

# A ADMINISTRATION

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# 1. INTRODUCTORY PROVISIONS

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. This Chapter intends to define all development review processes of this Unified Development Ordinance (UDO) and is comprised of the following components:

- A. **General Terms (Section 1.5).** Section 1.5 defines the general terms or works used in this document.
- B. **Table A.3.2 Summary of UDO Review Procedures.** The summary table describes all development application review processes in this document and the review and decision-making bodies which decide them.
- C. **Administrative Officials, Boards and Commissions (Section A.2).** Section A.2 describes all review and decision-making bodies with responsibilities in this document.
- D. **UDO Review Procedures (Section A.3).** Section A.3 describes common development review procedures that apply to multiple review processes and each individual review process as defined in this document. This includes requirements for meetings, applications, hearings, and process review procedures.
- E. **Enforcement (Section A.4).** Section A.4 describes the regulatory provisions applicable to review processes described in this Section.

## **1.1 TITLE**

This document is to be known as the “City of Sumter Unified Development Ordinance (UDO).” It should be read in conjunction with the official zoning map noted in [insert reference].

## **1.2 AUTHORITY**

The development regulations contained in the UDO have been adopted pursuant to the authority conferred by the *South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.*

The enumeration of these sections of the General Statutes is not intended to exclude any other section of the General Statutes which grants or confirms authority to municipalities to promulgate ordinances, rules, or regulations similar or identical to those set forth in the Unified Development Ordinance.

## **1.3 JURISDICTION**

Pursuant to the general health, safety and welfare of the community, the articles and sections of the UDO apply as relevant to all public and private development within the corporate limits of the City of Sumter in their current form and in all future extensions and configurations as shown on the official zoning map and its periodic updates

## **1.4 PURPOSE AND INTENT**

- A. This document's general purpose is to guide development within the municipal limits:
1. In accordance with existing and future needs;
  2. For the purposes of promoting the health, safety, and general welfare of the City;

3. Providing safe and convenient orientation to streets and other public spaces for accessibility;
  4. Securing safety from fire;
  5. Providing adequate light and air to dwellings;
  6. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, public improvements and other infrastructure; and
  7. Protecting scenic and critical environmental areas.
- B. Specifically, the regulations contained in the UDO and other relevant adopted plans and policies are designed to implement the following planning principles:
1. Grow by balancing economic growth with the preservation of our natural resources and quality of life;
  2. Preserve open space in connected networks where possible;
  3. Preserve and revitalize historic buildings and spaces;
  4. Balance individual and community interests;
  5. Enhance quality of life through quality design; and
  6. Protect Shaw AFB from incompatible development.
- C. Accordingly, the City Council does hereby ordain and enact into law these and the following articles and sections.

## **1.5 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

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on land, or an addition to something having a permanent attachment to land.

6. The word "land" includes the words "water," "marsh" and "swamp."

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## **1.6 CONSISTENCY WITH ALL ADOPTED PLANS**

In accordance with S.C. Code 1976, § 6-29-310 et seq., the UDO is intended to implement the various development-related plans and policies adopted by the City Council.

## **1.7 CONFORMITY WITH ALL STANDARDS**

No land, structure or parts thereof shall be used, occupied, constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is located, and with all other applicable local, state and federal laws.

## **1.8 ANNEXATIONS**

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

## **1.9 CONFLICTS AND SEVERABILITY**

- A. **Resolution Of Conflicting Regulations.** Wherever there is, or appears to be, a conflict between any provision of this chapter with the provisions of any other lawful ordinance regulation or resolution of the City, the requirements of this ordinance shall take precedence.
- B. **Severability.** In the event of any portion of the UDO being declared unconstitutional or invalid, such decision does not affect the remainder of the ordinance.

## **1.10 EFFECTIVE DATE**

The date of adoption of this Unified Development Ordinance is recorded as [Insert DATE].

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# 2. ADMINISTRATIVE OFFICIALS, BOARDS, AND COMMISSIONS

## 2.1 PURPOSE AND APPLICABILITY

- A. **Purpose.** In order to establish an orderly process to develop land within the jurisdiction of the City of Sumter it is the purpose of this section to provide a clear and understandable development process that is fair and equitable to all interests, including the applicants, affected neighbors, City staff, related agencies, and the City Council.
- B. **Conformity with Code.** The applicable approved authority shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this ordinance.

## 2.2 ADMINISTRATIVE OFFICIALS AND AGENCIES

- A. **City Staff.**
  - 1. **Designation.** The various provisions of this ordinance shall be administered under the general direction of the City Council and City Manager and under the specific direction of the City's Department Heads. For the purposes of this ordinance, the Heads of each department and their subordinate staffs as well as the Technical Review Committee assigned with the task of plan and subdivision review are collectively referred to as "City Staff".

2. **Duties and Responsibilities.** City Staff shall serve as the intake point and first stop for all development applications and will advise applicants of the appropriate personnel to contact. Responsibilities include:
  - (1) **Clerical.** To maintain permanent and current records of this Ordinance, including all maps, amendments, conditional uses, variances, appeals and records of hearing hereon, all of which shall be open to public inspection during regular business hours; and prepare and maintain the official copy of the zoning ordinance and zoning map and all other publications referenced in the UDO, keeping them current with all amendments and changes and have copies available for sale or free distribution to the public; and to keep a record of all such applications including plats and plans, which record shall be open to public inspection during regular business hours.
  - (2) **General Administration.** To administer and enforce the provisions of this Ordinance including the issuance of various permits as noted in this chapter; to make written interpretations of the various provisions of this Ordinance as requested; and to conduct inspections of structures, land and the uses thereof to determine compliance with the provisions of this Ordinance.
  - (3) **Permit Review and Issuance.** The review and processing of building permits, zoning permits and certificates of occupancy that meet the provisions of this Ordinance and of the City's building code, in collaboration with the Building Official; and the review and processing of Conditional Uses, Administrative Adjustments, Site Plans, and Subdivision Plats.
  - (4) **Board and Commission Support.** To provide clerical, technical and consultative assistance to the various Boards and Commissions in their duties related to this Ordinance;
3. **Appeals.** Appeals from a City Staff decision shall be heard in accordance with applicable state law:
  - (1) **UDO Interpretation/Determination.** Appeals by any person aggrieved by an administrative UDO Interpretation/Determination where it is alleged there is an error in an order, requirement, decision, or determination made by City Staff in the administration of enforcement of the UDO shall be heard by the

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BZA in accordance with the procedures outlined in *Section 2.6 Board of Zoning Appeals (BZA)*.

- a. An appeal shall be taken within 30 days from the date of the decision rendered by City Staff by filing with the Planning Department a written notice of appeal specifying the grounds thereof.
- b. Appeals shall be submitted on application forms obtained from the Planning Department.
- c. All papers constituting the record upon which the appeal action was taken shall be transmitted to the BZA.
- d. Any communication purporting to be an application for an appeal shall be regarded as mere notice to seek relief until it is made in the form required.
- e. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after a notice of appeal has been filed, that by reasons of facts stated in the certification a stay would, in the Zoning Administrator's 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 BZA or by Circuit Court pursuant to *S.C. Code 1976 § 6-29-800*.

(2) **Site Plans/Subdivision Plats.** If City staff is authorized to approve or disapprove a site plan or subdivision plat, such decisions shall be appealed to the Planning Commission pursuant to *S.C. Code 1976, § 6-29-1150*.

- a. An appeal shall be heard by the Planning Commission within 60 days of receipt of the appeal.
- b. Appeals shall be submitted on application forms obtained by the Planning Department.
- c. All papers constituting the record upon which the appeal action was taken shall be transmitted to the Planning Commission.
- d. Any communication purporting to be an appeal shall be regarded as mere notice to seek relief until it is made in the form required.

- (3) **Design Review (Certificate of Appropriateness).** If City staff is authorized to approve or disapprove a certificate of appropriateness, such decisions shall be appealed to the Design Review Board.
- (4) An appeal shall be taken within 30 days from the date of the decision rendered by City Staff by filing with the Planning Department a written notice of appeal specifying the grounds thereof.
- (5) **Technical Review Committee.**
  - a. **Designation and Responsibility.** The Technical Review Committee, who may be referred to in this UDO as the “TRC”, is a technical review committee for projects that have been submitted to the City of Sumter.
  - b. **Technical Review.** The TRC 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.
- (6) **Meetings.** For the applicable projects, the TRC meeting schedule shall be consistent with the schedule of Planning Commission meetings. No formal approval of projects shall be made at TRC meetings.

**Powers and Duties.** The powers and duties of the TRC are provided within *Table A.3.2 and Table A.2.3.*

#### 4. **City Council.**

- (1) **Purpose and Intent.** The City Council is the elected governing body of the City of Sumter.
- (2) **Responsibilities.** City Council shall review and decide upon applications for:
  - a. Zoning Map Amendment
  - b. Zoning Map Amendment to Planned Development
  - c. Planned Development District Amendment (major)
  - d. UDO Text Amendment
- (3) **Powers and Duties.** The powers and duties of the City Council are provided within *Table A.3.2 Summary of UDO Review Procedures.*

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- a. 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.
  - b. 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.
  - c. Comprehensive Plan Amendment: To initiate, adopt, and amend a Comprehensive Plan after receiving comments and recommendations from the Planning Commission.
  - d. Historic Designation: To designate historic landmarks and amendments to the existing historic district(s) after receiving comments and recommendations from the Design Review Board.
- (4) **Appointments.** The City Council shall appoint members to the Planning Commission, Board of Zoning Appeals, and Design Review Board.
- (5) **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.

### 2.3 BOARDS AND COMMISSIONS

The following bodies have powers and duties in administering review processes in this UDO:

- A. Planning Commission (PC) – Section A.2.5
- B. Design Review Board (DRB) – Section A.2.6
- C. Board of Zoning Appeals (BZA) – Section A.2.7

## 2.4 GENERAL PROVISIONS FOR ALL BOARDS AND COMMISSIONS

Unless otherwise noted in this Ordinance or any other adopted law or policy, the following shall apply to all Boards and Commissions delineated in Chapter 2.2 and their members:

- A. **Appointment.** All Board/Commission members shall be appointed by the Mayor and City Council. Members shall serve until their successors are appointed and qualified and shall meet all requirements for appointment as outlined in the City's ordinances and per applicable state law. No member of an appointed Board/Commission shall be the holder of an elected public office of the City. All appointed members of a Board/Commission shall have demonstrated independent judgment and shall be able to prepare for and attend board meetings and be otherwise qualified consistent with City Code.
- B. **Terms.** All terms shall be for 4 years and shall be staggered, unless otherwise noted. Upon a vacancy created by a resignation of any member, the vacancy shall be filled for the unexpired term in the manner as are original appointments. All terms shall expire on December 31st of the applicable year.
- C. **Vacancies.** A vacancy in a term of office shall occur whenever City Council finds that a member has resigned; not maintained required qualifications; has not attended at least 70% of properly called meetings within a year without just cause; or has been found guilty of malfeasance or misconduct in office and in accordance with *S.C. Code of Laws of 1976*, as annotated. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- D. **Removal.** City Council may remove any member of an appointed Board/Commission for cause.
- E. **Compensation.** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by City Staff.

- F. **Officers.** Each Board/Commission shall elect a Chairperson and a Vice-Chairperson from its members who shall serve for one year or until reelected, or until a successor is elected.
1. If both the Chair and Vice-Chair are absent, the Board shall vote to determine who shall serve as acting Chair for the meeting.
- G. **Quorum.** A simple majority of the members of the Board/Commission must be present to constitute a quorum. If recusing a member due to a conflict of interest causes a quorum to be lost then action on that item for which the member was recused may not proceed however discussion on that item or any other item may proceed at the chair's discretion.
- H. **Meetings.** A regular meeting schedule shall be set each year. Additional meetings shall be held at the call of the Chairperson and at such other times as the Board/Commission may determine. All meetings of the Board/Commission shall be open to the public.
- I. **Notice of Meetings.** All Boards/Commissions must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. An agenda for regularly scheduled or special meetings must be posted on the City's website at least 24 hours prior to such meetings. All Boards/Commissions must post on such website, if any, public notice for any called, special, or rescheduled meetings. Such notice must include the agenda, date, time, and place of the meeting, and must be posted as early as is practicable but not later than 24 hours before the meeting. This requirement does not apply to emergency meetings. Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this section, no items may be added to the agenda without an additional 24 hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a 2/3 vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a 2/3 vote of

the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda

- J. **Rules of Proceeding.** Each Board/Commission shall adopt and adhere to rules of procedure for the conduct of business consistent with this Ordinance and the S.C. Code 1976, § 6-7-10 et seq.
- K. **Voting.** Unless otherwise noted, decisions or actions by a Board/Commission shall be by a majority vote of qualified members present and voting. Proxy votes or votes by email will not be permitted.
- L. **Minutes.** Each Board/Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and records of its examinations and other official actions
- M. **Conflicts of Interest.** A member must not participate in or vote on any matter if doing so compromises the impartiality required by due process. This includes having a fixed opinion, undisclosed ex parte communications, close personal, familial, or business ties to an affected party, or a financial interest in the outcome. "Close familial relationship" includes spouses, parents, children, siblings, grandparents, grandchildren, and step, half, or in-law relations
- N. **Liability of Members.** Any member acting within the powers granted by this Ordinance is relieved from all personal liability for any damage. Any suit brought against any member of a Board/ Commission for decisions rendered shall be defended by a legal representative furnished by the City until the termination of the proceedings.
- O. **Actions Subsequent to Board/Commission Approval.** Once approval by a Board/Commission or City Council is granted, the standard building permit and business license process applies. If conditions are attached to the approval, these conditions must be met prior to obtaining building permits. If construction has commenced, approval shall run with the approved permit's allowable time limits per applicable City ordinances. Should the Board/Commission approve an application with conditions that can then be reviewed by staff, such action will take place before any building permits are to be allowed. The Board/Commission may allow the applicant to submit elements individually (i.e., architecture, site lighting).

P. **Staff.** City Staff or their designee shall serve as staff to each Board/Commission.

## 2.5 PLANNING COMMISSION (PC)

A. **Authority.** Pursuant to S.C. Code § 6-29-320, *et seq.*, as amended, there is hereby established a joint City-County Planning Commission, which shall perform all planning functions for areas within its jurisdiction.

B. **Membership.** 9 members with 3 members appointed by City Council, 3 members appointed by County Council, and 3 members appointed jointly. City Council shall consider the following factors when making appointments to the Planning Commission:

1. Professional experience,
2. Knowledge of the community, and
3. Concern for the future welfare of the total community and its citizens.

C. **Duties and Responsibilities.** City Council delegates to the Planning Commission the following duties:

1. Promote comprehensive planning within the City's jurisdiction.
2. Review and make recommendations to City Council concerning all proposed zoning and land development regulation amendments for conformity with the goals, procedures and recommendations contained within the adopted Comprehensive Plan.
3. Review and make recommendations to City Council in regard to amendments to the Official Zoning Map.
4. Review and make recommendations concerning major transportation projects affecting land within the City's jurisdiction.
5. Review and make recommendations to City Council on public projects.
6. Review and take action on street names.
7. Review and make recommendations on other matters delegated by City Council, or on such other matters as may appropriately come before the Commission.
8. Review and approve Site and Subdivision Development Plans.

- D. **Appeals.** Any person who may have a substantial interest in any decision of the Planning Commission may appeal any decision of the Planning Commission to the Circuit Court pursuant to *S.C. Code 1976, § 6-29-1150 and § 6-29-1155*. Appeals filed with the clerk of such court shall be in writing and set forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Planning Commission is rendered.

## 2.6 BOARD OF ZONING APPEALS (BZA)

- A. **Authority.** Pursuant to *S.C. Code 1976, § 6-29-320, et seq.*, as amended, there is hereby established a joint City-County Board of Zoning Appeals which shall review appeals and requests for variances and special exceptions relative to decisions of City Staff in the areas within its jurisdiction.
- B. **Membership.** The Board of Zoning Appeals is a joint city-county administrative body and shall consist of 9 members with 4 appointed by City Council and 5 appointed by Sumter County Council. City-appointed members of the BZA shall be residents of the City.
- C. **Duties and Responsibilities.** 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 Appeals: To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by City Staff in the administration/enforcement of the UDO.
  2. Special Exceptions: Granting Uses Permitted by Special Exception within Section B.13 Permitted Uses of this UDO. The BZA shall consider the following criteria:
    - (1) Special exception uses are subject to the terms and conditions for the use set forth for such uses in the UDO.
    - (2) Special Exception uses shall be evaluated by the BZA on the basis of the following criteria:

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- a. That the Special Exception use complies with all applicable provisions contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.
  - b. The special exception use will not discourage or negate the use of surrounding property for permitted use(s).
  - c. In granting special exception use, the BZA may impose such additional stipulation, conditions, or safeguards as, in its judgement, will enhance the siting of the special exception.
- (3) *Variances*: Granting variances from the requirements within Chapters B and C of this UDO when strict application of the provisions will result in unnecessary hardship.
- a. A variance may be granted in an individual case of unnecessary hardship if the BZA makes the following findings:
    - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property.
    - (b) These conditions do not generally apply to other property in the vicinity.
    - (c) Because of the conditions, the application of the UDO to the particular piece of property will effectively prohibit or unreasonably restrict the utilization of the property.
    - (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.
  - b. The BZA may not grant a variance when the effect of which will result in:
    - (a) The establishment of a use not otherwise permitted in a zoning district.
    - (b) Extend physically a nonconforming use of land.
    - (c) Change zoning district boundaries shown on the official zoning map.

- c. The fact that property may be utilized more profitably, should a variance be approved, shall not be considered by the BZA.
  - d. In granting a variance, the BZA may attach to it such conditions regarding location, character, or other features of the proposed building, structure, or use as the BZA may consider advisable to promote the public health, safety, or general welfare.
3. **Public Notice.** Public notice of all meetings 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 1 such notice sign being visible from each public street that abuts the property.
4. **Appeals.** Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal any decision of the Board to the Circuit Court within 30 days after the decision of the board is postmarked pursuant to *S.C. Code 1976, § 6-29-820; § 6-29-825; § 6-29-830; § 6-29-840; and § 6-29-850.*

## 2.7 DESIGN REVIEW BOARD (DRB)

- A. **Authority.** Pursuant to *S.C. Code 1976, § 6-29-870, et seq.*, as amended, there is hereby created a Design Review Board (DRB) that protects and improves the visual and aesthetic character of development within certain designated Design Overlay Districts. Where within a designated overlay district the exterior appearance of any building or structure is involved, 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.
  1. Design Overlay Districts subject to DRB review:
    - (1) Hampton Park Design Review District
    - (2) Downtown Design Review District
    - (3) Swan Lake Design Review District
- B. **Membership.** 7 members appointed by City Council.

- C. **Required Knowledge/Competence.** Members shall have a demonstrated interest in, or competence and knowledge of architecture and design, including specific knowledge in at least one of the following areas: historic preservation, architecture, urban design, landscape architecture, planning, urban planning, engineering, law, banking and real estate
- D. **Duties and Responsibilities.** The responsibility of the Design Review Board is to:
1. Review and recommend to the Planning Commission the designation of individual historic properties and Design Overlay Districts,
  2. Review plans and applications, as provided in this UDO
  3. Review plans and applications, as provided in this UDO, for all 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.
- E. **Public Hearing Required.** A public hearing shall be required when an application for a Certificate of Appropriateness is requested.
- F. **Public Notice:** The time and location of the Public Hearing shall be published in a newspaper of general circulation in Sumter at least 15 days prior to the public hearing. The property in question shall be posted for the same period as the newspaper notice.
- G. **Denial of Request:** 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.
- H. **Appeals:** Any person who may have a substantial interest in any decision of the Design Review Board may appeal any decision of the Board to the Circuit Court pursuant to *S.C. Code 1976, § 6-29-910; § 6-29-915; § 6-29-920; and § 6-29-930.*

# 3. UDO REVIEW PROCESSES

## 3.1 UDO 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.3.2 and Table A.3.3.*

**C. Applications.**

1. City staff shall establish the content and forms required for all applications required under this UDO. Such applications shall be maintained by the Zoning Administrator. The Zoning Administrator may change requirements for submission of required information when it is the Zoning Administrator's determination that such information is otherwise available or is not necessary to review the application.
2. The City Council shall establish application fees, which shall be identified in the City's adopted fee schedule. City Council may amend and update fees as necessary.
3. No application shall be considered for review until it is deemed complete. If the application is incomplete, the Zoning Administrator 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 or their designee 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 (within 10 business days) 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.
  - (6) The appropriate fee is submitted for the particular type of application.
  - (7) A pre-application meeting has been held with the applicant, if required under Table A.3.2 and Table A.3.3.
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 TRC and other appropriate local agencies, if applicable.
  - (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 summarize its findings in writing via official review comments, official determination letters, and/or staff reports to be reviewed by the decision-making body and discussed at a public meeting or public hearing (if required).

6. **Conflicts of Interest.** Any member of the staff 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. **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 and/or tax parcel number, 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 of general circulation within the City.
3. **Posted Notice Requirements.** Posted notices shall identify the date, time and place of the public hearing, describe the subject property by address and/or tax parcel number, 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, conspicuous notice shall be posted on or adjacent to the property affected, with at least 1 such notice sign being visible from each public street that abuts the property.

4. **Legislative Public Hearings.** Legislative public hearings 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 a 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:
    - F. Continue the public hearing to a new date and time certain without further advertising; or
    - G. Close the public hearing and re-publish notice of any future public hearings in accordance within this section.
      1. **Quasi-Judicial Public Hearings.** Quasi-judicial hearings are conducted in a manner similar to court proceedings. Legislative public hearings shall be held in accordance with all State law and comply with the following requirements:

- (1) Decisions on these applications must be consistent with the Comprehensive Plan and the UDO and must be supported by competent, substantial evidence in the record.
- (2) Ex parte communication—discussion with any party outside of the hearing—is discouraged. Any elected or appointed official (e.g., City Council members or Planning Commission members) who has engaged in ex parte communication must disclose, on the record at the beginning of the quasi-judicial hearing, the identity of the individual(s) involved, the substance of the communication, and the date on which it occurred.
- (3) The BZA shall consider the Director's report and the application utilizing the criteria detailed in subsection A.2.6(C).
  - a. BZA shall approve, approve with conditions, or disapprove the Zoning Variation application no later than seventy-five (75) days from receipt of the Complete Application.
  - b. The action period may be extended with the Applicant's written consent or until the regularly scheduled BZA meeting after the ninety (90) period, if municipal offices are closed due to an unforeseen event during the action period.
  - c. Prior to the close of the public meeting, BZA may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
- (4) The BZA may impose such conditions and restrictions upon the approval of the application as may be necessary to reduce or minimize the injurious effect of such variation upon adjacent properties and/or to better carry out the general intent of this UDO.

<b>TABLE A.3.1 PUBLIC NOTICE REQUIREMENTS</b>				
<b>APPLICATION TYPE</b>		<b>APPROVING AUTHORITY</b>	<b>TYPE OF REQUIRED NOTIFICATION</b>	
			<b>PUBLISHED NOTICE</b>	<b>POSTED NOTICE</b>
<b>Ordinance Amendments</b>				
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		City Council	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
PD District Amendment	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	
<b>Flexibility and Relief</b>				
Variance		BZA	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
Special Exception		BZA	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
Appeal		BZA	Published at least 15 days	Posted at least 15 days

		before hearing date	before hearing date (for appeals involving specific property)
Street Name Change	PC	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
<b>Design Review District(s)</b>			
Board Level Design Review – Certificate of Appropriateness	DRB	Published at least 15 days before hearing date	Posted at least 15 days before hearing date

## 3.2 ORDINANCE AMENDMENTS

### A. Zoning Map Amendment (Rezoning).

1. **Applicability.** This section set out the procedural 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 *Section 1.9 Annexations*. A Planning Commission public meeting is required. A City Council public hearing is required. City Council has final decision-making authority. Only the following shall submit an application for an amendment in each respective situation:

- (1) **Planning Commission or City Council.** The Planning Commission or City Council may initiate a rezoning.
- (2) **Owner of Property.** The landowner, contract purchaser, agent, or other person having the written consent of the owner, may institute an application for a change in the zoning classification of that particular property.

2. **Review Timeframe.** Only complete applications (as described in Section A.3.1.D.4) received a minimum of 22 days prior to the next scheduled PC meeting shall move forward with the formal review process.
3. **TRC Review.** The TRC shall review any proposed Zoning Map Amendment for conformance to the UDO and any other relevant City ordinances and consistency with adopted plans including but not limited to the Comprehensive Plan. A staff report shall be provided to the Planning Commission and City Council in their public meetings/hearings.
4. **Planning Commission Action.** The PC shall make a recommendation to the City Council on the requested Zoning Map Amendment at a public PC meeting.
5. **City Council Action.** 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.
  - (3) Approve with a different (lesser intensive) zoning designation.
  - (4) Defer the application to an identified future meeting date.
  - (5) Remand the application to the Planning Commission for further study. The Planning Commission shall have 30 days from the date of such action to make a report to City Council.
6. **Resubmission of Denied Application.** If a zoning map amendment request is denied, it shall not be initiated again unless at least 1 year from the time of denial has elapsed.

**B. UDO Text Amendment.**

1. **Applicability.** This section sets out the procedural requirements for amendments to the text of the UDO. A Planning Commission public meeting is required. A City Council public hearing is required. City Council has final decision-making authority. UDO text amendment applications shall only be initiated by the following:
  - (1) City Council
  - (2) Planning Commission
  - (3) City Staff (at the direction of the City Manager)

2. **UDO Text Amendment Review.** UDO Text Amendments shall be reviewed by City Staff for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans. A staff report shall be provided to the Planning Commission and City Council in their public meetings/hearings.
3. **Review Timeframe.** Only complete applications (as described in Section A.3.1.D.4) received a minimum of 22 days prior to the next scheduled PC meeting shall move forward with the formal review process.
4. **TRC Review.** At the discretion of the Zoning Administrator, the TRC shall review proposed UDO text amendments for conformance with other applicable regulations and policy documents including but not limited to the Comprehensive Plan.
5. **Planning Commission Action.** The PC shall make a recommendation to the City Council on requested UDO text amendments at a public PC meeting.
6. **City Council Action.** 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.
  - (3) Approve the application with modifications.
  - (4) Defer the application to an identified future meeting date.
  - (5) Remand the application to the PC for further study. The PC shall have 30 days from the date of such action to make a report to City Council.

#### C. **Planned Development District.**

1. **Applicability.** This section sets out the procedural requirements for the establishment of a Planned Development District, or for an amendment to an existing Planned Development District. Requests shall be reviewed by the Planning Commission. A Planning Commission public meeting is required. City Council has final decision-making authority. Amendments deemed as minor by the Zoning Administrator shall be reviewed in accordance with subsection A.3.2.C.7.
  - (1) Requests to establish new Planned Development Districts or requests to amend existing Planned Development districts shall only be initiated by the

landowner, contract purchaser, agent or other person having the written consent of the owner.

2. **Review timeframe.** Only complete applications (as described in *Section A.3.1.D.4*) shall move forward with the formal review process.
3. **Pre-Application Meeting.** A pre-application meeting as described in *Section A.3.1.B* is required and is requisite for a complete application.
4. **TRC Review.** The TRC shall review any proposed Planned Development application for conformance to the UDO, any other relevant City ordinances, and any site specific conditions impacting the proposed Planned Development. A staff report shall be provided to the Planning Commission.
5. **Planning Commission Action.** The PC shall make a recommendation to the City Council on requested Planned Development establishment/amendments at a public PC meeting.
6. **City Council Action.** 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) Approve the application with modifications.
  - (3) Deny approval of the application.
  - (4) Defer the application to an identified future meeting date.
  - (5) Remand the application to the Planning Commission for further study. The Planning Commission shall have 30 days from the date of such action to make a report to City Council.
7. **Minor Amendments.** Minor amendments to an approved Planned Development may be approved by the Zoning Administrator only upon findings identical to those required for original approval.
8. **Resubmission of Denied Application.** If a Planned Development District request is denied, it shall not be initiated again unless at least 1 year from the time of denial has elapsed.

TABLE A.3.2 SUMMARY OF UDO REVIEW PROCEDURES

KEY: R = Review and Recommendation, D=Review and Decision/Action, ✓ = Required

Procedure	Pre-Application Conference	Review and Decision-Making Bodies					
		Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
<b>Ordinance Amendments</b>							
Zoning Map Amendment (Rezoning)		R				R	D
Planned Development (PD) District Rezoning	✓	R				R	D
Major PD District Amendment	✓	R				R	D
Minor PD District Amendment		Case-by-Case Basis	D				
UDO Text Amendment		Case-by-Case Basis				R	D

### 3.3 DEVELOPMENT REVIEW

#### A. Major Site Plans.

1. **Applicability.** This section sets out the procedural requirements for major site plan application review. A Planning Commission public meeting is required. The Planning Commission has final decision-making authority.
  - (1) Major site plan applications shall only be initiated by the landowner, contract purchaser, agent or other person having the written consent of the owner.
  - (2) Major site plan proposals have 1 or more of the following characteristics:
    - a. Involves construction of more than 20,000 sq. ft. of building area.
    - b. Involves more than 5-acres of land disturbance.
    - c. Requires 35 or more minimum off-street parking spaces.
    - d. Has the potential for a greater degree of impact to adjacent property and existing infrastructure as determined by the Zoning Administrator.
2. **Pre-Application Meeting.** A pre-application meeting as described in *Section A.3.1.B* is required and is requisite for a complete application.
3. **Review Timeframe.** Only complete applications (as described in *Section A.3.1.D.4*) received 22 days prior to the next scheduled Planning Commission meeting shall move forward with the formal review process.
4. **TRC Review.** The TRC shall review any proposed major site plan for conformance to the UDO, any other relevant City ordinances, and any site specific conditions impacting the proposed development. A staff report shall be provided to the Planning Commission.
5. **Planning Commission Action.** Action shall be taken on a complete application at a Planning Commission public meeting. The Planning Commission may take the following actions:
  - (1) Approve the application as submitted.
  - (2) Approve the application with conditions of approval.
    - a. Deny approval of the application.
    - b. Defer the application to an identified future meeting date.

6. **Vested Right.** Major site plan approvals shall have a vested right for 2-years from the date of approval. This vested right shall receive up to 5 one-year extensions upon application by the landowner to the Planning Commission in writing in each year that an extension is desired.

**B. Minor Site Plans (Level 1 & 2).**

1. **Applicability.** This section sets out the procedural requirements for minor site plan application review.
2. Minor site plan applications shall only be initiated by the landowner, contract purchaser, agent or other person having the written consent of the owner.
  - (1) Level 1 minor site plan proposals have all of the following characteristics:
    - a. Involve construction of less than 20,000 sq. ft. of building area.
    - b. Involve less than 5-acres of land disturbance.
    - c. Require 35 or less minimum off-street parking spaces.
    - d. Does not meet the criteria of a major site plan of Level 2 minor site plan.
  - (2) Level 2 minor site plan proposals have all of the following characteristics:
    - a. Involves a site that is already developed.
    - b. Involves an addition to an existing building that is less than 1,000 sq. ft.,  
or
    - c. Involves the construction of new building that is less than 500 sq. ft.
    - d. And Involves less than 1-acre of land disturbance.
    - e. Does not involve the establishment of a paved or concrete parking areas.
    - f. Does not involve the establishment of new or expanded stormwater facilities.
    - g. Will have minimal impact to adjacent property and to existing infrastructure as determined by the Zoning Administrator.
3. **Pre-Application Meeting.** A pre-application meeting as described in *Section A.3.1.B* is required and is requisite for a complete application for Level 1 minor site plan applications.

4. **TRC Review.** The TRC shall review any proposed minor site plan for conformance to the UDO, any other relevant City ordinances, and any site specific conditions impacting the proposed development.
5. **Review Timeframe/Staff Action.** City staff will review and take action on complete applications (as described in *Section A.3.1.D.4*) within 60 days. The 60 day time limit may be extended by mutual agreement.
6. **Vested Right.** Minor site plan approvals shall have a vested right for 2-years from the date of approval. This vested right shall receive up to 5 one-year extensions upon application by the landowner to the Planning Commission in writing in each year that an extension is desired.

**C. Commercial Corridor Review.**

1. **Applicability.** This section sets out the procedural requirements for commercial corridor application review. Such requests associated with major site plan applications or requests for alternate exterior materials shall be reviewed by the Planning Commission, where the Planning Commission has final decision-making authority. All other requests shall be reviewed by City Staff, where City staff has final decision-making authority. A Planning Commission public meeting is required for requests associated with a major site plan and/or alternate exterior materials requests.
2. **Review Timeframe/Staff Action.**
  - (1) **Major requests and alternate exterior materials requests.** Only complete applications (as described in subsection *A.3.1.D.4*) received a minimum of 22 days prior to the next scheduled Planning Commission meeting shall move forward with the formal review process.
  - (2) **All other requests.** City staff will review and take action on complete applications (as described in *Section A.3.1.D.4*) within 60 days. The 60-day time limit may be extended by mutual agreement.
3. **Planning Commission Action.** Action shall be taken on a complete application at a Planning Commission public meeting. The Planning Commission may take the following actions:
  - (1) Approve the application as submitted.

- (2) Deny approval of the application.
- (3) Defer the application to an identified future meeting date.
- 4. **Vested Right.** Commercial corridor plan approvals shall have a vested right for 2-years from the date of approval. This vested right shall receive up to 5 one-year extensions upon application by the landowner to the Planning Commission in writing in each year that an extension is desired.

**D. Major Subdivision (Preliminary Plat).**

- 1. **Applicability.** This section sets out the procedural requirements for major subdivision (preliminary plat) application review. A Planning Commission public meeting is required. The Planning Commission has final decision-making authority.
  - (1) Major subdivision (preliminary plat) applications shall only be initiated by the landowner, contract purchaser, agent or other person having the written consent of the owner.
  - (2) Major subdivision (preliminary plat) proposals have 1 or more of the following characteristics:
    - a. Involves the establishment of 10 or more lots.
    - b. Involves the construction of street or stormwater infrastructure to serve the subdivision.
- 2. **Pre-Application Meeting.** Pre-Application Meeting. A pre-application meeting as described in *Section A.3.1.B* is required and is requisite for a complete application.
- 3. **Review Timeframe.** Only complete applications (as described in *Section A.3.1.D.4*) received a minimum of 44 days prior to the next scheduled Planning Commission meeting shall move forward with the formal review process.
- 4. **TRC Review.** The TRC shall review any proposed major subdivision (preliminary plat) for conformance to the UDO, any other relevant City ordinances, and any site specific conditions impacting the proposed development. A staff report shall be provided to the Planning Commission.

5. **Planning Commission Action.** Action shall be taken on a complete application at a Planning Commission public meeting. The Planning Commission may take the following actions:
  - (1) Approve the application as submitted.
  - (2) Approve the application with conditions of approval.
  - (3) Deny approval of the application.
  - (4) Defer the application to an identified future meeting date.
6. **Vested Right.** Major Subdivision (Preliminary Plat) approvals shall have a vested right for 2-years from the date of approval. This vested right shall receive up to 5 one-year extensions upon application by the landowner to the Planning Commission in writing in each year that an extension is desired.

**E. Final Plat (Not Subject To Preliminary Plat Approval).**

1. **Applicability.** This section sets out the procedural requirements for final plat requests for plats not associated with a preliminary plat approval.
  - (1) Applications may be initiated by anyone authorized to make and record said plats under applicable state law.
2. **Review Timeframe/Staff Action.** City staff will review and take action on complete applications (as described in *Section A.3.1.D.4*) within 60 days. The 60-day time limit may be extended by mutual agreement.
3. **Recording of Final Plat.**
4. **Effect of Final Plat Approval.**

**F. Final Plat (Subject To Preliminary Plat Approval).**

1. **Applicability.** This section sets out the procedural requirements for final plat requests for plats associated with a preliminary plat approval.
  - (1) Applications may be initiated by anyone authorized to make and record said plats under applicable state law.
2. **Review Timeframe/Staff Action.** City staff will review and take action on complete applications (as described in *Section A.3.1.D.4*) within 60 days. The 60-day time limit maybe extended by mutual agreement. All process items for such plats, as identified in *Chapter D: Engineering Standards*, must be finalized before an application is complete.

3. **Recording of Final Plat.**
4. **Effect of Final Plat Approval.**

**G. Vacation of Right-of-Way (ROW) or Easement.**

1. **Applicability.** This section sets out the procedural requirements for Vacation of ROW or easements applications. Such applications shall be reviewed by City Council.
2. **Review Timeframe.** Complete applications (as described in Section A.3.1.D.4) will be placed on the next available City Council agenda.
3. **TRC Review.** The TRC shall review any such application for conformance to the UDO, any other relevant City ordinances, and any site specific conditions impacting the proposed request. A staff report shall be provided to City Council.
4. **City Council Action.** The City Council shall take action on the request under legislative discretion.

**H. Street Name Change.**

1. **Applicability.** This section sets out the procedural requirements for street name change applications. Such applications shall be reviewed by the Planning Commission, where the Planning Commission has final decision-making authority. A Planning Commission public hearing is required for street name change requests.
  - (1) Applications shall only be initiated by a government entity or by a landowner or agent of the landowner that has property with address on the street where a name change is proposed.
2. **Review Timeframe.** Only complete applications (as described in Section A.3.1.D.4) received 22 days prior to the next scheduled Planning Commission meeting shall move forward with the formal review process.
3. **Planning Commission Action.** Action shall be taken on a complete application at a Planning Commission public hearing. The Planning Commission may take the following actions:
  - (1) Approve the application as submitted.
  - (2) Deny approval of the application.
  - (3) Defer the application to an identified future meeting date.

I. **Alternative Parking Plans/Alternative Landscaping Plans/Signage Plans**

1. **Applicability.** This section sets out the procedural requirements for alternative parking plan, alternative landscaping plan, and signage plan applications. Such plans associated with major site plan applications shall be reviewed by the Planning Commission, where the Planning Commission has final decision-making authority. Such plans associated with minor site plans shall be reviewed by City Staff, where City Staff has final decision-making authority. A Planning Commission public meeting is required for such plans associated with a major site plan application.
  - (1) Applications shall only be initiated by the landowner, contract purchaser, agent or other person having the written consent of the owner.
  - (2) Signage plans are required for all multi-tenant complexes, in any district, including multi-family and manufactured/mobile home parks.
2. **Review Timeframe/Staff Action.**
  - (1) **Major requests.** Only complete applications (as described in *Section A.3.1.D.4*) received 22 days prior to the next scheduled Planning Commission meeting shall move forward with the formal review process.
  - (2) **Minor requests.** City staff will review and take action on complete applications (as described in *Section A.3.1.D.4*) within 60 days. The 60 day time limit maybe extended by mutual agreement.
3. **Planning Commission Action.** For major requests, action shall be taken on a complete application at a Planning Commission public meeting. The Planning Commission may take the following actions:
  - (1) Approve the application as submitted.
  - (2) Approve the application with approval conditions.
  - (3) Deny approval of the application.
  - (4) Defer the application to an identified future meeting date.
4. **Vested Right.** Alternative parking plans, landscaping plans, and signage plans shall have a vested right for 2-years from the date of approval. This vested right shall receive up to 5 one-year extensions upon application by the landowner to the Planning Commission in writing in each year that an extension is desired.

TABLE A.3.3 SUMMARY OF UDO REVIEW PROCEDURES

KEY: R = Review and Recommendation, D=Review and Decision/Action, ✓ = Required

Procedure	Pre-Application Conference	Review and Decision-Making Bodies					
		Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
<b>Development Review</b>							
Major Site Plan	✓	R				D	
Site Plan Level 1	✓	R	D				
Site Plan Level 2		<i>Case-by-Case Basis</i>	D				
Major Commercial Corridor			R			D	
Minor Commercial Corridor			D			Review alternate exterior materials	
Preliminary Plat - Major Subdivision	✓	R				D	
Final Plat – Not subject to Preliminary Plat approval			D				
Final Plat – Subject to Preliminary Plat approval	Optional		D				<i>City Council action required for infrastructure acceptance</i>

**TABLE A.3.3 SUMMARY OF UDO REVIEW PROCEDURES**

KEY: R = Review and Recommendation, D=Review and Decision/Action, ✓ = Required

Procedure	Pre-Application Conference	Review and Decision-Making Bodies					
		Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
Vacation of ROW or Easement		R					D
Street Name Change			R			D	
Alternative Parking Plan/Alternative Landscaping Plan/Signage Plan			D				

## 3.4 VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS

### A. Variances.

1. **Applicability.** This section sets out the procedural requirements for reviewing variances to the provisions of the UDO. A BZA public hearing is required. The BZA has final decision-making authority.  
Variance applications shall only be initiated by the landowner, contract purchaser, agent or other person having the written consent of the owner.
2. **Review Timeframe.** Only complete applications (as described in *Section A.3.1.D.4*) received 22 days prior to the next scheduled BZA meeting shall move forward with the formal review process.
3. **Staff Review.** City staff shall review complete applications and prepare a staff report for presentation at the BZA public hearing.
4. **BZA Action.** At the conclusion of a public hearing, the BZA shall decide under quasi-judicial process, one of the following:
  - (1) Approve the application as submitted.
  - (2) Approve the application with conditions.
  - (3) Deny approval of the application.
  - (4) Defer the application 1 time to the next BZA meeting date, upon show of good cause. Any additional deferral must be at the mutual consent of the BZA and the applicant.
5. **Expiration of Variance Approval.** Variance approvals, in the manner such approvals were applied for or approved under, do not expire. Variance approvals do not establish a vested right for particular project or site specific development plan pursuant.

### B. Special Exceptions.

1. **Applicability.** This section sets out the procedural requirements for reviewing special exception requests. A BZA public hearing is required. The BZA has final decision-making authority.

Special exception applications shall only be initiated by the landowner, contract purchaser, agent or other person having the written consent of the owner.

2. **Review Timeframe.** Only complete applications (as described in Section A.3.1.D.4) received 22 days prior to the next scheduled BZA meeting shall move forward with the formal review process.
3. **Staff Review.** City staff shall review complete applications and prepare a staff report for presentation at the BZA public hearing.
4. **BZA Action.** At the conclusion of a public hearing, the BZA shall decide under quasi-judicial process, one of the following:
  - (1) Approve the application as submitted.
  - (2) Approve the application with conditions.
  - (3) Deny approval of the application.
  - (4) Defer the application 1 time to the next BZA meeting date, upon show of good cause. Any additional deferral must be at the mutual consent of the BZA and the applicant.
5. **Expiration of Special Exception Approval.** If action is not taken within 1-year of the date of BZA approval to establish a special exception use, then such special exception approval shall be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected. Special exception approvals do not establish a vested right for particular project or site specific development.

**C. Appeals from Administrative Determination/Interpretation.**

1. **Applicability.** This section sets out the procedural requirements for appeals to an administrative determination/interpretation of the UDO. A BZA public hearing is required. The BZA has final decision-making authority. Appeal applications shall be initiated by any person aggrieved by a UDO administrative.
2. **Review Timeframe.** Only complete applications (as described in Section A.3.1.D.4) received 22 days prior to the next scheduled BZA meeting shall move forward with the formal review process.
3. **Staff Review.** City staff shall review complete applications and prepare a staff report for presentation at the BZA public hearing.

4. **BZA Action.** At the conclusion of a public hearing, the BZA shall decide under quasi-judicial process, one of the following:
  - (1) Affirm the determination/interpretation of City Staff.
  - (2) Reverse the determination/interpretation of City Staff.
  - (3) Modify the determination/interpretation of City Staff.
  - (4) Defer the application 1 time to the next BZA meeting date, upon show of good cause. Any additional deferral must be at the mutual consent of the BZA and the applicant.

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**TABLE A.3.4 FLEXIBILITY AND RELIEF PROCEDURES**

KEY: R = Review and Recommendation, D=Review and Decision/Action, ✓ = Required

Procedure	Review and Decision-Making Bodies						
	Pre-Application Conference	Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
<b>Flexibility and Relief Procedures</b>							
Variance			R		D		
Special Exception			R		D		
Administrative Adjustment			D				
Appeal					D		

## 3.5 DESIGN REVIEW (CERTIFICATES OF APPROPRIATENESS)

- A. **Applicability.** This section sets out the procedural requirements for review of certificate of appropriateness requests. A Design Review Board public hearing is required, unless specific administrative approval authority for certain request types provided for in Section A.3.5.C.1 is proposed. The Design Review Board has final decision-making authority, unless specific administrative approval authority for certain request types provided for in Section A.3.5.C.1 is proposed.
1. Applications for certificate of appropriateness shall only be submitted by the landowner, contract purchaser, or other person having the written consent of the owner.
- B. **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. **Standards Used.** 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, City Council 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.
- C. **Issuance of Certificate of Appropriateness.**
1. **General Certificate of Appropriateness.** A certification for appropriateness for specific kinds of alterations may be issued by the Zoning Administrator without referral to the Design Review Board if he/she finds that the request falls within one

or more of the General Certificates of Appropriateness approved by City Council. Authority to establish a General Certificate of Appropriateness shall be considered by the Design Review Board and referred for approval by City Council. The following General Certifications have been approved by City Council:

- (1) Exterior paint colors consistent with the City of Sumter Historic Color Palette:
  - (2) Awnings for buildings in the Downtown Core District.
  - (3) Minor exterior architectural elements (e.g., lighting fixtures, door hardware).
  - (4) Business signage under the following conditions:
    - a. Signage text shall be of a font classified as Serif, Sans Serif, or Script. All fonts considered to be a mimicry font (lettering made to look like another object or foreign script) or a casual/playful font (fonts that have been created with a playful, casual, childlike or humorous aspect, e.g., Comic Sans, Curlz, Giddyup, Jokerman) must be referred to the Design Review Board.
    - b. 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 Design Review Board.
  - (5) Fencing consistent with the City of Sumter Design Review Guidelines. 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.
2. **Demolition.** 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 up to 120 days pending a thorough review of the matter. An additional 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.

**D. Review Timeframe/Staff Action.**

1. **Board level requests.** Only complete applications (as described in Section A.3.1.D.4) received 22 days prior to the next scheduled Design Review Board meeting shall move forward with the formal review process.
2. **Administrative level requests.** City staff will review and take action on complete applications (as described in Section A.3.1.D.4) within 30 days. The 30 day time limit maybe extended by mutual agreement.
3. **DRB Action.** For board level requests, action shall be taken at a Design Review Board public hearing. At the conclusion of a public hearing, and unless the matter is a demolition request, the DRB shall decide under quasi-judicial process, one of the following:
  - (1) Approve the application as submitted.
  - (2) Approve the application with conditions.
  - (3) Deny approval of the application.
  - (4) Defer the application 1 time to the next DRB meeting date, upon show of good cause. Any additional deferral must be at the mutual consent of the DRB and the applicant.
  - (5) For action on demolition requests refer to *Section A.3.5.C.2.*

- E. Expiration of Design Review (Certificate of Appropriateness) Approval.** If action is not taken within 1-year of the date of Design Review Board approval to carryout work for an issued certification of appropriateness, than such approval shall be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected. Certificate of Appropriateness approvals do not establish a vested right for particular project or site specific development.

**TABLE A.3.5 DESIGN REVIEW PROCEDURES**

KEY: R = Review and Recommendation, D=Review and Decision/Action, ✓ = Required

Procedure	Review and Decision-Making Bodies						
	Pre-Application Conference	Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
<b>Design Review (Certificates of Appropriateness)</b>							
Board Review			R	D			
Administrative Review			D				

## 3.6 USE REVIEW, PERMITS, & INTERPRETATIONS

### A. Conditional Use.

1. **Applicability.** This section sets out the procedural requirements for reviewing conditional use applications.
2. **Review Timeframe/Staff Action.** City staff will review and take action on complete applications (as described in Section A.3.1.D.4) within 60 days. The 60 day time limit maybe extended by mutual agreement. City staff may refer a conditional use request to the BZA for action.
3. **BZA Action.** If a conditional use application is forwarded to the BZA by the Zoning Administrator pursuant to *Section B.13.10.A*, than the procedures under *Section A 3.4.B* are applicable.
4. **Expiration of Approved Conditional Use.** If action is not taken with 1-year of the date to establish an approved conditional use, than such approval shall be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected. Conditional use approvals do not establish a vested right for particular project or site specific development.

### B. Temporary Use Permit.

1. **Applicability.** This section sets out the procedural requirements for reviewing temporary use applications.
2. **Staff Action.** City staff will review and take action on complete applications (as described in *Section A.3.1.D.4*) within 10 days.
3. **Expiration of Temporary Use Permit.** Temporary use permits expire pursuant to *Section B.14.2*.

### C. Special Event Permits.

1. **Staff Action.** City staff will review and take action on special event permits pursuant to City Special Event policies, as administered by the City Manager.

### D. Land Disturbance Permits.

1. **Staff Action.** City staff will review and take action on complete land disturbance permit applications (as described in Section A.3.1.D.4). All necessary site,

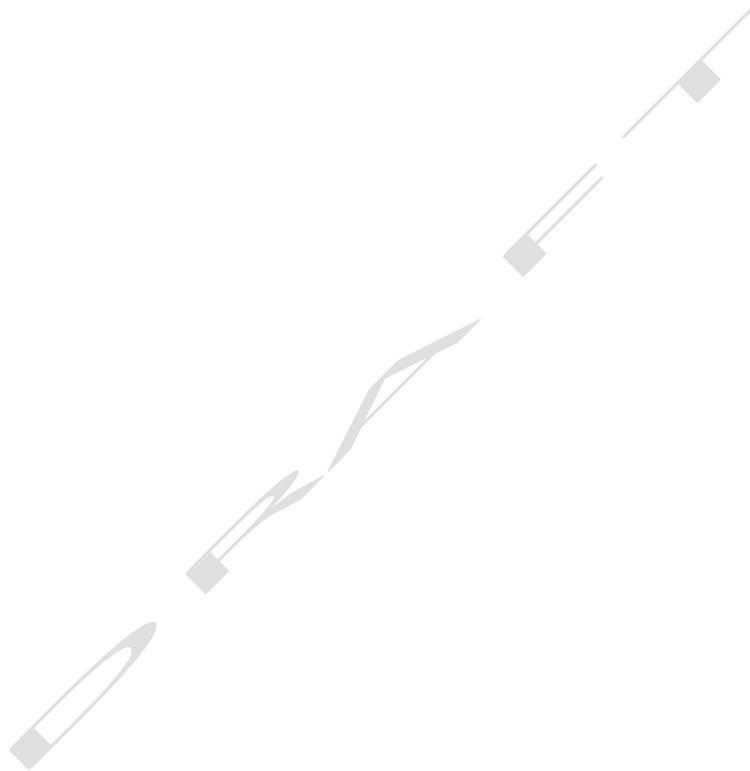
landscaping, tree protection, and stormwater approvals shall be in place before a land disturbance permit is issued.

**E. Zoning Verification Letters.**

1. **Staff Action.** City staff will prepare zoning verification letters upon receipt of a complete application (as described in A.3.1.D.4.) within the timeframe prescribed under *South Carolina Freedom of Information Act*.

**F. Udo Interpretations.**

1. **Staff Action.** The Zoning Administrator will prepare a written UDO interpretation within 60 days of the receipt of a complete action (as described in A.3.1.D.4.).



**TABLE A.3.6 USE REVIEW, PERMITS, AND INTERPRETATION PROCEDURES**

KEY: R = Review and Recommendation, D=Review and Decision/Action, ✓ = Required

Procedure	Pre-Application Conference	Review and Decision-Making Bodies					
		Technical Review Committee (TRC)	Zoning Administrator	Design Review Board (DRB)	Board of Zoning Appeals (BZA)	Planning Commission (PC)	City Council
<b>Use Review, Permits, &amp; Interpretations</b>							
Conditional Use			D		Zoning Admin. may refer conditional use requests to BOA for review		
Temporary Use Permit			D				
Special Event Permit	<i>Reviewed by City Administration via established process</i>						
Land Disturbance Permit			D				
Zoning Verification Letter			D				
UDO Interpretation			D				

# 4. ENFORCEMENT

## 4.1 COMPLIANCE REQUIRED

### A. Compliance Required.

1. Compliance with all the procedures and standards of the UDO, and all terms and conditions of permits and development approvals is required by all persons owning, developing, managing, using, or occupying land, structures, or signs in the City.

### B. Violations Generally.

1. Any failure to comply with a standard, requirement, prohibition, or limitation imposed by the UDO, or the terms or conditions of any permit or development approval granted in accordance with the UDO shall constitute a violation of the UDO punishable as provided in this section.
2. Permits or development approvals issued on the basis of applications approved by the City Council, Planning Commission, Board of Zoning Appeals, Design Review, or City Staff authorize only the use, arrangement, location, design, density/intensity, and development set forth in such permits or development approvals, and no other development.
3. Violations of the UDO shall run with the land where the violation occurred, and shall not be voided by sale or transfer.

### C. Specific Violations. It shall be a violation of the UDO to do any of the following:

1. Develop, modify, occupy, or subdivide a property without first obtaining the appropriate permits or development approvals as set forth in this Chapter.

### D. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.

- E. Remove existing trees from a site or parcel of land without first obtaining the appropriate permits and development approvals, and complying with their

terms and conditions. If an owner cuts all or any portion of his or her property under the claim of good faith forestry practice, and then seeks a development permit for any portion of the property within 2 years of the cut, a rebuttable presumption shall arise that the cut was done in anticipation of future development and the permit denied. Any person seeking to rebut the presumptions shall have the burden of proving their claim by clear and convincing evidence.

- F. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by the UDO.
- G. Increase the intensity or density of development, except in accordance with the standards of the UDO.
- H. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by the UDO.

## 4.2 ENFORCEMENT

- A. **Responsibility for Enforcement.** City Staff shall be responsible for enforcing the provisions of the UDO.
- B. **Complaints Regarding Violations.** Whenever a violation of the UDO occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the alleged violation and the basis for the alleged violation, and shall be filed with City Staff, who shall maintain a record of the complaint. The complaint shall be investigated promptly by City Staff as provided in *Section 5.2.3 (Inspections to Ensure Compliance)*, and action taken to abate or correct the violation.
- C. **Inspections to Ensure Compliance.** Upon presentation of proper credentials, City Staff may enter upon land or inspect any structure to ensure compliance with the provisions of the UDO. These inspections shall be carried out during normal business hours unless City Staff determines there is an emergency necessitating inspections at another time.
- D. **Notice of Violation.**

1. When City Staff finds and determines a violation of the UDO exists, City Staff may notify the person violating the UDO, and keep documentation of such notice, including how the notice was provided (in person, email, mail, etc.) Such notification shall serve as a warning notice of a violation. The notice should state the following, if applicable:
  - (1) The address and/or TMS number of the land, structure, or sign that is in violation of the UDO;
  - (2) The nature of the violation, the provisions of the UDO being violated, and the necessary action to remove or abate the violation;
  - (3) The date by which the violation should be removed or abated; and
2. The penalty for failing to remove or abate the violation, stating that if the nuisance recurs, a notice to appear in the appropriate court may be issued without further notice.
3. If no one is present or refuses to accept the notice of violation, Staff may post the warning notice on the residence or building entrance. If the land is unimproved, the notice may be placed on a tree or other similar object on the land subject to the violation. Notice may also be provided by email, mail, etc.

**E. Failure to Correct Violation.**

1. If the person(s) to whom a warning notice has been given fails to remove or abate the violation in the time specified in the notice, Staff may issue a Uniform Municipal Ordinance Summons requiring appearance in the appropriate court.
2. A copy of the Uniform Municipal Ordinance Summons shall be forwarded to the Clerk of the Court for inclusion on the court's docket for the date indicated on the notice.
3. The Uniform Municipal Ordinance Summons shall be provided to all persons in violation of the UDO by personal delivery or certified mail.
4. At the City's discretion, if the person(s) to whom a warning notice has been given, fails to remove or abate the violation in the time specified in the notice and severe conditions exist that affect health, welfare, or safety, or cause

severe environmental degradation, the City through City Staff may lawfully enter upon the land where the violation remains unabated to remove or abate the violation, at the expense of the person(s) responsible for creating or maintaining the violation(s).

- F. **Failure to Correct Violation.** At the City's discretion, if the person(s) to whom a warning notice has been given, fails to remove or abate the violation in the time specified in the notice and severe conditions exist that affect health, welfare, or safety, or cause severe environmental degradation, the City through City Staff may lawfully enter upon the land where the violation remains unabated to remove or abate the violation, at the expense of the person(s) responsible for creating or maintaining the violation(s).
- G. **Costs.** All costs and expenses incurred by the City in removing or abating any violation under the UDO may be assessed against the land on which the violation occurs as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment, in addition to any other penalties and costs imposed if the person(s) charged either pleads or is found guilty of causing, creating, or maintaining a violation.
- H. **Repeat Violations.**
1. In instances of repeat violations, the warning notice provisions of this section need not be observed.
  2. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

## 4.3 REMEDIES AND PENALTIES

- A. **General.** Any person violating the UDO shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in the *City of Sumter Code of Ordinances, Chapter 1, Section 1-7*. Each day during which the violation continues is a separate offense also punishable by Section 1-7.
- B. **Other Remedies and Penalties.** In addition, the City may use any combination of the following enforcement actions, remedies, and penalties in any particular order to correct, stop, abate or enjoin a violation of the UDO:
1. **Stop Order.** City Staff or City Attorney may issue and serve upon a person violating the UDO a stop order requiring that the person stop all actions in violation of the UDO, including illegal occupation of a building or structure, illegal work being done, or any other action in violation of the UDO.
  2. **Permit Revocation.** Any permit, development approval, or other form of authorization required under the UDO may be revoked if City Staff determines that:
    - (1) There is a failure to comply with the approved permit, development approval, plans, specifications, or terms or conditions required under the permit or development approval;
    - (2) The permit or development approval was procured by false representation; or
    - (3) The permit or development approval was issued in error, provided that it has not be detrimentally relied upon.
    - (4) Written notice of revocation shall be served upon the landowner, the landowner's agent, or other person to whom the permit or development approval was issued, and such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.
- C. **Civil Remedies.** In addition to all other remedies and penalties outlined in this section, the City Attorney may institute an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of the UDO, to prevent the occupancy of a structure or land or

to require removal of structures or objects that are in violation of the UDO. Each day a person violates the UDO shall be considered a separate offense.

- D. **Private Civil Relief.** In case a structure or land is, or is proposed to be, developed or used in violation of the UDO, an adjacent or neighboring landowner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful development or use, to correct or abate the violation, or to prevent the occupancy of the structure or use of the land.
- E. **Remedies Cumulative.** The remedies provided for violations of the UDO, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

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# 5. DEFINITIONS

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

**Abutting.** The condition of 2 parcels of land having a common property line or boundary, including cases where 2 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 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.** A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored. The place shall include landing areas, runways, and other facilities designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces, as well as terminals, parking facilities, and passenger loading and unloading areas.

**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.

**Amusement/Theme Parks.** An outdoor facility designed for entertainment purposed which may include structures or buildings, motorized or non-motorized rides, games, and booths for the conduct of sporting events or games.

**Animal Care.** A facility where animals are provided medical care. Animals may be boarded or stay overnight within a completely enclosed building.

**Animal Kennels.** The use of land for the purpose of boarding animals. May include a pet resort which provides day care for pets in addition to grooming and training/classes.

**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.**

A small-scale fabrication or production use by skilled workers which involves or assembly of food or goods with no noxious by-products.

**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.

**Bail Bonding.** A licensed professional or company that provides bail bonds.

**Bank/Financial Institution.** Banks and financial institutions characterized by activities conducted in an office setting and generally focusing on personal or financial services.

**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. A house, or portion thereof, offering short-term lodging and meals to guests.

**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.

**Botanical Garden.** Land where trees, shrubs, and/or other living plants are grown, exhibited or labeled for scientific, education, conservation, or passive, recreational purposes, not including the harvest of plants or their produce.

**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.

**Breweries.** Any establishment where malt liquors are manufactured and packaged on-premise, manufacturing more than 15,000 barrels of malt liquor on its licensed premise each calendar year.

**Breweries, Micro.** Any establishment where malt liquors are manufactured and packaged on-premises or off-premises, manufacturing no more than 15,000 barrels of malt liquor on its licensed premise each calendar year.

**Broadcast Facility.** Any facility which deals in the broadcasting of television, radio, or satellite programming.

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

**Building, Principal.** A building in which the primary use on the site is conducted.

**Buffer Area.** A landscaped area intended to separate and partially obstruct the view of 2 adjacent land uses or properties from one another.

**Caliper.** Tree caliper, or diameter, as measured 6 inches above the ground for young and recently planted trees. Measurement of mature trees is based on Diameter at Breast Height (DBH).

**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.

**Carwash.** Commercial establishments which allow for the washing of motor vehicles and vehicle cleaning services.

**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. This may include site plan approval letters, zoning approval on building permits, final zoning inspection approvals, subdivision plat approvals, zoning approval on business license requests, etc.

**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 w/ Fuel Sales.** 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.

**Convenience Store w/o Fuel Sales.** Convenience stores involved in the retail sales of convenience items including but not limited to food, beverages, tobacco products, and other similar products as its primary sales.

**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.

**Country 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.**

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

**Diameter at Breast Height (DBH).** The diameter of an existing tree, measured 4.5 ft. from the ground level. For multi-stemmed varieties, add the individual stem widths to calculate DBH.

**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.

**Distillery.** A manufacturer who distills, blends, and bottles alcoholic liquors on the licensed premises with an alcohol content greater than seventeen percent and who produces more than 125,000 cases per year at the licensed premises.

**Distillery, Micro.** A manufacturer who distills, blends, and bottles alcoholic liquors on the licensed premises with an alcohol content greater than 17% and who produces a maximum, quantity of 125,000 cases per year at the licensed premises.

**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.

**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 include, but are 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.

**Driving Range.** An area, whether public or private, designed for practicing golf techniques, specifically for driving golf balls from a central tee location.

**Dry Cleaning.** Establishment dedicated to onsite cleaning of clothes, offering the renting of on-site equipment for the cleaning, and washing of laundry to individual customers or pick-up dry-cleaning services. These establishments are intended to offer personal services to individual customers and not wholesale dry cleaning.

**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 on 1 parcel of land. This definition includes condominiums or multifamily apartments. Tenancy is arranged for periods longer than 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, Single-Family Detached.** A residential building containing 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 consisting of 2 attached units joined along a single lot line but totally separated from the other by an unpierced common wall from ground to roof.

**Dwelling, Duplex, Triplex, or Quadplex.** Characteristics. A residential building containing 2 dwelling units (two-family), 3 dwelling units (triplex), or 4 dwelling units (quadplex), usually under single ownership, consolidated into a single structure. This dwelling type is 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 at the Sumter County Register of Deeds, which connects directly to a publicly maintained and dedicated street that provides vehicular access to no more than 2 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.

**Extended Stays.** A residential or lodging facility designed and operated to accommodate guests for periods typically exceeding one week, but not intended for permanent residency.

**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 that is used primarily for commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock.

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

**Flex Facility.** Uses which take place within a building, allowing for a mixture and/ or range of office, warehouse uses research and development uses. Flex use buildings allow for a combination of offices, wholesale, and light manufacturing with proportions of each use subject to the needs of a user.

**Flood Plain.** Any land area susceptible to be inundated by water from the base flood. 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.

**Funeral Home w/ Crematorium.** A facility used for the preparation of the deceased and the display of the deceased for funeral services. The facility includes a furnace for cremating dead bodies, either animal or human. The facility may include space and facilities for embalming and preparation of the dead for burial, performance of autopsies, the storage of caskets and funeral supplies.

**Funeral Home w/o Crematorium.** A facility used for the preparation of the deceased and the display of the deceased for funeral services. The facility may include space and facilities for embalming and preparation of the dead for burial, performance of autopsies, the storage of caskets and funeral supplies.

**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.

**Golf Courses.** Parks are uses of land for playing golf, improved with trees, greens, fairways, hazards, and other similar improvements.

**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.

**Grocery.** A store that is primarily engaged in selling food at retail for home preparation and consumption, such as grocery stores, fruit and vegetable markets, and retail bakeries and other specialty food products stores. A grocery store may sell non-food commodities, such as beverages, dairy, dry goods, fresh produce, and other perishable items, frozen foods, household products, and paper goods; may sell beer and wine for consumption off the premises with the appropriate beverage license.

**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.

- A. 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.

- B. *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.

**Home Owners Association (HOA).** A corporation formed for the purpose of marketing, managing, and selling of homes and lots in a residential subdivision. It grants the developer privileged voting rights in governing the association, while allowing the developer to exit financial and legal responsibility of the organization, typically by transferring ownership of the association to the homeowners after selling off a predetermined number of lots. Membership in a homeowners association by a residential buyer is typically a condition of purchase; a buyer isn't given an option to reject it.

**Hospital.** An establishment which primarily engages in providing medical treatment, including (but not limited to) diagnostic services, surgical services, as well as continuous nursing services.

**Hotel/Motel.** Transient accommodations arranged for short term stays for compensation. This does not include patient transient accommodations, shelters for the homeless, boarding homes, or short-term rentals.

**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.** Any business or establishment that involves dangerous, noxious, offensive uses. Uses may involve smoke, odor, noise, vibration, or threats to safety and general wellbeing of the public.

**Industrial Uses, Light.** Any business or establishment which deals in light industrial uses including light manufacturing (such as assembly, printing, repair), research and development, and self-service storage.

**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.

**Irrigation System.** A water distribution system that ensures that all plant materials and landscaped areas are watered on a regular basis.

**Low Impact Development (LID).** development that minimizes or eliminates pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as: flow patterns, surface retention, and recharge rates.

**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.

**Manufacturing.** Manufacturing includes use types involved in the manufacturing, processing, fabrication, packing, or assembly of goods. Products may be finished or semi-finished and are generally made for the whole sale market, made for transfer to the other plants, or made to order for firms or consumers.

**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.

**Medical/Dental Facility.** A facility engaged in the examination, diagnosis, and treatment of medical, dental, chiropractic, ophthalmologic, pediatric care, or other health care practices.

**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.

- A. **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.
- B. **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.
- C. **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.
- D. **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.** Open space is any land area not occupied by buildings, structures, storage areas, balconies, patios, porches, or decks, excluding land within a right-of-way or easement. These areas are typically preserved for purposes such as recreation, conservation, scenic value, and ecological functions. They can be publicly or privately owned and may include parks, amenity centers, greens, greenways, and plazas/squares.

**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.

**Outdoor Storage.** An outdoor area designated for the extended outdoor storage of cars, boats, other vehicles. This use is not to be confused with commercial parking, which excludes outdoor storage. Outdoor storage is for the extended storage of cars, boats, and other vehicles, machinery, and equipment or material.

**Parks, Public.** Parks are uses of land which allow for recreation for the general public or land intended to provide opportunities for the enjoyment, conservation or preservation of natural features and resources.

**Parking Lots and Structures.** A surface parking area or structure which is commercial available to the public, but may also be used to accommodate employees, customers, and clients. No extended parking beyond overnight parking is permitted unless associated with transportation facilities such as an airport, rail, or bus terminal.

**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.

**Pawn Shop.** Pawn shops are involved with the retail sales of secondhand merchandise and offer personal loans secured by consumer goods or other personal property.

**Personal Services.** Establishments that cater to personal services for a community. May also provide personal services or entertainment or provide product repair or services for consumer and business goods.

**Pervious (permeable) Pavement.** A paving system that allows water to move through the driving surface into the stone base below.

**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.

**Professional Office.** A building, or portion of a building, wherein activities are performed involving predominately administrative, record keeping, professional,

and/or clerical operations and, where in the case of professions such as dentists, physicians, lawyers or engineers, the facility where such professional services are rendered.

**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.

- A. **Major Public Utility.** Infrastructure services providing regional or community-wide services.
- B. **Minor Public Utility.** Infrastructure services that need to be located in or near the development or use it is intended to serve. These utilities are typically unmanned and include water towers, pump stations, and service compounds.

**Quasi-Judicial Action.** A land use action or hearing involving the application of a set of rules or criteria to specific individuals or situations.

**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.

**Recycling and Waste Related Services.** Any facility which deals in the recycling, disposal, or elimination of used materials or waste.

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

**RV Parks/Campground Facilities.** RV Parks/Campground Facilities are uses of land for locating trailer, tent, tent trailer, recreational vehicle, pickup camper, van or other similar device used for camping.

**Rehabilitative and Mental Health Facility.** A healthcare facility that provides substance abuse treatment and/or mental health services. Such facilities provide overnight, yet short-term, care and treatment and may include sleeping rooms for healthcare providers and members of the patients' families.

**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.

**Restaurant, Full Service.** Establishments that prepare and sell food for on-premises consumption or off premises consumption. Includes a customer service area consisting of tables, chairs, or customer counters.

**Restaurant, Fast Casual.** Establishments that prepare and sell food for on-premises consumption or off premises consumption may include a drive-through. Includes a customer service area consisting of tables, chairs, or customer counters.

**Restaurant, w/ Drive Through.** Establishments that prepare and sell food for on-premises consumption or off premises consumption including a drive-through. Includes a customer service area consisting of tables, chairs, customer counters.

**Retail, Neighborhood (Maximum 5,000 sq. ft).** General retail sales and services establishments involved in the sale, lease or rent of new or used products and services intended to provide for residents of the immediate area.

**Retail, General (Maximum 20,000 sq. ft).** General retail sales and services establishments involved in the sale, lease or rent of new or used products and services intended to provide for residents of the immediate area.

**Retail, Big Box (Above 20,000 sq. ft).** Big Box retail sales and services establishments involved in the sale, lease or rent of new or used products and services intended to provide for residents of the regional area.

**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.

A. **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.”
- B. **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.
- C. **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.
- D. **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.
- E. **Floor Space.** The floor area inside a sexually oriented business that is visible or accessible to patrons for any reason, excluding restrooms.
- F. **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.
- G. **Regularly.** The consistent and repeated doing of an act on an ongoing basis.
- H. **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.

- I. **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.
    - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
    - (2) Where, in order to participate in a class a student must enroll at least 3 days in advance of the class.
- J. **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.
- K. **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.

- L. **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.
- M. **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.

**Shooting Ranges (Indoor).** Facilities that are designed and operated for the use of rifles, shotguns, pistols, or any other weapons including firearms, air guns, and airsoft guns.

**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 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.

- A. 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
- B. 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.

**Solar Farms.** An area of land designated for the purpose of deploying solar power generating panels and devices to create electric energy.

**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.

**Spa, Day.** An establishment that provides wellness and beauty treatments.

**Special Event Facility.** 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. Land uses better described under the definitions for night club or drinking place are not Special Event Facilities.

**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.

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

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

- A. 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;
- B. Dividing land into parcels of 5 acres or more where no new street is involved;
- C. Combining or recombining entire lots or record where no new streets or change in existing streets is involved;
- D. A subdivision involving cemetery lots; and

E. The subdivision of property pursuant to specific directions for the divisions of the property set out in a will executed prior to December 1, 1991.

*“This property is subject to restrictions found in the City of Sumter Unified Development Ordinance of \_\_\_\_\_ under the definition of ‘Subdivision, Exempt,’ or any successor ordinance or statute having the force of law.”*

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

**Subdivision, Minor.** A minor subdivision is one which does not involve the provision of any new street for access.

**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 Exception** A permit issued by the Board of Zoning Appeals 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 Zoning Appeals.

**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.

**Sports Fields.** A designated outdoor area specifically designed and maintained for the purpose of playing sports such as soccer, baseball, softball, football, rugby, or similar athletic activities.

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

**Tattoo Parlors.** Any establishment that practices the inserting of permanent markings of coloration, or the producing of scars, upon or under human skin through puncturing by use of a needle or any other method. Micro-blading and temporary tattoos are not considered to constitute as a tattoo parlor.

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

- A. 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;
- B. 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
- C. 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.

**Tobacco Shop.** An establishment that, as a substantial portion of the use, entails the retail sales of tobacco products including, but not limited to, CBD products, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco, or tobacco smoking apparatus, including water pipes; hookah pipes; bowls; water bongs; and/or similar products.

**Towing Services.** An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage.

**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.

**Transportation Terminals.** Facilities for loading and unloading areas for passenger terminals for bus or train service.

**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.

**Tree, Canopy.** Any tree that reaches a mature height in excess of 40 feet.

**Tree, Evergreen.** A canopy tree that does not lose its leaves, remains green in winter, and typically reaches a minimum mature height of 8 feet.

**Tree, Understory.** A tree that, at maturity, is between 15 and 40 ft. in height.

**Tree, Significant.** A mature tree between 10 and 29 inches in diameter

**Tree, Historic.** A mature tree 30 inches or greater in diameter.

**Truck Stop.** Provide dedicated diesel fueling positions, are located near major roadways, and provide refueling, food and other services to truck drivers and other motorist. 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.

**Urgent Care.** A walk-in medical establishment offering care for injuries or illnesses requiring immediate outpatient care.

**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.

**Utility Facilities, Government.** Utility facilities both major utilities, which are infrastructure services providing regional or community wide services, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided.

**Variance.** A modification of the area regulations of this Ordinance granted by the Board of Zoning 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.

**Verge.** area of land located between a street curb and boundary of an adjacent property. A verge allows access from the street to private or public properties.

**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.

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

**Warehouse/Distribution.** A facility primarily engaged in the storage and distribution of manufactured product, supplies, and equipment with little to no sales on site. May also include truck terminals or similar where semi-trucks, trailers and or high-cube/box trucks may be utilized for the transportation of goods; may also include areas for truck, trailer, etc., parking and storage.

**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.

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

**Wireless Communication Tower.** Any tower, pole or similar structure of any size that supports wireless communication antenna for commercial or governmental use.

**Wholesale Trade.** Firms involved in the sale or rent of products to industrial or commercial businesses only. Not intended for private customers. Uses emphasize on-site sales or order taking.

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

- A. **Setback, 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.
- B. **Setback, Rear.** A yard extending the full width of the lot in the area between the rear lot line and the rear building line.
- C. **Setback, 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 for the purpose of interpreting the provision of this Ordinance, as designated on the Official Zoning Map(s) for the City of Sumter.

**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 \_\_\_\_.

**Zoo.** A facility, indoor or outdoor, where animals are kept for viewing by the public.