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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Wednesday, October 23, 2019 10:32 AM  
**To:** Ordinances  
**Cc:** County Ordinances  
**Subject:** [EXT.] -  
**Attachments:** Hernando20191023\_Ordinance2019\_4\_Ack.pdf



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

October 23, 2019

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

Attention: Darlene Christensen

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2019-4, which was filed in this office on October 23, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**ORDINANCE NO.: 2019 - 4**

AN ORDINANCE AMENDING HERNANDO COUNTY CODE SECTIONS 10-30 AND 23-165 TO BRING THEM INTO COMPLIANCE WITH SECTION 163.045, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Section 1. Hernando County Code § 10-30, Exemptions, is amended to read as follows:**

Sec. 10-30. - Exemptions.

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

(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.

1 (b) The following are exempt from the requirements of this article regarding  
2 trees:

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

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

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

8 (4) Registered commercial growers on the premises of plant or tree  
9 nurseries, botanical gardens, arboretums, or tree farms (sponsored by the American  
10 Forest Foundation) are exempt from the requirements of this article, with the  
11 exception that majestic trees shall be preserved.

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

14 (6) Industrial lots: Where an industrial zoned lot abuts another industrial  
15 zoned lot, in an area intended and used solely for truck loading, docking, staging  
16 and/or truck parking and the area is located behind the front line of the main building  
17 structure, the area is exempt from internal tree and parking island requirements. Such  
18 areas shall not require the commercial buffer but shall require installation and  
19 maintenance of a five-foot-wide landscape strip consisting of at least one (1) tree,  
20 three-inch minimum caliper, per fifty (50) linear feet and two (2) shrubs plus turf

1 grass, ground cover and/or mulch. Preserved natural vegetation may be substituted  
2 for the landscape strip with approval of the development department review staff.  
3 Mitigation of any existing trees in the area behind the main building will not be  
4 required.

5 (7) Residential Zoning Districts.

6 (i) A notice, application, approval, permit, fee, or mitigation for  
7 the pruning, trimming, or removal of a tree on residential property shall not be  
8 required if the property owner obtains documentation from an arborist certified by  
9 the International Society of Arboriculture or a Florida licensed landscape architect  
10 that the tree presents a danger to persons or property.

11 (ii) A property owner shall not be required to replant a tree that  
12 was pruned, trimmed, or removed in accordance with this sub-subsection.

13 (iii) As used in this sub-subsection, "residential property" shall  
14 mean a parcel of real property within a residential zoning district, as that term is  
15 defined in Hernando County Code, Appendix A, Article IV, § 2, as that provision  
16 may be amended from time-to-time.

17 (iv) This sub-subsection shall not apply to the pruning, trimming,  
18 or removal of mangrove trees. The Mangrove Trimming and Preservation Act, Fla.  
19 Stat. §§ 403.9321-403.933, and any regulations adopted thereto, shall govern the  
20 pruning, trimming, and removal of mangrove trees.

1           **Section 2. Hernando County Code § 23-165, Exceptions, is amended to read as follows:**

2           23-165. - Exceptions.

3           (a)     The following situations shall be exempt from the permit requirements for  
4           tree removal in tree protection zones:

5                     (1)     Trees representing hazardous or dangerous conditions. In the event  
6           that any tree shall be determined to be in hazardous or dangerous condition so as to  
7           endanger the public health, welfare or safety, and requires immediate removal  
8           without delay, verbal authorization by telephone may be given by the manager of the  
9           department of planning and development without obtaining a written permit as is  
10          otherwise required herein.

11                    (2)     Emergency waivers. During the period of any emergency or natural  
12          disaster, such as floods, windstorms, fires or hurricanes, the requirements of this  
13          article may be temporarily waived by the manager of the department of planning and  
14          development so that they will in no way hamper private or public work to restore  
15          order in the county.

16           (b)     Nothing in this article shall be construed to prevent routine maintenance or  
17          the trimming of trees by public utilities or their authorized agents where such  
18          trimming or maintenance is required for the establishment or continuation of the  
19          service provided by such utility.

20                    (1)     The utility shall submit to the department of planning and

1 development a general maintenance plan which shall indicate: a. The type of  
2 maintenance to be performed. b. The location of the affected tree protection zone(s)  
3 and the location of utility structures within that zone. c. An approximate (e.g. yearly  
4 or monthly) maintenance schedule. d. Specific measures to be taken by the utility to  
5 minimize damage to trees and the canopy or tree-lined effect within the protection  
6 zone(s).

7 (2) The department of planning and development shall review the  
8 submitted maintenance plan and shall, within thirty (30) days, issue a letter of  
9 agreement authorizing maintenance within the tree protection zone(s). The letter  
10 shall contain all pertinent information submitted in accordance with subsection (b)(1)  
11 above as well as any revisions deemed necessary by the department to preserve the  
12 tree protection zone. The letter shall be signed by the manager of the department and  
13 an authorized representative of the utility. The letter of agreement shall be applicable  
14 to future maintenance within the specified tree protection zone.

15 (c) Residential Zoning Districts.

16 (1) A notice, application, approval, permit, fee, or mitigation for the  
17 pruning, trimming, or removal of a tree on residential property shall not be required  
18 if the property owner obtains documentation from an arborist certified by the  
19 International Society of Arboriculture or a Florida licensed landscape architect that  
20 the tree presents a danger to persons or property.

1           (2)    A property owner shall not be required to replant a tree that was  
2           pruned, trimmed, or removed in accordance with this subsection.

3           (3)    As used in this subsection, "residential property" shall mean a parcel  
4           of real property within a residential zoning district, as that term is defined in  
5           Hernando County Code, Appendix A, Article IV, § 2, as that provision may be  
6           amended from time-to-time.

7           (4)    This subsection shall not apply to the pruning, trimming, or removal  
8           of mangrove trees. The Mangrove Trimming and Preservation Act, Fla. Stat. §§  
9           403.9321-403.933, and any regulations or ordinances adopted thereto, shall govern  
10          the pruning, trimming, and removal of mangrove trees.

11          **Section 3. Severability.** It is declared to be the intent of the Board of County  
12          Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
13          ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
14          the validity of the remaining portions of this ordinance.

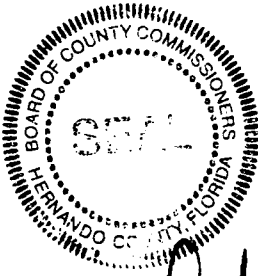
15          **Section 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
16          of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
17          become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,  
18          the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and  
19          that the word "ordinance" may be changed to "section," "article," or other appropriate designation.



1           **Section 5. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in  
2 conflict with the provisions of this ordinance are hereby repealed.

3           **Section 6. Effective Date.** This ordinance shall take effect immediately upon receipt of  
4 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has  
5 been filed with said office.

6           **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
7 **HERNANDO COUNTY** in Regular Session this 22<sup>nd</sup> day of October 2019.



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

14 Attest: Darlene M. Christensen  
15 for DOUGLAS CHORVAT, JR.  
16 Clerk

By: [Signature]  
JEFF HOLCOMB  
Chairman

18 Approved for Form and Legal Sufficiency

19 [Signature]  
20  
21 Deputy County Attorney