

CITY OF FLORENCE, SOUTH CAROLINA
PLANNING COMMISSION
AUGUST 10, 2021 AT 6:00 PM
AGENDA

- I. Call to Order**

- II. Invocation**

- III. Approval of Minutes** Regular meeting on July 13, 2021.

- IV. Public Hearing and Matter in Position for Action - Continued**
 - PC-2021-22 Request to amend the Unified Development Ordinance regarding conditional use requirements within the Commercial Reuse zoning district.

- V. Matter in Position for Action**
 - PC-2021-24 Request for sketch plan review for the construction of townhouses on four parcels located at 113 & 115 East Pine Street and 319 & 321 Railroad Avenue, specifically identified as Florence County Tax Map Numbers 90087-06-001, 90087-06-002, 90087-06-005, and 90087-06-006.

- VI. Matter in Position for Action**
 - PC-2021-25 Request for sketch plan review for Wild Bird Run Phase 8, located off Alligator Road, specifically identified as a portion of Florence County Tax Map Number 00126-01-395.

- VII. Matter in Position for Action**
 - PC-2021-26 Request to name the road leading to the South Florence High School stadium located at 3200 South Irby Street, specifically identified as being on Florence County Tax Map Number 00152-01-016.

- VIII. Adjournment** Next meeting is scheduled for September 14, 2021.

**CITY OF FLORENCE PLANNING COMMISSION MINUTES
TUESDAY, JULY 13, 2021 AT 6:00 PM**

MEMBERS PRESENT: Thurmond Becote, Drew Chaplin, Betty Gregg, Robby Hill, Charles Howard, Vanessa Murray and Bryant Moses

MEMBERS ABSENT: Dorothy Hines and Derrick Owens

STAFF PRESENT: Jerry Dudley, Alane Zlotnicki, and Danny Young for IT

APPLICANTS PRESENT: Raj Patel, Sam Patel, Tim Waters, Terry Alexander

CALL TO ORDER: Chairman Drew Chaplin called the July 13, 2021 regular meeting to order at 6:00 p.m.

APPROVAL OF MINUTES AND INVOCATION:

Chairman Chaplin asked Mr. Moses to provide the invocation, which he did.

Chairman Chaplin asked Commissioners if any changes needed to be made to the June 8, 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 (7-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

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 asked Mr. Dudley to update the Commission on the status of the situation. Mr. Dudley explained that at the request of Council, staff has looked at other municipalities and put together a list of guidelines for the Commission to consider in the rezoning request. 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.

Mr. Dudley explained that the rezoning request was tabled to allow the Commission to explore the intent of the CR zoning district in neighborhoods. He reiterated and clarified that the use as a private club that serves alcohol or a liquor store are not permitted in the CR district as the ordinance stands now. Nothing proposed in this ordinance changes allowing private clubs in any district. He stated that the Commission needs to be aware of unintended consequences because any change to the ordinance affects parcels all over the City, including Coit Street and Evans Street corridors where there's a lot of CR zoning. It provides a buffer between residential and commercial areas. He said that staff didn't rewrite anything between last month and this month.

Chairman Chaplin opened the meeting to discussion between Commissioners and staff. Ms. Gregg asked that if they don't do anything, what would happen? Mr. Dudley explained that the convenience store on Oakland is allowed to keep operating as they've been, but if the rezoning goes through the only condition is that they couldn't exceed 10,000 square feet in area, which they couldn't do anyway because of the size of the lot. They could redevelop the site but would have to meet the parking, landscaping, and buffering requirements if it's redeveloped and the rezoning is approved by City Council.

She asked what the owners planned for the rest of the land. What would they put there? Mr. Dudley went through the uses permitted under the CR district as listed in the UDO.

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. Mr. Moses said his fear was that they would apply for a liquor license in the future. Mr. Dudley read the definition of a private club from the ordinance, which means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H Clubs, veteran organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private community clubhouses, golf clubhouses, and fraternities and sororities that do not include residential facilities. The phrase "private club" does not include organizations with a principal purpose of serving alcoholic beverages to its members or others. Night clubs would not be permitted, but clubs like the YMCA would.

Ms. Murray clarified that if they don't recommend the rezoning, nothing would change. Mr. Dudley explained that the rezoning was already recommended to Council, and that the Commission is now looking at changing the conditions for a CR zoning, reminding them that any conditions they impose would apply to all CR districts, not just the Oakland Avenue parcel. Some may be too restrictive in other sites.

Mr. Moses repeated that the Commission has often granted variances for subdivisions. He said they are asking about Oakland Avenue here, not the entire CR district. He is concerned that they're now discussing the whole CR district, but he's talking just about Oakland Avenue. If they could look at conditions for one subdivision, why can't they just talk about the park and Oakland Avenue. He wanted to know why they can't address just this site. Mr. Dudley explained that the subdivisions with special setbacks were in Planned Developments, where specific conditions could be applied. This parcel is zoned CR like many others, and the code doesn't have a legal mechanism to apply conditions to a single parcel.

Chairman Chaplin opened the public hearing and reminded the audience to address their comments to the Commissioners.

Mr. Raj Patel, the owner of the parcel at 900 Oakland Avenue, said his family has owned that parcel for 30 years and he just wants to rebuild the same store and sell the same items, and that the ABC in Columbia will not let him have a liquor store or private club there. Chairman Chaplin asked him what his plan was for the property next to it. Mr. Patel said he didn't have any plans right now.

Mr. Becote asked Mr. Patel about the expansion of the existing building with a new one, would he just be selling more of what he sells now. Mr. Patel said that he'd like to include a laundromat in the new building. Mr. Hill asked how much his capital investment would be. He said it would be almost a million dollars with the new investment.

Mr. Becote asked him what he'd do about traffic in the area. Mr. Patel said he'd use 3 lots for the store. He asked what Mr. Patel would do for the residents living next to his lots. Ms. Murray asked if that's where the buffer zone would come in. Mr. Dudley pointed out where everything is on a map. He said a buffer would be required between the houses and any new development, and that Mr. Patel's proposal was to use both lots to accommodate new parking in addition to the updated building. He wouldn't be able to have people using right of way to park as they do now, so it would help with congestion by getting parking off the street.

Mr. Terry Alexander addressed the Commission. He said he grew up about 3 blocks away from this site. He asked about preexisting underground storage tanks from his childhood. He has concerns about the environmental issues with those tanks. He doesn't like the uncertainty about what's being done there. Mr. Hill explained that he just purchased property with underground storage tanks, and that property owners are required to provide \$10,000 in good faith money to DHEC to clean it up as necessary.

Mr. Alexander repeated his concerns about them. Mr. Howard said that they are not allowed to leave abandoned tanks with product in it. Mr. Alexander said that it's a Black neighborhood and DHEC wasn't even around when he was a child when the tanks were abandoned. Chairman Chaplin pointed out that they are always emptied out, and that fuel oil tanks are all over the place, but that DHEC is very careful about such things, and that the discussion tonight is about rezoning, not environmental issues.

Mr. Alexander said he's concerned about the health impacts on the community if the zoning is changed. Chairman Chaplin said that investment of a million dollars in the area would be a positive.

Mr. Tim Waters addressed the Commission. He said that he is concerned that Planning Commissioners are appointed by a City Council person and thus are not accountable to the residents like City Council members are. He said the comprehensive plans done for the City left corridors leading to Black neighborhoods commercial. He told Mr. Patel that he's not against the store, but because it's been there doesn't make it right. He asked each of the commissioners if they want to come home to a convenience store in their neighborhoods. He said he's not fighting against a business but for his neighborhood. He doesn't like having signage for cigarettes and alcohol next to the park. He wants them to zone for the community rather than the business. He asked them what they'd want their child to see when they go to the park. There's another place to buy a beer 63 steps away, and within the neighborhood are places to get liquor. He's fighting for future generations because today's stores aren't run the way they used to be, that kids can get alcohol and cigarettes at these stores. They have a chance to change things in Florence. City Council passed it to Planning Commission because no one wants to change the commercial zoning in Black areas.

Mr. Howard repeated that Mr. Patel's been doing this for 30 plus years. Mr. Waters said that didn't make it right. Mr. Howard said that these things have been going on for 35 years and the Patels want to improve the area. He said that the Planning Commission tries to improve the community. These men are willing to invest a million dollars into the community, to replace a dilapidated building with a new welcoming building, risking their own money, not asking to sell something they're not already selling, so they can sell things that the neighbors need. Mr. Howard said his family has been in the convenience store business for many years, with stores all over town. The Patels have the ability and the right to sell whatever the law dictates, and are willing to invest in a new building, even though they could continue indefinitely in the old building.

Mr. Waters said he won't believe the Patels are going to spend that amount of money there until they show documentation proving it. He said no one has invested that much money in a store in north Florence. Chairman Chaplin asked him to quit interrogating the commissioners. He said he understands Mr. Waters' passion, but asked him to have a seat.

Mr. Sam Patel spoke, saying that if he sells alcohol to people under 21, he'll lose his license and thus his business, so since he wants to grow his business, he won't sell alcohol or tobacco to minors. He also has a store on West Darlington Street that he is adding a laundromat to, spending more than \$450,000. He is willing to show Mr. Waters the receipts.

Mr. Moses asked Mr. Patel if they sell loose cigarettes. He said no, they are not allowed to, and they could ask anyone. Mr. Moses asked about the expansion of the store on West Darlington Street. He said it's going to be a laundromat and tobacco store.

Mr. Hill asked the chairman to focus the discussion. Chairman Chaplin closed the public hearing and thanked people for being cordial and called for a motion. There was confusion about what the motion would be. He clarified that the rezoning was approved two months ago and sent to City Council. He told Mr. Waters that the Planning Commission was purely a recommending board and that the real fight was with

City Council. City Council asked Planning Commission to come up with something that works, but they want to send it back to Council. He asked Mr. Dudley what the options are.

Mr. Dudley said they can vote to approve the proposed code amendment; deny the proposed code amendment, which would maintain the status quo; or someone can make a motion to approve the amendment with further amendment.

Ms. Murray asked if they vote to keep it, could the Patels reopen and continue as they have been for the last 35 years? If they approve the amendments, could he do the new store? Mr. Dudley clarified that the rezoning to CR was already recommended to Council, but Council wasn't comfortable approving the CR rezoning without further restrictions on this parcel. The only way to do that is to change the conditions in the CR, which affects everyone. Mr. Howard said he's concerned about that, too.

Mr. Dudley said one option was deed restrictions which can be applied to a specific parcel, but he'd have to consult with the City attorney. Chairman Chaplin clarified that those restrictions would go with the property and could limit uses on that specific parcel regardless of who owns it, without changing the conditions for everyone else. The argument is not what they do now, but what would be allowed in the future. He asked Mr. Dudley to discuss it with the City attorney so they wouldn't have to change the code and affect everyone.

Mr. Moses said they don't want any alcohol sales at all, not just restricting liquor. He wants the City to condemn the building so the grandfathering of the use goes away. Chairman Chaplin said that the Planning Commission's job is to be neutral.

Chairman Chaplin called for a motion to postpone the decision on the amendment to give Mr. Dudley the chance to discuss deed restrictions with the City attorney. Mr. Hill moved that the request be deferred; Ms. Murray seconded, and the motion to defer passed 6-1, with Mr. Moses voting no.

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.

Chairman Chaplin read the introduction to PC 2021-23 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. Mr. Becote moved that the request be approved as submitted; Mr. Howard seconded, and the motion passed unanimously (7-0).

ADJOURNMENT: There being no other business, Chairman Chaplin asked for a motion to adjourn. Mr. Moses so moved and the meeting was adjourned at 7:20 p.m. The next meeting is scheduled for August 10, 2021.

Respectfully submitted,
Alane Zlotnicki, AICP
Senior Planner

CITY OF FLORENCE PLANNING COMMISSION MEETING

DATE: August 10, 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 will update the Planning Commission as to the status of the proposed text amendment as well as the potential deed restrictions for the property on Oakland Avenue.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- 1) This issue is before the Planning Commission for public hearing and recommendation to City Council.
- 2) 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
- 3) The issue was again considered at the July 13th meeting. No consensus was reached on possible CR Conditions to recommend to City Council. Planning Commission discussed the possibility of enacting deed restrictions on the parcel to allay the concerns of City Council and the neighborhood such as prohibiting liquor sales or on-site consumption of alcoholic beverages, and prohibiting the use as a night club. The Planning Commission asked City Staff to look into the legality of using deed restrictions for the original rezoning request from Neighborhood Conservation to Commercial Reuse. Planning Commission voted to defer the case until the August 10th meeting to explore all options.

IV. ATTACHMENT:

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

Attachment 1: Proposed Amendments to the *Unified Development Ordinance*

Table 1-2.7.3 Institutional, Recreation, and Amusement Uses																
Land Uses	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agriculture & Open Space		
	RE	RS	RG	RU	NC	CR ¹	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 ¹	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	-	-	-	
¹ 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)																

**Table 1-2.7.4
Commercial Uses**

Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	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	-	-	-	-	-	-	-	C _B	-	C _B	-	C _B	C _B	-	-	
Truck Stops and Truck Washes	-	-	-	-	-	-	-	-	-	-	-	-	C _B	-	-	
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: August 10, 2021

AGENDA ITEM: PC-2021-24 Request for sketch plan review for the construction of townhouses on six parcels located at 113, 114, 115, and 116 East Pine Street, and 319 & 321 Railroad Avenue, specifically identified as Florence County Tax Map Numbers 90087-06-001, 90087-06-002, 90087-06-005, 90087-06-006, 90088-03-015, and 90088-03-034.

I. IDENTIFYING DATA:

Owner	Tax Map Numbers
City of Florence	90087-06-001, 90087-06-002, 90087-06-005, 90087-06-006, 90088-03-015, 90088-03-034

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

This issue is before the Planning Commission for review and approval. These lots were approved for rezoning from NC-6.2 to CBD by City Council on July 12, 2021. Because this proposal is also in the Arts and Culture Overlay District, it was reviewed and approved by the Design Review Board on May 12, 2021.

III. GENERAL BACKGROUND DATA:

Current Zoning: Central Business District (CBD)
Current Use: Vacant Land
Proposed Use: 26 Townhouse Units

IV. SURROUNDING LAND USE AND ZONING:

North: Central Business District (CBD): Commercial
East: Central Business District (CBD): Railroad
South: Central Business District (CBD): Vacant/Commercial
West: Central Business District (CBD): Commercial

V. POINTS TO CONSIDER:

- (1) The proposed subdivision will be a townhome development with an auto-urban character. For townhome development, the City of Florence *Unified Development Ordinance* requires that “all units must be established on single lots and so arranged to ensure public access. As such, townhouse units may be initially established on separate parcels or must be designed to accommodate future subdivision of property as determined by the Department.”
- (2) The development tracts include a total of 7 lots. Phase 1 has a total of 0.37 acre and has a 2 unit building and a 4 unit building. Phase 2 consists of 0.71 acre and has a 6 unit building and a 5 unit building, and phase 3 includes 0.53 acre and has a 4 unit building and a 5 unit building. Once completed, the project will have 26 units for sale as owner occupied homes.

- (3) New plats will be recorded to reflect the individual townhouse lots and common space for each phase. This will allow for individual home ownership with common space set up for ingress/egress, utilities, storm drainage, and green space. A property owners association and covenants will be required to provide for maintenance and use of the common space.
- (4) The townhouse development is reviewed per *Unified Development Ordinance* Section 1-2.8.2 Residential & Commercial Use of the Home Standards.
- (5) City water and sewer services are available to the properties.
- (6) This Sketch Plan is reviewed for compliance with the regulations set forth in the City of Florence *Unified Development Ordinance* related to the subdivision of property and townhouse development standards.
- (7) Because the project falls within the D-3, Arts and Cultural Overlay District, the site plans as well as details related to building design, material choices, and building orientation were approved by the Design Review Board on May 12, 2021. This review protects the character of the neighborhood and the Pine and Dargan Street Corridors.
- (8) The sketch plan complies with the Ordinance in regard to townhouse development, specifically the layout of individual lots and common space. Staff will review remaining details and engineering requirements during the development stage.
- (9) Other requirements of the City of Florence *Unified Development Ordinance* will be addressed during the Development Plan Review. Following Sketch Plan approval, the developer will be required to submit a full Development Plan submittal package for staff review prior to any construction taking place.

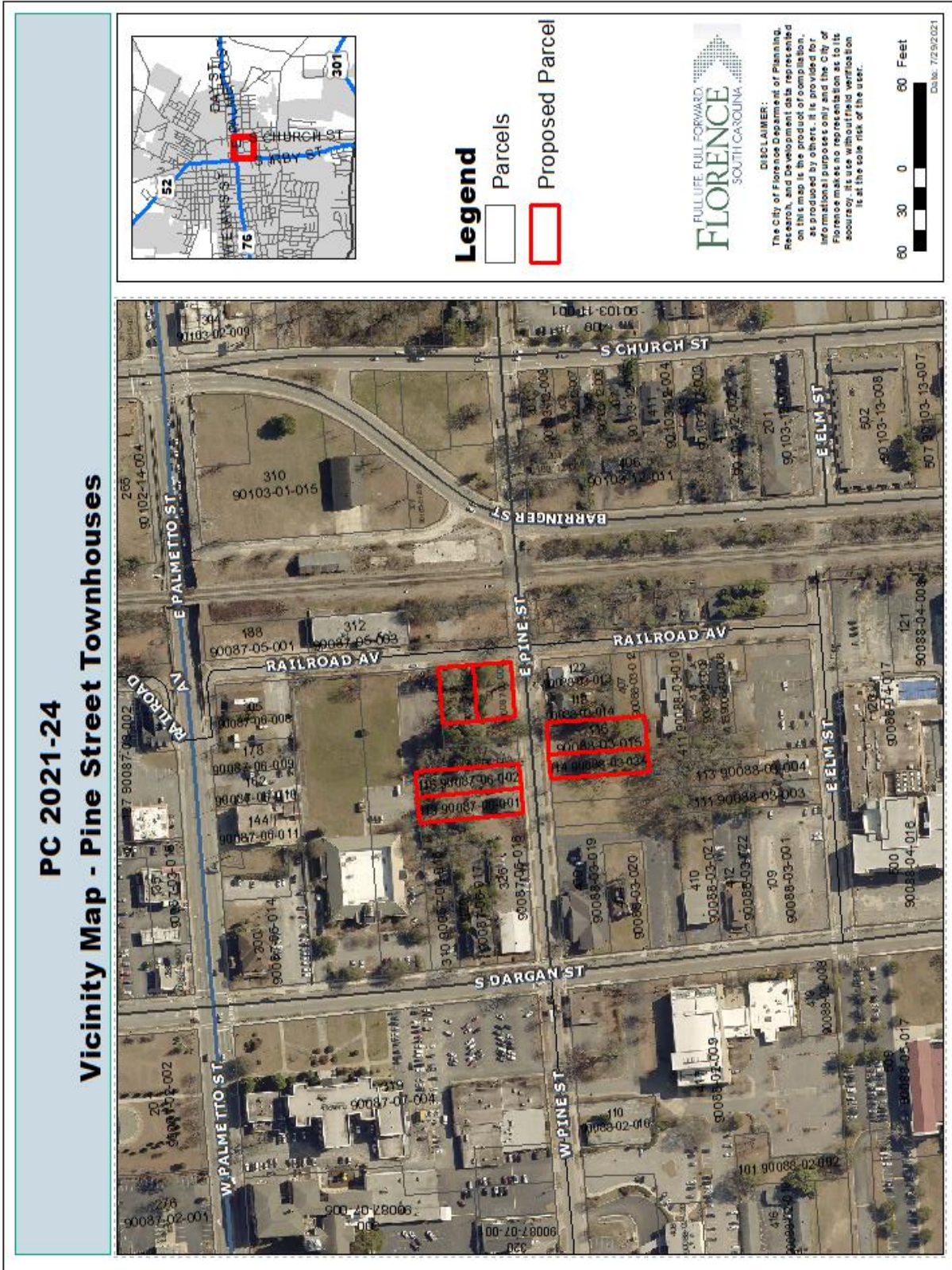
VI. OPTIONS:

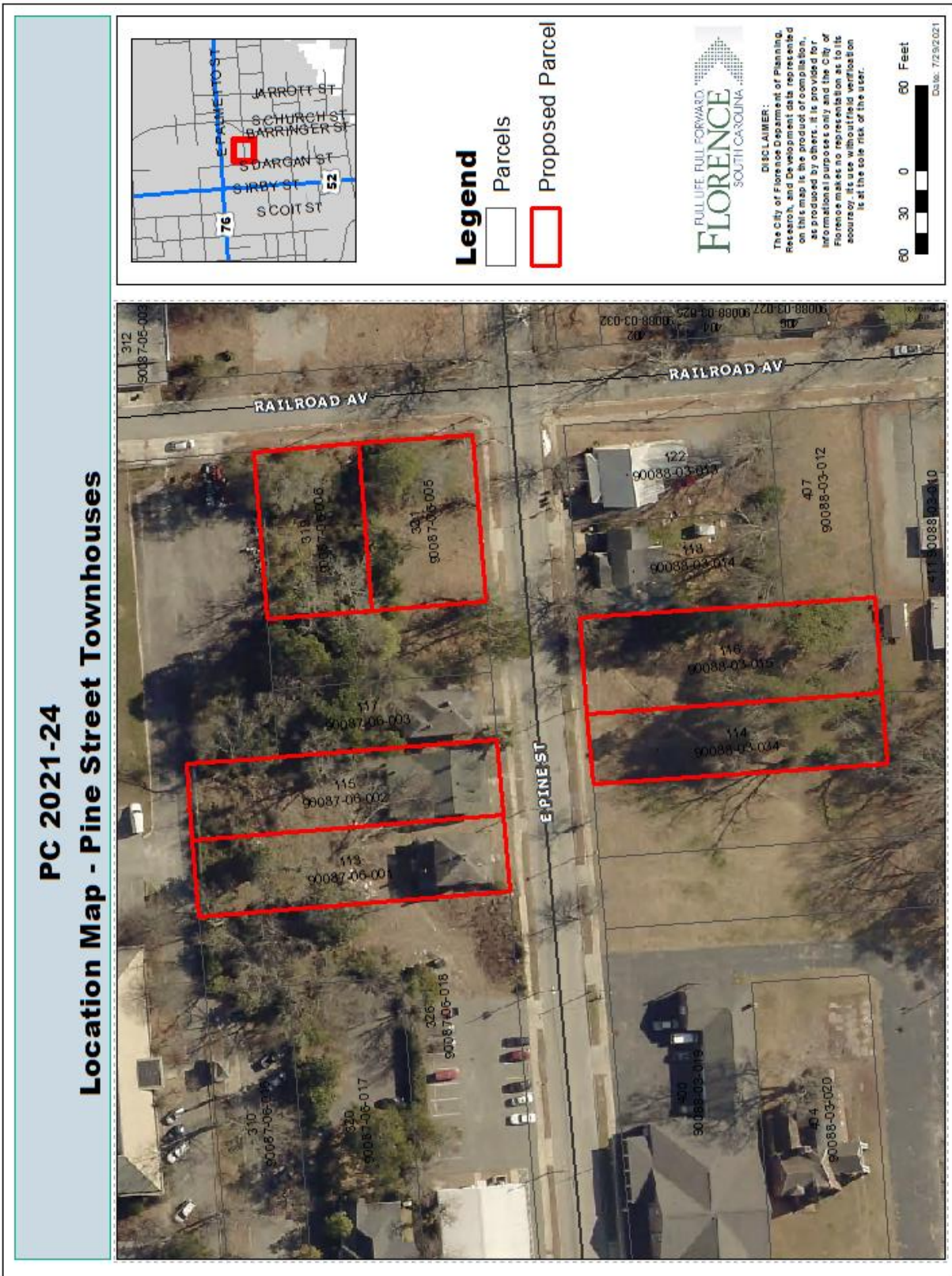
Planning Commission may:

- 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.

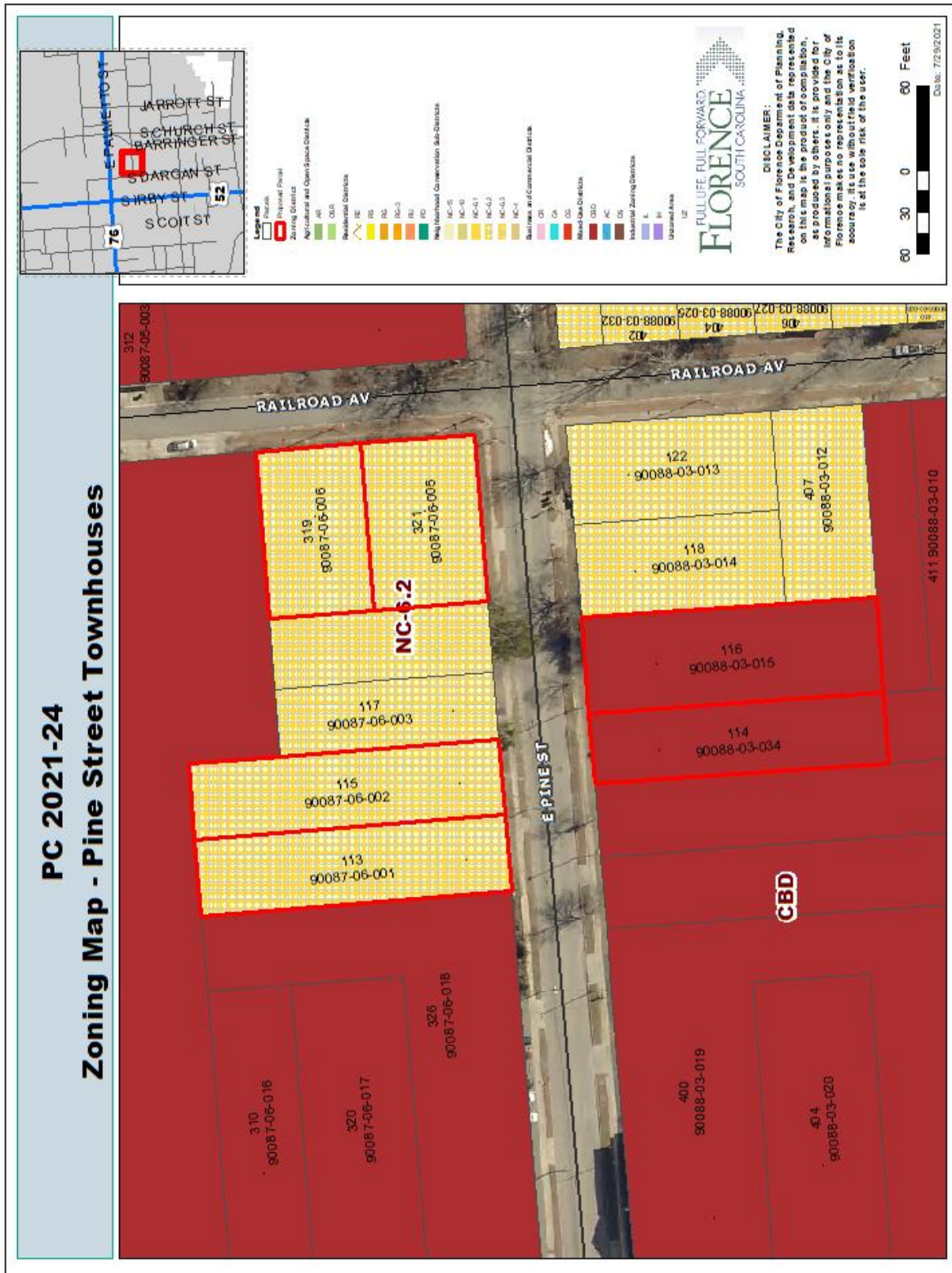
VII. ATTACHMENTS:

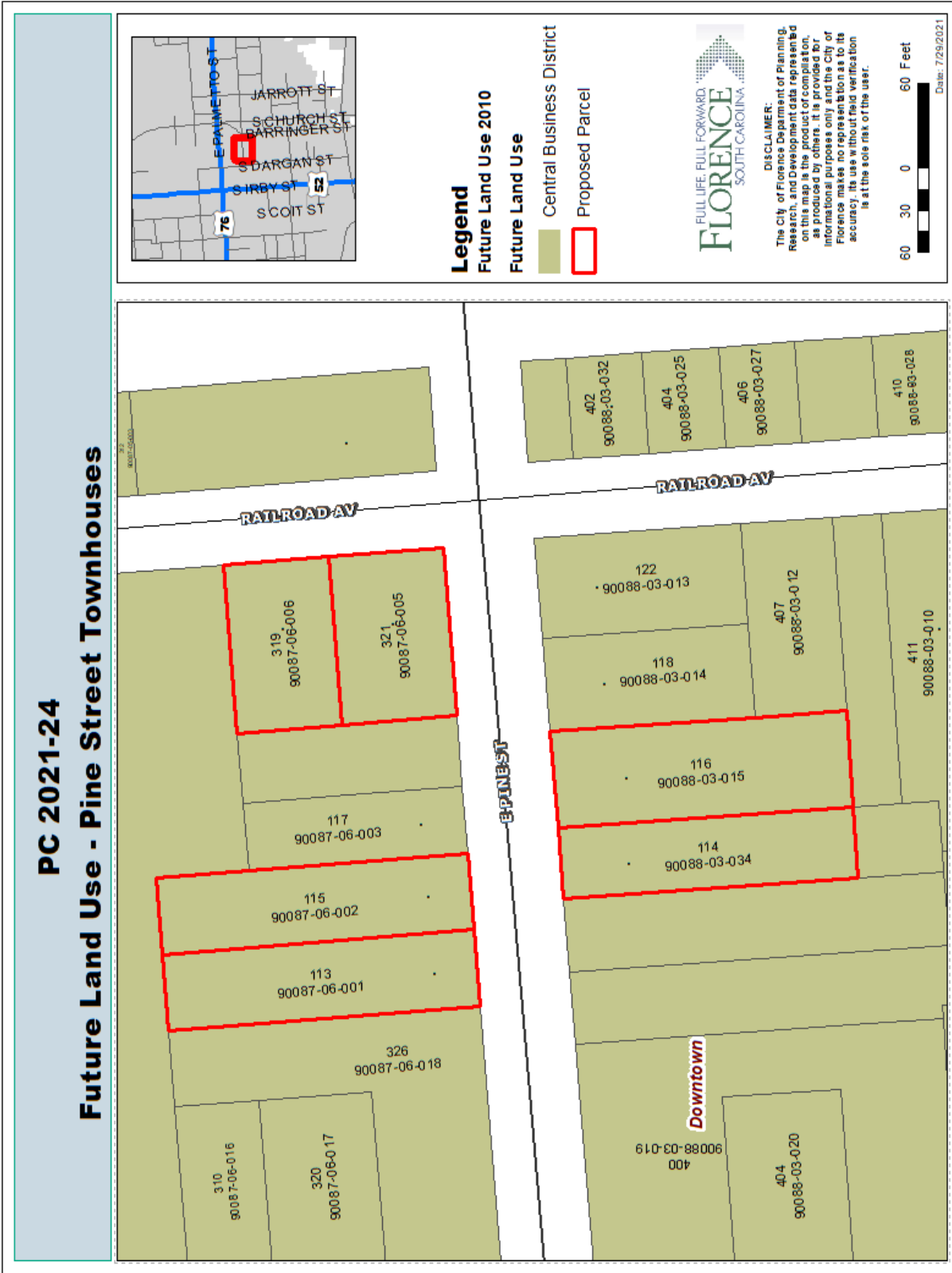
- A) Vicinity Map
- B) Location Map
- C) Zoning Map
- D) Future Land Use Map
- E) Site Plan
- F) Phase Chart
- G) *Unified Development Ordinance Excerpts*



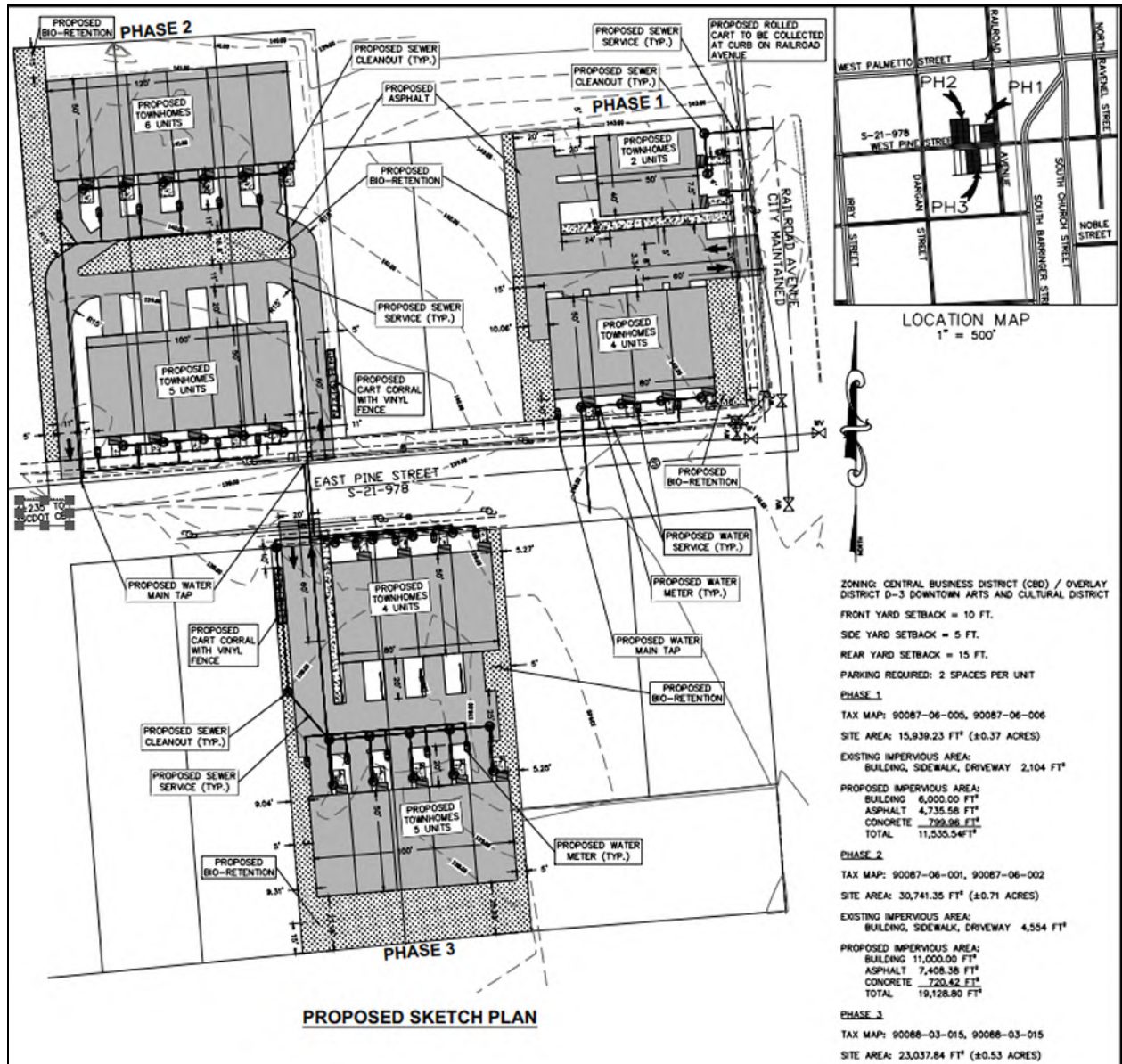


Attachment C: Zoning Map – the map hasn't been updated, but the lots have been rezoned from NC-6.2 to CBD.





Attachment E: Site Plan



Attachment F: Phase Chart

Phase	Tax Map Number	Street Address	Area (SF)	# Units
1	90087-06-005	321 Railroad Ave.	8,249	4
1	90087-06-006	319 Railroad Ave	7,535	2
2	90087-06-001	113 E. Pine St.	10,199	6
2	90087-06-002	115 E. Pine St.	10,199	5
3	90088-03-015	116 E. Pine St.	12,185	4
3	90088-03-034	114 E. Pine St.	8,901	5

Sec. 1-2.8.2 Residential & Commercial Use of the Home Standards

J. **Townhomes** are permitted if it is demonstrated that:

1. They conform to the standards and requirements set out in **Section 3-8.3.1**, Single Family Attached and Multiplex Building Standards.
2. They conform to the lot and building standards set out in **Table 2-4.1.3**, Lot and Building Standards by Housing Type.
3. A minimum of three joined townhomes shall be oriented to each street adjacent to the development. Two unit buildings shall only be permitted in the interior of a lot.
4. The development shall have a minimum site area of one-half acre.
5. All units must be established on single lots and so arranged to ensure public access. As such, townhouse units may be initially established on separate parcels or must be designed to accommodate future subdivision of property as determined by the Department.
6. Not more than eight or fewer than two townhomes may be joined together with the same or staggered front yard setback. If a development is proposed with staggered front setback lines, the unit that is established closest to the front property line must meet the minimum required front yard setback for the district.
7. Staggered front yard setbacks of adjoining buildings must not vary in their setbacks by more than 20 feet.
8. There is a minimum distance of 20 feet between unattached townhome units.
9. Each unit may have one accessory building, which shall be of permanent construction, permanently affixed to the land, set back a minimum of five feet from all property lines, and shall have a maximum floor space of 500 square feet.

Zoning District and Housing Types	Minimum						Maximum	
	Lot Dimension		Setbacks				Building	
	Area ¹	Width ²	Front ²	Interior Side ^{3,4}	Street Side	Rear	Height	Cover
Attached and Multi-Family Dwelling Units								
Duplex	9,000 sf.	90'	15'	5'	10'	15'	35'	35%
Over-Under Duplex	8,000 sf.	80'	15'	5'	10'	15'	35'	35%
Multiplex	9,000 sf.	90'	15'	5'	10'	20'	40'	50%
Weak-Link Townhouse	3,750 sf.	44'	10'	0'	6'	20'	35'	60%
Duplex Townhouse	3,200 sf.	40'	10'	0'	10'	10'	40'	75%
Townhouse	2,400 sf.	16'	10'	0'	6'	20'	35'	65%
Apartment, Single Use Building(s)	1,550 sf.	100'	10'	0'	5'	10'	45'	80%
Apartment, Mixed-use Building(s)	See Section 2-6.1.1 , General Development Standards.							

TABLE NOTES:
¹ Measured per building for single-family detached, lot-line, duplex and multiplex housing types and measured per unit for townhouse and multifamily housing types.
² A setback of 25 feet is required from the property line to the face of garage doors
³ The patio / lot line and duplex housing types are set on one property line with a zero setback. This setback applies to the other side property line.
⁴ Lot-line houses are roughly L-shaped. The interior side setback is a small side yard along the side of the building towards the front of the lot, which may extend for up to 40 percent of the depth of the lot. The remainder of the building must be set back at least 25 ft. or 50 percent of the lot width, whichever is less.

CITY OF FLORENCE PLANNING COMMISSION MEETING

DATE: August 10, 2021

AGENDA ITEM: PC 2021-25 Request for sketch plan review for Wild Bird Run Phase 8, located off Alligator Road, specifically identified as a portion of Florence County Tax Map Number 00126-01-395.

I. IDENTIFYING DATA:

Owner	Tax Map Number
Gary I. & Wade R. Finklea	00126-01-395

II. GENERAL BACKGROUND DATA:

Current Zoning: General Residential (RG-3)
Current Use: Vacant
Proposed Use: Single-Family Detached Homes

III. SURROUNDING LAND USE AND ZONING:

North: Open Space/Recreation (OSR), & Marsh Point PDD
East: Neighborhood Conservation-6.1 (NC-6.1), & (NC-6.3)
South: NC-6.1 & Commercial Reuse (CR)
West: RG-3 & Pleasant Valley PDD

IV. POINTS TO CONSIDER:

- (1) The proposed 59.12-acre development involves the building and extension of public roads within the Wild Bird Run neighborhood. Phase VIII will include 34.57 acres (≈ 59%) dedicated to open space (preserved common space). The remaining 21.20 acres (≈ 35%) will include 85 single family detached housing units on lots ranging in size from 5,500 square feet to 9,648 square feet. The remaining 3.04 acres (≈ 6%) is allocated for future development.
- (2) The property is zoned RG-3 and is reviewed per the *Unified Development Ordinance* including Division 2-4.1 Standards for New Neighborhoods. Smaller lot square footages and setbacks are possible due to the percentage of total acreage dedicated to open space (59%) This allows for the development of single-family detached homes requiring a minimum 4,500 square foot lots and a minimum lot width of 50'. The setbacks for single-family detached are Front: 15'; Interior Side: 5'; Street Side: 10' and Rear: 15'.
- (3) Water and sewer services are available to the property and will be installed within the subdivision by the developer.
- (4) The sketch plan initially submitted to staff for review contained issues which will be discussed in a meeting with the developer and engineer prior to Planning Commission. A full statement of compliance with the *Unified Development Ordinance* will be given by staff at the Planning Commission meeting on August 10, 2021.

- (5) The developer will need to request a variance from the following Land & Subdivision Regulations from the *Unified Development Ordinance* as outlined below:
 - a. The cul-de-sac (Gold Carpel Drive) exceeds the 400 foot maximum length as required by Section 4-13.3.6 of the Ordinance; however, the Planning Commission may grant a variance allowing the length shown (620’).
- (6) Following sketch plan approval, the developer will be required to submit a full Development Plan submittal package for staff review prior to any construction taking place.

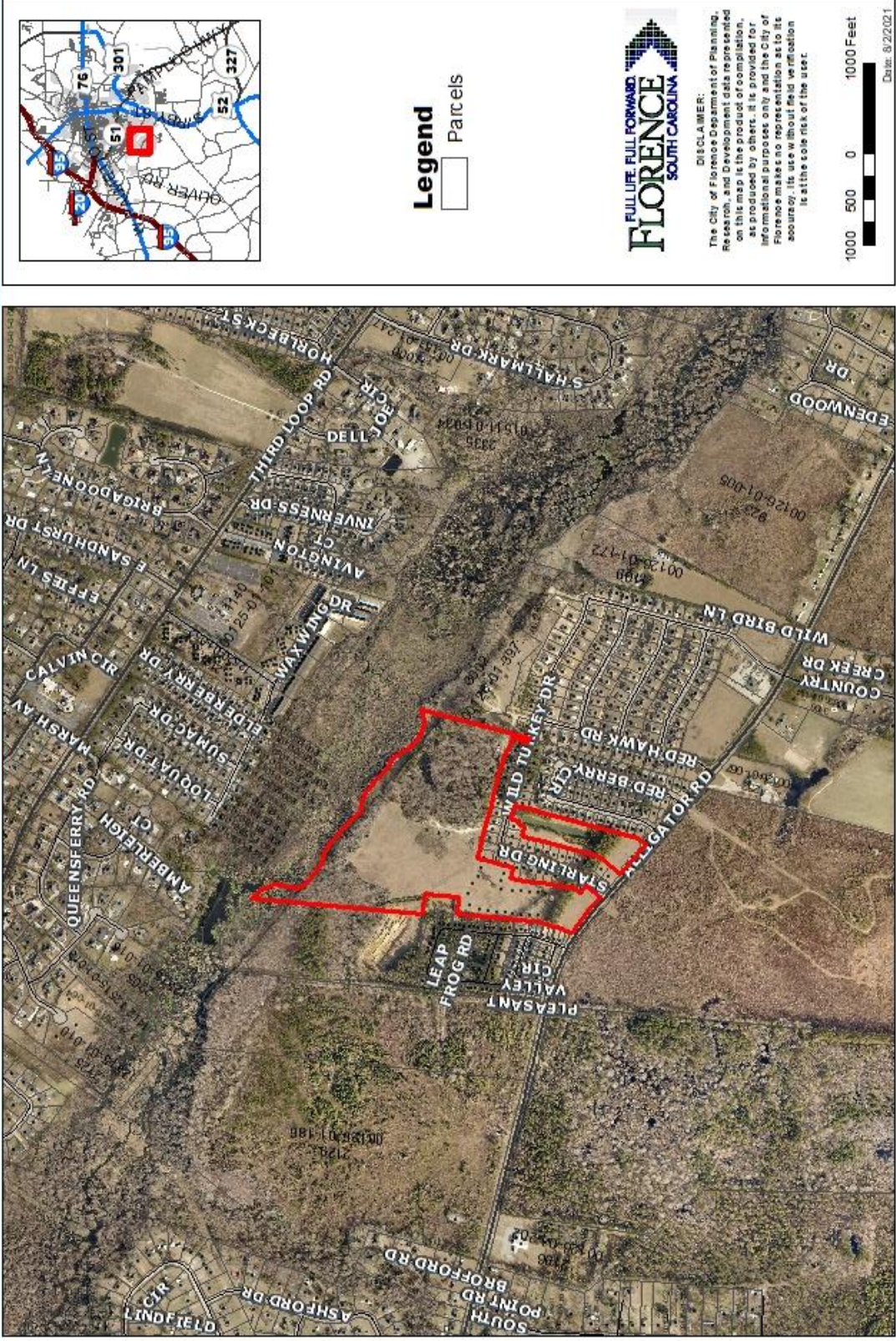
V. CURRENT STATUS/PREVIOUS ACTION TAKEN:

This issue is before the Planning Commission for approval.

VI. ATTACHMENTS:

- A) Vicinity Map
- B) Location Map
- C) Current Zoning Map
- D) Future Land Use Map
- E) Sketch Plan
- F) Phase VIII Connection Points

PC 2021-25 Attachment A
Vicinity Map Wild Bird Run Phase VIII



Attachment B: Location Map

**PC 2021-25 Attachment B
Location Map Wild Bird Run Phase VIII**



Legend
 Parcels

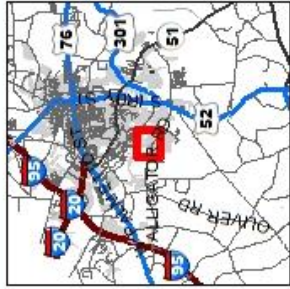
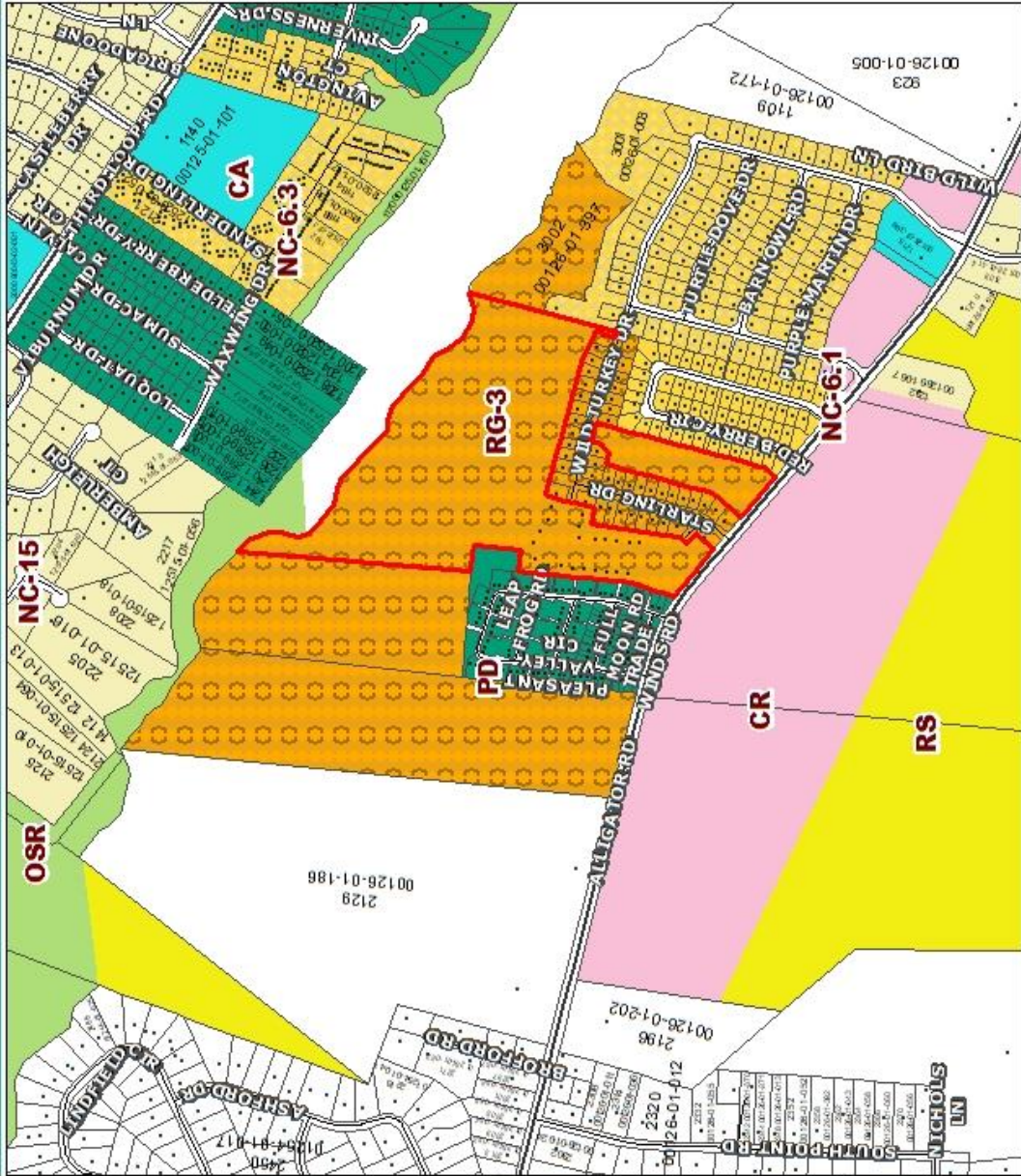


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Date: 8/22/2021

PC 2021-25 Attachment C Current Zoning Map



- Legend**
- Parcel
 - Zoning District
 - Agricultural and Open Space Districts
 - Residential Districts
 - OSR
 - RS
 - RG-3
 - PD
 - Neighborhood Conservation Sub-Districts
 - NC-15
 - NC-6.1
 - NC-6.3
 - Business and Commercial Districts
 - CR
 - CA



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CITY OF FLORENCE PLANNING COMMISSION MEETING

DATE: August 10, 2021

AGENDA ITEM: PC 2021-26 Consideration of street name for the entrance road to the South Florence High School stadium located on Florence County Tax Map Number 00152-01-016.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

APPLICANT: Florence School District 1

I. ISSUE UNDER CONSIDERATION:

The applicant has requested a name for the new street leading into the South Florence High School football stadium, located on Florence County Tax Map Number 00152-01-016.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

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

III. POINTS TO CONSIDER:

- (1) This request was made by Florence School District One.
- (2) There is a new football stadium located on private property. The private road needs a specific name to aid in its identification for emergency services.
- (3) The proposed new street name has not been provided at this time but will be presented at the meeting.
- (4) City staff will compare the proposed new street names to those in the e911 database to ensure that there are no conflicts with existing street names.

IV. OPTIONS:

Planning Commission may:

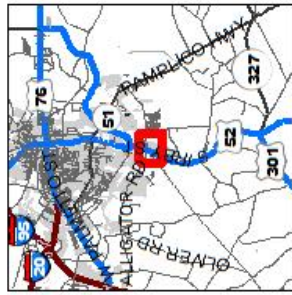
- (1) Recommend approval of the request as presented based on the information submitted.
- (2) Defer the request should additional information be needed.
- (3) Suggest other alternatives.
- (4) Recommend denial of the request based on information submitted.

V. ATTACHMENTS:

- (A) Vicinity Map
- (B) Location Map
- (C) Zoning Map
- (D) Future Land Use Map
- (E) Site Photos
- (F) Stadium Site Plan

Attachment A: Vicinity Map

**PC 2021-26
Vicinity Map - SFHS Stadium Road Naming**



Legend
 Parcels



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Date: 7/29/2021



**PC 2021-26
Location Map - SFHS Stadium Road Naming**



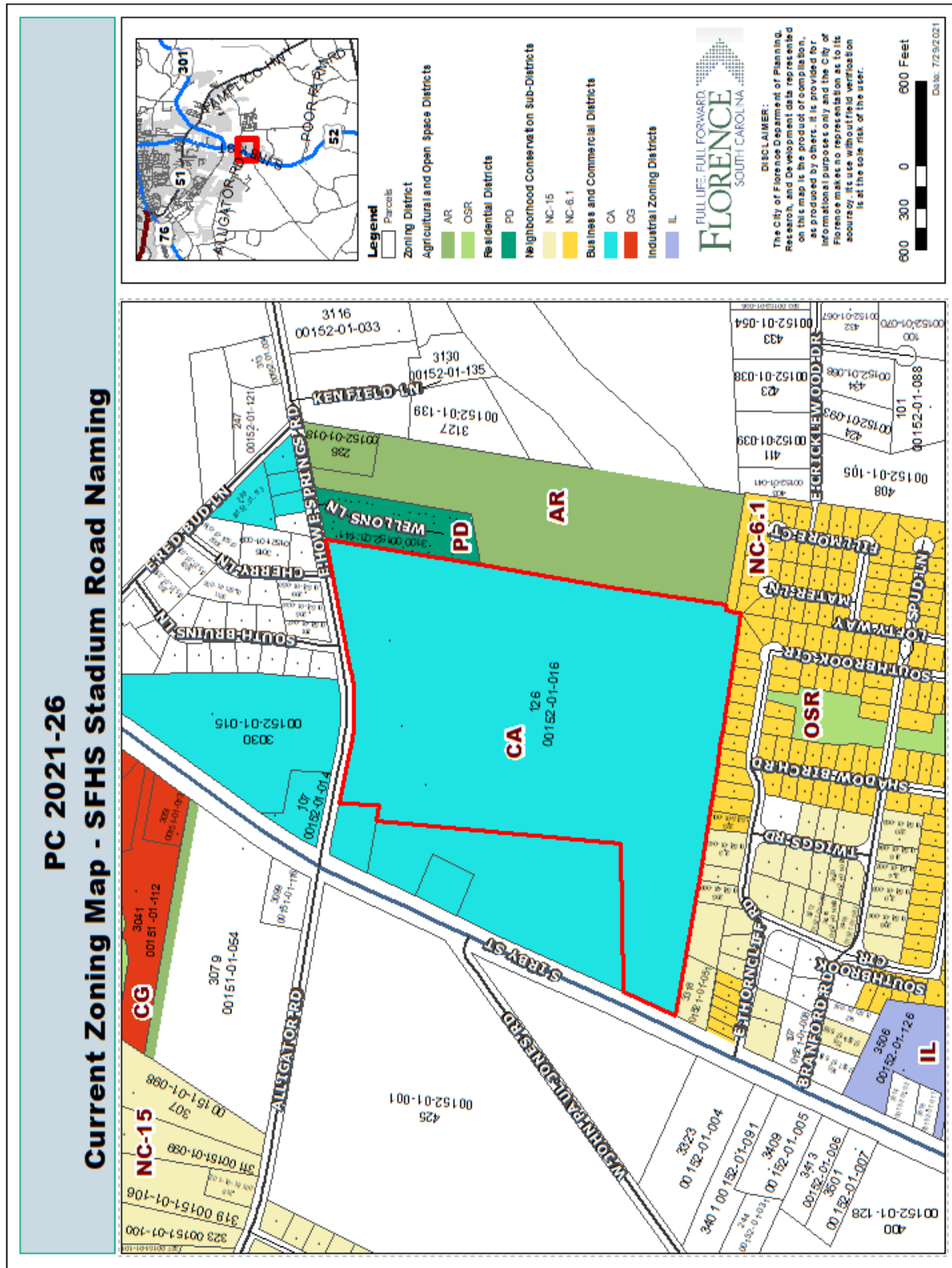
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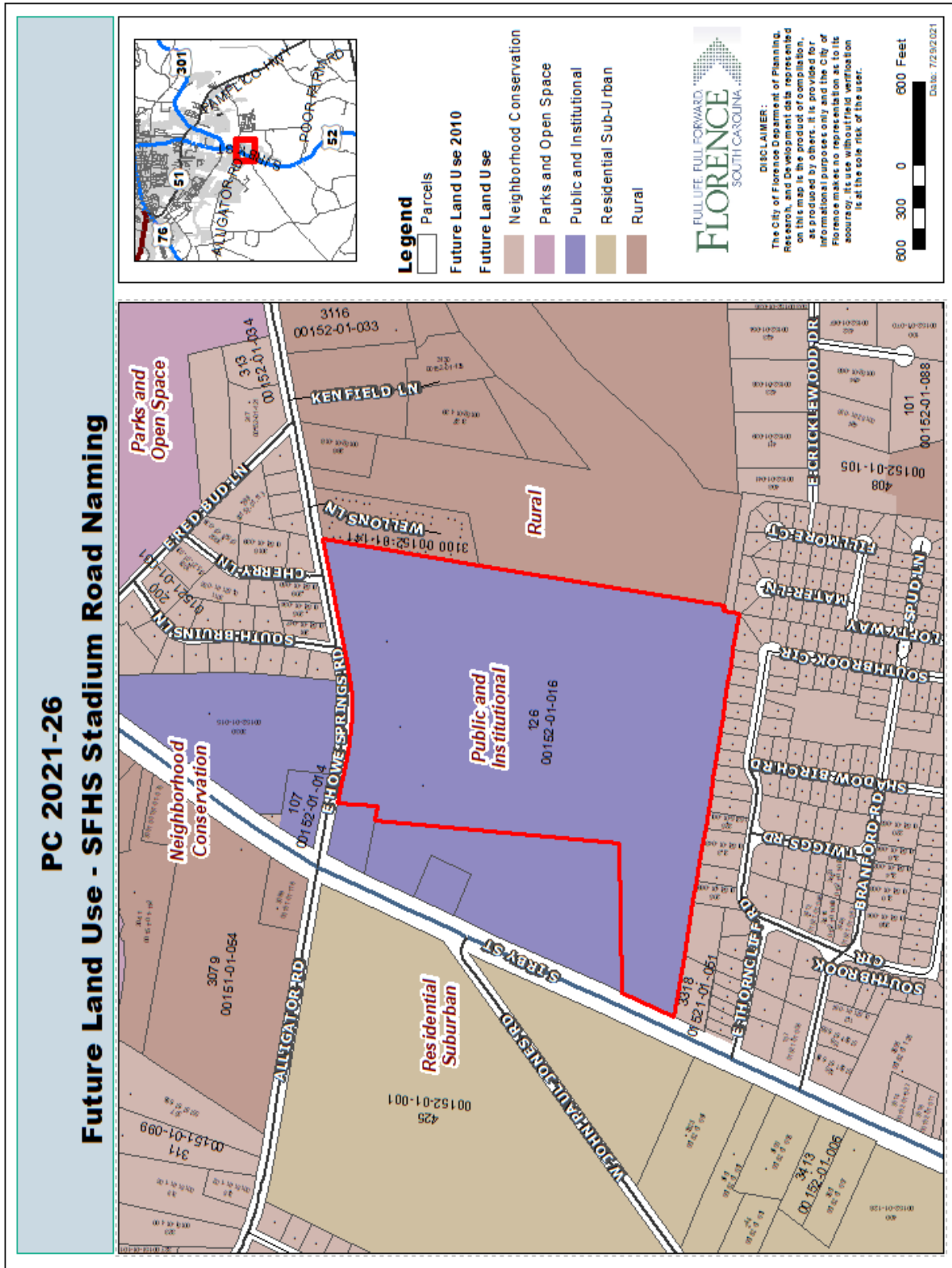
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Doc. No. 17292.021



Attachment D: Future Land Use Map



Attachment E: Site Photos





Attachment F: Stadium Site Plan

