



**Planning & Development Services Department**  
 550 Landa Street  
 New Braunfels, Texas 78130  
 (830) 221-4050 [www.nbtexas.org](http://www.nbtexas.org)

CC/Cash/Check No.: \_\_\_\_\_  
 Amount Recd. \$ \_\_\_\_\_  
 Receipt No.: \_\_\_\_\_  
 Case No.: \_\_\_\_\_ - \_\_\_\_\_  
  
*Submittal date – office use only*

## 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:	APPLICANT:	
<input type="checkbox"/>	<input type="checkbox"/>	<b>Completed application</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Site plan with the following information:</b>
		<small>*Please note: Additional information may be requested.</small>
		<input type="checkbox"/> Property lines
		<input type="checkbox"/> Location of all trees
		<input type="checkbox"/> Tag/Tree Number of all trees
		<input type="checkbox"/> Species/common name of all trees
		<input type="checkbox"/> Caliper inches of all trees
		<input type="checkbox"/> Approximate drip-line area of all trees
<input type="checkbox"/>	<input type="checkbox"/>	<b>Calculation table with the following information broken into two categories (Remove or Preserve):</b>
		<input type="checkbox"/> Tag/Tree Number of each tree
		<input type="checkbox"/> Species/common name of each tree
		<input type="checkbox"/> Caliper inches of each tree
<input type="checkbox"/>	<input type="checkbox"/>	<b>(If required) Tree replacement site plan with the following information:</b>
		<input type="checkbox"/> Property lines
		<input type="checkbox"/> Proposed location of all proposed replacement trees
		<input type="checkbox"/> Tag/Tree Number of replacement trees
		<input type="checkbox"/> Species/common name of replacement trees
		<input type="checkbox"/> Caliper inches of replacement trees
		<input type="checkbox"/> Approximate drip-line area of replacement trees
<input type="checkbox"/>	<input type="checkbox"/>	<b>(If required) Professional arborist's report</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Fee \$103</b> (\$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

## **INSTRUCTIONS FOR SUBMITTING THIS APPLICATION**

This application can be submitted online using the City of New Braunfels permit portal. For instructions on how to submit this permit application, please read below.

1. Access the online permit portal at <https://nbpermits.nbtexas.org/publicaccess> . Once you arrive at the Portal Login Page you will need to create a username and password.
  - a. The username will need to be a valid email address and you will be informed of the status of your application via email.
  - b. Password Requirements are: Minimum of 8 characters and must include at least one uppercase, one lowercase, and a number. Passwords cannot match your email address, first, or last name.
2. Select the Create Application button at the top center of the page and click on the Planning/Zoning folder.
3. Navigate to the desired application on the following pages. The application will be titled the same as it is on page 1 of this document.
4. Once you have found the correct application type, click on it once and select the Begin Application button.
5. Enter the application information:
  - a. Main: Subject property location (if applicable) and description of the request.
  - b. People: Your contact information. The email address provided will receive status updates on the application as it proceeds through the review process. You can add additional email addresses to receive status updates, but the provided email addresses must have a permit portal account.
  - c. App Form: Questions relating to the application.
  - d. Attachments: Upload a digital copy of this application and all required documents listed on page (1). Attachments must be .pdf format and named as they are listed on this application. **ALL REQUIRED DOCUMENTS LISTED ON THE APPLICATION MUST BE ATTACHED OR THE APPLICATION IS CONSIDERED INCOMPLETE.**
  - e. Payment: The required fee to submit. Please note: all credit/debit card transactions will incur a 2.75% processing fee. We encourage you to utilize one of our free options which include cash, check or e-Check.

You will receive a confirmation email once the application is submitted. If the application is incomplete or requires corrections, you will be emailed by a staff member requesting the information that is necessary to continue review. **AN INCOMPLETE APPLICATION WILL NOT CONTINUE TO BE REVIEWED AND CAN DELAY THE PROCESS.** Communication from the portal system will originate from [cwmessenger@nbtexas.org](mailto:cwmessenger@nbtexas.org).

*If you have any questions, please contact Development Planning Division Staff at [planning@nbtexas.org](mailto:planning@nbtexas.org) or (830) 221-4050.*