

City of Amarillo Zoning Ordinance Revision

Overview of Revisions in Module 3

Introduction

The City of Amarillo Zoning Ordinance Revision will be completed in three modules:

Module 1: Introduction, Zoning Districts, & Use Regulations

Module 2: Development Standards (parking, landscaping, etc.)

Module 3: Procedures, Administration, & Definitions

Because the proposed changes to the Zoning Ordinance are comprehensive, it is difficult for staff, elected and appointed officials, and the public to digest the revisions in a single draft. Drafting in modules provides manageable portions of the ordinance for review, as well as an opportunity to “check in” with the community to receive feedback at key points in the revision process.

Following review of Module 3, the consultant team will revise the drafts based on feedback and input received and prepare a Public Hearing Draft of the complete, revised Zoning Ordinance.

Overview of Module 3

Module 3 includes the following articles:

- Article V - Procedures
- Article VI - Nonconformities and Vested Rights
- Article VII - Agencies
- Article VIII - Enforcement
- Article IX - Rules of Interpretation and Definitions
- Article X - Legal Provisions
- Article XI - Submittal Requirements

Also included for review in Module 3 is the Airport Overlay District (A-O) and new BYOB Venue and BYOB Event use regulations.

Key Revisions/Topics

Procedures (Article V)

Currently, procedural material is codified throughout the Zoning Ordinance and the related chapters in Title IV, with little integration or common formatting. For the casual reader, it is difficult to determine where an individual procedure fits into the overall process workflow, who the procedure applies to, or what an approval authorizes.

Article V consolidates all zoning-related procedures and largely carries forward existing requirements, clarifying or augmenting them where needed. Division 1 establishes general rules for procedures, such as pre-application conferences and notice requirements, while Division 2 describes the process for specific land use decisions, such as Site Plans, Rezonings, and Variances. The procedures generally share a common workflow and description, as follows:

Table 4-10-235.1 - Procedure Workflows	
Element	Meaning
Purpose	Explains the reasons for a particular procedure.
Applicability	The type of Development or situation that is subject to the process.
Initiation	This is how the Applicant begins the process, including which department or official receives the Application.
Completeness	This is how the City of Amarillo determines that the Application has sufficient information to be processed.
Notice	This describes the type of notice, and how it is provided.
Approval Process	This states who approves the Application, and the type of proceeding that leads to the decision.
Approval Criteria	These are any standards that apply to the Application. All Applications are subject to this Chapter and Zoning District regulations.
Reapplication	If an Application is denied, some processes have a waiting period before that type of Application can be re-filed for the property.
Appeals	This provides a way to review an Application that is denied, or that have conditions the Applicant disagrees with.
Scope of Approval	This states the activities that the Application authorizes. For example, some approvals send the Applicant to the next step in the overall process, while others authorize construction or Use.
Recordkeeping	Some procedures have specific requirements for maintaining records of Applications and actions, which are included in this Article. City record retention policies govern other recordkeeping requirements.

Article V establishes a new procedure for amendments to the Comprehensive Plan. This section allows a property owner to request an amendment to the Future Land Use Map as it pertains to their property.

Nonconformities (Article VI)

When a zoning code is adopted or changed, existing development may or may not meet the new zoning requirements. Uses, lots, structures, and site improvements that do not meet the new requirements are considered legal nonconforming (or “grandfathered”) if they were established or built in accordance with the laws applicable at the time of their establishment or construction. Zoning codes typically allow nonconforming uses to continue and nonconforming structures to be occupied, but limit or prohibit changes to the use or structure. Often, compliance with new regulations is triggered when changes or improvements go beyond a certain threshold.

When codes are adopted or changed, they reflect the community’s current goals and policies. If existing development no longer conforms to desired development patterns, it is in the community’s interest to bring the uses and structures into compliance, over a reasonable period of time, when the property owner proposes changes to the property.

The City’s current nonconformity regulations address land uses and structures that do not comply with current setback, height, or parking requirements. However, this does not reflect the entire spectrum of nonconforming situations, which also includes lots and site improvements (other than parking), for example. Therefore, the City’s current nonconformity regulations are carried forward, with two notable revisions.

First, the “abandonment period” for nonconforming uses is reduced from one year to six months (180 days). This reduces the length of time a nonconforming use can be discontinued without having to comply with new code provisions. Under the current code, a property’s nonconforming use can be reestablished, so long as it isn’t discontinued for more than one year. Under the revised code, a six-month period of discontinuance would require compliance with the new code upon the property’s use being reestablished.

Second, the threshold at which a damaged nonconforming structure located in the Airport Overlay District must be replaced is reduced from 60% to 50% (of structural value). The 50% standard is already the current threshold for damaged nonconforming structures located outside the A-O District. This revision creates consistency with the AO Overlay areas.

Article VI adds an automatic 10% building setback reduction for nonconforming lots to encourage infill development and redevelopment. In other words, a nonconformity of 10% or less will be considered compliant with the new code in these cases.

Article VI also adds provisions for nonconforming site improvements (e.g., landscaping). It requires a property owner to bring nonconforming site improvements into compliance with current requirements when alterations to a building are proposed that increase floor area or

usable seating area by more than 3,000 square feet or 35% of gross floor area (whichever is less), or when the number of off-street parking spaces increases by more than 35%. This provides flexibility for redevelopment, while balancing the need to bring nonconformities into compliance with current regulations over a reasonable period of time.

Traffic Impact Analyses (Article XI)

Module 3 introduces a new technical requirement for larger developments—the Traffic Impact Analysis. 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.

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.

A TIA is required for Specific Use Permits, Rezoning to a Planned District, and Site Plans **if** the proposed development meets or exceeds the thresholds specified in Table 4-10-326.1.

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

Where a Level 2 TIA indicates the proposed development will create deficiencies in the transportation system within the study area, the TIA will recommend mitigating improvements, such as deceleration lanes or traffic signals. Review and Decision-Making Bodies may establish requirements for mitigation of transportation system impacts attributable to the proposed Development, based on the Level 2 TIA.

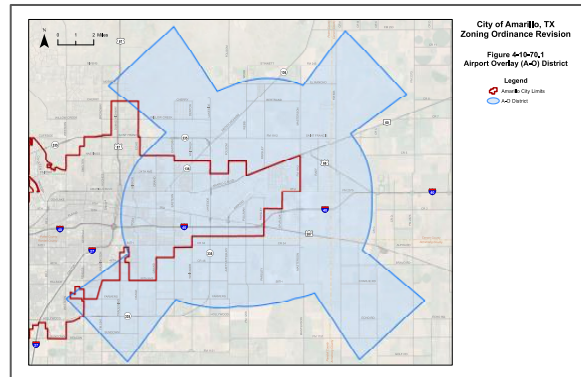
This implements Comprehensive Plan Strategies #3-10 and 4-19, which recommend the City adopt requirements for TIAs to protect roadway capacity and safety, especially in fringe and rural areas with limited existing road infrastructure (and no near-term improvement plans).

Airport Overlay District (Article II)

The A-O, Airport Overlay District, is a new zoning district that carries forward and updates the City’s current airport zoning regulations (Chapter 4-9). The draft A-O reflects input from Amarillo Airport staff.

Both the current airport zoning regulations the proposed A-O apply within the City limits, well as within Amarillo’s Extraterritorial

Jurisdiction. These are the only zoning regulations that apply in the ETJ.



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The A-O regulates height in Height Hazard Zones and land use in Noise Zones and a Wildlife Hazard Zone. The regulations pertaining to the Height Hazard and Noise Zones are carried forward from Chapter 4-9 and updated to reflect the current Airport Master Plan and Airport Layout Plan, as well as current Federal Aviation Administration (FAA) guidance.

The Wildlife Hazard Zone limits land uses that have the potential to attract wildlife, particularly birds, that can create a hazard to pilots (e.g., landfills). The Wildlife Hazard Zone is a 5-mile radius around the Amarillo Airport boundary, which is consistent with FAA guidance. This zone is new, and addresses a concern expressed by Airport staff.

The Amarillo Airport fulfills an essentially community purpose. The A-O District protects the Airport from potential hazards that could affect the approaches to the runways and endanger pilots and passengers. The A-O District also protects the health, safety, and welfare of the owners, occupants, and users of the land surrounding the airport by limiting noise-sensitive land uses in the Airport Noise Zones where aircraft noise is highest.

BYOB Venues & BYOB Events (Article III)

Module 3 proposes use regulations for BYOB Events, a temporary use, and BYOB Venues, an emerging land use that the Zoning Ordinance currently does not address.

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

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

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

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

Submittal Requirements (Article XI)

This Article consolidates submittal requirements for all procedures established in Article V. It includes requirements for TIAs (described [above](#)) and other technical reports and studies, application checklists, and fees.

Technical Reports and Studies

In the administration of the Zoning Ordinance, Review and Decision-Making Bodies will occasionally confront proposed development that has unusually significant consequences or that arouse unusually high levels of citizen interest.

In those cases, the Review and Decision-Making Bodies may find that the procedures specified in the Zoning Ordinance 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.

Article XI provides a special procedure to handle more complex cases or applications.

For Rezoning to a Planned District, Specific Use Permits (SUP), Certificates of Appropriateness (COA), and Variances, 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.

Depending on the type of application, these reports and studies may include a/an:

- Expert real estate evaluation;
- TIA;
- Engineering study;
- Geologic or hydrologic study;
- Environmental impact report;
- Noise study;
- Market study;
- Economic impact report; or
- Architectural survey.

Application Checklists

Article XI consolidates submittal requirements into a matrix (Table 4-10-329.1), which simplifies and reduces redundancy in the Zoning Ordinance. For Module 3, the matrix includes submittal requirements for all types of applications, including those approved at staff-level (e.g., Site Plans). The matrix in the final Zoning Ordinance will include only those applications requiring review by a board, commission, and/or City Council. Submittal requirements for staff-approved applications will be maintained outside the Zoning Ordinance so they can be updated by staff as needed.

Fees

This section carries forward current fees. No changes are proposed, except to fees for an application to establish an historic district (i.e., HP-O, Historic Preservation Overlay District). The current fee for this type of application is \$375. However, the establishment of an HP-O is a special type of Rezoning and should require the same fee (\$800).

This section also establishes a fee for a new procedure, Comprehensive Plan Amendments (see [Procedures](#)). This fee \$800, consistent with the fee for Rezonings.

Definitions (Article IX)

This section of the Zoning Ordinance undergoes ongoing development and refinement throughout the drafting process. A current working draft of the definitions is provided with the Module 3 drafts.