

ORDINANCE NO.

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 8-1 AND 25-6 TO
AUTHORIZE PARKING UTILIZATION AGREEMENTS ON UNDER-USED
CITY PARKING LOTS.**

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

PART 1. Subsection (A) of City Code Section 8-1-33 (*Restrictions on Parking*) is amended to read:

(A) Except as provided in Subsections (B) and (C), a person may park a motor vehicle in a park, playground, or nature preserve owned, operated or maintained by the city only:

- (1) in a designated parking area;
- (2) within 12 feet of the edge of a roadway where parking is authorized; [øø]
- (3) at the direction of a police officer or park police officer; and
- (4) in an area subject to an agreement approved under Section 8-1-35 (*Parking Utilization Agreements*).

PART 2. City Code Chapter 8-1, Article 3 (*Restrictions on Use of Motor Vehicle in Park*) is amended to add a new Section 8-1-35 to read:

§ 8-1-35 PARKING UTILIZATION AGREEMENTS.

(A) This section authorizes the director to recommend to the city council approval of a parking utilization agreement authorizing the use of under-utilized parking on city parkland in exchange for a significant community benefit.

(B) An applicant may request that the director review a proposed parking utilization agreement under Subsection (C) if each of the requirements in this subsection is met.

- (1) The applicant is a business or non-profit organization, other than a provider of residential housing, located within a 1,000 feet of a parking lot that is located on city parkland and does not serve an administrative building or recreational center.
- (2) The director determines that the parkland associated with the lot is suitable for additional amenities or improvements that would add significant aesthetic or recreational value to the park.

- 1 (3) The Transportation Department determines, in consultation with the director,
2 that the parking lot is under-utilized for park-related events during normal
3 hours of operation.
- 4 (4) The Planning & Development Review Department determines that:
- 5 (a) the under-utilized spaces would be sufficient to satisfy at least 75
6 percent of the applicant's minimum parking requirements under
7 Chapter 25-6, Appendix A (*Tables Of Off-Street Parking And Loading*
8 *Requirements*); and
- 9 (b) the applicant is unable to obtain sufficient parking due to lack of
10 availability.
- 11 (5) A fee for the determinations required under Paragraphs (2), (3), and (4) of
12 this subsection shall be established by separate ordinance.
- 13 (C) The director shall review a parking utilization proposal under this subsection only
14 if it includes all of the elements required by Subsection (B). A decision by the
15 director that a proposal does not warrant further review is final.
- 16 (1) The director may recommend a proposed parking utilization agreement to
17 the city council for consideration if:
- 18 (a) no permanent change in operation of the park is anticipated that would
19 significantly increase park-related demand for parking spaces;
- 20 (b) the applicant agrees that, if the agreement is approved by the city
21 council, the applicant will:
- 22 (i) fund construction and maintenance of the amenities or
23 improvements identified by the director under Subsection
24 (B)(2); and
- 25 (ii) fees required for use of park property consistent with the
26 process for implementing Chapter 26 of the Texas Parks &
27 Wildlife.
- 28 (2) The director may require changes to a proposed parking utilization
29 agreement as a condition to recommending council approval. A decision by
30 the director not to recommend approval of a parking utilization agreement is
31 final.
- 32 (D) If the director recommends approval of a parking utilization agreement under this
33 section, the item shall be posted on the council agenda concurrent with approval of

1 a determination under Chapter 26 of the Texas Parks & Wildlife Code. The council
2 may approve, deny, or modify a proposed parking utilization agreement.

3 (E) In addition to all other requirements of this section, a parking utilization
4 agreement:

5 (1) is conditioned on execution of a license agreement; and

6 (2) must include:

7 (a) an acknowledgement by the applicant that the City of Austin may
8 revoke the agreement at will, in which case the applicant is
9 responsible for complying with the minimum requirements of Chapter
10 25-6, Appendix A (*Tables Of Off-Street Parking And Loading*
11 *Requirements*);

12 (b) any other terms or conditions deemed necessary by the director to
13 ensure compliance with this section and to protect public safety and
14 welfare.

15
16 **PART 3.** City Code Chapter 25-6, Division 1 (*General Regulations*) is amended to add a
17 new Section 25-6-479 to read:

18 **§ 25-6-479 REDUCED PARKING APPROVED UNDER A PARKING**
19 **UTILIZATION AGREEMENT.**

20 For a use that is subject to an agreement approved by the Director of Parks &
21 Recreation under Section 8-1-35 (*Parking Utilization Agreements*), the minimum off-
22 street parking requirement is 75% of that prescribed by Appendix A (*Tables Of Off-Street*
23 *Parking And Loading Requirements*).
24

PART 4. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Jannette S. Goodall
 City Attorney City Clerk