Memorandum

DATE February 20, 2019

TO Honorable Members of the Quality of Life, Arts and Culture Committee

SUBJECT **Neighborhood Forest Overlay**

On Monday, February 25, 2019, the Committee will be briefed on the proposed amendments to the Dallas Development Code to create a new zoning overlay called a Neighborhood Forest Overlay. The City Plan Commission recommended approval of the amendments on January 17, 2019. The briefing material is attached for your review.

Please feel free to contact myself or Kris Sweckard, Director of the Department of Sustainable Development and Construction, if you have any questions or need additional information.

Majed A. Al-Ghafry, P.E.
Assistant City Manager

[Attachment]

c: Honorable Mayor and Members of the City Council
    T.C. Broadnax, City Manager
    Chris Caso, City Attorney (Interim)
    Carol A. Smith, City Auditor (Interim)
    Bilierae Johnson, City Secretary
    Preston Robinson, Administrative Judge
    Kimberly Bizor Tolbert, Chief of Staff to the City Manager

    Jon Fortune, Assistant City Manager
    Joey Zapata, Assistant City Manager
    Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
    M. Elizabeth Reich, Chief Financial Officer
    Laila Alequresh, Chief Innovation Officer
    Directors and Assistant Directors

Neighborhood Forest Overlay

Quality of Life, Arts & Culture Committee

February 25, 2019

Kris Sweckard, Director Sustainable Development and Construction Department

City of Dallas

Presentation Overview

- Purpose
- Background
- Proposal
- Next Steps
- Appendix

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Purpose

- Brief the Committee on proposed amendments to the Dallas Development Code to create regulations for a new overlay called a Neighborhood Forest Overlay.

- Seek Committee approval to forward amendments to City Council for consideration.

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Background

- The concept of a Neighborhood Forest Overlay originated at ZOAC meetings during the amendment of ARTICLE X. LANDSCAPE AND TREE CONSERVATION REGULATIONS.

- During Council consideration and approval of Article X, direction to create regulations for a Neighborhood Forest Overlay was given.

- Zoning Ordinance Advisory Committee (ZOAC) considered this item at four public meetings between September and November, and on November 15, 2018, recommended the proposal move to City Plan Commission.

- On January 17, 2019, City Plan Commission (CPC) recommended approval of the amendment.

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Background

- Currently, the tree conservation and mitigation regulations in the Urban Forest Conservation division of Article X do not apply to:

  - lots smaller than two acres in size that contain single-family or duplex uses in residential districts.

  - the unrestricted zone on vacant lots in residential districts.

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Proposal

- A Neighborhood Forest Overlay (NFO) is a neighborhood driven process that allows the neighborhood to establish regulations to conserve and maintain the urban forest within the boundaries of the overlay.

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Proposal

- Tree Conservation Area
  - 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
    2. Front yard to structure
    3. Front, side, and rear yard setbacks
    4. Entire lot

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Proposal

- Additional 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.

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Proposal

- Site Assessment Plan must be submitted to the building official prior to:
    - any development, construction activity, or disturbance of an area that may affect trees within the tree conservation area,
    - a tree removal application, or
    - permits for construction or grading.

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Proposal

- Structure Proximity Area
    - A five foot buffer around a dwelling unit, called the Structure Proximity Area, will be observed within all NFOs.
    - Mitigation for the removal of trees is not required for qualifying trees within the Structure Proximity Area.
    - An approved tree removal application is required.

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Proposal

- Tree Removal
  - Protected trees removed within the Tree Conservation Area require replacement.

- Tree Replacement
  - Applicable methods of tree replacement within an NFO are listed below:
    1. Replacement and mitigation on the site of removal
    2. Replacement by legacy tree
    3. Replacement on other property
    4. Payment into reforestation fund

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Proposal

- Process to Establish an NFO
  - Representatives from the neighborhood submit to the Sustainable Development and Construction Department:
    - A form signed by the owners of at least 10 properties within the proposed overlay area.
    - A map of the area to be considered
  - Those who sign the form become the Neighborhood Committee.

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Proposal

- Process
  - NFO area requirements:
    - Must contain at least 50 lots in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 lots.
    - May contain as few as 10 lots if lots are alongside a *primary natural area* or if the lots maintain a current forest cover of mature large and medium trees, including significant trees, or trees established prior to the original subdivision.
    - Boundary lines to be drawn to include blockfaces and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, or zoning boundary line. Boundary lines that split blockfaces in two should be avoided.

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Proposal

- Process
  - After a committee form is received, staff:
    - Reviews proposed boundaries and verifies compliance with ordinance requirements.
    - Meets with the Neighborhood Committee to explain roles and responsibilities.
    - Outlines options available to Neighborhood Committee and educates the committee on the process.

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Proposal

- Process
  - Staff holds a neighborhood meeting and explains:
    - What an NFO is and what it can do
    - Options for regulations in the NFO
    - Process to establish an NFO
  - Property owners have the opportunity to ask questions and discuss the potential regulations, options and process.
  - Staff provides a petition for every property in the proposal area to the Neighborhood Committee, which includes the following elements:
    - Map of area
    - A list of the names and addresses of the Neighborhood Committee members
    - Tree Conservation Area and Options proposed

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Proposal

- Process
  - The Neighborhood Committee has 3-6 months from the date the petitions are provided to collect signed petitions and submit them to staff.
  - The elected tree conservation area option will determine the percentage of property owner signatures required for an application to be accepted:
    - Option 1 (Front yard setback) and Option 2 (Front yard to structure) require signatures from 60% of property owners within the NFO.
    - Options 3 (Front, side, and rear yard setbacks) and 4 (Entire lot) require signatures from 70% of property owners within the NFO.
  - The application fee is waived if petitions are signed by 75% or more of the property owners within the proposed overlay.

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Proposal

- Process
    - Staff verifies signed petitions and places the NFO request on the City Plan Commission agenda for public hearing
    - City Plan Commission meeting and public hearing
    - City Council votes on establishing an NFO at public hearing
    - Upon establishment of an NFO, each lot would be filed in the county deed records to give notice of the regulations imposed

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Next Steps

- Schedule for City Council consideration.

City of Dallas

Neighborhood Forest Overlay

Quality of Life Committee
February 25, 2019

Kris Sweckard, Director
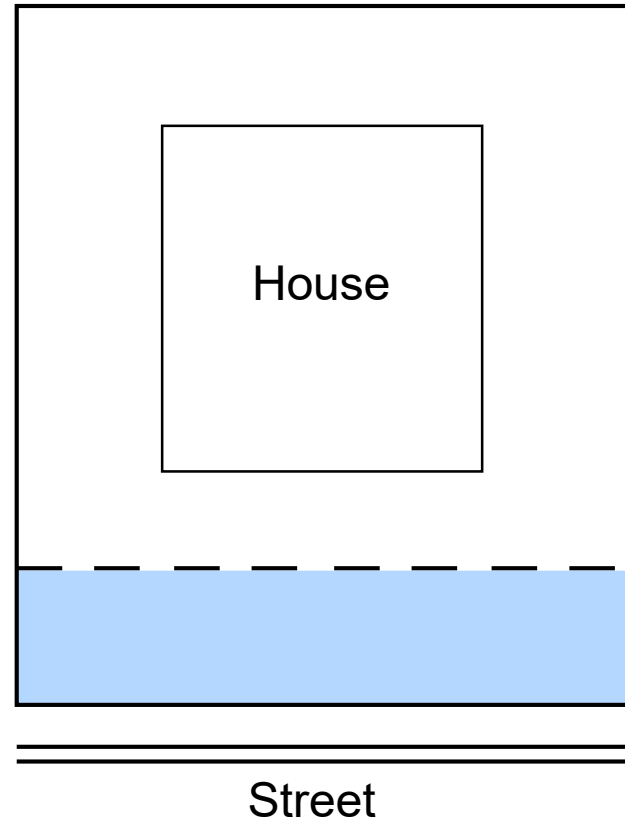**Sustainable Development and Construction Department**

City of Dallas
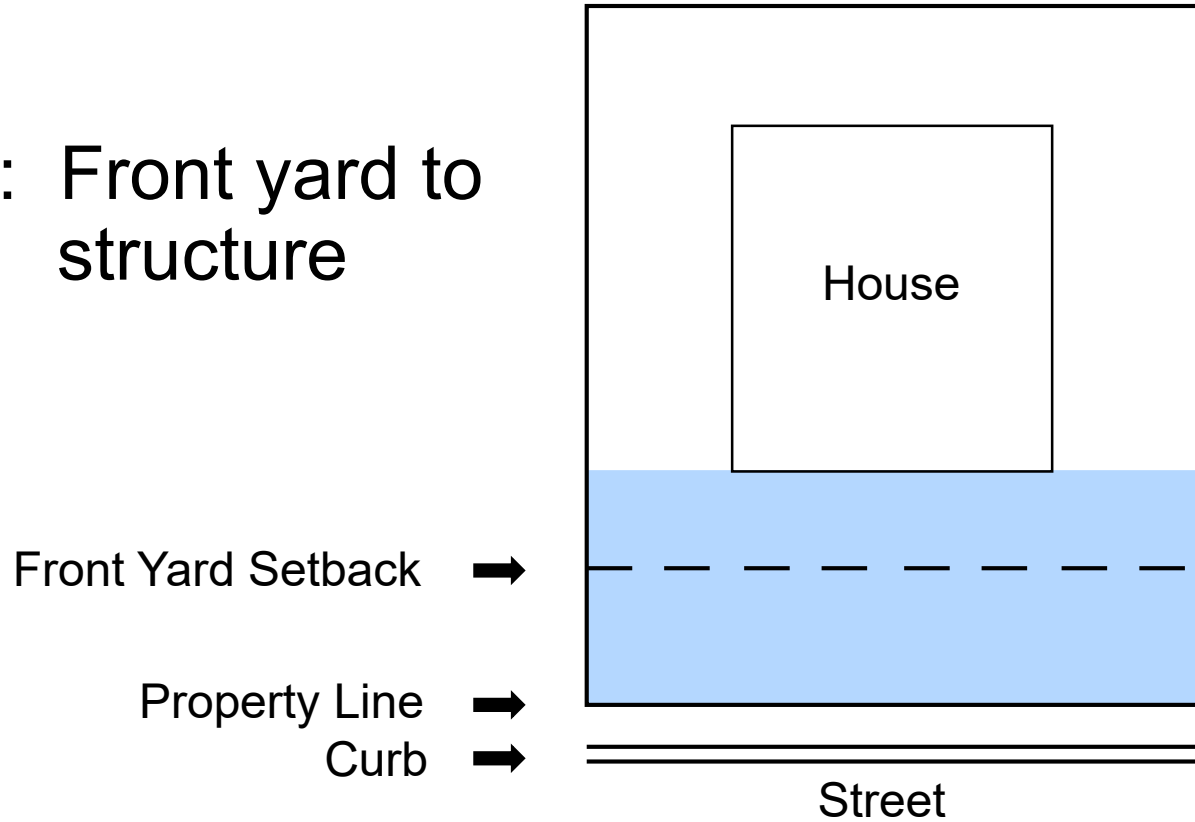
Appendix

Option #1: Front yard setback

House

Front Yard Setback ➡

Property Line ➡
Curb ➡

Street

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Appendix

Option #2: Front yard to structure

Front Yard Setback ➡
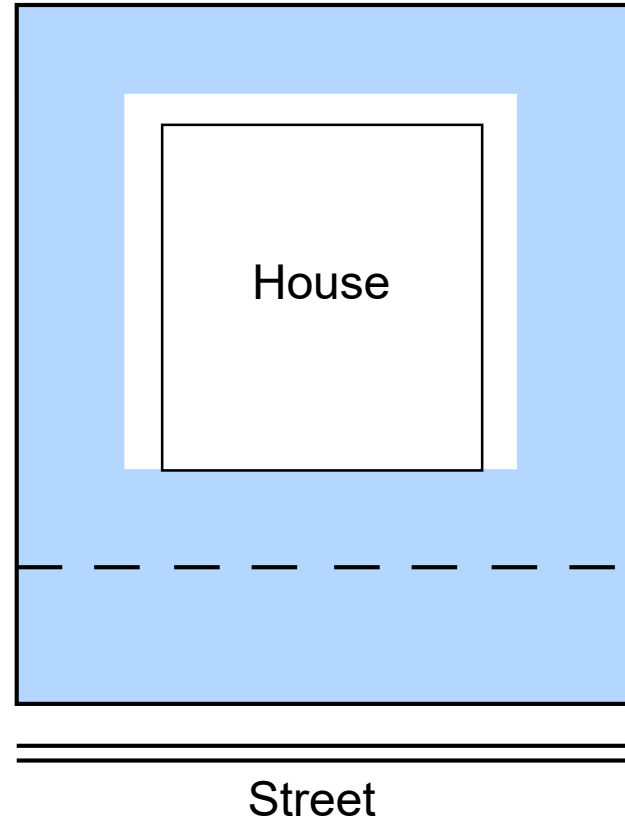
Property Line ➡
Curb ➡

House

Street

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Appendix

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

Front Yard Setback ➡

Property Line ➡
Curb ➡

House

Street

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Appendix

Option #4: Entire lot

House

Front Yard Setback ➡

Property Line ➡
Curb ➡

Street

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