



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, Landscape, and Natural Resources Code." It is intended to set specific parameters for landscaping, including tree and landscape planting, protection, 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 (also referred to as “canopy study”) within the geographic boundaries of the city in 2006. Thereafter, the city shall conduct an urban forest analysis (“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. 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.
- (b) Fees, as set by city council resolution, shall be charged for the following:
 - (1) Tree consultation inspection;
 - (2) Permit application;
 - (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," on file in the office of the city clerk, is herein adopted 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 tree species with corresponding characteristics for planting and protection;
 - (2) Tree Mitigation method reference tables (refer to sec. 27-285.3 for mitigation method);
 - (3) Tree Evaluation Form;
 - (4) Tree DBH measurement methods with graphics;
 - (5) Tree installation methods with graphics;
 - (6) Tree protection methods during construction with graphics;
 - (7) Example tree and landscape plans with 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 that achieves the minimum points necessary to reach the minimum points required for grand tree status, for its respective specie, as set forth in the Tree Matrix. To calculate possible grand tree points, the formula is expressed as: "Total Points = Tree Height + DBH + Crown Spread". Refer to sec. 27-284.2.
- (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.

- (a) 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. 27-284.5. - Permit applications and required documentation.

- (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 to the natural resources coordinator and obtain the required permit.
- (b) *Permit required for site clearing and inspection.* 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, in the permit application, 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, grand trees, and/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. 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 inspection or clearing.* The application for site clearing shall include the property owner information, parcel information, nature of request and proposed development description, a property survey with accurate data reflecting location(s), specie(s), and DBH of any on site tree, and any additional information that may be 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. 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).
- (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 upon 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.
- (c) *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 a.1. and a.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. Refer to the Tree and Landscape Technical Manual for plan specifications.
- (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 upon 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 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 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.
- (d) *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 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
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: <ul style="list-style-type: none"> a. The branches are diseased or injured; b. The branches are in danger of falling too close to an existing utility facility; c. The branches create unsafe vision on a public street or right-of-way; d. The removal of the branches are recommended by the Natural Resources Coordinator, or designee or his designee in order to remedy a hazardous situation in lieu of removing the tree; or e. Removal of the branches is necessary to promote the general health, safety and welfare of the community. 	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: <ul 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.
All pruning of protected trees and grand trees shall be done by a properly licensed company or person.	

- (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 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 (who shall be an arborist).
 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.
 5. When required, pursuant to sec. 1-19 procedure, the division manager shall review the permit application and related public records, to ensure that it complies with the general process and standards contained in sec. 27-60, this subdivision.
- 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. 27-284.6. Tree protection standards during construction.

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

Sec. 27-284.7. - 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.

Sec. 27-284.8. Inspections, 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 shall make all of the required inspections.
- (b) 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 division manager.
- (d) 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 department shall approve the final landscaping permit.

Sec. 27-284.9. 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.

Sec. 27-284.10. - Permit cancellation.

- (a) Permits may be canceled upon request of the permit holder or authorized agent. Such request shall be in writing to the natural resources coordinator.
- (b) 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.

Sec. 27-284.11. Permit revocation.

- (a) 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:
 - (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 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;
 - (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, upon which said permit was issued to 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 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 satisfactorily completed, due to insufficient funds or any other reason.
- (b) 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.

Sec. 27-284.12. 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, 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.

Sec. 27-284.13. Stop work orders.

- (a) *Generally.* The natural resources coordinator shall have the authority to issue all necessary notices or orders to ensure compliance with this code.
- (1) 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.
 - (2) 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.



- (b) *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.
- (c) *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.

Sec. 27-284.14. 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) *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. Ascribe 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. Ascribe a triple permit fee and calculate and assess tree mitigation, pursuant to sec. 27-285.3, for any work performed in violation of this division, which causes irreparable or irreversible damage to the subject tree(s). The triple permit fee and tree mitigation shall be applied to each protected tree affected by such work;
 - (2) *Grand trees.*
 - a. Ascribe 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. 27-285.3; and,
 - 2. Imposition of a fine of up to fifteen thousand dollars (\$15,000.00).



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.

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 manager and refer to high-resolution aerial photography, satellite imagery, or similar imagery, to determine the approximate crown spread and crown footprint area, and provide those results to the magistrate as part of the hearing record.

Sec. 27-284.15. 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. 27-284.16. Nonconforming landscape area(s) due to governmental acquisition. Refer to sec. 27-299.