

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 Department.
- 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, with the following notes:

In response to Planning Commission's request for consideration of an appeal provision (in the case of approval to operate being rescinded), staff would recommend the following appeal language:

★ (See language from LAW)

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: Approved by Planning Commission on a 5-0 vote, with the following amendments:

- Prohibit LED message boards;
- Add language indicating that a fee is required for applications;
- Consider adding language allowing an applicant to appeal if their approval to operate is rescinded;
- Under the section "Waste and Disposal" change "food" to "retail."

★ (Although not an amendment to the draft ordinance, the Planning Commission further indicated discomfort with the lack of on-site parking requirements and wished to convey to the Council their concern that mobile retail establishments may cause parking problems for neighborhoods where parking is already scarce.

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

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