

ORDINANCE NO. _____

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

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

5
6 **PART 1.** The table in Subsection (C) of City Code Section 25-2-491 (*Permitted,*
7 *Conditional, and Prohibited Uses*) is amended to indicate that off-site accessory parking
8 use is permitted in the central business district (CBD) and downtown mixed use (DMU)
9 zoning districts and that commercial off-street parking is a conditional use in the central
10 business district (CBD) and downtown mixed use (DMU) zoning districts, subject to
11 Subsection 25-2-581(D) (*Central Business District (CBD) District Regulations*) and
12 Section 25-2-589 (*Off-Street Accessory Parking In Downtown Mixed Use (DMU)*).

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

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

18
19 **PART 3.** City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-589 to
20 read:

21 **§ 25-2-589 OFF-STREET ACCESSORY PARKING IN DOWNTOWN MIXED**
22 **USE (DMU).**

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

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

28 (A) [~~As part of the site plan review process,~~] The [the] director may approve the
29 location of all or a portion of the required or excess parking for a use on a
30 site other than the site on which the use is located if:

31 (1) both the primary use and accessory parking are located in a general
32 office (GO) or less restrictive zoning district;

1 (2) the primary use is a bed and breakfast residential use and the
2 accessory parking is located in a general office (GO) or less restrictive
3 zoning district; or

4 (3) the off-site parking involves shared off-street parking between the
5 following uses:

6 (a) a religious assembly use and an existing public primary or
7 secondary educational facility; or

8 (b) two or more religious assembly uses that do not conduct
9 services on the same day.

10 (E) Except as provided in Section 25-6-591 (Parking Provisions for
11 Development in the Central Business District (CBD) and the Downtown
12 Mixed Use (DMU) Zoning District), a [A] required space for persons with
13 disabilities may not be located in an off-site parking facility unless the
14 director determines that existing conditions preclude on-site parking.
15

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

18 (A) A person requesting an off-site parking facility must file a written
19 application with the director. The application must include:

20 (1) a description of the location and number of existing and proposed off-
21 site parking and loading spaces;

22 (2) a calculation of applicable minimum requirements;

23 (3) proof of ownership of the proposed off-site parking facility or a lease
24 agreement between the owner of the proposed off-site parking facility
25 and the owner of the use; and

26 (4) except for existing parking in the central business district (CBD) and
27 downtown mixed use (DMU) zoning districts, [if a site plan is
28 required for approval of off-site parking,] a site plan indicating the
29 location of the primary use and the off-site parking and the property
30 address and legal description of both sites.
31

32 **PART 6.** Subsections (B), (C) and (D) of City Code Section 25-6-591 (*Parking*
33 *provisions for Development in the Central Business District (CBD) and the Downtown*
34 *Mixed Use (DMU) and Public (P) Districts*) are amended to read as follows:
35

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

5 (1) Off-street motor vehicle parking is not required for a use that occupies
6 less than 12,000 square feet of floor space or for a use occupying a
7 designated historic landmark or an existing building in a designated
8 historic district. If off-street parking is provided, it must include
9 parking for persons with disabilities as required by the Building Code.

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

12 ~~[(b) off-street parking is not required for a use occupying less than~~
13 ~~6,000 square feet of floor space in a structure that existed on~~
14 ~~April 7, 1997.]~~

15 (2) Off-street motor vehicle parking for persons with disabilities must be
16 provided for a use that occupies 12,000 square feet or more of floor
17 space under the requirements of this subsection, regardless of whether
18 any other parking is provided on the site.

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

21 (i) the minimum number of accessible parking spaces is
22 calculated by taking 20 percent of the parking required
23 for the use under Appendix A (*Tables of Off-Street*
24 *Parking and Loading Requirements*) and using that result
25 to determine the number of accessible spaces required
26 under the Building Code; and

27 (ii) an on-street parking space designated for persons with
28 disabilities that is located within 1,000 feet of a use may
29 be counted towards the number of parking spaces the use
30 is required to provide under Paragraph (2)(a)(i).

31 (b) If any off-street parking is provided for a use, other than
32 parking for persons with disabilities, then the use is subject to
33 the requirements in Paragraph (1) and may not count on-street
34 accessible parking towards meeting those requirements.

1 ~~(3)~~~~(2)~~ Except as provided in [~~Subsections (B)(3) and~~] Subsection (C) of
2 this section, [~~the minimum parking facility requirement is 20 percent~~
3 ~~of the number of parking spaces required by Appendix A (Tables Of~~
4 ~~Off-Street Parking And Loading Requirements) and~~] the maximum
5 motor vehicle parking facility allowed [~~requirement~~] is 60 percent of
6 the number of parking spaces required by Appendix A (*Tables Of Off-*
7 *Street Parking And Loading Requirements*).

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

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

14 (5)~~(4)~~ Except as provided in Subsections (C) and (D) of this section, a
15 parking garage must be separated from an adjacent street by a
16 pedestrian-oriented use described in Section [25-2-691](#) (*Waterfront*
17 *Overlay (WO) District Uses*) that fronts on the street at the ground
18 level.

19 (6)~~(5)~~ A curb cut for a garage access must have a width of 30 feet or less.

20 (7)~~(6)~~ At the intersection of sidewalk and parking access lane, ten degree
21 cones of vision are required.

22 (C) The maximum number of parking spaces allowed under Subsection (B)(3)
23 [~~(A)(2)~~] of this section may be increased:

24 (1) by the director if all parking spaces are contained in a parking
25 structure; or

26 (2) by the Land Use Commission if the criteria in Section [25-6-501](#)(D)
27 (*Off-Site Parking Allowed*) are satisfied.

28 (D) The Land Use Commission may waive the requirement of Subsection (B)(5)
29 [~~(A)(4)~~] of this section during the site plan review process after determining
30 that:

31 (1) present and anticipated development in the area is not amenable to
32 access by pedestrians;

33 (2) the requirement does not allow a reasonable use of the property; or

- 1 (3) other circumstances attributable to the property make compliance
2 impractical.
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4 **PART 7.** City Code Section 25-6-592 (*Loading Facility Provisions for the Central*
5 *Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District*) is
6 amended to read as follows:

7 **§ 25-6-592 LOADING FACILITY PROVISIONS FOR THE CENTRAL**
8 **BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) AND**
9 **PUBLIC (P) ZONING DISTRICTS.**

10 (A) This section applies to a site zoned central business district (CBD) or
11 downtown mixed use (DMU), and public (P) zoning district within the area
12 bounded by Martin Luther King , Jr., Boulevard; IH-35; Lady Bird Lake;
13 and Lamar Boulevard, except for:

- 14 (1) a building with a gross floor area of not more than 10,000 square feet;
15 or
16 (2) the renovation of an existing structure, if the director determines that
17 there is not enough space on the site to comply with the requirements
18 of this section.

19 (B) The following must be located on-site in accordance with this section:

- 20 (1) a trash receptacle location [~~including space for a vehicle to empty the~~
21 ~~receptacle~~]; and
22 (2) an off-street loading facility.

23 (C) For a site that is adjacent to an alley:

- 24 (1) the off-street loading facility and trash receptacle location must be
25 accessible from the alley; and
26 (2) use of the alley for loading and unloading is a permissible use [~~the~~
27 ~~alley may not be used for loading or unloading~~].

28 (D) For a site that is not adjacent to an alley:

- 29 (1) a curb cut for an off-street loading facility or trash receptacle location
30 may not exceed 30 feet in width;

1 (2) a vehicle may not use a public right-of-way to back into or out of an
2 off-street loading facility or trash receptacle location; and

3 (3) the off-street loading facility and trash receptacle location:

4 (a) must be accessible from a street other than Congress Avenue or
5 Sixth Street; [~~and~~]

6 (b) may not be visible from a street, except at a curb cut, and; [-]

7 (c) must be at least 30 feet deep, measured from the front setback
8 line or side setback line as applicable.

9 (E) The Land Use Commission may waive a requirement of Subsection (C) or
10 (D) after determining that:

11 (1) waiving the requirement does not create a hazard to pedestrians or
12 vehicles; and

13 (2) for a waiver of Subsection (D)(3)(b), the applicant has reduced the
14 visibility of the off-street loading facility and trash location to the
15 greatest extent possible.

16 (F) The minimum number of loading spaces for development in the CBD or a
17 DMU zoning district is listed on the [~~following~~] schedule at the end of
18 Section 25-6-592 (Loading Facility Provisions for the Central Business
19 District (CBD) and a Downtown Mixed Use (DMU) and Public (P) Zoning
20 Districts).[-] For civic uses, the number of loading spaces required shall be
21 determined by the Director. For all other uses not listed in the table
22 contained at the end of Section 25-6-592, the requirements of Appendix A,
23 Part 1 apply.

24 (G) Multiple uses or occupancies located in a single building or on one site may
25 be served by a common loading space, if the Director determines that the
26 loading space can adequately serve each use.

27 (H) The Director may modify the number and size of spaces required after
28 reviewing documentation provided by the applicant concerning the demand
29 for loading facilities for similar developments.

30

SCHEDULE OF OFF-STREET LOADING REQUIREMENTS FOR CENTRAL AUSTIN

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

	<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>
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PART 8. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk