

# CodeNEXT & Cultural Facilities FAQ

City of Austin Cultural Arts Division & Music and Entertainment Division

## What is CodeNEXT?

CodeNEXT is the City of Austin initiative to revise and update the Land Development Code, which determines how land can be used throughout the city – including what can be built, where it can be built, and how much can (and cannot) be built. This initiative is a priority program out of the Imagine Austin comprehensive plan adopted by City Council in 2012. The CodeNEXT project is led by the City's Planning and Zoning Department and consists of several City of Austin departments, an Advisory Group made up of community members, and a consultant team selected by City Council.

## What do the Cultural Arts & Music Divisions hope to see in the new code?

CodeNEXT is an effort to create a land development code in line with the goals of Imagine Austin, the City's comprehensive plan adopted by City Council in 2012. One of Imagine Austin's central goals is to "build complete communities" which includes ensuring arts, culture, and creativity are accessible to all citizens. With that in mind, the Cultural Arts and Music and Entertainment Divisions are reviewing the new code to make recommendations that allow for a wide variety of cultural facilities across Austin's neighborhoods to ensure everyone has the chance to benefit from important cultural assets in their own communities. We are especially focusing on how the code distinguishes between different types of cultural facilities to ensure neighborhood compatibility and equitable distribution, as well as how easy it is to navigate and understand the code to ensure ease of use for our small businesses and cultural facilities

## What we're looking at in the CodeNEXT draft

- How does the code define different types of cultural facilities? How does it distinguish between a performance venue, a museum, a restaurant, a bar/nightclub and more?  
[Administration & Procedures, Division 23-2M-2030](#)
- Where are different types of cultural facilities allowed?  
[Allowed uses are listed under each zone throughout Zoning Code, Division 23-4D](#)  
[For an easier reference, take a look at our "Zoning for Cultural Facilities" cheat sheet on the back](#)
- What permits will be required for creative spaces and cultural facilities?  
[Zoning Code, Division 23-4B-1020](#)

## How do I get involved and submit feedback?

The CodeNEXT review process is being led by the Planning and Zoning Department- make sure to check out [austintexas.gov/department/codenext/codenext-community-engagement](http://austintexas.gov/department/codenext/codenext-community-engagement) for more information on upcoming feedback opportunities and ways to comment on the code draft.



**Music &  
Entertainment**  
CITY OF AUSTIN  
ECONOMIC  
DEVELOPMENT



**Cultural Arts**  
CITY OF AUSTIN  
ECONOMIC  
DEVELOPMENT

# Zoning for Cultural Facilities Cheat Sheet

The table below highlights certain cultural uses and which zones they are allowed in. The Land Development Code defines uses through a list of "use definitions" (Division 23-2M-2 of the CodeNEXT draft, Chapter 25-2 of our current Land Development Code). The first table below shows which zones cultural facilities are allowed in as defined by the CodeNEXT draft code. The second table below shows which zones allow for these cultural facilities within our CURRENT Land Development Code. Some zones from our current code can be found on the draft CodeNEXT zoning map due to covenants and agreements that cannot be amended through the CodeNEXT process. The table below is meant to serve as a way to not only track where cultural facilities are allowed and by which permit, but also to compare different use definitions across our current code and the CodeNEXT draft.

Each use is either allowed by right (P- Permitted), by a Minor Use Permit (MUP), or through a Conditional Use Permit (CUP).

**P- Permitted by right: No additional land use permits necessary**

**MUP- Minor Use Permit: Requires an administrative review process, no public comment required**

**CUP- Conditional Use Permit: Requires public comment and public hearing before the Land Use Commission.**

## CodeNEXT Draft Zones by Use

See Division 23-2M-2 of the Code Draft for Use Definitions

	Library, Museum, Public Art Gallery		Bar/Nightclub, Level 1+, No Outdoor Seating, No Late Hours		Bar/Nightclub, Level 2+, Outdoor Seating and/or Late Hours		Studio <500sf		Studio: Art, Dance, Martial Arts, Music		Entertainment, Indoor		Entertainment, Outdoor		Entertainment, Outdoor Limited	
	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP
RR																
VDR																
LDR																
LMDR-SL																
MHP																



CUP  
MUP  
P

CONDITIONAL USE PERMIT requires public review and comment period  
MINOR USE PERMIT requires planning dept approval  
PERMITTED uses are allowed by right

## Existing Land Use Code Zones by Use

See Chapter 25-2, Article 1 of the Current Code for Use Definitions

\* Additional Standards May Apply

	Cultural Services		Art Gallery		Art Workshop		Cocktail Lounge		Indoor Entertainment		Outdoor Entertainment		Theater		Custom Manufacturing		Light Manufacturing	
	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP	By CUP	By MUP
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SF-2																		
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SF-6																		
MF-1																		
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MH																		

## About the Code

The new code is divided into two types of zoning categories, transect zones and non-transect zones:

**Transect Zones** are organized from low-density to high density and dictate what types/shapes of building can be built and what possible uses they can have. They are a helpful tool in allowing a mix of uses that fit with surrounding neighborhood character.

**Non-Transect Zones** separate zones by uses such as residential, commercial, and industrial, although some areas do allow for some levels of mixed-use development.

# Existing Zoning Code Definitions for Cultural Facilities

For a complete list of use classifications and definitions in the current code, visit [www.austintexas.gov/department/city-and-land-development-code](http://www.austintexas.gov/department/city-and-land-development-code), click on Land Development Code - Chapters 25-1 thru 25-13, and go to Chapter 25-2, Article 1.

**CULTURAL SERVICES** use is the use of a site for a library, museum, or similar facility

**ART GALLERY** use is the use of a site for the display or sale of art.

**ART WORKSHOP** use is use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced.

**COCKTAIL LOUNGE** use is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use as that term is described in this section.

**GENERAL RETAIL SALES (CONVENIENCE)** use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

**INDOOR ENTERTAINMENT** use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

**OUTDOOR ENTERTAINMENT** use is a predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.

**RESTAURANT (GENERAL)** use is the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.

**RESTAURANT (LIMITED)** use is the use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premises consumption.

**THEATER** use is the use of a site for presentation of plays, motion pictures, or other dramatic performances within a building.

**CUSTOM MANUFACTURING** use is the use of a site for on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods. This use includes candle-making shops and custom jewelry manufacturing.

**LIGHT MANUFACTURING** use is the use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.

# CodeNEXT Draft Land Use Definitions for Cultural Facilities

For a complete list of use classifications and definitions in the CodeNEXT draft code, visit [www.codenext.civiccomment.org](http://www.codenext.civiccomment.org). Land use definitions can be found in Chapter 23-4: Zoning Code, Division 23-2M-2.

**LIBRARY, MUSEUM, OR PUBLIC ART GALLERY** Public or quasi-public facilities, examples of which include: aquariums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, and museums. May also include accessory retail uses such as gift/book shops, restaurants, etc.

**BAR/NIGHTCLUB.** An Establishment where alcoholic beverages are offered for sale for onsite consumption as its principal function, such as a tavern, bar, cocktail lounge, and similar use, which may include food, but do not admit persons under the age of 21.

1. Level 1. A bar/nightclub that is conducted entirely indoors, without a Late Hours Permit
2. Level 2. A bar/nightclub that may have outside seating and/or that operates with a Late Hours Permit.

Specific to Use Requirements:

23-4E-6060

Alcohol Sales

(A) On-Site Consumption. A business that serves alcoholic beverages for on-site consumption must comply with the following standards:

(1) Gross Income. At least 51 percent of the gross income of the business must be derived from non-alcohol sales. If 51 percent or more of total business sales are from alcohol related sales, the business shall be classified as a bar/nightclub.

(2) Signage. An area within a business devoted to the preparation, sale, and consumption of alcoholic beverages must not be operated or advertised under a name different from the primary business. An outside sign, separate identification, or advertising for the area within the business devoted to the preparation, sale and consumption of alcoholic beverages must be incidental to and in conjunction with the primary use; and

(B) Off-site Consumption. A business that serves alcohol (including beer, wine and/or liquor) for off-site consumption must comply with applicable state requirements.

Applies to: Bar/Nightclub Level 1 & 2

**ENTERTAINMENT.** An establishment providing amusement and entertainment for spectators for a fee or admission charge.

1. INDOOR. An indoor facility, including: dance halls, theaters, motion pictures, and performing arts centers.
2. OUTDOOR. An outdoor facility, including: racing facilities, amusement parks, and water parks.
3. OUTDOOR, LIMITED. The use of property for entertainment on a limited temporary basis, includes rental of outside or partially enclosed space(s) for weddings/private events.