

41 Theater is a conditional use in the following additional base districts:

42 Neighborhood Office (NO)

44 Performance venue is a permitted use in the following base districts:

45 Central Business District (CBD)

47 Performance venue is a conditional use in the following base districts:

48 Commercial Recreation (CR)

49 Community Commercial (GR)

50 Warehouse Limited Office (W/LO)

51 General Commercial Services (CS)

52 Commercial Liquor Sales (CS-1)

53 Commercial Highway Services (CH)

54 Limited Industrial Services (LI)

55 Downtown Mixed Use (DMU)

57 **PART 3.** City Code Chapter 25-2, Subchapter C, Article 4, Division 2 (*Commercial*
58 *Uses*) is amended to add a new Section 25-2-819 to read as follows:

60 **§ 25-2-819 PERFORMANCE VENUES.**

- 61
- 62 (A) The purpose of the performance venue is to enhance the development and
63 preservation of venues that support art, music, and culture; and contribute to the
64 City's status as the Live Music Capital of the World.
- 65
- 66 (B) Production Space.
- 67
- 68 (1) A performance venue must allocate a minimum of 50 percent of the gross
69 floor area for production and programming space.
- 70
- 71 (2) Production and programming space includes stages, green rooms, box
72 offices and ticketing booths, audience areas, and equipment dedicated to
73 producing plays, motion pictures, or other performances.
- 74
- 75 (C) Sale of Alcoholic Beverages.
- 76
- 77 (1) A performance venue with a late-hours permit from the Texas Alcoholic
78 Beverage Commission (TABC) is subject to Article 10 (*Compatibility*
79 *Standards*) unless the venue is eligible for a waiver under Article 10,
80 Division 3 (*Waivers*).

- 81 (2) For a performance venue with a late-hours permit:
82
83 (a) an applicant must show all of the proposed parking on a site plan that
84 is required for a conditional use or compatibility standards waiver;
85 and
86
87 (b) the site is subject to the parking area setback described in Section 25-
88 5-146 (*Conditions of Approval*).
89
90 (3) In addition to the evaluation criteria in Section 25-5-145 (*Evaluation of*
91 *Conditional Use Site Plan*), a conditional use permit may:
92
93 (a) reduce the amount of gross floor area that can be dedicated as
94 audience space; and
95
96 (b) allow an outdoor entertainment area.
97
98 (4) If the Land Use Commission determines that the surrounding uses support a
99 reduced amount of gross floor area, the Land Use Commission shall identify
100 the basis for its determination.
101

102 **PART 4.** City Code Section 25-2-900 (*Home Occupations*) is amended to read as
103 follows:
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105 **§ 25-2-900 HOME OCCUPATIONS.**
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- 107 (A) A home occupation is a commercial use that is accessory to a residential use. A
108 home occupation must comply with the requirements of this section.
109
110 (B) A home occupation must be conducted entirely within the dwelling unit or an [one]
111 accessory structure [garage].
112
113 (C) Participation in Home Occupation.
114
115 (1) Except as otherwise provided in this subsection, participation [Participation]
116 in a home occupation is limited to occupants of the dwelling unit [~~except~~
117 ~~that one person who is not an occupant may participate in a medical,~~
118 ~~professional, administrative, or business office if off-street parking is~~
119 ~~provided for that person~~].
120

121 (2) A person who does not reside on-site may participate in a home occupation
122 if the home occupation is:

123
124 (a) a medical, professional, administrative, or business office;

125
126 (b) an art workshop or gallery;

127
128 (c) a music, dance, or photography studio; or

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130 (d) handicraft or hobby instruction.

131
132 (D) The residential character of the lot and dwelling must be maintained. A home
133 occupation that requires a structural alteration of the dwelling to comply with a
134 nonresidential construction code is prohibited. This prohibition does not apply to
135 modifications to comply with accessibility requirements.

136
137 (E) A home occupation may not generate more than three vehicle trips each day of
138 customer-related vehicular traffic.

139
140 [~~F~~] ~~The sale of merchandise directly to a customer on the premises is prohibited].~~

141
142 (F[G]) Except for materials and equipment used in an art workshop, equipment
143 [Equipment] or materials associated with the home occupation must not be visible
144 from locations off the premises.

145
146 (G[H]) A home occupation may not produce noise, vibration, smoke, dust, odor, heat,
147 glare, fumes, electrical interference, or waste run-off outside the dwelling unit or
148 accessory structure [~~garage~~].

149
150 (H[F]) Parking a commercial vehicle on the premises or on a street adjacent to
151 residentially zoned property is prohibited.

152 (I[F]) Advertising a home occupation by a sign on the premises is prohibited, except as
153 provided under Section 25-10-156 (*Home Occupation Signs*). Advertising the
154 street address of a home occupation through signs, billboards, television, radio, or
155 newspapers is prohibited.

156
157 (J[K]) The following are prohibited as home occupations:

158
159 (1) animal hospitals, animal breeding;

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161 (2) clinics, hospitals;

- 162 (3) hospital services;
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164 (4) contractors yards;
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166 [~~5~~—dance studios;]
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168 (~~5~~[6]) scrap and salvage services;
169
170 (~~6~~[7]) massage parlors other than those employing massage therapists licensed by
171 the state;
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173 (~~7~~[8]) restaurants;
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175 (~~8~~[9]) cocktail lounges;
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177 (~~9~~[10]) rental outlets;
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179 (~~10~~[11]) equipment sales;
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181 (~~11~~[12]) adult oriented businesses;
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183 (~~12~~ [13]) recycling centers;
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185 (~~13~~ [14]) drop-off recycling collection facilities;
186
187 (~~14~~[15]) an activity requiring an H-occupancy under Chapter 25-12, Article 1
188 (*Uniform Building Code*);
189 (~~15~~ [16]) automotive repair services; and
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191 (~~16~~[17]) businesses involving the repair of any type of internal combustion engine,
192 including equipment repair services.
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