



# City of Austin

## Recommendation for Action

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**File #:** 24-5661, **Agenda Item #:** 34.

10/10/2024

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### **Posting Language**

Conduct a public hearing and consider an ordinance amending City Code Title 25 (Land Development) to create a new zoning district for a density bonus program focused on preserving and creating creative spaces and performance venues that includes, at a minimum, modified site requirements in exchange for preserving or creating creative spaces or performance venues or paying fees-in-lieu that would be used to preserve or create creative spaces and performance venues.

### **Lead Department**

Economic Development Department.

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

On July 28, 2022, the City Council adopted Resolution No. 20220728-094, initiating changes to establish the criteria to be a Live Music Venue and support the creation of a live music venue bonus and incentive program for new and existing venues.

On September 1, 2022, the City Council adopted Resolution No. 20220901-089, initiating changes to develop and adopt clear land use definitions and to create a bonus and incentive program for broadly defined creative spaces.

These Resolutions are being addressed concurrently.

On September 21, 2023, the City Council adopted Ordinance No. 20230921-103 including direction to return to City Council with Land Development Code amendments for incentives for cultural space preservation and creation, and establishing a cultural district overlay, by Spring 2024.

On February 29, 2024, the City Council adopted Resolution No. 20240229-060 directing staff to return with updates on defined incentives, tools, and regulatory and financial commitments to preserving and enhancing Austin's live music community, including the cultural district overlay.

### **For More Information:**

Donald Jackson, Economic Development Department, [DonaldE.Jackson@austintexas.gov](mailto:DonaldE.Jackson@austintexas.gov), (512) 974-2214;  
Paul Books, Planning Department, [paul.books@austintexas.gov](mailto:paul.books@austintexas.gov), (512) 974-3172.

### **Council Committee, Boards and Commission Action:**

March 20, 2024 - Recommended unanimously by the Codes and Ordinances Joint Committee with Commissioners Greenberg and Azhar absent.

September 24, 2024 - Recommended as amended by the Planning Commission on a 7-2-1 vote with Commissioners Mushtaler and Cox voting against and Commissioner Phillips abstaining..

**Additional Backup Information:**

Case Number: C20-2023-026.

On September 14, 2023, City Council adopted Ordinance No. 20230914-097, which modified land use definitions related to theater and personal improvement services, modified regulations applicable to home occupations, and added regulations for performance venues and related alcohol sales. This second phase builds upon the prior ordinance to support preservation and new development of affordable space for live music venues and creative spaces. If approved, this code amendment will create a new zoning district with a density bonus program that includes requirements to preserve existing creative spaces/performance venues, produce new affordable creative space/performance venues, and establish minimum standards for uses within the density bonus district.