

ORDINANCE 2004-13

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING; BY PROVIDING FOR AUTHORITY; BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-17, PURPOSE AND INTENT, TO CLARIFY INTENT WITH RESPECT TO XERISCAPING AND NOXIOUS PLANTS; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-19, DEFINITIONS, BY ADDING AND AMENDING DEFINITIONS; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-21, TO SUMMARIZE LANDSCAPING REQUIREMENTS AND REQUIRE REMOVAL OF PROHIBITED PLANT SPECIES; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-22, TO PROVIDE FOR INCLUSION OF EXISTING PLANT COMMUNITIES AS PART OF THE LANDSCAPE DESIGN PLAN, REMOVAL OF PROHIBITED PLANT SPECIES, AND POSTING OF LAND CLEARING PERMITS; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-23, TO PROVIDE FOR CONDITIONS AND REQUIREMENTS APPLICABLE TO REMOVAL OR PROTECTION OF MAJESTIC OR SPECIMEN TREES DURING CERTAIN DEVELOPMENT ACTIVITIES; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-25, TO PROVIDE FOR LANDSCAPE DESIGN PLAN AND IRRIGATION REQUIREMENTS AND CRITERIA; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-26, TO PROVIDE FOR VEGETATIVE BUFFER REQUIREMENTS WITH RESPECT TO PROPERTY ADJACENT TO WATER BODIES; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-27, TO PROVIDE FOR CORRECTED SCIENTIFIC NAMES OF PROHIBITED PLANT SPECIES; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-28, TO PROVIDE FOR POSTING OF THE LAND CLEARING PERMIT, PRESERVATION OF ON-SITE NATURAL VEGETATION, AND REMOVAL OF SPECIMEN AND MAJESTIC TREES UNDER CERTAIN CIRCUMSTANCES; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-29, TO PROVIDE FOR REMOVAL OR PROTECTION OF MAJESTIC OR SPECIMEN TREES UNDER SPECIFIED CIRCUMSTANCES; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-30, TO PROVIDE FOR CERTAIN EXEMPTIONS; AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-32, TO PROVIDE FOR ALTERNATE ENFORCEMENT METHODS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN TO THE CODE; PROVIDING FOR EFFECTIVE DATE.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY:**

SECTION 1: AUTHORITY

FILED
2004 AUG 26 PM 2:56
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

This amending ordinance is adopted pursuant to the general laws of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the health, safety and general welfare of the people and environment of Hernando County, Florida.

SECTION 2: AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-17, PURPOSE AND INTENT, TO CLARIFY INTENT WITH RESPECT TO XERISCAPING AND NOXIOUS PLANTS, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

In addition to the intent evidenced in the provisions of this ordinance, the Board of County Commissioners has these specific purposes and intentions in adopting the Hernando County Landscape Ordinance:

- (1) Preserved natural vegetation areas can reduce landscaping costs by minimizing the need to install/maintain irrigation systems and to install/maintain planting areas.
- (2) This ordinance is based on concepts of Florida Friendly Landscaping and Xeriscape™ and the use of BMPs. The Florida Friendly landscape concept is based on the principals of the *Florida Yards and Neighborhoods* (FYN) and *Environmental Landscape Management* (ELM) programs operated by the University of Florida Cooperative Extension Service, along with the Xeriscape™ programs of the State's Water Management Districts, and BMPs identified in the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida*. The *Florida Yards and Neighborhoods Handbook*, the Water Management Districts' *Waterwise Landscape Guide*, *Xeric Landscaping with Florida Native Plants* by the Association of Florida Native Nurseries, FDEP's *Waterfront Property Owners Guide*, the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida*, and *Water Right: Conserving our Water, Preserving our Environment* published by the International Turf Producers foundation should be referred to before making landscape and other site decisions. In general, all landscapes shall be designed to minimize adverse effects of Florida's natural systems. No part of these guidelines shall be interpreted to restrict creative designs or the inclusion of landscape elements such as vegetable gardens, fruit trees, arbors, water gardens, or furnishings.
- (3) Trees and vegetation give off oxygen for humans to breathe.
- (4) Trees and effective landscaping can enhance property values.
- (5) Approximately thirty (30) percent of applied irrigation water can be wasted due to inefficient irrigation systems.
- (6) A Landscape Design Plan or a Land Clearing Plan can encourage a review of natural vegetation areas, tree preservation, efficient irrigation, soil characteristics, and proper plant selection.
- (7) Shade trees reduce energy costs and cool the air.
- (8) Landscaping can enhance the image of a *community*.

- (9) Water conservation in Hernando County is becoming increasingly important.
- (10) Grouped plantings by the amount of water used, increases irrigation effectiveness.
- (11) Mulches retain soil moisture, reduce weed growth, and prevent soil erosion.
- (12) Ground cover reduces dust clouds, loss of topsoil, and prevents soil erosion.
- (13) Invasive-exotic noxious plants degrade natural habitat and displace native species. Certain species of invasive-exotic plants have a variety of noxious qualities, including but not limited to, adverse effects on human health, hazards to public safety, and creating undesirable vegetative monocultures.
- (14) Trees and vegetation clean polluted air and water.
- (15) Trees and vegetation slow rain runoff thereby reducing the need for flood and storm water controls.
- (16) Trees and vegetation allow percolation of rain unlike paved and impervious surfaces.
- (17) Trees and vegetation provide habitat for native wildlife.
- (18) A variety of tree age-classes and species can minimize pest outbreaks and rapid canopy losses.
- (19) Tree canopy can lower temperatures in urbanized areas.
- (20) Landscaped roadways are the most visible public spaces in the County.
- (21) Trees and vegetation provide aesthetic relief from signs, noise, glare, and expanses of asphalt.

SECTION 3: AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-19, DEFINITIONS, BY ADDING AND AMENDING DEFINITIONS , TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-19 Definitions

Agricultural Operations: Good-faith commercial agricultural activities, determination of which could include the following:

- (a) The number of years the land has been used for agriculture.
- (b) The size of the agricultural operation as it relates to use.
- (c) The use of commercial agricultural practices such as fertilizing, liming, mowing, reforestation, and tilling.
- (d) Whether the land is leased and conditions of the lease.
- (e) Kind of operation such as aquaculture, beekeeping, dairy farming, floriculture, forestry, horticulture, livestock, plant nurseries, poultry, tree farming or vineyards.

American National Standards Institute (ANSI): ANSI is a private, nonprofit organization that administers and coordinates the standardization and conformity assessment system. For the purposes of this ordinance, ANSI

references relate to the American National Standard for Tree Care Operations – Trees, Shrubs and Other Woody Plant Maintenance – Standard Practices (ANSI A300-2001, as amended), which is incorporated herein by reference.

Automatic Irrigation Controller: A mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application that requires no manual effort.

Caliper: In a tree-planting context: The measure of the trunk diameter of a tree at six (6) inches above the soil line.

Clear-Sight Triangle:

- (a) *Driveway:* A clear-vision triangle of property on each side of a driveway formed by the intersection of the driveway edge, the street right-of-way line, and a third line connecting the two. Clear-vision distances are ten (10) feet along the driveway edge and twenty (20) feet along the street right-of-way line.
- (b) *Street/Railroad Intersection:* A clear-vision triangle of property formed by two intersecting right-of-way lines and a third line connecting the two, as provided in the Hernando County Facilities Guidelines. The right-of-way line may be either for a street or a railroad.

Clearing: The bulldozing of earth and/or removal of trees.

Commercial: For purposes of applying the landscaping regulations of this ordinance, any type of project that is zoned and approved for: commercial, industrial, institutional, multifamily, office professional, public service facility, recreational, or their equivalent use. This also includes recreational vehicle parks and mobile home parks where lots are not owned individually.

Commercial Grower: A grower producing plants (including trees) for resale at retail or wholesale value and registered with the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

DBH: Diameter, Breast High: In tree preservation context: The tree diameter measured four and one-half (4-1/2) feet above the soil line. The diameter of multiple-trunked tree(s) shall be added together for this measurement. When low branches or stems preclude measuring the trunk at 4-1/2 feet, the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH.

Development Site: The area of the property submitted in the site plans including both existing or proposed improvements, landscaping, and open space.

Drip-Line: The outermost perimeter of the crown of a tree as projected vertically down to the ground.

Emitter (Low Volume): Devices, which are used to control the application of irrigation water. This term is primarily used to refer to the low flow rate devices used in micro irrigation systems.

Existing Plant Communities: All species currently existing on the site, excluding any vegetation listed as invasive by Hernando County.

Green Space: The entire parcel less the building footprint, driveways, vehicular use areas, hardscapes such as decks, swimming pools, decorative fountains, patios and other non-porous areas.

Ground Cover: Preserved natural vegetation, installed plants, turf grass, mulch, or rocks on a non-compacted base.

Hedge: A close planting of shrubs which forms a compact, dense, living barrier which protects, shields, separates or demarcates an area from view and which is eighty (80) percent opaque within twelve (12) months after planting.

Improvements: The buildings, storage areas, drainage facilities, parking/pavement areas, or impervious surfaces existing or proposed for a development site.

Installed Planting Area: A designed plot of land with landscaping components such as mulch, turf grass, shrubs, trees, berms, fences, or walls.

Landscaping: Areas of preserved natural vegetation or installed vegetation.

Majestic Tree: A tree with a DBH of thirty-six (36) inches or greater. Palm trees shall be excluded.

Micro irrigation (Low Volume): The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Micro irrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, frequently referred to as trickle irrigation, low volume, or low flow irrigation.

Mining Operations: Lands zoned for mining and operating under an approved mining plan in accordance with the Hernando County Mining Ordinance.

Mitigation: In the context of a variance or penalty procedure, the planting of replacement trees or payment into the Hernando County Landscape Enhancement Program.

Monoculture Planting: The practice of planting vegetation consisting of genetically similar organisms.

Mulch: Pervious materials such as wood bark used in landscaping to (1) reduce weeds, (2) prevent erosion, and (3) retain moisture.

Native Plant Community: Those plant communities naturally occurring in north and central Florida.

Native plant material: Any plant material indigenous to central Florida and which is naturally grown or commercially propagated or cultivated for the nursery or landscaping industry.

Native tree: Any tree indigenous to central Florida or the county and which is naturally grown or commercially propagated or cultivated for the nursery or landscaping industry.

Native Vegetative Species: For the purpose of this article, native plant species shall be those plant species indigenous to the ecological communities of Central Florida, as indicated on list provided by Hernando County, or that can be scientifically documented to be native to Central Florida.

Natural Vegetation: Land areas with two or more currently existing plant species native to the onsite soil type.

Plant material: Any ground covers, shrubs, turf or vines, which are commercially propagated or cultivated for the nursery or landscaping industry.

Protective Dry Well and Drainage/Aeration Systems: A tree protection technique used to stabilize soil and provide air and water to root systems when the grade is raised.

Protective Retaining Wall: A tree protection technique used to stabilize soil around root systems when the grade is lowered.

Protected Tree: A tree that is required to be preserved.

Regulated Tree: In a tree preservation context: A tree with a DBH of three (3) inches or greater but less than eighteen (18) inches.

Rural-Residential: In a landscaping context, lots which are zoned to allow the construction of a single family residential dwelling or mobile home and have a minimum lot or parcel size greater than one (1) acre.

Shade Tree: A hardwood tree that normally grows to a mature height of at least forty (40) feet, provides relief from direct sunlight for at least six (6) months each year and is included in the recommended tree list. Palm trees and pine trees shall be excluded as shade trees.

Shrub: A woody plant with a spread and height characteristic of its species and with a minimum height of eighteen (18) inches when planted.

Site-Specific Plant Materials: A selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.

Specimen Tree: A tree with a DBH of eighteen (18) inches or greater but less than thirty-six (36) inches. Palm trees shall be excluded.

Street Right-of-Way/Pavements: Includes streets, alleys, frontage roads, and access ways to parking lots.

Topping: The cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role, that removes canopy coverage by more than 30%. Other names for topping include heading, tipping, hat-racking, and rounding over.

Tree: A living large-woody-plant having one or several self-supporting stems or trunks and numerous branches. For the purposes of this ordinance:

- (a) A tree is at least: three (3) inches DBH in a tree preservation context or of at least two (2) inch caliper at time of planting.
- (b) A cluster of tree trunks equals one tree.

Tree Canopy: The area of the property that contains coverage by trees and consists of the total crown spreads or drip-lines of all trees existing on the site.

Tree Location Survey: A readable, scale drawing or accurate sketch that provides, at a minimum, the following information: the approximate location or trees, identifying species, size measured by DBH, and whether a tree is to remain or is proposed for removal.

Tree Protection Barricade: A physical structure limiting access to a protected area composed of wooden/or other suitable materials, which assures compliance with the intent of this article. Diagrams of suitable tree protection barricades shall be available from the department. Options and/or variations of these methods may be permitted upon written request if they satisfy the intent of this article.

Tree Protection Zone: A tree protection zone shall extend from the trunk of the tree in all directions a minimum of two-thirds (2/3) of that tree's drip line.

Tree Removal: To relocate, cut down, poison, or in any other manner destroy, or cause to be destroyed a Tree as defined in this article. It includes topping, or any action that causes irreparable injury to a tree, including damage inflicted on the root system by heavy machinery, changing the natural grade above the root

system or the removal of sufficient canopy so as to cause the unnatural decline of the tree.

Vegetative Buffer: An area of land containing any combination of preserved natural vegetation or installed greenery. It may include berms, fences, or walls. Turf grass is acceptable as a “vegetative ground cover”, but not as a “vegetative buffer”. If a fence or wall is used, it shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting.

Vegetative Ground Cover: Preserved natural vegetation, installed plants, or turf grass.

Water-Use-Zones:

- (a) High: Plants or shallow-rooted turf grass associated with moist soils and requiring watering to supplement average natural rainfall.
- (b) Moderate: Plants or deep-rooted turf grass requiring only dry-season watering to supplement average natural rainfall once established.
- (c) Low: Plants which survive on average natural rainfall once established.

“Xeriscape™ or Florida-friendly landscape: means quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape™ include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance. (Ref. 373.185 F.S.)

SECTION 4. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-21, TO SUMMARIZE LANDSCAPING REQUIREMENTS AND REQUIRE REMOVAL OF PROHIBITED PLANT SPECIES, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-21. Summary of Required Landscaping
All Development – Required Landscaping

- (a) All lots, plots, tracts or parcels of land shall maintain landscaping in areas specifically authorized as a developed area. The developed area includes open water space and water retention areas. Areas that have not been affected by development including clearing, grading, grubbing, or construction of landscape or structural elements and illustrated on the site plan, are exempt from requirements of this subsection.
- (b) As part of any new development authorization on a parcel of land that has a minimum 200 feet along the frontage and is two (2) acres or greater, a minimum twenty (20) foot wide vegetative buffer shall be required with respect to any property line adjacent to the right-of-way of any arterial roadway.
- (c) New single family and multi family residential development of more than twenty (20) units shall provide at least one treed roadway/access way for motor vehicles

extending through the length or width of the development, whichever dimension is greater, which roadway shall provide a vegetative buffer a minimum of ten (10) feet in width with at least one tree as defined in this ordinance for every thirty (30) linear feet on both sides of the roadway, and including other appropriate landscaping consistent with accepted traffic engineering standards.

- (d) Landscape materials within the buffers along all rights-of-ways shall be designed to display variety, color, form, and texture, by utilizing site specific native and exotic species. Such variety and color may be accomplished by a combination of shade trees, shrubs and ornamentals from the plant lists in the Waterwise Florida Landscapes publication provided by the Southwest Florida Water Management District. Special care should be taken to avoid monoculture plantings, in order to guard against disease susceptibility. The landscape materials within the landscape buffers shall have a rational relationship to the existing patterns and densities of adjoining areas, which have been designed or preserved. Arrangements shall not be linear unless dimensional limitations necessitate such an arrangement or linear arrangement is part of a formal landscape directly related to the architecture of the building(s). Landscape materials shall be clustered into groupings that simulate a natural, rather than man-made appearance.

Commercial Projects – Required landscaping: (see Definitions) A minimum of fifteen (15) percent of a development site that is one (1) acre or larger in size shall be landscaping. A minimum of ten (10) percent of a development site less than one (1) acre in size shall be landscaping. Other requirements include:

- (a) *Required tree Per Acre:* A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved. See Tree Preservation. See Tree Planting.
- (b) *Required Natural Vegetation:* If existing on the development site, at least three (3) percent of onsite natural vegetation shall be preserved. The County Administrator or designee may grant deviations to this standard if changes in elevation preclude meeting this standard.
- (c) *Required Vegetative Buffers:* A vegetative buffer at least five (5) feet in width shall be required in specified locations. See Vegetative Buffer Requirements.
- (d) *Required Maintenance:* Maintenance of all landscaping shall be the responsibility of the property owner. The plants within installed planting areas shall be healthy. Dead plants shall be replaced.
- (e) *Invasive-Exotic Species:* Invasive-exotic plant species are not to be used for installed planting areas. Any listed prohibited plant species shall be removed within the area of land clearing, prior to the issuance of the certificate of occupancy. See Prohibited Plant Species.
- (f) *Required Ground Cover:* Ground cover is required at all times for pervious surfaces except during permitted construction.
- (g) *Required Irrigation System:* An automatic irrigation system is required. No more than fifty (50) percent of landscaping shall be in the High Water-Use-Zone. See Exemptions. See Approval of Landscape Design Plan.

- (h) *Completion of Requirements:* All landscaping, ground cover, and tree placement requirements must be completed prior to the issuance of the certificate of occupancy.

SECTION 5. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-22, TO PROVIDE FOR INCLUSION OF EXISTING PLANT COMMUNITIES AS PART OF THE LANDSCAPE DESIGN PLAN, REMOVAL OF PROHIBITED PLANT SPECIES, AND POSTING OF LAND CLEARING PERMITS, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-22. Land Clearing Permits.

- (a) Clearing the land without a Land Clearing Permit shall be unlawful.
- (b) An application for a Land Clearing Permit shall be submitted.
- (c) The Land Clearing Permit application shall include:
 - (1) *For residential lots, two-family residential lots, and mobile home lots:*
A Land Clearing Plan. See Residential Lot Landscaping Requirements.
 - (2) *For new subdivisions:*
A Land Clearing Plan. See Subdivision Landscaping Requirements
 - (3) *For commercial projects:* (See Definitions)
A Landscape Design Plan. See Approval of Landscape Design Plan.
- (d) Before any clearing takes place, review and approval must occur for either a:
 - (1) Land Clearing Plan or a
 - (2) Landscape Design Plan
- (e) The onsite burning of cleared materials is prohibited within one thousand (1,000) feet of any property line of an existing residentially-zoned housing unit.
- (f) If necessary, silt screen or hay bales shall be installed adjacent to lots with a residentially zoned housing unit to minimize windblown sand or drainage impacts from the development site.
- (g) Construction shall begin within thirty (30) days of clearing.
- (h) *Abandoned Project:* As a condition of receiving a Land Clearing Permit for a commercial project or proposed subdivision, the applicant shall be required to post a bond or other surety to ensure the development site is re-vegetated if the construction project is abandoned. The lapse of all valid County permits shall constitute abandonment. The bond or other surety shall be in an amount to cover the cost of reestablishing ground cover and trees at a density of fifteen (15) per acre. The bond or other surety shall remain in effect until the construction project is completed. If the project has obtained Final Site Plan and Building Construction Plan Approval prior to the issuance of the Land Clearing Permit, a bond or surety shall *not* be required. The developer of such a project shall provide Hernando County with an agreement allowing for Hernando County through the County Administrator or designee to re-vegetate the site in

accordance with this section and place any appropriate liens against the property.

- (i) Agricultural clearing is allowed only to the extent that the activity is a bona fide agricultural operation.
- (j) Existing plant communities, including any vegetation listed as invasive by Hernando County, shall be listed on the landscape design plan.
- (k) Prior to the issuance of the certificate of occupancy, all non-native noxious invasive plants shall be removed. The re-growth of non-native noxious invasive plants shall be controlled in perpetuity.
- (l) The land clearing permit shall be posted on the site prior to the start of any land clearing activity.

SECTION 6. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-23, TO PROVIDE FOR CONDITIONS AND REQUIREMENTS APPLICABLE TO REMOVAL OR PROTECTION OF MAJESTIC OR SPECIMEN TREES DURING CERTAIN DEVELOPMENT ACTIVITIES, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-23. Tree Preservation.

Commercial Projects: (See Definitions) A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees.

- (a) If existing on the development site, at least ten (10) of the required fifteen (15) trees per acre shall be preserved. This applies only to trees on the development site located *outside or adjacent* to the area of improvements. The County Administrator or designee shall review any petition detailing the appropriate mitigation circumstances, and may approve the removal of a protected tree when it prevents a proposed reasonable permitted use of the site.
- (b) Unless otherwise approved by the County Administrator or designee, specimen trees shall be preserved. Upon County Staff Compliance Review and Approval of a petition detailing the appropriate mitigating circumstances, a specimen tree may be removed when it prevents a proposed reasonable permitted use of the site. When a specimen tree is located within ten (10) feet of an approved building, approval to remove the tree shall be granted without providing mitigation.
- (c) Majestic trees shall be preserved. The County Administrator or designee shall review any petitions detailing the appropriate mitigating circumstances and may authorize a specimen tree or a majestic tree to be removed upon finding that any of the following conditions exist:
 - (1) The tree is an immediate safety hazard.
 - (2) The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
 - (3) The tree is causing property damage.

- (4) The location of the tree prevents direct access to the property, or where the tree constitutes a hazard to pedestrian or vehicular traffic, which cannot be mitigated without removing the tree.
- (5) The location of the tree prevents the construction of utility lines, drainage facilities, on-site sewage disposal systems, roadways, or required parking areas which cannot be practically relocated or rerouted or where the trees cannot be utilized as part of these systems.
- (6) The tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this ordinance.
- (7) The tree prevents a proposed reasonable use of the site.
- (d) The County Administrator or Designee shall be authorized to approve the removal of a specimen or majestic tree when a demonstrated effort has been made, through a comprehensive tree management plan, to preserve high quality trees in accordance with the intent of this ordinance.

Commercial Tree Protection During Construction:

- (a) It shall be unlawful during construction to store chemicals, materials/tools, construction machinery, or temporary soil deposits within the drip-line of any protected tree.
- (b) A protective barrier shall be placed around a protected tree prior to land clearing or construction. Posts shall be placed within the drip-line of the tree. The posts shall be connected with clearly visible plastic tape, ribbon, rope, or their equivalent. Although tree protection is the priority, reasonable construction access to all portions of the development site shall be of higher priority if conflicts arise.
- (c) Large areas of multiple protected trees shall be preserved by placing posts a maximum of twenty-five (25) feet apart connected with clearly visible plastic tape, ribbon, rope, or their equivalent.
- (d) Grade changes within the drip-line of a protected tree shall be reviewed by the County Administrator or designee to ensure the tree can survive.
- (e) Protective dry well and drainage/ aeration systems shall be used when the grade is to be raised.
 - (1) Preparing the ground.
 - i. Within the drip line, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injury to the roots.
 - ii. The area within the drip line shall be fertilized to improve the vigor and growth of the roots.
 - (2) Installing the drains.
 - i. Porous, four (4) inch agricultural drain tiles or perforated piping shall be laid over the soil to drain

- liquids away from the trunk. A drop of at least one eighth (1/8) inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
- ii. The number of drains shall depend on the soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy non-porous materials.
 - iii. Installing vertical tiles along the system shall provide aeration. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
- (3) Dry well construction
- i. Dry wells shall be large enough to allow maximum growth of the tree trunk. Most large shade trees require at least a sixty (60) inch diameter well. For slow growing mature trees, a space of twelve (12) to eighteen (18) inches shall be provided between the trunk and the side of the well at every point.
 - ii. To prevent washing of materials into the well, the dry well casing shall be high enough to bring the coping just above the level of the proposed fill.
 - iii. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
 - iv. Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
 - v. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
- (4) Filling
- i. Large stones, except for those made from limestone or marble chips, shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.
 - ii. A layer of gravel shall be placed over the stones.
 - iii. A layer of geotextile, including filter fabric or woven Polystyrene that prevents fill but allows water to pass through shall be placed over the gravel.
 - iv. The fill shall be completed with a layer of porous soil.
- (f) Protective retaining walls shall be used when the grade is to be lowered.

- (1) Methods. When lowering the grade of the soil surrounding a protected tree, using any of the the following methods shall preserve the maximum number of tree roots within the drip line:
 - i. Terracing. The area within the drip line is left at the original grade by terracing.
 - ii. Retaining wall. The area within the drip line is left at the original grade by constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
 - iii. Terracing and retaining wall. The area within the drip line is left at the original grade by the combined use of terracing and dry retaining wall.
- 2. Precaution. In addition to the above, the following precaution shall be taken when lowering the grade around a protected tree: Roots shall be cut cleanly and re-trimmed after excavation using equipment such as axes, shovels, chainsaws, and other similar root pruning instruments. No bulldozers, root rakes, or other such equipment shall be used.
- (g) Avoiding injuries due to excavation
 - 1. To avoid damage to protected trees, water, sewer, and other utility lines should be routed around the drip lines.
 - 2. If a utility line cannot reasonably be routed around the drip line the utility line shall be tunneled beneath the area within the drip line. The tunnel shall be offset to one side of the trunk to prevent damage to the main taproots.
- (h) No fuel, paint, solvent, oil, thinner, asphalt, cement, grout, or any other construction chemical is permitted within the drip-line of a protected tree.

Trees are defined as preserved and undamaged when *all* of the following construction conditions are met:

- (i) the root system is undisturbed to the drip-line;
- (ii) no unapproved grade changes or fill have occurred within the drip-line;
- (iii) the trunk is undamaged:
- (iv) less than twenty (20) percent of the branches have been impacted
- (v) construction chemicals/solvents have had no damaging impact;

SECTION 7. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-25, TO PROVIDE FOR LANDSCAPE DESIGN PLAN AND IRRIGATION REQUIREMENTS AND CRITERIA, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-25. Approval of Landscape Design Plan.

Commercial Projects: (See Definitions) An existing tree location survey shall be drawn showing protected trees to be preserved. This includes specimen and majestic trees as well as regulated trees up to a density of fifteen (15) per acre.

The Landscape Design Plan shall then be submitted to the County Administrator or designee for approval. It shall be drawn by a landscape designer familiar with both plants *and* designs or a landscape architect familiar with both plants *and* designs. The plan shall be drawn to scale normally of not less than one inch equals thirty (30) feet showing dimensions and distances. A different scale may be permitted for good cause shown.

The landscape plan shall include all dimensions, and plan information required by the site plan review process, including but not limited to:

- (1) Designation of plant materials lists by common and botanical (scientific) name, including applicable cultivar name, and location of plant material to be installed or preserved in accordance of this section;
- (2) Use or zoning classification of adjacent properties;
- (3) A tabulation of all information necessary for evaluation of the plan, including gross acreage, area in square feet of impervious surfaces, area in square feet of green space, list of trees left native for credit to include diameters, buffer requirements to include plant types, water use plan, and mulch to a minimum depth of two (2) inches shall be printed on the plan and on the Hernando County Commercial Landscape Plan form.

The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. The installed planting areas, buildings, drainage facilities, parking/pavement areas, storage areas, or impervious surfaces existing or proposed for the development site shall also be displayed. Finally, the Landscape Design Plan shall include the following items:

- (a) *Soil Characteristics*
- (b) *Plant Installations:* Installed plant materials shall conform to the Standards for Florida Grade No.1-or-better as given in *Grades and Standards for Nursery Plants (GSNP), State of Florida, Department of Agriculture and Consumer Services.*
 - (1) Installed plants shall be grouped in planning areas according to Water-Use-Zones and irrigated separately according to High, Moderate, or Low water usage. If turf grass is used, it shall be irrigated separately from other landscaping.
 - (2) Installed plants shall be appropriately spaced according to growth needs of the species. Except for this priority or as otherwise indicated, no two plants (excluding trees and turf grass) shall be more than thirty (30) inches apart on center.
 - (3) No more than fifty (50) percent of the landscaping shall be turf grass unless varieties with excellent drought-tolerance are used.
 - (4) Mulches are required and shall be at least two (2) inches in depth.
 - (5) Synthetic lawns or synthetic plants are not acceptable.

(c) *Water Use Zones and Irrigation:* For all required landscaped areas irrigation shall be used in order to establish and maintain optimal growth of plant material. The irrigation system shall be designed to correlate to the water use plant zones established in the landscape design. The following criteria for irrigating the site should be used in the design of the system. Water Use Zones shall be designed for installed planting areas according to High, Moderate, or Low water usage. The percentage of each zone to the total of *all* landscaping shall be shown. No more than fifty (50) percent of landscaping shall be in the High Water-Use-Zone. Areas of preserved natural vegetation shall be counted toward the Low Water Use Zone.

- (6) All automatic irrigation systems shall be designed to avoid runoff, low-head drainage, over spray, or comparable conditions where water flows onto/over adjacent property, non-irrigated areas, impervious structures, sidewalks, or roadways.
- (7) Irrigation control equipment shall include an automatic irrigation controller that has adequate programming flexibility to respond to the specifications of irrigation devices being used. This includes features such as repeat cycles and multiple-program capabilities.
- (8) Sprinkler spacing shall not exceed fifty-five (55) percent of the sprinkler diameter coverage.
- (9) Nozzle sizes shall match the water application rate of the zone.
- (10) Sprays, rotors, and low-volume emitters shall have consistent application rates within each control-valve circuit. Drip, micro-spray, or other low-volume emitters are required in non-turf grass areas that are outside of the High Water Use Zone.
- (11) An operational moisture sensor/rain shut-off switch shall be installed and appropriately located away from eaves and drip-lines.
- (12) Finally, all watering restrictions of the Southwest Florida Water Management District (SWFWMD) shall be obeyed.

SECTION 8. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-26, TO PROVIDE FOR VEGETATIVE BUFFER REQUIREMENTS WITH RESPECT TO PROPERTY ADJACENT TO WATER BODIES, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-26. Vegetative Buffer Requirements

Commercial Projects: (See Definitions) No vegetative buffer plantings are required if sufficient areas of natural vegetation are preserved. Unless otherwise indicated, a vegetative buffer shall be at least five (5) feet in width. Vegetative buffers shall be protected from vehicle tires by appropriately placed wheel stops or an approved alternative.

A vegetative buffer is an area of land containing any combination of preserved natural vegetation or installed greenery. It may include berms, fences, or walls. Turf grass is acceptable as a "vegetative ground cover", but *not* as a "vegetative

buffer". If a fence or wall is used, it shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting.

Unless otherwise indicated, the vegetative buffer requirement is a minimum of forty (40) plants per area of land five (5) feet in width by one-hundred (100) feet in length. A combination of preserved plants or installed plants may be used. If plants are preserved they must be shrubs or trees in order to count toward the requirement.

A vegetative buffer is required in the following locations:

- (a) *Along street right-of-way/pavements:*
 - (1) A vegetative buffer at least five (5) feet in width shall abut the street right-of-way/pavements for at least half of the street right-of-way frontage. If only installed planting areas are used, the vegetative buffer shall include a hedge of shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth needed of the species for the hedge to attain eighty (80) percent opacity within twelve (12) months of planting.
 - (2) No vegetative buffer over two (2) feet in height that might block any driver's view shall be permitted within the clear-sight triangle of the driveway or street/railroad intersection. See Definitions
- (b) *Around the perimeter of parking lots/pavements:* A vegetative buffer at least five (5) feet in width shall abut the perimeter of parking lots/pavements. This applies to parking lot perimeters *not* adjacent to street right-of-way or buildings. If installed planting areas are used, the vegetative buffer shall include plants with a minimum height of eighteen (18) inches at time of planting. If plants are preserved they must be shrubs or trees in order to count toward the requirement.
- (c) *Property Lines – Abutting single-family residential lots, two-family residential lots, and mobile home lots:* See Exemptions. A vegetative buffer at least five (5) feet in width and at least six (6) feet in height shall abut neighboring single-family residential lots, two-family residential lots, and mobile home lots. The vegetative buffer may include berms, fences, or walls.

If a fence or wall is used, it shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting. The greenery shall be growing on the residential side.

If a hedge or hedge/berm combination is used, the shrubs shall be at least three (3) feet in height at time of planting. Shrubs of sufficient screening density shall be appropriately spaced according to growth needs of the species for the hedge to attain at least six (6) feet in height and eighty (80) percent opacity within twelve (12) months of planting. *Preserved* trees and shrubs used as the vegetative buffer must also meet an opacity of at least eighty (80) percent. They shall be at least six (6) feet in height. The

minimum thirty (30) inch on center plant spacing requirement shall not apply for the six (6) foot high vegetative buffer.

- (d) *Shoreline Considerations*; Grading and design of property adjacent to bodies of water shall conform to federal, state, and local regulations which may include but is not limited to the use of berms or retention ditches. No grasses that require mowing shall be allowed within six (6) feet of the waters edge, except where seawalls and bulkheads exist or where needed for erosion control. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas. See the *Florida Waterfront Property Owners Guide* or the Department of Environmental Protection's Bureau of Invasive Plant Material for more information. Where water levels vary considerably, care must be taken in the selection of these plants.

SECTION 9. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-27, TO PROVIDE FOR CORRECTED SCIENTIFIC NAMES OF PROHIBITED PLANT SPECIES, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-27 Prohibited Plant Species.

Prohibited Species: The following invasive-exotic plant species are not to be used for installed plantings:

- | | | | |
|-----|------------------------------------|---|---------------------------|
| 1. | <i>Alternanthera philoxeroides</i> | - | Alligator Weed |
| 2. | <i>Casuarina cunninghamiana</i> | - | Australian Pine |
| 3. | <i>Casuarina equisetifolia</i> | - | Australian Pine |
| 4. | <i>Casuarina glauca</i> | - | Suckering Australian Pine |
| 5. | <i>Cupaniopsis anacardioides</i> | - | Carrotwood |
| 6. | <i>Dioscorea alata</i> | - | Winged Yam |
| 7. | <i>Dioscorea bulbifera</i> | - | Air Potato |
| 8. | <i>Eichhornia crassipes</i> | - | Water Hyacinth |
| 9. | <i>Hydrilla verticillata</i> | - | Hydrilla |
| 10. | <i>Hygrophila polysperma</i> | - | Green Hygro |
| 11. | <i>Imperata cylindrica</i> | - | Cogon Grass |
| 12. | <i>Ipomoea aquatica</i> | - | Water Spinach |
| 13. | <i>Lygodium japonicum</i> | - | Japanese Climbing Fern |
| 14. | <i>Lygodium microphyllum</i> | - | Old World Climbing Fern |
| 15. | <i>Melaleuca quinquenervia</i> | - | Melaleuca |
| 16. | <i>Mimosa pigra</i> | - | Catclaw Mimosa |
| 17. | <i>Myriophyllum spicatum</i> | - | Eurasian Watermilfoil |
| 18. | <i>Neyraudia reynaudiana</i> | - | Burma Reed |
| 19. | <i>Paederia cruddasiana</i> | - | Sewer Vine |
| 20. | <i>Paederia foetida</i> | - | Skunk Vine |
| 21. | <i>Pistia stratiotes</i> | - | Water Lettuce |
| 22. | <i>Pueraria montana</i> | - | Kudzu Vine |

23.	<i>Rhodomyrtus tomentosa</i>	-	Downy Rose Myrtle
24.	<i>Sapium sebiferum</i>	-	Chinese Tallow
25.	<i>Schinus terebinthifolius</i>	-	Brazilian Pepper
26.	<i>Solanum tampicense</i>	-	Wetland Nightshade
27.	<i>Solanum torvum</i>	-	Susumber
28.	<i>Solanum viarum</i>	-	Tropical Soda Apple

SECTION 10. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-28, TO PROVIDE FOR POSTING OF THE LAND CLEARING PERMIT, PRESERVATION OF ON-SITE NATURAL VEGETATION, AND REMOVAL OF SPECIMEN AND MAJESTIC TREES UNDER CERTAIN CIRCUMSTANCES, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-28. Subdivision Landscaping Requirements

For the development of new subdivisions:

- (a) *Clearing the Land:* Clearing the land for a new subdivision without a Land Clearing Permit shall be unlawful. An application for a Land Clearing Permit shall be submitted. The Land Clearing Permit application shall include a Land Clearing Plan. The Land Clearing Permit for the new subdivision authorizes clearing of street right-of-way, drainage areas, utility areas, and individual lots as approved on subdivision construction plans. The land clearing permit shall be posted on the site before construction commences.
- (b) *Approval of Land Clearing Plan:* A Land Clearing Plan shall be submitted to the County Administrator or designee for approval. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. If existing on the development site, at least three (3) percent of on site natural vegetation shall be preserved. The County Administrator or designee may grant deviations to this standard if changes in elevation preclude meeting this standard.
- (c) *Reestablishing Ground Cover:* After construction is complete, vegetative ground cover shall be reestablished for all disturbed areas to reduce dust clouds, storm water runoff, and soil erosion. If turf grass is used, varieties with excellent drought-tolerance are required.
- (d) *Specimen/Majestic Trees:* If existing on the site, specimen and majestic trees shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the Land Clearing Plan. Tree protection measures described in this ordinance for commercial projects shall be in effect. The County Administrator or designee shall review any petitions detailing the appropriate mitigating circumstances and may authorize a specimen tree or a majestic tree to be removed upon finding that any of the following conditions exist:

- (1) The tree is an immediate safety hazard.
- (2) The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
- (3) The tree is causing property damage, or may be reasonably expected to cause property damage.
- (4) Where the location of the tree prevents direct access to the property.
- (5) The tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this ordinance.
- (6) When the tree prevents a proposed reasonable use of the site.

SECTION 11. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-29, TO PROVIDE FOR REMOVAL OR PROTECTION OF MAJESTIC OR SPECIMEN TREES UNDER SPECIFIED CIRCUMSTANCES, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-29. Residential Lot Landscaping Requirements.

- (a) *Vacant Residential:* For the development of *vacant* single-family residential lot/parcels, two-family residential lot/parcels, and mobile home lot/parcels:
 - (1) *Clearing the Lot:* Clearing the lot without a Land Clearing Permit shall be unlawful. An application for a Land Clearing Permit shall be submitted. The Land Clearing Permit application shall include a Land Clearing Plan.
 - (2) *Approval of Land Clearing Plan:* A Land Clearing Plan shall be submitted to the County Administrator or designee for approval. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. Installed planting areas of High Water Use shall also be shown. The land clearing permit shall be posted on the site before construction commences.
 - (3) *Minimizing Water Use:* No more than seventy-five (75) percent of the landscaping shall be in the High Water-Use-Zone. No more than seventy-five (75) percent of the landscaping shall be turf grass unless varieties with excellent drought-tolerance are used. All water restrictions of the Southwest Florida Water Management District (SWFWMD) shall be obeyed.

If an automatic irrigation system is installed, turf grass shall be irrigated separately from other landscaping. Drip, micro-spray, or other low-volume emitters are required in non-turf grass areas, that are outside of the High Water Use Zone. An operational moisture sensor/rain shut-off switch shall be installed and maintained. It shall be appropriately located away from eaves and drip-lines.

- (4) *Ground Cover Required:* Ground cover is required at all times for pervious surfaces except during construction. Gardens shall be excluded from this ground cover requirement.
- (5) *Specimen/Majestic Trees:* If existing on the lot, specimen and majestic trees shall be preserved unless tree canopy on the lot exceeds seventy-five (75) percent of the lot area. Specimen and majestic trees shall be drawn on the Land Clearing Plan. Tree protection during construction shall include a method of well-marked trees-to-be-preserved such that these trees will not be removed.

The County Administrator or designee shall review any petitions detailing the appropriate mitigating circumstances and may authorize a specimen tree or a majestic tree to be removed upon finding that any of the following conditions exist:

- (1) The tree is an immediate safety hazard.
- (2) The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
- (3) The tree is causing property damage, or may be reasonably expected to cause property damage.
- (4) When a specimen tree or majestic tree is located within ten (10) feet of an approved building, and it is not feasible to relocate the structure.
- (5) Where the location of the tree prevents direct access to the property.
- (6) The tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this ordinance.
- (7) The tree prevents a proposed reasonable use of the site.

- (6) *Tree Requirements:* Trees shall be preserved or planted according to the following table:

Residential Lot Size	Minimum Number of Preserved or Planted Trees
Lots up to and including 5,000 square feet	Two trees
Lots over 5,000 square feet but less than or equal to 10,000 square feet	Three trees
For each additional 3,000 square feet above 10,000 square feet of lot size	One additional tree

If planted, the trees must be shade trees and a minimum two (2) inch caliper. If the lot soil type is any of the coastal soils listed below, shade trees are not required:

- Arents-Urban land complex;
- Udalific Arents-Urban land complex.

- (7) *Compliance Inspection:* All landscaping, ground cover, and tree placement requirements must be completed within thirty (30) days from the issuance of

the certificate of occupancy. The County Administrator or designee shall inspect the site for compliance when the thirty (30) day period has elapsed. Failure to comply with this section shall be cause to notify the Code Enforcement Division for action to ensure compliance.

- (b) *Vacant Rural-Residential*: For the development of vacant rural-residential lots/parcels:
- (1) *Clearing the Lot*: Clearing the lot without a Land Clearing Permit shall be unlawful. An application for a Land Clearing Permit shall be submitted. The Land Clearing Permit application shall include a Land Clearing Plan.
 - (2) *Approval of Land Clearing Plan*: A Land Clearing Plan shall be submitted to the County Administrator or designee for approval. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. If an automatic irrigation system is used, turf grass shall be irrigated separately from other landscaping. Drip, micro-spray, or other low-volume emitters are required in non-turf grass areas that are outside of the High Water Use Zone. An operational moisture sensor/rain shut-off switch shall be installed and maintained. It shall be appropriately located away from eaves and drip-lines.
 - (3) *Majestic Trees*: If existing on the lot, majestic trees shall be preserved. Majestic trees that are within proposed areas to be cleared shall be drawn on the Land Clearing Plan. Tree protection during construction shall include a method of well-marked trees-to-be-preserved such that these trees will not be removed.
The County Administrator or designee shall review any petitions detailing the appropriate mitigating circumstances and may authorize a majestic tree to be removed upon finding that any of the following conditions exist:
 - (1) The tree is an immediate safety hazard.
 - (2) The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
 - (3) The tree is causing property damage, or may be expected to cause property damage.
 - (4) When a Majestic tree is located within ten (10) feet of an approved building, and it is not feasible to relocate the structure.
 - (5) Where the location of the tree prevents direct access to the property, or where the tree constitutes a hazard to pedestrian traffic.
 - (6) The tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this ordinance.
 - (7) The tree prevents a proposed reasonable use of the site.
 - (4) *Tree Requirements*: Regardless of development site acreage, the total number of trees existing on the development site up to a maximum of fifteen (15) shall be either preserved or planted. If less than four (4) trees exist at the

time of development, a minimum of four (4) trees shall be preserved or planted. Planted trees must be shade trees and a minimum two (2) inch caliper.

(5) *Compliance Inspection:* All landscaping, ground cover, and tree placement requirements must be completed within thirty (30) days from the issuance of the certificate of occupancy. The County Administrator or designee shall inspect the site for compliance when the thirty (30) day period has elapsed. Failure to comply with this section shall be cause to notify the Code Enforcement Division for action to ensure compliance.

(c) *Existing Residential Homes:* A single-family residential lot/parcel with an *existing* residence, two-family residential lot/parcel with an *existing* residence, or mobile home lot/parcel with an *existing* residence, is *exempt* from the provisions of this ordinance. This applies so long as:

- (1) the above residential tree requirements per acre are maintained.
- (2) the landscaped area in the High Water Use Zone is not increased or no more than seventy-five (75) percent of the lot/parcel landscaping is in the High Water Use Zone.
- (3) specimen and majestic trees are preserved unless tree canopy on the lot exceeds seventy-five (75) percent of the lot area.
- (4) ground cover is maintained.

If an automatic irrigation system is installed, drip, micro-spray, or other low-volume emitters are required in non-turf grass areas that are outside of the High Water Use Zone. An operational moisture sensor/rain shut-off switch shall be installed and maintained. It shall be appropriately located away from eaves and drip-lines.

(d) *Existing Rural-Residential Homes:* A single-family rural-residential lot/parcel with an *existing* residence or mobile home lot/parcel with an *existing* residence, is *exempt* from the provisions of this ordinance, This applies so long as:

- (1) the above rural-residential tree requirements are maintained.
- (2) Majestic trees are preserved unless tree canopy on the lot exceeds seventy-five (75) percent of the lot area.

If an automatic irrigation system is installed, drip, micro-spray, or other low-volume emitters are required in non-turf grass areas that are outside of the High Water Use Zone. An operational moisture sensor/rain shut-off switch shall be installed and maintained. It shall be appropriately located away from eaves and drip-lines.

SECTION 12. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-30, TO PROVIDE FOR CERTAIN EXEMPTIONS, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-30 Exemptions

Unless otherwise indicated, the following are exempt from the requirements of this ordinance:

- (a) Agricultural operations – See Definitions
- (b) Mining operations
- (c) Specialized athletic fields

The following are exempt from the requirements of this ordinance regarding trees:

- (a) Agricultural operations-with one caution: Majestic trees shall be preserved.
- (b) Airports, only to the extent that they are regulated for flight safety.
- (c) The installation and maintenance of utilities within existing street right-of-way or within utility easements.
- (d) Registered Commercial Growers on the premises of plant or tree nurseries, botanical gardens, arboretums, or tree farms (sponsored by the American Forest Foundation) are exempt from the requirements of this Ordinance, with the exception that Majestic trees shall be preserved.
- (e) Any tree of the palm family or of the pine family (except long leaf pine) shall be exempt from the requirements of this Ordinance.

SECTION 13. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, SECTION 10-32, TO PROVIDE FOR ALTERNATE ENFORCEMENT METHODS, TO READ AS FOLLOWS WITH ADDED MATTER UNDERLINED AND DELETED MATTER STRUCK-THROUGH:

Sec. 10-32. Enforcement.

Enforcement of this article shall be in accordance with the provisions of s. 125.69, F.S., as it may be amended from time to time; or in accordance with provisions of the Hernando County Code of Ordinances, including prosecution before a Code Enforcement Special Master pursuant to procedures that are now or hereafter prescribed. Code remedies include but are not limited to applicable remedies and penalties generally, or Special Penalty Procedures specifically provided herein. No provision hereof shall prohibit the County from enforcing this ordinance by any other means or methods allowed by law including but not limited to misdemeanor prosecution. Each day that an offense or violation of this article continues shall be deemed a separate offense.

The enforcing agency, which shall be the County Administrator or designee, 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:

- (a) Make such inspections as may be necessary to carry out the purposes and intent of this article. Appropriate action shall be initiated to bring about compliance with this article if such inspections disclose any instance of noncompliance.

- (b) Investigate thoroughly any complaints of alleged violations of this article and indicate clearly in writing as a public record the disposition made of such complaints.
- (c) State the violations in writing, the remedy of all conditions, and order a time limit for compliance.
- (d) 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.
- (e) Have the authority to request assistance from the Office of the State Attorney with respect to prosecution as a misdemeanor pursuant to Special Penalty Procedures herein.

SECTION 14. PROVIDING FOR 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 15. PROVIDING FOR INCLUSION IN THE CODE:

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

SECTION 16. PROVIDING FOR AN EFFECTIVE DATE:

This ordinance shall be effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 17th DAY OF AUGUST, 2004.

(SEAL)

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Jenine E. Wimer, Deputy
KAREN NICOLAI, Clerk

By: Hannah M. Robinson
**HANNAH M. ROBINSON
Chairperson**

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature] 8/19/04
County Attorney's Office