

TITLE 25. - LAND DEVELOPMENT.

CHAPTER 25-2. - ZONING.

LIVE MUSIC AND CREATIVE SPACES CODE AMENDMENTS

WORKING DRAFT – SUBJECT TO CHANGE 5/8/2023 [B/U May 12<sup>th</sup>; June 27<sup>th</sup> PC]

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**§ 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, 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]~~. This use also includes live music performances.
  - (XX) 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.

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**§ 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.

**§ 25-2-491 PERMITTED, CONDITIONAL, AND PROHIBITED USES.**

Will also amend to allow **theater** use in the following zoning districts:

Permitted	Conditional
Limited Office (LO) General Office (GO) Neighborhood Commercial (LR) Commercial Recreation (CR) Warehouse/Limited Office (W/LO)	Neighborhood Office (NO)

Will also amend to allow **performance venue** use in the following zoning district:

Permitted	Conditional
Central Business District (CBD)	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)

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**§ 25-2-XXX SITE DEVELOPMENT REGULATIONS FOR PERFORMANCE VENUES.**

(A) The purpose of the Performance Venue use 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) Production Space.

(1) A performance venue must allocate a minimum of 50 percent of gross floor area for production and programming space.

(2) 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.

(C) Sale of Alcoholic Beverages.

(1) 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).

(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.

(3) 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 support a reduced amount of gross floor area, the Land Use Commission shall identify the basis for its determination.

**§ 25-2-900 HOME OCCUPATIONS.**

(A) A home occupation is a commercial use that is accessory to a residential use. A home occupation must comply with the requirements of this section.

(B) A home occupation must be conducted entirely within the dwelling unit or an ~~one~~ accessory structure [garage].

(C) Except as provided in Subsection (D), participation in a home occupation is limited to occupants of the dwelling unit.

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

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- (1) an a medical, professional, administrative, or business office; or
  - (2) an art workshop or gallery; or
  - (3) a music, dance, or photography studio; or
  - (3) handicraft or hobby instruction.
- (D) The residential character of the lot and dwelling must be maintained. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.
- (E) A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.
- ~~[(F) The sale of merchandise directly to a customer on the premises is prohibited]. (All subsequent subsections will be re-lettered.)~~
- (G) Except for materials and equipment used in an art workshop, equipment or materials associated with the home occupation must not be visible from locations off the premises.
- (H) A home occupation may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or accessory structure [garage].
- (I) Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited.
- (J) Advertising a home occupation by a sign on the premises is prohibited, except as provided under Section 25-10-156 (*Home Occupation Signs*). Advertising the street address of a home occupation through signs, billboards, television, radio, or newspapers is prohibited.
- (K) The following are prohibited as home occupations:
  - (1) animal hospitals, animal breeding;
  - (2) clinics, hospitals;
  - (3) hospital services;
  - (4) contractors yards;
  - ~~[(5) dance studios;]~~
  - (6) scrap and salvage services;
  - (7) massage parlors other than those employing massage therapists licensed by the state;

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- (8) restaurants;
- (9) cocktail lounges;
- (10) rental outlets;
- (11) equipment sales;
- (12) adult oriented businesses;
- (13) recycling centers;
- (14) drop-off recycling collection facilities;
- (15) an activity requiring an H-occupancy under Chapter 25-12, Article 1 (*Uniform Building Code*);
- (16) automotive repair services; and
- (17) businesses involving the repair of any type of internal combustion engine, including equipment repair services.