

# CodeNEXT & Cultural Facilities FAQ

City of Austin Economic Development Department

## What is CodeNEXT?

CodeNEXT is the City of Austin initiative to revise and update the Land Development Code, which determines how land can be used throughout the city – including what can be built, where it can be built and how much can (and cannot) be built. This initiative is a priority program out of the Imagine Austin comprehensive plan adopted by City Council in 2012. The CodeNEXT project is led by the City's Planning and Zoning Department and consists of several City of Austin departments, an Advisory Group made up of community members, and a consultant team selected by City Council.

## What do the Cultural Arts and Music & Entertainment Divisions hope to see in the new code?

CodeNEXT is an effort to create a land development code in line with the goals of Imagine Austin, the City's comprehensive plan adopted by City Council in 2012. One of Imagine Austin's central goals is to "build complete communities" which includes ensuring arts, culture, and creativity are accessible to all citizens. With that in mind, the Cultural Arts and Music and Entertainment Divisions are reviewing the new code to make recommendations that allow for a wide variety of cultural facilities across Austin's neighborhoods to ensure everyone has the chance to benefit from important cultural assets in their own communities. We are especially focusing on how the code distinguishes between different types of cultural facilities, as well as how easy it is to navigate and understand the code to ensure ease of use.

## What sections are we focusing on in the CodeNEXT draft?

The current draft of the Land Development code is a lengthy document, but here are a couple key sections we at EDD are focusing on in regards to cultural facilities and creative spaces

- How does the code define different types of cultural facilities? How does it distinguish between a performance venue, a museum, a music venue, a bar/nightclub and more?  
[Administration & Procedures, Division 23-2M-2030: Land Uses](#)
- Where are different types of cultural facilities allowed?  
[Allowed uses are listed under each zone throughout Zoning Code, Division 23-4D](#)  
[For an easier reference, take a look at page 4 of this document](#)
- What permits will be required for creative spaces and cultural facilities?  
[Zoning Code, Division 23-4B-1: Land Use Approvals](#)

## How do I get involved and submit feedback?

The CodeNEXT review process is being led by the Planning and Zoning Department- make sure to check out [austintexas.gov/departments/codenext/codenext-community-engagement](http://austintexas.gov/departments/codenext/codenext-community-engagement) for more information on upcoming feedback opportunities and ways to comment on the code draft.

## What is zoning?

Zoning establishes the types of land uses permitted on a parcel of land within the City of Austin. Zoning also sets the development standards for a site, such as building height, setbacks, floor-to-area ratio, neighborhood compatibility, screening, landscaping, and impervious cover limitations. The purpose of land use regulations such as zoning is to create compatible land uses, ensure proper design and construction standards, and promote the overall public good.

The Zoning Code is a part of the larger Land Development Code. The City of Austin's CURRENT Land Development Code (Title 25) and its Zoning Code (Chapter 25-2) can be accessed at [www.austintexas.gov/departments/austin-city-code-land-development-code](http://www.austintexas.gov/departments/austin-city-code-land-development-code). The City's PROPOSED Land Development Code (Chapter 23) and its associated Zoning Code (Chapter 23-4) are being revised through CodeNEXT and can be accessed and commented on at [codenext.civiccomment.org/](http://codenext.civiccomment.org/)

Zoning has three elements:

**Allowed uses:** Each zoning district allows for multiple uses as defined by the code's use definitions. A zoning code will list and define common land uses and then list which of those uses can be located within each zone. Within the CodeNEXT draft, uses can be either permitted (allowed by right, without any zoning review by the City), allowed by municipal use permit (an administrative review process without public comment) or allowed by conditional use permit (which needs Planning Commission or City Council approval and public comment).

**Site development standards:** These are regulations that guide how buildings may be placed on a site. This includes standards such as height, setbacks, floor-to-area ratio, neighborhood compatibility, screening, landscaping, and impervious cover limitations. Note that the zoning code does not cover ALL of the site development standards that may affect a piece of property (other examples include subdivision regulations and residential compatibility).

**Geography:** Zoning is applied to each property within the City of Austin or its limited purpose jurisdiction. The CodeNEXT proposed zoning map can be viewed and commented on at <http://www.austintexas.gov/departments/review-compare-zoning-maps>



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# Land Uses for Cultural Facilities

Below are a selection of land uses as defined by the current zoning code and proposed CodeNEXT zoning code. Each zoning code provides a defined list of uses and then designates which uses are permitted within each zone. The list below is not a comprehensive list, but is meant to provide an overview of the use definitions relevant to cultural facilities and creative spaces.

## Current Zoning Code Uses

For a complete list of use classifications and definitions in the current code, visit [www.austintexas.gov/department/city-and-land-development-code](http://www.austintexas.gov/department/city-and-land-development-code), click on Land Development Code - Chapters 25-1 thru 25-13, and go to Chapter 25-2, Article 1.

**CULTURAL SERVICES** use is the use of a site for a library, museum, or similar facility

**ART GALLERY** use is the use of a site for the display or sale of art.

**ART WORKSHOP** use is use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced.

**COCKTAIL LOUNGE** use is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use as that term is described in this section.

**GENERAL RETAIL SALES (CONVENIENCE)** use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

**INDOOR ENTERTAINMENT** use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

**OUTDOOR ENTERTAINMENT** use is a predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.

**RESTAURANT (GENERAL)** use is the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.

**RESTAURANT (LIMITED)** use is the use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premises consumption.

**THEATER** use is the use of a site for presentation of plays, motion pictures, or other dramatic performances within a building.

**CUSTOM MANUFACTURING** use is the use of a site for on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods. This use includes candle-making shops and custom jewelry manufacturing.

**LIGHT MANUFACTURING** use is the use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.

## Proposed CodeNEXT Uses

For a complete list of use classifications and definitions in the CodeNEXT draft code, visit [www.codenext.civiccomment.org](http://www.codenext.civiccomment.org). Land use definitions can be found in Chapter 23-2: Administration and Procedures, Division 23-2M-2.

**BAR/NIGHTCLUB\*\*** An Establishment where alcoholic beverages are offered for sale for onsite consumption as its principal function, such as a tavern, bar, cocktail lounge, and similar use, which may include food, but do not admit persons under the age of 21.

1. Level 1. A bar/nightclub that is conducted entirely indoors, without a Late Hours Permit
2. Level 2. A bar/nightclub that may have outside seating and/or that operates with a Late Hours Permit.

**\*\*Additional standards apply as outlined in Division 23-4E-6060: Alcohol sales noting "If 51 percent or more of total business sales are from alcohol related sales, the business shall be classified as a bar/nightclub;"**

**ENTERTAINMENT.** An establishment providing amusement and entertainment for spectators for a fee or admission charge.

1. INDOOR. An indoor facility, including: dance halls, theaters, motion pictures, and performing arts centers.
2. OUTDOOR. An outdoor facility, including: racing facilities, amusement parks, and water parks.
3. OUTDOOR, LIMITED. The use of property for entertainment on a limited temporary basis, includes rental of outside or partially enclosed space(s) for weddings/private events.

**GENERAL RETAIL.** The sale or rental of commonly used goods and merchandise for personal or household use. Examples include but are not limited to apparel, cosmetics, department stores, drugstores, furniture stores, home appliances, musical instruments, office supplies, toys and games, and variety stores. This excludes the sale of automotive parts, food sales, onsite production, or outside storage of goods and materials.

1. W/ ONSITE PRODUCTION. A site used for the production and sale of art or other handcrafted goods
2. W/ OUTSIDE STORAGE. A site used for the outside storage and display of merchandise such as a plant nursery.

**LIBRARY, MUSEUM, OR PUBLIC ART GALLERY** Public or quasi-public facilities, examples of which include: aquariums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, and museums. May also include accessory retail uses such as gift/book shops, restaurants, etc.

**LIVE/WORK.** An integrated housing unit and working space occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the Building Code; and working space reserved for and regularly used by one or more occupants of the unit

**STUDIO: ART, DANCE, MARTIAL ARTS, MUSIC.** Small-scale facilities focused on the instruction of students of any age group. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; and gymnastics instruction, aerobics, and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Excludes Recreation- Indoor.

# Zoning Districts

The CodeNEXT process involves revising and updating our current zoning code. The tables on this page provide an overview of the zones within both our current zoning code and the proposed CodeNEXT draft.

Each zone includes its own list of permitted uses, as well as certain development standards for a site such as building height, setbacks, floor-to-area ration, and more.

## Current Zoning Districts

*The current City of Austin zoning code uses use-based or “euclidian” zoning. The City has 39 base zoning districts, in addition to other “combining districts” that provide additional regulations. The zoning of a property may include multiple combining districts. For example, NO-MU-H-NP is a neighborhood office (NO) district that allows mixed use (-MU), is a historic property (-H), and follow a neighborhood plan’s requirements (-NP).*

### Base Zoning Districts

<b>RR</b>	Rural Residential
<b>SF-1</b>	Single Family- Large Lot
<b>SF-2</b>	Single Family- Standard Lot
<b>SF-3</b>	Family Residence
<b>SF-4A</b>	Single Family- Small Lot
<b>SF-4B</b>	Single Family- Condominium
<b>SF-5</b>	Urban Family Residence
<b>SF-6</b>	Townhouse & Condominium
<b>MF-1</b>	Multifamily- Limited Density
<b>MF-2</b>	Multifamily- Low Density
<b>MF-3</b>	Multifamily- Medium Density
<b>MF-4</b>	Multifamily- Moderate Density
<b>MF-5</b>	Multifamily- High Density
<b>MF-6</b>	Multifamily- Highest Density
<b>MH</b>	Mobile Home Residence
<b>NO</b>	Neighborhood Office
<b>LO</b>	Limited Office
<b>GO</b>	General Office
<b>CR</b>	Commercial Recreation
<b>LR</b>	Neighborhood Commercial
<b>GR</b>	Community Commercial
<b>L</b>	Lake Commercial
<b>CBD</b>	Central Business District
<b>DMU</b>	Downtown Mixed Use
<b>W/LO</b>	Warehouse/Limited Office
<b>CS</b>	General Commercial Service
<b>CH</b>	Commercial Highway Service
<b>IP</b>	Industrial Park
<b>MI</b>	Major Industry
<b>LI</b>	Limited Industrial Services
<b>R&amp;D</b>	Research & Development

### Special Purpose Zones

<b>DR</b>	Development Reserve
<b>AV</b>	Aviation Services
<b>AG</b>	Agricultural
<b>P</b>	Public
<b>PUD</b>	Planned Unit Development
<b>TN</b>	Traditional Neighborhood

### Common Combining Zoning Districts \*not a complete list

<b>-CO</b>	Conditional Overlay
<b>-H</b>	Historic
<b>-MU</b>	Mixed Use
<b>-NP</b>	Neighborhood Plan
<b>-PDA</b>	Planned Development Area
<b>-V</b>	Vertical Mixed Use

## Proposed CodeNEXT Zones

### Form-based Zones (Transect Zones)

*Form-based zones focus on what shape, size, and form a building can take within a zone. They are organized along a “transect”-from low density to high density- and are a helpful tool in allowing a mix of uses that fit with surrounding neighborhood character.*

<b>T3NE.WL</b>	Nbhd Edge Widelot
<b>T3NE</b>	Nbhd Edge
<b>T3N.DS</b>	Nbhd - Deep Setback
<b>T3N.IS</b>	Nbhd- Intermediate Setback
<b>T3N.IS-O</b>	Nbhd- Intermediate Setback, Open
<b>T4N.IS</b>	Nbhd- Intermediate Setback
<b>T4N.IS-O</b>	Nbhd- Intermediate Setback, Open
<b>T4N.SS</b>	Nbhd- Shallow Setback
<b>T4N.SS-O</b>	Nbhd- Shallow Setback, Open
<b>T4MS</b>	Main Street
<b>T4MS-O</b>	Main Street Open
<b>T5N.SS</b>	Nbhd- Shallow Setback
<b>T5N.SS-O</b>	Nbhd- Shallow Setback, Open
<b>T5U.SS</b>	Urban- Shallow Setback
<b>T5U.SS-O</b>	Urban- Shallow Setback,Open
<b>T5U</b>	Urban
<b>T5U-O</b>	Urban, Open
<b>T5MS</b>	Main Street
<b>T5MS-O</b>	Main Street, Open
<b>T6U</b>	Urban
<b>T6UC</b>	Urban Core

### Use-based Zones (Non-Transect Zones)

*Use-based or “euclidian” zoning focuses on what a structure is used for and separates zones by uses such as residential, commercial, and industrial without a specific focus on the shape and size of the building.*

<b>RR</b>	Rural Residential
<b>VLDR</b>	Very Low Density Residential
<b>LDR</b>	Low Density Residential
<b>LMDR</b>	Low Medium Density Residential
<b>LMDR-SL</b>	Low Medium Residential Small Lot
<b>MDR</b>	Medium Density Residential
<b>MHDR</b>	Medium High Density Residential
<b>HDR</b>	High Density Residential
<b>VHDR</b>	Very High Density Residential
<b>MHP</b>	Manufactured Home Parks
<b>NC</b>	Neighborhood Commercial
<b>LC</b>	Local Commercial
<b>GC</b>	General Commercial
<b>RGC</b>	Regional Commercial Core
<b>CC</b>	Commercial Core
<b>DC</b>	Downtown Core
<b>SC</b>	Service Commercial
<b>HC</b>	Highway Commercial
<b>WC</b>	Warehouse Commercial
<b>CR</b>	Commercial Recreation
<b>FI</b>	Flex Industrial
<b>GI</b>	General Industrial
<b>HI</b>	Heavy Industrial
<b>RD</b>	R&D

### Other Zones and Overlays

<b>AG</b>	Agricultural Zone
<b>P</b>	Public
<b>AV</b>	Aviation Services
<b>OS</b>	Open Space
<b>DR</b>	Development Reserve
<b>PUD</b>	Planned Unit Development
<b>ERC</b>	East Riverside Corridor
<b>NBG</b>	North Burnet/ Gateway

# Zones by Cultural Facility Uses

The two tables below highlight which zones permit which types of cultural facilities as defined by each zoning code, both the proposed CodeNEXT draft (top), and the existing zoning code (bottom). Each use is either allowed by right (P- Permitted), by a Minor Use Permit (MUP), or through a Conditional Use Permit (CUP).

**P- Permitted by right: No additional land use permits necessary**

**MUP- Minor Use Permit: Requires an administrative review process, no public comment required**

**CUP- Conditional Use Permit: Requires public comment and public hearing before the Land Use Commission.**

## CodeNEXT Draft Zones by Use

See Division 23-2M-2 of the Code Draft for Use Definitions

	Residential		CUP	CONDITIONAL USE PERMIT requires public review and comment period
	Transect (form-based)		MUP	MINOR USE PERMIT requires planning dept approval
	Commercial		P	PERMITTED uses are allowed by right
	Industrial			

Library, Museum, Public Art Gallery			Bar/Nightclub: Level 1- No Outdoor Seating, No Late Hours			Bar/Nightclub: Level 2- Outdoor Seating and/or Late Hours			Studio ≤500sf			Studio: Art, Dance, Martial Arts, Music			Entertainment, Indoor			Entertainment, Outdoor			Entertainment, Outdoor Limited		
by CUP	By MUP	By Right	by CUP	By MUP	By Right	by CUP	By MUP	By Right	by CUP	By MUP	By Right	by CUP	By MUP	By Right	by CUP	By MUP	By Right	by CUP	By MUP	By Right	by CUP	By MUP	By Right
T3NE.WL	MDR	T4MS	T3N.IS-O	T4MS	T5MS	T5U.SS	T5MS	T6U			T3N.IS			NC	T4MS	T5MS	T6U	GC	SC		RR	T4MS	SC
T3NE	MHDR	T4MS-O	T4N.IS-O	T4MS-O	T5MS-O	T5U.SS-O	T5MS-O	T6UC			T3N.IS-O			LC	T4MS-O	T5MS-O	T6UC	CR	HC		VLDR	T4MS-O	WC
T3N.DS	HDR	T5MS	T4N.SS-O	T5U.SS	T6U	T5U	RC	CC			T4N.IS			GC		RGC	GC			FI		T5MS	
T3N.IS	VHDR	T5MS-O	LC	T5U.SS-O	T6UC	T5U-O	HC	DC			T4N.IS-O			RGC		CR	CC					T5MS-O	
T3N.IS-O		T6U		T5U	GC	GC		SC			T4N.SS			CC			DC					T6U	
T4N.IS		T6UC		T5U-O	RC						T4N.SS-O			DC			SC					T6UC	
T4N.IS-O		NC			CC						T4MS			SC			HC					GC	
T4N.SS		LC			DC						T4MS-O			HC			WC					RGC	
T4N.SS-O		GC			SC						T5U.SS			WC			FI					CC	
T5N.SS		RGC			HC						T5MS			FI								DC	
T5N.SS-O		CC									T5MS-O											HC	
T5U.SS		DC									T6U											FI	
T5U.SS-O		SC									T6UC												
T5U		HC																					
T5U-O		WC																					
RR		CR																					
VLDR		FI																					
LDR		RD																					
LMDR																							
LMDR-SL																							
MHP																							

## Existing Land Use Code Zones by Use

See Chapter 25-2, Article 1 of the Current Code for Use Definitions

\* Additional Standards May Apply

Cultural Services		Art Gallery		Art Workshop		Cocktail Lounge		Indoor Entertainment		Outdoor Entertainment		Theater		Custom Manufacturing		Light Manufacturing	
CUP	P	CUP	P	CUP	P	CUP	P	CUP	P	CUP	P	CUP	P	CUP	P	CUP	P
RR	LO		NO*		NO*	DMU*	L*	CR	GR	CR	R&D*	L	GR		DMU		IP
SF-1	GO		LO*		LO*	CS-1*	CBD*	L	CBD	GR			CBD		W/LO		MI
SF-2	CR		GO*		GO*	CH*	R&D*		DMU	L			DMU		CS		LI
SF-3	LR		CR		CR*				CS	CBD			CS		CH		R&D*
SF-4A	GR		LR		LR*				CH	DMU			CH		IP		
SF-4B	L		GR		GR*				IP	CS			IP		MI		
SF-5	CBD		L		L*				MI	CH			MI		LI		
SF-6	DMU		CBD		CBD				LI	IP			LI		R&D*		
MF-1	W/LO		DMU		DMU				R&D*	MI			R&D*				
MF-2	CS		W/LO		W/LO					LI							
MF-3	CH		CS		CS												
MF-4	IP		CH		CH												
MF-5	MI		IP		IP												
MF-6	LI		MI		MI												
MH	R&D*		LI		LI												
			R&D*		R&D*												