

**Economic
Development**

CITY OF AUSTIN

Urban Land Use: Live Music Venue and Creative Space Definitions

April 8, 2023

Council Actions

Resolution No. 20220728-094:

- Establish the criteria to be a Live Music Venue
- Create live music venue bonus and incentive program for new and existing venues, including
- Initiate changes to Land Development Code Section 25

Resolution No. 20220901-089:

- Develop and adopt clear creative space land use definitions
- Create creative space bonus and incentive program for new and existing venues
- Create new code elements to "Diversify, sustain, and cultivate the city's culture, music, and arts communities and industries"
- Criteria for designation of Arts Districts
- Initiate changes to Land Development Code Section 25

Council Actions

Where We Are Now:

- Implementing resolutions together
- First Phase: Establish definitions and use allowances with following target dates
 - Arts and Music Commission Joint Meeting – April 8, 2023
 - Code and Ordinances Joint Committee – April 19, 2023
 - Planning Commission – May 23, 2023
 - City Council Hearing – June 8, 2023
- Second Phase: Establish full implementation of Resolution items
 - Process for designating cultural districts for arts and/or live music
 - Extensive battery of incentives and protections for creative spaces and live music venues based on resolution guidance
- Third Phase: Revisions to Financial Incentive programs to support Creative Spaces and Live Music Venues

Proposed Live Music Venue and Creative Space Definitions

- CREATIVE SPACE means a use that allows one or more of the following occupancies:
 - a) library, museum, or art gallery;
 - b) performance venue/theater;
 - c) art, dance, martial arts, or studios for performing art, music, or visual art;
 - d) art workshop;
 - e) live music venue; or
 - f) artist live/work space.
- LIBRARY, MUSEUM, OR PUBLIC ART GALLERY means uses are public or quasi-public facilities examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, and museums. May also include, but is not limited to, accessory retail uses including but not limited to gift/book shops, restaurants, etc.
- STUDIO: ART, DANCE, MARTIAL ARTS, MUSIC means are small-scale facilities focused on the instruction of students of any age group. Also includes production studios for musicians, painters, sculptors, photographers, and other artists. Examples of these facilities include, but are not limited to, instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; and aerobics with no other fitness facilities or equipment.

Proposed Live Music Venue and Creative Space Definitions

- LIVE MUSIC VENUE means an establishment used for the presentation of live music and performances typically for a fee or admission charge for participants or spectators. May feature other live performances, including plays, motion pictures, or other dramatic performances, so long as such performances constitute less than 50 percent of all events. The venue must clearly establish the ability of an artist to receive payment for work by percentage of sales, guarantee, or other mutually beneficial formal agreement.
 - a) INDOOR. An indoor facility, including, but not limited to, performance venues, music venues, theaters, movie theaters, and performing arts centers.
 - b) OUTDOOR. An outdoor facility where the stage or entertainment is located outdoors, including, but not limited to, amphitheaters, outdoor stages, and permanent outdoor movie theaters.”
- ~~PERFORMANCE VENUE/THEATER is the use of a site for presentation of plays, motion pictures, or other dramatic performances within a building~~ means an establishment used for the presentation of live performances, plays, motion pictures, or other dramatic performances, typically for a fee or admission charge for participants or spectators. May feature live music if performances constitute less than 50 percent of all events.
 - a) INDOOR. An indoor facility, including, but not limited to, performance venues, music venues, theaters, movie theaters, and performing arts centers.
 - b) OUTDOOR. An outdoor facility where the stage or entertainment is located outdoors, including, but not limited to, amphitheaters, outdoor stages, and permanent outdoor movie theaters.

Proposed Live Music Venue and Creative Space Definitions

More Detail on Venues:

- Additional requirements for Live Music venues:
 - Defined performance and audience space;
 - Permanent equipment for music performance including sound board, professional audio system, and stage lighting;
 - Programs live music on an ongoing basis.
 - If required, must obtain permits per Chapter 9-2 (*i.e. outdoor amplified sound section*)
- Alcohol sales permitted in both Live Music Venues and Performance Venues/Theaters
 - “The incidental sale of alcohol for on-site consumption related to the primary use is allowed and must comply with all applicable state and local regulations”
 - Still getting feedback from Law and Development Services on best options for levels of alcohol sales
 - Live Music Venues – has to be no cap on percentage of revenues
 - Performance Venues/Theaters – trying to get best options for maximizing flexibility on sales AND variety of zoning locations

Proposed Live Music Venue and Creative Space Definitions

- **LIVE/WORK** means an integrated housing unit and working space occupied and used by a single household or households in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with residential construction in the Building Code; and working space reserved for and regularly used by one or more occupants of the unit.
- **WORK/LIVE** means an integrated housing unit and working space occupied and used by a single household or households in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with commercial construction in the Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

Live/Work = Mostly residential, with residential building code

-> Smaller studios, nonprofit offices, etc.

-> More for residential or small office/retail zones

Work/Live = Mostly commercial, with commercial building code

-> More intensive integration of workshops, studios, galleries, or venues with apartments for artists and/or musicians

-> More for commercial or light industrial zones

Phase 2: Proposed District Tools Under Exploration

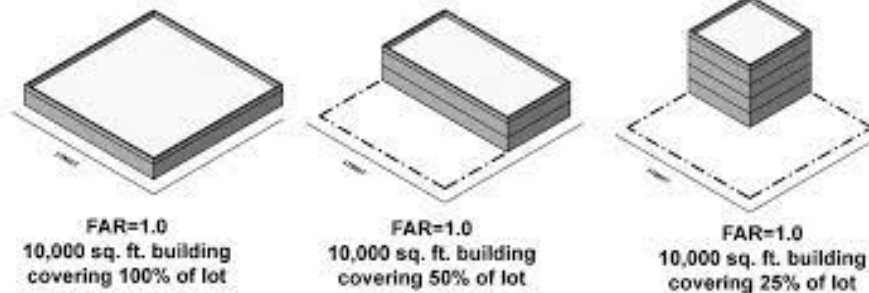
Criteria and process for establishing Cultural Districts for Arts and/or Live Music including Strong Policy Tools

- Will describe a zoning overlay that can be adopted for Art Districts or Live Music Districts directly, or in Neighborhood or Small Area Plans, etc.
- Looking at Historic District designation as guide for overlay adoption process; integrating with EDD process for establishing Economic and Cultural Districts
- Will include strong protections for existing and new creative spaces and music venues based on increased administrative flexibility around parking, fees, site requirements, home based business regulations, and other regulatory and administrative items
- Includes ground floor creative space requirements for new large developments in these districts
- Includes development bonus incentives for affordable creative space in new developments in these districts

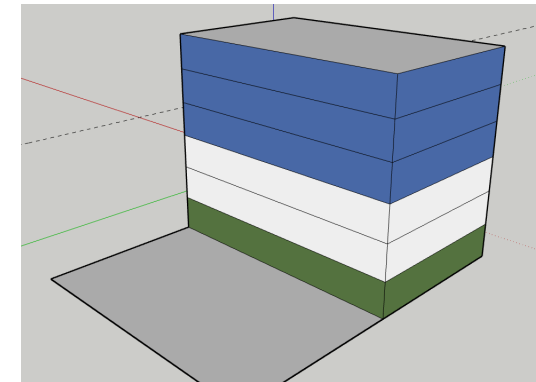
Phase 2: Proposed District Tools Under Exploration

Development Bonuses for Creative Space

- Additional floor area will support ground floor mandates
- Incentives intended to make creative space attractive to developers
- Limited to Cultural District overlay zones and specifically designated areas
 - Ensure proper notification requirements for substantial floor area increase
 - Mitigate conflicts with other development bonus programs



With Creative Space Development Bonus

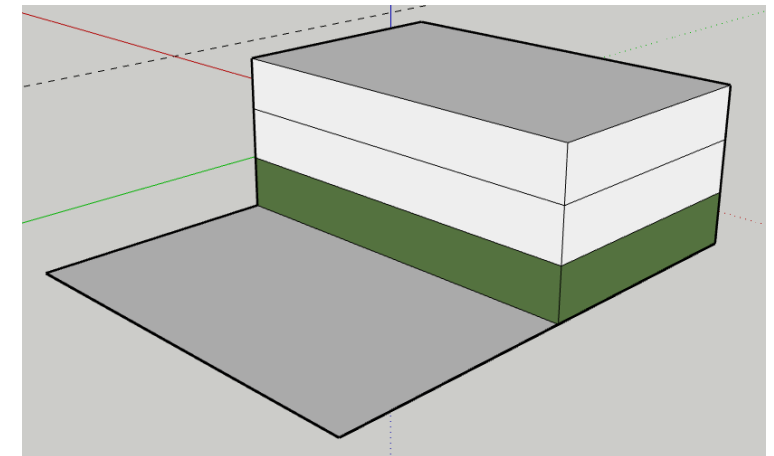


Phase 2: Proposed Citywide Tools Under Exploration

Citywide Tools and Options under Exploration

- Additional site development and parking flexibility for creative spaces and live music venues
- Review “triggers” for new developments that may impact existing creative spaces and live music venues
 - Residential In Commercial creative space precedent
 - Exploring limited sound compatibility triggers
- Administrative flexibility in enforcement of policies, rules, codes, or design standards
- Inclusion of creative spaces in vertical mixed-use and related developments
- Creative space and live music venue floor area ratio exemptions in new developments

With FAR Allowance

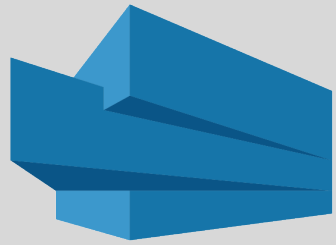


FAR=1.0; CS Zone (60 ft height allowance) 15,000 sq. ft. building; 5,000 sq. ft. creative space

Phase 3: Proposed Incentive Changes Under Development

Ordinance No. 20180830-058:

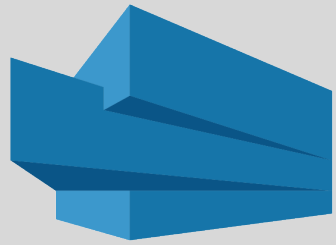
- “Address commercial affordability for tenants of commercial space with the intention of alleviating both short and long term financial challenges (such as rent and new pathways for revenue generation) with particular focus on small, local, heritage businesses, non-profits, cooperatives, and those in the creative sector”
- EDD has been engaged in review of incentive policies with a focus on using Chapter 380 tax reimbursements and related tools to support long-term affordability for creative spaces in a place-based framework
- Goal to bring new programs forward for review and approval in fall 2023 with heavy focus on creative space affordability



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Questions



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We look forward to working with you!