

## AGENDA



Thursday, July 24, 2008

**Watershed Protection and Development Review  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 82**

---

**Subject:** Approve second/third readings of an ordinance amending Chapter 25-2 of the City Code relating to the use, site development, and permitting requirements applicable to a fly tower within a performing arts theater.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Bobby Ray, 974-3056

**Prior Council Action:** May 8, 2008- Council approved a resolution directing the City Manager to initiate amendments to City Code Section 25-2-531 (Height Limitations) to create an exception for a fly tower constructed for and within a public performing arts theater to permit the fly tower to exceed a zoning district height limit by up to 33%. June 18, 2008- Council approved ordinance on first reading.

---

Pursuant to Resolution No. 20080508-047, approved by the City Council on May 8, 2008, the Watershed Protection and Development Review Department is processing an amendment to Section 25-2-531 ("Height Limit Exceptions") of the City Code.

Section 25-2-531 establishes exceptions to zoning district height limits for certain specified building elements such as parapet walls and elevator penthouses, and accessory uses such as flagpole and television / radio receiving antennae. The proposed amendment would add an exception for a fly tower constructed for and within a public performing arts theatre. The exception would allow a fly tower to exceed the zoning district height by a maximum of 33%.

A fly tower is the structure and rigging behind and above the stage in a performing arts theatre. The purpose of a fly tower is to move set pieces, lights, microphones and other equipment on and off stage. Currently the land development code does not directly address the issue of fly towers, nor any specific development regulations for performing arts theatres.

This amendment will allow a fly tower associated with a public performing arts theatre to exceed the zoning district height limit up to 33%. As an exception, this height increase will be granted on request to the Director. The Director has no discretion to deny the request. A facility meeting the definition of a public performing arts theatre would be allowed a fly tower in excess of the base district height.