ORDINANCE NO. _____

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:

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	(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 30 days and renewed twice, for a total operating period not to exceed 90 days.
PART 3. This	s ordinance takes effect on, 2011.
PASSED ANI	D APPROVED
	, 2011 § Lee Leffingwell Mayor
APPROVED:	
	Karen Kennard City Attorney Shirley A. Gentry City Clerk
October 28, 2011 Ordinance re: Pop Up Ret	Page 2 of 2 cOA Law Department ail Responsible Att'y:: Brent Lloyd