

## **Tacoma Municipal Code**

*City Clerk's Office 1-299 (Revised 2/2016)*

### **Chapter 1.47**

### **NEIGHBORHOOD BUSINESS DISTRICT PROGRAM**

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#### **1.47.010 Purpose.**

The purpose of this chapter is to set forth the responsibilities and procedures relating to Neighborhood Business District Associations and the Cross District Association. This chapter establishes Neighborhood Business Districts and their supporting organizations ("Neighborhood Business District Associations") and their relationship to the Cross District Association. This chapter assigns functions and responsibilities to the Neighborhood Business District Associations, the Cross District Association, and the City to support and promote the Neighborhood Business District Program.

(Ord. 27737 Ex. A; passed Aug. 19, 2008)

#### **1.47.020 Intent.**

The intent of the City is to build and maintain healthy Neighborhood Business Districts in the City of Tacoma through partnership with the Cross District Association in the areas of organization, design, promotion, and economic restructuring. The program seeks to improve economic growth and redevelopment within Tacoma's oldest neighborhood business areas—those which have traditionally supported surrounding residential neighborhoods—by assisting independent, local small businesses to organize into viable professional organizations, and by improving the physical attributes of the commercial core with place-making design elements. The City accomplishes this through alignment with other City policies, including, but not limited to, the strategic plan and the comprehensive plan and by building the capacity of and coordinating with Neighborhood Business District Associations; by providing customer-oriented market research services to individual entrepreneurs and small businesses; by working with individual property and business owners on their development and marketing efforts; by improving the livability of surrounding neighborhoods; by fostering open communication and partnerships; and by creating mutual understanding among businesses, neighborhoods, and the City.

(Ord. 27737 Ex. A; passed Aug. 19, 2008)

### **1.47.030 Creation and Recognition of Neighborhood Business Districts.**

The City shall establish Neighborhood Business Districts and their supporting organizations (“Neighborhood Business District Associations”). It shall also establish one Cross District Association acting as a peer coalition of the independent Neighborhood Business District Associations.

In order for the City to approve establishment of a Neighborhood Business District, the area must meet the criteria laid out in sections 1.47.030.A. and 1.47.030.B.

#### **A. Criteria for Neighborhood Business Districts.**

Neighborhood Business Districts shall:

1. Be located within a designated Neighborhood Commercial Mixed-Use District within the City limits of Tacoma, as set forth in The Comprehensive Plan; OR
2. Meet all of the following criteria:
  - a. Be physically located within the City limits of Tacoma;
  - b. Contain at least the physical locations of greater than 20 independent, locally owned businesses licensed by the City of Tacoma, each of which is routinely open to the general public;
  - c. Contain at least five different commercial property ownership interests;
  - d. At least 75 percent of buildings within its boundaries must front on or be adjacent to the sidewalk;
  - e. Be properly zoned for commercial development with such zoning being contiguous;
  - f. Include at least one principle, minor or collector arterial street;
  - g. Have passenger rail, streetcar, or bus access to public transit services, or the prospect of such services in the future, as identified in an adopted City or Pierce Transit policy;
  - h. Be contiguous and compact—be an easily walkable area of not more than 3/8 mile in length, containing pedestrian-oriented amenities.

Neighborhood Business Districts shall not be created within designated Regional Growth Centers, as defined in Vision 2040 adopted by the Puget Sound Regional Council.

#### **B. Standards for Recognition of a Neighborhood Business District Supporting Organization (“Neighborhood Business District Associations”).**

There shall be one City-recognized organization at any one time in each Neighborhood Business District. In order to be recognized as a Neighborhood Business District Association, it must be organized as follows:

1. Be a not-for-profit organization registered with the state of Washington;
2. Be open to participation by all business owners, property owners, and entrepreneurs located within the Neighborhood Business District core area and include in its membership at least six businesses or commercial property owners within the Neighborhood Business District core area, as designated by the City;
3. Have a board of directors including at least five members elected by majority vote of the membership. Boards shall have an uneven number of members at least 18 years of age. A majority of the board members shall own commercial property or businesses within the Neighborhood Business District core area. In no case shall any person serve on more than one Neighborhood Business District board at any one time unless the person is a business or property owner within more than one district;
4. Have met regularly for a full calendar year;
5. Approve and maintain a set of bylaws, which includes a mission statement supportive of the Neighborhood Business District Program and the goals of the Cross District Association.

(Ord. 27737 Ex. A; passed Aug. 19, 2008)

**1.47.040 Cross District Association of Tacoma and City Relationship.**

The Cross District Association is a peer coalition (“Board of Directors”) of all independent Neighborhood Business District Associations recognized by the City, which serves as a forum for issues of interest related to the Neighborhood Business District Program. Each Neighborhood Business District Association shall select two representatives to serve on the Cross District Association Board of Directors and one alternate.

The primary responsibilities of the Cross District Association Board of Directors include:

- A. Support and promote business and commercial property owner participation and neighborhood enhancement.
- B. Collaborate with all existing Neighborhood Business District Associations to promote, market and advertise the districts as destination shopping and commercial centers through regional and local media, including, but not limited to, tourism brochures, print advertising, and websites, with economic development as the primary goal.
- C. Promote and facilitate open communication between the City and Neighborhood Business District Associations and provide a stakeholder-based means of communication among individual Neighborhood Business District Associations and other business associations.
- D. Support and assist individual Neighborhood Business District Associations in performing their functions and responsibilities.
- E. Serve as an information source to Neighborhood Business District Associations.
- F. Provide to the City a unique communitywide business perspective and source of advice on the needs and aspirations of the Neighborhood Business District Program participants.
- G. Further relationships among the Cross District Association, the Neighborhood Business District Associations, the Neighborhood Councils, and the Community Council.
- H. Provide the City with analysis, assessment, and recommendations regarding applications for establishment of additional districts and for recognition of Neighborhood Business District Associations.
- I. Advise the City on priorities and policies regarding capital funding for improvements within Neighborhood Business District core areas.

(Ord. 27737 Ex. A; passed Aug. 19, 2008)

**1.47.050 Neighborhood Business District Program Services.**

The City intends to regularly provide a liaison service to established and recognized Neighborhood Business Districts and their associations. Such services will focus on communication outreach, capacity-building and board development; promotional and marketing strategy assistance; assistance with prioritizing physical improvements; and identifying and providing resources to assist with the growth and diversification of its economic base.

**Program Services Resource and Funding Allocation Guidelines**

The City will give priority funding and resource consideration to Neighborhood Business Districts and their associations with the following characteristics:

1. Assessment by the City and the Cross District Association that determines that a Neighborhood Business District and its association is in need of, or otherwise qualified for, funding and resources; or
2. Formation of a Business Improvement Area in accordance with Chapter 35.87A RCW that includes the Neighborhood Business District core area; or

3. Availability of matching funds, pledges, or other investments have been acquired from the Neighborhood Business District Association or its member businesses and property owners through private fundraising efforts separate from City grants; or
4. Allocation or pledge of funds from the Neighborhood Council within which the Neighborhood Business District core area is located; AND
5. Current and complete record keeping and reporting requirements, as provided by state law or City contracts and is otherwise in good standing in terms of existing agreements with the City. (Ord. 27737 Ex. A; passed Aug. 19, 2008)

#### **1.47.060 Capital Improvement Services.**

From time to time the City may provide funding for capital improvements to create a sense of place, visually identify a Neighborhood Business District area; increase and improve public safety and walkability; and beautify the district.

##### **Capital Improvement Funding Allocation Guidelines**

The intent of the City is to leverage Neighborhood Business District Program funds; therefore, the City will give priority funding consideration to Neighborhood Business Districts and their associations with the following characteristics:

1. Existence of a Local Improvement District formed under TMC Chapters 10.04, 10.06, 10.08, and 10.09, that includes the Neighborhood Business District core area; or
2. Formation of a Business Improvement Area, in accordance with Chapter 35.87A RCW that includes the Neighborhood Business District core area; or
3. Availability of matching funds, pledges, or other investments from the Neighborhood Business District Association or its member businesses and property owners through private fundraising efforts separate from City grants; or
4. Allocation or pledge of funds from the Neighborhood Council within which the Neighborhood Business District core area is located; AND
5. Current and complete record keeping and reporting requirements, as provided by state law or City contracts and is otherwise in good standing in terms of existing agreements with the City. (Ord. 27737 Ex. A; passed Aug. 19, 2008)

#### **1.47.070 Application Process.**

An application to form a new Neighborhood Business District, or to be recognized as the supporting organization for a Neighborhood Business District, shall be submitted as follows:

- A. Make a formal written request for establishment to the Cross District Association, which will trigger the official application request.
- B. Be a fully recognized, paying member of the Cross District Association for at least one year (twelve months) and appoint two representatives (and one alternate) to sit on the Cross District Association Board of Directors.
- C. Application to create a new Neighborhood Business District and/or to be recognized as the supporting organization shall be submitted on forms provided by the Director of the Community and Economic Development Department.
- D. Applications that meet the criteria set forth in Section .030 shall be granted provisional approval.
- E. After being granted provisional approval, the applicant shall join the Cross District Association Board of Directors, and shall participate in the Association's mentoring and other programs for a period of one year (twelve months) after the date of provisional approval.

F. After the provisional period ends, and after receiving a recommendation from the Cross District Association Board of Directors, the Community and Economic Development Department Director or the Director's designee shall make a determination regarding whether to permanently recognize the area boundaries and/or the supporting organization, and shall inform the applicant in writing of the decision. The decision shall include an analysis of applicable criteria. If the decision is to not permanently recognize the area/organization, the Director shall set forth her or his reasons in writing.

(Ord. 27737 Ex. A; passed Aug. 19, 2008)

#### **1.47.080 Appeal Process.**

A. Any person aggrieved by a decision to establish or not establish an area or to recognize or not recognize an organization may appeal the decision within 30 working days of the date of the decision to the City Manager or designee.

B. The appellant has the burden to prove by a preponderance of the evidence that the decision was not substantially supported by the record or that the decision maker clearly erred in the application of the criteria set forth in this chapter.

(Ord. 27737 Ex. A; passed Aug. 19, 2008)

#### **1.47.090 Revocation of Recognition of Supporting Organization.**

A. The Department shall review each Neighborhood Business District and supporting organization at least once every two years. Additionally, any person may file a complaint with the Department that a Supporting Organization no longer meets the criteria set forth in TMC 1.47.030.

B. If the Department determines that the Neighborhood Business District and supporting organization no longer meets the criteria set forth in TMC 1.47.030, it shall notify the Neighborhood Business District and supporting organization in writing of the deficiencies and shall give the Neighborhood Business District and supporting organization 90 working days to correct any deficiencies.

C. If, after the specified period, the Neighborhood Business District and supporting organization has not come back into compliance, the Director's designee shall issue a letter revoking the City's recognition of the Neighborhood Business District and supporting organization.

D. The Neighborhood Business District and supporting organization may contest the issuance of a letter revoking its recognition by appealing to the City Manager or designee within ten working days of the date of the letter. The appellant has the burden to prove by a preponderance of the evidence that the decision was not substantially supported by the record or that the decision maker clearly erred in the application of the criteria set forth in this chapter

E. The City Manager or designee shall review the contesting letter and may hold a hearing. The City Manager or designee may affirm, modify, or reject the decision of the designee. The City Manager's or designee's decision shall be in writing and shall set forth the reasons for the decision.

(Ord. 27737 Ex. A; passed Aug. 19, 2008)