

ORDINANCE NO.: 2008-02

AN ORDINANCE TO BE ENTITLED THE 2008 HERNANDO COUNTY LANDSCAPE ORDINANCE; PROVIDING FOR PURPOSE AND INTENT, AUTHORITY AND SCOPE, DEFINITIONS, APPLICABILITY, REQUIRED LANDSCAPING, PERMITS FOR LAND CLEARING, TREE PRESERVATION AND PLANTING, LANDSCAPE DESIGN APPROVAL, VEGETATIVE BUFFER REQUIREMENTS, SUBDIVISION AND RESIDENTIAL LOT LANDSCAPING, EXEMPTIONS, AND PRUNING OF TREES; PROVIDING FOR ENFORCEMENT, VARIANCES, APPEAL PROCEDURES AND SPECIAL PENALTY PROCEDURES; PROVIDING FOR SEVERABILITY AND DIRECTING CODIFICATION; PROVIDING FOR REPEAL OF SPECIFIC AND CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Short title.

This ordinance shall be referred to as the 2008 Hernando County Landscape Ordinance.

Section 2. Purpose and intent.

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 2008 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 TM and the use of BMPs. The Florida Friendly Landscape concept is based on the principles of the Florida Yards and Neighborhoods (FYN) and Environmental Landscape Management (ELM) programs as promoted by the University of Florida Cooperative Extension Service, along with the programs of the state's water management districts, and BMPs identified in resources available pertaining thereto, which 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 the county is becoming increasingly important.
- (10) Grouped plantings by the amount of water used, which 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. Authority and scope.

This ordinance is enacted under the home rule power of the county for the purpose of providing minimum landscaping standards in the interest of the

public health, safety, and welfare of the citizens of Hernando County. This ordinance shall apply and be in force in all areas of the county not within the boundaries of any municipality. Application and interpretation of this ordinance shall be generally consistent with “Landscape Irrigation & Florida-Friendly Design Standards” as promulgated by the Committee on Landscape Irrigation and Florida-Friendly Design Standards, dated December, 2006, or as subsequently revised or amended.

Section 4. Definitions.

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

- (1) The number of years the land has been used for agriculture;
- (2) The size of the agricultural operation as it relates to use;
- (3) The use of commercial agricultural practices such as fertilizing, liming, mowing, reforestation, and tilling;
- (4) Whether the land is leased and conditions of the lease;
- (5) 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 other than seasonal adjustment to account for precipitation rate differential.

BMPs: Best Management Practices, as set forth in publications relating to Florida-friendly landscaping and the Florida Yards and Neighborhoods Program.

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 :

(1) *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.

(2) *Street/railroad intersection:* A clear-vision triangle of property formed by two (2) 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 Project: 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.

Diameter, breast high (DBH) : 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 four and one-half (4 1/2) feet, the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH.

Designated Scenic Highways: Roadways designated by the Florida's Scenic Highway Program as created by the legislature to establish statewide standards of quality and criteria for designation. The Scenic Highway Program allows the Florida Department of Transportation to identify and preserve the intrinsic scenic, cultural and historic qualities of designated roadways.

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.

Façade: 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, public park or facing an adjacent residential land use.

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.

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 20 feet together shall be considered one building.

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

Micro irrigation (low volume): The 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, sometimes 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 ordinance, 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 (2) 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.

Primary Façade: 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 has the primary customer entrance. A building may have more than one primary façade. For making a determination as to 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 a building and perpendicular to the street, are included.

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 thirty (30) percent. Other names for topping include heading, tipping, hat-racking, and rounding over.

Tree: A living large-woody-plant having one (1) or several self-supporting stems or trunks and numerous branches. For the purposes of this ordinance:

- (1) A tree is at least: three (3) inches DBH in a tree preservation context or of at least two-inch caliper at time of planting.
- (2) A multi-trunked tree equals one (1) 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 of 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 ordinance. 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 ordinance.

Tree protection zone: A tree protection zone shall extend from the trunk of the 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 ordinance. 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:

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

"Xeriscape TM 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 TM 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.

Section 5. Applicability.

(a) Commercial projects: The maintenance of landscape improvements required under former Hernando County Landscape Ordinances 80-2, 85-26, 89-13, 96-16, 2001-09 or 2004-13 shall be enforceable.

(b) It shall be unlawful for any person, firm, or corporation to:

- (1) Clear,
- (2) Redevelop, or
- (3) Begin to develop

any lot, parcel, plot, or tract of land unless in compliance with the terms of this ordinance.

(c) To redevelop shall include:

(1) *Additional parking*: New landscaping is required only for the area of additional parking when the parking area of a previously developed site is expanded.

(2) *Major redevelopment*: When a development site is redeveloped by more than fifty (50) percent of the appraised value of the existing site-improvements, it shall be treated as new development and provisions of this ordinance shall apply to both new and old improvement areas.

(d) This ordinance shall be effective for all projects that either:

- (1) Have not received and maintained a valid development review site plan approval; or
- (2) Have not received a valid subdivision construction plan approval.

Section 6. Summary of required landscaping.

(a) *All development--Required landscaping.*

(1) 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.

(2) As part of any new development authorization on a parcel of land that has a minimum two hundred (200) feet along the frontage and is two (2) acres or greater, a minimum twenty-foot-wide vegetative buffer shall be required with respect to any property line adjacent to the right-of-way of any arterial roadway.

(3) 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 buffer a minimum of ten (10) feet in width with at least one (1) tree as defined in this ordinance for every thirty (30) linear feet on both sides of the roadway consistent with accepted traffic engineering standards.

(4) 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 naturalized species. Such variety and color may be accomplished by a combination of shade trees, shrubs and ornamentals from the plant lists in the *Florida Friendly Plant List*, published for the University of Florida IFAS Extension Service and Florida Yards and Neighborhoods, or other publications reasonably deemed reliable which follow BMP's related to Florida-friendly landscaping. 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.

(5) All new development (Subdivision & Commercial) greater than 2 acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of 10 feet in width, provide a minimum of 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 feet in height above grade must be installed within 30 days of clearing and prior to commencement of construction. If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent

property at the conclusion of construction. Retention of a natural vegetative buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirement for natural vegetation preservation.

(6) As part of any new subdivision or commercial development along a Designated Scenic Highway, a twenty (20) foot wide landscape buffer shall be required. The purpose of this buffer is to shield the traveling public from signage, development and walls/fences and provide views of open space and natural areas on Designated Scenic Highways.

The landscape buffer shall be planted with a staggered row of native shade trees and/or long-leaf pine trees, three (3) inch minimum caliper Florida Grade Number 1 or better, with maximum spacing of thirty (30) feet on center. Special care shall be taken to avoid monocultural plantings. The buffer shall also include ten (10) native shrubs for each required tree at a minimum planting height of eighteen (18) inches. The shrubs may be planted in groupings or in a serpentine pattern between trees. Grasses and/or other groundcover shall be required to complete the buffer. If a wall or fence is erected within the development and faces the Designated Scenic Highway or is in the landscape buffer, it must be a minimum of eight (8) feet in height, shall be dominated by greenery and reach eighty (80) percent opacity within twelve (12) months. The wall/fence shall be installed to allow the required landscape buffer to be provided along the right-of-way side of the wall/fence. Where natural areas exist that meet or exceed the intent of this Section, the planting of a buffer may be waived at the discretion of the County Administrator or his designee. Retention of a natural vegetative buffer is encouraged and can be used to meet all or part of the requirement for preserved natural vegetation.

(7) Proper pruning techniques in accordance with American National Standards Institute (ANSI A300) must be met when pruning shade trees on public or private property, pursuant to Section 16 herein.

(b) *Commercial projects--Required landscaping.* 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:
(1) *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 and see tree planting.

(2) *Required natural vegetation.* Preserved Natural Vegetation and/or planted Native Vegetation shall be provided per the following standard. The county administrator or designee may grant deviations to this

standard if changes in elevation or other conditions preclude meeting this standard.

- a. Projects less than 2 acres must designate an area of at least 5 % of the total project area as Native Vegetation and must plant that area using Florida Friendly Landscaping. The Native Vegetation must consist of a single, contiguous area. Preserved Natural Vegetation may be considered.
 - b. Projects 2 to 20 acres must designate an area of at least 5 % of the total project area as Preserved Natural Vegetation and no construction activity can occur in this area. Preserved Natural Vegetation areas must be a minimum of 2,000 square feet and no more than two (2) non-contiguous areas shall be allowed.
 - c. Projects greater than 20 acres shall designate an area of at least 7 % of the total project area as Preserved Natural Vegetation and no construction activity can occur in this area. Preserved Natural Vegetation areas must be a minimum of 20,000 square feet.
 - d. If no Preserved Natural Vegetation is available in b or c above, then installed Native Vegetation using Florida Friendly Landscaping practices will be considered after review of the site. A combination of Natural and planted may be used to meet this requirement.
- (3) *Required vegetative buffers:* A vegetative buffer at least five (5) feet in width shall be required in specified locations. See vegetative buffer requirements.
- (4) *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.
- (5) *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.
- (6) *Required ground cover:* Ground cover is required at all times for pervious surfaces except during permitted construction.
- (7) *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.
- (8) *Completion of requirements:* All landscaping, ground cover, and tree placement requirements must be completed prior to the issuance of the certificate of occupancy.
- (9) *Large Retail Projects:* In addition to any other buffer requirements, the following landscape standards shall be incorporated into the design of all large retail projects:

Foundation: Foundation landscaping shall be required for at least fifty (50) percent of the primary façade length and located between the drive aisle and the first vertical wall of the building façade. A minimum of twenty-five (25) percent of the required foundation landscaping shall be placed between the sidewalk and the first vertical wall of the building primary façade. The foundation landscaping shall be in planters or planting beds that extend a minimum of eighteen (18) inches from the building.

Parking areas: Every ten (10) spaces shall be designed with a minimum of four hundred (400) square feet of landscaping to be placed in medians or islands and shall include at least one overstory tree, one 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 to promote the healthy growth of larger trees. Alternative designs are subject to approval by the county administrator or designee.

Perimeter buffer: A perimeter buffer shall be required along the full length of all streets serving a large retail development. The buffer shall be a minimum of thirty-five (35) feet in width and comprised of retained natural vegetation and/or planted native plant species.

(10) *Primary Façade:* For parcels of one half (1/2) acre or larger except *Large Retail Projects*, building perimeter landscaping on the primary façade 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 determined by the following formula: Five (5) feet times the length of each primary façade times fifty (50) percent. The area of building perimeter landscaping can be used to meet the requirement for overall landscaping for the parcel. Landscaping shall use native and drought tolerant materials.

Section 7. 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
- (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) Where required by the County or other permitting authority, such as the National Pollutant Discharge Elimination Systems (NPDES) permit program, silt screen or hay bales shall be installed adjoining adjacent property 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, 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. The bond or other surety shall remain in effect for a period of not less than 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.
- (i) Agricultural clearing is allowed only to the extent that the activity is a bona fide agricultural operation. Prior to any clearing activity, an application for exemption must be submitted to the Hernando County Development Services Department and approved by the County Administrator or designee. When land clearing has been performed under this exemption, based upon the use of the property for an Agricultural Operation, no development shall be allowed for any non-agricultural use or improvement on the same site within five (5) years of the commencement of such land clearing. The Development Department may recommend and 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 ordinance, or is otherwise legally required with respect to an applicant's established property rights.
- (j) Existing plant communities, including any vegetation listed as invasive by the 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 8. Tree preservation.

(a) *Commercial projects*: A minimum of fifteen (15) trees per acre shall be preserved. At least five (5) of those trees shall be shade trees.

(1) If existing 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 protected trees. However, the county administrator or designee 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.

(2) 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.

(3) 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:

- a. The tree is an immediate safety hazard.
- b. 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.
- c. The tree is causing property damage.
- d. 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.
- e. 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.
- f. 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.
- g. All alternative attempts to save a protected tree have been exhausted and the tree prevents a proposed reasonable use of the site.

(4) 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.

- (b) Commercial tree protection during construction:
- (1) 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.
 - (2) 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. The posts shall be connected with clearly visible plastic tape, ribbon, rope, or their equivalent. Reasonable construction access to all portions of the development site shall be allowed.
 - (3) 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.
 - (4) Grade changes within the drip-line of a protected tree shall not be allowed in order to ensure the tree will survive.
 - (5) Protective dry well and drainage/ aeration systems shall be used when the grade is to be raised.
 - (6) Protective retaining walls shall be used when the grade is to be lowered.
 - (7) Avoiding injuries due to excavation.
 - a. To avoid damage to protected trees, water, sewer, and other utility lines should be routed around the drip lines.
 - b. 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.
 - (8) 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:

- 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 (20) percent of the branches have been impacted
- e. Construction chemicals/solvents have had no damaging impact;

Section 9. Tree planting.

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.

- (1) Trees shall be a minimum three-inch caliper.

(2) Planting areas for trees shall be a minimum 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. These tree planting areas shall count toward the overall landscaping area requirement.

(3) 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 the trees shall be shade trees. Trees shall be reasonably distributed within the parking lot.

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

(5) For purposes of substituting larger preserved trees for newly planted trees: The following table applies anywhere on the development site 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.

TABLE INSET:

Preserved Tree Size in DBH Inches	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

Section 10. Approval of landscape design plan.

a. *Commercial projects:* 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 (1) 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's 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.
- b. 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:
- (1) *Soil characteristics.*
 - (2) *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.
 - a. 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.
 - b. Installed plants shall be appropriately spaced according to growth needs of the species. Except for this priority or as otherwise indicated, no two (2) plants (excluding trees and turf grass) shall be more than thirty (30) inches apart on center.
 - c. No more than fifty (50) percent of the landscaping shall be turf grass unless varieties with excellent drought-tolerance are used.
 - d. Mulches are required and shall be at least two (2) inches in depth.
 - e. Synthetic lawns or synthetic plants are not acceptable.
 - (3) *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. On projects larger than two acres, only shallow wells, open surface water bodies or reclaimed water shall be used as the source of irrigation water. 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.

- a. 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.
- b. 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.
- c. Sprinkler spacing shall not exceed fifty-five (55) percent of the sprinkler diameter coverage.
- d. Nozzle sizes shall match the water application rate of the zone.
- e. 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.
- f. An operational soil moisture sensor or a rain sensor shut off device, that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred, shall be installed and must be maintained and operated on all irrigation systems.
- g. All watering restrictions of the Southwest Florida Water Management District (SWFWMD) and Hernando County shall be obeyed.

Section 11. Vegetative buffer requirements.

Commercial projects: 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:

(1) *Along street right-of-way/pavements:*

a. 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.

b. 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.

(2) *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. If the property abuts another commercial property that has provided a vegetative buffer, in lieu of the buffer, a five (5) foot wide landscape strip consisting of one (1) tree that is three (3) inch minimum caliper every twenty-five (25) linear feet and four shrubs plus turf grass, ground cover or mulch shall be provided. Preserved natural vegetation may be substituted for the landscape strip with approval of the Development Department review staff.

(3) *Property lines.* Projects adjacent to a residential district shall provide a five-foot landscaped vegetative buffer. The commercial use located on such property 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 which shall attain fifty (50) percent opacity within twelve (12) months. The greenery shall be growing on the residential side.

If preserved natural vegetation is used as the buffer, it must meet opacity of at least eighty (80) percent to a minimum height of five (5) feet.

Supplemental planting will be required if the natural buffer does not meet the opacity requirement.

All buffer types, except natural vegetation, must be maintained to a maximum of eight (8) feet in height.

(4) *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 Management for more information. Where water levels vary considerably, care must be taken in the selection of these plants.

Section 12. Prohibited plant species.

Prohibited species: The following invasive-exotic plant species or any additional species listed in the current or any updated version of the IFAS Assessment of the Status of Non-native Plants in Florida's Natural Areas are not to be used for installed plantings:

- (1) *Alternanthera philoxeroides*--Alligator Weed
- (2) *Casuarina cunninghamiana*--Australian Pine
- (3) *Casuarina equisetifolia*--Australian Pine
- (4) *Casuarina glauca*--Suckering Australian Pine
- (5) *Cupaniopsis anacardioides*--Carrotwood
- (6) *Dioscorea alata*--Winged Yam
- (7) *Dioscorea bulbifera*--Air Potato
- (8) *Eichhornia crassipes*--Water Hyacinth
- (9) *Hydrilla verticillata*--Hydrilla
- (10) *Hygrophila polysperma*--Green Hygro
- (11) *Imperata cylindrica*--Cogon Grass
- (12) *Ipomoea aquatica*--Water Spinach
- (13) *Lygodium japonicum*--Japanese Climbing Fern
- (14) *Lygodium microphyllum*--Old World Climbing Fern
- (15) *Melaleuca quinquenervia*--Melaleuca
- (16) *Mimosa pigra*--Catclaw Mimosa
- (17) *Myriophyllum spicatum*--Eurasian Watermilfoil
- (18) *Neyraudia reynaudiana*--Burma Reed
- (19) *Paederia cruddasiana*--Sewer Vine
- (20) *Paederia foetida*--Skunk Vine
- (21) *Pistia stratiotes*--Water Lettuce
- (22) *Pueraria montana*--Kudzu Vine
- (23) *Rhodomyrtus tomentosa*--Downy Rose Myrtle
- (24) *Sapium sebiferum*--Chinese Tallow
- (25) *Schinus terebinthifolius*--Brazilian Pepper
- (26) *Solanum tampicense*--Wetland Nightshade
- (27) *Solanum torvum*--Susumber
- (28) *Solanum viarum*--Tropical Soda Apple

Section 13. Subdivision landscaping requirements.

For the development of new subdivisions:

(1) *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.

(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. Preserved Natural Vegetation and/or planted Native Vegetation shall be provided per the following standards:

- a. Projects less than 2 acres must designate an area of at least 5 % of the total project area as Native Vegetation and must plant that area using Florida Friendly Landscaping. The Native Vegetation must consist of a single, contiguous area. Preserved Natural Vegetation may be considered.
- b. Projects 2 to 20 acres must designate an area of at least 5 % of the total project area as Preserved Natural Vegetation and no construction activity can occur in this area. Preserved Natural Vegetation areas must be a minimum of 2,000 square feet and no more than two (2) areas shall be allowed.
- c. Projects greater than 20 acres shall designate an area of at least 7 % of the total project area as Preserved Natural Vegetation and no construction activity can occur in this area. Preserved Natural Vegetation areas must be a minimum of 20,000 square feet.
- d. If no Preserved Natural Vegetation is available in b or c above, then installed Native Vegetation using Florida Friendly Landscaping practices will be considered after review of the site. A combination of Natural and planted may be used to meet this requirement.

The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space as long as it is a minimum of fifteen (15) feet in width.

(3) *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. For purposes of this ordinance, excellence in drought-tolerance shall be determined by use of resource information deemed reliable by the Development

Department, with emphasis on information generated by the University of Florida Institute of Food and Agricultural Sciences (IFAS).

(4) *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:

- a. The tree is an immediate safety hazard.
- b. 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.
- c. The tree is causing property damage, or may be reasonably expected to cause property damage.
- d. Where the location of the tree prevents direct access to the property.
- e. 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.
- f. When the tree prevents a proposed reasonable use of the site.

(5) The county administrator or designee shall be authorized to approve the removal of a 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.

Section 14. 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 fifty (50) percent of the landscaping shall be in the high water-use-zone. No more than fifty (50) percent of the landscaping shall be turf grass unless varieties with excellent drought-tolerance are used. Turfgrass in excess of 50% shall not have a

permanent irrigation system and shall not be irrigated using micro-irrigation. Preserved natural vegetation shall be considered a drought tolerant landscape zone. All water restrictions of the Southwest Florida Water Management (SWFWMD) and Hernando County 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 soil moisture sensor, or a rain sensor shut off device, that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred shall be installed, maintained and operated on all irrigation systems.

(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. 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:

- a. The tree is an immediate safety hazard.
- b. 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.
- c. The tree is causing property damage, or may be reasonably expected to cause property damage.
- d. Where the location of the tree prevents direct access to the property.
- e. 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.
- f. The tree prevents a proposed reasonable use of the site.

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

TABLE INSET:

Residential lot size	Minimum number of preserved or planted trees
Lots up to and including 7,000 square feet	Two trees

Lots over 7,000 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, at least 50% of the trees must be shade trees and a minimum two-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, water use, 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-day period has elapsed. Failure to comply with this section shall be cause to notify the code enforcement division for action to ensure compliance.

(8) *Plant installations:* All plant installations in the low-water-use zones should be selected using guidelines as described in the Florida-Friendly Plant List current year publication. This book is available through the University of Florida, IFAS Extension office.

(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. Installed planting areas of high water use shall also be shown. The land clearing permit shall be posted on the site before construction commences. 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 soil moisture sensor, or a rain sensor shut off device, that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred shall be installed, must be maintained and operated on all irrigation systems.

(3) Specimen and Majestic trees: If existing on the lot 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 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 or

majestic tree to be removed 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 that may reasonably be expected to lead to the death of the tree or spread to other trees.
- c. The tree is causing property damage, or may be expected to cause property damage.
- d. Where the location of the tree prevents direct access to the property, or where the tree constitutes a hazard to pedestrian traffic.
- e. 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.
- f. 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-inch caliper.

(5) **Compliance inspection :** All landscaping, ground cover, water use 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. Failure to comply with this section shall be cause to notify the code enforcement division for action to ensure compliance.

(6) **Minimizing Water Use:** No more than fifty (50) percent of the landscaping shall be in the high water-use-zone. No more than fifty (50) percent of the landscaping shall be turf grass unless varieties with excellent drought-tolerance are used. Turfgrass in excess of 50% shall not have a permanent irrigation system and shall not be irrigated using micro-irrigation. Preserved natural vegetation shall be considered a drought tolerant landscape zone. All water restrictions of the Southwest Florida Water Management (SWFWMD) and Hernando County 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 soil moisture sensor, or a rain sensor shut off device, that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred shall be installed, must be maintained and operated on all irrigation systems.

(7) **Plant installations:** All plant installations in the low-water-use zones should be selected using guidelines as described in the Florida-Friendly

Plant List current year publication. This book is available through the University of Florida, IFAS Extension office.

(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 fifty (50) percent of the lot/parcel landscaping is in the high water use zone. No more than 50% of the landscape shall be turfgrass unless varieties with excellent drought-tolerance are used. Turf grass in excess of 50% shall not have a permanent irrigation system. Turf grass shall not be irrigated using micro-irrigation
- (3) Specimen and majestic trees are preserved.
- (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. Turf grass shall be irrigated separately from other landscaping. An operational soil moisture sensor, or a rain sensor shut off device, that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred shall be installed, must be maintained and operated on all irrigation systems.

(5) Proper pruning techniques in accordance with American National Standards Institute (ANSI A300) must be met when pruning shade trees on public or private property. See Section 16.

(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) Specimen and Majestic trees are preserved.
- (3) The landscaped area in the high water use zone is not increased or no more than-fifty (50) percent of the lot/parcel landscaping is in the high water use zone. no more than 50% of the landscape shall be turfgrass unless varieties with excellent drought-tolerance are used. Turfgrass in excess of 50% shall not have a permanent irrigation system. Turfgrass shall not be irrigated using micro-irrigation
- (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. Turf grass shall be irrigated separately from other landscaping. An operational soil moisture sensor, or a rain sensor shut off device, that will override the irrigation cycle of the sprinkler

system when adequate rainfall has occurred shall be installed, must be maintained and operated on all irrigation systems.

(5) Proper pruning techniques in accordance with American National Standards Institute (ANSI A300) must be met when pruning shade trees on public or private property. See Section 16.

Section 15. Exemptions.

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

(1) Agricultural operations: An application for an agricultural exemption must be submitted to the Hernando County Development Services Department and approved by the County Administrator or designee. When an exemption has been granted based upon the use of the property for an Agricultural Operation, no development shall be allowed for any non-agricultural use or improvement on the same site within five (5) years of the receipt of the exemption;

(2) Mining operations;

(3) Specialized athletic fields.

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

(1) Agricultural operations, with one (1) caution: Majestic trees shall be preserved.

(2) Airports, only to the extent that they are regulated for flight safety.

(3) The installation and maintenance of utilities within existing street right-of-way or within utility easements.

(4) 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.

(5) Any tree of the palm family or any Sand Pine shall be exempt from the requirements of this ordinance.

(6) Industrial Lots: Where an Industrial zoned lot abuts another Industrial zoned lot, in an area intended and used solely for truck loading, docking, staging and/or truck parking and the area is 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 buffer but shall require installation and maintenance of a five (5) foot wide landscape strip consisting of at least one tree, three (3) inch minimum caliper, per fifty linear feet and two shrubs plus turf grass, ground cover and/or mulch. Preserved natural vegetation may be substituted for the landscape strip with approval of the Development Department review staff. Mitigation of any existing trees in the area behind the main building will not be required.

Section 16. Pruning of trees.

All persons, including but not limited to owners, lessees, contractors, and subcontractors, shall comply with the proper pruning techniques in accordance with American National Standards Institute (ANSI A300) when pruning trees on public or private property. Emergency tree removal or pruning to protect the health and safety of the public is authorized.

Section 17. Enforcement.

Violation of any of the provisions of this article may be prosecuted as described in Chapter 2, Article III, Hernando County Code of Ordinances. 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 article 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:

- (1) 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.
- (2) 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.
- (3) State the violations in writing, the remedy of all conditions, and order a time limit for compliance.
- (4) 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.
- (5) 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 18. Variances.

(a) After a report from the county administrator or designee, the board of county commissioners may approve a variance from the terms of this article. Said approval will not be contrary to the public interest when due to special conditions, a literal enforcement of the provisions would result in

unnecessary and undue hardship. The basis for the variance must include a justification statement from the applicant where the alternative equals or exceeds normal compliance.

(b) Commercial projects:

Approved variance to remove protected tree: If a variance is granted to remove a tree, the applicant shall either:

(1) Replace with at least three-inch caliper trees of a similar species on a per inch basis equal to the total DBH to be removed; or

(2) If the site cannot readily accommodate all of the required replacement trees as calculated in subsection (a) above, the applicant shall replant with at least three-inch caliper trees to obtain a density of at least fifteen (15) trees per acre on the site. The planted market value of the number of trees not able to be accommodated on the site shall be paid to the Hernando County Landscape Enhancement Program.

(c) Subdivisions and residential lots:

Approved variance to remove protected tree: If a variance is granted to remove a specimen tree or majestic tree, the applicant shall either:

(1) Replace with at least three-inch caliper trees of a similar species on a per inch basis equal to the total DBH to be removed; [or]

(2) If the site cannot readily accommodate all of the required replacement trees as calculated in subsection (a) above, the applicant shall replant with at least three-inch caliper trees to obtain a density of at least fifteen (15) trees per acre on the site. The planted market value of the number of trees not able to be accommodated on the site shall be paid to the Hernando County Landscape Enhancement Program.

Section 19. Appeal procedures.

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

Section 20. Special penalty procedures.

(a) Violation of any of the provisions of this article may be prosecuted as described in Chapter 2, Article III, Hernando County Code of Ordinances, as amended from time to time.

(b) Commercial projects, subdivisions, and residential lots. Illegal removal or damage of protected tree: if a regulated tree, specimen tree, or majestic tree is illegally removed or damaged, the violator shall either:

- (1) Replace with at least five-inch caliper trees of a similar species on a per inch basis equal to twice the total DBH removed/damaged; or
 - (2) If the site cannot readily accommodate all of the required replacement trees as calculated in subsection (b)(1) above, the violator shall replant with at least five-inch caliper trees to obtain a density of at least fifteen (15) trees per acre on the site. The planted market value of the number of trees not able to be accommodated on the site shall be paid to the Hernando County Landscape Enhancement Program.
- Each tree that is removed or damaged in violation of the terms of this ordinance shall be considered a separate offense.

SECTION 21. 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 22. Codification.

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 shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", "division" or other appropriate designation.

SECTION 23. Repealer.

Ordinances 2001-09 and 2004-13 are hereby repealed, and any other ordinances in conflict with the terms of this Ordinance are hereby repealed to the extent, and only to the extent of such conflict. Notwithstanding the foregoing repeals, landscaping maintenance requirements in effect at the time of permitting of existing development shall continue to apply and be fully enforceable pursuant to Section 5 of this Ordinance.

SECTION 24. 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** in Regular Session
this 15th day of January, 2008.

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

Attest: _____
KAREN NICOLAI
Clerk

By: _____
CHRISTOPHER A. KINGSLEY
Chairman

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

 /s/ **KW** 12/03/07
COUNTY ATTORNEY'S OFFICE