• State Champion Texas Mountain laurel on Incarnate Word campus
INTRODUCING THE TREE AND LANDSCAPE TEAM
TREES & THE DEVELOPMENT PROCESS

MAY 9TH, 2017
TREES, MDPS, PLATTING, CONSTRUCTION: AND WHAT COMES IN BETWEEN

- MDP
- Platting
- Construction phase
- Site Work
- Building stage
- Geo-tech, environmental, cultural, archeological
TREE PRESERVATION AND WHERE IT APPLIES AND WHAT IT APPLIES TO

• Shall apply to property located within the city limits and the ETJ of the city
• Industrial, commercial, office, multi-family, residential and institutional development
• Any grading, filling or clearing of land
• Any clear, selective or individual cutting or removal of any significant or heritage trees or areas of tree canopy
• Any trenching or excavation
• DOES NOT APPLY TO PROPERTY ON WHICH CONSTRUCTION OF SINGLE-FAMILY, TWO-FAMILY OR THREE FAMILY RESIDENTIAL DWELLING UNITS HAVE BEEN COMPLETED
Where the Ordinance Applies

ETJ

City of San Antonio

North
MDP

• MDP: a master development plan is a long-range plan for the development of property within the city and ETJ
• No tree preservation plan required
• May submit a tree preservation plan
MDP TREE REQUIREMENTS

• No proposed site work: aerial exhibit of proposed MDP with non-committal description of trees and vegetation types
• Fee: $100.00 review fee
• A tree preservation plan may be submitted at the MDP (30% preservation for tree stand delineation option)
TREE REQUIREMENTS AT PLATTING

- No proposed site work: Tree Affidavit application
- Aerial exhibit of proposed plat
- Fees: $100.00 review fee, $175.00 per acre non-residential, $50.00 per lot residential, $25.00 per acre non-residential tree canopy fee, $15.00 per lot residential tree canopy fee
- Tree Canopy requirements: 38% residential, 25% non-residential
- For ETJ Tree Canopy requirements: plans depicting final canopy cover of preserved/new trees or a guarantee of performance
- Proposed site work: Tree Permit application with tree preservation plan and fees
BUILDING STAGE

- ICL: submit tree application with building permit packet and applicable fees
- ETJ: submit tree application with applicable fees
- If there is no previously approved tree preservation plan at building stage submit tree application (affidavit/permit)
- If there is a previously approve tree preservation plan use tree permit application and provide AP#
SITE WORK
AT ANY STAGE

• A valid application is required to be submitted with applicable documents and fees, reviewed and approved prior to start of work
• Shall apply to property located within the city limits and the ETJ of the city
• Industrial, commercial, office, multi-family, residential and institutional development
• Any grading, filling or clearing of land
• Any clear, selective or individual cutting or removal of any significant or heritage trees or areas of tree canopy
• Any trenching or excavation
TREE APPLICATIONS:
IS IT AN AFFIDAVIT OR A PERMIT

TREE AFFIDAVIT APPLICATION
(No Protected Trees to be Harmed or Removed)

Applicant Information

Applicant Name: ____________________________
Company Name: ____________________________
Phone #: ____________________________
Fax #: ____________________________
Email: ____________________________
Address: ____________________________
City: ____________________________
State: ____________________________
Zip: ____________________________

Project Information

Project Name: ____________________________
Unit: ____________________________
Plat: ____________________________
Project Address/Location: ____________________________
Outside City Limits: Yes / No
Project Type: ☐ Residential # ______ lots ☐ Non-Residential # ______ acres Public Funds: Yes / No
Class of Work: ☐ Site Work ☐ Platting ☐ New Structure ☐ Addition (#2500 ft)
Parcel Key: (https://gis.sanantonio.gov/PDS/onestop/index.html) (Parcel Key must be included)

Type of Application and Review

Please note: Applicant shall provide habitat compliance form as defined in section 35-133 of the UDC for properties with 2.0 or more acres.

Please mark the appropriate box for review (ONLY MARK ONE BOX):

☐ 1. Site has no protected Trees, Significant Trees, Heritage, or Historic Trees as defined in the UDC (Aerial photo required); or
☐ 2. Site has Protected Trees, but this work will in no way cause damage to or the destruction of said trees. I understand such is a direct violation of the provisions of the UDC (Aerial photo or Tree Survey required and site plan showing limits of construction/building footprint, if available).

Affidavit

I, ____________________________, (agent/owner), certify that I am aware of Article V, § 35-523 of the UDC and all related appendices regarding Tree Preservation and agree to adhere to the requirements including any additional fees determined to be owed to complete this permit.

State of Texas
County of Bexar

Signature

Before me, the undersigned authority on this day personally appeared ____________________________, known to me to be the person whose name is signed to the foregoing affidavit and sworn by me, state under oath that all of the facts therein set forth are true and correct.

Sworn to before me, this ______ day of __________ 20________ Notary Public in and for the State of Texas

Forms and additional information can be found at:
http://www.sanantonio.gov/development

Development Services Department / Revised September 2013

TREE PERMIT APPLICATION
(Protected Trees to be Removed)

Applicant Information

Applicant Name: ____________________________
Company Name: ____________________________
Phone #: ____________________________
Fax #: ____________________________
Email: ____________________________
Address: ____________________________
City: ____________________________
State: ____________________________
Zip: ____________________________

Project Information

Project Name: ____________________________
Unit: ____________________________
Plat: ____________________________
Project Address/Location: ____________________________
Outside City Limits: Yes / No
Project Type: ☐ Residential # ______ lots ☐ Non-Residential # ______ acres Public Funds: Yes / No
Class of Work: ☐ Tree Removal ☐ Site Work ☐ Platting ☐ New Structure ☐ Addition (#2500 ft)
Parcel Key: (https://gis.sanantonio.gov/PDS/onestop/index.html) (Parcel Key must be included)

Type of Application and Review

Please note: Applicant shall provide habitat compliance form as defined in section 35-133 of the UDC for properties with 2.0 or more acres.

If a Tree Permit associated with a rights determination review or a tree preservation plan was previously approved, provide A/P#________ and no selection of 1 or 2 is required below.

Please mark the appropriate box for review (ONLY MARK ONE BOX):

☐ 1. Site has Rights Determination (RD aka Vested Rights)/Consent Agreement (CA)
Validation:
RDCA #________
(Staff will confirm exemption from the Tree Preservation Ordinance, but a Rights Determination number and aerial photo of project area is required. Applicable R.D. validation review fees apply for residential building tree permit of $35.00 per lot and $250.00 for commercial and site work permits. Please note that effective date of rights will determine other applicable fees and may require additional information to be submitted for the final tree review) (requires submission of site plan for review)

☐ 2. Site has Protected, Significant, Heritage or Historic Trees that will be removed (requires additional site plan and tree inventory submitted). Tree Preservation Plan must be Tree Survey Method (35-112) or Tree Stand Determination Method with a Heritage Tree Survey (35-112B).

Forms and additional information can be found at:
http://www.sanantonio.gov/development

Development Services Department / Revised September 2013
TREE APPLICATION: TREE AFFIDAVIT

• Tree Affidavit: Site has no protected trees, significant trees, heritage, trees (Aerial photo exhibit required)
• Tree Affidavit: Site has protected trees, but this work will in no way cause damage to or the destruction of said trees......(aerial photo exhibit or tree survey required)
• Tree Affidavit: affidavit signature required to be notarized
TREE AFFIDAVIT

TREE AFFIDAVIT APPLICATION
(No Protected Trees to be Harmed or Removed)

Applicant Information

Applicant Name: ____________ Company Name: ____________
Phone #: __________ Fax#: __________ Email: __________
Address: __________ City: __________ State: __________ Zip: __________
Name: __________ Owner’s information if different than applicant
Phone: __________ Fax: __________
Address: __________ City: __________ State: __________ Zip: __________

Project Information

Project Name: __________ Unit: __________ Plat: __________
Project Address/Location: __________ Outside City Limits: __Yes__ __No__
Project Type: __☐__ Residential: # __☐__ Non-Residential: # __☐__ Lots: # __☐__ Non-Residential: # __☐__ acres Public Funds: __☐__ Yes __☐__ No
Class of Work: __☐__ Site Work: __☐__ New Structure: __☐__ New Structure: __☐__ Addition: (≤2500 sq ft)
Parcel Key: (https://gis.sanantonio.gov/PDS/onestop/index.html) __________ (Parcel Key must be included)

Type of Application and Review

Please note: Applicant shall provide habitat compliance form as defined in section 35-133 of the UDC for properties with 2.0 or more acres.

Please mark the appropriate box for review (ONLY MARK ONE BOX):

☐ 1. Site has no protected Trees, Significant Trees, Heritage, or Historic Trees as defined in the UDC (Aerial photo required) or
☐ 2. Site has Protected Trees, but this work will in no way cause damage to or the destruction of said trees. I understand such is a direct violation of the provisions of the UDC (Aerial photo or Tree Survey required and site plan showing limits of construction/building footprint, if available).

Affidavit

I, ___________________________ (agent/owner), certify that I am aware of Article V, § 35.523 of the UDC and all related appendices regarding Tree Preservation and agree to adhere to the requirements including any additional fees determined to be owed to complete this permit.

State of Texas __________
County of Bexar __________

Before me, the undersigned authority on this day personally appeared __________________________ known to me to be the person whose name is signed to the foregoing affidavit and sworn by me, state under oath that all of the facts therein set forth are true and correct.

Sworn to before me, this _____ day of __________ 20____ Notary Public in and for the State of Texas

Forms and additional information can be found at:

http://www.sanantonio.gov/development/environmental.asp

City of San Antonio Development Services Department 1901 S. Alamo
San Antonio, TX 78204

Development Services Department / Revised September 2013
TREE APPLICATION:
TREE PERMIT

- Site has Rights
- Site has protected significant trees, heritage trees, or areas of tree canopy that will be removed
- Requires tree preservation plan using tree inventory or tree stand delineation method
# TREE PERMIT

**City of San Antonio**
**Development Services Department**
1501 S. Alamo
San Antonio, TX 78204

---

## TREE PERMIT APPLICATION
(Protected Trees to be Removed)

### Applicant Information
- **Applicant Name:**
- **Company Name:**
- **Phone #:**
- **Fax#:**
- **Email:**
- **Address:**
- **City:**
- **State:**
- **Zip:**
- **Owner's Information (if different than applicant):**
- **Name:**
- **Phone:**
- **Fax:**
- **Address:**
- **City:**
- **State:**
- **Zip:**

### Project Information
- **Project Name:**
- **Unit:**
- **Plat:**
- **Project Address/Location:**
- **Outside City Limits:** Yes/No
- **Project Type:**
  - Residential #_______ lots
  - Non-Residential #_______ acres
- **Public Funds:** Yes/No
- **Class of Work:**
  - Tree Removal
  - Site Work
  - Platting
  - New Structure
  - Addition(>2500 sq)
- **Parcel Key:** (https://gis.sanantonio.gov/PDS/frontpage/index.htm) [Optional: (Parcel Key must be included)]

### Type of Application and Review

**Please note:** Applicant shall provide habitat compliance form as defined in section 35-B133 of the UDC for properties with 2.0 or more acres.

If a Tree Permit associated with a rights determination review or a tree preservation plan was previously approved, provide A/P#________ and no selection of 1 or 2 is required below.

**Please mark the appropriate box for review (ONLY MARK ONE BOX):**

- **1.** Site has Rights Determination (RD aka Vested Rights)/Consent Agreement (CA) Valuation:
  - RD/CA:
    - Staff will confirm exemption from the Tree Preservation Ordinance, but a Rights Determination number and aerial photo of project area is required. Applicable R.D. validation fee apply for residential building tree permit of $35.00 per lot and $250.00 for commercial and site work permits. Please note that effective date of rights will determine other applicable fees and may require additional information to be submitted for the final tree review (requires submittal of site plan for review)

- **2.** Site has Protected, Significant, Heritage or Historic Trees that will be removed (requires additional site plan and tree inventory submitted). Tree Preservation Plan must be Tree Survey Method (35-B123) or Tree Stand Delineation Method with a Heritage Tree Survey (35-B125).

---

Forms and additional information can be found at:

Development Services Department / Revised September 2013
PRESERVATION PLANS

• Tree Plan at MDP
• Tree Plan for Site Work (before mdp, plat, building permit)
• Tree Plan at Platting
• Tree Plan for Site Work (before building stage)
• Tree Plan at Building Stage
TREE PRESERVATION PLAN OPTIONS:
INVENTORY METHOD
TREE PRESERVATION OPTION:
TREE STAND DELINEATION METHOD
MASTER TREE PLAN

- Submitted at MDP
- Submitted as site work application after MDP
- Submitted with Plat
- Submitted as site work after Plat
- Submitted with construction documents
REVISED TREE PLAN
REVISIONS TO TREE PLAN

- If changes need to be made to an approved tree preservation plan a revised plan is required to be submitted, reviewed and approved
- Fee: $100.00 post submittal review fee
QUESTIONS?
PURPOSE & SCOPE
GENERAL PURPOSE & INTENT

• Sec. 35-102. - General Purpose and Intent.
• The Unified Development Code as established in this chapter has been made in accordance
  with a comprehensive plan for the purpose of promoting health, safety, morals, and the general
  welfare of the community. It is intended to consolidate in one (1) place and in logical order
  without unnecessary duplication all of the regulations pertaining to land use and development.
  It is designed to make it possible for all of those concerned with land use and development to
  have access to all city legislation with respect thereto in one (1) convenient chapter which is
  capable of being published and distributed as a separate and comprehensive segment of the
  City Code as a whole.
• (b) The subdivision regulations set forth in articles IV and V are designed to promote the health,
  safety, morals, or general welfare of the municipality and the safe, orderly, and healthful
  development of the municipality.
• (c) The processing procedures set forth in article IV are designed to consolidate the location of
  regulations governing the processing of permits for the development of land. The purpose is to
  ensure that notification and procedures comply with state regulations, provide ample
  opportunity for public participation in the land development process, provide for the efficient
  and timely processing of development permits, and to promote the readability of the
  document for the general public and for applicants requesting a permit.
• (d) The development standards in article V consolidate the substantive standards relating to the
  issuance of permits for zoning and subdivision approval in order to provide clarity and certainty
  in the development approval process.
SEC. 35-103. AUTHORITY.

- The following chapters and sections of Vernon's Annotated Codes of the State of Texas are hereby adopted:
- • Texas Government Code, Chs. 311, Code Construction Act, and Chapter 312, Construction of Laws to the extent applicable to this chapter.
- • Property Code § 12.002.
- • Water Code.
- • Flood Control and Insurance Act, Sections 16.311 through 16.317.
- • Vernon's Annotated Civil Statutes and Article 1175.
- Provisions of this chapter are adopted in the exercise of the power granted municipalities by these statutes and pursuant to the provisions of article I, section 3, paragraphs 9 and 13 of the Charter of the City of San Antonio.
- (Ord. No. 2006-11-30-1333, § 2, 11-30-06)
SEC. 25-104. APPLICABILITY.

- Sec. 35-104. - Applicability.
  - (a) Generally. This chapter shall apply to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, manufactured home parks, and also to streets and sidewalks insofar as these are involved in the foregoing enumeration of purpose and intent and the following enumeration of applicability.
  - This chapter shall apply to all public buildings and private land(s), and use(s) thereon over which the city has jurisdiction under the constitution(s) and law(s) of the State of Texas and of the United States, including any areas within the jurisdiction of the city pursuant to the authority recited in section 35-103, above. The department of planning and development services (hereinafter known as the "department") of the city can be contacted for further information about the use of this chapter.
  - (b) Public Buildings, Structures and Uses. In the erection of buildings or other structures, city owned utilities are to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected. The provisions of this chapter do not apply to either the County Courthouse or a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.
  - The provisions of this chapter shall apply to any buildings, structures, or uses of the city or its agencies or instrumentalities including, but not limited to, the department of public works, San Antonio Water System (SAWS), and City Public Service Energy (CPS Energy).
  - (c) Subdivision Regulations. Subdivision and platting regulations as set out herein shall apply to all of the area within the incorporated areas of the city and it's extraterritorial jurisdiction as provided in V.T.C.A. Local Government Code Ch. 212.
SEC. 35-108. PERMITS AND CERTIFICATES.

• No development activity shall occur on any property within the jurisdiction of this chapter until the applicable permit, approval and certificate for such activity have been issued and approved by the officials with the authority to approve the same pursuant to article IV of this chapter.
(a) **Applicability.** The provisions of this section apply to any activity subject to the tree preservation standards.

(b) **Initiation.**

(1) **Application to City Arborist.** A valid application for permit must be filed and approved with the city arborist before:

A. Mitigating, removing, or destroying any significant or heritage trees, or areas of tree canopy that are required to be counted for calculating minimum tree preservation percentages as provided in the tree preservation standards; or

B. Any person conducts a regulated activity, as defined in subsection 35-523(a), on property that may result in the removal or destruction of any such tree.

(2) **Affidavit.** In lieu of a tree preservation plan, an applicant may submit a notarized tree affidavit with fees and required information verifying that no significant, heritage trees, or tree canopy required to be counted for calculating minimum tree preservation requirements will be damaged or removed as a result of the application or receipt of the approval requested.

(3) **Single-Family Residential Developments.** At the platting or subdivision review, an application for a tree permit may include a tree preservation plan. See section 35-B123.

Prior to the commencement of any activities requiring a tree permit, the applicant shall request a pre-construction conference with the city arborist in order to review procedures for protection and management of all significant, heritage or mitigation trees.

(h) **Amendments.** Notification and approval of the city arborist are required if changes need to be made to an approved tree preservation plan. Approval of the changes must be received from the city arborist, in writing, before commencement of any work that is the subject of the change or field adjustment.
SEC. 35-523. - TREE PRESERVATION.

• a) Applicability.
  • (1) Generally.
    • A. The regulations contained in this division shall apply to any private property located within the city limits and the ETJ of the city.
    • B. The regulations contained in this division shall apply to all public property held by or for the benefit of the city or any agency, board or commission thereof in accordance with the provisions of subsection (p) of this division.
    • C. The regulations contained in this division shall regulate all activities that result or may result in the removal of significant or heritage trees or areas of tree canopy as defined herein. Said activities include any of the following:
      • 1. Industrial, commercial, office, multi-family, residential and institutional development, including all new construction and any additions that increase the total floor area of a structure by more than two thousand five hundred (2,500) square feet.
      • 2. Construction of a new parking lot larger than two thousand five hundred (2,500) square feet or expansion of an existing parking lot by more than two thousand five hundred (2,500) square feet.
      • 3. Any grading, filling or clearing of land.
      • 4. Any clear, selective or individual cutting or removal of any significant or heritage tree or areas of tree canopy as defined.
      • 5. Chemical or biological treatment of trees that may result in the death or destruction of any significant or heritage tree or areas of tree canopy as defined.
      • 6. Trenching or excavation that may damage or destroy any significant or heritage tree or areas of tree canopy as defined.
    • D. The regulations in this section shall apply to any projects receiving any federal, state, and/or local financial assistance.
(b) Administration. The provisions of this section shall be implemented by the city arborist under the direction of the director of planning and development services. The city arborist shall oversee regulation of the maintenance and removal of significant or heritage trees or areas of tree canopy and shall enforce and administer the provisions of this section.

The city arborist shall work closely with all city departments and governmental entities and licensees, and franchisees thereof in order to promote and ensure the maximum protection of trees by the implementation and administration of this section. City departments with which the city arborist is authorized to interact pursuant to subsection (p) of this section include, but are not limited to the following:

(1) Department of development services shall coordinate:

A. Tree preservation in the review of master development plans, planned unit development plans, subdivision plats, permits and any grading filling and spoil activities when applicable.

B. Maximize the preservation of tree(s) or areas of tree canopy through the implementation of the city’s landscape and streetscape standards and through the approval process contained in this chapter.