

**ORDINANCE 2001-09**

**AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES,  
CHAPTER 10, COMMUNITY APPEARANCE, ARTICLE II, LANDSCAPING.**

- Sec. 10-16 PROVIDING FOR A SHORT TITLE;
- Sec. 10-17 PROVIDING FOR PURPOSE AND INTENT;
- Sec. 10-18 PROVIDING FOR AUTHORITY AND SCOPE;
- Sec. 10-19 PROVIDING FOR DEFINITIONS;
- Sec. 10-20 PROVIDING FOR APPLICABILITY;
- Sec. 10-21 PROVIDING FOR SUMMARY OF REQUIRED LANDSCAPING;
- Sec. 10-22 PROVIDING FOR LAND CLEARING PERMITS;
- Sec. 10-23 PROVIDING FOR TREE PRESERVATION;
- Sec. 10-24 PROVIDING FOR TREE PLANTING;
- Sec. 10-25 PROVIDING FOR APPROVAL OF LANDSCAPE DESIGN PLAN;
- Sec. 10-26 PROVIDING FOR VEGETATIVE BUFFER REQUIREMENTS;
- Sec. 10-27 PROVIDING FOR PROHIBITED PLANT SPECIES;
- Sec. 10-28 PROVIDING FOR SUBDIVISION LANDSCAPING REQUIREMENTS;
- Sec. 10-29 PROVIDING FOR RESIDENTIAL LOT LANDSCAPING REQUIREMENTS;
- Sec. 10-30 PROVIDING FOR EXEMPTIONS;
- Sec. 10-31 PROVIDING FOR PRUNING OF TREES;
- Sec. 10-32 PROVIDING FOR ENFORCEMENT;
- Sec. 10-33 PROVIDING FOR VARIANCES;
- Sec. 10-34 PROVIDING FOR APPEAL PROCEDURES;
- Sec. 10-35 PROVIDING FOR SPECIAL PENALTY PROCEDURES;
- Sec. 10-36 PROVIDING FOR SEVERABILITY;
- Sec. 10-37 PROVIDING FOR REPEAL;
- Sec. 10-38 PROVIDING FOR INCLUSION INTO THE CODE;
- Sec. 10-39 PROVIDING FOR AN EFFECTIVE DATE;

**IT IS ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY,  
FLORIDA, AS FOLLOWS:**

THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, COMMUNITY  
APPEARANCE, ARTICLE II, LANDSCAPING, IS HEREBY AMENDED TO READ:

**ARTICLE II. LANDSCAPING**

**Sec. 10-16. Short title.**

This article shall be referred to as the Hernando County Landscape Ordinance

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2001 JUN 15 AM 10:50

**FILED**

**Sec. 10-17. 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 Hernando County Landscape Ordinance:

- (a) *Preserved* natural vegetation areas can *reduce landscaping costs* by minimizing the need to install/maintain irrigation systems and to install/maintain planting areas.
- (b) The practices of the *Florida Yards and Neighborhoods (FYN) Program* from the University of Florida - Institute of Food and Agricultural Sciences, (IFAS) serve as a model to protect the natural resources of Hernando County. FYN emphasizes the selection of the *right plant for the right place* to minimize the use of water, fertilizer, and pesticides.
- (c) Trees and vegetation give off *oxygen* for humans to breathe.
- (d) Trees and effective landscaping can enhance *property values*.
- (e) Approximately thirty (30) percent of applied irrigation water can be wasted due to *inefficient* irrigation systems.
- (f) 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.
- (g) *Shade trees* reduce energy costs and cool the air.
- (h) Landscaping can enhance the image of a *community*.
- (i) *Water conservation* in Hernando County is becoming increasingly important.
- (j) *Grouped* plantings by the amount of water used, increases irrigation effectiveness.
- (k) *Mulches* retain soil moisture, reduce weed growth, and prevent soil erosion.
- (l) *Ground cover* reduces dust clouds, loss of topsoil, and prevents soil erosion.
- (m) Invasive-exotic *pest plants* degrade natural habitat and displace native species.
- (n) Trees and vegetation *clean* polluted air and water.
- (o) Trees and vegetation slow rain *runoff* thereby reducing the need for flood and storm water controls.
- (p) Trees and vegetation allow *percolation* of rain unlike paved and impervious surfaces.
- (q) Trees and vegetation provide *habitat* for native wildlife.
- (r) A *variety* of tree age-classes and species can minimize pest outbreaks and rapid canopy losses.
- (s) *Tree canopy* can lower temperatures in urbanized areas.
- (t) Landscaped *roadways* are the most visible public spaces in the County.
- (u) Trees and vegetation provide aesthetic *relief* from signs, noise, glare, and expanses of asphalt.

**Sec. 10-18. Authority and scope.**

This article 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 article shall apply and be in force in all areas of Hernando County not within the boundaries of any municipality.

**Sec. 10-19. Definitions.**

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

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

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

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

*Clear-Sight Triangle:*

- (a) *Driveway:* A clear-vision triangle of property on each side of a driveway formed by the intersection of the driveway edge, the street right-of-way line, and a third line connecting the two. Clear-vision distances are ten (10) feet along the driveway edge and twenty (20) feet along the street right-of-way line.
- (b) *Street/Railroad Intersection:* A clear-vision triangle of property formed by two intersecting right-of-way lines and a third line connecting the two. Clear-vision distance is twenty-five (25) feet along each right-of-way line. The right-of-way line may be either for a street or a railroad.

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

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

*DBH: Diameter, Breast High:* In a tree preservation context: The tree diameter measured four and one-half (4-1/2) feet above the soil line.

*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.

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

**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, turfgrass, shrubs, trees, berms, fences, or walls.

**Landscaping:** Areas of preserved natural vegetation or installed vegetation.

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

**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.

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

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

**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 species of tree that normally grows to a mature height of at least forty (40) feet. Palm trees and pine trees shall be excluded as shade trees.

**Shrub:** A woody plant of relatively low height distinguished from a tree by having several stems rather than a single trunk.

**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.

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

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

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

*Vegetative Buffer:* An area of land containing any combination of preserved natural vegetation or installed greenery. It may include berms, fences, or walls. Turfgrass 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 turfgrass.

*Water-Use-Zones:*

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

**Sec. 10-20. Applicability.**

*Commercial Projects:* (See definitions) *The maintenance of landscape improvements required under former Hernando County Landscape Ordinances 80-2, 85-26, 89-13 or 96-16 shall be enforceable.*

It shall be unlawful for any person, firm, or corporation to

- (a) clear,
- (b) redevelop,
- (c) or begin to develop any lot, parcel, plot, or tract of land unless in compliance with the terms of this ordinance.

To redevelop shall include:

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

This ordinance shall be effective for all projects that either:

- (a) have not received and maintained a valid Development Review Site Plan Approval or
- (b) have not received a valid Subdivision Construction Plan Approval

**Sec. 10-21. Summary of Required Landscaping.**

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

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

**Sec. 10-22. Land Clearing Permits**

- (a) Clearing the land without a Land Clearing Permit shall be unlawful.
- (b) An application for a Land Clearing Permit shall be submitted.
- (c) The Land Clearing Permit application shall include:
  - (1) *For residential lots, two-family residential lots, and mobile home lots:*  
A Land Clearing Plan. See Residential Lot Landscaping Requirements.
  - (2) *For new subdivisions:*  
A Land Clearing Plan. See Subdivision Landscaping Requirements
  - (3) *For commercial projects:* (See Definitions)  
A Landscape Design Plan. See Approval of Landscape Design Plan.
- (d) Before any clearing takes place, review and approval must occur for either a:
  - (1) Land Clearing Plan or a
  - (2) Landscape Design Plan
- (e) The onsite burning of cleared materials is prohibited within one thousand (1,000) feet of any property line of an existing residentially-zoned housing unit.
- (f) If necessary, a silt screen or hay bales shall be installed adjacent to lots with a residentially-zoned housing unit to minimize windblown sand or drainage impacts from the development site.

- (g) Construction shall begin within thirty (30) days of clearing.
- (h) *Abandoned Project:* As a condition of receiving a Land Clearing Permit for a commercial project or proposed subdivision, the applicant shall be required to post a bond or other surety to ensure the development site is revegetated if the construction project is abandoned. The lapse of all valid County permits shall constitute abandonment. The bond or other surety shall be in an amount to cover the cost of reestablishing ground cover and trees at a density of fifteen (15) per acre. The bond or other surety shall remain in effect until the construction project is completed.  
If the project has obtained Final Site Plan and Building Construction Plan Approval prior to the issuance of the Land Clearing Permit, a bond or surety shall *not* be required. The developer of such a project shall provide Hernando County with an agreement allowing for Hernando County through the County Administrator or designee to revegetate the site in accordance with this section and place any appropriate liens against the property.
- (i) Agricultural clearing is allowed only to the extent that the activity is a bona fide agricultural operation.

**Sec. 10-23. Tree Preservation.**

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

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

*Commercial Tree Protection During Construction:*

- (a) It shall be unlawful during construction to store chemicals, materials/tools, construction machinery, or temporary soil deposits within the drip-line of any protected tree.
- (b) A protective barrier shall be placed around a protected tree prior to land clearing or construction. Posts shall be placed at points no closer than the drip-line of the tree. The

posts shall be connected with clearly visible plastic tape, ribbon, rope, or their equivalent. Although tree protection is the priority, reasonable construction access to all portions of the development site shall be of higher priority if conflicts arise.

- (c) Large areas of multiple protected trees shall be preserved by placing posts a maximum of twenty-five (25) feet apart connected with clearly visible plastic tape, ribbon, rope, or their equivalent.
- (d) Grade changes within the drip-line of a protected tree shall be reviewed by the County Administrator or designee to ensure the tree can survive.
- (e) No fuel, paint, solvent, oil, thinner, asphalt, cement, grout, or any other construction chemical is permitted within the drip-line of a protected tree.
- (f) Trees are defined as preserved and undamaged when *all* of the following construction conditions are met:
  - (1) the root system is undisturbed to the drip-line;
  - (2) no unapproved grade changes or fill have occurred within the drip-line;
  - (3) the trunk is undamaged;
  - (4) less than twenty (20) percent of the branches have been impacted
  - (5) construction chemicals/solvents have had no damaging impact;

**Sec. 10-24. Tree Planting.**

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

- (a) Trees shall be a minimum three (3) inch caliper.
- (b) Planting areas for trees shall be a minimum one-hundred (100) square feet, with a minimum five (5) 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.
- (c) 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.
- (d) 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.
- (e) 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.

Preserved Tree Size in DBH Inches	Reduction in Planted Tree Requirement
6" up to but not including 9"	One 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



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

*Commercial Projects:* (See Definitions) An existing tree location survey shall be drawn showing protected trees to be preserved. This includes specimen and majestic trees as well as regulated trees up to a density of fifteen (15) per acre. The Landscape Design Plan shall then be submitted to the County Administrator or designee for approval. It shall be drawn by a landscape designer familiar with both plants *and* designs or a landscape architect familiar with both plants *and* designs. The plan shall be drawn to scale normally of not less than one inch equals thirty (30) feet showing dimensions and distances. A different scale may be permitted for good cause shown.

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

- (a) *Soil Characteristics*
- (b) *Plant Installations:* Installed plant materials shall conform to the Standards for Florida Grade No.1-or-better as given in *Grades and Standards for Nursery Plants (GSNP), State of Florida, Department of Agriculture and Consumer Services.*
  - (1) Installed plants shall be *grouped* in planting areas according to Water-Use-Zones and irrigated separately according to High, Moderate, or Low water usage. If turfgrass is used, it shall be irrigated separately from other landscaping.
  - (2) Installed plants shall be appropriately spaced according to growth needs of the species. Except for this priority or as otherwise indicated, no two plants (excluding trees and turfgrass) shall be more than thirty (30) inches apart on center.
  - (3) No more than fifty (50) percent of the landscaping shall be turfgrass unless varieties with excellent drought-tolerance are used.
  - (4) Mulches are required and shall be at least two (2) inches in depth.
  - (5) Synthetic lawns or synthetic plants are not acceptable.
- (c) *Water Use Zones and Irrigation:* Water Use Zones shall be designated 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.
  - (1) All automatic irrigation systems shall be designed to avoid runoff, low-head drainage, overspray, or comparable conditions where water flows onto/over adjacent property, non-irrigated areas, impervious structures, sidewalks, or roadways.
  - (2) 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.
  - (3) Sprinkler spacing shall not exceed fifty-five (55) percent of the sprinkler diameter coverage.

- (4) Nozzle sizes shall match the water application rate of the zone.
- (5) 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-turfgrass areas that are outside of the High Water Use Zone.
- (6) An operational moisture sensor/rain shut-off switch shall be installed and appropriately located away from eaves and drip-lines.
- (7) Finally, all watering restrictions of the Southwest Florida Water Management District (SWFWMD) shall be obeyed.

**Sec. 10-26. Vegetative Buffer Requirements.**

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

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

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

A vegetative buffer is required in the following locations:

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

- (c) *Property Lines - Abutting single-family residential lots, two-family residential lots, and mobile home lots:* See Exemptions. A vegetative buffer at least five (5) feet in width and at least six (6) feet in height shall abut neighboring single-family residential lots, two-family residential lots, and mobile home lots. The vegetative buffer may include berms, fences, or walls.

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

If a hedge or hedge/berm combination is used, the shrubs shall be at least three (3) feet in height at time of planting. Shrubs of sufficient screening density shall be appropriately spaced according to growth needs of the species for the hedge to attain at least six (6) feet in height and eighty (80) percent opacity within twelve (12) months of planting. *Preserved* trees and shrubs used as the vegetative buffer must also meet an opacity of at least eighty (80) percent. They shall be at least six (6) feet in height. The minimum thirty (30) inch on center plant spacing requirement shall not apply for the six (6) foot vegetative buffer.

#### **Sec. 10-27. Prohibited Plant Species.**

*Prohibited Species:* The following invasive-exotic plant species 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

**Sec. 10-28. Subdivision Landscaping Requirements.**

*For the development of new subdivisions:*

- (a) *Clearing the Land:* Clearing the land for a new subdivision without a Land Clearing Permit shall be unlawful. An application for a Land Clearing Permit shall be submitted. The Land Clearing Permit application shall include a Land Clearing Plan. The Land Clearing Permit for the new subdivision authorizes clearing of street right-of-way, drainage areas, utility areas, and individual lots as approved on subdivision construction plans.
- (b) *Approval of Land Clearing Plan:* A Land Clearing Plan shall be submitted to the County Administrator or designee for approval. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared.
- (c) *Reestablishing Ground Cover:* After construction is complete, vegetative ground cover shall be reestablished for all disturbed areas to reduce dust clouds, storm water runoff, and soil erosion. If turfgrass is used, varieties with excellent drought-tolerance are required.
- (d) *Specimen/Majestic Trees:* If existing on the site, specimen and majestic trees shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the Land Clearing Plan. Tree protection measures described in this ordinance for commercial projects shall be in effect. The County Administrator or designee shall review any petitions detailing the appropriate mitigating circumstances, and may approve removal of a specimen tree when it prevents a proposed reasonable permitted use of the site. As authorized by the Board of County Commissioners, a majestic tree may be removed when it prevents reasonable use of the site.

**Sec. 10-29. Residential Lot Landscaping Requirements.**

- (a) *Vacant Residential:* For the development of *vacant* single-family residential lot/parcels, two-family residential lot/parcels, and mobile home lot/parcels:
  - (1) *Clearing the Lot:* Clearing the lot without a Land Clearing Permit shall be unlawful. An application for a Land Clearing Permit shall be submitted. The Land Clearing Permit application shall include a Land Clearing Plan.
  - (2) *Approval of Land Clearing Plan:* A Land Clearing Plan shall be submitted to the County Administrator or designee for approval. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. Installed planting areas of High Water Use shall also be shown.

(3) *Minimizing Water Use:* No more than seventy-five (75) percent of the landscaping shall be in the High Water-Use-Zone. No more than seventy-five (75) percent of the landscaping shall be turfgrass unless varieties with excellent drought-tolerance are used. All water restrictions of the Southwest Florida Water Management District (SWFWMD) shall be obeyed.

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

(4) *Ground Cover Required:* Ground cover is required at all times for pervious surfaces except during construction. Gardens shall be excluded from this ground cover requirement.

(5) *Specimen/Majestic Trees:* If existing on the lot, specimen and majestic trees shall be preserved unless tree canopy on the lot exceeds seventy-five (75) percent of the lot area. Specimen and majestic trees shall be drawn on the Land Clearing Plan. Tree protection during construction shall include a method of well-marked trees-to-be-preserved such that these trees will not be removed.

The County Administrator or designee shall review any petitions detailing the appropriate mitigating circumstances, and may approve removal of a specimen tree when it prevents a proposed reasonable permitted use of the site. As authorized by the Board of County Commissioners, a majestic tree may be removed when it prevents reasonable use of the site.

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

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

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

- Arents-Urban land complex;
- Udalfic Arents-Urban land complex.

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

(b) *Vacant Rural-Residential:* For the development of *vacant* rural-residential lots/parcels:

(1) *Clearing the Lot:* Clearing the lot without a Land Clearing Permit shall be unlawful. An application for a Land Clearing Permit shall be submitted. The Land Clearing Permit application shall include a Land Clearing Plan.

(2) *Approval of Land Clearing Plan:* A Land Clearing Plan shall be submitted to the County Administrator or designee for approval. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. If an automatic irrigation system is used, turfgrass shall be irrigated separately from other landscaping. Drip, micro-spray, or other low-volume emitters are required in non-turfgrass areas that are outside of the High Water Use Zone. An operational moisture sensor/rain shut-off switch shall be installed and maintained. It shall be appropriately located away from eaves and drip-lines.

(3) *Majestic Trees:* If existing on the lot, majestic trees shall be preserved. Majestic trees that are within proposed areas to be cleared shall be drawn on the Land Clearing Plan. Tree protection during construction shall include a method of well-marked trees-to-be-preserved such that these trees will not be removed. As authorized by the Board of County Commissioners, a majestic tree may be removed when it prevents reasonable use of the site.

(4) *Tree Requirements:* Regardless of development site acreage, the total *number* of trees existing on the development site up to a maximum of fifteen (15) shall be either preserved or planted. If less than four (4) trees exist at the time of development, a minimum of four (4) trees shall be preserved or planted. Planted trees must be shade trees and a minimum two (2) inch caliper.

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

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

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

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

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

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

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

**Sec. 10-30. Exemptions.**

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

- (a) Agricultural operations - See Definitions
- (b) Mining operations

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

- (a) Agricultural operations--with one caution: Majestic trees shall be preserved.
- (b) Airports, only to the extent that they are regulated for flight safety.
- (c) The installation and maintenance of utilities within existing street right-of-way or within utility easements.

**Sec. 10-31. Pruning of Trees.**

All persons, including but not limited to owners, lessees, contractors, and subcontractors, shall comply with the *National Arborist Association Standards for Pruning of Shade Trees* when pruning trees on public or private property. Emergency tree removal or pruning to protect the health and safety of the public is authorized.

**Sec. 10-32. Enforcement.**

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

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

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

- (b) Investigate thoroughly any complaints of alleged violations of this article and indicate clearly in writing as a public record the disposition made of such complaints.
- (c) State the violations in writing, the remedy of all conditions, and order a time-limit for compliance.
- (d) Request the assistance of the county attorney in taking appropriate legal action upon the failure of the responsible party to comply with such violation order at the time specified therein.
- (e) Have the authority to request assistance from the Office of the State Attorney with respect to prosecution as a misdemeanor pursuant to Special Penalty Procedures herein.

**Sec. 10-33. Variances.**

After a report from the County Administrator or designee, the Board of County Commissioners may approve a variance from the terms of this ordinance. 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.

*Commercial Projects:* (See Definitions)

Approved Variance to Remove Protected Tree: If a variance is granted to remove a tree, the applicant shall either:

- (a) replace with at least three- (3) inch caliper trees of a similar species on a per inch basis equal to the total DBH to be removed or
- (b) if the site cannot readily accommodate all of the required replacement trees as calculated in (a) above, the applicant shall replant with at least three- (3) 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.

*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:

- (a) replace with at least three- (3) inch caliper trees of a similar species on a per inch basis equal to the total DBH to be removed
- (b) if the site cannot readily accommodate all of the required replacement trees as calculated in (a) above, the applicant shall replant with at least three- (3) 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.



**Sec. 10-34. 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.

**Sec. 10-35. Special Penalty Procedures.**

- (a) Violation of any of the provisions of this article may be prosecuted as a second degree misdemeanor, which, upon conviction, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) and up to sixty (60) days in jail.
- (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- (5) 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 (a) above, the violator shall replant with at least five- (5) 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*.

**Sec. 10-36. SEVERABILITY**

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

**Sec. 10-37. REPEAL**

This ordinance hereby repeals Ordinance 85-26, 89-13, and 96-16.

**Sec. 10-38. INCLUSION INTO 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 shall become and be made a part of the Code of Ordinances and the Land Development Regulations 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", or other appropriate designation.

**Sec. 10-39. EFFECTIVE DATE**

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

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 12<sup>th</sup> DAY OF JUNE 2001.**

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

  
CHRISTOPHER KINGSLEY, CHAIRMAN

ATTEST

  
KAREN NICOLAI, CLERK

