

CHAPTER 22: DEVELOPMENT REGULATIONS

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.” Fort Worth uses 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. The City’s development regulations are used to implement the policies and strategies discussed in Chapter 4: Land Use.

BACKGROUND

The following sections discuss existing development regulations and processes used by the City of Fort Worth.

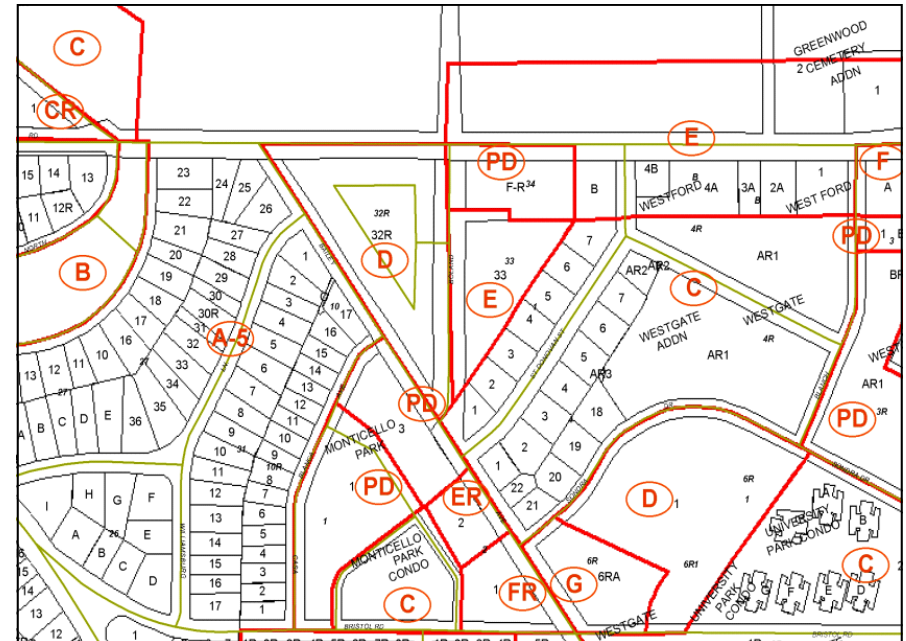
Zoning Ordinance

Fort Worth’s first Zoning Ordinance was adopted in 1940 to help shape the city’s overall land use pattern. The Zoning Ordinance has undergone numerous amendments since its inception to adequately address prevailing issues. The standard zoning districts of residential, commercial, and industrial have been followed with sections addressing parking, signs, historic preservation, non-conforming uses, variances, landscaping, urban forestry, and mixed-use districts. All land within the city limits is designated as one of 47 zoning districts that permit certain land uses and prohibit others. The Zoning Ordinance also requires buffering to separate incompatible uses, such as residential and heavy industrial. The Zoning Ordinance controls six attributes of property:

- Land use
- Minimum size of lots and parcels, including the width and depth, in residential districts
- Minimum or maximum size of front, side and rear yards
- Maximum building coverage of sites in one-family, two-family, and multifamily districts
- Maximum height of structures
- Development standards for certain uses

The Zoning Ordinance, which applies only to property within Fort Worth’s incorporated boundaries (areas annexed for full and limited purposes), is composed of written regulations and an official Zoning Map. The Zoning Map divides the city into zoning districts, and the text describes detailed requirements for each of those districts. Section 211.004 of the Texas Local Government Code states that: “Zoning regulations must be adopted in accordance with a comprehensive plan....” Changes to the map or text are ultimately decided by the City Council, with the Zoning Commission acting as a recommending body.

Zoning Map Section



The Zoning Ordinance consists of both the official Zoning Map and written regulations. Rezoning requests are requests to change property on the map from one zoning classification to another. (Source: Planning and Development Department, 2011.)

Urban Forestry was added to the Zoning Ordinance in 2007. The purpose of this ordinance is to achieve a 30% tree canopy coverage citywide and to promote a multi-aged urban forest. This may be accomplished by addressing the preservation and protection of healthy and significant trees; providing for the replacement and replanting of trees that are removed during development; and establishing additional tree canopy. It requires tree planting and preservation for new development and for existing development where trees are to be removed. The amount of preservation and planting that are required are based on the individual land use, zoning, and physical area of the property.

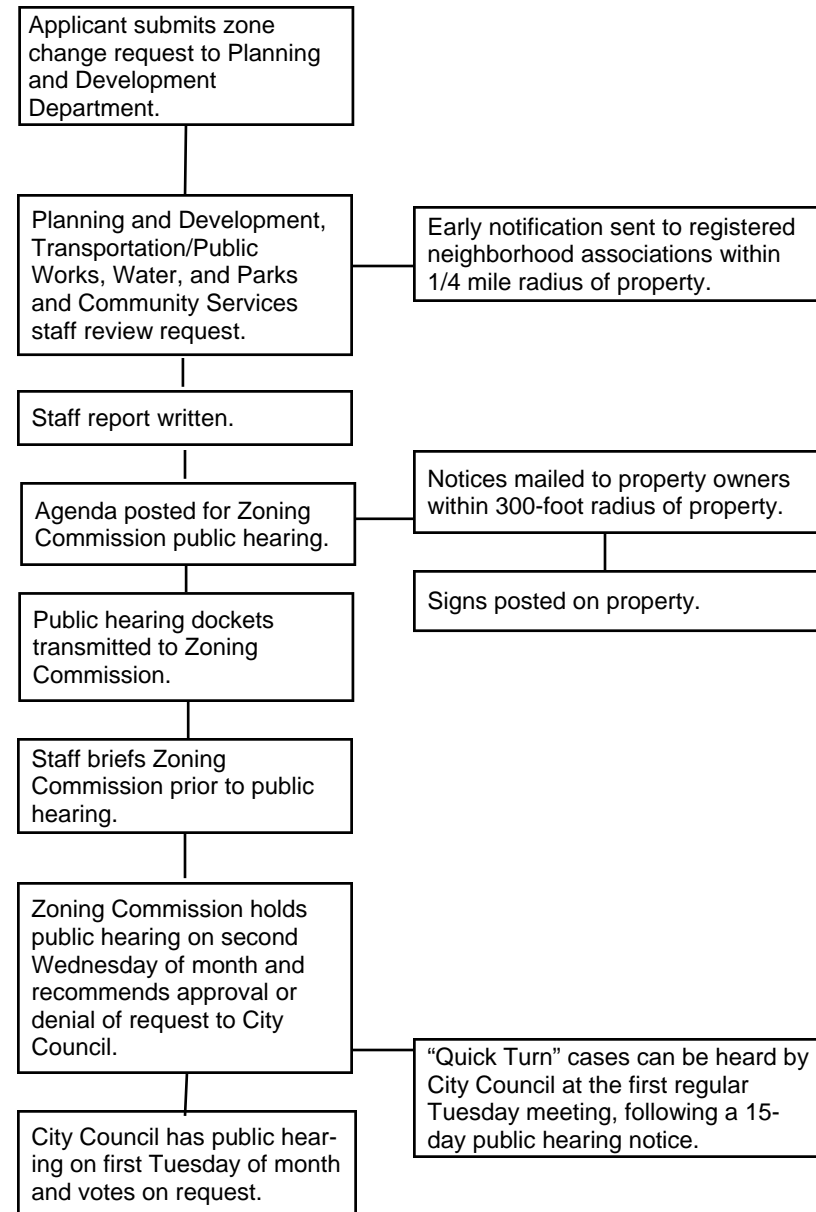
The Board of Adjustment (Board) is a quasi-judicial body that hears zoning appeals from property owners regarding administrative decisions. The Board also considers variances from the technical requirements of the Zoning Ordinance if unique characteristics of the property make strict compliance with the Zoning Ordinance an undue hardship. Finally, the Board rules on requests for special exception uses. Special exception uses are those uses authorized under the Zoning Ordinance subject to the approval of the Board of Adjustment.

The Historic and Cultural Landmarks Commission makes recommendations to the Zoning Commission on owner- and City-initiated historic overlay zoning designations. These designations consist of Demolition Delay, Historic and Cultural Landmark and District, and Highly Significant Endangered. The Historical and Cultural Landmarks Commission also enforces historic district guidelines for exterior renovations and new construction by hearing and deciding on applications for Certificates of Appropriateness.

The Downtown Design Review Board, established in December 2001, enforces the Downtown Urban Design Standards for new construction and exterior renovations by hearing and deciding on applications for Certificates of Appropriateness. These standards apply within the boundaries of the Downtown Urban Design District.

The Scenic Preservation and Design Review Commission was renamed the Urban Design Commission in 2007. The purposes of the Commission are to: 1) recommend designation of design districts, 2) review stealth communication towers, 3) review projects for compliance with adopted design standards or guidelines in design districts where a separate design review board is not appointed, 4) review and recommend approval or modification of proposed design standards or guidelines for design districts, 5) review and approve design standards or guidelines for other projects as directed by the City Council, and 6) hear appeals to the Urban Forestry ordinance. The Urban Design Commission enforces the Trinity Uptown Development Standards and Guidelines, the Trinity Uptown Peripheral Zone Design Overlay Standards and Guidelines, the IH-35W Design Overlay District Standards and Guidelines, and the Near Southside Design Standards and Guidelines for new construction and exterior renovations by hearing and deciding on applications for Certificates of Appropriateness.

Rezoning Process



The rezoning process depicted above typically lasts two months.
(Source: Planning and Development Department, 2009.)

City-Initiated Rezoning

Although significantly reduced in recent years, approximately **14.5** percent of the City's land area is still zoned in ways that are not consistent with the Comprehensive Plan. In August 2000, the City Council established a City-initiated rezoning procedure based on petitions from interested property owners. Under this procedure the Planning and Development Department notifies registered neighborhood organizations about properties that are not zoned in accordance with the Comprehensive Plan and conducts informational meetings in each sector to explain the petition process. Petitions must include the signatures of property owners representing at least 50 percent of the affected parcels and 50 percent of the affected land area for each zoning district. City staff prepares an appropriate rezoning application and schedules the case for the next available Zoning Commission public hearing. Since 2000, there have been approximately **82** petition-based rezonings covering approximately **1,450** acres.

In November 2000, the City Council approved a procedure to initiate zoning changes without petitions from affected property owners. Any interested Council member may request specific zoning changes. The Planning and Development staff verifies that the proposed changes are consistent with the Comprehensive Plan, accompanies the City Council member at an informational meeting held in or near the area to be considered for rezoning, and briefs the full City Council on the proposed zoning changes at an appropriate pre-Council meeting. If the City Council indicates that it wishes to initiate the proposed zoning changes, staff prepares an appropriate rezoning application and schedules the case for the next available Zoning Commission public hearing. Since 2000, there have been **125** Council-initiated rezonings covering approximately **20,500** acres.

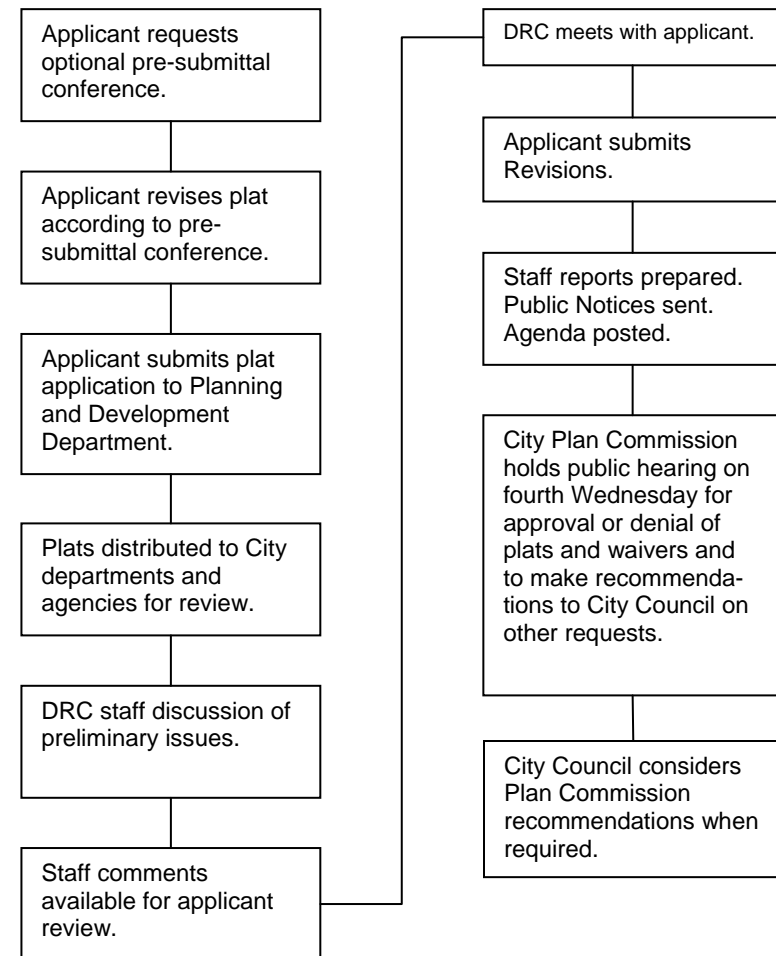
Subdivision Ordinance

The City of Fort Worth Subdivision Ordinance governs streets, alleys, driveways, easements, drainage facilities, street lighting, lots and blocks, and park dedication within the city limits. The Subdivision Ordinance also provides for the recording of land subdivision plats with the county in which the subdivision lies, as required by state law.

The majority of Texas Cities, including Fort Worth, are currently permitted to regulate the subdivision of land within the extraterritorial jurisdiction (ETJ), which consists of the unincorporated land within five miles of the city limits. House Bill (HB) 1445, which was approved by the Texas Legislature in 2001, requires that subdivisions meet the requirements of one jurisdiction rather than both the city and county. The City of Fort Worth has ETJ in Denton, Johnson, Parker, Tarrant, and Wise counties. The City entered into agreements with Denton, Johnson, Tarrant, and Wise counties that allow the City to act on plats within Fort Worth's ETJ. An agreement with Parker County is anticipated by 2012.

The Subdivision Ordinance guides the land development process and protects the public from inferior and undesirable development practices. The current Subdivision

Platting Process



The platting process depicted above typically lasts two months. (Source: Planning and Development Department, 2009.)

Ordinance was adopted in September 2006 by City Council “to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to make the community as attractive and habitable as possible; to conserve the value of property and encourage the most appropriate use of land, all in accordance with a comprehensive plan....”

The City Plan Commission (Commission) has the final authority to approve subdivision plats and make recommendations to the City Council on requests for annexation, street or alley vacations or closures, and Master Thoroughfare Plan amendments. Applications are submitted to the Planning and Development Department. During the review process, proposals are sent to the corresponding school district, county, the Fort Worth Transportation Authority, and appropriate City departments and utility companies. The Development Review Committee (DRC), composed of City staff, makes recommendations on the proposals to the City Plan Commission. The DRC determines whether a plat is in conformance with the Subdivision Ordinance and makes recommendations on any waivers of the Subdivision Ordinance requirements that are requested by an applicant. The Commission also makes recommendations to the City Council on Comprehensive Plan Updates.

In 2004, the City Council adopted a revised neighborhood and community park dedication policy, which is applied during the subdivision platting process. The revised policy continues to require the following: dedication of parkland at a rate of 2.5 acres per 1,000 population generated by the subdivision for neighborhood parks or fee in lieu of dedication; and dedication of land for community parks at a rate of 3.75 acres per 1,000 population or fee in lieu of dedication. Large recreational parks located outside of the central city may now count toward neighborhood and community park requirements. In the central city, a flat \$500 fee per new housing unit is substituted. New criteria for pocket parks (less than five acres) were established. Credit against the central city flat fee for privately developed, publicly accessible plazas and parks up to 100 percent may be allowed. The revised park dedication policy is applicable within the city limits. Please see Chapter 6: Parks and Community Services for more information.

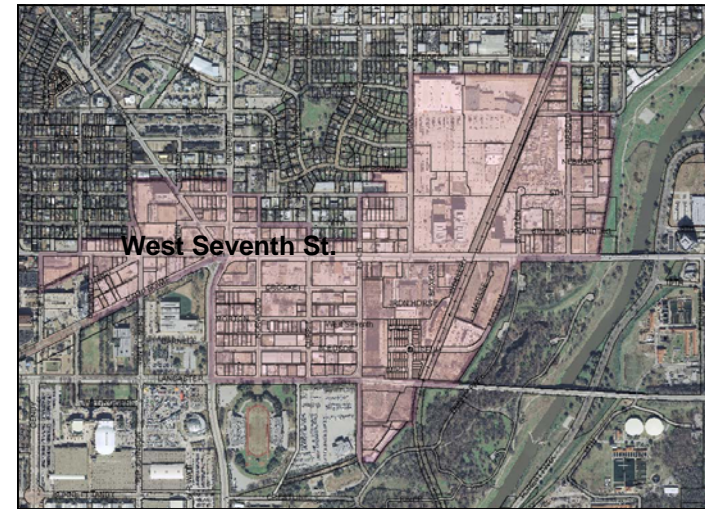
ISSUES

The City’s Zoning and Subdivision Ordinances should further the City’s goal of establishing an efficient multiple growth center development pattern, while ensuring that growth does not outpace the City’s ability to provide adequate public facilities and services. The following issues will need to be addressed to support the growth center concept and remove barriers to its development.

Zoning Ordinance Issues

As previously mentioned, many areas are zoned differently than the future land uses identified in the Comprehensive Plan. For example, several commercial areas, including portions of Downtown and the Historic Stockyards, are currently zoned industrial. These two areas are designated as mixed-use growth centers in the

Urban Villages



The area along West Seventh Street, primarily between the Trinity River and University Drive, is known as the West Seventh Urban Village. It is one of the areas rezoned to Mixed-Use that has subsequently experienced major reinvestment and redevelopment. (Source: Planning and Development Department, 2009.)

Example of a Mixed-Use Development



Projects that combine different but compatible uses such as the retail and apartments located in this building on West Seventh Street at Arch Adams Street are being constructed by right in MU-1 and MU-2 mixed-use zoning districts. (Source: Planning and Development Department, 2011.)

Comprehensive Plan, but residential uses are not permitted in the industrially-zoned areas. A future zoning change is expected to make the zoning districts more consistent.

The Zoning Ordinance has undergone numerous revisions since its initial inception in 1940. An internal departmental review team is closely reviewing the Zoning Ordinance for possible revisions to more closely reflect modern land use regulations and practices.

The City Council has adopted four mixed-use zoning classifications, MU-1, MU-1G, MU-2, and MU-2G to promote desirable development in designated mixed-use growth centers and urban villages, but property owners must still seek a zoning change to utilize them. In addition, certain areas of the city are zoned multifamily, but the predominant land use is single-family. Thus, the current zoning patterns can impede or threaten the desired development patterns.

In addition to mixed-use zoning classifications, the City Council adopted two form-based zoning districts: Trinity Uptown in 2006 and Near Southside in 2007. Form-based zoning districts regulate the relationship of private development to the public realm by prescribing building location and envelope. Design standards and guidelines regulate public space improvements, private development, and use through base zoning. Typically, a form-based zoning district is divided into sub-districts in order to respond to differing contextual conditions.

In addition to form-based codes, design overlays are also used. The Downtown Urban Design District, Conservation Districts, and Historic Districts are zoning overlays, which place additional development standards on property beyond what is provided through base zoning. Land use cannot be regulated through overlay districts. In 2010, the City Council adopted two additional overlay districts. The Trinity Uptown Peripheral districts provide additional regulations on properties adjacent to but not yet included in the TU base zoning. The IH-35W Design District also provides additional aesthetic and design requirements for properties directly adjacent to portions of IH-35W north of downtown. All of the properties that are included in the overlay districts retain their underlying base zoning and uses. An Airport Overlay district is expected in 2011 that will be placed on each of the municipal airports and the Naval Air Station Fort Worth Joint Reserve Base to protect current and future flight operations.

Several business organizations, including Cultural District Alliance, Southeast Fort Worth, Inc., and Camp Bowie District, Inc., have developed, or are in the process of developing, design guidelines to ensure desired development within their areas. These organizations have expressed interest in having the City consider adopting form based zoning or design overlay districts. These districts would include a development review process similar to that used in the Downtown Urban Design District, Near Southside District, and Trinity Uptown District.

Form-based zoning is generally appropriate in transit-oriented development (TOD) areas surrounding rail transit stations. The City is working with Berry Street Initiative

Downtown Urban Design Standards



The Downtown Urban Design Standards are intended to encourage comfortable, human-scale pedestrian environments such as that found along Houston Street in Sundance Square. The design standards are enforced through an overlay zoning district. (Source: Planning and Development Department, 2009.)

and other stakeholders to create a TOD plan and implementing form-based code for the TCU/Berry Station on the TEX Rail Line. The TOD plan and form-based code is expected to be completed in late 2012.

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 are being developed as urban neighborhoods without the benefit of municipal land use control and infrastructure planning. This growing development trend results in suburban sprawl far from existing City infrastructure and services.

STRATEGIES

Five strategies will help to implement the City's development goals and respond to current issues. The first strategy is for City staff to continue reviewing the Zoning Ordinance and Subdivision Ordinance, in consultation with the City Council, City Plan Commission, Zoning Commission, developers, and community leaders, to identify regulatory impediments to appropriate development, address the impacts of development on traffic and the natural environment, and address technical and administrative issues. In January 2003, the City Manager appointed a broadly representative Development Standards Task Force (DSTF) to assess the extent to which current development standards and procedures effectively implement the City Council's development policies as reflected in the Comprehensive Plan. Based on that assessment, the Task Force recommended appropriate amendments for consideration by the City Plan Commission and Zoning Commission, as well as procedural changes to improve the development review process. These procedural changes supplemented related recommendations made in 2002 by the Focus Group on Development Review Procedures. In January 2004, the City Council adopted approximately 16 amendments to the Zoning and Subdivision Ordinances as recommended by the DSTF. The City Manager then formed the Development Advisory Committee (DAC) to provide monthly guidance on development regulations. The DAC continues to explore ways to eliminate any remaining impediments to desirable development, as well as potential improvements to the development review process.

The second strategy is for the City to continue initiating zoning changes in order to make the City's zoning districts consistent with the Comprehensive Plan. As part of this effort, City staff should work proactively with interested community groups and property owners to identify appropriate areas for rezoning to mixed-use districts within designated mixed-use growth centers and urban villages. The City Council is encouraging these mixed-use zoning changes by linking MU zoning to economic incentives available through the Neighborhood Empowerment Zone program. The City Council requires that the urban village be zoned mixed-use before establishing a neighborhood empowerment zone that includes the urban village and its surrounding neighborhoods.

The third strategy is for City staff to refine a procedure by which design guidelines

On-Site Improvements



Developers are required to provide certain on-site improvements, such as water and sewer lines, underground stormwater lines, sidewalks, curbs, paved streets, street lighting, and street signs in new developments. Subdivision regulations require that all improvements be built to certain standards. (Source: City of Fort Worth, 2009.)

and/or standards can be reviewed and endorsed in consultation with affected property owners, developers, the Zoning Commission, and Council members; adopted by the City Council; and incorporated into the development review process. The Downtown Urban Design District and its oversight board, the Downtown Design Review Board (Board), set the precedent for this process in December 2001. The Urban Design Commission (Commission) was created in 2007 to oversee additional design districts adopted by City Council such as Trinity Uptown and the new Near Southside District. The Board and Commission are authorized to apply guidelines that encourage high-quality, pedestrian-oriented development throughout Downtown, Trinity Uptown, and the Near Southside. The Urban Design Commission is responsible for applying guidelines to proposed developments, and certifying whether the developments are consistent with the guidelines. City staff is responsible for applying standards to the proposed developments and subsequently issuing or denying building permits for projects that clearly conform to all standards. The general goal of these urban design districts is to promote sustainable development, which encourages efficient use of public resources, a balanced transportation system, environmental quality, and a strong sense of place. These concepts are discussed further in chapters 4: Land Use, 11: Transportation, 14: Urban Design, and 18: Environmental Quality.

The fourth strategy is to pursue greater statutory authority to effectively manage growth and discourage suburban sprawl. In the fall of 2006, the City Council adopted resolutions to request that the Texas Legislature consider three new development-related amendments to state law. Each resolution directly supports the strategic goal of promoting orderly and sustainable development. The City will:

- Seek authority to enact an Adequate Public Facilities Ordinance (APFO): APFOs require that public facilities—such as roadways, water and sewer lines, fire stations, schools, and parks—be available concurrently with new development to more efficiently accommodate growth.
- Seek greater municipal control over special infrastructure districts in the ETJ: These districts (municipal utility districts, water control and improvement districts, and fresh water supply districts) may be used to promote high quality development, but they may also facilitate development that bypasses undeveloped areas more economically served by public facilities and services.
- Seek greater municipal land use authority in the ETJ: Successful long-range land use and infrastructure planning relies heavily on a municipality's ability to control the location, type, and ultimate density of development in the ETJ.

The City expects to pursue and support these and similar legislative initiatives in the 2013 legislative session.

The fifth strategy is to develop and implement a Sustainability Action Plan for the City including action items that affect private development, City operations, and individual efforts. In January 2009, the City Council formed a Sustainable Development Task Force to focus on the first phase of private development at the citywide, neighborhood, and site (building) levels and to recommend to the City

Sustainability Plan



<p>Comprehensive Plan</p> <ul style="list-style-type: none"> Transportation <ul style="list-style-type: none"> Mobility and Air Quality Plan Modern Streetcars Transportation Impact Fees Bike Transportation Plan Preservation & Revitalization <ul style="list-style-type: none"> Historic Preservation Design Districts 	<p>Home > Projects > Sustainability</p> <h3>Sustainable Development</h3> <p>As one of the nation's fastest growing large cities, Fort Worth faces the challenge of providing adequate infrastructure and resources for that growing population — all while maintaining or improving quality of life for current and future residents.</p>  <p>Artist rendering of a mixed-use development in Denver, Colo. Source: Steve Price, Urban Advantage.</p>	<p>News & Events</p> <ul style="list-style-type: none"> Public Meeting Slated To Discuss Sustainability <p>Presentations</p> <ul style="list-style-type: none"> April 15, 2009 Public Meeting March 26, 2009 Public Meeting March 4, 2009 Public Meeting
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Sustainability Plan information can be found at www.fortworthgov.org/sustainability. (Source: City of Fort Worth, 2009.)

Council a Sustainability Action Plan that is specific, measurable, and achievable in a three to five year time frame.

In the first phase, the Task Force considered 51 initiatives and prioritized 17 items into an Action Plan that City staff will work on implementing in the next three years. Action Plan items are varied in scope and will impact conservation efforts, air and water quality, and energy efficiency of new commercial construction. For example, the City will allow greater net density of residential uses in subdivisions that preserve riparian buffers; require certification of the availability of groundwater for subdivisions; and encourage the use of stormwater for onsite irrigation. The second phase of the plan considered initiatives that impact City Operations including the fleet, facilities, infrastructure and open space, and materials and equipment. The third phase of the Sustainability Plan will consider Individual Efforts including education and outreach for residents and businesses, conservation efforts, and retrofitting existing structures.