

CITY OF AMARILLO, TEXAS
CODE OF ORDINANCES
CHAPTER 4-10 - ZONING
USE REGULATIONS:
BYOB VENUES & BYOB EVENTS
PUBLIC REVIEW DRAFT
10-12-2020

Summary

This document consolidates proposed regulations for BYOB Venues and BYOB Events. Many regulations are based on requirements from the City of Amarillo.

Under Texas law, an establishment that has a beer/wine license or an establishment that does not have an alcohol license can permit patrons to “bring your own bottle” (BYOB) to the establishment for on-premises consumption. The proposed regulations apply to establishments that do not have an alcohol license.

BYOB Events are limited to one event per location, per calendar year. Events are permitted in the CB, LC, HC, I-1, and I-2 Districts. Event hours are limited to 7 a.m. to 2 a.m. Site Plan approval is required.

BYOB Venues hold more than one BYOB Event per calendar year. BYOB Venues require a Specific Use Permit in the CB, LC, HC, I-1, and I-2 Districts. A public safety plan is a required component of the SUP Application. An approved SUP for a BYOB Venue is valid for one year and may be renewed through a staff-level approval, provided the renewal request is made at least 45 days prior to expiration of the SUP approval.

BYOB Venues must close from 2 a.m. to 7 a.m. each day. In addition, they must meet the requirements for Event Venues, which include submittal of an operational plan and maintenance of an on-site manager.

Proposed Definitions

BYOB Event: A Temporary Use where an establishment that is not licensed or permitted by the Texas Alcoholic Beverage Commission allows patrons to bring alcoholic beverages onto the Premises for possession and consumption.

BYOB Venue: An establishment that is not licensed or permitted by the Texas Alcoholic Beverage Commission and allows patrons to bring alcoholic beverages onto the Premises for possession and consumption at more than one event during a calendar year. This definition excludes a private residence; an establishment operated by a governmental entity; a private club, as defined by the Texas Alcoholic Beverage Code; a fraternal or veteran’s organization, as defined by the Texas Alcoholic Beverage Code; an Eating Place; a religious assembly use; a Theater; or a College or University.

ARTICLE II. - ZONING DISTRICTS

DIVISION 1. USE TABLE

Sec. 4-10-82 - Schedule of use.

- Add BYOB Venues under “Alcohol-Related Uses”
- Allow as SUP in CB, LC, HC, I-1, and I-2 (same as “Drinking Places”)

ARTICLE III. - USE REGULATIONS

Sec. 4-10-94 - BYOB Venues.

(a) **Purpose.**

(1) It is a common practice for an establishment not licensed or permitted by the Texas Alcoholic Beverage Commission to allow its patrons to bring their own alcoholic beverages onto the Premises for consumption. This practice is often referred to as "BYOB," an acronym for "bring your own bottle" or "bring your own beverage."

(2) The Texas Alcoholic Beverage Code does not regulate the licensing or operation of establishments that allow patrons to bring their own alcoholic beverages onto the Premises for consumption. The regulations in this Section are not preempted by the Alcoholic Beverage Code and are necessary and proper pursuant to the police power of the City of Amarillo.

(3) The purpose of this Section is to protect the safety, health, and welfare of the people of the City of Amarillo and their property by monitoring and regulating the operation of BYOB Venues.

(b) **Applicability.** This Section applies to all BYOB Venues.

(c) **All BYOB Venues.** All BYOB Venues must meet all requirements for Event Venues specified in [Sec. 4-10-99](#) (b) and (c), in addition to the requirements in this Section.

(d) **Hours of operation.** A BYOB Venue must close from 2 a.m. until 7 a.m. each day.¹ A patron who is on the premises at 2 a.m. may remain until no later than 2:15 a.m.

(e) **Public safety plan.**

(1) **Minimum requirements.** The SUP Application must include a public safety plan based on the maximum capacity of the BYOB Venue, as determined by applicable Building Code, Fire Code, and/or parking requirements. At a minimum, the public safety plan must include the following elements:

- a. On-site security for patrons and property; and
- b. Fire safety plan.

(2) **On-site security.**

¹ Texas ABC laws allows alcohol sales at different hours, based on the type of use/permit. Generally beginning at 7 a.m. and lasting until 2 a.m. if the establishment has a "late hours" permit.

a. The Owner or operator of a BYOB Venue may hire private security, including licensed peace officers that are not employed by the City of Amarillo, for personal safety or property security to supplement the services provided by the Amarillo Police Department.

b. Private security employed pursuant to paragraph a., above, must:

1. Be in uniform;
2. Be able to contact City police, fire, or emergency medical services if necessary;
3. Remain on-site at all times patrons are on-site;
4. Be licensed by the State of Texas; and
5. Not consume an alcoholic beverage or participate in activities at the venue.

(3) **Fire safety plan.** The Owner or operator of a BYOB Venue shall comply with all applicable International Fire Code requirements as adopted and amended in Chapter 10-2, *Fire Prevention*, including, but not limited to:

- a. Fire lanes and public safety access;
- b. Tents and temporary membrane structures;
- c. Fireworks, pyrotechnics, open flames;
- d. Theatrical flame or laser performances;
- e. Occupant loads, exiting, and egress;
- f. Use of decorative materials and finishes;
- g. Use, location, storage of propane or other fuel type equipment; and
- h. Crowd management.

(f) **Approval process and initial approval timeframe.**

(1) All BYOB Venues require approval through the Specific Use Permit procedure (see Article V, *Procedures*).

(2) Upon receipt of a SUP Application for a BYOB Venue, the Planning Director shall notify the Amarillo Environmental Health Department, Amarillo Police Department, and the Amarillo Fire Department. The Environmental Health, Police, and Fire Departments may provide recommendations for approval, approval with conditions, or disapproval of the Application.

(3) Despite any contrary provisions in Article V, *Procedures*, an approved Specific Use Permit for a BYOB Venue is valid for one year from the date of approval and is not transferrable to another Owner or Applicant.

(g) Renewal of Specific Use Permit for a BYOB Venue.

(1) If the Applicant requests renewal of the SUP for a BYOB Venue no sooner than 90 days and no later than 45 days prior to the expiration of the SUP approval, the Planning Director may approve the renewal request if the BYOB Venue:

- a. Meets the requirements of this Section; and
- b. Does not have any pending Zoning Ordinance or other City Code enforcement actions.

(2) If an Applicant requests renewal of the SUP for a BYOB Venue less than 45 days prior to the expiration of the SUP approval, the renewal shall be disapproved. The BYOB Venue shall cease operation immediately upon expiration of the approval. A new SUP Application is required to re-establish the BYOB Venue.

Sec. 4-10-99 - Event Venues.²

(a) **Applicability.** This Section applies to all Event Venues. An Event Venue that holds more than one BYOB Event per calendar year also must meet the requirements of Sec. 4-10-94, BYOB Venues.

(b) **All Event Venues.** The following standards apply to all Event Venues:

(1) **On-site manager required.** An on-site manager shall be present and available for the duration of all events occurring at the venue. Up-to-date contact information for the on-site manager shall be included on the venue's website, on marketing materials for the venue, and in the venue's operational plan (if required per subsection (b)). Updated contact information shall be provided to the Planning and Development Services Department any time the on-site manager's contact information changes.

² This section includes the use regulations in the current draft of Article III, Use Regulations for Event Venues (which are unchanged from Module 1). The proposed standards for BYOB Venues cross-reference these Event Venue regulations, so they are provided here for a complete picture of the proposed use regulations for BYOB Venues.

(2) **Maximum number of users.** The maximum number of users an Event Venue may accommodate at one time is limited to the maximum capacity of the venue, as determined by applicable Building Code, Fire Code, and/or parking requirements.

(3) **Vehicular access.** Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles, and shall meet all applicable provisions of the Fire Code.

(4) **Outdoor areas.**

a. Outdoor areas include, but are not limited to, parking areas, decks, patios, gazebos, and fire pits.

b. All outdoor areas associated with an Event Venue shall be located at least 150 feet from all residential Structures not located on the same Lot as the Event Venue. This distance is measured in a straight line from the edge of the outdoor area nearest the residential Structure to the residential Structure.

c. With the exception of parking areas, outdoor areas associated with an Event Venue and located within 300 feet of a residential Structure not located on the same Lot as the Event Venue shall cease operation by 10 p.m. This distance is measured in a straight line from the edge of the outdoor area nearest the residential Structure to the residential Structure.

(c) **Event Venues allowed by Specific Use Permit.** In Zoning Districts where Event Venues require a Specific Use Permit (SUP), the following standards apply in addition to those in subsection (a):

(1) **Operational plan.** An operational plan shall be submitted with the SUP application describing generally how the Event Venue will operate. Substantive changes to the operational plan, as determined by the Planning Director, require additional approval by the City Council. The operational plan shall include, at a minimum, the following items:

a. Maximum capacity of the Event Venue, based on Building Code, Fire Code, and/or parking requirements;

b. Contact information for the on-site venue manager;

c. Whether the venue will operate seasonally or year-round;

d. The venue's alcoholic beverage policy, specifically including whether BYOB events will be allowed;

e. Type(s) of events anticipated/marketed;

f. Anticipated annual number of events; and

- g. How solid waste will be disposed of (private vs. public collection).

(2) **Amplified music.** Amplified music or other sound is permitted in all outdoor areas, provided it ends no later than 10 p.m.

Sec. 4-10-115 – Temporary Uses and Structures.³

(a) **Purpose.** Temporary Uses and Structures are allowed in accordance with the provisions of this Section, which are intended to:

(1) Minimize or mitigate potential negative impacts of such Uses and Structures on the surrounding area and

(2) Provide safe and convenient access to permitted Temporary Uses and Structures.

(b) **Exemptions.** The following uses are exempt from the requirements of this Section:

(1) Lawful picketing and demonstrations; and

(2) Weddings, receptions, parties, and similar private, non-commercial events held on private property.

(c) **Site Plan Approval Required.**

(1) Except as otherwise provided in this Section, all Temporary Uses require approval of a Site Plan prior to establishment of the Use. In addition to the requirements in Article V, *Procedures*, the Site Plan shall depict the following items as applicable:

a. Location of the Temporary Use and associated Temporary Structures;

b. Location of permanent Structures;

c. Location and number of Off-Street Parking Spaces;

d. Location of vehicular access(es) to the site;

e. Type, size, and location of all temporary signs associated with the Temporary Use or Structure;

³ This section includes the use regulations in the current draft of Article III, Use Regulations. BYOB Events are subject to all Temporary Use Regulations, as well as the specific regulations for BYOB Events in 4-10-114 (j).

- f. Location and description of all temporary lighting;
- g. Location of restroom facilities; and
- h. Method of solid waste disposal.

(2) For temporary Uses where the Applicant anticipates minimal or no resulting impact on surrounding properties, the Planning Director may waive any or all of the Site Plan submittal requirements. In making this determination, the Planning Director shall consider the factors listed below and shall provide a written notice of decision identifying the basis of the decision:

- a. Nature of the proposed Temporary Use;
- b. Location of the proposed site;
- c. Use of surrounding properties;
- d. Capacity of the transportation network to adequately serve the proposed Temporary Use; and
- e. Public safety.

(d) Parking for Temporary Uses and Structures.

(1) For all Temporary Uses and Structures requiring Site Plan approval, parking shall be provided in the amounts specified in Article IV, *Development Standards*.

(2) Based on the operational characteristics of the proposed Temporary Use or Structure, the Planning Director may require additional or fewer parking spaces as needed to adequately serve the Use or Structure.

(3) Parking may be located on the same site as the Temporary Use or Structure, or may be located off-site if:

- a. The off-site parking area provides safe pedestrian access to the site on which the Temporary Use or Structure is located, and
- b. The property owner provides written permission.

(4) All other Off-Street Parking requirements are not applicable to Temporary Uses and Structures.

(e) **Lighting for Temporary Uses and Structures.** Lighting associated with a Temporary Use or Structure shall be shielded or directed away from adjoining properties and streets in order to minimize light trespass and glare.

(f) **Signs for Temporary Uses and Structures.** Signs associated with a Temporary Use or Structure are subject to the provisions of Article IV, Division 8, as applicable.

(g) **Temporary Structures.** Temporary Structures shall meet all applicable Building and Fire Code requirements.

(h) **Schedule of Temporary Uses and Structures.** Temporary Uses and Structures are allowed for the length of time and in the locations specified in Table 4-10-115.1, provided the Use complies with all applicable Supplemental Regulations for Specific Temporary Uses and other provisions of this Section.

Table 4-10-115.1 - Schedule of Temporary Uses and Structures

Temporary Use or Structure	Supplemental Regulations?	Site Plan Approval Required?	Maximum Duration of Use (per site)	Permitted Location(s)
Alcoholic beverages sales	Yes	Yes	4 days	All Districts
Asphalt or Concrete Batching Plant	Yes	Yes	1 year ¹	All Districts
BYOB Event	Yes	Yes	1 event per calendar year	CB, LC, HC, I-1, I-2
Field or Construction Office	Yes	Yes	Until completion of associated construction project	All Districts
Off-Premises Sales (other than Seasonal Sales)	No	Yes	3 consecutive days per sale; up to 4 sales per calendar year	GR, LC, HC, I-1, I-2
Outdoor Promotional Event	Yes	Yes	3 consecutive days per event; up to 4 events per calendar year	All Districts, if the event is located on the same site as the promoting business(es)

Table 4-10-115.1 - Schedule of Temporary Uses and Structures

Parking area	See Article IV, Division 5, Parking and Loading	Permit required for associated Temporary Use	Same as associated Temporary Use	All Districts, if the temporary parking area serves a permitted Temporary Use
Portable Storage Container	No	No	Up to 60 cumulative days per calendar year	All Districts
Seasonal Sales - roadside agricultural and produce stand	Yes	Yes	90 consecutive days or 6 cumulative months per calendar year	A, E, NS, GR, LC, CB, HC, I-1, and I-2 Districts
Seasonal Sales - Christmas trees or pumpkins	No	Yes	45 consecutive days per calendar year	All Districts
Special Event on private property	Yes	Yes	14 consecutive days; up to 10 events per calendar year	A, MF, O, NS, GR, CB, LC, HC, I-1, and I-2 Districts
Special Event on public property	Yes	Yes	3 consecutive days per event	Publicly-owned facilities in any District
Special Event requiring closure of a public right-of-way	See Amarillo Municipal Code Chapter 16-3, Article VI			Public street, alley, or sidewalk
Topsoil, Earth or Stone Storage	Yes	Yes	1 year ¹	A, I-1, I-2

Table 4-10-115.1 - Schedule of Temporary Uses and Structures				
Weddings, receptions, parties, and similar events held on private property not owned by the event's host	No	Yes	2 consecutive days per event; up to 4 events per calendar year	All Districts
Yard Sale	No	No	2 days per sale; up to 4 sales per calendar year	All Districts, if the Lot contains an occupied Dwelling Unit

¹Prior to expiration of the original 1-year timeframe, the Applicant may request an extension of up to 12 additional months for the Use. The request must be made in writing, and the Applicant must demonstrate a continued need for the Use at the present location.

(j) **Supplemental Regulations for Specific Temporary Uses.⁴**

(3) **BYOB Events.**

a. **Hours of operation.** A BYOB Event may occur between 7 a.m. and 2 a.m. the following day.⁵ An event attendee who is on the premises at 2 a.m. may remain until no later than 2:15 a.m.

b. **Site Plan Applications for BYOB Events.**

1. All BYOB Events require the Applicant to submit a BYOB Event plan in conjunction with a Site Plan Application at least 10 business days prior to the proposed event.
2. The BYOB Event plan shall include, at a minimum, the following items as applicable:
 - i. Description of the proposed event and associated activities;
 - ii. Anticipated number of attendees/participants;

⁴ This subsection (j) includes additional regulations that apply to certain temporary uses, such as alcoholic beverage sales, asphalt and concrete batching plants, and special events. Only the proposed regulations for BYOB Events are included here. To view this subsection in full, see Article III - *Use Regulations, Sec. 4-10-115 - Temporary Uses and Structures.*

⁵ Texas ABC laws allows alcohol sales at different hours, based on the type of use/permit. Generally beginning at 7 a.m. and lasting until 2 a.m. if the establishment has a “late hours” permit.

iii. Emergency access and public safety plan;

iv. Letter(s) of coordination from other departments or agencies, as applicable, including, but not limited to: Police Department, Fire Marshal, Environmental Health Department, private sanitation or solid waste collection company, and/or as requested by the Planning Director.

c. BYOB Events that are open to the public.

1. All BYOB Events, whether located on public or private property, require approval by the Environmental Health Department if they are open to the general public (whether or not an entrance fee is required).

2. Applicants may submit the Environmental Health Department's required Special Community Events Planning Application online:
<https://www.amarillo.gov/departments/community-services/environmental-health/special-events-information/special-events-application>

d. Special Events that require temporary closure of a public right-of-way. Any BYOB Event that requires the temporary closure of a public street, alley, or sidewalk must comply with Amarillo Municipal Code [Chapter 16-3, Article VI, Special Street Uses](#), in addition to all applicable provisions of this Section.