

**Economic
Development**
CITY OF AUSTIN

Live Music Venue and Creative Space Definitions

August 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 – July 25, 2023
 - **Arts Commission – August 21, 2023**
 - **City Council Hearing – September 14, 2023**
- Second Phase: Establish full implementation of Resolution items – Spring/Summer 2024 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 Meetings

- Theater
 - Expand the base zones in which theater uses are allowed by right
- 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
 - Improve flexibility for home studios
- Music Venues
 - Calibrate 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; allow outdoor performance as part of conditional use permit
 - Include stronger and clearer criteria for performance venues to differentiate them from cocktail lounges

Live/Work

Live/Work

- Main Goals: Identify which types of commercial activities are allowed in live/work projects; Clarify in which zones live/work would be allowed; Minimize complexity for artists; Do not cause confusion with existing live/work framework in VMU zoning
- Recommended:
 - Revise “Personal Improvement Services” to allow for creative activities (music studio, handicraft studio, etc.) of a professional nature
 - 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, same to home office allowance
 - Reduced restrictions on home art workshop visibility
 - Minimal administrative requirements for artists following code

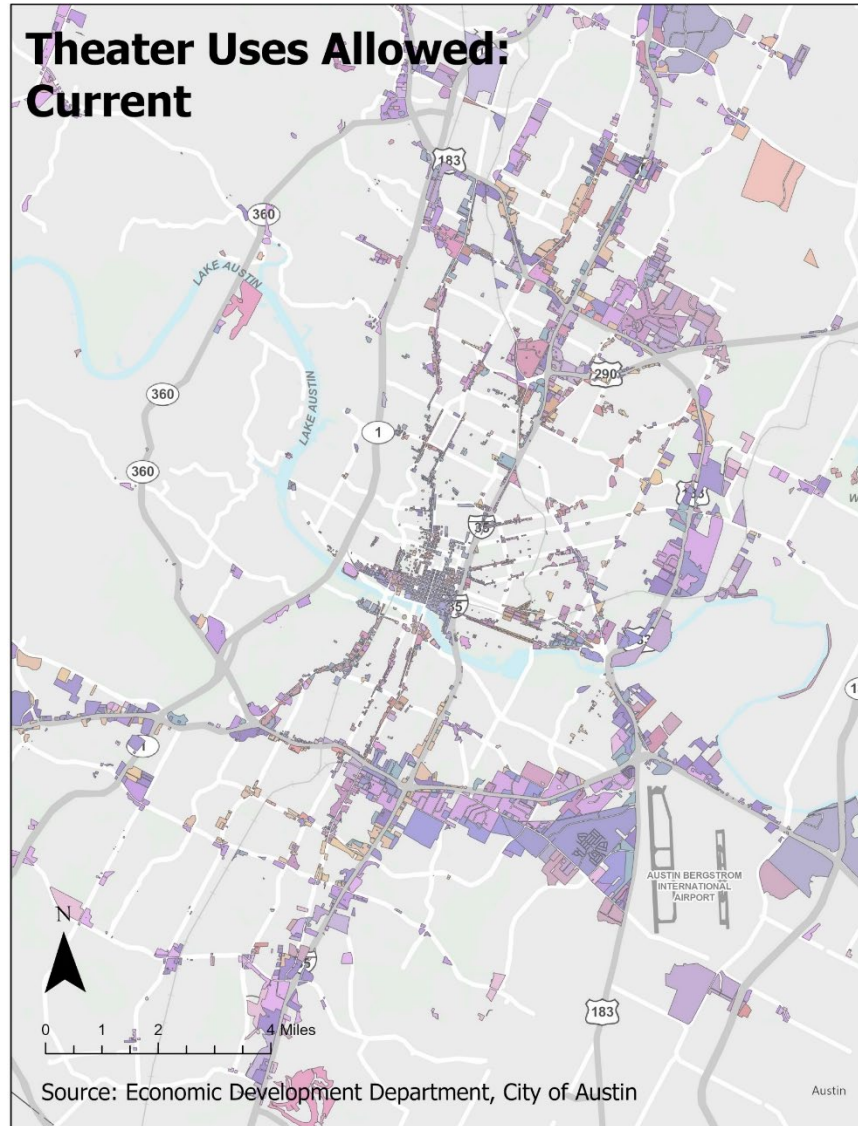
Theater

Theater

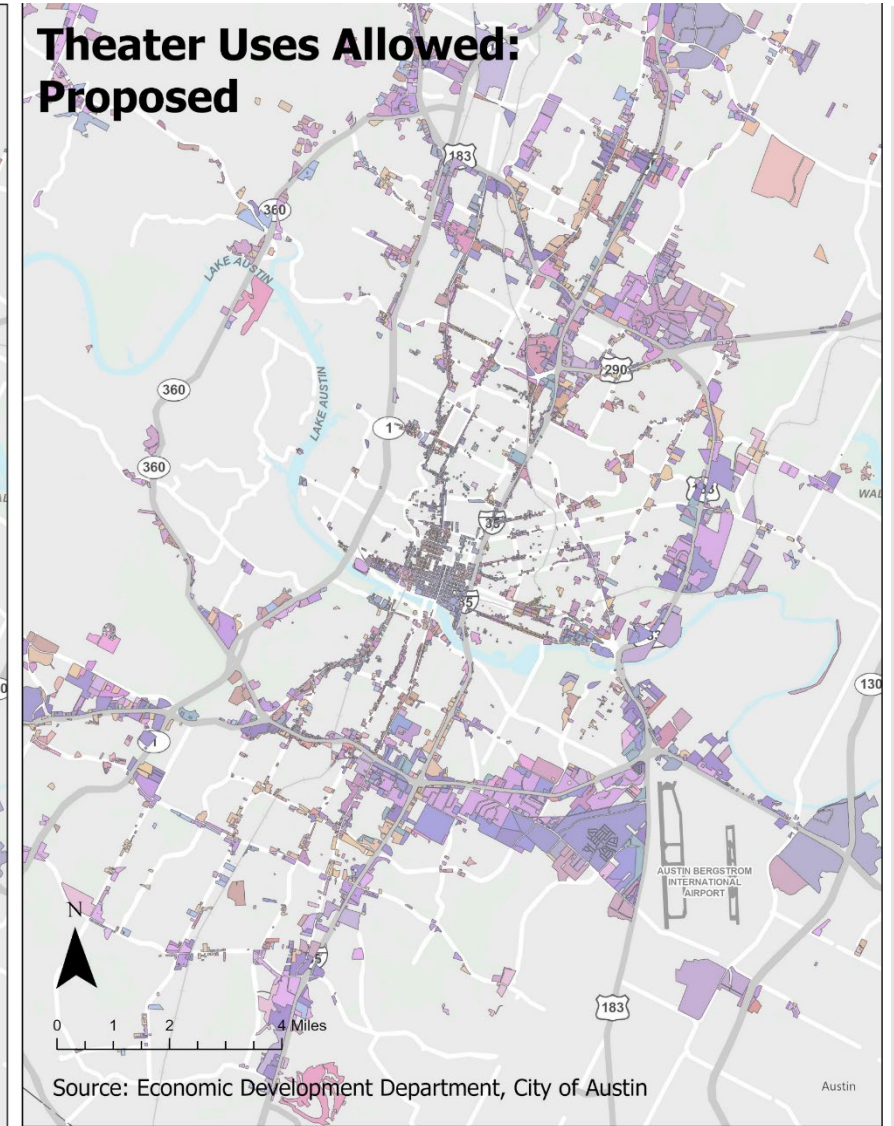
- Main Goal: Expand potential base zones for theaters
- Reviewed with DSD
- Recommended:
 - THEATER is permitted in the following base zoning districts: **Limited Office (LO), General Office (GO), Neighborhood Commercial (LR), Commercial Recreation (CR)**, Community Commercial (GR), Central Business 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*

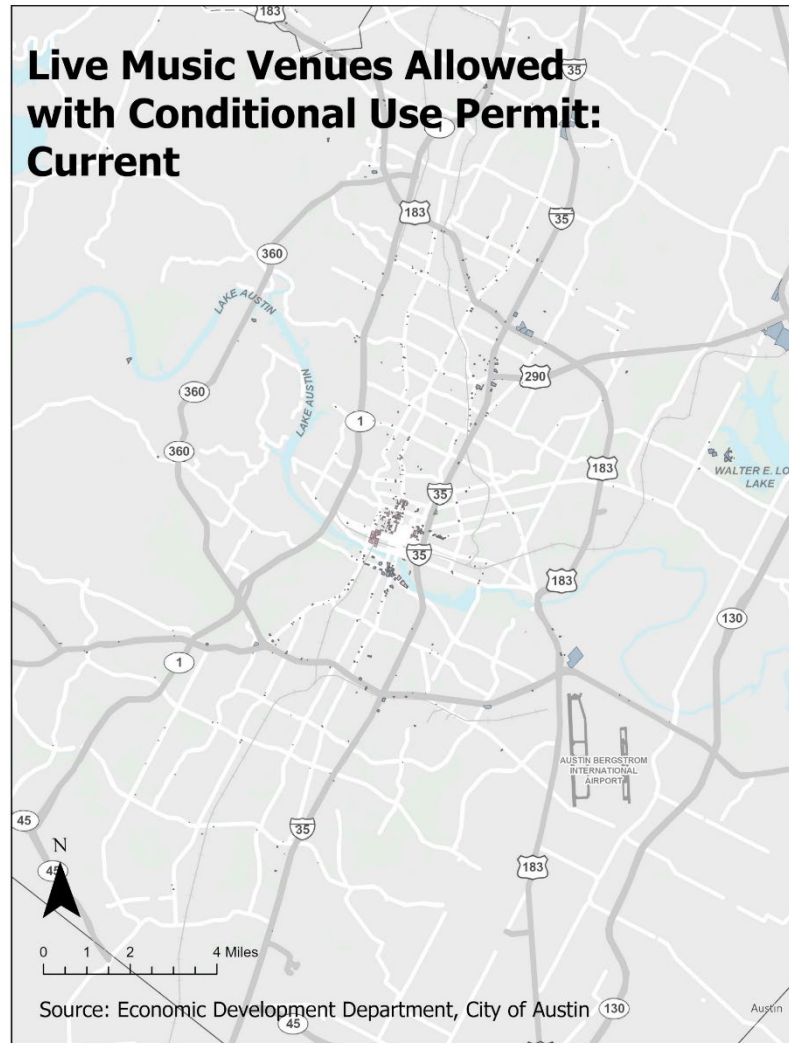
Live Music Venues

Live Music Venues

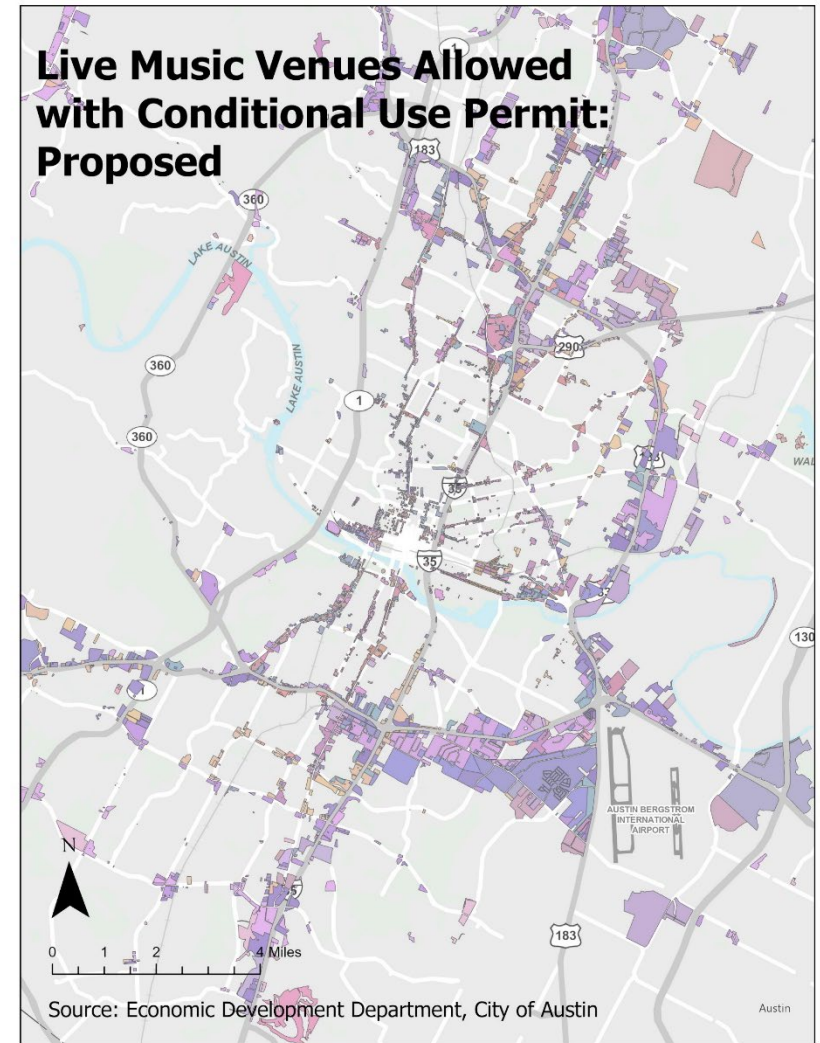
- Main Goals: Have clear definition or description that supports live music venue operations; Expand allowed zones while allowing for regulation of “bad actors”; Include stronger and clearer criteria for performance venues to differentiate them from cocktail lounges
- Recommended:
 - Create a distinct Performance Venue land use with music/creative production site standards that can be efficiently monitored – minimum 50% of gross floor area for creative production and programming space (stage, green room, rehearsal areas/dressing rooms, fixed sound/lighting equipment, audience areas, ticketing booths/box offices, etc.)
 - 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); and CS-1 per amendment
 - 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; outdoor activity allowed as part of CUP

Live Music Venues

Live Music Venues Allowed with Conditional Use Permit: Current



Live Music Venues Allowed with Conditional Use Permit: Proposed



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.

Phase 2: District Tools

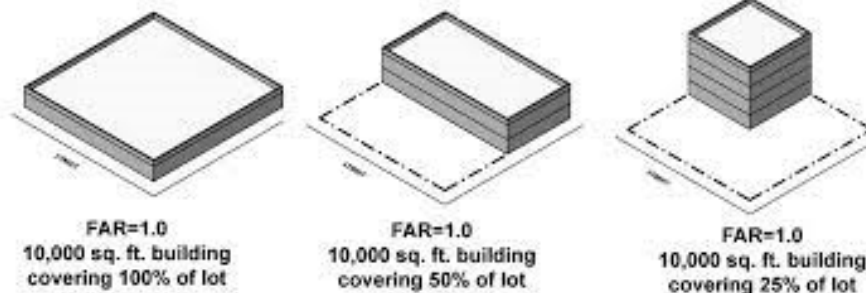
Criteria and process for establishing Cultural Districts for Arts and/or Live Music including Strong Policy Tools

- 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
- Goal to create process creative spaces and property owners can choose to do rather than designate areas top-down, with menu of tool options
- 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 review “triggers” for new developments that may impact existing creative spaces and live music venues for preservation and sound mitigation options

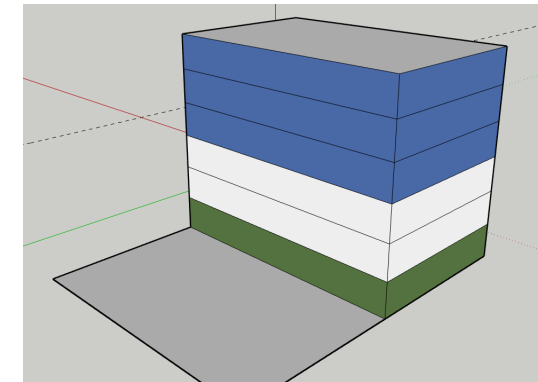
Phase 2: Proposed Tools Under Exploration

Development Bonuses for Creative Space

- Additional floor area will support ground floor requirements
- 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



Non-bonus FAR entitlement in white, creative space floor area in green, bonus floor area in blue

Phase II Current Status

Where We Are Now:

- Planning Commission direction to include cultural overlay considerations in Red River Cultural District in Palm District guidelines, including tools that integrate with cultural overlay process
 - Requiring minimum percentage (25% minimum) of ground floor areas designated for live music and cultural arts spaces for new or redeveloped properties;
 - Requiring a minimum portion of the total site development square footage to be allocated for live music, cultural arts, or affordable small business supporting live music and cultural arts;
 - Establishing density bonuses for provision of arts and cultural space allowing flexibility for arts and culture uses
 - Enabling tax abatements for arts and cultural spaces and arts / cultural funding through value capture mechanisms
- Draft tools have been discussed internally
- Initial conversations have begun with Planning, Law, and Development Services Departments
- Goal to complete primary work in Fall with Council vote in May/June 2024 at latest



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Questions

We look forward to working with you!