

# NORTH HEIGHTS REZONING INITIATIVE

## *Frequently Asked Questions*

### **1. What does rezoning mean?**

Zoning is splitting a city into districts. Each district has allowed uses and rules regarding development. Zoning does not determine appraised property values, voting districts, school attendance, or change ownership of a property.

The rezoning plan was designed to achieve two goals:

- A. Help adjust incompatible zoning to match existing buildings and uses. For example, homes built where zoning does not permit residential uses.
- B. To encourage logical development of North Heights in the future. For example, more opportunities for businesses, new housing options, and fewer conflicts between uses such as cabinet shops next to homes.

### **2. What does that mean for my property?**

It will likely have no immediate effect on the way you are using your property! Property will not be taken, sold, or otherwise penalized due to zoning. The goal is to regulate future development in the same way it currently is regulated in other parts of Amarillo.

### **3. What if my property doesn't fit the new zoning?**

If your current use is not included in allowed uses (also known as a legal nonconforming use), the current use will be allowed to continue as such even if:

- A. You sell the property to a new owner;
- B. Your tenants change, but the same use continues (ie BBQ restaurant to Mexican restaurant);
- C. Your house or business is destroyed by fire – it can be reconstructed to the previous condition within two years if approved by the Zoning Board of Adjustments;
- D. You deed the property to an heir through your estate.

However, a property will be required to comply with zoning regulations in the future if you choose to:

- A. Expand the use beyond its current tract;
- B. Let the property sit vacant with no active use for 12 months (note the new code proposes 6 months);

- C. Bring in a tenant with a business that is allowed in the new zoning district. You will not be able to return to the previous legal nonconforming use.

Note: A property that is considered “legal nonconforming” according to zoning regulations is not guaranteed to be considered acceptable to building code requirements, environmental safety, etc.

***Legal Nonconforming Example 1 - Lucy’s Catering Business:***

*Lucy’s Catering is a catering business that rents a building owned by Mr. Brown in Light Commercial. The property is proposed to be rezoned to Office. The use “Catering Business” is not allowed in Office. What does this mean for Lucy and Mr. Brown?*

- Lucy can continue to run her business in the same building for many years and Mr. Brown can continue to renew the lease to Lucy’s Catering Business for many years.
- Mr. Brown decides he wants to sell the property to his friend Mr. Green. Mr. Green understands that he is buying a property with a legal nonconforming use. He takes over Lucy’s lease and she continues to operate her catering business with a new lease with Mr. Green.
- Lucy thinks she might like to expand her business into the building next to her owned by Mrs. White. It was vacant at the time and Mrs. White fixed it up after it was rezoned. Lucy calls the City to ask the planners if this is allowed. She is informed that the building next door is zoned Office and her business is not an allowable use. She is also informed that she can continue to run her catering business as a legal nonconforming use in her current space, but she cannot expand beyond the original tract.
- A tornado unfortunately strikes a small portion of the neighborhood. The building Lucy leases is almost entirely destroyed. Mr. Green is granted approved by the Zoning Board of Adjustments to rebuild it to the same footprint as before and Lucy is able to continue operating.
- Lucy’s business begins to decline and she decides she wants to do something else. She closes her business. Mr. Green has to find a new tenant. He has the choice of finding a catering business within the one-year time period or he can find an office tenant. **The one-year time period for vacancy begins** upon the building or space no longer being an active use. The new user requesting a Certificate of Occupancy would have to prove when the building was last occupied using methods such as utility billing or lease agreements.
- Because of the recent zoning changes and reinvestment visible in the neighborhood, Mr. Green finds an office tenant in less than two months. A new lease is signed for the office use. The use is no longer legal nonconforming. If the office tenant leaves, Mr. Green cannot lease it to a catering business in the future.

***Legal Nonconforming Example 2 – Ms. Ivy’s Manufactured Home:***

*Ms. Ivy owns and lives in a manufactured home that was built in 1995 on a busy commercial corridor in the neighborhood. Her property is currently zoned Multi-Family-1 with a Special Use Permit that allows the Manufactured Home to be placed on the lot. Her property is proposed to be rezoned to General Retail. What does this mean for Ms. Ivy?*

- Ms. Ivy can continue to live in her manufactured home as long as she likes.
- Ms. Ivy can sell her manufactured home and the new owner can live in it as long as they like.

- If Ms. Ivy passes away and does not sell or deed the property to her children. The manufactured home sits vacant for two years. Finally, the property is purchased at a tax sale. The manufactured home can no longer be used for Residential.

#### **4. What will this do to my property value?**

The only way to determine the current value of your property is to work with a real estate professional who will run a comparative analysis report. Value is impacted by many different variables. A zoning change may or may not impact the value.

Some of the proposed changes will result in fewer allowed uses; however, the overall goal of the rezoning project is to encourage reinvestment and redevelopment – it is expected that the neighborhood as a whole will improve over time; therefore, individual property owners would see their land become more valuable over time as well.

#### **5. What happens in the appraisal district records when the zoning changes?**

Zoning alone does not change appraised values. The appraisal process is based on four broad categories – Commercial, Business Personal Property, Residential and Rural and Urban Land. Appraisals use complicated methodology to determine the tax value and it examines the way the property is currently being used and what is built on the land.

*Example: The house at 2309 NW 15TH AVE is zoned Industrial-1. It is appraised with a "one story residential" improvement. Rezoning to a Residential-2 will likely have no impact on the appraised value.*

#### **6. Does a zoning change from Light Industrial to Heavy Commercial also change the building code requirements?**

No, zoning has no impact on building code requirements. The way a building is occupied determines the type of building code requirements it must meet. A proposed building for a storage company would have to meet the same building code requirements if it were located in Light Industrial or Heavy Commercial. Residential properties are required to meet the standards in the International Residential Code and commercial properties are required to meet the International Building Code.

#### **7. Why did the Advisory Association choose to change my land?**

North Heights Advisory Association (NHAA) designed a plan for neighborhood revitalization in 2016. The North Heights Neighborhood Plan was adopted by City Council in January 2017 as an official amendment to the Amarillo Comprehensive Plan. This plan included goals including:

- Improving neighborhood stability;
- Promoting the development and maintenance of quality affordable housing;
- Encouraging home ownership and occupancy;
- Creating catalyst areas for development;
- Preserving neighborhood historic heritage; and,
- And amending zoning patterns.

With these goals in mind, the NHAA spent 2020 carefully studying the current land uses and how to best reach the plan goals.

### **How can I learn more or get involved?**

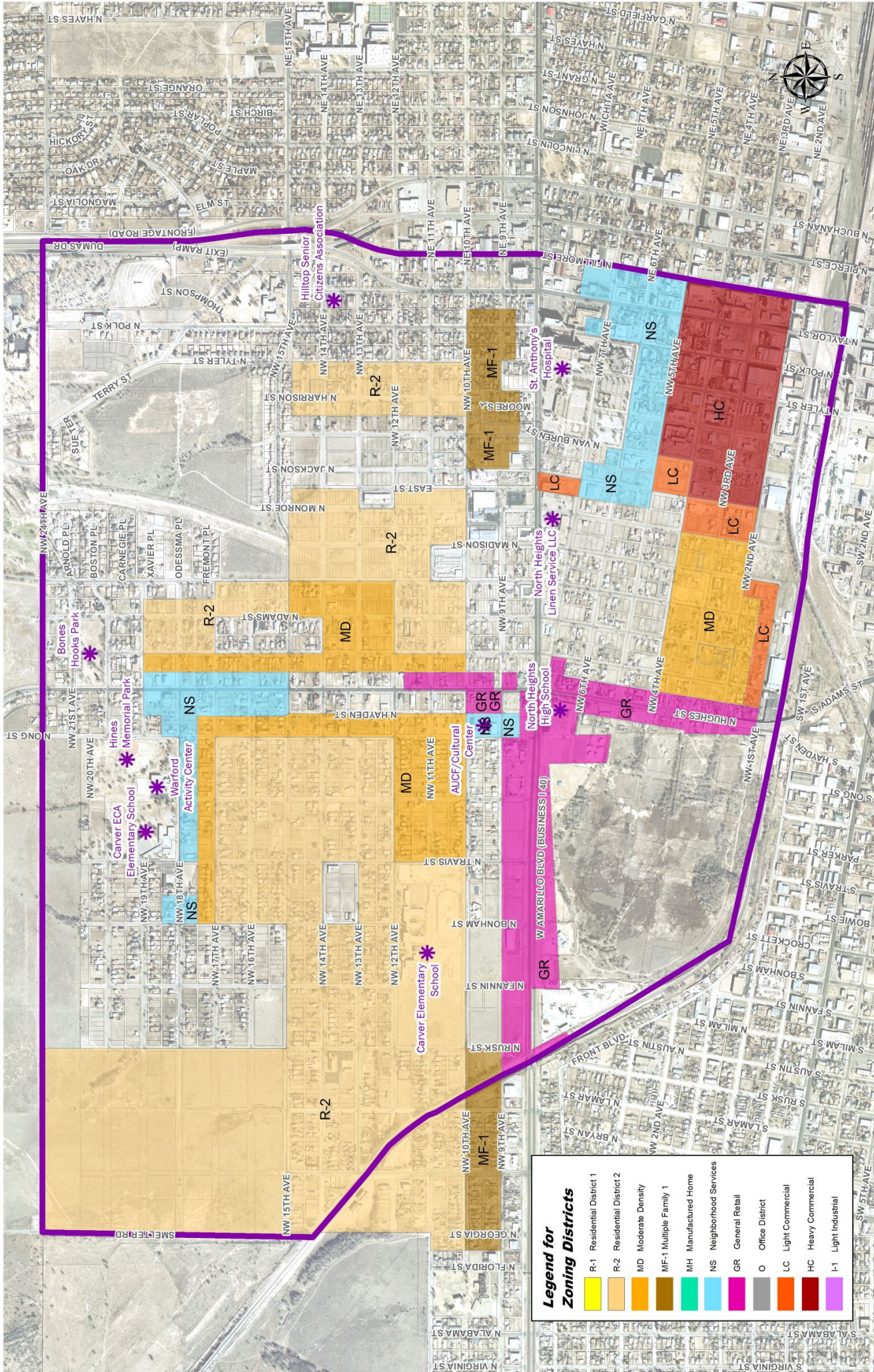
North Heights Advisory Association welcomes involvement and comments on this or future projects. You can reach NHAA president, Melodie Graves, at 806-640-8184.

For technical questions about the rezoning initiative or city processes, contact the City of Amarillo Planning Department at 806-378-6290, or visit [amarillo.gov/NHRezoning](http://amarillo.gov/NHRezoning).



# NORTH HEIGHTS REZONING INITIATIVE

Areas Proposed to be Rezoned



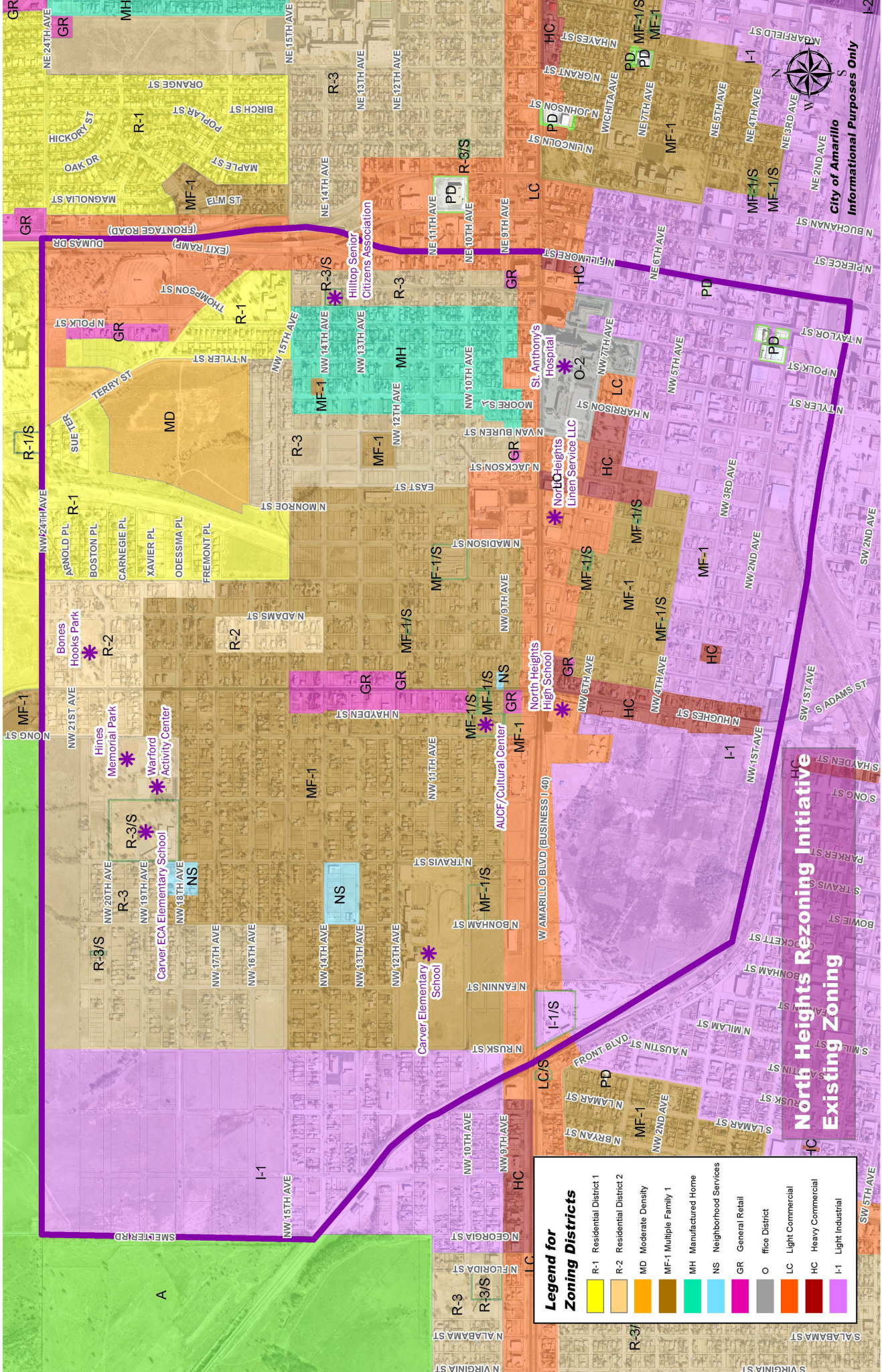
**Legend for Zoning Districts**

<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-1 Residential District 1
<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-2 Residential District 2
<span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> MD Moderate Density
<span style="background-color: lightgreen; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> MF-1 Multiple Family 1
<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> MH Manufactured Home
<span style="background-color: lightyellow; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> NS Neighborhood Services
<span style="background-color: lightorange; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> GR General Retail
<span style="background-color: lightpink; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> O Office District
<span style="background-color: lightcyan; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> LC Light Commercial
<span style="background-color: lightred; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> HC Heavy Commercial
<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> I-1 Light Industrial



# NORTH HEIGTS REZONING INITIATIVE

## HEIGTS *Existing Zoning*



**Legend for Zoning Districts**

- R-1 Residential District 1
- R-2 Residential District 2
- MD Moderate Density
- MF-1 Multiple Family 1
- MH Manufactured Home
- NS Neighborhood Services
- GR General Retail
- O Office District
- LC Light Commercial
- HC Heavy Commercial
- I-1 Light Industrial

City of Amarillo  
Informational Purposes Only

North Heights Rezoning Initiative  
Existing Zoning



# NORTH HEIGHTS REZONING INITIATIVE

## Map Legend and Zoning Districts

This legend gives a summary of all zoning districts in the North Heights project area. These are color coordinated throughout all maps and codes produced by the City of Amarillo. See the Use Table for specific regulations.

### RESIDENTIAL (R-1)

Used for single family (SF) homes, but manufactured homes and pre-fabricated may be permitted with certain standards. R-1 allows larger lots (7,500 SF minimum) for more space between homes suitable for more rural feeling neighborhoods. Uses such as churches, community centers, schools, and daycares are allowed.

### RESIDENTIAL (R-2)

Used for single family (SF) homes, but manufactured homes and pre-fabricated may be permitted if they meet certain standards. R-2 allows smaller lots (5,000 SF minimum) suitable for infill and more compact neighborhoods. Uses such as churches, community centers, schools, and daycares are allowed.

### MODERATE DENSITY (MD)

Generally maintains the look and feel of residential districts, but in addition to single family homes, it includes more diverse and dense housing such as townhomes and duplexes. It does not allow commercial uses. The zoning code update could also permit tiny homes, triplexes, quadplexes, and live/work units and eliminate large apartment buildings.

### MULTI-FAMILY (MF/MF-1)

Allows medium to high density housing primarily with apartment complexes, but also allows single family and moderate density housing. The zoning code update could allow apartment buildings to have stores and offices within them, also called mixed use buildings.

### MANUFACTURED HOME (MH)

Development of manufactured homes within either a manufactured home park or a subdivision. MH is not for the placement of one manufactured home. MH parks and subdivisions must meet development standards.

### NEIGHBORHOOD SERVICES (NS)

Allows for low impact retail, office, and service uses that are compatible with residential areas and provide needed goods and services to residents. Uses could include barber and beauty shops, laundromats, drug stores, and banks. Restaurants are allowed but require additional approval to ensure compatibility.

### GENERAL RETAIL (GR)

Primarily medium impact retail and retail-related uses. Restaurants are allowed and can serve alcohol, but bars are not allowed. Also allows a variety of automobile service uses including a gas station, car wash, auto parts sales. Body shops are not allowed. Car lots require additional approval.

### OFFICE (O)

This is one of the more straight-forward districts, allowing almost entirely office uses. The zoning code revision may allow business services, educational and institutional uses as well as some retail to support the primary uses in the district, such as food trucks and corner stores. Does not allow restaurants or bars to serve alcohol.

### LIGHT COMMERCIAL (LC)

Allows for service and sales uses that are considered too intensive to fit with general retail areas. In addition to GR uses, this district allows bars, flea markets, trade contractors such as plumbers, etc. It does not allow light fabrication, assembly, warehousing. All alcohol related uses are allowed.

### HEAVY COMMERCIAL (HC)

Allows many of the same uses as LC, but also allows for outdoor storage, light fabrication, wholesale office and sales uses. All alcohol related uses are allowed.

### LIGHT INDUSTRIAL (I-1)

Allows more intense activities, such as manufacturing, recycling and waste collection, meat packing plants, etc. The zoning code update proposes limits for emission or dust, odor, vibration, air contaminants, and sound.