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review of City-owned assets and regional partnering, as well as bond funding mechanisms; and

**WHEREAS**, many of Austin’s creative spaces continue to be lost or displaced due to Austin’s continuing real estate boom, resulting in the loss of some of Austin’s most significant creative cultural incubators and unique Austin character; and

**WHEREAS**, recently approved Resolution No. 20220728-94 initiated amendments to City Code, including Title 25 (*Land Development Code*), to create a bonus and incentive program for live music venues establishing certain criteria and outlining potential incentives to be considered; and

**WHEREAS**, similar consideration is needed to broadly define creative spaces to include the visual arts, production studios, theater and dance, creative arts education, as well as for gallery and art retail spaces and to reinforce the relevance of this creative sector in our community, economy, and the work being undertaken by AEDC; and

**WHEREAS**, the City’s CreateAustin Cultural Master Plan was created with community engagement to chart a course for Austin’s cultural development to invigorate and sustain the City as a magnet for arts, culture, and creativity and provides a strong foundation to continue and evolve the work that is necessary as the City continues to grow; and

**WHEREAS**, the CodeNEXT Advisory Group, the Arts Commission, and the Music Commission formally recommended the creation of a new article in City Code to enact city-wide regulations to promote arts, music, and culture with the goals of protecting existing assets and promoting new ones in areas inequitably

deficient of art, music, and cultural assets; supporting housing and jobs for musicians and artists; and sustaining these important elements of Austin's economy; and

**WHEREAS**, Urban Land Institute Austin's Creative Culture Strategic Council has provided a June 2022 report on "Creative Space in Developments" that examines the effects of real estate on Austin's unique culture and development and identifies what is needed; **NOW, THEREFORE**,

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

The City Council initiates amendments to City Code, including Title 25 (*Land Development Code*), to create a bonus and incentive program for broadly defined creative spaces that include, but are not limited to the visual arts such as sculpture, crafting, painting, print, and photography, associated production studios, theater and dance, creative educational opportunities, as well as gallery and art retail spaces.

Criteria and requirements to participate in the program may include, but are not limited to the following:

1. the space will support the creation and/or display of local art by local artists;
2. may include and encourage an educational component;
3. establishes permanently dedicated and defined amounts of space for purposes that support the creative visual arts community as defined through the development of the program and include opportunities for long-term leases, rent cost offsets, and other general needs as identified,

as well as providing a variety of types of spaces to better serve the spectrum of creative space need;

4. may include office space for non-profits and other creative organizations;
5. encourages creative hubs in developments as an extension of Austin's creative brand with a goal to have at least one for each council district; and
6. encourages promotion of these spaces city-wide.

**BE IT FURTHER RESOLVED,**

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

1. fee waivers;
2. modified parking requirements;
3. expedited permitting process;
4. increase in floor to area ratio (FAR) in square footage equal to what is provided for the dedicated creative space;
5. expanded facilitation of affordable commercial space restrictive covenants in new construction and incentivize lower cost/long term leases that do not pass on tax or utilities to the cultural venue; the strategy should consider potential property tax relief for owners;
6. Chapter 380 Agreement Placemaking Collective Space to promote economic development and stimulate business and commercial activity by providing financial incentives; and

- 95 7. prioritization of creative space as a city-wide community benefit as it  
96 relates to density bonus programs, Planned Unit Development (PUD)  
97 zoning, or within other regulatory plans.

98 **BE IT FURTHER RESOLVED,**

99 The City Council initiates amendments to City Code, including Title 25  
100 (*Land Development Code*) if appropriate, for creation of a new code component  
101 addressing Arts, Music, and Culture with a described “Purpose” that includes,  
102 “Diversify, sustain, and cultivate the city’s culture, music, and arts communities  
103 and industries,” as recommended by the CodeNEXT Advisory Group, the Arts  
104 Commission, and the Music Commission.

105 Provisions in the Arts, Music, and Culture code component may include,  
106 but are not limited to, the following:

- 107 1. establishment of general requirements and procedures to diversify,  
108 sustain, and cultivate the local arts, music, and culture communities  
109 and industries and to guarantee that arts, music, and cultural land uses  
110 are distributed across the City in an equitable manner within  
111 neighborhoods, along activity corridors, and within neighborhood,  
112 town, and regional centers;
- 113 2. creation of Artist Live/Work and Live/Work/Sell categories to allow  
114 artists to sell finished goods from their live/work home studios and  
115 with distinctions as to within which districts a live/work artist may  
116 sell”, including performance art. This is identified as an important  
117 distinction as multidisciplinary spaces are becoming increasingly  
118 common where both object-based art and experience-based art are

being created and offered to the public within a single building envelope;

3. designation of Art Districts in neighborhood plans, neighborhood centers, town centers, and regional centers, and target one or more arts districts per council district;
4. establish a theater and art venue scale and accessory use providing capacity ratings for theater and arts venues based on how the venue is used and overall size;
5. permit accessory use as a theater, art gallery, or art workshop in all commercial and industrial/warehousing zoning districts and
6. provide explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in City ordinances and other regulation.

Additional community engagement and feedback will be included during the code amendment process to vet and identify other potential amendments for consideration as part of the newly created Arts, Music, and Culture code component.

**ADOPTED:** \_\_\_\_\_, 2022

**ATTEST:** \_\_\_\_\_

Myrna Rios  
City Clerk