

Planning and Zoning Analysis for Smaller Communities in Tarrant County

for the

**Cities/Towns of Blue Mound, Dalworthington Gardens,
Edgecliff Village, Haslet, Lake Worth, Lakeside, Newark,
Pantego, Pelican Bay, Reno, Westlake, Westover Hills, and
Westworth Village**

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Executive Summary

During the past two legislative sessions, the Texas Legislature has attempted to pass bills that would remove regulatory power from local governments in planning and zoning. Local governments are the closest level of government to the people, and they are best able to understand the needs of the communities they serve. It is vital that municipalities retain their regulatory power, as losing this authority over planning and zoning threatens their ability to serve.

This analysis explores the consequences of removing regulatory authority from cities and towns in Tarrant County communities with a population of 5,000 people or less. The main goals of this analysis are two-fold. First, to gather information on and analyze the general nature of planning and zoning in the target communities. Second, evaluate resources available for the target cities and towns to increase their awareness and activity in legislative advocacy. To accomplish these goals, the capstone team set out to complete the following objectives.

- Gather data on current planning and zoning legislation and bills filed in the previous two legislative sessions.
- Analyze planning and zoning and how legislation impacts the target cities and towns.
- Research and outline advocacy strategies for smaller communities.
- Report and disseminate all findings to Texas Municipal League and Tarrant County communities with a population of 5,000 or less.

The information gathered provided insights into the municipality's knowledge of and responses to previously passed planning and zoning legislation, as well as what resources could best support these communities. It is recommended that smaller communities seek to increase their level of awareness and advocacy in planning and zoning legislation.

To assist with this, several resources are provided on leveraging citizen participation, contacting state legislators, and free to low-cost non-profit resources. It is recommended that smaller communities engage with these resources in whichever ways they feel will be the best fit for their communities. Any efforts put into increasing their level of activity in legislative advocacy will only help protect the target communities again potentially harmful planning and zoning legislation.

Introduction and Background

Since the 85th legislative session in 2017, the Texas House of Representatives and Texas Senate have attempted to pass zoning laws that would remove regulatory power from local governments in planning and zoning. This legislation restricts the ability of cities to effectively regulating planning and zoning; ultimately restricting their ability to meet the needs of the people. Through research and correspondence with the Texas Municipal League (TML) the Capstone Team found that the TML is often the sole advocate for local governments. Bill Longley, Legislative Counsel at TML informed the capstone team of their philosophical approach to planning and zoning legislature in Texas. TML's stance is not that any specific planning and zoning legislation is positive or negative. Rather, all planning and zoning legislation should be overseen by the local government, retaining their ability to effectively support their communities at the lowest government level. The overall goals of this analysis include examining planning and zoning in the target communities, evaluating the negative impacts of harmful legislation, and researching resources to help target communities in combating these negative impacts.

One of the first objectives of this analysis is identifying and researching bills from the past two legislative sessions. Only after these pieces of legislation are identified, can there be an understanding of how planning and zoning legislation impacts smaller communities. Through research from TML and the American Planning Association Texas (APATX) Chapter, the Team identified several key pieces of legislation: HB 347, HB 2439, HB 3167, and SB 2370. These bills effectively stripped the municipality's authority to regulate annexation, subdivision plat approval, and building materials in the planning and zoning process.

To fully comprehend the unique nature of planning and zoning in smaller communities, another objective of this analysis is to research planning and zoning in smaller communities and how this legislation impacts them. Smaller communities will naturally have different planning and zoning needs than large metropolitan areas like Ft. Worth and Houston. Planning and zoning is a tool in supporting the future development and growth of a community. With these differences, it is also expected that harmful planning and zoning legislation will impact smaller communities differently as well.

To support smaller communities and increase their awareness of Texas legislation, this analysis has two additional objectives. First, to research and outline effective advocacy strategies that smaller communities can implement with resource constraints. Second, to disseminate this information to the target communities of this analysis. Cities and towns need to be aware and cognizant of legislation that threatens their planning and zoning authority. However smaller communities face numerous resource constraints, including in time, funds, and staff. With less staff and less overall resources, city staff in smaller communities tend to support multiple roles and functions. A smaller city or town may have only a single staff member, that supports the entire community's planning and zoning, on top of other department responsibilities. With these constraints, it is easy to see how it is not always easy for smaller communities to participate in legislative activity and advocacy.

Planning and Zoning Legislation

As the Texas House and Senate pass legislation, they are ethically bound to promote public interest and support the needs of the communities they serve. However, at times new legislation is passed that negatively impacts the communities it is supposed to serve. Requiring municipalities to implement this legislation may in fact hinder economic and community growth. Through research from TML and APATX, the Capstone team identified HB 347, HB 2439, HB 3167, and SB 2370 as having the most potential impact on planning and zoning. These bills can significantly reduce the regulatory power of cities and towns by placing new restrictions on when, where, what, and how structures are built. Understanding this legislation illuminates why it is important for cities and towns to be aware of planning and zoning legislation, and advocate for or against it when it will impact them.

House Bill 347

House Bill 347 was signed by Governor Gregg Abbott on May 24, 2019. This bill requires landowner and voter approval for most annexations by any city in Texas. The goal of this bill is to enable landowners outside of the city limits with the ability to vote on whether they wish to be incorporated into a community via annexation. Under this bill, it is required that there be landowner and/or voter approval for annexation, that is possible by a landowner request annexation, annexation of an area with a population of less than 200 with a petition signed by more than 50% of voters, and annexation of an area with a population at 200 or more with an election or petition. Houston (2020) summarized the bill in the following.

(1) eliminates the distinction between Tier 1 and Tier 2 cities and counties created by S.B. 6; (2) eliminates existing annexation authority that applied to Tier 1 cities and makes most annexations subject to the three consent annexation procedures that allow for annexation: (a) on request of each owner of the land; (b) of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and (c) of an area with a population of at least 200 by-election of voters and, if required, a petition of landowners; and (3) authorizes certain narrowly-defined types of annexation (e.g., city-owned airports, navigable streams, strategic partnership areas, industrial district areas, etc.) to continue using a service plan, notice, and hearing annexation procedure. (p.11)

Annexation is a critical tool in how cities and towns manage population growth and encourage economic growth. Additionally, cities support the state's economy through the services and growth management they provide via annexation. The wide control that Texas home rule cities had to annex allowed cities in Texas to share the benefits of growth in the surrounding areas. According to many national authorities, annexation was the primary difference between the flourishing cities of Texas and the declining urban areas in other parts of the nation (Houston, 2020). This bill effectively halts residents and commercial businesses outside of city limits, who also use the cities facilities and service, from having to share the taxes associated with said services. It is TML's view that this bill was not well deliberated as the state does not give financial assistance to cities

to help support infrastructure. This makes Texas one of the few states that deny both financial infrastructure assistance and annexation authority to its municipalities. As reported by the Perryman Group in 2003, excessively restrictive annexation policies could harm the Texas economy by reducing personal income, sales, gross state product, employment, and population growth (Houston, 2020). The potential damage a bill like HB 347 will cause is not only limited to the local governments. By restricting annexation authority in this way, HB 347 could ultimately harm the economic wellbeing of the state and the very citizens it is aiming to serve.

House Bill 2439

House Bill 2439 became effective September 1, 2019. The bill is said to help eliminate the overly restrictive zoning ordinances, building codes, and guidelines that create monopolies and increasing construction costs. This bill applies to residential and commercial buildings such as family homes, retail stores, and warehouse spaces. House Bill 2349 declares that any governmental unit, including a city, may not implement building codes and regulations that:

- (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that apply to the construction, renovation, maintenance, or other alteration of the building. (Houston, 2019, p.1)

With these new restrictions, legislators have received significant push back and negative feedback from city officials. Now municipalities must agree to use the national model code published in the last three code cycles. While these new regulations do not apply to designated historical and State Archeological Landmarks and areas, it still makes it extremely difficult for cities to maintain a unique appearance beyond what the minimum national code allows.

House Bill 3167 and Senate Bill 2370

House Bill 3167 became effective September 1, 2019 and was passed during the 86th session of the Texas Legislature. This bill makes several changes to the site and subdivision platting approval process. It also makes changes to the zoning ordinances and the unified development code approval processes. The bill requires a uniform 30-calendar day deadline for action. It can be approved, approved with conditions, or disapproved with stated reasons. It also has a 15-calendar day deadline for action following any updates made to the application. If there is a lack of action on the application, it will automatically be approved. Additionally, there may not be any new review

comments after the 30-calendar day review period. The Texas House Land and Resource Management Committee Report states that:

Concerns have been raised regarding the process for plat and land development application approval by political subdivisions. It has been suggested that some political subdivisions circumvent statutory timelines for approving an application by simply denying the application with generic comments that do not fully address specific deficiencies with the application. C.S.H.B. 3167 seeks to provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications.

The municipal planning commission or governing body for the city is the approving authority of these applications. If the applicant needs to make any changes after the application is submitted, they will need to restart the approval process. This will use additional time and resources that many smaller communities are short on. It is the Texas Municipal League's view that this bill also forces cities and towns to artificially speed up their existing approval process. An action that will create red tape and/or result in substandard planning.

Senate Bill 2370 is relating to the procedure for approval of certain land development applications. Although this bill was left pending in committee it had a lot of similarities to House Bill 3167. This bill called for approval or disapproval within 30-days after the date the plat is filed. If the plat were approved by the municipality and needed to be approved by a planning commission, it would need to be approved 30-days after the municipality approved it. If it was not disapproved within the timeframe, it was considered approved. This Bill also required a reasoning to be listed as to why it was disapproved, and the applicant had the opportunity to list remedies to each reason. Once more they had another 30 days to approve or disapprove the applicant. Also, this bill removes the municipality's option to approve an application with conditions or disapprove pending resolution. This would save the city time from having to go through the entire process again once it is disapproved. As noted by APATX, this bill would only delay the approval process, and result in more costs to the developer (Sparks, 2019). SB 2370 will destroy the flexibility between the cities and the developers and make their relationship challenging.

Methodology

The Team conducted a comprehensive analysis of planning and zoning in Tarrant County cities and towns with a population of 5,000 or less. This analysis utilizes quantitative and qualitative data from both primary and secondary sources. Initially, the Team collected secondary source data with two overarching goals: to clarify the general nature of planning and zoning in smaller Tarrant County communities and to develop an effective survey to be administered to the target cities and towns. Once this general community research was completed, a survey developed by the Team was used to gathering primary source data directly from the target communities. The overall goals of this survey included identifying how active and aware the communities are of Texas legislation on planning and zoning and the level of perceived impact the communities have of Texas

legislation affecting their regulatory power in planning and zoning. The results from this analysis were then taken and reviewed against the requirements of HB 347, HB 2439, HB 3167, and SB 2370 to identify what impacts this legislation had on the target communities.

Methods

General community research was first gathered and evaluated to provide supporting data to the Team's overall analysis of planning and zoning (Appendix B). Of the 41 communities in Tarrant County, 13 had a population of 5,000 or less. Secondary data sources for this research include existing surveys and publications from the Texas Municipal League, the American Planning Association Texas Chapter, the Census Bureau, and the Environmental Protection Agency (EPA). Additional information was gathered from Tarrant County, Texas Legislature, and local government document plans from the target communities.

Basic descriptive statistics were utilized to find the frequency in which the target communities were general-law vs home-rule. Each city and town's square mileage, population total of 2010, and the Census Bureau's projected population for 2019 were utilized to calculate population growth rate and population density. Publications from the EPA were used to further clarify the nature of planning and zoning in small cities and towns by establishing five specific small community types. The characteristics of each community type, as outline by the EPA, were utilized to categorize each of the target cities and towns.

The 2020 Tarrant County Planning and Zoning Survey (Appendix A) was developed and implemented by the Team. To develop this survey, phone interviews were conducted with the legislative counsel at TML. From these interviews and publications from TML and the APATX, past bills were identified as potential threats to a local government's regulatory power in planning and zoning. These identified past legislative threats, and the general community research, were then utilized to develop the 16-question survey. A survey that includes a mix of quantitative and qualitative questions, both closed and open-ended.

Distribution of the survey included a combination of calling and emailing city staff. Few of the targeted communities had a designated planning and zoning department nor staff specifically to support those functions. Due to the smaller size and having a limited number of staff, many of the respondents wore "many hats" and supported multiple roles. City staff that were contacted to complete the survey were in positions of City Manager, City Administrator, and various other positions that supported planning and zoning. Of the 13 communities contacted, 7 completed the survey.

Basic descriptive statistics were used on the data gathered from the 7 respondents. These statistics included a frequency analysis on future development zones and landlocked status of the cities and towns. For the level of legislation awareness, pierced legislation impact, and legislative advocacy impact respondents were prompted to respond with a net promoter score of 0 to 10. The numerical responses were then taken and condensed into 5 categories each. How the net promoter scores were converted can be seen in Appendix D. Net Promoter Categorization. From these categories,

frequency analyses were also run on the level of legislation awareness, pierced legislation impact, and legislative advocacy.

General Community Research Results

While the results below can only be considered preliminary, they do represent the general nature of planning and zoning in the target communities. The general community research of the 13 cities and towns yielded observations on:

- The prevalent general-law Type A municipality status in target communities.
- The relevance of population growth and density.
- The necessity of categorizing small community types.

These observations are essential to the larger analysis of planning and zoning in our target communities. Each provides integral insight into how the cities and towns manage planning and zoning and how they are impacted by state legislation in this area.

General-Law vs Home-Rule

Not all communities are impacted equally by laws passed under Texas Legislature. In Texas legislation, the two predominant types of cities and towns are home-rule and general-law. General-law municipalities are then further categorized into Type A, Type B, and Type C. A brief definition from the TML Legal Department (2017) is as follows.

A home-rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law. A general-law city has no charter and may only exercise those powers that are specifically granted or implied by statute. (p. 10)

This general explanation highlights how home-rule cities tend to have more autonomy than general-law cities. Additionally, it is difficult and unlikely that a general-law city will transition to a home-rule city if they have a population of 5,000 or less. Making the target cities of this analysis particularly susceptible to losing regulatory power when new bills are passed by the Texas Legislature. As can be seen in Appendix B. General Community Research, all the target communities, but one, are general-law Type A. This means a majority are being disproportionately impacted by any Texas legislation that restricts their authority to self-regulate planning and zoning. This disparity in regulatory authority affects areas specific to planning and zoning, such as a community's ability to enact and enforce ordinances.

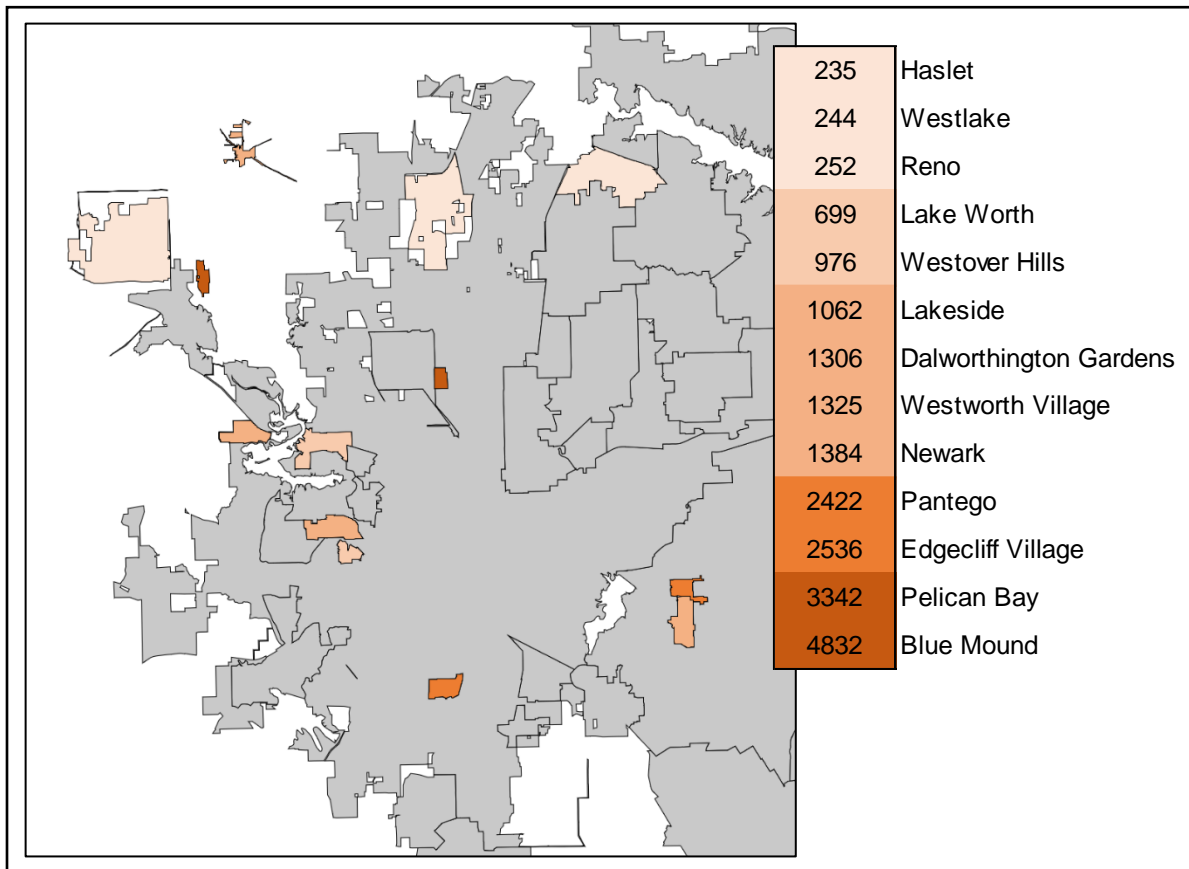
Population Growth and Density

The population dynamics of a community are one of many important considerations during planning and zoning. While factors such as average age and household size are significant, for this paper only population growth and density will be assessed. Population growth is one particularly

significant factor because proper planning and zoning is an integral tool in growth management. If population growth is not managed efficiently, communities can experience population demands and pressure that exceed the community's capacity. An issue that results in natural resource strain, excess resource demand, and resource depletion (Schultink, 2005). Similarly, planning and zoning is a powerful tool in managing population density. If zoning has not been recently reviewed, the community may have density levels set below what they can support in the current market and infrastructure. When a community is facing high housing demands and looking to increase development in residential zones, assessing the community's current density and zones in which they can expand density is integral (Local Housing Solutions, n.d.). Population density and growth rates of the 13 target cities can be seen below, in Figures 1. Population Density and Figure 2. Population Growth Rate

Figure 1

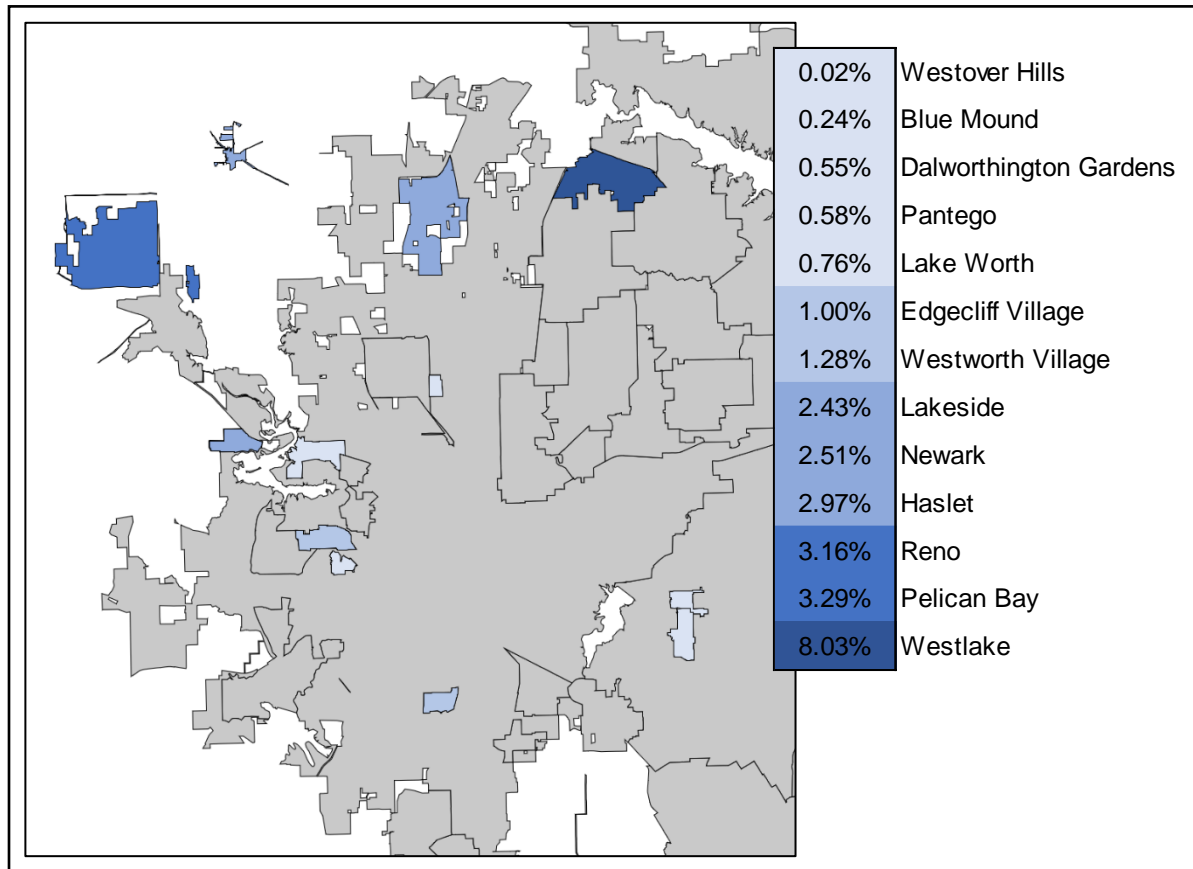
Population Density



Source: Appendix B. General Community Research

Figure 2

Population Growth Rate



Source: Appendix B. General Community Research

Small Community Type

Factors such as urban or rural status significantly impact how a community approaches planning and zoning. During the 2010 census, none of the target cities and towns being analyzed met the criteria for an urban area or place (United States Census Bureau, 2019). As defined by the Census bureau, any city or town that is not urban is classified as rural (Mishkovsky, et al., 2016). This overarching definition of rural does not fully identify the diversity in small communities. Under this definition, a rural community includes everything from large-lot housing sub-divisions to sparsely populated remote areas (Mishkovsky, et al., 2016). To understand the variety in small communities, the Team turned to the rural community categories outlined by the EPA: gateway, resource-dependent, edge, traditional main street, and second-home/retirement (Nelson, K., 2012). How the EPA defines each community type can be seen in Table 1. EPA Rural Community Types.

Table 1

EPA Rural Community Types

Community Type	Description
Gateway Community	Adjacent to high-amenity recreational areas such as national parks, national forests, and coastlines. They provide food, lodging, and associated services. Increasingly popular places to live, work, and play, gateway communities often struggle with strains on infrastructure and the natural environment. Many of these communities also experience seasonal population cycles that can strain resources.
Resource-Dependent Community	Often home to single industries, such as farming or mining, so their fortunes rise and fall with the market value of that resource. A key challenge facing resource-dependent communities is diversifying the economy while maintaining their rural quality of life and character.
Edge Community	Located at the fringe of metropolitan areas and typically connected to them by state and interstate highways. Residents have access to economic opportunities, jobs, and services. More affordable housing and access to metropolitan amenities have made many of these edge areas grow at a faster pace than their metropolitan areas. But precisely because they are such attractive places to settle, edge communities often face pressure to continue to provide more housing and services to new residents.
Traditional Main Street Community	Have a central commercial street as the focus of the town, with adjacent, compact, established neighborhoods. Additionally, historically significant architecture and public spaces provide valuable resources upon which to build. Still, these communities often struggle to compete for tenants and customers with office parks, regional malls, and large stores that rarely locate on rural Main Streets.
Second-Home and Retirement Community	Might overlap with some of the above groups, particularly edge communities and traditional Main Street communities. Like gateway communities, second-home, and retirement communities struggle to keep pace with new growth while maintaining the quality of life that drew residents in the first place.

Source: Nelson, 2012, *Essential Smart Growth Fixes for Rural Planning, Zoning, And Development Codes*, United States Environmental Protection Agency.

Diversity in community type reflects the diversity in a community’s needs, future goals, and how planning and zoning are managed. For example, an edge community that is encompassed by residential-housing zones may have planning focused on affordable housing, city parks, and safe sidewalks. A traditional main street community with a strong identity and sense of place may have planning focused on building walkable urban clusters and historic preservation. Communities can also be categorized into more than one of these types. For example, a community can be both an edge community and a second-home/ retirement community. For this analysis, the target communities were labeled with only the community type they most favored. The frequency of the community types can be seen in Table 2. Community types.

Table 2
Community Types

Community Type	Frequency	Relative Frequency	Percent Frequency
Gateway Community	3	.231	23.1%
Lakeside			
Pelican Bay			
Reno			
Resource Dependent Community	0	.000	0.0%
Edge Community	8	.615	61.5%
Blue Mound			
Edgecliff Village			
Haslet			
Lake Worth			
Pantego			
Westlake			
Westover Hills			
Westworth Village			
Traditional Main Street Community	2	.154	15.4%
Dalworthington Gardens			
Newark			
Second-Home/Retirement Community	0	.000	0.0%
	n=13	1.000	100.0%

n = total number of communities in analysis

2020 Tarrant County Planning and Zoning Survey Results

Survey data was collected from 7 of the 13 target communities. The information gathered from these cities and towns was used to clarify the perspective and experiences of the communities themselves. Due to this small sample size, the results are only applicable to the surveyed communities. The survey results yielded the following observations.

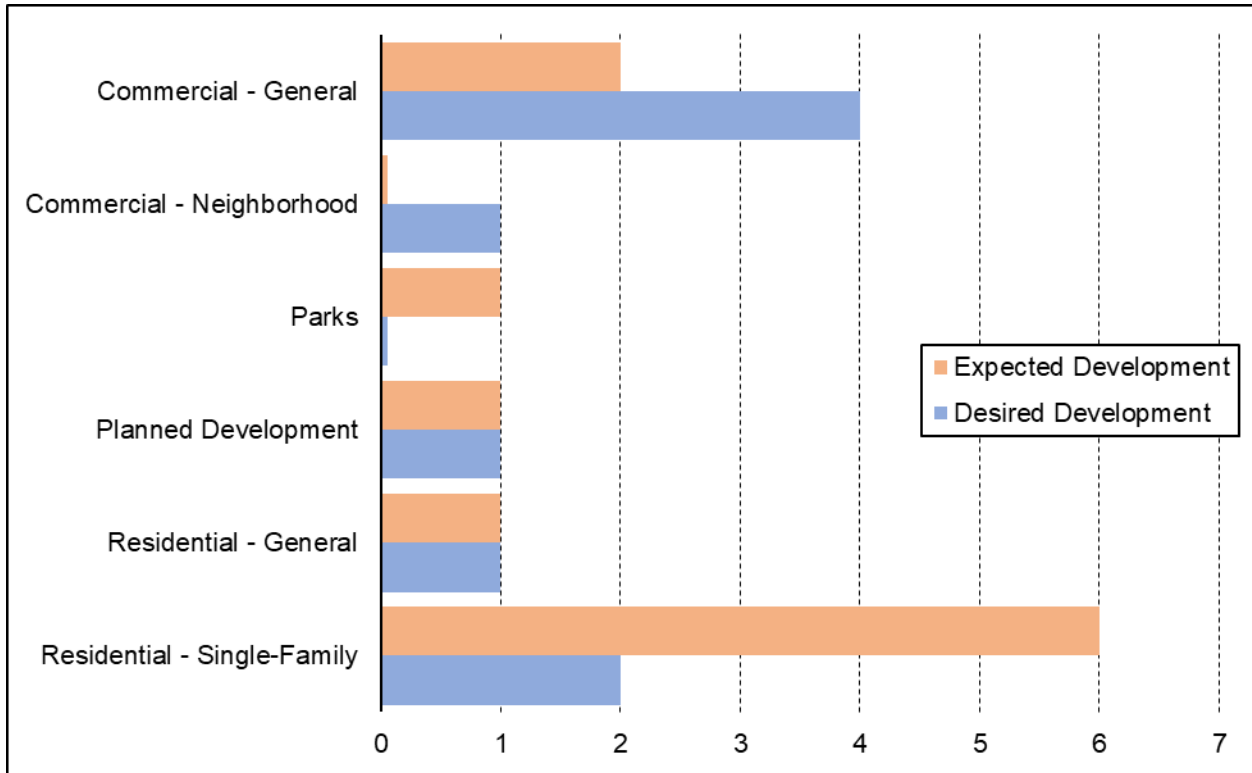
- Future development was most expected in residential zones, while desired development was expected slightly more in commercial zones.
- Surveyed communities are moderately to highly aware of past legislation targeting planning and zoning, and do not perceive it as having a positive impact on their regulatory power.
- Most communities are minimally active or not at all active in advocacy.

Expected and Desired Development

As previously stated, planning and zoning is a key component in supporting the future development and growth of a community. It is the role of the planner to turn long-range development goals into short-range actions. While doing so, it is also the ethical prerogative of the planner to promote public interest and the needs of the community (Barret, 2013). In the survey, target communities were asked to identify the zones in which they expected and desired future development the most. Respondents were also prompted to elaborate on these choices in a long answer form. These responses can be seen in Appendix C. Survey Responses – Long Answer responses to Question 6. When reviewing the frequency of the selected zones, it is relevant to note that respondents had 21 options to choose from, as well as a fill in the blank “other” option. It is also noteworthy, that respondents were able to select multiple options per question. The results can be seen below, in Figure 3. Future Development.

Figure 3

Future Development

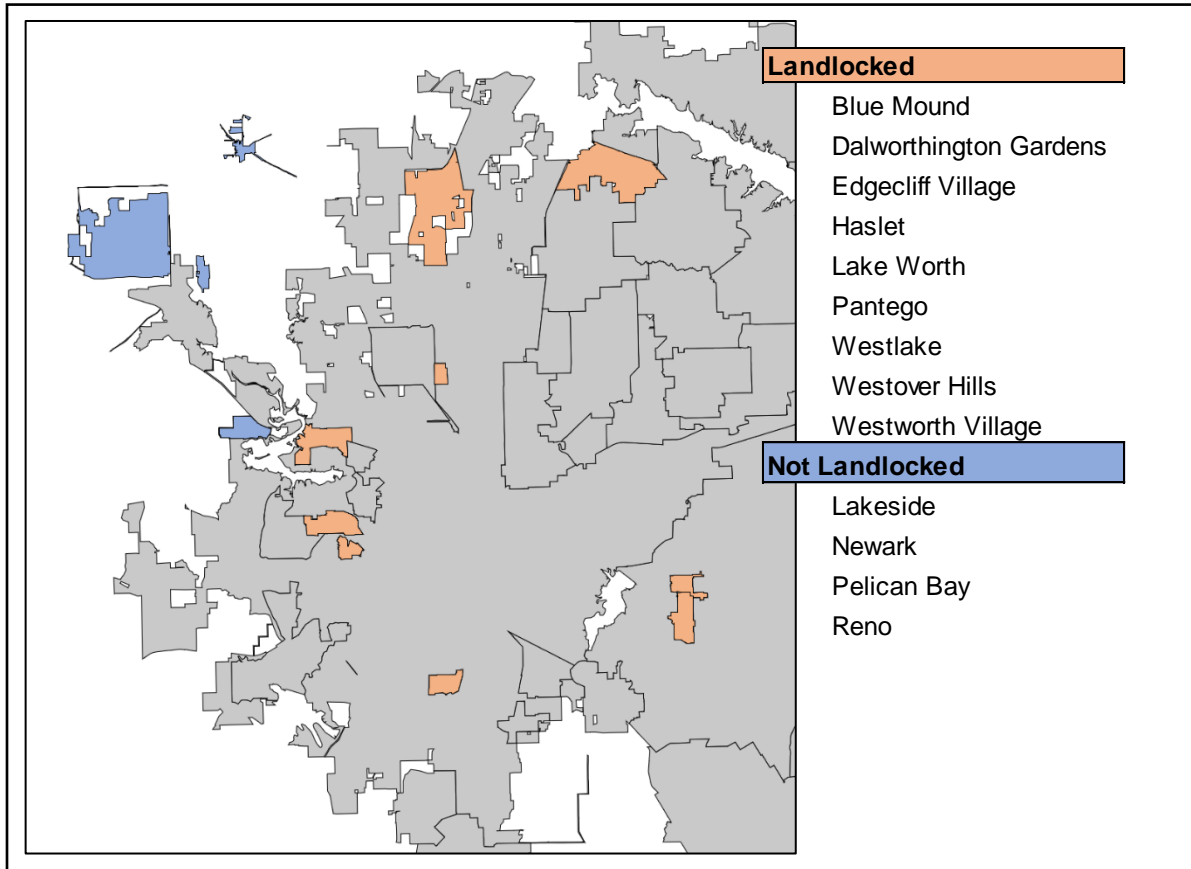


Source: Appendix C. Survey Response - Responses to Questions 5, 7, 9, 10

When identifying the zoning district community’s most desired future development, residential-single-family was selected by 6 of the 7 surveyed communities. When identifying the zoning district communities most desired future development, only 2 of the 7 surveyed communities selected residential- single-family. Additionally, 4 of the 7 respondents identified commercial-general as the most desired zone. When elaborating on why, there were a few key themes in the long answer responses. Communities indicated they are focusing on residential development to attract more commercial growth. They also identified as “landlocked” and/or mostly built out; only leaving room to focus development on residential zones. By landlocked, respondents were indicating that they are surrounded by other municipalities on all sides. Leaving them no room to expand their borders via annexation. Figure 4. Landlocked Status shows which of the 13 target communities meet this definition of landlocked.

Figure 4

Landlocked Status



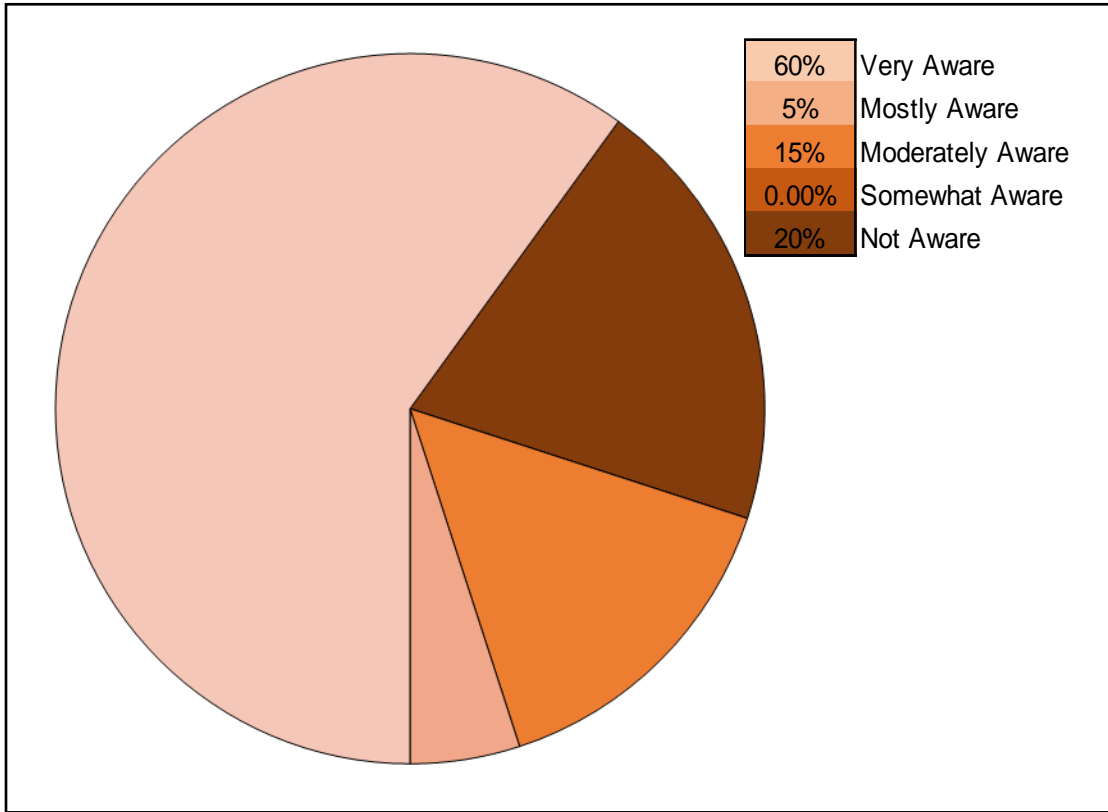
Source: Appendix B. General Community Research

Legislation Awareness and Perceived Impact

The level of awareness and the perceived impact the community feels a piece of legislation poses, directly impacts how and if they are able to adequately respond. To assess this, the surveyed communities were first asked to identify their awareness of HB 347, HB 2439, and HB 3167/ SB 2370. Then respondents were asked how they felt this legislation impacted their ability to self-regulate planning and zoning. The total level of awareness was calculated across all three questions and all seven responses. The total level of perceived impact was calculated in the same way.

Figure 5

Awareness of Planning and Zoning Legislation

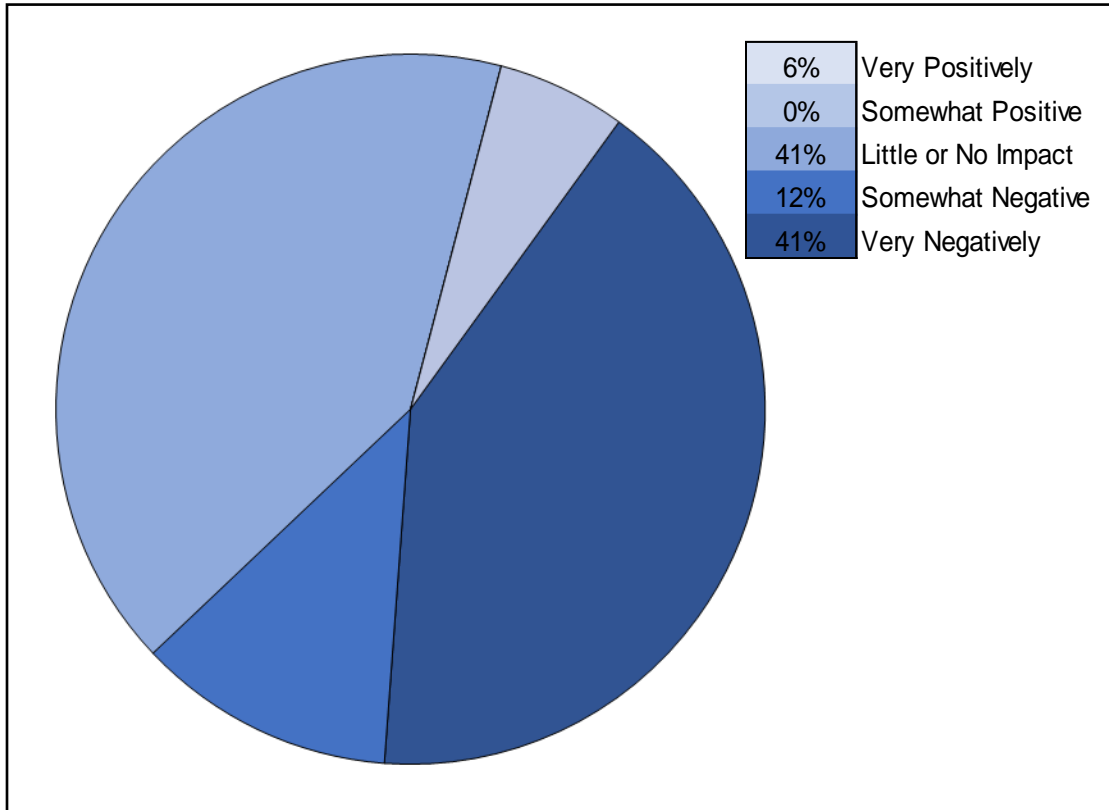


Source: Appendix E. Frequency Tables - Frequency of Q11, Q13, and Q15 Responses

As seen in Figure 5. Awareness of Planning and Zoning Legislation, 65 percent of total responses to legislative awareness questions range from mostly to very aware. Additionally, 35 percent of responses are in the moderately to not aware range. In Figure 6. Perceived Impact of Planning and Zoning Legislation, 94 percent of responses to perceived impact questions are in the very negatively to little or no impact range. These results indicate that although most of the surveyed communities do have a higher level of legislative awareness, a considerable number do not. Regardless of the level of awareness a city or town has, they do not feel past legislation positively impacted their ability to self-regulate planning and zoning.

Figure 6

Perceived Impact of Planning and Zoning Legislation



Appendix E. Frequency Tables - Frequency of Q12, Q14, and Q16 Responses

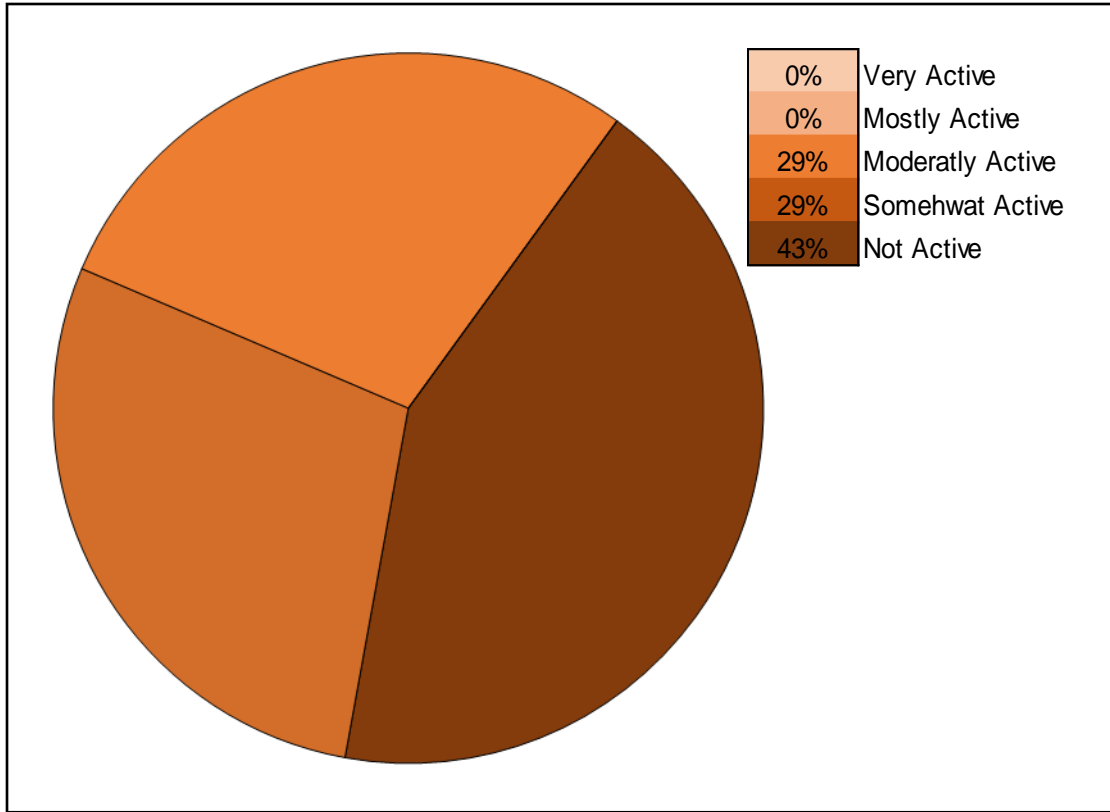
Activity in Advocacy

Being active in legislative advocacy can be essential for communities of all sizes. Cities and towns that are more active, can take a more proactive approach to support or defeating state legislation before it is passed. Additionally, they are more aware of the contents of the legislation that is passed, and better equipped to adjust when needed. However, smaller communities tend to have more constraints on time, funding, staff, and other vital resources. Making it understandable more difficult for them to be as active as larger communities.

Surveyed communities were asked if they were members of a legislative advocacy group, and how active they were in legislative advocacy. Of the 7 respondents, 4 indicated they were a member of a legislative advocacy group. However, as seen in Figure 7. Activity in Legislative Advocacy, no respondent indicated they were in the mostly or very active range. Even when a member of a legislative advocacy group, such as TML, surveyed communities still felt they were only moderately active, somewhat active, or not active at all.

Figure 7

Activity in Legislative Advocacy



Source: Appendix E. Frequency Tables - Frequency of Q10 Responses

Validity and Reliability

The research conducted on the communities was highly specified and targeted. With only the 13 communities in Tarrant County analyzed, sample size is particularly small. To determine how this small sample size potentially impacted the analysis, the Team reviewed the validity and reliability of the methods and results.

The reliability of the analysis was consistent and high. Data gathered during the general community research phase was collected from government sources including the Census Bureau, the EPA, municipalities’ code of ordinances, and comprehensive plans. During the surveying phase, the planning and zoning survey was administered directly by the Team. The team was able to ensure that each respondent had a similar experience when being administered the survey. One area in which reliability was slightly weaker, was in who was responding to the planning and zoning survey. The positions and roles of the respondents did have a slight variation. For example, a city manager responded to the survey in one community, while the city secretary responded in another. With the nature of smaller communities having limited staff that support multiple functions, not allowing for this variation would have only further limited the number of survey responses. Having a smaller sample size meant the capstone team had the time to be highly focused

on each of the 13 target communities and maintain consistency in data collection. This positively impacts the overall reliability of the analysis.

The validity of the analysis, when applied only to the target communities, is also strong. General data on the community's population, square mileage, and such came from reliable sources that can be depended on for accuracy. One such source is the Census Bureau. To calculate population growth and density, the Capstone team leveraged the 2010 population totals, and the 2019 projected population totals from the Census Bureau. These projections tend to have high accuracy and a small margin of error. One area in which the validity is less strong is in how the communities were grouped into rural community types. This was done subjectively, based on descriptions provided by the EPA. It is possible, that a different team, reviewing the same community characteristics, would come to different conclusions on how each city or town should be categorized. However, it is not the specific community label that is most relevant to the analysis. It is the community characteristics themselves, making this still a valid measure.

Limitations

The primary limitations of this analysis were due to constraints on cost, scope, and time. As expected for a capstone project, there is no budget and costs are nominal. The constrained scope of the project led to the inclusion of only 13 communities in Tarrant County. Time proved to be the most perennial restraint. The Team worked swiftly to collect both quantitative and qualitative data from primary and secondary sources. Even with working rapidly to deploy the 2020 Tarrant County Planning and Zoning Survey, responses were only collected from 7 of the 13 cities and towns. These limitations on both time and scope led to a particularly small sample size of data. This small sample size meant that generalizable trends were not able to be identified. Any conclusions made and insight gained from this analysis can only be applied to the target communities.

This lack of generalizability also makes the results of this analysis only preliminary. For stronger insight into how small communities in Texas are impacted by state legislation, the target community would need to be expanded to all cities and towns with a population of 5,000 or less. Not just those in Tarrant county. With a larger sample size such as this, trends and additional variables could be identified and accounted for. Variables such as how a community's proximity to a major metropolitan area or their level of citizen participation in planning and zoning. These constraints and limitations aside, the capstone team was able to leverage the data gathered to come to strong conclusions on the impacts of planning and zoning legislation on the target communities.

Impacts of Planning and Zoning Legislation

Smaller communities in Tarrant county are varied in their character and needs. As seen when categorizing the target cities and towns into community types, the variety significantly impacts how planning and zoning are managed. As the level of government closest to the people, it is cities and towns that are best able to understand how to support their communities. Therefore, it is essential that cities and towns retain the authority to regulate and govern local affairs. Any piece

of legislation that limits a municipality's authority and regulatory power, directly impacts how effective they can be in meeting the unique needs of their community. Loss of regulatory power over annexation, building materials, and subdivision plat approval present significant threats to a community's ability to effectively govern planning and zoning.

Annexation and State Funding

HB 347 has had considerable negative impacts on municipalities' planning and zoning power. This bill authorizes citizens to vote to choose if they want to be added to a city or town via annexation, while simultaneously stripping the power to manage annexation from these same cities and towns. Before HB 347, annexation meant that businesses and landowners would benefit from access to the city's facilities and services and share the tax burden associated with the construction and maintenance of those buildings. When the Texas Legislature chose to limit and restrict the municipality's regulatory authority in annexation, it failed to consider the implication of not having any form of financial assistance to support communities' infrastructure. Aside from Virginia, Texas municipalities are the least likely to receive aid or grants from the state funds.

For smaller communities, the issue of funding is universal. An example from one of the surveyed cities is Dalworthington Gardens. This community does not have a lot of sales tax revenue. With the Sales Tax Revenue changes for the fiscal year 2020, that revenue is now even lower. Dalworthington Gardens is aiming to boost development in commercial zones to increase their revenue. With state funding aid, they would more easily be able to increase commercial development. If Dalworthington was not landlocked, annexation would have been another tool to support the development and increase revenue. A tool that is now much more restricted under HB 347.

Another example of a community that felt the negative impacts of this bill, is the Town of Lakeside. Lakeside is a gateway community located close to a large nature preserve and recreational lake. With gateway communities rapidly increasing in popularity, Lakeside has experienced a predictably high population growth rate. To navigate this increase in popularity and residential growth, Lakeside has dedicated a significant percentage of its future zoning to residential- single-family (Town of Lakeside, n.d.). This community is likely to continue to experience rapid population growth, and annexation would be a vital tool in managing that growth. Losing power over annexation will potentially impact Lakeside negatively in the future.

Building Materials

As discussed previously in this analysis, General-Law municipalities have less regulatory power than Home-Rule municipalities. A General-Law city may only exercise governing authority over what is explicitly granted by state law. Under section 211.003 of the Texas Local Government Code, General-Law cities have the power to regulate the construction and reconstruction of buildings. HB 2439 reduced that power by restricting a community's ability to regulate building materials. The materials that are used during construction significantly impact the look and character of a building. The character of a building inevitably contributes to a community's overall

identity. By placing restrictions on the ability of a municipality to regulate building materials, HB 2439 is negatively impacting the identity and culture of the community itself.

One of the surveyed communities, the Town of Westlake, particularly felt the impacts of HB 2439. During the previous legislative session, Westlake was very aware and active towards attempting to defeat this piece of legislation. The respondent expressed how HB 2439 hit right at the heart of Westlake in terms of how the town feels about itself and what it expects from development (Appendix C. Survey Response – Additional Comments). Westlake had to actively work to find ways around the bill by using development agreements. Creating more of a mutual agreement, rather than a regulation, the town and developers were able to work together amicably. Conversely, other cities such as Arlington, Dallas, Fort Worth had to adopt more ordinances to force developers into an agreement. The high level of legislative awareness and activity Westlake had around HB 2439, is what enabled them to respond effectively to a piece of legislation that had significant negative impacts on their regulatory power.

Subdivision Plat Approval

Another threat to smaller communities' regulatory power over planning and zoning, is HB 3176 and SB 2370. While SB 2370 has not yet been passed, HB 3176 went into effect in September of 2019. Although HB 3176 does not directly impede a community's authority in rezoning, it has had indirect impacts on zoning regulatory authority. The new, stricter regulations on the subdivision plat approval process have created hurdles and animosity with developers. Additionally, implementing these new regulations will incur additional administrative and time costs for cities. Resources that are already limited in smaller communities.

As noted in the survey results, many target communities were looking to encourage growth through development in their commercial and/or residential zones. The regulatory authority in zoning is particularly important when planning to support growth and development. A city or town's ability to rezone to support population growth and increased density in residential zones is an integral tool. This is especially true for communities that are landlocked and/or mostly built out. For these, communities, rezoning to increase population density in residential areas is one of their few options for supporting continued residential growth. The impacts of HB 3176 will be especially seen when rezoning occurs in residential areas.

Both Blue Mound and Pantego are examples, from the surveyed communities, that reflect the need for full regulatory authority over rezoning. As seen in their comprehensive plan, Blue Mound is low to moderate income housing rehabilitation (City of Blue Mound, 2012). As an edge community with a high population density, it is expected that affordable housing is one of the community's needs. When supporting affordable housing, rezoning to expand population density in residential zones is common and effective. Making it a useful tool for Blue Mound to implement. Similarly, Pantego's also utilizes rezoning to organize population density in a way that best supports the unique needs of their community. In their comprehensive plan, Pantego outlines rezoning to divide residential zones into general urban, suburban, and rural (Lesiner, et al., 2012)

comp plan). The goal is to create urban clusters. An effective zoning strategy that enables communities to support things like public transit and biking while also preserving open space and protecting water quality (Nelson, 2012). A tool and strategy that unfortunately becomes much less efficient with the new subdivision plat approval conditions.

Legislative Awareness and Activity

This analysis has highlighted how legislative awareness and activity is essential to smaller communities for two main reasons. First, being aware allows cities and towns the opportunity to advocate against legislation that could do them harm. Second, if a bill is passed that will negatively impact the authority of a municipality, they will have the knowledge needed to mitigate potential harm. The surveyed communities mostly had a moderate to high level of awareness but were not highly active in legislation activity. Resources that can support smaller communities in continued awareness, while also increasing their level of activity would give them the best chance in lessening the impacts of restrictive planning and zoning legislation.

Awareness and Advocacy Resources

Awareness and advocacy play a key role in planning and zoning regardless of the size of a community. However, smaller communities tend to have fewer resources than larger communities in finances, technology, and staff (Nelson, 2012). An issue that can make investing in legislative awareness and advocacy resources difficult. With consideration of this disparity in mind, this section focuses on highlighting resources that are free or low-cost. Resources including various tools and strategies smaller communities can implement. These tools and strategies are divided into three main categories: encouraging citizen participation, contacting legislators, and leveraging resources from non-profit organizations. Although time and resource costs can make investing in these areas seem unfeasible for smaller communities, increasing legislation awareness and being able to advocate are essential tools that make a significant impact in more than just planning and zoning.

Citizen Participation

Leveraging citizen and volunteer participation in the planning and zoning process provides significant benefits to smaller communities. Additional support in increasing a community's legislative awareness and advocacy is just one of the many benefits. The Office of Rural Community Affairs (ORCA) has developed a manual specifically for guiding small cities and towns towards developing a strong comprehensive plan. This was done when ORCA realized that the manual from the Texas Chapter of the American Planning Association was detailed and complex, better suiting the needs of larger cities rather than smaller ones (The Office of Rural Community Affairs). While the manual focuses on the planning and zoning process in its entirety, legislative advocacy and awareness are highlighted consistently throughout. Below, Table 3. Resources for Planning and Zoning in Rural Communities, lists several key components of the

ORCA manual including the benefits of citizen participation, where to find volunteers and other citizen participation opportunities.

The Office of Rural Community Affairs also suggests forming a Citizens Advisory Committee (CAC) to increase involvement in planning and zoning. Increased involvement can also lead to support increasing legislative awareness and support in advocacy. A CAC is not necessary, especially in small communities, but it can serve to increase citizen participation in planning, while also relieving some of the planning and zoning workload from city staff (The Office of Rural Community Affairs, n.d.). A CAC typically consists of a large group of resident volunteers from the community that will be affected by future planning and zoning. These volunteers are appointed by the planning and zoning commission or city council. Members of the CAC typically come from a broad variety of professional backgrounds and represent all local interests. Some examples of where these volunteers can be found are included in Table 3. Resources for Planning and Zoning in Rural Communities.

The purpose of a CAC is to create a space that enables citizens to discuss the comprehensive plan and make recommendations based on the needs and desires of the community. The CAC would be able to support staying informed on and advocating for or against planning and zoning legislation that would impact the community. A task that city staff may have difficulty being available for. Additionally, the CAC would be able to recommend how new planning and zoning legislation should be implemented to best support the community. However, a CAC may not be necessary for all communities. If smaller communities do not have adequate time, staff, and resources to support a CAC, a committee could slow down the planning and zoning process (The Office of Rural Community Affairs, n.d.). This could potentially do more harm than good. In these situations, it is advised that cities and towns invest in citizen participation in other ways. Examples of other participation opportunities can be seen in Table 3. Resources for Planning and Zoning in Rural Communities.

Table 3

Resources for Engaging Citizen Volunteers

<p>Benefits of Citizen Participation</p>	<ul style="list-style-type: none"> • Increases understanding of the benefits of planning and zoning. • Decreases uncertainty about planning and zoning infringing on personal freedom and property rights. • Increases involvement and contributes to the acceptance and success of the planning process. • Aids the planner with knowledge of the community and provides a realistic perspective to the planning process. • Provides the skills and technical knowledge from citizens' professional experience, reducing the need for consultants. <p style="text-align: center;">Assures citizens are given a chance to become aware of practical matters surrounding plan implementation.</p>
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<p>Where to Find Volunteers</p>	<ul style="list-style-type: none"> • City department heads (fire, police, public development, community development, etc.) • Leaders of neighborhood associations • Developers • Local businesspeople • City council members • Planning and zoning commissioners • Local parent-teacher associations • Others with decision-making powers • A representative and diverse sample of community residents
<p>Other Participation Opportunities</p>	<ul style="list-style-type: none"> • Promote membership in civic organizations. • Develop public opinion surveys, providing information to planners. • Encourage voluntary input (attendance at public hearings/ town meetings, letters to the planning and zoning commission, etc.) • Support serving in an elected or appointed office with planning duties. • Encourage conversations with advising members of the city council, planning and zoning commission, or members of a CAC.

Source: *The Office of Rural Community Affairs, 2002, Comprehensive Planning for Small Texas Cities.*

Particularly for smaller communities with limited resources, utilizing citizen and volunteer participation can be an integral tool in creating an affordable planning program. Citizen participation is also an important aspect of advocating for or against state legislation impacts planning and zoning. Cities and towns can promote citizen involvement in numerous ways, including by encouraging and supporting citizens in contacting their state legislators.

Contacting Legislators

Contacting legislators is an incredibly effective strategy in discussing various concerns and advocating for changes regarding planning and zoning legislation. People, particularly citizens and volunteers, may find it intimidating to reach out and speak about issues of concern. It is important to remember that citizens are the voices that help to shape what public policy looks like. Voicing what needs to be addressed to the right people, is one substantial way to make sure public interest is heard and respected during the legislative process. The Texas Council for Developmental Disabilities (TCDD) has shared numerous tips to support communities in contacting legislators. While they suggest that meeting with legislators face-to-face is best, TCDD also mentions it is important to attempt to meet with them while they are not in a legislative session (2019). It should be assumed that legislators are extremely busy during this time and therefore may not be available to meet or speak with citizens or city staff about their concerns. TCDD also mentions that aside from face-to-face visits, letters, phone calls, and emails are good contact methods (2019). Below, Table 4. Legislator Outreach Tips and Recommendations, outlines a few of the main suggestions for the different outreach methods. Reasons for needing to contact state legislators expand beyond reasons of advocacy and are certainly not exclusive to that of planning and zoning purposes.

Table 4

Legislator Outreach Tips and Recommendations

Outreach Method	Tips and Recommendations
<p>General</p>	<ul style="list-style-type: none"> • Contact your legislative office when an issue is being heard in the committee. Especially if that legislator serves on the committee discussing the issue. • Be brief, specific, and get to the point quickly. • Be polite, professional, positive, and respectful. • If there are concerns about a specific bill provide details: the bill number, the subject, a position on the bill, and brief reason they are being contacted. • Tell them what action is recommended for them to address the issue. • Thank them if they agree. If they do not, provide specific examples of effects the bill would have on family, friends, community, business, or jobs. • Thank them for their time.
<p>Personal Visit</p>	<ul style="list-style-type: none"> • Make an appointment (necessary). • When scheduling, detail how much time you need (15-30 min) and what issue is to be discussed. • Practice what to say beforehand and allow time for questions. • Leave a factsheet (1 page) with the most vital information, including contact information. • Follow up with a thank-you note reminding the legislator what was discussed, and what actions they were requested to take.
<p>Letters/Emails</p>	<ul style="list-style-type: none"> • In the beginning, state the bill number and information regarding the bill. • Include a follow-up address and phone number. • If commenting on more than one issue, send a separate message for each. • Invite the legislator to reach out and discuss the stated position on the bill. • Ask for their position on the issue and request a reply.
<p>Phone Contact</p>	<ul style="list-style-type: none"> • Before placing the call, make note of relevant points to be discussed. • Ask for the staff person who covers the area of the issue (i.e., planning and zoning, human services, etc.). • Request a return call.

Source: Texas Council for Developmental Disabilities, 2019, *Legislative Advocacy Tips*.

Nonprofit Organizations

Various nonprofit organizations exist to assist cities and city staff with their advocacy efforts. Services provided by these organizations vary from informing and educating, to providing networking opportunities and advocacy training. While some of these services are provided free to the public, others vary in their investments. A summary of the largest contributors and their services follows.

Texas Municipal League

Main Website: <https://www.tml.org/>

The Texas Municipal League is a non-profit organization that provides legislative services to Texas cities. Their mission is to serve and advocate for the interests of cities and city officials. TML provides legal services that individual cities do not have the time, money, nor strength to do alone. In practice, this translates to services including:

- Representing the interests of member cities before legislative, administrative, and judicial bodies at all levels.
- Sponsoring conferences, seminars, meetings, and workshops.
- Publishing and circulating publications, reports, and newsletters.
- Alert member cities of important governmental or private sector actions or proposed actions that may affect municipal operations.
- Promote constructive cooperative relationships among cities.
- Provide and conduct training in relevant and timely topics related to municipal government.

Investment: Membership dues vary based on the population of a city

Legislative Update

Published weekly, this collection of up-to-date information outlines the legislative news affecting Texas cities.

Investments: Free online

Solutions Net Listserv

<https://www.tml.org/224/SolutionsNet-Listserv>

Solutions Net Listserv connects hundreds of Texas city officials and enables participants to tap into their experience and expertise. The listserv is a web-based communication system that allows participants to ask questions, respond to inquiries, post documents, and search archived discussion threads.

Investment: Free with TML membership

TML Legislative Series

<https://www.tml.org/31/Education>

The series includes four webinars and a workshop focusing on the current Texas legislative session.

Investment: Webinars \$45 each, One day workshop \$175

Various Training & Educational Trainings

<https://www.tml.org/31/Education>

TML offers certification for elected officials, in-person, and online training events. TML On Demand also provides archived recordings from past League webinars and other training available to view 24/7. TML On-Demand webinars vary in length from 30 minutes to one hour.

Investment: Varied

Texas Chapter of the American Planning Association

Main Website: <https://texas.planning.org/>

The Texas Chapter of the American Planning Association represents public and private sector planners, planning academics and students, elected officials, and citizen planners of Texas. The mission of APATX is to assist members by upgrading member skills, expanding networks, and connecting and interacting with planners from every region and discipline.

Investment: New member dues based on a salary range

Legislative Alerts

<https://texas.planning.org/policy-and-advocacy/legislative-alerts/>

Receive up-to-date information on the latest legislation affecting Texas cities.

Investment: Free online

Planners Advocacy Network

<https://texas.planning.org/policy-and-advocacy/planners-advocacy-network/>

The Planners Advocacy Network is designed to assist members through educating about issues that affect them, communicating with legislators, teaching effective advocacy strategies through training and events, connecting with colleagues across the state to maximize the advocacy efforts, and hosting local meetings and special advocacy events.

Investment: Free with APA (American Planning Association) membership

Legislative & Advocacy Summit

Offered yearly, the two-day summit, provides expert training from leaders in the field. Topics have included: advocacy tools and training, the dynamics of upcoming legislative sessions, and the implications of proposed legislation.

Investment: Varied

Short Course for Planning and Elected Officials

<https://texas.planning.org/conferences-and-events/short-course-planning-and-elected-officials/>

Offered yearly, the Short Course curriculum includes two tracks of sessions aimed at covering basic planning issues as well as important challenges and opportunities that face planning officials in Texas communities. The program includes sessions addressing the following:

- Introduction to Planning in Texas: Roles and Responsibilities
- Introductions to Zoning and Subdivisions
- Comprehensive Plans
- Transportation Planning
- Park Planning
- Infrastructure Planning
- Development Process
- Topics of current and local interest

Investment: Varied

Guide to Urban Planning in Texas Communities

The Guide is the 179-page handbook to the Short Course for Planning and Elected Officials. It includes an extensive collection of articles that cover all aspects of planning in Texas. Written by experts and regularly updated, the Guide includes the basic topics and more technical approaches to a wide range of issues. In addition to being the basis for the Short Course, it has been used as a textbook at several universities.

Investment: Free online

American Planning Association - Advocate's Toolbox

<https://www.planning.org/advocacy/#Toolbox>

Making an impact through advocacy can be daunting. The APA has created a toolbox full of information that can be useful in making an impression with state legislators and beyond.

- Emailing Elected Officials – Guide to send emails that convey a clear and timely message to elected officials.
- Scheduling a Visit – Step-by-step guide to scheduling a meeting with your elected officials.
- Planning a Site Visit – Checklist to plan a site visit or tour for your elected officials.
- Sample Scheduling Request – Template to request an in-person meeting with your elected official.

- Sample Thank You Note – Template to write your own personalized thank you note to your elected official.

Investment: Free online

Texas Legislature Online

Main Website: <https://capitol.texas.gov/>

The official Texas Legislature online site allows users to follow a bill through the entire legislative process. Stay informed on current Texas legislation. Search for bills by keywords, follow the status of a bill, receive bill and legislative alerts, and find out when a bill will be discussed on the floor.

Investment: Free online

Conclusion and Recommendations

This study analyzed the consequences of removing regulatory authority from cities and towns in Tarrant County communities with a population of 5,000 people or less. Over the past two legislative sessions, the Texas Legislature has trended towards passing legislation that would remove regulatory power from local governments in the areas of planning and zoning. As the most local form of government, municipalities have the role of understanding and serving the unique needs of their communities. It is important for municipalities to retain their regulatory power to maintain the highest levels of service to their citizens. This analysis achieved two main goals. First, it gathered relevant information and insight into the planning and zoning needs of the targeted communities. Second, it evaluated resources available to the targeted cities and towns to aid in their awareness and advocacy efforts.

Information for understanding the planning and zoning needs of the targeted communities was obtained through primary and secondary sources. The most valuable information came through surveys disseminated via email and telephone interviews. The overall goals of this survey included identifying how active and aware the communities are of Texas legislation on planning and zoning and the level of perceived impact the communities have of Texas legislation affecting their regulatory power in planning and zoning. Of the 13 Tarrant county communities with populations of 5,000 or less, all were contacted, and 7 completed the survey. Surveys yielded key information. First, future development was expected for most communities in residential zones, while desired development was expected slightly more in commercial zones. Second, surveyed communities are moderately to highly aware of past legislation targeting planning and zoning, and do not perceive it as having a positive impact on their regulatory power. Third, most communities are minimally active or not at all active in advocacy.

The study is limited due to the inclusion of only 13 communities in Tarrant County. For stronger insight into how small communities in Texas are impacted by state legislation, a large-scale study is recommended to include all Texas cities and towns with a population of 5,000 or less. With a larger sample size, trends and additional variables could be identified and accounted for. Despite

these limitations, the Team was able to leverage the data gathered to come to strong conclusions on the impacts of planning and zoning legislation on the target communities.

While awareness and advocacy play a key role in planning and zoning regardless of the size of a community, smaller communities like the ones in this study have fewer resources than larger communities to engage in such efforts. This analysis recommends several free or low-cost resources and easy to implement strategies available to assist in advocacy. These tools and strategies include encouraging citizen participation, contacting legislators, and leveraging the numerous resources available from non-profit organizations. Increasing legislation awareness and advocacy efforts on the part of the targeted communities can make a significant impact in the areas of zoning and planning. With the resources provided, it is easy for communities to start small and build-up their activity in legislative advocacy as they are able. Simple steps, like registering for legislative alerts through the various non-profit organizations are fast and feasible. More complex actions, like citizen and volunteer engagement, can be time-consuming initially but generate more resources in knowledge and personnel than the community started with. Identifying the strategy, the city or town is most comfortable preceding with is key. With the threat of losing regulatory power through restrictive Texas legislation, any action is better than no action.

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Appendices

Appendix A. 2020 Tarrant County Planning and Zoning Survey

1. Is the municipality or municipal staff a member of a legislative advocacy group?
 - a. Yes
 - b. No

2. (Question 1 follow-up) If yes, what legislative advocacy group?
 - a. Texas Municipal League
 - b. Texas Advocacy and Planning
 - c. Other:_____

3. Does the municipality have a comprehensive plan for planning and zoning?
 - a. Yes
 - b. No

4. (Question 2 follow-up) If yes, when was this comprehensive plan adopted and/or last amended?

5. In what zoning districts is the municipality expecting the most development?
 - a. Agricultural
 - b. Airport
 - c. Golf Course
 - d. Commercial-General
 - e. Commercial-Neighborhood
 - f. Governmental
 - g. Industrial
 - h. Manufacturing
 - i. Mixed-Use
 - j. Office
 - k. Parks and Open Space
 - l. Planned Development
 - m. Public and Institutional
 - n. Residential-Manufactured Homes
 - o. Residential-Multifamily
 - p. Residential-Single Family
 - q. Residential-Duplex
 - r. Residential-Rural
 - s. Residential-Estate
 - t. Residential-Country

- u. Residential-Neighborhood
 - v. Other:
6. (Question 5 follow-up) Please elaborate:
- a. Long-answer fill in the bank.
7. In what planning and zoning districts is development the most desired?
- a. Agricultural
 - b. Airport
 - c. Golf Course
 - d. Commercial-General
 - e. Commercial-Neighborhood
 - f. Governmental
 - g. Industrial
 - h. Manufacturing
 - i. Mixed Use
 - j. Office
 - k. Parks and Open Space
 - l. Planned Development
 - m. Public and Institutional
 - n. Residential-Manufactured Homes
 - o. Residential-Multifamily
 - p. Residential-Single Family
 - q. Residential-Duplex
 - r. Residential-Rural
 - s. Residential-Estate
 - t. Residential-Country
 - u. Residential-Neighborhood
 - v. Other:
8. (Question 7 follow-up) Please elaborate:
- a. Long-answer fill in the bank.
9. How active is the municipality in Texas legislative advocacy?
- a. Net promoter score of 0-10, not at all active to very active
10. In what public policy area, has the municipality been most active?
- a. Agriculture & Livestock
 - b. Appropriations
 - c. Business & Industry

- d. Corrections
 - e. County Affairs
 - f. Criminal Jurisprudence
 - g. Culture, Recreation & Tourism
 - h. Defense & Veterans' Affairs
 - i. Elections
 - j. Energy Resources
 - k. Environmental Regulation
 - l. General Investigating
 - m. Higher Education
 - n. Homeland Security & Public Safety
 - o. House Administration
 - p. Human Services
 - q. Insurance
 - r. International Relations & Economic Development
 - s. Judiciary & Civil Jurisprudence
 - t. Juvenile Justice & Family Issues
 - u. Land & Resource Management
 - v. Licensing & Administrative Procedures
 - w. Mass Violence Prevention & Community Safety
 - x. Natural Resources
 - y. Public Education
 - z. Public Health
 - aa. Redistricting
 - bb. State Affairs
 - cc. Statewide Health Care Costs
 - dd. Transportation
 - ee. Urban Affairs
 - ff. None
11. Was the city (or town) aware of House Bill 347, which eliminated distinctions in the application of consent annexation requirements, and passed in the last Texas legislative session?
- a. Net promoter score of 0-10, not at all aware to very aware
12. How do you feel House Bill 347 will impact the city's (or town's) ability to self-regulate planning and zoning?
- a. Net promoter score of 0-10, very negatively to very positively

13. Was the city (or town) aware of House Bill 3167 or Senate Bill 2370, relating to subdivision plat approval timing?
 - a. Net promoter score of 0-10, not at all aware to very aware

14. How do you feel House Bill 3167 or Senate Bill 2370 will impact the city's (or town's) ability to self-regulate planning and zoning?
 - a. Net promoter score of 0-10, very negatively to very positively

15. Was the city (or town) aware of House Bill 2349, relating to regulating building materials and methods used in the construction of residential or commercial structures, in the last Texas Legislative Session?
 - a. Net promoter score of 0-10, not at all aware to very aware

16. How do you feel House Bill 2349 will impact the city's (or town's) ability to self-regulate planning and zoning?
 - a. Net promoter score of 0-10, very negatively to very positively

Planning and Zoning Analysis for Smaller Communities in Tarrant County

Appendix B. General Community Research

City/Town	2010 Population*	2019 Projected Population*	Population Growth Rate**	Land Area (Sq. Miles) ***	Population Density ****
Haslet	1517	1923	2.97%	8.2	235
Westlake	992	1709	8.03%	7	244
Reno	2494	3204	3.16%	12.7	252
Lake Worth	4584	4896	0.76%	7	699
Westover Hills	682	683	0.02%	0.7	976
Lakeside	1307	1593	2.43%	1.5	1062
Dalworthington Gardens	2259	2370	0.55%	1.815	1306
Westworth Village	2472	2757	1.28%	2.08	1325
Newark	1005	1232	2.51%	0.89	1384
Pantego	2394	2519	0.58%	1.04	2422
Edgecliff Village	2776	3026	1.00%	1.193	2536
Pelican Bay	1547	2005	3.29%	0.6	3342
Blue Mound	2394	2445	0.24%	0.506	4832

City/Town	General-Law or Home-Rule	Community Type	Landlocked Status
Haslet	General-Law Type A	Edge	Yes
Westlake	General-Law Type A	Edge	Yes
Reno	General-Law Type A	Gateway	No
Lake Worth	General-Law Type A	Edge	Yes
Westover Hills	Home-Rule	Edge	Yes
Lakeside	General-Law Type A	Gateway	No
Dalworthington Gardens	General-Law Type A	Traditional Main Street	Yes
Westworth Village	General-Law Type A	Edge	Yes
Newark	General-Law Type A	Traditional Main Street	No
Pantego	General-Law Type A	Edge	Yes
Edgecliff Village	General-Law Type A	Edge	Yes
Pelican Bay	General-Law Type A	Gateway	No
Blue Mound	General-Law Type A	Edge	Yes

*Source: United States Census Bureau, 2019

**Population Growth Rate = ((2019 Projected Population-2010 Population) / 2010 Population) / 9 years

***Source: United States Census Bureau, Quick Facts

****Population Density = 2019 Projected Population / Square Mileage

Appendix C. Survey Responses

Responses to Questions 1-4

City/Town	Q1	Q2	Q3	Q4
Blue Mound	No	N/A	Yes	2020
Dalworthington Gardens	Yes	TML	Yes	Currently being amended. Planning for re-adoption in late 2020 or 2021.
Lakeside	No	N/A	Yes	2018
Newark	Yes	TML	Yes	2013
Pantego	Yes	TML	Yes	2013
Westlake	No	N/A	Yes	Currently being amended. Last amended in 2015
Westworth Village	Yes	TML	Yes	Partial revision in 2020. The last full revision was adopted in 2016.

- Q1. *Is the municipality or municipal staff a member of a legislative advocacy group?*
- Q2. *(Question 1 follow-up) If yes, what legislative advocacy group?*
- Q3. *Does the municipality have a comprehensive plan for planning and zoning?*
- Q4. *(Question 2 follow-up) If yes, when was this comprehensive plan adopted and/or last amended?*

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Responses to Questions 5, 7, 9, 10

City/Town	Q5	Q7	Q9	Q10
Blue Mound	Residential-Single-Family	Commercial-General, Commercial-Neighborhood, Residential-Single-Family	0	None
Dalworthington Gardens	Commercial-General, Residential-Single-Family	Commercial-General	2	Business & Industry
Lakeside	Commercial-General, Residential-Single-Family	Commercial-General	0	None
Newark	Residential-Single-Family	Commercial-General	5	House Administration
Pantego	Residential-Single-Family	Residential-Single-Family	5	none
Westlake	Planned Development	Planned development	2 or 3	Public Education (Primarily), Transportation
Westworth Village	Residential-General, Parks	Residential	1	Elections, Land and Resource Management

Q5. *In what zoning districts is the municipality expecting the most development?*

Q7. *In what planning and zoning districts is development the most desired?*

Q9. *How active is the municipality in Texas legislative advocacy?*

Q10. *In what public policy area, has the municipality been most active?*

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Long Answer Responses to Question 6

City/Town	Q6
Blue Mound	The city updated its ordinances to be more in line with other cities around the area. The last update was in the late '80s.
Dalworthington Gardens	We are a small city and almost built out. There is not much room for anything other than SF residential on the interior of our city, and we are hopeful we will have more commercial following the changes in our comp plan.
Lakeside	No answer
Newark	Amended to attract commercial businesses.
Pantego	The town is 90% built-out and focusing their future development on residential.
Westlake	Most of the undeveloped land is in that district.
Westworth Village	We are landlocked and there are only a few small places to be developed or re-developed. Most of those will be residential. Our commercial district is almost complete. The city is planning the install of two parks on the property at city hall in FY21.

Q6. (Question 5 follow-up) Please elaborate:

Long Answer Responses to Question 8

City/Town	Q8
Blue Mound	The city is landlocked and has older houses. We need a developer to come in and rejuvenate the single-family housing.
Dalworthington Gardens	We do not have a lot of sales tax revenue. We are looking for more development to gain that revenue.
Lakeside	No answer
Newark	The county sees most of its growth from residents moving into the county. They are hoping to attract more commercial growth to attract more residential growth.
Pantego	See prior answer
Westlake	The comprehensive plan recommends that areas that are not zoned planned development become planned development as it allows the town more flexibility.
Westworth Village	See prior answer

Q8. (Question 7 follow-up) Please elaborate:

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Responses to Questions 11-16

City/Town	Q11	Q12	Q13	Q14	Q15	Q16
Blue Mound	0	N/A	0	N/A	0	N/A
Dalworthington Gardens	8	N/A	10	3	10	0
Lakeside	10	0	4	4	10	1
Newark	10	5	10	5	10	10
Pantego	10	5	5	4	5	4
Westlake	0	0	10	3	10	0
Westworth Village	N/A	N/A	10	0	10	0

- Q11. Was the city (or town) aware of House Bill 347, which eliminated distinctions in the application of consent annexation requirements, and passed in the last Texas legislative session?
- Q12. How do you feel House Bill 347 will impact the city's (or town's) ability to self-regulate planning and zoning?
- Q13. Was the city (or town) aware of House Bill 3167 or Senate Bill 2370, relating to subdivision plat approval timing?
- Q14. How do you feel House Bill 3167 or Senate Bill 2370 will impact the city's (or town's) ability to self-regulate planning and zoning?
- Q15. Was the city (or town) aware of House Bill 2349, relating to regulating building materials and methods used in the construction of residential or commercial structures, in the last Texas Legislative Session?
- Q16. How do you feel House Bill 2349 will impact the city's (or town's) ability to self-regulate planning and zoning?

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Additional Comments

City/Town	Other Comments
Blue Mound	None
Dalworthington Gardens	Additional response to Q12: Will not affect us because we are landlocked.
Lakeside	None
Newark	Additional response to Q9: Moderately active on behalf of the citizens who were interested in the zoning laws.
Pantego	Additional response to Q9: Involved in Greater Arlington Chamber. City Attorney is from a larger firm. They make the town proactively aware of all the house bills and such. The firm works with several other cities in the area and are very aware.
Westlake	Additional response to Q2: No but a member of Texas Chapter of American Planning Association, ICA, Economic National Development Council, and ULI. Additional response to Q9: Small community, harder for them to be as active as bigger cities. Additional response to Q10: Town owns its own public charter school, so they devote a lot of resources to that. 850 students. They own and manage it, but it is public. Because they are surrounded by lots of roads and highways [transportation] has always been a big focus. Additional response to Q11: Westlake is landlocked. Annexation is a non-issue, so they did not pay attention. Additional response to Q11: Aware, they did get involved and had to adjust some of their policies and codes to deal with this bill. Additional response to Q15: Hits right at heart of Westlake in terms of how the city feels about itself and what it expects from development. Found ways around bill using a development agreement where the town and developers work together, and the developer gets something from town. More mutual agreement rather than a regulation. Horrible bill, clearly written by a lobbyist just looking to settle a score. To leverage this effect, many cities (Like Arlington, Dallas, Fort Worth) adopted more ordinances to force developers into agreeing. Law of unintended consequences. They do this stuff and do not realize it is backfiring on the people they create bills for.
Westworth Village	None

Appendix D. Net Promoter Score Categorization

Net promoter score of 0-10, not at all active to very active

Score	Category
0-1	Not Active
2-3	Somewhat Active
4-6	Moderately Active
7-8	Mostly Active
9-10	Very Active

Net promoter score of 0-10, not at all aware to very aware

Score	Category
0-1	Not Aware
2-3	Somewhat Aware
4-6	Moderately Aware
7-8	Mostly Aware
9-10	Very Aware

Net promoter score of 0-10, very negatively to very positively

Score	Category
0-1	Very Negatively
2-3	Somewhat Negative
4-6	Little or No Impact
7-8	Somewhat Positive
9-10	Very Positively

Appendix E. Frequency Tables

Frequency of Q10 Responses

		Frequency	Percent	Cumulative Percent
Valid	Not Active	3	42.9%	42.9%
	Somewhat Active	2	28.6%	71.4%
	Moderately Active	2	28.6%	100.0%
	Mostly Active	0	0.0%	100.0%
	Very Active	0	0.0%	100.0%
Total		7	100.0%	

Frequency of Q11, Q13, and Q15 Responses

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not Aware	4	19.0%	20.0%	20.0%
	Somewhat Aware	0	0.0%	0.0%	20.0%
	Moderately Aware	3	14.3%	15.0%	35.0%
	Mostly Aware	1	4.8%	5.0%	40.0%
	Very Aware	12	57.1%	60.0%	100.0%
	Total	20	95.2%	100.0%	
Missing	No Answer	1	4.8%		
Total		21	100.0%		

Frequency of Q12, Q14, and Q16 Responses

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very Negatively	7	33.3%	41.2%	41.2%
	Somewhat Negative	2	9.5%	11.8%	52.9%
	Little or No Impact	7	33.3%	41.2%	94.1%
	Somewhat Positive	0	0.0%	0.0%	94.1%
	Very Positively	1	4.8%	5.9%	100.0%
	Total	17	81.0%	100.0%	
Missing	No Answer	4	19.0%		
Total		21	100.0%		