

RESOLUTION NO. 20220728-094

WHEREAS, the Imagine Austin comprehensive plan states that creativity is a cornerstone of Austin's identity and economic prosperity, and arts, culture, and creativity are essential keys to the City's unique and distinctive identity, and further are valued as vital contributors to our community's character, quality of life and economy, and collectively, the Austin music and creative ecosystem generates rich social, cultural and economic benefits; and

WHEREAS, Council approved Resolution No. 20160303-019, the Music and Creative Ecosystem Omnibus Resolution, which affirmed support for the music and creative ecosystem through short- and long-term goals specific to cultural tourism, revenue development, and venue retention and development; and

WHEREAS, Council approved Resolution No. 20200521-095 during the Covid-19 pandemic stating that the City of Austin intends to remain the Live Music Capital of the World and a cultural center by supporting near-term relief and long-term investment in its creative economy, including artists, venues, and industry professionals; and

WHEREAS, community stakeholders came together to develop a shared definition of a music venue that could be included in the Land Development Code and tied to other state and local programs; and

WHEREAS, in the multiple attempts to re-write Austin's Land Development Code, the shared definition of a music venue (last proposed as *23-3D-1230: Live Music Venue* and *Article 23-4F: Diversify, Sustain, and Cultivate: Art, Music, and Culture*) has been a consistent consensus item; and

WHEREAS, when pursuing the goal of housing affordability, the City adopted the Affordability Unlocked ordinance which seeks to maximize public investment in affordable housing by providing regulatory incentives to new affordable housing developments; and

WHEREAS, much of Austin's music venue infrastructure was developed decades ago or relies on the adaptive reuse of existing structures in affordable areas, which has focused most public support for music venues in the form of preservation as the City has become less affordable, and much less focus has been given to new venue formation; and

WHEREAS, recent efforts to support creative space in Austin include the formation of the Cultural Trust under the Austin Economic Development Corporation, the pioneering example of an affordable commercial space restrictive covenant at 6705/6501 Regeine Road, the inclusion of a dedicated music venue in the new construction proposed on the City owned land at 1215 Red River & 606 East 12th, and the passage of the City's first Creative Space bond fund; and

WHEREAS, in addition to preserving existing infrastructure, the City must proactively work to develop the next generation of music venues in order to stay the Live Music Capital of the World; **NOW, THEREFORE:**

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

The City Council initiates amendments to City Code, including Title 25 (*Land Development Code*), to create a bonus and incentive program for live music venues that meets certain criteria such as:

An establishment used for the presentation of live music and performances typically for a fee or admission charge for participants or spectators that clearly

establishes the ability of an artist to receive payment for work by percentage of sales, guarantee, or other mutually beneficial formal agreement. A Live Music Venue should include:

1. defined performance and audience space;
2. permanent equipment for music performance including sound board, professional audio system, and stage lighting;
3. hours of operation coincide with performance times;
4. programs live music at least five nights a week; and,
5. for outdoor amplified sound performances as defined in City Code Chapter 9-2 (*Noise and Amplified Sound*), must maintain a current Outdoor Music Venue Permit.

A Live Music Venue may be an indoor facility, where the presentation of live music occurs within the interior of the establishment including, but not limited to, performance venues, music venues, theaters, movie theaters, and performing arts centers. A Live Music Venue may also be an outdoor facility where the stage or entertainment live music occurs is located outdoors, including, but not limited to, amphitheaters, or outdoor stages, and permanent outdoor movie theaters.

A Live Music Venue may have alcohol sales as an accessory use. The incidental sale of alcohol for on-site consumption related to the primary use is allowed and must comply with all applicable state and local regulation.

A Live Music Venue may feature other live performances, including plays, motion pictures, or other dramatic performances, if performances constitute less than 50 percent of all events.

BE IT FURTHER RESOLVED:

The bonus and incentive program should provide regulatory incentives for new and existing live music venues that meet the criteria and that could help leverage public and private investment in the creative infrastructure of Austin. Regulatory incentives to be considered may include, but not be limited to:

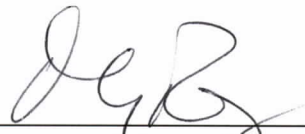
1. fee waivers;
2. modified parking requirements;
3. expanded facilitation of affordable commercial space restrictive covenants in new construction; and
4. prioritization of music venue or creative space as a community benefit for density bonuses or other overlays within the Red River Cultural District, East 6th Street Entertainment District, and Warehouse Entertainment District.

BE IT FURTHER RESOLVED:

The City Council recognizes that the first step to create the program is to establish the criteria to be a Live Music Venue, and the City Manager is directed to bring an ordinance for Council consideration, even as associated incentives may still be in development.

ADOPTED: July 28, 2022

ATTEST:



Myrna Rios
City Clerk