

ORDINANCE NO. 20111006-053

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

- (D) Funds from the paid parking spaces may be used in conjunction with other city funds available for neighborhood improvements within the district.
- (E) The director shall determine the timing and order in which the improvements identified in the ordinance creating the district will be initiated.
- (F) Unless terminated earlier by Council, a district shall remain in existence until each improvement identified in the ordinance creating the district is complete.
- (G) The City may terminate a district if paid parking spaces do not generate more than the amount needed to pay all annual expenses.

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

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

§ 12-6-5 PRE-APPLICATION REQUIREMENTS.

- (A) A pre-application meeting with the director's staff is required.
- (B) A pre-application community meeting is required.
 - (1) The applicant shall convene a community meeting at least 2 weeks before an application for the creation of a district is submitted to the director.
 - (2) Not later than two weeks before the community meeting, the applicant shall:
 - (a) coordinate with staff to send notification of the meeting by electronic mail to all registered neighborhood organizations whose boundaries are located:
 - (i) completely or partially within the proposed district; and
 - (ii) within 1500 feet of the proposed district;
 - (b) place at least two signs providing notification of the meeting on each block face within the proposed district; and
 - (c) distribute flyers in the proposed district.
 - (3) A notice provided under Subsection (B)(2) shall include the time, date, location, subject matter, and applicant contact information.

§ 12-6-6 APPLICATION REQUIREMENTS.

- (A) The director shall establish submittal requirements for an application for the creation of a district and for the modification of an existing district. At a minimum, an application shall include:
- (1) the boundaries of the proposed district identified by streets and static land features;
 - (2) a justification for the proposed district;
 - (3) a visual representation of the proposed block faces that have paid parking spaces or that are proposed to have paid parking spaces;
 - (4) identification of other parking management tools that have been requested;
 - (5) proposed improvement projects, in priority order, to be funded by parking pay station and meter revenue, including an estimated timeline for project completion and expected sustainability of the project;
 - (6) a copy of the sign-in sheets from the community meeting; and
 - (7) if a vote on the application occurred at the community meeting, the results of the vote.
- (B) The director may not accept an application unless the application is complete.

§ 12-6-7 APPLICATION REVIEW.

- (A) The director shall review each application for the creation of a district or the modification of an existing district submitted under Section 12-6-6 (*Application Requirements*). The director shall set the application for a public hearing and shall provide the Urban Transportation Commission with:
- (1) a recommendation on the application; and
 - (2) if a vote on the application occurred at the community meeting, the results of the vote.
- (B) The Urban Transportation Commission shall hold a public hearing on the application not later than the 60th day after the application is filed and shall submit a recommendation on the application to the council.
- (C) The council shall consider an ordinance for the creation of a proposed district or the modification of an existing district not later than the 60th day

after the date of the Urban Transportation Commission action on the application.

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

§ 12-6-8 NOTICE OF PUBLIC HEARING.

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

- (1) applicant;
- (2) notice owner of real property located:
 - (a) within the proposed district; and
 - (b) within 500 feet of the proposed district;
- (3) a registered neighborhood organization whose declared boundaries are within 1500 feet of the proposed district; and
- (4) utility account addresses as shown in the City utility records on the date of the filing of the application that are located:
 - (a) within the proposed district; and
 - (b) within 500 feet the proposed district.

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

- (1) applicant;
- (2) notice owner of real property located:
 - (a) within the proposed district; and
 - (b) within 500 feet of the proposed district;
- (3) a registered neighborhood organization whose declared boundaries are within 1500 feet of the proposed district; and
- (4) utility account addresses located as shown in the City utility records on the date of the filing of the application that are located:
 - (a) within the proposed district; and
 - (b) within 500 feet of the proposed district.

- (C) Notice provided under this section must:
- (1) generally describe the subject matter of the public hearing;
 - (2) identify the applicant and the boundaries of the proposed district;
 - (3) identify the body holding the public hearing and the date, time, and place of the public hearing; and
 - (4) include the address and telephone number of the city office from which additional information may be obtained.

§ 12-6-9 PROCEDURES AND REQUIREMENTS FOR NOTICE.

- (A) Mailed notice is effective on the date a letter is deposited in a depository of the U.S. Post Office, first class, postage paid, and addressed:
- (1) to an applicant, by mailing notice to the address shown on the application or on a written change of address form filed with the responsible director;
 - (2) to a notice owner of real property, by mailing notice to the owner shown on the records of the county tax appraisal district;
 - (3) to a neighborhood organization, by mailing notice to the agent or officer of the organization at the mailing address specified in the City registration information.
- (B) Notice by hand delivery may be substituted for notice by mail if the addressee provides a receipt of delivery.
- (C) When mailed notice to a notice owner is required, the director shall prepare the list of notice owners.
- (D) When possible, the director shall send the notice for public hearings before the Urban Transportation Commission and the City Council in one notice.

PART 2. This ordinance takes effect on October 17, 2011.

PASSED AND APPROVED

October 6, 2011

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Lee Leffingwell
Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
Shirley A. Gentry
City Clerk