

ORDINANCE NO. 96-16

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING; AMENDING SECTION 10-22. PROVIDING FOR RECOMMENDED LANDSCAPE SPECIES FOR PROTECTION AND REPLACEMENT, BY INDICATING THE APPROPRIATE COUNTY DESIGNEE; AMENDING SECTION 10-24. PROVIDING FOR RESIDENTIAL LANDSCAPE REQUIREMENTS, BY MODIFICATION; AMENDING SECTION 10-25. PROVIDING FOR MOBILE HOME AND RECREATIONAL VEHICLE PARKS, BY INDICATING THE APPROPRIATE REGULATIONS; AMENDING SECTION 10-26. PROVIDING FOR TREE PROTECTION AND CREDIT FOR TREES, BY INDICATING THE APPROPRIATE COUNTY DESIGNEE; AMENDING SECTION 10-27. PROVIDING FOR PLAN APPROVAL, BY INDICATING THE APPROPRIATE COUNTY DESIGNEE; AMENDING SECTION 10-28. PROVIDING FOR CERTIFICATE OF OCCUPANCY, BY MODIFICATION; AMENDING SECTION 10-29. PROVIDING FOR ENFORCEMENT, BY INDICATING THE APPROPRIATE COUNTY DESIGNEE; AMENDING SECTION 10-31. APPEAL PROCEDURES, BY INDICATING THE APPROPRIATE COUNTY DESIGNEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-22. RECOMMENDED LANDSCAPE SPECIES FOR PROTECTION AND REPLACEMENT BY INDICATING THE APPROPRIATE COUNTY DESIGNEE, AS FOLLOWS:

Sec. 10-22. Recommended landscape species for protection and replacement.

A recommended list of trees and vegetation for preservation and replacement to meet the minimum specifications of this article may be obtained from the County Forester's Office, the County Extension Service, or the County Administrator or designee. For purposes of landscape protection and replacement, the following exotic species of vegetation shall not be considered as trees:

- (1) Melaleuca (Punk Tree);
- (2) Australian Pine;
- (3) Brazilian Pepper;

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- (4) Chinaberry;
- (5) Mimosa;
- (6) Adam's Needle.

SECTION 2. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-24. RESIDENTIAL LANDSCAPE REQUIREMENTS, BY MODIFICATION, AS FOLLOWS:

Sec. 10-24. Residential landscape requirements.

All single- or two-family residential properties shall be required to comply with the ground cover requirements of this article. In addition, each lot shall have a minimum of two (2) trees per lot up to ten thousand (10,000) square feet in size plus one tree per each additional five thousand (5,000) square feet of lot size.

SECTION 3. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-25, MOBILE HOME AND RECREATION VEHICLE PARKS, BY INDICATING THE APPROPRIATE REGULATIONS, AS FOLLOWS:

Sec. 10-25. Mobile home and recreational vehicle parks.

- (a) Within any mobile home subdivision, mobile home park or recreational vehicle park, the landscaping provisions of this article shall apply including the provision of ten (10) trees per acre. Said trees shall be distributed on the site with a minimum of fifty (50) per cent dispersed evenly throughout the park or subdivision, exclusive of the periphery setback. There shall be a landscaped buffer strip equal to the setback requirements of the Hernando County Land Development Regulations along streets abutting a mobile home or recreational vehicle park, and along other mobile home or recreational vehicle park boundaries.
- (b) All buffer strips, except waterfront, shall contain a plant or structural screen which shall meet a seventy-five (75) per cent or better opaqueness, shall be six (6) feet in height, except for sight requirements at points of access to public roadways, and shall extend the length of the buffer strip, not necessarily in a straight line, except for driveway and pedestrian openings. Newly planted screen plants should meet the height requirements within twelve (12) months after planting. The landscaped buffer strip shall be separate from mobile home or recreational vehicle sites, recreation areas, street rights-of-way utility areas, but may be utilized for drainage structures or utilities distribution and collection.

(c) As a condition of approval of the development of a mobile home or recreational vehicle park, the developer shall comply with the landscape provisions of this section.

(d) Any mobile home subdivision, in addition to meeting the buffering requirements of this section, shall be required to have a minimum of one tree per five thousand (5,000) square feet of lot area.

SECTION 4. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-26. TREE PROTECTION AND CREDIT FOR TREES, BY INDICATING THE APPROPRIATE COUNTY DESIGNEE, AS FOLLOWS:

Sec. 10-26. Tree protection and credit for trees.

(a) All trees greater than six (6) inches DBH existing in the areas not approved for development on any lot, plot, tract, or parcel of land at the time of development shall be preserved through the development process and shall be maintained after development as a part of the required landscaping; provided, that this restriction on tree removal will not apply to those trees above a threshold of ten (10) trees per acre or a canopy cover exceeding twenty-five (25) per cent of the lot area. Any tree maintained for credit in compliance with this article shall be given credit against the landscape area requirements of this article to the following schedule:

Large trees	6-12" DBH	400 square feet
Small trees	1 ½-6" DBH	100 square feet

(b) Any tree (excluding pine trees) with a diameter breast height (DBH) eighteen (18) inches or greater shall be classified as a specimen tree and shall be preserved unless the tree is within six (6) feet of a site approved for a building. The County Administrator or designee shall be authorized to reduce the required parking by one (1) space per ten (10) required parking spaces or fraction thereof if the specimen tree is saved by the minor reduction in the required parking. The Board of County Commissioners is empowered to make minor deviations from development regulations or to authorize removal of specimen trees.

SECTION 5. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-27. PLAN APPROVAL, BY INDICATING THE APPROPRIATE COUNTY DESIGNEE, AS FOLLOWS:

Sec. 10-27. Plan approval.

(a) Appropriate site plans showing proposed landscape development including specimen trees shall be submitted to the County Administrator or designee for site plan approval. The site plan shall be drawn to scale normally of not less than one inch equaling thirty (30) feet including dimensions and distances and clearly delineating the existing and proposed landscape development. A different scale may be permitted for good cause shown. Such site plan shall also include detailed drawings of the entire off-street parking area and the location of proposed buildings.

(b) Single- and two-family residential property is exempt from the requirements of furnishing a plan approval as required of other properties in this article.

SECTION 6. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-28, CERTIFICATE OF OCCUPANCY, BY MODIFICATION, AS FOLLOWS:

Sec. 10-28. Certificate of occupancy.

All landscaping, ground cover, and tree placement requirements must be completed within 30 days from the issuance of the Certificate of Occupancy. The County Administrator or designee shall inspect the site for compliance when the 30 day time frame has elapsed. Failure to comply with this section shall be cause to notify the Code Enforcement Division for action to ensure compliance.

SECTION 7. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-29. ENFORCEMENT, BY INDICATING THE APPROPRIATE COUNTY DESIGNEE, AS FOLLOWS:

Sec. 10-29. Enforcement.

The County Administrator or designee shall be the enforcing agency. The enforcing agency shall be charged with the duty of administering the provisions of this article and securing compliance therewith. In furtherance of this responsibility, the enforcing agency shall:

(1) Make such inspections as may be necessary to carry out the purposes and intent of this article and to initiate appropriate action to bring about compliance with this article if such inspections disclose any instance of noncompliance.

(2) Investigate thoroughly any complaints of alleged violations of this article and indicate

clearly in writing as a public record in his office the dispositions made of such complaints.

(3) Order in writing as set out below the remedy of all conditions of all violations of this article found to exist in or on any premises.

(4) State the violations and order a time limit for compliance herewith as hereinafter set out.

(5) Request the assistance of the County Attorney in taking appropriate legal action upon the failure of the responsible party to comply with such violation order at the time specified therein.

SECTION 8. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING, SECTION 10-31. APPEAL PROCEDURES, BY INDICATING THE APPROPRIATE COUNTY DESIGNEES, AS FOLLOWS:

Sec. 10-31. Appeal Procedures

Any person adversely affected by a decision of the County Administrator or designee in the interpretation of any terms or provisions of this article may appeal such decision to the Board of County Commissioners. Such appeal shall be made to the board within thirty (30) days after the decision of the County Administrator or designee. The board shall set a time and place for the purpose of allowing the applicant to be heard. The board shall thereafter either grant or deny the application in whole or in part and notify the applicant in writing of its decision.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 10. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances and the Land Development Regulations of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgment from the office

of the Secretary of State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR
SESSION THIS 6TH DAY OF AUGUST, 1996.**



BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY *Hannah M. Robinson*
HANNAH M. ROBINSON, CHAIRWOMAN

ATTEST *Karen Nicolai*
KAREN NICOLAI, CLERK

For the use and reliance of Hernando County only, approved as to form only.

BY *Paul B. [Signature]*
ATTORNEY FOR HERNANDO COUNTY