

## Chapter 13

### LANDSCAPING, TREE REMOVAL AND SITE CLEARING\*

#### Article I. Administrative Provisions

##### Division 1. General Provisions; Administrative Authority; Definitions

- Sec. 13-1. Title.
- Sec. 13-2. Purpose.
- Sec. 13-3. Applicability.
- Sec. 13-3.1. Applicability in overlay districts.
- Sec. 13-4. Definitions.
- Sec. 13-5. Administrative authority.
- Sec. 13-6. Characteristics of protected trees and grand trees.
- Sec. 13-7. Exemptions for certain trees, departments and aviation public safety.
- Sec. 13-8. Condemnation.
- Sec. 13-9. Tree canopy study.
- Secs. 13-10—13-25. Reserved.

##### Division 2. Certificates; Documents; Requirements; Etc.

- Sec. 13-26. Applications and documentation.
- Sec. 13-27. Landscape and tree planting plan.
- Sec. 13-28. Landscape and tree planting plan required; exemptions.
- Secs. 13-29—13-40. Reserved.

##### Division 3. Fee Authority and Types; Permits; Inspections

- Sec. 13-41. Fees—City council to establish.
- Sec. 13-42. Same—Types enumerated.
- Sec. 13-43. Failure to obtain a permit.
- Sec. 13-44. Permit—Site inspection and site clearing; exemptions.
- Sec. 13-45. Same—Tree removal and replacement and tree trimming; exemptions.
- Sec. 13-46. Same—Final inspection.
- Sec. 13-47. Same—Revocation.
- Sec. 13-48. Same—Nontransferability.
- Sec. 13-49. Same—Emergency provision.
- Sec. 13-50. Inspections and approvals.
- Secs. 13-51—13-65. Reserved.

#### Article II. Sanctions; Appeals; Boards

##### Division 1. Action Authorized to Mitigate Violations

- Sec. 13-66. Stop work and emergency orders.

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**\*Editor's note**—This chapter is included as part of the land development code adopted in § 17.5-17 which combines and compiles all land development regulations into a single land development code. It should be noted that Ord. No. 97-34, § 1, adopted Feb. 6, 1996, repealed former Ch. 13, in its entirety, which pertained to landscaping, tree removal and site clearing. Section 2 of said ordinance enacted provisions designated as a new Ch. 13 to read as herein set out. See the Code Comparative Table.

**Cross references**—Art in public places, Ch. 4; building and construction regulations, Ch. 5; affordable housing, sustainability, and concurrency management system, Ch. 17.5; concurrency management system, § 17.5-41 et seq.; property maintenance and structural standards, Ch. 19; signs, § 19-96 et seq.; stormwater management, Ch. 21; streets and sidewalks, Ch. 22; subdivision procedures, § 27-153.1 et seq.; transportation, Ch. 25; water, § 26-66 et seq.; water conservation, § 26-97; sanitary sewers, § 26-116 et seq.; zoning and land development, Ch. 27.

TAMPA CODE

Sec. 13-67. Enforcement authority and remedies.  
Secs. 13-68—13-90. Reserved.

Division 2. Appeals

Sec. 13-91. Review method.  
Secs. 13-92—13-110. Reserved.

Division 3. Board

Sec. 13-111. Boards authorized to grant variances.  
Secs. 13-112—13-130. Reserved.

**Article III. Technical Provisions**

Division 1. Authority to Establish/Publish Technical Standards

Sec. 13-131. Technical standards may be established.  
Secs. 13-132—13-145. Reserved.

Division 2. Adoption of Standards by Reference

Sec. 13-146. Technical standards adopted.  
Secs. 13-147—13-160. Reserved.

Division 3. Specific Technical Requirements

Secs. 13-161—13-163. Reserved.  
Sec. 13-164. Tree protection standards.  
Sec. 13-165. Tree removal, relocation or replacement.  
Exhibit I. Tree Hazard Evaluation Form

**ARTICLE I. ADMINISTRATIVE PROVISIONS\***

**DIVISION 1. GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS**

**Sec. 13-1. Title.**

This chapter shall be known and may be cited as the "City of Tampa Landscaping, Tree Removal and Site Clearing Ordinance." (Ord. No. 97-34, § 2, 2-6-97)

**Sec. 13-2. Purpose.**

This chapter is intended to protect trees, wetlands, and natural resources by regulating the trimming or removing of trees, site clearing, landscaping, tree planting, and irrigation in the city. (Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2002-33, § 1, 1-24-02)

**Sec. 13-3. Applicability.**

The provisions of this chapter shall apply to all buildings, development, improvements and land within the corporate limits of the city, unless expressly exempted by law. (Ord. No. 97-34, § 2, 2-6-97)

**Sec. 13-3.1. Applicability in overlay districts.**

Those standards set forth in Chapter 27, Article IV, Overlay Districts, are incorporated herein. When provisions of that article impose more stringent standards on properties located within identified overlay districts than those standards set forth below, the provisions of Ch. 27, Article IV shall govern. (Ord. No. 99-186, § 2, 8-26-99; Ord. No. 2012-121, § 1, 11-1-2012)

**Sec. 13-4. Definitions.**

For the purposes of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall have the meanings as set forth in Chapter 27. (Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2001-90, § 1, 4-5-01; Ord. No. 2002-33, § 2, 1-24-02; Ord. No. 2006-74, §§ 1, 2, 4, 7, 3-23-06; Ord. No. 2008-111, § 2, 6-26-08; Ord. No. 2012-121, § 2, 11-1-2012)

\*Cross reference—Administration, Ch. 2.

**Sec. 13-5. Administrative authority.**

The provisions of this chapter shall be administered and enforced by the official. For purposes of administration of the provisions of this chapter, the official's designee shall be the Natural Resources Coordinator. (Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

**Cross references**—Administrative authority of official, § 1-13; delegation of administrative authority, § 1-14.

**Sec. 13-6. Characteristics of protected trees and grand trees.**

(a) *Protected trees.* Protected trees have the following characteristics:

- (1) Five (5) inches or greater d.b.h.; and
- (2) All mangrove and cypress trees.

When a tree is determined not to be a grand tree, it shall be considered a protected tree if it otherwise meets the requirements of this chapter.

(b) *Grand trees.* Grand trees have the characteristics set forth in Schedule A.

Schedule A  
Species and Minimum Points

<i>Species</i>	<i>Minimum Points</i>
Camphor (Cin-namomum camphora)	200
Cypress (Taxodium spp.)	200
Elm (Ulmus spp.)	200
Hickory/Pecan (Carya spp.)	200
Holly (flex spp.)	125
Magnolia (Magnolia spp.)	175
Maple (Acer spp.)	175
Oak (Quercus spp.)	175
Pine (Pinus spp.)	175
Red Cedar (Juniperus spp.)	200
Sweet Gum (Liquidambar styraciflua)	200
Sycamore (Platanus occi-dentalis)	200

The department may include additional species by providing standards similar to those in Schedule A above. In determining whether a tree has the requisite number of points to be a grand tree as outlined in Schedule A above, the point system outlined in Schedule B below shall be used.

**Schedule B  
Point System**

Measurements	Points
Trunk circumference to nearest inch (measured at four and one-half (4½) feet above grade)	One (1) per inch
Height to nearest foot (measured vertically from a point level with the base to the highest twig)	One (1) per foot
Average crown spread to nearest foot (measure and add longest and shortest diameters of limb spread and divide total by two (2) for average)	One (1) per four (4) feet

(Ord. No. 97-34, § 2, 2-6-97)

**Sec. 13-7. Exemptions for certain trees, departments and aviation public safety.**

(a) *Exempt trees.* Broussonetia papyrifera (male mulberry); Casuarina spp. (Australian pine); Enterolobium contortisiliquum (ear tree); Eucalyptus spp. (eucalyptus tree); Melaleuca quinquenervia (paua tree); Melia azedarach (chinaberry); Prunus caroliniana (cherry laurel); Schinus terebinthifolius (Brazilian pepper); Auracaria wrightii (monkey puzzle); Grevillea robusta (silk oak tree); Albizia spp. (mimosa, woman's tongue); Syagrus romanzoffiana (queen palm); Prunus serotina (wild cherry); Citrus spp. (citrus); Sapium sebiferum (Chinese tallow); Leucaena leucocephala (lead tree); Dalbergia sissoo (rosewood); Acacia auriculiformis (earleaf acacia); Eugenia uniflora (Surinam cherry); Cupaniopsis anacardiodes (carrotwood);

Koelreuteria paniculata (golden rain tree); and Schefflera actinophylla = Brassia actinophylla (shefflera, queensland umbrella tree).

(b) *Public utility or the forestry division of the parks and recreation department.* Public utilities and the forestry division of the parks and recreation department shall be exempt from the requirements of this chapter pertaining to tree trimming, if they follow the standard pruning practice when trimming trees as set forth in the "American National Standard for Tree Care Operations, ANSI, A300, current edition," or a variation of that standard allowed by the Natural Resources Coordinator, or designee in accordance with section 13-45(h)(2) of this chapter. The forestry division of the parks and recreation department shall also be exempt from the requirements of this chapter pertaining to tree removal on public rights-of-way.

(c) *Hillsborough County Aviation Authority.*

(1) *Aviation public safety.* An exemption from the permitting and mitigation requirements of this chapter shall be granted when federal law, Florida State Law, or local airport zoning regulations (pursuant to Federal Aviation Administration Regulations), governing runways, taxiways, aprons, runway protection zones and approaches, air traffic control towers, and aircraft navigational aids require the trimming or removal of trees for public safety if:

a. The applicant claiming that federal law, Florida State Law, or local airport zoning regulations (pursuant to Federal Aviation Administration Regulations), governing runways, taxiways, aprons, runway protection zones and approaches, air traffic control towers, and aircraft navigational aids require the trimming or removal of trees for public safety purposes submits a sworn application for exemption from the tree trimming or removal permit and mitigation requirements of Chapter 13 to the department identifying the trees to be trimmed or removed, the fed-

eral law, Florida State Law, or local airport zoning regulations (pursuant to Federal Aviation Administration Regulations), governing runways, taxiways, aprons, runway protection zones and approaches, air traffic control towers, and aircraft navigational aids requiring the trimming or removal for public safety, the law or regulations applicability to the applicant, and the public safety concern necessitating the trimming or removal; and

- b. Upon submission of a completed, sworn application, the Natural Resources Coordinator, or designee finds the federal law, Florida State law, or local airport zoning regulations (pursuant to Federal Aviation Administration Regulations), governing runways, taxiways, aprons, runway protection zones and approaches, air traffic control towers, and aircraft navigational aids requires the trimming or removal of trees for public safety.
- (2) *Public international airports.* In addition to runways, taxiways, aprons, runway protection zones, approaches, air traffic control towers, and aircraft navigational aids exempt from permitting and mitigation requirements of this chapter for public safety referred to in section 13-7(c)(1), the Hillsborough County Aviation Authority shall be exempt from the requirements of this chapter pertaining to tree removal on all properties owned or controlled by the authority which is used for airport operations, including but not limited to terminals, hangars, maintenance areas, cargo areas, roadways and parking areas at Tampa International Airport, more particularly described as:

That part of Sections 5, 6, 7, 8, 9, 17, and 18, Township 29 South, Range 18 East of Hillsborough County, Florida, lying within the following described boundaries to wit:

Begin at the intersection of the centerlines of Dale Mabry Highway (S.R. 600) and

Tampa Bay Boulevard; run thence Southerly along said centerline of Dale Mabry Highway to it's intersection with the centerline of Columbus Drive; thence Westerly along said centerline of Columbus Drive to it's intersection with the centerline of Boy Scout Boulevard (S.R.589); thence Southwesterly along said centerline of Boy Scout Boulevard to it's intersection with the centerline of Jim Walter Boulevard (portion of Columbus Drive now vacated per City of Tampa Ordinance 88-412 and renamed per City of Tampa Ordinance 2003-36); thence Westerly along said centerline of Jim Walter Boulevard to it's intersection with the centerline of West Shore Boulevard (vacated per City of Tampa Ordinance 88-412); thence Southerly along said centerline of West Shore Boulevard to it's intersection with the centerline of Boy Scout Boulevard (S.R. 589) and Spruce Street (S.R. 589); thence Westerly along said centerline of Spruce Street (S.R. 589) to it's intersection with the centerline of Memorial Highway (S.R. 60 & S.R. 589); thence Westerly and Northerly along said centerline of Memorial Highway (S.R. 60 & S.R. 589) to and along the centerline of Eisenhower Boulevard (said Eisenhower Boulevard running parallel and adjacent with the Veterans Expressway); thence continue Northerly along said centerline of Eisenhower Boulevard to it's intersection with the Northerly boundary of the corporate limits of the City of Tampa, as established by House Bill 734, approved by the Governor of Florida on, April 28, 1953, filed in the office of the Secretary of the State on, April 29, 1953; thence meandering Easterly and Northerly along said corporate limits of the City of Tampa, to it's intersection with the centerline of Hillsborough Avenue (S.R. 580); thence Easterly along said centerline of Hillsborough Avenue (S.R. 580) to it's intersection with the Northerly projection of the Easterly boundary of the following described parcel: Commence at a Parker Kalon Nail and Cap (LB 6839) marking the Northwest corner

of Section 5, Township 29 South, Range 18 East in Hillsborough County, Florida; thence South 89°01'17" East along the north line of said Section 5 a distance of 2624.01 feet to a anchor and disk (LB 6839) marking the North Quarter Corner of said Section 5; thence South 89°01'31" East along the north line of said Section 5 a distance of 687.67 feet; thence South 00°52'51" West a distance of 114.12 feet to the Point of Beginning; continue thence around the parcel of land conveyed in Official Record Book 1999, page 618 of the Public Record of Hillsborough County, Florida the following four calls: 1) thence South 89°15'24" East a distance of 1,196.12 feet; 2) thence South 00°50'25" West a distance of 646.79 feet; 3) thence North 89°06'20" West a distance of 1,196.57 feet; 4) thence North 00°52'51" East a distance of 643.63 feet to the Point of Beginning; thence Southerly along said Northerly projection and Easterly boundary and it's Southerly projection of the above described parcel, to it's intersection with the centerline of Crest Avenue; thence Easterly along said centerline of Crest Avenue to it's intersection with the centerline of Hesperides Street; thence Southerly along said centerline of Hesperides Street to it's intersection with the centerline of Dr. Martin Luther King, Jr. Boulevard; thence Easterly along said centerline of Dr. Martin Luther King, Jr. Boulevard, to it's intersection with the centerline of Lauber Way; thence Southerly along said centerline of Lauber Way to it's intersection with the centerline of Ohio Avenue; thence Easterly along said centerline of Ohio Avenue, to it's intersection with the centerline of that platted portion of Lauber Way, lying Westerly of and abutting Block 92 of REPLAT OF DREW PARK, a subdivision as recorded in Plat Book 29 Page 94 of the public records of Hillsborough County, Florida; thence Southerly along said centerline of Lauber Way, to it's intersection with the centerline of Tampa Bay Boulevard; thence Easterly along said centerline of Tampa Bay Boulevard to it's

intersection with the centerline of Dale Mabry Highway (S.R. 600) and the POINT OF BEGINNING.

Prior to removal of a grand or protected tree, the proposed removal is required to be reviewed through the city's permit process, for purposes of assessing applicable tree replacement and mitigation requirements. Mitigation for tree removal shall be provided according to section 13-45(g) and section 13-165 and all new construction not exempt by section 13-7(c)(1) shall be subject to compliance with all other provisions of this chapter, as applicable.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2001-90, § 2, 4-5-01; Ord. No. 2004-129, § 2, 5-27-04; Ord. No. 2006-74, §§ 2—4, 8, 3-23-06; Ord. No. 2008-27, § 2, 2-21-08; Ord. No. 2012-121, § 3, 11-1-2012)

#### **Sec. 13-8. Condemnation.**

In the event of a public or governmental right-of-way taking by settlement or condemnation, the existing or required landscape requirements described herein as part of this chapter shall be measured from the property line location prior to the acquisition [reference Ch. 27-295(d)]. Any proposed or subsequent reconstruction or reconfiguration of vehicular use areas and any other revisions to the original site plan shall replace lost landscape area and comply with this chapter to the greatest extent possible. Site plans shall be submitted for review to determine compliance to the Code by either a real property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in real property. Approval of the proposed reconfiguration or reconstruction must be obtained prior to the condemnation action. If full compliance to the requirements in this chapter is not possible, section 13-27(h)(2) Alternative Methods of Compliance shall apply. (Ord. No. 97-34, § 2, 2-6-97)

#### **Sec. 13-9. Tree canopy study.**

(a) *Generally.* The city shall initiate a tree canopy study within the geographic boundaries of the city by December 31, 2006. Thereafter, the

city shall conduct a tree canopy study every five (5) years, unless requested earlier by the city council.

(Ord. No. 2006-74, § 9, 3-23-06)

**Secs. 13-10—13-25. Reserved.**

**DIVISION 2. CERTIFICATES; DOCUMENTS;  
REQUIREMENTS; ETC.**

**Sec. 13-26. Applications and documentation.**

(a) Any person legally entitled to apply for and receive a permit under the provisions of this chapter shall make such application in writing to the department on forms provided for that purpose. Every applicant for a permit shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The department may require plans, specifications or drawings and such other information as it may deem necessary and pertinent prior to the granting of a permit. If the department determines that the plans, specifications, drawings, descriptions or other information furnished by the applicant are in compliance with this chapter, the rules and regulations of any other department having jurisdiction and any other laws, rules and regulations pertaining to the work proposed to be done, it shall issue the permit.

(b) The order, sequence and prerequisites for making applications for permits shall be as designated by the Natural Resources Coordinator, or designee.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

**Sec. 13-27. Landscape and tree planting plan.**

(a) *Submission.* Before any person can gain approval of a landscape and tree planting plan, he must submit to the department a proposed landscape and tree planting plan for the entire parcel.

(b) *Preparation by registered landscape architect; proof thereof; exemptions.*

(1) Except as provided in subsection (b)(3) hereof, each landscape and tree planting plan submitted pursuant to the provisions of this chapter shall be:

- a. Prepared by or under the responsible supervision and control of a registered landscape architect, or
- b. Reviewed, approved or modified by a registered landscape architect who has adopted such plan as his own work and who thereby accepts full responsibility for the landscape and tree planting plan.

(2) Except as provided in subsection (b)(3) hereof, each landscape and tree planting plan submitted pursuant to the provisions of this chapter shall bear the name, signature, address and seal of the registered landscape architect who prepared or supervised the preparation of or was otherwise responsible for the landscape and tree planting plan.

(3) The following persons are exempt from the provisions of subsections (b)(1) and (b)(2) above, and may prepare and submit landscape and tree planting plans without the assistance and corresponding name, signature, address and seal of a registered landscape architect:

- a. Any person who makes any plans, drawings or specifications for any real or personal property owned by him, so long as he does not use the title, term or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that he is a registered landscape architect, unless he is registered as provided in F.S. Ch. 481;
- b. Any nurseryman, stock dealer or agent who holds a valid license issued by the state department of agriculture and consumer services, di-

vision of plant industry, insofar as he is engaged in the preparation of plans or drawings as an adjunct to merchandising his product, so long as he does not use the title, term or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that he is a registered landscape architect, unless he is registered as provided in F.S. Ch. 481;

- c. Any person who performs landscape architectural services not for compensation, or in his capacity as an employee of a municipal or county government, except that any person who has been hired under the title of "landscape architect" by any state, county, municipality or any other governmental unit of this state after June 30, 1988, shall not be exempt from subsections (b)(1) and (b)(2) hereof.
- (4) The requirements of subsections (b)(1) and (b)(2) hereof shall not prevent any of the following actions:
- a. Employees of registered landscape architects acting under the instruction, control or supervision of their employers;
  - b. Builders or superintendents employed by such builders supervising the installation of landscape projects by landscape contractors;
  - c. Certified or registered general contractors negotiating or performing services under a design build contract as long as any landscape architectural services offered or rendered in connection with the contract are offered or rendered by a licensed registered landscape architect, by an architect licensed and registered under F.S. Ch. 481, or an engineer licensed and registered under F.S. Ch. 471.

(c) *Contents.* The landscape and tree planting plan shall include the information required by the department.

(d) *Standards for review.* A landscape and tree planting plan shall be approved if it meets the landscaping and tree planting requirements and standards of this chapter.

(e) *Duration of approved plan.* Each landscape and tree planting plan approved shall provide that the requested development shall commence within six (6) months from the date of issuance of the approval. If development is delayed, an additional six (6) months shall be provided through written request to the Natural Resources Coordinator, or designee. The approval shall expire and become null and void at the end of this period if the development authorized has not commenced and been carried on in a continuous fashion.

(f) *Inspection and maintenance.*

(1) *Landscape and tree planting.* The landscape, trees, plants and other items on the parcel which are shown on the approved landscape and tree planting plan shall be inspected six (6) months after planting to ensure consistency with the provisions of this chapter and to ensure all trees and plants are in healthy conditions trees planted pursuant to this chapter found to be in a declining condition shall be replaced within thirty (30) days of notification. If replacement is necessary, there shall be a reinspection six (6) months after the replacement planting.

(2) *Irrigation system.* The landscape and irrigation system shall be maintained and managed to ensure water efficiency, and prevent wasteful practices. This should include, but not be limited to, resetting the automatic controller according to season, flushing the filters, testing the rain sensor device, and monitoring, adjusting, and repairing irrigation equipment such that the efficiency of the system is maintained.

(g) *Final inspection permit.* Prior to the approval of a final inspection permit on the parcel, the department shall perform a final landscape inspection to verify compliance with the approved landscape and tree planting plan for the parcel.

(h) *Alternative methods of compliance.*

(1) In an effort to preserve significant upland native resources and conserve water, the following regulations may be utilized as an alternative to strict code compliance:

- a. Using the concept of a "Florida Friendly Landscape" or Xeriscape™, a site plan shall be submitted identifying all existing vegetation to be preserved, proposed turf, and other landscape areas. Installed trees and plants shall be grouped together into landscape plant zones according to water, soil, climate, and light requirements. Plant groupings based on water requirements are as follows; natural, drought tolerant, and oasis.
- b. Development shall be planned to prevent substantial impact to significant upland native resources. Upland resources shall include plant ecosystems described in the conservation and aquifer recharge element of the comprehensive plan, which shall include, but not be limited to, the following:
  1. Pine flatwoods.
  2. Dry prairies.
  3. Sand pine scrub.
  4. Sandhills.
  5. Xeric hammocks.
  6. Mesic hammocks.
- c. In order to provide for contiguous preservation of native upland resources in the form of corridors, buffers or other land configurations, the following general development criteria may be applied:
  1. Integration of significant upland resource equivalent to the required landscaped area.
  2. Integration of significant wild-life habitat.
  3. Identification and preservation of grand trees.
  4. Identification and preservation of rare and endangered plants and animals. Reference Rare and Endangered Biota of Florida Series.
  5. Upland resource preservation shall be exclusive of wetland setbacks already required in the chapter.
  6. Alternative methods of compliance must provide at least the equivalent of that specifically required in the chapter. This provision is supplemental to any authority to issue variances.
  7. Proposed planting must be comprised of seventy-five (75) percent of the species indigenous to the specific site.
  8. Management plan for designated preserved areas must be submitted and approved by the department.
  9. Minimum dimensions for upland preservation corridors or buffers shall be fifty (50) feet.
  10. Alternative forms of compliance are subject to approval by the department.
- d. General design standard incentives are as follows:
  1. Reduction in vehicular use buffers.
  2. Reduction in interior landscape islands.
  3. Full credit towards tree planting requirements where trees have been preserved in a development area in addition to the upland buffer or corridor.
  4. Exemption from all permanent irrigation systems.

- 5. Other alternative forms of compliance will be reviewed by the department.
- e. Permitted uses within the protected native upland resource are as follows:
  - 1. Passive activities.
  - 2. Boardwalks or pervious pathways.
  - 3. Selective removal of invader species.
  - 4. Selective trimming for visibility.
  - 5. Native plant enhancement.
  - 6. Ancillary stilted structures such as observation towers, wildlife monitoring stations, etc.
  - 7. Other compatible uses as approved by the department.
- f. If the applicant does not comply with all specific conditions of the alternative form of compliance, the applicant will be required to fully meet the city code in all respects, regardless of any partial compliance previously achieved by the applicant.

(2) If, because of the nature of a parcel or proposed development, strict city code compliance can not be accomplished, the following criteria may be utilized to allow an alternative method of compliance:

- a. 1. That the alternative arises from a condition specific to the land, structures and buildings involved;
- 2. That the particular physical surroundings, shape or topographical conditions of the specific parcel lend themselves to the alternative as opposed to strict city code compliance; or
- 3. That the specific condition of the parcel that creates the need for the alternative is a condition created by this chapter and

not by the person or entity offering the alternative or the owner; and

- b. 1. That the alternative does not interfere with the rights of others or endanger the public health, safety or general welfare;
- 2. That the alternative achieves the general intent of this chapter;
- 3. That the alternative does not waive any section of this chapter in its entirety as applied to the parcel as a whole; and
- 4. That the alternative is the minimum variance from this chapter for the specific parcel under the circumstances.

The proposed alternative method of compliance shall be submitted to the development review and compliance staff and procedures (DRC), as set forth in Chapter 27, for review. The DRC shall submit its recommendation to the Natural Resources Coordinator, or designee.

The department may impose reasonable changes to or restrictions or conditions on the alternative to effect the intent of this section and this chapter as a whole.

(3) Alternate materials or methods of construction or methods of compliance may be utilized provided the Natural Resources Coordinator, or designee determines that the alternate is at least the equivalent of that prescribed in this chapter based upon industry standards.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2002-33, §§ 3, 4, 1-24-02; Ord. No. 2012-121, §§ 3, 4, 11-1-2012)

**Sec. 13-28. Landscape and tree planting plan required; exemptions.**

(a) *Generally.* Before the city issues a building permit for any development on a parcel, the development on that parcel shall have an approved landscape and tree planting plan consistent with the terms of this chapter.

(b) *Exemptions.* The following are exempt from this division:

- (1) *Commercial nurseries.*
- (2) *Agricultural.* Any bona fide agricultural use in furtherance of that use.
- (3) *Development affecting existing single-family and two-family dwellings.* Any expansion of an existing single- or two-family dwelling. The addition of a vehicular use area to an existing single- or two-family dwelling shall not be considered expansion for the purposes of this division, but shall be considered development subject to the provisions of this division.
- (4) *Expansion of existing development by twenty-five (25) percent or less.* Any development on a parcel which increases the total floor area of an existing structure by no more than twenty-five (25) percent. This exemption shall not apply to nonconforming uses under the city's zoning ordinance.
- (5) *Existing improvements.* Any exterior improvement to existing structures which is not an expansion of total floor area.
- (6) *Interior improvements.* Any interior improvement to existing structures which is not an expansion of total floor area.
- (7) *Fuel storage tanks.* The expansion of above ground fuel storage tanks and related systems located within existing petroleum bulk storage and processing facilities.
- (8) *Mitigation of wetlands.* The mitigation of wetlands pursuant to a development order or approved plan from and the requirements of the Florida Department of Environmental Protection, the Army Corps of Engineers, the Southwest Florida Water Management District, the Hillsborough County Environmental Protection Commission and the Tampa Bay Port Authority.

(Ord. No. 97-34, § 2, 2-6-97)

**Secs. 13-29—13-40. Reserved.**

**DIVISION 3. FEE AUTHORITY AND TYPES; PERMITS; INSPECTIONS**

**Sec. 13-41. Fees—City council to establish.**

The city council shall have the authority to set fees by resolution.

(Ord. No. 97-34, § 2, 2-6-97)

**Sec. 13-42. Same—Types enumerated.**

Fees may be charged for the following:

- (1) Permit application;
- (2) Reinspection;
- (3) Board petitions.

(Ord. No. 97-34, § 2, 2-6-97)

**Sec. 13-43. Failure to obtain a permit.**

Any person who shall commence any work without first obtaining a permit therefor shall, if subsequently permitted to obtain a permit, pay triple the permit fee prescribed for the work. This provision shall not apply to emergency work as set forth in section 13-49 unless an unreasonable delay in obtaining such permit occurs and then a triple fee shall be charged. The payment of a triple fee shall not preclude nor be deemed a substitute for prosecution for commencing work without first obtaining a permit.

The removal of a grand tree without a permit is deemed to be an irreparable and irreversible violation. A fine of up to fifteen thousand dollars (\$15,000.00) shall be imposed for the removal of a grand tree without a permit. The following factors shall be considered in determining the amount of the fine:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

In addition, any person removing a protected or grand tree without a permit shall be required to replace the protected or grand tree with one or

more recommended tree(s) on the same parcel (or on adjacent right-of-way) in accordance with section 13-165 of this chapter. The number and size of the replacement trees required to be planted shall equal, on an inch for inch basis, the size (dbh) of the protected or grand tree(s) that were removed without a permit. If it is not possible to relocate or replace a protected or grand tree with recommended tree(s) on the same parcel (or on adjacent right(s)-of-way), then a contribution shall be made to the planning and development department tree trust fund in accordance with section 13-165 of this chapter and Chapter 16 of this Code.

*Exception:*

- (1) Where extenuating circumstances justify, the Natural Resources Coordinator, or designee may allow an extension of time for the permit to be obtained in excess of three (3) business days.
- (2) For just cause and in cases involving extreme circumstances and unusual hardship, the Natural Resources Coordinator, or designee may waive the triple permit fee.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2001-90, § 3, 4-5-01; Ord. No. 2002-262, § 1, 12-5-02; Ord. No. 2006-74, § 2, 3-23-06; Ord. No. 2012-121, §§ 3, 6, 11-1-2012)

**Sec. 13-44. Permit—Site inspection and site clearing; exemptions.**

(a) *Generally.* No person shall commence any site clearing, demolition or receive a building permit for any development on a parcel in the city until a permit is issued by the department in accordance with this chapter to ensure such activity does not harm any protected tree, grand tree, drainage, soils or wetlands on that parcel. In instances where phased development is to occur pursuant to the terms of the city zoning code, a person shall only be required to apply for a permit pursuant to the terms of this chapter for that phase of the development that is proposed to be developed.

(b) *Exemptions.* The following are exempt from this section:

- (1) Commercial nurseries.
- (2) *Agricultural.* Any bona fide agricultural use in furtherance of that use.
- (3) *Single-family and two-family lots.* Single-family or two-family development on a parcel, excluding driveways, when that development covers an area of less than five hundred (500) square feet and the applicant signs an affidavit that no protected trees or wetlands are located on the parcel within thirty (30) feet of the proposed development.
- (4) *Residential driveways less than seven hundred fifty (750) square feet.* Residential driveways which cover less than seven hundred fifty (750) square feet and the applicant signs an affidavit that no protected trees or wetlands are located on the parcel within thirty (30) feet of the proposed driveway.
- (5) *Temporary downtown park.* Trees planted on a parcel located in the central business district, as established in section 27-181, at any time while the parcel is made available to the city or a non-profit entity for use, but not permanently dedicated, as a public park shall be exempt from this division:
- (6) *Certification of no protected trees or wetlands.* For all parcels not included in subsections (3) and (4) of these exemptions, the site inspection indicates that no protected trees or wetlands are located on the parcel within thirty (30) feet of the proposed development or driveway.

(c) *Permits.*

- (1) *Site inspection permit.* Required for any parcel not specifically exempt in subsection (b) of this section.
- (2) *Site clearing permit.* Required for any parcel on which protected trees or wetlands are located within thirty (30) feet of proposed development as confirmed by the site inspection.

(d) *Application generally.* Any person wishing to obtain a permit under this section shall submit an application for site clearing. A permit shall be applied for by the owner of a single- or two-family dwelling or of a parcel upon which a single- or two-family dwelling is to be built, a licensed landscaping contractor, a licensed tree service, a licensed demolition subcontractor, a licensed house moving subcontractor, a licensed paving subcontractor, a licensed excavation subcontractor, a licensed general contractor, a licensed building contractor or a licensed residential contractor.

(e) *Application for site clearing.* The application for site clearing shall include the information required by the Natural Resources Coordinator, or designee.

(f) *Application for site clearing of underbrush/understory vegetation with no construction.* The application for site clearing of underbrush/understory vegetation on a parcel where no construction is occurring shall include the information required by the Natural Resources Coordinator, or designee.

(g) *Standards for review of application and granting of permit.* An application shall be approved by the Natural Resources Coordinator, or designee and a permit for site clearing granted if the Natural Resources Coordinator, or designee determines that:

- (1) The tree protection requirements for the proposed site clearing activities are consistent with the requirements of this chapter;
- (2) The site clearing will not cause any erosion in violation of local or state law;
- (3) The site clearing will not encroach upon any buffer for wetlands; and
- (4) The following invasive species of plant material shall be removed as part of the site clearing permit activity: *Schinus terebinthifolius* (Brazilian pepper); *Cupaniopsis anacardiodes* (Carrotwood); *Casuarina* spp. (Australian pine); *Melaleuca quinquenervia* (Punk tree); and *Sapium sebiferum* (Chinese tallow).

(h) *On-site inspections.* Before an on-site inspection:

- (1) All protected trees or grand trees to be removed during land alteration and site clearing shall be identified by red flagging,
- (2) The rights-of-way of proposed roads, corners of proposed buildings, location of proposed drainage basins, manmade lakes, areas that require fill and other improvements shall be rough staked, and
- (3) Protective barricades installed. If upon inspection trees to be removed, road rights-of-way, building corners, fill areas and other improvements have not been identified, the inspection shall be suspended until these preparations have been completed.

(i) *Inspection for compliance.* Each permit for site clearing shall state that the applicant shall notify the department within forty-eight (48) hours after site clearing activity has been completed. The department shall inspect the site, and if the Natural Resources Coordinator, or designee determines no violations have occurred, the department shall issue a final inspection release. No further development activity of any nature shall commence or be carried out on the parcel that is the subject of the permit for site clearing until the final release has been issued.

(j) *Duration of permit.* Each permit for site clearing approved shall provide that site clearing shall commence within six (6) months from the date of issuance of the permit. If development is delayed, an additional six (6) months shall be provided through written request to the Natural Resources Coordinator, or designee. The permit shall expire and become null and void at the end of this period if the site clearing authorized has not commenced and occurred in a continuous manner, has ceased or been interrupted at any time after commencement or a transfer of ownership of the affected parcel has occurred.

(k) *Work authorized for site clearing.* The permittee is authorized to clear a site of brush and/or any trees which have been approved for removal by the department. Such work is authorized after

a site inspection pursuant to section (c)(1) above and must take place in accordance with city codes including the technical standards.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2006-74, § 10, 3-23-06; Ord. No. 2012-121, § 3, 11-1-2012)

**Sec. 13-45. Same—Tree removal and replacement and tree trimming; exemptions.**

(a) *When permits are required.*

- (1) *Removal of protected trees.* No person shall cut down, remove, relocate, damage, destroy or in any manner abuse any protected tree in the city until a permit is issued by the department.
- (2) *Removal of grand trees.* No person shall cut down, remove, relocate, damage or in any way abuse a grand tree, except as otherwise specifically and expressly provided in this chapter.
- (3) *Tree trimming on public rights-of-way.* No person shall trim branches four (4) inches or greater in diameter measured twelve (12) inches from the base of the branch located on any protected or grand tree located in a public right-of-way in the city until a permit is issued by the city. Unless specifically allowed by the Natural Resources Coordinator, or designee in accordance with the standards set forth herein, all trimming of protected or grand trees shall be performed in accordance with the "American National Standard for Tree Care Operations, ANSI, A300, current edition."
- (4) *Trimming of grand trees on private property.* A permit shall be required prior to the trimming of any grand tree on private property. The city's Natural Resources Coordinator, or designee shall review all applications to trim a grand tree and shall inspect the grand tree when the trimming has been completed. Unless specifically allowed by the city's Natural Resources Coordinator, or designee in accordance with the standards set forth herein, all trimming of grand trees shall be per-

formed in accordance with the "American National Standard for Tree Care Operations, ANSI, A300, current edition."

(b) *Exemptions.* The following are exempt from the permitting requirements of this division:

- (1) *Commercial tree operation.* Trees grown specifically for sale by commercial nurseries.
- (2) *Commercial silviculture operation.* Trees planted and grown specifically for the production of lumber and its byproducts.
- (3) *Tree damaged or destroyed by natural disaster.* Any tree irreversibly damaged or destroyed by natural disaster pursuant to section 13-49.
- (4) *Trimming of protected trees on private property.* The trimming of protected trees on private property.
- (5) *Trimming of trees by public utilities or the forestry division of the parks and recreation department.* The trimming of grand or protected trees by public utilities or the forestry division of the parks and recreation department in accordance with section 13-7 of this chapter.
- (6) *Removal of trees in the public right-of-way by the forestry division of the parks and recreation department.* The removal of protected or grand trees from public right-of-way by the forestry division of the parks and recreation department in accordance with section 13-7 of this chapter.
- (7) *Aviation public safety.* The trimming or removal of trees required by federal law, Florida State Law, or local airport zoning regulations (pursuant to Federal Aviation Administration Regulations), governing runways, taxiways, aprons, runway protection zones and approaches, air traffic control towers, and aircraft navigational aids for public safety, if the application for exemption has been approved in accordance with section 13-7(c)(1) of this chapter.

(c) *Permit applications generally.* Any person wishing to obtain a permit under this section shall submit an application for tree removal and replacement or an application for tree trimming, whichever is applicable. A permit shall be applied for by a person licensed to remove or trim trees in the city. If no specific licensing requirements are established then a permit shall be applied for by the owner of the parcel or a licensed landscaping contractor, a licensed tree service, a licensed demolition subcontractor, a licensed house moving subcontractor, a licensed paving subcontractor, a licensed excavation subcontractor or a licensed general contractor. The application shall include a fee as established by the city from time to time to cover the costs of processing the application. Building permits shall not be issued without tree removal permits, where applicable. Except as provided in section 13-28 of this chapter, all applications for a building permit shall include an accurate survey or drawing (to scale) showing all existing protected and grand trees located on a parcel and any protected or grand trees located within twenty (20) feet of the boundary of that parcel.

(d) *Application for tree removal and replacement permit.* The application for tree removal and replacement shall include the information required by the Natural Resources Coordinator, or designee.

(e) *Application for tree trimming permits.* The application for tree trimming shall include the information required by the Natural Resources Coordinator, or designee.

(f) *Review of applications for tree trimming and removal and replacement.* The Natural Resources Coordinator, or designee shall determine if the application is complete. If it is determined that the application is not complete, the Natural Resources Coordinator, or designee shall notify the applicant of the deficiencies. The Natural Resources Coordinator, or designee shall take no further action on the application until all deficiencies have been resolved or otherwise settled. Once the Natural Resources Coordinator, or designee determines the application is complete, he shall conduct a field inspection of the site and determine whether the application shall be approved.

(g) *Standards for review of application for tree removal and replacement.*

- (1) *Intent.* These regulations have been adopted to preserve and protect existing grand and protected trees in the city. These regulations have also been adopted to allow for the removal of grand and protected trees if they are hazardous, causing structural damage to the foundation, structural walls or roof structure of an existing building or when necessary to allow for reasonable use of a parcel or property. If grand or protected trees are removed, it is also the intent of these regulations to require that those removed or protected trees be replaced in order to preserve the tree canopy in the city thereby protecting the environment and enhancing the natural beauty of the city. However, it is not the intent of this chapter to preclude reasonable use of a parcel when the terms of these regulations are inconsistent with the city's zoning code or to inordinately burden the reasonable use of a parcel of property.
- (2) *General standards.* In connection with the review of applications for the removal of protected or grand trees the following general standards shall apply:
  - a. *Hazardous trees.* A hazardous tree shall be permitted to be removed. The determination of whether a grand or protected tree is hazardous shall be made in accordance with the "tree hazard evaluation form" which is "Exhibit I" at the end of this chapter and which is incorporated herein by this reference. The tree hazard evaluation shall be in writing and shall conclude whether the grand or protected tree constitutes a hazardous tree. The city's Natural Resources Coordinator, or designee may also recommend the trimming of a grand or protected tree in lieu of removing the grand or protected tree if trimming will adequately address the hazardous condition.

b. *Reasonable use.* A grand or protected tree shall be permitted to be removed if the grand or protected tree denies or precludes reasonable use of a parcel of property. For purposes of this chapter, reasonable use shall mean an actual, present use or activity on a parcel of real property (including periods of inactivity which are normally associated with, or are incidental to, the nature or type of use or activity), or such reasonably foreseeable, nonspeculative land uses which are suitable for the subject parcel of property, which are compatible with adjacent land uses, and which have created an existing fair market value in the parcel of property greater than the fair market value of the actual, present use or activity on the parcel of property. In determining reasonable use of a parcel of property the following factors shall be considered:

1. The hazard evaluation of the tree based on the "tree hazard evaluation form" attached to this chapter as "Exhibit I" if one (1) is required by this chapter or is performed at the request of the applicant;
2. The land use classification of the parcel of property on which the tree is located;
3. The zoning of the parcel of property on which the tree is located;
4. Any prior or existing development on or use of the property (including the applicable zoning, permitting and subdivision history of that parcel);
5. The impact of the grand or protected tree(s) on the buildable area of a parcel as shown by a survey or drawing of the parcel of property (to scale) accurately depicting the location of the grand or protected tree(s) in-

cluding the minimum protective root zone required by this chapter around the tree(s) and its impact on the buildable area of that parcel of property;

6. Any special circumstances affecting the development of that parcel of property, including without limitation, any unusual topography and fill requirements;
7. Existing uses or development pattern on similarly situated property located adjacent to or near the parcel of property in question;
8. Any effort by the permit applicant to redesign the proposed development, structure or use in a manner to retain or preserve the grand or protected tree;
9. The tree regulations in effect at the time the property owner acquired title to the parcel of property; and
10. Any other information that would be pertinent in determining whether the removal of a grand or protected tree is required to allow reasonable use of a parcel including without limitation, bona fide, valid appraisals of the fair market value of the parcel of property in question and a bona fide valuation of the tree(s) to be removed based on generally accepted standards (such as those published by the International Society of Arboriculture).

c. *Removal of grand tree causing structural damage to existing building.* A grand tree shall be permitted to be removed when the Natural Resources Coordinator, or designee makes a determination that the grand tree has grown or likely will grow within

one year in such a manner that it is causing or will cause structural damage to the foundation, structural walls or structural roof of an existing building.

1. Demolition of the existing building for which the grand tree was removed is prohibited for a period of two (2) years. No permit shall issue for demolition of the existing building for which the grand tree was removed for two (2) years from the date on which the application for grand tree removal was approved.
  - a. Upon submission of an application for removal of a grand tree under this section, the owner of the property shall sign and have notarized an affidavit which affirms: (1) the reason for the removal of the grand tree, (2) an acknowledgment of and agreement to the two-year moratorium on demolition, and (3) consent to the filing of the signed affidavit with the Clerk of Court for Hillsborough County, the purpose of which is to put all potential bona fide purchasers of said property on notice of the two-year moratorium. No permit for removal of the tree shall be issued without a signed affidavit of the property owner.
2. Notwithstanding the above provision, during the two-year period in which demolition of the existing building for which the grand tree was removed is prohibited, the owner of the subject property or the property owner's authorized representative may petition the city council

to permit demolition of the building. The city council may authorize demolition of the subject building upon a finding that demolition of the structure is necessary for the public health, safety and welfare of the citizens of the City of Tampa, or prohibiting demolition will place undue, unforeseeable financial burden on the owner, or for just cause and in cases involving extreme circumstances and unusual hardship that the city council determines necessitate demolition of the building. The petition shall be filed with the city clerk and shall specify the grounds for the petition, the relief desired, and the applicable provisions of this chapter on which the appeal is based. No permits allowing demolition of the subject building shall be issued or approved while the petition is pending unless the Natural Resources Coordinator, or designee determines demolition of the building is immediately necessary for public safety. No fee shall be charged by the city for the filing of an appeal under this provision.

- d. *Adverse impacts.* All applications for the removal of a protected or grand tree shall be reviewed to ensure that: (i) the removal of the protected or grand tree is not injurious to the public health, safety and welfare; and (ii) the removal of the protected or grand tree is consistent with the terms of this chapter and the city's comprehensive plan. In connection therewith, all such applications shall be reviewed to ensure that the removal of a protected or grand tree shall not:
  1. Substantially lower the water table on the parcel of property;

2. Substantially lessen the ability of natural assimilation of nutrients, pollutants, silt and other noxious substances into the ground or surface water on a parcel of property;
  3. Substantially impact the existing biological or ecological systems on a parcel of property;
  4. Substantially reduce available wildlife habitat on a parcel of property; or
  5. Substantially reduce the fair market value of other parcels of property located in the surrounding neighborhood. If substantial and competent evidence exists that the removal of a protected or grand tree would have any one (1) of the detrimental impacts described above, then the issuance of a tree removal permit shall be conditioned upon the permit applicant taking actions as may be necessary to correct or to mitigate the detrimental impact from the removal of the protected or grand tree.
- e. *Relocation or replacement required.* Any protected or grand tree that is permitted to be removed shall be either relocated or replaced with a recommended tree on the same parcel of property (or on right-of-way located adjacent to the parcel) in accordance with section 13-165 of this chapter unless otherwise expressly exempted in this chapter. If it is not possible to relocate or replace a protected or grand tree on the same parcel (or on adjacent right-of-way), then the permit applicant shall make a contribution to the park's department tree trust fund in accordance with the terms of section 13-165 of this chapter and Chapter 16 of this Code.
- (3) *Protected trees, generally.* An application for tree removal and replacement shall be granted by the Natural Resources Coordinator, or designee when he determines.
    - a. That one (1) or more of the following conditions exist:
      1. The protected tree is determined to be "hazardous" by the city's Natural Resources Coordinator, or designee or the designee of the city's Natural Resources Coordinator, or designee after a physical inspection of both the protected tree and the parcel on which the protected tree is located in accordance with subsection 13-45(g)(2)(a) of this chapter. The city's Natural Resources Coordinator, or designee may delegate the responsibility of determining whether a protected tree is hazardous to one (1) or more city staff persons provided that those staff persons either:
        - (a) Are an International Society of Arboriculture certified arborist; or
        - (b) Have been specifically trained by the city's Natural Resources Coordinator, or designee in connection with the application of the "tree hazard evaluation form;"
      2. The protected tree is located in an area where a structure or improvement will be placed, or where a structure or improvement currently exists, and, if not removed, will deny reasonable use of the property or cause serious damage to an existing building, as determined in accordance with subsection 13-45(g)(2)(b) of this chapter; however, for new construction if the development can be reasonably

- reconfigured to provide reasonable use, then such reconfiguration shall be made;
3. The protected tree is diseased or injured to the extent it is irreparably damaged;
  4. The protected tree creates unsafe vision on a public street or right-of-way and cannot be trimmed to correct the unsafe vision;
  5. The protected tree is required to be removed to remove unhealthy or damaged vegetation;
  6. The protected tree is required to be removed for an approved infrastructure improvement or structure; (No more than thirty (30) percent of the protected trees on a parcel shall be removed for infrastructure improvements for a subdivision);
  7. The protected tree prevents access to a proposed structure or access to a necessary part of a building site, and a redesign of the development plan is not feasible;
  8. The protected tree is located in an area where fill will be placed on a parcel pursuant to a development order and/or a grade-fill excavation permit has been issued by the city and the applicant has demonstrated it is not reasonably practicable to utilize arboricultural techniques to preserve a protected tree; or
  9. The protected tree or trees will prevent the comprehensive implementation of the bona fide agricultural use; and
- b. The Natural Resources Coordinator, or designee has determined that the permit application complies with the general standards contained in subsection 13-45(g)(2)(c) and subsection 13-45(g)(2)(d) of this chapter.
- (4) *Protected trees on nonwooded land.*
    - a. For nonwooded land, all administrative permits shall require the retention of fifty (50) percent of the protected trees on a parcel, at a minimum, exclusive of wetlands.
    - b. All applications to remove more than fifty (50) percent of the protected trees on a parcel of nonwooded land shall be reviewed and heard by the city board having variance authority in connection with the parcel of nonwooded land at a public hearing in accordance with the procedure for variances as set forth in Chapter 17.5 of this Code. Any such application shall be reviewed by the appropriate city board based on the variance criteria in Chapter 17.5 of this Code or the reasonable use criteria contained in subsection 13-45(g)(2)(b) of this chapter.
  - (5) *Protected trees on wooded land.*
    - a. For wooded land, all administrative permits shall require the retention of the following percentages of the existing protected trees on a parcel, exclusive of wetlands:
      1. Single-family, two-family use and any use not otherwise specified herein, a minimum of fifty (50) percent;
      2. Multiple-family use, a minimum of forty (40) percent; and
      3. Commercial and industrial uses, a minimum of twenty-five (25) percent.
    - b. All applications to retain less than the percentages of protected trees listed above on a parcel of wooded land shall be reviewed by the appropriate city board having variance authority in connection with the parcel of wooded land at a public hear-

ing in accordance with the procedure for variances as set forth in Chapter 17.5 of this Code. Any such application shall be reviewed by the appropriate city board based on the criteria for variances in Chapter 17.5 of this Code or the reasonable use criteria contained in subsection 13-45(g)(2)(b) of this chapter.

(6) *Grand trees.*

a. *Hazardous grand trees.* The Natural Resources Coordinator, or designee shall approve an application to remove a grand tree that is determined by the city's Natural Resources Coordinator, or designee or designated city certified arborist within the planning and development department to be hazardous pursuant to the following procedure:

1. Determination by the city's Natural Resources Coordinator, or designee.

(a) *Hazardous tree removal.* The city's Natural Resources Coordinator, or designee or designated city certified arborist within the planning and development department shall determine whether the grand tree is hazardous in accordance with subsection 13-45(g)(2)(a) of this chapter after a physical inspection of both the grand tree and the parcel on which the grand tree is located. The physical inspection and written determination as to whether the grand tree is hazardous shall be made by the city's Natural Resources Coordinator, or designee or designated city certified arborist within the planning and development department and shall not be delegated to any

other city staff person. The director of the planning and development department shall also review the permit application to ensure that it complies with the general standards contained in subsection 13-45(g)(2)(c) and subsection 13-45(g)(2)(d) of this chapter.

(b) *Emergency hazardous tree removal.* If the city's Natural Resources Coordinator, or designee or designated city certified arborist within the planning and development department and the Natural Resources Coordinator, or designee determine immediate removal of a hazardous tree is necessary to protect the public health, safety and welfare, the notice and stay provisions described in subsections 2 and 3, below, shall not be required and the grand tree may be immediately removed.

2. *Notice.* As part of the application to remove a grand tree because it is hazardous, the property owner or the property owner's authorized representative shall notify in writing all abutting property owners (according to the latest ad valorem tax records) and the registered neighborhood organization for the neighborhood in which the parcel of property is located (as determined by the city's neighborhood liaison office) of the request by United States Mail as evidenced by a "certificate of mailing" issued by the United States Post Office. In addition, immediately upon written approval of the application to re-

- move the grand tree (if approved), the property owner or the property owner's authorized representative shall post a sign on the property stating that the application to remove the grand tree has been approved. The sign shall be posted in a conspicuous location on the property clearly visible from any public right(s)-of-way located adjacent to or contiguous with the property. Failure to comply with these notice requirements shall invalidate the administrative approval of the application for the removal of a grand tree because it is hazardous. The property owner or the property owner's authorized representative shall provide the Natural Resources Coordinator, or designee with an affidavit together with the certificate of mailing and photographs of the sign evidencing compliance with these notice requirements prior to the issuance of any permit for the removal of a grand tree.
3. *Stay period.* If approved, the application to remove a grand tree shall not be effective and the project shall not be eligible for issuance of any applicable permits including a permit to remove the grand tree for two (2) weeks (fourteen (14) calendar days) from the date of the written approval, or the date all other necessary project approvals have been received, whichever is later.
  4. *Conditions.* Reasonable conditions may be imposed upon any approved application to remove a grand tree to ensure that the public health, safety and general welfare are protected and substantial justice is done. A violation of any imposed conditions shall be a violation of this chapter.
  5. *Appeal.* The property owner, the property owner's authorized representative and any party that is entitled to notice of the application by mail as required above may appeal the administrative approval or denial of an application to remove a grand tree because it is hazardous to city council by filing written notice of appeal with the city clerk within fourteen (14) calendar days of the date the application to remove a grand tree because it is hazardous is approved or denied in writing. The notice of appeal shall specify the grounds for the appeal, the relief desired, and the applicable provisions of this chapter on which the appeal is based. The city council shall apply a de novo standard of review and shall not be limited in its review to that information, documentation or evidence upon which the Natural Resources Coordinator, or designee based the determination. No permits allowing the removal of the grand tree shall be issued or approved while an appeal is pending. The person making the appeal shall notify the property owner, the property owner's authorized representative (if any), and all persons receiving notice of the application under this subsection of the appeal by providing them with a copy of the notice of the appeal and notice of the hearing date for the appeal in writing by a "certificate of mailing" through the United States Post Office at least ten (10) calendar days prior to the appeal hearing date. The per-

son making the appeal shall prepare an affidavit showing: i. the parcels of property that abut the subject property; ii. the names of the owners of such parcels of property; and, iii. the date and post office address to which each copy of the notice was mailed. The affidavit shall be filed with the city clerk not less than three (3) days prior to the date of the public hearing. Failure to comply with these notice requirements shall result in a dismissal of the appeal by city council with prejudice.

- 6. *Quarterly report.* The Natural Resources Coordinator, or designee, on a quarterly basis, shall mail a copy of the list of approved applications to remove hazardous grand trees to all organizations requesting such information. The list will specify the size, specie and location of the trees.
  - 7. *Monthly report.* The Natural Resources Coordinator, or designee, on a monthly basis, shall submit a report summarizing the size, location and specie of hazardous grand trees removed pursuant to an administratively approved permit application to remove a grand tree with a copy of the city's Natural Resources Coordinator, or designee's tree hazard evaluation to each of the city boards authorized to grant variances and to city council.
- b. *Reasonable use.* Permit applications for the removal of a grand tree because the grand tree allegedly denies reasonable use of a parcel of property shall be submitted to and considered by the city board having variance authority in connection with that parcel of property pursuant to

Chapter 17.5 of this Code. In connection therewith, the permit applicant shall also state in his, her or its application whether a variance of any setback, height or similar zoning restriction would allow reasonable use of the parcel of property while preserving the grand tree. If so, the permit application shall also request a variance of any such applicable setback, height or similar zoning restriction as an alternative to the application to remove the grand tree. The permit application shall be noticed by the applicant and shall be considered by the appropriate city board in the same manner as a variance request; provided, however, the determination as to whether a grand tree denies reasonable use of a parcel of property shall be made by the appropriate city board based on the criteria set forth in subsection 13-45(g)(2)(b) of this chapter. If it is possible to redesign a use or a development to preserve a grand tree and to allow for reasonable use of a parcel without a variance, then the applicant shall redesign the project. The appropriate city board shall also review the permit application to ensure that it complies with the general standards contained in subsection 13-45(g)(2)(c) and subsection 13-45(g)(2)(d) of this chapter.

- (7) *Work authorized under tree removal permit.* The permittee is authorized to remove the tree or trees described in his permit application after an approved inspection.

(h) *Standards for review of tree trimming applications.*

- (1) *Criteria for approval.* An application for tree trimming of branches on a protected tree or grand tree shall be granted by the city if:
  - a. The branches are diseased or injured;

- b. The branches are in danger of falling too close to an existing utility facility;
- c. The branches create unsafe vision on a public street or right-of-way;
- d. The removal of the branches are recommended by the city's Natural Resources Coordinator, or designee or his designee in order to remedy a hazardous situation in lieu of removing the tree; or
- e. Removal of the branches is necessary to promote the general health, safety and welfare of the community.

All trimming of protected trees and grand trees shall be done by a properly licensed company or person.

- (2) *Tree trimming standards.* All protected or grand trees shall be trimmed in a manner consistent with the "American National Standard for Tree Care Operations, ANSI, A300, current edition" except that the Natural Resources Coordinator, or designee may allow variations from this standard if:
  - a. The purpose of the variation is to preserve the tree canopy thereby reducing the amount of trimming that would be otherwise be required under "American National Standard for Tree Care Operations, ANSI, A300, current edition;" and
  - b. The variation will not materially and adversely affect the health of the tree being trimmed.
- (3) *Work authorized under tree trimming permit; violations.* The permittee is authorized to prune branches of a protected or grand tree in accordance with the specifications of this City Code.

If the permittee violates the specification of this Code so that the protected tree is damaged to the extent that it is considered either a hazardous tree or its health is endangered, then the permittee shall be required to plant replacement trees as

if the tree had been removed without a permit pursuant to section 13-43 of this chapter.

If the permittee violates the specifications of this Code so that the grand tree is damaged to the extent that it is either considered a hazardous tree or its health is endangered, then the permittee shall be required to pay a fine of up to fifteen thousand dollars (\$15,000.00) and to plant replacement trees as if the tree had been removed without a permit pursuant to section 13-43 of this chapter. The following factors shall be considered in determining the amount of the fine:

- a. The gravity of the violation;
- b. Any actions taken by the violator to correct the violation; and
- c. Any previous violations committed by the violator.

(i) *Inspection for compliance.* Each permit approved shall state that the applicant shall notify the department within forty-eight (48) hours after tree removal, relocation or replacement or the trimming of protected or grand tree branches has been completed. The Natural Resources Coordinator, or designee shall inspect the site and, if no violations have occurred, issue a final inspection release.

(j) *Duration of permit.* Each permit approved shall provide that work shall commence within six (6) months from the date of issuance of the permit. If the development is delayed, an additional six (6) months shall be provided through written request to the Natural Resources Coordinator, or designee. The permit shall expire and become null and void at the end of this period if the work authorized has not commenced.

(k) *Posting of permit.* Each permit approved pursuant to the terms of this section 13-45 shall be conspicuously posted on the property where the affected tree(s) are located so that the permit is clearly visible from any adjacent public rights-of-way.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2001-90, § 4, 4-5-01; Ord. No. 2002-80, § 1, 3-28-02; Ord. No. 2002-161, § 1, 8-1-02; Ord. No. 2002-262, § 2,

12-5-02; Ord. No. 2004-129, § 3, 5-27-04; Ord. No. 2005-255, § 3, 9-15-05; Ord. No. 2006-74, §§ 1—6, 11, 3-23-06; Ord. No. 2008-27, § 3, 2-21-08; Ord. No. 2012-121, §§ 3, 5, 6, 11-1-2012)

**Sec. 13-46. Same—Final inspection.**

Prior to the approval of a final inspection permit on the parcel, the Natural Resources Coordinator, or designee shall perform a final landscape inspection to verify compliance with the approved landscape and tree planting plan for the parcel. If the parcel is in compliance, the department shall approve the final landscaping permit. (Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

**Sec. 13-47. Same—Revocation.**

The Natural Resources Coordinator, or designee may revoke permits issued by him upon finding that:

- (1) The permit was issued by mistake of law or fact;
- (2) The permit is for work which violates the provisions of this chapter;
- (3) The permit was issued upon a false statement or misrepresentation by the applicant;
- (4) The permit violates any ordinance of the city or any state or federal law, rule or regulation;
- (5) The work is not being performed in accordance with the provisions of this chapter;
- (6) The certificate of competency or license of the permittee has become invalid by reason of expiration, suspension, revocation or otherwise;
- (7) The work is not being performed under the supervision of the holder of the certificate or license upon which the same was issued;
- (8) The work is not being done in accordance with the terms of the permit, the plans or the application upon which the same was issued; or

- (9) Payment of the permit fee was not effected due to insufficient funds or any other reason.  
(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

**Sec. 13-48. Same—Nontransferability.**

A permit shall not be transferable from one permittee to another and the issuance of a permit for certain work shall not preclude the issuance of a subsequent permit for the same work or for the completion of the work.  
(Ord. No. 97-34, § 2, 2-6-97)

**Sec. 13-49. Same—Emergency provision.**

- (a) Only if a protected tree imposes an immediate and serious safety problem to the community may it be removed or damaged before a permit is approved such as when failure to commence the work immediately would clearly place life or property in imminent danger.
- (b) A permit for removal or damage of a protected tree pursuant to the terms of this chapter shall be obtained within three (3) days after it has been removed or damaged.
- (c) For just cause and in cases involving extreme circumstances and unusual hardship, the Natural Resources Coordinator, or designee may waive the permit fee.  
(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

**Sec. 13-50. Inspections and approvals.**

Activities regulated by this chapter shall be subject at all times to inspection by the city. The Natural Resources Coordinator, or designee may require documents, drawings or certificates necessary to effect compliance with this chapter.  
(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

**Cross reference**—Inspections generally, § 1-27.

**Secs. 13-51—13-65. Reserved.**

## ARTICLE II. SANCTIONS; APPEALS; BOARDS

### DIVISION 1. ACTION AUTHORIZED TO MITIGATE VIOLATIONS

#### Sec. 13-66. Stop work and emergency orders.

(a) *Generally.* Upon written notice from the Natural Resources Coordinator, or designee, work on any development that is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner shall immediately cease. Such notice shall be hand delivered to the owner of the property, his agent or the person doing the work or posted at the job site and shall state the conditions under which work may resume.

(b) *Emergencies.* Where an emergency exists, oral notice by the Natural Resources Coordinator, or designee to the owner of the property, his agent or the person doing the work shall be sufficient to require the work to immediately cease.  
(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

#### Sec. 13-67. Enforcement authority and remedies.

(a) *Authority.* The Natural Resources Coordinator, or designee shall have the power and duty to enforce all provisions of this chapter. Any action taken by the Natural Resources Coordinator, or designee pursuant to this chapter to enforce any section hereof shall be in addition to other penalties and remedies provided elsewhere by ordinance or law.

(b) *Criminal penalties.* Any person who violates the provisions of this chapter shall be subject to penalties as specified in Chapter 1 of this City Code.

(c) *Civil remedies.* In addition to the criminal penalties provided for violation of this chapter, either or both the city council or the department shall have the right to institute any appropriate action or proceeding against the violator including, but not limited to, prosecution before the code enforcement board or a civil action for damages equal to the total value of installing or replacing

any landscaped area or recommended, grand tree or protected tree which was damaged or destroyed or was not properly installed or replaced or any other damage or cost which would be incurred in order to bring the parcel into compliance with this chapter. In addition, the city council or any aggrieved person shall have the right to apply to the circuit court of the county to enjoin or restrain any person from violating the provisions of this chapter.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2001-90, § 5, 4-5-01; Ord. No. 2012-121, § 3, 11-1-2012)

#### Secs. 13-68—13-90. Reserved.

### DIVISION 2. APPEALS\*

#### Sec. 13-91. Review method.

Except as provided in section 13-45(g)(6), requests to review any order, requirement, decision or determination made by any administrative official or any staff member of the department shall be in accordance with section 1-19, City of Tampa Code of Ordinances.  
(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2001-90, § 6, 4-5-01; Ord. No. 2005-255, § 4, 9-15-05; Ord. No. 2011-12, § 1, 1-20-2011, eff. 2-1-2011)

#### Secs. 13-92—13-110. Reserved.

### DIVISION 3. BOARD

#### Sec. 13-111. Boards authorized to grant variances.

(a) *Variance review board.* Except as provided in subsections (b) and (c) below, the variance review board ("VRB") established pursuant to Chapter 27, Zoning and Land Development, shall have the authority to hear and grant variances from any of the terms and requirements of this chapter; provided, however, that the VRB shall not waive in its entirety any section of this chapter, and shall not waive any requirements of the technical manual adopted pursuant to this chapter.

\*Cross reference—Appeals generally, § 1-19.

(b) *Architectural review commission.* In any historic districts or landmark sites designated by the architectural review commission ("ARC") pursuant to Chapter 27, Zoning and Land Development, the ARC shall have the authority to hear and grant variances from any of the terms and requirements of this chapter; provided, however, that the ARC shall not waive in its entirety any section of this chapter, and shall not waive any requirements of the technical manual adopted pursuant to this chapter.

(c) *Barrio Latino Commission.* In the Ybor City Historic District, as designated and defined in Chapter 27, Zoning and Land Development, the Barrio Latino Commission ("BLC") shall have the authority to hear and grant variances from any of the terms and requirements of this chapter; provided, however, that the BLC shall not waive in its entirety any section of this chapter, and shall not waive any requirements of the technical manual adopted pursuant to this chapter.

(Ord. No. 97-34, § 2, 2-6-97)

**Secs. 13-112—13-130. Reserved.**

**ARTICLE III. TECHNICAL PROVISIONS**

**DIVISION 1. AUTHORITY TO ESTABLISH/PUBLISH TECHNICAL STANDARDS**

**Sec. 13-131. Technical standards may be established.**

The Natural Resources Coordinator, or designee may establish technical standards setting forth:

- (1) Administrative guidelines governing the enforcement of this chapter;
- (2) Requirements not specifically addressed in this chapter but necessary to effectuate the purposes of this chapter; and
- (3) Any other information needed for the uniform and orderly administration of this chapter.

Such standards are to be published in a technical manual, which manual shall be on file in the office of the city clerk at least seven (7) days prior to adoption thereof and shall be made available to the public for inspection and for duplication at cost.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2012-121, § 3, 11-1-2012)

**Cross reference**—Requirements not covered by city code may be required by the official, § 1-17.

**Secs. 13-132—13-145. Reserved.**

**DIVISION 2. ADOPTION OF STANDARDS BY REFERENCE**

**Sec. 13-146. Technical standards adopted.**

The technical standards set forth in the Tree and Landscape Code Technical Manual, July 6, 2005 Edition, on file in the office of the city clerk, are herein adopted by reference and, therefore, have the force and effect of law.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2006-74, §§ 2, 12, 3-23-06)

**Secs. 13-147—13-160. Reserved.**

**DIVISION 3. SPECIFIC TECHNICAL REQUIREMENTS**

**Secs. 13-161—13-163. Reserved.**

**Editor's note**—Ord. No. 2012-121, §§ 7—9, adopted November 1, 2012, repealed §§ 13-161—13-163, which pertained to landscape and tree planting requirements, standards, wetlands protection and buffer; exemptions and derived from Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2002-33, § 5, 1-24-02; Ord. No. 2006-74, §§ 2, 14—16, 3-23-06; Ord. No. 2008-111, § 3, 6-26-08. For similar provisions see section 27-285, 27-285.1, 27-286.

**Sec. 13-164. Tree protection standards.**

Development on parcels shall comply with the following tree protection requirements:

- (1) Protective barricades shall be placed around all protected trees and grand trees during site clearing to create a protective root zone and shall remain in place until land alteration, site clearing and construction activities are complete. Barricades for the protective root zone shall be erected

at a minimum distance of ten (10) feet from the edge of trunk of protected trees and twenty (20) feet from the edge of trunk of grand trees.

- (2) A minimum distance of ten (10) feet from all protected trees and twenty (20) feet from all grand trees shall be maintained when installing underground utilities. If this results in unreasonable hardship, a soil auger shall be used to tunnel under the root systems.
- (3) Installation of artificial barriers such as protective barricades, fences, posts or walls shall not destroy or irreversibly harm the root system of protected trees and grand trees. Footers for walls shall end at the point where larger roots are encountered, and the roots shall be bridged. Post holes and trenches located close to protected trees or grand trees shall be adjusted to avoid damage to major roots.
- (4) All roots to be removed during the site clearing phase shall be severed clean at the perimeter of the designated protective root zone.
- (5) A two-inch layer of mulch shall be applied over the surface of exposed roots of protected trees and grand trees during the site clearing phase.
- (6) A protective dry well and drainage/aeration system shall be provided where protected trees or grand trees will be adversely affected by raising the grade.
- (7) A protective retaining wall shall be constructed at the perimeter of the protective root zone around a protected tree or grand tree where the protected tree or grand tree will be adversely affected by lowering the grade.
- (8) All trimming of protected trees and grand trees during development shall be done by a qualified, licensed tree service.

(Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2006-74, § 5, 3-23-06)

**Sec. 13-165. Tree removal, relocation or replacement.**

(a) *Relocation or replacement generally.* As a condition of the granting of a permit or the granting of approval, the applicant shall relocate the protected trees, replace the protected trees or grand trees with recommended trees, or contribute recommended trees or the protected trees to the planning and development department's tree trust fund in accordance with the provisions of this section.

(b) *Relocation.* Relocation shall be accomplished by relocating the protected tree on land under the same ownership which is to be developed pursuant to the same development order or on a right-of-way contiguous to the parcel. Relocation shall be made immediately, but at least within two (2) years after removal of a protected tree.

(c) *Replacement.* Replacement shall be accomplished by planting the number, size and species of a recommended tree pursuant to provisions of this chapter on land under the same ownership which is to be developed pursuant to the same development order or on a right-of-way contiguous to the parcel.

(d) *Contribution.* Contribution shall be accomplished by paying the value as determined by Chapter 16 of the city code of the required number of replacement trees to the planning and development department's tree trust fund. A credit shall be provided for purposes of contribution for each inch of d.b.h. of protected trees and grand trees remaining on the parcel and each inch of d.b.h. of protected trees relocated on the parcel or elsewhere, as allowed by this division, above that number of inches of d.b.h. of protected trees or grand trees removed from the parcel. In making this determination, the department shall use the tree equivalency table in Schedule E of subsection (f) below. A protected tree cannot be contributed, unless the minimum number of protected trees, grand trees or tree equivalents are already located on the parcel.

(e) *Relocation, replacement or contribution for infrastructure improvements.* Relocation, replacement or contribution shall be accomplished where

removal of protected trees or grand trees has occurred relating to infrastructure improvements in the following manner:

- (1) On wooded lands by relocating protected trees or replacing with recommended trees in the rights-of-way from which the protected trees or grand trees are removed on the average of two (2) shade trees for every forty (40) linear feet of road or by replacing, relocating or contributing thirty (30) percent of the number of the protected trees or grand trees removed, provided all other requirements of this chapter are met.
- (2) On nonwooded lands by relocating protected trees or replacing with recommended trees in the right-of-way from which the protected trees or grand trees are removed on the average of two (2) shade trees for every forty (40) linear feet of road or by relocating, replacing or contributing fifty (50) percent of the number of the protected trees or grand trees removed, provided all other requirements of this chapter are met.

(f) *Tree equivalency credit for removal or replacement.* In determining the number and size of trees that shall be used in the contribution for or replacement of the protected tree or grand tree, the tree equivalency table in Schedule E below shall be used. At least fifty (50) percent of the replacement trees planted on a parcel shall be shade trees. At least fifty (50) percent of the replacement trees planted on a parcel shall be native trees. Palm trees shall be replaced one (1) for one (1) with recommended trees.

Schedule E  
Tree Equivalency Table

Diameter (inches)/ Dripline (feet) of Protected Tree	Multiplier for Credit	Multiplier for Debit
5"—7"/10'—19'	0	0
8"—12"/20'—29'	1	1
13"—19"/30'—39'	2	2
20"—29"/40'—59'	4	4
30" and up/60' or more	10	Inch per inch
All palms	1	1

(g) *Tree species for replacement.* The species of tree that shall be used in the contribution or replacement of a protected tree or grand tree shall be any of those listed in Schedule C as located and explained in section 13-162.

(h) *Tree planting requirements.* In the relocation of a protected tree or the replacement of a protected tree or grand tree with a recommended tree, the following criteria shall be met:

- (1) All trees used shall be vigorous, well shaped, branched and foliated, and shall be graded state department of agriculture Nursery Grade No. 1 or better, as outlined by the state Division of Plant Industry, Grades and Standards for Nursery Plants, third edition, 1973, as revised from time to time, and Grades and Standards for Nursery Plants, Part II, Palms and Trees, third printing, 1975, as revised from time to time.
- (2) All trees shall be planted in accordance with the specifications described in the state Department of Agriculture and Consumer Services, Division of Forestry, "Tree Protection Manual for Builders and Developers," October, 1980.
- (3) A pervious area with a minimum radius of ten (10) feet shall be provided around all protected trees.
- (4) Seventy-five (75) percent of the recommended trees shall be of those species which will provide similar or better wild-life habitat, shade, erosion control or water purification as the existing species.

(i) *Protected, relocated or replaced trees—Inspection.* All required landscaping, relocated or replaced trees shall be certified as healthy at six (6) months after planting by the landscape architect, engineer, or architect of record for the development. Any required plant material that is found to be in declining condition shall be replaced within thirty (30) days of notification by the department. If replacement is necessary, recertification shall be submitted to the department at six (6) months after replacement.

(j) *Same—Maintenance.* The owner of the parcel shall be responsible for the maintenance of all protected, grand, relocated or replaced trees. (Ord. No. 97-34, § 2, 2-6-97; Ord. No. 2006-74, § 2, 3-23-06; Ord. No. 2012-121, § 6, 11-1-2012)

**EXHIBIT I**

**TREE HAZARD EVALUATION FORM**

**Failure potential (4 points)**

Failure potential identifies the most likely failure and rates the likelihood that the structural defects(s) will result in failure within the inspection period. Examples of ratings are:

1. *Low*: defects are minor (e.g. dieback of twigs, small wounds with good woundwood development).
2. *Medium*: defects are present and obvious (e.g. cavity encompassing ten (10) to twenty-five (25) percent of the circumference of the trunk, condominant stems without included bark).
3. *High*: numerous and/or significant defects present (e.g. cavity encompassing thirty (30) to fifty (50) percent of the circumference of the trunk, multiple pruning wounds with decay along a branch).
4. *Severe*: defects are very severe (e.g. heartrot decay conks along the main stem. Cavity encompassing more than fifty (50) percent of the trunk).

**Size of defective part (4 points)**

Size of defective part rates the size of the part most likely to fail. The larger the part that fails, the greater the potential for damage. Therefore, the size of the failure affects the hazard potential. Examples are:

1. Most likely failure less than six (6) inches (fifteen (15) cm) in diameter.
2. Most likely failure six (6) to eighteen (18) inches (fifteen (15) to forty-five (45) cm) in diameter.
3. Most likely failure eighteen (18) to thirty (30) inches (forty-five (45) to seventy-five (75) cm) in diameter.
4. Most likely failure greater than thirty (30) inches (seventy-five (75) cm) in diameter.

**Target rating (4 points)**

Target rating rates the use and occupancy of the area.

1. *Occasional use*: (e.g. jogging/cycling trail).
2. *Intermittent use*: (e.g. picnic area, day-use parking).
3. *Frequent use secondary structure*: (e.g. seasonal camping area, storage facilities).
4. *Constant use, structures*: (e.g., year-round use for a number of hours each day, residences).

The points in each category are added to obtain the overall hazard rating, with twelve (12) being the maximum value.

$$\text{Hazard Rating} = \text{Failure Potential} + \text{Size of Part} + \text{Target Rating}$$

$$\text{Hazard} = \text{Failure} + \text{Size of Part} + \text{Target Rating}$$

The assignment of a rating is made with three (3) considerations in mind:

- Length of evaluation cycle
- Level of resolution required by the goals of the hazard management program
- Past history and rating

If records are not available and not employed in the process, then the rating reflects only one (1) moment in time, rather than the long-term development of the tree.

Ratings have only relative meaning, i.e., a tree rated an 11 has a greater hazard potential than one (1) rated a five (5). By definition, a tree rated a twelve (12) represents a significant hazard. But abating this hazard could be as simple as removing the target.

(Ord. No. 2001-90, § 7, 4-5-01)