

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 14-11 TO ADD A NEW SECTION 14-11-54 REGARDING PROVISION OF NOTICE TO NEIGHBORHOOD PLAN CONTACT TEAMS AND REGISTERED NEIGHBORHOOD ASSOCIATIONS WHEN AN APPLICATION AND FEE IS RECEIVED FOR AN ENCROACHMENT AGREEMENT WITHIN THE NEIGHBORHOOD'S BOUNDARIES.

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

PART 1. The city council finds:

- A. Encroachment agreements are a tool that the City of Austin uses to allow permanent encroachment of private structures into the public right-of-way.
- B. The procedures and requirements for encroachment agreements include submission of a site plan illustrating the encroachment, a detailed letter describing the encroachment, the reason for the encroachment, and a map of its location, among other things.
- C. Some encroachment agreements may further the goals of a neighborhood plan or neighborhood needs, while some encroachments may be opposed by neighbors and neighborhood organizations.
- D. Encroachment agreements are ultimately approved by the city council and include a public hearing where neighbors may voice support or concerns.

PART 2. The City Code is hereby amended by adding the following new Section 14-11-54:

§ 14-11-54 NOTICE TO INTERESTED CONTACTS.

- (A) After receiving an application fee for an application for the encroachment by a permanent structure in a public right-of-way, the director shall mail notice of the application, by certified mail, return receipt requested, to:
 - (1) any registered neighborhood organization whose boundaries are within all or a portion of the encroachment area in the manner

1 described in City Code Section 25-1-134(B)(4) (*Procedures and*
2 *Requirements for Notice*); and

- 3 (2) the neighborhood plan contact team whose boundaries are within
4 all or a portion of the encroachment area by sending the notice to
5 the chief officer of the neighborhood plan contact team identified
6 in accordance with City Code Section 25-1-805(D) (*Neighborhood*
7 *Plan Contact Team*).

8 (B) Notice provided under Subsection (A) must include a statement that:

- 9 (1) The director may approve the application after Council approves
10 an encroachment agreement; and
11 (2) A neighborhood plan contact team or registered neighborhood
12 organization whose boundaries are within all or a portion of the
13 encroachment area may submit comments regarding the proposed
14 encroachment.

15 (C) The applicant is responsible for the cost of notice.

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17 **PART 3.** This ordinance takes effect on _____, 2014.

18
19 **PASSED AND APPROVED**

20
21 § _____
22 § _____
23 _____, 2014 § _____

24 Lee Leffingwell
25 Mayor

26
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28 **APPROVED:** _____
29 Karen M. Kennard
30 City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk