

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.
- h. Mini-Warehouses (SIC 4225): The following conditions apply to all mini-warehouse sites for conditional use approval:

1. A paved transition surface for the public road to at least the security gate of the site or at least 50 ft.
 2. A minimum of a 3 inch gravel surface for all spaces between building or at least 20 ft. in width.
 3. Paved parking places for any office or other commercial space that is not storage at 1 space per 200 square feet of GFA.
 4. Handicap parking will have at least one van accessible paved space no matter the surface used. Any additional required spaces will be based on current ordinance requirements.
 5. A Storm Water and Erosion Control Permit from the Sumter Soil and Water Conservation District and drainage away from the storage area access doors.
 6. Buffering and screening to allow compatibility with adjacent uses.
 7. A minimum six foot security fence and controlled access gate for the site.
 8. Landscaping with canopy trees at the same criteria as a fully paved mini-warehouse site.
- i. Cemeteries: The following conditions apply to all cemetery sites for Conditional-300 in the R-15, AC, AC-10 and CP Districts. Cemeteries can be conditionally permitted on separately platted parcels or in conjunction with a religious use or on private property within the specified zoning districts:
1. Applicant shall obtain signatures of approval from at least 75% of the property owners and /or tenants within 300 ft. of the cemetery boundary where the proposed use shall be located.
 2. Proposed cemetery sites must meet the minimum development standards for the zoning district in which it is to be located to include:
 - a. Minimum lot size:
 1. Residential-15 (R-15): Two (2) acres;
 2. Agricultural Conservation (AC): One (1) acre;
 3. Agricultural Conservation-10 (AC-10): Ten (10) acres;
 4. Conservation Preservation (CP): Five (5) acres.
 - b. Non-residential setbacks as established for each zoning district.
 3. A site plan is to be submitted with the application showing:
 - a. Parcel boundary;
 - b. Plot layout;

- c. Ingress & egress
 - d. Landscape buffering and any proposed privacy/security fencing;
- 4. Accommodations for Perpetual Care and maintenance must be provided for.
- 5. Commercial Cemeteries must meet all required development standards.
- j. Automotive tops and upholstery shops (SIC Code 7532): The following conditions apply to all automotive upholstery and top repair shops for conditional use approval:
 - 1. Operation of business shall involve no exterior storage of materials or supplies;
 - 2. Temporary storage area for customer vehicles shall not be visible from the right of way and shall be screened with solid fencing, walls, landscaping or a combination of fencing and landscaping as approved by the Zoning Administrator;
 - 3. A maximum of three (3) vehicles may be stored on premise at any one time;
 - 4. No open bays for repair may be oriented towards residential areas;
 - 5. All activities associated with the business except for vehicle storage shall be done inside the building;
 - 6. A site plan and landscaping plan must be submitted with the application showing ingress-egress, off-street parking, refuse service areas, buffer, proposed signage, and any exterior lighting;
 - 7. All noise resulting from the business activity on site shall be muffled so as not to create a nuisance to neighboring properties.
- k. Produce Sales: The following conditions apply to all Produce Sales for conditional use approval:
 - 1. Written permission from the Property Owners:
 - 2. Each individual seller must obtain their own Conditional Use for each location;
 - 3. The Conditional Use approval is non-transferable, location specific and only applies to the individual or entity named on the application;

4. Sales site must have sufficient area to contain a minimum of three (3) parked cars in addition to the sales area/vehicle;
 5. Safe and viable access to the site;
 6. No portion of the Public Right-of-way may be used for customer parking or to set up for sales.
1. Automatic Merchandising Machine Operators (SIC Code 5962), vending machines – the following additional review criteria shall apply when reviewing conditional uses for stand-alone retail sales from vending machines.
1. Minimum Development Standards –
 - a. Neighborhood Commercial (NC), Limited Commercial (LC) and General Commercial (GC): Proposed development in the commercial districts shall comply with the full standards as outlined in Sections 3.g.4.b./ 3.h.5.b.; or 3.i.5. Development Standards.
 - b. Light Industrial-Warehouse (LI-W): proposed development in the LI-W district shall comply with the full standards as outlined in Section 3.k.5. Development Standards.
 - c. Heavy Industrial (HI): proposed development in the HI district shall comply with the full standards as outlined in Section 3.l.5. Development Standards.
 - d. Agricultural Conservation (AC): proposed development in the AC district shall comply with the full standards as outlined in Section 3.n.5. Development.
 2. Parking/Access – Site access shall be limited to one access driveway per street frontage. All parking areas shall be paved with concrete curb and gutter (except in AC) and designed to meet the full development standards of Article 8, Section J: Parking Regulations and Exhibit 23 Off Street Parking Requirements for Non-Residential Land Uses.
 3. Concrete Slab. Units shall be placed on a concrete slab extending a minimum of four (4) feet from the edge of the structure.
 4. Signage – Units shall comply with the underlying zoning district sign standards of Article 8.
 5. Any unit placed within the Highway Corridor Protection District (HCPD) design review district shall be reviewed for materials and color compatibility with the development site.

- m. Photovoltaic Solar Energy System (SIC Code 4911). Applies to all Primary and Accessory Photovoltaic Solar energy Systems as defined in Section 10.b.1, and located within five nautical miles of the center point of the runway for Shaw Air Force Base and Sumter County Airport, as well as the center point of Poinsett Electronic Combat Range (ECR).
1. All ground-mounted photovoltaic solar collectors and associated outdoor storage shall maintain a minimum 50' setback from all property lines, or the minimum yard setbacks as indicated for the zoning district within which the project is located, whichever is greater. This provision excludes any security fencing.
 2. All ground-mounted photovoltaic solar collectors shall be limited to a maximum height of twenty-five (25) feet above the ground when oriented at maximum tilt. This provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.
 3. On-site electrical interconnections and power lines shall be installed underground wherever reasonably practical.
 4. The applicant has the burden of proving that glare produced from a Photovoltaic Solar Energy System will not have a significant adverse impact on aviation interests, motor vehicle traffic, or neighboring properties.
 5. The applicant shall provide documented proof of having notified the Shaw Air force Base/Poinsett ECR Military Garrison Commander, or the commander's representative, and the Sumter County Airport Director, of a Photovoltaic Solar Energy System proposal. The applicant shall allow fourteen (14) days for written comments to be provided from these agencies. Any written comments received shall be submitted with the conditional use application.
 6. It shall be demonstrated that the solar farm shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks and other historic resources.
 7. For Primary Photovoltaic Solar Energy Systems, written documentation of an agreement with an electric utility provider for interconnection of the completed facility shall be submitted at the time of Conditional Use application. Once constructed, the project shall provide a copy of the signed certification of completion from the electric utility prior to issuance of the certificate of occupancy for the system.
 8. Satisfactory completion of Decommissioning Plan, per Appendix D. The Decommissioning Plan shall be recorded in the Sumter County Register of Deeds Office and included with any lease documents with the property owner.

- n. Commercial Truck and Trailer Parking Lots (SIC Code 752): The following conditions apply to all Commercial Truck and Trailer Parking Lots for conditional use approval:
1. The applicant shall follow conditional-distance requirements outlined in Article 3, Exhibit 5. Applicable distance is measured from the edge of the improved parking lot area.
 2. All conditional use criteria outlined in Article 3, Section 5.b.1. a thru 5.b.1.f. shall be met.
 3. Access to the site shall only be from a paved road that is functionally classified by SCDOT as a major or minor arterial.
 4. A paved transition surface from the public road to at least the security gate of the site or at least 50 ft., whichever is greater.
 5. A minimum 6-ft. six foot security fence around the improved parking lot area.
 6. The defined parking area must meet applicable non-residential setbacks.
 7. Minimum parcel size of 2 acres.
 8. Parking area surface material must consist of either gravel, crusher run, asphalt, or concrete.
 9. In addition to required landscaping outlined in Article 8, Section D, the following buffer yard plantings or equal equivalent must be provided where adjacent to residential land use and/or where adjacent to a street or road:
 - a. 15 ft. minimum buffer width
 - b. 3 canopy trees per 100 linear feet (must be 7ft. tall and 2 inch caliper at time of planting)
 - c. 8 evergreen trees per 100 linear feet (must be 5ft. tall at time of planting)
 - d. 15 tall shrubs per 100 linear feet (must be 2ft. tall at the time of planting and reach a minimum mature height of 6ft. tall and a minimum mature width of 4 ft.)

10. All motor vehicles parked on the site must be properly licensed, registered, operable, and capable of being driven off the site under their own power.
- o. General Merchandise Stores (SIC Code 53): The following conditions apply to all General Merchandise Stores for conditional use approval in the Neighborhood Commercial (NC) and Limited Commercial (LC) districts.
 1. All conditional use criteria outlined in Article 3, Section 5.b.1.a thru 5.b1.f. shall be met.
 2. All other applicable requirements of this Ordinance shall be met.
 3. Access – Site access shall be limited to one access driveway per street frontage.
 4. Dumpster Enclosure – All exterior dumpsters or exterior garbage containers (excluding containers or group of containers with a combined capacity of less than six cubic yards) shall be screened on three (3) sides by an opaque enclosure consisting of masonry, stucco, or vinyl exterior materials. Such enclosures are required to have an opaque gate for the open side of the enclosure. No portion of the enclosure or gate shall consist of wood exterior materials. 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.
 5. Exterior Lighting
 - a. An exterior lighting plan consisting of at minimum the following features is required:
 1. Location of all exterior lighting on the site
 2. Maximum illuminance levels expressed in foot-candle measurements on a grid of the site showing foot-candle readings in every five (5) or ten (10) foot squares. The grid shall include light contributions from all exterior sources and shall show foot-candle reading five (5) feet beyond the property lines.
 - b. “Full Cut Off” of “Fully Shielded” exterior light fixtures are required.
 - c. Light spill over to adjacent non-residential property shall not exceed 0.1 foot-candles. Light spill over to adjacent residentially used property shall not exceed 0.05 foot-candles.

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. Stock Yards, 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. Fabricated Structural Metal; Metal Doors, Sash, Frames, Molding, and Trim Manufacturing; Sheet Metal Work; Architectural and Ornamental Metal Work; Prefabricated Metal Buildings and Components; Miscellaneous Structural Metal Work (SIC Code 3441, 3442, 3444, 3446, 3448, and 3449);
- d. Telecommunications Towers (SIC Code 48);
- e. In addition to the normal review, siting review will include an Environmental Impact Analysis and disclosure of emergency procedures:
 1. Sewage Treatment Plants (SIC Code 49)
 2. Electric Substation (SIC Code 49)
 3. Jails & Correctional Facilities (SIC Code 9223)
- f. Hazardous Waste and Nuclear Waste Disposal Sites (SIC Code 4953);
- g. Resource Recovery Facilities, Solid Waste Storage and Transfer Facilities, Waste Tire and Treatment Sites, Composting Facilities, and Incinerators (SIC Code 4953);
- h. Sanitary Landfills and Inert Dump Sites (SIC Code 4953);
- i. Drinking Places (SIC Code 5813);
- j. Liquor Stores (SIC Code 592);
- k. Adult Uses and Tattoo Parlors (SIC Code 7299);
- l. Salvage, Recycling 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. Poultry Incinerators (SIC Code 4953)

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. Fabricated Structural Metal; Metal Doors, Sash, Frames, Molding, and Trim Manufacturing; Sheet Metal Work; Architectural and Ornamental Metal Work; Prefabricated Metal Buildings and Components; Miscellaneous Structural Metal Work (SIC Code 3441, 3442, 3444, 3446, 3448, 3449):
 - 1. Lot Requirements: Minimum parcel size of 20 acres, which may be made up of separate contiguous parcels.
 - 2. Building Requirements: Maximum Height of 35 ft.
 - 3. Referenced use, to include all outdoor work areas/storage yards, equipment maneuvering/circulation areas in addition to structures shall not be located any closer than 100 ft. to any residential use as measured from the defined use area to residential structure.
 - 4. All uses within this category shall be screen in such a fashion as to not be visible from off-site. Screening may be accomplished by any combination of fencing, walls, berms, or landscaping approved by the Board of Zoning Appeals upon recommendation of the Zoning Administrator. Where landscaping or trees are utilized there shall be a 15 ft. minimum buffer width that creates a year-round visual screen a minimum of six (6 ft.) feet in height over three growing seasons.
 - 5. No material shall be placed in open storage in a manner that is capable of being transported by wind, water, or other causes.
 - 6. Noise: The parcel shall be effectively buffered to be in compliance with Exhibit 9 and Exhibit 10 in Article 5
 - 7. Operating Hours: Operating hours shall be limited as follows:
 - i. Monday – Friday: 6:00 a.m. to 9:00 p.m.
 - ii. Saturday: 6:00 a.m. to 3:00 p.m.
 - iii. Sunday: No manufacturing or shipping operations.

b. 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.

c. 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.
- d. *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.
- e. *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 requirement of this section.
- f. *Drinking Places (SIC 5813):*
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 plotted parcel.
 2. A six-foot fence that is a visual screen will be installed to separate this use from residential uses.

- g. 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.
- h. 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.
- i. Adult Uses (SIC Code 7299):
 - 1. *Purpose and Intent:*
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 county and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within Sumter County. 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.
- j. Resource Recovery Facilities, Solid Waste Storage and Transfer Facilities, Waste Tire and Treatment Sites, Composting Facilities, and Incinerators (SIC Code 4953):

1. The referenced uses shall not be located closer than one thousand (1,000 ft) feet to any residential district, church, school, historical place, or public park, nor within four hundred (400 ft) feet of an existing residential use not in a residential district. It is further provided however, that any *manned convenience center* (i.e., re-cycling center) shall not be located within one hundred (100 ft) feet of any residential use, church, school, historical place or public park, and not within fifty (50 ft) feet of any property line;
2. Manned convenience center shall have gravel or paved surfaces in all driving, parking and loading areas, and must be located on and have direct access from an arterial or collector road;
3. Manned convenience centers must be entirely enclosed within an eight foot high security fence.
4. All uses within this category shall be screened in such a fashion as not to be visible from off-site. Screening may be accomplished by any combination of fencing, walls, berms, or landscaping approved by the Board of Appeals upon the recommendation of the Zoning Administrator.
5. No material shall be placed in open storage or areas in such a manner that it is capable of being transported by wind, water, or other causes.

k. *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.

1. Electronic Gaming Establishment:

1. The use shall not be located within 300 ft., measured from structure to structure, from any church or school; and shall not be located within 150 ft. from a park, liquor store or bar; and shall not be located within 150 ft. from any other Electronic Gaming/sweepstakes establishments.
2. Hours of operation shall be limited in the following manner:
 - a. Monday to Friday – 9:00 a.m. to 2:00 a.m.
 - b. Saturday – 9:00 a.m. to 12:00 a.m.
 - c. Sunday – Prohibited
3. Parking required: 1 space per 2 sweepstakes terminals and 1 employee space.
4. The minimum number of terminals per establishment: 20
 - a. The maximum number of terminals per establishment: 75
5. No one under 18 years of age permitted.
6. No alcohol shall be consumed, served or available for purchase on premises.
7. A primary use is a sweepstakes establishment with 20 or more machines. A primary use must meet all of the requirements of this section. Machines shall not be permitted as a accessory use.

m. Tattoo Parlor:

1. The referenced use shall not be located within ***one thousand feet (1,000 ft.)*** of a church or religious institution, public or private school, public park or recreational facility or any other tattoo parlor. ***The distance shall be the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of grounds in use as part of the church, school, or playground.***

n. Liquor Stores (SIC 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 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 9223):

1. Environmental Impact Analysis and disclosure of emergency procedures.
2. Access shall be from arterial roads only.
3. Proper fencing and screening at the property line as well as internal security requirements.

q. Swine/Hog Farms (SIC 0213):

1. Use:

Any tract or contiguous tract of land in Sumter County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 30,000 steady state live weight (SSLW) or greater regardless of the actual number of swine on the farm or 150 animals (whichever is less).

2. Special Use District:

Agriculture Conservation (AC) and Agricultural Conservation-10 (AC-10)

3. Exemptions:

Existing Swine Farms:

Nothing in zoning regulation governing swine farms served by animal waste management systems having a design capacity of 30,000 pounds SSLW or greater or 150 animals (whichever is less), and in existence at the time this zoning amendment is adopted shall:

1. Prohibit the continued existence of the farm
2. Require the amortization of the swine farm, or

Prohibit the repair or replacement on the same site of the swine farm so long as the repair or replacement does not increase the swine population beyond the

population that the waste system is designed to accommodate as set forth in its permit issued prior to adoption of the zoning regulations.

4. Setbacks:

- a. A swine house or a lagoon that is a component of a swine farm of a design capacity for between 30,000 SSLW (or 150 animals) to 500,000 (2,500 animals) shall be located:
 1. At least 1000 feet from any occupied residence, including unoccupied houses listed for sale or rent.
 2. At least 1000 feet from any school, hospital, church, outdoor recreational facility, national park, state park, historical property acquired by the state or listed in the National/South Carolina Register of Historic Places, or child care center.
 3. At least 400 feet from any property boundary for an agricultural facility and at least 500 feet from any property boundary for a waste lagoon.
 4. At least 1200 ft from any waterway designated as Waters of the State. A Back-up Plan must be ready for lagoon failure.
 5. At least 200 feet from any well supplying water to a public or private water system.
 6. At least 200 feet from any other well that supplies water for human consumption.
 - A1. The outer perimeter of the land area onto which waste is applied for a lagoon that is a component of a swine farm shall be at least 0 feet from any boundary of property on which an occupied residence is located, including unoccupied houses listed for sale or rent, and from any perennial stream or river, other than an irrigation ditch or canal and 300 feet from any residence, school, church, hospital, park, etc.
 - A2. No component of a liquid animal waste management system for which a permit is required shall be constructed on land that is located within the 100-year flood plain unless property protested from flooding.
 - B. A swine house or lagoon that is a component of a swine farm may be located closer to a residence or a property

boundary than is allowed if written permission is given by the owner of the property, recorded with the Register of Deeds and approved during the Special Exception Permit Review process.

7. The setback distances requirement by these Special Exception Permit standards shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been appropriately zoned under this ordinance.
 - a. A swine house or a lagoon that is a component of a swine farm of a design capacity for a minimum 500,000 SSLW or 2,500 animals shall be located:
 1. At least 2,500 feet from any occupied residence, including unoccupied houses listed for sale or rent. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 7,500 feet.
 2. At least 2,500 feet from any school, hospital, church, outdoor recreational facility, national park, state park, historical property acquired by the state or listed in the National/South Carolina Register of Historic Places, or child care center. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 7,500 feet.
 3. At least 500 feet from any property boundary. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 feet.
 4. At least 1200 ft from any waterways designated as Waters of the State. A Back-up Plan must be in place for any lagoon failure.
 5. At least 500 feet from any well supplying water to a public or private water system. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 feet.
 6. At least 500 feet from any other well that supplies water for human consumption. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 feet.

- A1. The outer perimeter of the land area onto which waste is applied for a lagoon that is a component of a swine farm shall be at least 175 feet from any boundary of property on which an occupied residence is located, including unoccupied houses listed for sale or rent, and from any perennial stream or river, other than an irrigation ditch or canal. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 325 feet.
 - A2. No component of a liquid animal waste management system for which a permit is required shall be constructed on land that is located within the 100-year flood plain.
 - B. A swine house or lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, recorded with the Register of Deeds and approved during the Special Exception Permit Review process.
7. The setback distances requirement by these Special Exception Permit standards shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been appropriately zoned under this ordinance.

5. Control of Odor Emissions:

The applicant shall submit plans for odor control for swine operations including relevant information pertaining to prevailing winds over the site.

6. Emergency Number Posted:

The operator of a swine farm shall post at the entry to the swine farm and on the door of the most prominent confinement building the emergency contact names and telephone numbers of the following: (1) owner; (2) operator; (3) other agent of the owner/operator; (4) Division of Water Quality Emergency Number; and (5) Sumter County Health Department. The posting shall be made and maintained in a manner such that it remains readable and protected from the elements on a continual basis.

7. Conflict with Other Laws and Regulations:

The provisions of any federal or state law or regulation establishing standards affording greater protection to the public health, safety, and general welfare,

or the surface and ground water resources of the state shall prevail within the jurisdiction of Sumter County and shall prevail over the standards of this Swine Farm Special Exception Permit. Relevant information required for appropriate state and federal applications shall also be provided during the Special Exception Permit application and review process.

8. Definitions:

When used in the Swine Farm Special Exception Permit, the following words or phrases shall have the meaning assigned.

1. **Animal Waste.** Swine excreta or a mixture or excreta with food, bedding, litter, carcasses, or other materials generated from a swine farm's lagoon in a liquid form.
2. **Animal Waste Management Plan.** A plan to properly collect, treat, store, and/or apply animal waste to the land in an environmentally safe manner and approved according the procedures established by the South Carolina Department of Environmental Control.
3. **Animal Waste Management System.** A combination of structural and nonstructural practices which will properly collect, treat, store, and/or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than a 25-yr, 24-hour storm.
4. **Confinement Building.** Any structure used to confine, maintain, feed, or grow swine in which animal waste collects naturally or must be collected for storage.
5. **Drainage Ditch.** Any waterway or culvert whose purpose is to convey water.
6. **Existing Swine Farm.** A swine farm in actual operation and which was stocked with swine on the effective date of this ordinance.
7. **Expanding Swine Farm.** A swine farm in actual operation whose animal waste management system is being expanded or replaced, in whole or in part, to serve a swine population greater than that which the farm's existing animal waste management system is designed to serve.
8. **Ground Water.** Those waters in the saturated zone of the earth.

9. **Lagoon.** A confined body of water used to hold animal by-products including bodily waste from animals or a mixture of waste with feed, bedding, litter, or other agricultural materials.
 10. **New Swine Farm.** A swine farm which is stocked with swine for the first time after the effective date of this ordinance.
 11. **Operator.** Any person, firm, corporation, limited liability company, or other entity which owns or operates a swine farm within Sumter County. Operation includes management of, or contracting for management of, a swine farm, ownership of swine on a swine farm in Sumter County, and ownership of the facility into which swine are raised.
 12. **Properly Constructed Well.** A well that is constructed and meets the requirements of the South Carolina Department of Health and Environmental Control.
 13. **Spray Field.** An area of land that has been approved in a certified animal waste management plan for the purpose of spraying animal waste, which has been stored in a liquid waste management system that is part of a swine farm.
 14. **Stead State Live Weight (SSLW).** The average day-to-day total live weight of any animal on the farm during their growth cycle.
 15. **Surface Water.** All waters of the state except underground waters.
 16. **Technical Specialist.** A person designated under rules of the State Soil and Water Conservation Commission to develop and/or certify animal waste management plans.
- r. Off-premise Advertising Signs:
1. Maximum size is 378 sq. ft.
 2. Must be on a U.S. Highway.
 3. Special consideration to be given to signs that replace an existing sign with an area greater than 378 sq. ft. or double faces, and when a sign is being upgraded to a steel monopole.
- s. Auto Service Except Repair
1. Concurrence from at least 2/3 of all property owners within a 300 ft. radius of use location;

2. Vehicle storage shall be located on the least visible portion of the property from all adjacent roads;
3. A 6-ft. security fence to enclose any vehicle storage building (Note: Fence shall be opaque when adjacent property is residential);
4. Parts salvage is NOT permitted;
5. Maximum of 10 vehicles in storage at any time;
6. Minimum parcel size of 2 acres.

t. Poultry Incinerators (SIC Code) 4953):

4. The incinerator is located on a poultry farm, is accessory to the farm operations, and is owned and operated by the farm owner or operator.
2. The incinerator is used solely to dispose of poultry originating on the farm where the incinerator is located.
3. The incinerator complies with all applicable state and federal regulations.
4. The separation distance required between the poultry incinerator and the lot line of real property owned by another person is 200 feet or 1000 feet from the nearest residence, whichever is greater, when the normal production live animal weight at any time is 500,000 pounds or less.

The separation distance required between the poultry incinerator and the lot line of real property owned by another person is 400 feet or 1000 feet from the nearest residence, whichever is greater, when the normal production live animal weight at any time is greater than 500,000 pounds.

5. Reductions to the required setbacks may be approved by DHEC in accordance with DHEC Standards for Permitting of Agricultural Animal Facilities.

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.
 2. **Commercial:** Free-standing or guyed tower with height not to exceed one hundred eighty (180 ft) feet, and heights exceeding one hundred eighty (180 ft) feet requires a Special Exception from the Board of Appeals.
 3. **Industrial:** Free-standing or guyed tower with height not exceeding three hundred twenty (320 ft) feet is permitted; heights exceeding three hundred twenty feet require a permitted special exception permit from the Zoning Board of Appeal.
 4. **Conservation:** Same as residential.
 5. **Agricultural Conservation:** Same as industrial.
- b. **Permitted Height Above Structures in All Districts:** Tower and/or antenna mounted on buildings, water tanks, or structures other than a free-standing or guyed communications tower must not exceed more than thirty (30 ft) feet above the highest part of a structure.
- c. **Variances:** Variances from conditions imposed by this Section may not be granted by the Zoning Board of Appeals. However, variances from other general regulations not a part of this section may be granted under standards set forth in 1.h.4.c. of this Ordinance.
- d. **Application Requirements:** The applicant for a permit for construction of a communications tower or the placement of a communications antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of five hundred (\$500.00) dollars and the following documents:
1. **Specifications:** One (1) copy of typical specifications for the proposed structure and/or antenna, including description of design characteristics and materials;
 2. **Site Plan:** A plan drawn to scale showing property boundaries, tower location, tower height, guide wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (note: a site plan is not required if a antenna is mounted on an approved existing structure);

3. ***Tower Location Map:*** A current map, or updated existing map showing the location of the applicant's antenna, facilities, existing towers, and proposed towers which are reflected in the public records serving any property within the City and County of Sumter, South Carolina;
 4. ***Antenna Capacity – Wind Load:*** A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand wind in accordance with ANSI/EIA/TIA 222 (latest revision) standards;
 5. ***Antenna Owners:*** Identification of the owners of all antennae and equipment to be located on site;
 6. ***Owner Authorization:*** Written authorization from the site owner for the application;
 7. ***FCC License:*** Evidence that a valid FCC license for the proposed activity has been issued;
 8. ***Visual Impact Analysis:*** A line of site analysis showing visual and aesthetic impacts on adjacent residential districts;
 9. ***Removal Agreement:*** A written agreement to remove the tower and/or antenna within one hundred 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. **Residential Zoning:** A tower on residentially-zoned property must be set back from all lot from all lot lines by distances equal to the district setback requirement or the tower's fall zone, whichever is greater. Fall zones less than the full height of the tower shall be determined by an engineer licensed in the state of South Carolina in a letter than includes the engineer's signature and seal.
 - b. **Non-Residential Zoning:** Towers located on non-residentially zoned properties must be set back from all lot lines by distances equal to the district setback requirement or the tower's fall zone, whichever is greater. Fall zones less than the full height of the tower shall be determined by an engineer licensed in the state of South Carolina in a letter that includes the engineer's signature and seal.

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. **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. 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 time. Any violation after the fact as per 5.b.5. shall constitute a violation of this Ordinance and shall be treated accordingly.

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

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

*Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

(Note: Noise radiating from a facility between the hours of 7 a.m. and 9 p.m. shall be the same as in Exhibit 9, except as specified and corrected in Exhibit 10).

**EXHIBIT 10
DAY TIME SCHEDULE**

Type of Operations <u>Character of Noise</u>	Correction <u>In Decibels**</u>
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10

Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	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.

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 the Sumter County Council as the case may be;
- b. Religious meetings in a tent or other temporary structure in industrial, commercial, or agricultural 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, AC or industrial districts for a period not to exceed thirty (30) days twice per year. One annual temporary permit may be issued for each occurrence so long as the dates of operation are identified on the annual permit. Otherwise, a temporary permit and fee is required for each occurrence. *(In the AC Zoning District the stand has to be accessory to a primary commercial or industrial business use.)*
- 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 Use:

- a. A maximum of two (2) temporary storage units.
- b. 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).
- c. Setback of 5 ft. from property lines. No minimum spacing between units and / or structures.
- d. Maximum dimensions of 8 ft. width, 40 ft. length, and 9 ft. height, and 2880 cubic ft. volume.
- e. Limited to 90 days with one 90 day renewal in calendar year.
- f. A Temporary Use permit is required.
- g. 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):

- a. No limit on number or size.
- b. 5 ft. setback from all property lines except 25 ft. for abutting property line with a residential use.
- c. No minimum spacing.
- d. No permit required except when placed in front / secondary front setback areas. May only be placed in these areas after demonstrating need for front placement. Permit is for 90 days and may have one renewal in a calendar year.
- e. Placement may not create a safety hazard especially for sight triangles and emergency access.
- f. 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.

- j. **Mobile Vendors** shall be eligible for Temporary Use under the following conditions:
 1. To operate only on private property or on designated public property that is located within the GC, AC, LC, LI-W and HI zoning districts only. The cart and all items associated with any Mobile Vending operation shall be removed from the premises during non-business hours.
 2. 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.
 3. 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;
 4. 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; and ready-to-eat items and finger foods such as

hot dogs, sausages, hamburgers, tacos, burritos, baked potatoes, bagels, pastries, candy, prepackaged sandwiches, cookies, chips, biscuits, popcorn, nuts, pretzels, ice products, 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.

5. To operate only with the appropriate licensing as required by SC-DHEC and the Sumter County Business License Department, including a background check and any other requirements for Mobile Vendor operations for Sumter County, and the State of South Carolina. It is at the discretion of the Zoning Administrator to deny a Temporary Use permit due to a felony criminal record.
6. Upon written permission of the property owner.
7. Upon submittal of a picture of the mobile vending unit along with a drawing showing the proposed location for set up on the property under review.
8. Unit shall be an approved, commercially manufactured (not homemade) commercial Mobile Food Unit as defined in Article 10. All units shall be required to meet all SC DHEC regulations and shall provide proof of inspection approval from SC DHEC.
9. Signage, for purposes of this Ordinance, means a manufactured banner or rigid sign which is attached to a Mobile Food Unit and may not exceed 32 sq. ft.

Unattached banners or rigid signs are not permitted.

Words and decorations painted onto a Mobile Food Unit and the vehicle used to transport a Mobile Food Unit trailer are not considered signage for the purposes of this ordinance, so long as all other requirements of this section are met.

10. Temporary Use for each location shall be renewed annually.
11. 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.c.7. Allowed Temporary Uses: Within designate _____ areas, individuals may sell produce (fruit 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 County 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.