

AN ORDINANCE  
AMENDING ORDINANCE 81-76 AND CHAPTER 3, ARTICLE III, SECTION 3-16  
THROUGH SECTION 3-31, CODE OF ORDINANCES, SUMTER COUNTY, SOUTH  
CAROLINA RELATING TO REGULATING AND RESTRICTING THE STRUCTURES,  
BUILDINGS, OR BUILDING STRUCTURES OF ANY TYPE, OR TOWERS AND  
OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF  
PROPERTY IN THE VICINITY OF AIRPORTS IN THE COUNTY OF SUMTER.

**Sec. 3-25. Findings of Fact.**

That it is hereby found that an obstruction has a potential for endangering the lives and property of users of Sumter Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing or future instrument approaches of SUMTER Municipal Airport; and that an obstruction may reduce the size of areas available for landing, take-off, and maneuvering of aircrafts, thus tending to destroy or impair the unity of Sumter Municipal Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an obstruction has a potential of being a public nuisance and may injure the region served by Sumter Municipal Airport;
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

It is further declared that the prevention of the creation establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air avigation or the marking and lighting of the obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire lands or interest inland.

**Sec. 3-26. Short Title/ Definitions.**

As used in this Section, unless the context otherwise requires, the following definitions apply:

AIRPORT - Sumter Municipal Airport

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level. (182 feet at Sumter Municipal Airport)

AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

TREE - Any object of natural growth.

AIRPORT HEIGHT - for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration (FAA) planning document or military service's military airport planning document.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in the Sumter Airport Hazard Zoning Map.

### **Sec. 3-27. Airport Zones.**

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on the Sumter Airport Hazard Zoning Map. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

APPROACH ZONE - The inner end of this approach zone coincides with the width of the primary surface and is 1,000 feet wide for Runway 5/23. The approach zone for Runway 5 expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. The approach zone for Runway 23 has an inner width of 1,000 feet, an outer width of 16,000 feet, and a horizontal distance of 50,000 feet from the edge of the primary surface (200 feet from the runway threshold). The approach zones for runways 14 and 32 are the same dimensions and they begin at the edge of the primary surface which is the same as the runway threshold for a non-hard surface. The approach zones for runways 14 and 32 have an inner width of 250 feet, an outer width of 1,250 feet, and a horizontal distance of 5,000 feet.

TRANSITIONAL ZONES - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward beginning at the sides of the primary surface and extend at a slope of 7:1 to a height of 150 feet (332 feet MSL) above airport elevation. The surface extends at a slope of seven (7) feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90 degree angles to the extended runway centerline.

HORIZONTAL ZONE - The horizontal zone is hereby established at 150 feet (332 feet MSL) above airport elevation and defined by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

CONICAL ZONE - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet at a slope of 20:1 and to a height of 200 feet above the elevation of the horizontal zone. The conical zone does not include the precision instrument approach zones and the transitional zones.

### **Sec. 3-28. Airport Zone Height Limitations.**

Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Ordinance to the height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows unless the area falls outside the unincorporated area of Sumter County:

APPROACH ZONE - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

TRANSITIONAL ZONES - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and

the approach zones, and extending to a height of 150 feet above the airport elevation which is 332 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface.

**HORIZONTAL ZONE** - One hundred and fifty (150) feet above the airport elevation or a height of 332 feet above mean sea level.

**CONICAL ZONE** - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

**EXCEPTED HEIGHT LIMITATION** - Nothing in this Ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty-five (35) feet above the surface of the land.

Maximum height in Sumter County shall not exceed 480' AGL except for radio and television antenna which should not exceed heights in attachment.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

### **Sec. 3-29. Use Restrictions.**

Notwithstanding any other provisions of this Ordinance, no use may be made to land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft to use the airport.

### **Sec. 3-30. Nonconforming Uses.**

**REGULATION NOT RETROACTIVE** - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

**MARKING AND LIGHTING** - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed

necessary by the Sumter Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Sumter Airport Commission.

### **Sec. 3-31. Permits.**

**FUTURE USES** - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator upon determination that no provisions of this Section and this Ordinance are violated.

- (a) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such a tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
- (b) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

**EXISTING USES** - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

**NONCONFORMING USES ABANDONED OR DESTROYED** - Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 60 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

**VARIANCES** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Appeals for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Ordinance.

**HAZARD MARKING AND LIGHTING** - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in

question to permit the SUMTER Airport Commission at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

This Ordinance is done, ratified and adopted Tuesday, December 9, 2003.

THE COUNTY COUNCIL FOR SUMTER  
COUNTY, SOUTH CAROLINA (SEAL)

BY: \_\_\_\_\_

Naomi D. Sanders

ITS: Chairman

ATTEST:

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Mary W. Blanding

Its: Clerk of County Council

First Reading: November 11, 2003.

Second Reading: November 25, 2003.

Public Hearing: November 25, 2003.

Third Reading and Adoption: December 9, 2003.

Attachment

**AIRPORTS\***

**Art. I. In General, §§ 3-1—3-15**

**Art. II. Airport Zoning, §§ 3-16—3-23**

**ARTICLE I. IN GENERAL**

**Secs. 3-1—3-15. Reserved.**

**ARTICLE II. AIR BASE ZONING†**

**Sec. 3-16. Findings of fact.**

By virtue of the authority granted to the county by 55-13-10 et seq., South Carolina Code of Laws, 1976 as amended, this article is enacted to restrict the height of buildings, towers, or other man-made structures, and hazards to aircraft above a certain maximum height, to be hereinafter specified, and to restrict the use of land in any manner which will create electrical interference with radio communications between the aircraft and the base, or otherwise endangering the landing, taking off, or maneuvering of the aircraft using the base or its related activities.

(Code 1981, § 4.201)

**Sec. 3-17. Definitions.**

As used in this article, unless otherwise stated, the following definitions will be used:

*Airbase.* Shaw AFB, SC, a United States Air Force Base located in the county, engaged in aerial operations.

*Airbase elevation.* The highest point of Shaw AFB's usable landing area measured in feet above mean sea level. This elevation is two hundred forty-six and six hundred and eighty-three thousandths (246.683) feet MSL.

*Concial surface (marked as Area B on Exhibit #1).* An inclined plan that extends from

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\* **Cross reference**—Regional transportation authority, § 2-151 et seq.

† **Cross reference**—Zoning regulations generally, App. A.

**State law reference**—Authority, S.C. Code 1976, § 55-13-10 et seq.

the periphery of the inner horizontal surface outward and upward at a slope of twenty to one (20:1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airfield elevation.

*Airbase height.* For the purpose of determination, the height limits in all zones set forth in this article will be the height measure in feet above the airport elevation or the Poinsett Range elevation.

*Inner horizontal surface (marked as Area A on Exhibit #1).* An oval-shaped plane one hundred fifty (150) feet above the established airfield elevation. It is constructed by scribing an arc with a radius of seven thousand five hundred (7,500) feet about the centerline at each end of each runway and inter-connecting these areas with tangents.

*Outer horizontal surface (marked as Area C on exhibit #1).* A plane located five hundred (500) feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of thirty thousand (30,000) feet, less any portions thereof that extend outside of the unincorporated area of the county.

*Poinsett Buffer Surface (marked on Exhibit #2 as Area E).* A plane located five hundred (500) feet above the established range target elevation, extending from R-6002 restricted area boundaries outward at right angles a distance of two(2) nautical miles, less any portions thereof that extend outside of the unincorporated area of the county.

*Poinsett Range.* Restricted Area R-6002 as shown in the Department of Defense Flight Information Publication AP/1A dated July 9, 1981, consisting of a gunnery and bombing range and related area used to provide training to flight crews assigned to Shaw AFB, SC; McEntire ANGB, SC; and other authorized users.

*Poinsett Range elevation.* The highest point of the range's usable area measured in feet above mean sea level. This elevation is two hundred (200) feet MSL.

*Poinsett range surface (marked on Exhibit #2 as Area D).* A plane located two hundred (200) feet above the established rang target elevation, extending within all boundaries of R-6002 restricted area, less any portions thereof that extend outside of the unincorporated area of the county.

(Code 1981, § 4.202)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

### **Sec. 3-18 Zones established.**

In order to carry out the provisions of this article, there are hereby created and established certain zones as more fully shown and described on the maps which are filed in the county council office marked as exhibits #1 and #2, and incorporated by reference in this article as if stated verbatim:

- (1) Exhibit #1 consists of an area located to the west of the County of Sumter and further shown by certain contours encircling Shaw AFB in an oval patter, lying in a

northeastward-southwestern orientation aligned with the principle runway of Shaw AFB.

- (2) Exhibit #2 consists of an area west of the County of Sumter and south of Shaw AFB, identified as Restricted Area R-6002, encompassing the Poinsett Range and shown as a rectangular contour, lying in a north-south alignment.
- (3) Exhibits A and B are the areas affected by this article. Property owners or land users should consult both the text of this article and the exhibits to determine locations of properties and the imitations imposed thereon by this article. In the areas that the two (2) exhibits overlap or conflict, the more stringent limitation or requirements shall govern and prevail.

(Code 1981, § 4.203)

### **Sec. 3-19. Height limits established.**

Except as otherwise provided in this article, no building, tower, or other man-made structure shall be erected or built in any zone created by this article at a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) *Inner horizontal surface (A)*. One hundred and fifty (150) feet above the air base elevation or a height of three hundred ninety-six feet and six hundred eighty-three thousandths (396.683) feet above mean sea level.
- (2) *Conical surface (B)*. This surface is an inclined plan beginning at the inner horizontal surface, one hundred fifty (150) feet, and moving upward and outward at a slope of twenty to one (20:1) to a maximum height of five hundred (500) feet. No structure shall exceed this height limitation as set forth above, that is to say, between one hundred fifty (150) and five hundred (500) feet depending on the location of the property in relationship to the inclined zone.
- (3) *Outer horizontal surface (C)*. Five hundred (500) feet above the air base elevation or a height of seven hundred forty-six and six hundred eighty-three thousandths (746.683) feet above mean sea level.
- (4) *Poinsett Range Surface*. No structures in excess of two hundred (200) feet above the range elevation or a height of four hundred (400) feet MSL.
- (5) *Poinsett Buffer Surface*. No structure in excess of five hundred (500) feet above the range elevation or a height of seven hundred (700) feet MSL.

(Code 1981, § 4.204)

### **Sec. 3-20. Land use restrictions.**

Except as otherwise provided in this article, no use may be made of the land as contained

in the contours of Exhibits #1 and #2 including the outermost zones which will create electrical interference with radio communications between aircraft and the base, confuse or impair visibility or otherwise endanger the landing, taking-off or maneuvering in any manner of aircraft using the base and its related gunnery and bombing range.  
(Code 1981, § 4.205)

**Sec. 3-21. Article not to affect existing structures.**

The regulations prescribed by this article shall not be construed to require the removal, lowering or changes in any existing building, tower or structure as of the effective date of the ordinance from which this article is derived; further, should any existing tower, building or structure require maintenance or replacement, not to exceed its original height and dimensions. Nothing in this article will prevent such maintenance or replacement. No future use of the land and no future construction of any structure shall be allowed which is inconsistent with this article.  
(Code 1981, § 4.206)

**Sec. 3-22. Administration and enforcement.**

It shall be the duty of the zoning administrator to administer and enforce this article in the same manner as other building and zoning ordinances are regulated and enforced in the county.  
(Code 1981, § 4.207)

**Sec. 3-23. Penalties.**

It shall be unlawful for any person to violate the rules and regulations set out in this article and any person violating them shall, upon conviction, be fined not exceeding one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days.  
(Code 1981, § 4.208)