



ARTICLE VI. – SUPPLEMENTAL REGULATIONS

DIVISION 4. - NATURAL RESOURCES: ~~BUFFERS,~~ GENERAL LANDSCAPE AND TREE PROTECTION, PRUNING, REMOVAL, AND PLANTING STANDARDS; ~~AND LANDSCAPING, WETLANDS; AND UPLAND HABITAT~~

SUBDIVISION 1. - ~~BUFFERS AND SCREENING~~ ADMINISTRATION AND GENERAL PROCEDURES

Sec. 27-284. - Title; purpose and applicability; periodic study of Tampa’s urban forest.

- (a) This division shall be known and cited as the "City of Tampa Tree, Landscape, and Natural Resources Code." It is intended to set specific parameters for natural resources, including tree and landscape planting, protection, pruning, and removal; irrigation; protection of wetlands and upland habitat; and, buffering and screening between uses of land with differing character. These regulations apply throughout the city, on public and private lands and within rights-of-way.
- (b) The city initiated an urban forest ecological analysis (also referred to as the “urban canopy study”) within the geographic boundaries of the city in 2006. Thereafter, the city has and shall continue to conduct such study, every five (5) years.

Sec.27-284.1. - Administrative authority; definitions; general procedures; fees.

- (a) The provisions of this division shall be administered and enforced by the natural resources coordinator. The natural resources coordinator shall receive applications, review site construction and tree and landscape documents, and issue permits for the planting, pruning, relocation, and removal of protected and grand trees; inspect the premises for which such permits have been issued; and, enforce compliance with the provisions of this division. Refer to sec. 27-43 for defined terms and secs. 27-60 and 27-61 for alternative design exception and review procedures, respectively.
- (b) Fees, as set by city council resolution, shall be charged for the following:
 - (1) Tree consultation inspection;
 - (2) Permit application and associated plan review (when applicable);
 - (3) Tree evaluation inspection;
 - (4) Re-inspection;
 - (5) Mitigation tree(s);
 - (6) Alternative design exception;
 - (7) Public board applications;
 - (8) Review petitions.
- (c) Refer to sec. 27-284.5 through 27-284.15 for general permitting procedures.

Sec. 27-284.2. - Tree Matrix; technical standards; authority to establish, publish, and adopt.

- (a) The technical standards set forth in the "City of Tampa's Tree and Landscape Technical Manual," ["technical manual"], on file in the office of the city clerk, is adopted herein by reference, and shall have the force and effect of law.
- (b) The technical manual sets forth standards that include:
 - (1) Tree Matrix: the city's official list of trees with specie-specific attributes;
 - (2) Tree Mitigation method reference tables (refer to sec. 27-285.2 for mitigation method);
 - (3) Tree Condition Evaluation Form;
 - (4) Tree DBH measurement methods with related graphics;
 - (5) Tree installation methods with related graphics;
 - (6) Tree protection methods during construction with related graphics;
 - (7) Example tree and landscape plans with related, supplemental graphics;
 - (8) List of tree, landscape, and forestry reference materials.

Sec. 27-284.3. - Trees – protected, grand, and exempt trees.

- (a) *Protected trees.* Any tree that meets the definition set forth in sec. 27-43. 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 division.
- (b) *Grand trees.* Any tree specie, listed in Table 284.3 below, which reaches the minimum points necessary to be deemed "grand". To calculate total grand tree points for a tree, the formula is expressed as follows: "Total Points = Tree Height (1 point/foot) + Trunk Circumference (1 point/inch) + Crown Spread (1 point/4 feet)". The following species shall be deemed "grand" with the minimum corresponding total points:

Table 284.3 Grand Tree Points

***** Final Table revisions in process *****

- (c) *Exempt trees – city wide.* Exempt trees shall be exempt from permit procedure for tree removal, set forth in this division. Refer to sec. 27-43 for 'exempt tree' definition.

Sec. 27-284.4. - Exemptions, in general.

Specific entities, activities, and/or uses shall be exempt from certain permit procedures described below. Notwithstanding any exemption(s) described in this section, all such entities, activities, and/or uses shall adhere to the tree planting, pruning, root pruning, and removal standards, including tree mitigation requirements, set forth in this division and the technical manual:

- (a) The city's urban forestry coordinator, natural resources coordinator, or respective designees:

- (1) Pruning (limb/root) of any protected or grand tree on public land or public right-of-way, to mitigate any potential risk to the safety of the general public (subject to Table 284.3 criteria);
 - (2) Removal of any protected tree or hazardous/dangerous grand tree, to mitigate any potential risk to the safety of the general public, on public lands or public rights-of-way.
- (b) *Public utilities:* Pruning (limb/root) of any protected or grand tree, on lands owned by the public utility or in the public right-of-way, where in direct conflict with proper operation and maintenance of such utility.
- (c) *Hillsborough County Aviation Authority; Aviation public safety.* An exemption from the permitting and mitigation requirements of this division 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 pruning or removal of trees for public safety if:
- (1) 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 pruning or removal of trees for public safety purposes, submits a sworn application for exemption from the tree pruning or removal permit and mitigation requirements of this division, to the natural resources coordinator, identifying the trees to be pruned or removed, 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 requiring the pruning or removal for public safety, the law or regulations applicability to the applicant, and the public safety concern necessitating the pruning or removal; and
 - (2) 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 pruning or removal of trees for public safety.
 - (3) *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 division for public safety referred to in sec. 27-284.4(c)., the Hillsborough County Aviation Authority shall be exempt from the requirements of this division related to obtaining a permit for 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 in sec. 27-171(a).
- However, 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 in accordance within this division (sec. 27-285.2), and all new construction not exempt by (c)(1) above, shall be subject to compliance with all other provisions of this division, as applicable.
- (d) The following uses and activities are exempt from providing a landscape and tree planting plan, for any site-related permit activities, as described in sec. 27-284.5.2:

- (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, set forth in article VII of this chapter.
 - (5) Existing improvements. Any exterior improvement to existing structures that is not an expansion of total floor area.
 - (6) Interior improvements. Any interior improvement to existing structures that 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 that is the subject of and to 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/or the Tampa Port Authority.
- (e) The following uses and activities are exempt from obtaining a permit for site clearing as described in sec. 27-284.5.1:
- (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) 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/grand trees or wetlands are located on the parcel within thirty (30) feet of the proposed development or driveway.
- (f) The following uses and activities are exempt from obtaining a permit for pruning and/or removal as described in sec. 27-284.5.3:
- a. Commercial tree operation. Trees grown specifically for sale by commercial nurseries.

- b. Commercial silviculture operation. Trees planted and grown specifically for the production of lumber and its byproducts.
- c. Tree damaged or destroyed by natural disaster. Any tree irreversibly damaged or destroyed by natural disaster pursuant to sec. 27-284.4.2.
- d. Pruning of protected (non-grand, non-champion) trees on private property.

Sec. 27-284.5. – Permits; tree protection during construction; inspections, in general.

- (a) *Generally.* Any owner or authorized agent who intends to plant, prune, relocate, or remove any protected or grand tree, all of which are regulated by this code, or to cause any such work to be done, or to do any site work related to environmentally sensitive lands, shall first make application, in a form acceptable to the natural resources coordinator, to the PDD and obtain the required permit.
- (b) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or authorized agent posts the permit placard and approved plans, if applicable, in a conspicuous place on the premises, located so that the placard is clearly visible from any adjacent public rights-of-way. The permit placard and plans shall be protected from the weather and located in such position, as to allow access by the natural resources coordinator or designee, to conveniently review the plans and make any necessary entries thereon. This permit placard and approved plans shall be maintained in such position, by the permit holder, until the final inspection is approved by the natural resources coordinator and/or a certificate of occupancy or completion is issued by the building official, if applicable.
- (c) *Tree protection standards during construction.* Any development shall comply with the tree protection standards set forth in the technical manual.
- (d) *Permit nontransferable.* A permit shall not be transferred from one (1) permit holder to another person/entity, 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.
- (e) *Inspections, in general.* Activities regulated by this division shall be subject, at all times, to inspection by the city. The natural resources coordinator or designee shall make all of the required inspections.
 - (1) The natural resources coordinator shall have the authority to accept natural resources-related reports of inspection by approved agencies or professionals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible professional. The natural resources coordinator is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the planning and urban design manager.
 - (2) Prior to the approval of a final inspection 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 PDD shall approve the final landscaping permit.
- (f) *Permit cancellation.* Permits may be cancelled as follows:
 - (1) Permits may be canceled upon request of the permit holder or authorized agent. Such request shall be in writing to the natural resources coordinator.

- (2) Permits may be canceled by the natural resources coordinator for administrative reasons. Such administrative reasons shall include, but are not limited to, the issuance of duplicate or subsequent permits, or permits issued in error.
- (g) *Failure to obtain a permit.* Any person who commences any work without first obtaining a permit therefor, and such work results in the irreparable or irreversible damage or abuse of a tree(s), shall be subject to , if subsequently permitted to obtain a permit, pay permit fee prescribed for the work. This provision shall not apply to emergency work as set forth in sec. 27-284.6 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.

Sec. 27-284.5.1. - Permit for site clearing; application; required documentation; inspections.

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 PDD in accordance with this division 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 a zoning plan approval in compliance with this chapter, a person shall only be required to apply for a permit pursuant to the terms of this division for that phase of the development that is proposed, in the permit application, to be developed.

- (a) *Site clearing permit.* Required for any parcel on which protected trees, grand trees, and/or wetlands are located within thirty (30) feet of proposed development, as confirmed by the site inspection.
- (b) *Applicant, generally.* The applicant for a site clearing permit must be one of the following entities: (i) the property owner of a single- or two-family dwelling or of a parcel upon which a single- or two-family dwelling is to be built; (ii) a licensed landscaping contractor; (iii) a licensed tree service; (iv) a licensed demolition subcontractor; (v) a licensed house moving subcontractor; (vi) a licensed paving subcontractor; (vii) a licensed excavation subcontractor; (viii) a licensed general contractor; (ix) a licensed building contractor; or, (x) a licensed residential contractor.
- (c) *Application for site clearing, or clearing of underbrush/understory vegetation with no construction.* The application for site clearing, or clearing of underbrush/understory vegetation on a parcel where no construction is occurring, shall include at a minimum, the property owner information, parcel information, nature of request and proposed development description, and a property survey with accurate data reflecting any wetland(s) or other environmentally sensitive area(s); location(s), specie(s), and DBH of any on site tree; and, any tree within twenty (20) feet of the property. Additional information may be required by the natural resources coordinator or designee, upon review of the application and supporting documentation and/or following a field inspection.
- (d) *Standards for review of application and granting of permit.* An application shall be approved and a permit for applicable site clearing activities is granted, if it is determined that:
 - (1) The tree protection requirements for the proposed site clearing activities are consistent with the requirements of this division and the technical manual;
 - (2) The erosion control measures proposed adhere to applicable local and/or state law;
 - (3) The site clearing will not encroach upon any buffer for wetlands;

- (4) All invasive and noxious species of plant material (“exempt plant species”) shall be removed as part of the site clearing permit activity (refer to definition in sec. 27-43); and
 - (5) Any applicable tree mitigation has been properly calculated and presented in a form approved by the PDD.
- (e) *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 PDD. Such work is authorized after a site inspection pursuant to (6) below and must be completed in accordance with this code and the technical manual.
- (f) *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 it is found that the areas and features described in item b. above have not been rough-staked, the inspection shall be failed. Once these preparations have been corrected/completed, the applicant shall request/schedule a re-inspection.
- (g) *Inspection for compliance.* Each permit for site clearing shall state that the applicant shall notify the PDD within forty-eight (48) hours after site clearing activity has been completed. The PDD shall inspect the site, and if no violations have occurred, the PDD 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.
- (h) *Duration of permit.* Each approved permit for site clearing 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 upon written request to the PDD, with approval by 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.

Sec. 27-284.5.2. - Permit for landscaping and tree planting activities as part of a building permit; application; required documentation; inspections.

Before the PDD 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 division.

- (a) *Submission.* Before approval of a landscape and tree planting plan can be issued, an applicant must submit 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 3.c. below, each landscape and tree planting plan submitted pursuant to the provisions of this division 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 self-performed work, and who thereby accepts full responsibility for the landscape and tree planting plan.
- (2) Except as provided in subsection 3.c. below, each landscape and tree planting plan submitted pursuant to the provisions of this division 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 b. 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/her, so long as he/she 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/she 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, division of plant industry, insofar as he/she is engaged in the preparation of plans or drawings as an adjunct to merchandising his/her product, so long as he/she 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/she is a registered landscape architect, unless he/she is registered as provided in F.S. Ch. 481;
 - c. Any person who performs landscape architectural services not for compensation, or in his/her 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 3.a. and 3.b. above.
- (4) The requirements of subsections 3.a. and 3.b. above 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) *Application contents.* The landscape and tree planting plan shall include the information required by the PDD. Refer to the technical manual for plan specifications.
- (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 division and the technical manual.
- (e) *Duration of approved plan.* The validity of an approved landscape and tree planting plan approved and made part of an 'issued' building permit, shall remain valid as part of 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 upon written request to the PDD, with approval by 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 may be inspected six (6) months after planting to ensure consistency with the provisions of this division, and to ensure all trees and plants are in healthy conditions trees planted pursuant to this division found to be in a declining condition, shall be replaced within thirty (30) days of notification. If replacement is necessary, there shall be a re-inspection within 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.* Prior to the approval of a final inspection on the parcel, the PDD shall perform a final landscape inspection to verify compliance with the approved landscape and tree planting plan for the parcel.

Sec. 27-284.5.3. - Permit for tree pruning; application; standards and criteria for decision; required documentation; inspections.

- (a) *Applicant, in general.* An application for tree pruning shall be applied for by a person licensed, or otherwise authorized by the city, to prune trees in the city. If no specific licensing requirements are established, then one of the licensed professionals described in sec. 27-284.5.1(b) must be designated as the applicant on such an application made to the city. Building permits shall not be issued without tree pruning permits, where applicable. All applications for a building permit shall include an accurate tree survey, which accurately locates and identifies species and DBH for 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.
- (c) *Tree pruning, in general.* No person shall prune any protected or grand tree limb, that is located within, on, or over any public right-of-way or private property, which measures four (4) inches or greater in diameter, as measured twelve (12) inches from the base of the limb, until such work is authorized by a permit issued by the PDD. Unless specifically allowed by the natural resources coordinator or designee,

in accordance with the standards set forth in Table 284.5.3, any pruning of protected or grand trees shall be performed in accordance with the technical manual.

- (d) *Review of applications for tree pruning.* The natural resources coordinator or designee shall determine if the application is complete. If it is determined that the application is not complete, the applicant shall be notified of the application deficiencies. The natural resources coordinator or designee shall take no further action on the application until all deficiencies have been corrected. Once the natural resources coordinator or designee determines the application is complete, a field inspection of the site shall be conducted to determine whether the application shall be approved. All pruning shall be done in accordance with this section and Table 284.5.3, as follows:

| Table 284.5.3 General Standards for Tree Pruning |
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| Specific Review Criteria & Conditions |
| An application for tree pruning of limbs on a protected or grand tree shall be granted by the city, if: <ol style="list-style-type: none"> a. A (The) limb(s) are diseased or injured; b. A (The) limb(s) are in danger of falling too close to an existing utility facility or existing structure; c. A (The) limb(s) create a sight obstruction on a public right-of-way; or d. The removal of the limbs is approved by the natural resources coordinator or designee, in order to remedy a hazard, in lieu of removing the tree. |
| Tree Pruning Standards |
| All protected and grand trees shall be pruned in a manner consistent with the "American National Standard for Tree Care Operations, ANSI, A300, current edition." The natural resources coordinator may allow variations from this standard, if: <ol style="list-style-type: none"> a. The purpose of the variation is to preserve the tree canopy, thereby reducing the amount of pruning 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 pruned. |
| NOTE: All pruning work on any tree in the city shall be done by a properly licensed company or person. |

Sec. 27-284.5.4. - Permit for protected tree removal; application; required documentation; standards and criteria for decision; inspections; petition for review.

- (a) *Applicant, in general.* An application for protected tree removal shall be applied for by a person licensed, or otherwise authorized by the city, to remove and plant trees in the city. If no specific licensing requirements are established, then one of the licensed professionals described in sec. 27-284.5.1(b) must be designated as the applicant on such an application made to the city.
- (b) *Application contents.* Building permits shall not be issued without tree removal permits, where applicable. All applications for a building permit shall include an accurate tree survey, which accurately locates and identifies species and DBH for 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.
- (c) *Protected tree removal, in general.* No person shall cut down, remove, relocate, damage, destroy, or in any manner abuse any protected tree in the city, until such work is authorized by a permit issued by the PDD. An application for protected tree removal shall be granted by the natural resources coordinator or designee, when it is determined that criteria in Table 284.5.4 below have been met:

Table 284.5.4 General Standards for Approval of Protected Tree Removal [1,2]

***** Final Table revisions in process *****

- (d) *Tree mitigation (replacement), in general.* Unless otherwise exempt in this division, removal of any protected tree from any public or private lands or right-of-way, is subject to the tree mitigation (replacement) requirements set forth in sec. 27-285.2

Sec. 27-284.5.5. - Permit for grand tree removal; application; required documentation; standards and criteria for decision; inspections; petition for review.

- (a) *Applicant, in general.* An application for grand tree removal shall be applied for by a person licensed, or otherwise authorized by the city, to remove and plant trees in the city. If no specific licensing requirements are established, then one of the licensed professionals described in sec. 27-284.5.1(b) must be designated as the applicant on such an application made to the city.
- (b) *Application contents.* Building permits shall not be issued without tree removal permits, where applicable. All applications for a building permit shall include an accurate tree survey, which accurately locates and identifies species and DBH for 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.
- (c) *Grand tree removal, in general.* No person shall cut down, remove, relocate, damage, destroy, or in any manner abuse any grand tree in the city, until such work is authorized by a permit issued by the PDD. An application for grand tree removal shall be granted by the natural resources coordinator or designee, when it is determined that criteria in Table 284.5.5 below have been met:

Table 284.5.5 General Standards for Approval of Grand Tree Removal

***** Final Table revisions in process *****

- (d) *Public notice for grand tree removal.* The applicant shall provide public notice as stated below, for removal of any grand tree, approved in accordance with the type of determination made pursuant to Table 284.5.5 above.
 - (1) *Mailed notice.* The mailed notice that the applicant is required to send pursuant to this subsection, shall be in the form described in sec. 27-149(c)(1), and shall include a detailed description of the type of removal determination made and the official date that the natural resources coordinator’s decision was rendered. Notice shall be sent to the following entities:
 - a. “Good Neighbor Notice for Participating neighbors” (refer to sec. 27-149(c)(1)b.) shall only be sent to owners of real property that immediately abuts the subject property; and,

- b. "Good neighbor notice for participating organizations" (refer to sec. 27-149(c)(1)c.) shall be sent as required therein. A copy of the natural resources coordinator's tree condition evaluation report and/or any applicable arborist report(s) shall be included in lieu of the site plan requirement.
- (2) *Affidavit of Compliance.* The applicant shall file the affidavit of compliance, in a form with required documents as set forth in sec. 27-149(c)(3), with the natural resources coordinator or designee upon completion of the notice requirements above.
- (3) *Notice-Decision Period.* The natural resources coordinator shall issue the approval to remove the grand tree(s) no less than five (5) business days after receipt of the complete affidavit of compliance.
- (4) *Stay period.* Refer to sec. 27-61.
- (e) *Tree mitigation (replacement/contribution), in general.* Unless otherwise exempt in this division, removal of any grand tree from any public or private lands or right-of-way, is subject to the tree mitigation requirements set forth in sec. 27-285.2.

Sec. 27-284.6. – Emergency provision.

- (a) If a protected tree imposes an immediate and present safety concern to the community, such as the condition of the tree would place life or property in imminent danger, it may be removed or damaged prior to permit issuance.
- (b) A permit for removal or damage of a protected tree pursuant to the terms of this division shall be obtained within three (3) working days after it has been removed or damaged.

Sec. 27-284.7. Nonconforming landscape area(s) due to governmental acquisition. Refer to sec. 27-299.

Sec. 27-284.8. Enforcement authority; penalties; remedies.

- (a) *Authority.* The natural resources coordinator shall have the power and duty to enforce all provisions of this division. Any action taken by the natural resources coordinator or designee, pursuant to this division, to enforce any section hereof, shall be in addition to other penalties and remedies provided elsewhere by ordinance or law.
- (b) *Penalties, generally.* Any person who violates ("violator") the provisions of this division may be subject to penalties set forth in sec. 1-6.
- (c) *Permit revocation.* A permit may be revoked as follows:
 - (1) The natural resources coordinator is authorized to suspend or revoke a permit issued under the provisions of this division, wherever the permit is issued in error or on the basis of incorrect, inaccurate, incomplete, or false or misrepresented information, or in violation of any ordinance or regulation or any provisions of this division. All permits issued under this division may be suspended or revoked by the city, at any stage of the work, upon the following grounds:

- a. The permit was issued by mistake of law or fact;
 - b. The permit is for work which violates the provisions of this division;
 - c. The permit was issued upon any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based by the applicant;
 - d. The permit violates any ordinance of the city or any state or federal law, rule or regulation;
 - e. The work is not being performed in accordance with the provisions of this division;
 - f. The certificate of competency, upon which said permit was issued to the permittee, has become invalid by reason of expiration, suspension, revocation, or otherwise;
 - g. The work is not being performed under the supervision of the holder of the certificate upon which the same was issued;
 - h. 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
 - i. Payment of the permit fee was not satisfactorily completed, due to insufficient funds or any other reason.
- (2) The city shall issue and serve upon the permit holder written notice of such suspension or revocation and include the grounds for such decision. It shall be unlawful for the permit holder or any other person with knowledge of such suspension or revocation to continue such work thereafter, unless said permit is reinstated by the natural resources coordinator, or a new permit is issued.
- (d) *Stop work orders.* Stop work orders may be issued as follows:
- (1) *Generally.* The natural resources coordinator shall have the authority to issue all necessary notices or orders to ensure compliance with this code.
 - a. Whenever the natural resources coordinator finds any work regulated by this division being performed in a manner either contrary to the code provisions or in a dangerous or unsafe manner, the natural resources coordinator is authorized to issue a stop work order, and such work shall cease immediately.
 - b. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
 - (2) *Unlawful continuance.* Any person who actively continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
 - (3) *Emergency stop.* Where an emergency exists, oral notice by the natural resources coordinator or designee to the owner of the property or the authorized agent/entity performing the work shall be sufficient to require the work to immediately cease.

(e) *Other penalties.* In addition to penalties stated in (b) above, the natural resources coordinator may take any necessary actions to enforce the provisions of this division, including:

(1) *Protected trees.*

- a. Assess a triple permit fee for any work performed in violation of this division, which does not cause irreparable or irreversible damage to the subject tree(s). The triple permit fee shall be applied to each protected tree affected by such work;
- b. Assess a triple permit fee and impose applicable tree mitigation (replacement or contribution), pursuant to sec. 27-285.2, for any work performed in violation of this division, which causes irreparable or irreversible damage to the subject tree(s) of any protected species of palm or ornamental tree. The triple permit fee and tree mitigation shall be applied to each protected tree affected by such work;
- c. Assess a triple permit fee and impose applicable tree mitigation (replacement or contribution), pursuant to sec. 27-285.2, for any work performed in violation of this division, which causes irreparable or irreversible damage to the subject tree(s) of any protected shade or conifer species. Additionally, the natural resources coordinator may schedule the violator(s), with provision of required notice for due process purposes, for a hearing before a code enforcement special magistrate, pursuant to procedures set forth in chapter 9, subject to the following:
 1. Imposition of tree mitigation for each subject tree, pursuant to sec. 27-285.2; and,
 2. Imposition of requirement to provide tree replacement, on the subject property, of one (1) - 3" caliper tree per affected tree, from the same Tree Shape and Type grouping on the city's Tree Matrix, or equivalent trade-off as set forth in Table 285.3
 3. Imposition of a fine, to the maximum extent of State law, for each subject tree.

The magistrate shall consider the following factors in determining the amount of the fine:

 - i. The gravity of the violation;
 - ii. Any actions taken by the violator to correct the violation; and
 - iii. Any previous violations committed by the violator.

(2) *Grand trees.*

- a. Assess a triple permit fee for any work performed in violation of this division, which does not cause irreparable or irreversible damage to the subject tree(s). The triple permit fee shall be applied to each grand tree affected by such work.
- b. Any work performed in violation of this division, which causes irreparable or irreversible damage to the subject tree(s), the natural resources coordinator may schedule the violator(s), with provision of required notice for due process purposes, for a hearing before a code enforcement special magistrate, pursuant to procedures set forth in chapter 9, and subject to the following:

1. Imposition of tree mitigation for each subject tree, pursuant to sec. 27-285.2, to be paid to the applicable planning district tree trust fund;
 2. Imposition of requirement to provide tree replacement, on the subject property, of three (3) - 3" caliper trees, per affected tree, from the same Tree Shape and Type grouping on the city's Tree Matrix, or equivalent trade-off as set forth in Table 285.3; and,
 3. Imposition of a fine, to the maximum extent of State law, for each affected tree.
- The magistrate shall consider the following factors in determining the amount of the fine:
- i. The gravity of the violation;
 - ii. Any actions taken by the violator to correct the violation; and
 - iii. Any previous violations committed by the violator.
- c. In cases where only a tree stump remains, the natural resources coordinator or designee shall refer to current 'Volume Prediction from Stump Diameter and Stump Height,' published by the United States Department of Agriculture, Forest Service, to determine DBH of tree, and shall provide the results to the magistrate as part of the hearing record. If the stump is no longer present on the site, the natural resources coordinator or designee shall consult with the planning and urban design manager and refer to high-resolution aerial photography, satellite imagery, or similar imagery, to determine the approximate crown spread and crown footprint, and provide those results to the magistrate as part of the hearing record.
 - d. As applicable, if the violator(s) is (are) not subjected to the special magistrate process, the mitigation and replacement requirements set forth in b.1. and b.2. shall be imposed by the natural resources coordinator.

SUBDIVISION 2. GENERAL LANDSCAPE AND TREE PRESERVATION, PROTECTION, PRUNING, REMOVAL, MITIGATION, AND PLANTING STANDARDS

Sec. 27-285. - Tree preservation (retention); purpose and intent.

In accordance with the Tampa Comprehensive Plan and the City's Urban Forest Management Plan, the following regulations are adopted to preserve and protect existing, healthy grand and protected trees in the city; and, where specific trees are determined to be 'hazardous' in accordance with this subdivision, these regulations allow for the removal of such trees. Whether a grand or protected tree is approved for removal or removed, it is also the intent of these regulations to require mitigation for properly permitted removed trees and applicable penalties, fines, and mitigation for unauthorized removal, in order to preserve Tampa's urban forest canopy, thereby protecting the environment and enhancing the natural beauty of the city.

Sec. 27-285.1 - Tree preservation (retention) standards.

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| Table 285.1 Tree Preservation (Retention) Requirements [1] |
| ***Final Table formatting in process*** |

Sec. 27-285.2. – Tree mitigation.

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| Table 285.2 Mitigation Requirements for Removed Trees [1] | | |
| *** | *** | *** |
| <p>Notes:</p> <p>[1] Refer to Tree Mitigation Reference Tables and sample templates for Tree Table of Debits and Credits in the Tree and Landscape Technical Manual.</p> <p>***Final Table formatting in process***</p> | | |

- (a) *Mitigation of removed/to be removed trees, generally.* As a condition of the granting of a permit, any protected or grand tree that is permitted to be removed shall be replaced with a tree, selected from the City of Tampa Tree Matrix, from the same Tree Shape and Size grouping, with equivalent trade-offs allowed as set forth in Table 285.3 below.
 - (1) Replacement shall be accomplished by planting the equivalent number of trees, by tree shape/type and size, as calculated for tree mitigation (refer to Table 285.2). Replacement may occur on the lands or specified areas, subject to applicable permissions and maintenance agreements:
 - a. On the subject property, as shown on the landscape/planting plan;
 - b. On land under the same ownership within the same planning district;
 - c. On any right-of-way within the same planning district, with approved planting plan and maintenance agreement (up to 1 year for tree(s) to establish, dependent on specie);
 - d. On any public land(s) within the same planning district, with approved planting plan and maintenance agreement (up to 1 year for tree(s) to establish, dependent on specie); or,
 - e.** On other privately-owned land(s) within the same planning district, with property owner authorization, recorded covenant approved planting plan, and maintenance agreement (up to 1 year for tree(s) to establish, dependent on specie). *****Under review and discussion with City Legal Department*****

If it is not possible to replace a protected or grand tree as required above, then the permit applicant shall contribute that equivalent amount/type of mitigation trees (see definition in sec. 27-43), to the applicable planning district tree trust fund (see sec. 16-86), at the mitigation fee rate set by city council resolution (see sec. 16-87).
 - (2) *Tree mitigation (replacement or contribution) for infrastructure improvements.* Replacement or contribution shall be accomplished where removal of protected trees or grand trees has

occurred relating to infrastructure improvements. Replacement (or contribution) with equivalent number of trees by Tree Shape/Type (trade-offs required to smaller shapes/types dependent on planting space available), within the rights-of-way from which the protected trees or grand trees are removed on the average of two (2) trees for every forty (40) linear feet of roadway, sidewalk, trail, or other pathway, as applicable.

- (b) Protected, relocated or replaced trees—Inspection. All required landscaping, relocated or replaced trees shall be certified as healthy no later than 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 (or dead or missing) shall be replaced within thirty (30) days of notification by the PDD. If replacement is necessary, a new permit shall be required to install said landscape/tree(s). Recertification shall be submitted to the PDD no later than six (6) months after replacement.
- (c) *Same—Maintenance*. The owner of the parcel shall be responsible for the maintenance of all protected, grand, relocated, or replaced trees.
- (d) *Relocation*. Relocation may be accomplished by relocating the protected tree on land under the same ownership, within the same Planning District, as defined in the Tampa Comprehensive Plan, subject to review and approval through the alternative design exception-natural resources process, set forth in sec. 27-60. Relocation shall be made immediately, but at least within six (6) months after removal of a protected tree.
- (e) Tree evaluations shall be conducted in accordance with the “Tree Condition Evaluation Form” (Matheny & Clark, 1994), as set forth in the Tree and Landscape Technical Manual. The City will accept tree assessments/evaluations completed by a certified arborist, using TRAQ (Tree Risk Assessment Qualifications), CTLA (Council of Tree and Landscape Appraisals), or BOND.

Sec. 27-285.2. – Specie specific special conditions for preservation, removal, mitigation.

Camphor trees (*Cinnamomum camphora*) are classified as invasive deemed ‘protected’ for purposes of mitigation (replacement) calculation and can reach ‘grand’ status for same, subject to the following:

- (a) Standard ‘credit’ awarded for retaining healthy Camphors (protected or grand) that are not within or proximate (within 25’ of) to environmentally sensitive lands, such as wetlands and upland habitats.
- (b) Any Camphor that is located within or proximate (within 25’ of) to environmentally sensitive lands (i.e. river, wetlands, etc.) shall be required to be removed and mitigated
- (c) Regardless of size, Camphors can be removed without any development ‘reconfiguration’ required, but shall adhere to mitigation requirements