

**ORDINANCE NO. 03-512**

**(OA-03-16) AN ORDINANCE TO AMEND THE TEXT OF 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 adopt changes show in TEXT CHANGE attached to this ordinance.

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 Sumter County Council this 23<sup>rd</sup> day of March 2004 to take effect immediately.

**SUMTER COUNTY, SOUTH CAROLINA**

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Naomi D. Sanders, Chairwoman

ATTEST:

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Mary W. Blanding, Clerk to County Council

First Reading: **September 9, 2003**  
Second Reading: **September 23, 2003**  
Public Hearing: **September 23, 2003**  
Third Reading and Adoption: **March 23, 2004**

Attachment – Text Change OA-03-16

Copies to: Clerk of Court, Planning, Assessor's Office, Marvin and Paula Berg.

**TEXT CHANGE:**

**SECTION E: DISCONTINUANCE OF NONCONFORMING USE**

6.e.1. No building or portion thereof used in whole or in part for a nonconforming use which has been discontinued for six (6) months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located. In cases involving the settlement of an estate the re-use or re-occupancy of a nonconforming use shall be allowed if the use occurs within one (1) year of its discontinuance.

6.e.2. Notwithstanding other provisions of this Ordinance, because of aesthetics and safety certain non-conforming buildings or land uses shall be torn-down, altered or otherwise made to conform with this Ordinance within the periods of time set forth in Exhibit 12. Upon application to the Zoning Board of Appeals, the Board either by general rule or by findings of fact in a specific case, may permit not more than one (1) extension for not more than the time indicated in Exhibit 12.

6.e.3. The date by which land uses described in Exhibit 12 must comply shall follow the dates in Exhibit 12. Upon failure to comply within such timeframe the Zoning Administrator may initiate action to have such non-conforming uses removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

6.e.4. Planned Unit Developments that are developed in accordance with the originally approved plan are considered permitted, non-conforming uses. A major revision will terminate the permitted non-conforming status at the approval action for a new Planned Development by Sumter City Council. The revision will be used to convert the PUD to a Planned Development (PD) by following the procedures established in Articles 1 and 3 of this ordinance. If a revision is denied, the PUD may remain in effect. The 5-year deadline for development of a PUD is not affected by this provision.

*6.e.5. The nonconforming use of a mobile home park must be discontinued when fifty (50%) percent of the homes in the park become uninhabitable or remain vacant for a period of six (6) months. Resumption of the use of the property as a mobile home park will be allowed only if the park is made to conform to mobile home park development standards in effect at the time the use is to be resumed.*

**SECTION F: PROOF OF NONCONFORMITY**

6.f.1. When seeking relief, it shall be the responsibility of the owner, of the nonconforming use to establish the existence of such use prior to the effective date of this Ordinance, or to the time period and provisions in 6.e.3.

**EXHIBIT 12**

**DISCONTINUANCE SCHEDULE  
FOR CERTAIN NON-COMFORMING USES**

<u>Non-conformities</u>	To Be Discontinued <u>Within</u>	Extensions may be permitted <u>Upon Review by the BOA</u>
Wrecking, junk, scrap, or salvage yards, automotive storage yards or outdoor storage yards for lumber and building materials	2 years	to be determined by the BOA
Fences in Sight Triangle	1 year	to be determined by the BOA
Signs:		
Pennants	1 year	
<b>Abandoned or damaged to the extent of 50% or more of the replacement cost</b>	90 days	to be determined by the BOA
Portable or temporary	90 days	to be determined by the BOA
Permanently mounted *	15 years	to be determined by the BOA
<b>Video Games (Video Poker)</b>	<b>2 years</b>	<b>to be determined by the BOA</b>
<i>Mobile home parks not meeting development standards</i>	<i>Upon fifty (50%) percent of the homes becoming uninhabitable or vacant for a period of six (6) months</i>	<i>to be determined by the BOA</i>
<i>Mobile homes in Mobile Home Parks</i>	<u><i>At replacement of each mobile home or as otherwise stated in Note 3.</i></u>	<i>One extension may be granted not to exceed <u>6</u> months</i>

Note 1: The provisions of Exhibit 12 as pertaining to properly permitted non-conforming signs shall commence with the adoption of the 1999 Sumter Zoning and Development Standards Ordinance. The amortization period for non-conforming permanently mounted on-premise signs commences six (6) months after written notification.

Note 2: Off-premise permanently mounted signs shall be grandfathered in GC, LI-W, and HI provided that they were properly permitted. If legal non-conforming multiple off-premise advertising are unable to meet the SC Department of Transportation's Outdoor Advertising Standards, they shall be removed within five (5) years and may be relocated within the appropriate zoning districts and shall be located 1000 feet from an existing off-premise outdoor advertising sign on the same side of the road or 750feet on the opposite side of the road.

*Note 3: Non-conforming mobile home parks and mobile homes shall meet the following minimum standards at the replacement of the mobile homes (any item not specifically mentioned in this list may remain.)*

1. *All internal roadways shall be maintained by the park owner and it is recommended, not required, that these roads have some type of all weather surface.*
2. *The minimum roadway width shall be 15 feet. This requirement shall become effective when the first mobile home in the park is replaced with another mobile home.*
3. *It is recommended that internal street lights should be placed every 400 feet along roadways.*
4. *Each mobile home shall be located so that it is at least:*
  - *15 feet away from any other mobile home at the closest point;*
  - *set back 10 feet from any side or rear property line;*
  - *set back 25 feet from any front property line; and*
  - *set back 10 feet from any external side (secondary frontage).**(This shall be required for each home as it is replaced. Mobile homes located in mobile home parks when this change is effective may stay in their present location.)*
5. *It is recommended that each mobile home be at least 10 feet from the right-of-way of any drive which provides common circulation.*
6. *If a mobile home park owner does not own a mobile home in the park which is an UNFIT DWELLING, as that term is defined in Chapter 11, Article Five, Sections 11-71 through 11-81, as revised, Code of Ordinances, Sumter County South Carolina, (s)he must show that (s)he is taking reasonable steps in a reasonably timely fashion to acquire ownership of that mobile home. The park owner has 60 days from the date (s)he acquires the certificate of title to the mobile home to correct the problem with the mobile home or remove the mobile home. In the event Sumter County demolishes a mobile home park pursuant to either:*
  - a. *Chapter 11, Article Five, Sections 11-71 through 11-81, as revised, of the Code of Ordinances, Sumter County, South Carolina, entitled “UNFIT DWELLINGS,” or*
  - b. *Ordinance #02-476, entitled “An Ordinance Providing for Repairing, Closing, or Demolishing Abandoned Mobile Homes Owned by the Sumter County Forfeited Land Commission,”*

*So that the owner of the real property on which the mobile home is situated becomes responsible for the demolition (which shall be collectable in the same manner as county taxes), then it shall be the responsibility of the owner of the real estate upon which that mobile home park is situated to bring the mobile home park into compliance with the then existing requirements for mobile home parks as if the mobile park had never existed previously. In that case, the owner of the real estate upon which the park is located shall have 6 months to either close the mobile home park or bring it into compliance with the requirements for new mobile home parks. (This shall be required when this change is effective.) (See paragraph 3.d.6. of the Sumter county Zoning and Development Standards Ordinance.)*