

ORDINANCE AMENDMENT REVIEW SHEET**Amendment: C20-2023-010 Eliminate Minimum Parking Requirements**

Description: Amendment to City Code Title 25 (Land Development Code) to eliminate the minimum number of off-street motor vehicle parking spaces currently required except for accessible spaces.

Background: On May 4, 2023, City Council directed staff to eliminate minimum off-street vehicle parking requirements in the City from City Code Title 25 (Land Development Code) through [Resolution 20230504-022](#). Per the resolution, “[t]he City Manager is directed to return with recommendations for developments proposing no on-site parking that allow for accessible spaces on-street, adjacent to or reasonably nearby the development and located on an accessible route. The recommendations should ensure accessible spaces comply with all design, accessibility, and location requirements of the ADA [Americans with Disabilities Act] and FHA [Fair Housing Act], as appropriate.” Council directed the City Manager to return with an ordinance for Council consideration by December 31, 2023.

Minimum parking space requirements are established primarily in Chapter 25-6 (Transportation) and related Appendix A of the Land Development Code (“LDC”). There are numerous references throughout Title 25 to Appendix A for specific areas of the City, and Appendix A includes requirements other than minimum motor vehicle parking space requirements, such as requirements for off-street loading and unloading and bicycle parking. Additionally, there are parking requirements addressed in several other chapters of Title 25.

Summary of Proposed Code Amendments: The proposed amendments to the LDC include:

- Remove the motor vehicle off-street minimum parking space requirements from Chapter 25-6, Article 7 (Off-Street Parking and Loading);
- Update Chapter 25-6, Article 7 (Off-Street Parking and Loading) with appropriate text edits to remove references to minimum motor vehicle parking space requirements found in Appendix A, Part 1;
- Update Chapter 25-6, Article 7 (Off-Street Parking and Loading) to clarify that accessible spaces must still be provided for development;
- Update the table in Appendix A to address the need to maintain a catalog of previous parking requirements that are referenced throughout the LDC for purposes such as calculating the number of accessible spaces, maintaining off-street loading and unloading requirements, addressing nonconforming uses, and establishing parking maximums in certain districts and certain zoning categories;
- Remove additional motor vehicle off-street minimum parking space requirements from other code sections within Title 25, as well as additional references to minimum motor vehicle parking space requirements throughout Title 25; and
- Override motor vehicle off-street minimum parking space requirements from other regulating documents, including Regulating Plans and Neighborhood Conservation Combining Districts.

Proposed Text Amendment(s): The following 42 sections of Title 25 are affected by the proposed changes but do not directly eliminate minimum parking requirements. Most of the changes to these sections remove references to minimum parking requirements or provide minor clarifications based on other changes:

Chapter 25-1 – General Requirements and Procedures

- Article 2. Definitions; Measurements
 - § 25-1-21 Definitions

Chapter 25-2 - Zoning

Subchapter A – Zoning Uses, Districts, and Map

- Article 2. Zoning Districts
 - § 25-2-91 Purposes of Commercial Districts Designations
 - § 25-2-121 Purposes of Industrial District Designations
 - § 25-2-181 Corridor Overlay (COR) District Purpose and Boundaries

Subchapter B – Zoning Procedures; Special Requirements for Certain Districts

- Article 2. Special Requirements for Certain Districts
 - § 25-2-312 CURE Combining District Regulations
 - § 25-2-356 Historic Area Combining District Regulations
 - § 25-2-441 Planned Development Areas Generally

Subchapter C – Use and Development Regulations

- Article 1. General Provisions
 - § 25-2-474 Required Findings
- Article 3. Additional Requirements for Certain Districts
 - § 25-2-766.14 Parking Regulations (Transit-Oriented Development District Regulations)
 - § 25-2-773 Duplex Residential Use
- Article 4. Additional Requirements for Certain Uses
 - § 25-2-807 Special Use in Historic District
 - § 25-2-818 Mobile Retail Establishments
 - § 25-2-865 Light Manufacturing Use
- Article 5. Accessory Uses
 - § 25-2-897 Accessory Uses for a Principal Civic Use
- Article 6. Accessory Uses
 - § 25-2-924 Conditions of Approval
- Article 7. Nonconforming Uses
 - § 25-2-947 Nonconforming Use Regulation Groups
- Article 10. Compatibility Standards
 - § 25-2-1052 Exceptions

Subchapter E – Design Standards and Mixed Use

- Article 2. Site Development Standards
 - § 2.3 Connectivity Between Sites
 - 2.3.1 Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity
- Article 4. Mixed Use
 - § 4.3.3 Vertical Mixed Use Buildings
 - 4.3.3.F and .G
 - 4.3.5.A
 - 4.3.5.B.5.a and .c

- 4.3.5.C.1.a and .b
- 4.3.5.C.2.a and .b
- 4.3.5.C.5

Subchapter F – Residential Design and Compatibility Standards

- Article 3. Definitions and Measurement
 - § 3.3.2 Gross Floor Area
 - 3.3.2

Chapter 25-5 – Site Plans

- Article 1. Site Plans Generally
 - § 25-5-2 Site Plan Exemptions
- Article 3. Land Use Commission Approved Site Plans
 - § 25-5-145 Evaluation of Conditional Use Site Plan

Chapter 25-6 – Transportation

- Article 7. Off-Street Parking and Loading
 - § 25-6-472 Parking Facility Standards
 - § 25-6-473 Modification of Parking Requirement
 - § 25-6-476 Parking for Mixed Use Developments
 - § 25-6-477 Bicycle Parking
 - § 25-6-478 Motor Vehicle Reductions General
 - § 25-6-501 Off-Site Parking
 - § 25-6-502 Application and Approval
 - § 25-6-531 Off-Street Loading Facility Required
 - § 25-6-532 Off-Street Loading Standards
 - § 25-6-591 Parking Provisions for Development in the Central Business District (CBD), the Downtown Mixed Use (DMU) District, the Public (P) Zoning Districts, and the University Neighborhood Overlay (UNO) District
 - § 25-6-601 Parking Requirements for University Neighborhood Overlay District

Changes to the following 17 sections of Title 25 explicitly remove minimum motor vehicle parking requirements from the LDC and provide additional clarifications related to accessible space requirements:

Chapter 25-2 - Zoning

Subchapter C – Use and Development Regulations

- Article 2. Principal Use and Development Regulations
 - § 25-2-519 Commercial-Residential Development
- Article 3. Additional Requirements for Certain Districts
 - § 25-2-772 Single-Family Attached Residential Use
 - § 25-2-780 Multifamily Residential Use
- Article 4. Additional Requirements for Certain Uses
 - § 25-2-831 College or University
- Article 5. Accessory Uses
 - § 25-2-900 Home Occupations
- Article 14. Mobile Homes and Tourist or Trailer Camps
 - § 25-2-1205 Site Development Regulations for Mobile Home Parks

Subchapter D – Neighborhood Plan and Combining Districts

- Article 6. Neighborhood Mixed Use Building Special Use
 - § 25-2-1504 Neighborhood Mixed Use Building Regulations
- Article 7. Residential Infill and Neighborhood Urban Center Special Uses
 - § 25-2-1556 Multifamily and Condominium Regulations
 - § 25-2-1566 Commercial Use Parking Requirements

Subchapter E – Design Standards and Mixed Use

- Article 4. Mixed Use
 - § 4.3 Vertical Mixed Use Buildings
 - 4.3.3.E Height, Dimensional and Parking Requirements

Chapter 25-3 – Traditional Neighborhood District

- Article 4. General Development Standards
 - § 25-3-83 Parking

Chapter 25-4 – Subdivision

- Article 3. Platting Requirements
 - § 25-4-232 Small Lot Subdivisions
 - § 25-4-233 Single-Family Attached Residential Subdivision

Chapter 25-6 – Transportation

- Article 7. Off-Street Parking and Loading
 - § 25-6-471 Off-Street Parking Facility Required
 - § 25-6-474 Parking Facility for Persons with Disabilities
 - § 25-6-593 Provisions for Property in the Central Urban Redevelopment (CURE) Combining District Area
 - § 25-6-611 Parking Requirements for a Transit Oriented Development District

Staff Recommendation: Recommended. This amendment is consistent with City goals around housing affordability and it aligns with the Parking section of the Austin Strategic Mobility Plan, which reads (bold added for emphasis):

“Effective management of parking can improve mobility, safety, the environment, and affordability. Parking management is closely tied to **land use regulations** and curb management practices, and as such, they **should both be written to encourage better parking management**. Land use regulations should be written to ensure new developments accommodate different travel options, not just people in cars. Parking requirements should focus on maximums instead of minimums, and parking spaces should be offered to buyers and renters separately from rent or housing purchase, a practice known as ‘unbundling.’”

Another section reads, “[m]inimum parking requirements have resulted in an overabundance of parking in many locations throughout Austin and have continued to encourage people to drive to their destination. **These parking spaces are expensive to build and maintain**, and promote automobile use even when short trips can be easily accessed by walking, bicycling, or by taking transit. More efficient use of our land should be considered when building new developments and when remodeling older properties. **Zoning codes should be modified to: reduce parking requirements;** promote shared and off-site parking among neighboring

properties; utilize unbundling of parking in conjunction with site-specific TDM plans; and to support walkable, mixed-use developments to lessen the need for parking. Unbundling of parking, for example, would help manage demand on the transportation network by only providing parking for those who use it and decrease project costs for the creation of affordable housing. **Affordable housing, creative and music venues, and small, local businesses in neighborhoods especially would benefit from reductions in parking requirements.**”

Recent data have shown that surface parking lots can cost up to \$10,000 per space to build and structured parking can cost up to \$60,000 per space to build. Indicators for achieving our parking goals include decreasing the number of parking spaces per capita and increasing the percentage of developments that opt for parking reductions available in the Land Development Code.

Staff met and worked with Americans Disabled for Attendant Programs Today (ADAPT) of Texas to ensure that the accessible space requirements are maintained and strengthened where appropriate. The revised code language regarding accessible spaces dictates that no development applications will provide fewer accessible spaces than are currently required, and developments formerly required to provide fewer than 525 total spaces per Code will be required to provide zero to two more accessible spaces. Larger developments, those formerly required to provide more than 525 spaces, could be required to provide more than two additional accessible spaces, though the change would represent less than one percent of total parking spaces provided.

Title 25 is not the only document that includes parking regulations. The following documents also include minimum parking requirements that are separate from the Land Development Code:

- Title 30 (Austin/Travis County Subdivision Regulations) - ETJ
 - § 30-2-232 Small Lot Subdivisions
 - § 30-2-233 Single-Family Attached Residential Subdivision
- Transit-Oriented Development (TOD) Regulating Plan
 - [Lamar Boulevard/Justin Lane TOD Station Area Plan](#)
 - [MLK TOD Station Area Plan](#)
 - [Plaza Saltillo TOD Station Area Plan](#)
- Regulating Plans
 - [North Burnet/Gateway Zoning District](#)
 - [East Riverside Corridor Zoning District](#)
 - *South Central Waterfront (in development)*
- Neighborhood Conservation Combining Districts (NCCD)
 - [Hyde Park](#)
 - [North Hyde Park](#)
 - [North University](#)
 - [Fairview Park](#)
 - [11th Street](#)
 - [12th Street](#)
- Planned Unit Development (PUD) Agreements

Title 30

Title 30 has two sections that include minimum parking requirements related to subdivision platting for land in the portion of the City's extraterritorial jurisdiction within Travis County, including areas annexed by the City for limited purposes. The two sections are as follows, with the clauses including minimum parking requirements included:

§ 30-2-232 SMALL LOT SUBDIVISIONS.

- (C) A small lot subdivision must comply with the following requirements:
 (15) Two off-street parking spaces are required for each dwelling unit.

§ 30-2-233 SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION.

- (E) A lot must comply with the following requirements:
 (12) At least two off-street parking spaces are required for a dwelling. The driveway may count as one of the spaces.

Title 25 contains provisions that are identical to Sections 30-2-232 and 30-2-233. They are Sections 25-4-232 (Small Lot Subdivisions) and 25-4-233 (Single-Family Attached Residential Subdivision). Staff recommends that § 25-4-232 and § 25-4-233 be amended to remove minimum motor vehicle parking requirements from those sections. Likewise, staff also recommends that similar amendments be made to Sections 30-2-232 and 30-2-233 in Title 30. However, any amendment to Title 30 requires joint action by Travis County before an amendment can take effect. Staff has reached out to Travis County staff to determine if those proposed changes will be considered by the Commissioners Court. Until City staff receives that direction from the County, Title 30 cannot be changed. City staff are continuing to push for this change to create consistent parking standards for all development projects.

Regulating Plans

The three TOD and two other adopted regulating plans refer back to the LDC for their parking requirements. All of them refer to a ratio, or percentage, of LDC-required parking to determine their minimum parking requirement. The proposed changes to the LDC would eliminate those requirements (e.g., 60 percent of 0 required parking spaces would be 0 required parking spaces), but that could lead to confusion in the regulating plans. For the purposes of enforcement, these proposed changes would apply to the regulating plans and TODs; however, for clarity, those regulating plans and TODs will be modified following the adoption of this proposed ordinance (C20-2023-010) to ensure transparency and consistency with the LDC around required parking. The proposed code changes also provide authority to the Director to waive parking requirements administratively or reduce them as necessary.

Additionally, the South Central Waterfront Regulating Plan is in development right now, and the proposed text has been reviewed and modified to be consistent with the proposed Title 25 changes.

Neighborhood Conservation Combining Districts

For the NCCDs, the 11th Street and 12th Street areas do not include any additional parking requirements as compared to the LDC. The other four NCCDs do have additional requirements, and they are as follows:

Hyde Park

- Part 7 (General Provisions): 17.g.2 requires two spaces per dwelling unit in the Residential District and the West 38th Street District
- Part 8 (Residential District): 16 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex
- Part 9 (Speedway District): 17 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex

North Hyde Park

- Part 7 (Residential District): 13 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex
- Part 8 (Avenue A District): 11 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex

North University

- Part 6 (General Provisions): 7.g requires a parking space for each bedroom in a dwelling unit for a multi-family use
- Part 6 (General Provisions): 7.j requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex
- Part 8 (Speedway District): 7.c requires a parking space for each bedroom plus an extra 10 percent for visitor parking for Lots 8-14, Block 6, Fruth Addition
- Part 13 (Waller Creek / Seminary District): 8 requires a parking space per dwelling unit associated with college/university facilities, a parking space for two residents in a dorm, and one space per 1,000 square feet for all other uses

Fairview Park

- Part 6: B.4 requires a parking space for each unit in a duplex
- Part 6: I.6 requires a parking space for each room/suite for a bed and breakfast

Given the limited scope of these requirements and the potential complexity in making these changes, staff is not proposing that they be repealed with this code amendment. However, staff will be revisiting each of these ordinances to make minimum parking requirements consistent with the rest of the City per the LDC and the Council resolution. Additionally, per authority given to the Director, staff has flexibility to waive parking requirements or reduce them as necessary, even as low as zero parking spaces. For clarity, staff will pursue amendments to the NCCD ordinances after adoption of this ordinance.

Planned Unit Developments

Lastly, there are specifically negotiated parking requirements that are part of PUD agreements. Many of these agreements likely decreased the off-street parking space requirements that were in place at the time the agreements were signed, but there are also likely PUD agreements that increased off-street parking space requirements for certain uses or provided a specific amount of parking spaces for adjacent uses (e.g., parkland). As PUD agreements have been specifically negotiated and are legal agreements, the proposed code changes would not supersede parking requirements included in PUD agreements.

If a PUD agreement includes parking requirements, staff will continue to enforce those requirements, unless City Council or the Director approves an amendment to the agreement. Those wishing to amend a PUD agreement must submit an application, which staff will use to determine whether City Council or the Director will consider the amendment request. If parking requirements were an "element of superiority" (i.e., a key condition of approval for the PUD), the applicant will have to apply for a "substantial amendment" pursuant to Subchapter B, Article 2, Section 3.1.2 of Chapter 25-2 (Zoning). Only City Council can approve these types of amendments. If parking requirements were not an element of superiority for approval of the PUD, the applicant may apply to the Director for an administrative amendment per Subchapter B, Article 2, Section 3.1.3 of Chapter 25-2 (Zoning).

If an applicant wishes to pursue the removal of a minimum parking requirement that is an element of superiority for approval of the PUD zoning district, staff will generally support those changes after reviewing the context by which the requirement exists and assessing any need for a substitute element of superiority.

Board and Commission Action:

August 29th, 2023, briefing to the Planning Commission, no action

September 20th, 2023, recommended by the Codes and Ordinances Joint Committee, 5-2

October 3rd, 2023, recommended by the Urban Transportation Commission, 8-0

October 10th, 2023, recommended by the Planning Commission, 9-0-1

The Codes and Ordinances Joint Committee, as part of their support for the staff recommendation, included a proposal to re-write Section 25-6-471 (A) and (B) to make clear that accessible spaces are required, but no minimum amount of general parking spaces are required. This section was largely re-written after this meeting and review by the Planning Commission found that staff substantially responded to this direction.

The Urban Transportation Commission, as part of their support for the staff recommendation, included a provision to increase bicycle parking at a scale that aligns with ASMP commute period mode split goals (decreasing the drive alone mode split to 50 percent by 2039). Those changes are not shown as part of the proposed ordinance due to time constraints and staff's desire to adhere strictly to City Council direction which did not include an instruction to directly amend bicycle parking requirements. That said, some of the proposed amendments that removed minimum parking requirements also affected provisions that currently regulate or reference bicycle parking. As a result, it was necessary to adjust the language in these provisions so that bicycle parking was not reduced or eliminated as a consequence. Nevertheless, staff will review the changes recommended by the Urban Transportation Commission as part of potential future City Code updates for City Council consideration.

The Planning Commission, as part of their support for the staff recommendation, included an additional statement in Section 25-6-471 (A) to make clear that Article 25-6 overrides any conflicting provision of Title 25 or any other ordinance. Changes to Section 25-6-471 (A) reflect the spirit of that recommendation.

Council Action:

Resolution 20230504-022 passed on May 4, 2023, 10-1

To be considered on November 2nd, 2023

Sponsor Department: Transportation and Public Works Department

City Staff: Dan Hennessey, Dan.Hennessey@austintexas.gov, (512) 974-1305 (Case Manager)