

# Sumter City Council

1<sup>st</sup> Reading/Public Hearing  
September 18, 2018

## Planning Commission Staff Report

### OA-18-08, Schools in Commercial Zoning Districts (City)

#### I. THE REQUEST

**Applicant:** Sheila E. Coplin

**Request:** Amend Article 3, Sections 3.f.3, 3.g.3, 3.h.3, and 3.i.3, and Exhibit 3-5 to add Elementary and Secondary Schools with SIC Code 821 to the Professional Office (PO), Neighborhood Commercial (NC), Limited Commercial (LC), and General Commercial (GC) zoning districts as a conditional use.

#### II. BACKGROUND

The Applicant is the owner of 1-On-1 Plus, LLC an organization that provides tutoring, childcare services and owns the K-12 school known as Sheila E. Academy. Currently the organization is licensed to operate a tutoring service and childcare facility at 4107 Thomas Sumter Highway in Dalzell, however; the Applicant wishes to house Sheila E. Academy at the property as well. The property is zoned General Commercial (GC). In the GC district in the County, Elementary and Secondary Schools with SIC Code 821 are not a permitted use. The Standards Industrial Classification Manual defines SIC Code 821 as follows:

#### **821            *ELEMENTARY AND SECONDARY SCHOOLS***

##### **8211    *Elementary and Secondary Schools***

*Elementary and secondary schools furnishing academic courses, ordinarily for kindergarten through grade 12. Included in this industry are parochial schools and military academies furnishing academic courses for kindergarten through grade 12, and secondary schools which furnish both academic and technical courses.*

*Academies, elementary and secondary schools*

*Boarding Schools*

*Finishing schools, secondary*

*High schools*

*Kindergartens*

*Military academies, elementary and secondary level*

*Parochial schools, elementary and secondary*

*Preparatory schools*

*Schools for the physically handicapped, elementary and secondary*

*Schools for the retarded*

*Schools, elementary and secondary*

*Seminaries, below university grade*

*Vocational high schools*

Within Sumter County, elementary and secondary schools with SIC Code 821 are a conditional use in all residential zoning districts and the Agricultural Conservation (AC) zoning district. Elementary and secondary schools are expressly excluded from all commercial and industrial districts, and have been since at least 1999—this is also the case within the City of Sumter.

Previous conventional wisdom appears to have kept schools out of commercial districts in both the City and County for mostly compatibility reasons, as a way to separate schools from uses such as drinking places, tattoo parlors, or other general commercial uses. State alcohol licensing laws do dictate separation requirements from churches, schools, and playgrounds. Based on state and local regulations, in a dense urban commercial environment the presence of an elementary or secondary school can impact the ability for a new retail or service use to obtain proper licensure for the sale of on-premise and off-premise consumption of alcohol.

In the City of Sumter as well as Sumter County, most of the commercial districts exist as strip zones along highway corridors and are bracketed and/or abutted by residential and/or agricultural zoning districts where elementary and secondary schools as well as churches are conditional uses, and residential development is permitted by right. Moreover, all commercial zoning districts conditionally permit religious and residential uses.

This established pattern of commercial zoning abutted by residential and agricultural zoning is such that the impact of a school on a potential alcohol licensee is no greater than the impact of a residential use or church regardless of whether a school is located within the commercial district. For these reasons, it makes sense to allow elementary and secondary schools within the commercial zoning districts as a conditional use just as they are permitted in the residential and agricultural conservation zoning districts within the County.

***Proposed Text Amendment:***

A strikethrough copy of the proposed text amendment has been attached to this report.

**III. STAFF RECOMMENDATION**

Fundamentally the question is, does it make sense to allow elementary and secondary schools in the commercial (PO, NC, LC, GC) zoning districts? Just as with religious and residential uses in the commercial districts, Staff believes that the inclusion of elementary and secondary schools with SIC Code 821 as a conditional use allows each location to be evaluated based on existing patterns of development and the unique characteristics of each site.

The text amendment as proposed would permit elementary and secondary schools, with SIC Code 821 as a conditional use in the PO, NC, LC, and GC Districts subject to review and approval by Planning Staff.

**IV. DRAFT RECOMMENDATIONS**

- 1) I move the Sumter City-County Planning Commission recommend approval of OA-18-08, Elementary and Secondary Schools in the General Commercial District making elementary and secondary schools with SIC Code 821 a conditional use.

2) I move an alternate motion.

**V. PLANNING COMMISSION – AUGUST 22, 2018**

The Sumter City-County Planning Commission at its meeting on Wednesday, August 22, 2018, recommended approval of this request.

**VI. CITY COUNCIL – SEPTEMBER 18, 2018 – FIRST READING/PUBLIC HEARING**

## OA-18-08 Strike-Through Attachment

Amend *Article 3, Section 3.f.3* Conditional Uses in the Professional Office (PO) Zoning District as follows:

*3.f.3. Conditional Uses: Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

- a. Horticulture, Agriculture and Livestock specialties with SIC Code 01 and 02;*
- b. Eating Places (SIC Code 5812);*
- c. Veterinary Services, with SIC Code 074; (Note: Veterinary facilities which specialize in large animals shall be located no closer than three hundred [300] feet to a residential property line, nor one hundred-fifty [150] feet from any other property line. Sheltering and boarding animals shall be clearly incidental to the veterinary services offered in the facility whether specializing in large or small animals);*
- d. Pet Shops with SIC Code 5999;*
- e. Funeral Homes and Crematories with SIC Code 726;*
- f. Miscellaneous Personal Services with SIC Code 729;*
- g. Massage Parlors and Spas with SIC Code 7299;*
- h. Elementary and secondary schools, with SIC Code 821;*
- h.i. Churches and religious organizations, with SIC Code 866;*
- h.j. Ash gardens (Note: provided that the facility or premise is adjacent to or part of a religious or consecrated facility only);*
- h.k. Single-Family attached and detached homes, duplexes, townhouses, patio homes, triplex and quadraplex units, suburban multi-family apartment, and urban multi-family apartments developed in accordance with Exhibit 3-6;*
- h.l. Residential accessory structures, uses, and home occupations as provided for in 3.d.2.d;*
- h.m. Bed and breakfast.*

Amend **Article 3, Section 3.g.3** Conditional Uses in the Neighborhood Commercial (NC) District as follows:

**3.g.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:

- a. Horticulture, agriculture, and livestock specialties with SIC Code 01 and 02;
- b. Automotive dealers & gasoline service stations, with SIC Codes 55 and 5531;
- c. Eating ~~and drinking~~ places with SIC Code 58;
- ~~d. Liquor stores, with SIC Code 592;~~
- ~~e.d.~~ Antique Stores (SIC Code 5932);
- ~~f.e.~~ Power Laundries/Dry Cleaning Plants with SIC 7211 and 7216;
- ~~g.f.~~ Car washes, with SIC Code 784;
- ~~h.g.~~ Video Tape rentals with SIC Code 784;
- ~~i.h.~~ Individual and Family Social Services, SIC Code 8322;
- ~~i.~~ Elementary and secondary schools, with SIC Code 821;
- j. Churches or other religious organizations, with SIC Code 866;
- k. Ash gardens with the same qualifications imposed as set forth in ~~3.f.3.d~~3.f.3.i.;
- l. Single-Family detached and attached units, duplexes, townhouses, patio homes, triplexes, quadraplexes, suburban multi-family apartments, and urban multi-family apartments developed in accordance with Exhibit 3-6;
- m. Bed and breakfast;
- n. Residential accessory structure, uses, and home occupation as provided in 3.d.2.d.

Amend **Article 3, Section 3.h.3** Conditional Uses in the Limited Commercial (LC) Zoning District as follows:

**3.h.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:

a. Horticulture, agriculture, and livestock specialties with SIC Code 01 and 02;

b. Power laundries and dry cleaning plants, with SIC Codes 7211, 7216;

c. Elementary and secondary schools, with SIC Code 821;

~~e.d.~~ Religious organizations, with SIC Code 866;

~~d.e.~~ Ash gardens with the same qualifications imposed as set forth in ~~3.f.3.d3.f.3.j~~;

~~e.f.~~ Single-Family attached and detached units, duplexes, townhouses, patio homes, triplexes, quadraplexes, suburban multi-family apartments, and urban multi-family apartments developed in accordance with Exhibit 3-6;

~~f.g.~~ Bed and breakfast;

~~g.h.~~ Residential accessory structures, uses, and home occupations as provided in 3.d.2.d;

~~h.i.~~ Massage parlors and spas with SIC Code 7299.

Amend **Article 3, Section 3.i.3** Conditional Uses in the General Commercial (GC) Zoning District as follows:

**3.i.3. Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to the issuance of a building permit for any Conditional Use identified below:

a. Agriculture, farming, and animal husbandry, with SIC Codes 01, 02, 021, 0212, 0213, 0214, 0219, 024, 027, 0271, 0272, 0273, 0279, 029; (Note: Refer to Article 5, Section B for conditions and special exceptions);

b. Animal services, except veterinary, with SIC Code 075;

c. Local & inter-urban highway passenger transportation and communications, with SIC Codes 40, 41, 42;

- d. *Local trucking without storage (Note: No trucking operations involving waste materials, especially hazardous waste, or activities involving offensive odors or excessive noise, shall be allowed in a GC District), with SIC Code 4212;*
- e. *Mobile homes or manufactures housing unit dealerships, with SIC Code 527;*
- f. *Flea markets, with SIC Code 593;*
- g. *Automatic Merchandising Machine Operators, with SIC Code 5962;*
- h. *Recreational vehicle parks and camps, with SIC Code 703;*
- i. *Massage parlors and spas, with SIC Code 7299;*
- j. *Automobile parking lots; with SIC Code 752;*
- k. *Automotive repair ships, with SIC Code 753;*
- l. *Elementary and secondary schools, with SIC Code 821;*
- ~~l~~m. *Religious organizations, with SIC Code 866;*
- ~~m~~n. *Ash gardens & cemeteries, with the same qualifications imposed as set forth in ~~3.f.3.d~~ 3.f.3.j;*
- ~~n~~o. *Mobile Vendors and Concession Operators (SIC 7999, and Recreation Services, Not Elsewhere Classified);*
- ~~o~~p. *Mobile Home Park, with the qualifications established in 3.d.6.;*
- ~~p~~q. *Triplex, quadraplex, suburban multi-family apartments, urban multi-family apartments, and group dwellings developed in accordance with Exhibit 3-6 (Note: May be included as a mixed use in commercial or office projects);*
- ~~q~~r. *Residential accessory structures, uses, and home occupations as provided in 3.d.2.d.;*
- ~~r~~s. *Specialty Contractors, with SIC 17 (no outside storage of material or construction equipment, no overnight parking trailers or heavy trucks).*

Amend *Article 3, Exhibit 3-5, Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts* as follows:

| <b>PERMITTED &amp;<br/>CONDITIONAL<br/>USES</b> | <b>PO</b> | <b>NC</b> | <b>LC</b> | <b>GC</b> | <b>CBD</b> | <b>LI</b> | <b>HI</b> | <b>MUI</b> | <b>AC</b> | <b>CP</b> | <b>SIC<br/>CODE</b> |
|---|-----------|-----------|-----------|-----------|------------|-----------|-----------|------------|-----------|-----------|---------------------|
| Elementary,<br>Secondary<br>Schools             | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  |            |           |           |            | C         |           | 821                 |