

ORDINANCE NO. 20111103-075

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-1-364 AND 25-2-921 TO AUTHORIZE TEMPORARY POP-UP RETAIL IN THE CENTRAL BUSINESS DISTRICT AND DOWNTOWN MIXED USE ZONING DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 25-1-364 (*Temporary Certificate of Occupancy*) is amended to read:

- (A) A person may file an application with the building official for:
- (1) a temporary certificate of occupancy before the building or structure is finished[-] or
 - (2) a temporary certificate of retail occupancy in connection with a temporary retail use permit approved under Section 25-2-921(F) (*Temporary Uses Described*).

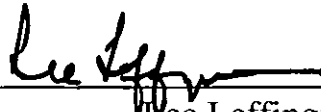
PART 2. City Code Section 25-2-921 (*Temporary Uses Described*) is amended to add a new Subsection (F) to read as follows and to renumber the remaining subsection accordingly:

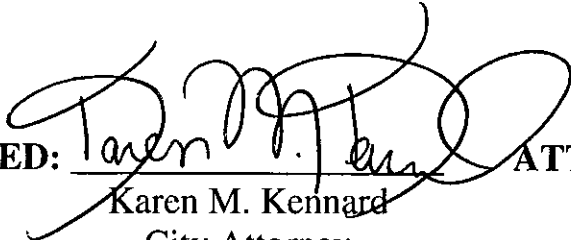
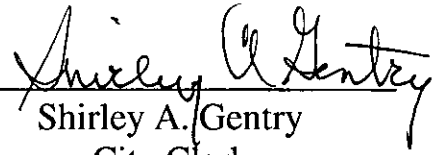
- (F) Within the Central Business District (CBD) or Downtown Mixed Use (DMU) zoning districts, retail services may be permitted as a temporary use in accordance with the requirements of this subsection.
- (1) The retail use must:
 - (a) be located within an enclosed fire area, as defined by the Building Code, that does not require structural changes to accommodate the use; and
 - (b) have an approved certificate of occupancy or temporary certificate of occupancy..
 - (2) The retail use may not exceed 12,000 square feet in area unless an approved sprinkler system has been installed in accordance with the Fire Code;
 - (3) The following uses and activities may not be permitted as a temporary retail use under this subsection:

- (a) personal services;
 - (b) food preparation or the sale or consumption of alcoholic beverages;
 - (c) a portable toilet serving the retail use, whether located inside or outside of the use; or
 - (d) storage of hazardous materials as defined by the Fire Code.
- (4) A permit for a temporary retail use under this subsection may be issued for up to 45 days and renewed once, for a total operating period not to exceed 90 days.

PART 3. This ordinance takes effect on November 14, 2011.

PASSED AND APPROVED

_____, November 3, 2011 §
 §
 § _____ 
 Lee Leffingwell
 Mayor

APPROVED:  **ATTEST:** 
 Karen M. Kennard Shirley A. Gentry
 City Attorney City Clerk