

**ARTICLE FIVE**  
**PERFORMANCE CRITERIA FOR CERTAIN BUILDINGS,**  
**USES, AND PROJECTS**

**SECTION A: GENERAL:**

**5.a.1. Uses, Buildings, Projects and Areas Affected by this Article:** Due to the potential adverse impacts associated with certain land use developments, the following activities or areas within the unincorporated area of Sumter County shall be guided by additional reviews and standards:

- a. Conditional uses as set forth in *Article 3*, and *Article 5.b.1.*;
- b. Special Exceptions as set forth in *Article 3* and *Article 5.b.2.*;
- c. Telecommunications Towers, as set forth in *Article 3* and *Article 5.b.4.*;
- d. Manufacturing and processing plants, as set forth in *Article 3* and *Article 5.b.5.*;
- e. Certain hazardous and/or potentially disruptive land development activities;

**5.a.2. Applications:** An application for a permit for any of the above listed uses, buildings or projects shall be accompanied by a plat or site plan as appropriate, in accord with the provisions of *Article 9.c.* The application shall describe the proposed use in sufficient detail to determine compliance with the provisions of these regulations and the standards of the set forth herein.

**5.a.3. Review:** Review and approval by the Sumter City-County Planning Commission Staff shall be a prerequisite to the issuance of a building permit for any conditional use identified in *Article 3*. If the conditions or standards are met, the zoning administrator may issue a permit for the use without review by the Sumter City-County Zoning Board of Appeals. If the Sumter City-County Zoning Board reviews a case and imposes additional conditions, the use is listed as a permitted special exception after a public hearing.

**5.a.4. Public Hearing:** The Zoning Administrator shall schedule a public hearing per *Article 1.i.6.* of this Ordinance for all special exceptions derived from conditional use zoning.

**5.a.5. Conditional Use – Distance (C-#):** Certain uses are identified as ‘C-200’, ‘C-300’, ‘C-500’, or ‘C-1000’ in *Article 3*. The following requirements are applicable to these uses.

- a. Compliance with the conditional use requirements and provisions outlined in *Article 5.a.* and *Article 5.b.1.* is required, as applicable.
- b. The number identified represents the distance (measured in feet) completely surrounding the proposed land use area on all sides of a C-# use. The identified land use area shall include all buildings, parking areas, and outdoor storage/activity areas pertaining to a C-# use.

- c. Approval from 67% of surrounding property owners within the identified distance as described in *Article 5.a.5.b.*, is required.

**Note:** if a greater percentage of surrounding property owner consent is required by *Article 5.b.1.* for a specific use, then the percentage required by *Article 5.b.1.* shall govern.

- d. Any movement or change in the land use area made after an application is submitted requires a re-valuation of the distance and surrounding property owners within said distance.
- e. The applicant is required to contact and secure approval from all affected property owners.

## SECTION B: SPECIFIC CONDITIONS AND STANDARDS FOR CONDITIONAL USES AND SPECIAL EXCEPTIONS:

**5.b.1. Criteria for Review:** The following guidelines and criteria shall be implemented by the Zoning Administrator and/or the Sumter City-County Zoning Board of Appeals if a case is referred to the Sumter City-County Zoning Board by the Zoning Administrator. Additionally, the Sumter City-County Zoning Board of Appeals shall be guided by *Article 1.h.4.c.* of the Zoning Ordinance in addition to the requirements set forth herein.

- a. That ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;
- b. The off-street parking and loading areas, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties;
- c. That refuse and service areas be adequately screened so as not to be visible from adjacent property or public rights-of-way and shall be located in such a way as not to create a nuisance to adjacent properties;
- d. That screening, buffering or separation of any nuisance or hazardous feature be provided with reference to type, dimensions and character, and be fully and clearly represented on the submitted plans, to protect adjacent properties;
- e. That proposed signs and exterior lighting be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties;
- f. That the affected site shall be suitable in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to insure compatibility and the safety and welfare of area residents.
- g. **Home Day Care as a Home Occupation:** The following Conditional Use process will be used for initial review of this use and anytime the number of children receiving care exceeds 6 out-of-home children:
  1. The home day care applicant will contact all abutting property owners, including those properties across the street, and provide them details of the proposed home occupation of home day care and the number of children involved. 75% of those property owners must agree to the proposed use.
  2. The approval document and DSS forms will be submitted with the Conditional Use Request and Fee.
  3. If the number of children increases from at or below 6, the above process will be repeated.

4. Appeals of the Conditional Use will be filed in accordance with this regulation.
- h. **Mini-Warehouses (NAICS 53113):** The following conditions apply to all mini-warehouse sites for conditional use approval:
1. A paved transition surface from the public road to at least the security gate of the site or at least 50 ft.
  2. A minimum of a 3 in. gravel surface for all spaces between building or at least 20 ft. in width.
  3. Paved parking places for any office or other commercial space that is not storage at 1 space per 200 sq. ft. of GFA.
  4. Handicap parking will have at least one van accessible paved space no matter the surface used. Any additional required spaces will be based on current ordinance requirements.
  5. A Stormwater and Erosion Control Permit from the Sumter County Stormwater Utility and drainage away from the storage area access doors.
  6. Buffering and screening to allow compatibility with adjacent uses.
  7. A minimum six ft. security fence and controlled access gate for the site.
  8. Landscaping with canopy trees at the same criteria as a fully paved mini-warehouse site.
- i. **Cemeteries (NAICS 81222):** The following conditions apply to all cemetery sites for Conditional-300 in the R-15, AC, and CP Districts. Cemeteries can be conditionally permitted on separately platted parcels or in conjunction with a religious use or on private property within the specified zoning districts:
1. Applicant shall obtain signatures of approval from at least 75% of the property owners and /or tenants within 300 ft. of the cemetery boundary where the proposed use shall be located.
  2. Proposed cemetery sites must meet the minimum development standards for the zoning district in which it is to be located to include:
    - a. Minimum lot size:
      1. Residential-15 (R-15): 2 acres;
      2. Agricultural Conservation (AC): 1 acre;
      3. Conservation Preservation (CP): 5 acres.
    - b. Non-residential setbacks as established for each zoning district.

3. A site plan is to be submitted with the application showing:
  - a. Parcel boundary;
  - b. Plot layout;
  - c. Ingress & egress
  - d. Landscape buffering and any proposed privacy/security fencing;
4. Accommodations for Perpetual Care and maintenance must be provided for.
5. Commercial Cemeteries must meet all required development standards.

j. **Automotive Mechanical and Electrical Repair and Maintenance and Automotive Body, Paint, Interior, and Glass Repair (NAICS 81111, 81112):**

The following conditions apply for conditional use approval:

1. Operation of business shall involve no exterior storage of materials or supplies;
2. Temporary storage area for up to 10 customer vehicles shall not be visible from the right of way and shall be screened with solid fencing, walls, landscaping or a combination of fencing and landscaping as approved by the Zoning Administrator;
3. A maximum of 3 vehicles may be stored on premise at any one time;
4. No open bays for repair may be oriented towards residential areas;
5. All activities associated with the business except for vehicle storage shall be done inside the building;
6. A site plan and landscaping plan must be submitted with the application showing ingress-egress, off-street parking, refuse service areas, buffer, proposed signage, and any exterior lighting;
 

All noise resulting from the business activity on site shall be muffled so as not to create a nuisance to neighboring properties;
7. Parts salvage is NOT permitted;
8. Minimum parcel size of 2.0 acres.

k. **Produce Sales (NAICS 445230):** The following conditions apply for conditional use approval:

1. Written permission from the Property Owners:

2. Each individual seller must obtain their own Conditional Use for each location;
  3. The Conditional Use approval is non-transferable, location specific and only applies to the individual or entity named on the application;
  4. Sales site must have sufficient area to contain a minimum of 3 parked cars in addition to the sales area/vehicle;
  5. Safe and viable access to the site;
  6. No portion of the Public Right-of-way may be used for customer parking or to set up for sales.
1. **Automatic Merchandising Machine Operators (NAICS 445132):** vending machines – the following additional review criteria shall apply when reviewing conditional uses for stand-alone retail sales from vending machines.
1. Minimum Development Standards –
    - a. Neighborhood Commercial (NC), Limited Commercial (LC) and General Commercial (GC): Proposed development in the commercial districts shall comply with the full standards as outlined in *Article 3.g.4.b., 3.h.5.b.; or 3.i.5.*
    - b. Light Industrial-Warehouse (LI-W): proposed development in the LI-W district shall comply with the full standards as outlined in *Article 3.k.5.*
    - c. Heavy Industrial (HI): proposed development in the HI district shall comply with the full standards as outlined in *Article 3.l.5.*
    - d. Agricultural Conservation (AC): proposed development in the AC district shall comply with the full standards as outlined in *Article 3.n.5.*
  2. Parking/Access – Site access shall be limited to one access driveway per street frontage. All parking areas shall be paved with concrete curb and gutter (except in AC) and designed to meet the full development standards of *Article 8.j.* and *Exhibit 23.*
  3. Concrete Slab. Units shall be placed on a concrete slab extending a minimum of 4 ft. from the edge of the structure.
  4. Signage – Units shall comply with the underlying zoning district sign standards of *Article 8.i.*
  5. Any unit placed within the Highway Corridor Protection District (HCPD) design review district shall be reviewed for materials and color compatibility with the development site.

- m. **Accessory Photovoltaic Solar Energy System (NAICS 221114).** Applies to all Accessory Photovoltaic Solar Energy Systems as defined in *Article 10.b.1.* and located within 5.0 nautical miles of the center point of the runway for Shaw Air Force Base and Sumter County Airport, as well as the center point of Poinsett Electronic Combat Range (ECR).
1. All ground-mounted photovoltaic solar collectors and associated outdoor storage shall maintain a minimum 50 ft. setback from all property lines, or the minimum yard setbacks as indicated for the zoning district within which the project is located, whichever is greater. This provision excludes any security fencing.
  2. All ground-mounted photovoltaic solar collectors shall be limited to a maximum height of 25 ft. above the ground when oriented at maximum tilt. This provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.
  3. On-site electrical interconnections and power lines shall be installed underground wherever reasonably practical.
  4. The applicant has the burden of proving that glare produced from a Photovoltaic Solar Energy System will not have a significant adverse impact on aviation interests, motor vehicle traffic, or neighboring properties.
  5. The applicant shall provide documented proof of having notified the Shaw Air Force Base/Poinsett ECR Military Garrison Commander, or the commander's representative, and the Sumter County Airport Director, of a Photovoltaic Solar Energy System proposal. The applicant shall allow 14 days for written comments to be provided from these agencies. Any written comments received shall be submitted with the conditional use application.
  6. It shall be demonstrated that the solar farm shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks and other historic resources.
  7. Satisfactory completion of Decommissioning Plan, per *Appendix D.* The Decommissioning Plan shall be recorded with the Sumter County Register of Deeds and included with any lease documents with the property owner.
- n. **Commercial Truck and Trailer Parking Lots (NAICS 81293):** The following conditions apply to all Commercial Truck and Trailer Parking Lots for conditional use approval:
1. The applicant shall follow conditional distance requirements outlined in *Article 3, Exhibit 5.* Applicable distance is measured from the edge of the improved parking lot area.

2. All conditional use criteria outlined in *Article 5.b.1.a* through *Article 5.b.1.f.* shall be met.
  3. Access to the site shall only be from a paved road that is functionally classified by SCDOT as a major or minor arterial.
  4. A paved transition surface from the public road to at least the security gate of the site or at least 50 ft., whichever is greater.
  5. A minimum 6-ft. tall security fence around the improved parking lot area.
  6. The defined parking area must meet applicable non-residential setbacks.
  7. Minimum parcel size of 2 acres.
  8. Parking area surface material must consist of either gravel, crusher run, asphalt, or concrete.
  9. In addition to required landscaping outlined in *Article 8.d.*, the following buffer yard plantings or equal equivalent must be provided where adjacent to residential land use and/or where adjacent to a street or road:
    - a. 15 ft. minimum buffer width
    - b. 3 canopy trees per 100 linear ft. (must be 7 ft. tall and 2 in. caliper at time of planting)
    - c. 8 evergreen trees per 100 linear ft. (must be 5ft. tall at time of planting)
    - d. 15 tall shrubs per 100 linear ft. (must be 2 ft. tall at the time of planting and reach a minimum mature height of 6 ft. tall and a minimum mature width of 4 ft.)
  10. All motor vehicles parked on the site must be properly licensed, registered, operable, and capable of being driven off the site under their own power.
- o. **General Merchandise Stores (NAICS 4551):** The following conditions apply to all General Merchandise Stores for conditional use approval in the Neighborhood Commercial (NC) and Limited Commercial (LC) districts.
1. All conditional use criteria outlined in *Article 5.b.1.a thru 5.b1.f.* shall be met.
  2. All other applicable requirements of this Ordinance shall be met.



3. Access – Site access shall be limited to one access driveway per street frontage.
4. Dumpster Enclosure – All exterior dumpsters or exterior garbage containers (excluding containers or group of containers with a combined capacity of less than 6 cubic yards) shall be screened on 3 sides by an opaque enclosure consisting of masonry, stucco, or vinyl exterior materials. Such enclosures are required to have an opaque gate for the open side of the enclosure. No portion of the enclosure or gate shall consist of wood exterior materials. The average height of the enclosure shall be 1 foot more than the height of the container but shall not be required to exceed 8 ft. in height.
5. Exterior Lighting
  - a. An exterior lighting plan consisting of at minimum the following features is required:
    1. Location of all exterior lighting on the site
    2. Maximum illuminance levels expressed in foot-candle measurements on a grid of the site showing foot-candle readings in every 5- or 10-foot square. The grid shall include light contributions from all exterior sources and shall show foot-candle reading 5 ft. beyond the property lines.
  - b. “Full Cut Off” or “Fully Shielded” exterior light fixtures are required.
  - c. Light spill over to adjacent non-residential property shall not exceed 0.1 foot-candles. Light spill over to adjacent residentially used property shall not exceed 0.05 foot-candles.
- p. **Special Events Facilities (NAICS 81299):** The following conditions apply to all Event Venues for conditional use approval:
  1. An on-site manager shall be present and available for the duration of all events occurring at the venue. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager’s contact information changes.
  2. An operation plan shall be submitted with the conditional use application describing generally how the facility will operate. Substantive changes to the operational plan shall require additional Zoning Administrator approval.

The operational plan shall include, at a minimum, the following items:

- a. Maximum capacity of the facility, based on building and fire code.
  - b. Contact information for the on-site facility manager;
  - c. Types of events anticipated/marketed;
  - d. Anticipated annual number of events;
  - e. How solid waste will be disposed of;
  - f. A floor plan of the facility showing the square footage and use of each room;
  - g. A plot plan showing building footprint, property lines, parking areas, delineated outdoor event space (if applicable). A formal site plan submission may be required by the Zoning Administrator.
3. Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles in accordance with Fire Code, as determined by the Sumter City-County Fire Inspector.
- q. **Veterinary Services (NAICS 54194):** The following conditions apply to all Veterinary Services specializing in large animals for conditional use approval in the PO, GC, LI/W zoning district:
- 1. Veterinary facilities which specialize in large animals shall be located no closer than 300 ft. to a residential property line, nor 150 ft. from any other property line. Sheltering and boarding of animals shall be clearly incidental to the veterinary services offered in the facility whether specializing in large or small animals).
- r. **Non-Metallic Mineral Mining (NAICS 2123):** The following conditions apply to non-metallic mineral mining operations for conditional use approval:
- 1. A reclamation and reuse plan must accompany a zoning permit,
  - 2. Approximate operating schedule including times when explosives will be used must be presented, no such use shall be located within 300 ft. of any residential use,
  - 3. No explosives shall be used within 2,500 ft. of a residential structure unless a variance is obtained from the Planning Commission on a case-by-case basis,
  - 4. The site must obtain its highway access from a collector or an arterial street,
  - 5. Mining and extraction uses permitted by the DHEC Division of Mining & Reclamation, which are non-conforming and any extension of such use, operations, activities, or business on such parcel or contiguous parcel where the minerals or the surface rights which are under the same ownership or control on the date of passage of this ordinance are exempt from the requirements of this section.

- s. **Artisan Food and Beverage Production (NAICS 3113, 3114, 3115, 3118, 3119, and 312):** The following criteria apply for conditional use approval:
1. Manufacturing activities may be no larger than 20,000 sq. ft. GFA;
  2. The facility must meet all requirements outlined in *Article 5.b.5.* of this Ordinance;
  3. Accessory retail and/or wholesale sales, training, and/or education, are allowed;
  4. All production activities must be located within a completely enclosed structure adequately constructed to limit emission of odor, noise or vibration detrimental to other uses or properties in the area;
  5. All storage shall be within an enclosed building, tank, or silo, or screened from view by fences, walls, or landscaping. Stored items shall not be stacked to a height that exceeds the height of the screening;
  6. Sales, service, product consumptions, and outdoor activities shall only occur between 6:00 a.m. and 10:00 p.m. if the establishment is adjacent to a residential use;
  7. Shipping and receiving activities shall only occur during operating hours between 6:00 a.m. and 10:00 p.m.;

**5.b.2. Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities:** *Per Article 5.a.1.c. above, the following uses shall be reviewed by the Sumter City-County Zoning Board of Appeals, and if approved shall be classified as a permitted special exception:*

- a. Architectural and Structural Metals Manufacturing, Prefabricated Metal Buildings and Component Manufacturing, Metal Window and Door Manufacturing, Sheet Metal Work Manufacturing, Ornamental and Architectural Metal Work Manufacturing, and Miscellaneous Fabricated Metal Product Manufacturing (NAICS 3323, 332311, 332332, 331323, or 332999);
- b. Solid Waste Landfills (NAICS 562212);
- c. Hazardous Waste and Nuclear Waste Disposal Sites (NAICS 562211);
- d. Vehicular Race and Testing Tracks (NAICS 711212);
- e. Metal Ore Mining and Extraction Operations (NAICS 2122);
- f. Primary Photovoltaic Solar Energy Systems (NAICS 221114);
- g. Used Motor Vehicle Parts Merchant Wholesalers (NAICS 42314) in the LI-W District;
- h. Drinking Places/Bottle Clubs/Night Clubs (NAICS 7224);
- i. Indoor and Outdoor Pistol, Rifle, or Skeet Shooting Ranges (NAICS 71399);
- j. Stockyards, Poultry Houses, Commercial Breeding Kennels, Slaughterhouses, Animal Auction Houses, Animal Shelters, Dog Pounds, Overnight Pet Boarding/Kenneling/Sitting Services (NAICS 112112, 1123, 11299, 3116, 4245, or 812910);
- k. Sexually Oriented Businesses/Adult uses (*as defined in Article 10*);
- l. Solid Waste Combustors and Incinerators, Remediation and Other Waste Management Services (NAICS 562213, 5629);
- m. Electronic Gaming Establishments, Other Amusement and Recreation Industries, (NAICS 7139 or 71329)
- n. Tattoo Parlors (NAICS 812199);
- o. Liquor Stores (NAICS 4453);
- p. Bingo Parlors / Pool Halls (NAICS 71329)
- q. Jails & Correctional Facilities (NAICS 92214, 561210)
- r. Swine/Hog Farms (NAICS 112210)

- s. Poultry Incinerators (NAICS 562213)
- t. Sewage Treatment Plants (NAICS 22132)
- u. Electric Power Generation, Electric Power Substations (NAICS 22111, 22112)

**5.b.3. Special Design Review Criteria for Applicable Items in Article 5.b.2:** Due to the unusual nature of some of the operations associated herein, the following shall be required of the development and/or included in any review process. Any variance(s) from the following guidelines and criteria must be made by Sumter County Council pursuant to an application for an ordinance text amendment:

a. **Architectural and Structural Metals Manufacturing, Prefabricated Metal Buildings and Component Manufacturing, Metal Window and Door Manufacturing, Sheet Metal Work Manufacturing, Ornamental and Architectural Metal Work Manufacturing, and Miscellaneous Fabricated Metal Product Manufacturing (NAICS 3323, 332311, 332332, 331323, and 332999):**

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

b. **Solid Waste Landfills (NAICS 562212):**

1. No such uses shall be located within 1,000 ft. (measured in a straight line) of any existing residential, religious, educational, medical, or public use;

2. An engineering firm with specific land fill expertise shall render a written opinion that, to the best of their professional judgement, the rock formations and/or artificial liners being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated. A permit from the South Carolina Department of Health and Environmental Control (DHEC) shall accompany the zoning application;
  3. A drainage and sedimentation plan shall accompany the request, showing off-site runoff;
  4. The facility shall be effectively buffered and screened in accordance with an approved method sanctioned by the Sumter City-County Zoning Board of Appeals upon the recommendation of the Zoning Administrator.
- c. **Hazardous Waste and Nuclear Waste Transfer, Storage, and Treatment and/or Disposal Sites (NAICS 562211):**
1. Shall be located no closer (measured in a straight line) than 1,000 ft to any existing residential, recreational, religious, educational or public use; no closer than 1,500 ft to any navigable stream (measured in a straight line), no closer than 2,500 ft to any lake, pond or reservoir used or scheduled to be used as a direct or connecting source of public drinking water, and disallowed in any water source, wetlands or flood plain areas;
  2. The facility shall be effectively buffered and screened in accordance with an approved method sanctioned by the Sumter City-County Zoning Board of Appeals upon the recommendation of the Zoning Administrator;
  3. The zoning application shall be accompanied by an environmental impact statement, prepared by an engineering firm with specific expertise in environmental safety and environmental quality issues and approved by the South Carolina Department of Health and Environmental Control (DHEC);
  4. In the zoning application written documentation shall be submitted disclosing the hazardous waste materials to be handled and the approximate quantity to be accommodated over the life of the facility;
  5. The applicant shall comply with all requirements imposed by the Sumter City-County Zoning Board of Appeals on the property in the final adjudication of the submitted application.
- d. **Vehicular Racing and Testing Tracks (NAICS 711212):**
1. No such use shall be located within 1,500 ft. of any residential use (measured in a straight line);

2. The proposed facility shall have direct access to a paved road meeting the criteria of a collector or arterial road.

e. **Metal Ore Mining and Extraction Operations (NAICS 2122)**

1. A zoning permit application shall be accompanied by a reclamation and reuse plan once mining operations are completed. Also, an approximate operating schedule shall be submitted with the zoning permit application which shall include times when explosives will be used.
2. Mining and extraction operations shall not be located less than 300 ft. from any residential use. When explosives are to be used the minimum distance shall become 2,500 ft. If a modification to the distance regulation is approved by the Sumter City-County Zoning Board of Appeals, then specific measures shall be established to mitigate the effects of mining and extraction operations.
3. Access to a mining or extraction site shall be from a paved road meeting the criteria of a collector or arterial road.
4. Mining and extraction uses that are non-conforming but which were previously permitted by agencies of the State of South Carolina prior to the enactment of this Ordinance, or mining and extraction activities, or business on such parcel or contiguous parcel where the mineral or the surface rights which are under the same ownership or control on the date of passage of this Ordinance shall be exempt from the requirement of this section.

f. **Primary Photovoltaic Solar Energy Systems (NAICS 221114).** *Applies to all Primary Photovoltaic Solar Energy Systems as defined in Article 10.b.1.:*

1. **Project Setbacks** – All ground-mounted photovoltaic solar energy system projects shall observe the following minimum setbacks:
  - a. From Roadways:
    - i. All Public Roads with a Functional Classification of Principal Arterial or Minor Arterial – 300 ft. from property line.
    - ii. All Other Public Roads – 200 ft. from property line.
    - iii. Private Roads – 50 ft. from the platted right-of-way line

For private roads with an unplatted right-of-way, this setback shall be interpreted to require a 50 ft. setback on both sides of the established edge of the roadbed. For development on private roads with un-platted right-of-way, projects shall be developed to maintain private road access for all properties that are accessed via the established thoroughfare.



- b. When abutting adjacent residentially used parcels regardless of zoning district: 200 ft. from property line.
  - c. When abutting adjacent undeveloped parcels in Residential Zoning Districts: 200 ft. from property line.
  - d. When abutting adjacent non-residentially used parcels in the Agricultural, Conservation, Commercial, and Industrial Zoning Districts: 100 ft. from property line.
  - e. When a project area is comprised of multiple abutting tax parcels, there shall be no setback required between parcels that are part of the internal project area.
  - f. Reductions to project setbacks:
    - i. The Board of Zoning Appeals may reduce the setback along Public Roads that are not classified as principal arterial or minor arterial by up to 50% when it can be demonstrated that specific project site topography and/or environmental conditions on a site necessitate placement closer to a roadway to maintain appropriate separation from environmentally sensitive site features and steep slopes.
    - ii. Individual residential property owners may waive the 200 ft. setback requirement to reduce the setback to 100 ft. It shall be the responsibility of the developer/applicant to acquire the necessary approvals from adjacent residential property owners. Said waiver shall be in the form of a legally binding notarized agreement. A copy of the executed agreement shall be provided with the formal application for use approval.
  - g. The above-referenced setbacks shall be interpreted to apply to all improved areas associated with the project(s). This provision excludes any internal access roads, security fencing, and permanent stormwater management facilities, however; internal access roads, fences, and stormwater facilities shall be located behind the buffers required in *Article 5.b.3.f.10*. The established setback shall apply to all arrays, storage areas, battery storage, inverters, and transformers. The poles and aerial lines necessary to deliver electricity to the power grid may be located in the setback so long as all necessary buffering is maintained as required in *Article 5.b.3.f.10*.
2. All access roads and storage areas shall be established on a fire code compliant 20 ft. minimum wide easement to a public right-of-way.

3. All ground-mounted photovoltaic solar energy systems shall be enclosed by a perimeter fence that is wildlife friendly and of a height that meets the National Electric Code (NEC) without the use of barbed wire. Said fencing shall be installed behind required buffers and shall not be visible from public right-of-way.

In addition to the use of wildlife friendly fencing, solar developments shall be designed to provide unfenced wildlife passageways of a size, scale, and number appropriate for a given development size in order to allow large mammals such as deer, coyotes, and bears to traverse the area.

4. All ground-mounted photovoltaic solar collectors shall be limited to a maximum height of 15 ft. when oriented at maximum tilt. The provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.
5. On-site electrical interconnections and power lines shall be installed underground whenever reasonably practical.
6. The applicant has the burden of proving that glare produced from a primary photovoltaic solar energy system will not have a significant adverse impact on aviation interests, motor vehicle traffic, or neighboring properties. Submission of a glare assessment prepared by a qualified professional is required.
7. For all locations within 5 nautical miles of the center point of the runway for Shaw Air Force Base (AFB), Poinsett Electronic Combat Range (ECR), and/or the Sumter Municipal Airport (SMS):
  - a. The applicant shall provide documented proof of having notified Shaw AFB/Poinsett ECR Base Commander, or the commander's representative and/or the Sumter Municipal Airport Manager, of a Photovoltaic Solar Energy System proposal.
  - b. The applicant shall allow 21 days for written comments to be provided from these agencies. Any written comments received shall be submitted with the Special Exception use application.
8. It shall be demonstrated that the Photovoltaic Solar Energy System will not unreasonably interfere with the view of, or from, significant sites of public interest such as public parks and historic sites and resources.
9. Written documentation of an agreement with an electric utility provider for interconnection of the completed facility shall be submitted at time of Special Exception use application. In lieu of a final executed interconnection agreement, documentation from the electric utility provider that such a request is in process and under consideration may be accepted at the discretion

of the Sumter City-County Board of Zoning Appeals. Once constructed, the project shall provide a copy of the signed certification of completion from the electric utility prior to issuance of the certificate of occupancy for the system.

10. **Landscape Buffering:** a minimum 50 ft. wide landscape buffer containing evergreen vegetation screening is required to obscure solar energy systems from public right-of-way and residential uses on adjacent parcels. Buffers shall meet the following minimum criteria:

- a. *Existing Vegetation:* Existing mature trees and shrubs shall be retained in the required setback areas. Dead trees and shrubs may be removed in the setbacks area. Said vegetation shall be supplemented to ensure an opaque year-round evergreen vegetative visual screen of at least 6 ft. in height over three growing seasons and not less than 20 ft. in height at maturity.
- b. *Additional Plantings:* Where existing vegetation is insufficient for required screening, a planting plan shall be developed and submitted that creates a year-round evergreen vegetative visual screen of at least 6 ft. in height over three growing seasons and not less than 20 ft. in height at maturity. The planting plan shall utilize a variety of evergreen species to avoid the creation of a monoculture vegetative buffer.
- c. *Maintenance:* All new plantings must include an irrigation system that shall be maintained until all plant materials are fully established and thriving; dead or diseased plant materials shall be replaced within 60 days of notification by the County. It shall be the developer's responsibility to ensure all buffer plants remain healthy and thriving. Failure to replace dying, diseased or plants failing to thrive constitutes a violation of the Ordinance and may result in enforcement action in accordance with *Article 1* of the Ordinance.

11. For primary photovoltaic energy systems developed in the Agricultural Conservation (AC) and Conservation (CP) zoning districts – sites shall be designed and developed using native ground cover/vegetation and other best management practices as outlined in the Technical Guidance for the Development of Wildlife & Pollinator Habitat at Solar Farms (South Carolina Solar Habitat Act – March 2021) document or similar best practices document.

12. **Decommissioning Plan:**

- a. Satisfactory completion of a Decommissioning Plan, per *Appendix D*. The Decommissioning Plan shall be recorded at the Sumter County Register of Deeds and be included with any leasing documents/agreements with the property owner.

**13. Decommissioning Surety:**

- a. A form of surety equal to 125% of the entire cost to decommission the primary photovoltaic solar energy facility, as approved, is required. Decommissioning costs shall be estimated by an engineer licensed to practice in the State of South Carolina and approved by the Sumter County Administrator and Sumter County Attorney.

*Note: Salvage/recycling value of system elements/components may be taken into account as part of decommissioning cost estimates.*

- b. The surety is required to cover the full costs of decommissioning the primary photovoltaic solar energy facility. Decommissioning costs shall include all work as described in the recorded Decommissioning Plan.
- c. The surety shall be in the form of cash, cashier's check, certified check, certificate of deposit, negotiable U.S. Treasury securities, performance bond, irrevocable letter of credit, or other instrument readily convertible into cash at face value. If utilizing a bond to cover the required surety, the bond shall have a rating of AAA.
- d. The surety may be made directly to Sumter County or be placed in escrow within a financial institution designated as an official depository of Sumter County.
- e. Following initial submittal of the surety, the cost calculation shall be reviewed every 5 years and adjusted accordingly based upon an updated estimate provided by an engineer licensed to practice in the State of South Carolina. Updated estimates must be reviewed and approved by the Sumter County Administrator and Sumter County Attorney. In the case of cost increase, the surety instrument used must be updated to reflect 125% of the entire cost to decommission the primary photovoltaic solar energy facility.
- f. Failure to comply with any of the requirements outlined in *Article 5.b.3.f.13* shall result in the immediate termination and revocation of all prior approvals and permits; further, Sumter County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the primary photovoltaic solar energy facility, even if such facility is operational.

- 14. Period of Vestiture:** Any special exception approval granted under this section shall be vested for a period of 6 months from the date of the signed order issued by the Board of Zoning Appeals. If within that 6 month period, the solar project developer receives General Development Plan or Major Site

Plan approval through the Sumter City-County Planning Commission for the solar project, the period of vestiture shall follow the vested rights timelines established in *Article 7: Subdivision and Site Plan Procedures* and/or *Article 9: Specifications of Documents to be Submitted* of the Ordinance for General Development Plans and Major Site Plans.

If the solar project developer does not receive General Development Plan or Major Site Plan approval within 6 months from the date of the signed order issued by the Board of Zoning Appeals, said project shall be resubmitted for evaluation by the Board of Zoning Appeals as a new project and reviewed based upon then-current development and use conditions in proximity to the proposed development site.

g. **Used Motor Vehicle Parts Merchant Wholesalers (NAICS 42314) in the LI-W District;**

1. Areas designated for draining and storage of vehicle fluids shall not be located closer than 500 ft. to a residential use; church; public/private school; historic structure, site, or district on the National Register of Historic Places; or public park/playground. This stated separation distance shall be measured in a straight line from structure to structure or in a straight line from designated activity area to designated activity area, whichever is more applicable.
2. Areas designated for the crushing and shredding of vehicles shall not be located closer than 500 ft. to a residential use; church; public/private school; historic structure, site, or district on the National Register of Historic Places; or public park/playground. This stated separation distance shall be measured in a straight line from structure to structure or in a straight line from designated activity area to designated activity area, whichever is more applicable.
3. Automobile crushing and/or shredding shall occur between the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday only.
4. The use of permanently installed automobile crushing and/or shredding machinery is not permitted.
5. The stacking of automobiles on top of one another for any purpose is not permitted.
6. All vehicle storage areas, vehicle parts storage areas, vehicle crushing/shredding areas, vehicle fluid drainage/storages areas, and any other primary activities associated with this use shall be either located within a fully enclosed building(s) or shall be screened by an opaque wall or fence that is at least 7 ft. in height and is primarily uniform in exterior appearance throughout all sections. The exterior facing color of such a fence or wall shall be a muted “earth tone” hue of gray, khaki, brown, beige, olive, or other similar color. Such fences or walls must be reviewed and approved by the Zoning Board of Appeals. This provision is not applicable to

customer parking areas, business signage, and other customary public facing business features.

7. Landscape buffering consisting of 2 canopy trees, 1 understory tree, and 15 shrubs per 100 linear ft. shall be installed on the outside of the opaque wall or fence along the entire extent of the opaque wall or fence. Alternate combinations of plantings may be considered by the Zoning Board of Appeals.
8. A National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Permit shall be issued and in effect prior to the issuance of a Sumter County Business License.
- h. **Drinking Places/Bottle Clubs/Night Clubs (NAICS 7224):**
  1. This use shall not be within 300 ft. (measured in a straight line from structure to structure) of a residential use, church, school, or public playground on a separately plotted parcel.
  2. A 6-foot fence that is a visual screen will be installed to separate this use from residential uses, where such residential uses are directly adjacent to the property or site containing the use.
- i. **Indoor and Outdoor Pistol, Rifle or Skeet Range (NAICS 71399):**
  1. The site shall not be located within 1,000 ft. (measured in a straight line) of any residential use, nor within 2,500 ft. (measured in a straight line) at and between a 45-degree angle on either side of the direction of fire, of any residential use on the down range side of said use.
  2. The site shall be oriented away from habitable areas.
- j. **Stockyards, Poultry Houses, Hog and Pig Farming, Commercial Breeding Kennels, Slaughter Houses, Animal Auction Houses, Animal Shelters, Dog Pounds, Overnight Pet Boarding/Kenneling/Sitting Services (NAICS 112112, 112210, 1123, 11299, 3116, 4245, or 812910):**
  1. Stockyards, Poultry Houses, Hog/Pig Farming, Slaughter Houses and Animal Auction Houses shall not be located closer than 1,000 ft. to any adjacent residential use on a separately platted parcel of land under separate ownership.
  2. Commercial Breeding Kennels, Animal Shelters, Dog Pounds, and Overnight Pet Boarding/Kenneling/Sitting Services shall not be located closer than 500 ft. to any adjacent residential use on a separately platted piece of land under separate ownership.
- k. **Sexually Oriented Businesses/Adult Uses (as defined in Article 10):**

1. *Purpose and Intent:* It is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the county and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within Sumter County. The provisions of this Article have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Article to condone or legitimize the distribution of obscene material.
  2. The referenced use shall not be located within 1,000 ft. of a residential use, church or religious institution, public or private schools and/or educational facilities; public parks and recreational facilities, and any other sexually oriented business.
1. **Solid Waste Combustors and Incinerators, Remediation and Other Waste Management Services (NAICS 562213, 5629):**
    1. The referenced uses shall not be located closer than 1,000 ft. to any residential district, church, school, historical place, or public park, nor within 400 ft. of an existing residential use not in a residential district. It is further provided however, that any *manned convenience center* (i.e., recycling center) shall not be located within 100 ft. of any residential use, church, school, historical place or public park, and not within 50 ft. of any property line;
    2. Manned convenience center shall have gravel or paved surfaces in all driving, parking and loading areas, and must be located on and have direct access from an arterial or collector road;
    3. Manned convenience centers must be entirely enclosed within an 8 ft. high security fence.
    4. All uses within this category shall be screened in such a fashion as not to be visible from off-site. Screening may be accomplished by any combination of fencing, walls, berms, or landscaping approved by the Sumter City-County Zoning Board of Appeals upon the recommendation of the Zoning Administrator.
    5. No material shall be placed in open storage or areas in such a manner that it is capable of being transported by wind, water, or other causes.

m. **Electronic Gaming Establishments, Other Amusement and Recreation Industries (NAICS 7139 or 71329):**

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

n. **Tattoo Parlors (NAICS 812199):**

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

o. **Liquor Stores (NAICS 4453):**

1. This use shall not be within 300 ft. (measured in a straight line from structure to structure) of a residential use, church, school, or public playground on a separately platted parcel.
2. A six-foot fence that is a visual screen will be installed to separate this use from residential uses.

p. **Bingo Parlor / Pool Hall (NAICS 71329):**



1. This use shall not be within 150 ft. (measured in a straight line from structure to structure) of a church, school, or public playground that is on a separately platted parcel under different ownership.

q. **Jails & Correctional Facilities (SIC 92214, 561210):**

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

r. **Swine/Hog Farms (NAICS 112210):**

1. Use: Any tract or contiguous tract of land in Sumter County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 30,000 steady state live weight (SSLW) or greater regardless of the actual number of swine on the farm or 150 animals (whichever is less).
2. Special Use District: Agriculture Conservation (AC)
3. Exemptions for Existing Swine Farms:

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

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

Prohibit the repair or replacement on the same site of the swine farm so long as the repair or replacement does not increase the swine population beyond the population that the waste system is designed to accommodate as set forth in its permit issued prior to adoption of the zoning regulations.

4. Setbacks:

- a. A swine house or a lagoon that is a component of a swine farm of a design capacity for between 30,000 SSLW (or 150 animals) to 500,000 (2,500 animals) shall be located:
  1. At least 1,000 ft. from any occupied residence, including unoccupied houses listed for sale or rent.

2. At least 1,000 ft. from any school, hospital, church, outdoor recreational facility, national park, state park, historical property acquired by the state or listed in the National/South Carolina Register of Historic Places, or childcare center.
3. At least 400 ft. from any property boundary for an agricultural facility and at least 500 ft. from any property boundary for a waste lagoon.
4. At least 1,200 ft. from any waterway designated as Waters of the State. A Back-up Plan must be ready for lagoon failure.
5. At least 200 ft. from any well supplying water to a public or private water system.
6. At least 200 ft. from any other well that supplies water for human consumption.
  - A1. The outer perimeter of the land area onto which waste is applied for a lagoon that is a component of a swine farm shall be at least 0 ft. from any boundary of property on which an occupied residence is located, including unoccupied houses listed for sale or rent, and from any perennial stream or river, other than an irrigation ditch or canal and 300 ft. from any residence, school, church, hospital, park, etc.
  - A2. No component of a liquid animal waste management system for which a permit is required shall be constructed on land that is located within the 100-year flood plain unless property protected from flooding.
  - B. A swine house or lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, recorded with the Register of Deeds and approved during the Special Exception Permit Review process.
7. The setback distances requirement by these Special Exception Permit standards shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been appropriately zoned under this ordinance.

- a. A swine house or a lagoon that is a component of a swine farm of a design capacity for a minimum 500,000 SSLW or 2,500 animals shall be located:
  - 1. At least 2,500 ft. from any occupied residence, including unoccupied houses listed for sale or rent. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 7,500 ft.
  - 2. At least 2,500 ft. from any school, hospital, church, outdoor recreational facility, national park, state park, historical property acquired by the state or listed in the National/South Carolina Register of Historic Places, or childcare center. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 7,500 ft.
  - 3. At least 500 ft. from any property boundary. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 ft.
  - 4. At least 1,200 ft. from any waterways designated as Waters of the State. A Back-up Plan must be in place for any lagoon failure.
  - 5. At least 500 ft. from any well supplying water to a public or private water system. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 ft.
  - 6. At least 500 ft. from any other well that supplies water for human consumption. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 ft.
    - A1. The outer perimeter of the land area onto which waste is applied for a lagoon that is a component of a swine farm shall be at least 175 ft. from any boundary of property on which an occupied residence is located, including unoccupied houses listed for sale or rent, and from any perennial stream or river, other than an irrigation ditch or canal. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 325 ft.
    - A2. No component of a liquid animal waste management system for which a permit is required shall be

constructed on land that is located within the 100-year flood plain.

- B. A swine house or lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, recorded with the Register of Deeds and approved during the Special Exception Permit Review process.
7. The setback distances requirement by these Special Exception Permit standards shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been appropriately zoned under this ordinance.
5. Control of Odor Emissions: The applicant shall submit plans for odor control for swine operations including relevant information pertaining to prevailing winds over the site.
  6. Emergency Number Posted: The operator of a swine farm shall post at the entry to the swine farm and on the door of the most prominent confinement building the emergency contact names and telephone numbers of the following: (1) owner; (2) operator; (3) other agent of the owner/operator; (4) Division of Water Quality Emergency Number; and (5) Sumter County Health Department. The posting shall be made and maintained in a manner such that it remains readable and protected from the elements on a continual basis.
  7. Conflict with Other Laws and Regulations: The provisions of any federal or state law or regulation establishing standards affording greater protection to the public health, safety, and general welfare, or the surface and ground water resources of the state shall prevail within the jurisdiction of Sumter County and shall prevail over the standards of this Swine Farm Special Exception Permit. Relevant information required for appropriate state and federal applications shall also be provided during the Special Exception Permit application and review process.
  8. Definitions: When used in the Swine Farm Special Exception Permit, the following words or phrases shall have the meaning assigned.
    1. **Animal Waste.** Swine excreta or a mixture or excreta with food, bedding, litter, carcasses, or other materials generated from a swine farm's lagoon in a liquid form.
    2. **Animal Waste Management Plan.** A plan to properly collect, treat, store, and/or apply animal waste to the land in an environmentally safe

manner and approved according to the procedures established by the South Carolina Department of Environmental Control.

3. **Animal Waste Management System.** A combination of structural and nonstructural practices which will properly collect, treat, store, and/or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than a 25-year, 24-hour storm.
4. **Confinement Building.** Any structure used to confine, maintain, feed, or grow swine in which animal waste collects naturally or must be collected for storage.
5. **Drainage Ditch.** Any waterway or culvert whose purpose is to convey water.
6. **Existing Swine Farm.** A swine farm in actual operation and which was stocked with swine on the effective date of this ordinance.
7. **Expanding Swine Farm.** A swine farm in actual operation whose animal waste management system is being expanded or replaced, in whole or in part, to serve a swine population greater than that which the farm's existing animal waste management system is designed to serve.
8. **Groundwater.** Those waters in the saturated zone of the earth.
9. **Lagoon.** A confined body of water used to hold animal by-products including bodily waste from animals or a mixture of waste with feed, bedding, litter, or other agricultural materials.
10. **New Swine Farm.** A swine farm which is stocked with swine for the first time after the effective date of this ordinance.
11. **Operator.** Any person, firm, corporation, limited liability company, or other entity which owns or operates a swine farm within Sumter County. Operation includes management of, or contracting for management of, a swine farm, ownership of swine on a swine farm in Sumter County, and ownership of the facility into which swine are raised.
12. **Properly Constructed Well.** A well that is constructed and meets the requirements of SC DHEC.
13. **Spray Field.** An area of land that has been approved in a certified animal waste management plan for the purpose of spraying animal waste, which has been stored in a liquid waste management system that is part of a swine farm.

14. **Steady State Live Weight (SSLW).** The average day-to-day total live weight of any animal on the farm during their growth cycle.
15. **Surface Water.** All waters of the state except underground waters.
16. **Technical Specialist.** A person designated under rules of the State Soil and Water Conservation Commission to develop and/or certify animal waste management plans.

s. **Poultry Incinerators (NAICS 562213):**

1. The incinerator is located on a poultry farm, is accessory to the farm operations, and is owned and operated by the farm owner or operator.
2. The incinerator is used solely to dispose of poultry originating on the farm where the incinerator is located.
3. The incinerator complies with all applicable state and federal regulations.
4. The separation distance required between the poultry incinerator and the lot line of real property owned by another person is 400 ft. or 1,000 ft. from the nearest residence, whichever is greater, when the normal production live animal weight at any time is 500,000 pounds or less.
5. Reductions to the required setbacks may be approved by DHEC in accordance with DHEC Standards for Permitting of Agricultural Animal Facilities.

t. **Sewage Treatment Plants (NAICS 22132)**

1. Site review must include an Environmental Impact Analysis and disclosure of emergency procedures.

u. **Electric Power Generation, Electric Power Substations (NAICS 22111, 22112)**

1. Site review must include an Environmental Impact Analysis and disclosure of emergency procedures.

**5.b.4. Communication Towers and Antennae (NAICS 517):** These regulations will permit the placement of communication towers and antennae in locations which will allow telecommunication services to be rendered in conformity with the authority specified in the *Federal Telecommunications Act of 1996*. A communications tower and/or antenna may be treated as a Conditional Use without further review by the Sumter City-County Zoning Board of Appeals upon the determination by the Zoning Administrator that all applicable conditions in this Ordinance are met. If the Sumter City-County Board reviews a case and imposes additional conditions, the use is listed as a permitted special exception after a public hearing as similarly required in *Article 5.a.4*.

- a. Districts in which communication towers and antennas are conditionally permitted with specified height limitations:
  1. **Residential:** Towers and antennas are always special exceptions in all residential districts subject to *Article 1.h.4.c.* of this ordinance and must be approved by the Sumter City-County Zoning Board of Appeals.
  2. **Commercial:** Free-standing or guyed tower with height not to exceed 180 ft., and heights exceeding 180 ft. requires a Special Exception from the Sumter City-County Zoning Board of Appeals.
  3. **Industrial:** Free-standing or guyed tower with height not exceeding 320 ft. is permitted; heights exceeding 320 ft. require a permitted special exception permit from the Sumter City-County Zoning Board of Appeals.
  4. **Conservation:** Same as residential.
  5. **Agricultural Conservation:** Same as industrial.
- b. Permitted Height Above Structures in All Districts: Tower and/or antenna mounted on buildings, water tanks, or structures other than a free-standing or guyed communications tower must not exceed more than 30 ft. above the highest part of a structure.
- c. Variances: Variances from conditions imposed by this section may not be granted by the Sumter City-County Zoning Board of Appeals. However, variances from other general regulations not a part of this section may be granted under standards set forth in *Article 1.h.4.c.* of this Ordinance.
- d. Application Requirements: The applicant for a permit for construction of a communications tower or the placement of a communications antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of \$500.00 and the following documents:
  1. **Specifications:** 1 copy of typical specifications for the proposed structure and/or antenna, including description of design characteristics and materials;

2. **Site Plan:** A plan drawn to scale showing property boundaries, tower location, tower height, guide wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (note: a site plan is not required if an antenna is mounted on an approved existing structure);
  3. **Tower Location Map:** A current map, or updated existing map showing the location of the applicant's antenna, facilities, existing towers, and proposed towers which are reflected in the public records serving any property within Sumter County, South Carolina;
  4. **Antenna Capacity – Wind Load:** A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand wind in accordance with *ANSI/EIA/TIA 222 (latest revision)* standards;
  5. **Antenna Owners:** Identification of the owners of all antennae and equipment to be located on site;
  6. **Owner Authorization:** Written authorization from the site owner for the application;
  7. **FCC License:** Evidence that a valid FCC license for the proposed activity has been issued;
  8. **Visual Impact Analysis:** A line of site analysis showing visual and aesthetic impacts on adjacent residential districts;
  9. **Removal Agreement:** A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
  10. **Conditions Met:** Evidence that applicable conditions in *Article 5.b.4.e.* are met.
- e. Conditions: Applicant must show that all of the following conditions are met:
1. **Location and Visual Impact:** The proposed tower, antenna or accessory structure will be placed on site in such a manner that it will minimize the visual impact on the surrounding properties;
  2. **Inability to locate on existing structures:** The applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and the applicants' technical design requirements without unreasonable modifications on any existing structure or tower under control of applicant, or to locate on an available and suitable nearby tower at reasonable costs (i.e., at or below local area rent average);



3. ***Necessity for location in residential district:*** The applicant must show that the portion of the county intended to receive coverage cannot be adequately served by a communications tower or antenna placed in a non-residential district for valid technical reasons;
4. ***Public property or other private property not suitable:*** Prior to consideration of a permit for location on private property which must be acquired, the applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements;
5. ***Design for multiple use:*** Applicants must show that a new tower is designed to accommodate additional antennae equal to applicant's present and future requirements;
6. ***Safety Codes Met:*** Applicant must show that all applicable health, nuisance, fire, building, and life safety code requirements are met;
7. ***Paint and illumination:*** A communications tower must not be painted or illuminated unless otherwise required by state or federal regulations;
8. ***Distance from existing tower:*** A permit for a proposed tower site within 1,000 ft. of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and design requirements, or that a co-location agreement could not be obtained;
9. ***Indemnity and claims resolution:*** The applicant must show by certification from a registered professional engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of Sumter County and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 dollars in the aggregate which may arise from the operation of the facilities during its life, at no cost to the county and in a form approved by the County Attorney.
10. ***Minimum Setback:***
  - a. ***Residential Zoning:*** A tower on residentially-zoned property must be set back from all lot from all lot lines by distances equal to the district setback requirement or the tower's fall zone, whichever is greater. Fall zones less than the full height of the tower shall be determined by an engineer licensed in the state of South Carolina in a letter that includes the engineer's signature and seal.
  - b. ***Non-Residential Zoning:*** Towers located on non-residentially zoned properties must be set back from all lot lines by distances equal to the district setback requirement or the tower's fall zone, whichever is greater. Fall zones less than the full height of the tower shall be

determined by an engineer licensed in the state of South Carolina in a letter that includes the engineer's signature and seal.

11. **Technical Assistance:** Prior to issuing a permit, the Zoning Administrator may make use of professional technical services to determine if the standards in *Article 5.b.4.d.* are met;
  12. **Maintenance:** The communications tower shall be maintained by common corrosion control procedures so it continuously maintains a minimum visual impact on surrounding properties.
- f. **Special Exception:** A tower, pole, or antenna may be permitted by Special Exception together with the findings considered in *Article 1.h.4.c.* after a public hearing along with the following criteria:
1. All application requirements and conditions imposed by *Article 5.b.4.d.* and *5.b.4.e.* are met except height limitations and setbacks;
  2. If additional tower height is required, the total tower height will not exceed 150% of the maximum height permitted in the district. In unincorporated portions of Sumter County, radio and television towers are exempt at the Sumter City-County Zoning Board of Appeals from tower height limits.
  3. The applicant has demonstrated that additional height above that permitted by the regulations is necessary for service to occupants of an area within Sumter County;
  4. Setback requirements and additional conditions are established by the Sumter City-County Zoning Board of Appeals as it deems necessary to remove dangers to public health and safety and to protect adjacent property;
  5. Prior to approving a permit by Special Exception or on appeal from the Zoning Administrator, the Sumter City-County Zoning Board of Appeals may make use of professional technical services to determine that the standards in *Article 5.b.4.d.* and *5.b.4.e.* are met.

**5.b.5. Manufacturing and Processing Plants:** The purpose of this section is to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition. As a practical matter, the enforcement of this section must result as a response to complaints because a violation cannot be known or remedied before it occurs. Therefore, industries shall be made cognizant of the following provisions and shall be required to sign a “compliance guarantee” as a condition for the issuance of a building permit.

- a. **Vibration:** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments or at any point beyond the lot line. In industrial parks vibration beyond the lot line within the industrial parks, which only effects neighboring industries or commercial enterprises shall not be a violation of this ordinance. Vibration emanating from construction activities between 7:00 a.m. and 9:00 shall be exempt from these regulations;
- b. **Fire and Explosives:** All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosions, including adequate firefighting and fire suppression equipment;
- c. **Noise:** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values established in Exhibits 9 or 10; in any octave band or frequency. Sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.
- d. **Air Pollution:** The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the Environmental Quality Control Division of the South Carolina Department of Health and Environmental Control (SC DHEC).
- e. **Odor:** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. In industrial parks odor beyond the lot line within the industrial park, which only effects neighboring industries and commercial enterprises, shall not be a violation of this ordinance. Notwithstanding, any process which may involve the creation or emission of any such odor shall be provided with both a primary and secondary safeguard system so that control may be maintained in the event of failure of the primary system.
- f. **Glare:** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.
- g. **Fumes and Vapor:** There shall not be emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.

- h. **Heat, Cold, Dampness or Movement of Air:** Activity which could produce any adverse affects on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.
- i. **Toxic Matter:** The measurement of toxic matter shall be at the ground level or habitable elevation and shall be the average of any 24 hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in threshold limit values established by SC DHEC.
- j. **Exterior Illumination:** All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed in *Exhibit 11*. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light on adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A in *Exhibit 11*. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B in *Exhibit 11*.

**5.b.6. Compliance Guarantee:** The applicant of a permit for a manufacturing or processing plant shall acknowledge in writing his understanding of the performance standards found in *Article 5.b.5.a* through *Article 5.b.5.j*. The applicant shall also indicate his (her) agreement to conform with such standards at all times. Any violation after the fact as per *Article 5.b.5*. shall constitute a violation of this Ordinance and shall be treated accordingly.

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

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

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

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

**EXHIBIT 10**  
**DAY TIME SCHEDULE**

<b>Type of Operations</b>	<b>Correction</b>
<b>Character of Noise</b>	<b>In Decibels**</b>
Daytime operation only	plus 5
Noise source operates less than 20% of any 1-hour period	plus 5
Noise source operates less than 5% of any 1-hour period	plus 10
Noise source operates less than 1% of any 1-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character ( <u>hum, speech, etc.</u> )	minus 5

\*\* Apply to the preceding Exhibit 9 one of the corrections only.

**EXHIBIT 11**  
**MAXIMUM INTENSITY OF LIGHT SOURCES\***  
**AS PER 5.b.5.j.**

	<u>Column A</u>	<u>Column B</u>
Bare Incandescent Bulbs	15 watts	40 watts
Illuminated Buildings	15 footcandles	30 ft. footcandles
Backlighted or Luminous Background Signs	150 ft. lamberts	250 ft. lamberts
Outdoor Illuminated Signs & Poster Panels	25 footcandles	110 ft. footcandles
Any Other Unshielded Sources ( <u>Intrinsic Brightness</u> )	50 candela per sq. centimeter	50 candela per sq. centimeter

\*Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

## SECTION C: TEMPORARY USES

**5.c.1. Permit Fee:** An administrative fee will be charged for permitting a temporary use. The Zoning Administrator is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without such a permit.

**5.c.2. Public Safety and Nuisance Avoidance:** All applicants filing for a temporary use must operate from a secured and permanently affixed to the ground structure with no displays or goods outside the structure which will distract motorists. Such temporary use shall not cause traffic congestion or create a nuisance to surrounding property.

**5.c.3. Limitations on Renewal and Revocation of Permits:** All permits for temporary uses may be renewed no more than one time within one calendar year, provided that it is determined that the said use is clearly of a temporary nature. Any temporary use that in the judgement of the Zoning Administrator is creating a nuisance or is disruptive to the surrounding properties will have its temporary permit revoked, and shall receive 10 days notice of such action.

**5.c.4. Removal of Temporary Use:** Structures from which the temporary use is operated shall be removed from the site after the temporary use permit has expired.

**5.c.5. Parking and Access Requirements:** A minimum of 5 off-street parking spaces shall be required for any one temporary use per parcel. The Zoning Administrator at his/her discretion may require additional off-street parking in concert with the off-street parking standards established in *Article 8.j*, if such standards require more parking spaces by land use category. Ingress and egress to the site shall be clearly marked. The parking area shall be a dust-free surface of asphalt, crushed rock, concrete or other surface approved by the Zoning Administrator.

**5.c.6. Permitted Temporary Uses:** The following temporary uses (and no other) may be permitted by the Zoning Administrator subject to the conditions met in *Article 5.c.1. through 5.c.5.* above:

- a. Carnivals or circus for a period not to exceed 21 days upon the approval of the Sumter County Council as the case may be;
- b. Religious meetings in a tent or other temporary structure in industrial, commercial, or agricultural zones, for a period not to exceed 60 days;
- c. Open lot sales of Christmas trees, in the NC, GC, LI, and HI, districts for a period not to exceed 45 days;
- d. Firecracker stands in the NC, LC, GC, AC or industrial districts for a period not to exceed 30 days twice per year. One annual temporary permit may be issued for each occurrence so long as the dates of operation are identified on the annual permit. Otherwise, a temporary permit and fee is required for each occurrence. (*In the AC Zoning District the stand must be accessory to a primary commercial or industrial business use.*)

- e. Contractor's office and equipment shed, in any district, for a period covering a construction phase of a project not to exceed 1 year, provided that such an office be placed on the property where the construction is to occur;
- f. Temporary retail sales stands in the NC, LC, GC, and Industrial districts for a period not to exceed 60 days, provided that,
  - 1. The sales stands are structures that are permanently affixed to the ground;
  - 2. They are accessory to the principal use on the property;
  - 3. The sales stands are located within the buildable area of the property;
  - 4. Powered or non-powered vehicles cannot be used as a temporary retail sales stand;
  - 5. Seating accommodations may be permitted for no more than 14 people;
  - 6. Any sign used must be in full compliance with *Article 8.i* of this Ordinance;

(Note: Non-profit and government sponsored events that last less than 1 week are exempt from items 1,2, and 4 above);
- g. Portable classrooms shall be permitted in any district for cultural facilities, community facilities, and educational facilities, or religious complexes, for a period not to exceed 1 year, provided that the structures are located behind the principal building(s). Mobile homes may not be considered portable classrooms. Rear and side yard setbacks for the appropriate residential districts shall be maintained.
- h. Mobile homes may not be allowed as a temporary use, except under the following conditions,
  - 1. Caretaker Mobile Home – In order to provide continuous security for commercial and industrial uses as long as occupancy is limited to security personnel associated with the principal use. Occupancy may not occur until approved by the Zoning Administrator and a permit is issued;
    - a. Security Personnel occupying Caretaker Mobile Home may include the caretaker and his immediate family;
    - b. Only 1 mobile home shall be allowed for each principal use;
    - c. The mobile home shall be located in such a fashion as to be generally screened from public view. The Zoning Administrator shall determine the acceptability of the screening;
    - d. 2 off-street parking spaces shall be provided for the mobile home;
    - e. The mobile home shall be located on the premises only as long as the principal use occupies the site;

- f. The temporary permit must be renewed annually;
2. Construction Site Trailers – A mobile home may be located at a major construction site for the temporary use of a watchman, supervisor or other construction personnel; provided that,
    - a. The trailer must be located on or immediately adjacent to a major construction site;
    - b. The trailer may be located at the site during the period of construction;
    - c. A temporary permit is renewable semi-annually.
  3. Temporary Office Trailer – An establishment which is expanding, rebuilding, or remodeling, and is located in a commercial or industrial zone may obtain a Temporary permit, subject to the following conditions;
    - a. The trailer cannot be the principal building. The trailer must be an annex to a pre-existing structure wherein the primary activity of the establishment is customarily conducted;
    - b. The trailer must be located on the property at a site which is furthest removed from public view. The Zoning Administrator will review and approve the proposed site of the trailer;
    - c. The temporary permit is renewable quarterly and is restricted to a maximum duration of nine months.
- i. Portable on Demand Storage (PODS), sea vans, etc.: Defined as portable storage and/or warehouse units that can be acquired on demand and dropped off for either commercial or residential use.

Residential Use:

- a. A maximum of 2 temporary storage units.
- b. Placed in side or rear yard only. However, may be placed in front yard if side and rear are not accessible (without impacting sight triangles or emergency response access).
- c. Setback of 5 ft. from property lines. No minimum spacing between units and / or structures.
- d. Maximum dimensions of 8 ft. width, 40 ft. length, and 9 ft. height, and 2,880 cubic ft. volume.
- e. Limited to 90 days with one 90-day renewal in calendar year.
- f. A Temporary Use permit is required.



- g. Exclusion: All construction sites with active permits or public school construction sites may place all storage units as needed on the site without restrictions or permits. Units must be removed not later than 7 days after the CO or Letter of Completion are issued. This does not apply to any office units temporarily on site for construction.

NOTE: Units may not create any safety issues for sight triangles or emergency response access.

All other Districts – GC, NC, LC, PD, LI, HI, ACCP:

- a. No limit on number or size.
- b. 5 ft. setback from all property lines except 25 ft. for abutting property line with a residential use.
- c. No minimum spacing.
- d. No permit required except when placed in front / secondary front setback areas. May only be placed in these areas after demonstrating need for front placement. Permit is for 90 days and may have one renewal in a calendar year.
- e. Placement may not create a safety hazard especially for sight triangles and emergency access.
- f. Exclusion: All construction sites with active permits or public school construction sites may place all storage units as needed on the site without restrictions or permits. Units must be removed not later than 7 days after the CO or Letter of Completion are issued. This does not apply to any office units temporarily on site for construction.

NOTE: Units may not create any safety issues for sight triangles or emergency response access.

j. *Mobile Vendors* shall be eligible for Temporary Use under the following conditions:

1. To operate only on private property or on designated public property that is located within the GC, AC, LC, LI-W and HI zoning districts only. The cart and all items associated with any Mobile Vending operation shall be removed from the premises during non-business hours.
2. To operate only with the maintenance and use of a litter receptacle that is made available for the patrons' use. Excessive litter caused by product packaging or other associated products of the Mobile Vendor operation may result in revocation of zoning approval to operate.

3. To operate only on property on which there is located at least one active, permitted Primary Use. Under no circumstances shall a Mobile Vendor be issued a permit to operate on property that is uninhabited or vacant;
4. To operate and to sell only such permitted merchandise as is listed herein. Permitted merchandise shall be limited to reading material such as newspapers, magazines, and books; produce; and ready-to-eat items and finger foods such as hot dogs, sausages, hamburgers, tacos, burritos, baked potatoes, bagels, pastries, candy, prepackaged sandwiches, cookies, chips, biscuits, popcorn, nuts, pretzels, ice products, ice cream, milk products, frozen yogurt, hot and cold beverages containing no alcohol, flowers, and items related to permitted merchandise. Items specifically banned from being sold by Mobile Vendors include cigarettes, cigars, and any product containing tobacco.
5. To operate only with the appropriate licensing as required by SC DHEC and the Sumter City-County Business License Department, including a background check and any other requirements for Mobile Vendor operations for Sumter County, and the State of South Carolina. It is at the discretion of the Zoning Administrator to deny a Temporary Use permit due to a felony criminal record.
6. Upon written permission of the property owner.
7. Upon submittal of a picture of the mobile vending unit along with a drawing showing the proposed location for set up on the property under review.
8. Unit shall be an approved, commercially manufactured (not homemade) commercial Mobile Food Unit as defined in *Article 10*. All units shall be required to meet all SC DHEC regulations and shall provide proof of inspection approval from SC DHEC.
9. Signage, for purposes of this Ordinance, means a manufactured banner or rigid sign which is attached to a Mobile Food Unit and may not exceed 32 sq. ft.

Unattached banners or rigid signs are not permitted.

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

10. Temporary Use for each location shall be renewed annually.
11. Only when *all* conditions listed have been met. There shall be no temporary licensing of Mobile Vendors until such conditions are met. Only duly licensed operators shall be permitted.

**5.c.7. Allowed Temporary Uses:** Within designated “Farmer’s Market” areas, individuals may sell produce (fruit and vegetables) grown by the seller or a member of the seller’s immediate family or household from roadside-type stands or personal vehicles. No permit is required as long as all sales are conducted within the designated area. **NO WHOLESALE/RESALE WILL BE PERMITTED.** Sumter County Council will designate parcels within commercial and industrial districts recommended by the Planning Staff as Farmer’s Market areas with the concurrence of the property owner. Sales may only be conducted during daylight hours. Any other temporary retail sales must comply with *Article 5.c.6.f.*

**5.c.8. Outside Storage:** No outside storage (which shall include in its meaning “outside display”) shall be permitted in a PO district. Outside storage of merchandise which is for sale, exclusive of non-useable merchandise (i.e., salvage or junk) shall be permitted in NC, LC, GC districts. Outside storage shall be permitted in the LI and HI districts provided that such storage is located behind the principal structure. However, outside storage (where allowed by district regulations) may not be permitted in any bufferyards, or parking areas.