



PLANNING COMMISSION

April 9, 2026 at 4:00 P.M.

City Hall, 3rd Floor, Council Chambers, 1737 Main Street, Columbia, S.C., 29201

AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE Reestablishment of Nonconforming Non-Depository Personal Credit Institutions

Proposal:	Request recommendation to amend the Unified Development Ordinance, Chapter 17 - Article 7: Nonconformities, Sec. 17-7.2. Nonconforming Uses, to allow the re-establishment of nonconforming non-depository personal credit institutions on the same parcel, subject to conditions.
Applicant:	Daniel J. Rickenmann, Mayor
Staff Recommendation:	Council Sponsored
PC Recommendation:	4/9/2026; Pending

DETAILS

A nonconforming use is a use that does not meet the current requirements of the Unified Development Ordinance (UDO). While the Unified Development Ordinance (UDO) states that its intent is not to encourage the survival of a nonconformity, it allows a *lawfully established* nonconforming use to continue until it is abandoned, subject to regulations and limits. Currently, the UDO does not permit any nonconforming use to be moved – even on the same parcel - unless it is moved to a location that would permit the use.

This proposed text amendment would instead allow a nonconforming “non-depository personal credit institution” (also known as a payday loan and/or title loan establishment) to be reestablished in a newly constructed building on the same parcel, as long as the reestablishment can meet certain conditions. These conditions would fall under a new subsection regulating nonconforming uses named *Reestablishment of Certain Nonconforming Uses* and are highlighted in red text on the sheet following this summary.

Though this amendment would allow the non-depository personal credit institution to be reestablished in a new building, to whatever extent it does not conform with the remainder of the UDO, it would remain a nonconforming use. Because it would be reestablished as a nonconforming use, this means that the non-depository personal credit institution may be in a zoning district where it would not be allowed, or it may fail to meet the conditional standards for the use, or both.

For reference, the UDO requires that a non-depository personal credit institution be located within the [RAC](#), [DAC](#), [GC](#), [MC](#), [LI](#), or [HI](#) districts, subject to the following conditions in §17-4.2(c)(3)d.3.:

3. Non-depository Personal Credit Institution

(i) Non-depository personal credit institutions (payday loan and/or title loan establishments) shall comply with the following standards:

(a) A non-depository personal credit institution shall be at least 3,000 feet from any lot containing another non-depository personal credit institution.

(b) A non-depository personal credit institution shall be located in a building with at least 12,000 square feet of gross floor area.

(ii) A variance from any of the provisions of this section, and the provisions of this subsection is prohibited.

Sec. 17-7.2 Nonconforming Uses

(a) General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

(b) Reestablishment

- (1) Except in accordance with subsection (2) below, a nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 12 consecutive months, not including time during which the structure where the use was located is reconstructed, provided, the timing requirements for reestablishment of a nonconforming structure in Sec. 17-7.3(b), Reestablishment after Demolition, Damage, or Destruction, shall apply.
- (2) Within the OV-5P, OV-ID, OV-NMC, or OV-CC district, a nonconforming use may be established after vacancy, abandonment, or discontinuance of a prior nonconforming use for an period of up to 36 consecutive months, if the Board of Zoning Appeals issues a Special Exception Permit in accordance with Sec. 17-7.2(c), Change of Use.
- (3) Where a nonconforming use has been replaced by a conforming use, the nonconforming use may not be reestablished at any time.

(c) Reestablishment of Certain Nonconforming Uses

(1) Notwithstanding any provision to the contrary, a nonconforming non-depository personal credit institution use may be reestablished in a newly constructed building on the same parcel, subject to all of the following conditions:

- a. The parcel is located within a designated design overlay district subject to the review of the U/DRC;
- b. The newly constructed structure must be smaller in gross floor area than the structure previously occupied by the nonconforming use;
- c. The reestablished use shall comply with all applicable design standards, landscaping, parking, and signage regulations applicable within the overlay district;
- d. The nonconforming use must have been legally established prior to the adoption of the regulation rendering it nonconforming, and must not have been discontinued for a period of 12 consecutive months;

~~(c)~~(d) Change of Use

A nonconforming use shall not be changed to any other nonconforming use unless the Board of Zoning Appeals approves a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, for the proposed nonconforming use after finding that the proposed nonconforming use is more in character with the uses permitted in the district than the use it

replaces. In permitting the change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with the purpose of this Article.

~~(d)~~(e) Expansion and Enlargement

(1) Area Occupied by Nonconforming Use

A nonconforming use shall not be enlarged, expanded in area occupied, or intensified, except a nonconforming use may be enlarged into any area of the same structure in which it is located which was manifestly arranged or designed for such use prior to the date the use became a nonconformity, provided the use shall not be extended to occupy land outside the structure.

(2) Structure Devoted to Nonconforming Use

A structure devoted to a nonconforming use shall not be enlarged, extended, constructed, moved, or structurally altered except to change the use of the structure to a use permitted in the zoning district in which the structure is located.

~~(e)~~(f) Temporary Nonconforming Uses

A Temporary Use Permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed 12-month increments for nonconforming buildings, structures, or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the Temporary Use Permit.