

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

CHAPTER 4-10 - ZONING



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EXECUTIVE SUMMARY

Planning in the City of Amarillo

The major purpose of the Zoning Ordinance is to implement the City's long-term planning policies, which are found in its comprehensive plan, the *Amarillo Comprehensive Plan 2010*, Chapter 2, *Land Use & Community Character*, the *Future Land Use & Character Map (Map 2.1)*, and the *Neighborhood Plans* (adopted as amendments to the Comprehensive Plan). These plans establish long-term policies for land use. Chapters 3 through 7 of the Comprehensive Plan contain additional planning-related policies that can be implemented or partially implemented through the Zoning Ordinance.

The Zoning Ordinance establishes development and land use metrics that implement the Comprehensive Plan, and zoning districts that align with the *Future Land Use & Character Map*. The Zoning Ordinance provides clear rules about what is expected of applicants in order to gain approval to develop land in the City.

How to Read This Document

The Zoning Ordinance is written in a way that allows readers to quickly find information that is of interest to their property or neighborhood. Purpose statements are included to assist readers in understanding the intent of a regulation. In addition, the numbering conventions are consistent with the rest of the Amarillo Municipal Code to maintain consistency.

How the Document is Organized

The Zoning Ordinance is divided into 11 Articles, some of which are further separated into Divisions. These are structured so that the most frequently used information appears first, with the definitions and technical information (such as submittal requirements) appearing later.

The first article, *Introduction*, contains some basic information on the purpose of the Zoning Ordinance. It sets the stage for the remainder of the document.

Article II, *Zoning Districts*, establishes the Uses allowed in each District. It states which Uses are allowed in limited situations, known as "specific use," and which Uses are prohibited. Development standards for each Zoning District are also included. These standards include metrics for residential Density, Height, Setbacks, and Lot Coverage. A Table showing the permitted and specific Uses in all Districts is presented in Article II, Division 8.

The Use Regulations (Article III) contain requirements for specific Uses and development types that apply in all Zoning Districts. Examples include Accessory Uses, Home Occupations, and Temporary Structures and Uses. These Uses may or may not be permitted as of right or as a specific Use, depending on how they are listed in the applicable Zoning District. The standards are designed to address particular issues that are raised by the particular Use—such as state or federal legal requirements, impact on surrounding neighborhoods, or development allowances or incentives.

The Development Standards (Article IV) consolidate the development metrics that apply to all development and land uses in the City's zoning jurisdiction. This includes standards for site improvements such as parking and landscaping. It establishes standards and rules of measurement for the Zoning Districts' standards, including how to measure Setbacks and Height.

The Procedures (Article V) tell the Applicant how projects are entitled. This article provides information on the City's administrative framework and procedural workflows. Division 1 provides general

information about the application process, public hearings, and notification. Division 2 describes the procedures for zoning approval, including Site Plans, Specific Use Permits, Text Amendments, and Rezoning. Processes to appeal and request variances from the Zoning Board of Adjustment also are set out in Division 2.

Article VI, *Nonconformities*, addresses situations where a Use or Building has been legally established before new regulations that would otherwise not allow them. Under Texas law these uses are grandfathered, but may have standards that dictate whether and how they can expand or continue. This article also addresses the grandfathering of building permits that are in process when the Zoning Ordinance, or changes to the Zoning Ordinance, are adopted.

Article VII, *Agencies*, establishes, or references Amarillo Municipal Code or state statutes relating to, the agencies involved in administering the Zoning Ordinance. These include the Planning and Zoning Commission, Urban Design and Historic Preservation Commission, Planning and Development Services Department, and Zoning Board of Adjustment. The City Council is the City's legislative body, and adopts amendments to this Chapter (including Rezoning).

Article VIII, *Enforcement*, establishes procedures to enforce the Zoning Ordinance, including penalties for violations.

[The Definitions & Rules of Interpretation \(Article IX,\) Rules of Interpretation & Measurement and Definitions](#) provides the Zoning Ordinance's "glossary." It defines terms and phrases used in the Zoning Ordinance and the Uses listed in the Zoning Districts. It also establishes rules of interpretation, including rules for determining the location of Zoning District boundaries. [Division 2 of this article establishes standards and rules of measurement for the Zoning Districts' standards, including how to measure Setbacks and Height.](#)

Article X, *Legal Provisions*, includes legal language such as the severability clause, how to apply standards that differ from each other, and the effective date.

Article XI, *Submittal Requirements*, provides a checklist of the information that Applicants need to have a complete application that the City can process. It also establishes fees, or cross-references other sections of the Amarillo Municipal Code.

Purpose Statements

Many sections include a purpose statement. These statements are aids in explaining and interpreting this ordinance. They are not separate standards. They will not be used to deny or condition Development, but they may be used to explain how the standards are applied. They may also include legislative findings, which provide facts that support ordinance requirements.

Determining the Regulations for a Specific Site

To determine the regulations of the Zoning Ordinance applicable to a specific site, the reader must first find the site on the Zoning Map. The map will show the Zoning District that is applied to the site. The official Zoning Map is maintained online through the City's Geographic Information Systems (GIS) website:

<https://amarillo.maps.arcgis.com/apps/webappviewer/index.html?id=22e08572f127442f9e401f8838170464>

The reader should then look up all the relevant regulations, starting with the Zoning Districts and development standards. The Zoning Districts state whether a Use is allowed by right, allowed with a

Specific Use Permit, or prohibited. The dimensional standards in each District include the Setback, Building Height, and related standards that apply to the Uses that are allowed.

In addition, readers should consult Article III, *Use Regulations*, to see if additional requirements apply to the use they are contemplating.

Determining Which Procedures Apply

Each section in Division 2 of the Procedures article includes a process workflow. This starts with a subsection entitled “Applicability.” This subsection describes the situations where a particular process is needed. If the subsection applies, the reader should then consult the following subsection, which describe how an Application is initiated, how an Application is processed, the criteria for review, and cross-references to other parts of the Zoning Ordinance. In addition, a subsection entitled “Scope of Approval” describes the rights granted to an Applicant by the issuance of approval of the permit.

ARTICLE I. - INTRODUCTION

Sec. 4-10-1. - Title.

This Chapter may be cited as the "Comprehensive Zoning Ordinance of the City of Amarillo, Texas," and may be and referred to and abbreviated as the "Amarillo Zoning Ordinance."

Sec. 4-10-2. - Purpose.

- (a) With a view of conserving the value of Buildings and encouraging the most appropriate use of land throughout the City, the purpose of the Zoning Ordinance is to:
- (1) Promote the health, safety, morals, and general welfare of the City; and
 - (2) Implement the Amarillo Comprehensive Plan; and
 - (3) Protect and preserve places and areas of historical and cultural importance and significance; and
 - (4) Provide standards and procedures for new development and redevelopment within the City and subject to its regulatory jurisdiction; and
 - (5) Conform to all applicable requirements of Texas and federal law; and
 - (6) Provide standards that are appropriate to their context; and
 - (7) Establish procedures for processing development that encourage appropriate and streamlined land use decisions; and
 - (8) Provide regulations in language that is easy to read and understand by everyone who interacts with the development approval process; and
 - (9) Provide standards that, wherever possible, are clear and capable of administration through streamlined procedures; and
 - (10) Create incentives for development that is consistent with the Amarillo Comprehensive Plan, in addition to required standards; and
 - (11) Protect neighborhoods from incompatible development; and
 - (12) Provide standards that are realistic and work in the market; and
 - (13) Accommodate housing that is affordable for the City's entire spectrum of households; and
 - (14) Accommodate the redevelopment of the City's built-up areas, such as Downtown and older commercial areas; and

- (15) Require and encourage open and civic spaces that are appropriate to their context; and
- (16) Lessen congestion in the Streets; and
- (17) Secure safety from fire, panic, and other dangers; and
- (18) Provide adequate light and air and prevent the overcrowding of land; and
- (19) Avoid undue concentration of population; and
- (20) Facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements.

Sec. 4-10-3. – Authority.¹

[This Ordinance is adopted pursuant to the authority granted and limitations imposed by the laws of the State of Texas, including Texas Local Government Code, Chapter 211, as amended, the Texas Constitution, Article 11, Section 5, and the home rule municipality powers under the City of Amarillo Charter.](#)

~~This ordinance is adopted pursuant to the authority contained in Texas Local Government Code (LGC), Title 7, Subtitle A, Chapter 211, as amended, and Article 11, Section 5 of the Texas Constitution.~~

Sec. 4-10-4. - Applicability.

This ordinance is effective throughout the corporate limits of the City. The City may engage in extraterritorial planning activities pursuant to Texas LGC, Title 7, Subtitle C, Chapter 42, as amended.

- (a) No lot shall be used and no permit for the construction of any structure upon any lot shall be issued until the lot is a part of a plat of record approved by the City and filed in the plat records of Potter or Randall Counties, whichever has jurisdiction.
- (b) Pursuant to Texas LGC Chapter 211, Sec. 211.013(c) and (d), this ordinance does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency; but does apply to a privately owned building or other structure and privately owned land when leased to a state agency.

Sec. 4-10-5. - Relationship to comprehensive plan.

Texas LGC Chapter 213 (*Municipal Comprehensive Plans*), Sec. 213.002, authorizes, but does not require, municipal governments to adopt a comprehensive plan for the long-range development of the municipality. Sec. 213.002 also allows municipal governments to define, by ordinance, the relationship between a comprehensive plan and development regulations and standards for determining the consistency required between a plan and development regulations.

¹ [Revised per input from the City Attorney's office.](#)

- (a) Texas LGC Chapter 211 (*Municipal Zoning Authority*), Sec. 211.004, requires zoning regulations to be adopted in accordance with a comprehensive plan.
- (b) This ordinance implements the goals, objectives, and policies adopted for the City, as reflected in the Amarillo Comprehensive Plan and other planning documents. While the City reaffirms its commitment that this ordinance will conform to adopted planning policies, the City expresses its intent that no provision of this ordinance may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan or other planning policy.

Sec. 4-10-6. - Reserved.

Sec. 4-10-7. - Reserved.

Sec. 4-10-8. - Reserved.

Sec. 4-10-9. - Reserved.



ARTICLE II. - ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 4-10-10. - Generally.

- (a) The use, erection, construction, reconstruction, relocation, or alteration of any Building, Structure, or Lot shall comply with the regulations of this Chapter for the Zoning District in which the building, structure, or Lot is situated.
- (b) Article IXV, Division 2, Area and Bulk Regulations Rules of Measurement, establishes the rules for applying the dimensional standards in the Zoning Districts. These include Lot Area, Density, Height, Lot Coverage, and Yard requirements. All Buildings, Structures, and Lots in the Zoning District must comply with the dimensional standards established for that District.
- (c) The maximum Density established in a Zoning District is not granted by right. The resulting Density in a development must comply with all restrictions set out by Specific Use Permit conditions, Planned Development District regulations, and any other applicable requirements of the Amarillo Municipal Code.

Sec. 4-10-11. - Districts established.

- (a) The City is hereby divided into 15 base Zoning Districts, 4 Overlay Districts, and one Planned District. The Use, Height, and Lot Area regulations as set out in this Chapter are uniform for each class or kind of Building within each District. The 20 Districts established by this Chapter are listed in Table 4-10-11.1.

Table 4-10-11.1 - Zoning Districts

| District Category | Description | Districts |
|-------------------|--|--|
| Base | Districts that establish uniform Use, dimensional, and development standards for each class or kind of Building in the District. | Agricultural (A) Estate (E) Residential (R-1) Residential (R-2) Moderate Density (MD) Multiple-Family (MF) Manufactured Home (MH) Neighborhood Service (NS) Office (O) General Retail (GR) Central Business (CB) Light Commercial (LC) Heavy Commercial (HC) Light Industrial (I-1) Heavy Industrial (I-2) |



Table 4-10-11.1 - Zoning Districts

| District Category | Description | Districts |
|-------------------|--|---|
| Overlay | Districts that establish additional standards that supplement the Base or Planned Districts. | Airport Overlay (A-O) Downtown Urban Design Overlay (D-O) Historic Preservation Overlay (HP-O) Urban Neighborhood Overlay (UN-O) |
| Planned | Development in Planned Districts is subject to a site plan approved as part of a Rezoning Application. | Planned Development (PD) |

- (b) All "P" Parking Districts in existence prior to the adoption of Ordinance No. 6268 and denoted on the Official Zoning Map shall be designated as "PD-249" Planned Development for vehicular parking.

Sec. 4-10-12. - Zoning map.

- (a) The location and boundaries of the Zoning Districts established by this ordinance are as shown on a map officially designated as the City of Amarillo Zoning Map ("Zoning Map").
- (b) The Zoning Map, together with all its notations, references, and other information, is part of this Chapter and has the same force and effect as if fully set forth or described in the text.
- (c) The Zoning Map is maintained as an electronic map layer in the City's Geographic Information Systems (GIS) application maintained by the Information Technology Department and the Planning and Development Services Department.
- (d) The Zoning Map may be viewed online at:
<https://amarillo.maps.arcgis.com/apps/webappviewer/index.html?id=22e08572f127442f9e401f8838170464>

Sec. 4-10-13. - Zoning of annexed land.

- ~~(a) All territory annexed to the City shall be classified as A, Agricultural District, unless or until other zoning is established by the City Council at the time of or after annexation.~~
- (a) Zoning classification at the time of annexation.
 - (1) All territory annexed to the City shall be classified as A, Agricultural District, unless or until other zoning is established by the City Council at the time of or after annexation.
 - (+)(2) A property owner may request rezoning to a City of Amarillo Zoning District classification during the annexation process. The public hearing by the Planning and Zoning Commission to consider a zoning request may be held prior to



annexation of the subject property into the City. The City Council may concurrently approve the zoning classification and annexation.

(b) **Zoning classification and regulations after annexation.**

- (1) Any owner of land within the area annexed may apply for Rezoning under the laws and procedures of the City, and as authorized by Texas Local Government Code Chapter 211, after the effective date of annexation.
- (2) The procedure for establishing other zoning on annexed territory shall conform to the procedure established by Article V, *Procedures*.

~~(c) If property annexed before the effective date of this Chapter is rezoned to a City Zoning District, all zoning requirements and regulations of the City take effect, and the regulations of the prior zoning jurisdiction terminate, within the annexed area.~~

Sec. 4-10-14. - Reserved.

Sec. 4-10-15. - Reserved.

Sec. 4-10-16. - Reserved.

Sec. 4-10-17. - Reserved.

Sec. 4-10-18. - Reserved.

Sec. 4-10-19. - Reserved.



DIVISION 2. - AGRICULTURAL DISTRICTS

Sec. 4-10-20. - Agricultural (~~Agricultural~~) District.

- (a) **Purpose.**
- (1) The Agricultural District classification provides a Zoning District appropriate for agricultural activity with very limited residential development, distinguishing the area from those portions of the City that are more urban or suburban in nature.
 - (2) Where appropriate, the A District serves as a “holding area” for land that is not yet ready to transition into more urban or suburban land Uses due to the unavailability of urban facilities and services.
 - (3) The A District is compatible with the Rural future land use category, and implements the ~~following~~ Comprehensive Plan ~~policies~~:
 - a. ~~Chapter 2, Action Strategy 16—Character Emphasis;~~
 - b. ~~Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent;~~
 - c. ~~Chapter 3, Action Strategy 4—Initial Zoning of Annexed Areas;~~
 - d. ~~Chapter 3, Action Strategy 9—Protection of Annexation Areas Not Targeted for Near-Term Growth; and~~
 - e. ~~Chapter 3, Action Strategy 14—Zoning for Rural Character.~~
- (b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.
- (c) **Dimensional standards.** Development in the A District is subject to the dimensional standards in Table 4-10-20.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-20.1 - A District Dimensional Standards

| | Residential Main Building | Non-Residential Main Building |
|---------------------------|---------------------------|-------------------------------|
| Density (max) | 1 du/Lot | None |
| Lot Area (min) | 10-1 ac | None |
| Lot Width (min) | 330-150 ft | None |
| Lot Depth (min) | 330-150 ft | None |
| Height (max) | 3 stories | 3 stories |
| Setbacks (min) | | |
| Front | 50 ft | 50 ft |
| Rear | 30-25 ft | 10 ft |
| Side (Interior) | 25 ft | 20 ft |
| Side (Street) | Same as Front | Same as Front |
| Side/Rear Garage Entrance | 30 ft | None |
| Lot Coverage (max) | 30% | 50% |

Key: du = Dwelling Unit | min = minimum required | max = maximum allowed | ac = acre | ft = feet

Sec. 4-10-21. - Reserved.

Sec. 4-10-22. - Reserved.

Sec. 4-10-23. - Reserved.

Sec. 4-10-24.- Reserved.



DIVISION 3. - RESIDENTIAL DISTRICTS

Sec. 4-10-25. - Estate (Estate) District.

(a) **Purpose.**

- (1) The Estate District is designed to accommodate limited agricultural Uses and very low density detached single-family residential Uses on large parcels of land typically located in rural areas of the City or along suburban edges.
- (2) The E District serves as a transition between suburban and rural character areas, with further progression along the character spectrum toward environments where the landscape is visually dominant over Structures than is typical in suburban areas.
- (3) The E District is compatible with the Estate Residential future land use category, and implements the following Comprehensive Plan policies:
 - a. ~~Chapter 2, Action Strategy 16—Character Emphasis;~~
 - b. ~~Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent;~~
 - c. ~~Chapter 3, Action Strategy 14—Zoning for Rural Character; and~~
 - d. ~~Chapter 3, Action Strategy 15—Country Living Options within the City;~~

(b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(c) **Dimensional standards.** Development in the E District is subject to the dimensional standards in Table 4-10-25.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-25.1 - E District Dimensional Standards

| | Residential Main Building | Non-Residential Main Building |
|---------------------------|----------------------------|-------------------------------|
| Density (max) | 1 du/Lot | None |
| Lot Area (min) | 1 ac | 1 ac |
| Lot Width (min) | 465 -150 ft | None |
| Lot Depth (min) | 465 -150 ft | None |
| Height (max) | 3 stories | 2 stories |
| Setbacks (min) | | |
| Front | 50 ft | 50 ft |
| Rear | 30-25 ft | 10 ft |
| Side (Interior) | 25 ft | 20 ft |
| Side (Street) | Same as Front ¹ | Same as Front ¹ |
| Side/Rear Garage Entrance | 30 ft | None |
| Lot Coverage (max) | 30% | 30% |

Key: du = Dwelling Unit | min = minimum required | max = maximum allowed | ac = acre | sf = square feet | ft = feet
¹On a Corner Lot bordered on the rear by an Alley, the minimum side (street) Setback is 10 feet. See Sec. 4-10-281.



Sec. 4-10-26. - Residential-1 (Residential-1) District.

(a) **Purpose.**

- (1) The R-1 District provides for low density detached one-family residential Developments in areas where adequate public facilities and services exist and residential Development is appropriate given the surrounding land Uses and neighborhood.
- (2) The R-1 District is compatible with the Suburban Residential future land use category, and implements the following Comprehensive Plan policies:
 - a. Chapter 2, Action Strategy 4 – Reinforce the Neighborhood Unit Concept;
 - b. Chapter 2, Action Strategy 16 – Character Emphasis; and
 - c. Chapter 2, Action Strategy 32 – Tie Lot Coverage to Character Intent.
- (3) New Development areas in and adjacent to the R-1 District should be consistent with the Neighborhood Planning Unit concept.

(b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(c) **Dimensional standards.** Development in the R-1 District is subject to the dimensional standards in Table 4-10-26.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-26.1 – R-1 District Dimensional Standards

| | Residential Main Building | Non-Residential Main Building |
|---------------------------|---|---|
| Density (max) | 1 du/Lot | None |
| Lot Area (min) | 7,500 sf | 7,500 sf |
| Lot Width (min) | 60 ft | 60 ft |
| Lot Depth (min) | 100 ft | 100 ft |
| Height (max) | 2 stories | 2 stories |
| Setbacks (min) | | |
| Front | 25 ft or 20 ft if Lot abuts a Cul-de-Sac | 25 ft or 20 ft if Lot abuts a Cul-de-Sac |
| Rear | 10 ft ¹ | 10 ft |
| Side (Interior) | 5 ft | 20 ft |
| Side (Street) | Same as Front ² | Same as Front |
| Side/Rear Garage Entrance | 20 ft | None |
| Lot Coverage (max) | 50.55% | 50.55% |

Key: du = Dwelling Unit | min = minimum required | max = maximum allowed | sf = square feet | ft = feet

¹If a Residential Main Building is located adjacent to an Alley and has no openings for windows, doors, light, or air in the wall facing the Alley, then a minimum setback of 1 foot for each 2 feet of wall Height is allowed.

²On a Corner Lot bordered on the rear by an Alley, the minimum side (street) Setback is 10 feet. See Sec. 4-10-281 Section 4-10-139.



Sec. 4-10-27. - Residential-2 (Residential-2) District.

(a) **Purpose.**

- (1) The R-2 District provides for low density detached one-family residential Developments in areas where adequate public facilities and services exist and residential Development is appropriate given the surrounding land Uses and neighborhood.
- (2) The R-2 District is compatible with the Suburban Residential future land use category, and implements the following Comprehensive Plan policies:
 - a. Chapter 2, Action Strategy 4 – Reinforce the Neighborhood Unit Concept;
 - b. Chapter 2, Action Strategy 16 – Character Emphasis; and.
 - c. Chapter 2, Action Strategy 32 – Tie Lot Coverage to Character Intent.
- (3) New development areas in and adjacent to the R-2 District should be consistent with the Neighborhood Planning Unit concept.

(b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(c) **Dimensional standards.** Development in the R-2 District is subject to the dimensional standards in Table 4-10-27.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-27.1 – R-2 District Dimensional Standards

| | Residential Main Building | Non-Residential Main Building |
|---------------------------|----------------------------|-------------------------------|
| Density (max) | 1 du/Lot | None |
| Lot Area (min) | 5,000 sf | 5,000 sf |
| Lot Width (min) | 50 ft | 50 ft |
| Lot Depth (min) | 100 ft | 100 ft |
| Height (max) | 2 stories | 2 stories |
| Setbacks (min) | | |
| Front | 15 ft | 15 ft |
| Rear | 10 ft ¹ | 10 ft |
| Side (Interior) | 5 ft | 20 ft |
| Side (Street) | Same as Front ² | Same as Front |
| Side/Rear Garage Entrance | 20 ft | None |
| Lot Coverage (max) | 65% | 50-65% |

Key: du = Dwelling Unit | min = minimum required | max = maximum allowed | sf = square feet | ft = feet

¹If a Residential Main Building is located adjacent to an Alley and has no openings for windows, doors, light, or air in the wall facing the Alley, then a minimum setback of 1 foot for each 2 feet of wall Height is allowed.

²On a Corner Lot bordered on the rear by an Alley, the minimum side (street) Setback is 10 feet. See Sec. 4-10-281 Section 4-10-139.



Sec. 4-10-28. - Moderate Density (~~Moderate Density~~) District.

- (a) **Purpose.**
- (1) The MD District accommodates medium density residential Development comprised of mixed housing types.
 - (2) Because it potentially reduces Development costs, the MD District also promotes affordable housing in a medium density environment.
 - (3) The MD District is compatible with the General Residential future land use category, and implements the ~~following~~ Comprehensive Plan ~~policies~~:
 - a. ~~Chapter 2, Action Strategy 4 – Reinforce the Neighborhood Unit Concept;~~
 - b. ~~Chapter 2, Action Strategy 16 – Character Emphasis;~~
 - c. ~~Chapter 2, Action Strategy 32 – Tie Lot Coverage to Character Intent; and~~
 - d. ~~Chapter 2, Action Strategy 30 – Flexible Districts.~~
 - (4) New Development areas in and adjacent to MD Districts should be consistent with the Neighborhood Planning Unit concept.
- (b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.
- (c) **Dimensional standards.** Development in the MD District is subject to the dimensional standards in Table 4-10-28.1. Refer to Sec. 4-10-87 for Accessory Building standards.
- (d) **Additional Standards for Townhouse Dwellings.** Townhouse Dwellings shall be arranged with no more than five attached Dwelling Units in a single Structure.²

² This provision is intended to keep the scale of the overall townhouse building on the smaller side. The individual units are limited to 36 ft in width, which could result in a rather large building (up to 180 ft in length). Alternatively, the City could consider design-related standards for townhouses such as requiring the face of each townhouse unit to be offset from the faces of the adjacent units. Note townhouses are permitted in MF, with no limit on unit width or total number of units in a townhouse building.

Table 4-10-28.1 – MD District Dimensional Standards

| | Main Building Type | | | | | | |
|-----------------------------|--|-----------------------------|-----------------------------|------------------------------------|--|--------------------|-----------------|
| | Detached One-Family Dwelling <i>Tiny Home</i> | Townhouse | Duplex | Tiny Home Court, Triplex, Fourplex | Multiple-Family (other than Triplex or Fourplex) | Live/Work Dwelling | Non-Residential |
| Density (min) | None | None | 2 du/Lot | 3 du/Lot | 4 du/ac | 1 du/Lot | None |
| Density (max) | 9 du/ac | 22 du/ac | 2 du/Lot | 4 du/Lot | 10 du/ac | 1 du/Lot | None |
| Lot Area (min) | None | None | None | None | None | None | None |
| Lot Width (min) | None | None | None | None | None | None | None |
| Lot Depth (min) | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft |
| Building Width (max) | None | 36 ft | 48 ft | 36 ft | 60 ft | 36 ft | 36 ft |
| Building Depth (max) | None | None | 60 ft | 60 ft | 100 ft | 60 ft | 60 ft |
| Height (max) | 2 stories | 2 stories | 2 stories | 2 stories | 2 stories | 2 stories | 2 stories |
| Setbacks (min) | | | | | | | |
| Front | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft |
| Rear | 10 ft ¹ | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| Side (Interior) | 5 ft | 5 ft ^{2, 3-4} | 5 ft | 10 ft | 10 ft | 15 ft | 20 ft |
| Side (Street) | Same as front ^{5a} | Same as front ^{5a} | Same as front ^{5a} | Same as front | Same as front | Same as front | Same as front |
| Side / Rear Garage Entrance | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft | None |
| Lot Coverage (max) | 75% | 75% | 75% | 75% | 75% | 75% | 50% |

Key: du = Dwelling Unit | min = minimum required | max = maximum allowed | ft = feet
¹If a detached one-family dwelling Main Building is located adjacent to an Alley and has no openings for windows, doors, light, or air in the wall facing the Alley, then a minimum setback of 1 foot for each 2 feet of wall Height is allowed.
²A minimum side Setback of 5 feet shall be provided at the end of each Townhouse complex so that the ends of any two adjacent Townhouse complexes are at least 10 feet apart.
³A minimum side Setback of 5 feet is required adjacent to an Alley.
⁴On a Corner Lot bordered on the rear by an Alley, the minimum side (street) Setback is 10 feet. See Sec. 4-10-281.



- (e) ~~Additional Standards for Townhouse Dwellings. Townhouse Dwellings shall be arranged with no more than five attached Dwelling Units in a single Structure.~~

Sec. 4-10-29. - Multiple-Family (Multiple-Family) District.

(a) **Purpose.**

- (1) The MF District accommodates medium to high density residential Development comprised of mixed housing types, but primarily multi-family complexes. MF Districts are typically located along Arterial or Collector Streets, and may be an appropriate transition between lower intensity Residential Districts and Non-Residential Districts.
- (2) The MF District is compatible with the Multi-Family Residential future land use category, and implements the following Comprehensive Plan policies:
 - a. ~~Chapter 2, Action Strategy 4 — Reinforce the Neighborhood Unit Concept;~~
 - b. ~~Chapter 2, Action Strategy 16 — Character Emphasis;~~
 - c. ~~Chapter 2, Action Strategy 32 — Tie Lot Coverage to Character Intent; and~~
 - d. ~~Chapter 2, Action Strategy 30 — Flexible Districts.~~
- (3) New Development areas in and adjacent to MF Districts should be consistent with the Neighborhood Planning Unit concept.

- (b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

- (c) **Dimensional standards.** Development in the MF District is subject to the dimensional standards in Table 4-10-29.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-29.1 – MF District Dimensional Standards

| | Main Building Type | | | | | |
|-----------------------------|--|-----------------------------|-----------------------------|--|--------------------|------------------------------|
| | Detached One-Family Dwelling <i>Tiny Home</i> | Townhouse | Duplex | <i>Tiny Home</i> ; Tiny Home Court, Multiple-Family Dwelling | Live/Work Dwelling | Non-Residential or Mixed Use |
| Density (max) | 9 du/ac | 22 du/ac | 16 du/ac | <u>36-50</u> du/ac | 1 du/Lot | <u>36-50</u> du/ac |
| Lot Area (min) | None | None | None | 1,200 sf/du | None | None |
| Lot Width (min) | None | None | None | None | None | None |
| Lot Depth (min) | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft |
| Height (max) | 3 stories | 3 stories | 3 stories | 3 stories | 3 stories | 3 stories |
| Setbacks (min) | | | | | | |
| Front | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft |
| Rear | 10 ft ¹ | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| Side (Interior) | 5 ft | 5 ft ^{2,3-4} | 5 ft | 15 ft | 15 ft | 20 ft |
| Side (Street) | Same as front ⁵⁴ | Same as front ⁵⁴ | Same as front ⁵⁴ | Same as front | Same as front | Same as front |
| Side / Rear Garage Entrance | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft | None |
| Lot Coverage (max) | 65% | 65% | 65% | 65% | 65% | 50% |

Key: min = minimum required | max = maximum allowed | du = Dwelling Unit | ac = acre | sf = square feet | ft = feet
¹If a detached one-family dwelling Main Building is located adjacent to an Alley and has no openings for windows, doors, light, or air in the wall facing the Alley, then a minimum setback of 1 foot for each 2 feet of wall Height is allowed.
²A minimum side Setback of 5 feet shall be provided at the end of each Townhouse complex so that the end of any two adjacent Townhouse complexes are at least 10 feet apart.
³A minimum side Setback of 5 feet is required adjacent to an Alley.
⁴On a Corner Lot bordered on the rear by an Alley, the minimum side (street) Setback is 10 feet. See Sec. 4-10-281.



Sec. 4-10-30. - Manufactured Home (Manufactured Home) District.

(a) **Purpose.**

- (1) The intent of the MH District is to allow collective development of residential manufactured home sites within planned manufactured home parks and manufactured home subdivisions that contain most of the characteristics of a detached single-family residential subdivision. The MH District is not intended to be utilized for the placement or location of a single Manufactured Home.
- (2) The MH District promotes an affordable housing option.
- (3) The MH District is generally compatible with the Suburban Residential and General Residential future land use categories, and implements the following Comprehensive Plan policies:

- a. ~~Chapter 2, Action Strategy 16—Character Emphasis; and~~
- b. ~~Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.~~

- (b) **Minimum Acreage.** Any Rezoning Application for MH District shall include an area of at least 10 acres unless the area proposed for Rezoning is immediately adjacent to an existing MH District that contains at least 10 acres.
- (c) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.
- (d) **Dimensional standards.** Development in the MH District is subject to the dimensional standards in Table 4-10-30.1. Refer to Sec. 4-10-87 for Accessory Building standards, and to Sec. 4-10-106 for Manufactured Home Park standards.

Table 4-10-30.1 – MH District Dimensional Standards

| | Main Building Type | | |
|---------------------------|----------------------------------|----------------------------|-------------------------------|
| | Detached One-Family Dwelling | Manufactured Home | Non-Residential Main Building |
| Density (max) | 1 du/Lot | 1 du/Lot | None |
| Lot Area (min) | 6,000 sf | 5,000 sf | 5,000 sf |
| Lot Width (min) | 50 ft | 50 ft | 50 ft |
| Lot Depth (min) | 100 ft | 100 ft | 100 ft |
| Height (max) | 2 stories | 2 stories | 2 stories |
| Setbacks (min) | | | |
| Front | 20 ft | 20 ft | 20 ft |
| Rear | 10 ft ¹ | 10 ft | 10 ft |
| Side (Interior) | 5 ft | 5 ft | 20 ft |
| Side (Street) | 10 ft Same as front ² | Same as front ² | Same as front |
| Side/Rear Garage Entrance | 20 ft | 20 ft | None |
| Lot Coverage (max) | 65% | 65% | 50% |

Key: du = Dwelling Unit | min = minimum required | max = maximum allowed | sf = square feet | ft = feet

¹ If a detached one-family dwelling Main Building is located adjacent to an Alley and has no openings for windows, doors, light, or air in the wall facing the Alley, then a minimum setback of 1 foot for each 2 feet of wall Height is allowed.

² On a Corner Lot bordered on the rear by an Alley, the minimum side (street) Setback is 10 feet. See Sec. 4-10-281.



Sec. 4-10-31. - Reserved.

Sec. 4-10-32. - Reserved.

Sec. 4-10-33. - Reserved.

Sec. 4-10-34. - Reserved.

Sec. 4-10-35. - Reserved.

Sec. 4-10-36. - Reserved.

Sec. 4-10-37. - Reserved.

Sec. 4-10-38. - Reserved.

Sec. 4-10-39. - Reserved.



DIVISION 4. - OFFICE, RETAIL, & BUSINESS DISTRICTS

Sec. 4-10-40. - Neighborhood Service (~~Neighborhood Service~~) District.

(a) **Purpose.**

- (1) The "NS" Neighborhood Service District accommodates a mix of low to moderate density residential Uses and retail, office, and service Uses that are compatible with a residential neighborhood.
- (2) The NS District is characterized by its residential appearance and smaller Buildings with low height and moderate bulk.
- (3) The NS District is compatible with the Urban, General Commercial, and Suburban Commercial future land use categories, and implements the following Comprehensive Plan ~~policies~~:
 - a. ~~Chapter 2, Action Strategy 4—Reinforce the Neighborhood Unit Concept;~~
 - b. ~~Chapter 2, Action Strategy 16—Character Emphasis;~~
 - c. ~~Chapter 2, Action Strategy 17—Compatibility of Neighborhood Commercial/Service Uses;~~
 - d. ~~Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent; and~~
 - e. ~~Chapter 2, Action Strategy 30—Flexible Districts.~~
- (4) New Development areas in and adjacent to NS Districts should be consistent with the Neighborhood Planning Unit concept.

(b) **Location and minimum area.**

- (1) A Neighborhood Service District adjacent to residentially-developed or residentially-zoned Lots should be located on a Collector Street or Arterial Street for adequate accessibility; ~~and~~.
- (2) A Neighborhood Service District located at the intersection of roadways in the middle of a residential area shall include at least two Lots.

(c) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(d) **Dimensional standards.** Development in the NS District is subject to the dimensional standards in Table 4-10-40.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-40.1 – NS District Dimensional Standards

| | Main Building Type | | | | | | |
|---------------------------------|------------------------------|-----------------------------|-----------------------------|------------------------------------|--|-----------------------------|---------------------------------------|
| | Detached One-Family Dwelling | Townhouse | Duplex | Tiny Home Court, Triplex, Fourplex | Multiple-Family (other than Triplex or Fourplex) | Live/Work Dwelling | Non-Residential or Mixed Use Building |
| Density (min) | None | None | 2 du/Lot | 3 du/Lot | 4 du/ac | 1 du/Lot | 4 du/ac |
| Density (max) | 9 du/ac | 22 du/ac | 2 du/Lot | 4 du/Lot | 10 du/ac | 1 du/Lot | 10 du/ac |
| Lot Area (min) | None | None | None | None | None | None | None |
| Lot Width (min) | None | None | None | None | None | None | None |
| Lot Depth (min) | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft | 100 ft |
| Building Width (max) | None | 36 ft | 48 ft | 36 ft | 60 ft | 36 ft | 36 ft |
| Building Depth (max) | None | None | 60 ft | 60 ft | 100 ft | 60 ft | 60 ft |
| Height (max) | 2 stories | 2 stories | 2 stories | 2 stories | 2 stories | 2 stories | 2 stories |
| Setbacks | | | | | | | |
| Front (max) | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft |
| Rear (min) | 10 ft or 20 ft ¹ | 10 ft or 20 ft ¹ | 10 ft or 20 ft ¹ | 10 ft or 20 ft ¹ | 10 ft or 20 ft ¹ | 10 ft or 20 ft ¹ | 10 ft or 20 ft ¹ |
| Side (Interior) (min) | 5 ft | 5 ft ^{2, 3} | 5 ft | 10 ft | 10 ft | 15 ft | 20 ft |
| Side (Street) (min) | Same as front ⁴ | Same as front ⁴ | Same as front ⁴ | Same as front | Same as front | Same as front | Same as front |
| Side/Rear Garage Entrance (min) | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft | 20 ft | None |
| Lot Coverage (max) | 75% | 75% | 75% | 75% | 75% | 75% | 50 75% |

Key: min = minimum required | max = maximum allowed | ac = acre | ft = feet | du = Dwelling Unit

¹ Where Lots back upon a common District line (whether separated by an Alley or not) dividing the NS District from any Residential Zoning District, the rear Setback shall be a minimum of 20 feet.

² A minimum side Setback of 5 feet shall be provided at the end of each Townhouse complex so that the end of any two adjacent Townhouse complexes are at least 10 feet apart.

³ A minimum side Setback of 5 feet is required adjacent to an Alley.

⁴ On a Corner Lot bordered on the rear by an Alley, the minimum side (street) Setback is 10 feet. See Sec. 4-10-281.



Sec. 4-10-41. - Office (Office) District.

(a) **Purpose.**

- (1) The Office District provides for development of office, business service, educational, and institutional Uses and ancillary retail Uses that support the primary uses in the District.
- (2) The O District allows development of freestanding office Buildings and office parks, and provides a transition between medium to high density residential Uses and more intensive commercial Uses.
- (3) The O District is compatible with the Urban, General Commercial, Suburban Commercial, and Business Park future land use categories, and implements the following Comprehensive Plan policies:
 - a. Chapter 2, Action Strategy 16—Character Emphasis; and
 - b. Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.

(b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(c) **Dimensional standards.** Development in the O District is subject to the dimensional standards in Table 4-10-41.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-41.1 – O District Dimensional Standards

| | Main Building Type | |
|---------------------------|-----------------------------|---------------------------------------|
| | Live/Work Dwelling | Non-Residential or Mixed Use Building |
| Density (max) | 1 du/Lot | 24 du/ac |
| Lot Area (min) | None | None |
| Lot Width (min) | None | None |
| Lot Depth (min) | 100 ft | None |
| Height (max) | 3 stories | 3 stories |
| Setbacks (min) | | |
| Front | 15 ft | 15 ft |
| Rear | 10 ft or 20 ft ¹ | 0 ft or 20 ft ¹ |
| Side (Interior) | 10 ft or 20 ft ² | 10 ft or 20 ft ² |
| Side (Street) | Same as front | Same as front |
| Side/Rear Garage Entrance | 20 ft | None |
| Lot Coverage (max) | 65% | 50-65% |

Key: max = maximum allowed | min = minimum required | du = Dwelling Unit | ac = acre | ft = feet

¹Where Lots back upon a common District line (whether separated by an Alley or not) dividing the O District from any Residential Zoning District, the rear Setback shall be a minimum of 20 feet.

²A minimum side Yard of 10 feet is required unless the Lot abuts a Residential Zoning District or is located across a Street or an Alley from a Residential Zoning District, in which case the side Yard shall be a minimum of 20 feet.



Sec. 4-10-42. - General Retail (General Retail) District.

(a) Purpose.

- (1) The GR District is primarily intended for retail and related service Uses. This District does not allow Uses of a more intensive commercial nature, such as a distribution warehouse, but instead lends itself to compatible retail activities. For example, a bakery shop is a permitted use in a GR District, but a wholesale bakery is classified as commercial and, therefore, not allowed in the GR District.
- (2) Special attention should be given when expanding or locating the General Retail zoning classification to ensure that strip development along Arterial Streets is discouraged. General retail Development should be located in concentrated areas adjacent to Arterial Streets serving residential areas, instead of being inefficiently stripped out along major roadways.
- (3) While Live/Work Dwellings and Mixed Use Buildings are permitted in the GR District, Multiple-Family Dwellings are not.
- (4) The GR District is compatible with the Urban, General Commercial, and Suburban Commercial future land use categories, and implements the following Comprehensive Plan policies:
 - a. Chapter 2, Action Strategy 16—Character Emphasis; and
 - b. Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.

(b) Permitted and Specific Uses. See Sec. 4-10-82, *Permitted and Specific Uses*.

(c) Dimensional standards. Development in the GR District is subject to the dimensional standards in Table 4-10-42.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-42.1 – GR District Dimensional Standards

| | Main Building Type | |
|---------------------------|----------------------------|---------------------------------------|
| | Live/Work Dwelling | Non-Residential or Mixed Use Building |
| Density (max) | 1 du/Lot | 36 du/ac |
| Lot Area (min) | None | None |
| Lot Width (min) | None | None |
| Lot Depth (min) | 100 ft | None |
| Height (max) | 3 stories | 3 stories |
| Setbacks (min) | | |
| Front | 15 ft | 15 ft |
| Rear | 0 ft or 20 ft ¹ | 0 ft or 20 ft ¹ |
| Side (Interior) | 0 ft or 10 ft ² | 0 ft or 10 ft ² |
| Side (Street) | Same as front | Same as front |
| Side/Rear Garage Entrance | 20 ft | None |
| Lot Coverage (max) | 65% | 50/65% |

Key: min = minimum required | max = maximum allowed | ac = acre | ft = feet | du = Dwelling Unit



Table 4-10-42.1 – GR District Dimensional Standards

| | Main Building Type | |
|--|--------------------|---------------------------------------|
| | Live/Work Dwelling | Non-Residential or Mixed Use Building |

¹Where Lots back upon a common District line (whether separated by an Alley or not) dividing the GR District from any Residential Zoning District, the rear Setback shall be a minimum of 20 feet.

²A side Setback is not required unless the Lot abuts a Residential Zoning District or is located across a Street or an Alley from a Residential Zoning District, in which case the side Setback shall be a minimum of 10 feet.

Sec. 4-10-43. - Central Business (Central-Business) District.

(a) **Purpose.**

- (1) The intensity of development and physical arrangement of downtown Amarillo makes it appropriate to have a separate Zoning District tailored to the specific needs of this area. The Central Business District is designed for the core downtown area and allows the most intensive development character in the city.
- (2) The CB District is characterized by a pedestrian-oriented, urban development pattern, with minimal front Setbacks, multi-story Buildings, high Lot Coverage, and minimal off-street surface parking.
- (3) The CB District is compatible with the Urban Center future land use category. The CB District is not appropriate in other areas of the city.
- (4) The CB District implements the following Comprehensive Plan policies:
 - a. Chapter 2, Action Strategy 16—Character Emphasis;
 - b. Chapter 2, Action Strategy 19—Reinforce the Urban Character of Downtown; and
 - c. Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.

(b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(c) **Dimensional standards.** Development in the CB District is subject to the dimensional standards in Table 4-10-43.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-43.1 – CB District Dimensional Standards

| | Main Building Type | | |
|------------------------------------|-------------------------------|----------------------------|---------------------------------------|
| | Multiple-Family Dwelling | Live/Work Dwelling | Non-Residential or Mixed Use Building |
| Density (max) | None | 1 du/Building | None |
| Lot Area (min) | None | None | None |
| Lot Width (min) | 60 ft | None | None |
| Lot Depth (min) | 120 ft | 100 ft | None |
| Height (max) | Unlimited ¹ | Unlimited ¹ | Unlimited ¹ |
| Setbacks | | | |
| Front (min/max) | 0 ft / 5 ft | 0 ft / 5 ft | 0 ft / 5 ft |
| Rear (min) | 10 ft to 30 ft ² | 10 ft | 0 ft or 10 ft ³ |
| Side (Interior) (min) ⁴ | 0 ft or 10 ft ^{5, 6} | 0 ft or 10 ft ⁵ | 0 ft or 10 ft ⁵ |
| Side (Street) | Same as front | Same as front | Same as front |
| Side/Rear Garage Entrance (min) | 20 ft | 20 ft | None |
| Lot Coverage (max) | 100% | 100% | 100% |

Key: min = minimum required | max = maximum allowed | ft = feet | du = Dwelling Unit

¹To any legal Height not prohibited by other laws or ordinances

²Where a Multiple-Family Dwelling exceeds three stories in Height, a minimum rear Setback equal to 1 foot for each 3 feet in Height is required, except that (1) no such rear Setback need exceed 30 feet as a result of this provision; and (2) no rear Setback exceeding 10 feet is required where the rear wall of a Multiple-Family Dwelling contains no openings or windows for light or air.

³A rear Yard is not required for Non-Residential or Mixed Use Buildings, except where Lots back upon a common District line (whether separated by an Alley or not) dividing the CB District from any Residential Zoning District, in which case the rear Setback shall be a minimum of 10 feet.

⁴Common wall construction to adjacent properties spanning property lines may be utilized in accordance with applicable Building and Fire Code requirements.

⁵A side Setback is not required unless the Lot abuts a Residential Zoning District (whether separated by an Alley or not), in which case the side Setback shall be a minimum of 10 feet.

⁶Where a Multiple-Family Dwelling exceeds 3 stories in Height, the side Setback shall be increased 1 foot for each 2 feet the structure exceeds 3 stories, but no side Setback need exceed 50 feet.

Sec. 4-10-44. - Light Commercial (Light Commercial) District.

(a) **Purpose.**

- (1) The LC District is intended for service and sales uses that are considered too intensive to be compatible with general retail areas. LC Districts typically are located along at or near major section line arterial streets intersections.
- (2) Light commercial uses are sometimes intermixed with retail and other service uses, although it is desirable to retain a division between retail shopping areas and more intensive commercial functions.
- (3) The LC District is compatible with the Urban, General Commercial, and Suburban Commercial future land use categories, and implements the following Comprehensive Plan policies:
 - a. Chapter 2, Action Strategy 16—Character Emphasis; and
 - b. Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.

(b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses.*

(c) **Dimensional standards.** Development in the LC District is subject to the dimensional standards in Table 4-10-44.1. Refer to Sec. 4-10-87 for Accessory Building standards.

Table 4-10-44.1 – LC District Dimensional Standards

| | Main Building Type | |
|---------------------------|-----------------------------|---------------------------------------|
| | Live/Work Dwelling | Non-Residential or Mixed Use Building |
| Density (max) | 1 du/Lot | 36 du/ac |
| Lot Area (min) | None | None |
| Lot Width (min) | None | None |
| Lot Depth (min) | None | None |
| Height (max) | 3 stories | 3 stories |
| Setbacks (min) | | |
| Front | 15 ft | 15 ft |
| Rear | 10 ft or 20 ft ¹ | 0 ft or 20 ft ¹ |
| Side (Interior) | 0 ft or 10 ft ² | 0 ft or 10 ft ² |
| Side (Street) | Same as front | Same as front |
| Side/Rear Garage Entrance | 20 ft | None |
| Lot Coverage (max) | 65% | 50/65% |

Key: min = minimum required | max = maximum allowed | du = Dwelling Unit | sf = square feet | ft = feet

¹Where Lots back upon a common District line (whether separated by an Alley or not) dividing the LC District from any Residential Zoning District, the rear Setback shall be a minimum of 20 feet.

²A side Yard is not required unless the Lot abuts a Residential Zoning District, or is located across a Street or an Alley from a Residential Zoning District, in which case the side Yard shall be a minimum of 10 feet.



Sec. 4-10-45. - Heavy Commercial (Heavy-Commercial) District.

- (a) **Purpose.**
 - (1) The HC District is intended for land uses that are too intensive for the Light Commercial or Central Business Districts, and is typically located along Arterial Streets.
 - (2) The HC District is generally compatible with the General Commercial and Industrial future land use categories, and implements the following Comprehensive Plan policies:
 - a. Chapter 2, Action Strategy 16—Character Emphasis; and
 - b. Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.
- (b) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.
- (c) **Dimensional standards.** Development in the HC District is subject to the dimensional standards in Table 4-10-45.1. Refer to Sec. 4-10-87 for Accessory Building standards.

| Table 4-10-45.1 – HC District Dimensional Standards | |
|---|-------------------------------|
| | Non-Residential Main Building |
| Lot Area (min) | None |
| Lot Width (min) | None |
| Lot Depth (min) | None |
| Height (max) | Unlimited ¹ |
| Setbacks (min) | |
| Front | 0 ft |
| Rear | 0 ft or 20 ft ² |
| Side (Interior) | 0 ft or 10 ft ³ |
| Side (Street) | 0 ft or 10 ft ³ |
| Side/Rear Garage Entrance | None |
| Lot Coverage (max) | 50/75% |

Key: min = minimum required | max = maximum allowed | ft = feet

¹To any legal Height not prohibited by other laws or ordinances.

²Where Lots back upon a common District line (whether separated by an Alley or not) dividing the HC District from any Residential Zoning District, the rear Setback shall be a minimum of 20 feet.

³A side Yard is not required unless the Lot abuts a Residential Zoning District, or is located across a Street or an Alley from a Residential Zoning District, in which case the side Yard shall be a minimum of 10 feet.

Sec. 4-10-46. - Reserved.

Sec. 4-10-47. - Reserved.

Sec. 4-10-48. - Reserved.



Sec. 4-10-49. - Reserved.



DIVISION 5. - INDUSTRIAL DISTRICTS

Sec. 4-10-50. - Light Industrial (I-1 (~~Light Industrial~~) District.

(a) **Purpose.**

(1) The I-1 District accommodates activities of an intense nature, such as manufacturing activities, that are incompatible with many land Uses allowed in other Zoning Districts. The Industrial Districts are the least restrictive of all the Zoning Districts in the City.

(2) The I-1 District is compatible with the Industrial future land use category, and implements the following Comprehensive Plan policies:

a. ~~Chapter 2, Action Strategy 16—Character Emphasis; and~~

b. ~~Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.~~

(b) **Classifying light and heavy industrial activities.**

(1) Industrial performance standards are incorporated in the Zoning Ordinance to aid in classifying light industrial activities and heavy industrial activities from one another. The performance standards establish limits for the emission of dust, odor, vibration, air contaminants, and sound from an industrial operation.

(2) The name or type of industry no longer determines whether an operation is a light or heavy industrial use. Rather, the way the industry is designed and operated determines its classification.

(3) The limits for each industrial district's operational characteristics are set forth in Article IV, *Development Standards*.

(c) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(d) **Dimensional standards.** Development in the I-1 District is subject to the dimensional standards in Table 4-10-50.1. Refer to Sec. 4-10-87 for Accessory Building standards.

| Table 4-10-50.1 – I-1 District Dimensional Standards | |
|---|--------------------------------------|
| | Non-Residential Main Building |
| Lot Area (min) | None |
| Lot Width (min) | None |
| Lot Depth (min) | None |
| Height (max) | Unlimited ¹ |
| Setbacks (min) | |
| Front | 0 ft |
| Rear | 0 ft or 20 ft ² |
| Side (Interior) | 0 ft or 10 ft ³ |
| Side (Street) | 0 ft or 10 ft ³ |
| Side/Rear Garage Entrance | None |
| Lot Coverage (max) | 75% |

Key: min = minimum required | max = maximum allowed | sf = square feet | ft = feet

¹To any legal Height not prohibited by other laws or ordinances.

²Where Lots back upon a common District line (whether separated by an Alley or not) dividing the I-1 District from any Residential Zoning District, the rear Setback shall be a minimum of 20 feet.

³A side Yard is not required unless the Lot abuts a Residential Zoning District, or is located across a Street or an Alley from a Residential Zoning District, in which case the side Yard shall be a minimum of 10 feet.

Sec. 4-10-51. - ~~Heavy Industrial~~ (I-2 (~~Heavy Industrial~~) District.

(a) **Purpose.**

(1) The I-2 District accommodate activities of an intense nature, such as manufacturing activities, that are incompatible with many land Uses allowed in other Zoning Districts. The Industrial Districts are the least restrictive of all the Zoning Districts in the City.

(2) The I-2 District is compatible with the Industrial future land use category, and implements the following Comprehensive Plan policies:

a. ~~Chapter 2, Action Strategy 16—Character Emphasis; and~~

b. ~~Chapter 2, Action Strategy 32—Tie Lot Coverage to Character Intent.~~

(b) **Classifying light and heavy industrial activities.**

(1) Industrial performance standards are incorporated in the Zoning Ordinance to aid in classifying light industrial activities and heavy industrial activities from one another. The performance standards establish limits for the emission of dust, odor, vibration, air contaminants, and sound from an industrial operation.

(2) The name or type of industry no longer determines whether an operation is a light or heavy industrial use. Rather, the way the industry is designed and operated determines its classification.

(3) The limits for each Industrial District's operational characteristics are set forth in Article IV, *Development Standards*.

(c) **Permitted and Specific Uses.** See Sec. 4-10-82, *Permitted and Specific Uses*.

(d) **Dimensional standards.** Development in the I-2 District is subject to the dimensional standards in Table 4-10-51.1. Refer to Sec. 4-10-87 for Accessory Building standards.

| Table 4-10-51.1 – I-2 District Dimensional Standards | |
|--|----------------------------|
| Non-Residential Main Building | |
| Lot Area (min) | None |
| Lot Width (min) | None |
| Lot Depth (min) | None |
| Height (max) | Unlimited ¹ |
| Setbacks (min) | |
| Front | 0 ft |
| Rear | 0 ft or 20 ft ² |
| Side (Interior) | 0 ft or 10 ft ³ |
| Side (Street) | 0 ft or 10 ft ³ |
| Side/Rear Garage Entrance | None |
| Lot Coverage (max) | 75% |

Key: min = minimum required | max = maximum allowed | ft = feet

¹To any legal Height not prohibited by other laws or ordinances.

²Where Lots back upon a common District line (whether separated by an Alley or not) dividing the I-2 District from any Residential Zoning District, the rear Setback shall be a minimum of 20 feet.

³A side Yard is not required unless the Lot abuts a Residential Zoning District, or is located across a Street or an Alley from a Residential Zoning District, in which case the side Yard shall be a minimum of 10 feet.

Sec. 4-10-52. - Reserved.

Sec. 4-10-53. - Reserved.

Sec. 4-10-54. - Reserved.

Sec. 4-10-55. - Reserved.

Sec. 4-10-56. - Reserved.

Sec. 4-10-57. - Reserved.

Sec. 4-10-58. - Reserved.

Sec. 4-10-59. - Reserved.



DIVISION 6. - PLANNED DISTRICTS

Sec. 4-10-60. - Planned Development (Planned-Development) District.

- (a) **Purpose.** A Planned Development District (PD) is intended to:
- (1) Provide a mechanism to create quality development that cannot be accomplished under other City Zoning Districts, adheres to a high degree of standards, and is consistent with the Comprehensive Plan. The PD District process is not intended as a means to avoid specific City requirements that an Applicant may not want to adhere to for financial or any other reason, or to circumvent the schedule of Use in Sec. 4-10-82.
 - (2) Encourage innovative land planning and design in a way that is not possible under the existing Zoning Districts by:
 - a. Reducing or eliminating the inflexibility that results from strict application of zoning standards that were designed primarily for suburban development;
 - b. Allowing greater freedom in selecting the means to provide access, light, and site amenities;
 - c. Promoting quality Development and environmentally sensitive development by allowing Development to take advantage of special site characteristics, locations, and land Uses;
 - d. Allowing deviations from certain development standards that would otherwise apply, if not contrary to the general spirit and intent of this Chapter; and
 - e. Allowing deviations from certain development standards that would otherwise apply, if the deviations are consistent with and accomplish the policies of the Amarillo Comprehensive Plan or a strong public need.
- (b) **Applicability.**
- (1) **Threshold Requirements.** No PD shall be created:
 - a. When a Specific Use Permit, minor modification, or rezoning to an existing base Zoning District could achieve a similar result.
 - b. Unless it is demonstrated that the zone materially advances the purposes set out in subparagraph (a) above.
 - (2) **Higher Quality Development Required.** Any Development approved through the use of the PD zone shall be of a higher quality than would otherwise be achieved through the application of this Chapter. PD zones shall not be used to

avoid the intent of requirements of this Chapter, which provides for community benefit that more than offsets the impacts of the Development allowed with a PD.

- (c) **Overlay Districts.** All PDs must be done in conformance with the requirements of the Overlay Districts where they are located. This includes, but is not limited to:
 - (1) Sec. 4-10-70, *A-O (Airport Overlay District)*; and
 - (2) Sec. 4-10-71, *D-O (Downtown Urban Design Overlay)*.
- (d) **Area requirements.**
 - (1) No minimum land area is required to establish a PD District.
 - (2) The entire tract to be zoned PD may be considered as one building Lot, or separate areas intended for separate land Uses may be considered as separate building Lots. Area requirements shall conform to those regulations for the appropriate intended use.
- (e) **Granting Certificate of Occupancy and Compliance.**
 - (1) **Ordinance amendment.** Each area placed within the PD District under the provisions of this Division shall be considered as an amendment to the ordinance as applicable to the property involved.
 - (2) **Conditional approval.** In approving the PD District, the City Council may impose conditions that shall be complied with before a Certificate of Occupancy and Compliance is issued for the use of land or any Structure that is part of the PD District. Such conditions shall not be construed as conditions precedent to the approval of the amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy and Compliance.
- (f) **Waiver of dimensional requirements.** The City Council, after a recommendation by the Planning and Zoning Commission, may grant a waiver to the minimum requirements for the Lot Width; Lot Depth; Lot Coverage; and front, side, and rear Setbacks included in Article IV, *Development Standards*, only if:
 - (1) The Applicant can show that other amenities or conditions will be gained to the extent that an equal or higher quality development will be the result; and
 - (2) The Application is only for a Planned Development District designation that cannot be accommodated by another existing Zoning District established by this Chapter.
- (g) **Utilities.** The Applicant shall provide water, wastewater, drainage, and electrical facilities for connection to a public utility that meet applicable local, state, and federal requirements.
- (h) **Landscaping and screening.** No provisions of Article IV, *Development Standards*, Division [42](#), *Landscaping and Screening*, shall be waived via a PD application.

- (i) **Lighting.** No provisions of Article IV, *Development Standards*, Division [53](#), *Outdoor Lighting*, shall be waived via a PD application.
- (j) **Parking regulations.** Off-street parking spaces shall be provided in accordance with the requirements for Article IV, *Development Standards*, Division [64](#), *Parking and Loading*, unless the Applicant demonstrates other parking standards are more appropriate for the proposed development. The Applicant shall provide supporting studies, data, or other information.
- (k) **Performance standards.** No provisions of Article IV, *Development Standards*, Division [85](#), *Performance Standards*, are to be waived via a PD application. This includes, but is not limited to, the regulations for air contaminants, glare, noise, smoke, particulate matter, toxic, flammable, and explosive hazard material, and vibration.
- (l) **Subdivision regulations.** No provisions of Title IV, *Building Codes, Development, and Zoning*, Chapter 4-6, *Platting and Subdivision Improvement and Maintenance* shall be waived via a PD Application.

~~(m)(a) **Numbering of districts; register and file; inclusion on Zoning Map.** The Director of Planning shall maintain a register and file of all PD Districts, which shall contain:~~

- ~~(1) — A sequential numbering system meant to identify each specific PD;~~
- ~~(2)(1) — An approved Planned Development site plan;~~
- ~~(3)(1) — A copy of the ordinance creating the PD District; and~~
- ~~(4)(1) — All other information concerning the PD Districts as set forth on the Official Zoning Map, which is made a part of this Chapter.~~

~~(n)(m) **Procedural process.** See Sec. 4-10-215, *Rezoning*.~~

Sec. 4-10-61. - Reserved.

Sec. 4-10-62. - Reserved.

Sec. 4-10-63. - Reserved.

Sec. 4-10-64. - Reserved.

Sec. 4-10-65. - Reserved.

Sec. 4-10-66. - Reserved.

Sec. 4-10-67. - Reserved.



Sec. 4-10-68. - Reserved.

Sec. 4-10-69. - Reserved.



DIVISION 7. - OVERLAY DISTRICTS

Sec. 4-10-70. - Airport Overlay (A-O (Airport Overlay) District.³

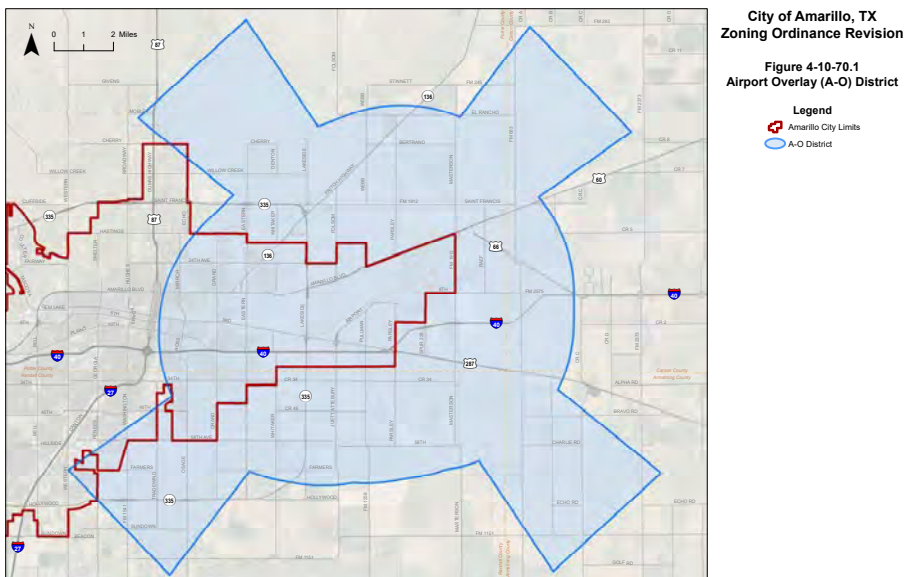
(a) **Purpose.**

- (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 Lots near the Amarillo Airport are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

³ This section has been revised since the Module 1 Public Review Draft in close consultation with Airport staff and the Airport Master Plan consultant. Changes are tracked in a separate Word document.

- (b) **Authority.**⁴ This Section is adopted pursuant to the authority granted and limitations imposed by the laws of the State of Texas, including Texas Local Government Code, Chapter 211, as amended, the Texas Constitution, Article 11, Section 5, and the home rule municipality powers under the City of Amarillo Charter. 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,

⁴ Revised per input from the City Attorney's office.

- b. Height Hazard Zone, and
- c. Noise Zones.

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

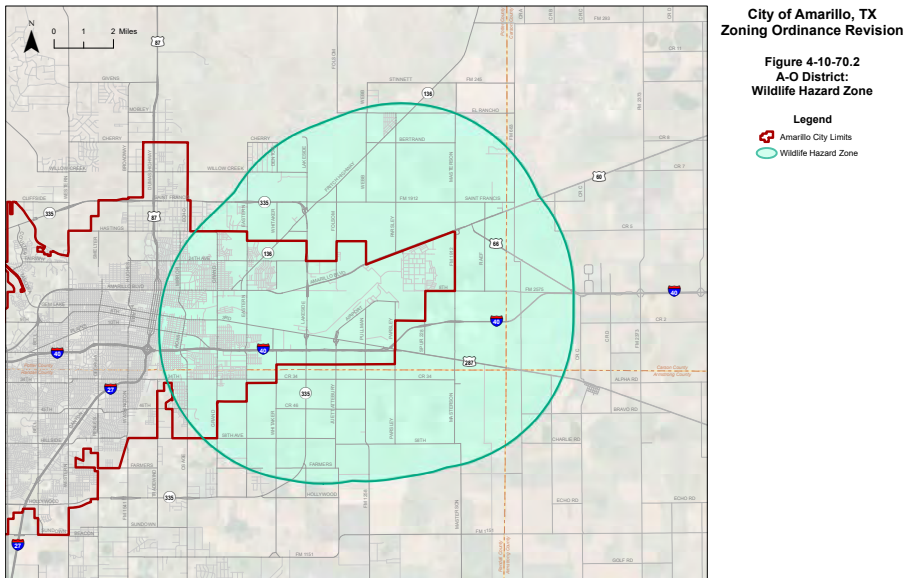
- (1) All proposed Development located in the A-O District requires coordination with the Rick Husband Amarillo International Airport and the Federal Aviation Administration (FAA) well in advance of construction-related activity, except for the following activities due to their limited potential for impact on Amarillo Airport airspace:
 - a. Construction or repair of subsurface utilities;
 - b. Construction or repair of fences, walls, or decks;
 - c. Grading activities;
 - d. 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;
 - e. Land Uses that do not constitute a change of primary Use;
 - f. Changes only to a property's ownership or occupancy; and
 - g. Airfield improvements and navigational aids.
- (2) For proposed Development in the Wildlife Hazard Zone or any Noise Zone, developers shall:
 - a. Begin coordination at least three months prior to anticipated construction activity by notifying the Director of Aviation about the proposed Development, and
 - b. Prepare or revise development plans in accordance with any feedback from the Director of Aviation.
- (3) For proposed Development in the Height Hazard Zone, developers shall take the following steps, in this order:
 - a. Begin coordination at least six months prior to anticipated construction activity by notifying the Director of Aviation about the proposed development, and
 - b. Prepare or revise development plans in accordance with any feedback from the Director of Aviation, and
 - c. 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 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 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) New Stormwater detention ponds located within the Wildlife Hazard Zone shall be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms, unless the Director of Aviation finds that, due to its location or other factors, the pond likely will not create a Hazard to Air Navigation.⁵
- (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 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.

⁵ This provision also was added to the Subdivision Ordinance, Sec. 4-6-128(d). This provision is consistent with FAA Advisory Circular 150/5200-33C, *Hazardous Wildlife Attractants On or Near Airports*, Sections 2.3.1.2 and 2.3.1.4, which recommend that on-airport detention ponds allow a maximum 48-hour detention period and that airport operators “encourage” off-airport stormwater treatment facilities to incorporate appropriate wildlife hazard mitigation techniques.

Table 4-10-70.1 – Airport Overlay District Noise Zones

| Abbreviated Designation | Noise Zone | Ldn 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 Lot is zoned and such questions cannot be resolved by the application of paragraph a., the Lot shall be considered to be classified as the most restrictive Noise Zone.
- d. Where a Lot lies within more than one Noise Zone, the zone within which each portion of the Lot 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 Sec. 4-10-82, *Permitted and Specific Uses*. 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 |
| 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 are 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 Sec. 4-10-82, *Permitted and Specific Uses*, 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) Dwelling 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 this Sec. 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.

Sec. 4-10-71. - Downtown Urban Design Overlay (D-O (~~Downtown Urban Design Overlay~~) District.

(a) Purpose.

- (1) The purpose of the Downtown Urban Design Overlay District is to establish design standards for new construction and certain renovations of property in the downtown area in order to protect and enhance the character of Downtown, encourage economic development, and protect property values.
- (2) These regulations are consistent with Texas Government Code Chapter 3000 [see Sec. 3000.002(c)(12)].

(b) Boundaries.

- (1) The boundaries of the D-O District are depicted on the City of Amarillo Zoning Map, and described in detail in this subsection.
- (2) The D-O District includes all land located within the area bounded by the following:
 - a. Beginning at a point in the west right-of-way line of Washington Street, same being the southeast corner of Lot 1, Block 1, Flynns Addition;
 - b. Thence north along the west right-of-way line of Washington Street to a point being the northeast corner of Lot 9, Block 7, The Revised Map of Madden Addition;
 - c. Thence northeasterly across SW 11th Avenue to a point being the southeast corner of Lot 5, Block 130, Plemons Addition;
 - d. Thence north along the west right-of-way line of Adams Street to a point being the northeast corner of Lot 1, Block 70, Glidden and Sanborn Addition;
 - e. Thence east along the south right-of-way line of SW 5th Avenue to a point being the northeast corner of Lot 20, Block 65, Glidden and Sanborn Addition;
 - f. Thence north along the west right-of-way line of the 20ft. alley in Block 65, Glidden and Sanborn Addition as projected north to a point being 150ft. north of the northeast corner of Lot 18, Block 9, Glidden and Sanborn Addition;
 - g. Thence east along the north property line as projected east to a point being 90ft. north of the northeast corner of Lot 1, Block 2, Glidden and Sanborn Addition;
 - h. Thence northeasterly to a point being 185 ft. north of the northwest corner of Lot 10, Block 1, Glidden and Sanborn-Holland Addition;

- i. Thence east to a point being 190 ft. north of the northeast corner of Lot 1, Block 347, Holland's Addition;
- j. Thence south along the east property line Lot 1, Block 347 as projected north, to a point 190 ft. south of the southeast corner of Lot 5, Block 347, Holland's Addition;
- k. Thence southwesterly along the west line of the BNSF railway property, crossing SE 3rd and SE 4th Avenues, to a point 380 ft. east of the northeast corner of the SE 5th Avenue and Grant Street intersection;
- l. Thence west along the north right-of-way line of SE 5th Avenue as projected east from the northeast corner of the SE 5th Avenue and Grant Street intersection, to a point being 180 ft. east of the just mentioned intersection;
- m. Thence south along the east right-of-way line of the 20 ft. alley in Block 352, Mirror Addition as projected south, to a point being 25 ft. east of the northeast corner of Lot 24, Block 402, Mirror's Addition;
- n. Thence southwesterly to a point being the northeast corner of Lot 1, Block 205, Plemons and Mirror Addition;
- o. Thence continuing southwesterly to a point being the southeast corner of Lot 5, Block 235, LA Wells Subdivision;
- p. Thence westerly to a point being the southeast corner of Lot 28, Block 235, LA Wells Subdivision;
- q. Thence west along the south lot line of Lot 28, Block 235 as projected west to a point being the southwest corner of Lot 5, Block 239, JW Cartwright's Subdivision;
- r. Thence west along the north right-of-way line of Interstate-40 west to a point being the southeast corner of Lot 1, Block 1, Flynn's Addition and being the point of beginning.

(c) **Downtown Urban Design Standards Adopted.**

- (1) The *Downtown Amarillo Urban Design Standards* (DAUDS) is hereby adopted by reference and made part of this Chapter.
- (2) All development in the D-O District is subject to the design standards contained in the DAUDS.

(d) **Certificate of Appropriateness Required.**

- (1) Within the D-O District, a Certificate of Appropriateness is required prior to issuance of a building permit for any of the following activities:

- a. Construction of a new Building (excluding Accessory Buildings);
 - b. Major modifications of Buildings, defined as any existing Building that is altered by increasing the existing footprint by 50% or more, either by a single expansion or by the cumulative effect of a series of expansions;
 - c. Projects that increase, by 50 linear feet or more, a Building's façade that fronts, or is adjacent to, public right-of-way;
 - d. Construction of new parking lots or the expansion of existing parking lots in area by 50 percent or more;
 - e. Changes to a public right-of-way; or
 - f. Changes to civic space that is open to the public.
- (2) A Certificate of Appropriateness reflects compliance with the DAUDS, and is approved by either the Urban Design and Historic Preservation Commission or the Planning Department as provided in Article V. *Procedures*.
- (e) **Downtown signs.** Signage on property located within the Downtown Urban Design Overlay District shall be subject to the permitting, fees, inspections, and applicable construction and electrical code provisions of Chapter 4-2, *Signs*, but in all other aspects such signs shall be subject to and comply with the DAUDS.

Sec. 4-10-72. - Historic Preservation Overlay (HP-O (Historic Preservation Overlay) District.

- (a) **Purpose.** The purposes of the Historic Preservation Overlay (HP-O) District and Historic Landmark (H-L) designations are to:
 - (1) Create an overlay district protecting an area of the City that has great historic and cultural significance;
 - (2) Create an H-L process that designates specific properties (located outside of an overlay district) that have great historic and cultural significance;
 - (3) Preserve, protect, and enhance historically, culturally, and architecturally significant sites and Structures which represent a distinct area of the City and serve as reminders of our culture and heritage;
 - (4) Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;
 - (5) Strengthen civic pride through neighborhood conservation;
 - (6) Provide a review process for the appropriate Preservation and development of important cultural, architectural, and historical locations; and
 - (7) Maintain a generally harmonious outward appearance of both Contributing Structures and Noncontributing Structures.
- (b) **Authority.** The authority to grant an:
 - (1) HP-O District is pursuant to § 211.003.b of the Texas Local Government Code (TLGC); and
 - (2) H-L is pursuant to § 211.0165, *Designation of Historic Landmark*, of TLGC.
- (c) **Standards Specific to Each Historic District or Landmark.** When either an HP-O or H-L is designated by the City Council:
 - (1) A set of specific regulations and/or guidelines may be created to govern the HP-O District or an H-L. The regulations specific to each HP-O or H-L shall be created in accordance with the following United States Secretary of the Interior Standards (see <https://www.nps.gov/tps/standards.htm>):
 - a. Standards for Rehabilitation;
 - b. Standards for Preservation;
 - c. Standards for Restoration; and
 - d. Standards for Reconstruction.
 - (2) The HP-O or H-L shall use the aforementioned United States Secretary of Interior Standards as guidance to determine whether a specific project application meets the standards, thus allowing for approval of the application.

- (d) **Duty to Preserve and Repair.** The owner or someone having legal custody and control of a designated H-L or a Contributing Structure within an HP-O shall:
 - (1) Preserve the H-L or Contributing Structure against decay and deterioration and shall keep it free from any of the following defects:
 - a. Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
 - b. Deteriorated or inadequate foundation;
 - c. Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed;
 - d. Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
 - e. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
 - f. Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
 - g. Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
 - h. Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
 - i. Any fault, defect, or condition in the Structure which renders it structurally unsafe or not properly watertight.
 - (2) Repair any and all defects found to the H-L or Contributing Structure as listed above in subsection d(1).
- (e) **Demolition by Neglect.**
 - (1) The Planning Director and the UDHPC are authorized to work with a property owner to encourage maintenance and stabilization of any H-L or Contributing Structure within an HP- O and identify resources available before taking any action under this Section.
 - (2) The Planning Director and the UDHPC may initiate an investigation of whether a property is being demolished by neglect. Upon an initiation of an investigation, the Planning Director shall:

- a. Attempt to meet with the property owner to inspect the Structure and discuss any resources that might be available for financing any necessary repairs; and
 - b. Prepare a report for the UDHPC on:
 - 1. The condition of the Structure;
 - 2. The repairs needed to maintain and stabilize the Structure consistent with the Duty to Preserve and Repair (see subsection (d), above).
- (3) After receiving the report prepared by the Planning Director, the UDHPC may vote to certify the property as a demolition by neglect case.
- (4) If the UDHPC votes to certify a property as a demolition by neglect case, then the Planning Director shall send notice to the owner or the owner's agent, by certified mail, describing the required repairs and specifying:
- a. That the repairs must be started within 60 days; and
 - b. A date by which the repairs must be completed.
- (5) The Planning Director may refer a demolition by neglect case to the ~~Office of the City Attorney or the appropriate City department Building Official to follow the process and procedures set forth in the Amarillo Municipal Code at Section 4-3-3 and request the City pursue a case against a historic property for enforcement action~~ if the property owner fails to:⁶
- a. Start repairs by the deadline set in the notice;
 - b. Make continuous progress toward completion; or
 - c. Complete the repairs by the deadline set in the notice.
- (6) A claim of economic hardship remedy may be filed by the owner should there be any true financial reasons why the property is being demolished by neglect. (See Sec. 4-10-217(k)(m), *Claim of Economic Hardship*)
- (f) **Certificate of Appropriateness.** A Certificate of Appropriateness (COA):
- (1) Is a prerequisite condition for the issuance of a Building permit within the HP-O or an individually designated H-L;
 - (2) Demonstrates compliance with the Secretary of the Interior's Standards for Rehabilitation; and

⁶ Revised pursuant to input from the City Attorney's office.

- (3) Demonstrates compliance with the procedures set forth in Sec. 4-10-217, *Certificates of Appropriateness*.
- (g) **Historic Preservation Overlay (HP-O) District Designation Process.** See Sec. 4-10-218, *Historic Preservation Overlay (HP-O) District Designation Process*.
- (h) **Historic Landmarks (H-L) Designation Process.** See Sec. 4-10-219, *Historic Landmarks (H-L) Designation Process*.
- (i) **Tax Incentive Program.** See Chapter 14-2, Article IV, HP-O and Historic Landmark Tax Incentive Program.
- (j) **Administration.** See Sec. 4-10-251, *Urban Design and Historic Preservation Commission (UDHPC)*.

Sec. 4-10-73. - Urban Neighborhood Overlay (UN-O (Urban Neighborhood Overlay) District.

- (a) **Purpose.** The purpose of these regulations is to:
 - (1) Provide for a transitional area between Downtown and the more auto-oriented suburban areas outside the City's core, where moderate to high intensity residential, neighborhood, and office uses are permitted; and
 - (2) Locate employment areas in close proximity to residences; and
 - (3) Encourage efficient Use of land and public infrastructure; and
 - (4) Increase neighborhood walkability; and
 - (5) Promote infill Development and redevelopment; and
 - (6) Encourage planning and design flexibility and innovation; and
 - (7) Provide opportunities to revitalize neighborhoods.
- (b) **Boundaries.** The UN-O is located adjacent to the CB District and its boundaries are depicted on the Zoning Map [\(see Sec. 4-10-12, Zoning Map\)](#).
- (c) **Permitted and Specific Uses.** In addition to the permitted and specific Uses specified by the base Zoning District, the following Uses are permitted on all Lots in the UN-O:
 - (1) Multiple-Family Dwellings;⁷
 - (2) Live/Work Dwellings;⁷ and
 - (3) Mixed Use Buildings.
- (d) **Dimensional standards and density.** Development in the UN-O District is subject to the dimensional standards of the base Zoning District, except [as provided in \(d\)\(1\) and \(2\), below.](#)
 - (1) ~~that m~~Maximum Density is ~~50-72~~ dwelling units per acre;⁷ [and](#)
 - (2) [Maximum Lot Coverage is 100%.](#)
- (e) **Off-Street Parking Spaces.**
 - (1) [Off-street parking for residential uses in the UN-O District shall be provided in accordance with Article IV, Division 4, *Parking*.](#)
 - (2) [When a proposed Development includes residential uses and the base Zoning District of the subject Lot is not included in Table 4-10-186.1, *Off-Street Parking Schedule for Residential Uses*, Off-Street Parking Spaces for the residential uses](#)

⁷ This density is the same as the current MF-2 District. The proposed MF District (which consolidates MF-1 and MF-2) has a maximum density of 50 du/ac.



shall be provided in accordance with the requirements specified in in Table 4-10-186.1 for the GR District.

(4)(3) Off-street parking is not required for non-residential uses.

Sec. 4-10-74. - Reserved.

Sec. 4-10-75. - Reserved.

Sec. 4-10-76. - Reserved.

Sec. 4-10-77. - Reserved.

Sec. 4-10-78. - Reserved.

Sec. 4-10-79. - Reserved.

DIVISION 8. - USE TABLE

Sec. 4-10-80. - Generally.

No Structure or part thereof shall be erected, altered, or converted for any Use permitted in the District in which it is located unless it is in conformity with all the minimum regulations specified in this Chapter for Lot Area; Lot Width; Lot Depth; Lot Coverage; and front, side and rear Yards. The area regulation shall not apply in the usual manner to individual Lots in a PD District.

Sec. 4-10-81. - Classification of new and unlisted land Uses.

- (a) The Planning Director may determine that an unlisted Use is allowed as a permitted Use or as a specific Use if sufficiently similar in nature and impact to a permitted Use or a specific Use listed in the schedule of Use. The Planning Director may refer to any of the following factors as guidance in making this determination:
 - (1) Whether the Use has similar visual, traffic, environmental, and similar impacts as an expressly listed Use. The Planning Director may refer to empirical studies or generally accepted planning or engineering sources in making this determination.
 - (2) Whether the Use is within the same industry classification as another permitted Use. In making this determination, the Planning Director may refer to the most recent edition of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget) ("NAICS"). If the Use is not defined in the NAICS, the Planning Director may refer to the American Planning Association, Land-Based Classification Standards LBCS Tables (<https://www.planning.org/lbcs/>).
 - (3) Whether the Use is consistent with the purpose statement of the District in which it would be allowed.
- (b) The burden is on the Applicant to establish that the unlisted proposed Use is similar to the expressly listed Use. The Applicant shall submit all verification that shows the proposed Use is similar to another permitted or specific Use and could be allowed.
- (c) The Planning Director shall determine whether a proposed Use is similar to another permitted Use or specific Use in the District and could be allowed, or is not similar and therefore prohibited. If the Planning Director determines that:
 - (1) The proposed Use is sufficiently similar in nature and impact to a permitted Use, the Applicant may proceed with any Application necessary to establish the Use.
 - (2) The proposed Use is sufficiently similar in nature and impact to a specific Use, the Applicant may submit a Specific Use Permit Application (see Article V, *Procedures*).

- (3) The proposed Use is not sufficiently similar in nature and impact to a permitted Use or a specific Use, the proposed Use shall be denied and the Applicant notified in writing.
 - a. The Applicant may appeal this determination to the Zoning Board of Adjustment (see Article V, *Procedures*).
 - b. The Planning Director may provide a recommendation to the Planning and Zoning Commission or City Council to initiate a Text Amendment (see Article V, *Procedures*) to add provisions for the unlisted Use.
- (d) **Preemption.** Uses regulated by the State of Texas and exempt from local control are permitted subject to state regulations.

Sec. 4-10-82. - Permitted and Specific Uses.

- (a) **Use categories.** The Schedule of Uses in subsection (c), below, establishes the categories of Uses specified in Table 4-10-82.1:

| Table 4-10-82.1 – Categories of Uses | | |
|--------------------------------------|----------------|--|
| Notation | Category | Description |
| P | Permitted Use | The Use is allowed, subject to the conditions specified in Article III or elsewhere in this Chapter. |
| S | Specific Use | The Use requires special approval by the City Council (see Article V, <i>Procedures</i>). |
| | Prohibited Use | Uses identified by a blank cell in the schedule of Use are not allowed in that particular District. |

- (b) **NAICS codes.** The Schedule of Uses contains a correspondence to the North American Industry Classification System (NAICS) as an aid for interpretation. The NAICS codes are intended to aid the Planning Director in determining whether a particular Use is allowed in a District.
- (c) **Schedule of Uses.**
 - (1) No land shall hereafter be used and no Structure or appurtenance shall hereafter be erected, altered, converted, or modified for any Use other than those Uses allowed in the District in which the Use is located as set forth by Table 4-10-82.2, *Schedule of Uses (Agricultural and Residential Districts)* and Table 4-10-82.3, *Schedule of Uses (Office, Retail, Business, and Industrial Districts)*.
 - (2) Nonconforming Uses are subject to the provisions of Article VI. *Nonconformities and Vested Rights*.

Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|---|------------------------|-------------------|---------|---------|---------|---------|---------|---------|---------|
| A – RESIDENTIAL USES | | | | | | | | | |
| Duplex Dwelling | | -- | | | | | P | P | |
| Industrialized Housing | 4-10-104 | -- | P | P | P | P | P | P | P |
| Live/Work Dwelling | 4-10-104 | -- | | | | | S | S | |
| One-Family Dwelling (Detached) | | -- | P | P | P | P | P | P | |
| Manufactured Home (Type A) | 4-10-104 | -- | | | | | | | P |
| Manufactured Home (Type B) | 4-10-104 | -- | | | | | | | P |
| Manufactured Home (Type C) | 4-10-104 | -- | P | P | P | P | P | P | P |
| Manufactured Home Park | 4-10-106 | -- | | | | | | | P |
| Manufactured Home Subdivision | | -- | | | | | | | P |
| Mixed Use Building | | -- | | | | | | | |
| Multiple-Family Dwelling | 4-10-104 | -- | | | | | P | P | |
| Tiny Home | 4-10-104 | -- | P | | | | P | P | |
| Tiny Home Court | 4-10-104 | -- | | | | | P | P | |
| Townhouse Dwelling | | -- | | | | | P | P | |
| B – ACCESSORY USES | | | | | | | | | |
| Accessory Building | 4-10-87 | -- | P | P | P | P | P | P | P |
| Accessory Dwelling Unit | 4-10-86 | -- | P | P | P | P | P | P | P |
| Carport | 4-10-95 | -- | P/ S | P/ S | P/ S | P/ S | P/ S | P/ S | P/ S |
| Farm Accessory Building | 4-10-87 | -- | P | P | P | P | P | P | P |
| Home Occupation | 4-10-102 | -- | P | P | P | P | P | P | P |
| Kennel (Private) | 4-10-87 | -- | P | S | | | | | |
| Outdoor Retail Display | 4-10-108 | -- | | | | | | | |
| Swimming Pool (Private) | 4-10-115 | -- | P | P | P | P | P | P | P |
| C – ACCOMMODATIONS AND GROUP LIVING USES | | | | | | | | | |
| Assisted Living Facilities | 4-10-92 | 623 | | | | | P | P | |
| Bed and Breakfast | 4-10-93 | 721191 | | S | S | S | S | S | |
| Community Residences, Long-Term | | -- | P | P | P | P | P | P | P |
| Community Residences, Transitional | | -- | | | | | | P | |
| Group Living Quarters | | -- | | | | | P | P | |
| Hotel or Motel (less than 50 rooms) | | 721110 | | | | | | | |
| Hotel or Motel | | 721110 | | | | | | | |
| Hotel or Motel with Associated Entertainment Use(s) | | 721110 | | | | | | | |
| Recreational Vehicle Park | 4-10-106 | 721211 | | | | | | | |
| Short-Term Rental | | 721199 | P | P | P | P | P | P | P |
| Sporting & Recreational Camps | | 721214 | S | | | | | | |
| D – AGRICULTURAL USES | | | | | | | | | |
| Agricultural Supply Store | | 444210, 444220 | P | | | | | | |



Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|--|------------------------|------------------------|---|---|-----|-----|----|----|----|
| Animal Feeding Lot | | 112112 | S | | | | | | |
| Community Garden | 4-10-117 | 111 | P | P | P | P | P | P | P |
| Farm, Ranch, or Orchard | | 111, 112111 | P | | | | | | |
| Greenhouse or Plant Nursery, Retail | | 11142, 444220 | P | | | | | | |
| Greenhouse or Plant Nursery, Wholesale | | 424930 | P | | | | | | |
| Livestock Auction | | 424520, 424590 | S | | | | | | |
| Hatchery, Poultry | | 112340 | S | | | | | | |
| Horse Lot (Commercial) | 4-10-103 | 112920 | S | S | | | | | |
| Horse Lot (Private) | 4-10-103 | 112920 | P | P | P | P | | | P |
| Market Garden | 4-10-117 | -- | | | | | P | P | |
| Stable (Private) | 4-10-114 | -- | P | P | P | P | -- | | P |
| Urban Farm | 4-10-117 | -- | | | | | P | P | |
| Veterinary Office (excluding Hospitals), without outdoor areas | | 514940, 812910 | P | | | | | | |
| Veterinary Services or Kennels, including Hospitals | 4-10-110 | 541940, 812910 | P | | | | | | |
| E – AUTOMOBILE SERVICE USES | | | | | | | | | |
| Automobile Glass, Muffler, or Seat Cover Shop | | 811112, 811122, 811121 | | | | | | | |
| Automobile Parts and Accessory Sales (Indoors) | | 4413 | | | | | | | |
| Automobile, Motorcycle, or Scooter Repair and Maintenance | | 8111, 811490 | | | | | | | |
| Automobile, Motorcycle, or Scooter Repair and Maintenance, Limited | | 811119 | | | | | | | |
| Automobile Storage or Auto Auction | | 493190, 423110 | | | | | | | |
| Automobile or Motor Vehicle Sales & Rental, In Building | | 4411, 4412, 5321 | | | | | | | |
| Automobile or Motor Vehicle Sales & Rental, Outdoor Lot | | 4411, 4412, 5321 | | | | | | | |
| Car Wash | | 811192 | | | | | | | |
| Gasoline Station | 4-10-101 | 4471 | S | | | | | | |
| Heavy Machinery Sales, Rental, or Repair | | 532412, 811310 | S | | | | | | |



Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|--|------------------------|--|---|---|-----|-----|----|----|----|
| Steam Cleaning of Vehicles or Machinery | | 811192 | | | | | | | |
| Tire Retreading or Capping | | 326212 | | | | | | | |
| F – COMMERCIAL USES | | | | | | | | | |
| Bakery, Wholesale | | 31181, 424490 | | | | | | | |
| Cabinet and Upholstery Shop | | 337110, 451130, 811420 | | | | | | | |
| Cleaning, Dyeing or Laundry Plant | | 81232 | | | | | | | |
| Contractor Storage or Equipment Yard | | 236, 238 | | | | | | | |
| Crematory | | 812220 | | | | | | | |
| Event Venue | 4-10-100 | 531120 | S | | | | | | |
| Flea Market (Screened) | | 453310 | | | | | | | |
| Flea Market (Unscreened) | | 453310 | | | | | | | |
| Laboratory, Scientific or Research | | 5417 | | | | | | | |
| Light Fabrication and Assembly Processes | | 314, 315, 313220, 336360, 323113, 339994 | | | | | | | |
| Manufactured Home Sales or Rental | | 453930, 531190 | | | | | | | |
| Milk Depot, Dairy or Ice Cream Plant | | 424430, 3115 | | | | | | | |
| New Building Material Sales and/or Storage | | 444 | | | | | | | |
| Outdoor Storage | 4-10-109 | -- | P | | | | | | |
| Pest Control Service | | 561710 | | | | | | | |
| Petroleum Products Storage and Wholesale | | 4247, 454310, | | | | | | | |
| Portable Building Sales | | 444190 | | | | | | | |
| Self-Storage Facility | 4-10-112 | 531130 | | | | | | | |
| Sign Manufacturing Shop | | 339950 | | | | | | | |
| Specialty Trade Contractor | | 238 | | | | | | | |
| Storage Facility | | -- | P | | | | | | |
| Storage Warehouse | | 493 | | | | | | | |
| Welding or Machine Shop | | 332710, 811310 | | | | | | | |
| Wholesale Office, Storage, or Sales Facilities | | 42 | | | | | | | |



Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|--|------------------------|---|----------|----------|----------|----------|-----------|----------|-----------|
| G – EDUCATIONAL AND INSTITUTIONAL USES | | | | | | | | | |
| Cemetery or Mausoleum | | 812220 | S | S | | | | | |
| College or University | | 611310 | | | S | S | S | S | S |
| <u>Commercial Day Care Facility</u> | <u>4-10-98</u> | <u>624410</u> | | | | | <u>P</u> | <u>P</u> | <u>P</u> |
| Community Center | | 624110, 624120 | P | P | P | P | P | P | P |
| Criminal Justice Halfway House | | 623990 | | | | | | | |
| Cultural Facility | | 712 | | | | | | | |
| Fairgrounds or Exhibition Area | | 711310 | S | | | | | | |
| Fire Station | | 922160 | P | P | P | P | P | P | P |
| <u>Philanthropic, Civic, Professional, and Similar Organizations</u> | | <u>8132,</u> <u>8133,</u> <u>8134,</u> <u>8139</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| Hospital | | 622 | | | | | | | |
| Library (Public) | | 519120 | S | S | S | S | P | P | P |
| <u>Philanthropic, Civic, Professional, and Similar Organizations</u> | | <u>8132,</u> <u>8133,</u> <u>8134,</u> <u>8139</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| Public Building, Office of Local, State, or Federal Agency | | 92 | S | S | S | S | S | S | S |
| Religious Facility | | 8131 | P | P | P | P | P | P | P |
| Residential Day Care Facility | 4-10-98 | 623990 | S | S | S | S | <u>SP</u> | P | <u>SP</u> |
| School, Business | | 611410 | | | | | | | |
| School, Commercial Trade | | 61151 | | | | | | | |
| School, <u>Private</u> , Elementary, or Secondary | | 611110 | S | S | S | S | P | P | P |
| <u>School, Public or Denominational</u> | | <u>611110</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Shelter | | 624221 | | | | | | | |
| H – ENTERTAINMENT AND RECREATIONAL USES | | | | | | | | | |
| Adult Business | 4-10-88 | -- | | | | | | | |
| Topless Establishment | 4-10-88 | -- | | | | | | | |
| Amusement, Commercial (Indoor) | 4-10-91 | 711, 7131, 7139 | | | | | | | |
| Amusement, Commercial (Outdoor) | 4-10-91 | 711, 7131, 7139 | | | | | | | |
| Country Club | | 713910 | | S | S | S | S | S | S |
| Day Camp For Children | | 713990 | S | | | | | | |
| Drag Strip or Commercial Racing | | 711212 | S | | | | | | |
| Golf Course | | 713910 | <u>S</u> | S | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | |



Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|--|------------------------|----------------|---|---|-----|-----|----|----|----|
| Park or Playground | | 712190, 713940 | P | P | P | P | P | P | P |
| Playfield or Stadium | | 711211, 711310 | | | | | | | |
| Riding Club | | 115210, 713990 | S | S | | | | | |
| Rodeo Grounds | | 711310 | S | | | | | | |
| Shooting Range (Indoor) | 4-10-113 | 713990 | | | | | | | |
| Shooting Range (Outdoor) | 4-10-113 | 713990 | P | | | | | | |
| Sports Club (<u>not otherwise than listed</u>) | | 713990 | S | | | | | | |
| Swim or Tennis Club | | 713940 | S | S | S | S | S | S | S |
| Swimming Pool (Commercial) | | 713940 | | | | | | | |
| Theater or Playhouse in Building | | 512131, 711110 | | | | | | | |
| Theater (Drive-In) | | 512132 | | | | | | | |
| Zoo | | 712130 | S | | | | | | |
| I – MANUFACTURING AND INDUSTRIAL USES | | | | | | | | | |
| <u>Fertilizer Manufacturing or Mixing Plant</u> | | <u>32531</u> | | | | | | | |
| Landfill (Nonputrescible Material) | 4-10-105 | 562212, 562219 | S | | | | | | |
| Landfill , Sanitary | 4-10-105 | 562212, 562219 | | | | | | | |
| Light Manufacturing or Industrial Uses (<u>not otherwise listed</u>) | | -- | | | | | | | |
| Heavy Manufacturing or Industrial Uses (<u>not otherwise listed</u>) | | -- | | | | | | | |
| J – NATURAL RESOURCE STORAGE AND EXTRACTION | | | | | | | | | |
| Caliche Pit and Storage Area | | 212312, 212325 | S | | | | | | |
| Mining and Storage of Mining Waste (<u>not otherwise listed</u>) | | 212 | S | | | | | | |
| Petroleum Collecting and Storage Facilities | | 211, 213 | S | | | | | | |
| Petroleum or Gas Well | | 211, 213 | S | S | S | S | S | S | S |
| Topsoil Earth, Stone, Sand, or Gravel Extraction or Storage | | 2123 | S | | | | | | |
| K – RETAIL AND SERVICE USES | | | | | | | | | |
| Bank or Financial Institution | | 522, 523 | | | | | | | |
| Business Service Establishment | | -- | | | | | | | |
| Catering Service | | 722320 | | | | | | | |
| <u>Coffee Shop, with or without drive-thru or drive-in service</u> | | <u>722515</u> | | | | | | | |



Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH | |
|--|------------------------|---|----------|---|-----|-----|----|----------|----------|----------|
| Commercial Day Care Facility | 4-10-98 | 624410 | | | | | | <u>P</u> | <u>P</u> | <u>P</u> |
| Corner Store | 4-10-96 | -- | | | S | S | P | P | | |
| Cleaning and Laundry Service, including Self-Service Laundry | | 812310, 812320 | | | | | | | | |
| Credit Access Businesses | 4-10-97 | 522390 | | | | | | | | |
| Eating Places, (without drive-thru or drive-in service) (not otherwise listed) | | 7225 | S | | | | | | | |
| Eating Places, (with drive-thru or drive-in service) (not otherwise listed) | | 7225 | | | | | | | | |
| Drug Store or Pharmacy | | 44611 | | | | | | | | |
| Florist Shop | | 4531 | | | | | | | | |
| Laboratory, Medical or Dental | | 6215, 339116 | | | | | | | | |
| Mobile Food Units | 4-10-107 | 722330 | | | | | | | | |
| Mobile Ice Cream/Frozen Dessert Vehicles | 4-10-107 | 722330 | P | P | P | P | P | P | P | |
| Morgue, Mortuary, or Ambulance Service | | 621910, 812210 | | | | | | | | |
| Non-Motorized Food Vending Cart | 4-10-107 | 722330 | | | | | | | | |
| Offices, General Business or Professional | | -- | | | | | | | | |
| Offices and Clinics, Medical or Dental | | 6211, 6212, 6213, 6214 | | | | | | | | |
| Optical Shop or Laboratory | | 44613, 339115 | | | | | | | | |
| Pawn Shop | | 522298 | | | | | | | | |
| Personal Service Establishments (not otherwise listed) | | -- | | | | | | | | |
| Personal Storage Facility | | -- | <u>P</u> | | | | | | | |
| Pet Care Services | 4-10-110 | 812910 | | | | | | | | |
| Repair Services | | 8112, 8114 | | | | | | | | |
| Retail Trade Establishments (not otherwise listed) | | 311811, 442, 443, 445, 446, 448, 451, 452, 453, 454, 5322 | | | | | | | | |
| Tattoo Studio | | 81219 | | | | | | | | |

Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|---|------------------------|------------------------|---|---|-----|-----|----|----|----|
| Tool and Light Vehicle Rental and Sales (Not Heavy Machinery) | | 532310 | | | | | | | |
| L – SPECIAL INDUSTRIAL PROCESSES | | | | | | | | | |
| Asphalt or Concrete Batching Plant | | 324121, 327320, 327120 | | | | | | | |
| Brick Kiln or Tile Plant | | 327310, 327320, 327410 | | | | | | | |
| Cement or Hydrated Lime Plant | | 562212, 562219 | | | | | | | |
| Dump or Sanitary Fill Area | | 562112, 562211 | | | | | | | |
| Hazardous Waste Collection, Processing, or Disposal | | 423930 | | | | | | | |
| Junk or Salvage Yard | 4-10-111 | 562920 | | | | | | | |
| Recycling Collection Facility | 4-10-111 | 562920 | | | | | | | |
| Receiving Center for Recyclable Items | | 311611 | | | | | | | |
| Slaughter House or Meat Packing Plant | | 324110, 3313, 3314 | | | | | | | |
| Smelter or Refinery | | | | | | | | | |
| M – TEMPORARY USES | | | | | | | | | |
| All Temporary Uses | 4-10-116 | -- | See Article III, <i>Use Regulations</i> | | | | | | |
| N – TRANSPORTATION-RELATED USES | | | | | | | | | |
| Airport | 4-10-89 | 481, 4881 | | | | | | | |
| Airstrip or Landing Field | 4-10-89 | 481, 4881 | S | S | | | | | |
| Bus Station or Terminal | | 485, 488490 | | | | | | | |
| Hauling or Storage Company | | 484 | | | | | | | |
| Heliport | 4-10-89 | 481, 4881 | | | | | | | |
| Helistop | 4-10-89 | 481 | S | | | | | | |
| Helistop, Small | 4-10-89 | 481 | S | | | | | | |
| Motor Freight Terminal | | 488490 | | | | | | | |
| Railroad Freight Terminal | | 488210 | | | | | | | |
| Railroad Passenger Station | | 482, 488210 | | | | | | | |
| Railroad Track or Right of Way | | 482 | P | P | P | P | P | P | P |
| Railroad Team Track | | 482 | | | | | | | |
| Railroad Yard or Roundhouse | | 482, 488210 | | | | | | | |



Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|--|------------------------|--|---|---|-----|-----|----|----|----|
| Parking Lot or Structure (Commercial Auto) | | 812930 | | | | | | | |
| Parking Lot, Truck/Truck Stop | | 447, 812930 | | | | | | | |
| O – UTILITY USES | | | | | | | | | |
| Communication and Broadcast Towers | | 517312 | P | P | P | P | P | P | P |
| Electrical Substation | 4-10-99 | 22112 | P | S | S | S | S | S | S |
| Electrical Energy Generating Plant or Wind Generator | | 221112, 221114, 221115, 221116, 221117 | S | | | | | | |
| Electrical Transmission Line | | 22112 | P | P | P | P | P | P | P |
| Gas Line and Regulating Station | | 221210 | P | P | P | P | P | P | P |
| Local Utility Line | | 221122, 221210 | P | P | P | P | P | P | P |
| Public Building, Shop, or Yard of Local, State, or Federal Agency | | 921190 | S | S | S | S | S | S | S |
| Radio or Television Transmitting Station | | 5151 | S | | | | | | |
| Sewage Pumping Station | | 221320 | P | P | P | P | P | P | P |
| Sewage Treatment Plant | | 221320 | S | | | | | | |
| Utility Shops or Storage Yards or Buildings (Private) | | -- | S | S | | | | | |
| Water Standpipe or Elevated Water Storage | | 221310 | P | P | P | P | P | P | P |
| Water Reservoir, Well, or Pumping Station | | 221310 | P | P | P | P | P | P | P |
| Water Treatment Plant | | 221310 | S | | | | | | |
| P – ALCOHOL-RELATED USES | | | | | | | | | |
| Alcohol Production Facilities | 4-10-90 | 312120, 312130, 312140 | P | | | | | | |
| Brewpubs | | | | | | | | | |
| BYOB Venue | 4-10-94 | 722410 | | | | | | | |
| Drinking Places or other On-Premise Primary Use Sales and Service | | 722410 | | | | | | | |
| On-Premise Incidental Use Sales and Service by an Eating Place | | 72251 | S | | | | | | |
| On-Premise Incidental Use Sales and Service by a Business Other than an Eating Place | | -- | S | | | | | | |



Table 4-10-82.2 – Schedule of Uses (Agricultural and Residential Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | A | E | R-1 | R-2 | MD | MF | MH |
|--------------------------------------|------------------------|------------|---|---|-----|-----|----|----|----|
| Off-Premise Alcoholic Beverage Sales | | 445310 | | | | | | | |

Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|---|------------------------|------------|---------|---------|---------|---------|---------|---------|---------|---------|
| A – RESIDENTIAL USES | | | | | | | | | | |
| Duplex Dwelling | | -- | | P | | | | | | |
| Industrialized Housing | 4-10-104 | -- | | P | | P | | | | |
| Live/Work Dwelling | 4-10-104 | -- | P | P | P | P | P | | | |
| One-Family Dwelling (Detached) | | -- | | P | | | | | | |
| Manufactured Home (Type A) | 4-10-104 | -- | | | | | | | | |
| Manufactured Home (Type B) | 4-10-104 | -- | | | | | | | | |
| Manufactured Home (Type C) | 4-10-104 | -- | | P | | | | | | |
| Manufactured Home Park | 4-10-106 | -- | | | | | | | | |
| Manufactured Home Subdivision | | -- | | | | | | | | |
| Mixed Use Building | | -- | P | P | P | P | P | | | |
| Multiple-Family Dwelling | 4-10-104 | -- | | P | | P | | | | |
| Tiny Home | 4-10-104 | -- | | P | | | | | | |
| Tiny Home Court | 4-10-104 | -- | | P | | | | | | |
| Townhouse Dwelling | | -- | | P | | | | | | |
| B – ACCESSORY USES | | | | | | | | | | |
| Accessory Building | 4-10-87 | -- | P | P | P | P | P | P | P | P |
| Accessory Dwelling Unit | 4-10-86 | -- | | P | | | | | | |
| Carport | 4-10-95 | -- | P/ S | P/ S | P/ S | P/ S | P/ S | P/ S | P/ S | P/ S |
| Farm Accessory Building | 4-10-87 | -- | P | P | P | | P | P | P | P |
| Home Occupation | 4-10-102 | -- | P | P | P | P | P | | | |
| Kennel (Private) | 4-10-87 | -- | | | | | | | | |
| Outdoor Retail Display | 4-10-108 | -- | | P | P | P | P | P | P | P |
| Swimming Pool (Private) | 4-10-115 | -- | P | P | P | P | P | P | P | P |
| C – ACCOMMODATIONS AND GROUP LIVING USES | | | | | | | | | | |
| Assisted Living Facilities | 4-10-92 | 623 | P | P | P | P | P | | | |
| Bed and Breakfast | 4-10-93 | 721191 | | SP | P | P | P | | | |
| Community Residences, Long-Term | | -- | | P | | P | | | | |
| Community Residences, Transitional | | -- | | P | | P | | | | |
| Group Living Quarters | | -- | P | P | | P | | | | |



Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|--|------------------------|------------------------|---|----|----|----|----|----|-----|-----|
| Hotel or Motel (less than 50 rooms) | | 721110 | | P | P | P | P | | | |
| Hotel or Motel | | 721110 | | | P | P | P | P | | |
| Hotel or Motel with Associated Entertainment Use(s) | | 721110 | | | | | | P | P | P |
| Recreational Vehicle Park | 4-10-106 | 721211 | | | | | P | P | | |
| Short-Term Rental | | 721199 | P | P | P | P | P | | | |
| Sporting & Recreational Camps | | 721214 | | | | | P | P | | |
| D – AGRICULTURAL USES | | | | | | | | | | |
| Agricultural Supply Store | | 444210, 444220 | | | P | | P | P | P | |
| Animal Feeding Lot | | 112112 | | | | | | | | P |
| Community Garden | 4-10-117 | 111 | P | P | P | P | P | P | P | P |
| Farm, Ranch, or Orchard | | 111, 112111 | | | | | | P | P | P |
| Greenhouse or Plant Nursery, Retail | | 11142, 444220 | | P | P | | P | P | P | P |
| Greenhouse or Plant Nursery, Wholesale | | 424930 | | | | | P | P | P | P |
| Livestock Auction | | 424520, 424590 | | | | | | | S | P |
| Hatchery, Poultry | | 112340 | | | | | | P | P | P |
| Horse Lot (Commercial) | 4-10-103 | 112920 | | | | | P | P | P | P |
| Horse Lot (Private) | 4-10-103 | 112920 | | P | P | | P | P | P | P |
| Market Garden | 4-10-117 | -- | P | P | P | P | P | | | |
| Stable (Private) | 4-10-114 | -- | | P | P | | P | P | P | P |
| Urban Farm | 4-10-117 | -- | | P | P | P | P | | | |
| Veterinary Office (excluding Hospitals), without outdoor areas | | 514940, 812910 | P | P | P | P | P | P | P | P |
| Veterinary Services or Kennels, including Hospitals | 4-10-110 | 514940, 812910 | | | | | P | P | P | P |
| E – AUTOMOBILE SERVICE USES | | | | | | | | | | |
| Automobile Glass, Muffler, or Seat Cover Shop | | 811112, 811122, 811121 | | | S | P | P | P | P | P |
| Automobile Parts and Accessory Sales (Indoors) | | 4413 | | | P | P | P | P | P | P |
| Automobile, Motorcycle, or Scooter Repair and Maintenance | | 8111, 811490 | | | S | S | P | P | P | P |
| Automobile, Motorcycle, or Scooter Repair and Maintenance, Limited | | 811119 | | | P | P | P | P | P | P |
| Automobile Storage or Auto Auction | | 493190, 423110 | | | | | | P | P | P |



Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|---|------------------------|--|---|----|----|----|----|----|-----|-----|
| Automobile or Motor Vehicle Sales & Rental, In Building | | 4411, 4412, 5321 | | | P | P | P | P | P | P |
| Automobile or Motor Vehicle Sales & Rental, Outdoor Lot | | 4411, 4412, 5321 | | | S | S | P | P | P | P |
| Car Wash | | 811192 | | | P | P | P | P | P | P |
| Gasoline Station | 4-10-101 | 4471 | | P | P | P | P | P | P | P |
| Heavy Machinery Sales, Rental, or Repair | | 532412, 811310 | | | | | | P | P | P |
| Steam Cleaning of Vehicles or Machinery | | 811192 | | | | | | P | P | P |
| Tire Retreading or Capping | | 326212 | | | | | | P | P | P |
| F – COMMERCIAL USES | | | | | | | | | | |
| Bakery, Wholesale | | 31181, 424490 | | | | P | P | P | P | P |
| Cabinet and Upholstery Shop | | 337110, 451130, 811420 | | | | P | P | P | P | P |
| Cleaning, Dyeing, or Laundry Plant | | 81232 | | | | P | P | P | P | P |
| Contractor Storage or Equipment Yard | | 236, 238 | | | | | | P | P | P |
| Crematory | | 812220 | | | | | | P | P | P |
| Event Venue | 4-10-100 | 531120 | | | S | P | P | P | | |
| Flea Market (Screened) | | 453310 | | | | | | P | P | P |
| Flea Market (Unscreened) | | 453310 | | | | | | | | P |
| Laboratory, Scientific or Research | | 5417 | S | | | P | P | P | P | P |
| Light Fabrication and Assembly Processes | | 314, 315, 313220, 336360, 323113, 339994 | | | | P | | P | P | P |
| Manufactured Home Sales or Rental | | 453930, 531190 | | | | | P | P | P | P |
| Milk Depot, Dairy or Ice Cream Plant | | 424430, 3115 | | | | P | P | P | P | P |
| New Building Material Sales and/or Storage | | 444 | | | P | S | P | P | P | P |
| Outdoor Storage | 4-10-109 | -- | | | | | | P | P | P |
| Pest Control Service | | 561710 | | | | | | P | P | P |
| Petroleum Products Storage and Wholesale | | 4247, 454310 | | | | | | P | P | P |
| Portable Building Sales | | 444190 | | | | | P | P | P | P |
| Self-Storage Facility | 4-10-112 | 531130 | | | P | P | P | P | P | P |



Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|--|------------------------|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Sign Manufacturing Shop | | 339950 | | | | P | P | P | P | P |
| Specialty Trade Contractor | | 238 | | | | | P | P | P | P |
| Storage Facility | | - | | | | P | P | P | P | P |
| Storage Warehouse | | 493 | | | | P | | P | P | P |
| Welding or Machine Shop | | 332710, 811310 | | | | | | P | P | P |
| Wholesale Office, Storage, or Sales Facilities | | 42 | | | | P | | P | P | P |
| G – EDUCATIONAL AND INSTITUTIONAL USES | | | | | | | | | | |
| Cemetery or Mausoleum | | 812220 | S | S | S | S | S | S | S | S |
| College or University | | 611310 | P | P | P | P | P | P | P | P |
| Commercial Day Care Facility | 4-10-98 | 624410 | P | P | P | P | P | P | P | P |
| Community Center | | 624110, 624120 | P | P | P | P | P | P | P | P |
| Criminal Justice Halfway House | | 623990 | | | | | | S | S | S |
| Cultural Facility | | 712 | P | P | P | P | P | P | P | P |
| Fairgrounds or Exhibition Area | | 711310 | | | P | P | P | P | P | P |
| Fire Station | | 922160 | P | P | P | P | P | P | P | P |
| Philanthropic, Civic, Professional, and Similar Organizations | | 8132, 8133, 8134, 8139 | P | P | P | P | P | P | P | P |
| Hospital | | 622 | P | P | P | P | P | P | P | P |
| Library (Public) | | 519120 | P | P | P | P | P | P | P | P |
| Philanthropic, Civic, Professional, and Similar Organizations | | 8132, 8133, 8134, 8139 | P | P | P | P | P | P | P | P |
| Public Building, Office of Local, State, or Federal Agency | | 92 | P | P | P | P | P | P | P | P |
| Religious Facility | | 8131 | P | P | P | P | P | P | P | P |
| Residential Day Care Facility | 4-10-98 | 623990 | | P | P | P | P | P | P | P |
| School, Business | | 611410 | P | | P | P | P | P | P | P |
| School, Commercial Trade | | 61151 | P | | | P | P | P | P | P |
| School, Private , Elementary, or Secondary | | 611110 | P | P | P | P | P | P | P | P |
| School, Public or Denominational | | 611110 | P | P | P | P | P | P | P | P |
| Shelter | | 624221 | | | P | P | P | P | P | P |
| H – ENTERTAINMENT AND RECREATIONAL USES | | | | | | | | | | |
| Adult Business | 4-10-88 | -- | | | | | | | P | P |
| Topless Establishment | 4-10-88 | -- | | | | | | | P | P |
| Amusement, Commercial (Indoor) | 4-10-91 | 711, 7131, 7139 | | | | P | P | P | P | P |



Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|---|------------------------|-----------------|---|----|----|----|----|----|-----|-----|
| Amusement, Commercial (Outdoor) | 4-10-91 | 711, 7131, 7139 | | | | S | P | P | P | P |
| Country Club | | 713910 | | P | P | | P | P | P | P |
| Day Camp For Children | | 713990 | | | P | P | P | P | P | P |
| Drag Strip or Commercial Racing | | 711212 | | | | | | | P | P |
| Golf Course | | 713910 | | S | S | | P | P | P | P |
| Park or Playground | | 712190, 713940 | P | P | P | P | P | P | P | P |
| Playfield or Stadium | | 711211, 711310 | | P | P | P | P | P | P | P |
| Riding Club | | 115210, 713990 | | | | | | P | P | P |
| Rodeo Grounds | | 711310 | | | | | S | P | P | P |
| Shooting Range (Indoor) | 4-10-113 | 713990 | | | S | S | S | S | P | P |
| Shooting Range (Outdoor) | 4-10-113 | 713990 | | | | | | | P | P |
| Sports Club (unless otherwise than listed) | | 713990 | S | | P | P | P | P | P | P |
| Swim or Tennis Club | | 713940 | S | P | P | P | P | P | P | P |
| Swimming Pool (Commercial) | | 713940 | | S | P | P | P | P | P | P |
| Theater or Playhouse in Building | | 512131, 711110 | S | P | P | P | P | P | P | P |
| Theater (Drive-In) | | 512132 | | | | | P | P | P | P |
| Zoo | | 712130 | | | | P | S | P | P | P |
| I – MANUFACTURING AND INDUSTRIAL USES | | | | | | | | | | |
| Fertilizer Manufacturing or Mixing Plant | | 32531 | | | | | | | S | P |
| Landfill (Nonputrescible Material) | 4-10-105 | 562212, 562219 | | | | | | | S | P |
| Landfill, Sanitary | 4-10-105 | 562212, 562219 | | | | | | | S | S |
| Light Manufacturing or Industrial Uses (not otherwise listed) | | -- | | | | | | | P | P |
| Heavy Manufacturing or Industrial Uses (not otherwise listed) | | -- | | | | | | | | P |
| J – NATURAL RESOURCE STORAGE AND EXTRACTION | | | | | | | | | | |
| Caliche Pit and Storage Area | | 212312, 212325 | | | | | | S | P | P |
| Mining and Storage of Mining Waste not otherwise listed | | 212 | | | | | | | P | P |
| Petroleum Collecting and Storage Facilities | | 211, 213 | | S | S | | S | S | P | P |
| Petroleum or Gas Well | | 211, 213 | S | S | S | S | S | S | P | P |
| Topsoil Earth, Stone, Sand, or Gravel Extraction or Storage | | 2123 | | | | | | S | P | P |

Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|---|------------------------|------------------------|---|----|----|----|----|----|-----|-----|
| K – RETAIL AND SERVICE USES | | | | | | | | | | |
| Bank or Financial Institution | | 522, 523 | P | P | P | P | P | P | P | |
| Business Service Establishment | | -- | P | | P | P | P | P | P | P |
| Catering Service | | 722320 | | | P | P | P | P | P | P |
| Coffee Shop, with or without drive-thru or drive-in service | | 722515 | P | P | P | P | P | P | P | P |
| Commercial Day Care Facility | 4-10-98 | 624440 | P | P | P | P | P | P | P | |
| Corner Store | 4-10-96 | -- | | P | | | | | | |
| Cleaning and Laundry Service, including Self-Service Laundry | | 812310, 812320 | | P | P | P | P | P | P | P |
| Credit Access Businesses | 4-10-97 | 522390 | | | | | P | P | | |
| Eating Places, (without drive-thru or drive-in service) (unless otherwise listed) | | 7225 | P | SP | P | P | P | P | P | P |
| Eating Places, (with drive-thru or drive-in service) (unless otherwise listed) | | 7225 | | S | P | P | P | P | P | P |
| Drug Store or Pharmacy | | 44611 | P | P | P | P | P | P | P | P |
| Florist Shop | | 4531 | P | P | P | P | P | P | P | P |
| Laboratory, Medical or Dental | | 6215, 339116 | P | | P | P | P | P | P | P |
| Mobile Food Units | 4-10-107 | 722330 | P | P | P | P | P | P | P | P |
| Mobile Ice Cream/Frozen Dessert Vehicles | 4-10-107 | 722330 | P | P | P | P | P | P | P | P |
| Morgue, Mortuary, or Ambulance Service | | 621910, 812210 | P | | P | P | P | P | P | P |
| Non-Motorized Food Vending Cart | 4-10-107 | 722330 | P | P | P | P | P | P | P | P |
| Offices, General Business or Professional | | -- | P | P | P | P | P | P | P | P |
| Offices and Clinics, Medical or Dental | | 6211, 6212, 6213, 6214 | P | P | P | P | P | P | | |
| Optical Shop or Laboratory | | 44613, 339115 | P | P | P | P | P | P | P | P |
| Pawn Shop | | 522298 | | | P | P | P | P | P | P |
| Personal Service Establishments (not unless otherwise listed) | | -- | P | | P | P | P | P | P | P |
| Personal Storage Facility | | -- | | | | P | P | P | P | P |
| Pet Care Services | 4-10-110 | 812910 | | P | P | P | P | P | P | P |
| Repair Services | | 8112, 8114 | | P | P | P | P | P | P | P |

Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|---|------------------------|---|---|----|----|----|----|----|-----|-----|
| Retail Trade Establishments (<u>not unless</u> otherwise listed) | | 311811, 442, 443, 445, 446, 448, 451, 452, 453, 454, 5322 | | | P | P | P | P | | |
| Tattoo Studio | | 81219 | | | P | P | P | P | P | P |
| Tool and Light Vehicle Rental and Sales (Not Heavy Machinery) | | 532310 | | | | P | P | P | P | P |
| L – SPECIAL INDUSTRIAL PROCESSES | | | | | | | | | | |
| Asphalt or Concrete Batching Plant | | 324121, 327320, | | | | | | S | S | P |
| Brick Kiln or Tile Plant | | 327120 | | | | | | | S | P |
| Cement or Hydrated Lime Plant | | 327310, 327320, 327410 | | | | | | | S | P |
| Dump or Sanitary Fill Area | | 562212, 562219 | | | | | | | S | P |
| Hazardous Waste Collection, Processing or Disposal | | 562112, 562211 | | | | | | | P | P |
| Junk or Salvage Yard | | 423930 | | | | | | | | P |
| Recycling Collection Facility | 4-10-111 | 562920 | | | | S | S | S | P | P |
| Receiving Center for Recyclable Items | 4-10-111 | 562920 | | | P | P | P | P | P | P |
| Slaughter House or Meat Packing Plant | | 311611 | | | | | | | S | P |
| Smelter or Refinery | | 324110, 3313, 3314 | | | | | | | | P |
| M – TEMPORARY USES | | | | | | | | | | |
| All Temporary Uses | 4-10-116 | -- | See Article III, <i>Use Regulations</i> | | | | | | | |
| N – TRANSPORTATION-RELATED USES | | | | | | | | | | |
| Airport | 4-10-89 | 481, 4881 | | | | | S | S | S | S |
| Airstrip or Landing Field | 4-10-89 | 481, 4881 | | | | | S | S | S | S |
| Bus Station or Terminal | | 485, 488490 | | | P | P | P | P | P | P |
| Hauling or Storage Company | | 484 | | | | | | P | P | P |
| Heliport | 4-10-89 | 481, 4881 | | | | | | S | S | S |
| Helistop | 4-10-89 | 481 | | | S | S | S | S | S | S |
| Helistop, Small | 4-10-89 | 481 | S | S | S | S | S | S | S | S |
| Motor Freight Terminal | | 488490 | | | | | | P | P | P |



Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|---|------------------------|--|---|----|----|----|----|----|-----|-----|
| Railroad Freight Terminal | | 488210 | | | | | | P | P | P |
| Railroad Passenger Station | | 482, 488210 | | | P | P | P | P | P | P |
| Railroad Track or Right of Way | | 482 | P | P | P | P | P | P | P | P |
| Railroad Team Track | | 482 | | | | | | P | P | P |
| Railroad Yard or Roundhouse | | 482, 488210 | | | | | | | P | P |
| Parking Lot or Structure (Commercial Auto) | | 812930 | S | P | P | P | P | P | P | P |
| Parking Lot, Truck/Truck Stop | | 447, 812930 | | | | | P | P | P | P |
| O – UTILITY USES | | | | | | | | | | |
| Communication and Broadcast Towers | | 517312 | P | P | P | P | P | P | P | P |
| Electrical Substation | 4-10-99 | 22112 | P | P | P | P | P | P | P | P |
| Electrical Energy Generating Plant or Wind Generator | | 221112,2 21114, 221115, 221116, 221117 | | | | | S | P | P | P |
| Electrical Transmission Line | | 22112 | P | P | P | P | P | P | P | P |
| Gas Line and Regulating Station | | 221210 | P | P | P | P | P | P | P | P |
| Local Utility Line | | 221122, 221210 | P | P | P | P | P | P | P | P |
| Public Building, Shop, or Yard of Local, State, or Federal Agency | | 921190 | S | S | S | S | P | P | P | P |
| Radio or Television Transmitting Station | | 5151 | P | | P | P | P | P | P | P |
| Sewage Pumping Station | | 221320 | P | P | P | P | P | P | P | P |
| Sewage Treatment Plant | | 221320 | | | | | S | S | P | P |
| Utility Shops or Storage Yards or Buildings (Private) | | -- | | | S | S | P | P | P | P |
| Water Standpipe or Elevated Water Storage | | 221310 | P | P | P | P | P | P | P | P |
| Water Reservoir, Well, or Pumping Station | | 221310 | P | P | P | P | P | P | P | P |
| Water Treatment Plant | | 221310 | | | | P | S | P | P | P |
| P – ALCOHOL-RELATED USES | | | | | | | | | | |
| Alcohol Production Facilities | 4-10-90 | 312120, 312130, 312140 | | | | | | P | P | P |
| Brewpubs | | | | S | P | P | P | P | P | P |
| BYOB Venue | 4-10-94 | 722410 | | | | S | S | S | S | S |



Table 4-10-82.3 – Schedule of Uses (Office, Retail, Business, and Industrial Districts)

| Land Use | Use Regulations (Sec.) | NAICS Code | O | NS | GR | CB | LC | HC | I-1 | I-2 |
|--|------------------------|------------|---|----|----|----|----|----|-----|-----|
| Drinking Places or other On-Premise Primary Use Sales and Service | | 722410 | | | | P | P | P | P | P |
| On-Premise Incidental Use Sales and Service by an Eating Place | | 72251 | | P | P | P | P | P | P | P |
| On-Premise Incidental Use Sales and Service by a Business Other than an Eating Place | | -- | | | | P | P | P | P | P |
| Off-Premise Alcoholic Beverage Sales | | 445310 | | P | P | P | P | P | P | P |

Sec. 4-10-83. - Reserved.

Sec. 4-10-84. - Reserved.



ARTICLE III. - USE REGULATIONS

Sec. 4-10-85. - Generally.

- (a) **Purpose.** This Article addresses individual Uses or activities that have unique operational characteristics or impacts. These standards supplement the other requirements of this Chapter.
- (b) **Applicability.** This Article establishes standards for particular Uses. These standards apply regardless of the Zoning District where the Use is located or whether the Use is permitted by right or requires a Specific Use Permit, unless otherwise indicated in this article.
- (c) **Other applicable regulations.** Uses subject to this Article are also subject to all other applicable provisions of this Chapter, including the Zoning District dimensional standards (Article II), and the Amarillo Municipal Code.
- (d) **Conflicts.** If a requirement of this Article conflicts with a requirement established elsewhere in this Chapter, the more restrictive requirement controls.

Sec. 4-10-86. - Accessory Dwelling Units.

- (a) **Purpose.**
 - (1) This Section is intended to encourage Accessory Dwelling Units as an alternative housing option.
 - (2) This Section implements [the Comprehensive Plan Chapter 6, Action Strategy 10 \(Accessory Dwelling Units\)](#).
- (b) **All Accessory Dwelling Units.** The following regulations are applicable to all Accessory Dwelling Units (ADUs):
 - (1) Only one ADU is allowed per lot.
 - (2) The property owner must occupy either the Main Building or the ADU as their permanent residence.
 - (3) The ADU shall obtain a separate address to ensure rapid emergency response.
 - (4) The ADU shall not cause Lot Coverage to exceed 75 percent, including the Main Building.
 - (5) The height of the ADU shall not exceed the height of the Main Building.
 - (6) The ADU shall provide one Off-Street Parking space with access to a public street from the existing driveway. Where an Alley access exists, ADUs may take vehicular access from the Alley.

- (7) The ADU shall comply with all Building Code requirements for a Dwelling Unit, including but not limited to, heating and cooling, cooking, and bathroom facilities.
- (c) **Detached ADUs.** The following regulations are applicable to Accessory Dwelling Units that are detached from the Main Building:
- (1) Only one detached ADU is permitted on a Lot with a Detached One-Family Dwelling.
 - (2) Detached ADUs are not permitted on Lots with a Townhouse, Duplex, or Multiple-Family Dwelling.
 - (3) A Tiny Home may be used as an ADU, and must comply with all provisions of this Section as well as the standards in Sec. 4-10-104, *Housing*.
 - (4) A Manufactured Home, Mobile Home, Recreational Vehicle, Tiny Home on Wheels, travel trailer, or camper shall not be used as a detached ADU.
 - (5) Detached ADUs shall not exceed a gross floor area of 1,000 square feet or more than 50 percent of the Main Building's floor area, whichever is less.
 - (6) Detached ADUs shall have no more than 2 bedrooms.
 - (7) The Detached ADU shall be located:
 - a. Between the Main Building and the rear Lot Line and
 - b. At least 10 feet from the rear of the Main Building.
 - (8) The Detached ADU shall conform to Side Yard setbacks as established in the underlying Zoning District.
 - (9) Utility lines separate from those servicing the Main Building shall be provided to each Detached ADU.
 - ~~(10) The architectural style of the Detached ADU shall conform to the architectural style and materials of the Main Building.~~
- (d) **Attached ADUs.** The following regulations are applicable to Accessory Dwelling Units that are Attached to the Main Building:
- (1) The height of the Attached ADU shall not exceed the Height of the Main Building.
 - (2) A separate entrance shall be provided for the Attached ADU.
 - (3) Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a One-Family Dwelling (e.g., side doors, French doors, etc.).

- (4) Where a residential Main Building is expanded to accommodate an Attached ADU, the expansion shall be designed, clad, painted, and roofed in a manner that is comparable to the Main Building.
- (5) Windows shall be similar to the Main Building in the:
 - a. Type of window;
 - b. Trim style; and
 - c. Proportions.
- (6) Any exterior stairs to serve as the primary entrance to an Attached ADU shall be located on the side or rear of the Main Building.

Sec. 4-10-87. - Accessory Uses and Buildings.

- (a) **Purpose.** This Section recognizes and accommodates Uses or Buildings that are customarily incidental to a Principal Use, and that are permitted with standards to further an important public purpose. Standards are applied to avoid unreasonable impacts on surrounding neighborhoods.
- (b) **Applicability.**
 - (1) This Section generally applies to all Accessory Uses and Buildings.
 - (2) Any Use allowed as a Principal Use in a Zoning District may be established as an Accessory Use if it meets all applicable requirements for the Use and all applicable requirements in this Section.
 - (3) Any Use prohibited in a Zoning District shall not be established as an Accessory Use, except as a Home Occupation in accordance with Sec. 4-10-101.
 - (4) Certain Accessory Uses and Buildings have additional regulations specified in this article, including:
 - a. Accessory Dwelling Units (Sec. 4-10-86),
 - b. Carports (Sec. 4-10-95),
 - c. Private Stables (Sec. 4-10-114),
 - d. Outdoor Retail Displays (Sec. 4-10-108),
 - e. Outdoor Storage (Sec. 4-10-109), and
 - f. Private Swimming Pools (Sec. 4-10-115).
- (c) **Accessory Building Height and Setbacks.**

- (1) Height and Setbacks for Residential, Non-Residential, and Farm Accessory Buildings are specified in Table 4-10-87.1.
- (2) **Residential Accessory Buildings.** A Residential Accessory Building may have a Side Yard and a Rear Yard less than that indicated in Table 4-10-87.1 if other Residential Accessory Buildings, within the same block or immediately adjacent blocks, legally observe a Side Yard or Rear Yard less than required.
 - a. The Side Yard with the least restrictive dimension shall establish the minimum Side Yard requirement.
 - b. The Rear Yard with the least restrictive dimension shall establish the minimum Rear Yard requirement.

Table 4-10-87.1 – Accessory Building Height and Setbacks

| | Residential Accessory Building ¹ | Non-Residential Accessory Building | Farm Accessory Building |
|--|--|------------------------------------|-------------------------|
| Height | 18 ft or Height of Main Building, Whichever is less | Same as Main Building | Same as Main Building |
| Setbacks (min) | | | |
| Front | Same as Main Building | Not allowed in Front Yard | None |
| Side | | | |
| <i>Buildings greater than 200 sf in area</i> | 3 ft | Same as Main Building | None |
| <i>Buildings 200 sf or less in area</i> | 0 ft | | |
| Rear | | | |
| <i>Buildings greater than 200 sf in area</i> | 10 ft, if Lot is not adjacent to an Alley; or 0 ft, if Lot is adjacent to an Alley | None | None |
| <i>Buildings 200 sf or less in area</i> | 0 ft | | |

Key: min = minimum required | sf = square feet

¹Where one (1) or more walls of an Accessory Building are part of a wall or walls of the Main Residential Building or where an Accessory Building is attached to the Main Residential Building by a roof, the Accessory Building is considered as part of the Main Residential Building for purposes of applying Setback requirements.

Sec. 4-10-88. - Adult Businesses.⁸

(a) **Purpose.**

- (1) It is the intent of these regulations to:

⁸ Revised pursuant to input from the City Attorney's office.



- a. Protect the health, safety, general welfare, and morals of the residents of Amarillo;
 - b. Balance the right of the citizens of the city to maintain a decent moral society and, on the other hand, the right of the individuals to express themselves freely in accordance with the guidelines of the Constitution of the United States and the United States Supreme Court rulings;
 - c. Neither have the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials;
 - b-d. Preserve the quality of family life;
 - c-e. Preserve the rural, suburban, and urban characteristics of the City's neighborhoods; and
 - d-f. Prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods.
- (2) In the development and adoption of this Section, it is recognized that there are some Adult Businesses that, due to their very nature, have objectionable operational characteristics when located in close proximity to residential Uses and to certain civic Uses, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities.
- (3) Being mindful of the effects of Adult Businesses upon minors and the criminal activity and disruption of public peace associated with adult establishments, while also giving due consideration to civil rights of persons partaking in Adult Businesses, it is the intent of this Section to regulate the location of Adult Businesses.
- (4) It is not the purpose or intent of this article to restrict or deny lawful access by adults to sexually oriented materials or to deny access by the distributors and exhibitors of sexually oriented materials to their intended market.
- (5) Similarly, it is not the purpose or intent of this article to impose judgment on the content or merits of any constitutionally protected form of speech or expression.
- (4)(6) By the enacting this ordinance, the Amarillo City Council does not intend to give any explicit, implicit, or tacit approval or condone any activity relating to Adult Businesses. Nothing in this Section shall be construed to authorize, permit, or legalize any activities otherwise prohibited by law or ordinance.

- (b) **Applicability.** This section applies to any Adult Business. For purposes of this Section, an "Adult Business" includes, but is not limited to, the following Uses as defined in Article IX:
- (1) Adult Arcade,
 - (2) Adult Bookstore/Film Store,
 - (3) Adult Cabaret,
 - (4) Adult Lounge,
 - (5) Adult Motel or Hotel,
 - (6) Adult Retail Store,
 - (7) Adult Theater, and
 - (8) Topless Establishment.
- (c) **Location requirements for an Adult Business.**
- (1) **Minimum separation distance from other Structures and Uses.** A Structure housing an Adult Business shall be located at least 1,000 feet from:
 - a. Any E, R-1, R-2, MD, MF, and MH Zoning District boundary line; and
 - b. Any PD Zoning District boundary line, if the PD District contains residential Uses; and
 - c. Any Structure used as a residence; and
 - d. Civic Uses, limited to:
 1. Church;
 2. Public or Denominational School;
 3. Hospital;
 4. Licensed child care facility;
 5. Hotel or Motel;
 6. Park or Playground (public);
 7. Playfield or Stadium (Public); and
 8. Institution of Religious, Charitable, or Philanthropic Nature; and
 - e. Any other Structure housing an Adult Business.

(2) **Measurement of separation distance.**

- a. Separation distance is measured in a straight line in all directions from the Structure housing the Adult Business to any Residentially-Zoned District boundary line; to any Structure used for a residence, church, school, or hospital; any Lot used for a park; and from Structure to Structure of those facilities housing Adult Businesses.
- b. The measurements to a Structure shall be taken from the farthest point that a Structure extends in the direction of the measurement, including overhanging roofs and all other projects or portions of said Structure.
- c. If an Adult Business is located in conjunction with other Buildings in a manner where the Adult Business is clearly separated from other portions of the Structure (for example, an Adult Business located in a shopping center), measurements are taken from the boundaries of the space occupied by the Adult Business.
- d. If an Adult Business is located in a manner where the Adult Business is situated above the ground level of a multiple-story Structure and is clearly separate from other activities within the Structure, the Adult Business measurements are taken from the boundaries of the space occupied by the Adult Business, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line in all directions to any Residentially-Zoned District boundary line; to any Structure used for a residence, church, school, or hospital; any Lot used for a park; and from Structure to Structure of those facilities housing an Adult Business.

(d) **Viewing Booth requirements for an Adult Business.**

- (1) Viewing Booths in an Adult Business shall be configured in such a manner that there is an unobstructed and unobstructable view of the interior area of the Viewing Booth from outside the entrance to the Viewing Booth at all times.
- (2) Wall or partitions of Viewing Booths between 2 feet and 6 feet above floor level shall have no holes or voids in such walls or partitions.
- (3) A Viewing Booth shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination such that any patron may be observed from a manager's or employee's station. The illumination must be maintained at all times that any patron is present in or on the premises.
- (4) It shall be the duty of the person accepting payment from customers of an Adult Business to ensure that the Viewing Booth is in compliance at all times with the requirements of this Section.

Sec. 4-10-89. - Air Transportation Facilities.⁹

- (a) **Applicability.** This Section applies to all Air Transportation Facilities, including Airports, Airstrips and Landing Fields, Heliports, and Helistops.
- (b) **Compliance with Federal Aviation Administration regulations.** Prior to issuance of a Certificate of Occupancy and Compliance for the Use, an Air Transportation Facility owner shall demonstrate compliance with 14 CFR Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports and 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace, as applicable.
- (c) **Airports, Airstrips, and Landing Fields.** All Airports, Airstrips, and Landing Fields shall be designed in accordance with [Federal Aviation Administration Advisory Circular 150/5300-13A](#), dated February 26, 2014, as may be amended or supplemented from time to time. ~~This Advisory Circular is available online at:~~

https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5300-13.
- ~~(d)~~ **Heliports and Helistops.¹⁰** All Heliports and Helistops, whether ground-level or elevated, shall be designed in accordance with [Federal Aviation Administration Advisory Circular 150/5390-2c](#), dated April 24, 2012, as may be amended or supplemented from time to time. ~~This Advisory Circular is available online at:~~

~~(e)(d)~~ https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5390-2.
- ~~(f)(e)~~ **Emergency services helicopters.** Nothing in this Section shall be construed to prohibit or limit the ability of an emergency services helicopter from landing or taking off as part of an emergency response.

Sec. 4-10-90. - Alcohol Production Facilities.

The following regulations apply to all Alcohol Production Facilities which may include craft brewing, distillery, and/or winery production on-site, along with facilities for on-premise consumption:

- (1) Except for loading, all activities must occur within a Building.
- ~~(2)~~ ~~Areas used for production, bottling, packaging, storing, and other manufacturing related activities shall not exceed 10,000 square feet of gross floor area per Lot.~~
- ~~(3)~~(2) The storage of raw and/or spent materials shall be kept in a fully enclosed Structure, Building, or container.
- ~~(4)~~(3) The establishment shall operate in full compliance with all rules and regulations of the Texas Alcoholic Beverage Code which includes, but is not limited to,

⁹ The text in this section is based on input from Airport staff.

¹⁰ Chapter 16-2, Article VI establishes specific development standards for helistops. This subsection is consistent with Chapter 16-2, as Sec. 16-2-103 requires compliance with FAA regulations.

provisions for licensing, permits, civil liabilities for serving alcohol beverages, regulatory provisions, and penalties.

~~(5)~~(4) Drive-through facilities are prohibited.

Sec. 4-10-91. - Amusements, Commercial.

(a) **Indoor Commercial Amusement Facilities.** Indoor Commercial Amusement facilities are permitted if it is demonstrated that:

- (1) Primary access to the site is from a collector or arterial roadway; and
- (2) The use is:
 - a. Located at least 100 feet from any Residentially-Zoned or Residentially-Developed property; and
 - b. Constructed of sound-resistant materials.

(b) **Outdoor Commercial Amusement Facilities.**

~~(3)~~ Minimum separation distance. Outdoor Commercial Amusement facilities are permitted if it is demonstrated that: shall be

~~(4)~~(1) The use is located at least 600 feet away from Residentially-Zoned or Residentially-Developed property.;

~~(5)~~ The use is separated from all Residentially-Zoned or Residentially-Developed property by a Type C bufferyard; (See Sec. 4-10-167. Bufferyards.)

~~(6)~~(2) Maximum noise levels. Events are limited such that noise levels attributable to the use at the closest residential property do not exceed:

- a. 70 dBA between the hours of 9:00 a.m. and 9:00 p.m.;
- b. 60 dBA between the hours of 9:00 p.m. and 11:00 p.m.; and
- c. 40 dBA between the hours of 11:00 p.m. and 9:00 a.m.

Sec. 4-10-92. - Assisted Living Facilities

Assisted Living Facilities are permitted if it is demonstrated that:

- (1) Primary access to the site is from a Collector or Arterial Street;
- (2) The site has a minimum landscape surface area of 20 percent;
- (3) The Use is separated from Detached One-Family Dwellings by a Type B bufferyard (See Sec. 4-10-152, *Bufferyards*); and

- (4) All assisted living and congregate care facilities meet current Building and Fire Codes and the Americans with Disabilities Act (ADA) design requirements at the time the Use is established.

Sec. 4-10-93. - Bed & Breakfasts.

- (a) **Applicability.** This Section applies to all Bed & Breakfasts.
- (b) **Primary residence of owner.** The owner/proprietor of the Bed & Breakfast must live in the Main Building. The Bed & Breakfast use shall be secondary to the Principal Use of the Dwelling for residential purposes, but is not considered an Accessory Use.
- (c) **Number of guest rooms.** A Bed & Breakfast may provide up to 5 guest rooms.
- (d) **Guests.**
 - (1) The owner shall maintain an accurate guest register showing the name, address, dates, and lengths of stay of guests. The guest register is subject to inspection by the Planning Director.
 - (2) The maximum length of stay for any guest is 14-30 consecutive days per calendar year.
- (e) **Meals.**
 - (1) Meals may be served to overnight guests only.
 - (2) Guest rooms shall not contain cooking facilities.
- (f) **Events.**
 - (1) Receptions or private parties may be held on the premises of a Bed & Breakfast.
 - a. ~~Are not allowed in an MD or MF District, and~~
 - b. ~~Are allowed in any other Zoning District.~~
 - (2) In a Residential District, the following conditions apply:
 - a. A Bed & Breakfast may host up to 4 events per calendar year.
 - b. Each event is limited to a maximum of 50 guests.
 - c. Events may occur between the hours of 8 a.m. and midnight.
 - (4)d. If events will be held at the Bed & Breakfast, the Applicant must submit a parking and access plan with the SUP Application. The Applicant shall consult the City Traffic Engineer prior to preparing the parking and access plan.

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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. 4-10-100(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.¹¹ 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.**
 - 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:

¹¹ 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.

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) Insurance requirements.¹²

- (1) A Site Plan Application for a BYOB Event must include a certificate of insurance, naming the City of Amarillo as an additional insured for Commercial General Liability and Automobile Liability, including not less than the following coverage amounts:

Commercial General Liability

Each occurrence: \$1,000,000

Damage to rented premises: \$500,000

Medical expenses (any one person): \$5,000

¹² This paragraph was relocated, as it was inadvertently included as a requirement for a single BYOB Event (a temporary use) rather than a BYOB Venue (a principal use). It is based on input from the City's Legal Department.

Personal and Adv. Injury: \$1,000,000

General Aggregate: \$1,000,000

Products – Comp/Op Agg: \$1,000,000

Automobile Liability

Combined Single Limit: \$1,000,000

- (2) Such insurance coverage must be provided by an insurer of a Best Rating of B+ or better without interruption during the event. In the event of any material change, non-renewal, or cancellation of any insurance coverage before the event concludes, the contact person on the Application should immediately notify the City and, if the event is occurring, the City shall revoke such Site Plan Approval and the BYOB Event shall be immediately concluded.
- (3) Additional terms may be required by the city attorney or risk management personnel, based on the nature of the proposed event and location. Applicants are encouraged to contact the city attorney's office before completing the Site Plan Application to verify City insurance requirements for the proposed Use.

(f)(g) 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)(h) 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. 4-10-95. - Carports.

(a) **Where Allowed.**

- (1) A Carport is a Permitted Use in all Zoning Districts if the Carport:
 - a. Meets the Accessory Building Setback requirements specified in Sec. 4-10-87 and
 - b. Complies with all standards in subsection (b) below.
- (2) If a Carport does not meet the Accessory Building Setback requirements specified in Sec. 4-10-87, a Specific Use Permit is required. When a Specific Use Permit is required, a Carport shall comply with:
 - a. The minimum Setback requirements in Table 4-10-95.1,
 - b. All standards in subsection (b) below, and
 - c. All standards applicable to Specific Use Permits (see Article V, *Procedures*).

| Table 4-10-95.1 –Minimum Setbacks for Carports that are Subject to Specific Use Permits | |
|---|---|
| Location | Setbacks (min) |
| Front | 10 ft ¹ , 2 |
| Rear | 0 ft (adjacent to an Alley), or 10 ft (not adjacent to an Alley) |
| Side (Interior) | 3 ft ¹ |
| Side (Street) | 10 ft ¹ , 2 |

Key: min = minimum required | ft = feet
¹Including the roof, eaves, and supporting members.
²Measured from the street curb line or, where no curb exists, the edge of paving, or the graded edge of an unimproved street.

(b) **Standards for all Carports.** All Carports, whether allowed as a Permitted Use or by a Special Use Permit, shall comply with the following standards:

- (1) **Use.**
 - a. A Carport shall be used solely for the parking of vehicles and not for any other purpose, including storage of any type.
 - b. There shall be no enclosed use located above or on top of a Carport.
- (2) **Access.** Vehicular access to the Carport shall not have attached an overhead, sliding, or swinging door or gate.

- (3) **Dimensional Standards.** All Carports shall comply with the dimensional standards in Table 4-10-95.2.

| Table 4-10-95.2 –Dimensional Standards for All Carports | |
|---|--------------------|
| Number of Carports | 1 per Lot |
| Floor Area (max) | 440 sf |
| Height (max) | 12 ft ¹ |

Key: max = maximum allowed | sf = square feet | ft = feet
¹Measured from floor to the highest point of the roof.

- (4) **Encroachment.** No part of the Carport (including the roof, eaves, and supporting members) shall:
- a. Extend beyond the property line;
 - b. Overhang or intrude into any type of public easement; or
 - c. Block or overhang an improved public sidewalk.
- (5) **Openings.**
- a. No opening on any side shall be lower than 7 feet as measured from floor to bottom of Carport eave line.
 - b. The perimeter of Carport must remain open on at least 3 sides. When located in the Front Yard, the perimeter of Carport is open on at least the 3 sides that are parallel to the Front and Side Yards.
 - c. Openings must be unobstructed by walls, screens, lattice work, or similar features that would create an enclosed space or obstruct visibility.
 - d. Supporting vertical members, such as columns, poles, and posts, must have a cross section no larger than a square that is 12 inches on each side.
 - e. Supporting vertical members, other secondary structural members for lateral bracing, trim, fascia, and other vertical elements must not obscure more than 15% of the vertical plane of any open side.
- (6) **Paving.**
- a. The area located beneath the roof of the Carport must be paved with asphalt or concrete to within at least 2 feet of the edge of roofline.
 - b. The driveway leading from the Carport and connecting to a Street or Alley must be similarly paved and maintained in good condition.

Sec. 4-10-96. - Corner Stores.



- (a) **Purpose.** The purpose of this Section is to:
 - (1) Maintain the character of residential Districts; and
 - (2) Promote mixed-use neighborhoods in appropriate locations; and
 - (3) Encourage entrepreneurship and remove barriers to the establishment of small businesses; and
 - (4) Reduce vehicle trips and encourage walkable neighborhoods by making it convenient for neighbors to walk down the street to make quick, incidental purchases; and
 - (5) Help build a sense of community amongst neighborhood residents.
- (b) **Applicability.** This Section applies to all Corner Stores.
- (c) **Separation requirements.** A Corner Store shall not be located:
 - (1) Within 500 feet of more than one other Lot with a Corner Store Use defined as an Eating Place;
 - (2) Within 500 feet of more than 3 other Lots with a Corner Store Use defined as retail, Personal Service, or Art Gallery Uses;
- (d) **Maximum Floor Area.** The maximum Floor Area of a Corner Store is 1,200 square feet.

Sec. 4-10-97. - Credit Access Businesses.

- (a) **Applicability.** This Section applies to all Credit Access Businesses.
- (b) **Location of Credit Access Businesses.**
 - (1) A Credit Access Business shall be located:
 - a. At least 1,320 feet from any other Credit Access Business; and
 - b. At least 660 feet from a Residentially-Developed Lot, Residential Zoning Districts, schools, religious facilities, parks, designated Historic Districts, and designated Historic Landmarks; and
 - c. At least 500 feet from the right-of-way of a state or federal highway.
 - (2) For the purposes of this subsection, measurements shall be taken in a straight line from the nearest portion of the Lot Line of the Premises where the new Credit Access Business is proposed to:
 - a. The nearest portion of the Lot Line of the Premises where the existing Credit Access Business is located;

- b. The nearest portion of the Lot Line or district boundary line of the Uses and Districts specified in (1)b.; and
 - c. The nearest point of the right-of-way line of the state or federal highway.
- (c) **Other Applicable Requirements.** All Credit Access Businesses are subject to the requirements in the Amarillo City Code Chapter 14-10.

Sec. 4-10-98. - Day Care Facilities.

(a) **Commercial Day Care Facility.**

- (1) **Proof of licensing.** The Applicant shall provide proof of:
- a. Application to the State of Texas for any licenses required by the State at the time of application for local approval; and
 - b. Issuance of any required licenses before commencing operations.

(2) Pick-up/drop-off area required.

a. An off-street pick-up/drop-off area ~~for at least one automobile~~ shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions to leave sufficient space for direct access.

e-b. The pick-up/drop-off area shall accommodate at least 2 automobiles for facilities that serve up to 25 clients, plus 1 additional automobile for each additional 25 clients.

(b) **Residential Day Care Facility.**

- (1) **Proof of licensing.** The Applicant shall provide proof of:
- a. Application to the State of Texas for any licenses required by the State at the time of application for local approval; and
 - b. Issuance of any required licenses before commencing operations.
- (2) **Dwelling type.** The Use shall be located in a Detached One-Family Dwelling.
- (3) **Residential character.** The Use shall maintain the residential character and appearance of the Structure.
- (4) **Extent of the same Use in the area.** No more than one instance of the Use shall occur on the same block face or among all Lots on a Cul-de-sac.
- (5) **Resident operator.** The principal operator and care provider shall live in the Dwelling.

- (6) **Employees.** The facility may not employ non-resident employees with the exception of direct family members.
- (7) **Occupancy limit.** The Use shall provide care for not more than 6 ~~children-people~~ on the premises at any one time.
- (8) **Hours of Operation.** The Use shall not:
 - a. Operate between the hours of 8:00 PM and 6:00 AM;
 - b. Provide for overnight stays by those receiving care; and
 - c. Permit any outdoor play activities to occur before 8:00 AM.
- (9) **Outside play area.** Residential ~~Child-Care~~Day Care Facilities may have an outside play area, which shall be screened in accordance with Article IV, Division ~~32~~, *Landscaping and Screening*.

Sec. 4-10-99. - Electrical Substations.

- (a) **Applicability.** This Section applies to all electrical substations.
- (b) **Noise.**
 - (1) The maximum permissible sound level limit at the Property Line between the hours of 8:00 a.m. and 10:00 p.m. shall be 55 dBA.
 - (2) The maximum permissible sound level limit at the Property Line between the hours of 10:00 p.m. and 8:00 a.m. shall be 50 dBA.
 - (3) In locations where ambient sound levels are greater than the permissible levels referenced above, an electrical substation shall not increase the existing ambient noise level greater than 3 dBA.
 - (4) Measurement of noise shall be made with an octave band analyzer meeting standards prescribed by the American National Standards Institute.
- (c) **Vibration.** No electrical substation shall at any time create earthborne vibrations which, when measured at the property line of the source operation, exceed the limit of displacement set forth in Table 4-10-997.1 in the frequency ranges specified:

Table 4-10-997.1 – Limit of Displacement

| Frequency cycles per second | Displacement in inches |
|-----------------------------|------------------------|
| 0 to 10 | .0010 |
| 10 to 20 | .0008 |
| 20 to 30 | .0005 |
| 30 to 40 | .0004 |
| 40 and over | .0003 |

- (d) **Lighting.** No lighting installed in conjunction with the installation of an Electrical Substation shall be located so as to produce direct illumination across the Property Line of such intensity as to create a nuisance.
- (e) **Electrical Disturbance.** No Electrical Substation shall be permitted to emit any electrical disturbance at any point that would adversely affect the operation of any equipment (radio, telephone, television, etc.) other than that of the creator of such disturbance.
- (f) **Equipment Location.** Any equipment within an Electrical Substation site shall not be permitted nearer than 10 feet to any Property Line.
- (g) **Screening.**
 - (1) **When Required.** When an Electrical Substation is located adjoining, contiguous to or within 150 feet of any Property Line, visual screening shall be required on property lines adjacent to Residentially-Zoned or Residentially-Developed property, or existing parks or recreation facilities.
 - (2) **Screening Requirements.** A Type C Bufferyard in accordance with Sec. 4-10-152, *Bufferyards*, is required when subsection (g)(1) is met.
 - (3) **Exception to Screening Requirements.** Exception to the screening requirements shall be allowed for two gates, each no more than 20 feet wide that allow for access to the Electrical Substation site when screening is required on all sides.
 - (4) **Required Maintenance.** The screening required shall be properly maintained in good condition at all times.
- (h) **Notice to the General Public.**
 - (1) **Sign Required.** At the time of purchase or option to purchase any Lot, Parcel, or Tract, the purchaser or option holder shall place a Sign on such Lot, Parcel, or Tract stating the intention to locate, develop, and construct an Electrical Substation facility.
 - (2) **Specific Sign Requirements.** The Sign:
 - a. Must be placed within 25 feet of the property line of the greatest dimension paralleling any established or proposed Street;
 - b. Be no less than 12 square feet in size.
 - c. Shall be properly maintained until the Lot is developed.
- (i) **Property Line.** In this Section "Property Line" shall be interpreted as the nearest Property Line of the nearest Residentially-Zoned or Residentially-Developed Tract, Parcel, or Lot adjacent to the proposed location of an Electrical Substation. If the property is across any Street, Alley, or other dedicated common open space from the proposed

location, then the far side of the common open space farthest from the proposed location shall be interpreted as the Property Line.

Sec. 4-10-100. - Event Venues.

- (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 (c)). Updated contact information shall be provided to the Planning and Development Services Department any time the on-site manager's contact information changes.
 - (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 (b):

- (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. 4-10-101. - Gasoline Stations.

- (a) Gasoline Station pump islands shall be located at least 20 feet from the front Lot Line.
- (b) The outer edge of a Canopy over a pump island shall be located at least 10 feet from the front Lot Line.
- (c) In the NS District, a Gasoline Station shall not:
 - (1) Have more than 4 individual gasoline dispensing outlets (also referred to as fueling positions); and
 - (2) Include automotive repair or maintenance services.

Sec. 4-10-102. - Home Occupations.

- (a) **Purpose.** The purpose of these standards is to:
 - (1) Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses;
 - (2) Provide City residents an option to use their residences as places to enhance or fulfill personal economic goals while protecting the residential rights of neighbors;
 - (3) Establish reasonable criteria for operating Home Occupations in Dwelling Units;

- (4) Assure that public and private services such as streets, sewers, water, and utility systems are not burdened by Home Occupations to the extent that usage significantly exceeds that normally associated with a residence; and
 - (5) Promote telecommuting to reduce peak hour demands on the transportation network.
- (b) **Applicability.** This Section applies to all Home Occupations.
- (c) **Uses permitted.**
- (1) Automobile, vehicle, or heavy equipment repair occupations are not allowed.
 - (2) Uses allowed as Home Occupations shall comply with the standards established in subsections (d) through (j) of this Section.
- (d) **Location of Use on Lot.**
- (1) Home Occupations shall be entirely contained within the interior of a Dwelling Unit or in a garage or Accessory Structure on the Lot.
 - (2) No visible evidence of the business shall be apparent from the Street or the surrounding area.
 - (3) The Outdoor Storage of equipment and materials associated with the Home Occupation is prohibited.
 - (4) The set-up, disassembly, or cleaning of equipment used for the Home Occupation is allowed in the Rear Yard. However, the materials and equipment must be moved to an indoor location when set up, disassembly, or cleaning is completed.
- (e) **Changes to exterior.** The appearance of a Dwelling as a residence shall not be altered to the extent that attention is drawn to the Structure as a business operation.
- (f) **Signs.** No Sign or other form of advertising pertaining to the Home Occupation may be placed or painted onto the exterior of the Dwelling Unit or in the Yard of the Dwelling Unit, except as permitted by Chapter 4-2, *Signs*.
- (g) **Employees.** Employees of a Home Occupation are restricted to Family members residing in the Dwelling Unit, except that on-site assistance from no more than one other employee that is not a Family member is allowed.
- (h) **Delivery and sale of merchandise.**
- (1) Deliveries of merchandise to the Home Occupation shall be made by carriers that typically deliver in residential areas.
 - (2) Except as provided in paragraph (3), below, merchandise shall not be offered or displayed for sale from the Premises.

- (3) Notwithstanding paragraph (1), above, the following limited sales of merchandise are permitted in a Home Occupation:
 - a. Orders previously made by telephone, internet, at a sales party, or by similar means may be filled on the premises (sometimes referred to as "local pickup" or "will call"); and
 - b. Licensed firearms sales.
- (i) **Nuisances.** A Home Occupation shall not create noise, dust or dirt, heat, smoke, odors, vibration, glare or bright lighting, or parking or traffic congestion that would be in excess of that typically created by a Dwelling Unit.

Sec. 4-10-103. - Horse Lots (Commercial and Private).

- (a) **Commercial Horse Lot.** Each Commercial Horse Lot shall contain one or more Stables that provide at least 100 square feet for each horse quartered.
- (b) **Private Horse Lot.**
 - (1) Any area used for the keeping of horses on a Private Horse Lot shall:
 - a. Be securely fenced and
 - b. Not be located within that portion of the Lot required as the minimum Front Yard (as specified in the applicable Zoning District).
 - (2) Except in the A, HC, I-1, and I-2 Zoning Districts, each Private Horse Lot shall meet the Lot Area and Density standards in Table 4-10-103.1.

| Table 4-10-103.1 – Private Horse Lot Area and Density Standards | |
|---|--|
| Number of Horses | Lot Area Required (min) |
| 1 to 4 | 10,000 sf |
| 5 to 8 | 10,000 sf plus 2,000 sf for each horse |
| Number of Horses (max) | 8 horses per acre |

Key: min = minimum required | max = maximum allowed | sf = square feet

Sec. 4-10-104. - Housing.

- (a) **Applicability.** This Section applies to the following housing types:
 - (1) Industrialized Housing,
 - (2) Live/Work Dwellings,
 - (3) Manufactured Homes,
 - (4) Multiple-Family Dwellings, and



- (5) Tiny Homes and Tiny Home Courts.
- (b) The following housing types are regulated separately and are not subject to this Section (except when a Tiny Home is used as an Accessory Dwelling Unit, in which case this Section and Sec. 4-10-86 apply):
 - (1) Accessory Dwelling Units (Sec. 4-10-86),
 - (2) Manufactured Home Parks and Recreational Vehicle Parks (Sec. 4-10-106), and
 - (3) One-Family Dwellings and Two-Family Dwellings (See, generally, Article II, *Zoning Districts*, and Article IV, *Development Standards*).
- (c) **Industrialized Housing.**¹³
 - (1) **Purpose.** The purpose of this Section is to set forth standards for the placement, [bulk](#), and [architectural appearance scale](#) of Industrialized Housing within the City. The intent of this Section is to ensure that Industrialized Housing is compatible with surrounding Dwellings and meets minimum placement and [architectural bulk and scale](#) standards, while still providing for an alternative means of affordable housing.
 - (2) **Applicable to all Industrialized Housing.**
 - a. Industrialized Housing is a Permitted Use in all Districts where residential Dwellings are permitted, but the type of Dwelling (One-Family, Two-Family, Multiple-Family, Live/Work) is limited to the type(s) of Dwelling(s) allowed in the District in which the Industrialized Housing is proposed to be located.
 - b. All Industrialized Housing shall bear an approved decal or insignia indicating inspection by the Texas Department of Licensing and Regulation.
 - (3) **Applicable to Industrialized One-Family and Two-Family Housing.**
 - a. All Industrialized One-Family and Two-Family Housing shall:
 - 1. Have a value equal to or greater than the median taxable value for each One-Family Dwelling located within 500 feet of the Lot on which the Industrialized Housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;
 - 2. Have ~~exterior siding, roofing, roofing pitch, foundation fascia, and fenestration a~~ [bulk and scale](#) compatible with the [bulk and scale of](#) One-Family Dwellings located within 500 feet of the

¹³ [These requirements are carried forward from the current Zoning Ordinance. Revised to comply with Texas Government Code, Chapter 3000, Governmental Action Affecting Residential and Commercial Construction.](#)

Lot on which the Industrialized Housing is proposed to be located. [This can be accomplished through overall Building Footprint, as well as through design techniques such as wall plane offsets and façade articulation;](#)

3. Comply with Building Setbacks, side and rear yard offsets, subdivision control, square footage, and other site requirements applicable to One-Family and Two-Family Dwellings; and
 4. Be securely fixed to a permanent foundation.
- b. For the purposes of subparagraph a.1., "value" means the taxable value of the Industrialized Housing and the Lot after installation of the housing.

(d) **Live/Work Dwellings.**

- (1) **Purpose.** The purpose of this Section is to:
 - a. Maintain the character of residential Districts,
 - b. Promote mixed-use neighborhoods in appropriate locations, and
 - c. Encourage entrepreneurship and remove barriers to the establishment of small businesses.
- (2) **Location.** A Live/Work Dwelling may occupy a new Building or an existing Building originally designed for residential, commercial, or industrial occupancy.
- (3) **Compliance with Building Code.** If an existing Building is converted into a Live/Work Dwelling, all applicable Building Code requirements must be met.
- (4) **Uses.** A Live/Work Dwelling shall include one Dwelling Unit and any non-residential Use specified below:
 - a. In the MD and MF Districts, non-residential Uses are limited to:
 1. General Business or Professional Offices;
 2. Personal Service Establishments;
 3. Art Galleries or studios; and
 4. Corner Stores, subject to the requirements of Sec. 4-10-96.
 - b. In all other Districts, any non-residential Use allowed in the Zoning District in which the Live/Work Dwelling is located may be established, subject to all applicable approval requirements, use regulations, and development standards for that Use.

(e) **Manufactured Homes.**



- (1) **Purpose.** The purpose of this Section is to ensure that Manufactured Homes are compatible with other Dwellings in residential neighborhoods, while providing an alternative means of affordable home ownership.
- (2) **Permanent foundation required.**
 - a. All Manufactured Homes shall be permanently attached or affixed to a permanent foundation system. All portions of the transportation system including wheels, axles, towing apparatus, lighting, or other such elements that are not an integral part of the Structure shall be removed before the Manufactured Home is permanently attached or affixed.
 - b. The permanent foundation system shall be constructed in accordance with Texas Occupations Code, Title 7, Chapter 1201, Manufactured Housing and all other applicable local, state, and federal standards.
- (3) **Height.** Maximum height is specified by the applicable Zoning District. Additionally, Manufactured Homes shall be no taller than the height intended by the original manufacturer's design.
- (4) **Garages and Carports.** The exterior covering and roof of a Garage or Carport on the same Building site as a Manufactured Home must be of the same material as that of the Manufactured Home.
- (5) **Additional requirements for Manufactured Homes (Types B and C).**
 - a. **Minimum living area.** A Manufactured Home (Types B and C) shall have a minimum living area of 900 square feet.
 - b. ~~Roof pitch and materials.~~¹⁴ The main roof of a Manufactured Home (Type B and C) shall:
 - e.b. ~~Not~~ be less than a 3:12 pitch and
 1. ~~Be solid deck with shingle or metal roof.~~
 - d.c. **Stairs.** A Manufactured Home (Type B and C) shall have a stairway set at each exit.
- (f) **Multiple-Family Dwellings.**
 - (1) **Purpose.** The intent of this Section is to:
 - a. Establish regulations that enable Multiple-Family Dwellings to be consistent with the character of moderate density residential and mixed-use neighborhoods,

¹⁴ Deleted roof materials requirement for compliance with Texas Government Code, Chapter 3000, Governmental Action Affecting Residential and Commercial Construction.

- b. Maintain the character of existing neighborhoods,
 - c. Increase the diversity of allowable housing types, and
 - d. Increase the availability of affordable housing.
- (2) **Applicability.** The standards in this subsection apply to all Multiple-Family Dwellings located in the MD and NS Districts.
- (3) **Building Types.** Multiple-Family Dwellings are limited to the following building types:
- a. Fourplex Dwellings,
 - b. Small Apartment Dwellings, and
 - c. Triplex Dwellings.
- (4) **Exterior Appearance.**
- a. **Fourplex and Triplex Dwellings.** The exterior appearance of Fourplex and Triplex Dwellings shall be designed to resemble a Detached One-Family Dwelling.
 - b. **Small Apartment Dwellings.** The bulk and scale of a Small Apartment Dwelling shall be appropriate to the bulk and scale of existing Buildings in the surrounding area. This can be accomplished through overall Building Footprint, as well as through design techniques such as wall plane offsets and façade articulation.
- (5) **Typical Building Layout.**
- a. **Fourplex Dwellings.** A Fourplex Dwelling typically contains two Dwelling Units on the ground floor and two Dwelling Units on the second floor, with a shared front entry.
 - b. **Triplex Dwellings.** A Triplex Dwelling typically contains two Dwelling Units side-by-side on the same floor and the third Dwelling Unit on a separate floor, with a shared front entry.
- (6) **Parking.** Off-Street Parking Spaces shall be provided as specified in Article IV, Division [54](#), except that all parking spaces shall be located to the rear of the Dwelling.
- (7) **Screening.** Landscaping and screening shall be provided as specified in Article IV, Division [32](#).
- (g) **Tiny Homes and Tiny Home Courts.**
- (1) **Purpose.** The purpose of these standards is to:
- a. Maintain the character of existing neighborhoods,

- b. Increase the diversity of allowable housing types,
- c. Increase the availability of affordable housing, and
- d. Promote housing safety by allowing Tiny Homes in accordance with [Appendix Q](#) of the International Residential Code for One- and Two-Family Dwellings.

(2) **Applicability.**

- a. These regulations apply to all Tiny Homes and Tiny Home Courts. A Tiny Home on Wheels (THOW) is considered a Recreational Vehicle and is subject to all regulations applicable to Recreational Vehicles.
- b. A Tiny Home is permitted as:
 - 1. The Main Building on Lots in the A, MD, MF, and NS Districts; and
 - 2. An Accessory Dwelling Unit (see Sec. 4-10-86) on Lots in the A, E, R-1, R-2, MD, MF, and NS Districts.
- c. A Tiny Home Court is permitted as the Principal Use of a Lot in the MD, MF, and NS Districts. Each Tiny Home in a Tiny Home Court is considered a Main Building.

(3) **Permanent foundation required.** A Tiny Home must be permanently placed on a foundation that meets Building Code requirements.

(4) **Compliance with Building Codes.** All Tiny Homes must comply with:

- a. All applicable requirements of the City of Amarillo Building Code and
- b. The most recent edition of Appendix Q ([or Appendix AQ, as applicable](#)) of the International Residential Code for One- and Two-Family Dwellings.

(5) **Driveway.**

- a. A Tiny Home shall have a driveway that accommodates the number of Off-Street Parking Spaces required by Article IV, Division [54](#), except as provided in subparagraph b.
- b. Driveways and parking areas may be shared in a Tiny Home Court.

[\(6\)](#) **Garage.** A garage, if present, must be located at least 10 feet behind the front façade of the Tiny Home.

[\(7\)](#) **Tiny Home Courts.**

- a. [Setbacks.](#)

1. The Zoning District setbacks specified in Article II, *Zoning Districts*, apply along the perimeter of the Lot.
2. Tiny Homes within a Tiny Home Court shall be spaced at least 6 feet apart, measured from building wall to building wall.

b. Central courtyard required.

1. A Tiny Home Court shall include a central courtyard with a minimum size of 5% of the Lot Area.
2. The courtyard shall be designed as a single, contiguous open space.
3. No portion of the courtyard shall have a dimension (length or width) of less than 10 feet at any point.
4. Parking and vehicular access within the courtyard is prohibited.

c. Common Building.

1. A Tiny Home Court may include one common building.
2. Uses contained in the common building shall be accessory to the residential Tiny Home Court use. Use examples include, but are not limited to, gathering areas, laundry facilities, and storage areas.
3. The common building shall not:

i. Be designed or used as a dwelling, including temporary or quest lodging; or

ii. Exceed 50% of the total Gross Floor Area of the Tiny Homes located in the Tiny Home Court.

- d. **Solid Waste.** A single solid waste collection point shall be established for the Tiny Home Court.

Sec. 4-10-105. - Landfills.

(a) Location.

- (1) The site shall be located no closer than 500 feet from any residential District or Use as measured along a straight line from the closest Lot lines.
- (2) The facility shall take access from an Arterial or Collector Street.
- (3) The minimum area of the parcel proposed for development shall be 5 acres.
- (4) The landfill shall be sited in accordance with [Federal Aviation Administration Advisory Circular 150/5200-34A](#), dated January 26, 2006, as may be amended or

supplemented from time to time. ~~This Advisory Circular is available online at: https://www.faa.gov/airports/resources/advisory-circulars/index.cfm/go/document_current/documentNumber/150-5200-34.~~

- (b) **Design.**
- (1) The Use shall be surrounded by a Type C bufferyard, except at points of ingress and egress (see Sec. 4-10-152, *Bufferyards*).
 - (2) A truck routing plan shall show that the ingress and egress to the site does not use a Local Street.
 - (3) The Landfill does not modify the flow of major natural drainage ways within the City and its Extraterritorial Jurisdiction.
- (c) **Safety.** All Landfills must comply with all requirements of Subchapter R, *Use of Land Over Municipal Solid Waste Landfills*, of Chapter 361, Solid Waste Disposal Act, of the Texas Health and Safety Code.

Sec. 4-10-106. - Manufactured Home Parks and Recreational Vehicle Parks.

- (a) **Applicability.**
- (1) This Section applies to all new Manufactured Home Parks and Recreational Vehicle Parks.
 - (2) This Section does not apply to:
 - a. Manufactured Home Parks and Recreational Vehicle Parks in existence on February 6, 2001; or
 - b. Manufactured Home Subdivisions.
- (b) **Definitions.** For the purposes of this Section, the following terms, words, phrases, and their derivatives have the following meanings:
- (1) *Agent*: Any person authorized by the Licensee of a Manufactured Home Park or Recreational Vehicle Park to operate or maintain such a Park.
 - (2) *Driveway*: A minor entranceway off an Internal Street within a Manufactured Home Park or Recreation Vehicle Park, into an off-street parking area serving one (1) or more Manufactured Homes or Recreational Vehicles.
 - (3) *Front*: That part of the Manufactured Home Space which abuts Internal or Public Streets; if double, the owner shall elect which one is the Front and such election shall be stated/shown on the final plat.
 - (4) *Internal Street*: A private way which affords principal means of access to individual Manufactured Home Spaces or Recreational Vehicle Spaces and to Accessory Buildings.

- (5) *License*: A written license issued by the Building Official permitting a person to operate and maintain a Manufactured Home Park or Recreational Vehicle Park under the provisions of this Section.
 - (6) *Licensee*: Any person licensed to operate and maintain a Manufactured Home Park or Recreational Vehicle Park under the provisions of this Section.
 - (7) *Park Occupant*: One who occupies a Manufactured Home or Recreational Vehicle within a licensed Park.
 - (8) *Parking Space*: A minimum space nine (9) feet in width by eighteen feet-six inches (18.5 feet) in length located within the boundary of the Manufactured Home Space or Recreational Vehicle Park for the purpose of automobile storage.
 - (9) *Permit*: A written Permit or certification issued by the Building Official permitting the construction, alteration or extension of a Manufactured Home Park or Recreational Vehicle Park under the provisions of this Section and regulations issued hereunder.
 - (10) *Recreation Area*: A tract or parcel of land that is reserved and designed primarily for a children's play area and equipped with conventional playground facilities such as swings, slides, etc. in addition to other facilities such as a ballfield, adult recreation area, or other recreational facilities.
 - (11) *Register*: A book or digital record that can be printed out, kept legibly, covering all pertinent information required by this Section.
 - (12) *Screening Device*: A solid masonry or wooden wall or fence, a woven wire or chain link fence with metal strips woven through the mesh to form a solid screen, a woven wire or chain link fence with evergreen shrubs forming a sight screen, or a solid evergreen hedge forming a sight screen.
 - (13) *Service Building*: A Structure housing toilet, lavatory, shower, and such other facilities as may be required by this Section.
 - (14) *Space*: An area within a Manufactured Home Park or Recreational Vehicle Park that has been improved for the placement of a single Manufactured Home or Recreational Vehicle as provided in this Section.
- (c) **Park Permits.**
- (1) **Required.** It is unlawful for any person to construct, alter, or extend any Manufactured Home Park or Recreational Vehicle Park within the limits of the City without first submitting a Site Plan Application (see Sec. 4-10-212) and then obtaining a permit issued by the Building Official.
 - (2) **Fees.** Fees for permits required by the Construction Codes shall be in accordance with the applicable City of Amarillo Fee Ordinance.
 - (3) **Issuance.** When, upon review of the Site Plan Application, the Building Official and Planning Department are satisfied that the proposed plan meets the

requirements of this Chapter and other applicable ordinances, and a complete set of plans has been returned reflecting all changes requested by any City official, a Permit shall be issued.

(4) **Appeal from denial.**

- a. Any person whose application for a Permit under this Section has been denied may request and shall be granted a hearing on the matter before the Zoning Board of Adjustment, ~~provided that~~
- b. ~~Such person shall file a written petition with the Zoning Board of Adjustment and the office of the Planning Department within ten (10) days after the day the notice was served, in the office of the Planning Department, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor.~~
- a-c. ~~The written petition shall request the hearing and state briefly the grounds for such appeal.~~
- b-d. ~~Upon receipt of such petition, the Planning Department shall immediately transmit to the Board all the papers constituting a record of any action appealed, set a time and place for such hearing and shall give the petitioner written notice thereof.~~
- e. ~~The Board shall set within a reasonable time a hearing for the appeal and give public notice of the hearing to all parties of interest.~~
- e-f. ~~At such hearing, the petitioner shall be given an opportunity to be heard and to show why such Permit should be issued.~~
- d-g. ~~If the application is denied by the Zoning Board of Adjustment, an appeal of such decision shall be made to a court of competent jurisdiction in accordance with Texas Local Government Code, Section 211.011, the applicant may appeal the Board's decision by written petition to a district court, county court, or county court at law, as provided by Texas Statutes Local Government Code Sec. 211.008 through 211.011.~~

(d) **Development standards.** Any development, redevelopment, alteration or expansion of a Manufactured Home Park or Recreational Vehicle Park within the City limits shall be done in compliance with the following minimum requirements:

(1) **Area and design criteria.**

- a. **Location.** A Manufactured Home Park or Recreational Vehicle Park shall be located only where permitted by Sec. 4-10-82, *Permitted and Specific Uses*.
- b. **Screening.** A Manufactured Home Park or Recreational Vehicle Park shall be visually screened from any immediately adjacent A, E, R-1, R-2, or any residential PD zoning district. There shall be constructed

and maintained a permanent Screening Device not less than 6 feet in height. Screening shall not be required when the adjacent residentially-zoned property is developed with a non-one-family attached/detached or non-two-family use.

- c. **Soil and ground cover.** Exposed ground surfaces in all parts of every Park shall be paved, covered with stone or other solid material, or protected with vegetation that is capable of preventing soil erosion and eliminating dust.
- d. **Drainage.** The ground surface in all parts of a Park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each Space shall be graded to ensure the proper drainage of water from the Space. The adequacy of drainage facilities shall be certified by a Texas licensed professional engineer.
- e. Additional Manufactured Home Park and Recreational Vehicle Park development standards are specified in Table 4-10-106.1.

Table 4-10-106.1 - Manufactured Home Park and Recreational Vehicle Park Development Standards

| | Manufactured Home Parks | Recreational Vehicle Parks |
|--|---|--|
| Size (min) | 3 MH Spaces | 3 RV Spaces |
| Area per Space (min) | 3,500 sf | 500 sf |
| Setbacks (min) | | |
| From a Public Street | 15 ft | Per Setback requirements of the Zoning District in which the RV Park is located. |
| From another Space | 10 ft | None |
| Minimum distance between MHs and/or RVs | | |
| Side | 20 ft | No closer than 10 ft to another RV or Structure |
| Rear | 16 ft. | No closer than 10 ft to another RV or Structure |
| Storage Facilities (min) | 200 cubic ft per Space or in compounds located within the MH Park | None |
| Off-Street Parking (min) | | |
| MHs and RVs | 2 Parking Spaces per Space | None |
| Park office and public facilities | As required by the Zoning Ordinance | As required by the Zoning Ordinance |
| Common area parking for boats or vehicles | 50 sf per Space | None |
| Recreation Area (min) | 8% of gross Park area (See Sec. 4-10-106 (d) (5) below) | None |



Table 4-10-106.1 - Manufactured Home Park and Recreational Vehicle Park Development Standards

| | Manufactured Home Parks | Recreational Vehicle Parks |
|---|-------------------------|---|
| Public toilets, showers, and lavatories | None | Facilities for men: 2 public toilets, 1 lavatory, and 1 shower per 50 RV Spaces or portion thereof; and Facilities for women: 2 public toilets, 1 lavatory, and 1 shower per 50 RV Spaces or portion thereof |
| Laundry facilities | None | 1 automatic clothes washer and 1 automatic clothes dryer per 30 Spaces or portion thereof |
| Wastewater holding tank disposal facility (i.e., dump station) (min) | None | 1 dump station per RV Park |
| Source of potable water to fill fresh water holding tanks (min) | None | 1 water source per RV Park |

Key: MH = Manufactured Home | RV = Recreational Vehicle | min = minimum required | sf = square feet | ft = feet

(2) **Access, traffic circulation, and parking.**

- a. Streets shall be designed for safe and convenient access to all Spaces and to facilitate common use by Park residents.
- b. Emergency vehicles shall have access to all areas of the Manufactured Home Park or Recreational Vehicle Park.
- c. Internal Street, no-parking area signs, and Street name signs shall be privately owned, built, and maintained.
- d. On all sections of Internal Streets on which parking is prohibited under this Section, the owner or Agent shall erect metal signs prohibiting parking. The sign type, size, height, and location shall conform to the Texas Manual on Uniform Traffic-Control Devices and be approved by the City Traffic Engineer prior to installation.
- e. The primary vehicle entrance to a Manufactured Home Park or Recreational Vehicle Park and the Off-Street Parking area required adjacent to the office building and public facilities shall be paved.
- f. All other Internal Streets and Off-Street Parking Spaces at the Spaces shall be designed and maintained to support the imposed loads of emergency vehicles, Manufactured Homes plus their towing vehicles, and Recreational Vehicles, and shall be provided with a surface so as to provide all-weather driving capabilities. The Streets and Parking Spaces shall be maintained free of cracks, holes, and other hazards.

g. Internal Street dimensions and parking.

1. An Internal Street shall be provided to each Manufactured Home or Recreational Vehicle Space.
2. The Internal Streets shall be continuous and connect with other Internal Streets or with public Streets, or shall terminate with a Cul-de-Sac.
3. The minimum required dimensions of an Internal Street are specified in Table 4-10-106.2.

Table 4-10-106.2 – Dimensional Standards for Internal Streets

| | |
|---|---------|
| Width (min) | |
| Without on-street parking | 20 ft |
| With on-street parking on one side | 28 ft |
| With on-street parking on both sides | 37 ft |
| Cul-de-Sac radius (min) | 38.5 ft |
| Length (max) | |
| Internal Street | None |
| Internal Street that ends in a Cul-de-sac | 400 ft |

Key: min = minimum required | max = maximum allowed | ft = feet

4. Internal Streets shall permit unobstructed access a minimum of 20 feet in width to within at least 150 feet of any portion of each Manufactured Home, Recreational Vehicle, building, and storage area.
5. Within each Manufactured Home Park, all Internal Streets shall be named, and Manufactured Home Spaces numbered to conform with block numbers on adjacent public Streets. All street name signs and house numbers shall be of reflective material. These street signs shall be of a color contrasting with those on public Streets so that there is no confusion regarding which are private and which are public Streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.
6. Internal Streets shall intersect adjoining public Streets at approximately 90 degrees and at locations that will eliminate or minimize interference with traffic on those public Streets.
7. Off-street Parking Spaces shall be located to eliminate interference with access to parking areas provided for other Manufactured Homes and for public parking in the Manufactured Home Park.

- (3) **Area lighting.** Adequate lighting shall be provided in a manner approved by the Traffic Engineer.

- (4) **Semipublic telephone.** A minimum of one semipublic telephone shall be provided in an easily accessible location 24 hours a day, 7 days a week.
- (5) **Recreation Area.** All Manufactured Home Parks shall have at least one Recreation Area located as to be free of traffic hazards, easily accessible to all Manufactured Home Park residents and centrally located where topography permits.
 - a. **Extent.** Recreation Areas and facilities, such as playgrounds, swimming pools, and community buildings, shall be provided in an amount that, in the judgment of the Manufactured Home Park Licensee, will meet the anticipated needs of the clientele the Manufactured Home Park is designed to serve.
 - b. **Size.** At least 8% of the gross Manufactured Home Park area shall be devoted to recreational facilities, generally in a central location. Recreation Areas include space for community buildings and community use facilities, such as adult recreation and child play areas and swimming pools, but not including vehicle parking, commercial, maintenance, and utilities areas.
 - c. **Playground location.** When Playground space is provided it shall be so designed as to be protected from traffic, thoroughfares, and parking areas. It should be reasonably accessible to all Spaces. Such playground space shall be maintained in a sanitary condition and free of dangerous conditions and hazards.
- (6) **Utility services and distribution.** Water, sewer, natural gas, and electric utility services to a Manufactured Home Park or Recreational Vehicle Park, the means of distribution of those utilities within the Park, the utility service connections at each Space, and the provision of utilities to and within buildings and other Structures shall comply with the applicable State and City standards, regulations, and Construction Codes.
- (7) **Buildings and other Structures.** New and existing buildings and other Structures in a Manufactured Home Park or Recreational Vehicle Park shall comply with the Construction Codes.
- (8) **Recreational and cooking fires located outside of buildings.** Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be located, constructed, maintained, and used in compliance with the Construction Codes to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities approved by the Fire Marshal. No open fire shall be left unattended. No fuel shall be used that emits dense smoke or objectionable odors.
- (9) **Storage and handling of liquified petroleum gases.** In Parks where liquified petroleum gases are stored or dispensed, their handling and storage shall comply with the requirements of the Fire Code and the Texas Railroad Commission regulations.

- (10) **Refuse and garbage handling.** All refuse and garbage handling shall conform to requirements as specified elsewhere in the Amarillo Municipal Code.
 - (11) **Skirting Mobile and/or Manufactured Homes.** All Mobile and Manufactured Homes shall be skirted.
 - (12) **Unoccupied, abandoned or unsafe Mobile or Manufactured Homes and Recreational Vehicles.** Unoccupied, abandoned, or unsafe Mobile or Manufactured Homes or Recreational Vehicles located in Manufactured Home or Recreational Vehicle Parks may be abated by the City as specified elsewhere in the Amarillo Municipal Code.
- (e) **Licensing.**
- (1) **License required.** It shall be unlawful for any person to operate any Manufactured Home or Recreational Vehicle Park within the limits of the City unless he holds a valid License issued for the current year by the Building Official. All applications for Licenses shall be made in writing on forms furnished by the Building Official, who shall issue a License when compliance with this chapter has been achieved.
 - (2) **Application for original License.** Application for the original License shall be in writing signed by the Applicant, accompanied by an affidavit of the Applicant as to the truth of the application and by the deposit of the License fee hereinafter provided, and shall contain:
 - a. The name and address of the Applicant;
 - b. The location and legal description of the Park;
 - c. A Plot Plan of the Park showing all Manufactured Home Spaces or Recreational Vehicle Spaces, Structures, roads, walkways and other service facilities;
 - d. Before the original License or renewal License is issued, the Building Official shall inspect the Park for compliance with the provisions of this Section.
 - (3) **Application for License renewal.** Application for renewal of License shall be made in writing by the Licensee on forms furnished by the Building Official, on or before October 1 of each year. Such application shall contain any change in the information occurring after the original License was issued or the latest renewal granted.
 - (4) **License fee.** All original License applications or renewals thereof shall be accompanied by a fee of \$108, plus \$21.60 for each Manufactured Home Space or Recreational Vehicle Space in the Manufactured Home Park or Recreational Vehicle Park. The original fee shall be prorated on the nearest quarterly basis between the date of the original License and October 1 of the fiscal year. All renewal fees shall be due on October 1, of each year. Failure or refusal to pay a renewal fee by October 1 shall result in assessment and collection of a late fee of

\$1.00 per each Manufactured Home or Recreational Vehicle Stand or Park for each day or part thereof the renewal fee is not paid.

- (5) **Licenses not transferable.** Licenses issued under the provisions of this Section shall not be transferred. A new License will be issued to any new owner upon compliance with the provisions hereof.
- (6) **Violations, notice; suspension of License.**
- a. Whenever, upon inspection of any Manufactured Home Park or Recreational Vehicle Park, the Building Official, finds that conditions or practices exist which are in violation of applicable provisions of this Chapter, he shall give notice thereof to the Licensee. Such notice shall:
1. be in writing;
 2. include a statement of the reasons for its issuance;
 3. allow a reasonable time for the performance of the act it requires;
 4. be served upon the Licensee or his Agent; provided, that such notice or order shall be deemed to have been properly served upon such Licensee or his Agent when a copy thereof has been sent by mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this State; and
 5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
- b. Unless such conditions or practices are corrected within a reasonable period of time, the Building Official shall reinspect such Park, requesting assistance from other City departments as may be required. If such conditions or practices have not been corrected, the Building Official shall immediately suspend the License and give notice in writing of such suspension, the Licensee shall cease operation of such Park, except as provided in paragraph (7).

(7) Appeals.¹⁵ ~~Any person affected by any notice that has been issued in connection with the enforcement of any provision of this Section by the Building Official may request and shall be granted a hearing on the matter before the City Council, provided that such person shall file within 15 days after the notice was served, in the office of the City Secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension. Upon receipt of such petition, the City Secretary shall set a time and place for such~~

¹⁵ Revised per input from the City Attorney's office.

~~hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.~~

- a. ~~If the Building Official suspends a License, the owner or manager may appeal the suspension to the Construction Advisory and Appeals Commission for the City. License appeals shall be handled in accordance with the provisions set forth in Section 113 of the 2015 International Building Code with the exception that the appeal shall be in writing and filed with the Building Official within ten (10) days of such denial. Failure to file an appeal in accordance with this Section is a waiver of his or her right to a hearing, and the Building Official's decision shall be final. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension.~~
- b. ~~It shall be unlawful and a violation of this Section for an owner or manager to intentionally, knowingly, recklessly, or negligently do the following:~~
 1. ~~Provide, cause to be provided, or allow false information to be provided in response to any of the terms of this Section; or~~
 2. ~~Commit, permit, or allow a violation of any of the terms of this Section.~~
- c. ~~The Construction Advisory and Appeals Commission shall have the authority as set forth in Chapter 2-6, Article VIII, specifically stated in Section 2-6-72 and the 2015 International Building Code, Section 113.~~
- d. ~~Any person dissatisfied with this decision may appeal to the Zoning Board of Adjustment within ten (10) days from the Commission's notification of its determination.~~
 1. ~~Such appeal request shall be a written petition and filed with the Zoning Board of Adjustment.~~
 2. ~~Upon receipt of such a petition, the Construction Advisory and Appeals Commission shall immediately transmit to the Board its appeal hearing record on the date heard, and its recommendation to the board.~~
 3. ~~At such Board hearing, the petitioner shall be given an opportunity to be heard.~~
 4. ~~If the Board affirms the Building Official's decision and the Commission's recommendation, then an appeal of such decision shall be made to a court of competent jurisdiction in accordance with Texas Local Government Code, Section 211.011.~~

(f) **Inspections.**



- (1) The Tax Assessor-Collector or City officials are hereby authorized and directed to make such inspections as are necessary to determine compliance with this chapter and other applicable ordinances. Such officials shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter and for the maintenance of utilities, provided that either permission of the owner or occupant has been obtained, or if such owner or occupant refuses or cannot be located after due diligence, that such official has probable cause to believe that a violation of this chapter has occurred and a Search Warrant has been obtained from the Judge of the Municipal Court, based upon an affidavit as to the facts of probable cause.
- (2) The City officials in paragraph (1) above shall have the power to inspect the Register containing a record of all residents of the Manufactured Home Park or Recreational Vehicle Park.
- (3) It shall be the duty of every occupant of a Manufactured Home or Recreational Vehicle in a Licensed Park to give the Licensee, his Agent, or authorized employee access to any part of such Park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Section.

(g) Responsibilities of park management and park occupants.

- (1) The responsibilities of the Manufactured Home Park and Recreational Vehicle Park management are as follows:
 - a. All responsibilities set out elsewhere in this Section as apply to Licensee or his Agent.
 - b. The Licensee or his Agent shall operate the Park in compliance with this Section and other applicable ordinances and shall provide adequate supervision to maintain the Park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - c. The Licensee or his Agent shall notify each and every Park Occupant of all applicable provisions of this Section and inform them of their duties and responsibilities hereunder.
 - d. The Licensee or his Agent shall maintain a Register of the Park occupancy which shall contain the following information:
 1. Name and Space number of all Park residents;
 2. Make and model of all Recreational Vehicles and the vehicle license number.
 3. Location of each Mobile and Manufactured Home and Recreational Vehicle within the Park by Space number.

- (2) The Licensee or his Agent shall furnish to the Tax Assessor-Collector for the City within 10 days after January 1 of each year a list of all Mobile or Manufactured Homes in the Park on January 1. The list shall contain the owner's name and address; the make, length, width, year of manufacture and identification number of the Mobile or Manufactured Home; and the location of each Mobile or Manufactured Home within the Park. Such lists shall be prepared using forms provided by the Tax Assessor-Collector.
- (3) The responsibilities of Manufactured Home Park and Recreational Vehicle Park Occupants shall be as follows:
 - a. All responsibilities set out elsewhere in this Section.
 - b. The Park Occupants shall comply with all requirements of this Section and shall maintain his Space and its facilities and equipment in good repair and in a clean, sanitary condition.
 - c. The Park Occupant shall be responsible for proper placement of his Manufactured Home or Recreational Vehicle on its Space and proper installation of all utility connections in accordance with the instructions of the Park management.
 - d. Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a Mobile or Manufactured Home for storage shall be permitted only under the following conditions:
 1. The storage area shall have a base of impervious material.
 2. Stored items shall not interfere with the inspection of the Mobile or Manufactured Home nor constitute a fire hazard.

(h) **Application of Section.**

- (1) Except as hereinafter provided in paragraph (2), below, the provisions of this Section shall apply to all Manufactured Home Parks and Recreational Vehicle Parks established or created subsequent to the effective date hereof (2/6/01). Any reconstruction, alteration, extension or expansion of any existing Manufactured Home Park, or Recreational Vehicle Park shall be in full conformity with all provisions of this Section.
- (2) Except as set forth in paragraph (1), above, the provisions of subsections (c) and (d) shall not apply to Manufactured Home Parks, and Recreational Vehicle Parks in existence upon the effective date hereof (2/6/01).

Sec. 4-10-107. - Mobile Food Units.

- (a) **License Required.** All Mobile Food Units must be licensed by the Environmental Health Officer or designated health authority and shall meet all of the requirements of Amarillo Municipal Code Sec. 8-5-21, *Mobile Food Units requirements*;

- (b) **Lighting.** Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- (c) **Signs.** A Mobile Food Unit is limited to signs attached to the exterior of the mobile unit. The signs must:
 - (1) Be secured and mounted flat against the Mobile Food Unit; and
 - (2) Not project more than 6 inches from the exterior of the Mobile Food Unit.
- (d) **Trash.** During business hours, the permit holder shall provide a trash receptacle for use by customers and must keep the area around the Mobile Food Unit clear of litter and debris at all times.

Sec. 4-10-108. - Outdoor Retail Displays.

- (a) **Applicability.** This Section applies to all Outdoor Retail Display Uses. This Section does not apply to Outdoor Storage Uses which are subject to the Use Regulations in Sec. 4-10-109.
- (b) **Outdoor Retail Display areas designated on Site Plan.** The Outdoor Retail Display area shall be designated as such on the Site Plan. No Outdoor Retail Display is allowed in other areas.
- (c) **Location.** Outdoor Retail Displays shall:
 - (1) Be located to the side or rear of the Main Building and
 - (2) Not be located within an ADA accessible route, landscaped area, right-of-way, or required parking space.

Sec. 4-10-109. - Outdoor Storage.

- (a) **Applicability.** This Section applies to all Principal and Accessory Outdoor Storage Uses. This Section does not apply to Outdoor Retail Display Uses, which are subject to the Use Regulations in Sec. 4-10-108.
- (b) **Unscreened Outdoor Storage.** Unscreened Outdoor Storage is permitted in the I-2 District, if the Outdoor Storage area does not:
 - (1) Intrude into a public right-of-way or
 - (2) Impair visibility at any intersection (see City Code Sec. 16-3-76, *Prohibited Structures and Growth*).
- (c) **Screened Outdoor Storage.** Outdoor Storage is permitted in the HC and I-1 Districts, if the Outdoor Storage area is enclosed by a fence, wall, or other visual barrier that complies with the specifications of Sec. 4-10-151, *Fences and walls*.

- (d) **Outdoor Storage areas designated on Site Plan.** All Outdoor Storage areas shall be designated as such on the Site Plan. Outdoor Storage is not permitted in areas not designated for Outdoor Storage on the approved Site Plan.

Sec. 4-10-110. - Pet Care Services.

- (a) **Applicability.** This Section applies to:
 - (1) Pet Care Services; and
 - (2) Veterinary Offices, Veterinary Services, or Kennels.
- (b) **Types of Pet Care Services.** Pet Care Services include, but are not limited to, dog daycare, pet grooming, and pet training.
- (c) **Regulations applicable to all types of Pet Care Services.**
 - ~~(1)~~ **Fully enclosed Building.**
 - ~~(2)~~**(1) Services.** All services shall be conducted from within a fully enclosed Building, with the exception of an outdoor fenced area [see paragraph (c)~~(4)~~**(3)**].
 - ~~(3)~~**(2) Structural requirements.** The Structure for the Pet Care Service shall be subject to the following conditions:
 - 1. The Structure must be provided with appropriate mechanical ventilation with continual filtration of all exhaust air and sanitation mechanisms to prevent odor and unsanitary facilities for the animals.
 - 2. There may be no openings in the walls or roof of any portion of the Structures used for a Pet Care Service unless such openings are stationary windows or required means of egress.
 - 3. All Buildings where animals will be accommodated shall be soundproofed such that no animal noises will be audible from a Property Line.
 - ~~(4)~~**(3) Outdoor fenced area.** The outdoor fenced area, if provided, shall:
 - a. Be surrounded by a sight-obscuring fence:
 - 1. With acoustic materials on the inside of the fence to help reduce noise;
 - 2. That does not exceed the height permitted by the underlying Zoning District; and
 - 3. Provides full containment for the dogs.

- b. Be deep enough and secured to the ground to prevent escape and high enough to prevent dogs from jumping or climbing over;
 - c. Be located no closer than 300 feet from any Structure that contains a Dwelling Unit and no closer than 100 feet from all other Structures;
 - d. Be cleaned daily and feces shall be properly disposed;
 - e. Have a concrete floor surface or other durable impervious material, which may be covered with turf grass, artificial turf, rubber safety surfaces, or other resilient materials; Be surrounded on the exterior of the fence by a landscaping strip consisting of pea gravel or other approved gravel material and shall be a minimum of three feet in width. The graveled area shall be surrounded by a landscaping strip consisting of grass and sight-obscuring trees and shall be a minimum of seven feet in width;
 - f. Be provided with proper surface drainage, subject to the City's Storm Water Management Criteria Manual; and
 - g. In the NS District, shall not exceed 300 square feet in area.
- (d) **Limited boarding permitted.** Limited indoor boarding of animals may be provided at a Pet Care Service (excluding a Veterinary Service facility or Kennel).
- (e) **Additional pet grooming regulations.** Pet grooming is permitted subject to the following additional conditions:
- (1) No operations, including dog runs or recreation areas, are conducted outdoors;
 - (2) If the use is located less than 100 feet from any residential Zoning District, the Building is sound attenuated such that the sound is not audible at the residential Property Line; and
 - (3) If the Use is located in a multi-tenant Building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the Building.

Sec. 4-10-111. - Recycling Facilities.

- (a) **Applicability.** This Section applies to all Recycling Collection Facilities and Receiving Centers for Recyclable Items.
- (b) **Recycling Collection Facility.** The facility must be operated indoors with no outdoor storage or collection bins, except when located in an I-2 District.
- (c) **Receiving Center for Recyclable Items.** A Receiving Center for Recyclable Items shall comply with the following requirements:
 - (1) The facility shall not exceed 320 square feet in Floor Area.

- (2) All operations of the receiving center such as collection, weighing, and storage shall be contained within the facility by manned attendant during business hours or automated within a fully enclosed Structure.
- (3) No Outdoor Storage is allowed.
- (4) Centers utilizing trailers or other mobile equipment must provide solid brick veneer fencing of the undercarriage when it can be viewed from a street. Exterior lighting shall be provided to illuminate both sides of the required fencing.
- (5) Daily maintenance of the site and facility to remove trash and debris and spraying for pest control and odor on a weekly basis is required.
- (6) The location of the facility shall be limited to a paved Lot containing a permanent Structure(s) and shall meet all Yard Setback requirements for a Non-Residential Main Building. Placement of the facility on such a Lot must be located:
 - a. At the side of an existing Structure(s) that does not have Street frontage;
 - b. A site not allowing compliance with subparagraph a., above, may be located between the side of an existing Structure(s) and a Street;
 - c. Should neither condition in subparagraph a. or b. exist, the facility may then be located between the front of an existing Structure(s) and a Street.
- (7) Any noise produced by the facility's operation shall not exceed 78 dB at any of the property lines.
- (8) When placed on an existing parking lot, it shall not create a deficit in minimum Off-Street Parking spaces.

Sec. 4-10-112. - Self-Storage Facilities.

- (a) **Maximum unit size.** The maximum area of a single storage unit is 300 square feet.
- (b) **Outdoor Storage and storage of hazardous materials prohibited.** Outdoor Storage or storage of explosives, flammable materials, or materials emitting noxious odors is prohibited.
- (c) **Self-Storage Facilities in the GR District.** A Self-Storage Facility located in the GR District shall be designed to more closely resemble an office or retail building than a warehouse. The entrances to individual storage units shall not be readily visible from any public right-of-way.

Sec. 4-10-113. - Shooting Ranges.

- (a) The design, construction, and operation of a Shooting Range (Indoor or Outdoor) shall comply with the latest edition of the National Rifle Association Range Source Book.

- (b) No noise shall be perceptible beyond the Property Line of an Indoor Shooting Range.
- (c) An Outdoor Shooting Range at which only shotguns, air rifles or pistols, or BB guns are discharged shall be located:
 - (1) On a Lot with a minimum area of 10 acres;
 - (2) At least 150 feet from a Dwelling Unit or occupied Building located on another Lot. This measurement is taken from the nearest point of the firing line to the Dwelling Unit or Building to the Dwelling Unit or Building; and
 - (3) In a manner not reasonably expected to cause a projectile to cross the Lot Line.
- (d) An Outdoor Shooting Range at which center fire or rim fire rifles or pistols of any caliber may be discharged shall be located:
 - (1) On a Lot with a minimum area of 50 acres;
 - (2) At least 300 feet from a Dwelling Unit or occupied Building located on another Lot. This measurement is taken from the nearest point of the firing line to the Dwelling Unit or Building to the Dwelling Unit or Building; and
 - (3) In a manner not reasonably expected to cause a projectile to cross the Lot Line.

Sec. 4-10-114. - Stables (Private).

- (a) All Stables (Private) shall meet the minimum Setback and Area requirements specified in Table 4-10-114.1, in addition to any applicable requirements of Sec. 4-10-87, *Accessory Uses and Buildings*.

| Table 4-10-114.1 - Setback and Area Requirements for Stables (Private) | |
|--|-------------------------------|
| Setbacks (min) | |
| Front | 50 ft |
| Side (Internal) | 20 ft |
| Side (Street) | Same as Front |
| Rear | 20 ft |
| Stable Area (min) | 100 sf for each horse stabled |

Key: min = minimum required | ft = feet | sf = square feet

Sec. 4-10-115. - Swimming Pools (Private).

All Private Swimming Pools shall:

- (1) Meet the Setback requirements in Table 4-10-87.1 and
- (2) Be fenced or covered in accordance with Building Code regulations.

Sec. 4-10-116. - Temporary Uses and Structures.¹⁶

- (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;
 - 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:

¹⁶ Module 3 proposes additions to this Section for BYOB Events.

- 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 Chapter 4-2, *Signs*, as applicable.
- (g) **Outdoor display of goods.** The outdoor display of goods associated with a Temporary Use shall not cover more than 10% of any required Off-Street Parking Spaces and shall not block any sidewalks, accessible routes, driveways, or drive aisles.
- (h) **Temporary Structures.** Temporary Structures shall meet all applicable Building and Fire Code requirements.
- (i) **Schedule of Temporary Uses and Structures.** Temporary Uses and Structures are allowed for the length of time and in the locations specified in Table 4-10-116.1, provided the Use complies with all applicable Supplemental Regulations for Specific Temporary Uses and other provisions of this Section.

Table 4-10-116.1 – 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) |
| 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 |

Table 4-10-116.1 – 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) |
|--|---------------------------|------------------------------|--|--|
| Topsoil, Earth or Stone Storage | Yes | Yes | 1 year ¹ | A, I-1, I-2 |
| 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) Unlisted Temporary Uses and Structures.

- (1) The Planning Director shall determine whether a proposed Temporary Use or Structure not otherwise listed in Table 4-10-116.1 is compatible with the particular Zoning District in which it is proposed, based on the following criteria:
 - a. Whether the Temporary Use or Structure meets the purpose and intent of the Zoning District in which it is proposed to be located;
 - b. Whether the Temporary Use or Structure is allowed as a Principal Use in the Zoning District in which it is proposed to be located;
 - c. Whether the Temporary Use or Structure is prohibited by other City codes or ordinances (for example, the Fire Code prohibits fireworks sales in the City);
 - d. Whether the Temporary Use or Structure is compatible with other Uses allowed in the Zoning District in which it is proposed to be located;
 - e. Whether similar Temporary Uses or Structures are permitted in the same Zoning District; and
 - f. Whether similar Temporary Uses or Structures have Supplemental Use Regulations that should be applied to the proposed Use.
- (2) The Planning Director's determination shall be reduced to a memorandum maintained in the files of the Planning and Development Services Department



and copies provided to the Applicant, Fire Marshall, Environmental Health Director, and City Building Official.

(k) **Supplemental Regulations for Specific Temporary Uses.**

(1) **Alcoholic Beverages Sales.**

- a. **License required.** In addition to the Site Plan approval required by this Section, all Temporary Uses that involve Alcoholic Beverage Sales require issuance of a license by the Environmental Health Department.
- b. **Consumption of alcoholic beverages.** The alcoholic beverages may be sold for consumption on or off the premises.
- c. **Alcohol content.** The content of the alcoholic beverages offered for sale shall not exceed 17% alcohol by volume.
- d. **Fencing.** Areas where alcoholic beverages are sold shall be enclosed with temporary fencing to prevent access by underage persons.
- e. **Compliance with other regulations.** The Use must comply with:
 1. All applicable Texas Alcoholic Beverage Code regulations; and
 2. Amarillo Municipal Code, Chapter 10-3, Article IV, *Offenses Involving Public Peace and Order*; and
 3. Chapter 16-3, Article VI, *Special Street Uses*, if applicable.

(2) **Asphalt or Concrete Batching Plant.**

- a. Temporary Asphalt or Concrete Batching Plants are allowed in all Districts.
- b. In all Districts other than I-2, the establishment of a temporary Asphalt or Concrete Batching Plant requires approval of a Specific Use Permit by City Council in accordance with Sec. 4-10-216.

(3) **BYOB Events.**

- a. **Hours of operation.** A BYOB Event may occur between 7 a.m. and 2 a.m. the following day.¹⁷ 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.**

¹⁷ 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.

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;

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. Certificate of insurance required.⁴⁸~~

- ~~1. A Site Plan Application for a BYOB Event must include a certificate of insurance, naming the City of Amarillo as an additional insured for Commercial General Liability and Automobile Liability, including not less than the following coverage amounts:~~

~~*Commercial General Liability*~~

~~Each occurrence: \$1,000,000~~

~~Damage to rented premises: \$500,000~~

~~Medical expenses (any one person): \$5,000~~

~~Personal and Adv. Injury: \$1,000,000~~

~~General Aggregate: \$1,000,000~~

~~Products — Comp/Op Agg: \$1,000,000~~

~~*Automobile Liability*~~

~~Combined Single Limit: \$1,000,000~~

- ~~2. Such insurance coverage must be provided by an insurer of a Best Rating of B+ or better without interruption during the event. In the event of any material change, non-renewal, or cancellation of any insurance coverage before the event concludes, the contact person on the Application should immediately notify the City and, if the event is occurring, the~~

⁴⁸This paragraph was added since the Public Review Draft. It is based on input from the City's Legal Department.

~~City shall revoke such Site Plan Approval and the BYOB Event shall be immediately concluded.~~

3. ~~Additional terms may be required by the city attorney or risk management personnel, based on the nature of the proposed event and location. Applicants are encouraged to contact the city attorney's office before completing the Site Plan Application to verify City insurance requirements for the proposed Use.~~

e.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>

e.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.

(4) **Field or Construction Office.**

- a. **Occupancy.** A Temporary Field or Construction Office may be established on the site of a construction project, provided the office is occupied only by representatives of the construction company or companies conducting work on the construction site.
- b. **Compliance with other regulations.** Temporary Field or Construction Offices must comply with all applicable Building Code regulations; Chapter 4-8, *Flood Damage Mitigation*; and all federal, state and local laws.
- c. **Removal.** A temporary Field or Construction Office must be removed:
 1. Upon completion of the construction project, or
 2. Upon issuance of an order by the Building Official.

- (5) **Outdoor Promotional Event.** Activities associated with an Outdoor Promotional Event shall not be located within an ADA accessible route, landscaped area, right-of-way, or required parking space.

(6) **Seasonal Sales – roadside agricultural and produce stand.**

- a. **Size.** The stand’s total covered area shall not exceed 1,500 square feet.
- b. **Parking.** The stand and all associated parking shall be located completely outside the public right-of-way.
- c. **Time extension.** An additional 3-month period for the sale of seasonal items can be requested no later than 20 business days prior to the expiration of the original 6-month permitted timeframe for staff to review and consider the extension request.
- d. **Exemption.** Individuals who grow and sell their produce and home-processed goods on property in their ownership are exempt from the timeframe provisions of this Section.
- e. **Compliance with other regulations.** These regulations are cumulative and in addition to other codes and regulations that may be applicable to the Lot and the facilities associated with the seasonal operations of the vendor.

(7) **Special Events located on public or private property.**

a. **Special Event plan required.**

- 1. All Special Events require the Applicant to submit a Special Event plan in conjunction with a Site Plan Application.
- 2. The Special 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;

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.

b. **Special Events that are open to the public.**

- 1. All Special 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](https://www.amarillo.gov/departments/community) online: [https://www.amarillo.gov/departments/community-](https://www.amarillo.gov/departments/community)



[services/environmental-health/special-events-information/special-events-application.](#)

- c. **Special Events that require temporary closure of a public right-of-way.** Any Special 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.
- (8) **Topsoil, Earth, or Stone Storage.** In addition to the Site Plan approval required by this Section, the temporary storage of topsoil, earth, masonry, or stone requires issuance of a permit by the City Director of Public Works. The permit shall:
 - a. Provide requirements for location, duration, fencing and leveling of material, and maintenance of the site; and
 - b. Require immediate removal of the stored materials for violation of any provisions of the permit.

Sec. 4-10-117. - Urban Agriculture.

- (a) **Applicable to All Types of Urban Agriculture.** The following standards apply to [all Urban Agriculture land uses including Community Gardens, Market Gardens, and Urban Farms.](#)
 - (1) The land shall be served by a water supply sufficient, as determined by the City, to support the cultivation practices used on the site.
 - (2) All site drainage must be retained on-site and be in accordance with the Storm Water Management Criteria Manual.
 - (3) Accessory Structures such as Farm Stands, Greenhouses, storage sheds, and hydroponic and aquaponics system enclosures may collectively occupy up to a maximum of one-third of the total available garden or farm area.
 - (4) Gates, Fences, and Walls shall be provided in accordance with Sec. 4-10-151, *Fences and Walls*.
 - (5) The Planning Director shall require Off-Street Parking if there is not adequate on-street parking available. Parking areas and access drives shall be surfaced with durable materials (such as concrete, asphalt, compacted crushed stone) and shall be treated to control dust as necessary.
 - (6) Hours of operation shall be between 6:00 AM – 10:00 PM.
 - (7) Composting facilities are allowed, provided that they:
 - a. Are of a type that minimizes odors and fire risks;

- b. Are used to compost only organic wastes that are generated by the urban agricultural land use;
- c. Are in accordance with the Setback regulations for Accessory Structures (see Sec. 4-10-87, *Accessory Uses and Buildings*).
- d. Are surrounded with a fence or other appropriate enclosure to prevent migration of compost materials due to wind, slope, or water-based erosion;
- e. Do not exceed 5 feet in height if they are to be located less than 50 feet from a public right-of-way; and
- f. Do not exceed 3.5 feet in height within 3 feet of any building entry;
- g. Do not exceed 20 cubic yards of composting materials on site at any given time.

(8) Community Gardens, ~~Market Gardens~~, and Urban Farms may be located on otherwise vacant properties, and shall be deemed the Principal Use until such time that the parcel is developed in accordance with this Chapter. At that time, the subject Community Garden ~~or~~ Urban Farm ~~, or Market Garden~~ shall be deemed an Accessory Use.

(b) **Community Gardens.**

(1) **General regulations.** Community Gardens shall:

- a. Be made accessible to the general public;
- b. Be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor; and
- c. Be kept free of debris at all times;

(2) **Setbacks.** All garden plots shall be located in accordance with the setback standards of Sec. 4-10-87, *Accessory Uses and Buildings*.

(3) **Design and use.** If garden plots are assigned to individuals, the plots shall be bounded in a manner that provides for separation and identification of individual plots.

(4) **Maintenance plan.** The Applicant shall provide a maintenance plan to the City that includes:

- a. Contact information for a person or entity that is ultimately responsible for the management and maintenance of the garden; and
- b. A description of how necessary operation and maintenance activities will be provided and funded (e.g., irrigation system upkeep, trash removal, maintenance of composting systems, payment of water and

insurance bills, maintenance of landscaped areas outside of garden plots, etc.).

~~(c)~~ **Market Gardens.**

- ~~(1) **Site Area.** The site area for a Market Garden shall be not more than 1 acre.~~
- ~~(2) **Dwelling Units.** The number of Dwelling Units allowed on a site may not exceed the number of Dwelling Units allowed under the base Zoning District regulations.~~
- ~~(3) **Character.** The residential character of the Lot and Dwelling must be maintained. This is to be accomplished by providing no amenities that easily identify the property as having a commercial business on the premise.~~
- ~~(4) **Livestock.** Raising of fowl, rabbits, and aquatic foods using aquaponic systems is permitted in accordance with Chapter 8-2, Animals and Fowl, of the Amarillo Municipal Code. On-site slaughtering, processing, or composting of animals is strictly prohibited.~~
- ~~(5) **Sale of products produced on-site.** Agricultural products produced on-site may be sold or donated from the site or distributed off-site to buyers or donation recipients. On-site Farm Stands are not permitted. Sales must be conducted out of sight of the general public on the property. No more than three customer-related trips per day are permitted.~~
- ~~(6) **Employees.** In Residential Districts, employees are permitted in accordance with Sec. 4-10-102, Home Occupations.~~
- ~~(7) **Water conservation.** Water conservation practices must be followed, and aquaponics and hydroponic operations are permitted in accordance with Section 4-5-30, Water Conservation, of the Amarillo Municipal Code.~~

~~(d)~~(c) **Urban Farms.**

- (1) **Site Area.** The site area for an Urban Farm shall be not less than one acre and not more than 5 acres.
- (2) **Dwelling Units.** The number of Dwelling Units allowed on a site may not exceed the number of Dwelling Units allowed under the base Zoning District regulations.
- (3) **Character.** The residential character of the Lot and Dwelling must be maintained. This is to be accomplished by providing no amenities that easily identify the property as having a commercial business on the premise.
- (4) **Livestock prohibited.** Raising livestock is prohibited notwithstanding Chapter 8-2, *Animals and Fowl*, of the Amarillo Municipal Code.
- (5) **Sale of products produced on- and off-site.** Agricultural and value-added agricultural products raised by the local farmer or produced within the State of Texas may be sold or donated from the site or distributed off-site to buyers or donation recipients. Agricultural products and value-added agricultural products

produced off-site by someone other than the local farmer cannot exceed 20 percent of the retail space by area.

- (6) **Employees.** In Residential Districts, employees are permitted in accordance with Sec. 4-10-102, *Home Occupations*.
- (7) **Water Conservation.** Water conservation practices must be followed, and aquaponics and hydroponic operations are permitted in accordance with Section 4-5-30, *Water Conservation*, of the Amarillo Municipal Code.

Sec. 4-10-118. - Zero lot line development.⁴⁹

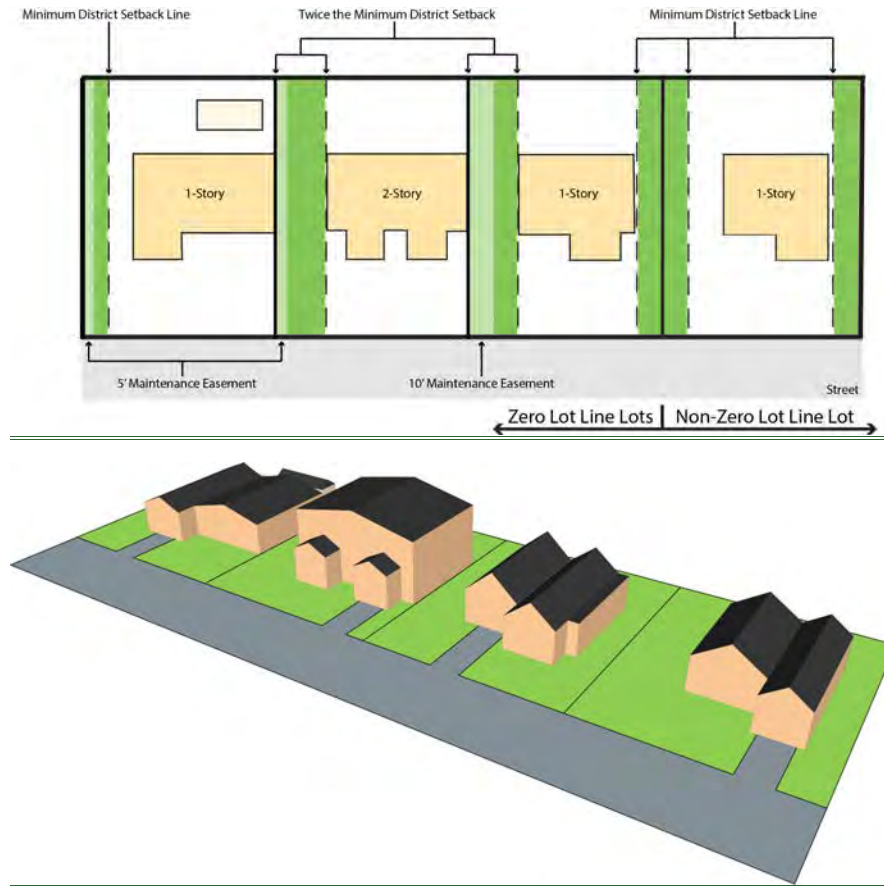
- (a) **Purpose.** These regulations allow Detached One-Family Dwellings to be situated adjacent to one side Lot Line in order to provide more usable Yard area.
- (b) **Applicability.** Zero Lot Line Developments are allowed in any Zoning District that permits Detached One-Family Dwellings, except the A and E Districts.
- (c) **Side Yards for Main Buildings on Zero Lot Line Lots.**
 - (1) Except as provided in subsections (e) and (g)(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 Sec. 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.

⁴⁹ An alternative approach would be to relocate these provisions to the Use Regulations or to the Subdivision Ordinance.

- (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 4-10-149287.1.
- (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 4-10-150118.1.
 - (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) Lot Coverage. Maximum Lot Coverage for zero lot line Lots may be increased by up to 5%.
- (j) 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.

(k) **Illustration of Zero Lot Line Development.** The standards established in this Section are illustrated in Figure 4-10-150118.1.

Figure 4-10-150118.1 – Zero Lot Line Development



Sec. 4-10-118 **Sec. 4-10-119.** - Reserved.

Sec. 4-10-119 **Sec. 4-10-120.** - Reserved.

Sec. 4-10-120 **Sec. 4-10-121.** - Reserved.

~~Sec. 4-10-121~~Sec. 4-10-122. - Reserved.

~~Sec. 4-10-122~~Sec. 4-10-123. - Reserved.

~~Sec. 4-10-123~~Sec. 4-10-124. - Reserved.

~~Sec. 4-10-124~~Sec. 4-10-125. - Reserved.

~~Sec. 4-10-125~~Sec. 4-10-126. - Reserved.

~~Sec. 4-10-126~~Sec. 4-10-127. - Reserved.

~~Sec. 4-10-127~~Sec. 4-10-128. - Reserved.

~~Sec. 4-10-128~~Sec. 4-10-129. - Reserved.

~~Sec. 4-10-129~~Sec. 4-10-130. - Reserved.

~~Sec. 4-10-130~~Sec. 4-10-131. - Reserved.

~~Sec. 4-10-131~~Sec. 4-10-132. - Reserved.

~~Sec. 4-10-132~~Sec. 4-10-133. - Reserved.

~~Sec. 4-10-133~~Sec. 4-10-134. - Reserved.

~~Sec. 4-10-134~~Sec. 4-10-135. - Reserved.

~~Sec. 4-10-135~~Sec. 4-10-136. - Reserved.

~~Sec. 4-10-136~~Sec. 4-10-137. - Reserved.

~~Sec. 4-10-137~~Sec. 4-10-138. - Reserved.

~~Sec. 4-10-138~~Sec. 4-10-139. - Reserved.



~~Sec. 4-10-139-Reserved.~~



ARTICLE IV. - DEVELOPMENT STANDARDS

DIVISION 1. - GENERALLY

Sec. 4-10-140- 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. 4-10-141. - 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. Certificate of Appropriateness, or
 - f. 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. -

Sec. 4-10-142. - Reserved.



ARTICLE IV. - DEVELOPMENT STANDARDS | DIVISION 1. - GENERALLY
SEC. 4-10-143. - RESERVED.

| 150 |

Sec. 4-10-143. - Reserved.

Sec. 4-10-144. - Reserved.



Division 2. - AREA & BULK REGULATIONS

~~Sec. 4-10-145~~ **Sec. 4-10-1 Zero lot line development.**²⁰

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.

~~(a)~~ **Applicability.** Zero Lot Line Developments are allowed in any Zoning District that permits Detached One Family Dwellings, except the A and E Districts.

~~(b)~~ **(a) 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)~~ ~~(1)~~ 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)~~ ~~(1)~~ 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)~~ ~~(1)~~ 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.

~~(c)~~ **(a) 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 ~~Sec. 4-10-87. Accessory Uses and Buildings.~~

~~(2)~~ ~~(1)~~ 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.

~~(d)~~ **(a) 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.

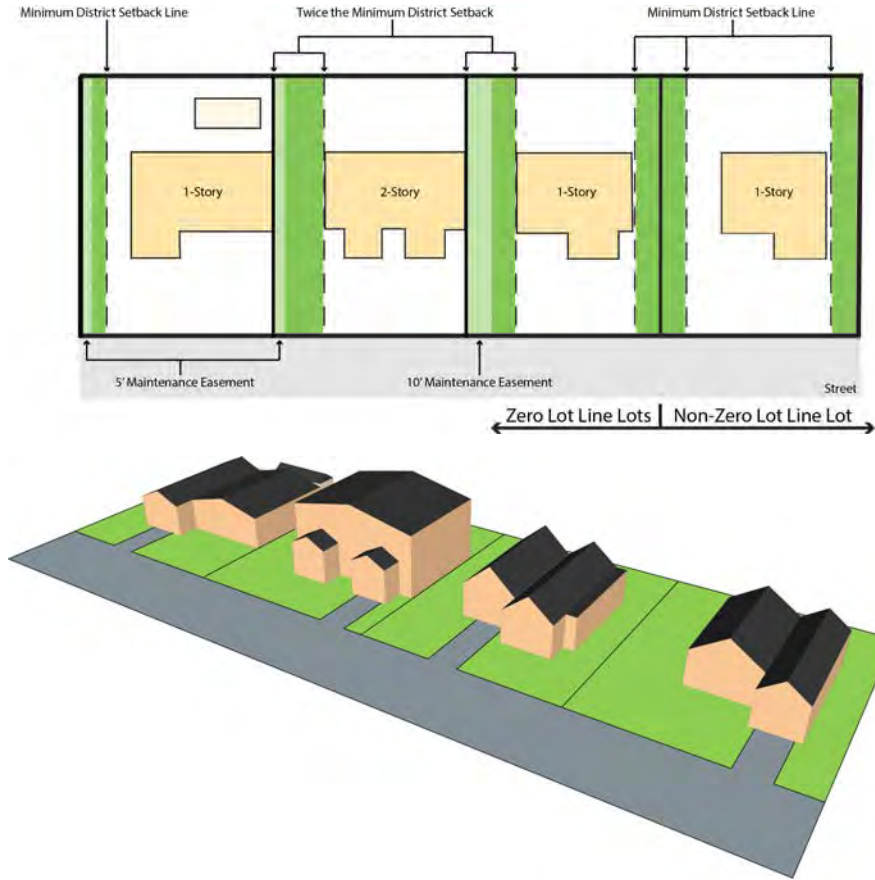
~~(e)~~ **(a) Encroachments onto adjacent Lots.** Eaves, canopies, roof extensions or overhangs; and ordinary projections of window sills, belt courses, cornices, and other architectural features may encroach over a zero lot line if:

Field Code Changed

²⁰ An alternative approach would be to relocate these provisions to the Use Regulations or to the Subdivision Ordinance.

- ~~(1) Both Lots are designated as Zero Lot Line Lots;~~
- ~~(2)(1) A Maintenance easement is provided by the adjoining property owner, as provided in (h) below; and~~
- ~~(3)(1) The encroachment does not exceed the distance specified in Table 4-10-149.1.~~
- ~~(f)(a) 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.~~
- ~~(g)(a) 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 4-10-150.1.~~
 - ~~(2)(1) 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)(1) 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)(1) The maintenance easement shall extend along the entire length of the side (zero) Lot Line to which it is adjacent.~~
 - ~~(5)(1) 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)(1) The maintenance easement must be kept free of Structures at all times, except for encroachments allowed by subsection (f), above.~~
- ~~(h)(a) 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.~~
- ~~(i)(a) Illustration of Zero Lot Line Development. The standards established in this Section are illustrated in Figure 4-10-150.1.~~

Figure 4-10-150.1—Zero Lot Line Development



Sec. 4-10-146. - 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)(a) **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*.~~

~~Sec. 4-10-147. - Reserved.~~

~~Sec. 4-10-148. - Reserved.~~

~~Sec. 4-10-149. - Reserved.~~

~~Sec. 4-10-150. - Reserved.~~

~~Sec. 4-10-151. - Reserved.~~

~~Sec. 4-10-152. - Reserved.~~

~~Sec. 4-10-153. - Reserved.~~

~~Sec. 4-10-154. - Reserved.~~



~~Division 3.~~ **DIVISION 2. - LANDSCAPING & SCREENING**

~~Sec. 4-10-155~~ **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.

~~Sec. 4-10-156~~ **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 is subject to the Downtown Amarillo Urban Design Standards (DAUDS).

~~Sec. 4-10-157~~ **Sec. 4-10-147. - Landscaping standards.**



(a) **General Requirements.**

- (1) This Section adopts, by reference, the City of Amarillo Recommended Plant List. This list is maintained by the Planning and Development Services Department, and may be updated from time to time.
- (2) Landscaping elements may include a combination of Living and Non-Living Landscape Materials permitted in accordance with subsection (e) of this Section.
- (3) 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. 4-10-211, *Landscape and Irrigation Plan*.
- (4) All landscape materials shall be:
 - a. Resistant to wind and water erosion; and
 - b. Maintained to ensure that there is no Excess Vegetation.
- (5) 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 landscaping shall be provided along both Street Frontages, requirements applies only to the front Yard, where the primary entrance to the Building is located.
- ~~(1)(2)~~ A maximum of Only 50 percent of this value the required landscaping area shall may be made comprised 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)(3)~~ 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)(4)~~ 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. However, a Any landscaped area in the right-of-way in excess of 10 feet in width may be credited toward the required value.

(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 ~~20-40~~ parking spaces;
 - 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; ~~and~~
 - 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 (e)(1).
 - (3) A permeable weed barrier shall be installed under all any permitted Non-Living Landscape Material.

Sec. 4-10-158~~Sec. 4-10-148.~~ - Landscaping point system.

- (a) All submitted plans for landscaping and irrigation as required under Sec. 4-10-211 *Landscape and Irrigation Plan*, must achieve a score of at least ~~25-20~~ points in order to be approved. Points are awarded for the following items in Table 4-10-~~148~~~~148~~.1:

| Table 4-10- 148 148 .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 20-40 spaces as required by Sec. 4-10-147(c)(4) to become one tree per 40-20 spaces. | 10 |



Table 4-10-163149.1 - Landscape Point System

| Landscape Point System Criteria | Points |
|--|--------|
| 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 |

Sec. 4-10-159 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(c)(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 Sec. 4-10-221, *Appeals of administrative and UDHPC decisions*, of this Chapter.

Sec. 4-10-160~~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 in accordance with Article V, *Procedures*, Sec. 4-10-220.
- (b) **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 Amarillo Municipal Code, Section 4-6-183, *Maintenance of Public Right-of-Way*.
- (c) **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.

~~Sec. 4-10-164~~**Sec. 4-10-151.** - *Fences and walls.*

(a) Applicability.

(1) **Non-residential and Multiple-family Uses.**

- a. **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 as Residential [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.
- b. **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 fence of at least 6 feet and no more than 8 feet in Height shall be erected.

(2) In all cases where a fence or wall is provided, whether or not required by this Chapter, the fence or wall shall meet all requirements of this Section.

(3) This Section does not apply to Lots zoned as Agricultural [A].

~~(a)~~**(b) 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)~~**(c) 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.

~~(e)~~(d) **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)~~(e) **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)~~(f) **Residential District ~~Maximums~~ Height and Setbacks.** 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 4-10-15166.1, *Maximum Height and Setbacks for Fences and Walls*, shall be applicable:

Table 4-10-15166.1 - Maximum Height and Setbacks for Fences and Walls

| Location | Front Yard | Street Side Yard ¹ | Interior Side Yard | Rear Yard |
|----------------------|--|--|--------------------|-------------------|
| Maximum Height | 4 ft | 4 ft | 8 ft | 8 ft |
| Minimum Setback Line | 0 ft ² , but at least 2 ft from sidewalk, if present; 5 ft from the edge of street paving, if no sidewalk | 0 ft ² , but at least 2 ft from sidewalk, if present; 5 ft from the edge of street paving, if no sidewalk | 0 ft ¹ | 0 ft ¹ |

Key: ft = feet

¹The 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.

²All fence components shall be located completely within the Lot Line it encloses.

~~(f)~~(g) **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.

~~(2)~~(a) **Nonresidential and Multifamily Uses:**

~~a. (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 as Residential [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.~~

(1) **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 fence of at least 6 feet and no more than 8 feet in Height shall be erected.

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~~(g)~~(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.

~~(h)~~(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.

~~(i)~~(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.

Sec. 4-10-162~~Sec. 4-10-152.~~ - *Bufferyards*.

(a) **Applicability.** This section applies when a bufferyard is installed in lieu of a wall or fence, as provided in Sec. 4-10-151(h).

~~(a)~~(b) **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)~~(c) **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 of bufferyard are set out in Table 4-10-152~~67~~.1, *Bufferyard Requirements*.

Table 4-10-15267.1 - Bufferyard Requirements

| Type | Width | Required Plantings per 100 Linear Feet | | | | Height of Berm, Wall or Fence |
|--------|-------|--|-----------------|-------------|--------|-------------------------------|
| | | Large Trees | Evergreen Trees | Small Trees | Shrubs | |
| Type A | 5 ft | 2 | 2 | 3 | 15 | - |
| Type B | 10 ft | 3 | 3 | 6 | 30 | - |
| Type C | 25 ft | 6 | 6 | 9 | 40 | 6 ft |
| Type D | 35 ft | 8 | 8 | 12 | 55 | 8 ft |

Key: ft = feet

(e)(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.

(d)(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.

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

- (1) **Generally.** Set out in Table 4-10-15267.2, *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, MH | MF |
| A, E | - | - | - | - |
| R-1, R-2 | A | - | - | - |
| MD, MH | B | B | - | - |
| MF | B | B | B | - |
| NS, O, GR, CB, LC | C | B | B | B |
| HC, I-1 | C | C | B | B |
| I-2 | D | C | C | C |

- (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.

(f)(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. 4-10-163~~Sec. 4-10-153. - Reserved.

~~Sec. 4-10-164~~Sec. 4-10-154. - Reserved.

~~Sec. 4-10-165~~Sec. 4-10-155. - Reserved.

~~Sec. 4-10-166~~Sec. 4-10-156. - Reserved.

~~Sec. 4-10-167~~Sec. 4-10-157. - Reserved.

~~Sec. 4-10-168~~Sec. 4-10-158. - Reserved.



Sec. 4-10-159. - Reserved.

Sec. 4-10-169



~~Division 4.~~ **DIVISION 3. - OUTDOOR LIGHTING**

~~Sec. 4-10-170~~ **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. 4-10-171~~ **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;
 - (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. 4-10-173~~**Sec. 4-10-162.** - Prohibited Outdoor Lighting.

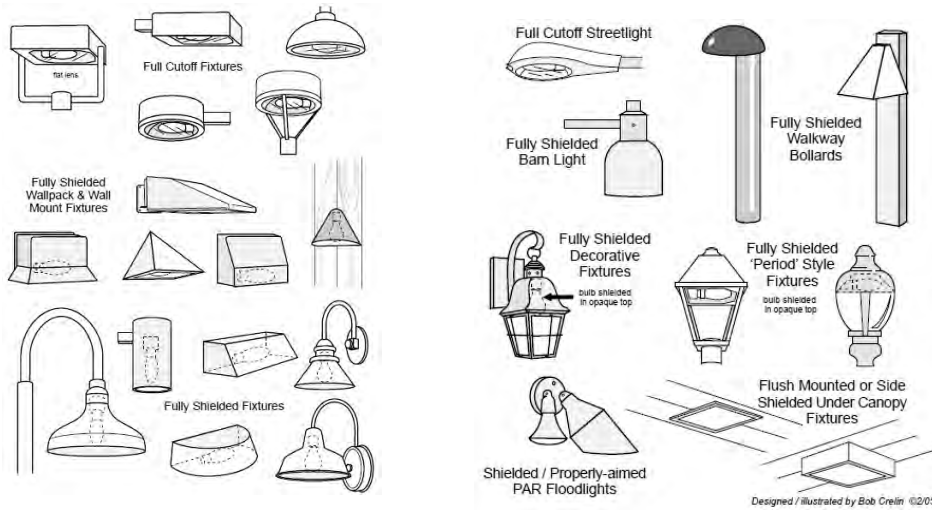
The following types of Outdoor Lighting are prohibited in the City of Amarillo:

- (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. 4-10-173~~**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 4-10-1**6378**.1.

Figure 4-10-16378**.1 Examples of Fully-Shielded Luminaires**



(d) **Appropriate lighting levels.**

- (1) In all Districts, lighting located within 300 feet of a Building used for residential purposes shall be turned off between 10 p.m. and 6 a.m. (or during non-operating hours, if the lighting is used by a business that operates outside these 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 4-10-16378.1:

Table 4-10-16378.1 – Maximum Vertical Illuminance at Lot Lines.

| Zoning District of Adjacent Lot | Vertical Illuminance (max) |
|------------------------------------|----------------------------|
| 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 amphitheaters;
 - 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. 4-10-174~~[Sec. 4-10-164.](#) - Reserved.

~~Sec. 4-10-175~~[Sec. 4-10-165.](#) - Reserved.

~~Sec. 4-10-176~~[Sec. 4-10-166.](#) - Reserved.

~~Sec. 4-10-177~~[Sec. 4-10-167.](#) - Reserved.

~~Sec. 4-10-178~~[Sec. 4-10-168.](#) - Reserved.

~~Sec. 4-10-179~~[Sec. 4-10-169.](#) - Reserved.

~~Division 5.~~ **DIVISION 4. - PARKING**

~~Sec. 4-10-180~~ **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. 4-10-181~~ **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 no more than 3,000 square feet or 35 percent of the Gross Floor Area (or useable seating area) of the Building or Structure made since **January 1, 2021**, do not require additional parking.²¹
- (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-~~194~~176.1 or Table 4-10-~~194~~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-~~194~~176.1 and Table 4-10-~~194~~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.**²²

²¹ The current ordinance states that any change to a Structure requires compliance with the Schedule of Off-Street Parking. This allowance for no more than 3K sf / 35% floor/seating area expansion is intended to provide flexibility for redevelopment.

²² This subsection carries forward a current limitation in Sec. 4-10-211(3)b. expands it to include the new Estate District: clarifies the limitation applies to "commercial" trucks, truck trailers, and vans; and clarifies the one-ton limitation refers to payload capacity (rather than gross vehicle weight).

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- (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 **commercial** truck, truck trailer, or van that exceeds one ton **payload** 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. 4-10-182Sec. 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. 4-10-183~~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.
- (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 2. 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. 4-10-184Sec. 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*, Sec. 4-10-104.
 - 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. 4-10-185~~**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 2. 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. 4-10-186~~**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 4-10-17694.1, *Off-Street Parking Schedule for Residential Uses* and Table 4-10-17694.2, *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 4-10-17694.1, 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 for Lots greater than two acres in area.**²³
 - (1) For any Lot that is more than 2.0 acres in area, the maximum number of Off-Street Parking Spaces allowed is ~~125~~150%²⁴ of the minimum number of spaces specified in Table 4-10-17694.1 and Table 4-10-17694.2, except as otherwise provided in this Section. Lots that are 2.0 acres or less in area are not subject to this maximum.
 - (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~~150% of the minimum number of spaces specified for the Use(s) in Table 4-10-17694.1 and Table 4-10-17694.2.
 - (2)(3) Except for Multiple-Family Dwellings, Live/Work Dwellings, and Mixed Use Buildings, residential uses are not subject to the maximum number of Off-Street Parking Spaces specified in this subsection.
- (c) **Reduction for infill Development.** To encourage the Development or redevelopment of Infill Lots in the O, NS, GR, LC, HC, and UN-O Districts, the Applicant may elect to reduce the minimum number of Off-Street Parking Spaces required by Table 4-10-17694.1 and Table 4-10-17694.2 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 the UN-O District or an adopted Neighborhood Plan area.
 - (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.

²³ The revisions in this subsection were made based on feedback received from stakeholders.

²⁴ Many communities in Texas and across the country are rethinking their parking requirements. Minimum parking requirements have an unintended side effect of creating excessively sized surface parking areas. Large surface parking areas inhibit walkability by spreading uses apart, create "heat islands," and create/increase the need for stormwater drainage systems. The use of parking maximums is a common approach to limiting the size of surface parking areas, while still providing sufficient parking for uses. In Texas, the City of Kyle uses a maximum of 150%; the Cities of Fort Worth and Midlothian use 125%; the City of Gran Prairie uses a 115% maximum for non-residential buildings over 30,000 square feet; and the Cities of El Paso and San Antonio specify maximums based on land use.

- 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 4-10-17694.1 and Table 4-10-17694.2 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 4-10-17694.1 and Table 4-10-17694.2 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(h)(2)d(~~g~~)(2)d., below. [However, for administrative adjustments, the parking demand study may be prepared by any design professional rather than a professional engineer or transportation planner.²⁵](#)
 - (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) **Special Exceptions.** The Zoning Board of Adjustment may adjust the minimum or maximum number of Off-Street Parking Spaces required by up to 25% through the Special Exception process (see Article V, *Procedures*).
- (h) **Explanation of off-street parking schedules.**
 - (1) **Explanation of Table 4-10-17694.1.**
 - a. Table 4-10-17694.1, *Off-Street Parking Schedule for Residential Uses*, establishes the minimum number of Off-Street Parking Spaces

²⁵ This provision was added based on feedback received from stakeholders.

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 4-10-17694.2.**

- a. Table 4-10-17694.2, *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 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.

- (i) **Unlisted Uses.** The Planning and Development Services Director may determine the parking space requirements for any Use not listed in Table 4-10-17694.1 or Table 4-10-17694.2, 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 ²⁶ | Studio or 1 BR: 1 per DU 2 BR: 1.5 per DU 3 BR or larger: 1.75 per DU | Studio or 1 BR: 1 per DU 2 BR or larger: 1.5 per DU | Studio or 1 BR: 1 per DU 2 BR or larger: 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 |
| 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 or Tiny Home Court | 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

²⁶ The parking ratios for Multiple-Family Dwellings were revised to use a lower ratio for studio and one-bedroom Dwelling Units. Using a bedroom-based ratio is common in communities throughout the country. In fact, six of the seven largest cities in Texas use a bedroom-based ratio for Multiple-Family Dwellings.

Table 4-10-176.2 – Off-Street Parking Schedule for Non-Residential Uses

| Use Category | Number of Off-Street Parking Spaces Required |
|---|---|
| ACCESSORY USES | |
| Accessory Building | -- |
| Carport | -- |
| Farm Accessory Building | -- |
| Kennel (Private) | -- |
| Outdoor Retail Display | -- |
| Swimming Pool (Private) | -- |
| ACCOMMODATIONS & GROUP LIVING USES | |
| Assisted Living Facilities | 1 per 6 rooms or beds |
| Bed and Breakfast | 2 spaces + 1 additional space per guest room |
| Community Residence | 1 per 2 bedrooms |
| Group Living Quarters | 1 per 2 bedrooms |
| Hotel or Motel | 1 per guest room |
| Hotel or Motel with Associated Entertainment Uses(s) | 1 per guest room + all spaces required for the entertainment use(s) |
| Recreational Vehicle Park | 1 per 4 recreational vehicle or camping spaces |
| Short-Term Rental | -- |
| Sporting & Recreational Camps | 1 per 4 persons based on maximum occupancy |
| AGRICULTURAL USES | |
| Agricultural Supply Store | 1 per 500 sf GFA |
| Animal Feeding Lot | 1 per 500 sf GFA |
| Community Garden | 2 spaces |
| Farm, Ranch, or Orchard | -- |
| Greenhouse or Plant Nursery, Retail | 1 per 300 sf GFA |
| Greenhouse or Plant Nursery, Wholesale | 1 per 500 sf GFA |
| Livestock Auction | 1 per 500 sf GFA |
| Hatchery, Poultry | 1 per 500 sf GFA |
| Horse Lot (Commercial) | 1 per 500 sf GFA |
| Horse Lot (Private) | -- |
| Market Garden | 1 per 500 sf GFA |
| Stable (Private) | -- |
| Urban Farm | -- |
| Veterinary Services or Kennels, (including Hospitals) | 1 per 500 sf GFA |
| Veterinary Office Only (excluding Hospitals), without outdoor areas | 1 per 500 sf GFA |
| AUTOMOBILE SERVICE USES | |
| Automobile Glass, Muffler, or Seat Cover Shop | 1 per 500 sf GFA |
| Automobile Parts and Accessory Sales (Indoors) | 1 per 500 sf GFA |
| Automobile, Motorcycle, or Scooter Repair and Maintenance | 1 per 1,000 sf GFA or 3 per service bay, whichever is greater |
| Automobile, Motorcycle, or Scooter Repair and Maintenance, Limited | 1 per 1,000 sf GFA or 3 per service bay, whichever is greater |
| Automobile Storage or Auto Auction | 1 per 500 sf GFA |

Table 4-10-176.2 – Off-Street Parking Schedule for Non-Residential Uses

| Use Category | Number of Off-Street Parking Spaces Required |
|---|--|
| Automobile or Motor Vehicle Sales & Rental, in Building | 1 per 500 sf GFA |
| Automobile or Motor Vehicle Sales & Rental, Outdoor Lot | 1 per 500 sf GFA, plus adequate parking for rental or for-sale vehicles |
| Car Wash | 1 per 500 sf GFA |
| Gasoline Station | 1 space per 200 sf retail Floor Area, excluding fueling positions |
| Heavy Machinery Sales, Rental, or Repair | 1 per 1,000 sf GFA |
| Steam Cleaning of Vehicles or Machinery | 1 per 500 sf GFA |
| Tire Retreading or Capping | 1 per 500 sf GFA |
| COMMERCIAL USES | |
| Alcohol Production Facility | 1 per 1,000 sf GFA |
| Bakery, Wholesale | 1 per 1,000 sf GFA |
| Cabinet and Upholstery Shop | 1 per 500 sf GFA |
| Cleaning, Dyeing or Laundry Plant | 1 per 1,000 sf GFA |
| Contractor Storage or Equipment Yard | 1 per 500 sf GFA plus 1 per each 5,000 sf of storage yard |
| Crematory | 1 per 500 sf GFA |
| Event Venue | 1 per 50 sf GFA |
| Flea Market (Screened) | 1 per 300 sf of leasable area |
| Flea Market (Unscreened) | 1 per 300 sf of leasable area |
| Laboratory Manufacturing | 1 per 1,000 sf GFA |
| Laboratory, Scientific or Research | 1 per 500 sf GFA |
| Light Fabrication and Assembly Processes | 1 per 1,000 sf GFA |
| Milk Depot, Dairy, or Ice Cream Plant | 1 per 1,000 sf GFA |
| Mobile Home Sales or Rental | 1 per 500 sf GFA |
| New Building Material Sales and/or Storage | 1 per 400 sf GFA up to 30,000 sf, plus 1 per 600 sf GFA above 30,000 sf |
| Outdoor Storage | 1 per each 5,000 sf of outdoor storage |
| Pest Control Service | 1 per 500 sf GFA |
| Petroleum Products Storage and Wholesale | 1 per 1,000 sf GFA |
| Portable Building Sales | 1 per 500 sf GFA |
| Self-Storage Facility | 1 per 1,000 sf GFA |
| Sign Manufacturing Shop | 1 per 1,000 sf GFA |
| Specialty Trade Contractor | 1 per 500 sf GFA |
| Storage Facility | 1 per 1,000 sf GFA |
| Storage Warehouse | 1 per 1,000 sf GFA |
| Welding or Machine Shop | 1 per 500 sf GFA |
| Wholesale Office, Storage, or Sales Facilities | 1 per 500 sf GFA |
| EDUCATIONAL AND INSTITUTIONAL USES | |
| Cemetery or Mausoleum | -- |
| College or University | 1 per classroom, laboratory, or instruction area + 1 per 4 students based on design capacity |
| Commercial Day Care Facility | 1 per 200 sf GFA |
| Community Center | 1 per 250 sf GFA |
| Criminal Justice Halfway House | 1 per 4 rooms or beds |



Table 4-10-17691.2 – Off-Street Parking Schedule for Non-Residential Uses

| Use Category | Number of Off-Street Parking Spaces Required |
|--|---|
| Cultural Facility | 10 spaces + 1 additional space per each 300 sf GFA |
| Fairgrounds or Exhibition Area | <i>Parking demand forecast required</i> |
| Fire Station | 1 per 500 sf GFA |
| Philanthropic, Civic, Professional, and Similar Organizations | 4 per 300 sf GFA |
| Hospital | <i>Parking demand forecast required</i> |
| Library (Public) | 10 spaces + 1 additional space per each 300 sf GFA |
| Philanthropic, Civic, Professional, and Similar Organizations | 1 per 300 sf GFA |
| Public Building, Office of Local, State, or Federal Agency | 1 per 250 sf GFA |
| Religious Facility | 1 per 100 sf GFA |
| Residential Day Care Facility | 1 per 200 sf GFA |
| School, Business | 1 per 500 sf GFA |
| School, Commercial Trade | 1 per 500 sf GFA |
| School, Private , Elementary, or Secondary | <i>For Elementary & Junior High Schools: 1 per classroom + 1 per 4 seats in any auditorium, gymnasium, or other place of assembly For High Schools: 1 per classroom, laboratory, or instruction area + 1 per 4 students based on design capacity</i> |
| School, Public or Denominational | <i>For Elementary & Junior High Schools: 1 per classroom + 1 per 4 seats in any auditorium, gymnasium, or other place of assembly For High Schools: 1 per classroom, laboratory, or instruction area + 1 per 4 students based on design capacity</i> |
| Shelter | 1 per 6 rooms or beds |
| ENTERTAINMENT AND RECREATIONAL USES | |
| Adult Business | 1 per 500 sf GFA |
| Topless Establishment | 1 per 500 sf GFA |
| Amusement, Commercial (Indoor) | 30 spaces + 1 additional space per each 100 sf GFA over 2,000 sf |
| Amusement, Commercial (Outdoor) | 30 spaces + 1 additional space per each 100 sf GFA over 2,000 sf |
| Country Club | 1 per 4 persons based on maximum occupancy |
| Day Camp for Children | <i>Parking demand forecast required</i> |
| Drag Strip or Commercial Racing | 1 per 4 persons based on maximum occupancy |
| Golf Course | 1 per 4 persons based on maximum occupancy |
| Park or Playground | 1 per 400 sf |
| Playfield or Stadium | 1 per 4 persons based on maximum occupancy |

Table 4-10-176.2 – Off-Street Parking Schedule for Non-Residential Uses

| Use Category | Number of Off-Street Parking Spaces Required |
|--|--|
| Riding Club | 1 per 4 persons based on maximum occupancy |
| Rodeo Grounds | 1 per 4 persons based on maximum occupancy |
| Shooting Range (Indoor) | 2 spaces + 1 additional space per shooting position |
| Shooting Range (Outdoor) | 2 spaces + 1 additional space per shooting position |
| Sports Club <u>(not otherwise listed)</u> | 1 per 4 persons based on maximum occupancy |
| Swim or Tennis Club | 1 per 4 persons based on maximum occupancy |
| Swimming Pool (Commercial) | 1 per 4 persons based on maximum occupancy |
| Theater or Playhouse in Building | 1 per 4 seats; or for theaters with more than 10 movie screens—1 per 3.5 seats |
| Theater (Drive-In) | -- |
| Zoo | <i>Parking demand forecast required</i> |
| MANUFACTURING AND INDUSTRIAL USES | |
| <u>Fertilizer Manufacturing or Mixing Plant</u> | <u>1 per 1,000 sf GFA</u> |
| Landfill (Nonputrescible Material) | 1 per 500 sf GFA |
| Sanitary Landfill | 1 per 500 sf GFA |
| Light Manufacturing or Industrial Uses <u>(not otherwise listed) as Defined By Section 4-10-292, Performance Standards for Light Industrial Uses</u> | 1 per 1,000 sf GFA |
| Heavy Manufacturing or Industrial Uses <u>(not otherwise listed) as Defined By Section 4-10-293, Performance Standards For Heavy Industrial Uses</u> | 1 per 1,000 sf GFA |
| NATURAL RESOURCE STORAGE AND EXTRACTION USES | |
| Caliche Pit and Storage Area | 1 per 1,000 sf GFA |
| Mining and Storage of Mining Waste <u>(not otherwise listed)</u> | 1 per 1,000 sf GFA |
| Petroleum Collecting and Storage Facilities | 1 per 1,000 sf GFA |
| Petroleum or Gas Well | 1 per 1,000 sf GFA |
| Topsoil Earth, Stone, Sand, or Gravel Extraction or Storage | 1 per 1,000 sf GFA |
| RETAIL AND SERVICE USES | |
| Bank or Financial Institution | 1 per 600 sf GFA |
| Business Service Establishment | 1 per 400 sf GFA |
| Catering Service | 1 per 1,000 sf GFA |
| <u>Coffee Shop, with or without drive-thru or drive-in service</u> | <u>1 per 50 sf of usable seating area</u> |
| Corner Store | 1 per 400 sf GFA |
| Cleaning and Laundry Service, including Self-Service Laundry | 1 per 400 sf GFA |
| Credit Access Businesses | 1 per 400 sf GFA |
| Drug Store or Pharmacy | 1 per 300 sf GFA |

Table 4-10-176.2 – Off-Street Parking Schedule for Non-Residential Uses

| Use Category | Number of Off-Street Parking Spaces Required |
|---|--|
| Eating Places, (without drive-thru or drive-in service)(not otherwise listed) | 1 per 50 sf of usable seating area |
| Eating Places, (with drive-thru or drive-in service)(not otherwise listed) | 1 per 50 sf of usable seating area |
| Florist Shop | 1 per 300 sf GFA |
| Laboratory, Medical or Dental | 1 per 500 sf GFA |
| Mobile Food Units | -- |
| Mobile Ice Cream/Frozen Dessert Vehicles | -- |
| Morgue, Mortuary, or Ambulance Service | 1 per 500 sf GFA |
| Non-Motorized Food Vending Cart | -- |
| Offices, General Business or Professional | 1 per 400 sf GFA |
| Offices and Clinics, Medical or Dental | 1 per 300 sf GFA |
| Optical Shop or Laboratory | 1 per 400 sf GFA |
| Pawn Shop | 1 per 300 sf GFA |
| Personal Service Establishments (not otherwise listed) | 1 per 300 sf GFA |
| Personal Storage Facility | 1 per 1,000 sf GFA |
| Pet Care Services | 1 per 300 sf GFA |
| Repair Services | 1 per 400 sf GFA |
| Retail Trade Establishments not otherwise listed | 1 per 300 sf GFA up to 20,000 sf, plus 1 per 500 sf GFA above 30,000 sf |
| Tattoo Studio | 1 per 300 sf GFA |
| Tool and Light Vehicle Retail and Sales (Not Heavy Machinery) | 1 per 300 sf GFA |
| SPECIAL INDUSTRIAL PROCESSES | |
| Asphalt or Concrete Batching Plant | 1 per 1,000 sf GFA |
| Brick Kiln or Tile Plant | 1 per 1,000 sf GFA |
| Cement or Hydrated Lime Plant | 1 per 1,000 sf GFA |
| Dump or Sanitary Fill Area | 1 per 1,000 sf GFA |
| Hazardous Waste Collection, Processing, or Disposal | 1 per 1,000 sf GFA |
| Junk or Salvage Yard | 1 per 1,000 sf GFA |
| Recycling Collection Facility | 1 per 1,000 sf GFA |
| Receiving Center for Recyclable Items | 1 per 1,000 sf GFA |
| Slaughter House or Meat Packing Plant | 1 per 1,000 sf GFA |
| Smelter or Refinery | 1 per 1,000 sf GFA |
| TEMPORARY USES | |
| All Temporary Uses | <i>Subject to Temporary Use Permit</i> |
| TRANSPORTATION-RELATED USES | |
| Airport | <i>Parking demand forecast required</i> |
| Airstrip or Landing Field | -- |
| Bus Station or Terminal | <i>Parking demand forecast required</i> |
| Hauling or Storage Company | 1 per 1,000 sf GFA |
| Heliport | <i>Parking demand forecast required</i> |
| Helistop | -- |
| Helistop, Small | -- |
| Motor Freight Terminal | 1 per 1,000 sf GFA |
| Railroad Freight Terminal | 1 per 1,000 sf GFA |



Table 4-10-17691.2 – Off-Street Parking Schedule for Non-Residential Uses

| Use Category | Number of Off-Street Parking Spaces Required |
|--|--|
| Railroad Passenger Station | <i>Parking demand forecast required</i> |
| Railroad Track or Right of Way | -- |
| Railroad Team Track | 1 per 1,000 sf GFA |
| Railroad Yard or Roundhouse | 1 per 1,000 sf GFA |
| Parking Lot or Structure (Commercial Auto) | -- |
| Parking Lot, Truck/Truck Stop | -- |
| UTILITY USES | |
| Communication and Broadcast Towers | 1 space + a paved driveway for vehicular access to the tower |
| Electrical Substation | 1 space + a paved driveway for vehicular access to the substation |
| Electrical Energy Generating Plant or Wind Generator | 1 per 1,000 sf GFA |
| Electrical Transmission Line | -- |
| Gas Line and Regulating Station | 1 per 500 sf GFA |
| Local Utility Line | -- |
| Public Building, Shop, or Yard of Local, State, or Federal Agency | 1 per 500 sf GFA |
| Radio, Television or Microwave Station | 1 space + a paved driveway for vehicular access to the tower |
| Radio or Television Transmitting Station | 1 space + a paved driveway for vehicular access to the tower |
| Sewage Pumping Station | 1 space + a paved driveway for vehicular access to the pumping station |
| Sewage Treatment Plant | 1 per 500 sf GFA |
| Utility Shops or Storage Yards or Buildings (Private) | 1 per 500 sf GFA |
| Water Standpipe or Elevated Water Storage | 1 space + a paved driveway for vehicular access to the standpipe or water storage |
| Water Reservoir, Well, or Pumping Station | 1 space + a paved driveway for vehicular access to the reservoir, well, or pumping station |
| Water Treatment Plant | 1 per 500 sf GFA |
| ALCOHOL-RELATED USES | |
| Alcohol Production Facilities | 1 per 1,000 sf GFA |
| Brewpubs | 1 per 50 sf of usable seating area |
| BYOB Venue | 1 per 50 sf GFA |
| Drinking Places or other On-Premise Primary Use Sales and Service | 1 per 50 sf of usable seating area |
| On-Premise Incidental Use Sales and Service by an Eating Place | same as Eating Place |
| On-Premise Incidental Use Sales and Service by a Business Other than an Eating Place | Determined by Primary Use |
| Off-Premise Alcoholic Beverage Sales | Determined by Primary Use |

Key: sf = square feet | GFA = Gross Floor Area | -- = no spaces required

Sec. 4-10-187~~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 procedure (see Article V, *Procedures*).
- (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 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 ([ULI](#)), or another generally accepted resource for parking demand data.

Sec. 4-10-188Sec. 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 Table 4-10-~~193~~[178](#).1.
 - b. The total minimum length of a queuing lane is specified by the number of cars the lane must accommodate. The standard length of one car is 21 feet.
 - c. 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.

Table 4-10-~~193~~[178](#).1 – Vehicle Queuing Lane Lengths

| Land Use | Number of Cars | Length (min) |
|---------------------------|----------------|--------------|
| Bank | 5 | 105 ft |
| Car Wash | 8 | 168 ft |
| Coffee Shop and Breakfast | 9 | 189 ft |
| Fast Food | 9 | 189 ft |



Table 4-10-193179.1 – Vehicle Queuing Lane Lengths

| Land Use | Number of Cars | Length (min) |
|------------|----------------|--------------|
| Oil Change | 5 | 105 ft |
| Pharmacy | 4 | 84 ft |

Key: min = minimum required | ft = feet

- (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.

~~Sec. 4-10-189~~Sec. 4-10-179. - Reserved.

~~Sec. 4-10-190~~Sec. 4-10-180. - Reserved.

~~Sec. 4-10-191~~Sec. 4-10-181. - Reserved.

~~Sec. 4-10-192~~Sec. 4-10-182. - Reserved.

~~Sec. 4-10-193~~Sec. 4-10-183. - Reserved.

~~Sec. 4-10-194~~Sec. 4-10-184. - Reserved.



~~Division 6.~~ **DIVISION 5. - PERFORMANCE STANDARDS**

~~Sec. 4-10-195~~ **Sec. 4-10-185. - 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~~ **Sec. 4-10-186. - Applicability.**

- (a) ~~The following~~ **All** standards ~~shall in this Division~~ 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. 4-10-189, *Noise*, Sec. 4-10-190, *Smoke and Particulate Matter*, and Sec. 4-10-192, *Vibration*, apply to all Lots within the City regardless of the Use or the Zoning District.
- (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.

~~Sec. 4-10-197~~ **Sec. 4-10-187. - 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.

~~Sec. 4-10-198~~ **Sec. 4-10-188. - 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.

~~Sec. 4-10-199~~Sec. 4-10-189. - 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.

~~Sec. 4-10-200~~Sec. 4-10-190. - 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 [this](#) subsection (b)~~(1) and (2)~~ shall not apply.

- (c) 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.
- (d) 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.

Sec. 4-10-201~~Sec. 4-10-191.~~ - 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.

Sec. 4-10-202~~Sec. 4-10-192.~~ – 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 Table 4-10-~~192~~**207**.1 in the frequency ranges specified.

Table 4-10-~~192~~207**.1 – Frequency Cycles for Vibration**

| Frequency cycles per second | Displacement (in inches) |
|-----------------------------|--------------------------|
| 0 to 10 | .0010 |
| 10 to 20 | .0008 |
| 20 to 30 | .0005 |
| 30 to 40 | .0004 |



Table 4-10-~~192~~207.1 – Frequency Cycles for Vibration

| Frequency cycles per second | Displacement (in inches) |
|-----------------------------|--------------------------|
| 40 and over | .0003 |

~~Sec. 4-10-203~~[Sec. 4-10-193.](#) - Reserved.

~~Sec. 4-10-204~~[Sec. 4-10-194.](#) - Reserved.

~~Sec. 4-10-205~~[Sec. 4-10-195.](#) - Reserved.

~~Sec. 4-10-206~~[Sec. 4-10-196.](#) - Reserved.

~~Sec. 4-10-207~~[Sec. 4-10-197.](#) - Reserved.

~~Sec. 4-10-208~~[Sec. 4-10-198.](#) - Reserved.

~~Sec. 4-10-209~~[Sec. 4-10-199.](#) - Reserved.



ARTICLE V. - PROCEDURES

DIVISION 1. - GENERAL PROVISIONS

~~Sec. 4-10-210~~**Sec. 4-10-200.** - General procedural requirements and authority.

- (a) This Article establishes the procedures to process Applications that are filed under this Chapter. All decisions on Applications must be made in accordance with the criteria in the Zoning Ordinance, City Code, and applicable Texas law related to the scope of decision-making authority and discretion.
- (b) This Article sets up rules for procedures, such as pre-application, notices, and public hearings. It then describes the process for specific land use decisions. The procedures generally share a common workflow and description, as follows:

Table 4-10-20015.1 - Procedure Workflows

| Element | Meaning |
|--------------------------|---|
| Purpose | Explains the reasons for a particular procedure. |
| Applicability | The type of Development or situation that is subject to the process. |
| Initiation | This is how the Applicant begins the process, including which department or official receives the Application. |
| Completeness | This is how the City of Amarillo determines that the Application has sufficient information to be processed. |
| Notice | This describes the type of notice, and how it is provided. |
| Approval Process | This states who approves the Application, and the type of proceeding that leads to the decision. |
| Approval Criteria | These are any standards that apply to the Application. All Applications are subject to this Chapter and Zoning District regulations. |
| Reapplication | If an Application is denied, some processes have a waiting period before that type of Application can be re-filed for the property. |
| Appeals | This provides a way to review an Application that is denied, or that has conditions the Applicant disagrees with. |
| Scope of Approval | This states the activities that the Application authorizes. For example, some approvals send the Applicant to the next step in the overall process, while others authorize construction or Use. |
| Recordkeeping | Some procedures have specific requirements for maintaining records of Applications and actions, which are included in this Article. City record retention policies govern other recordkeeping requirements. |

- (c) The City may not require, as a condition of development approval, that the developer bear a portion of the costs of public facilities by the making of dedications, the payment of monies, or payment of construction costs in excess of amounts required to offset the proposed development’s roughly proportionate impact on public facilities.

Sec. 4-10-211~~Sec. 4-10-201.~~ - Completeness review.

(a) **Generally.**

- (1) Applications filed under this Chapter must include the information required by Article XI, *Submittal Requirements*.
- (2) All Applications shall be made on forms prepared by the City and available from the Planning & Development Services Department. The Application form itself shall not be altered in any way.
- (3) All Applications shall be accompanied by payment of the required fee, as specified in Article XI, *Submittal Requirements*.

(b) **When Applications Deemed Complete.**

- (1) The City will not process incomplete Applications.
- (2) An Application is not complete until the Applicant submits all required items (see Article XI, *Submittal Requirements*).
- (3) When Applications are filed, the Planning Director will review them for completeness. A time period required by this Chapter to process an Application does not commence until the Planning Director determines that the Application is properly submitted and the Applicant has corrected any deficiencies in the Application. Review for completeness of Application forms is solely to determine whether preliminary information required for submission with the Application is sufficient to allow further processing. It does not constitute a decision as to whether an Application complies with this Chapter.
- (4) The Planning Director will determine whether the Application is complete and will transmit the determination to the Applicant within 10 business days of the application filing date.²⁷
 - a. If the Director determines that the Application is not complete, the Director will specify those parts of the Application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the Application.
 - b. The Director and the Review and Decision-Making Bodies are not obligated to further review the Application until the required information is provided.
 - c. If the Applicant fails to provide the required information within 45 days of the application filing date,²⁸ then the Application is expired.

²⁷ Consistent with Texas LGC Chapter 245, Sec. 245.002(e). Note the Subdivision Ordinance requires the completeness review to be completed within two days of Application submittal (Sec. 4-6-10).

²⁸ Consistent with Texas LGC Chapter 245, Sec. 245.002(e). [Sec. 245.002\(e\) allows a local government to provide that a permit application expires on or after the 45th day after the date the application is filed if certain statutory provisions are met, including providing a](#)

(c) **Application and Submission Deadlines.**

- (1) The Planning Director or the Review and Decision-Making Bodies may provide submission deadlines for materials required in support of any Application provided for in this Chapter.
- (2) Compliance with those deadlines is required to have the Application placed on an agenda to be heard by the Review or Decision-Making Body.

~~Sec. 4-10-212~~**Sec. 4-10-202.** - Pre-application conference.

(a) **Applicability.**

- (1) Pre-application conferences are required for all of the following types of Applications:
 - a. Site Plans,
 - b. Rezoning to a Planned District, and
 - c. Specific Use Permits.
- (2) The Planning Director may waive the pre-application conference requirement upon finding the Applicant has sufficient familiarity with the approval process that a pre-application conference would not serve a valid purpose.
- (3) An Applicant may request a pre-application conference for any other type of Application required by this Chapter.

(b) **Timing.**

- (1) The pre-application conference should occur at least 10 days before the Application is filed.
- (2) Prior to the scheduled pre-application conference, the Applicant may submit to the Planning Director a copy of plans and information relevant to the Application.

(c) **Conference contents.**

- (1) The pre-application conference is for informational purposes, and no formal decisions are made.

[completeness determination within 10 days of application submittal. If the City does not want to include this 45-day application expiration, the 10-day timeframe for completeness determination could be changed to two days for consistency with the Subdivision Ordinance. Note that if the City wants to keep the 45-day application expiration timeframe, staff could have an internal policy to provide a completeness determination within two days \(for consistency with the Subdivision Ordinance\)—which is less time than the statutorily-mandated 10-day timeframe.](#)

- (2) The Applicant shall provide a brief overview of the project, including proposed location, Uses, Densities, project layout, design features, and other information relevant to the Application.
 - (3) The Planning Director will provide information and comments at the pre-application conference, but will not take formal action on the Application. In addition to providing verbal information, the Director department may provide a pre-application conference checklist.
 - (4) The Applicant's and Planning Director's comments are for purposes of information, but are not binding on either the City or the Applicant.
 - (5) A submittal item may be waived as part of this review if determined to be unnecessary, already known, or needed at a future stage.
 - (6) The pre-application conference may include the following:
 - a. Discussion of the extent to which the proposed Application conforms to Chapter 4-10, other applicable provisions of the code of ordinances, and other applicable regulations;
 - b. A discussion of technical studies, plans, and other information deemed relevant to the specific Application request;
 - c. A discussion regarding possible modifications to the Application, if warranted;
 - d. Discussion of the anticipated level of citizen interest;
 - e. Identification of public hearing or meeting requirements, if applicable; and
 - f. A discussion of the general project consistency with the Comprehensive Plan.
 - (7) The Planning Director may request input on the proposed application from other City departments, state agencies, utility providers, and other reviewing agencies.
- (d) **Documentation.** The Planning Director may record in writing (paper or electronic) any pertinent information concerning the proposed Application, as described by the Applicant, as well as a brief record of written or verbal guidance provided by City staff or other reviewing agencies.

~~Sec. 4-10-213~~Sec. 4-10-203. - Notice provisions.

- (a) **Generally.**
 - (1) This Section establishes various requirements for public notice.

- (2) Table 4-10-204.1, along with subsection (b), describes the various types of notice and its contents. More specific notice requirements are located in each procedural section.

| Table 4-10-204.1 – Type & Description of Notice | |
|---|---|
| Type of Notice | Description |
| Publication | Notice is placed in a newspaper of general circulation in the city. |
| Mail | The Director will mail the notices. Regular mail is sufficient, unless certified mail is required by a specific process or state law. Notices are mailed to the property owner(s) listed in the City or county tax records. |
| Electronic Transmission²⁹ | The City may communicate with the Applicant or persons requesting notice by electronic transmission. Electronic transmission may include email, or communication through social media, or online notification procedures established by the Director. |

- (b) **Required Information.** Notice shall include the following information, unless the process includes a different requirement:
 - (1) A brief summary of the proposed ordinance or Application;
 - (2) Time, date, and place of the public hearing or meeting;
 - (3) The type of land Use or Development decision that is being considered including, for Rezoning, the current and proposed Zoning District classifications;
 - (4) A telephone point of contact within the Department;
 - (5) The Department’s website address (URL); and
 - (6) The address or location of the subject Lot(s).
- (c) **Failure to Provide Notice.** The failure of the City of Amarillo to provide any notice not otherwise required under state law does not affect the validity of any action undertaken pursuant to this Chapter, and no person may challenge an action for lack of notice where the City has complied with the applicable state law governing notice.

Sec. 4-10-214 Sec. 4-10-204. - Public hearings.

- (a) **Purpose.** A public hearing gives interested parties an opportunity to be heard.
- (b) **Public input and recordkeeping.** If an Application requires a public hearing:

²⁹ The requirement for Electronic Notice is new, and is proposed to apply to Comprehensive Plan Amendments, Text Amendments, Rezoning, SUPs, Appeals, Special Exceptions, and Variances. As currently drafted, Electronic Notice is only required to the Applicant.



- (1) The Review and Decision-Making Bodies will allow the Applicant and all other interested parties a reasonable and fair opportunity to be heard, present evidence relevant to the Application, and rebut evidence presented by others.
- (2) The Review and Decision-Making Bodies will make an accurate written summary of the proceedings.
- (c) **Rules of procedure for public hearings.** The City Council, Planning and Zoning Commission, and Zoning Board of Adjustment may adopt rules of procedure for public hearings by resolution or bylaws.
- (d) **Continuance of a public hearing.** If an Application that is subject to a public hearing is continued or otherwise carried over to a subsequent date and the public hearing is opened, then the public hearing does not conclude until the date on which the hearing is formally closed. No additional notices are required if the public hearing is continued.

~~Sec. 4-10-215~~Sec. 4-10-205. - *Approval timeframes.*

- (a) All zoning-related Applications are subject to the approval procedures and timeframes specified in Division 2 for the particular Application.
- (b) However, if a zoning-related Application is submitted in conjunction with a Preliminary Plan Application, Plat Application, or Construction Plan Application, the approval timeframes specified in Chapter 4-6 - *Platting and Subdivision Improvement and Maintenance* apply to both Applications.
- (c) The approval timeframes specified in Chapter 4-6 are required by and consistent with Texas LGC Chapter 212, Sec. 212.009 through Sec. 212.0097.

~~Sec. 4-10-216~~Sec. 4-10-206. - *Reserved.*

~~Sec. 4-10-217~~Sec. 4-10-207. - *Reserved.*

~~Sec. 4-10-218~~Sec. 4-10-208. - *Reserved.*

~~Sec. 4-10-219~~Sec. 4-10-209. - *Reserved.*

DIVISION 2. - SPECIFIC PROCEDURES

Sec. 4-10-220 Sec. 4-10-210. - Summary of procedures.

- (a) The procedures established in this Division are summarized in Table 4-10-21025.1.
- (b) The approval process for all procedures begins with review by City staff. Staff typically provides a written and/or oral report to the Review and Decision-Making Bodies. This report typically notes the recommendations or actions of other Review and Decision-Making Bodies that have considered an Application or proposal.

Table 4-10-21025.1 - Summary of Procedures

| Procedure | Review, Decision-Making, & Appeal Bodies | | | | | Notices | | | |
|--|--|-----|----------------|-----|----|---------|-------------|------|------------|
| | Staff | DRC | UDHPC | PZC | CC | ZBA | Publication | Mail | Electronic |
| Landscaping and Irrigation Plans | D | | | | | A | | | |
| Site Plans | D | R | | A | | | | | |
| Comprehensive Plan Amendments | R | | | R | D | | • | | • |
| Text Amendments | R | | | R | D | | • | | • |
| Rezoning | R | | R ¹ | R | D | | • | • | • |
| Specific Use Permits | R | | R ¹ | R | D | | • | • | • |
| Certificates of Appropriateness | R/D | | D | | | A | | | |
| HP-O District Designation Process | R | | R | R | D | | • | • | |
| H-L Designation Process | R | | R | R | D | | | | |
| Certificates of Occupancy & Compliance | D | | | | | A | | | |
| Appeals | R | | | | | D | • | • | • |
| Special Exceptions | R | | R ¹ | | | D | • | • | • |
| Variances | R | | R ¹ | | | D | • | • | • |

Key: Staff = Planning and Development Department staff or the Building Official, as applicable, who may seek input from staff in other City departments or other agencies as needed | DRC = Development Review Committee | UDHPC = Urban Design & Historic Preservation Commission | PZC = Planning & Zoning Commission | CC = City Council | ZBA = Zoning Board of Adjustment | R = Review Body | D = Decision-Making Body | A = Appeal Body

¹Only for applications involving a Lot or Lots where a COA is required.



Sec. 4-10-221**Sec. 4-10-211.** - Landscaping and Irrigation Plans.

- (a) **Purpose.** The purpose of a Landscaping and Irrigation Plan is to verify compliance with the provisions of Article IV, Division [32](#), *Landscaping & Screening*.
- (b) **Applicability.** Landscaping and Irrigation Plans are required for all Non-Residential and Multiple-Family land Uses that are subject to the provisions of Article IV, Division [32](#), *Landscaping & Screening*.
- (c) **Initiation.** An Application for approval of a Landscaping and Irrigation Plan:
 - (1) Is filed with the Planning and Development Services Department and
 - (2) May be submitted concurrently with a Site Plan Application (see Sec. 4-10-212).
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (e) **Notice.** Notice of the Application is not required.
- (f) **Approval Process.**
 - (1) **Consideration of Application.** The Department shall review an Application for a Landscaping and Irrigation Plan when it is complete.
 - (2) **Time to act upon Application.**
 - a. Unless otherwise provided for the specific Use or situation, the Department shall approve the Landscaping and Irrigation Plan with or without conditions or disapprove it within 45 days³⁰ of receipt of the complete Application.
 - b. If no decision is made by the Department within the 45-day period, the Landscaping and Irrigation Plan is considered approved.
 - (3) **Determination in writing.** The Department shall state the approval (and any conditions, if applicable) or reasons for disapproval in writing.
 - (4) **Requests for additional information.** Before acting on an Application for a Landscaping and Irrigation Plan, the Department may require the Applicant to furnish further relevant information necessary to enable the Department to comply with the standards for approving an Application specified in subsection (g), below.
- (g) **Approval Criteria.** A Landscaping and Irrigation Plan must:
 - (1) Achieve at least [25-20](#) points in the landscape point system established in Sec. 4-10-148, *Landscaping point system*; and

³⁰ Texas Local Government Code Chapter 245, Section 245.002(e) allows a regulatory agency to provide that applications expire on or after the 45th day after application filing.

- (2) Demonstrate compliance with the requirements in Article IV, Division [32](#), *Landscaping & Screening*; or
 - (3) Propose alternative compliance standards in accordance with Sec. 4-10-149, *Alternative compliance*.
- (h) **Reapplication.** There are no limits on refiling a withdrawn or disapproved Landscaping and Irrigation Plan Application.
- (i) **Appeals.** Action on a Landscaping and Irrigation Plan is appealable to the Zoning Board of Adjustment in accordance with Sec. 4-10-221, *Appeals of administrative and UDHPC decisions*.
- (j) **Scope of Approval.**
- (1) Approved Landscaping and Irrigation Plan Applications are valid for two years from the date of approval.³¹
 - (2) Approval of a Landscaping and Irrigation Plan authorizes the Applicant to submit an Application for a paving permit or a building permit.

Sec. 4-10-222Sec. 4-10-212. - Site Plans.

- (a) **Purpose.**
- (1) The purpose of a Site Plan is to ensure that a Development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.
 - (2) The Site Plan review and approval process is intended to promote, among other items, the efficient and harmonious use of land, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, and landscaping.
- (b) **Applicability.**
- (1) Approval of a Site Plan is required prior to:
 - a. The Development of any new Use or Structure, except single-family detached (excluding manufactured home parks), Townhouse, or Duplex dwellings within the city limits; and
 - b. Any change in Use, when the new Use is subject to Use regulations (see Article III, *Use Regulations*); and

³¹ Consistent with Texas LGC Chapter 245, Sec. 245.004(1).

- c. Any new or modified Off-Street Parking Space, except those associated with the Uses listed in (b)(1)a., above.³²
 - (2) Accessory Uses are exempt if the Accessory Use is incidental to an established development and results in:
 - a. No change in Use, and
 - b. No increase in traffic or is used only for storage and/or warehousing.
 - (3) A Proposed Development Plan (see Article XI, *Submittal Requirements*) approved as part of a Planned District or Specific Use Permit shall be considered a Site Plan approval.
- (c) **Initiation.** An Application for approval of a Site Plan:
 - (1) Is filed with the Planning and Development Services Department, and
 - (2) Shall be submitted prior to or concurrently with a building permit Application, and
 - (3) May be submitted concurrently with a Landscaping and Irrigation Plan Application (see Sec. 4-10-211).
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (e) **Notice.** Notice of the Application is not required, unless specifically required for the Use or situation by this Chapter.
- (f) **Approval Process.**
 - (1) A Site Plan is reviewed and approved, approved with conditions, or disapproved by the Planning and Development Services Director following a review and recommendation by the Development Review Committee (DRC).
 - (2) The DRC shall meet within 10 working days after submission of a complete Site Plan Application to review such Application for compliance with this Chapter and other applicable City ordinances.
 - (3) Before reviewing a Site Plan Application, the DRC may require the Applicant to furnish further relevant information necessary to enable the DRC to comply with the standards for approving an Application specified in subsection (g), below.
 - (4) After completing its review of a Site Plan and determining that a recommendation for approval is the appropriate action, the DRC shall return the Site Plan and all pertinent data, together with a written list of conditions that the Site Plan shall meet as part of such recommendation (if applicable), to the Planning Director or his designee.

³² Chapter 4-10 - Article V. Division 2. Sec. 4-10-212(b)(1)b. and c. clarify/expand the applicability of Site Plans.

- (5) The Applicant shall then submit, to the Planning Director, one hard copy and one digital copy of the revised Site Plan with all conditions and modifications shown or attached.
 - (6) Before the Site Plan is officially approved, the Planning Director shall review the Site Plan to ensure compliance with the conditions imposed by the DRC to ensure compliance with City regulations. If the Planning Director approves the Site Plan, the Site Plan shall then be dated for recording by the Planning Director.
 - (7) The Planning Director may approve issuance of permits following Site Plan approval when it is deemed that the required corrections to the Site Plan are minor in nature.
- (g) **Approval Criteria.**
- (1) The Planning Director and DRC shall review the Site Plan for compliance with all applicable City ordinances with respect to the following:
 - a. The plan's compliance with applicable provisions of the Zoning Ordinance and other applicable ordinances including, but not limited to:
 1. Article II, *Zoning Districts*;
 2. Article III, *Use Regulations* (if applicable); and
 3. Article IV, *Development Standards*.
 - b. The relationship of the Development to adjacent uses in terms of compatibility, access, Setbacks, and any other possible negative impacts;
 - c. The provision of a safe and efficient vehicular and pedestrian circulation system (driveways, etc.);
 - d. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged;
 - e. The sufficient width and suitable grade and location of Streets designed to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to Buildings;
 - f. The coordination and alignment of Streets so as to arrange a safe transportation system based on applicable transportation related codes, sound engineering principles, and consistent with the City's adopted plans, including the Comprehensive Plan and any transportation plans, as amended;

- g. The use of landscaping and fencing to provide adequate screening to shield lights, noise, movement, or activities from adjacent properties where required;
 - h. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties;
 - i. Protection and conservation of water courses and areas that are subject to flooding;
 - j. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants;
 - k. The discharge of pollutants off-site by water, air, or other means; and
 - l. Obtaining a Certificate of Appropriateness when required by the Downtown Urban Design Overlay District or Historic Preservation Overlay District or for an Historic Landmark (see Sec. 4-10-217, *Certificates of Appropriateness*).
- (2) When a Site Plan Application includes two or more Lots proposed for Development as a single, unified site, all Building Setback, landscaping, and screening requirements apply only to the exterior Lot Lines of the unified Development site and not to internal Lot Lines within the unified site.
- (h) **Reapplication.** There is no limit on refileing a withdrawn or disapproved Site Plan Application.
- (i) **Appeals.** Action on a Site Plan is appealable to the Planning and Zoning Commission in accordance with the procedure below:
- (1) The Applicant must file a written notice of appeal in the office of the Planning Director no later than 10 calendar days after the date of the Planning Director's decision on the Application.
 - (2) The notice of appeal shall set forth in clear and concise fashion the basis for the appeal.
 - (3) The Planning and Zoning Commission shall consider the appeal at a public meeting no later than 30 calendar days after the date upon which the notice of appeal was filed.
 - (4) The Planning and Zoning Commission shall determine final approval or denial of a Site Plan Application that is appealed.
- (j) **Scope of Approval.** Approval of a Site Plan Application is considered authorization to proceed with Application for a building permit for the Lot(s).
- (1) **Validity and lapse of Site Plan approval.**

- a. An approved Site Plan Application is valid for a period of two years. An application for a building permit must be submitted within the two-year period for the Site Plan to remain valid.
- b. Construction codes in effect at the time of Site Plan approval shall apply to the Site Plan regardless of any intervening amendments to construction codes, except as provided by law.

(2) **Extension & reinstatement procedure.**

- a. Prior to the lapse of approval for a Site Plan, the Applicant may petition the Planning Director (in writing) to extend the Site Plan approval.
- b. If no petition for extension of Site Plan approval is submitted and granted, then the Site Plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be submitted with a new Application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section.

(3) **Minor revisions/amendments to an approved Site Plan.**

- a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Planning Director has the authority to approve minor modifications to an approved Site Plan. Such minor modifications shall be shown on an amended Site Plan.
- b. For a revision/amendment to be considered minor, the changes shall not cause any of the following circumstances to occur:
 - 1. A change in the character of the development;
 - 2. An increase in the ratio of the Gross Floor Areas in Structures to the area of any Lot;
 - 3. An increase in the intensity of Use;
 - 4. A reduction in the originally approved separations between Buildings;
 - 5. An increase in the potential for safety problems related to vehicular and pedestrian circulation;
 - 6. An increase in the external effects on adjacent property;
 - 7. A reduction in the originally approved Setbacks from Lot lines;
 - 8. An increase in ground coverage by Structures;

9. A reduction in the ratio of off-street parking space to Gross Floor Area in the Structures; and
 10. Any change to an approved Sign(s).
- (4) **Major revisions/amendments to an approved Site Plan.** In the event of revisions that cause any one or more of the circumstances listed in paragraph (3), above, to occur, a new Site Plan must be submitted, reviewed, and approved by the DRC and the Planning Director.

Sec. 4-10-223Sec. 4-10-213. - Comprehensive Plan amendments.³³

- (a) **Purpose.** This Section describes how the City makes changes to the Comprehensive Plan. For example, an applicant may use this procedure to ask the City to change the future land use category designated in the Future Land Use and Character Map for a specific Lot.
- (b) **Applicability.** This Section applies to any Application to amend the Comprehensive Plan, including amendments to the Future Land Use and Character Map.
- (c) **Initiation.**
 - (1) The process to amend any part of the adopted Comprehensive Plan may be initiated by:
 - a. The City Council, by adoption of a motion;
 - b. The Planning and Zoning Commission, by adoption of a motion; or
 - c. Recommendation of the Planning and Development Services Department.
 - (2) The process to amend the Comprehensive Plan Future Land Use Map may be initiated by any of the agencies specified in paragraph (1), above, or by any property owner in the City of Amarillo.
 - a. A property owner may only request a change in the Future Land Use Map designation of their Lot(s).
 - b. When a property owner submits an Comprehensive Plan Amendment Application, the property owner shall concurrently submit a Rezoning Application (see Sec. 4-10-215) for consistency with the proposed Future Land Use Map amendment.

³³ This procedure is not addressed in the current Zoning Ordinance. Texas LGC Chapter 213 gives cities authority to determine its Comprehensive Plan amendment procedure and notice requirements. The only requirement is that the City hold a public hearing and the Planning Commission or Planning Department reviews the request. For this reason, the proposed procedure largely follows that required for Rezoning.

- (3) An Application for a Comprehensive Plan Amendment is filed with the Planning and Development Services Department.
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (e) **Notice.** The notice specified in Table 4-10-21328.1 is required for a Comprehensive Plan Amendment Application.

Table 4-10-21328.1 – Required Notice for Comprehensive Plan Adoption and Amendments

| Type | Required? | To Whom? | When? |
|--------------------------------|-----------|-----------|--|
| Publication | Yes | -- | At least 16 days ³⁴ prior to the Planning and Zoning Commission public hearing; and At least 16 days prior to each City Council public hearing (if applicable) |
| Mail | No | -- | -- |
| Electronic Transmission | Yes | Applicant | At least 10 days prior to each public hearing |

- (f) **Approval Process.**
 - (1) **Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing and provide a recommendation for approval, approval with modifications, or disapproval of the proposed amendment.
 - a. If the Planning and Zoning Commission recommends approval of a Comprehensive Plan Amendment Application, the Application shall be automatically forwarded to the City Council for public hearings and action.
 - b. If the Planning and Zoning Commission recommends disapproval, the Application shall not be processed further and shall not be forwarded to the City Council for public hearing, unless:
 - 1. The Applicant files a written appeal in accordance with subsection (i) below; or
 - 2. The Application was initiated by the City.
 - (2) **City Council.**

³⁴ Revised for statutory compliance. Texas LGC Chapter 211, Sec. 211.006(a) says: "*Before the 15th day* before the date of the hearing, notice of the time and place of the hearing must be published..." [emphasis added].



- a. The City Council shall conduct two public hearings on the proposed Comprehensive Plan Amendment Application.
 - b. Following the second public hearing, the City Council shall approve, approve with modifications, or disapprove the proposed amendment. If approved or approved with modifications, the City Council shall adopt the amendment by resolution.
 - c. The City Council may continue the public hearing for up to 60 days after the date of the second public hearing for further study prior to taking final action on the Comprehensive Plan Amendment Application.
 - d. In rendering its decision, the City Council shall consider, but is not bound by, the recommendation of the Planning and Zoning Commission.
- (g) **Approval Criteria.** In considering any Comprehensive Plan Amendment Application, the Planning and Zoning Commission and City Council shall consider the following criteria:
- (1) Whether the proposed amendment is consistent with other policies and recommendations in the Comprehensive Plan; and
 - (2) Whether the proposed amendment is consistent with other adopted City plans and policies relevant to the Application; and
 - (3) Whether the amendment is consistent with sound planning principles; and
 - (4) Any other factors the Committee, Commission, or Council deem appropriate.
- (h) **Reapplication.** There are no limits on refiling a withdrawn or disapproved Comprehensive Plan Amendment Application.
- (i) **Appeal of Planning and Zoning Commission recommendation for disapproval of a Comprehensive Plan Amendment Application.**
- (1) The Applicant shall submit a written appeal to the Planning and Development Services Department requesting that the Comprehensive Plan Amendment Application proceed to the City Council for a public hearing and action.
 - (2) The Applicant must submit the appeal within 10 days after the date the Planning and Zoning Commission votes to recommend disapproval of the Comprehensive Plan Amendment Application.
 - a. If the appeal is filed by noon of the day following the Planning and Zoning Commission meeting, the Application shall be processed for consideration by the City Council at its next regularly scheduled meeting. No additional Application fees are required.
 - b. If the appeal is filed after noon of the day following the Planning and Zoning Commission meeting, the Application shall require new

publication and mailing of notices and scheduling to the City Council at a later date. The Applicant shall be subject to the Application fee specified in Article XI, *Submittal Requirements*.

- (j) **Scope of Approval.** A Comprehensive Plan Amendment is a formal change in City policy. It does not authorize or require specific actions as a result.

Sec. 4-10-224 Sec. 4-10-214. - Text Amendments.

- (a) **Purpose.** This Section describes how the City makes changes to the text of this Zoning Ordinance.
- (b) **Applicability.** This Section applies to any proposal to amend the text of the Zoning Ordinance (Chapter 4-10).
- (c) **Initiation.** The process to amend the text of the Zoning Ordinance may be initiated by:
 - (1) The City Council, by adoption of a motion; or
 - (2) The Planning and Zoning Commission, by adoption of a motion; or
 - (3) Recommendation of the Planning and Development Services Department.
- (d) **Notice.** The notice required by Table 4-10-21429.1 applies to any Text Amendment.

Table 4-10-21429.1 – Required Notice for Zoning Ordinance Text Amendments

| Type of Notice | Required? | To Whom? | When? |
|--------------------------------|-----------|----------|---|
| Publication | Yes | -- | At least 16 days prior to the Planning and Zoning Commission public hearing |
| Mail | No | -- | -- |
| Electronic Transmission | No | | |

- (e) **Approval Process.**
 - (1) **Urban Design and Historic Preservation Commission.** If the Text Amendment pertains to the D-O or HP-O Districts or Historic Landmarks, the Planning Director may request a recommendation on the Text Amendment from the UDHPC at its next regularly scheduled meeting.
 - (2) **Planning and Zoning Commission.**
 - a. The Planning and Zoning Commission shall conduct a public hearing at a regularly scheduled meeting and provide a recommendation to City Council for approval, approval with modifications, or disapproval of the proposed Text Amendment.



- b. The Planning and Zoning Commission may continue the public hearing for up to 30 days for further study prior to making its final recommendation.
- c. If the Planning and Zoning Commission recommends approval of a Text Amendment, the Text Amendment shall be automatically forwarded to the City Council for public hearings and action.
- d. If the Planning and Zoning Commission recommends disapproval, the Text Amendment shall not be processed further and shall not be forwarded to the City Council for public hearing.

(3) **City Council.**

- a. The City Council shall conduct two public hearings on the proposed Text Amendment. Following the second public hearing, the City Council shall approve or disapprove the Text Amendment.
- b. The City Council may continue the public hearing for up to 60 days after the date of the second public hearing for further study prior to taking final action on the Text Amendment.
- c. In rendering its decision, the City Council shall consider, but is not bound by, the recommendation of the Planning and Zoning Commission.
- d. If the City Council receives a valid protest petition in accordance with paragraph (4), below, approval of the Text Amendment requires a favorable vote by at least three-fourths of all Council members.³⁵

(4) **Protest Petitions.**

- a. Prior to final City Council action on a Text Amendment, affected property owners may submit written protest petitions against the proposed Text Amendment.
- b. The protest petition(s) must be filed with and verified by the City Secretary at least 3 business days prior to the advertised date of the City Council public hearing on the proposed Text Amendment.
- c. The protest petition(s) must bear the original signatures of the owners of at least 20% of either:
 - 1. The area of the Lots or land covered by the proposed Text Amendment; or

³⁵ Revised for statutory compliance. Current Sec. 4-10-23(c)(3) says "three-fourths of the members of the City Council *present and voting*" [emphasis added]. Texas LGC Chapter 211, Sec. 211.006 requires "the affirmative vote of at least three-fourths of all members of the governing body."

2. The area of the Lots or land immediately adjoining the area covered by the proposed Text Amendment and extending 200 feet from that area.
 - d. The area of Streets and Alleys is included in computing the percentage of land area under paragraph (3)c.³⁶
 - e. In addition to the signatures required above, the protest petition must include:
 1. A description of the Text Amendment at issue;
 2. A description of the area of Lots owned by the protesting parties that is either covered by the proposed Text Amendment or located within 200 feet of the area covered by the proposed Text Amendment;
 3. The names of all persons protesting the proposed Text Amendment; and
 4. The mailing addresses of all persons signing the protest.
- (f) **Approval Criteria.**
- (1) An amendment to the text of this Chapter is approved at the City Council's legislative discretion, and subject to any applicable requirements of state or federal law.
 - (2) Pursuant to Texas LGC Section 211.004, the Text Amendment shall be consistent with the Amarillo Comprehensive Plan.
- (g) **Reapplication.** There is no limit on refiling a withdrawn or disapproved Text Amendment.
- (h) **Scope of Approval.** Approval of a Text Amendment does not authorize Development. Any Development that occurs after the Text Amendment is adopted is subject to all applicable requirements of this Chapter, as revised by the Text Amendment.

Sec. 4-10-225Sec. 4-10-215. - Rezonings.

- (a) **Purpose.** This Section provides a way to change the official Zoning Map. Zoning Map changes can occur as the result of a change in the Comprehensive Plan, changes in local conditions, or other factors. Rezonings usually are requested by property owners to provide a suitable framework for Development.
- (b) **Applicability.** This Section applies to any Application to amend the Zoning Map (a "Rezoning").

³⁶ Consistent with Texas LGC Chapter 211, Sec. 211.006(e).

(c) **Initiation.**

- (1) A Rezoning may be initiated by:
 - a. The City Council, by adoption of a motion; or
 - b. The Planning and Zoning Commission, by adoption of a motion; or
 - c. Recommendation of the Planning and Development Services Department; or
 - d. Petition by the Owner of the affected property or the Owner's agent.
- (2) A Rezoning Application is filed with the Planning and Development Services Department.
- (3) A pre-application conference is required if the Application proposes rezoning to a Planned District (see Sec. 4-10-202, *Pre-application conference*).

(d) **Completeness.** See Sec. 4-10-201, *Completeness review*.

(e) **Notice.** The notice required by Table 4-10-21530.1 applies to any Rezoning Application.

Table 4-10-21530.1 – Required Notice for Rezonings

| Type of Notice | Required? | To Whom? | When? |
|--------------------------------|-----------|---|--|
| Publication | Yes | -- | At least 16 days ³⁷ prior to the Planning and Zoning Commission public hearing; <u>and</u> At least 16 days prior to each City Council public hearing (if applicable) |
| Mail | Yes | All owners of property located within 200 feet of the Lot(s) subject to the rezoning application; <u>and</u> For proposed rezonings to or from the E, R-1, R-2, MD, MF, or MH District, each school district in which the property proposed for rezoning is located ³⁸ | At least 10 days prior to the Planning and Zoning Commission public hearing |
| Electronic Transmission | Yes | Applicant | At least 10 days prior to each public hearing |

³⁷ Revised for statutory compliance. Texas LGC Chapter 211, Sec. 211.006(a) says: "Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published..." [emphasis added].

³⁸ This new notice requirement was added to Texas LGC Chapter 211, Sec. 211.007(c-1) in 2013.



(f) **Approval Process.**

- (1) **Urban Design and Historic Preservation Commission.** If the Rezoning Application pertains to an HP-O District or any Lot(s) where a COA is required, the Planning Director may request a recommendation on the Rezoning Application from the UDHPC at its next regularly scheduled meeting.
- (2) **Planning and Zoning Commission.**
 - a. The Planning and Zoning Commission shall conduct a public hearing at a regularly scheduled meeting and provide a recommendation to City Council for approval or disapproval of the proposed Rezoning Application. If the proposed Zoning District is a Planned District (see Table 4-10-11.1, *Zoning Districts*), the Commission also may recommend approval with conditions.
 - b. The Planning and Zoning Commission may continue the public hearing for up to 30 days for further study prior to making its final recommendation.
 - c. If the Planning and Zoning Commission recommends approval of a Rezoning Application, the Application shall be automatically forwarded to the City Council for public hearings and action.
 - d. If the Planning and Zoning Commission recommends disapproval, the Application shall not be processed further and shall not be forwarded to the City Council for public hearing, unless:
 1. The Applicant files a written appeal in accordance with subsection (i) below; or
 2. The Application was initiated by the City.
- (3) **City Council.**
 - a. The City Council shall conduct two public hearings on the proposed Rezoning Application. Following the second public hearing, the City Council shall approve or disapprove the Rezoning Application. If the proposed Zoning District is a planned district (see Table 4-10-11.1, *Zoning Districts*), the Council also may approve the Application with conditions.
 - b. The City Council may continue the public hearing for up to 60 days after the date of the second public hearing for further study prior to taking final action on the Rezoning Application.
 - c. In rendering its decision, the City Council shall consider, but is not bound by, the recommendation of the Planning and Zoning Commission.

- d. If the City Council receives a valid protest petition in accordance with paragraph (4), below, approval or approval with conditions of the Rezoning Application requires a favorable vote by at least three-fourths of all Council members.³⁹

(4) **Protest Petitions.**

- a. Prior to final City Council action on a Rezoning Application, affected property owners may submit written protest petitions against the proposed Rezoning.
- b. The protest petition(s) must be filed with and verified by the City Secretary at least 3 business days prior to the advertised date of the City Council public hearing on the proposed Rezoning Application.
- c. The protest petition(s) must bear the original signatures of the owners of at least 20% of either:
 - 1. The area of the Lots or land covered by the proposed Rezoning; or
 - 2. The area of the Lots or land immediately adjoining the area covered by the proposed Rezoning and extending 200 feet from that area.
- d. The area of Streets and Alleys is included in computing the percentage of land area under paragraph (3)c.⁴⁰
- e. In addition to the signatures required above, the protest petition must include:
 - 1. A description of the zoning case at issue;
 - 2. A description of the area of Lots owned by the protesting parties that is either covered by the proposed change or located within 200 feet of the area covered by the proposed change;
 - 3. The names of all persons protesting the proposed change in Zoning District classification or boundary; and
 - 4. The mailing addresses of all persons signing the protest.

(g) **Approval Criteria.**

³⁹ Revised for statutory compliance. Current Sec. 4-10-23(c)(3) says "three-fourths of the members of the City Council *present and voting*" [emphasis added]. Texas LGC Chapter 211, Sec. 211.006 requires "the affirmative vote of at least three-fourths of *all members* of the governing body."

⁴⁰ This is consistent with Texas LGC Chapter 211, Sec. 211.006(e).

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- (1) **Criteria.** In considering any Rezoning Application, the Planning and Zoning Commission and the City Council shall consider the criteria stated below, to the extent they are pertinent to the particular Application:
- a. Whether the proposal is consistent with the Comprehensive Plan and any other adopted plans or policies of the City relevant to the Application;
 - b. The character of the neighborhood including, but not limited to:
 - 1. Land use;
 - 2. Zoning;
 - 3. Density (residential);
 - 4. Floor area (non-residential);
 - 5. Height;
 - 6. Structural mass;
 - 7. Siting; and
 - 8. Open space;
 - c. The Zoning Districts and uses of nearby Lots, and the extent to which the proposed Zoning District is in harmony with those Zoning Districts and Uses.
 - d. Whether the Uses allowed by the proposed Zoning District are appropriate in the proposed location; and
 - e. The length of time the Lot has remained vacant as zoned;
 - f. The amount of vacant land currently classified for similar Development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;
 - g. The extent to which approval of the Application would detrimentally affect nearby Lots;
 - h. The extent to which Development under the proposed District would substantially harm the value of nearby Lots;
 - i. The extent to which the proposed District would adversely affect the capacity or safety of that portion of the Street network influenced by the Use, or present parking problems in the vicinity of the Lot(s).
 - j. The extent to which the proposed Use would create excessive air pollution, water pollution, noise pollution, or other environmental harm;



- k. The economic impact of the proposed Use on the community;
 - l. The gain, if any, to the public health, safety, and welfare due to denial of the Application as compared to the hardship imposed upon the Owner, if any, as a result of denial of the Application;
 - m. The recommendation of professional staff; and
 - n. Any other factors that may be relevant to a particular Application.
- (2) **Conditions.** If the proposed Zoning District is a Planned District (see Table 4-10-11.1, *Zoning Districts*), the City Council also may approve the Application with conditions.
- (h) **Reapplication.** When a Rezoning Application is withdrawn by the Applicant, disapproved by the Planning and Zoning Commission, or disapproved by the City Council, a new Rezoning Application that includes the same Lot(s) or any portion thereof shall not be submitted for at least four months from the date of that action unless:
- (1) The original Rezoning Application requested a base Zoning District and the new Rezoning Application requests a Planned District (see Table 4-10-11.1, *Zoning Districts*); or
 - (2) The new Rezoning Application proposes a more restrictive Zoning District than the District proposed in the original Rezoning Application. The hierarchy of Zoning Districts is specified in Table 4-10-21530.2.

Table 4-10-21530.2 - Hierarchy of Zoning Districts

| | | |
|---|---|-------------------|
| Most Restrictive | → | Least Restrictive |
| A, E, R-1, R-2, MH, MD, MF, NS, O, GR, CB, LC, HC, I-1, I-2 | | |

- (i) **Appeal of Planning and Zoning Commission recommendation for disapproval of a Rezoning Application.**
- (1) The Applicant shall submit a written appeal to the Planning and Development Services Department requesting that the Rezoning Application proceed to the City Council for public hearing and action.
 - (2) The Applicant must submit the appeal within 10 days after the date the Planning and Zoning Commission votes to recommend disapproval of the Rezoning Application.
 - a. If the appeal is filed by noon of the day following the Planning and Zoning Commission meeting, the Application shall be processed for consideration by the City Council at its next regularly scheduled meeting. No additional Application fees are required.
 - b. If the appeal is filed after noon of the day following the Planning and Zoning Commission meeting, the Application shall require new

publication and mailing of notices and scheduling to the City Council at a later date. The Applicant shall be subject to the Application fee specified in Article XI, *Submittal Requirements*.

(j) **Scope of Approval.**

- (1) An approved Rezoning Application does not authorize Development. Any Development that occurs after approval of the Rezoning Application requires additional approval, which may include Site Plan or subdivision plat approval, if applicable, and building permits and Certificates of Occupancy and Compliance.
- (2) If the proposed Zoning District is a Planned District (see Table 4-10-11.1, *Zoning Districts*), the site plan approved in conjunction with the rezoning application serves as the Site Plan required by Sec. 4-10-212, *Site Plans*.
- (3) If the proposed Zoning District is a Planned District and the City Council approves the Application subject to conditions, the Applicant shall comply with all such conditions prior to the issuance of a Certificate of Occupancy and Compliance.

(k) **Recordkeeping.**

- (1) When the City Council approves changes to the district boundaries or other rezoning matters portrayed on the Official Zoning Map, the changes will be entered on the map promptly by the Planning and Development Services Department and the Information Technology Department (see Sec. 4-10-12, *Zoning map*).
- (2) Numbering of districts; register and file; inclusion on Zoning Map. The Director of Planning shall maintain a register and file of all PD Districts, which shall contain:
 - a. A sequential numbering system meant to identify each specific PD;
 - b. An approved Planned Development site plan;
 - c. A copy of the ordinance creating the PD District; and
 - d. All other information concerning the PD Districts as set forth on the Official Zoning Map, which is made a part of this Chapter.

Sec. 4-10-226Sec. 4-10-216. - Specific Use Permits.

- (a) **Purpose.** Some land Uses, Buildings, or Structures are not appropriate under all circumstances in a given Zoning District, but may be appropriate if adequate precautions are taken to assure compatibility with surrounding Uses, public need, and the city as a whole. This Section allows those uses by granting a Specific Use Permit, subject to procedures that are similar to Rezoning.

- (b) **Applicability.** This Section applies to The Development of any Use, and associated Building(s) or Structure(s), that is designated as a Specific Use in Article II, Sec. 4-10-82, *Schedule of use*.
- (c) **Initiation.**
 - (1) A Specific Use Permit Application may be filed by the property owner or the Owner’s agent.
 - (2) A Specific Use Permit Application is filed with the Planning and Development Services Department.
 - (3) An Applicant may combine a Specific Use Permit Application and a Rezoning Application, and the City may process both Applications concurrently. However, if the Specific Use is not allowed in the Zoning District that applies to the Lot(s) when the Applications are filed, the City will not approve the Specific Use Permit unless it also approves the proposed Rezoning.⁴¹
 - (4) A pre-application conference is required (see Sec. 4-10-202, *Pre-application conference*).
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (e) **Notice.** The notice required by Table 4-10-21631.1 applies to any Specific Use Permit Application.

Table 4-10-21631.1 – Required Notice for Specific Use Permits⁴²

| Type of Notice | Required? | To Whom? | When? |
|--------------------|-----------|--|--|
| Publication | Yes | -- | At least 16 days prior to the Planning and Zoning Commission public hearing; <u>and</u> At least 16 days prior to each City Council public hearing (if applicable) |
| Mail | Yes | All owners of property located within 200 feet of the Lot(s) subject to the rezoning application; <u>and</u> For proposed rezonings to or from the E, R-1, R-2, MD, MF, or MH District, each school district in which the property proposed for rezoning is located | At least 10 days prior to the Planning and Zoning Commission public hearing |

⁴¹ This is a new provision that streamlines the approval process when a proposed Development requires both a Rezoning and a Specific Use Permit.

⁴² These notice requirements are consistent with those required for a Rezoning (see Sec. 4-10-215)

Table 4-10-2 1631.1 – Required Notice for Specific Use Permits⁴²

| Type of Notice | Required? | To Whom? | When? |
|--------------------------------|-----------|-----------|---|
| Electronic Transmission | Yes | Applicant | At least 10 days prior to each public hearing |

(f) **Approval Process.**

- (1) **Urban Design and Historic Preservation Commission.** If the Specific Use Permit Application pertains to an HP-O District or any lot(s) where a COA is required, the Planning Director may request a recommendation on the Specific Use Permit Application from the UDHPC at its next regularly scheduled meeting.
- (2) **Planning and Zoning Commission.**
 - a. The Planning and Zoning Commission shall conduct a public hearing at a regularly scheduled meeting and provide a recommendation to City Council for approval, approval with conditions, or disapproval of the Specific Use Permit Application.
 - b. The Planning and Zoning Commission may continue the public hearing for up to 30 days for further study prior to making its final recommendation.
 - c. If the Planning and Zoning Commission recommends approval of a Specific Use Permit Application, the Application shall be automatically forwarded to the City Council for public hearings and action.
 - d. If the Planning and Zoning Commission recommends disapproval, the Application shall not be processed further and shall not be forwarded to the City Council for public hearing, unless the Applicant files a written appeal in accordance with subsection (h) below.
- (3) **City Council.**
 - a. The City Council shall conduct two public hearings on the Specific Use Permit Application. Following the second public hearing, the City Council shall approve, approve with conditions, or disapprove the Specific Use Permit Application.
 - b. The City Council may continue the public hearing for up to 60 days after the date of the second public hearing for further study prior to taking final action on the Specific Use Permit Application.
 - c. In rendering its decision, the City Council shall consider, but is not bound by, the recommendation of the Planning and Zoning Commission.
 - d. If the City Council receives a valid protest petition in accordance with paragraph (4), below, approval or approval with conditions of the

Specific Use Permit Application requires a favorable vote by at least three-fourths of all Council members.

(4) **Protest petitions.**

- a. Prior to final City Council action on a Specific Use Permit Application, affected property owners may submit written protest petitions against the proposed Specific Use Permit.
- b. The protest petition(s) must be filed with and verified by the City Secretary at least 3 business days prior to the advertised date of the City Council public hearing on the Specific Use Permit Application.
- c. The protest petition(s) must bear the original signatures of the owners of at least 20% of the area of the Lots or land immediately adjoining the area covered by the proposed Specific Use Permit and extending 200 feet from that area.
- d. The area of Streets and Alleys is included in computing the percentage of land area under paragraph (4)c.
- e. In addition to the signatures required above, the protest petition must include:
 1. A description of the zoning case at issue;
 2. A description of the area of Lots owned by the protesting parties that is located within 200 feet of the area covered by the proposed Specific Use Permit;
 3. The names of all persons protesting the proposed Specific Use Permit; and
 4. The mailing addresses of all persons signing the protest.

(g) **Approval Criteria.**

- (1) **Criteria.** The approval criteria that apply to Rezoning Applications also apply to Specific Use Permit Applications (see Sec. 4-10-215).
- (2) **Conditions.** In approving a Specific Use Permit Application, the City Council may, in the interest of public welfare and to ensure compliance with the purposes of this Chapter, establish additional conditions for operation, location, arrangement, and construction of the Use.
 - a. The City Council may impose additional development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions.

- (3) If the City Council approves the Specific Use Permit Application subject to conditions, the Applicant shall comply with all such conditions prior to the issuance of a Certificate of Occupancy and Compliance.
 - (4) Approval of a Specific Use Permit Application is valid in perpetuity and runs with the land, not the property owner.
 - (5) Changes to an approved Specific Use Permit Application, including changes to the boundary of a Specific Use Permit area, require compliance with the procedure specified in this Section.
- (k) **Recordkeeping.**
- (1) The first Specific Use Permit granted shall be shown on the Zoning Map as S-1 and each subsequent Specific Use Permit granted shall be given the next numerical number.
 - (2) The Planning Director shall maintain a register of all Specific Use Permits granted, which shall contain the site plan, a copy of the ordinance granting the Specific Use Permit, and all other information concerning the Specific Use Permit.
 - (3) The area or areas granted Specific Use Permits are set forth on the Zoning Map.

~~Sec. 4-10-227~~**Sec. 4-10-217.** - Certificates of Appropriateness.

- (a) **Purpose.** The Certificate of Appropriateness (COA) process is necessary to ensure that proposed changes to the City's built environment:
- (1) Are consistent with the existing historical, archaeological, architectural, and cultural fabric of the City; and
 - (2) Will create Development that is consistent with the scale, exterior texture, and building materials of nearby Structures.
- (b) **Applicability.**
- (1) **Required.** A COA is required as a prerequisite condition for the issuance of a building permit or demolition permit for any property that is:
 - a. Within the Downtown Urban Design Overlay District (D-O);
 - b. A Contributing Structure within the Historic Preservation Overlay (HP-O); or
 - c. Designated as a Historic Landmark (H-L).
 - (2) **Exemptions.** A COA is not required for:
 - a. Noncontributing Structures within an HP-O;

- b. A Contributing Structure within an HP-O or an H-L that is in need of ordinary maintenance and repair or for the alteration, rehabilitation, restoration, or construction of the following:
 - 1. Reroofing with in-kind materials with no change to the Structure, shape, or pitch of the roof;
 - 2. An alteration that is obscured from view from the Street by the original Structure and not merely obscured by fencing, landscaping, or other obstructions that are not permanent;
 - 3. Gutters, downspouts, storm windows and doors, window screens, screen doors, temporary emergency weatherization features such as plywood coverings over windows, porch ceiling fans, light fixtures, HVAC units, landscaping;
 - 4. Fences;
 - 5. Removal of burglar bars, satellite dishes, antennae, solar panels, free-standing signs, and accessibility ramps and lifts;
 - 6. Installation of solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; and installation of free-standing signs; and
 - 7. Painting non-masonry surfaces and repainting previously painted masonry surfaces; or
 - c. Any structure within the D-O that does not require approval of a COA per subsection (f).
- (c) **Initiation.** An Application for approval of a COA:
- (1) Is filed by the property owner or the Owner's agent;
 - (2) Is filed with the Planning and Development Services Department; and
 - (3) May be submitted concurrently with a:
 - a. Building permit Application (See Chapter 4-1, *Permit and Inspection Fees*). The approval of the COA, however, must occur prior to the approval of the building permit; or
 - b. Demolition permit Application (See Sec. 4-3-6, *Demolition of and Moving Buildings*). The approval of the COA, however, must occur prior to the approval of the demolition permit.
 - (4) A pre-application conference is not required (see Sec. 4-10-202, *Pre-application conference*).
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.

- (e) **Notice.** Notice of the Application is not required.
- (f) **Approval Process.**
 - (1) **Administrative approval for D-O, H-L and HP-O compliance.** The Planning Director is authorized to review and act on a COA for D-OH-L and/or HP-O Compliance for any of the following:
 - a. Signage;
 - b. Landscaping;
 - c. Street lighting;
 - d. Sidewalk construction (including trees and furnishings);
 - e. Temporary construction facilities;
 - f. Buildings that are completely restored to their original state;
 - g. Changes to civic space that is open to the public; or
 - h. Material changes in the exterior appearance of any existing Historic Landmark or any Contributing Structure in an HP-O District by addition, alteration, or reconstruction that are consistent with the U.S. Secretary of the Interior Standards or the specific regulations and/or guidelines created to govern the HP-O District or an H-L, as applicable.
 - (2) **Urban Design and Historic Preservation Commission (UDHPC) approval for D-O compliance.** The UDHPC is authorized to review and act on a COA for the any of the following:
 - a. Construction of a new Building (excluding Accessory Buildings);
 - b. Major modifications of Buildings, defined as any existing Building that is altered by increasing the existing footprint by 50% or more, either by a single expansion or by the cumulative effect of a series of expansions;
 - c. Projects that increase by 50 linear feet or more, a Building's façade that fronts, or is adjacent to public right-of-way;
 - d. Construction of new parking lots or the expansion of existing parking lots in area by 50% or more; or
 - e. Any project that has been referred to the UDHPC by the Planning Director.
 - (3) **Urban Design and Historic Preservation Commission (UDHPC) approval for HP-O or H-L compliance.** A COA issued by the UDHPC shall be required prior

to starting work on any Contributing Structure within the HP-O or any H-L when any of the following:

- a. New construction in an HP-O District;
- b. Material changes in the exterior appearance of any existing Contributing Structure by addition, alteration, or reconstruction that are inconsistent with the U.S. Secretary of the Interior Standards or the specific regulations and/or guidelines created to govern the HP-O District or an H-L, as applicable;
- c. Prior to the issuance of a permit by the Building Official to demolish or move any Structure (See Sec. 4-3-6, *Demolition of and Moving Buildings*) that has been recognized by the City as either a Contributing Structure within an HP-O or having a medium or high priority status per a City historic survey. (See Sec. 4-10-251(f), *Historic Resource Surveys*); or
- d. Any project that has been referred to the UDHPC by the Planning Director.

(4) **Building demolition or moving process.**

- a. Except in cases of imminent danger to public safety, health, or welfare, none of the following types of Buildings shall be either demolished or moved unless a period of 60 days has passed since the submittal of a complete COA Application, pursuant to Sec. 4-3-6, *Demolition of and moving buildings*:
 1. Any Building or Structure designated to be a Contributing Structure within an HP-O District; or
 2. Any Building or Structure designated to be an H-L by the City regardless of its location within the City.
- b. During the 60-day stay on demolition described above, the City has the opportunity to discuss the feasibility of emergency measures to either stabilize the Building in such a manner where demolition might not be necessary and/or to secure the area surrounding the Structure in such a manner to ensure there is no injury to the public or surrounding properties.

(g) **Approval Criteria.**

- (1) Regardless of whether the COA is approved administratively or by the UDHPC to achieve compliance with either the HP-O, D-O, or H-L standards, all decisions made to approve a COA shall be guided by the appropriate Secretary of the Interior's standards and any standards and/or guidelines that are drafted to be specific to either a particular Zoning District or an H-L.

- (2) **Standards to demolish or move a Building.** The UDHPC shall deny an Application to either demolish or move a Building that is either a Contributing Structure within the HP-O or designated as an H-L unless it makes the following findings:
- a. For a request to replace a Structure with a new Structure:
 - 1. The new Structure is more appropriate and compatible with the HP-O where it is located than the Structure to be demolished and removed; and
 - 2. The Owner has the financial ability and intent to build the new Structure. The UDHPC must first approve a COA for the new Structure before it may consider the request for demolition or removal.
 - b. For a request to remove or demolish a Structure that has no economically viable use:
 - 1. The Structure is incapable of earning a reasonable economic return (a reasonable economic return does not have to be the most profitable return possible);
 - 2. The Structure cannot be adapted for any other Use that would result in a reasonable economic return; and
 - 3. The Owner has failed during a period of the last two years to find a developer, financier, or purchaser that will enable the Owner to realize a reasonable economic return, despite reasonable efforts to do so.
 - c. For a request to demolish or remove a Structure that poses an imminent threat to public safety, health, or welfare:
 - 1. The Structure is a documented major and imminent threat to public safety, health or welfare;
 - 2. The demolition or removal is required to alleviate the threat to public safety, health, or welfare; and
 - 3. There is a no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.
- (h) **Reapplication.** There is no limit on refiling a withdrawn or disapproved COA Application.
- (i) **Appeals.**
- (1) Decisions by either the Planning Director or the UDHPC may be appealed as provided in this Section for any decisions involving a proposed COA.
 - (2) The Applicant may appeal any decision of the Planning Director to the UDHPC.

- (3) The Applicant may appeal any decision of the UDHPC to the Zoning Board of Adjustment.
 - (4) The Applicant has no later than 10 days following the date of formal notification by either the Planning Director or UDHPC to appeal a decision by either body.
- (j) **Scope of Approval.**
- (1) All COAs are valid for one year after the date of approval.
 - (2) Approval of a COA Application is considered authorization to proceed with Application for a building permit for the site. No Certificate of Occupancy and Compliance shall be issued until all construction and Development conforms to the COA and associated plans, as approved by the City.
- (k) **Claim of Economic Hardship.** Properties that are either Contributing Structures within an HP-O or designated as an H-L may file a claim of economic hardship provided the following:
- (1) After receiving written notification from either the Planning Director or the UDHPC of a denial of a COA for demolition or moving (See subsection (f)(4), *Building Demolition or Moving Process*, and subsection (g)(2), *Standards to Demolish or Move a Building*), or a violation of the duty to preserve and repair (see Sec. 4-10-72(d), *Duty to Preserve and Repair*), an Applicant may commence the economic hardship process.
 - (2) No building permit shall be issued unless the UDHPC makes a finding that an economic hardship does in fact exist.
 - (3) When a claim of economic hardship is made due to the effect of this Chapter, the Owner must prove that:
 - a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - b. The property cannot be adapted for any other Use, whether by the current Owner or by a purchaser, that would result in a reasonable return; and
 - c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed. These efforts must include consulting in good faith with the UDHPC, local preservation groups, and any interested parties in a diligent effort to seek an alternative that will result in Preservation of the property. Such efforts must be shown to the UDHPC prior to the granting of any claim of economic hardship.
 - (4) An application for an economic hardship claim requires that the Owner submit the following:
 - a. Photographs and a written description depicting the current condition of the Structure;

- b. The assessed value of the Structure and property according to the two most recent tax assessments;
- c. The amount of real estate taxes on the Structure and property for the previous two years;
- d. The current fair market value of the Structure and property as determined by an independent licensed appraiser;
- e. All appraisals obtained by the Owner and prospective purchasers within the previous two years in connection with the potential or actual purchase, financing, or ownership of the Structure and property;
- f. All listings of the Structure and property for sale or rent within the previous two years, prices asked, and offers received;
- g. A profit and loss statement for the property and Structure containing the annual gross income for the previous two years and itemized expenses (including operating and maintenance costs);
- h. All capital expenditures during the current ownership; and
- i. A restoration study of the Structure, performed by a licensed architect or engineer. This study should analyze feasibility - structurally and financially - of Restoration and/or adaptive reuse of the structure.

Sec. 4-10-228~~Sec. 4-10-218.~~ - Historic Preservation Overlay (HP-O) District designation process.

(a) **Designation Procedure.**

- (1) The following persons may initiate an Application for an HP-O District:
 - a. Urban Design and Historic Preservation Commission (UDHPC);
 - b. City Council;
 - c. Planning Director or designee (also referred to as Historic Preservation Officer); or
 - d. Any person owning property within an area eligible for designation as an HP-O District as determined by the City's Historic Resource Surveys. See Sec. 4-10-251(f), *Historic Resource Surveys*.
- (2) The Applicant requesting such designation shall complete an Application form that shall contain:
 - a. The signature of the Applicant or the Applicant's authorized agent; and
 - b. Signatures of at least 51 percent of the property owners within the proposed HP-O District consenting to the designation of an HP-O.

- (3) The City Council and UDHPC are exempt from the 51 percent ownership requirement when either body serves to initiate the Application.
 - (4) Written public notice concerning any meeting to adopt an HP-O shall be given to any property owner who owns property within the proposed HP-O District.
 - (5) The UDHPC shall review and provide a recommendation for approval, approval with conditions, or disapproval of a proposed HP-O District.
 - a. If the UDHPC recommends approval or approval with conditions of a proposed HP-O District, the Application shall be automatically forwarded to the Planning and Zoning Commission for public hearings and action in accordance with Sec. 4-10-215, *Rezoning*s.
 - b. If the UDHPC recommends disapproval, the Application shall not be processed further and shall not be forwarded to the Planning and Zoning Commission for public hearing, unless the Applicant files a written appeal in accordance with the following:
 1. The Applicant shall submit a written appeal to the Planning and Development Services Department requesting that the HP-O District Rezoning Application proceed to the Planning and Zoning Commission for public hearing and action.
 2. The Applicant must submit the appeal within 10 days after the date the UDHPC votes to recommend disapproval of the HP-O District Rezoning Application.
 3. If the appeal is filed by noon of the day following the UDHPC meeting, the Application shall be processed for consideration by the Planning and Zoning Commission at its next regularly scheduled meeting. No additional Application fees are required.
 4. If the appeal is filed after noon of the day following the UDHPC meeting, the Application shall require new publication and mailing of notices and scheduling to the Planning and Zoning Commission at a later date. The Applicant shall be subject to the Application fee specified in Article XI, *Submittal Requirements*.
- (b) **Benefit to Receiving Designation.** See Chapter 14-2, Article IV, *HP-O and Historical Landmark Tax Incentive Program*.
 - (c) **Criteria for Historic Preservation Overlay (HP-O) District Designation.** In evaluating a proposed Historic Preservation Overlay (HP-O) District, the Review and Decision-Making Bodies shall consider the following elements, one or more of which may be found sufficient for designation:

- (1) Character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Amarillo, Potter County, Randall County, State of Texas, or United States;
- (2) A significant number of Structures within the proposed district are worthy of recognition as a recorded Texas Historic Landmark, National Historic Landmark, or entry in the National Register of Historic Places;
- (3) Association with events that have made significant contributions to the broad patterns of local, regional, state, or national history;
- (4) Association with the lives of people significant to the history of Amarillo, the Panhandle region of Texas, the State of Texas, or the United States;
- (5) Distinctive characteristics of a period or method of construction, or architecture, representative of, or rare survivors of, the work of a master designer, builder, or craftsman;
- (6) Retention of elements that have yielded, or may be likely to yield, important information about local, regional, State of Texas, or national prehistory or history;
- (7) Retention of interim physical alterations that themselves form an important part of the history of the proposed District;
- (8) Representative of an established and familiar visual feature of a neighborhood, community, or the City of Amarillo;
- (9) Retention of historic integrity, meaning that the property possesses several, and usually most of the following aspects of integrity:
 - a. Location;
 - b. Design;
 - c. Setting;
 - d. Materials;
 - e. Workmanship;
 - f. Feeling; or
 - g. Association.
- (10) Likelihood of Buildings within the District either continuing their historical Use or their potential adaptation for new Uses without the need for major intervention that could seriously damage historic character and integrity of the proposed District;
- (11) Likelihood of preserving Structures within the proposed District with significant architectural value or that are associated with a historic person or event even though the Building or Structure is no longer in its original location;

- (12) Opportunity to preserve a District that is:
 - a. Accurately executed in a suitable environment and presented in a dignified manner as part of a Restoration master plan and when no other Building or Structure with the same association has survived;
 - b. Primarily commemorative in intent but reflects an age, design, tradition, or symbolic value that has invested it with its own historical significance; or
 - c. Of exceptional importance although this significance was achieved within the last 50 years.
- (13) Designation by a survey that has been authorized and adopted by the UDHPC as an area within the City which contains a significant number of Buildings deemed as a Contributing Structure to a defined District within the City.

Sec. 4-10-229**Sec. 4-10-219.** - Historic Landmarks (H-L) designation process.

- (a) **Designation and Notice Procedure.**⁴³ See Texas Local Government Code, Chapter 211, Sec. 211.0165, *Designation of Historic Landmark*.
- (b) **Benefit to Receiving Designation.** See Chapter 14-2, Article IV, *HP-O and Historical Landmark Tax Incentive Program*.
- (c) **Criteria for Historic Landmark Designation.** In evaluating a proposed Historic Landmark (H-L), the UDHPC shall consider the following elements, one or more of which may be found sufficient for designation:
 - (1) Character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Amarillo, Potter County, Randall County, State of Texas, or United States;
 - (2) Recognition as a recorded Texas Historic Landmark, National Historic Landmark, or entry in the National Register of Historic Places;
 - (3) Association with events that have made significant contributions to the broad patterns of local, regional, state, or national history;
 - (4) Association with the lives of people significant to the history of Amarillo, the Panhandle region of Texas, the State of Texas, or the United States;
 - (5) Distinctive characteristics of a period or method of construction, or architecture, representative of, or a rare survivor of, the work of a master designer, builder, or craftsman;

⁴³ This statute requires the property owner to consent to the designation or the designation to be approved by a three-fourths vote of the governing body and the zoning, planning, or historical commission.

- (6) Retention of elements that have yielded, or may be likely to yield, important information about local, regional, State of Texas, or national prehistory or history;
- (7) Retention of interim physical alterations that themselves form an important part of the building's history;
- (8) Representative of an established and familiar visual feature of a neighborhood, community, or the City of Amarillo;
- (9) Retention of historic integrity, meaning that the property possesses several, and usually most of the following aspects of integrity:
 - a. Location;
 - b. Design;
 - c. Setting;
 - d. Materials;
 - e. Workmanship;
 - f. Feeling; or
 - g. Association.
- (10) Likelihood of the continuation of a building's historical Use or its potential adaptation for new Uses without the need for major intervention that could seriously damage its historic character and integrity;
- (11) Likelihood of preserving a Building or Structure with significant architectural value or is the surviving Structure most importantly associated with a historic person or event even though the Building or Structure is no longer in its original location;
- (12) Opportunity to preserve a:
 - a. Reconstructed Building that was accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other Building or Structure with the same association has survived;
 - b. Property that is primarily commemorative in intent but reflects an age, design, tradition, or symbolic value that has invested it with its own historical significance; or
 - c. Property that is of exceptional importance although this significance was achieved within the last 50 years.
- (13) Designation by a survey that has been authorized and adopted by the UDHPC as a place of historical, cultural, or architectural importance and significance.

Sec. 4-10-230Sec. 4-10-220. - Certificates of Occupancy and Compliance.

- (a) **Purpose.** The Certificate of Occupancy and Compliance procedure provides for the review of Buildings and Structures constructed at the end of the permitting process or Uses that occupy existing Buildings and Structures. This ensures that the proposed Use complies with the zoning regulations, and that the Use and Development complies with the provisions of this Chapter and other City ordinances, as well as any conditions of approval established at earlier stages of the approval process.
- (b) **Applicability.** A Certificate of Occupancy and Compliance is required for:
 - (1) The occupancy of any new or existing Building or Structure, and
 - (2) Any change in the Use of a Lot, Building, or Structure, including a Nonconforming Building or Structure.
- (c) **Initiation.** An Application for Certificate of Occupancy and Compliance:
 - (1) Is filed with the Building Official; and
 - (2) For construction projects, shall be submitted concurrently with a building permit Application; and
 - (3) For a change in Use, may be submitted concurrently with a Site Plan Application (see Sec. 4-10-212, *Site Plans*).
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (e) **Notice.** Notice of the Application is not required.
- (f) **Approval Process.**
 - (1) The Building Official shall process the Application for a Certificate of Occupancy and Compliance as provided in the Building Code.
 - (2) Following an inspection of the premises, the Building Official shall issue the Certificate of Occupancy and Compliance within 10 days after the completion of the erection, alteration, or conversion of the Building, Structure, or Use if the approval criteria specified in subsection (g), below, are met.
 - (3) The Building Official may approve a Temporary Certificate of Occupancy and Compliance in accordance with subsection (h), below.
- (g) **Approval Criteria.**
 - (1) The Building Official shall approve the Certificate of Occupancy and Compliance if the construction or change in Use is in complete conformity with:
 - a. The provisions of this Chapter, the Building Code, and other applicable City ordinances; and

- b. Any conditions of any currently applicable and unexpired Site Plan, COA, Site Plan, Specific Use Permit, Rezoning, Special Exception, Variance, or Appeal that apply to the Lot (“conditions of approval”).
- (2) In the event that the Building Official finds that a condition of approval has not been met, a stop work order may be issued.
- a. The contractor or developer shall correct those items that are not in compliance with a condition of approval before construction may resume.
 - b. In the event that the Structure has been completed, a Certificate of Occupancy and Compliance may not be issued by the Building Official until the conditions of approval have been fulfilled.⁴⁴
 - c. All action required in order to bring a Structure into compliance with the conditions of approval shall be at the builder's or contractor's expense.
- (3) A Certificate of Occupancy and Compliance shall state that the Building or Use of a Building or Lot complies with all the building or health laws and ordinances and with the provisions of this Chapter.
- (h) **Temporary Certificates of Occupancy and Compliance.**
- (1) Upon request by the Applicant, the Building Official may issue a Temporary Certificate of Occupancy and Compliance in the following situations:
- a. When site improvements required by Article IV, *Development Standards*, Divisions 2, 3, or 4, ~~or 5~~ are not fully complete; and
 - b. When conditions of a zoning-related approval (such as a Special Use Permit) are not fully addressed; and
 - c. As authorized by the Building Code.
- (2) The Building Official may specify conditions the Applicant must meet in order to maintain the Temporary Certificate of Occupancy and Compliance.
- a. All conditions must be consistent with the Zoning Ordinance and related to the items remaining out of compliance.
 - b. The Building Official may revoke a Temporary Certificate of Occupancy and Compliance for failure to comply with such conditions.

⁴⁴ Note current text in Sec. 4-10-212 (Site Plans) states that a Certificate of Occupancy and Compliance cannot be issued until the conditions of approval have been “substantially fulfilled.” Further Sec. 4-10-227 states “All action required in order to bring a Structure into substantial compliance with the conditions of approval. There are no criteria as to what constitutes “substantial fulfillment” so these provisions were revised to require full compliance.

- (3) A Temporary Certificate of Occupancy and Compliance is valid for 180 days from the date of issuance.
- (4) At least 10 days prior to the expiration of the Temporary Certificate of Occupancy and Compliance, the Applicant shall install, construct, or otherwise complete all outstanding items and request inspection of the premises. The Building Official shall inspect the premises and approve or disapprove the Certificate of Occupancy and Compliance in accordance with subsections (f) and (g), above.
- (5) The issuance of a Temporary Certificate of Occupancy and Compliance is contingent upon the property owner or Developer filing of record in the deed records of the county where the site is located an instrument that:
 - a. Describes the outstanding items (such as landscaping);
 - b. States that the items will be installed within 180 days of issuance of the Temporary Certificate of Occupancy and Compliance; and
 - c. Includes the associated Site Plan and/or Landscaping and Irrigation Plan.⁴⁵
- (i) **Reapplication.** There is no limit on refiling a withdrawn or disapproved Certificate of Occupancy and Compliance Application.
- (j) **Appeals.** Action on a Certificate of Occupancy and Compliance Application is appealable to the Zoning Board of Adjustment in accordance with Sec. 4-10-221, *Appeals of administrative and UDHPC decisions*.
- (k) **Scope of Approval.**
 - (1) A Certificate of Occupancy and Compliance authorizes the occupancy of a Building or Structure as shown in the approved Application.
 - (2) Following issuance of the Certificate of Occupancy and Compliance, it is the continuing duty of the Owner and occupant of the Lot, or their successors or assigns in interest, to maintain compliance with the approved Site Plan and any amendments thereto. Failure to maintain compliance constitutes a violation of the Zoning Ordinance.
- (l) **Recordkeeping.**
 - (1) The Building Official shall maintain record of all Certificates of Occupancy and Compliance.
 - (2) Copies shall be furnished on request to any person having a proprietary or tenancy interest in the Lot or Building affected.

⁴⁵ This paragraph (5) carries forward current language related to Temporary Certificates of Occupancy and Compliance in the landscaping regulations (Sec. 4-10-252 in the current code).

Sec. 4-10-231~~Sec. 4-10-221.~~ - Appeals of administrative and UDHPC decisions.

- (a) **Purpose.** This Section provides a process for Applicants to request the review and correction of decisions by administrative officials that they believe are in error.
- (b) **Applicability.** This Section applies to any Appeal of any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter.
- (c) **Initiation.**
 - (1) An Appeal may be filed by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of an administrative official.
 - ~~(2)~~ An Appeal is filed with the Building Official within 20 days⁴⁶ of the date the administrative official took the action that is the subject of the Appeal.
 - ~~(2)~~~~(3)~~ Such person shall file a written petition with the Zoning Board of Adjustment and the office of the Building Official or administrative official to request a hearing and state briefly the grounds for such appeal.
 - ~~(3)~~~~(4)~~ A pre-application conference is not required.
- (d) **Stays.** An Appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies in writing to the Board after the Appeal is filed that, by reason of facts stated in the certification, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise by a restraining order which may be granted by the Board or by a court of record on application and notice to the Building Official and on due cause shown.
- (e) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (f) **Notice.** The notice required by Table 4-10-221~~36~~.1 applies to any Appeal.

Table 4-10-221~~36~~.1 – Notice Required for Appeals

| Type | Required? | To Whom? | When? |
|-------------------------|-------------------|---|--|
| Publication | Yes | -- | Published at least 16 days prior to the public hearing |
| Mail | No Yes | All owners of real property lying within 200 ft of the property subject to the Application | Mailed at least 10 days prior to the public hearing |
| Electronic Transmission | Yes | Applicant | At least 10 days prior to the public hearing |

⁴⁶ Revised for compliance with Texas LGC Sec. 211.010(b).



(g) **Approval Process.**

- (1) ~~Upon receipt of such petition, the Building Official or administrative official whose action is the subject of Appeal shall immediately transmit to the board all the papers constituting a record of any action appealed. Prior to the public hearing, the administrative official whose action is the subject of the Appeal shall prepare and transmit to the secretary of the Board a complete record of all proceedings related to the administrative official's order, requirement, decision, or determination.~~
- (2) If the Appeal pertains to any Lot(s) located in the A-O District, the Building Official shall request a recommendation on the Appeal from the Director of Aviation prior to consideration of the Appeal by the Zoning Board of Adjustment.
- (3) Appeals are considered by the Zoning Board of Adjustment at a public hearing, which requires notice in accordance with subsection (f), above.
- (4) After the public hearing, the Zoning Board of Adjustment may:
 - a. Reverse the decision in whole or in part;
 - b. Affirm the decision in whole or in part;
 - c. Modify the order, requirement, decision, or determination;
 - d. Attach appropriate conditions to its decision;
 - e. Issue or direct the issuance of a permit; and
 - f. Defer action on the Appeal pending receipt of additional information, (see Article XI, *Submittal Requirements*).
- (5) The concurring vote of at least four members of the Board is necessary to reverse any order, requirement, decision, or determination of an administrative official.
- (6) The Board shall act on the Appeal not later than the 60th day after the date the Appeal is filed.⁴⁷

~~(h) **Approval Criteria.** The Board may approve the Appeal if the decision subject to the Appeal:~~

- ~~(1) Is the result of an incorrect interpretation of this Chapter; or~~
- ~~(2) Would violate Texas or federal statutes; or~~
- ~~(3) Would violate the Applicant's state or federal constitutional rights.~~

⁴⁷ This is consistent with Texas LGC Sec. 211.010(d).

(h) **Reapplication.** There is no limit on subsequent Appeals. However, findings of fact from prior Appeals for the same Application that were not reversed by a higher tribunal (such as on appeal to a court with subject matter jurisdiction) are binding on successive Appeals.

(1) After the Board of Adjustment hears an appeal and denies the request or applicant withdraws a request after public notice is given, the board shall have no authority to again consider or re-hear the case if it involves substantially the same subject matter or the same piece of property until a period of six (6) months has elapsed from the first appeal date. The board's power to wait the six (6) months shall not be construed to include a variance or exception for this time period. When a decision of the board is appealed to a court of competent jurisdiction, no new applications of like nature will be accepted by the board or scheduled with this applicant until the court renders its final decision.

(4)(2) When the court affirms the board's decision to deny a special exception or variance request, no new application of like nature shall be accepted by the board unless substantial change exists in the conditions within the community, since the board rendered its decision so as to justify accepting a new application.

(i) **Appeals.** Zoning Board of Adjustment actions may be appealed in accordance with Texas Local Government Code Sec. 211.011.

(j) **Scope of Approval.** Approval of an Appeal does not authorize Development. Any Development that occurs after the Appeal is subject to all applicable requirements of this Chapter, as amended by the Zoning Board of Adjustment's decision (if applicable).

Sec. 4-10-232Sec. 4-10-222. - Special Exceptions.

(a) **Purpose.**

(1) This Section provides a process by which Applicants can request modification of certain zoning standards in the manner described in subsection (b).

(4)(2) A Special Exception is a modification of zoning standards that is consistent with the overall intent of the zoning regulations and expresses standards prescribed, but requires additional review to determine whether the modification is compatible with adjoining land uses and the character of the surrounding neighborhood.

(2)(3) A Special Exception is similar to a Variance, but does not require a finding of a hardship and applies only to Nonconforming Structures, and Off-Street Parking Space requirements, ~~and Downtown Amarillo Urban Design Standards (DAUDS).~~

- (b) **Applicability.**⁴⁸ This Section applies to any Application for a Special Exception from any of the following requirements of this Chapter:
 - (1) *Sec. 4-10-176, Off-street parking schedules*; to reduce or increase the number of required Off-Street Parking Spaces by up to 25% when the Applicant clearly demonstrates the proposed Use or Development warrants more or fewer Off-Street Parking Spaces than otherwise required; and
 - (2) *Sec. 4-10-239(b), Nonconforming Structures*; to allow the restoration of a damaged Nonconforming Structure where the cost to repair exceeds 50 percent of its Structural Value.
- (c) **Initiation.**
 - (1) A Special Exception Application may be filed by the property owner or the Owner's agent.
 - (2) A Special Exception Application is filed with the [Zoning Board of Adjustment and the Building Official](#).
 - (3) A pre-application conference is not required.
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (e) **Notice.** The notice required by Table 4-10-2237.1 applies to any Special Exception Application.

Table 4-10-2237.1 – Notice Required for Special Exception Applications

| Type | Required? | To Whom? | When? |
|--------------------------------|-----------|--|--|
| Publication | Yes | -- | Published at least 16 days prior to the public hearing |
| Mail | Yes | All owners of real property lying within 200 ft of the property subject to the Application | Mailed at least 10 days prior to the public hearing |
| Electronic Transmission | Yes | Applicant | At least 10 days prior to the public hearing |

- (f) **Approval Process.**
 - (1) If the Special Exception Application pertains to any Lot(s) where a COA is required, the Building Official may request a recommendation on the Special

⁴⁸ The provision for Special Exceptions to off-street loading requirements is not carried forward since the Parking regulations do not require off-street loading. The provision for Special Exceptions from the DAUDS is not carried forward since the UDHPC already has the ability to vary the standards.

Exception Application from the UDHPC at its next regularly scheduled meeting (prior to consideration of the Application by the Zoning Board of Adjustment).

- (2) Special Exception Applications are considered by the Zoning Board of Adjustment at a public hearing, which requires notice in accordance with subsection (e), above.
- (3) After the public hearing, the Zoning Board of Adjustment may:
 - a. Approve the Special Exception Application;
 - b. Approve the Special Exception Application with any conditions needed or stipulated by the Applicant to comply with the approval criteria in subsection (g), below;
 - c. Disapprove the Special Exception Application; or
 - d. Defer action on the Special Exception Application pending receipt of additional information (see Article XI, *Submittal Requirements*).
- (4) The concurring vote of four members of the Board is required to decide in favor of a Special Exception Application.
- (5) The Board shall act on the Special Exception Application not later than the 60th day after the date the Application is filed.⁴⁹

(g) Approval Criteria. The ZBA may approve a Special Exception Application if it determines the Special Exception Application is:

(6)(1) The Board of Adjustment shall grant an application for a special exception when the board determines that:

- a. Compatible with neighboring land Uses and the character of the surrounding neighborhood; and The use is specifically permitted under this ordinance;
- b. Consistent with the general purpose and intent of the Zoning Ordinance. The location of the proposed activities and improvements is clearly defined on the applicant's site plan; and
- c. The exception will be wholly compatible with the existing use and permitted development of adjacent properties either as filed, or subject to such requirements as the board finds necessary, to protect and maintain the stability of adjacent properties.

(7)(2) The burden of proof regarding all conditions is on the applicant. Any site or floor plan will become part of the special exception approval, if approved.

⁴⁹ This is consistent with Texas LGC Chapter 211, Sec. 211.010(d).

(h) **Reapplication.** When a Special Exception Application is disapproved by the Board, or when a Special Exception Application is withdrawn by the Applicant prior to action by the Board, the Board shall not consider another Special Exception Application for all or any portion of the same Lot for at least four months from the date of the disapproval.

(1) After the Board of Adjustment hears an appeal and denies the request or applicant withdraws a request after public notice is given, the board shall have no authority to again consider or re-hear the case if it involves substantially the same subject matter or the same piece of property until a period of six (6) months has elapsed from the first appeal date. The board's power to wait the six (6) months shall not be construed to include a variance or exception for this time period. When a decision of the board is appealed to a court of competent jurisdiction, no new applications of like nature will be accepted by the board or scheduled with this applicant until the court renders its final decision.

(8)(2) When the court affirms the board's decision to deny a special exception or variance request, no new application of like nature shall be accepted by the board unless substantial change exists in the conditions within the community, since the board rendered its decision so as to justify accepting a new application.

(g)(i) **Appeals.** Zoning Board of Adjustment actions may be appealed in accordance with Texas Local Government Code Sec. 211.011.

(h)(i) **Scope of Approval.** If the Special Exception Application is approved or approved with conditions, the Applicant may apply for any permits or approvals required for Development or establishment of the Use, as provided in this Chapter.

Sec. 4-10-233Sec. 4-10-223. - Variances.

(a) **Purpose.** This Section establishes a procedure to avoid hardships that could result from the application of this Chapter.

(b) **Applicability.** This Section applies to any Application for a Variance. A Variance is permission for a property owner to depart from the literal requirements of the zoning regulation in cases in which strict enforcement of the zoning regulation would cause undue hardship in the use and development of the property due to special circumstances unique to the property itself, from the requirements of this Chapter related to:

(1) — Height;

(2) — Yard;

(3) — Lot Area;

(4) — Lot Coverage; or

(5) — Required number of Off-Street Parking Spaces.

(c) **Initiation.**

- (1) A Variance Application may be filed by the property owner or the Owner's agent.
- (2) A Variance Application is filed with the [Zoning Board of Adjustment and the Building Official](#).
- (3) A pre-application conference is not required.
- (d) **Completeness.** See Sec. 4-10-201, *Completeness review*.
- (e) **Notice.** The notice required by Table 4-10-2338.1 applies to any Variance Application.

Table 4-10-2338.1 – Notice Required for Variance Applications

| Type | Required? | To Whom? | When? |
|--------------------------------|-----------|--|--|
| Publication | Yes | -- | Published at least 16 days prior to the public hearing |
| Mail | Yes | All owners of real property lying within 200 ft of the property subject to the Application | Mailed at least 10 days prior to the public hearing |
| Electronic Transmission | Yes | Applicant | At least 10 days prior to the public hearing |

- (f) **Approval Process.**
 - (1) If the Variance Application pertains to any Lot(s) located in the A-O District, the Building Official shall request a recommendation on the Variance Application from the Director of Aviation prior to consideration of the Application by the Zoning Board of Adjustment.
 - (2) If the Variance Application pertains to any Lot(s) where a COA is required, the Building Official may request a recommendation on the Variance Application from the UDHPC at its next regularly scheduled meeting (prior to consideration of the Application by the Zoning Board of Adjustment).
 - (3) Variance Applications are considered by the Zoning Board of Adjustment at a public hearing, which requires notice in accordance with ~~(d)~~(e), above.
 - (4) After the public hearing, the Zoning Board of Adjustment may:
 - a. Approve the Variance Application;
 - b. Approve the Variance Application with any conditions needed or stipulated by the Applicant to comply with the approval criteria in subsection (g), below;
 - c. Disapprove the Variance Application; or



- d. Defer action on the Variance Application pending receipt of additional information (see Article XI, *Submittal Requirements*).
- (5) The concurring vote of at least four members of the Board is required to decide in favor of a Variance Application.
- (6) The Board shall act on the Application not later than the 60th day after the date the Application is filed.⁵⁰
- (g) **Approval Criteria.**
 - (1) The Zoning Board of Adjustment shall only authorize a Variance where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship.
 - (2) In authorizing a Variance, the Board shall ~~find and show in its minutes such facts and/or special conditions by which the Application satisfies each of the following conditions: grant the application only when the board determines that:~~
 - a. ~~Special circumstances exist on the subject Lot relating to its size, area, topography, location, or surrounding conditions that; Literal enforcement of the regulations in this zoning ordinance will create an unnecessary hardship in the development of the affected property;~~
 - 1. ~~Do not apply generally to the other Lots in the same area and the same Zoning District, or~~
 - 2. ~~Do apply generally to the other Lots in the same area and the same Zoning District, but a substantial proportion of the other Lots in the same area and Zoning District are legally enjoying the conditions that the Application requests. This subdivision 2. does not apply to Lots within the Downtown Overlay District; and~~
 - b. ~~That the granting of the Variance on the specific property will not adversely affect the land use pattern of the area as outlined by the land use section of the Comprehensive Plan, or where applicable the Downtown Amarillo Urban Design Standards, and will not adversely affect any other feature of the Comprehensive Plan or DAUDS; and The situation causing the hardship is unique to the affected property;~~
 - c. ~~That the Variance, if authorized, will be of no material detriment to the public safety or welfare; or injury to the use, enjoyment or value of the property in the vicinity; and The hardship is not self-imposed;~~

⁵⁰ This is consistent with Texas LGC Chapter 211, Sec. 211.010(d).

- d. ~~Authorization of the Variance will not be contrary to the public interest; and The relief sought will not injure the existing or permitted use of adjacent conforming property; and~~
 - e. ~~The spirit of this Chapter shall be observed and substantial justice done. The granting of a variance will be in harmony with the spirit and purposes of this zoning ordinance. The granting of a variance will be in harmony with the spirit and purposes of this zoning ordinance.~~
- (3) ~~The Zoning Board of Adjustment shall not authorize a Variance where it will operate to relieve the Applicant of a condition or circumstance that:~~
- a. ~~Is not inherent in the Lot itself, but rather is the result of the Use or Development of the Lot; or~~
 - b. ~~Was caused by the division of land after the effective date of the ordinance from which this Chapter is derived, where such division of land caused the Lot to be unusable for any reasonable Development under the existing regulations; or~~
 - c. ~~Was otherwise self-imposed by the present or a previous Owner; or~~
 - d. ~~Is based solely upon the intent to make the Lot more profitable or to reduce expense to the Owner.~~
- (h) **Reapplication.** ~~When a Variance Application is disapproved by the Board, or when a Variance Application is withdrawn by the Applicant prior to action by the Board, the Board shall not consider another Variance Application for all or any portion of the same Lot for at least four months from the date of the disapproval.~~
- (1) ~~After the Board of Adjustment hears an appeal and denies the request or applicant withdraws a request after public notice is given, the board shall have no authority to again consider or re-hear the case if it involves substantially the same subject matter or the same piece of property until a period of six (6) months has elapsed from the first appeal date. The board's power to wait the six (6) months shall not be construed to include a variance or exception for this time period. When a decision of the board is appealed to a court of competent jurisdiction, no new applications of like nature will be accepted by the board or scheduled with this applicant until the court renders its final decision.~~
 - (4)(2) ~~When the court affirms the board's decision to deny a special exception or variance request, no new application of like nature shall be accepted by the board unless substantial change exists in the conditions within the community, since the board rendered its decision so as to justify accepting a new application.~~
- (h)(i) **Appeals.** Zoning Board of Adjustment actions may be appealed in accordance with Texas Local Government Code Sec. 211.011.
- (h)(i) **Scope of Approval.** If the Variance Application is approved or approved with conditions, the Applicant may apply for any permits or approvals required for Development or establishment of the Use, as provided in this Chapter.

~~Sec. 4-10-234~~Sec. 4-10-224. - *Reserved.*

~~Sec. 4-10-235~~Sec. 4-10-225. - *Reserved.*

~~Sec. 4-10-236~~Sec. 4-10-226. - *Reserved.*

~~Sec. 4-10-237~~Sec. 4-10-227. - *Reserved.*

~~Sec. 4-10-238~~Sec. 4-10-228. - *Reserved.*

~~Sec. 4-10-239~~Sec. 4-10-229. - *Reserved.*

~~Sec. 4-10-240~~Sec. 4-10-230. - *Reserved.*

~~Sec. 4-10-241~~Sec. 4-10-231. - *Reserved.*

~~Sec. 4-10-242~~Sec. 4-10-232. - *Reserved.*

~~Sec. 4-10-243~~Sec. 4-10-233. - *Reserved.*

~~Sec. 4-10-244~~Sec. 4-10-234. - *Reserved.*



ARTICLE VI. - NONCONFORMITIES AND VESTED RIGHTS

~~Sec. 4-10-245~~Sec. 4-10-235. - Purpose.

- (a) This Article provides for the regulation of Nonconformities and specifies the conditions under which legal Nonconformities may be maintained despite amendments to this Article subsequent to the lawful establishment of the Lot, Site Improvement,⁵¹ Structure, or Use.
- (b) The City finds that Nonconformities adversely affect the orderly development and value of other property and should not continue except in compliance with this Article.
- (c) This Article does not confer legal nonconforming status to expired approvals under this Chapter, nor to Lots, Site Improvements, Structures, or Uses established inconsistent with City regulations in effect when the Lot, Site Improvement, Structure, or Use was established.

~~Sec. 4-10-246~~Sec. 4-10-236. - Generally.

- (a) **General definitions.** In addition to the definitions in Article IX, *Definitions and Rules of Interpretation & Measurement and Definitions*, the definitions below apply to this Article.
 - (1) *Cost* – means the total cost of reconstruction or repair, which is the fair market value of the materials, services, and labor necessary to accomplish the reconstruction of a Structure or the reconstruction or repair of a Nonconformity. No person may seek to avoid the intent of this Article by undertaking repairs incrementally.
 - (2) *Effective Date* – means the effective date of the application of this Chapter, or any amendment thereto, that creates a Nonconformity.
 - (3) *Structural Value* – means the present-day Cost of replacing a Structure.
- (b) **Continuation of Nonconformities.**
 - (1) Unless otherwise specifically provided in this Chapter and subject to the restrictions and qualifications set forth in this Article, Nonconformities that were otherwise lawful on the Effective Date may be continued, and may be referred to as a legal Nonconformity or as having legal nonconforming status.
 - (2) The burden is on the Applicant or property owner seeking legal nonconforming status.
- (c) **Repair, maintenance, and alterations.** Repairs, alterations, and maintenance of a legal conformity that do not increase the extent or nature of the Nonconformity are allowed if the repair, alternation, or maintenance is otherwise consistent with City requirements.

⁵¹ Defined as any improvement required by Article II, *Zoning Districts*; Article III, *Use Regulations*; or Article IV, *Development Standards*.

- (d) **Government Action.** A Nonconformity exists when any developed Lot is reduced in size by a taking for public necessity and the reduction affects the Lot Area, Lot Width, Lot Depth, Building Setback, or Off-Street Parking Spaces of the Lot to the extent that the use at the time of taking would be rendered a violation of this Chapter.

~~Sec. 4-10-247~~Sec. 4-10-237. - Nonconforming Uses.

- (a) **Applicability.** This Section applies to any Nonconforming Use.
- (b) **Generally.** A Nonconforming Use may not be expanded or increased beyond the Lot on which the Nonconforming Use is located on the Effective Date, except the Planning Director may approve the provision of Off-Street Parking Spaces for the Nonconforming Use through the Site Plan procedure (see Article V, *Procedures*).
- (c) **Change of Nonconforming Use.** Any Nonconforming Use may be changed to a conforming Use. However, once conforming use status is established, the property owner may not reestablish another or the same Nonconforming Use.
- (d) **Abandonment.**
 - (1) Except as provided in paragraph (2) below, a Nonconforming Use discontinued for ~~180-12~~ consecutive ~~calendar days~~calendar months is deemed abandoned, regardless of the intent of the Owner or occupant of the premises. Use of the Lot or Structure thereafter must comply with this Article and other City requirements in effect upon abandonment.
 - (2) Unless otherwise prohibited in subsections (e)-(h), below, a Structure containing a Nonconforming Use that is damaged or destroyed by any cause may be reconstructed or repaired to the Structure's previous condition if the work is completed within two years of the date of the damage or destruction of the Structure.
- (e) **Airport Overlay District.**
 - (1) A Nonconformity in the Airport Overlay District Wildlife Hazard Zone cannot be expanded in any way that creates a greater Hazard to Air Navigation than was present on the Effective Date.
 - (2) A Nonconforming Use in the Airport Overlay District Noise Zones may not be expanded or increased beyond the Lot on which the Nonconforming Use is located on the Effective Date.
- (f) **Outdoor Storage.** For legal nonconforming Outdoor Storage uses for which this Chapter requires screening, the Owner or occupant of the Premises shall provide such screening not later than two (2) years from the Effective Date.
- (g) **Adult Businesses.** An Adult Business that is in operation on the effective date of an annexation and that does not conform to the location and zoning requirements pertaining to an Adult Business is a Nonconforming Use. The Adult Business may continue for three (3) years from the effective date of annexation. Upon the expiration of three (3) years, all

Nonconforming Use rights shall terminate, and the Nonconforming Use shall be illegal and shall terminate.

- (1) Any Nonconforming Use as an Adult Business shall not be increased, enlarged or altered except to increase compliance with Sec. 4-10-88, *Adult Businesses*.
- (2) If two (2) or more Adult Businesses are rendered Nonconforming by the required separation in Sec. 4-10-88, only, first in time is first in right. It shall be the burden of the Adult Business asserting a priority to prove its prior right.
- (3) If the Owner of an Adult Business is unable to recoup its investment in such business prior to termination, it may request an extension of time by filing a request with the Planning Department at least 90 days before to the termination date.
 - a. The Application for an extension shall contain all of the data the Applicant wishes to be considered in determining whether or not an extension should be granted.
 - b. The City Council may consider the Application for extension and may grant additional time not to exceed one (1) year if it finds that the Applicant's need outweighs the public interest in termination.
- (h) **Alcohol vendors.** Any Nonconforming Use that includes the sale of alcoholic beverages shall be terminated within 90 calendar days of the expiration of any required state licenses.

Sec. 4-10-248~~Sec. 4-10-238~~. - Nonconforming Lots.

- (a) **Applicability.** This Section applies to Nonconforming Lots that are vacant at the time an Applicant or property owner claims nonconforming status. A change in Use of a developed Nonconforming Lot may be accomplished only in accordance with Sec. 4-10-237(c).
- (b) **Nonconforming Lots.** No Use or Structure shall be established on a Nonconforming Lot, except as otherwise provided for in this Section.
- (c) **Residential Lot Area and dimensions.**⁵² A vacant Nonconforming Lot in a Residential Zoning District may be used only for a detached, One-Family Housing Unit; a Manufactured Home; a Park or Playground; or a Community Garden if:
 - (1) The Uses are permitted in that Zoning District and
 - (2) All other City requirements are met.

⁵² This consolidates the current requirements in Sections 4-10-167, 4-10-168, and 4-10-169. It makes the Uses allowed on a Lot that is nonconforming with respect to Lot Area or Lot Depth consistent with the Uses allowed on a Lot that is nonconforming with respect to Lot Width, and expands the uses to include Parks, Playgrounds, and Community Gardens..

- (d) **Non-Residential Lot Area or dimensions.** A vacant Nonconforming Lot not located in a Residential District may be used for any Use permitted by this Chapter.
- (e) **Setback reduction for Nonconforming Lots.**⁵³ Minimum Setbacks for a Structure located on a Nonconforming Lot may be reduced as follows:
 - (1) Where a Lot is nonconforming with respect to Lot Depth, the minimum required Front and Rear Setbacks may be reduced by up to 10 percent.
 - (2) Where a Lot is nonconforming with respect to Lot Width, the minimum required Side Setback may be reduced by up to 10 percent.
- (f) **Creation of Nonconforming Lots prohibited.** The subdivision of any land may not result in a Lot Area or dimension that does not meet the minimum standards of this Chapter.

Sec. 4-10-249~~Sec. 4-10-239~~. - Nonconforming Structures.

- (a) **Applicability.**
 - (1) This Section applies to Nonconforming Structures.
 - (2) No alterations to a Nonconforming Structure are permitted unless:
 - a. The alterations are required by applicable building codes, safety codes, or other state or federal law preempting local ordinances; or
 - b. The alteration accommodates a Conforming Use and does not increase the degree or extent of the nonconforming status of the Nonconforming Structure.
- (b) **Repair, maintenance, and alterations.**
 - (1) If a Nonconforming Structure is damaged by any cause, and the Cost to repair exceeds 50 percent of its Structural Value, the Structure shall not be restored to its nonconforming state unless approved by the Zoning Board of Adjustment through the Special Exception process (see Article V, *Procedures*).
 - (2) If a Nonconforming Structure is damaged by any cause, and the Cost to repair is 50 percent or less of its Structural Value, repairs and restoration may be permitted to restore the Structure to its previous nonconforming state, without Zoning Board of Adjustment review.
- (c) **Change of Use in a Nonconforming Structure.** When a Conforming Use is located in a Nonconforming Structure, the Use may be changed to another Conforming Use by securing a Certificate of Occupancy and Compliance (see Article V, *Procedures*).

⁵³ This is a new provision that provides flexibility for Nonconforming Lots. There is a cross-reference to these provisions in Sec. 4-10-281~~Section 4-10-149~~, *Yards and Setbacks*.

(d) **Airport Overlay District.**

- (1) This subsection applies to any Structure or Object of Natural Growth that exceeds any Height limit specified in Sec. 4-10-70, *A-O, Airport Overlay District*).
- (2) A Nonconforming Structure in the Airport Overlay District shall not be expanded or extended in any way that creates an increased Hazard to Air Navigation, as determined by the Director of Aviation.
- (3) In the event a property contains a Nonconforming Structure or Object of Natural Growth, the City will notify the property owner of:
 - a. The property's nonconforming status;
 - b. The local, state, or federal codes with which the Structure or Object of Natural Growth does not conform; and
 - c. A proposed solution to mitigate the impact of the nonconformity on operations at the Amarillo International Airport.
 1. Such mitigation may include, as applicable, the installation, operation, and maintenance of markers and lights or cutting or topping of trees.
 2. The City will work with the property owner and other affected state and federal agencies to arrive at a mitigation plan acceptable to the property owner and agencies.
 3. However, this does not preclude other remedies available to the City to resolve issues critical to air operation safety and the public health, safety, and welfare.

(e) **Mobile and Manufactured Homes.**

- (1) A Mobile or Manufactured Home that is a Nonconforming Structure is deemed abandoned when unoccupied for a period of 180 consecutive calendar days.
- (2) The City may exercise its powers pursuant to Chapter 214 of the Texas Local Government Code, [Section 4-3-3 of the Amarillo Municipal Code](#), and other applicable laws if any Mobile or Manufactured Home is or becomes dilapidated, substandard, unfit for human habitation, and is a hazard to the public health, safety, and welfare.

~~Sec. 4-10-250~~[Sec. 4-10-240.](#) – Nonconforming Site Improvements.⁵⁴

(a) **Applicability.**

⁵⁴ Nonconforming sign provisions should move here (or a section immediately preceding or following this one) if/when the sign ordinance is revised.

- (1) This Section applies to Lots with Nonconforming Site Improvements.
 - (2) This Section does not apply to minor alterations of less than 10 percent of the Structural Value of a Structure, or alterations to a Structure pursuant to Sec. 4-10-239(c).
- (b) **Alterations to a Structure on a Lot with Nonconforming Site Improvements.** Alterations of any Structure located on a Lot with Nonconforming Site Improvements are not allowed unless the Nonconforming Site Improvements are brought into complete conformity with the regulations applicable to the Zoning District, except when the proposed alterations result in:
- (1) An increase of no more than 3,000 square feet or 35 percent of the gross Floor Area of the existing Buildings, whichever is less; or
 - (2) An increase in the number of Off-Street Parking Spaces by not more than 35 percent.

Sec. 4-10-251~~Sec. 4-10-241.~~ - Applications and projects in process; vested rights.⁵⁵

- (a) Vested rights balance the right of property owners to reasonably rely on official governmental acts and the City's obligation to reasonably respond to community changes and needs through revisions to this Chapter. By this Section the City recognizes and commits to protect vested rights as created by Texas Local Government Code, Chapter 245, Chapter 211, Chapter 43, and other applicable law, upon the City receiving all information necessary to determine whether vested rights arise from official City actions impacting a property.
- (b) Per Chapter 245, as amended, vested rights apply only to projects in progress on or commenced after September 1, 1997. The City will make vested rights determinations, at property owner request, according to procedures, requirements, exemptions and other applicable provisions of state law.

Sec. 4-10-252~~Sec. 4-10-242.~~ - Reserved.

Sec. 4-10-253~~Sec. 4-10-243.~~ - Reserved.

Sec. 4-10-254~~Sec. 4-10-244.~~ - Reserved.

⁵⁵ The language in this Section is from Sec. 4-6-26 (subdivision ordinance), with the addition of cross-references to Texas LGC Chapter 211 and Texas LGC Chapter 43. Chapter 211, Section 2211.017 and Chapter 43, Section 43.002, address continuation of land uses after annexation into a municipality.

ARTICLE VII. - AGENCIES

~~Sec. 4-10-255~~Sec. 4-10-245. - 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. 4-10-256~~Sec. 4-10-246. - 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. 4-10-257~~Sec. 4-10-247. - Planning and Development Services Department.

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. 4-10-211, *Landscaping and Irrigation Plans*);
 - (5) Receive, review, and act on Site Plan Applications (see Sec. 4-10-212, *Site Plans*);
 - (6) Receive, review, and act on Certificate of Appropriateness Applications that require administrative review (see Sec. 4-10-217, *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; and
 - b. Zoning Ordinance text and map amendments.
 - (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. 4-10-251(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. 4-10-301, *Traffic Impact Analysis*.

Sec. 4-10-258Sec. 4-10-248. - 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. 4-10-301, *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. 4-10-259**Sec. 4-10-249.** - 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. 4-10-212, *Site Plans*).
- (b) The DRC is comprised of City staff appointed by the Planning Director.

Sec. 4-10-260**Sec. 4-10-250.** - 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 Sec. 241.016, *Airport Zoning Commission*; and
 - (3) The authority to hear appeals of administrative actions on a Site Plan Application, in accordance with Sec. 4-10-212, *Site Plans*.

Sec. 4-10-261**Sec. 4-10-251.** - 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, Historic 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;⁵⁶
- (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;

⁵⁶ This provision for SUP review by UDHPC is new.

- (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.
- (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. 4-10-262~~ Sec. 4-10-252. - 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*: [and Texas Local Government Code, Chapter 211.](#)
- (b) The Board shall adopt rules, operate, and exercise all duties and powers as prescribed in Chapter 2-6 [and Texas Local Government Code, Chapter 211.](#) 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. 4-10-221, *Appeals of administrative and UDHPC decisions*);

- (2) The power to hear appeals from decisions of the UDHPC;
- (3) The power to hear and decide Special Exceptions (~~see in accordance with~~ Sec. 4-10-222, *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. 4-10-254. (g)).~~
- (4) The power to hear and decide Variances (~~see in accordance with~~ Sec. 4-10-223, *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. 4-10-263~~Sec. 4-10-253. - Reserved.

~~Sec. 4-10-264~~Sec. 4-10-254. - Reserved.

~~Sec. 4-10-265~~Sec. 4-10-255. - Reserved.

~~Sec. 4-10-266~~Sec. 4-10-256. - Reserved.

~~Sec. 4-10-267~~Sec. 4-10-257. - Reserved.

~~Sec. 4-10-268~~Sec. 4-10-258. - Reserved.



ARTICLE VII. - AGENCIES
SEC. 4-10-259. - RESERVED.

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~~Sec. 4-10-269~~Sec. 4-10-259. - *Reserved.*



ARTICLE VIII. - ENFORCEMENT

~~Sec. 4-10-270~~ Sec. 4-10-260. - Generally.

This Article establishes the procedures to enforce compliance with this Chapter and to mandate corrections for violations of this Chapter or conditions of an approval or permit issued under this Chapter.

~~Sec. 4-10-271~~ Sec. 4-10-261. - Violations.

(a) **Generally.**

- (1) Any person who violates the provisions of this Chapter is subject to the remedies and penalties it provides. The following activities, acts, failures to act, and conditions are violations of this Chapter and will be enforced using the penalties and remedies provided by this Article, this Code, and by Texas state law:
 - a. **Development or Use without permit or approval.** Any activity that is not authorized by the acquisition of all required permits, approvals, certificates, and authorizations required by this Chapter;
 - b. **Development or use of land inconsistent with this Chapter.** Any activity that is inconsistent with any zoning, development, landscaping, sign, historic district, or general regulation of this Chapter or any amendment to it;
 - c. **Development or use inconsistent with conditions of permit.** Any activity that is inconsistent with any term, condition, or qualification placed by the City upon a required permit, certificate, rezoning, plan approval, or other form of authorization granted by the City to allow the Use, Development, placement of Signs, or other activity upon land or improvements of land;
 - d. **Making a Lot or Yard nonconforming.** Reducing or diminishing any Lot Area, Lot Width, Lot Depth, or Setback so that the Lot or Yard is smaller than prescribed by the requirements of this Chapter;
 - e. **Increasing Lot Coverage.** Increasing Lot Coverage so that it exceeds the maximum allowed by this Chapter;
 - f. **Increasing the intensity of Use.** Increasing the intensity or Density of Use of any land or Structure, except in accordance with the procedural and substantive requirements of this Chapter;
 - g. **Deficient landscaping and site improvements.** Failing to install or maintain any landscaping, screening, or site improvements required by this Chapter;

- h. **Disrupting notice.** Removing, defacing, obscuring, or interfering with any notice posted or made pursuant to this Chapter;
 - i. **Displaying a temporary Sign longer than permitted.** Displaying a temporary Sign for a period of time in excess of that stated in the permit; and
 - j. Any other act that is prohibited by this Chapter or the failure to do any act that is required by this Chapter is a violation under this Section and is punishable under this Chapter [and Amarillo Municipal Code, Section 1-1-5.](#)
- (2) Each day that any violation of any provision of this Chapter continues constitutes a separate offense.
- (3) For purposes of this section, an “activity” or “activities” includes:
- a. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any Building or Structure,
 - b. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any site improvement, including Signs, and
 - c. The Use, alteration, or maintenance of any land.
- (b) **Violations of prior regulations.** All violations of prior zoning regulations of the City that have accrued as of the effective date of this Ordinance shall continue to be violations and are not considered legal nonconforming situations under this Chapter, unless the Use, Development, or activity that is the subject of the violation complies with this Chapter. The City has the authority to enforce penalties and remedies for violations of the prior regulations to the same extent that it may enforce penalties and remedies for violations of this Chapter pursuant to this Article.

[Sec. 4-10-272](#)[Sec. 4-10-262.](#) - Enforcement procedures.

- (a) **Notice of violation.**
- (1) In the case of violations not involving continuing construction or development or any emergency situation, the City shall give written notice of the nature of the violation to the Owner, occupant, or agent of the property at the last known address.
 - (2) The contents of the notice shall describe the nature of the violation in terms that would reasonably allow the property owner or other responsible person, representative, or tenant to determine the nature of the violation to allow for self-abatement and shall mandate a 10-day time to cure before further enforcement action will be taken.
 - (3) The person to whom notice is directed shall correct the violation or be subject to further enforcement action.

- (4) The notice shall be personally served or sent by certified mail, return receipt requested. Failure to sign for the certified mail or failure to pick up the notice from the post office is not deemed a lack of notice under this ordinance where delivery was attempted, and a record of this attempt was provided as required by procedures for restricted mail.
- (b) **Immediate enforcement.**
 - (1) If the Planning Director determines that an emergency situation exists or continuing construction is occurring in violation of this Code, the City may immediately use the enforcement powers and remedies available to it pursuant to Sec. 4-10-263 and Sec. 4-10-264.
 - (2) No other notification procedures are required as a prerequisite to an immediate enforcement action.
- (c) The Planning Director is authorized to initiate an action to punish, prevent, restrain, correct, or abate any violation of this Chapter or of any order or ruling made in connection with its administration or enforcement in any Court of competent jurisdiction.

Sec. 4-10-273[Sec. 4-10-263.](#) - Penalties.

- (a) **Enforcement by the City.** The City has the following remedies and enforcement powers:
 - (1) **Violation is a misdemeanor.** Any person who violates any provision of this Chapter by performing an act prohibited by it or by failing to perform an act required by it is guilty of a Class C misdemeanor. Each day on which a violation exists or continues to exist shall be a separate offense. The City may institute all necessary proceedings in Municipal Court or other appropriate venue to prosecute violations under this Chapter [pursuant to Amarillo Municipal Code, Section 1-1-5.](#)
 - (2) **Fines.** Violations of this Chapter's regulations are punishable by a fine not to exceed two thousand dollars (\$2,000.00) per day for each violation [pursuant to Amarillo Municipal Code, Section 1-1-5.](#)
 - (3) **Withholding of permits or approvals.**
 - a. The City may deny or withhold all permits, certificates, plan or plat approvals, or other forms of authorization on any Building, Structure, land, or improvements upon land on which there is an uncorrected violation of any provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City.
 - b. The City may, instead of withholding or denying an authorization, grant the authorization subject to the condition that the violation be corrected.

- c. This subsection applies regardless of whether the current Owner or Applicant is responsible for the violation in question.
 - (4) **Stop work.** With or without revoking permits, the City may order stop work on any Development, Building, or Structure on any land on which there is an uncorrected violation of a provision of this Chapter or a violation of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City.
 - (5) **Revocation of permits and approvals.** The City may revoke all permits, certificates, plan or plat approvals, or other forms of authorization on any Building, Structure, land, or improvements upon land for which there is an uncorrected violation of any provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City.
 - (6) **Civil remedies.**
 - a. The City may maintain civil suits or actions in any court of competent jurisdiction to enforce this Chapter and to abate nuisances maintained in violation of this Chapter [pursuant with the Amarillo Municipal Code, Section 1-1-5, and Texas Local Government Code, Chapter 54.](#)
 - b. If a Building or other Structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a Building, other Structure, or land is used in violation of this Chapter, the City may institute appropriate action to:
 - 1. Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
 - 2. Restrain, correct, or abate the violation;
 - 3. Prevent the occupancy of the Building, Structure, or land; or
 - 4. Prevent any illegal act, conduct, business, or use on or about the premises.
 - (7) **Mobile and Manufactured Homes.** The City may exercise its powers pursuant to [Amarillo Municipal Code, Section 4-3-3; Texas Local Government Code, Chapter 214; of the Texas Local Government Code](#) and [any](#) other applicable laws if any Mobile or Manufactured Home is or becomes dilapidated, substandard, unfit for human habitation, and is a hazard to the public health, safety, and welfare.
 - (8) **Other remedies.** In addition to the enforcement powers and remedies specified in this title, the City may exercise any and all enforcement powers and remedies granted to it by Texas state law, as it may be amended from time to time.
- ~~(b) Private enforcement. The City confers and extends the right to bring suit in court of competent jurisdiction to the owner of any landmark or any contributing property in any~~

~~Historic District if the property is affected by a violation of the terms of this Chapter, and the owner may obtain the remedies that may be available at law or in equity for the protection of the rights of property owners.~~

~~(e)~~(b) **Exceptions and exemptions not required to be negated.**⁵⁷ In any suit or proceedings brought for the enforcement of any provision of this Chapter, the City shall not be required to negate by affirmative allegations or proof any exception, excuse, proviso, or exemption contained in this Chapter. The burden of proof of any exception, excuse, proviso, or exemption shall be upon the defendant or person charged.

~~(d)~~(c) **Remedies are cumulative.** The remedies provided for in this Section are cumulative.

~~Sec. 4-10-274~~Sec. 4-10-264. - Revocation of permit or approval.

- (a) **Basis for revocation.** A permit or approval may be revoked by the Planning Director issuing the permit at any time prior to the completion of the Use, Building, Structure, Development, site improvement, or subdivision for which the permit was issued, when the Planning Director determines that one or more of the following conditions is present:
- (1) There is departure from the plans, specifications or conditions as required under the terms of the permit;
 - (2) That the permit was procured by materially incorrect information;
 - (3) That the permit was issued in error; or
 - (4) That any of the provisions of this Ordinance are being violated.
- (b) **Notice.** Written notice of the revocation shall be served upon the Owner, the Owner's agent or contractor, or any person employed in the Building or Structure for which the permit was issued or shall be posted in a prominent location on the property. Where notice of revocation is served or posted, all further construction, Use, or Development of the property shall cease.
- (c) **Appeal of revocation.** Any revocation of a permit may be appealed to the Zoning Board of Adjustment as provided in Article V, *Procedures*.

~~Sec. 4-10-275~~Sec. 4-10-265. - *Reserved.*

~~Sec. 4-10-276~~Sec. 4-10-266. - *Reserved.*

⁵⁷ This section carries forward Sec. 4-10-5 and attempts to clarify it. The original section defines the burden of proof in enforcement actions. Compare original text of Sec. 4-10-5: "In any complaint and in any action or proceedings brought for the enforcement of any provision of this chapter, it shall not be necessary to negative any exception, excuse, proviso or exemption contained in this chapter. The burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant or person charged."

ARTICLE VIII. - ENFORCEMENT
SEC. 4-10-267. - RESERVED.

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~~Sec. 4-10-277~~Sec. 4-10-267. - *Reserved.*

~~Sec. 4-10-278~~Sec. 4-10-268. - *Reserved.*

~~Sec. 4-10-279~~Sec. 4-10-269. - *Reserved.*



ARTICLE IX. - DEFINITIONS & RULES OF INTERPRETATION & MEASUREMENT AND DEFINITIONS

DIVISION 1. RULES OF INTERPRETATION

Sec. 4-10-280 Sec. 4-10-270. - General rules of interpretation.

- (a) For purposes of interpreting this Chapter, the following definitions of word use apply:
 - (1) Words used in the present tense include the future tense;
 - (2) Words used in the singular include the plural;
 - (3) Words used in the plural include the singular;
 - (4) Words importing the masculine gender include the feminine and neuter and firms, partnerships, and corporations;
 - (5) The words "shall" and "must" are mandatory;
 - (6) The words "may" and "should" are permissive;
 - (7) The word "building" includes the word "structure;" and
 - (8) The term "used for" includes "designed for," or "intended for," or "maintained for," and "occupied for."
- (b) **Computation of time.**
 - (1) In accordance with Amarillo Municipal Code Section 1-2-2, whenever a notice is required to be given or an act to be done a certain length of time before any proceeding, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.
 - (2) Whenever a notice, petition, or other document is required to be filed within a specified time period, the notice, petition, or document must be filed with the appropriate City official or in the appropriate City office not later than 5:00 PM on the last day of the period as computed.
- (c) Where a Zoning District provides examples of Permitted Uses, these do not supersede the Permitted Uses shown in Sec. 4-10-82, *Permitted and Specific Uses*. If there is a conflict between the examples of Permitted Uses and the Schedule of Use, the Schedule of Use applies.
- (d) This Chapter includes graphics to help the reader understand the text. If there is a conflict between a graphic and the text, the text applies.

- (e) Where this Chapter permits or requires an act on the part of an "owner" or "landowner," and a particular Lot or tract of land is owned by several persons, whether in joint tenancy, tenancy in common, partnership, joint venture, or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all such persons.
- (f) Any reference to a statute, provision of the Amarillo City Code, other law or regulation, reference document, technical manual, or other document refer to the most recent versions of those documents, including any amendments or updates.

~~Sec. 4-10-284~~Sec. 4-10-271. - Interpretation of Zoning Map.

- (a) The District boundary lines shown on the Zoning Map are usually along Streets, Alleys, or Lot Lines, or extensions thereof. Where uncertainty exists as to the boundaries of Districts as shown on the official Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of Streets, highways, or Alleys shall be construed to follow such centerlines.
 - (2) Boundaries indicated as approximately following Platted Lot Lines shall be construed as following such Lot Lines.
 - (3) Boundaries indicated as approximately following City limits shall be construed as following City limits.
 - (4) Boundaries indicated as following railroad lines shall be construed to be the centerline of the Right-of-way or, if no centerline is established, the boundary shall be interpreted to be midway between the Right-of-way lines of such railroad.
 - (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines; boundaries indicated as approximately following the centerlines of streams, drainageways or draws shall be construed to follow such centerlines.
 - (6) Boundaries indicated as parallel to or extensions of features indicated in paragraphs (a)(1) through (5) above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined by the scale of the map.
 - (7) Whenever any Street, Alley, or other public way is vacated by official action of the City Council, the Zoning District adjoining each side of such Street, Alley, or other public way shall be automatically extended to the former centerline of such vacated Street, Alley, or public way.
- (b) Where physical features on the ground differ from the information shown on the official Zoning District Maps or when there arises a question as to how or whether a Parcel of property is zoned and such question cannot be resolved by the application of paragraphs (a)(1) through (7), the property shall be considered to be classified as A, Agricultural District, in the same manner as provided for newly annexed territory, and the issuance of a Building Permit shall be in accordance with the provisions provided in Sec. 4-10-13, *Zoning of annexed land*.

~~Sec. 4-10-282~~Sec. 4-10-272. - **Conflicting Rules.**

As specified in Sec. 4-10-290, *Relationship to other laws*, when two or more regulations are in conflict, the stricter regulation applies.

Sec. 4-10-273. – Reserved.

Sec. 4-10-274. - Reserved.

DIVISION 2. RULES OF MEASUREMENT

Sec. 4-10-275. - 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 4-10-275.1, *Example Calculation of Minimum Density.*

Table 4-10-275.1 – Example Calculation of Minimum Density

| | |
|--|--|
| District | MD District |
| Main Building Type | Multiple-Family |
| Density (min) | 4 du/ac |
| Gross Lot Area | 164,221 sf |
| Example Calculation of Minimum Density | |
| <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> | $3.77 \text{ ac} \times 4 \text{ du/ac} = 15.08 = 15 \text{ du (rounded)}$ |
| Key: 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 4-10-276.2. Example Calculation of Maximum Density.

Table 4-10-276.2 – Example Calculation of Maximum Density

| | |
|---|--|
| District | MD District |
| Main Building Type | Multiple-Family |
| Density (max) | 10 du/ac |
| Gross Lot Area | 164,221 sf |
| Example Calculation of Maximum Density | |
| <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> | $3.77 \text{ ac} \times 10 \text{ du/ac} = 37.7 = 37 \text{ du (rounded)}$ |
| Key: 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. 4-10-276. - Gross Floor Area.

(a) Gross floor area (GFA):

(1) Is measured from the exterior faces of the exterior walls of the structure;

(2) Includes the total horizontal area of all floors of a structure, including interior balconies, mezzanines, corridors, stairways, closets, and elevator shafts; and

(3) Excludes shafts with no openings and interior courts that are open from the floor to the sky.

(b) The floor area of a structure or portion thereof without exterior walls is the useable area under the horizontal projection of the roof or floor above.

Sec. 4-10-283Sec. 4-10-277. - Building Height.

(a) **Purpose.**

(1) The Zoning Districts (Article II) establish maximum Heights for Main Buildings and Structures.



- (2) The Accessory Uses and Buildings Use Regulations (Article III, Sec. 4-10-87) establish maximum Heights for Accessory Buildings.

(3) Article IV, Division 2, Sec. 4-10-151, Fences and walls, establishes the maximum Height for fences and walls.

(3)(4) This Section describes how to measure Building and Structure Height and exemptions to Height limitations.

(b) Measurement of fences and walls.

(1) The Height of a fence or wall is the vertical distance measured from grade on the interior side of the fence or wall to the highest point of the fence or wall, excluding decorative elements (see Table 4-10-277.1 - Exceptions to Maximum Building and Structure Height).

(2) For the purposes of this section:

a. "Ornamental features" include caps, finials, lattice, scrolls, balusters, or similar decorative elements; and

b. "Interior side of the fence or wall" means the side of the fence or wall that faces the lot on which the fence or wall is constructed.

(b)(c) Measurement of all other Buildings and Structures.

- (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.⁵⁸
- (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.

⁵⁸ GRADE PLANE. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building between the structure and a point 6 feet (1829 mm) from the building. [IRC 2015, Section R202]

- c. An Attic counts as a Story if it contains Habitable Attic space.
- d. These provisions are illustrated in Figure 4-10-445277.1 – Measurement of Height in Stories.

Figure 4-10-445277.1 – Measurement of Height in Stories



- e. The maximum Height of Structures that do not have traditional finished floors (such as water towers) are subject to a Height limit of 11 feet, 6 inches, multiplied by the maximum number of Stories permitted in the Zoning District.

(e)(d) 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 4-10-445277.1 – 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 |

Table 4-10-145277.1 – 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 |
|--|---|--|
| 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 |
| Educational and Institutional Uses | 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 |
| 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 |
| Ornamental features on fences or walls | Shall not extend more than 6 inches above the top of the fence or wall | Shall not extend more than 6 inches above the top of the fence or wall |
| Parapet walls | Shall not extend more than 10 feet above the roof | Shall not extend more than 10 feet above the roof |
| Educational and Institutional Uses | 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 |

Sec. 4-10-284. – 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 4-10-146.1, *Example Calculation of Minimum Density*.

Table 4-10-146.1— Example Calculation of Minimum Density

| | |
|--|--|
| District | MD District |
| Main Building Type | Multiple-Family |
| Density (min) | 4 du/ac |
| Gross Lot Area | 164,221 sf |
| Example Calculation of Minimum Density | |
| <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> | $3.77 \text{ ac} \times 4 \text{ du/ac} = 15.08 = 15 \text{ du (rounded)}$ |
| Key: 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 4-10-146.2, *Example Calculation of Maximum Density*.

Table 4-10-146.2— Example Calculation of Maximum Density



| | |
|---|---|
| District | MD-District |
| Main Building Type | Multiple-Family |
| Density (max) | 10 du/ac |
| Gross Lot Area | 164,221-sf |
| Example Calculation of Maximum Density | |
| <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> | $3.77\text{ ac} \times 10\text{ du/ac} = 37.7 = 37\text{ du (rounded)}$ |
| Key: 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)(e) **Accessory Dwelling Units.** Accessory Dwelling Units are not included in the calculation of minimum or maximum density.

Sec. 4-10-285Sec. 4-10-278. - Lot dimensions.

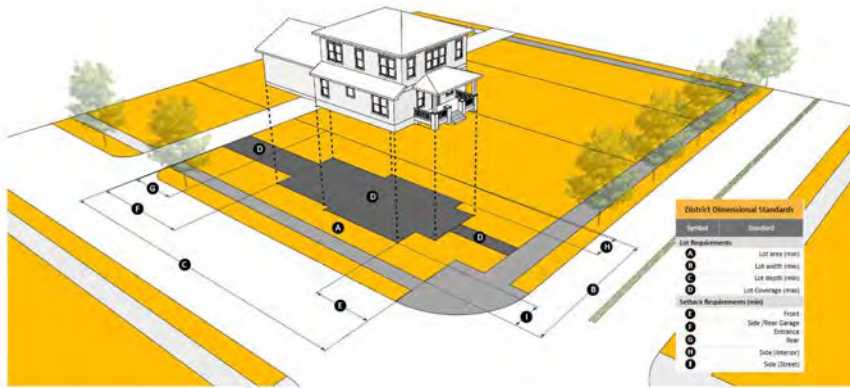
(a) **Purpose.** This Section includes standards and rules of interpretation for applying the Lot Area, Lot Width, and Lot Depth requirements for the Zoning Districts established in this Chapter.

(b) **Generally.**

(1) Figure 4-10-147278.1, Lot Dimensional Requirements, generally depicts Lot dimensional standards, including Lot Area, Lot Width, and Lot Depth.

Figure 4-10-147278.1 – Lot Dimensional Requirements





- (2) No Lot existing at the time of passage of this Chapter shall be reduced in Lot Area, Lot Depth, or width below the minimum required for the Zoning District in which the Lot is located.
- (3) 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;
 - 1. Means of gaining safe access;
 - 2. The relative dimensions of the Lot and Yards;
 - 3. Delivery of services to the Lot, including mail and trash collection;
 - 4. Associated Setbacks; and
 - 5. Other features related to site design and safe circulation.

(c) **Lot Area.**

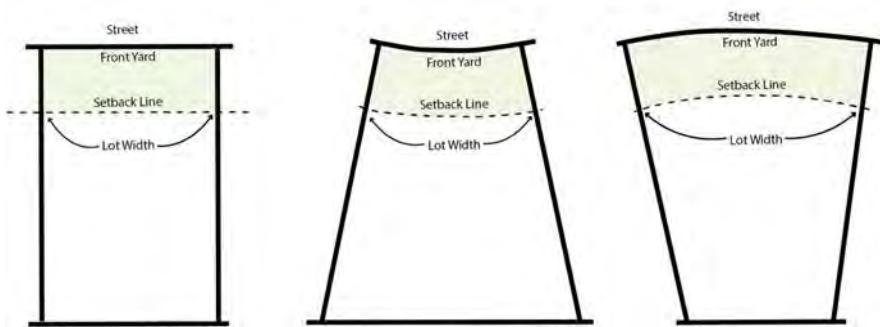
- (1) **Applicability.** This subsection applies to any Zoning District that establishes a minimum Lot Area requirement.
- (2) **Calculation.** The area of a Lot:

- 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 4-10-147278.2.

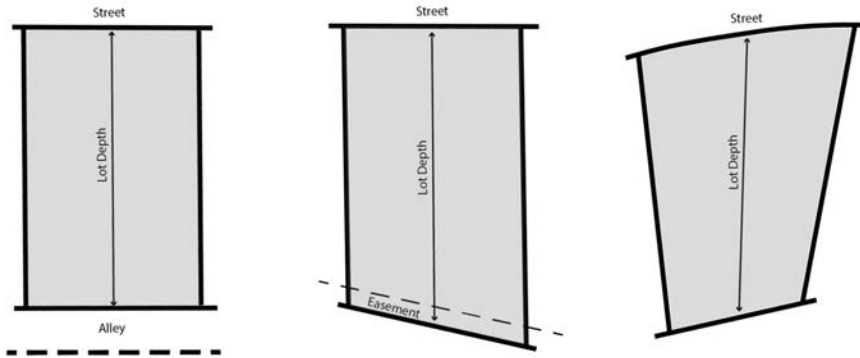
Figure 4-278.2 - Measurement of Lot Width



(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 4-10-147278.3.

Figure 4-278.3 - Measurement of Lot Depth



Sec. 4-10-286~~Sec. 4-10-279.~~ - 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.**
 - (1) Figure 4-10-~~147~~279.1, Lot Dimensional Requirements, generally depicts Lot dimensional standards, including Lot Coverage.
 - (2) No Structure shall hereinafter be located, erected, or altered so as to have a greater Lot Coverage than required by this Chapter.
- (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 100.⁵⁹
- (e) **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. 4-10-280. - Separation distance.

Where this Chapter requires a minimum distance between a proposed land use and particular zoning districts or uses, the distance is measured in a straight line from the nearest portion of the lot line where the proposed use is located to the nearest portion of the lot line or zoning district boundary line of the uses and districts from which the proposed use must be separated.

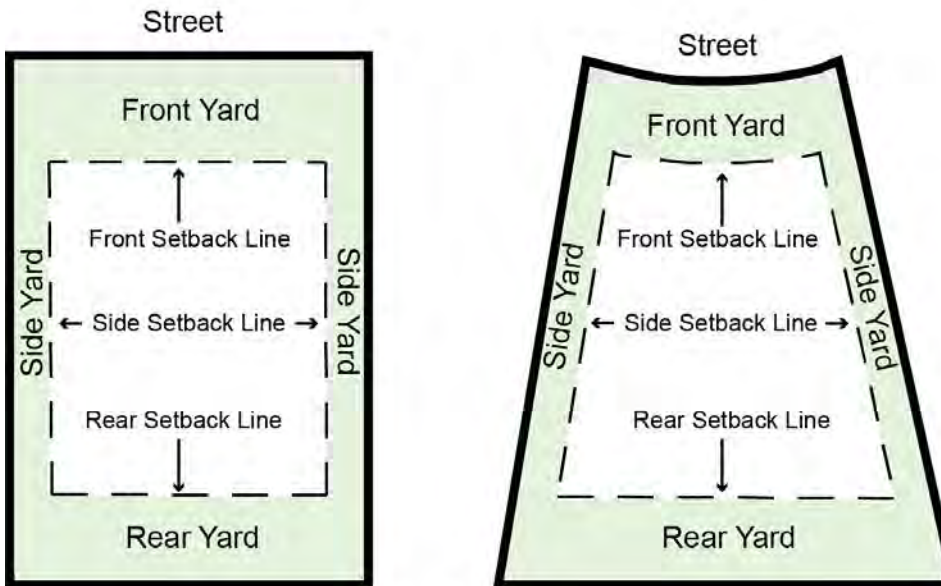
Sec. 4-10-287Sec. 4-10-281. - Yards and Setbacks.

- (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) Figure 4-10-~~1472~~78.1, Lot Dimensional Requirements, generally depicts Lot dimensional standards, including Setbacks.
 - (2) 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.

⁵⁹ 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."

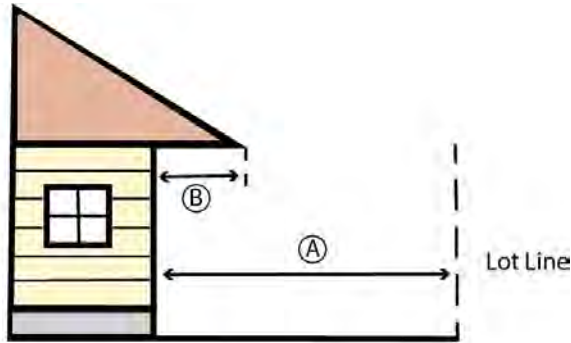
- (3) When making determinations or, if necessary, interpretations under this Section, the Planning Director will consider the following characteristics of the Lot and surrounding properties:
- a. The orientation of existing or proposed Buildings containing the Principal Use;
 - 1. Means of gaining safe access;
 - 2. The relative dimensions of the Lot and Yards;
 - 3. Delivery of services to the Lot, including mail and trash collection;
 - 4. Associated Setbacks; and
 - 5. Other features related to site design and safe circulation.
 - b. The general location of required Yards and Setback Lines are illustrated in Figure 4-10-~~149~~281.1.

Figure 4-10-~~149~~281.1 - 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 4-10-149281.2.

Figure 4-10-149281.2 – Measurement of Setbacks.



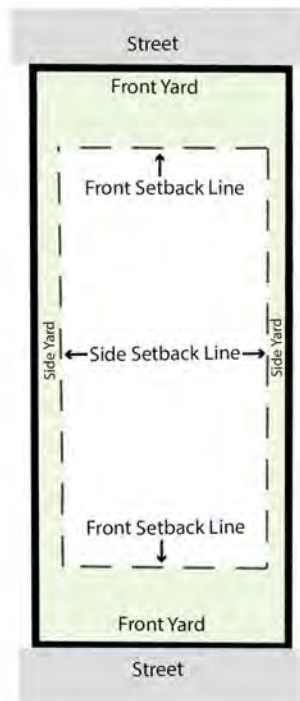
- Ⓐ This distance must be equal to or greater than the minimum Setback specified by the Zoning District.
- Ⓑ Yard/Setback Encroachment, as allowed by Article IV, Division 2.

(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.
- (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 4-10-149281.3.
- 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 4-10-149281.3 – Front Yards on Double Frontage Lots



(4) Corner Lots with Streets on Three Sides.

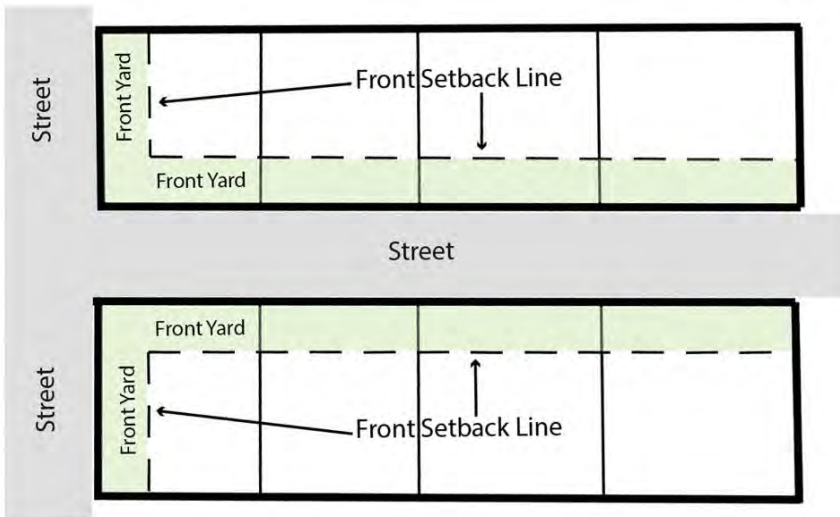
- a. On a Corner Lot with Streets on three sides, all Street Frontages shall be treated as Front Yards, except as provided in b., below.
- b. As illustrated in Figure 4-10-139281.6, the longest Street Frontage is considered as a Side Yard for any Corner Lot that:

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.**

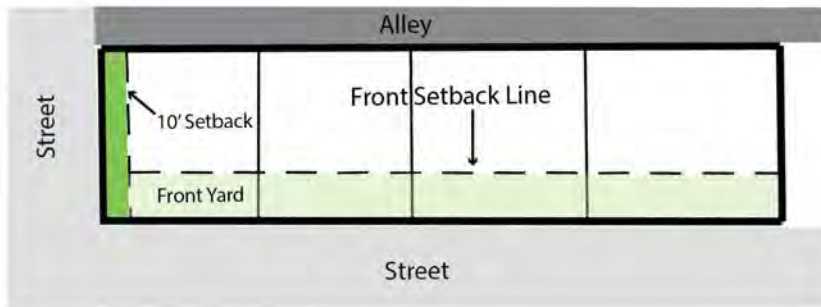
- a. On a Corner Lot, both Street Frontages shall be treated as Front Yards, except as provided in b., below. See Figure 4-10-149281.4.

Figure 4-10-149281.4 – Front Yards on Corner Lots with Streets on Two Sides



- b. As illustrated in Figure 4-10-149281.5, 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 4-10-149281.5 – Setbacks for Residential Corner Lots Bounded by an Alley

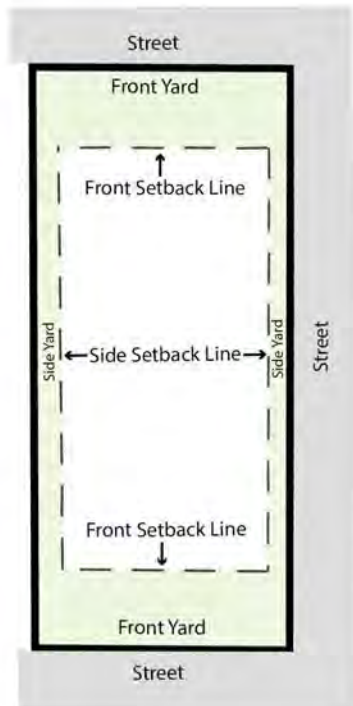


- (6) **Front Yard Reductions.** A Main Building may have a front Yard less than required if the Main Building is located on a Nonconforming Lot that is nonconforming with respect to Lot Depth. In such cases, the front Yard may be reduced by up to 10 percent (see Sec. 4-10-238, *Nonconforming Lots*).
 - (7) **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 4-10-149281.1.
 - (8) **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.
- (e) **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.

(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 4-10-149281.6, 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 4-10-149281.6 – 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 4-10-149281.4.
 - b. As illustrated in Figure 4-10-149281.5, 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:
- a. 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; or
 - b. The Main Building is located on a Nonconforming Lot that is nonconforming with respect to Lot Width. In such cases, the side Yard may be reduced by up to 10 percent (see Sec. 4-10-238, *Nonconforming Lots*).
- (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.

- (3) **Rear Yard Reductions.** A Main Building may have a rear Yard less than required if:
- a. 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; or
 - b. The Main Building is located on a Nonconforming Lot that is nonconforming with respect to Lot Depth. In such cases, the rear Yard may be reduced by up to 10 percent (see Sec. 4-10-238, *Nonconforming Lots*).

(g) **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.

(h) **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 4-10-149281.1.

Table 4-10-149281.1 – 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

Sec. 4-10-282. - 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*.

Sec. 4-10-283. - Reserved.

Sec. 4-10-284. - Reserved.

DIVISION 3. DEFINITIONS

Sec. 4-10-288Sec. 4-10-285. - Definitions terms.

(A)

Accessory Building: See *Building, Accessory*.

Accessory Dwelling Unit: See *Dwelling Unit, Accessory*

Accessory Use: See *Use, Accessory*.

Adaptive Reuse: The conversion of an existing Building or Structure located within the boundaries of an adopted Neighborhood Plan area from its original or most recent Use to a new Use. Adaptive Reuse may include the rehabilitation, renovation, or expansion of the existing Building or Structure.

Adult Arcade: A business that offers its customers in one (1) or more Viewing Booths motion or still pictures characterized by exposure of Specified Anatomical Areas.

Adult Business: Any business activity which offers the opportunity to view Specified Sexual Activity or view, or touch, for entertainment, Specified Anatomical Areas. Such definition further includes but is not limited to Adult Arcade, Adult Bookstore/Film Store, Adult Cabaret, Adult Lounge, Adult Motel or Hotel, Adult Retail Store, and an Adult Theater.

Adult Bookstore/Film Store: A business in which a substantial portion of its stock in trade consists of books, videos, DVDs, CDs, tapes, cassettes, photographs, slides, magazines, and other periodicals or digital media that are distinguished or characterized by an emphasis on Specific Sexual Activities or Specified Anatomical Areas, or both.

Adult Cabaret: A business that offers to customers live performances characterized by exposure of Specified Anatomical Areas.

Adult Lounge: An Adult Cabaret that serves alcoholic beverages.

Adult Motel or Hotel: A business that offers its customers a sleeping room or sitting room for a period of time less than ten (10) hours and provides motion picture or still picture entertainment characterized by exposure of Specified Anatomical Areas.

Adult Retail Store: A business in which a substantial portion of the stock in trade consists of items or products other than printed matter characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas, or both.

Adult Theater: A business with a capacity of more than five (5) persons that offers customers motion or still picture or live entertainment or performances characterized by exposure of Specified Anatomical Areas.

Adult Day Care: A facility that provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Agricultural District: Any Zoning District listed in Article II, *Zoning Districts*, Division 2, *Agricultural Districts*.

Agricultural Supply Store: An agriculture-oriented retail shop that primarily sells materials related to agricultural production and farming, such as animal and livestock feed, fertilizers, pesticides, and tools and implements.

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.

Aircraft: Any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air.

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

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.

Airport Hazard: 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.⁶⁰

Airport Hazard Area: Any area of land or water upon which an Airport Hazard might be established if not prevented as provided in this Chapter.⁶¹

Airport Layout Plan: 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.⁶²

Airport Master Plan: 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.⁶³

Airport Obstruction: Any Structure, Object of Natural Growth, or other object, including a mobile object, that protrudes above the airport surfaces described in Sec. 4-10-70, *A-O (Airport Overlay District)*.⁶⁴

Airport Zoning Board: The Amarillo City Council. In accordance with V.T.C.A., Local Government Code § 241.016, the City Council shall act as the Airport Zoning Board.

⁶⁰ This is the same definition as Texas LGC Chapter 241, Sec. 241.003.

⁶¹ This definition is consistent with TX LGC Chapter 241, Sec. 241.003.

⁶² This definition is from the Amarillo Airport Rules & Regulations (May 8, 2018).

⁶³ This definition is from the Amarillo Airport Rules & Regulations (May 8, 2018).

⁶⁴ This definition is consistent with TX LGC Chapter 241, Sec. 241.003.

Airport Zoning Board of Adjustment: ~~The Zoning Board of Adjustment shall be designated to act as the Airport Zoning Board of Adjustment in accordance with the Texas Local Government Code, Section 241.032. The Amarillo Zoning Board of Adjustment. In accordance with V.T.C.A., Local Government Code § 241.032, the City Council shall act as the Airport Zoning Board of Adjustment.~~

Airport Zoning Commission: The Amarillo Planning and Zoning Commission. In accordance with V.T.C.A., Local Government Code § 241.016, the Planning and Zoning Commission shall act as the Airport Zoning Commission.

Airstrip: Any runway, landing area, or other facility designed, used, or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alcohol Production Facility: Any indoor or outdoor place that is maintained or operated for the purpose of brewing beer, ale, lager, and malt liquors; manufacturing wines and brandies from grapes and other fruits grown elsewhere, and blending wines and brandies; or distilling potable liquors, distilling and blending liquors, and blending and mixing liquors and other ingredients.

Alley: A public space or Thoroughfare for the placement of utilities which affords only secondary means of access to property abutting thereon.

Alteration: Any Construction, Reconstruction, or change of an Historic Object, Historic Site, or Historic Structure. Alteration includes but is not limited to changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, landscaping, sidewalks, driveways, or other ornamentation. For any Structure designated as a Landmark, this definition may include exterior paint.

Amarillo Airport: Rick Husband Amarillo International Airport.

Ambulance Service: An establishment primarily engaged in providing transportation of patients by ground, along with medical care. These services are often provided during a medical emergency but are not restricted to emergencies.

Amusement Enterprise: Any indoor or outdoor place that is maintained or operated for the amusement, entertainment, or recreation of the public.

Amusement, Commercial (Indoors): Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge that is wholly located inside a Building. Examples include bowling alleys, billiard parlors, skating rinks, and video arcades.

Amusement, Commercial (Outdoors): Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place outside of a Building. Examples include golf driving ranges, archery ranges, go-cart tracks, and miniature golf courses.

Animal Boarding Facility: An establishment that regularly offers to the public the service of boarding dogs, cats, and/or other household for a fee. The establishment may, in addition to providing shelter, food, and water, offer incidental grooming or other services for the animals.

Animal Feeding Lot: Any indoor or outdoor place that is primarily used for feeding cattle, sheep, goats, pigs, poultry, horses, or other animals for fattening.

Animal Shelter: A facility used to house or contain animals that is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Apartment: A Dwelling Unit located in a Multiple-Family Dwelling, in a Live/Work Dwelling, or in a Mixed Use Building.

Applicant: The person responsible for an Application.

Application: Any request for approval required by Article V, *Procedures*, of this Chapter.

Art Gallery: A place or establishment arranged for the display and exhibition of works of art and for their sale by one or more artists, provided that no art supplies, equipment, or accessories are or may be sold or offered for sale other than the works of art.

Asphalt or Concrete Batching Plant: An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Assisted Living Facilities: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate dwelling units, bedrooms, or living quarters, where the emphasis of the facility remains residential.

Attached: A Building that shares a vertical wall, roof, or other structural member in common with or in contact with any other Building.

Attic: The unfinished space between a Building's highest ceiling and its roof.

Attic, Habitable: A finished or unfinished habitable space within an *Attic*. For the purpose of this definition, "habitable space" has the same meaning specified in the Building Code.

Automobile Glass, Muffler, or Seat Cover Shop: An establishment primarily engaged in replacing, repairing, or tinting automotive vehicle glass, exhaust systems, or interior trim, seat covers, and upholstery of automotive vehicles, such as passenger cars, trucks, and vans.

Automobile or Motor Vehicle Sales & Rental: An establishment primarily engaged in the retail sale or the rental of new and used automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans.

Automobile Parts and Accessory Sales (Indoors): A retail establishment primarily engaged in retailing new, used, and/or rebuilt automotive parts and accessories.

Automobile Storage or Auto Auction: An establishment primarily engaged in the merchant wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, such as motorcycles, motor homes, and snowmobiles, including the storage of such vehicles.

Automobile, Motorcycle, or Scooter Repair and Maintenance: An establishment that provides repair and maintenance services for automotive vehicles (including passenger cars, trucks, vans, and trailers), motorcycles, and scooters.

Automobile, Motorcycle, or Scooter Repair and Maintenance, Limited: An establishment that provides repair and maintenance services (except mechanical and electrical repair and maintenance; transmission repair; and body, paint, interior, and glass repair) for automotive vehicles, motorcycles, or scooters. The establishment may provide for the ancillary retail sale of petroleum products and automobile accessories.

(B)

Bakery, Wholesale: An establishment primarily engaged in the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods is prohibited.

Banks or Financial Institutions: Establishments primarily engaged in financial transactions, which are transactions involving the creation, liquidation, or change in ownership of financial assets, or in facilitating financial transactions, including raising funds by taking deposits or issuing securities and, in the process, incurring liabilities; pooling of risk by underwriting insurance and annuities; or providing specialized services facilitating or supporting financial intermediation, insurance, and employee benefit programs.

Basement: A Building Story that is partly underground.

Bed and Breakfast: An establishment operating in a Detached One-Family Dwelling that provides short-term lodging and meals for compensation.

Block: An area enclosed by Streets and occupied by or intended for Buildings; or, if such word is used as a term of measurement, it shall mean the distance along a side of a Street lying between the nearest two (2) intersecting Streets which intersect the Street on such side.

Board: Zoning Board of Adjustment.

Bounding Property Line: A Performance Standards term interpreted as being at the far side of any Street, Alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) Parcels of property shall be interpreted as the Bounding Property Line.

Brewery: A facility that produces malt beverages, as defined in the Texas Alcoholic Beverage Code (ABC), on-site. Such facilities may include all aspects of production as well as administrative offices and a tap room. A Brewery must hold all permits required by the Texas ABC.

Brewpub: An Eating Place where malt beverages, as defined in the Texas Alcoholic Beverage Code (ABC), are brewed, bottled, canned, packaged, and labeled. A Brewpub must hold all permits required by the Texas ABC. Total production of malt beverages (in number of barrels) by a Brewpub is limited by the Texas Alcoholic Beverage Code, Chapter 74, Brewpub License.

Brick Kiln or Tile Plant: An establishment primarily engaged in shaping, molding, baking, burning, or hardening clay refractories, nonclay refractories, ceramic tile, structural clay tile, brick, and other structural clay building materials.

Building: An enclosed sheltering Structure. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate Building.

Building, Accessory: A detached Building subordinate to the Main Building on the Lot that is used for a purpose customarily incidental to the Main Building.

Building, Farm Accessory Building: A Structure, other than a Housing Unit, on a Farm for the housing, protection or storage of the usual farm equipment, animals and crops. Examples of Farm Accessory Buildings includes barns, stables, sheds, and Private Garages.

Building, Institutional: A Main Building that contains one or more public or semi-public uses, including: Public, Denominational, or Private Elementary or Secondary Schools; Hospitals;

Building, Main: The Building or Buildings on a Lot that are occupied by the Principal Use.

Building, Mixed Use: A Main Building that contains at least one Dwelling Unit and 1 or more Non-Residential Uses allowed in the Zoning District in which the Mixed Use Building is located. The Dwelling Unit(s) may be located above the ground floor or behind the non-residential Floor Area. The floor space above the ground floor may be occupied by non-residential Floor Area in addition to Dwelling Units.

Building, Non-Residential: A Building that does not contain Dwelling Units.

Building Code: The Building Code(s) adopted with local amendments in Chapter 4-3., *General Building and Construction Standards*, of the Amarillo Municipal Code.

Building Depth: A measurement of the horizontal distance from the front Building wall to the rear Building wall of a single Building. This distance is typically parallel to the side Lot Lines.

Building Ends: Those sides of a Building having the least dimension.

~~**Building, Farm Accessory:** A detached Building subordinate to the Main Building on a Farm, Ranch, or Orchard that is used for a purpose customarily incidental to Farm, Ranch, or Orchard use. Examples of Farm Accessory Buildings include barns, stables, silos, Private Garages, sheds, workshops, greenhouses, and storage buildings.~~

Building Footprint: A Structure which is covered by a roof or canopy and is not open to the sky. This definition is not intended to include Carports.

Building Line: See *Setback Line*.

~~**Building, Nonresidential Accessory Building:** A detached Building subordinate to the Main Building on a Lot that is used for a purpose customarily incidental to the Main Building. Examples of Non-Residential Accessory Buildings include Private Garages, sheds, workshops, greenhouses, and storage buildings.~~

Building, Residential: A Main Building that solely contains one or more Dwelling Units.

~~**Building, Residential Accessory:** A Detached Building subordinate to the Main Residential Building on a Lot that is used for a purpose customarily incidental to the Main Residential Building. Examples of~~

~~Residential Accessory Buildings include a Private Garage, toolhouse or shed, greenhouse, home workshop, or children's playhouse.~~

Building Official: The official in charge of the Department of Building Safety of the City.

Building Permit: An official permit issued by the City through the Building Official to allow a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any Structure in accordance with Chapter 4-3.

Building Setback: See *Setback*.

Building Width: A measurement of the horizontal distance between the side Building walls of a single Building. This distance typically is parallel to the front and rear Lot Lines.

Bus Station or Terminal: An indoor or outdoor facility primarily engaged in transit and ground passenger transportation, including a variety of passenger transportation activities, such as urban transit systems, chartered bus, school bus, and interurban bus transportation, and repair or support facilities for these operations.

Business Service Establishments: Establishments offering specialized support services used in the conduct of commerce. These services may include, but are not limited to, employment services; copying and printing services; advertising and mailing services; building maintenance services; management and consulting services; protective services; equipment rental and leasing; commercial research, development, and testing; and other professional, scientific, or technical services or administrative or support services.

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.

(C)

Cabinet and Upholstery Shop: An establishment primarily engaged in manufacturing wood or plastics laminated on wood cabinets, vanities, shelving, and countertops on a stock or custom basis and an establishment primarily engaged in reupholstering furniture.

Caliche Pit and Storage Area: An indoor or outdoor facility primarily engaged in mining or quarrying crushed and broken limestone (including related rocks, such as dolomite, cement rock, marl, travertine, and calcareous tufa) or clay, beneficiating limestone or clay (e.g., grinding or pulverizing), and storage of materials extracted or beneficiated on-site.

Canopy: A roof-like Structure of a permanent nature which is attached to, supported by or projects from the wall of a Structure.

Car Wash: An indoor or outdoor facility primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers.

Carport: A roofed Structure that is enclosed on not more than three (3) sides and used solely for the parking of vehicles and not for any other purpose, including storage of any type.

Catering Service: [An establishment that prepares food to be consumed off premises.](#)

Cellar: A Building Story with more than one-half its Height below the average level of the adjoining ground. A Cellar shall not be counted as a Story in computing Building Height.

Cement or Hydrated Lime Plant: Establishments primarily engaged in manufacturing (1) portland, natural, masonry, pozzolanic, and other hydraulic cements; (2) concrete delivered to a purchaser in a plastic and unhardened state; (3) and lime from calcitic limestone, dolomitic limestone, or other calcareous materials, such as coral, chalk, and shells.

Cemetery or Mausoleum: An indoor or outdoor facility used for the interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of these manners of interment.

Certificate of Appropriateness: A permit issued by the City's Urban Design and Historic Preservation Commission (UDHPC) that indicates approval with the requirements for which the Applicant has applied.

Certificate of Occupancy and Compliance: An official certificate issued by the Building Official that indicates conformance with the Zoning Ordinance, Building Code, and other City ordinances, and authorizes legal use of the Premises for which it is issued.

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

City Manager: Chief administrative officer of the City.

~~**Civic Space:** A type of Common Open Space that is formally configured, created as a central meeting and gathering space for the community that surrounds the civic space and is either owned by a public entity or privately held, administered and maintained through a joint agreement. Recreation facilities, swimming pools, sports fields, courts, and amenity centers are not included with the definition of civic space.~~

Cleaning, Dyeing or Laundry Plant: An establishment primarily engaged in one or more of the following on-premises cleaning activities: (1) providing dry cleaning services; (2) providing laundering services; (3) dyeing of finished garments; (4) providing drop-off and pick-up sites for laundries or drycleaners; and (5) providing specialty cleaning services for specific types of garments and other textile items, such as fur, leather, or suede garments; wedding gowns; hats; carpets; draperies; and pillows.

Cleaning and Laundry Services: Retail establishments primarily engaged in one or more of the following: (1) providing laundering services, including coin-operated laundries; (2) providing retail drop-off and pick-up sites for garments and other textiles that have been laundered or dry cleaned off-site (3) providing specialty cleaning services for specific types of garments and other textile items, such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows that have been laundered or dry cleaned off-site.

[Coffee Shop: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.](#)

College or University: An academic institution of higher learning, accredited or recognized by the State and offering a program or series of programs of academic study.

Commercial Amusement (Indoor): An indoor facility primarily used as an amusement arcade or parlor and offering such activities as mechanical rides, coin-operated games, shows, theme exhibits, refreshment stands, billiards or pool, and miniature golf courses, but not including an establishment operating a casino or other gambling activities.

Commercial Amusement (Outdoor): An outdoor facility primarily used as an amusement or theme park and operating a variety of attractions, such as mechanical rides, water rides, coin-operated games, shows, theme exhibits, refreshment stands, miniature golf courses, and picnic grounds, but not including an establishment operating a casino or other gambling activities. These establishments may lease space to others on a concession basis.

Commercial Day Care Facility: An establishment where [more than six \(6\) people are housed for the operator provides custodial care or training for people of any age during the day or portion thereof for a portion of any 24-hour period.](#)

Communication and Broadcast Towers: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television.

Community Center: A Building and grounds owned and operated by a governmental body for the social or recreational uses, health, or welfare of the community served.

Community Garden: A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Harvest cutting is permitted, but no other cutting, chopping, or processing is permitted.

Community Residence: A residential living arrangement for up to six unrelated individuals with disabilities living as a single, functional family in a single Dwelling Unit who ~~are in need of~~ the mutual support furnished by other residents of the Community Residence as well as the support services, if any, provided by the staff of the Community Residence. [The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another and complies with the Texas Human Resources Code, Chapter 123.](#) Residents may be self-governing or supervised by a sponsoring entity or its staff that provides habilitative or rehabilitative services related to the residents' disabilities. A Community Residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Community Residence includes functional family sober living arrangements, also known as "recovery houses" or "sober houses." The term does not include Criminal Justice Halfway Houses or any other group living arrangement for unrelated individuals who are not disabled.

Community Residence, Long-Term: A relatively permanent residential living arrangement for unrelated people with disabilities, with no limit on how long a resident may live in the home. The length of tenancy typically is measured in years.

Community Residence, Transitional: A relatively temporary residential living arrangement for unrelated people with disabilities. The length of tenancy typically is measured in weeks or months.

Comprehensive Plan: A periodically updated series of documents that unify all elements and aspects of City planning. This Plan serves as a policy guide to Zoning and Subdivision decisions reflecting the best judgment of the staff, Planning and Zoning Commission and the City Council.

Comprehensive Plan Amendment: Any change to the text of the Comprehensive Plan or to the Future Land Use and Character Map.

Condominium: A dwelling unit available for sale in fee simple located in a Building containing multiple family dwelling units, usually subject to covenants, conditions, and restrictions placing control over the common facilities owned by the condominium. Condominium shall mean a condominium, cooperative, trust, partnership, or other similar association.

Conforming Use: Any use of a Lot that is a Permitted Use or an approved Specific Use in the Zoning District in which the Lot is situated and that conforms to the regulations of that District and all other regulations of this Chapter.

Construction Codes: The Building, Electrical, Fire, Mechanical, and Plumbing Codes as a group applicable to the development, construction, use, repair and maintenance of sites, their facilities, and Buildings.

Contractor Storage or Equipment Yard (Outdoor): An outdoor facility used for covered or uncovered stockpiling or safekeeping building materials, equipment, personal property, vehicles, trailers, and other similar property used in the construction industry. The parking or storage of vehicles, equipment, and materials for a period of less than 72 hours does not constitute outdoor storage.

Contributing Structure: A structure within the HP-O District that is at least 50 years old and retains all or most of its historic integrity thus helping to solidify the historical nature of the District.

Corner Lot: A Lot abutting upon two or more streets at their intersection.

Corner Store: A small retail business, Personal Service business, Art Gallery, or Eating Place located on a Corner Lot at the Street level.

Country Club: An area that contains a Golf Course, a clubhouse, and associated uses available only to private specific membership. Examples of associated uses include swimming pools, tennis courts, and driving ranges.

Credit Access Business: This term has the meaning provided in the Texas Finance Code, Sec. 393.601.

Crematory: A facility containing properly installed, certified apparatus intended for use in the act of cremation.

Criminal Justice Halfway House: A Residential facility operated to house individuals who have been in confinement for a criminal conviction or are placed in a regulated living environment as part of the disposition of a criminal allegation on the condition that the individuals must live within such facility for a specified period of time as a requirement of parole or probation from a county, State, or federal judicial system.

Cul-de-sac: Same as *Street, Cul-de-sac*.

Cultural Facility: Establishments such as museums, art galleries, botanical and zoological gardens, and other facilities of an historic, educational, or cultural nature.

(D)

DAUDS: The *Downtown Amarillo Urban Design Standards* (see Sec. 4-10-71, *D-O District*).

Day Camp for Children A facility arranged and conducted for the organized recreation and instruction including outdoor activities on a daytime basis.

Day-Night Average Sound Level (DNL): 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} .

Demolition of Historic Object, Site, or Structure: Any act or process that destroys, razes, or permanently impairs the exterior structural integrity in whole or in part of an Historic Object, Historic Site, or Historic Structure.

Density: A measure of residential land use intensity. Most commonly expressed in number of Dwelling Units per acre. In this Chapter, Density is expressed as the number of Dwelling Units per Lot or the number of Dwelling Units per acre. [See Sec. 4-10-275, *Density*](#).

Department: Same as *Planning and Development Services Department*.

Detached: A Building that does not have a wall, roof, or other structural member in common with or in contact with any other Building.

Developer: A person engaged in land, site, or building development.

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.

Director of Environmental Health: The head of the City Environmental Health Department or the director's designee.

Director: Same as *Planning and Development Services Department Director*.

Distillery: A facility that produces distilled spirits, as defined by the Texas Alcoholic Beverage Code, on-site. Such facilities may include all aspects of production as well as administrative offices and a tasting room. A Distillery must hold all permits required by the Texas ABC.

District: Same as Zoning District.

Downtown: Downtown Amarillo, which has the boundaries specified in Article II, Zoning Districts, Division 7, Overlay Districts, Sec. 4-10-71, Downtown Urban Design Overlay District.

Drag Strip or Commercial Racing: An outdoor facility primarily engaged in operating limited-access dirt, gravel, or paved-surface tracks for the purpose of racing or exhibiting motor vehicles, usually in exhibitions or competitions for the entertainment of spectators or for private use. These establishments may also present or promote other events held in these facilities.

Drinking Place: An establishment licensed by the Texas Alcoholic Beverage Commission that is primarily engaged in preparing and/or serving alcoholic beverages for immediate on-site consumption. The term "primarily engaged" means that alcohol sales provide more than 50 percent of the gross sales receipts of the establishment. This definition includes, but is not limited to, bars, taverns, and nightclubs. These establishments may also provide limited food services.

Drive-In Service: The service of food or other goods, services, or entertainment where patrons remain in their motor vehicles which are parked in spaces provided on the premises for that purpose.

Drive-Thru Service: A service where goods are provided to patrons via a Drive-Thru Service Area.

Drive-Thru Service Area: Location where sales occur or patrons are served through a window or other wall opening, door, or mechanical device while remaining in their motor vehicles. Any products served to patrons normally are not consumed on the premises.

Drug Store or Pharmacy: An establishment primarily engaged in retailing prescription or non-prescription drugs and medicines.

Dump or Sanitary Fill Area: A controlled area of land upon which non-hazardous solid waste is disposed of in accordance with standards, rules, or orders established by Texas Commission on Environmental Quality.

Dwelling: A Building or portion thereof designed exclusively for residential occupancy, including One-Family, Two-Family, and Multiple-Family, but not including hotels or motels.

Dwelling, Duplex: A residential Building located on one Lot that contains two (2) Dwelling Units, either side-by-side or stacked.

Dwelling, Fourplex: A Detached Multiple-Family Dwelling located on one Lot that contains four (4) Dwelling Units.

Dwelling, Live/Work: A principally residential Building that includes an office, studio, or other commercial use, as specified in Sec. 4-10-104, and a single Dwelling Unit occupied by the Building owner. Compare: (1) Home Occupations. A Live/Work Dwelling allows a broader range of commercial Uses and more non-residential Floor Area than a Home Occupation. In addition, a Live/Work Dwelling may be designed as a Townhouse or with a storefront or other commercial design configuration at the ground level, while a Home Occupation occurs in a Building that is designed as a residence. (2) Mixed Use Buildings. A Mixed Use Building allows multiple non-residential Uses and Dwelling Units in the same Building, while a Live/Work Dwelling is generally limited to a single Dwelling Unit and a single business.

Dwelling, Multiple-Family: A Building, or portion thereof, arranged, intended, or designed for three (3) or more Dwelling Units. Triplex Dwellings, Fourplex Dwellings, and Small Apartment Dwellings are types of Multiple-Family Dwellings.

Dwelling, Multiple-Family (Age-Restricted): A Multiple-Family Dwelling that is governed by covenants or restrictions on the age of residents, frequently limited to elderly adults.

Dwelling, One-Family: A residential Building designed and constructed for Occupancy by only one (1) Family and located on a separate building Tract or Platted Lot Detached single-family houses and Townhouses are types of One-Family Dwellings.

Dwelling, Small Apartment: A Multiple-Family Dwelling that contains 5 or more Dwelling Units and is characterized by its low height and small bulk.

Dwelling, Townhouse: A One-Family Dwelling that is Attached to another Building.

Dwelling, Triplex: A Detached Multiple-Family Dwelling located on one Lot that contains three (3) Dwelling Units.

Dwelling Unit, Accessory: A dwelling unit that is accessory, supplementary, and secondary to the principal dwelling, which may be constructed as an addition to the principal structure or as a detached Accessory Building to the principal structure.

(E)

Easement: A right held by the City or its franchised utility companies to be used for access, drainage or the placement of utilities such as water, sewer, telephone lines, electrical lines or gas lines.

Eating Place: An establishment primarily engaged in providing food and non-alcoholic beverage services. This definition includes full-service restaurants, limited-service restaurants, cafeterias, buffets, coffee shops, ice cream shops, and snack bars. These establishments may also provide incidental sale of alcoholic beverages.

Effective Date: The effective date of this Chapter or any amendment thereto.

Electrical Code: The Electrical Code adopted with local amendments elsewhere in the Amarillo Municipal Code.

Electrical Energy Generating Plant or Wind Generator: A facility primarily engaged in electric power generation. These facilities convert other forms of energy, such as water power (i.e., hydroelectric), wind, fossil fuels, nuclear power, and solar power, into electrical energy and provide electricity to transmission systems or to electric power distribution systems.

Electrical Substation: An electrical facility consisting of transformers and associated equipment having a primary purpose of reducing the transmission voltage of a bulk electrical power source greater than thirty-three thousand (33,000) volts (33 KV) for distribution to specific areas within the City.

Electrical Transmission Line: A component of the electrical transmission and distribution system that transmits electricity from the generating source to a distribution center, other electric utilities, or final consumers through wires suspended from poles or other structures.

Event Venue: A commercial facility rented to individuals, groups, or organizations, and used to host private gatherings that are not open to the general public, such as, but not limited to, weddings, receptions, meetings, and conferences. An Event Venue may be comprised of a permanent structure(s), temporary structure(s), uncovered outdoor gathering area(s), or any combination thereof. An Event Venue may include kitchen facilities for the preparation or catering of food. This definition does not include Eating Places, Drinking Places, BYOB Venues, civic clubs, community centers, religious facilities, or publicly-owned facilities.

Evergreen Tree: A tree with foliage that persists and remains green year round.

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.

Extraterritorial Jurisdiction (ETJ): The unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within five miles of those boundaries, as defined by Chapter 42 of the Texas Local Government Code.

(F)

FAA: See *Federal Aviation Administration*.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family: Any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage or adoption; or up to six (6) individuals (including staff) residing in a Community Residence; or up to eight (8) individuals residing in community homes for persons with disabilities that meet the Texas licensing requirements as mandated in the Texas Human Resources Code Ann., Chapter 123.⁶⁵

Fairgrounds or Exhibition Area: A facility that includes buildings and outdoor areas for animal shows and judging, carnivals, circuses, community meetings, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters, but not including racetracks or motorized contests of speed.

⁶⁵ Revised for consistency with Texas Human Resources Code Ann., Chapter 123.

~~*Farm Accessory Building: See Building, Farm Accessory.*~~

Farm, Ranch, or Orchard: An area of five acres or more that is used for growing of usual farm products, vegetables, fruits, trees, and grain; and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep. This definition includes the necessary Accessory Uses for raising, treating, and storing products raised on the Premises. This definition does not include:

- the commercial feeding of offal and garbage to swine and other animals, or
- any type of agriculture or husbandry specifically prohibited by ordinance or law, or
- commercial riding stables.

Farm Stand: A detached Farm Accessory Building used to sell raw, unprocessed fruits, vegetables, nuts and seeds, flowers and ornamental plants, unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

Federal Aviation Administration (FAA): 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, 1967.⁶⁶

Fertilizer Manufacturing or Mixing Plant: A facility primarily used for one or more of the following: (1) manufacturing nitrogenous or phosphatic fertilizer materials; (2) manufacturing fertilizers from sewage or animal waste; (3) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; (4) mixing ingredients made elsewhere into fertilizers; or (5) formulating and preparing pesticides and other agricultural chemicals.

Field or Construction Office: A Temporary Structure or shelter used in connection with a Development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Fire Code: The Fire Code adopted with local amendments elsewhere in the Amarillo Municipal Code.

Fire Station: A facility primarily used for firefighting, ambulance, and other related emergency services, including the storage of trucks and equipment and the housing of workers while on-duty.

Fitness Studio or Gym: An establishment primarily used for exercise, physical fitness, and recreation, including the use of exercise equipment and the offering of exercise classes.

Fixture: The assembly housing the lamp(s), which may include some or all of the following components: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, refractor, or lens.

Flea Market: A collection or group of outdoor stalls, booths, tables or other similar arrangement, used by individual vendors, for the display and sale of various items of new or used personal property.

⁶⁶ This definition is from the Amarillo Airport Rules & Regulations (May 8, 2018).

Floor Area: The total square feet of floor space within the outside dimensions of a Building including each floor level, but excluding Cellars, Carports, and Garages. Also referred to as *Gross Floor Area*.
[See Sec. 4-10-275, *Gross Floor Area*.](#)

Florist Shop: An establishment primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others.

Foot-candle: The unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

Fourplex: Same as *Dwelling, Fourplex*.

Fraternity, Sorority, or Membership Association: [Meeting places for social organizations or associations to which entrance is permitted to members only and their invited guests and specifically excluding private clubs licensed by the Texas Alcohol Beverage Commission.](#)⁶⁷

Front Yard: See *Yard, Front*.

Fully-Shielded Luminaire: A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

(G)

Garage, Private: An Accessory Building housing vehicles owned and used by occupants of the Main Building; if occupied by vehicles of others, it is a storage space.

Gas Line and Regulating Station: Components of the natural gas distribution system that transmits natural gas from the generating source to a distribution center, other natural gas utilities, or final consumers through pipes that are typically located underground.

Gasoline Station: A retail facility that sells automotive fuels or retail these products in combination with convenience store items.

Glare: Lighting entering the eye directly from Luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Golf Course: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A Golf Course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

Greenhouse or Plant Nursery, Retail: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell a limited amount of a product grown on-site.

⁶⁷ This definition is carried forward from the current Zoning Ordinance [Sec. 4-10-83(a)(46)]. It is used in the definition of Group Living Quarters, and was inadvertently omitted from the previous draft.

Greenhouse or Plant Nursery, Wholesale: Establishments primarily engaged in wholesaling nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell a limited amount of a product grown on-site.

Gross Floor Area: [See Same as Floor Area.](#)

Groundcover: Living landscape materials or low-growing plants, other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface, and which upon maturity normally reach the average maximum height of twenty-four (24) inches.

Group Living Quarters: A housing facility that provides residence to five (5) or more individuals unrelated by blood, marriage, or adoption. Group living quarters include such land uses as boarding or rooming house, dormitory, ~~convent or monastery (without a Church on-site), a nursing home, hospice, or residence for the aged,~~ residential facilities for Fraternities, Sororities or Membership Associations, and any other residential facility where the number of occupants per housing unit exceeds the Amarillo zoning Ordinance definition of Family.

(H)

Habitable Attic: See Attic, Habitable.

Hardscape: Hard landscape materials including but not limited to building foundations, concrete, asphalt, pavers, and stones set with mortar that are incorporated into a landscape.

Hatchery, Poultry: A facility for the hatching and raising of poultry for the purpose of harvesting and sale.

Hauling or Storage Company: An establishment that provides over-the-road transportation of cargo using motor vehicles, such as trucks and tractor trailers. These establishments may include facilities for the limited storage of the transported goods prior to transit or during the transit process.

Hazard to Air Navigation: See Air Navigation, Hazard to.

Hazardous Waste: Any refuse or discarded material or combinations of refuse or discarded materials in solid, semisolid, liquid, or gaseous form that cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to health of humans or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Hazardous Waste Collection, Processing, or Disposal: An indoor facility or operation to collect, process, or dispose of Hazardous Waste materials.

Heavy Machinery Sales, Rental, with Associated Storage or Repair: A facility primarily engaged in the sale or rental of new and used heavy-duty machinery and vehicles, such as tractors and bulldozers. The facility may offer heavy machinery repair services and may contain ancillary storage areas.

Heavy Manufacturing or Industrial Uses: [The assembly, fabrication, finishing, manufacturing, packaging, processing, or distribution of goods and materials by means that ordinarily have greater than average impacts on the use and enjoyment of adjacent property in terms of noise, fumes, odors,](#)

[glare, health, and safety hazards, or that otherwise does not constitute a Light Manufacturing or Industrial Use.](#)

Height: The vertical distance from the highest point of a Building or Structure to grade, measured in accordance with Sec. 4-10-275, [HeightSec. 4-10-135 of this Chapter.](#)

Heliport: A landing and terminal facility for rotary wing aircraft, including facilities for fueling, servicing, and maintaining such craft.⁶⁸

Helistop: A landing pad for small and medium rotary wing aircraft not exceeding a maximum takeoff weight of 12,500 pounds subject to regularly scheduled use; but not including fueling or servicing facilities for such craft.⁶⁹

Helistop, Small: A landing pad for occasional and infrequent use by small rotary wing aircraft not exceeding a maximum takeoff weight of 7,000 pounds and not for regularly scheduled stops.⁷⁰

Historic District: An area (excluding public right-of-way) that has a definable geographic boundary and consists of a minimum of seven (7) acres, having historical, cultural, or archaeological significance, and which may have within its boundaries other Objects, Sites, and Structures, including Accessory Buildings, fences and other appurtenances, that, while not of such historical, cultural, architectural or archaeological significance, to be designated a Landmark, nevertheless contributes to the overall visual setting of or character of the Landmark(s) located within the District.

Historic Object: A material thing of functional, aesthetic, cultural, historical, archaeological or scientific value that may be, by nature or design, movable, yet be related to a specific setting or environment.

Historic Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, Building, Historic Structure, or Historic Object for the purpose of replicating its appearance at a specific period of time band in its historic location.

Historic Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historic, cultural, or architectural values.

Historic Resource: A source or collection of Historic Objects, Historic Sites, Historic Structures, or areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the nation, state, or City.

Historic Site: The location of a significant event, a prehistoric or historic occupation or activity, or an Object or Structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing Object or Structure.

Home Occupation: An Accessory Use by the occupant(s) of a Dwelling Unit in which goods are produced or traded or services are rendered as an economic enterprise.

⁶⁸ Revised for consistency with terminology used in FAA Advisory Circular 150/5390-2c, Heliport Design.

⁶⁹ Revised for consistency with terminology used in FAA Advisory Circular 150/5390-2c, Heliport Design.

⁷⁰ Revised for consistency with terminology used in FAA Advisory Circular 150/5390-2c, Heliport Design.

Horse Lot (Commercial): An area used exclusively for quartering horses (the term "horses" shall include all equine animals) for the purposes of boarding or rental to the public.

Horse Lot (Private): An enclosed area unobstructed by any cross fences used exclusively for quartering horses (the term "horses" shall include all equine animals).

Hospital: A medical facility or institution that diagnoses, treats, and cares for persons; or that provides medical and surgical treatment to persons, including acute medical care, chronic medical care on a prolonged or permanent basis, mental health care, and resident or outpatient treatment to alcoholic, narcotic, or psychiatric patients.

Hotel or Motel: A Building or group of Buildings designed and occupied as a temporary habitation for individuals. To be classified as a Hotel or Motel, an establishment shall contain a minimum of 25 individual guest-rooms or units and shall furnish customary Hotel services such as linen, maid service, telephone, use and upkeep of furniture.

Hotel or Motel with Associated Uses: A Hotel or Motel that includes a Drinking Place, dance hall, nightclub, tavern, lounge and/or private club as associated uses on the same Premises.

HUD-Code Manufactured Home: A Structure that:

- was constructed on or after June 15, 1976;
- is built on a permanent chassis;
- is designed to be used as a dwelling with or without a permanent foundation when the Structure is connected to the required utilities;
- is transportable in one (1) or more sections;
- in the traveling mode, is at least eight (8) body feet in width, or at least forty (40) body feet in length, or, when erected on site, is at least three hundred twenty (320) square feet; and
- includes the plumbing, heating, air-conditioning, and electrical systems of the home; and
- is not a Recreational Vehicle.

(I)

Illuminance: The amount of light falling on a surface, measured in foot candles or lux.

Impervious Surface: Any material that prevents or substantially impedes the infiltration of stormwater into the ground. Impervious Surfaces include, but are not limited to, Building roofs (excluding eaves), [parking lots, driveways, walkways](#), swimming pools, and concrete, asphalt, and brick surfaces.

Industrialized Housing: A residential Building that is:

- Designed for the occupancy of one (1) or more Families;

- Constructed in one (1) or more modules or constructed using one (1) or more modular components built at a location other than the permanent site; and
- Designed to be used as a permanent residential Building when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- Industrialized housing includes the Building's plumbing, heating, air conditioning, and electrical systems. Industrialized Housing does not include:⁷¹
- Housing constructed of a sectional or panelized system that does not use a modular component; or
- A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Infill Lot: A Lot that is bordered on two or more sides by developed Lots and is either:

- An Undeveloped Lot; or
- A Lot that contains a Dangerous Structure, as defined in Chapter 4-3, Sec. 4-3-3. *Abatement of substandard structures*; or
- A Lot that contains a vacant Building or Structure that has not been occupied for more than 3 years.

(J)

Junk or Salvage Yard: Any land or Building where metals, plumbing materials, appliances, vehicles, vehicle parts, rags or paper, machinery or similar items or material are kept, salvaged, stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed materials.

(K)

Kelvin: A unit of measurement for light's "warmness" or "coolness."

Kennel: An establishment licensed to operate a facility housing dogs or other household pets and where breeding, boarding, or selling of animals is conducted as a business. This definition specifically excludes veterinary clinics, offices, and animal hospitals.

⁷¹ Revised for consistency with H.B. 1385 (eff. 9-1-2019) definition of Industrialized Housing.

Kenel (Private): Any Accessory Building designed or arranged for the care of not more than six dogs, cats, or other domestic animals belonging to the owner of the Main Building, kept for purposes of show, hunting, or as pets.

(L)

Laboratory, Manufacturing: Operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items.

Laboratory, Medical or Dental: A *Medical Laboratory* is an establishment primarily engaged in providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner. A *Dental Laboratory* is an establishment primarily engaged in manufacturing dentures, crowns, bridges, and orthodontic appliances customized for individual application.

Laboratory, Scientific or Research: A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities. No manufacturing is conducted on the Premises except for experimental or testing purposes.

Lamp: A generic term for the component of a Luminaire that produces the actual light, often called a "bulb" or "tube."

Landfill (Nonputrescible Material): A designated Tract of land upon which material and man-made inert solid material is disposed of in accordance with the standards established by the Texas Board of Health. The material which may be disposed of shall be limited to soil, rock, dirt, sand, gravel, concrete, brush, lumber and construction or demolition wastes. Any other non-putrescible material not listed above must be approved by the City Director of Public Works prior to dumping. No putrescible solid waste shall be disposed of in the landfill. The landfill site must be approved by the City Director of Public Works.

Landfill, Sanitary: A designated area of land upon which solid waste and other material are disposed of in accordance with standards established by the Texas Board of Health. Sanitary landfill site must be approved by the City Director of Public Works.

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

Landing Field: Same as *Airstrip*.

Landmark: An Object, Site, or Structure of importance whose Demolition or destruction would constitute an irreplaceable loss to the quality and character of the nation, state, or City.

Landscaping and Irrigation Plan: A plan that demonstrates compliance with the provisions of Article IV, Division 32, *Landscaping & Screening*.

Large Tree: A tree 30 feet or more in height at maturity regardless of whether the tree is evergreen or ornamental.

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

Legal Height: The maximum Height of a Building permitted by this Chapter.

Library (Public): A facility owned by a public or non-profit organization that maintains collections of documents (e.g., books, journals, newspapers, and music) and facilitates the use of such documents as required to meet the informational, research, educational, or recreational needs of its users. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessible by electronic means.

Light Fabrication and Assembly Processes: Including the manufacture of clothing, jewelry, trimming decorations, and any similar item that does not generate noise, odor, vibration, dust, or other hazards.

Light Manufacturing or Industrial Uses: The assembly, fabrication, or processing of goods and materials by means that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the Building or Lot where the assembly, fabrication, or processing takes place. Light Manufacturing or Industrial Uses does not include hazardous material treatment and storage facilities, plating or enameling, or petroleum and gas refining.

Light Trespass: Light that falls beyond the Lot it is intended to illuminate.

Lighting: "Electric" or "man-made" or "artificial" lighting. See *Lighting Equipment*.

Lighting Equipment: Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamps, luminaires, ballasts, poles, posts, lenses, and related structures, electrical wiring, and other necessary or auxiliary components.

Limited Self-Service Gasoline or Fuel Service Station: An establishment for the retail sale of petroleum products only (not including automobile accessories, service or repair) on a customer self-service basis that has no more than 4 individual dispensing outlets at any separate station or on any Lot.

Livestock Auction: Barns, pens, and sheds for the temporary holding and sale of livestock.

Living Landscape Materials: Living flowers, Groundcover, ornamental grasses, turf, shrubs, vines, and trees.

Living Unit: Same as Housing Unit.

Local Utility Line: The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service.

Lot: Land occupied or to be occupied by a Building and its Accessory Building, and including such Open Spaces as are required under this Chapter and having its principal Frontage upon a public Street or officially approved place.

Lot Area: The contiguous area within Lot Lines, measured in accordance with Sec. 4-10-278, Lot dimensions Sec. 4-10-136 of this Chapter.

Lot Coverage: The percent of Lot Area that is covered by an Impervious Surface. See Sec. 4-10-279, Lot Coverage Article IV, Division 2, Area and Bulk Regulations.

Lot Depth: The mean distance between the front and rear Lot Lines. See Sec. 4-10-278, [Lot dimensions](#) [Article IV, Division 2, Area and Bulk Regulations](#).

Lot Lines: The exterior boundary of a Lot.

Lot of Record: A Lot which is part of a Subdivision, the Plat of which has been duly recorded in the office of the County Clerk of Potter or Randall Counties.

Lot Width: The width of a Lot at the front Building Line. See Article [IXV](#), Division 2, [Area and Bulk Regulations](#) [Rules of Measurement](#).

Lumen: The unit of measure used to quantify the amount of light produced by a Lamp or emitted from a Luminaire (as distinct from “watt,” a measure of power consumption).

Luminaire: A complete lighting unit (Fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

(M)

Manufactured Home: Same as *HUD-Code Manufactured Home*⁷². Also referred to as Manufactured Housing. This definition does not include Mobile Homes.

Manufactured Home (Type A): A Manufactured Home that was manufactured more than six (6) years prior to the year of installation.

Manufactured Home (Type B): A Manufactured Home that was manufactured [six \(6\)](#) years or less prior to the year of installation.

Manufactured Home (Type C): A new Manufactured Home. A new Manufactured Home is defined as having never been occupied for any reason including as a sales office, temporary Residence, or for commercial use; having never been involved in an accident, having never received weather-related damage that at any time has affected its structural integrity; and having no visible signs of damage.

Manufactured Home Park: A unified development of at least 4 Manufactured Home spaces arranged on a tract of land under private ownership.⁷³

Manufactured Home Sales or Rental: An establishment primarily engaged in the retail sale and/or the rental of new and used Manufactured Homes.

Manufactured Home Subdivision: A unified Development of Manufactured Home sites or Platted Lots that have been divided for the purpose of individual ownership, and that is governed by the provisions of the Subdivision regulations of the City.

⁷² Texas Occupations Code, Chapter 1201, Section 1201.004, prohibits cities from defining the terms “mobile home,” “HUD-code manufactured home,” and “manufactured housing” any differently than how they’re defined in Section 1201.003. The statutory definition of “manufactured home or manufactured housing” is “a HUD-code manufactured home or a mobile home.” The City currently prohibits Mobile Homes in the City, which is authorized by Sec. 1201.008.

⁷³ Texas LGC Chapter 214 (Sec. 214.906) prohibits local governments from regulating a site as a Manufactured Home Community if it has fewer than 4 spaces. The City’s terminology is different (“Park” vs. “Community”) but the definitions are fundamentally the same...

~~Market Garden: An establishment where food or ornamental crops, such as flowers and shrubs, are grown on the ground, on a rooftop, or inside a building, to be sold or donated.~~ *Milk Depot, Dairy or Ice Cream Plant:* A facility that receives, ships, and/or stores milk or dairy products; homogenizes and pasteurizes milk; and/or manufactures dairy products from raw milk, processed milk, and dairy substitutes.

Mixed Use Building: See *Building, Mixed Use*.

Mobile Food Unit: A vehicle mounted, self or otherwise propelled, designed as a food establishment to be readily moveable and equipped for on-site food preparation. This includes vehicles in which food is prepared on site. Said vehicles must meet all applicable regulations for fixed food establishments. Mobile Food Unit includes *Mobile Food Trucks, Mobile Ice-Cream/Frozen Dessert Vehicle* and *Non-Motorized Food Vending Carts*. Mobile Food Units do not include restaurant delivery and catering vehicles.⁷⁴

Mobile Food Truck: A mobile kitchen that serves food or beverages from an enclosed, self-contained, motorized vehicle.

Mobile Home: A Structure that:

- was constructed before June 15, 1976;
- is built on a permanent chassis;
- is designed to be used as a Dwelling with or without a permanent foundation when the Structure is connected to the required utilities;
- is transportable in one or more sections;
- in the traveling mode, is at least 8 body feet in width, or at least 40 body feet in length, or when erected on site, is at least 320 square feet; and
- includes the plumbing, heating, air conditioning, and electrical systems.⁷⁵

Mobile Ice Cream/Frozen Dessert Vehicle: A motorized vehicle or truck that normally contains a commercial freezer in which all products for sale are prepackaged and frozen.

Morgue or Mortuary: An establishment primarily engaged in preparing the dead for burial or interment, including conducting funerals (e.g., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise).

⁷⁴ This definition is from City Code Sec. 8-5-1 (Environmental Health).

⁷⁵ Texas Occupations Code, Chapter 1201, Section 1201.004, prohibits cities from defining the terms "mobile home," "HUD-code manufactured home," and "manufactured housing" any differently than how they're defined in Section 1201.003. The statutory definition does not reference RVs, so that sentence was deleted.

Motor Freight Terminal: A Building or group of Buildings in which freight, delivered by motor vehicle, is sorted and temporarily stored for routing in intrastate and/or interstate shipment by motor vehicle.

(N)

Neighborhood Plan: A plan adopted by the Amarillo City Council that guides future neighborhood planning and development efforts. Examples include the North Heights Neighborhood Plan, Barrio Neighborhood Plan, and San Jacinto Neighborhood Plan.

Neighborhood Planning Unit: A planning concept where the core principle is to centralize a school and park within a neighborhood. Low and moderate density residential uses surround this civic space, with higher density housing and neighborhood retail and service uses along the neighborhood edges.



New Building Materials Sales and/or Storage (Unscreened): The sale and/or storage of Building materials where a minimum of 60% of the Building materials are new products which have not previously been used in the construction of, or as a part of, any Structure.

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.

Nonconforming Lot: A platted Lot existing on the Effective Date of this Ordinance that does not meet present Lot Area, Width, Depth, or other dimensional requirements. †

Nonconforming Site Improvement: Any improvement required by Article II, II, or IV of this Chapter approved, in accordance with applicable City requirements, prior to the Effective Date that does not conform to present regulations in Articles II, III, and IV of this Chapter.

Nonconforming Structure: A Structure approved, in accordance with applicable City requirements, prior to the Effective Date, but which does not conform to present requirements.

Nonconforming Use: A land Use or activity that was lawful prior to the Effective Date, but which fails to conform to present requirements.

Nonconformity: A Nonconforming Lot, Nonconforming Site Improvement, Nonconforming Structure, or Nonconforming Use.

Noncontributing Structure: A structure within the Historic Preservation Overlay (HP-O) District that does not possess the qualifications or characteristics of a contributing structure, but has been included within the HP-O District because of its geographic location.

Non-Living Landscape Materials: Natural or man-made material free of uncultivated vegetation that is intended to reduce or eliminate watering, growth of Excess Vegetation, and inhibit water runoff while maintaining a pleasant aesthetic appearance. [Non-Living Landscape Materials shall be pervious.](#)

Non-Motorized Vending Cart: A non-motorized vehicle that is normally propelled by the operator, contains products for sale that are prepackaged and/or frozen, and operates independent of any fixed food establishment.

Non-Residential Building: A Building that does not contain any Dwelling Units.

Non-Residential District: Any Zoning District listed in Article II, *Zoning Districts*, Division 4, *Office, Retail, and Business Districts*; or Division 5, *Industrial Districts*.

North American Industry Classification System (NAICS) Code: The group definition of the most current North American Industry Classification System prepared by the United States Office of Management and Budget. The NAICS Manual may be viewed and downloaded online at <https://www.census.gov/eos/www/naics/>. An interactive version of the NAICS is available at <https://www.naics.com/search/>.

(O)

Object of Natural Growth: Any object of natural growth. A tree, shrub, groundcover, or other vegetation.

Occupancy: The apparent use of land as defined by this chapter or by generally accepted definitions.

Off-Premise Alcoholic Beverage Sales: Sales of alcoholic beverages in lawful containers for off-premise consumption.

Off-Premises Sale: An outdoor retail event that does not occur on the same Lot as the sponsoring retail business.

Off-Street Parking Space: An enclosed or unenclosed area, not on a public Street or Alley, established for or used for the parking of a motor vehicle.

Office & Business District: Any Zoning District listed in Article II, *Zoning Districts*, Division 4, *Office & Business Districts*.

Offices and Clinics, Medical or Dental: Facilities that provide health care services directly or indirectly to patients and do not usually provide inpatient services.

Offices, General Business or Professional: A Building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, which may include ancillary services for office workers, such as a restaurant, coffee shop, or newspaper or candy stand.

On-Premise Primary Use Sales and Service: Sales of alcoholic beverages, and establishments holding permits under the Texas Alcoholic Beverage Code, as a primary use for consumption on the premises where sold or served. The term "primary use" being defined as having alcohol sales that are in excess of 50 percent of the gross sales receipts of the establishment.

On-Premise Incidental Use Sales and Service by an Eating Place: Sales of alcoholic beverages, and service of alcoholic beverages in restaurants holding permits under the Texas Alcoholic Beverage Code, as an incidental use for consumption on the premises where sold or served. The term "incidental use" being defined as having alcohol sales that are no more than 50 percent of the gross sales receipts of the establishment.

On-Premise Incidental Use Sales and Service by a Business Other than an Eating Place: Sales of alcoholic beverages, and service of alcoholic beverages in establishments other than restaurants holding permits under the Texas Alcoholic Beverage Code, as an incidental use for consumption on the premises where sold or served. The term "incidental use" being defined as having alcohol sales that are no more than 50 percent of the gross sales receipts of the establishment.

On-Street Parking Space: An unenclosed area within the right-of-way of a public Street or Alley established for or used for the parking of a motor vehicle.

Open Space: [Area included in any Side, Rear, or Front Yard or any unoccupied space on the Lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches, and plant material.](#)

Optical Shop or Laboratory: An establishment primarily engaged in one or more of the following: (1) retailing and fitting prescription eyeglasses and contact lenses; (2) retailing prescription eyeglasses in combination with the grinding of lenses to order on the premises; (3) retailing non-prescription eyeglasses; (4) manufacturing ophthalmic goods, such as prescription eyeglasses, contact lenses, sunglasses, eyeglass frames, reading glasses made to standard powers, and protective eyewear.

Orchard: Same as *Farm, Ranch, or Orchard*.

Ornamental Lighting: Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.

Ornamental Tree: A deciduous tree 30 feet or less in height at maturity, planted primarily for its ornamental value such as flowers, leaf color, size, or shape.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, Buildings, Structures, the earth, or any other location; and any associated lighting control equipment.

Outdoor Promotional Event: An occurrence outside of a permanent Building or Structure designed to draw attention to a particular business or group of businesses and located on the same site as the

promoting business(es). Examples include, but are not limited to, sidewalk sales, open houses, and grand openings.

Outdoor Retail Display: The incidental outdoor display of commodities for retail sale

Outdoor Storage: The storage of any equipment or commodity outside of a Building for more than 24 hours. This definition does not include:

- the storage of vehicles or equipment for the principal activity of an auto storage, auto auction, new or used auto sales (outdoor lot);
- new or used heavy machinery sales with associated storage and repair;
- motorcycle or scooter sales and repair;
- tool and light vehicle rental and sales;
- petroleum products, storage and wholesale;
- milk depot dairy or ice cream plant;
- maintenance and repair service for Buildings; Mobile Home/Manufactured Home sales or rental;
- bus station or terminal;
- hauling or storage company or similar transportation use;
- new building material sales and storage;
- contractors' storage or equipment yard;
- wholesale office, storage, and sales facility;
- parking lots for personal, commercial, or government vehicles;
- Outdoor Retail Display; or
- any establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes, and that is located in the A, GR, LC, CB, HC, I-1 or PD Zoning District.

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.

(P)

Park or Playground (Public): ~~A recreation facility or park owned or operated by a public agency such as the Municipal Park Department or school board and available to the general public; or the temporary or seasonal use of open land as a play area or recreation area which is authorized or approved by the City.~~ A recreation facility designed to serve the active and/or passive recreation needs of the residents of the community.

Parking Lot Island: An area, protected by standard curb, and typically surrounded on at least two (2) sides by parking spaces or drive aisle.

Parking Lot, Truck: Facility for parking or storage of currently licensed trucks.

Parking Lot or Structure, Commercial (Auto): An area or Structure devoted to the parking or storage of automobiles for a fee. Such definition may include, in the case of a Parking Structure only, a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the Structure and creates no special problems of ingress and egress.

Pawn Shop: A business that lends money on the security of pledged goods. May also purchase merchandise for resale from dealers and traders. A Pawn Shop includes any location at which or premises in which a pawnbroker regularly conducts business.⁷⁶

Peak Hour: The period during which traffic volume is at its highest.

Performance Standards: The standards specified for the operating characteristics of industrial uses related to noise, smoke, particulate matter, odorous matter, fire and explosion hazard, toxic and noxious matter, glare, vibration and storage.

Permitted Use: A Use permitted in a Zoning District without the need for legislative review and approval, upon satisfaction of the standards and requirements of this Chapter.

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.

Personal Service Establishment: A business that provides personal services directly to customers at the site of the business, or that receives goods from or returns goods to the customer that have been treated or processed at another location. Personal Service Establishment includes, but is not limited to: travel agencies; ~~dry-cleaning and laundry drop-off and pick-up stations;~~ tailors; hair stylists and cosmetologists; toning or tanning salons; branch offices of financial institutions; photocopying services; postal substations; package delivery drop-off and pick-up stations; shoe repair shops; photography studios; interior design studios; and art, music, dance, and martial arts schools.

Personal Storage Facility: A non-commercial facility containing a Building or group of Buildings in which a single user stores non-hazardous personal property not associated with a business.

⁷⁶ The last sentence of this definition (from "location" to the end) is from Texas Finance Code, Chapter 371, Sec. 371.003(7).

Pervious Surface: Any material that allows the infiltration of stormwater into the ground. Pervious Surfaces include, but are not limited to, loose rock and gravel, mulch, and pine straw.

Pest Control Service: A service business primarily engaged in exterminating and controlling birds, mosquitoes, rodents, termites, and other insects and pests. The business may store and sell pesticide products on-site, but typically offers its services to customers at their locations.

Pet Care Service: An establishment primarily engaged in providing services for household pets, such as grooming, daycare, and training. This definition excludes Veterinary Services and Kennels.

Petroleum Collecting and Storage Facilities: Facilities used for the collection and storage of petroleum and natural gas. Activities may include exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operating separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.

Petroleum Products Storage and Wholesale: The storage and sale of petroleum and petroleum products to other firms for resale.

Philanthropic, Civic, Professional, and Similar Organizations: Establishments that organize and promote civic activities; support various causes through grantmaking and donations; advocate various social and political causes; and promote and defend the interests of their members.

Planned District: Any Zoning District listed in Article II, *Zoning Districts*, Division 6, *Planned Districts*. Development in Planned Districts is subject to a Proposed Development Plan approved as part of a Rezoning Application.

Planning Director: Same as *Planning and Development Services Department Director*.

Planning and Development Services Department: The City of Amarillo Planning and Development Services Department.

Planning and Development Services Department Director: The director of the City of Amarillo Planning and Development Services Department, or the Director's designee.

Planning and Zoning Commission: The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the Zoning.

Platted Lot: Same as PRAD Parcel.

Playfield or Stadium (Public): An athletic field or Stadium owned or operated by a public agency for the general public, including a baseball field, golf course, football field or Stadium.

Playground: An area developed with play apparatus for active play and recreation, which may contain courts for such games as basketball or tennis.

Plumbing Code: The Plumbing Code adopted with local amendments elsewhere in the Amarillo Municipal Code.

Portable Building Sales: An establishment primarily engaged in the retail sale and/or the rental of new and used portable Buildings.

Portable Storage Container: Any container designed for the temporary storage of personal or business property and that is delivered and removed by truck.

PRAD Parcel: A Lot shown in the appraisal records of the Potter-Randall Appraisal District (PRAD).

Premises: A Lot and all Buildings, vehicles, and appurtenances pertaining to the Lot, including any adjacent Premises if they are directly or indirectly under the control of the same person.

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.

Proposed Development Plan: A graphic representation, drawn to scale, of a proposed Development that accompanies certain types of Applications (see Article XI, *Submittal Requirements*).

(R)

Radio or Television Transmitting Station: A facility for transmission of commercial programming by radio or television within the commercial bands of the electromagnetic spectrum.

Railroad Freight Terminal: A Building or group of Buildings in which freight, delivered by rail, is sorted and temporarily stored for routing in intrastate and/or interstate shipment by rail.

Railroad Passenger Station: An indoor or outdoor facility primarily engaged in the transportation of passengers by train. The facility may include repair or support facilities for these operations.

Railroad Team Track: A spur for sporting and unloading or loading box cars or other railroad cars.

Railroad Track and Right-of-Way: Not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.

Railroad Yard or Roundhouse: An area of land, a portion of which is covered by a system of tracks that provide for the making up of trains by one or more agencies. Necessary functions of a railyard include, but are not limited to, the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing or transferring of cars, trains, engines, locomotives and rolling stock.

Ranch: Same as *Farm, Ranch, or Orchard*.

Rear Yard: See *Yard, Rear*.

Receiving Center for Recyclable Items: An enclosed facility designed to receive recyclable items for transport to a Recycling Collection Facility.

Recommended Plant List: A list of perennials, groundcover, ornamental grasses, turf, shrubs, vines, and trees adopted in Sec. 4-10-147 [Sec. 4-10-147](#), *Landscaping standards*. The Planning Director may amend this list from time to time. The Plant List is not set out in the Code, but is on file and available for inspection in the office of the Planning Director.

Recreational Vehicle: A vehicle or vehicular structure not certified as a Manufactured Home that is designed primarily for recreational use and not as a primary residence or for permanent occupancy, and is either:

- Built and certified in accordance with either NFPA 1192 or ANSI A119.5, or
- Any vehicle that is self-propelled.⁷⁷

Recreational Vehicle Park: A unified development under private ownership designed primarily for transient service on which Recreational Vehicles are parked, situated or used for the purpose of supplying to the public a temporary parking space for such vehicles meeting all the requirements of Article III, *Use Regulations*.

Recycling Collection Facility: A facility designed to collect, sort, and package, by manual or mechanical processes, recyclable items for transport to a reprocessing plant. The term "recyclable item" shall mean a waste product which can be reprocessed and used again as raw material in the manufacturing of same or similar products and is not attached or combined with products containing other materials. The term "mechanical processes" shall mean sorting and packaging by machinery in which the composition of the item remains constant but the shape of the product is altered.

Religious Facility: A Building, together with its Accessory Buildings and Uses, where persons regularly assemble for religious worship or instruction. A Religious Facility is maintained and controlled by a religious body organized to sustain public worship. Accessory Uses include parish houses, community houses, educational buildings, and childcare for persons attending worship or instruction.

Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Residence: Same as *Housing Unit*; also when used with District, an area of Residential regulations.

Residential Zoning District: Any Zoning District listed in Article II, *Zoning Districts*, Division 3, *Residential Districts*.

Residential Day Care Facility: A [facility-One-Family Dwelling \(Detached\) in which the owner or tenant that provides room, board, care and supervision of up to six \(6\) people for a portion of any 24-hour period](#), exclusive of a Family unit of individuals related by blood, marriage, ~~or~~ adoption, [or foster care](#).

Residentially-Developed: A Lot that contains one or more habitable Dwelling Units.

Residentially-Zoned: Same as *Residential Zoning District*.

Restoration: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Retail Trade Establishment: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of Retail Trade Establishments are: (1) the establishment is usually a place of

⁷⁷ This is the new HUD definition. Changed text in current definition from "designed only for recreational use" to "designed primarily for..." for consistency with the City's current definition.

business and is engaged in activity to attract the general public to buy; (2) the establishment buys and receives as well as sells merchandise; (3) the establishment may process some of the products, but such processing is incidental or subordinate to the selling activities; and (4) Retail Trade Establishments sell to customers for their own personal or household use.

Review and Decision-Making Bodies: The officials or agencies with authority to review and make recommendations concerning Applications; or to review and approve, approve with conditions, or disapprove an Application.

Rezoning: Any change to the official Zoning Map.

Riding Club: A paddock, clubhouse and stable for quartering, training, and riding horses; the facilities of which are restricted to a specific membership and not available to the general public.

Rodeo Grounds: A spectator facility for rodeo activities in which there are performances or competitions generally involving cattle. The facility may include animal pens, barns or shelters.

Runway: An area for taxiing, landing, and taking off of Aircraft.

Rural: A sparsely developed area where the land is primarily used for farming, forestry, resource extraction, very low-density residential uses, or open space uses.

(S)

Sanitary Landfill: A controlled area of land on which solid waste is disposed of in accordance with state and local laws.

Schedule of Uses: Sec. 4-10-82 of this Chapter which refers to the Use of land and Buildings permitted in specified Zoning Districts.

School, Business: A business organized to operate for a profit and offering instruction and training in a service or art such as accounting, administrative services, cosmetology, or art, but not including Commercial Trade Schools.

School, Commercial Trade: A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

School, Private Elementary or Secondary: A school having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

~~*School, Public or Denominational:* A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including Commercial Trade Schools.~~

Seasonal Lighting: Temporary lighting installed and operated in connection with holidays or traditions.

Seasonal Sale: A Temporary Use where produce, agricultural products, and/or products associated with a traditionally accepted civic, patriotic, or religious holiday are sold.

Security Lighting: The minimum amount of Outdoor Lighting necessary to illuminate Building entrances, exits, and other possible points of entry; exterior walkways; and/or Outdoor Storage areas.

Self-Service Laundry: A facility that offers self-service laundry and dry cleaning equipment for customer use on the premises. This term does not include a commercial laundry or cleaning plant.

Self-Storage Facility: A Building or group of Buildings divided into separate units that are leased to a Person(s) for self-service storage of personal property.

Service Side: The side of a non-residential building where a delivery truck would pull into.

Setback: The area between a Lot Line and the respective Setback Line which must remain unobstructed by Buildings or Structures from the ground to the sky, except as may be specifically permitted by other provisions of the Zoning Ordinance. Also referred to as *Building Setback*.

Setback Line: A line parallel to the respective Lot Line designating the minimum distance from the Lot Line that defines the required Building Setback as specified in the Zoning District regulations.

Sewage Pumping Station: An indoor or outdoor facility for the operation of pumps used to transmit waterborne sewage through the sewage system.

Sewage Treatment Plant: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

Shade Tree: A deciduous tree exceeding 30 feet in height at maturity, planted for its high crown of foliage or overhead canopy.

Shelter: An organization providing temporary (three days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless, or transient persons.

Shooting Ranges (Indoor): An enclosed area in which a handgun, rifle, or other firearm is discharged at a target, designed to prevent a projectile fired from a firearm at a target from going beyond the boundaries of the area, by use of a backstop or other barrier that is designed to completely stop the projectile or prevent a potentially dangerous ricochet.

Shooting Range (Outdoor): An area outside of a Building in which a handgun, rifle, or other firearm is discharged at a target.

Short-Term Rental: Any dwelling or portion thereof that is available for use or is used for accommodations or lodging for a period of less than 30 consecutive days by guests paying a fee or other compensation.

Side Yard: See *Yard, Side*.

Sidewalk: The Portland cement concrete, asphaltic concrete, or other permanent hard-surfaced material approved by the City Engineer that is located in the Street Right-of-Way and intended for pedestrian use.⁷⁸

Sign Manufacturing Shop: An establishment primarily engaged in manufacturing signs and related displays of all materials, except printing paper and paperboard signs.

⁷⁸ This definition is from Chapter 4-6 (Subdivision).

Site Improvement: Any improvement required by Article II, III, or IV of this Chapter.

Site Plan: A graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land subject to a Site Plan Application and all proposed Use locations, accurately dimensioned, and indicating the relationship of each Use. A Site Plan demonstrates that a Development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.

Skirt, Skirting: Skirting shall be installed around the exterior perimeter of a Manufactured Home to enclose the under floor area from the bottom of the unit to the ground. Skirting shall be of materials approved for exterior exposure and shall be installed and fastened to withstand damage from winds and exposure to the elements. The Skirting material shall be a material intended for use as a finished exterior surface and shall be painted if required for protection of the material.

Panel type Skirting material shall be securely attached to wood stud or metal stud frame Structures that are anchored to the ground and to the bottom of the Manufactured Home at not more than six (6) feet on center with approved anchors. Wood stud frames, and panel materials made of wood products that are within six (6) inches of the ground shall be preservative treated for ground contact in accordance with the Building Code. Wood or metal stud frames shall consist of a bottom plate, a top plate, and studs at no more than twenty-four (24) inches on center. Panel materials shall be attached to stud frames with fasteners appropriate for and compatible with the material used, and the fasteners shall be approved for exterior exposure both in accordance with the Building Code. Fasteners in panel materials shall be spaced around the perimeter of each panel at not more than six (6) inches on center and in the field of the panel at not more than twelve (12) inches on center. Panel materials shall also be installed in accordance with the manufacturer's instructions.

If used in place of panel Skirting materials, perimeter footings shall be of concrete, and perimeter stem walls above the ground shall be of either concrete or masonry, both in accordance with the foundation details for a pier and beam Structure as adopted in the Building Code. Perimeter footings and stem walls shall fully enclose the underside of the Manufactured Home. Any Skirting method shall provide for under floor access and ventilation as required by the Building Code.

Skyglow: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Slaughter House or Meat Packing Plant: An establishment primarily engaged in slaughtering animals and preparing meats.

Smelter or Refinery: A facility that is primarily engaged in refining, making, recovering from scrap or dross, alloying, and manufacturing of aluminum, copper, and other nonferrous metals or is primarily engaged in refining crude petroleum into refined petroleum through processes such as fractionation, straight distillation of crude oil, and cracking

Special Event: An educational, recreational, cultural, or social occurrence designed to attract more than ten (10) attendees or participants. Examples include, but are not limited to, festivals, fairs, carnivals, 5K run/walks, parades, art shows, and concerts.

Special Exception: The modification of [certain zoning standards, limited to Nonconforming Uses and Structures, Off-Street Parking Space requirements, and Downtown Amarillo Urban Design Standards, which is consistent with the overall intent of the zoning regulations and expresses standards prescribed but requires additional review to determine whether the modification is compatible with adjoining land](#)

uses and the character of the surrounding neighborhood, in the manneras described in Sec. 4-10-222 ~~Sec. 4-10-257~~, *Special Exceptions*.

Specialty Trade Contractor: An individual, firm, corporation or partnership who performs work on a Building or Structure that requires a license by the State as a specialty contractor in particular trade, including air conditioning, boiler safety, electrical, elevator, and water well drilling contractor.

Specific Use: A Use that, because of its characteristics, cannot be classified as a Permitted Use in a particular District or Districts.

Specific Use Permit: A permit that allows a particular Use on a Lot only after approval by the City Council. A Rezoning and a Specific Use Permit have the same process (see Article V, *Procedures*). However, a Rezoning approves a Zoning District while a Specific Use Permit approves an individual Use within a Zoning District.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock; human genitals in a discernibly erect state, even if completely and opaquely covered; or any combination of the aforementioned.

Specified Sexual Activities: Depiction of male genitals in a state of sexual stimulation or arousal; female genitals; acts of masturbation, sexual intercourse, oral copulation, sodomy, bestiality; touching of human genitals, pubic region, buttock, anus; or any combination of the aforementioned.

Sporting and Recreational Camps: A facility consisting of a permanent building or group of permanent buildings used periodically by an association of persons where seasonal accommodations for sporting and recreational purposes are provided only to the members of such association and not to the general public.

Sports Club Other Than Listed: A commercial or non-commercial establishment that provides facilities for sports and recreation, other than those defined specifically in this Chapter, that sells memberships for periods of not less than one month at a time entitling members to use the facilities and invite guests, but where the facility is not open to use by the general public.

Stable (Private): Any Structure located within a Horse Lot (private) that is used for the sheltering, quartering, and feeding of animals.

Steam Cleaning of Vehicles or Machinery: An establishment principally engaged in the on-site operation of equipment for use in steam cleaning passenger automobiles, trucks, trailers, and other motor vehicles, such as motorcycles, motor homes, and snowmobiles, as well commercial and industrial machinery.

~~*Storage Facility*: A Building or group of Buildings in which a single user stores personal property.~~

Storage Warehouse: A facility for the storage of general merchandise, refrigerated goods, and other warehouse products. The facility may offer ancillary logistics services related to the distribution of the stored goods.

Storm Water Management Criteria Manual: A periodically updated document that sets out the minimum requirements and standards for planning, design, construction, operation and maintenance of storm water drainage facilities.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street: The entire width between the boundary lines of every way, other than an alley, publicly maintained when any part of it is opened to the use of the public for pedestrian and/or vehicular travel. Any Thoroughfare or public Driveway, other than an Alley, and more than thirty (30) feet in width that has been accepted for public use.⁷⁹

Street, Collector: A Street ~~which that~~ carries traffic from Local Streets to Arterial Streets or highways, including the principal entrance Streets of a Residential development and Streets for circulation in such a development.

Street, Cul-de-sac: A Dead-end Street providing a turnaround area for vehicles.

Street, Dead-end: A Street, other than a Cul-de-sac, with only one (1) outlet.

Street Frontage: The length of a Lot Line that abuts right-of-way, excluding Alleys.

Street, Local: A Street ~~which that~~ is intended primarily to serve traffic within a neighborhood or limited Residential District and ~~which that~~ is not necessarily continuous through several Residential Districts.

Street, Major Arterial: A principal traffic artery, more or less continuous across the City, that connects remote parts of the City or areas adjacent thereto and acts as a principal connecting Street with State and federal highways.

Street, Minor Arterial: A Street other than a Major Arterial or Collector Street that is intended primarily for providing access to abutting properties.

Street Line: A dividing line between a Lot, Tract, or Parcel of land and a contiguous Street, the Right-of-way line.

Structural Alterations: Any change in the supporting member of a Building, such as a bearing wall, column, beams or girders.

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.

Structure, Temporary: A Structure without any footing or foundation, and that is removed when the Temporary Use for which the structure was erected has ceased.

Suburban: The low- to medium-intensity development patterns that surround the urban areas of the city. Suburban areas are often residential in character with single-family detached houses as the primary use of land. Increasingly, the suburbs contain employment and service centers as well as residential areas.

SUP: A Specific Use Permit.

⁷⁹ [This is the current Zoning Ordinance definition, but it is different from the definition in the Subdivision Ordinance. Revised for consistency with the Subdivision Ordinance.](#)

Swim or Tennis Club: A commercial or noncommercial establishment that provides facilities for playing tennis or swimming that sells memberships for periods of not less than one month at a time entitling members to use the facilities and invite guests, but where the facility is not open to use by the general public.

Swimming Pool (Commercial): A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming Pool (Private): A swimming pool constructed for the exclusive private use of the residents of a One-Family, Duplex or Multiple-Family Dwelling Unit.

(T)

Tattoo Studio: An establishment or facility in which tattooing is performed. Tattooing is the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term does not include the application of permanent cosmetics.⁸⁰

Temporary: A Structure or Use of land that is limited in duration or occurs only seasonally.

Temporary Sales of Alcoholic Beverages: Sales of alcoholic beverages not exceeding 17 percent alcohol by volume for consumption on or off the premises, subject to all applicable Texas Alcoholic Beverage Code regulations. License may be issued for a period of not more than four (4) days as approved by the City Secretary and Chief of Police, and must comply with the Amarillo Municipal Code of Ordinances, Chapter 10-3, Article IV and Chapter 16-3, Article VI, if applicable.

Text Amendment: Any change to the text of this Zoning Ordinance.

Theater (Drive-In): An outdoor facility primarily used to show motion pictures or dramatic, dance, musical, or other live performances.

Theater or Playhouse in Building: A building or part of a building primarily used to show motion pictures or dramatic, dance, musical, or other live performances.

Thoroughfare: Same as Street.

Tiny Home: A Detached Dwelling that is 400 square feet or less in Floor Area, excluding lofts. A "loft" is a floor level located more than 30 inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches, and used as a living or sleeping space.

Tiny Home Court: A Development that contains 3 or more Tiny Homes located on a single Lot.

Tiny Home on Wheels (THOW): A THOW is a Recreational Vehicle that:

⁸⁰ This definition is from Texas Health and Safety Code, Chapter 146, Sec. 146.001 (3) and (5). However, the proposed definition expressly excludes the application of permanent makeup, while the statute expressly includes the application of permanent makeup. This type of service often occurs at doctors' offices and beauty salons/spas (considered a Personal Service Establishment), which are permitted uses in the Office District. Tattoo studios are not permitted in the O District.

- is 400 square feet or less in area;
- includes basic functional areas that support normal daily routines, such as a bathroom, a kitchen, and a sleeping area;
- is mounted on a wheeled trailer chassis; and
- is titled, licensed, and insured to tow legally under the Texas Department of Motor Vehicles regulations.

Tire Retreading or Capping: An establishment primarily engaged in retreading or rebuilding tires.

Tool and Light Vehicle Retail and Sales (Not Heavy Machinery): An establishment primarily engaged in renting a range of consumer, commercial, and industrial equipment, including audio visual equipment, contractors' and builders' tools and equipment, home repair tools, lawn and garden equipment, moving equipment and supplies, and party and banquet equipment and supplies, but not heavy machinery or industrial equipment, as well as passenger cars and light trucks without drivers, generally for short periods of time.

Topless Establishments: Any business activity which offers the opportunity (whether as a single activity or in conjunction with any other business activity) to view male or female naked breasts or breasts that are partially clothed in a manner that leaves uncovered or visible through less than opaque clothing any portion of the breast below the areola, and where the genital areas and anus are covered by a g-string or other opaque covering.

Topsoil, Earth, or Stone Storage: The Outdoor Storage of topsoil, earth, masonry, or stone.

Townhouse: Same as *Dwelling, Townhouse*.

Tract: Same as *Lot*.

Traffic Engineer: The City of Amarillo Traffic Engineer, as established in Sec. 16-3-32, *Traffic engineer*.

Trash: Something in a crumbled or broken condition or mass.

Triplex: Same as *Dwelling, Triplex*.

Turf Grass: Cultivated grass typically used for lawns that requires regular watering and mowing to maintain a desired height, color, and aesthetic appearance.

(U)

Undeveloped Lot: A Lot that does not have any Structures upon it that were constructed for a principal use permitted in the zoning district at the time of construction.

Urban: Of, relating to, characteristic of, or constituting a city. Urban areas are generally characterized by moderate and higher density residential development, commercial development, and industrial development, as well as the availability of public services required for that development, specifically water and sewer, an extensive road network, public transit, safety and emergency response, and other similar services.

Urban Agriculture: An outdoor or indoor facility that is used grow crops and livestock, mainly for food and fiber, that is located in an Urban area, including Urban Farms and Community Gardens.

Urban Farm: An establishment where food or ornamental crops are grown or processed to be sold or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, vertical farms, aquaponics, aquaculture, hydroponics, and rooftop farms.

Use: The purpose or activity for which the land, or Building thereon, is designed, arranged, or intended; or for which it is occupied or maintained.

Use, Accessory: A Use subordinate to and incidental to the primary Use of the Main Building or to the Principal Use of the premises.

Use, Permitted: A Use permitted by-right without the need for special administrative review and approval.

Use, Principal: The main Use of land or Buildings, as distinguished from a subordinate or Accessory Use. The Principal Use may be either a Permitted Use or a Specific Use. Also referred to as Primary Use.

Use, Specific: A Use designated as a Specific Use in Sec. 4-10-82 ~~Sec. 4-10-82.~~ [Schedule of use](#), and that requires discretionary review by the Amarillo City Council.

Use, Temporary: A Use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the Principal Use (e.g., weddings at a church, sporting events at a stadium).

Utility Shops or Storage Yards or Buildings (Private): Facilities operated by electric, gas, water, communications, and other utilities companies for repair and maintenance of equipment and staging of equipment and materials, including covered or uncovered stockpiling or safekeeping of materials, equipment, personal property, vehicles, trailers, and other similar property, as well as buildings or offices used by such companies that are not open to the general public.

(V)

Variance: An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular Parcel of property which, because of special conditions or circumstances peculiar to the particular Parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other Parcels in the same vicinity and Zoning District. (See Sec. 4-10-223 [Variances](#), [sections 4-10-37 and 4-10-39\(c\) and \(d\)](#)).

Vertical Illuminance: Illuminance measured or calculated in a plane perpendicular to the Lot Line.

Veterinary Office (excluding Hospitals): A facility for the prevention, treatment, minor surgery, cure, or alleviation of disease and/or injury in Animals, specifically domestic animals, with all care provided on an outpatient treatment basis only, with no overnight boarding of animals.

Veterinary Services: Establishments of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals.

Viewing Booth: An enclosure or partial enclosure which contains any electrical or mechanical device, which displays or projects any film, videotape or photographic reproduction into the viewing area of motion or still pictures characterized by exposure of Specified Anatomical Areas, and which enclosure or partial enclosure is authorized for occupancy by Uniform Building Code standards by no more than five (5) persons.

(W)

Water Reservoir, Well, or Pumping Station: A land use on which the primary use consists of surface water stored behind a dam or other barrier and subterranean water for use in drinking, irrigation, or other uses, along with pumps and other equipment to distribute the water by pipes to other locations for treatment or usage.

Water Standpipe or Elevated Water Storage: A land use on which the primary use is a high vertical pipe or reservoir for water that is used to secure a uniform pressure in a water-supply system, along with pumps and other equipment to maintain the pressure.

Water Treatment Plant: A facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.

Welding or Machine Shop: Shops where lathes, presses, grinders, shapers, welding equipment, and other wood- and metal-working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Wholesale Office, Storage, or Sales Facilities: The display, storage, and sale of durable and non-durable goods to other firms for resale, from facilities such as warehouses and offices with little display of merchandise or solicitation of the public.

Wildlife Attractant: 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.⁸¹

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).

Winery: A facility that produces wine or vinous liquor, as defined by the Texas Alcoholic Beverage Code, on-site. Such facilities may include all aspects of production as well as administrative offices and a tasting room. A Winery must hold all permits required by the Texas ABC.

(Y)

Yard: An Open Space between a Building and the adjoining Lot Lines. See Sec. 4-10-280, [Yards and Setbacks](#) [Section 4-10-149](#).

⁸¹ This definition adapted from FAA AC 150//5200-33C.

Yard, Front: An open, unoccupied space on a Lot facing a Street extending across the front of a Lot between the side Lot Lines and from the Main Building to the front or Street Line with the minimum horizontal distance between the Street Line and the Main Building line as specified for the District in which it is located.

Yard, Interior Side: A type of Side Yard that faces a Side Yard of another lot.

Yard, Rear: An open, unoccupied space, except for Accessory Buildings as herein permitted, extending across the rear of a lot from one side Lot Line to the other side Lot Line and having a depth between the Building and the rear lot line as specified in the District in which the Lot is situated.

Yard, Side: An open, unoccupied space or spaces on one side or two sides of a Main Building and on the same Lot with the Building, situated between the Building and a side line of the Lot and extending through from the Front Yard to the Rear Yard. Any Lot Line not the rear line or front line shall be deemed a side line.

Yard, Street Side: A type of Side Yard that only occurs on corner lots and is on the side of the house where the front door is not oriented.

Yard Sale: The sale of miscellaneous used household items from a residential parcel.

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

(Z)

Zero Lot Line Development: A Development of Detached One-Family Dwellings where the Dwelling Units are positioned on one side Lot Line without any setback from that Lot Line with Yards on the other three sides of the Dwelling Unit, including a wider side Yard on one side. See Sec. 4-10-118 ~~Section 4-10-141~~.

Zoning District: An area of the City for which the regulations governing the area, Height or use of the land and Buildings are uniform.

Zoning District Map: The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of this [eChapter](#).

Zoo (Private or Public): A facility that houses and displays live reptiles, birds, or other animals.

~~Sec. 4-10-289~~ [Sec. 4-10-286](#). - Reserved.

~~Sec. 4-10-290~~ [Sec. 4-10-287](#). - Reserved.

~~Sec. 4-10-291~~ [Sec. 4-10-288](#). - Reserved.

~~Sec. 4-10-292~~ [Sec. 4-10-289](#). - Reserved.

~~Sec. 4-10-293.~~ - Reserved.

Sec. 4-10-294. - Reserved.



ARTICLE X. - LEGAL PROVISIONS

~~Sec. 4-10-295~~Sec. 4-10-290. - Relationship to other laws.

- (a) **Stricter standards in this Chapter.** If this Chapter requires a greater width or size of a yard, requires a lower Building Height or fewer number of Stories for a Building, requires a greater percentage of Lot to be left unoccupied, or otherwise imposes higher standards than those⁸² required in any other applicable statute, chapter, or regulation, the provisions of this Chapter govern. This Section does not apply to the extent that a Texas or federal statute preempts local regulation.
- (b) **Stricter standards in other statutes, ordinances, or regulations.** If another applicable statute, ordinance, or regulation requires a higher standard than this Chapter, the provisions of that statute, ordinance, or regulation govern.
- (c) **Stricter provisions apply.** This Chapter does not abrogate any deed restriction, covenant, easement, or any other private agreement or restriction on the use of land. However, where this Chapter is more restrictive or imposes higher standards than a private restriction, this Chapter controls. Where a private restriction is more restrictive or imposes higher standards than this Chapter, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions.
- (d) **Enforcement.** The City does not enforce private restrictions.

~~Sec. 4-10-296~~Sec. 4-10-291. - Severability.

~~Should any section, clause, or provision of this ordinance be declared by the court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid. City Council declares that the requirements and provisions of this Chapter are severable. If a court of competent jurisdiction declares any section or part of this Chapter to be unconstitutional or invalid, the court's decision does not affect the validity of the Chapter as a whole or any section or part of this Chapter other than the section or part declared unconstitutional or invalid.~~

~~Sec. 4-10-297~~Sec. 4-10-292. - Repeal of existing ordinance.

This Chapter repeals 4-9 Airport Height Hazard and Zoning Regulations; 4-10 Zoning; and 4-11, Landmarks and Historic Preservation, of the Amarillo Code of Ordinances, and all amendments to it, effective the day of , ~~2020~~2022.

~~Sec. 4-10-298~~Sec. 4-10-293. - Effective date.

This Comprehensive Zoning Ordinance of the City of Amarillo, Texas, shall take effect on the day of , ~~2020~~2022.

⁸² Consistent with Texas LGC Chapter 211, Sec. 211.013.

ARTICLE X. - LEGAL PROVISIONS
SEC. 4-10-294. - RESERVED.

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~~Sec. 4-10-299~~Sec. 4-10-294. - *Reserved.*

~~Sec. 4-10-300~~Sec. 4-10-295. - *Reserved.*

~~Sec. 4-10-301~~Sec. 4-10-296. - *Reserved.*

~~Sec. 4-10-302~~Sec. 4-10-297. - *Reserved.*

~~Sec. 4-10-303~~Sec. 4-10-298. - *Reserved.*

~~Sec. 4-10-304~~Sec. 4-10-299. - *Reserved.*



ARTICLE XI. - SUBMITTAL REQUIREMENTS

~~Sec. 4-10-305~~ Sec. 4-10-300. - Generally.

This Article establishes the information that Applications must include in order to be considered complete for review under Article V, *Procedures*.

~~Sec. 4-10-306~~ Sec. 4-10-301. - Traffic Impact Analysis (TIA).⁸³

(a) **Purpose.**

- (1) A Traffic Impact Analysis (TIA) is a specialized engineering study that evaluates the effects of a proposed Development on the surrounding transportation network. These analyses range in detail and complexity depending on the type, size, and location of the proposed Development.
- (2) Review and Decision Making Bodies use a TIA to evaluate whether the scale of a proposed Development is appropriate for a particular site given its projected impact on the transportation network and the type of transportation improvements necessary to accommodate the Development.
- (3) A TIA enables Review and Decision-Making Bodies to:
 - a. Quantify the altered traffic conditions anticipated to result from a proposed Development;
 - b. Evaluate the impact of site-generated traffic on the quality of traffic flow within a reasonable distance of the Development site;
 - c. Evaluate the impact of site-generated traffic on affected intersections in the vicinity of the Development site;
 - d. Evaluate traffic operations and impacts at site access points under projected Peak Hour traffic volumes;
 - e. Evaluate the impact of the proposed Development on existing residential subdivision streets in the vicinity of the site;
 - f. Understand the impacts that need to be addressed immediately or in the near-term to avoid localized congestion and/or unsafe traffic conditions;
 - g. Identify what mitigation steps may be necessary, on and/or off the site, to ensure safe and efficient access and maintain traffic flow on affected public Streets and at nearby intersections;

⁸³ This new requirement for TIAs implements Comprehensive Plan Strategies #3-10 and 4-19.

- h. Ensure that site access and other improvements needed to mitigate the traffic impact of the Development meet commonly accepted engineering design standards; and
- i. Ensure the provision of adequate facilities for pedestrians, transit users, and bicyclists.

(b) **Applicability.**

(1) A TIA is required for the following Applications:

- a. **Specific Use Permits and Rezoning to a Planned District.** When the proposed Development meets or exceeds the thresholds specified in Table. 4-10-~~306301~~.1, a Level 1 or Level 2 TIA shall accompany all:
 - 1. Specific Use Permit Applications and
 - 2. Rezoning Applications where the proposed Zoning District is a Planned District.
- b. **Site Plans.** When the proposed Development meets or exceeds the thresholds for a Level 2 analysis specified in Table. 4-10-~~306301~~.1, a Level 2 TIA shall accompany all Site Plan Applications.
- c. **Exception.** When the Applicant has already completed a TIA for the proposed Development through the Specific Use Permit or Rezoning process, an additional TIA is not required for any Site Plans related to the Development.

(2) Pursuant to Sec. 4-10-302, *Technical reports and studies*, a TIA may be required for other types of Applications.

(c) **Completion Date of Traffic Impact Analysis.** The completion date of any TIA submitted to satisfy the requirements of this Section shall be no more than 6 months prior to the date the Applicant submits the analysis to the City.

(d) **Project Phasing.** Development projects shall not be phased or subdivided in order to avoid the requirement to conduct a TIA. The City Traffic Engineer, in consultation with the Planning Director, may consider two or more Developments represented as separate projects to be a single Development for the purposes of traffic impact analysis. This determination shall consider the following factors, which may indicate a common Development effort:

- (1) Unified ownership or common management of the projects;
- (2) Voluntarily shared infrastructure, or infrastructure that is specifically designed to accommodate both Developments;
- (3) A reasonable closeness in time between the construction of one Development and the submission to the County of an Application for a subsequent Development;

- (4) A common advertising scheme or promotional plan for the projects; and
 - (5) Any information provided by the Applicants indicating the Development projects are not being phased or subdivided to avoid the requirements of this Section.
- (e) **When additional Traffic Impact Analysis is required.** In phased Development projects, or where an existing land Use or Structure is expanded or enlarged, additional traffic impact analyses are required, if:
- (1) The projected vehicle trip generation for the proposed phase or expansion meets the minimum threshold requirements, or
 - (2) The projected vehicle trip generation for the proposed phase or expansion, in addition to the trips associated with earlier phases, meets the minimum threshold requirements.
- (f) **Thresholds and type of analysis required.**
- (1) A Level 1 or Level 2 TIA is required based on the number of Peak Hour vehicle trips the proposed Development is projected to generate, as indicated in Table 4-10-301.1.
 - (2) At the discretion of the Review and Decision-Making Bodies authorized to review the Application, Developments that are projected to generate less than 100 Peak Hour trips may be required to conduct a Level 2 analysis if the proposed Development:
 - a. Is likely to have a significant impact on transportation capacity, transportation levels of service, or traffic safety in the vicinity of the proposed Development indicated by factors other than Peak Hour trips; or
 - b. Affects a location with a high vehicle crash history; or
 - c. Takes place at a high congestion location; or
 - d. Creates the fourth leg of an existing signalized intersection; or
 - e. Exacerbates an already difficult situation, such as at a railroad crossing, fire station access, school access, or where there is poor roadway alignment.

Table 4-10-301.1 – TIA Thresholds and Type of Analysis Required

| Type of Analysis | Threshold |
|------------------------------------|---------------------------------------|
| Level 1 TIA – Trip Generation Memo | Less than 100 Peak Hour vehicle trips |
| Level 2 TIA – Traffic Impact Study | 100 or more Peak Hour vehicle trips |

- (3) **Peak Hour measurement.** For the purpose of determining which type of analysis is required, Peak Hour is measured during the Peak Hour of the adjacent Street

or the Peak Hour of the traffic generating land Use, whichever generates the greatest number of trips.

- (4) **Redevelopment & change of Use.** For redevelopment projects, including changes of Use, trip generation thresholds are defined as the number of net new trips projected to be generated by the proposed Development over and above the number of trips generated by the current Use of the site.
 - (5) **Cumulative impact.** Each level of analysis shall reflect the cumulative impacts of the Development, including all existing land Uses and planned future land Uses.
- (g) **Level 1 TIA – Trip Generation Memo.**
- (1) **Purpose.** A Level 1 analysis is intended as information for Review and Decision-Making Bodies, and to identify whether further analysis is needed based on unique site attributes or Development characteristics.
 - (2) **Contents.** A trip generation memo includes, at a minimum, all of the following information, as applicable:
 - a. General site information (location, acreage, current zoning);
 - b. Existing and proposed use(s);
 - c. Square footage of existing and proposed non-residential structures;
 - d. Number and type of existing and proposed Dwelling Units;
 - e. Description of all known land Uses and Structures located on the site for the five years preceding the date of the trip generation memo, regardless of whether the land Use or Structure still exists on the site;
 - f. Existing and proposed trips associated with the site;
 - g. Description of anticipated impacts on the transportation network and site access points; and
 - h. A list of all previous traffic impact analyses conducted for the site.
- (h) **Level 2 TIA – Traffic Impact Study.**
- (1) **Purpose.** A Level 2 analysis is intended:
 - a. As information for Review and Decision-Making Bodies; and
 - b. To quantitatively assess the nature and extent of the proposed Development's impact on the transportation network; and
 - c. To identify transportation improvements (and their associated costs) that would offset the proposed Development's impact on the transportation network.

(2) **Scoping Meeting.**

- a. The type and scope of the study, along with other study elements, shall be determined during a scoping meeting between the Applicant, the Applicant's transportation engineer, the Planning Director, and the City Traffic Engineer. The meeting may also involve representatives of, or request assessments from, other agencies and departments.
- b. The scoping meeting may be combined with the pre-application conference, if required by Sec. 4-10-202, *Pre-application conference*.
- c. At least 10 business days prior to the scheduled scoping meeting, the Applicant shall provide the following information to the Planning Director and City Traffic Engineer:
 1. Site plan (to scale);
 2. Vicinity map;
 3. Draft trip generation table for the proposed land Uses and intensities including, as applicable, internal capture, transit capture, and pass-by calculations;
 4. Draft trip distribution and assignment;
 5. Proposed historical growth rate;
 6. Proposed build year(s);
 7. Phasing plan.
- d. The scoping meeting will determine the specific type of study required. The possible types of Level 2 TIA include: a letter report, full traffic impact analysis report, or special report (e.g., sight distance survey);
- e. Additional elements to be determined during the scoping meeting include:
 1. Definition of study area;
 2. Analysis horizon years;
 3. Analysis time period;
 4. Data collection requirements; and
 5. Growth rate and background traffic assumptions;

- (3) **Study elements.** A Level 2 TIA shall include those elements agreed upon in the scoping meeting, in addition to a mitigation plan as described in paragraph (4), below.

(4) **Mitigation plan.**

- a. Where the Level 2 TIA indicates the proposed Development will create deficiencies in the study area, the study shall recommend mitigating improvements, including cost estimates.
 - b. The primary objectives of mitigation are to:
 - 1. Maintain the line of sight at adjacent intersections, and
 - 2. Install traffic signals at intersections if warranted, and
 - 3. Address safety concerns.
 - c. The Applicant is responsible for funding and constructing the recommended improvements attributable to the proposed Development. A mitigation plan may propose a cost-sharing agreement with other parties responsible in part for traffic impacts included in the TIA or with the City of Amarillo, or as otherwise authorized by state law.
 - d. The design and construction of improvements shall be in accordance with specifications of the Planning Director and/or City Traffic Engineer and, where appropriate, the Texas Department of Transportation.
 - e. Where a Decision-Making Body determines that a mitigation plan does not adequately address the traffic impacts of the Development, this may serve as a basis for denial of the Site Plan, Specific Use Permit, or Rezoning to a Planned District Application. The Decision-Making Body shall provide to the Applicant, in writing or in the meeting minutes, the reasons for its determination.
- (i) **Updates to approved Traffic Impact Analyses.** The Planning Director or City Traffic Engineer may require updates to a previously approved TIA when:
- (1) Construction of the proposed Development does not commence in a timely fashion;
 - (2) The proposed Development is not completed within the timeframe specified in the TIA; or
 - (3) The Applicant proposes changes in land Use or the scale of Development.
 - (4) Updates to a previously approved TIA follow the same procedures specified in this Section for a new TIA.

~~Sec. 4-10-307~~**Sec. 4-10-302.** - Technical reports and studies.

(a) **Purpose.**



- (1) In the administration of this Chapter, Review and Decision-Making Bodies will occasionally confront proposed Development that has unusually significant consequences or that arouse unusually high levels of citizen interest.
- (2) In those cases, the Review and Decision-Making Bodies may find that the procedures specified in the sections of this Chapter that govern the case do not allow a full and complete examination and articulation of the environmental and other impacts of the proposed Development. This situation is expected since those procedures are generally tailored to the more average or routine cases and are designed to balance the need of the board, commission, or department for information against the burdens that a more complete procedure imposes upon landowners.
- (3) Therefore, this Section provides a special procedure to handle more complex cases or Applications.

(b) **Applicability.**

- (1) The Planning Director, Urban Design and Historic Preservation Commission, Planning and Zoning Commission, Zoning Board of Adjustment, or City Council may require Applicants to submit technical reports and studies that are necessary to enable the Review and Decision-Making Bodies to comply with the standards for approving an Application.
- (2) This Section applies to:
 - a. Rezoning to a Planned District (see Sec. 4-10-215, *Rezoning*);
 - b. Specific Use Permits (see Sec. 4-10-216, *Specific Use Permits*);
 - c. Certificates of Appropriateness (see Sec. 4-10-217, *Certificates of Appropriateness*); and
 - d. Variances (see Sec. 4-10-223, *Variances*).
- (3) These reports and studies are listed in Table 4-10-304.1, *Submittal Requirements for Zoning Applications*.

(c) **General requirements.**

- (1) A technical report or study may be requested by the:
 - a. Planning Director;
 - b. Urban Design and Historic Preservation Commission;
 - c. Planning and Zoning Commission;
 - d. Zoning Board of Adjustment; and
 - e. City Council.

- (2) The person or firm preparing the technical report or study is subject to the approval of the agency requesting the report or study.
 - (3) The Applicant shall bear the costs of all reports and studies.
- (d) **Technical report or study required by Planning Director or Urban Design and Historic Preservation Commission.**
- (1) The Planning Director or Urban Design and Historic Preservation Commission may require the submission of a technical report or study prior to acting on the Application.
 - (2) Any decision of the Planning Director or Urban Design and Historic Preservation Commission to require a technical report or study or to disapprove the person or firm selected by the Applicant to prepare the report or perform the study may be appealed to the Zoning Board of Adjustment (see Sec. 4-10-221, *Appeals of administrative and UDHPC decisions*).
- (e) **Technical report or study required by Planning and Zoning Commission.**
- (1) The Planning and Zoning Commission may require the submission of a technical report or study prior to issuing its recommendation on the Application.
 - (2) Any decision of the Planning and Zoning Commission to require a technical report or study or to disapprove the person or firm selected by the Applicant to prepare the report or perform the study may be appealed to the City Council. Such appeal shall:
 - a. Be made within 10 days of the Planning and Zoning Commission's decision;
 - b. Be provided in writing; and
 - c. Set forth the basis for the Applicant's appeal.
- (f) **Technical report or study required by Zoning Board of Adjustment or City Council.**
- (1) The Zoning Board of Adjustment and City Council may require the submission of a technical report or study prior to acting on the Application.
 - (2) Any decision of the Zoning Board of Adjustment or the City Council to require a technical report or study or to disapprove the person or firm selected by the Applicant to prepare the report or perform the study is final.
- (g) **Determination that technical reports or studies are needed.**
- (1) The Review or Decision-Making Body that has before it a matter listed in this Section may, for reasons stated in a written determination, decide that the particular Application, raises unusually significant questions of impact (environmental or other) or that an unusually high level of citizen interest is evidenced in the proposed Use, change, or amendment, or both.

- (2) The written determination shall set forth the impact questions on which the Review or Decision-Making Body requires research, data, and input from affected or interested persons. The listing of impact questions can include items of data that this Chapter already enables the Review or Decision-Making Body to obtain, or it may include additional items of information that are relevant to the impact questions specified in the resolution.
 - (3) The written determination may also assign responsibility for the acquisition of data on the specified impact questions to City agencies or officials, or to officials or agencies in other units of government who have or may be willing to assist the Applicant.
 - (4) The written determination may establish:
 - a. A date for the return of the requested data and information and
 - b. The format in which the data is to be presented.
- (h) **Suspension of time limits to allow for technical study and review.**
- (1) Prior to commencing activities under this Section, the Review or Decision-Making Body shall consult the provisions of Article V, *Procedures*, under which it is operating and its legal counsel to determine the time limits, if any, that are placed upon its deliberations on the Application.
 - (2) Those time limits not specified in state law and that do not permit the Review or Decision-Making Body sufficient time to conduct a technical study and review under this Section may be suspended by adopting a motion. This supersedes any contrary provision of this Chapter.
 - (3) If the time limits set by state law conflict with the availability of reasonable time for technical study and review, the Review or Decision-Making Body may formally request that the Applicant consent to a reasonable and adequate extension of time.

Sec. 4-10-308Sec. 4-10-303. - Digital Applications.

Digital Applications are required in accordance with Table 4-10-3049.1, *Submittal Requirements for Zoning Applications*.

Sec. 4-10-309Sec. 4-10-304. - Application checklists.

- (a) Table 4-10-3049.1, *Submittal Requirements for Zoning Applications*, lists the materials that Applications requiring approval by a Board, Commission, or City Council must include in order to be considered complete for review under Article V, *Procedures*.
- (b) The materials required for Applications that are administratively approved are listed in one or more checklists that are maintained by the Planning and Development Services Department.

- (c) In addition to the materials specified in this Section, Applications shall include any submittal requirements for the particular Zoning District or Use specified in Article II, *Zoning Districts*; Article III, *Use Regulations*; and/or Article IV, *Development Standards*.
- (d) The Review or Decision-Making Body may request additional information concerning the Lot(s) subject to a particular Application necessary to enable the Review or Decision-Making Body to comply with the standards for approving an Application.
- (e) If an item required by Table 4-10-304.1, *Submittal Requirements for Zoning Applications*, is not relevant to a particular Application, the Applicant must provide a written explanation why the particular item is not provided.

Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|---|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| REQUIRED MATERIALS | | | | | | | | | |
| One complete digital copy of all application materials on CD, flash drive, or submitted via email or our FTP site. Application submittal instructions can be found online at: | • | • | • | • | • | • | • | • | • |
| http://www.amarillo.gov/departments/development-services/development-customer-services/application-submittal | | | | | | | | | |
| Completed application form (and associated checklist, if applicable) | • | • | • | • | • | • | • | • | • |
| <i>If the Applicant is not the Property Owner, a notarized statement authorizing the Applicant to act on the Owner's behalf is required for the indicated Applications. This notarized statement shall be prepared using a form provided by the Planning and Development Services Department.</i> | | | • | • | • | | | • | • |
| Application fee | • | • | • | • | • | • | • | • | • |
| Metes and bounds description, map(s), and/or legal description of subject property (if applicable) | • | | • | • | • | | | | |
| Proposed Development Plan (see requirements below) | | | • | • | • | • | | • | • |
| Narrative on Proposed HP-O District or H-L (see requirements below) | | | | | • | • | | | |
| Photographs of the property and adjacent properties (historical photographs also may be helpful) | | | | | • | • | • | | |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

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|--|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| Material specification outline with samples, brochures and/or photographs of all exterior building and site materials, finishes and fixtures | | | | • | | | | | |
| Any additional information the Applicant believes will assist the Approving Authority in its review of the Application | • | • | • | • | • | • | • | • | • |
| PROPOSED DEVELOPMENT PLAN REQUIREMENTS | | | | | | | | | |
| Number of Copies/Format of Submittal | | | | | | | | | |
| One complete digital copy of all application materials on CD, flash drive, or submitted via email or our FTP site. Application submittal instructions can be found online at: www.amarillo.gov/departments/development-services/development-customer-services/application-submittal | | | • | • | • | • | | • | • |
| If more than one sheet, an index must be included on the cover sheet. | | | • | • | • | • | | • | • |
| Written and Graphic Scales | | | | | | | | | |
| Minimum scale of 1 inch equals 40 feet (1" = 40') | | | • | • | • | • | | | |
| Minimum 11"x17" size sheets and drawn to an engineers scale. | | | | | | | | • | • |
| Title Block | | | | | | | | | |
| Indicate as initial or revised submittal and date prepared. | | | • | • | • | • | | • | • |
| Project designer | | | • | • | • | • | | • | • |
| Project name | | | • | • | • | • | | • | • |
| Legal description of property (Lot, Block, Addition, Survey, and County) | | | • | • | • | • | | • | • |
| Total square footage of area to be developed | | | • | • | • | • | | • | • |
| Owner/Developer | | | • | • | • | • | | • | • |
| Existing zoning and proposed use | | | • | • | • | • | | • | • |
| General | | | | | | | | | |
| North arrow | | | • | • | • | • | | • | • |
| Vicinity map showing location of property | | | • | • | • | • | | • | • |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|---|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| Property Owner & Applicant Information | | | | | | | | | |
| Name and address of all Property Owners | | | • | • | • | • | • | • | • |
| Name, address, phone number, and email address of the Applicant | | | • | • | • | • | | • | • |
| Name, address, phone number, and email address of the Developer (if different than Applicant) | | | • | • | | | | | |
| Subject Property Information | | | | | | | | | |
| Street address | | | • | • | • | • | | • | • |
| The boundary lines of the area included in the Proposed Development Plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded Plat | | | | • | | | | | |
| Total Lot Area of each Lot and the cumulative total of all Lots (in acres and square feet) | | | • | • | • | • | | | |
| Current zoning classification | | | • | • | • | • | | • | • |
| Current land use(s) | | | • | • | • | • | | • | • |
| Indicate all contiguous properties to include vehicular and pedestrian access points to those properties | | | • | • | • | | | | |
| General Development Information | | | | | | | | | |
| Proposed zoning classification | | | • | • | | | | | |
| Proposed land use(s) | | | • | • | • | | | • | • |
| Purpose of development | | | • | • | • | | | • | • |
| Detailed description of proposed work | | | | | • | | | | |
| Number of occupants and/or employees | | | • | • | | | | | |
| Days and hours of operation | | | • | • | | | | | |
| Buildings, Structures, & Setbacks | | | | | | | | | |
| Location of all existing and proposed structures (building footprints or envelopes), including fences & gates, retaining walls, loading ramps, and subsurface structures (indicate location, dimensions and finished floor elevations in Mean Sea Level Elevation [MSLE]) | | | • | • | • | • | | • | • |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|---|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| Proposed use of each structure and square footage for each | | | • | • | | • | | | |
| Notation of maximum building height for each structure | | | • | • | • | | | | |
| Delineation of dimensioned building line setbacks | | | • | • | • | | | | • |
| Architectural drawings showing front, side, and rear of all building elevations and exterior building materials, colors, etc. | | | • | • | | | | | |
| Schematic floor plans depicting the arrangement of interior spaces, location of windows and doors, mechanical equipment, electrical meter and utility locations. First floor site plans should show the relationship between the first floor and the site. | | | | | • | | | | |
| Schematic building elevations for all sides of the building(s) showing design of all elevations, existing grade, proposed grade, finish floor elevations, roof slopes, mechanical vents and equipment, location and type of outdoor light fixtures, design and location of all wall sign(s) and notations regarding exterior colors and material. | | | | | • | | | | |
| Streets, Sidewalks, & Driveways | | | | | | | | | |
| Depict locations and dimensions of existing and proposed driveways | | | • | • | • | | | | |
| Delineation of all public and private streets in and around property | | | • | • | • | | | | |
| If TxDot approval is required (e.g., for Street; driveway; Alley connectors), then include completed TxDot permit application | | | | | • | | | | |
| Proposed and existing sidewalks, ADA ramps (within R.O.W.) locations and dimensions | | | • | • | • | | | | |
| Parking | | | | | | | | | |
| Existing and proposed parking | | | | | • | | | | |
| Proposed queuing lanes | | | | | • | | | | |
| Stall dimensions | | | | | • | | | | |
| Aisle width | | | | | • | | | | |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|---|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| Location of accessible parking spaces | | | | • | | | | | |
| Accessible route from public access point | | | | • | | | | | |
| Fire Lane(s) location and dimension | | | | • | | | | | |
| Delineation of off-street parking area(s), showing all parking | | | • | • | | | | | |
| Landscaping & Screening | | | | | | | | | |
| Type, location, and area of living and non-living ground cover | | | | • | | | | | |
| Type, location, and size of trees | | | | • | | | | | |
| Type and location of irrigation systems | | | • | • | • | | | | |
| Delineation of all fencing, screening walls, including height, materials, etc. | | | • | • | • | • | • | | |
| <i>Landscape Legend</i> | | | | | | | | | |
| Plant material names, symbols, sizes, and quantities | | | • | • | • | | | | |
| Tree names, symbols, caliper of ornamental and shade trees, height of evergreen trees, and quantities | | | • | • | • | | | | |
| <i>Landscape Ordinance Compliance Schedule</i> | | | | | | | | | |
| <i>Landscaping Requirements:</i> | | | | | | | | | |
| Total lot area | | | • | • | • | | | | |
| Total Building Footprint | | | • | • | • | | | | |
| Total Required Landscaped Area | | | • | • | • | | | | |
| Total area of living landscape required | | | • | • | • | | | | |
| Total area of living landscape provided | | | • | • | • | | | | |
| Total area of non-living landscaping provided | | | • | • | • | | | | |
| <i>Street Tree Requirements:</i> | | | | | | | | | |
| Total length of Street Frontage | | | • | • | • | | | | |
| Total number of trees required per Street Frontage | | | • | • | • | | | | |
| Total number of trees provided per Street Frontage | | | • | • | • | | | | |
| <i>Parking Lot Tree Requirements:</i> | | | | | | | | | |
| Total number of parking spaces | | | • | • | • | | | | |
| Total number of trees Required per parking spaces | | | • | • | • | | | | |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|---|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| Total number of trees provided per parking spaces | | | • | • | • | | | | |
| Other Site Elements | | | | | | | | | |
| Lot Coverage | | | • | • | • | | | | |
| Location, type, dimensions, and maintenance requirements for common areas | | | • | • | | | | | |
| Dimensioning for all critical elements of Proposed Development Plan | | | • | • | | | | | |
| Location, type, height, dimensions, colors, and illumination of all exterior signs (provide sign details) *Separate submittal, review, and permit required for Signs | | | • | • | • | • | • | | |
| Location, type, and height of all exterior lighting (provide lighting detail) | | | • | • | • | • | • | | |
| Location and size of streetlights | | | | • | | | | | |
| Location and type-of refuse collection (public or private) | | | • | • | • | | | | |
| Location and description of street furniture | | | | • | | | | | |
| Indicate individual or centralized US Postal Service delivery point(s) | | | | | | | | | |
| Storm Water Pollution Prevention Plan (silt fencing, construction entrance, temporary sediment basins, etc.) | | | | | | | | | |
| Utilities & Easements | | | | | | | | | |
| Locations and dimensions of existing and proposed easements | | | • | • | | | | | |
| Single-Family Development | | | | | | | | | |
| Lot Area, Lot Width, Lot Depth of each Lot | | | • | | | | | | |
| Front, Side and Rear Yard Setbacks for each Lot | | | • | | | | | | |
| Location and Lot Frontage of Community Open Space | | | • | | | | | | |
| Notation of maximum Lot Coverage | | | • | | | | | | |
| Any required Building separation shall be shown on the Proposed Development Plan | | | • | | | | | | |
| Specific Notes to Be Shown Directly on Proposed Development Plan: | | | | | | | | | |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|---|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| All parking and driveways shall conform to the requirements of Section 9 of the Development Policy Manual of the City of Amarillo unless noted otherwise. | | | • • | | | | | | |
| All exterior lighting shall be directed onto the property in such a manner to minimize or eliminate glare across adjacent property lines. | | | • • | | | | | | |
| No signs shall be operated on the property that use or have attached any flashing, pulsating, or rotating lighting source or reflector. No portable signs will be allowed. | | | • • | | | | | | |
| Any additional bulk or area requirement not specifically noted on this site plan shall comply with the Zoning District in which the property was located prior to this amendment. | | | • • | | | | | | |
| Any and all utility relocations or adjustments required for this development shall be the responsibility of the developer(s). | | | • • | | | | | | |
| All fencing, screening, landscaping, driveways, and parking areas shall be maintained in good condition at all times by owners. All landscaping to be installed prior to receiving a certificate of occupancy, or within six months of occupying structure if bad weather exists. All landscape material, trees, grass, shrubs, etc., shall be installed on the site in the same manner as depicted on this site plan and all landscaped areas shall be served with a sprinkler system. | | | • • | | | | | | |
| The approval of this development by the City of Amarillo in no way shall alter or abrogate requirements of the International Building Code as adopted and amended by the City of Amarillo. | | | • • | | | | | | |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|---|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| Any use, other than that allowed under the previous zoning classification or that which is specified by this Proposed Development Plan, will require a zoning amendment. If a use other than what is shown on the Proposed Development Plan is proposed and is allowed under the previous zoning district [insert previous zoning district], development standards shall comply with the City of Amarillo Zoning Ordinance for [insert previous zoning district] development. | | | • | • | | | | | |
| The City of Amarillo or its franchised utility shall not be required to replace any obstructions, paving, or plantings that must be removed during the course of maintenance, construction, or reconstruction within any public utility or drainage easement. | | | • | • | | | | | |
| All exterior mechanical equipment shall be located and/or screened in such a manner as to eliminate or minimize noise and visual impact to adjacent properties. | | | • | • | | | | | |
| All surface storm water collected on this site shall drain directly to adjacent public right-of-way or by other means if approved by the City Engineer. | | | • | • | | | | | |
| The developer shall comply with all ADA requirements where required. | | | • | • | | | | | |
| The following statement, acknowledged by the Developer's signature: "I acknowledge and agree to all standards of development as listed on this Proposed Development Plan." | | | • | • | | | | | |
| HISTORIC DISTRICTS & LANDMARKS NARRATIVE | | | | | | | | | |
| Explanation of the integrity of the nominated Landmark or Historic District | | | | | • | • | | | |



Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|--|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| Proposed design guidelines for applying the criteria for review of Certificates of Appropriateness to the nominated Landmark or Historic District. | | | | | • | • | | | |
| The relationship of the nominated Landmark or Historic District to the effort of the UDHPC to identify and nominate potential areas and Structures that meet the criteria for designation. | | | | | • | • | | | |
| A map showing the location of the nominated Landmark and the boundaries of the nominated Historic District | | | | | • | • | | | |
| Landmarks: | | | | | | | | | |
| The significant architectural features of the nominated Landmark that should be protected | | | | | • | • | | | |
| The types of Construction, Alteration, and Demolition that should be reviewed for appropriateness | | | | | • | • | | | |
| Historic Districts: | | | | | | | | | |
| The significant exterior architectural features of the Structures within the nominated Historic District that should be protected | | | | | • | • | | | |
| The types of Alterations and Demolitions that should be reviewed for appropriateness | | | | | • | • | | | |
| The types of landscaping and open spaces that should be reviewed for appropriateness | | | | | • | • | | | |
| Types of paving and parking areas that should be reviewed for appropriateness | | | | | • | • | | | |
| The scale of proposed new Construction that will be allowed within the Historic District | | | | | • | • | | | |
| The guidelines for noncontributing properties that are designed to protect the scale of existing historic structures | | | | | • | • | | | |

Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness HP-O District Designation Process H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|--|--|----------|--|--|-------------------------------------|--------------------|-----------|
| Any further relevant information necessary to enable the Review and Decision-Making Bodies to comply with the standards for approving an Application | ▲ | ▲ | ▲ | ▲ | ▲ | ▲ | ▲ |
| When the proposed Development includes a Hazardous Waste Collection, Processing, or Disposal facility, the Review and Decision-Making Bodies may require the following: | | | | | | | |
| Copy of the State application and permit | | | ▲ | ▲ | | | |
| Specific information describing which materials will be collected, processed, or disposed of | | | ▲ | ▲ | | | |
| Detailed information related to the methods used to collect, process, or dispose of waste material | | | ▲ | ▲ | | | |
| If waste materials are to be disposed of into the environment, the following studies prepared by a registered professional engineer may be required: a. Hazards, potential nuisances, and site safety; b. Noise contributions; c. Effects on air quality; d. Effects on water quality; e. Visual quality; f. Effects on historical, cultural, archeological resources; g. Flood prone data; and h. Other site-specific requirements made necessary by the activity's effect upon the environment that might have been omitted above. | | | ▲ | ▲ | | | |
| An expert evaluation concerning the location, function, and characteristics of any Building or Use proposed. Such expert evaluation shall be by an MAI/SRA appraiser and shall specifically address the effect of the proposed Use on adjacent land Uses and property values. | | | ▲ | ▲ | | | |

Table 4-10-304.1 - Submittal Requirements for Zoning Applications

| | Comprehensive Plan Amendments Text Amendments | Rezoning | Rezoning Applications for Specific Use Permits | Certificates of Appropriateness | HP-O District Designation Process | H-L Designation Process | Certificates of Occupancy & Appeals | Special Exceptions | Variances |
|--|--|----------|--|---------------------------------|-----------------------------------|-------------------------|-------------------------------------|--------------------|-----------|
| TECHNICAL REPORTS & STUDIES | | | | | | | | | |
| An expert evaluation from a licensed real estate appraiser (MAI/SRA) concerning the location, function, and characteristics of any building or use proposed for a Specific Use Permit. Such expert evaluation shall also specifically address the effect of the requested Specific Use Permit on adjacent land uses and property values. This evaluation is not required for Carports. | | | | | | | | | |
| Traffic Impact Analysis | | | <input type="checkbox"/> | <input type="checkbox"/> | | | | | ▲ |
| Engineering study | | | ▲ | ▲ | ▲ | | | | ▲ |
| Geologic or hydrologic study | | | ▲ | ▲ | | | | | ▲ |
| Environmental impact report | | | ▲ | ▲ | | | | | ▲ |
| Noise study | | | ▲ | ▲ | | | | | ▲ |
| Market study | | | ▲ | ▲ | | | | | |
| Economic impact report | | | ▲ | ▲ | | | | | |
| Architectural survey | | | ▲ | ▲ | ▲ | ▲ | | | |
| Key: | | | | | | | | | |
| • Required for the Application | | | | | | | | | |
| <input type="checkbox"/> Required if the proposed Development meets the thresholds in Sec. 4-10-326, Traffic Impact Analysis (TIA) | | | | | | | | | |
| ▲ May be required by the Review and Decision-Making Bodies on a case-by-case basis | | | | | | | | | |



Sec. 4-10-310 Sec. 4-10-305. - Fees.

- (a) The fees established in this Section are utilized to help defray necessary administrative costs of processing the Application as required, including publication and mailing of required notices.
- (b) Fees for Applications required by this Chapter are established in Table 4-10-305.1.

Table 4-10-305.1 – Application Fees

| Type of Application | Application Fee |
|--|--|
| Landscaping and Irrigation Plan | \$0 |
| Site Plan | \$0 |
| Comprehensive Plan Amendment ⁸⁴ | \$0 |
| Rezoning | \$800 |
| Rezoning – Amendment to an Existing Planned District | \$600 |
| Appeal of Planning & Zoning Commission recommendation for disapproval of a Rezoning Application, filed at noon or earlier on the day following the Planning and Zoning Commission meeting (see Sec. 4-10-215(i)) | \$0 |
| Appeal of Planning & Zoning Commission recommendation for disapproval of a Rezoning Application, filed after noon on the day following the Planning and Zoning Commission meeting (see Sec. 4-10-215(i)) | \$350 |
| Specific Use Permit | \$685 |
| Certificate of Appropriateness | \$200 per site, Building, object, or Structure |
| HP-O Designation ⁸⁵ | \$800 |
| H-L Designation | \$325 per site, Building, object, or Structure |
| Certificate of Occupancy and Compliance | See Sec. 4-1-2, <i>Building permit and inspection fee schedule</i> |
| Appeal (Zoning Board of Adjustment) | \$350 |
| Special Exception | \$500 |
| Variance | \$500 |
| Appeal (Construction Advisory and Appeals Commission) ⁸⁶ | \$350 |

⁸⁴ This is a new procedure. Property owners may only request amendments to the Future Land Use & Character Map (not the text of the Comprehensive Plan). For consistency, such requests must be accompanied by a Rezoning Application. A property owner is required to pay the fee for the concurrent Rezoning Application. The required notices for the Comprehensive Plan Amendment Application and the Rezoning Application can be combined and the amount of staff review time needed generally does not increase, so no fee is proposed for Comprehensive Plan Amendments.

⁸⁵ The current fee to establish an Historic District is \$375 [Sec. 4-11-8(a)(2)]. However, this procedure is a specific type of Rezoning and should require the same fee as a Rezoning Application.

⁸⁶ Sec. 4-10-106 authorizes the CCAC to hear appeals regarding the Building Official's decision to suspend a manufactured home park operator's license. This Section implements a fee for this type of application, consistent with the fee for other appeal applications.

Table 4-10-30510.1 – Application Fees

| Type of Application | Application Fee |
|--|-----------------|
| Re-Notification Supplementary Fee (applies when a delay caused by the Applicant necessitates re-notification regarding an Application) | \$160 |

- (c) **Fee refunds.**⁸⁷ Fees collected in accordance with this Chapter may be refunded under the following conditions when requested in writing by the person who paid the fee within 180 days of the collection of the fee.
 - (1) **Fee collected in error.** Any fee under this Chapter that was collected in error shall be refunded in its entirety.
 - (2) **Application fee.** When an Application is withdrawn by the Applicant before any plan review by the City has begun, then 80 percent of the Application fee⁸⁸ shall be refunded. If the plan review has begun, then no refund shall be granted.

~~Sec. 4-10-311~~Sec. 4-10-306. - Reserved.

~~Sec. 4-10-312~~Sec. 4-10-307. - Reserved.

~~Sec. 4-10-313~~Sec. 4-10-308. - Reserved.

~~Sec. 4-10-314~~Sec. 4-10-309. - Reserved.

~~Sec. 4-10-315~~Sec. 4-10-310. - Reserved.

~~Sec. 4-10-316~~Sec. 4-10-311. - Reserved.

~~Sec. 4-10-317~~Sec. 4-10-312. - Reserved.

~~Sec. 4-10-318~~Sec. 4-10-313. - Reserved.

~~Sec. 4-10-319~~Sec. 4-10-314. - Reserved.

⁸⁷ Provisions for fee refunds are new. Added per staff comments.

⁸⁸ This provision for 80% refund is consistent with Sec. 4-1-3(d), which applies to building-related permits and fees.



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