

Tree Removal Permit (not required if tied to a site plan submittal)



TOWN OF SUNNYVALE
127 N Collins Road
Sunnyvale, Texas 75182
(972) 203-4188

PLEASE REFER TO SECTION 3.06.03 TREE PROTECTION STANDARDS IN THE UNIFIED DEVELOPMENT ORDINANCE.

PLEASE CONTACT DEVELOPMENT SERVICES STAFF PRIOR TO SUBMITTAL. PLEASE NOTE THE APPROVED SURVEY / TREE REMOVAL METHOD TO BE USED.

FILE NO: _____

PROPERTY INFORMATION

Addition Name: _____		Address/Location: _____	
Lot(s): _____	Block: _____	Current Zoning: _____	
# of Acres: _____	# of Lots: _____	# of Units: _____	

APPLICANT INFORMATION

Name: _____		Company: _____	
Mailing Address: _____			
City: _____	State: _____	Zip: _____	
Phone: _____	Fax: _____	Email: _____	

OWNER INFORMATION

Name: _____		Company: _____	
Mailing Address: _____			
City: _____	State: _____	Zip: _____	
Phone: _____	Fax: _____	Email: _____	

TREE REMOVAL PERMIT SUBMITTAL REQUIREMENTS

- Tree Survey Plan (Caliper Method) - 24" x 36" , electronic pdf
- OR (if approved by staff)***
- Tree Survey Plan (Canopy Method - Aerial) - 24" x 36" , electronic pdf
- Ag Exemption Letter (if approved by staff) - survey plans not required
- Digital copy (PDF on CD/USB) of proposed plans (required)

- Pre-application meeting / staff contact prior to submittal (required)
 - Signed Application (required)
 - Total Fee (\$400): _____
- (See Fee Schedule for all amounts)

REQUIRED SUBMITTAL DOCUMENTS:

Please also refer to the Unified Development Ordinance (UDO) for all required submittal documents.

See section 3.06.03 Tree Protection Standards in the UDO.

APPLICANT AUTHORIZATION:

- I will represent the application myself; or
- I authorize _____ (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

Owner's Signature: _____ Date: _____

STATE OF TEXAS

COUNTY OF: _____

BEFORE ME, a Notary Public, on this day personally appeared _____ the above signed, who, under oath, stated the following: "I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate."

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public in and for the State of Texas

This application is not considered accepted by the Town until the Director of Development Services or his designee has signed below. Application may require a Certificate of Completeness.

TOWN OF SUNNYVALE: Acknowledge By: _____ Date: _____

3.06.03. Tree Protection Standards

A. Purpose and Intent

To promote and protect the public health, safety, and general welfare of the community by providing for the regulation of planting, maintenance, and removal of trees located along rights-of-ways; within parks, open spaces, and floodplain areas; within public areas owned and controlled by the [Town](#); and on private property. This Section is specifically intended to:

1. To promote tree and tree canopy preservation through site design standards and by controlling indiscriminate removal of trees,
2. To contribute to the long-term viability of existing trees through their protection during land disturbing and land development activities; while balancing the rights of property owners with the overall interests of the community,
3. To preserve trees as an important resource that enhances the quality of life and the general welfare of the Town; by promoting its unique character as well as the physical, historical, and aesthetic environment,
4. To provide health benefits as they relate to the cleansing and cooling of air, thus contributing to the physical and mental wellness of the community,
5. To promote environmental elements that increase property values, reduce energy costs, reduce the amount of pollutants entering streams, and provide elements that are crucial to establishment of a healthy local ecosystem,
6. To promote and protect the health, safety, and general welfare of the public by creating an environment that is aesthetically pleasing and promotes economic development through an enhanced quality of life,
7. To encourage the preservation of environmentally sensitive areas, such as natural areas, floodplains, and open spaces that protect and enhance the water quality, ecosystem, and aesthetic environment, and
8. To recognize the economic value added to properties with trees and tree canopy coverage are maintained and supplemented by new trees.

B. General Standards

1. The requirements of this Section shall apply to real property within the corporate limits of the Town as follows:
 - a. All new subdivisions of land at the time of Preliminary and/or Final Plat approval;
 - b. All nonresidential parcels of land at the time of Site Plan or Development Plan Approval;
 - c. All replatting of undeveloped land; or
 - d. All land disturbing and development activities.
2. Prior to issuance of a [Certificate of Occupancy](#), the developer or builder of a residential lot shall plant a sufficient number of trees on the lot to assure that the following numbers of trees exist on the site:



Table 18: Minimum Number of Trees	
Lot Size	Number of Trees
1 acre or larger	3
Less than 1 acre	2

C. Exemptions

1. The requirements specified in this Section shall not be required for and/or in the following circumstances:
 - a. Agricultural. Property being actively used for agricultural purposes shall be exempt from the requirements specified herein.
 - b. Damaged/Diseased Trees. The tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling down.
 - c. Homeowners. An owner-occupied residence located in a residentially zoned district on five (5) acres or less is exempt from the tree protection and replacement requirements of this ordinance.
 - d. Public Safety. The tree creates unsafe vision clearance, conflicts with other ordinances and regulations, or the tree is determined to be in a hazardous or dangerous condition; resulting in a danger to public health, safety or welfare.
 - e. Utility Service Interruption. The tree has disrupted a public utility service due to tornado, flood, or other natural act. Removal shall be limited to the part of the tree which is found necessary to re-establish and maintain the utility service.
 - f. Utility Companies, Utility Service, and Distribution/Transmission Lines. Utility companies shall not be subject to the tree protection or replacement requirements in this ordinance when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of protected trees. All rights of ways, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements.
 - g. Street Dedications. Newly dedicated right-of-way (ROW), as defined by this Ordinance, necessary for the orderly and efficient development of property.
 - h. Licensed Plant or Tree Nursery. The tree is located on the property of a licensed plant or tree nursery, in which trees planted and growing on the premises are for the sale or intended sale to the general public in the ordinary course of business.
 - i. Particular Tree Species. The following species of trees are exempt from tree protection or replacement plan requirements:
 - i. Bois D’Arc
 - ii. Cottonwood
 - iii. Hackberry
 - iv. Honey Locust
 - v. Mesquite

- vi. Mimosa
- vii. Cedars that are less than 11 inches DBH

D. Tree Protection Requirements

1. No person engaged in new development shall cut down, destroy, move, remove, or effectively destroy through damaging (physically, chemically, or biologically), any protected tree located on private or public property, including without limitation public Right-of-Way, easements, and franchise and utility easements, nor shall any land be disturbed, graded or otherwise developed within the Town without first having obtained approval of a tree protection plan, except as otherwise provided in this Section.
2. Clear-cutting of land is prohibited.
3. Tree Topping is prohibited.
4. Any trees protected on a site meeting the minimum specifications of this Section may be credited toward meeting the tree requirements in Table 18 according to the following Table 19:

Table 19: Tree Credit	
Circumference of Existing Tree	Credit Against Tree Requirement
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

5. A tree shall be considered protected if a minimum of 75 percent of the critical root zone is maintained at undisturbed natural grade and no more than 25 percent of the canopy is removed due to building encroachment.
6. Credit is granted for a protected tree or canopy area being saved only when it is clearly demonstrated by the Applicant that an improvement associated with the development has been designed to preserve a protected tree or canopy area.
7. For every protected tree or canopy area saved, the developer shall receive a one (1) inch caliper credit per one (1) inch DBH or one (1) square foot per one (1) square foot of tree canopy credit towards tree replacement.
8. The following procedures and standards apply to all new development.
 - a. An application for a development plan, site plan or subdivision plat must be accompanied by a Tree Survey or Tree Canopy Delineation (in lieu of a Tree Survey) and a Tree Protection Plan.
 - b. If a landscape plan is required the Tree Survey or Tree Canopy Delineation (in lieu of a Tree Survey) and Tree Protection Plan shall be submitted with the landscape plan. The Tree Survey or Tree Canopy Delineation (in lieu of a Tree Survey) and Tree Protection Plan must include the following information:
 - i. The graphic exhibits for a tree removal application in Subsection 3.06.03. D.14.b hereof.



- ii. A graphic legend to be used throughout the plans for the purposes of showing the following: trees to be flagged, protective fencing, trees requiring bark protection, boring, and areas of cut and fill impacting protected trees.
 - iii. Graphic tree exhibit showing the tree being removed and being protected, and the features of those trees, including the critical root zone, trunk, canopy, drip line and caliper.
 - iv. Graphic exhibits showing methods of protection to include snow fences, boarded skirts, etc.
 - v. Graphic exhibits showing construction methods to include grade changes, boring, trenching, etc.
9. Tree Protection Plan
- a. The tree protection plan must be approved by the [Director of Development Services](#).
 - b. The tree protection plan shall be approved if the [Applicant](#) demonstrates that all protected trees to be removed are necessary for efficient and orderly development of the property and that adequate provision is made for replacement of removed trees pursuant to this Section.
10. Tree Canopy Delineation Method
- a. Aerial photography may be used for properties that contain a wooded area(s), in lieu of a Tree Survey.
 - b. Authorization for submittal of an aerial photograph accompanied by a transparent plan of the development at the same scale as the photograph showing all non-disturbance areas, proposed exemption areas, and delineating those tree canopy areas affected by land disturbing or development activities may be permitted.
 - c. Such aerial photo shall be date stamped, so as to ensure that the photo is no more than two (2) years old and was taken during a season in which foliage is in bloom.

11. Reduced Tree Survey Requirements

In specific situations, Tree Survey or Tree Canopy Delineation requirements may be reduced as follows:

- a. A non-disturbance area may be designated on the Tree Survey or tree canopy delineation plan.
- b. Trees within the non-disturbance area are not required to be individually identified on the tree survey.
- c. A proposed exemption area may be identified on the tree survey. The exemption area corresponds to areas of the site specifically exempted from the tree replacement and protection requirements of this Section.
- d. Trees within proposed exemption areas are not required to be individually identified on the tree survey.

12. Tree Protection During Construction

- a. All requirements of the tree protection plan shall be shown graphically on all applicable sheets within construction plans.
- b. Unless otherwise approved in writing by the Director of Development Services, the following procedures shall be followed on all construction projects.
 - i. Tree Flagging. All protected trees on the subject property within 50 feet of a construction area or surface improvements such as driveways and walks, shall be flagged with bright florescent orange vinyl tape wrapped around the main trunk at a height of four (4) feet or more, such that the tape is very visible to workers operating construction equipment.

- ii. **Open Space Flagging.** All trees or groups of trees within areas intended to be saved as open space shall be enclosed with fluorescent orange tape along all areas of possible access or intrusion by construction equipment. Tape shall be supported at a minimum of 25 foot intervals by wrapping trees or utilizing another approved method. Single incident access for the purposes of clearing underbrush is allowed.
- iii. **Protective Fencing.** In those situations where a protected tree is so close to the construction area that construction equipment will infringe on the root system, a protective fencing may be required between the tree and the construction activity.
- iv. **Bark Protection.** In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with a two (2) inch x four (4) inch lumber encircled with wire or other means that do not damage the tree in order to protect the bark of the tree against incidental contact by large construction equipment.
- v. **Boring.** Boring of utilities under protected trees may be required in certain circumstances. When required, the length of the bore shall be the width of the critical root zone at a minimum, and shall be at a minimum depth of 48 inches.
- vi. **Grade Change.** Grade changes within the critical root zone of a protected tree should not exceed two (2) inches. If more than 25 percent of the critical root zone is disturbed by trenching or a grade change greater than two (2) inches, the **Applicant** may be required to prune the root zone or tree canopy per industry standards or take some other mitigative measure to help preserve the health of the tree.
- vii. **Trenching.** All trenching, where possible, shall be designed to avoid crossing the critical root zone of any protected tree.
- viii. **Root Pruning.** It is recommended that all roots two (2) 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 (2) hours of initial exposure.

13. Prohibited Construction or Utility Activities Adjacent to Trees

The following activities shall be prohibited within the limits of the critical root zone of any protected tree subject to the requirements of this Section:

- a. **Material Storage.** No materials intended for use in construction, or waste materials accumulated due to excavation or demolition, shall be placed within the limits of the critical root zone of any protected tree.
- b. **Equipment Cleaning/Liquid Disposal.** No equipment shall be cleaned, or other liquids deposited or allowed to flow over land, within the limits of the critical root zone of a protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.
- c. **Tree Attachments.** No signs, wires, or other attachments other than those of a protective nature shall be attached to any protected tree.
- d. **Vehicular Traffic.** No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing street pavement. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.



- e. Grade Changes. No grade changes in excess of four (4) inches (cut or fill) shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are utilized which have been approved by the Building Official.
- f. Impervious Parking. No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree shall be placed within the limits of the critical root zone of a protected tree except as otherwise allowed in this Section.

14. Tree Removal Permit

- a. Tree Removal Permit Application

The following standards apply to individual lots or public ways and must be submitted and approved prior to the removal of any protected tree in the Town unless the tree or activity is exempt under this Section.

- b. Tree Removal Application

All requests for tree removal permits must be accompanied by an application and a graphic exhibit showing at least the following items. These requirements may be modified by the Director of Development Services as needed to administer this ordinance. An aerial photograph may be allowed if it clearly meets these requirements.

- i. Appropriate title for application
- ii. Title block, identifying street address, lot and block, and subdivision name for the site, and the date of preparation
- iii. North arrow, graphic and written scale in close proximity
- iv. Name, address and phone of owner and person preparing the exhibit
- v. Location of all ROW lines and public easements within 50 feet of the tree proposed for removal
- vi. Location of all buildings, structures, pools, parking, and other improvements which are existing or intended on the lot and located within 50 feet of the tree proposed for removal
- vii. Areas of proposed cut/fill and drainage flow line, if applicable
- viii. Limits of construction line shown, if applicable
- ix. Location of all protected tree(s) and thicket boundaries within 50 feet of any construction area, with a description of the size and types of trees
- x. The location of all protected trees which are to be removed.
- xi. DBH, Latin and common name of tree to be removed
- xii. Location of any required replacement trees shown with caliper size and common name of tree.

- c. Upon receipt of the tree removal permit application, the Director of Development Services may take one (1) of the following actions:

- i. Deferral of Decision

The Director of Development Services may defer the approval of a tree removal permit to the **Planning & Zoning Commission** for any reason. All decisions made by the Commission shall be final.

ii. **Approval**

The Director of Development Services, or the Commission on referral or appeal, shall issue a tree removal permit if it is determined that the application meets one (1) of the following criteria:

- (a) The tree constitutes a hazard to life or property which cannot be reasonably mitigated without removing the tree;
- (b) The tree is dying, dead, or diseased to the point that restoration is not practical; or
- (c) All reasonable efforts have been made to avoid removing the tree for purposes of development and removal cannot be avoided.

iii. **Denial**

The Director of Development Services, or the Commission on referral or appeal, shall deny an application for a tree removal permit if it is determined that:

- (a) Removal of the tree is not reasonably required in order to conduct anticipated activities; or
- (b) A reasonable accommodation can be made to preserve the tree.

d. **Appeal of Decision**

Any decision made by the Director of Development Services may be appealed to the [Planning & Zoning Commission](#). All appeals to the [Planning & Zoning Commission](#) shall be final.

e. **Permit Expiration**

Permits for tree removal issued in connection with a [Building Permit](#), site plan, development plan, or [Preliminary Plat](#) shall be valid until such permit, plan, or plat expires. Permits for tree removal not issued in connection with any of the above items shall be void 180 days after the issue date on the permit.

15. Tree Replacement Requirements

- a. Following approval of a tree removal permit or tree protection plan, the **Applicant** shall replace the protected trees being removed with trees listed in the Town's Required Tree Listing.
- b. **Tree Survey Replacement.** A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree(s) removed.
- c. **Tree Canopy Replacement.** A sufficient number of trees shall be planted to equal the square footage of the canopy removed. For each tree planted, the credited canopy will be at normal maturity, based upon the following:
 - i. Large trees with a crown width of 50 feet in diameter will equate to 2,000 square feet measured 40 feet on center.
 - ii. Medium trees with a crown width of 30 feet in diameter will equate to 700 square feet measured 24 feet on center.
 - iii. Small trees with a crown width of 10 feet in diameter will equate to 100 square feet measured 8 feet on center.
- d. Replacement trees shall be located on the subject site prior to issuance of the first [Building Permit](#) for the property.
 - i. If this is not feasible, the [Town Manager](#) may allow replacement trees to be located on another property.



- ii. If replacement is not possible on-site or on another property, funds must be contributed to the Tree Reforestation Fund, as provided for within [Section 3.06.03. D.17 Tree Reforestation Fund](#)
 - e. Replacement trees shall not be planted in a location where the mature canopy of the tree will interfere with overhead utility lines or where the mature root zone will interfere with underground public utility lines.
 - f. No trees shall be planted within 10 feet of a fire hydrant.
 - g. All replacement trees shall be a species listed in the Town's Required Tree Listing and guaranteed for one (1) year from the date of final inspection and acceptance of the project.
 - h. Replacement trees shall be planted prior to the issuance of a [Certificate of Occupancy](#) or project release.
 - i. In cases where the prime planting time does not correspond with project completion, replacement tree plantings may take place after the project is released by the Town; provided that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a one (1) year guarantee.
 - j. Existing trees can be transplanted to meet the replacement requirements under the following conditions:
 - i. Trees of at least three (3) caliper inches are eligible for transplanting.
 - ii. Transplanted trees must be maintained in a healthy condition for a period of two (2) years. The developer who received the transplanting credit must replace trees that do not meet this criteria.
 - iii. Transplanted trees must be listed in the Tree Survey with the notation that they are being transplanted.
16. Alternative Compliance for Tree Replacement
- The [Town Council](#) may accept and approve a request for alternative compliance of the following requirements, based upon a finding that the proposed alternative is, at a minimum, equivalent to and meets the spirit and intent of this Section.
- a. Number of Required Replacement Trees
 - i. A reduction to the number of required replacement trees may be granted if xeriscape landscape design is used on the project.
 - ii. A written recommendation from a local registered landscape architect must accompany a request for a reduction to the number of required replacement trees.
17. Tree Reforestation Fund
- a. In situations in which it is not feasible to place the required number of replacement trees on either the subject property or an alternate site, the [Applicant](#) would need to make payment into the reforestation fund.
 - b. The amount provided shall be equivalent to 100 percent of the tree replacement costs. The standard value for tree replacement is \$150 per caliper inch (tree survey).
 - c. Should trees be removed without a permit, the fund amount shall be equivalent to 125 percent of the tree replacement cost.
 - d. The amount of payment that is required for each replacement tree should be calculated based on the fee schedule adopted by the Town.



- e. No certificates of occupancy shall be issued for a site until the required payment has been made to the tree reforestation fund.
 - f. The funds shall be used solely for the purpose of purchasing and installing trees along public [Right-of-Way](#), public park land or any other Town-owned property.
 - g. Funds may also be utilized for the acquisition of wooded property that will remain in a naturalistic state in perpetuity.
18. Tree Maintenance
- a. No protected tree shall be pruned in a manner which significantly disfigures the tree or in a manner which would reasonably lead to the death of the tree.
 - b. The owners of any tree adjacent to a public Right-of-Way shall be required to maintain a minimum clearance of 14 feet above the traveled surface or curb of a public street, Right-of-Way, alley or open space trail.
 - c. The owners of any tree adjacent to a public Right-of-Way shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public.
 - d. The Town shall also have the right to prune trees overhanging the Right-of-Way as necessary to preserve the public safety.
 - e. The Town may approve the pruning of a protected tree in cases where protected trees must be pruned to allow for construction or demolition of a structure.
 - f. All pruning of projected trees by a franchise utility company to ensure the safe operation of such utility services will be allowed.
 - g. A tree permit is not required for reasonable pruning performed or contracted to be performed by the owner of any tree adjacent to a public Right-of-Way.
 - h. Trees that are severely damaged by storms or other natural causes or trees faced with obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the Director of Development Services or their authorized designee.