The Austin community and the wider Central Texas region greatly benefits from the arts and music scene in Austin. Within our city, music, creative, and arts uses create the framework for community infrastructure, creating jobs, boosting quality of life, and enriching spirits. Theaters, galleries, studios, murals, music venues, pop-up arts & music spaces all provide space for residents and visitors to build community, create and define place, and share their unique heritage and history. However, much of what makes Austin special in terms of arts and music is threatened by the rising costs of operating nonprofit and small commercial spaces and businesses.

CodeNEXT, the ongoing process to replace Austin’s outdated Land Development Code, has traveled a rocky road over the past five years. But within the most recent draft of the CodeNEXT text, several important improvements have been made to help preserve and boost the local arts and music environment. Draft 3 of CodeNEXT contains elements allowing context sensitive, right-sizing for various arts and music land uses in more places in throughout the City, largely in commercial and mixed use zoning area. In specifying the types of cultural land uses in terms of types, scale, and site development standards provides a mechanism for applying future funding, incentive, and districting programs along with aiding the development of economic development efforts to support and retain these sectors.

To begin with, CodeNEXT Draft 3 has better descriptions of live performance terms for theater and live music (23-13A-2030, 23-13A-1030, 23-4E-6360). It specifies that these uses will be outright permitted or permitted under certain conditions in the more intense mixed uses zones along transportation corridors or hub/centers like Highland Mall, Downtown, the Domain area, Southpark Meadows, Oak Hill, Mueller, Lakeline, or East Riverside. Live performance theaters will be permitted alcohol sales on a limited basis (23-4E-6260). Theaters and music venues will be included on the list of “pedestrian-oriented uses” that are applied as requirements for first floors of parking garages and along street fronts in Downtown and certain mixed-use and transit-oriented districts (23-13A-1030). Libraries, museums, public art galleries, live performance venues, and studios (for art, dance, martial arts, or music) are all included in the “Cultural Uses” definition (23-13A-1030), for which greater building entitles are granted when a cultural use is included in the building, in very specific areas.

The Downtown density bonus (23-3E-2060) program includes Live Music as a Community Benefit (secondary to affordable housing) that grants a larger building if included on the first floor. This tees up allowing the same type of density bonus in the other Imagine Austin Regional Centers, so that there can me more live music entertainment, enrichment, and employment options spread around the city. Although extending the Downtown density bonus to the regional centers is not in Draft 3, it will be up to the City Council to take this step.

Another important step is creating separate definitions for Live Theater Performance and Live Music Venue. The City’s Economic Development Department, the Austin Music Commission, and other stakeholder groups have supported this step, both as a means to spread art and music more equitably around Austin, and to help preserve the cultural assets now in place. Taking this step will also be up to the City Council.

Lastly, the CodeNEXT Advisory Group, in its final report in 2017, suggested that a specific section be created in the CodeNEXT text for “Art, Music, and Culture,” so that all of the rules, entitlements, and definitions of for the built environment related to this subject would be both in one place for ease of use, and placed on the same level of importance and environmental protection and open space (23-3-B,C,D). Sections in this as-yet-unwritten code could describe, for example, the creation of arts districts, application of the agent of change principle, rules for density bonuses, and live/work and live/work/sell regulations for artists. Taking this step would be up to the City Council to include in a final CodeNEXT text, or create a stub for this code, to be fleshed out in a not-far-in-the-future code update.