

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2012-010 Amphitheater

Description: Amend Consider an amendment to Chapter 25 of the City Code, making amphitheater structures a conditional structure in all zoning districts.

Proposed Language: See attached draft ordinance.

Staff Recommendation: Staff recommends this amendment, with the following notes:

1. Staff recommends a capacity threshold of 25 persons that would trigger Planning Commission approval, so that smaller-sized amphitheater structures would not have to go through the conditional permit process.
2. Council Resolution 20120412-024 recommended inclusion of an optional provision that would exempt existing amphitheaters from requirements of this ordinance. Such a provision could read as follows:

An amphitheater legally constructed or permitted prior to February 11, 2013, is not subject to this section or to City Code Chapter 25-2, Article 7 (Nonconforming Uses) and may be altered or modified in accordance with regulations applicable to the base zoning district.

Staff recommends not including this optional provision that would exempt existing amphitheaters from the requirements of this ordinance. Inclusion of this optional provision would allow existing amphitheaters to altered, expanded, or modified in accordance with regulations applicable to the base zoning district. Planning Commission also recommended not including an exempting provision at their January 22, 2013 meeting (see “Board and Commission Actions,” below). Said another way, staff feels that existing amphitheaters should be subject to a provision that limits their expansion to 10 percent; expansion beyond that would require Planning Commission approval through the conditional approval process.

Background: Initiated by Council Resolution 20120412-024

Amphitheater structures are currently not defined in Austin’s Land Development Code, and the structures themselves are not subject to any kind of public hearing or specialized approval process. Because the *uses* that occur in an amphitheater (such as outdoor entertainment) may impact adjacent property owners via noise, parking, and traffic circulation, it is appropriate to make amphitheater structures a conditional structure, subject to Planning Commission approval. Certain uses that would typically occur in an amphitheater (such as outdoor entertainment and the use of amplified sound) are already subject to conditional use permitting. However, use of the conditional permitting process for other uses that might occur in an amphitheater, such as religious assembly, would not

be appropriate. This leaves the amphitheater structure itself as the trigger for needed approval by Planning Commission, regardless of the use taking place in the amphitheater.

Board and Commission Actions

Planning Commission Subcommittee on Codes and Ordinances – Voted to recommend this item to full Planning Commission on December 18, 2012. Vote: 5-0.

Planning Commission – Voted to recommend this item to full Planning Commission on January 22, 2013, with the following amendments:

- Change “public assembly” to “assembly” in the definition of Amphitheater.
- Recommend that the optional provision the draft ordinance to exempt existing amphitheaters from the requirements of the proposed code amendment not be adopted as part of the final ordinance.
- Add language in 25-5 to clarify that amphitheater structures fall under the same purview and process as a conditional use, if the Law Department feels the additional language is necessary to do so for clarification purposes.

Vote: 5-3.

Council Action

City Council – A public hearing at City Council has been set for February 28, 2013.

Ordinance Number: NA

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