

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

CHAPTER 4-10 - ZONING



ARTICLE XI. - SUBMITTAL REQUIREMENTS

PUBLIC REVIEW DRAFT

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ARTICLE XI. - SUBMITTAL REQUIREMENTS

Sec. 4-10-325. - Generally.

This Article establishes the information that Applications must include in order to be considered complete for review under Article V, Procedures.

Sec. 4-10-326. - Traffic Impact Analysis (TIA).¹

(a) Purpose.

(1) A Traffic Impact Analysis (TIA) is a specialized engineering study that evaluates the effects of a proposed Development on the surrounding transportation network. These analyses range in detail and complexity depending on the type, size, and location of the proposed Development.

(2) Review and Decision Making Bodies use a TIA to evaluate whether the scale of a proposed Development is appropriate for a particular site given its projected impact on the transportation network and the type of transportation improvements necessary to accommodate the Development.

(3) A TIA enables Review and Decision-Making Bodies to:

- a. Quantify the altered traffic conditions anticipated to result from a proposed Development;
- b. Evaluate the impact of site-generated traffic on the quality of traffic flow within a reasonable distance of the Development site;
- c. Evaluate the impact of site-generated traffic on affected intersections in the vicinity of the Development site;
- d. Evaluate traffic operations and impacts at site access points under projected Peak Hour traffic volumes;
- e. Evaluate the impact of the proposed Development on existing residential subdivision streets in the vicinity of the site;

¹ This new requirement for TIAs implements Comprehensive Plan Strategies #3-10 and 4-19.

f. Understand the impacts that need to be addressed immediately or in the near-term to avoid localized congestion and/or unsafe traffic conditions;

g. Identify what mitigation steps may be necessary, on and/or off the site, to ensure safe and efficient access and maintain traffic flow on affected public Streets and at nearby intersections;

h. Ensure that site access and other improvements needed to mitigate the traffic impact of the Development meet commonly accepted engineering design standards; and

i. Ensure the provision of adequate facilities for pedestrians, transit users, and bicyclists.

(b) **Applicability.**

(1) A TIA is required for the following Applications:

a. **Specific Use Permits and Rezoning to a Planned District.** When the proposed Development meets or exceeds the thresholds specified in [Table. 4-10-326.1](#), a Level 1 or Level 2 TIA shall accompany all:

1. Specific Use Permit Applications and
2. Rezoning Applications where the proposed Zoning District is a Planned District.

b. **Site Plans.** When the proposed Development meets or exceeds the thresholds for a Level 2 analysis specified in [Table. 4-10-326.1](#), a Level 2 TIA shall accompany all Site Plan Applications.

c. **Exception.** When the Applicant has already completed a TIA for the proposed Development through the Specific Use Permit or Rezoning process, an additional TIA is not required for any Site Plans related to the Development.

(2) Pursuant to [Sec. 4-10-327](#), *Technical reports and studies*, a TIA may be required for other types of Applications.

(c) **Completion Date of Traffic Impact Analysis.** The completion date of any TIA submitted to satisfy the requirements of this Section shall be no more than 6 months prior to the date the Applicant submits the analysis to the City.

(d) **Project Phasing.** Development projects shall not be phased or subdivided in order to avoid the requirement to conduct a TIA. The City Traffic Engineer, in consultation with the Planning Director, may consider two or more Developments represented as separate projects to be a single Development for the purposes of traffic impact analysis. This determination shall consider the following factors, which may indicate a common Development effort:

(1) Unified ownership or common management of the projects;

(2) Voluntarily shared infrastructure, or infrastructure that is specifically designed to accommodate both Developments;

(3) A reasonable closeness in time between the construction of one Development and the submission to the County of an Application for a subsequent Development;

(4) A common advertising scheme or promotional plan for the projects; and

(5) Any information provided by the Applicants indicating the Development projects are not being phased or subdivided to avoid the requirements of this Section.

(e) **When additional Traffic Impact Analysis is required.** In phased Development projects, or where an existing land Use or Structure is expanded or enlarged, additional traffic impact analyses are required, if:

(1) The projected vehicle trip generation for the proposed phase or expansion meets the minimum threshold requirements, or

(2) The projected vehicle trip generation for the proposed phase or expansion, in addition to the trips associated with earlier phases, meets the minimum threshold requirements.

(f) **Thresholds and type of analysis required.**

(1) A Level 1 or Level 2 TIA is required based on the number of Peak Hour vehicle trips the proposed Development is projected to generate, as indicated in [Table 4-10-326.1](#).

(2) At the discretion of the Review and Decision-Making Bodies authorized to review the Application, Developments that are projected to generate less than 100 Peak Hour trips may be required to conduct a Level 2 analysis if the proposed Development:

- a. Is likely to have a significant impact on transportation capacity, transportation levels of service, or traffic safety in the vicinity of the proposed Development indicated by factors other than Peak Hour trips; or
- b. Affects a location with a high vehicle crash history; or
- c. Takes place at a high congestion location; or
- d. Creates the fourth leg of an existing signalized intersection; or
- e. Exacerbates an already difficult situation, such as at a railroad crossing, fire station access, school access, or where there is poor roadway alignment.

Table 4-10-326.1 - TIA Thresholds and Type of Analysis Required

Type of Analysis	Threshold
Level 1 TIA – Trip Generation Memo	Less than 100 Peak Hour vehicle trips
Level 2 TIA – Traffic Impact Study	100 or more Peak Hour vehicle trips

(3) **Peak Hour measurement.** For the purpose of determining which type of analysis is required, Peak Hour is measured during the Peak Hour of the adjacent Street or the Peak Hour of the traffic generating land Use, whichever generates the greatest number of trips.

(4) **Redevelopment & change of Use.** For redevelopment projects, including changes of Use, trip generation thresholds are defined as the number of net new trips projected to be generated by the proposed Development over and above the number of trips generated by the current Use of the site.

(5) **Cumulative impact.** Each level of analysis shall reflect the cumulative impacts of the Development, including all existing land Uses and planned future land Uses.

(g) **Level 1 TIA – Trip Generation Memo.**

(1) **Purpose.** A Level 1 analysis is intended as information for Review and Decision-Making Bodies, and to identify whether further analysis is needed based on unique site attributes or Development characteristics.

(2) **Contents.** A trip generation memo includes, at a minimum, all of the following information, as applicable:

- a. General site information (location, acreage, current zoning);

- b. Existing and proposed use(s);
- c. Square footage of existing and proposed non-residential structures;
- d. Number and type of existing and proposed Dwelling Units;
- e. Description of all known land Uses and Structures located on the site for the five years preceding the date of the trip generation memo, regardless of whether the land Use or Structure still exists on the site;
- f. Existing and proposed trips associated with the site;
- g. Description of anticipated impacts on the transportation network and site access points; and
- h. A list of all previous traffic impact analyses conducted for the site.

(h) **Level 2 TIA – Traffic Impact Study.**

(1) **Purpose.** A Level 2 analysis is intended:

- a. As information for Review and Decision-Making Bodies; and
- b. To quantitatively assess the nature and extent of the proposed Development’s impact on the transportation network; and
- c. To identify transportation improvements (and their associated costs) that would offset the proposed Development’s impact on the transportation network.

(2) **Scoping Meeting.**

- a. The type and scope of the study, along with other study elements, shall be determined during a scoping meeting between the Applicant, the Applicant’s transportation engineer, the Planning Director, and the City Traffic Engineer. The meeting may also involve representatives of, or request assessments from, other agencies and departments.
- b. The scoping meeting may be combined with the pre-application conference, if required by **Sec. 4-10-237**, *Pre-application conference*.

c. At least 10 business days prior to the scheduled scoping meeting, the Applicant shall provide the following information to the Planning Director and City Traffic Engineer:

1. Site plan (to scale);
2. Vicinity map;
3. Draft trip generation table for the proposed land Uses and intensities including, as applicable, internal capture, transit capture, and pass-by calculations;
4. Draft trip distribution and assignment;
5. Proposed historical growth rate;
6. Proposed build year(s);
7. Phasing plan.

d. The scoping meeting will determine the specific type of study required. The possible types of Level 2 TIA include: a letter report, full traffic impact analysis report, or special report (e.g., sight distance survey);

e. Additional elements to be determined during the scoping meeting include:

1. Definition of study area;
2. Analysis horizon years;
3. Analysis time period;
4. Data collection requirements; and
5. Growth rate and background traffic assumptions;

(3) **Study elements.** A Level 2 TIA shall include those elements agreed upon in the scoping meeting, in addition to a mitigation plan as described in paragraph (4), below.

(4) **Mitigation plan.**

a. Where the Level 2 TIA indicates the proposed Development will create deficiencies in the study area, the study shall recommend mitigating improvements, including cost estimates.

b. The primary objectives of mitigation are to:

1. Maintain the line of sight at adjacent intersections, and
2. Install traffic signals at intersections if warranted, and
3. Address safety concerns.

c. The Applicant is responsible for funding and constructing the recommended improvements attributable to the proposed Development. A mitigation plan may propose a cost-sharing agreement with other parties responsible in part for traffic impacts included in the TIA or with the City of Amarillo pursuant to Sec. 4-6-66, *Agreements for Public Facilities*, or as otherwise authorized by state law.

d. The design and construction of improvements shall be in accordance with specifications of the Planning Director and/or City Traffic Engineer and, where appropriate, the Texas Department of Transportation.

e. Where a Decision-Making Body determines that a mitigation plan does not adequately address the traffic impacts of the Development, this may serve as a basis for denial of the Site Plan, Specific Use Permit, or Rezoning to a Planned District Application. The Decision-Making Body shall provide to the Applicant, in writing or in the meeting minutes, the reasons for its determination.

(i) **Updates to approved Traffic Impact Analyses.** The Planning Director or City Traffic Engineer may require updates to a previously approved TIA when:

(1) Construction of the proposed Development does not commence in a timely fashion;

(2) The proposed Development is not completed within the timeframe specified in the TIA; or

(3) The Applicant proposes changes in land Use or the scale of Development.

(4) Updates to a previously approved TIA follow the same procedures specified in this Section for a new TIA.

Sec. 4-10-327. - Technical reports and studies.

(a) Purpose.

(1) In the administration of this Chapter, Review and Decision-Making Bodies will occasionally confront proposed Development that has unusually significant consequences or that arouse unusually high levels of citizen interest.

(2) In those cases, the Review and Decision-Making Bodies may find that the procedures specified in the sections of this Chapter that govern the case do not allow a full and complete examination and articulation of the environmental and other impacts of the proposed Development. This situation is expected since those procedures are generally tailored to the more average or routine cases and are designed to balance the need of the board, commission, or department for information against the burdens that a more complete procedure imposes upon landowners.

(3) Therefore, this Section provides a special procedure to handle more complex cases or Applications.

(b) Applicability.

(1) The Planning Director, Urban Design and Historic Preservation Commission, Planning and Zoning Commission, Zoning Board of Adjustment, or City Council may require Applicants to submit technical reports and studies that are necessary to enable the Review and Decision-Making Bodies to comply with the standards for approving an Application.

(2) This Section applies to:

- a. Rezoning to a Planned District (see [Sec. 4-10-250](#), *Rezoning*);
- b. Specific Use Permits (see [Sec. 4-10-251](#), *Specific Use Permits*);
- c. Certificates of Appropriateness (see [Sec. 4-10-252](#), *Certificates of Appropriateness*); and
- d. Variances (see [Sec. 4-10-258](#), *Variances*).

(3) These reports and studies are listed in [Table 4-10-329.1](#), *Submittal Requirements for Zoning Applications*.

(c) General requirements.

(1) A technical report or study may be requested by the:

- a. Planning Director;
- b. Urban Design and Historic Preservation Commission;
- c. Planning and Zoning Commission;
- d. Zoning Board of Adjustment; and
- e. City Council.

(2) The person or firm preparing the technical report or study is subject to the approval of the agency requesting the report or study.

(3) The Applicant shall bear the costs of all reports and studies.

(d) Technical report or study required by Planning Director or Urban Design and Historic Preservation Commission.

(1) The Planning Director or Urban Design and Historic Preservation Commission may require the submission of a technical report or study prior to acting on the Application.

(2) Any decision of the Planning Director or Urban Design and Historic Preservation Commission to require a technical report or study or to disapprove the person or firm selected by the Applicant to prepare the report or perform the study may be appealed to the Zoning Board of Adjustment (see [Sec. 4-10-256](#), *Appeals*).

(e) Technical report or study required by Planning and Zoning Commission.

(1) The Planning and Zoning Commission may require the submission of a technical report or study prior to issuing its recommendation on the Application.

(2) Any decision of the Planning and Zoning Commission to require a technical report or study or to disapprove the person or firm selected by the Applicant to prepare the report or perform the study may be appealed to the City Council. Such appeal shall:

- a. Be made within 10 days of the Planning and Zoning Commission's decision;
- b. Be provided in writing; and

c. Set forth the basis for the Applicant's appeal.

(f) Technical report or study required by Zoning Board of Adjustment or City Council.

(1) The Zoning Board of Adjustment and City Council may require the submission of a technical report or study prior to acting on the Application.

(2) Any decision of the Zoning Board of Adjustment or the City Council to require a technical report or study or to disapprove the person or firm selected by the Applicant to prepare the report or perform the study is final.

(g) Determination that technical reports or studies are needed.

(1) The Review or Decision-Making Body that has before it a matter listed in this Section may, for reasons stated in a written determination, decide that the particular Application, raises unusually significant questions of impact (environmental or other) or that an unusually high level of citizen interest is evidenced in the proposed Use, change, or amendment, or both.

(2) The written determination shall set forth the impact questions on which the Review or Decision-Making Body requires research, data, and input from affected or interested persons. The listing of impact questions can include items of data that this Chapter already enables the Review or Decision-Making Body to obtain, or it may include additional items of information that are relevant to the impact questions specified in the resolution.

(3) The written determination may also assign responsibility for the acquisition of data on the specified impact questions to City agencies or officials, or to officials or agencies in other units of government who have or may be willing to assist the Applicant.

(4) The written determination may establish:

- a. A date for the return of the requested data and information and
- b. The format in which the data is to be presented.

(h) Suspension of time limits to allow for technical study and review.

(1) Prior to commencing activities under this Section, the Review or Decision-Making Body shall consult the provisions of Article V, *Procedures*, under which it is operating and its legal counsel to determine the time limits, if any, that are placed upon its deliberations on the Application.

(2) Those time limits not specified in state law and that do not permit the Review or Decision-Making Body sufficient time to conduct a technical study and review under this Section may be suspended by adopting a motion. This supersedes any contrary provision of this Chapter.

(3) If the time limits set by state law conflict with the availability of reasonable time for technical study and review, the Review or Decision-Making Body may formally request that the Applicant consent to a reasonable and adequate extension of time.

Sec. 4-10-328. - Digital Applications.

*Digital Applications are required in accordance with **Table 4-10-329**, Submittal Requirements for Zoning Applications.*

Sec. 4-10-329. - Application checklists.

(a) This Section lists the materials that Applications requiring approval by a Board, Commission, or City Council must include in order to be considered complete for review under Article V, *Procedures*.

(b) The materials required for Applications that are administratively approved are listed in one or more checklists that are maintained by the Planning and Development Services Department.

(c) The Review or Decision-Making Body may request additional information concerning the Lot(s) subject to a particular Application necessary to enable the Review or Decision-Making Body to comply with the standards for approving an Application.

(d) If an item required in **Table 4-10-329.1**, *Submittal Requirements for Zoning Applications*, is not relevant to a particular Application, the Applicant must provide a written explanation why the particular item is not provided.

<see 11 Table 4-10-329 Submittal Requirements.Public Review Draft 10-12-20.pdf>

Sec. 4-10-330. - Fees.

(a) The fees established in this Section are utilized to help defray necessary administrative costs of processing the Application as required, including publication and mailing of required notices.

(b) Fees for Applications required by this Chapter are established in **Table 4-10-330.1**.

Table 4-10-330.1 – Application Fees	
Type of Application	Application Fee
Landscaping and Irrigation Plan	\$0
Site Plan	\$0
Comprehensive Plan Amendment ²	\$800
Rezoning	\$800
Rezoning – Amendment to an Existing Planned District	\$600
Appeal of Planning & Zoning Commission recommendation for disapproval of a Rezoning Application, filed at noon or earlier on the day following the Planning and Zoning Commission meeting (see Sec. 4-10-250(i))	\$0
Appeal of Planning & Zoning Commission recommendation for disapproval of a Rezoning Application, filed after noon on the day following the Planning and Zoning Commission meeting (see Sec. 4-10-250(i))	\$350
Specific Use Permit	\$685
Certificate of Appropriateness	\$200 per site, Building, object, or Structure
HP-O Designation ³	\$800
H-L Designation	\$325 per site, Building, object, or Structure
Certificate of Occupancy and Compliance	See Sec. 4-1-2, <i>Building permit and inspection fee schedule</i>
Appeal	\$350
Special Exception	\$500
Variance	\$500
Re-Notification Supplementary Fee (applies when a delay caused by the Applicant necessitates re-notification regarding an Application)	\$160

(c) **Fee refunds.**⁴ Fees collected in accordance with this Chapter may be refunded under the following conditions when requested in writing by the person who paid the fee within 180 days of the collection of the fee.

(1) **Fee collected in error.** Any fee under this Chapter that was collected in error shall be refunded in its entirety.

² This is a new procedure. The proposed fee is consistent with that required for Rezoning.

³ The current fee to establish an Historic District is \$375 [Sec. 4-11-8(a)(2)]. However, this procedure is a specific type of Rezoning and should require the same fee as a Rezoning Application.

⁴ Provisions for fee refunds are new. Added per staff comments.

(2) **Application fee.** When an Application is withdrawn by the Applicant before any plan review by the City has begun, then 80 percent of the Application fee⁵ shall be refunded. If the plan review has begun, then no refund shall be granted.

Sec. 4-10-331. - Reserved.

Sec. 4-10-332. - Reserved.

Sec. 4-10-333. - Reserved.

Sec. 4-10-334. - Reserved.

Sec. 4-10-335. - Reserved.

Sec. 4-10-336. - Reserved.

Sec. 4-10-337. - Reserved.

Sec. 4-10-338. - Reserved.

Sec. 4-10-339. - Reserved.

⁵ This provision for 80% refund is consistent with Sec. 4-1-3(d), which applies to building-related permits and fees.