

CHAPTER 5. - TREE PROTECTION

Sec. 7.5.1. - Purpose and Intent.

- A. The purpose of this section is to implement the policies of the Land Use and Conservation Elements in Wellington's Comprehensive Plan related to trees and vegetation by establishing processes to prohibit the unnecessary removal or destruction of trees, require removal of certain invasive trees and require mitigation when trees are removed by:
 - 1. Incorporating trees into site design.
 - 2. Prohibiting destructive speculative clearing or grubbing to protect trees.
 - 3. Limiting the removal of trees before a site plan or building permit is approved.
 - 4. Requiring the removal of invasive trees and vegetation.
- 5. Mitigating tree removal with replacements to maintain Wellington's tree canopy, the aesthetic appeal of trees and the positive effect that trees have on property values.

Sec. 7.5.2. - Applicability.

This section shall apply to all property within Wellington. This section is intended to complement and not conflict with other Wellington, County, State and Federal regulations. In cases of conflict, the more restrictive regulations shall apply.

Sec. 7.5.3. - Exempt Activities.

The following activities are exempt from these requirements:

- A. The minimal removal of trees by a Florida licensed Land Surveyor for the performance of their duties provided the area cleared shall not exceed five (5) feet in width and only hand tools shall be used to remove vegetation. If survey lines greater than five (5) feet in width is needed, than a vegetation removal permit from Wellington shall be required.
- B. Any tree removal pursuant to the direction of utility agencies water control or management districts in easements where required construction and/or operating permits were received.
- C. Alterations or activities associated with government maintained parks, recreation areas, wildlife-management areas, conservation areas and preserves.
- D. The removal of trees by Wellington or Palm Beach County for environmental enhancement or restoration.
- E. The provisions of this section may be waived by the PZB Director during a period of officially declared emergency such as a hurricane, flood or disaster.

Sec. 7.5.4. - Permits.

A tree removal permit shall be required for the removal of all trees. The permit review fees shall be waived for the removal of invasive and dead trees.

- A. Tree removal permit requirements.
 - 1. The property owner shall submit a tree removal permit application to the PZB Department, including any additional information the PZB Director deems necessary to review the application. Tree removal permits follow the Type A1 development application process and submission requirements found in Article 5 Development Review Procedures and the Development Review Manual (DRM).

2. Tree removal permit applications to remove more than five (5) trees shall include a tree survey as defined in Sec. 3.2. When a tree survey is provided, for trees that cannot be incorporated into the site, the applicant shall include a modified copy of the tree survey indicating the location and proposed method of mitigation for the tree(s) to be removed.
- B. A tree removal permit shall be issued if one (1) or more of the following criteria are evidenced in the application:
1. Due to natural circumstances the vegetation is irreparably damaged, dead and/or is nonfunctioning.
 2. The vegetation is in danger of falling and/or located too close to existing structures so as to present a danger.
 3. The vegetation interferes with utility services or creates unsafe visual clearance for pedestrian and vehicular traffic.
 4. The vegetation is located in the buildable area of the site, unreasonably restricts the permitted use and cannot be relocated on site due to viability, age, type or size.
 5. Justification has been provided with the permit showing removal of the tree is in the public interest including whether the above criteria may apply.
- C. Issuance and Expiration.
1. If approved, tree removal permits shall be issued following review of the application or for new development concurrent with building or other related permits.
 2. All tree removal permits shall expire sixty (60) days after the date of issuance. Any work not completed within this period shall require submission of a new tree removal permit application and fees. The PZB Director may administratively extend the removal permit for a maximum of sixty (60) days.

Sec. 7.5.5. - Tree Protection Standards.

- A. The removal of non-specimen trees or specimen trees requires tree mitigation or preservation when indicated in Table 1 and this section as follows:

Table 1 - Tree Mitigation Alternatives in Order of Preference

Mitigation Not Required	Non-Specimen Trees	Specimen Trees (4)
Single-family Lot Meeting Minimum Requirements After Tree Removal	Mitigation is not required for the removal of a tree on a single-family lot, if the remaining quantity, types and sizes of trees on the lot complies with the minimum requirements of these LDRs including but not limited to Secs. 7.3, 7.4 and this section	
Preservation of an Existing Tree In Place	Preservation in place is preferred to the mitigation options below	
Mitigation Required		
Mitigating Tree Removal, In Place or On Site	One (1) non-specimen tree shall be planted on site for each tree removed	Three (3) native trees shall be planted on site for each specimen tree removed
Payment in Lieu of Tree Preservation or On Site Mitigation (1) (2) (3)	Up to twenty-five percent (25%) of mitigation trees required to be planted may be provided for by utilizing payment in lieu to the Tree Fund. The dollar amount for each tree shall equal the retail tree value plus installation costs found in the Landscape Manual found in the DRM. The Tree Board may authorize payment in lieu for more than twenty-five percent (25%) of the required mitigation trees due to physical site constraints for tree planting on the site as provided in this section.	

Table 1 Notes

- (1) Payment in lieu to the Tree Fund for more than twenty-five percent (25%) of the required mitigation trees shall not occur unless the Wellington Tree Board hears and approves any proportion in excess of twenty-five percent (25%), determining that such trees cannot be physically supported on the site.
 - (2) The Retail Tree Value plus Installation Cost per tree is found in the Wellington Landscape Manual.
 - (3) To calculate the maximum number of required trees that can be requested for payment in lieu of planting on site, the result is rounded down to a whole number.
 - (4) Specimen Trees are defined in Sec. 7.5.5.H below. Native tree species are identified in the Wellington Landscape Manual.
- B. Speculative clearing or grubbing of a site is prohibited.
- C. Trees planted in mitigation shall be two minimum (2) inch DBH, minimum ten (10) feet in height and spaced a minimum of twenty (20) feet on center.
- D. Tree relocation and replacement shall be done in accordance with standard forestry practices to promote tree establishment and survivability.
- E. Invasive species shall be removed from the site prior to issuance of a certificate of occupancy.
- F. To protect trees during construction, the following construction measures shall be implemented:
- a. No excess soil, additional fill, equipment, liquids, construction debris or equipment shall be placed within the drip line of any tree.
 - b. No soil shall be removed from within the drip line of any tree.

- c. Protective barriers shall be installed and maintained beginning with the commencement of any land clearing or building operations and ending with the completion of the permitted clearing or building construction work on the site per the installation provisions of Sec. 7.3.
- H. Specimen trees are defined in Article 3 and listed in Table 2. Specimen trees are an important natural resource of Wellington deserving protection. The incorporation of existing specimen trees into the project design is preferred to any mitigation option in this section.

Table 2: Specimen Tree Trunk DBH and Circumference

Common Tree Name	Scientific Name	Trunk Size (in inches)	
		DBH	Circumference
Bald Cypress	Taxodium distichum	13	42
FL Strangler Fig	Ficus aurea	25	78
Green Buttonwood	Conocarpus erecta	13	42
Gumbo Limbo	Bursera simaruba	13	41
Laurel Oak	Quercus laurifolia	17	56
Live Oak	Quercus virginiana	22	72
Red Maple	Acer rubrum	13	40
Red Mulberry	Morus rubra	13	43
Seagrape	Coccoloba uvifera	10	32
Slash Pine	Pinus ellioti var. densa	14	45
Southern Red Cedar	Juniperus silicicola	21	64
Sweet Bay	Magnolia virginiana	12	38
Any species excluding invasive species and fruit trees	Varies	25	Varies

Sec. 7.5.6. - Hazard Trees.

If a tree or its limbs leans, encroaches or falls into an adjacent right-of-way, Wellington may deem the tree a public hazard tree and require its removal. Failure to remove such tree after Wellington provides notice that it is a public hazard is a violation of this section.

Sec. 7.5.7. - Enforcement.

This section is subject to the enforcement provisions of Sec. 7.1.3 and those below.

- A. The following shall be considered separate violations:
1. The removal of each a tree without a permit.
 2. Continued endangerment and neglect of each remaining tree(s).
 3. Each day a violation exists for such unlawful removal.
- C. Penalties.

1. If a tree removed without a tree removal permit an invasive tree, the property owner will be advised in writing of the requirement to obtain a permit. Repeated unauthorized removal of invasive trees may result in fines of up to four (4) times the tree removal permit review fee for each occurrence.
2. For all other trees, a fine of up to one hundred (100) dollars per day per tree removed may be imposed beginning thirty (30) days after a Notice of Violation is issued. Wellington may suspend issuance of permits, inspections and occupational licenses while such violation is pending. If the violation is not corrected after sixty (60) days from issuance of the Notice of Violation, Wellington may place a lien on the property in an amount equal to the sum of any unpaid fines and the reasonable costs for removing and installing the unlawfully removed