

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 12 OF THE CITY CODE TO ADD CHAPTER 12-6 ESTABLISHING A PARKING BENEFIT DISTRICT PROGRAM.**

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

**PART 1.** Title 12 of the City Code is amended to add a new Chapter 12-6 to read as follows:

**CHAPTER 12-6. PARKING BENEFIT DISTRICTS.**

**§ 12-6-1 DEFINITIONS.**

In this chapter:

- (1) **DIRECTOR** means the director of the Austin Department of Transportation or the director's designee.
- (2) **DISTRICT** means a parking benefit district.
- (3) **NEIGHBORHOOD ORGANIZATION** means an organization that is registered as a neighborhood organization with the City.
- (4) **NOTICE OWNER** means the owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.

**§ 12-6-2 PARKING BENEFIT DISTRICT.**

A parking benefit district is an area defined by separate ordinance in which a percentage of the funds collected from a paid parking space within district is used to fund improvements that promote walking, cycling, and public transit use within the district.

**§ 12-6-3 PARKING BENEFIT DISTRICT REQUIREMENTS.**

- (A) A district must include at least 96 paid parking spaces, the minimum number of spaces required to pay for the expenses of maintaining and operating parking pay stations and meters in the district.
- (B) At the time that a district is created, the required paid parking spaces may include both existing and new spaces.
- (C) Fifty-one percent of the funds from the paid parking spaces within the district that is in excess of the cost of maintaining and operating parking pay

1 stations and meters shall be set aside to pay for improvements within the  
2 district.

3 (D) Funds from the paid parking spaces may be used in conjunction with other  
4 city funds available for neighborhood improvements within the district.

5 (E) The director shall determine the timing and order in which the improvements  
6 identified in the ordinance creating the district will be initiated.

7 (F) Unless terminated earlier by Council, a district shall remain in existence  
8 until each improvement identified in the ordinance creating the district is  
9 complete.

10 (G) The City may terminate a district if paid parking spaces do not generate  
11 more than the amount needed to pay all annual expenses.  
12

13 **§ 12-6-4 APPLICATION TO CREATE A DISTRICT.**

14 A representative of a neighborhood organization whose boundaries are completely  
15 or partially located within the proposed district may file an application for a district with  
16 the director.  
17

18 **§ 12-6-5 PRE-APPLICATION REQUIREMENTS.**

19 (A) A pre-application meeting with the director's staff is required.

20 (B) A pre-application community meeting is required.

21 (1) The applicant shall convene a community meeting at least 2 weeks  
22 before an application for the creation of a district is submitted to the  
23 director.

24 (2) Not later than two weeks before the community meeting, the applicant  
25 shall:

26 (a) coordinate with staff to send notification of the meeting by  
27 electronic mail to all registered neighborhood organizations  
28 whose boundaries are located:

29 (i) completely or partially within the proposed district; and

30 (ii) within 1500 feet of the proposed district;

31 (b) place at least two signs providing notification of the meeting on  
32 each block face within the proposed district; and

33 (c) distribute flyers in the proposed district.

- 1 (3) A notice provided under Subsection (B)(2) shall include the time,  
2 date, location, subject matter, and applicant contact  
3 information.

4 **§ 12-6-6 APPLICATION REQUIREMENTS.**

- 5 (A) The director shall establish submittal requirements for an application for the  
6 creation of a district and for the modification of an existing district. At a  
7 minimum, an application shall include:

- 8 (1) the boundaries of the proposed district identified by streets and static  
9 land features;  
10 (2) a justification for the proposed district;  
11 (3) a visual representation of the proposed block faces that have paid  
12 parking spaces or that are proposed to have paid parking spaces;  
13 (4) identification of other parking management tools that have been  
14 requested;  
15 (5) proposed improvement projects, in priority order, to be funded by  
16 parking pay station and meter revenue, including an estimated  
17 timeline for project completion and expected sustainability of the  
18 project;  
19 (6) a copy of the sign-in sheets from the community meeting; and  
20 (7) if a vote on the application occurred at the community meeting, the  
21 results of the vote.

- 22 (B) The director may not accept an application unless the application is  
23 complete.  
24

25 **§ 12-6-7 APPLICATION REVIEW.**

- 26 (A) The director shall review each application for the creation of a district or the  
27 modification of an existing district submitted under Section 12-6-6  
28 (*Application Requirements*). The director shall set the application for a  
29 public hearing and shall provide the Urban Transportation Commission with:

- 30 (1) a recommendation on the application; and  
31 (2) if a vote on the application occurred at the community meeting, the  
32 results of the vote.

- 33 (B) The Urban Transportation Commission shall hold a public hearing on the  
34 application not later than the 60<sup>th</sup> day after the application is filed and shall  
35 submit a recommendation on the application to the council.

1 (C) The council shall consider an ordinance for the creation of a proposed  
2 district or the modification of an existing district not later than the 60<sup>th</sup> day  
3 after the date of the Urban Transportation Commission action on the  
4 application.

5 (D) An ordinance adopted by the city council under this section shall include a  
6 list of improvements to be funded by revenue from the paid parking spaces.  
7

8 **§ 12-6-8 NOTICE OF PUBLIC HEARING.**

9 (A) The director shall give notice of a public hearing before the Urban  
10 Transportation Commission by mailing notice not later than the 11th day  
11 before the date of the hearing to the:

12 (1) applicant;

13 (2) notice owner of real property located:

14 (a) within the proposed district; and

15 (b) within 500 feet of the proposed district;

16 (3) a registered neighborhood organization whose declared boundaries are  
17 within 1500 feet of the proposed district; and

18 (4) utility account addresses as shown in the City utility records on the  
19 date of the filing of the application that are located:

20 (a) within the proposed district; and

21 (b) within 500 feet the proposed district.

22 (B) The director shall give notice of a public hearing before the council  
23 by mailing notice not later than the 16th day before the date of the hearing to  
24 the:

25 (1) applicant;

26 (2) notice owner of real property located:

27 (a) within the proposed district; and

28 (b) within 500 feet of the proposed district;

29 (3) a registered neighborhood organization whose declared boundaries are  
30 within 1500 feet of the proposed district; and

31 (4) utility account addresses located as shown in the City utility records  
32 on the date of the filing of the application that are located:

1 (a) within the proposed district; and

2 (b) within 500 feet of the proposed district.

3 (C) Notice provided under this section must:

4 (1) generally describe the subject matter of the public hearing;

5 (2) identify the applicant and the boundaries of the proposed district;

6 (3) identify the body holding the public hearing and the date, time, and  
7 place of the public hearing; and

8 (4) include the address and telephone number of the city office from  
9 which additional information may be obtained.

10  
11 **§ 12-6-9 PROCEDURES AND REQUIREMENTS FOR NOTICE.**

12 (A) Mailed notice is effective on the date a letter is deposited in a depository of  
13 the U.S. Post Office, first class, postage paid, and addressed:

14 (1) to an applicant, by mailing notice to the address shown on the  
15 application or on a written change of address form filed with the  
16 responsible director;

17 (2) to a notice owner of real property, by mailing notice to the owner  
18 shown on the records of the county tax appraisal district;

19 (3) to a neighborhood organization, by mailing notice to the agent or  
20 officer of the organization at the mailing address specified in the City  
21 registration information.

22 (B) Notice by hand delivery may be substituted for notice by mail if the  
23 addressee provides a receipt of delivery.

24 (C) When mailed notice to a notice owner is required, the director shall prepare  
25 the list of notice owners.

26 (D) When possible, the director shall send the notice for public hearings before  
27 the Urban Transportation Commission and the City Council in one notice.

1 **PART 2.** This ordinance takes effect on \_\_\_\_\_.

2 **PASSED AND APPROVED**

3  
4 §  
5 §  
6 \_\_\_\_\_, 2011 § \_\_\_\_\_  
7 Lee Leffingwell  
8 Mayor  
9

10  
11 **APPROVED:** \_\_\_\_\_  
12 Karen M. Kennard  
13 City Attorney  
14  
15

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk