

ORDINANCE NO.: 2010-119

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 1, Generally, Sec. 17-55 Definitions to add Temporary vendor and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses to add (7)

BE IT ORDAINED by the Mayor and Council this 2nd day of August, 2011, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 1, Generally, Sec. 17-55, Definitions to add Temporary vendor and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258, Table of permitted uses to add (7), to read as follows:

Sec. 17-55. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Temporary vendor means a person who sells merchandise, goods, services, or forms of amusement from a temporary structure, such as a tent, awning, canopy, umbrella, stand, booth, cart, or trailer, from a vehicle, or from his person. A *temporary vendor* does not include a person who conducts the majority of his business from within a permanent and enclosed building located upon the same lot.

Sec. 17-258. Table of permitted uses.

Uses permitted in the general zoning districts shall be as set forth in table 1 and as modified by special provisions, exceptions and conditions contained elsewhere in this article.

- (7) Temporary vendors are prohibited, except where the vendor is:
- (a) A person located upon land owned or otherwise controlled by the City of Columbia and operating with the written permission of the Parks & Recreation Department, City Manager, or City Council. For the purpose of this exception (a) to this subsection (7), land includes private property and/or right-of-way.
 - (b) A sidewalk vendor for which City Council has approved an ordinance granting a franchise.
 - (c) A person who collects fees for permitted parking.
 - (d) A corporation, foundation, fund, association, or club that is formally organized and operated exclusively in a not-for-profit manner or for religious, charitable, scientific, literary, artistic, or educational purposes.

- (e) A person participating in a fair, festival, exhibition, bazaar, show, or other like infrequent event sponsored by a corporation, foundation, fund, association, or club that is formally organized and operated exclusively in a not-for-profit manner or for religious, charitable, scientific, literary, artistic, or educational purposes.
- (f) A person participating in a fair, festival, exhibition, bazaar, show, or other like event at and approved by the South Carolina State Fair.
- (g) A concessionaire operating with the authority of the sponsor of the event for which concessions are to be provided.
- (h) A person participating in a garage sale for which a garage sale permit has been issued.
- (i) A person selling only seasonal merchandise, such as fireworks, pumpkin stands, and Christmas trees, provided that the person:
 - i. Locates within a zoning district which would otherwise permit the business;
 - ii. Receives a zoning permit prior to operating, the application for which shall include (a) a site plan showing that the person would not be located within a setback or within a required parking space, and (b) the notarized written permission from the private property owner;
 - iii. Conspicuously posts his zoning permit during all hours of operation at a location visible from the right-of-way and in a manner protected from the elements; and
 - iv. Operates only within 45 days of the associated holiday and for a total period of no more than 45 days.
 - v. For the purpose of this exception (i) to this subsection (7), seasonal merchandise does not include food, produce (*not including pumpkins*), flowers, balloons, and general retail items detailed with holiday accents, decorations, or other accessories.
- (j) Any other person upon private property provided that the person:
 - i. Locates within a zoning district which would otherwise permit the business;
 - ii. Receives a zoning permit prior to operating, the application for which shall include (a) a site plan showing that the person would not be located within a setback or within a required parking space, and (b) the notarized written permission from the private property owner;

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- iii. Conspicuously posts his zoning permit during all hours of operation at a location visible from the right-of-way and in a manner protected from the elements; and
 - iv. Operates for no more than ten consecutive hours within a day and at all other times removes from the parcel all materials associated with the business. The Zoning Administrator shall approve the hours of operation, which shall be posted on the zoning permit. No temporary vendor shall operate between the hours of 9:00 PM and 9:00 AM if the parcel upon which the vendor is located is within 400 feet of a parcel zoned residentially.
- (k) Any temporary vendor existing upon the effective date of this ordinance shall have 180 days from the effective date of this ordinance to either cease operation or fully comply with all provisions of this subsection (7).

Requested by:

Planning/Development Services Director



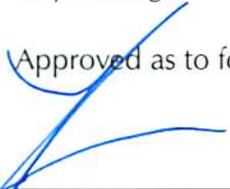
MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 7/19/2011

Final Reading: 8/2/2011