

**ORDINANCE NO. 20080724-082**

**AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PUBLIC 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 that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (*Compatibility Standards*) The fly tower must be
- (1) located on land owned by the City of Austin, and
  - (2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

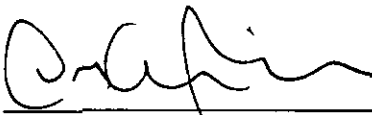
**PART 2.** The city council finds that public performing arts theaters of sufficient size to include a fly tower for moving set pieces, lights, microphones and other equipment on and off stage generally provide significant community benefits


**PART 3.** The city council directs the city manager not to consider the height of a fly tower granted a height exemption under Part 1 of this ordinance as a factor in any recommendation regarding height entitlements for structures in the surrounding area

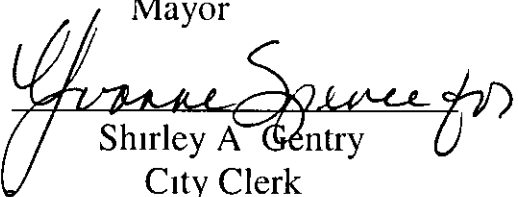
**PART 4.** This ordinance takes effect on August 4, 2008.

**PASSED AND APPROVED**

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July 24, 2008

**APPROVED:**   
David Allan Smith  
City Attorney

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Will Wynn  
Mayor

**ATTEST:**   
Shirley A. Gentry  
City Clerk