From: County Ordinances
To: Ordinances; County Ordinances
Cc: Heidi Prouse; Nienke Osinga; Paige Jefferys; Melissa Vannetta
Subject: RE: Hernando County Ordinance No. 2026-22 - Adopted on November 10, 2026
Date: Friday, November 13, 2026 8:41:27 AM
Attachments: Hernando20261110_Ordinance2026_22_Ack.pdf

Good morning,

Attached is the acknowledgement letter for Hernando County Ordinance 2026-22.

Thank you,

David Parrish
Government Operations Consultant II
Office of the General Counsel
Department of State
Room 701 – The Capitol – Tallahassee, FL
P: (850) 245-6270

From: Ordinances <ord@hernandoclerk.org>
Sent: Tuesday, November 10, 2026 5:00 PM
To: County Ordinances <CountyOrdinances@dos.fl.gov>
Cc: Heidi Prouse <hprouse@hernandoclerk.org>; Nienke Osinga <nosinga@hernandoclerk.org>; Paige Jefferys <pjefferys@hernandoclerk.org>; Melissa Vannetta <mvannetta@hernandoclerk.org>
Subject: Hernando County Ordinance No. 2026-22 - Adopted on November 10, 2026

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Heidi Prouse
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2026-22

Thank You,

Heidi Prouse
Administrative Services | Administrative Services Supervisor
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller
Phone: (352) 540-6437 | Email: hprouse@hernandoclerk.org

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 13, 2026

Doug Chorvat, Jr.
County Clerk
Hernando County
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Dear Doug Chorvat Jr.,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2026-22, which was filed in this office on November 10, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

ORDINANCE NO.: 2026-22

AN ORDINANCE REGARDING COMMUNITY APPEARANCE REGULATIONS; REPEALING AND REPLACING ARTICLES I AND II OF CHAPTER 10, COMMUNITY APPEARANCE, OF THE HERNANDO COUNTY CODE; PROVIDING THAT ARTICLE III, FENCE CODE, OF CHAPTER 10 OF THE HERNANDO COUNTY CODE IS NOT AMENDED; PROVIDING FINDINGS; PROVIDING FOR PROSPECTIVE APPLICATION; PROVIDING FOR PRESERVATION OF PRIOR PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hernando County Code Chapter 10, Community Appearance, establishes the County's landscaping, buffering, and tree preservation standards, adopted by Ordinance 2008-02, as amended, and the County's fence code in Article III; and

WHEREAS, the Board of County Commissioners desires to reorganize and clarify the landscaping provisions of Chapter 10, carry forward its existing standards, conform its terminology and provisions to state law, and provide targeted administrative relief to applicants; and

WHEREAS, this ordinance reflects more than a year of public work, including a countywide survey, community roundtables held in October and November 2025 and on August 20, 2026; a Planning and Zoning Commission public hearing on November 10, 2025; a public hearing before the Board on August 4, 2026, and written comments received through the County's online engagement page, and the Board acknowledges with appreciation the contributions of the residents, property owners, builders, and community organizations who participated, including the Florida Native Plant Society, Hernando Chapter; the Hernando Audubon Society; Sierra Club Adventure Coast; Withlacoochee River Electric Cooperative; Coastal Engineering Associates and

the local engineering and development professionals who reviewed the drafts; and the work of County staff in the Development Services Department, the Utilities Department, the Department of Public Works, County Administration, and the Office of the County Attorney; and

WHEREAS, Section 28 of Chapter 2025-190, Laws of Florida, prohibits a county listed in the federal disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton from proposing or adopting a more restrictive or burdensome amendment to its land development regulations, or a more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, for the period stated therein; and

WHEREAS, the Board has compared this ordinance, section by section, with the provisions of Chapter 10 in effect on the date of adoption, as documented in a section-by-section comparison maintained in the record, and finds that each provision of Exhibit "A" carries forward an existing standard, clarifies an existing standard, conforms Chapter 10 to state law, or provides relief, and that this ordinance does not adopt a more restrictive or burdensome amendment or procedure within the meaning of Section 28 of Chapter 2025-190, Laws of Florida; and

WHEREAS, the Planning and Zoning Commission reviewed this ordinance at a duly noticed public hearing on N/A, 20___, and transmitted its recommendation to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners, sitting as the Local Planning Agency, has reviewed this ordinance and finds it consistent with the Hernando County Comprehensive Plan, as required by Fla. Stat. §§ 163.3174 and 163.3194; and

WHEREAS, the Board of County Commissioners held a duly noticed public hearing on this ordinance on August 4, 2026 in accordance with Fla. Stat. § 125.66.

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

Section 1. Repeal and Replacement of Articles I and II of Hernando County Code Chapter 10, Community Appearance. Articles I and II of Hernando County Code Chapter 10, Community Appearance, are repealed *en toto* and are replaced with new Articles I and II, which are hereby enacted and created as set forth in **Exhibit "A,"** which is attached hereto and incorporated herein as fully as if set forth *in haec verba*. Article III of Chapter 10, Fence Code, is not amended by this ordinance and remains in full force and effect. References in Article III to provisions of the former Articles I or II shall be construed to refer to the corresponding provisions of Exhibit "A."

Section 2. Prospective Application. This ordinance shall have prospective application only.

Section 3. Preservation of Prior Provisions. If a court of competent jurisdiction determines that any provision of Exhibit "A" is a more restrictive or burdensome amendment or procedure within the meaning of Section 28 of Chapter 2025-190, Laws of Florida, or Fla. Stat. § 252.422, the corresponding provision of Articles I and II of Hernando County Code Chapter 10 as they existed immediately before the effective date of this ordinance shall remain in full force and effect in place of the invalidated provision, notwithstanding Section 1 of this ordinance.

Section 4. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

Section 5. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance, including Exhibit "A" hereto, shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance and Exhibit "A" may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

Section 6. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA in Regular Session this 10 day of November, 2026.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: Heidi Rause, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: Jerry Campbell
Print Name: Jerry Campbell
Title: **Chairman**

(SEAL)

Approved as to Form and Legal Sufficiency
By: Natasha López Perez
County Attorney's Office

EXHIBIT "A"
HERNANDO COUNTY, FLORIDA
CODE OF ORDINANCES
CHAPTER 10: COMMUNITY APPEARANCE
ARTICLE I. GENERAL PROVISIONS

Sec. 10-1. Short Title

This Chapter shall be known and may be cited as the Hernando County Community Appearance Code.

Sec. 10-2. Authority

This Chapter is adopted as a land development regulation pursuant to Fla. Stat. §§ 125.01 and 163.3202, and 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.

Sec. 10-3. Purpose and Intent

(1) General Purpose. The purpose of this Chapter is to establish landscaping, buffering, tree preservation, and fencing standards that protect the health, safety, and welfare of Hernando County residents while supporting sustainable growth and preserving community character.

(2) Nexus Findings. The Board of County Commissioners finds that the regulations in this Chapter bear an essential nexus to, and are roughly proportional to, the following legitimate governmental interests:

(a) Stormwater Management. Trees and vegetation slow rain runoff, allow percolation, and reduce the need for flood and stormwater controls, thereby reducing public infrastructure costs.

(b) Heat Island Mitigation. Tree canopies lower temperatures in urbanized areas, reducing energy costs and protecting public health

(c) Air and Water Quality. Trees and vegetation clean polluted air and water, providing quantifiable public health benefits.

(d) Property Values. Effective landscaping enhances property values countywide, protecting the tax base.

(e) Wildlife Habitat. Trees and vegetation provide habitat for native wildlife, supporting ecological diversity.

(f) Community Character. Landscaped roadways and preserved natural areas maintain the rural character residents have identified as a priority.

(3) Specific Objectives. These standards are designed to:

(a) Protect and Preserve. Maintain and enhance the County's rural, agricultural, and residential character while ensuring compatibility between adjacent land uses.

(b) Promote Resilience. Safeguard public health, safety, and welfare by reducing environmental impacts, mitigating noise, glare, and stormwater runoff, and improving air and water quality.

(c) Advance Sustainability. Implement Florida-Friendly Landscaping and Best Management Practices (BMPs) to conserve water, protect soils, encourage native vegetation, and reduce reliance on irrigation and fertilizers.

(d) Enhance Livability. Recognize that trees and vegetation provide shade, habitat, oxygen, cooling, and energy savings, while also improving property values and community image.

(e) Provide Clarity. Establish clear, enforceable, and flexible standards that encourage efficient design, preserve natural vegetation where feasible, and prevent the spread of invasive plant species.

(f) Respect Property Rights. Ensure that regulations focus on the development entitlement process and comply with applicable state law, including Fla. Stat. § 163.045, regarding tree pruning, trimming, and removal on residential property.

(4) Florida-Friendly Landscaping. This Chapter is based on concepts of Florida-Friendly Landscaping, consistent with Fla. Stat. § 373.185, including the principles of the Florida Yards and Neighborhoods (FYN) program, Environmental Landscape Management (ELM), and BMPs identified in the Florida Green Industries Best Management Practices for Protection of Water Resources in Florida. Nothing in this Chapter shall be construed to prohibit any property owner from implementing Florida-Friendly landscaping as defined in Fla. Stat. § 373.185.

Sec. 10-4. Applicability

(1) General Applicability. It shall be unlawful for any person, firm, corporation, or other entity to clear, redevelop, or begin to develop any lot, parcel, plot, or tract of land within unincorporated Hernando County unless in compliance with this Chapter.

(2) Redevelopment. To redevelop includes:

(a) Additional Parking. When the parking area of a previously developed site is expanded, new landscaping is required only for the area of additional parking.

(b) Major Redevelopment. When a development site is redeveloped by more than fifty percent (50%) of the appraised value of the existing site improvements, it shall be treated as new development, and this Chapter shall apply to both new and old improvement areas.

(3) Projects Subject to this Chapter. This Chapter applies to all projects that have not received and maintained a valid development review site plan approval or a valid subdivision construction plan approval.

(4) Prior Approvals. The maintenance of landscape improvements required under former Hernando County landscape ordinances, including Ordinances 80-2, 85-26, 89-13, 96-16, 2001-09, 2004-13, and 2008-02, shall remain enforceable, and landscaping maintenance requirements in effect at the time of permitting of existing development shall continue to apply.

(5) Timing of Review. The tree survey, retention, and mitigation provisions of Article II apply at the time of land clearing permit, site plan, and subdivision construction plan review and do not limit Sec. 10-4(9).

(6) Exemptions. Unless otherwise indicated, the following are exempt from the requirements of Article II (Landscaping):

(a) Bona Fide Agricultural Operations. Operations on land classified as agricultural pursuant to Fla. Stat. § 193.461, consistent with Fla. Stat. §§ 823.14 and 163.3162. Majestic Trees shall be preserved except where removal is necessary for bona fide agricultural purposes.

(b) Mining Operations. Operations conducted under an approved mining plan in accordance with the Hernando County Mining Ordinance.

(c) Specialized Athletic Fields.

(d) Airports. Only to the extent regulated for flight safety.

(e) Utility Installation. Installation and maintenance of utilities within existing street right-of-way or utility easements.

(f) Commercial Growers. Registered commercial growers on premises of plant or tree nurseries, botanical gardens, arboretums, or tree farms sponsored by the American Forest Foundation, except that Majestic Trees shall be preserved.

(g) Palms and Sand Pine. Any tree of the palm family and any sand pine (Pinus

clausa) is exempt from the requirements of this Article regarding trees.

(h) Industrial Lots. Where an Industrial zoned lot abuts another Industrial zoned lot, in an area intended and used solely for truck loading, docking, staging, or truck parking and located behind the front line of the main building structure, the area is exempt from internal tree and parking island requirements. Such areas shall not require the commercial Landscape buffer but shall require installation and maintenance of a five (5) foot wide landscape strip consisting of at least one (1) tree of three (3) inch minimum caliper per fifty (50) linear feet and two (2) shrubs, plus turf grass, ground cover, or mulch. Preserved natural vegetation may be substituted for the landscape strip with approval of the Administrative Official. Mitigation of existing trees in the area behind the main building is not required.

(7) Agricultural Conversion. Where land was cleared while classified as agricultural land pursuant to Fla. Stat. § 193.461 and in reliance on the exemption in subpart (6)(a), no development for any non-agricultural use or improvement shall be approved on the same site within five (5) years of the commencement of such clearing. The Administrative Official shall determine applicability at the time of the application for non-agricultural development, based on property appraiser classification records, aerial imagery, and other available records. The Board of County Commissioners may approve a variance from the five-year period if it is shown that such a variance is not adverse to the public interest, will not violate the intent of this Chapter, or is otherwise legally required with respect to an applicant's established property rights. Nothing in this Chapter shall be construed to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation protected by Fla. Stat. §§ 823.14 or 163.3162.

(8) Existing Residential Homes. A single-family residential lot or parcel, two-family residential lot or parcel, or mobile home lot or parcel with an existing residence, including a rural-residential lot or parcel, is exempt from the provisions of this Chapter so long as:

(a) The residential tree requirements of Sec. 10-22(2) or, for rural-residential lots, Sec. 10-22(3), are maintained;

(b) Specimen Trees and Majestic Trees are preserved;

(c) The landscaped area in the High Water-Use-Zone is not increased, or no more than fifty percent (50%) of the lot or parcel landscaping is in the High Water-Use-Zone; no more than fifty percent (50%) of the landscaping is turf grass unless varieties with excellent drought tolerance are used; turf grass in excess of fifty percent (50%) does not have a permanent irrigation system; and turf grass is not irrigated using micro-irrigation;

(d) Ground cover is maintained;

(e) If an automatic irrigation system is installed, drip, micro-spray, or other low-volume emitters are used in non-turf grass areas outside the High Water-Use-Zone, turf grass is irrigated separately from other landscaping, and an operational soil moisture sensor or rain sensor shut-off device is installed, maintained, and operated; and

(f) Shade trees are pruned in accordance with ANSI A300. A Specimen Tree or Majestic Tree on such a lot or parcel may be removed upon approval of the Administrative Official under the conditions of Sec. 10-24(2); no mitigation shall be required for such removal. This subpart does not limit subpart (9).

(9) Residential Dangerous Tree Exemption (Fla. Stat. § 163.045 Compliance). Nothing in

this Chapter requires notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of any tree on residential property as defined in Fla. Stat. § 163.045 when the property owner possesses documentation meeting all the following requirements:

(a) The property is residential property as defined in Fla. Stat. § 163.045, being a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use under this Code;

(b) The documentation includes an onsite assessment performed in accordance with Best Management Practices - Tree Risk Assessment, Second Edition (2017), published by the International Society of Arboriculture and which is incorporated herein by reference;

(c) The assessment was performed by an arborist certified by the International Society of Arboriculture (ISA) or a Florida-licensed landscape architect, and the documentation is signed by that arborist or landscape architect; and

(d) The documentation concludes that the tree poses an unacceptable risk to persons or property, meaning that based on the assessment, the tree must be removed because the risk cannot otherwise practically be mitigated to a level below "moderate" as defined in the BMP-TRA methodology.

(10) Off-Site Constructed Residential Dwellings. For purposes of this Chapter, an off-site constructed residential dwelling, as defined in Fla. Stat. § 553.385, is subject to the same requirements as a site-built single-family dwelling on a lot in the same zoning district, and no provision of this Chapter that refers to a mobile home shall be applied to such a dwelling more restrictively than to a site-built single-family dwelling.

Sec. 10-5. Relationship to Planned Development Projects

(1) PDP Controls Where Addressed. Where a Planned Development Project (PDP) master plan approved by the Board of County Commissioners establishes landscape, buffer, tree preservation, or community appearance standards that differ from this Chapter, the PDP conditions govern.

(2) Chapter 10 Controls Where Silent. Where a PDP master plan is silent on a matter addressed by this Chapter, the standards of this Chapter apply as though the property were developed under standard zoning.

(3) Amendments. Modifications to PDP-specific landscape or appearance conditions require a PDP amendment approved by the Board of County Commissioners. Such modifications are not subject to administrative deviation.

Secs. 10-6 to 10-16. Reserved

ARTICLE II. LANDSCAPING

DIVISION 1. PURPOSE, DEFINITIONS, AND GENERAL REQUIREMENTS

Sec. 10-17. Purpose and Intent

In addition to the general purposes stated in Sec. 10-3 herein, the Board of County Commissioners has these specific purposes and intentions in adopting these landscaping regulations:

(1) Preserved natural vegetation areas can reduce landscaping costs by minimizing the need to install and maintain irrigation systems and planting areas.

(2) Trees and vegetation give off oxygen for humans to breathe.

(3) Trees and effective landscaping can enhance property values.

(4) Shade trees reduce energy costs and cool the air.

(5) Landscaping can enhance the image of a community.

(6) Water conservation in Hernando County is increasingly important.

(7) Grouped plantings by amount of water used increases irrigation effectiveness.

(8) Mulches retain soil moisture, reduce weed growth, and prevent soil erosion.

(9) Ground cover reduces dust clouds, loss of topsoil, and prevents soil erosion.

(10) Invasive-exotic plants degrade natural habitat and displace native species.

(11) Trees and vegetation clean polluted air and water.

(12) Trees and vegetation slow rain runoff, reducing the need for flood and stormwater controls.

(13) Trees and vegetation allow percolation of rain unlike paved and impervious surfaces.

(14) Trees and vegetation provide habitat for native wildlife.

(15) A variety of tree age-classes and species can minimize pest outbreaks and rapid canopy losses.

(16) Tree canopies can lower temperatures in urbanized areas.

(17) Landscaped roadways are the most visible public spaces in the County.

(18) Trees and vegetation provide aesthetic relief from signs, noise, glare, and expanses of asphalt.

(19) Figures included in this Article are illustrative only and do not establish standards. In any conflict between a figure and the text of this Article, the text controls.

Sec. 10-18. Definitions

For purposes of this article, the following terms shall have the meanings indicated:

Agricultural Operations: Good-faith commercial agricultural activities on land classified as agricultural under Fla. Stat. § 193.461, including but not limited to aquiculture, beekeeping,

dairy farming, floriculture, forestry, horticulture, livestock, plant nurseries, poultry, tree farming, or vineyards.

ANSI (American National Standards Institute): References relate to the American National Standard for Tree Care Operations (ANSI A300), as amended, which is incorporated herein by reference.

Bush Hogging (Rotary Mowing): A mechanical method of vegetation management using a heavy-duty rotary cutter, typically tractor-mounted, designed to cut and mulch dense brush, tall weeds, and woody saplings. This process is characterized by the following: the capability of clearing vegetation that exceeds standard residential mowing capacity, including woody saplings up to three (3) inches in diameter; vegetation is cut at or near the soil surface without uprooting plants, disturbing the topsoil, or altering the existing grade; and the process involves the immediate shredding of cut material, which is left on-site to provide organic ground cover and erosion control.

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

Clear-Sight Triangle:

(a) Driveway: A clear-vision triangle formed by the intersection of the driveway edge, 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 formed by two intersecting right-of-way lines and a third line connecting the two, as provided in the Hernando County Facility Design Guidelines.

Commercial: For purposes of this article, any project zoned and approved for commercial,

industrial, institutional, multifamily, office professional, public service facility, or recreational use, including recreational vehicle parks and mobile home parks where lots are not individually owned.

Designated Scenic Highway: A roadway designated under Florida's Scenic Highway Program as created by the Legislature to establish statewide standards of quality and criteria for designation.

DBH (Diameter at Breast Height): Tree diameter measured four and one-half (4.5) feet above the soil line, consistent with ANSI Z60.1 and the Guide for Plant Appraisal. For multiple-trunked trees, the diameter of all trunks shall be added together. When low branches or stems preclude measurement at 4.5 feet, the smallest circumference of the trunk below the lowest branch or stem juncture shall be used.

Development Site: The area of property submitted in site plans including 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.

Existing Plant Communities: All species currently existing on the site, excluding any Invasive Plant Species as defined in this Article.

Facade: The front of a building and/or any of its sides facing a public right-of-way whose side is prominently visible from a public right-of-way or public park, or facing an adjacent residential land use.

Florida-Friendly Landscape: Quality landscapes that conserve water and protect the environment, are adaptable to local conditions, and are drought tolerant, as defined in Fla. Stat. § 373.185. Principles include planning and design, appropriate choice of plants, soil analysis, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

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 percent (80%) opaque within twelve (12) months after planting.

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

Invasive Plant Species: A nonnative plant species that has been introduced, intentionally or unintentionally, through human activity and that causes or is capable of causing environmental or economic harm or harm to human health. The term includes every Noxious Weed Species.

Landscaping: Areas of preserved natural vegetation or installed vegetation.

Landscape 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 ground cover but not as a Landscape buffer. If a fence or wall is used, it shall be visually dominated by greenery and attain fifty percent (50%) opacity/coverage within twelve (12) months of planting.

Large Retail Project: Any new commercial retail project whose total gross building area equals or exceeds 25,000 square feet, specifically mercantile uses and/or shopping center uses. For the purpose of determining building area, multiple buildings located closer than twenty (20) feet together shall be considered one building.

Majestic Tree: A tree, excluding palm trees, sand pine (Pinus clausa), and any Invasive Plant Species as defined in this Article, with a DBH of thirty-six (36) inches or greater.

Micro Irrigation (Low Volume): The frequent application of small quantities of water directly

on or below the soil surface through emitters placed along water delivery pipes, including drip, subsurface, bubbler, and spray irrigation.

Mitigation: In the context of a variance, a tree removal approval, or a penalty procedure, the planting of replacement trees or payment into the Hernando County Tree Mitigation Fund.

Monoculture: A planting composed of a single plant species or cultivar.

Native Vegetative Species: Plant species indigenous to the ecological communities of Central Florida, as indicated on lists provided by Hernando County or 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.

Noxious Weed Species: A plant species designated as a noxious weed or invasive plant under Chapter 581, Florida Statutes, or Florida Administrative Code Rule 5B-57.007, as amended, including the species listed in Sec. 10-41(1) of this Chapter.

Opacity: The percentage of the vertical plane, viewed at a right angle to the screen from the adjacent property or right-of-way, that is visually obstructed by plant material, berms, fences, or walls, measured from finished grade to the height specified in the applicable standard or, where no height is specified, to the height of the required planting.

Overstory Tree: A tree of a species in the large canopy class on the published species list under Sec. 10-35(1) or, for a species not listed, a species that typically exceeds forty (40) feet in height at maturity.

Planned Development Project (PDP): The planned development project (PDP) is a specialized zoning district which provides a level of density and/or intensity, and a list of permitted uses. A narrative description and a master plan are part of the PDP zoning. The master plan is a

visual depiction of the general layout of the project in conformance with the PDP rules with any additional performance standards or specific deviations requested. The process for approval of a PDP zoning is through the zoning amendment process as provided for in this ordinance. This master plan must be reviewed and approved by the governing body.

Primary Facade: A side of a building that faces a street used by the public, whether or not dedicated to or owned or maintained by a governmental entity, or that has the primary customer entrance. A building may have more than one primary facade. For determining whether a side of a building faces a street, all street side faces within an area between two lines drawn tangent to the furthest extent of the building and perpendicular to the street are included.

Protected Tree: Any tree required to be preserved or retained pursuant to this Article, including a Specimen Tree or Majestic Tree required to be preserved under Sec. 10-24; an existing tree required to satisfy the tree-retention standards of Sec. 10-22; and any tree designated for preservation or retention on an approved landscape plan, land clearing plan, subdivision construction plan, or other development approval, or identified on a tree survey as a tree to be preserved. Notwithstanding the foregoing, no tree classified as an Invasive Plant Species, as defined in this Article, shall qualify as a Protected Tree, regardless of its size, age, condition, or designation on an approved plan. Such trees shall not qualify for preservation or retention credits or generate tree replacement, mitigation, or fee-in-lieu obligations under this Chapter.

Regulated Tree: In a tree preservation context, a tree, excluding any Invasive Plant Species as defined in this Article, with a DBH of six (6) inches or greater but less than eighteen (18) inches.

Rural-Residential: In a landscaping context, lots zoned to allow the construction of a single-family residential dwelling or mobile home that 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 and provides relief from direct sunlight for at least six (6) months each year. Palm trees and pine trees shall be excluded.

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

Specimen Tree: A tree, excluding palm trees, sand pine (Pinus clausa), and any Invasive Plant Species as defined in this Article, with a DBH of eighteen (18) inches or greater but less than thirty-six (36) inches.

Tree: A living large-woody-plant having one or several self-supporting stems or trunks and numerous branches. A tree is at least three (3) inches DBH in a preservation context or two (2) inch caliper at time of planting. A multi-trunked tree equals one (1) tree.

Tree Mitigation Fund: A dedicated fund established by Hernando County to receive fee-in-lieu payments and code enforcement fines, to be used as provided in Sec. 10-42.

Tree Protection Zone: An area extending from the trunk of a tree in all directions to a minimum 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, including topping or any action that causes irreparable injury to a tree, such as damage inflicted on the root system by heavy machinery, changing the natural grade above the root system, or the removal of sufficient canopy to cause the unnatural decline of the tree. Topping means cutting back tree branches to stubs or to lateral branches not large enough to assume the terminal role, removing canopy coverage by more than thirty percent (30%).

Understory Tree: A tree of a species in the medium or small canopy class on the published species list under Sec. 10-35(1) or, for a species not listed, a species that typically does not exceed forty (40) feet in height at maturity.

Water-Use-Zones:

(a) High: Plants or shallow-rooted turf grass requiring watering to supplement average natural rainfall;

(b) Moderate: Plants or deep-rooted turf grass requiring only dry-season watering once established; and

(c) Low: Plants that survive on average natural rainfall once established.

Sec. 10-19. General Landscaping Requirements

(1) Developed Areas. 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 that are illustrated on the site plan, are exempt from this subpart.

(2) Commercial Landscaping Minimum. A minimum of fifteen percent (15%) of a commercial development site that is one (1) acre or larger, and a minimum of ten percent (10%) of a commercial development site less than one (1) acre, shall be landscaping.

(3) Ground Cover. Ground cover is required at all times for pervious surfaces except during permitted construction. Gardens on residential lots are excluded from this requirement. After construction of a new subdivision is complete, vegetative ground cover shall be reestablished for all disturbed areas; if turf grass is used, varieties with excellent drought tolerance are required, as determined using resource information deemed reliable by the Administrative Official, with

emphasis on information generated by UF/IFAS.

(4) Plant Installations. For commercial projects, installed plant materials shall conform to the Standards for Florida Grade No. 1 or better as given in Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services. Installed plants shall be grouped according to Water-Use-Zones and appropriately spaced according to the growth needs of the species; except as otherwise indicated, no two (2) plants (excluding trees and turf grass) shall be more than thirty (30) inches apart on center. Mulches are required and shall be at least two (2) inches in depth. Synthetic lawns or synthetic plants are not acceptable. Plant installations in low Water-Use-Zones should be selected using the Florida-Friendly Plant List published by the UF/IFAS Extension.

(5) Right-of-Way Plantings. Landscape materials within Landscape buffers along all rights-of-way shall be designed to display variety, color, form, and texture by utilizing site-specific native and naturalized species, which may be accomplished by a combination of shade trees, shrubs, and ornamentals from the Florida-Friendly Plant List or other publications reasonably deemed reliable that follow Florida-Friendly Landscaping best management practices. Special care should be taken to avoid monoculture plantings. Landscape materials 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 the linear arrangement is part of a formal landscape directly related to the architecture of the building. Landscape materials shall be clustered into groupings that simulate a natural rather than man-made appearance.

(6) Large Retail Projects. In addition to any other buffer requirements, the following standards shall be incorporated into the design of all Large Retail Projects:

(a) Foundation. Foundation landscaping shall be required for at least fifty percent (50%) of the Primary Facade length and located between the drive aisle and the first vertical wall of the building facade. A minimum of twenty-five percent (25%) of the required foundation landscaping shall be placed between the sidewalk and the first vertical wall of the building Primary Facade, in planters or planting beds extending a minimum of eighteen (18) inches from the building.

(b) Parking Areas. Every ten (10) spaces shall be designed with a minimum of four hundred (400) square feet of landscaping placed in medians or islands and shall include at least one (1) overstory tree, one (1) understory tree, and six (6) shrubs. No median or island shall be less than five (5) feet in width. No row of parking spaces shall have more than ten (10) spaces without landscaping interruption. Grouping of landscaped islands is encouraged. Alternative designs are subject to approval by the Administrative Official.

(c) Perimeter Buffer. A perimeter Landscape buffer of a minimum of thirty-five (35) feet in width, comprised of retained natural vegetation and/or planted native plant species, shall be required along the full length of all streets serving a Large Retail Project.

(7) Primary Facade. For parcels of one-half (1/2) acre or larger, except Large Retail Projects, building perimeter landscaping on the Primary Facade side shall be planted adjacent to, or between, the building and the drive aisle or parking area and shall include shrubs and ground cover. The minimum landscaped area shall be five (5) feet times the length of each Primary Façade times fifty percent (50%). This area may be used to meet the overall landscaping requirement for

the parcel. Landscaping shall use native and drought-tolerant materials.

(8) Completion and Inspection. For commercial projects, all landscaping, ground cover, and tree placement requirements shall be completed prior to issuance of the certificate of occupancy. For residential lots, all landscaping, ground cover, water use, and tree placement requirements shall be completed within thirty (30) days from issuance of the certificate of occupancy; the Administrative Official shall inspect the site for compliance when the thirty-day period has elapsed, and failure to comply shall be cause to notify code enforcement for action to ensure compliance.

DIVISION 2. TREE PRESERVATION AND PROTECTION

Sec. 10-20. Applicability of Tree Preservation Standards

(1) General Applicability. Tree preservation standards apply to development subject to this Chapter under Sec. 10-4 where the site contains Specimen Trees, Majestic Trees, or trees required to be preserved under this Division.

(2) Residential Exemption. Consistent with Fla. Stat. § 163.045, these preservation requirements do not apply to tree removal on residential property where the property owner possesses documentation meeting the requirements of Sec. 10-4(9).

(3) Agricultural Exemption. Consistent with Fla. Stat. § 823.14, these preservation requirements do not apply to bona fide agricultural operations on land classified as agricultural under Fla. Stat. § 193.461, except that Majestic Trees shall be preserved unless removal is necessary for bona fide agricultural purposes.

(4) Invasive Species Exclusion. Notwithstanding any other provision of this Article, a tree or other plant identified as an Invasive Plant Species under Sec. 10-18 shall not qualify for protection, preservation credit, or mitigation under this Chapter, regardless of size, age, condition,

or location. Such species shall not:

(a) Satisfy tree-retention, tree-density, landscaping, buffer, or natural vegetation preservation requirements;

(b) Receive preservation credit or count toward required preserved or installed trees or plants;

(c) Generate replacement-tree, mitigation, or fee-in-lieu obligations when removed; or

(d) Count toward replacement, mitigation, or fee-in-lieu requirements.

Removal of an Invasive Plant Species shall not constitute removal of a Protected Tree, Regulated Tree, Specimen Tree, or Majestic Tree under this Chapter. Removal of Invasive Plant Species from a preserved natural vegetation area, landscape buffer, or other preserved area is permitted, is not construction activity, and is not a disturbance of the area under Table 6; the area satisfies the applicable requirement once the Invasive Plant Species are removed and re-growth is controlled under Sec. 10-41(2).

Sec. 10-21. Tree Survey Requirements

(1) Tree Location Survey. A tree location survey is a readable, scale drawing or accurate sketch showing the approximate location, species, and DBH of each tree shown, and whether the tree is to remain or is proposed for removal. The survey shall be provided as follows:

(a) Commercial projects: the landscape design plan shall include a tree location survey showing the protected trees to be preserved, including Specimen Trees and Majestic Trees, and other trees up to a density of fifteen (15) trees per acre;

(b) Subdivisions: Specimen Trees and Majestic Trees within areas proposed to be cleared shall be shown on the land clearing plan; and

(c) Residential lots: Specimen Trees and Majestic Trees shall be shown on the land clearing plan.

Sec. 10-22. Tree Retention Standards

(1) Minimum Tree Density (Commercial Projects). 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) Preservation. If trees other than Invasive Plant Species exist on the development site, at least ten (10) of the required fifteen (15) trees per acre shall be preserved. The site design should take into account the location and health of all trees required to be preserved. The Administrative Official shall review any petition detailing the appropriate mitigating circumstances after all reasonable alternatives have been evaluated, and may approve the removal of a Protected Tree when it prevents a proposed reasonable permitted use of the site.

(b) Planted Trees. Planted trees shall be a minimum three-inch (3") caliper. Planting areas for trees shall be a minimum of one hundred (100) square feet, with a minimum five-foot radius measured from the center of the trunk to the near edge of the planting area, and shall count toward the overall landscaping area requirement.

(c) Parking Lots. A minimum of five (5) trees per development-site acre are required within parking lots of twenty-five (25) spaces or more. At least half of those trees shall be shade trees, reasonably distributed within the parking lot.

(d) Replacement. Planted or preserved trees fulfilling a development permit requirement that die shall be replaced within ninety (90) days on a tree-for-tree basis, not by inches removed, caliper, or DBH.

(e) Preserved Tree Credit. Larger preserved trees may be substituted for newly planted trees anywhere on the development site in accordance with Table 1, except that a minimum of five (5) trees per development-site acre are still required within parking lots of twenty-five (25) spaces or more.

Preserved Tree Size (DBH)	Reduction in Planted Tree Requirement
6" up to but not including 9"	One (1) less tree
9" up to but not including 12"	Two (2) less trees
12" up to but not including 15"	Three (3) less trees
15" up to but not including 18"	Four (4) less trees
18" and above	Must be preserved

Table 1. Preserved Tree Credit (Commercial Projects)

(f) Invasive Plant Species. Invasive Plant Species, as defined in Sec. 10-18, are ineligible for preservation credit under Table 1 and shall not be included when calculating minimum tree density, required preserved trees, or reductions in required tree plantings.

(2) Minimum Tree Density (Residential Lots). For the development of vacant single-family, two-family, and mobile home lots or parcels other than rural-residential lots, trees shall be preserved or planted according to Table 2. If planted, at least fifty percent (50%) of the trees shall be shade trees of a minimum two-inch (2") caliper; shade trees are not required where the lot soil type is Arents-Urban land complex or Udalfic Arents-Urban land complex.

Residential Lot Size	Minimum Trees
Up to and including 7,000 sq ft	Two (2) trees
Over 7,000 sq ft up to and including 10,000 sq ft	Three (3) trees
Each additional 3,000 sq ft above 10,000 sq ft	One (1) additional tree

Table 2. Minimum Residential Tree Density

(2) Minimum Tree Density (Rural-Residential Lots). Regardless of development site

acreage, the total number of trees, other than Invasive Plant Species, existing on a rural-residential development site, up to a maximum of fifteen (15), shall be either preserved or planted. If fewer than four (4) such trees exist at the time of development, a minimum of four (4) trees shall be preserved or planted. Planted trees shall be shade trees of a minimum two-inch (2") caliper.

(4) Maintenance Responsibility. Maintenance of all landscaping shall be the responsibility of the property owner. For commercial projects, plants within installed planting areas shall be healthy, and dead plants shall be replaced. Pruning of shade trees on public or private property shall comply with ANSI A300. Emergency tree removal or pruning to protect the health and safety of the public is authorized.

(5) Natural Vegetation. Preserved Natural Vegetation and/or planted Native Vegetation shall be provided as follows:

(a) for development sites less than two (2) acres, at least five percent (5%) of the total site area shall be designated as Native Vegetation in a single contiguous area, planted using Florida-Friendly Landscaping where not preserved;

(b) for development sites of two (2) to twenty (20) acres, at least five percent (5%) of the total site area shall be Preserved Natural Vegetation in areas of not less than two thousand (2,000) square feet, with no more than two (2) non-contiguous areas, and no construction activity shall occur in these areas;

(c) for development sites greater than twenty (20) acres, at least seven percent (7%) of the total site area shall be Preserved Natural Vegetation in areas of not less than twenty thousand (20,000) square feet, and no construction activity shall occur in these areas. If no preservable natural vegetation exists on the site, installed Native Vegetation using Florida-Friendly Landscaping practices may

be approved after review of the site; a combination of preserved and planted vegetation may be used where preservation alone is insufficient. The Administrative Official may grant deviations if changes in elevation or other site conditions preclude meeting this standard. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of any open space requirement, provided it is a minimum of fifteen (15) feet in width.

Sec. 10-23. Reserved

Sec. 10-24. Specimen and Majestic Tree Preservation

(1) Preservation Required. Specimen Trees and Majestic Trees shall be preserved unless removal is authorized pursuant to this section.

(2) Conditions for Removal. The Administrative Official may authorize removal of a Specimen Tree or Majestic Tree upon finding that any of the following conditions exist:

(a) The tree is an immediate safety hazard;

(b) The tree has an infestation of insects or pathogen reasonably expected to lead to death or spread to other trees;

(c) The tree is causing or may reasonably be expected to cause property damage;

(d) The location prevents direct access to the property or constitutes a traffic hazard that cannot be mitigated;

(e) The location prevents construction of utility lines, drainage facilities, on-site sewage disposal, roadways, or required parking that cannot be practically relocated;

(f) The tree is weakened by age, storm, fire, or other injury so as to pose a danger (removal under this criterion is exempt from mitigation requirements);

(g) The tree prevents a proposed reasonable permitted use of the site;

(h) Proximity to Buildings. When a Specimen or Majestic Tree is located within ten (10) feet of an approved building footprint and it is not feasible to relocate the structure, approval to remove the tree shall be granted without providing mitigation.

(i) A demonstrated effort has been made, through a comprehensive tree management plan approved by the Administrative Official, to preserve high quality trees in accordance with the intent of this Chapter.

Sec. 10-25. Appeals and Variances

(1) Variances. After a report from the Administrative Official, the Board of County Commissioners may approve a variance from the terms of this Article. Such approval shall not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this Article would result in unnecessary and undue hardship. The basis for the variance shall include a justification statement from the applicant demonstrating that the alternative equals or exceeds normal compliance.

(2) Variance Mitigation. If a variance is granted to remove a Protected Tree on a commercial project, or a Specimen Tree or Majestic Tree on any project, mitigation shall be provided in accordance with Sec. 10-26.

(3) Appeals. Any person adversely affected by a decision of the Administrative Official in the interpretation of any terms or provisions of this Article may appeal such decision to the Board of County Commissioners within thirty (30) days after the decision. The Board shall set a time and place for the purpose of allowing the applicant to be heard, shall thereafter grant or deny the appeal in whole or in part, and shall notify the applicant in writing of its decision.

Sec. 10-26. Mitigation Standards

(1) Individualized Assessment. Consistent with Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013), and Sheetz v. County of El Dorado, 601 U.S. 267 (2024), mitigation shall maintain an essential nexus with, and be roughly proportional to, the impact of the tree removal. The schedule in subpart (2) applies as a presumptive standard. A written individualized assessment is required for removal of a Specimen Tree of twenty-four (24) inches DBH or greater or any Majestic Tree, and the applicant may request a written individualized assessment for any other removal. Mitigation determined through an individualized assessment shall not exceed the schedule in subpart (2). The Administrative Official is the deciding official for all mitigation determinations under this section.

(2) Mitigation Schedule. Except as provided in Secs. 10-4(8) and 10-24(2)(f) and (h), where mitigation is required for the removal of a Protected Tree on a commercial project by variance, or for the removal of a Specimen Tree or Majestic Tree by variance or approval, the applicant shall provide mitigation in accordance with Table 3.

Removal	**Minimum Replacement**	**Replacement Quantity**	**Where the Site Cannot Accommodate All Replacements**
Commercial project: Protected Tree removed by variance	Three-inch (3") caliper, similar species	Per-inch basis equal to the total DBH removed	Replant with 3" caliper trees to a density of at least fifteen (15) trees per acre and pay the planted market value of the trees not accommodated into the Tree Mitigation Fund
Any project: Specimen Tree or Majestic Tree removed by variance or approval	Three-inch (3") caliper, similar species	Per-inch basis equal to the total DBH removed	Replant with 3" caliper trees to a density of at least fifteen (15) trees per acre and pay the planted market value of the trees not accommodated into the Tree Mitigation Fund

Table 3. Tree Mitigation Schedule

(3) Factors for Assessment. In an individualized assessment, the Administrative Official shall consider:

(a) The size, species, age, and condition of the tree(s) to be removed;

(b) The ecological services provided by the tree(s), including stormwater management, habitat value, and canopy coverage;

(c) The number of trees being preserved on-site relative to pre-development conditions;

(d) Site constraints that limit preservation options;

(e) The cumulative impact of tree removal on the surrounding area.

(4) Species. Replacement trees shall be of a species similar to the tree removed. Native species are preferred. Noxious Weed Species shall not be used. Special care should be taken to avoid monoculture plantings.

(5) Planted Market Value. Where payment of planted market value is required under Table 3, the amount shall be determined by the Administrative Official based on documentation of the installed cost of the replacement trees not accommodated on the site, provided by the applicant.

(6) Mitigation Location. Mitigation trees shall be planted in the following descending order of preference: on-site; off-site within the same drainage basin; and payment into the Tree Mitigation Fund.

(7) Replacement Planting Standards. Replacement trees shall be Florida Grade No. 1 or better per the Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services, and each replacement canopy tree shall be planted in a minimum of one hundred (100) square feet of planting area with a minimum five-foot radius measured from the center of the trunk.

Sec. 10-27. Tree Protection During Construction

(1) Commercial Projects and Subdivisions. The following tree protection measures apply to commercial projects and new subdivisions:

(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, or to place any fuel, paint, solvent, oil, thinner, asphalt, cement, grout, or other construction chemical within the drip-line of a Protected Tree.

(b) A protective barrier shall be placed around a Protected Tree prior to land clearing or construction. Posts shall be placed at or outside the drip-line of the tree and connected with clearly visible plastic tape, ribbon, rope, or their equivalent. Reasonable construction access to all portions of the development site shall be allowed.

(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 not be allowed in order to ensure the tree will survive. Protective dry well and drainage/aeration systems shall be used when the grade is to be raised, and protective retaining walls shall be used when the grade is to be lowered.

(e) To avoid damage to Protected Trees, water, sewer, and other utility lines should be routed around drip-lines. 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, offset to one side of the trunk to prevent damage to the main taproots.

(2) Preserved and Undamaged. Trees are preserved and undamaged when all of the following construction conditions are met:

(a) the root system is undisturbed to the drip-line;

(b) no unapproved grade changes or fill have occurred within the drip-line;

(c) the trunk is undamaged;

(d) less than twenty percent (20%) of the branches have been impacted; and

(e) construction chemicals or solvents have had no damaging impact.

(3) Residential Lots. On residential lots, tree protection during construction shall include a method of well-marking trees to be preserved such that these trees will not be removed.

Sec. 10-28. Reserved

Sec. 10-29. Reserved

DIVISION 3. LANDSCAPE BUFFERS AND SCREENING

Sec. 10-30. General Buffer Requirements

(1) Baseline Buffer. Unless otherwise indicated, a Landscape buffer shall be at least five (5) feet in width. For commercial projects, a Landscape buffer shall contain 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, and preserved plants must be shrubs or trees to count toward the requirement; and no buffer plantings are required if sufficient areas of natural vegetation are preserved.

(2) Measurement. Buffer width shall be measured from the property line inward on the subject property.

(3) Use of Buffers. Buffers may include passive recreation (trails, benches) provided impervious surface does not exceed twenty percent (20%) of buffer area and all plant material

requirements are met.

(4) Opacity. Where this Article requires opacity, it shall be determined as defined in Sec. 10-18 and measured by line-of-sight inspection at representative points along the buffer during the leaf-on season (April 1 through October 31). Opacity shall be achieved within the time stated in the applicable standard and maintained thereafter. For reference only: at fifty percent (50%) opacity, shapes and movement can be clearly seen through the screen; at eighty percent (80%) opacity, vague shadows may be seen but not clear details; at one hundred percent (100%) opacity, the screen is solid and nothing is visible.

(5) Preservation Credit. Existing native vegetation preserved in place shall count toward required plantings if it provides equal or greater opacity. Preserved natural vegetation that meets opacity of at least eighty percent (80%) to a minimum height of five (5) feet satisfies buffer requirements.

(6) Fences and Walls in Buffers. If a fence or wall is used as part of a buffer, it shall be visually dominated by greenery and attain fifty percent (50%) opacity/coverage within twelve (12) months of planting.

(7) Vehicle Protection. For commercial projects, Landscape buffers shall be protected from vehicle tires by appropriately placed wheel stops or an approved alternative.

Sec. 10-31. Buffer Requirements by Location

(1) Street Right-of-Way.

(a) Standard buffer. For commercial projects, a Landscape buffer at least five (5) feet in width shall abut the street right-of-way for at least half of the street frontage. If using installed plantings, the buffer shall include a hedge of shrubs with minimum height of eighteen (18) inches at planting, spaced to attain eighty

percent (80%) opacity within twelve (12) months.

(b) Enhanced street buffer option. In lieu of the buffer in subpart (a), an applicant may elect to provide a Type A enhanced perimeter buffer meeting Table 4 in Sec. 10-32 along the full street frontage. An enhanced street buffer satisfies subpart (a) and the planting density of Sec. 10-30(1). No wall, fence, or berm is required.

(2) Parking Lot Perimeter. For commercial projects, a Landscape buffer at least five (5) feet in width shall abut the perimeter of parking lots/pavements not adjacent to street right-of-way or buildings. If installed planting areas are used, the buffer shall include plants with a minimum height of eighteen (18) inches at time of planting. If the property abuts another commercial property that has provided a Landscape buffer, a five (5) foot wide landscape strip consisting of one (1) tree of at least three (3) inch caliper every twenty-five (25) linear feet and four (4) shrubs, plus turf grass, ground cover, or mulch, may be provided in lieu of the buffer. Preserved natural vegetation may be substituted for the landscape strip with approval of the Administrative Official.

(3) Residential Adjacency. For commercial projects adjacent to a residential district, a five (5) foot landscaped buffer shall be provided, and the commercial use shall be permanently screened from the adjoining and contiguous residential properties. If a fence or wall is used as part of the buffer, it shall be dominated by greenery, growing on the residential side, which shall attain fifty percent (50%) opacity within twelve (12) months. If preserved natural vegetation is used as the buffer, it shall meet opacity of at least eighty percent (80%) to a minimum height of five (5) feet; supplemental planting shall be required if the natural buffer does not meet this opacity requirement. All buffer types, except natural vegetation, shall be maintained to a maximum of eight (8) feet in height.

(4) Clear-Sight Triangle. No Landscape buffer over two (2) feet in height that might block any driver's view shall be permitted within the clear-sight triangle of a driveway or street/railroad intersection.

(5) Shoreline Considerations. For commercial projects, grading and design of property adjacent to bodies of water shall conform to federal, state, and local regulations. No grass that requires mowing shall be allowed within six (6) feet of the water's 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.

(6) Arterial Roadway Buffer. 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 Landscape buffer shall be required with respect to any property line adjacent to the right-of-way of any arterial roadway.

(7) Construction Buffer. All new subdivision and commercial development greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development shall provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty percent (80%) opacity, and minimize airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade shall be installed within thirty (30) days of clearing and prior to commencement of construction; a fence shall include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided, it shall be dominated by greenery on the side facing adjacent property at the conclusion of construction. Retention of a natural vegetative buffer is encouraged, and a permanent construction

buffer may be used to meet all or part of the requirement for natural vegetation preservation. A greater construction buffer width conditioned by the Board of County Commissioners in a PDP approval for the project governs under Sec. 10-5(1).

(8) Designated Scenic Highway Buffer. As part of any new subdivision or commercial development along a Designated Scenic Highway, a twenty (20) foot wide Landscape buffer shall be required to shield the traveling public from signage, development, and walls or fences and provide views of open space and natural areas. The buffer shall be planted with a staggered row of native shade trees and/or longleaf pine trees, three (3) inch minimum caliper, Florida Grade No. 1 or better, with maximum spacing of thirty (30) feet on center, and shall include ten (10) native shrubs for each required tree at a minimum planting height of eighteen (18) inches, which may be planted in groupings or in a serpentine pattern between trees, with grasses and/or other ground cover to complete the buffer. Special care shall be taken to avoid monoculture plantings. If a wall or fence is erected within the development and faces the Designated Scenic Highway or is in the buffer, it shall be a minimum of eight (8) feet in height, shall be dominated by greenery, shall reach eighty percent (80%) opacity within twelve (12) months, and shall be installed to allow the required buffer to be provided along the right-of-way side of the wall or fence. Where natural areas exist that meet or exceed the intent of this subpart, the planting of a buffer may be waived by the Administrative Official. Retention of a natural vegetative buffer is encouraged and may be used to meet all or part of the requirement for preserved natural vegetation.

Sec. 10-32. Alternative Compliance for Opacity; Enhanced Perimeter Buffer Option

(1) Fence-plus-plantings alternative. Where site constraints prevent achievement of required opacity through plantings alone, a six-foot opaque fence or wall combined with plantings

achieving fifty percent (50%) of the required opacity shall constitute compliance, subject to Administrative Official approval under Sec. 10-43.

(2) Enhanced Perimeter Buffer Option. In lieu of a buffer otherwise required along a perimeter by Sec. 10-31, an applicant may elect to provide, along the full length of the shared boundary, the enhanced perimeter buffer type indicated in Table 5 for the proposed use and the adjacent use, meeting the standards of Table 4. A Type G enhanced perimeter buffer may be elected in lieu of the Designated Scenic Highway buffer in Sec. 10-31(8). The election shall be shown on the landscape plan. An elected enhanced perimeter buffer satisfies the width, planting, and screening requirements of the buffer it replaces and the planting density of Sec. 10-30(1), except that where the replaced buffer carries a higher opacity standard, that standard continues to apply. Preserved natural vegetation within an elected buffer counts toward the planting standards of Table 4. Once elected and approved, the enhanced perimeter buffer is required landscaping for purposes of Secs. 10-4(4), 10-22(4), and 10-45. Where Table 5 shows "None" or "n/a," no enhanced perimeter buffer type is designated; "n/a" indicates that the buffer obligation of the adjacent industrial use governs. In either case the buffer otherwise required by Sec. 10-31, if any, applies. Nothing in this subpart requires an enhanced perimeter buffer, and the election or non-election of one shall not be a condition of, or a basis for denying, any approval under this Chapter.

(3) Standards. Opacity under Table 4 is measured as provided in Sec. 10-30(4) from finished grade to a height of five (5) feet. A hedge under Table 4 is a Hedge as defined in Sec. 10-18; the height standard in Table 4 applies in addition. Plantings shall meet Sec. 10-19(4) and Sec. 10-41. Walls and fences shall comply with Article III of this Chapter and Appendix A and with Sec. 10-30(6), and, together with berms, shall be placed so that the planted buffer lies on the side of the adjacent use. An elected buffer is subject to Sec. 10-31(4).

Type	Minimum width	Overstory trees per 100 LF	Understory trees per 100 LF	Shrubs per 100 LF	Structural elements	Screening standard
A	10 ft	2	2	20	None	Continuous hedge or shrub mass 36 inches in height within 2 years
B	15 ft	2	4	20	Optional berm, 2 to 3 ft	Hedge or screen 48 inches in height within 2 years
C	20 ft	2	6	24	Berm 3 to 4 ft, or 6-ft wall	Hedge or screen 60 inches in height within 2 years
D	25 ft	4	10	24	6 to 8 ft opaque wall with berm	60 percent opacity at planting; 100 percent within 2 years
E	30 ft	6	12	30	6 to 8 ft opaque wall with berm	80 percent opacity at planting; 100 percent within 2 years
F	50 ft	6	12	36	6 to 8 ft opaque wall with berm	80 percent opacity at planting; 100 percent within 2 years
G (Scenic Highway)	75 ft	8	12	48	6 to 8 ft opaque wall with berm	80 percent opacity at planting; 100 percent within 2 years

Table 4. Enhanced Perimeter Buffer Types (Elective)

(4) Use categories. For purposes of Table 5, the proposed use is the use for which approval is sought, and the adjacent use is the use of the abutting parcel as classified by its zoning district under Appendix A, Article IV, as follows: single-family residential: R-1A, R-1B, R-1C, R-2.5, R-2, RM, R-1-MH, and A/R, A/R-1, A/R-2, and County 2.5 where the abutting parcel is in residential use; multifamily residential: R-3 and R-4; office or professional: OP; neighborhood commercial: C-3 and A-C; general commercial: C-1, C-2, C-4, R-C, CM-1, and CM-2; industrial (light): I-1; industrial (heavy): I-2 and M; institutional: uses authorized under a PSF Public Service Facility

Overlay District and governmental, educational, religious, and medical uses in any district; agriculture or rural: AG, and A/R, A/R-1, A/R-2, and County 2.5 where the abutting parcel is in agricultural use; CV Conservation: treated as agriculture or rural. For a parcel zoned PDP, the use approved on the PDP master plan governs; for an overlay district not listed, the underlying district governs. The Administrative Official shall determine the most similar category for a use not listed.

Proposed use	Adjacent single-family residential	Adjacent multifamily residential	Adjacent office	Adjacent commercial	Adjacent industrial	Adjacent agriculture or rural
Single-family residential	None	A	B	B	n/a	A
Multifamily residential	B	None	A	B	n/a	B
Office or professional	C	B	None	A	n/a	B
Neighborhood commercial	C	C	B	None	n/a	C
General commercial	D	C	C	B	n/a	D
Industrial (light)	F	D	C	C	C	D
Industrial (heavy)	F	E	D	D	D	E
Institutional	C	B	A	A	n/a	B
Agriculture	A	A	B	C	D	None

Table 5. Use Adjacency Matrix (Elective Enhanced Perimeter Buffer Types)

DIVISION 4. STREET AND BOULEVARD TREES

Sec. 10-33. Purpose and Applicability

(1) To establish consistent standards for placement, spacing, soil conditions, species selection, planting, and maintenance of street and boulevard trees that: enhance community appearance; comply with Florida-Friendly Landscaping principles; and maintain public safety near streets and utilities.

(2) Applicability. This Division applies to street trees required by subpart (3) and to street

trees that an applicant elects to plant. Nothing in this Division requires street trees except as provided in subpart (3).

(3) Treed Roadway Requirement. New single-family and multi-family residential development of more than fifty (50) units shall provide at least one (1) 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 Landscape buffer a minimum of ten (10) feet in width with at least one (1) tree as defined in this Article for every thirty (30) linear feet on both sides of the roadway, consistent with accepted traffic engineering standards.

Sec. 10-34. Location and Spacing

(1) Spacing by Canopy Class. Street trees that an applicant elects to plant should be spaced (center-to-center) based on mature canopy class:

(a) Large canopy (45 ft+ spread): 40-50 ft spacing;

(b) Medium canopy (30-44 ft spread): 30-40 ft spacing;

(c) Small canopy (29 ft or less spread, or utility-compatible): 20-30 ft spacing.

(2) Location and Offset. Street trees shall be located outside the public right-of-way unless placement within the right-of-way is approved in writing by the Department of Public Works. Where placement within the right-of-way is approved, the minimum offset from curb or edge of pavement to trunk centerline shall be:

(a) Local/collector streets: 4 ft minimum;

(b) Arterials or posted 40+ mph: 6 ft minimum or per FDOT clear zone requirements if greater;

(c) Where sidewalk is present: center tree within planting strip unless tree well is used.

(3) Clearances. Consistent with accepted traffic engineering standards, street trees should

observe the following minimum horizontal distances at planting:

(a) Driveway aprons: 10 ft;

(b) Intersections (near side of crosswalk curb return): 30 ft;

(c) Fire hydrants/standpipes: 10 ft;

(d) Streetlights/traffic signals: 15 ft.

(4) Sight Triangles. Trees must not obstruct sight visibility within required sight triangles or the intersection sight window established in Section IV (Roadway Standards, Intersection Landscaping) of the Hernando County Facility Design Guidelines; high-canopy pruning may be used once caliper permits, consistent with ANSI A300.

Sec. 10-35. Species Selection

(1) Species Requirements. Use Florida-Friendly species suited to site hydrology and soils. Noxious Weed Species, as defined in Sec. 10-18, shall not be used. Native species are preferred. The Administrative Official shall maintain and publish an approved species list organized by mature canopy class (large, medium, small/utility-compatible), developed with input from UF/IFAS Extension and the Florida Native Plant Society and cross-referenced against the Florida Natural Areas Inventory and the Florida Invasive Species Council (FISC) Category I list.

(2) Diversity. Special care should be taken to avoid monoculture plantings, in order to guard against disease susceptibility.

(3) Electric Utility Rights-of-Way. Consistent with Fla. Stat. § 163.3209, nothing in this Chapter requires the planting of a tree or other vegetation that will achieve a height greater than fourteen (14) feet in an established electric utility right-of-way.

Sec. 10-36. Planting Standards

(1) Grade. Street trees should meet Florida Grade No. 1 or better per the Grades and Standards

for Nursery Plants, Florida Department of Agriculture and Consumer Services. Where Sec. 10-19(4) or Sec. 10-22(1)(b) applies, those requirements control.

(2) Installation. Installation should follow ANSI A300 practices, including setting the root flare at grade, removing containers and wire from the top one-third of balled-and-burlapped root balls, and mulching two (2) to three (3) inches deep, clear of the trunk.

(3) Minimum Planting Area. Each canopy street tree should have a minimum of one hundred (100) square feet of planting area, with a minimum five-foot radius measured from the center of the trunk. Where Sec. 10-22(1)(b) applies, that requirement controls.

Sec. 10-37. Street Tree Maintenance and Replacement

(1) Maintenance Responsibility. The property owner, HOA, or responsible party per the approved plan shall maintain street trees, including pruning per ANSI A300.

(2) Replacement. Street trees required by Sec. 10-33(3) that die or are removed shall be replaced within ninety (90) days on a tree-for-tree basis.

DIVISION 5. ADMINISTRATION AND ENFORCEMENT

Sec. 10-38. Land Clearing Permits and Administrative Authority

(1) Administrative Authority.

(a) Administrative Official Defined. Administrative official shall have the same meaning as provided for in Hernando County Code, Appendix A, Article V, § 1, as it may be amended from time to time.

(b) Scope of Authority. The Administrative Official is authorized to: review and approve landscape plans, tree surveys, and buffer plans; grant administrative deviations; approve alternative compliance; issue stop-work orders; approve or deny tree removal requests; and accept or reject mitigation plans and fee-in-lieu

payments.

(c) Consistency Clause. All references in this Chapter to "County," "County Administrator," "staff," "administrator," "reviewing authority," or "approval authority" relating to development review shall mean the Administrative Official as defined herein, unless the context specifically requires action by the Board of County Commissioners.

(2) Permit Required. Clearing the land without a Land Clearing Permit shall be unlawful. Bush hogging, as defined in Sec. 10-18, does not require a Land Clearing Permit, provided it does not result in the removal of Protected Trees.

(3) Application Requirements. The Land Clearing Permit application shall include:

(a) For residential lots: A Land Clearing Plan;

(b) For new subdivisions: A Land Clearing Plan. The Land Clearing Permit for a new subdivision authorizes clearing of street right-of-way, drainage areas, utility areas, and individual lots as approved on the subdivision construction plans;

(c) For commercial projects: A Landscape Design Plan.

(4) The land clearing permit shall be posted on the site prior to the start of any land clearing activity.

(5) Construction Timing. Construction shall begin within thirty (30) days of clearing.

(6) Abandoned Project Bond. As a condition of receiving a Land Clearing Permit for a commercial project or proposed subdivision, the applicant shall 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, as certified by a professional engineer, of reestablishing ground cover and trees at a density of fifteen (15) per acre for the entire area of clearing, and shall remain in effect for a period of not less than eighteen (18) months after the construction project is completed. An inspection shall be requested by the applicant, and upon finding that all landscape requirements have received the proper care and maintenance for long-term survival, the bond may be released.

(7) Burning Prohibition. On-site burning of cleared materials is prohibited within one thousand (1,000) feet of any property line of an existing residentially zoned housing unit.

(8) Erosion Control. Where required by the County or other permitting authority, such as the National Pollutant Discharge Elimination System permit program, silt screen or hay bales shall be installed adjoining adjacent property to minimize windblown sand or drainage impacts from the development site.

Sec. 10-39. Landscape Design Plan Requirements

(1) Plan Preparer. The Landscape Design Plan shall be drawn by a landscape designer or landscape architect familiar with both plants and designs.

(2) Plan Scale. The plan shall be drawn to a legible engineering scale, normally not less than one inch equals thirty (30) feet for site plans and not less than one inch equals forty (40) feet for subdivisions; the Administrative Official may approve alternative scales where legibility is maintained.

(3) Required Contents. The plan shall include all required information including:

(a) Plant materials lists by common and botanical name, including cultivar, and location of plant material to be installed or preserved;

(b) Use or zoning classification of adjacent properties;

(c) Tabulation of gross acreage, impervious surface area, green space area, trees

preserved for credit including diameters, buffer requirements including plant types, water use plan, and mulch depth;

(d) Proposed natural vegetation areas to be preserved and areas to be cleared, together with installed planting areas, buildings, drainage facilities, parking and pavement areas, storage areas, and impervious surfaces existing or proposed;

(e) Soil characteristics;

(f) Irrigation system design and Water-Use-Zones; and

(g) Existing plant communities, including any Invasive Plant Species.

(4) Land Clearing Plans. A Land Clearing Plan for a subdivision or residential lot shall show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared, and, for residential lots, installed planting areas of high water use, together with the trees required to be shown by Sec. 10-21.

Sec. 10-40. Irrigation Requirements

(1) Automatic Irrigation Required. For commercial projects, an automatic irrigation system is required.

(2) Water-Use-Zone Limits. No more than fifty percent (50%) of landscaping shall be in the High Water-Use-Zone. On commercial projects, the percentage of each zone to the total of all landscaping shall be shown on the landscape design plan. Areas of preserved natural vegetation shall be counted toward the low Water-Use-Zone.

(3) Turf Grass. No more than fifty percent (50%) of the landscaping shall be turf grass unless varieties with excellent drought tolerance are used. On residential lots, turf grass in excess of fifty percent (50%) shall not have a permanent irrigation system and shall not be irrigated using micro-irrigation.

(4) Separate Irrigation. Turf grass shall be irrigated separately from other landscaping.

(5) Low-Volume Emitters. Drip, micro-spray, or other low-volume emitters are required in non-turf grass areas outside the High Water-Use-Zone.

(6) Moisture Sensor. An operational soil moisture sensor or rain sensor shut-off device that will override the irrigation cycle when adequate rainfall has occurred shall be installed, maintained, and operated on all irrigation systems.

(7) Water Source. On commercial projects larger than two (2) acres, only shallow wells, open surface water bodies, or reclaimed water shall be used as the source of irrigation water.

(8) System Design. On commercial projects, automatic irrigation systems shall be designed to avoid runoff, low-head drainage, overspray, or comparable conditions where water flows onto adjacent property, non-irrigated areas, impervious structures, sidewalks, or roadways; shall include an automatic irrigation controller with adequate programming flexibility, including repeat cycles and multiple-program capabilities; shall not exceed a sprinkler spacing of fifty-five percent (55%) of sprinkler diameter coverage; shall match nozzle sizes to the water application rate of the zone; and shall have consistent application rates within each control-valve circuit.

(9) Watering Restrictions. All watering restrictions of the Southwest Florida Water Management District and Hernando County shall be obeyed.

Sec. 10-41. Prohibited Plant Species

(1) Prohibition. Noxious Weed Species, as defined in Sec. 10-18, including the following species, shall not be used for installed plantings and shall be removed from development sites prior to the issuance of the certificate of occupancy:

Alternanthera philoxeroides (Alligator Weed); Casuarina cunninghamiana (Australian Pine); Casuarina equisetifolia (Australian Pine); Casuarina glauca (Suckering Australian Pine);

Cupaniopsis anacardioides (Carrotwood); Dioscorea alata (Winged Yam); Dioscorea bulbifera (Air Potato); Eichhornia crassipes (Water Hyacinth); Hydrilla verticillata (Hydrilla); Hygrophila polysperma (Green Hygro); Imperata cylindrica (Cogon Grass); Ipomoea aquatica (Water Spinach); Lygodium japonicum (Japanese Climbing Fern); Lygodium microphyllum (Old World Climbing Fern); Melaleuca quinquenervia (Melaleuca); Mimosa pigra (Catclaw Mimosa); Myriophyllum spicatum (Eurasian Watermilfoil); Neyraudia reynaudiana (Burma Reed); Paederia cruddasiana (Sewer Vine); Paederia foetida (Skunk Vine); Pistia stratiotes (Water Lettuce); Pueraria montana (Kudzu Vine); Rhodomyrtus tomentosa (Downy Rose Myrtle); Sapium sebiferum (Chinese Tallow); Schinus terebinthifolius (Brazilian Pepper); Solanum tampicense (Wetland Nightshade); Solanum torvum (Susumber); Solanum viarum (Tropical Soda Apple).

(2) Re-growth Control. The re-growth of Noxious Weed Species shall be controlled in perpetuity.

Sec. 10-42. Tree Mitigation Fund

(1) Establishment. There is hereby established the Hernando County Tree Mitigation Fund to receive fee-in-lieu payments and code enforcement fines related to tree violations.

(2) Use of Funds. Fund proceeds shall be used exclusively for: tree planting on public lands and in parks; tree planting along public rights-of-way; acquisition of tree preservation easements; and administration of the tree protection program.

(3) Annual Reporting. The Administrative Official shall provide an annual report to the Board of County Commissioners on fund receipts and expenditures.

Sec. 10-43. Alternative Compliance

(1) Authority. When strict compliance with this Article would result in practical difficulty or undue hardship, or when an alternative design would achieve the purposes of this Article equally

or more effectively, the Administrative Official may approve alternative compliance.

(2) Conditions. Alternative compliance may be approved subject to the following conditions:

(a) The alternative achieves substantially equivalent environmental and aesthetic benefits;

(b) The applicant demonstrates why strict compliance is impractical due to site constraints, conflicting regulations, or other factors beyond the applicant's control;

(c) The alternative includes additional measures to offset any reduction in required standards; and

(d) The alternative does not result in adverse impacts on adjacent properties.

Sec. 10-44. Administrative Deviations

(1) Scope. The Administrative Official may grant administrative deviations of up to:

(a) Ten percent (10%) reduction in required buffer width;

(b) Ten percent (10%) reduction in required number of plantings;

(c) Substitution of comparable species when specified species are unavailable, provided the substitute species provides equivalent canopy spread and growth rate;

(d) Relocation of required plantings within the same site to address utility conflicts, sight triangle requirements, or drainage constraints;

(e) Alternative fence or wall materials when equivalent screening effectiveness is demonstrated.

(2) The Administrative Official shall grant a deviation only upon finding that:

(a) The deviation is the minimum necessary to address a documented site constraint;

(b) The deviation does not reduce screening effectiveness below the intent of the applicable buffer or opacity standard;

(c) The deviation does not adversely affect adjacent properties; and,

(d) The deviation is consistent with the purpose and intent of this Chapter.

(3) Documentation. Deviations shall be documented in writing, stating the findings under subpart (2) supra, and maintained in the project file.

(4) Exclusions. The Administrative Official may not grant deviations to:

(a) Tree preservation or mitigation requirements, except as provided in Sec. 10-22(5);

(b) Specimen Tree or Majestic Tree protections; or

(c) Conservation easement requirements.

(5) Appeals. An aggrieved party may appeal the Administrative Official's decision on an administrative deviation to the Board of County Commissioners in accordance with Sec. 10-25(3).

Sec. 10-45. Enforcement

(1) Any violation of this Article may be prosecuted as described in Hernando County Code Chapter 2, Article III, Code Enforcement, as it may be amended. Nothing contained in this Article shall be deemed to prohibit the County from seeking enforcement by any other means provided by law, including, but not limited to, misdemeanor prosecution or an action for declaratory and injunctive relief in a court of competent jurisdiction.

(2) Each day that an offense or violation continues shall be deemed a separate offense.

(3) If a Protected Tree, Regulated Tree, Specimen Tree, or Majestic Tree is illegally removed

or damaged, the violator shall provide mitigation as set forth in Table 6. Each tree that is removed or damaged in violation of this Article shall be considered a separate offense.

(4) The Administrative Official has authority to issue Stop Work Orders for violations of tree protection requirements during construction.

(5) The Administrative Official shall make such inspections as necessary to carry out the purposes of this Article, investigate complaints of alleged violations and indicate in writing as a public record the disposition made of such complaints, state violations in writing with the remedy and a time limit for compliance, and request the assistance of the County Attorney in taking appropriate legal action upon the failure of the responsible party to comply.

(6) Violation-Specific Mitigation. Mitigation for violations shall be applied as set forth in the following table:

Violation	**Required Mitigation**	**Additional Action**
Illegal removal or damage of a Protected Tree, Regulated Tree, Specimen Tree, or Majestic Tree	Replacement with trees of at least five-inch (5") caliper, similar species, on a per-inch basis equal to twice the total DBH removed or damaged	Where the site cannot readily accommodate all replacements: replant with 5" caliper trees to a density of at least fifteen (15) trees per acre and pay the planted market value of the trees not accommodated into the Tree Mitigation Fund
Landscape buffer encroachment or destruction	Restore to the approved plan	No certificate of occupancy until restored; referral to Code Enforcement
Disturbance of a required Preserved Natural Vegetation area	Restore to the approved plan	Referral to Code Enforcement

Table 6. Violation-Specific Mitigation

Secs. 10-46 to 10-50. Reserved