

Memorandum



CITY OF DALLAS

DATE October 21, 2016

TO Honorable Members of the Quality of Life and Environment Committee: Sandy Greyson (Chair), Tiffinni A. Young (Vice Chair), Mark Clayton, Philip T. Kingston, B. Adam McGough, and Rickey D. Callahan

SUBJECT Temporary Retail Uses

On October 24, 2016 you will be briefed on temporary uses not currently allowed in the City. This committee was previously briefed on this item on January 11, 2016. The purpose of this briefing is to update the committee on the status of the code amendment and to receive direction from the committee as to possible options to move forward. A copy of the briefing material and ordinance is attached for your review.

A handwritten signature in black ink, appearing to read 'Ry - S. Evans'.

Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Larry E. Casto, City Attorney
Rosa Rios, City Secretary
Craig D. Kinton, City Auditor
Daniel Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Theresa O'Donnell, Chief Resilience Officer
David Cossum, Director Sustainable Development and Construction
Rick Galceran, P.E., Director, Public Works
Sana Syed, Managing Director, Public Information Office
Nikki Christmas, Assistant to the City Manager
Harim Logan, Assistant to the City Manager

Temporary Retail Uses

Quality of Life & Environment Committee

October 24, 2016

Presented by the Department of Sustainable Development and Construction



Purpose of Briefing

- To update the Committee on the status of the development code amendment to create a new retail use called Mobile Retail Establishment

Background

- January 11, 2016, this committee was briefed on temporary retail uses and options for possible code amendments. The Committee directed staff to take the item to the Zoning Ordinance Advisory Committee to develop regulations for temporary retail uses
- February 2, 2016, staff from the Sustainable Development & Construction Department met with seven local mobile retail operators
- June 2 and June 16, 2016, the Zoning Ordinance Advisory Committee was briefed on this item.
- June 30, 2016, the Zoning Ordinance Advisory Committee was presented with staff's recommendation and voted to send staff's recommendation to the City Plan Commission

Background

- On August 4, 2016, the City Plan Commission considered this item and recommended denial of Staff's and the ZOAC's recommendation
- Some concerns expressed by the CPC include:
 - Competition with brick & mortar stores
 - Possible detrimental impacts to some areas in the City
 - Concern that some people will sell out of pick-up trucks
 - Concern that mobility of these businesses will hinder their oversight
 - Quality of the mobile retail operations
 - Clutter of mobile retail operations, particularly at intersections

Proposed Definition

- A **Mobile Retail Establishment** (MRE) is an establishment that sells merchandise from a movable and operable vehicle or trailer on wheels (motorized or non-motorized)
- A **MRE** may sell general merchandise, excluding: e-cigarettes, food, beverages, medications, pets, smoking paraphernalia, tobacco and tobacco products, and personal services

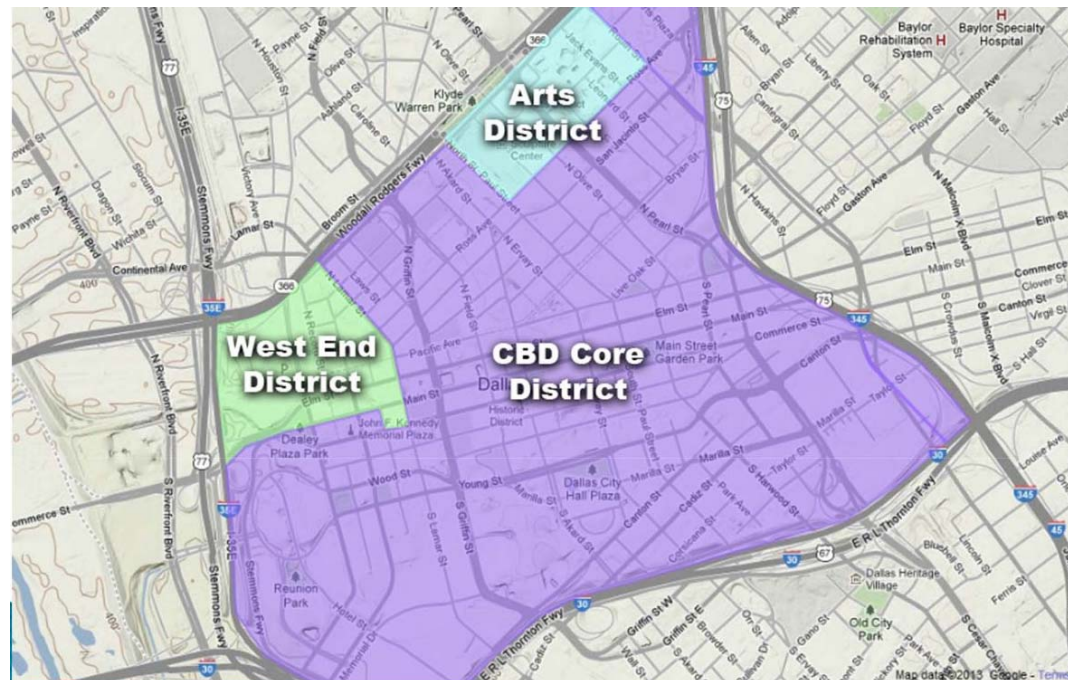
Proposed Regulations

- A **Mobile Retail Establishment (MRE)** is allowed by right in: A(A), MF-4(A), office, retail, commercial service & industrial, central area, mixed use, multiple commercial, and urban corridor districts
- Location must have an operating business that has a valid Certificate of Occupancy for a Retail or Personal Service use



Proposed Regulations

- Operation is prohibited within all areas requiring a **CBD concession license**, unless the establishment is operating under the authority of and in compliance with a valid **CBD concessions license & location permit**

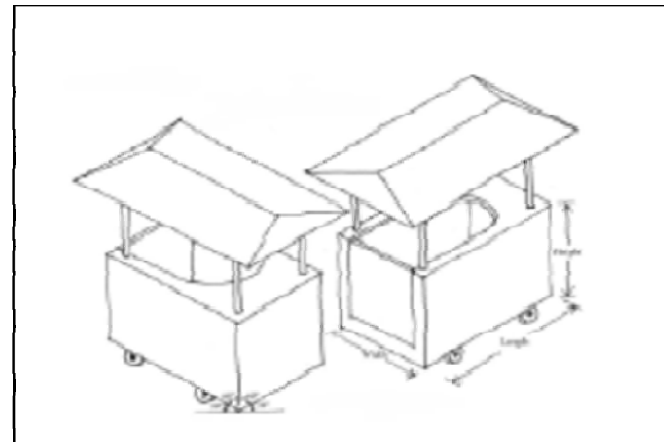


Proposed Regulations

- An operator of an **MRE**:
 - must have an approved **Mobile Retail License** displayed prominently
 - must produce the **notarized affidavit from the property owner granting permission for the business to operate on the property** to Code Enforcement and/or the Dallas Police Department upon request.



Source: portlandonline.com



Pushcart

Proposed Regulations

- An **MRE** may only operate between the hours of 8:00 a.m. and 9:00 p.m.
- An **MRE**, including merchandise, may locate on a maximum of six (6) parking spaces or 10% of the off-street parking spaces on a lot, whichever is less.
- No more than one (1) **MRE** may occupy a building site
- An **MRE**, including merchandise, must occupy an approved parking surface (concrete paving, asphalt, etc.)
- Merchandise may not be sold from the trunk of a car, but may be sold next to a vehicle or trailer that is in compliance with the proposed regulations

Proposed Regulations

- An **MRE**, including merchandise, may not occupy a handicapped parking space or handicapped loading area
- The **MRE** must be removed from the site when not operating
- An **MRE** may not impede traffic circulation nor be located in a visibility triangle
- An **MRE** may not use outside speakers or noise equipment
- An **MRE** must have a fire extinguisher on the vehicle at all times.

Options

1. Amend Dallas City Code Chapter 50, Article XII “Street Vendors” to establish regulations for mobile retail districts
2. Follow ZOAC’s recommendation for a code amendment
3. Make no change

Option 1

- Amend Dallas City Code Chapter 50, Article XII “Street Vendors” to establish regulations for mobile retail districts.
 - A Mobile Retail District would be a commercial area of the city designated by City Council ordinance
 - Mobile retail would be allowed on private property in these districts pursuant to a mobile retail license and compliance with the proposed regulations the ZOAC forwarded to CPC, including:
 - Property owner approval
 - Mobile retail license
 - Operating restrictions

Next Steps

- Get direction from the Committee regarding the options
- Schedule for the City Council

ORDINANCE NO. _____

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-4.210; providing _____; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subsection (b), “Specific Uses,” of Section 51A-4.210 “Retail and Personal Service Uses,” of Division 51A-200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (17.1), “Mobile Retail Establishment,” to read as follows:

“(17.1) Mobile retail establishment.

(A) Definition. MOBILE RETAIL ESTABLISHMENT means an establishment that sells merchandise from a movable and operable vehicle or trailer on wheels (motorized or non-motorized).

(B) Districts permitted: By right in A(A), MF-4(A), office, retail, commercial service and industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking. None required.

(D) Required off-street loading: None

(E) Additional provisions:

(i) Mobile retail establishments are prohibited from selling e-cigarettes, food, beverages, medications, pets, smoking paraphernalia, tobacco, and tobacco products or providing personal services.

(ii) Mobile retail establishments are only permitted at a location that has an operating business with a valid certificate of occupancy for a retail or personal service use.

(iii) Mobile retail establishments may only operate between 8:00 a.m. and 9:00 p.m.

(iv) Mobile retail establishments may not remain on-site when not operating.

(v) The operator of a mobile retail establishment shall display a mobile retail license prominently in a window and if requested by a code compliance officer or a police officer, must produce a notarized affidavit from the property owner granting permission for the business to operate on the property.

(vi) A fire extinguisher approved by the Dallas Fire-Rescue Department must be present on the vehicle at all times.

(vii) The use of outside speakers or other noise equipment is prohibited.

(viii) A mobile retail establishment, including merchandise, may be located on a maximum of six off-street parking spaces or 10 percent of the off-street parking spaces on a lot, whichever is less.

(ix) A mobile retail establishment, including merchandise, must be located on an approved parking surface.

(x) A mobile retail establishment may not be located on a handicapped parking space or handicapped loading area.

(xi) Mobile retail establishments may not impede traffic circulation and may not be located in a visibility triangle.

(xii) A maximum of one mobile retail establishment is permitted on a building site.

(xiii) Mobile retail establishments located in central area districts may be required to obtain a CBD concession license and location permit.

(xiv) Merchandise may not be sold from the trunk of a car but may be sold next to a vehicle or trailer that is in compliance with this paragraph.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

DRAFT

By _____
Assistant City Attorney

Passed _____