



# **DRAFT**

## **CHAPTER 22**

# **DEVELOPMENT REGULATIONS**

Fort Worth uses development regulations, including a Zoning Ordinance and Subdivision Ordinance, to guide the development pattern and use of private land in order to maximize the City's full economic potential without compromising the quality of life for residents. These two development regulations are used to implement the policies and strategies discussed in Chapter 4: Land Use.

Zoning and subdivision regulations are the City's primary tools to implement the Land Use component of the City's Comprehensive Plan. Through implementation of thoughtful development regulations, the City promotes orderly growth and fiscally beneficial development, while enhancing the existing neighborhoods and building an attractive, efficient, and economically successful community. Many of the goals of the Comprehensive Plan can be achieved through the implementation of local development regulations authorized by State enabling legislation. Chapters 211 and 212 of the Texas Local Government Code contain zoning and subdivision enabling language for Texas municipalities. The primary purpose of these regulations is to promote "the public health, safety, morals, or general welfare of the municipality."

## 1925

Establishment of the City Plan Commission by Ordinance

## 5

Miles is the Distance the Extraterritorial Jurisdiction (ETJ) Extends Beyond the City Limits

## 1

Acre is the Size of a Typical Downtown Fort Worth Block

## 5

Minutes is a Typical 1/4-Mile Comfortable Walk

## 1940

First Formal Zoning Ordinance Enacted in Fort Worth

## 5

Counties Coordinate with Fort Worth to Regulate Land Subdivision (Tarrant, Denton, Johnson, Parker, and Wise)

## 40

Acres is the Typical Suburban Superblock (includes cul-de-sacs)

## 2-3x

More Distance Can be Covered in a 5-Minute Walk Where Streets are Arranged in an Interconnected Grid



### THE ZONING ORDINANCE CONTROLS SIX ATTRIBUTES OF PROPERTY



Source: (Interconnected Grid) Transportation Research Record, "Site Design and Pedestrian Travel", 1999; City of Fort Worth, Development Services Department, Zoning Ordinance, 2022.

## RELATIONSHIP BETWEEN PLANNING AND ZONING

Long-range planning involves taking an inventory of development alternatives, analyzing collected data, projecting future growth, reviewing development alternatives, and establishing policies to be implemented in the future. Planning goals, objectives, policies, and strategies are found in the comprehensive plan and take a long-term view of city growth.

Day-to-day zoning and platting activities are referred to as current planning. The Development Services Department carries out implementation of the long-term planning codified in the zoning and platting ordinances and is overseen by the boards and commissions described in this chapter.

## ELEMENTS OF THE ZONING ORDINANCE

Zoning is the legal mechanism by which government entities control development on land within their jurisdiction, primarily by designating land for certain uses or categories of uses (zones). The Zoning Ordinance is composed of two parts: the written regulations and an official zoning map.

The zoning map organizes all land within the city limits into specific zoning district classifications, and the text describes detailed requirements for each of those districts which permit certain land uses and prohibit others. The zoning map should be consistent with the long-range comprehensive plan's land use plan — as depicted in the adopted future land use map — but it does not have to be identical.

The text of the ordinance contains the community development objectives and the necessary technical provisions to regulate the use of land, structures, and standards. Conventional zoning standards place a primary emphasis on the regulation of land uses, including the separation of incompatible uses, such as between residential and heavy industrial uses. The standard zoning districts of residential, commercial, community facilities, and industrial are followed with sections addressing parking, signs, historic preservation, non-conforming uses, variances, landscaping, urban forestry, and mixed-use districts.

## MIXED-USE ZONING DISTRICTS

Mixed-use development standards and guidelines focus on promoting a pedestrian-oriented urban form of development that complements and enhances the surrounding area's historic urban development patterns.

1. Promote a pedestrian-oriented urban form.
2. Require excellence in design of the public realm and of buildings that front public spaces.
3. Encourage creativity, architectural diversity, and exceptional design.
4. Promote sustainable development that minimizes negative impacts on natural resources.
5. Promote walkability as a creator of a desirable place to live, work, and play.
6. Maximize access and connectivity among uses and amenities, including transit facilities.
7. Promote affordable housing and mixed-income communities based on geographic growth projections and the needs of current and future residents.
8. Provide housing choices to accommodate families, single occupants, the elderly, and those with disabilities within the same walkable neighborhood.



*Connectivity and access can be accomplished by creating smaller blocks or by providing access through blocks via publicly accessible alleys, pathways, paseos, and pedestrian boulevards.*

*Source: SPUR San Jose, Paseo de San Antonio, credit: Sergio Ruiz, 2013.*

## INFILL DEVELOPMENT

The City of Fort Worth has remarkable opportunities for infill development in the urban core. The City encourages the development of underused or vacant land in the central city to more efficiently and cost effectively accommodate growth, while better utilizing development near existing resources and infrastructure. Promoting these vacant or underutilized commercial and industrial-zoned areas to redevelop with a wider mix of uses — including new housing — can help revitalize these areas and improve surrounding neighborhoods.

Infill development accommodates environmentally sustainable urban growth by capitalizing on existing utility and transportation infrastructure. Mixed-use infill development can effectively add to the city's range of housing options, satisfying market demand for more compact, walkable neighborhoods that typically do not exist in suburban single-family developments. Infill developments within the central city can often take advantage of shorter block lengths, mixed land uses, access to transit, and existing buildings that small-scale local retailers find preferable, and pedestrians enjoy. Transit is often better able to access and serve these areas.

## 40 - 400%

Higher Costs to Residents and Governments are Associated with Sprawl, Over the Long Term, According to Research from the Urban Land Institute

## \$1 trillion

Per Year in Added Costs to Residents and Governments from Urban Sprawl, According to Research from The Urban Land Institute

## DEVELOPMENT IN THE ETJ

The City uses the Zoning Ordinance to guide land development inside the city limits, but neither the City nor the pertinent counties have land use regulation authority in the extraterritorial jurisdiction (ETJ). Consequently, vacant lands within the City's ETJ, outside the city limits, are being developed as suburban neighborhoods without the benefit of municipal land use control and infrastructure planning. This growing development trend results in the City's leapfrog development, with suburban sprawl occurring far from existing City infrastructure and services.

### BENEFITS OF URBAN INFILL

- 1 COST EFFICIENCIES**  
Infill projects can use existing infrastructure to redevelop sites at a lower cost.
- 2 IMPROVED COMMUNITIES**  
Well-designed infill can revitalize communities by introducing new local amenities, housing options, and economic opportunities, while reducing the distances people need to travel, and bringing public transit within reach of more households.
- 3 ACCESS TO JOBS & RESOURCES**  
Infill encourages more diverse and affordable housing options and brings new housing closer to jobs and community resources.

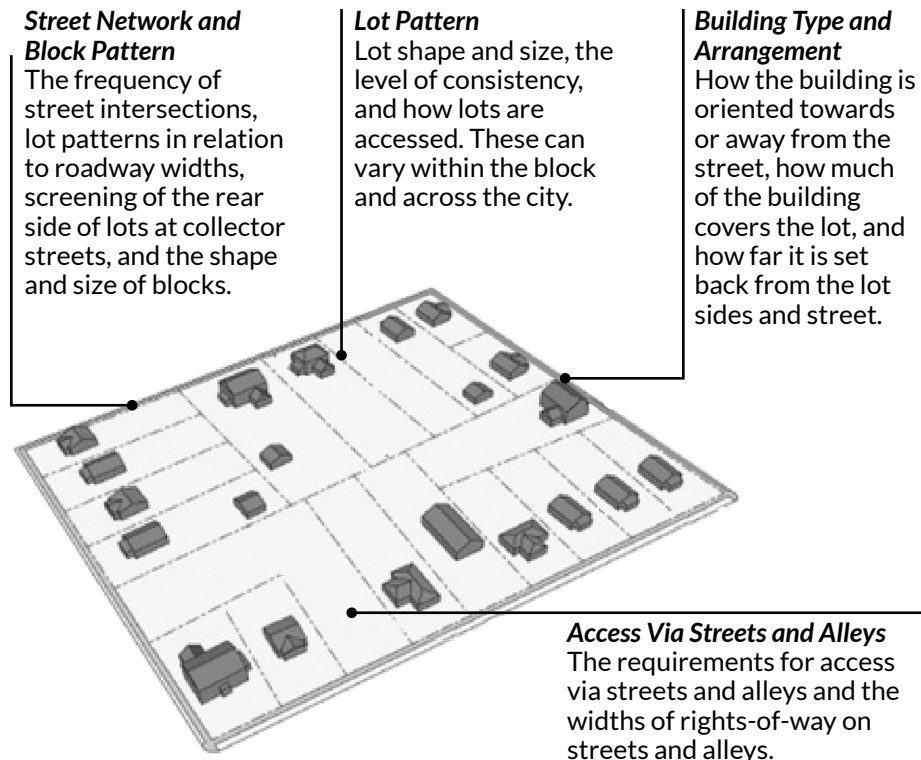
Source: ULI & Urban Land, "Report Estimates Sprawl's Cost to United States at \$1 Trillion per Year", March 23, 2015.

## LAND DEVELOPMENT PROCESS

The Subdivision Ordinance implements the land development process by governing plats and subdivisions of land. The City uses the Subdivision Ordinance to guide the land development process by regulating the form and arrangement of built elements, thereby protecting the public from undesirable development practices and promoting more livable neighborhoods and sustainable infrastructure.

Elements include the location and interconnectivity of streets, alleys, driveways, sidewalks, easements, and drainage facilities; the shape and location of lots and blocks; and the provision of open space.

## ELEMENTS REGULATED BY ZONING & SUBDIVISION ORDINANCES



## POLICIES ADOPTED BY REFERENCE

The Subdivision Ordinance incorporates adopted design standards and policy manuals of other City departments and the Texas Local Government Code. Plats, plans, and proposed public improvements are regulated by the Subdivision Ordinance, along with Master Thoroughfare Plan updates and freeway access management.

A section has been added to the Subdivision Ordinance to address adequate public facilities and infrastructure. In conjunction with these, changes have been made to the Community Facility Agreements (CFA) policy, design manuals, and other policies to address how to make development sustainable, and how to make development pay for itself in a manner that is proportional to what is being proposed by the development.

Community Facilities Agreements ensure that developments are adequately served by public infrastructure and that the public infrastructure is constructed according to City standards. In 2015, an ordinance update for Community Facility Agreements (CFA) revised regulations for public infrastructure and the dedication of property, right-of-way, and easements within the City and its extraterritorial jurisdiction. New Administrative Guidelines for the Community Facilities Agreements Ordinance was codified in 2019. The recent changes are a result of staff engagement and collaboration efforts with the Development Advisory Committee and development stakeholders in the community. Ongoing and meaningful opportunities for stakeholder participation in proposed changes to guidelines have ensured that such changes are generally supported by the development community.

## PLATTING

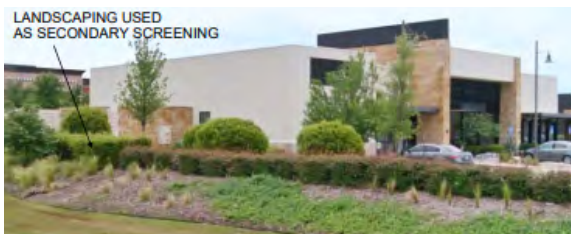
The Subdivision Ordinance provides for the recording of land subdivision plats with the county. A parcel must first be properly platted before a building permit can be issued. The City of Fort Worth requires decisions on easements and land dedications, including right-of-way and open space dedications, to be completed prior to the dedication of the plat. This benefits the plat applicant because it clears the path for a quick building permit approval.



Urban Design districts play a crucial role in the economic and physical revitalization of private and public spaces throughout Fort Worth. The intent of these districts is to create vibrant, mixed-use, urban districts using certain general development principles to shape redevelopment. Most of Fort Worth's design district standards and guidelines focus on promoting a walkable, urban form of development, consistent with the district's historic urban character. The focus on form and design promotes buildings that conform to tested urban design principles, and that adapt to changing conditions over time.

## OVERLAY DISTRICTS

Design overlays are used together with base zoning districts to place additional development standards on property beyond what is provided through the base zoning. Design overlays function as the icing on top of a cake, which is the base zoning. Overlay districts have standards and guidelines that are developed to improve and protect the appearance, value, and function of properties within the district. The standards and guidelines allow for creativity and variety within a framework of basic design parameters.



Example of compliant screen walls from the I-35 Design Overlay District's standards and guidelines.

Source: Preservation & Design, Development Services, 2021.

## FORM-BASED ZONING DISTRICTS

Form-based zoning districts regulate the relationship of private development to the public realm by prescribing building location and form. A form-based code is a set of base zoning regulations adopted by City Council to govern how development fits into the area's overall environment. Unlike conventional zoning, which separates use from a building's design and development standards, form-based code districts focus on building form and design within the public realm to engage pedestrians and bring vitality to the area, while allowing for a broad mix of traditional uses.

### WHAT IS A FORM-BASED CODE?

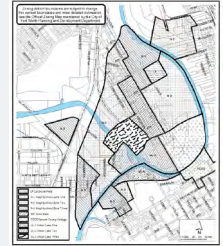
"A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.... Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks."

--Form-Based Codes Institute

## ELEMENTS OF FORM-BASED CODES

### 1. REGULATING PLAN

A plan or map of the regulated area designating the locations where different building form standards apply.



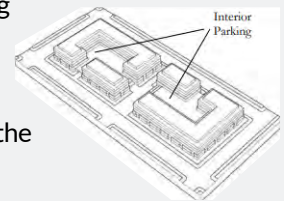
### 2. PUBLIC STANDARDS

Specifies elements in the public realm: sidewalk, travel lanes, on-street parking, street trees and furniture, etc.



### 3. BUILDING STANDARDS

Regulations controlling the features, configurations, and functions of buildings that define and shape the public realm.



### 4. PROCESS

A clearly defined and streamlined application and project review process.

### 5. DEFINITIONS

A glossary to ensure the precise use of technical terms.

Image Source: Images from the Panther Island form-based code.  
Source: City of Fort Worth, Development Services Department, Preservation & Design Division, 2022.

## FORM-BASED CODE DISTRICT *Example: Stockyards FBC, Mule Alley*



## DESIGN-BASED DISTRICT *Example: The Cultural District*



## HISTORIC DISTRICT *Example: Mistletoe Heights*

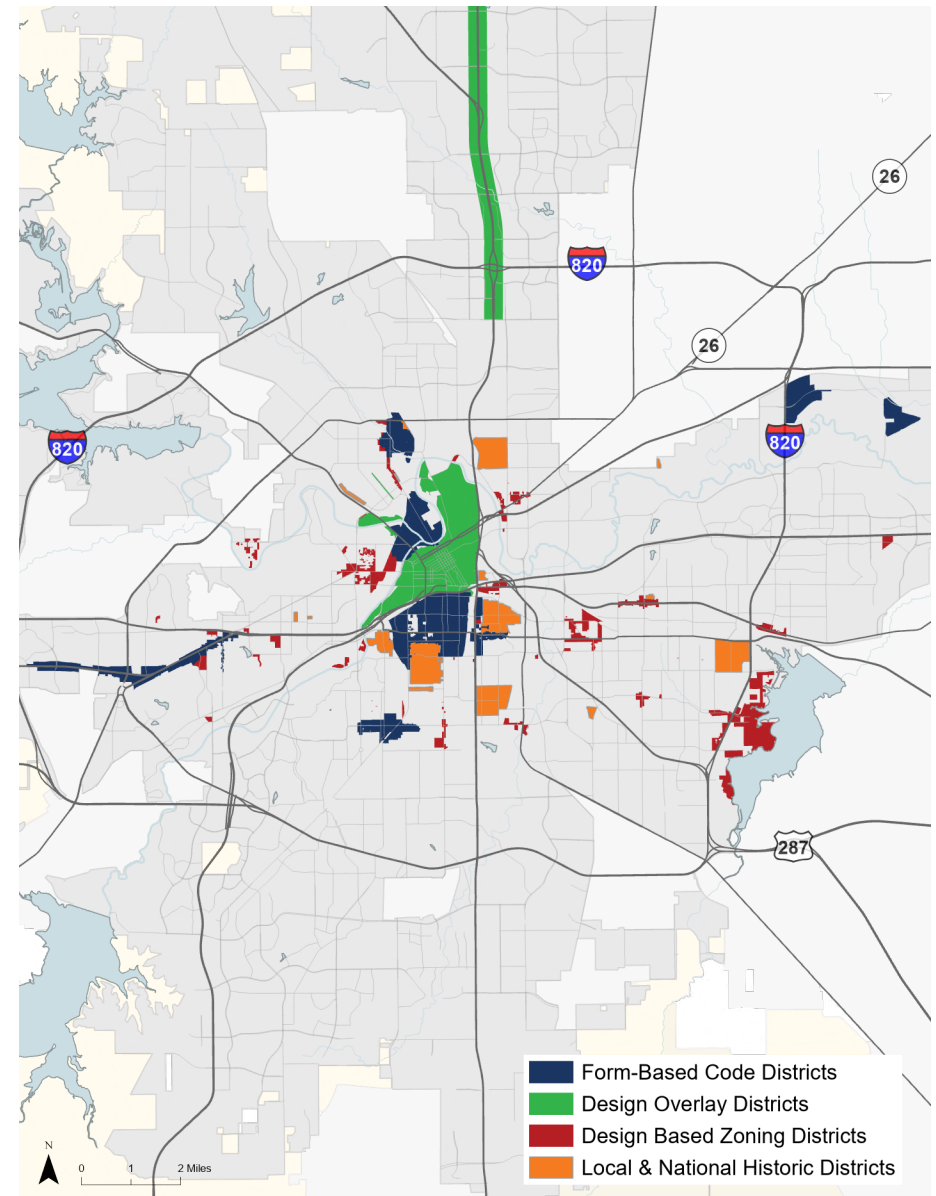


## DESIGN OVERLAY DISTRICT *Example: Downtown Fort Worth, AC Hotel*



Source: City of Fort Worth, Development Services Department, Preservation & Design, 2022.

## URBAN DESIGN DISTRICTS



Source: City of Fort Worth, Planning and Data Analytics Department, 2022.



## FOUNDATIONAL CONSIDERATIONS

- 1 Is the form and function of the proposed development appropriate for the land use designated on the Future Land Use Map?
- 2 Is the proposal consistent with the requirements contained in the Subdivision & Zoning Ordinances?
- 3 Will community facilities, parks/trails/open space, roads, access, connectivity, utilities, and other infrastructure be available at the appropriate levels to serve the development as proposed?

## DEVELOPMENT REVIEW COMMITTEE

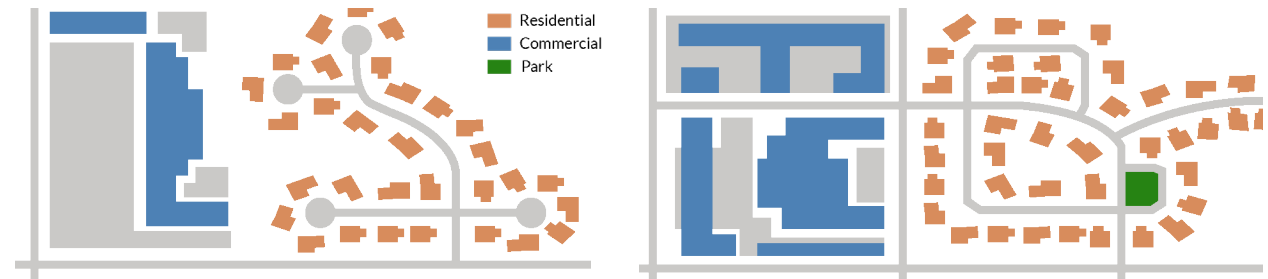
The Development Review Committee (DRC) was established to assist the City Plan and Zoning Commissions in their review of plans and plats; rights-of-way vacations; master thoroughfare plan changes; zoning changes; and site plans. The DRC is made up of City planning and engineering staff and meets weekly, along with County staff, to formulate its recommendations.

## DEVELOPMENT ADVISORY COMMITTEE

The City Manager formed the Development Advisory Committee (DAC) to provide guidance on development regulation, development impacts on traffic, and other technical and administrative issues. The DAC meets monthly to explore ways to eliminate impediments to desirable development, including potential improvements to the development review process, the Subdivision Ordinance, and the Transportation Design Manual.

## EXAMPLE: ACCESS & STREET NETWORK INTERSECTIONS

Changes to the Subdivision Ordinance and the Access Management Manual have begun to address the need for improved connectivity within neighborhoods and to the arterial street network. Work is underway to establish criteria for limited waivers to these requirements that protect connectivity improvements.



### Limited Connections Development Pattern

Lack of interconnectivity between compatible land uses dramatically limits walkability and adds traffic to already congested major thoroughfares.

### Connected Development Pattern

Travel distance is reduced between nearby destinations, making walking and biking comfortable options for short trips. Drivers and emergency vehicles have multiple routes to choose from, distributing local traffic and easing traffic jams.

## EXAMPLE: INCREASED INTERSECTIONS PROMOTE CONNECTIVITY & WALKABILITY

**SEATTLE'S PHINNEY RIDGE**  
400 intersections/square mile  
Highly walkable mix of residences and business is designed primarily for people.



**DOWNTOWN FORT WORTH**  
150 intersections/square mile  
Highly walkable, pedestrian-oriented, designed primarily for people.



**FORT WORTH'S TYPICAL SUBURBAN NEIGHBORHOOD**  
15 intersections/square mile  
Auto-oriented, designed primarily for cars.



Source: Seattle Map - Lawrence Frank & C. and Sightling Institute; Fort Worth Maps - City of Fort Worth, Planning & Data Analytics Department, 2021.



## BOARDS & COMMISSIONS OVERSEE IMPLEMENTATION

A land use code is a planning implementation tool of the community's comprehensive plan. The land use code includes zoning regulations, subdivision regulations, the annexation policy, public hearing processes, and more. Before land in the city of Fort Worth can be developed, it must be properly zoned and platted in accordance with the City's adopted land use code. These land use boards and commissions oversee the implementation of the codes.

### CITY PLAN COMMISSION (CPC)

The City Plan Commission has the final authority to approve subdivision plats. In addition, the City Plan Commission hears requests for waivers to the subdivision ordinance.

The City Plan Commission makes recommendations to the City Council on:

- Requests for annexation
- Street or alley vacations or closures
- Master Thoroughfare Plan amendments
- Comprehensive Plan updates
- Design guidelines
- Small area plans
- Master plans

### ZONING COMMISSION (ZC)

The Zoning Commission reviews and makes recommendations to the City Council on proposals to change the regulations of the zoning ordinance, or the boundaries of a zoning district. Such changes affect how land may be used and developed.

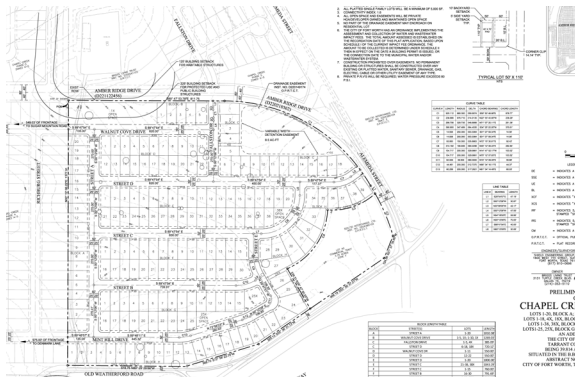
Recommendations of the Zoning Commission advance to a second public hearing before the City Council, which makes the final decision on zoning change requests.

### BOARD OF ADJUSTMENT (BOA)

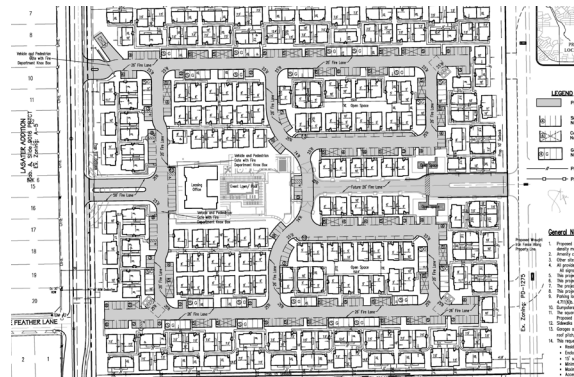
The Board of Adjustment is a quasi-judicial body that hears zoning appeals from property owners regarding administrative zoning decisions.

The Board of Adjustment considers variances from the technical requirements of the Zoning Ordinance if unique characteristics of the property make strict compliance with the Zoning Ordinance an undue hardship.

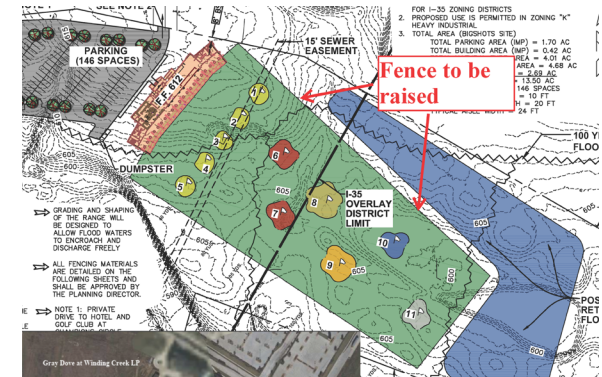
The Board of Adjustment rules on requests for special exception uses, which are non-typical land uses that may require special standards or approval considerations. Special exception uses are authorized under the Zoning Ordinance.



The preliminary plat for Chapel Creek Phase 7 was presented in 2022 for consideration by the CPC.



A plan set for The Standard At Harmon Homes was presented in 2021 for consideration by the ZC.



A plan set is typically requested as part of the BOA application. The example above is for a fence variance request.

Source: City of Fort Worth, Development Services, Zoning & Design Review Division and Platting Division, 2022.

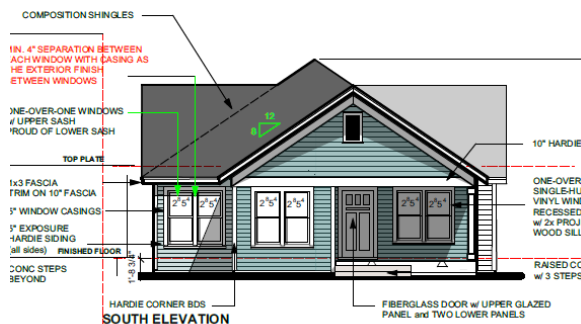
## BOARDS & COMMISSIONS OVERSEE IMPLEMENTATION

### HISTORIC AND CULTURAL LANDMARKS COMMISSION

The Historic and Cultural Landmarks Commission (HCLC) is responsible for the identification, protection, enhancement, and perpetuation of landmarks or districts of historical, cultural, architectural, or archaeological significance.

The HCLC reviews new construction applications to ensure that new construction within historic districts is compatible with surrounding historic architecture, yet differentiated so as to appear of its own time and place.

Important character-defining features, such as raised porches, recessed windows, fenestration patterns, and building form and massing are examples of what the HCLC considers when determining whether a design is consistent with traditional architecture within a property's surrounding context.



An elevation drawing shows how the proposed structure is compatible with the neighborhood in an application to the HCLC.

Source: City of Fort Worth, Development Services Department, Preservation & Design, 2021.

### DOWNTOWN DESIGN REVIEW BOARD

The Downtown Design Review Board (DDRB) is responsible for hearing cases and approving applications for Certificates of Appropriateness.

The Downtown Design Review Board enforces the Downtown Urban Design Standards for new construction and exterior renovations. These standards only apply within the boundaries of the Downtown Urban Design District.



The DDRB approved renovation plans for the 13-story Hotel Texas Annex on Commerce St. The hotel could open early 2023.

### URBAN DESIGN COMMISSION

The Urban Design Commission (UDC) is responsible for reviewing all waiver requests in form-based districts and design overlays, as well as ensuring that waiver requests meet the intent of each district's design standards and the context in which the project is to be located.

The UDC recommends the designation of new design districts, as well as the approval of proposed design standards or guidelines for design districts. The UDC also hears appeals to the Urban Forestry ordinance.



Drawing of Bryan Avenue Flats presented to the UDC for a waiver request..

## GOALS

- 1** To make Fort Worth the most livable city in Texas by promoting orderly growth and development, safe construction, and neighborhood vitality.
- 2** To implement the City's Comprehensive Plan for growth and development by ensuring consistency between the long-range plan and the City's development regulations.
- 3** To facilitate sustainable land and building development while providing an exceptional experience to all customers.
- 4** To use design and preservation regulations, along with the zoning and subdivision ordinances, to advance public health, safety, welfare, and an enhanced sense of place for all residents of Fort Worth.

## POLICIES

### *Integrate Land Use, Transportation, and Urban Design*

- Emphasize the importance of deliberatively considering the interaction of land use, transportation, and urban design.
- Support infill development where existing infrastructure can support the development and where complementary land uses can benefit from the development.
- Support Transit Oriented Development (TOD) in close proximity to existing and planned transit stations by improving and applying development regulations to better implement TOD.
- Support mixed-use or urban residential development where there is potential to create moderate to higher-density neighborhood centers.
- Encourage efficient use of public resources by locating housing, employment, retail, and services in proximity to each other to improve access between uses, to increase options for walking and bicycling, and to reduce dependence on the car.

### *Increase coordination between Zoning Map and Future Land Use Map*

- Use the Future Land Use Map when considering rezoning cases — and as a general guide for determining appropriate development types and locations, development patterns, and transportation concepts, while also addressing area and site-specific issues.
- Apply the land use policies provided with the Future Land Use Map — in conjunction with the Guidelines for Development Review — when drafting staff reports for rezoning cases, variances, special exceptions, and other land use decisions.

### *Strengthen Neighborhood Connectivity by Implementing Active Transportation Plan Alignments as Part of the Development Review Process*

- Encourage the creation of pedestrian and bicycle networks that are continuous and provide safe, comfortable, and convenient alternatives to connect neighborhoods to schools, parks, shopping, services, jobs, and other destinations.

### *Support the City's Urban Design and Historic Preservation Goals through Planning Tools and Design Review*

- Support the integration of land use, transportation, and urban design to achieve an urban form that supports more effective use of resources, mobility options, more aesthetically-pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character.
- Utilize the overlay districts to provide landowners with flexible development options.
- Utilize the rezoning process to create zoning standards that respond to the needs of master-planned redevelopment projects.



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**STRATEGIES*****Best Practices for Continual Process Improvement***

- City staff will work with the Development Advisory Committee (DAC) to create and implement infill development recommendations that improve infill project outcomes generated by the Subdivision Ordinance and Transportation Design Manual.
- City staff will continue updating the Zoning Ordinance and Subdivision Ordinance to more closely reflect modern land use regulations and practices; to identify and mitigate regulatory impediments to desirable development; to mitigate the impacts of development on traffic and the natural environment; and to address technical and administrative issues.

***Consider City Open Space & Urban Forestry Goals in Development Review***

- Effectively implement the new Open Space Conservation Program and the Urban Forestry Program through rezoning reviews, preliminary plat reviews, and Board of Adjustment considerations.
- Proactively engage with developers to identify priority Open Space Conservation opportunities and work with the Open Space Conservation team to protect high priority open space, while supporting beneficial development.

***Effectively Manage Growth and Discourage Suburban Sprawl***

- Pursue greater statutory authority to address the need for adequate levels of service.
- Seek greater municipal control over special infrastructure districts in the extra-territorial jurisdiction (ETJ).
- Review the inter-local agreement with Tarrant County to act on plats within Fort Worth's ETJ and make plans to amend the agreement as needed.
- Monitor special infrastructure districts (municipal utility districts, water control and improvement districts, and fresh water supply districts) to ensure high quality development in areas that may be annexed in the future.
- Discourage leapfrog development that bypasses undeveloped areas, inefficiently extends the need for new City infrastructure and service provision, and that could pose a greater burden to existing public facilities and services.
- Leverage development regulations, urban design, and preservation tools to support more effective use of resources, enhanced mobility options, more aesthetically-pleasing and active public spaces, and increased sensitivity to historic and natural resources.