

Memorandum



CITY OF DALLAS

DATE January 8, 2016

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

SUBJECT **Possible Regulations for Temporary Uses**

On January 11, 2016 you will be briefed on temporary uses not currently allowed in the City. The purpose of this briefing is to receive direction from the committee as to possible code amendments. A copy of the briefing material is attached for your review.

A handwritten signature in blue ink that reads "Ryan S. Evans".

Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Rosa Rios, City Secretary
Craig D. Kinton, City Auditor
Daniel F. 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
Jeanne Chipperfield, Chief Financial Officer
Theresa O'Donnell, Chief Resilience Officer
Alan E. Sims, Chief of Neighborhood Plus
Forest E. Turner, Chief Wellness Officer
Sana Syed, Managing Director, Public Information Office
Elsa Cantu, Assistant to the City Manager
David Cossum, Director Sustainable Development and Construction
Rick Galceran, P.E., Director, Public Works

Possible Regulations for Temporary Uses

Quality of Life & Environment Committee

January 11, 2016

Presented by the Department of Sustainable Development and Construction



Purpose of Briefing

- To provide information to the Committee on the department's research on types of temporary uses
- To seek guidance from the Committee on possible code amendments

What are Temporary Uses?

- The sale of goods, wares, or merchandise at a location which is not within a “permanent building.” Items could be sold from a motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, tent or other device designed to be portable and not permanently attached to the ground
- Temporary occupancies inside a structure

How are Temporary Uses Conducted Today?

- Neighborhood Markets
- Special Events
- Outside sales (flea markets)
- Temporary retail use (seasonal sales)
- Accessory use to a primary use
- Food trucks
- Street vending (CBD only)

Possible Classifications of Temporary Uses

- Mobile retail
 - Conducted from a vehicle or trailer
- Pop up uses
 - Conducted outside of a permanent structure or vehicle (tent, container, table)
- Pop in uses
 - Conducted inside a permanent building without a full certificate of occupancy for the use

Mobile Retail



Source: shop-haute-wheels.myshopify.com



<http://www.freckledchicken.com/>



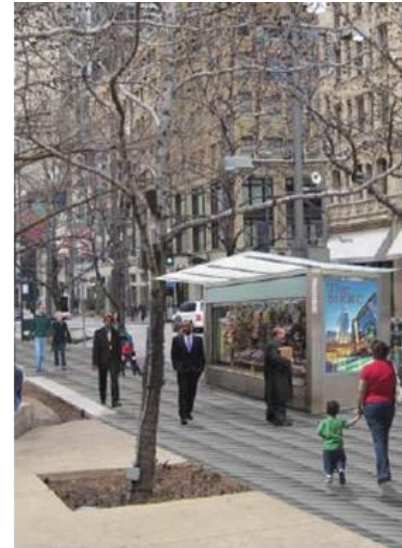
Source: thevintagemobile.com

Pop-Up Retail

Source: City of Dallas



Source: Downtown Dallas 360 Plan



Types of Regulations for Temporary Retail

- Location restrictions
 - Districts allowed
 - Distance from residential
 - Distance from other uses
 - Private property vs ROW
- Hours of operation
- Length of time at a location
- Parking
- Signage
- Inspections
- How permitted
 - Permit/License
 - Certificate of Occupancy
 - Registration
- Itinerary

Typical Concerns

- Mobile “garage sales”
- Impact on brick and mortar stores
- Impact on parking
- Expansive displays of merchandise
- Legitimacy of merchandise
- Overall aesthetics



Options

1. Amend the accessory outside sales regulations to allow another business enterprise to operate the accessory use to accommodate mobile and “pop-up” uses
2. Amend the temporary retail use regulations to allow “pop-in” use
3. Create a different process (License/Registration)
4. Do nothing, i.e., only as currently permitted

Options

1. Amend the accessory outside sales regulations to allow another business enterprise to operate the accessory use to accommodate mobile and “pop-up” uses
 - Currently limited to being operated by the primary business on the site
 - No more than 5 percent of area of building site
 - Example - sales of other items in front of super markets

Options

2. Amend the temporary retail use regulations to allow “pop-in” use
 - Must still meet building life/safety codes
 - Temporary CO issued
 - Retail only (no food service)
 - More flexible parking requirement
 - No more than 60 days

Options

3. Create a different process (License/Registration)
 - Follow model of food truck ordinance for mobile retail and pop up uses
 - Require itinerary of locations
 - Require to be registered with city
 - Cannot take up more than 2 required parking spaces on a site or 5 percent, whichever is less.
 - Hours of operation

Next Steps

- Get direction from the Committee as to whether we allow these types of retail
 - Present to Zoning Ordinance Committee for 51A changes
 - CPC for 51A changes
 - CC Committee
 - CC Action

Appendix

Dallas - Temporary Retail Use

- **Definition:**
 - A temporary facility for the retail sale of seasonal products (e.g., Christmas trees)
- **Where Permitted:**
 - By right in the **CR** (Community Retail), **RR** (Regional Retail), **CS** (Commercial Service), industrial, central area, mixed use, multiple commercial and urban corridor districts
- **Operating Rules:**
 - Requires one parking space per 500 sq. ft. of site area.
 - Requires one off-street loading space.
 - Off-street parking and loading requirements may be satisfied by using existing parking and loading spaces for other uses located within 500 feet
 - Time limit – 60 days, plus one 30-day extension;
 - Limited to one (1) temporary certificate of occupancy at the same location within a 12 month period

Dallas – Neighborhood Farmers Markets

- **Definition:**

- The Dallas Farmers Market or
- A temporary, outdoor marketplace on private property:
 - Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products;
 - For which the estimated number of vendors and attendees for any day of the market does not exceed 1,000
 - That is not being operated as part of a special event permit under Ch. 42A
 - That involves one or more of the following activities on private property where otherwise prohibited by ordinance:
 - the sale of merchandise, food, or beverages;
 - The erection of stalls or tents;
 - The placement of portable toilets; or
 - The placement of temporary no-parking, directional, over-size, or identification signs or banners.

Dallas – Neighborhood Farmers Markets *cont.*

- **Where Prohibited (does not apply to the Dallas Farmers Market):**
 - Not allow in the CBD
 - Single family, duplex, or townhouse districts
 - Within 1 mile of another permitted market
 - Any location where a market has already been conducted 40 days during the calendar year
- **Operating Hours (does not apply to the Dallas Farmers Market):**
 - Operation allowed between 8 a.m. and 7 p.m. any day of the week
- **Operation Rules (does not apply to the Dallas Farmers Market):**
 - Requires a neighborhood farmers market permit
 - No more than 70 vendors
 - Stall may not exceed 10 ft. by 10 ft.
 - If the main use is open for business, not more than 25% of the total parking lot may be used for the market
 - All products offered for sale or sold must have been raised, grown, made, crafted, processed, or produced by a vendor in a Texas county completely or partially located within a 150 mile radius of Dallas County
 - No products may be offered for resale
 - Live animals may not be distributed, offered for sale, or sold
 - All tents, stalls, merchandise, etc. must be removed from the premises at the end of each market day
 - May not be operated more than 28 days in a calendar year and may not be operated on consecutive days

Dallas - Street Vending (CBD)

- **Definition:**
 - An Itinerant Vendor is a person who engages in a business of selling goods or services from any structure or vehicle which is not affixed to the ground or from no structure or vehicle.
- **Where permitted:**
 - Allowed at designated locations (public or private property) in the Central Business District , the West End, and in the Arts District with an approved CBD Concession License
 - Must be in a commercial district (not allowed in residential districts)
 - To sell in a park or at the Farmers Market requires written permission from the Parks and Recreation Department or the Farmers Market
- **Approved products include:**
 - Food products (from a permitted mobile food unit)
 - Handcrafted Items (must be made by the vendor - the license holder)
 - Fresh cut flowers
 - No manufactured goods or imports may be sold

Dallas - Street Vending (CBD) – Cont.

- **Operating Hours:**
 - 6 am to 10 pm Mon. - Thur.; 8 am to Midnight Fri. & Sat.; and 10 am to 10 pm Sun.
- **Operating Rules:**
 - May not be located within 50 feet of a bus stop, train stop or fire hydrant
 - Vehicle may not exceed 6ft x 4ft x 3ft
 - Signs must be affixed to vehicle - no signs on public property
 - May not obstruct pedestrian or vehicular traffic
 - May not enter a public roadway to solicit or conduct sales

Dallas - Food Truck Regulations

- **Definition:** a mobile food unit is a vehicle mounted food product establishment designed to be readily movable
- **Two Types:**
 - **Limited Service Mobile Units** - sell or distribute prepackaged foods and beverages in individual servings
 - Produce vendors
 - Ice cream trucks
 - Mobile grocery trucks
 - Mobile lunch trucks
 - Mobile catering Trucks
 - Limited service Pushcarts
 - **General Service Mobile Food Units** – food products must be approved by consumer health and the unit must return to a commissary, daily.
 - General service Pushcarts
 - Mobile food preparation vehicles
- **Where permitted:**
 - Currently permitted to operate on private property throughout Dallas and in the Arts District
 - Prohibited in the CBD

Austin - Mobile Retail Regulations

- **Definition:**
 - Mobile retail establishments may only sell items or services permitted under a general retail sales use, pet services use, and personal services use
- **Where Permitted:**
 - all commercial and industrial zoning districts (except office districts)
- **Operation Hours:**
 - Operation prohibited between 11 p.m. and 6 a.m.
- **Operation Rules:**
 - All operations must be conducted within the unit
 - A mobile retail establishment may not remain at the same location for more than 180 consecutive days
 - Must be located at least 50 feet from a single family district
 - Must be located at least 20 feet from a general retail sales use, pet service use, or personal service use.
 - May not occupy or impede required parking for another use
 - Signs must be attached to the exterior of the mobile retail establishment
 - Mobile retail may be located on private property or in the ROW with approval
 - Not subject to the building code
 - No trailer inspection
 - No certificate of occupancy required

Fort Worth - Mobile Retail Regulations

- **Definition:**
 - A merchandise vendor as a vendor that sells merchandise products from an informal fixed location
- **Where Permitted:**
 - Permitted in industrial districts
- **Operating Hours:**
 - Operation prohibited between 2 a.m. and 7 a.m.
- **Operation Rules:**
 - Location between 50 and 100 feet from a residential district requires consent of all residential property owners within 100 foot radius of the mobile vending unit
 - Signs must be attached to mobile establishment
 - Flashing or LED board signs are prohibited
 - Units must observe setback restrictions
 - Operation prohibited on vacant lots
 - Units must park on an improved surface and be removed daily
 - Connection to electric, water, or sewer is prohibited, unless a permit has been obtained.
 - Use of generators is prohibited
 - Not allowed to operate on public streets, sidewalks, or other ROWs.

St. Paul - Mobile Retail Regulations

- **Definition:**
 - Selling or offering to sell non-food merchandise from a vehicle
- **Where Permitted:**
 - On public property or private property in the I2 General Industrial District and as a conditional use in the B3 General Business District and I1 Light Industrial District
- **Operating Hours:**
 - Operation on a public street is prohibited between 3:30 p.m. and 5:30 p.m. on weekdays
 - Operation is prohibited on a public street between 10 p.m. and 10 a.m. any day of the week
- **Operation Rules:**
 - Mobile retailers may only sell new, unused items
 - Requires a license
 - Operation on public property (streets, sidewalks) requires Public Works approval
 - Loudspeakers or amplified music is prohibited
 - Any single mobile retail vehicle or operation must not occupy more than two (2) parking spaces

Phoenix - Mobile Retail Regulations

- **Definition:**
 - Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which any goods, wares, or merchandise other than food are peddled, vended, sold, served, displayed, offered for sale or given away.
- **Where Permitted:**
 - A1, A2 and C3 zones
- **Operating Hours:**
 - Operation prohibited between 10 p.m. and 8 a.m.
 - If located within 300 feet of a school, cannot operate between 6 a.m. and 5 p.m.
- **Operation Rules:**
 - Mobile vendors cannot locate closer than 1,320 feet to another mobile vendor on the same side of the street
 - Requires a Mobile Vending License
 - Must be removed from the site during the hours of non-operation
 - Loudspeakers or amplified music is prohibited
 - Connection to electric, water, or sewer is prohibited, unless a permit has been obtained.
 - Use of generators is prohibited