

# ***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, *Article 1.o.1.* of this Ordinance shall govern the day-to-day operations of the Planning Commission

**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.

**Artisan Food and Beverage Manufacturing:** Use category that applies to small-scale manufacturing establishments (production activities occurring on 20,000 sq. ft. GFA or less) for which the primary use is the commercial on-site production of food or beverage products. (e.g. coffee products, ice cream, baked goods, confections, non-alcoholic beverages). These establishments may also have accessory uses such as retail and wholesale sales, training, and/or education.

**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 2 or more motor vehicles, which for a period exceeding 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 25% of the gross receipts.

**Base Flood:** The flood having a 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 1% percent annual chance flood, i.e., the 100-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.

**Bottle Club:** Any establishment engaged in the business of catering to patrons who brings to the establishment an alcoholic beverages(s) to be consumed on the premises. Such establishments do not sell or provide alcoholic beverages on the premises and are not properly licensed by the South Carolina Department of Revenue – Alcohol Beverage Licensing Commission for on-premises consumption alcoholic beverage sales. Such establishments can be private or open to the public, and often provide entry via cover charge and provide on-premises entertainment. Cigar Bars and Hookah Lounges with any on-premises consumption of alcoholic beverages by patrons who bring such beverages to the premises are included in this definition.

**Brewery, Craft Beer:** An establishment that is primarily engaged in producing malt beverages for both on and off-site consumption, and may include retail and/or food services as an accessory use. A craft beer brewery must include a taproom for on-site consumption and may not produce more than 10,000 barrels of beer annually.

**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 2 adjacent land uses or properties from one another.

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

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

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

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

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

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

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

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

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

**Composting Facility:** Means any facility used to provide aerobic 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 small retail store selling primarily food, beverages, and household supplies. It is designed to attract and depends upon a large volume of stop-and-go traffic. It also exhibits the following characteristics:

1. Requires a state-issued 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.

**County Club:** Privately owned club with a membership quota and admittance by application, invitation or sponsorship, that offers both a variety of recreational sports and facilities for dining, overnight lodging and entertaining for members. Athletic offerings include, but are not limited to, golf, tennis, and swimming.

**Craft Beer Brewery:** See also “Brewery, Craft Beer”.

**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 expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

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

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

**Donation Bin:** A mobile structure that is located outside of the walls of an enclosed building and is used to receive materials including but not limited to clothing, office supplies, and other household goods donated by the public. Donation bins do not exceed 8 feet in length by 10 feet in width and 8 feet in height or 640 cubic feet.

**Drinking Place:** A commercial establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Such establishments are properly licensed by the South Carolina Department of Revenue – Alcohol Beverage Licensing Commission. Drinking places included, but not limited to, establishments referred to as bars, beer gardens, beer parlors, taverns, cabarets, cocktail lounges, saloons, tap rooms, and wine bars. Cigar Bars and Hookah Lounges with any on-premises consumption alcohol sales are included in this definition. Eating places, with on-premises consumption alcohol sales where the primary activity is the sale of food, are not included within this definition.

**Dwelling:** A building or portion of a building arranged or designed to provide living quarters for 1 or more families.

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

**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, Duplex:** A single building on 1 parcel of land that is designed, constructed, and used for 2 separately contained dwelling units. Such a dwelling is not considered a duplex if the second unit meets the criteria of an Accessory Apartment.

**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 1 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. Mobile homes were constructed prior to June 15, 1976 and do not have the United States Department of Housing & Urban Development (HUD) label/tag certifying that the home constructed in accordance with HUD Manufactured Home Construction and Safety Standards. Mobile homes are not permitted withing any zoning district in the jurisdictional limits of the City of Sumter.

**Dwelling, Manufactured Home:** A manufactured home is a transportable structure of 1 or more sections built on a permanent metal chassis and designed to be towed. The term “manufactured 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 use. Manufactured homes were constructed after June 15, 1976 and have the United States Department of Housing & Urban Development (HUD) label/tag certifying that the home was constructed in accordance with HUD Manufactured Home Construction and Safety Standards.

**Dwelling, Multi-Family, Suburban:** A dwelling designed for or occupied by 5 or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Multi-Family, Urban:** A dwelling designed for or occupied by 5 or more or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. Urban multi-family units shall only be located within 2 miles of the intersection of Main and Liberty Streets.

**Dwelling, Patio House:** A single family detached dwelling typically situated on a reduced-size lot that allows for up to a zero setback on 1 side only. Patio homes are established as part of a cohesive development plan of similar type dwellings that are oriented around rear or side yard patio areas that serve as a central courtyard. Such central courtyard areas are commonly enclosed by walls.

**Dwelling, Quadruplex:** A single building on 1 parcel of land that is designed, constructed, or reconstructed and used for 4 separately contained dwelling units.

**Dwelling, Single-Family Detached:** A detached dwelling of 1 unit, other than a mobile home, designed for or occupied exclusively by 1 family.

**Dwelling, Single-Family Attached:** 2 attached single-family dwelling units on individual lots, joined along a single lot line but totally separated from the other by an unpierced wall extending from ground to roof.

**Dwelling, Urban Townhome:** A series of at least 3 or more attached single-family dwelling units. Each dwelling is joined to 1 (other) dwelling along a single lot line but is totally separated from the other by an unpierced common wall from ground to roof. Urban townhome dwellings are an infill development housing type primarily employed within the traditional/historic areas of the city characterized by a grid street network and/or near and influenced by the central business district. Urban townhome units may only be located within 2 miles of the intersection of Main and Liberty Streets.

**Dwelling, Suburban Townhome:** A series of at least 3 or more attached single-family dwelling units. Each dwelling is joined to 1 (other) dwelling along a single lot line, but it totally separated from the other by an unpierced common wall from ground to roof. Suburban townhome dwellings are typically established in areas of the city where the development form is primarily centered around the automobile. Suburban townhome developments occur on property larger than 2-acres, typically as part of a major subdivision process. Individual suburban townhome units do not have individual access onto streets/roads owned and/or maintained by the South Carolina Department of Transportation (SCDOT).

**Dwelling, Triplex:** A single building on 1 parcel of land that is designed, constructed, and used for 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 1 or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**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.

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

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

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

**Exterior Architectural Appearance:** The architectural characteristics and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

**Family:** An individual, or 2 or more persons related by blood or marriage living together, or a group of individuals of not more than 6 persons who are not related by blood or marriage but are living together as a single housekeeping unit. The provisions of this definition do not apply to a group of up to 6 persons that is intended to exclusively serve individuals with protected characteristics under the Federal Fair Housing Act or to a group home of up to 9 persons that exclusively serves individuals meeting the description contained in *S.C. Code Section 6-29-770 (E) through (H)*, as further defined and described in *Article 10* of this Ordinance in conjunction with supplemental regulations outlined in *Article 4.p.* of this Ordinance. Group homes serving individuals that are not protected under the Federal Fair Housing Act and/or *S.C. Code Section 6-29-770 (E) through (H)* shall not be considered a family for the purposes of this Ordinance and shall be treated as a non-residential use subject to the regulations outlined for each respective zoning district.

**Farm or farmland** (*See also agriculture*): A farm is a parcel of land of not less than 35 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 2 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.

**Garbage Container:** A container used for the temporary storage of rubbish or materials to be recycled, pending collection by a sanitation truck or other means. Also referred to as a dumpster.

**Gasoline and Alternative Motor Fuels Service Station:** Site primarily for the sale of fuel for motor vehicles. Sites fitting this definition typically have between 2 and 20 vehicle fueling positions and a small building (less than 2,000 square feet) that houses a cashier and limited motor vehicle maintenance supplies and general convenience products.

**Gasoline and Alternative Motor Fuels Service Station with Convenience Stores:** Sites containing a convenience store with a gross floor area between 2,000 and 5,000 square feet and 10 or more passenger vehicle fueling positions. Common convenience items available include newspapers, coffee or other beverages, and snacks. Some locations include prepared food items.

**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.

**Group Home:** A residence for persons requiring care or supervision. For the purposes of this Ordinance "group home" qualifying as a permitted use shall be defined as a home intended to exclusively serve individuals with protected characteristics under the Federal Fair Housing Act or to exclusively serve those individuals described in *S.C. Code Section 6-29-770 (E) through (H)* as further defined and described in *Article 10* of this Ordinance in conjunction with the supplemental regulations outlined in *Article 4.p.* of this Ordinance.

1. The Federal Fair Housing Act defines persons with a disability to mean those individuals with mental or physical impairment that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, HIV infection, mental retardation, alcoholism, drug addition, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who

have a record of such an impairment, or are regarded as having such an impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act by virtue of that status.

The Fair Housing Act affords no protections to individuals with or without disabilities that present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis.

2. *S.C. Code Section 6-29-770 (E) through (H)* refers to a home serving 9 or fewer mentally or physically handicapped persons provided the home provides care on a 24 hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. Prior to locating the home for the handicapped persons, the appropriate state agency or department or the private entity operating the home under contract must first give prior notice to the local governing body administering the pertinent zoning laws, advising of the exact site of any proposed home. The notice must also identify the individual representing the agency, department, or private entity for site selection purposes.

**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 City Council containing within definable geographic boundaries 1 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 8.i.* of this Ordinance;

2. The maximum floor area used for such occupation shall not exceed 600 sq. ft. or 10% 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 (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.

**Infill Development:** Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development

process. Infill sites are typically served by or are readily accessible to infrastructure (services and facilities).

**Industrial Uses, Heavy:** Heavy industrial uses are characteristically defined as meeting 1 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 1-story;
4. Buildings with a floor area ratio of 0.25 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 1-story;
4. Buildings with floor area ratio less than 0.25.

**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 2 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 3 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 2 or more streets.

**Lot, Double Frontage:** A lot which has frontage on more than 1 street.

**Lot, Interior:** A lot, other than a corner lot, which has frontage on only 1 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 1 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.

**Manufactured Home:** See Dwelling, Manufactured Home.

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

**Manufactured Home Space:** A plot of ground within a manufactured home park designed for the accommodation of 1 manufactured home.

**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:** See Dwelling, Mobile Home.

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

1. **Cart** – any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the SC Department of Motor Vehicles (SCDMV), used for the displaying, storing or transporting of articles offered for sale by a vendor. Carts come in 2 varieties, those which the operator stands on the ground or those which the operator stands inside the cart. Typically there is not electric or mechanical refrigeration associated with the cart.
2. **Frozen food truck/cart** – a mobile motorized or non-motorized concession on wheels that normally contains a commercial freezer. All products served are frozen and prepackaged.
3. **Soft serve ice cream truck** – a motorized vehicle that has a soft serve ice cream machine on board along with toppings and contains: commercial refrigerators/freezers that are permanently affixed inside the truck; sink systems that are large enough to handle all items that must be washed/rinsed/sanitized in the concession to include a 3-compartment sink with a faucet; hand washing sink with faucet, and a water system that can handle the hot water needs of the food service; there must also be adequate food/dry goods storage; and adequate wastewater storage tank.
4. **Catering Type Truck** – a motorized truck that carries prepackaged and non-prepackaged hot and cold type foods. Catering truck that have a commercial grill, soup warmer, and/or undertake on-site food preparation must provide sink systems that are large enough to handle all items that must be washed/rinsed/sanitized in the concession to include a 3-compartment sink with a faucet; hand washing sink with faucet, and a water system that can handle the hot water needs of the food service, there must also be adequate food/dry goods storage; adequate waste water storage tank.

**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 Buildings 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.

**Night Club:** An establishment operated as a place of entertainment, characterized by either of the following as a primary activity: (1) live, recorded, or televised entertainment, including but not limited to performance by musicians, disc jockeys, comedians, or other entertainers; and (2) dancing, where this primary activity is coupled with on-premise sale and consumption of alcoholic beverages via proper licensing by the South Carolina Department of Revenue – Alcohol Beverage Licensing Commission or on-premise consumption by patrons who bring to the establishment an alcoholic beverage(s) to be consumed on the premises. Such establishments may either be private or open to the public. Often, such establishments require entry cover charges or other entry consideration such as dues, membership fees, etc. Such establishments may also be referred to as discotheques, dancehalls, etc.

**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 25% 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 U.S. Army Corps of Engineers (USACE) 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.

- 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.

**Sexually Oriented Business:** An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual device shop.

1. **Adult Bookstore or Adult Video Store:** A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.” A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
  - a. At least 35% of the establishment’s displayed merchandise consists of said items, or;
  - b. At least 35% of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items, or;



- c. At least 35% of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items, or;
  - d. The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in “floor space” maintained for the display, sale, or rental of said items); or;
  - e. The establishment maintains at least 500 sq. ft. of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in “floor space” maintained for the display, sale, or rental of said items); or;
  - f. The establishment regularly offers for sale or rental at least 2,000 of said items; or;
  - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “adults-only,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests; or;
  - h. The establishment maintains an “adult arcade,” which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting “specified sexual activities” or “specified anatomical areas.”
2. **Adult Cabaret:** A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.
  3. **Adult Motion Picture Theater:** A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas” are regularly shown to more than 5 persons for any form of consideration.
  4. **Characterized by:** Describing the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.
  5. **Floor Space:** The floor area inside a sexually oriented business that is visible or accessible to patrons for any reason, excluding restrooms.

6. **Nudity:** The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
7. **Regularly:** The consistent and repeated doing of an act on an ongoing basis.
8. **Semi-Nude or Semi-Nudity:** The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
9. **Semi-Nude Model Studio:** A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:
  - a. By a college, junior college, or university supported entirely or partly by taxation;
  - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - c. In a structure:
    - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
    - (2) Where, in order to participate in a class a student must enroll at least 3 days in advance of the class.
10. **Sexual Device:** Any 3 dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
11. **Sexual Device Shop:** A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical

or healthcare products or services, or any establishment that does not regularly advertise itself or hold itself out, in any medium, as an establishment that caters to adult sexual interests.

**12. Specified Anatomical Areas:** Specified anatomical areas means and includes:

- a. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- b.
- c. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**13. Specified Sexual Activity:** Specified sexual activity means any of the following:

- a. intercourse, oral copulation, masturbation or sodomy; or
- b. excretory functions as a part of or in connection with any of the activities described in a. above.

**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.

**Special Event Facilities:** A commercial facility rented to individuals, groups, or organization, and used to host gatherings such as, but not limited to, weddings, receptions, meetings, galas, networking events, and conferences. Special Events Facilities cater to a significant diversity of individuals, groups, and organizations on a contractual basis, with such individuals, groups, and organizations holding unique events on an irregular basis only. Such individuals, groups, and organizations contracting to rent the facility may provide alcoholic beverages for guests in accordance with state law. This definition does not include bottle clubs, night clubs, or drinking places.

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

**Street:** Any vehicular way 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 any 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 2 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 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 ft. 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 *Article 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 *Article 8.e.2.* including specifically *Article 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.b.1., or any successor ordinance or statute 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 one 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 SC 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 or 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 recovery, amenable for storage, reduced in volume.

**Truck Stop:** Provide dedicated diesel fueling positions, are located near major roadways, and provide refueling, food and other services to truck drivers and other motorists. Sites fitting this land use can include convenience stores, showers, restaurants, and/or on-site truck parking spaces.

**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 200 waste tires are accumulated for a period of not more than 30 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.

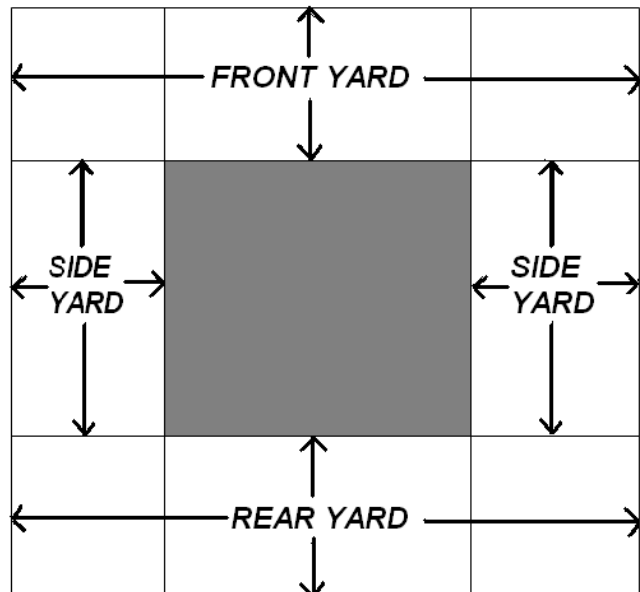
**Waste Tire Treatment Site:** A permitted site used to produce or manufacture usable materials, including fuel from waste tires.

**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 US Army Corps of Engineers (USACE) definition should be regulated as follows:

1. Naturally occurring depression 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 2 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.