



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

15c

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: January 9, 2023

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND SECTIONS 19-1.11 DEFINITIONS, 19-4.3, USE-SPECIFIC STANDARDS, AND 19-4.5, TEMPORARY USES AND STRUCTURES, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO PROVIDE PROVISIONS FOR MOBILE FOOD UNITS (Z-16-2022)

SUMMARY BACKGROUND:

Staff submits this text amendment to amend Section 19-1.11, Definitions, 19-4.3, Use-specific standards, and 19-4.5, Temporary uses and structures, to allow Food Trailers to have the same provisions as Food Trucks under a new definition, Mobile Food Units.

Staff has found that our current regulations do not provide for food trailers and this is not in line with surrounding jurisdictions or current trends in the mobile food vending and food service communities. The amendment is intended to provide for the allowance of food trailers and for them to have the same regulations as food trucks. Both would be regulated under the same definition, Mobile Food Unit.

The City Planning Commission, pursuant to public notice, held a public hearing on December 15, 2022, to consider the proposed text amendment. The application was recommended for approval by a vote of 5-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 5-0

IMPACT IF DENIED:

The text amendment will not be approved, and food trailers will continue to not be allowed in the city limits.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director

DocuSigned by:

Shannon Lavin

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City Attorney

DocuSigned by:

Leigh Padetti

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DocuSigned by:

OMB Director

City Manager

John McDonough

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AN ORDINANCE

TO AMEND SECTIONS 19-1.11 DEFINITIONS, 19-4.3, USE-SPECIFIC STANDARDS, AND 19-4.5, TEMPORARY USES AND STRUCTURES, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO PROVIDE PROVISIONS FOR MOBILE FOOD UNITS (Z-16-2022)

WHEREAS, the current language of the City’s Land Management Ordinance, Chapter 19 of the Code of Ordinances of the City of Greenville, currently allows for the operation of Food Trucks in the City but specifically do not allow for Food Trailers; and

WHEREAS, this prohibition dates back to the early 2000’s and is inconsistent with the regulations in surrounding jurisdictions and the current trends for how mobile food vending is conducted throughout the nation within the business and food service communities; and

WHEREAS, City staff proposes the following amendments to Sections 19-1.11 Definitions, 19-4.3, Use-specific standards, and 19-4.5, Temporary uses and structures, to allow Food Trucks and Food Trailers under the encompassing definition as a Mobile Food Unit with all such uses following the same regulations; and

WHEREAS, City Council previously adopted Ordinance 2022-84 on November 28, 2022, providing for regulations for mobile food vendors to specifically include Food Trailers within Chapter 8, Businesses, of the Code of Ordinances of the City of Greenville; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on December 15, 2022, to consider the proposed text amendment, and

WHEREAS, the Planning Commission voted unanimously five (5) to zero (0) to recommend approval of the proposed text amendments to Sections 19-1.11, 19-4.3, and 19-4.5; and

WHEREAS, City Council finds the text amendments to be compatible with the City’s Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Sections 19-1.11, Definitions, 19-4.3, Use-specific standards, and 19-4.5, Temporary uses and structures, of the Code of Ordinances of the City of Greenville is amended as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

Sec. 19-1.11. - Definitions.

Mobile food unit means any vehicle, trailer, or other movable motorized or non-motorized structure that is used for the sales of food and beverages to the general public. This enterprise is generally classified within the “restaurant with no seating” use type within the “eating establishments” use category in article 19-4, use regulations.

Sec. 19-4.3. - Use-specific standards.

Section 19-4.3.3(C)

- (3) Mobile food units. Vehicles, trailers, or other movable motorized or non-motorized units that sell food or beverages to the general public are classified as a “restaurant with no seating” use type within the “eating establishments” use category in Table 19-4.1-2: Table of Uses. Mobile food units are permitted subject to the following conditions:
- (a) An owner or operator of a mobile food unit shall obtain all required permits, including a City of Greenville business license, prior to operating in the city.
 - (b) An owner or operator of a mobile food unit must receive the written permission of the property owner prior to locating on the premises.
 - (c) The mobile food unit shall be located so that the physical unit and/or its customer service area does not block or impede access across any vehicular or pedestrian travel way, ADA-accessible parking area or pathway, or any service or emergency access way.
 - (d) In addition to the generally applicable noise ordinance and other city ordinances, the use of a generator by a mobile food unit is prohibited within 100 feet of a residential district.

Sec. 19-4.5. - Temporary uses and structures.

Section 19-4.5.3(F)

Use of motor vehicle, trailer, or shipping container for sales, service, storage, or other business. The use of any motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other businesses conducted shall be prohibited in all residential zoning districts, I-1 industrial districts, and on public property. Mobile food units, as defined in subsection 19-1.11, may operate in certain commercial districts pursuant to the use regulations for restaurants with indoor seating as provided in subsection 19-4.1.2, Table of Uses. However, this subsection shall not prohibit the use of a motor vehicle, trailer, or shipping container for the following uses without benefit of a temporary use permit, pursuant to subsection 19-2.3.11:
