Memphis and Shelby County
Office of Planning and Development

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

N O I

NOTICE OF INTENT

APPLICATION FOR TREE REMOVAL

PLEASE 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 Land Owner of Site:_____ Phone #:_____

Address:_____ City/State:_____ Zip:_____

Owner of Site Timber:_____ Phone #:_____

Address:_____ City/State:_____ Zip:_____

Contact Person:_____ Phone #: _____

Address:_____ City/State:_____ Zip:_____

Legal Land Owner of Site:_____ Phone #:_____

Address:_____ City/State:_____ Zip:_____

Timber Contractor:_____ Phone #:_____

Address:_____ City/State:_____ Zip:_____

Surveyor/Landscape Architect or Arborist:_____ Phone #:_____

Address:_____ City/State:_____ Zip:_____

Site is Zoned: Base Districts (Circle One)

Open Districts

P - Parks | OS - Open Space | FW – Floodway | CIV – Civic | CA - Conservation Agriculture

Residential Districts

R-MP - Manufactured Home Park | R-15, R-10, R-8, R-6, R-3 - Residential Single-Family

R-E – Residential Estate | RU-1, RU-2, RU-3, RU-4, RU-5 - Residential Urban

Mixed Use Districts

RW - Residential Work | CB – Central Business | CMU-1, CMU-2, CMU-3 - Commercial Mixed Use

OG – General Office | CMP-1, CMP-2 - Campus Master Plan

Industrial Districts

EMP - Employment | WD - Warehouse & Distribution | IH - Heavy Industrial

Special Purpose Districts*

SCBID - South Central Business Improvement

SE – Sports & Entertainment | SM – South Main | R-SD – South Downtown Residential

R-R – Riverside Residential | R-B – Bluffview Residential | SDBP – South Downtown Business Park

C-G – Gateway Commercial

U - Uptown

MDR - Moderate-Density Residential | HDR - High-Density Residential | MU - Mixed Use

UH - Uptown Hospital | ULI - Uptown Light Industrial | SNC Significant Neighborhood Structure

NC - Neighborhood Center Overlay

Overlay Districts Overlay Districts (Circle One if applicable)

AP - Airport Overlay | FP - Floodplain Overlay | FC - Fletcher Creek Drainage Basin Overlay

MO - Medical Overlay | MD - Midtown District Overlay | RC - Residential Corridor Overlay

UDO - University Overlay | TO - Transitional Office Overlay | H - Historic Overlay

08/01/2013

A. Waiver of Tree Survey Requested? Yes___ No___ If Yes, indicate reason below.

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, Wetland Reserve Program, etc. 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 Tree Removal Matrix limits. Yes _____ No _____. If Yes, please attach a Tree Survey in accordance with instructions found on Page 4 of this application. Show location of required front, rear and side building setbacks/yards designating 'interior' and 'perimeter' areas of the property.

C. Tree Removal Permit Required. Removal of trees will exceed limits established by Tree Removal Matrix. Yes____ No____
If Yes, attach a Development Plan in accordance with Article 6.1.3 of the UDC (Tree Ordinance).

Tree Removal	Maximum Disturbed Area	
Proposed Use	Perimeter of Site	Interior of Site
Single Family Lot (≤10,000 SF)	18%	80%
Single Family Lot (10,001 SF +)	18%	80%
Multi-family	18%	80%
Office/Institutional	18%	90%
Retail/Commercial	23%	90%
Agriculture	18%	100%

A) Request to Utilize Equivalent Alternative Method (EQAM). Please attach a proposed plan of site development showing lot / parcel boundaries, required building setback lines and Equivalent Alternative Landscape Enhancement Plates in appropriate areas (streetscape and/or buffer).

B) Number of trees to be replaced on a
____ Removed x 4 Replacement = _____

C) Tree Bank contribution in lieu of on-site tree replacement.
_____ Acres x $2,000/Acre(s) = $_____

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

OPD USE ONLY

	Receive Date	Fee	Check #
A. Notice of Intent	_____	_____	_____
B. Tree Survey Waiver / No Further Action Required	_____	_____	_____
C. Tree Survey Provided / No Permit Required	_____	_____	_____
D. Tree Survey Provided - Permit Required & Development Plan Approved:	_____	_____	_____
E. Equivalent Alternative Method (EQAM) or 4N/1R Tree Restitution Accept / Deny / Return For Revision Date:	_____		
EQAM CCR/PD/SUP/SD Plat Filed with County Register.	_____	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 Waiver/ No Further Action Required:	$100	
C. Tree Survey Provided - No Permit Required	$150	
D. Tree Survey Provided - Permit Required	$150 + $20/acre or fraction thereof of land in project. Maximum $500.	
E. Equivalent Alternative – 4N/1R Review:	$150 + $20/acre or fraction thereof of land in project. Maximum $2,000.	
F. Tree Bank Contribution	$2,000 per acre or fraction thereof.	

EXEMPTIONS TO FILING NOTICE OF INTENT, TREE SURVEY AND OR REQUIRING TREE PERMIT

The requirements to submit a Notice of Intent to remove trees, provide a survey of existing trees and/or obtain a Tree Removal Permit applies to all tree removal in the unincorporated areas of Shelby County and the City of Memphis, except in the following cases:

Yes	No	
____	____	1. Where the tree removal is on a residential lot or parcel containing an existing dwelling, used for that purpose, and which is ten acres or less in size;
____	____	2. Where the tree removal is incidental *(less than 10% of existing trees)* to development on a residential parcel of land two acres or less in size;
____	____	3. Where no more than five trees per acre on any lot or parcel containing an existing structure are removed;
____	____	4. Where the tree removal is incidental *(less than 10% of existing trees)* to development on a subdivided residential lot;
____	____	5. Where any existing and approved subdivision or outline plan has been approved by the Planning Director and the Land Use Control Board, as of February 26, 2001, unless under appeal;
____	____	6. Where tree removal is incidental *(less than 10% of existing trees)* to the installation of utility infrastructure and appurtenances not considered minor or major utilities (see Unified Development Code [UDC] Article 2.9.3I);
____	____	7. Where the property is zoned Employment (EMP), Warehouse Distribution (WD) or Heavy Industrial (I-H);
____	____	8. If a party destroys or substantially damages *(tree death within one year)* a tree inside the street right-of-way that is required under by the UDC, it shall replace it with a specimen of at least 2 inches dbh. This includes work performed by the City, County and utility companies. The specimen shall be of a species with an expected limited height at maturity if planted under overhead electric lines.
____	____	9. Where the tree removal is affiliated with any site plan (Administrative Site Plan Review [ASPR], Conditional / Special Use Permit, Variances, Planned Developments) approved pursuant to the UDC.

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 the city of Memphis and 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 Article 6.1 of the Unified Development Code (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) 222-8387 or (901) 576-6619. The following information is required to be submitted for consideration as a complete application. The original 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:

4 - Application, Tree Plan & Transparency Reduced on sheet size of 8.5"x11", Print of Tree Plan on sheet of 20"x24" minimum.

All 20" x 24" or larger size 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.

_____ Tree Removal Matrix to be provided on all plans submitted.

(Proposed Use) TREE REMOVAL MATRIX

	INTERIOR	**PERIMETER**
Total Number of Trees	X_1	Y_1
Number of Trees Removed	X_2	Y_2
Percent Trees Removed	X_3	Y_3
Maximum Percent Tree Removal Permitted	X_4	Y_4
Maximum Number of Tree Removal Permitted[1]	X_5	Y_5
Number of Trees Removed in Excess	X_6	Y_6

[1] Tree Removal number should be rounded down to the nearest whole number.

Tree Restitution

A) Request to Utilize Equivalent Alternative Method (EQAM). Please attach a proposed plan of site development showing lot / parcel boundaries, required building setback lines and Equivalent Alternative Landscape Enhancement Plates in appropriate areas (streetscape and/or buffer).

B) $(X_6 + Y_6)$ x 4 New Trees = _____ Number of New Trees to be planted exclusive of required buffer yards or streetscape or parking lot landscaping.

C) _____ Parcel Acres X $2,000/Acre = $_____ Payable to City of Memphis or Shelby County

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 unsubdivided 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 Unified Development Code.

_____ 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.

Notice of Intent Certification (must be signed by President, Vice-President or equivalent, or ranking officer)

I(We) the undersigned owner(s) of the property shown, have read the Article 6.1 *(Tree Ordinance)* of the joint Memphis and Shelby County Unified Development Code, and agree to comply with the requirements of said ordinance with respect to any tree removal on this property. I (we) hereby adopt this plan of tree removal and state that it is in compliance with the matrix requirements of Section 4(C) of said ordinance, and certify that I(we) am(are) the owners of the said property in fee simple, duly authorized to act.

_____	_____	_____
Owner (print or type)	Signature	Date

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly Commissioned and qualified, personally appeared _____, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be the equitable owner (vice president/president/CEO/etc.) of the property the within named bargainer, and he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this _____ day of _____ 20___.

Notary Public_____

My commission expires_____

Timber Contractor Certification (must be signed by President, Vice-President or equivalent, or ranking officer)

I hereby certify under penalty of law that I have reviewed this plan of tree removal and am aware that the described tree removal activity is subject to the Memphis & Shelby County Tree Ordinance. I hereby pledge to not remove trees exceeding the requirements of the Tree Removal Matrix as shown on this plan. I am aware that there are significant penalties, including the possibility of injunctive relief, for failure to comply with requirements of the Memphis & Shelby County Tree Ordinance.

_____ _____ _____

Company Name of Contractor (print or type) Signature by Representative of Contractor Date

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly Commissioned and qualified, personally appeared _____, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be the equitable owner (vice president/president/CEO/etc.) of the property the within named bargainer, and he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this _____ day of _____ 20___.

Notary Public_____

My commission expires_____

Civil Engineer / Landscape Architect / Certified Arborist Certification

I, _____, hereby certify that this Tree Preservation plat, to the best of my knowledge and belief meets or exceeds the matrix requirements of the Memphis and Shelby County Tree Ordinance.

By: _____ _____

Name TN Number

SEAL

OPD WAIVER OF TREE SURVEY AND/OR TREE PERMIT CERTIFICATE

In accordance with the requirements of the Memphis & Shelby County Tree Ordinance, it is my determination that no Tree Survey and/or Tree Permit is required for the removal of trees on this site based on a physical review of the site and the following factor *(choose one)*:

(a) _____ The person or entity responsible for tree removal has chosen to implement an Equivalent Alternative Method consisting of specific tree replacement planting actions and by filing an instrument with the County Register Deeds affirmatively representing the Equivalent Landscape Plate(s) selected, to be a restriction on the property in perpetuity.

(b) _____ The property has been placed in the United States Department of Agriculture's Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP) or Wildlife Habitat Incentives Program (WHIP).

(c) _____ Tree removal is incidental to a Timber Harvesting operation which includes the removal of some or all trees on a parcel of land, not incidental to development of the land for non-agricultural purposes, for the purpose of obtaining income, developing the environment necessary to regenerate the forest, or to achieve some special objective such as the development of special wildlife habitat needs.

(d) Specific reasons related to the nature of the property:

_____ There are an unusually small number of trees on the parcel (<0.66 per acre);

_____ Property owner seeks to alter parcel pursuant to Local, State, or Federal regulatory requirements which require removal of trees.

(e) _____ The location of trees on the property make it impractical or otherwise unnecessary to conduct a Tree Survey or obtain a permit.

(f) _____ Certification by a licensed engineer, landscape architect or certified arborist that the proposed tree removal will not exceed the applicable percentages outlined in the Tree Removal Matrix.

(g) _____ The side and rear yard screening requirements set forth in the landscape enhancement plates (EAM) is impractical or unnecessary, based on the existing use of property.

Josh Whitehead	_____	_____
Director, Memphis & Shelby County Office of Planning & Development	Signature	Date

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In accordance with the requirements of the Memphis & Shelby County Tree Ordinance, it is my determination that no Tree Survey and/or Tree Permit is required for the removal of trees on this site based on a physical review of the site and the following factor *(choose one)*:

(a) _____ The person or entity responsible for tree removal has chosen to implement an Equivalent Alternative Method consisting of specific tree replacement planting actions and by filing an instrument with the County Register Deeds affirmatively representing the Equivalent Landscape Plate(s) selected, to be a restriction on the property in perpetuity.

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(b) _____The property has been placed in the United States Department of Agriculture's Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP) or Wildlife Habitat Incentives Program (WHIP).

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(c) _____Tree removal is incidental to a Timber Harvesting operation which includes the removal of some or all trees on a parcel of land, not incidental to development of the land for non-agricultural purposes, for the purpose of obtaining income, developing the environment necessary to regenerate the forest, or to achieve some special objective such as the development of special wildlife habitat needs.

Josh Whitehead		
Director, Memphis & Shelby County Office of Planning & Development	Signature	Date

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(d) Specific reasons related to the nature of the property:

_____There are an unusually small number of trees on the parcel (<0.66 per acre);

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Josh Whitehead	_____	_____
Director, Memphis & Shelby County Office of Planning & Development	Signature	Date

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(e) _____The location of trees on the property make it impractical or otherwise unnecessary to conduct a Tree Survey or obtain a permit.

Josh Whitehead	_____	_____
Director, Memphis & Shelby County Office of Planning & Development	Signature	Date

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(f) _____Certification by a licensed engineer, landscape architect or certified arborist that the proposed tree removal will not exceed the applicable percentages outlined in the Tree Removal Matrix.

Josh Whitehead	_____	_____
Director, Memphis & Shelby County Office of Planning & Development	Signature	Date

OPD WAIVER OF TREE SURVEY AND/OR TREE PERMIT CERTIFICATE

In accordance with the requirements of the Memphis & Shelby County Tree Ordinance, it is my determination that no Tree Survey and/or Tree Permit is required for the removal of trees on this site based on a physical review of the site and the following factor *(choose one)*:

(g) _____The side and rear yard screening requiremens set forth in the landscape enhancement plates (EQAM) is impractical or unnecessary, based on the existing use of property.

Josh Whitehead	_____	_____
Director, Memphis & Shelby County Office of Planning & Development	Signature	Date

TREE ORDINANCE PROCESS

Filed no less than 10 days nor more than 45 days prior to removal of existing trees

Approval period 10 working days

Notice of Intent (NOI)/Waiver of Tree Survey and/or Tree Permit

- Property boundaries showing areas/number of trees to be removed and preserved
- Certification of Certified Arborist or Register Landscape Architect of Conformance with Tree Ordinance matrix

☞

Record NOI in Shelby County Register's Office (SCRO)

OR

Approval Period 10 working days

NOI waiver of Tree survey and/or tree permit application for equivalent alternative landscape enhancement plates

- Illustration of property boundaries showing adjacent streets, zoning of that subject property & surrounding properties
- Illustration of proposed equivalent alternative landscaping and screening

☞

OR

Record equivalent alternative plat in SCRO SCRO

Approval Period 10 working days

NOI with Tree Survey/Development Plan Application

⇕

Tree Replacement on Site

- Four (4) live trees 2.5" caliper per existing tree removal exceeding matrix

☞

Record development plan and tree replacement plan in SCRO

⇕

Tree Bank Contribution Amount equal to tree replacement not replaced on site