

**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 may be cited as the "City of Tampa Tree and Landscape Code." It is intended to set specific parameters for tree protection, planting, pruning, removal, and 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 both public and private lands, and within rights-of-way.

(b) The city initiated an urban forest ecological analysis within the geographic boundaries of the city in 2006. Thereafter, the city shall conduct an urban forest canopy 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. Refer to sec. 27-43 for specific definitions and art. II, div. 1 for alternative design exception and review procedures.

(b) Fees may be charged for the following:

- (1) Tree consultation inspection;
- (2) Permit application;
- (3) Tree evaluation inspection;
- (2) Re-inspection;
- (4) Alternative design exception;
- (5) Public board applications;
- (6) Review petitions.

(c) Refer to sec. 27-284.3 through 27-284.X for general permitting procedures.

(d) The protected tree is determined to be "hazardous" by the city's Natural Resources Coordinator, or designee or the designee of the 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 sec. 27-285 of this division. The 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:

- (1) Are an International Society of Arboriculture certified arborist; or
- (2) Have been specifically trained by the natural resources coordinator, or designee in connection with the application of the "tree hazard evaluation form."

**Sec. 27-284.2. Technical Standards; authority to establish, publish, and adopt.**

- (a) Authority to establish and publish technical standards. The natural resources coordinator may establish technical standards setting forth:
- (1) Tampa Tree Matrix and Tree Mitigation Table;
  - (2) Administrative guidelines governing the enforcement of this division and related provisions of this chapter;
  - (3) Requirements not specifically addressed in this division but necessary to effectuate the purposes of this division and related provisions of this chapter; and
  - (4) Any other information needed for the uniform and orderly administration of this division.
- Such standards are to be published in a technical manual and shall be placed 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 through accepted city practices (e.g. placed on city web site).
- (b) Technical standards adopted. The Technical Standards, as set forth in the Tree and Landscape Technical Manual (2017) are herein adopted by reference.

**Sec. 27-284.3. Permit applications and required documentation.**

Any person legally entitled to apply for and receive a permit under the provisions of this division shall make such application to the department in the form provided by the city, 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 division, 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. The order, sequence and prerequisites for making applications for permits shall be as designated by the natural resources coordinator, or designee.

- (a) *Permit required for site inspection and site clearing, 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 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 the city zoning code, 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 to be developed.
- (1) Permits.
    - a. Site inspection permit. Required for any parcel not specifically exempt in sec. 27-284.10.
    - b. 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.

- (2) 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.
- (3) Application for site clearing. The application for site clearing shall include the information required by the natural resources coordinator, or designee.
- (4) 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.
- (5) 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:
  - a. The tree protection requirements for the proposed site clearing activities are consistent with the requirements of this division;
  - b. The site clearing will not cause any erosion in violation of local or state law;
  - c. The site clearing will not encroach upon any buffer for wetlands; and
  - d. The following invasive species of plant material shall be removed as part of the site clearing permit activity: *Schinus terebinthifolius* (Brazilian pepper); *Cupaniopsis anacardioides* (Carrotwood); *Casuarina* spp. (Australian pine); *Melaleuca quinquenervia* (Punk tree); *Sapium sebiferum* (Chinese tallow); all other species included on the State of Florida's Noxious Weed List (refer to FL Administrative Code, Rule Chapter 5B-57); and, *Cinnamomum camphora* (Camphor) only when located within an environmentally sensitive area (refer to definition in sec. 27-43).
- (6) On-site inspections. Before an on-site inspection:
  - a. All protected trees or grand trees to be removed during land alteration and site clearing shall be identified by red flagging,
  - b. 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
  - c. 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.
- (7) 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.

- (8) 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.
- (9) 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 (b) above and must take place in accordance with city codes including the technical standards.
- (b) *Permit required for landscaping and tree planting activities as part of a building permit, 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 division.
  - (1) 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.
  - (2) Preparation by registered landscape architect; proof thereof; exemptions.
    - a. Except as provided in subsection c.3. below, each landscape and tree planting plan submitted pursuant to the provisions of this division shall be:
      - 1. Prepared by or under the responsible supervision and control of a registered landscape architect, or
      - 2. 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.
    - b. Except as provided in subsection c.3. 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.
    - c. The following persons are exempt from the provisions of subsections c.1. and c.2. below, 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:
      - 1. 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;
      - 2. 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 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;

3. 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 c.1. and c.2. above.
- d. The requirements of subsections c.1. and c.2. above shall not prevent any of the following actions:
  1. Employees of registered landscape architects acting under the instruction, control or supervision of their employers;
  2. Builders or superintendents employed by such builders supervising the installation of landscape projects by landscape contractors;
  3. 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.
- (3) Contents. The landscape and tree planting plan shall include the information required by the department.
- (4) 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.
- (5) 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 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.
- (6) Inspection and maintenance.
  - a. 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 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 six (6) months after the replacement planting.
  - b. 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.

- (7) 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.
- (c) *Permit required for tree pruning, removal, and replacement, 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 pruning, 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. Building permits shall not be issued without tree pruning and/or removal permits, where applicable. All applications for a building permit shall include an accurate survey or drawing (to scale), 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.
- (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 division.
  - (3) Tree pruning on public rights-of-way. No person shall prune 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 pruning of protected or grand trees shall be performed in accordance with the Tree and Landscape Technical Manual.
  - (4) Pruning of grand trees on private property. A permit shall be required prior to the pruning of any grand tree on private property. The city's natural resources coordinator or designee shall review all applications to prune a grand tree and shall inspect the grand tree when the pruning has been completed. Unless specifically allowed by the natural resources coordinator or designee, all pruning of grand trees shall be performed in accordance with Table 284 below, and the Tree and Landscape Technical Manual.
  - (5) Review of applications for tree pruning 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, 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 below.

Table 284. General Standards for Tree Pruning	
Specific Review Criteria & Conditions	Pruning Standards
<p>Standards for review of tree pruning applications Criteria for approval. An application for tree pruning of branches on a protected tree or grand tree shall be granted by the city if:</p> <ul style="list-style-type: none"> <li>a. The branches are diseased or injured;</li> <li>b. The branches are in danger of falling too close to an existing utility facility;</li> <li>c. The branches create unsafe vision on a public street or right-of-way;</li> <li>d. The removal of the branches are recommended by the Natural Resources Coordinator, or designee or his designee in order to remedy a hazardous situation in lieu of removing the tree; or</li> <li>e. Removal of the branches is necessary to promote the general health, safety and welfare of the community.</li> </ul>	<p>Tree pruning standards. All protected or grand trees shall be pruned 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:</p> <ul style="list-style-type: none"> <li>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</li> <li>b. The variation will not materially and adversely affect the health of the tree being pruned.</li> </ul>
<p>All pruning of protected trees and grand trees shall be done by a properly licensed company or person.</p>	

- (6) Hazardous grand tree removal; approval; public notice. The Natural Resources Coordinator or designee shall approve an application to remove a grand tree that is determined by the natural resources coordinator or designee to be hazardous pursuant to the following procedure:
  - a. Hazardous tree removal, general. The Natural Resources Coordinator or designee shall determine whether the grand tree is hazardous in accordance with sec. 27-285 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 Natural Resources Coordinator or designee and shall not be delegated to any other city staff person. When required, pursuant to sec. 1-19 procedure, the planning and urban design manager shall review the permit application and related public records, to ensure that it complies with the general standards contained in sec. 27-285.
    - 1. Public notice. Public notice shall be provided in accordance with sec. 27-149, to include:
      - i. Mailed notice to those property owners immediately adjacent to the subject parcel on all sides;
      - ii. Mailed notice to participating organizations
      - iii. Filing the affidavit of compliance with the natural resources coordinator or designee.
    - 2. Stay period. Refer to sec. 27-61.
    - 3. 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.

4. Review. Refer to sec. 27-61. *[Note: Petitioners filing a 'review petition' for review of the natural resources coordinator's decision, shall be required to file an independent arborist report that directly addresses the decision for which the review is being filed (refer to definition in sec. 27-43); otherwise, the petition will not be accepted by the City Clerk.]*
- b. Tree removal related to **structural damage to building, in general**. With consultation from the building official or designee, the natural resources coordinator makes a determination that the grand tree has grown and caused, or likely will grow within one (1) year, in such a manner that it will cause **structural damage to the foundation**, structural walls, or structural roof of an existing, permanent building.
1. Tree removal permit conditions. No permit shall issue for demolition of the existing building, for which the grand tree was removed, for a period of two (2) years from the tree removal permit approval date.
  2. Upon submission of an application for grand tree removal 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 (2) 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 (2) year moratorium. No permit for removal of the tree shall be issued without a signed affidavit of the property owner.
  3. Public notice. Public notice shall be provided in accordance with sec. 27-149, to include:
    - i. Mailed notice to those property owners immediately adjacent to the subject parcel on all sides;
    - ii. Mailed notice to participating organizations
    - iii. Filing the affidavit of compliance with the natural resources coordinator or designee.
  4. Notwithstanding the above provision, during the two (2) 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 for review pursuant to sec. 27-61. 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 specify the grounds for the petition, the relief desired, and the applicable provisions of this division 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, with concurrence of the building official, determines demolition of the building is immediately necessary for public safety.

**Sec. 27-284.4. Permit nontransferable.**

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.

**Sec. 27-284.5. Tree protection standards during construction.**

All development shall comply with the tree protection requirements set forth in the Tree and Landscape Technical Manual.

**Sec. 27-284.6. Inspections and approvals, in general.**

(a) Activities regulated by this division 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 division.

(b) *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 pruning 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.

(c) *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.

(d) 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.

**Sec. 27-284.7. Permit 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 division;
- (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 division;
- (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.

**Sec. 27-284.8. 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 division 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.

**Sec. 27-284.9. Enforcement authority and remedies.**

- (a) Authority. The natural resources coordinator or designee 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) Criminal penalties. Any person who violates the provisions of this division 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 division, 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 division. 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 division.

**Sec. 27-284.10. 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 sec. 27-284.9 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 or damage done to a grand tree due to improper pruning, 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 tree(s) on the same parcel (or on adjacent right-of-way), in accordance with the Tree and Landscape Technical Manual. The number and size of the replacement trees required to be planted shall equal, on a square foot for square foot basis, the size (crown spread) 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 this division.

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.

**Sec. 27-284.11. 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 division 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 wave the permit fee.

**Sec. 27-284.12. Protected and grand trees; exempt trees; other general exemptions.**

- (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 division.

- (b) Grand trees. Grand trees have the characteristics described in the City of Tampa Tree Matrix, set forth in the Tree and Landscape Technical Manual.

- (c) Exempt trees – city wide. The following trees shall be exempt from permit procedures set forth in this division: *Broussonetia papyrifera* (male mulberry); *Casuarina* spp. (Australian pine); *Enterolobium contortisiliquum* (ear tree); *Eucalyptus* spp. (eucalyptus tree); *Melaleuca quinquenervia* (punk 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* = *Brassaia actinophylla* (shefflera, queensland umbrella tree). [Set forth in the Florida Accessibility Code, Rule 5B-57.007 Noxious Weed List](#)
- (d) Specific entities, activities, and/or uses shall be exempt from certain permit procedures as described below; however, regardless of any exemption(s), all such entities, activities, and/or uses shall adhere to the tree planting, pruning, root pruning, and removal standards, set forth in the Tree and Landscape Technical Manual:
- (1) The city's urban forestry coordinator, natural resources coordinator, or respective designees:
    - a. Pruning and/or root pruning of any protected or grand tree on public land or public right-of-way;
    - b. Removal of any protected tree or hazardous and/or dangerous grand tree on public land or public right-of-way.
  - (2) Public utilities: pruning and/or root pruning on lands owned by the public utility or in the public right-of-way.
  - (3) Hillsborough County Aviation Authority.
    - a. 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 section 27-284.2(3)a., 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, and all new construction not exempt by (c)(1) above, shall be subject to compliance with all other provisions of this division, as applicable.

- (4) The following uses and activities are exempt from providing a landscape and tree planting plan, as described in sec. 27-284.3:
  - a. Commercial nurseries.
  - b. Agricultural. Any bona fide agricultural use in furtherance of that use.
  - c. 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.
  - d. 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.
  - e. Existing improvements. Any exterior improvement to existing structures which is not an expansion of total floor area.
  - f. Interior improvements. Any interior improvement to existing structures which is not an expansion of total floor area.
  - g. Fuel storage tanks. The expansion of above ground fuel storage tanks and related systems located within existing petroleum bulk storage and processing facilities.

- h. 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.
- (5) The following uses and activities are exempt from obtaining a permit for site clearing as described in sec. 27-284.3:
- a. Commercial nurseries.
  - b. Agricultural. Any bona fide agricultural use in furtherance of that use.
  - c. 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.
  - d. 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.
  - e. Temporary downtown park. Trees planted on a parcel located in the central business district, as established in article III of this chapter, 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.
  - f. 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.
- (6) The following uses and activities are exempt from obtaining a permit for pruning and/or removal as described in sec. 27-284.3:
- 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. 27-284.13. Nonconforming landscape area(s) due to governmental acquisition.** Refer to sec. 27-299.

**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 2. GENERAL LANDSCAPE AND TREE PROTECTION, PRUNING, REMOVAL, AND PLANTING STANDARDS**

**Sec. 27-285. Tree preservation and removal standards; purpose and intent.**

- (a) *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. If grand or protected trees are approved for removal or removed, it is also the intent of these regulations to require mitigation for the removed trees, in order to preserve Tampa’s urban forest canopy, thereby protecting the environment and enhancing the natural beauty of the city.

Table 285.1 Tree Retention Requirements [1]			
Type of Land	Use Type	Minimum Retention Requirement [2,3,4,5]	Conditions
<b>Protected Trees</b>			
Central Business District (CBD) Channel District (CD) Ybor City (YC-1)	Any	-	Standard tree mitigation required
Non-wooded	Any	50%	
Wooded	Single-family (any type) Two-family	50%	
	Multi-family	40%	
	Non-residential	25%	
<b>Grand Trees</b>			
Any	Any	100%	Exclusive of wetlands [6]
<b>Notes:</b>			
[1] Refer to sec. 27-43 for defined terms.			
[2] Minimum percentage of trees required to be retained, based on total count of protected and grand trees on site. No credit shall be given for off-site trees or exempt, noxious, or invasive species (refer to sec. 27-284.XX & Tampa Tree Matrix).			
[3] Any protected palm species counts towards the minimum retention requirement at a ratio of 3:1 (3 palms = 1 tree).			
[4] Trees to be retained shall be those on the site that are in the best health and structural condition, subject to the review criteria set forth in Tables 285.2 and 285.3.			
[5] Any application that does not meet the minimum percentage shall be subject to the application and review procedures of the ‘alternative design exception – tree and landscape’ process, as set forth in sec. 27-60.			
[6] Trees within the jurisdictional wetland boundary shall not count towards the minimum retention requirement. Trees within a wetland setback or buffer may be counted toward minimum retention requirement (refer to note 3 above regarding palms).			

- (b) *Protected trees, generally.* An application for tree removal and replacement shall be granted, by the natural resources coordinator or designee, when it is determined that criteria in Table 285.2 below have been met:

**Table 285.2 General Standards for Protected Tree Removal [1-6]**

An application for tree removal and replacement shall be granted up to the limits set forth in Table 285.1. In determining the specific trees to be permitted for removal as part of that requirement, one (1) or more of the following general review criteria conditions exist for each tree proposed for removal:

<b>General Review Criteria</b>	1. Protected tree is located in an area where a new building, structure, or underground utility line, or addition thereto, will be placed; protective radius cannot be maintained; and, development cannot be reasonable reconfigured within existing zoning setbacks/yards and height requirements; or
	2. Protected tree is located in an area where a building, structure, or underground utility line currently exists, and protective radius cannot be maintained, and/or cause serious damage to an existing building, as determined in accordance with subsection 27-285.XX; or
	3. The protected tree is diseased or injured to the extent it is irreparably damaged; or
	4. The protected tree creates a visibility conflict on a public street or right-of-way and cannot be pruned to correct the conflict; or
	5. The protected tree is required to be removed to remove unhealthy or damaged vegetation; or
	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); or
	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; or
	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 practical 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.

**Notes:**

- [1] Refer to sec. 27-43 for defined terms.
- [2] Minimum percentage of trees required to be retained, based on total count of protected trees on site. No credit shall be given for off-site trees or exempt, noxious, or invasive species (refer to sec. 27-284.XX & Tampa Tree Matrix).
- [3] Any protected palm species counts towards the minimum retention requirement at a ratio of 3:1 (3 palms = 1 tree).
- [4] Trees to be retained shall be those on the site that are in the best health and structural condition, subject to the review criteria set forth in Tables 285.2 and 285.3.
- [5] Any application that does not meet the minimum percentage shall be subject to the application and review procedures of the ‘alternative design exception – tree and landscape’ process, as set forth in sec. 27-60.
- [6] Trees within the jurisdictional wetland boundary shall not count towards the minimum retention requirement. Trees within a wetland setback or buffer may be counted toward minimum retention requirement (refer to note 3 above regarding palms).

- (c) *General standards for hazardous tree determination.* In connection with the review of applications for the removal of protected or grand trees as 'hazardous' trees, the following general standards shall apply.
- (1) The determination of whether a grand or protected tree is hazardous shall be made using the "tree hazard evaluation form", refer to Tree and Landscape Technical Manual. The evaluation shall clearly state whether the grand or protected tree constitutes a hazardous tree.
  - (2) A tree determined to be 'hazardous' shall be permitted to be removed, only when a concurrent permit has been issued for the construction activity and such activity has commenced.
  - (3) Any tree permitted for removal as 'hazardous' shall be replaced, pursuant to the tree mitigation requirements west forth in sec. 285.1.
  - (4) The natural resources coordinator or designee may recommend the pruning of a grand or protected tree in lieu of removing the grand or protected tree, if such pruning will adequately address the hazardous condition.

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Table 285.3 General Standards for Hazardous Grand Tree Determination and Removal	
Type of Hazardous Tree Determination	Specific Review Criteria & Conditions
<i>Existing tree condition evaluation</i>	Using City’s Tree Evaluation Form, tree rated at ‘C-9’ or higher, with a ‘Failure Potential’ rating of at least ‘High,’ relative to its location, species, condition, risk assessment, and size. [1,2,5]
<p><i>Causing structural damage to existing building:</i></p> <p>Determination that the grand tree has grown and caused, or likely will grow within one (1) year, in such a manner that it will cause structural damage to the foundation, structural walls, or structural roof of an existing, permanent building. [3]</p>	<ol style="list-style-type: none"> <li>1. No permit shall issue for demolition of the existing building, for which the grand tree was removed, for a period of two (2) years from the tree removal permit approval date.</li> <li>2. No permit for removal of the tree shall be issued without a signed affidavit of the property owner. [4]</li> <li>3. The property owner or authorized agent may petition for City Council review of the two (2) year stay of the demolition permit, pursuant to sec. 27-61. No permits allowing demolition of the subject building shall be issued or approved while the petition is pending, unless the building official, with concurrence of the natural resources coordinator, determines demolition of the building is immediately necessary for public safety. [5]</li> </ol>
<i>Construction activity impact(s)</i>	<ol style="list-style-type: none"> <li>1. A grand tree may be rendered ‘hazardous,’ due to impacts of certain construction activity, if:               <ol style="list-style-type: none"> <li>a. Proposed, permissible construction of a principal building/structure, which adheres to the standard setback/yard and height requirements of the subject zoning district (without variance or exception), would impact the structural stability and condition of the tree (root system, trunk, canopy), to such a degree that the tree would be irreversibly or irreparably damaged [7]; or</li> <li>b. Proposed, permissible construction of an underground utility main line, which adheres to applicable local, state, and federal requirements for location and clearance, would impact the structural stability and condition of the tree (root system, trunk, canopy), to such a degree that the tree would be irreversibly or irreparably damaged; and</li> <li>c. The applicant has demonstrated that there is no other feasible site, or utility configuration based on the proposed use and physical layout of the property.</li> </ol> </li> <li>2. Other construction activity impact(s), related to site features such as accessory buildings/structures, may be considered the natural resources coordinator through the ‘alternative design review – tree and landscape’ process, (refer to sec. 27-60).</li> </ol>
<i>Emergency hazardous tree removal</i>	If the natural resources coordinator or designee determines immediate removal of a hazardous tree is necessary to protect the public health, safety and welfare, the public notice and stay provisions described in sec. 27-284.XX shall not be required, and the grand tree may be immediately removed.
<b>Notes:</b>	
<p>[1] Refer to sec. 27-43 for defined terms.</p> <p>[2] Refer to sec. 27-284.XX for specific permit procedures.</p> <p>[3] Determination regarding tree condition made by natural resources coordinator; determination regarding structural damage of existing building made by building official.</p> <p>[4] Refer to sec. 27-284.XX for application procedures.</p> <p>[5] Refer to sec. 27-61 for review procedures.</p> <p>[6] Trees rendered ‘hazardous’ shall not be removed from the site, until construction activity has been granted a permit to and has commenced. Such trees shall be removed from the site prior to issuance of any certification of occupancy or certificate of completion for the subject construction activity.</p>	