1 65-75 dB	DNL-2 75-80 dB	DNL-3 80+dB
Primary Metals	NO	YES ¹	(10)	(12)	(13)
Fabricated Metals	NO	YES ¹	(10)	(12)	(13)
Professional, Scientific Control Instruments	NO	NO	(10)	(12)	(13)
Misc. Manufacturing	YES ¹	YES ¹	(10)	(12)	(13)
TRANSPORTATION, COMMUNICATIONS, UTILITIES	APZ-1	APZ-2	DNL-1 65-75 dB	DNL-2 75-80 dB	DNL-3 80+dB
Railroad, Rapid Rail	YES ²	YES	(10)	(12)	(13)
Motor Vehicle Transportation	YES ²	YES	(10)	(12)	(13)
Aircraft Transportation	YES ²	YES	(10)	(12)	(13)
Highway & Street ROW	YES ²	YES	(10)	(12)	(13)
Auto Parking	YES ²	YES	(10)	(12)	(13)
Communications	YES ²	YES	(10)	30 ⁽¹⁴⁾	30 ⁽¹⁴⁾
Utilities	YES ²	YES	(10)	(12)	(13)
Landfills & Hazardous Waste	NO	NO	(10)	(12)	(13)

EXHIBIT 7 (Continued)
AIRFIELD COMPATIBILITY DISTRICT (ACD) USE REGULATIONS
ACD DISTRICTS

COMMERCIAL/RETAIL TRADE	APZ-1	APZ-2	DNL-1 65-75 dB	DNL-2 75-80 dB	DNL-3 80+dB
Wholesale Trade	YES ¹	YES ¹	30	(12)	(13)
Building Materials—Retail	YES ¹	YES ¹	30	(12)	(13)
General Merchandise—Retail					
<10,000 sq. ft./acre	YES ^{1,11}	YES ^{1,11}	30	(12)	(13)
>10,000 sq. ft./acre	NO	NO	30	(12)	(13)
Food Retail—Groceries	NO	NO	30	(12)	(13)
Other Food Retail	YES ¹	YES ¹	30	(12)	(13)
Automotive, Marine, Aviation--Retail	YES ¹	YES ¹	30	(12)	(13)
Apparel & Accessories—Retail	NO	YES ¹	(10)	(12)	(13)
Furniture—Home	NO	YES ¹	30	(12)	(13)
Furniture—Retail	NO	YES ¹	30	(12)	(13)
Eating & Drinking Places	NO	YES ¹	30	(12)	(13)
SERVICES	APZ-1	APZ-2	DNL-1 65-75 Db	DNL-2 75-80 dB	DNL-3 80+dB
Finance, Insurance, Real Estate	YES ¹	YES ^{1,3}	30	30	(13)
Personal Services	YES ¹	YES ^{1,3}	30	30	(13)
Cemeteries	YES ^{1,3,4}	YES ^{1,3,4}	NA	NA	NA
Business Services	YES ¹	YES ^{1,3}	30	30	(13)
Warehousing & Storage Services	YES ¹	YES ¹	30	(12)	(13)

EXHIBIT 7 (Continued)
AIRFIELD COMPATIBILITY DISTRICT (ACD) USE REGULATIONS
ACD DISTRICTS

SERVICES	APZ-1	APZ-2	DNL-1 65-75 Db	DNL-2 75-80 dB	DNL-3 80+dB
Explosive Storage	NO	NO	30	(12)	(13)
Repair Services	YES ^{1,3}	YES ^{1,3}	30	(12)	(13)
Medical & Other Health Services	NO	NO	30	25	25
Hospitals	NO	NO	30	25	25
Legal Services	YES ¹	YES ^{1,3}	30	30	30
Other Professional Services	YES ¹	YES ^{1,3}	30	30	30
Contract Construction Services	YES ¹	YES ^{1,3}	30	30	30
Government Services	NO	YES ^{1,3}	30	30	30
Educational Services	NO	NO	30	30	30
Religious Activities	NO	NO	30	30	30
CULTURAL, ENTERTAINMENT AND RECREATION	APZ-1	APZ-2	DNL-1 65-75 dB	DNL-2 75-80 dB	DNL-3 80+dB
Cultural Activities	NO	NO	25	30	30
Nature Exhibition	YES ⁵	YES ⁵	NA	(12)	(13)
Entertainment Facilities Indoor/Outdoor	NO	NO	NA	(12)	(13)
Sports Activities Indoor/Outdoor	NO	YES ^{5, 6, 7}	NA	(12)	(13)
Water & Other Recreation Areas	YES ⁵	YES ⁵	NA	(12)	(13)
Resort & Group Camps	NO	NO	NA	(12)	(13)
Parks & Golf Courses	YES ⁵	YES ⁵	NA	(12)	(13)

EXHIBIT 7 (Continued)
AIRFIELD COMPATIBILITY DISTRICT (ACD) USE REGULATIONS
ACD DISTRICTS

RESOURCE PRODUCTION EXTRACTION & OPEN LAND	APZ-1	APZ-2	DNL-1 65-75 dB	DNL-2 75-80 dB	DNL-3 80+dB
Agricultural Related Activities	YES	YES	NA	(12)	(13)
Dairy & Livestock Farms	YES	YES	NA	(12)	(13)
Forestry & Mining	YES	YES	NA	(12)	(13)
Fishing, Hunting, and Water Areas	YES	YES	NA	(12)	(13)
Permanent Open Space	YES	YES	NA	(12)	(13)

SPECIAL NOTE:

- (A) * Less than or equal to two (2) dwelling units per acre
 ** More than two (2) dwelling units per acre
 *** Including duplex, triplex, and quadruplex
- (B) Computations for residential density include road's right-of-ways
- (C) dB=Decibels
- (D) 25,30 or 35 db – measures to achieve 25, 30, or 35 dB must be incorporated into design and construction of structures in accord with the “Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations,” prepared by the Naval Facilities Engineering Command, Special Advisors for Planning Administration, Office of Environment and Energy; and office of Airport Planning and Programming, Washington, D.C. latest edition.
- (E) NA – not applicable

FOOTNOTES:

- (1) Uses compatible only if they do not result in a large concentration of people. A large concentration of people is defined as a gathering of individuals in an area that would result in an average density of greater than 25 people per acre per hour during a 24

hour period, or a single event that would result in the gathering of 50 persons per acre at any time. (See Safety Requirement Standards)

In addition, the following factors need to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution, size of establishment, peak period (including shopper/visitor) concentrations.

- (2) No passenger terminals and no major above ground transmission lines.
- (3) Meeting places, auditoriums, etc. not allowed
- (4) Excludes chapels
- (5) Facilities must comply with Safety Requirements Standards and no high-intensity use of facilities, such as structured playgrounds, ballfields, or picnic pavilions.
- (6) Clubhouse not allowed.
- (7) Concentrated rings with large classes not allowed.
- (8) Includes livestock grazing but excludes feedlots and intensive animal husbandry
- (9) Includes feedlots and intensive animal husbandry.
- (10) Measures to achieve Noise Level Reduction (NLR) of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (11) General Merchandise – Retail compatible provided that individual shops do not exceed 2,500 sq. ft. and that not more than four (4) shops per acre are allowed.
- (12) Measures to achieve Noise Level Reduction (NLR) of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal level is low.
- (13) Measure to achieve Noise Level Reduction (NLR) of 35 dB must be incorporated into the design and construction of portion of these buildings where the public is received, office areas, noise sensitive areas, or where the normal level is low.
- (14) Mitigation measures to reduce noise within structures in noise contour zones.

SECTION R: RANGE COMPATIBILITY DISTRICTS (RCD)

3.r.1. **Purpose:** The intent of the RCD is to prevent incompatible land uses or the creation of flight hazards, which would impair the utility and public investment of Poinsett Electronic Combat Range (PECR).

3.r.2. Within the RCD, there are several overlay districts, which are shown on the Official Zoning Map as follows:

- a. DNL-1, Day-Night Noise Level Zone 1
- b. DNL-2, Day-Night Noise Level Zone 2
- c. NA, Noise Attenuation District

3.r.3. **Restrictions Within the Range Compatibility Districts:** Land designated DNL-1, and DNL-2 may not be used for any purpose other than those indicated by Exhibit 7 and under the conditions attached thereto. Property owners or land users should consult both the text of this Section and the Official Zoning Map to determine the location of properties in question and the limitations imposed thereon by this Section.

3.r.4. **Land Use:** The use of land within these zones shall be subject to the safety and performance standards in Sections 3.p.4 and the requirements of Exhibit 7.

3.r.5. **Performance Standards:** Height and size requirements shall be evaluated in accord with the “Ordinance Regulating the Height of Structures and other Activities in the vicinity of Shaw Air Force Base,” as adopted October 13, 1981.

- a. Setbacks:
 - Front 50-feet
 - Rear 50-feet
 - Side Interior Side 20-feet
 - Exterior Side 50-feet
- b. Off-Street Parking: Comply with a Article 8, Section J as appropriate.
- c. Noise Hazard Signs: Developers for all new major subdivisions will install at their expense a noise notification /warning sign (same as installed by Sumter County on the boundary of the NA) at each entrance to the subdivision before building permits may be issued.

3.r.6. **Prohibited Uses:** As indicated in Exhibit 7 for appropriate districts.

3.r.7. **Non-Conforming Uses:** The regulations prescribed by this section shall not be construed to require the removal, lowering of the height, or other changes or alterations of any structure or use conforming to the regulations as of December 31, 2002, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction or alteration of which has begun or plans or residential plats which have been filed in the Planning Commission Office prior to December 31, 2002.

3.r.8. **Permits:** As described in Section 3.p.8 of this Ordinance.

3.r.9. **Variance Permits:** The Sumter City-County Board of Appeals shall have the power to grant variances to the Safety Requirements Standards and/or the Performance standards Regulations of this Section and to authorize the issuance of variance permits therefore as defined in Article 1, Section H of this Ordinance; provide that the Commander of Shaw Air Force Base, or his designee, shall be notified of any variance requested and shall be asked for comments on such requests.

3.r.10. **Other Ordinance:** Adoption of this Ordinance shall not invalidate any existing Ordinance, and shall be used in addition to such Ordinances, such as the “Ordinance Regulating the Height of Structures and other Activities in the Vicinity of Shaw Air Force Base,” as adopted on October 31, 1981.

3.r.11. **DNL Lines:** No manufactured / mobile homes may be placed inside the DNL lines as developed by the US Air Force and published by the Sumter Planning Commission GIS Department.

NOTE: Existing, approved major subdivisions, and mobile home parks with current city business licenses that have infrastructure in place will be allowed to continue to develop any/all remaining parcels/lots. No new parcels/lots may be added to the subdivision or mobile home park after the adoption of this revision. However, all existing lots/parcels may be fully used/reused or developed. This note applies to both APZ 2s and the DNL restriction. Any subdivision and/or mobile home parcels started after the adoption of these changes must be developed in accordance with all the new regulations.

SECTION S: NOISE ATTENUATION (NA) DISTRICT

3.s.1. **Purpose:** The intent of this district is to define areas by physical features, which are prone to exposure to airport and range operations noise and changes in the patterns thereof. Therefore, the purpose of the district is to reduce the noise, which may accrue to the benefit of the health, safety, welfare of the occupants of or those associated with the uses of land therein.

3.s.2. **Noise Notification Zone:** Noise Notification Zone is hereby created by map action, which depicts the area adjacent to Shaw Air Force Base and/or Poinsett Range. This notification would be shown on all plats / building permits and other correspondence regarding construction within the area so designated.

SECTION T: HIGHWAY CORRIDOR PROTECTION DISTRICT

3.t.1. **Purpose:** The purpose of the Highway Corridor Protection District is to promote development that is compatible with the function, capacity, and design of major arterial roadways, while remaining sensitive to the relationship of the roads to abutting residential, commercial, and industrial development. Existing residential uses within the District will remain unaffected. The implementation of the Highway Corridor Protection District shall be fulfilled in the manner of an overlay zone.

The Highway Corridor Protection District encompasses the lands within three hundred feet (300 ft.) measure from the centerline (or the depth of the lot to be developed, whichever is greater) on both sides along specific sections of the following streets, roads, or highways within the City and County of Sumter, South Carolina.

- a. Shaw Parkway and Loring Mill Roads;
- b. North Wise (378 to Airport);
- c. Thomas Sumter Highway at Broad Street;
- d. U.S. Highway 378 and the by-pass;
- e. U.S. Highway 15 (Pocalla Road) and North Main Street;
- f. U.S. Highway 521 (Manning Avenue);
- g. U.S. Highway 76 (Florence Highway);
- h. U.S. Highway 401 (Oswego Road)
- i. Wesmark Boulevard (S. Pike West to Wilson Hall Rd.);
- j. East and West Liberty St. (N. Pike East to Pinewood Rd.);
- k. Carter Rd. (Wilson Hall Rd. to Broad St.);
- l. McCrays Mill Rd. (N. St. Paul Church Rd. to Guignard Dr.)
- m. Main St. (Oakland Ave. to Pike – All of North and South Main);
- n. Guignard Dr. and Guignard Parkway (Wesmark Blvd. to Manning Rd.);
- o. Bultman Dr. (Guignard Dr. to N. Pike West);
- p. Alice Dr. (Thomas Sumter Hwy. to W. Liberty St.)
- q. Peach Orchard Rd. (Broad St. to Thomas Sumter Hwy.)
- r. Wise Dr. (Loring Mill Rd. to N. Pike West);
- s. Bypass and Frontage Roads;
- t. Wedgefield Rd. (Liberty to Keels Rd.);
- u. Boulevard Rd. (E. Liberty to Craig Rd.)
- v. Camden Highway (Thomas Sumter Hwy. to Queen Chapel Rd.)
- w. Pinewood Road (W. Liberty St. to St. Paul Church Rd.)
- x. Miller Road (Alice Dr. to N. Pike West)
- y. Wilson Hall Road (Wise Dr. to Broad St.)

z. Jefferson Road (Camden Hwy. to N. Main St.)

3.t.2. **Highway Corridor Protection District Map:** An overlay map of the Highway Corridor Protection District boundaries shall be included as part of this Article.

3.t.3. **General Standards:** Persons wishing to develop residential subdivisions, commercial, industrial, or billboard projects with the Highway Corridor Protection District shall comply with the standards as follows:

- a. Development and dimensional standards of the primary zoning district shall be applicable;
- b. The siting and orientation of commercial and industrial buildings and structures such as billboards, on a lot should front and be parallel to the street or highway providing primary accesses thereto, existing lot configuration notwithstanding;
- c. Where feasible, off-street parking should be located in the rear yard area of commercial or industrial projects, or screened by vegetation or berms, if located in the front or side yard area in addition to any other requirements in 8.j.3.k.;
- d. Outdoor sales lots and open storage areas of commercial or industrial projects shall not be permitted, unless adequately screened or removed from public view; Car Dealerships and mobile home sales lots are expressly excluded from this provision, but nevertheless shall meet all requirements for landscaping and buffering as set forth in Article 8, Section D.
- e. Curb cuts should be not less than 1,000 foot intervals, where feasible;

3.t.4. **Architectural Standards:** All commercial projects in the Highway Corridor Protection District shall submit architectural plans to the Sumter City-County Planning Commission which shows elevations of all portions of buildings with important relationships to public views and vistas, indications as to the construction materials, photographs or perspective drawings indicating visual relationships to adjoining properties and spaces, paint and color schemes, and other exhibits and reports the Sumter City-County Planning Commission may require. Applicant shall also submit a landscaping plan and signage plan for the project site. In addition, all commercial projects shall meet the following standards:

- a. If a new commercial building is proposed, not more than sixty percent (60%) of the facade facing a street may be glass or reflective materials;
- b. Significant exterior renovations to a building, such as a change of material types, structural design, or additions require review;
- c. A minimum of eighty percent (80%) of the surface materials, excluding doors and windows, shall be brick, stucco, or stone masonry or materials approved by the Sumter City-County Planning Commission. Building sides clearly visible from street or public view, shall be constructed of above mentioned materials or heavily mitigated with landscaping and shown on the required landscaping plan as part of their application. Roof pitch should be compatible with the building structures in the surrounding neighborhood.

- d. Signs including billboards shall be fully illustrated through photographs or graphic designs showing the relationship of off-premise and on-premise signs to the specific site and the surrounding locations within 1,000 feet. The signage plan shall consist of all freestanding and building signage. (Shall meet development standards for the underlying zoning district.);
- e. The landscaping plan shall include parking lot, building perimeters, detention ponds, and bufferyards where required.
- f. All proposed fences and / or walls proposed forth the front and / or side yards shall be reviewed as part of the Highway Corridor Design Approval Request.

3.t.5. Approval Authority: When applying for an occupancy permit or building permit in the Highway Corridor Protection District, applicants shall have a site plan or subdivision plan approved by the Sumter City-County Planning Commission if either Major Site Plan or Major Subdivision Plan criteria is met as outlined in Article Seven, Section D. For all requests that fall in the Minor Site Plan or Minor Subdivision criteria, the Planning Staff will be the approval authority for the Highway Corridor Protection district requests. Appeals of Planning Staff decision shall follow the normal procedures and go to the Board of Appeals.

SECTION U: FARMING

3.u.1. General Farming Operations, while permitted in all zoning districts, shall meet the following development standards, where applicable.

- 1. A minimum of three (3) acres shall be required for commercial farming operations. No minimum area (acreage) requirements for personal or private farming operations in connection with a residential use.
- 2. Unless specified elsewhere by these regulations, all accessory and principal buildings shall meet the minimum yard and setback requirements for the district in which the farming use is located, except that barns, stables, pens, or other animal shelters shall be located no closer than 100 feet to the nearest residential property line.
- 3. Commercial reduction of inedible animal or vegetable matter on the premise is prohibited. See 5.b.3.f.
- 4. Commercial piggeries (hog raising for other than family use) are permitted only on a farm of at least 10 acres, and no hogs shall be permitted within 150 feet of any residential use.
- 5. Roadside stands may be established for the sale of fruits and vegetables grown on the farm, provided such structures meet all required set backs.

SECTION V: PUBLIC UTILITIES AND PUBLIC SERVICE COMPANIES

3.v.1. Public Utilities and Public Service Companies provide needed local services including water, sewer, electricity, gas, telephone, and cable services. In order to have a minimum impact on their operating costs and maintain the maximum tax base, the following provisions/exemptions apply to those utilities and service companies as defined in this Section:

Minor Utilities will be allowed in all zoning districts provided Planning staff has reviewed plans for compliance with the 2030 Comprehensive Plan as required under Section 6-29-540 of the South Carolina Code of Laws.

Major Utilities as defined by the SIC are subject to the use guidance of each district, as set forth in Article III and Exhibit 5:

- SIC Code 484 Cable Services
- SIC Code 491 Electrical Services
- SIC Code 492 Gas Production & Distribution
- SIC Code 493 Combination of Electric & Gas
- SIC Code 494 Water Supply
- SIC Code 4952 Sewerage Systems
- SIC Code 48 Telephone Utility

Site Criteria

NO minimum lot area requirement for minor utility stations as long as criteria below can be met:

- a. The minimum setback on all sides is 5 feet.
- b. The maximum impervious surface ratio is 75 percent.
- c. Maximum height will be in accordance with zoning district regulations.
- d. Each site must be reviewed by the Planning Staff for sight-triangle compliance and visibility before final approval of the above is approved.
- e. All utilities required to be secured with a fence (minimum 6 foot opaque).
- f. A landscape buffer shall be required screening the area from public view. If area is wooded, applicant shall preserve the natural vegetation to the maximum extent possible and to meet buffering requirement.
- g. The site may be served via a private access easement or driveway.
- h. The site may be owned by the utility provided or may be on leased land from the property owner with a utility easement.

Exclusions from requirement:

Distribution lines and underground utilities are exempt from the above mentioned criteria.

3.v.2. Public Utilities and Public Service Companies operating on property they own may obtain relief from the Zoning Ordinance and Development Standards as a Special Exception that may be granted by the Zoning Board of Appeals.

ARTICLE FOUR

GENERAL AND SUPPLEMENTAL REGULATIONS

SECTION A: GENERAL

4.a.1. The regulations set forth in this Article clarify, supplement or modify the district regulations in Article Three of this Ordinance.

SECTION B: APPLICATION OF REGULATIONS

4.b.1. The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum aesthetics standards for all site clearing, development, buildings, structures or alterations to land within the City of Sumter and the unincorporated portion of the County of Sumter.

SECTION C: USE OF LAND, BUILDINGS, OR STRUCTURES

4.c.1. No land, building, or structure shall hereafter be used or occupied and no building or structure shall hereafter be constructed, erected, altered or moved unless in conformity with the regulations herein specified for the zoning districts in which it is or will be located. Uses of land, building or structures are excluded which are not designated as a permitted use or a permitted conditional use or a special exception within the applicable zoning districts.

SECTION D: HEIGHT OF BUILDINGS AND/OR STRUCTURES

4.d.1. No building or structure shall exceed the height specified within each district in Article Three, unless otherwise permitted in this Ordinance. Height shall be measured vertically from the highest point on a structure, excepting any chimney or antenna on a building, to the ground level of the grade where the walls or other structural elements intersect the ground. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, roof signs, flag poles, masts and aerials, provided that such building or structure is not a hazard to air navigation, and does not penetrate the airspace height zones of the Sumter Airport and Shaw Air Force Base. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

SECTION E: DENSITY

4.e.1. No building, structure or land shall hereafter be used or occupied in excess of the prescribed density regulations, nor accommodate a greater number of dwelling units than prescribed for in the zoning district in which it is or will be located.

4.e.2. In computing density for large tracts or multi-unit housing projects, the density limits established by the zoning district shall govern. However, densities may be allowed to exceed the maximum on a part of a tract, if the overall density on the total project site does not exceed the limits established by the zoning district. Individual pods of housing development shown on a General Development Plan or Site Plan must be of sufficient size and shape to realistically achieve estimated densities shown for those parcels. The Sumter City-County Planning Commission may require a sketch plan of individual pods shown on a General Development Plan or Site Plan to demonstrate the accuracy of proposed densities on the plan.

SECTION F: YARD REGULATIONS

4.f.1. Yards which abut streets shall be measured from the abutting street right-of-way line.

4.f.2. **Yards Abutting Service Lanes:** Whenever a lot abuts upon a service lane (i.e., alleyway) one-half (1/2) of the service lane width may be considered as a portion of the required yard.

4.f.3. **Yards Located on Lots with More Than One Principal Building:**

- a. Unless expressly permitted elsewhere by this Ordinance, only one principal residential structure shall be located on an individual lot of record or combination of two or more lots of record.
- b. Whenever more than one principal building is to be located on a lot, the required yards shall be maintained around the group of buildings, and the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

4.f.4. **Front Yards:**

- a. The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within two hundred (200) feet on each side of such lot within the same block and district and fronting on the same side of the street, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the aforementioned existing buildings.
- b. Where a lot fronts on two or more nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.
- c. Where the principal building(s) or structure(s) are oriented to face inward, away from the street on which it fronts, said building or structure shall nonetheless observe the

required front yard setback for the district in which it is located, and any accessory use(s) prohibited from the required front yards within such districts, also may be prohibited within the required front yard setback from the reoriented use facing away from the street.

- d. Where a frontage is divided among districts with different front yard requirements, the deepest front yard shall apply to the entire frontage.
- e. No structure other than a driveway, sign, fence, gate, sidewalk, or berm shall be erected or permitted to be located in a required front yard area.

4.f.5. **Side Yards:** Where a side yard abuts a street (i.e., corner lot), the minimum side yard requirement shall not be less than fifty (50%) percent required on the lot lying to the rear, when the rear lot faces a side street and no accessory building on said corner lot shall extend beyond the front yard line of the lot to the rear. If, however, the rear lot faces the opposite street, and in fact constitutes another corner lot, then the side yards setback for the district in which the lot is located shall prevail. Provision established herein may be excluded from a Planned Development (PD) which utilizing the Traditional Neighborhood Development (TND) design conventions.

4.f.6. **Side Yard Requirements For Special Housing Types:** In the following residential districts (i.e., R-6, GR) and in the following commercial districts (i.e., GC, LC, NC, and PO), the side yard setback may be waived on one side of the lot, when two semi-detached structures¹ sharing a common wall are placed simultaneously on the alternate side of the same property line to create an effect similar to a duplex on one lot. This may occur when:

- a. The applicant wishes to place simultaneously detached units on the alternate side of the same property line of two adjoining lots held under the same ownership at the beginning of construction; or,
- b. The applicant wishes to subdivide the lot, as well as the existing building through the common wall as long as:
 - 1. The opposite side yard is not less than the minimum side yard setback required within the applicable zoning district, and is perpetually maintained free and clear of any obstructions;
 - 2. No portion of either dwelling or architectural features project over any property line;
 - 3. The total area of development is in compliance with all area regulations of the corresponding zoning district, including lot area, setbacks, screening, and parking;

¹ Definition: Dwelling, Semi-Detached – A single family dwelling attached to one other single family dwelling by a common vertical wall, and each dwelling located on a separate lot.

4. Each semi-detached structure is constructed on a lot where the minimum lot area and the minimum lot width at the building line is not less than one half (1/2) the minimum requirement of the corresponding zoning districts and all other subdivision regulations are met;
5. Only one (1) accessory building is allowed per semi-detached structure;
6. The common wall located at the zero side yard setback is constructed in accordance with all specifications of the latest addition of the Standard Building Code.

4.f.7. Structures Projecting into Required Yards: The following structures within the limits set forth may project into the required yards:

- a. Steps and open porches without roofs shall be allowed in any required yard, but shall not be closer than seven (7) feet to any property line;
- b. Eaves, cornices, gutters, fireplaces, and other minor architectural features projecting no more than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard;
- c. Ramps, lifts, and access facilities for the handicapped;
- d. Fences, walls and hedges may be erected in any required yard or setback area or along the edge of a property line, provided that no fence, wall or hedge; shall,
 1. impede the vision clearance for driveways or streets as provided in 4.h.1;
 2. include gates that swing outward into sidewalks or public rights-of-way;

4.f.8. Height, Fencing Materials, and Proximity Regulations for Fences Allowed in Required Yards: A solid fence or wall not over five (5) feet in height is permitted outright in any side or rear yard provided; that a said fence is no closer than twelve (12") inches from a street right-of-way line. Where a fence is in fact over five feet in height, said fence may not be permitted within six feet of a structure on an adjacent property. In addition, a solid fence which is over six (6) feet in height must be an additional one (1) foot from the adjacent structure for every foot in height. No fence may exceed eight (8) feet in height. Hurricane, cyclone and wire fences are permitted along any side or rear property line. All solid fences in the front yard setback area will have an exterior finish facing outward.

4.f.9. Yard Setback Requirements from Railroad Rights-of-Way: Structures within commercial and/or industrial zones may locate closer to a railroad right-of-way than the typical side or rear yard setback requirement may be in a zoning district. However, the location must be in accordance with the applicable railroad standards and conform to all other pertinent provisions of the Zoning and Development Standards Ordinance.

SECTION G: ACCESSORY BUILDINGS AND USES

4.g.1. General: Accessory buildings and uses may be located in required yards under the following conditions.

4.g.2. Residential Accessory Structures: Residential accessory structures shall comply with the following conditions:

a. Conditions & Exceptions:

2. No accessory building or structure shall be constructed on any residential lot prior to the time of construction of the principal building to which it is accessory.
3. Accessory buildings attached to the principal structure by a common roofline or breezeway shall be treated as part of the principal structure and shall meet all principal setbacks for the zoning district in which it is located.
4. Any accessory building 120 sq. ft. in size or smaller (i.e. play houses, well pump houses, and other similar uses) will not be counted as accessory structures however they must comply with accessory structure 5 ft. minimum setbacks and shall be limited to two (2) per parcel.

b. Development Standards:

1. **Maximum Height** – No accessory structure shall exceed the height of 25 ft; the height is the vertical distance between the finished grade along the front of the structure to the highest point of the structure.
2. **Separation Criteria** – No accessory structure shall be located within 10 ft. of the principal structure.
3. **Number** – No residential parcel shall have more than two (2) accessory structures; the aggregate floor area of both structures added together shall not exceed the maximum size allowed under exhibit 8A.
4. **Location Requirements** – Detached garages shall only be located in the side or rear yard of a parcel and shall be located no further forward on the lot than the principal structure; storage shall be located in the rear yard only.
5. **Setbacks** – Note: accessory structures over 1200 sq. ft. in size must be a minimum of 10 ft. from all side and rear property lines.
 - i. Interior Lots – Front – N/A; Side – 5 ft.; Rear – 5 ft.
 - ii. Corner Lots – Front – N/A; Interior Side – 5 ft.; Exterior Side – (local collector street) – 17.5 ft.; Exterior Side (arterial street) – 22.5 ft.; Rear – 5 ft.

6. **Maximum Size** – the maximum size of residential accessory structures shall be governed by Exhibit 8A, and shall be based on the gross acreage of the parcel of land on which it is located.
- c. **Accessory Apartments:** Accessory apartments shall be treated as a permitted use on any parcel that’s principal use is single-family detached residential regardless of zoning classification.

EXHIBIT 8A

Maximum square footage of residential accessory structures based on gross acreage

Acreage	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
**<0.5	See note 1									
0.5	1100	1120	1140	1160	1180	-	-	-	-	-
1.0	1200	1225	1250	1275	1300	1325	1350	1375	1400	1425
2.0	1450	1475	1500	1525	1550	1575	1600	1625	1650	1675
3.0	1700	1725	1750	1775	1800	1825	1850	1875	1900	1925
4.0	1950	1975	2000	2025	2050	2075	2100	2125	2150	2175
5.0	2200	2225	2250	2275	2300	2325	2350	2375	2400	2425
6.0	2450	2475	2500	2525	2550	2575	2600	2625	2650	2675
7.0	2700	2725	2750	2775	2800	2825	2850	2875	2900	2925
8.0	2950	2975	3000	3025	3050	3075	3100	3125	3150	3175
9.0	3200	3225	3250	3275	3300	3325	3350	3375	3400	3425
>= 10.0	Exempt, see note 2									

NOTES:

- 1) Maximum size for accessory structures on all parcels less than 0.5 acres in size is 1000 sq. ft.
- 2) All parcels over 10 acres in size are exempt from maximum square footage requirements, however, each zoned parcel shall not exceed the maximum impervious surface ratio for the given zoning district.

ACCESSORY USE

CONDITIONS

Off-street parking

May be located in required yards in all zoning districts. Off-street parking shall not be allowed in any required bufferyard or within three (3) feet of any property line.

Signs

Must comply with the development standards established in Article 8, Section I: Sign Regulations

ACCESSORY USE

Accessory buildings, including
Garages, carports, animal shelters,
Storage sheds, etc.

Accessory apartments

Portable on Demand Storage
(PODS) units or other similar
portable on demand storage
containers such as sea vans

Stockyards, Slaughter Houses,
Commercial Poultry Houses
And Kennels, and
Livestock Auction Houses

CONDITIONS

See Section 4.g.2. Where the accessory use is a combined garage and living space (or office use), the second story of the accessory use, when used as a living space or office use, shall not count against the square gross floor area limit as established in Exhibit 8A. The number of accessory structures shall not exceed two in any zoning district. The maximum floor area established in Exhibit 8A is the total floor area of all accessory structures; this means that each residential parcel is entitled to a total of two (2) non-exempt accessory structures with a combined total floor area not to exceed the square footage limitations established in Exhibit 8A. No accessory use shall be located in any required bufferyard.

Shall be developed in accordance with 4.g.2. and the following criteria – An accessory living unit (limit one per residential lot) cannot be larger than one thousand square feet (1,000 sq. ft.) nor smaller than three hundred square feet (300 sq. ft.). Further, it cannot exceed more than forty percent (40%) of the principal structure's floor area, nor have more than two (2) bedrooms. There must be at least one parking space per unit. The accessory apartment must be a complete living space with a kitchen and bathroom facility entirely separated from the primary unit. The building's exterior should give every appearance that it is a single-family house with the exterior finishes matching the exterior finishes of the principal structure. Accessory units may be created as a second story within a detached garage provided that the height of the structure does not exceed the height of the principal structure on the lot.

Permitted as a temporary use only, See Article 5, Section C: Temporary Uses for guidelines.

These uses are subject to review and approval by the Sumter City-County Board of Zoning Appeals as special exception uses. Referenced uses set forth herein, with SIC Codes 025 and 20, shall not be located closer than one thousand (1,000 ft) feet 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.

ACCESSORY USE

CONDITIONS

Swimming pools, tennis courts and Recreational uses

May be located in all side and rear yards, provided said uses shall be no closer than ten (10 ft) feet to the nearest property line, and shall not be located in any required buffer yard, and shall have all lighting shielded or directed away from adjoining residences.

Satellite dishes, ham radio towers, and ground supported TV antennas

May be located in required rear yards setbacks in all districts; provided such uses shall be located no closer than ten (10 ft) feet from all property lines, the foundation shall be approved by the Building Official, and said uses shall not be located in any required bufferyard. Furthermore, digital TV dishes shall be allowed on roofs and exterior walls of buildings within all districts.

4.g.3. Commercial Accessory Structures: commercial accessory structures shall comply with the following:

- a. All accessory buildings shall meet the principal setbacks, shall not exceed the maximum height for the zoning district and shall be treated as principal structures for zoning purposes;
- b. All buildings greater than 200 sq. ft. in size are required to be shown on the commercial site plan and shall be reviewed through the site plan review process;
- c. Any structure 200 sq. ft. or less in size will not be treated as an accessory structure but are limited to two (2) structures per parcel.

4.g.4. Agricultural Accessory Structures:

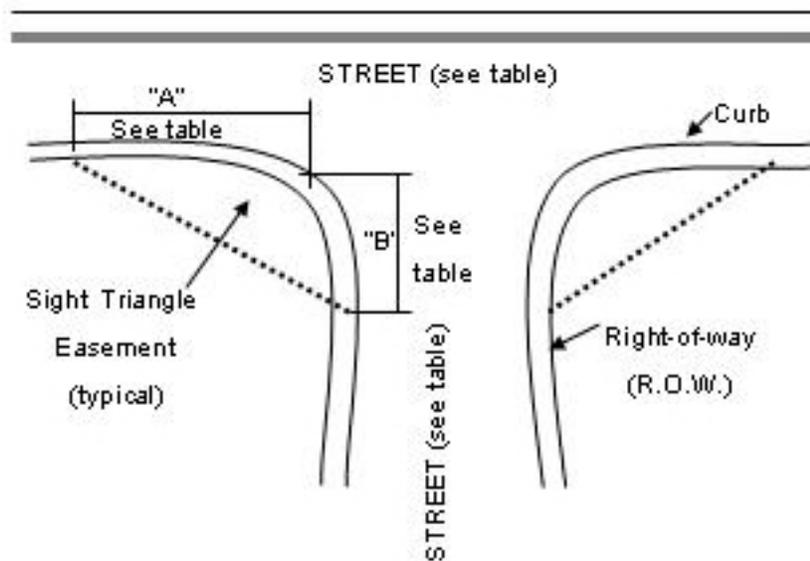
- a. Conditions and Exceptions:
 1. Accessory buildings constructed for the exclusive use of sheltering agricultural machinery or storage of agricultural products shall be exempt from the accessory building standards;
 2. All agricultural structures shall be treated as principal structure for the purpose of this Zoning Ordinance; agricultural structures shall meet non-residential setbacks and shall meet all other non-residential development criteria for a given zoning district to include maximum height, distance between buildings, and impervious surface ratio requirements.

SECTION H: VISUAL CLEARANCE AT INTERSECTIONS

4.h.1. **General:** On any corner lot in any district except in the Central Business District (CBD) no plantings shall be placed or maintained and no fence, building, wall or structure shall be constructed or erected after December 30, 1991, if such planting or structure thereby obstructs vision at any point between a height of three and a half (3 ½ ft) feet and ten (10 ft) feet above upper face of the nearest curb or street center line (if no curb exists). This requirement is established within the sight triangle area bounded on two sides by the street rights-of-way lines, and on the third side by a straight line connecting points on the two street rights-of-way lines as required by the illustration shown herein.

4.h.2. **Removal of Obstructions:** Existing impediments to visual clearance shall be discontinued in accordance with the schedule contained in Article 6. However, structure (i.e., poles) less than twelve (12”) inches in diameter and free-standing signs at least ten (10 ft) feet above ground may be permitted in such visual clearance areas.

EXHIBIT 8 SIGHT TRIANGLES

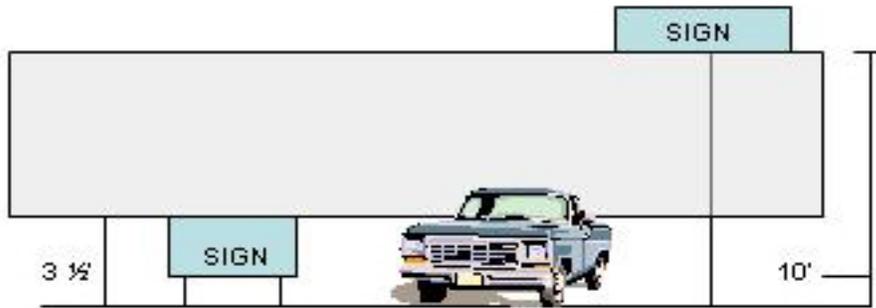


TYPICAL REQUIREMENTS

By street type
(Measured along R.O.W. Line)

"A"	(Distance in Feet)	"B" (Distance in Feet)		
		Local	Collector	Arterial
15	Driveway	15	15	15
25	Local Street	25	50	75
35	Collector Street	25	50	75
50	Arterial Street	25	50	75

Vertical Vision Clearance Area



SECTION I: PARKING AND STORAGE OF CERTAIN VEHICLES IN RESIDENTIAL ZONES

4.i.1. **General:** In order to promote the health, safety, welfare, and aesthetics of residential areas the following rules shall apply:

- a. No commercial buses shall be parked or stored in any residential district unless completely screened from public view;
- b. Semi-tractor trailers or cargo trucks shall not be parked in residential zones or Central Business District except to load and unload at the premise which it is parked and shall not be parked overnight. However, the cab unit without the cargo body may be parked in residential zones;
- c. Automobiles or trailers without a current license plate shall not be parked or stored in any front or side yard on any residentially occupied or zoned property;
- d. Vehicles parked in a commercial or industrial zone which abuts a residential zone may not be closer than twenty-five (25 ft) feet to a residential property.

SECTION J: PARKING, STORAGE, OR USE OF CAMPERS OR OTHER MAJOR RECREATIONAL VEHICLES

4.j.1. No recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or immediately adjacent to the side or rear of the principal building, or sufficiently screened from view from the public right-of way. The vehicle may be parked for a period not to exceed 24 hours for purposes of loading or unloading. Such equipment shall observe an eight foot rear yard setback and all other yard requirements set forth within the district in which it is located. No such equipment shall be used for housekeeping

purposes when parked or stored on a residential lot, or in any other location not approved for such use, except the housing or temporary guests for a period not to exceed two weeks per year.

SECTION K: CONTAINERS AND DUMPSTERS

4.k.1. All exterior dumpsters or exterior garbage containers (excluding containers or groups of containers with a combined capacity of less than six cubic yards) shall be screened on all but one side by a fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall be obscured from street visibility to the extent possible.

SECTION L: APPEARANCE OF FENCES AND WALLS

4.l.1. All fences and walls used as part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable bufferyard requirements, they shall be established along the inside line of the bufferyard toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls also may be established along the outer perimeter of the lot, with the approval of the Zoning Administrator.

SECTION M: ACCESS TO COMMERCIAL AND INDUSTRIAL ZONED PROPERTY PROHIBITED FROM RESIDENTIAL ZONES

4.m.1. Where a commercial or industrial zoning district is bounded by a residential zoning district, no portion of the residential zoning district shall be traversed by commercial or industrial vehicles. Access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

SECTION N: MINI-WAREHOUSES

4.n.1. Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

- a. Size: mini-warehouse sites shall not exceed four (4) acres.
- b. Lot coverage: coverage of all structure shall be limited to fifty percent (50%) of the total lot.
- c. In/Out: Vehicular ingress-egress shall be limited to one point for each side of the property abutting any street.
- d. Storage only: no business activities other than rental storage units not to exceed 500 square feet per unit shall be conducted on the premises with no outside storage.
- e. Landscaping and screening: Mini-warehouses shall meet all requirements set forth in Article 8, Section D of the Ordinance.

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 –
 1. Sewerage Treatment Plants (SIC Code 49);
 2. Electric Substations (SIC Code 49);
 3. Jails & Correctional Facilities (SIC Code 9223);
- e. Hazardous Waste and Nuclear Waste Disposal Sites (SIC Code 4953);

- f. Resource recovery facilities, solid waste storage and transfer facilities, waste tire and treatment sites, composting facilities, Manned Convenience Centers and incinerators (SIC Code 4953);
- g. Sanitary Landfills and inert dump sites (SIC Code 4953);
- h. Scrap Metal (SIC Code 5093);
- i. Drinking Places (SIC Code 5813);
- j. Liquor Stores (SIC Code 592);
- k. Adult Uses and Tattoo Parlors (SIC Code 7299);
- l. Salvage, re-cycling and junk yards (SIC Code 7389);
- m. Vehicular race and testing tracks (SIC Code 7948);
- n. Amusements and Recreations (not classified). This includes but is not limited to Bingo Parlors, Pool Halls, and pistol, rifle, or skeet shooting range (SIC Code 7999);
- o. Bed and Breakfast Inns;
- p. 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., recycling 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 an 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 eight (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 can not 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 <u>Lot Line</u>	At Residential <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
4,800 – 10,000	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>	<u>Correction 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, which ever 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 judgement 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;
 - b. Only one mobile home shall be allowed for each principal use;
 - c. 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;
 - d. Two off-street parking spaces shall be provided for the mobile home;
 - e. The mobile home shall be located on the premises only as long as the principal use occupies the site;
 - f. 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 unit
- 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 area 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.

ARTICLE SIX

NONCONFORMING ZONING USES AND SITES

SECTION A: PURPOSE OF ARTICLE AND DEFINITIONS

6.a.1. **Purpose:** The use of or improvements to real property may become nonconforming when standards established by this Ordinance change. Specifically, legal nonconforming zoning uses and legal nonconforming sites (structures and lots) were initially lawful and existed prior to the adoption of this Ordinance or prior to an amendment hereto but, due to the enactment of this Ordinance or such amendment, no longer conform to the requirements herein. To the extent that such nonconforming uses and nonconforming sites have been in continual use, they have been allowed to remain in use despite the noncompliance with this Ordinance.

The purpose of this Article Six is to allow the continued use and operation of these nonconforming uses and nonconforming sites pursuant to the requirements of this Article Six. The goal is not to encourage the persistence of nonconformities, but to ease the burden on property owners and eventually to ensure that all zoning uses, structures, and lots comply with the requirements of this Ordinance.

6.a.2. Definitions

- a. **Development Standards:** At any given time, the then-current development standards applicable to a property or structure pursuant to this Ordinance.
- b. **Discontinuance:** With respect to:
 - (1) Nonconforming Uses, the discontinuance or cessation of operations or business activity at a structure for a continuous period of not less than six months;
 - (2) Nonconforming Sites, the discontinuance or cessation of operations or business activity at a structure for a continuous period of not less than eighteen months
- c. **Nonconforming Use:** Any use of property that is not a permitted use pursuant to the current zoning classification or otherwise is not in compliance with this Ordinance.
- d. **Nonconforming Site:** Any structure, building, house, shed, accessory dwelling, or improvement on real property, or any parcel, lot, or unimproved real property, that does not comply with Development Standards.
- e. **Project:** Any improvement, upfit, renovation, rehabilitation, restoration, removal, or addition to a structure or lot that occurs after a discontinuance and within twelve months following the resumption of operations or business activity at such structure or lot.

SECTION B: NONCONFORMING USES

6.b.1. Proof of Legal Nonconformance and Continuance of Use: A Nonconforming Use may continue to operate pursuant to this Article. The Property Owner or permit Applicant bears the full burden of proof that any non-conforming situation is a legally established one and has been in continuous operation. Evidence may include proof of business license, utility statements, business transition receipts, tax returns, or other documentation. The Zoning Administrator shall determine whether a situation is a Nonconforming Use as defined in this Article Six. A structural improvement qualifying as a Nonconforming Use may be increased in size by no more than five (5%) percent of the gross floor area, if the minimum lot areas, yard setbacks, and off-street parking requirements of this Ordinance are met.

6.b.2. Loss of Nonconforming Use Status. If a Nonconforming Use is subject to a Discontinuance, then any subsequent use or operation must be in full compliance with all applicable zoning requirements in this Ordinance.

6.b.3. Accidental Destruction. If a Nonconforming Use is discontinued due to fire or other natural causes, the Nonconforming Use may be reestablished within six months after the fire or other natural cause..

SECTION C: NONCONFORMING SITES

6.c.1 Proof of Legal Nonconformance and Continuance: A Nonconforming Site may continue to operate pursuant to this article. The Property Owner or permit Applicant bears the full burden of proof that any Nonconforming Site is a legally established one and has continually operated. Evidence may include proof of business license, utility statements, business transition receipts, tax returns or other documentation. The Zoning Administrator shall determine whether a situation is a legally Nonconforming Site as defined in this Article Six.

6.c.2. Loss of Legal Nonconforming Site Status: If a Nonconforming Site is subject to a Discontinuance then any subsequent reuse, inhabitation, operation, or activity must be in compliance with this Article Six.

6.c.3. Loss of Legal Nonconforming Status (Mobile Home Parks): A nonconforming mobile home park must be discontinued when 50% or more of the homes in the park become uninhabitable as determined by the Sumter Building Official or remain vacant for a period six months or longer. Resumption of the use of the property as a mobile home park may be permitted if the use is permitted in the then-current zoning district and conforms to Development Standards for mobile home parks.

6.c.4. Projects at Nonconforming Sites. The Property Owner or Applicant may not undertake a Project that will create new nonconformities with Development Standards unless approved by the Zoning Administrator. In addition, any Project at a Nonconforming Site must comply with the following requirements:

- a. Any Project with a total cost of 25% (twenty-five percent) or less of the most current fair market value of the structure, dwelling, or improvement, as determined by the Sumter County Tax Assessor, shall not be required to increase their compliance with Development Standards, but must establish compliance with all Fire and Building Codes.
- b. Any Project with a total cost of between 25% (twenty-five percent) and 75% (seventy-five percent) of the most current fair market value of the structure, dwelling, or improvement, as determined by the Sumter County Tax Assessor, must achieve a comparable percentage compliance with Development Standards as determined by the Zoning Administrator, and must establish compliance with all Fire and Building Codes.
- c. Any Project with a total cost of greater than 75% (seventy percent) of the most current fair market value of the structure, dwelling, or improvement, as determined by the Sumter County Tax Assessor, must achieve full compliance with Development Standards, and must establish compliance with all Fire and Building Codes.
- d. A private fair market assessment prepared by a qualified fee appraiser and acceptable to the zoning administrator may be utilized in lieu of the Tax Assessor determination.

6.c.5 Nonconforming Sites Incapable of Compliance. Sites, lots, or parcels that are physically constrained from complying with Development Standards shall comply to the maximum extent practicable, as determined by the Zoning Administrator.

6.c.6. Accidental Destruction. A Nonconforming Site may be altered, extended, or replaced if razed by fire or other natural causes, provided such alteration, extension, or replacement does not increase the degree of nonconformity by size, lot area, floor space, or otherwise result in a greater degree of nonconformity with Development Standards in any respect.

SECTION D: NONCONFORMING LOTS OF RECORD

6.d.1. If the Property Owner does not own sufficient land to enable him to conform to the dimensional requirements, such as minimum lot area or minimum lot width, such lot may be used as a building site provided the minimum yard and building setback requirements can be met. If, however, the owner of two (2) or more adjoining lots with insufficient land dimensions, after adoption of this Ordinance, decides to build on or sell off these lots, he must first combine said lots to comply with the dimensional requirements of this Ordinance.

SECTION E: CHANGE OF NONCONFORMING USES

6.e.1. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same general standard industrial code (SIC) classification. Wherever a nonconforming use of land or buildings has changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

Change # 4

ARTICLE SEVEN
SUBDIVISION AND SITE PLAN PROCEDURES

SECTION A: PURPOSE

7.a.1. The purpose of this article is to fully implement the South Carolina Code of Law, Title 6, Chapter 29, Section 1130, (i.e., S.C. 6-29-1130), which regulates applications for subdivisions and/or site plans. The procedures herein are intended to provide for the orderly and expeditious processing of each application.

7.a.2. Exempt subdivisions as defined in this Ordinance in Article Ten, Definitions, shall take precedence over any rules and procedures set forth in Articles Seven or Eight of this Ordinance. All notifications to the Planning Commission as set forth in S.C. Code 6-29-1110 regarding Exempt Subdivision shall be followed.

SECTION B: PRE-APPLICATION

7.b.1. **Pre-application Conference:** For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the developer may request a pre-application conference for a subdivision and/or sketch plan. The pre-application conference shall allow the applicant to meet with appropriate city and county representatives. These individuals shall include:

- | | |
|--|------------------------------|
| a. The Planning Director; | g. County Engineer; |
| b. The Zoning Administrator; | h. Police/Sheriff/Fire Reps; |
| c. County Public Works Director; | i. Soil Conservation Reps; |
| d. Director of Engineering for the City; | j. SCDOT Reps; |
| e. Utility Company Representatives; | k. Building Official; |
| f. City Public Works, Assistant Director | |

7.b.2. **Site Plan & Subdivision Review Committee:** The Sumter City-County Planning Commission shall administer the regulations set out in this Ordinance. To assist the Commission, the individuals cited in 7.b.1. shall work with developers to ensure compliance with the requirements of this Ordinance.

7.b.3. **Applications:** All applications will fall into one of six (6) categories. The Zoning Administrator shall instruct the applicant as to the assignment of his/her application, which shall be one of the following:

- a. Minor site plan approval;
- b. Minor subdivision application;
- c. Major site plan approval;
- d. Major subdivision application
- e. Exempt subdivision notification (See Article 10, Section B for definition)
- f. General Development Plan (See 9.c.3. for requirements).

(Note: Certain applications may involve a combination of actions).

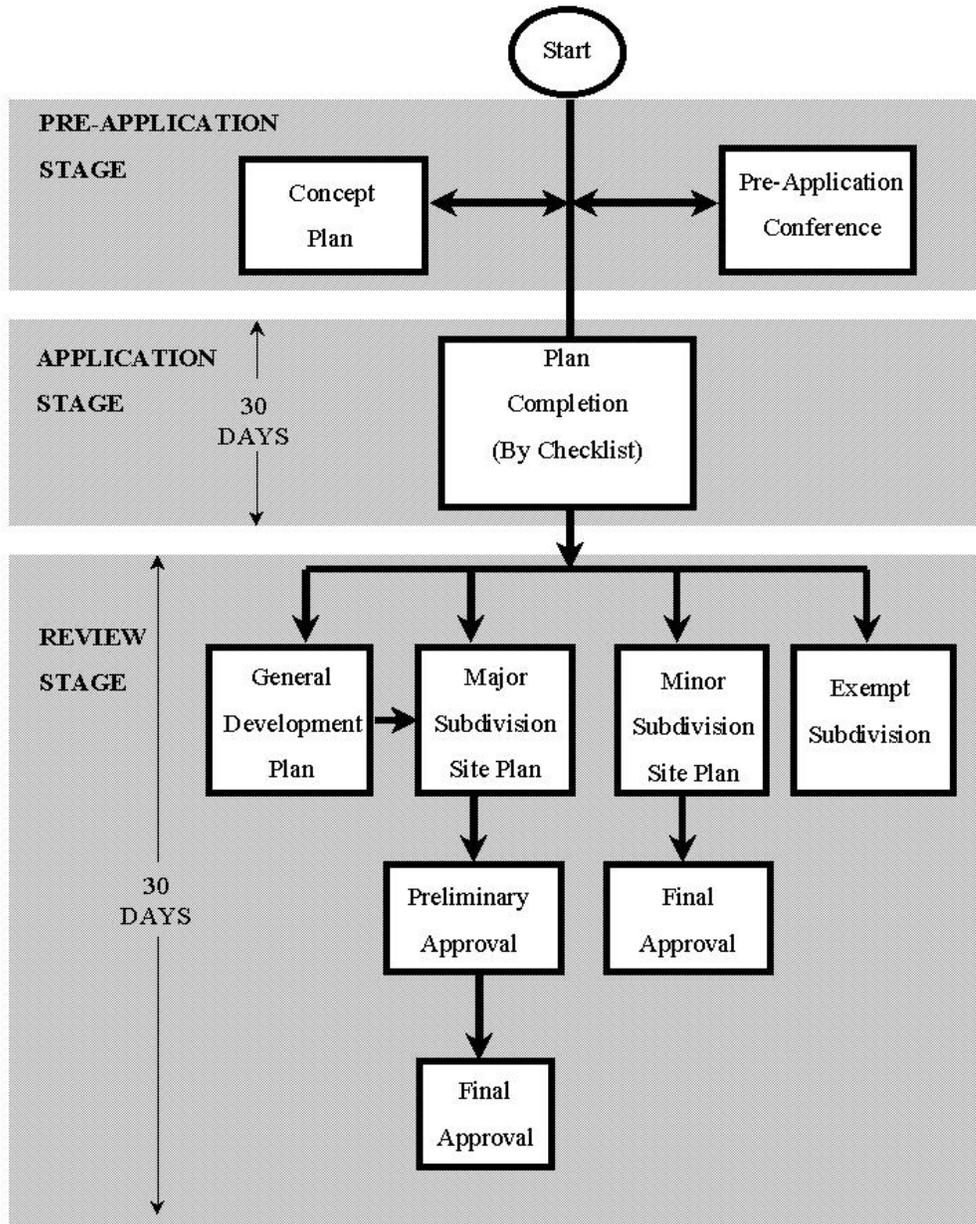
7.b.4. **Content:** An application for development shall include the items specified in Article Nine, Section C, which constitutes a checklist of items to be submitted for subdivision and /or site plan review (See Exhibit 13 for stages of development).

7.b.5. **Complete Application:** A subdivision and/or site plan application shall be complete for the purposes of commencing the applicable time period for action when so certified by the Zoning Administrator. In the event such certification of the application is not made within thirty (30) days of the date of its submission, the application shall be deemed complete unless:

- a. The application lacks information indicated on the checklist of items to be submitted specified in Article Nine, Section C;
- b. The Zoning Administrator has notified the applicant, in writing, of the deficiencies in the application;
- c. The Planning Commission requires corrections to items submitted with the application.

7.b.6. **Planning Commission Quorum:** If the Planning Commission is unable to officially review an application due to a lack of a quorum, then the Planning Commission shall meet at the earliest possible time, not to exceed seven (7) days from the date of the originally scheduled meeting.

EXHIBIT 13 FLOW CHART FOR THE PLAN REVIEW PROCESS



SECTION C: MINOR SUBDIVISION APPROVAL AND MINOR SITE PLAN APPROVAL

7.c.1. Definitions:

- a. **Minor Site Plan:** A minor site plan shall have the following characteristics:
 - 1. Legal access is to an existing publicly or privately maintained paved road or street;
 - 2. Encompasses less than five (5) acres, and is occupied by only one building containing less than twenty thousand (20,000 sq. ft.) feet;
 - 3. Off-street parking requirements are less than thirty-five (35) spaces;
 - 4. Meets all other standards for development as set forth in the Ordinance;
- b. **Minor Subdivision:** A minor subdivision shall have the following characteristics:
 - 1. Contains no new roads or changes to existing roads;
 - 2. All resulting lots front directly on and have legal access to an existing publicly or privately paved and maintained road or street;
 - 3. Encompasses no more than twenty-five (25) acres and contains no more than fifty (50) lots;
 - 4. Meets all other standards for development as set forth in this Ordinance;

7.c.2. Submittals: Applicants requesting approval of a proposed minor subdivision or minor site plan shall submit to the Zoning Administrator five (5) copies of the items required in Article Nine, Section C, together with an executed application form, and the prescribed fee.

7.c.3. Declaration of Completeness: The application shall be declared to be complete or incomplete within the time frame established in 7.b.5.

7.c.4. Staff Action: If a minor subdivision or site plan is submitted which meets all development standards established for the various zoning districts of the City of Sumter or the unincorporated portions of Sumter County, as well as the information requirements outlined in Article Nine, Section C, then, the staff may approve the application without referral to the Planning Commission. However, all minor subdivisions or site plans approved at the staff level shall be presented to the Sumter City-County Planning Commission as information only within thirty (30) days of the staff action. A record of all said approvals shall be incorporated into the Planning Commission Minutes.

7.c.5. Time Frame For Action For Minor Subdivision or Site Plan Approval: The action of the staff under this Article must be taken within thirty (30) working days of a submittal of a completed application as defined in 7.b.5., or within such further time agreed to by the applicant and the Planning Commission. Failure of the staff or the Planning Commission to act within the period prescribed above shall constitute minor subdivision or site plan approval.

7.c.6. Expiration of Minor Subdivision Plat Approval: Approval of a minor subdivision shall expire one-hundred eighty (180) days from the date of approval unless within such period a record plat in conformity with such approval and the provisions of S.C. Code Section 6-29-1140 is filed by the developer with the Sumter County Deeds Office. Any such Plat for such filing shall have been signed by the Planning Director of the Sumter City-County Planning Commission. The Sumter County Assessors Office shall have provided to the developer street addresses corresponding to lots and parcels for the recorded plat prior to the issuance of building permits. The Planning Commission may for good cause shown, extend the period for recording for an additional thirty (30) days from the date of the signing of the plat.

7.c.7. Expiration of Approval of Minor Site Plan: Preliminary Plat or site plan approval of a minor site plan or subdivision two years from the date of approval by the Staff as a vested right. This vested right shall receive up to five (5) one year extensions upon application by the landowner to the Planning Commission staff in writing in each year that an extension is desired. The vested right for the specific site plan shall not attach until all plans have been received, approved, and all fees paid. Any appeals to this process shall go to the Sumter Planning Commission. Variances and Special Exceptions do not create a vested right. (SC law Sections 6-29-1510 through 6-29-1560).

7.c.8. Appeals of Staff Action on Minor Site Plans and Minor Subdivision Plats: Staff action to approve or disapprove a land development plan may be appealed to the Planning Commission by any party in interest. The Planning Commission shall act on the appeal within sixty (60) days, and the action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to the Circuit Court in and for Sumter County within thirty (30) days after actual notice of the decision.

SECTION D: MAJOR SUBDIVISION AND MAJOR SITE PLAN

7.d.1. Definitions:

- a. **Planned Development (PD):** A Planned Development shall be considered a major subdivision or site plan as per 7.b.3. The description of a Planned Development is as follows: A development of land under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. The key distinction involved in a PD project versus a multi-phase development is that a zoning map amendment is needed to create a PD project.

- b. Major Site Plan: A major site plan exceeds the threshold requirements as defined for a minor site plan established in 7.c.1.a.
 - c. Major Subdivision: A major subdivision exceeds the threshold requirements as defined for a minor subdivision established in 7.c.1.b.
 - d. Multi-phase Development: Any phased land development project containing two phases, sections, or parcels shall require a unified land development plan to effectively coordinate the provision of on-site infrastructure and to lessen off-site impacts such as vehicular traffic and storm water drainage.
- 7.d.2. **Submittal:** Applicants of planned developments, major site plans, or major subdivisions shall submit to the zoning administrator five (5) copies of either a preliminary subdivision plat, or a site plan, together with an executed application form, prescribed fee, and evidence that no taxes, municipal and/or county utility fees or assessments are outstanding against the property.
- 7.d.3. **Declaration of Completeness:** The application shall be declared complete or incomplete within the time frame established in 7.b.5.
- 7.d.4. **Time Frame For Action For Major Subdivision And/or Site Plans:** The action of the staff together with the actions of the Sumter City-County Planning Commission under this article shall be in concert with S.C. Code 6-29-1150 (a) and 7.b.5 of this Ordinance. However, action on a completed application as determined by the Zoning Administrator shall not exceed thirty (30) days as required by state law. Any extension of time under this section shall be by mutual consent by the applicant and the Planning Commission. Failure of the staff or the Planning Commission to act within the period prescribed above shall constitute major subdivision or site plan approval.
- 7.d.5. **Effect of Preliminary Plat or Site Plan Approval:** Preliminary approval of a major subdivision and/or a major site plan shall confer upon the applicant the following rights:
- a. The approval of the preliminary plat or site plan constitutes approval of the subdivision or the land development as to its character, intensity of development, general lay-out, and the approximate dimensions of streets, lots, and other planned features. Such approval binds the developer to the general scheme of the subdivision or land development, and permits the subdivider or developer to proceed with the installation of site improvements, subject to obtaining other necessary permits;
 - b. The approval of the preliminary or site plan does not constitute approval of the final plat or cause the issuance of a certificate of occupancy; and accordingly, does not authorize the sale of lot(s) or the occupancy or use of a parcel of land;

- c. The applicant may request final approval for the whole or in sections of a preliminary plat; however, sections of a preliminary plat shall be approved in increments of not less ten (10) lots and/or ten (10) acres of land whichever is greater. A final plat may only be approved as a whole unless specific phased approval by sections is granted by the Planning Commission;
- d. Preliminary plan or site plan approval for a major site plan or major subdivision shall expire two (2) years from the date of approval by the Planning Commission as a vested right. This vested right shall receive up to five (5) one year extensions upon application to the Planning Commission by the landowner in writing in each year that an extension is desired. The vested right for the site specific plan shall not attach until all plans have been received, approved, and all fees paid. Any appeal to this process shall follow the procedures set upon in Section 1.g.5 of this Ordinance. Variances and Special Exceptions do not create a vested right (SC Law 6-29-1510 through 6-29-1560).

7.d.6. Final Approval of a Major Subdivision and/or Site Plan: An applicant requesting final approval of a proposed major subdivision and/or site plan shall:

- a. **Submittal:** Submit to the Zoning Administrator seven (7) copies of the materials specified in Article Nine, Section C;
- b. **Declaration of Completeness:** The application for final subdivision or site plan approval shall be declared complete within thirty (30) working days from the submission of items required in Article Nine, Section C. The Zoning Administrator shall determine if an application is complete.
- c. **Time Frame for Final Subdivision or Site Plan Approval:** Final approval shall be granted or denied within thirty days *after* submission of a complete application. Within this thirty (30) day time period the City or County Engineer shall inspect the subdivision or the site development to insure all infrastructure facilities are installed according to plans and specifications as shown on the as-built survey. Following the outcome of the engineering inspections and the subsequent engineering approvals, the Planning Commission shall act within such time as necessary to complete their review the period prescribed. A certificate as to the failure of the Planning Commission to act shall be issued by the Secretary of the Sumter City-County Planning Commission.
- d. **Filing of a Final Plat:** Final approval of a major subdivision shall expire ninety (90) days from the date of the signing of the final plat by the Chairman of the Sumter City-County Planning Commission unless within such period the plat shall be duly filed by the developer with the Sumter

County Deeds Office and mapped by the Sumter County Assessor's Office. The Planning Commission for good cause shown, may extend the period not to exceed one hundred and twenty (120) days from the date of signing of the plat.

e. Guarantees and Signature of the Planning Commission Chairman:

The signature of the Chairman of the Planning Commission shall not be affixed until the developer has posted the guarantees required pursuant to 7.d.8. or 7.d.9.

7.d.7. Effect of Final Approval of A Major Subdivision and/or Site Plan:

- a. The final approval of the land development plan or subdivision plat shall not automatically constitute or effect an acceptance by the City of Sumter or the County of Sumter of the dedication of any street, utility easement, infrastructure facility, or other public ground shown upon the final plat or site plan. Public acceptance of the lands must be by action of the City Council or County Council. Sumter City Council will not accept streets in gated communities and from small business parks with extended driveways.
- b. The developer shall be responsible for the submission of the required paperwork in order for the City or the County to consider accepting ownership of infrastructure or public ground. In this regard, the developer shall submit a **Warranty Deed of Dedication** conveying ownership of the of the infrastructure system to the City or County; **Owner's Affidavit** to certify the condition of the title of said property; and a **Title Certificate** by the examining attorney indicating the contents of the public record concerning the real estate being conveyed to the City or County.
- c. **Suspension of Permitting:** If at any time after final plat approval the Planning Commission is required to suspend Building Permits and/or inspections for a major subdivision, a written notice of the suspension will be provided to the developer as soon as possible. The notice shall include the agency directing the suspensions so the developer may contact them ASAP and any information they may have provided to the Planning Commission. If the Planning commission requires the suspension, the notice will include the reason, required action to remedy the problem and if appropriate, a time frame to comply before the suspension takes effect. The suspension will be released upon notice by the requesting agency.

7.d.8. Maintenance Guarantee:

- a. In order to assure the satisfactory condition of completed improvements (i.e., water delivery system, sewerage disposal system, and road system) the developer at the time of final subdivision plat approval shall post a **Maintenance Guarantee**. The Maintenance Guarantee shall be equal to

fifteen (15%) percent of the estimated cost of the improvements as determined by the City Engineer or the County Engineer.

- b. The Maintenance Guarantee shall be in the form of a letter of credit, surety bond, certified check, or other instruments readily convertible to cash. The letter of credit shall expire twenty-four (24) months from the approval of the final subdivision plat by the City or County of Sumter;
- c. The Maintenance Guarantee shall be released twenty-four (24) months after posting unless the City Engineer or the County Engineer determines that there is work to be done;
- d. If such a determination is made, the City Engineer or the County Engineer shall notify the developer of the deficiencies, and the developer shall be given sixty (60) days to complete the work aimed at correcting the deficiencies. If the work is not completed, the proceeds from the Maintenance Guarantee shall be used by the City or County for such work. The balance of the Maintenance Guarantee (if any) shall be released when the City Engineer or the County Engineer deems the work has been satisfactorily completed, and the City or the County has been reimbursed for any and all expenses incurred.

7.d.9. Performance Guarantee:

- a. A Performance Guarantee may be required and / or used in two different scenarios.
 - 1. Its primary use would be if all the improvements (infrastructure) approved by the Sumter City-County Planning Commission as part of the Preliminary Plat are not properly installed and constructed in accordance with the required standards in Appendix B prior to the submission of the Final Plat for approval either due to weather or other acts of God, a Performance Guarantee may be entered into with the developer / subdivider.
 - 2. The other use of a Performance Guarantee would be when the developer desires to expedite Final Plat approval and Council enters into the agreement to allow construction of all required improvements (infrastructure) after the final plat is approved, lots are sold, and construction is started.
- b. In either case, the Performance Guarantee will be a binding agreement between the Council and developer / subdivider. The agreement will be accompanied by an irrevocable financial instrument (Letter of Credit, Bond, or other instrument acceptable to Council) in an amount equal to one hundred twenty-five percent (125%) of the cost of the required improvements (unfinished for (1) above and all for (2) above) as certified by the City

Engineer or Manager to enter into a Performance Guarantee with the developer / subdivider.

- c. The Performance Guarantee must be accepted by the Council and must include a specific, reasonable, and satisfactory date for the completion of the necessary improvements. In no case shall a Performance Guarantee be accepted for more than two (2) years. The date for completion will be at least three (3) months prior to the expiration of the financial instrument accepted by the Council.
- d. When the improvements have been completed and approved for conformity with the regulations and Appendix B, and accepted by the Council with the appropriate Maintenance Guarantee, the financial instrument and Performance Guarantee shall be released and returned.
- e. In the event the developer/ subdivider fails to construct the required improvements and have them accepted in the time accepted by the Council, the Performance Guarantee and financial instrument shall be forfeited to the City to be used for the completion of the improvements. A Performance Guarantee will initially be accepted for a maximum time of two (2) years. That time frame and its associated financial instrument may only be extended by the Council after a demonstrated hardship shown by the developer / subdivider.
- f. The successful conclusion of the Performance Guarantee shall include the automatic initiation of the Maintenance Guarantee and Council action to accept the improvements.
- g. Building permits may be issued during the Performance Guarantee process provided the Final Plat has been approved and recorded and proper applications with required fees has been submitted. However, no Certificate of Occupancy (CO) shall be issued until all the improvements are in place, accepted by the Council, and Maintenance Guarantee is in place. This provision applies to all construction including commercial and residential.

7.d.10 Traffic Study for Major Subdivision and/or Site Plans:

- a. Major subdivision and site plans can substantially impact environmental features, surrounding land uses, traffic conditions and facilities, and public utilities.
- b. A threshold is hereby established for major subdivisions and site plans that will trigger a detailed traffic study as defined in the following:

1. Any project that generates a need for 100 or more off-street parking spaces as determined in Article Eight, Section J;
 2. A truck or bus terminal, including service facilities designed principally for such uses;
 3. Any project with two (2) or more principal uses or buildings and one hundred thousand square feet (100,000 sq. ft.) of gross floor area.
- c. The internal design criteria for projects defined in 7.d.5.b. shall observe the following:
1. Streets, drives, parking, and service areas shall be for safe and convenient access for service and emergency vehicles. Streets shall be laid out to not encourage outside traffic to traverse the development or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with uses and shape of the site and convenience and safety of occupants and persons frequenting the project.
 2. Vehicular access to collector and arterial streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimize traffic friction and promotes free flow of traffic or streets without excessive interruption.
- d. The external criteria for projects defined in 7.d.5.b. shall observe the following:
1. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.
 2. Such projects shall not be permitted access to a local street, but may border or front on such a street
 3. Pedestrian access, where provided, shall be by safe and convenient routes. Where there are crossings or pedestrian ways on vehicular routes at edges of the project, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial automotive traffic, safeguards including fencing may be required to prevent crossings except at designated points.

e. To measure the relative impact of major subdivisions or site plans on the road network adjacent to such projects, the service levels of the affected streets shall be investigated.

1. The level of service for streets and roads is defined (according to the 1985 Highway Capacity Manual) in terms of vehicular delay. Delay is a measure of driver time. Varied and complex factors contributing to delay include intersection geometry, frequency of curb cuts, traffic volumes, signalization and cycle length, etc.
2. The various levels of service are classified A through F, depending on the delay factor and the traffic conditions as follows:

LEVEL OF SERVICE A

- * Free flow conditions
- * Low volumes
- * Little or no delays
- * Uninterrupted flow
- * No restriction on maneuverability
- * Drivers maintain desired speed

LEVEL OF SERVICE B

- * Stable flow conditions
- * Operating speeds beginning to be restricted

LEVEL OF SERVICE C

- * Stable flow but speed and maneuverability restricted by higher traffic volumes
- * Satisfactory operating speed for urban conditions
- * Some delays at signals

LEVEL OF SERVICE D

- * High density, but stable flow
- * Restricted speeds
- * Noticeable delays at signals
- * Little freedom to maneuver

LEVEL OF SERVICE E

- * Low, but relatively uniform operating speeds
- * Volumes at or near capacity
- * Approaching unacceptable delays at signals

LEVEL OF SERVICE F

- * Forced flow conditions
- * Stop and go operation
- * Volumes below capacity may be zero
- * Average vehicle delay at signals is greater than one minute

3. Service levels by road classification shall have a target goal to be maintained as much as possible for any major subdivision or site plan.

ROAD CLASSIFICATION

SERVICE LEVEL DESIGNATIONS

Local Street	A
Collector Street	C
Arterial Street	C
Expressway	C

ADT = Average Daily Traffic (trips)

- f. Calculations: The calculation to determine the impact on service level designations shall be made by a qualified traffic engineer representing the applicant. All data, including the recommendations of the engineer, shall be made available to the Zoning Administrator, who in turn may request review, comments and verification from the South Carolina Department of Highway and Public Transportation, regional transportation officials and traffic engineers. Their suggestions and recommendations shall be reviewed with the applicant by the Zoning Administrator for possible incorporation in the final plan, where appropriate to reduce the impact of the project.
- g. Application of Standards: All proposed major subdivisions or Site Plans shall be evaluated by the Zoning Administrator on the basis of their internal and external relationships, particularly as they impact surrounding street service levels. Where data calculations indicate that a proposed project will create a lower level of service than designated by subsection 7.d.5.e.3. for streets and roads in the City of Sumter or Sumter County said projects shall be mitigated to the satisfaction of the Zoning Administrator, or referred to the Planning Commission for review.
- h. Review by the Sumter City-County Planning Commission when referred to the Planning Commission, the Commission may consult the South Carolina Department of Highways and Public Transportation, and other local and regional agencies involved in matters of transportation.

The review of the Commission may result in: required modifications to the proposed use; required modifications to the internal and/or external roadnet serving and impacted by the proposed use; a variance to the standards contained in subsection 7.d.5.e.3. mitigation; required off-site improvements; limiting frontage and access; or denial, stating the reasons for denial.

SECTION E: EFFECT OF FINAL PLAT APPROVAL (S.C. Code Section 6-29-1190)

- 7.e.1 Final plat approval for all subdivision of property shall confer upon the applicant the following rights:
1. To record the plat in the Sumter County Register of Deeds Office.
 2. To proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.

“This page intentionally left blank”

ARTICLE EIGHT

DESIGN AND IMPROVEMENT STANDARDS

SECTION A: PURPOSE

8.a.1. The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to insure a project will be an asset to the City of Sumter and to Sumter County. To promote this purpose, the subdivision and / or site plan shall conform to the following standards which are designed to result in a well-planned City or County without adding unnecessarily to the development costs.

SECTION B: SITE DESIGN STANDARDS

8.b.1. **Site Analysis:** An analysis shall be made of characteristics of the development site, such as site location, geology and soils, topography, existing vegetation, structures, road networks, visual features, and past and present use of the site.

8.b.2. Subdivision and Site Design:

- a. Design shall take into consideration all existing local and regional plans for the surrounding City and County of Sumter;
- b. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features;
- c. The following specific areas shall be preserved as undeveloped and unplatted open space, to the extent consistent with the reasonable utilization of land, and in accordance with the South Carolina Code of Laws, i.e., 6-29-340 (b) (2) (c);
 1. Wetlands as defined in Article 10; *Note:* Wetlands greater than 2 acres may have a maximum of 35 percent (35%) development provided that the developer:
 - a. Protect existing cypress trees;
 - b. Obtain a Stormwater Management and Erosion Control Permit;
 - c. The wetlands is not controlled by federal or state agencies;
 - d. Only detention or retention ponds required for stormwater management may be placed in the 65% undeveloped portion of the wetlands.

2. Steep slopes in excess of twenty (20%) percent unless appropriate engineering measures, as defined by a professional engineer, concerning slope stability, erosion and residential safety are taken;
3. Lands in the flood way, except as permitted by 5.b.7. of this Ordinance;
4. Streams, creeks and other naturally existing water courses.
5. Buffer areas created as a result of a landscape plan.

8.b.3. Residential Development Design:

- a. In standard single-family developments the Sumter City-County Planning Commission may vary lot areas and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the average lots' areas and dimensions, yards, and setbacks within the subdivision conforms to the minimum requirements of the zoning district;
- b. Residential lots shall front on residential access or sub-collector streets, not on collector or arterial streets;
- c. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use;
- d. The placement of units in residential developments shall take into consideration topography, building height (not to exceed three stories), and drainage;

8.b.4. Commercial and Industrial Design: Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments. Buildings shall be located according to topography with environmentally sensitive areas avoided to the maximum extent practicable.

8.b.5. Circulation System Design:

- a. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- b. In residential subdivisions, the road system shall be designed to serve the needs of the neighborhoods while addressing the needs of the circulation pattern of Sumter County;
- c. The pedestrian system shall be located as required for safety. In standard single-family developments, sidewalks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In Planned Developments (PD), walks may be placed away from the road systems, but they may be also required parallel to the street for safety reasons;
- d. Bike paths shall be required only if specifically indicated to complete or to implement the SUATS Transportation Improvement Program (TIP). Where so required, funds for implementation shall be provided according to public policy.

8.b.6. **Landscape Design:**

- a. Reasonable landscaping should be provided at site entrances, in public areas, in parking lots, adjacent and around the perimeter of buildings. All landscaped areas shall be irrigated and placed on a timer system. The type and amount of landscaping required shall be allowed to vary with the type of development;
- b. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local climate, soil conditions, and general site characteristics.

SECTION C: OPEN SPACE AND RECREATION

8.c.1. **Purpose:** Planned Development Districts shall be required to provide open space. Two categories of open space are identified in this Ordinance i.e., developed open space or undeveloped open space. Developed open space shall be designed to provide active/or passive recreation facilities. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive area (See 8.b.2.c for a description of areas to be preserved as undeveloped open space).

8.c.2. **Minimum Requirements:**

- a. **Amount of Open space Required:** Twenty-five (25%) percent of the tract proposed for a Planned Development (PD) shall be set aside for developed and/or undeveloped open space, adjusted, as appropriate, for the conditions such as population density, existing municipal or county facilities located nearby, socio-economic characteristics of the prospective population, and other appropriate site and development-specific factors.
- b. **Size of Open Space Parcels:** The area of each parcel of open space designed for active recreational purposes shall be of such minimum dimensions as to be functionally usable.
- c. **Location of Open Space Parcels:** Open space parcels in residential PDs shall be convenient to the dwelling units they are intended to serve. However, because of noise generation, they shall be sited with sensitivity to surrounding development.

8.c.3. **Improvement of Open Space Parcels:**

- a. **Developed Open space:** The Planning Commission may require the installation of recreation facilities, taking into consideration:
 1. The physical character of the available open space land;
 2. The estimated age and the recreational needs of persons likely to reside in the development;
 3. Proximity, nature, and capacity of existing public recreation facilities.
- b. **Undeveloped Open Space:** As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. The Planning Commission may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees, or other vegetation to encourage more desirable growth, and grading and seeding.

8.c.4. **Exceptions to the Standards:** The Sumter City-County Planning Commission may permit minor deviations from the open space standards when it can be determined that:

- a. The objectives underlying these standards can be met without strict adherence to them;
- b. Because of peculiarities in the tract of land, it would be unreasonable to require strict adherence to the standards.

8.c.5. **Deed Restrictions:** Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the City or the County Attorney ensuring that:

- a. The open space area will not be further subdivided in the future;
- b. The use of the open space will continue in perpetuity for the purpose specified;
- c. Appropriate provisions will be made for the maintenance of the open space.

8.c.6. **Open Space Ownership:** The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Sumter City-County Planning Commission. The type of ownership may include, but is not necessarily limited to, the following:

- a. The City of Sumter or Sumter County, subject to the acceptance by the Mayor and City Council, or the County Council;
- b. Homeowners, condominium, or cooperative associations or organizations;

- c. Shared, undivided interest by all property owners in the development;
- d. Individually owned.

8.c.7. **Homeowners Association:** If the open space is owned and maintained by a homeowners or condominium association, the developer shall file with the City or the County Attorney a copy of the covenants and restrictions that will govern the association at the time of the site plan approval or the preliminary plat application stage. The provisions shall include, but may not be limited to, the following:

- a. Membership must be mandatory for each dwelling unit owner and any successive buyer;
- b. The open space restrictions must be permanent, not just for a period of years;
- c. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
- d. Homeowners must pay their pro rata share of the cost if allowed in the master deed establishing the homeowner's association; and,
- e. The association must be able to adjust the assessment to meet changing needs.

8.c.8. **Maintenance of Open Space Areas:** The person or entity identified in 8.c.6. as having the right of ownership or control over the open space shall be responsible for its continued upkeep and proper maintenance.

SECTION D: LANDSCAPING STANDARDS

8.d.1. Purpose:

- a. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character;
- b. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as walls, fences, paving materials, and street furniture.

8.d.2. **Landscape Plan:** A landscape plan shall be submitted by a landscape architect, horticulturist, or persons actively involved in the design of plant materials with each site plan and subdivision application, unless a waiver is specifically granted by the Sumter City-County Planning Commission. The plan shall identify proposed trees, shrubs, and ground covers, natural features, and other landscaping elements. The plan shall show where they are located and planting types and other construction details. Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.

8.d.3. **Site Protection and General Planting Requirements:**

- a. **Storm-water Management and Sediment Reduction Act:** All land grading and filling activities, as defined in 1.p.1. of this Ordinance and S.C. Codes 48-14-10 et seq., as amended, within the City of Sumter and the unincorporated portion of Sumter County shall require a grading permit by the Sumter County Soil and Water Conservation District. The Sumter Soil and Water Conservation Service, as an implementing agency, shall not issue grading permits for construction projects unless in conformance with the City of Sumter Ordinance Number 1627, and the Sumter County Ordinance Number 98-348. Appendix A of this Ordinance contains a copy of the herein referenced Ordinances.
- b. **Protection and the Replacement of Trees:** *A Land Disturbance Permit* shall be required for all commercial and industrial projects occupying undeveloped and/or developed property, or portions thereof. Expressly excluded from the provisions herein are only owner occupied individual residential properties, all one and two family lots that have been approved and recorded, and on-going farm operations. No person, firm, organization, society, association, or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree situated on property under the jurisdiction of this Section without *A Land Disturbance Permit*.
 1. **Definition of a Land Disturbance Activity:** Residential subdivision development or commercial and industrial development projects involving earth moving, clearing, grading, ditching, tree removal, or other construction activities;
 2. **Application, Fee, and Permit Issuance :** An application for a Land Disturbance Permit shall be available from the Sumter City-County Planning Commission. The permit fee shall be twenty-five (\$25.00) dollars. The issuance of a Land Disturbance Permit is contingent upon the approval of a Tree Protection Plan;
 3. **Tree Protection Plan:** A Tree Protection Plan shall be submitted as part of a landscape plan, site plan, subdivision plan, or filed separately.

Purpose and Intent: It is the intent of Council that the individual planner reviewing tree protection will do an initial on-site inspection of trees and proposed construction. No lot shall be cut prior to this on-site inspection.

From that, “Significant Trees” specified in the list below will be protected where feasible. That feasibility may include small site adjustments, saving additional trees outside the construction area, or having a landscape plan that replaces “Significant Trees” that must be removed to allow construction. More significant site adjustments may be required to protect and preserve “Historic Trees” that are found to be healthy and viable. Trees saved by site modifications will receive additional credit during the development of the final landscape plan. It is Council’s intent that this ordinance not render any parcel impractical for its permitted or conditionally allowed uses.

4. **Components of a Tree Protection Plan:** The following information shall be placed on a map at the same scale to be used later in a construction plan:
 - a. Foot print or proposed foot print of any building(s) or structure(s);
 - b. Areas of clearing, grading, trenching, and other earth moving activities;
 - c. Identification of significant trees, historic trees, and hazard trees;
 - d. Significant stands of trees;
 - e. Tree protection zones;
 - f. Ponds, creeks, wetlands and other important natural features;
 - g. Planned re-mediation areas of re-vegetation.
5. **Tree Protection Measures During Construction:** The tree protection plan shall include drawings of tree protection measures to be used during construction including the following:
 - a. Tree protection barriers;
 - b. Erosion control fencing;
 - c. Transplantation specification;
 - d. Tree wells and aeration systems;
 - e. Staking specifications.
6. **Review of Tree Protection Plan:** The review of the Tree Protection Plan shall be conducted by the City or County Arborist. If a review is not complete

within ten (10) working days after submission, the Tree Protection plan shall be deemed to be approved.

7. **Follow-up Inspections:** The Zoning Administrator, City or County Arborist shall conduct follow-up inspections for the enforcement of the Tree Protection Plan.

c. **Protection of Historic Trees and Significant Trees:** It shall be the responsibility of the City or County Arborist through the general enforcement provisions of this Ordinance to protect Historic and Significant Trees. Historic trees are any trees within the City of Sumter or the unincorporated areas of Sumter County which are known in local legend or lore; or are known by a popular name; or have a diameter at breast height (DBH) of thirty (30”) inches or more; or are over one hundred (100) years old. Significant trees are defined by a minimum DBH criteria for the designated trees as follows:

<u>Botanical Name</u>	<u>Common Name</u>	<u>DBH</u>
Qyercus virginiana	Live Oak	8 inches
Ulmus parviforia	Chinese Elm	10 inches
Cedrus deodara	Deodar Cedar	10 inches
Nyssa spp.	Tupelo	10 inches
Ginko biloba	Ginkgo	10 inches
Quercus spp.	Oaks other than live oaks	10 inches
Acer rubrum	Red Maple	10 inches
Liriodendron tulipifera	Yellow-poplar or tulip tree	10 inches
Taxodium distichum	Bald Cypress	10 inches
Magnolia grandiflora	Southern Magnolia	10 inches
Carya spp.	Hickory	10 inches
Ulmus americana	Elm	10 inches
Betula nigra	River Birch	10 inches

8.d.4. **Additional Landscaping in Residential Areas:** Besides the screening and street trees as may be required, additional plantings or landscaping elements may be established where necessary throughout the subdivision for climate control, privacy, or other reasons in accordance with the landscape plan approved by the Sumter City-County Planning Commission.

8.d.5. **Planting Specifications For All Forms Of Development:** Deciduous trees shall have at least a two (2”) inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Trees, shrubs, and ground covers shall be planted according to acceptable horticultural standards. Dead and dying plants shall be replaced by the developer during the following planting season, or at the end of the Maintenance Guarantee Phase, whichever is longer.

8.d.6. **Street Trees:**

- a. **Location:** The Sumter City-County Planning Commission may require street trees when an adequate number of trees do not exist on a lot. Where street trees are installed they shall normally be on both sides of streets in accordance with the approved landscape plan as set forth in 8.d.1.a. Trees shall be spaced evenly along the street with spacing dependent on species and tree size. However, when spacing intervals exceed forty (40ft.) feet, small ornamentals (e.g., Crepe Myrtle) may be required between the larger trees as under-story trees. Street trees shall be planted not to interfere with utilities, roadways, sidewalks, or street lights. Tree location, landscaping design, and spacing plan shall be approved by the Sumter City-County Planning Commission as part of the overall landscaping plan as set forth in 8.d.1.a.
- b. **Tree Type:** The principle street tree chosen for a development shall be selected from known canopy trees species. However within this requirement, street tree type may vary depending on the overall effect desired. All trees on a particular street shall be of the same kind.
- c. **Planting Specifications:** All street trees shall have a caliper of two (2") inches and be of substantially uniform size and shape, and have straight trunks. Street trees shall be properly planted and staked and provisions shall be made by the developer or owner for regular watering and maintenance until the street trees are established. Dead and/or dying street trees shall be replaced by the applicant during the next planting season, or at the end of the Maintenance Guarantee period, whichever is longer.

8.d.7. **Buffering:**

- a. **Function and Materials:** Buffering shall provide a year-round visual screen to minimize adverse impacts and to insure high aesthetic standards of development. It may consist of fencing, trees, berms, landscaping or a combination thereof.
- b. **When Required:** Every development shall provide sufficient buffering when natural land features or existing natural vegetative barriers do not provide reasonable screening and when the Sumter City-County Planning Commission determines that there is a need to:
 1. Screen from view any proposed commercial, industrial or other non-residential uses with outside storage area for materials to be sold, salvaged, stored and the like;
 2. Shield neighboring developed or undeveloped properties from any adverse external effects of a development;

3. To shield the development from negative impacts of adjacent uses such as streets. In high-density developments, when building design and siting do not provide privacy, the Sumter City-County Planning Commission may require landscaping, fencing, or walls to screen dwelling units for privacy. Buffering may be required for front, side, or rear property lines, excluding driveways (see Exhibit 14 for an example of a buffering concept).

c. Amount Required:

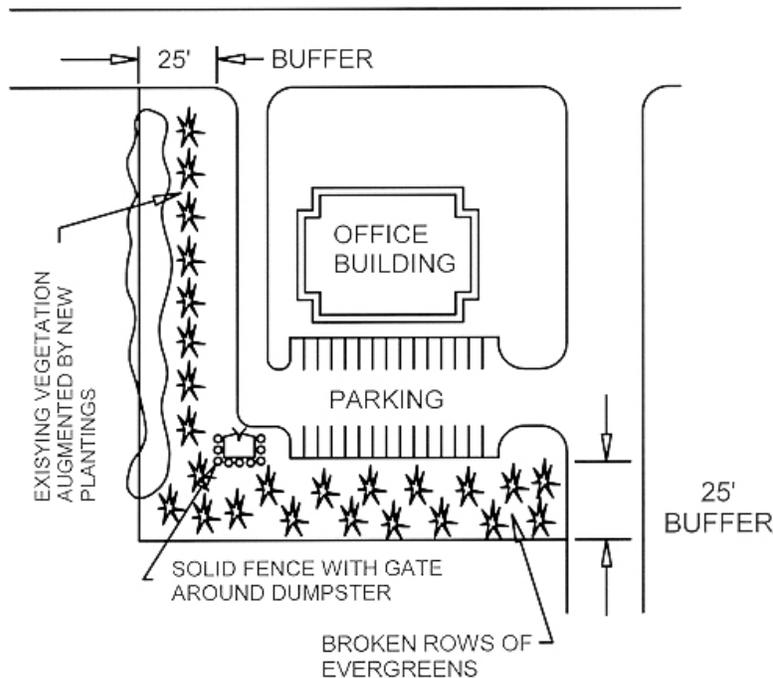
1. Where more-intensive land uses or zoning districts abut less-intensive land uses or zoning districts, a buffer strip ten feet (10 ft.) feet in width shall be required;
2. Parking lots, garbage collection and utility areas, and loading and unloading areas shall be screened around their perimeter by a buffer strip a minimum of five (5 ft.) feet wide;

- d. Design:** Arrangement of plantings in buffers shall provide protection to adjacent properties. Possible arrangements include planting in parallel, serpentine, or broken rows. If planted berms are used, the minimum top width shall be four (4ft.) feet, and the maximum side slope shall be 2:1.

- e. Planting Specifications:** Plant materials shall be sufficiently large and planted in such a fashion that a year round screen at least six (6ft.) in height shall be produced within three (3) growing seasons. All planting shall be installed according to acceptable horticultural standards.

- f. Maintenance:** Plantings shall be watered regularly by means of an automatic and timed irrigation system or other acceptable methods of periodic watering. No buildings, structures, storage of materials, or parking shall be permitted within buffer areas. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

EXHIBIT 14 BUFFERYARD ILLUSTRATED DRAWING



8.d.8. **Parking Lot Landscaping:**

- a. **Amount Required:** Within parking lots, landscaped concrete planters should be considered as part of the overall planned landscape concept. Planting required within the parking lot is exclusive of other planting requirements, such as for shade trees planted along the street frontage.
- b. **Location:** The landscaping should be located in protected areas, such as in landscape islands, center islands, at the end of bays, around the perimeter of buildings, or along walkways.
- c. **Plant Type:** A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted. The evergreens should be used along the perimeter of the parking lot for screening, and the deciduous trees for shade within the lot. The area between trees shall be mulched and planted with shrubs or ground cover. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material.
- d. **Maintenance:** Plantings shall be watered regularly by means of an automatic and timed irrigation system or other acceptable methods of periodic watering.

- e. Where there is a planned expansion of a parking lot of 25% or greater than the number of parking spaces found within an existing parking lot then the entire parking lot (existing and expanded) shall meet the landscaping and buffering requirements of this Ordinance after the expansion. Also, where the planned expansion of a parking lot is greater than 5%, then the requirements for perimeter buffering around the existing and the expanded parking lot shall be installed.

8.d.9. Paving Material in Pedestrian Areas:

- a. Design and choice of paving materials used in pedestrian areas shall consider such factors as function, characteristics of users, availability, maintenance, glare, drainage, noise, appearance, and compatibility.
- b. Acceptable materials shall include concrete, brick, concrete pavers, asphalt, and stone.
- c. All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1

8.d.10. Walls and Fences:

- a. Walls and fences shall be erected where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.
- b. The design and materials used shall be functional and compatible with existing and proposed site architecture.

8.d.11. Retrofitting Under Prevailing Landscaping, Buffering, and Parking Lot

Landscaping Standards: As per Article Six, Section G. of this Ordinance, any commercial or industrial activity which remains vacant on a parcel of land for a six (6) month period, and re-opens as the same use or different use (which may be permitted in the zoning district) shall meet all of the standards of this Article.

SECTION E: STREETS

8.e.1. General:

- a. The arrangement of streets shall conform to the SUATS Transportation Improvement Plan and the 2020 Sumter City-County Comprehensive Land Use and Development Plan. Construction of streets shall further be according to requirements of the City of Sumter Guidelines for utility, roadway and drainage construction where streets are to come under City maintenance;

- b. Streets should be designed and arranged to create a network or grid system that is pedestrian in scale. The street grid should allow alternate travel within residential neighborhoods. Cul-de-sacs or dead end streets may be acceptable when land use and safety concerns are present;
- c. All streets shall be public streets and constructed according to the provision of Article 8, Section E., except as provided below:
 - 1. Private streets shall be allowed pursuant to 3.o.6 of this Ordinance for approved PD's; Streets for gated communities shall be private streets as a part of a PD. Those streets should be constructed to meet the guidelines in this Ordinance and have all maintenance covered by deed covenants;
 - 2. Rural Community driveways shall be allowed only in the unincorporated areas of Sumter County when serving no more than five lots; provided;
 - a. That such lots shall be not less than one (1) acre in size and be no less than 125 feet wide at the building line;
 - b. That the driveway shall be privately maintained and owned by all property owners, and shall be accessible to each lot so created, and to a public street;
 - c. That access, ownership and maintenance of the community driveway be the sole responsibility of the affected property owners, and so stated in restrictive covenants accompanying the sale and/or transfer of each lot, and so noted in the capital letters on the deed of record, as follows: "The driveway providing access to lots in this subdivision is privately owned and is not maintained by Sumter County nor the City of Sumter, nor is it likely to be maintained in the future. Owners of lots in this subdivision are financially obligated to maintain this driveway for the benefit of all property owners in the Subdivision."
 - d. The restrictive covenants shall refer to the plat required for recording;
 - e. That further subdivision of lots shown on the plat shall be prohibited by the restrictive covenants, except the provisions of this Section shall not prohibit adjustments in lot lines which do not reduce the size of any affected lot to less than one (1) acre, and where no additional lot is created. Additionally, variances will not be allowed for less than one (1) acre lots.
 - f. That the restrictive covenants shall provide that they not be amended or modified except by written consent of the Sumter City-County Planning Commission and all property owners in the subdivision;

- g. That the restrictive covenants shall require that any deed conveying interest in a lot in the subdivision shall conspicuously contain the following language with an appropriate space for a signature by the grantee or grantees acknowledging same. **“The real property described in this deed is subject to restrictive covenants recorded in Deed Book ___ at page _____. These restrictive covenants provide, among other things, a financial commitment to maintain a community driveway. These restrictive covenants are specifically acknowledged by the grantee(s).”**
- h. That the plat required for recording be prepared in accord with the plat approval requirements for minor subdivisions;
- i. That the driveway shall not be less than thirty-five (35 ft.) feet wide and have not less than sixty (60 ft.) frontage on a public road or street. Roadbeds shall have an all-weather surface of crusher-run or equivalent of not less than fifteen feet (15 ft.) in width. The Rural Community Drive will have adequate emergency turn around locations. If the RCD does not connect at both ends, a cul-de-sac with a minimum radius of 50 ft will be placed at the end of RCD. For RCD’s greater than 1000 ft in length, an internal turn around location(s) must be installed to meet emergency service requirements.
- j. That the owner shall conspicuously place on the privately maintained rural community driveway near the entrance to the subdivision a sign stating “Private Driveway”.

8.e.2. Street Hierarchy:

- a. Streets shall be classified in a street hierarchy system with design tailored to function.
- b. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers as Indicated in Exhibit 15.
- c. Each residential street shall be classified and designed for its entire length to meet the standards for one of the street types defined in Exhibit 16.
- d. The applicant shall demonstrate to the Sumter City-County Planning Commission’s satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT thresholds indicated in Exhibit 16 for any proposed street type.

8.e.3. Roadway Width:

- a. Roadway width for each street classification shall be determined by parking and curbing requirement which are based on form and intensity of development.

- b. Intensity of development shall be based on lot frontage as follows:

INTENSITY OF DEVELOPMENT

	<u>Low</u>	<u>Medium</u>	<u>High</u>
Lot	more	70	less
Frontage	than	to	high
(in feet):	125	125	70@BL

- c. Roadway width shall also consider possible limitations imposed by sight distances, terrain, and maintenance needs. In order to minimize street costs, the minimum width assuring satisfaction of needs shall be selected.
- d. Roadway widths for each street classification are shown in Exhibit 14.

8.e.4. Curbs and Gutters:

- a. Curbing shall be required for the purpose of drainage, safety, and delineation and protection of the pavement edge.
- b. Curb requirements shall vary according to street hierarchy and intensity of development in accordance with the requirements shown in Exhibit 17. Curbing may be required:
 - 1. For storm water management;
 - 2. To stabilize pavement edge;
 - 3. To delineate parking areas;
 - 4. Ten (10ft.) feet on each side of drainage inlets;
 - 5. At intersections;
 - 6. At corners; and
 - 7. At tight radii.
- c. Where curbing is not required, some sort of edge definition and stabilization shall be furnished for safety reasons and to prevent pavement unraveling;
- d. Where curbing is required, this requirement may be waived and shoulders and/or drainage swales used when it can be shown that:
 - 1. Shoulders are required by South Carolina DOT;

2. Soil or topography make the use of shoulders and/or drainage swales preferable;
 3. It is in the best interests of Sumter County or the City of Sumter to preserve the rural character of the surrounding area by using shoulders and or drainage swales instead of curbs;
- e. At medium development intensity, the curbing requirement may be waived when the front yard setback exceeds forty (40ft.) feet and it can be demonstrated that sufficient off-street parking exists;
 - f. Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed.
 - g. Curbing shall be designed to provide a ramp for bicycles and/or wheelchairs as required by State or ADA requirements;
 - h. Curbing shall be constructed according to the specifications set forth by the City of Sumter Engineering Department or Sumter County Public Works Department.

8.e.5. Sidewalks:

- a. Sidewalks and/or graded areas shall be required depending on road classification and intensity of development in accordance with the requirements set forth in Exhibit 17.
- b. Sidewalks shall measure four and one-half (4 ½ ft.) feet in width; wider widths may be necessary near traffic generators.
- c. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street as shown in Exhibit 18. In PD's they may vary.
- d. All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1, the City of Sumter Design Standards for Sidewalks, and SCDOT standards as applicable.
- e. All driveways in subdivisions or private housing shall be depressed at the street.

8.e.6. Utility and Shade Tree Areas:

- a. Utilities and shade trees shall generally be located within the right-of-way on both sides of and parallel to the street as shown in Exhibit 18. Shade trees may also be placed outside the public right-of-way;

- b. Utility and shade tree areas shall be planted with other suitable cover materials.
- c. Electrical, telephone, and other utilities shall be located underground in new subdivision in compliance with the respective policies of the appropriate utility.

8.e.7. Right-of-Way:

- a. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the travel lanes, curb, shoulders, sidewalks, graded areas, utilities, and shade trees (if they are placed within the right-of-way). Right-of-way requirements are shown in Exhibit 17 and displayed graphically in the street profiles in Exhibit 18.
- b. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.
- c. The right-of-way shall reflect future development as indicated by the preliminary and/or final plat.

8.e.8. Street Grade and Intersections:

- a. The minimum grade on any proposed street shall not be less than one-half percent (0.05) and the maximum street grade shall not be more than four (4%) percent.
- b. Minimum centerline offsets at adjacent intersections shall be as follows:
 - 1. Local street to local street spacing shall be 125 feet;
 - 2. Local street to collector street spacing shall be 150 feet;
 - 3. Collector street to collector street spacing shall be 200 feet.

8.e.9. Horizontal Curves:

- a. The sight distance for a horizontal curve shall be determined by the following considerations:

	Design Speed <u>MPH</u>	Minimum Curve <u>Radii</u>	Minimum Sloping Sight <u>Distance</u>
Access	30 mph	300 ft.	200 ft.
Collector	35 mph	350 ft.	240 ft.
Arterial	40 mph	400 ft.	275 ft.

8.e.10. Vertical Curves:

- a. The minimum length of any vertical curve connecting two different street grades shall be equivalent in feet to the following factor times the algebraic difference in the rates of grade on the two slopes involved:

	<u>Crest</u>	<u>Sag</u>
Access	10	15
Collector	20	25
Arterial	30	35

8.e.11. Lighting:

- a. Specifications: Streetlights shall be provided in accordance with a plan designed by the appropriate electric utility company within new residential developments and approved by the Planning Commission using the following standards. The lighting plan shall be submitted for approval at the preliminary plat stage.

<u>Street Hierarchy</u>	<u>New Residential Areas</u>	
	<u>Lux</u>	<u>Footcandles</u>
Arterial	6	0.6
Collector	4	0.4
Access	3	0.3

- b. Spacing: The spacing of light shall be addressed in a lighting plan to be submitted by the developer in cooperation with the appropriate utility company.
- c. Height of Light Standards: The maximum height of standards shall not exceed the maximum building height permitted, or twenty-five (25 ft.) feet, whichever is less.
- d. Ornamental Light: If ornamental light standards are used, the developer shall be responsible to pay the difference between the conventional light standard and the ornamental light standard preferred by the developer. The conventional light standard is provided at the cost of the appropriate electric utility, or the developer if the developer so chooses.

8.e.12. Signage and Names:

- a. The design and placement of street signs shall follow state regulations or the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, most recent edition, published by the U.S. Department of Transportation. Responsibility for installation shall rest with the developer.
- b. At least one (1) street sign shall be placed at each “T” intersection and two (2) street signs shall be placed at all four-way intersections. Signs shall be installed under street lights.

- c. Street names shall be subject to the approval of the Sumter County Auditor's Office and the Planning Commission.
- d. Subdivision names shall be subject to the approval of the Planning Commission and the Auditor's Office. When a subdivision has been recorded on a plat, no other name may be used for advertising or sales purposes unless an approved amended plat is recorded bearing the revised name.

8.e.13. Lots:

- a. All lots shall be accessible by a public street, a private street only as provided for in a Planned Development (PD), or a rural community drive as defined in 8.e.1.c.2. Exception: Multi-space or building commercial sites may make the driveway and parking area a common, jointly maintained area and have individual properties access that area.
- b. The lot size, width, depth, shape, grade, and orientation shall be in proper relationship to the fronting street; to the existing and proposed topographical conditions; and for the type of development and use contemplated;
- c. All lots shall have no less than a sixty (60 ft.) foot street frontage unless a lesser standard is allowed elsewhere in this Ordinance. These standards may vary in a cul-de-sac upon approval of the Planning Commission;
- d. Side lot lines shall be approximately at right angles to the straight street lines and radial to the curved street lines.
- e. Lots created as a result of an Exempt Subdivision as defined in Article Ten of this Ordinance shall fully comply with S.C. Code 6-29-1110.
- f. Lots – Excessive lot depth in relation to lot width shall be avoided, and as a general rule, the depth of residential lots shall not be less than one nor more than 2-1/2 times their width; provided however, that the Planning Commission may grant exceptions to this in order to overcome specific disadvantages of topography or other site conditions.

EXHIBIT 15
TRIP GENERATION RATES BY MAJOR LAND USE CATEGORIES

LAND USE TYPE	AVERAGE WEEKDAY TRIP GENERATION RATES
Residential Uses	Trips per Indicated Measure: Dwelling Units
Single-family Detached	10.06
Condominium/Townhouses	5.86
Low-Rise Apartment	6.60
High-Rise Apartment	4.20
Mobile Home Park	4.81
Assisted Living Community	3.30
R.V. Park	3.16
Office Building	Trips per Indicated Measure: 1,000 gross sq. ft. of Building Area
General office, 10,000 gross sq. ft.	24.39
General office, 50,000 gross sq. ft.	16.39
General office, 100,000 gross sq. ft.	13.72
General Office, 200,000 gross sq. ft.	11.54
Medical office building	34.17
Office Park	11.40
Research Center	6.04
Retail	Trips per Indicated Measure: 1,000 gross sq. ft. Leasible Area
Specialty Store	40.67
Discount Store	71.16
Shopping Center	
10,000 sq. ft. gross leasible area	166.35
50,000 sq. ft. gross leasible area	94.71
100,000 sq. ft. gross leasible area	74.31

EXHIBIT 15 (Continued)
TRIP GENERATION RATES BY MAJOR LAND USE CATEGORIES

LAND USE TYPE	AVERAGE WEEKDAY TRIP GENERATION RATES	
Retail	Trips per Indicated Measure: 1,000 gross sq. ft. Leasible Area	
200,000 sq. ft. gross leasible area	58.93	
500,000 sq. ft. gross leasible area	39.81	
Industrial	Trips per Indicated Measure Employee per 1,000 sq. ft. of Building Area	
Light Industrial	3.02 per employee	6.97 building area
Heavy Industrial	2.05 per employee	1.50 building area
Industrial Park	3.41 per employee	6.97 building area
Manufacturing	2.09 per employee	3.85 building area
Warehousing	3.89 per employee	4.88 building area
Mini-Warehousing	56.28 per employee	2.61 building area
Lodging	Trips per Indicated Measure	
Hotel	14.34 employee	8.70 rooms
Motel	12.81 employee	10.19 rooms
Institutional	Trips per Indicated Measure	
Elementary School	13.10 employee	1.03 student
High School	16.79 employee	1.39 student
Technical School/Community College	10.06 employee	1.55 student
Library	49.50 employee	45.50 student (per 1,000 gross sq. ft)

Source: Trip Generation, 1987 edition. Washington, D.C. Institute of Transportation Engineers

EXHIBIT 16
RESIDENTIAL STREET HIERARCHY: DEFINITION

RESIDENTIAL STREET TYPE	FUNCTION	GUIDELINES MAXIMUM ADT*
1. Residential Access Street	Lowest order of residential street. Provides frontage for access to lots, carries traffic having destinations or origins on the street itself. Designed to carry the least amount of traffic at the lowest speed. All or the maximum number of housing units shall front on this class of street	250
2. Residential Subcollector	Middle order residential street provides frontage for access to lots, and carries traffic of adjoining residential access streets. It is not intend to interconnect adjoining neighborhoods and should not carry large volumes of traffic	500 (each loop) 1,000 (total)
3. Residential Collector	Highest order of residential street conducts and distributes traffic between lower order residential streets and arterial streets. Function is to promote free traffic flow and direct access to homes from this street should be prohibited	3,000 (total)
4. Arterial	A highest order, inter-regional road in the street hierarchy. Conveys traffic between centers; should be excluded from residential areas	3,000+
5. Special Purpose Streets		
a. Rural Community Drive	A street serving a very low-density rural area (minimum 1-acre zoning). The ADT level limits the number of single-family homes on this road to 5	200
b. Alley	A service road that provides secondary means of access to lots. No parking shall be permitted; should be designed to discourage through traffic	250 (each loop) 500 (total)
c. Cul-de-Sac	A street with a single means of ingress and egress and having a turn around. Design of turnaround may vary	250 (residential access) 500 (subcollector)

EXHIBIT 16 (Continued)
RESIDENTIAL STREET HIERARCHY: DEFINITION

RESIDENTIAL STREET TYPE	FUNCTION	GUIDELINES MAXIMUM ADT*
d. Marginal Access	A service street that runs parallel to a higher order street and provides access to abutting properties and separation from through traffic	500 (residential access total) 1,000 (subcollector total)
e. Divided Street	A street may be divided in order to provides alternative emergency access and to protect environmental features or to avoid grade changes	500 (residential access total) 1,000 (subcollector total) 3,000 (collector total)
f. Stub Streets	A portion of a street which has been approved in its entirety. Permitted as a part of a phased development. May be required if part of an overall adopted master plan of the municipality	500 (residential access total) 1,000 (subcollector total) 3,000 (collector total)

Source: Institute of Transportation Engineers

Definition: A trip is a single or one-way vehicle movement to or from property.

EXHIBIT 17
STREET WIDTH AND RIGHT-OF-WAY REQUIREMENTS

STREET CLASSIFICATION	STREET FRONTAGE	TRAVEL LANE	SUB TOTAL	PARKING LANE^a	SUB TOTAL	TOTAL PAVEMENT WIDTH	CURB & GUTTER	GRADED AREA OR SIDEWALK	TOTAL R.O.W. WIDTH^b
RESIDENTIAL ACCESS 250-500 ADT									
Low Intensity Development	>125 ft.	Two 10 ft.	20 ft.	None	0 ft.	20 ft.	Not required	Each side graded area	40 ft.
Medium Intensity	70-125 ft.								
On-street parking		Two 10 ft.	20 ft.	One 8 ft.	18 ft.	28 ft.	See Footnote h	Each side graded area	50 ft.
Off-street parking		Two 10 ft.	20 ft.	None	0 ft.	20 ft.	See Footnote h	Each side graded area	50 ft.
High Intensity	<70 ft.								
On-street parking		Two 10 ft.	20 ft.	One 8 ft.	8 ft.	28 ft.	See Footnote h	Each side graded area	60 ft.
Off-street parking		Two 10 ft.	20 ft.	None	0 ft.	20 ft.	Not required	Graded area (1 side)	50 ft.
RESIDENTIAL SUBCOLLECTOR 500-1000 ADT									
Low Intensity Development	>125 ft.	Two 10 ft.	20 ft.	None	0 ft.	20 ft.	Not required	Graded area (each side)	50 ft.
Medium Intensity	70-125 ft.								
On-street parking		Two 10 ft.	20 ft.	One 8 ft.	8 ft.	28 ft.	Curb	Sidewalk (1 side)	60 ft.
Off-street parking		Two 10 ft.	20 ft.	None	0 ft.	20 ft.	Curb	Sidewalk (1 side)	60 ft.

EXHIBIT 17 (Continued)
STREET WIDTH AND RIGHT-OF-WAY REQUIREMENTS

STREET CLASSIFICATION	STREET FRONTAGE	TRAVEL LANE	SUB TOTAL	PARKING LANE ^a	SUB TOTAL	TOTAL PAVEMENT WIDTH	CURB & GUTTER	GRADED AREA OR SIDEWALK	TOTAL R.O.W. WIDTH
High Intensity	<70 ft.								
One-side parking		Two 10 ft.	20 ft.	One 8 ft.	8 ft.	28 ft.	Curb	Sidewalk (1 side)	60 ft.
Two-side parking		Two 10 ft.	20 ft.	Two 8 ft.	16 ft.	36 ft.	Curb	Sidewalk (1 side)	66 ft.
Off-street parking		Two 11 ft.	22 ft.	None	0 ft.	22 ft.	See note h	Sidewalk (1 side)	50 ft.
RESIDENTIAL COLLECTOR 3,000 (TOTAL) ADT									
Low Intensity Development	>125 ft.	Two 12 ft.	24 ft.	None	0	24 ft.	See Footnote h	Graded Area (1 each side)	50 ft.
Medium & High Intensity	70-125 ft.	Two 12 ft.	24 ft.	None	0	24 ft.	Curb or shoulder	Sidewalk (1 each side)	60 ft.
SPECIAL PURPOSE STREETS									
Rural Community Drive	N/A	Two 7.5 ft.	15 ft.	None	0	Non-paved 18 ft.	Not required	Not required	35 ft.
Alley	N/A	Two 9 ft.	18 ft.	None	0	18 ft.	Not required	Graded Area (1side)	22 ft.
Cul-de-sac (stem) ^c	See note	-----	-----	-----	-----	-----	-----	-----	-----
Marginal Access Street ^d	See note	-----	-----	-----	-----	-----	-----	-----	-----
Divided Street ^e	See note	-----	-----	-----	-----	-----	-----	-----	-----
Stub Street ^f	See note	-----	-----	-----	-----	-----	-----	-----	-----

ADT= Average Daily Travel

- a. Refers to parallel parking
- b. Utilities such as electrical, cable t.v., telephone, water, and sewer shall be provided underground within the public right-of-way (or alley way), if space is available or in a utility easement adjacent to the street right-of-way
- c. Pavement and right-of-way widths of cul-de-sac and right of way requirements should conform to standards of residential access or subcollector streets as dictated by anticipated average daily travel. Cul-de-sac turnarounds shall have a minimum pavement radius of forty (40) feet and a minimum right-of-way radius of forty-eight (48 ft.)
- d. Pavement and right-of-way widths of marginal access streets and right-of-way requirements should conform to the standards of either residential access or subcollector streets as dictated by anticipated average daily travel. If the classification is a subcollector requiring a thirty-six (36) feet pavement width, the pavement width may be reduced to twenty-eight (28) feet since frontage is restricted to one side of the street.
- e. Pavement and right-of-way widths of divided streets and requirements should conform to the standards of street classification as dictated by anticipated average daily travel and will be applied to the aggregate dimensions of the two street segments
- f. Pavement and right-of-way widths of stems and right-of-way requirements should conform to the standards of the street classification as dictated by anticipated average daily travel
- g. A separate graded area is not required where shade trees and utility strips are provided.
- h. Developers have the choice of conventional concrete curb with no maintenance guarantee or asphalt valley gutter with a two year maintenance guarantee as outlined in 7.d.8.c.

Note: R-O-W width is an established standard. Sidewalk widths are minimum. Sequenced location of elements may be modified to meet design requirements. Every effort should be made to have trees between pavement and sidewalks.

EXHIBIT 18 RIGHT-OF-WAY (ROW) PROFILES

RESIDENTIAL ACCESS STREET(S)

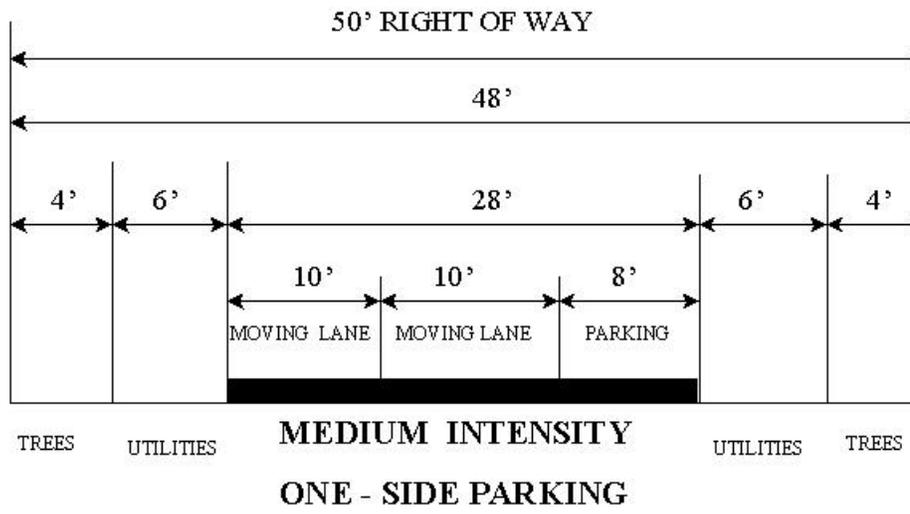
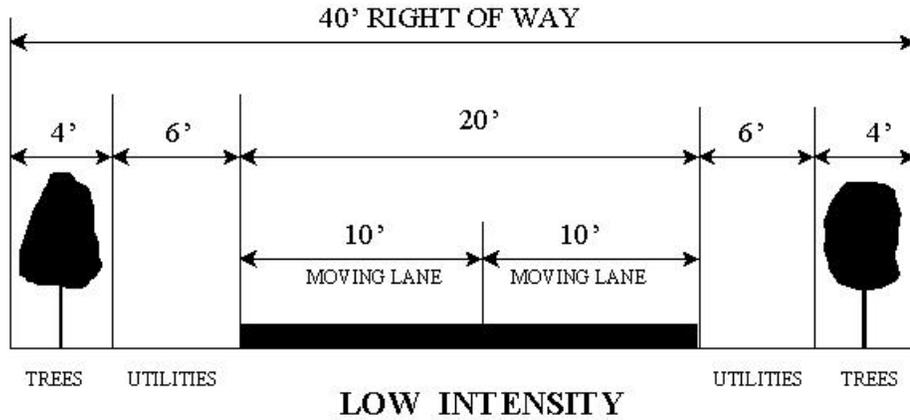
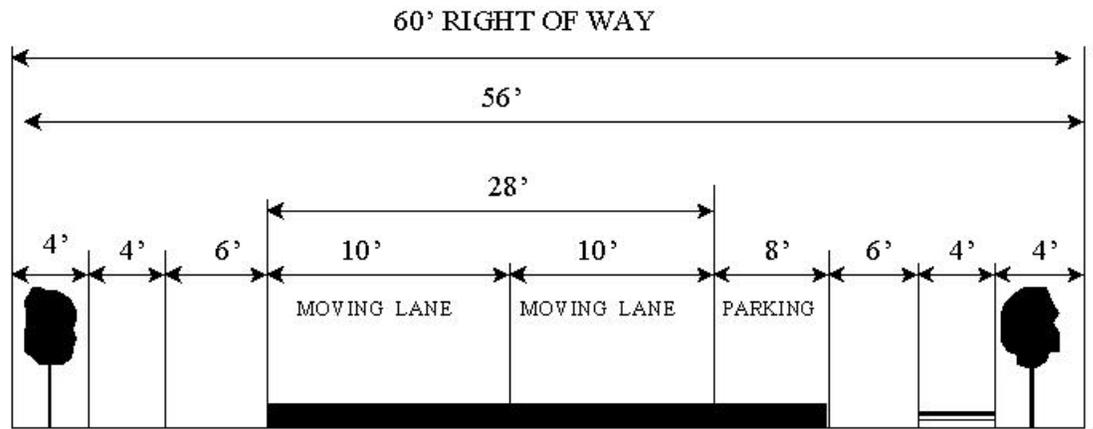


EXHIBIT 18a RIGHT-OF-WAY

RESIDENTIAL ACCESS STREET(S)

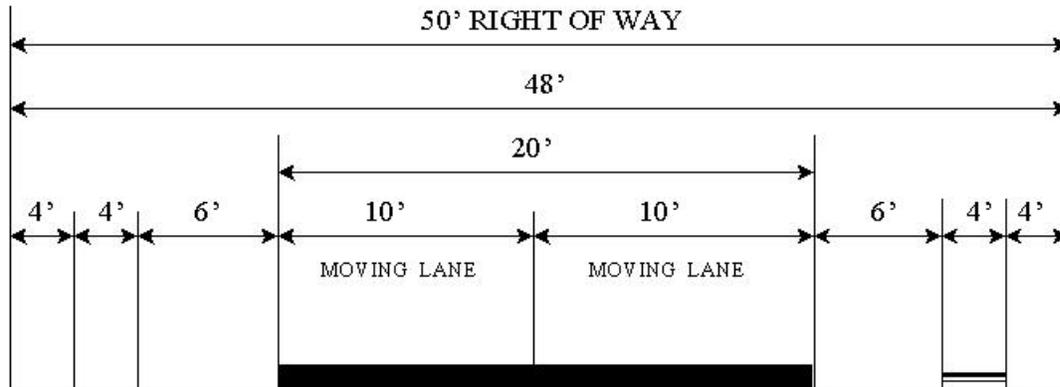


TREES GRADED UTILITIES
AREA

HIGH INTENSITY

UTILITIES SIDEWALK TREES

WITH ONE-SIDE ON STREET PARKING



TREES GRADED UTILITIES
AREA

HIGH INTENSITY

UTILITIES SIDEWALK TREES

WITH OFF STREET PARKING

EXHIBIT 18b

RESIDENTIAL COLLECTORS

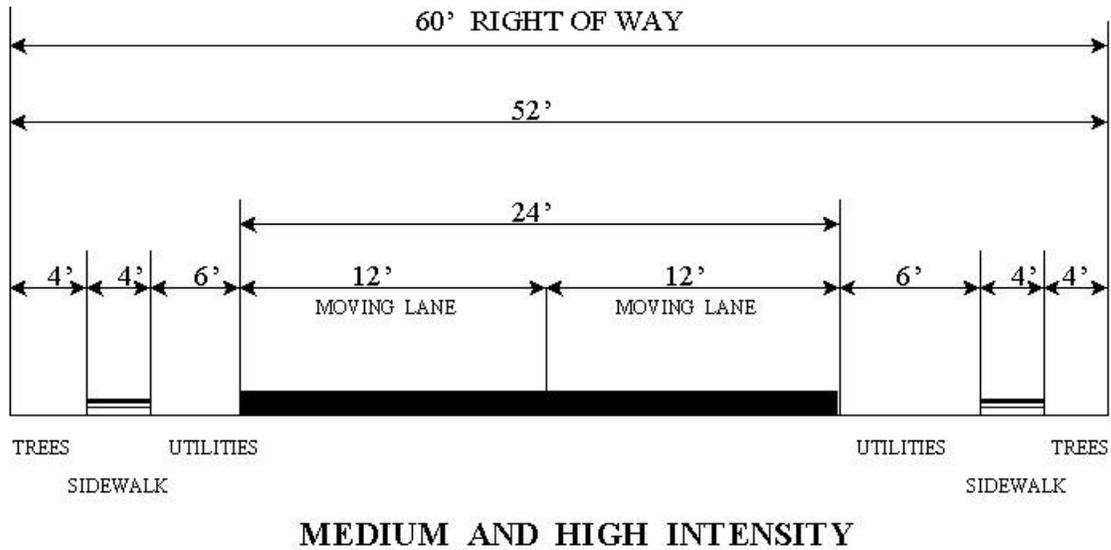
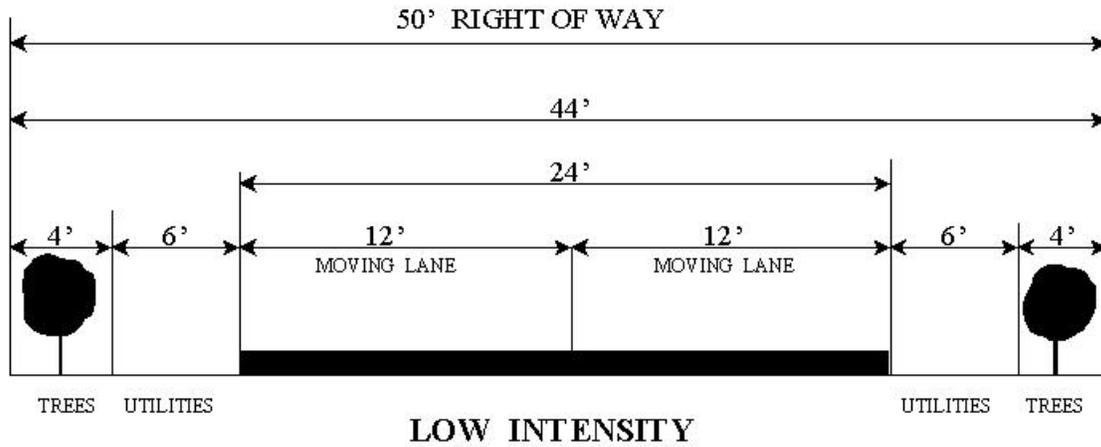
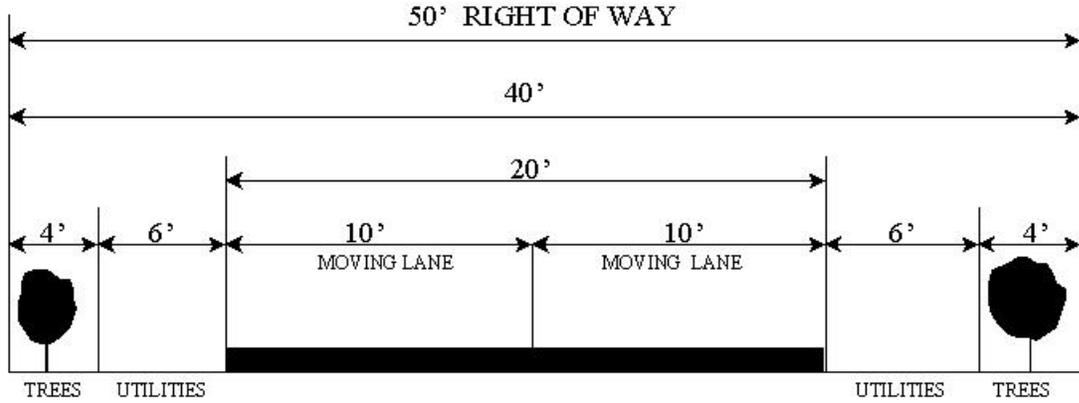
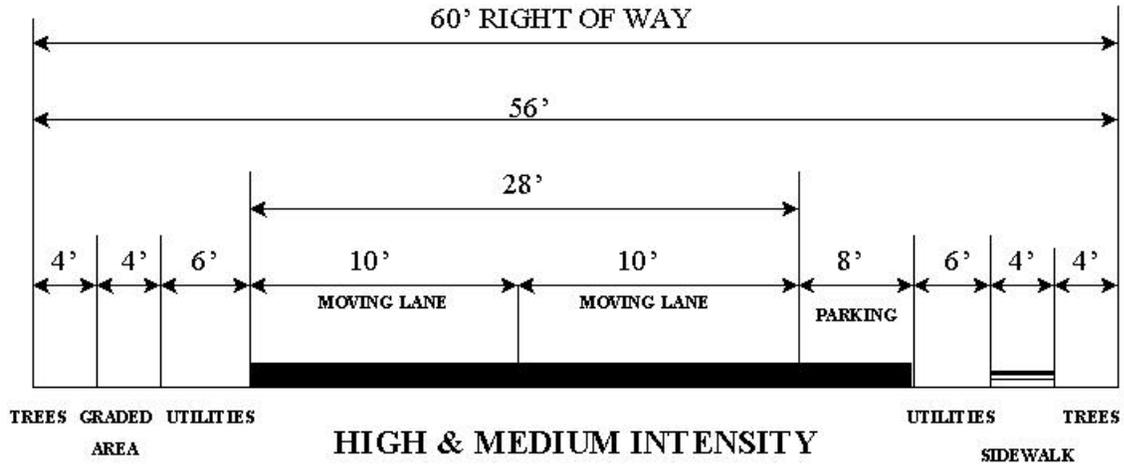


EXHIBIT 18c

RESIDENTIAL SUBCOLLECTORS



LOW INTENSITY

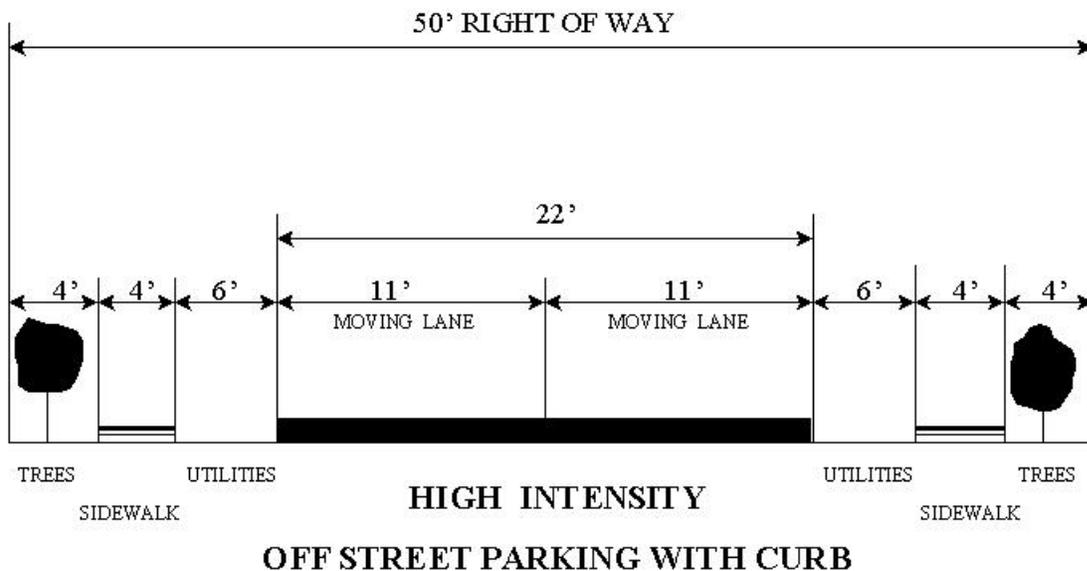
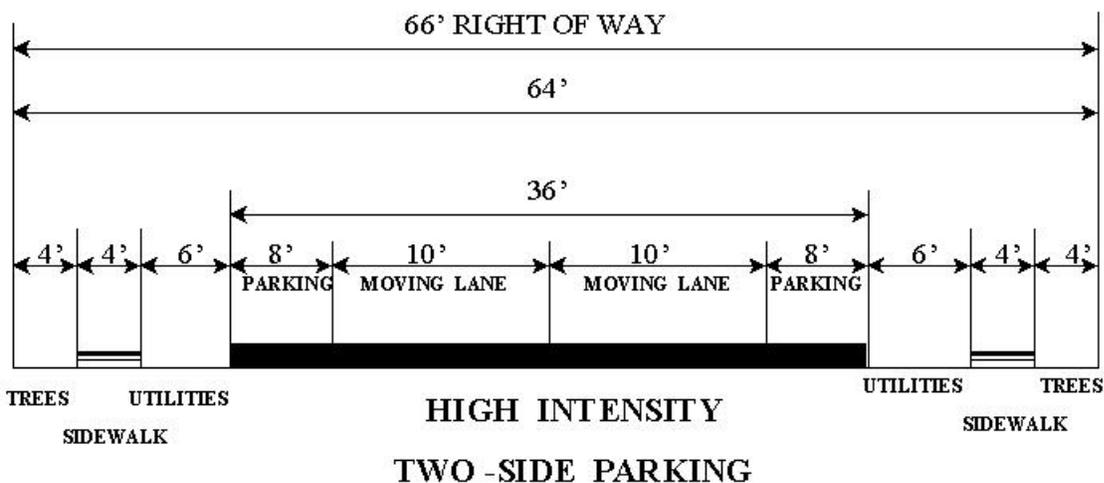


HIGH & MEDIUM INTENSITY

ONE-SIDE PARKING

EXHIBIT 18d

RESIDENTIAL SUBCOLLECTORS



SECTION F: WATER SUPPLY

8.f.1. General:

- a. All residential subdivisions in the unincorporated portions of Sumter County shall be reviewed for coordination purposes by the Sumter County Public Utilities Commission and said utilities shall be properly connected with a DHEC approved and functioning public community water supply;
- b. Depending on the number of housing units, residential subdivisions shall be connected to an existing public water supply system if adequate public service is available within the following distances;

<u>Size of Development</u>	<u>Distance</u>
1 unit	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet

- For developments with more than fifteen (15) units and located within one mile of an existing public water system, adequate justification shall be provided as to why they shall not provide a connection to the existing public water supply system. For developments with more than fifteen (15) units and located more than one mile from an existing system, the water supply system strategy shall be determined on a case-by-case basis taking into consideration density of the development, costs, and ground water availability and quality.
- c. If a public water supply system is to be provided to the area within a six-year period as indicated in the Community Facilities Element of the Comprehensive Plan, or other official policy of the City of Sumter or Sumter County, the governmental entity having jurisdiction may require a payment in lieu of the improvements and they must meet requirements of the Guidelines for Utility, Roadway, and Drainage Construction.
 - d. All proposals for new public community water supplies or extensions to existing public water supplies, shall be approved by DHEC and the Sumter Public Works Department.

8.f.2. Capacity:

- a. The water supply system shall be adequate to handle the necessary flow based on complete development;
- b. The demand rates for all uses shall be considered in computing the total system demand. Where fire protection is provided, the system shall be capable of providing the required fire demand plus the required domestic demand;

- c. Where individual water supply systems are proposed, the subdivider shall submit civil engineering evidence that an adequate supply of potable water may be obtained therefrom for each lot so served;
- d. An as-built civil engineering survey provided by a registered South Carolina Professional Engineer for all water supply systems for which the subdivider is responsible shall be submitted for approval with the final plat (Note: SC Title 40, Chapter 22, Section 49-204c 1976 as amended);
- e. Wherever a public or community water system is provided, fire hydrants shall be installed by the subdivider in accordance with 8.h.1.

SECTION G: SANITARY SEWERS

8.g.1. General:

- a. All subdivisions and lots shall be provided with sanitary sewerage facilities conforming to the requirements, rules and policies of DHEC and the City of Sumter Guidelines for Utility, Roadway, and Drainage Construction;
- b. Depending on the number of housing units, residential subdivisions shall be connected to an existing public sanitary sewer system if public services is available within the following distances:

<u>Size of Development</u>	<u>Distance</u>
1 unit	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5 – 15 units	1,000 feet

For development with more than 15 units and located within one mile of an existing public sanitary sewer system, adequate justification shall be provided as to why they should not provide a connection to the existing public sewer system. For developments with more than fifteen units and located more than one mile from an existing system, the sanitary sewer system strategy shall be determined on a case-by-case basis, taking into consideration the density of development and cost.

- c. If a public system is not in place or cannot be extended, individual subsurface disposal systems, where appropriate, given site density, soil, slope, and other conditions and subject to applicable DHEC regulations may be allowed;

- d. The sanitary sewer system shall be adequate to handle the necessary flow based on complete development;
- e. Improvement plans and specifications for all disposal systems for which the subdivider is responsible shall be submitted as an as-built survey for approval with the final plat. The same requirements as specified in 8.f.2.f. shall be required with the sanitary sewer system.

SECTION H: FIRE HYDRANTS

8.h.1. General:

- a. Fire Hydrants shall be placed in accordance with the current adopted version of the International Fire Code or as directed by the Sumter Fire Chief (whichever is more restrictive). As of May 2, 2006, fire hydrants shall be installed where sufficient water fire flow is available and the distance between installed fire hydrants shall not exceed 1,000 ft. as measured by hose laying standards (fire truck travel routes).

SECTION I: SIGN REGULATIONS

8.i.1. **Purpose:** The purpose of sign regulations is to encourage the effective use of signs as a means of communication in the City of Sumter and Sumter County. Sign regulations also serve to maintain and enhance the aesthetics of the community. Also sign regulations should minimize the possible adverse effects of signs on nearby properties, and to enable the fair and consistent enforcement of these regulations. A sign may be erected, placed, created, or maintained in the City of Sumter or Sumter County only in conformance with the standards, procedures, and requirements of these regulations.

8.i.2. **General Provisions:** These regulations are designed to;

- a. Establish a permit system that allows a variety of types of signs in commercial and industrial zones, and a limited variety of signs in residential zones.
- b. Allow signs that are small and incidental to the principal use of the property on which they are located without a requirement for a permits;

- c. Provide for temporary signs in limited circumstances;
- d. Prohibit all signs not expressly permitted in these regulations;
- e. Require a sign plan to be submitted along with each site plan as part of the initial steps in the planning process;
- f. Require all on-premise non-conforming signs on a zoned lot to come into compliance with the Sign Ordinance when abandoned or when the costs of repairs or replacement of any such signs are beyond fifty (50%) percent of their replacement costs, regardless of any other provisions established elsewhere for amortization;
- g. Require a street address on the entrances of a building, or upon a free standing sign(s) or other type of sign(s), for each commercial or industrial property that is clearly conspicuous from each abutting street frontage.

8.i.3. Determination of the Size and Height of Signs:

- a. The entire area within a continuous perimeter, enclosing the extreme limits of a sign display, including any frame or border, shall constitute the area of a sign. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letters or devices;
- b. The area of multi-faced signs shall be computed by adding together the area of all sign faces visible from one point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same structure, and not more than twenty-four (24") inches apart, the sign area shall be computed by the measurement of one of the faces;
- c. The height of a sign shall be computed as the distance from the ground at the base support of the sign to the top of the highest attached component of the sign;

- d. The maximum total permitted sign area of all individual signs for a particular parcel of land shall be established by reference to the sign regulations – Exhibit 19. The maximum total permitted sign area of all individual signs on a particular parcel of land except building markers, identification signs, and flags shall not exceed the lesser of the standards in Exhibit 19. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the sign area that is oriented on a particular street may not exceed the sign area on that particular street;
- e. The maximum total sign area of any one (1) individual sign for a particular parcel of land shall be established by reference to the sign regulations – Exhibit 19.

8.i.4. Signs Allowed on Private Property:

- a. One freestanding business identification sign advertising the on-site business shall be permitted. (See footnote 3 in Exhibit 19 for conditions allowing more than one [1] free standing sign);
- b. Off premise business directional signs are allowed only under the following conditions:
 - 1. Maximum size allowed on an off-premise business directional sign is sixteen (16 sq. ft.) square feet;
 - 2. Maximum distance from business is five (500 ft) hundred feet;
 - 3. Written letter from off-premise property owners(s) authorizing the placement of the sign on his/her property;
 - 4. The Board of Appeals may grant variances for the distance limits of no more than five (500 ft) hundred feet for a total distance not exceed one (1,000 ft) thousand feet from a business;
 - 5. Five (5 ft) foot setback from all property lines;
 - 6. May not be placed in residential districts;
 - 7. The off-premise sign will count as part of the number and total signage of on-premise signs allowed for each parcel of land.
- c. Signs shall be allowed on private property in the City of Sumter and in the unincorporated areas of Sumter County in accordance with Exhibit 20. If the letter “A” appears for a sign type in a column, then the sign is allowed without prior permit approval in the land use type represented by that column. If the letter “P” appears for a sign type in a column, then the sign is allowed with prior permit approval in the zoning classification represented by that column. If the letter “N” appears for a sign type in a column, such a sign is not allowed under any circumstances.
- d. Permanent signs erected by or on behalf of the City of Sumter, Sumter county, or the State of South Carolina are allowed only under the following conditions:
 - 1. Signage shall be for a public purpose;
 - 2. Signage erected by or on behalf of a public entity does not count against the total number or square footage allowed for a particular parcel of land;

3. Written letter from the property owner(s) and /or and executed lease authorizing placement of the sign on his/her property;
4. Signage shall be placed outside any/all site triangles.

8.i.5. Signs Allowed on Public Property or Within the Public Rights-of-Way:

- a. Permanent signs erected by or on behalf of the City of Sumter, Sumter County, or the State of South Carolina or the Federal Government identifying public property, public information, and directing or regulating pedestrian or vehicular traffic;
- b. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
- c. Banners advertising events of public interest sponsored by non-profit groups (i.e., groups established under Internal Revenue Code Section 501.C.3 and religious organizations chartered under South Carolina State Law) or governmental sponsored agencies that are placed at street locations or on the entity's property authorized for display by the City of Sumter or Sumter County. Permits for all such banners shall be approved by the City Manager or County Administrator (depending upon jurisdiction), with the advice of the Zoning Administrator, on forms supplied for such purpose. No charge shall be incurred by the sponsoring entity provided that the banner(s) do not remain in place for more than thirty (30) days and are removed within 48 hours after the event has ended.

8.i.6. Temporary Signs: Shall be permitted only in accordance with the following guidelines;

- a. Sandwich board signs are permitted as a temporary sign on commercial zoned property with an annual permit issued by the Zoning Administrator. The maximum allowed sign is six (6 sq. ft.) square feet per sign face (one sign allowed per street front). However, for those commercial zoned lots where the principle structure is greater than 30,000 square feet, one sandwich board sign twenty (20 sq. ft.) square feet is allowed per street front, but limited to five feet in height. In lieu of the free-standing sign provided by Note 1, Exhibit 19, the following temporary signs(s) may be placed on any commercial, industrial, or agricultural zoned parcels using the following development standards:
 1. Greater than 20 square feet and up to a maximum of 32 square feet.
 2. Minimum ground clearance is 24 inches.
 3. Maximum height is 10 feet.
 4. Wood and metal are the only approved materials. Minimum wood dimension is $\frac{3}{4}$ inch.
 5. All surfaces must be painted or laminated.
 6. The sign must be fully supported by only 2 legs, placed on the outside frame with no stabilizing legs, wires, or posts.
 7. The message must be permanently affixed to the sign (i.e. no interchangeable reader boards).
 8. One sign will be allowed for each street frontage in the approved districts.
 9. Setbacks will be 5 feet from all property lines and outside all sight triangles.

10. A permit will be required for each sign placed under the provisions of this paragraph. The permit will be issued by the Zoning Administrator as a temporary use permit and will be valid only for the parcel where the sign is placed.
 11. The permit number must be displayed/affixed conspicuously on the sign or its frame.
- b. Contractor's signs and signs for subdivisions under construction are allowed as a temporary sign, provided such signs are removed within one week of projected completion.
 - c. Banners for commercial uses in the Central Business District (CBD) are allowed by annual sign permit. Banners for commercial uses in commercial and industrial districts are allowed as conditional uses limited to up to three periods per year not to exceed 90 days. The following conditions must be met for a permit:
 1. The banner does not interfere with established sight triangles
 2. Maximum banner size is 60 square feet.
 3. Banner is maintained in good repair at all times.
 4. Banner must be displayed at least ten (10) feet from all property lines.
 5. Only one banner may be displayed per business at one time.
 6. Conditional Use approval expires at the end of the calendar year
 7. Conditional Use approval letter will be annotated with dates of the up to three periods for a maximum of 90 days and will be available for inspection at the location of the banner.
 8. Banner will be used for on-premises advertising only...
 - d. Political Signs: Signs in this category are specifically designed to allow non-commercial speech supporting candidates in upcoming elections for office on the local state or federal levels of government, ballot initiatives or referenda appearing on the ballot in an upcoming election, and/or voter registration. The following subsections are designed to implement the stated purpose herein while protecting the community against inordinate sign clutter which detracts from the appearance of the community:
 1. Political signs shall not be allowed on the public-right-of-way, parks or other public properties;
 2. Political signs placed on a lot zoned commercial, agricultural or industrial may not exceed 32 square feet. Beginning January 1, 2001, such signs may not exceed 16 square feet on a lot zoned commercial;
 3. Political signs placed on a lot zoned residential or conservation-preservation may not exceed 6 square feet;
 4. Political signs may not be placed on any lot prior to 60 days before the election date or voting date and must be removed no later than 15 days following the election date or voting date.

8.i.7. Prohibited Signs:

- a. Any sign displaying intermittent or flashing illumination or lights of changing degrees of intensity. However, reader boards may communicate an electronic message provided that the message not change more than every two (2) seconds.
- b. Any sign or advertising device painted on a fence, power or telephone pole, tree, stone or any natural object;
- c. Signs placed or painted on a motor vehicle, trailer, or other object and parked with the primary purpose of providing a sign not otherwise allowed by this Ordinance;
- d. Inflatable signs and tethered balloons;
- e. Pennants and fluttering devices;
- f. Portable signs other than the sandwich board signs which are permitted as a temporary sign in 8.i.6.a. of this Ordinance.

8.i.8. Special Purpose Signs:

- a. Canopy Signs where required for safety reasons may have permanently attached signs placed upon them, beyond the maximum signage allowed on a zoned lot; provided that, the attached sign(s) do not exceed twenty (20%) percent of the surface area of the canopy to which the sign is attached; or ten (10%) percent of the ground floor area that the canopy covers (whichever is less), but not to exceed a total of one hundred thirty (130 sq. ft.) square feet of signage for the entire canopy.
- b. Directional Signs for non-residential private property with a business logo is permitted and shall not count against the total signage allowed on a zoned lot. The total sign area shall not exceed two (2) square feet.
- c. Gasoline pump signs are permitted and shall not count against the total signage allowed on a zoned lot. Maximum size of each sign is 3 sq. ft.
- d. Oil rack signs are permitted and shall not count against the total signage allowed on a zoned lot. Maximum size of each sign is 3 sq. ft.
- e. Automobile Franchise signs: Automobile dealers shall be allowed separate freestanding signs for each brand or franchise of new cars sold by the dealership. The franchise signs herein allowed are in addition to all other freestanding signs normally earned on the zoned lot. However, all setbacks, height restrictions, and design standards required by the Ordinance shall be met and the maximum area shall be 200 sq. ft. Any separate franchise signs shall not include a reader board sign attached thereto.

8.i.9. Off-Premise Advertising (Billboard):

Is defined as a sign that communicates the availability of goods, services and ideas not necessarily available on the premises on which the sign is located.

- a. Off-premise advertising signs is a permitted use out right only in the Light-Industrial Wholesale (LI-W) and Heavy Industry (HI) districts in the City of Sumter. The City of Sumter may also allow off-premise advertising signs as a conditional use within the Highway Corridor Protection District (HCP) irrespective of zoning districts including Light-Industrial Wholesale (LI-W) and Heavy Industry (HI). When a conditional use request for an off-premise advertising sign materializes in a HCP overlay zone, the Zoning Administrator shall review and approve such requests in the manner specified in Article Three, Section R and Article 5, Section B of this Ordinance and the Sumter City-County Comprehensive Plan. The County of Sumter shall permit billboards in the same districts as the City of Sumter, and the General Commercial (GC) districts in the County. The County of Sumter has elected to implement HCP review in the manner of the City of Sumter.

b. Outdoor advertising structure design:

- 1. No stacked (double deck) sign faces or side by side sign faces shall be allowed;
- 2. Structures permitted after the effective date of this ordinance shall be designed and constructed with single steel pole structural support designed to meet the wind load requirements of the latest adopted building codes;
- 3. Within five (5) years after the adoption of this Ordinance, all existing billboards not constructed with monopole structures shall be replaced with such structures unless permitted to remain as originally constructed by action of the Board of Appeals. This provision does not supercede Exhibit 12, Discontinuance Schedule for Certain Non-Conforming Uses found elsewhere in Article Six of this Ordinance.

c. Spacing Requirements:

- 1. One (1,000 ft) thousand feet on the same side of the street, and seven (700 ft) hundred feet on the opposite side of the street measured from the spot directly opposite from an existing off-premise advertising sign.
- 2. The distance between advertising signs shall be measured along the centerline of the street or highway on which the signs have common frontage, and between perpendiculars to such centerline drawn from the sign to the centerline of each street. Back-to-back signs and V-signs (consistent to 8.i.3.) shall be considered as one sign for the purpose of spacing requirements;
- 3. Square footage allowed for outdoor advertising faces:
 - a. Maximum square footage shall be setforth within the following zoning districts;

1. General Commercial (GC) – three (300 ft.) hundred feet;
 2. Light Industrial-Warehouse (LI-W) – three hundred (300) ft;
 3. Heavy Industry (HI) – three (300 ft.) hundred feet;
 4. Highway Corridor Protection – three (300 ft.) hundred feet;
- b. The maximum square footage permitted for signs designed to advertise to motorists on Interstate Highway 95 shall not be greater than six hundred seventy-two feet (672 ft.). An additional twenty (20%) percent of sign face area will be allowed for embellishments. All signs must be located no more than 600 (600 ft.) feet from the Interstate Highway 95 right-of-way.
4. All new billboards in GC, LI-W, and HI in the City shall not be closer than 1,000 feet measured in a direct line to any entrance or access to a residential subdivision, historic district, design review district, historic building, or the Central Business District (CBD).

d. Setback Requirements:

1. Front property line: ten (10 ft.) feet.
2. Side property line: ten (10 ft.) feet.

e. Height Requirements:

1. Maximum height shall not exceed thirty-five (35 ft.) feet above the average roadway grade level with the following exceptions;
 - a. The maximum height shall not exceed one (100 ft.) hundred feet above the average roadway grade if within six (600 ft.) hundred feet of Interstate Highway 95 (I-95);

f. Lighting Requirements: Lighting for outdoor advertising signs shall be indirect, non-flashing;

g. Landscaping Requirements:

1. Landscaping requirements shall be applied to outdoor advertising signs in the General Commercial (GC), Light Industrial-Wholesale (LI-W), and Heavy Industry (HI) Districts and the Highway Corridor Protection District (HCP) ;
2. A landscape strip shall be located immediately adjoining the support structure of the billboard and extend the length of the billboard;
3. A hedge or other durable planting of a least two (2 ft.) feet in height, attaining within four (4 yrs.) years after planting a minimum height of six (6 ft.) feet;
4. Single-faced billboard with rear viewable from the public right-of-way or other public property shall have three (3) equally spaced eight (8) foot tall evergreen trees planted in the rear of the billboard and the reverse side of the sign shall be of one neutral color or natural dark tone.

8.i.10. Flags poles and Flags:

- a. The term flag in this subsection shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States. References to flag pole height in this subsection refer to vertical flagpoles and shall be measured from ground level. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (for example, staffs extending at an angle from a building).
- b. Except as otherwise provided herein, flags shall be displayed on flagpoles. Such poles in all zoning districts shall not exceed the allowed building height of the zoning district. Flagpoles may not be placed on top of buildings unless they are located in the CBD Zoning District. A permit for a flagpole not exceeding 150 percent of the district height limitation may be granted by the Board of Zoning Appeals as a special exception. Two flags per lot may be displayed by hanging or painting on the exterior of a structure in addition to flags permitted on flagpoles. No permits or fees are required for flags.
- c. The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20 percent of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:

Pole Height/Length (ft.)	Maximum Flag Size (Total Square Feet)
Up to 25 ft	24 sq. ft.
25 to 39 ft	40 sq ft.
40 to 49 ft.	60 sq. ft.
50 to 59 ft	96 sq. ft.
60 ft. and taller	150 sq. ft.

- d. Mast arm flagpoles shall not exceed 10 feet in length and the hoist side of the flag shall not exceed 40 percent of the length of the pole. Mast Arm poles are from 10 degrees from vertical to horizontal.
- e. A maximum of nine (9) flagpole flags may be displayed on one lot. Not more than three (3) flags may be displayed per pole not more than three (3) flagpoles on one lot. Noncommercial flags permitted by this section are allowed in addition to the maximum sign area permitted by applicable district regulations. No permit or fee is required. A flag displaying a logo, message, statement, or expression relating to commercial interests is subject to all applicable sign regulations and fees.
- f. A maximum of 3 flags shall be allowed per flagpole.

- g. A vertical flagpole must be setback from all property boundaries a distance which is at least equal the height of the pole.
- h. The flags and flagpoles shall be maintained in good repair. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed. The flagpoles shall be made of durable, structurally sound materials.
- i. There shall be no maximum flag size, or number, or other limitations on manner of display, other than public safety restrictions set forth elsewhere for visual clearance and at intersections, on United States and South Carolina holidays, and by businesses during the first 72 hours of the business's initial publicized grand opening.
- j. All are highly encouraged to use the appropriate protocols for the flags being flown (see Appendix C for United States of America flag protocol).

8.i.11. General Sign Development Standards:

- a. The visual clearance at intersections shall be governed by the requirements as set forth in 4.h.1. of this Ordinance;
- b. The vehicle area clearance of a sign where vehicles travel or are parked, shall have the bottom of a sign at least fourteen (14 ft) feet above the ground. Vehicle areas include driveways, alleys, parking lots, loading and maneuvering areas;
- c. The pedestrian area clearance of a sign where it extends over a sidewalk, walkway or other space accessible to pedestrians, shall be not less than nine (9 ft.) feet above the ground;
- d. Permanent Signs shall be made of metal, rigid plastic, vinyl, or wood treated to be long lasting and other durable materials, approved by the Zoning Administrator. Canvas and non-treated wood shall not be used for permanent signs;
- e. Florescent colors may not be used. All normal colors used in a skillfully designed sign are permitted.
- f. Sign illumination shall be achieved by direct lighting only when such lighting is shielded so as to not directly shine on abutting property, or in the line of vision of the public using the streets or sidewalks, and meet UL Standards and shall be inspected by the City-County Inspection Department.

EXHIBIT 19
MAXIMUM TOTAL SIGN AREA BY USE, NUMBER, DIMENSIONS,
AND LOCATION OF INDIVIDUAL SIGNS

Note: The maximum total square footage of sign area shall be based upon a percent of ground floor area of the principle building or a square footage allowance per linear front foot of street frontage or a specified maximum square footage-whichever is least as follows:

	Maximum Square Foot	Percent Ground Floor Area	Square Foot per Linear Front Foot of Street Frontage	Maximum Area of Free-Standing Sign (sq. ft.) 1, 2, 3	Height (feet)	Front/Side Setbacks (feet)	Percentage of Wall Area Maximum
All Single Family ⁶	8	N/A	N/A	6	5	5/5	N/A
All Duplex ⁶	8	N/A	N/A	6	5	5/5	N/A
Semi-Detached Dwelling ⁶	8	N/A	N/A	6	5	5/5	N/A
Townhouse ⁶	8	N/A	N/A	6	5	5/5	N/A
Tri/Quadruples Housing ⁶	100	N/A	0.5	6	10	10/10	N/A
Multi-Family ⁶	300	N/A	0.5	4	10	10/10	N/A
Mobile Home ⁶	8	N/A	N/A	6	10	10/10	N/A
Professional Office	150	4%	2 ln. ft.	50 (1sq.ft.per linear front foot Maximum of 50 sq.ft.)	15	10/10	10%
Neighborhood Commercial	500	6%	3 ln. ft.	200 (1sq.ft.per linear front foot Maximum of 200 sq.ft.)	30	10/10	10%
Limited Commercial	500	6%	3 ln. ft.	200 (1sq.ft.per linear front foot Maximum of 200 sq. ft.)	30	10/10	10%

EXHIBIT 19 (Continued)
MAXIMUM TOTAL SIGN AREA BY USE, NUMBER, DIMENSIONS,
AND LOCATION OF INDIVIDUAL SIGNS

	Maximum Square Foot	Percent Ground Floor Area	Square Foot per Linear Front Foot of Street Frontage	Maximum Area of Free-Standing Sign (sq. ft.) 1, 2, 3	Height (feet)	Front/Side Setbacks (feet)	Percentage of Wall Area Maximum
General Commercial ⁴	750	10%	6 ln. ft.	200 (1sq.ft.per linear front foot Maximum of 200 sq.ft.)	30	10/10	10%
CBD	150	20%	10 ln.ft.	50 (1sq.ft.per linear front foot Maximum of 50 sq.ft.)	15	10/10	25%
Light Industrial	300	2%	N/A	150 (1sq.ft.per linear front foot Maximum of 150 sq.ft.)	15	10/10	5%
Heavy Industrial	300	2%	N/A	150 (1sq.ft.per linear front foot Maximum of 150 sq.ft.)	15	10/20	5%
Agricultural Conservation	100	N/A	N/A	100 (1sq.ft.per linear front foot Maximum of 100 sq.ft.)	10	10/20	N/A
Conservation/ Preservation	36	N/A	N/A	36	10	10/20	N/A

1. Provision for a freestanding 6 sq. ft. maximum sign on all residential and conservation zoning parcels and a 20 sq. ft. maximum on all commercial, industrial, and agricultural zoning parcels. This is separate from all other sign provisions and no permit is required.
2. Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage can not be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
3. Where two or more detached commercial zoned buildings occupy the same parcel, each may have one free-standing sign, provided the total sign area does not exceed the allowable limits specified in Exhibit 19

4. Shopping Center Rules: Shopping Centers shall be allowed two (2) signs per street front; provided that the buildings which comprise the center contain at least 50,000 square feet, and the street fronting earning the second sign be at least 200 feet long along the abutting street. Each freestanding sign shall not exceed 350 square feet. Wall-mounted signs shall be limited to 10 percent of the storefront to which the sign is attached.
5. The wall area maximum allowing for signs shall be figured by the percentage of the area of the wall on which the sign is a part or to which each such sign is most nearly parallel
6. For each non-residential use subdivision, multi-family, group housing, attached housing, cluster housing, or mobile home park project or entrance thereto, a free-standing sign is allowed, provided the sign area does not exceed 40 square feet in area nor 20 feet in height, and if illuminated it is done by indirect or muted lighting.
7. Policy for off-premise directional sign is set forth in 8.i.4.b.

EXHIBIT 20

PERMITTED SIGN BY TYPE AND ZONING CLASSIFICATION

	Free Standing ^{1, 2}	Building Canopy	Building Roof	Building Marquee	Building Wall ³	Building Window	Banner/ Pennant ⁴	Flag	<i>Portable</i> Movable/ Sandwich
All Single Family	A	N	N	N	A ³	N	N	A	N
All Duplex	A	N	N	N	A ³	N	N	A	N
Semi-Detached Dwelling	A	N	N	N	A ³	N	N	A	N
Townhouse	A	N	N	N	A ³	N	N	A	N
Tri/Quadruplex Housing	A	N	N	N	A ³	N	N	A	N
Multi-Family	A	N	N	N	A ³	N	N	A	N
Mobile Home	A	N	N	N	A ³	N	N	A	N
Professional Office	P	P	N	P	P	A	N ⁴	A	P
Neighborhood Commercial	P	P	N	P	P	A	N ⁴	A	P
Limited Commercial	P	P	N	P	P	A	N ⁴	A	P
General Commercial	P	P	P	P	P	A	N ⁴	A	P
CBD	P	P	N	P	P	A	P ⁴	A	<u>P</u>
Light Industrial	P	P	P	N	P	N	N ⁴	A	P
Heavy Industrial	P	N	P	N	P	N	N	A	N
Agricultural Conservation	P	N	N	N	P	N	N ⁴	A	<u>P</u>
Conservation Preservation	P	N	N	N	N	N	N	A	N

A=Allowed without a Sign Permit

P=Allowed with a Sign Permit

N=Not Allowed

1. Provisions for a free 6 sq. ft. maximum sign on all zoning parcels. This is separate from all other sign provisions and no permit is required.
2. On premise advertising only except as allowed in 8.i.4.b.
3. Only address and name of occupant allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises. Home occupation signs are limited to two (2) square feet.
4. Banners in commercial and industrial districts, other than CBD, are permitted as conditional uses limited to up to three periods per year not to exceed 90 days. See Section 8.i.6.c.
5. Directional signs are allowed without a permit if they do not exceed 2 sq. ft. (Commercial message or logo may be included)
6. See Section 8.i.10. for Flagpole and Flag Regulations

SECTION J: PARKING REGULATIONS

8.j.1. **Purpose:** The provisions of this section apply wherever off-street parking is required by this Ordinance as identified in 8.j.3.n. for residential parking and Exhibit 23 for non-residential parking. The exception to the requirement for off-street parking is only found within the CBD District.

8.j.2. **General Provisions:** These regulations are designed to:

- a. Establish the required numbers of off-street parking places and the design for parking lots together with ingress and egress standards;
- b. Require parking provisions whenever buildings or uses increase in size or capacity, enlarge in floor area, number of employees, number of dwelling units, seating capacity, or otherwise create a need for additional parking when the need increases by ten (10%) percent over the number of existing spaces;
- c. Conserve land utilization rates by taking into account compact cars through a twenty (20%) percent allowance given for smaller cars within the total number of required spaces, provided that such compact car spaces be clearly identified on the site plan and on the actual site after construction;

8.j.3. **Design Requirements:**

- a. **Definition:** For the purpose of these regulations an off-street parking space is an all weather dust free surface area, not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather dust free surface driveway which affords ingress and egress.
- b. **Surfacing, Drainage and Maintenance:** Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys. Parking lots shall be surfaced with asphalt, concrete, or other surfaces approved by the Sumter City-County Planning commission. Off street parking lots shall include concrete curbs and gutters, maintained in a clean, orderly and dust-free condition, and not used for the sale, repair or the dismantling or servicing of any vehicles, equipment, materials or supplies. (Note: For places of Worship (SIC 866) that only use their facilities a maximum of two days per week, the required parking spots do not have to be paved, and curb and gutter is not required. Any additional use beyond two days per week requires full compliance with the above paragraph.)
- c. **Entrances and Exits:** All parking lots shall be designed so that all exiting movements onto a street are in a forward motion. Entrances and exit driveways to streets and alleys in the vicinity of street intersections must be located at least twenty-five (25 ft) feet, measured along the curb line, from the intersection.

- d. **Parking spaces:** A standard car off-street parking space shall be not less than nine by nineteen (9' x 19'ft) feet, and a compact car off-street parking space shall be not less than eight by sixteen (8'x16'ft) feet in size.
- e. **Width of Aisles:** Providing direct access to individual parking spaces shall be in accordance with the requirements specified below:

**EXHIBIT 21
GUIDELINES FOR PARKING LOT AISLES**

<u>Parking Angle (Degree)</u>	<u>Aisle Width (Feet)</u>
30	12
45	13
60	18
90	25

- f. **Location on Other Property:** If the required number of off-street parking spaces cannot be provided as required in Exhibit 23 on the same lot with the principal use, such spaces may be provided on other off-street property under the same ownership, or on other property rented or leased, provided such property lies within four hundred (400 ft) feet walking distance of the main entrance to such principal use. A written agreement specifying the joint use arrangement of parking spaces shall be filed with the application for a building permit.
- g. **Common Off-street Parking Areas:** Two or more principal uses may utilize a common area in order to comply with off-street parking requirements; provided that the total number of spaces is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this Ordinance. Also, the owner of the parking lot shall relinquish his development rights over the property until such time as additional parking is provided elsewhere.
- h. **Curb Cuts:** Ingress and egress openings (i.e., curb cuts) shall not be less than ten (10 ft) feet from residential uses or more than thirty (30 ft) feet in width. Only one curb cut shall be permitted on lots less than one hundred fifty (150 ft) feet of frontage. No more than two (2) curb cuts per lot shall be permitted except in commercial or industrial districts where two (2) shall be permitted on each street upon which the lot fronts.

- i. **Access Points Near Highway Interchanges:** In no case shall any curb cut, point of access or other means of vehicular ingress and/or egress from private property be permitted closer than two hundred (200 ft) feet to the intersecting point of the street right-of-way line and within the right-of-way line of any portion of an interchange, involving grade separation with that road and any limited access highway. Involved in this requirement is the interchange itself for a limited access highway including all ramps, acceleration and deceleration lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off of a limited access highway.
- j. **Parking Spaces for the Physically Handicapped:** When off-street parking is required for any non-residential use, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

**EXHIBIT 22
HANDICAPPED PARKING REQUIREMENTS**

<u>Number of Required Spaces</u>	<u>Number of Spaces Reserved for Handicapped Persons</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2% of total required

All handicap parking and accessibility will be designed in accordance with the adopted International Building Code and ANSI A117.1. The surface shall be paved with concrete or asphalt.

- k. **Buffering and Landscaping:** All parking areas except those in the CBD and individual residential zoned lots, shall be required to comply with 8.d.7. and 8.d.8. of this Ordinance. However, where parking lots on commercial or industrial zoned lots are located in the front of buildings the width of the buffer facing the street right-of-way shall be ten (10 ft) feet wide. All landscaping within the buffer shall be designed in compliance with the standards in 8.d.7.

- l. **Approval of Parking Lot Design and Layout:** Design and plans for off-street parking and loading zones shall be subject to the approval of the Zoning Administrator. The plans for parking lots shall show in detail the engineering and developmental details as to demonstrate the compliance to the standards in this Ordinance;
- m. **Off-Street Loading:** All uses shall provide off-street loading areas sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or private street, or obstruct ingress and egress to the site. Off street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.
- n. **Off-Street Residential Parking:** Parking requirements for all residential uses except those in the CBD area as follows:

1 Bedroom Unit:	1.5 spaces
2 or more Bedroom Unit:	2 spaces
- o. **Refuse Receptacles to Include Cigarette Disposal Units:** All uses with parking lots shall provide refuse receptacles including cigarette disposal units within the parking area or at entrances to adjacent building at a rate of one receptacle for every 100 parking spaces, or fraction thereof. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or manager of the parking lot to collect the refuse and trash deposited in such containers and store this material in an approved location for collection.

EXHIBIT 23
OFF STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
RESIDENTIAL SUPPORT USES	
Parking & Playgrounds	By Individual Review
Community Centers	By Individual Review
Golf Courses	5 Spaces per hole
Swimming & Tennis Clubs	1 Space for each 200 sq. ft. GFA
EDUCATIONAL SERVICES	
Elementary & Secondary	2 per classroom/2 per office
Colleges, University & Professional Schools	5 per classroom/2 per office
Library	1 per for 350 sq. ft. GFA
Nursing & Personal Care Facility	1 per for 350 sq. ft. GFA
SOCIAL SERVICES	
Individual & Family	1 per 350 sq. ft. GFA
Child Care Services	1 per 200 sq. ft. GFA
Residential Care	1 per 500 sq. ft. GFA
Museum & Art Galleries	1.2 per 1,000 sq. ft. GFA
Arboreta & Botanical or Zoological Gardens	1.2 per 1,000 sq. ft. GFA
Civic, Social, Fraternal Associations	1 per 350 sq. ft. GFA
Religious Organization	0.3 per seat main seating area
Water Supply/Utilities	1 per 500 sq. ft. GFA
Public Safety/Fire Protection	1 per 500 sq. ft. GFA
Ash Gardens/Cemeteries	None
AGRICULTURE, FORESTRY, FISHING	
Agricultural Production Crops	None
Agricultural Livestock	None
Dairy Farms	None
Animal/Veterinary Services	1 per 350 sq. ft. GFA
Landscape & Horticultural Services	1 per 500 sq. ft. GFA
AUXILIARY AGRICULTURAL USES	
Central Administrative Office	1 per 250 sq. ft. GFA
Warehouse	See Note

EXHIBIT 23 (Continued)
OFF STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
AUXILIARY AGRICULTURAL USES	
Accessory Building & Use	None
Mining, Oil, & Gas	None
CONSTRUCTION	
Building Construction-Contractor	1 per 350 sq. ft. GFA
Heavy Construction-Contractor	1 per 350 sq. ft. GFA
Specialty Trades-Contractor	1 per 350 sq. ft. GFA
MANUFACTURING	
Food, Tobacco, Textile, Apparel	See Note
Lumber, & Wood Products, Furniture & Fixtures	See Note
Paper & Allied Products	See Note
Printing/Publishing & Allied Industries	See Note
Chemicals & Allied Products, Petroleum & Refining, Rubber & Plastic Products, Leather & Leather Products Stone, Clay & Glass Products, Primary Metals, Fabricated Metals, Industrial & Commercial Machinery	See Note
Electronics & Computers, Transportation Equipment	See Note
TRANSPORTATION, COMMUNICATIONS, GAS & SANITARY SERVICES	
Railroad, Suburban Transit, Motor Freight Transit & Warehouse	See Note
Mini-Warehouses	1 per 10 Storage Units
U.S. Postal Service	1 per 250 sq. ft. GFA
Water Transportation	1 per 300 sq. ft. GFA
Marinas	1 space per 3 boat slips
Local Trucking without storage	1 per 300 sq. ft. GFA
Transportation by air, airport terminals	1 per 60 sq. ft. terminal GFA
Communication Services, Transportation, Electric, Gas, Sanitary Services	1 per 500 sq. ft. GFA
Manned Convenience Centers	1 per 500 sq. ft. GFA
WHOLESALE TRADE	
Wholesale Trade-Durable Goods	1 per 5,000 sq. ft. GFA
Wholesale Trade-Nondurable goods	1 per 5,000 sq. ft. GFA

EXHIBIT 23 (Continued)
OFF STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
RETAIL TRADE	
Building Materials, Hardware, Mobile Home Dealers, Retail Nurseries	1 per 350 sq. ft. GFA
General Merchandise Stores, Food & Convenience Stores	1 per 250 sq. ft. GFA
Auto Dealers, Gas Stations, Home Furnishings	1 per 350 sq. ft. GFA
Eating & Drinking Places	1.2 per 100 sq. ft. GFA
RETAIL TRADE MISCELLANEOUS	
Drug Stores, Liquor Stores	1 per 300 sq. ft. GFA
Pawn Shops, Flea Markets	1.5 spaces per stall
Sporting Goods & Bicycles, Books, Stationery, jewelry, hobby, camera, gift, luggage, sewing, catalog	1 per 300 sq. ft. GFA
Fuel Dealers	1 per 500 sq. ft. GFA
Florist, Tobacco, Optical, Firewood, Pet Shops, Fireworks, Monuments, Tombstones	1 per 300 sq. ft. GFA
FINANCE, INSURANCE AND REAL ESTATE	
Banks, Security & Commodity Brokers, Insurance, Real Estate Offices	1 per 350 sq. ft. GFA
Hotels & Motels	1.1 per rental unit
Rooming & Boarding Houses	1 per bedroom
PERSONAL SERVICES	
Laundries, Linen Supply, Dry Cleaners	1 per 300 sq. ft. GFA
Photo Studios	1 per 500 sq. ft. GFA
Beauty & Barber Shops	2.5 per chair or basin
Shoe Repair	1 per 300 sq. ft. GFA
Funeral Parlor and Crematories	5 plus 1.0 for each 2 seats in main assembly room
Massage Parlors & Spas, Adult Uses	1 per 350 sq. ft. GFA
BUSINESS SERVICES	
Junk Yards	5 spaces per establishment
Auto Rental	1 per 350 sq. ft. GFA
Auto Service, Car Washes, Motion Picture Distribution	1 per 350 sq. ft. GFA
Movie Theaters	1 space for each 5 seats
Video Tape Rentals	1 space per 300 sq. ft. GFA

EXHIBIT 23 (Continued)
OFF STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
RETAIL TRADE	
Dance Studios	1 per 200 sq. ft. GFA
Bowling Alleys and Billiard Halls	5 spaces per lane and/or 300 sq. ft. GFA
Professional Sports Clubs	1 per 350 sq. ft. GFA
Race Tracks	1.5 per 1,000 sq. ft. GFA
MISCELLANEOUS AMUSEMENT	
Physical Fitness Facilities	1 per 300 sq. ft. GFA
Golf Courses	5 per each hole
Coin Operated Amusements Device, Video Poker	1 per 200 sq. ft. GFA
Amusement Parks	1 per 100 sq. ft. GFA
Recreation & Sports Clubs	1 per 200 sq. ft. GFA
Shooting Ranges	By Individual Review
Bingo Parlors	By Individual Review
Parks & Playgrounds	By Individual Review
Video Poker	1 per 50 sq. ft. GFA
HEALTH SERVICES	
Doctors Offices & Clinics	2 per bed or 1 per 150 sq. ft. GFA, whichever is greater
Dentist Offices	1 per 150 sq. ft. GFA
Doctors & Other Health Practitioners	1 per 150 sq. ft. GFA
Nursing Care Facilities	0.7 per bed
Hospitals	0.7 per patient bed
Medical & Dental Laboratories	1 per 500 sq. ft. GFA
Home Health Care Services	1 per 500 sq. ft. GFA
LEGAL SERVICES	
Attorney Offices	1 per 350 sq. ft. GFA
MEMBERSHIP ORGANIZATIONS	
Business Associations	1 per 350 sq. ft. GFA
Professional Membership Organization	1 per 350 sq. ft. GFA
Labor Unions	1 per 350 sq. ft. GFA
Civic, Social & Fraternal Association	1 per 350 sq. ft. GFA

EXHIBIT 23 (Continued)
OFF STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
MEMBERSHIP ORGANIZATIONS	
Political Organizations	1 per 350 sq. ft. GFA
Religious Organizations (See Note, paragraph 8.j.3.b.)	0.3 per seat/main assembly area
PROFESSIONAL SERVICES	
Engineering, Accounting, Research, Management & Related Services	1 per 350 sq. ft. GFA
RETAIL TRADE	
Executive Offices, Legislative Bodies, General Government, Courts, Law Enforcement	1 per 350 sq. ft. GFA
Correctional	1 per jail cell, plus 1 per 250 sq. ft. of administration space
Fire Stations	4 per bay

* **Note:** Parking requirements are determined according to use as follows:

1. For *Manufacturing* Use (or where a high number of employees are used); as a minimum:
 - a. One space per every two employees according to the maximum employment number; and,
 - b. One space for each managerial staff member; and,
 - c. One space for each company vehicle that will be operating from the premises; and,
 - d. Must include one handicapped space per 25 spaces.

2. For *General Commercial* Use (or where a limited number of employees or infrequent office staff are used); as a minimum:
 - a. One space for each 200 sq. ft. of sales/office space; or,
 - b. One space per every two employees; or,
 - c. One space for each 500 sq. ft. of GFA,
 - d. Must include one handicapped space per 25 spaces.

3. For *Personal* use (non-commercial/non-manufacturing use); as a minimum:
 - a. One space for each owner or planned user: and,
 - b. Must include one handicapped space per 25 spaces.

“This page intentionally left blank”

ARTICLE NINE

SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED

SECTION A: PURPOSE

9.a.1. The documents to be submitted are intended to provide the Sumter City-County Planning Commission with sufficient information and data to assure compliance with all Zoning and Development Standards Ordinance requirements. The specification of documents to be submitted is based on the type of development and the particular stage of development that a site plan or subdivision may be at.

SECTION B: REQUIREMENTS

9.b.1. The documents to be submitted are shown in Exhibit 24 and on the following pages. This section of the Ordinance is designed to assist an applicant in meeting the requirements in 7.b.3. of this document. In specific cases and for documented reasons, **the Zoning Administrator** may waive the submission of a particular document **upon request and justification by the applicant**. The reasons for the waiver shall be **documented** in the **permanent case record**.

SECTION C: DOCUMENTS TO BE SUBMITTED

9.c.1. Requirements for Sketch Plan (Note: this type of submittal is essentially a pre-review function for the benefit of the applicant. The submission of a sketch plan is not a requirement of this Ordinance).

- a. Name, address of owner and applicant. The proposed title of the project or proposed subdivision;
- b. Name and address of engineer, land surveyor, architect, planner, and/or landscape architect involved in the preparation of the proposed subdivision plat or project;
- c. Title block, tax map sheet number for property, county, and street location;
- d. A location map showing location of tract with reference to surrounding properties, streets, and municipal boundaries if any are involved;
- e. North arrow and scale;

Change #9

- f. Current and requested zoning including lot sizes, building coverage, open space, and parking lot location;
- g. General location and size of existing or proposed structures;
- h. Location of existing or proposed easements or land to be reserved for or dedicated to public use;
- i. General location of existing streets, water courses, flood plains, wetlands, Carolina bays, state or county parks, or other known sensitive areas. General location of rights-of-way and/or easements on and within two hundred (200 ft) feet of tract.

9.c.2. Minor Applications for Subdivision or Site Plan: (Note the requirements in 7.c.1.b.)

- a. Name, address of owner and applicant. The proposed title of the project or the proposed subdivision;
- b. Name, signature, license number, seal and address and phone number of engineer, land surveyor, architect, planner, and/or landscape architect involved in the preparation of the subdivision plat or project;
- c. Title block, tax map sheet number for property, and street address;
- d. A location map showing the location of the tract with reference to surrounding properties, street, and municipal and county boundaries;
- e. North arrow and graphic and a numerical scale;
- f. Current and/or requested zoning including typical lot area, width, depth, yard setbacks, building coverage, open space, buffer and landscape areas with description of plantings and planting materials, location of saved trees outside the buildable area, and parking;
- g. Signature blocks for the Planning Director, Zoning Administrator, City or County Engineer, Project Engineer, Project Land Surveyor, Owner of Project;
- h. Sheet size for a minor subdivision shall not be larger than 24" by 36";
- i. Acreage of tract to the nearest tenth of an acre. Total lots, number of lots, and minimum lot size. The proposed location and number of dwelling units (by bedroom type) for multi-family projects;
- j. Date of original and all revisions;

- k. Size and location of any existing or proposed structures with all setback dimensions shown. Location and dimensions of any existing or proposed streets and alley ways including all street right-of-way widths, street pavement widths, and street names;
- l. All proposed lot lines and area of lots in square feet. All lot lines with dimensions to the nearest one-hundredth (100th) foot and bearings to the minute. Block letters and lot numbers in consecutive order. Minimum building setback lines as per zoning district requirements;
- m. Copy and/or delineation of any existing or proposed deed restriction or covenants;
- n. All existing water courses, flood plains, wetlands or other environmentally sensitive areas on and within two hundred (200 ft) feet of the site.
- o. Final detailed utility infrastructure plans, including sanitary sewer, water, storm water management, drainage, telephone, electric and cable TV;
- p. Landscape plans and details. Site identification signs, traffic control signs, and directional signs;
- q. Parking plans showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions
- r. Any preliminary architectural plans and elevations showing proposed main and accessory buildings and dimensions of structures drawn to scale.
- s. Contour lines at vertical intervals of at least two (2 ft) feet for land with an average natural slope of four (4%) percent or less, and at intervals of at least five (5 ft) feet for land with an average natural slope exceeding four (4 %) percent.
- t. All on site easements, railroads, utility transmission lines, culverts, bridges, storm drainage ditches, wooded areas, noise and accident potential zones around Shaw Air Force Base and the Sumter Airport, where applicable;
- u. Meets and bounds descriptions of a project or a subdivision shall meet the standards in the South Carolina Land Surveying Regulations in Chapter 49, Article 4, Section 460;
- v. A certification executed by a Registered Land Surveyor which contains a statement of the class of the survey performed followed by a statement as follows: "I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein."

9.c.3. General Development Plan: A General Development Plan (GDP) is a mechanism designed to permit the developer of a large scale project to go before the Sumter City-County Planning Commission with a description, but not full engineering details of a project, and secure formal approval of basic development parameters such as the total number of residential units and nonresidential square footage. Once having secured such approval, the developer proceeds with full engineering plans to be considered at the preliminary subdivision and site plan review stages. Once approval is granted the developer is vested for a period of five (5) years. Note: A General Development Plan is required with all multi-phase projects. The developer and any successor or future partner will be held to the GDP unless amended by the Planning Commission

- a. Name, address of owner and applicant. The proposed title of the general development plan;
- b. Name, address, and license number of the engineer, land surveyor, architect, planner, or landscape architect, involved in the preparation of the general development plan;
- c. Tax map sheet number for property and street location;
- d. A location map showing tract with reference to surrounding properties, street, municipal and county boundaries;
- e. North arrow and scale. The scale shall be appropriate to a full understanding of the GDP;
- f. A listing of required zoning relevant to the fulfillment of GDP. Indication of any necessary zoning changes within any portion of the tract;
- g. Acreage of tract to the nearest acre;
- h. General location and size of any existing or proposed structures and corresponding dimensions;
- i. Copy and/or delineation of any existing deed restrictions or covenants;
- j. Any existing or proposed easements or land reserved for or dedicated to public use;
- k. Staging or phases anticipated for the general build-out of GDP;
- l. Property owners and property lines of all parcels within two (200 ft) hundred feet surrounding the GDP identified on the most recent tax map sheet;
- m. All existing streets, water courses, flood plains, wetlands, Carolina bays, or other sensitive environmental areas on or within two (200) hundred feet of the GDP;
- n. Existing rights-of-ways and or easements on or within two (200) hundred feet of tract;

- o. Any generally available utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV.

9.c.4. Major Application/Subdivision Preliminary and Final (Note: the requirements in 7.d.5. & 7.d.6; Note: Documents required may be different from the preliminary to the final plat. The final plat may be all-inclusive)

- a. Name, address of owner and applicant. The title of the project or the completed subdivision in whichever phase number it may be;
- b. Name, signature, license number, seal and address and phone number of engineer, land surveyor, architect, planner, and/or landscape architect involved in the preparation of the project or completed subdivision;
- c. Title block, tax map sheet number for property, and street address;
- d. A location map at a scale of 1,200'-1", showing the location of the tract with reference to surrounding properties, streets, and municipal and county boundaries;
- e. North arrow and graphic and numerical scale. North should be placed at the top left corner of all minor subdivision plans and site plans. The scale shall not be smaller than 100'-1";
- f. Signature blocks and state registration numbers (if applicable) for the Planning Director, Zoning Administrator, City or County Engineer, Project Engineer, Project Land Surveyor, Owner of Project;
- g. Sheet size for a major subdivision shall not be larger than 24"by 36";
- h. Acreage of tract to nearest tenth of an acre. Total lots, number of lots, and minimum lot size.
- i. Date of original and all revisions;
- j. Current and/or requested zoning including typical lot area, width, depth, yard setbacks, etc.,
- k. Meets and bounds descriptions of a major subdivision shall meet the standards in the South Carolina Land Surveying Regulations in Chapter 49, Article 4, Section 460;
- l. A certification by a South Carolina Registered Land Surveyor or Civil Engineer which contains a statement as follows: "I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for Class ___ survey as specified therein."

- m. All proposed lot lines and areas of lots in square feet. All lot lines with dimensions to the nearest one-hundredth (100th) foot and bearings to the minute. Block letters and lot numbers in consecutive order. Minimum front yard building setback lines as per zoning district requirements;
- n. Copy and/or delineation of any deed restrictions or covenants;
- o. All existing water courses, flood plains, wetlands or other environmentally sensitive areas on and within two (200 ft) feet of the site;
- p. Final detailed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV.
- q. Contour lines at intervals of at least two (2 ft) feet for land with an average natural slope of four (4%) percent or less, and at intervals of at least five (5 ft) feet for land with an average natural slope exceeding four (4 %) percent;
- r. All on-site easements, railroads, utility transmission lines, culverts, bridges, storm drainage ditches, wooded areas, noise and accident potential zones around Shaw Air Force Base and the Sumter Airport, where applicable;
- s. Parks, school site, and other areas, designated for public use if any, with any other conditions governing their use;
- t. Correct street names and street address for all lots and parcels in accordance with the provisions of applicable street naming and property numbering requirements of the Sumter Assessor's Office;
- u. Statement Acknowledging the Presence of Noise and/or Accident Potential Zones Delineation for the Shaw Air Force Base and/or the Sumter Airport with a statement stamped on the Final Plat as follows:

“This Subdivision lies (wholly) or (partially) within a designated APZ and/or Noise Zone and is subject to the additional development requirements imposed by the Sumter City-County Zoning Ordinance”.
- v. Performance and/or Maintenance Guarantees as applicable.

9.c.5. Major Application/Final Site Plan:

- a. Name, address of owner and applicant;
- b. Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect involved in preparation of the site plan;

- c. Title block, tax map sheet number for the property, and the street location;
- d. A location map showing location of tract with reference to surrounding properties, streets, municipal and county boundaries;
- e. North Arrow and numeric and graphic scale;
- f. Signature blocks and state registration numbers (if applicable) for the Planning Director, Zoning Administrator, City or County Engineer, Project Engineer, Project Land Surveyor, Owner of Project;
- g. Acreage of tract to the nearest tenth of an acre and the current and/or proposed zoning of the tract;
- h. Meets and bounds description of a major site plan shall meet the standards in the South Carolina Land Surveying Regulations in chapter 49, Article 4, Section 460;
- i. A certification by a South Carolina Registered Land Surveyor or Civil Engineer which contains a statement as follows: "I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein".
- j. Date of original and all revisions;
- k. Size and location of any existing or proposed structures with all setback dimensions shown. Location and dimensions of any existing or proposed streets and alley ways including all rights-of-way widths, pavement widths, and street names;
- l. All proposed lot lines and area of lots in square feet. All lot lines with dimensions to the nearest one-hundredth (100th) foot and bearings to the minute. Minimum front yard building setback lines as per the zoning district requirements;
- m. Copy and/or delineation of any existing or proposed deed restrictions or covenants;
- n. All existing water courses, flood plains, wetlands or other environmentally sensitive areas on within two hundred (200 ft) feet of the site;
- o. Final detailed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV;
- p. Landscape plans and details. Site identification signs, traffic control signs, and directional signs;

- q. Parking plans showing spaces, size and type, aisle width, curbs cuts, drives, driveways, and all ingress and egress areas and dimensions;
- r. Any architectural plans and elevations showing proposed main and accessory structures;
- s. Contour lines at vertical intervals of at least two (2 ft) feet for land with an average natural slope of four (4 %) percent or less, and at intervals of at least five (5 ft) feet for land with an average natural slope exceeding four (4%) percent;
- t. All on-site easements, railroads, utility transmission lines, culverts, bridges, storm drainage ditches, wooded areas, noise and accident potential zones around Shaw Air Force Base and Sumter Airport, where applicable;
- u. Parks, schools sites, and other areas, designated for public use if any, with any other conditions governing their use;
- v. Correct street name and street address in accordance with the provisions of applicable street naming and property numbering requirements of the Sumter Assessor's Office;
- w. Statement acknowledging the presence of noise and/or accident potential zones delineated for the Shaw Air Force Base and/or the Sumter Airport with a statement stamped on the Final Plat as follows:

“This site plan shows property which lies (wholly) or (partially) within a designated APZ and/or Noise Zone and is subject to the additional development requirements imposed by the Sumter City-County Zoning Ordinance”.

EXHIBIT 24
SUMMARY OF REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	Pre Application	Minor Application		Development Stage Major Application			
		Sketch Plan	Subdivision	Site Plan	General Development Plan	Subdivision Preliminary	Subdivision Final	Site Plan/Final
1	Name, Address of Owner Title of Project	X	X	X	X	X	X	X
2	Name, Address of Engineer, etc.	X	X	X	X	X	X	X
3	Title Block, Tax Map Number	X	X	X	X	X	X	X
4	Location Map	X	X	X	X	X	X	X
5	North Arrow and Scale	X	X	X	X	X	X	X
6	Zoning Data	X	X	X	X	X	X	X
7	Location of Structures	X	X	X	X	X	X	X
8	Location of Easements	X	X	X	X		X	X
9	Streets and Natural Features	X	X	X	X		X	X
10	Signature Block for City/County Officials		X	X			X	X
11	Sheet Size		X	X		X	X	X
12	Acreage of Tract		X	X	X	X	X	X
13	Date(s) of revisions		X	X		X	X	X
14	Lot line dimensions		X	X		X	X	X
15	Utility Plans		X	X	X		X	X
16	Landscape Plans		X	X			X	X

EXHIBIT 24 (Continued)
SUMMARY OF REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	Pre-Application	Minor Application		Development Stage Major Application			
		Sketch Plan	Subdivision	Site Plan	General Development Plan	Subdivision Preliminary	Subdivision Final	Site Plan/Final
17	Drainage Plans		X	X			X	X
18	Architectural Plans		X	X			X	X
19	Contour Lines		X	X			X	X
20	Meet & Bounds Description		X	X			X	X
21	Certification by Land Surveyor		X	X		X	X	X
22	Stages or Phases		X		X	X	X	X
23	Parks & School					X	X	X
24	Street Names and Addresses						X	X
25	Shaw Air Force Base Checklist					X	X	X
26	Performance Guarantee						X	X
27	Maintenance Guarantees						X	X

“This page intentionally left blank”

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 Planning Director shall be the governmental officer charged with administering development regulations. However, 1.o.1. of this Ordinance shall govern the day to day operations of the Planning Commission

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 areole 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.

Cart: Means any portable vending device, pushcart or other wheeled vehicle or device which may be moved without 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, and which does not exceed four feet in width, six feet in length, and five feet in height, excluding canopy or cover.

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 thermophilic 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.

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.

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 Ratio: 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 ratio 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 has 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 Vending: Shall mean the act of selling goods from a stationary cart as defined in this ordinance on private property.

Mobile Vendor: Shall mean any individual engaged in the business of selling food or drink and/or reading material or other small, portable items such as flowers from a stationary cart as defined in this ordinance on private property.

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 set forth 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 edible 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: 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: Any vehicular with which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the Register of Mesne Conveyance prior to the appointment of a Planning Commission and the grant to such commission of the power to review plats; and 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 vehicular way not dedicated for public use or maintenance.

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.
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), and is subject to the following conditions:
 - a. 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.
 - b. All addressed provisions of the E-911 system must be met.
 - c. Maintenance of the easement will be the responsibility of each property owner who uses the easement.
 - d. The 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 sub-sections 8.e.2.c. through 8.e.2.g. of the 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, and 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 the ‘Subdivision, Exempt:’ In Article 10, Section 10.b.1., or any successor ordinance or stature 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

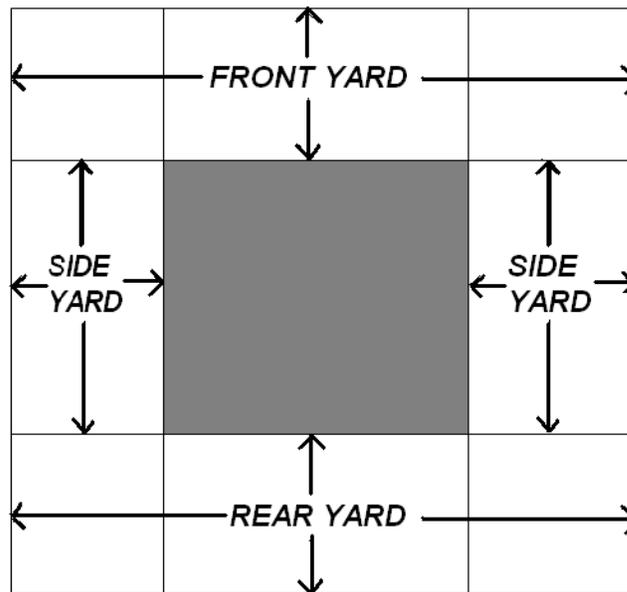
Yard: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

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.