

ORDINANCE 89-13

FILED

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 10, ARTICLE II, SECTION 10-20, EXEMPTIONS, BY PROVIDING FOR PROTECTION OF SPECIMEN TREES; AMENDING ARTICLE II, SECTION 10-26(b) ELIMINATING PINE TREES AS POTENTIAL SPECIMEN TREES; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 10, ARTICLE II, SECTION 10-20, IS AMENDED TO READ:

"Sec. 10-20. EXEMPTIONS.

(a) All bona fide agricultural operations under agricultural zoning shall be exempt from the tree removal provisions of this article; provided, that all property previously under a bona fide agricultural operation shall replant ten (10) trees (one and one-half (1 1/2) inches DBH or greater) per acre upon development pursuant to a rezoning from agricultural zoning. "Bona fide agricultural operations" means a good faith commercial agricultural use of the land. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken in consideration:

(1) the length of time the land has been so utilized.

(2) Whether the use has been continuous.

(3) Size, as it relates to specific agricultural use.

(4) Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.

(5) Whether such land is under lease and, if so, the effective length, terms, and conditions of the lease.

(6) The maintenance of a dwelling on part of the lands used for agricultural purposes shall not in itself preclude an agricultural classification.

(7) For the purposes of this section, "agricultural purposes" shall include horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, pisciculture, and all forms of farm products and farm production.

(b) All utility easements, either public or private, shall be exempt from the provisions of this article with regards to trees; however, a person developing or building upon his property must obtain the commercial plan approval required under this article prior to requesting installation of utilities.

(c) All lands zoned for mining, and operating under an approved mining plan and permit in accordance with

Hernando County's Mining Ordinance (Chapter 19 of this Code), are exempt.

(d) All airfield areas and airfield approach zones are exempt from restrictions on tree removal.

(e) On any agriculturally zoned lot or parcel with an existing residence located thereon, residential or agricultural residential zoned lot or parcel, trees (excluding specimen trees) may be removed, provided the tree density and ground cover required by this article is maintained."

**SECTION 2. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 10, ARTICLE II, SECTION 10-26(b), IS AMENDED TO READ:**

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

**SECTION 3. SEVERABILITY**

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

**SECTION 3. INCLUSION INTO THE CODE**

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

**SECTION 4. EFFECTIVE DATE**

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

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 1ST DAY OF AUGUST, 1989.**

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

BY *Richard C. Killingsworth*  
**RICHARD C. KILLINGSWORTH, CHAIRMAN**

ATTEST *Karen Nicolai*  
**KAREN NICOLAI, CLERK** *Deputy*

