

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

CHAPTER 4-10 - ZONING



AIRPORT OVERLAY DISTRICT (A-O)¹

PUBLIC REVIEW DRAFT

10-12-20

¹ This draft was originally prepared for Staff Review in December 2019 (Module 1). The edits reflected in this document were made between January and September 2020, in consultation with Airport Staff and their consultant (RS&H).

ARTICLE II. - ZONING DISTRICTS

DIVISION 7. - OVERLAY DISTRICTS

Sec. 4-10-70. - A-O (Airport Overlay) District.

(a) Purpose.

- (1) The City hereby finds that Airport Hazards and Obstructions have the potential to endanger the lives and property of users of Amarillo International Airport and property or occupants of land in its vicinity; that an Airport Obstruction may affect existing and future instrument approach minimums of Amarillo International Airport; and that an Airport Obstruction may reduce the size of areas available for the landing, taking off and maneuvering of aircraft. Accordingly, the City declares:
 - a. The establishment of an Airport Obstruction has the potential of being a public nuisance and may injure the region served by Amarillo International Airport;
 - b. The encroachment of noise-sensitive land uses, Wildlife Attractants, or otherwise incompatible land uses within certain areas set forth hereinbelow may endanger the health, safety and welfare of the owners, occupants or users of the land;
 - c. In the interest of the public health, public safety, and general welfare, it is necessary to promote Airport-Compatible Land Uses in the vicinity of the Amarillo Airport and prevent potential incompatible land uses and the creation or establishment of Airport Obstructions that are a Hazard to Air Navigation;
 - d. The prevention of these Airport Obstructions and land use conflicts should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;
 - e. The Amarillo International Airport fulfills an essential community purpose.
- (2) It is further declared that the prevention of the establishment of Hazards to Air Navigation; the elimination, removal, alteration or mitigation of Hazards to Air Navigation; the marking and lighting of Airport Obstructions; and the prevention of the establishment of incompatible land use on properties adjacent to the

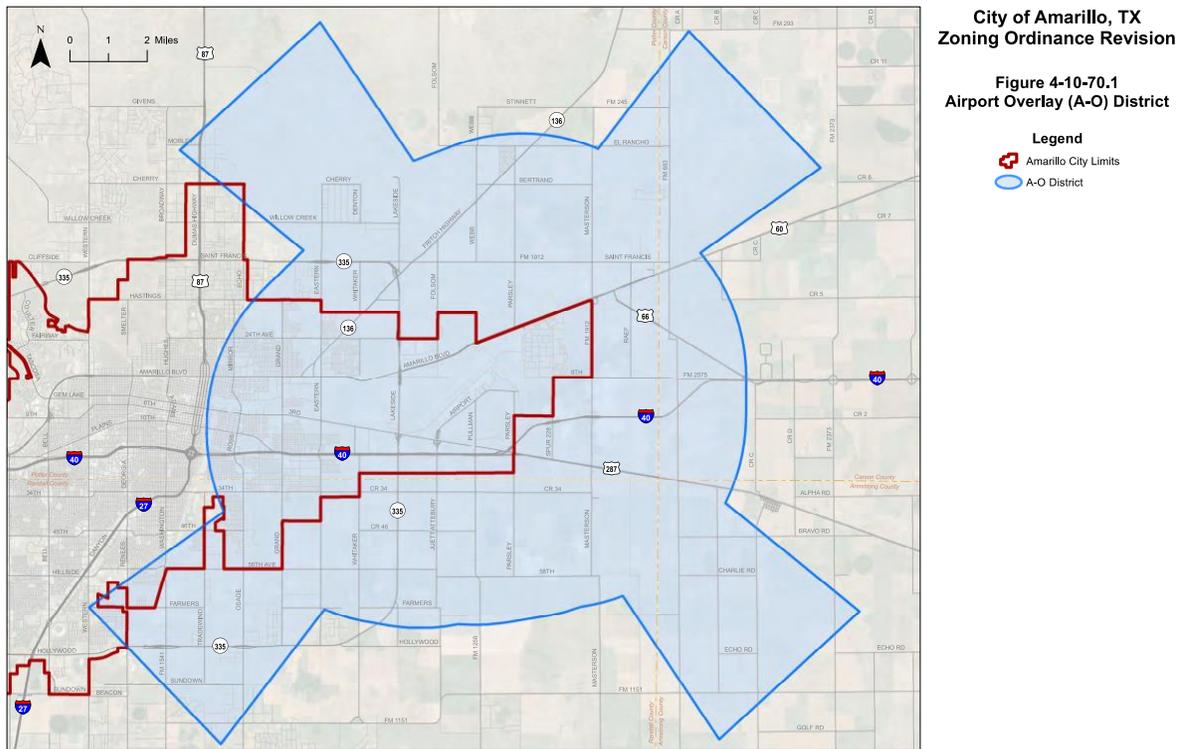
Airport are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

(b) **Authority.** This section is adopted under the authority of the Constitution and Laws of the Texas Local Government Code, Chapter 241, and the Charter of the City of Amarillo.

(c) **Boundaries.**

(1) The boundary of the A-O District is shown in Figure 4-10-70.1 – Airport Overlay District Map and also is depicted on the City of Amarillo Zoning Map.

Figure 4-10-70.1 - Airport Overlay District Map



(2) The A-O District is comprised of the following zones, which are established and described in this section:

- a. Wildlife Hazard Zone,
- b. Height Hazard Zone, and

c. Noise Zones.

(d) Coordination with Airport and Federal Aviation Administration required.

- a. All proposed Development located in the A-O District requires coordination with the Rick Husband Amarillo International Airport and the Federal Aviation Administration (FAA) well in advance of construction-related activity, except for the following activities due to their limited potential for impact on Amarillo Airport airspace:
 1. Construction or repair of subsurface utilities;
 2. Construction or repair of fences, walls, or decks;
 3. Grading activities;
 4. Residential repairs, renovations, or additions that do not exceed the Height of the tallest permitted Structure on the Lot as of the effective date of this Chapter;
 5. Land uses that do not constitute a change of primary use;
 6. Changes only to a property's ownership or occupancy; and
 7. Airfield improvements and navigational aids.
- b. For proposed Development in the Wildlife Hazard Zone or any Noise Zone, Developers shall:
 1. Begin coordination at least 3 months prior to anticipated construction activity by notifying the Director of Aviation about the proposed Development, and
 2. Prepare or revise Development plans in accordance with any feedback from the Director of Aviation.
- c. For proposed Development in the Height Hazard Zone, Developers shall take the following steps, in this order:

1. Begin coordination at least 6 months prior to anticipated construction activity by notifying the Director of Aviation about the proposed Development, and
2. Prepare or revise Development plans in accordance with any feedback from the Director of Aviation, and
3. File with the FAA a “Notice of Proposed Construction or Alteration (FAA Form 7460-1).”

(e) Permits.

- (1) The Building Official shall not issue Building or remodeling permits for any Structure in the Airport Overlay Zoning District unless the applicant fully complies with all provisions of this section.
- (2) The Public Health Administrator shall not issue a permit for the installation of a water well and/or septic tank in the Airport Overlay Zoning District unless the Building Official has stated that the permit applicant has complied with all provisions of this section.
- (3) Except as specifically provided in paragraph (4), no change shall be made in any use of land, no Structure shall be erected or altered, and no Object of Natural Growth shall be planted without a permit.
 - a. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient details to determine whether the resulting use, Structure, or Object of Natural Growth would conform to the regulations of this section. If such determination is found to be in compliance with this section, the permit may be granted.
 - b. No permit inconsistent with the provisions of this section shall be granted unless a Variance has been approved in accordance with this chapter.
- (4) No permit shall be granted that would allow a Nonconforming Use, Structure, or Object of Natural Growth to have an increased Height, or become a greater Hazard to Air Navigation than it was on the effective date of this section or any amendments thereto or than it is when the application for a permit is made.

(f) **Public improvements.** The City shall withhold all public improvements, including the maintenance of Streets and the furnishing of water and sewer service, unless the applicant for a Building Permit fully complies with all provisions of this section.

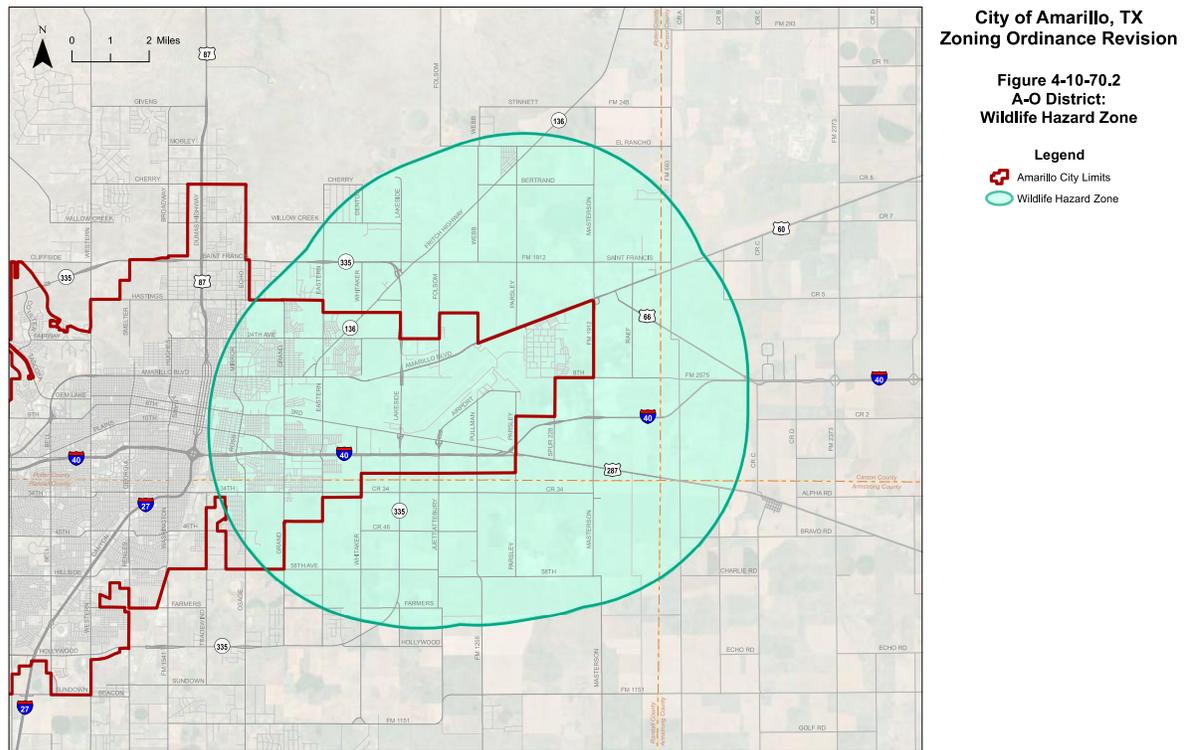
(g) **Regulations not retroactive.**

- (1) The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any Structure or Object of Natural Growth not conforming to the regulations as of the effective date of this section or otherwise interfere with the continuance of any legal Nonconforming Use.
- (2) Nothing contained in this section shall require any change in the construction, alteration, or use of any Structure, the construction or alteration of which was permitted or begun prior to the effective date of the ordinance from which this section is derived.

(h) **Wildlife Hazard Zone.**

- (1) In accordance with FAA Advisory Circular No. 150/520-33C, the boundary of the Wildlife Hazard Zone is a 5-mile radius around the Amarillo Airport boundary, as shown in Figure 4-10-70.2.

Figure 4-10-70.2 – Wildlife Hazard Zone Map



- (2) Due to their potential to create Hazards to Air Navigation, Wildlife Attractants are prohibited from locating within the Wildlife Hazard Zone, unless the Director of Aviation finds that, due to design, construction, or operational techniques, the Use, Structure, or activity likely will not create a Hazard to Air Navigation.
- (3) For the purposes of this subsection, Wildlife Attractants include:
 - a. Municipal solid waste landfills,
 - b. Wastewater treatment facilities,
 - c. Concentrated animal feeding operations,
 - d. Farming operations that produce crops with seed heads that attract wildlife,
 - e. Aquaculture conducted outside a fully enclosed Building,
 - f. Composting operations that include food and/or municipal solid waste,

- g. Underwater discharge of food waste,
- h. Golf courses, and
- i. Excess Vegetation.

(4) Stormwater detention ponds located within a 5-mile radius of the Amarillo Airport boundary shall be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms.

(i) Height Hazard Zone.

(1) In order to carry out the provisions of this section, there is hereby established a Height Hazard Zone that includes all of the land and air within the approach, departure, primary, transitional, horizontal, conical, obstacle clearance surface, and threshold siting surface as they apply to the Amarillo Airport and the land beneath these surfaces..

(2) These various surfaces are established in the most recently approved Airport Layout Plan for Amarillo International Airport.

(3) Height limitations.

- a. Within the Height Hazard Zone, no Structure shall be erected, altered, or maintained, and no Object of Natural Growth shall be allowed to grow, to a Height that protrudes above any of the surfaces listed in paragraph (2).
- b. Nothing in this section shall be construed as prohibiting the growth, construction, or maintenance of any Object of Natural Growth or Structure to a Height up to fifty (50) feet above the surface of the land.

(j) Noise Zones.

(1) For the purpose of regulating the development of noise-sensitive land uses to promote compatibility between the Amarillo Airport and the surrounding land uses, to protect the Amarillo Airport from incompatible Development and to promote the health, safety and general welfare of property users, the Airport Overlay District establishes three Noise Zones.

- (2) The three Noise Zones established by this subsection are based on the noise contours associated with the Amarillo Airport and are listed in Table 4-10-70.1.

Abbreviated Designation	Noise Zone	L_{dn} Designation
NZ-1	Noise Zone 1	65 through 69 Ldn contour
NZ-2	Noise Zone 2	70 through 74 Ldn contour
NZ-3	Noise Zone 3	75 Ldn and greater

(3) **Noise Zone boundaries.**

- a. The Noise Zone boundary lines are located and delineated along noise contour lines established in the most recently approved Airport Master Plan for Amarillo International Airport.
- b. Where uncertainty exists as to the boundaries of the Noise Zones as shown in the most recently approved Airport Master Plan, the following rules shall apply:
 1. Boundaries shall be scaled from the nearest physical feature shown on the map.
 2. Boundaries may be scaled from the nearest Platted Lot Line as shown on the map.
 3. Distances not specifically indicated on the noise contours map in the most recently approved Airport Master Plan shall be determined by a scaled measurement on the map.
- c. Where physical features on the ground differ from the information shown in the most recently approved Airport Master Plan or when there arises a question as to how or where a Parcel of property is zoned and such questions cannot be resolved by the application of paragraph a., the property shall be considered to be classified as the most restrictive Noise Zone.
- d. Where a Parcel of land lies within more than one Noise Zone, the zone within which each portion of the property is located shall apply individually to each portion of the Development.

- e. A Structure that is located partly within a Noise Zone and partly outside, or located partly within one or more Noise Zones, shall be considered to be entirely within the more restrictive of the Noise Zones within which it is located.

(4) Use of land and buildings.

- a. Within the Noise Zones no land shall hereafter be used and no Structure or other object shall hereafter be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying Zoning Districts, as specified in **Error! Reference source not found.** Additional land uses are prohibited in the Noise Zones, regardless of underlying Zoning, as set forth in Table 4-10-70.2.

Table 4-10-70. 2 – Airport Overlay District Noise Zones Land Use Compatibility Table			
Use	Yearly Day-Night Average Sound Level (Ldn) in Decibels		
	NZ-1	NZ-2	NZ-3
	65 - 69	70 - 74	75 & greater
RESIDENTIAL			
Residential, other than transient lodgings	No	No	No
Transient lodgings	25	30	No
PUBLIC USE			
Schools	No	No	No
Hospitals and nursing homes	25	30	No
Churches, auditoriums, and concert halls	25	30	No
Governmental services	Yes	25	30
Transportation	Yes	Yes ¹	Yes ²
Parking	Yes	Yes ¹	Yes ²
COMMERCIAL USE			
Offices, business and professional	Yes	25	30
Wholesale and retail—building materials, hardware and farm equipment	Yes	Yes ¹	Yes ²
Retail trade—general	Yes	25	30
Utilities	Yes	25	30
Communication	Yes	25	30
MANUFACTURING AND PRODUCTION			
Manufacturing, general	Yes	Yes ¹	Yes ²
Photographic and optical	Yes	25	30
Agriculture (except livestock) and forestry	Yes ³	Yes ⁴	Yes ⁵
Livestock farming and breeding	Yes ³	Yes ⁴	No
Mining and fishing, resource production and extraction	Yes	Yes	Yes

Table 4-10-70. 2 – Airport Overlay District Noise Zones Land Use Compatibility Table

Use	Yearly Day-Night Average Sound Level (Ldn) in Decibels		
	NZ-1	NZ-2	NZ-3
	65 - 69	70 - 74	75 & greater
RECREATIONAL			
Outdoor sports arenas and spectator sports	Yes ⁶	Yes ⁶	No
Outdoor music shells, amphitheaters	No	No	No
Nature exhibits and zoos	Yes	No	No
Amusements, parks, resorts and camps	Yes	Yes	No
Golf courses, riding stables and water recreation	Yes	25	30

Key:

Yes = Land Use and related Structures compatible without restrictions.

Yes^x = Land Use and related Structures compatible, with restrictions specified in footnote.

No = Land Use and related Structures are not compatible and should be prohibited.

25 or 30 = Land Use and related Structures generally compatible; measures to achieve Noise Level Reduction (NLR) of 25 or 30 dB must be incorporated into design and construction of Structure.

¹Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

²Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

³Residential buildings require an NLR of 25.

⁴Residential buildings require an NLR of 30.

⁵Residential buildings not permitted.

⁶Land use compatible provided special sound reinforcement systems are installed.

- b. Where Table 4-10-70.2. conflicts with **Error! Reference source not found.**Schedule of use, the provisions of this subsection control.
- c. Where the official Zoning Map indicates an area as being outside the limits of the City, the prohibited uses, as set forth in Table 4-10-70.2, shall apply as though the area is within the City and no Structure or object shall be erected, altered, converted or modified except to comply with uses not prohibited by this Chapter.
- d. This subsection does not apply to property within the official boundaries of the Airport.
- e. As an accessory use to a non-residential development located on a tract of land consisting of 20 or more acres in size, one (1) housing unit may be located on the site providing the property owner dedicates, in advance of receiving a building permit, an aviation clear zone easement to the City. The purpose of this easement shall be to establish a maximum height restriction on the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles or other effects

that may be caused by the operation of aircraft landing at, taking off from, or operating on, or at, public airport facilities.

(5) Certification of plans.

- a. The Building Official shall not issue a Building Permit for any Structure within the zones set forth in this subsection (j) unless the plans and specifications accompanying the application for the Building Permit have been certified by a registered professional engineer or registered professional architect in the State of Texas as meeting the Noise Level Reduction (NLR) standards specified in this subsection (j).
- b. The registered professional architect or engineer must certify that the plans and specifications shall reduce the noise impact from outdoor to indoor noise level at least the minimum specified in this subsection (j), using commonly accepted engineering and architectural acoustical practices.

(k) Additional land use regulations.

- (1) Within the City, all regulations in Chapter 4-10, Zoning, shall apply to the Development of all property covered by the Airport Overlay District Map based on the underlying Zoning of the property.
- (2) On a Lot located within the Airport Overlay District but outside the limits of the City (in the City of Amarillo's Extraterritorial Jurisdiction), all provisions of Section 4-10-70 apply, but no other provisions of Chapter 4-10 apply to the Lot.
- (3) Notwithstanding any other provision of this chapter or other chapter of this Code, no use may be made of land, water or Structures within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, or result in glare in the eyes of pilots using the Airport; impair visibility in the vicinity of the Airport; create bird strike Hazards, or otherwise in any way endanger or interfere with the landing, taking off or flight operations of aircraft utilizing the Amarillo Airport.
- (4) When a Subdivision Plat is required for any property within the Airport Overlay District, the property owner shall dedicate an Avigation Easement to the City over and across that property. This Avigation Easement shall hold the Airport harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel

particles or other effects that may be caused by the operation of aircraft taking off, landing or operating on or near Amarillo International Airport.

A-O Definitions²

Airport: A landing and terminal facility for aircraft, including facilities for fueling, servicing, and maintaining such craft..

Airport-Compatible Land Use: The use of land adjacent to an Airport that does not endanger the health, safety or welfare of the owners, occupants or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operations of the Airport, including the taking off and landing of aircraft.

Air Navigation, Hazard To: Any Airport Obstruction or Wildlife Hazard that is determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Airport Hazard³: Any Structure or Object of Natural Growth that enters the airspace required for the takeoff, landing and flight of aircraft, or that interferes with visual, radar, radio or other systems for tracking, data acquisition, monitoring or control of aircraft.

Airport Hazard Area⁴: Any area of land or water upon which an Airport Hazard might be established if not prevented as provided in this chapter.

Airport Layout Plan⁵: The FAA approved and City adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and City depicting the physical layout of an airport and identifying the location and configuration of current and proposed Runways, Taxiways, buildings, roadways, utilities, nav aids, etc.

Airport Master Plan⁶: An assembly of documents and drawings (that have been approved by the FAA and adopted by the City) covering the development of the Airport from a physical, economic, social, and political jurisdictional perspective. The *Airport Layout Plan* is part of the Master Plan.

² Proposed definitions related to the A-O are included here, along with additional relevant Zoning Ordinance definitions, for ease of review of the A-O District.

³ Same as TX LGC Chapter 241, Sec. 241.003.

⁴ Consistent with TX LGC Chapter 241, Sec. 241.003.

⁵ Definition from Airport Rules & Regulations (May 8, 2018).

⁶ Definition from Airport Rules & Regulations (May 8, 2018).

*Airport Obstruction*⁷: Any Structure, Object of Natural Growth, or other object, including a mobile object, that protrudes above the Airport surfaces described in Section 4-10-70, A-O (Airport Overlay District).

Airport Zoning Board: The Amarillo City Council.

Airport Zoning Commission: The Amarillo Planning and Zoning Commission.

Amarillo Airport: Rick Husband Amarillo International Airport.

Chapter: Chapter 4-10, *Zoning*, of the Amarillo Municipal Code.

*Day-Night Average Sound Level (DNL)*⁸: The 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of 10 decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m., and midnight, local time. The symbol for DNL is L_{dn} .

Development: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. *Development* includes the carrying out of any building activity, the making of any material change in the use or appearance of any Structure or land, or the subdivision of land.

Director of Aviation: The City of Amarillo Director of Aviation for the Rick Husband Amarillo International Airport or the director's designee.

Excess Vegetation: Whether living, dormant, or dead:

- (1) All grasses, weeds, and other plants in excess of eight (8) inches in height that are cultivated and growing in rank profusion; or
- (2) Noxious weeds; or
- (3) Uncultivated brush or weeds in excess of eight (8) inches in height; or
- (4) Shrubs and tree limbs that overhang or obstruct public sidewalks, streets, or alleys in violation of other provisions of this Code of Ordinances.

Provided however, the term "Excess Vegetation" shall not include cultivated flowers, gardens, and lawns.

*Federal Aviation Administration (FAA)*⁹: The Agency within the Department of Transportation of the United States Government that has the responsibility of regulating Aeronautical Activities. It was established by an act of Congress on April 1, 1967.

⁷ Consistent with TX LGC Chapter 241, Sec. 241.003.

⁸ Expanded into two definitions. See also *Yearly Day-Night Average Sound Level*.

⁹ Definition from Airport Rules & Regulations (May 8, 2018).

FAA: See *Federal Aviation Administration*.

L_{dn}: See *Yearly Day-Night Average Sound Level*.

Landing Area: The surface area of an Airport used for the landing and taking off of Aircraft.

Noise Level Reduction (NLR): The reduction of outside noise transmitted inside a Structure achieved through the incorporation of noise attenuation into the design and construction of the Structure.

Object of Natural Growth: A tree, shrub, groundcover, or other vegetation.

Overlay District: Any Zoning District listed in Article II, Zoning Districts, Division 7, Overlay Districts. Overlay Districts establish additional standards that supplement the base Zoning District or Planned District regulations.

Person: An individual, firm, partnership, corporation, company, Association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

Structure: Anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground.

*Wildlife Attractant*¹⁰: A human-made Structure or land use practice or activity that can attract or sustain hazardous wildlife. Hazardous wildlife is any species of animal (vertebrate or invertebrate), including feral animals and domesticated animals not under control of their owner, that are associated with Aircraft strike problems, are capable of causing structural damage to Airport facilities, or act as attractants to other wildlife that pose an aircraft strike hazard.

Wildlife Hazard: A human-made Structure or land use practice or activity that creates a potential for a damaging aircraft collision with wildlife on or near an airport (see Code of Federal Regulations Title 14, Part 139).

*Yearly Day-Night Average Sound Level (YDNL)*¹¹: The 365-day average, in decibels, Day-Night Average Sound Level. The symbol for YDNL is also L_{dn}.

¹⁰ Adapted from FAA AC 150/5200-33C.

¹¹ Expanded into two definitions. See also *Day-Night Average Sound Level*.