

CITY OF PLANTATION TREE REMOVAL DISCLAIMER

Planning, Zoning and Economic Development Department – Environmental Landscape Division

Pursuant Sec. 27-262(h) Exemptions: in accordance with State law, a permit shall not be required for the removal of a tree on residential property if and only if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida-licensed landscape architect that the tree presents a danger to persons or property (hereinafter “Appropriate Documentation”) and shall be exempt from replacement trees in accordance with this chapter.

Please be advised of the following scenarios which may arise when utilizing the State Statute 163.045:

- No Tree Removal or Tree Trimming Permit is required for the pruning, trimming, or removal of a tree on residential property if the property owner obtains the Appropriate Documentation that the tree presents a danger to persons or property consistent with Florida Statute section 163.045.
- A property owner cited for Tree Removal or Tree Trimming without a permit will need to provide the Appropriate Documentation to validate the Tree Removal and(or) Tree Trimming activity under Statute 163.045. If a property owner does not have the Appropriate Documentation, then the property owner must apply for a Tree Removal Permit and mitigate according to city Code.
- Following removal of a tree on residential property pursuant to 163.045, if the property is not compliant with the Approved Landscape Plan for that property pursuant Sec. 27-255 or Sec. 27-257, upon the Code Enforcement Inspection, the city may initiate Code Enforcement proceedings against the property owner for non-compliance with the Approved Landscape Plan.
- Following removal of a tree on residential property pursuant to 163.045, if the property is not compliant with the minimum lot requirements for the number of trees pursuant Sec. 27-257(a)(b) as well as Sec. 27-254(a)(b), upon the Code Enforcement Inspection, the city may initiate code enforcement proceedings against the property owner for non-compliance with the minimum lot requirements.
- A Site Plan Modification shall be required for large residential developments with significant loss of tree canopy where the property owner believes that they cannot feasibly adhere to the Master Landscape Plan pursuant to Sec. 27-254(a)(11) under current site-specific circumstances.

163.045 Tree pruning, trimming, or removal on residential property.—

(1) For purposes of this section, the term:

(a) “Documentation” means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.

(b) “Residential property” means a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction’s applicable land development regulations.

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

(3) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(4) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

History.—s. 1, ch. 2019-155; s. 1, ch. 2022-121.