

1 **RESOLUTION NO.**

2 **WHEREAS**, the Imagine Austin comprehensive plan states that creativity is
3 a cornerstone of Austin's identity and economic prosperity, and arts, culture, and
4 creativity are essential keys to the City's unique and distinctive identity, and further
5 are valued as vital contributors to our community's character, quality of life and
6 economy, and collectively, the Austin music and creative ecosystem generates rich
7 social, cultural and economic benefits; and

8 **WHEREAS**, Council approved Resolution No. 20160303-019, the Music
9 and Creative Ecosystem Omnibus Resolution, which affirmed support for the
10 music and creative ecosystem through short- and long-term goals specific to
11 cultural tourism, revenue development, and venue retention and development; and

12 **WHEREAS**, Council approved Resolution No. 20200521-095 during the
13 Covid-19 pandemic stating that the City of Austin intends to remain the Live
14 Music Capital of the World and a cultural center by supporting near-term relief and
15 long-term investment in its creative economy, including artists, venues, and
16 industry professionals; and

17 **WHEREAS**, community stakeholders came together to develop a shared
18 definition of a music venue that could be included in the Land Development Code
19 and tied to other state and local programs; and

20 **WHEREAS**, in the multiple attempts to re-write Austin's Land
21 Development Code, the shared definition of a music venue (last proposed as 23-
22 3D-1230: *Live Music Venue* and Article 23-4F: *Diversify, Sustain, and Cultivate:*
23 *Art, Music, and Culture*) has been a consistent consensus item; and

24 **WHEREAS**, when pursuing the goal of housing affordability, the City
25 adopted the Affordability Unlocked ordinance which seeks to maximize public
26 investment in affordable housing by providing regulatory incentives to new
27 affordable housing developments; and

28 **WHEREAS**, much of Austin’s music venue infrastructure was developed
29 decades ago or relies on the adaptive reuse of existing structures in affordable
30 areas, which has focused most public support for music venues in the form of
31 preservation as the City has become less affordable, and much less focus has been
32 given to new venue formation; and

33 **WHEREAS**, recent efforts to support creative space in Austin include the
34 formation of the Cultural Trust under the Austin Economic Development
35 Corporation, the pioneering example of an affordable commercial space restrictive
36 covenant at 6705/6501 Regeine Road, the inclusion of a dedicated music venue in
37 the new construction proposed on the City owned land at 1215 Red River & 606
38 East 12th, and the passage of the City’s first Creative Space bond fund; and

39 **WHEREAS**, in addition to preserving existing infrastructure, the City must
40 proactively work to develop the next generation of music venues in order to stay
41 the Live Music Capital of the World; **NOW, THEREFORE:**

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

43 The City Council initiates amendments to City Code, including Title 25
44 (*Land Development Code*), to create a bonus and incentive program for live music
45 venues that meets certain criteria such as:

46 An establishment used for the presentation of live music and performances
47 typically for a fee or admission charge for participants or spectators that clearly

48 establishes the ability of an artist to receive payment for work by percentage of
49 sales, guarantee, or other mutually beneficial formal agreement. A Live Music
50 Venue should include:

- 51 1. defined performance and audience space;
- 52 2. permanent equipment for music performance including sound board,
53 professional audio system, and stage lighting;
- 54 3. hours of operation coincide with performance times;
- 55 4. programs live music at least five nights a week; and,
- 56 5. for outdoor amplified sound performances as defined in City Code
57 Chapter 9-2 (*Noise and Amplified Sound*), must maintain a current
58 Outdoor Music Venue Permit.

59 A Live Music Venue may be an indoor facility, where the presentation of
60 live music occurs within the interior of the establishment including, but not limited
61 to, performance venues, music venues, theaters, movie theaters, and performing
62 arts centers. A Live Music Venue may also be an outdoor facility where the stage
63 or entertainment live music occurs is located outdoors, including, but not limited
64 to, amphitheaters, or outdoor stages, and permanent outdoor movie theaters.

65 A Live Music Venue may have alcohol sales as an accessory use. The
66 incidental sale of alcohol for on-site consumption related to the primary use is
67 allowed and must comply with all applicable state and local regulation.

68 A Live Music Venue may feature other live performances, including plays,
69 motion pictures, or other dramatic performances, if performances constitute less
70 than 50 percent of all events.

72 **BE IT FURTHER RESOLVED:**

73 The bonus and incentive program should provide regulatory incentives for
74 new and existing live music venues that meet the criteria and that could help
75 leverage public and private investment in the creative infrastructure of Austin.
76 Regulatory incentives to be considered may include, but not be limited to:

- 77 1. fee waivers;
- 78 2. modified parking requirements;
- 79 3. expanded facilitation of affordable commercial space restrictive
80 covenants in new construction; and
- 81 4. prioritization of music venue or creative space as a community benefit
82 for density bonuses or other overlays within the Red River Cultural
83 District, East 6th Street Entertainment District, and Warehouse
84 Entertainment District.

85 **BE IT FURTHER RESOLVED:**

86 The City Council recognizes that the first step to create the program is to
87 establish the criteria to be a Live Music Venue, and the City Manager is directed to
88 bring an ordinance for Council consideration, even as associated incentives may
89 still be in development.

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93 **ADOPTED:** _____, 2022

ATTEST: _____

Myrna Rios
City Clerk