

**ZONING ORDINANCE ADVISORY COMMITTEE      TUESDAY, FEBRUARY 18, 2025**  
**Planner: Jacob Rojo**

**FILE NUMBER:** DCA245-001

**DATE INITIATED:** April 2, 2021

**TOPIC:** Amendment to the Dallas Development Code regarding Neighborhood Forest Overlay (NFO) fees and regulations.

**CITY COUNCIL DISTRICTS:** All

**CENSUS TRACTS:** All

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**PROPOSAL:** Consideration of amending Sections 51A-1.105(a)(4) and 51A-4.511(e)(2)(iii) of the Dallas Development Code to provide an application fee for neighborhood forest overlays and include Front and Corner Side Yard regulations.

**SUMMARY:** The proposed amendment to the Dallas Development Code is intended to provide a necessary application fee for neighborhood forest overlays and includes Front and Corner Side yard regulations as a Tree Conservation Area option.

**STAFF RECOMMENDATION:** Approval.

## **BACKGROUND**

The concept of a neighborhood forest overlay originated at ZOAC meetings during the creation of ARTICLE X. LANDSCAPE AND TREE CONSERVATION REGULATIONS.

- On April 10, 2019, the City Council approved the code amendment to establish the neighborhood forest overlay.
- In 2021, an ammendment was considered to Section 51A-1.105 to provide a means for an application fee to be assessed for the creation of a neighborhood forest overlay district. ZOAC and the City Plan Commission recommended approval and the item was scheduled for a City Council hearing on August 11, 2021, but was never placed on the agenda.

## **GENERAL INFORMATION:**

The neighborhood forest overlay is provided for the purpose of promoting the health, safety, and the general welfare of present and future inhabitants of city neighborhoods through the managed conservation and protection of the trees in the community.

A neighborhood has recently expressed interest in applying for a neighborhood forest overlay district. However, current applications lack the required fee schedule that applicants must follow to complete the process.

Furthermore, the tree conservations areas do not account for specifically the combination of front yard and side yard for those corner lots with a side yard fronting a street. This is a useful addition to the tree conservations areas to help neighborhoods tailor their NFO to their unique needs.

Finally, staff currently hold an unwritten expectation that the petition will include an inventory of forest conditions at the time of establishing an NFO, but this was not factored into the code.

## **PROPOSAL:**

- Amend Sec. 51A-1.105(a)(4) to include neighborhood forest overlay in the table of fees with other existing overlay districts.
- Amend Sec. 51A-4.511(e)(2)(iii) to add “Front and Corner Side Yard” regulations to give neighborhoods more resources to determine what works best for their community.
- Amend Sec. 51A-4.511(d)(8)(E) to add a requirement that the petition include an inventory of forest conditions.

**Staff Recommended Amendments**

**Chapter 51A Dallas Development Code: Ordinance No.  
19455, as amended.**

**Article I.  
General Provisions**

**SEC. 51A-1.105. NEIGHBORHOOD FOREST OVERLAY FEE SCHEDULE.**

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(4) Fee schedule.

<b>Type of Application</b>	<b>Application Fee</b>	<b>Area of Notification for Hearing</b>
Amendment to planned development district or institutional overlay district site plan and/or conditions only	\$2,610.00 + \$1,000.00 per regulation type being amended	500 feet
All other applications relating to planned development districts, including the creation of subdistricts, or institutional overlay districts:		
0-5 acres	\$5,820.00 + \$1,000.00 per regulation type	500 feet
over 5 acres	\$5,820.00 + \$250.00 per each acre over 5 and \$1,000.00 per regulation type	500 feet
Maximum fee	\$50,000.00	
Applications for straight form districts, planned form districts, and parking management overlay districts:		
0-1 acre	\$1,050.00	200 feet

over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$5,820.00 + \$113.00 per each acre over 15	400 feet
over 25 acres	\$6,950.00 + \$113.00 per each acre over 25	500 feet
Maximum fee	\$30,000.00	
Applications for height map overlay districts and shopfront overlay districts	\$1,170.00	200 feet
All applications relating to neighborhood stabilization overlay districts, <u>neighborhood forest overlay districts*</u> , and accessory dwelling unit overlays:		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
<u>* The NFO application fee does not include the cost of filing the ordinance and instruments in the county deed records as required by Section 51A-4.511(d)(12). That filing fee will be set by the county and paid by applicants.</u>		
All applications relating to conservation districts		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
Application for original SUP:		
0-1 acre	\$1,170.00	200 feet
over 1 acre to 5 acres	\$1,170.00	300 feet
over 5 acres to 25 acres	\$1,170.00	400 feet
over 25 acres	\$1,170.00	500 feet
pedestrian skybridge	\$10,000.00	See 51A- 4.217(b)(12)

gas drilling and production	\$2,000.00	1,000 feet
Application for SUP amendment or renewal:		
0-1 acre	\$825.00*	200 feet
over 1 acre to 5 acres	\$825.00*	300 feet
over 5 acres to 25 acres	\$825.00*	400 feet
over 25 acres	\$825.00*	500 feet
*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.		
Straight zoning and all other zoning applications:		
0-1 acre	\$1,050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$9,315.00	400 feet
over 25 acres	\$9,315.00 + \$113.00 per each acre over 25	500 feet
Maximum fee	\$37,500.00"	

## Article IV. ZONING REGULATIONS

### SEC. 51A-4.511. NEIGHBORHOOD FOREST OVERLAY.

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#### (c) Definitions.

In this section:

(1) CORNER SIDE YARD means a side yard abutting a street.

(2) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(3) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed overlay.

(4) STRUCTURE PROXIMITY AREA means the five-foot area around a dwelling unit.

(5) TREE CONSERVATION AREA means the area of tree protection and the site subject to urban forest conservation regulations.

#### (d) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) A neighborhood forest overlay may only be placed on an area:

- (A) containing lots that are primarily smaller than two acres in size;
  - (B) developed primarily with single family or duplex structures; and
  - (C) that is zoned either:
    - (i) as a residential district; or
    - (ii) as a planned development district, conservation district, or form district (or portion thereof) that is restricted to single family or duplex uses.
- (3) The boundary lines of a neighborhood forest overlay should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. The minimum area of a subdistrict within a district is one blockface. An overlay:
- (A) must contain at least 50 lots in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family or duplex structures; or
  - (B) may contain less than 50 lots, but no less than 10 lots, if the lots are located alongside a primary natural area or if the lots maintain a current forest cover of mature large and medium trees, including significant trees, or trees established prior to the original subdivision.
- (4) A neighborhood forest overlay may contain vacant lots and lots greater than two acres in size even though those lots will not be subject to the overlay regulations. Vacant lots within the boundaries of a neighborhood forest overlay, however, are not subject to the unrestricted zone exception in Section 51A-10.134(b).
- (5) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.
- (6) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.
- (7) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations, the name and address of all property owners within the

proposed district, and a statement that by signing the petition the signers are indicating their support of the overlay.

(8) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.

(i) For a proposed overlay with 50 or fewer single family or duplex structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed overlay with more than 50 single family or duplex structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(iii) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(i) ~~or~~, (ii), or (iii), 60 percent of property owner signatures are required for staff to accept the petition.

(iv) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(~~iii~~)(iv) or ~~(iv)~~ (v), 70 percent of property owner signatures are required for staff to accept the petition.

(B) The application fee, if applicable.

(i) If a petition is signed by property owners of fewer than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by property owners of 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of the names and addresses of the neighborhood committee members.

(E) Existing forest conditions within the neighborhood for each lot.

(F) ~~(E)~~ Any other information the director determines is necessary.

(9) A public hearing to create an overlay is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(10) For purposes of Section 51A-4.701, "Zoning Amendments," once a complete petition has been submitted to the director, the neighborhood forest overlay



shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

- (11) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood forest overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood forest overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition and summarize any comments.
- (12) Upon passage of a neighborhood forest overlay ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the regulations. The director shall also file in the county deed records a verified written instrument listing each property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(e) Neighborhood forest overlay.

(1) In general.

- (A) A neighborhood forest overlay establishes regulations that must be selected from the options described in this subsection.
- (B) The regulations of the neighborhood forest overlay must reflect the existing forest conditions within the neighborhood.
- (C) Except as provided in the neighborhood forest overlay, all regulations of the underlying zoning remain in effect.

(2) Tree conservation area.

- (A) The neighborhood committee will select their tree conservation area from the following options:
  - (i) Front yard setback.
  - (ii) Front yard to structure.
  - (iii) Front and corner side yard.
  - ~~(iii)~~ iv) Front, side, and rear yard setbacks.
  - ~~(iv)~~ v) Entire lot.
- (B) The conservation, establishment, and maintenance of trees in Section 51A-10.136(a) apply to trees within a tree conservation area.