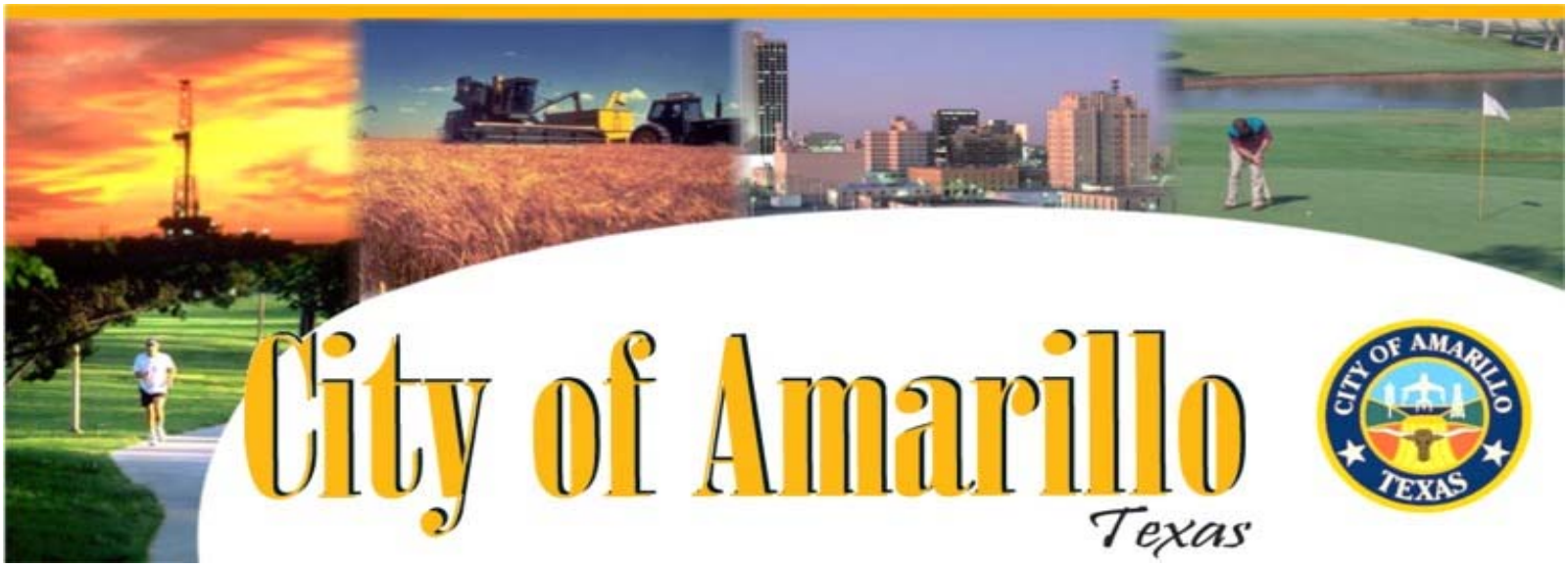

ZONING ORDINANCE

December 2010

What is Zoning?

Zoning establishes the types of land uses permitted on a specific tract of land. Zoning also regulates the size, intensity, and height of development, as well as screening and parking related to development.

Chapter 4-10, Zoning

Amarillo Code of Ordinances

The Amarillo City Commission adopted this ordinance on second and final reading of Ordinance No. 3933 on August 19, 1968.

The latest amendment to the ordinance became effective on July 20, 2010. The most recent printing occurred on December 30, 2010.

Page numbers are different than the Code of Ordinance.

CHAPTER 4-10, ZONING

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***Cross references:** Planning and zoning commission, § 2-6-121 et seq.; platting and subdivision improvement and maintenance, Ch. 4-6; mobile homes and travel trailers, Ch. 4-7; flood hazard areas, Ch. 4-8; airport height hazard and zoning regulations, Ch. 4-9.
State law references: Zoning, V.T.C.A., Local Government Code § 211.001 et seq.

CHAPTER 4-10, ZONING

ARTICLE 1 IN GENERAL

Sec. 4-10-1. Preamble.

This chapter may be cited and referred to as the "1968 Comprehensive Zoning Ordinance of the City of Amarillo, Texas."

(Code 1960, § 26-1)

Sec. 4-10-2. Purpose.

The Zoning Districts and regulations as established in this chapter have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City, and for the protection and preservation of places and areas of historical and cultural importance and significance. They have been designed to regulate and restrict the Height, number of Stories and size of Buildings and other Structures; the percentage of the Lot that may be occupied; the size of the Yards and other Open Spaces; the density of population and the location and use of Buildings, Structures and land for business, Residence and other purposes, and in the case of designated places and areas of historical and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of Buildings and other Structures; to lessen congestion in the Streets, to secure safety from fire, panic and other dangers; to provide adequate light and air, and prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; and with a view of conserving the value of Buildings and encouraging the most appropriate use of land through the City.

(Code 1960, § 26-2)

Sec. 4-10-3. General definitions.

For the purposes of this chapter, words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "shall" is mandatory and not discretionary. Certain words in this chapter not heretofore defined are defined as follows:

Accessory Building: A detached Building subordinate to the Main Building on the Lot which is used for a purpose customarily incidental to the Main Building.

Accessory Use: A use subordinate to and incidental to the primary use of the Main Building or to the primary use of the Premises.

Adult Arcade: A business which offers its customers in one (1) or more Viewing Booths motion or still pictures characterized by exposure of Specified Anatomical Areas.

Adult Bookstore/Film Store: A business in which a substantial portion of its stock in trade consists of books, videos, tapes, cassettes, photographs, slides, magazines, and other periodicals which are distinguished or characterized by an emphasis on Specific Sexual Activities or Specified Anatomical Areas, or both.

Adult Cabaret: A business which offers to customers, live performances characterized by exposure of Specified Anatomical Areas.

Adult Lounge: An Adult Cabaret which serves alcoholic beverages.

Adult Motel* or *Hotel: A business which 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 which offers customers motion or still picture or live entertainment or performances characterized by exposure of Specified Anatomical Areas.

Alley: A public space or Thoroughfare for the placement of utilities which affords only secondary means of access to property abutting thereon.

Apartment: A room or suite of rooms in a Multi-family Dwelling or Apartment house arranged, designed or occupied as a place of Residence.

Basement: A Building Story which is partly underground, but having at least one-half of its Height above the average level of the adjoining ground. A Basement shall be counted as a Story in computing Building Height.

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.

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 Ends: Those sides of a Building having the least dimension.

***Building Line*:** A line parallel, or approximately parallel to the Street right-of-way line, designating the minimum distance from the Street right-of-way line that a Building may be erected.

Building Official: Head of the Code Enforcement Department 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.

Canopy: A roof-like Structure of a permanent nature which is attached to, supported by, or projects from the wall of a Structure.

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.

Certificate of Occupancy and Compliance: An official certificate issued by the Building Official which indicates conformance with the Zoning regulations and authorizes legal use of the Premises for which it is issued.

City Manager: Chief administrative officer of the City.

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 Commission.

Comprehensive Zoning Ordinance, 1968: Chapter 26 of the 1968 Amarillo Code of Ordinances and its amendments.

Cul-de-sac: A Dead-end Street providing a turnaround area for vehicles.

District: Same as *Zoning District.*

Dwelling Unit: Same as *Housing Unit.*

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.

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 any number of individuals with disabilities residing in community homes for the disabled and meet the Texas licensing requirements as mandated in the Texas Human Resources Code Ann., Chapter 123.

Floor Area: The total square feet of floor space within the outside dimensions of a Building including each floor level, but excluding Cellars, Carports or Garages.

Frontage, Lot: The length of Street Frontage between property lines.

Frontage, Street: The length of all property on one (1) side of a Street lying between two (2) intersecting Streets measured along the Right-of-way line, or if the Street is a Dead-end, then the length of all property abutting on one (1) side between an intersecting Street and the end of the Dead-end Street.

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.

Grade: Average finished ground elevation of the Lot at the base of the existing or proposed Structure.

Height: The vertical distance of a Building or Structure measured from the average established Grade at the Street Line or from the average natural Front Yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean Height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in Height. If the Street Grade has not been officially established, the average Front Yard Grade shall be used for a base level.

Housing Unit: A Building, or portion of a Building, which is arranged, occupied, or intended to be executed as living quarters, and includes facilities for food preparation and sleeping.

Legal Height: The maximum Height of a Building permitted by any Airport Zoning Ordinance or other ordinance restricting the Height of Structures.

Living Unit: Same as *Housing Unit.*

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 area of the Lot shall be the length times the width of the Lot and shall not include portions of Streets and Alleys.

Lot Coverage: The percent of Lot Area which is covered by a roof, floor or other Structure and is not open to the sky. Roof eaves to the extent of two (2) feet and ordinary projections including but not limited to fireplaces, windows and door treatments that extend from the exterior walls of the Building not exceeding twelve (12) inches shall not be counted in computing coverage.

Lot Depth: The mean distance between the front and rear Lot Lines. (See Appendix Illustration 2)

Lot Lines: The lines bounding 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 Appendix Illustration 1)

Main Building: The Building or Buildings on a Lot which are occupied by the primary use.

Nonconforming Use: A Building, Structure or use of land lawfully occupied at the time of the effective date of the chapter or amendments thereto, and which does not conform to the use regulations of the District in which it is situated. (See section 4-10-24)

Occupancy: The apparent use of land as defined by this chapter or by generally accepted definitions.

Off-Street Parking: An enclosed or unenclosed area, not on 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.

Parcel: Same as Lot.

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.

Planning and Zoning Commission: The agency appointed by the City Commission as an advisory body to it and which is authorized to recommend changes in the Zoning.

Platted Lot: Same as *Lot.*

Residence: Same as *Housing Unit;* also when used with District, an area of Residential regulations.

Residential Zoning District: R-1, R-2, R-3, MD, MF-1, MF-2, MH, or residential PD Zoning District.

Schedule of Uses: Section 4-10-82 of this chapter which refers to the use of land and Buildings permitted in specified Zoning Districts.

Setback: Same as *Yard.*

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.

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.

Standard Industrial Classification (SIC) Code: The group definition of the most current Standard Industrial Classification Manual prepared by the Statistical Policy Division for the United States Office of Management and Budget. This manual shall be used as a guideline for the classification of principal uses when reference is made in Section 4-10-82 to the designated SIC Code. Such manual shall be kept in the Planning Department for reference purposes.

Story: The Height between the successive floors of a Building or from the top floor to the roof. The standard Height for a Story is eleven (11) feet, six (6) inches.

Street: Any Thoroughfare or public Driveway, other than an Alley, and more than thirty (30) feet in width, which has been accepted for public use.

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.

Structural Trim: The mountings, battens, cappings, palings, nailing strips, latticing, cutouts, or letters, platforms and walkways, which are attached to the Sign Structure.

Structure: Any composition of physical parts for the creation of a whole which is affixed either directly or indirectly to the ground.

Surface Display Area/Display Face: That area made available on either side of the Sign Structure, the purpose of which is for the displaying of the advertising message.

Thoroughfare: Same as *Street.*

Tract: Same as *Lot.*

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 sections 4-10-37 and 4-10-39(c) and (d))

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.

Yard: An Open Space other than a Court on the Lot in which a Building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded Lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

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. (See Appendix Illustrations 3 and 5)

Yard, Rear: An open, unoccupied space, except for Accessory Buildings as herein permitted, extending across the rear of a lot from one (1) 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. (See Appendix Illustration 3)

Yard, Side: An open, unoccupied space or spaces on one (1) side or two (2) 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 a front line, shall be deemed a side line. (See Appendix Illustrations 3 and 4)

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 chapter.

(Code 1960, § 26-29; Ord. No. 5862, § 1, 6-12-90; Ord. No. 6214, § 1, 2-6-96; Ord. No. 6268, § 1(A), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6514, § 4, 2-6-2001; Ord. No. 6568, § 1, 11-27-2001; Ord. No. 6600, § 3, 6-11-2002; Ord. No. 6699, § 1, 11-25-2003; Ord. No. 6904, § 1, 2-21-2006; Ord. No. 7099, § 3, 5-20-2008)

Cross references: Definitions to apply throughout Code, § 1-2-1.

Sec. 4-10-4. Penalty for violations.

Any person violating or failing to comply with any of the provisions of this chapter shall be fined upon conviction not less than one dollar ($1.00), or more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate and distinct offense. In addition to the penalty provided for, the right is hereby conferred and extended to any property owner owning property in any District, where such property may be affected by a violation of the terms of this chapter, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law or in equity for the protection of the rights of such property owners.

(Code 1960, § 26-30)

Sec. 4-10-5. Exceptions and exemptions not required to be negatived.

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.

(Code 1960, § 26-31)

Sec. 4-10-6. Savings clause; severability.

It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter, since the same would have been enacted by the City Commission without the incorporation in this chapter of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

(Code 1960, § 26-32)

Sec. 4-10-7. Creation of a building site.

No permit for the construction of any Structure upon any Tract or Plot shall be issued until the Building Site, Building Tract or Building Lot is a part of a Plat of record approved by the Planning and Zoning Commission and filed in the Plat records of Potter or Randall Counties, whichever has jurisdiction.

(Code 1960, § 26-23; Ord. No. 5617, § 1, 8-19-86)

Secs. 4-10-8--4-10-20. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 4-10-21. Certificate of occupancy and compliance.

(a) No land shall hereafter be used unless a Certificate of Occupancy and Compliance shall have been issued by the Building Official of the City, stating that the Building or proposed use of land or Building complies with the provisions of this chapter and other Building laws of the City.

(b) A Certificate of Occupancy and Compliance shall be applied for concurrently with the application for a Building Permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such Building or land provided such construction or change has been made in complete conformity to the provisions of this chapter.

(c) A Certificate of Occupancy and Compliance shall state that the Building or proposed use of a Building or land complies with all the Building or health laws and ordinances and with the provisions of this chapter. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or Building affected.

(Code 1960, § 26-26)

Sec. 4-10-22. Completion of building under construction.

Nothing contained in this chapter shall require any change in the plans, construction or designated use of a Building actually under construction at the time of the passage of this chapter and which entire Building shall be completed within one (1) year from the date of the passage of this chapter.

(Code 1960, § 26-27)

Sec. 4-10-23. Amending procedure.

(a) *Application to Planning and Zoning Commission and planning department; fee.*

(1) Any person desiring a change in regulations, restrictions or boundaries of the Zoning District Map of any property from one (1) Zoning District classification to another Zoning District classification under this chapter shall make application for such change to the Planning and Zoning Commission in writing and by filing such written application with the Planning Department of the City, requesting a change in Zoning District classification. Such application shall contain the following information:

a. Legal description of the land on which such Zoning District classification is requested, together with the local Street address of same;

b. Name and address of each owner or owners of the property which is the subject of the application;

c. Name and address of the person making the application, if made by anyone other than the owner, together with a statement on a form prescribed and furnished by the Planning Department of the City, that the person making the application is authorized to act for the owner or owners in making such application;

d. Zoning District classification use under which the property regulated at the time of making such application and the Zoning District classification use requested by the applicant;

e. Any other information concerning the property as may be requested by the Planning Department of the City or the Planning and Zoning Commission of the City.

(2) Upon the filing of any application for a Zoning District classification change with the Planning Department of the City, the applicant shall pay to the City Planning Department the following applicable sum:

a. For a Zoning District classification change, the sum of three hundred dollars ($300.00) plus ten dollars ($10.00) per acre if greater than one (1) acre.

b. For a specific use permit, the sum of three hundred twenty-five dollars ($325.00) plus ten dollars ($10.00) per acre if greater than one (1) acre.

c. For a Planned Development District classification, the sum of four hundred dollars ($400.00) plus ten dollars ($10.00) per acre if greater than one (1) acre.

(3) These fees are utilized to help defray necessary administrative costs of processing the application as required, including publication and mailing of required notices.

(b) *Public hearings; notice.*

(1) Upon the filing of an application for request of Zoning District classification change with the Planning Department of the City accompanied by the deposit to defray cost in the manner as prescribed in this chapter, the Planning Department shall set a date for public hearing on such requested change of District classification; such date for public hearing shall be a day when the Planning and Zoning Commission is regularly scheduled to hear Zoning District classification change requests as determined by the rules, policies and regulations as adopted or which may hereafter be adopted by the Planning and Zoning Commission for holding public hearings on such requests.

(2) The Planning Department shall cause written notice of public hearing on the requested Zoning District classification changes to be sent to owners of real property lying within two hundred (200) feet of the property on which such change in Zoning District classification is requested in the following manner:

a. Such notice shall be given not less than ten (10) days before the date set for public hearing to all such owners as the ownership appears on the current City tax records. Such notice may be made by depositing same properly addressed with postage paid in the United States mail.

b. Such notice shall set forth the date, time and place of such public hearing, legal description of the property on which such Zoning change is requested; the present Zoning District classification and the requested Zoning District classification of such property.

(3) The Planning Department shall cause to be published in a newspaper of general circulation at least fifteen (15) days before the date of such hearing a notice of public hearing by the Planning and Zoning Commission on the requested Zoning District classification changes. Such published notice shall set forth the date, time and place of such public hearing, the legal description of the property on which such proposed Zoning District classification change is requested, and the requested Zoning District classification of such property.

(4) The Planning and Zoning Commission shall submit to the City Commission a final report containing its recommendations on those applications for Zoning District classification changes which it has considered.

(5) If the Planning and Zoning Commission recommends that a Zoning District classification change not be granted, the case will not be processed further and shall not be forwarded to the City Commission for public hearing, unless the applicant shall, within ten (10) days after the date the Planning and Zoning Commission votes to recommend that the Zoning District classification change not be granted, file with the Planning Department a request in writing requesting that such application be forwarded to the City Commission for a public hearing and determination of the Zoning District classification change request. If the written appeal is filed by noon of the day following the Planning and Zoning Commission meeting, the case shall be processed for consideration to the City Commission at its next regularly scheduled meeting. If the written appeal is filed after noon of the day following the Planning and Zoning Commission meeting, but within ten (10) days, the case shall require new publication and mailing of notices and scheduling to the City Commission at a later date. The applicant shall pay a fee of one hundred dollars ($100.00) with the notice of appeal to defray publication, notice and other expenses.

(6) All applications for Zoning District classification changes where the Planning and Zoning Commission has recommended such Zoning District classification shall be automatically processed and forwarded to the City Commission for a public hearing and determination of the Zoning District classification change request.

(c) *Public hearing before City Commission; time limitation for refiling upon denial.*

(1) The City Commission shall conduct a public hearing to act on all applications which have been processed and forwarded to them for public hearing and determination as provided in subsections (b)(5) and (6) of this section. At least fifteen (15) days' notice of the time and place of such public hearing shall be published in a newspaper of general circulation within the City prior to the day of such public hearing.

(2) Upon the day of such public hearing, the City Commission shall review the decisions and recommendations of the Planning and Zoning Commission of all applications coming before the City Commission as provided in this chapter. The City Commission in making its determination of such applications may make changes in the Zoning District Map in accordance with or in rejection of modification of the report and recommendation of the Planning and Zoning Commission.

(3) Approval or denial of an application for Zoning District classification change shall be by a majority of all the members of the City Commission; however, in the event of a written protest against such change, signed by the owners of twenty (20) percent or more, either of the area of the Lots or land included in such proposed change, or of the Lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Commission.

(4) No application requesting a Zoning District classification change on any property, which application includes any such property either entirely or any part thereof, which has been denied by the City Commission shall be again considered for the same or any less restrictive or lower Zoning District classification by the Planning and Zoning Commission before the expiration of four (4) months from the date of the final action of the City Commission, except that an application for Planned Development District Zoning classification as provided in article III, division 2 of this chapter may be made at any time, provided that no application for such Planned Development

District has been made on the same property or any part thereof within four (4) months prior to the date of the application.

(Code 1960, § 26-28; Ord. No. 6882, § 1, 12-20-2005; Ord. No. 6847, § 6, 9-20-2005)

State law references: Adoption and amendment of zoning ordinances, V.T.C.A., Local Government Code §§ 211.002, 211.006, 211.007.

Sec. 4-10-24. Nonconforming uses and structures.

(a) A nonconforming status shall exist under the following provisions:

(1) When the use of land does not meet the requirements of section 4-10-82 or a Structure does not meet the requirements of section 4-10-151 and Article V, Divisions 2, 3 and 4 of this chapter and was in lawful existence prior to August 19, 1968, the effective date of the ordinance from which this chapter is derived;

(2) When any developed Lot, Parcel or Tract of land is reduced in size by a taking for public necessity and the reduction affects the Lot Area, Width, Depth, Building Setback or Off-Street Parking of the Lot to the extent that the use at the time of taking would be rendered a violation of this chapter.

(b) No Nonconforming Use may be expanded or increased beyond the Lot or Tract upon which such Nonconforming Use is located as of the effective date of the ordinance from which this chapter is derived except to provide off-street loading or Off-Street Parking space upon approval of the Building Official.

(c) Any Nonconforming Use may be changed to a Conforming Use, and once such change is made, the use shall not thereafter be changed back to a Nonconforming Use.

(d) A change of Occupancy from one (1) Nonconforming Use to a more restrictive Nonconforming Use may be made by securing a Specific Use Permit.

(e) Where a conforming use is located in a Structure not meeting the requirements of section 4-10-151 and Article V, Divisions 2, 3 and 4 of this chapter the use may be changed to another conforming use by securing a Certificate of Occupancy and Compliance.

(f) Whenever a Nonconforming Use is terminated, all nonconforming rights shall cease and the use of the Premises shall thereafter conform to the zoning requirements for the Premises. Any Nonconforming Use which discontinues and which remains unused as the use which made the Premises a Nonconforming Use for a period of twelve (12) consecutive months shall be terminated.

(g) If a Structure not meeting the requirements of section 4-10-151 and Article V, Divisions 2, 3 and 4 of this chapter is partially destroyed by fire, the elements or other cause and said destruction exceeds fifty (50) percent of its reasonable value, the Structure shall not be restored to its nonconforming state unless approved by the Zoning Board of Adjustment. In the case of partial destruction of a nonconforming Structure of fifty (50) percent or less of its reasonable value, restoration may be permitted back to the Structure's nonconforming state without Zoning Board of Adjustment review.

(h) Outdoor storage uses. Nonconforming Uses involving outdoor storage of materials, equipment or merchandise of any type and required by this chapter to screen such outdoor storage shall provide such screening in all Zoning Districts where required not later than two (2) years from the date of annexation or rezoning that caused the use to be nonconforming.

(i) An Adult Business which is in operation on the effective date of an annexation which does not conform to the location and zoning requirements pertaining to an Adult Business shall be a Nonconforming Use which 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 use shall be illegal and shall terminate.

(1) The Nonconforming Use, as defined herein, shall not be increased, enlarged or altered except to comply with the requirements of section 4-10-153.

(2) If two (2) or more Adult Businesses are rendered Nonconforming by the required separation in section 4-10-152 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 ninety (90) days prior 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 Commission 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.

(j) Any premises that already sells alcoholic beverages on the date of the first reading [January 20, 2004] of this section, and which does not comply with the zoning requirements of this section, may continue in operation as a nonconforming use until any of the following events occurs:

(1) Cessation of the business of selling alcoholic beverages for a continuous period of one hundred eighty (180) days or more; or

(2) A change in the ownership or the tenant of the real estate upon which the premises is located; or

(3) Destruction of the premises by fire, the elements, or other causes that exceeds fifty (50) percent of the structure's value as shown from the current tax rolls.

(Code 1960, § 26-24; Ord. No. 5862, § 1, 6-12-90; Ord. No. 6043, § 1(A), 11-9-93; Ord. No. 6268, § 1(B)--(D), 12-24-96; Ord. No. 6708, § 4, 1-27-2004)

Secs. 4-10-25--4-10-35. Reserved.

DIVISION 2. APPEALS, VARIANCES AND SPECIAL EXCEPTIONS

Sec. 4-10-36. Zoning board of adjustment.

(a) *Established*. There is hereby established a Zoning Board of Adjustment, herein called the Board, which may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this chapter in harmony with its general purpose and intent and in accordance with general or specific rules herein contained.

(b) *Organization.*

(1) The Board shall consist of five (5) members who are residents of the City, each to be appointed by the City Commission for a term of two (2) years and removable for cause by the Mayor or City Manager upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made; provided, however, that the City Commission may provide for the appointment of four (4) alternate members of the Board who shall serve in the absence of one (1) or more regular members when requested to do so by the Building Official, as the case may be. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

(2) All cases to be heard by the Board will always be heard by a minimum of four (4) members.

(c) *Operational procedure.*

(1) The Board shall adopt rules to govern its proceedings, provided that such rules are not inconsistent with this Code, State or federal law. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.

(2) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Building Official and shall be a public record.

(3) Upon filing of an application for either a special exception or Variance with the Code Enforcement Department, the applicant shall pay the sum of three hundred dollars ($300.00) to the Code Enforcement Department.

(Code 1960, § 26-25(A)--(C); Ord. No. 6882, § 2, 12-20-2005)

Cross references: Boards and commissions generally, § 2-6-1 et seq.; zoning board of adjustment to serve as airport zoning board of adjustment, § 4-9-51.

State law references: Zoning board of adjustment, V.T.C.A., Local Government Code § 211.008.

Sec. 4-10-37. Filing of appeals; effect.

(a) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Building Official. Such appeal shall be taken within fifteen (15) days after a decision has been rendered by the Building Official, as provided by the rules of the Board, by filing with the Building Official and with the Board a notice of appeal specifying the grounds thereof. The Building Official shall transmit to the Board all the papers constituting the record upon which the action appeal was taken.

(b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, 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.

(Code 1960, § 26-25(D))

State law references: Appeals to board of adjustment, V.T.C.A., Local Government Code § 211.010.

Sec. 4-10-38. Public hearings; notice.

(a) *Hearing.* The Board shall hold a public hearing on all requests for appeals, Variances and special exceptions.

(b) *Notice.*

(1) In the case of appeals to the Board of a decision of the Building Official, written notice of such public hearing shall be published in a newspaper of general circulation not less than fifteen (15) days before the date of the hearing stating the time, place and subject of such hearing.

(2) Written notice of such public hearing regarding Variances and special exceptions shall be published in a newspaper of general circulation and shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the hearing is to be held. Such published notice shall be given not less than fifteen (15) days before the date of the hearing in a paper of general circulation stating the time, place and subject of the hearing and shall be mailed not less than ten (10) days before the date set for the hearing to all owners who have rendered their property for City taxes as the ownership appears on the last approved City tax roll.

(Code 1960, § 26-25(E))

Sec. 4-10-39. Powers of board.

(a) The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this chapter or applicable State law. The Board shall also have the power to hear appeals from decisions of the Downtown Design Review Board as described in Article IV, Division 3 of this chapter, as amended.

(b) The Board shall have the power to hear and decide special exceptions to the terms of this chapter for any of the following:

(1) The addition of Off-Street Parking.

(2) The addition of off-street loading.

(3) The restoration of a nonconforming Structure to its nonconforming state where same has been destroyed by fire or the elements, and said destruction exceeds fifty (50) percent of its reasonable value. (See section 4-10-24(g))

(4) Special exceptions and Appeals regarding the application of Downtown Urban Design Standards adopted in Article IV, Division 3 to a particular parcel or site.

(c) The Board shall have the power to authorize upon appeal in specific cases such Variance of the Height, Yard, area and coverage regulations and required number of parking and loading spaces prescribed by this chapter, and of the Downtown Urban Design Standards such as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.

(1) In authorizing a Variance, the Board shall find and show in its minutes such facts and/or special conditions by which each of the following conditions has been satisfied:

a. Special circumstances exist on the property on which the application is made relating to its size, area, topography, location or surrounding conditions that do not apply generally to the other property in the same area and the same Zoning District, or (ii) that a substantial proportion of the other properties in the same area and Zoning District are legally enjoying the conditions which the applicant is requesting. Provided, however, that clause (ii) of this subsection shall not be applicable to property within the Downtown Urban Design District;

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 Urban Design Standards, and will not adversely affect any other feature of the Comprehensive Plan or Downtown Urban Design Standards;

c. That the Variance, if granted, 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.

(2) In exercising such authority, the Board shall be mindful that a Variance shall not be granted where it will operate to relieve the applicant of a condition or circumstance:

a. Which is not inherent in the property itself, but rather is the result of the use or development of the property;

b. Which was caused by the division of land after the effective date of the ordinance from which this chapter is derived, which division of land caused the property to be unusable for any reasonable development under the existing regulations;

c. Which was otherwise self-imposed by the present or a previous owner;

d. Which is founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner.

(d) The Board shall have the power to authorize upon appeal the reduction or variation of landscaping requirements, as specified by this chapter, which would result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. This subsection also authorizes the Board to grant reductions, waivers, or variations under the Downtown Urban Design Standards.

(1) In authorizing a Variance, the Board shall find and show in its minutes that the Variance would allow for the installation of alternative landscaping materials not otherwise contemplated by this chapter.

(2) In considering a Variance under this section, the Board shall consider Variances to minimum parking requirements, minimum Setback requirements, or maximum Lot Coverage requirements, or any combination of requirements of Article 4, Division 6 of this chapter. It shall be the policy of this section that the Board shall endeavor to make a particular site and project feasible by varying first the Parking, Setback, and Lot Coverage, then varying the landscaping requirements, except when considering property that is subject to the Downtown Urban Design Standards in which case those standards shall be applied or varied as deemed most appropriate in keeping with the intent of such design standards.

(Code 1960, § 26-25(F); Ord. No. 5561, § 2, 12-3-85; Ord. No. 6043, § 1(B), 11-9-93; Ord. No. 6268, § 1(E), (F), 12-24-96; Ord. No. 6600, § 4, 6-11-2002; Ord. No. 7201, § 9, 12-15-2009; Ord. No. 7223, § 3, 7-20-2010)

State law references: General powers of board of adjustment, V.T.C.A., Local Government Code § 211.009.

Sec. 4-10-40. Actions of the Board.

(a) In exercising its powers, the Board may, in conformity with the provisions of the statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

(b) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

(c) Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the city, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Building Official and not thereafter.

(Code 1960, § 26-25(G))

Sec. 4-10-41. Reconsideration by board.

No application requesting a Variance or special exception on any property, including all or any part of the property thereof, which has been denied by the Board, shall again be considered by the Board prior to the expiration of four (4) months from the date of the denial action.

(Code 1960, § 26-25(H))

Secs. 4-10-42--4-10-60. Reserved.

ARTICLE III. ZONING DISTRICTS AND ZONING DISTRICT MAP*

***State law references:** Districts authorized, V.T.C.A., Local Government Code § 211.005.

Sec. 4-10-61. Zoning districts established.

The City is hereby divided into eighteen (18) Zoning Districts. The use, Height and area regulations as set out in this chapter are uniform within each District. The eighteen (18) Districts established herein shall be known as:

Abbreviated Designation	*Zoning District Name*
A	Agricultural District
R-1	Residential District-1
R-2	Residential District-2
R-3	Residential District-3
MD	Moderate Density District
MF-1	Multiple-Family District-1
MF-2	Multiple-Family District-2
MH	Manufactured Home Districto-1
O-1	Office District-1
O-2	Office District-2
NS	Neighborhood Service District
GR	General Retail District
LC	Light Commercial District
HC	Heavy Commercial District
CB	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
PD	Planned Development District

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.

(Code 1960, § 26-3; Ord. No. 6268, § 1(G), 12-24-96; Ord. No. 6568, § 2, 11-27-2001)

Sec. 4-10-62. Zoning district map.

(a) The boundaries of the Zoning Districts set out herein are delineated upon the Zoning District Maps of the City. Such map is adopted by reference and made a part of this chapter as fully as if the same were set forth herein in detail.

(b) Two (2) original, official and identical copies of the Zoning District Maps reflecting the boundaries of the several Zoning Districts previously established by ordinances of the City are hereby adopted. The Mayor and the City Secretary are hereby authorized to sign and attest each map as the official Zoning District Map of the City. Such maps shall be filed and maintained as follows:

(1) One (1) copy shall be filed for permanent record in the office of the City Secretary and shall be designated as Exhibit 1. This copy shall not be changed in any manner.

(2) One (1) copy shall be filed in the office of the Director of Planning and shall be designated as Exhibit 2. This copy shall be maintained by the Planning Department up to date by posting thereon all subsequent changes and amendments.

(3) Reproductions for information purposes only may from time to time be made of the official Zoning District Maps.

(Code 1960, § 26-4; Ord. No. 5577, § 1, 3-18-86)

Sec. 4-10-63. Zoning district boundaries.

(a) The District boundary lines shown on the Zoning District Maps are usually along Streets, Alleys or property lines, or extensions thereof. Where uncertainty exists as to the boundaries of Districts as shown on the official Zoning District Maps, 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 District Maps 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 Commission, 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 the following section.

(Code 1960, § 26-5)

Sec. 4-10-64. Annexed territory; zoning.

(a) All territory annexed to the City shall be classified as A Agricultural District, until other Zoning is established by the City Commission. The procedure for establishing other Zoning on annexed territory shall conform to the procedure established by law.

(b) In an area classified as A Agricultural District:

(1) No person shall erect, construct or add to any Building or Structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a Building Permit or Certificate of Occupancy and Compliance therefore from the Building Official.

(2) No permit for the construction or modification of a Building or use of land shall be issued by the Building Official other than a permit which will allow the construction or modification of a Building permitted in the A Agriculture District.

(Code 1960, § 26-6)

Secs. 4-10-65--4-10-80. Reserved.

ARTICLE IV. DISTRICT REGULATIONS*

***State law references:** District regulations authorized, V.T.C.A., Local Government Code § 211.005.

DIVISION 1. GENERALLY

Sec. 4-10-81. Compliance required.

All land and Structures thereon shall be used in compliance with the Zoning Regulations prescribed for the Zoning District in which such land is located.

(Code 1960, § 26-7)

Sec. 4-10-82. Use of land and buildings.

No land shall hereafter be used and no Structure or appurtenance shall hereafter be erected, altered, converted or modified for other than those uses specified for the District in which it is located as set forth by the following Schedule of Uses:

A Legend for Interpreting Schedule of Use

A – LEGEND FOR INTERPRETING SCHEDULE OF USE	
	Designates use permitted in district indicated
	Designates use prohibited in district indicated
S	Indicates use may be approved as Specific Use Permit

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
B – PRIMARY RESIDENTIAL USES																			
One-Family Housing Unit (Detached) (1)	9999																		
One-Family Housing Unit (Attached) (2)	9999																		
Two-Family Housing Unit (3)	9999																		
Multiple-Family Housing (4)	6513																		
Group Living Quarters (5)	7021 7041																		
Bed and Breakfast Inn (5a)	7011																		
Hotel or Motel (6)	7011																		
Hotel or Motel With Associated Uses (7)	7011																		
Manufactured Home (Type A) (8a)	9999	S	S				S												
Manufactured Home (Type B) (8b)	9999	S	S	S	S	S	S												
Manufactured Home (Type C) (8c)	9999																		
Industrialized Housing (8d)	9999																		
Manufactured Home Park (9)	6515																		
Manufactured Home Subdivision (10)	9999																		
Recreational Vehicle Park (11)	7033																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
C - ACCESSORY AND INCIDENTAL USES																			
Accessory Building (12a & 12b)	9999																		
Carport (12c)	3448	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Farm Accessory Building (13)	9999																		
Home Occupation (14)	9999																		
Off-Street Parking Incidental to Main Use (15)	9999																		
Servants or Caretakers Quarters (16)	9999																		
Swimming Pool (Private) (17)	9999																		
Temporary Field Office or Construction Office (18)	1500																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
D - UTILITY AND SERVICE USES																			
Electrical Substation (19)	4911		S	S	S	S	S	S	S										
Electrical Energy Generating Plant or Wind Generator	4911	S												S					
Electrical Transmission Line	4911																		
Fire Station	9224																		
Gas Line and Regulating Station	4923																		
Local Utility Line (20)	4939																		
Public Building Shop or Yard of Local, State, or Federal Agency (21)	9199	S	S	S	S	S	S	S	S	S	S	S	S						
Public Building, Office of Local, State, or Federal Agency (22)	9100	S	S	S	S	S	S	S	S	S									
Radio, Television or Microwave Station (23)	4832 4833	S	S	S	S	S	S	S	S	S	S	S							
Radio or Television Transmitting Station	4832 4833	S																	
Sewage Pumping Station	4952																		
Sewage Treatment Plant	4952	S												S		S			
Communication and Broadcast Towers (24)	4812																		
Utility Shops or Storage Yards or Buildings (Private)	4900	S											S						
Water Standpipe or Elevated Water Storage	4941																		
Water Reservoir, Well, or Pumping Station	4941																		
Water Treatment Plant	4941	S												S					

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
E - RECREATIONAL AND ENTERTAINMENT USES																			
Adult Business (24a)	8999																		
Topless Establishment (24b)																			
Amusement, Commercial (Indoor) (25)	7900	S																	
Amusement, Commercial (Outdoor) (26)	7900	S																	
Carnival or Circus (Temporary)	7999																		
Country Club (Private) (27)	7997		S	S	S	S	S	S	S										
Dance Hall or Night Club (28)	7911												S						
Day Camp For Children (29)	7999																		
Drag Strip or Commercial Racing	7948	S																	
Go-Cart Track	7999	S														S			
Golf Course (Commercial) (30)	7992	S											S						
Park or Playground (Public) (31)	7992 7999																		
Playfield or Stadium (Public) (32)	7941 7999																		
Riding Club (33)	7997	S																	
Rodeo Grounds	7999	S												S					
Roller or Ice Skating Rink	7999	S											S						
Sports Club Other Than Listed	7997	S						S		S	S								
Swim or Tennis Club	7997	S	S	S	S	S	S	S	S	S	S								
Swimming Pool (Commercial) (34)	7999	S										S							
Theater or Playhouse in Building	7832 7922	S								S	S								
Theater (Drive-In)	7833	S																	
Zoo (Private) (35)	8422	S												S					
Zoo (Public) (36)	8422	S												S					

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
F – EDUCATIONAL AND INSTITUTIONAL USES																			
Art Gallery or Museum (37)	8412																		
Cemetery or Mausoleum	6553	S								S	S	S	S	S	S	S	S	S	
Church or Rectory (38)	8661																		
College or University (39)	8221		S	S	S	S	S		S										
Community Center (Public) (40)	8322																		
Criminal Justice Halfway House (40a)	8361															S	S	S	
Day Care Center (41)	8322 8351				S														
Family Day Care Home (42)	8322 8351																		
Public or Denominational Day Care (43)	8322 8351																		
Family Care Facility for Children (44)	8361	S	S	S	S	S													
Group Care Facility for Children (45)	8361					S	S	S											
Fairgrounds or Exhibition Area	7999	S																	
Fraternity, Sorority, or Membership Association (46)	8641					S	S			S									
Institution of Religious, Charitable, or Philanthropic Nature	8641	S	S	S	S	S	S	S	S	S	S								
Halfway House (48)	8361																		
Hospital (49)	8060																		
Library (Public)	8231	S	S	S	S														
School, Business (53)	8244										S								
School, Commercial Trade (54)	8249																		
School, Private, Elementary, or Secondary (55)	8211		S	S															
School, Public or Denominational (56)	8211																		
Shelter (57)	8361																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
G – TRANSPORTATION RELATED USES																			
Airport or Landing Field (58)	4581													S					
Bus Station or Terminal	4173																		
Hauling or Storage Company	4214																		
Helicopter Base (59)	4581																		
Heliport (60)	4581	S									S								
Helistop (61)	4581	S									S	S							
Motor Freight Terminal	4231																		
Railroad Freight Terminal	4013																		
Railroad Passenger Station	4013																		
Railroad Track or Right of Way (62)	4010																		
Railroad Team Track (63)	4010																		
Railroad Yard or Roundhouse	4013																		
Parking Lot or Structure (Commercial Auto) (64)	7521									S	S								
Parking Lot, Truck/Truck Stop (65)	5541 7521																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
H – AUTOMOBILE SERVICE USES																			
Auto Glass, Muffler, or Seat Cover Shop	7533 7536												S						
Auto Laundry	7542																		
Auto Parts and Accessory Sales (Indoors)	5531																		
Auto Parts and Accessory Sales (Outdoor Display)	5531																		
Auto Painting or Body Rebuilding Shop	7532																		
Automobile Repair Garage	7538																		
Auto Storage or Auto Auction	4226 5012																		
Service Station or Auto Tune-up Shop (66)	5541 7549																		
Limited Self-Service Gasoline or Fuel Service Station (67)	5541																		
New or Used Auto Sales & Rental, In Structure	5511 5521																		
New or Used Auto Sales & Rental, Outdoor Lot	5511 5521																		
New or Used Heavy Machinery Sales with Associated Storage or Repair	5080																		
Motorcycle or Scooter Sales and Repair	5571 7699																		
Steam Cleaning of Vehicles or Machinery	7542																		
Tire Retreading or Capping	7534																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
I – RETAIL AND RELATED SERVICE USES																			
Antique Shop (68)	5932																		
Art Supply Store	5999																		
Bakery or Confectionery Shop (Retail)	5441 5461																		
Bank or Savings and Loan Association	6020 6030																		
Barber or Beauty Shop	7231 7241										S								
Book, Video, or Stationery Shop	5942 7841																		
Camera Shop	5946																		
Catering Service	5812																		
Cleaning Shop or Laundry (Limited Area) (69)	7211 7212																		
Cleaning or Laundry Self Services Shop (70)	7215																		
Clinic, Medical or Dental	8011 8021																		
Custom Personal Service Shop (71)	5699										S								
Department Store or Discount Store	5311																		
Drug Store or Pharmacy	5912										S								
Florist Shop	5992										S								
Food and Beverage Sale Store	5411 5499																		
Furniture, Carpet or Appliance Store	5712 5722																		
Garden Shop and Plant Sales	5261	S																	
Handcraft and Art Objects, Sales	5999																		
Hardware Store or Hobby Shop	5251 5945																		
Instant Printing or Photocopy Shop (72)	7334																		
Key Shop	7699																		
Laboratory, Medical or Dental	8071 8072									S	S								
Liquor Store (73)	5921																		
Medical Appliances-Fitting, Sales, or Rentals	7352										S								
Morgue, Mortuary, or Ambulance Service	4119 7261										S								

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
I – RETAIL AND RELATED SERVICE USES																			
Offices, General Business or Professional	6500 8700																		
Optical Shop or Laboratory	5995										S								
Palm Reader	7299																		
Pawn Shop	5932																		
Pet Grooming	0752																		
Pet Shop, Small Animals, Birds and Fish	5999																		
Repair of Appliances-T.V., Radio, and Similar Equipment	7622																		
Restaurant and Cafeteria (Not Drive-in Type) (74)	5812										S	S							
Restaurant or Eating Establishment (Drive-in Service)	5812																		
Retail Shop, Apparel, Gift Accessory and Similar Items	5399 5600																		
Studio Decorator and Display of Art Objects	7389 8412																		
Studio Health, Reducing, or Similar Service	7991																		
Studio Photographer, Artist, Music, Drama, or Dance	7221 7911											S							
Tattoo Shop	7299																		
Tavern, Lounge, or Private Club (75)	5813																		
Tool and Light Vehicle Retail and Sales (Not Heavy Machinery)	7359 7514																		
Travel Bureau or Consultant	4724																		
Variety Store or Other Retail Outlet Store	5331 5399																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
J - AGRICULTURAL TYPE USES																			
Animal Clinic or Hospital (No Outside Pens)	0742												S						
Animal Clinic, Hospital (Outside Pens), or Kennel (76)	0741 0752																		
Animal Feeding Lot	0211	S																	
Animal Pound (Public or Private)	0752													S					
Farm or Ranch (77)	0191 0291																		
Greenhouse or Plant Nursery	0181 5261																		
Livestock Auction (78)	5154	S															S		
Hatchery, Poultry	0254													S					
Horse Lot (Commercial) (79a)	0272																		
Horse Lot (Private) (79b)	0272																		
Stable (Private) (80)	0752 7999																		
Veterinarian Office Only (No Hospital) (81)	0742																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
K - COMMERCIAL TYPE USES																			
Bakery, Wholesale	5149																		
Cabinet and Upholstery Shop	5712 5714																		
Cleaning, Dyeing or Laundry Plant	7218																		
Contractor Storage or Equipment Yard	1521 1799																		
Flea Market (Screened) (82)	5932																		
Flea Market (Unscreened) (82)	5932																		
Laboratory Manufacturing (83)	8731																		
Laboratory, Scientific or Research	8731 8734									S	S								
Light Fabrication and Assembly Processes (84)	2311 2399																		
Lithographic or Print Shop	2752 2759												S						
Maintenance and Repair Service for Buildings	1542 7349																		
Milk Depot, Dairy or Ice Cream Plant	2020 5143																		
Mini-Storage Warehouse (85)	4225																		
Mobile Home/Manufactured Home Sales or Rental	5271																		
New Building Material Sales and/or Storage (86)	5031 5211																		
Outdoor Storage (Screened) (87)	4226 5093																		
Outdoor Storage (Unscreened) (88)	4226 5093																		
Paint Shop	7532																		
Pest Control Service	7342																		
Petroleum Products Storage and Wholesale	5171 5172																		
Plumbing Shop	1711																		
Portable Building Sales	5211																		
Secondhand Merchandise Dealers or Storage (Screened) (89)	5932																		
Secondhand Merchandise Dealers or Storage (Unscreened)	5932																		
Sign Manufacturing Shop	3993																		
Storage Warehouse	4225																		

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K - COMMERCIAL TYPE USES																			
Taxidermist	7699																		
Used Building Material sales and/or Storage (Unscreened) (90)	5093 5211																		
Welding or Machine Shop	3599 7692																		
Wholesale Office, Storage, or Sales Facilities	5000 5199																		

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L - NATURAL RESOURCE STORAGE AND EXTRACTION																			
Caliche Pit and Storage Area	1422 1459	S														S			
Mining and Storage of Mining Waste	1000 1499	S																	
Petroleum Collecting and Storage Facilities	1381 1389	S										S	S	S		S			
Petroleum or Gas Well	1300 1381	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			
Sand or Gravel Extraction or Storage	1442	S														S			
Topsoil Earth or Stone Extraction or Storage	1411 1429	S														S			
Topsoil Earth or Stone (Temporary) (91)	1411 1429																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
M - SPECIAL INDUSTRIAL PROCESSES																			
Asphalt or Concrete Batching Plant	2951 3531	Temporary Batching Plants Permitted By Resolution Of City Commission In The "A" Through "I-1" Districts														S	S		
Brick Kiln or Tile Plant	3251 3253																S		
Cement or Hydrated Lime Plant	3273 3274																S		
Dump or Sanitary Fill Area	4953																S		
Hazardous Waste Collection, Processing or Disposal (91a)	4953																		
Junk or Salvage Yard (92)	5093 7389																		
Recycling Collection Facility (93)	5093													S	S	S			
Receiving Center for Recyclable Items (93a)	5093																		
Slaughter House or Meat Packing Plant	2011																S		
Smelter or Refinery	2911 3330																		

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
N - GENERAL MANUFACTURING AND INDUSTRIAL USES																			
Landfill (Nonputrescible Material) (94)	4953	S															S		
Sanitary Landfill (95)	4953																S	S	
Light Manufacturing or Industrial Use*	Div. D																		
Heavy Manufacturing or Industrial Uses**	Div. D																		

***** as defined by Section 4-10-292, Performance Standards for Light Industrial Uses ****** as defined by Section 4-10-293, Performance Standards For Heavy Industrial Uses

(Code 1960, § 26-8; Ord. No. 5687, § 1, 6-23-87; Ord. No. 5697, § 1, 8-4-87; Ord. No. 5713, § 1, 9-29-87; Ord. No. 5723, § 1, 11-24-87; Ord. No. 5813, § 1, 7-11-89; Ord. No. 5828, § 1, 9-26-89; Ord. No. 5862, § 1, 6-12-90; Ord. No. 5986, § 1, 12-1-92; Ord. No. 6214, § 1, 2-6-96; Ord. No. 6268, § 1(H)--(J), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6405, 3-23-99; Ord. No. 6513, § 1, 2-6-2001; Ord. No. 6514, §§ 2, 3, 2-6-2001; Ord. No. 6568, § 3, 11-27-2001; Ord. No. 6600 § 5, 6-11-2002; Ord. No. 6681, § 1, 9-30-2003; Ord. No. 6699, § 4, 11-25-2003; Ord. No. 6708, § 1, 1-27-2004; Ord. No. 6712, § 1, 2-24-2004; Ord. No. 6892, § 2, 1-24-2006; Ord. No. 6904, § 1, 2-21-2006; Ord. No. 7201, § 4, 12-15-2009)

Type Use	SIC Code	A Agricultural District	R-1 Residential District 1	R-2 Residential District 2	R-3 Residential District 3	MD Moderate Density District	MF-1 Multiple Family District 1	MF-2 Multiple Family District 2	MH Manufactured Home District	O-1 Office District 1	O-2 Office District 2	NS Neighborhood Service District	GR General Retail District	LC Light Commercial District	CB Central Business District	HC Heavy Commercial District	I-1 Light Industrial District 1	I-2 Heavy Industrial District 2	PD Planned Development District
O - ALCOHOL SALE RELATED USES																			
On-Premise Primary Use Sales and Service: (23a)													S						
On-Premise Incidental Use Sales and Service by Restaurant: (23b)																			
On-Premise Incidental Use Sales and Service by Non-Restaurant: (23c)		S																	
Off-Premise Alcoholic Beverage Sales (23d)																			
Temporary Sales: On or Off Premise (23e)																			

Sec. 4-10-83. Special definitions and explanations noted in use regulations.

(a) The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as set forth in the Schedule of Uses in the preceding section:

(1) ***One-Family Housing Unit, Detached****:* A Housing Unit designed and constructed for Occupancy by only one (1) Family and located on a separate building Tract or Platted Lot and having no physical connection to a Building located on any other Lot or Tract.

(2) ***One-Family Housing Unit, Attached (Townhouse)****:* A One-Family Housing Unit which is joined to another One-Family Housing Unit at one (1) or more sides and is located on an individually Platted Lot.

(3) ***Two-Family Housing Unit****:* A single Structure containing two (2) connected Housing Units.

(4) ***Multiple-Family Housing Unit (Apartment)****:* Any Building or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more Housing Units or Apartments or which is occupied as a home or place of Residence by three (3) or more Families living in independent Housing Units.

(5) ***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.

(5a) ***Bed and Breakfast Inn****:* A Housing Unit with fewer than six (6) individual guest rooms where short-term lodging and meals are provided for compensation.

(6) ***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 six (6) individual guest-rooms or units and shall furnish customary Hotel services such as linen, maid service, telephone, use and upkeep of furniture.

(7) ***Hotel* or *Motel with Associated Uses****:* A Hotel or Motel as defined in paragraph (a)(6) and including a dance hall, Nightclub, tavern, lounge and/or private club as associated uses on the same Premises.

(8) ***Mobile Home****:* A Structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet in area and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems. Mobile Homes shall be skirted. This definition does not include a Recreational Vehicle.

(8a) ***Manufactured Home (Type A):*** A Structure constructed on or after June 15, 1976, according to the rules of the U. S. Department of Housing and Urban Development (HUD), transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Manufactured Homes shall be Skirted. This definition does not include a Recreational Vehicle.

(8b) ***Manufactured Home (Type B)****:* A Manufactured Home meeting the definition of "Manufactured Home (Type A)" in (8a) above which was manufactured six (6) years or less prior to the year of installation and shall meet the site requirements set forth in Section 4-10-87 for Manufactured Home (Type B).

(8c) ***Manufactured Home (Type C)****:* A new Manufactured Home meeting the definition of "Manufactured Home (Type A)" in (8a) above which shall meet the site requirements set forth in Section 4-10-87 for Manufactured Home (Type C). For the purposes of this section, 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.

(8d) ***Industrialized Housing**:* A residential structure that is:

a. Designed for the occupancy of one (1) or more families;

b. 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

c. Designed to be used as a permanent residential structure 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 structure's plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include:

a. A residential structure that exceeds three (3) stories in height or forty-nine (49) feet as measured from the finished grade elevation at the building entrance to the peak of the roof;

b. Housing constructed of a sectional or panelized system that does not use a modular component; or

c. 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.

(9) ***Manufactured Home Park***: A unified development of three (3) or more Manufactured Home spaces arranged on a Tract of land under private ownership.

(10) ***Manufactured Home Subdivision**:* A unified Development of Manufactured Home sites or Platted Lots which have been divided for the purpose of individual ownership, and which is governed by the provisions of the Subdivision regulations of the City.

(11) ***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 chapter 4-7 of the Amarillo Code of Ordinances.

(12) ***Accessory Building***

a. ***Residential Accessory Building***: A Detached Building subordinate to the Main Residential Building on a Lot which is used for a purpose customarily incidental to the Main Residential Building such as a Private Garage, toolhouse, greenhouse, home workshop, children's playhouse, storehouse or garden shelter. (Where 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 shall be considered as part of the Main Residential Building.)

b. ***Nonresidential Accessory Building**:* A detached Building subordinate to the Main Building on the Lot which is used for a purpose customarily incidental to the Main Building. In no instance shall the use of the detached subordinate Building be contrary to the land uses permitted in the Zoning District in which the Building is located.

c. ***Carport**:* A roofed structure that may be enclosed on not more than three (3) sides and is allowed in all zoning districts when able to meet appropriate Setback requirements for a Main Building or Accessory Building. A specific use permit may be granted if not able to meet setbacks for Main Building or Accessory Building and will be subject to special regulations as set forth in Section 4-10-193 for Carports. Vehicular access to a Carport may not have attached an overhead, sliding or swinging, door or gate.

(13) ***Farm Accessory Building**:* A Structure, other than a Housing Unit, on a farm as herein defined, for the housing, protection or storage of the usual farm equipment, animals and crops.

(14) ***Home Occupation***: A Home Occupation is an occupation carried on in the home by a member of the occupant's Family, without the employment of additional persons and without offering any commodity for sale to the general public on the Premises, and without the keeping of stock for trade, and without the storage of supplies and

equipment, and with only the use of a nameplate to identify the occupation. The occupation must not create unreasonable noise or other unreasonable conditions to abutting residential property, such as emission of odors, increased traffic, parking or generation of light or smoke.

(15) ***Off-street Parking Incidental to Main Use***: Off-Street Parking spaces provided in accordance with requirements specified by this chapter and located on the Lot or Tract occupied by the main use, on an immediately adjacent Lot or Tract, or on an immediately adjacent Lot or Tract across an Alley or a Street and located within the same Zoning District as the main use or a Zoning District which would permit the establishment of the main use or a Commercial Parking Lot or Structure.

(16) ***Servant's or Caretaker's Quarters***: A detached secondary Housing Unit located on a Lot with a Main Residential Structure and used as living quarters for persons employed on the Premises only and not for rent or use as a separate Housing Unit by persons other than those employed on the Premises, or their immediate Family.

(17) ***Swimming Pool (Private)***: A swimming pool constructed for the exclusive private use of the residents of a one-family, two-family or multiple-family Housing Unit and fenced in accordance with the regulations of the City.

(18) ***Temporary Field or Construction Office***: A Structure or shelter, subject to removal by order of the Building Official, 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

(19) ***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. Where applicable, an electrical substation shall meet the requirements set forth in section 4-10-294 of this chapter.

(20) ***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.

(21) ***Public Building, Shop or Yard of Local, State or Federal Agency***: Facilities such as maintenance yards or shops required by branches of local, State or federal government for service to an area such as Highway Department yard, City service center or experiment station.

(22) ***Public Building, Office of Local, State or Federal Agency***: Office facilities required by branches of local, State or federal government.

(23a) ***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 fifty (50) percent of the gross sales receipts of the establishment.

(23b) ***On-Premise Incidental Use Sales and Service by Restaurant:*** 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 fifty (50) percent of the gross sales receipts of the establishment.

(23c) ***On-Premise Incidental Use Sales and Service by Non-Restaurant:*** 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 fifty (50) percent of the gross sales receipts of the establishment.

(23d) ***Off-Premise Alcoholic Beverage Sales***: Sales of alcoholic beverages in lawful containers for off-premise consumption.

(23e) ***Temporary Sales of Alcoholic Beverages***: Sales of alcoholic beverages not exceeding seventeen (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.

(24) ***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.

(24a) ***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.

(24b) ***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 genial areas and anus are covered by a g-string or other opaque covering.

Note: Ord. No. 6681, § 3, adopted Sept. 30, 2003 states "Any premises that is already used as a Topless Establishment on the date of first reading of this ordinance, and which does not comply with the location requirement of this ordinance, may continue in operation as a non-conforming use until any of the following events occurs:"

(a) Cessation of doing business as a Topless Establishment for a continuous period of 180 days or more; or,

(b) A change in (i) the ownership of the real estate upon which the Topless Establishment is located or (ii) the tenant which operates a Topless Establishment on the premises, either or both of which occurs after September 30, 2007, or

(c) Destruction of the Topless Establishment by fire, the elements, or other causes that exceeds fifty (50) percent of the Structure's value as shown of the current tax rolls.

(25) ***Amusement, Commercial (Indoors)***: An amusement enterprise wholly enclosed in a Building which is treated acoustically so that noise generated by the enterprise is not audible at the Bounding Property Line and including, but not limited to, a bowling alley or billiard parlor. In industrial areas, commercial amusements shall be subject to the same sound Performance Standards as industrial uses.

(26) ***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 in the open, including but not limited to, a golf driving range, archery range and miniature golf course.

(27) ***Country Club (Private)***: An area of twenty (20) acres or more containing a golf course, a clubhouse and associated uses available only to private specific membership.

(28) ***Dance Hall or Nightclub***: An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City.

(29) ***Day Camp:*** A facility arranged and conducted for the organized recreation and instruction including outdoor activities on a daytime basis.

(30) ***Golf Course (Commercial)***: A golf course, privately owned but open to the public for a fee and operated as a commercial venture.

(31) ***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.

(32) ***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.

(33) ***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.

(34) ***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.

(35) ***Zoo (Private)***: A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprises.

(36) ***Zoo (Public)***: A zoo or similar facility owned and operated by a governmental unit or a nonprofit zoological society where live animals, birds and reptiles are housed and displayed.

(37) ***Art Gallery or Museum***: An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

(38) ***Church or Rectory***: A place of worship and religious training of recognized religions including the on-site housing of ministers, rabbis, priests, nuns and similar staff personnel.

(39) ***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.

(40) ***Community Center (Public)***: A Building and grounds owned and operated by a governmental body for the social or recreational uses, health or welfare of the community served.

(40a) ***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.

(41) ***Day Care Center***: An establishment where more than six (6) people are housed for care or training during the day or portion thereof.

(42) ***Family Day Care Home***: A Housing Unit operated by a person (caregiver), where such caregiver houses people not to exceed six (6) in number, excluding the caregiver's own dependents, for care or training or both during ten (10) hours or less per day. The caregiver may house up to three (3) additional people for not more than three (3) hours per day.

(43) ***Public or Denominational Day Care Center***: A nonprofit public or religious agency, including but not limited to churches, schools and colleges, where people are housed for care or training during the day or a portion thereof.

(44) ***Family Care Facility for Children***: A facility which provides room, board, care and supervision to four (4) through six (6) children, exclusive of a Family unit of individuals related by blood, marriage or adoption, on a twenty-four-hour-a-day basis. Such Family Care Facility for Children must be licensed or supervised by the State of Texas and shall be limited to foster homes and homes for the temporary placement of children for evaluation.

(45) ***Group Care Facility for Children***: A facility which provides room, board, care and supervision to seven (7) or more children, exclusive of a Family unit of individuals related by blood, marriage or adoption, on a twenty-four-hour-a-day basis. Such Group Care Facility for Children must be licensed or supervised by the State of Texas and shall be limited to foster homes and homes for the temporary placement of children for evaluation.

(46) ***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.

(47) ***Reserved***.

(48) ***Halfway House***: A residential facility for persons who are receiving therapy and counseling from support staff who are present at all times the residents are present, for one (1) or more of the following purposes:

a. To help residents recuperate from the effects of drugs or alcohol addiction;

b. To help homeless persons or families achieve independence and obtain permanent housing;

c. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or

d. To provide temporary shelter for persons who are victims of domestic abuse.

(49) ***Hospital***: A medical facility or institution for diagnosing, treating, caring for persons or for medical and surgical treatment to persons, including acute medical care, chronic medical care on a prolonged or permanent basis, mental health center, and resident or outpatient treatment to alcoholic, narcotic or psychiatric patients.

(50)--(52) ***Reserved***.

(53) ***School, Business***: A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

(54) ***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.

(55) ***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.

(56) ***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 trade or commercial schools.

(56a) ***Shelter***: An organization providing temporary (three (3) days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons.

(57) ***Airport or Landing Field***: A landing facility for aircraft which must contain a minimum of one hundred sixty (160) acres and be approved by the City as an aircraft landing facility.

(58) ***Helicopter Base***: A landing and terminal facility for rotary wing aircraft, including facilities for fueling, servicing and maintaining such craft and subject to approval by the City.

(59) ***Heliport***: A landing facility for rotary wing aircraft not exceeding a gross weight of twelve thousand five hundred (12,500) pounds subject to regularly scheduled use; but not including fueling or servicing facilities for such craft and subject to approval by the City.

(60) ***Helistop***: A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of six thousand (6,000) pounds and not for regularly scheduled stops and subject to approval by the City.

(61) ***Railroad Track and Right-of-Way***: Not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.

(62) ***Railroad Team Track***: A spur for sporting and unloading or loading box cars or other railroad cars.

(63) ***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.

(64) ***Parking Lot, Truck***: Facility for parking or storage of currently licensed trucks.

(65) ***Service Station or Automobile Tune-Up Shop***: An establishment for the retail sale of petroleum products, automobile accessories and/or minor automobile tune-up, muffler installation incidental to the primary use, oil change or other lubricative services in which all services provided and all storage, supplies, parts, equipment and accessories are indoors. This definition shall not include any major automotive repairs or service (engine and transmission exchange or overhauls, etc.) or other uses designated in section 4-10-82(H), Automobile Service Uses, of this chapter.

(66) ***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 and limited to a maximum of three (3) individual dispensing outlets at any separate station or on any Lot or Tract.

(67) ***Antique Shop***: An establishment offering for sale within a Building articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

(68) ***Cleaning Shop or Laundry (Limited Area)***: A custom cleaning shop not exceeding six thousand (6,000) square feet of Floor Area.

(69) ***Cleaning or Laundry Self-Service Shop***: To be of the customer self-service type and not a commercial laundry or cleaning plant.

(70) ***Custom Personal Service***: Tailor, dressmaker, shoe shop or similar shop offering personalized apparel service.

(71) ***Instant Printing or Photocopy Shop***: A facility for the retail sale of reproduction copies, provided the copies are processed directly from an original document. This definition shall not include any plant or facility for commercial reproduction of materials or drawings on a job order or bulk basis utilizing a lithographic printing process.

(72) ***Liquor Store***: A facility whose primary purpose is for the sale of beer, wine or liquor not for on-premises consumption. It may also sell soft drinks and some food items.

(73) ***Restaurant***: Any eating or drinking establishment where the preparation and serving of food is the primary business of such establishment. The term "primary Business" means that the gross receipts from the sale of food are equal to or exceed fifty (50) percent of the entire gross receipts of such establishment.

(74) ***Tavern, Lounge or Private Club***: A Tavern or Lounge shall mean an establishment, the primary activity of which is the sale and consumption on the Premises of beer, wine or other liquors and where food service, if any, is secondary to the sale of beer, wine and other liquors. Private Club shall mean any organization or association of persons including fraternal and veteran organizations and all organizations required to be licensed by the Texas Alcohol Beverage Commission.

(75) ***Kennel***: Any place where five (5) or more dogs, cats or any combination thereof, over the age of four (4) months, are raised, trained, boarded, harbored or kept. Veterinary clinics, animal hospitals and governmental animal shelters are specifically excluded.

(76) ***Farm, Ranch, Garden or Orchard***: An area of five (5) acres or more which 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 and including the necessary Accessory Uses for raising, treating and storing products raised on the Premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law, and not including commercial riding stables.

(77) ***Livestock Auction***: Barns, pens and sheds for the temporary holding and sale of livestock.

(78) ***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 and containing a stable which provides at least one hundred (100) square feet for each horse quartered.

(79) ***Horse Lot (Private)***: An enclosed area unobstructed by any cross fences used exclusively for quartering horses (the term "horses" shall include all equine animals) and containing at least ten thousand (10,000) square feet for the first one (1) to four (4) horses and two thousand (2,000) square feet for each horse thereafter with a limit of eight (8) horses per acre; provided, however, the area requirement, as set out above, shall not apply to a horse lot (private) located in A, HC, I-1 or I-2 Zoning Districts. Any area used for the keeping of horses under this chapter shall be fenced and shall exclude any area required as minimum Front Yard specified in the Zoning Ordinance of the City.

(80) ***Stable (Private)***: Any Structure located within a horse lot (private) which is used for the sheltering, quartering and feeding of Animals.

(81) ***Veterinarian's Office Only (no hospital)***: 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. No overnight boarding of Animals shall be allowed.

(82) ***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.

(83) ***Laboratory, Manufacturing***: Operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items.

(84) ***Light Fabrication and Assembly Processes***: Including the manufacture of clothing, jewelry, trimming decorations and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

(85) ***Mini-Storage Warehouse***: A unified Development of leasable self-storage units built on the site, each unit not to exceed three hundred (300) square feet in Floor Area. No outside storage, no storage of explosives, flammable materials or materials emitting noxious odors shall be allowed.

(86) ***New Building Materials Sales and/or Storage (Unscreened)***: The sale and/or storage of Building materials where a minimum of sixty (60) percent of the Building materials are new products which have not previously been used in the construction of, or as a part of, any Structure.

(87) ***Outdoor Storage (Screened)***: The storage of any equipment or commodity, either as a primary use of land or as an Accessory Use, in an outdoor area which is enclosed by a fence, wall or other visual barrier which complies with the specifications of section 4-10-268. Where either this designation of an open storage activity or another designation might apply, the more restrictive shall govern.

(88) ***Outdoor Storage (Unscreened)***: Storage outdoors not set forth in section 4-10-82, Uses of Land and Building, where the open storage use is designated as being allowed. This definition is not intended to regulate 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; 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, which is located in the A, GR, LC, CB, HC, I-1 and PD Zoning Districts. It also does not include the incidental outdoor display of commodities for retail sale where the use is permitted by section 4-10-82 in a GR, General Retail District. Where either this designation of an open storage activity or another designation might apply, the more restrictive shall govern.

(89) ***Secondhand Merchandise Dealers or Storage***: The keeping, handling, storage or use of furniture, appliances and/or other merchandise or goods for sale or display. "Secondhand merchandise" is defined as an item which has previously been sold at the wholesale or retail level or previously used by an individual or business. Except in an I-2 Zoning District, any outdoor storage or display of such merchandise shall require visual screening to the standards set out in section 4-10-268 of this chapter.

(90) ***Used Building Materials Sales and/or Storage (Unscreened):*** The sale and/or storage of Building materials where a minimum of forty (40) percent of the Building materials are used products which have previously been used in the construction of, or as a part of, any Structure.

(91) ***Topsoil, Earth or Stone Storage (Temporary)***: The temporary storage of topsoil, earth, masonry or stone is an allowed use, provided that a permit shall first be obtained from the City Director of Public Works. Such permit shall provide for location, duration, fencing and leveling of material and maintenance of the site and shall require immediate removal for violation of any of the provisions of the permit.

(91a) ***Hazardous Waste Collection, Processing, or Disposal***: An indoor facility or operation to collect, process, or dispose of Hazardous Waste materials. In order to be considered as a Planned Development, the proposed site must be located on property zoned LC or HC District at the time of submission of an application for Planned Development review.

(92) ***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.

(93) ***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 facility must be operated indoors with no outdoor storage or collection bins, except when located in an I-2 District. 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.

(93a) ***Receiving Center for Recyclable Items***: An enclosed facility not exceeding three hundred twenty (320) square feet in Floor Area designed to receive recyclable items for transport to a Recycling Collection Facility and which also complies with the following requirements:

a. 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.

b. No Outdoor Storage is allowed.

c. 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.

d. All signage shall be attached to the facility and total Sign area shall not exceed eighty (80) square feet.

e. 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.

f. 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 Main Building. Placement of the facility on such a Lot must be located:

    1. At the side of an existing Structure(s) which does not have Street frontage;

    2. A site not allowing compliance with subsection f.1 above may be located between the side of an existing Structure(s) and a Street;

    3. Should neither condition in subsection f.1 or f.2 exist, the facility may then be located between the front of an existing Structure(s) and a Street.

g. Any noise produced by its operation shall not exceed seventy-eight (78) db at ten (10) feet from the facility.

h. When placed on an existing parking lot, it shall not create a deficit in minimum off-street parking spaces.

(94) ***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 nonputrescible 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.

(95) ***Sanitary Landfill***: 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.

(Code 1960, § 26-9; Ord. No. 5723, § 2, 11-24-87; Ord. No. 5828, § 2, 9-26-89; Ord. No. 5862, § 1, 6-12-90; Ord. No. 5986, § 1, 12-1-92; Ord. No. 6101, § 1(A), 9-27-94; Ord. No. 6214, § 1, 2-6-96; Ord. No. 6268, § 1(K), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6405, § 1, 3-23-99; Ord. No. 6514, § 1, 2-6-2001; Ord. No. 6568, § 4, 11-27-2001; Ord. No. 6681, § 1, 9-30-2003; Ord. No. 6699, § 4, 11-25-2003; Ord. No. 6708, § 2, 1-27-2004; Ord. No. 6904, § 1, 2-21-2006)

Sec. 4-10-84. Classification of new and unlisted uses.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as the appropriate classification of any new or unlisted form of land use shall be made as follows:

(1) The Planning Department shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a comprehensive statement of facts defining the nature of the use, its SIC description, and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated.

(2) The Planning and Zoning Commission shall meet with the interested parties to consider the nature of the proposed use and its compatibility with the uses permitted in the various Districts and determine the Zoning District or Districts within which such use should be permitted.

(3) The Planning and Zoning Commission shall make recommendations to the City Commission as to the classification proposed for any new or unlisted use. The City Commission may, by ordinance, make such determination concerning the classification of such use as is determined appropriate.

(Code 1960, § 26-10; Ord. No. 6268, § 1(L), 12-24-96)

Sec. 4-10-85. Specific use permits.

(a) The City Commission, after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission, may authorize the issuance of specific use permits for the uses indicated by "S" in the use schedule, section 4-10-82.

(b) The Planning and Zoning Commission in considering any application for a specific use permit shall require a Comprehensive Site Plan for the Development, such required Site Plan to be approved and filed as part of the Ordinance prior to the issuance of any Building Permit in a specific use Development. Such required plan and ordinance shall show the following:

(1) The legal description of the land included in the Site Plan and of the Lot, the name of the owner, Developer and designer;

(2) The boundary lines of the area included in the Site Plan including angles, dimensions and reference to a section corner, quarter corner or point on a recorded Plat, an arrow pointing north, scale and the Lot Area of the land within the Site Plan;

(3) Private drives and public Streets showing direction of travel, ingress and egress to property, Street width and inside radii for all curves along with adequate Right-of-way to conform with the Thoroughfare Plan of the City;

(4)Parking space and driveways conforming to Section 9, Driveways and Parking Lots, of the City of Amarillo's Development Policy Manual;

(5) Utility locations, Easements and drainage;

(6) Sidewalks, type, Height and location of Signs, lighting and fencing or screening walls;

(7) Architectural drawings detailing the exterior design and materials, shape, Height, size and Floor Area of all existing and proposed Structures;

(8) Proposed use, Lot Coverage and number of Occupants or employees;

(9) Location of areas of landscaping or planting, yards, Open Space and common areas;

(10) Other Development and protective requirements considered necessary by the Planning and Zoning Commission and the City Commission to create a reasonable transition to and protection for adjacent property.

(c) The Planning and Zoning Commission shall also require from the applicant an expert evaluation concerning the location, function and characteristics of any Building or use proposed. Such expert evaluation shall be by a licensed real estate appraiser and shall specifically address the effect of the requested specific use permit on adjacent land uses and property values. Such an evaluation is not required for Carports.

(d) The City Commission may, in the interest of public welfare and to ensure compliance with the purposes of this chapter, establish additional conditions of operation, location, arrangement and construction for any use for which a permit is authorized. In authorizing the location of any of the uses listed in section 4-10-82 as specific use permits, the City Commission 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. In considering a specific use permit for any use in an O-1, O-2, NS, GR or any Residential Zoning District, special consideration shall be given to possible undesirable characteristics of the use such as outside activities, storage of vehicles, equipment or materials, location and visual effects of loading areas and Building type and appearance inconsistent with the Zoning District.

(e) The first specific use permit granted shall be shown on the Zoning District Map as S-1 and each subsequent specific use permit granted shall be given the next numerical number. The Director of Planning shall maintain a register on file in his office 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. The area or areas which are granted specific use permits are set forth on the Zoning District Map, which is made part of this chapter. The boundaries of a specific use permit area may, from time to time, be altered or adjusted in accordance with the amendment provisions set forth herein.

(Code 1960, § 26-11; Ord. No. 6268, § 1(M), 12-24-96; Ord. No. 6904, § 1, 2-21-2006)

Cross references: Definitions to apply throughout Code, § 1-2-1.

Sec. 4-10-86. MH Manufactured Home District.

It is recognized that certain areas of the City may be suitable for the development of Manufactured Home Parks and Manufactured Home Subdivisions. It is for these areas that the MH District is designed. The MH District is not intended to be utilized for the placement or location of a single Manufactured Home. Any rezoning application for MH District shall include an area of not less than two (2) acres unless it is immediately adjacent to an existing MH District containing not less than two (2) acres. All Manufactured Home Park Development shall comply with Chapter 4-7.

(Code 1960, § 26-13; Ord. No. 6268, § 1(N), 12-24-96; Ord. No. 6568, § 5, 11-27-2001)

Sec. 4-10-87. Manufactured home standards.

The purpose of this section is to set forth standards for the placement, and architectural appearance of Manufactured Homes within the City. The intent of this section is to ensure that Manufactured Homes are compatible with other dwellings in residential neighborhoods and meet minimum placement and architectural standards while providing an alternative means of affordable home ownership for the residents of the community.

(1) Site requirements. Each Manufactured Home placed on an individual lot shall meet the following requirements:

a. For Specific Use permit approval, a Manufactured Home (Type B) shall have a minimum width of not less than fifteen (15) feet as measured at all points perpendicular to the length of the Manufactured Home. A Manufactured Home (Type C) shall have a minimum width of not less than twenty-eight (28) feet as measured at all points perpendicular to the length of the Manufactured Home.

b. A Manufactured Home (Type B) is allowed outright in MH, LC, HC, I-1, and I-2, and is allowed only by Specific Use permit in a, R-1, R-2, R-3, MD, and MF-1 if the Manufactured Home is placed on a minimum fifty (50) foot wide Platted Lot.

c. A Manufactured Home (Type B and C) shall have a minimum living area of nine hundred (900) square feet.

d. The main roof of the Manufactured Home (Type B and C) shall not be less than a 3:12 pitch. Roof must be solid deck with shingle or metal roof.

e. A Manufactured Home (Type B and C) shall be permanently attached or affixed to a permanent foundation system and all portions of the transportation system including wheels, axles, towing apparatus, lighting or other such conditions which are not in integral part of the Structure shall be removed before the Manufactured Home is permanently attached or affixed. The permanent foundation system shall be per State and Federal standards pursuant to Texas Revised Civil Statutes Article 5221f.

f. A Manufactured Home (Type B and C) shall have concrete or masonry stem walls or fiber cement Skirting;

g. A Manufactured Home (Type B and C) shall have a stairway set at each exit.

h. 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.

i. Off-Street Parking, driveways, Setbacks, Height and bulk shall comply with this Chapter, and sidewalks and other site improvements shall comply with requirements of chapter 4-6, Platting and Subdivision Improvement and Maintenance Ordinance.

(2) All legally existing occupied Mobile and/or Manufactured Homes located on an individual Lot shall be permitted to remain in place so long as occupied, but may not be replaced with a Manufactured Home unless the replacement Manufactured Home conforms to the requirements of this Zoning Ordinance. Any such existing Mobile and/or Manufactured Home shall be removed when unoccupied for a period in excess of six (6) months.

(3) The City retains its rights regarding any Mobile or Manufactured Home which is or becomes dilapidated, substandard, unfit for human habitation, and a hazard to the public health, safety, and welfare, pursuant to Chapter 214 of the Texas Local Government Code and other applicable laws.

(Ord. No. 6568, § 6, 11-27-2001)

Sec. 4-10-88. Industrialized Housing Standards.

The purpose of this section is to set forth standards for the placement and architectural appearance of Industrialized Housing within the City. The intent of this section is to ensure that Industrialized Housing is compatible with surrounding residential dwellings and meet minimum placement and architectural standards, while still providing for an alternative means of affordable housing.

(1) Industrialized Housing must:

a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located.

b. Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located.

c. Comply with city building setbacks, side and rear yard offsets, subdivision control, architectural landscaping square footage, and other site requirements.

d. Be securely fixed to a permanent foundation.

(Ord. No. 6699, § 6, 11-25-2003)

Secs. 4-10-89--4-10-100. Reserved.

DIVISION 2. PD PLANNED DEVELOPMENT DISTRICT

Sec. 4-10-101. Generally.

It is recognized that it may be desirable that certain areas of the City be developed in accordance with plans prepared and approved in advance of Development. To encourage such planned Developments, administrative and regulatory provisions are provided as set out in this division.

(Code 1960, § 26-12(A))

Sec. 4-10-102. Areas delineated on map; altering boundaries.

The area or areas which are designated in the PD District are set forth on the Zoning District Map, which is made a part of this chapter. The boundaries of the PD District may be altered or adjusted in accordance with the provisions in section 4-10-23 for amending this chapter.

(Code 1960, § 26-12(B); Ord. No. 6268, § 1(O), 12-24-96)

Sec. 4-10-103. Types of development.

Whenever any area is requested for consideration as a PD District, the following types of Development may be authorized:

(1) Shopping center; mini-storage warehouse Development (minimum size, three (3) acres);

(2) Housing Development (minimum size, two (2) acres);

(3) Industrial park or district (minimum size, ten (10) acres);

(4) Medical center or hospital or combination of medical service facilities (minimum size, two (2) acres);

(5) Recreational Vehicle Parks, Manufactured Home Parks or Manufactured Home Subdivisions (minimum size, two (2) acres);

(6) Civic center and community center (minimum size, two (2) acres);

(7) Office center (minimum size, two (2) acres);

(8) Recreation center (minimum size, two (2) acres);

(9) Development or redevelopment of areas of historical significance as defined in the Comprehensive Plans of the Planning Department.

(10) With the exception of industrial park or district, any combination of the Developments listed above or use listed in the Use of Land and Buildings Table under PD District, and having less than the minimum acreage requirements listed in items (1) through (9) above may also be requested for consideration as a PD District if one (1) of the following criteria is met:

a. The area proposed for rezoning abuts a Zoning District boundary and allows for a use permitted in a contiguous District and provides a visual and land use buffer to the more restrictive adjacent Zoning District or districts;

b. The area proposed for rezoning has Frontage on a freeway, expressway, section line arterial or other Streets of equal importance to section line arterials (Main Collector Streets which serve and bisect Residential sections shall not be construed as Arterial Streets), and provides a visual and land use buffer to adjacent more restrictive Zoning Districts and developments; or

c. The proposed use is allowed within the existing Zoning District and the Planned Development is for reasons other than the classification of the use.

d. The proposed Hazardous Waste Collection, Processing, or Disposal site is presently zoned LC or HC District and the purpose of the planned development is to require standards of operation for such use at the proposed location.

(Code 1960, § 26-12(C); Ord. No. 5986, § 1, 12-1-92; Ord. No. 6268, § 1(P), 12-24-96; Ord. No. 6568, § 7, 11-27-2001)

Sec. 4-10-104. Comprehensive site plan.

(a) When placing any area within the PD District in accordance with this division, the City Commission shall require a Comprehensive Site Plan for the Development. Such Site Plan shall be approved and filed in the Planning Department as part of the ordinance prior to the issuance of any Building Permit. Such required plan and ordinance shall show the following:

(1) The legal description of the land included in the Site Plan and of the Lot, with the name of the owner, Developer and designer.

(2) The boundary lines of the area included in the Site Plan, including angles, dimensions and reference to a section corner, quarter corner or point on a Recorded Plat, an arrow pointing north, scale and the Lot Area of the land included in the Site Plan;

(3) Private drives and public Streets, showing direction of travel, ingress and egress to property, Street width and inside radii of all curves, along with adequate Right-of-way to conform to the Thoroughfare Plan of the City;

(4) Parking space and driveways conforming to Section 9, Driveways and Parking Lots, of the City of Amarillo's Development Policy Manual;

(5) Utility location, Easements and drainage;

(6) Sidewalks, type, Height and location of Signs, lighting and fencing or screening walls;

(7) Proposed use, Lot Coverage and number of Occupants or employees;

(8) For single family development, Lot Area, Lot Width, Lot Depth, Front, Side and Rear Yard Setbacks, community Open Space use, Lot Frontage of community Open Space, Lot Coverage and separation of Buildings shall be shown on the site plan.

(9) Each individual Lot or Parcel shall have direct vehicular access to a public Street or Alley or to a community drive to be provided and maintained within a community Open Space and thereby connect with a public Street. Where access to Lots or Parcels is to be provided by community Open Space rather than public Streets or Alleys, adequate provisions shall be made for emergency and other service vehicles.

(b) In addition to the above requirements, the City Commission may also require the following:

(1) Architectural drawings detailing the exterior design and materials, shape, Height, size and Floor Area of all proposed Structures;

(2) Location of areas of landscaping or planting, Yards, Open Space and common areas;

(3) Other Development and protective requirements considered necessary to create a reasonable transition to and protection for adjacent property.

(c) In the case of a single integral Planned Development which provides for permanent community Open Space under the control and jurisdiction of an association of the owners of all property within the Development, all associated legal documents shall be reviewed by the City prior to being filed of record.

(d) In the case of a Hazardous Waste Collection, Processing, or Disposal facility, the City Commission may require the following information in addition to the requirements listed in subsections (a) and (b):

(1) Copy of the State application and permit;

(2) Specific information describing which materials will be collected, processed, or disposed of;

(3) Detailed information related to the methods used to collect, process, or dispose of waste material;

(4) 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. Floodprone data; and

h. Other site-specific requirements made necessary by the activity's effect upon the environment which might have been omitted above.

(5) 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 requested Planned Development on adjacent land uses and property values.

(Code 1960, § 26-12(D); Ord. No. 5986, § 1, 12-1-92; Ord. No. 6268, § 1(Q), (R), 12-24-96)

Sec. 4-10-105. Conditions precedent to granting certificate of occupancy and compliance.

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. In approving the PD District, the City Commission may impose conditions relative to the standards of Development and such conditions shall be complied with before a Certificate of Occupancy and Compliance is issued for the use of land or any Structure which 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.

(Code 1960, § 26-12(E); Ord. No. 6268, § 1(S), 12-24-96)

Sec. 4-10-106. Waiver of area regulations.

The City Commission, after a recommendation by the Planning and Zoning Commission, may grant a waiver to the minimum requirements for Lot Area, Lot Width, Lot Depth, Lot Coverage and Front, Side and Rear Yards included in Article V, Division 2 of this chapter when the overall Development is in keeping with the requirements of this division.

(Code 1960, § 26-12(F); Ord. No. 6268, § 1(T), 12-24-96)

Sec. 4-10-107. Numbering of districts; register and file; inclusion on zoning map.

Planned Development (PD) Districts shall be sequentially numbered. The Director of Planning shall maintain a register and file in his office of all PD Districts which shall contain the Site Plan, a copy of the ordinance creating the PD District, and all other information concerning the PD Districts as set forth on the Zoning District Map, which is made a part of this chapter.

(Code 1960, § 26-12(G); Ord. No. 6268, § 1(U), 12-24-96)

Secs. 4-10-108--4-10-119. Reserved.

DIVISION 3. DOWNTOWN URBAN DESIGN OVERLAY DISTRICT

Sec. 4-10-120. Downtown Urban Design District.

(a) *Purpose and intent.* The purpose of the Downtown Urban Design District (hereafter in this Division, "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.

(b) Boundaries of Downtown Urban Design District. The District includes all land located within the area bounded by the following:

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;

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;

Thence northeasterly across SW 11th Avenue to a point being the southeast corner of Lot 5, Block 130, Plemons Addition;

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;

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;

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;

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;

Thence northeasterly to a point being 185 ft. north of the northwest corner of Lot 10, Block 1, Glidden and Sanborn-Holland Addition;

Thence east to a point being 190 ft. north of the northeast corner of Lot 1, Block 347, Holland's Addition;

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;

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;

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;

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;

Thence southwesterly to a point being the northeast corner of Lot 1, Block 205, Plemons and Mirror Addition;

Thence continuing southwesterly to a point being the southeast corner of Lot 5, Block 235, LA Wells Subdivision;

Thence westerly to a point being the southeast corner of Lot 28, Block 235, LA Wells Subdivision;

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;

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, Flynns Addition and being the point of beginning.

(c) *Relationship of Downtown Urban Design District to the Base Zoning Districts.* The Downtown Urban Design District is a zoning overlay that supplements the primary underlying zoning district classification. The permitted uses of the property shall be determined by the use regulations set forth for the primary zoning district classification for the property. Development of projects in the District shall be subject to the Downtown Urban Design Standards in accordance with this Division. In the event of any conflict between such Standards and any provision of this article, the Standards shall control for propertied within the District.

(Ord. No. 7223, § 2, 7-20-2010)

Sec. 4-10-121. Downtown Urban Design Standards Adopted.

Development in the District is subject to the development standards contained in the "Downtown Urban Design Standards" (hereafter in this Division, "Standards") as stated in the Exhibit attached to this Division. The Downtown Urban Design Standards are hereby approved and adopted. Such Standards shall be appended to the zoning ordinance, Chapter 4-10 of the Municipal Code of Ordinances as Appendix XXI (B). In the event there is a difference between the Standards and this Division that cannot be harmonized, then the provisions in the Standards shall prevail.

(Ord. No. 7223, § 2, 7-20-2010)

Editor's note: It should be noted that the Exhibit referenced above is not set out at length herein, but is on file and available for inspection in the planning department of the city.

Sec. 4-10-122. Certificate of appropriateness required; effect; issuance; expiration.

(a) Within the District, issuance of a certificate of appropriateness reflecting compliance with the Standards is required as a prerequisite condition for the issuance of any building permit by the Building Safety Department for projects described in the next sentence. Applications for a building permit may be submitted in conjunction with an application for a certificate of appropriateness, however, no building permit shall be issued for new construction, expansion, renovation, remodeling or other alterations to the exterior of any building (other than painting), parking lot, or public right-of-way or common area open to the public within the District, until a certificate of appropriateness reflecting compliance with the Standards is approved by either the Downtown Design Review Board or the Planning Department as provided in this Article.

(b) Although the Standards address a variety of features or aspects, only the activity or activities to be actually undertaken by the property owner or tenant is subject to review for compliance with the Standard applicable to that feature or aspect undertaken.

(c) A Certificate of Appropriateness certifies only that the submitted plans and other documents comply with the Downtown Urban Design Standards. It does not waive or certify compliance with any other applicable law, ordinance, or procedures such as but not limited to: platting and subdivision regulations, Americans with Disabilities Act, various building and construction codes, environmental, health and safety laws, matters within the purview of general or base zoning regulations for the location.

(d) A Certificate of Appropriateness expires one (1) year after date of approval.

(e) (i) The Planning Director or designee is authorized to review and approve a certificate of Appropriateness for any of the following items that meet the Standards:

- Signage
- Landscaping and street lighting
- Sidewalk construction, including trees and furnishings
- Minor modifications to the exterior of existing buildings (but excluding painting). For purpose of this subsection,

a "minor modification" means one that is not a "major modification" as defined below.

- Temporary construction facilities
- Historic buildings restored to the original state (in kind)

(ii) Only the Downtown Design Review Board may approve a Certificate of Appropriateness for the following items:

- New construction (meaning construction of a new building on the property)
- Major modification to the exterior of buildings (but excluding painting), which means exceeding fifty (50) percent of the existing building value as shown on the tax rolls (prior to the improvement) and the improvement has a cost of fifty thousand dollars ($50,000.00) or greater.
- Matters that Planning Director or designee refers to the Board
- Requests that vary from the Standards

(Ord. No. 7223, § 2, 7-20-2010)

Sec. 4-10-123. Pre-design conference; or certificate issued by Director.

A pre-design conference with the Planning Director or designee is required before an applicant makes application for a certificate of appropriateness that is to be heard by the Design Review Board. These same materials are required for a certificate of appropriateness that is intended to be issued by the Planning Director or designee. Applicant must provide either an electronic version or two (2) hard copies of a site plan containing the following information to (as applicable to the nature of the specific project):

1. Footprints of all existing structures;
2. Proposed footprints of all new structures;
3. Existing structures adjacent to the property;
4. Existing and proposed floor plans of first and second floors (schematic drawings);
5. Building setbacks;
6. Location of parking areas;
7. Location of landscape areas;
8. Two (2) copies of building elevations for all sides of the building;
9. Photographs of the site and adjoining properties.

(Ord. No. 7223, § 2, 7-20-2010)

Sec. 4-10-124. Application for certificate of appropriateness by Board.

The following materials shall be submitted to the Planning Department in connection with an application for a certificate of appropriateness to be heard by the Downtown Design Review Board. The materials must be submitted at least fourteen (14) days before the meeting of the design review board at which the application for a certificate of appropriateness will be considered. The applicant shall provide an electronic version or ten (10) hard copies of each of the following items as appropriate to the nature of the project:

1. Site plan including:
   a. Footprints of all existing structures;
   b. Proposed footprint of all new structures;
   c. Existing structures adjacent to the property;
   d. Building setbacks;
   e. Location of parking areas, parking lot islands, driveways, sidewalks, walkways, loading areas, walls or fences, utilities, lighting, signage, at grade mechanical units, dumpsters, and all other site improvements.
2. Landscape plan including location and dimension of areas to be landscaped (including private property, adjoining right-of-way and parking lot islands), total amount of landscaped area, location, number and planting size of all trees, shrubs, and groundcover, location and coverage of irrigation system, and location and description of street furniture.
3. 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.
4. 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.

5. Material specification outline with samples, brochures and/or photographs of all exterior building and site materials, finishes and fixtures.

6. For all detached signs, site plans drawn to scale indicating sign location and drawings of proposed sign, lettering and graphics, drawn to scale of at least one-quarter (1/4) inch to the foot including any support structures. Colors of the proposed sign shall be indicated on the drawing and actual color samples shall also be furnished. Any proposed illumination shall be indicated on the drawing.

(Ord. No. 7223, § 2, 7-20-2010)

Sec. 4-10-125. Approval of certificate of appropriateness.

Neither the Planning Director nor Downtown Design Review Board shall deny a certificate of appropriateness because a project does not comply with a preference, as opposed to a required element in the Standards adopted in Section 4-10-121.

(Ord. No. 7223, § 2, 7-20-2010)

Sec. 4-10-126. Appeal.

(a) All decisions of the Planning Director or designee may be appealed by the applicant to the Downtown Design Review Board by submitting a written appeal to the Planning secretary within ten (10) days after receipt of notification of the planning and development director's or a designee's decision. The Downtown Design Review Board may uphold, reverse or modify the decision of the Planning Director or a designee.

(b) All decisions by the Downtown Design Review Board may be appealed to the Zoning Board of Adjustment by the applicant by following the procedures provided in Chapter 4-10, Article II, Division II. A copy of the written notice of appeal must be filed with the Planning Department secretary.

(c) Except as may be specifically provided otherwise in this Article, the Zoning Board of Adjustment shall provide notices and in all things conduct this appeal just as it would an appeal from a decision of the Building Official under Article II, Division 2 of this chapter. The secretary of the Planning Department shall forward to the Zoning Board of Adjustment a complete record of the matter, including a transcript of the tape of the hearing before the Downtown Review Board. The Zoning Board of Adjustment shall:

(1) Hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Downtown Design Review Board;

2. Hear new testimony and consider new evidence that was not available at the time of the hearing before the Downtown Design Review Board;

3. Apply the substantial evidence test to the decision of the Downtown Design Review Board, considering the record made before the Downtown Design Review Board;

(d) In addition to dispositions authorized in Article II, Division 2 of this Chapter, the Zoning Board of Adjustment may uphold, reverse, modify the decision of the Downtown Design Review Board; or, remand the case back to the Downtown Design Review Board for further proceedings consistent with specific guidance given by Zoning Board of Adjustment.

(e) The appellant may withdraw an appeal at time prior to a determination by the Downtown Design Review Board or the Zoning Board of Adjustment.

(f) A hearing before the Zoning Board of Adjustment shall exhaust the administrative remedies of the property owner/appellant under this chapter. Any owner/appellant aggrieved by the decision of the appeals board may file suit in district court.

(Ord. No. 7223, § 2, 7-20-2010)

Secs. 4-10-127--4-10-150. Reserved.

ARTICLE V. SUPPLEMENTAL REGULATIONS

DIVISION 1. GENERALLY

Secs. 4-10-151. Reserved.

Editor's note: Ord. No. 6268, § 1(V), adopted Dec. 24, 1996, repealed § 4-10-151, floor area ratio, derived from the 1960 Code, § 26-17; and Ord. No. 6043, § 1(C), adopted Nov. 9, 1993.

Sec. 4-10-152. Location requirements for adult business.

(a) A structure housing an Adult Business shall be located at least one thousand (1,000) feet from any residential PD, R-1, R-2, R-3, MD, MF-1, MF-2, and MH Zoning District boundary line, or

from any Structure used as a residence; from a church, Public or Denominational Schools, hospitals, licensed child care facility, Hotel or Motel, Parks or Playgrounds (public), Playfields or Stadiums (Public), Institutions of Religious, Charitable, or Philanthropic Nature, and from any other Structure housing an Adult Business.

(b) Distance requirements are to be 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.

(c) 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.

(d) Should an Adult Business be located in conjunction with other Buildings in a manner where said Adult Business is clearly separated from other portions of the Structure (for example, an Adult Business in a shopping center), measurements shall be taken from the boundaries of the space occupied by the Adult Business.

(e) Should an Adult Business be located in a manner where said Adult Business is situated above the ground level of a multistory Structure and is clearly separate from other activities within the structure, the Adult Business measurements shall be 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.

(Ord. No. 5862, § 1, 6-12-90; Ord. No. 6268, § 1(W), 12-24-96)

Sec. 4-10-153. Viewing booth requirements for an adult business.

(a) 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.

(b) Wall or partitions of Viewing Booths between two (2) feet and six (6) feet above floor level shall have no holes or voids in such walls or partitions.

(c) A Viewing Booth shall at all times be illuminated with not less than that amount of light provided by a twenty-watt bulb.

(d) It shall be the duty of the person accepting payment from customers of an Adult Business to ensure that the Viewing Booth requirements in this section are in compliance at all times.

(Ord. No. 5862, § 1, 6-12-90)

Secs. 4-10-154--4-10-165. Reserved.

DIVISION 2. GENERAL AREA REGULATIONS

Sec. 4-10-166. Compliance with division; applicability.

(a) Except as herein provided, 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 division 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 of Parcels in a PD District.

(b) Where lot area 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 Article are to be applied, in order to make a reasonable accommodation.

(c) 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 which 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 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. If there remains a question, then the Director of Community Services shall request the Disability/Accommodation Review Committee of the Amarillo Transit Department (or a successor or similar body associated with the City of Amarillo) to review the matter and make an advisory recommendation to the Director. The Director will then render a decision using the criteria stated above and taking into consideration the committee recommendation. The Applicant shall cooperate with the reviews described in this section by promptly providing all requested documentation and, by appearing before the Disability/Accommodation Committee, if requested.

(e) 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 within fifteen (15) days after the Director renders the decision. The appeal notice must state the specific grounds, reasons, or complaint. The notice must be filed with the Director, who shall transmit to the Board the notice and all papers constituting the record upon which the decision was made. The appeal shall be placed on the agenda for consideration by the Board at its next meeting. The Applicant may appeal the decision of the Board by filing suit in a district court of Potter or Randall County for declaratory relief construing this ordinance or its application to Applicant.

(f) Any variance, waiver, or accommodation that is allowed or granted under this section is specific to the property described in the application. 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). Once a disabled person described in the preceding sentence ceases to use the premises as a primary place of abode, then the owner shall, within six (6) calendar months, restore or modify the property to meet the applicable ordinances, sections, and codes as if there had been no reasonable accommodation made.

(Code 1960, § 26-14; Ord. No. 6268, § 1(X), 12-24-96; Ord. No. 6750, § 1, 7-13-2004)

Sec. 4-10-167. Lot area.

The minimum Residential Lot Area for the various Districts shall be in accordance with the required schedule except that a Lot having less area than herein required which was an official Lot of Record prior to the adoption of this chapter may be used for a one-family Housing Unit, detached, and no Lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements. In the following Zoning Districts, the minimum Lot Area for each Residential Housing Unit shall be in accordance with Table 1, Summary of Development Standards.

(Code 1960, § 26-14(A); Ord. No. 6268, § 1(Y), 12-24-96)

Sec. 4-10-168. Lot width.

(a) The minimum Lot Widths for Lots in the various Districts used for Residential purposes shall be in accordance with the required schedule, except that Lots having less width than herein required which were official Lots of Record prior to the adoption of this chapter may be used for one-family, two-family Housing Units or Manufactured Homes in Zoning Districts permitting those respective uses; provided that, for two-family Housing Units and Manufactured Homes, a Lot may not be less than fifty (50) feet in width. No Lot existing at the time of passage of this chapter shall be reduced in width below the minimum. In the following Zoning Districts, the minimum Lot Width for Residential uses shall be in accordance with Table 1, Summary of Development Standards.

(b) The width of the Lot shall be measured at the specified Setback or front Building Line, but in no case shall the Lot Width at the front Street Line be less than forty (40) feet or the required minimum Lot Width, whichever is less. (See Appendix Illustration 1 for method of measuring Lot Widths.)

(c) If the Housing Units in a two-family Structure are sold for individual ownership, then each Housing Unit shall be located on a separately

Platted Lot having a minimum Lot Width of thirty (30) feet. Lots platted prior to the adoption of this chapter which are fifty (50) feet in width or greater and official Lots of Record may be reduced in width so long as each Housing Unit is located on a Platted Lot with a minimum width of twenty-five (25) feet. In no case shall the overall width for the total two-family complex be reduced below the minimum for two (2) units.

(d) After the effective date of this amendment (November 1993), in all zoning districts allowing One-Family Attached Housing Units, One-Family Detached Housing Units may be constructed on Platted Lots with Lot Widths less than shown on Table 1, Summary of Development Standards, for One-Family Detached Housing Units, but equal to or greater than the Lot Width shown for One-Family Attached Housing Units, if the recorded Plat of the subdivision approved by the Planning and Zoning Commission clearly notes that the Lot may be used for One-Family Detached Housing Units.

(Code 1960, § 26-14(B); Ord. No. 6043, § 1(D), 11-9-93; Ord. No. 6268, § 1(Z), 12-24-96; Ord. No. 6568, § 8, 11-27-2001)

Sec. 4-10-169. Lot depth.

The minimum Lot Depth for the various Districts shall be in accordance with the following schedule, except that a Lot having less depth than herein required which was an official Lot of Record prior to the adoption of this chapter may be used for a one-family Housing Unit, and no Lot existing at the time of passage of this chapter shall be reduced in depth below the minimum set forth. The minimum Lot Depth for Residential uses shall be in accordance with Table 1, Summary of Development Standards, see Appendix Illustration 2 for method of measuring Lot Depth.

(Code 1960, § 26-14(C); Ord. No. 6268, § 1(AA), 12-24-96)

Sec. 4-10-170. Front yard.

(a) In the following Zoning Districts, the minimum required Front Yard shall be in accordance with the required schedule, and no Structure or use shall hereinafter be located, erected or altered so as to have a smaller Front Yard than hereinafter required, and no Front Yard existing at the time of passage of this chapter shall be reduced below the minimum set forth in Table 1, Summary of Development Standards.

(b) Special Front Yard regulations:

(1) 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.

(2) The Front Yard shall be measured from the property line to the front face of the Building, covered porch, or covered terrace. See Appendix Illustration 5 for method of measuring. Eaves and roof extensions may project into the required Front Yard for a distance not to exceed four (4) feet. The ordinary projections of window sills, belt courses, cornices and other architectural features may project into the required Front Yard for a distance not to exceed twenty-four (24) inches, and subsurface Structures may project into the Front Yard provided such Structures do not extend to a Height greater than forty (40) inches above the average Grade of the curb at the front of the Structure or when no curb exists, forty (40) inches above the average Grade of the Bounding Property Line.

(3) Where no Front Yard is required, all stairs, eaves, roofs and similar Building extensions shall be located behind the front Street Right-of-way line or property line. In the CB, HC, I-1 and I-2 Districts, marquees or awnings are allowed to extend over public property.

(4) Where Lots have double Frontage, running through from one (1) Street to another, a required Front Yard shall be provided on both Streets unless a Building Line for Accessory Buildings has been established along one (1) Frontage on the Plat, in which event only one (1) required Front Yard need be observed. (See Appendix Illustration 6)

(5) On a corner Lot, both Street exposures shall be treated as Front Yards on all Lots Platted after August 19, 1968, except where corner Lots adjoin the entire Street Frontage between two (2) parallel Streets, the longest Street exposure to a lot used for one-family, two-family or Manufactured Home Housing Units shall be considered as a Side Yard, which shall require a setback of not less than ten (10) feet. (See Appendix Illustration 4)

(6) Where both Street Frontages of a corner Lot used for one-family, two-family or Manufactured Home Housing Units are required to be treated as Front Yards, a Front Yard of twenty (20) feet or the Front Yard required for the respective District as specified in this section, whichever is less, shall be observed on the Lot Frontage of greatest dimension. If such a Lot is bounded on the rear by an Alley, then ten (10) feet Setback shall be required on the Lot Frontage of greatest dimension. (See Appendix Illustration 4C)

(7) In the MF-2 and O-2 Districts, a minimum Front Yard of fifteen (15) feet shall be required, provided, however, that in no case shall the distance, as measured from the centerline of the Street on which a Building fronts, to the face of the Building be less than one-half the Height of the Building, and in no case need such distance exceed fifty (50) feet regardless of the Height of the Building. (See Appendix Illustration 11)

(8) Gasoline service station pump islands may not be located nearer than twenty (20) feet to the front property line, and the outer edge of the Canopy shall not be nearer than ten (10) feet to the front property line.

(9) In the R-1 and R-2 Districts where a Lot abuts a Cul-de-sac, the required minimum Front Yard shall be twenty (20) feet.

(Code 1960, § 26-14(D); Ord. No. 6043, § 1(E)--(H), 11-9-93; Ord. No. 6268, § 1(BB), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6568, § 9, 11-27-2001)

Sec. 4-10-171. Side yard.

(a) In the following Zoning Districts, the minimum required Side Yard shall be in accordance with the following schedule, and no Structure or use shall hereafter be located so as to have a smaller Side Yard or each side of such Structure than herein required, and no Side Yard existing at the time of passage of this chapter shall be reduced below the minimum set forth in Table 1, Summary of Development Standards with the following exception:

A Main Building may have a Side Yard less than required if 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.

(b) Special Side Yard regulations:

(1) Every part of a required Side Yard shall be open and unobstructed by any Structure except for Accessory Buildings as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features which shall not exceed twelve (12) inches into the required Side Yard, and a roof eave or Canopy which shall not exceed twenty-four (24) inches into the required Side Yard.

(2) Where highrise Apartment Buildings exceeding three (3) stories in Height are erected in any District permitting such construction, the Side Yard shall be increased one (1) foot for each two (2) feet the Structure exceeds three (3) Stories, but no Side Yard need exceed fifty (50) feet.

(3) On a corner Lot, a Side Yard adjacent to a Street for a multiple-family Housing Unit not exceeding three (3) Stories in Height shall not be less than fifteen (15) feet, and no balcony or porch or any portion of the Building may extend into such required Side Yard except that a roof may overhang such Side Yard not to exceed four (4) feet.

(4) On a corner Lot both Street exposures shall be treated as Front Yards on all Lots Platted after August 19, 1968, except where otherwise provided by sections 4-10-170(b)(2) and 4-10-170(b)(4). On Lots which are official Lots of Record prior to August 19, 1968, the minimum Side Yard adjacent to a side Street shall comply with this section. (See Appendix Illustration 4A)

(5) A one-family attached Housing Unit shall provide a minimum required Side Yard adjacent to a side Street of ten (10) feet and a minimum of five (5) feet adjacent to an Alley. A minimum required Side Yard of five (5) feet shall be provided at the end of each one-family Attached Housing Unit complex so that the end of any two (2) adjacent Building complexes shall be at least ten (10) feet apart. (See Appendix Illustration 12)

(6) No Side Yard is specified for Nonresidential use in the GR, LC, CB, HC, I-1, or I-2 Districts except where a commercial, retail or industrial or other Nonresidential use abuts upon a District boundary line dividing such Districts from a Residential Zoning District in which event a minimum five-foot Side Yard shall be provided on the side adjacent to such Residential Zoning District.

(7) In Developments of one-family Housing Units, detached Structures may be constructed adjacent to the side Lot Line on one (1) side of a Lot and a Side Yard provided only on the other side of the Lot.

a. 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 ten-foot total Side Yard be maintained.

b. Side Yard requirements for detached Accessory Buildings shall be the same as are normally required except that, where the Side Yard is provided on one (1) side of the Lot, the same Side Yard required for Main Building shall be observed by Detached Accessory Buildings.

c. The required side Lot Lines and Building Lines shall be shown by a clearly defined method on a recorded Plat of the Subdivision approved by the Planning and Zoning Commission.

d. Easements for maintenance, drainage or roof overhang (if permitted) shall be provided adjacent to each Lot where an adjacent Side Yard less than normal is to be permitted and shall be established on the Subdivision Plat approved by the Planning and Zoning Commission.

e. A Yard of not less than the normally required width shall always be observed adjacent to a public Street, and a Side Yard of not less than five (5) feet shall be observed adjacent to an Alley.

f. This provision shall not be construed to permit two (2) one-family Housing Units to be built on adjacent Lots without the observance of the total required Side Yard between them, except where two-family and one-family attached Housing Units are permitted by this Chapter.

g. No openings for access, light, or air are permitted on the wall of any Structure where the normal Side Yard requirement is not observed between such wall and the side Lot Line.

(8) The Side Yard requirements for Nonresidential Main Buildings in an O-1, O-2 or NS District shall be a minimum of ten (10) feet. Where any Lot in an O-1, O-2 or NS District abuts a Residential Zoning District, the Side Yard of the nonresidential Main Building on such Lot shall be a minimum of twenty (20) feet.

(9) After November, 1993 in all zoning districts allowing One-Family Attached Housing Units, Side Yard requirements for One-Family Detached Housing Units if less than required by Table 1, Summary of Development Standards, shall clearly depict the Side Yard Setback on a recorded Plat of the subdivision.

(10) For One-Family Housing Units (Detached and Attached), private easements for maintenance, drainage or roof overhang (if permitted), shall be provided on the adjacent Lot where a Side Yard less than the minimum is allowed and shall be granted on the Subdivision Plat.

(Code 1960, § 26-14(E); Ord. No. 6043, § 1(I)--(L), 11-9-93; Ord. No. 6268, § 1(CC), 12-24-96; Ord. No. 6350, § 1, 6-23-98; Ord. No. 6741, § 1, 6-8-2004)

Sec. 4-10-172. Rear yard.

(a) In the following Zoning Districts, the minimum required Rear Yard shall be in accordance with the following schedule, and no Building or Structure shall hereafter be located, erected or altered to have a Rear Yard smaller than herein required, and no Rear Yard existing at the time of passage of this Chapter shall be reduced below the minimum set forth in Table 1, Summary of Development Standards with the following exception:

A Main Building may have a Rear Yard less than required if 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 Side Yard requirement.

(b) Special Rear Yard regulations:

(1) In Residential Zoning Districts, no Main Building may be constructed nearer to the rear property line than ten (10) feet. For a single-family detached Residential building without openings for windows, doors, light or air in the wall facing the Alley a Setback of one (1) foot for each two (2) feet of wall Height is allowed.

(2) In the O-1, O-2, NS, GR, LC, CB, HC, I-1 or I-2 Districts, no Rear Yard is required for Nonresidential uses except where retail, commercial or industrial uses back upon a common District line, whether separated by an Alley or not, dividing the District from any of the Residential Districts listed herein, a minimum Rear Yard of ten (10) feet shall be provided.

(3) Every part of a required Rear Yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded Lot, except for Accessory Buildings, landscaping, fences and similar appurtenances and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed four (4) feet into the required Rear Yard.

(4) Where multiple-family Housing exceeds three (3) Stories in Height, a Rear Yard equal to one (1) foot for each three (3) feet in Height shall be provided except that no such Rear Yard need exceed thirty (30) feet as a result of this provision and except further that in the MF-2, CB and HC Districts, no Rear Yard exceeding ten (10) feet shall be required where the rear wall of a Residential Structure contains no openings or windows for light or air.

(Code 1960, § 26-14(F); Ord. No. 5678, § 1, 4-28-87; Ord. No. 6043, § 1(M), 11-9-93; Ord. No. 6268, § 1(DD), 12-24-96; Ord. No. 6741, § 2, 6-8-2004)

Sec. 4-10-173. Lot coverage.

No Structure shall hereinafter be located, erected or altered so as to have a greater Lot coverage than hereinafter required, and no Lot Coverage existing at the time of passage of this chapter shall exceed the maximum set forth in Table 1, Summary of Development Standards.

(1) Off-street unenclosed parking or loading areas shall not be computed in Lot Coverage as herein specified.

(2) In addition to Lot Coverage requirements structures must meet all other requirements of the zoning District in which they are located.

(Code 1960, § 26-14(G); Ord. No. 6173, § 1, 7-25-95; Ord. No. 6268, § 1(EE), 12-24-96)

Sec. 4-10-174. Tables.

The following Table 1, Summary of Development Standards, includes minimum lot area, minimum lot width, minimum lot depth, minimum front yard, minimum side yard, minimum rear yard, maximum lot coverage, maximum height and minimum required off-street parking requirements set forth in this chapter.

CHAPTER 4-10, ZONING

RESIDENTIAL ZONING DISTRICTS

ZONE	TYPE USE	MIN. LOT SIZE & DIMENSIONS			MINIMUM YARD SETBACKS *(feet)*					MAX. LOT COVERAGE (%)	MAXIMUM HEIGHT *(stories)*	REQUIRED OFF-STREET PARKING *(spaces per unit)*
		AREA (sq. ft.)	WIDTH (feet)	DEPTH (feet)	FRONT	REAR	INTERIOR SIDE	SIDE ON STREET**	SIDE/REAR GARAGE ENTRANCE			
A Agricultural	SF-Detached	1 acre	150	150	50	See 4-10-172(b)(1)	15	See 4-10-170 (b)(5)&(6)	20	None	3	2 See 4-10-211 (2)
	Non-Res. Main Bldg.	None	None	None	50	10	20	20	None	50	3	See 4-10-211 (2)
R-1 Residential	SF-Detached	7,500	60	100	25*	See 4-10-172(b)(1)	5	10 See 4-10-170 (b)(5)&(6)	20	45	2	2
	Non-Res. Main Bldg.	None	None	None	25*	10	20	20	None	50	2	See 4-10-211 (2)
R-2 Residential	SF-Detached	6,000	50	100	25*	See 4-10-172(b)(1)	5	10 See 4-10-170 (b)(5)&(6)	20	46	2	2
	Non-Res. Main Bldg.	None	None	None	25*	10	20	20	None	50	2	See 4-10-211 (2)
R-3 Residential	SF-Detached	5,000	50	100	15	See 4-10-172(b)(1)	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	2	2
	Non-Res. Main Bldg.	None	None	None	15	10	20	20	None	50	2	See 4-10-211 (2)
MD Moderate Density	SF-Detached	5,000	50	100	15	See 4-10-172(b)(1)	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	2	2
	SF-Attached	2,000	20	100	15	10	See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	2	2
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	15	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	2	2
	Apartments	1,800	60	100	15	10	15 See 4-10-171 (b)(3)	15 See 4-10-171 (b)(3)	20	65	2	1- 3/4
	Non-Res. Main Bldg.	None	None	None	15	10	20	20	None	50	2	See 4-10-211 (2)
MF 1 Multiple Family	SF-Detached	5,000	50	100	15	See 4-10-172(b)(1)	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	3	2
	SF-Attached	2,000	20	100	15	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	3	2
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	15	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	3	2
	Apartments	1,200	60	120	15	10	15	15 See 4-10-171 (b)(3)	20	65	3	1- 3/4
	Non-Res. Main Bldg.	None	None	None	15	10	20	20	None	50	3	See 4-10-211 (2)
MF-2 Multiple Family	SF-Detached	5,000	50	100	15 See 4-10-170 (b)(7)	See 4-10-172(b)(1)	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	unlimited*	
	SF-Attached	2,000	20	100	15 See 4-10-170 (b)(7)	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	unlimited*	
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	15 See 4-10-170 (b)(7)	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	unlimited*	
	Apartments	600	60	120	15 See 4-10-170 (b)(7)	10 See 4-10-172(b)(4)	15 See 4-10-171 (b)(2)	15 See 4-10-171(b)(2)&(3)	20	65	unlimited* See 4-10-171 (b)(2) & 4-10-172 (4)	
	Non-Res. Main Bldg.	None	None	None	15 See 4-10-170 (b)(7)	10	20	20	None	50	unlimited*	See 4-10-211 (2)
MH Manufactured Home	SF-Detached	6,000	50	100	20	See 4-10-172(b)(1)	5	10 See 4-10-170 (b)(5)&(6)	20	65	2	2
	MH. MH Subdivision	5,000	50	100	20	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	2	2
	MH Park	See Sec. 4-7	35	100	See 4-7-3 (1)(d)	10	See 4-7-3 (1)(d)	See 4-7-3 (1)(d)	20	65	See 4-7-3 (1)(e)	2 See 4-7-3 (1)(i)
	Non-Res. Main Bldg.	None	None	None	20	10	20	20	None	50	2	See 4-10-211 (2)

* 20 ft. Front Yard Setback on Lots that abut a Cul-de-sac **See Sec. 4-10-171(b)(4) * To any legal Height not prohibited by other laws or ordinances.

OFFICE ZONING DISTRICTS

CHAPTER 4-10, ZONING

ZONE	TYPE USE	MIN. LOT SIZE & DIMENSIONS		MINIMUM YARD SETBACKS *(feet)*						MAX. LOT COVERAGE (%)	MAXIMUM HEIGHT *(stories)*	REQUIRED OFF-STREET PARKING *(spaces per unit)*
		AREA (sq. ft.)	WIDTH (feet)	DEPTH (feet)	FRONT	REAR	INTERIOR SIDE	SIDE ON STREET**	SIDE/REAR GARAGE ENTRANCE			
O-1 Office	SF-Detached	6,000	50	100	15	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	2	1
	SF-Attached	2,000	20	100	15	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	2	1
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	15	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	2	1- 1/2
	Apts.-1 & 2 stories	1,200	60	120	15	10	15	15 See 4-10-171 (b)(3)	20	65	2	1- 1/2
	Non-Res. Main Bldg.	None	None	None	15	None See 4-10-172(b)(2)	10 See 4-10-171 (b)(8)	10 See 4-10-171 (b)(8)	None	50	2	See 4-10-211 (2)
O-2 Office	SF-Detached	6,000	50	100	15 See 4-10-170 (b)(7)	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	unlimited*	1
	SF-Attached	2,000	20	100	15 See 4-10-170 (b)(7)	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	unlimited*	1
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	15 See 4-10-170 (b)(7)	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	unlimited*	1- 1/2
	Apts.-1, 2, & 3 stories	1,200	60	120	15 See 4-10-170 (b)(7)	10	15	15 See 4-10-171 (b)(3)	20	65	3	1- 1/2
	Apts.-Over 3 stories	600	60	120	15 See 4-10-170 (b)(7)	See 4-10-172(b)(4)	15 See 4-10-171 (b)(2)	15 See 4-10-171 (b)(2)	20	65	unlimited* See 4-10-171(b)(2) & 4-10-172 (4)	1- 1/2
	Non-Res. Main Bldg.	None	None	None	15 See 4-10-170 (b)(7)	None See 4-10-172(b)(2)	10 See 4-10-171 (b)(8)	10 See 4-10-171 (b)(8)	None	50	unlimited*	See 4-10-211 (2)

RETAIL AND CENTRAL BUSINESS ZONING DISTRICTS												
ZONE	TYPE USE	MIN. LOT SIZE & DIMENSIONS		MINIMUM YARD SETBACKS *(feet)*						MAX. LOT COVERAGE (%)	MAXIMUM HEIGHT *(stories)*	REQUIRED OFF-STREET PARKING *(spaces per unit)*
		AREA (sq. ft.)	WIDTH (feet)	DEPTH (feet)	FRONT	REAR	INTERIOR SIDE	SIDE ON STREET**	SIDE/REAR GARAGE ENTRANCE			
NS Neighborhood Service	SF-Detached	6,000	50	100	20	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	2	1
	SF-Attached	2,000	20	100	20	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	2	1
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	20	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	2	1- 1/2
	Apartments	1,200	60	120	20	10	15	15 See 4-10-171 (b)(3)	20	65	2	1- 1/2
	Non-Res. Min Bldg.	None	None	None	20	None See 4-10-172(b)(2	10 See 4-10-171 (b)(8)	10 See 4-10-171 (b)(8)	None	50	2	See 4-10-211 (2)
GR General Retail	SF-Detached	6,000	50	100	15	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	3	1
	SF-Attached	2,000	20	100	15	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	3	1
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	15	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	3	1- 1/2
	Apartments	1,200	60	120	15	10	15	15 See 4-10-171 (b)(3)	20	65	3	1- 1/2
	Non-Res. Main Bldg.	None	None	None	15	None See 4-10-172(b)(2)	None See 4-10-171 (b)(6)	None See 4-10-171 (b)(6)	None	50	3	See 4-10-211 (2)
CB Central Business	SF-Detached	5,000	50	100	None	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	100	unlimited*	1
	SF-Attached	2,000	20	100	None	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	100	unlimited*	1
	2F-Duplex Unit	3,000	60 See 4-10-168 (c)	100	None	10	5	10 See 4-10-170 (b)(5)&(6)	20	100	unlimited*	1
	Apts.-1, 2, & 3 stories	1,200	60	120	None	10	15	15 See 4-10-171 (b)(3)	20	100	3	1
	Apts.-Over 3 stories	None	60	120	None	See 4-10-172(b)(4)	15 See 4-10-171 (b)(2)	15 See 4-10-171 (b)(2)	20	100	unlimited* See 4-10-171 (b)(2) & 4-10-172(4)	1
	MH. MH Subdivision	5,000	50	100	None	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	100	unlimited*	1
	MH Park	See Sec. 4-7	60	100	None	10	See 4-7-3 (1)(d)	See 4-7-3 (1)(d)	20	100	See 4-7-3 (1)(e)	2 See 4-7-3 (1)(i)
	Non-Res. Main Bldg.	None	None	None	None	None See 4-10-172(b)(2)	None See 4-10-171 (b)(6)	None See 4-10-171 (b)(6)	None	100	unlimited*	See 4-10-211 (2)

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

**See Sec. 4-10-171 (b)(4)

COMMERCIAL ZONING DISTRICTS												
ZONE	TYPE USE	MIN. LOT SIZE & DIMENSIONS		MINIMUM YARD SETBACKS *(feet)*						MAX. LOT COVERAGE (%)	MAXIMUM HEIGHT *(stories)*	REQUIRED OFF-STREET PARKING *(spaces per unit)*
		AREA (sq. ft.)	WIDTH (feet)	DEPTH (feet)	FRONT	REAR	INTERIOR SIDE	SIDE ON STREET**	SIDE/REAR GARAGE ENTRANCE			
LC Light Commercial	SF-Detached	5,000	50	100	15	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	3	1
	SF-Attached	2,000	20	100	15	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	3	1
	2F-Duplex Unit	3,000	60 See 4-10-161 (c)	100	15	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	3	1- 1/2
	Apartments	1,200	60	120	15	10	15	15 See 4-10-171 (b)(3)	20	65	3	1- 1/2
	MH. MH Subdivision	5,000	50	100	15	10	5 See 4-10-11 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	3	1
	MH Park	See Sec. 4-7	60	100	See 4-1-3 (1)(d)	10	See 4-7-3 (1)(d)	See 4-7-3 (1)(d)	20	65	See 4-7-3 (1)(e)	2 See 4-7-3 (1)(i)
	Non-Res. Main Bldg.	None	None	None	15	None See 4-10-172(b)(2)	None See 4-10-171 (b)(6)	None See 4-10-171 (b)(6)	None	50	3	See 4-10-211 (2)
HC Heavy Commercial	SF-Detached	2,000	20	100	None	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	unlimited*	1
	SF-Attached	2,000	20	100	None	10	None See 4-10-171 (b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	unlimited*	1
	2F-Duplex Unit	3,000	60 See 4-10-163 (c)	100	None	10	5	10 See 4-10-170 (b)(5)&(6)	20	65	unlimited*	1- 1/2
	Apts.-1, 2, & 3 stories	1,200	60	120	None	10	15	15 See 4-10-171 (b)(3)	20	65	3	1- 1/2
	Apts.-Over 3 stories	600	60	120	None	See 4-10-172(b)(4)	15 See 4-10-171 (b)(2)	15 See 4-10-171 (b)(2)	20	65	unlimited* See 4-10-171 (b)(2) & 4-10-172 (4)	1- 1/2
	MH. MH Subdivision	5,000	50	100	None	10	5 See 4-10-171 (b)(9)	10 See 4-10-170 (b)(5)&(6)	20	65	unlimited*	1
	MH Park	See Sec. 4-7	60	100	See 4-1-3 (1)(d)	10	See 4-1-3 (1)(d)	See 4-1-3 (1)(d)	20	65	See 4-1-3 (1)(e)	2 See 4-1-3 (1)(i)
	Non-Res. Main Bldg.	None	None	None	None	None See 4-10-172(b)(2)	None See 4-10-171 (b)(6)	None See 4-10-171 (b)(6)	None	50	unlimited*	See 4-10-211 (2)

INDUSTRIAL AND PLANNED DEVELOPMENT ZONING DISTRICTS

ZONE	TYPE USE	MIN. LOT SIZE & DIMENSIONS		MINIMUM YARD SETBACKS *(feet)*						MAX. LOT COVERAGE (%)	MAXIMUM HEIGHT *(stories)*	REQUIRED OFF-STREET PARKING *(spaces per unit)*
		AREA (sq. ft.)	WIDTH (feet)	DEPTH (feet)	FRONT	REAR	INTERIOR SIDE	SIDE ON STREET**	SIDE/REAR GARAGE ENTRANCE			
I-1 Light Industrial	SF-Attached	2,000	20	100	None	10	None See 4-10-171(b)(5)	10 See 4-10-170 (b)(5)&(6) & 4-10-171 (b)(5)	20	65	unlimited*	
	Apts.-1, 2, & 3 stories	1,200	60	120	None	10	15	15 See 4-10-171(b)(3)	20	65	3	
	Apts.-Over 3 stories	600	60	20	None	See 4-10-172(b)(4)	15 See 4-10-171(b)(2)	15 See 4-10-171(b)(2)	20	65	unlimited* See 4-10-171(b)(2) & 4-10-172(4)	
	MH, MH Subdivision	5,000	50	100	None	10	5 See 4-10-171(b)(9)	10 See 4-10-170 (b)(5) & (6)	20	65	unlimited*	
	MH Park	See Sec. 4-7	60	100	See 4-7-3(1)(d)	10	See 4-7-3(1)(d)	See 4-7-3(1)(d)	20	65	See 4-7-3(1)(3)	
	Non-Res. Main Bldg.	None	None	None	None	None See 4-10-172(b)(2)	None See 4-10-171(b)(6)	None See 4-10-171(b)(6)	None	75	unlimited*	
I-2 Heavy Industrial	MH, MH Subdivision	5,000	50	100	None	10	5 See 4-10-171(b)(9)	10 See 4-10-170 (b)(5) & (6)	20	65	unlimited*	
	MH Park	See Sec. 4-7	60	100	See 4-7-3(1)(d)	10	See 4-7-3(1)(d)	See 4-7-3(1)(d)	20	65	See 4-7-3(1)(e)	
	Non-Res. Main Bldg.	None	None	None	None	None See 4-10-172(b)(2)	None See 4-10-171(b)(6)	None See 4-10-171(b)(6)	None	75	unlimited*	
PD Planned Development	SF-Detached	6,000	60	90	As per Site Plan or Amending Ordinance	As per Site Plan or Amending Ordinance	As per Site Plan or Amending Ordinance	As per Site Plan or Amending Ordinance	20	As per Site Plan or Amending Ordinance	As per Site Plan or Amending Ordinance	
	SF-Attached	2,000	20	90					20			
	2F-Duplex Unit	3,000	60	90					20			
	MH Subdivision	5,000	50	100					20			
	MH Park	See Sec. 4-7	60	100					20			
	Apts.-1, 2 & 3 stories	1,200	60	120					20			
	Apts.-Over 3 stories	600	60	120					20		Unlimited* See 4-10-171(b)(2) See 4-10-172(4)	
	Non-Res. Main Bldg.	None	None	None					None		As per Site Plan or Amending Ordinance	

egal Height not prohibited by other laws or ordinances. ** See Sec. 4-10-171(b)(4)

6043, § 1(N), (O), 11-9-93; Ord. No. 6268, § 1(FF), 12-24-96; Ord. No. 6568, § 10, 11-27-2001; Ord. No. 6712, § 2, 2-24-2004)

Secs. 4-10-175--4-10-190. Reserved.

DIVISION 3. SPECIAL AREA AND ACCESSORY BUILDING REGULATIONS

Sec. 4-10-191. Accessory building regulations.

(a) *Front Yard:*

(1) Residential Accessory Buildings shall have a Front Yard not less than that specified for the Main Building.

(2) Nonresidential Accessory Buildings shall be located in the area defined as the Rear Yard.

(b) *Side Yard:*

(1) Residential Accessory Buildings shall have a Side Yard not less than three (3) feet. Residential Accessory Buildings two hundred (200) square feet or less in area shall have no Side Yard requirements.

(2) Nonresidential Accessory Buildings shall have a Side Yard not less than that specified for the Main Building.

(c) *Rear Yard:*

(1) Residential Accessory Buildings shall have no Rear Yard requirements. If no Alley exists, Residential Accessory buildings larger than two hundred (200) square feet in area shall have a rear yard of not less than ten (10) feet. (See Appendix Illustration No. 3)

(2) Nonresidential Accessory Buildings shall have no Rear Yard requirements.

(d) *Special Accessory Building regulations:* A Residential Accessory Building may have a Side and Rear Yard less than required if other Residential Accessory Buildings, within the same block or immediately adjacent blocks, legally observe a Side Yard or Rear Yard less than required. The Side Yard with the least restrictive dimension shall establish the minimum Side Yard requirement and the Rear Yard with the least restrictive dimension shall establish the minimum Rear Yard requirement.

(Code 1960, § 26-15(A); Ord. No. 6043, § 1(P), 11-9-93; Ord. No. 6268, § 1(GG), 12-24-96; Ord. No. 6733, § 1, 5-25-2004; Ord. No. 6741, § 3, 6-8-2004)

Sec. 4-10-192. Area and setback requirements of stable (private).

A stable (private) must be set back fifty (50) feet from the front property line, twenty (20) feet from side property lines and twenty (20) feet from the rear property line and must provide at least one hundred (100) square feet for each horse stabled.

(Code 1960, § 26-15(B))

Sec. 4-10-193. Carport regulations.

(a) *General:* Carports are allowed in any zoning district when able to meet required Setbacks for Main Building or Accessory Building. If Main Building or Accessory Building setbacks are unable to be met, a person must apply for a specific use permit. The grant or denial of a specific use permit shall be based upon compliance with the requirements of Section 4-10-85 and considerations of the following factors:

(1) Maximum of one (1) Carport per Lot.

(2) Maximum floor area of four hundred forty (440) square feet.

(3) Maximum height limited to twelve (12) feet as measured from floor to the peak of roof.

(4) No opening on any side shall be lower than seven (7) feet as measured from floor to bottom of carport eave line.

(5) Perimeter of Carport must remain open on at least three (3) sides. When located in the Front Yard, perimeter of Carport must remain open on at least the three (3) sides that are parallel to the Front and Side Yards. Openings must be unobstructed by walls, screens, lattice work or similar features that would create an enclosed space or obstruct visibility. Supporting vertical members such as columns, poles, and posts must have a cross section no larger than a square that is twelve (12) inches on each side.

(6) Supporting vertical members, other secondary structural members for lateral bracing, trim, fascia, and other vertical elements must not obscure more than fifteen (15) percent of the vertical plane of any open side.

(7) Carport (including the roof, eaves, and supporting members) must be set back at least ten (10) feet from the street curb line, or where no curb exists, the edge of paving, or the graded edge of an unimproved street. In no case shall the Carport extend beyond the property line.

(8) Carport (including the roof, eaves, and supporting members) must be set back at least three (3) feet from a side property line.

(9) Carport must have a Rear Yard setback of at least ten (10) feet if no alley exists.

(10) Area beneath the roof of the Carport must be paved with asphalt or concrete to within at least two (2) feet of the edge of roofline. In addition, the driveway leading from the Carport and connecting to a street or alley must be similarly paved and maintained in good condition.

(11) Carport (including the roof, eaves, and supporting members) must not overhang or intrude into any type of public easement.

(12) In no case shall the Carport (including the roof, eaves, and supporting members) block or overhang an improved public sidewalk.

(13) There can be no enclosed use above or on top of Carport.

(14) Carport must be used solely for the parking of vehicles and not for any other purpose, including storage of any type.

(Ord. No. 6904, § 1, 2-21-2006)

Editor's note: Formerly, Ord. No. 6268, § 1(HH), adopted Dec. 24, 1996, repealed § 4-10-93, Area regulations for nonconforming mobile homes and mobile homes permitted by special exception. Such section was derived from the 1960 Code, § 26-15(C).

Sec. 4-10-194. Height regulations.

(a) No Building or Structure shall be located, erected or altered so as to exceed the Height limit hereinafter specified for the District in which the Building is located. The maximum Height of Buildings and Structures shall not exceed the maximum Height set forth in Table 1, Summary of Development Standards except as noted in subsection (b).

(b) Special Height Regulations. In the Districts where the Height of Buildings is restricted to three (3) Stories or less, the following provisions apply:

(1) Cooling towers, roof gables, chimneys and vent stacks may not exceed forty (40) feet above the average ground level of the Building. Water standpipes and tanks, church steeples, domes and spires, school Buildings, institutional Buildings, and flagpoles, may be erected to exceed three (3) Stories in Height in such District provided that one (1) additional foot shall be added to the Side, Front and Rear Yards Setbacks for each foot that any such structure exceeds three (3) Stories in Height.

(2) Communication and Broadcast Towers may be permitted to any Height providing a tower's location on a site is set back from all bounding property lines a minimum distance equal to its Height.

(Code 1960, § 26-16; Ord. No. 5894, § 1, 11-6-90; Ord. No. 6268, § 1(II), 12-24-96; Ord. No. 6405, § 1, 3-23-99)

Secs. 4-10-195--4-10-210. Reserved.

DIVISION 4. VEHICLE PARKING AND LOADING

Sec. 4-10-211. Vehicle parking regulations.

Except as hereinafter provided, no Structure or part thereof shall be erected, altered or converted for any use permitted in the District in which it is located unless there shall be provided on the Lot or Tract, or on an immediately adjacent Lot or Tract, vehicle parking in the following ratio of vehicle spaces for the uses specified in the Designated Districts. As used herein, "immediately adjacent" means sharing a common boundary with at least one-half of the dimension of the boundary of the adjoining Lot or Tract, whether or not such Lots or Tracts are separated by a Street or Alley. Where Off-Street Parking for any use is to be provided on an adjacent Lot or Tract, it shall be consolidated under a single Certificate of Occupancy and Compliance with the main use, and the parking area shall not be sold separately from the main use without first achieving compliance with the requirements for parking to be provided under separate ownership or providing replacement parking and securing a new Certificate of Occupancy and Compliance for the main use.

(1) The minimum Off-Street Parking spaces for Residential uses shall be as set forth in Table 1, Summary of Development Standards.

In a PD District, one (1) space shall be required for each Dwelling Unit plus such additional requirements as may be specified by the amending ordinance.

(2) The following parking space schedule for nonresidential uses is applicable to all Districts except the CB Central Business District:

a. Bank, savings and loan or similar financial establishment--One (1) space for each six hundred (600) square feet of Floor Area;

b. Bowling alley--Six (6) spaces for each lane;

c. Clinics or doctors' offices--One (1) space for each three hundred (300) square feet of Floor Area;

d. Churches--One (1) space for each three (3) seats in the main sanctuary;

e. Commercial outdoor amusement--Thirty (30) spaces plus one (1) space for each one hundred (100) square feet of Floor Area over two thousand (2,000) square feet;

f. Convalescent home or home for aged--One (1) space for each six (6) rooms or beds;

g. Day care center--One (1) space for every three (3) employees or one (1) space for every two hundred (200) square feet of Floor Area, whichever is greater;

h. Gasoline service station--Minimum of six (6) spaces;

i. Golf course--Minimum of thirty (30) spaces;

j. High school, college or university--One (1) space for each classroom, laboratory or instruction area plus one (1) space for each four (4) students accommodated in the institution;

k. Hospitals--One (1) space for every two (2) beds;

l. Hotel or motel--One (1) space for each room, unit or guest accommodation;

m. Institutions of a philanthropic nature--Ten (10) spaces plus one (1) space for each employee;

n. Library or museum--Ten (10) spaces plus one (1) for each three hundred (300) square feet of Floor Area;

o. Manufacturing, processing and repairing--One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of Floor Area, whichever is greater;

p. Offices, general--One (1) space for each four hundred (400) square feet of Floor Area;

q. Recreational, private or commercial area or building (other than listed)--One (1) space for every four (4) persons to be normally accommodated in the establishment;

r. Restaurant or cafeteria--One (1) space for each forty-five (45) square feet of usable seating area;

s. Retail or personal service--One (1) space for each two hundred (200) square feet of Floor Area;

t. School, elementary or junior high--One (1) space for each classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium or other place of assembly;

u. Storage or warehousing--One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of Floor Area, whichever is greater;

v. Theaters, meeting rooms and places of public assembly--One (1) space for every three (3) seats; for theaters having more than ten (10) movie screens--One (1) space for every three and one half (3 1/2) seats;

w. Commercial and industrial uses not listed in a. through v. above--One (1) space per each five hundred (500) square feet of gross Floor Area or one (1) space per each two (2) employees, whichever is greater;

x. Tavern, lounge or private club--One (1) space for each forty-five (45) square feet, including balconies, of usable Floor Area;

y. Flea markets--One (1) space for each two hundred (200) square feet of leasable area including customer circulation areas and display areas;

z. Furniture or carpet stores--One (1) space for each four hundred (400) square feet of Floor Area;

aa. Apartment complexes for the elderly--Three-quarters of a space for each Dwelling Unit.

(3) Special Off-Street Parking regulations are as follows:

a. In computing the parking requirements for any Building or Development, the total parking requirements shall be the

sum of the specific parking space requirements for each class of use included in the Building or Development.

b. In the R-1, R-2, R-3, MD, MF-1, MF-2, O-1, O-2 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 truck, truck trailer, or van except, such vehicles not exceeding one (1) ton capacity according to the manufacturer's classification. 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.

c. Floor Area of Structure devoted to Off-Street Parking of vehicles shall be excluded in computing the Off-Street Parking requirements of any use.

d. A Building Permit shall be required for any new parking space or change in an existing parking space. For new construction, the permit may be considered part of the Building Permit for the Structure.

e. To satisfy the Off-Street Parking space requirements of subsections (1) and (2) above, a parking space shall be paved with asphalt or concrete, be provided with a similarly paved driveway connecting it to a Street or Alley and be established, maintained and marked in accordance with the mandatory Parking Design Standards of Section 9, Driveways and parking Lots, of the City of Amarillo Development Policy Manual.

f. No Off-Street Parking space adjacent to a public Street wherein the maneuvering of the vehicle in parking or leaving the parking space is done on the public Street shall be classified as Off-Street Parking in determining satisfaction of any parking requirements herein specified, except that parking requirements for one- and two-family Housing Units may be met in such manner.

g. No Off-Street Parking area incidental to a main use, commercial parking Lot or Structure, or vehicle storage area shall project into the Public Right-of-way of any Street or Alley, except that, where not otherwise prohibited by law or ordinance, only customer and employee parking areas incidental to a main use may project beyond the Right-of-way of a Street when the following conditions are met:

1. The City Traffic Engineer determines such parking arrangement does not create a traffic hazard and adequate space for pedestrian traffic is provided.

2. The parking area is established and marked in accordance with mandatory Parking Design Standards of Section 9, Driveways and Parking Lots, in the City of Amarillo Development Policy Manual.

Parking spaces provided in such manner shall not be classified as Off-Street Parking in determining satisfaction of any parking requirements herein specified.

h. In areas platted after May 1976, no land use other than single-family attached/detached and duplex shall have direct access to an alley which is immediately adjacent to or in an A, R-1, R-2, R-3 or MH Zoning District.

i. All vehicle entrances to a Garage where the primary use of the land is for Residential purposes shall be a minimum of twenty (20) feet from a Lot Line which abuts a Street or Alley. However, a vehicle entrance to a Garage from a local side Street (Streets other than arterials or collectors) or an Alley may be less than twenty (20) feet if in accordance with one (1) of the following conditions:

1. 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 which is fewer than twenty (20) feet in length, then the vehicle entrance with the least restrictive dimension shall establish the minimum vehicle parking entrance requirement.

2. Alley--If Garages accessing an Alley along the rear property line of a Lot within the same block have observed a vehicle entrance which is lesser in dimension than twenty (20) feet, then the vehicle entrance with the least restrictive dimension shall establish the minimum vehicle parking entrance requirement.

3. Side Street or Alley--Vehicle entrances to a Garage may be less than twenty (20) feet if required Off-Street Parking is provided elsewhere on the Lot or Tract.

   These provisions shall be superseded on any Lot having a minimum Side Yard or Rear Yard Building Line which has been established by Plat or ordinance which requires a greater Setback distance.

j. Lanes or spaces for serving vehicles and for waiting vehicles shall be located entirely on the development site and shall in no way encroach into public right-of-way nor shall said lanes or spaces block any designated principal aisle.

(4) Parking requirements for new or unlisted uses are as follows:

a. Where questions arise concerning the minimum Off-Street Parking requirement for any use not specifically listed, the requirements may be interpreted as those of a similar listed use.

b. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to (4)a. above or where uncertainty exists, the minimum Off-Street Parking requirements shall be established by the same process as provided in section 4-10-84 for classifying new and unlisted use.

(Code 1960, § 26-18(A); Ord. No. 5557, § 1, 11-12-85; Ord. N o. 5678, § 1, 4-28-87; Ord. No. 5679, § 1, 4-28-87; Ord. No. 5693, § 1, 7-7-87; Ord. No. 5918, § 1, 6-5-91; Ord. No. 6053, § 1, 12-7-93; Ord. No. 6268, § 1(JJ), 12-24-96; Ord. No. 6276, § 1, 3-11-97; Ord. No. 6741, § 4, 6-8-2004; Ord. No. 7204, § 3, 1-26-2010)

Secs. 4-10-212--4-10-225. Reserved.

Editor's note: Ord. No. 6699, § 7, adopted Nov. 25, 2003, repealed § 4-10-212, which pertained to off-street loading regulations and derived from Code 1960, § 26-19.

DIVISION 5. RESERVED

Secs. 4-10-226--4-10-234. Reserved.

Editor's note: Ord. No. 7201, § 1, adopted Dec. 15, 2009, repealed Div. 5 §§ 4-10-226--4-10-234, which pertained to signs. For complete derivation see the Code Comparative Table at the end of this volume.

Secs. 4-10-235--4-10-245. Reserved.

Editor's note: Ord. No. 6600, § 10, adopted June 11, 2002 amended by deleting § 4-10-235 which pertained to advertising signs--Spacing standards. For complete derivation see the Code Comparative Table at the end of this volume.

DIVISION 6. LANDSCAPING REQUIREMENTS

Sec. 4-10-246. Definition.

Landscaping shall consist of the following or any combination thereof: grass, trees, shrubs, hedges, vines, domesticated blooming plants, and living ground cover. Such definition shall apply to the word "Landscaping" used in any tense, form, or part of speech. The use of native, drought-tolerant, or adapted plant material is encouraged.

(Code 1960, § 26-20.1(A); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6699, § 8, 11-25-2003)

Cross references: Definitions to apply throughout Code, § 1-2-1.

Sec. 4-10-247. When required.

Landscaping is required as follows:

(1) On all new construction and additions to or remodeling of existing Buildings, where the value of the additions or remodeling as calculated using the current Building valuation data cost per square foot as published in the Building Safety Journal of the International Code Councils, exceeds fifty (50) percent of the existing Building value as shown on the tax rolls and a minimum value of the improvement of fifty thousand dollars ($50,000.00).

(2) Additions to any existing Off-Street Parking Area shall require Landscaping of the entire contiguous parking area.

(Code 1960, § 26-20.1(B); Ord. No. 5561, § 1, 12-3-85; Ord. No. 5669, § 1, 3-3-87; Ord. No. 6085, § 1(A), 6-28-94)

Sec. 4-10-248. Where required.

(a) On any Lot, Tract, Parcel of land or adjacent right-of-way in the R-1, R-2, R-3, MD, MF-1, MF-2, MH, O-1, O-2, NS, GR, LC and CB Districts, any multiple-family and nonresidential land use shall have the following minimum Landscaped areas:

(1) Five (5) percent of the total Off-Street Parking area shall be devoted to Landscaping. The required Landscaping shall be located on that portion of the Lot situated between the proposed Building Line and the property line or lines adjacent to a Street and shall be permanently maintained. Where section 4-10-170 does not require a Front Yard Setback for a Building, the Building must be set back to accommodate the required Landscaping.

(2) Public Rights-of-way between the back of Curb or edge of pavement and the property line (excluding the minimum required Sidewalk) shall be completely Landscaped.

(3) Any Landscaped area in the Public Right-of-way in excess of ten (10) feet in width may be credited toward the five-percent requirement in subsection (a)(1) of the adjoining Lot.

(b) On any Lot, Tract or Parcel of land and adjacent Right-of-way in the HC District, any multifamily and nonresidential land use shall meet the requirements of subsection (a) when the property fronts or sides on a freeway, expressway, State highway or designated section line arterial.

(c) Required Right-of-way Landscaping for a nonresidential land use located on a Lot, Tract or Parcel of land having two hundred (200) feet or less of Street Frontage per Street may be alternatively located on the adjoining Lot if placed in accordance with and is in addition to the minimum five-percent landscaping requirement of section 4-10-248(a)(1).

(d) Landscaping of property located within the Downtown Urban Design District shall be subject to the Downtown Urban Design Standards adopted in Division 3 of this chapter.

(Code 1960, § 26-20.1(C); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6268, § 1(QQ), 12-24-96; Ord. No. 7223, § 4, 7-20-2010)

Sec. 4-10-249. Trees.

In the Landscaping area, Trees having a minimum caliper size of two (2) inches when measured one (1) foot above ground level shall be planted on any Lot, Tract or Parcel of land as a part of the initial minimum Landscaping requirements. The Planning Department shall maintain a suggested tree list of species that are indigenous or well-adapted to Amarillo and make it available to the public. The minimum number of Trees and locations shall be as follows:

(1) At least one (1) Tree shall be planted for every five thousand (5,000) square feet of the total developed Lot area. Calculation of developed Lot area is based on the site frontage multiplied by the site depth of the developed lot area. For projects where the site frontage is less than the actual development project width (i.e. panhandle or flag lots), the area would be calculated by multiplying the site width, at the widest point within the developed site, by the developed site depth.

(2) All required Trees shall be planted in the Front Yard. Trees placed within the Public Right-of-way shall be planted within five (5) feet of the property line.

(Code 1960, § 26-20.1(D); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6699, § 9, 11-25-2003)

Sec. 4-10-250. Maintenance.

(a) The property owner, tenant and any agent thereof shall be jointly and severally responsible for the maintenance of all Landscaping materials in good condition at all times so as to present a healthy, neat and orderly appearance. Any Landscaping material that dies shall be replaced with healthy material within a reasonable time. All Landscaped areas shall be continuously maintained free of weeds, debris and litter. Weeds and natural uncultivated grass shall not be considered Landscaping.

(b) All Landscaping must be irrigated or located within one hundred (100) feet of a private water outlet to which a hose may be connected.

(Code 1960, § 26-20.1(E); Ord. No. 5561, § 1, 12-3-85)

Sec. 4-10-251. Exceptions.

(a) Landscaping shall not be used which would conflict in any way with the sight distance requirements or sight restriction requirements of Chapter 16-3, Article III.

(b) Landscaping shall not be allowed in the area within ten (10) feet of the back of Street Curb which Landscaping is at a height greater than thirty (30) inches as measured from the top of the adjacent Street Curb.

(c) Landscaping shall not be required in the Right-of-way of unpaved Streets when any such Street is not scheduled for paving within one (1) year of the completion of the required Landscaping.

(d) Landscaping shall not be placed in an area of Right-of-way where a capital improvement project has been funded for such location. The City may at any time require such Landscaping in the Right-of-way to be removed or the City may remove such Landscaping if the property owner refuses to remove the Landscaping.

(e) Landscaping shall not be required for a temporary use which will be in operation for a period of one (1) year or less.

(f) Landscaping shall not be required on a Lot of twelve thousand (12,000) square feet or less except when such Lot adjoins another Lot which is smaller than twelve thousand (12,000) square feet.

(g) Landscaping shall not interfere with handicap accessibility.

(h) Where it has been determined that site constraints exist which render conformance of a particular site to the landscape requirements impracticable, the Director of Community Services or designee may approve an alternate proposal, which provides for landscaping as intended by this chapter, yet takes into account the constraints unique to the property in question. In determining the practicability and acceptability of the alternate proposal, the Community services Director shall consider the following factors:

(1) The configuration of the lot or tract in question;

(2) The square footage of the property in question;

(3) The square footage of the property to be 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/or

(9) Other factors relevant or material to the circumstances of the site in question.

An appeal of the Director's or designee's decision may be made to the Zoning Board of Adjustment in accordance with the requirements and procedures in Article 11, Division 2 of this chapter.

(Code 1960, § 26-20.1(F); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6699, § 10, 11-25-2003)

Sec. 4-10-252. Landscaping plan.

(a) Prior to the issuance of a Building Permit or prior to the issuance of a paving permit, two (2) copies of a Landscaping Plan shall be submitted to the Code Enforcement Department for review and approval. The Landscaping Plan shall be drawn to scale, including all dimensions, and shall meet each of the following requirements:

(1) Clearly show the location and size of any Buildings or Structures;

(2) Clearly show the location of all paved Off-Street Parking areas;

(3) Clearly show any fencing and the location, size and description of all Landscaping materials to be utilized on a site in accordance with the requirements of this section.

(b) No Certificate of Occupancy and paving permit or either of them shall be issued unless the Landscaping Plan required herein complies with this section.

(Code 1960, § 26-20.1(G); Ord. No. 5561, § 1, 12-3-85)

Sec. 4-10-253. Occupancy of property.

It shall be unlawful to occupy or allow the occupancy of any Lot, Block, Parcel, Tract or Building site unless Landscaping is first installed and maintained in accordance with this division. In cases where a Building or Structure or paving project has been completed and a Certificate of Occupancy is needed, but due to weather conditions the required Landscaping has not been completed, the Building Official is authorized to issue a conditional Certificate of Occupancy. Such issuance shall be contingent upon the property owner or Developer filing of record in the deed records of the proper county an instrument with associated Landscaping Plans stating that the required Landscaping shall be installed within six (6) months of the issuance of the Certificate of Occupancy. Failure to install the

Landscaping in accordance with the Landscaping Plan shall cause revocation of the Certificate of Occupancy.

(Code 1960, § 26-20.1(H); Ord. No. 5561, § 1, 12-3-85)

Sec. 4-10-254. Variances.

Variances to the requirements of this division may be authorized by the Zoning Board of Adjustment in accordance with the requirements and procedures in Article II, Division 2 of this chapter.

(Code 1960, § 26-20.1(I); Ord. No. 5561, § 1, 12-3-85)

Secs. 4-10-255--4-10-265. Reserved.

DIVISION 7. FENCES AND WALLS

Sec. 4-10-266. Applicability.

In a Residential District or within ten (10) feet of the boundary of a Residential District where a wall, fence or screening separation is erected, the standards in this division for Height, location, and design are required.

(Code 1960, § 26-21; Ord. No. 6388, § 1, 12-29-98)

Sec. 4-10-267. Height and Location.

(a) A fence or wall erected on the property line, or within ten (10) feet of the property line and generally parallel thereto, and located to the rear of the minimum required Front Yard line as determined by the provisions of section 4-10-170 shall not exceed eight (8) feet in Height above the adjacent Grade. A fence, wall or screening for electrical substations as determined by the provisions of section 4-10-294 (e) shall not exceed twelve (12) feet in height (including security fencing on top of fence, wall or screening) above the adjacent Grade.

(b) A fence or wall erected on the property line and located within the minimum required Front Yard as determined by the provisions of section 4-10-170 shall not exceed four (4) feet in Height above the adjacent Grade, with the following exceptions:

(1) On a corner Lot, the four (4) foot maximum fence Height shall apply to the Front Yard along the property line of least dimension and to that portion of the Front Yard within ten (10) feet of the property line of greatest dimension;

(2) On a Lot which abuts a Cul-de-sac and also sides into another Street and is within the boundaries of a Public Improvement District, a fence or wall erected on the side property line adjacent to the non-Cul-de-sac Street and generally parallel thereto, shall not exceed eight (8) feet in Height above the adjacent Grade and need not step down to four (4) feet.

(c) Residentially developed properties on or adjacent to residential streets may have a fence not exceeding four (4) feet in Height above adjacent Grade between the front property line and the edge of the sidewalk closest to the front property line and a fence not exceeding eight (8) feet in Height above adjacent Grade between the side property line on a corner lot and the edge of the sidewalk closest to the side property line. If no sidewalk exists such fence may not be erected or maintained within four (4) feet from the back-of-curb, or if neither a sidewalk nor a curb exists, such fence may not be erected or maintained within twenty (20) feet from the edge of street paving. Where a trash receptacle is in the right of way, three (3) feet of clearance must be provided between the back of the receptacle and a fence to provide a clear space for walking. 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. This paragraph does not allow a fence in an Arterial right-of-way.

(Code 1960, § 26-21(A); Ord. No. 6388, § 1, 12-29-98; Ord. No. 6699, § 11, 11-25-2003)

Sec. 4-10-268. Screening walls or visual barriers.

(a) Screening walls or visual barriers required under the provisions of this chapter shall be constructed of masonry or of a permanent and substantial type wall or fence material, supported by a frame or base constructed of concrete, metal or other substantial material, and not readily subject to damage by operations within the enclosure or by the effects of winds or other weather elements. Such wall or barrier shall be maintained in good repair and shall not contain openings constituting more than forty (40) square inches in each one (1) square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All walls or fences shall not be less than six (6) feet in Height and all openings in such walls or fences shall be equipped with gates equal in Height and screening characteristics to the wall or fence and shall be closed and securely latched at all times except during business hours. In lieu of a screening wall or fence, a landscaped strip

containing a solid planting or hedge not less than six (6) feet in Height, which planting shall be maintained in a healthy growing condition and constituting a visual barrier, may be used with approval of the Building Official.

(b) Screening and landscaping strips with adjacent vehicle parking shall be protected from vehicle wheels by a bumper rail or wheel barrier located in compliance with Section 9, Driveways and Parking Lots, of the City of Amarillo's Development Policy Manual.

(c) 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) Screening walls or visual barriers shall be placed along all portions of any affected Premises which abut any paved public Street (with or without Curb and gutter) and extend along the first one hundred fifty (150) feet beyond the Frontage of such Premises along any side thereof; provided, however, this requirement shall not apply where any Building, Structure or any natural vision barriers exists which effectively screens the portions of such Premises.

(Code 1960, § 26-21(B); Ord. No. 6268, § 1(RR), 12-24-96)

Sec. 4-10-269. Screening of land uses other than one-family and two-family land uses.

(a) The side and rear Lot Lines of a non-one-family or non-two-family land use shall be visually screened from immediately adjacent A, R-1, R-2, R-3, MH, or residential PD Zoning Districts when the District boundary line is on an Alley, Easement or common Lot Line. Screening shall not be required when the adjacent Residential property is developed with a non-one-family or non-two-family use.

(b) All screening of a non-one-family or non-two-family site shall be a solid visual barrier not less than six (6) feet in Height and constructed of wood or masonry, or both.

(c) Where a common Lot Line is the Zoning District boundary, the Height requirement of the visual screening barrier shall comply with the Development standards of the most restrictive adjacent Zoning District.

(d) Where a Building wall is erected on the site in the area of required screening, the wall may constitute a portion of the visual screening barrier provided the wall contains no openings.

(e) No portion of a required screening wall or visual barrier shall be utilized for the placement of any Sign or other advertising device.

(f) 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.

(Code 1960, § 26-21(C); Ord. No. 5557, § 2, 11-12-85; Ord. No. 6268, § 1(SS), 12-24-96; Ord. No. 6699, § 12, 12-25-2003)

Sec. 4-10-270. Reserved.

Editor's note: Ord. No. 6699, § 13, adopted Nov. 25, 2003, repealed § 4-10-270, which pertained to off-street parking space, lot or area screening requirements and derived from Code 1960, § 26-21(D); Ord. No. 5557, § 2, adopted Nov. 12, 1985; Ord. No. 5918, § 1, adopted June 25, 1991.

Sec. 4-10-271. Barbed wire, razor wire and electrical fencing.

(a) Barbed wire or razor wire may not be used on fencing except under the following circumstances:

(1) Fencing for property used for agricultural or grazing purposes.

(2) Security fencing for nonresidential uses in Light Commercial, Heavy Commercial, Central Business, Light Industrial and Heavy Industrial Districts where the barbed wire is five (5) feet or more above ground level.

(3) Security fencing for a site operated by a local, State or federal government agency or a franchised utility company where the barbed wire is five (5) feet or more above ground level.

(b) Electrical fences shall be installed in accordance with the National Electrical Code as adopted by the City.

(Code 1960, § 26-21(E); Ord. No. 5631, § 1, 9-23-86; Ord. No. 6268, § 1(TT), 12-24-96)

Secs. 4-10-272--4-10-290. Reserved.

DIVISION 8. PERFORMANCE STANDARDS

Sec. 4-10-291. Generally.

(a) In the I-1, I-2 and PD Industrial Districts, any use indicated as a permitted use in each respective District on the use schedule shall be permitted. In addition, there shall be permitted any other manufacturing, processing, fabricating,

packing or storage use, except those requiring specific use permits, which conform in operation, location and construction to the Performance Standards hereinafter specified for noise, smoke and particulate matter, odorous matter, fire or explosive hazard material, toxic and noxious matter, vibration, glare and Outdoor Storage. Any use indicated as an allowable use in the above-referenced Districts, as shown by section 4-10-82, shall be permitted. There also shall be permitted any other manufacturing, processing, fabricating, packing or storage use, except those requiring a specific use permit, which conforms in operation, location and construction to the Performance Standards hereinafter specified for noise, smoke and particulate matter, odorous matter, fire or explosive hazard material, toxic and noxious matter, vibration, glare and outdoor storage.

(b) The installation of any and all electrical substations that are within one hundred fifty (150) feet of any Residentially zoned or Residentially developed Tract, Parcel or Lot shall conform in all ways, including operation, location and construction, to the Performance Standards for substations hereinafter specified.

(Code 1960, § 26-22(A))

Sec. 4-10-292. I-1 and PD Industrial Districts.

(a) *Noise*. At no point at the Bounding Property Line of any use in the I-1 or PD Industrial Districts shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

(1) Maximum permissible daytime* octave band-decibel limits at the Bounding Property Line in an I-1 or PD Industrial District:

Octave Band (cps)	37 75	75 150	150 300	300 600	600 1200	1200 2400	2400 4800	4800 9600	A Scale
Decibel Band Limit (Db re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65

Note: A Scale levels are provided for monitoring purposes only and are not applicable to detail sound analysis.

*Daytime shall refer to the hours between sunrise and sunset on any given day.

(2) The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards in an I-1 or PD Industrial District:

When noise is present at nightime, subtract (– 7 db.).

When noise contains strong pure-tone components or is impulsive, that is when meter changes at ten (10) decibels or more per second, subtract (– 7 db.).

When noise is present for not more than:

One-half minute in any one-half-hour period;

One (1) minute in any one-hour period add (+10 db.);

Ten (10) minutes in any two-hour period;

Twenty (20) minutes in any four-hour period.

(3) Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.

(b) *Smoke and particulate matter*. No operation or use in an I-1 or PD Industrial District shall cause, create or allow the emission for more than five (5) minutes in any one (1) 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 subsection (b)(1) and (2) shall not apply.

(3) 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.

(4) 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 Tract 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.

(c) *Odorous matter.*

(1) No use shall be located or operated in an I-1 or PD Industrial District which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the Bounding Property Line or any point beyond the Tract on which such use or operation is located.

(2) 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.

(d) *Fire and explosive hazard material.*

(1) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in an I-1 or PD Industrial District except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted 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.

(e) *Toxic and noxious matter.* No operation or use permitted in an I-1 or PD Industrial District shall emit a concentration across the Bounding Property Line of the Tract on which such operation or use is located of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is hereby incorporated by reference and is on file in the office of the Building Official of the City.

(f) Vibration. No operation or use in an I-1 or PD Industrial District shall at any time create earthborne vibration which, when measured at the Bounding Property Line of the source of operation, exceed the limits of displacement set forth in the following table in the frequency ranges specified.

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*

(g) Glare. No use or operation in the I-1 or PD Industrial District shall be located or conducted so as to produce intense glare or direct illumination across the Bounding Property Line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

(Code 1960, § 26-22(B))

Sec. 4-10-293. I-2 District.

(a) *Noise.* At no point of the Bounding Property Line of any use in the I-2 District shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

(1) Maximum permissible daytime* octave band-decibel limits at the Bounding Property Line in the I-2 Heavy Industrial District:

Note: A Scale levels are provided for monitoring purposes only and are not applicable to detail sound analysis.

Octave Band (cps)	37 75	75 150	150 300	300 600	600 1200	1200 2400	2400 4800	4800 9600	A Scale
Decibel Band Limit (Db re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65

*Daytime shall refer to the hours between sunrise and sunset on any given day.

(2) The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards in the I-2 District:

When noise is present at nighttime, subtract (– 7 db.).

When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract (– 7 db.).

When noise is present for not more than:

One-half minute in any one-half-hour period;

One (1) minute in any one-hour period add (+10 db.);

Ten (10) minutes in any two-hour period;

Twenty (20) minutes in any four-hour period.

(3) Measurement of noise shall be made with an octave band analyzer meeting standards prescribed by the American Standards Association.

(b) *Smoke and particulate matter*. No operation or use in the I-2 District shall cause, create or allow the emission for more than five (5) minutes in any one (1) hour of air contaminants which at the emission point or within the bounds of 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 (1) above 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 atmosphere, the standards specified in section 4-10-292(b)(1) and (b)(2) shall not apply.

(3) The emission of particulate matter from all sources in an I-2 District shall not exceed the level specified for Type C Land Use (industrial) by the Texas Air Control Board Regulations for Control of Air Pollution as published by the Texas State Department of Health.

(4) 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 air contaminants, 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 Tract 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.

(c) *Odorous matter.*

(1) No use shall be located or operated in the I-2 District which involves the emission of odorous matter from a source operation where the odorous matter exceeds a concentration at the Bounding Property Line or any point beyond which, when diluted with an equal volume of odor-free air, exceeds the odor threshold (2 odor units).

(2) The odor threshold and odor unit 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 when specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials A.S.T.M.D. 1391-57 entitled Standard Method for Measurement of Odor in Atmosphere shall be used, and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

(d) *Fire or explosive hazard material.*

(1) No use involving the manufacture or storage of compounds or products which decompose

by detonation shall be permitted in the I-2 District except when such use is in conformance with all other ordinances of the City and has been approved by the Fire Department.

(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.

(e) *Toxic and noxious matter.* No operation or use permitted in the I-2 District shall emit a concentration across the Bounding Property Line of the Tract on which such use or operation is located of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is hereby incorporated by reference and is on file in the office of the Building Official of the City.

(f) *Vibration.* No operation or use in the I-2 District shall at any time create earthborne vibrations which, when measured at the Bounding Property Line of the source of operation, exceed the limit of displacement set forth in the following table in the frequency ranges specified:

Frequency (cycles per second)	*Displacement (in inches)*
0 to 10	*.0020*
10 to 20	*.0016*
20 to 30	*.0010*
30 to 40	*.0006*
40 and over	*.0005*

(g) *Open storage.* Open storage of material and commodities is permitted in the I-2 District. No such permitted outdoor storage shall be so located or arranged to intrude into a Public Right-of-way or obstruct the view of such Right-of-way so as to constitute a restriction on the reasonable sight distance on the Right-of-way or at entry to the property therefrom.

(h) *Glare.* No use or operation in the I-2 Industrial District shall be located or conducted so as to produce intense glare or direct illumination across the Bounding Property Line from a visible source of Illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

(Code 1960, § 26-22(C))

Sec. 4-10-294. Electrical substations.

(a) *Noise.* The maximum A-weighted sound levels for any electrical substation shall be as follows:

(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 fifty-five (55) dBA's.

(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's.

(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 three (3) dBA's.

(4)Measurement of noise shall be made with an octave band analyzer meeting standards prescribed by the American Standards Association.

(b) *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 the following table in the frequency ranges specified:

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*

(c) *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.

(d) *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.

(e) *Equipment location*. Any equipment within an electrical substation site shall not be permitted nearer than ten (10) feet to any Property Line.

(f) *Screening.* For an electrical substation located adjoining, contiguous to or within one hundred fifty (150) feet of any Property Line, visual screening shall be required on property lines adjacent to Residentially Zoned or Developed property. Such screening shall consist of masonry or masonry and wood materials to ten (10) feet in Height, the total Height not to exceed twelve (12) feet (including two-foot security fencing on top of the screening) with placement required on or inside the property lines, and in the case of Front Yards, at or behind the Front Yard Setback line. Exception to the screening shall be allowed for two (2) gates, each no more than twenty (20) feet wide, for access to the electrical substation site when screening is required on all sides. No screening shall be required on any portion of such site which is adjacent to a major arterial Street. The screening required herein shall be properly maintained in good condition at all times.

(g) *Notice to the general public.* 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. Such Sign must be placed within twenty-five (25) feet of the property line of greatest dimension paralleling any established or proposed Street and be no less than twelve (12) square feet in size. The Sign required herein shall be properly maintained until the Lot, Parcel or Tract is developed.

(h) 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 Open Space from the proposed location, then the far side of the open space farthest from the proposed location shall be interpreted as the Property Line.

(Code 1960, § 26-22(D))

Secs. 4-10-295--4-10-325. Reserved.

ARTICLES VI--XX. RESERVED

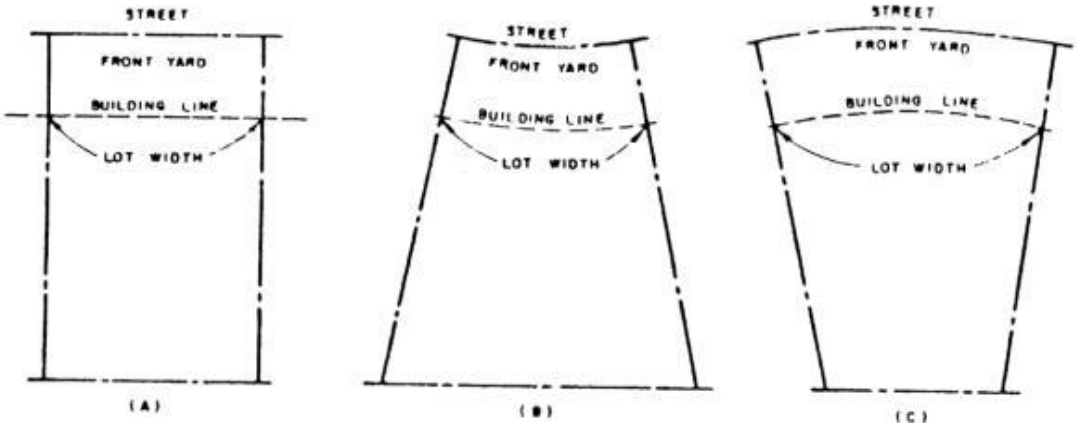
Secs. 4-10-326--4-10-1000. Reserved.

ARTICLE XXI. APPENDIX ILLUSTRATIONS

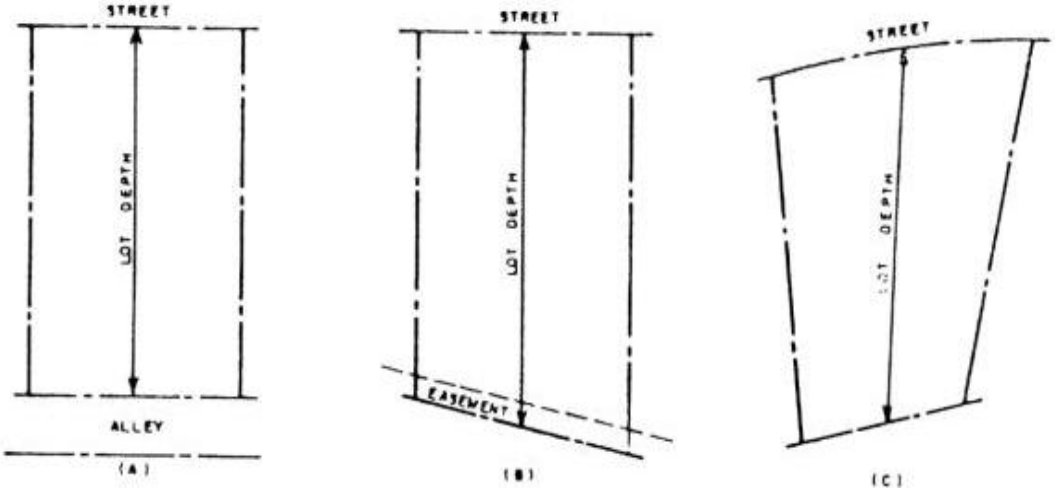
Sec. 4-10-1001. Citation, etc.

The following illustrations are references in this chapter and are applicable to this chapter. The illustrations may be referred to in this chapter as "Appendix Illustration [Number]."

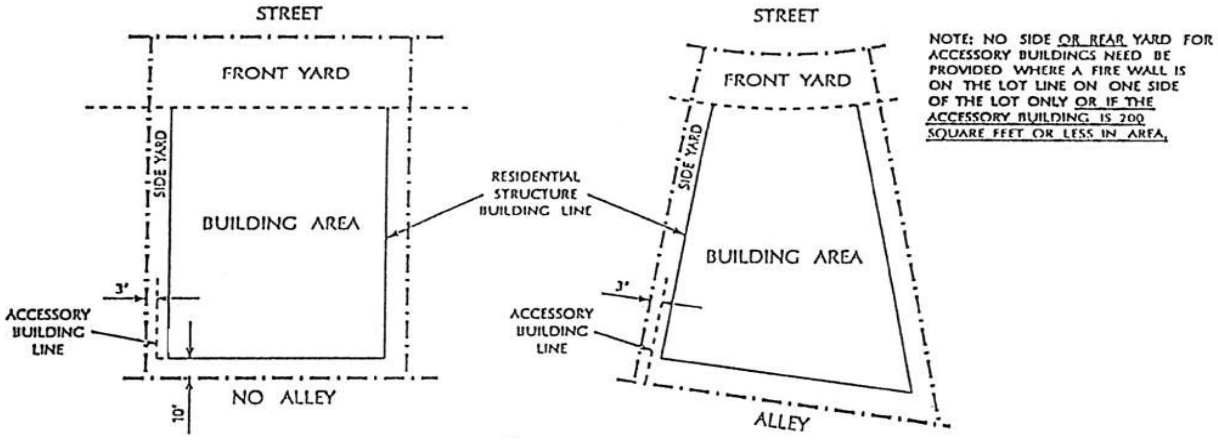
1.
LOT WIDTH



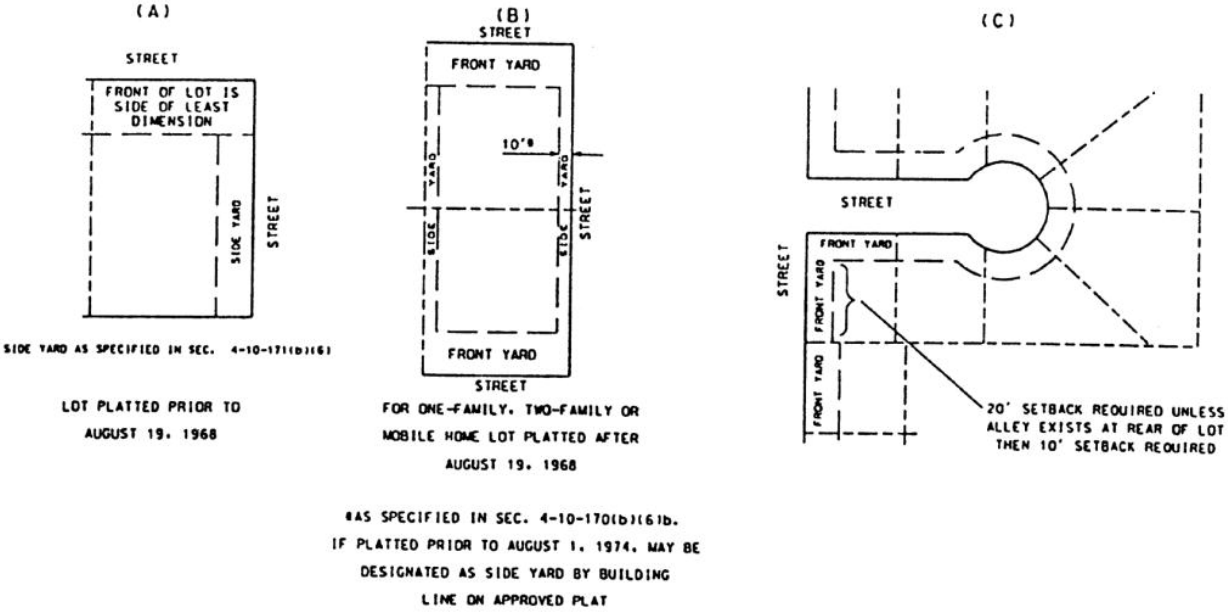
2.
LOT DEPTH



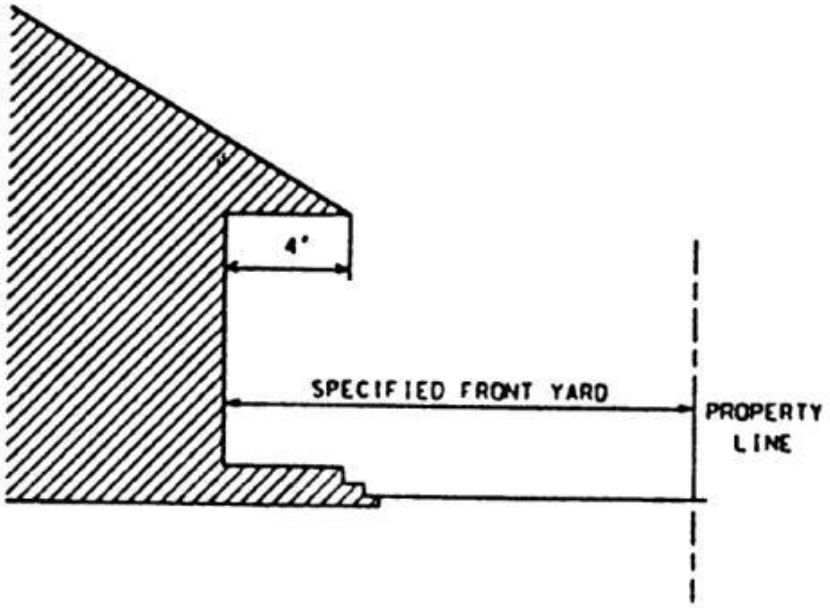
3.
YARDS



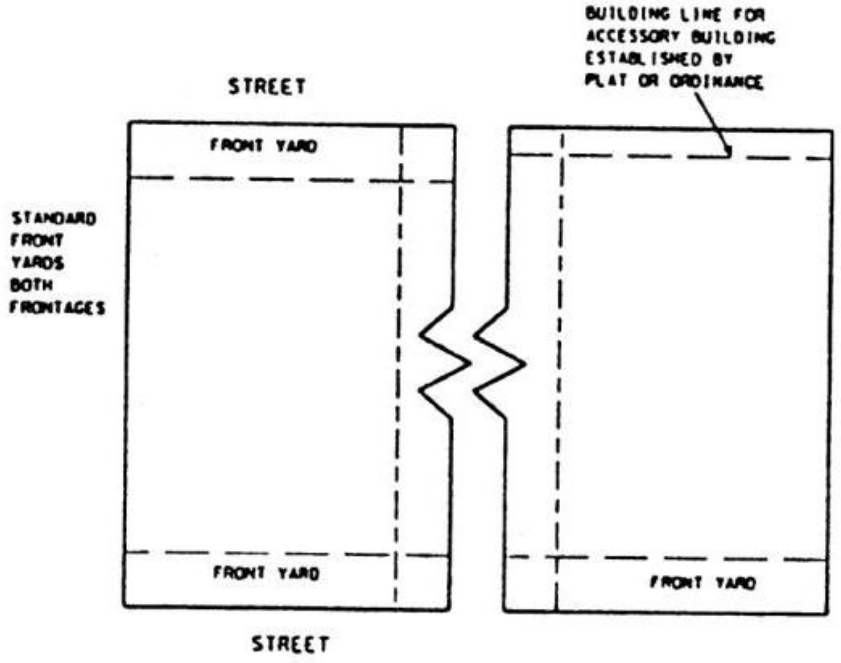
4.
CORNER LOTS
(Ord. No. 6043 § 1(Q), 11-9-93)



5.
METHOD OF MEASURING FRONT YARD



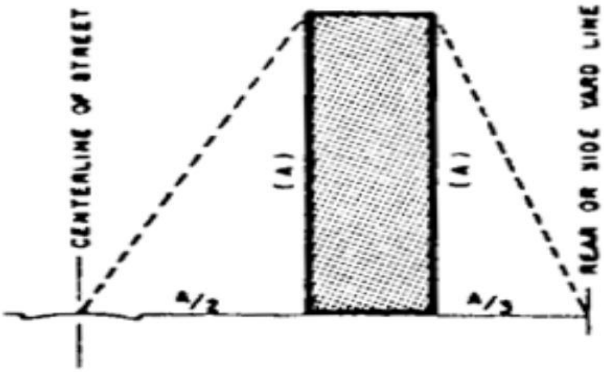
6.
DOUBLE FRONTAGE LOTS



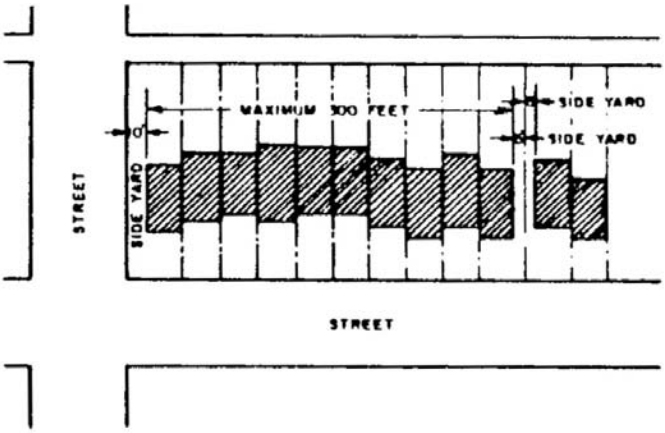
7.
(RESERVED)
(Ord. No. 6268, §1(UU), 12-24-96)

8 – 10
(RESERVED)
(Ord. No. 6043, § 1®- (T), 11-9-93; Ord. No. 6268, § 1 (UU), 12-24-96)

11.
SET BACK STANDARDS HIGH RISE
APARTMENTS & SIMILAR STRUCTURES



12.
SIDE YARD STANDARES
ATTACHED SINGLE FAMILY DWELLINGS



13.
(RESERVED)

Sec. 4-10-1002. Downtown Urban Design Standards.

The Urban Design Standards adopted in Section 4-10-121 on file in the Planning Department of the City.
(Ord. No. 7223, § 5, 7-20-2010)