

ORDINANCE NO.: 2012-020

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 Banquet hall, and amend Drinking place and Restaurant, and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, SIC 58 Eating and drinking places and Division H, Finance, Insurance and Real Estate to add SIC 6512 Banquet Hall

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BE IT ORDAINED by the Mayor and Council this 10th day of April, 2012, 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 Banquet hall, and amend Drinking place and Restaurant, and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, SIC 58 Eating and drinking places and Division H, Finance, Insurance and Real Estate to add SIC 6512 Banquet Hall, 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:

Banquet hall means a facility rented out for private events whether family, group, or corporate in nature, where access by the general public is restricted. Banquet halls may allow live entertainment and dancing, however, such live entertainment or dancing shall not be the primary use of the facility. Alcoholic beverages may be served subject to state law requirements. Events open to the general public may be permitted no more than six times per year with the prior approval of the zoning administrator. However, such events shall not include live entertainment or activities similar to those of a night club, concert hall or dance club as the primary activity.

Drinking place means an establishment having as its principal use the retail sale of alcoholic beverages such as beer, liquor or wine for consumption on the premises. For the purposes of determining the principal use the Zoning Administrator shall assess the following factors: gross floor area of the business; total gross floor area allocated for each function within the business; seating plans; menus; business plan; hours of operation; and any other factors relevant to the operation of the business.

Restaurant means an establishment having as its principal use the preparation and retail sale of food and beverages for consumption on or off the premises. This term shall include but not be limited to an establishment known as a cafe, lunch counter, cafeteria, fast-food restaurant, eating establishment or other similar business. This definition does not include establishments that sell food or beverages as an accessory use or for off-premises preparation or consumption, such as a retail grocery store, convenience store, or delicatessen. For the purposes of determining the principal use the Zoning Administrator shall assess the following factors: gross floor area of the business; total gross floor area allocated for each function within the business; seating plans; menus; business plan; hours of operation; and any other factors relevant to the operation of the business.

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.

- (1) Symbols used in table 1 are as follows:
 - a. "x" means that the indicated use is permitted in the indicated district.
 - b. "e" means that the indicated use is permitted in the indicated district, subject to the granting of a special exception by the board of zoning appeals.
 - c. "a" means that the indicated use is permitted as an accessory use in the indicated districts.

- d. "a/e" means that the indicated use is permitted as an accessory use in indicated districts, but is also permitted in those districts as a principal use if approved by the board of zoning appeals as a special exception.
 - e. "n.e.c." means "not elsewhere covered" in the Standard Industrial Classification Coding Manual.
 - f. "n.r." means "no requirement."
 - g. "c" means that the indicated use is permitted in the indicated district, provided the owner and/or tenant complies with the associated conditions set forth in this article.
 - h. "o" means indicated use is permitted in the indicated district as office only.
 - i. "a/c" means that the indicated use is permitted as an accessory use in indicated districts, but is also permitted as a primary use provided the owner and/or tenant complied with the associated conditions set forth in this article.
- (2) Any use not permitted in a district is expressly prohibited.
 - (3) In residential districts, the following uses are prohibited:
 - a. Storage in connection with a trade;
 - b. Storage or long term parking of commercial vehicles or industrial storage in excess of one day; and
 - c. Storage of building materials except in connection with active construction.
 - (4) A section number following the use category means that the use is allowed but must meet the conditions and requirements set forth in the referenced section.
 - (5) The zoning administrator may utilize the Standard Industrial Classification Manual to determine the appropriate classification of land use.
 - (6) Any drive-through facility shall require review and approval by the board of zoning appeals as a special exception,
 - (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 written permission from the private property owner or authorized lease holder of the private property;
 - 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) A person operating a food truck on private property provided that the person:

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- i. Locates within a zoning district which would otherwise permit the business;
 - ii. Locates at least 100 feet from the door of a lawfully established eating place unless the owner of the eating place provides a letter of consent, a copy of which shall be kept within the food truck;
 - iii. Maintains within the food truck proof of written permission from the private property owner or authorized lease holder of the private property of each vending location;
 - iv. Receives annually a zoning permit to operate a food truck, a copy of which shall remain in the food truck during operation;
 - v. Operates for no more than ten consecutive hours within a calendar day and at all other times removes from the parcel all materials associated with the business. 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 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 for each location 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 written permission from the private property owner or the authorized lease holder of the private property authorizing the temporary vendor;
 - 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 calendar 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.
- (l) 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:

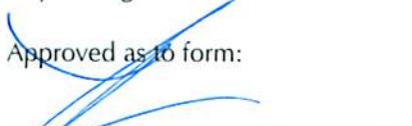
Planning and Development Services


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 3/27/2012

Final Reading: 4/10/2012

Principal Uses			D-1	RS-1 RS-1A RS-1B RS-2 RS-3	R-D	RG-1	RG-1A	RG-2	RG-3	C-1	C-2	C-3	C-3A	C-4	C-5	C-6	M-1	M-2	UTD	MX-1	MX-2	Off-Street Parking Requirements	
58 Eating and drinking places																							
	5812	Eating places								a	x	x	x	x	x	x	x				x	x	8 for each 1,000 square feet of gross floor area
	5813	Drinking places (alcoholic beverages) (section 17-266 17-269)								e	e	e	e	x	x	e	x				e	e	12 for each 1,000 square feet of gross floor area
DIVISION H. FINANCE, INSURANCE AND REAL ESTATE (60--67)										x	x	x	x	x	x	x	x	x	x	x	x	x	
	6141	Non-depository personal credit institutions (pay day loan and/or title loan establishments)								e	e	e	e	e	e	e	e	e	e	e			3 for each 1,000 square feet of gross floor area
	6512	<i>Banquet Hall</i>										e	e	x	x	x	x				e	x	5 for each 1,000 square feet of gross floor area
	6553	Cemetery subdividers and developers	e	e	e	e	e	e	e	x	x	x	x	x	x	x	x	x	x	x	o	o	3 for each 1,000 square feet of gross floor area