

ORDINANCE NO.

AN ORDINANCE CREATING A PILOT PROGRAM TO ALLOW FOR THE TEMPORARY USE OF PUBLIC RIGHT-OF-WAY TO CREATE PUBLIC PLAZAS AND WAIVING CERTAIN REQUIREMENTS AND ASSOCIATED FEES.

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

PART 1. This ordinance creates a pilot program allowing the temporary use of public rights-of-way for creating low-cost public plazas, to be called a "Temporary Plaza." The pilot program is part of the South Central Waterfront Vision Framework Plan, a component of the Imagine Austin Comprehensive Plan, as adopted by the City Council on June 27, 2016. The pilot program participant ("Participant") will use the public rights-of-way to provide public space. The pilot program is intended to allow both the city and the public to observe and collect data in order to determine the feasibility of creating a permanent plaza at this location, as called for in the South Central Waterfront Plan.

PART 2. The parameters of the pilot program are:

- (1) This ordinance is applicable to the public right-of-way adjacent to 220 S. Congress Avenue, including roadway at the free right turn at Barton Springs Road and South Congress Avenue, and including the "bat statue island" (see Exhibit A).
- (2) A person may not sell, barter, trade, store, or take orders for merchandise within the Temporary Plaza in violation of Chapter 14-9 (*Traffic or Sidewalk Obstructions*). This does not apply to food or drink to be consumed in the Temporary Plaza.
- (3) The Participant will obtain a license agreement to install furnishing and finishes in the City right-of-way in order to create a temporary public plaza. The license agreement and legal review will be processed by City staff within 30 days. The Participant must submit the following for review and processing of the license agreement:

- (a) proof of general commercial liability insurance coverage in the amount established by the Departments of Transportation, and Public Works;
 - (b) submission of a visual plan for the use of the right-of-way, to include the number, aesthetic, and location of tables, chairs, or other furnishings and finishes; and
 - (c) maintenance of accessibility in accordance with the American with Disabilities Act (ADA) and Texas Accessibility Standards (TAS).
- (4) The placement of the furnishings and finishes shall not:
- (a) extend outside of the licensed area;
 - (b) constitute a danger to the health or safety of a patron or the public; and
 - (c) violate the terms of the license agreement.
- (5) The Participant will be responsible for maintenance of the area.
- (6) The Temporary Plaza is to be maintained as a public space.
- (7) If at any time either the City of Austin or the Participant deems the pilot program unsafe or infeasible, either party may terminate the license agreement. If the license agreement is terminated, a memo describing the issues leading to the termination will be issued by staff to Council within 30 days.

PART 3. For purposes of this pilot program, the Council waives requirements of the following Code sections:

- (1) Sections 14-11-1 through 14-11-3 (*Application Required; Exceptions for Certain Uses of Public Property; and Appeal*) relating to contents and procedures, exceptions, and appeals of an application to obtain a license for the private use of public right-of-way;
- (2) Section 14-11-4 (*Annual Report*) relating to licensing agreement applications;

