

ORDINANCE NO. 20130228-074

AN ORDINANCE AMENDING CITY CODE SECTION 25-1-21 AND SECTION 25-5-142 AND ADDING A NEW SECTION 25-2-517 RELATING TO THE APPROVAL OF AMPHITHEATERS AND AREAS FOR ASSEMBLY.

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

PART 1. City Code Section 25-1-21 (*Definitions*) is amended to add a new definition of “amphitheater” to read as follows and to renumber the remaining definitions accordingly:

- (4) AMPHITHEATER means an outdoor or open-air structure or manmade area specifically designed and used for assembly of 50 or more people and the viewing of an area capable of being used for entertainment and performances.

PART 2. City Code Chapter 25-2, Article 2, Division 2 (*Requirements for All Districts*) is amended to add a new Section 25-2-517 to read:

§ 25-2-517 REQUIREMENTS FOR AMPHITHEATERS.

- (A) Construction of an amphitheater that is associated with a civic or residential use requires a site plan approved under Section 25-5, Article 3 (*Land Use Commission Approved Site Plans*), regardless of whether the amphitheater is part of a principal or accessory use. Review of the site plan is subject to the criteria in Section 25-5-145 (*Evaluation Criteria*) and the notice requirements of Section 25-5-144 (*Public Hearing and Notice*).
- (B) A decision by the Land Use Commission on an application for an amphitheater is subject to appeal under Section 25-5-149 (*Appeal to Council*).
- (C) A lawfully constructed amphitheater may be expanded one time without obtaining the approval required under Subsection (A) of this section, provided that the expansion is consistent with the applicable site development regulations and does not expand the total area of the amphitheater by more than ten percent.

PART 3. City Code Section 25-5-142 (*Land Use Commission Approval*) is amended to read:

