



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 3, 2015

Council District ALL

Zoning Commission Recommendation:
Approval by a vote of 9-0

Opposition: None submitted
Support: None submitted

Continued Yes X No ___
Case Manager Jocelyn Murphy
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: City of Fort Worth Planning and Development Department

Proposed Change: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend:

- Chapter 6, "Development Standards" of Article 3, "Landscaping, Buffers, and Urban Forestry" to revise Section 6.302 "Urban Forestry" Regulations relating to tree coverage, preservation, planting and maintenance; and
- Amend Chapter 9, "Definitions," Section 9.101, "Defined Terms" to revise and add definitions related to Urban Forestry

To review the proposed amendments:

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Request: TEXT AMENDMENT: URBAN FORESTRY

Background:

The Urban Forestry ordinance was first adopted in 2005 and updated in 2009. The goals of the 2015 updates are to:

Provide flexibility in tree selection in response to customer requests:

- Allow individual and corporate preference
- Base on part of city and soils for tree survivability
- Provide more canopy credit toward tree planting
- Reduce revisions to Urban Forestry Plan

Reduce water usage for water conservation

- Incentivize use of drought-tolerant trees
- Builder selects trees that work, especially native trees

Reduce waivers to Urban Design Commission to reduce permit time

- Allow greater removal of invasive trees

The amendments will include replacing protected tree list with list of invasive trees to allow greater removal, allowing other trees not considered invasive or non-native to be credited toward planting,

creating incentives to install drought tolerant and native trees with greater planting credit, and adjustments to language to clarify processes and requirements.

The case has been continued from two City Council meetings for further considerations. Meetings were held in January with persons in opposition to the ordinance itself and some minor adjustments were provided for the base canopy for Method B and the diameter of planted trees which were expressed as items of concern. A meeting was also held with persons that were on the original board that created the tree ordinance who wanted to ensure that the amendments did not change the intent of the ordinance and requested some adjustments for clarification.

The items adjusted in the Staff Recommendations from these discussions include:

- Revert the required planted tree size back to 2 ½ to 3 inches from 3 inches in several locations.
- Revert two references back to the City Forester as appropriate for the activity.
- Removal of early references to Methods A and B to reduce confusion. 6.302E (pg. 7)
- Change the minimum residential lot size for one tree from 5,000 s.f. to 7000 s.f. 6.302 E1(i) and (ii) (pg. 7)
- Remove duplicate language provided elsewhere in the ordinance. 6.302 G3(b)(vIII) (pg. 12)
- Revert the required base canopy coverage for “Method B” back to 30% (25%+5%) from a proposed 40%. 6.302G4(b)(I) (pg. 13)
- Amend certain definitions to reflect the amendments.

At the February 3 Council meeting, one person spoke in objection. Since this meeting, a notice was emailed to multiple persons including all of the persons that have commented to the City Council on this case, the members of the City Manager’s Development Advisory Committee (DAC), and neighborhoods and other persons that have expressed a concern about the changes potentially weakening the ordinance. Staff presented and held a discussion with the members of the Development Advisory Committee on February 16. With the mention that they felt that the ordinance amendments were an improvement for development activities, DAC members held a vote to unanimously recommend the amendments and have submitted an email/letter in support.

Additions have been made to the ordinance in response to a discussion by DAC members:

- Provide an incentive to install Low Impact Design storm water facilities. Specifics may include not counting any area used for LID in the required planting area and add a 5% reduction in planting requirement.
- Provide an incentive to install drought tolerant trees by allowing closer tree spacing and clustering with full canopy credit.

In response to concerns about the complexity of the Urban Forestry ordinance, the ordinance proposed to the City Council has been reduced and simplified. Items that identified specific instructions, processes, or lists were removed and will be included in an official Urban Forestry Implementation Guide. All of the detailed regulations will remain in this guide. This will allow for the Urban Forestry ordinance itself to include only the framework of the applicability, exclusions, canopy requirements, and general plan expectations.

Attachments: Proposed ordinance recommended for approval by the Zoning Commission
Proposed reduced ordinance as revised by City Staff
Minutes from the City Council meeting
Minutes from the Zoning Commission meeting

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 6, "DEVELOPMENT STANDARDS" OF ARTICLE 3, "LANDSCAPING, BUFFERS, AND URBAN FORESTRY" TO REVISE SECTION 6.302 "URBAN FORESTRY" REGULATIONS RELATING TO TREE COVERAGE, PRESERVATION, PLANTING AND MAINTENANCE; AMEND CHAPTER 9, "DEFINITIONS," SECTION 9.101, "DEFINED TERMS" TO REVISE AND ADD DEFINITIONS RELATED TO URBAN FORESTRY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 211 of the Texas Local Government Code allows a municipality to regulate land use for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, the Attorney General of Texas has ruled that a home-rule city may enforce its reasonable land development regulations for the purposes of maintaining aesthetics and property values which would include landscaping and tree preservation (AG Opinion No. GA-0697); and

WHEREAS, in order to maintain and enhance a positive image and a livable city it is important to promote site planning which furthers the preservation of mature trees and to protect trees during construction, to facilitate the design and construction which contribute to the long term viability of existing trees and to control the removal of trees when necessary; and

WHEREAS, the City Council recognized that there was a need to establish regulations addressing the protection of healthy and significant trees and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment in an expeditious manner and with due regard for the legal rights of property owners; and

WHEREAS, it was the intent of the regulations to limit the removal of tree canopy, promote an urban forest, promote the orderly development of the City of Fort Worth, and to protect the public health, safety and general welfare of the citizens of the City of Fort Worth; and

WHEREAS, the regulations had the following objectives: to eliminate the process of clear cutting; to promote the preservation/conservation of trees throughout the City; to recognize the benefits of trees in the urban environment; to encourage the planting and preservation of

quality trees that are suitable to an area; to promote a safe environment that includes trees; to aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, wind and heat abatement; to provide visual buffering within and between land uses of differing character to alleviate the harshness of urban life; to enhance the beautification and aesthetics of the City; to safeguard and enhance property values and to protect public and private investment; to conserve energy; to provide habitat for wildlife; and to encourage the preservation of large trees which, once removed, can be replaced only after generations; and

WHEREAS, it is advisable that the City Council amend Ordinance Number 18615-05-2009 regarding the urban forestry regulations governing the preservation and removal of trees within the City; to allow the removal of trees that are short lived and fast growing and invasive to disturbed land or open fields, to codify procedures to increase efficiency and effectiveness, and to incentivize the installation of drought resistant and a variety of tree types.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS AS FOLLOWS:

SECTION 1.

That the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by repealing and reinstating in its entirety Appendix A, Chapter 6, "Development Standards," Article 3 "Landscaping, Buffers and Urban Forestry," Section 6.302, to read as follows:

6.302 Urban Forestry

A. Purpose

It is the purpose of this section to achieve thirty percent (30%) tree canopy coverage citywide and to promote a sustainable uneven-aged urban forest. This may be accomplished by addressing the preservation and protection of healthy and significant trees, limiting complete removal on sites with native and adapted trees, providing for the replacement and replanting of trees that are removed during development, and establishing additional tree canopy through planting.

B. Applicability of Urban Forestry Requirements

These requirements shall be applicable to all development as described below, unless subject to the exemptions in Paragraph C:

1. Removal of any trees six (6) inches dbh (diameter at breast height) or greater.
2. Construction of new structures for which a building permit is required.
3. Expansion of structures that increase the footprint of existing structures by at least thirty percent (30%), add at least three thousand (3,000) square feet to existing structures, or that encroach on the CRZ (critical root zone) of trees six (6) inches dbh or greater.
4. Clearing of all or a portion of property, including grading and filling, when trees exist on site.

5. Subdivision and platting of land greater than one (1) acre for the construction of one- or two-family dwellings, including contiguous lots with the same owner that total more than one (1) acre.
6. Construction of manufactured home parks and recreational vehicle parks for which a permit is required and private recreation facilities located in manufactured housing subdivisions.
7. Change in use from one- or two-family residential to non-residential.
8. Construction of a new parking lot or the expansion or reconstruction of an existing parking lot, except in cases of asphalt overlay repairs. Public projects that will remove trees six (6) inches dbh or greater that are not located within public utility easements as described in Section 6.302.C.1.
9. Removal of trees within a temporary construction easement.
10. Demolition of a structure with trees six (6) inches dbh or greater on the same property and within 50 feet of the structure.
11. Construction of a new fracture pond when not located within the boundary of a gas well permit.
12. Creation of an outdoor storage area, either new or when a land use certificate of occupancy is being issued for the first time.

C. *Exemptions from Urban Forestry Requirements*

The following are not subject to Urban Forestry requirements:

1. The construction or placement of temporary structures such as construction office trailers that only receive a temporary certificate of occupancy or renovations and expansions that create less than a three thousand (3,000) square foot or thirty percent (30%) increase in building footprint area, when no trees greater than six (6) inches dbh are removed;
2. Any single residential lot or multiple contiguous residential lots that are under the same ownership with a one- or two-family dwelling and totals one (1) acre or less in size, unless that subdivision is subject to an urban forestry permit per Section 6.302.B.
3. Any area within a form-based design district unless the standards for that district do not address urban forestry or tree planting, not to include overlay districts.
4. Construction or expansion of structures in the "H" Central Business District.
5. Any area located within an airport operating area as defined by Section 3-1 of the City Code.
6. Any area within a defined Gas Well Permit or Gas Compressor Permit except as outlined in The Code of Ordinances of the City of Fort Worth, Article II of Chapter 15, "Gas" entitled "Gas Drilling and Production".
7. All trees whose main stem is located wholly or partially within a recorded permanent public utility easement that contains utilities regulated by the Railroad Commission of Texas, the Public Utility Commission of Texas, or are owned and operated by a municipality, co-op, or other public utility provider may be removed by those entities without a permit from the City, however, they and all other land owners or developers are encouraged to submit a tree removal permit for documentation. For public drainage easements and storm water projects, see Section 6.302.E.
8. The removal of one (1) tree when its canopy comprises seventy-five percent (75%) or less of the total site tree canopy may be granted with a tree removal permit.

9. Demolition of a structure with trees six (6) inches dbh or greater on the same property and within fifty (50) feet of the structure may be approved without an Urban Forestry Permit if the applicant signs an affidavit that the trees will be preserved and protected per the standards in this section.

D. General Requirements

The following requirements apply to all development:

1. Tree Protections and Maintenance:
 - a. Procedures required prior to development activities:
 - i. All trees shown and credited as preserved on an Urban Forestry Plan must be protected during any development activities. Development activities include but are not limited to: vegetation removal and grading, demolition, installation, or construction of structures, utilities, paving, and site amenities.
 - ii. Protective Fencing: Prior to development activities, the contractor or subcontractor shall construct and maintain, for each preserved tree or tree cluster on a tract, a protective fence which encircles the outer limits of the CRZ of the tree to protect it from development activities. All protective fencing shall be in place prior to commencement of any site work and remain in place until the project has been completed. Fencing shall meet the minimum standards of a four (4) foot orange plastic mesh net with t-posts, including a top rail or other type of support. Significant trees shall be protected with a minimum four (4) foot chain link fence with support cables and t-posts. All fencing shall have attached signage in both English and Spanish that explains the area is for tree protection and is off-limits to construction activity. Language should include "NO ENTRY – TREE TRUNK AND ROOT PRESERVATION AREA. Call: 817-392-1234 or 817-392-7931 to report violations". Signs should be a minimum of 11x17 inches.
 - iii. Trunk Protection: In situations where a preserved tree remains in the immediate area of intended construction and the Staff Arborist determines the tree trunk to be in danger of damage by construction equipment, the contractor or subcontractor shall protect the tree by enclosing the entire circumference of the tree with two-inch by four-inch (2" x 4") lumber encircled with wire or other means that does not damage or penetrate the tree.
 - b. In addition to preserved trees, protective measures (as defined in this section) must occur on all trees located within fifty (50) feet of development activities on the same property. Trees in the street right-of-way will require protective measures per the Staff Arborist.
 - c. Protective measures are required within the tree's CRZ.
 - d. The following activities within the CRZ are prohibited without specific approval of the Staff Arborist:
 - i. No material intended for use in construction or waste material accumulated due to excavation or demolition shall be placed within the limits of the CRZ of any preserved tree;
 - ii. No equipment shall be cleaned or other liquids deposited or allowed to flow overland within the limits of the CRZ of a preserved tree. This includes, without limitations, paint, oil, solvents, asphalt, concrete, mortar or similar materials;

- iii. No signs, wires or other attachments, other than those of a protective nature, shall be attached to any preserved tree;
 - iv. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the CRZ of any preserved tree other than on existing street pavement;
 - v. No heavy equipment, including but not limited to trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the CRZ of any preserved tree on any construction site without the specific approval of the Staff Arborist;
 - vi. No grade change shall be allowed within the CRZ of any preserved tree unless the Staff Arborist receives and accepts a detailed protection plan that includes an assessment of the tree's condition, proposed CRZ encroachment, protections, and recommended remedial treatment, if any. The assessment and proposal should be completed by an individual with certification from the ISA (International Society of Arboriculture) or the ASCA (American Society of Consulting Arborists); and
 - vii. No filling activity in the CRZ of any preserved tree may occur as a permanent condition which may damage the tree.
- e. Replacement of any preserved tree which dies within five (5) years due to construction or development activities will be required within a reasonable amount of time. Replacement will be new trees with a minimum caliper of three (3) inches each and have canopy credit equal to five (5) times the tree's lost canopy. Tree replacement will be guaranteed for an additional period of three (3) years; one year per inch.
2. Construction Methods:
- a. Boring: Boring of utilities under preserved trees shall be required in those circumstances where it is not possible to trench around the CRZ of the preserved tree. When required, the length of the bore shall be the width of the CRZ at a minimum and shall be a minimum depth of forty-eight (48) inches.
 - b. Grade change: In situations where the Staff Arborist approves a grade change within the CRZ of a preserved tree, procedures and special conditions shall be approved by the Staff Arborist in advance of any work.
 - c. Trenching: All trenching shall be designed to avoid trenching across the CRZ of any preserved tree, unless otherwise approved by the Staff Arborist. All work within the CRZ requires advance approval by the Staff Arborist. The placement of underground utility lines such as electric, phone, gas, etc., is encouraged to be located outside the CRZ of preserved trees. Trenching for any irrigation system shall be placed outside the CRZ, except where it is serving to irrigate the tree, in which case it must run perpendicular to the tree trunk and in the manner that has the least possible encroachment into the CRZ.
 - d. Root exposure/pruning: All roots two (2) inches or larger in diameter which are exposed as a result of trenching or other excavation and are intended to be cut or removed shall be cut off square with a sharp medium tooth saw within two (2) hours of initial exposure.

- e. Underground utilities: All onsite underground utilities with backfill other than onsite material shall have a clay dam every two hundred (200) feet for the entire length of the utility placement.
 - f. Paving: No paving is allowed within the CRZ of any preserved tree unless otherwise approved by the Staff Arborist.
3. Tree planting to achieve the goal of canopy coverage:
- a. Trees planted to provide canopy coverage shall be a minimum of three (3) inches each in caliper and will be credited its canopy coverage based on projected mature canopy size and spacing. These size classes and credits are as follows:
 - i. A large canopy tree with typical crown width of fifty (50) feet in diameter shall be credited with canopy coverage of two thousand (2,000) square feet (minimum spacing of forty (40) feet on center);
 - ii. A medium canopy tree with typical crown width of thirty to thirty-five (30-35) feet in diameter shall be credited with canopy coverage of one thousand (1,000) square feet (minimum spacing of thirty (30) feet on center);
 - iii. A small canopy tree with typical crown width of ten (10) feet in diameter shall be credited with canopy coverage of one hundred (100) square feet (minimum spacing of eight (8) feet on center).
 - iv. Less than minimum spacings will still result in canopy credit, but at a reduced rate based on the actual spacing and commensurate with the canopy class.
 - b. Tree planting requirements: Table B is a list of trees considered either native, adapted to the area, or otherwise desirable for urban tree planting. Other trees other than those in Table B will be considered by the Staff Arborist and granted on a case-by-case basis taking into consideration the adaptability, long-term health and growth characteristics of the tree type.
 - c. The minimum size of tree planted will be two and one-half to three (2.5 to 3) inches in caliper. The caliper measurement of the trunk shall be taken at a point six (6) inches above the ground if the resulting measurement is no more than four (4) inches in diameter. If the resulting measurement is more than four (4) inches, the measurement of the caliper shall be taken at twelve (12) inches above the ground. Only multi-trunk trees from the small tree canopy list in Table B will receive canopy credit. Of those, the main stem will be given full credit for its diameter and all other stems will receive one-half (1/2) credit. The total of all stems must be three (3) inches caliper or greater.
 - d. All newly planted trees that die within three (3) years of the date of project completion will be replaced within thirty (30) days by the property owner. The replacement tree carries the same three (3) year replacement requirement. The requirement to replace the trees shall run with the land.
 - e. A minimum of sixteen (16) square feet of permeable surfaces must be provided for all small and medium tree plantings and twenty five (25) square feet for all large trees. The Staff Arborist may approve use in lesser areas depending on specific species and methods; otherwise those trees will receive half credit canopy coverage.
 - f. Expansion of structures used for commercial/institutional and industrial uses: Tree plantings to achieve canopy coverage will be based only on the square footage of the expansion footprint rather than the entire site to ensure at least

minimal tree replacement. Only tree removal permits for trees greater than six (6) inches in diameter are required for expansions under three thousand (3,000) square feet.

- g. No credit shall be given for trees planted or preserved in public utility easements as described in Section 6.302.C.
 - h. Use of one hundred percent (100%) species with high drought tolerance will add a ten percent (10%) bonus to the total planting credit. Providing an irrigation plan showing exclusive use of drip irrigation will add another five percent (5%) bonus to the total planting credit.
 - i. Using a variety of trees in which no one genus accounts for more than twenty percent (20%) of the canopy credit, a ten percent (10%) bonus will be applied to the total tree planting credit.
4. Warranty/Replacement:
Any preserved tree that dies or becomes hazardous and a threat to public safety or property due to construction activities within five (5) years following the date of issuance of the Certificate of Occupancy shall be replaced following the criteria section 6.302.D.1.e for tree preservation and significant tree replacement by the original applicant or assigned party.
5. A Certificate of Occupancy shall not be issued until the requirements of Section 6.302.G. are met.

E. *Specific Requirements based on Land Use*

The City's goal is to achieve city-wide tree canopy coverage of at least thirty percent (30%) and to promote the functional distribution of that canopy throughout various land uses as development occurs through a combination of planting and preservation goals and requirements for tree canopy coverage. No lot, tract, or contiguous lots or tracts that total less than one (1) acre will be required to preserve trees under Method A or Method B preservation. In all other cases unless otherwise stated, Method A or Method B preservation shall apply. In support of the overall goal of tree canopy coverage for the City, the following land use requirements shall apply: (also identified in Table A)

1. One- and two-family residential land uses:
 - a. Minimum provided canopy coverage shall be forty percent (40%).
 - b. Canopy for New Subdivisions:

The forty percent (40%) canopy coverage requirement for one- and two- family residential land uses will be reduced to twenty-five percent (25%) if:

 - i. One tree per residential lot is planted on all lots up to five thousand (5,000) square feet in area;
 - ii. One additional tree for each additional five thousand (5,000) square feet of lot area, or fraction thereof is planted, up to a maximum of nine trees per residential lot; and
 - iii. The remaining portion of the twenty-five percent (25%) canopy coverage may be provided in public rights-of-way, homeowner association lots or boundary street parkways.
 - c. Phased Development of Residential subdivisions:

Residential subdivisions that are to be developed in phases must provide a plan that complies with the preservation requirements at full build-out as approved on the preliminary plat. If a final plat requests credit for trees in undeveloped phases

or units that are planned for future development, it will be necessary for all subsequent plats to identify trees for preservation or provide mitigation as needed to obtain the required canopy coverage percentage. Updated plans must be provided to Urban Forestry as the subdivision is developed.

- d. Canopy for Existing Platted Residential Lots over one (1) acre:
 - i. Minimum provided canopy coverage shall be forty percent (40%).
2. *Multifamily land uses:*
 - a. Minimum provided canopy coverage shall be fifty percent (50%) of open space.
3. *Institutional land uses:*
 - a. Minimum provided canopy coverage shall be thirty percent (30%). New public school sites may delineate and deduct improved sports fields and playgrounds from the gross site area of their canopy calculation.
4. *Commercial land uses:*
 - a. Minimum provided canopy coverage shall be thirty percent (30%).
5. *Mixed Use land uses in MU Mixed-Use Zoning and Multi-family uses in UR Urban Residential Zoning:*
 - a. Minimum provided canopy coverage shall be five percent (5%) and no preservation is required.
6. *Industrial land uses:*
 - a. Minimum provided canopy coverage shall be twenty percent (20%).
7. *Surface parking areas (alone or within a new development):*
 - a. Minimum canopy coverage of forty percent (40%) shall be required for all parking spaces and associated drive isles or parking lots. If parking is not the primary use, trees planted within the parking lot count toward the overall site requirement.
 - b. The canopy coverage shall be achieved through preservation of existing trees or tree planting within the parking lots and drives;
 - c. No minimum canopy requirement for one- and two-family residential uses;
 - d. Credit shall be given for trees planted within the public right-of-way within adjacent streets if the Staff Arborist issues a tree planting permit for it and there are no overhead or underground utilities in the planting location. Based on the individual site conditions, credit may be given for small and medium trees planted underneath overhead utility lines for credit as consistent with utility recommendations.
8. *Public projects (e.g. water, sewer, street, or drainage within an easement):*
 - a. New government/public facilities that include the construction of a building and parking lot shall follow the regulations for commercial land uses.
 - b. Public projects that will remove trees six (6) inches dbh or greater within temporary easements or permanent easements will require an urban forestry permit.
 - c. Projects involving a permanent physical change to the surface of the land will require a minimum thirty percent (30%) canopy coverage. Preservation is not required;
 - d. Projects involving tree removal may provide thirty percent (30%) canopy coverage or elect to replant what was removed at a 1:1 ratio by canopy area or dbh;

- e. Public projects may elect to mitigate required canopy coverage through payment into the city’s designated tree fund at a rate of six hundred dollars (\$600.00) per two thousand (2,000) square feet of required tree credit.
9. *Agricultural land uses:*
- a. Agricultural uses that have a primary use of the land to produce (but not to process) plant or animal products, such as growing crops, raising and pasturing of livestock, or farming, but not to include tree farms, production of timber or forest products, shall not be required to plant or preserve trees. Documentation of the existing tree cover shall be provided and mitigation for removal of significant trees will be required. If the property is converted to any other use within five (5) years from date of issuance or within five (5) years from the date of tree removal, whichever is later, any significant tree mitigation will carry over to the new development and mitigation for 25% of the removed trees will be required using the same standards, options and rates for significant tree mitigation.

TABLE 1 Specific Requirements Based on Land Use

Land Use	Required Tree Canopy	Tree Preservation	Other Standards
One or Two Family Residential	40%	Method A or B ¹	
New Subdivisions	40%/25%	Method A or B	25% optional per Section E.1.b
Multifamily	50% of Open Space	Method A or B	
Institutional	30%	Method A or B	
Commercial	30%	Method A or B ¹	
Industrial	20%	Method A or B	
Mixed-Use/Urban Residential	5%	Not Required	
Form Based/ Urban Design District-Downtown	n/a	n/a	Canopy requirements for Form-Based Districts may be found in the Design Standards for that district.
Public Projects	30%	Not Required	
Agricultural Uses	0	Not Required	Mitigation for significant trees. Mitigation for use conversion within 5 years

Other options may apply per Section 6.302E.

¹ Not required if less than one (1) acre.

F. *Delineation of Artificial Lot*

If a developer wishes to develop a portion of a one (1) acre or larger tract, the developer may request that the Planning and Development Director or designee delineate the portion of the tract to be developed as an artificial lot, for purposes of calculating Urban Forestry requirements for the development. Artificial lots may be delineated in any type of development. All artificial lots shall meet the following requirements:

1. Contain the entire area on which the development is to occur, including all paved areas;
2. Contain a land area of less than fifty (50) percent of the entire tract, or, if the proposed artificial lot contains more than fifty (50) percent of the entire tract, the Planning and Development Director or designee must determine that a substantial amount of the tract is not affected by the proposed development;
3. Be delineated on the urban forestry plan as provided in Subsection G, below and labeled with dimensions and bearings for all boundary lines;
4. Be generally rectangular except when following existing buildings or edge of pavement; and
5. Not leave small gaps between the real property line and the artificial lot line.

G. *Urban Forestry Plan/Permits*

Activity subject to the Urban Forestry Requirements shall be conducted with the required permits and plans for such activity, as further described below:

1. Permits:

a. A Tree Removal Permit may be used in lieu of an Urban Forestry Permit for:

- i. Removal of one (1) tree, but only when the remaining canopy on the site or contiguous property will constitute preservation of twenty-five percent (25%) or more and the project scope of work is not subject to an Urban Forestry Permit.
- ii. Removal of any number of trees deemed or verified by the Staff Arborist as hazardous according to Section 6.302.C.
- iii. Hazards: When removal is the only reasonable remedy, any tree that is deemed or verified by the Staff Arborist to be hazardous to people, structures, property, private utilities, is actively damaging pavement, or is host to insects or disease that poses a threat to other trees, people, or property may be removed by submittal and approval of a Tree Removal Permit. Hazard trees will be evaluated by the Staff Arborist based on best management practices and standards from such sources as the ISA (International Society of Arboriculture) and ASCA (American Society of Consulting Arborists). Removal of trees that pose an immediate hazard to people or property should be photo documented prior to their removal and permit requested after-the-fact. Alternatives to removal should be reasonably exhausted prior to removal as a hazard.

b. Urban Forestry Permit is required:

- i. for the removal of more than one (1) tree;
- ii. for construction of new structures on properties where a building permit is required, unless exempted under Section 6.302.C.

- c. Issuance of an Urban Forestry Permit will require submission and approval of plans that show each site or project is in compliance with the regulations of this section.
 - d. Development permits such as grading permits, building permits, and demolition permits may require an approved Urban Forestry Permit for their approval and issuance if those permits fall within the development activities under Section 6.302.B.
 - e. An approved Urban Forestry Permit will run with the land. If the project scope or configuration changes prior to any disturbance of the land, the approved Urban Forestry Permit is invalid and the owner/developer shall apply for a new permit.
 - f. An Urban Forestry Permit shall expire on the fifth anniversary of the date the permit was issued if no progress has been made toward implementation of the Urban Forestry Plan.
2. *Urban Forestry Plan:*
- a. Issuance of an Urban Forestry Permit will require submission and approval of plans that show each site or project is in compliance with the regulations of this section.
 - b. Development permits such as grading permits, building permits, and demolition permits may require an approved Urban Forestry Plan and Permit for their approval and issuance if those permits fall within the development activities under Section 6.302.B.
 - c. An Urban Forestry Permit shall expire on the fifth anniversary of the date the permit was issued if no progress has been made toward implementation of the Urban Forestry Plan.
3. *Urban Forestry Plan Application Requirements:*
- Prior to any development activities under Section 6.302B the following plans and information must be submitted through a two-part process:
- a. Part One Plan - Documentation of Existing Conditions:
 - i. The first submittal shall include a scaled diagram of the subject property in which development, disruption or tree removal is proposed. Part One will reflect the existing conditions by including the following information:
 - a. Boundaries, including dimensions and bearings, of the property and/or artificial lot and its calculated area in acres and square feet;
 - b. Location map showing the proximity of the property to the nearest streets;
 - c. Location of trees, outline of the existing tree canopy, or other graphical representation of the existing trees on the property and the calculated canopy area;
 - d. Drawn and labeled utility easements regulated by the Railroad Commission of Texas, the Public Utility Commission of Texas, or those that are owned and operated by a municipality, co-op, or other public utility provider. Easements not shown on the recorded final plat must have the separate instrument document submitted for verification;
 - e. Location of each Significant Tree as defined in Chapter 9, its dbh, species and canopy area;
 - f. Tree surveys for Method B Preservation will require a table with all Protected Trees numbered on the plan with a corresponding table entry;

- g. Outline of existing structures or major site features;
 - h. May show proposed tree removal on Part One in lieu of showing on Part Two for clarity and;
 - i. If no trees exist on site the Part One may be omitted and Part Two will require a statement saying so.
 - ii. If the applicant wishes to remove trees prior to submittal or approval of the Part Two Plan process, the Part One Plan must indicate to remove less than or equal to fifty percent (50%) of the existing tree canopy. The documentation of pre-development canopy coverage shall be maintained with the property until development occurs and the Part Two Plan is submitted. The higher required preservation for the Part One approval will help assure the minimum preservation, if applicable, will be achieved within the area remaining after the initial clearing.
 - iii. Part One documentation shall expire on the second anniversary of the date of approval if no progress has been made toward completion of a Part Two submission.
- b. Part Two: Achievement of Canopy Requirements
- The second submittal shall include a scaled and labeled diagram of the proposed site improvements, tree removal, tree planting, tree preservation, etc. The diagram may be an engineered drawing, survey, aerial image or other illustration. Part Two will reflect the following information:
- i. Boundaries, including dimensions and bearings, of the property and/or artificial lot and its calculated area in acres and square feet;
 - ii. Adjacent streets and/or vicinity map;
 - iii. Outline or graphical representation of the existing tree canopy proposed for preservation and its calculated area in square feet and acres. Properties with no existing trees six (6) inches dbh or greater may make note on the plan to indicate such;
 - iv. Drawn and labeled utility easements regulated by the Railroad Commission of Texas, the Public Utility Commission of Texas, or those that are owned and operated by a municipality, co-op, or other public utility provider. Easements not shown on the recorded final plat must have the separate instrument document submitted for verification;
 - v. Location, species, dbh, and canopy area of each Significant Tree proposed for preservation;
 - vi. Scaled site plan depicting the location of proposed structures, parking areas, drives and amenities;
 - vii. Tree canopy areas that are desired to be removed, unless shown on Part One;
 - viii. Graphical representation of location and legend or labeling of new tree species that will be planted to meet the site's canopy requirement.
 - (a) An approved Urban Forestry Permit will run with the land. If the project scope or configuration changes prior to any disturbance of the land, the approved Urban Forestry Permit is invalid and the owner/developer shall apply for a new permit.
 - ix. The applicant shall provide the following numbers and figures with the plan: the property or artificial lot area; existing tree canopy area and significant tree

data, if any; tree survey data for Method B preservation; the entire utility easement area; the area of all parking spaces, parking fields, and related drive isles.

In no event shall acceptance of an application guarantee that the City will issue the Urban Forestry Plan/permit, unless the permit application is in compliance with all applicable codes, laws and regulations.

4. *General Preservation Methods of Tree Canopy*

At the submission of an Urban Forestry Plan/permit application, the applicant shall elect one of the following options of tree preservation unless exempt in Section C:

a. *Method "A": Preservation regardless of tree species:*

- i. At least twenty-five percent (25%) of the existing canopy coverage must be preserved, regardless of tree species, on all properties greater than one (1) acre, provided however, Significant or Large Trees must be preserved as outlined in Section 6.302.G.5. The existing canopy can be determined via recent aerial photo, ground survey or other approved method by the Staff Arborist;
- ii. Trees located within public utility easements shall not be counted or calculated as existing trees.

b. *Method "B": Preservation based on species.* All trees listed on Table A may be removed under the below conditions:

- i. At least forty percent (40%) of the tree canopy for trees not on Table A must be preserved provided however, Significant or Large Trees are preserved or mitigated as outlined in Section 6.302.G.5. The final total required canopy coverage for the applicable land use shall be five percent (5%) over the minimum to use this method. (e.g. residential would be a minimum of forty-five percent (45%), commercial would be a minimum of thirty-five percent (35%) and industrial would be a minimum of twenty-five percent (25%);
- ii. An onsite tree survey noting the location, size and species of each tree listed on Table A and identified for removal under this section will be required. This survey should be completed by an individual with one of the following credentials or certifications and signed by them: ISA Certified Arborist – International Society of Arboriculture, Registered Consulting Arborist - ASCA (American Society of Consulting Arborists), Texas licensed Landscape Architect, or Texas Certified Nurseryman.
- iii. All significant trees whose species is listed in Table A with a stipulation of dbh such as "less than (<) 27 inches dbh", etc., must be included in the preservation calculation.

5. *Preservation of Significant or Large Trees*

- a. The reduced diameter for Post Oaks and Blackjack Oaks is in recognition of the naturally occurring Post Oak forest and savannahs within the Eastern Cross Timbers Ecosystem. Preservation of a Significant or Large Tree will be credited to the provided canopy coverage and preservation at five (5) times the actual canopy size.

- b. Significant or Large Trees may be removed if one of the following mitigation conditions is met:
 - i. Preserve additional tree canopy one and one-half (1½) times the area of the tree canopy proposed for removal on the same site. Species used for mitigation should be of the same or similar species and Significant or Large Trees not in Table A shall not be mitigated with species from Table A. All mitigation shall be in excess of the total required tree coverage and preservation on the site/tract; or
 - ii. Planting new trees with a total canopy credit equal to five (5) times the removed tree's canopy. The additional planting shall be in excess of the total required tree coverage on the site; or
 - iii. Payment into the city's designated tree fund at two hundred dollars (\$200.00) per dbh inch; or
 - iv. The Urban Design Commission approves a plan that mitigates the removal of Significant or Large Trees.

6. *Urban Forestry Plan Amendments*

- a. Revisions or amendments to approved Urban Forestry Plans will require the same review process and be subject to the same requirements and conditions as the original plan. Expansion of the plan to cover additional land and/or trees may require permit boundaries to be re-delineated and additional fees may be assessed on the additional acreage.

H. *Urban Forestry Development Agreement*

1. *The Urban Forestry Development Agreement ("Agreement")*

- a. The Agreement is intended to facilitate the development of large tract developments, other than single family or two-family developments, which is under common ownership, which would in the aggregate meet or exceed an overall canopy coverage of thirty percent (30%) for all properties included in the Agreement. The intent of a development agreement is to allow areas with more extensive canopy to remain and contribute to the tract's thirty percent (30%) overall coverage while allowing the canopy in other development areas to be reduced. Individual properties that are subject to the Agreement are required to maintain canopy coverage requirements for different land use types as outlined in Subsection c. below.
- b. The original application for an Agreement shall include an initial spreadsheet of minimum canopies and acreages. Minimum canopies and acreage shall be provided at the time of submittal of each Individual Part One document. Approval shall not be granted or trees removed without the submission of the spreadsheet of minimum canopies and acreages
- c. The Agreement must be presented to the City Council for approval prior to its execution. Any amendments may be approved administratively if the regulations of this subsection are satisfied. The initial submission for approval of an Agreement shall include:
 - i. A map of all the properties to be included in the Agreement, identified by land use and acreage;
 - ii. Individual maps of each land use type (commercial, industrial, etc.);

2. *Overall Part One Permit*

An Overall Part One permit as part of an Agreement will be issued if the following conditions are met:

- a. Minimum acreage allowed shall be one thousand (1,000) acres with all of the acres to be located within the same watershed. Applicant shall provide an exhibit depicting all of the property/tracts and acreages that will be subject to the Agreement.
- b. The property/tracts subject to the Agreement shall be separated by land use type, but shall not include single family or two-family development. Applicant will provide exhibits for each land use type for the initial submittal and will update for subsequent submittals. Canopy requirements will be tracked by land use type.
- c. The minimum canopy coverage for each tract described in an Agreement shall be:

Commercial	15%	Parking	40%
Industrial	10%	Parking	20%
Airport Industrial	5%	Parking	20%
Multifamily	25% of required open space		

- i. In order to use the above percentages, the applicant shall provide to the City and update/maintain tracking, documents and/or maps that shows the remainder of the normal percentage shown in Table 1 is being met either by existing tree preservation or excess trees planted on other sites within the agreement.
 - ii. Minimum tree preservation, whether Method A or B, shall not include “new tree credit” as assigned in Table B. All previously planted trees that reach six (6) inches or larger dbh may be included as existing tree canopy by submitting a revised and updated plan for that site/tract with current canopy area measurements for those trees.
- d. All of the acreage to be included in an Agreement shall be under common ownership at the time of the agreement, under a currently approved Overall Part One, or part of an approved concept plan or preliminary plat. A list shall be provided of any separate corporations to be included in an Agreement documenting that all are part of the same parent company. The list shall be provided with the initial Overall Part One submission and shall provide the filing number associated with the Articles of Incorporation filed with the Texas Secretary of State.
- e. The Overall Part One permit shall not expire for a period of fifteen (15) years and may be renewed for additional ten (10) year periods. Renewals will be approved administratively if the permit remains under the same terms and conditions of the original Agreement approved by the City Council or with amendments approved administratively. Progress shall be defined as the platting, permitting, or vertical construction on the properties. The expiration period in Section 6.302.G.3.a.iii. shall apply to the Individual Part One submissions. Individual Part One permits shall be defined as property/tracts that are submitted for approval after the date of execution of the Agreement.
- f. The Agreement shall run with the land and properties which are included in the original Agreement and subsequently sold shall remain under the terms of the

Agreement regardless of future ownership. The Agreement shall be recorded in the real property records in the county which the property subject to the agreement is located. Recordation shall be the responsibility of the applicant, including the cost of recording fees. Within fourteen (14) days after execution and recordation, a copy of the recorded documentation shall be provided to the City. The Part One permit shall not be issued until the recorded copy is received.

- g. Future acquired properties by the original applicant of the Agreement may be included in the Agreement after a recalculation of the canopy coverage and approval by Staff Arborist if the conditions of this section are met. Acquired properties not included in the Agreement shall be subject to the regulations of Section 6.302. Additional properties may not be included into the Agreement within three (3) years of the end of the initial term of the Agreement. No properties shall be allowed to be added to the Agreement during any renewal terms.

I. *Appeals*

1. If the Staff Arborist, or other Planning and Development Director or designee, refuses to accept or issue an Urban Forestry Plan/permit due to its deficiency in any of the requirements of Section 6.302, or if the applicant disagrees with the decision of Staff Arborist, the applicant may request an appeal of the decision to the Urban Design Commission within ten (10) days after the decision of Staff Arborist. The appeal shall be in writing and shall be transmitted to the executive secretary of the Urban Design Commission within ten (10) days after receipt of notification that the Staff Arborist will not approve the Urban Forestry Plan/permit.
2. The Urban Design Commission shall consider the appeal within thirty (30) days after the appeal is received by the commission's executive secretary, unless the applicant requests a later hearing in writing. The Urban Design Commission shall not release the applicant from the requirements of this ordinance, unless the applicant first presents credible evidence from which the Urban Design Commission can reasonably conclude application of this ordinance to the applicant would be likely to deprive the applicant of rights protected by law.
3. The Urban Design Commission may take the following actions on an appeal:
 - a. Deny the appeal, in which case the Urban Forestry Plan/permit shall not be accepted or granted; or
 - b. Grant the appeal, and direct the Staff Arborist or Planning and Development Director or designee to accept and approve the Urban Forestry Plan/permit; or
 - c. Grant the appeal subject to such provisions, conditions, or limitations as deemed appropriate by the Urban Design Commission.
4. Appeals of decisions the Urban Design Commission will be heard by the Zoning Board of Adjustment in a de novo hearing.

J. *Penalty*

1. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be:
 - a. Assessed a penalty of two hundred dollars (\$200.00) per dbh inch of all trees, regardless of size, removed or damaged without a valid Urban Forestry Permit

and/or Tree Removal Permit, four hundred dollars (\$400.00) per dbh inch of Significant or Large Tree removed or damaged without a valid Urban Forestry Plan or permit, and/or

- b. Issued a citation for a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) for the removal or damage of each tree.
2. Where illegal tree removal has occurred and the physical evidence has been removed from the site, a penalty will be assessed based on calculations using aerial photographs available to the City, calculated at a rate of four and 94/100 dollars (\$4.94) per square foot of illegally removed canopy for all trees regardless of size or nine and 88/100 dollars (\$9.88) per square foot of Significant or Large Trees removed or damaged. The formula provided is solely a penalty for failure to comply with the requirements contained herein and is not intended to be used to value any property interest or tree and is not representative of the value of any real property interest or tree.
3. Any person in a one-family or two-family residentially zoned district that removes or causes to be removed trees without first obtaining the required permit may be issued an after-the-fact permit. An after-the-fact permit shall be issued if:
 - a. The applicant can demonstrate that the criteria for removal in the after-the-fact application would meet the regulations in effect at the time the tree was removed; and
 - b. The applicant has paid the fee for an after-the-fact permit which shall be double the fee of a tree removal permit.
4. Payment of a penalty does not waive the applicability of the requirements as set forth in this ordinance.
5. After-the-fact tree removal.
 - a. If the applicant cannot demonstrate that the criteria for removal in the after-the-fact application would have met the current regulations, then an after-the-fact permit shall not be issued and the person shall be in violation of this section, subject to both criminal and civil penalties.
 - b. A second after-the-fact permit shall not be issued if:
 - i. another violation of this section occurs by a person previously issued an after-the-fact permit; or
 - ii. the after-the fact permit is sought on the same site on which an after-the-fact permit was issued within five (5) years of the date of the second violation.

K. *Enforcement*

Any Code Compliance Officer, the Staff Arborist or his/her designee shall have the authority to enforce the provisions of this ordinance.

L. Tables
TABLE A

Non-Protected Tree Species	
Common Name	Species
sugarberry; sugar hackberry	<i>Celtis laevigata</i>
mesquite <27" dbh	<i>Prosopis glandulosa</i>
osage orange; Bois D' Arc	<i>Maclura pomifera</i>
Eastern cottonwood <27" dbh	<i>Populus deltoides</i>
Chinaberry	<i>Melia azedarach</i>
golden raintree	<i>Koelreuteria paniculata</i>
mimosa	<i>Albizia julibrissin</i>
gum bumelia; chittamwood	<i>Bumelia lanuginosa</i>
tree of heaven	<i>Ailanthus altissima</i>
yaupon	<i>Ilex vomitoria</i>
common persimmon	<i>Diospyros virginiana</i>
Chinese tallow tree	<i>Triadica sebifera</i>
privet	<i>Ligustrum spp.</i>
black locust	<i>Robinia pseudoacacia</i>
Hercules' -club	<i>Zanthoxylum clava-herculis</i>
Western soapberry	<i>Sapindus saponaria var. drummondii</i>
honey locust	<i>Gleditsia triacanthos</i>
Bradford pear	<i>Pyrus calleryana</i>
black willow <27" dbh	<i>Salix nigra</i>
mulberries	<i>morus spp.</i>

TABLE B

Tree Planting List For Credit On Urban Forestry Plans		
* Not all cultivars and varieties of a species will place in the same size category due to variation in mature canopy width.		
Large Category Trees:	credit/spacing = 2,000 ft²/40ft	
Common Name	Species	Notes
pecan	<i>Carya illinoensis</i>	4
deodar cedar	<i>Cedrus deodara</i>	4

green ash	<i>Fraxinus pennsylvanica</i>	
Skyline honeylocust	<i>Gleditsia triacanthos</i> 'Skyline'	1,4
black walnut	<i>Juglans nigra</i>	
Southern magnolia	<i>Magnolia grandiflora</i>	
Mexican sycamore	<i>Platanus mexicana</i>	3, 4
American sycamore	<i>Platanus occidentalis</i>	3
London planetree	<i>Platanus x acerifolia</i>	
Eastern cottonwood	<i>Populus deltoides</i>	3
Texas red oak	<i>Quercus buckleyi</i>	4
bur oak	<i>Quercus macrocarpa</i>	4
chinquapin oak	<i>Quercus muhlenbergii</i>	
Shumard oak	<i>Quercus shumardii</i>	
post oak	<i>Quercus stellata</i>	4
live oak	<i>Quercus virginiana</i>	4
American elm	<i>Ulmus americana</i>	
cedar elm	<i>Ulmus crassifolia</i>	4
lacebark elm	<i>Ulmus parvifolia</i>	
Medium Category Trees:	credit/spacing = 700 ft²/25ft	
Common Name	Species	Notes
Caddo maple	<i>Acer barbatum</i> var. <i>caddo</i>	
bigtooth maple	<i>Acer grandidentatum</i>	
chalk maple	<i>Acer leucoderme</i>	
Shantung maple	<i>Acer truncatum</i>	
'Jeffersred' Freeman's maple	<i>Acer x freemanii</i> 'Jeffersred' AUTUMN BLAZE®	1,2
common persimmon	<i>Diospyros virginiana</i>	
Texas ash	<i>Fraxinus texensis</i>	
ginkgo	<i>Ginkgo biloba</i>	
Kentucky coffeetree	<i>Gymnocladus dioicus</i>	
Texas walnut	<i>Juglans microcarpa</i>	
Eastern red cedar	<i>Juniperus virginiana</i> var. <i>virginiana</i>	4
golden raintree	<i>Koelreuteria paniculata</i>	
'Bracken's Brown Beauty' Southern magnolia	<i>Magnolia grandiflora</i> 'Bracken's Brown Beauty'	1
'Claudia Wannamaker' magnolia	<i>Magnolia grandiflora</i> 'Claudia Wannamaker'	1
'DD Blanchard' Southern magnolia	<i>Magnolia grandiflora</i> 'DD Blanchard'	1
Eldarica (Afghan) pine	<i>Pinus eldarica</i>	4
Italian stone pine	<i>Pinus pinea</i>	
Chinese pistache	<i>Pistacia chinensis</i>	4
'Aristocrat' Callery pear	<i>Pyrus calleryana</i> 'Aristocrat'	1,3,4

'Autumn Blaze' Callery pear	<i>Pyrus calleryana</i> 'Autumn Blaze'	1,3,4
'Chanticleer' Callery pear	<i>Pyrus calleryana</i> 'Chanticleer'	1,3,4
Lacey oak	<i>Quercus laceyi</i> OR <i>Quercus gloucoides</i>	4
blackjack oak	<i>Quercus marilandica</i>	4
Monterrey oak (Mexican white oak)	<i>Quercus polymorpha</i>	4
Western soapberry	<i>Sapindus drummondii</i>	4
pond cypress	<i>Taxodium ascendens</i>	
bald cypress	<i>Taxodium distichum</i>	4
Montezuma cypress	<i>Taxodium mucronatum</i>	4
Small Category Trees:	credit/spacing = 100 ft²/8ft	
Common Name	Species	Notes
Japanese maple	<i>Acer palmatum</i>	
Anacocho orchid tree	<i>Bauhinia congesta</i>	
common button-bush	<i>Cephalanthus occidentalis</i>	
redbud	<i>Cercis canadensis</i>	4
desert willow	<i>Chilopsis linearis</i>	4
anacahuita/wild olive	<i>Cordia boissieri</i>	
rough-leaf dogwood	<i>Cornus drummondii</i>	
Texas persimmon	<i>Diospyros texana</i>	4
Carolina buckthorn	<i>Frangula caroliniana</i>	
fragrant ash	<i>Fraxinus cuspidata</i>	
possumhaw (deciduous holly)	<i>Ilex decidua</i>	
yaupon holly	<i>Ilex vomitoria</i>	4
'Savannah' holly	<i>Ilex x attenuata</i> 'Savannah'	1
ash juniper	<i>Juniperus ashei</i>	4
'Torulosa' juniper	<i>Juniperus chinensis</i> 'Torulosa'	1, 4
crape myrtle	<i>Lagerstroemia indica</i>	4
'Little Gem' southern magnolia	<i>Magnolia grandiflora</i> 'Little Gem'	1
Mexican plum	<i>Prunus mexicana</i>	4
Bigelow oak (white shin oak)	<i>Quercus sinuata</i> var. <i>breviloba</i>	4
flameleaf sumac	<i>Rhus lanceolata</i>	4
Eve's necklace	<i>Sophora affinis</i>	4
Texas mountain laurel	<i>Sophora secundiflora</i>	4
Mexican buckeye	<i>Ungnadia speciosa</i>	4
rusty blackhaw	<i>Viburnum rufidulum</i>	4
vitex	<i>Vitex agnus-castus</i>	
<p>¹ A name after the specific epithet in single quotations denotes a cultivar. Credit is for the listed cultivar and not necessarily the species form or all cultivars or varieties of the species form.</p> <p>² A name in ALL CAPITAL LETTERS after the cultivar denotes a trademarked name. Credit is for the listed trademarked cultivar and not necessarily the species form or all cultivars or varieties of the species form.</p> <p>³ Not allowed in the public street right-of-way.</p> <p>⁴ Highly drought tolerant</p>		

SECTION 2.

That the Code of the City of Fort Worth (1986), as amended is hereby further amended by amending Appendix A, Chapter 9, "Definitions" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101, "Defined Terms" to amend the definition and add definitions related to urban forestry to read as follows:

9.101 Defined Terms

~~*City forester.* For the purpose of tree preservation, that person or persons designated by the director of planning and development to provide administrative review and approval of urban forestry plans/permits (urban forestry compliance section).~~

Critical Root Zone: The CRZ is the circular area on the ground surrounding the tree trunk and measured at one (1) foot radius per one (1) inch dbh.

Diameter at Breast Height (DBH): the average stem (trunk) diameter measure at four and one-half (4.5) feet above natural grade. If a tree is on a slope, the trunk is measured on the uphill side. If a tree has abnormalities, deformations or increased taper due to an above dbh fork, the trunk is measured at the smallest measurement at or below the dbh. If a tree splits into multiple trunks at or below four and one-half (4.5) feet, indicate on the plans or documents that it is multi-trunk and provide the dbh of each trunk.

Preserved Tree: Trees preserved in accordance with an approved Urban Forestry Plan or that meet all of the protection standards in Section 6.302.D.1.

~~*Significant Tree or Large Tree:* a tree twenty seven (27) inches in diameter (84.82 inches in circumference) for the entire city or eighteen (18) inches in diameter (56.55 inches in circumference) for Post Oaks and Blackjack Oaks east of Interstate Highway 35 West All trees that have at least one trunk measuring twenty-seven (27) inch dbh or greater and all Post Oak or Blackjack Oaks that have at least one trunk measuring fifteen (15) inches dbh or greater.~~

Staff Arborist: A person designated by the Planning and Development Director to provide administrative review and approval of Urban Forestry Plans/Permits and who is either an ISA Certified Arborist or an ASCA Registered Consulting Arborist.

Tree Canopy: means the horizontal two dimensional area formed by crown and drip line of a tree.

SECTION 3.

This ordinance shall be cumulative of all provision of ordinances and the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are

in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 13896 which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos, Assistant City Attorney

Mary Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 6, "DEVELOPMENT STANDARDS" OF ARTICLE 3, "LANDSCAPING, BUFFERS, AND URBAN FORESTRY" TO REVISE SECTION 6.302 "URBAN FORESTRY" REGULATIONS RELATING TO TREE COVERAGE, PRESERVATION, PLANTING AND MAINTENANCE; AMEND CHAPTER 9, "DEFINITIONS," SECTION 9.101, "DEFINED TERMS" TO REVISE AND ADD DEFINITIONS RELATED TO URBAN FORESTRY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 211 of the Texas Local Government Code allows a municipality to regulate land use for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, the Attorney General of Texas has ruled that a home-rule city may enforce its reasonable land development regulations for the purposes of maintaining aesthetics and property values which would include landscaping and tree preservation (AG Opinion No. GA-0697); and

WHEREAS, in order to maintain and enhance a positive image and a livable city it is important to promote site planning which furthers the preservation of mature trees and to protect trees during construction, to facilitate the design and construction which contribute to the long term viability of existing trees and to control the removal of trees when necessary; and

WHEREAS, the City Council recognized that there was a need to establish regulations addressing the protection of healthy and significant trees and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment in an expeditious manner and with due regard for the legal rights of property owners; and

WHEREAS, it was the intent of the regulations to limit the removal of tree canopy, promote an urban forest, promote the orderly development of the City of Fort Worth, and to protect the public health, safety and general welfare of the citizens of the City of Fort Worth; and

WHEREAS, the regulations had the following objectives: to eliminate the process of clear cutting; to promote the preservation/conservation of trees throughout the City; to recognize the benefits of trees in the urban environment; to encourage the planting and preservation of

quality trees that are suitable to an area; to promote a safe environment that includes trees; to aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, wind and heat abatement; to provide visual buffering within and between land uses of differing character to alleviate the harshness of urban life; to enhance the beautification and aesthetics of the City; to safeguard and enhance property values and to protect public and private investment; to conserve energy; to provide habitat for wildlife; and to encourage the preservation of large trees which, once removed, can be replaced only after generations; and

WHEREAS, it is advisable that the City Council amend Ordinance Number 18615-05-2009 regarding the urban forestry regulations governing the preservation and removal of trees within the City; to allow the removal of trees that are short lived and fast growing and invasive to disturbed land or open fields, to codify procedures to increase efficiency and effectiveness, and to incentivize the installation of drought resistant and a variety of tree types.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS AS FOLLOWS:

SECTION 1.

That the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by repealing and reinstating in its entirety Appendix A, Chapter 6, "Development Standards," Article 3 "Landscaping, Buffers and Urban Forestry," Section 6.302, to read as follows:

6.302 Urban Forestry

A. Purpose

It is the purpose of this section to achieve thirty percent (30%) tree canopy coverage citywide and to promote a sustainable uneven-aged urban forest. This may be accomplished by addressing the preservation and protection of healthy and significant trees, limiting complete removal on sites with native and adapted trees, providing for the replacement and replanting of trees that are removed during development, and establishing additional tree canopy through planting.

B. Applicability of Urban Forestry Requirements

These requirements shall be applicable to all development as described below, unless subject to the exemptions in Paragraph C:

1. Removal of any trees six (6) inches dbh (diameter at breast height) or greater.
2. Construction of new structures for which a building permit is required.
3. Expansion of structures that increase the footprint of existing structures by at least thirty percent (30%), add at least three thousand (3,000) square feet to existing structures, or that encroach on the CRZ (critical root zone) of trees six (6) inches dbh or greater.
4. Clearing of all or a portion of property, including grading and filling, when trees exist on site.

5. Subdivision and platting of land greater than one (1) acre for the construction of one- or two-family dwellings, including contiguous lots with the same owner that total more than one (1) acre.
6. Construction of manufactured home parks and recreational vehicle parks for which a permit is required and private recreation facilities located in manufactured housing subdivisions.
7. Change in use from one- or two-family residential to non-residential.
8. Construction of a new parking lot or the expansion or reconstruction of an existing parking lot, except in cases of asphalt overlay repairs. Public projects that will remove trees six (6) inches dbh or greater that are not located within public utility easements as described in Section 6.302.C.7±.
9. Removal of trees within a temporary construction easement.
10. Demolition of a structure with trees six (6) inches dbh or greater on the same property and within 50 feet of the structure.
11. Construction of a new fracture pond when not located within the boundary of a gas well permit.
12. Creation of an outdoor storage area, either new or when a land use certificate of occupancy is being issued for the first time.

C. *Exemptions from Urban Forestry Requirements*

The following are not subject to Urban Forestry requirements:

1. The construction or placement of temporary structures such as construction office trailers that only receive a temporary certificate of occupancy or renovations and expansions that create less than a three thousand (3,000) square foot or thirty percent (30%) increase in building footprint area, when no trees greater than six (6) inches dbh are removed;
2. Any single residential lot or multiple contiguous residential lots that are under the same ownership with a one- or two-family dwelling and totals one (1) acre or less in size, unless that subdivision is subject to an urban forestry permit per Section 6.302.B.
3. Any area within a form-based design district unless the standards for that district do not address urban forestry or tree planting, not to include overlay districts.
4. Construction or expansion of structures in the “H” Central Business District.
5. Any area located within an airport operating area as defined by Section 3-1 of the City Code.
6. Any area within a defined Gas Well Permit or Gas Compressor Permit except as outlined in The Code of Ordinances of the City of Fort Worth, Article II of Chapter 15, “Gas” entitled “Gas Drilling and Production”.
7. All trees whose main stem is located wholly or partially within a recorded permanent public utility easement that contains utilities regulated by the Railroad Commission of Texas, the Public Utility Commission of Texas, or are owned and operated by a municipality, co-op, or other public utility provider may be removed by those entities without a permit from the City, however, they and all other land owners or developers are encouraged to submit a tree removal permit for documentation. For public drainage easements and storm water projects, see Section 6.302.E.
8. The removal of one (1) tree when its canopy comprises seventy-five percent (75%) or less of the total site tree canopy may be granted with a tree removal permit.

9. Demolition of a structure with trees six (6) inches dbh or greater on the same property and within fifty (50) feet of the structure may be approved without an Urban Forestry Permit if the applicant signs an affidavit that the trees will be preserved and protected per the standards in this section.

D. General Requirements

The following requirements apply to all development:

1. Tree Protections and Maintenance:
 - a. Procedures required prior to development activities:
 - i. All trees shown and credited as preserved on an Urban Forestry Plan must be protected during any development activities. Development activities include but are not limited to: vegetation removal and grading, demolition, installation, or construction of structures, utilities, paving, and site amenities.
 - ii. Protective Fencing: Prior to development activities, the contractor or subcontractor shall construct and maintain, for each preserved tree or tree cluster on a tract, a protective fence which encircles the outer limits of the CRZ of the tree to protect it from development activities. All protective fencing shall be in place prior to commencement of any site work and remain in place until the project has been completed. Fencing shall meet the minimum standards of a four (4) foot orange plastic mesh net with t-posts, including a top rail or other type of support. Significant trees shall be protected with a minimum four (4) foot chain link fence with support cables and t-posts. All fencing shall have attached signage in both English and Spanish that explains the area is for tree protection and is off-limits to construction activity. Language should include "NO ENTRY – TREE TRUNK AND ROOT PRESERVATION AREA. Call: 817-392-1234 or 817-392-7931 to report violations". Signs should be a minimum of 11x17 inches.
 - iii. Trunk Protection: In situations where a preserved tree remains in the immediate area of intended construction and the Staff Arborist determines the tree trunk to be in danger of damage by construction equipment, the contractor or subcontractor shall protect the tree by enclosing the entire circumference of the tree with two-inch by four-inch (2" x 4") lumber encircled with wire or other means that does not damage or penetrate the tree.
 - b. In addition to preserved trees, protective measures (as defined in this section) must occur on all trees located within fifty (50) feet of development activities on the same property. Trees in the street right-of-way will require protective measures per the ~~Staff Arborist~~ City Forester.
 - c. Protective measures are required within the tree's CRZ.
 - d. The following activities within the CRZ are prohibited without specific approval of the Staff Arborist:
 - i. No material intended for use in construction or waste material accumulated due to excavation or demolition shall be placed within the limits of the CRZ of any preserved tree;
 - ii. No equipment shall be cleaned or other liquids deposited or allowed to flow overland within the limits of the CRZ of a preserved tree. This includes, without limitations, paint, oil, solvents, asphalt, concrete, mortar or similar materials;

- iii. No signs, wires or other attachments, other than those of a protective nature, shall be attached to any preserved tree;
 - iv. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the CRZ of any preserved tree other than on existing street pavement;
 - v. No heavy equipment, including but not limited to trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the CRZ of any preserved tree on any construction site without the specific approval of the Staff Arborist;
 - vi. No grade change shall be allowed within the CRZ of any preserved tree unless the Staff Arborist receives and accepts a detailed protection plan that includes an assessment of the tree's condition, proposed CRZ encroachment, protections, and recommended remedial treatment, if any. The assessment and proposal should be completed by an individual with certification from the ISA (International Society of Arboriculture) or the ASCA (American Society of Consulting Arborists); and
 - vii. No filling activity in the CRZ of any preserved tree may occur as a permanent condition which may damage the tree.
- e. Replacement of any preserved tree which dies within five (5) years due to construction or development activities will be required within a reasonable amount of time. Replacement will be new trees with a minimum caliper of two and one-half to three (2.5 to 3) inches each and have canopy credit equal to five (5) times the tree's lost canopy. Tree replacement will be guaranteed for an additional period of three (3) years; ~~one year per inch.~~
2. Construction Methods:
- a. Boring: Boring of utilities under preserved trees shall be required in those circumstances where it is not possible to trench around the CRZ of the preserved tree. When required, the length of the bore shall be the width of the CRZ at a minimum and shall be a minimum depth of forty-eight (48) inches.
 - b. Grade change: In situations where the Staff Arborist approves a grade change within the CRZ of a preserved tree, procedures and special conditions shall be approved by the Staff Arborist in advance of any work.
 - c. Trenching: All trenching shall be designed to avoid trenching across the CRZ of any preserved tree, unless otherwise approved by the Staff Arborist. All work within the CRZ requires advance approval by the Staff Arborist. The placement of underground utility lines such as electric, phone, gas, etc., is encouraged to be located outside the CRZ of preserved trees. Trenching for any irrigation system shall be placed outside the CRZ, except where it is serving to irrigate the tree, in which case it must run perpendicular to the tree trunk and in the manner that has the least possible encroachment into the CRZ.
 - d. Root exposure/pruning: All roots two (2) inches or larger in diameter which are exposed as a result of trenching or other excavation and are intended to be cut or removed shall be cut off square with a sharp medium tooth saw within two (2) hours of initial exposure.

- e. Underground utilities: All onsite underground utilities with backfill other than onsite material shall have a clay dam every two hundred (200) feet for the entire length of the utility placement.
 - f. Paving: No paving is allowed within the CRZ of any preserved tree unless otherwise approved by the Staff Arborist.
3. Tree planting to achieve the goal of canopy coverage:
- a. Trees planted to provide canopy coverage shall be a minimum of two and one-half to three (2 ½ to 3) inches each in caliper and will be credited its canopy coverage based on projected mature canopy size and spacing. These size classes and credits are as follows:
 - i. A large canopy tree with typical crown width of fifty (50) feet in diameter shall be credited with canopy coverage of two thousand (2,000) square feet (minimum spacing of forty (40) feet on center);
 - ii. A medium canopy tree with typical crown width of thirty to thirty-five (30-35) feet in diameter shall be credited with canopy coverage of one thousand (1,000) square feet (minimum spacing of thirty (30) feet on center);
 - iii. A small canopy tree with typical crown width of ten (10) feet in diameter shall be credited with canopy coverage of one hundred (100) square feet (minimum spacing of eight (8) feet on center).
 - iv. Less than minimum spacings will still result in canopy credit, but at a reduced rate based on the actual spacing and commensurate with the canopy class.
 - b. Tree planting requirements: Table B is a list of trees considered either native, adapted to the area, or otherwise desirable for urban tree planting. Other trees other than those in Table B will be considered by the Staff Arborist and granted on a case-by-case basis taking into consideration the adaptability, long-term health and growth characteristics of the tree type.
 - c. The minimum size of tree planted will be two and one-half to three (2.5 to 3) inches in caliper. The caliper measurement of the trunk shall be taken at a point six (6) inches above the ground if the resulting measurement is no more than four (4) inches in diameter. If the resulting measurement is more than four (4) inches, the measurement of the caliper shall be taken at twelve (12) inches above the ground. Only multi-trunk trees from the small tree canopy list in Table B will receive canopy credit. Of those, the main stem will be given full credit for its diameter and all other stems will receive one-half (1/2) credit. The total of all stems must be two and one-half to three (2.5 to 3) inches caliper or greater.
 - d. All newly planted trees that die within three (3) years of the date of project completion will be replaced within thirty (30) days by the property owner. The replacement tree carries the same three (3) year replacement requirement. The requirement to replace the trees shall run with the land.
 - e. A minimum of sixteen (16) square feet of permeable surfaces must be provided for all small and medium tree plantings and twenty five (25) square feet for all large trees. The Staff Arborist may approve use in lesser areas depending on specific species and methods; otherwise those trees will receive half credit canopy coverage.
 - f. Expansion of structures used for commercial/institutional and industrial uses: Tree plantings to achieve canopy coverage will be based only on the square

footage of the expansion footprint rather than the entire site to ensure at least minimal tree replacement. Only tree removal permits for trees greater than six (6) inches in diameter are required for expansions under three thousand (3,000) square feet.

- g. No credit shall be given for trees planted or preserved in public utility easements as described in Section 6.302.C.7.
 - h. Use of one hundred percent (100%) species with high drought tolerance will add a ten percent (10%) bonus to the total planting credit. Providing an irrigation plan showing exclusive use of drip irrigation will add another five percent (5%) bonus to the total planting credit.
 - i. Using a variety of trees in which no one genus accounts for more than twenty percent (20%) of the canopy credit, a ten percent (10%) bonus will be applied to the total tree planting credit.
4. Warranty/Replacement:
Any preserved tree that dies or becomes hazardous and a threat to public safety or property due to construction activities within five (5) years following the date of issuance of the Certificate of Occupancy shall be replaced following the criteria section 6.302.D.1.e for tree preservation and significant tree replacement by the original applicant or assigned party.
5. A Certificate of Occupancy shall not be issued until the requirements of Section 6.302.G. are met.

E. *Specific Requirements based on Land Use*

The City's goal is to achieve city-wide tree canopy coverage of at least thirty percent (30%) and to promote the functional distribution of that canopy throughout various land uses as development occurs through a combination of planting and preservation goals and requirements for tree canopy coverage. ~~No lot, tract, or contiguous lots or tracts that total less than one (1) acre will be required to preserve trees under Method A or Method B preservation. In all other cases unless otherwise stated, Method A or Method B preservation shall apply.~~ In support of the overall goal of tree canopy coverage for the City, the following land use requirements shall apply: (also identified in Table A)

1. One- and two-family residential land uses:
 - a. Minimum provided canopy coverage shall be forty percent (40%).
 - b. Canopy for New Subdivisions:

The forty percent (40%) canopy coverage requirement for one- and two- family residential land uses will be reduced to twenty-five percent (25%) if:

 - i. One tree per residential lot is planted on all lots up to ~~five~~ seven thousand (7,000) square feet in area;
 - ii. ~~One additional tree for each additional five thousand (5,000) square feet of lot area.~~ All lots over seven thousand (7,000) square feet must have one tree for each five thousand (5,000) square feet of lot area, or fraction thereof— is planted, up to a maximum of nine trees per residential lot; and
 - iii. The remaining portion of the twenty-five percent (25%) canopy coverage may be provided in public rights-of-way, homeowner association lots or boundary street parkways.
 - c. Phased Development of Residential subdivisions:

Residential subdivisions that are to be developed in phases must provide a plan that complies with the preservation requirements at full build-out as approved on the preliminary plat. If a final plat requests credit for trees in undeveloped phases or units that are planned for future development, it will be necessary for all subsequent plats to identify trees for preservation or provide mitigation as needed to obtain the required canopy coverage percentage. Updated plans must be provided to Urban Forestry as the subdivision is developed.

- d. Canopy for Existing Platted Residential Lots over one (1) acre:
 - i. Minimum provided canopy coverage shall be forty percent (40%).
2. *Multifamily land uses:*
 - a. Minimum provided canopy coverage shall be fifty percent (50%) of open space.
3. *Institutional land uses:*
 - a. Minimum provided canopy coverage shall be thirty percent (30%). New public school sites may delineate and deduct improved sports fields and playgrounds from the gross site area of their canopy calculation.
4. *Commercial land uses:*
 - a. Minimum provided canopy coverage shall be thirty percent (30%).
5. *Mixed Use land uses in MU Mixed-Use Zoning and Multi-family uses in UR Urban Residential Zoning:*
 - a. Minimum provided canopy coverage shall be five percent (5%) and no preservation is required.
6. *Industrial land uses:*
 - a. Minimum provided canopy coverage shall be twenty percent (20%).
7. *Surface parking areas (alone or within a new development):*
 - a. Minimum canopy coverage of forty percent (40%) shall be required for all parking spaces and associated drive isles or parking lots. If parking is not the primary use, trees planted within the parking lot count toward the overall site requirement.
 - b. The canopy coverage shall be achieved through preservation of existing trees or tree planting within the parking lots and drives;
 - c. No minimum canopy requirement for one- and two-family residential uses;
 - d. Credit shall be given for trees planted within the public right-of-way within adjacent streets if the ~~Staff Arborist~~City Forester issues a tree planting permit for it and there are no overhead or underground utilities in the planting location. Based on the individual site conditions, credit may be given for small and medium trees planted underneath overhead utility lines for credit as consistent with utility recommendations.
8. *Public projects (e.g. water, sewer, street, or drainage within an easement):*
 - a. New government/public facilities that include the construction of a building and parking lot shall follow the regulations for commercial land uses.
 - b. Public projects that will remove trees six (6) inches dbh or greater within temporary easements or permanent easements will require an urban forestry permit.
 - c. Projects involving a permanent physical change to the surface of the land will require a minimum thirty percent (30%) canopy coverage. Preservation is not required;

- d. Projects involving tree removal may provide thirty percent (30%) canopy coverage or elect to replant what was removed at a 1:1 ratio by canopy area or dbh;
 - e. Public projects may elect to mitigate required canopy coverage through payment into the city’s designated tree fund at a rate of six hundred dollars (\$600.00) per two thousand (2,000) square feet of required tree credit.
9. *Agricultural land uses:*
- a. Agricultural uses that have a primary use of the land to produce (but not to process) plant or animal products, such as growing crops, raising and pasturing of livestock, or farming, but not to include tree farms, production of timber or forest products, shall not be required to plant or preserve trees. Documentation of the existing tree cover shall be provided and mitigation for removal of significant trees will be required. If the property is converted to any other use within five (5) years from date of issuance or within five (5) years from the date of tree removal, whichever is later, any significant tree mitigation will carry over to the new development and mitigation for 25% of the removed trees will be required using the same standards, options and rates for significant tree mitigation.

TABLE 1 Specific Requirements Based on Land Use

Land Use	Required Tree Canopy	Tree Preservation	Other Standards
One or Two Family Residential	40%	Method A or B ¹	
New Subdivisions	40%/25%	Method A or B	25% optional per Section E.1.b
Multifamily	50% of Open Space	Method A or B	
Institutional	30%	Method A or B	
Commercial	30%	Method A or B ¹	
Industrial	20%	Method A or B	
Mixed-Use/Urban Residential	5%	Not Required	
Form Based/ Urban Design District-Downtown	n/a	n/a	Canopy requirements for Form-Based Districts may be found in the Design Standards for that district.
Public Projects	30%	Not Required	
Agricultural Uses	0	Not Required	Mitigation for significant trees. Mitigation for use conversion within 5 years

Other options may apply per Section 6.302E.

¹ Not required if less than one (1) acre.

F. *Delineation of Artificial Lot*

If a developer wishes to develop a portion of a one (1) acre or larger tract, the developer may request that the Planning and Development Director or designee delineate the portion of the tract to be developed as an artificial lot, for purposes of calculating Urban Forestry requirements for the development. Artificial lots may be delineated in any type of development. All artificial lots shall meet the following requirements:

1. Contain the entire area on which the development is to occur, including all paved areas;
2. Contain a land area of less than fifty (50) percent of the entire tract, or, if the proposed artificial lot contains more than fifty (50) percent of the entire tract, the Planning and Development Director or designee must determine that a substantial amount of the tract is not affected by the proposed development;
3. Be delineated on the urban forestry plan as provided in Subsection G, below and labeled with dimensions and bearings for all boundary lines;
4. Be generally rectangular except when following existing buildings or edge of pavement; and
5. Not leave small gaps between the real property line and the artificial lot line.

G. *Urban Forestry Plan/Permits*

Activity subject to the Urban Forestry Requirements shall be conducted with the required permits and plans for such activity, as further described below:

1. Permits:
 - a. A Tree Removal Permit may be used in lieu of an Urban Forestry Permit for:
 - i. Removal of one (1) tree, but only when the remaining canopy on the site or contiguous property will constitute preservation of twenty-five percent (25%) or more and the project scope of work is not subject to an Urban Forestry Permit.
 - ii. Removal of any number of trees deemed or verified by the Staff Arborist as hazardous according to this subsection-6.302.C.
 - iii. Hazards: When removal is the only reasonable remedy, any tree that is deemed or verified by the Staff Arborist to be hazardous to people, structures, property, private utilities, is actively damaging pavement, or is host to insects or disease that poses a threat to other trees, people, or property may be removed by submittal and approval of a Tree Removal Permit. Hazard trees will be evaluated by the Staff Arborist based on best management practices and standards from such sources as the ISA (International Society of Arboriculture) and ASCA (American Society of Consulting Arborists). Removal of trees that pose an immediate hazard to people or property should be photo documented prior to their removal and permit requested after-the-fact. Alternatives to removal should be reasonably exhausted prior to removal as a hazard.
 - b. Urban Forestry Permit is required:
 - i. for the removal of more than one (1) tree;

- ii. for construction of new structures on properties where a building permit is required, unless exempted under Section 6.302.C.
 - c. Issuance of an Urban Forestry Permit will require submission and approval of plans that show each site or project is in compliance with the regulations of this section.
 - d. Development permits such as grading permits, building permits, and demolition permits may require an approved Urban Forestry Permit for their approval and issuance if those permits fall within the development activities under Section 6.302.B.
 - e. An approved Urban Forestry Permit will run with the land. If the project scope or configuration changes prior to any disturbance of the land, the approved Urban Forestry Permit is invalid and the owner/developer shall apply for a new permit.
 - f. An Urban Forestry Permit shall expire on the fifth anniversary of the date the permit was issued if no progress has been made toward implementation of the Urban Forestry Plan.
2. *Urban Forestry Plan:*
- a. Issuance of an Urban Forestry Permit will require submission and approval of plans that show each site or project is in compliance with the regulations of this section.
 - b. Development permits such as grading permits, building permits, and demolition permits may require an approved Urban Forestry Plan and Permit for their approval and issuance if those permits fall within the development activities under Section 6.302.B.
 - c. An Urban Forestry Permit shall expire on the fifth anniversary of the date the permit was issued if no progress has been made toward implementation of the Urban Forestry Plan.
3. *Urban Forestry Plan Application Requirements:*
- Prior to any development activities under Section 6.302B the following plans and information must be submitted through a two-part process:
- a. Part One Plan - Documentation of Existing Conditions:
 - i. The first submittal shall include a scaled diagram of the subject property in which development, disruption or tree removal is proposed. Part One will reflect the existing conditions by including the following information:
 - a. Boundaries, including dimensions and bearings, of the property and/or artificial lot and its calculated area in acres and square feet;
 - b. Location map showing the proximity of the property to the nearest streets;
 - c. Location of trees, outline of the existing tree canopy, or other graphical representation of the existing trees on the property and the calculated canopy area;
 - d. Drawn and labeled utility easements regulated by the Railroad Commission of Texas, the Public Utility Commission of Texas, or those that are owned and operated by a municipality, co-op, or other public utility provider. Easements not shown on the recorded final plat must have the separate instrument document submitted for verification;
 - e. Location of each Significant Tree as defined in Chapter 9, its dbh, species and canopy area;

- f. Tree surveys for Method B Preservation will require a table with all Protected Trees numbered on the plan with a corresponding table entry;
 - g. Outline of existing structures or major site features;
 - h. May show proposed tree removal on Part One in lieu of showing on Part Two for clarity and;
 - i. If no trees exist on site the Part One may be omitted and Part Two will require a statement saying so.
 - ii. If the applicant wishes to remove trees prior to submittal or approval of the Part Two Plan process, the Part One Plan must indicate to remove less than or equal to fifty percent (50%) of the existing tree canopy. The documentation of pre-development canopy coverage shall be maintained with the property until development occurs and the Part Two Plan is submitted. The higher required preservation for the Part One approval will help assure the minimum preservation, if applicable, will be achieved within the area remaining after the initial clearing.
 - iii. Part One documentation shall expire on the second anniversary of the date of approval if no progress has been made toward completion of a Part Two submission.
- b. Part Two: Achievement of Canopy Requirements
- The second submittal shall include a scaled and labeled diagram of the proposed site improvements, tree removal, tree planting, tree preservation, etc. The diagram may be an engineered drawing, survey, aerial image or other illustration. Part Two will reflect the following information:
- i. Boundaries, including dimensions and bearings, of the property and/or artificial lot and its calculated area in acres and square feet;
 - ii. Adjacent streets and/or vicinity map;
 - iii. Outline or graphical representation of the existing tree canopy proposed for preservation and its calculated area in square feet and acres. Properties with no existing trees six (6) inches dbh or greater may make note on the plan to indicate such;
 - iv. Drawn and labeled utility easements regulated by the Railroad Commission of Texas, the Public Utility Commission of Texas, or those that are owned and operated by a municipality, co-op, or other public utility provider. Easements not shown on the recorded final plat must have the separate instrument document submitted for verification;
 - v. Location, species, dbh, and canopy area of each Significant Tree proposed for preservation;
 - vi. Scaled site plan depicting the location of proposed structures, parking areas, drives and amenities;
 - vii. Tree canopy areas that are desired to be removed, unless shown on Part One;
 - viii. Graphical representation of location and legend or labeling of new tree species that will be planted to meet the site's canopy requirement.
- ~~(a) An approved Urban Forestry Permit will run with the land. If the project scope or configuration changes prior to any disturbance of the land, the approved Urban Forestry Permit is invalid and the owner/developer shall apply for a new permit.~~

- ix. The applicant shall provide the following numbers and figures with the plan: the property or artificial lot area; existing tree canopy area and significant tree data, if any; tree survey data for Method B preservation; the entire utility easement area; the area of all parking spaces, parking fields, and related drive isles.
 - c. In no event shall acceptance of an application guarantee that the City will issue the Urban Forestry Plan/permit, unless the permit application is in compliance with all applicable codes, laws and regulations.
4. *General Preservation Methods of Tree Canopy*
- At the submission of an Urban Forestry Plan/permit application, the applicant shall elect one of the following options of tree preservation unless exempt in Section C:
- a. *Method "A": Preservation regardless of tree species:*
 - i. At least twenty-five percent (25%) of the existing canopy coverage must be preserved, regardless of tree species, on all properties greater than one (1) acre, provided however, Significant or Large Trees must be preserved as outlined in Section 6.302.G.5. The existing canopy can be determined via recent aerial photo, ground survey or other approved method by the Staff Arborist;
 - ii. Trees located within public utility easements shall not be counted or calculated as existing trees.
 - b. *Method "B": Preservation based on species.* All trees listed on Table A may be removed under the below conditions:
 - i. At least ~~twenty-five~~^{forty} percent (~~25~~⁴⁰%) of the tree canopy for trees not on Table A must be preserved provided however, Significant or Large Trees are preserved or mitigated as outlined in Section 6.302.G.5. The final total required canopy coverage and minimum preservation for the applicable land use shall be five percent (5%) over the minimum to use this method. (e.g. residential would be a minimum of forty-five percent (45%), commercial would be a minimum of thirty-five percent (35%) and industrial would be a minimum of twenty-five percent (25%);
 - ii. An onsite tree survey noting the location, size and species of each tree listed on Table A and identified for removal under this section will be required. This survey should be completed by an individual with one of the following credentials or certifications and signed by them: ISA Certified Arborist – International Society of Arboriculture, Registered Consulting Arborist - ASCA (American Society of Consulting Arborists), Texas licensed Landscape Architect, or Texas Certified Nurseryman.
 - iii. All significant trees whose species is listed in Table A with a stipulation of dbh such as “less than (<) 27 inches dbh”, etc., must be included in the preservation calculation.
5. *Preservation of Significant or Large Trees*
- a. The reduced diameter for Post Oaks and Blackjack Oaks is in recognition of the naturally occurring Post Oak forest and savannahs within the Eastern Cross Timbers Ecosystem. Preservation of a Significant or Large Tree will be

credited to the provided canopy coverage and preservation at five (5) times the actual canopy size.

- b. Significant or Large Trees may be removed if one of the following mitigation conditions is met:
 - i. Preserve additional tree canopy one and one-half (1½) times the area of the tree canopy proposed for removal on the same site. Species used for mitigation should be of the same or similar species and Significant or Large Trees not in Table A shall not be mitigated with species from Table A. All mitigation shall be in excess of the total required tree coverage and preservation on the site/tract; or
 - ii. Planting new trees with a total canopy credit equal to five (5) times the removed tree's canopy. The additional planting shall be in excess of the total required tree coverage on the site; or
 - iii. Payment into the city's designated tree fund at two hundred dollars (\$200.00) per dbh inch; or
 - iv. The Urban Design Commission approves a plan that mitigates the removal of Significant or Large Trees.

6. *Urban Forestry Plan Amendments*

- a. Revisions or amendments to approved Urban Forestry Plans will require the same review process and be subject to the same requirements and conditions as the original plan. Expansion of the plan to cover additional land and/or trees may require permit boundaries to be re-delineated and additional fees may be assessed on the additional acreage.

H. *Urban Forestry Development Agreement*

1. *The Urban Forestry Development Agreement ("Agreement")*

- a. The Agreement is intended to facilitate the development of large tract developments, other than single family or two-family developments, which is under common ownership, which would in the aggregate meet or exceed an overall canopy coverage of thirty percent (30%) for all properties included in the Agreement. The intent of a development agreement is to allow areas with more extensive canopy to remain and contribute to the tract's thirty percent (30%) overall coverage while allowing the canopy in other development areas to be reduced. Individual properties that are subject to the Agreement are required to maintain canopy coverage requirements for different land use types as outlined in Subsection c. below.
- b. The original application for an Agreement shall include an initial spreadsheet of minimum canopies and acreages. Minimum canopies and acreage shall be provided at the time of submittal of each Individual Part One document. Approval shall not be granted or trees removed without the submission of the spreadsheet of minimum canopies and acreages
- c. The Agreement must be presented to the City Council for approval prior to its execution. Any amendments may be approved administratively if the regulations of this subsection are satisfied. The initial submission for approval of an Agreement shall include:
 - i. A map of all the properties to be included in the Agreement, identified by land use and acreage;

ii. Individual maps of each land use type (commercial, industrial, etc.);

2. *Overall Part One Permit*

An Overall Part One permit as part of an Agreement will be issued if the following conditions are met:

- a. Minimum acreage allowed shall be one thousand (1,000) acres with all of the acres to be located within the same watershed. Applicant shall provide an exhibit depicting all of the property/tracts and acreages that will be subject to the Agreement.
- b. The property/tracts subject to the Agreement shall be separated by land use type, but shall not include single family or two-family development. Applicant will provide exhibits for each land use type for the initial submittal and will update for subsequent submittals. Canopy requirements will be tracked by land use type.
- c. The minimum canopy coverage for each tract described in an Agreement shall be:

Commercial	15%	Parking	40%
Industrial	10%	Parking	20%
Airport Industrial	5%	Parking	20%
Multifamily	25% of required open space		

- i. In order to use the above percentages, the applicant shall provide to the City and update/maintain tracking, documents and/or maps that shows the remainder of the normal percentage shown in Table 1 is being met either by existing tree preservation or excess trees planted on other sites within the agreement.
- ii. Minimum tree preservation, whether Method A or B, shall not include “new tree credit” as assigned in Table B. All previously planted trees that reach six (6) inches or larger dbh may be included as existing tree canopy by submitting a revised and updated plan for that site/tract with current canopy area measurements for those trees.
- d. All of the acreage to be included in an Agreement shall be under common ownership at the time of the agreement, under a currently approved Overall Part One, or part of an approved concept plan or preliminary plat. A list shall be provided of any separate corporations to be included in an Agreement documenting that all are part of the same parent company. The list shall be provided with the initial Overall Part One submission and shall provide the filing number associated with the Articles of Incorporation filed with the Texas Secretary of State.
- e. The Overall Part One permit shall not expire for a period of fifteen (15) years and may be renewed for additional ten (10) year periods. Renewals will be approved administratively if the permit remains under the same terms and conditions of the original Agreement approved by the City Council or with amendments approved administratively. Progress shall be defined as the platting, permitting, or vertical construction on the properties. The expiration period in Section 6.302.G.3.a.iii. shall apply to the Individual Part One submissions. Individual Part One permits shall be defined as property/tracts that are submitted for approval after the date of execution of the Agreement.

- f. The Agreement shall run with the land and properties which are included in the original Agreement and subsequently sold shall remain under the terms of the Agreement regardless of future ownership. The Agreement shall be recorded in the real property records in the county which the property subject to the agreement is located. Recordation shall be the responsibility of the applicant, including the cost of recording fees. Within fourteen (14) days after execution and recordation, a copy of the recorded documentation shall be provided to the City. The Part One permit shall not be issued until the recorded copy is received.
 - g. Future acquired properties by the original applicant of the Agreement may be included in the Agreement after a recalculation of the canopy coverage and approval by Staff Arborist if the conditions of this section are met. Acquired properties not included in the Agreement shall be subject to the regulations of Section 6.302. Additional properties may not be included into the Agreement within three (3) years of the end of the initial term of the Agreement. No properties shall be allowed to be added to the Agreement during any renewal terms.
- I. *Appeals*
1. If the Staff Arborist, or other Planning and Development Director or designee, refuses to accept or issue an Urban Forestry Plan/permit due to its deficiency in any of the requirements of Section 6.302, or if the applicant disagrees with the decision of Staff Arborist, the applicant may request an appeal of the decision to the Urban Design Commission within ten (10) days after the decision of Staff Arborist. The appeal shall be in writing and shall be transmitted to the executive secretary of the Urban Design Commission within ten (10) days after receipt of notification that the Staff Arborist will not approve the Urban Forestry Plan/permit.
 2. The Urban Design Commission shall consider the appeal within thirty (30) days after the appeal is received by the commission's executive secretary, unless the applicant requests a later hearing in writing. The Urban Design Commission shall not release the applicant from the requirements of this ordinance, unless the applicant first presents credible evidence from which the Urban Design Commission can reasonably conclude application of this ordinance to the applicant would be likely to deprive the applicant of rights protected by law.
 3. The Urban Design Commission may take the following actions on an appeal:
 - a. Deny the appeal, in which case the Urban Forestry Plan/permit shall not be accepted or granted; or
 - b. Grant the appeal, and direct the Staff Arborist or Planning and Development Director or designee to accept and approve the Urban Forestry Plan/permit; or
 - c. Grant the appeal subject to such provisions, conditions, or limitations as deemed appropriate by the Urban Design Commission.
 4. Appeals of decisions the Urban Design Commission will be heard by the Zoning Board of Adjustment in a de novo hearing.
- J. *Penalty*
1. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be:

- a. Assessed a penalty of two hundred dollars (\$200.00) per dbh inch of all trees, regardless of size, removed or damaged without a valid Urban Forestry Permit and/or Tree Removal Permit, four hundred dollars (\$400.00) per dbh inch of Significant or Large Tree removed or damaged without a valid Urban Forestry Plan or permit, and/or
- b. Issued a citation for a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) for the removal or damage of each tree.
2. Where illegal tree removal has occurred and the physical evidence has been removed from the site, a penalty will be assessed based on calculations using aerial photographs available to the City, calculated at a rate of four and 94/100 dollars (\$4.94) per square foot of illegally removed canopy for all trees regardless of size or nine and 88/100 dollars (\$9.88) per square foot of Significant or Large Trees removed or damaged. The formula provided is solely a penalty for failure to comply with the requirements contained herein and is not intended to be used to value any property interest or tree and is not representative of the value of any real property interest or tree.
3. Any person in a one-family or two-family residentially zoned district that removes or causes to be removed trees without first obtaining the required permit may be issued an after-the-fact permit. An after-the-fact permit shall be issued if:
 - a. The applicant can demonstrate that the criteria for removal in the after-the-fact application would meet the regulations in effect at the time the tree was removed; and
 - b. The applicant has paid the fee for an after-the-fact permit which shall be double the fee of a tree removal permit.
4. Payment of a penalty does not waive the applicability of the requirements as set forth in this ordinance.
5. After-the-fact tree removal.
 - a. If the applicant cannot demonstrate that the criteria for removal in the after-the-fact application would have met the current regulations, then an after-the-fact permit shall not be issued and the person shall be in violation of this section, subject to both criminal and civil penalties.
 - b. A second after-the-fact permit shall not be issued if:
 - i. another violation of this section occurs by a person previously issued an after-the-fact permit; or
 - ii. the after-the fact permit is sought on the same site on which an after-the-fact permit was issued within five (5) years of the date of the second violation.

K. *Enforcement*

~~Any Code Compliance Officer, The~~ Staff Arborist or his/her designee, or any Code Compliance Officer, shall have the authority to enforce the provisions of this ordinance.

L. Tables
TABLE A

Non-Protected Tree Species (for use with Method B) May be removed without penalty in a UFC plan.	
Common Name	Species
sugarberry; sugar hackberry	<i>Celtis laevigata</i>
mesquite <27" dbh	<i>Prosopis glandulosa</i>
osage orange; Bois D' Arc	<i>Maclura pomifera</i>
Eastern cottonwood <27" dbh	<i>Populus deltoides</i>
Chinaberry	<i>Melia azedarach</i>
golden raintree	<i>Koelreuteria paniculata</i>
mimosa	<i>Albizia julibrissin</i>
gum bumelia; chittamwood	<i>Bumelia lanuginosa</i>
tree of heaven	<i>Ailanthus altissima</i>
yaupon	<i>Ilex vomitoria</i>
common persimmon	<i>Diospyros virginiana</i>
Chinese tallow tree	<i>Triadica sebifera</i>
privet	<i>Ligustrum spp.</i>
black locust	<i>Robinia pseudoacacia</i>
Hercules'-club	<i>Zanthoxylum clava-herculis</i>
Western soapberry	<i>Sapindus saponaria</i> var. <i>drummondii</i>
honey locust	<i>Gleditsia triacanthos</i>
Bradford pear	<i>Pyrus calleryana</i>
black willow <27" dbh	<i>Salix nigra</i>
mulberries	<i>morus spp.</i>

TABLE B

Tree Planting List For Credit On Urban Forestry Plans		
* Not all cultivars and varieties of a species will place in the same size category due to variation in mature canopy width.		
Large Category Trees:	credit/spacing = 2,000 ft²/40ft	
Common Name	Species	Notes
pecan	<i>Carya illinoensis</i>	4

deodar cedar	<i>Cedrus deodara</i>	4
green ash	<i>Fraxinus pennsylvanica</i>	
Skyline honeylocust	<i>Gleditsia triacanthos</i> 'Skyline'	1,4
black walnut	<i>Juglans nigra</i>	
Southern magnolia	<i>Magnolia grandiflora</i>	
Mexican sycamore	<i>Platanus mexicana</i>	3, 4
American sycamore	<i>Platanus occidentalis</i>	3
London planetree	<i>Platanus x acerifolia</i>	
Eastern cottonwood	<i>Populus deltoides</i>	3
Texas red oak	<i>Quercus buckleyi</i>	4
bur oak	<i>Quercus macrocarpa</i>	4
chinquapin oak	<i>Quercus muhlenbergii</i>	
Shumard oak	<i>Quercus shumardii</i>	
post oak	<i>Quercus stellata</i>	4
live oak	<i>Quercus virginiana</i>	4
American elm	<i>Ulmus americana</i>	
cedar elm	<i>Ulmus crassifolia</i>	4
lacebark elm	<i>Ulmus parvifolia</i>	
Medium Category Trees:	credit/spacing = 700 ft²/25ft	
Common Name	Species	Notes
Caddo maple	<i>Acer barbatum</i> var. <i>caddo</i>	
bigtooth maple	<i>Acer grandidentatum</i>	
chalk maple	<i>Acer leucoderme</i>	
Shantung maple	<i>Acer truncatum</i>	
'Jeffersred' Freeman's maple	<i>Acer x freemanii</i> 'Jeffersred' AUTUMN BLAZE®	1,2
common persimmon	<i>Diospyros virginiana</i>	
Texas ash	<i>Fraxinus texensis</i>	
ginkgo	<i>Ginkgo biloba</i>	
Kentucky coffeetree	<i>Gymnocladus dioicus</i>	
Texas walnut	<i>Juglans microcarpa</i>	
Eastern red cedar	<i>Juniperus virginiana</i> var. <i>virginiana</i>	4
golden raintree	<i>Koelreuteria paniculata</i>	
'Bracken's Brown Beauty' Southern magnolia	<i>Magnolia grandiflora</i> 'Bracken's Brown Beauty'	1
'Claudia Wannamaker' magnolia	<i>Magnolia grandiflora</i> 'Claudia Wannamaker'	1
'DD Blanchard' Southern magnolia	<i>Magnolia grandiflora</i> 'DD Blanchard'	1
Eldarica (Afghan) pine	<i>Pinus eldarica</i>	4
Italian stone pine	<i>Pinus pinea</i>	
Chinese pistache	<i>Pistacia chinensis</i>	4

'Aristocrat' Callery pear	<i>Pyrus calleryana</i> 'Aristocrat'	1,3,4
'Autumn Blaze' Callery pear	<i>Pyrus calleryana</i> 'Autumn Blaze'	1,3,4
'Chanticleer' Callery pear	<i>Pyrus calleryana</i> 'Chanticleer'	1,3,4
Lacey oak	<i>Quercus laceyi</i> OR <i>Quercus gloucoides</i>	4
blackjack oak	<i>Quercus marilandica</i>	4
Monterrey oak (Mexican white oak)	<i>Quercus polymorpha</i>	4
Western soapberry	<i>Sapindus drummondii</i>	4
pond cypress	<i>Taxodium ascendens</i>	
bald cypress	<i>Taxodium distichum</i>	4
Montezuma cypress	<i>Taxodium mucronatum</i>	4
Small Category Trees:	credit/spacing = 100 ft²/8ft	
Common Name	Species	Notes
Japanese maple	<i>Acer palmatum</i>	
Anacocho orchid tree	<i>Bauhinia congesta</i>	
common button-bush	<i>Cephalanthus occidentalis</i>	
redbud	<i>Cercis canadensis</i>	4
desert willow	<i>Chilopsis linearis</i>	4
anacahuita/wild olive	<i>Cordia boissieri</i>	
rough-leaf dogwood	<i>Cornus drummondii</i>	
Texas persimmon	<i>Diospyros texana</i>	4
Carolina buckthorn	<i>Frangula caroliniana</i>	
fragrant ash	<i>Fraxinus cuspidata</i>	
possumhaw (deciduous holly)	<i>Ilex decidua</i>	
yaupon holly	<i>Ilex vomitoria</i>	4
'Savannah' holly	<i>Illex x attenuata</i> 'Savannah'	1
ash juniper	<i>Juniperus ashei</i>	4
'Torulosa' juniper	<i>Juniperus chinensis</i> 'Torulosa'	1, 4
crape myrtle	<i>Lagerstroemia indica</i>	4
'Little Gem' southern magnolia	<i>Magnolia grandiflora</i> 'Little Gem'	1
Mexican plum	<i>Prunus mexicana</i>	4
Bigelow oak (white shin oak)	<i>Quercus sinuata</i> var. <i>breviloba</i>	4
flameleaf sumac	<i>Rhus lanceolata</i>	4
Eve's necklace	<i>Sophora affinis</i>	4
Texas mountian laurel	<i>Sophora secundiflora</i>	4
Mexican buckeye	<i>Ungnadia speciosa</i>	4
rusty blackhaw	<i>Viburnum rufidulum</i>	4
vitex	<i>Vitex agnus-castus</i>	
<p>¹ A name after the specific epithet in single quotations denotes a cultivar. Credit is for the listed cultivar and not necessarily the species form or all cultivars or varieties of the species form.</p> <p>² A name in ALL CAPITAL LETTERS after the cultivar denotes a trademarked name. Credit is for the listed trademarked cultivar and not necessarily the species form or all cultivars or varieties of the species form.</p> <p>³ Not allowed in the public street right-of-way.</p> <p>⁴ Highly drought tolerant</p>		

SECTION 2.

That the Code of the City of Fort Worth (1986), as amended is hereby further amended by amending Appendix A, Chapter 9, “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101, “Defined Terms” to amend the definition and add definitions related to urban forestry to read as follows:

9.101 Defined Terms

~~*City forester.* For the purpose of tree preservation, that person or persons designated by the director of planning and development to provide administrative review and approval of urban forestry plans/permits (urban forestry compliance section).~~

Critical Root Zone: The CRZ is the circular area on the ground surrounding the tree trunk and measured at one (1) foot radius per one (1) inch dbh.

Diameter at Breast Height (DBH): the average stem (trunk) diameter measure at four and one-half (4.5) feet above natural grade. If a tree is on a slope, the trunk is measured on the uphill side. If a tree has abnormalities, deformations or increased taper due to an above dbh fork, the trunk is measured at the smallest measurement at or below the dbh. If a tree splits into multiple trunks at or below four and one-half (4.5) feet, indicate on the plans or documents that it is multi-trunk and provide the dbh of each trunk.

Preserved Tree: Trees preserved in accordance with an approved Urban Forestry Plan or that meet all of the protection standards in Section 6.302.D.1.

Protected Tree: Any tree listed in Table A, Section 6.302.L.

~~*Significant Tree or Large Tree:* a tree twenty seven (27) inches in diameter (84.82 inches in circumference) for the entire city or eighteen (18) inches in diameter (56.55 inches in circumference) for Post Oaks and Blackjack Oaks east of Interstate Highway 35 WestAll trees that have at least one trunk measuring twenty-seven (27) inches dbh or greater and all Post Oak or Blackjack Oaks that have at least one trunk measuring fifteen (15) inches dbh or greater.~~

Staff Arborist: A person designated by the Planning and Development Director to provide administrative review and approval of Urban Forestry Plans/Permits and who is either an ISA Certified Arborist or an ASCA Registered Consulting Arborist.

Tree Canopy: means the horizontal two dimensional area formed by crown and drip line of a tree.

Tree Removal: means the cutting, destroying, removing, moving, poisoning, banding, marking, or effectively destroying through damaging, any tree six inches or greater in diameter, regardless

of species, situated on property regulated by the Zoning Ordinance without first obtaining an Urban Forestry Plan/Permit from the ~~City Forester~~Staff Arborist.

SECTION 3.

This ordinance shall be cumulative of all provision of ordinances and the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 13896 which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation,

both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos, Assistant City Attorney

Mary Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

XIV. ZONING HEARING

The City Council at its meeting of November 11, 2014, continued Zoning Docket SP-14-004:

- 1. SP-14-004 - (CD 2) - August Stanislawski/TX Industrial Scrap, 3800 N. Commerce Street; Amend "PD-764" site plan to add permanent office for shredder. (Recommended for Approval as Amended by the Zoning Commission to update site plan to include armature radius) (Continued from a Previous Meeting)**

Mr. Ray Oujesky, 201 Main Street, Suite 2500, completed a speaker card in support of Zoning Docket SP-14-004 and was recognized by Mayor Pro tem Espino but was not present in the Council Chamber.

Motion: Council Member Scarth made a motion, seconded by Council Member Shingleton, that Zoning Docket SP-14-004 be continued to the March 3, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

The City Council at its meeting of December 9, 2014, continued Zoning Docket ZC-14-103:

- 2. ZC-14-103 - (CD-ALL) - City of Fort Worth Planning & Development: Text Amendment: Urban Forestry; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth (1986), by amending: Chapter 6, "Development Standards" of Article 3, "Landscaping, Buffers, and Urban Forestry" to revise Section 6.302 "Urban Forestry" Regulations Relating to Tree Coverage, Preservation, Planting and Maintenance; and Amend Chapter 9, "Definitions," Section 9.101, "Defined Terms" to Revise and add Definitions related to Urban Forestry**

Ms. Dana Burghdoff, Deputy Department Director, Planning and Development, appeared before Council and provided a staff report.

The following individuals completed speaker cards in support of Zoning Docket ZC-14-103 and were recognized by Mayor Pro tem Espino but were not present in the Council Chamber:

Mr. Todd Hawpe, 100 Throckmorton, Suite 700
Ms. Judy Harman, 2222 Winton Terrace East

The following individuals completed speaker cards in opposition to Zoning Docket ZC-14-103 and were recognized by Mayor Pro tem Espino but were not present in the Council Chamber:

Mr. Tom Reynolds, 1605 Sunset Terrace
Mr. Barney Holland, 3647 Encanto Drive
Mr. Gary Havener, 2501 Museum Way
Mr. Harold Muckleroy, 3455 Ranch View Court

Mr. Kenneth Newell, 5101 Cliffrose Lane, appeared before Council in opposition to Zoning Docket ZC-14-103.

Mr. Dennis Hopkins, 2131 North Collins Street, Apt 637, completed a speaker card in opposition to Zoning Docket ZC-14-103 and was recognized by Mayor Pro tem Espino but did not wish to address Council.

The following individuals completed comment cards in support of Zoning Docket ZC-14-103:

Ms. Eva Bonilla, 3700 West 6th Street, Apt B
Mr. Gordon Appleman, 3855 Bellaire Circle
Ms. Louise Appleman, 6855 Bellaire Circle

Mr. Haydn Cutler, 3825 Camp Bowie Boulevard, completed a comment card in opposition to Zoning Docket ZC-14-103.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-14-103 be continued to the March 3, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on January 19, 2015.

3. ZC-14-151 - (CD 8) - James Austin, Jr., 3220 Mitchell Boulevard; from: "B" Two-Family and "E" Neighborhood Commercial to: "FR" General Commercial Restricted (Recommended for Denial by the Zoning Commission)

The following individuals appeared before Council in support of Zoning Docket ZC-14-151:

Mr. James Austin Jr., 2017 Teakwood Trace (provided handouts)
Mr. Calvin Williams, 1035 East Annie

Mr. Monnie Gilliam, 1100 Vicki Lane, appeared before Council in opposition to Zoning Docket ZC-14-151.

Motion: Council Member Allen Gray made a motion, seconded by Council Member Zimmerman, that Zoning Docket ZC-14-151 be continued to the March 17, 2015, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

XIII. RESOLUTION

1. A Resolution Terminating the Moratorium on the Acceptance of Applications for One-Family Residential Building Permits in One-Family Residential Zoning Districts in the Proposed TCU Residential Overlay District Boundary

It was recommended that the City Council adopt a resolution terminating the moratorium on the acceptance of applications for one-family residential building permits in one-family residential zoning districts in the proposed TCU residential overlay district boundary.

Ms. Karen Kroh, 2618 Cockrell Avenue, completed an undecided comment card relative to the above resolution.

Motion: Council Member Zadeh made a motion, seconded by Council Member Zimmerman, that Resolution No. 4383-12-2014 be adopted. The motion carried unanimously 8 ayes to 0 nays, with Council Member Bivens absent.

1. ZC-14-103 - (CD-ALL) - City of Fort Worth Planning & Development: Text Amendment: Urban Forestry; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of the City of Fort Worth (1986), by amending: Chapter 6, "Development Standards" of Article 3, "Landscaping, Buffers, and Urban Forestry" to revise Section 6.302 "Urban Forestry" Regulations Relating to Tree Coverage, Preservation, Planting and Maintenance; and Amend Chapter 9, "Definitions," Section 9.101, "Defined Terms" to Revise and add Definitions related to Urban Forestry(Recommended for Approval by the Zoning Commission)

Mr. Gary Havener, 4501 Museum Way, appeared before Council in opposition to Zoning Docket ZC-14-103.

Motion: Council Member Zimmerman made a motion, seconded by Council Member Scarth, that Zoning Docket ZC-14-103 be continued to the December 9, 2014, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Council Member Bivens absent.

Martha Jones/Bluebonnet Hills NA	3136 Wabash Ave	In		Support	Spoke at hearing
Kyle O'Keefe	1817 Turner Ridge	In		Support	Spoke at hearing
Mike Dike	1513 Rivercrest	In		Support	Spoke at hearing
Greg Jackson/Berkley Place NA	2019 Ward Parkway	In	Opposition		Spoke at hearing
Robert Adams	2216 Huntington Ln	In	Opposition		Spoke at hearing
Ray Brown	3408 Cockrell Ave	In	Opposition		Spoke at hearing
Clay Brants	4911 Bryce	In	Opposition		Spoke at hearing
John Langston	2566 Hillview Terr	In	Opposition	Support	Spoke at hearing

15. ZC-14-103 City of Fort Worth Planning & Development (CD All) - Text Amendment: Urban Forestry; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as Amended, Codified as Appendix "A" of the Code of The City of Fort Worth, by amending:

- Chapter 6, "Development Standards" of Article 3, "Landscaping, Buffers, and Urban Forestry, to revise Section 6.302 'Urban Forestry' Regulations relating to Tree Coverage, Preservation, Planting and Maintenance, and;
- Amend Chapter 9, "Definitions", Section 9.101, "Defined Terms" to revise and add Definitions related to Urban Forestry

Jocelyn Murphy, Planning Manager explained the text amendment.

Motion: Following brief discussion, Ms. Conlin recommended Approval of the request, seconded by Mr. Northern. The motion carried unanimously 9-0.

**Meeting adjourned: 2:47 p.m.
11/12/14**

Dana Burghdoff, Executive Secretary and Deputy Director, Planning and Development Department

Nick Genua, Chair