



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 SM - South Main R-SD - South Downtown Residential
SE - Sports & Entertainment R-B - Bluffview Residential SDBP - South Downtown Business Park
R-R - Riverside Residential
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

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.

| Tree Removal | Maximum Disturbed Area | |
|---------------------------------|------------------------|------------------|
| | Perimeter of Site | Interior of Site |
| Proposed Use | | |
| 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% |

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).

- 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/IR 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/IR 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 (<i>less than 10% of existing trees</i>) 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 (<i>less than 10% of existing trees</i>) 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 (<i>less than 10% of existing trees</i>) 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 (<i>tree death within one year</i>) 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) $(X_6 + Y_6) \times 4$ 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 _____

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

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.

Director, Memphis & Shelby County
Office of Planning & Development

Signature

Date

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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.

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

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 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

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- (g) _____ The side and rear yard screening requirements 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