

ORDINANCE NO.: 2026- ____

AN ORDINANCE REGARDING COMMUNITY APPEARANCE REGULATIONS; REPEALING AND REPLACING HERNANDO COUNTY CODE CHAPTER 10, COMMUNITY APPEARANCE; PROVIDING FOR PROSPECTIVE APPLICATION; 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. Repeal and Replacement of Hernando County Code Chapter 10, Community Appearance. Hernando County Code Chapter 10, Community Appearance, is repealed *en toto* and is replaced with a new Hernando County Code Chapter 10, Community Appearance, which is hereby enacted and created as set forth in Exhibit “A,” which is attached hereto and incorporated herein as fully as if set forth *in haec verba*.

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

Section 3. 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 4. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance, including Exhibit “A” hereto, shall become and be made a part of the Code of Ordinances of

Hernando County, Florida. To this end, the section of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

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 Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

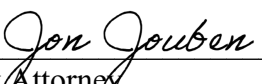
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA in Regular Session this _____ day of _____ 2026.

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

Attest: _____
DOUGLAS CHORVAT, JR.
Clerk

By: _____
JERRY CAMPBELL
Chairman

Approved for Form and Legal Sufficiency



County Attorney

EXHIBIT “A”
HERNANDO COUNTY, FLORIDA
CODE OF ORDINANCES
CHAPTER 10: COMMUNITY APPEARANCE

ARTICLE I. GENERAL PROVISIONS

Sec. 10-1. Short Title

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

Sec. 10-2. Authority

This chapter is adopted as a land development regulation pursuant to Fla. Stat. §§ 125.01 and 163.3202, and shall be construed as having been adopted in the interests of the health, safety, and general welfare of the people and environment of Hernando County, Florida.

Sec. 10-3. Purpose and Intent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **Sec. 10-4. Applicability**

17 (1) General Applicability. Except as otherwise provided, this chapter applies to all
18 development within unincorporated Hernando County requiring site plan, construction drawing,
19 subdivision, PDP, or rezoning approval.

20 (2) Development Entitlement Clarification. The tree survey, retention, and mitigation
21 provisions of Article II shall apply to development entitlement applications including, but not

1 limited to, preliminary and final plats, site development plans, rezonings, conditional use permits,
2 and special exceptions, and shall not be construed as preempted by Fla. Stat. § 163.045.

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

5 (a) Bona Fide Agricultural Operations. Operations on land classified as
6 agricultural pursuant to Fla. Stat. § 193.461 (Greenbelt) where such operations are conducted in
7 accordance with Best Management Practices adopted pursuant to Fla. Stat. § 403.067 or Fla. Stat.
8 § 570.085, and consistent with the Florida Right to Farm Act, Fla. Stat. § 823.14. Majestic Trees
9 shall be preserved except where removal is necessary for bona fide agricultural purposes.

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

12 (c) Specialized Athletic Fields.

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

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

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

19 (4) Residential Dangerous Tree Exemption (Fla. Stat. § 163.045 Compliance). Nothing
20 in this Chapter requires notice, application, approval, permit, fee, or mitigation for the pruning,

1 trimming, or removal of any tree on residential property as defined in Fla. Stat. § 163.045 when the
2 property owner possesses documentation meeting all the following requirements:

3 (a) The property is a single-family, detached building on a residential lot that is
4 the primary residence of the property owner or is actively used as a residence by a tenant authorized
5 by the property owner;

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

9 (c) The assessment was performed by an arborist certified by the International
10 Society of Arboriculture (ISA) or a Florida-licensed landscape architect;

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

15 (e) The property owner provides a copy of such documentation to the County
16 Zoning Office prior to or within fourteen (14) days following removal.

17 **Sec. 10-5. Relationship to Planned Development Projects**

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

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

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

7 **ARTICLE II. LANDSCAPING**

8 **DIVISION 1. PURPOSE, DEFINITIONS, AND APPLICABILITY**

9 **Sec. 10-17. Purpose and Intent**

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

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

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

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

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

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

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

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

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

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

- 1 (10) Invasive-exotic plants degrade natural habitat and displace native species.
- 2 (11) Trees and vegetation clean polluted air and water.
- 3 (12) Trees and vegetation slow rain runoff, reducing the need for flood and stormwater
- 4 controls.
- 5 (13) Trees and vegetation allow percolation of rain unlike paved and impervious surfaces.
- 6 (14) Trees and vegetation provide habitat for native wildlife.
- 7 (15) A variety of tree age-classes and species can minimize pest outbreaks and rapid
- 8 canopy losses.
- 9 (16) Tree canopies can lower temperatures in urbanized areas.
- 10 (17) Landscaped roadways are the most visible public spaces in the County.
- 11 (18) Trees and vegetation provide aesthetic relief from signs, noise, glare, and expanses
- 12 of asphalt.

13 **Sec. 10-18. Definitions**

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

15 Agricultural Operations: Good-faith commercial agricultural activities on land classified as

16 agricultural under Fla. Stat. § 193.461, including but not limited to aquiculture, beekeeping, dairy

17 farming, floriculture, forestry, horticulture, livestock, plant nurseries, poultry, tree farming, or

18 vineyards.

19 ANSI (American National Standards Institute): References relate to the American National

20 Standard for Tree Care Operations (ANSI A300), as amended, which is incorporated herein by

21 reference.

1 Buffer, Perimeter: A strip of undisturbed land reserved for preserved and/or planted
2 Florida-Friendly vegetation to provide functional separation between land uses or zoning districts.

3 Bush Hogging (Rotary Mowing): A mechanical method of vegetation management using a
4 heavy-duty rotary cutter, typically tractor-mounted, designed to cut and mulch dense brush, tall
5 weeds, and woody saplings. This process is characterized by the following: the capability of clearing
6 vegetation that exceeds standard residential mowing capacity, including woody saplings up to three
7 (3) inches in diameter; vegetation is cut at or near the soil surface without uprooting plants,
8 disturbing the topsoil, or altering the existing grade; and the process involves the immediate
9 shredding of cut material, which is left on-site to provide organic ground cover and erosion control.
10 Bush hogging is classified as a permitted maintenance activity that does not require a land-clearing
11 permit, provided it does not result in the removal of Protected Trees as defined herein.

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

14 Clear Cutting: The removal of more than fifty percent (50%) of the protected trees on a site,
15 or the removal of all vegetation within a contiguous area of one (1) acre or more, prior to the
16 issuance of a final development order. Clear cutting does not include bona fide agricultural
17 operations protected by Fla. Stat. § 823.14 (Florida Right to Farm Act).

18 Clear-Sight Triangle: (a) Driveway: A clear-vision triangle formed by the intersection of the
19 driveway edge, street right-of-way line, and a third line connecting the two. Clear-vision distances
20 are ten (10) feet along the driveway edge and twenty (20) feet along the street right-of-way line. (b)

1 Street/Railroad Intersection: A clear-vision triangle formed by two intersecting right-of-way lines
2 and a third line connecting the two, as provided in the Hernando County Facilities Guidelines.

3 Commercial: For purposes of this article, any project zoned and approved for commercial,
4 industrial, institutional, multifamily, office professional, public service facility, or recreational use,
5 including recreational vehicle parks and mobile home parks where lots are not individually owned.

6 Critical Root Zone (CRZ): A circular area around a tree, measured from the trunk outward,
7 with a radius equal to 1.0 foot per 1 inch of DBH (minimum standard) or 1.5 feet per 1 inch of DBH
8 (enhanced standard for Specimen and Majestic Trees). This area contains the structural root plate
9 and critical fine root mass essential for tree survival.

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

15 Development Site: The area of property submitted in site plans including existing or
16 proposed improvements, landscaping, and open space.

17 Drip-Line: The outermost perimeter of the crown of a tree as projected vertically down to
18 the ground.

19 Florida-Friendly Landscape (Xeriscape): Quality landscapes that conserve water and protect
20 the environment, are adaptable to local conditions, and are drought tolerant, as defined in Fla. Stat.

§ 373.185. Principles include planning and design, appropriate choice of plants, soil analysis, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

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

Hedge: A close planting of shrubs forming a compact, dense, living barrier.

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

Landscape Buffer: A tract of land internal to a project providing visual aesthetics between parcels within a mixed-use development and/or uses.

Majestic Tree: A tree, excluding palm trees, with a DBH of thirty-six (36) inches or greater.

Micro Irrigation (Low Volume): The frequent application of small quantities of water directly on or below the soil surface through emitters placed along water delivery pipes, including drip, subsurface, bubbler, and spray irrigation.

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

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

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

1 Opacity: A visual screen that blocks at least eighty percent (80%) of light and sight lines
2 through the screen when viewed horizontally at a height of six (6) feet above finished grade from
3 an adjacent property or public right-of-way.

4 Planned Development Project (PDP): A development approved under the Hernando County
5 Zoning Code that establishes site-specific development standards, including but not limited to
6 setbacks, density, open space, and buffering, as conditions of a master development plan approved
7 by the Board of County Commissioners. For purposes of this Chapter, "PDP" includes Planned Unit
8 Developments (PUD's) and any development approved with a binding master site plan that modifies
9 standard zoning district requirements.

10 Protected Tree: Any tree having a DBH of ten (10) inches or greater, or any Specimen Tree
11 or Majestic Tree as defined herein. Palm trees and pine trees (except Longleaf Pine) are excluded.

12 Regulated Tree: A tree with a DBH of three (3) inches or greater but less than eighteen (18)
13 inches.

14 Shade Tree: A hardwood tree that normally grows to a mature height of at least forty (40)
15 feet and provides relief from direct sunlight for at least six (6) months each year. Palm trees and pine
16 trees shall be excluded.

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

19 Specimen Tree: A tree, palm trees excluded, with a DBH of eighteen (18) inches or greater
20 but less than thirty-six (36) inches.

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

4 Tree Cluster: A contiguous grouping of five (5) or more Protected Trees occupying a
5 minimum area of 2,000 square feet, where the combined canopy creates a self-sustaining
6 microenvironment.

7 Tree Mitigation Fund: A dedicated fund established by Hernando County to receive
8 fee-in-lieu payments and code enforcement fines, to be used exclusively for tree planting on public
9 lands, in parks, along public rights-of-way, or for tree preservation easement acquisition.

10 Tree Preservation Area (TPA): A designated area protected for the long-term preservation
11 of trees and understory vegetation, to be restricted from disturbance through plat designation,
12 easement, or HOA covenant.

13 Tree Protection Zone: An area extending from the trunk of a tree in all directions a minimum
14 of two-thirds (2/3) of that tree's drip line.

15 Water-Use-Zones: (a) High: Plants or shallow-rooted turf grass requiring watering to
16 supplement average natural rainfall; (b) Moderate: Plants or deep-rooted turf grass requiring only
17 dry-season watering once established; and (c) Low: Plants that survive on average natural rainfall
18 once established.

19 **DIVISION 2. TREE PRESERVATION AND PROTECTION**

20 **Sec. 10-20. Applicability of Tree Preservation Standards**

(1) General Applicability. Tree preservation standards apply to all development requiring site plan, construction drawing, subdivision, or Planned Development Project (PDP) (as defined in Sec. 10-18 herein) approval where the site contains existing trees meeting the definition of Protected Tree, Specimen Tree, or Majestic Tree.

(2) Residential Exemption. Consistent with Fla. Stat. § 163.045, these preservation requirements do not apply to tree removal on residential property where documentation meeting the requirements of Rule 10-4.4 has been provided to the County.

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

Sec. 10-21. Tree Survey Requirements

(1) Survey Threshold. All development applications subject to this Division shall include a Tree Location Survey identifying:

- (a) All trees with a DBH of ten (10) inches or greater;
- (b) All Specimen Trees (18"+ DBH);
- (c) All Majestic Trees (36"+ DBH);
- (d) Tree species identification;
- (e) General health condition; and,
- (f) Indication of trees to remain versus trees proposed for removal.

(2) Arborist Report. For sites containing Specimen or Majestic Trees proposed for removal, the survey shall include a condition assessment prepared by an ISA-certified arborist.

Sec. 10-22. Tree Retention Standards

(1) Minimum Tree Density (Commercial Projects). A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees.

(2) Minimum Tree Density (Residential Lots). Trees shall be preserved or planted according to the following table:

Residential Lot Size	Minimum Trees
Up to and including 5,000 sq ft	Two (2) trees
5,001 - 10,000 sq ft	Three (3) trees
Each additional 3,000 sq ft above 10,000 sq ft	One (1) additional tree

Table 1.

(3) Maintenance Responsibility. The property owner, HOA, or responsible party per the approved plan shall ensure homeowner conformance with tree maintenance requirements, including pruning per ANSI A300. Topping is prohibited. This maintenance requirement shall be incorporated in the Homeowners' Association covenants and restrictions as appropriate.

(4) Natural Vegetation. If existing on the development site, at least three percent (3%) of onsite natural vegetation shall be preserved. The Administrative Official may grant deviations if changes in elevation preclude meeting this standard.

(5) Tree Cluster Preservation (Incentive). Where Tree Clusters exist on a development site, applicants are encouraged to preserve clusters intact rather than isolated individual trees. Preserved clusters may be credited toward retention requirements at a rate of 1.25 trees per tree within the cluster.

Sec. 10-23. Tree Preservation Clustering Credits

1 (1) Purpose. The County encourages preservation of existing tree canopy through density
2 and dimensional incentives available to subdivisions that voluntarily exceed minimum tree retention
3 standards.

4 (2) Eligibility. Clustering credits are available to residential subdivisions of ten (10) or
5 more lots where the applicant preserves trees in a designated common preservation area protected
6 by a recorded conservation easement.

7 (3) Credit Calculation.

8 (a) For each percentage point of canopy coverage preserved above the minimum
9 retention standard established under Sec. 10-22, the applicant earns one (1) clustering credit point.

10 (b) Credits may be applied as follows:

11 (i) Lot width reduction: 1 credit point = 1 foot of lot width reduction
12 (maximum 20% reduction from zoning district minimum).

13 (ii) Lot area reduction: 3 credit points = 1% lot area reduction (maximum
14 15% reduction from zoning district minimum).

15 (iii) Density bonus: 10 credit points = 1 additional lot (maximum 10%
16 increase over base zoning density).

17 (4) Preservation Area Requirements. Preservation areas qualifying for credits shall be:

18 (a) Located in contiguous tracts of no less than 0.5 acres;

19 (b) Protected by a conservation easement recorded prior to final plat approval;

20 (c) Maintained by the HOA or successor entity.

1 (5) Specimen Tree Bonus. Preservation of a Specimen Tree or Majestic Tree within a
2 designated preservation area earns five (5) additional credit points per tree.

3 (6) Long-Term Stewardship. Subdivisions receiving clustering credits shall comply with
4 the HOA covenant and the required plat notes.

5 **Sec. 10-24. Specimen and Majestic Tree Preservation**

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

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

10 (a) The tree is an immediate safety hazard;

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

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

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

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

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

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

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

4 **Sec. 10-25. Appeals and Variances.**

5 (1) The Planning and Zoning Commission shall hear and decide on requests for appeals
6 and requests for variances from the strict application of this Article.

7 (2) Any person may apply to the Planning and Zoning Commission for a variance from
8 the requirements of this Article. As part of the variance request, the applicant shall submit
9 supporting reports, arborist justification, alternatives explored, and mitigation proposals. Said
10 application and variance procedure shall be in accordance with Hernando County Code, Appendix
11 A; provided, that the Planning and Zoning Commission may grant a variance upon the applicant's
12 demonstration, by competent and substantial evidence, that the strict application of this ordinance
13 will cause the applicant to suffer an exceptional hardship, that the granting of the variance will not
14 result in significant tree loss on the applicant's property, and that no feasible alternatives to the
15 granting of a variance exist. As part of any decision to grant a variance, the Planning and Zoning
16 Commission shall require the applicant to perform proportionate mitigation.

17 (3) The Planning and Zoning Commission shall hear and decide appeals when it is
18 alleged there is an error in any requirement, decision, or determination made in the administration
19 of this Article. Said appellate procedure shall be in accordance with Hernando County Code,
20 Appendix A.

1 (4) The Board of County Commissioners, by a majority vote, may decide to review any
2 variance or appeal decision rendered by the Planning and Zoning Commission. The decision of the
3 Board of County Commissioners to review such decision must be made within thirty (30) days of
4 the rendering of the decision of the Planning and Zoning Commission. If at least a majority (three
5 (3) members) of the Board of County Commissioners do not vote to review the Planning and Zoning
6 Commission's action within thirty (30) days, the Planning and Zoning Commission's decision shall
7 be deemed final and subject only to review by circuit court. If the Board of County Commissioners
8 reviews the Planning and Zoning Commission's action, the Board of County Commissioners may
9 affirm, modify or reverse the decision of the Planning and Zoning Commission.

10 **Sec. 10-26. Mitigation Standards**

11 (1) Individualized Assessment Required. Consistent with *Koontz v. St. Johns River Water*
12 *Management District*, 570 U.S. 595 (2013), the County shall conduct an individualized assessment
13 of the environmental impact of proposed tree removal and shall require mitigation that is roughly
14 proportional to, and maintains an essential nexus with, the specific impact of such removal. The
15 Administrative Official shall determine replacement count (not to exceed 2:1) based on: the
16 applicable species, health, and structural condition; ecological and canopy value in site context;
17 availability of suitable on-site planting locations; and rough proportionality between mitigation
18 required and environmental impact of removal.

19 (2) Tree Mitigation Replacement Schedule. In conducting the individualized assessment,
20 the following schedule shall inform but not dictate mitigation requirements:

Tree Category	DBH Range	Min. Repl. Caliper	Guideline Repl. Count	Fee-in-Lieu
Protected Tree	5" to 11" DBH	2.5" caliper	1 tree (1:1)	\$150 per tree
Protected Tree	12" to 17" DBH	3" caliper	2 trees (1.5:1 guideline)	\$300/tree (\$600)
Specimen Tree	18" to 23" DBH	3" caliper	Per individualized assessment (guideline: up to 2:1)	\$75/caliper inch removed
Specimen Tree	24"+ DBH	3.5" caliper	Individualized assessment required*	\$75/caliper inch removed
Majestic Tree	36"+ DBH	3.5" caliper	Individualized assessment required*	\$75/caliper inch removed

Table 2.

(3) Factors for Assessment. The Administrative Official shall consider the following factors in determining appropriate mitigation:

- (a) The size, species, age, and condition of the tree(s) to be removed;
- (b) The ecological services provided by the tree(s), including stormwater management, habitat value, and canopy coverage;
- (c) The number of trees being preserved on-site relative to pre-development conditions;
- (d) Site constraints that limit preservation options;
- (e) The cumulative impact of tree removal on the surrounding area.

(4) Species Requirements. Replacement trees shall be native, Florida-Friendly species suited to site hydrology and soils. Species listed under Sec. 10-63 (Prohibited Plant Species) shall not be used. No single species shall exceed one-third (1/3) of required replacement trees when ten (10) or more trees are required, consistent with Hernando County practice.

(5) Fee-in-Lieu Option. Where on-site or off-site planting is not feasible due to site constraints, the applicant may satisfy mitigation requirements by payment to the Hernando County

Tree Mitigation Fund at the rates specified in the table contained in subpart (2) supra. Fee-in-lieu rates shall be updated annually by resolution of the Board of County Commissioners.

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

(7) Replacement Planting Standards.

(a) Grade. All replacement trees shall be Florida Grade No. 1 or better per the Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services.

(b) Soil Volume. Each replacement canopy tree shall be planted in a minimum of 100 square feet of pervious soil area with a minimum soil depth of 36 inches.

(c) Species Diversity. Replacement species shall be selected from the County's approved canopy tree list. No single species shall constitute more than thirty percent (30%) of replacement trees on any site.

Sec. 10-27. Tree Protection During Construction

(1) General Prohibition. During construction, it shall be unlawful to:

(a) Store chemicals, materials, tools, construction machinery, or temporary soil deposits within the Critical Root Zone ("CRZ") of any protected tree;

(b) Operate heavy equipment within the CRZ;

(c) Dispose of fuel, paint, solvent, oil, thinner, asphalt, cement, grout, or any construction chemical within the CRZ.

1 (2) Protective Barrier Requirements. A protective barrier shall be placed around all
2 protected trees prior to land clearing or construction:

3 (a) Barriers shall be a minimum of four (4) feet in height;

4 (b) Posts shall be placed at the outer edge of the Tree Protection Zone and
5 connected with clearly visible plastic tape, ribbon, rope, or equivalent;

6 (c) Large areas of multiple protected trees shall be preserved by placing posts a
7 maximum of twenty-five (25) feet apart;

8 (d) Signage stating "TREE PROTECTION AREA - DO NOT DISTURB" shall
9 be posted.

10 (3) Grade Changes. Grade changes within the dripline of a protected tree shall be
11 reviewed by the Administrative Official to ensure the tree can survive. Protective dry well and
12 drainage/aeration systems shall be used when the grade is raised. Protective retaining walls shall be
13 used when the grade is lowered.

14 (4) Utility Routing. Water, sewer, and other utility lines should be routed around the
15 dripline. Where routing is not feasible, utility lines shall be tunneled beneath the area, offset to one
16 side of the trunk to prevent damage to main taproots.

17 **Sec. 10-28. Landscape Performance Bonds and Survival Guarantee**

18 (1) Bond Required. Prior to issuance of a land disturbance permit for any subdivision or
19 site plan requiring landscape improvements under this Chapter, the applicant shall post a landscape
20 performance bond in the amount of one hundred twenty percent (120%) of the estimated cost of all
21 required landscape improvements, including:

- (a) Perimeter and internal buffers (Sec. 10-30);
- (b) Tree mitigation plantings (Sec. 10-26, Table 2);
- (c) Common area landscaping;
- (d) Irrigation systems serving required landscape areas (Sec. 10-62); and,
- (e) Preservation area protection measures (silt fence, tree barricades, etc.).

(2) Cost Estimate. The estimated cost shall be prepared by the applicant's landscape architect and approved by the Administrative Official. The estimate shall use current wholesale nursery stock pricing plus installation labor costs.

(3) Acceptable Forms. The bond shall be in the form of:

- (a) An irrevocable letter of credit from a financial institution authorized to do business in Florida;
- (b) Cash escrow held by the Clerk of Court; or
- (c) Surety bond from a company rated A- or better by A.M. Best.

(4) Phased Release Schedule for Bonds:

Phase	%	Release Criteria
1	50	Upon the Administrative Official's verification that all landscape installation is complete and matches the approved landscape plan (species, size, placement, irrigation operational).
2	35	One (1) year after Phase 1 release, upon verification that ninety percent (90%) or more of installed plant material has survived and opacity standards are on track for maturity compliance under Sec. 10-32.
3	15	At the maturity inspection date (12 months for buffer types A-B; 24 months for types C-D; 36 months for types E-G), upon verification that all opacity and planting standards are fully met.

Table 3.

Sec. 10-29. Long-Term Stewardship of Common Landscape Areas

1 (1) Recorded Covenants Required. Prior to final plat approval for any subdivision or PDP
2 requiring common landscape areas, buffers, or tree preservation areas, the applicant shall record
3 declarations, covenants, and restrictions that include the following provisions:

4 (a) The homeowner's association ('Association') or community development
5 district shall maintain all common landscape areas, buffers, tree preservation areas, and conservation
6 easement areas in perpetuity in accordance with the approved landscape plan on file with
7 Development Services.

8 (b) Maintenance shall include replacement of dead, diseased, or missing plant
9 material within ninety (90) days; maintenance of required opacity standards per Sec. 10-32;
10 maintenance of irrigation systems in working order; and prohibition of encroachment, clearing, or
11 fill within designated preservation areas.

12 (c) Hernando County shall be named as an intended third-party beneficiary of the
13 covenant with independent standing to enforce its terms.

14 (d) The Association may levy special assessments for landscape maintenance and
15 replacement costs, and this authority shall survive any amendment to the Association's governing
16 documents.

17 (2) Required Plat Notes. The following notes shall appear on all final plats for
18 subdivisions subject to this section:
19

1 NOTE 1: Common landscape areas, buffers, and preservation tracts shown hereon
2 shall be maintained in perpetuity by the Homeowners Association in accordance with
3 the approved landscape plan on file with Hernando County Development Services
4 (File No. ____). Hernando County is an intended third-party beneficiary with
5 independent enforcement authority.

6 NOTE 2: Tree Preservation Areas shown hereon are subject to a recorded
7 conservation easement (O.R. Book ____, Page ____) prohibiting clearing, grading,
8 filling, or disturbance except for removal of hazardous trees per Fla. Stat. § 163.045
9 with prior County notification.

10 NOTE 3: Landscape buffers shown hereon shall be maintained to the opacity
11 standards of Hernando County Code Sec. 10-32. Failure to maintain required opacity
12 is a code violation enforceable against the Association and individual lot owners.

13 (3) Dissolution or Inoperability of Association.

14 (a) Successor Obligation. Upon dissolution of a homeowner's association or
15 community development district responsible for maintenance of required landscape areas, the
16 maintenance obligation transfers to and becomes the joint obligation of all lot owners within the
17 subdivision, as recorded in the plat covenant.

18 (b) County Authority. If the County determines that required landscape areas
19 have not been maintained for a period exceeding one hundred eighty (180) days following
20 Association dissolution or demonstrated inoperability, the County may:

1 (i) Perform necessary maintenance and place a lien on each lot for a pro
2 rata share of actual costs plus fifteen percent (15%) administrative overhead, enforceable in the same
3 manner as a code enforcement lien under Fla. Stat. § 162.09;

4 (ii) Require lot owners to form a successor maintenance entity within one
5 hundred eighty (180) days; or,

6 (iii) Accept dedication of landscape areas as public maintenance
7 responsibility (at the County's sole discretion), subject to the lot owners funding a maintenance
8 endowment.

9 (c) Endowment Amount. If the County accepts dedication under subsection (b)(3), the
10 endowment shall be calculated at a rate sufficient to fund annual maintenance costs for twenty (20)
11 years, based on the County's current landscape maintenance cost estimate.

12 (d) Survival. The plat covenant obligations shall survive Association dissolution and are
13 individually enforceable against lot owners through code enforcement proceedings under Sec.
14 10-67(4).

15 **DIVISION 3. LANDSCAPE BUFFERS AND SCREENING**

16 **Sec. 10-30. General Buffer Requirements**

17 (1) Baseline Buffer (Current Standard). Unless otherwise indicated, a Landscape buffer
18 shall be at least five (5) feet in width. Buffer requirements are forty (40) plants per area of land five
19 (5) feet in width by one hundred (100) feet in length.

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

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

4 (4) Opacity. Opacity shall be measured as the percentage of the vertical plane that is
5 obstructed by plant material, fencing, berms, walls, or a combination thereof. The required opacity
6 shall be achieved:

7 (a) At the time of installation, or

8 (b) Within three (3) years of installation, if plant materials are used, and,

9 (c) Maintained year-round thereafter.

10 (5) Where plant materials are used to meet the opacity requirement, species selection,
11 spacing, and arrangement shall be designed to achieve the required opacity at maturity. Deciduous
12 plant materials alone shall not be considered sufficient to meet year-round opacity requirements. The
13 following visual opacity requirements shall apply:

14 (a) 50% opacity (Semi-Transparent): You can clearly see shapes and movement
15 through it.

16 (b) 80% opacity (Semi-Opaque): You might see vague shadows but not clear
17 details.

18 (c) 100% opacity (Opaque): Solid wall; nothing visible.

19 (6) Preservation Credit. Existing native vegetation preserved in place may count toward
20 required plantings if it provides equal or greater opacity. Preserved natural vegetation that meets

opacity requirements of at least eighty percent (80%) to a minimum height of five (5) feet satisfies buffer requirements.

(7) Fences and Walls in Buffers. If a fence or wall is used as part of the buffer, it shall be visually dominated by greenery and attain fifty percent (50%) opacity/coverage within twelve (12) months of planting. Wooden fences shall not be used as the sole screening element in required buffers.

(8) Vehicle Protection. Landscape buffers shall be protected from vehicle tires by appropriately placed wheel stops or an approved alternative.

Sec. 10-31. Buffer Requirements by Location

(1) Street Right-of-Way. A Landscape buffer at least five (5) feet in width shall abut the street right-of-way for at least half of the street frontage. If using installed plantings, the buffer shall include a hedge of shrubs with minimum height of eighteen (18) inches at planting, spaced to attain eighty percent (80%) opacity within twelve (12) months.

(2) Parking Lot Perimeter. A Landscape buffer at least five (5) feet in width shall abut the perimeter of parking lots/pavements not adjacent to street right-of-way or buildings. If installed planting areas are used, the buffer shall include plants with a minimum height of eighteen (18) inches at time of planting.

(3) Residential Adjacency. A Landscape buffer at least five (5) feet in width and six (6) feet in height shall abut neighboring single-family residential lots, two-family residential lots, and mobile home lots. If using a fence or wall, it shall be visually dominated by greenery on the residential side and attain fifty percent (50%) opacity within twelve (12) months.

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

4 (5) Shoreline Considerations. Grading and design of property adjacent to bodies of water
5 shall conform to federal, state, and local regulations. No grass that requires mowing shall be allowed
6 within six (6) feet of the water's edge, except where seawalls and bulkheads exist or where needed
7 for erosion control. Riparian or littoral zone plants that do not require mowing or fertilization should
8 be planted in these areas.

9 (6) Arterial Roadway Buffer. As part of any new development authorization on a parcel
10 of land that has a minimum 200 feet along the frontage and is two (2) acres or greater, a minimum
11 twenty (20) foot wide Landscape buffer shall be required with respect to any property line adjacent
12 to the right-of-way of any arterial roadway.

13 (7) Use Adjacency Matrix. Upon adoption by the Board of enhanced perimeter buffer
14 type classifications, the required perimeter buffer type between adjacent land uses shall be
15 determined by the following matrix. Until adoption, the baseline perimeter buffer standards of
16 subparts (1) through (6) supra, apply.

Proposed Use	Adj. SF Res.	Adj. MF Res.	Adj. Office	Adj. Comm.	Adj. Indust.	Adj. Ag/Rural
SF Residential	-	A	B	B	n/a	A
MF Residential	B	-	A	B	n/a	B
Office/Prof.	C	B	-	A	n/a	B
Comm.	C	C	B	-	n/a	C
(Neighborhood)	C	C	B	-	n/a	C
Comm. (General)	D	C	C	B	n/a	D
Industrial (Light)	F	D	C	C	C	D
Industrial (Heavy)	F	E	D	D	D	E
Institutional	C	B	A	A	n/a	B
Agriculture	A	A	B	C	D	-

Table 4.

n/a = no buffer required between the proposed use and adjacent industrial because the industrial use's buffer obligation governs.

Sec. 10-32. Opacity Standards and Enhanced Perimeter Buffer Types

(1) Opacity Defined. Opacity is the percentage of visual obstruction provided by the combined effect of plant material, berms, walls, and fencing within a required perimeter buffer, measured at a height of six (6) feet above finished grade from a point five (5) feet inside the buffer boundary on the less intensive use side.

(2) Required Opacity by Perimeter Buffer Type. The following opacity standards shall apply to perimeter buffer types upon adoption of the enhanced perimeter buffer type classifications:

(a) Perimeter Buffer Types A and B: 60% opacity at installation; 80% within twelve (12) months.

(b) Perimeter Buffer Types C and D: 70% opacity at installation; 85% within two (2) years.

(c) Perimeter Buffer Types E and F: 80% opacity at installation; 95% within two (2) years.

(d) Perimeter Buffer Type G: 80% opacity at installation; 95% within one (1) year.

(3) Measurement Protocol. Opacity shall be measured during the leaf-on season (April 1 through October 31) using the line-of-sight method at three (3) evenly spaced measurement points along each 100 linear feet of buffer.

(4) Year-Round Compliance. A minimum of sixty percent (60%) of required plant material in Perimeter buffer types A through D, and seventy percent (70%) in Perimeter buffer types E through G, shall consist of evergreen species. Deciduous species may supplement but not substitute for the evergreen screening requirement.

(5) Alternative Compliance. Where site constraints prevent achievement of required opacity through plantings alone, a six-foot opaque fence or wall combined with plantings achieving fifty percent (50%) of the required opacity shall constitute compliance, subject to Administrative Official approval under Sec. 10-65.

DIVISION 4. STREET AND BOULEVARD TREES

Sec. 10-40. Purpose and Applicability

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

(2) Applicability. These standards apply to all developments requiring site plans, construction drawing, subdivision, or PDP approval where a site fronts a public or private street. Street trees are in addition to interior landscaping and Landscape buffer requirements.

(3) Treed Roadway Requirement. New single family and multi-family residential development of more than twenty (20) units shall provide at least one treed roadway/access way for motor vehicles extending through the length or width of the development, whichever dimension is greater, which roadway shall provide a Landscape buffer a minimum of ten (10) feet in width with at least one tree for every thirty (30) linear feet on both sides of the roadway.

Sec. 10-41. Location and Spacing

(1) Spacing by Canopy Class. Street tree spacing (center-to-center) shall be based on mature canopy class:

- (a) Large canopy (45 ft+ spread): 40-50 ft spacing;
- (b) Medium canopy (30-44 ft spread): 30-40 ft spacing;
- (c) Small canopy (29 ft or less spread, or utility-compatible): 20-30 ft spacing.

(2) Offset from Curb. Minimum offset from curb/edge of pavement to trunk centerline:

- (a) Local/collector streets: 4 ft minimum;
- (b) Arterials or posted 40+ mph: 6 ft minimum or per FDOT clear zone requirements if greater;
- (c) Where sidewalk is present: center tree within planting strip unless tree well

is used.

(3) Clearances. Minimum horizontal distances at planting:

- (a) Driveway aprons: 10 ft;
 - (b) Intersections (near side of crosswalk curb return): 30 ft;
 - (c) Fire hydrants/standpipes: 10 ft;
 - (d) Streetlights/traffic signals: 15 ft;
 - (e) Overhead primary lines: use small/utility-compatible trees only.
- (4) Sight Triangles. Trees must not obstruct sight visibility within required triangles; high-canopy pruning may be used once caliper permits, consistent with ANSI A300.

Sec. 10-42. Species Selection

- (1) Species Requirements. Use Florida-Friendly and non-invasive species suited to site hydrology and soils. Species listed in Sec. 10-63 (Prohibited Plant Species) shall not be used.
- (2) Diversity Requirements. Special care should be taken to avoid monoculture plantings, in order to guard against disease susceptibility. No single species shall exceed one-third (1/3) of required street trees when ten (10) or more trees are required.
- (3) Utility Conflicts. Where overhead utilities exist, select small/utility-compatible species.

Sec. 10-43. Planting Standards

- (1) Grade Requirements. Trees shall meet Florida No. 1 grade or better (ANSI Z60.1).
- (2) Installation. Install per ANSI A300: set root flare at grade; remove all containers/wire from top 1/3 of B&B; mulch 2-3" depth, clear of trunk.
- (3) Minimum Planting Area. Each canopy tree shall have a minimum of 100 square feet of pervious soil area available for root growth, consistent with Hernando County practice.

1 **Sec. 10-44. Street Tree Maintenance and Replacement**

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

4 (2) Replacement. Dead, diseased, or removed street trees shall be replaced within ninety
5 (90) days with equal caliper (up to 4") or equivalent canopy units.

6 **DIVISION 5. ADMINISTRATION AND ENFORCEMENT**

7 **Sec. 10-60. Land Clearing Permits and Administrative Authority**

8 (1) Administrative Authority.

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

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

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

20 (2) Permit Required. Clearing the land without a Land Clearing Permit shall be
21 unlawful,.

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

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

(b) For new subdivisions: A Land Clearing Plan;

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

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

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

(6) Abandoned Project Bond. As a condition of receiving a Land Clearing Permit for a commercial project or subdivision, the applicant shall post a bond or other surety to ensure the site is re-vegetated if the construction project is abandoned. The bond shall cover the cost of reestablishing ground cover and trees at a density of fifteen (15) per acre. This bond is separate from the landscape performance bond required under Sec. 10-28; the abandoned project bond shall be released upon commencement of vertical construction.

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

Sec. 10-61. Landscape Design Plan Requirements

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

(2) Plan Scale. The plan shall be drawn to scale, normally not less than one inch equals thirty (30) feet.

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

- (a) Plant materials lists by common and botanical name, including cultivar, and location;
- (b) Use or zoning classification of adjacent properties;
- (c) Tabulation of gross acreage, impervious surface area, green space area, trees preserved, buffer requirements, water use plan, and mulch depth;
- (d) Tree Survey overlaid with Grading Plan;
- (e) Tree Preservation Area boundaries and maintenance notes;
- (f) Irrigation system design and water use zones;
- (g) Existing plant communities, including any vegetation listed as invasive.

Sec. 10-62. Irrigation Requirements

- (1) Automatic Irrigation Required. For commercial projects, an automatic irrigation system is required.
- (2) Water Use Zone Limits. No more than fifty percent (50%) of landscaping shall be in the High Water-Use-Zone.
- (3) Separate Irrigation. Turf grass shall be irrigated separately from other landscaping.
- (4) Low-Volume Emitters. Drip, micro-spray, or other low-volume emitters are required in non-turf grass areas outside the High-Water Use Zone.
- (5) Moisture Sensor. An operational soil moisture sensor or rain sensor shut-off device shall be installed and appropriately located away from eaves and drip-lines.
- (6) SWFWMD Compliance. All irrigation systems shall comply with Southwest Florida Water Management District watering restrictions.

Sec. 10-63. Prohibited Plant Species

(1) Prohibition. The following invasive-exotic plant species shall not be used for installed plantings and shall be removed from development sites prior to the issuance of the certificate of occupancy:

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

(2) Re-growth Control. The re-growth of prohibited invasive plants shall be controlled in perpetuity.

Sec. 10-64. Tree Mitigation Fund

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

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

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

8 **Sec. 10-65. Alternative Compliance**

9 (1) Authority. When strict compliance with this Article would result in practical
10 difficulty or undue hardship, or when an alternative design would achieve the purposes of this
11 Article equally or more effectively, the Administrative Official may approve alternative compliance.

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

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

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

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

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

21 **Sec. 10-66. Administrative Deviations**

- 1 (1) Scope. The Administrative Official may grant administrative deviations of up to:
- 2 (a) Ten percent (10%) reduction in required buffer width;
- 3 (b) Ten percent (10%) reduction in required number of plantings;
- 4 (c) Substitution of comparable species when specified species are unavailable,
- 5 provided the substitute species provides equivalent canopy spread and growth rate;
- 6 (d) Relocation of required plantings within the same site to address utility
- 7 conflicts, sight triangle requirements, or drainage constraints;
- 8 (e) Alternative fence or wall materials when equivalent screening effectiveness
- 9 is demonstrated.
- 10 (2) The Administrative Official shall grant a deviation only upon finding that:
- 11 (a) The deviation is the minimum necessary to address a documented site
- 12 constraint;
- 13 (b) The deviation does not reduce screening effectiveness below the intent of the
- 14 applicable buffer type or opacity standard;
- 15 (c) The deviation does not adversely affect adjacent properties; and,
- 16 (d) The deviation is consistent with the purpose and intent of this Chapter.
- 17 (3) Documentation. Deviations shall be documented in writing, stating the findings under
- 18 subpart (2) supra, and maintained in the project file.
- 19 (4) Exclusions. The Administrative Official may not grant deviations to:
- 20 (a) Tree preservation or mitigation requirements;
- 21 (b) Specimen Tree or Majestic Tree protections;

1 (c) Conservation easement requirements; or

2 (d) Agricultural buffer requirements under the Right to Farm Act exemption.

3 (5) An aggrieved party may appeal the Administrative Official's decision on an
4 administrative deviation to the Planning and Zoning Commission. Said appellate procedure shall be
5 in accordance with Hernando County Code, Appendix A.

6 **Sec. 10-67. Enforcement**

7 (1) Any violation of this Article may be prosecuted as described in Hernando County
8 Code Chapter 2, Article III, Code Enforcement, as it may be amended. Notwithstanding the
9 foregoing, nothing contained in this article shall be deemed to prohibit the County from seeking
10 enforcement by any other means provided by law, including, but not limited to, filing an action for
11 declaratory and injunctive relief in a court of competent jurisdiction.

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

13 (3) For the purposes of Hernando County Code § 2-49, any violation of this Article that
14 results in the destruction of a protected tree shall be considered to be irreparable or irreversible in
15 nature.

16 (4) The removal of protected trees without first having received the required approvals
17 shall result in the imposition of mitigation requirements to be calculated at two times (2x) the
18 replacement count in Table 2, consistent with Hernando County practice.

19 (5) The Administrative Official has authority to issue Stop Work Orders for violations
20 of tree protection requirements during construction. Stop-work is mandatory for unauthorized

1 removal of Specimen or Majestic Trees and for full buffer destruction. Stop work remains in effect
2 until a restoration plan is approved by the Administrative Official.

3 (6) The Administrative Official shall make such inspections as necessary to carry out the
4 purposes of this article and initiate appropriate action for noncompliance.

5 (7) The following words, terms and phrases, when used in this Section shall have the
6 following meanings ascribed to them:

7 (a) Unauthorized Tree Removal means the removal, destruction, or effective
8 destruction (including, but not limited to, girdling, root severance within the CRZ, and poisoning)
9 of a Protected, Specimen, or Majestic Tree either without an approved tree removal permit or outside
10 of the scope of an approved development permit.

11 (b) Buffer Disturbance means any clearing, grading, filling, encroachment, or
12 structural placement within a required landscape buffer, preservation area, or conservation easement
13 without first obtaining prior written approval from the Administrative Official.

14 (c) After-the-Fact Application means an application submitted after an
15 unauthorized tree removal or buffer disturbance has occurred, subject to enhanced fees pursuant to
16 this Article.

17 (8) Violation-Specific Penalties. In addition to the foregoing penalties, violation-specific
18 penalties shall be applied as set forth on the following table:

Violation	Mitigation Requirement	After-the-Fact Fee	Additional Action
Unauthorized removal: Protected Tree (5"-17" DBH)	Replacement per Table 2 at 1.5x standard count	2x application fee (Section 10-67(4))	Replacement within 120 days
Unauthorized removal: Specimen Tree (18"+ DBH)	Individualized assessment at up to 2x standard guideline (not to exceed 3:1)	2x application fee	Stop-work on all site permits
Unauthorized removal: Majestic Tree	Individualized assessment at up to 2x standard; mandatory fee-in-lieu into Mitigation Fund (Sec. 10-64)	3x application fee	Stop work; referral to Code Enforcement Magistrate
Buffer encroachment (partial, <50% of width)	Restore to approved plan within 90 days	2x application fee	No CO until restored
Buffer destruction (>50% of width or full clearing)	Re-install at 1.5x original planting density	3x application fee	Stop-work; restoration bond required
Preservation area disturbance	Restoration plan by certified arborist; 2:1 replacement minimum	3x application fee	Separate conservation easement enforcement action

Table 5.

ARTICLE III. FENCE CODE

Sec. 10-80. Permit Required Prior to Construction

(1) All zoning districts except Agricultural, Agricultural-Residential, and Mining require a Zoning fence permit prior to installation of fences exceeding four (4) feet in height.

(2) Application. Applications for fence permits shall be submitted to the Development Services Department.

Sec. 10-81. Standards

(1) Conformity to Construction Code. All construction shall conform to the Hernando County Construction Code and applicable provisions of the Florida Building Code.

(2) Material and Workmanship. All construction shall be of acceptable and durable materials customarily used or marketed for fencing. Materials shall either be new or in new condition. All construction shall be installed with good workmanship. The posts of each fence shall be resistant to decay, corrosion, or termite infestation.

1 (3) Maintenance. All fences and walls shall be maintained in a safe and sound manner.

2 (4) Height - Residential. The height of any fence or wall in front yards within any
3 residential district shall not exceed four (4) feet. The height of any fence or wall in side and rear
4 yards within any residential district shall not exceed eight (8) feet.

5 (5) Fences Adjacent to Open Space. Fences in the rear yard which are adjacent to
6 waterfront areas, golf courses, common areas, or similar open space areas shall have a maximum
7 height of four (4) feet. These fences shall be chain link, split-rail, picket, or similar construction such
8 that at least twenty-five percent (25%) of the fence area is open and unobstructed when viewed at
9 a right angle to the fence line.

10 (6) Front Yard Requirements. Fences in the front yard shall be chain link, split-rail,
11 picket, or similar construction such that at least twenty-five percent (25%) of the fence area is open
12 and unobstructed when viewed at a right angle to the fence line. On corner lots, for fence installation
13 standards, one yard shall be deemed the front yard, determined by the front entrance of the principal
14 building location. The secondary yard shall maintain a nine-foot setback for fences over four (4) feet
15 in height and exceeding seventy-five percent (75%) opacity.

16 (7) Stockade Fences. Stockade fences shall be installed with the rails to the enclosed
17 areas. The smooth side shall face rights-of-way or adjoining properties.

18 (8) Pool Barriers. Pool barriers shall comply with the Florida Building Code, including
19 minimum height of forty-eight (48) inches and self-closing, self-latching gates.

1 **Sec. 10-82. Prohibitions**

2 (1) Clear-Sight Triangle. No fence or wall over two (2) feet in height that blocks any
3 driver's view shall be permitted within the clear-sight triangle of a driveway or street intersection.
4 Clear-sight triangle dimensions shall be twenty (20) feet along each property line from the point of
5 intersection. Any existing nonconforming fence or wall lying within the clear-sight triangle that
6 blocks any driver's view must be removed or altered. Removal of such fences is the responsibility
7 of the property owner at the owner's expense.

8 (2) Hazardous Materials. Fences and walls containing hazardous materials, broken glass,
9 spikes, nails, barbs, or any materials which can inflict pain or injury to any person or animal are
10 prohibited. Electrified fences are prohibited in residential districts.

11 (3) Drainage. No fence or wall shall be constructed in a manner that impedes drainage
12 flow; however, fences may be constructed within utility easements. A fence owner is responsible
13 for ensuring that access is available through the utility easement when access is required.

14 **Sec. 10-83. Enforcement**

15 Any violation of this Article may be prosecuted as described in Hernando County Code
16 Chapter 2, Article III, Code Enforcement, as it may be amended. Notwithstanding the foregoing,
17 nothing contained in this article shall be deemed to prohibit the County from seeking enforcement
18 by any other means provided by law, including, but not limited to, filing an action for declaratory
19 and injunctive relief in a court of competent jurisdiction.