

**MOTION SHEET: STREET CLOSURES AND REQUESTS FOR COUNCIL CONSIDERATION**

I move to amend the ordinance to incorporate a process that will allow event organizers and community stakeholders to request council consideration of a staff decision for events that include street closures. This motion requires the following changes:

**PART 3 OF THE ORDINANCE**

- modify § 14-8-22 (*Restrictions on Approval of Closure Permit*) to add a new paragraph to read as follows:

**§ 14-8-22 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.**

The director may not approve a closure permit for a special event:

- (1) that would exceed the maximum number of special events, as established by Council, for which a particular public right-of-way may be closed during a calendar year; or
- (2) for which the applicant has not paid the required fees; or
- (3) that requires council action under Section 14-8-28 (*Approval of Permit*).

- modify § 14-8-28 (*Approval of Permit*) to amend and re-letter subsections and add new subsections to read as follows:

**§ 14-8-28 APPROVAL OF PERMIT.**

- (A) Except as provided in Subsection (B), the director shall approve a closure permit if the director determines that the application complies with this chapter, rules adopted under this chapter, and Chapter 4-20 (*Special Events*).
- (B) The director must request council action on a request for a closure permit if, within 14 calendar days from the date notice is provided, Austin Center for Events receives objections from:
  - (1) 20 percent or more of the interested persons who were provided notice; or
  - (2) a neighborhood association.
- (C) Before council considers a request for a closure permit, the director must prepare a report that:
  - (1) summarizes the objections received;
  - (2) describes any application modifications Austin Center for Events will require to address the objections; and
  - (3) states the director's recommendation, which must be based upon whether the application complies with this chapter, rules adopted under this chapter, and Chapter 4-19 (*Special Events*).

- (D) In considering a closure permit, council shall consider the director's report and apply the same criteria used by the Austin Center for Events in Section 4-20-34 (*Approval or Denial of a Special Event Application*).
- (E) A special event that has been held for 10 or more years and has not received a violation or changed its character, nature, location, or route shall be approved under Subsection (A).
- (F [B]) A closure permit is not effective unless the Austin Center for Events approves the companion special event permit.

- modify § 14-8-29 (*Appeal of Denial of Application*) to read as follows:

#### **§ 14-8-29 APPEAL OF DENIAL OF APPLICATION**

- (A) If an application for a closure permit is denied, the applicant may deliver an appeal that complies with the requirements established in Section 4-20-35 (*Appeal of Special Event Application Denial*).
- (B) Except as provided in Subsection (D), an appeal under this section shall be processed in the same manner as an appeal described in Section 4-20-35 (*Appeal of Special Event Application Denial*).
- (C) In considering an appeal, the appeal team shall apply the criteria described in Section 14-8-28(A) (*Approval of Permit*).
- (D) If the appeal team upholds the director's denial, ACE shall notify the applicant in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.
- (E) The applicant may submit a written request for council action no later than 10 business days after ACE notifies the applicant as required in Subsection (C). The request must be submitted to the director.
- (F) Before council considers the applicant's request, the director must prepare a report that describes why the application does not comply with the requirements in Section 14-8-28(A) (*Approval of Permit*).
- (G) The council shall consider the applicant's request at the next available scheduled meeting.
- (H) In considering the applicant's request, council shall consider the director's report and apply the same requirements used by the director in Section 14-8-28(A) (*Approval of Permit*).

- modify § 4-20-1 (*Definitions*) to add two new definitions and to renumber the remaining definitions as necessary.

**§ 4-20-1 DEFINITIONS.**

- (7) INTERESTED PERSON means the property owner, property management, or tenant of each property that fronts a portion of the proposed right-of-way closure area.
- (9) NEIGHBORHOOD ASSOCIATION means a neighborhood association registered with the City whose boundaries include all or part of a right-of-way closure area.

- modify § 4-20-32 (*Special Event Application Review*) to amend Subsection (D) to read as follows:

**§ 4-20-32 SPECIAL EVENT APPLICATION REVIEW.**

- (D) For a Tier 3 or Tier 4 event, ACE will take final action to approve or deny an application no later than 30 days before the first day of the special event if the application does not include a request for a closure permit that requires council action under Section 14-8-22(3) (*Restrictions on Approval of Closure Permit*).

- modify § 4-20-33 (*Notification of a Special Event Application*) to add new subsections (C) and (D) to read as follows:

**§ 4-20-33 NOTIFICATION OF A SPECIAL EVENT APPLICATION.**

- (C) In addition to the notice required under Subsection (A), an event organizer shall provide notice to interested persons and neighborhood associations within 10 calendar days after ACE issues a preliminary recommendation if the special event:
  - (1) is a Tier 3 or 4 special event; and
  - (2) requires a closure permit under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*).
- (D) An event organizer may provide the notice required in Subsections (A) and (C) in one document.

- modify § 4-20-34 (*Approval or Denial of a Special Event Application*) to amend subsections, re-letter subsections, and add new subsections to read as follows:

**§ 4-20-34 APPROVAL OR DENIAL OF A SPECIAL EVENT APPLICATION.**

- (A) If ACE determines that none of the conditions specified in Subsections (B), (C), or (D) apply, ACE shall approve a special event application.
- (D) ACE shall approve an application that requires council action under Section 14-8-22(3) if
- (1) none of the conditions in Subsections (B) or (C) apply; and
  - (2) the council approves the closure permit.
- (G [D]) If ACE denies an application, ACE shall notify the event organizer in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.