

RESOLUTION NO. 20120412-024

WHEREAS, commercial entertainment venues that host performances such as live music concerts and plays in an outdoors setting, such as in an amphitheater or similar structure, are considered by the City Code to be “outdoor entertainment” uses; and

WHEREAS, “outdoor entertainment” is a conditional use in every zoning district where it may be considered, requiring approval of a conditional use site plan by the Land Use Commission; and

WHEREAS, consideration of a conditional use site plan includes the evaluation of a project’s impacts on adjacent uses, such as noise, parking, and traffic circulation; and

WHEREAS, a land use determination was made that an amphitheater may be used as part of a primary use in certain non-commercial circumstances; and

WHEREAS, any amphitheater or similar structure may have significant impacts on the adjacent community and should be evaluated fairly, regardless of its status as a commercial or non-commercial venue;

WHEREAS, the below direction is not intended to affect the way commercial venues are currently regulated or permitted; **NOW THEREFORE**,

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

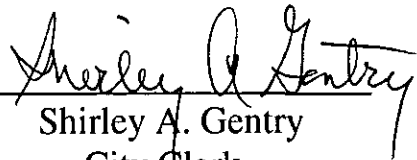
- A. To address the potential impacts of non-commercial venues, the City Council initiates amendments to City Code Chapter 25-2 (*Zoning*) and directs the City Manager to develop a proposed ordinance to

make outdoor amphitheaters or similar structures a conditional use in all zoning districts, similar to outdoor entertainment, even if the amphitheater or similar structure is associated with a civic or residential use.

- B. The proposed ordinance should include an option for council consideration that would exempt existing or approved amphitheaters or similar structures from the general limitations applicable to legally non-conforming uses under Chapter 25-2 (*Zoning*).

BE IT FURTHER RESOLVED:

Because consideration of a conditional use site plan for non-commercial venues would provide an opportunity to address the orientation of performance space and other sound mitigation methods typically addressed during the permitting process under Chapter 9-2 (*Noise and Amplified Sound*), the City Manager should present options for council consideration to engage the Music Office earlier to simplify and increase predictability of the permitting process.

ADOPTED: April 12, 2012 **ATTEST:** 
Shirley A. Gentry
City Clerk