

COMPREHENSIVE PLAN & ZONING ORDINANCE ASSESSMENT

AUGUST 15, 2019



PUBLIC REVIEW DRAFT



Zoning Ordinance Revision
City of Amarillo, Texas

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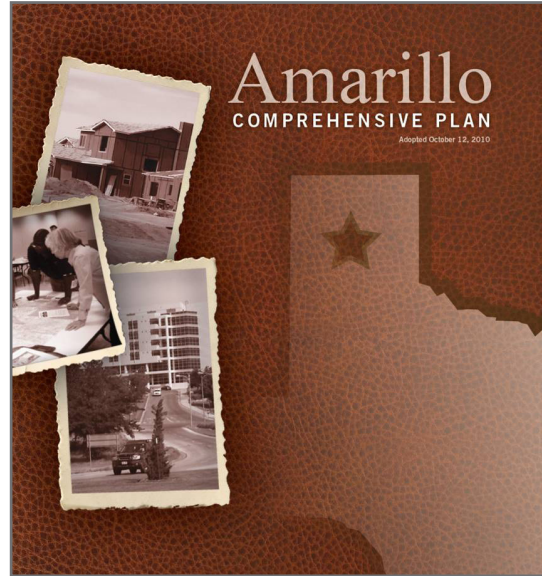
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INTRODUCTION

With the adoption of the Amarillo Comprehensive Plan in 2010, following a multi-year planning process, the City now seeks a state of the art, user-friendly, and comprehensive update of its zoning regulations to guide future development and redevelopment in accordance with the community’s vision.

As a home-rule municipality, the City of Amarillo has broad powers to employ best practices that deliver its preferred development patterns. Article XI, Section 5 of the Texas Constitution (the “Home Rule Amendment”) grants cities (with a population greater than 5,000 and having adopted, by majority vote of qualified voters, a city charter) the powers and rights of self-government. This means that, generally speaking, home rule cities have full authority to legislate unless state legislation preempts local action, which in some instances it does.



The City of Amarillo adopted its most recent Comprehensive Plan in 2010.

How this Report is Written

This Report assesses the existing Zoning Ordinance and development-related regulations, and provides a blueprint for revising those documents, based on the policy guidance offered by the Amarillo Comprehensive Plan. Each section discusses the “big picture” issues, along with our findings and alternatives or recommendations for change.

During the project kick-off meetings, City staff and stakeholders offered a number of comments and suggestions about specific changes to the Zoning Ordinance. In addition, the Amarillo Comprehensive Plan includes implementation recommendations that detail some specific areas of the ordinance in need of change. Based on input received during the kick-off meetings, the key planning themes identified in the Comprehensive Plan’s land use element remain valid (see further discussion of the Comprehensive Plan on page 6).

This report is designed to allow the City and consultant team to focus their efforts on the specific issues identified during Task 1 of the project, based on feedback from the City and key stakeholders, residents, and developers. It is not the last word on the Zoning Ordinance update, but provides an opportunity for the City to verify the approach the consultant team is taking. We, therefore, encourage City stakeholders to carefully review this assessment, provide comments and suggestions, and stay involved in this vitally important process.



Focus group meeting, June 2019 project kick-off

Big Ideas

The Amarillo Comprehensive Plan signals a commitment to protecting the integrity of neighborhoods, enhancing the community with more efficient development patterns, preserving valued areas, and enhancing community image. These “big ideas” will guide the Zoning Ordinance revision process.

<i>Amarillo Comprehensive Plan</i>	The zoning districts, development standards, and procedures should further the Comprehensive Plan’s goals and policies.
<i>User-Friendly</i>	The Zoning Ordinance should be easy to read and well organized. A readable zoning ordinance is accessible to all stakeholders, from interested citizens to applicants and professional planners. Information should be logically arranged, easy to find, and with language and graphics that are attractive and clear.
<i>Make the Right Things Easy</i>	Development that reflects the City’s long-term planning policies should have a streamlined approval process. Standards that pose a barrier to redevelopment and blight removal should be revised or eliminated.
<i>Realistic Standards & Procedures</i>	The Zoning Ordinance should not over- or under-deliver. The zoning standards should ensure development reflects the City’s expectations, and should reflect the needs and market conditions of Amarillo and Potter and Randall Counties rather than national trends or fads. The revised Zoning Ordinance should incorporate new concepts where appropriate, where needed to implement a plan policy, or to fix a shortcoming in the existing regulations.
<i>Market-Friendly</i>	The Zoning Ordinance should incorporate standards that are realistic in the marketplace. This does not necessarily mean that all of the standards should be relaxed. The revised Zoning Ordinance may incorporate new or stricter standards in some areas where needed to implement the Amarillo Comprehensive Plan. However, the Zoning Ordinance should strive to balance the needs of all stakeholders, including the regulated community.
<i>Strong Neighborhoods</i>	The Zoning Ordinance should reinforce the City’s Neighborhood Unit planning concept, which organizes neighborhoods around a central school or park, with lower density housing types on the interior; institutional, retail, and service uses located along the neighborhood edges; and higher density housing and small-scale office uses providing a transition from the interior to the more intensive perimeter uses. Neighborhoods should provide opportunities for affordable housing through all phases of a person’s life. The standards should accommodate the City’s changing demographics and development patterns, while also protecting neighborhoods from incompatible uses.

<p><i>Neighborhood & Commercial Revitalization & Infill</i></p>	<p>The Zoning Ordinance should address the needs of Amarillo’s existing built-up areas. These range from its historic Downtown and downtown neighborhoods, to “greyfield” strip centers that provide opportunities for reinvestment. Many development codes are “greenfield”-centric. However, the City’s existing built areas are changing, and need the proper regulatory environment to meet the challenges of a changing economy, develop in a way that respects surrounding neighborhoods, and provide an appropriate level of design quality.</p>
<p><i>Protection of Economic Anchors & Investment Areas</i></p>	<p>Amarillo’s key economic assets should be protected from incompatible development. Particular attention should be directed to the Harrington Regional Medical Center and vicinity, Amarillo’s two airports, downtown, the various Amarillo College campuses, the Tri-State Fairgrounds area, the two interstate highway corridors (especially in hospitality areas), and other corridors and nodes where shopping and services are focused.</p>
<p><i>Community Aesthetics & Image</i></p>	<p>The Zoning Ordinance should encourage a higher degree of design quality in appropriate areas to encourage infill development and reinvestment. Particular attention should be paid to gateway areas and major transportation corridors. Incorporate character-related standards into the Zoning Ordinance. The authority of the City to regulate building design is limited by state law.</p>
<p><i>Open & Civic Spaces</i></p>	<p>The Zoning Ordinance should require and encourage development to provide a variety of spaces that are appropriate to their context. In greenfield areas, new development should provide passive open spaces that preserve trees, use natural solutions for stormwater management, and retain natural resources. In more densely populated areas, smaller civic spaces can provide both an economic and a community asset. The Zoning Ordinance should recognize screening and buffering between differing land use types and intensities as a key contribution and design consideration for pocket, neighborhood, and linear parks.</p>

ADOPTED PLANS & DEVELOPMENT-RELATED REGULATIONS

Comprehensive Plan 2010

The City of Amarillo adopted its current comprehensive plan in October 2010 but, for various reasons, has implemented few of the plan's zoning-related policies. The current effort to update the Zoning Ordinance will implement many of the Comprehensive Plan's Action Strategies, as well as address new land use issues that have emerged since the Plan's adoption.

The Amarillo Comprehensive Plan is organized into seven chapters, including an introductory chapter and implementation chapter. The remaining chapters focus on five specific elements:

- » Land Use & Community Character
- » Growth Management & Capacity
- » Mobility
- » Parks & Cultural Resources
- » Housing & Neighborhoods

Each of these five chapters identify key planning themes that emerged during the comprehensive planning process. These themes provide broad policy guidance, and inform the specific Action Strategies recommended in each chapter. Nearly half of the Plan's Action Strategies can be implemented, in whole or in part, through the Zoning Ordinance. Amendments to the Zoning Ordinance also can support some of the non-regulatory Action Strategies.

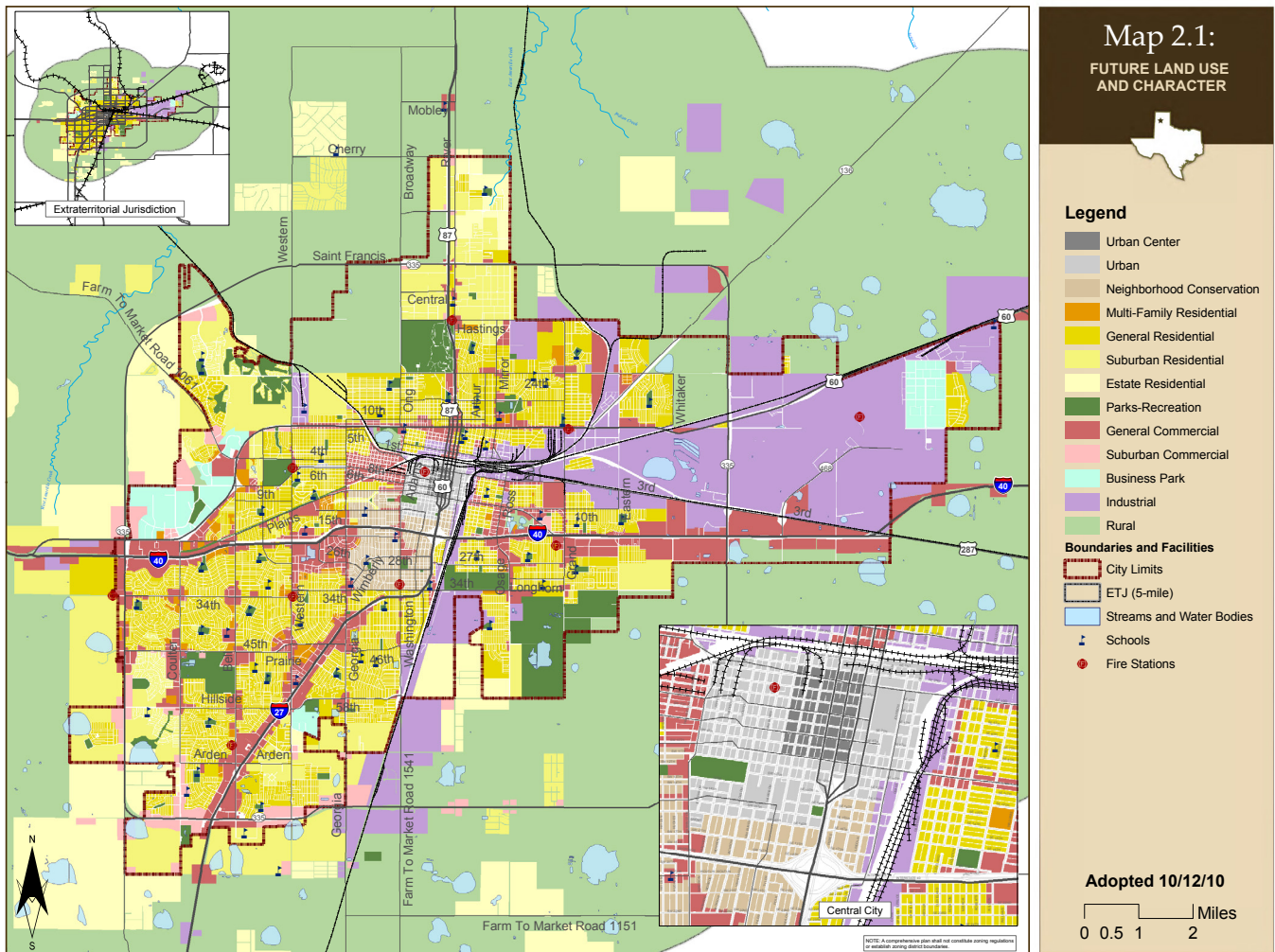
As one might expect, Chapter 2 (Land Use & Community Character) includes the most specific zoning-related Action Strategies – in some cases, even identifying specific sections of the Zoning Ordinance that should be amended. This chapter establishes four key planning themes:

1. A City of Strong Neighborhoods
2. Neighborhood and Commercial Revitalization in Older Areas of Amarillo
3. Protection of Economic Anchors and Investment Areas
4. Community Aesthetics and Image

The Plan notes that Chapter 2 “provides the most direct policy direction for guiding and influencing the future use of land and the character of ongoing development and redevelopment in the City” (Chapter 2, Action Strategies, p. 2.20). The Plan emphasizes a character-based approach to land development regulation, which focuses on development intensity and the characteristics or impacts of development rather than land use alone. The plan provides photos and descriptions of Amarillo’s existing character areas, including rural, suburban, auto urban, and urban areas, as well as a map of Future Land Use & Character Areas (see Figure 1).

Strategy 21 recommends more focused planning for particular neighborhoods, districts, and corridors. The City continues to implement this strategy through the development of Neighborhood Plans, which are discussed in the next section.

Figure 1. Amarillo Comprehensive Plan Future Land Use & Character Map



Neighborhood Plans

North Heights Neighborhood Plan (2017)

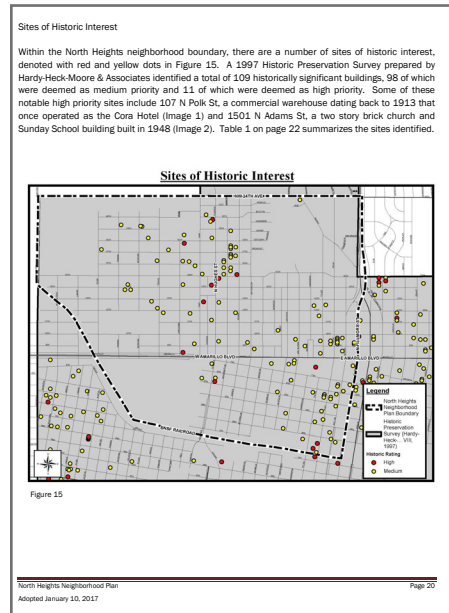
The City adopted the North Heights Neighborhood Plan as an amendment to the Comprehensive Plan. The plan’s goals and strategies are categorized into three major themes:

1. Maintaining a Strong, Vibrant Neighborhood
2. Economic Development/ Redevelopment
3. Improve Transportation and Mobility Systems

The plan recognizes the role various City departments, as well as the school district, Texas Department of Transportation, and the community itself play in implementing recommended strategies. The Zoning Ordinance can fully implement some action items (e.g., “Create overlay districts to promote and protect historic areas of the neighborhood”) and help facilitate implementation of others (e.g., “Provide or designate areas for community gardens”). The plan’s zoning-related action items include:

- » addressing land use incompatibilities,
- » encouraging a mix of housing types,
- » creating “catalyst areas” for new housing development,
- » historic preservation,
- » repurposing and adaptive reuse of vacant structures, and
- » neighborhood gateway enhancements.

The plan also establishes Land Use Guiding Principles to help ensure the City’s land use decisions are consistent with the plan.



A 1997 Historic Preservation Survey prepared by Hardy-Heck-Moore & Associates identified a total of 109 historically significant buildings located in the North Heights neighborhood.

Barrio Neighborhood Plan (2018)

The City adopted the Barrio Neighborhood Plan as an amendment to the Comprehensive Plan. The plan’s goals and strategies are categorized into six major themes:

1. Infrastructure
2. Neighborhood Identity & Amenities
3. Non-Residential Development & Maintenance
4. Neighborhood Health
5. Neighborhood Safety
6. Residential Development & Maintenance

Many of the plan’s recommended short-, medium-, and long-term action items can be implemented or facilitated through the Zoning Ordinance. Broadly, these action items include:

- » ensuring a compatible mix of land uses and a variety of housing types,
- » reinforcing community identity and history through commercial design standards and public art,
- » identifying and enhancing neighborhood gateways, and
- » developing design standards for on-street bus stops and bicycle lanes.



An advisory committee guided the planning process for the Barrio Neighborhood Plan.

The plan sets forth the same Land Use Guiding Principles as in the Barrio Plan to help ensure the City’s land use decisions are consistent with the plan.

San Jacinto Neighborhood Plan (in progress)

In 2019, the City began a year-long process to develop a neighborhood plan for the San Jacinto community. Through a series of public meetings, open houses, focus groups, and surveys, the community will develop a common vision and goals for San Jacinto. The San Jacinto plan will include specific implementation strategies to realize the vision and goals. In addition, an advisory committee will meet monthly to provide input and guidance on the plan.



The City is currently working with the San Jacinto community on a neighborhood plan.

Existing Development-Related Ordinances

The existing zoning and development regulations are codified in several chapters in City Code Title IV. The City has made minor revisions to various sections of these chapters as recently as 2018, but only the subdivision regulations have undergone a recent major revision.

Chapter	Title	Last Major Revision
Chapter 4-2	Signs	2009
Chapter 4-6	Platting and Subdivision Improvement and Maintenance	2015
Chapter 4-7	Manufactured Homes and Recreational Vehicle Parks	2001 (original adoption)
Chapter 4-9	Airport Height Hazard and Zoning Regulations	1991
Chapter 4-10	Zoning	1968
Chapter 4-11	Landmarks and Historic Preservation	1991

Platting and Subdivision Improvement and Maintenance (Chapter 4-6)

Of the six chapters listed above, this chapter underwent major revisions most recently. This chapter establishes requirements for all land divisions in the City and its 5-mile extraterritorial jurisdiction (ETJ). It includes procedural requirements for preliminary plats, final plats, minor plats, and revisions to or vacations of recorded plats.

Division 7 sets forth minimum design standards for streets, alleys, and lots; establishes requirements pertaining to easements, including aviation hazard easements; and establishes a procedure for variances from the subdivision regulations.

Division 8 deals with construction plans and public improvements. Developers are required to provide a financial guarantee for subdivision improvements, if construction of the improvements is deferred until after final plat approval.

Division 9 pertains to the provision of adequate public facilities for new subdivisions. It requires a developer to provide certain public facilities, such as drainage ways, roadways, parks, and utilities. Section 4-6-65 allows a developer to submit a study if the developer believes the required public improvements are not roughly proportional to the anticipated impacts of the proposed development. Section 4-6-66 establishes an appeal process via the City Council.

Manufactured Homes and Recreational Vehicle Parks (Chapter 4-7)

Chapter 4-7 establishes the procedure for permitting new manufactured home or recreational vehicle (RV) parks, or altering or expanding existing parks. It sets forth development standards, including requirements related to screening, setbacks, parking, internal streets, and recreation areas. Section 4-7-4 requires park operators to acquire a license from the Building Official. The requirements apply to all parks established or altered after the ordinance adoption date (February 2001).

Airport Height Hazard and Zoning Regulations (Chapter 4-9)

Chapter 4-9 includes 3 Airport Overlay Districts and 5 Height Hazard Zones.

The Height Hazard Zones are based on the Amarillo Airport's imaginary surfaces. Federal Aviation Administration (FAA) regulations (Title 14, Part 77 CFR) establish the sizes of civil airport imaginary surfaces, which are based on the category of runway and type of instrument approach used. The FAA may consider structures or vegetation as hazards to safe air navigation if they penetrate an airport's imaginary surfaces.

The City's Height Hazard Zones prohibit structures and vegetation from penetrating the imaginary surfaces, but expressly notes that the regulations do not prohibit structures and vegetation that do not exceed 75 feet in height above ground level. The Airport Overlay Districts correspond to 3 aircraft

noise zones: 65-69 decibels (dB) Day-Night Average Sound Level (Ldn), 70-74 dB Ldn, and 75 dB Ldn or greater. The overlay districts prohibit certain noise-sensitive land uses, including residential, recreation and entertainment, educational, and institutional uses.

Zoning (Chapter 4-10)

The zoning regulations are divided into six articles in Chapter 4-10. There are 18 base zoning districts, including one agricultural district (A), 7 residential districts (R-1, R-2, R-3, MD, MF-1, MF-2, and MH), 7 commercial districts (O-1, O-2, NS, GR, LC, HC, and CB), 2 industrial districts (I-2 and I-2), and a planned development district (PD). The planned development process establishes a way for property owners to achieve additional regulatory flexibility, while the City attaches conditions to the rezoning relating to uses, development standards, or related issues.

In addition to the base zoning districts, Chapter 4-10 includes one overlay district. The Downtown Urban Design Overlay District (Article IV, Division 3), adopted in 2010, implements a major recommendation of the *Downtown Amarillo Strategic Action Plan* (2008). The overlay district establishes Certificate of Appropriateness requirements for all new construction and exterior renovations in the district.

The *Downtown Urban Design Standards* are included by reference and maintained as a separate document outside the code.

The airport-related regulations in Chapter 4-9 include 3 overlay districts related to aircraft noise zones and 5 Height Hazard Zones related to the airport's imaginary surfaces. The Height Hazard Zones effectively function as overlay districts. The airport regulations are discussed in more detail above (on [page 12](#)).

Article I includes a purpose statement, definitions, and general legal provisions.

Article II deals with administration and enforcement of the zoning regulations, and establishes procedures for certificates of occupancy and zoning ordinance and map amendments. This article also establishes the City's nonconforming use regulations, and establishes the Zoning Board of Adjustment (ZBA). The ZBA has the authority to decide appeals

and approve variances and special exceptions.

Article III establishes the zoning districts; adopts, by reference, the zoning map; specifies rules of interpretation for zoning district boundaries; and establishes the “default” zoning (A, Agricultural District) for annexed territory.

Article IV includes a use table (“Schedule of Uses”), which identifies permitted and prohibited uses and those requiring a Specific Use Permit. This section includes additional definitions, all related to the land uses listed in the use table. Some definitions include specific standards (e.g., (14) *Home Occupation*, (93a) *Receiving Center for Recyclable Items*). Article IV also outlines the procedure for Specific Use Permits, which require a public hearing and City Council decision. Sections 4-10-86 and 4-10-87 establish standards for the MH, Mobile Home District,

and manufactured homes. Section 4-10-88 sets forth standards for Industrialized Housing. Finally, Article 4 establishes requirements and procedures for Planned Development Districts and the Downtown Urban Design Overlay District.

Article V establishes supplemental regulations for adult uses; dimensional standards, such as lot size and setbacks; development standards for parking, landscaping, fences and walls; performance standards for industrial uses and electrical substations; and requirements for site plans.

Articles VI through XX are reserved for future use. Article XXI includes illustrations related to the zoning regulations. It also references two documents, the *Downtown Urban Design Standards* and the City’s Plant List, that are maintained outside the City Code.

Landmarks and Historic Preservation (Chapter 4-11)

Landmark and historic district designation occurs through application of Planned Development (PD) District zoning. Chapter 4-11 primarily addresses the associated procedural requirements.

The first article in this chapter includes a purpose statement, basic legal provisions, and definitions specific to this portion of the code.

Article II addresses the requirements and process for establishing a PD District, which requires a public hearing held by the Board of Review in addition to those required by the Planning & Zoning Commission and City Council.

Article III authorizes the Board of Review to conduct ongoing research and surveys to identify

“neighborhoods, Sites, Structures, and Objects that have historical, cultural, architectural, aesthetic, or archaeological significance” (Section 4-11-15). This article also requires submittal of a Comprehensive Site Plan in conjunction with PD zoning requests for landmarks and historic districts.

Article IV establishes the Certificate of Appropriateness (COA) process for new construction and exterior alterations of landmarks and historic structures. Article V requires issuance of a COA prior to demolition of designated landmarks and contributing historic properties, as well as those recommended as landmarks and contributing historic properties in an approved study. This article identifies the process associated with demolition permits.

The final section of this chapter, Article VI, establishes the Landmark and Historic District Tax Incentive Program to encourage rehabilitation of structures. The tax incentive “freezes” the property’s assessed value at the pre-rehabilitation value for a period of ten years. The Board of Review recommends approval or denial of the tax freeze, and City Council makes the final decision.

REVIEW OF EXISTING REGULATIONS ---

This project is focused on revision of the Zoning Ordinance (Chapter 4-10), but may include revisions to five other development-related chapters of the City Code, including:

- » Platting and Subdivision Improvement and Maintenance (Chapter 4-6)
- » Manufactured Homes and Recreational Vehicle Parks (Chapter 4-7)
- » Airport Height Hazard and Zoning Regulations (Chapter 4-9)
- » Landmarks and Historic Preservation (Chapter 4-11)

The subdivision regulations were recently updated (2015), so we do not anticipate major revisions to this chapter. Any revisions will be to provide consistency with the revised Zoning Ordinance.

Zoning Ordinance Format

Background

A well-organized zoning ordinance benefits the general public, planning staff, and applicants. It makes information easier to find and to understand, avoids confusion at the permit counter, and facilitates the long-term process of maintaining and amending the code over time. Improving the format and structure of the Zoning Ordinance will:

- » increase readability;
- » improve administration by making information easier to find and understand;
- » enhance public input by making complex, technical information accessible to casual users; and
- » further the City's business-friendly objectives by making development standards and procedures clearer to applicants.

Much of the City's Zoning Ordinance is based on provisions originally adopted in 1968. In fact, the preamble states that Chapter 4-10 "may be cited and referred to as the '1968 Comprehensive Zoning Ordinance of the City of Amarillo, Texas'" (Section 4-10-1). While the City has made some targeted changes over the years, it has not comprehensively updated the ordinance as to organization and format. Issues and potential approaches based on our current direction are discussed below.


Findings

Organization. The Zoning Ordinance is not well organized. For example, technical and legalistic parts of the ordinance (such as penalties, severability, and ordinance amendment and appeal procedures) are placed near the front of the chapter, with the most interesting and frequently used parts of the ordinance placed near the back (in Articles IV and V). General definitions appear in the first article, while definitions of specific uses follow the use table in Article IV. The landscaping requirements in Article V include definitions as well.

The City maintains the Development Policy Manual outside the City Code. The manual includes technical specifications for items such as parking lot, street, and driveway construction; utility extension; and stormwater management. It also includes less technical information about annexation, the zoning process and zoning districts, and neighborhood and school park dedication.

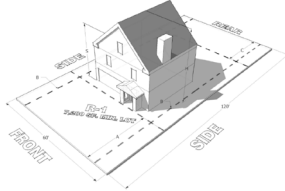
There is no “roadmap” for an infrequent reader to figure out how the Zoning Ordinance is organized or to find the information they need. The City’s Development Policy Manual provides some guidance, but there are few references in the Zoning Ordinance that would direct an infrequent reader to the manual.

Ch. 18.20 Zoning Districts | Olathe Unified Development Ordinance Page 8 of 149



A. Permitted Uses
See § 18.20.500 (Use Matrix).

B. Dimensional Standards
Development in the R-1 District is subject to the following dimensional standards:



Composite Standards	Site 1 Building - none	Site 1 Building A	Site 2 Building - none	Site 2 Building A
Lot area (minimum) • 7,200 sf	• 5,000 sf	• 3,000 sf	• n/a	• n/a
Density (maximum) • n/a	• n/a	• n/a	• 9.5 du/ac	• n/a
Lot Width (minimum) • 60 feet	• 50 feet	• 40 feet	• n/a	• n/a
Front yard (minimum)* • 30 feet	• 25 feet	• 20 feet	• 10 feet	• 10 feet
Height (maximum) • 2½ stories/35 feet	• 2½ stories/35 feet	• 2½ stories/35 feet	• 2½ stories/35 feet	• 2½ stories/35 feet
Residences • 75 feet	• 75 feet	• 75 feet	• 75 feet	• 75 feet
Nonresidential • 75 feet	• 75 feet	• 75 feet	• 75 feet	• 75 feet

The Olathe Unified Development Ordinance is current through Ordinance 18-48, passed October 16, 2018.

Illustrations, photographs, and tables improve readability and help readers understand development regulations. The above excerpt from the Olathe, Kansas Unified Development Ordinance clearly conveys the R-1 District’s development standards and provides a photo to illustrate neighborhood character.

Format. The entire City Code, including the Zoning Ordinance, is available online through Municode. This makes the code easy to navigate, search, and download. A drawback to online codification is that there is some delay between final reading of an ordinance and updates to the online code. Maintaining a version of the Zoning Ordinance in Microsoft Word or similar software allows the City to update the online code soon after an amendment is adopted. However, this requires additional staff time and necessitates

maintenance of a backup system for the digital files.

While Article XXI, Appendix Illustrations, provides several illustrations related to lot dimensions and setbacks, there are no graphics in the body of the Zoning Ordinance. Many of the regulations are difficult to read, with legalistic language and long sentences. The largely text-only format of the code does not give readers much of an idea of what the City requires without diving into the details and carefully reading the text.

Modern development codes typically include graphics. Graphics

help to explain or simplify material that is sometimes difficult for casual or non-technical users to understand.

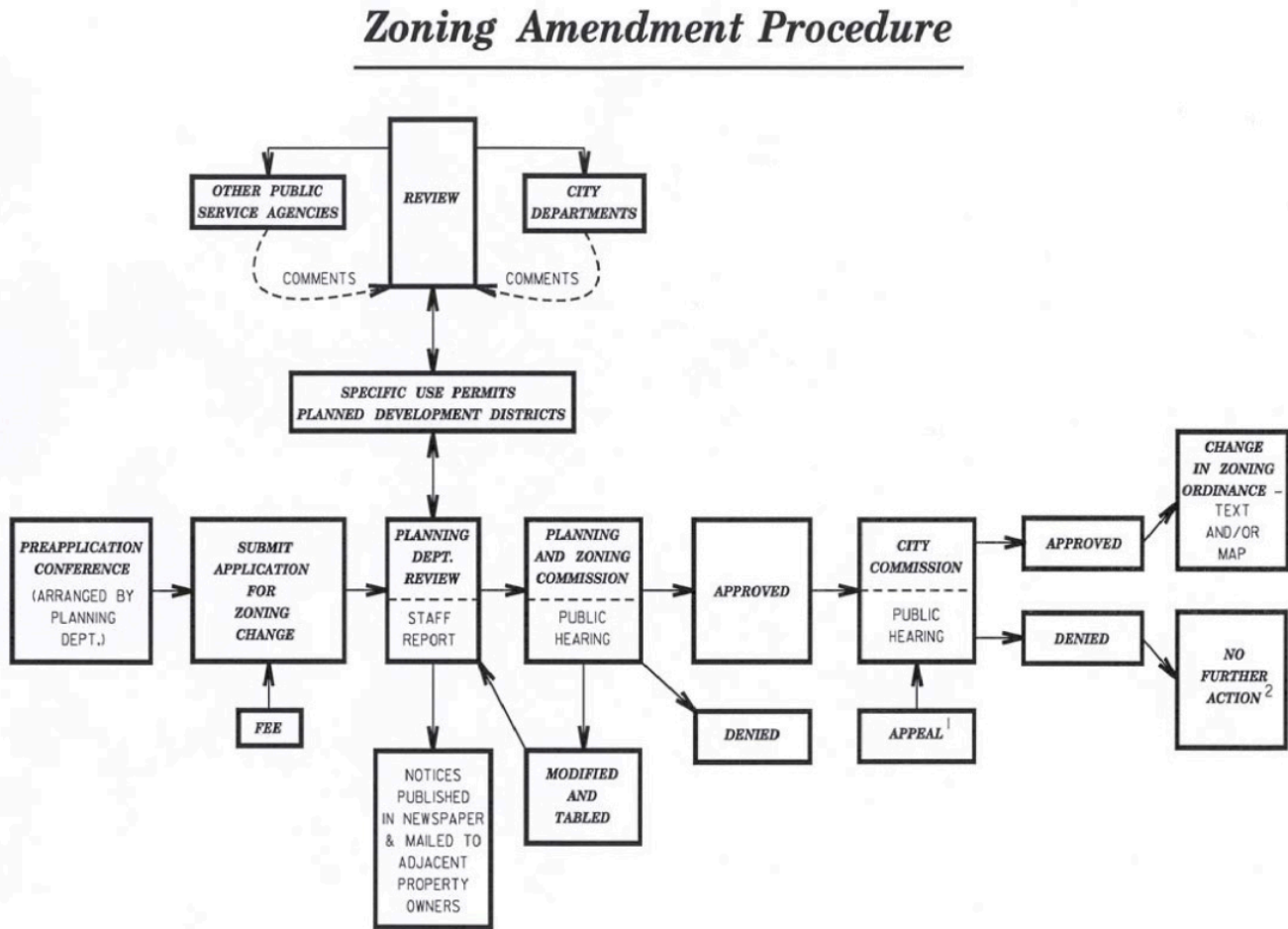
The Zoning Ordinance includes several tables, including the Schedule of Use, which improve readability and make information easier to find. A number of standards, such as minimum parking requirements, are set forth in lengthy lists that are difficult to read and would benefit from a table format. A best practice for listing parking requirements is to use the same list of uses that appears in the land use table (i.e., Schedule of Use).

Alternatives & Recommendations

Numerous organizational improvements should be pursued. In general, the goal of the new organization will be to place frequently used information where it can be easily referenced, and to remove some of the current repetition by consolidating related information and standards. A new, more logical organization should help ensure that code users can quickly find the information they need – particularly those who do not use the code on a frequent and regular basis. In addition, an improved organization will make it easier to see the overlaps between related sections and should make future amendments easier and more consistent.

Section 10 (Zoning and Future Land Use) of the Development Policy Manual provides an excellent overview of the City's land use policies, the zoning process, and the purpose of the zoning districts. There is a flowchart depicting the zoning process (see [Figure 2](#)), which would be helpful to include in the Zoning Ordinance itself. Some of the other items in this section, including the zoning district descriptions and purpose statements, should be relocated to the Zoning Ordinance as well. Technical specifications are best left in the manual so that staff can update them as needed.

Figure 2. Flowchart depicting the zoning amendment process, from the City's Development Policy Manual.



¹A written request for an appeal must be submitted to the Planning Department within ten days of the denial.

²The application must wait four months before submitting another application requesting the same or less restrictive zoning on all or any portion of the property for which the change was denied.

Recommendations to improve the Zoning Ordinance’s organization, readability, and user-friendliness include:

1. Consolidate Signs, Airport Height Hazard and Zoning Regulations, Manufactured Homes and Recreational Vehicle Parks, and Landmarks & Historic Preservation chapters with the Zoning Ordinance (Chapter 4-10).
2. Consolidate all definitions (which currently are scattered) and relocate them to a new definitions article at the end of the Zoning Ordinance. Most code users expect to find definitions at the end of the document, not the beginning.

3. Consolidate the zoning review procedures and relocate them towards the back of the Zoning Ordinance. Develop a set of common procedures that apply universally and do not need to be listed more than once (e.g., the contents of comprehensive site plans).
4. Relocate all the use standards to a single chapter. This includes standards embedded in all the use definitions within Article IV of the current Zoning Ordinance.
5. Combine all development standards in one article. This should include any existing standards that are carried forward (e.g., fences and walls, landscaping, and parking), as well as any new development standards introduced in this code rewrite.
6. Add illustrations, tables, and flowcharts.
7. Use clear language and well-defined terms.

Zoning Districts & Use Regulations

Background

In the United States and in Texas, zoning historically is the principal regulatory mechanism to implement a comprehensive plan. Zoning directly controls the use and development potential of land. In most cities with zoning regulations, including Amarillo, zoning has the following elements:

1. **Zoning Districts.** Zoning divides cities into districts where various regulations apply. These can include conventional districts, overlay districts, special use districts, floating zones, composite zoning, design-based districts, and performance-based zoning, among others. A recently adopted statute limiting a local government's ability to regulate building materials and design may limit the use of design-based districts in Texas. [Figure 3](#) summarizes approaches to structuring zoning regulations.
2. **Planned Development.** Planned developments (PDs) or planned unit developments (PUDs) are typically stand-alone districts where an applicant can deviate from the normal district standards, in exchange for providing a higher level of design, amenities, or other community benefits.
3. **Density & Intensity.** Zoning districts control the density and intensity of development by prescribing minimum lot area and dimensional requirements. Some communities also specify the minimum or maximum number of dwelling units allowed per acre of land.

4. **Bulk & Setbacks.** Zoning districts regulate the size or “bulk” of structures through application of minimum or maximum setbacks (from property lines, streets, or other structures), height, floor area ratio, and lot coverage requirements.
5. **Uses.** In each district, some uses are permitted, some are prohibited, and others are regulated through discretionary review (e.g., specific use permit approval by the City Council). Many uses have conditions or standards that apply whether the use is permitted or requires specific use permit approval. Some communities categorize these types of uses separately – such as a “limited” use category, but a less confusing practice is to simply note whether the use is subject to additional regulations and to point the reader to them.

Figure 3. Approaches to Zoning Regulation

Approach	What is it?	Advantages	Limitations	How does this apply to the City of Amarillo?
Conventional Zoning	This divides a city into districts that establish uniform use and dimensional standards, such as setbacks, height, and density.	<p>Because this is the most common approach to land development, it is familiar to zoning administrators and applicants.</p> <p>Controls scale.</p> <p>Separates incompatible uses into different districts.</p>	<p>Conventional zoning districts generally do not distinguish between character areas, e.g., a retail building along a busy arterial near downtown is subject to the same standards as a retail building in a suburban neighborhood.</p> <p>Zoning is often blamed for poor development patterns because it does not comprehensively regulate design.</p>	<p>Development stakeholders are familiar with this approach, and the Comprehensive Plan includes policies that require use compatibility.</p> <p>Conventional zoning techniques probably will continue to form the cornerstone of the zoning regulations.</p>
Overlay Zoning	These are zoning districts that overlap the base residential, commercial, and industrial districts to establish additional standards or incentives.	<p>Allows a city to supplement existing districts with additional use or design standards.</p> <p>Also very familiar to code users.</p>	<p>Zoning overlays can form the legal framework for other approaches, such as design-based zoning (see discussion below).</p> <p>Complicated because it involves several layers of regulations.</p>	The City currently uses this approach for its downtown and airport districts.

Figure 3. Approaches to Zoning Regulation, continued

Approach	What is it?	Advantages	Limitations	How does this apply to the City of Amarillo?
Planned Unit Development (PUD)	This allows the modification of development standards for master planned developments to provide more creative approaches to development.	As with conventional zoning, this is a common approach and is familiar to code users. It is flexible, and allows standards to be negotiated on a case-by-case basis.	The lack of standards often produces unpredictable and undesirable development outcomes. Requires an unpredictable and potentially lengthy approval process.	The City already uses this approach for its planned developments (PD) However, approaches that codify the conditions that are typically negotiated through PD approval, coupled with administrative approval, could streamline the process and allow developers to devote more of their budget to improving site design rather than permitting costs.
Floating Zones	An unmapped zoning district with special conditions or requirements. Floating zones are applied to a property at the request of the property owner.	Can help plan for future land uses, such as affordable housing, schools, or shopping centers, before a viable location is identified.	Requires the property owner to request rezoning, which adds time and expense to the development process.	This approach could apply to the City's transitional areas between residential and commercial uses.
Incentive Zoning	Allows development flexibility, such as increased height or density, in exchange for public benefits, such as open space or affordable housing. To address legal concerns, development incentives should be directly correlated with the public benefits received.	Private sector provides public benefits and amenities. Helps cities achieve comprehensive plan goals and desired development outcomes.	It can be difficult to "right-size" the incentives to ensure developers take advantage of them.	May offer an approach for regulating building design in areas of historic, architectural, or cultural significance that complies with the new statute requiring property owner consent.

Figure 3. Approaches to Zoning Regulation, continued

Approach	What is it?	Advantages	Limitations	How does this apply to the City of Amarillo?
Composite Zoning	Rather than having zoning districts of just one component (a list of use districts), composite districts provide separate and independent zoning components such as use, site, and architectural characteristics. One of each of these components then can be combined to create a “composite” zoning district. The zoning map designates areas for use, building and site design classifications.	This provides a very flexible approach to zoning, while preserving the basic standards that code users are familiar with.	This has the effect of a series of overlay districts, so it is more complicated than conventional districts.	This approach could apply well to the City’s multi-family and moderate density zoning districts. However, a new state law (House Bill 2439) may preempt this zoning technique as it relates to building design.
Design-Based Zoning (Form-Based or Transect-Based)	Divides a city into zones where the regulations vary by physical design characteristics, rather than by use. The Downtown Urban Design Overlay District is an example of this approach.	Directly addresses design and gives landowners flexibility as to permitted uses. Applies well to urban situations, such as downtowns, urban districts, and corridors.	Tends to be complex and unfamiliar to existing code users, although the concept has gained familiarity over the past 10 years. Neighborhood interests and property owners might still want to control uses (e.g., intensive non-residential uses in residential neighborhoods, residential uses in industrial zones that are reserved for employment generators). Limited in scope - they do not address issues such as congestion, suburban corridors, stream corridors, and related issues.	A new state law (House Bill 2439) restricts the ability of local governments to regulate building design, making the future viability of this zoning technique in Texas uncertain.

Figure 3. Approaches to Zoning Regulation, continued

Approach	What is it?	Advantages	Limitations	How does this apply to the City of Amarillo?
Design Guidelines	Separate documents that contain flexibly written, and typically nonbinding, considerations for design. The guidelines are usually administered by a board, such as the planning commission or a separately created design review board.	<p>Flexible - the city and applicants retain more discretion in negotiating design solutions, and can better customize design objectives to specific projects than through specific standards.</p> <p>Can be amended more readily than the zoning regulations.</p> <p>May provide an alternative to regulatory design requirements that complies with House Bill 2439.</p>	<p>Scatters design considerations among separate documents, which can lead to confusion and complexity.</p> <p>Sometimes unclear to applicants and administrators whether or not a guideline is binding.</p> <p>Compliance negotiation can lead to delays in development approval or unpredictable results.</p>	<p>Design guidelines would be applied on a case-by-case basis. For example, they could apply as part of a neighborhood conservation district that follows a Neighborhood Plan.</p> <p>The City is already familiar with this concept with the Downtown Urban Design Overlay District and design guidelines.</p>
Performance-Based Zoning	Like form-based zoning, performance-based zoning (pioneered by our teaming partner Kendig Keast Collaborative) divides districts by prescriptive ratio-based metrics to control development impacts. For example, the regulations could prescribe minimum ratios for landscaping and open space, along with maximum impervious surface, building coverage, or floor area metrics by district.	<p>Like form-based zoning, a performance-based model is more flexible than conventional, one-dimensional zoning.</p> <p>Standards such as impervious surface limits are effective in controlling development near playa lakes.</p>	<p>Can be complicated.</p> <p>Development ratios tend to have a very weak relationship to design, and are largely limited to limiting the scale and footprint of development.</p>	<p>Effective where there are persistent environmental or topographical issues, such as floodplains, riparian corridors, or steep slopes. However, performance zoning is not limited to these issues, and Lane Kendig and Bret Keast of Kendig Keast Collaborative have now expanded these concepts to character-based regulations that blend building and site design with performance metrics.</p>

Zoning Districts

Findings

Amarillo uses conventional and overlay zoning districts. Other types of districts could be used to implement Comprehensive Plan policies related to revitalization and infill, transitional areas between residential and commercial uses, neighborhood planning, and protection of economic anchors and investment areas.

The Zoning Ordinance does not include purpose statements or descriptions of the zoning districts. These are found in the City's Development Policy Manual. Purpose statements provide context, and are critical to understanding and interpreting zoning regulations.

The City lacks a true agricultural district. The minimum lot size in the A District is one acre, detached single-family residential uses are permitted by-right, and a number of non-agricultural uses are allowed by specific use permit. The Amarillo Comprehensive Plan recommends creation of an Estate District to accommodate large lot subdivisions so that the A District can be "devoted purely to the purpose of maintaining rural character and protecting and preserving farm and ranch activities" (Chapter 3, Action Strategies, #14, p. 3.22).

The City uses overlay districts for two unique areas, downtown and lands surrounding the airport. The



DESIRABLE NEIGHBORHOOD PATTERN

The City uses the Neighborhood Planning Unit concept. The core principle is to centralize a school and park within a neighborhood. Lower density residential uses surround this civic space, with higher density housing and neighborhood retail and service uses along the neighborhood edges.

Downtown Urban Design Overlay District is part of the Zoning Ordinance, but the Airport Height Hazard and Zoning Regulations are maintained in a separate chapter of the code. The overlay districts should be consolidated under the same article or division in the Zoning Ordinance. The airport regulations should be reviewed to ensure they meet current Federal Aviation Administration requirements.

The City accomplishes historic preservation through the Planned Development (PD) District. The Zoning Ordinance does not include development standards or base or overlay zoning districts

that regulate alteration of landmarks and historic structures. Instead, standards are negotiated on a case-by-case basis. As noted in the Planned Development section, revising the regulations pertaining to landmarks and historic preservation would limit or eliminate the use of PDs. The City could codify historic preservation regulations under a new zoning district or development standards.

Overall, Amarillo has an appropriate number of districts for a city of its size and regional context — although some districts are infrequently used, as shown in Figure 4. As discussed in the recommendations below, there may be some opportunity to consolidate districts, and at least one new district is required to implement the Comprehensive Plan. However, the City has done a good job of avoiding the proliferation of unnecessary, duplicative district regulations that many cities experience.

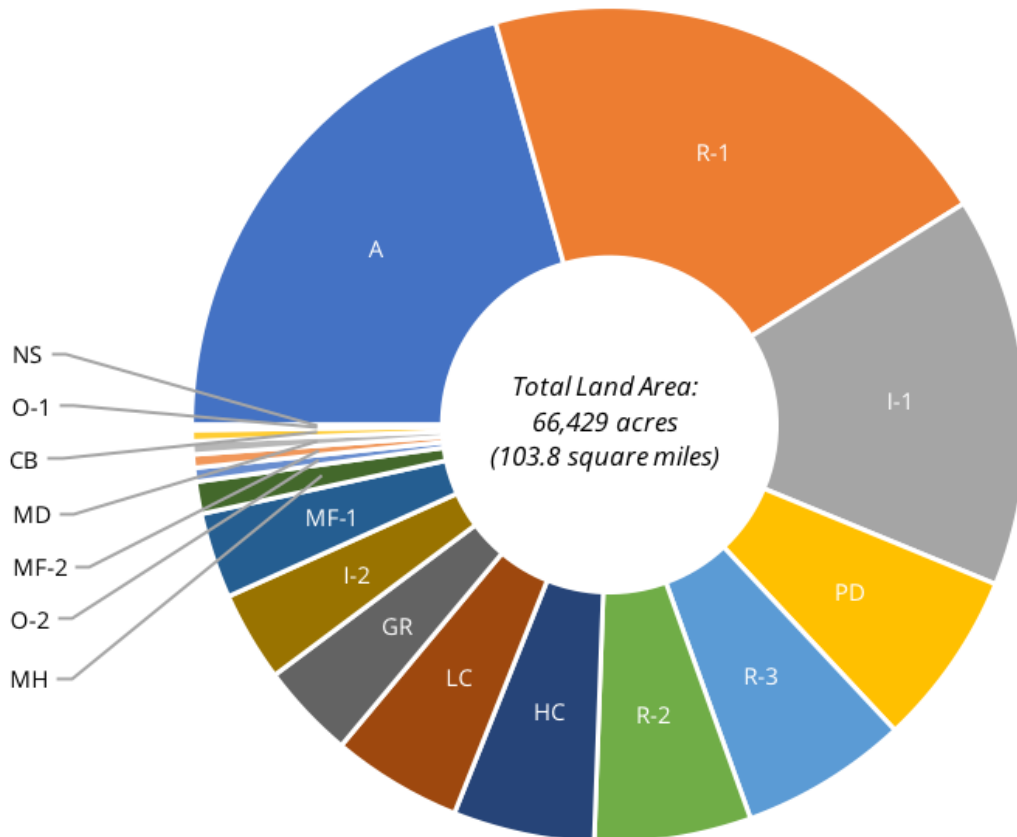
Unfortunately, this may have had an unintended consequence with respect to Planned Development (PD) Districts as is discussed in the next section.

Alternatives & Recommendations

1. Relocate the zoning district descriptions and purpose statements from the Development Policy manual to the Zoning Ordinance.
2. Create a new Estate District. The Amarillo Comprehensive Plan recommends this large lot, primarily residential district to serve as a transition between rural and suburban areas.
3. Increase minimum lot area in the Agricultural District and limit permitted uses to agricultural uses and other uses that support or are compatible with farming and ranching. Consider allowing “farm residences” by-right, but not general residential uses. This would allow housing for farm operators and employees while limiting encroachment of residential uses in agricultural areas.
4. Move the Airport Height Hazard and Zoning Regulations to Chapter 4-10. Update as needed to comply with current FAA regulations.
5. Consider consolidation of existing residential districts. Minimum lot area, lot dimensions, and setbacks, as well as permitted and SUPs, are very similar in the R-1, R-2, and R-3 Districts, and in the MD, MF-1, and MF-2 Districts. There may be opportunities to consolidate or recalibrate these districts to provide for more diverse housing options, including small lot detached single-family uses, tiny houses, triplexes, and fourplexes.

6. Rethink the commercial districts. The allowed uses in the NS and GR Districts are too broad, which contributes to the City's over-reliance on PD Districts. Consider a true neighborhood commercial district and include standards to increase compatibility with nearby residential areas.
7. Add historic preservation standards. The City can draw on national best practices and its experience using PDs to inform proposed standards. The Texas Historical Commission applies the Secretary of the Interior's Standards for the Treatment of Historic Properties when performing project reviews for preservation, rehabilitation, restoration, and reconstruction of historic properties.

Figure 4. Percentage of Total Land Area by Zoning District



Over 56% of the City's land area is zoned A, R-1, and I-1. The least used zoning districts (MH, O-2, MF-2, MD, CB, O-1, and NS) comprise less than 3.5% of the City's land area.

Source: Data provided by City of Amarillo. Data represents percentage of total land area in City limits.

Planned Development

Findings

Beyond improving the code's organization and format, one of the most frequently mentioned substantive concerns with the Amarillo Zoning Ordinance is the perceived over-reliance on Planned Development Districts (PDs). Sections 4-10-101 through 4-10-107 of the Zoning Ordinance allow for rezoning to the PD District, which allows an applicant to negotiate deviations from otherwise applicable code standards. We understand that many projects, ranging from very large to very small, use this process as a way to get around strict code compliance. In addition, Chapter 4-11 requires City-designated landmarks and historic districts to be zoned PD. The City has adopted nearly 400 unique PD Districts, some with over a dozen amendments, that comprise only 6.8% of the City's land area.

From the private sector's perspective, the PD process is valuable in allowing new developments to be approved with flexible standards. However, numerous stakeholders noted that Amarillo's continuing emphasis on negotiated, case-by-case PD approvals does not necessarily result in better quality and demonstrates the inability of the current regulations to accommodate desired projects. We heard a variety of specific concerns. For example:

- » The use lists in some of the existing districts (especially GR and LC) are considered too broad, and so PDs are used to limit the uses allowed in those districts for certain projects.
- » PDs are sometimes used instead of variances, when an applicant wants to modify a standard but cannot demonstrate a hardship.
- » PDs are used to address shortcomings in the current code, including the lack of effective transitional standards between residential and commercial uses and the absence of modern land uses from the Schedule of Use.
- » PDs also are used to allow minor adjustments to certain standards such as setbacks (whereas many communities allow these minor adjustments to be administratively approved).

Amarillo's experience is not unusual. Procedures for individual master planned developments (sometimes called "planned area developments," or "planned unit developments," or "PUDs" in other communities) were enacted throughout the country beginning in the 1960s as a way to give developers more flexibility to design innovative projects or master-planned communities. The underlying concept is that if the private sector is given

greater leeway and flexibility to design a project and mix uses, communities will benefit from more creative development and from a higher level of amenities, such as open space, than would otherwise be required.

The theory is sound, yet today officials and citizens in Amarillo (and elsewhere) often encounter significant practical shortcomings once they are operating outside of standard zoning district requirements and development regulations. In general, developers find that the negotiation inherent in creating a PD causes a loss of predictability, which can add to longer approval times and higher carrying costs. They cannot anticipate how ordinance provisions will be applied and are forced to negotiate every aspect of the development anew. Similarly, neighbors cannot rely on existing zoning to protect them and have little certainty about what might pop up on the vacant field next door. City staff must also devote substantial time not only negotiating the PD up front, but in trying to administer what amounts to a mini-development code once it is adopted, making enforcement and compliance extremely difficult.

Development standards for landmarks and historic structures are established through the PD process. The regulations in Chapter 4-11 (Landmarks & Historic Preservation) are limited

to procedural requirements, such as the processes for obtaining a Certificate of Appropriateness or a demolition permit. This adds to the over-reliance on PDs.

PD Districts should be reserved for developments that are unusual in nature, or that offer exceptional community benefits or design, in a way that the base districts cannot accommodate.

Even though the City extensively uses the PD District, two significant limitations apply:

- » *A minimum district acreage requirement, based on the proposed land use (e.g., shopping center, housing development, and medical service facilities). The City Council may consider PD Districts on smaller sites only in limited instances, such as when the proposed PD District has frontage on an expressway.*
- » *The lack of procedural streamlining for projects that offer a higher quality of community design. In fact, planned development projects theoretically face a longer, less predictable approval process than those with a very basic level of design. Developers who provide the site design quality expected by the community should not have to face uncertain and potentially lengthy public hearings.*

Alternatives & Recommendations

Improve the code generally to reduce the need for negotiated approvals. This includes:

1. **Districts.** The most important way to minimize the future use of negotiated PD approvals in Amarillo – particularly for small and medium-sized projects – is to rewrite the ordinance to not only accommodate, but also to encourage, innovative and creative projects that respond to the comprehensive and neighborhood plans, rather than restricting or prohibiting such projects. In particular, updating and modernizing the current lineup of zoning districts as discussed in the Zoning Districts section above can help accommodate more straightforward, ordinance-based development. For example, creating a true neighborhood commercial district should eliminate, or at least minimize, the need to always fine-tune the NS or GR Districts for particular sites. Revising the Landmarks and Historic Preservation Ordinance requirements could limit or eliminate the use of PDs to protect these resources, instead codifying regulations under a new zoning district or development standards.
2. **Development Standards.** In addition, the community must clearly articulate the standards it expects to see in all new development, rather than negotiating over compatibility issues as part of each PD application. The city should provide clear and objective standards in the revised Zoning Ordinance that anticipate the issues and concerns Amarillo is currently negotiating on a case-by-case basis, such as landscaping, buffering, and neighborhood protection.
3. **Procedures.** In terms of procedures, a new authorization for the Planning & Development Services Director to approve minor adjustments to certain standards like setbacks, subject to objective limits, would also minimize the need to use the PD to tailor code requirements to specific projects. The code should clearly define the parameters of this authority to avoid an unlawful delegation of legislative authority.

Density & Intensity

Findings

There are no minimum lot requirements for non-residential land uses. Minimum lot area, width, and depth for residential uses are regulated by zoning district as well as by the type of use (e.g., single-family detached, duplex, apartments). For example, the minimum lot area for a detached single-family use in the MF-1 District is 5,000 square feet, and the minimum lot area for apartments is 1,200 square feet per dwelling.

Residential density (number of dwelling units per acre of land) is regulated through minimum lot area. For readers unfamiliar with the Zoning Ordinance or how to calculate density, this standard is difficult to identify.

Maximum density gradually increases in the three single-family zoning districts (R-1, R-2, R-3) from 5.8 to 7.2 to 8.7 units per acre. Detached single-family, townhouse, and duplex uses have the same density in the Moderate Density (MD), Multiple-Family-1 (MF-1), and MF-2 Districts (8.7, 21.7, and 14.5 units per acre, respectively). However, density for apartments increases from 24 units per acre in MD, to 36 in MF-1, to 72 in MF-2. Staff indicated there may be a need to review density standards, particularly for multi-family uses.

Intensity of non-residential uses in the commercial and industrial districts is primarily regulated through bulk standards, including lot coverage and building height.

Alternatives & Recommendations

1. Add a dwelling unit per acre metric, and/or provide an explanation of how density is calculated.
2. Review minimum lot area and residential densities and adjust as needed.

Bulk & Setbacks

Findings

The zoning districts prescribe minimum setbacks (yards) from front, side, and rear lot lines. As with the lot dimensional requirements, these standards are based on zoning district and land use.

The height of buildings is regulated by number of stories, which is a more flexible and character-oriented approach than limiting height in feet. The Central Business District and the more intensive non-residential districts (HC, I-1, I-2) do not regulate maximum height. In these districts, the mass and bulk of structures is controlled solely through lot coverage maximums.

Except for detached single-family residential uses in the Agricultural District, all districts control coverage, i.e., the maximum amount of a site that can be covered by structures. Section 4-10-173 expressly excludes off-street surface parking and loading areas from the calculation of lot coverage. Many communities include all impervious surfaces in lot coverage calculation, with the primary goals of limiting stormwater runoff and maintaining sufficient open space on a lot.

Another metric often used to control bulk is floor area ratio (FAR). FAR is the ratio of gross floor area of all structures on a lot to the total lot area. It controls the overall size or volume of a building, but not its height or exterior appearance. The City once had FAR regulations, but they were repealed in 1996. This metric may be useful in limiting the impact of certain land uses in transitional areas between residential and commercial uses.

Alternatives & Recommendations

1. Consider including all impervious surfaces in calculation of lot coverage.
2. Reconsider using floor area ratio to limit bulk in certain zoning districts, such as the Neighborhood Service District.

Uses & Use Regulations

Findings

Consistent with modern best practices, Article IV of Amarillo’s Zoning Ordinance includes a use table (the “Schedule of Use”). The use table lists zoning districts across the top and land uses along the side. Land uses are grouped by category, including residential, accessory, retail/service, and transportation-related. Each district indicates whether a use is permitted by-right, requires a specific use permit (SUP), or is prohibited.

Readers can quickly scan categories of uses to determine where a particular use is allowed. The use table facilitates the process of maintaining and updating the list of uses. Visual aids can also facilitate reading and understanding of the use table. For example, a recent zoning update for Sparks, Nevada color-codes the use table to match the zoning map.

The current use table lists more than 240 unique uses categorized into broad categories. While this appears to be a long list, the use regulations do not reflect the broad range of contemporary uses that are likely to occur in the community. For example, the 2017 North American Industrial Classification System (NAICS) includes 1,059 separately listed 6-digit codes. While the use table will need to classify most of these in broader use categories, the uses should be audited to ensure there is a place for all businesses, service agencies, and residential categories that the community needs. Permitted uses also should be audited to ensure they do not detract from the purpose of the district. For example, the Central Business District allows a variety of automotive-related uses that are inconsistent with the walkable, urban nature of the downtown.

Based on our initial meetings, the following new land uses should be specifically addressed in the updated Zoning Ordinance:

- » Accessory dwelling units
- » “Missing Middle” housing types, such as triplexes and fourplexes
- » Short-term rentals
- » Community gardens and urban agriculture
- » Breweries, wineries, and distilleries
- » Event venues
- » Food truck courts
- » Pet care facilities, such as dog day care and grooming
- » Outdoor storage

The Zoning Ordinance does not have a dedicated section for regulations applicable to particular uses. These types of regulations are addressed in several sections in Article IV (District Regulations) and Article V (Supplemental Regulations), including in the special definitions associated with the Schedule of Use (Sec. 4-10-83), manufactured home standards (Sec. 4-10-87), industrialized housing standards (Sec. 4-10-88), adult uses (Sec. 4-10-152 and 4-10-153), accessory buildings (Sec. 4-10-191), private stables (Sec. 4-10-192), and carports (Sec. 4-10-193).

In addition, Article V, Division 8, establishes performance standards for certain uses in the I-1, I-2, and PD Districts and for electrical substations located in close proximity to residential uses or districts. Chapter 4-7 is devoted to manufactured home parks and recreational vehicle (RV) parks. Regulations include development standards, permitting procedures, licensing and inspection requirements, and responsibilities of park management and occupants.

A reader interested in a particular use may find it difficult to locate all regulations that apply to the use. A better approach is to consolidate use-specific regulations into an individual article or division. This creates second-level (section) headings for each use, making the applicable regulations much easier to find. The specific regulations for each use can address how the use is approved and the standards that apply to the use. The Schedule of Use could include a notation and cross-reference if the use is subject to additional standards, along with a cross-reference to the applicable supplemental use regulations.



Examples of Missing Middle housing in Amarillo. Missing Middle housing “is a range of multi-unit or clustered housing types—compatible in scale with detached single-family homes—that help meet the growing demand for walkable urban living” (see www.missingmiddlehousing.com).

Supplemental regulations should be added for certain uses permitted in residential districts, such as bed & breakfasts (B&Bs) and home occupations. Special events at B&Bs and new types of home-based businesses are increasingly impacting neighborhoods and negatively affecting neighborhood character.

The Zoning Ordinance addresses temporary uses to a very limited extent. The Schedule of Use identifies five temporary uses: field or construction office; carnival or circus; extraction and storage of topsoil, earth, or stone; asphalt or concrete batching plant; and on- or off-premises alcohol sales. The use-related definitions provide standards or note the required approval process, except for carnivals and circuses which have no enumerated requirements. The temporary extraction or storage use requires a permit from Public Works, and temporary alcohol sales requires a license approved by the City Secretary and Chief of Police. Temporary asphalt or concrete batching plants are permitted in I-2, require an SUP in HC and I-1, and are allowed “by resolution of City Council” in other districts. The ordinance does not specify the process required to gain approval of this use where it is allowed by resolution.

Section 4-10-84 establishes a process for classifying new land uses not listed in the Schedule



Bed & breakfasts are important neighborhood and economic assets. They provide a locally owned and operated accommodation for visitors, and often help preserve historic structures. However, without effective and locally-appropriate regulations, B&Bs have the potential to negatively impact neighborhoods. Parking and noise are common compatibility concerns.

of Use. Following a detailed staff report and a recommendation by the Planning & Zoning Commission, the City Council determines whether and how unlisted uses are permitted. To provide applicants and landowners with a faster decision, this process could be administrative in nature with the determination made by the Planning Director. As with other administrative determinations, the Zoning Board of Appeals could consider appeals.

The Zoning Ordinance defines the individual uses listed in the Schedule of Use, but does not define the broad use categories. This is important for the purpose of classifying unlisted uses, particularly if the decision process is administrative.

The City does not have comprehensive regulations for telecommunication towers, but

does require minimum setbacks in certain districts. In zoning districts where the maximum height is three stories or less, Section 4-10-194 allows telecommunication towers to be any height if the tower is set back from all property lines a minimum distance equal to the height of the tower. The City also has a design manual for wireless facilities located in the ROW (pursuant to Loc. Gov. Code, Chapter 284).

Alternatives & Recommendations

1. Ensure the list of permitted uses is as complete as possible. While this may make the list of permitted uses longer, it also minimizes the need for formal interpretations. This does not mean that every particular use must be enumerated in the list of permitted uses. However, all potential uses should be covered to the extent possible.
2. Revise permitted uses in the Moderate Density and Multiple Family Districts. In the MD District, allow "Missing Middle" housing options such as triplexes and fourplexes in this district, rather than large apartment complexes.
3. In all districts, particularly in the Commercial and Central Business Districts, review permitted uses and ensure they are consistent with the purpose of the district. Add use-specific standards if needed.
4. Consolidate use-specific regulations, including those related to accessory and temporary uses, into one article or division. Augment existing standards where needed, such as standards related to telecommunication towers. Consider whether new uses, such as accessory dwelling units and event venues, require use-specific regulations to enhance neighborhood compatibility or increase public safety.
5. Revise the procedure for classifying new and unlisted land uses.
 - 5.1. Allow administrative determinations. This would include rules for determining whether an unlisted use simply falls within the definition of a permitted use, and whether unlisted uses are permitted as part of the same industry or use category.
 - 5.2. Include a tracking procedure for rulings as to unlisted uses, and for code amendments to update the use table.

Development Standards

Background

While conventional zoning regulations control building height and setbacks, zoning regulations increasingly regulate the scale, orientation, and architectural elements of buildings. Zoning regulations can apply design standards to any kind of development, including single-family, multifamily, commercial, or industrial uses. A recent change in Texas law, however, preempts local governments from regulating certain aspects of building design and construction.

House Bill No. 2439 takes effect on September 1, 2019. With some limited exceptions, the new law prohibits local governments from adopting regulations that:

- » prohibit or limit the use of a particular building product or material that is approved for use by a national model code like the International Residential Code, or
- » establish a standard for a building product, material, or aesthetic method that is more stringent than a standard established by a national model code.

The term “aesthetic method” is not defined, leaving some debate over the implication of this bill as it relates to local government regulation of building design

elements such as façade articulation and window transparency.

Zoning regulations also typically include parking requirements. Codes typically set requirements for a minimum number of parking spaces based on the land use the spaces serve. Some codes also establish parking lot design requirements, including parking space size, drive aisle width, and landscaping.



Minimum parking requirements often result in excessively sized surface parking areas, such as this parking lot in northern Amarillo.

An unintended side effect of minimum requirements is excessively sized surface parking areas. For example, a 60,000 square foot grocery store or retail business in Amarillo would require nearly the same square footage of paved parking surfaces, with additional areas required for landscaping. This creates economic waste because the property owner cannot charge

rent for the spaces, although a certain number of parking spaces is certainly needed to provide access to the site. Parking is a development cost that is ultimately capitalized into the cost of housing and consumer goods.

Another common development standard is landscaping. Modern codes usually include requirements for perimeter, site, and building foundation landscaping. Perimeter landscaping primarily serves to buffer a site from adjacent uses, while site and foundation landscaping enhance a site's appearance.



Although landscaping adds to upfront development costs, it enhances a site's appearance and can contribute to increased property values.

Landscaping adds to both upfront development costs and over time through maintenance and irrigation, although long-term savings from stormwater management and energy savings through shading of building and parking areas can offset some of these costs. Landscaping can provide

environmental benefits by filtering stormwater, improving air quality, and providing wildlife habitat. Landscaping also can contribute to increased property values.

Screening requirements, such as walls and fences, are often combined with landscaping requirements. Tree preservation requirements are often a component of landscaping regulations or are tied to landscaping requirements. For example, preservation of existing trees or vegetation on a site may count towards required landscaping.

Many modern codes establish open space and civic space requirements. Open space requirements typically apply in new subdivisions or large non-residential developments. Civic space requirements are common in downtowns and other urban areas where the needs for public spaces are different than in, for example, suburban neighborhoods.

Access management and driveway regulation is an important development standard, as the location of vehicular access points affects traffic flow and vehicular and pedestrian safety along adjacent streets. State departments of transportation typically regulate driveway spacing along streets under their jurisdiction. For consistency, local governments often match these requirements for local streets with similar volumes or speed limits.

Communities often regulate outdoor lighting, but the degree to which lighting is regulated varies widely between jurisdictions. Regulations range from simple shielding requirements that reduce light spillover onto adjacent properties and streets to comprehensive lighting districts or zones. Outdoor lighting can create glare and affect nighttime visibility, making regulation of lighting important for vehicular and pedestrian safety. Light trespass, which occurs when light shines where it is not needed

or wanted, can be a nuisance to nearby property owners. Limiting potential nuisances and safety concerns are the main purposes of most outdoor lighting regulations. Some communities also regulate outdoor lighting in order to limit light pollution (excessive or inappropriate artificial light), which brightens the night sky, disrupts wildlife, and wastes energy.

Local governments regulate various aspects of lighting, including location, height, design, brightness, and color temperature.

Parking

Findings

Zoning Ordinance Article V, Division 4, Section 4-10-211 establishes the City's minimum parking requirements. The requirements apply to all non-residential land uses, except those located in the Central Business (CB) District. All other parking-related requirements also appear in this single section, including guidance on parking calculation, use of parking spaces, permit requirements, paving requirements, the relationship of spaces and maneuvering areas to public rights-of-way, access to alleys, access to residential garages from streets and alleys, and queuing requirements.

This section also includes a procedure for determining parking requirements for unlisted uses.

Unlisted uses have the same parking requirement as another similar use. If there is no similar use, the determination follows the same process established by Section 4-10-84 for unlisted land uses – which requires review by the Planning & Zoning Commission and action by the City Council.

Section 4-10-211 refers to mandatory design standards found in Section 9, Driveways & Parking Lots, of the City's Development Policy Manual. The City's Traffic Engineering Division also publishes a Driveway & Parking Manual. While there are a few minor differences between the two manuals, they generally are consistent with regard to parking lot and parking space design. Nonetheless, having

two separate documents could cause confusion or result in future inconsistencies between the documents.

Elimination of minimum parking requirements in the CB District is a smart move for several reasons, not the least of which is facilitation of economic development and revitalization of Amarillo’s downtown. Minimum parking requirements increase construction and development costs, driving up housing prices and rental rates as a result. They also produce an oversupply of parking. Unused parking lots generate little in the way of tax revenue and community benefits, and are not the highest and best use of land.

A common concern with reducing or eliminating minimum parking requirements is that it will result

in an insufficient or inconvenient supply of spaces. However, the market is quite effective in ensuring this is not the case. Developers and business owners understand that provision of adequate parking is often critical to project success.

The City should consider changes to parking requirements outside the CB District. While eliminating parking minimums throughout the city may not be appropriate for Amarillo at this time, the City could significantly reduce the current parking minimums. Alternatively, the City could establish parking maximums, which allows business owners and developers the flexibility to be realistic with respect to their parking needs while avoiding a proliferation of unused parking lots.

If the City decides to use parking maximums, the regulations should be audited against the Institute of Traffic Engineers (ITE) Parking Generation Manual. The ITE manual does not recommend parking standards; rather, it provides the largest available dataset of peak parking demand for dozens of land uses. It is good practice to review regulatory parking maximums against the qualitative data provided by ITE.

In any case, the Zoning Ordinance should include an administrative process for minor adjustments to parking requirements on a project-specific basis.



Surface parking lots in the Central Business District detract from the pedestrian realm, even when attractively screened. To promote a walkable urban environment, parking areas should be screened by buildings and other active spaces.

The Zoning Ordinance allows parking to be located on an adjacent site, but it does not expressly allow for shared parking. Shared parking can reduce the amount of land devoted to parking. It allows land uses that experience peak parking demand at different times of day to share all or a portion of the parking spaces. For example, peak parking demand in an apartment complex occurs overnight and on weekends. Peak parking demand for an office building occurs during weekdays. If part of a cohesive development plan, the apartment complex and office building could easily share parking spaces.

Section 4-10-211 includes one sentence requiring a development to accommodate waiting vehicles on-site in a manner that does not block parking spaces or principal drive aisles. Stakeholder feedback indicates changes are needed to more effectively accommodate vehicle queuing space.



When vehicle queuing is not properly accommodated on-site, drive-thru uses can create backups onto public streets and increase traffic congestion.

Driveway requirements and specifications are maintained outside the Zoning Ordinance in the Development Policy Manual and in the Driveway & Parking Manual. As with parking specifications, the two manuals are consistent but consolidation is advised.

Alternatives & Recommendations

1. Establish an administrative process for determining parking for new and unlisted uses. Align with the process for determining the zoning district in which a new or unlisted land use is allowed.
2. Consolidate parking space, parking lot, and driveway design specifications into one policy document.
3. Reduce minimum parking requirements, or use parking maximums.
4. Add an administrative process for minor adjustments to parking standards on a project-specific basis.
5. Add provisions for shared parking in limited instances.
6. Add additional provisions related to accommodation of vehicle queuing space for drive-up and drive-thru land uses.

Landscaping

Findings

The Zoning Ordinance requires landscaping for multi-family and non-residential land uses in all districts except A, HC, I-1, and I-2. The requirements apply for new construction, redevelopment that results in a minimum increase of 3,000 square feet and 35% of the gross floor area of a building, and expansion of parking areas by more than 35%. In the HC District, landscaping is required only when the site has frontage along a freeway, expressway, State highway, or designated section line arterial street (a term not defined in the landscaping-specific definitions in Section 4-10-247). In the industrial districts, landscaping is required only when the site fronts a freeway, expressway, or State highway. The Downtown Urban Design Overlay District has separate landscaping requirements.

The Beautification and Public Arts Advisory Board indicated there may be opportunities to improve the appearance of residential areas using landscaping. Neither the Zoning Ordinance nor the subdivision regulations require landscaping for single-family or two-family land uses.

The City requires street trees, parking lot trees, and landscaping along street frontages. One street tree must be planted every 40 feet, and one tree is required for every 20 parking spaces. A landscape area equal to 10% of the building footprint is required along each street frontage. Up to 50% of the required landscape area may be non-living landscape materials such as mulch or gravel. Irrigation is required.



Street trees and well-designed site landscaping contribute to neighborhood character and improve community aesthetics.

The *Amarillo Comprehensive Plan* recommends the use of point systems for design and development standards (Chapter 2, Action Strategies, #34), which the City implemented for landscaping in 2014. The plan notes “this approach can provide applicants a range of ways to achieve compliance with various potential standards versus having to satisfy highly prescriptive or ‘one-size-fits-all’ standards” (p. 2.32).

Section 4-10-251 assigns point values to various landscape-related enhancements, such as preserving existing healthy trees, providing additional landscape area or parking lot trees, and using root barriers to protect hardscaped areas. Points can be lost by using trees not on the City’s Recommended Plant List or by using cool season turf grasses to meet more than 50% of the landscaping requirement. The highest point value is awarded when at least 75% of the landscape material is comprised of water efficient plants that are listed on the Recommended Plant List. Landscape and irrigation plans must meet the minimum landscape requirements and achieve at least 20 points in order to be approved.

When there are site constraints that make compliance with the landscaping regulations impracticable, Section 4-10-253 authorizes the Planning Director to approve deviations. The code provides factors to consider in this approval, such as lot size or configuration, topography, and adjacent land uses.

Property owners must maintain landscaping in perpetuity. Stakeholders noted that enforcement of this long-term maintenance requirement is a challenge in Amarillo.

Alternatives & Recommendations

1. Consider a minimum landscaping requirement for residential yards. This would offset the expansion of driveways, enclosed porches, decks, or other site improvements that can crowd small urban lots. The landscape percentage could be done on a sliding scale basis, with larger percentages with larger lots in suburban neighborhoods, and smaller percentages for narrow lots in urban locations.
2. Consider further regulating the placement of landscaping on a site. For example, require a certain percentage required landscaping to be planted around building foundations.
3. Establish more specific parking lot landscaping standards and requirements. Increase the number of trees required.

Fences & Walls

Findings

Article 5, Division 7, regulates fences and walls located on residential properties. It also requires screening of land uses, other than single-family and two-family residential uses, located adjacent to A, R-1, R-2, R-3, MH, or residential PD Districts. The screening requirement does not apply if the adjacent property is developed with a use other than single- or two-family residential. Where it does apply, the fence or wall must be solid and at least six feet in height.



Many residential neighborhoods in Amarillo are screened from adjacent streets by a wall. Landscaping helps to soften the appearance of the wall and to buffer sidewalks from vehicular traffic.

The Building Official is authorized to allow a landscape barrier in lieu of a wall or fence, but the code does not describe the situations in which this might be warranted.

Alternatives & Recommendations

1. Expand the screening requirements for non-residential uses to include screening of adjacent MD and MF Districts.

Performance Standards

Findings

Industrial uses in the I-1, I-2, and PD Districts, other than those expressly listed in the Schedule of Use, require conformance with the performance standards enumerated in Article V, Division 8. The performance standards pertain to noise, smoke and particulate matter, odor, explosive and toxic materials, vibration, and glare. The I-1 and PD Districts performance standards are more restrictive than those applicable in the I-2 District.

Some standards, such as those related to particulate matter, are based on State regulations. However, the references to State regulations are outdated. The standards are complex and not easily or inexpensively measured by City staff. It is unclear how, or how often, an applicant is expected to demonstrate compliance.

Alternatives & Recommendations

1. Simplify and modernize the performance standards. Include only those that the City can reasonably enforce.
2. Establish a procedure for monitoring long-term compliance with the standards.



Procedures & Administration

Background

Procedural streamlining is important for applicants, City staff, and citizens. Wasteful permitting processes cost applicants and taxpayers money, and often lead to unexpected development outcomes. While streamlining is important, it is essential to give affected citizens a way to weigh in on projects that affect them.

Development processes should be streamlined, avoiding wasteful and time-consuming processes. The modern best practice is to assign as many processes as possible to administrative staff when public hearings are not necessary.

Public hearings are not necessary when a use is subject to very clear regulations defined in the ordinance (leaving no room for interpretation or discretion), or where the application is the final step in multi-step approval processes where discretionary decisions have already been made.



Performance standards can help reduce negative impacts of industrial uses on nearby properties. To be most effective, performance standards should be easily measured and monitored by City staff.

Where development has unique impacts, or impacts that are incapable of resolving completely through development standards, public hearings may be needed to ensure neighborhoods have an opportunity to weigh in on applications that affect them.

Findings

Procedural material is codified throughout the Zoning Ordinance and the related chapters in Title IV, with little integration or common formatting. Sections with procedural material include:

- » Zoning (Chapter 4-10)
- » Administration and Enforcement (Article II)
- » Special definitions and explanations noted in use regulations (Article IV, Division 1, Sec. 4-10-83)
- » Specific use permits (Article IV, Division 1, Sec. 4-10-85)
- » PD Planned Development District (Article IV, Division 2)
- » Downtown Urban Design Overlay District (Article IV, Division 3)
- » Site Plans (Article IV, Division 5)
- » Signs (Chapter 4-2)
- » Platting and Subdivision Improvement and Maintenance (Chapter 4-6)
- » Manufactured Homes and Recreation Vehicle Parks (Chapter 4-7)
- » Airport Height Hazard and Zoning Regulations (Chapter 4-9)
- » Landmarks and Historic Preservation (Chapter 4-11)

For the casual reader, it is difficult to determine where an individual procedure fits into the overall process workflow, who the procedure applies to, or what an approval authorizes.

Submittal requirements are scattered throughout Title IV in many of the same locations as the procedural requirements. This results in repetition of requirements, lengthening the overall code and leaving room for conflicts and inconsistencies.

Chapter 4-11 establishes a process to apply for the Landmark and Historic District Tax Incentive Program. This is not a zoning process and may be better located in another section of the City Code, such as Chapter 14-2 Taxation.

As in most communities in Texas and throughout the nation, the zoning process involves a Planning Commission recommendation and governing body (City Council) approval. The zoning process includes rezonings, specific use permits, and ordinance text amendments.

All specific use permit applications, except those associated with a carport, require the applicant to submit a report from a licensed real estate appraiser concerning the effect of the proposed use on adjacent land uses and property values. While property values are an important consideration, the City should revisit this requirement since it adds time and expense to the development process. The City could consider requiring these reports on a case-by-case basis, or relaxing this requirement for certain uses, such as Type B manufactured homes in the Agricultural District or medical labs in the Office Districts.

Article V, Division 5 requires site plan approval prior to the development of any use or structure other than single-family (detached and attached) and duplex residential uses. Pre-application meetings with staff are encouraged but not required. A staff Development Review Committee reviews the proposed site plan and provides a recommendation for approval (including conditions of approval, if applicable) or denial to the Planning Director. The Director

has approval authority for site plan, with decisions appealable to the Planning & Zoning Commission.

The Planning Director can approve minor modifications to approved site plans, but major modifications require review by the Development Review Committee. The code provides specific criteria to guide staff review of a site plan.

Missing from the Zoning Ordinance is a procedure to amend the Comprehensive Plan Future Land Use & Character Map. The Land Use Map guides decision-making on rezoning applications. Zoning should generally be consistent with the map. However, changes in the community may warrant consideration of zoning districts other than those recommended by the Future Land Use Map. In such cases, property owners should have a formal process available by which they can request the City consider changes to the map.

As noted in the Zoning Districts & Use Regulations section of this report, the City should reduce its reliance on Planned Development Districts to negotiate development approvals. An alternative technique that can be useful is the use of development agreements.

Development agreements are negotiated contracts between a landowner or developer and City Council. These are especially useful for large developments that will take years to fully build-

out. A development agreement requires a developer to dedicate land or construct certain public improvements and, in exchange, the City “freezes” applicable zoning regulations for the duration of the agreement.

This provides the developer with predictability and gives the City a formal mechanism to ensure land dedication parameters are met or public improvements are constructed (typically at the developer’s expense, but can also be a shared expense). Development agreements are sometimes used in conjunction with PD District zoning, but typically are used in standard zoning districts.

Another tool the City may find useful is the traffic impact analysis.

This is a formal study conducted by a traffic engineer that identifies transportation-related impacts of a proposed development, and recommends mitigation measures to offset negative impacts. Mitigation is typically funded by the developer, since the impacts are tied to the particular development.

Large developments trigger the requirement for a traffic impact analysis, with the threshold typically based on the number of anticipated vehicle trips generated by the development. The specific threshold is a policy decision, but many communities require a development to generate at least 100 peak hour vehicle trips. Peak hour trips associated with various common land uses is shown in [Figure 5](#).

Figure 5. Size or density of land uses that generate 100 peak hour vehicle trips

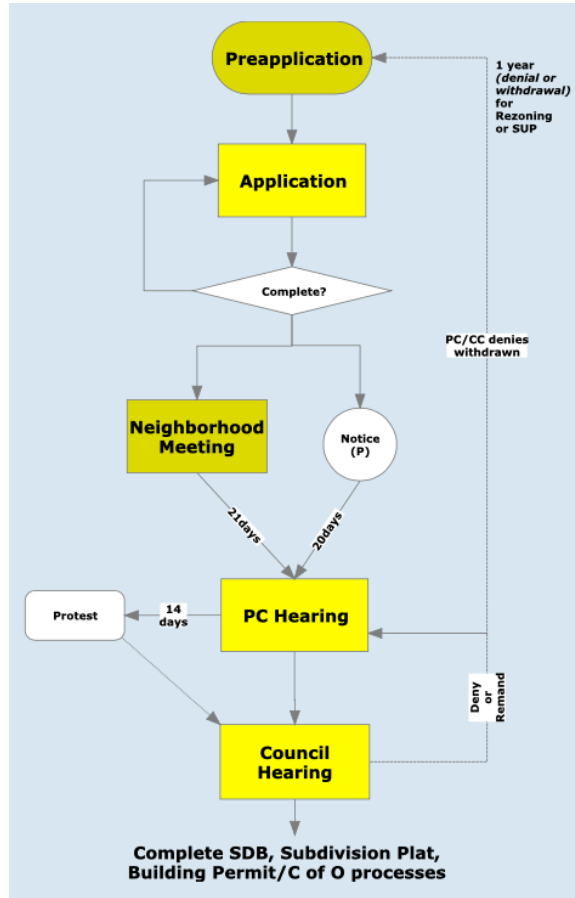
Land Use	100 Peak Hour Trips*
Single Family Home	90 units
Apartments	150 units
Condominiums/Townhouses	190 units
Mobile Home Park	170 units
Shopping Center – Gross Leasable Area (GLA)	6,000 sq. ft.
Fast Food Restaurant With drive-in – Gross Floor Area (GFA)	3,000 sq. ft.
Gas Station with Convenience Store	7 fueling positions
Banks w/drive-in (GFA)	2,000 sq. ft.
General Office	67,000 sq. ft.
Medical/Dental Office	29,000 sq. ft.
Research & Development	71,000 sq. ft.
Light Industrial / Warehousing (GFA)	185,000 sq. ft.
Manufacturing Plant (GFA)	144,000 sq. ft.

*Rates/Equations used to calculate above thresholds are for the P.M. Peak hour of the adjacent street.

Source: South Carolina Department of Transportation *ARMS Manual*.
Data based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 7th edition.

Alternatives & Recommendations

1. Consolidate the procedures into a single article or division. This article should be organized around the overall process “workflow,” beginning with plan amendments, and followed by rezoning, site plan approval, and administrative processes such as building permits, certificates of occupancy, and similar actions. The Zoning Ordinance can include administrative agencies and enforcement in separate articles towards the rear of the document.
2. Summarize the development approval processes in a table. The process table is a useful tool, showing clear lines of authority, notice requirements, and decision-making authority.
3. Map each process with a common workflow, beginning with applicability, and continuing to initiation and completeness, decision making appeals, and the scope of approval. By following a uniform layout for each process, the flow will become easier to follow. Each section relating to a specific process would have the following subsections:
 - Applicability – who needs to go through this process?
 - Initiation – how is an application filed, and to whom?
 - Completeness – what is needed to have an application that is ready to process?



Special Use Permit Process Flowchart from the Olathe, Kansas Unified Development Ordinance

- Notice – how do interested parties find out about the application?
 - Approval process – who makes the decision, and how? Is a hearing required? How is the decision rendered?
 - Criteria – what specific standards apply to the application?
 - Reapplication – if an applicant withdraws or is denied, can they file a new application, and when?
 - Scope of approval – what does this approval allow the applicant to do? What is the next step in the process?
4. Consolidate the submittal requirements. If they are codified at all, include them in an Appendix. Otherwise, authorize the Planning & Development Department to prescribe the formats and submittal requirements for application intake and completeness review.
 5. Consider adding provisions for development agreements.
 6. Consider adding a requirement for traffic impact analyses for large developments.

Nonconformities

Background

When the Zoning Ordinance is revised, there will be instances where existing development does not conform to the new standards. These “nonconformities” can arise with permitted uses, lot dimensions, building design, and development standards such as parking, screening, and landscaping.

In addition, applications that are currently proceeding through the process may or may not have achieved “vested rights” status that precludes the imposition of subsequent regulations. Resolving these issues in a way that protects the integrity of the new regulations, does not pose a barrier to redevelopment, and respects property rights is a delicate balance.

Findings

The City’s nonconformity regulations address land uses and structures that do not comply with current setback, height, or parking requirements. This does not reflect the entire spectrum of nonconforming situations, which also includes lots, signs, and site improvements other than parking.

As general rule, nonconformities are allowed to continue operating, but cannot become more nonconforming. The ordinance does not specify whether a nonconforming structure can be renovated, except when it is damaged by fire, the elements, or another cause. Damaged nonconforming structures may be repaired up to 50% of their structural value, but otherwise must be removed unless otherwise allowed by the Zoning Board of Adjustment through the special exception process. A nonconforming use that is abandoned for a period of 12 consecutive months must then conform to the Zoning Ordinance.

Alternatives & Recommendations

1. Revise the regulations to address all nonconforming situations, including lots, structures, uses, signs, and site improvements.
2. Consider reducing the abandonment period, which will allow the City to more quickly eliminate nonconformities.
3. Consider grace periods for bringing properties into compliance with new regulations without forfeiting their former uses or nonconformities.

CONCLUSION & NEXT STEPS

This project represents the first comprehensive update of the Amarillo land use regulations in several decades. Several major themes and goals for the project emerged from the team’s interviews and review of Amarillo’s existing plans and ordinances. Though these themes often overlap, we have summarized them into five general areas/topics.

The Zoning Ordinance is a key tool for implementing the Amarillo Comprehensive Plan. While the existing code has some excellent and effective provisions, it requires significant updates in order to fully realize the City’s planning goals and objectives. In addition, further reorganizing, rewriting, and illustrating existing and revised zoning requirements will make the document easier to read, and potentially create a higher quality of public discourse and design quality.

This report is one step in a lengthy process. The City will hold public workshops and input sessions throughout the project, to take public comments on proposed Zoning Ordinance revisions, the City’s existing and potential strategies for regulating development, and key neighborhood compatibility and economic development goals. We look forward to working with the City of Amarillo on this important process.

Summary of Key Recommendations

Improve the Code’s Organization & User-Friendliness

Reduce Reliance on

Planned Development Districts

Update the Zoning Districts

Modernize the Land Use Classification System and Development Standards

Streamline Review & Approval Procedures