

**Economic
Development**
CITY OF AUSTIN

Live Music Venue and Creative Space Definitions

September 14, 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 with zoning overlays 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/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

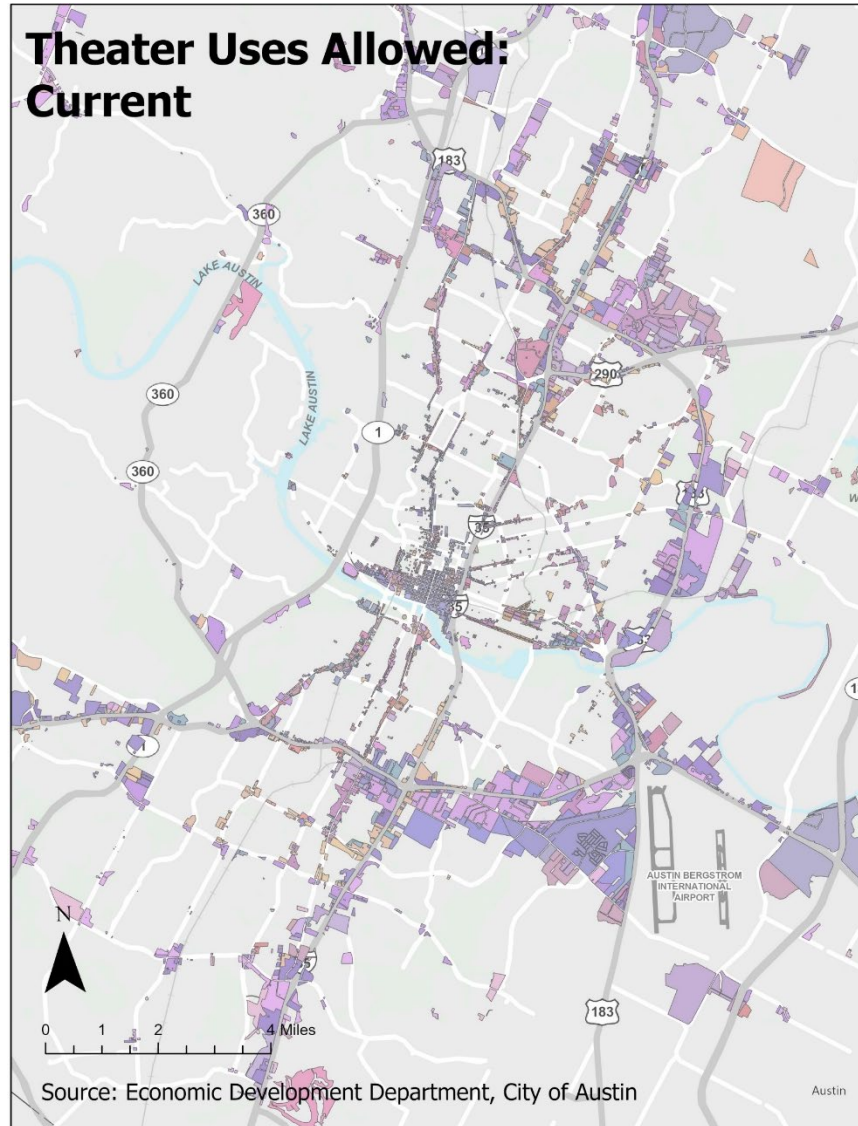
Theater

Theater

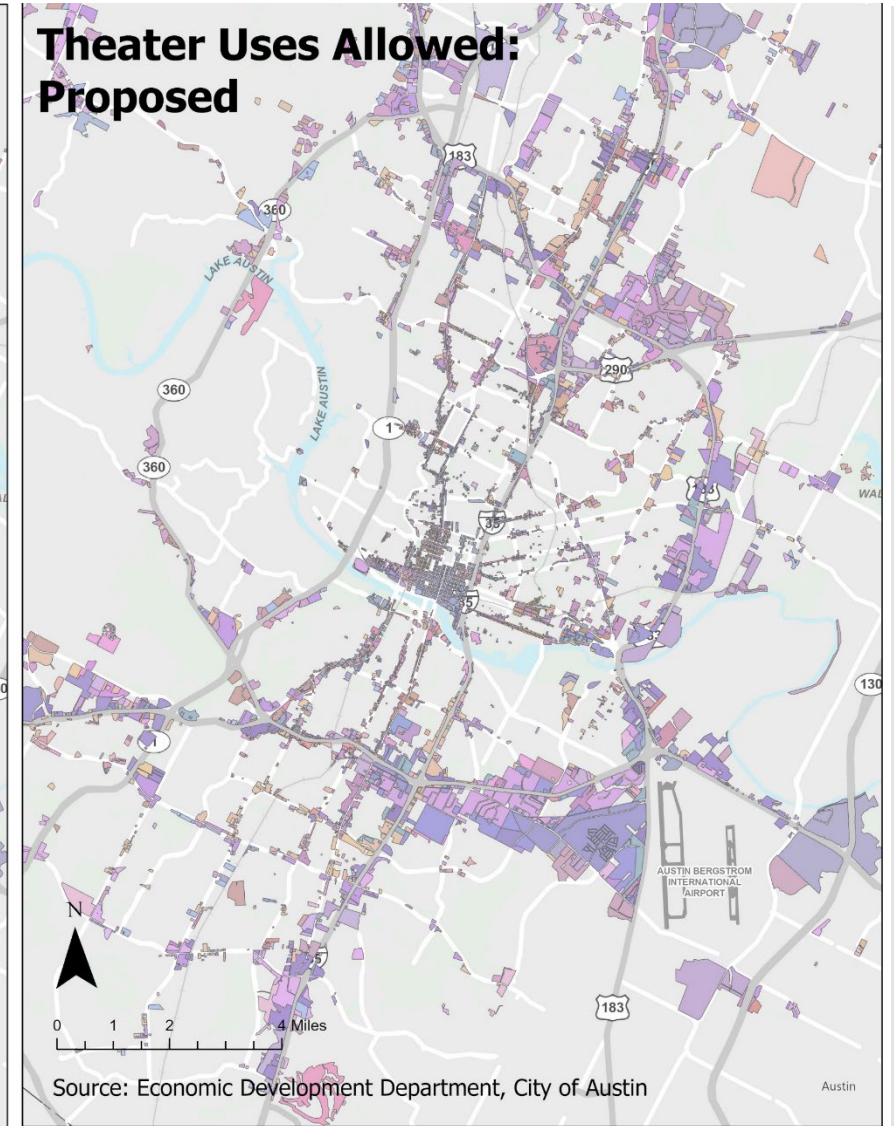
- Main Goal: Expand potential base zones for theaters
- Reviewed with DSD
- Recommended:
 - THEATER is permitted in the following base zoning districts: **Limited Office (LO), General Office (GO), Neighborhood Commercial (LR), Commercial Recreation (CR)**, Community Commercial (GR), Central Business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

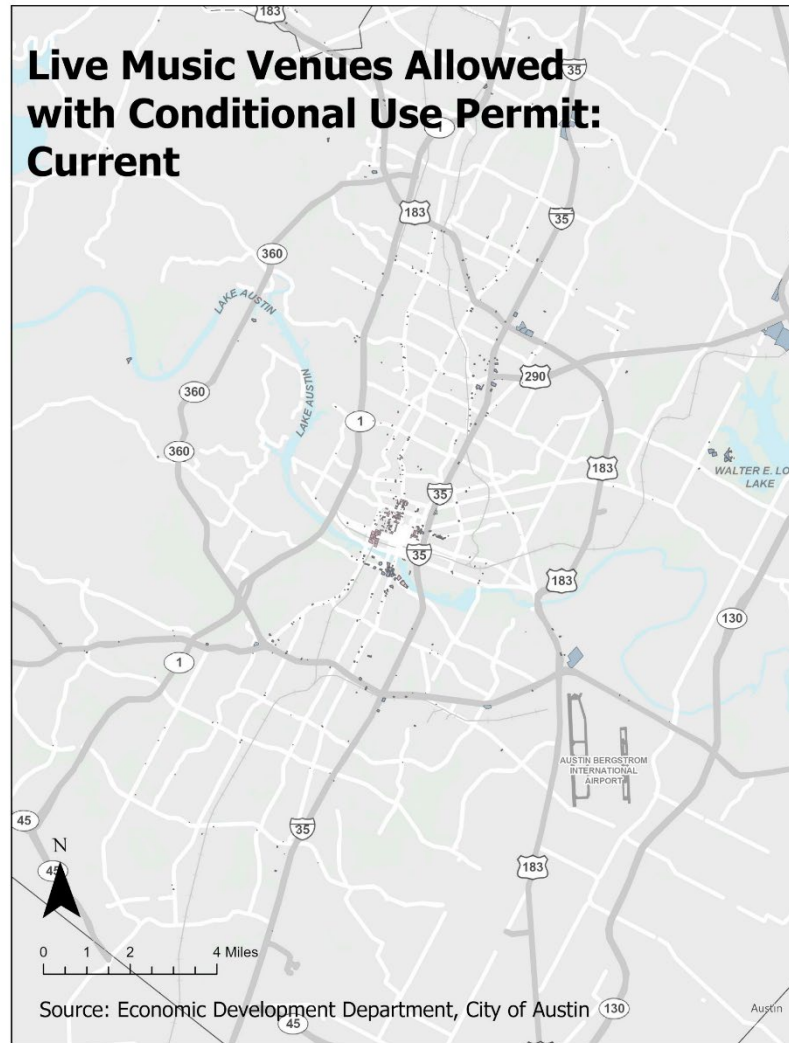
Live Music Venues

Live Music Venues

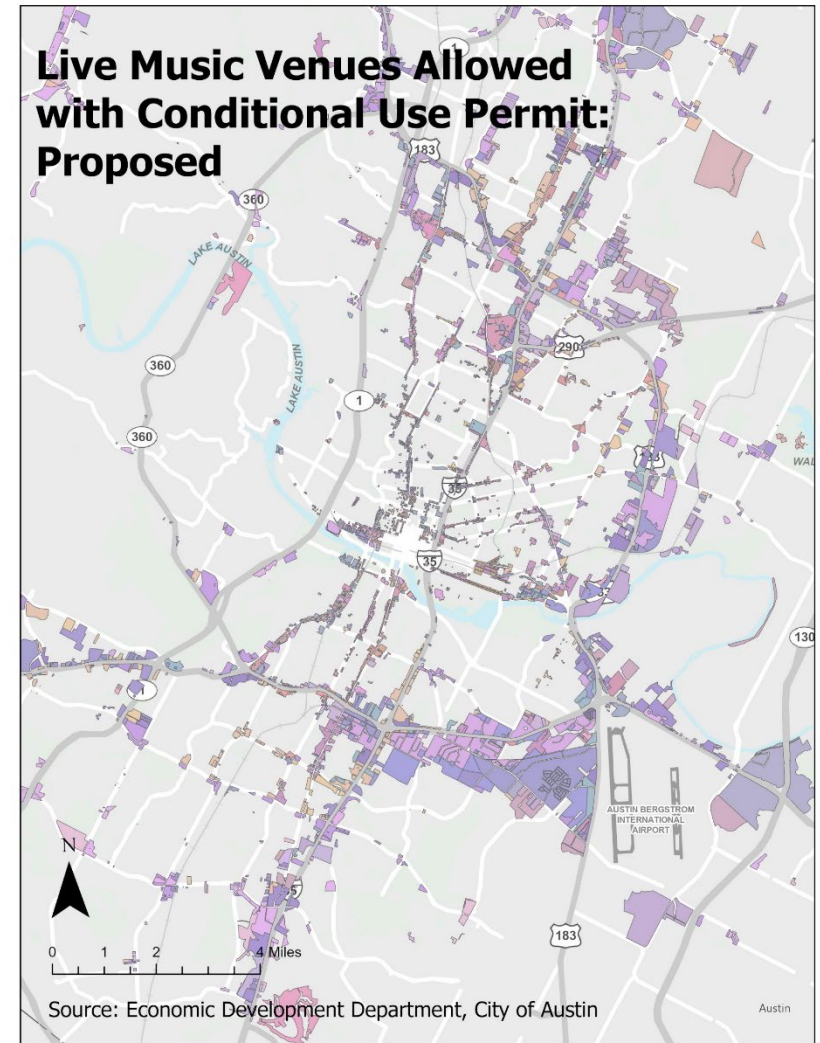
- Main Goals: Have clear definition or description that supports live music venue operations; Expand allowed zones while allowing for regulation of “bad actors”; Include stronger and clearer criteria for performance venues to differentiate them from cocktail lounges
- Recommended:
 - Create a distinct 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

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.