

ORDINANCE NO.: 2019 -__

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
9 by the International Society of Arboriculture or a Florida licensed landscape
10 architect 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
15 is defined in Hernando County Code, Appendix A, Article IV, § 2, as that
16 provision 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,
19 Fla. Stat. §§ 403.9321-403.933, and any regulations adopted thereto, shall
20 govern the pruning, trimming, and removal of mangrove trees.

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

23-165. - Exceptions.

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

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

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

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

(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
6 be 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.

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 in Regular Session this _____ day of _____ 2019.

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

Attest: _____
DOUGLAS CHORVAT, JR.
Clerk

By: _____
JEFF HOLCOMB
Chairman

Approved for Form and Legal Sufficiency



Deputy County Attorney