

Development Guide – Tree and Landscaping Requirements (Revised 6-2-10)

References:

Zoning Ordinance Chapter 6, Article 3 6.301 Landscaping and Buffers and 6.302 Urban Forestry: Defines requirements for tree preservation and planting, shrubs and ground cover on sites and opportunities to reduce buffers through landscaping.

Zoning Ordinance Chapter 5, Article 1, Section 40b Natural Gas Compressor Stations: Requires one three-inch caliper tree every 50 linear feet along the property line abutting a public right of way.

City Code Chapter 33 Trees, Shrubs, etc.: Provides jurisdiction to the Parks and Community Services Department for control over trees and shrubs in the public rights of way and certain authority to address trees and shrubs on private property that are dangerous to the public or diseased. This ordinance requires a tree removal permit from the City Forester for removal of trees in the City's ROW if it is occurring outside of the context of an Urban Forestry Plan

City Code Chapter 15 Gas, Division 5 Gas Well Permit: reiterates gas well landscaping requirements that are now identified in the Zoning Ordinance.

Subdivision Ordinance (III.B.4.b.2.): Requires tree planting along arterial streets abutting residential subdivisions.

This policy and procedure applies as follows:

- Land with preliminary plat applications made on or after January 30, 2007, is subject to these requirements (Ordinance 18615).
- Land that has a preliminary plat application or replat application between February 2, 2005 and January 30, 2007, and has vested rights (including fair notice of the project per Chapter 245) is subject to the tree protection ordinance (Ordinance 16270; extended by M&C G-14617). Projects vested prior to February 2, 2005 are subject to provisions that were in place at the time of platting.
- Individual projects that have provided fair notice of the project and therefore vested prior to either February 2, 2005 or January 30, 2007 may choose to use the requirements contained in 17228-10-2006 in whole if declared prior to any tree removal. If this choice is made, ordinance 17228-10-2006 must be complied with fully; mixing of requirements from prior provisions is not allowed.
- Land that is preliminary platted or replatted prior to February 2, 2005, and has vested rights that provided the City fair notice of the project and the nature of the permit sought, is not subject to either of these policies.
- Projects have vested rights if they have made progress as defined by the Texas Local Government Code 245.005(c). Properties determined to have lost their vested rights are required to comply with this policy.

Definitions:

City Forester: For the purpose of tree preservation, that person or persons designated by the Planning and Development Director to provide administrative review of Urban Forestry Plans / Permits (Urban Forestry Compliance Section).

Critical Root Zone: Area around the trunk of the tree that is equal to a radius of one foot per inch diameter measured at breast height (4.5 feet) of the tree.

Diameter of an Existing Tree: That measurement of the size/diameter of a tree as determined by measuring at 4.5 feet above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half (1/2) the diameter of each additional trunk.

Disruptive Activity: Any permanent change to existing surface conditions including clearing, grading, trenching, boring, and similar activities. Disruptive activity will NOT include normal mowing or removal of trees less than six inches in diameter.

Landscape Plan: A plan illustrating bufferyard features and landscaping required per Chapter 6, Article 3 of the Zoning Ordinance, and to illustrate trees along arterial streets required per Chapter 6, Article III.B. of the Subdivision Ordinance. Buffer yards are required along common property lines of one- or two-family districts adjacent to nonresidential districts for which certain trees may be credited. In addition, landscape plans are required for commercial, industrial, and manufactured home uses to include shrubs and sod (all references to trees have been removed from the landscaping requirements per Zoning Ordinance amendment ZC-06-279, approved 1-9-07). Trees are required along arterial streets for residential subdivisions of three lots or more.

Public Project: Capital improvement project that includes a disruptive activity that will prevent the surface from being restored to its original condition. Public projects shall specifically exclude utilities regulated by the Public Utility Commission or the Railroad Commission.

Protective Measures: Protective fencing surrounding the critical root zone and bark protection to ensure that all prohibited activities in the critical root zone are prevented, including for trees on adjacent properties. In addition, appropriate construction methods as outlined in section 6.302 of the Zoning Ordinance – Landscaping and Buffers shall be followed.

Residential: A single-family or two-family use regardless of zoning.

Significant or Large Tree: A tree 27 inches in diameter (___ inches in circumference) for the entire city or 18 inch diameter (___ inches in circumference) for Post Oaks and Blackjack Oaks east of Interstate Highway 35 West.

Tree Removal: The cutting, destroying, removing, moving, poisoning, banding, marking, or effectively destroying through damaging, any tree 6 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.

Urban Forestry Plan: A plan showing the location of existing canopy coverage and any trees that are classified as large or significant as per 6.302 on the site, the location of all easements, the location of all proposed buildings, a grading plan, if applicable; the trees desired to be removed, the trees that shall remain on the site, and an accompanying document indicating the reason for the proposed removal of any tree, and if applicable, a description on how the existing healthy trees proposed to be retained will be protected from damage from construction.

Application Procedure:

General:

1. In general, the canopy requirements are as follows:
 - a. One- and Two-Family Residential – 40% **or** 25% if a tree is also placed on each lot up to 5,000 square feet with an additional tree for each additional 5,000 square feet or fraction thereof for a maximum of 9 trees per residential lot.
 - b. Multifamily – 30%
 - c. Commercial – 30%
 - d. Industrial – 20%
 - e. Surface Parking – 40% (Parking garages will be considered in the context of the entire site plan and use.)
 - f. Public Projects – 30% if funded after January 30, 2007 and not classified as residential or industrial.
2. Within the canopy requirement, a minimum of 25% of actual canopy shall be retained. An additional 5% of canopy will be required if only protected trees are preserved. All new planting will be calculated on the potential canopy based on species.
3. For development of portions of a property, the criteria for “artificial lots” outlined in 6.302 of the Zoning Ordinance will apply. Specifically, a developer may isolate an area of at least one acre that is less than 50 percent of the entire tract to apply the tree preservation and planting calculations, as appropriate for the project.
4. An Urban Forestry Plan/Permit is required for any expansion of a commercial/industrial/multi-family building or structure (including parking lots) by more than 3,000 square feet or 30% of existing structures, consistent with 6.302(F.2.) of the Zoning Ordinance. An Urban Forestry Plan/Permit is required for expansions of at least 3,000 square feet that do not meet the percentage requirement; however, 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. For expansions under 3,000 square feet, only tree removal permits will be required for trees greater than six inches in diameter.
5. The Planning and Development Department will include on the plat application checklist an acknowledgement that the Urban Forestry Plan permit application must be submitted to the Urban Forestry Compliance Section. Preliminary plats will not be delayed if this requirement has not been met. For residential developments, final plats will not be filed with the County or held with completion agreements prior to the issuance of a *Part I Urban Forestry permit* for commercial developments and a *Part II Urban Forestry permit*.

6. For residential developments subdividing into 3 or more lots and all commercial, public or industrial developments platted after January 30, 2007, preliminary plats will include a note: “The Tree Preservation ordinance of the City of Fort Worth applies. The applicant is required to obtain an Urban Forestry Plan (UFP) permit as appropriate. Contact the Urban Forestry Compliance Section at the City of Fort Worth for information.”
7. Building permits will not be issued until a *Part II Urban Forestry permit* is approved by the Planning and Development Department – Urban Forestry Compliance Section when required.
8. Upon building permit application, the Development Department Plans Examiner for Zoning will determine if plat notes exist requiring an Urban Forestry Plan permit. If a permit is required and an approved Urban Forestry Plan permit is not in Permits Plus, the Plans Examiner shall place a hold on the application indicating that the Urban Forestry Plan permit is pending and must be approved prior to permit issuance. If an approved permit is in Permits Plus, the Plans Examiner shall enter notes that indicate that the property has an approved Urban Forestry Plan. Additional notes are required for residential subdivisions as noted in the “One- and Two-Family Residential” section below.
9. The Developer shall submit an Urban Forestry Plan fee of \$250 up to 5.0 acres plus \$15/acre over 5.0 acres (over one acre for one and two family properties) to the Planning and Development Department Urban Forestry Compliance Section before any disruptive activity occurs. The acreage will be based on the plat, site plan, or artificial lot, whichever is appropriate, at the time of submission of the Urban Forestry Plan.
10. The applicant shall indicate if they intend to base calculations on preservation of all existing trees or if they intend to preserve only protected trees adding an additional 5%. The following shall be submitted concurrently:
 - a. Part I – identifies the trees/canopy to be and removed. Upon approval of these documents, removals will be allowed if a minimum of 50% of the existing tree canopy is retained through the issuance of a *Part I Urban Forestry Permit*.
 - b. Part II – overlays the proposed improvements and removals/preservations/plantings on the Part I plan. Construction permits will not be issued until the *Part II Urban Forestry Permit* is issued.
11. Upon application, the Urban Forestry Compliance Section will evaluate aerial photos and the application to ensure that no evidence of significant disruption prior to application exists. If violations are substantiated, the Urban Forestry Compliance Section will take appropriate enforcement action. The Urban Forestry Compliance Section may do a site visit if large protected trees are present or there are noted discrepancies with the aerial photos.
- ~~12.~~ The Urban Forestry Compliance Section will provide comments to the applicant indicating if the plan is in compliance with the requirements or if amendments are necessary.
13. Per section 6.302.K.7.b., the Urban Forestry Plan permits run with the land and can only be amended by the Urban Design Commission. However, if, prior to any disturbance of the land, a property with an approved Urban Forestry Plan permit changes project plans, the permit is invalid and an application for a new permit may be submitted without consideration by the Urban Design Commission.

14. Inspections by the Urban Forestry Compliance Section or the Development Department during construction may include an evaluation of the protective measures and prohibited activities in the critical root zone.

Commercial/Industrial/Multifamily:

1. For commercial developments platted or replatted after January 30, 2007, the preliminary and final plat shall include the following note if applicable: "Compliance with the City of Fort Worth Tree Preservation Ordinance is required." Projects platted before January 30, 2007 may
2. Upon building permit application, the applicant will be required to submit a separate landscape plan for shrubs only. If the project requires building setbacks and buffers per section 6.300, the applicant must include in the landscape plan any trees that are to be credited for this requirement.
3. The Zoning Plans Examiner will add notes: "A CO will not be issued until the tree installation has been inspected for compliance."
4. A stamped copy of the approved Urban Forestry Plan will be returned to the contractor/developer and is required to be on site with the construction plans, available for review by the inspector.
5. At the time of the final inspection, the Development Department field inspector shall review the on site Urban Forestry Plan and verify that all items have been provided as required. Upon approval, the Urban Forestry Compliance Section will note in Permits Plus that the maintenance period is commenced with an expiration of two years for new plantings and five years for preserved trees.

Gas Well Sites:

1. For the purpose of tree preservation regulations, gas compressor stations will be regulated by Chapter 15, Gas Drilling of the City Code.

Natural Gas Pipeline Compressor Stations:

1. Gas compressor sites are not subject to the urban forestry plan regulations because they are governed by the Railroad Commission (see public projects definition). However, they are subject to Chapter 15, Article II, Section 5.140 of the City Code that states that "one three-inch caliper tree shall be planted every 50 linear feet along the property line abutting a public right-of-way."
2. If the gas compressor site is part of a gas drilling site that is subject to Article II, Section 15-43 (Gas Well Landscaping), tree plantings for required canopy coverage may also count toward the tree plantings for screening noted above as long as they are located appropriately. Likewise, tree plantings for screening noted above may count towards the canopy coverage requirement.
3. In the event that significant tree removal is proposed or the required tree plantings are impractical, the gas well inspector will consult with the operator about alternatives.
4. If the site was previously permitted and operating as a gas well site with higher canopy requirements that were never installed, the operator will be required to make payment into a tree fund to mitigate.

One- and Two-Family Residential:

1. For residential developments platted after January 30, 2007, the final plat shall also include the following note if applicable: "Compliance with the City of Fort Worth Tree Ordinance is required. The approved Urban Forestry Plan requires the installation of one 3-inch caliper tree of a large-sized species per residential lot up to 5000 square feet in area and one additional tree for each additional 5000 square feet or fraction thereof up to a maximum of nine (9) trees per residential lot." The Planning and Development Department will be responsible for adding this information before they release the plat during circulation.
2. During plan review, the plans examiner will determine if the final plat notes indicate that tree plantings are required on individual lots as part of the urban forestry plan for all plats filed after January 30, 2007. The Plans Examiner for Zoning will determine if this ordinance pertains to projects platted prior to this date if there are no vested rights. When appropriate, documentation of the requirement will be made in the plan review notes and the site plan to include the number, size, and distance between trees for the specific site under review. The final inspection will not be approved by the inspector if the tree(s) is not installed.
3. The developer may contact the Urban Forestry Compliance Section when all trees planted in the common areas have been planted. Following inspection, the Urban Forestry permit may be released in Permits Plus with a notation of the start date of the warranty period.
4. The Development Department Zoning Plan Reviewer will notify the Urban Forestry Compliance Section when a subdivision has reached approximately 75% build-out per notations of permits issued on the Plan Review Section's copy of the final plat. The plans examiner who makes this notification will make a notation on the plat of the date that the notification was made. The Urban Forestry Compliance Section will then be responsible for determining if the Urban Forestry permit has been finalized and the warranty periods already commenced or if the developer needs to be contacted.

Mixed-Use Zoning:

1. For developments platted or replatted after January 30, 2007, the final plat shall include the following note if applicable: "Compliance with the City of Fort Worth Tree Preservation Ordinance is required."
2. Developments in these zoning districts are exempted from compliance with the preservation requirements of the tree ordinance but do require an urban forestry permit. They must provide canopy cover of 50% of the required open space and 40% of any surface parking lots.
3. Submission of both Part I and Part II documents will be required. It is preferable that the developer consider tree retention during the planning stage.
4. Upon building permit application, the applicant will be required to submit a separate landscape plan showing landscape area and required shrubs and groundcover. If the project requires building setbacks and buffers per section 6.300, the applicant must include in the landscape plan any trees that are to be credited for this requirement.
5. A stamped copy of the approved Urban Forestry Plan will be returned to the contractor/developer and is required to be on site with the construction plans, available for review by the inspector.
6. At the time of the final inspection, the Development Department field inspector shall review the on site Urban Forestry Plan and verify that all items have been provided as

required. Upon approval, the Urban Forestry Compliance Section will note in Permits Plus that the maintenance period is commenced with an expiration of two years for new plantings and five years for preserved trees.

Downtown Urban Design District, Fort Worth South and Trinity Uptown

1. Developments in these zoning districts are exempted from compliance with the preservation requirements of the tree ordinance and do not require an Urban Forestry permit. They must only provide canopy cover of 50% of the required open space and 40% of any surface parking lots.
2. These projects will be reviewed by the Zoning Plan Reviewer rather than the Urban Forestry Team for compliance.

Planned Developments (“PD” Zoning):

1. For PD zoning cases subject to the Tree Preservation Ordinance (including unplatted properties; properties with preliminary plat applications or replats after January 30, 2007; or properties believed to have lost vested rights) will have the following requirements:
 - a. If the applicant intends to comply with the Tree Preservation Ordinance, they shall place the following statement with an authorized signature shall be included with the application: “Applicant intends to comply with the Tree Preservation Policy. Insufficient documentation of trees on the site plan shall not be construed as an approved waiver from the policy.” The applicant may then make an application for an Urban Forestry permit at the time that is appropriate for their project.
 - b. The applicant may apply for the Urban Forestry Plan permit simultaneously with the zoning case. The Urban Forestry Compliance Section will follow the normal process of review while the zoning case is being processed.
2. If the Zoning Commission and City Council approve a site plan that does not meet the Tree Preservation requirements, the waivers must be clearly stated; otherwise compliance with the Urban Forestry ordinance will be expected.

Public Projects:

1. Based on the definition for public projects, UFPs will only be required for public projects that will permanently change the surface or will include tree removal.
2. The Water or Transportation and Public Works Departments may apply for a waiver with the Urban Design Commission when tree preservation or replacement is impractical and it would be more appropriate to plant outside of the project limits or pay into a tree fund for trees to be planted on other public property.
3. Specific projects that were included in a bond program prior to January 30, 2007, are not required to comply with this provision since funds were not included for this purpose. However, it is the intent of the City to comply when possible or in conjunction with the Parks and Community Services Department tree planting program.

Appeals to the Policy:

If the applicant disagrees with the decision of Urban Forestry Compliance Staff, the applicant may appeal the decision to the Urban Design Commission. The appeal shall be in writing and

shall be transmitted to the Secretary of the Urban Design Commission within ten days after receipt of denial of the Urban Forestry Permit.

1. Applicants may appeal the denial filing an application to be heard by the Urban Design Commission. The deadline for the appeal application is 20 days prior to the 3rd Thursday of each month at 10 a.m. Notice of hearings will occur in accordance with City Council approved procedures for zoning cases.
2. Building permits shall not be issued prior to the decision of the Urban Design Commission and submittal of Part I and Part II documentation indicating compliance with the Board's decision.
3. An applicant may appeal the decision of the Urban Design Commission to the Appeals Board.

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.

Attachments:

Ordinance 18615

Application Form

Application Checklist including Calculation Worksheet