



City of Austin

Recommendation for Action

File #: 24-5525, **Agenda Item #:** 5.

9/12/2024

Posting Language

Approve an ordinance amending City Code Chapter 4-18 (General Permitting Standards) relating to sound assessments for residential and hotel-motel uses near outdoor music venues and performance venues; amending City Code Chapter 9-2 (Noise and Amplified Sound) relating to outdoor music venues, nuisances, and sound impact plans; and creating offenses.

Lead Department

Development Services Department.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

October 18, 2018 - Council approved Resolution No. 20181018-038 directing the City Manager to propose programs, rules, and ordinances necessary to improve compatibility between residents, lodging establishments, and music-related businesses on consent.

For More Information:

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Council Committee, Boards and Commission Action:

April 1, 2024 - The Music Commission voted to recommend the sound assessment and disclosure requirement proposal to City Council.

April 15, 2024 - The Arts Commission voted to recommend the sound assessment requirement for residential development near Outdoor Music Venues and Performance Venues, and a disclosure requirement about nearby venues when units are sold or leased.

April 22, 2024 - The Design Commission voted not to recommend the sound assessment and disclosure requirements proposal to City Council.

Additional Backup Information:

Staff is proposing amendments City Code to continue the implementation of Resolution No 20181018-038.

Much has been done to implement Resolution No. 20181018-038 related to ensuring the sound levels for music-related businesses are reasonable, residences maintain livability, and that compliance and enforcement is responsive and effective. However, policy related to residential development participation is still outstanding and is addressed by the proposed ordinance. The intent of the ordinance is to ensure developers of new residential and hotel projects understand the sound levels in the area so they can design and construct their buildings considering the sound impact from nearby code-compliant music and entertainment, while having minimal impact on the development review process or housing affordability.

The proposed ordinance requires new residential and hotel development projects within 600 feet of an

establishment with an outdoor music venue (OMV) permit, or within 300 feet of a performance venue to conduct a sound assessment that, at a minimum, documents the current sound conditions at the site and assesses the projected sound level inside the residential units. The proposed ordinance does not require staff to review the sound assessment or applicants to develop the property based on the sound assessment. The sound assessment would not apply to residential uses that can be developed without obtaining a site plan or a development that qualifies as a small project under City Code Section 25-5-3 (Small Projects).

City staff will complement the ordinance by creating a mapping tool that allows users to easily identify establishments with an outdoor music venue permit and performance venues, and by encouraging future residents to learn about nearby music-related businesses prior to buying or leasing a residential property to raise awareness about both the cultural and entertainment amenities in the area, as well as the potential sound impact.