

## 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]~~. This use also includes live music performances.
- The proposed amendment will also add the following residential land use:
  - PERFORMANCE VENUE use is the use of a site for a theater that includes the retail sale of alcoholic beverages for consumption on the premises.
  - Site development regulations for PERFORMANCE VENUE include the following:
    - A performance venue must allocate a minimum of 50 percent of gross floor area for production and programming space.
    - Production and programming space includes stages, green rooms, box offices and ticketing booths, audience areas, and equipment dedicated to producing plays, motion pictures, or other performances.
    - A performance venue with a late-hours permit from TABC is subject to Article 10 (Compatibility Standards) unless the venue is eligible for a waiver under Article 10, Division 3 (Waivers).
    - For a performance venue with a late-hours permit:
      - all parking must be shown on the site plan that is required for a conditional use permit or compatibility standards waiver; and
      - compliance with the parking area setback described in Section 25-5-146 (Conditions Of Approval) is required.
    - In addition to the evaluation criteria in Section 25-5-145 (Evaluation of Conditional Use Site Plan), a conditional use permit may reduce the amount of gross floor area that can be dedicated as audience space. If the Land Use Commission determines that the surrounding uses

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support a reduced amount of gross floor area, the Land Use

Commission shall identify the basis for its determination.

- PERFORMANCE VENUE use will be permitted in the following zoning district: Central Business District (CBD)
- PERFORMANCE VENUE use will be conditional in the following zoning districts:
  - Commercial Recreation (CR)
  - Community Commercial (GR)
  - Warehouse Limited Office (W/LO)
  - General Commercial Services (CS)
  - Commercial Highway Services (CH)
  - Limited Industrial Services (LI)
  - Downtown Mixed Use (DMU)
- The proposed amendment will also allow make the THEATER use allowed in more zoning districts.
  - THEATER use will be permitted in the following additional zoning districts:
    - Limited Office (LO)
    - General Office (GO)
    - Neighborhood Commercial (LR)
    - Commercial Recreation (CR)
    - Warehouse/Limited Office (W/LO)
  - THEATER use will be permitted in the following additional zoning districts:
    - Neighborhood Office (NO)
- The proposed amendment will also make revisions to Section 25-2-900 HOME OCCUPATIONS to support creative space live/work activities:
  - Allowing creative space home occupations to be conducted in an accessory home studio: A home occupation must be conducted entirely within the dwelling unit or an [one] accessory structure [~~garage~~].
  - Allowing participants in the home occupation who do not reside on-site for small scale creative uses, along with currently allowed medical, professional, administrative, and business office occupations: A person who does not reside on-site may participate in the home occupation if off-street parking is provided and home occupation is:
    - a medical, professional, administrative, or business office; or
    - an art workshop or gallery; or
    - a music, dance, or photography studio; or
    - handicraft or hobby instruction.
  - Allowing direct sale of creative products on site: [~~The sale of merchandise directly to a customer on the premises is prohibited.~~]
  - Allowing dance studios as home occupations.

**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

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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:** Presented to Art and Music Joint Commission

**June 21, 2023:** Recommended as amended by the Codes and Ordinances Joint Committee on a vote of 5-1 with Commissioner Greenberg voting nay. See attachment: Amendments Adopted by COJC.

**June 27, 2023:** A public hearing will be held by Planning Commission.

**Council Action**

**June 8, 2023:** Schedule a public hearing, with a suggested date of July 20, 2023

**July 20, 2023:** To hold a public hearing

**Ordinance Number:** NA

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**Amendments adopted by COJC**

Amendment 1:

Allow performance venue as a conditional use in CS-1 zones

Amendment 2:

§ 25-2-XXX SITE DEVELOPMENT REGULATIONS FOR PERFORMANCE VENUES. (page 3 of 5)

C (4) In addition to the evaluation criteria in Section 25-5-145 (Evaluation of Conditional Use Site Plan), a conditional use permit may allow an outdoor entertainment area.

Amendment 3:

§ 25-2-900 HOME OCCUPATIONS.

(D) A person who does not reside on-site may participate in the home occupation if ~~the off-street parking is provided and~~ home occupation is: