

Neighborhood Forest Overlay A Way to Protect Trees in Forest Hills



Some of you may remember or you may have attended a previous meeting for the Neighborhood Forest Overlay (NFO) in September 2023. That meeting was an overview explanation of the Neighborhood Forest Overlay Ordinance.

Two meetings in November 2024 are planned to gauge neighborhood support towards helping the FHNA NFO committee to determine how best to move forward.

This presentation is a more thorough and detailed version which can be reviewed at your leisure to allow you to process the information, make notes and follow up with the committee should you have comments and/or questions.



Forest Hills Interest in a NFO

What is one of the main reasons FHNA is pursuing a NFO for our neighborhood?

New Construction/Renovation would be under the NFO regulations.

BEFORE



AFTER

Forest Hills Interest in a NFO

New Construction/Renovation would be under the NFO regulations.



BEFORE



AFTER





Forest Hills Interest in a NFO

New Construction/Renovation would be under the NFO regulations.

- Currently, properties smaller than 2 acres allows new construction and renovation to remove all trees as they choose while the structure remains standing.
- Once the structure has been demolished, the rules change and Article X applies to **protected** trees located on the lot.



Forest Hills Interest in a NFO

For the Property Owners, the NFO would protect protected trees by requiring steps be taken and a review by the city building department before a property owner could remove a healthy PROTECTED tree.

Why would someone want to remove a healthy tree?

- To put in a pool
- To build an outdoor living area
- To change the shape, replace, widen, a driveway or sidewalk
- To add an outdoor building such as a shed or garage.
- To grow grass to allow for sunlight
- Tired of all the tree debris
- Tree is in declining health or unattractive.



Arborist Discussion (NFO Document)

- As a tree steward, you are also encouraged to provide a reasonable level of maintenance to the trees on your property, regardless of the NFO status (Section 4).
- This helps protect your interests and provide sound preventative measures. All trees are a risk to different degrees and in different times of their lives. As they mature, the trees require our due attention once in a while to minimize the risks to your property.
- Of course, cost is a factor in all of this. If you will be part of a NFO, or if not, it may be helpful to create strategies and establish a budget line for the upkeep of trees on your lot. Get estimates for pruning and collect funds for a date in the Fall, or when suitable to you, to obtain a tree checkup and pruning or to have the occasional tree service visit as needed.



Tree Aging and Declining Health

“How healthy are our trees? How do the trees help determine the characteristics of the neighborhood? What are our goals for decades to come?” NFO page 14

“A tree removal application or tree replacement is not required if the tree is determined by a certified arborist to be diseased or dead or poses an imminent threat to people or property and such determination was not caused by an intentional act of the owner or an agent of the owner.”

NFO page 13





AGENDA

- **Neighborhood Forest Overlay**
 - NFO Ordinance, Article X, Sections and Appendices
 - Tree Conservation Area Selection
 - Challenges
 - Steps to NFO
 - What is needed from Forest Hills property owners

- **Communication**

- **Summary**

- **Conclusion**

- **Questions**



NFO – What it is

Neighborhood-driven process

- A neighborhood forest overlay is a neighborhood-driven process that extends the protections prescribed within Article X and Division 51A-10.130, “Urban Forest Conservation,” to the properties within the overlay area that contain single-family and duplex uses in residential districts on lots smaller than two acres in size.
- The neighborhood can work together to make choices to attempt to retain the characteristics of their neighborhood which they call home.
- An opportunity to adopt the NFO ordinance to protect **protected** trees.
- The medians on Forest Hills Boulevard, Breezeway and San Rafael will not be included in the NFO and are managed by the City of Dallas Public Works Dept.



Protected Trees

Tree & shrub examples that will comply with Article X

Tree & shrub examples that will comply with Article X

Upon installation, trees must be single-trunked, and 2" or 3" in caliper depending on replacement tree, site tree or street tree classification. Shrubs must be 36 inches (7-9 gallon) in height at the time of installation.

Large canopy tree-minimum 30 feet height upon maturity; branching starts above 6' upon maturity; use--street, site, or parking lot tree, buffer

Replacement trees

- Texas Ash
- White Ash
- Gum Bumelia
- Cedar Elm
- Lacebark Elm
- Ashe Juniper
- Kentucky Coffeetree
- Caddo Maple
- Bigtooth Maple
- Trident Maple
- Live Oak
- Durrand Oak
- Escarpment Live Oak
- Bur Oak
- Chinquapin Oak
- Shumard Oak
- Pecan
- Common Persimmon (M)
- Chinese Pistache
- Western Soapberry
- Sweetgum
- Texas Black Walnut

Non-replacement trees

- Marshall Seedless Ash
- Raywood Ash
- Ginkgo
- Dawn Redwood
- Tulip Tree

Large non-canopy tree-minimum 30 feet height upon maturity; branching starts

below 6' upon maturity; use--site and street tree, buffer

- Replacement trees
- Eastern Red Cedar
 - Bald Cypress
 - Pond Cypress
 - Southern Magnolia
 - Austrian Pine
 - Japanese Black Pine
 - Mondell Pine
 - Eastern Redbud

Non-replacement trees

- Deodar Cedar
- Chitalpa
- Goldenrain Tree

Small tree-under 30' height upon maturity; use--site tree, buffer

Replacement trees

- Deciduous Holly
- Yaupon Holly
- Eve's Necklace
- Texas Persimmon
- Mesquite
- Mexican Plum
- Rusty Blackhaw Viburnum
- Desert Willow

Non-replacement trees

- Mexican Buckeye
- Flowering Dogwood
- Roughleaf Dogwood
- Saucer Magnolia
- Japanese Maple
- Texas Red Oak (Q. buckleyi)
- Purple Plum
- Smoketree
- Prairie Flameleaf Sumac

Large evergreen shrub-minimum height of 6 feet or more upon maturity; retains green foliage throughout the year; use--buffer, parking lot

screening; foundation planting strip

- Abelia
- Agarita
- Acuba
- Azalea
- Cleyera
- Elaeagnus
- Burford Holly
- East Palatka Holly
- Foster Holly
- Nellie R. Stevens Holly
- Savannah Holly
- Weeping Yaupon Holly
- Italian Jasmine
- Cherry Laurel
- Variegated Ligustrum
- Wax Ligustrum
- Leather Leaf Mahonia
- Wax Myrtle
- Nandina
- Oleander
- Chinese Photinia
- Frasiers Photinia
- Podocarpus
- Texas Sage
- Gray Santolina
- Hard Yucca
- Soft Yucca

Note: This document will be posted at the FHNA website or visit:

<https://dallascityhall.com/departments/sustainabledevelopment/DCH%20documents/pdf/building/TreeList.pdf>



Neighborhood Forest Overlay Ordinance

Overview

- The Neighborhood Forest Overlay is Section 10 of Article X Landscape and Tree Preservation* Regulations as part of the Landscaping and Tree Manual at the City of Dallas [Website](#).
- The NFO document is 18 pages long and was approved by the Dallas City Council on April 19, 2019.
- Article X is 75 pages long and was approved by the Dallas City Council on June 27, 2018.

*Note: In the stamped and signed document's stated purpose, *preservation* has a strikethrough and has been replaced with *conservation*.





Article X, Sections and Appendices

Landscape and Tree Manual

Article X: Landscape and Tree Preservation Regulations

- Article X Ordinance: [Official Version](#), [Approved Draft](#)
- [Tree Mitigation Standards](#)
- [Approved Tree List \(New\)](#)
- [Article X Standard Landscape Requirements](#)
- [Article X Standard Requirements with Soil Analysis](#)
- [Article X Landscape Checklist](#)
- [Definitions](#)
- [2022-2023 Dallas Reforestation Program](#)

Landscape and Tree Manual (under construction)

Guide for Homeowners

Section 1

[Table of Contents](#)

[1.0 - 1.6: Introduction](#)

Section 2

[2.0: Landscaping and Soil Requirements](#)

[2.2: Landscape Plan Submission and Compliance](#)

[2.3: Mandatory Landscape Requirements](#)

[2.4: Landscape Design Options](#)

Section 3

[3.0 - 3.3: Urban Forest Conservation](#)

[3.4: Tree Replacement](#)

[3.6: Alternative Methods of Compliance](#)

Section 4

[4.0 - 4.5: Tree Specification, Planting and Care](#)

Section 5

[5.0 - 5.9: Urban Soils](#)

Section 6

[6.0 - 6.4: Tree Protection and Construction](#)

Section 7

[7.0 - 7.5: Bedding Plants, Shrubs and Sod Specifications](#)

Section 8

[8.0 - 8.4: Prairie Restoration](#)

Section 9

[9.0 - 9.5: Conservation Easements](#)

Section 10

[10.0 - 10.4: Neighborhood Forest Overlay \(new\)](#)

City of Dallas [Website](#)



Article X, Sections and Appendices

Appendices

- Appendix A: [Approved Tree List](#)
- Appendix B: [Recommended Plant Materials \(pending\)](#)
- Appendix C: [Interactive Article X Standard Landscape Checklist \(new\)](#)
 - [Article X Standard Requirements with Soil Analysis](#)
 - [Article X Landscape Checklist](#)
 - [Article X Tree Mitigation Options](#)
 - [Historic Tree Nomination Instructions](#)
 - [Historic Tree Nomination Document](#)
 - [PD 193 Checklist](#)
 - [Article XIII Landscape Checklist](#)
- Appendix D: [Tree Mitigation Standards](#)
- Appendix E: [Tree Removal Process](#)
- Appendix F: [Sustainable Development Incentives \(SDI\)](#)
- Appendix G: [Forest Stand Delineation \(FSD\)](#)
- Appendix H: [Definitions](#)
- Appendix I: [EAB Code Amendments](#)



NFO – What it isn't

The NFO does not preserve trees The NFO protects PROTECTED trees

- Although the City of Dallas does restrict the removal of trees based on what is in the public interest, the trees in the NFO may be removed based on circumstances that may not be obvious in some cases. A tree which is affecting a safety factor in a public area could be considered for removal based on structural or health concerns with the tree. But a tree will also be able to be removed by the owner or building contractor if a building permit is issued and the tree had to be taken down for the construction of the house in accordance with city zoning and building code laws.
- When your lot is excepted from ordinance, you are free to remove your tree, and in some cases, you may be obligated to do so due to health or structural factors. Under the NFO, the exception rules change.



NFO – What it isn't

The NFO does not preserve trees **The NFO protects PROTECTED trees**

- Approval of the NFO means that each individual lot is now under the Article X regulations for urban forest conservation. Protected trees on the lot are now protected by ordinance. The building official shall deny a tree removal application if it is not in the public interest to remove the tree. The building official will authorize the removal of trees when necessary for the construction under a building permit and may approve it for other circumstances if the purpose of the removal is addressed in the factors for approval (Section 10.132, Section 3.1, Appendix E).
- This only applies to **protected** trees.



Requirements to Remove a Tree(s)

A Site Assessment Plan (SAP) must be submitted to the building official for approval prior to:

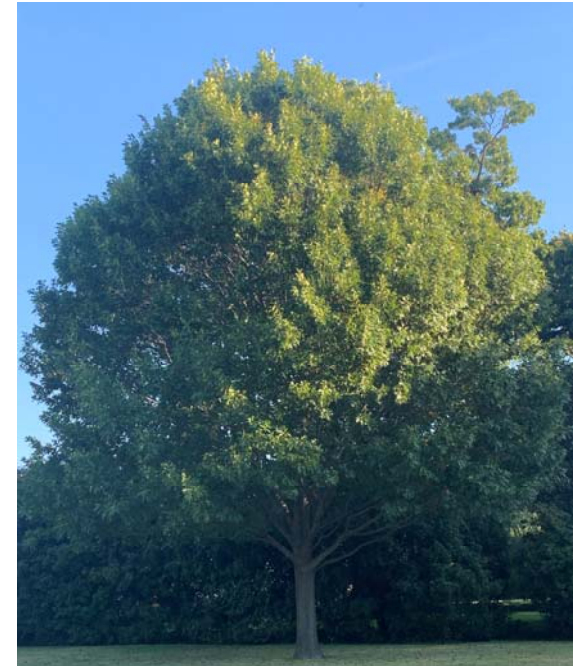
- Prior to any development, construction activity or disturbance of an area that may affect trees within the tree conservation area (TCA), a tree removal application, or permits for construction or grading, a Site Assessment Plan (SAP) must be submitted to the building official and must be approved by the building official unless the tree removal constitutes an emergency.
- A protected tree removal application, or
- Permits required when construction or grading could harm the protected tree(s)

<https://dallascityhall.com/departments/sustainabledevelopment/arborist/Pages/removal.aspx>



Requirements Pruning

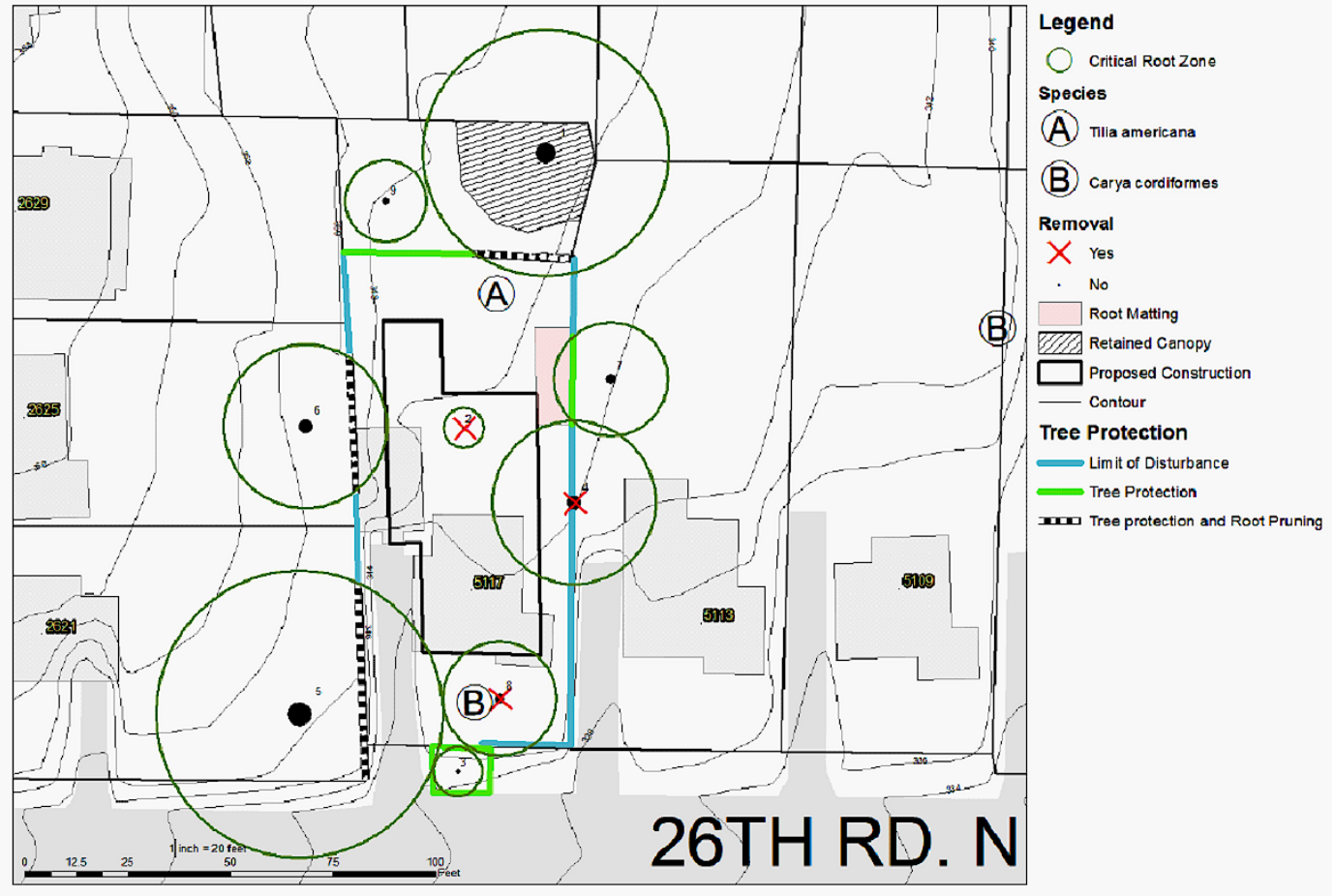
“...Pruning exceeding 10 percent tree canopy reduction, on the tree and within the dripline of the protected tree, is subject to the **Site Assessment Plan** review....”





Site Assessment Plan (SAP)

Sample Tree Preservation Plan





Tree Conservation Area (TCA)

A five-foot buffer around a dwelling unit, called the Structure Proximity Area, will be served within all NFOs

- For new construction or renovation, protected trees may be removed within the buffer zone. In many cases the footprint of the new construction or renovation will increase after the trees have been removed.
- Mitigation for the removal of trees is not required for qualifying trees within the Structure Proximity Area.
- An approved tree removal application is still required.



Tree Conservation Area (TCA) Options

Four Options to Choose From

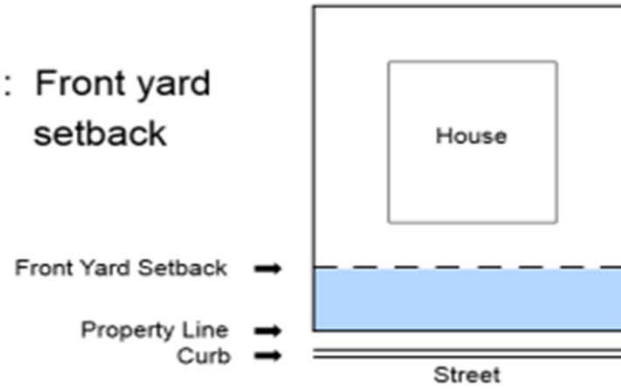
- When creating a Neighborhood Forest Overlay, the neighborhood will select the area of tree protection, or tree conservation area, from the following options:
 1. Front yard setback Option #1
 2. Front yard to structure setback Option #2
 3. Front, side, and rear yard setbacks setback Option 3
 4. Entire lot setback Option #4



TCA Options

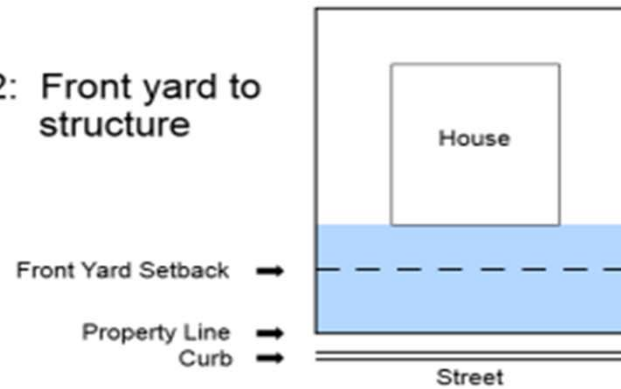
(i) *Front yard setback (60% required)*

Option #1: Front yard setback



(ii) *Front yard to structure (60% required)*

Option #2: Front yard to structure

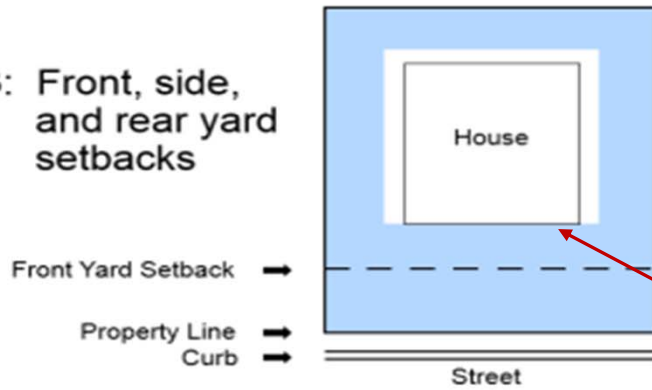




TCA Options

(iii) *Front, side, and rear yard setbacks (70% required).*

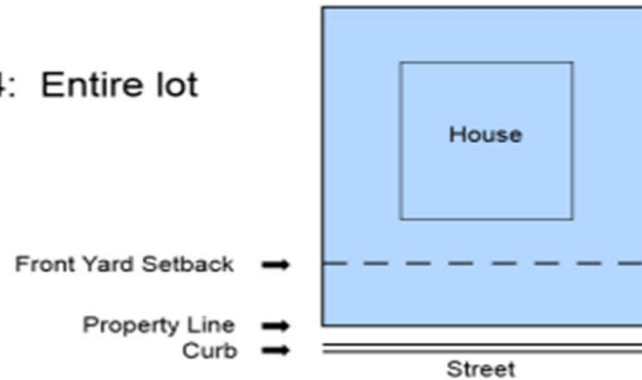
Option #3: Front, side, and rear yard setbacks



Note: The 5-foot buffer area is missing in the front section of Option #3 drawing per Phil Erwin, Chief Arborist City of Dallas.

(iv) *Entire lot (70% required).*

Option #4: Entire lot





TCA Options

Additional options may be elected by the neighborhood.

1. Tree canopy cover goal
2. Lots must maintain a designated number of trees in the front yard

These options, if elected, are only applicable should a property owner remove trees that would require mitigation.



Tree Mitigation

Upon approval of tree removal within the Tree Conservation Area, or an unauthorized removal of a protected tree, tree mitigation or replacement is required in accordance with Article X, Section 51A-10.134(c).

- The applicable methods are:
 - (A) Replacement on the site of removal.
 - (B) Replacement with a legacy tree on the site of removal.





Tree Mitigation (Continued)

- The applicable methods are:

(C) If replacement is not possible on the lot of removal, then:

(i) Replacement on other property within boundaries of NFO.

(ii) If replacement is not possible within NFO, the tree must be replaced within five miles of the NFO.

(D) Payment into reforestation fund. This option is only available if the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property or comply with one or more of the mitigation methods in this section.





Unauthorized Tree Removal

A person convicted of violating this division shall be subject to a fine of not less than \$2,000.00 per protected tree removed or seriously injured without authorization, and not less than \$2,000.00 per day for any other violation of this division. (Ord. Nos. 22053; 25155) ARTICLE X - SEC. 51A-10.139. FINES. Article X.



NFO – Tree Removal Exceptions

- A tree removal application or tree replacement is not required if the tree is determined by a certified arborist to be diseased or dead or poses an imminent threat to people or property and such determination was not caused by an intentional act of the owner or an agent of the owner. NFO document page 13.

With our aging trees, this does not help with maintaining our canopy or reforestation.

- It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. **No approval of a tree removal application is required if the tree:**

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;

(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;





NFO – Tree Removal Exceptions

- **No approval of a tree removal application is required if the tree:**

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined city officials

(7) was designated for removal in a landscape plan approved by the city council, city plan commission, or board of adjustment;



NFO – Tree Removal Exceptions (Con't)

- **No approval of a tree removal application is required if the tree:**

(8) interfered with construction or maintenance of a public utility;

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or Section 51A-8.404; or

(10) was removed or seriously injured to allow construction of improvements in accordance with a building permit. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424)



Challenges – The Ordinance

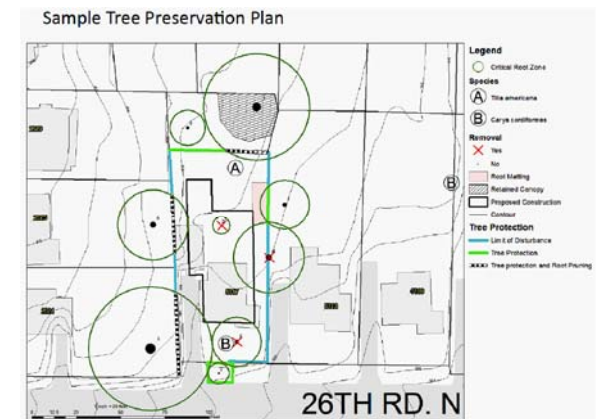
The Ordinance

- The sheer number of regulations contained in the NFO, Article X, building code sections and appendices – page count is 308.
- New construction or renovation (purchaser or contractor) may just pay any fines and/or make restitution.
- The city may make exceptions for construction as shown earlier.



Challenges – Time and Enforcement

- A Site Assessment Plan (SAP) is required before new or renovation construction activities.
- Restrictions on disturbing tree roots that would impede the ability to make changes to driveways, sidewalks, add square footage, build pools, etc.
- Additional time and cost of tree removal – Process time through the city building department, a \$100 permit fee and/or an arborist fee.





Challenges – Time and Enforcement

- Forest Hills would be the first neighborhood to move forward with adopting a NFO which means there is no one to follow and there are some lingering unanswered questions with the City of Dallas Building Department.
- Enforcement will necessitate that property owners contact the city for assistance. Timing of the tree demolishing may be a factor. For suspected Illegal Tree Removals **contact 311. For suspected land clearing violations contact 311 or Chief Arborist, Philip Erwin at 214-948-4117 or philip.erwin@dallas.gov .**
- If the NFO is approved by the Forest Hills property owners and approved by the Dallas City Council, a deed restriction will be added to each property owners deed.



Challenges - Tree Mitigation

Tree Classification and Selection Classification of Trees



(1) Quantity.

(A) Except as provided in this section, the minimum total caliper of replacement trees must equal or exceed the total classified diameter inches of the protected trees removed or seriously injured as listed below.

(B) **Tree classification for mitigation:**

(i) Historic trees: 3:1

(ii) Significant: 1.5:1

(iii) Class 1: 1:1

(iv) Class 2: 0.7:1

(v) Class 3: 0.4:1

Section 3: Urban Forest Conservation
3.4 Tree Replacement Requirements



Challenges – Tree Mitigation

Tree Classification and Selection Classification of Trees

(2) Species.

(A) A replacement tree must be an approved tree determined by the director.

(3) Location. The replacement trees must be planted on the lot from which the protected tree was removed or seriously injured, except as otherwise allowed by Section 51A-10.135. Replacement trees may not be planted within a visibility triangle, a water course, in an area within 15 feet horizontally to the closest point of an overhead electric line, or an existing or proposed street or alley unless the tree is authorized by a license and permit and is required to be in that location by other ordinance.

Section 3: Urban Forest Conservation
3.4 Tree Replacement Requirements



Challenges – Tree Mitigation

Tree Classification and Selection Classification of Trees

(4) Minimum size. A replacement tree must have a caliper of at least two inches.

Timing of mitigation

(5) Timing.

(A) Except as provided in this section, all replacement trees must be planted within 30 days of removal.

(B) If the property owner provides the building official with an affidavit stating that all replacement trees will be planted within six months, the building official may allow the replacement trees to be planted during that six-month period.



NFO Process

Form NFO Committee and Conduct meeting by City Building Department

- Form the FHNA NFO Committee by requesting a petition form from the City of Dallas. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section. At least 10 Forest Hills Property Owners within the proposed NFO area sign the city provided form are property owners. **Completed**
- As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.
- Department Conducts Neighborhood Meeting

Note: The city did not give notice for the September 2023 meeting and the 6 months has passed.



NFO Process

The Petition to Property Owners

- The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the overlay.
- The petition must be submitted with the following:
 - The dated signatures of property owners within the proposed overlay in support of the proposed overlay.
 - For a proposed overlay with more than 50 single family or duplex structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

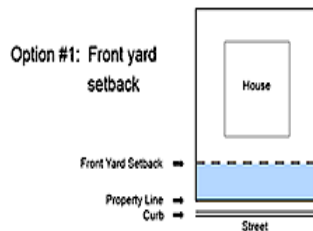


NFO Process

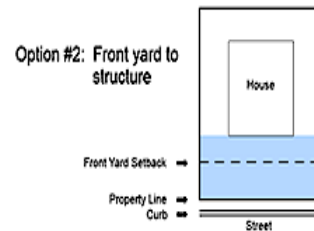
The Petition to Property Owners

- If the proposed overlay is pursuant to Sections 51A-4.511(d)(2)(A)(i) or (ii), 60 percent of property owner signatures are required for staff to accept the petition.
- If the proposed overlay is pursuant to Sections 51A-4.511(d)(2)(A)(iii) or (iv), 70 percent of property owner signatures are required for staff to accept the petition.
- If a petition is signed by property owners of fewer than 75 percent of the lots within the proposed district, the application fee must be paid. FHNA Cost will be \$2,400.00.

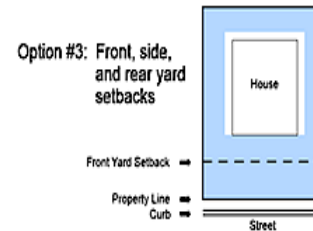
(i) Front yard setback (60% required)



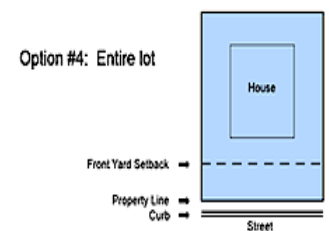
(ii) Front yard to structure (60% required)



(iii) Front, side, and rear yard setbacks (70% required).



(iv) Entire lot (70% required).





NFO Process

The Petition to Property Owners

- If a petition is signed by property owners of 75 percent or more of the lots within the proposed district, the application fee is waived.
- If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.
- A map showing the boundaries of the proposed district NFO.
- A list of the names and addresses of the neighborhood committee members.
- Any other information the director determines is necessary.



NFO Process

Public Hearing and Notice

- (9) A public hearing to create an overlay is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).
- (11) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood forest overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood forest overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition and summarize any comments. NFO Document pages 4 and 5.



NFO Process

Passage

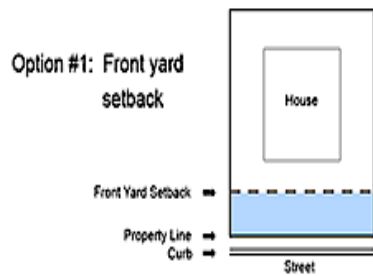
- Upon passage of a Neighborhood Forest Overlay (NFO) ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the regulations. The director shall also file in the county deed records a verified written instrument listing each property by the street address, if available, the legal description of the real property, and the name of the owner, if available.



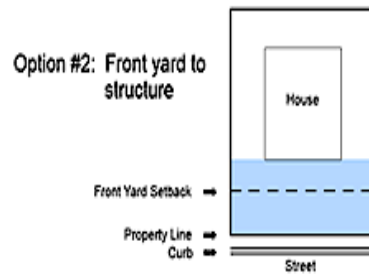
What is Needed by Property Owners

- Fill out the survey form provided at the end of this meeting to help the FHNA NFO committee make decisions on next steps.
- Carefully and completely read the NFO document, Sections and Appendices at the City of Dallas [website](#).
- Decide whether you support the NFO and on which one of the 4 TCA options and additional choices (if any) you will select on the petition.

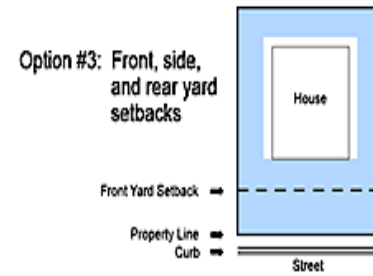
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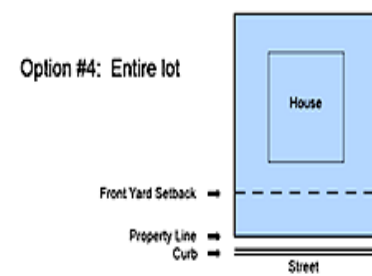
(ii) Front yard to structure (60% required)



(iii) Front, side, and rear yard setbacks (70% required).



(iv) Entire lot (70% required).





Summary – The NFO

- A neighborhood forest overlay is a neighborhood-driven process that extends the protections prescribed within Article X - Division 51A-10.130.
- Deciding to form a NFO with your neighbors is a big step and the process should be taken patiently and with reasonable expectations of the goals your community wish to place on yourselves. Remember that you are imposing upon yourself and your neighbors similar regulations that apply to other non-exempt properties in the city. In this case, it may be even more detailed in process. You need to consider what this NFO can and will do for you, and what it will not.
- Presently each Forest Hills property owner is their own TREE STEWARD.



Summary – The Ordinance

- Approval of a Neighborhood Forest Overlay (NFO) does NOT **preserve** trees it protects **protected** trees. The NFO does allow that trees can still be removed from a lot under the circumstances described in the NFO.
- The page count of the NFO Section 10, Article X and all the Sections and Appendices the regulations is 308 pages.



Summary – Building Official

- The building official shall deny a tree removal application if it is not in the public interest to remove the tree.
- The building official will authorize the removal of trees when necessary for the construction under a building permit and may approve it for other circumstances if the purpose of the removal is addressed in the factors for approval (Section 10.132, Section 3.1, Appendix E).
- The building official will make the decisions as well as tree mitigation and/or fines. The building official has to be made aware of the tree removal preferably before the trees are removed in order to enforce the NFO.



Summary – Tree Removal

- Adoption of a NFO requires that a tree removal application be submitted to the Dallas City Building Official for approval unless a certified arborist determines a tree to be diseased or dead or poses an imminent threat to people or property or the tree is in the 5-foot buffer zone.
- Prior to any development, construction activity or disturbance of an area that may affect trees within the tree conservation area (TCA), a tree removal application, or permits for construction or grading, a Site Assessment Plan (SAP) must be submitted to the building official and must be approved by the building official unless the tree removal constitutes an emergency.
- The NFO requires tree mitigation or replacement upon approval of a tree removal request. The NFO document lists the applicable methods of mitigation or replacement allowed.



Summary – Compliance

- Criminal liability and defenses to prosecution apply to properties subject to a Neighborhood Forest Overlay (NFO). A person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.
- Compliance is based on property owners, developers and real estate agents having knowledge of the NFO.
- Enforcement will be dependent on Forest Hills property owners contacting the city building officials.
- The city building department needs to make a commitment to Forest Hills that the NFO is a priority due the timing of tree remove and construction demolishing.



Summary – NFO Process

- The department shall conduct a neighborhood meeting and give notice of the neighborhood meeting to all property owners at least 10 days prior to the neighborhood meeting.
- The petition form furnished by the department must include a
 - map of the boundaries of the proposed overlay,
 - a list of the proposed regulations,
 - the name and address of all property owners within the proposed district, and
 - a statement that by signing the petition the signers are indicating their support of the overlay.



Summary – NFO Selection

- To establish a Neighborhood Forest Overlay (NFO) the property owners must approve by their signature one of four Tree Conservation Areas (TCA):
 1. Option #1: Front Yard setback approval approval signature of 60% of all lot owners
 2. Option #2: Front Yard to Structure approval signature of 60% of all lot owners
 3. Option #3: Front, side and rear yard setbacks requires approval signature of 70% of all lot owners
 4. Option #4: Entire lot. requires approval signature of 70% of all lot owners
- A public hearing to create an overlay is initiated by submission of a complete petition or by authorization pursuant to Dallas City Code Section 51A-4.701(a)(1).



Summary – Final Steps

- Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed Neighborhood Forest Overlay (NFO) ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood forest overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition and summarize any comments.
- Upon passage of a Neighborhood Forest Overlay (NFO) ordinance and approval by the Dallas City Council, it will apply to all lot owners including those not in favor and the (city building code) director shall file a copy of the ordinance in the county deed records to give notice of the regulations (i.e. deed restriction).



Communication

- Additional meetings as required and requested
- Posting to website of NFO presentations
- Posting to website of all related NFO documents
- Support from City of Dallas Arborists
- FAQs on the NFO at the website
- Submit questions to the FHNA NFO committee

fhnanfocommittee@gmail.com



Conclusion

- This presentation is not meant to all inclusive regarding Section 10 – NFO, Article X, additional sections and appendices.
- Each property owner has a responsibility to read and understand the benefits and challenges that the NFO will have on their individual property and the properties of their neighbors.
- Once a NFO is passed by the neighborhood and approved by the Dallas City Council, there is presently no written means to change, increase the TCA, add options or rescind the NFO Ordinance.



Questions?

We will now take questions.

You may also submit questions and comments at our NFO email address:

fhnanfocommittee@gmail.com