

**ORDINANCE NO. 20130411-061**

**AN ORDINANCE AMENDING CHAPTERS 25-2 AND 25-6 OF THE CITY CODE  
RELATING TO DOWNTOWN PARKING AND OFF-STREET LOADING.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The table in Subsection (C) of City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to indicate that off-site accessory parking use is permitted in the central business district (CBD) and downtown mixed use (DMU) zoning districts and that commercial off-street parking is a conditional use in the central business district (CBD) and downtown mixed use (DMU) zoning districts, subject to Subsection 25-2-581(D) (*Central Business District (CBD) District Regulations*) and Section 25-2-589 (*Off-Street Accessory Parking In Downtown Mixed Use (DMU)*).

**PART 2.** City Code Section 25-2-581 (*Central Business District (CBD) District Regulations*) is amended to add a new Subsection (D) to read:

- (D) Commercial off-street parking is a permitted use when it constitutes less than 50 percent of the parking spaces in a parking structure.

**PART 3.** City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-589 to read:

**§ 25-2-589 OFF-STREET ACCESSORY PARKING IN DOWNTOWN MIXED USE (DMU).**

In the downtown mixed use (DMU) zoning district, commercial off-street parking is a permitted use when it constitutes less than 50 percent of the parking spaces in a parking structure.

**PART 4.** Subsections (A) and (E) of City Code Section 25-6-501 (*Off-Site Parking Allowed*) are amended to read as follows:

- (A) ~~[As part of the site plan review process,]~~ The [the] director may approve the location of all or a portion of the required or excess parking for a use on a site other than the site on which the use is located if:
  - (1) both the primary use and accessory parking are located in a general office (GO) or less restrictive zoning district;

- (2) the primary use is a bed and breakfast residential use and the accessory parking is located in a general office (GO) or less restrictive zoning district; or
- (3) the off-site parking involves shared off-street parking between the following uses:
  - (a) a religious assembly use and an existing public primary or secondary educational facility; or
  - (b) two or more religious assembly uses that do not conduct services on the same day.
- (E) Except as provided in Section 25-6-591 (Parking Provisions for Development in the Central Business District (CBD) and the Downtown Mixed Use (DMU) Zoning District), a [A] required space for persons with disabilities may not be located in an off-site parking facility unless the director determines that existing conditions preclude on-site parking.

**PART 5.** Subsection (A) of City Code Section 25-6-502 (*Application and Approval*) is amended to read as follows:

- (A) A person requesting use of an off-site parking facility must file a written application with the director. The application must include:
  - (1) a description of the location and number of existing and proposed off-site parking and loading spaces;
  - (2) a calculation of applicable minimum requirements;
  - (3) proof of ownership of the proposed off-site parking facility or a lease agreement between the owner of the proposed off-site parking facility and the owner of the use; and
  - (4) except for off-site accessory parking in the central business district (CBD) and downtown mixed use (DMU) zoning districts, [if a site plan is required for approval of off-site parking,] a site plan indicating the location of the primary use and the off-site parking and the property address and legal description of both sites.

**PART 6.** Subsections (B), (C) and (D) of City Code Section 25-6-591 (*Parking provisions for Development in the Central Business District (CBD) and the Downtown Mixed Use (DMU) and Public (P) Districts*) are amended to read as follows:

- (B) Off-street motor vehicle parking is not required within the central business district (CBD) or downtown mixed use (DMU) zoning districts except as

provided by this subsection. For purposes of this subsection, off-street parking includes any parking that is designated to serve a use and is not located in a public right-of-way, regardless of whether the parking is onsite or offsite. [The requirements of this subsection apply within the zoning districts subject to this section].

(1) If off-street parking is provided, it must include parking for persons with disabilities as required by the Building Code and may not include fewer accessible spaces than would be required under Paragraph (2)(a) of this subsection. [Off-street parking is not required:]

~~[(a) for a use occupying a designated historic landmark or located in an existing building in a designated historic district; or]~~

~~[(b) off-street parking is not required for a use occupying less than 6,000 square feet of floor space in a structure that existed on April 7, 1997.]~~

(2) Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph.

(a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities:

(i) The minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (*Tables of Off-Street Parking and Loading Requirements*) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use.

(ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use. The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final.

(iii) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2)(a)(ii).

(iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250 feet of a use may be counted towards the number of parking spaces the use is required to provide under Paragraph (2)(a)(i).

(b) If any off-street parking is provided for a use, other than parking for persons with disabilities, then the use is subject to the requirements in Paragraph (1).

(3)[(2)] Except as provided in [Subsections (B)(3) and] Subsection (C) of this section, [the minimum parking facility requirement is 20 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements) and] the maximum motor vehicle parking facility allowed [requirement] is 60 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements).

[(3) A parking facility for a residential use must provide at least 60 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements).]

(4) Bicycle parking is required in accordance with Appendix A. The minimum number of spaces required is calculated by applying Appendix A to the proposed use.

(5)[(4)] Except as provided in Subsections (C) and (D) of this section, a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in Section 25-2-691 (Waterfront Overlay (WO) District Uses) that fronts on the street at the ground level.

(6)[(5)] A curb cut for a garage access must have a width of 30 feet or less.

(7)[(6)] At the intersection of sidewalk and parking access lane, ten degree cones of vision are required.

(C) The maximum number of parking spaces allowed under Subsection (B)(3) [(A)(2)] of this section may be increased at the request of an applicant under the requirements of this subsection. [÷]

- (1) The ~~by the~~ director shall approve an increase if all parking spaces are contained in a parking structure and the total number of spaces is less than 110 percent of the spaces calculated under Appendix A (Tables Of Off-Street Parking And Loading Requirements). ~~[;or]~~
  - (2) The director or ~~by~~ the Land Use Commission may approve an increase equal to or greater than 110 percent of the number of spaces calculated under Appendix A (Tables Of Off-Street Parking And Loading Requirements) if the criteria in Section 25-6-501(D)(2) (Off-Site Parking Allowed) are satisfied.
- (D) The Land Use Commission may waive the requirement of Subsection (B)(5) ~~[(A)(4)]~~ of this section during the site plan review process after determining that:
- (1) present and anticipated development in the area is not amenable to access by pedestrians;
  - (2) the requirement does not allow a reasonable use of the property; or
  - (3) other circumstances attributable to the property make compliance impractical.

**PART 7.** City Code Section 25-6-592 (*Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District*) is amended to read as follows:

**§ 25-6-592 LOADING FACILITY PROVISIONS FOR THE CENTRAL BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) AND PUBLIC (P) ZONING DISTRICTS.**

- (A) This section applies to a site zoned central business district (CBD) or downtown mixed use (DMU), and public (P) zoning district within the area bounded by Martin Luther King , Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard, except for:
- (1) a building with a gross floor area of not more than 10,000 square feet; or
  - (2) the renovation of an existing structure, if the director determines that there is not enough space on the site to comply with the requirements of this section.
- (B) The following must be located on-site in accordance with this section:
- (1) a trash receptacle location~~[,including space for a vehicle to empty the receptacle]~~; and

- (2) an off-street loading facility.
- (C) For a site that is adjacent to an alley:
  - (1) the off-street loading facility and trash receptacle location must be accessible from the alley; and
  - (2) use of the alley for loading and unloading is a permitted use ~~[the alley may not be used for loading or unloading].~~
- (D) For a site that is not adjacent to an alley:
  - (1) a curb cut for an off-street loading facility or trash receptacle location may not exceed 30 feet in width;
  - (2) a vehicle may not use a public right-of-way to back into or out of an off-street loading facility or trash receptacle location; and
  - (3) the off-street loading facility and trash receptacle location:
    - (a) must be accessible from a street other than Congress Avenue or Sixth Street; ~~and~~
    - (b) may not be visible from a street, except at a curb cut, and; [-]
    - (c) must be at least 30 feet deep, measured from the front setback line or side setback line as applicable.
- (E) The Land Use Commission may waive a requirement of Subsection (C) or (D) after determining that:
  - (1) waiving the requirement does not create a hazard to pedestrians or vehicles; and
  - (2) for a waiver of Subsection (D)(3)(b), the applicant has reduced the visibility of the off-street loading facility and trash location to the greatest extent possible.
- (F) The minimum number of loading spaces for development in the CBD or a DMU zoning district is listed on the ~~[following]~~ schedule at the end of Section 25-6-592 (Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) and Public (P) Zoning Districts).~~[-]~~ For civic uses, the number of loading spaces required shall be determined by the Director. For all other uses not listed in the table contained at the end of Section 25-6-592, the requirements of Appendix A, Part 1 apply.

- (G) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space, if the Director determines that the loading space can adequately serve each use.
- (H) The Director may modify the number and size of spaces required after reviewing documentation provided by the applicant concerning the demand for loading facilities for similar developments.

# **SCHEDULE OF OFF-STREET LOADING REQUIREMENTS FOR CENTRAL AUSTIN**

Sizes: (feet) 10 x 30 x 14 10 x 40 x 14 10 x 55 x 15		
Use:	Gross Floor Area Of Structure	Required Loading Space Per Square Foot of Floor Area
<u>Financial services,</u> <del>[Banks,]</del> business or professional office[; <del>meeting, convention or</del> <del>exhibition halls]</del>	0 – 10,000 10,001 – 100,000 100,001 – 200,000 <del>[each additional</del> <del>150,000]</del> <u>200,001 or more</u>	0 1 (10 x 30) 1 (10 x 30)+1 (10 x 40) <del>[1 (10 x 30)]</del> <u>1(10 x 30) + 1 (10 x 40) +</u> <u>additional spaces as</u> <u>required by the Director</u>
<del>[Retail and wholesale</del> <del>stores-equipment sales;</del> <del>services and light</del> <del>manufacturing]</del>	<del>[0—5,000</del> <del>5,001—50,000</del> <del>50,001—100,000</del> <del>each additional</del> <del>100,000]</del>	<del>[0</del> <del>1 (10 x 30)</del> <del>1 (10 x 30)</del> <del>1 (10 x 55)]</del>
<del>[Restaurants, bars]</del>	<del>[0—5,000</del> <del>5,001—10,000</del> <del>0,001—50,000</del> <del>50,001—100,000</del> <del>each additional</del> <del>100,000]</del>  <del>-</del>	<del>[0</del> <del>1 (10 x 40)</del> <del>1 (10 x 30)</del> <del>1 (10 x 30)</del> <del>1 (10 x 30)]</del>
<u>Hotels, Motel, meeting,</u> <u>convention, or exhibition</u> <u>halls</u>	0 – 10,000 10,001 – 150,000 150,001 – 300,000 <del>[each additional</del> <del>100,000]</del>  300,001-500,000	0 1 (10 x 30 <del>[40])</del> 1 (10 x 30)+ 1 (10 x 40 <del>[55])</del> <del>[1 (10 x 30)]</del>



		<u>1(10 x 30) + 1 (10 x 40) + 1(10 x 55)</u>
	<u>500,001 or more</u>	<u>1(10 x 30) + 1(10 x 40) + 1(10 x 55) + additional spaces as determined by the director</u>

**PART 8.** The amendment to Subsection (C)(2) of City Code Section 25-6-592 (*Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District*), adopted in Part 7 of this ordinance, expires 180 days after the effective date of this ordinance.

**PART 9.** This ordinance takes effect on April 22, 2013.

**PASSED AND APPROVED**

\_\_\_\_\_ April 11 \_\_\_\_\_, 2013      §  
    §      Lee Leffingwell  
    §      Lee Leffingwell  
         Mayor

**APPROVED:** Karen M. Kennard  
    Karen M. Kennard  
    City Attorney

**ATTEST:** Jannette S. Goodall  
                                  Jannette S. Goodall  
                                  City Clerk