

# CHAPTER 22: DEVELOPMENT REGULATIONS

Many of the goals of the Comprehensive Plan can be achieved through the implementation of local development regulations allowed 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.

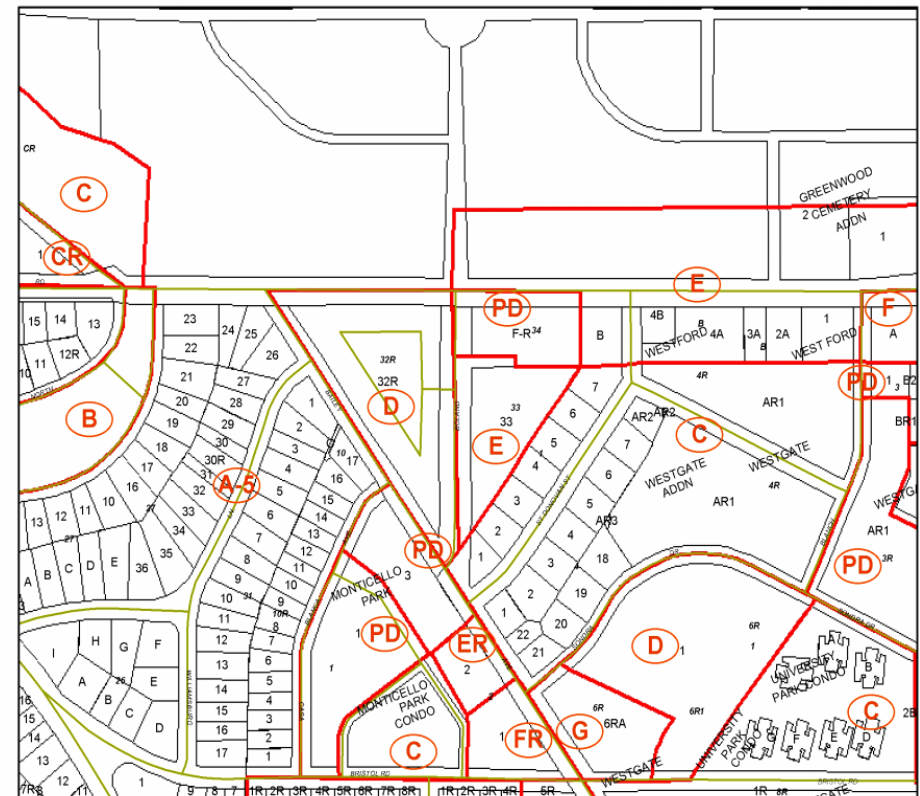
### Zoning Ordinance

Fort Worth’s first Zoning Ordinance was adopted in 1940 to help shape the city’s overall land use pattern. The 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, and mixed-use districts. Land within the city limits is designated as one of 41 zoning districts that permit certain land uses and prohibit others. The 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; and
- 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 lays out detailed requirements for each of those districts. Chapter 211, 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 is a request to change property on the map from one zoning classification to another. (Source: Planning and Development Department, 2007.)

The Board of Adjustment 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 Landmarks and Districts, 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 and Trinity Uptown Development Standards and Guidelines for new construction and renovations by hearing and deciding on applications for Certificates of Appropriateness. These standards apply within the boundaries of the Downtown Urban Design District, the City's only designated urban design district.

The Scenic Preservation and Design Review Commission membership, powers and duties were revised in 2002. The purposes of the Commission are to: 1) recommend designation of conservation districts and urban design districts, 2) review stealth communication towers, 3) review projects for compliance with adopted design standards or guidelines in conservation districts and urban 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 conservation districts and urban design districts, and 5) review and approve design standards or guidelines for other projects as directed by the City Council.

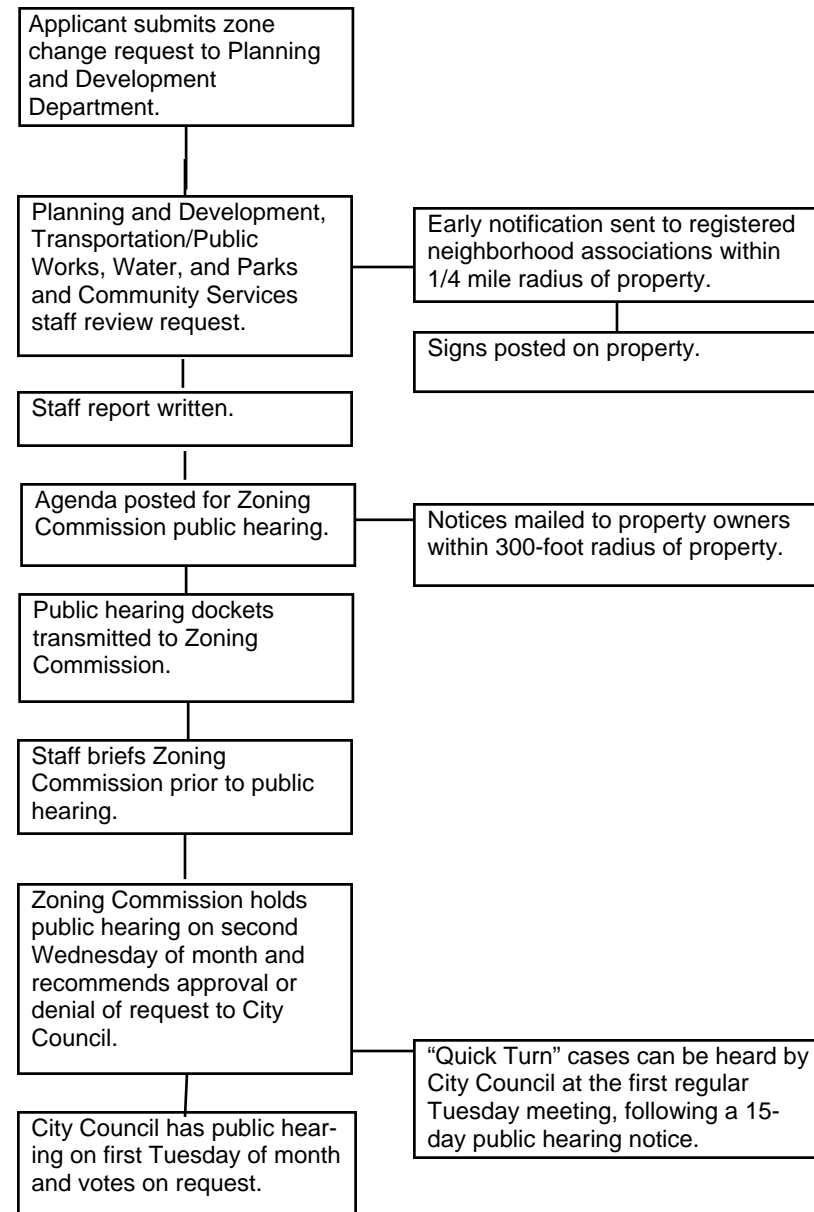
### **Petition-Based Rezoning**

Approximately 29 percent of the City's land area is 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. The Planning and Development Department then notified registered neighborhood organizations about properties that are not zoned in accordance with the Comprehensive Plan and conducted 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. Since August 2000, there have been 46 petition-based rezonings.

### **Council-Initiated Rezoning**

In November 2000, the City Manager issued Informal Report 8289 outlining

## **Rezoning Process**



The rezoning process depicted above typically lasts two months.  
 (Source: Planning and Development Department, 2007.)

procedures whereby the City Council might initiate zoning changes without petitions from affected property owners. Any interested Council member may request that the City Manager prepare a Mayor and Council communication (M&C) authorizing the City Manager to initiate one or more specific zoning changes. Planning 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, then the City Manager places an appropriate M&C on the next regular City Council agenda. After the City Council approves the M&C, City staff prepares an appropriate rezoning application and schedules the case for the next available Zoning Commission public hearing. Since 2000, there have been 11 Council-initiated rezonings.

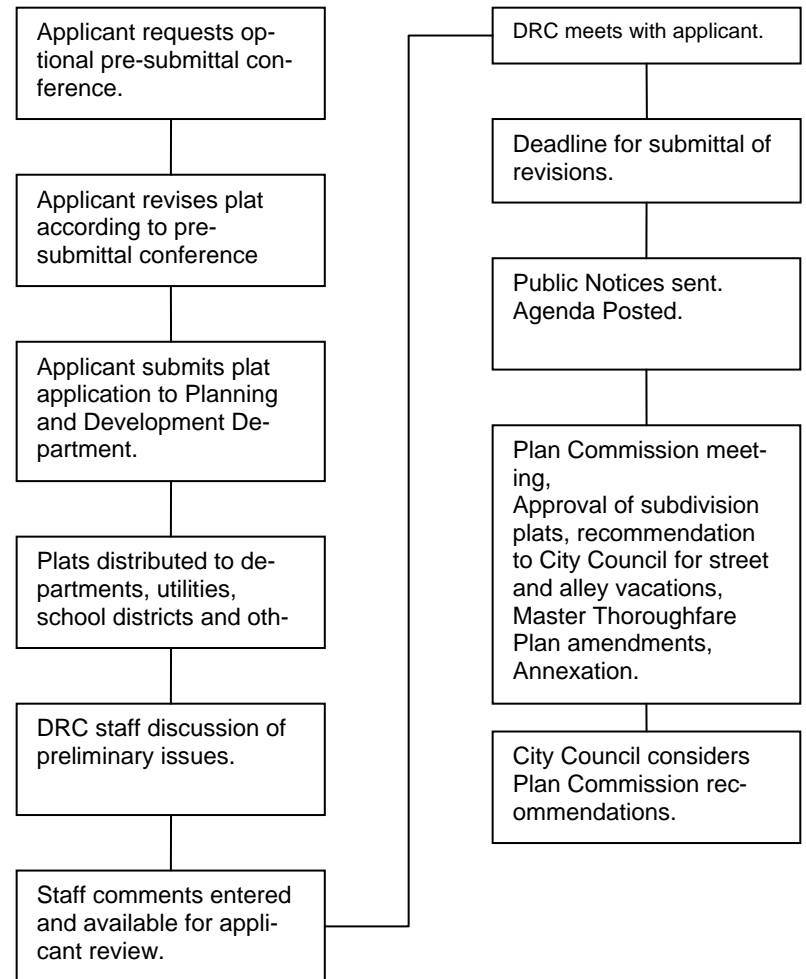
**Subdivision Ordinance**

The City of Fort Worth Subdivision Ordinance governs streets, alleys, driveways, easements, drainage facilities, street lighting, lots and blocks, and park dedication. The Ordinance applies to the subdivision of land within the city limits and the extraterritorial jurisdiction (ETJ), which consists of the unincorporated land within five miles of 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 City of Fort Worth has ETJ in Parker, Johnson, Tarrant, Denton, and Wise counties. The ordinance guides the land development process and protects the public from inferior and undesirable development practices. The current Subdivision 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 has the authority to approve subdivision plats and to make recommendations to the City Council on requests for annexation, street or alley vacations or closures, and Master Thoroughfare Plan amendments. Requests for the subdivision of land are submitted to the Fort Worth City Plan Commission. During the review process, plats are sent to the corresponding school districts, the Fort Worth Transportation Authority, and appropriate utility companies. The Development Review Committee (DRC), composed of City staff, determines whether a plat is in conformance with the Subdivision Ordinance.

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

**Platting Process**



The platting process depicted above typically lasts two months. (Source: Planning and Development Department, 2007.)

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, discrepancies exist between the zoning designations on the Zoning Map and the land uses identified in the Comprehensive Plan. Several commercial areas, including certain parts of Downtown, the Stockyards, and the Medical District, are currently zoned industrial. These three areas are designated as mixed-use growth centers in the Comprehensive Plan, but residential uses are not permitted in the industrially zoned areas.

The Zoning Ordinance has undergone numerous revisions since its initial inception in 1940. The ordinance today is a compilation of confusion and complicated interpretations and conditions that are scattered throughout. An internal departmental review team will closely evaluate the ordinance to possibly revise it 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.

Several business organizations, including Cultural District Development Initiatives, Inc., Southeast Fort Worth, Inc., Fort Worth South, Inc. and Historic Camp Bowie, 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 establishing urban design districts within which the City would apply the design guidelines or standards through a development review process similar to that used in the Downtown Urban Design District and Trinity Uptown, where a new zoning district facilitates mixed-use, pedestrian-oriented, higher intensity redevelopment in accordance with the Trinity Uptown Plan, as discussed in Chapter 6: Parks and Community Services and Chapter 16: Urban Design.

Other zoning issues relate to the aesthetics of on-premise signs. A citizen advisory

## Downtown Industrial Zoning



Several commercial areas, including large parts of Downtown and the Stockyards, are currently zoned industrial. The gray areas represent property that has industrial zoning. (Source: Planning and Development Department, 2007.)

## Example of a Mixed-Use Development



Projects that combine different but compatible uses such as the medical offices and loft apartments located in these buildings on West Oleander Street in the Medical District are being constructed by right in MU-1 and MU-2 mixed-use zoning districts. (Source: Planning and Development Department, 2007.)

committee is reviewing the on-premise sign standards to address issues such as location, size, height, and display so as to make commercial properties more attractive while maintaining business visibility.

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). 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

Four 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, so as to identify regulatory impediments to appropriate development, to address the impacts of development on traffic and the natural environment, and to 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 will continue to explore ways to eliminate any remaining impediments to desirable development, as well as potential improvements to the development review process. For example, the DAC could explore the feasibility of a unified form-based development code that combines the Zoning Ordinance and the Subdivision Ordinance.

The second strategy is for the City to continue initiating zoning changes in response to petitions from interested property owners, 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 petition-based rezonings by linking mixed-use 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.

## 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, 2007.*)

The third strategy is for City staff to refine a procedure by which design guidelines 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 through the designation of overlay zoning districts. A design review board would be responsible for applying subjective guidelines to proposed developments, and certifying whether the developments are consistent with the guidelines. City staff would be responsible for applying objective standards to the proposed developments and subsequently issuing or denying building permits. The Downtown Urban Design District and its oversight board, the Downtown Design Review Board, set the precedent for this process in December 2001. The Design Review Board is authorized to apply subjective guidelines that encourage high-quality, pedestrian-oriented development throughout Downtown and Trinity Uptown. 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, 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 growth. 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 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.

## 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, 2007.)