

Sumter City-County Planning Commission

July 25, 2012

OA-12-08, Planning Commission (County)

I. THE REQUEST

Applicant: Sumter County

Request: Request to amend Sumter County Zoning Ordinance to add *Mobile Vendors* as a Temporary Use in certain zoning districts.

II. BACKGROUND

Three years ago, the City of Sumter amended the zoning ordinance to permit mobile vending in the General Commercial (GC) zoning district as a Conditional Use, at the request of a citizen. County Council has now requested drafting a similar ordinance amendment for Sumter County to allow mobile vendors in certain zoning districts.

After review of the request, Planning Staff concludes that *Mobile Vendor* uses are similar to the Seasonal Activity licenses that are currently issued by the Sumter Business License Department for individuals to operate mobile vending operations during County sponsored events, such as the Sumter County Fair. However, for an operation such as this to be permitted on an ongoing basis on private property it is necessary to evaluate the impacts on land use, traffic generated, and possible issues such as debris, signage, and encroachment.

Aside from vendors such as these operating at fairs and events, the County currently places strict prohibitions on retail sales operations of a mobile or temporary nature. Today, temporary retail stands are permitted for a period of 60 days and must be operated out of a permanently affixed structure. Firework stands are permitted for a period of 30 days and Christmas sales lots are allowed for 45 days. Sumter has experienced its share of illegal retail peddlers and merchants, the kind seen on weekends, operating trailer-based barbeque stands, selling furniture out of the back of trucks, or spreading oriental rugs for view on vacant lots. These occurrences are not permitted under the Zoning Ordinance and constitute violations of County Ordinance.

In an effort to add mobile vending to the County while preventing unintended uses, such as couch and rug sales, current City of Sumter mobile vending regulations should be used as a guide for developing the new County standards for mobile vending, as they address many of the land use issues that should be considered and clearly define items permitted for sale.

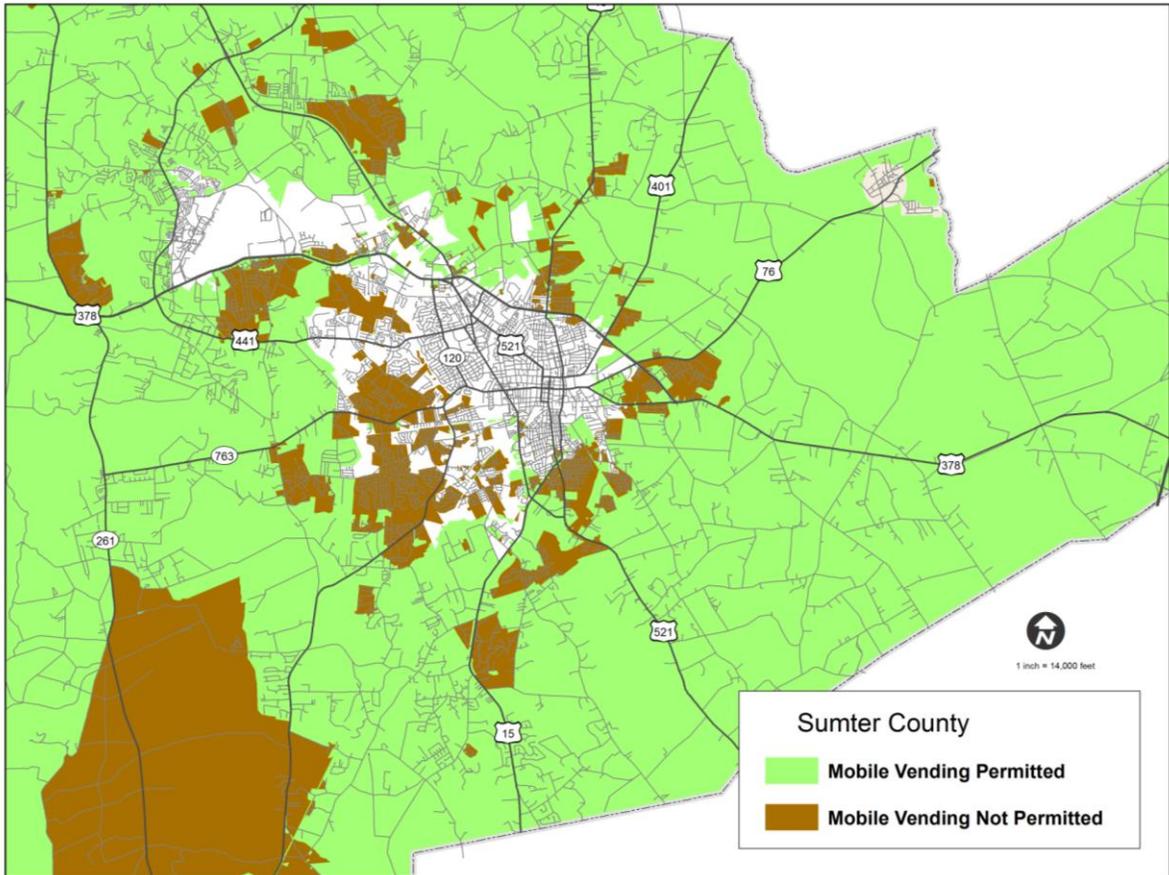
Summary of the City of Sumter Mobile Vending ordinance:

- *Only permitted in the GC zoning district*
- *Only during business hours*

- *Active, permitted use – no vacant or uninhabited parcels*
- *50 feet from principal structure, cannot interfere with parking or traffic circulation*
- *Provide litter receptacle and operate without outside power source*
- *Only signage attached to the cart, vehicle, or device, not to exceed two (2) sq. ft.*
- *Permitted items to sell include reading material such as newspapers, magazines, and books; produce, and ready-to-eat items and finger foods such as hot dogs, sausages, hamburgers, tacos, burritos, baked potatoes, bagels, pastries, candy, prepackaged sandwiched, cookies, chips, biscuits, popcorn, nuts, pretzels, ice product, ice cream, milk products, frozen yogurt, hot and cold beverages containing no alcohol, flowers, and items related to permitted merchandise. Items specifically banned from being sold by Mobile Vendors include, cigarettes, cigars, and any product containing tobacco.*
- *Background check from SLED*
- *Written permission of property owner*
- *Specific type of cart permitted, size restriction*

Staff believes the best option to consider for the addition of mobile vendors is to adopt an ordinance similar to the City's regulations but with an expansion of the zoning districts where the use can be permitted on a temporary basis:

- Temporary Use in GC, LC, AC, LI-W, HI Zoning Districts, to be renewed annually; Not permitted in any residential or conservation zoning district;
- Active, permitted use – no vacant or uninhabited parcels;
- Written permission from the property owner;
- Temporary Use review will address such issues as locations of cart, tables, parking, etc;
- The cart must be an approved, commercial grade Mobile Food Unit as approved by DHEC;
- The applicant must submit a picture of the cart along with their application for review;
- Permitted one (1) business identification sign, excluding menu boards, that does not require a permit but shall be affixed to the vehicle or cart;
- Provide litter receptacle and operate without outside power source;
- Permitted items include reading material and ready-to-eat items and finger foods as listed in City ordinance;
- Background check from SLED.



The map above shows the areas of Sumter County that are zoned AC, GC, LC, LI-W or HI in green. These are the areas where mobile vending would be eligible for Temporary Use under if the proposed amendment is adopted by Council.

One of the criteria removed from the proposed County regulations that is present in the City standards related to the size restriction on the cart/vending unit. There are a great variety of mobile vending carts available, in many sizes and styles. Staff has determined that the size of the cart is not nearly as important to consider as the design and condition of it. This is why the Temporary Use application requires a photo of the intended cart to be submitted for review. Items sold from larger trailers would still be restricted to ready-to-eat finger foods unless the mobile vendor has a DHEC inspected restaurant or commercial kitchen to serve as a base for preparing perishable and potentially hazardous foods.



The primary differences between the City ordinance and the proposed County ordinance are as follows:

- Permitted in LC, AC, LI-W, HI as well as GC zoning district
- No restriction for hours of business
- No requirement of separation 50 feet from principal structure

- Signage not restricted to two (2) sq. ft.
- No size restriction for cart, must be DHEC approved commercial Mobile Food Unit
- Temporary Use review will address such issues as locations of cart, tables, parking, etc
- The applicant must submit a picture of the cart along with their application for review.

III. PROPOSED ORDINANCE AMENDMENT

Amend Article 5.c.6 Permitted Temporary Uses to add item j. Mobile Vendors as follows:

j. Mobile Vendors shall be eligible for Temporary Use under the following conditions:

1. To operate only on private property or on designated public property that is located within the GC, AC, LC, LI-W and HI zoning districts only. The cart and all items associated with any Mobile Vending operation shall be removed from the premises during non-business hours.
2. To operate only with the maintenance and use of a litter receptacle that is made available for the patrons' use. Excessive litter caused by product packaging or other associated products of the Mobile Vendor operation may result in revocation of zoning approval to operate.
3. To operate only on property on which there is located at least one active, permitted Primary Use. Under no circumstances shall a Mobile Vendor be issued a permit to operate on property that is uninhabited or vacant;
4. To operate and to sell only such permitted merchandise as is listed herein. Permitted merchandise shall be limited to reading material such as newspapers, magazines, and books; produce; and ready-to-eat items and finger foods such as hot dogs, sausages, hamburgers, tacos, burritos, baked potatoes, bagels, pastries, candy, prepackaged sandwiches, cookies, chips, biscuits, popcorn, nuts, pretzels, ice products, ice cream, milk products, frozen yogurt, hot and cold beverages containing no alcohol, flowers, and items related to permitted merchandise. Items specifically banned from being sold by Mobile Vendors include cigarettes, cigars, and any product containing tobacco.
5. To operate only with the appropriate licensing as required by SC-DHEC and the Sumter County Business License Department, including a background check and any other requirements for Mobile Vendor operations for Sumter County, and the State of South Carolina. It is at the discretion of the Zoning Administrator to deny a Temporary Use permit due to a felony criminal record.
6. Upon written permission of the property owner.
7. Upon submittal of a picture of the mobile vending unit along with a drawing showing the proposed location for set up on the property under review.
8. Unit shall be an approved commercial Mobile Food Unit as defined in Article 10. All units shall be required to meet all SC DHEC regulations and shall provide proof of inspection approval from SC DHEC.
9. Permitted one (1) business identification sign, excluding menu boards, that does not require a permit but must be affixed to the vehicle or cart.
10. Temporary Use for each location shall be renewed annually.

11. Only when *all* conditions listed have been met. There shall be no temporary licensing of Mobile Vendors until such conditions are met. Only duly licensed operators shall be permitted.

Amend Article 10.b.1 Definitions to add Mobile Food Unit as follows:

Section 10.b.1 Definitions:

Mobile Food Unit: All mobile food units shall be manufactured for the express purpose of mobile food vending. Mobile vending shall be from a commercial grade cart or vehicle of a type outlined below.

1. Cart – any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor. Carts come in two varieties, those which the operator stands on the ground or those which the operator stands inside the cart. Typically there is not electric or mechanical refrigeration associated with the cart.
2. Frozen food truck/cart – a mobile motorized or non motorized concession on wheels that normally contains a commercial freezer. All products served are frozen and prepackaged.
3. Soft serve ice cream truck – a motorized vehicle that has a soft serve ice cream machine on board along with toppings and contains: commercial refrigerators/freezers that are permanently affixed inside the truck; sink systems that are large enough to handle all items that must be washed/rinsed/sanitized in the concession to include a three-compartment sink with a faucet; hand washing sink with faucet, and a water system that can handle the hot water needs of the food service; there must also be adequate food/dry goods storage; adequate wastewater storage tank.
4. Catering Type Truck – a motorized truck that carries prepackaged and non-prepackaged hot and cold type foods. Catering trucks that have a commercial grill, soup warmer, and/or undertake on-site food preparation must provide sink systems that are large enough to handle all items that must be washed/rinsed/sanitized in the concession to include a three-compartment sink with a faucet; hand washing sink with faucet, and a water system that can handle the hot water needs of the food service; there must also be adequate food/dry goods storage; adequate wastewater storage tank.

IV. STAFF RECOMMENDATION

Staff recommends approval.

IV. DRAFT MOTIONS

I move that the Planning Commission approve OA-12-08, as outlined above.

I move that the Planning Commission consider an alternate action on OA-12-08.

V. PLANNING COMMISSION – JULY 25, 2012

The Sumter City – County Planning Commission at its meeting on Wednesday, July 25, 2012, recommended approval for this request.

VI. COUNTY COUNCIL – AUGUST 14, 2012 – FIRST READING