

**Economic  
Development**

CITY OF AUSTIN

# Live Music Venue and Creative Space Definitions

June 21, 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 live/work provisions to allow artists to sell finished goods from their live/work home studios and have more code flexibility
- 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

# Current Status

## 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
  - Arts and Music Commission Land Use Committee – May 5, 2023
  - **Code and Ordinances Joint Committee – June 21, 2023**
  - Planning Commission – June 27, 2023
  - City Council Hearing – July 20, 2023
- Second Phase: Establish full implementation of Resolution items – Fall/Winter 2023 adoption goal
  - Process for designating cultural districts for arts and/or live music
  - Set of incentives and protections for creative spaces and live music venues based on resolution guidance

# Purpose and Implementation Framework

- General Purpose
  - Help mitigate rent and displacement pressure on creative spaces and live music venues by better defining these uses and permitting them in more zones
- Theater
  - Purpose: Increase opportunities for live theaters by increasing the zones that allow for theater use by right and conditionally
  - Implementation: Expand the base zones in which theater uses are allowed by right and conditionally
- Music Venues
  - Purpose: Increase opportunities by expanding zones that allow for live music venues conditionally (not by right) to help address affordability and availability constraints while maintaining strong controls over compliance
  - Implementation: Create a clear definition or framework for live music venues that differentiates them from cocktail lounges but allows flexibility in alcohol sales for operating venues; Expand the number of zones that allow live music venues with a CUP
- Live/Work and Studios
  - Purpose: Reduce costs for working artists by allowing them greater ability to operate from home studios
  - Implementation: Include studios in the Personal Improvement Services category; and Create a framework for arts-focused live/work uses with more flexibility than “home occupations” allows currently

# Live Music Venue and Creative Space Definitions

## Feedback from Codes and Ordinances Joint Committee April 19<sup>th</sup> Meeting

- Theater
  - Expand the base zones in which theater uses are allowed generally, i.e. without the Performance District combining district
- Live/Work
  - Identify which types of commercial activities are allowed in live/work projects, focused on appropriately scaled creative uses
  - Clarify in which zones live/work would be allowed by right and conditionally
- Music Venues
  - Recalibrate base districts in which live music venues are allowed to focus on higher-intensity commercial uses
  - Remove Indoor and Outdoor Entertainment as eligible uses and have clear definition for “Live Music Venues” or Performance Venues specifically
  - Include stronger and clearer criteria for performance venues to differentiate them from cocktail lounges

# Theater

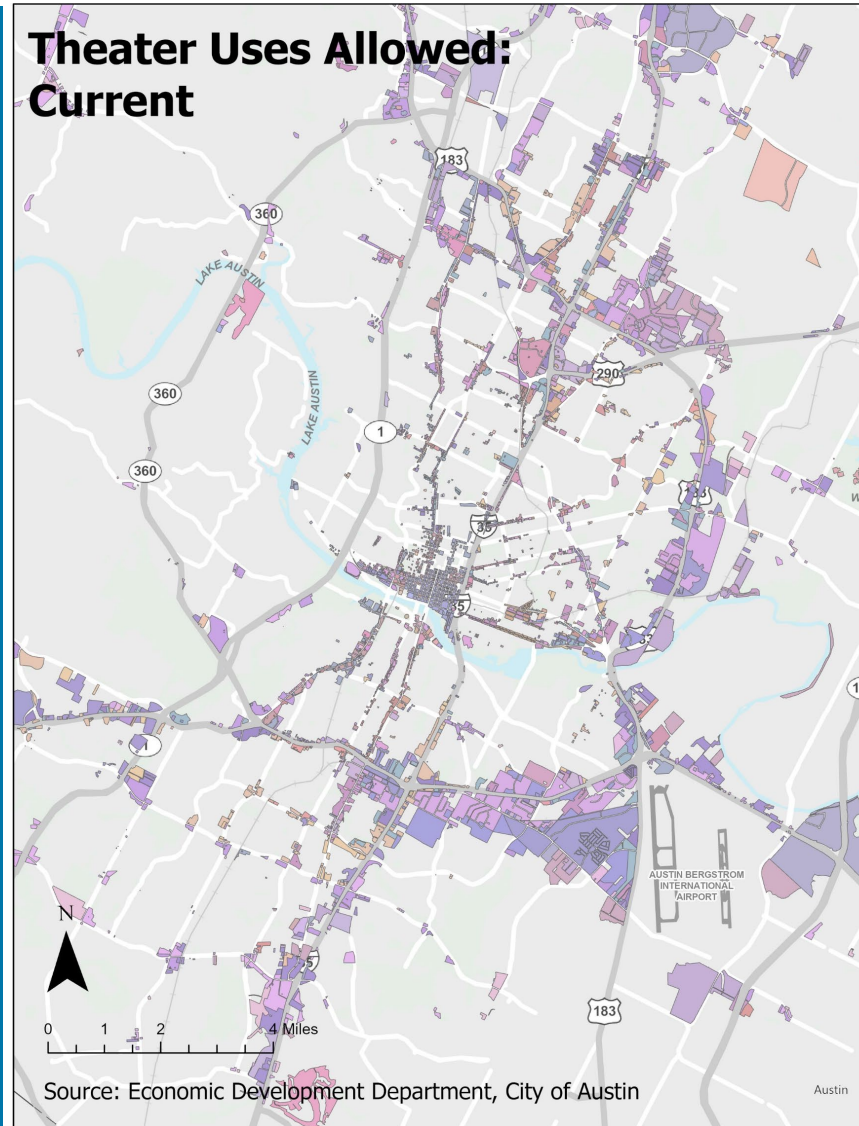
## Theater

- Main Feedback: Expand potential base zones for theaters
- Reviewed with DSD
- Recommended: THEATER is permitted in the following base zoning districts: **Limited Office (LO), General Office (GO), Neighborhood Commercial (LR), Commercial Recreation (CR)**, Community Commercial (GR), Central Business District (CBD), Downtown Mixed Use (DMU), **Warehouse/Limited Office (W/LO)**, General Commercial Services (CS), Commercial – Liquor Sales (CS-1), Commercial Highway Services (CH), Industrial Park (IP), Major Industry (MI), Limited Industrial Services (LI)
- THEATER is conditional in the following base zoning districts: **Neighborhood Office (NO)**, Lake Commercial (L)
- *Note: This expands number of lots in which Theater use is allowed by right or conditionally by **23%**, or 3,402 lots*

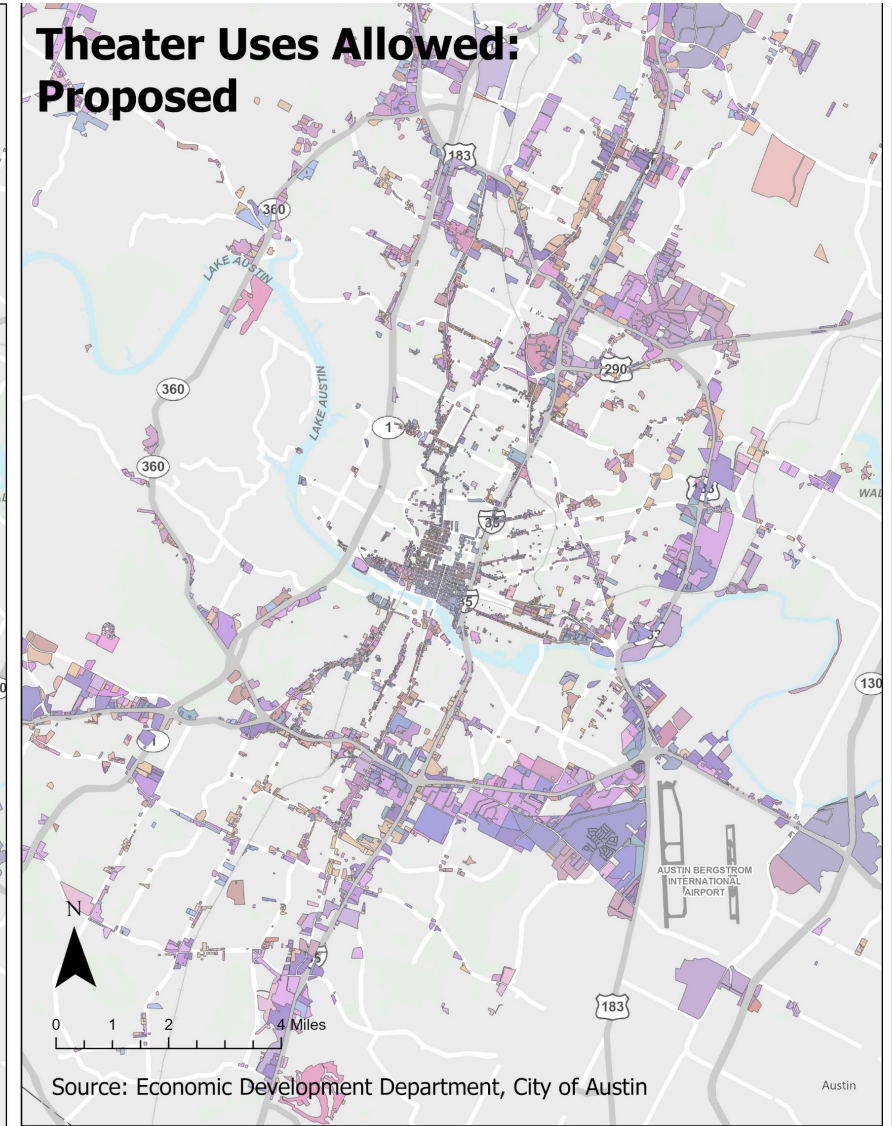


# Theater

## Theater Uses Allowed: Current



## Theater Uses Allowed: Proposed



*This expands number of lots in which Theater use is allowed by right or conditionally by **23%**, or 3,402 lots*

# Live/Work

## Live/Work

- Main Feedback: Identify which types of commercial activities are allowed in live/work projects; Clarify in which zones live/work would be allowed by right and conditionally
- Additional feedback from staff: Minimize complexity for artists
- Revisions:
  - Revise “Home Occupations” to facilitate more flexibility for creative space
  - Identify specific uses that are allowed: small art workshop or gallery; music, dance, or photography studio; or handicraft or hobby instruction
  - Reduce some restrictions of “Home Occupations”
    - Allow accessory structures to be used (i.e., detached home studio)
    - Allow participants in creative sector home occupations if off-street parking provided
    - Reduced restrictions on home art workshop visibility
  - Minimal administrative requirements for artists following code

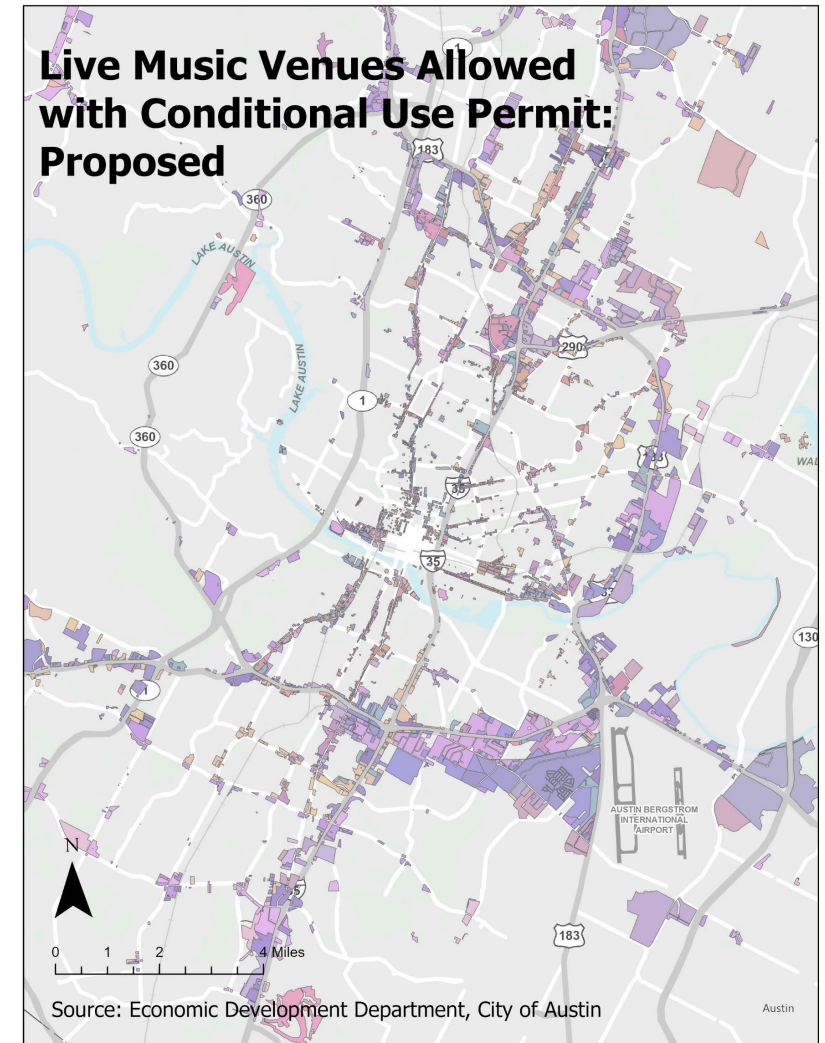
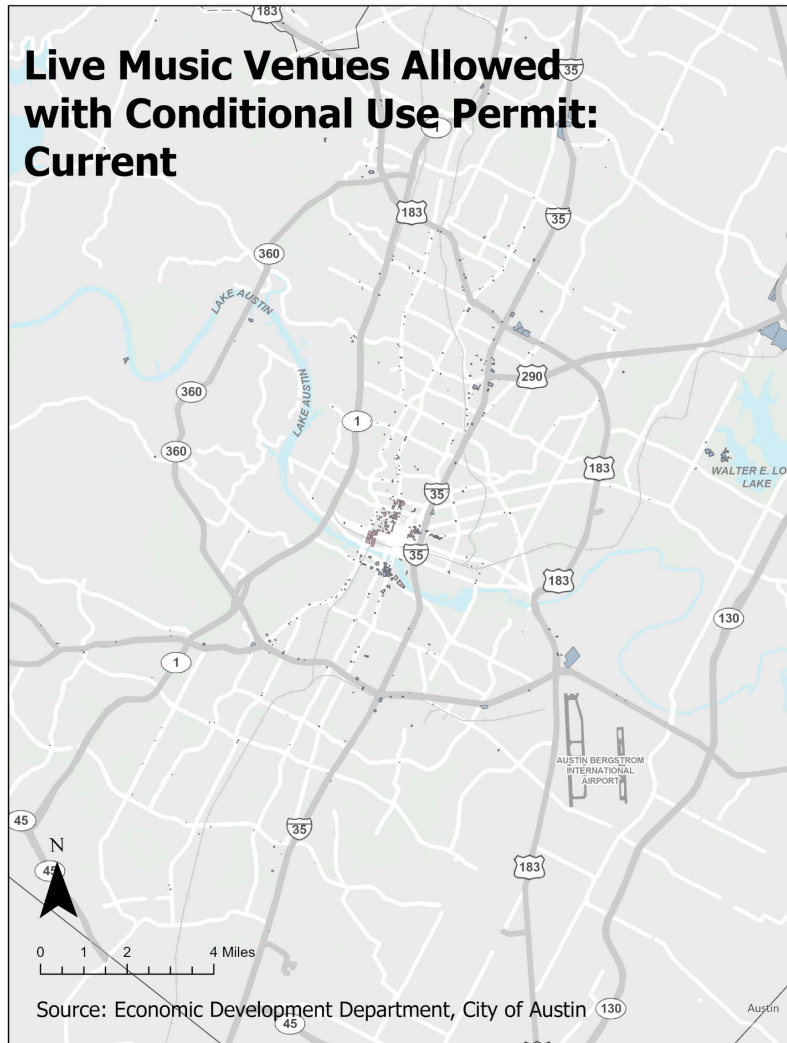


# Live Music Venues

## Live Music Venues

- Main Feedback: Remove Indoor and Outdoor Entertainment as eligible uses and have clear definitions or descriptions of “Live Music Venues” specifically; Recalibrate base districts in which it is allowed to focus on higher-intensity commercial uses; Include stronger and clearer criteria for performance venues to differentiate them from cocktail lounges
- Revisions:
  - Remove Indoor and Outdoor Entertainment as eligible uses
  - Create a distinct Performance Venue land use with music/creative production site standards that can be efficiently monitored
  - Recommended higher intensity base zones for combining district: Commercial Recreation (CR); Community Commercial (GR); General Commercial Services (CS); Warehouse/limited Office (W/LO); Commercial Highway Service (CH); Limited Industrial Services (LI); Downtown Mixed Use (DMU)
  - Allow land use through a Conditional Use Permit; no expansion of zones where Performance Venues are permitted by right; “bad actors” will lose their CUP

# Live Music Venues



*This expands the number of lots in which Live Music Venue use is allowed by Conditional Use Permit by almost 2,000%, or 12,700 lots; including lots permitted Downtown this is a 685% increase. Venues using this definition will be subject to CUP monitoring to ensure compliance with site plan and use requirements.*