

CITY OF FLORENCE, SOUTH CAROLINA
PLANNING COMMISSION
JULY 13, 2021 AT 6:00 PM
AGENDA

- I. Call to Order**

- II. Invocation**

- III. Approval of Minutes** Regular meeting on June 8, 2021.

- IV. Public Hearing and Matter in Position for Action**

PC-2021-22 Request to amend the Unified Development Ordinance regarding conditional use requirements within the Commercial Reuse zoning district.

- V. Public Hearing and Matter in Position for Action**

PC-2021-23 Request to zone NC-15, pending annexation, the parcel located at 1524 McKenney Court, specifically identified as Florence County Tax Map Number 01461-02-005.

- VI. Adjournment** Next meeting is scheduled for August 10, 2021.

**CITY OF FLORENCE PLANNING COMMISSION MINUTES
VIA ZOOM REMOTE MEETING
TUESDAY, JUNE 8, 2021 AT 6:00 PM**

MEMBERS PRESENT: Drew Chaplin, Charles Howard and Robby Hill (in person); Betty Gregg, Dorothy Hines, and Bryant Moses (via Zoom).

MEMBERS ABSENT: Thurmond Becote, Derrick Owens, and Vanessa Murray.

STAFF PRESENT: Jerry Dudley, Derek Johnston, and Alane Zlotnicki.

APPLICANTS PRESENT: Gary Finklea (via Zoom).

CALL TO ORDER: Chairman Drew Chaplin called the June 8, 2021 regular meeting to order at 6:02 p.m.

APPROVAL OF MINUTES AND INVOCATION:

Chairman Chaplin called the meeting to order at 6:02 p.m. and asked Mr. Moses to provide the invocation, which he did.

Chairman Chaplin asked Commissioners if any changes needed to be made to the May 11, 2021 meeting minutes. There being none, Mr. Howard made a motion to approve the minutes and Mr. Hill seconded the motion. The motion passed unanimously (6-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

PC-2021-19 Request to zone CA, pending annexation, the parcel located at 2924 West Palmetto Street, specifically identified as Florence County Tax Map Number 00100-01-030.

Chairman Chaplin read the introduction to PC 2021-19 and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Planning Commission.

There being no one to speak for or against the request, and no questions for staff, Chairman Chaplin called for a motion. Ms. Hines moved that the request be approved as submitted; Mr. Howard seconded, and the motion passed unanimously (6-0).

PC-2021-20 Request to zone RG-2, pending annexation, a section of the Palms Golf Course, specifically identified as a portion of Florence County Tax Map Number 00751-01-049.

Chairman Chaplin read the introduction to PC 2021-20 and asked staff for their report. Mrs. Zlotnicki reported that the applicant has asked to defer this request.

Chairman Chaplin agreed to defer the request.

PC-2021-21 Request for sketch plan review of Phase I of Northgate Subdivision, specifically identified as a portion of Florence County Tax Map Number 00175-01-224.

Chairman Chaplin read the introduction to PC 2021-21 and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Planning Commission.

There being no one else to speak for or against the request, and no questions for staff, Chairman Chaplin called for a motion. Mr. Moses moved that the request be approved as submitted; Mr. Howard seconded, and the motion passed unanimously (6-0).

PC-2021-22 Request to amend the Unified Development Ordinance regarding conditional use requirements within the Commercial Reuse zoning district.

Chairman Chaplin read the introduction to PC 2021-22. He explained that City Council asked that the Planning Commission explore the option of expanding the conditions for the CR district in light of the request for rezoning on Oakland Avenue. He asked Mr. Dudley to introduce the amendment proposal. Mr. Dudley explained that the rezoning request was tabled to allow the Commission to explore the intent of the CR zoning district in neighborhoods. Staff looked at other municipalities. It is open to suggestions and concerns of the public and the Commission. Mr. Johnston explained the amendments as a starting point for discussion, with the goal of meeting the needs of the applicant without inflicting unintended consequences on either the neighborhood or the applicant. He outlined the amendment as provided to the Planning Commission. Mr. Dudley clarified that the Commission can include specific requirements such as distance from a church or park.

Chairman Chaplin reiterated their desire to control alcohol sales in neighborhoods. Mr. Dudley clarified that private clubs are not principally involved in alcohol sales, that the intent is for something like a Boys or Girls club or Moose Lodge, but stated that sometimes they do turn into that and then are a police issue.

The current use on Oakland Avenue can continue to operate as a non-conforming use, but could not rebuild without the rezoning. City Council asked the Planning Commission to look at possible changes to the UDO related to the CR district, specifically areas like the Oakland Avenue site which are adjacent to residential and park uses.

Mr. Moses stated that his main concern with the property on Oakland Avenue is the park across the street, and his fears that a private club would be allowed to go in there. He wants to stop the sale of alcohol that close to the park. He said there are liquor stores down the street. He isn't against a store, just against the sale of alcohol or a private club. Chairman Chaplin thanked him for his input and asked if he was against a convenience store as well. Mr. Moses said his fear was that they would apply for a liquor license in the future.

Mr. Howard reiterated that the fears about a private club are warranted, but pointed out that a convenience store is there to serve the community by selling groceries in addition to beer and wine. He said that he is worried about the restrictions on alcohol sales being applied City wide. He doesn't want the concerns over a private club to disallow convenience stores. Mr. Dudley clarified that as it stands now, a liquor store would not be permitted in that district. He repeated that private clubs are defined as organizations such as fraternal clubs but don't include clubs that carry on as a business with the principle purpose of serving alcohol (reading the definition from the UDO). Night clubs would not be permitted, but clubs like the YMCA would.

Mr. Moses asked if they could add a distance requirement from the park for certain uses. Mr. Dudley said that it was included and could be adjusted. A convenience store that serves alcohol would not necessarily be prevented. He reiterated that he wants everyone to understand that he doesn't want alcohol sales across from the park and senior center. He wants to keep it residential across from the park and senior citizen center.

Chairman Chaplin asked how it should be written. Mr. Moses wanted a certain distance limit be included in the amendment. Mr. Dudley said that it now says 300 feet from a park for on premise consumption. He asked if Mr. Moses was requesting that distance for off premise consumption as well as on premise.

Ms. Hines said that she agreed with Mr. Moses regarding the distance requirement from the park. She doesn't think that selling alcohol in a residential area is a good idea. Ms. Gregg said she asked the City for 13 years to improve the park. She said that she'd prefer a daycare or after school club to uplift the neighborhood. She's against the convenience store.

Chairman Chaplin repeated that a liquor store can't go there now. Mr. Johnston continued to explain the amendments to the CR requirements as including a special exception permit from the BZA if alcohol sales are applied for. He outlined the new commercial standards proposed for the CR district. Chairman Chaplin clarified the size limits of the building.

Mr. Johnston went over the requirements for alcoholic beverage sales and onsite consumption, which included a 300 foot distance requirement and 30% sales and area limit. Chairman Chaplin asked Mr. Howard what the standard percent of sales and floor space typically are in a convenience store. Mr. Howard didn't have the numbers at hand.

Mr. Johnston went over the other proposed requirements for a convenience store and a grocery store in the CR district as well as other permitted uses, including restaurants. He also discussed the section of the UDO regarding non-conforming uses and the amending of it regarding off-premise alcohol consumption for Major Nonconforming Uses. Mr. Dudley explained how it works now versus the addition proposed.

Mr. Johnston explained the definitions that are proposed to be added to the UDO for Convenience and Grocery Stores.

Chairman Chaplin suggested that the Commission needed to consider the information given and prepare to further discuss it next time. He stated that the Oakland Avenue case is a unique situation, and that we don't want to stifle commercial development in the CR district in the rest of the City. Mr. Howard wants to discuss it further to avoid unintended consequences. Mr. Dudley said that he agreed and wanted input from the Commission.

Mr. Moses repeated that he just doesn't want the convenience store in his neighborhood. Chairman Chaplin said he agrees, but pointed out that more than Oakland Avenue will be affected.

Chairman Chaplin called for a motion to postpone decision on the agenda. Ms. Gregg moved that the request to defer be approved; Mr. Howard seconded, and the motion to defer passed unanimously (6-0).

ADJOURNMENT: There being no other business, Chairman Chaplin asked for a motion to adjourn. Mr. Moses so moved and Ms. Hines seconded the motion to adjourn. It passed unanimously and the meeting was adjourned at 7:05 p.m. The next meeting is scheduled for July 13, 2021.

Respectfully submitted,

Alane Zlotnicki, AICP; Senior Planner

CITY OF FLORENCE PLANNING COMMISSION MEETING

DATE: July 13, 2021

AGENDA ITEM: PC-2021-22 Proposed text amendments to the City of Florence *Unified Development Ordinance* to add Conditional Use Standards for Commercial Retail, Business Services, Personal Services, and Shopping Centers & Restaurants, No Drive-Ins or Drive-Throughs in the Commercial Reuse Zoning District

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendments to the City of Florence *Unified Development Ordinance*: Section 1-2.8.4.H, “Commercial Retail, Business Services, Personal Services, and Shopping Centers” & Restaurants, No Drive-Ins or Drive-Throughs within the Commercial Reuse (CR) Zoning District.

II. POINTS TO CONSIDER:

- 1) City of Florence Planning Staff has been tasked by City Council to amend the *Unified Development Ordinance* to mitigate possible nuisances caused by permitting Commercial Retail Uses in close proximity to residentially zoned areas.
- 2) In conducting research, City Staff discovered other municipalities in the state have also sought to address this issue through ordinance amendments creating specific zoning designations like Neighborhood Commercial or by adding additional conditional use standards to achieve permitting.
- 3) The text amendments have been prepared by the Planning, Research and Development Department in an effort to clarify the intent of the ordinance and allow for reasonable development within the City.
- 4) Amend *Table 1-2.7.3 Institutional, Recreation, and Amusement Uses* of the *Unified Development Ordinance* to make Private Clubs engaged in Alcoholic Beverage Sales or onsite consumption of alcohol in the Commercial Reuse District a Permitted Special Exception Use (SE).
- 5) Amend *Table 1-2.7.4 Commercial Uses* of the *Unified Development Ordinance* to make Commercial Retail Uses and Restaurants engaged in Alcoholic Beverage Sales or onsite consumption of alcohol in the Commercial Reuse District a Permitted Special Exception Use (SE).
- 6) Amendments to Section 1-2.8.4.H.2 of the *Unified Development Ordinance* place additional conditions on “Commercial Retail, Business Services, Personal Services, and Shopping Centers”.
- 7) Amendments to Section 1-2.8.4.Q.1 of the *Unified Development Ordinance* place additional conditions on “Restaurants, No Drive-Ins or Drive-Throughs”.
- 8) An amendment to Sec. 6-19.2.1.B.1.b Nonconforming Uses of the *Unified Development Ordinance* eliminates “on-premise consumption” making all Alcoholic Beverage Sales in Zoning Districts where prohibited a Major Nonconforming Use.
- 9) Amendments to Division 7-25.2 Definitions of the *Unified Development Ordinance* adds definitions for “convenience store” and “grocery store”.

- 10) Applicable terms from the *Unified Development Ordinance*, Division 7-25.2 “Definitions” can be found in *Attachment 2*.
- 11) City staff recommends the proposed text amendments as they guide development in a manner consistent with the stated purpose of the *Unified Development Ordinance*.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

This issue is before the Planning Commission for public hearing and recommendation to City Council. The issue was considered at the June 8th meeting, but the proposed amendments were continued (deferred) until the July 13th meeting to provide additional time for review as well as the following concerns:

- Uses associated with off-premise and on-premise alcohol consumption and proximity to parks and other conflicting uses.
- Private Clubs
- Researching how other cities have handled similar situations
- Unintended consequences of the proposed text amendments

IV. ATTACHMENT:

- 1) Proposed amendments to the *Unified Development Ordinance*.
- 2) *Unified Development Ordinance*, Division 7-25.2 “Definitions”

**Table 1-2.7.3
Institutional, Recreation, and Amusement Uses**

Land Uses	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agriculture &		
	RE	RS	RG	RU	NC	CR	CA	CG	CB	AC	DS	IL	IH	OSR	AR	
Institutional Uses																
Assisted Living / Congregate Care Facilities	-	-	C	C	-	-	-	C	C	-	-	-	-	-	-	
Nursing Homes	-	-	C	C	-	-	-	C	-	-	-	-	-	-	-	
Hospital / Walk-In Clinic / Birthing Center / Surgical Facility	-	-	-	-			P	P	P	-	-	-	-	-	-	
College / University / Vo-Tech	-	-	-	-	-	C	P	P	P	P	P	P	-	-	C	
Public Assembly (places of worship; preschools; elementary, middle, and high schools; libraries; community centers; child or adult day care)	C	C	C	C	C	C	P	P	P	P	P	-	-	-	P	
Private Club	C	C	C	C	C	C	P	P	P	C	P	-	-	-	-	
Post Office	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	
Police or Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Prison/ Protective Custody	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	
Recreation and Amusement Uses																
Indoor Commercial Amusement	-	-	-	-	-	-	P	P	SE	P	P	P	-	-	-	
Indoor Recreation/ Personal Fitness	SE	SE	SE	SE	-	-	-	-	P	P	P	P	-	-	-	
Outdoor Commercial Amusement (amphitheaters, arenas, outdoor performing facilities)	-	-	-	-	-	-	-	SE	SE	SE	SE	SE	-	SE	-	
Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	
Outdoor Shooting or Archery Range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Recreational Vehicle Parks and Camps	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	C _B	-	-	-	
<p>Uses including alcohol sales or onsite alcohol consumption in the CR requires a Special Exception (SE) Use Approval (Sec. 6-21.7.11). RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District,), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial,), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), – (Prohibited Use), B (subscript, Special site and Building Development Standards)</p>																

**Table 1-2.7.4
Commercial Uses**

Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural &		
	RE	RS	RG	RU	NC	CR	CA	CG	CB	AC	DS	IL	IH	OSR	AR	
Commercial Uses																
Alcoholic Beverage Sales (Offsite Consumption)	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	
Alcoholic Beverage Sales (Onsite Consumption)	-	-	-	-	-	-	-	C	C	C	P	-	-	-	-	
Animal Boarding Facilities, Small Animal	-	-	-	-	-	-	-	C	SE	SE	-	P	-	-	P	
Animal Grooming Facilities	P	-	-	-	-	C	-	P	C	C	-	P	-	-	-	
Animal Veterinary, Small Animal	-	-	-	-	-	-	-	P	C	-	C	P	-	-	P	
Animal Veterinary, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Automobile Sales, Rental and Service Establishments	-	-	-	-	-	-	-	P	-	SE	-	-	-	-	-	
Automobile Repairs, Heavy	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	
Automobile Repairs, Light	-	-	-	-	-	-	-	P	-	P	-	P	P	-	-	
Brewpub	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	
Nursery, Retail	-	-	-	-	-	-	-	P	-	-	-	P	-	-	-	
Overnight Accommodations(hotels, motels, commercial inns)1	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	
Commercial Retail (Business Services; Personal Services; Shopping Centers)	-	-	-	-	-	C	C	P	P	P	P	C	C	-	-	
Fueling Station / Car Wash	-	-	-	-	-	-	-	CB	-	CB	-	CB	CB	-	-	
Truck Stops and Truck Washes	-	-	-	-	-	-	-	-	-	-	-	-	CB	-	-	
General Professional/ Medical Office	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-	
Micro-brewery	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	
Micro-distillery	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	
Restaurant; No Drive-In or Drive-Through	-	-	-	-	-	C	P	P	P	P	P	C	C	-	-	
Restaurant; Drive-In or Drive Through	-	-	-	-	-	-	-	P _B	-	SE _B	-	P _B	-	-	-	
Specialty Use	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	
Mobile Food Vendor	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	-	-	-	-	C	P	C	C	-	-	-	-	
Tattoo Facilities	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Heavy Retail/Home Center	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	
Wholesale	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	

1Uses including alcohol sales or onsite alcohol consumption in the CR requires a Special Exception (SE) Use Approval (Sec. 6-21.7.11).

RE (Estate Residential), RS (Suburban Residential), RG(General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

Sec. 1-2.8.4 Commercial Use Standards

The standards of this Section apply to commercial uses that are specified in *Table 1-2.7.4, Commercial Uses* as conditional (C) or permitted special exception (SE).

H. Commercial Retail, Business Services, Personal Services, and Shopping Centers are permitted if it is demonstrated that:

1. In the IL and IH districts:

1. The use is subordinate to an institutional, office, light industrial, or industrial use in the same building, building complex, or campus, and is principally intended to serve the needs of the employees of the building, building complex, or campus (e.g., copy shop, professional plumbing or electrical supply store, etc.);
2. The use principally sells items that are manufactured on-site (e.g., furniture maker selling furniture); or
3. The use is incidental and accessory to another permitted use (e.g., convenience store associated with fueling station).

2. In the CR district:

1. General:

1. No individual commercial space exceeds 10,000 square feet of gross floor area;
2. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10 PM and 6 AM
3. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the City of Florence Code of Ordinances and Unified Development Ordinance shall be enforced by the proprietors.
4. Exterior sound amplification is prohibited unless specifically granted by the Planning Director as part of the Conditional Use or Special Exception Use Permit, but at no time exceeds the standards of Division 4-11.2 Noise & Vibration.
5. Outdoor lighting shall be consistent with the standards of Division 4-11.1 Lighting
6. Outdoor display of merchandise shall be consistent with the standards of Section 3-8.2.6 Outdoor Display of Merchandise
7. No drive-thru facilities
8. The required permit, either Special Exception Use Permit or Conditional Use Permit, shall be limited to the applicant and shall not be transferrable.
9. In addition to applicable use-specific standards, the Planning Director may impose additional conditions intended to mitigate any negative impacts of the use relating to Section 1-2.7.8 Unlisted & Functionally Similar Uses.
- a. Commercial Uses with Alcoholic Beverage Sales or any other onsite alcohol consumption shall require a Special Exception (SE) Permit based on the criteria set forth in Sec. 6-21.7.11 Permitted Special Exception Use Approval and the following additional criteria:
 1. Uses with onsite consumption shall be at least 300 feet from a church, school, park, or playground
 2. Alcohol sales in relation to overall sales shall not exceed 30 percent;
 3. Total square footage dedicated to alcohol sales shall not exceed 30 percent;
- b. Convenience Stores:
 1. The gross floor area shall not exceed 1500 square feet;
 2. Fuel sales shall not be allowed.
 3. Parking demand shall be established per Section 4-9.2.4 Special Studies
 4. Applicable District Bufferyard Standards per Section 4-10.3.2 shall be supplemented

- with an opaque fence 6' in height
- 5. The use shall not be open to the public between the hours of 10 PM and 6 AM.
- c. Grocery Stores:
 - 1. The gross floor area shall not exceed 5000 square feet;
 - 2. Parking demand shall be established per Section 4-9.2.4 Special Studies
 - 3. Applicable District Bufferyard Standards per Section 4-10.3.2 shall be supplemented with an opaque fence 6' in height
 - 4. The use shall not be open to the public between the hours of 10 PM and 6 AM.
- d. Personal Services & Professional Services:
 - 1. The gross floor area shall not exceed 1500 square feet;
 - 2. The use shall not be open to the public between the hours of 7 PM and 7 AM.
- e. Other retail sales and services:
 - 1. The gross floor area shall not exceed 1500 square feet;
 - 2. The use shall not be open to the public between the hours of 9 PM and 6 AM.

Q. Restaurants, No Drive-Ins or Drive-Throughs are permitted if it is demonstrated that:

1. In the CR (Commercial Re-Use) district:

- a. Uses with Alcoholic Beverage Sales or any other onsite alcohol consumption shall require a Special Exception (SE) Permit based on the criteria set forth in Sec. 6-21.7.11 Permitted Special Exception Use Approval and the following additional criteria:
 - 1. Uses with onsite consumption shall be at least 300 feet from a church, school, park, or playground
 - 2. Alcohol sales in relation to overall sales shall not exceed 30 percent;
 - 3. Total square footage dedicated to alcohol sales shall not exceed 30 percent;
- b. Applicable District Bufferyard Standards per Section 4-10.3.2 shall be supplemented with an opaque fence 6' in height
- c. The use shall not be open to the public between the hours of 10 PM and 6 AM.
- d. No individual commercial space exceeds 10,000 square feet of gross floor area;
- e. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10 PM and 6 AM
- f. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the City of Florence Code of Ordinances and Unified Development shall be enforced by the proprietors.
- g. Exterior sound amplification is prohibited unless specifically granted by the Planning Director as part of the Conditional Use or Special Exception Use Permit, but at no time exceeds the standards of Division 4-11.2 Noise & Vibration.
- h. Outdoor lighting shall be consistent with the standards of Division 4-11.1 Lighting
- i. Outdoor display of merchandise shall be consistent with the standards of Section 3-8.2.6 Outdoor Display of Merchandise
- j. The required permit, either Special Exception Use Permit or Conditional Use Permit, shall be limited to the applicant and shall not be transferrable.
- k. In addition to applicable use-specific standards, the Planning Director may impose additional conditions intended to mitigate any negative impacts of the use relating to Section 1-2.7.8 Unlisted & Functionally Similar Uses.
- l. Parking will be accommodated on-site or by an alternate parking plan, such as valet parking, and/or parking easements;
- m. The building is either:
 - 1. An adaptive reuse of an existing residential building; or
 - 2. A new building that is of a residential character and a [floor area ratio \(FAR\)](#) of not more than 0.20.

2. In the IL (Light Industrial) and IH (Heavy Industrial) districts:

- a. The use is intended to serve the employees of and visitors to the district;
- b. Its signage is not visible outside of the district; and

- c. Its floor area is not more than 2,500 square feet.

Division 6-19.2 Classification of Nonconformities

Sec. 6-19.2.1 Nonconforming Uses

A. Generally. A nonconforming use is a use of land that was lawfully established (i.e., it was allowed and legally authorized, if legal authorization was required) on a parcel or lot before the effective date of this Unified Development Ordinance (or amendment hereto), that is no longer allowed after the effective date of this Unified Development Ordinance (or amendment hereto). The following uses are legally nonconforming uses:

1. **Permitted Uses and Structures.** Uses that were lawfully established but are not currently listed as Permitted, Conditional, or Permitted Special Exception Uses in the district in [Division 1-2.7, Land Uses](#), except that structures that were listed as uses of land prior to the effective date and are now regulated as accessory buildings or structures (see Article 8, Supplemental Standards) are either:
 - a. Conforming structures (if they comply with the requirements of this Unified Development Ordinance); or
 - b. Nonconforming structures (see Section [6-19.2.3, Nonconforming Structures](#)).
2. **Conditional Uses.** Uses that are listed as Conditional Uses in the district in [Division 1-2.7, Land Uses](#), but were lawfully established without a conditional use permit and do not comply with the applicable standards of [Division 1-2.8, Conditional and Permitted Special Exception Use Standards](#).
3. **Permitted Special Exception Uses.** Uses that are listed as Permitted Special Exception Uses in the district in [Division 1-2.7, Land Uses](#), but were lawfully established without a permitted special exception use permit. For these uses, the nonconforming use status may be removed by obtaining a permitted special exception use permit. See [Division 6-19.5, Conversion of Nonconformities](#).
4. **Flood Prone Uses.** Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway. See [Division 4-12.6, Flood Prevention](#).

B. Classifications of Nonconforming Uses. There are two classes of nonconforming uses. The classification of the nonconforming use affects whether it can be converted to a conforming use as set out in [Division 6-19.5, Conversion of Nonconformities](#). The classifications include:

1. **Major Nonconforming Uses.** Major nonconforming uses are those uses for which the nonconformity generates a nuisance per se (as such) or represents such incompatibility with adjacent uses and/or the Comprehensive Plan that public policy favors their elimination from the district if they are discontinued, abandoned, or destroyed. Major nonconforming uses include:
 - a. Adult businesses;
 - b. Alcoholic beverage sales, on-premise consumption and off-premise consumption
 - c. Auto repair;
 - d. Car washes;
 - e. Heavy commercial or industrial uses;
 - f. Manufactured home parks;
 - g. Mobile homes.
 - h. Pawn shops;

- i. Recreational vehicle parks;
- j. Salvage yards; and
- k. Specialty uses.

2. Minor Nonconforming Uses. All nonconforming uses that are not classified as major nonconforming uses are minor nonconforming uses. Such uses may be converted to conforming uses as provided in [Division 6- 19.5](#), Conversion of Nonconformities.

Division 7-25.2 Definitions

(C)

Convenience Store means a general retail store, typically under 5,000 square feet, that sells a limited line of goods and services oriented to daily convenience and traveler’s shopping needs that may include the sale of ready-to-eat food products (not intended for on-premises consumption). These stores may be part of a Fueling Station or an independent facility.

(G)

Grocery Store means a general retail store that sells fresh produce, meats, dairy, prepackaged foods as well as nonfood household goods like paper towels, toilet paper, cleaning products, over-the-counter medicines, personal care products, and typically bakery items normally utilizing a shopping cart to purchase goods a household may need for a significant period of time.

Attachment 2: *Unified Development Ordinance*, Division 7-25.2 “Definitions”

Commercial Retail means commercial and retail uses that do not include regular outside storage or sales. This phrase includes uses that are comparable to the following:

- A. Furniture and home furnishings stores;
- B. Electronics and appliance stores;
- C. Paint and wallpaper stores;
- D. Hardware stores;
- E. Food and beverage stores;
- F. Health and personal care stores;
- G. Clothing and clothing accessory stores;
- H. Sporting goods, hobby, book, and music stores;
- I. General merchandise stores; and
- J. Miscellaneous store retailers.

Heavy Retail means retail and/or service activities that have regular outside service or outside storage areas, larger than average enclosed floor areas devoted to commercial use, or partially enclosed structures, as listed below:

- A. Permanent retail operations that are located outside of enclosed buildings, except nurseries;
- B. Home centers;
- C. Lumber and other building materials;
- D. Lawn, garden equipment, and related supplies stores;
- E. Warehouse clubs and super stores;

- F. Recreational equipment rental where the equipment is stored outside;
- G. Heavy truck or recreational vehicle leasing or sales;
- H. Manufactured home sales; and
- I. Industrial or construction equipment leasing or sales.

Office, General means uses in which professional, outpatient medical, or financial services are provided. The term includes:

- A. Accounting, auditing and bookkeeping;
- B. Advertising and graphic design;
- C. Architectural, engineering, and surveying services;
- D. Attorneys and court reporters;
- E. Banks, mortgage companies; and financial services;
- F. Call centers;
- G. Computer programming;
- H. Corporate headquarters;
- I. Counseling services;
- J. Data processing and word processing services;
- K. Detective agencies;
- L. Government offices;
- M. Insurance;
- N. Interior design;
- O. Medical, dental, and chiropractic offices;
- P. Real estate sales;
- Q. Research and development that does not include on-site manufacturing;
- R. Retail catalog, internet, and telephone order processing, but not warehousing; and
- S. Virtual office services.

Personal Services means a use that provides non-medical services that generally used on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service. Examples of personal services include beauty and barber shops and tailoring. The phrase does not include "professional services, instruction, or counseling."

Professional Services, Instruction, or Counseling means services that principally involve communication between the proprietor or employee and the client, and which may involve services to more than one client at a time by a single proprietor or employee, including music instruction, yoga instruction, dance instruction, martial arts instruction, marriage counseling, and financial planning. The phrase does not include "personal services."

Services used alone means commercial services, personal services, and professional services.

Services, Commercial means non-medical services that are, typically provided to the general public without the requirement of an appointment or membership, such as:

- A. Copy centers;
- B. Social services, except those defined elsewhere in this Unified Development Ordinance;
- C. Repair services and shops, except automobile, truck, large appliance, and heavy equipment repair;
- D. Parcel service drop-off locations and mailbox services; and
- E. Laundry and dry-cleaning services with customer pick-up and drop-off (does not include wholesale or centralized dry cleaner processing plants).

CITY OF FLORENCE PLANNING COMMISSION MEETING

DATE: July 13, 2021

AGENDA ITEM: PC-2021-23 Request to zone NC-15, pending annexation, the parcel located at 1524 McKenney Court and specifically identified as Florence County Tax Map Number 01461-02-005.

I. IDENTIFYING DATA:

Owner	Tax Map Number
Ainsworth Leonard	01461-02-005

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

This issue is before the Planning Commission for public hearing and recommendation to City Council. It has not been considered, nor has any previous action been taken, by the Planning Commission.

III. GENERAL BACKGROUND DATA:

Current Zoning: unzoned (County)
Proposed Zoning: Neighborhood Conservation-15 (NC-15)
Current Use: Single-Family Residence
Proposed Use: Single-Family Residence

IV. POINTS TO CONSIDER:

- (1) The property is currently in the County and is unzoned.
- (2) The proposed zoning, pending annexation, is Neighborhood Conservation-15 District. The primary use permitted under the proposed zoning is single-family residential characterized by large sized lots.
- (3) The lot meets the dimensional requirements of the NC-15 zoning district per the City of Florence *Unified Development Ordinance*.
- (4) The only uses that may be developed under the proposed zoning, per the City of Florence *Unified Development Ordinance*, are those permitted in the NC-15 Neighborhood Conservation zoning district. The property will be subject to the City of Florence codes and regulations.
- (5) Land use of the adjacent properties is single-family residential. Lots in the County are unzoned. Lots in the City are zoned NC-15 and NC-6.1.
- (6) Future Land Use of the parcel is Neighborhood Conservation. Adjacent single-family properties are also designated as Neighborhood Conservation.
- (7) City water and sewer services are currently available.
- (8) City staff recommends the parcel be zoned Neighborhood Conservation-15 as requested, contingent upon annexation into the City of Florence. This recommendation is based on the adjacent zoning and character of the existing neighborhood.

V. OPTIONS:

Planning Commission may:

- (1) Recommend approval of the request as presented based on the information submitted.

- (2) Defer the request should additional information be needed.
- (3) Suggest other alternatives.
- (4) Recommend denial of the request based on information submitted.

VI. ATTACHMENTS:

- A) Vicinity Map
- B) Location Map
- C) Zoning Map
- D) Future Land Use Map
- E) Site Photo

**PC 2021-23
Vicinity Map - 1524 McKenney Court**



Legend

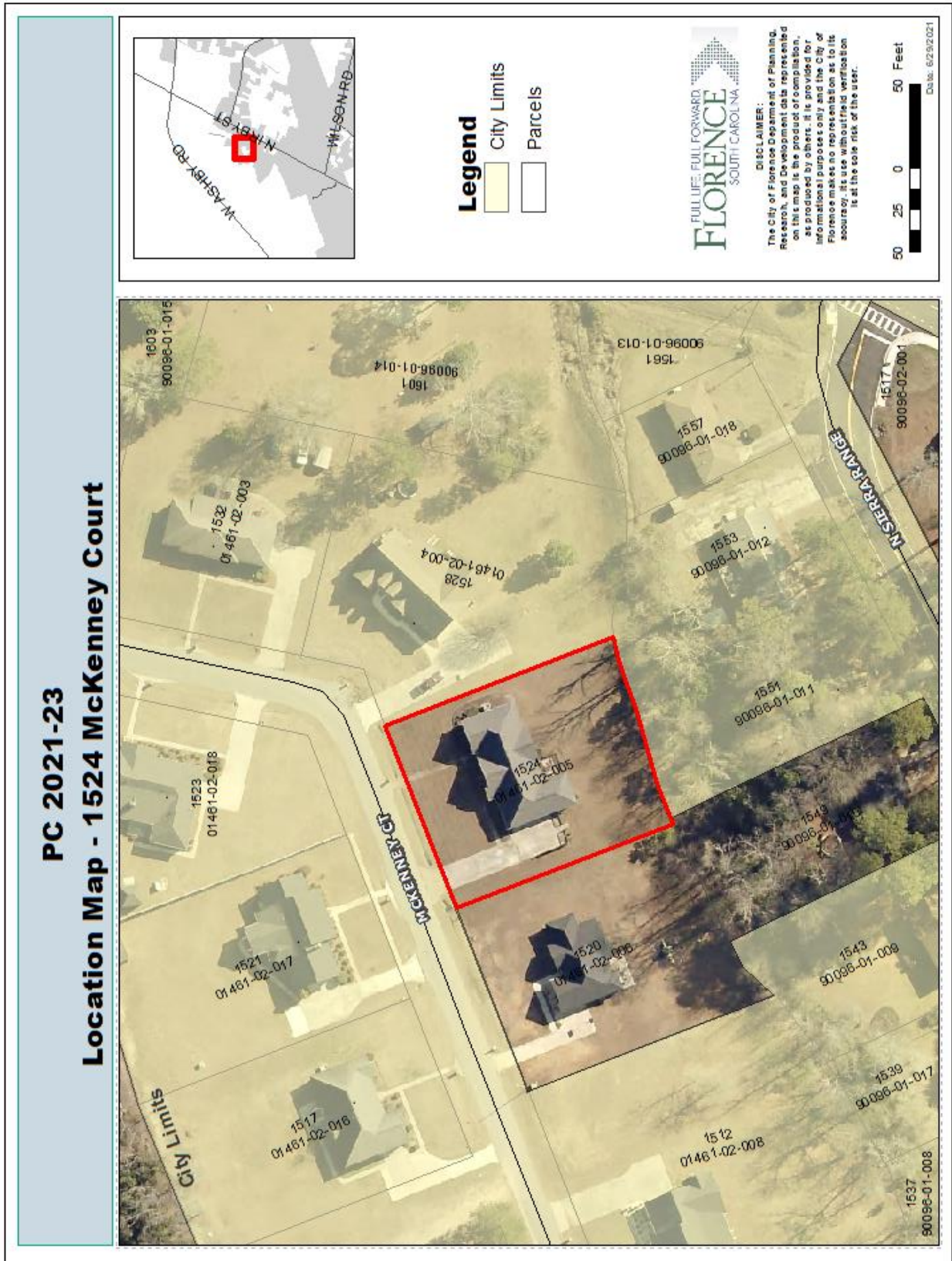
- City Limits
- Parcels

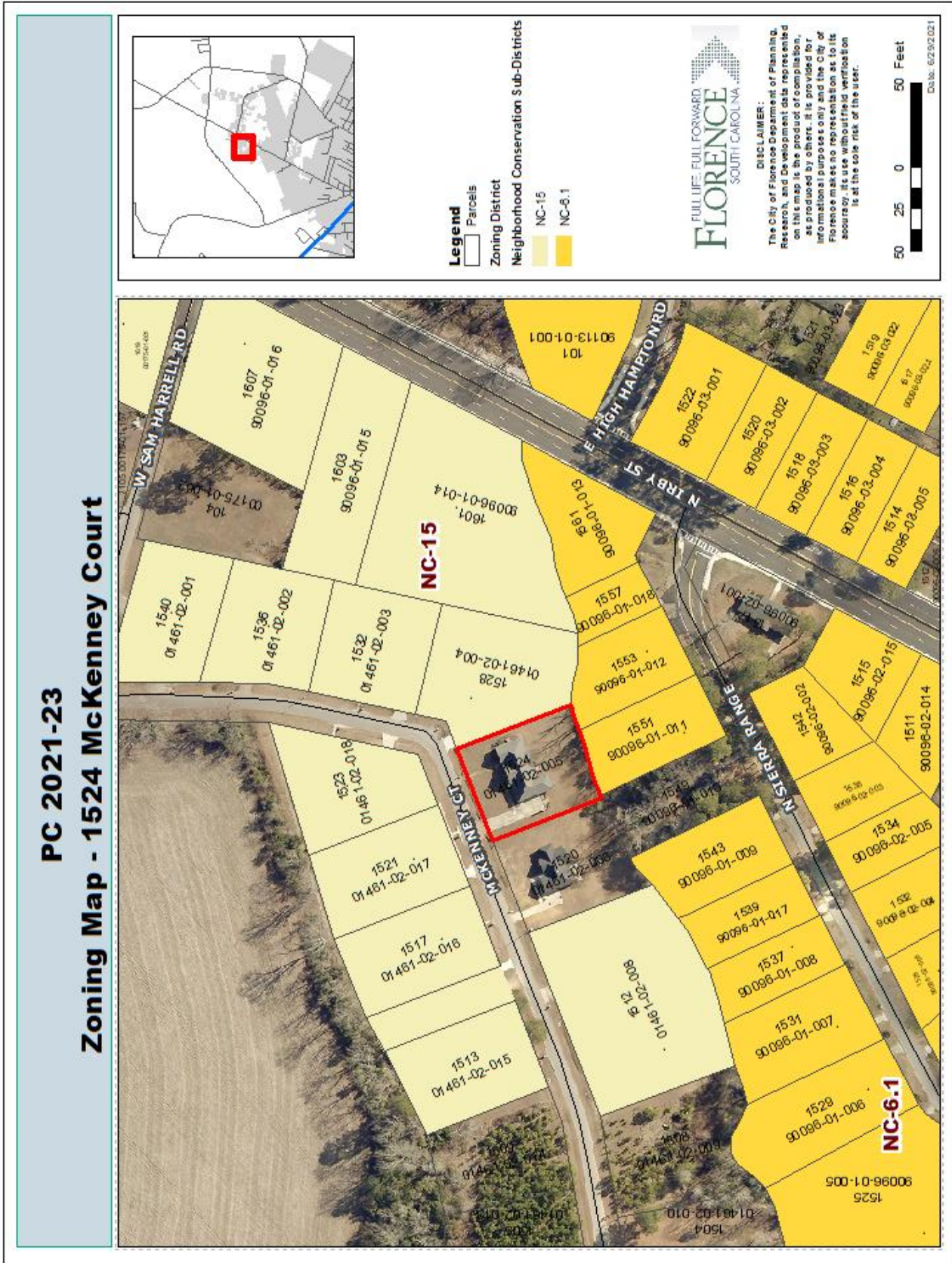
FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

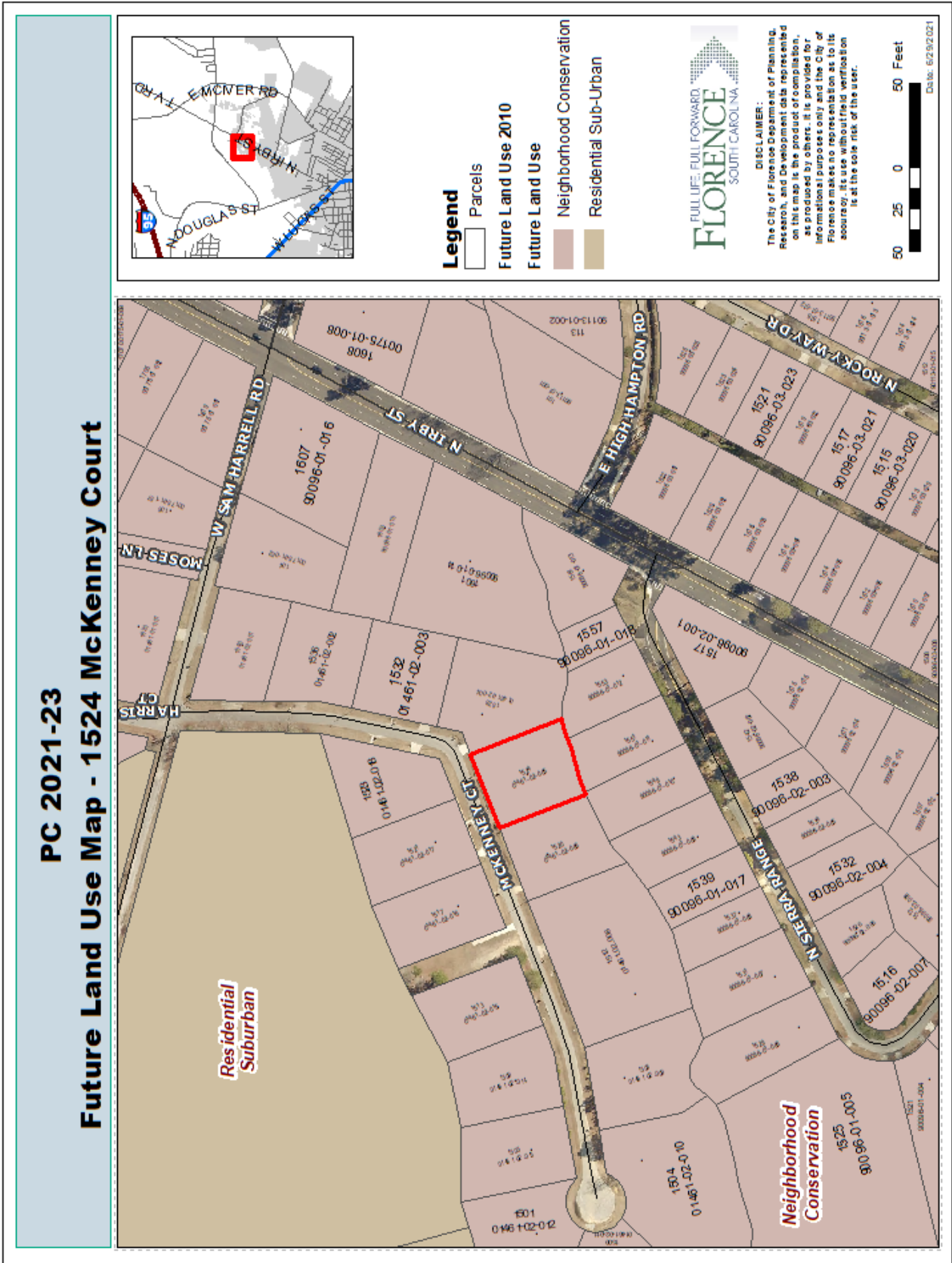
DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.

50 25 0 50 Feet

Date: 6/29/2021







Attachment E: Site Photo

