

**CITY OF AMARILLO, TEXAS  
CODE OF ORDINANCES**

**CHAPTER 4-10 - ZONING**



**ARTICLE IV. –  
DEVELOPMENT STANDARDS  
PUBLIC REVIEW DRAFT  
JUNE 19, 2020**

**ARTICLE IV. - DEVELOPMENT STANDARDS.....5**

DIVISION 1. - GENERALLY .....5

*Sec. 4-10-130. - Purpose.* ..... 5

*Sec. 4-10-131. - Applicability.* ..... 5

*Sec. 4-10-132. - Reserved.* ..... 6

*Sec. 4-10-133. - Reserved.* ..... 6

*Sec. 4-10-134. - Reserved.* ..... 6

DIVISION 2. - AREA & BULK REGULATIONS .....7

*Sec. 4-10-135. - Building Height.* ..... 7

*Sec. 4-10-136. - Density.* ..... 9

*Sec. 4-10-137. - Lot dimensions.* ..... 11

*Sec. 4-10-138. - Lot coverage.* ..... 14

*Sec. 4-10-139. - Yards and setbacks.* ..... 14

*Sec. 4-10-140. - Zero lot line development.* ..... 26

*Sec. 4-10-141. - Reasonable accommodation.* ..... 29

*Sec. 4-10-142. - Reserved.* ..... 31

*Sec. 4-10-143. - Reserved.* ..... 31

*Sec. 4-10-144. - Reserved.* ..... 31

DIVISION 3. - LANDSCAPING & SCREENING .....32

*Sec. 4-10-145. - Purpose.* ..... 32

*Sec. 4-10-146. - Applicability.* ..... 32

*Sec. 4-10-147. - Landscaping standards.* ..... 33

*Sec. 4-10-148. - Landscaping point system.* ..... 36

*Sec. 4-10-149. - Alternative compliance.* ..... 37

*Sec. 4-10-150. - Installation and maintenance standards.* ..... 38

*Sec. 4-10-151. - Fences and walls.* ..... 40

*Sec. 4-10-152. - Bufferyards.* ..... 42

*Sec. 4-10-153. - Reserved.* ..... 45

*Sec. 4-10-154. - Reserved.* ..... 45

*Sec. 4-10-155. - Reserved.* ..... 45

*Sec. 4-10-156. - Reserved.* ..... 45

*Sec. 4-10-157. - Reserved.* ..... 45

*Sec. 4-10-158. - Reserved.* ..... 45

*Sec. 4-10-159. - Reserved.* ..... 45

DIVISION 4. - OUTDOOR LIGHTING .....46

*Sec. 4-10-160. - Purpose.* ..... 46

*Sec. 4-10-161. - Applicability.* ..... 46

*Sec. 4-10-162. - Prohibited Outdoor Lighting.* ..... 47

*Sec. 4-10-163. - Outdoor Lighting standards.* ..... 47

*Sec. 4-10-164. - Reserved.* ..... 51

*Sec. 4-10-165. - Reserved.* ..... 51

*Sec. 4-10-166. - Reserved.* ..... 51

*Sec. 4-10-167. - Reserved.* ..... 51

*Sec. 4-10-168. - Reserved.* ..... 51

*Sec. 4-10-169. - Reserved.* ..... 51

DIVISION 5. - PARKING .....52

*Sec. 4-10-170. - Purpose.* ..... 52



Sec. 4-10-171. - <i>Applicability</i> .....	52
Sec. 4-10-172. - <i>Location of off-street parking.</i> .....	53
Sec. 4-10-173. - <i>General requirements for off-street parking areas.</i> .....	55
Sec. 4-10-174. - <i>Special requirements for off-street parking areas in the E, R-1, R-2, MD, and MH Districts.</i> .....	56
Sec. 4-10-175. - <i>Special requirements for off-street parking areas in the MF, O, NS, GR, CB, and LC Districts.</i> .....	57
Sec. 4-10-176. - <i>Off-street parking schedules.</i> .....	57
Sec. 4-10-177. - <i>Shared parking.</i> .....	63
Sec. 4-10-178. - <i>Vehicle queuing</i> .....	65
Sec. 4-10-179. - <i>Reserved.</i> .....	66
Sec. 4-10-180. - <i>Reserved.</i> .....	66
Sec. 4-10-181. - <i>Reserved.</i> .....	66
Sec. 4-10-182. - <i>Reserved.</i> .....	66
Sec. 4-10-183. - <i>Reserved.</i> .....	66
Sec. 4-10-184. - <i>Reserved.</i> .....	66
DIVISION 6. - <i>PARKS, OPEN SPACE, &amp; CIVIC SPACE</i> .....	67
Sec. 4-10-185. - <i>Purpose.</i> .....	67
Sec. 4-10-186. - <i>Applicability.</i> .....	67
Sec. 4-10-187. - <i>Dedication and improvement standards.</i> .....	67
Sec. 4-10-188. - <i>Maintenance and liability of private parks, open space, and civic space.</i> .....	67
Sec. 4-10-189. - <i>Reserved.</i> .....	67
Sec. 4-10-190. - <i>Reserved.</i> .....	67
Sec. 4-10-191. - <i>Reserved.</i> .....	67
Sec. 4-10-192. - <i>Reserved.</i> .....	67
Sec. 4-10-193. - <i>Reserved.</i> .....	67
Sec. 4-10-194. - <i>Reserved.</i> .....	67
DIVISION 7. - <i>PERFORMANCE STANDARDS</i> .....	68
Sec. 4-10-195. - <i>Purpose.</i> .....	68
Sec. 4-10-196. - <i>Applicability.</i> .....	68
Sec. 4-10-197. - <i>Air contaminants (such as odor &amp; fumes).</i> .....	68
Sec. 4-10-198. - <i>Glare.</i> .....	69
Sec. 4-10-199. - <i>Noise.</i> .....	69
Sec. 4-10-200. - <i>Smoke and particulate matter.</i> .....	70
Sec. 4-10-201. - <i>Toxic, flammable, and explosive hazard material.</i> .....	71
Sec. 4-10-202. - <i>Vibration.</i> .....	71
Sec. 4-10-203. - <i>Reserved.</i> .....	72
Sec. 4-10-204. - <i>Reserved.</i> .....	72
Sec. 4-10-205. - <i>Reserved.</i> .....	72
Sec. 4-10-206. - <i>Reserved.</i> .....	72
Sec. 4-10-207. - <i>Reserved.</i> .....	72
Sec. 4-10-208. - <i>Reserved.</i> .....	72
Sec. 4-10-209. - <i>Reserved.</i> .....	72
DIVISION 8. - <i>SIGNS</i> .....	73
Sec. 4-10-210. - <i>Purpose and application.</i> .....	73
Sec. 4-10-211. - <i>Prohibited signs.</i> .....	74
Sec. 4-10-212. - <i>Sign permit required.</i> .....	75

Sec. 4-10-213. - Fees and contractors. .... 76

Sec. 4-10-214. - Downtown Signs..... 76

Sec. 4-10-215. - Exemptions. .... 76

Sec. 4-10-216. - Sign master plan..... 79

Sec. 4-10-217. - Sign standards. .... 81

Sec. 4-10-218. - Nonconforming Signs. .... 91

Sec. 4-10-219. - Temporary Signs. .... 92

Sec. 4-10-220. - Special event Signs. .... 94

Sec. 4-10-221. - Off-premises Sign..... 95

Sec. 4-10-222. - Nonconforming off-premise Signs. .... 95

Sec. 4-10-223. - Violations. .... 99

Sec. 4-10-224. - Appeals. .... 99

Sec. 4-10-225. - Reserved. .... 101

Sec. 4-10-226. - Reserved. .... 101

Sec. 4-10-227. - Reserved. .... 101

Sec. 4-10-228. - Reserved. .... 101

Sec. 4-10-229. - Reserved. .... 101



## ARTICLE IV. - DEVELOPMENT STANDARDS

### DIVISION 1. - GENERALLY

#### Sec. 4-10-130. - Purpose.

This Article establishes development standards that:

- (1) Implement the Comprehensive Plan;
- (2) Implement the purposes established for the Zoning Ordinance and Zoning Districts;
- (3) Ensure that new Development, Structures, and land Uses mitigate their impacts on affected neighborhoods where indicated in the applicable standard; and
- (4) Provide uniform methods for the application of the area and bulk regulations established in Article II, *Zoning Districts*, and Article III, *Use Regulations*.

#### Sec. 4-10-131. - Applicability.

(a) **Generally.** This Article applies to:

- (1) All Zoning Districts, and
- (2) Unless otherwise provided, any Application for a:
  - a. Landscaping and Irrigation Plan,
  - b. Site Plan,
  - c. Specific Use Permit,
  - d. Planned Development District,
  - e. Development Agreement, [**NOTE:** *This is a new procedure that will be drafted in Module 3.*]

- f. Certificate of Appropriateness, or
- g. Certificate of Occupancy and Compliance.

**(b) Planned Development Districts and Special Use Permits.** Any Lot located within a Planned Development District, or governed by a Specific Use Permit, may be subject to additional regulations beyond those in this Article. Said regulations may be more restrictive than those set out herein, but generally should meet the minimum requirements in this article. .

(Code 1960, § 26-14; Ord. No. 6268, § 1(X), 12-24-96; Ord. No. 6750, § 1, 7-13-2004)

**Sec. 4-10-132. - Reserved.**

**Sec. 4-10-133. - Reserved.**

**Sec. 4-10-134. - Reserved.**

## DIVISION 2. - AREA & BULK REGULATIONS

### Sec. 4-10-135. - Building Height.

#### (a) Purpose.

- (1) The Zoning Districts (*Article II*) establish maximum Heights for Main Buildings.
- (2) The Accessory Uses and Buildings Use Regulations (*Article III, Sec. 4-10-87*) establish maximum Heights for Accessory Buildings.
- (3) This section describes how to measure Building Height and exemptions to Height limitations.

#### (b) Measurement.

- (1) The Height of a Building or Structure is the vertical distance measured from "grade plane" to the highest point of the Building or Structure.
- (2) As used in paragraph (1), above, "grade plane" has the same meaning specified in the Building Code.
- (3) Height, where not regulated in feet, is regulated by stories.
  - a. A Story is measured:
    1. From top to top of two successive finished floor surfaces; and
    2. For the topmost story, from the top of the highest finished floor to the top of the ceiling joists or to the top of the roof rafters if there is no ceiling.
  - b. A Basement counts as a Story if more than one-half of its height is above Grade.
  - c. An Attic counts as a Story if it contains Habitable Attic space.
  - d. These provisions are illustrated in Figure 4-10-135.1 – *Measurement of Height in Stories*.

Figure 4-10-135.1 – Measurement of Height in Stories



(c) **Exceptions.** The following projections are exempt from the Height limitations of this Chapter to the extent established below. These projections may be erected in accordance with other regulations or ordinances of the City of Amarillo or of other jurisdictions, such as the Federal Aviation Administration (FAA).

Table 4-10-135.1 – Exceptions to Maximum Building and Structure Height		
Type of Projection	In Zoning Districts Where the Maximum Building Height is 3 Stories or Less	In All Other Zoning Districts
Architectural features not intended for human occupancy including, but not limited to, ornamental cupolas and domes, spires, and steeples	May exceed 3 Stories in Height provided that 1 additional foot shall be added to the Side, Front, and Rear Yards Setbacks for each 1 foot that any such Structure exceeds 3 Stories in Height	Exempt from Height limit
Communication, radio, and broadcast towers	May be permitted to any Height if the tower's location on a site is set back from all bounding property lines a minimum distance equal to its Height	Exempt from Height limit
Cooling towers, chimneys, and vent stacks	May not exceed 40 feet above the average ground level of the Building	Exempt from Height limit



Table 4-10-135.1 – Exceptions to Maximum Building and Structure Height		
Elevator bulkheads and penthouses	Exempt from Height limit	Exempt from Height limit
Flagpoles	May exceed 3 Stories in Height provided that 1 additional foot shall be added to the Side, Front, and Rear Yards Setbacks for each 1 foot that any such Structure exceeds 3 Stories in Height	Exempt from Height limit
Parapet walls	Shall not extend more than 10 feet above the roof	Shall not extend more than 10 feet above the roof
School Buildings and Institutional Buildings <i>[NOTE: This will be tied to a specific group of uses in the Use Table.]</i>	May exceed 3 Stories in Height provided that 1 additional foot shall be added to the Side, Front, and Rear Yards Setbacks for each 1 foot that any such Structure exceeds 3 Stories in Height	Subject to the applicable height restrictions within the Zoning District
Water standpipes, water tanks, and water towers	May exceed 3 Stories in Height provided that 1 additional foot shall be added to the Side, Front, and Rear Yards Setbacks for each 1 foot that any such Structure exceeds 3 Stories in Height.	Exempt from Height limit

(Code 1960, § 26-16; Ord. No. 5894, § 1, 11-6-90; Ord. No. 6268, § 1(II), 12-24-96; Ord. No. 6405, § 1, 3-23-99)

(Code 1960, § 26-29; Ord. No. 5862, § 1, 6-12-90; Ord. No. 6214, § 1, 2-6-96; Ord. No. 6268, § 1(A), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6514, § 4, 2-6-2001; Ord. No. 6568, § 1, 11-27-2001; Ord. No. 6600, § 3, 6-11-2002; Ord. No. 6699, § 1, 11-25-2003; Ord. No. 6904, § 1, 2-21-2006; Ord. No. 7099, § 3, 5-20-2008; Ord. No. 7658, § 2, 3-14-2017)

**Sec. 4-10-136. - Density.**

- (a) **Purpose.** This section includes standards and rules of interpretation for applying the Density requirements for the Zoning Districts established in this Chapter.
- (b) **Applicability.** This section applies to any Zoning District that establishes a minimum or maximum density requirement for a Residential Use.
- (c) **Generally.**

- (1) Density for Residential Uses is expressed in Dwelling Units per acre or Dwelling Units per Lot.
- (2) Where expressed in Dwelling Units per acre, the calculation of density is based on the gross Lot Area of all Lots in the proposed Development prior to the dedication of any rights-of-way, public parks, or other public areas.

(d) **Minimum density.**

- (1) Minimum density refers to the minimum number of Dwelling Units required per Lot or per acre of Lot Area.
- (2) To calculate the minimum number of Dwelling Units per acre required in a Development, multiply the gross Lot Area by the minimum density standard of the Zoning District. See Table 4-10-136.1, *Example Calculation of Minimum Density*.

Table 4-10-136.1 – Example Calculation of Minimum Density	
<b>District</b>	MD District
<b>Main Building Type</b>	Multiple-Family
<b>Density (min)</b>	4 du/ac
<b>Gross Lot Area</b>	164,221 sf
<b>Example Calculation of Minimum Density</b>	
<i>Step 1: Convert Lot Area to acres (1 ac = 43,560 sf)</i>	$164,221 \text{ sf} / 43,560 \text{ sf} = 3.77 \text{ ac}$
<i>Step 2: Multiply gross Lot Area (in acres) by the minimum density</i>	$3.77 \text{ ac} \times 4 \text{ du/ac} = 15.08 = 15 \text{ du (rounded)}$
<b>Key:</b> min = minimum required   du = Dwelling Unit   ac = acre   sf = square feet	

(e) **Maximum density.**

- (1) Maximum density refers to the maximum number of Dwelling Units allowed per Lot or per acre of Lot Area.
- (2) To calculate the maximum number of Dwelling Units per acre allowed in a Development, multiply the gross Lot Area by the maximum density standard of the Zoning District. See Table 4-10-136.2, *Example Calculation of Maximum Density*.

Table 4-10-136.2 – Example Calculation of Maximum Density	
<b>District</b>	MD District
<b>Main Building Type</b>	Multiple-Family

Table 4-10-136.2 – Example Calculation of Maximum Density	
<b>Density (max)</b>	10 du/ac
<b>Gross Lot Area</b>	164,221 sf
<b>Example Calculation of Maximum Density</b>	
<i>Step 1: Convert Lot Area to acres (1 ac = 43,560 sf)</i>	164,221 sf / 43,560 sf = 3.77 ac
<i>Step 2: Multiply gross Lot Area (in acres) by the minimum density</i>	3.77 ac x 10 du/ac = 37.7 = 37 du (rounded)
<b>Key:</b> max = maximum allowed   du = Dwelling Unit   ac = acre   sf = square feet	

(3) The maximum density may not be achievable on all Lots or development sites due to infrastructure siting requirements, subdivision and site development standards, and/or other applicable zoning and subdivision regulations.

(f) **Rounding.** When density calculations result in a fraction, the permitted number of Dwelling Units shall be rounded down to the next lowest whole number.

(g) **Accessory Dwelling Units.** Accessory Dwelling Units are not included in the calculation of minimum or maximum density.

**Sec. 4-10-137. - Lot dimensions.**

(a) **Purpose.** This section includes standards and rules of interpretation for applying the Lot Area, Lot Width, and Lot Depth requirements for the Zoning Districts established in this Chapter.

(b) **Generally.**

(1) No Lot existing at the time of passage of this Chapter shall be reduced in area, depth, or width below the minimum required for the Zoning District in which the Lot is located.

(Code 1960, § 26-14(A); Ord. No. 6268, § 1(Y), 12-24-96)

(Code 1960, § 26-14(C); Ord. No. 6268, § 1(AA), 12-24-96)

(Code 1960, § 26-14(B); Ord. No. 6043, § 1(D), 11-9-93; Ord. No. 6268, § 1(Z), 12-24-96; Ord. No. 6568, § 8, 11-27-2001)

(2) When making determinations or, if necessary, interpretations under this section, the Planning Director will consider the following characteristics of the Lot and surrounding properties:

a. The orientation of existing or proposed buildings containing the Principal Use;

- b. Means of gaining safe access;
- c. The relative dimensions of the Lot and Yards;
- d. Delivery of services to the Lot, including mail and trash collection;
- e. Associated Setbacks; and
- f. Other features related to site design and safe circulation.

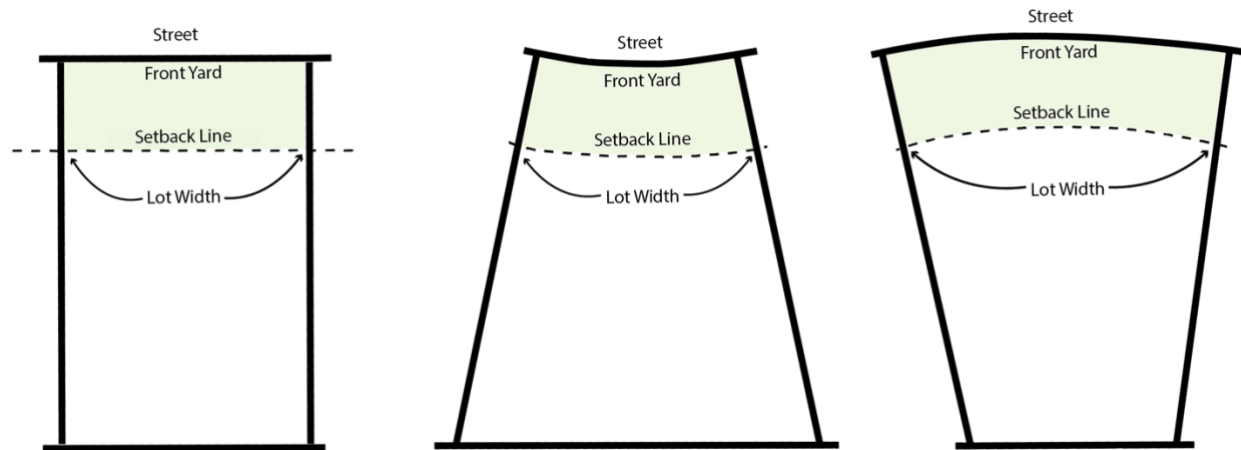
**(c) Lot Area.**

- (1) **Applicability.** This subsection applies to any Zoning District that establishes a minimum Lot Area requirement.
- (2) **Calculation.** The area of a Lot:
  - a. Is calculated in square feet by multiplying the Lot Depth by the Lot Width, and
  - b. Does not include portions of Streets or Alleys.

**(d) Lot Width.**

- (1) **Applicability.** This subsection applies to any Zoning District that establishes a minimum Lot Width requirement.
- (2) **Measurement.** The width of a Lot is the horizontal distance between the side Lot Lines measured at the front Setback Line, as illustrated in Figure 4-10-137.1.

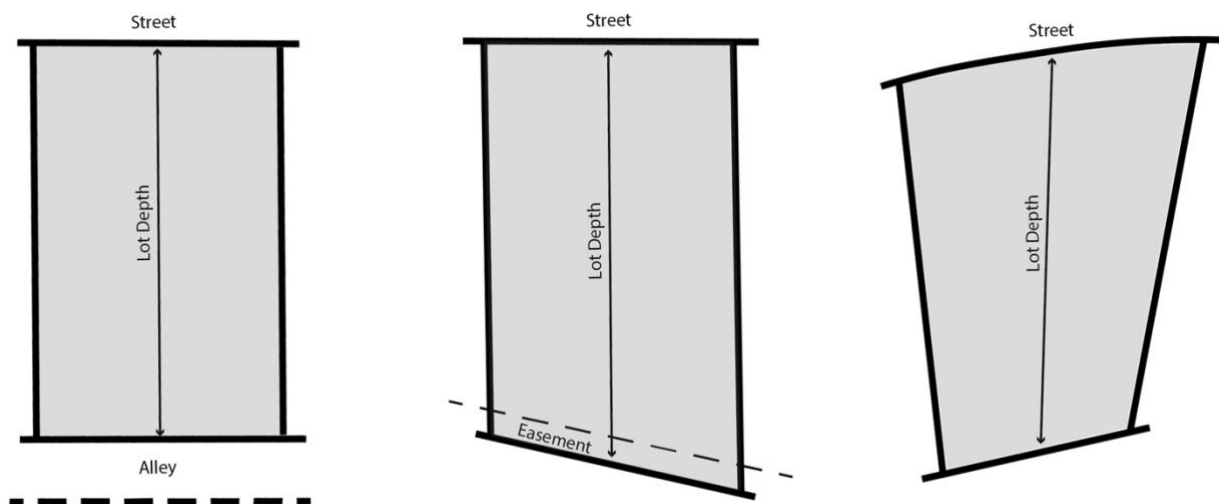
Figure 4-10-137.1 - Measurement of Lot Width



(e) Lot Depth.

- (1) **Applicability.** This subsection applies to any Zoning District that establishes a minimum Lot Depth requirement.
- (2) **Measurement.** The depth of a Lot is the average distance between the front and rear Lot Lines, as illustrated in Figure 4-10-137.2.

Figure 4-10-137.2 - Measurement of Lot Depth



**Sec. 4-10-138. - Lot coverage.**

**(a) Purpose.**

- (1) The Zoning Districts (*Article II*) establish maximum Lot Coverage.
- (2) The Use Regulations (*Article III, Sec. 4-10-86*) establish maximum Lot Coverage for Lots that contain an Accessory Dwelling Units.
- (3) This section includes standards and rules of interpretation for applying the Lot Coverage requirements established in this Chapter.

**(b) Generally.** No Structure shall hereinafter be located, erected, or altered so as to have a greater Lot Coverage than required by this Chapter.

(Code 1960, § 26-14(G); Ord. No. 6173, § 1, 7-25-95; Ord. No. 6268, § 1(EE), 12-24-96)

**(c) Applicability.** This subsection applies to any Zoning District that establishes a maximum Lot Coverage requirement.

**(d) Calculation.** Lot Coverage is:

- (1) Expressed as a percentage of Lot Area; and
- (2) Calculated by dividing the total area of all Impervious Surfaces by the Lot Area, and multiplying the result by 100. [**NOTE:** *This is a significant change from the current calculation of lot coverage, which only includes lot area that is covered by a roof, floor, or other structure. This implements Comprehensive Plan Action Strategy #2-32, “Tie Lot Coverage to Character Intent.”*]

**(a) Exceptions.** Roof eaves to the extent of 2 feet and ordinary projections including, but not limited to, fireplaces and windows that extend from the exterior walls of the Building 12 inches or less shall not be counted in calculating Lot Coverage.

**Sec. 4-10-139. - Yards and setbacks.**

**(a) Purpose.**

- (1) The Zoning Districts (*Article II*) establish minimum or maximum Setbacks for Main Buildings.

- (2) The Zoning Districts (*Article II*) establish minimum setbacks for vehicle entrances to a garage.
- (3) The Accessory Uses and Buildings Use Regulations (*Article III, Sec. 4-10-87*) establish minimum Setbacks for Accessory Buildings.
- (4) The Use Regulations (*Article III*) establish minimum or maximum Setbacks for certain land Uses that supersede the Zoning District requirements.
- (5) This section includes standards and rules of interpretation for applying the Yard and Setback requirements for the Zoning Districts and Uses established in this Chapter and exceptions to or modifications of Yard and Setback requirements.

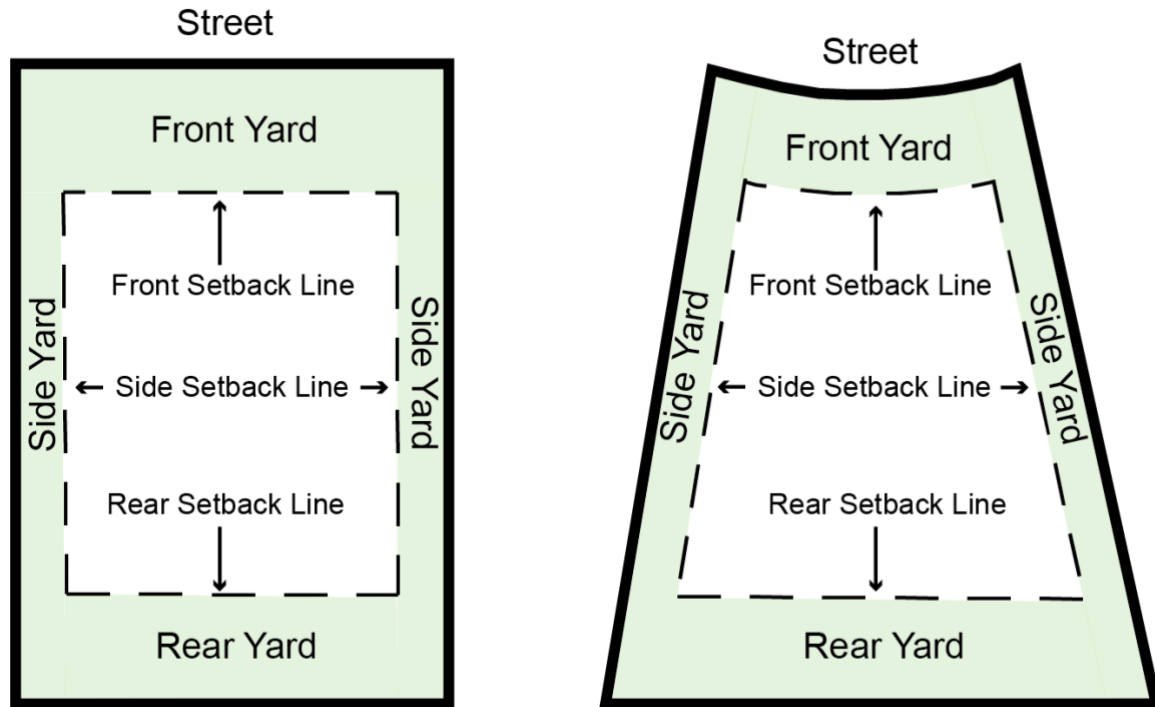
**(b) Generally.**

- (1) No Structure or use shall hereinafter be located, erected, or altered so as to have a smaller Front, Side, or Rear Yard than hereinafter required, and no Front, Side, or Rear Yard existing at the time of passage of this Chapter shall be reduced below the minimum set forth in this Chapter.  
(Code 1960, § 26-14(D); Ord. No. 6043, § 1(E)—(H), 11-9-93; Ord. No. 6268, § 1(BB), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6568, § 9, 11-27-2001)  
(Code 1960, § 26-14(E); Ord. No. 6043, § 1(I)—(L), 11-9-93; Ord. No. 6268, § 1(CC), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6741, § 1, 6-8-2004)  
(Code 1960, § 26-14(F); Ord. No. 5678, § 1, 4-28-87; Ord. No. 6043, § 1(M), 11-9-93; Ord. No. 6268, § 1(DD), 12-24-96; Ord. No. 6741, § 2, 6-8-2004)
- (2) When making determinations or, if necessary, interpretations under this section, the Planning Director will consider the following characteristics of the Lot and surrounding properties:
  - a. The orientation of existing or proposed buildings containing the Principal Use;
  - b. Means of gaining safe access;
  - c. The relative dimensions of the Lot and Yards;
  - d. Delivery of services to the Lot, including mail and trash collection;
  - e. Associated Setbacks; and

f. Other features related to site design and safe circulation.

(3) The general location of required Yards and Setback Lines are illustrated in Figure 4-10-139.1.

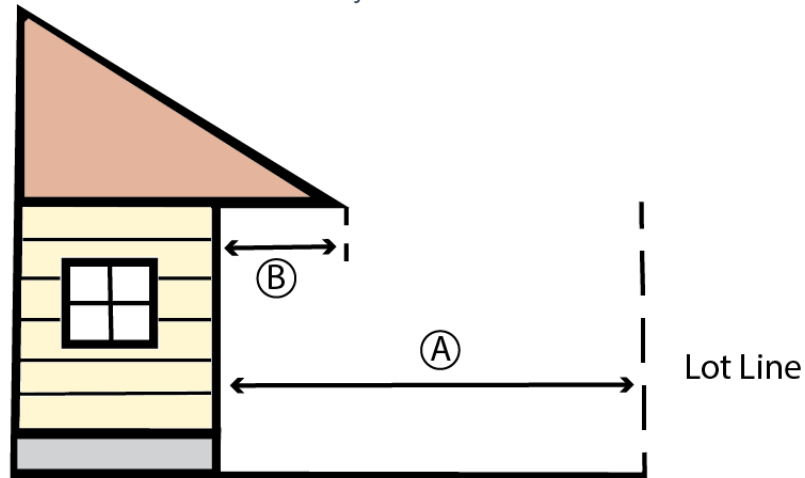
Figure 4-10-139.1 - General Location of Required Yards and Setback Lines





(c) **Measurement.** Setbacks shall be measured from the Lot Line to the wall of the Building, as shown in Figure 4-10-139.2.

Figure 4-10-139.2 – Measurement of Setbacks.



- Ⓐ This distance must be equal to or greater than the minimum Setback specified by the Zoning District.
- Ⓑ Yard/Setback Encroachment, as allowed by Article IV, Division 2.

(d) **Front Yards and Front Setbacks.**

(1) **Applicability.** This subsection applies to any front Yard or front Setback required by this Chapter.

(2) **Definition.**

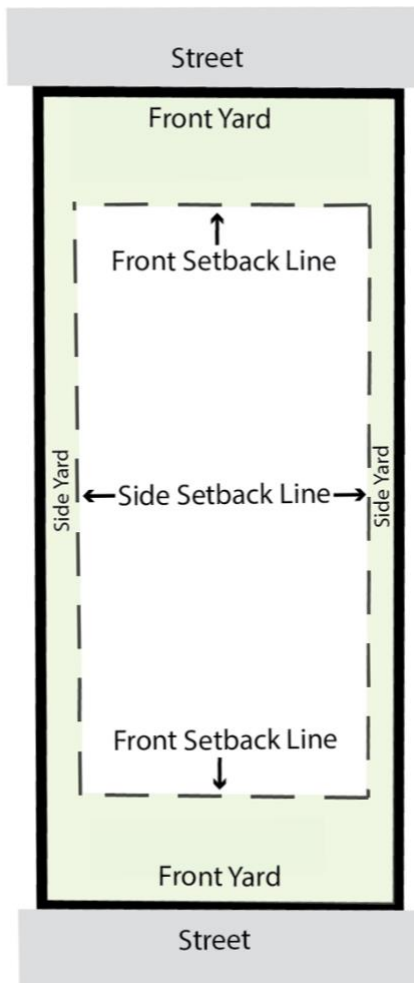
- a. A front Yard is an open, unoccupied space (except for encroachments as allowed by subsection (h) on a Lot facing a Street extending:
  - 1. Across the entire width of a Lot between the side Lot Lines; and
  - 2. From the front face of the Main Building to the front Lot Line.
- b. The minimum horizontal distance between the Main Building and the front Lot Line shall be at least equal to the minimum Front Setback required for the Zoning District in which the Lot is located.

(Code 1960, § 26-29; Ord. No. 5862, § 1, 6-12-90; Ord. No. 6214, § 1, 2-6-96; Ord. No. 6268, § 1(A), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6514, § 4, 2-6-2001; Ord. No. 6568, § 1, 11-27-2001; Ord. No. 6600, § 3, 6-11-2002; Ord. No. 6699, § 1, 11-25-2003; Ord. No. 6904, § 1, 2-21-2006; Ord. No. 7099, § 3, 5-20-2008; Ord. No. 7658, § 2, 3-14-2017)

**(3) Double-Frontage Lots.**

- a. Where Lots have frontage on two non-intersecting Streets, a Front Yard shall be provided on both Streets except as provided in b. below. See Figure 4-10-139.3.
- b. If a Building Line for Accessory Buildings has been established along one Street Frontage on the Plat, a Front Yard is not required along that Street Frontage.

*Figure 4-10-139.3 – Front Yards on Double Frontage Lots*



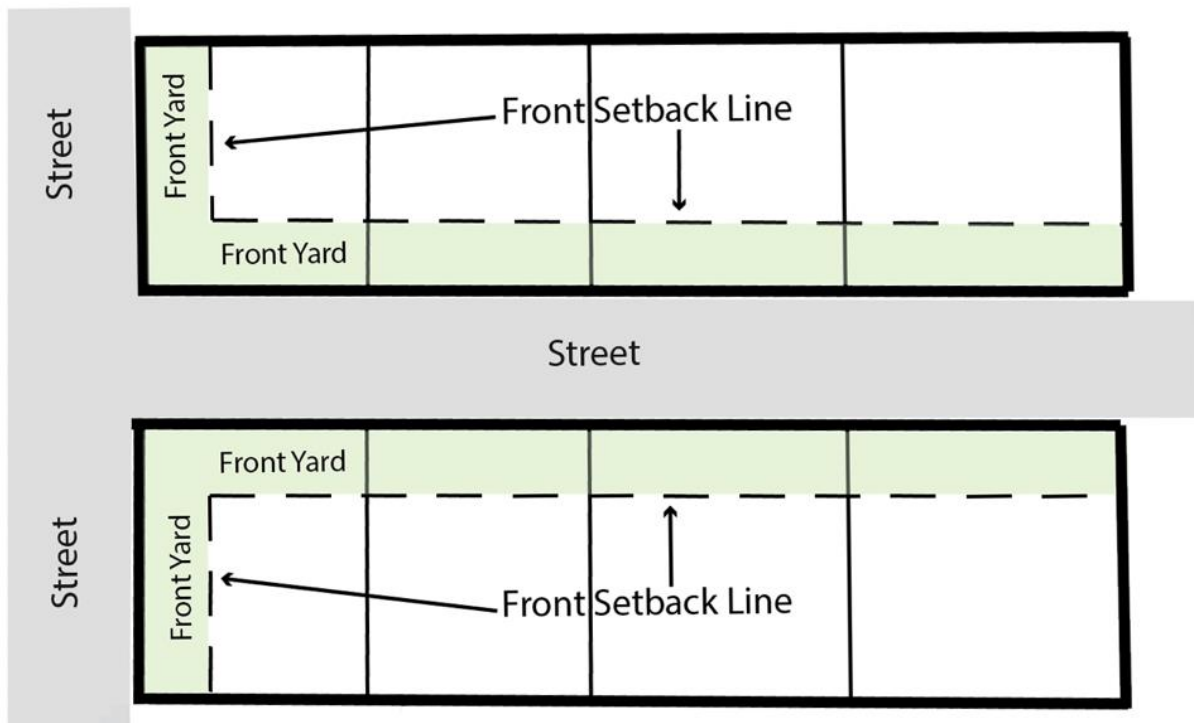
**(4) Corner Lots with Streets on Three Sides.**

- a. On a Corner Lot with Streets on three sides, all Street Frontages shall be treated as Front Yards, except as provided in b., below.
- b. As illustrated in Figure 4-10-139.6, the longest Street Frontage is considered as a Side Yard for any Corner Lot that:
  - 1. Adjoins the entire Street Frontage between two parallel Streets; and
  - 2. Is used for One-Family, Two-Family, or Manufactured Home Housing Unit(s).

**(5) Corner Lots with Streets on Two Sides.**

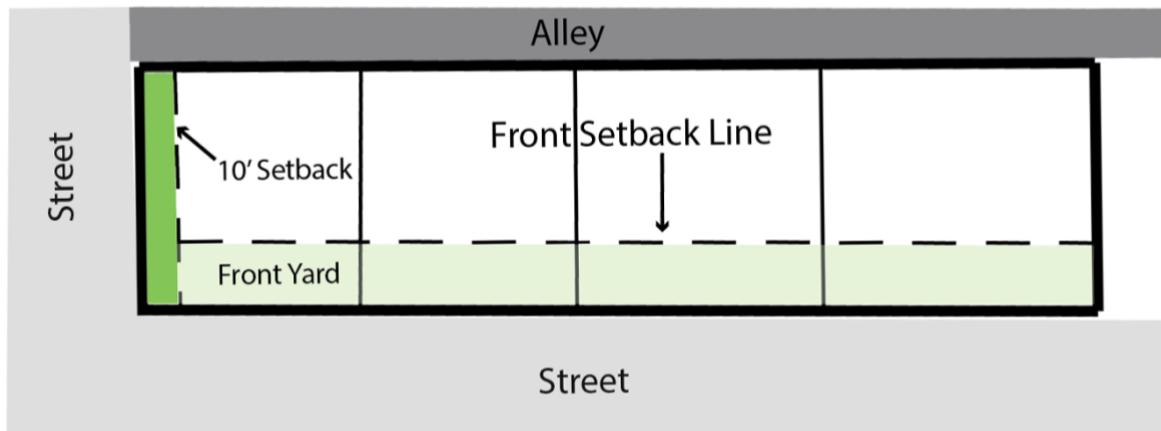
- a. On a Corner Lot, both Street Frontages shall be treated as Front Yards, except as provided in b., below. See Figure 4-10-139.4.

Figure 4-10-139.4 – Front Yards on Corner Lots with Streets on Two Sides



- b. As illustrated in Figure 4-10-139.5, a minimum Setback of 10 feet shall be observed along the Street Frontage of greatest dimension for any Corner Lot that:
1. Has Frontage along two intersecting Streets; and
  2. Is used for One-Family, Two-Family, or Manufactured Home Housing Unit(s); and
  3. Is bounded on the rear by an Alley.

Figure 4-10-139.5 - Setbacks for Residential Corner Lots Bounded by an Alley



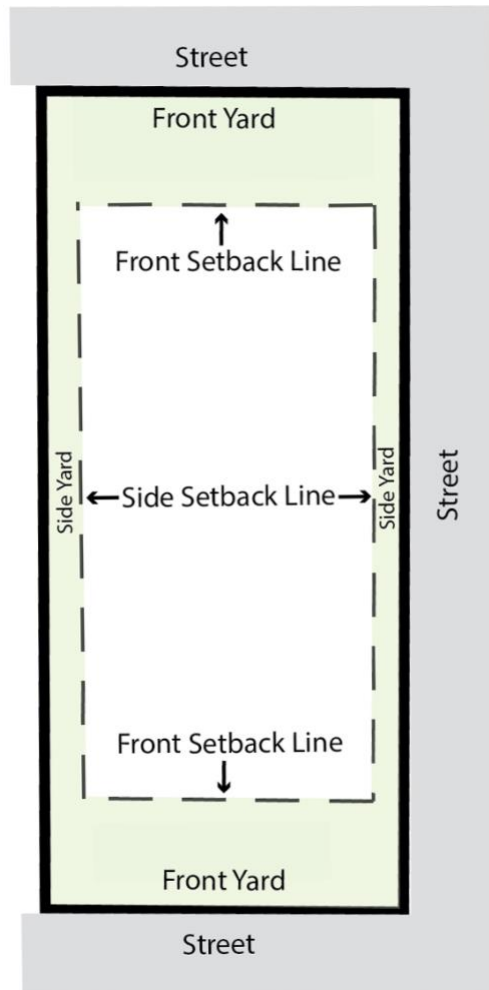
- (6) **Front Yards in the CB, HC, I-1, and I-2 Districts.** In the CB, HC, I-1, and I-2 Districts, where no Front Yard is required, all stairs, eaves, roofs, and similar Building extensions shall be located behind the front Lot Line, except as provided in Table 4-10-139.1.
- (7) **Platted Front Building Lines.** Where a Building Line has been established by Plat that requires a front Yard greater in depth than is prescribed by this Chapter for the District in which the Building Line is located, the required Front Yard shall comply with the Building Line established by such Plat.

(Code 1960, § 26-14(D); Ord. No. 6043, § 1(E)—(H), 11-9-93; Ord. No. 6268, § 1(BB), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6568, § 9, 11-27-2001)

**(b) Side Yards and Side Setbacks.**

- (1) **Applicability.** This subsection applies to any side Yard or side Setback required by this Chapter.
- (2) **Definition.**
  - a. A side Yard is an open, unoccupied space (except for encroachments as allowed by subsection (h)) extending:
    1. From the front Yard to the rear Yard; and
    2. From the side face of the Main Building to the side Lot Line.
  - b. The minimum horizontal distance between the Main Building and each side Lot Line shall be at least equal to the minimum Side Setback required for the Zoning District in which the Lot is located.  
(Code 1960, § 26-14(E); Ord. No. 6043, § 1(I)—(L), 11-9-93; Ord. No. 6268, § 1(CC), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6741, § 1, 6-8-2004)
- (3) **Corner Lots with Streets on Three Sides.**
  - a. On a Corner Lot with Streets on three sides, all Street Frontages shall be treated as front Yards, except as provided in b., below.
  - b. As illustrated in Figure 4-10-139.6, the longest Street Frontage is considered as a Side Yard for any Corner Lot that:
    1. Adjoins the entire Street Frontage between two parallel Streets; and
    2. Is used for One-Family, Two-Family, or Manufactured Home Housing Unit(s).

Figure 4-10-139.6 – Front and Side Yards on Residential Corner Lots with Streets on Three Sides



(4) **Corner Lots with Streets on Two Sides.**

- a. On a Corner Lot platted after August 19, 1968, both Street Frontages shall be treated as front Yards, except as provided in b., below. See Figure 4-10-139.4.
- b. As illustrated in Figure 4-10-139.5, a minimum Setback of 10 feet shall be observed along the Street Frontage of greatest dimension for any Corner Lot that:
  1. Has Frontage along two intersecting Streets; and
  2. Is used for One-Family, Two-Family, or Manufactured Home Housing Unit(s); and

3. Is bounded on the rear by an Alley.

- (5) **Side Yard Reductions.** A Main Building may have a side Yard less than required if other Main Buildings within the same block or immediately adjacent blocks legally observe a side Yard setback less than required. The side Yard with the least restrictive dimension shall establish the minimum side Yard requirement.

**(f) Rear Yards and Rear Setbacks.**

- (1) **Applicability.** This subsection applies to any rear Yard or rear Setback required by this Chapter.

(2) **Definition.**

a. A rear Yard is an open, unoccupied space (except for encroachments as allowed by subsection (h)) that:

1. Is open and unobstructed to the sky from a point 30 inches above the general ground level of the graded Lot; and
2. Extends across the entire width of a Lot between the side Lot Lines; and
3. Extends from the rear face of the Main Building to the rear Lot Line.

b. The minimum horizontal distance between the Main Building and the rear Lot Line shall be at least equal to the minimum Rear Setback required for the Zoning District in which the Lot is located.  
(Code 1960, § 26-14(F); Ord. No. 5678, § 1, 4-28-87; Ord. No. 6043, § 1(M), 11-9-93; Ord. No. 6268, § 1(DD), 12-24-96; Ord. No. 6741, § 2, 6-8-2004)

- (3) **Rear Yard Reductions.** A Main Building may have a rear Yard less than required if other Main Buildings within the same block or immediately adjacent blocks legally observe a rear Yard setback less than required. The rear Yard with the least restrictive dimension shall establish the minimum rear Yard requirement.

**(b) Vehicle entrances to garages in side Yards and rear Yards.**

- (1) A vehicle entrance to a Garage from a local side Street (Streets other than Arterials or Collectors) or an Alley may be less than that specified in *Article II, Zoning Districts*, in accordance with one of the following conditions:
  - a. **Side Street.** If Garages accessing a side Street along the side property line of a corner Lot within the same block have observed a vehicle entrance less than that specified in *Article II, Zoning Districts*, then the vehicle entrance with the least restrictive dimension shall establish the minimum vehicle parking entrance requirement.
  - b. **Alley.** If Garages accessing an Alley along the rear property line of a Lot within the same block have observed a vehicle entrance less than that specified in *Article II, Zoning Districts*, then the vehicle entrance with the least restrictive dimension shall establish the minimum vehicle parking entrance requirement.
  - c. **Side Street or Alley.** Vehicle entrances to a Garage may be less than that specified in *Article II, Zoning Districts*, if the required Off-Street Parking Spaces are provided elsewhere on the Lot.
- (2) These provisions shall be superseded on any Lot with a minimum Side Yard or Rear Yard Building Line that was established by Plat or ordinance and requires a greater Setback distance.

(Code 1960, § 26-18(A); Ord. No. 5557, § 1, 11-12-85; Ord. No. 5678, § 1, 4-28-87; Ord. No. 5679, § 1, 4-28-87; Ord. No. 5693, § 1, 7-7-87; Ord. No. 5918, § 1, 6-5-91; Ord. No. 6053, § 1, 12-7-93; Ord. No. 6268, § 1(JJ), 12-24-96; Ord. No. 6276, § 1, 3-11-97; Ord. No. 6741, § 4, 6-8-2004; Ord. No. 7204, § 3, 1-26-2010)

(Code 1960, § 26-14(D); Ord. No. 6043, § 1(E)—(H), 11-9-93; Ord. No. 6268, § 1(BB), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6568, § 9, 11-27-2001)

(Code 1960, § 26-14(E); Ord. No. 6043, § 1(I)—(L), 11-9-93; Ord. No. 6268, § 1(CC), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6741, § 1, 6-8-2004)

(Code 1960, § 26-14(F); Ord. No. 5678, § 1, 4-28-87; Ord. No. 6043, § 1(M), 11-9-93; Ord. No. 6268, § 1(DD), 12-24-96; Ord. No. 6741, § 2, 6-8-2004)

**(c) Encroachments into Required Yards and Setbacks.**

- (1) Required Yard means that portion of any Yard constituting the minimum area required in any Zoning District, but excluding that portion of the Yard in excess of the minimum required area.



- (2) Permitted encroachments into required Yards are specified in Table 4-10-139.1.

Table 4-10-139.1 – Encroachments into Required Yards and Setbacks			
Feature	Yard(s) Where Encroachment is Permitted	Maximum Encroachment	Minimum Setback
Awnings or marquees in the CB, HC, I-1 and I-2 Districts	Front	May extend into public Street right-of-way	0 ft
Balconies, porches, and stairs	Front	4 ft	
Eaves, canopies, and roof extensions or overhangs	Any Yard	4 ft (front Yard) 2 ft (side Yard) 4 ft (rear Yard)	--
Landscaping, fences, and similar appurtenances	Any Yard	No restriction	--
Ordinary projections of window sills, belt courses, cornices, and other architectural features	Front/side	2 ft (front Yard) 1 ft (side Yard)	--
Subsurface structures	Front	Any distance if the Structure does not extend to a Height greater than 40 in above the average Grade of the curb at the front of the Structure or, when no curb exists, 40 in above the average Grade of the front Lot Line	--

Key: ft = feet | in = inches

(Code 1960, § 26-14(D); Ord. No. 6043, § 1(E)—(H), 11-9-93; Ord. No. 6268, § 1(BB), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6568, § 9, 11-27-2001)

**Sec. 4-10-140. - Zero lot line development.**

*[NOTE: An alternative approach would be to relocate these provisions to the Use Regulations or to the Subdivision Ordinance.]*

- (a) **Purpose.** These regulations allow Detached One-Family Dwellings to be situated adjacent to one side Lot Line in order to provide more usable Yard area.
- (b) **Applicability.** Zero Lot Line Developments are allowed in any Zoning District that permits Detached One-Family Dwellings, except the A and E Districts.
- (c) **Side Yards for Main Buildings on Zero Lot Line Lots.**
- (1) Except as provided in (4) below, Detached One-Family Dwellings may be constructed adjacent to the side Lot Line on one side of a Lot (the “zero lot line”), with a side Yard provided only on the other side of the Lot.
  - (2) No openings for access, light, or air are permitted on the wall of any Structure where the Side Yard requirement is not observed between such wall and the zero Lot Line.
  - (3) The side Yard provided shall be the total of the side Yards which are normally required on each side of the Lot except, where a Front Yard requirement is observed on the Street side of a corner Lot, the total side Yard requirement shall be considered satisfied. In no case shall less than a 10-foot total side Yard be maintained.
  - (4) This section shall not be construed to permit two Detached One-Family Dwellings to be built on adjacent Lots without the observance of the total required side Yard between them.
- (d) **Side Yards for Accessory Buildings on zero lot line Lots.**
- (1) The minimum side Setback for a Detached Accessory Building located adjacent to the zero lot line is specified in Section 4-10-87, *Accessory Uses and Buildings*.
  - (2) The minimum side Yard for a Detached Accessory Building located adjacent to the other side Lot Line is the same as required for the Main Building on the zero lot line Lot.

(e) **Side Yards adjacent to public Streets.** A zero Lot Line is not permitted adjacent to a public Street, and a side Yard of not less than 5 feet shall be observed adjacent to an Alley.

(f) **Encroachments onto adjacent Lots.** Eaves, canopies, roof extensions or overhangs; and ordinary projections of window sills, belt courses, cornices, and other architectural features may encroach over a zero lot line if:

- (1) Both Lots are designated as Zero Lot Line Lots;
- (2) A Maintenance easement is provided by the adjoining property owner, as provided in (h) below; and
- (3) The encroachment does not exceed the distance specified in Table 4-10-139.1.

(g) **Zero Lot Line Development adjacent to a non-Zero Lot Line Dwelling Unit.** Where a Zero Lot Line Development abuts a non-zero lot line Dwelling Unit on an adjoining Lot, a Setback equal to the District minimum for side Setbacks shall be provided.

(h) **Maintenance easements.**

- (1) An easements for maintenance, drainage, and/or encroachments must be provided by the owner of the adjoining Lot that abuts a zero setback Lot Line, as shown in Figure 4-10-140.1.
- (2) The maintenance easement shall be in favor of the Lot on which a zero lot line Dwelling Unit is planned at the boundary to which this easement is adjacent.
- (3) The purpose of the easement is to provide perpetual access for the maintenance of the wall, roof, eaves, and other components of the Dwelling Unit or drainage system built on the zero lot line.
- (4) The maintenance easement shall extend along the entire length of the side (zero) Lot Line to which it is adjacent.
- (5) The minimum width of a maintenance easement is:
  - a. 5 feet along one-story walls and

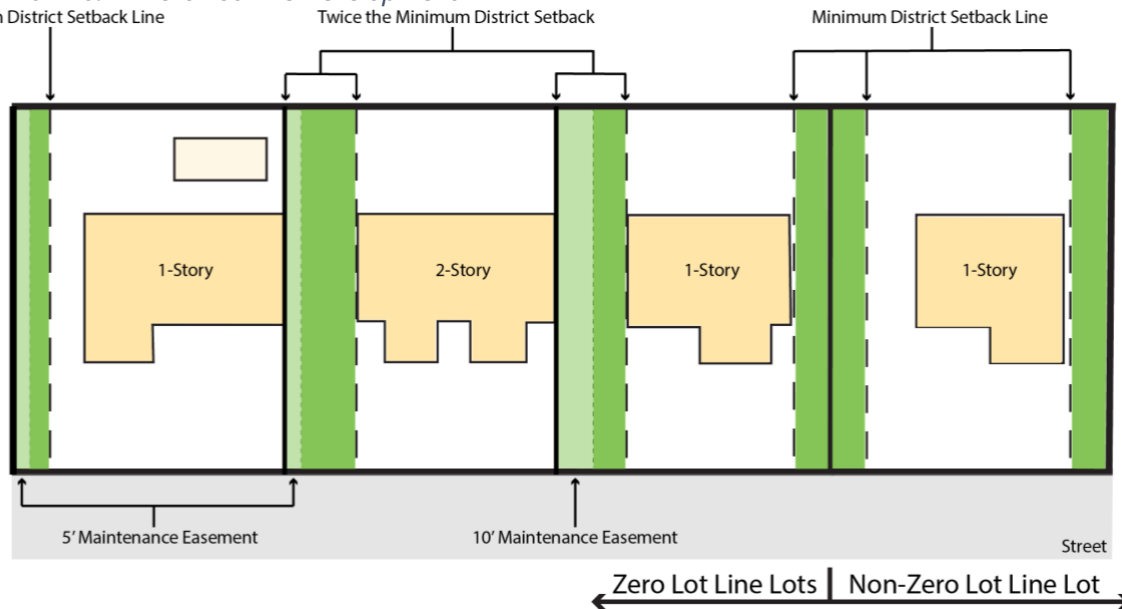
b. 10 feet along 2-story or higher walls.

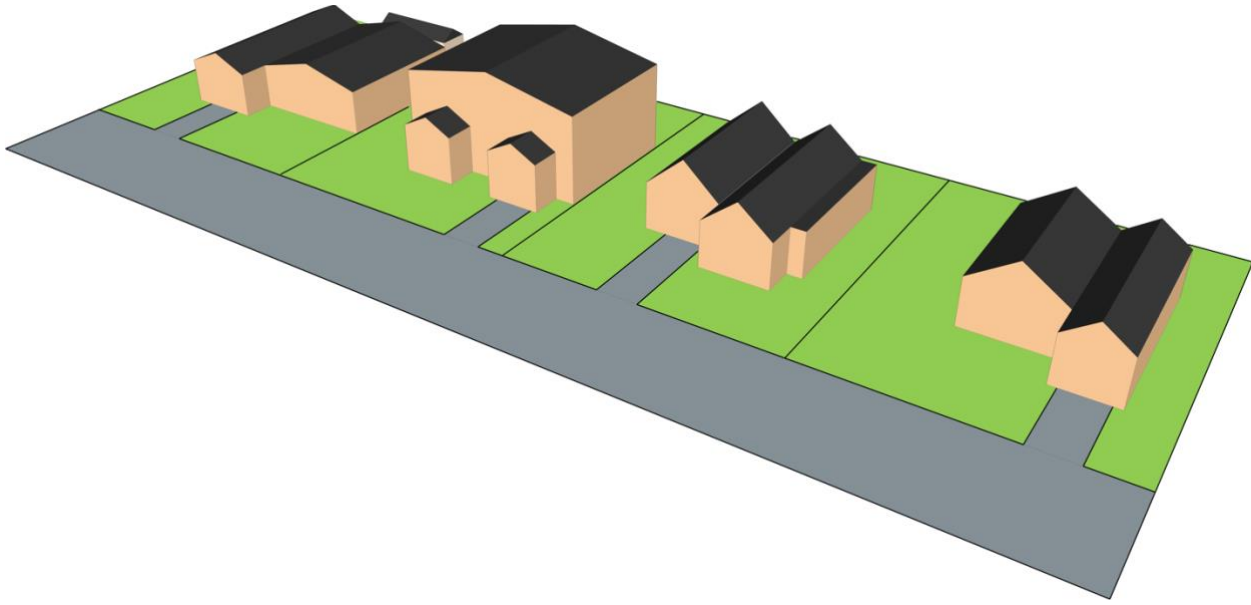
(6) The maintenance easement must be kept free of Structures at all times, except for encroachments allowed by subsection (f), above.

(i) **Plat required.** Zero Lot Lines, Main Building and Accessory Building Setback Lines, and maintenance easements shall be shown by a clearly defined method on a recorded Plat of the Subdivision approved by the Planning and Zoning Commission pursuant to the procedure in *Article V, Procedures*.

(j) **Illustration of Zero Lot Line Development.** The standards established in this section are illustrated in Figure 4-10-140.1.

Figure 4-10-140.1 – Zero Lot Line Development





**Sec. 4-10-141. - Reasonable accommodation.**

(a) **Purpose.** The purpose of this section is to allow modifications to zoning regulations to ensure a citizen with a disability has an equal opportunity to use and enjoy a Dwelling Unit.

(b) **Applicability.** Where Lot Area, Lot Width, Lot Depth, Lot Coverage, or Yard and Setback regulations present hardships regarding accessibility or physical barrier issues related to the Americans with Disabilities Act, the Director of Community Services, or designee, shall determine the manner in which requirements of this Chapter are to be applied, in order to make a reasonable accommodation.

(c) **Determining What Constitutes a Reasonable Accommodation.** In determining what is a reasonable accommodation, the Director of Community Services shall consider the following factors:

- (1) Nature of the disability and whether the requested accommodation is directly responsive to the disability;
- (2) Whether the requested accommodation poses a safety risk to the requestor or other persons;
- (3) The relative costs of various alternatives, including modifying the Structure;

- (4) The presence, if any, of existing Structures or variances in the neighborhood that are the same or similar to that sought under this section as an ADA accommodation;
  - (5) Availability of alternative accommodations that will have less visual or aesthetic impact on the neighborhood;
  - (6) Other accommodation factors suggested or mandated by ADA regulations or interpretative opinions thereof.
- (d) If a question arises as to whether a person has a disability, the extent of disability, or the level of accommodation that is reasonable and necessary, then:
- (1) The Director of Community Services or designee shall first compare statements of the applicant's physician with current legal sources describing conditions that are recognized as a disability under the ADA.
  - (2) If there remains a question, then the Director of Community Services shall request that the City of Amarillo Advisory Committee for People with Disabilities review the matter and make an advisory recommendation to the Director.
  - (3) The Director will then render a decision using the criteria stated above and taking into consideration the committee recommendation.
  - (4) The Applicant shall cooperate with the reviews described in this subsection by promptly providing all requested documentation and, by appearing before the Advisory Committee for People with Disabilities, if requested.
- (e) Effect and Duration of Approval.**
- (1) Any accommodation allowed under this section is specific to the property described in the Application.
  - (2) The accommodation remains in effect only so long as a disabled person occupies the property (be it the person who was the subject of the Application or a different disabled person but whose situation would have satisfied the conditions of the determination rendered on the Application).
  - (3) Once a disabled person as described in (d)(2), above, ceases to use the premises as a primary place of abode, then the owner shall, within 6

calendar months, restore or modify the property to meet the applicable regulations as if there had been no reasonable accommodation made.

- (f) **Appeals.** An Applicant who disagrees with the determination of the Director of Community Services may appeal to the Zoning Board of Adjustment by filing a written notice of appeal in accordance with *Article V., Procedures*.

(Code 1960, § 26-14; Ord. No. 6268, § 1(X), 12-24-96; Ord. No. 6750, § 1, 7-13-2004)

**Sec. 4-10-142. - Reserved.**

**Sec. 4-10-143. - Reserved.**

**Sec. 4-10-144. - Reserved.**

### DIVISION 3. - LANDSCAPING & SCREENING

#### Sec. 4-10-145. - Purpose.

The purpose of this Division is to:

- (1) Set minimum requirements for landscaping, irrigation, screening, and buffering standards;
- (2) Preserve the value of property while promoting and enhancing the visual appearance of the City;
- (3) Reduce the negative effects of noise, glare, air pollution, and urban heat islands;
- (4) Reduce soil erosion and encourage the reduction of water run-off by decreasing large expanses of impervious area; and
- (5) Promote water conservation and water efficiency by incorporating drought-tolerant plant selections in properly designed landscape areas and using proper irrigation systems.

(Ord. No. 7469, § 2, 8-12-2014)

#### Sec. 4-10-146. - Applicability.

(a) **Required Landscaping Locations.** The installation of landscaping is required in accordance with this section for all multiple-family and non-residential land uses for the following project types:

- (1) All new construction projects;
- (2) Redevelopment projects resulting in an increase of 3,000 square feet or 35 percent or more of the gross Floor Area of the Buildings on a site; and
- (3) Expansion of existing parking lot projects when the parking lot is enlarged by more than 35 percent.

(b) **Exceptions.** The following are exceptions to the requirement in subsection (a)(1):

- (1) Landscaping for Lots zoned as either Agricultural [A] or Estate [E] is not required.



- (2) The installation and maintenance of landscaping within the Heavy Commercial [HC], Light Industrial [I-1], and Heavy Industrial [I-2] Districts are only applicable when the Lot fronts or sides on a freeway, expressway, state highway, or arterial Street.
- (3) Landscaping and maintenance of Lots located within the D-O (Downtown Urban Design Overlay) District shall be subject to the Downtown Amarillo Urban Design Standards (DAUDS) (Ord. No. 7834, § 1, 1-17-2020).

**Sec. 4-10-147. - Landscaping standards.**

**(a) General Requirements.**

- (1) Landscaping elements may include a combination of Living and Non-Living Landscape Materials permitted in accordance with subsection (f) of this section.
- (2) A landscaping and irrigation plan is required prior to the installation and continued maintenance of any Living or Non-Living Landscape Materials for all multiple-family and non-residential land uses. See Sec. 4-10-216, *Landscape and Irrigation Plan*.
- (3) All landscape materials shall be:
  - a. Resistant to wind and water erosion; and
  - b. Maintained to ensure that there is no Excess Vegetation.
- (4) All landscaping standards of this section shall not be used in any manner that would conflict with the sight distance requirements or sight restriction requirements of Chapter 16-3, Article III, *Obstructions Impairing Visibility*, of the City's Municipal Code.

**(b) Landscaping Area Requirements.**

- (1) The total required landscaping area for a property shall be calculated as 10 percent of the Building Footprint per Street Frontage. If on a corner lot, the street frontage requirements applies only to the front yard, where the primary entrance to the building is located. Only 50 percent of this value shall be made of Non-Living Landscape Materials. However, any landscaped area in the

- right-of-way in excess of 10 feet in width may be credited toward the required value.
- (2) Landscaping shall be located within the Front Setback and shall be permanently maintained. When a Zoning District does not require a front Setback, the Building must be set back to accommodate the required landscaping.
  - (3) Right-of-way between the back the of curb or the edge of the pavement to the Lot Line must be landscaped with Living Landscape Materials. However, in no case shall there be less than a 10-foot wide landscaped area from the back of the curb.

**(c) Tree Requirements.**

**(1) Minimum Planting Size.**

- a. All Shade and Ornamental Trees shall have a minimum caliper size of 2 inches when measured 1-foot above ground level.
- b. Evergreen Trees shall have a minimum height of 6 feet above ground level at time of planting.

**(2) Maintenance.** No tree shall be placed or allowed to grow untrimmed in such a manner as to create a hazard or nuisance to vehicular or pedestrian traffic.

**(3) Street front trees.**

- a. Trees shall be provided within the front Yard at the equivalent of one tree per 40 linear feet of Street Frontage, or a fraction thereof.
- b. If no front Yard is required, then trees shall be placed within 15 feet of the Lot Line parallel to the right-of-way.
- c. Trees planted in the right-of-way, where allowed, shall be no closer than 6 feet from the back of the curb or the edge of the pavement.
- d. In instances where overhead utilities exist, Ornamental Trees shall be used to minimize interference.

**(4) Parking lot trees.** Trees are required to be maintained and installed in parking lot areas and shall:

- a. Be planted within parking lot islands;
- b. Be required in parking areas at a minimum rate of one tree per 20 parking spaces as calculated in Table 4-10-147.1, *Required Parking Lot Trees*;
- c. Be a minimum area of 36 square feet with no interior dimensions less than four feet measured at 90 degrees to the interior edges;
- d. Be placed throughout the parking area to become an integral part of the parking design;
- e. Not impede the distribution of light throughout the parking lot;
- f. Be planted within a foundation that is covered with Living Landscape Materials and Non-Living Landscape Materials [as designated in subsection (e)]; and
- g. Be planted at a rate of one tree for every 20 parking spaces.

**(d) Irrigation System Requirements.**

- (1) Irrigation systems shall be designed and installed per applicable state law and Chapter 4-5, Article III, *Landscape Irrigation*, of the Amarillo Municipal Code.
- (2) To ensure long-term viability, required landscape areas shall be irrigated by one or a combination of the following methods:
  - a. An automatic underground system;
  - b. A drip irrigation system; or
  - c. An accessible water source located within 50 feet of each landscaping area.
- (3) Drip systems shall be required in confined spaces of 4 feet or less between Hardscape surfaces.

- (4) No irrigation shall be required for undisturbed natural areas or undisturbed existing trees or shrubs.
- (5) The source of irrigation water, whether potable or reclaimed, shall be indicated on the landscape plan.
- (6) All sprinkler systems shall be designed in such a manner as to minimize water runoff and to eliminate overspray into adjacent right-of-way, driveways, and parking areas.

**(e) Permitted Non-Living Landscape Materials.**

- (1) The following are permitted types of Non-Living Landscape Materials: Boulders, wood chips, artificial turf, mulch, crushed or decomposed granite, gravel, cobblestone, crushed rock, sand, ornamental glass, and lava rock provided that there is at least a five foot buffer of Living Landscape Materials between the Non-Living Landscape Materials and the edge of curb or there is no curb then the edge of the pavement.
- (2) All other Non-Living Landscape Materials are prohibited unless the Director deems the proposed Non-Living Landscape Material to be functionally similar to those listed in subsection (f)(1).
- (3) A permeable weed barrier shall be installed under all any permitted Non-Living Landscape Material.

(Ord. No. 7469, § 2, 8-12-2014)

**Sec. 4-10-148. - Landscaping point system.**

All submitted plans for landscaping and irrigation as required under Section 4-10-226, *Landscape and Irrigation Plan*, must achieve a score of at least 25 points in order to be approved. Points are awarded for the following items in Table 4-10-148.1:

Table 4-10-148.1 - Landscape Point System	
Landscape Point System Criteria	Points
75 percent of all plant materials are water efficient as listed within the Recommended Plant List.	15
The minimum rate of trees required per parking space is increased from a rate of one tree per 20 spaces as required by Sec. 4-10-137(c)(4) to become one tree per 10 spaces.	10

Table 4-10-148.1 - Landscape Point System	
Integrate a bioretention area or rain garden as a site amenity.	10
Subsurface irrigation is used for all Turf Grass.	10
Preservation of each existing healthy tree two caliper inches or greater.	5
Drip irrigation systems are used within all planting beds.	5
Root barriers are used to prevent Hardscape damage as trees grow.	5
For all required trees, each tree size meets or exceeds 3-inch caliper.	2
All parking lot trees are planted in a Parking Lot Island greater than 64 square feet per tree.	2
For all areas four feet or less in any dimension, Non-Living Landscape Materials with a permeable weed barrier are used.	2
Landscape plan designed and sealed by a registered landscape architect.	2
Permeable weed barrier installed in all planting beds.	2
Landscaped area provided exceeds requirement by an additional 10 percent.	2
Installation of each additional parking lot tree above the minimum requirement.	2
Planting of each variety of tree not listed on the Recommended Plant List.	-2
More than 50 percent of Total Required Landscaped Area is Blue grass or other cool season Turf Grass. This does not include tall turf-type fescue grass varieties.	-5

(Ord. No. 7469, § 2, 8-12-2014)

**Sec. 4-10-149. - Alternative compliance.**

- (a) In cases where the desired location for landscaping for the required 10 percent of Building Footprint is not within the front setback, the Planning Director may provide written approval for alternative landscape locations.
  
- (b) In cases where the desired location for required street front trees conflict with access to the Lot, the Planning Director may provide written approval for alternative placement. In no instance shall an alternate proposal result in a net reduction of the tree requirement as measured in Sec. 4-10-147(d)(1), *Minimum Planting Size*.

(c) Where it has been determined that site constraints exist which render conformance of a particular site to the landscape requirements impracticable, the Planning Director may provide written approval for an alternate proposal, which provides for landscaping as intended by this Division, yet takes into account the constraints unique to the property in question. In determining the practicability and acceptability of the alternate proposal, the Planning Director shall consider the following factors:

- (1) The configuration of the Lot in question;
- (2) The square footage of the property in question;
- (3) The square footage of the property being developed;
- (4) The zoning district of the property in question;
- (5) The zoning districts and landscaping on adjacent property;
- (6) The square footage of property abutting a roadway, compared with the square footage of the entire property;
- (7) The topography and soil on the property in question;
- (8) Alternate proposals of similarly situated properties; and
- (9) Other factors or materials relevant to the circumstances of the site in question.

(d) An appeal of the Planning Director's decision may be made to the Zoning Board of Adjustment in accordance with the requirements and procedures in Section 4-10-237, *Appeals*, of this Chapter.

(Ord. No. 7469, § 2, 8-12-2014)

**Sec. 4-10-150. - Installation and maintenance standards.**

**(a) Installation.**

- (1) All requirements of this Division shall be complete prior to the receipt of a certificate of occupancy or final approval of a parking lot permit.

- (2) If weather conditions prohibit the installation of landscaping, the Building Official may issue a temporary certificate of occupancy. Such issuance shall be contingent upon the property owner or Developer filing of record in the deed records of the county where the site is located an instrument with associated Landscape and Irrigation Plans stating that the required landscaping and/or irrigation shall be installed within six months of the issuance of the temporary certificate of occupancy.
- (b) **Compliance.** Failure to timely install landscaping in accordance with the plan shall cause revocation of the temporary certificate of occupancy.
- (c) **Maintenance.** The property owner shall maintain all Living and Non-Living Landscape Materials.
- (1) Living Landscape Materials shall be kept in healthy and growing conditions so as to present a neat and orderly appearance, free from Excess Vegetation and Trash.
  - (2) Non-Living Landscape Materials shall be kept in a neat and orderly appearance, free from Excess Vegetation and Trash.
  - (3) Landscaping kept in a neat and orderly appearance includes weeding, fertilizing, pruning, mowing, irrigating, and removal of Trash, debris, and graffiti.
  - (4) It shall also be the responsibility of the property owner to maintain any landscaping in the right-of-way in accordance with Section 4-6-183, *Maintenance of Public Right-of-Way*.
- (d) **Replacement.**
- (1) Landscaping which dies shall be replaced by the owner no later than 60 days after notification from the Building Official, with another living plant that is comparable to the existing plant or plant material specified in the approved landscape plan.
  - (2) The Building Official may extend the replacement time period of 60 days due to weather or other events outside of the reasonable control of the property owner.

(Ord. No. 7469, § 2, 8-12-2014)

**Sec. 4-10-151. - Fences and walls.**

- (a) **General Requirements.** Fences or walls required under the provisions of this Chapter shall be:
- (1) Constructed of masonry or wood, supported by a frame or base constructed of concrete or metal, and not readily subject to damage by operations within the enclosure or by the effects of winds or other weather elements; and
  - (2) Equipped with gates equal in Height and screening characteristics to the wall or fence and said gates shall be closed and securely latched at all times except during business hours.
- (b) **Visual Obstruction Prohibited.** No screening wall or visual barrier shall be so located or placed to obstruct the vision from a vehicle approaching any Street or Alley intersection from a Driveway. Locational dimensions of a screening wall or visual barrier shall conform to Chapter 16-3, Article III., *Obstructions Impairing Visibility*, of the City's Municipal Code.
- (c) **Stored Materials.** Stored materials or commodities shall not be stacked so as to exceed the Heights of the screening fence, wall or visual barrier, and such materials or commodities shall not be placed outside the fence, wall or visual barrier.
- (d) **Signage Prohibited.** No portion of a required screening wall or visual barrier shall be utilized for the placement of any Sign or other advertising device.
- (e) **Residential District Maximums.** In any Agricultural or Residential District [A, E, R-1, R-2, MD, MF, MH], residentially-developed areas or along the common boundary between any Residential and Non-Residential District where a wall, fence, or screening separation is erected, the requirements of Table 4-10-151.1, *Maximum Height for Fences and Walls*, shall be applicable:



Table 4-10-151.1 - Maximum Height for Fences and Walls				
Location	Front Yard	Street Side Yard <sup>1</sup>	Interior Side Yard	Rear Yard
Maximum Height	4 ft	4 ft	8 ft	8 ft
Minimum Setback Line	0 ft <sup>2</sup> , but at least 2 ft from sidewalk, if present; 5 ft from the edge of street paving, if no sidewalk	0 ft <sup>2</sup> , but at least 2 ft from sidewalk, if present; 5 ft from the edge of street paving, if no sidewalk	0 ft <sup>1</sup>	0 ft <sup>1</sup>

Key: ft = feet

<sup>1</sup>The Street side yard occurs only on Corner Lots and refers to where the back or side of the Main Building on the Lot faces the Street instead of the front door and front façade facing the Street.

<sup>2</sup>All fence components shall be located completely within the Lot Line it encloses.

(f) **Trash receptacles.** Where a trash receptacle is in the right of way, three feet of clearance must be provided between the back of the receptacle and a fence to provide a clear space for walking. This paragraph does not permit a fence in an arterial right-of-way.

(g) **Nonresidential and Multifamily Uses.**

(1) **Contiguous to Residential.** Where the side or rear yard of a multiple-family use or a non-residential use is contiguous to a Lot zoned either as Agricultural or Residential [A, E, R-1, R-2, MD, MF, or MH] a solid wood wall or fence of not less than 6 nor more than 8 feet in Height shall be erected on or near the Lot Line separating these Districts. Screening shall not be required when the adjacent Residential property is developed with a multiple-family use.

(2) **Adjacent to the Public Street.** When the rear and/ or service side of a non-residential use is adjacent to a public Street, a solid wood wall or fence of at least 6 feet and no more than 8 feet in Height shall be erected.

(h) **Bufferyard Option.** In lieu of a wall or fence that meets the requirements of this section, a bufferyard meeting the requirements of Sec. 4-10-152, *Bufferyards*, may be erected.

(i) **Barbed wire, razor wire and electrical fencing.**

(1) Barbed wire or razor wire may not be used on fencing except under the following circumstances:

- a. Fencing for property used for agricultural or grazing purposes.
  - b. Security fencing for nonresidential uses in Light Commercial [LC], Heavy Commercial [HC], Central Business [CB], Light Industrial [I-1] and Heavy Industrial [H-1] Districts where the barbed wire is five feet or more above ground level.
  - c. Security fencing for a site operated by a local, State or federal government agency or a franchised utility company where the barbed wire is 5 feet or more above ground level.
- (2) Electrical fences shall be installed in accordance with the National Electrical Code as adopted by the City.

**(j) Maintenance.**

- (1) All fences and walls shall be maintained in good repair such that there is no visible destruction to the façade other than normal wear and tear.
- (2) The owner or holder of a fence in the right of way shall be fully responsible and liable for all damages, repairs, replacement, and relocation costs should the City require the fence to be dismantled, moved, replaced, or removed from the street right-of-way, whether the removal is temporary or permanent.

(Code 1960, § 26-21; Ord. No. 6388, § 1, 12-29-98)

(Code 1960, § 26-21(A); Ord. No. 6388, § 1, 12-29-98; Ord. No. 6699, § 11, 11-25-2003)

(Code 1960, § 26-21(B); Ord. No. 6268, § 1(RR), 12-24-96)

(Code 1960, § 26-21(C); Ord. No. 5557, § 2, 11-12-85; Ord. No. 6268, § 1(SS), 12-24-96; Ord. No. 6699, § 12, 12-25-2003)

**Sec. 4-10-152. - Bufferyards.**

(a) **Generally.** The bufferyards required by this section are based on the amount of screening they provide, which are classified from less screening (Type A) to more screening (Type D), depending on the types and intensity the adjacent land uses and/or zoning district.

**(b) Bufferyard Types.**

- (1) There are four types of bufferyards, each of which vary in the width of the bufferyard and the numbers and types of plants that are required per 100 linear feet, or portion thereof.
- (2) The minimum planting requirements for each type and composition of bufferyard are set out in Table 4-10-152.1, *Bufferyard Classifications*.

(c) **Classification of Bufferyards.** Bufferyards may be classified as:

- (1) *Structural Bufferyards.* Structural bufferyards are those that include a fence or wall to achieve the required level of screening or preferred for privacy or security; and
- (2) *Natural Bufferyards.* Natural bufferyards are those that include natural plant materials and may include an earthen berm, a geologic grade change, an arroyo, or a higher density of plant materials to achieve the required level of screening.

Table 4-10-152.1 - Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet (Structural / Natural)				Height of Berm, Wall or Fence
		Large Trees	Evergreen Trees	Small Trees	Shrubs	
Type A	5 ft	1/2	1/2	1/3	10/15	-
Type B	10 ft	2/3	2/3	2/6	20/30	-
Type C	25 ft	3/6	3/6	3/9	30/40	6 ft.
Type D	35 ft	4/8	4/8	4/12	40/55	8 ft.

Key: ft = feet

(d) **Exemptions.** A Lot proposed for development, redevelopment, or substantial improvement may be exempt from the requirement to provide a bufferyard under the following conditions:

- (1) When there is an elevation difference between two adjacent properties that is 6 feet or greater; or
- (2) When the Lot proposed for development, redevelopment, or substantial improvement is separated from the adjacent property by a natural or man-made area that meets or exceeds the level of screening required by the applicable bufferyard.

(e) **Credits for Existing Landscaping Improvements.**

(1) **Generally.** Existing trees, fences, and landscape or retaining walls that meet, in part but not in whole, the bufferyard requirements of this section, may be counted toward a bufferyard requirement, provided that the trees and landscaping are in good health or the fences or walls are structurally sound.

(2) **Existing Landscaping Credit.** Credit shall be given for existing trees and landscaping within bufferyards and perimeter yards.

**(f) Zoning District Boundary Bufferyard Standards.**

(1) **Generally.** Set out in Table 4-10-152.2, *Zoning District Boundary Bufferyard Standards*, is the classification of bufferyards that are required between zoning districts that are not separated by a public street right-of-way.

**(2) Interpretation of the Table.**

- a. The Table is a matrix in which all zoning districts are grouped into categories of similar land use intensities.
- b. The rows indicate the zoning of the parcel proposed for development and the columns indicate the zoning of the adjacent property or properties.
- c. Where "-" is found, no bufferyard is required.

Table 4-10-152.2 - Zoning District Boundary Bufferyard Standards						
Zoning of Parcel Proposed for Development	Zoning of Adjoining District					
	A, E	R-1, R-2	MD, MF, MH	NS, O, GR, CB, LC	HC, I-1	I-2
A, E	-	-	-	-	-	-
R-1, R-2	A	-	-	-	-	-
MD, MF, MH	B	A	-	-	-	-
NS, O, GR, CB, LC	C	B	A	-	-	-
HC, I-1	C	C	B	A	-	-
I-2	D	C	C	B	A	-

(3) **Relationship to Other Bufferyard Requirements.** If bufferyards are required along property boundaries that are also district boundaries, then the greater bufferyard requirement shall prevail.

**(g) Bufferyard Fencing and Screening.**

- (1) **Orientation.** Where a fence is used to provide a buffer, the finished side of all fences shall face outward toward any adjacent rights-of-way or the property that is being buffered. All support posts and stringers shall face inward toward the property upon which the fence is located, or the development being screened.
  
- (2) **Construction Materials.** Any wall or fence qualifying as a bufferyard, shall be constructed of wood, masonry or reinforced concrete which does not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

*Sec. 4-10-153. - Reserved.*

*Sec. 4-10-154. - Reserved.*

*Sec. 4-10-155. - Reserved.*

*Sec. 4-10-156. - Reserved.*

*Sec. 4-10-157. - Reserved.*

*Sec. 4-10-158. - Reserved.*

*Sec. 4-10-159. - Reserved.*

## DIVISION 4. - OUTDOOR LIGHTING

### Sec. 4-10-160. - Purpose.

The purposes of these Outdoor Lighting standards are to:

- (1) Minimize Glare and Light Trespass, particularly onto Residential Lots and public rights-of-way;
- (2) Minimize Skyglow;
- (3) Provide a safe and secure nighttime environment;
- (4) Provide safe access into Buildings; and
- (5) Enhance historic or notable features, Buildings, or architectural elements.

### Sec. 4-10-161. - Applicability.

(a) **Generally.** The requirements in this Division apply to new Development in the following Zoning Districts:

- (1) Multiple-Family District (MF);
- (2) Office, Retail, and Business Districts (NS, O, GR, CB, LC, and HC); and
- (3) Industrial Districts (I-1 and I-2).

(b) **Exemptions.** The following types of Outdoor Lighting are exempt from the requirements of this Division:

- (1) Lighting used only under emergency conditions;
- (2) Lighting used for the principal purpose of illuminating Streets and sidewalks;
- (3) Lighting for One-Family Dwellings, Duplex Dwellings, Townhouse Dwellings, and Manufactured Homes;
- (4) Lighting solely used for Signs (which is regulated by Division 8 of this Article);
- (5) Lighting associated with an approved Temporary Use;

- (6) Temporary Lighting associated with a Development site;
- (7) Lighting for public monuments and statues;
- (8) Underwater lighting in fountains, swimming pools, and other water features;
- (9) Lighting required pursuant to state and federal laws (e.g., FAA);
- (10) Lighting required by the Building Code;
- (11) Ornamental Lighting with a rated initial luminaire Lumen output of 525 lumens or less.; and
- (12) Seasonal Lighting.

**Sec. 4-10-162. - Prohibited Outdoor Lighting.**

The following types of Outdoor Lighting are prohibited in the City of Amarillo:

- (1) **Outdoor Lighting resembling emergency signals.** Outdoor Lighting that contains reflectors or glaring, strobe, or rotating lights, beacons, beams, or flashing illumination resembling an emergency signal.
- (2) **Searchlights, aerial lasers, and beacons.** Searchlights, aerial lasers, or any type of beacon used to attract attention to a property. This shall not prohibit the use of a searchlight by authorized personnel for emergency purposes.

**Sec. 4-10-163. - Outdoor Lighting standards.**

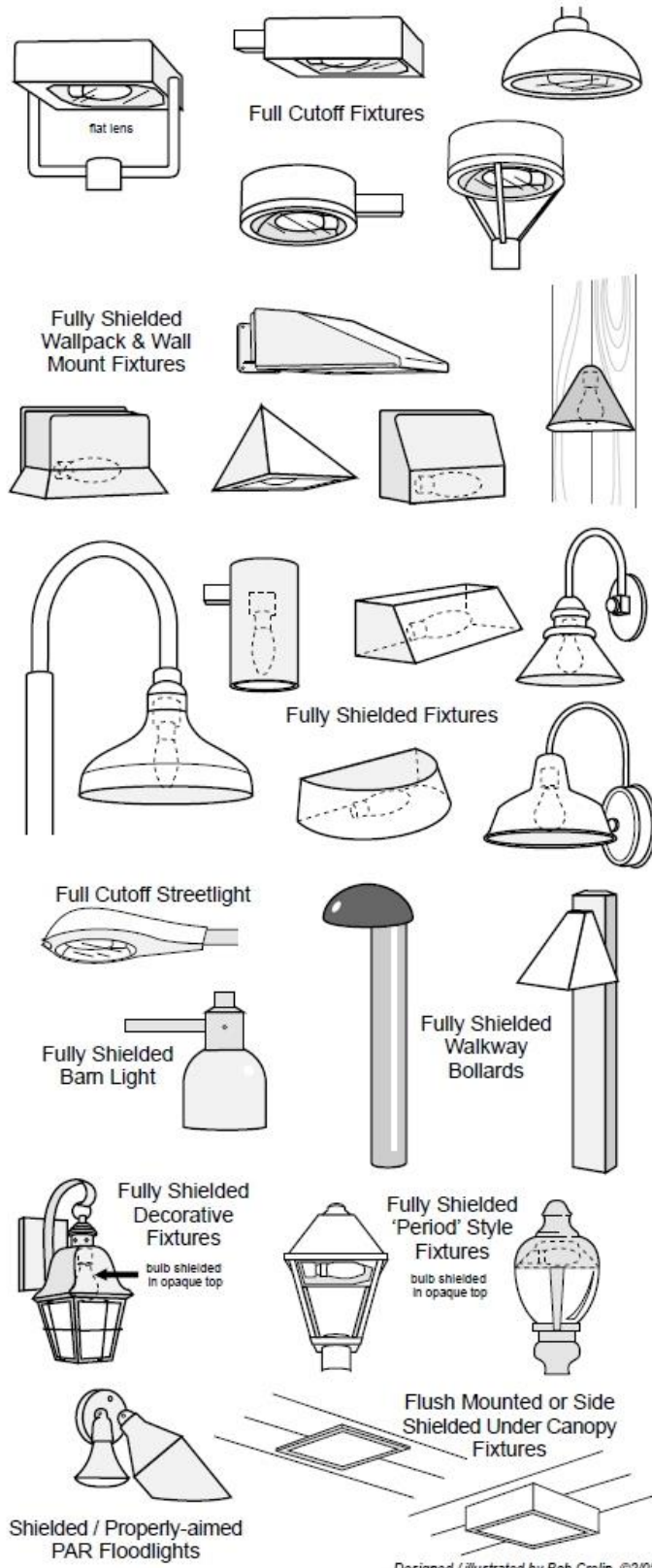
**(a) Height.**

- (1) All wall-mounted Fixtures shall meet the Height limit specified in *Article II, Zoning Districts*, for the District in which the Fixture is located.
- (2) All freestanding Fixtures shall be 15 feet in Height or less.

**(b) Setbacks.** All Fixtures shall be located at least 5 feet from all Lot Lines.

**(c) Shielding.** All Luminaires over 1,500 Lumens initial lamp output shall be Fully-Shielded. Examples of Fully-Shielded Luminaires are provided in Figure 4-10-163.1.

Figure 4-10-163.1 Examples of Fully-Shielded Luminaires





**(d) Appropriate lighting levels.**

- (1) In all Districts, lighting located within 300 feet of a Structure used for residential purposes shall be turned off between 10 p.m. and 6 a.m. or during non-operating hours, except Security Lighting necessary for safety purposes.
- (2) Timers, dimmers, or vacancy or motion sensors should be utilized when continuous lighting is not needed for safety or operational purposes.
- (3) Individual lighting power allowances for Building exteriors are specified in the International Energy Conservation Code, Section C405.5, which the City has adopted in *Chapter 4-3, Article IV, Energy Conservation Code*.

**(e) Maximum Vertical Illuminance at Lot Lines.**

- (1) The maximum allowable Vertical Illuminance at a Lot Line is based on the zoning of the adjacent Lot, as specified in Table 4-10-163.1:

<b>Table 4-10-163.1 – Maximum Vertical Illuminance at Lot Lines.</b>	
<b>Zoning District of Adjacent Lot</b>	<b>Vertical Illuminance (max)</b>
A, E, R-1, R-2, MD, or MH District	0.5 fc
MF District	1.0 fc
Any other Zoning District	2.5 fc
Street or Alley	2.5 fc

Key: max = maximum allowed | fc = Foot-Candle

- (2) Maximum Vertical Illuminance levels is measured in foot-candles:

- a. At the Lot Line,
- b. 5 feet above the ground, and
- c. with the light meter facing towards the adjacent Lot, Street, or Alley.

**(f) Correlated color temperature (CCT).**

- (1) Blue light emissions can be harmful to flora and fauna, and can result in decreased nighttime visibility and increased Skyglow. In order to minimize blue light emission, warm spectrum, amber lighting shall be utilized rather than cool spectrum, blue or white lighting, as specified in paragraph (2), below.

- (2) The CCT of Luminaires installed pursuant to the provisions of this Division shall be 3,000 Kelvins (3000K) or less.

**(g) High intensity and special purpose Outdoor Lighting.**

- (1) Lighting not complying with the technical requirements of this Division but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

- a. Sports facilities including, but not limited to, open courts, fields, and stadiums;
- b. Outdoor amphitheatres;
- c. Outdoor Lighting for industrial sites with special requirements;
- d. Parking structures;
- e. Theme and amusement parks; and
- f. Correctional facilities.

- (2) Applicants shall demonstrate in the Outdoor Lighting plan that the proposed lighting installation:

- a. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures; and
- b. Employs lighting controls to reduce Outdoor Lighting at a project-specific curfew time to be established in the Outdoor Lighting plan.

- (3) The proposed lighting installation shall be approved if the installation will not create unwarranted Glare, Skyglow, or Light Trespass.

- (h) Recommended Fixtures.** Property owners are encouraged to utilize Fixtures certified as “Dark-Sky Approved” through the International Dark-Sky Association Fixture Seal of Approval (FSA) program. Fixtures certified through the FSA program minimize Glare and reduce Light Trespass and Skyglow.

(i) **Outdoor Lighting plan required.** An Outdoor Lighting plan demonstrating compliance with this section shall be submitted as a component of a Site Plan in accordance with *Article V, Procedures*.

(j) **Nonconforming Luminaires.**

(1) Luminaires in existence as of the effective date of this Division are considered nonconforming. Such Fixtures may be maintained, repaired, and replaced in accordance with the provisions of *Article VI, Nonconformities*.

(2) Luminaires in existence as of the effective date of this Division that are found to direct light or Glare onto rights-of-way and/or Residential Lots may be declared a public nuisance if the Luminaire exceeds the maximum Vertical Illuminance at the Lot Line specified in this section. Such Fixtures shall be altered to reduce the light level to the maximum specified herein within 60 days of receipt of a written notice from the City.

**Sec. 4-10-164. - Reserved.**

**Sec. 4-10-165. - Reserved.**

**Sec. 4-10-166. - Reserved.**

**Sec. 4-10-167. - Reserved.**

**Sec. 4-10-168. - Reserved.**

**Sec. 4-10-169. - Reserved.**

## DIVISION 5. - PARKING

### Sec. 4-10-170. - Purpose.

This Division:

- (1) Sets minimum standards for off-street parking requirements for new construction and expansion of or changes to existing Uses, and
- (2) Ensures that Uses have a minimum level of off-street parking to avoid congestion on surrounding Streets.

### Sec. 4-10-171. - Applicability

#### (a) Generally.

- (1) Permanently maintained off-street parking shall be provided in accordance with this Division for all developed property within the City, except for non-residential Uses in the CB District.
- (2) Where the use of a Building or Structure does not change, increases in Floor Area or useable seating area of an Eating Place or Drinking Place by less than 35% made since January 1, 2021, do not require additional parking. *[NOTE: The current requirement appears to be that any change to a Structure requires compliance with the Schedule of Off-Street Parking. This allowance for less than 35% floor/seating area expansion is intended to provide flexibility for redevelopment.]*
- (3) If the Use of any developed Lot is changed to a Use that requires additional Off-Street Parking Spaces pursuant to the Off-Street Parking Schedules (Table 4-10-176.1 or Table 4-10-176.2), all requirements of this Division apply to that Lot.
- (4) An Historic Landmark or a Contributing Structure is not required to provide additional parking spaces for a change in Use when there is no expansion of the Landmark or Structure. Existing parking spaces shall be maintained, or may decrease where allowed by the Off-Street Parking Schedules (Table 4-10-176.1 and Table 4-10-176.2).

(b) **Parking in the CB District.** In the CB District, off-street parking is required for residential Uses but is not required for non-residential Uses (see Sec. 4-10-176). All other provisions of this Division apply to Off-Street Parking Spaces constructed in the CB District.

**(c) Limitation on size of vehicles in the E, R-1, R-2, MD, MF, MH, O, and NS Districts.**

- (1) In the E, R-1, R-2, MD, MF, MH, O, and NS Districts, no lot area, no parking space, Garage or Carport, or other automobile storage space or Structure shall be used for the storage of any truck, truck trailer, or van that exceeds one ton capacity according to the manufacturer's classification.
- (2) Any such vehicle so parked after having been placarded with a notice by the City of the violation of the foregoing requirement on any previous occasion may be towed from its location or detained at the operator's expense.

**Sec. 4-10-172. - Location of off-street parking.**

**(a) On-site and off-site parking allowed.**

- (1) In all Zoning Districts, off-street parking areas shall be provided:
  - a. On the Lot with the Use served by the parking area (“on-site”); or
  - b. On an immediately adjacent Lot (“off-site”); or
  - c. On an immediately adjacent Lot (“off-site”) across an Alley or a Street that is located within:
    1. The same Zoning District as the Use served by the parking area, or
    2. A Zoning District that would permit the establishment of the Use served by the parking area, or
    3. A Zoning District that would permit the establishment of a Commercial Parking Lot or Structure.
- (2) As used in this section, "immediately adjacent" means sharing a common Lot Line with at least one-half of the dimension of the Lot Line of the adjoining Lot, whether or not such Lots are separated by a Street or Alley.

**(b) Off-site parking requirements.** Where required Off-Street Parking Spaces for a Use are provided on an immediately adjacent Lot or on an immediately adjacent Lot across an Alley or a Street, the following additional requirements apply:

- (1) The off-site parking area shall be located a maximum of 500 feet from the associated Use, measured from the nearest point of entrance to the off-site parking area to the nearest entrance of the Building by following the shortest route of ordinary pedestrian travel.
- (2) An agreement ensuring the perpetual use of the off-site parking area by the associated Use shall be approved by the City Attorney, recorded with County, and provided to the City prior to Site Plan approval.
- (3) The off-site parking area and its associated Use shall be consolidated under a single Certificate of Occupancy and Compliance.
- (4) Changes to the off-site parking area or relocation of the Off-Street Parking Spaces require a new Certificate of Occupancy and Compliance, and a revised agreement, if applicable.
- (5) If the parking agreement is revoked by the parties to the agreement, the Certificate of Occupancy and Compliance will be revoked, unless off-street parking is provided in another location in accordance with the requirements of this Division.

**(c) Parking in the public right-of-way.**

- (1) No portion of a parking space required by this Division shall be located in a public right-of-way.
- (2) On-Street parking may be allowed by the City Traffic Engineer if:
  - a. the parking arrangement does not create a traffic hazard and
  - b. adequate space for pedestrian traffic is provided.
- (3) Maneuvering areas for entering and leaving an Off-Street Parking Space, except for a space associated with a One- or Two-Family Dwelling, shall be located on the Lot and completely outside the public right-of-way.

**(d) Alley access.** In areas platted after May 1976, off-street parking areas shall not have direct access to an Alley that is immediately adjacent to or located in an A, E, R-1, R-2, MD, MF, or MH Zoning District, except for off-street parking areas for One-Family and Two-Family Dwellings.

- (e) **Parking in bufferyards.** Off-Street Parking Spaces shall not be located in a bufferyard established pursuant to Sec. 4-10-152.
- (f) **Parking in required Yards.** Off-Street Parking Spaces shall not be located within a required Yard, except where explicitly allowed by this Division.

**Sec. 4-10-173. - General requirements for off-street parking areas.**

- (a) **Conformance with Traffic Code.** All Off-Street Parking Spaces and areas shall be established, maintained, and marked in accordance with Chapter 16-3, Article X, *Driveway and Parking Permits, Specifications, and Rules*, and shall comply with all other applicable provisions of the City of Amarillo Traffic Code (Chapter 16-3).
- (b) **Design of off-street parking areas.** The Off-Street Parking Spaces required by this Division may be:
  - (1) Constructed at grade-level (“surface parking”), or
  - (2) Accommodated in a Parking Structure if a Parking Structure is a permitted use in the Zoning District (“structured parking”), or
  - (3) A combination of surface and structured parking, if a Parking Structure is a permitted use in the Zoning District.
- (c) **Driveway connection required.** All Off-Street Parking Spaces shall be provided with a paved driveway connecting the spaces to a Street or Alley.
- (d) **Pedestrian access.**
  - (1) Parking areas for non-residential Uses must separate pedestrians from vehicles through protected pedestrian walkways that lead to Building entrances. Walkways shall be designed in a manner that encourages their use.
  - (2) Pedestrian walkways shall connect to sidewalks along adjacent Streets and to Buildings or Structures within a development.
- (e) **Landscaping for off-street parking areas.** All off-street parking areas for multiple-family and non-residential Uses shall be landscaped in accordance with Division 3 of this Article.

(f) **Building Permit required.** A Building Permit is required for any new Off-Street Parking Space or any change to an existing Off-Street Parking Space. For new construction, the permit may be considered part of the Building Permit for the Structure served by the parking spaces.

**Sec. 4-10-174. – Special requirements for off-street parking areas in the E, R-1, R-2, MD, and MH Districts.**

**(a) Off-street parking areas for Residential Uses.**

**(1) Location.**

- a. For Multiple-Family Dwellings in the MD District, the required location of off-street parking areas is specified in Article III, *Use Regulations*, Section 4-10-102.
- b. For all other residential Uses in the E, R-1, R-2, MD, and MH Districts, Off-Street Parking Spaces for residential Uses may be provided in garages, carports, driveways, front Yards, side Yards adjacent to a Street, and/or rear Yards.

(2) **Size.** When Off-Street Parking Spaces are provided in front Yards or side Yards adjacent to a Street, the parking spaces shall occupy no more than 50% of the required Yard.

(3) **Paving.** Off-Street Parking Spaces shall be paved with concrete or asphalt in accordance with Chapter 16-3, Article IX, *Driveway and Parking Permits, Specifications, and Rules* prior to the issuance of a Certificate of Occupancy and Compliance.

**(b) Off-street parking areas for Live/Work Dwellings and non-residential Uses.**

(1) **Location.** Off-street parking areas for Live/Work Dwellings and Non-Residential Uses shall be located to rear of the Main Building.

(2) **Paving.** Off-street parking areas shall be paved in accordance with Chapter 16-3, Article IX, *Driveway and Parking Permits, Specifications, and Rules* prior to the issuance of a Certificate of Occupancy and Compliance.



**Sec. 4-10-175. - Special requirements for off-street parking areas in the MF, O, NS, GR, CB, and LC Districts.****(a) Location.**

- (1) Off-street parking areas shall be located internal to the Development with Buildings abutting the Street.
- (2) If this layout is not possible due to factors including, but not limited to, topography; the location of environmental, historical, or cultural resources; driveway location(s); or existing Lot configuration, then parking areas located adjacent to any Street shall be screened (see Division 3 of this article) with a:
  - a. Type A bufferyard or a wall with a maximum height of 4 feet in the CB District;
  - b. Type B bufferyard or a wall with a maximum height of 4 feet in all other Districts.

**(b) Paving.** Off-street parking areas shall be surfaced in accordance with Chapter 16-3, Article IX, *Driveway and Parking Permits, Specifications, and Rules* prior to the issuance of a Certificate of Occupancy and Compliance.

**Sec. 4-10-176. - Off-street parking schedules.****(a) Minimum number of Off-Street Parking Spaces.**

- (1) The minimum number of Off-Street Parking Spaces required is specified in Table 4-10-176.1, *Off-Street Parking Schedule for Residential Uses* and Table 4-10-176.2, *Off-Street Parking Schedule for Non-Residential Uses*, except as otherwise provided in this section.
- (2) In the CB District:
  - a. The minimum number of Off-Street Parking Spaces required for residential Uses is specified in Table 4-10-176.1, except as otherwise provided in this section.
  - b. Off-street parking is not required for non-residential Uses.

**(b) Maximum number of Off-Street Parking Spaces.**

- (1) The maximum number of Off-Street Parking Spaces allowed is 125% of the minimum number of spaces specified in Table 4-10-176.1 and Table 4-10-176.2, except as otherwise provided in this section.
  - (2) When off-street parking (whether required or not) is provided for any Use(s) in the CB District, the maximum number of Off-Street Parking Spaces allowed is 125% of the minimum number of spaces specified for the Use(s) in Table 4-10-176.1 and Table 4-10-176.2
- (c) **Reduction for infill Development.** To encourage the Development or redevelopment of Infill Lots in the O, NS, GR, LC, and HC Districts, the applicant may elect to reduce the minimum number of Off-Street Parking Spaces required by Table 4-10-176.1 and Table 4-10-176.2 by 20%.
- (d) **Reduction for Adaptive Reuse.** To encourage reinvestment in established neighborhoods, promote neighborhood preservation, and revitalize neighborhoods, the incentives specified in this subsection apply for the Adaptive Reuse of eligible Buildings located in an adopted Neighborhood Plan area. *[NOTE: If there are other development standards (e.g., landscaping) or dimensional standards that should be adjusted for adaptive reuse projects, an alternative approach is to create a set of use regulations (Article III) for adaptive reuse projects.]*
- (1) **Eligible Buildings.**
    - a. To be eligible for an Adaptive Reuse parking reduction, a Building shall be located on a Lot within the boundaries of an adopted Neighborhood Plan area and:
      1. At least 20 years old, or
      2. A Dangerous Structure, as defined in Chapter 4-3, Sec. 4-3-3. *Abatement of substandard structures*; or
      3. A vacant Building that has not been occupied for more than 3 years.
    - b. To be eligible for an Adaptive Reuse parking reduction, any Building that meets the requirements in paragraph a., above, may not be expanded by more than 50% of its current Floor Area.
  - (2) **Additional locations for off-street parking.**

- a. Required parking may be located on-site or off-site as specified in Sec. 4-10-172, except that off-site parking for an Adaptive Reuse may be located on a Lot that is not immediately adjacent if:
  1. The off-site parking area is located within 1,320 feet of the eligible Building, measured from the nearest point of entrance to the off-site parking area to the nearest entrance of the eligible Building by following the shortest route of ordinary pedestrian travel along a public Street or Alley; and
  2. The use of the off-site parking area by the Use(s) in the eligible Building does not reduce required parking for any other Use below that required by this division.
- b. If the eligible Building is located within 1,320 feet of a public parking lot or public Parking Structure, any parking spaces in excess of those already dedicated for other Uses may be counted for up to 50% of the required number of Off-Street Parking Spaces for the Use(s) in the eligible Building.
- c. Staff will maintain a record of parking space allocations for individual Uses in off-site and public parking areas.

- (3) **Reduction in required number of Off-Street Parking Spaces.** The minimum number of Off-Street Parking Spaces required by Table 4-10-176.1 and Table 4-10-176.2 for the Adaptive Reuse of an eligible Building may be reduced by 50%.

**(e) Calculation of required number of Off-Street Parking Spaces.**

- (1) In calculating the number of Off-Street Parking Spaces required for any Building, Structure, Development, or change in Use, the total parking requirements shall be the sum of the individual Off-Street Parking Space requirements specified in Table 4-10-176.1 and Table 4-10-176.2 for each category of Use included in the Building, Structure, or Development, except where shared parking is provided pursuant to Sec. 4-10-177.
- (2) If the final calculation of the minimum number of required Off-Street Parking Spaces includes a fractional space, the number of required Off-Street Parking Spaces is rounded up to the nearest whole number, regardless of the fraction.

- (3) If the final calculation of the maximum number of required Off-Street Parking Spaces includes a fractional space, the number of required Off-Street Parking Spaces is rounded down to the nearest whole number, regardless of the fraction.
- (4) Where a Parking Structure is provided, the Floor Area of the Parking Structure(s) devoted to off-street parking of vehicles is excluded from the calculation of the Off-Street Parking Space requirements for the associated Use(s).

**(f) Administrative adjustments.**

- (1) The Planning and Development Services Director may adjust the minimum or maximum number of Off-Street Parking Spaces required by up to:
  - a. 10% for any proposed new Development, redevelopment, or change of Use; and
  - b. 20% for additions to an Historic Landmark or a Contributing Structure.
- (2) For proposed new Development, redevelopment, or change of Use, the Applicant shall, as part of the Site Plan Application (see *Article V, Procedures*), demonstrate the need for the administrative adjustment by submitting a parking demand forecast in accordance with Sec. 4-10-176(g)(2)d., below.
- (3) For additions to an Historic Landmark or a Contributing Structure the Applicant shall, as part of the Site Plan Application, (see *Article V, Procedures*) demonstrate that:
  - a. The nature or location of the Historic Landmark or Contributing Structure precludes the provision of some of the required parking spaces; or
  - b. Providing all of the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Landmark or Contributing Structure; and
  - c. Any reduction in the required number of parking spaces shall be only for the amount that the Applicant is physically unable to provide.

**(g) Explanation of off-street parking schedules.**

**(1) Explanation of Table 4-10-176.1.**

- a. Table 4-10-176.1, *Off-Street Parking Schedule for Residential Uses*, establishes the minimum number of Off-Street Parking Spaces required for the Residential Uses listed in Article II, Division 8 (*Use Table*).
- b. The minimum number of Off-Street Parking Spaces is based on the type of Dwelling Unit and the Zoning District in which the Dwelling Unit is located.

**(2) Explanation of Table 4-10-176.2.**

- a. Table 4-10-176.2, *Off-Street Parking Schedule for Non-Residential Uses*, establishes the minimum number of Off-Street Parking Spaces required for the Non-Residential land Uses listed in Article II, Division 8 (*Use Table*).
- b. The minimum number of Off-Street Parking Spaces applies in all Zoning Districts that allow the listed Use, except in the CB District as specified in subsection (a), above.
- c. Where the minimum number of Off-Street Parking Spaces is based on “maximum occupancy,” maximum occupancy means the maximum number of persons permitted by the Fire Marshal to occupy the Building, Structure, or facility at one time.
- d. Where the minimum number of Off-Street Parking Spaces is established via a parking demand forecast (“Parking demand forecast required”), the Applicant shall submit a parking demand forecast prepared by a by a professional engineer or transportation planner in conjunction with the required Site Plan (see Article V, *Procedures*).
  1. The purpose of the parking demand forecast is to demonstrate the appropriate minimum Off-Street Parking Space requirement for the proposed Use.
  2. The professional engineer or transportation planner shall provide documentation verifying parking demand based on:

- i. Relevant data for the proposed Use, if available, such as number of employees, hours of operation, and number and frequency of customer or client visits; and/or
- ii. Actual parking counts for Uses or combinations of Uses that are the same or comparable to the proposed Use(s) in terms of density, scale, bulk, area, type of activity, and location; and/or
- iii. Data from the Institute of Transportation Engineers (ITE), Center for Neighborhood Technology (CNT), Urban Land Institute, or another generally accepted resource for parking demand data.

(h) **Unlisted Uses.** The Planning and Development Services Director may determine the parking space requirements for any Use not listed in Table 4-10-176.1 or Table 4-10-176.2, based on the determination of similar Uses as set out in the Use Table (Article II, Division 8) and any documentation of parking generation for that type of Use.

Table 4-10-176.1 – Off-Street Parking Schedule for Residential Uses				
Type of Residential Use	Number of Parking Spaces Required			
	A, E, R-1, R-2, MD, MF, and MH Districts	NS	GR	CB
Accessory Dwelling Unit	1 per DU	1 per DU	--	--
One-Family Dwelling (Detached)	2 per DU	1 per DU	--	--
Townhouse Dwelling	2 per DU	1 per DU	--	--
Duplex Dwelling	2 per DU	1.5 per DU	--	--
Multiple-Family Dwelling	1.75 per DU	1.5 per DU	1.5 per DU	1 per DU
Multiple-Family Dwelling (Age-Restricted)	0.75 per DU	0.75 per DU	0.75 per DU	0.5 per DU
Live/Work Dwelling	2 per DU + all spaces required for the non-residential Use	1 per DU + all spaces required for the non-residential Use	1 per DU + all spaces required for the non-residential Use	1 per DU

**Table 4-10-176.1 – Off-Street Parking Schedule for Residential Uses**

Mixed Use Building	2 per DU + all spaces required for the non-residential Use (s)	1.5 per DU + all spaces required for the non-residential Use	1.5 per DU + all spaces required for the non-residential Use	1 per DU
Manufactured Home (Type A)	2 per DU	--	--	--
Manufactured Home (Type B)	2 per DU	--	--	--
Manufactured Home (Type C)	2 per DU	1 per DU	--	--
Industrialized Housing	<i>Based on type of DU</i>			
Manufactured Home Park	2 per DU	--	--	--
Manufactured Home Subdivision	2 per DU	--	--	--
Tiny Home	1 per DU	1 per DU	--	--
Tiny Home Court	1 per DU	1 per DU	--	--

Key: DU = Dwelling Unit | -- = Use not allowed in Zoning District

<see Table 4-10-176.2 - Off-Street Parking Schedule for Non-Residential Uses, in separate PDF>

**Sec. 4-10-177. - Shared parking.**

(a) **Purpose.** Uses on adjacent Lots or Uses within a mixed use development, shopping center, office/business park, or neighborhood commercial area may have different hours of operation and peak parking demand hours. Shared parking offers the potential to reduce the amount of impervious area and to enhance the efficiency of site design.

(b) **Applicability.** The provisions in this section are available for Uses on adjacent Lots and for Uses within:

- (1) A mixed use development; or
- (2) A retail or shopping center; or
- (3) An office, business, or industrial park; or
- (4) A medical or school campus; or

- (5) A Non-Residential District located on an Arterial or Collector Street and within the boundaries of an adopted Neighborhood Plan area.
- (c) **Generally.** Off-Street Parking Spaces may be shared among more than one Use, whether the Uses are on the same Lot or on separate Lots.
- (d) **Site Plan approval required.** Shared parking areas require approval through the Site Plan process (see *Article V, Division 2*).
- (e) **Shared parking agreement required.**
  - (1) When Off-Street Parking Spaces are shared among more than one Use, a legally sufficient agreement ensuring the perpetual joint usage and maintenance of the shared parking area(s) shall be recorded with County.
  - (2) The recorded shared parking agreement shall be submitted to the City prior to Site Plan approval.
  - (3) If a shared parking agreement is revoked by the parties to the agreement, off-street parking shall be provided in another location in accordance with the requirements of this Division.
- (f) **Reduction in number of Off-Street Parking Spaces.**
  - (1) Where Off-Street Parking Spaces are shared among two or more Uses that have different hours of operation or peak parking demand hours, the Planning and Development Services Director may allow a reduction in the total number of required parking spaces.
  - (2) The reduction shall be based on a shared parking analysis prepared by a professional engineer or transportation planner that clearly demonstrates the feasibility of shared parking.
  - (3) In the shared parking analysis, the professional engineer or transportation planner shall assess:
    - a. Site-specific elements, including the size and type of the proposed Development and the composition of Uses or tenants; and
    - b. The anticipated rate of parking turnover and the



- c. anticipated peak parking and traffic loads for all Uses, using:
  1. Actual parking counts for Uses or combinations of Uses that are the same or comparable to the proposed Use(s) in terms of density, scale, bulk, area, type of activity, and location; and/or
  2. Relevant data from the Institute of Transportation Engineers (ITE), Center for Neighborhood Technology (CNT), Urban Land Institute, or another generally accepted resource for parking demand data.

**Sec. 4-10-178. - Vehicle queuing.**

(a) **Applicability.** This section applies to:

- (1) Any Use or operation with associated Drive-In or Drive-Thru Service and
- (2) Any parking lot with a gated entrance.

(b) **Vehicle queuing lanes.**

- (1) **Minimum length.**
  - a. All facilities subject to this section shall provide a vehicle queuing lane or lanes with a minimum length in accordance with Chapter 16-3, Article X, *Driveway and Parking Permits, Specifications, and Rules*.
  - b. A queuing lane is measured as the linear distance between the queuing lane entrance and the Drive-In or Drive-Thru Service Area or the gated entrance.
- (2) **Minimum width.** Vehicle queuing lanes shall be at least 10 feet in width, excluding curbs.
- (3) **Location.** Vehicle queuing lanes:
  - a. Shall be located entirely on the Lot containing the Use or operation subject to this section;
  - b. Shall not encroach into public right-of-way;

- c. Shall be clearly marked; and
- d. Shall not interfere with parking spaces, drive aisles, loading areas, internal circulation, driveway access, or fire lanes.

(Code 1960, § 26-18(A); Ord. No. 5557, § 1, 11-12-85; Ord. No. 5678, § 1, 4-28-87; Ord. No. 5679, § 1, 4-28-87; Ord. No. 5693, § 1, 7-7-87; Ord. No. 5918, § 1, 6-5-91; Ord. No. 6053, § 1, 12-7-93; Ord. No. 6268, § 1(JJ), 12-24-96; Ord. No. 6276, § 1, 3-11-97; Ord. No. 6741, § 4, 6-8-2004; Ord. No. 7204, § 3, 1-26-2010)

(Code 1960, § 26-9; Ord. No. 5723, § 2, 11-24-87; Ord. No. 5828, § 2, 9-26-89; Ord. No. 5862, § 1, 6-12-90; Ord. No. 5986, § 1, 12-1-92; Ord. No. 6101, § 1(A), 9-27-94; Ord. No. 6214, § 1, 2-6-96; Ord. No. 6268, § 1(K), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6405, § 1, 3-23-99; Ord. No. 6514, § 1, 2-6-2001; Ord. No. 6568, § 4, 11-27-2001; Ord. No. 6681, § 1, 9-30-2003; Ord. No. 6699, § 4, 11-25-2003; Ord. No. 6708, § 2, 1-27-2004; Ord. No. 6904, § 1, 2-21-2006; Ord. No. 7724, § 3, 3-27-2018)

**Sec. 4-10-179. - Reserved.**

**Sec. 4-10-180. - Reserved.**

**Sec. 4-10-181. - Reserved.**

**Sec. 4-10-182. - Reserved.**

**Sec. 4-10-183. - Reserved.**

**Sec. 4-10-184. - Reserved.**

**DIVISION 6. - PARKS, OPEN SPACE, & CIVIC SPACE**

**To be developed in Module 3.**

**Sec. 4-10-185. - Purpose.**

**Sec. 4-10-186. - Applicability.**

**Sec. 4-10-187. - Dedication and improvement standards.**

**Sec. 4-10-188. - Maintenance and liability of private parks, open space, and civic space.**

**Sec. 4-10-189. - Reserved.**

**Sec. 4-10-190. - Reserved.**

**Sec. 4-10-191. - Reserved.**

**Sec. 4-10-192. - Reserved.**

**Sec. 4-10-193. - Reserved.**

**Sec. 4-10-194. - Reserved.**

## **DIVISION 7. - PERFORMANCE STANDARDS**

### **Sec. 4-10-195. - Purpose.**

The purpose of the performance standards is to ensure that noise, smoke, particulate matter, odor, explosive, toxic materials, vibration and glare are in regulated in a manner that is above the minimum state and federal legal requirements. These local requirements are to ensure that the use can exist in a location where City residents' quality of life is not lowered because of the negative effects of the environmental pollutants.

### **Sec. 4-10-196. - Applicability.**

- (a) The following standards shall apply to any manufacturing or industrial use that is permitted in either the I-1, I-2, or PD Industrial Districts.
- (b) The standards found in Sec. 4-10-199, *Noise*, Sec. 4-10-200, *Smoke and Particulate Matter*, and Sec. 4-10-202, *Vibration*, apply to all properties regardless of the use in the A, E, R-1, R-2, MD, MF, and MH Districts.
- (c) The performance standards of this Division require continued compliance with the standards of this section for the use to be continued to be permitted. The City reserves the right to monitor long-term compliance with the standards of this Division.

(Code 1960, § 26-22(A))

### **Sec. 4-10-197. - Air contaminants (such as odor & fumes).**

- (a) No use shall emit odorous matter from a source operation where the odorous matter, as measured from any location off-site of the use, exceeds the odor threshold of two odor units when diluted with an equal volume of odor-free air.
- (b) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by the American Society for Testing Materials, (A.S.T.M.D.) 1391-57 entitled Standard Method for Measurement of Odor in Atmospheres shall be used, and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

(Code 1960, § 26-22(B))

(Code 1960, § 26-22(C))

**Sec. 4-10-198. - Glare.**

- (a) Any activity producing heat or Glare shall be carried on in such a manner that such heat or Glare is not perceptible at any Lot line.
- (b) Exposed sources of light, including bare bulbs and tubes and immediately adjacent reflecting surfaces, shall be shielded to avoid creating a nuisance across Lot lines.
- (c) The light intensity from illumination of any kind shall not exceed fifty-foot lamberts at any point along the line of the Lot containing the light source.
- (d) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along Lot Lines.
- (e) Buildings and Structures shall be designed and oriented to avoid Glare that materially interferes with the safe operation of Streets.

(Code 1960, § 26-22(B))

(Code 1960, § 26-22(C))

**Sec. 4-10-199. - Noise.**

- (a) No use shall exceed the noise level of 68 max. dBA unless one of the following exceptions is met:
  - (1) A noise emanating from construction activities between the hours of 7:00 am and 7:00 pm that are temporary in nature; or
  - (2) Emergency warning devices and equipment operated in conjunction with an emergency situation, including the routine testing of such warning devices during daytime hours.
- (b) Sound level measurements shall be made with a properly calibrated sound level meter using the weighted network in accordance and conformance with noise measurement standards based on the referenced sound pressure, promulgated by the American National Standard Institute and Testing Procedures (ANSI). The sound level measurement shall be taken at the point and where practical not less than five feet above ground level, but in no event less than three feet above ground level. A minimum of three readings shall be taken at two-minute intervals. The sound level shall be the average of these readings.

(Code 1960, § 26-22(B))

(Code 1960, § 26-22(C))

**Sec. 4-10-200. - Smoke and particulate matter.**

- (a) All uses shall meet the federal air quality standards as set forth by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40).
- (b) No operation or use shall create or allow the emission for more than five minutes in any one hour of air contaminants which at the emission point or within the property are:
- (1) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information Bulletin 7118 and as specified by the Texas Air Control Board Regulations for the Control of Air Pollution as published by the Texas State Department of Health.
  - (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in subsection (b)(1) except that when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a Building which prevents their escape into the outside atmosphere, the standards in subsection (b)(1) and (2) shall not apply.
  - (3) The emission of particulate matter from all sources in an I-1 or PD Industrial District shall not exceed the level specified for Type C Land Use (industrial) by the Texas Air Control Board Regulations for the Control of Air Pollution as published by the Texas State Department of Health.
  - (4) The open storage and open processing operations, including on-site transportation movements which are the source of wind or air-borne dust or other particulate matter; or which involves dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the Lot on which the use is located in concentrations exceeding the level specified for Type C Land Use (industrial) by the Texas Air Control Board Regulations for the Control of Air Pollution as published by the Texas State Department of Health.

(Code 1960, § 26-22(B))

(Code 1960, § 26-22(C))

**Sec. 4-10-201. - Toxic, flammable, and explosive hazard material.**

**(a) Fire and explosive hazard material.**

- (1) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers when approved by the Fire Department of the City.
- (2) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Fire Department of the City.

**(b) Toxic and noxious matter.** No operation or Use shall emit a concentration of toxic and/or noxious matter off-site exceeding 10 percent of the concentration (exposure) considered as the threshold limit for an industrial worker as set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3. A copy of these regulations is incorporated by reference and is on file in the Office of the Building Official of the City.

(Code 1960, § 26-22(B))

(Code 1960, § 26-22(C))

**Sec. 4-10-202. - Vibration.**

No operation or use shall at any time create earthborn vibration which, when measured off-site of the source of operation, exceeds the limits of displacement set forth in the following table in the frequency ranges specified.

<b>Frequency cycles per second</b>	<b>Displacement (in inches)</b>
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
40 and over	.0003

(Code 1960, § 26-22(B))

(Code 1960, § 26-22(C))

**Sec. 4-10-203. - *Reserved.***

**Sec. 4-10-204. - *Reserved.***

**Sec. 4-10-205. - *Reserved.***

**Sec. 4-10-206. - *Reserved.***

**Sec. 4-10-207. - *Reserved.***

**Sec. 4-10-208. - *Reserved.***

**Sec. 4-10-209. - *Reserved.***



## DIVISION 8. - SIGNS

*[NOTE: Chapter 4-2, Signs, is incorporated into the Zoning Ordinance here in Division 8. The existing ordinance is carried forward with no changes, except where indicated.]*

### Sec. 4-10-210. - Purpose and application.

(a) Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by publishing a message. This ordinance provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and, in part, to achieve the following:

- (1) **Safety.** To promote the safety of persons and property by providing that Signs:
  - a. Do not create a hazard due to collapse, fire, collision, decay, or abandonment;
  - b. Do not obstruct fire-fighting or police surveillance; and
  - c. Do not create traffic hazards by confusing or distracting motorists or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to see/read traffic signs and control devices.
  
- (2) **Communications Efficiency.** To promote the efficient transfer of information in Sign messages by providing that:
  - a. Those Signs that provide messages and information most needed and sought by the public are given priorities;
  - b. Businesses and services may identify themselves;
  - c. Customers and other persons may locate a business or service;
  - d. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
  - e. Persons exposed to Signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

- (3) **Landscape Quality and Preservation.** To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that Signs:
- a. Do not interfere with scenic views;
  - b. Do not create a nuisance to persons using the public rights-of-way;
  - c. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; and
  - d. Are not detrimental to land or property values; and areas or districts within the City, helping the observer to understand the City and orient himself within it.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-211. - Prohibited signs.**

All signs not expressly permitted under this Division or exempt from regulation are prohibited in the City. Such signs include, but are not limited to:

- (1) Portable signs, banners, and other such temporary signs, except as allowed under Sec. 4-10-219 and Sec. 4-10-220.
- (2) Snipe or bandit signs or any advertisement placed on trees, rocks, or other natural features.
- (3) Off-premises signs in the City limits, unless excepted in Sec. 4-10-221.
- (4) Off premise signs in the City of Amarillo's Extra Territorial Jurisdiction (ETJ) unless excepted in Sec. 4-10-222.
- (5) Signs or any portion of signs which are in or project or extend into the public right-of-way, any public sidewalk, street, alley, or other public property unless excepted in Sec. 4-10-217.
- (6) Signs which are located within a runway protection zone constructed to a height that violates any maximum height restrictions established by the United States Department of Transportation and/or the Federal Aviation Administration.

- (7) Signs which make use of any word, phrase, symbol, character, device, or illumination, in such manner as to interfere with, mislead, or otherwise constitute a hazard to pedestrian or vehicular traffic.
- (8) Signs which resemble official traffic control signs, signals, or devices, which bear words, "STOP," "Go Slow," "Caution," "Danger," "Warning," or similar words, other than as allowed by Sec. 4-10-215 (9).
- (9) Signs which contain reflectors or glaring, strobe, or rotating light, beacon, beam or flashing illumination resembling an emergency signal.
- (10) Searchlights or any type of beacon used to attract attention to a property. This shall not prohibit the use of a searchlight by authorized personnel for emergency purposes.
- (11) Spectacular signs and signs which emit audible sound, odor, or visible matter.
- (12) Any sign or advertising device attached to any motor vehicle or any trailer or other structure parked on a public right-of-way, the basic purpose of which sign or advertising device is to provide advertisement of a product or to direct people to a business or activity located on the same property or other property or premises, except as allowed under Sec. 4-10-215 (12).
- (13) Video display signs, except for the use on private property where such sign is not visible from any public street.
- (14) Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such manner as to permit the images projected there from to be visible from any public street or sidewalk.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-212. - Sign permit required.**

- (a) Except as otherwise provided in this Division, no Sign shall hereafter be erected, constructed, reconstructed, installed, painted or replaced until a permit for such Sign has been issued by the Building Official.
- (b) The applicant for a Sign permit shall complete a Sign permit application on forms approved by the City. All information required on the application shall be provided.

- (c) It shall be the Sign applicant's duty to ascertain that the proposed Sign meets all requirements of the Amarillo Municipal Code.
- (d) A separate electrical permit shall be obtained for electrical service to a Sign as required by *Chapter 4-4, Electricity*.
- (e) Sign permits shall be issued only to persons who are registered as required by *Chapter 4-1, Article II*.
- (f) The Building Official shall have the power to revoke permits at any time for failure by the permittee to comply with any provision of this Division. In such cases, all work on such Sign shall immediately cease, save and except that necessary to remove that portion of the Sign or sign structure erected at the time of such revocation.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-213. - Fees and contractors.**

Fees, permits procedure, contractor registration, and other matters stated in *Chapter 4-1* apply to this Division.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-214. - Downtown Signs.**

Signage on property located within the Downtown Overlay District shall be subject to the permitting, fees, inspections, and applicable construction and electrical code provisions of this Division, but in all other aspects such signs shall be subject to and comply with the Downtown Amarillo Urban Design Standards adopted by reference in *Article II, Division 7, Sec. 4-10-71*.

*[NOTE: Minor edits to this paragraph for consistency with new location of D-O.]*

(Ord. No. 7223, § 6, 7-20-2010)

**Sec. 4-10-215. - Exemptions.**

- (a) The following signs are exempt from permit requirements outlined in this Division; however, such signs shall be located on private property and shall comply with all other Division requirements.
  - (1) Copy change and sign face replacement, when no increase in sign area or height is made, for signs otherwise allowed under this Division; not to include however, changes proposed on a non-conforming sign or modifying any sign to an Electronic Message Center.

- (2) Construction sign when placed upon the construction site following the issuance of a building permit. Only one (1) such sign shall be allowed per street frontage and each sign shall not exceed sixty-four (64) square feet in area. Such sign must be removed not later than thirty (30) days after a certificate of occupancy is issued by the building official.
- (3) Contractor signs identifying the contractor or subcontractor performing work on the premises where the sign is displayed. Such signs may not exceed a total of six (6) square feet in area and must be removed from the premises when the work is completed.
- (4) Directory signs and office identification signs, up to one (1) of each such sign per building façade, provided that no one (1) sign shall exceed sixty-four (64) square feet in area.
- (5) Flags of the United States, State of Texas, or any other political subdivision, any flag or banner of a bona fide religion, fraternal or charitable organization, and flags of corporations, subdivisions, or community associations or organizations.
- (6) Incidental signs, provided that such signs shall not exceed four (4) square feet and shall comply with all other requirements of this Section.
- (7) Nameplate signs for residential locations, not to exceed two (2) square feet in area.
- (8) Non-commercial message signs, provided that such signs shall not exceed a total of sixty-four (64) square feet in area per lot and no single sign shall exceed thirty-two (32) square feet in area per face and shall not exceed five (5) feet in height to the top from the surrounding finished grade.
- (9) On-site directional signs and street identification signs not exceeding four (4) square feet, which denote the entrance, exit, and direction of traffic flow.
- (10) Political signs that do not exceed an area equal to one (1) square foot per linear foot of lot frontage on which the sign is erected or thirty-six (36) square feet, whichever is greater. Political signs shall be removed within thirty (30) days following the election or activity for which such sign was intended.

- (11) Professional nameplates and occupational signs, when attached to the building face and which denote only the name and occupation of an occupant in a commercial building or public institutional building and not exceeding four (4) square feet per sign area.
- (12) Signs painted on or attached to any vehicle or trailer or other portable structure, provided that:
  - a. Such a sign merely identifies the vehicle or trailer or other portable structure as belonging to such business by displaying the name, address, and/or contact information of such business, and/or generally identifies the type of product or service offered by such business, but which includes no specific advertisement of goods or services for sale; and
  - b. The primary use of such vehicle or trailer or other portable structure is for the transportation of products or the delivery of services in connection with such business; and
  - c. Such vehicle or trailer or, if applicable, other portable structure, is currently licensed and inspected in the State of Texas and is in operable condition; and
  - d. Such vehicle or trailer or other portable structure does not remain parked for longer than seventy-two (72) consecutive hours on the same property. Any such vehicle or trailer or other portable structure parked for longer than seventy-two (72) consecutive hours on the same property shall be considered a temporary sign subject to Sec. 4-10-219.
- (13) Real estate signs which advertise the sale, rental, or lease of the premises on which such signs are located shall be subject to the following limitations:
  - a. Residential District - A total sign area not to exceed sixteen (16) square feet; or
  - b. Nonresidential District - A maximum sign dimension of thirty-two (32) square feet, and:
    1. One (1) per lot frontage; or

2. For lots that have frontage that exceed three hundred (300) linear feet, one (1) additional sign per three hundred (300) linear feet.
- (14) Signs on fences or other structures that are positioned internally within public or private play fields.
- (15) Signs prepared by or for the local, state, or federal government, including sites or buildings of historical significance.
- (16) Temporary signs advertising garage sales provided that such signs shall not exceed four (4) square feet; are only allowed on private property; and shall be removed within one (1) day following the sale.
- (17) Traffic or street signs, legal notices, public utilities, railroad crossing signs, danger, and such emergency, temporary or non-advertising signs as approved by the City of Amarillo, may be located in the public right-of-way.
- (18) Window signs of a temporary nature only that do not exceed fifty (50) percent of the total window area.
- (19) Wall decorations and works of art that do not include a commercial message.
- (20) Messages or promotional items related to the sale or lease of motor vehicles where such message or items are affixed to, on, or within said motor vehicles.
- (21) Flags, streamers, pennants and inflatables associated with a promotion or special event.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-216. - Sign master plan.**

- (a) **Purpose.** The purpose of a master sign plan is to allow a property owner or developer, subject to approval of the City, the option of designating an area that will allow flexibility in sign location due to peculiarities in the location or configuration of parcels of real property, such as parcels with no street frontage, or multiple parcels organized into combined uses, or to allow creative sign management in exchange for a cumulative reduction in sign area, sign height or the total number of signs.

(b) **Minimum requirements.** To qualify for a sign master plan, an area must:

- (1) Include one (1) lot or parcel or two (2) or more contiguous lots or parcels that are not included in any other sign master plan.
- (2) The owners, or the authorized representatives of the owners, of all lots within the proposed sign master plan area must sign the application for a sign master plan.

(c) **Required submittals.** In order to obtain a sign master plan, the owner(s) of the property located within the proposed sign master plan area must sign and submit an application to the City's Planning Department, on a form provided, which application must be accompanied by the following:

- (1) A site plan showing the proposed boundaries of the master sign plan area.
- (2) A site plan showing the location of all existing or proposed freestanding signs.
- (3) A table showing the type, square footage and heights of each sign indicated on the site plan.
- (4) All signs and sign structures, both existing and new, and parts thereof, within a Sign Master Plan shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. The owner or the owner's designated agent shall be responsible for the maintenance of the signs and sign structures.
- (5) The application fee established by the City for the processing of such applications.

(d) **When effective.** A sign master plan shall not become effective until all owners of the property within the sign master plan have signed an agreement which indicate the property owners' agreement that:

- (1) The sign master plan can be amended only by the written consent of all parties or their successors, and the City.
- (2) The agreement is binding on all successors in interest to the property within the sign master plan area.



- (3) Each party waives any right to apply for or install any sign inconsistent with the provisions of the sign master plan, even though such sign might otherwise be allowed under this Division.
  
- (e) **Single premises.** Once approved by the City, the area described in the sign master plan will be deemed to be a single premises for the purpose of determining whether a sign is an on-premises sign. A sign which advertises a use on a lot within the sign master plan area which is not a use which occurs on that lot shall be termed a sign master plan ("SMP") sign. The use advertised on an SMP sign shall be defined as an SMP use.
  
- (f) **City review of signs.** All freestanding signs included within a sign master plan area shall be individually subject to review and approval of placement, size and height, as approved by the City of Amarillo.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-217. - Sign standards.**

In addition to all permit requirements and other regulations contained in this Division, the following regulations shall be applicable to all permanent signs.

**(a) Illumination.**

(1) Light from any exterior source intended to illuminate a sign:

- a. Shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, or operators of aircraft in the approach path to any airport runway;
- b. Shall not contain a light source which produces a pulsating strobe-like effect.

(2) Illumination from any sign:

- a. Shall not interfere with the effectiveness of any official traffic sign, signal or device.

- b. Shall not contain a light source which produces a pulsating strobe-like effect.
  - c. Shall not exceed five thousand (5,000) nits (candelas per square meter) during daylight hours or five hundred (500) nits between dusk and dawn, as measured from the closest property line.
- (3) Electronic message displays must have an electronic control to produce the required illumination change required in subparagraph 2.
- (4) No lighted sign shall be erected within one hundred fifty (150) feet of a residential development unless the sign is oriented in such a manner as to not be directly viewable from the residential use.

**(b) Maintenance and removal.**

- (1) The Building Official shall have the authority to inspect any outdoor sign as to determine its structural integrity.
- (2) All signs and sign structures, both existing and new, and parts thereof, must be maintained in a safe, readable, and proper operating condition. Signs, which are determined by the Building Official to be in a dilapidated or otherwise unsafe condition, shall not be allowed to remain on any premises.
- (3) For any sign so designated as dilapidated or otherwise unsafe, written notice shall be given to remove the sign or bring the sign into compliance with this Division subject to procedures outlined in *Chapter 4-3, Article I, Section 4-3-3*.
- (4) Any sign which is determined by the Building Official to be abandoned, after receiving written notification as described in subparagraph 3 above, the property owner, lessee, or person responsible for the sign shall have sixty (60) working days in which the message portion of the sign must be replaced to identify a bona fide business on the property, be painted over, replaced with an opaque face, modified, or removed so that the remaining sign is left visually unobtrusive, presents a solid façade, and does not appear to be in disrepair or dismantled.
- (5) Where an Electric Sign is erected or constructed, an inspection by the Electrical Inspector shall be made and such Electric Sign shall comply with City ordinances.

- (6) Any person occupying any location with a Sign shall be subject to the same duties and responsibilities as the owner of the location on which the Sign is located, with respect to keeping the site clean, sanitary, inoffensive, and clear of all debris, trash, junk or other noxious substances.

**(c) Locations, sign height clearances.**

- (1) Any Sign projecting over the Public Right-of-way, where permissible under this Division, shall have a clearance from the bottom face of the Sign to the Sidewalk or finish grade as follows:
  - a. A Sign projecting not more than one-third (1/3) the distance from the property line to the back of the Curb shall have a minimum clearance of eight (8) feet.
  - b. A Sign projecting more than one-third (1/3) the distance from the property line to the Curb shall have a minimum clearance of twelve (12) feet.
  - c. Any Sign which projects over a street or alley or areas of egress and ingress for vehicular traffic on private property, shall have a minimum clearance of sixteen (16) feet, six (6) inches.
  - d. Any Sign which does not project over a street or alley or other areas of egress or ingress used for vehicular traffic on private property and which are located not less than eight (8) feet from any area of egress and ingress, shall have a minimum clearance of four (4) feet below the face of the Sign; if such Sign is located on a corner lot such Sign shall comply with the sight restriction limitations specified by *Chapter 16-3*.
  - e. No Sign shall be placed upon public property except Signs used by the City, the State, the County of Potter, the County of Randall or the United States, for instructive and directive purposes for controls involving life and safety of the public, and except Signs where the City Council has granted franchise rights.
  - f. No Sign shall block the egress or ingress of any Structure and shall have a minimum of five (5) feet perpendicular clearance from any place of egress or ingress.

- g. No Temporary Sign constructed of material other than paper, cloth, canvas or vinyl, shall project over or across or be placed upon a Public Right-of-way. All such Signs shall have a minimum clearance of sixteen (16) feet, six (6) inches above the Public Right-of-way.

**(d) Identification requirements.**

- (1) All outdoor signs for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting such sign and shall have affixed on the front thereof the permit number issued for said sign or other identification approved by the Building Official.

**(e) Sign construction.**

- (1) All Signs shall be designed to withstand the design wind pressure as required in the City Building Code.
- (2) All braces, guy wires and supports shall be designed to withstand all dead load and wind load stresses.
- (3) Any Sign with more than a forty-foot height shall have the plans sealed by an architect or engineer licensed to practice in the State.
- (4) Any Roof Sign with more than a twenty-foot height from the top of the Sign to the roof below shall have the plans sealed by an architect or engineer licensed to practice in the State.
- (5) Any Roof Sign that does not have three (3) feet of clearance around the ends of the Sign shall have an opening of three (3) feet width by four (4) feet height at the ends for service and firefighting purposes.

**(f) Calculating sign area.**

- (1) Back-to-back signs. Only one (1) side of a back-to-back sign is measured in calculating sign area.
- (2) V-type signs. Only the largest face of a V-type sign shall be measured in determining the total sign area of the sign.

- a. If a two-face sign is erected in a "V" shape, both faces of which can be seen from the same public street, or are at an angle of greater than sixty (60) degrees to each other, then such sign is not a V-type sign, and shall be considered two (2) separate signs for all purposes under this Division.

(3) Canopy signs: The area of canopy sign shall count towards the total area of wall signs allowed on a property.

(4) Use of advertising on a sign structure. Any portion of a sign structure that is used for advertising shall be calculated as part of the allowed freestanding sign area.

**(g) Setback requirements.**

(1) Freestanding signs that have message one hundred twenty (120) square feet or less have no minimum setback from the property line provided that no portion of a sign face shall overhang into the public right-of-way.

(2) Freestanding signs that have message areas exceeding one hundred twenty (120) square feet must be set back a minimum of fifteen (15) feet from the property line.

(3) Monument signs. All monument signs must be set back a minimum of ten (10) feet from the property line.

(4) In all cases, a sign must observe the visibility clearance area restrictions as defined in *Chapter 16-3*.

**(h) Use of an electronic message center (EMC) sign.**

**(1) Operational limitations.**

- a. The display of a static message and/or image and/or the use of scroll/travel to display a message and/or image shall be permitted.
- b. The use of any other type of transition, such as dissolve/fade, and the use of frame effects, such as animation whereby text or graphics appear to move or change in size, shall be prohibited except in accordance with the following:

1. Each message or image must be displayed for a minimum of five (5) seconds; and
2. The change of message or image must be accomplished within two (2) seconds or less and must occur simultaneously on the entire sign face.

(2) **Size limitations.** An EMC may not exceed fifty (50) percent of the total freestanding sign area as allowed for a given zoning district.

(i) **Development sign.** Development signs shall be allowed in all zoning districts provided that:

- (1) Only one (1) such sign shall be allowed per street frontage and each sign may not exceed one hundred twenty (120) square feet; and
- (2) Such signs may be placed no earlier than ninety (90) days prior to construction; and
- (3) All such signs must be removed within thirty (30) days upon the receipt of a certificate of occupancy for the project or upon the completion of ninety (90) percent of the project.
- (4) The use of an Electronic Message Center as a development sign shall be prohibited.

(j) **General business sign.**

- (1) In Residential Districts, a sign permit may be issued for property occupied by a conforming, non-residential use in accordance with the following:
  - a. For a residential subdivision, two (2) Freestanding or Wall identification signs shall be allowed at each main entrance to the subdivision, provided that the sign area of any one (1) sign may not exceed sixty-four (64) square feet and the total sign area may not exceed one hundred (100) square feet. Such signs may be externally illuminated in accordance with paragraph (A) above, and shall make no reference to the sale or lease of the lots or houses located within said subdivision.
  - b. For an apartment or mobile home park,

1. One (1) building identification Freestanding sign, up to sixty-four (64) square feet in area, shall be allowed per street frontage. Such signs may be externally illuminated in accordance with paragraph (A) above.
2. One (1) building identification Wall sign, up to fifty (50) square feet in area, shall be permitted for each building façade.

c. For institutional uses and all other non-residential uses;

1. One (1) Electronic Message Center shall be allowed per property and shall comply with paragraph (H) above.
2. One (1) Freestanding Monument sign shall be allowed per street frontage, and may not exceed one hundred twenty (120) square feet for any one (1) sign.
3. The maximum height for a freestanding sign may not exceed eight (8) feet; no sign may be placed on a berm or other structure so as to artificially increase the height.
4. Wall signs may not exceed a total of one (1) square foot per linear foot of the building frontage on which the sign is affixed. A Wall sign may not exceed fifty (50) percent of the length of the building frontage on which the sign is affixed.

(k) No illuminated Wall sign shall be permitted on the rear or side of the building that is adjacent to a residential use.

(1) No sign in any residential zoning district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

(2) In the O-1, O-2 Districts, and NS Districts:

- a. One Electronic Message Center shall be allowed per property and shall comply with paragraph (H) above.
- b. One (1) Freestanding sign shall be allowed per street frontage.

- c. Freestanding signs are allowed a maximum area equal to 1.5 square foot per linear foot of lot frontage, not to exceed one hundred fifty (150) square feet. A minimum of sixty (60) square feet will be allowed regardless of length of frontage.
- d. The maximum height for a Freestanding sign may not exceed:
  - 1. Twenty (20) feet on an arterial street;
  - 2. Fifteen (15) feet on a non-arterial street.
- e. No sign may be placed on a berm or other structure so as to artificially increase the height.
- f. Wall signs may not exceed the total of two (2) square feet per linear foot of the building frontage on which the sign is affixed. A Wall sign may not exceed seventy-five (75) percent of the length of building frontage or tenant space on which the sign is affixed.
- g. No illuminated Wall sign shall be permitted on a side of a building where said sign would be adjacent to a residential use.
- h. For properties that exceed one hundred fifty (150) linear feet of lot frontage, an additional Freestanding sign shall be allowed for every one hundred fifty (150) linear feet of lot frontage with a minimum of seventy-five (75) linear feet spacing between signs. In all cases, no more than four (4) Freestanding signs shall be allowed per development.
- i. Gasoline Price signs shall not be counted toward the sign area for the property, provided that no more than one (1) such sign, up to twenty (20) square feet in area shall be allowed per street frontage.

(3) In the GR district and less restrictive districts:

- a. One (1) Electronic Message Center shall be allowed per property and shall comply with paragraph (h) above.
- b. One (1) Freestanding sign shall be allowed per street frontage.



- c. Freestanding signs are allowed a maximum area equal to three (3) square foot per linear foot of lot frontage subject to the following:
  - 1. May not exceed two hundred fifty (250) square feet if adjacent to a non-arterial thoroughfare.
  - 2. May not exceed three hundred (300) square feet if adjacent to an arterial thoroughfare.
  - 3. A minimum of sixty (60) square feet will be allowed regardless of length of frontage.
- d. The maximum height for a Freestanding sign may not exceed:
  - 1. Thirty-eight (38) feet on an arterial street;
  - 2. Twenty (20) feet on a non-arterial street.
- e. No sign may be placed on a berm or other structure so as to artificially increase the height.
- f. Wall signs may not exceed the total of three (3) square feet per linear foot of the building frontage on which the sign is affixed. A Wall sign shall not be greater than seventy-five (75) percent of the length of building frontage or tenant space on which the sign is affixed.
- g. No illuminated Wall sign shall be permitted on a side of a building where said sign would be adjacent to a residential use.
- h. For properties that exceed one hundred fifty (150) linear feet of lot frontage, an additional freestanding sign shall be allowed for every one hundred fifty (150) linear feet of lot frontage with a minimum of seventy-five (75) linear feet spacing between signs. In all cases, no more than four (4) freestanding signs shall be allowed per development.
- i. Gasoline Price signs shall not be counted toward the sign area for the property, provided that no more than one (1) such sign, up to twenty (20) square feet in area, shall be allowed per street frontage.

- j. Freestanding menu boards for drive-through service that do not exceed thirty-two (32) square feet in area and six (6) feet in height shall not be counted toward the allowable total sign area.

(4) **CB, Central Business District.** Signs may be erected so as to project into the public right-of-way of any street or alley provided that said sign shall not exceed outward from any building face into the right-of-way for a distance of more than ten (10) feet or to within two (2) feet of the back of curb, whichever is more restrictive and shall have a minimum clearance of nine (9) feet above the sidewalk grade or ground level. The area of such projecting signs shall be calculated as a wall sign.

(5) **Multi-story buildings.** The following shall apply to all buildings over three (3) stories in the HC or less restrictive zoning districts - One (1) building identification Wall sign, up to two hundred fifty (250) square feet in area, shall be allowed per building façade.

(6) For a property which (a) has street frontage on Interstate Highway 40 (not Business Interstate 40), Interstate Highway 27, State Highway 60 (but not along segments dually designated as Business Interstate 40), and Highways 87 and 287 (Dumas Highway but excluding those segments of State Highways 60, 87, and 287 between Southeast 15<sup>th</sup> Avenue and Northeast 15<sup>th</sup> Avenue, and (b) is located in a GR or less restrictive zoning district, may have one (1) on-premises Freestanding sign subject to the following regulations:

- a. One (1) Electronic Message Center shall be allowed per property and shall comply with paragraph (H) above.
- b. The height of such sign, which must be located adjacent to the right-of-way frontage, may not exceed sixty (60) feet.
- c. The maximum sign area may not exceed four hundred fifty (450) square feet.
- d. No portion of the sign or support shall be less than 15-feet from any adjacent right-of-way.
- e. No portion of the sign or support shall be less than 100-feet from the boundary of a residential zoning district.

- f. Gasoline Price signs shall not be counted toward the sign area for the property, provided that no more than one (1) such sign, up to sixty-four (64) square feet in area, shall be allowed per street frontage.

- (l) **Planned Development districts.** Any property located within a Planned Development District, or governed by a specific use permit, may be subject to additional regulations beyond those in this Section. Said regulations may be either more or less restrictive than those set out herein.

(Ord. No. 7201, § 3, 12-15-2009; Ord. No. 7658, § 2, 3-14-17)

#### **Sec. 4-10-218. - Nonconforming Signs.**

- (a) **Non-conforming signs defined.** A non-conforming sign is any sign which was lawfully erected prior to the effective date of this ordinance governing signs in the City of Amarillo and in the City's extra territorial jurisdiction, but which is no longer in compliance with such regulations due to either a change in such regulations or a change in the City's boundaries.
- (b) **Operational limitations of non-conforming electronic message center signs.** Any nonconforming electronic message center sign shall be allowed to remain as a legal nonconforming sign. Operational components of the electronic portion of said sign may be upgraded but must be brought into compliance as defined in Sec. 4-10-217(h). Upgrades shall not include an increase in any of the electronic sign's dimensions.
- (c) **Loss of legal non-conforming status.** A non-conforming sign shall immediately lose its non-conforming designation and must be brought into compliance with these regulations, or be removed, if:
  - (1) The sign structure is replaced; this shall not prevent the replacement of the face(s) to accommodate a new business, express a different message, or upgrade conditions, except that no such sign may be modified or otherwise converted to an electronic message center; or
  - (2) The sign is part of an establishment that discontinues its operation for a period of one (1) year or longer; or two (2) years if the establishment is leased; or
  - (3) The sign is damaged or structurally altered to an extent greater than sixty (60) percent of the current estimated replacement value.

(Ord. No. 7201, § 3, 12-15-2009; Ord. No. 7666, § 1, 5-9-2017)

**Sec. 4-10-219. - Temporary Signs.**

(a) **Applicability of section.** The following regulations shall be applicable to all Temporary signs, as defined herein, except as follows:

- (1) Political signs erected in accordance with Sec. 4-10-215.
- (2) Non-illuminated Real Estate signs, as specified in Sec. 4-10-215.

(b) **Categories of temporary sign permits.** Temporary sign permits shall be divided into the following categories:

- (1) Annually renewable temporary sign permits
- (2) Limited temporary sign permits
- (3) Banner permits

(c) **Permits required.** It shall be unlawful for any person to place or locate any Temporary sign on any property within the City, or allow the placement or location of any Temporary sign on premises within the City owned or controlled by such person, unless a permit for such Temporary sign has first been obtained from the City Building Official in accordance with all regulations, including the following:

- (1) A temporary sign permit is required for the placement of a Temporary sign on a lot or tract within the City subject to the following:
  - a. Temporary signs that are permitted on an annual basis shall be allowed to be displayed for sixty (60) consecutive days, starting from the date of permit issuance, provided only one (1) sign shall be permitted during the 60-day period. After the expiration date of the permit, the sign shall be immediately removed. There must be at least thirty (30) days between the display of any sign.
  - b. Limited temporary signs may be permitted for a period not to exceed sixty (60) consecutive days. After the expiration date of the permit the sign shall be immediately removed.

- c. Banners that are permitted on an annual basis shall be allowed to be displayed for one (1) year. Banners must be affixed, mounted, and/or secured to a building. Banners may not be affixed to any other permanent or temporary structure, motor vehicle or fixture.
  - d. Temporary signs may remain in place only so long as the signs and sign structures, and parts thereof, are maintained in a proper, safe, and hazard-free operating condition not to exceed the time limits specified above. The owner or the owner's designated agent shall be responsible for the maintenance of the signs and sign structures.
- (2) In the case of a special promotion for a grand opening celebration, one (1) additional temporary sign shall be allowed provided the promotion commences within the first three (3) months of the date of issuance of a certificate of occupancy and the grand opening is limited to the address noted on the certificate of occupancy.
  - (3) A Temporary sign may be one (1) of the following: a portable sign; or a banner; or any legal on-premises sign allowed by this Division.
  - (4) A legal business shall include apartment complexes and any commercial, industrial, or institutional use for which the building official has issued a certificate of occupancy.
  - (5) A temporary sign permit is required to be renewed annually, on or before the anniversary date of the permit issuance, except as provided in [Section] 4-2-11 B. (1) b. above. *[NOTE: This cross-reference is incorrect. This paragraph does not exist.]*
  - (6) A Temporary sign remaining on display for a period of time in excess of that stated in the permit shall be considered in violation of this Division and shall be subject to *Chapter 4-2, Section 4-2-15*.

(d) **Temporary sign standards.** In addition to all other applicable regulations, temporary signs must conform to the following restrictions:

- (1) A temporary sign may be used for on-premise advertising only.
- (2) The use of an Electronic Message Center as a temporary sign shall be prohibited.

- (3) Temporary signs shall be allowed a maximum area of sixty (60) square feet.
- (4) Only one (1) Temporary sign shall be allowed per business, not to exceed two (2) signs per development. For developments with more than three hundred (300) linear feet of street frontage, one (1) sign shall be allowed per business not to exceed four (4) Temporary signs.
- (5) No Temporary signs shall be located within seventy-five (75) feet of another Temporary sign.
- (6) A Temporary sign shall be contained on the property of the legal business and shall not extend into the city right-of-way or be located in any visibility clearance area. In no event shall such sign be erected or placed less than ten (10) feet from the back of the curb.
- (7) Banners must be attached to the face of the building used by the business or organization to which the banner relates.
- (8) Portable signs may not exceed thirty-five (35) square feet in area and may not exceed seven (7) feet in height.
- (9) Portable signs shall be secured with a minimum of four (4) separate points by metal pins and/or sandbags, where necessary. Such metal pins must penetrate the ground by a distance of not less than ten (10) inches.
- (10) Portable signs shall not be illuminated by any electrical source.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-220. - Special event Signs.**

(a) Upon request, and subject to approval, the Building Official may authorize a permit for the display of any Temporary sign, or any legal sign allowed by this section, to give notice of or direct the public to a special event of civic interest including, but not limited to:

- (1) Parades, organized community holiday festivities, and special events organized by charitable and/or non-profit organizations.

- (2) In acting upon such request, the Building Official shall consider, among other things, the size, proposed location(s), materials, and construction of such special event signs.
- (b) If authorized, such signs shall be erected for a period of time no more than sixty (60) days preceding the date of the event and shall be removed within three (3) days after the event.
- (c) Such signs may be located or placed on or over private property only with the permission of the owner of the property and may be located or placed on or over public property, including streets, only if authorized by the Building Official.

(Ord. No. 7201, § 3, 12-15-2009)

#### **Sec. 4-10-221. - Off-premises Sign.**

New Off-premise Signs shall be prohibited in the City with the following exceptions:

- (1) Off-premise Signs shall be allowed adjacent to Interstate 40 (not Business Interstate 40), Interstate Highway 27, State Highways 60 (but not along segments dually designated as Business Interstate 40), and Highways 87 & 287 (Dumas Highway) but excluding those segments of State Highways 60, 87, and 287 between Southeast 12<sup>th</sup> Avenue and Northeast 1<sup>st</sup> Avenue. Allowed off-premise Signs along these roadways shall be regulated by the Texas Department of Transportation (TxDOT) and shall comply with TxDOT regulations that control outdoor off-premise Signs.
- (2) The City elects to exercise its authority to regulate outdoor off-premise Signs located in the extraterritorial jurisdiction of the City as provided by V.T.C.A., Local Government Code § 216.902, as the same may hereafter be amended. Therefore, new off-premise Signs shall be prohibited in the extraterritorial jurisdiction of the City of Amarillo unless excepted pursuant to Sec. 4-10-221(a).

(Ord. No. 7201, § 3, 12-15-2009)

#### **Sec. 4-10-222. - Nonconforming off-premise Signs.**

- (a) **Maintenance.** Maintenance operations may be performed on a Nonconforming off-premise sign. For purposes of this section, "maintenance operations" means the process of keeping a Nonconforming off-premise sign in good repair. Maintenance operations include:

- (1) Replacement of nuts and bolts; nailing, riveting, or welding; cleaning and painting; and manipulation to level or plumb the sign structure;
- (2) Replacement of parts, as long as the basic design or sign Structure is not altered or upgraded and materials of the same type are used;
- (3) Replacement of poles, as long as no more than one-half (1/2) of the poles are replaced in any twelve (12) month period and the poles are replaced with the same type of materials as the original poles; and
- (4) Changing the advertising message, including changing the Surface Display Face, as long as similar materials are used to replace the Surface Display Face. Surface Display Faces shall be replaced only with Surface Display Faces that are the same size or smaller than the Surface Display Face that existed prior to replacement.

(b) **Upgrading.** A Nonconforming off-premise Sign shall not be upgraded. For purposes of this section, "upgrade" means making any change to a Nonconforming off-premise Sign, other than repairs and maintenance operations permitted pursuant to Sec. 4-10-222(a). All other alterations of any nature whatsoever in connection with Nonconforming off-premise Signs are prohibited. If any such alteration or upgrade is performed, the owner shall remove the Sign immediately or bring it into compliance with the Zoning Ordinance and all other applicable ordinances as soon as practicable, but in not more than thirty (30) calendar days from the date of the violative alteration. Examples of actions that are upgrades and not maintenance operations and are therefore prohibited, include without limitations:

- (1) Adding lights to a non-illuminated Nonconforming off-premise Sign or adding more intense lighting to an illuminated Nonconforming off-premise Sign, whether or not the lights are attached to the sign structure;
- (2) Increasing the size or Surface Display Face of a Nonconforming off-premise Sign;
- (3) Changing the number of poles in the sign structure;
- (4) Changing the materials in the construction of a Nonconforming off-premise Sign, such as replacing wooden materials with metal materials;



- (5) Adding Surface Display Faces or changing a Nonconforming off-premise Sign configuration, such as changing from a "V" configuration to a stacked configuration, or from a "V" configuration to a back-to-back configuration;
  - (6) Increasing the height of a Nonconforming off-premise Sign;
  - (7) Moving the sign structure or Surface Display Face in any way unless the movement is made in accordance with relocation provisions outlined in Sec. 4-10-222, as a result of a roadway project;
  - (8) Replacing more than one-half (½) of the poles in a multiple pole sign structure in any twelve (12) month period;
  - (9) Making repairs that exceed sixty (60) percent of the cost of erecting a New off-premise Sign of the same type at the same location; or
  - (10) Converting a Nonconforming off-premise Sign to utilize EMC technology.
  - (11) If a Nonconforming off-premise Sign is dismantled for any purpose, the Nonconforming off-premise sign shall not be altered, reconstructed, repaired, or replaced, and the owner shall remove the Nonconforming off-premise Sign or bring it into compliance with this section and all other applicable ordinances.
- (c) **Relocation.** If a Nonconforming off-premise Sign is required to be relocated due to a public right-of-way width expansion project for streets, highways, or roadways by the City, County, or Texas Department of Transportation, the Nonconforming off-premise Sign shall be relocated if the Nonconforming off-premise Sign complies with the requirements set forth in (1) through (4) below.
- (1) The Nonconforming off-premise Sign shall be moved to the closest private property on the same side of the street as where the Nonconforming off-premise Sign as previously located and shall not be erected on public right-of-way or in an easement;
  - (2) The Nonconforming off-premise Sign shall be the same type, same Sign support, same height or less, and same size of Surface Display Face or less as the Nonconforming off-premise Sign prior to relocation;
  - (3) The materials from the Nonconforming off-premise Sign prior to relocation shall be used to construct the Nonconforming off-premise Sign prior to

relocation shall be the Sign poles used for the Nonconforming off-premise Sign in the new location, and the Sign Surface Display Face of the Nonconforming off-premise Sign prior to relocation shall be used for the Surface Display Face of the Nonconforming off-premise Sign in the new location;

- (4) The Nonconforming off-premise Sign shall be relocated only after approval of the Director of Community Services.

**(d) Special requirements; failure to comply; removal.**

- (1) The owner, agent, or person having beneficial use of an off-premise Sign must comply with the following requirements after written notification from the Building Official:
  - a. Any Nonconforming off-premise Sign or support, or both, which sustains damage by nature or man, without the consent of the owner, agent, or person having beneficial use of the Nonconforming off-premise Sign to the extent of sixty (60) percent or less of the cost of erecting a new off-premise Sign of the same type at the same location shall be removed within fifteen (15) calendar days or repaired within ninety (90) calendar days. Damaged Nonconforming off-premise Signs shall only be replaced using like materials. For example, a wooden pole shall replace a wooden pole.
  - b. Any Nonconforming off-premise Sign or support or both, which sustains damage to the extent of more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location shall be removed from the property within fifteen (15) calendar days.
  - c. An off-premise Sign owner shall submit a cost estimate to repair the damaged Nonconforming off-premise Sign to the Building Official. If the Building Official disagrees with the cost estimate, an independent engineering study shall be prepared by a professional engineer licensed to practice in the State to determine the percentage of damage and cost of reconstructing a Nonconforming off-premise Sign. The engineering study shall be prepared at the Sign owner's expense and be submitted to the Code Enforcement Department for review and acceptance. The cost of any accessory used to a Nonconforming off-premise Sign, including without limitation a communication antenna and support facilities, shall not be included in calculating the cost of erecting a New off-premise Sign at the same location.

- d. Upon failure to comply within the time specified in the written notice, the Building Official is hereby authorized to cause removal of such off-premise Sign at the expense of the owner of the Sign.
- (2) The City may demolish an off-premise Sign as a dangerous Structure and obtain a demolition lien in accordance with V.T.C.A., Local Government Code § 217, as the same may hereafter be amended, and in accordance with *Section 4-3-3, Abatement of Substandard Structures*, of the Amarillo Municipal Code.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-223. - Violations.**

Any violation of the provisions of this Division shall constitute an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

(Ord. No. 7201, § 3, 12-15-2009)

**Sec. 4-10-224. - Appeals.**

Appeals of decisions of the Building Official concerning this Division shall be directed to the Zoning Board of Adjustments in accordance with Chapter 4-10 of this Code.

(Ord. No. 7201, § 3, 12-15-2009)

**A. Area of sign without barrier**



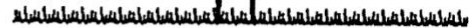
TOTAL AREA WITHIN DASHED LINE MAY NOT EXCEED MAXIMUM AREA SPECIFIED

**B. Single face sign**



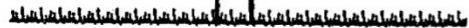
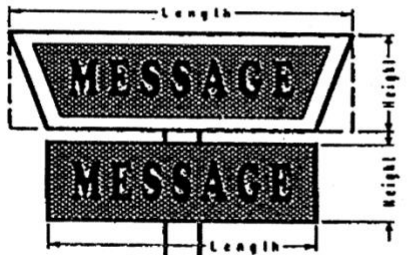
SIGN AREA INCLUDES CUTOUT AREA WITHIN DASHED LINE

**C. Single face with cutouts**

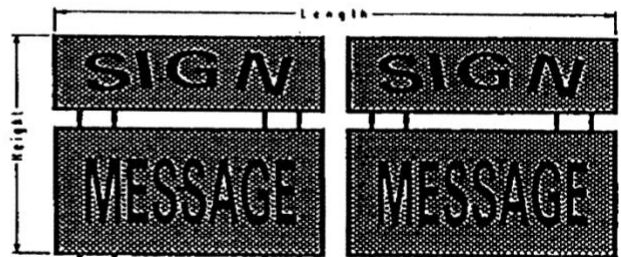


**D. Multiple - face signs: general application**

**STACKED SIGN**



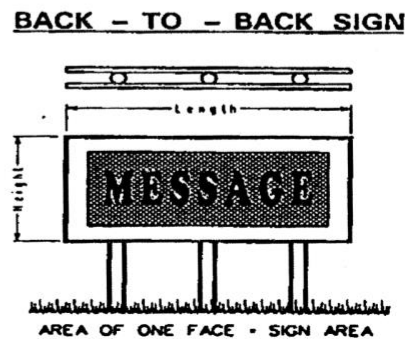
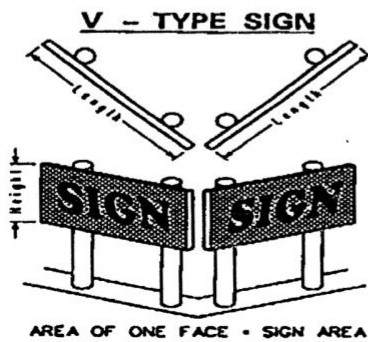
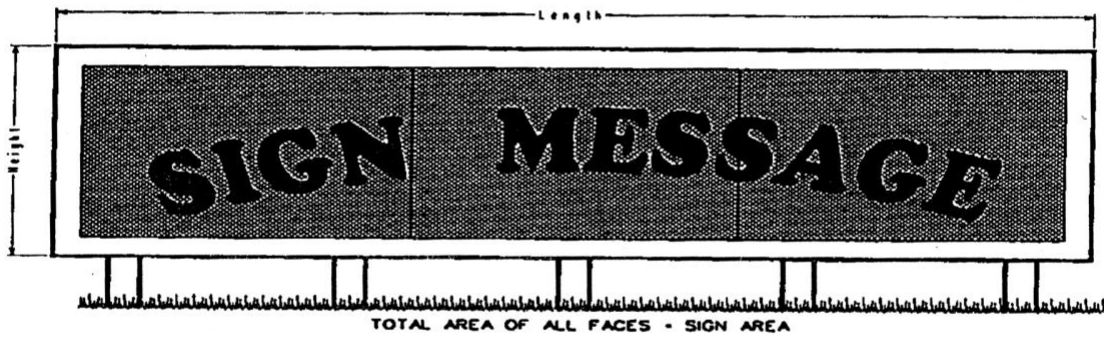
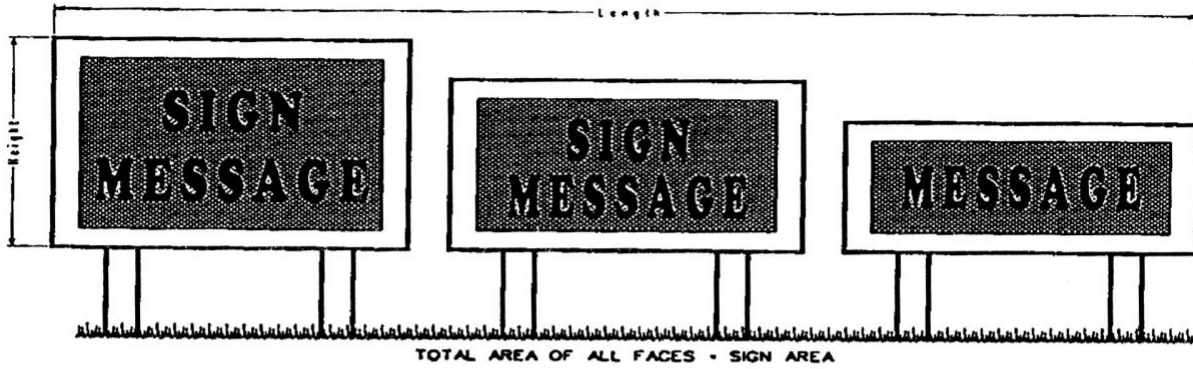
TOTAL AREA OF ALL FACES - SIGN AREA



TOTAL AREA OF ALL FACES - SIGN AREA

**D. Multiple - face sign (cont.)**

**SIDE - BY - SIDE SIGN**



- Sec. 4-10-225. - Reserved.
- Sec. 4-10-226. - Reserved.
- Sec. 4-10-227. - Reserved.
- Sec. 4-10-228. - Reserved.
- Sec. 4-10-229. - Reserved.