
1 **Sec. 72-2. Definitions. (Excerpted for Tree Protection Only)**

2 *Agricultural use:* The use of land for agriculture, including but not limited to, horticulture,
3 floriculture, viticulture, forestry, silviculture, dairy, livestock, poultry, beekeeping, aquaculture, and all
4 forms of farm products and farm production. This definition also includes "normal farming operation" as
5 defined herein.

6 *Best management practices (BMP):* Management practices as found in "Silviculture Best
7 Management Practices Manual," Florida Department of Agriculture and Consumer Services, Division of
8 Forestry.

9 *Buildable area:* The area established by minimum yard requirements outside of which no principal
10 structure may be erected.

11 *Caliper:* Trunk caliper (trunk diameter) is measured six inches from the ground on trees up to and
12 including four inches in caliper, and 12 inches above the ground for larger trees. Since trunks are seldom
13 round, the average of the largest diameter and that perpendicular to it is referred to as caliper. Any
14 accurate device including a diameter tape may be used to measure caliper.

15 *Clearing:* Means the removal of any trees or brush from land, but shall not include mowing or
16 grubbing, except as provided in division 11 and division 17 of this article.

17 *County Forester?*

18 *Cross sectional area:* The area of the trunk of a tree taken 4½ feet above the base of the tree
19 measured perpendicular to the axis of the trunk.

20 *Diameter at breast height (DBH):* The trunk diameter of a tree measured 4½ feet above the
21 average ground level at the base of the tree. Provided, however, if the tree forks above 4½ feet above
22 ground level, it is measured below the swell resulting from the double stem. Stems that fork below 4½
23 feet above ground level shall be considered separate trees.

24 *Drip line:* ~~The peripheral limits of the horizontal crown of a tree spread vertically to the ground;~~
25 ~~provided, however, that the same shall not be less than a circle with a ten-foot radius measured from~~
26 ~~the center of the tree. The perimeter of the area under a tree, delineated by the crown; approximated~~
27 as one foot of radius per inch of tree diameter.

28 *Effectively destroy:* To cause, suffer, allow or permit any act which will cause a tree to die or go into
29 a period of unnatural decline within a period of two years from the date of the act. Acts which may
30 effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by
31 heavy machinery, excessive trimming, changing the natural grade above the root system or around the
32 trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or
33 other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the
34 infliction of a trunk wound that is 50 percent or greater of the circumference of the trunk, or the
35 removal or sufficient canopy to cause the unnatural decline of the tree.

36 *Environmentally sensitive lands:* Lands and/or associated waters which provide ecologically
37 important or vital resources, particularly those ecological communities which are locally or regionally
38 rare or threatened, or which provide habitat for wildlife species which are officially listed as endangered,
39 threatened, or of special concern (also referred to as "critical habitat"). Examples of environmentally
40 sensitive lands include, but are not limited to, wetlands; upland fringes of wetlands and shorelines;

41 hardwood hammocks; and areas designated for the purpose of conserving or protecting natural
42 resources of environmental quality.

43 *Excavation:* The hollowing out, removal by digging or leveling of any land, dirt, sand, clay, soil, rock,
44 solid minerals or other soil materials.

45 *Historic tree:* Any ~~Live Oak live oak~~ (Quercus virginiana) or ~~Bald Cypress bald cypress~~ (Taxodium
46 ~~distichum~~ Taxodium distichum), or pond cypress (Taxodium ascendens) 36 inches DBH or greater, or
47 other tree which is determined by the County Council of Volusia County to be of such unique and
48 intrinsic value to the general public because of its size, age, historic association or ecological value as to
49 justify this classification. Any tree in this county selected and duly designated a Florida State Champion,
50 United States Champion or a World Champion by the American Forestry Association shall likewise be
51 within this definition.

52 *Landscape buffer:* An area of land which is required to be set aside along the perimeter of a lot in
53 which landscaping (existing, relocated or introduced) is used to provide a transition between, and to
54 reduce the undesirable or incompatible impacts between differing land uses.

55 *Mowing:* To cut grass, brush and other nonprotected vegetation which falls below a two-inch
56 caliper with a machine designed to remove such material without disturbing the soil and plant roots.

57 *Natural resource management area Resource Management Area (NRMA):* A land use category
58 identified in chapter 1, future land use element, of the Volusia County Comprehensive Plan, Ordinance
59 No. 90-10, as amended.

60 *Nuisance Exempt tree:* Any of the following tree species and any tree categorized as an invasive exotic in
61 the ~~Florida Exotic Pest Plant Council's~~ Florida Invasive Species Council List of Invasive Species:

Common Name	Botanical Name
Australian Pine	Casuarina litorea
Australian Pine pine	Casuarina glauca spp.
Brazilian Pepper pepper	Schinus terebinthefolius
Camphor Tree	Cinnamomum camphora
Chinaberry	Melia azedarach
Chinese tallow	Sapium sebiferum
Citrus	Citrus species spp.
Ear Pod Tree pod tree	Enterolobium cyclocarpa
Eucalyptus	Eucalyptus species spp.
Golden raintree	Koelreuteria elegans
Punk Tree tree or Cajuput paperbark tree	Melaleuca quinquenervia
Silk Oak oak	Grevillea robusta
Woman's Tongue tongue	Albizia lebbbeck
Chinese Tallow tree	Sapium Sebiferum

62
63 *Owner-occupied:* A legally permitted dwelling occupied by the owner of record, ~~holding a valid~~
64 ~~certificate of occupancy.~~

Commented [GA1]: Is this the right size or should we change to a smaller diameter?

Also, consider adding longleaf pine - what size?

Protective barrier: Conspicuously colored fences or like structures constructed of sturdy materials that are at least four feet in height which prevent or obstruct passage.

Rebuttable presumption: A presumption which may be rebutted by evidence.

Removal: ~~To cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.~~
The cutting down, digging up, destroying, effectively destroying, or relocating of any tree.

Replacement stock: Any immature tree having an overall height of at least six feet and a minimum caliper of at least ~~two~~ 1.5 inches but does not include any tree species listed as exempt.

Specimen tree: The following native species of trees with the minimum specified DBH are determined to be specimen trees in Volusia County, Florida:

Common Name	Botanical Name	DBH
Turkey Oak <u>oak</u>	(Quercus laevis-laevis)	12 inches and larger
Other Oak <u>oak</u> species	(Quercus spp.)	18 inches and larger
Maple	(Acer spp.)	18 inches and larger
Sweet Gum <u>gum</u>	(Liquidambar styraciflua)	18 inches and larger
Hickory	(Carya spp.)	18 inches and larger
Elm	(Ulmus spp.)	18 inches and larger
Loblolly Bay <u>bay</u>	(Gordonia lasianthus)	12 inches and larger
Sweet Bay <u>bay</u>	(Magnolia virginiana)	12 inches and larger
Red Bay <u>bay</u>	(Persea borbonia)	12 inches and larger
Swamp Bay <u>bay</u>	(Persea palustris)	12 inches and larger
Sycamore	(Platanus occidentalis)	18 inches and larger
Magnolia <u>Southern magnolia</u>	(Magnolia grandiflora)	12 inches and larger
Bald Cypress <u>cypress</u>	(Taxodium distichum)	18 inches and larger
Pond cypress	<u>Taxodium ascendens</u>	<u>18 inches and larger</u>
Black gum or swamp tupelo	<u>Nyssa sylvatica var. biflora</u>	<u>18 inches and larger</u>
Red Cedar <u>cedar</u>	(Juniperus silicicola) <u>Juniperus silicicola</u>	12 inches and larger
Longleaf pine	<u>Pinus palustris</u>	<u>18 inches and larger</u>

Tract: An area of land, public or private, occupied or intended to be occupied, by or for a lawful purpose, including a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainageway, water main, sanitary or storm sewer main, canal, landscape buffer, or for similar use. The term "tract," when used for land platting purposes, means an area separate and distinct from platted lots or parcels and not included within the dimensions or areas of such lots or parcels. Unless otherwise expressly stated, the dedication of a tract on a plat reflects an intention of the dedicator(s) to dedicate such tract as a fee simple interest in land, subject to any easement(s) stated on the plat or otherwise of record.

Protected Tree: Any woody self-supporting plant characterized by having a single trunk of at least six inches DBH, ~~or any tree of that has been planted or preserved to meet tree replacement requirements, regardless of size or multistem trunk system with well developed crown at least 15 feet high, as measured from its base shall be considered a tree.~~