



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

## **NOI NOTICE OF INTENT APPLICATION FOR TREE REMOVAL IN ACCORDANCE WITH TREE ORDINANCE**

Pease Type or Print

Name of Development (Site): \_\_\_\_\_

Street Address: \_\_\_\_\_ Map Attached: \_\_\_\_\_

Construction Project (Site) Description: \_\_\_\_\_

\_\_\_\_\_

Area To Be Disturbed (Acres): \_\_\_\_\_ Start Date: \_\_\_\_\_ Estimated End Date: \_\_\_\_\_

Legal Owner of Site: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Fax Phone #: \_\_\_\_\_

Site is Zoned AG R-E RS-15 RS-10 RS-8 RS-6 R-D R-TH R-ML R-MM  
(Circle One): R-MH R-MO O-L O-G C-L C-N C-P C-H PD

**A. Waiver of Tree Survey Requested?** Yes \_\_\_ No \_\_\_. If Yes, indicate reason below.

\_\_\_\_\_ Request to Utilize Equivalent Alternative Method (EQAM). Please attach a plan showing lot / parcel boundaries, required building setback lines and Equivalent Alternative Landscape Enhancement Plates in appropriate areas.

Factors related to the nature of the property and / or the location of the trees on the site that make it impractical or otherwise unnecessary to conduct a Tree Survey or obtain a permit:

- \_\_\_\_\_ Site is part of U.S. Government Conservation Reserve Program. Attach copy of agreement.
- \_\_\_\_\_ Unusually small number of trees on the site, which average at less than 1.0 tree per acre.
- \_\_\_\_\_ Future construction will be pursuant to Local, State or Federal Government regulatory requirement.
- \_\_\_\_\_ Certification from a State of Tennessee licensed Civil Engineer, Landscape Architect or certified Arborist that the proposed tree removal will not exceed the applicable percentages shown in the Tree Removal Matrix.
- \_\_\_\_\_ Other-Specify: \_\_\_\_\_

**B. Tree Survey Required.** Removal of existing trees exceeds the matrix limits. Yes \_\_\_ No \_\_\_. If Yes, please attach a Tree Survey in accordance with instructions found on back side of this page. Show location of required front, rear and side yards.

**C. Tree Removal Permit Requested.** Removal of trees will exceed limits established by Tree Removal Matrix. Yes \_\_\_ No \_\_\_ If Yes, attach a Development Plan in accordance with Section 5A of the Tree Ordinance.

Number of trees to be replaced on a \_\_\_\_\_ Tree Bank contribution in lieu of on-site tree replacement.  
1 Removed/4 New-2.5" caliper basis. \_\_\_\_\_ \$500/Tree, Maximum \$1,000/Acre. Yes \_\_\_ No \_\_\_

### PERMIT APPLICATION CERTIFICATION & SIGNATURE (Must be signed by owner, president or equivalent)

I certify under penalty of law that this document and all attachments were prepared at my request by a Civil Engineer or Landscape Architect licensed by the State of Tennessee, or a Certified Arborist in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of injunctive relief.

Owner's Name, print or type

Owner's Signature

Date

## ***NOTICE OF INTENT (NOI) INSTRUCTIONS***

Purpose of this Form. This permit is required for removal of trees, which have a diameter at breast height (DBH) of 10" from non-exempt lots/parcels within unincorporated areas of Shelby County. Exemption criteria are provided on page 3 of this application. The NOI should be submitted no less than 10 but not more than 45 working days prior to the commencement of any tree removal activities.

Completing the Form. Please type or print clearly, using ink and not markers or pencil. Answer each item or enter "N/A", for Not Applicable, if a particular item does not fit the circumstances or characteristics of your anticipated tree removal activity. If you need additional space, attach a separate piece of paper to the NOI form.

Describe and Locate the Project. If the lot / parcel lacks an address or street name, give the most accurate geographic information available to describe the location (use adjacent highways, roads, structures; e.g. north side of "Y" Road beginning, 800 feet west of the intersection of state highways 64 and 70). Provide an estimate of the number of acres of the site which will be impacted by the anticipated tree removal.

Notice of Intent/Waiver of Tree Survey Application Submittal. Four (4) collated sets of this application in accordance with the requirements of Section 423 of the Tree Ordinance and in a format as prescribed by the Office of Planning and Development shall be submitted to OPD. For additional information please contact OPD's Land Use Control Section staff at (901) 576-6619. The following information is required to be submitted for consideration as a complete application. The original tan application form and three (3) copies of the application form shall have all applicable items completed and legibly printed or type-written. Each collated set shall be compiled in the following order:

- 1 - Tan Application, Tree Plan & Transparency Reduced on sheet size of 8.5"x11", Print of Tree Plan on sheet of 20"x24".
  - 3 - White Applications, Tree Plan Reduced on 8.5"x11", Print of Tree Plan on sheet of 20"x24".
- All 20" x 24" prints shall be folded to a size not over 9"x14" with title facing out.

### Tree Plan Data Requirements

- \_\_\_\_\_ The plan shall be drawn at a scale of 1"=100' unless otherwise authorized by O.P.D. Prior approval is required.
- \_\_\_\_\_ The name, license number, and company name of the civil engineer, landscape architect licensed in the State of Tennessee or arborist certified to practice in the State of Tennessee shall be indicated on the plan.
- \_\_\_\_\_ Date of preparation, north arrow, vicinity map and acreage.
- \_\_\_\_\_ Names and addresses of owner and individual or firm responsible for preparation of the Tree Plan.
- \_\_\_\_\_ Lot / parcel boundary lines from deed records and survey and dimension referencing nearest street intersection.
- \_\_\_\_\_ Front, rear and side yard building lines (minimum 15') for the zoning district in which the lot / parcel is located.
- \_\_\_\_\_ Name, location and right-of-way of existing streets.
- \_\_\_\_\_ Statement of Certification by Civil Engineer, Landscape Architect or certified arborist that the percentages of trees to be preserved are in accordance with attached Tree Removal Matrix land use categories.
- \_\_\_\_\_ Major environmental features, including large groups of mature trees and creeks.
- \_\_\_\_\_ All existing and proposed public and private easements including their location, purpose and width, and the Shelby County Register's Office instrument number for existing easements.
- \_\_\_\_\_ OPD approval certification with signature.

Notice of Intent with Equivalent Alternative Landscape Enhancement Plat. Submittal requirements shall be the same as above, with the following additional requirements:

- \_\_\_\_\_ Landscaping/Screening Plates shall be shown within the required front, rear and side yards in accordance with the Landscape Plates included in the Tree Ordinance.
- \_\_\_\_\_ Adjoining lots within subdivisions by name and section, and the names of owners and acreage of all abutting un subdivided tracts including present zoning district classification.

Notice of Intent with Tree Survey and/or Development Plan. Before the issuance of a permit for tree removal, the property owner shall submit a Development Plan or Plans to OPD, drawn to an appropriate scale, incorporating the tree survey, and outlining the proposed work to be accomplished and showing the following:

### Tree Survey Requirements

- \_\_\_\_\_ Location, size and type (common and scientific names) of existing trees with a DBH of ten (10) inches or greater proposed to be removed and those proposed to be preserved. The survey shall also indicate which trees are intended for removal and which will be left undisturbed and shall include all trees, whether the tree is dead or dying, diseased, damaged or injured, an immediate threat or danger to the health and safety of the general public or classified as undesirable by OPD;
- \_\_\_\_\_ Locations of existing and proposed buildings, layouts of roads, utilities, parking areas for vehicles, storage areas for construction materials, "cut and fill" areas, and other items that disturb or compact the soil in tree root zones;
- \_\_\_\_\_ Existing and proposed grades and subsequent erosion control measures to prevent excessive siltation over the roots of protected trees and appropriate tree protection fencing for protected trees.

### Development Plan Requirements.

- \_\_\_\_\_ Location, size and type (common and scientific names) of existing trees with a DBH of ten (10) inches or greater proposed to be removed and those proposed to be preserved. The survey shall also indicate which trees are intended for removal and which will be left undisturbed and shall include all trees, whether the tree is dead or dying, diseased, damaged or injured, an immediate threat or danger to the health and safety of the general public or classified as undesirable by OPD;
- \_\_\_\_\_ The nature and extent of the proposed grading, earth-moving or change in elevation. The grading plan shall include existing and proposed contours at not more than two (2) foot intervals.
- \_\_\_\_\_ The location of existing trees or groups of existing trees located on land with elevations ranging between plus two feet or minus two feet of the curb elevation of any roadway abutting the site.
- \_\_\_\_\_ Trees designated for "preservation" shall be guarded during the development by a barrier or temporary fencing at least three (3) feet high that designates the enclosed area as a tree protection zone. The fence shall extend a minimum of ten (10) feet from the trunk(s). No construction or waste materials, excess dirt or debris is permitted.
- \_\_\_\_\_ The number, species, size (DBH) and location of additional trees that will be planted on the site.
- \_\_\_\_\_ The nature and location of planned measures for controlling on-site generated erosion, sediment transport and surface water runoff.

- \_\_\_\_\_ The development plan shall provide for retention of trees on the site in a reasonably distributed manner after development. Trees thus retained will count toward landscaping requirements contained in the Zoning Ordinance.
- \_\_\_\_\_ The location of existing overhead or underground utilities, and any existing or proposed easements.
- \_\_\_\_\_ The location of existing or proposed public rights-of-way including any reservations for major roads in accordance with the Major Road Plan.

**OPD USE ONLY**

	Receive Date	Fee	Check #
A. Notice of Intent	_____	_____	_____
B. Tree Survey Provided - Permit Required & Development Plan Approved:	_____	_____	_____
C. Tree Survey Provided / No Permit Required	_____	_____	_____
D. Tree Survey Waiver / No Further Action Required	_____	_____	_____
E. Equivalent Alternative Method (EQAM)	_____	_____	_____
EQAM Accept / Deny / Return For Revision Date:	_____		
EQAM Notice Filed with County Register Date:	_____	Instrument #:	_____
F. Tree Bank Contribution	_____	_____	_____
OPD/LUC Environmental Planner/Reviewer:	_____		

**FILING FEES**

- A. Notice of Intent: \$ 50 - Waived for Timber Harvesting, Conservation Reserve Program, Wetland Reserve Program & Wetland Habitat Incentive Program, Environmental Quality Incentive Program & Stewardship Incentive Program properties. Provide copy of Timber Contract or CRP, WRP, WHIP, EQIP or SIP Contract.
- B. Tree Survey Provided - Permit Required \$100 + \$10/acre or fraction thereof of land in project. Maximum \$500.
- C. Tree Survey Provided - No Permit Required \$150
- D. Tree Survey Waiver/ No Further Action Required: \$100
- E. Equivalent Alternative Review: \$200 + \$10/acre or fraction thereof of land in project. Maximum \$1,000.
- F. Tree Bank Contribution \$500 per tree. Maximum \$1,000 per acre.

**CRITERIA FOR DETERMINING APPLICABILITY OF NOI**

- 1a. What is the site presently zoned? AG \_\_\_ R-E \_\_\_ RS-15 \_\_\_ RS-10 \_\_\_ RS-8 \_\_\_ RS-6 \_\_\_  
R-D \_\_\_ R-TH \_\_\_ R-ML \_\_\_ R-MM \_\_\_ R-MH \_\_\_ R-MO \_\_\_  
O-L \_\_\_ O-G \_\_\_ C-L \_\_\_ C-N \_\_\_ C-P \_\_\_ CB \_\_\_ C-H \_\_\_ C-U \_\_\_ H \_\_\_  
SM \_\_\_ FW \_\_\_ I-L \_\_\_ I-H \_\_\_ P-D \_\_\_ If I-L or I-H, site is exempt, no NOI required. All others go to Line 1b.
- 1b. Does the site have a final SC-1, C-P or M-L plan filed of record as of 11/21/00 with the Shelby County Register's Office? Yes \_\_\_ (Plat Book, \_\_\_, Page \_\_\_) No \_\_\_ If "Yes", site is exempt, no NOI Required. If "no", go to Line 2a.
- 2a. Is this a Residential Lot With \_\_\_ Without \_\_\_ an existing dwelling or a vacant \_\_\_ agricultural, commercial, office or residential lot/parcel? If "With" go to Line 2b. If "Without" or "Vacant" go to Line 3.
- 2b. Is this a Residential Lot/Parcel less than 10 Acres in Area? Yes \_\_\_ No \_\_\_ If "Yes", site is Exempt, no NOI required. If "No" go to Line 2c.
- 2c. Number of Trees To Be Removed: 5/acre or less \_\_\_ (Exempt, no NOI Required) 6/acre or more \_\_\_ NOI Required
- 3. Is Tree Removal incidental (less than 10% of on-site trees to be removed) to the project? Yes \_\_\_ No \_\_\_ If "Yes" go to Line 4. If "No" go to Line 6.
- 4. Is Parcel less than 2 acres in area? Yes \_\_\_ No \_\_\_ If "Yes" parcel is Exempt, no NOI required. If "No" go to Line 5.
- 5. Has the lot been subdivided? Yes \_\_\_ No \_\_\_ If "Yes", (Plat Book \_\_\_, Page \_\_\_) Parcel is Exempt. If "No", NOI Required.
- 6a. Was a Preliminary Subdivision or Planned Development Outline Plan recommended for approval by the Land Use Control Board on or before November 21, 2000? Yes \_\_\_ No \_\_\_ If "Yes", site is exempt. If "No", NOI required.
- 6b. Has the site received approval of an Outline Plan, C-P plan or Subdivision by the Shelby County Board of Commissioners after November 21, 2000. Yes \_\_\_ No \_\_\_ If "Yes", go to Line 6c. If "No", NOI required.
- 6c. Do the approval conditions provide for a waiver of the Tree Ordinance requirements? Yes \_\_\_ No \_\_\_ If "Yes", parcel is exempt to the extent provided by the waiver. If "No", NOI Required. 07/12/02.

## Where tree removal is incidental to development on a subdivided lot.

Where tree removal is a minor occurrence [10% or less of the total number of 10"+ dbh trees on a parcel] in connection with the construction of a project involving substantial property improvement and, usually, a change of land-use character on a lot of record ( $\leq 4.0$  acres by deed or plat prior to March 6, 1956; 4+ acres by deed prior to March 1, 1989).

INCIDENTAL - Occurring as a fortuitous or minor concomitant: *incidental expenses*.

DEVELOPMENT - 1. The act of developing. 2. A developed state, condition, or form. 3. Something that has been developed; a product or result of developing. 4. An event, occurrence, or happening: *a development in the war*. 5. A group of dwellings built by the same contractor.

Development - A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

Subdivided Lot = Less than 4.0 acres of record (deed or plat) prior to March 6, 1956 & greater than 4.0 acres of record prior to May 6, 1989.