

ORDINANCE # 1026

AN AMENDMENT TO THE MAULDIN ZONING  
ORDINANCE ESTABLISHING REGULATIONS FOR  
TEMPORARY USES AND STRUCTURES.

**WHEREAS**, temporary uses can be beneficial to local economic development and are often popular with the community; and

**WHEREAS**, this ordinance is intended to provide reasonable regulations and review procedures necessary to ensure that temporary land uses do not become permanent or jeopardize public health, safety, and welfare; and

**WHEREAS**, the City is engaged in ongoing efforts to update and refine the City's zoning regulations; and

**WHEREAS**, pursuant to properly published public notice, the Mauldin Planning Commission considered this matter at a public hearing on January 23, 2024.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof that the Mauldin Zoning Ordinance be amended as follows:

**Section 1. Repeal.** Article 9, Temporary Uses and Structures, of the Mauldin Zoning Ordinance is hereby repealed in its entirety.

**Section 2. Amendment.** Amend Article 7, Allowed Uses, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

ARTICLE 7. – ALLOWED USES

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Sec. 7:3 – Temporary Uses and Structures.

7:3.1 Purpose and Intent.

Temporary uses can be beneficial to local economic development and can be popular with the community. At the same time, reasonable regulations and review procedures can be necessary to ensure that temporary uses and structures do not become permanent or jeopardize public health, safety, and welfare. This section allows for the establishment of specific temporary uses of limited duration. The regulations in this section have the following intent:

- A. Reasonably allow land uses on a temporary basis that are not appropriate on a long-term/permanent basis.
- B. Maintain the health, safety, and welfare of the surrounding area and the greater community.
- C. Provide predictable outcomes for applicants and the community.
- D. Promote economic development.
- E. Encourage the use of underused land.

### 7:3.2 Applicability.

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the City. The activities listed in this section require the issuance of a permit, except where exempted herein.

### 7:3.3. Authority.

In approving a temporary use permit, the City Administrator, or his designee, is authorized to impose any of the following requirements, as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use/structure.

- A. Provision of temporary parking facilities, including vehicular access and egress;
- B. Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, odors, gases, and heat;
- C. Prohibition of the storage or use of hazardous materials;
- D. Regulation of placement, height, size, and location of equipment;
- E. Provision of sanitary and medical facilities;
- F. Provision of solid waste collection and disposal;
- G. Provision of security and safety measures;
- H. Use of an alternate location or date;
- I. Modification or elimination of certain proposed activities;
- J. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this section; and
- K. Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

### 7:3.4 General Standards for All Temporary Uses and Structures.

Any temporary use or structure shall generally meet the following standards.

- A. ***Property owner permission.*** The operator of the temporary use or structure must obtain written permission from the landowner of the property where the temporary use or structure will be located prior to the establishment of the temporary use or structure. The operator must be willing and able to produce such written permission to the appropriate authority upon request.

- B. **Permits and licenses.** The operator of the temporary use or structure shall obtain the appropriate permits and licenses, including a City of Mauldin business license where applicable pursuant to Chapter 10, Article II of the Mauldin Code of Ordinances, from the City of Mauldin and other applicable agencies prior to the establishment of the temporary use or structure.
- C. **Protection of health, safety, and general welfare.** The temporary use or structure shall not be detrimental to other property or improvements in the surrounding area or to the public health, safety, or general welfare.
- D. **Maintain conditional use standards.** Where the property or use of the property is subject to any standards or conditions of approval, those applicable standards and conditions shall be maintained.
- E. **Permanent alterations prohibited.** Permanent alterations to the site, especially as would contradict the temporary nature of the use or structure, are prohibited.
- F. **Temporary signage.** Any signage for the temporary use or structure shall comply with the applicable standards and requirements for temporary signage.
- G. **Utility connections.** Any connections to water, sewer, electrical and other utilities shall meet the appropriate standards and obtain applicable approvals for those connections. Such written approval(s) must be available for inspection by the City upon request.
- H. **Parking and accessibility.** Adequate parking, including required minimum parking for both the temporary use/structure and existing uses/structures as provided in Section 6:1 of the Mauldin Zoning Ordinance, shall be provided on-site or via written parking agreement(s) with an adjacent property owner(s). Existing fire lanes, ADA accessibility, pedestrian access, and vehicular access shall be maintained at the property where the temporary use or structure will be located.
- I. **Buffers and landscaping.** Any existing landscaping and buffer areas shall be protected and maintained at the property where the temporary use or structure will be located.
- J. **Restroom facilities.** Adequate restroom facilities shall be available on-site.
- K. **Trash collection and disposal.** Adequate trash collection and disposal shall be provided for the temporary use or structure.
- L. **Operating hours.** Any outdoor activities at a temporary use or structure within 500 feet of a residential use shall begin no earlier than 7:00 A.M. and cease no later than 10:00 P.M.

7:3.5 Certain Temporary Uses and Structures Exempt from Permit Requirements.

Temporary use permits are not required for the following activities or events (this exemption does not exempt the activity from any other required applicable permits or licenses, such as building permits, business licenses, alcoholic beverage licenses, health department approvals, hospitality taxes, etc.).

- A. Outdoor promotional events with a total anticipated assembly of less than 200 people. In addition to the general standards provided in Section 7:3.4, such events shall adhere to the following standards.
  1. **Permissible locations.** Such events are only allowed at non-residential properties.
  2. **Event duration.** Such events are allowed for up to two consecutive days.
  3. **Number of events.** The maximum number of such events allowed at the same property in a calendar year is four.
- B. Private events, such as weddings, private parties, funerals, etc., not open to the general public and lasting less than 12 hours.
- C. Events sponsored or hosted by the City of Mauldin. Events hosted by the City of Mauldin are still subject to a separate review and approval process administered by the department that manages the facility where the event will be hosted.
- D. Events at permanent places of worship, sports facilities, schools, auditoriums, or other similar established places of assembly.
- E. Events at common areas in residential neighborhoods organized and managed by the homeowners' association of that neighborhood.
- F. Events at the plaza and activity spaces at BridgeWay Station where such events operate with the permission of the management company for BridgeWay Station.
- G. Mobile food sales at construction sites or places of employment with 100 or more employees with the intent of solely serving food to the employees working at the construction site or place of employment. In addition to the general standards provided in Section 7:3.4, such sales shall adhere to the following standards.
  1. **Number of mobile food sales vendors.** The maximum number of mobile food sales vendors allowed at a site at one time is one.
  2. **Sales duration.** Such food sales are allowed for up to two hours on any given day.
- H. Construction-related structures or containers at a construction site with an active construction permit. Such structures or containers must be removed within 30 days following the issuance of the certificate of occupancy or certificate of completion for the construction project.

- I. Real estate sales/leasing office at a residential development project under active construction. In addition to the general standards provided in Section 7:3.4, such offices shall adhere to the following standards.
  1. **Permissible locations.** Such offices are only allowed at residential development projects under active construction.
  2. **Permissible operations.** The use of the office must only be for the initial sale or lease of properties within the residential development at which the office is located.
  3. **Duration.** Such offices are allowed only for the period during which the development project is under active construction.
  4. **Minimum setbacks.** The structure shall meet the required setbacks for the underlying zoning district to the extent practicable. The Business and Development Services Director may grant alternative setback requirements when he determines that such alternative setback requirements are necessary to accommodate any existing structures or proposed improvements on the site.
  5. **Mobile structure requirements.** Underpinning, skirting, or other curtain wall materials must be installed around the entire perimeter of any mobile structure.
  
- J. Construction office at an active construction project. In addition to the general standards provided in Section 7:3.4, such offices shall adhere to the following standards.
  1. **Permissible locations.** Such offices are only allowed at development projects under active construction.
  2. **Permissible operations.** The use of the office must only be as an office for those contractors and construction personnel working at the development site where the office is located.
  3. **Duration.** Such offices are allowed only for the period during which the development project is under active construction.
  4. **Minimum setbacks.** The structure shall meet the required setbacks for the underlying zoning district to the extent practicable. The Business and Development Services Director may grant alternative setback requirements when he determines that such alternative setback requirements are necessary to accommodate any existing structures or proposed improvements on the site.
  5. **Mobile structure requirements.** Underpinning, skirting, or other curtain wall materials shall be installed around the entire perimeter of any mobile structure.
  
- K. Garage sales or yard sales. In addition to the general standards provided in Section 7:3.4, such sales shall adhere to the following standards.
  1. **Permissible locations.** Such sales are only allowed at a residential dwelling or in the common area of a residential neighborhood with the permission of the homeowners' association.

2. **Number of days.** Such sales are allowed for up to a maximum of 30 days in a calendar year. The aggregate number of days a sale is conducted at the same property is subject to this maximum number of days.
  3. **Merchandise for sale.** Only general household goods may be sold at such sales.
- L. Intermittent food sales by an ice cream truck that does not park or sit idle for more than 15 minutes at any one location.
- M. Portable storage containers. In addition to the general standards provided in Section 7:3.4, such containers shall adhere to the following standards.
1. **Permissible locations.** Such containers are only allowed at residential properties.
  2. **Duration.** Such containers are only allowed for up to 30 consecutive days.
  3. **Number of occurrences.** Containers cannot be placed at the same property more than two separate occurrences in a calendar year.
  4. **Placement.** Containers must be placed on the driveway or behind the dwelling. Exception: A container may be placed in the front yard or side yard for a maximum of 48 hours provided the container does not impair the visibility of any motorist, cyclist, or pedestrian at any street or driveway intersection.
  5. **Number of containers.** No more than two containers may be placed on a single lot at one time.
  6. **Prohibited materials.** Non-residential materials and substances, including but not limited to hazardous materials, explosives, and/or unlawful substances and materials, shall not be stored or transported in such containers.

#### 7:3.6 Temporary Uses and Structures Allowed by Permit.

Each of the temporary uses and/or structure provided in this section requires a temporary use permit and are subject to the standards provided herein.

- A. Seasonal outdoor sales for the sale of Christmas trees, pumpkins, or similar agricultural products. In addition to the general standards provided in Section 7:3.4, such sales shall adhere to the following standards.
1. **Permissible locations.** Such sales are only allowed at non-residential properties.
  2. **Hours of operation.** The hours of operation for such sales shall be limited to 7:00 AM until 10:00 PM.
  3. **Duration.** Such sales are only allowed for up to 60 consecutive days.
  4. **Number of occurrences.** No more than two such sales events may be permitted at the same location in a calendar year.
- B. Large events with an anticipated assembly of 200 people or more or a duration of more than two consecutive days on an individual parcel or site. In addition to the

general standards provided in Section 7:3.4, such events shall adhere to the following standards.

1. **Permissible locations.** Such events are only allowed at non-residential properties.
2. **Duration.** Such events are only allowed for up to 14 consecutive days.
3. **Number of occurrences.** No more than four such events may be permitted at the same location in a calendar year.
4. **Liability insurance.** The applicant must provide proof of liability insurance in an amount equal to the city's liability under the Government Tort Claims Act (S.C. Code 1976, § 15-78-10 et seq.) and require the execution of a hold harmless agreement to indemnify the city in the event it is held liable for any injuries or damage because of the event.

#### 7:3.7 Mobile Food Sales.

Mobile food sales, including any vehicle, truck, trailer, cart, or other movable structure or device used for the sale of food and beverages, are only allowed to set up and operate at the following temporary use activities provided in Section 7:3.5 and Section 7:3.6:

- a. Outdoor promotional events in accordance with Section 7:3.5(A);
- b. Private events in accordance with Section 7:3.5(B);
- c. Events sponsored or hosted by the City of Mauldin in accordance with Section 7:3.5(C);
- d. Events at permanent places of worship, sports facilities, school, auditoriums, or similar established places of assembly in accordance with Section 7:3.5(D);
- e. Events at common areas in residential neighborhoods in accordance with Section 7:3.5(E);
- f. Events at the plaza and activity spaces at BridgeWay Station in accordance with Section 7:3.5(F);
- g. Mobile food sales at construction sites in accordance with Section 7:3.5(G);
- h. Mobile food sales at places of employment with 100 or more employees in accordance with Section 7:3.5(G); and
- i. Intermittent food sales by an ice cream truck in accordance with Section 7:3.5(L).

In addition to the general standards provided in Section 7:3.4, mobile food sales shall adhere to the following standards.

1. **Placement.** Mobile food sales must be set back at least 15 feet from any fire hydrant, utility box or vault, handicap accessible ramp or aisle, and building entrance or exit. Additionally, mobile food sales shall be placed such that they do not impair the visibility of any motorist, cyclist, or pedestrian.
2. **Mauldin business license.** A valid annual City of Mauldin business license is required prior to setting up or operating a mobile food unit

within the city limits of Mauldin. Valid licenses shall be displayed in a visible location at the mobile food unit. At the time of application for a business license for a mobile food vehicle, the applicant shall provide a copy of a valid driver's license, vehicle registration, and proof of general liability insurance for operation of the vehicle as a motor vehicle.

3. **Inspection.** Prior to the issuance of a City of Mauldin business license, any vehicle, truck, trailer, cart, or other movable structure or device used in the sale of food and beverages must be inspected by the Mauldin Fire Department, or by an acceptable agency approved by the Mauldin Fire Department, for compliance with the City's Fire Code.
4. **DHEC compliance.** Mobile food sales vendors shall meet all applicable DHEC regulations for mobile food units and possess a valid DHEC permit where applicable. Any mobile food vendor or vending unit that has been issued a notice of health violation by any department of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall not be allowed to operate within the city limits of Mauldin.
5. **Discharge of substances.** Fat, oil, grease, or wastewater is not allowed to be discharged into the sanitary sewer system or stormwater collection system. All waste shall be properly stored and disposed of at a properly designated and authorized disposal location.
6. **Sale of alcoholic beverages.** The sale of alcohol beverages is prohibited unless the proposed location of the sale of alcoholic beverages has been approved by the South Carolina Department of Revenue Alcohol Beverage Licensing and the sale of alcoholic beverages complies with the conditions of such approval. The issuance of a license by the South Carolina Department of Revenue is subject to a review by the Mauldin Police Chief who will review the location, set-up, and operations of the proposed sale of alcoholic beverages. If the Police Chief determines that the proposed activity does not protect the health, safety, or general welfare of the community, the Police Chief may deny the sale of alcoholic beverages.

**Section 3 Amendment.** Amend Section 3:3, Definitions, of Article 3, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

### ARTICLE 3. – ZONING DISTRICTS, GENERAL STANDARDS, DEFINITIONS

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#### Sec. 3:3 – Definitions

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~~*Food trailer (concession style). – An enclosed attached or detached trailer that is equipped with facilities for the preparing, cooking and selling of various types of food products.*~~

~~*Food truck.* An enclosed motor vehicle equipped with facilities for preparing, cooking and selling of various types of food products.~~

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~~*Intermittent mobile food sales.* Food transactions from a mobile vehicle where the vehicle only remains idle for a period of fifteen (15) minutes or less (e.g. ice cream trucks, food vendors at construction sites).~~

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*Mobile food sales.* The preparation, cooking, serving and/or sale of food from a portable stand, vehicle or trailer.

~~*Mobile food vendor vehicle.* A self-contained, motorized vehicle mounted food service unit that returns daily to its base of operations (Commissary) as approved by DHEC and is used for either the preparation or the sale of food products, or for both.~~

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~~*Mobile market food truck.* An enclosed motor vehicle equipped with facilities for the sale of locally grown fresh produce. The produce sold is in its original form and has not been altered or cooked in any other way inconsistent with it coming fresh from the fields and/or gardens in which it was grown.~~

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*Portable storage container.* A purpose-built, box-like container that is designed for temporary storage of goods, materials, and equipment. Usually these containers are designed for ease of loading to and from a transport vehicle.

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*Promotional event.* An occasion that draws attention to a particular business, service, or product(s).

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~~*Short term temporary use.* A use (and/or structure containing a use) that is temporary in nature and only active for a specified period of time.~~

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~~*Special event.* A temporary event is an activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, community~~

festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, and other similar activities.

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~~Temporary event. An single day or multi day event such as but not limited to: fundraisers, promotional events, arts and craft shows, carnivals, fairs, circuses, concerts, trade shows, outdoor religious events, and other similar activities.~~

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Temporary structure. A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

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**Section 4.** This ordinance shall become effective upon and after its final

passage. Passed on First Reading: February 19, 2024

Passed on Second Reading March 18, 2024

CITY OF MAULDIN, SOUTH CAROLINA

BY:   
Terry Merritt, Mayor

ATTEST:

  
Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

  
Daniel Hughes, City Attorney