

Sumter City-County Planning Commission

March 25, 2015

OA-14-12/OA-14-13, Ice Vending Machines (City/County)

I. THE REQUEST

Applicant: Darrell L. Allen

Request: *City:* Request to amend Article 3, Sections 3.i.3, 3.k.3, and 3.l.3 as well as Exhibit 3-5 to make Automatic Merchandising Machine Operators, with SIC Code 5962 a Conditional use in the GC, LI-W and HI zoning districts; amend Article 5, Section 5.b.1 to add specific conditional use review criteria for Automatic Merchandising Machine Operators (SIC Code 5962); and amend Article 8, Exhibit 8-9 to add parking requirements for Automatic Merchandising Machine Operators in order to allow freestanding ice vending machines as a principal use in the GC, LI-W, and HI Districts. And amend Article 4, Section G to add a new Section 4.g.5. with specific requirements for Accessory Vending Machine Units in all industrial and commercial zoning districts.

County: Request to amend Article 3, Sections 3.i.3, 3.k.3, and 3.l.3 as well as Exhibit 5 to make Automatic Merchandising Machine Operators, with SIC Code 5962 a Conditional use in the GC, LI-W and HI zoning districts; amend Article 5, Section 5.b.1 to add specific conditional use review criteria for Automatic Merchandising Machine Operators (SIC Code 5962); and amend Article 8, Exhibit 23 to add parking requirements for Automatic Merchandising Machine Operators in order to allow freestanding ice vending machines as a principal use in the GC, LI-W, and HI Districts. And amend Article 4, Section G to add a new Section 4.g.5. with specific requirements for Accessory Vending Machine Units in all industrial and commercial zoning districts.

II. TIMELINE OF ACTION

December 17, 2014 – Initial request presented to Planning Commission to make Automatic Merchandising Machine Operators with SIC Code 5962 a permitted use in the NC, LC, and GC zoning districts. Planning Commission referred the request to the Zoning Ordinance Subcommittee for review and recommendations with direction to Planning Staff to research how these vending uses are handled in other jurisdictions.

January 20, 2015 – The Zoning Ordinance Subcommittee, Planning Staff and Applicant met to review staff findings and recommendations. After extensive conversation, the Committee directed Staff to draft ordinance amendment language to make Vending Machine with SIC Code 5962 a Conditional Use in the GC, LI-W and HI zoning districts. Additionally, Staff was directed to draft specific criteria for vending units as accessory uses in all commercial and industrial districts. The Applicant agreed to move forward to the February 25, 2015 Planning Commission meeting to allow Staff time to draft Ordinance language and to review any additional information provided by the Applicant.

III. BACKGROUND

This Ordinance amendment has been initiated by the owner of Ice House vending units currently set up on leased property. Each of the sites is part of General Commercial (GC) zoned shopping plaza/strip center parcels within the City. The applicant is requesting this amendment so that they may purchase land to place an ice vending unit as a principal use and hold title to the land.

Currently ice vending units are only permitted to be placed on established developed lots as accessory uses. Because Automatic Merchandising Machine Operators, with SIC Code 5962 are not currently permitted within any zoning district in the community, the Zoning Administrator made a determination in 2008 to allow these uses as incidental and accessory to established commercial uses. This request seeks to add the use (SIC Code 5962) as a permitted use in the commercial zoning districts, thereby allowing vending units to be primary uses on a parcel of land.

As per the Standard Industrial Classification Code Manual, SIC Code 5962 Automatic Merchandising Machine Operators are, *“Establishments primarily engaged in the retail sale of products by means of automatic merchandising units, also referred to as vending machines. This industry does not include the operation of coin-operated service machines, such as music machines, amusement and game machines, and lockers and scales...”* This SIC Code includes:

- Coin-operated machines selling merchandise
- Dispensing machine sale of products – retail
- Merchandising, automatic (sale of products through vending)
- Vending machine sale of products

This use classification does not just include ice vending units, but any stand-alone non-store retail vending unit that may offer a variety of goods for purchase.

As shown in the following photographs, ice vending units come in a variety of styles but a vast majority of the machines available on the market are constructed of metal and are designed to be relocated to a new site if necessary.





Other Jurisdictions:

Multiple jurisdictions within the State of South Carolina were contacted to determine how vending units are handled from a site development perspective. It should be noted that not all jurisdictions that responded have vending units, such as those depicted above, within their communities. Their responses are based upon how the regulations would be applied should an applicant wish to develop a site. The responses in the following table detail how other jurisdictions handle review of the use.

	<i>Accessory Use</i>	<i>Stand Alone</i>	<i>Notes:</i>
<i>City of Aiken</i>	Yes	Yes	If developed as a stand alone use the site must meet all commercial development standards to include building setbacks, parking, landscaping/buffering, access control and any design overlay requirements. If developed as an accessory use, it may not be located in front of the primary building on the site.
<i>City of Anderson</i>	Yes	No	Only permitted as accessory to an existing commercial use.
	<i>Accessory Use</i>	<i>Stand Alone</i>	<i>Notes:</i>

<i>City of Bennettsville</i>	--	Yes	The ordinance does not specifically prohibit the use, therefore; it is treated like any stand alone structure. The site must meet all zoning district codes and setbacks with proper licensing and permitting.
<i>City of Cayce</i>	Yes	Yes	None currently within the jurisdiction, however; site would be required to meet all commercial development standards to include building setbacks, parking, landscaping/buffering, access control and any design overlay requirements.
<i>City of Columbia</i>	Yes	Yes	Would treat the vending unit the same way a stand-alone ATM unit is treated. If developed the site must meet all commercial development standards to include building setbacks, parking, landscaping/buffering, access control and any design overlay requirements.
<i>City of Conway</i>	No	Yes	Only permitted as a stand-alone use with the parcel development to meet all commercial development standards to include building setbacks, parking, landscaping/buffering, and access control. The structure is not permitted to be metal and all the mechanical equipment must be screened.
<i>City of Greenville</i>	--	--	The City of Greenville is in the process of adding new language to their non-residential design standards to include the following: (1) <i>Automated teller machines (ATM's) shall use materials that reflect the architecture of the surrounding buildings and neighborhood. Walk-up ATM's shall be oriented to pedestrian walkways.</i> (2) <i>Vending machines, ATM's, service areas, mechanical equipment, loading areas, and similar functional elements shall be located away from residential districts, or shall be configured in a manner that prevents any negative impacts (visual, auditory, or otherwise).</i>
<i>Town of Lexington</i>	--	--	It is possible to construct a stand-alone vending unit within Lexington, however; the adopted Architectural Standards do not permit the materials that most manufactured machines are constructed from, and would not receive approval from the Architectural Review Board.
<i>City of Rock Hill</i>	--	Yes	Ordinance does not specifically address this use. Structures are considered to be a principal structure and in most cases cannot meet architectural design criteria. If the developer chooses to meet all design standards for a commercial site—to include parking, landscaping, access control, and architectural standards—it is possible to develop as a stand alone site. Also, signage is limited to one square foot per linear front foot of the building.
<i>City of Spartanburg</i>	Yes	No	Only permitted as accessory use on established commercial and industrial sites. Must comply with setback and building separation standards for the district in which they locate. Only permitted in the most intense commercial and industrial districts.
	<i>Accessory Use</i>	<i>Stand Alone</i>	<i>Notes:</i>
<i>Town of Summerville</i>	Yes	Yes	Ordinance does not specifically address this use but

			administrative determination only permits this use in zoning districts that allow retail sales. Machines are treated as a separate building and are required to be approved by the Commercial Design Review Board (CDRB) that approves aesthetics and site design. Must meet all commercial development standards if placed as a stand-alone unit to include: setbacks, access, buffering/landscaping, parking, etc. If placed as an accessory use it must still be reviewed by CDBR and receive site plan approval.
--	--	--	--

IV. DRAFT ORDINANCE AMENDMENT

See Attachment 1- City and Attachment 2 - County

IV. STAFF RECOMMENDATION

Planning Staff recommends approval of this request.

When looking at permitting freestanding vending units on parcels with no established primary use, all development standards for new construction should apply. This includes formal site plan review with document submission that addresses site access, buffering, landscaping, parking, paving, and where applicable, Highway Corridor Protection District design review standards for exterior materials. Any new proposed site for a freestanding vending unit would be expected to meet the same standards as any other new commercial development.

Staff also believes it is reasonable to allow these vending units as accessory uses in all commercial and industrial districts. Allowing vending units in the less intense commercial districts where there is an established business will allow for placement of vending units in proximity to populations that may benefit more directly from access.

V. PLANNING COMMISSION – DECEMBER 17, 2014

The Sumter City-County Planning Commission at its meeting on Wednesday, December 17, 2014, deferred this request until the January 28, 2015 meeting. In the interim, planning staff has been directed to research other jurisdictions and draft Ordinance language that establishes clear development standards for stand-alone vending units.

VI. ZONING ORDINANCE SUBCOMMITTEE – JANUARY 20, 2015

The Subcommittee and Applicant agreed to move forward to the February 25, 2015 with a proposed Ordinance language to make vending units a conditional use as well as specific accessory use criteria.

VII. PLANNING COMMISSION – FEBRUARY 25, 2015

This request was deferred until the March 25, 2015, meeting at the applicant’s request.

VIII. PLANNING COMMISSION – MARCH 25, 2015

The Sumter City-County Planning Commission at its meeting on Wednesday, March 25, 2015, voted to recommend approval of this request.

IX. COUNTY COUNCIL – APRIL 14, 2015 – FIRST READING

X. CITY COUNCIL – APRIL 21, 2015 – FIRST READING / PUBLIC HEARING

Attachment 1

Proposed City Text Amendments:

Amend Article 3, Section 3.i.3. Conditional Uses in the General Commercial (GC) District to add *Automatic Merchandising Machine Operators, with SIC Code 5962* as new item ‘g’ and re-letter remaining items.

Amend Article 3, Section 3.k.3 Conditional Uses in the Light Industrial-Warehouse (LI-W) District to add *Automatic Merchandising Machine Operators, with SIC Code 5962* as new item ‘f’ and re-letter remaining items.

Amend Article 3, Section 3.l.3. Conditional Uses in the Heavy Industrial (HI) District to add *Automatic Merchandising Machine Operators, with SIC Code 5962* as new item ‘i’ and re-letter remaining items.

Amend Article 3, Exhibit 3-5 Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts Table to add the following:

Automatic Merchandising Machine Operators, SIC Code 5962 with a ‘C’ in the GC, LI-W, and HI column; All other columns to remain blank.

Amend Article 5, Section 5.b.1. to add letter ‘h’ as follows:

h. Automatic Merchandising Machine Operators (SIC Code 5962), vending machines – the following additional review criteria shall apply when reviewing conditional uses for stand-alone retail sales from vending machines. A commercial site plan application with plans developed in accordance with Article 7, Section F, landscape plans and building elevations shall be submitted to address the following criteria:

1. Minimum Development Standards –

- a. General Commercial (GC): In the GC district there shall be sufficient lot area to meet principal setbacks for the structure as required in Section 3.i.5.b, in addition to the areas required for landscaping/buffering, parking, site access and drive aisles.
- b. Light Industrial-Warehouse (LI-W): proposed development in the LI-W district shall comply with the full standards as outlined in Section 3.k.5.
- c. Heavy Industrial (HI): proposed development in the HI district shall comply with the full standards as outlined in Section 3.l.5.

2. Landscaping/Buffering – Landscaping shall be provided in accordance with Article 9, Table 9-1 Landscaping Chart. For landscaping and buffering purposes this use is

classified as “Commercial”. All submitted plans shall meet the full requirements of Article 9.

3. Parking/Access – Site access shall be limited to one access driveway per street frontage. All parking areas shall be paved with concrete curb and gutter and designed to meet the full development standards of Article 8, Section I: Parking Regulations and Exhibit 8-9 Off Street Parking Requirements for Non-Residential Land Uses.
4. Sidewalks – sidewalks shall be installed along the street frontage of the development sight where existing sidewalks are adjacent.
5. Exterior Appearance – All rooftop mechanical equipment shall be screened on all four sides with an all-weather, durable material. Vending units located within the Highway Corridor Protection District (HCPD) shall be veneered with materials that comply with Section 3.t.4.c. Eighty percent (80%) of the exterior surface materials, excluding doors and windows shall be brick, stucco or stone masonry. Any stair units constructed to access the interior of the vending unit shall be painted to match the exterior of the unit.
6. Signage –
 - a. Wall Signage – shall be capped at 10% of the front wall area. The front wall is defined as the face of the vending unit from which merchandise is dispensed.
 - b. Freestanding Signage – stand alone vending units are permitted one (1) freestanding sign per street frontage and must comply with the standards set forth for the General Commercial (GC) district as outlined in Article 8, Section H: Sign Regulations, Exhibit 8-5, Maximum Total Sign Area by Use, Number, Dimensions, and Location of Individual Signs.

Amend Article 4, Section G: Accessory Building and Uses to add a new Section 4.g.5. as follows:

4.g.5. Accessory Vending Machine Units: this applies to vending machine units designed to be freestanding all-weather outdoor units.

- a. Zoning Districts – accessory vending machine units are permitted in all commercial and industrial zoning districts as accessory to established active business or manufacturing uses.
- b. Location – shall not be located within parking lots or required bufferyards, and shall comply with principal setback based on zoning district. Vending units are exempt from the zoning

ordinance building separation standards, however; said units shall comply with all applicable Building and Fire Code standards for structure placement.

- c. All rooftop mechanical equipment shall be screened on all four sides with an all-weather, durable material.
- d. Any accessory vending unit placed within the Highway Corridor Protection District (HCPD) design review district shall be reviewed for materials and color compatibility with the development site.

Amend Article 8, Exhibit 8-9 Off Street Parking Requirements for Non-Residential Land Uses, Retail Trade Miscellaneous to add Vending Machines as follows:

**EXHIBIT 8-9 (Continued)
OFF STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES**

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
RETAIL TRADE	
Building Materials, Hardware, Mobile Home Dealers, Retail Nurseries	1 per 350 sq. ft. GFA
General Merchandise Stores, Food & Convenience Stores	1 per 250 sq. ft. GFA
Auto Dealers, Gas Stations, Home Furnishings	1 per 350 sq. ft. GFA
Eating & Drinking Places, Adult Cabarets	1.2 per 100 sq. ft. GFA
RETAIL TRADE MISCELLANEOUS	
Drug Stores, Liquor Stores	1 per 300 sq. ft. GFA
Pawn Shops, Flea Markets	1.5 spaces per stall
Sporting Goods & Bicycles, Books, Stationery, jewelry, hobby, camera, gift, luggage, sewing, catalog	1 per 300 sq. ft. GFA
Fuel Dealers	1 per 500 sq. ft. GFA
Florist, Tobacco, Optical, Firewood, Pet Shops, Fireworks, Monuments, Tombstones	1 per 300 sq. ft. GFA
Automatic Merchandising Machine Operators (Vending Machines)	Minimum 2 regular parking spaces and 1 handicap van accessible parking space per vending unit

Attachment 2

Proposed County Text Amendments:

Amend Article 3, Section 3.i.3. Conditional Uses in the General Commercial (GC) District to add *Automatic Merchandising Machine Operators, with SIC Code 5962* as new item 'i' and re-letter remaining items.

Amend Article 3, Section 3.k.3 Conditional Uses in the Light Industrial-Warehouse (LI-W) District to add *Automatic Merchandising Machine Operators, with SIC Code 5962* as new item 'g' and re-letter remaining items.

Amend Article 3, Section 3.l.3. Conditional Uses in the Heavy Industrial (HI) District to add *Automatic Merchandising Machine Operators, with SIC Code 5962* as a new item 'd' and re-letter remaining items.

Amend Article 3, Exhibit 5 Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts Table to add the following:

Automatic Merchandising Machine Operators, SIC Code 5962 with a 'C' in the GC, LI-W and HI columns; All other columns to remain blank.

Amend Article 5, Section 5.b.1. to add letter 'l' as follows:

1. Automatic Merchandising Machine Operators (SIC Code 5962), vending machines – the following additional review criteria shall apply when reviewing conditional uses for stand-alone retail sales from vending machines.

7. Minimum Development Standards –
 - a. General Commercial (GC): In the GC district there shall be sufficient lot area to meet principal setbacks for the structure as required in Section 3.i.5.b, in addition to the areas required for landscaping/buffering, parking, site access and drive aisles.
 - b. Light Industrial-Warehouse (LI-W): proposed development in the LI-W district shall comply with the full standards as outlined in Section 3.k.5.
 - c. Heavy Industrial (HI): proposed development in the HI district shall comply with the full standards as outlined in Section 3.l.5.

8. Landscaping/Buffering – Landscaping shall be provided in accordance with Article 8, Section D. Any vending units located adjacent to residential uses shall be completely screened with an evergreen buffer that is opaque from the ground to a height of 6 ft. The buffer shall be of a suitable size at time of planting to attain a 6 ft. height over three (3) growing seasons.

9. Parking/Access – Site access shall be limited to one access driveway per street frontage. All parking areas shall be paved with concrete curb and gutter and designed to meet the full development standards of Article 8, Section J: Parking Regulations and Exhibit 23 Off Street Parking Requirements for Non-Residential Land Uses.
10. Sidewalks – sidewalks shall be installed along the street frontage of the development sight where existing sidewalks are adjacent.
11. Exterior Appearance – All rooftop mechanical equipment shall be screened on all four sides with an all-weather, durable material. Vending units located within the Highway Corridor Protection District (HCPD) shall be veneered with materials that comply with Section 3.v.4.b. Eighty percent (80%) of the exterior surface materials, excluding doors and windows shall be brick, stucco or stone masonry. Any stair units constructed to access the interior of the vending unit shall be painted to match the exterior of the unit.
12. Signage –
 - a. Wall Signage – shall be capped at 10% of the front wall area. The front wall is defined as the face of the vending unit from which merchandise is dispensed.
 - b. Freestanding Signage – stand alone vending units are permitted one (1) freestanding sign per street frontage and must comply with the standards set forth for the General Commercial (GC) district as outlined in Article 8, Section I: Sign Regulations, Exhibit 19, Maximum Total Sign Area by Use, Number, Dimensions, and Location of Individual Signs.

Amend Article 4, Section G: Accessory Building and Uses to add a new Section 4.g.5. as follows:

4.g.5. Accessory Vending Machine Units: this applies to vending machine units designed to be freestanding all-weather outdoor units.

- e. Zoning Districts – accessory vending machine units are permitted in all commercial and industrial zoning districts as accessory to established active business or manufacturing uses.
- f. Location – shall not be located within parking lots or required bufferyards, and shall comply with principal setback based on zoning district. Vending units are exempt from

the zoning ordinance building separation standards, however; said units shall comply with all applicable Building and Fire Code standards for structure placement.

- g. All rooftop mechanical equipment shall be screened on all four sides with an all-weather, durable material.
- h. Any accessory vending unit placed within the Highway Corridor Protection District (HCPD) design review district shall be reviewed for materials and color compatibility with the development site.

Amend Article 8, Exhibit 23 Off Street Parking Requirements for Non-Residential Land Uses, Retail Trade Miscellaneous to add Vending Machines as follows:

**EXHIBIT 23 (Continued)
OFF STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES**

NON-RESIDENTIAL LAND USES	REQUIRED OFF STREET PARKING SPACES PER INDICATED AREA
RETAIL TRADE	
Building Materials, Hardware, Mobile Home Dealers, Retail Nurseries	1 per 350 sq. ft. GFA
General Merchandise Stores, Food & Convenience Stores	1 per 250 sq. ft. GFA
Auto Dealers, Gas Stations, Home Furnishings	1 per 350 sq. ft. GFA
Eating & Drinking Places, Adult Cabarets	1.2 per 100 sq. ft. GFA
RETAIL TRADE MISCELLANEOUS	
Drug Stores, Liquor Stores	1 per 300 sq. ft. GFA
Pawn Shops, Flea Markets	1.5 spaces per stall
Sporting Goods & Bicycles, Books, Stationery, jewelry, hobby, camera, gift, luggage, sewing, catalog	1 per 300 sq. ft. GFA
Fuel Dealers	1 per 500 sq. ft. GFA
Florist, Tobacco, Optical, Firewood, Pet Shops, Fireworks, Monuments, Tombstones	1 per 300 sq. ft. GFA
Automatic Merchandising Machine Operators (Vending Machines)	Minimum 2 regular parking spaces and 1 handicap van accessible parking space per vending unit