



# **Neighborhood Forest Overlay**

## **A Way to Protect Trees in Forest Hills**

# Objectives for Meeting

- Demonstrate the importance of trees
- Explain how the Neighborhood Forest Overlay (NFO) Program aligns with our goals of tree conservation
- Present how the NFO program works
- Propose the options for the NFO
- Discuss details and potential challenges of an NFO
- Answer questions and get feedback from the neighborhood

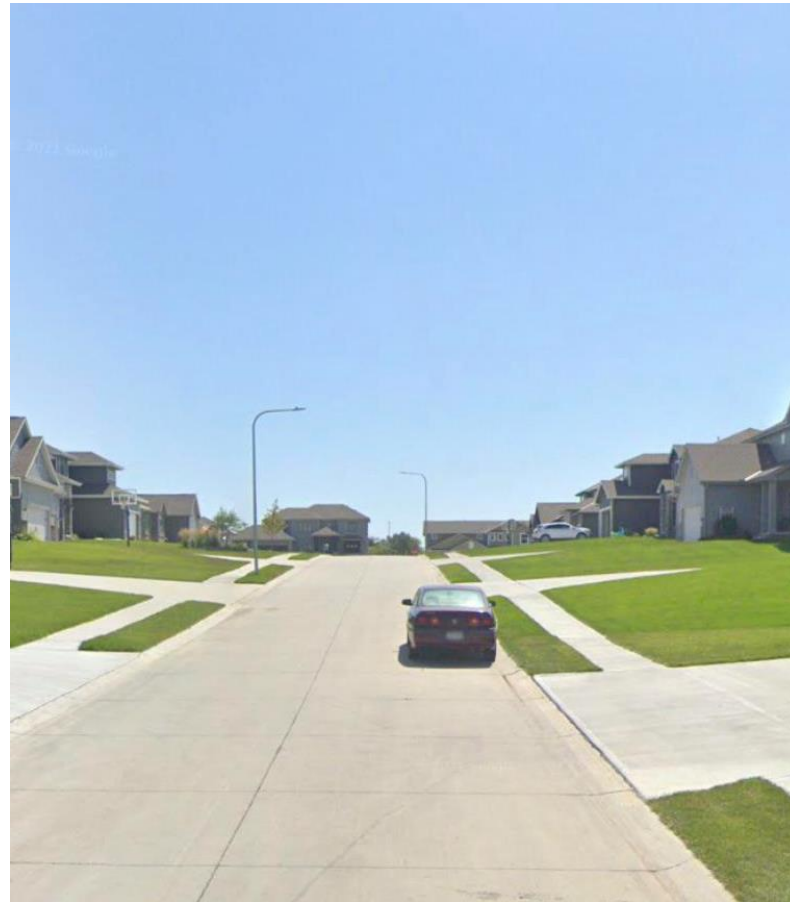


# Why are trees important?

We want this...



Not this...



# Why are trees important?

- Increased home values
- Pollution removal
- Energy savings
- Cooling the air in the neighborhood
- Quality of life improvements
- Trees keep soil healthier
- Aesthetically pleasing



# Why a Neighborhood Forest Overlay?

- Allows the neighborhood to work together to retain the characteristics of their neighborhood
- Assists in maintaining and expanding tree canopies in the neighborhood
- Encourages regular maintenance of trees
- Signals to potential home buyers the importance of trees in the neighborhood
- Requires mitigation when healthy trees are removed, even before a house is torn down





# How does a Neighborhood Forest Overlay work?

- Requires mitigation when healthy, protected trees within pre-established boundaries of a neighbor's property are removed
- Allows for the removal of dead, diseased, or unsafe trees as determined by a certified arborist, without mitigation or a tree removal application
- Requires a permit to be submitted before the removal of a healthy tree or an arborist's report for the removal of an unhealthy tree
- Imposes a deed restriction on the property governed by a city ordinance, Section 10 of Article X "Landscape and Tree Preservation Regulations"



# What are the mitigation options?

Following approval by the city, a healthy, protected tree that is removed within the Tree Conservation Area must be mitigated using one of the following methods:

Option 1: Replacement on the site of removal

Option 2: Replacement with a legacy tree on the site of removal

Option 3: If replacement on the removal site is not possible, the homeowner can :

- (a) Replace on another property within the boundaries of the NFO
- (b) If (a) is not possible, then replacement within 5 miles of the NFO

Option 4: Payment into reforestation fund if it's determined one of the other options is impracticable or imprudent



# How does a Neighborhood Forest Overlay get implemented?

- The City P&D Department facilitates a neighborhood meeting
- A committee of at least 10 households who live within the boundaries of the proposed overlay area submit a petition to the city along with a plat of the proposed area
- A public hearing follows the submission of a completed petition
- Drafts of the ordinance and a reply form are mailed to each household within the overlay boundaries
- Application fee of \$2,400 must be paid if fewer than 75% of the household signatures are obtained
- Upon passage of the NFO, the director files a copy of the ordinance with the county deed records





# How is the Tree Conservation Area for the NFO determined?

When creating the NFO, the neighborhood selects one of four options to determine the Tree Conservation Area (TCA).

Option 1: Front yard setback

Option 2: Front yard to structure setback

Option 3: Front, side, and rear yard setbacks

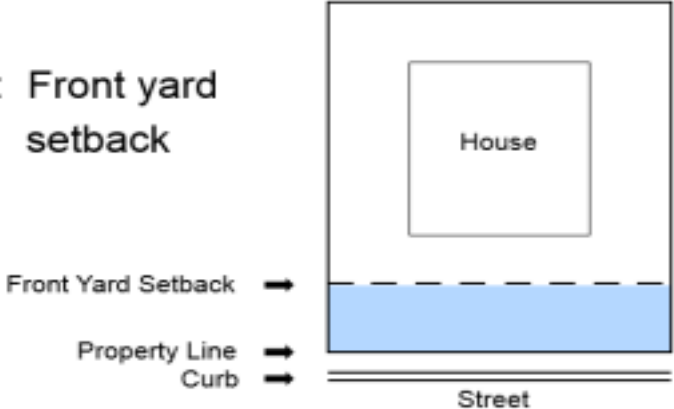
Option 4: Entire lot setback



# TCA Options 1 & 2

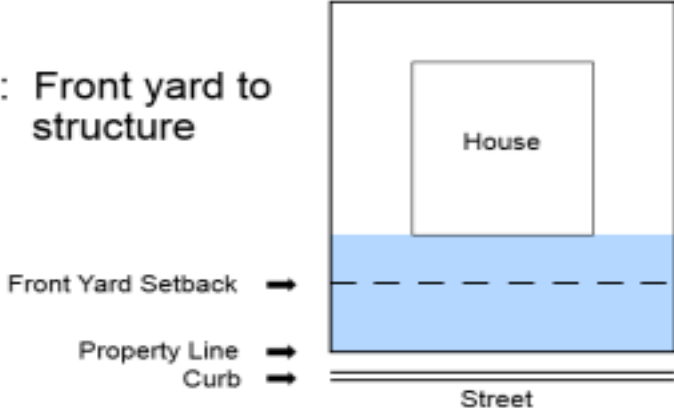
(i) *Front yard setback (60% required)*

Option #1: Front yard setback



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

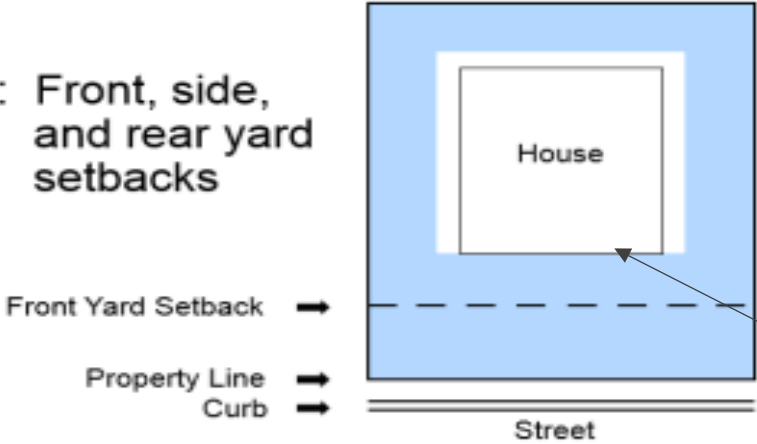
Option #2: Front yard to structure



# TCA Options 3 & 4

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

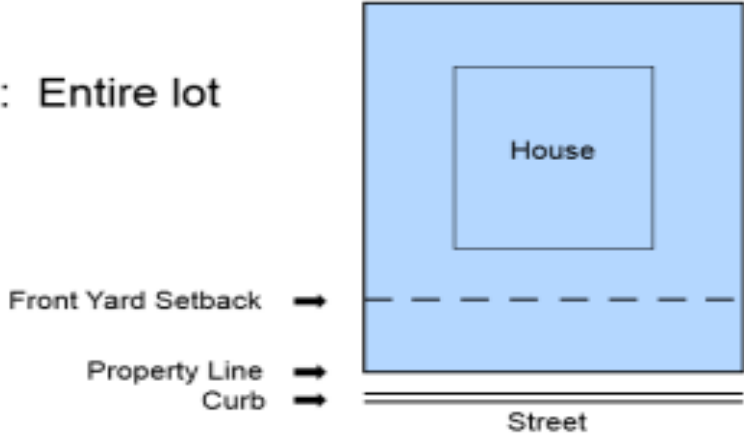
Option #3: Front, side, and rear yard setbacks



Note: The 5-foot buffer area is missing in the front section of the Option #3 drawing

(iv) Entire lot (70% required).

Option #4: Entire lot



# Impact on New Construction & Renovations

As the city code currently is written, a homeowner can remove all trees from a single-family property smaller than two acres provided the trees are removed prior to the structure.

If an NFO is implemented, it cannot prevent a homeowner from removing all healthy, protected trees, ***HOWEVER***, it will require the homeowner to seek approval prior to removal and to mitigate the removal through one of the previously discussed methods, thereby helping to maintain the tree canopy within Forest Hills.



# Tree Removal Process

- A Site Assessment Plan (SAP) must be submitted to the building official for approval 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.
- Pruning exceeding 10% tree canopy reduction is subject to the Site Assessment Plan review.



# Removal Process (VERIFY)

- A five-foot buffer around a dwelling unit called the Structure Proximity Area will be served within all NFOs.
- Mitigation for the removal of trees is not required for protected trees within the Structure Proximity Area.
- See the appendix for a list of Tree Removal Exceptions





# Challenges

- The documents governing the NFO are long and contain complex language with penalties to make it legal and enforceable
- The City of Dallas doesn't decide to establish a NFO, instead it's a self-imposed regulation that is authorized by homeowners in an effort to establish a long-term tree management plan
- Additional time and cost for tree removal
- The city may approve the removal of trees on a construction property after receiving the SAP
- A deed restriction would be added to each property which falls in the NFO boundaries
- A replacement tree must be an approved tree as determined by the director and planted within 30 days of removal



# Next Steps

- A survey will be emailed to all attendees to assist the NFO committee make decisions on next steps
- We encourage each individual to review the NFO documents on the city's website
- This presentation is not meant to be all-inclusive regarding Section 10, Article X
- Resources, including this presentation, will be posted to the FHNA website
- Questions and comments can be submitted to [fhnanfocommittee@gmail.com](mailto:fhnanfocommittee@gmail.com)



**Questions?**



# Appendix

We encourage you to review the following documents approved by the Dallas City Council and available on the city website. These will also be posted on our FHNA website.

- Article X “The Landscape and Tree Conservation Regulations” was approved by the Dallas City Council on June 27, 2018
- Section 10 of Article X (The NFO document) was approved by the Dallas City Council on April 19, 2019



# Appendix

## 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 \(new\)](#)



# Appendix

## 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](#)





# Appendix

**Tree Removal Exceptions** – 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
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;



# Appendix

## Tree Removal Exceptions (continued)

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;
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



# Appendix

- Section 10.132, Section 3.1, Appendix E:

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 within the TCA 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.



# Appendix

## 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



# Appendix –

## Site Assessment Plan (SAP) Sample

