

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; [or]
- (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, a museum, a park shared with a school district, or a recreational, cultural, or senior 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
2 director, 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 Chapter 25-
7 6, Appendix A (*Tables Of Off-Street Parking And Loading Requirements*);
8 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)
12 of this subsection shall be established by separate ordinance.

13 (C) The director shall review a parking utilization proposal under this subsection
14 only 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
19 would 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 (B)(2);
24 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 the
30 director not to recommend approval of a parking utilization agreement is final.

31 (D) If the director recommends approval of a parking utilization agreement under
32 this section, the item shall be posted on the council agenda concurrent with approval of a
33 determination under Chapter 26 of the Texas Parks & Wildlife Code. The council may
34 approve, deny, or modify a proposed parking utilization agreement.

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

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

(2) must include:

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

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

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

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

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

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

PASSED AND APPROVED

_____, 2013 § _____
§ _____
§ _____

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette Goodall
City Clerk