

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2013-034 Mobile Retail

Description: Consider an amendment to City Code Title 25 to allow mobile retail sales.

Proposed Language: See attached draft ordinance for details.

Summary

- Allows for the sale of goods and services that are permitted within the following uses: General Retail Sales (Convenience); Personal Services; Pet Services.
- Is permitted all commercial and industrial zoning districts except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district.
- Operators must be approved by Planning and Development Review.
- Compatibility/good neighbor requirements:
 - A mobile retail establishment may not be less than fifty feet from property in an SF-5 or more restrictive district; or on which a residential use permitted in an SF-5 or more restrictive district is located;
 - Lighting must be shielded;
 - Noise levels may not exceed 70 decibels;
 - Operations permitted between 6am and 11pm;
 - May not use flashing signage;
 - Operations of the mobile retail establishment may not occupy or impede required parking for another business;
 - Bad actor provision: repeated code violations may result in approval rescission.

Background: Initiated by Council Resolution 20131107-046.

Austin's land development code does not currently allow for the mobile sale of goods or services, although these types of uses may be allowed on a temporary basis through the use of a temporary use permit. Although not yet as popular as mobile food vending (which is currently permitted in Austin), mobile retail has gained attention in the last five years as a way to start a business with low overhead and high visibility. The proposed ordinance is modeled on Austin's mobile food vending regulations, and contains provisions to allow mobile retail operations in a variety of zoning districts and at the same time promote compatibility with adjacent neighbors.

Staff Recommendation: Staff recommends the proposed code amendment.

Board and Commission Actions

June 17, 2014: Recommended by the Codes and Ordinances Subcommittee on a 4-0 vote (Commissioner Stevens absent), with following amendments:

- Require that operator must register with/be approved by City;
- Prohibit flashing signs;
- Prohibit operations from using required parking for another use;
- Inclusion of a bad actor provision.

June 24, 2014: A public hearing has been scheduled for Planning Commission.

Council Action

March 27, 2014: Postponed to the May 15, 2014 Council meeting.

May 22, 2014: Postponed to the June 26, 2014 Council meeting.

June 26, 2014: A public hearing has been scheduled.

Ordinance Number: NA

City Staff: Greg Dutton **Phone:** 974-3509 **Email:** Greg.Dutton@austintexas.gov