

§ 6.302 URBAN FORESTRY.

(a) *Purpose.* Trees have a positive economic effect on the city by enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, making the city a more attractive place in which to live, visit and do business. It is the purpose of this section to achieve 30% tree canopy coverage citywide and to promote a multi-aged urban forest. This may be accomplished by addressing the preservation and protection of healthy and significant trees, providing for the replacement and replanting of trees that are removed during development, and establishing additional tree canopy.

(b) *Penalties for violations.*

(1) Any person, firm or corporation who intentionally or knowingly violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this ordinance may be issued a citation and upon conviction thereof may be fined in an amount not to exceed \$2,000.00. In cases of offenses involving the illegal removal of trees or noncompliance with an approved permit or urban forestry plan, the removal of each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.

(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this ordinance may be subject to a civil penalty in accordance with § 2-322 of the city code for the removal of trees. The civil penalty authorized by this subsection may be imposed by the director in addition to the misdemeanor penalty in paragraph (1) of this subsection. The imposition of a civil penalty may be appealed to the city council. Any appeal must be made in writing and must be filed with the director within ten calendar days following the date of the initial written decision of the director. The director shall refer the appeal to the city council and the decision of the city council shall be final. The appellant shall bear the burden of proof to show why, by preponderance of the evidence, the civil penalty should not be assessed. The imposition of a civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the property and all work under any such permits until the civil penalty is fully paid.

(3) Where illegal tree removal has occurred and the physical evidence has been removed from the site, the civil penalty will be assessed based on calculations using any remaining physical evidence, photos and documents available to the city, calculated in accordance with § 2-322 of the city code for significant trees removed or damaged.

(4) a. The owner of a single lot within a one-family or two-family residentially zoned district who 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:

1. 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

2. The applicant has paid the fee for an after-the-fact permit which shall be double the fee for an urban forestry permit.

b. A citation may be issued in accordance with subsection (b)(1) for the removal or damage of each tree and any other violation of this section.

c. 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 subsection, and the person shall be subject to both criminal and civil penalties.

d. A second after-the-fact permit shall not be issued if:

1. The person who committed the violation has previously been issued an after-the-fact permit: or

2. An after-the fact permit was previously issued for the same property within the previous five years of the date of the second violation.

(c) *Enforcement.* Any code compliance officer or the urban forestry administrator shall have the authority to enforce the provisions of this section.

(d) *Applicability of urban forestry requirements.* The requirements in Section 6.302 shall be applicable to all development as described below, unless subject to the exemptions in subsection (e) below:

(1) Removal of any trees of six inches or greater in diameter;

(2) Construction of new structures for which a building permit is required;

(3) Expansion of structures used for commercial/institutional and industrial uses that increase the footprint of existing structures by at least 30% or add at least 3,000 square feet to existing structures;

(4) Clearing of all or a portion of property, including grading or construction of a parking lot;

(5) Subdivision of land greater than one acre for the construction of one- or two-family dwellings, including contiguous lots with the same owner that total more than one 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) Mixed use ("MU") zoned properties. These properties must provide, through either preservation or planting, 50% canopy coverage of required open space;

(8) New agricultural development that requires tree removal; and

(9) Public projects that will physically change the surface or will include removal of trees six inches or greater.

(e) *Exemptions from urban forestry requirements.* The following are not subject to urban forestry requirements:

(1) Structures that do not create or expand building square footage or temporary structures such as job shacks associated with construction activities, when no trees greater than six inches are removed;

(2) Any single residential lot with a one- or two-family dwelling that is one acre or less in size;

(3) Change in use of an existing structure, unless the structure is expanded in accordance with subsection (d)(3) above;

(4) Any area within a design overlay district or form-based code unless the standards do not address urban forestry;

(5) Construction or expansion of structures in the "H" central business district;

(6) Any area located within an airport operating area as defined by § 3-1 of the city code;

(7) Panther Island and work associated with the Trinity River Vision Project, including but not limited to, valley storage projects;

(8) Any tree that is deemed to be in unsafe condition, or is injurious to common good, or to electrical, gas or water utilities, or sewer pipes, pavement or improvements, or is infested and dangerous to other trees or conflicts with other ordinances or regulations as determined by the urban forestry administrator; and

(9) Gas well sites and natural gas pipeline compressor stations, except as outlined in Chapter 15, gas drilling of the city code.

(f) *Relief provisions.* The purpose of this subsection is to grant a waiver to certain height and setback requirements if the urban forestry regulations, as applied to a development, would unreasonably burden the development of the property. The director or the director's designee may grant relief in accordance with the following:

(1) *Criteria for approval.* In deciding whether to grant relief, the director or the director's designee shall determine that:

a. All or a part of the urban forestry regulations may deprive the applicant of economically viable use of the property;

b. The proposed design has minimized the loss of trees and canopy to the extent possible;

c. The relief requested will not injure the existing or permitted use of adjacent conforming property, will not make the property substantially different from properties within the same zoning category, has no adverse effects on adjacent properties, and would not result in an adverse effect on traffic circulation, drainage or utilities; and

d. That tree preservation or mitigation unduly burdens the development of the property due to a unique physical circumstance on the property or by reducing the developable portion of the property to 25% of the property.

(2) *Relief provided shall be limited to the following:*

a. An increase in building height for properties zoned C, CR, CF, E, and ER, up to a maximum of 14 additional feet above the height allowed in the applicable zoning district for the property, subject to compliance with all requirements for building setbacks and bufferyards adjacent to applicable residential districts; and

b. Up to a 50% reduction to the required front, rear or side yard setbacks.

(3) In instances where relief is granted, all requirements for tree preservation and canopy in the urban forestry ordinance must be complied with.

(4) The director, and the director's designee, may decline to grant relief pursuant to this subsection.

(g) *General requirements.* The following requirements apply to all development:

(1) *Tree protection and maintenance.*

a. *Procedures required prior to development activities.*

1. *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 critical root zone 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 all exterior work has been completed. Fencing shall meet the state minimum standards of a four-foot orange plastic mesh net with T-posts. Significant trees shall be protected with a minimum four-foot chain link fence with support cables and T-posts.

2. *Signage.* All fencing shall have signs attached every one hundred feet which read "Keep Out, Tree Protection Area" written in contrasting colors in both English and Spanish with letters at least two inches in height. All signs must be at least ten inches high and fourteen inches wide.

3. *Bark protection.* In situations where a preserved tree remains in immediate area of intended construction and the urban forestry administrator determines the tree bark to be in danger of damage by development activities, the contractor or subcontractor shall protect the tree by enclosing the entire circumference of the tree with two-inch by four-inch lumber encircled with wire or other means that does not damage the tree. The intent is to protect the bark of the tree against incidental contact by large construction equipment.

4. *Canopy coverage protection.* All trees being preserved for canopy coverage under subsection (j)(4) below or a significant tree

covered under subsection (j)(5) below due to size will be protected during any development activities.

- b. The protective measures in subsection (g)(1)(a) must occur on all trees located within 50 feet of development activities.
- c. The protective measures in subsection (g)(1)(a) are required within the critical root zone radius from the trunk at one foot per inch diameter measured at DBH.
- d. The following activities within the critical root zone are prohibited:
 1. No material intended for use in construction or waste material accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any preserved tree;
 2. No equipment shall be cleaned or other liquids deposited or allowed to flow overland with the limits of the critical root zone of a preserved tree. This includes, without limitations, paint, oil, solvents, asphalt, concrete, mortar or similar materials;
 3. No signs, wires or other attachments, other than those of a protective nature, shall be attached to any preserved tree;
 4. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any preserved tree other than on existing street pavement;
 5. No heavy equipment, including, but not limited to, trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the critical root zone of any preserved tree on any construction site without the specific approval of the urban forestry administrator;
 6. No grade change within the critical root zone of any preserved tree without submission of a certified arborist/forester report dealing with protections and the report acceptance by the urban forestry administrator; or
 7. No filling activity in the critical root zone of any preserved tree may occur as a permanent condition which may damage the tree. Tree wells may be used to ensure that the root zone is protected.
- e. Replacement of any preserved tree which dies within five years due to construction or development activities will be the responsibility of the property owner. Replacement will be new trees with a minimum of three inches each in diameter and equal to five times the lost canopy. Tree replacement will be guaranteed for an additional period of two years.

(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 critical root zone of the preserved tree. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.
- b. *Grade change.* In situations where the urban forestry administrator approves a grade change within the critical root zone of a preserved tree, procedures and special conditions shall be approved by the urban forestry administrator in advance of any work.
- c. *Trenching.* All trenching shall be designed to avoid trenching across the critical root zone of any preserved tree, unless otherwise approved by the urban forestry administrator. All work within the critical root zone requires advance approval by the urban forestry administrator. The placement of underground utility lines such as electric, phone, gas, etc., is encouraged to be located outside the critical root zone of preserved trees. Trenching for an irrigation system shall be placed outside the critical root zone, except into the critical root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the critical root zone. Boring is required for all underground utility lines that cross the critical root zone.
- d. *Root pruning.* All roots two inches or larger in diameter which are exposed as a result of trenching or other excavation shall be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.
- e. *Underground utilities.* All onsite underground utilities with backfill other than onsite material shall have a clay dam every 200 feet for the entire length of the utility placement.
- f. *Paving.* No paving is allowed within the critical root zone of any preserved tree unless otherwise approved by the urban forestry administrator. Approvals will be based upon best management practices for tree preservation.

(3) *Tree planting to achieve canopy coverage.*

- a. Trees planted to provide canopy coverage shall be a minimum of two and one-half to three inches each in diameter and each tree planted will be credited canopy coverage at normal maturity as follows, with canopy coverage credit being reduced at the discretion of the City if not meeting the minimum spacing requirements:
 1. *Large canopy tree with typical crown width of 50 feet in diameter.* Two thousand square feet (minimum spacing of 40 feet on center);
 2. *Medium canopy tree with typical crown width of 30 feet in diameter.* Seven hundred square feet (minimum spacing of 24 feet on center); and
 3. *Small canopy tree with typical crown width of ten feet in diameter.* One hundred square feet (minimum spacing of eight feet on center).
- b. Tree planting requirements: Table B is a list of protected species for the Fort Worth area. Trees other than those listed in Table B will be considered by the urban forestry administrator and granted on a case-by-case basis. The approval of additional species will be judged on 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 inches in diameter. The caliper measurement of the trunk shall be taken at a point six inches above the ground if the resulting measurement is no more than four inches in diameter. If the resulting measurement is more than four inches, the measurement of the caliper shall be taken at 12 inches above the ground. If the tree is multi-trunk, the main stem will be given full credit for its diameter and all other stems will receive one-half credit. The total of all must be three inches or greater.

d. All newly planted trees that die within two years of the date of project completion must be replaced by the current property owner. Any replacement tree that dies within two years of the date the replacement tree is planted must be replaced by the current property owner. The requirement to replace the trees shall run with the land.

e. A minimum of 16 square feet of permeable surfaces must be provided for all tree plantings.

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 inches in diameter are required for expansions under 3,000 square feet.

(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 years following the date of issuance of the certificate of occupancy shall be replaced following the criteria outlined above 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 subsection (j) below are met.

(h) *Specific requirements based on land use.* The city's goal to achieve a city-wide tree canopy cover of at least 30% and to promote the functional distribution of that canopy throughout various land uses as development occurs through a combination of planting and retention goals and requirements for tree canopy cover. In support of the overall goal of tree canopy cover for the city, the following land use requirements shall apply.

(1) *One- and two-family residential land uses.*

a. Minimum retained or planted canopy coverage shall be 40%;

b. Canopy for new subdivisions: the 40% canopy coverage requirement for one- and two- family residential land uses will be reduced to 25% if:

1. One tree per residential lot is planted on all lots up to 5,000 square feet in area;

2. One additional tree for each additional 5,000 square feet of lot area, or fraction thereof is planted, up to a maximum of nine trees per residential lot; and

3. The remaining portion of the 25% canopy coverage may be provided in public rights- of-way, parks, homeowner's 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 retention requirements at full buildout 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 retention 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 acre:

1. Retained canopy coverage of 25%; and

2. Overall canopy coverage of 40%.

(2) *Multifamily land uses.* Minimum retained or planted canopy coverage shall be 50% of open space.

(3) *Institutional land uses.* Minimum retained or planted canopy coverage shall be 30%.

(4) *Commercial land uses.* Minimum retained or planted canopy coverage shall be 30%.

(5) *Mixed use land uses in "MU" mixed-use zoning.* Minimum retained or planted canopy coverage shall be 50% of open space.

(6) *Industrial land uses.* Minimum retained and planted canopy coverage shall be 20%.

(7) *Surface parking areas.*

a. Minimum canopy coverage shall be 40%;

b. The canopy coverage shall be achieved through preservation of existing trees or tree planting within the parking field and drives;

c. No requirement for one- and two-family residential uses; and

d. 1. Credit shall be given for preserved or planted trees located outside the subject property within the parkway of adjacent streets.

2. Trees planted to provide canopy coverage shall be a minimum of three inches each in diameter and will be credited its canopy coverage at normal maturity as follows with canopy coverage credit being reduced at the discretion of the City if not meeting the

minimum spacing requirements:

- i. *Large canopy tree with typical crown width of 50 feet in diameter.* Two thousand square feet (minimum spacing of 40 feet on center);
- ii. *Medium canopy tree with typical crown width of 30 feet in diameter.* Seven hundred square feet (minimum spacing of 24 feet on center); and
- iii. *Small canopy tree with typical crown width of ten feet in diameter.* One hundred square feet (minimum spacing of eight feet on center).

(8) *Public projects (e.g., water, sewer, street or drainage).*

- a. Minimum retained and planted canopy coverage shall be 30%; and
- b. Public projects may elect to mitigate required canopy coverage through payment into the tree fund at a rate of \$600 per required tree. No mitigation or payment into the tree fund shall be required if the public project does not prevent the surface from being restored to its original condition or where the public project will not require tree removal.

(9) *Agricultural land uses.*

- a. Minimum canopy retention shall be 25%.
- b. New agriculture development will require documentation of the existing canopy coverage and a detailed tree survey of the property prior to clearing or grading of the property. The tree survey will include the location, size and species of tree. At the time of development a payment of \$200 per diameter inch will be required for up to 25% of the removed trees over six inches in diameter. The canopy coverage and total diameter inch total will run with the land provided approved documentation is recorded in the applicable county deed records.

(i) *Delineation of artificial lot.* If a developer wishes to develop a portion of a one acre or larger tract, the developer may request that the Director of the development services department, or the director's 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, including schools and places of worship. 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 50% of the entire tract, or, if the proposed artificial lot contains more than 50% of the entire tract, the Director, or the director's designee, must determine that a substantial amount of the tract is not affected by the proposed development; and
- (3) Be delineated on the urban forestry plan as provided in subsection (j) below.

(j) *Urban forestry plan/permits.* No activity subject to the urban forestry requirements shall be conducted without the required permit for such activity, as further described below.

(1) *Permits.*

- a. Tree removal permit is required:
 1. Prior to the removal of a single tree. No permit shall be issued if the remaining canopy coverage is less than the 25% minimum retention; or
 2. For the removal of any tree six inches or greater in diameter.
- b. Urban forestry permit is required:
 1. For the removal of more than one tree;
 2. For construction of new structures on properties where a building permit is required, unless exempted under subsection (e) above.
- c. An urban forestry plan is required to be submitted with the urban forestry permit.
- d. 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.
- e. 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. Submission of an urban forestry plan is required for the issuance of an urban forestry permit and is required before or at the time of application for building permit. At the time of submission of the urban forestry plan, the applicant shall elect a method of preservation of existing canopy under subsection (j)(4) below.

b. If no trees exist on the site, the applicant shall document the existing conditions and comply with urban forestry plan application requirements below.

(3) *Urban forestry plan application requirements.* Prior to any platting activity, site plan preparation and submission for

development, demolition, disruptive activities (including clearing and grading) or tree removal, the following information must be submitted through a two-part process.

a. *Part One: documentation of existing conditions.*

1. The first submittal shall include two copies of a scaled diagram of the subject property in which development, disruption or tree removal is proposed. The scaled diagram may be an engineered drawing, survey, air photo or other illustration. Part One will reflect the existing conditions by including the following information:

- i. Boundaries of the property and its calculated area, i.e., acres, square feet;
- ii. Location map showing the proximity of the property to the nearest streets;
- iii. Outline of the existing tree canopy area on the property and the calculated area (square feet or acres) of existing canopy coverage, differentiating between the canopy of protected and unprotected tree species using Tables A and B in subsection (n) of this Section. Properties with no existing protected canopy shall indicate such conditions;
- iv. Scaled existing or proposed utilities regulated by the public utility commission and/or Texas railroad commission. Indicate the calculated area (square footage or acres) for these rights-of-ways or easements;
- v. Location of each significant tree as defined in § 9.101, its species and canopy area; and
- vi. Tables C, D, E and F in subsection (n) below.

2. Upon completion and approval of Part One documentation, tree removals will be granted if a minimum of 50% of the existing protected tree canopy is retained. The documentation of pre-development canopy coverage shall be maintained with the property until development occurs. The required retention indicated in Part One documentation will be achieved within the area remaining after the initial clearing.

3. 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. If tree removals occur after approval of Part One documentation, but the Part One documentation subsequently expires, the new Part One application shall be based on the conditions on the property when the original Part One application was submitted to the City.

b. *Part Two: Components of the urban forestry plan.* Part Two will overlay the proposed improvements and removals/preservations/ plantings. Two copies shall be provided and shall include the following information:

1. Scaled site plan depicting the location of proposed structures, parking areas, drives, amenities, construction material storage areas, and other construction impacts;
2. Tree canopy areas that are desired to be removed;
3. Location and description of trees (large, medium or small canopy crown) that will be planted from Table B to reach the minimum canopy as stated in subsection (h) above; and
4. Tables G and H in subsection (n) below.

(4) *Preservation requirements for protected tree species canopy.*

a. Existing canopy coverage of protected species shall be retained as follows:

1. A minimum of 25% of the tree canopy of protected trees listed in Table B of subsection (n) on the property being developed must be retained;
2. A minimum of 50% of the tree canopy of post oaks and blackjack oaks on the property must be retained and shall be credited towards the 25% minimum tree canopy required for protected trees set forth in subsection (j)(4)(1); and
3. In addition to the requirements in subsections (j)(4)(1) and (j)(4)(2), significant trees must be preserved as outlined in subsection (j)(5) below.

b. If only unprotected tree species exist on the property being developed, no preservation requirement will apply, but the applicant shall provide additional documentation to verify the existing conditions, including but not limited to, photographs or a report by an arborist. The property may be inspected to verify the existing conditions.

c. An onsite tree survey noting the location, size and species, and canopy coverage of each protected tree with a diameter of six inches or greater will be required. This survey shall be completed and signed/sealed by one of the following: Texas licensed landscape architect, certified arborist, Texas licensed landscape contractor or Texas certified nurseryman.

(5) *Preservation of significant trees.*

a. Significant protected trees listed in subsection (n), Table B, that are 24 inches in diameter (75.36 inches in circumference) and post oaks and blackjack oaks that are 18 inches in diameter (56.55 inches in circumference) can only be removed by permit issued by the urban forestry administrator. Preservation of a significant tree will be credited to the required preserved canopy cover one and one-half times the actual canopy size.

b. Significant trees may be removed if one of the following conditions is met:

1. An area one and one-half times the area of the canopy of the tree identified for removal is retained on the same site or offsite

when designated as part of the associated urban forestry permit. If a significant post oak or blackjack oak is being removed, the retained canopy must be a post oak or blackjack oak. For any other significant protected tree, the retained canopy may be any protected species. The retained canopy shall be in addition to the required tree canopy coverage on the site/tract;

2. Planting of new trees from the protected tree list (see Table B of subsection (n) below) at five times greater in canopy area than the removed specific tree canopy. The additional planting of five to one (5 to 1) will be in excess of the required tree coverage on the site or offsite when designated as part of the associated urban forestry permit;

3. Payment into the tree fund in accordance with Section 2-322 of the City Code for the mitigation fee for removal of significant trees; or

4. The Urban Design Commission approves a plan that mitigates the removal of significant trees.

(6) *Urban forestry plan amendments.*

a. *Minor amendments.* Minor amendments to an approved urban forestry plan may be approved administratively if one of three conditions below is met:

1. An increase in the total canopy;

2. Adjustments in the type of tree to be planted, considering that trees from the protected tree list in Table B must be replaced with trees from the protected tree list in Table B; or

3. Any adjustments in planting location required due to site specific issues including traffic circulation, safety, drainage or utilities, given that the adjustments include only the relocation of trees of the same type and size as provided on the approved urban forestry plan. These adjustments cannot include the removal or transplantation of a tree not considered in the approved urban forestry plan.

b. Amendments that do not meet any of the conditions in subsection (j)(6)a. of this section must be submitted to and approved by the urban design commission before construction begins.

(k) *Urban forestry development agreement.*

(l) *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, under common ownership which would meet or exceed an overall canopy coverage of 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 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 (k)(l)(c). below.

b. The original application for an agreement shall include an initial spreadsheet of minimum canopies and acreages, the form of which is provided in Table I of subsection (n) below. Thereafter, Table J of subsection (n) below shall be completed with the provided canopies and acreages included at the time of each subsequent submittal as property/tracts are being developed. These updates shall be provided at the time of submittal of each individual Part One document. No approval shall be granted nor tree removals to be completed without the submission of the Table J form as set forth in subsection (n) below.

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 (k) are satisfied. The initial submission for approval of an agreement shall include:

1. A map all of the properties to be included in the agreement, identified by land use and acreage;
2. Individual maps of each land use-type (commercial, industrial, etc.); and
3. Table I of subsection (n) below.

(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 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%	Parkin g	40%
Industrial	10%	Parkin g	20%
Airport industrial	5%	Parkin g	20%
Multifamily	25% of required open space		

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 15 years and may be renewed for additional ten-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 subsection (j)(3)a.3. above 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 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 if the conditions of this section are met. Acquired properties not included in the agreement shall be subject to the regulations of this section. Additional properties may not be included into the agreement within three 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.

(l) *Conservation Easements.* A conservation easement to ensure the continual preservation of the trees being planted or preserved may be granted to a land trust or other public agency approved by the City in accordance with this subsection under the following conditions: 1) when approval is granted by the urban forestry administrator for trees to be preserved or planted on a separate property from the property being developed; and 2) the form of the easement is acceptable to the City Attorney's Office.

(m) *Appeals.*

(1) If the urban forestry administrator, or other city official, refuses to accept or issue an urban forestry plan/permit, or if the applicant disagrees with the decision of city staff, the applicant may request an appeal of the decision to the urban design commission within ten days after the decision of city staff. The appeal shall be in writing and shall be transmitted to the executive secretary of the urban design commission within ten days after receipt of notification that the urban forestry administrator will not accept the urban forestry plan/permit.

(2) The urban design commission shall consider the appeal within 30 days after the appeal is received by the board's executive secretary or as soon thereafter as reasonably practical, 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;
- b. Grant the appeal and direct the urban forestry administrator 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) 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.

(5) Appeals of the urban design commission will be heard in accordance with Section 2.102(g) of the Zoning Ordinance.

(n) *Tables.*

Table A. Unprotected Tree Species	
Table A. Unprotected Tree Species	
Ash	<i>Fraxinus sp.</i>
Ash juniper	<i>Juniperus ashei</i>
Bradford pear	<i>Pyrus calleryana</i>
Chinaberry	<i>Melia azedoarach</i>
Chinese Tallow	<i>Triadica sebifera</i>
Cottonwood	<i>Populus deltoides</i>
Golden raintree	<i>Koelreuteria paniculata</i>
Hackberry/ Sugarberry	<i>Celtis laevigata</i>
Ligustrum	<i>Ligustrum sp.</i>
Mesquite	<i>Prosopis glandulosa</i>

Mimosa	<i>Albizia julibrissin</i>
Mulberry	<i>Morus alba</i>
Osage Orange/ Bois de'Arc (fruiting)	<i>Maclura pomifera</i>
Siberian elm	<i>Ulmus pumila</i>
Silver maple	<i>Acer saccharinum</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow	<i>Salix sp.</i>
* Any species of tree, shrub, vine or grass listed in the Normative Invasive Plants of Southern Forests, published by the United States Department of Agriculture Forest Service.	

Table B. Protected Species		
Table B. Protected Species		
Large Canopy Trees (over 40 feet tall and 20 inches or more in diameter when mature)		
American elm	<i>Ulmus americana</i>	Not recommended for parking lots
Baldcypress	<i>Taxodium distichum</i>	Not recommended for parking lots
Black walnut	<i>Juglans nigra</i>	
Bur oak*	<i>Quercus macrocarpa</i>	
Cedar elm*	<i>Ulmus crassifolia</i>	
Chinquapin oak*	<i>Quercus muhlenbergii</i>	
Lacebark elm	<i>Ulmus parvifolia</i>	
Live oak*	<i>Quercus virginiana</i>	
Pecan	<i>Carya illinoensis</i>	Not recommended for high heat areas
Pond cypress	<i>Taxodium ascendens</i>	
Post oak	<i>Quercus stellate</i>	Must preserve 50% if on site
Red oak	<i>Quercus shumardii</i>	Not recommended for high heat areas
Medium Canopy Trees (25 to 50 feet tall, 10 to 20 inches in diameter when mature)		
Afghan pine*	<i>Pinus elderrica</i>	
Arizona cypress*	<i>Hesperocyparis arizonica</i>	
Blackjack oak	<i>Quercus marilandica</i>	Must preserve 50% if on site
Bigtooth maple*	<i>Acer grandidentatum</i>	
'Caddo' maple*	<i>Acer saccharum 'Caddo'</i>	
Chinese pistache*	<i>Pistache chinensis</i>	
Eastern redcedar*	<i>Juniperus virginiana</i>	
Ginkgo	<i>Ginkgo biloba</i>	
Japanese Black Pine	<i>Pinusthun bergiana</i>	
Lacey oak	<i>Quercus laceyi</i>	
Monterrey oak*	<i>Quercus polymorpha</i>	
Shantung maple	<i>Acertruncatum</i>	
Shin oak (Bigelow)	<i>Quercus sinuata var. breviloba</i>	
Southern magnolia	<i>Magnolia grandiflora</i>	Not recommended for high heat areas
Texas red oak	<i>Quercus buckleyi</i>	
Trident maple	<i>Acer buergerianum</i>	
Western soapberry*	<i>Sapindus saponaria</i>	
Small Canopy Trees (less than 25 feet tall or 10 inches in diameter when mature)		
American smoketree	<i>Cotinus obovatus</i>	
Carolina buckhom	<i>Frangula caroliniana</i>	Not recommended for high heat areas
Cherry-laurel	<i>Prunus caroliniana</i>	
Crapemyrtle*	<i>Lagerstroemia indica</i>	
Desert willow*	<i>Chilopsis linearis</i>	
Eve's necklace*	<i>Styphnolobium affine</i>	

Indian cherry	<i>Frangula caroliniana</i>	
Japanese maple	<i>Acer palmatum</i>	Not recommended for high heat areas
Mexican buckeye	<i>Ungnadia speciosa</i>	
Mexican plum	<i>Prunus mexicana</i>	
Possumhaw holly	<i>Ilex decidua</i>	
Rough-leaf dogwood	<i>Cornus drummondii</i>	Not recommended for high heat areas
Rusty blackhaw	<i>Viburnum rufidulum</i>	
Texas persimmon*	<i>Diospyros texana</i>	
Texas redbud	<i>Cercis canadensis var. texensis</i>	
Vitex	<i>Vitex agnus-castus</i>	
Waxmyrtle	<i>Myrica cerifera</i>	
Yaupon holly*	<i>Ilex vomitoria</i>	
* Drought tolerant species		

Table C. Net Urban Forestry Area		
<i>Net Urban Forestry Area</i>	<i>Square Feet</i>	<i>Acres</i>
Gross area of property		
Utility rights-of-way or easements regulated by the public utility commission/Texas railroad commission	-	-
Net urban forestry area		

Table D. Required Tree Canopy Area		
Table D. Required Tree Canopy Area		
	<i>Square Feet</i>	<i>Acres</i>
Net urban forestry area		
Land use/canopy coverage ratio	X	
One- or two-family (40% coverage)		
One- or two-family with trees planted on individual lots (25% coverage)		
Commercial (30% coverage)		
Industrial (20% coverage)		
Required canopy coverage		

Table E. Minimum Canopy Retention		
	<i>Square Feet</i>	<i>Acres</i>
Existing tree canopy area		
Preservation requirement	X 0.25	X 0.25
Preservation requirement for post oak and blackjack oak	X 0.5	X 0.5
Minimum retention		

Table F. Significant Tree Removal			
Table F. Significant Tree Removal			
	<i>Calculation</i>	<i>Inches DBH</i>	<i>Canopy Sq. Ft.</i>
All Post Oaks/Blackjack Oaks 18inches DBH			

All other trees 24 inches DBH			
Total of significant trees to be preserved			
Significant tree preservation credit	(sq. ft. x 1.5)		
Total of significant trees to be removed	()		
Removal options (choose one):			
Retention of existing canopy 1.5X the canopy of removed significant trees-in excess of minimum retention	(sq. ft. x 1.5)		
Planting additional trees 5X the canopy of removed significant trees-in excess of total planting	(sq. ft. x 5)		
Payment into tree fund for total inches DBH of significant trees removed per inch DBH in accordance with Section 2-322 of the City Code	(sq. ft. x \$300)		
Urban design commission approved plan that mitigates the removal of the significant tree(s)			

Table G. Tree Preservation and Planting Area		
Table G. Tree Preservation and Planting Area		
	<i>Square feet</i>	<i>Acres</i>
Area of existing tree canopy retained		
Planting		
____ large canopy trees @ 2,000 square feet per tree		
(minimum spacing of 40 feet on center)		
____ medium canopy trees @700 square feet per tree		
(minimum spacing of 24 feet on center)		
____ small canopy trees @100 square feet per tree		
(minimum spacing of 8 feet on center)		
____ additional trees		
Total preservation and planting		

Table H. Parking Canopy Area		
<i>Parking Areas for Commercial or Industrial Uses</i>	<i>Square Feet</i>	<i>Acres</i>
Area of parking and drives		
Required canopy coverage of parking areas	X 0.4	X 0.4
Required canopy coverage		
Area of canopy coverage being provided		

Table I. Initial Urban Forestry Development Agreement
Overall Canopy (enter Land Use Type) - Part 1
Table I. Initial Urban Forestry Development Agreement

Overall Canopy (enter Land Use Type) - Part 1		
Net Urban Forestry Area	Square Feet	Acres
Gross area of property		
Utility easements		
Net urban forestry area		
Required Tree Canopy Area	Square Feet	Acres
Net area		
Canopy ratio		
Required tree canopy coverage		
Preservation/Retention of Existing Canopy	Square Feet	Acres
Existing tree canopy		
Preservation requirement (20, 30, 40%)		
Minimum retention of existing tree canopy		
Area of existing tree canopy retained		
Preservation ratio		
Retention of Canopy for Significant Tree Canopy Removal	Square Feet	Acres
Significant tree canopy to be removed		
Preservation requirement (150%)		
Minimum retention of existing tree canopy for removal of significant tree canopy		
Area of existing tree canopy retained for removal of significant tree canopy		

Table J. Urban Forestry Development Agreement Canopy Tracking								
<i>UFC #</i>	<i>Project Name</i>	<i>Project Address</i>	<i>Site Acreage</i>	<i>Usage Class</i>	<i>Canopy Coverage Required (sq. ft.)</i>	<i>Off Site Mitigation? (Y/N)</i>	<i>Beginning Land Balance</i>	<i>Ending Land Balance</i>

(Ord. 18615-05-2009, § 3, passed 5-12-2009; Ord. 24030-02-2020, § 22, passed 2-4-2020; Ord. 24838-05-2021, § 1, passed 5-11-2021, eff. 5-27- 2021; Ord. 27615-04-2025, § 1, passed 4-22-2025, eff. 5-9-2025)

ORDINANCE NO. 27616-04-2025

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION" OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, BY AMENDING ARTICLE XII "FEE SCHEDULES", SECTION 2-322 "PENALTIES AND MITIGATION FEES" TO AMEND THE FEE SCHEDULE FOR URBAN FORESTRY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it appropriate to amend the fee schedule as it relates to services rendered for development, zoning and platting application fees to recover the costs incurred by the City to provide services.

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

SECTION 1.

Chapter 2, of the City Code of the City of Fort Worth, Article XII "Fee Schedules", Section 2-322 "Penalties and Mitigation Fees", is hereby amended to revise and add certain fees, to read as follows:

- (a) For ordinance violations of section 6.302, "Urban Forestry" of the Zoning Ordinance, Appendix A of the City Code or development activities requiring mitigation, the follow schedule of penalties and mitigation fees are hereby adopted; provided however, that such fees may be waived or refunded by action of the City Council in accordance with policies adopted by the City Council.

- (b) Urban Forestry Penalties and Mitigation Fees:

Urban Forestry		
a. Penalties		
1. Unauthorized removal of non-significant trees	\$300.00 600.00/diameter inch or \$7.50 15.00/canopy sf	Penalty to be assessed according to Urban Forestry Section 6.302. Funds to be deposited into PARD Park & Recreation Department Tree Fund
2. Unauthorized removal of significant trees	\$600.00 1,200/diameter inch or \$15.00 30.00 canopy sf	Penalty to be assessed according to the Urban Forestry Ordinance, Section 6.302. Funds deposited into PARD Park & Recreation Department Tree Fund

3. Administrative fee assessed on penalties	\$500.00/case	Funds deposited into the <u>P&D Development Services Department account</u> to cover staff investigative and enforcement costs
b.Mitigation Fees		
1. Removal of Significant Trees	\$300.00/diameter inch or \$7.50/canopy sf	Fees to be assessed according to Urban Forestry Ordinance, Section 6.302, Available when applicant opts for for mitigation by payment. See section 6.302(g)(5). Funds Deposited into PARD-Park & Recreation Department Tree Fund.

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), 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 3.

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 and 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 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinances; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

That 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 Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

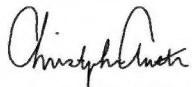
SECTION 6.

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the Texas Local Government Code Subsection 52.013.

SECTION 7.

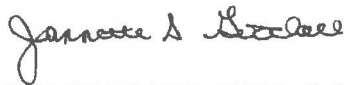
This ordinance shall take effect and be in full force and effect from and after its adoption, and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:



Christopher Austria
Senior Assistant City Attorney

ATTEST:



Jannette S. Goodall, City Secretary

ADOPTED: April 22, 2025

EFFECTIVE:

August 22, 2025

