ORDINANCE NO._____

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PERFORMING ARTS THEATER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-531 (*Height Limit Exceptions*) is amended to add a new Subsection (G) to read:

(G) A fly tower located within a performing arts theater, and used for moving set pieces, lights, microphones and other equipment on and off stage, may exceed the zoning district height limit by up to 33 percent if approved as a conditional use. The Land Use Commission may approve a fly tower as a conditional use within a central business district (CBD), downtown mixed use (DMU), commercial services (CS), and commercial – liquor sales (CS-1) base zoning district. A fly tower approved administratively may not exceed the zoning district height limit.

PART 2. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

§
§
_____, 2008 § _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith — Shirley A. Gentry
City Attorney — City Clerk