



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, MITIGATION, AND PLANTING STANDARDS

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

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.

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Sec. 27-285.1 - Tree retention standards.

Table 285.1 Tree Retention Requirements [1]			
Type of Land	Use Type	Minimum Retention Requirement [3-6,8]	Conditions
PROTECTED TREES [2]			
Within Boundaries: Central Business District (CBD) Channel District (CD) Ybor City (YC-1)	Any	-	Standard tree mitigation required [7] Exclusive of wetlands [8]
Non-wooded [1]	Any	50%	
Wooded [1]	Single-family (any type)	50%	
	Two-family	40%	
	Multi-family	40%	
	Non-residential	25%	
Lands <= one (1) acre	Any	[2]	
GRAND TREES			
Any	Any	100%	
Notes:			
<p>[1] Refer to sec. 27-43 for defined terms; secs. 27-181 through 185.3 for Central Business District; secs. 27-196 through 27-206 for Channel District; secs. 27-176 through 27-178 for Ybor City.</p> <p>[2] On site trees to be retained shall be those that are in the best health and structural condition, relative to the onsite tree population, subject to the review criteria set forth in Tables 285.2 and 285.3.</p> <p>[3] Minimum retention percentages are based on total count of protected and grand trees on site. No credit shall be given for off-site trees or dangerous/dead, exempt, invasive, or noxious species (refer to sec. 27-284.3).</p> <p>[4] Minimum retention percentages shall not apply in cases where there are not an adequate number of onsite trees, which are determined to be in good or fair condition based on city's standard tree evaluation method (refer to Tree and Landscape Technical Manual), to achieve said percentages.</p> <p>[5] Any protected palm species counts towards the minimum retention requirement at a ratio of 1:1 (1 palm = 1 tree).</p> <p>[6] Any application that does not meet the minimum retention 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.</p> <p>[7] Refer to sec. 27-285.4 for tree mitigation requirements.</p> <p>[8] 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).</p>			

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Sec. 27-285.2 - Tree removal standards.

- (a) *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 [1-2]	
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:	
General Review Criteria	1. Protected tree is located in an area where a proposed building, structure, above-/underground utility line, or addition/extension thereto, will be placed; and, protective tree radius cannot be achieved; and, development cannot be reasonably reconfigured [3] within existing zoning setbacks/yards and/or 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 (refer to sec. 27-284.5); or
	3. The protected tree is diseased or injured to the extent it is irreversibly or 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 new subdivision); or
	7. The protected tree prevents necessary vehicular access to a proposed use, building, structure, or addition thereto; and, protective tree radius cannot be achieved; and, development cannot be reasonably reconfigured [3]; 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:	
<p>[1] Refer to sec. 27-43 for defined terms.</p> <p>[2] Refer to Table 285.1 for tree retention requirements.</p> <p>[3] Reasonable reconfiguration may include:</p> <ul style="list-style-type: none"> i. altering the proposed placement/height of any building or structure, within existing zoning setbacks/yards and/or height, to meet minimum tree protection zone(s), with de minimus impact on proposed building area structure size; ii. altering the proposed placement/height of any utility, onsite or within existing right-of-way, to meet minimum tree protection zone(s), with de minimus impact on utility function; iii. altering the proposed placement/size of any vehicular access to meet minimum tree protection zone(s), with de minimus impact on access function and visibility. <p>Provision of minimum tree protection zone(s) may be considered a factor in granting (an) alternative design exception(s) to setbacks/yards, height, and/or vehicle access standards (refer to secs. 27-60 and 22-319).</p>	



- (b) *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. 285.3.
 - (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 [5]	Specific Review Criteria & Conditions
<i>Existing tree condition evaluation</i>	Based on determination made using 'Tree Condition 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. [1,5]
<p><i>Causing structural damage to existing building:</i> Determination that a grand tree has grown and caused, or will likely 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 [2,3]</p>	<p>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. 2. No permit for removal of the tree shall be issued without a signed affidavit of the property owner. [3] 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. [4]</p>
<i>Construction activity impact(s)</i>	<p>1. A grand tree may be rendered 'hazardous,' due to impacts of certain construction activity, if (combination of a. and c., or b. and c. is required for approval of permit for tree removal based on 'construction activity impact(s)'):</p> <ul style="list-style-type: none"> 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 [6]; or 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 c. The applicant has demonstrated that there is no other reasonable reconfiguration [6] of the applicable, proposed development components. <p>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).</p>
<i>Emergency hazardous tree removal</i>	Refer to sec. 27-284.15 for procedure. Public notice and stay provisions described in sec. 27-284.5 shall not be required, in order to protect the public health, safety and welfare.

Notes:

- [1] Refer to sec. 27-43 for defined terms and sec. 27-284.5 for specific permit procedures.
- [2] Determination regarding tree condition made by natural resources coordinator; determination regarding structural damage of existing building made by building official.
- [3] Refer to sec. 27-284.5 for application procedures.
- [4] Refer to sec. 27-61 for review procedures.
- [5] 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.
- [6] Reasonable reconfiguration may include:
 - i. altering the proposed placement/height of any building or structure, within existing zoning setbacks/yards and/or height, to meet minimum tree protection zone(s), with de minimus impact on proposed building area structure size;
 - ii. altering the proposed placement/height of any utility, onsite or within existing right-of-way, to meet minimum tree protection zone(s), with de minimus impact on utility function;
 - iii. altering the proposed placement/size of any vehicular access to meet minimum tree protection zone(s), with de minimus impact on access function and visibility.

Provision of minimum tree protection zone(s) may be considered a factor in granting (an) alternative design exception(s) to setbacks/yards, height, and/or vehicle access standards (refer to secs. 27-60 and 22-319).