

(OA--03-10) -- AN ORDINANCE TO AMEND THE TEXT OF ODINANCE NO. 99-372 KNOWN AS THE SUMTER COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE

WHEREAS, the request by the Planning Commission Staff to amend the text of the County Zoning and Development Standards Ordinance, has been duly considered by the Planning Commission and all requirements of Article One, Section T, and all other applicable sections of the County Zoning and Development Standards Ordinance have been complied with; and

WHEREAS, the request has been forwarded to County Council with a recommendation for approval from the Planning Commission and County Council concurs with their recommendation;

Now Therefore, Be It Ordained By The County Council Of The County Of Sumter, South Carolina, At Its Regular Meeting Duly Assembled And By The Authority There Of Amend Ordinance #99-372 as follows:

ORDINANCE CHANGES

- A. Section 3.k.2.a, - Delete reference to hogs and SIC 0213
- B. Section 3.m.3. (AC) - Add new item: a. Swine Farms SIC 0213; - re-letter the remainder of the section.
- C. Section 3.n.3. (AC-10) - Add new item: a. Swine Farms SIC 0213; - re-letter remainder of the section.
- D. Section 3.s.1.4. - Change to read: Swine/Hog Farms (SIC 0213) area Special Exception allowed only in the AC and AC-10 zoning districts. See Section 5.b.3.L. for specific regulations.
- E. Exhibit 5 - Delete SIC 0213 from Agricultural-Farming line; - Add new line for:

	AC	AC-10	SIC
Swine Farms	C	C	0213

- F. Section 5.b.2. - Add new item: L. Swine Farms (SIC 0213).
- G. Section 5.b.3. - Add the following new item:

K. Swine/Hog Farms (SIC 0213)

1. Use:

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

2. Special Use District:

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

3. Exemptions:

Existing Swine Farms:

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

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

4. Setbacks:

A. A swine house or a lagoon that is a component of a swine farm of a design capacity for between 30,000 SSLW (or 150 animals) to 500,000 (2,500 animals) shall be located:

1. At least 1000 feet from any occupied residence, including unoccupied houses listed for sale or rent.
2. At least 1000 feet from any school, hospital, church, outdoor recreational facility, national park, state park, historical property acquired by the state or listed in the National/South Carolina Register of Historic Places, or child care center.
3. At least 400 feet from any property boundary for an agricultural facility and at least 500 feet from any property boundary for a waste lagoon.
4. At least 1200 ft from any waterway designated as Waters of the State. A Back-up Plan must be ready for lagoon failure.
5. At least 200 feet from any well supplying water to a public or private water system.
6. At least 200 feet from any other well that supplies water for human consumption.
 - A1. The outer perimeter of the land area onto which waste is applied for a lagoon that is a component of a swine farm shall be at least 0 feet from any boundary of property on which an occupied residence is located, including unoccupied houses listed for sale or rent, and from any perennial stream or river, other than an irrigation ditch or canal and 300 feet from any residence, school, church, hospital, park, etc.

- A2. No component of a liquid animal waste management system for which a permit is required shall be constructed on land that is located within the 100-year flood plain unless property 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.

B. A swine house or a lagoon that is a component of a swine farm of a design capacity for a minimum 500,000 SSLW or 2,500 animals shall be located:

1. At least 2,500 feet from any occupied residence, including unoccupied houses listed for sale or rent. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 7,500 feet.
2. At least 2,500 feet from any school, hospital, church, outdoor recreational facility, national park, state park, historical property acquired by the state or listed in the National/South Carolina Register of Historic Places, or child care center. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 7,500 feet.
3. At least 500 feet from any property boundary. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 feet.
4. At least 1200 ft from any waterways designated as Waters of the State. A Back-up Plan must be in place for any lagoon failure.
5. At least 500 feet from any well supplying water to a public or private water system. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 feet.
6. At least 500 feet from any other well that supplies water for human consumption. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 1,500 feet.

- A1. The outer perimeter of the land area onto which waste is applied for a lagoon that is a component of a swine farm shall be at least 175 feet from any boundary of property on which an occupied residence is located, including unoccupied houses listed for sale or rent, and from any perennial stream or river, other than an irrigation ditch or canal. This setback shall be increased in direct proportion (percentage) to increases above 500,000 SSLW not to exceed 325 feet.

A2. No component of a liquid animal waste management system for which a permit is required shall be constructed on land that is located within the 100-year flood plain.

B. A swine house or lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, recorded with the Register of Deeds and approved during the Special Exception Permit Review process.

7. The setback distances requirement by these Special Exception Permit standards shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been appropriately zoned under this ordinance.

5. Control of Odor Emissions:

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

6. Emergency Number Posted:

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

7. Conflict with Other Laws and Regulations:

The provisions of any federal or state law or regulation establishing standards affording greater protection to the public health, safety, and general welfare, or the surface and ground water resources of the state shall prevail within the jurisdiction of Sumter County and shall prevail over the standards of this Swine Farm Special Exception Permit. Relevant information required for appropriate state and federal applications shall also be provided during the Special Exception Permit application and review process.

8. Definitions:

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

1. **Animal Waste.** Swine excreta or a mixture or excreta with food, bedding, litter, carcasses, or other materials generated from a swine farm's lagoon in a liquid form.
2. **Animal Waste Management Plan.** A plan to properly collect, treat, store, and/or apply animal waste to the land in an environmentally safe manner and approved according the procedures established by the South Carolina Department of Environmental Control.

3. **Animal Waste Management System.** A combination of structural and nonstructural practices which will properly collect, treat, store, and/or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than a 25-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. **Ground Water.** Those waters in the saturated zone of the earth.
9. **Lagoon.** A confined body of water used to hold animal by-products including bodily waste from animals or a mixture of waste with feed, bedding, litter, or other agricultural materials.
10. **New Swine Farm.** A swine farm which is stocked with swine for the first time after the effective date of this ordinance.
11. **Operator.** Any person, firm, corporation, limited liability company, or other entity which owns or operates a swine farm within Sumter County. Operation includes management of, or contracting for management of, a swine farm, ownership of swine on a swine farm in Sumter County, and ownership of the facility into which swine are raised.
12. **Properly Constructed Well.** A well that is constructed and meets the requirements of the South Carolina Department of Health and Environmental Control.
13. **Spray Field.** An area of land that has been approved in a certified animal waste management plan for the purpose of spraying animal waste, which has been stored in a liquid waste management system that is part of a swine farm.
14. **Stead State Live Weight (SSLW).** The average day-to-day total live weight of any animal on the farm during their growth cycle.
15. **Surface Water.** All waters of the state except underground waters.
16. **Technical Specialist.** A person designated under rules of the State Soil and Water Conservation Commission to develop and/or certify animal waste management plans.

**Sumter County
Swine Farms Regulations**

<u>SIZE THRESHOLD</u>	<ul style="list-style-type: none"> • 30,000 SSLW (150 animals) to 500,000 SSLW (2500 animals) (whichever is less) 	<ul style="list-style-type: none"> • 500,000 SSLW or 2500 animals (whichever is less)
<u>SETBACKS:</u>		
<ul style="list-style-type: none"> • Residences (Occupied or Available) 	1000 ft (Ag Facilities and Water Lagoons)	2500 ft (Max 7500 ft)
<ul style="list-style-type: none"> • School, Hospital, Parks, Etc. 	1000 ft (Ag Facilities and Waste Lagoons)	2500 ft (Max 7500 ft)
<ul style="list-style-type: none"> • Property Line 	Ag Facility/Waste Lagoon <ul style="list-style-type: none"> • 400 ft/500 ft 	500 ft (Max 1500 ft)
<ul style="list-style-type: none"> • Water Wells 	200 ft	500 ft (Max 1500 ft)
<ul style="list-style-type: none"> • Waters of the State 	1200 ft with Back-up Plan for Lagoon Failure	1200 ft with Back-up Plan for Lagoon Failure
<ul style="list-style-type: none"> • Lagoon Waste Application to Property Line 	0 ft (300 ft from a residence, school, hospital, etc.)	175 ft (Max 325 ft)
<ul style="list-style-type: none"> • Exceptions 	Written Permission	Written Permission & BOA
<u>ODOR</u>	No Undesirable Odors	Submit Plans for Odor Control
<u>FLOODPLAINS</u>	None Allowed unless Protected from Flooding	No Component of Liquid Animal Waste System in 100-yr Flood Plain
<u>ZONING</u>	AC & AC-10 as Special Exception	AC & AC-10 as Special Exception

Swine Farms Regulations Comparison

	<u>SCDHEC</u>	SUMTER COUNTY
<u>SIZE THRESHOLD</u>	<ul style="list-style-type: none"> • 30,000 to 250,000 SSLW • 250,000 to 500,000 SSLW • 500,000 to 1,000,000 SSLW • Above 1,000,000 SSLW 	<ul style="list-style-type: none"> • 500,000 SSLW or 2500 animals (whichever is less)
<u>SETBACKS:</u>		
• Residences (Occupied or Available)	1000 ft	2500 ft (Max 7500 ft)
• School, Hospital, Parks, Etc.		2500 ft (Max 7500 ft)
• Property Line	Facility/ Lagoon - Waste <ul style="list-style-type: none"> • 200 ft/300 ft • 400 ft/600 ft 	500 ft (Max 1500 ft)
• Water Wells	200 ft	500 ft (Max 1500 ft)
• Waters of the State	500 ft	1200 ft with Back-up Plan for Lagoon Failure
• Lagoon Waste Application to Property Line	0/300 ft from school, residence, etc.	175 ft (Max 325 ft)
• Exceptions	Written Permission	Written Permission & BOA
<u>ODOR</u>	No Undesirable Odors	Submit Plans for Odor Control
<u>FLOODPLAINS</u>	None Allowed unless Protected from Flooding	No Component of Liquid Animal Waste System in 100-yr Flood Plain
<u>ZONING</u>	None. Public Hearing and Notice Intent Required	AC & AC-10 as Special Exception

All other sections of the Zoning And Development Standards Ordinance of the County of Sumter, South Carolina, and subsequent amendments, shall remain as previously adopted.

Adopted By County Council This _____ Day Of _____ 2003, To Take Effect Immediately.

SUMTER COUNTY, SOUTH CAROLINA

(Seal)

Naomi D. Sanders
Chairwoman, Sumter County Council

ATTEST:

Mary W. Blanding, Clerk to County Council

First Reading: May 13, 2003

Second Reading: May 24, 2003

Public Hearing: May 24, 2003

Third Reading and Adoption: June 24, 2003

cc: Council, Planning Director, County Assessor, Clerk of Court, County Attorney, and County Administrator