

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



CHAPTER 4-10 - ZONING

PUBLIC REVIEW DRAFT

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SEC. 4-10-280- GENERALLY.



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ARTICLE VII. - AGENCIES

Sec. 4-10-280. - Generally.

(a) This Article formally establishes commissions, boards, or officials, or recognizes existing commissions, boards, or officials, that administer this Chapter.

(b) This Article establishes the composition of those agencies, their jurisdiction, and related administrative matters.

Sec. 4-10-281. - Building Official.

The Building Official has the following duties in the administration and enforcement of this Chapter:

(1) Receive and forward to the Zoning Board of Adjustment all complete Applications that require their review, pursuant to Article V, *Procedures*;

(2) Make all inspections and certifications necessary to ensure that a Structure is built in accordance with the approved Site Plan and any conditions of approval associated with a Rezoning, Specific Use Permit, Special Exception, or Variance;

(3) Issue stop work orders in the event that a condition of approval (associated with a Site Plan, Rezoning, Specific Use Permit, Special Exception, Variance, HP-O, or H-L) has not been met;

(4) Issue Certificates of Occupancy and Compliance, and maintain records thereof;

(5) Issue Building and Demolition Permits for Historic Landmarks and Lots located in the HP-O District. [See [Chapter 4-1](#), *Fees, Permits, and Contractor Registrations*]

(6) Maintain permanent and current records of matters pertaining to this Chapter, including:

- a. Special Exceptions and Variances issued;
- b. The final disposition of Appeals by the Zoning Board of Adjustment;
- c. Permits issued; and
- d. Inspections made.

Sec. 4-10-282. - Planning and Development Services Department.

(a) The Planning and Development Services Department has the following duties in the administration and enforcement of this Chapter:

(1) Advise Applicants for permits concerning the provisions of this Chapter and assist Applicants in preparing Applications;

(2) Receive and forward to the Development Review Committee, Urban Design and Historic Preservation Commission, and Planning and Zoning Commission, as applicable, all complete Applications that require their review, pursuant to Article V, *Procedures*.

(3) Provide public notice as required by Article V, *Procedures*;

(4) Receive, review, and act on Landscaping and Irrigation Plan Applications (see [Sec. 4-10-241](#), *Landscaping and Irrigation Plans*);

(5) Receive, review, and act on Site Plan Applications (see [Sec. 4-10-242](#), *Site Plans*);

(6) Receive, review, and act on Certificate of Appropriateness Applications that require administrative review (see [Sec. 4-10-248](#), *Certificates of Appropriateness*);

(7) Act as the administrative agent for the Airport Zoning Commission;

(8) Perform field inspections for individual Applications to verify compliance with this Chapter;

(9) Provide public information relative to this Chapter;

(10) Investigate, prepare reports, and issue notices of violations of this Chapter; and

(11) Maintain permanent and current records of matters pertaining to this Chapter, including:

- a. All original and current Zoning District maps;
- b. Zoning Ordinance text and map amendments; and
- c. Status of Nonconforming Uses and Structures.

(12) Coordinate with other City Departments and outside agencies as needed in the execution of these duties.

(b) The Planning Director has the following specific duties in the administration and enforcement of this Chapter:

(1) Act as the administrative agent of the UDHPC (see [Sec. 4-10-248\(e\)](#), *Historic Preservation Officer*);

(2) Conduct field inspections to ensure all work performed pursuant to a COA issued under this Chapter conforms to any requirements included therein; and

(3) Coordinate with the Traffic Engineer on the review of Traffic Impact Analyses submitted pursuant to [Sec. 4-10-326](#), *Traffic Impact Analysis*.

Sec. 4-10-283. - Traffic Engineer.

(a) The Traffic Engineer has the authority and duties assigned by Chapter 16-3, *Traffic*.

(b) The Traffic Engineer also has the following specific duties in the administration and enforcement of this Chapter:

(1) Coordinate with the Planning Director on the review of Traffic Impact Analyses submitted pursuant to [Sec. 4-10-326](#), *Traffic Impact Analysis*;

(2) Coordinate with Applicants on transportation improvements required as mitigation pursuant to an approved Traffic Impact Analysis;

(3) Maintain technical specifications for transportation improvements required under this Chapter for use by Applicants.

Sec. 4-10-284. - Development Review Committee.

(a) This Section establishes a Development Review Committee (DRC) that has the responsibility to review and provide comments on a Site Plan Application (see [Sec. 4-10-242](#), *Site Plans*).

(b) The DRC is comprised of City staff appointed by the Planning Director.

Sec. 4-10-285. - Planning and Zoning Commission.

(a) The Planning and Zoning Commission is organized and has the powers assigned by Chapter 2-6, [Article VII](#), *Planning and Zoning Commission*.

(b) This also includes:

(1) The duty to provide recommendations for approval, approval with conditions, or disapproval on all Special Use Permit Applications;

(2) The power and duty to act as the Airport Zoning Commission, pursuant to Texas Local Government Code § 241.016, Airport Zoning Commission; and

(3) The authority to hear appeals of administrative actions on a Site Plan Application, in accordance with Sec. 4-10-147, *Site Plans*.

Sec. 4-10-286. - Urban Design and Historic Preservation Commission (UDHPC).

(a) **Generally.** The Urban Design and Historic Preservation Commission (UDHPC) works to:

(1) Protect, enhance, and promote landmarks and districts of historical importance in the City; and

(2) Establish design standards for new construction and certain renovations of property within the boundary of the Downtown Urban Design Overlay (D-O) District or a Historic Preservation Overlay (HP-O) District.

(b) **Powers and Duties.** The UDHPC is empowered to:

(1) Make recommendations for employment of staff and professional consultants as necessary to carry out its duties;

(2) Prepare rules and procedures as necessary to carry out its business;

(3) Adopt criteria for the designation of historic, architectural, and cultural landmarks along with the delineation of HP-O District(s) and/or modifications to the City's D-O, which may be ratified by the City Council;

(4) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks throughout the City to determine whether such Structures or locations are appropriate for an HP-O, incorporation into the D-O, or to become a Historic Landmark (H-L);

(5) Recommend specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of objects, sites, or Structures for properties within the HP-O and D-O districts and for an H-L;

(6) Create committees, as necessary, of no more than three persons from among its membership and delegate specific responsibilities which serve to make recommendations to the UDHPC as a whole;

(7) Recommend to the City Council any amendments to the City's Code of Ordinances that might be appropriate to enhance the D-O and HP-O districts and for the preservation, restoration, and protection of an H-L;

(8) Make recommendations to the Zoning Board of Adjustment on Variance Applications concerning any COA that could legally be granted for compliance with the D-O, HP-O, or H-L. The UDHPC does not, however, have the authority to approve a Variance Application;

(9) Make recommendations to the Planning and Zoning Commission and City Council on Specific Use Permit Applications concerning any COA that could legally be granted for compliance with the D-O, HP-O, or H-L. The UDHPC does not, however, have the authority to approve a Specific Use Permit Application;¹

(10) Make recommendations concerning the utilization of state, federal, municipal, or private funds to promote the Preservation and Restoration of an H-L and the HP-O and D-O Districts;

(11) Recommend the acquisition of an H-L by the City where the value of preservation for the community is high and the feasibility of private Preservation is low;

(12) Maintain written minutes which record all actions taken and the reasons for taking such actions;

(13) Increase public awareness of the value of historic, cultural, architectural preservation, and maintaining the City's traditional street grid within the D-O by developing and participating in public education programs; and

(14) Recommend conferral of recognition upon the owners of H-Ls and/or properties within an HP-O or D-O by means of certificates, plaques, or markers.

(c) **Membership.**

(1) The UDHPC shall consist of seven members and one alternate appointed by the City Council.

(2) The members of the UDHPC shall have:

a. Knowledge of and experience in the architectural, archeological, cultural, social, economic, and/or political history of the City of Amarillo;

b. A demonstrated interest or competence in:

1. Historic Preservation; and/or
2. Maintaining the character of Amarillo's downtown.

¹ This provision for SUP review by UDHPC is new.

(3) Representatives of a single business or professional interest should not constitute a majority of the membership of the Commission.

(4) The City Council shall consider as members the following possible representatives:

- a. A registered architect with the State of Texas;
- b. An attorney licensed by the State of Texas;
- c. A structural engineer;
- d. A licensed real estate broker;
- e. An Owner or resident of a residential historic property;
- f. An Owner or resident of a commercial historic property; or

g. A person who meets the Secretary of the Interior's professional standards for expertise in "history" or "architectural history" as described in Code of Federal Regulations Title 36, Chapter I, Part 61 (*Procedures for State, Tribal, and Local Government Historic Preservation Programs*).

(5) The alternate member shall serve when a voting Board member is unable or unwilling to attend or participate.

(d) **Meetings.**

(1) The UDHPC shall meet as necessary to fulfill its powers and duties (see **subsection (b)**).

(2) Four members shall constitute a quorum for the transaction of business, and all issues shall be decided by a majority of those members present and voting, except that in those instances where only a quorum of four is present at a meeting, all issues shall be decided by at least three affirmative votes.

(3) The UDHPC shall adopt appropriate rules and regulations for the conduct of its business and the election of its chair and other officers.

(4) Minutes of each meeting shall be recorded and maintained by the Planning Director or designee.

(e) **Historic Preservation Officer.** The City's Historic Preservation Officer is the City's Planning Director or designee. The duties of the Planning Director as it relates to Historic Preservation and Urban Design are to:

- (1) Administer the City's regulations pertaining to Historic Preservation and Urban Design;
- (2) Advises the UDHPC on all Applications submitted to it for compliance with the City's Code of Ordinances; and
- (3) Serve as a representative of the UDHPC when in consultation with state and federal agencies and local, state, and national nonprofit preservation organizations.

(f) **Historic Resource Surveys.**

- (1) The UDHPC has within its powers and duties the ability to undertake surveys and research efforts to identify neighborhoods, sites, Structures, and objects that have historical, cultural, architectural, and/or archeological significance.
- (2) All surveys and research methodologies shall comply with the State of Texas Guidelines for Historic Resource Surveys.
- (3) All surveys shall be adopted as official historic preservation planning documents for the City of Amarillo by the UDHPC.

Sec. 4-10-287. - Zoning Board of Adjustment.

(a) The Zoning Board of Adjustment is organized and has the powers assigned by Chapter 2-6, Article XXI, Zoning Board of Adjustment.

(b) The Board shall adopt rules, operate, and exercise all duties and powers as prescribed in Chapter 2-6. This includes:

(1) The power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter or applicable State law (see Sec. 4-10-152, Appeals);

(2) The power to hear appeals from decisions of the UDHPC;

(3) The power to hear and decide Special Exceptions (see Sec. 4-10-253, Special Exceptions) to the terms of this Chapter for either of the following:

- a. The addition Off-Street Parking; and
- b. The restoration of a Nonconforming Structure to its nonconforming state where same has been destroyed by fire or the elements, and said destruction exceeds 50% of its reasonable value (see Sec. 4-10-24(g)).

(4) The power to hear and decide Variances (see Sec. 4-10-254, Variances) related to:

- a. Height;
- b. Yard;
- c. Lot Area;
- d. Lot Coverage; and
- e. Required number of Off-Street Parking Spaces.

(5) The power and duty to act as the Airport Zoning Board of Adjustment, as provided for under the authority of the laws of the State of Texas, including but not limited to the Airport Zoning Act [V.T.C.A., Local Government Code § 241.001 et seq.] and the Charter of the City.

Sec. 4-10-288. - *Reserved.*

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Sec. 4-10-291. - *Reserved.*

Sec. 4-10-292. - *Reserved.*

Sec. 4-10-293. - *Reserved.*

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