

# City of Clearwater Tree Ordinance

## Section 3-1205. - Tree protection.

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A.

*Removal permit - Required.* No person may remove or cause to be removed any protected tree or any palm with a ten-foot clear and straight trunk without first having procured a permit as provided in [Article 4](#), Division 12, with the noted exception of all citrus species of trees which do not require a permit for removal.

B.

*Criteria for issuance of a removal permit.*

1.

No permit shall be granted for the removal of a specimen or historic tree.

2.

In determining whether or not a required removal permit shall be granted, the community development coordinator shall consider the following:

a.

The condition and location of the protected tree, specimen tree stand, or palm with respect to species, tree structure, competition, disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.

b.

Protected trees, specimen tree stands, and palms shall be preserved to the maximum extent possible and reasonable flexibility in the design of permitted uses shall be granted, within the parameters of the zoning district within which the property is located, in order to ensure such preservation.

c.

Whether protected trees or palms can be successfully relocated on-site in order to accommodate the proposed development.

d.

If a protected tree or palm must be removed in order to permit an economic use of the property which would otherwise be permitted, the applicant must give the city a reasonable opportunity to relocate the tree to another site in accordance with the provisions of [Section 3-1205](#)(C) and replace protected trees on-site in accordance with the provisions of [Section 3-1205](#)(D) or pay into the city's tree bank for every protected tree that is removed in accordance with the provisions in [Section 3-1205](#)(D).

3.

*Expiration.* Tree removal permits shall be valid for a period of six months from the date of issuance. Extensions may be granted by the community development coordinator or designee for good cause.

C.

*Relocation by city or county.* The applicant for a tree removal permit may authorize the city to enter upon the property and remove a tree or palm at the city's expense prior to the owner's proposed removal, if in the opinion of the city manager, such tree is of sufficient value to warrant relocation by the city. The city manager, in deciding

whether to accept or reject such a donation, shall consider the tree's physical condition, health or other circumstances, such as potential damage to utility lines, that may be anticipated to occur during such relocation as well as the city's need for the proposed donation. Such donated trees will be utilized for landscaping on public lands or as otherwise determined by the city manager.

D.

Tree and palm requirements and replacements. Tree and palm replacements shall be in compliance with Section 3-1202.B. and the following:

1.

*Attached dwellings and non-residential properties.* The total amount of DBH removed from a multi-family or non-residential site shall be replaced on an inch-for-inch basis.

2.

*Single-family detached dwelling and two-family attached dwelling properties.* The total amount of DBH removed from single-family detached dwelling or two-family attached dwelling properties (e.g. lot, subdivision) shall be replaced on an inch-for-inch basis, or such deficit shall be met by paying a fee of \$48.00 per inch of DBH to the tree bank. However, the number of trees on single-family detached dwelling or two-family attached dwelling properties (e.g. lot, subdivision) shall not be less than as follows unless otherwise determined by the Community Development Coordinator to be unfeasible or physically impossible:

Required Number of Trees on Single-Family and Two-Family Lots	
Lot Size (square footage)	Number of Required Trees
Less than 5,000	2
5,000—10,000	4
10,001—15,000	6
Over 15,001	8

3.

When the community development coordinator determines that there is not sufficient space available to replace the equivalent of all protected trees on-site in accordance with these requirements, the remaining DBH deficit shall be met by paying a fee of \$48.00 per inch of DBH to the tree bank. The community development coordinator may determine that certain protected trees are not required to be replaced based on certain criteria, including but not limited to, species, health, hazards, or other conditions.

4.

Monies paid to the tree bank in this manner shall be used for tree planting projects on public lands within the city and for other urban forestry enhancement projects designated by the city manager.

5.

*Conditions and specifications.*

a.

*Characteristics.* The replacement trees shall have at least equal shade potential, screening properties and other characteristics comparable to those of the trees for which a removal request has been submitted. The specific locations and design of required replacement trees shall be in accordance with proper urban forestry practices and as approved by the city manager.

b.

*Size.* Replacement trees shall be in compliance with the size and quality standards set forth in Section 3-1202.B.1.

c.

*Species.* The city may require that the species of the replacement trees be the same as those for which removal is being requested, or may require such replacement trees to be of a species native to the West Central Florida area. Exotic, "naturalized" trees or palms may be used to meet replacement requirements only with the consent of the city manager.

d.

*Native understory plant and enhanced tree protection credit.* Native vegetation such as ground cover, shrubs and small trees growing as understory plants to large shade trees are often critical to the survival of a tree that is to remain after development. Therefore, to promote the survival of protected trees after construction, the city manager may reduce the total tree replacement requirements by ten percent if native understory vegetation is allowed to remain within allotted green areas around the subject trees and/or enhanced tree protection methods are utilized such as chain link fence barricades, root aeration systems, cabling and bracing, mulching, fertilization and water during construction activities. The city manager may allow such reduction only upon a determination that the understory vegetation contains valuable native plants that are desirable in an urban environment, and will significantly enhance the subject trees' chance of survival. Native vegetation utilized to meet tree replacement requirements will be noted on an approved site plan by size, species and total area covered. In addition, the native plant material will be maintained in a healthy growing condition, and replaced by comparable plants approved by the city manager should the plants decline.

e.

*Credit for required landscaping.* Any landscaping required to be installed by [Section 3-1202](#) or [3-1203](#) may be used as credit against tree replacement requirements.

f.

*Credit for undeveloped multi-family and commercial property.* Twenty-five percent of the DBH of the trees existing on an undeveloped property zoned MHDR, HDR, or any commercially designated property shall be permitted to be removed with no requirements for tree replacements. This removal allowance may be used only one time on any particular site.

g.

*Waiver of replacement trees' specifications.* The community development director may waive the characteristics, or species, of the replacement trees only if the applicant for development approval demonstrates to the community development coordinator that such size is not readily available in the market area and that the proposed landscaping treatment with replacement trees is equal to or superior to the landscaping which would have been provided with the larger trees.

h.

*Waiver of replacement requirements for public utilities projects.* The community development coordinator may exempt the city from the **tree** replacement requirements solely for public utilities projects.

E.

*Protective barrier requirements and protection during construction activities.*

1.

A protective barrier shall be place around all protected **trees** prior to land preparation or construction activities according to the following:

a.

At or greater than the full dripline of all species of mangroves and sabal palm **trees**;

b.

At or greater than the full dripline of all protective native pine **trees** and other conifer **tree** species;

c.

At or greater than two-thirds of the dripline of all other protected species;

d.

At or greater than the full dripline of **trees** within a specimen **tree** stand.

2.

Protective barriers are to be constructed using no less than two-inch by two-inch lumber of upright posts. Upright posts are to be at least four feet in length with a minimum of one foot anchored in ground and three feet above ground. Upright posts are to be placed at a maximum distance of eight feet apart. Horizontal rails are to be constructed using no less than one inch by four inch lumber and shall be securely attached to the top of the upright post. The community development coordinator must approve any variation from the above requirements.

3.

Whenever a protective barrier is required, it shall remain in place until all construction activity is terminated. The area within the barrier limits shall remain undisturbed by any activity during construction. Native ground cover and understory vegetation existing within the barriers shall remain throughout construction. Exotic plant species may be removed providing written consent is obtained from the community development coordinator. Plant species removed with the consent of the coordinator may be removed only by manual labor utilizing hand tools or by other approved methods.

4.

Prior to the erection of any required protective barrier, all surface foreign material, trash or debris shall be removed from the area to be enclosed by the barrier, and after erection of the barrier no such material or litter shall be permitted to remain within the protected area. No equipment, chemicals, soil deposits or construction materials shall be placed within such protective barriers.

5.

Large areas on a development site, where land preparation and construction activities will not occur, or where heavy machinery will not venture, shall not require protective barriers as otherwise required by [Section 3-1205\(E\)\(1\)](#) above. Such areas shall be delineated at the point of interface, using a woven fabric ribbon or other materials approved by the community development coordinator. Approved materials shall be attached to two-inch by two-inch upright posts. Upright posts shall be made of wood or other suitable material approved by the community development coordinator, be at least four inches in height and be spaced no more than 50 feet apart.

No ropes or ribbons shall be attached to any protected **tree**. The community development coordinator shall make the final determination as to the location of the protective barrier.

6.

No signs, building permits, wires or other attachments of any kind shall be attached to any protected **tree** or palm. Guy wires designed to protect **trees** are excluded, however, from this prohibition.

7.

At all times, due care shall be taken to protect the critical root zone of **trees** protected by this section, and root pruning requirements shall apply to such **trees**.

F.

*Proper **tree** care; prohibited **tree** pruning.*

1.

When construction activities affect protected **trees** so that the critical root zone is disturbed, or when pruning must be performed on a **tree's** crown, adherence to the following arboricultural techniques is required:

a.

When the critical root zone will be disturbed, affected roots must be severed by clean pruning cuts at the point where construction impacts the roots. Roots can be pruned by utilizing trenching equipment designed for this purpose or by hand digging a trench and pruning roots with a pruning saw, chain saw or other equipment designed for **tree** pruning. Roots located within the critical root zone that will be impacted by construction must be pruned to a depth of 18 inches below the existing grade or to the depth of disturbance if less than 18 inches from the existing grade. When underground utility lines are to be installed within the critical root zone, the root pruning requirements may be waived if the lines are installed via tunneling or directional boring as opposed to open trenching.

b.

When pruning lateral branches of protected **trees**, the proper pruning techniques as described herein, must be followed. Flush cuts (pruning cuts that remove the branch collar) and stub cuts (cuts that leave a stub on the **tree**) are improper pruning techniques. Any **tree** that has been improperly pruned will not be recognized as a **tree** left on the property in a healthy growing condition; and therefore will not be utilized to meet **tree** replacement requirements.

2.

It shall be unlawful to remove from a protected **tree** more than 30 percent of a **tree's** foliage during a period of one year.

3.

It shall be unlawful to perform the techniques of topping or other pruning techniques that remove the vertical leader stems of protected **trees** except to the extent permitted by this section.

4.

When **trees** must be topped, such as in instances where there is interference with overhead wires or nearby structures, a **tree** removal permit shall first be obtained. The community development coordinator will determine if the **tree** can tolerate the necessary pruning, or if the **tree** should be removed. The community development coordinator will indicate on the permit that the removal of the **tree** will be permitted, or will modify the permit to allow the necessary pruning, or may deny the permit.

5.

When determining whether more than the allowed 30 percent of a tree's crown has been pruned, the community development coordinator shall use the following information to make a decision:

- a.  
The quantity and diameter of vertical stems pruned;
- b.  
Typical crown characteristics of the affected tree species;
- c.  
Aerial photographs or other recent photographs that would indicate the tree's appearance prior to pruning;
- d.  
Testimonials from eyewitnesses as to the tree's former appearance;
- e.  
Remains of foliage debris on the site.

6.  
Based on the above information, a written report shall be prepared citing all evidence used to support the claim of violation. The violation shall be treated as an illegal tree removal and process accordingly.

G.  
*Protection of tree trunks.* It shall be unlawful to use tree spikes or other devices that damage tree trunk tissue of protected trees.

(Ord. No. 6417-99, § 8, 8-19-99; Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6928-02, §§ 56—60, 5-2-02; Ord. No. 7835-07, § 16, 1-17-08; Ord. No. 8349-12, § 32, 9-6-12; Ord. No. 8654-15, § 21, 2-5-15)