

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2022-022 Live Music Venue and Creative Space Definitions

Description: Consider amendments to Title 25 of the City Code relating to live music venue and creative space definitions.

Proposed Language: See attached background information.

Summary of proposed code amendment

- The proposed amendment will modify two (2) land use definitions:
 - PERSONAL IMPROVEMENT SERVICES use is the use of a site for the provision of informational, instructional, personal improvement, and similar services ~~[of a non-professional nature]~~. This use includes music studios, martial arts studios, photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.
 - THEATER use is the use of a site for presentation of plays, motion pictures, or other [dramatic] performances within a building
- The proposed amendment will also add the following residential land use:
 - LIVE/WORK use is the use of a site for one or more dwelling units and commercial uses within a single structure and the dwelling unit's occupant operates the commercial use.
- The proposed amendment will also create the Performance District (PD) combining district to enhance the development and preservation of performance venues that support arts, music, and culture; and contribute to the City's status as the Live Music Capital of the World.
 - The PD combining district may be combined with various commercial and office base districts.
 - In the PD combining district a performance venue is the use of as a site for retail sale of alcoholic beverages for consumption on the premises and at least one of the following uses:
 - Indoor Entertainment;
 - Outdoor Entertainment; or
 - Theater.
- Still under consideration: Making creative space uses accessory uses for principal residential uses.

Background: Initiated by City Council Resolutions 20220728-094 and 20220901-089.

On July 28, 2022, the City Council adopted Resolution No. 20220728-094 initiating changes to establish the criteria to be a Live Music Venue to support the creation of a live music venue bonus and incentive program for new and existing venues. On September 1, 2022, the City Council adopted Resolution No. 20220901-089 initiating changes to develop and adopt clear land use definitions and create a bonus and incentive program for broadly defined creative spaces. These Resolutions are being addressed concurrently. After revised land use definitions are adopted, staff will bring forward additional code amendments to support the preservation, development, and prosperity of creative spaces, live music venues, and related arts/music districts.

Staff Recommendation: Pending

The Economic Development Department and Planning Department currently do not have any concerns with the proposed amendments. They are Council-recommended actions to allow for more opportunities for live music venues and creative spaces. They are necessary to support the further regulatory changes identified in City Council Resolutions 20220728-094 and 20220901-089, including development bonuses designated districts to support creative spaces.

Board and Commission Actions

April 8, 2023: To be presented to Art and Music Joint Commission

April 19, 2023: To be reviewed by the Codes and Ordinances Joint Committee.

May 23, 2022: A public hearing will be held by Planning Commission.

Council Action

May 4, 2023: To schedule a public hearing, with a suggested date of June 8, 2023

Ordinance Number: NA

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TITLE 25. - LAND DEVELOPMENT.
CHAPTER 25-2. - ZONING.
LIVE MUSIC AND CREATIVE SPACES CODE AMENDMENTS
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§ 25-2-3 RESIDENTIAL USES DESCRIBED.

- (A) Residential uses include the occupancy of living accommodations on a nontransient basis. Residential uses exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, including mental hospitals and prisons.
- (B) Residential use classifications are described as follows:
- (XX) LIVE/WORK use is the use of a site for one or more dwelling units and commercial uses within a single structure and the dwelling unit's occupant operates the commercial use.

§ 25-2-4 COMMERCIAL USES DESCRIBED.

- (A) Commercial uses include the sale, rental, servicing, and distribution of goods, and the provision of services, other than those classified as industrial or civic uses.
- (B) Commercial use classifications are described as follows:
- (4) ART GALLERY use is the use of a site for the display or sale of art.
- (5) 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.
- (12) BUSINESS OR TRADE SCHOOL use is the use of a site for provision of education or training in business, commerce, language, or other similar activity or occupational pursuit that is not otherwise described as a home occupation, college, university, or public or private educational facility.
- (16) 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.
- (37) INDOOR ENTERTAINMENT use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.
- (46) 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.
- (50) PERSONAL IMPROVEMENT SERVICES use is the use of a site for the provision of informational, instructional, personal improvement, and similar services ~~[of a non-professional nature]~~. This use includes music studios, martial arts studios,

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photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.

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

§ 25-2-6 CIVIC USES DESCRIBED.

(A) Civic uses include the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.

(B) Civic use classifications are described as follows:

(15) CULTURAL SERVICES use is the use of a site for a library, museum, or similar facility.

§ 25-2-182 PERFORMANCE DISTRICT COMBINING DISTRICT.

(A) The purpose of the Performance District (PD) combining district is to enhance the development and preservation of performance venues that support arts, music, and culture; and contribute to the City's status as the Live Music Capital of the World.

(B) A PD combining district may be combined with the following base districts:

- (1) Commercial Recreation
- (2) Neighborhood Commercial
- (3) Community Commercial

(C) In the PD combining district, a performance venue is the use of as a site for retail sale of alcoholic beverages for consumption on the premises and at least one of the following uses:

- (1) Indoor Entertainment;
- (2) Outdoor Entertainment; or
- (3) Theater.

(D) Use Allowed.

- (1) In the PD combining district, a performance venue is a conditional use.
- (2) Commercial uses permitted in the base zoning district are allowed in the PD combining district unless the zoning ordinance establishing the property's zoning prohibits the use.

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(E) Site Development Standards.

- (1) A performance venue with a late-hours permit from the Texas Alcoholic Beverage Commission is subject to Article 10 (*Compatibility Standards*) unless the venue is eligible for a waiver under Article 10, Division 3 (*Waivers*).
- (2) For a performance venue with a late-hours permit:
 - (a) all parking must be shown on the site plan that is required for a conditional use permit or compatibility standards waiver; and
 - (b) compliance with the parking area setback described in Section 25-5-146 (*Conditions Of Approval*) is required.