



Planning & Community Development Department
Planning Division
 550 Landa St. New Braunfels, TX 78130
 (830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: _____	Case No.: _____
Amount Recd. \$ _____	
Receipt No.: _____	
<i>Submittal date – office use only</i>	

TREE REMOVAL PERMIT APPLICATION

1. APPLICANT INFORMATION:

APPLICANT: _____

APPLICANT'S ADDRESS: _____

PHONE: _____ **EMAIL:** _____

AGENT*: _____

AGENT'S ADDRESS: _____

PHONE: _____ **EMAIL:** _____

* If signed by an agent, a letter of authorization must be furnished by the owner attesting to their knowledge for the purpose of the request and that they are in favor.

2. TREE INFORMATION:

PROPERTY ADDRESS: _____

REASON FOR REMOVAL: _____

SUBMITTAL CHECKLIST:

STAFF:
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

APPLICANT:

Completed application

Site plan with the following information:

*Please note: Additional information may be requested.

- Property lines
- Location of all trees
- Tag/Tree Number of all trees
- Species/common name of all trees
- Caliper inches of all trees
- Approximate drip-line area of all trees

Calculation table with the following information broken into two categories (Remove or Preserve):

- Tag/Tree Number of each tree
- Species/common name of each tree
- Caliper inches of each tree

(If required) Tree replacement site plan with the following information:

- Property lines
- Proposed location of all proposed replacement trees
- Tag/Tree Number of replacement trees
- Species/common name of replacement trees
- Caliper inches of replacement trees
- Approximate drip-line area of replacement trees

(If required) Professional arborist's report

Fee \$103 (\$100 application fee + \$3 technology fee (3%))

3. I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS ACCURATE AND CORRECT.

Signature: _____

Date: _____

Intentionally Blank

5.3-1 Landscaping, Tree Preservation, Public Trees and Screening.

(C) Tree protection and tree removal

- (1) Purpose. The purpose of this Article is to protect existing protected and heritage trees.
- (2) General provisions
 - (i) It shall be unlawful for any person or corporation to recklessly remove, or cause the removal of any protected or heritage tree without first submitting the appropriate application for a permit and securing approval in the form and manner specified by this Chapter.
 - (ii) A tree removal permit is not needed if:
 - (iii) The protected or heritage tree(s) to be removed is located on property zoned or used for agricultural or single-family or two-family dwellings.
 - (iv) The protected or heritage tree(s) is diseased or sustained damage, which was not recklessly inflicted by the owner, his agents or employees, in the form of a broken trunk, broken limbs or uprooting, which creates a hazard to life or property.
 - (v) The tree(s) to be removed is one of those listed in Appendix B.
 - (vi) The protected or heritage tree(s) to be removed is removed by a governmental agency in the scope of its authority.
- (3) Tree removal permit approval authority and appeal.
 - (i) The Planning Director shall have the authority to approve a tree removal permit.
 - (ii) If a request to remove a protected or heritage tree(s) is denied by the Planning and Community Development Director, the applicant may appeal the denial to the Zoning Board of Adjustment by filing written notice of such appeal, along with a nonrefundable fee per Appendix D of the New Braunfels Code of Ordinances, with the City, within 90 days of the notice of denial. The hearing shall be conducted in compliance with the Texas Open Meetings Act.
 - (iii) The Zoning Board of Adjustment may seek the testimony of a qualified arborist. If such expert testimony is requested by the Board, it shall be provided by the City.
 - (iv) The decision of the Zoning Board of Adjustment shall be final.
- (4) Application for tree removal permit.
 - (i) An application for tree removal permit must provide the following information:
 1. The location of the tree.
 2. The trunk circumference of the tree.
 3. The approximate drip-line area of the tree.
 4. The species/common name of the tree.
 5. The reason for removal.
 6. The Planning Director may require a professional arborist's report that defines the impact of the development upon existing trees affected by proposed construction. This report shall further define methods of tree protection during construction, impervious cover limitations adjacent to protected trees, proposal for tree replacement, and maintenance requirements for new planting.
 7. Such other information as may be required by the Planning Director.
 - (ii) Where practical, an application for protected or heritage tree removal shall be combined with any other applications and site plans required for development projects.
 - (iii) Failure to provide any of the above and foregoing information may constitute the sole grounds for denial of the permit.
- (5) Action on application for tree removal permit.
 - (i) The following actions shall occur upon receipt of an application:
 1. Upon receipt of an application to remove a protected or heritage tree, the Planning Director or his designee shall promptly inspect the tree to be removed and shall approve or deny the application in accordance with the provisions of this Article. Approval is automatically granted within 30 days if the application is not otherwise formally denied during the 30 day review period.
 2. The Planning Director shall approve an application for the removal of a protected or heritage tree when a valid application is received and a determination is made that:
 - a. The tree is so located as to prevent reasonable access to the property or as to preclude reasonable and lawful use of the property; or
 - b. The tree is dead, dying or diseased such that recovery is not practicable, or that an infestation is likely; or
 - c. The tree constitutes a hazard to life or property which cannot be mitigated without its removal.
- (6) Protection measures.
 - (i) Prior to construction or land development, four-foot high safety fencing shall be installed around the root protection zone of a protected or heritage tree that is to be preserved.
The root protection zone is an area with a radius of one-half (1/2) foot for each inch of trunk measured four and one-half feet above the ground, or if branching occurs at four and one-half feet, the diameter

is measured at the point where the smallest diameter closest to the branching occurs. The zone need not be exactly centered around the tree or circular in shape, but it should be positioned so that no disturbance occurs closer to the tree than one half (1/2) of the radius of the zone or within five feet of the tree, whichever is less. For any tree or groups of trees, the zone need not exceed 1,000 square feet in size. The radial root protection zones of trees may overlap one another so that the area of protection required for one tree may be shared by the area of protection required for another tree to minimize the total square footage of protected area where possible.

- (ii) During construction, the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree shall be prohibited.
- (iii) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
- (iv) Grading or fill in an area under the drip line of a protected tree shall be prohibited unless approved by the Planning Director and City Engineer. If grading or filling were to occur within five feet of the protected or heritage tree to be preserved, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the protected tree. The top of the retaining wall or tree well shall be constructed at the new grade.

(7) Tree replacement.

- (i) The Planning Director may require as a condition for approval that replacement trees be planted. Replacement trees must be of the species placed on the Approved Plant List (Appendix A). Shade trees must be used, unless near utility lines where ornamental trees must be used, as required in Section 5.2-1(c)(6)G. Standards for planting shall conform to current Texas Forest Service standards. Planting requirements shall conform to the following:
 - 1. Replacement trees shall have a diameter of at least one and one half (1 ½) inches.
 - 2. Tree replacement must occur within 12 months of the removal of a protected or heritage tree.
 - 3. Replacement trees that do not survive for a period of at least 12 months shall be replaced by the original applicant for removal until they survive a 12-month period.
 - 4. If 10 or more replacement trees are required, no more than 25% of the trees shall be of the same species. The replacement trees shall be of any of the species described in Appendix A.
 - 5. No artificial plant materials may be used to satisfy the requirements of this Article.
- (ii) Determination of the number of replacement trees shall be calculated in accordance with the following procedure:
 - 1. The trunk circumference, in inches shall be recorded for each healthy protected or heritage tree to be removed.
 - 2. Where more than one healthy protected or heritage tree is to be removed, the respective trunk circumferences shall be added together to produce a total aggregate value expressed in circumference inches.
 - 3. Replacement trees of sufficient number and trunk circumference shall be provided to produce a total aggregate value of 50% of the total aggregate value of the healthy protected or heritage tree(s) to be removed.
- (iii) If the Planning Director determines that it is not practical to plant the number of replacement trees required at the removal property, then the Planning Director may require only the amount of trees that are practical at the removal property.

(8) Penalties. The violation of any provision of this Section shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than \$2,000.00.

Preserved Tree Credit. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the total tree requirement of this article, according to the following table:

Diameter of Existing Tree measured 4.5' above ground	Credit Toward Tree Requirement
0" to 2½"	No credit
2½" to 8"	One inch credit for every inch of diameter of existing tree
8" to 24"	Two inches of credit for every inch of diameter of existing tree
24" or more	Three inches of credit for every inch of diameter of existing tree