

Chapter A. Administration

The processes described in this chapter are detailed in the User Manual, which serves as a reference for both applicants and staff during submittal, review and approval procedures.

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1. INTRODUCTORY PROVISIONS

1.1 PURPOSE

- A. This Section intends to define all development review processes of this UDO and is comprised of the following components
1. **General Terms (Section A.1.2).** *Subsection A.1.2* defines the general terms or words used in this UDO.
 2. **Summary Development Process Table (Section A.1.3).** The summary table describes all development application review processes in this UDO and the review and decision-making bodies which decide them.
 3. **Review and Decision-Making Bodies (Section A.2.1).** *Section A.2.1* describes all review and decision-making bodies with responsibilities in this UDO.
 4. **Development Review Procedures (Section A.3.1).** *Section A.3.1* describes common development review procedures that apply to multiple review processes and each individual review process as defined in this UDO. This includes requirements for meetings, applications, hearings, and process review procedures.

1.2 GENERAL TERMS

- A. For the purpose of this UDO, certain terms or words used in this UDO shall be interpreted as follows:
1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
 2. The words "shall" and "will" are mandatory; the word "may" is permissive.
 3. The words "used or occupied" include the words "intended, designed or arranged to be used or occupied."
 4. The word "lot" includes the words "plot," "parcel" and "tract."
 5. The word "structure" means anything constructed or erected, exceeding six inches in height, the use of which requires more or less a permanent location on land, or an addition to something having a permanent attachment to land.
 6. The word "land" includes the words "water," "marsh" and "swamp."

2. PROCEDURES AND REVIEW PROCESSES

The summary development process table lists each development review process under this UDO and the review and decision-making bodies involved in the decision-making process. Processes are organized by legislative, quasi-judicial and administrative processes.

Table A.1.3 Summary Development Process

Summary of Development Review Procedures									
KEY: R = Review and Recommendation D = Review and Decision A = Appeal ✓ = Required									
Procedure	Section	Pre-Application Meeting	Review and Decision-Making Bodies						
			Planning Advisory Committee (PAC)	Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
Ordinance Amendments									
Zoning Map Amendment (Rezoning)		✓	R		R			R	D
Rezoning to Planned Development District		✓	R		R			R	D
PD District Amendment	Minor	✓	R		D				
	Major	✓	R		R			R	D
Unified Development Ordinance Text Amendment		✓	R		R			R	D
Development Permits									
Site Plan	Minor	✓	R		D				

Review	Major		✓	R		R			D	
Summary of Development Review Procedures										
KEY: R = Review and Recommendation D = Review and Decision A = Appeal ✓ = Required										
Procedure		Section	Pre-Application Meeting	Review and Decision-Making Bodies						
				Planning Advisory Committee (PAC)	Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
Special Use Permit			✓	R		D		A		
Temporary Use Permit			Optional			D		A		
Change of Use Permit			Optional	R		D		A		
Sign Permit			Optional			D		A		
Signage Plan			✓			D		A		
Alternative Parking Plan			✓	R		D		A		
Fence Permit			Optional			D		A		
Subdivision Procedures										
Minor Subdivision			Optional	R		D				
Preliminary Plat			✓	R		R			D	
Final Plat	Not requiring infrastructure improvements or no conditions of preliminary improvement		✓	R		D			A	
	Requiring infrastructure improvements and/or conditions of preliminary improvements		✓	R		R			D	

Summary of Development Review Procedures									
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			Planning Advisory Committee (PAC)	Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
Vacation of ROW or Easements		✓	R						D
Flexibility and Relief Procedures									
Variance		✓			R		D		
Special Exception		✓			R		D		
Administrative Adjustment			Decision-made at staff level						
Vested Rights			Pursuant to the associated site-specific development plan						
Appeal			Pursuant to this table						
UDO Interpretation		Optional			D				

2.1 REVIEW AND DECISION-MAKING BODIES

- A. The following review and decision-making bodies have powers and duties in administering review processes in this UDO:
1. Board of Zoning Appeals (BZA) – Section A.2.2
 2. Planning Commission (PC) – Section A.2.3
 3. Planning Advisory Committee (PAC) – Section A.2.4
 4. Design Review Board (DRB) – Section A.2.5
 5. City Council – Section A.2.6

2.2 BOARD OF ZONING APPEALS (BZA)

A. Appointment and Terms of the Board of Zoning Appeals.

1. **Generally.** The Board of Zoning Appeals is a joint city-county administrative body and shall consist of nine (9) members with four (4) appointed by the City Council and five (5) appointed by the County Council.
 - (1) Members of the BZA shall be residents of the City and shall be appointed by the City County Council.
2. **Member Term.** BZA members shall be appointed for three-year staggered terms expiring on December 31st.
 - (1) Members may serve two consecutive terms.
 - (2) Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
 - (3) Members may continue to serve until their successors have been appointed.
 - (4) Members shall be removed for cause by a majority vote of the total membership of the City Council.
3. **Officers.** The BZA shall elect one of its membership as a chair and vice-chair, who shall serve for one year or until their successors are elected and qualified. The BZA shall appoint a member of Planning Staff. The chairman, or in his absence, the vice-chairman, shall preside at all meetings, may administer oaths, and compel the attendance of witnesses by subpoena. If both the Chair and Vice-Chair are absent, the Board of Zoning Appeals shall vote to determine who shall serve as acting Chair for the meeting.
4. **Rules of Procedure.** The BZA shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be public record.

5. **Meetings of the Board of Zoning Appeals.** Meetings of the board must be held at the call of the chair and at such other times as the BZA may determine. Public notice of all meetings of the board of appeals shall be provided by publication in a newspaper of general circulation in the City of Sumter. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.
6. **Quorum.** No official business of the BZA may be conducted without a quorum present. A majority of the of the BZA shall constitute a quorum.
7. **Participating and Voting.** Simple majority shall be necessary to grant a Special Exception and/or variance. A majority of the members shall be required to decide any other quasi-judicial matter or to provide administrative review of decision of planning staff.
 - (1) Once a member is physically present at a BZA meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the paragraph below.
 - (2) A member must not participate in or vote on any quasi-judicial matter if doing so compromises the impartiality required by due process. This includes having a fixed opinion, undisclosed ex parte communications, close personal or business ties to an affected party, or a financial interest in the outcome. Members also cannot vote if they were absent during the evidentiary hearing. “Close familial relationship” includes spouses, parents, children, siblings, grandparents, grandchildren, and step, half, or in-law relations.
8. **Board Member Attendance.** Any member of the BZA who misses more than three consecutive regular meetings or more than half of the regular meetings in a calendar year shall be subject to removal and replacement by the City-County Council.
9. **Powers and Duties.** The BZA shall have all the powers and duties authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 codified as Section 6-29-780 through Section 6-29-860, and in the manner provided for in this UDO. Generally, such power and duties shall include, but not be restricted to, the following:
 - (1) Administrative review of decision of the Director or a designee of the Director;
 - (2) Granting Uses Permitted by Special Exceptions within *Section B.13 Permitted Uses* of this UDO.

(3) Granting variances from the development standards within this UDO

2.3 PLANNING COMMISSION (PC)

A. Appointment and Terms of the Planning Commission.

1. **Generally.** The Planning Commission provides an advisory function, except where otherwise noted, to assist in decisions pertaining to amendments of the Comprehensive Plan and this UDO, and applications for development approval. The Planning Commission is an administrative body and shall consist of nine (9) members with three (3) members appointed by City Council, three (3) members appointed by County Council, and three (3) members appointed jointly. Upon appointment of a member to the Planning Commission, the City Council shall consider the following:
 - (1) Professional experience,
 - (2) Knowledge of the community, and
 - (3) Concern for the future welfare of the total community and its citizens.
2. **Member Terms.** Planning Commission members shall be appointed for four-year staggered terms expiring on December 31st.
 - (1) Members may serve two consecutive terms.
 - (2) Any vacancy in the membership shall be filled for the unexpired term.
 - (3) Members may continue to serve until their successor have been appointed.
3. **Officers.** The Planning Commission shall elect from its membership a chair and a vice-chair whose term must be for one year.

B. Rules of Procedure.

1. **Generally.** The PC shall adopt rules of organizational procedures and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be a public record.
2. **Meetings of the Planning Commission.**
 - (1) The PC may hold such special meetings as conduct of its business may require. The PC shall meet upon request of the chair and at such times as the chair or commission may determine.
 - i. All meetings shall be open to the public.
 - ii. The PC shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
 - iii. Unless otherwise provided by law, all records shall be public record.

3. **Quorum.** No official business of the PC may be conducted without a quorum present.
4. **Participating and Voting.** The concurring vote of a majority of the board shall be required on all matters.
 - (1) Once a member is physically present at a PC meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the paragraph below.
 - (2) Members must not vote on any development regulation decision that could result in a direct, substantial, and identifiable financial benefit to themselves. Additionally, appointed board members must abstain from voting on zoning amendments if the applicant or landowner has a close familial, business, or associational relationship with them. “Close familial relationship” includes spouses, parents, children, siblings, grandparents, and grandchildren.
5. **Attendance.** Any member of the PC who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall be subject to removal and replacement by the City-County Council.
6. **Power and Duties.** The following shall be the responsibility of the Planning Commission:
7. **Prepare Plans.** The Planning Commission shall periodically prepare and recommend revisions of plans and programs for the development and redevelopment of the area. It shall prepare and recommend to the City Council policies, ordinances, administrative procedures and other means for promotion of orderly development along the lines indicated in the Comprehensive Plan and advise the City Council concerning proposed amendments of such ordinances.
8. **Zoning Map Amendment.** The Planning Commission shall review and recommend to the City Council Zoning Map Amendments.

2.4 PLANNING ADVISORY COMMITTEE (PAC)

- A. **Designation and Responsibility.** The Planning Advisory Committee, who may be referred to in this UDO as the “PAC”, is a technical review committee for projects that have been submitted to the City of Sumter.

- B. **Technical Review.** The PAC is responsible for providing technical review for the following areas of expertise including, but not limited to, stormwater, engineering, public services and utilities, building codes, and fire/emergency standards.
- C. **Meetings.** For the applicable projects, the PAC meeting schedule shall be consistent with the schedule of Planning Commission meetings. No formal approval of projects shall be made at PAC meetings.
- D. **Powers and Duties.** The powers and duties of the PAC are provided within *Table A.1.1 Summary and Development Process*.

2.5 DESIGN REVIEW BOARD (DRB)

A. Appointment and Terms of City Design Review Board.

1. **Generally.** Design Review Board, referred to in this UDO as the “DRB”, is an administrative body and shall consist of seven (7) members appointed by the City Council. The DRB shall be made up of the following:
 - (1) One (1) professional architect to extent such a professional is available in the City of Sumter;
 - (2) One (1) person specifically qualified by reason of education, training or experience in the financing of commercial and residential real property;
 - (3) Two (2) persons actively engaged in business, commerce or industry;
 - (4) One (1) person experienced in real estate;
 - (5) One (1) resident of Hampton Park; and
 - (6) One (1) person specifically qualified by reason of education, training or experience in Historic Preservation.

Members of Design Review Board shall assume their duties at the first regular meeting after their appointment. Members of Design Review Board shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

2. **Member Term.** The members of the Design Review Board shall serve four-year terms, or after that time until their successors are appointed.
3. **Officers.** The Design Review Board shall elect from its membership a chair and a vice-chair who shall serve for one year or until their successors are elected. No member of the Design Review Board shall be elected chair or vice-chair for more than three consecutive years. The Design Review Board shall appoint a secretary. The secretary of the Design Review Board shall have the following duties:

- (1) Take minutes at each board meeting;
- (2) Be responsible for publication and distribution of copies of the minutes, reports and decisions of Design Review Board to its members and filing the minutes, reports and decisions with city council;
- (3) Notify the city clerk of vacancies on the board, including the expiring term of members.

B. Purpose of Design Review Board. Where within a designated overlay district such as the Hampton Park Design Review District, and/or the Sumter Downtown Historic District, exterior appearance of any building or structure is involved, the Zoning Administrator and/or the City shall not issue a permit for erection, alteration, improvement, demolition, or moving of such structure or building unless and until a project application has been submitted to the Design Review Board and a Certificate of Appropriateness is issued.

C. Rules of Procedure.

1. **Regular Meetings.** Regular meetings for business transactions by the Design Review Board may be held with such frequency as the board may determine, but not less than four times a year.
2. **Annual Organizational Meeting.** The first regular meeting of Design Review Board following the beginning of the physical year (January) shall be designated the annual organizational meeting for the election of officers and organization of the board.
3. **Special Meetings.** Special meetings of the Design Review Board may be held at any time upon call by the chair. Any special called meeting shall be advertised pursuant to state FOIA requirements.
4. **Filing of Appeals.** Any person aggrieved by a decision of the architectural review board rendered after a hearing may, within 30 days after notice thereof, file an appeal in circuit court for a review of the decision of the board pursuant to S.C. Code 1976, § 6-29-900, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
5. **Public Notice.** All meetings of the Design Review Board shall be open to the public and reasonable notice of the time and place shall be given to the public. Notices of the meeting of the Design Review Board shall be provided as required by the Freedom of Information Act.
6. **Rules and records.** The Design Review Board may adopt rules of procedure and shall keep records or minutes of its recommendations, additional findings and approvals and denials. These rules will govern the application process for a

certificate of appropriateness and will follow state law and due process requirements of the United States Constitution. Such rules and all records will be made public record.

7. **Quorum.** No official business of the BZA may be conducted without a quorum present. A majority of the of the BZA shall constitute a quorum.
8. **Board Action.** Decisions or actions by the Design Review Board shall be by a majority vote of qualified members present and voting. Proxy votes shall not be permitted.
9. **Conflicts of Interest.** Any member of the Design Review Board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision by the board shall be disqualified from participating in the decision of the Design Review Board concerning the property.
10. **Powers and Duties.** The responsibility of Design Review Board is to promote the purposes and objectives of this Section 1.2.2.4 – Design Review Board (DRB), to review and recommend to the Planning Commission the designation of individual historic properties and Historic Districts, and to review plans and applications, as provided in this UDO, for all construction within Historic Districts and uniform design standards for nonresidential buildings and zoning overlay districts within the City (i.e Hampton Park Overlay and DTC) and construction or demolition pertaining to duly designated historic properties. The Design Review Board shall have the power to approve, approve with modifications or deny approval for such applications in accordance with the prescribed procedures and guidelines.

D. **Design Guidelines.**

1. **Intent.** It is the intent of this chapter to ensure, insofar as possible, that buildings or structures designated as historic shall be in harmony with the architectural and historical character of the city. In granting a certificate of appropriateness, the board shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.
2. **The U.S. Secretary of the Interior's Standards for Rehabilitation.** When considering an application for a certificate of appropriateness for new construction, alteration, repair, or restoration, the board shall use the U.S. Secretary of Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the board may adopt more specific guidelines for local

historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application. The Secretary's Standards for Rehabilitation are:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. Application Requirements for a Certificate of Appropriateness.

1. Applications for a certificate of appropriateness shall be submitted through the office of the Zoning Administrator. Prior to the placement of an item on the agenda of the Design Review Board an application for a certificate of appropriateness must be “**complete**” as determined by the Zoning Administrator, and must be submitted in its complete form twenty-two (22) days prior to a meeting of the Design Review Board. The Design Review Board shall act on a complete application within thirty (30) days of receipt of the complete application.
2. An application shall be determined to be complete by the timely submittal of all items listed in *Section A Administration* of this Ordinance, and any of the following which adds to an understanding of an application:
 - (1) Architectural plans;
 - (2) Site plans;
 - (3) Landscape plans;
 - (4) Proposed signs;
 - (5) Proposed exterior lighting arrangements;
 - (6) Elevations of all portions of structures or buildings with relationships to public views;
 - (7) Indications of construction materials proposed for buildings and/or structures; photographs or perspective drawings indicating visual relationships to adjoining structures and spaces.
3. A public hearing shall be required when an application for a Certificate of Appropriateness is requested. The time and location of the Public Hearing shall be published in a newspaper of general circulation in Sumter at least fifteen (15) days prior to the public hearing. The property in question shall be posted for the same period as the newspaper notice.
4. Where a request for a demolition permit is involved in an application for a certificate of appropriateness, the Design Review Board may postpone the issuance of a demolition permit for one hundred (120) days pending a thorough review of the matter. An additional one hundred (120) days may be authorized when the Design Review Board is reasonably certain that an alternative to demolition can be achieved during the additional time period. The Design Review Board shall provide a recommendation to the City Council when it is in the public interest to save valuable architectural, cultural, and/or archeological

resources which would be damaged or lost by the demolition or partial demolition or the moving of a building or structure.

5. **General Certification of Appropriateness:** A general certification for appropriateness for specific kinds of alterations may be issued by the Zoning Administrator if he/she finds that a particular material, paint color, design, architectural feature or style is generally acceptable and appropriate within the district(s). If the Zoning Administrator finds, upon examination of the application, that all aspects which would require Board approval are met through the general certificate of appropriateness process, he/she may proceed without referral to the Board. However, the authority to issue a general certification of appropriateness regarding particular materials, paint color etc., shall first be recommended by the Design Review Board and approved by the City Council. Only then may a general certification of appropriateness become established covering a particular material, paint color, design architectural feature, etc., which the Zoning Administrator may unilaterally decide upon.
6. **In all cases, if there is any question about whether a proposed exterior change meets the criteria below, the Zoning Administrator may refer the request to the Design Review Board for review and approval.**
 - (1) The following General Certifications have been approved by City Council:
 - (2) Vinyl siding in Hampton Park Historic District – 1998
 - (3) Vinyl replacement windows in Hampton Park Historic District – 2007
 - (4) Paint Colors for residential structures in Hampton Park:
 - i. Exterior walls may be approved to be any color on the Valspar / National Trust Color Palette excluding Grand Hotel Geranium Pink (1005-1B) and Fioli Morning Glory (5003-10B).

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

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

- (6) In the Downtown Core District minor exterior architectural elements including lighting, door hardware, etc. may be approved at Staff Level.
- (7) In the Downtown Core District Staff may approve exterior paint colors for commercial buildings under the following conditions:
- i. Exterior walls may be approved to be any color on the Valspar / National Trust Color Palette excluding Grand Hotel Geranium Pink (1005-1B) and Fioli Morning Glory (5003-10B).
 - ii. Grand Hotel Geranium Pink (1005-1B) and Fioli Morning Glory (5003-10B) shall only be permitted as trim color or on building signage.
7. Signage in the Downtown Core District may be approved at the Staff level under the following conditions:
- (1) Signage text shall be of a font classified as Serif, Sans Serif, or Script. All fonts considered to be a mimicry font (i.e. lettering made to look like another object or foreign script) or a casual/playful font (i.e. fonts that have been created with a playful, casual, childlike or humorous aspect – Comic Sans, Curlz, Giddyup, Jokerman, Snap, Ravie, etc.) can be approved at the Staff level and may be referred to the Historic Preservation Design Review Committee for approval.
 - (2) Any color/color combinations are permitted as in-house approvals for signage that are either black, white, brown, wood-tones, or from the Valspar/National Trust Color Palette.
 - (3) Direct application of a sign painted on the wall of a building or the painting of a mural shall be reviewed and approved by the Historic Preservation Design Review Committee.
8. **Appeals to the Design Review Board:** Appeals of staff action to the Board may be taken by any person aggrieved by any alleged error in an order, requirement, determination, or decisions of the Zoning Administrator or other staff members of the Planning Department that are within the purview of the DRB. The appeal must be taken within thirty (30) days of a staff decision and must be made on a form supplied by the Zoning Administrator. The Zoning Administrator shall transmit to the Board all the paper constituting the record upon which the action appealed from was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator or the City certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certification a stay would, in his opinion, cause imminent peril

to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by the Circuit Court.

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

2.6 CITY COUNCIL

- A. **Purpose and Intent.** The City Council is the elected, governing body of the City of Sumter.
- B. **Responsibilities.** The City Council shall review and decide upon applications for:
1. Zoning Map Amendment
 2. Zoning Map Amendment to Planned Development
 3. Planned Development District Amendment (major)
 4. UDO Text Amendment
 5. Land Use Plan Amendment
 6. Preliminary Plat
 7. Final Plat (Requiring infrastructure improvements or no conditions of preliminary improvement)
- C. **Powers and Duties.** The powers and duties of the City Council are provided within *Table A.1.1 Summary and Development Process*.
1. Zoning Map Amendment: The City Council shall hear and approve, or deny proposed Official Zoning Map Amendments (rezoning) to this Ordinance after receiving comments and recommendations from the Planning Commission.
 2. Unified Development Ordinance Text Amendment: The City Council shall hear and approve, approve with conditions, or deny proposed Text Amendments to this Ordinance after receiving comments and recommendations from the Planning Commission.
 3. Comprehensive Plan Amendment: To initiate, adopt, and amend a Comprehensive Plan after receiving comments and recommendations from the Planning Commission.
 4. Historic Designation: To designate historic landmarks and amendments to the existing historic district(s) after receiving comments and recommendations from the Board of Architectural Review.

- D. **Appointments.** The City Council shall appoint members to the Planning Commission, the Board of Zoning Appeals, and the DRB.
- E. **Other Duties.** To take such other action not otherwise designated, as the City Council may deem desirable and necessary to implement the provisions of this Ordinance and the Comprehensive Plan.

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3. REVIEW PROCESSES

3.1 DEVELOPMENT REVIEW PROCESSES

A. Purpose and Intent.

1. This Section describes the standard procedural steps and rules generally applicable to all development applications reviewed under this UDO.
2. The procedures provided in this Section are utilized by the City for the processing of applications for development permits or approvals.
3. It is the intent of this Section to establish a uniform set of procedures for development applications to be more effective and efficient for applicants, adjacent properties, elected officials and City staff.
4. The use made of property may not be substantially changed, and substantial clearing, grading, or excavation may not be commenced, and buildings or other structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to this UDO.
5. Any deviation from these procedures, other than those required by statute, shall not be grounds for invalidating an otherwise valid decision.

B. Pre-Application Meeting.

1. The purpose of a pre-application meeting is to provide an opportunity for the applicant to meet with City staff to learn about the submittal requirements, procedures, and standards applicable to a particular development application.
2. The pre-application meeting also provides an opportunity for City staff to become familiar with the proposed project and offer preliminary comments about the scope of the proposed development, as it relates to the standards in this Ordinance.
3. The Pre-Application Meeting is not always required but is encouraged. Refer to *Table A.1.1 Summary of Development Review Process*.

C. Applications.

1. Development applications reviewed under this Ordinance shall be submitted by the landowner, contract purchaser, agent, or other person having a recognized property interest in the land on which development is proposed.
2. City staff shall establish application content and forms, which shall be maintained by the Director. The Director may change requirements for submission of

required information when, in the Director's opinion, such information is otherwise available or is not necessary to review the application.

3. The City Council shall establish application fees, which shall be identified in the City's adopted fee schedule and may amend and update those fees as necessary.
4. No application shall be considered for review until it is deemed complete. If the application is incomplete, the Planning Director shall notify the applicant of their deficiencies. A complete application shall:
 - (1) Contain all information and materials as required in the application form as designated by City staff;
 - (2) Provide the number of copies required per the application;
 - (3) Be signed by the person with the authority to file the application;
 - (4) Be legible and printed to scale;
 - (5) Include information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance; and
 - (6) Include the required fee for the particular type of application. If the application is incomplete, the Director shall notify the applicant of the deficiencies.

D. Staff Review of Applications.

1. **Application.** City staff shall establish required application forms and associated required content. Applicants shall fully complete any required application and provide all associated required content.
2. **Fees.** The City Council shall establish and maintain required application fees. Fees may be updated as required. No formal action or approval shall be given until all required application fees are paid in full.
3. **Application Submittal.** Applications and associated fees shall be submitted to the City for staff review. An application will not be considered officially submitted unless it is deemed complete.
4. **Completeness Review.** Upon receiving an application, the review authority responsible for initial review shall ensure that all required information is provided in the application.
 - (1) Contains all information and materials as required for submittal of the particular type of application;
 - (2) Provides the number of copies required for application submittal;
 - (3) Is signed by the person with the authority to file the application;
 - (4) Is legible and printed to scale

(5) Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance; and

(6) The appropriate fee is submitted for the particular type of application.

5. **Formal Review.** After Staff deems an application complete, the application shall be considered as officially submitted. Staff shall begin formal review of the application.

(1) The application shall be distributed to all appropriate review bodies within the PAC and other appropriate local agencies.

(2) Each appropriate review body shall review and comment on the application. If any deficiencies exist, review bodies shall contact the applicant and inform them of said deficiencies. The applicant shall be provided opportunity to discuss any deficiencies and resubmit any required information in the form of a resubmittal.

(3) Upon receiving all required information, the appropriate review body shall deem the application complete through formal review and summarize its findings in a staff report to be reviewed by the decision-making body and discussed at a public hearing (if required).

6. **Conflicts of Interest.** Any member of the staff member who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision by the board shall be disqualified from participating in the final decision on an administrative decision.

E. Public Meeting and Hearing Notice Requirements.

1. **Public Meetings and Public Hearings.** Public Meetings and Public Hearings shall comply with the Quasi-Judicial and Legislative provisions below.

2. **Public Notice Requirements.** Notice shall be given as follows:

Table A.3.1 Public Notice Requirements

PUBLIC NOTICE REQUIREMENTS					
APPLICATION TYPE		SECTION	APPROVING AUTHORITY	TYPE OF REQUIRED NOTIFICATION	
				PUBLISHED NOTICE	POSTED NOTICE
Ordinance Amendments					
Zoning Map Amendment (Rezoning)			City Council	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
Rezoning to Planned Development District				Published at least 15 days before hearing date	Posted at least 15 days before hearing date
PD District Amendment	Minor		Director		
	Major		City Council	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
Unified Development Ordinance Text Amendment			City Council	Published at least 15 days before hearing date	
Comprehensive Plan Amendment(Text/Map)			City Council		
Subdivision Procedures					
Preliminary Plat			City Council		
Final Plat - Requiring infrastructure improvements and/or conditions of preliminary			City Council		

improvements				
Vacation of ROW or Easements		City Council		
Flexibility and Relief				
Variance		BZA	Published at least 15 days before hearing date	Posted at least 15 days before hearing date.
Administrative Adjustment		Not Required		
Vested Rights		Pursuant to the applicable site-specific development plan		
Appeal		BZA	Published at least 15 days before hearing date	Posted at least 15 days before hearing date (for appeals involving specific property)
UDO Interpretation		NR		
Certificate of Appropriateness		DRB	Published at least 15 days before hearing date	Posted at least 15 days before hearing date.

3. **Published Notice Requirements.** Published notices shall identify the date, time and place of the public meeting or public hearing, describe the subject property by address, describe the scope of proposed development, and identify a method to contact the City for questions regarding the proposed development. In any instance where the provisions of *Table A.3.1 Public Notice Requirements* require a published notice, the review authority shall ensure the required notice is published in a newspaper that has general circulation within the City.
4. **Posted Notice Requirements.** Posted notices shall identify the date, time and place of the public hearing, describe the subject property by address, describe the scope of proposed development, and identify a method to contact the City for questions regarding the proposed development. In any instance where the provisions of *Table A.3.1 Public Notice Requirements* require a posted notice, the notice shall be placed prominently on the site that is the subject of the hearing, or on an adjacent street or highway right-of-way, at least fifteen (15) days prior to the date of the hearing.
5. **Legislative Public Hearings.** Legislative public hearing shall be held in accordance with all State law and comply with the following requirements:
 - (1) Legislative public hearings are not quasi-judicial in nature.
 - (2) The legislative public hearing shall be open to the public and attendees shall be allowed opportunity to comment.
 - (3) The provisions in this Chapter, shall apply with respect to Oath, Conflicts of Interest and record keeping.
 - (4) Decisions for legislative public hearing applications shall be decided by a simple majority vote.
 - (5) The applicant may agree to modify the rezoning application, including plans and specifications submitted, in response to questions or comments by persons appearing at the public hearing or to suggestions or recommendations by the Planning staff or Planning Board. Once rezoning application is amended and approved, modifications shall be binding.
 - (6) Unless such modifications are so substantial that the approving authority cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the approving authority may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the

Planning and Development Department.

- (7) Where deemed appropriate by City Council, modifications may be referred back to the Planning Board for review, prior to further consideration. The City Council may choose one of the following options:
- i. Continue the public hearing to a new date and time certain without further advertising; or
 - ii. Close the public hearing and re-publish notice of any future public hearings in accordance within this section

3.2 ZONING MAP AMENDMENT

- A. **Purpose.** The purpose of a Zoning Map Amendment (rezoning) is to review and decide upon a proposed amendment to the Official Zoning Map of the City of Sumter.
- B. **Applicability.** This procedure sets out the requirements for amendments to the zoning district designation of land within the City’s jurisdiction as well as for land coming into the City’s jurisdiction via annexation in accordance with the standards in *Section B Zoning Regulations*. Zoning districts on the Official Zoning Map may be amended per the requirements of this Section. A zoning map amendment shall be reviewed by the TRC and the Planning Board. A Planning Board public meeting is required. City Council has final decision-making authority. All applicable common application procedures defined in Section A.3.1 Development Review Processes, must be met. If the rezoning application submitted to Planning and Development does not conform to all applicable regulations, the applicant shall resubmit the plans to Planning and Development for redistribution and review. The following may submit an application for an amendment in each respective situation:
1. **Planning Commission or City Council.** The PB or City Council may request a rezoning other than to a conditional district.
 2. **Owner of Property.** The landowner, contract purchaser, agent, or other person having a recognized interest in the land with the written consent of the owner, may institute an application for a change in the zoning classification of that particular property.
- C. **Zoning Amendment Review Process.** A rezoning shall occur through a public hearing process and shall be reviewed by the Planning and Development Department for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans as defined in *Section A.3.1 Development Review Processes*. A staff report by the Planning Department shall be provided to the PB and City Council in their public hearings. The procedure for a rezoning shall be used for both a general rezoning and conditional rezoning. A

conditional rezoning includes conditions agreed to by the applicant and the City that shall limit development or seek modifications from the standards in this UDO. Applications for a conditional rezoning may not change to a general rezoning application. The application must clearly state which type of rezoning (general or conditional) is being sought.

- D. **PAC Review.** The PAC shall review any proposed Zoning Map Amendment for conformance to the UDO and any other relevant City ordinances and consistent with adopted plans including but not limited to the Comprehensive Plan as defined in *Section A.3 Review Processes*.
1. **Planning Commission Public Meeting.** The PC, following a public meeting, shall make a recommendation to the City Council on the requested Zoning Map Amendment and provide comment on its consistency with the UDO and any other relevant City ordinances and consistent with adopted plans including but not limited to the Comprehensive Plan as defined in Section 1.3 Review Processes.
- E. **City Council Public Hearing.**
1. The City Council may attach conditions to the rezoning requirements in addition to those required in this UDO. The City Council may modify and/or adjust any numerical requirement of this UDO within an amendment if the modification or adjustment meets the intent of the Comprehensive Plan and provides a development of equal or great quality.
 2. The City Council, at the conclusion of a public hearing, shall decide under legislative discretion, one of the following:
 - (1) Approve the application as submitted.
 - (2) Deny approval of the application.
Approve the application with modifications agreed to by the Applicant.
 - (3) Table the application to a future public hearing with or without further advertising.
 - (4) Submit the application to the Planning Commission for further study. The Planning Commission shall have thirty (30) days from the date of such submission to make a report to the City Council. Once the Planning Commission issues its report, or if no report is issued within that time, the City Council may take action on the application.
- F. **Effect.** Any property subject to a rezoning shall have its zoning districts modified on the Official Zoning Map as soon as possible after approval of the rezoning by City Council. Approved rezoning requests shall not expire.

3.3 REZONING TO PLANNED DEVELOPMENT DISTRICT

A. **Application Requirements.** A Planned Development Master Plan Application depicting the zoning standards and requirements of the proposed planned district shall include the following at a minimum:

1. **Location Information and Site Data.** The general location and associated data for:
 - (1) The title of the project and the names of the professional project planner and the developer.
 - (2) Scale, date, north arrow and general location map.
 - (3) Boundaries of the property involved including tabulations for gross acreage, all existing streets, buildings, watercourses, easements, section lines and other existing important physical features in and adjoining the project.
 - (4) Density/intensity of land uses (number of dwelling units and square footage by use types).
 - (5) Landscaped areas and typical cross sections.
 - (6) Buffers including typical cross sections.
 - (7) Location of fencing and berms including typical cross sections.
 - (8) Open space, common use areas, and amenities.
 - (9) Stormwater areas.
 - (10) Vehicular use areas and access.
 - (11) Utilities by type and connection points to the public systems.
 - (12) Street network.
 - (13) Pedestrian and multimodal systems.
 - (14) Use areas by use types (square footage non-residential and number of units by dwelling type).
2. **Zoning Standards.** For the purpose of documentation, the following standards may be either stand alone or combined documents or plan sheets, provided the following standards are clearly defined.
 - (1) Permitted uses and accessory uses, and use restrictions.
 - (2) Maximum nonresidential square footage permitted (if applicable).
 - (3) Maximum number of dwelling units permitted (if applicable).
 - (4) Type and number of dwelling units.
 - (5) Mobility Plan including street types identifying circulation elements including driveways, transit, vehicular, pedestrian and bicycle components, as applicable.

- (6) Open space plan including standards for functional and conservation (minimum percentage/acres by type).
 - (7) Maximum heights for of all proposed structures.
 - (8) Setbacks and lot/tract dimensions.
 - (9) Parking Plan providing standards for all use types.
 - (10) Signage plan.
 - (11) Architectural and design components (renderings and elevations).
 - (12) Landscaping plan.
 - (13) Outdoor lighting plan.
 - (14) References to all UDO sections where the PD proposes to utilize existing UDO language in lieu of creating standards specific to the proposed PD. If not specified, the standards for the closest applicable zoning district will apply.
3. **Statements of Intent.** Applicants shall provide:
- (1) A description of procedures of any proposed homeowner’s association, property owner’s association, or similar group maintenance agreement.
 - (2) A statement identifying the proposed development schedule.
 - (3) A statement of public improvements, both on and off-site, that are proposed for dedication and/or construction and an estimate of timing for providing such improvements.
 - (4) A statement of impact on public facilities and infrastructure including estimated water consumption, sewage collection and treatment, schools, garbage collection, fire protection, and local vehicular traffic. Letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed planned development.
 - (5) A statement concerning the appearance, landscaping, screening, and maintenance of any proposed open space, pond, lake, or retention pond/stormwater facility contained in the development.
 - (6) **Application Stage.** An applicant or owner shall submit his/her plans at least 30 days prior to a regular scheduled meeting of the Sumter City-County Planning Commission. However, it is recommended no less than 60 days to allow for staff review and applicant revisions. Due to the potential complexity of Planned Developments, a recommendation for denial will be forwarded to the Planning Commission and Council if all required items are not submitted/addressed within 30 days. These

timeframes are not intended to be interpreted as requiring the City to schedule such hearings if all requirements/comments by the City are not addressed.

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

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

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

1. The type of PD proposed, physical characteristics of the land, relation of the proposed development to the surrounding areas and existing and probable future development;
2. The relationship of the PD proposed to major roads, utilities and other facilities and services;
3. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed;
4. The suitability of plans proposed, or the desirability of amendments, with reasons therefore;
5. Desirable specific modifications in regulations or the Comprehensive Plan as applicable in a particular case, based on determinations that such modifications are necessary or justified in the particular case by demonstrating that the public purpose of the PD District or other regulations would be met to at least an equivalent degree by the proposal of the applicant. Based on such findings, the planning staff shall recommend approval of the PD amendment as proposed, approval

conditioned on specific stated modifications, or disapproval, with recorded reasons therefore.

- B. **Review Stage.** After the 60 day period for the PD subdivision or site plan application process is concluded. In making its report, the Planning Commission should consider the following factors
1. The relationship of the request to the Sumter Comprehensive Plan;
 2. Whether the request violates or supports the Plan;
 3. Whether the permitted uses would be appropriate in the area concerned;
 4. Whether adequate public facilities such as roads, water & sewer facilities, drainage facilities, and schools and other public services exist or can be provided to serve the needs of the development.
- C. **City Council Action.** Action by the City Council shall be provided by Ordinance generally. City Council shall grant or deny the PD application within 30 days from the receipt of the Planning Commission's recommendation.

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

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

If the application is granted, the development shall be required to be in accord with the approved PD, meeting the requirements of these and other regulations, as supplemented or modified by the City Council in the particular case as part of the amendment action, and shall conform to any time or priority limitation established by the City Council on the beginning or completion of the development as a whole or in specified stages.

In taking action to amend the Official Zoning Map(s) to establish the approved PD, City Council shall pass upon the adequacy of the application, in form and/or substance relative to any agreements, contracts, deed restrictions, sureties, or

other instruments involved, and before development may proceed, such instruments shall be approved by the appropriate city officers and departments.

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

E. Changes in approved plans.

1. **Minor changes.** Minor changes shall be approved by the Zoning Administrator only upon findings identical to those required for original approval.
2. **Major changes.** Major changes shall be subject to further amendatory action by the Planning Commission (PC). Examples of major changes include, but are not limited to:
 - (1) Expansion of the project boundary;
 - (2) Change in use within 100 feet of the property perimeter (i.e., change from single family to multi-family; change from multi-family to non-residential specifically those in the Commercial Use Group);
 - (3) Reduction in buffering where adjacent to existing single family residential uses.
 - (4) Changes in maximum number of dwelling units exceeding 10% of the maximum approved (not to exceed the maximum allowable density per the corresponding Tier) or;
 - (5) Changes in non-residential square footage by more than 10 percent;
 - (6) Modifications or amendments to the initial traffic ingress/egress plan or preliminary traffic plan including but not limited to providing additional roadways (excluding driveways).

4. ADMINISTRATIVE ADJUSTMENT

4.1 PURPOSE

This section describes the review and approval procedures for administrative adjustments, which are slight modifications or deviations from appropriate zoning standards outlined in this UDO that may be permitted by Staff. The intent of Administrative Adjustments is to allow greater flexibility without requiring a formal zoning amendment or variance for a slight modification or deviation. The administrative adjustment is not intended to serve as a method to waive current standards of the UDO or to circumvent the variance procedure.

4.2 APPLICABILITY

- A. The administrative adjustment procedure shall apply to the standards and limitations established in *Table A.1.1 Summary Development Process, Allowable Administrative Adjustments*.
- B. The administrative adjustment procedure shall not apply to any proposed modification that results in:
 - 1. An increase in the overall project density;
 - 2. A change in permitted uses or mix of uses;
 - 3. A deviation from the specific use standards in *Section B.13 Use Standards*;
 - 4. A deviation from environmental protection standards specified in this UDO;
 - 5. A change to a development standard already modified through previous approved and separate administrative adjustment or variance; or
 - 6. Requirements for public roadways, utilities, or other public infrastructure or facilities.
- C. **Administrative Adjustment Procedure.** This subsection establishes a uniform set of procedures for administrative adjustment applications to be more effective and efficient for applicants, adjacent properties, elected officials, and City Staff. Any deviation from the procedure outlined below shall be grounds for invalidating an otherwise valid decision.
- D. **Pre-Application Meeting.**
 - 1. The purpose of a pre-application meeting is to provide an opportunity for the applicant to meet with City Staff to learn about the submittal requirements,

procedures, and standards applicable to the requested Administrative Adjustment.

(1) A pre-application meeting is not required but is encouraged.

E. Application Submittal, Acceptance, Revision, and Withdrawal.

1. The administrative adjustment application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with this section. The application shall include all required information as in the Development Review Procedure, and any additional information requested by City staff.
2. An application for an administrative adjustment shall only be submitted and reviewed concurrently with an application for a special use permit, temporary use permit, change of use permit, site plan approval (minor or major), or plat approval (preliminary or final).

F. Staff Review, Correspondence, and Action.

1. Review and Decision

- (1) Shall be reviewed by the Planning and Development Department for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans. A written determination by the Planning and Development Department shall be provided to the applicant.
- (2) Where the concurrently reviewed application is subject to review and approval by the Planning Commission and/or City Council, the Planning Commission and/or City Council shall review and decide the administrative adjustment application based on the criteria below.
- (3) City staff shall review all other administrative adjustment applications and shall approve, approve with conditions, or deny the adjustment request based on the criteria below.

2. Administrative Adjustment Approval Criteria

- (1) In reviewing a proposed administrative adjustment, City staff, and/or City Council shall consider whether and to what extent the adjustment:
 - i. Is consistent with the Comprehensive Plan;
 - ii. Is consistent with the purpose of the applicable zoning district;
 - iii. Will not result in incompatible development; and
 - iv. Will not result in adverse impacts unless adequately mitigated; and/or
 - v. Is of a technical nature and is required to:
 - a. Compensate for an unusual site condition;
 - b. Eliminate a minor inadvertent failure to comply with a UDO standard; or

c. To protect a sensitive resource or natural feature.

G. Post-Decision Actions and Limitations. Post-decision actions and limitations in the Development Review Procedures shall apply, with the following modifications:

1. Effect of Approval. Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.
2. Expiration of Approval. Approval of an administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise becomes invalid.

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5. DEFINITIONS

Abandonment. The termination or relinquishment of property or use for a continuous period.

Abutting. The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at the corner, but not including cases where parcels of land are separated by a street, water body or right-of-way.

Accessory Dwelling Unit (ADU). An ADU is a self-contained dwelling unit - includes a sleeping area, kitchen, and bathroom, as well as its own external entrance - that is constructed on a lot in addition to an existing single-family residence. The ADU use is subordinate to the principal dwelling and can function autonomously if necessary. ADUs may also be referred to as granny flats and mother-in-law suites, but not limited to these names.

Accessory Structure. A subordinate or incidental structure, of which the use is incidental to the principal structure and is located on the same lot as the principal structure.

Accessory Use. A use that is incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot. Accessory uses are allowed by right in conjunction with the primary use unless stated otherwise in these regulations.

Administrative Officer. The Planning Director shall be the governmental officer charged with administering development regulations. However, *Section A Administration* 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 in the construction, repair, size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location or use

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. Also known as the 100-year flood

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. The lowest level or story which has its floor sub grade on all sides

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

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

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

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

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

Building. Any structure put together for the support, shelter, or enclosure of persons, animals, and property.
Building, 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. Convenience stores with fueling stations are involved in the retail sales of fuel for motor vehicles, and convenience items including but not limited to food, beverages, tobacco products, and other similar products as its primary sales. 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.

Correctional Facility. A private or government establishment primarily engaged in managing and operating correctional institutions. This establishment is designed for the confinement, correction, and rehabilitation of adult or juvenile offenders sentenced by a court.

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.

Crematorium. A facility with a furnace for cremating dead bodies, either animal or human.

Crosswalk Visibility. The degree to which a marked pedestrian crossing is clearly observable to approaching motorists and pedestrians under various conditions, including daylight, nighttime, and inclement weather. Crosswalk visibility is influenced by factors such as pavement markings, signage, lighting, sight distance, and the presence of obstructions. Adequate visibility is essential to ensure pedestrian safety and compliance with traffic regulations.

Crop Production. The production of crops, plants, vines, and trees (excluding forestry operations), including but not limited to grain and vegetable farms, horticulture, greenhouses, orchards, tree nurseries, hydroponics, and aquaponics.

Day Care Services.

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

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

Dwelling, Manufactured Home/Mobile 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. Multifamily dwelling units are characterized by a building that contains five or more dwelling units. This definition includes condominiums or multifamily apartments. Tenancy is arranged for periods longer than one (1) week. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the commercial categories).

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, Single-Family Detached. A residential building containing only one (1) dwelling unit, to be occupied by one family. For regulatory purposes, the term is not to be construed as including manufactured/mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, Single-Family Attached. A residential building that may be attached or semi attached, consisting of split-level dwelling units, each dwelling unit typically owned by separate ownership. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, Duplex, Triplex, or Quadplex. Characteristics. A residential building containing two (2) dwelling units (two-family), three (3) (triplex), or four (4) (quadplex), usually under single ownership, consolidated into a single structure. This dwelling type is typically on a single lot and contains common walls. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, 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.

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.

Easement. The right to use or occupy real property of another owner for a purpose.

Easement, Private Access. A privately owned and maintained right-of-way created by express grant or reservation in an instrument of record in the County Register of Deeds or Sumter County Register of Deeds, which connects directly to a publicly maintained and dedicated street that provides vehicular access to no more than two lots.

Electric Message Sign. A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED's), fiber optics, or other similar new technology where the message change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static pictures, with or without textual information.

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.

Façade. The exterior wall of a building facing a lot line or right-of-way, from the grade to the eave or highest point of a roof. Facades may be on the front, side or rear of the building.

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). 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. Any land area susceptible to be inundated by water from the base flood. As used in this UDO, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the “Flood Boundary and Floodway Map” prepared by the U.S. Department of Housing and Urban Development.

Floor Area Ratio. FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located.

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.

General Equipment Rental Services. The rental of supplies and large equipment primarily intended for use by construction, general, landscaping, or industrial contractors, including but not limited to hoists, lifts, forklifts, and commercial capacity generators and compressors, but not including car or truck rentals.

Government Office. A building, or portion of a building, wherein government activities are performed involving predominately administrative, record keeping, professional, and/or clerical operations and where professional services are rendered. For the purpose of this ordinance “government” includes local, state, and federal government agencies including but not limited to City of Sumter, Sumter County, and United States Postal Service.

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 *Section B.13 Use Standards* of this Ordinance in conjunction with the supplemental regulations outlined in *Section B.13 Use Standards* 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.

1. *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.

Heavy. Describes a level of intensity or scale in land use or operations that typically involves substantial physical impact, large equipment, high volumes of materials, or significant environmental considerations. “Heavy” may refer to industrial, manufacturing, or transportation activities that generate noise, vibration, emissions, or traffic beyond what is typical for light or moderate uses. Examples include heavy manufacturing, heavy equipment storage, and heavy truck traffic.

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

Higher Education (College, Junior College, University, Technical). Universities, colleges, or vocational schools are higher learning establishments that provide post public school (including associate, bachelor, graduate, doctoral), vocational, and technical degrees and skills.

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. The use of a dwelling unit on the same lot for a commercial activity that is clearly subordinate to the principal use of the dwelling unit for residential purposes.

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 the underlying zoning district and as specified in *B.13.10 Specific Conditions And Standards For Conditional Uses And Special Exceptions*;
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.
 - (1) Automobile and/or body and fender repair;
 - (2) 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;
 - (3) Construction trades where office or business activities associated with the conduct of the business are conducted on the premises;
 - (4) 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 not 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.

Land Development. The changing of land characteristics through development, redevelopment, subdivision of land tracts into parcels, construction of buildings, structures, and uses defined in *Section B.13 Use Standards*.

Liquor Store. A retail establishment engaged in the sale of packaged alcohol include beer, ale, wine, and spirits for consumption off premises.

Lot.

1. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
2. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.
3. The permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this UDO.

Lot, Corner. A lot located at the intersection of 2 or more streets.

Lot, Through. A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front street yard, which shall dictate its front setback requirements. Orientation of the house, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non-primary street yard.

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

Lot, Interior. A lot, other than a corner lot, which as frontage on only 1 street other than an alley.

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

Lot, Width. Lot Width is the distance between the side lot lines measured at the primary street property line along a straight line of the property line. Lot width may be averaged between the front lot width and rear lot width.

Lot Area. Lot Area is the lot width multiplied by the lot length. Minimum lot areas shall exclude rights-of-way.

1. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street; and
2. In a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for the purposes of computing the lot shall be the inside boundary of the traveled portion of that road.

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/Mobile Home. Seeing 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.

Major Vehicle Service. Facility dealing in more than minor vehicle service as defined. Major vehicle service includes an auto body shop, repair of motor vehicles components such as engines and transmission.

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.

Minor Vehicle Service and Vehicle Part Sales. Minor vehicle service establishments are involved with the body detailing, mechanical repairs, or the painting of automotive vehicles. These repairs should be minor in nature and any services rendered on site should be minor in nature as well.

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/Vendor. Shall encompass the individual and the act of selling goods from a stationary cart.

Modular Building Unit. 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 considerations 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-Conforming Use. A use which was lawful on the date it was established, but is no longer a permitted use within that zoning district.

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

Nursery. An establishment whose primary function is the retail sales of live plants and trees, mulch, compost, and the like to individual customers or wholesale.

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.

Ordinance. A legislative enactment by the City of Sumter, South Carolina.

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

Parking Space. An all-weather dust free surface area, either connected to a public or private roadway or located within the right-of-way of a roadway.

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 Parking. Accessible to the general public without restriction based on membership, residency, or private affiliation. Public parking may be provided by a governmental entity or a private party and includes on-street parking, municipal lots,

and publicly accessible spaces within private developments. These facilities are intended to support access to commercial, civic, recreational, and residential areas.

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.

1. **Major Public Utility.** Infrastructure services providing regional or community-wide services.
2. **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.

Recreation (Active). Recreational features, often requiring equipment and taking place at prescribed places, sites or fields, which allow for the active recreational needs of residents or users of the development with they serve.

Recreation (Passive). Recreational features that do not require prepared facilities like sports fields or pavilions and require minimal disruption to a site.

Redevelopment. Any installation of improvements, new construction, or reconstruction on a lot or site which already has pre-existing uses.

Religious Institutions. A facility intended as a house of worship that hosts organized religious services.

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.
 - (1) At least 35% of the establishment’s displayed merchandise consists of said items, or;
 - (2) 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;
 - (3) At least 35% of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items, or;
 - (4) 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;
 - (5) 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;
 - (6) The establishment regularly offers for sale or rental at least 2,000 of said items; or;
 - (7) 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;
 - (8) 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.
 - (1) By a college, junior college, or university supported entirely or partly by taxation;
 - (2) 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
 - (3) In a structure.
 - i. 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

- ii. 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.
 - (1) 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
 - (2) 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.
 - (1) Intercourse, oral copulation, masturbation or sodomy; or
 - (2) 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. The term *SIGN* includes sign structure.

Sign Area. The total square foot area of a sign area which contains the message being conveyed.

Sign Face. The part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation, which attracts or intends to attract the attention of the public for any purpose.

Sign Height. Vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

Sign Permit. A permit issued that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign Structure. Any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the **SIGN STRUCTURE**.

Sign, Abandoned. A sign associated sign structure that the sign owner has failed to operate or maintain for a period of 180 days or longer. The following conditions shall be considered as the failure to operate or maintain a sign.

1. A sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed; or
2. A sign which is blank.

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, 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.

1. **Expressway.** A public thoroughfare with limited access that could have both at-grade intersections and grade separated interchanges.
2. **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.
3. **Local Street.** A public thoroughfare designed to provide access to property abutting the right-of-way.
4. **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. 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.
 - (1) The grantor(s) must ensure that the grantee(s) shall have sufficient access to the property. If the property to be granted does not abut a public street or rural community driveway, then an easement for ingress and egress must be established. The easement must be passable and available to public and private vehicles. The easement must be at least 15 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.
 - (2) All addressed provisions of the E-911 system must be met.
 - (3) Maintenance of the easement will be the responsibility of each property owner who uses the easement.
 - (4) The exemption shall be disqualified if the property is ever conveyed to anyone outside the immediate family of the original grantee(s). For the

purposes of this provision, “immediate family” includes parents, siblings, spouses, and children. In the event of such a transfer, and prior to the conveyance becoming effective, the existing easement must be upgraded to an all-weather surface with a minimum 15-foot travel way. Additionally, recorded covenants must be established to ensure ongoing maintenance of the easement. These covenants must reflect the standards typically applied to rural community driveways, including design and improvement requirements. The upgraded easement must meet the same design and construction standards as those required for rural community driveways, unless it is physically impossible to comply due to the original easement’s width and the inability of the transferring party to secure additional right-of-way. To ensure compliance, any deed conveying property that qualifies as an exempt subdivision under this provision must include the following statement:

“This property is subject to restrictions found in the Sumter County Subdivision Ordinance of December 14, 1999 under the definition of ‘Subdivision, Exempt,’ or any successor ordinance or statute having the force of law.”

7. **Subdivision, Major.** A major subdivision is any subdivision other than an exempt or minor subdivision.
8. **Subdivision, Minor.** A minor subdivision is on which does not involve the provision of any new street for access; but includes subdivisions involving Rural Community Driveways.
9. **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”.

Special-Use Permit. A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this UDO as well as any additional requirements by the Board of Adjustment.

Storage. Facilities providing separate storage areas for personal, or business use designated to allow private access by the tenant for storing or removing personal property.

Storage Unit, Portable. Transport trailers, cargo containers, storage trailers, mobile storage facilities, sea/land containers, and similar structures designed for conveyance and used primarily for storage of goods and materials. Portable Storage Units are not intended to be used as permanent storage facilities in residential districts.

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

Temporary Dwelling. A residence (which may be a manufactured/mobile home) that is.

1. Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster;
2. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intended to live in such permanent residence when the work is completed; or
3. Located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

Temporary Use Permit. A permit issued by the Director or designee that authorizes the recipient to temporarily modify the use of the property.

Tract. The term TRACT is used interchangeably with the term lot, particularly in the context of subdivisions, where on TRACT is subdivided into several “lots”.

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.

Transient Accommodations. Lodging services provided for a temporary duration, typically fewer than 30 consecutive days, to guests who do not have a permanent residence at the location. Transient accommodations include hotels, motels, inns, bed and breakfasts, short-term rentals, and similar facilities. These uses are intended for travelers, tourists, or temporary visitors and may include ancillary services such as dining, meeting rooms, or recreational amenities.

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.

Utilities. Facilities and infrastructure used to provide essential public services including, but not limited to, water supply, wastewater treatment, stormwater management, electricity, natural gas, telecommunications, and solid waste disposal. Utilities may be publicly or privately owned and operated, and can include above-ground or underground systems, utility lines, substations, pump stations, and related support structures necessary for service delivery to residential, commercial, industrial, and institutional properties.

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.

Vehicle Use Area (VUA). The areas used for movement, circulation, parking, and/or display of any type of vehicle, including but not limited to parking lots, loading and unloading areas and sales service areas.

Vehicle Sales and Rental Services. Establishments that are involved with the sale or leasing of automobile (including but not limited to cars and boats), renting of motor vehicles, and display of motor vehicles for sale, lease, or rental.

Waste. Materials to be disposed resulting from consumption or developmental activity.

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.

Watershed. The entire land area contributing surface drainage to a specific point (for example, the water supply intake).

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.

Zoning Map. The official zoning map of the City of Sumter. The zoning map has been officially adopted by the City of Sumter as part of Ordinance No. _____ dated _____.

Zoning District. A permit issued by the land-use administrator that authorizes the recipient to make use of property in accordance with the requirements of this UDO.