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Alachua County
Board of County Commissioners

ORDINANCE 2021-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA AMENDING THE ALACHUA COUNTY CODE PART II, ADMINISTRATIVE CODE, TITLE 7 HEALTH AND SAFETY, CREATING CHAPTER 78 TITLED COUNTYWIDE NATURAL RESOURCES PROTECTION CODE; ESTABLISHING ADMINISTRATIVE PROCEDURES FOR COUNTYWIDE PROTECTION OF CERTAIN NATURAL RESOURCES; ESTABLISHING ARTICLE I SIGNIFICANT HABITAT AND LISTED SPECIES HABITAT PROTECTION STANDARDS; ESTABLISHING ARTICLE II STRATEGIC ECOSYSTEMS PROTECTION STANDARDS; ESTABLISHING ARTICLE III SIGNIFICANT GEOLOGIC FEATURES PROTECTION STANDARDS; ESTABLISHING COUNTYWIDE STANDARDS FOR THE PROTECTION OF CERTAIN NATURAL RESOURCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR MODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 1(g), Florida Constitution, provides that Charter Counties have all powers of local self-government not inconsistent with general law; and,

WHEREAS, through the approval of the Alachua County Charter Amendment, on November 3, 2020, the voters of Alachua County, Florida elected to give the Board of County Commissioners of Alachua County, Florida the authority to establish countywide standards for protecting natural resources; and

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to adopt ordinances to provide standards that provide for the health, safety, and welfare of the citizens of Alachua County; and

WHEREAS, protecting native habitats and ecosystems supports native plant and animal species, sustains clean air, water, fisheries, and other natural resources, and maintains the scenic natural beauty that draws people to visit and settle in Alachua County; and

WHEREAS, our natural resources are vital to maintenance of water quality, diversity of aquatic and terrestrial flora and fauna, recreational opportunities, and to the quality of life in Alachua County; and

WHEREAS, adoption of more specific countywide criteria for protecting natural resources will better serve the interests of public health, safety, and welfare by protecting our upland natural resources and water supply throughout Alachua County; and

WHEREAS, protection of Florida's water supplies and resources is better accomplished by preserving our existing natural habitats and protecting our sensitive geologic features that are conduits to our ground water resources; and

WHEREAS, it is the desire of the Alachua County Board of County Commissioners to reduce nutrient pollution within Alachua County by protecting and buffering significant geologic features; and,

1 WHEREAS, habitat protection is critical for maintaining wildlife corridors and the
2 survival of the Florida Ecological Greenways Network; and

3 WHEREAS, an important benefit that our natural resources and areas provide is their
4 capacity to recharge our aquifer and improve water quality by functioning as filtering systems,
5 removing sediment, nutrients and pollutants from water, recharging ground water, and reducing
6 impacts from flooding events.

7 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
8 **ALACHUA COUNTY, FLORIDA:**

9 SECTION 1. The Board of County Commissioners finds and declares that all statements
10 in the preamble of the ordinance are true and correct.

11 SECTION 2. Chapter 78 of the Alachua County Code is created to read:

12 **CHAPTER 78. - COUNTYWIDE NATURAL RESOURCES PROTECTION CODE**

13 **Sec. 78.01. - Title of chapter.**

14 This chapter shall be known and cited as the "Countywide Natural Resources Protection
15 Code."

16 **Sec. 78.02. - Purpose and intent.**

17 (a) The purpose of this chapter is the protection of significant habitat, listed species habitat,
18 strategic ecosystems or significant geologic features throughout Alachua County. For
19 the purposes of this chapter, these resources shall be together referred to as
20 "Countywide Natural Resources."

21 (b) It is the intent of the regulations in this chapter that they be liberally construed so as to
22 effectively carry out this purpose in the interest of the public health, safety and welfare.
23 If the provisions of these regulations conflict with other Alachua County ordinances or
24 regulations, the more stringent limitations or regulations shall govern or prevail to the
25 extent of the conflict.

26 **Sec. 78.03. - Definitions.**

27 Alteration: Means any dredging, filling, excavation, construction of new structures,
28 expansion of existing structures, installation of utilities, roads, personal wireless service
29 facilities, stormwater management systems, septic tanks, bulkheading, land clearing, tree
30 cutting, mechanized vegetation removal and the disposal of solid or liquid waste.

31 Countywide Natural Resources: For the purposes of this chapter, this term refers to the four
32 upland resources protected under this chapter: significant habitat, listed species habitat,
33 strategic ecosystems and significant geologic features.

34 Ecological Integrity: The condition of an ecosystem having the biotic communities and
35 physical environment with structure, composition, and natural processes that is resilient, self-
36 sustaining, and able to accommodate stress and change. Its key ecosystem processes, such as
37 nutrient cycles, succession, water levels and flow patterns, and the dynamics of sediment erosion
38 and deposition, are functioning properly within the natural range of variability.

1 Karst areas: Areas where limestone and/or dolostone occur at or near the land surface, and
2 sand overburden, confining clays, or other confining cover material is absent or discontinuous
3 and where karst is the dominant landform.

4 Listed species: Those species of plants and animals listed as endangered, threatened, rare, or
5 species of special concern by an official state or federal plant or wildlife agency, or the Florida
6 Natural Areas Inventory (FNAI, includes species ranked as S1, S2, or S3). These species are
7 targeted for protection for a number of reasons, e.g. they are in imminent danger of extinction,
8 are rapidly declining in number or habitat, or have an inherent vulnerability to habitat
9 modification, environmental alteration, or human disturbance which puts them at risk of
10 extinction.

11 Management Plan: A plan which addresses conservation and management of native
12 vegetation occurring within a specific area, as approved by the landowner or applicant on
13 behalf of the landowner, the Alachua County Environmental Protection Department, the
14 Florida Department of Environmental Protection or other public entity with maintenance
15 responsibility for the adjacent preservation lands, and the Florida Fish and Wildlife
16 Conservation Commission in cases where listed species are present or affected.

17 Outstanding Florida Springs Priority Focus Areas (PFAs): Those areas identified in the
18 Alachua County Comprehensive Plan, Conservation and Open Space Element (COSE) Map 6
19 titled "Devil's, Hornsby, and Poe Springs Conceptual Priority Focus Areas (PFA)," which is
20 adopted and made part of this chapter by reference.

21 Planning parcel: The parcels included within the entire contiguous land area under common
22 ownership or control as of January 1, 2021, even if the proposal or application includes only a
23 portion of such lands.

24 Significant adverse impact (upon a natural resource): Direct contamination, alteration, or
25 destruction, or that which contributes to the contamination, alteration, or destruction of a natural
26 resource, or portion thereof, to the degree that its environmental benefits are or will be
27 eliminated, reduced or impaired, such that the activity will cause long term negative impacts on
28 the natural resource.

29 Significant geologic features: Geologic features such as sinkholes, springs, caves, stream
30 bluffs, escarpments, outcroppings, and other karst features.

31 Significant habitat: Contiguous stands of natural upland plant communities which have been
32 documented to support, and which have the potential to maintain, healthy and diverse
33 populations of plants or wildlife.

34 Sinkhole: A landform created by subsidence of soil, sediment or rock as underlying strata
35 are dissolved by ground water. Sinkholes may be directly or indirectly connected to the aquifer
36 or disconnected by the presence of a confining layer of soil (clay) or rock that no longer allows
37 water to permeate below this layer. The latter may be expressed as a relic sinkhole or lake,
38 depression in the land surface, or loose soils in the subsurface.

39 Solution pipe: A naturally occurring vertical cylindrical hole attributable to dissolution,
40 often without surface expression and much narrower circumference than a sinkhole.

41 Strategic ecosystems: Sites that are identified in the KBN/Golder Associates report, "Alachua
42 County Ecological Inventory Project" (1996), as depicted in Alachua County Comprehensive

1 Plan Conservation and Open Space Element (COSE) Map 4 which is adopted and made part of
2 this chapter by reference.

3 *Swallet or swallow hole:* A place where water disappears underground in a limestone fissure
4 or opening at or near the surface. A swallow hole generally implies water loss in a closed
5 depression or sinkhole, whereas a swallet may refer to water loss from a disappearing stream
6 or streambed, even though there may be no depression.

7 **Sec. 78.04. - Applicability.**

8 Pursuant to Section 1.4 of the County Charter, the requirements of this chapter are applicable
9 countywide, including to all persons within incorporated and unincorporated Alachua County.

10 **Sec. 78.05. - Exemptions.**

11 The following activities shall be exempt from the requirements of this chapter:

- 12 (a) *Bona-fide agriculture/silviculture activities.* Agriculture and silviculture farming
13 operations that are not part of a development application and that meet the provisions
14 and criteria pursuant to F.S. Chapter 163.3162, the Agricultural Lands and Practices
15 Act, or F.S. 823.14(6), the Right to Farm Act.
- 16 (b) *Removal of invasive vegetation.* Projects for which a plan has been approved by a federal,
17 state, or local agency or water management district for the removal of undesirable
18 invasive or non-native vegetation on lands owned, controlled, or managed for
19 conservation purposes, excluding vegetation in surface waters and wetlands, which are
20 separately regulated under Chapter 77, Article II of this Code.
- 21 (c) *Parks and recreation.* Alteration of vegetation pursuant to an adopted management plan
22 for government-maintained parks, recreation areas, wildlife management areas,
23 conservation areas and preserves.
- 24 (d) *Activities authorized by County approved management plan.* Activities consistent with a
25 management plan adopted by, or reviewed and approved by Alachua County, provided
26 that the activity furthers the natural values and functions of the ecological communities
27 present, such as clearing firebreaks for prescribed burns or construction of fences.
- 28 (e) *Existing utility and road right-of-way.* Alteration of vegetation within 30-feet of an
29 existing facility (measured 15 feet from the centerline), where the vegetation is
30 interfering with operation of the utility or access to the utility for operation and
31 maintenance activities, or alteration of vegetation within an existing road right-of-way for
32 normal maintenance activities. Alteration associated with new construction, or with the
33 acquisition of easements or right-of-way, is not an exempt activity.
- 34 (f) *Operation and Maintenance.* Operation and maintenance of existing facilities involving
35 existing water, wastewater, reclaimed water utilities, roadways, bridges, stormwater
36 infrastructure and other public buildings and facilities. Operation and maintenance
37 activities include servicing, cleanout or repair of existing infrastructure, minor
38 alterations or replacement and upsizing of existing infrastructure with similar service
39 capacity and location, which do not expand the existing corridor of the previously
40 existing item. Public projects complying with this exemption do not need to submit a
41 self-certification form.

1 (g) Fencing and firebreaks. The minimal removal of trees or understory necessary to install a
2 fence or wall, or to establish a fire break, provided that no municipal regulated tree is
3 removed, the path cleared for the fence, wall or firebreak does not exceed ten feet in
4 width, no equipment heavier than a one-ton pick-up truck is used, hand-held outdoor
5 power equipment or a standard farm tractor is used in clearing for the fence or installing
6 the fence, no dredge or fill activity is required other than the installation of posts and
7 fence materials, and navigational access will not be impaired by the fence construction.
8 Notwithstanding the above, the installation of farm fencing is exempt pursuant to F.S. §
9 604.50. Vegetation management consistent with firewise standards and firebreaks in
10 excess of 10 feet in width may be allowed based on fuel conditions and recommendations
11 by Florida Forest Service.

12 (h) Survey or other test required. The necessary removal of vegetation by, or at the direction
13 of, a State of Florida licensed professional surveyor and mapper, professional geologist,
14 or professional engineer to conduct a survey or other required test, provided that no
15 municipal regulated tree is removed and the path cleared does not exceed five feet in
16 width.

17 (i) De minimus impact. Any alteration activity for which the Alachua County Environmental
18 Protection Department determines, in writing, that there will be no significant adverse
19 impacts based on a professional review of the proposal. This may include, but is not
20 limited to, applications involving previously developed sites or small expansions at
21 existing developed sites.

22 (j) Parcels less than 2 acres. Alteration activities on planning parcels less than two acres in
23 size are exempt from the onsite set aside protection requirements of significant habitat,
24 listed species habitat and strategic ecosystem. All activities shall comply with applicable
25 state and federal laws, regulations, performance standards, and management guidelines
26 related to listed species. This exemption does not apply to significant geologic features.

27 (k) Certain sinkholes. Newly formed sinkholes or chimneys may be filled, repaired or
28 otherwise stabilized in order to maintain or prevent structural damage to an existing
29 building, facility or utility infrastructure (such as a stormwater basin, reclaimed water
30 basin, parking lot or utility piping).

31 (l) Prior approvals. Projects receiving the following entitlements on or before January 1,
32 2021 and remaining valid on said same date:

33 (1) Development of regional impact development order; or

34 (2) Preliminary development plan or final development plan approval, or equivalent; or

35 (3) Planned (Unit) Development zoning approval with a master plan, or equivalent; or

36 (4) Special exception or special use permit approval with a master plan; or

37 (5) Development order granting construction permits or subdivision approval, or
38 equivalent.

39 **Sec. 78.06. - Application and approval process.**

40 (a) Applications for alterations or development within unincorporated Alachua County or in
41 the County's Growth Management Area, as defined by Section 1.5 of the County

1 Charter, must satisfy all other process and review requirements in the Alachua County
2 Code or Comprehensive Plan.

3 (b) Applications for alterations within municipalities shall submit one of the following:

4 (1) Self-certification form for projects where the applicant can demonstrate that no
5 Countywide Natural Resources occur or exist within their boundary, that the project
6 is in compliance with Articles I, II, and III of this chapter, as applicable, or that the
7 project is exempt under section 78.05 above.

8 (2) Verification request form for applicants requesting verification from the County to
9 determine exemptions under Sec. 78.05 or compliance with Articles I, II, and III of
10 this chapter, as applicable.

11 (3) For projects on properties that include Countywide Natural Resources and do not
12 meet standards listed in Articles I, II, and III of this chapter, as applicable, applicants
13 must submit proposals to the Alachua County Board of County Commissioners
14 (BOCC) for alteration within Countywide Natural Resources. Final BOCC approval
15 must be secured prior to any alteration.

16 (c) A management plan is required for properties containing Countywide Natural Resources if
17 alteration is proposed to the regulated resources. The management plan shall be prepared by
18 person(s) qualified in the appropriate fields of study and shall be conducted according to
19 professionally accepted standards. When required, the management plan shall be submitted
20 for review and approval concurrent with submittal of the application, and shall include the
21 following:

22 (1) Description of goals and objectives based on the type of Countywide Natural Resources
23 to be managed;

24 (2) Description of all proposed uses, including existing and any proposed physical and
25 access improvements;

26 (3) Description of prohibited activities, such as removal of native vegetation in habitat
27 areas;

28 (4) Descriptions of ongoing activities that will be performed to manage, restore, or enhance
29 the unimpacted Countywide Natural Resources. This may include:

30 a. Removal or control of invasive vegetation and debris;

31 b. Replanting with native vegetation as necessary;

32 c. Provision for listed species habitat needs, including restricting, at appropriate times,
33 intrusions into sensitive foraging, breeding, roosting, and nesting areas;

34 d. Fencing or other institutional controls to minimize impact of human activities on
35 wildlife and vegetation, such as predation by pets;

36 e. Prescribed burning, thinning, or comparable activities performed in an
37 environmentally sensitive manner to restore or maintain habitat;

38 f. Cooperative efforts and agreements to help promote or conduct certain management
39 activities, such as cleanups, maintenance, public education, observation,
40 monitoring, and reporting;

- 1 g. Any additional measures determined to be necessary to manage and maintain the
2 functions and values of Countywide Natural Resources;
 - 3 h. Set of schedules, estimated costs, staffing requirements, and assignments of
4 responsibility for specific implementation activities to be performed as part of the
5 management plan, and identification of means by which funding will be provided;
 - 6 i. Performance standards with criteria for assessing goals and objectives;
 - 7 j. Five-year monitoring plan with schedule and responsibility;
 - 8 k. Ownership and party responsible for management activities;
 - 9 l. Provision for changes to be reviewed and approved by the County;
 - 10 m. Contingency plans for corrective measures or change if goals are not met; and
 - 11 n. Provisions for the management plan to be specifically enforceable by the County.
- 12 (5) Revision of an approved management plan. Modifications to an approved management
13 plan that do not result in degradation of the resource(s) present may be allowed, subject
14 to approval by the Alachua County Environmental Protection Department Director or
15 designee.

16 **Sec. 78.07. – Mitigation.**

- 17 (a) Where impacts to Countywide Natural Resources cannot be avoided and mitigation is
18 required by this chapter, resource-based mitigation may be provided on or adjacent to the
19 site or as fee-in-lieu of land. The order in which mitigation will be considered shall be:
 - 20 (1) Onsite restoration or enhancement. An applicant may mitigate for impacts onsite by
21 replanting on or adjacent to the parcel, relocating movable resources from one portion
22 to another portion of the parcel, or other measures to restore the quality, function and
23 value of the resource.
 - 24 (2) Fee-in-lieu of land. As an alternative to the protection of land, the county may allow
25 contribution of a fee-in-lieu-of-land to the environmentally sensitive lands fund, under
26 which the county shall purchase or manage land to protect natural resources in
27 accordance with standards of this chapter. Where fee-in-lieu of land is allowed, the cash
28 payment shall be equivalent to 150 percent of the average per acre-appraised market
29 value, at the time of application, multiplied by the number of acres of regulated natural
30 resource for which mitigation is required, plus estimated total cost of management
31 required to establish the viability of that type of resource.
- 32 (b) A mitigation proposal shall be submitted in conjunction with the application. A
33 management plan shall be required in accordance with Section 78.06(c), and shall include
34 contingency plans for corrective measures or change if goals are not met.
- 35 (c) In the case of a public project for which it is demonstrated that there is no prudent and
36 feasible alternative that avoids adverse impacts to Countywide Natural Resources and
37 onsite restoration or enhancement is not available, the project must incorporate strategies
38 and appropriate design features that enhance habitat connectivity, provide for safe wildlife
39 passage and other significant environmental benefits.

1 **Sec. 78.08. - Enforcement.**

- 2 (a) Violation of any provision of this article shall be subject to penalties as provided in Chapter
3 24, Alachua County Code or any other remedy available at law or equity.
- 4 (b) For the purposes of this chapter, the alteration or removal of any significant habitat, listed
5 species habitat, or strategic ecosystem up to 500 square feet without prior review and
6 approval is a violation unless expressly exempt under this chapter. Alteration or removal of
7 each additional 500 square feet of significant habitat, listed species habitat, or strategic
8 ecosystem or portion thereof in violation of this chapter constitutes a separate and additional
9 violation.
- 10 (c) As an alternative to the restoration of the resources, the county may allow contribution of a
11 fee-in-lieu-of-land to the environmentally sensitive lands fund, under which the county
12 shall purchase or manage land to protect natural resources in accordance with standards of
13 this chapter. Where fee-in-lieu of land is allowed, the cash payment shall be equivalent to
14 two times the average per acre-appraised market value, at the time of application,
15 multiplied by the number of acres for which mitigation is required, plus estimated total cost
16 of management required to establish the viability of that type of resource.
- 17 (d) Any money recovered by the County in an action against any person who has caused
18 impacts to Countywide Natural Resources in violation of this chapter shall be placed in the
19 environmentally sensitive lands fund and used for habitat protection and improvement
20 projects in Alachua County.

21 **Sec. 78.09. - Administration and role of the department.**

22 The Alachua County Environmental Protection Department Director, or designee, is
23 hereby designated as the County officer responsible for the administration and enforcement of
24 this chapter. The department and its designated employees shall have the applicable powers
25 and duties as designated in Chapter 73 of the Alachua County Code of Ordinances.

26 **SECTION 3. Chapter 78, Article I of the Alachua County Code is created to read:**

27 **ARTICLE I. – SIGNIFICANT HABITAT AND LISTED SPECIES HABITAT**
28 **PROTECTION STANDARDS**

29 **Sec. 78.10. - Purpose.**

30 The purpose of this Article is to:

- 31 (a) Limit impacts to natural upland plant communities exhibiting a relatively intact and
32 complete representative plant community and which have the potential to maintain
33 healthy and diverse populations of plants or wildlife; preserve the ecological values and
34 functions of significant plant and wildlife habitats; provide for habitat corridors and
35 minimize habitat fragmentation in order to maintain and enhance the diversity and
36 distribution of plant and animal species which are of aesthetic, ecological, economic,
37 educational, historical, recreational, or scientific value to the County and its citizens.
- 38 (b) Limit impacts to the habitat in Alachua County sufficient to maintain and enhance viable
39 populations of plants and animals that are listed by the U.S. Fish and Wildlife Service,
40 the Florida Fish and Wildlife Conservation Commission, the Florida Department of
41 Agriculture and Consumer Services, and the Florida Natural Areas Inventory because of

1 their status as endangered, threatened, of special concern, or imperiled, to properly
2 manage documented feeding, breeding, nesting or repetitive use areas.

3 **Sec. 78.11. - Required unaltered habitat area.**

4 Applicants shall refer to Section 78.06 for application and approval process requirements.
5 Except as provided herein, no listed species habitat or significant habitat shall be altered. Where
6 a planning parcel is or includes significant habitat or listed species habitat, approval to alter the
7 significant habitat or listed species habitat may be granted upon submittal of a management plan
8 in accordance with Section 78.06(c) demonstrating that at least 25% of the upland portion of a
9 parcel or the entire habitat, whichever is less, will not be altered or impacted in any way, unless
10 other local, state or federal agencies require additional unimpacted area. This provision shall be
11 applied as follows:

- 12 (a) If any significant geologic features and associated buffers, wetland buffers or surface
13 water buffers on the planning parcel are included in the 25 percent calculation, such
14 features and buffers shall be established in accordance with the applicable provisions of
15 this chapter and Chapter 77 and may exceed 25 percent of the upland portion of the
16 parcel.
- 17 (b) If the significant habitat or listed species habitat, in combination with any of the features
18 identified in (a) above, equal less than 25 percent of the planning parcel, the entire
19 significant habitat or listed species habitat shall remain unaltered.
- 20 (c) Where the significant habitat or listed species habitat alone or in combination with the
21 features identified in (a) above are greater than 25 percent of the upland portion of the
22 planning parcel, the applicant is encouraged to maintain the habitat in excess of the 25
23 percent on the planning parcel through creative and flexible approaches.
- 24 (d) Habitat corridors may be required between unaltered habitat areas onsite, and between
25 unaltered habitat areas on and off-site, subject to the 25 percent limitation.

26 **Sec. 78.12. - Identification.**

27 (a) Listed plant and animal species include those species identified in 50 CFR 17.11 and 17.12,
28 Endangered and Threatened Wildlife and Plants, F.A.C. 5B-40.0055, Regulated Plant Index,
29 F.A.C. 68A-27, Rules Relating to Endangered or Threatened Species, and those identified as
30 S1, S2, or S3 by the Florida Natural Areas Inventory (available at www.fnai.org).

31 (b) Significant habitat or listed species habitat shall be identified and delineated by a qualified
32 professional based on consideration and assessment of at least the following factors:

- 33 (1) Quality of native ecosystem.
- 34 (2) Overall quality of biological diversity.
- 35 (3) Wildlife habitat value.
- 36 (4) Presence of listed or uncommon species.
- 37 (5) Grouping, contiguity, compactness of native vegetation.
- 38 (6) Proximity to other natural preserve areas and corridors.
- 39 (7) Impact by prohibited and invasive non-native vegetation.

- 1 (c) A habitat survey shall be required prior to vegetation removal or alteration activity on any
2 portion of a planning parcel where either direct or indirect impact to significant habitat or
3 listed species habitat is known or reasonably likely to occur.
- 4 (d) If the habitat survey identifies the presence of listed species or listed species habitat, or
5 significant habitat, and alteration of the habitat is proposed, the applicant shall submit to the
6 County for review and approval a management plan in accordance with Section 78.06 that
7 ensures management of the habitat with no adverse effect on species survival.
- 8 (e) Where listed species are regulated by the state or federal government, the County shall
9 consult and coordinate with appropriate agencies to streamline the review process. All
10 activities shall comply with applicable state and federal laws, regulations, performance
11 standards, and management guidelines.

12 **Sec. 78.13. - Alteration of planning parcel.**

13 Planning parcels containing significant habitat or listed species habitat shall not be
14 disaggregated, processed in piecemeal fashion, reviewed or altered in any manner that results in
15 lesser natural resources protections than would otherwise be required if all land under common
16 ownership or control were considered as a single proposal. To this end, where alteration of only a
17 part of a planning parcel is proposed, the following shall be required:

- 18 (a) The applicant shall provide documentation identifying all contiguous properties within
19 Alachua County not separated by a public road that are under common ownership or
20 control extending to the more recent of either January 1, 2021, or five years before
21 submittal of the application.
- 22 (b) Where regulated significant habitat or listed species habitat is identified, in order to
23 proceed, the applicant must demonstrate that the proposed project does not result in lesser
24 protection than would otherwise be required if the entire planning parcel were considered
25 as a single proposal.

26 **Sec. 78.14. - Alternatives to the minimum 25 percent unaltered habitat area.**

27 (a) Alternatives to the minimum 25 percent unaltered habitat area may be considered in the
28 following circumstances:

29 (1) Significant habitat:

- 30 a. When physical constraints of the parcel preclude maintenance of the ecological
31 integrity of native vegetation, given considerations as to type and size of alteration,
32 habitat quality, connectivity, adjacent uses, and feasibility of management;
- 33 b. When opportunities exist for long-term management of significant habitat of equal
34 or greater habitat value than would not have otherwise remained unaltered; or
- 35 c. When establishment of conservation management areas within a project would
36 result in small, fragmented areas with limited habitat value compared to available
37 alternatives.

38 (2) Listed species habitat:

- 39 a. When scientific data demonstrates that the unaltered habitat will not be conducive to
40 the long-term health of the listed species or listed species habitat;

- 1 b. When evidence presented by the applicant demonstrates that the unaltered habitat
2 would be prohibitively difficult to manage adequately due to the management
3 requirements of the habitat; or
- 4 c. When unaltered habitat areas would be less than the smallest minimum territorial
5 requirements of identified species individuals, and cannot be connected with other
6 unaltered areas which would result in sufficient territorial requirements.

7 (b) Standards. If the existing significant habitat or listed species habitat area cannot remain
8 unaltered due to one of the circumstances identified in this section, an applicant may pursue
9 one of the following options:

10 (1) The applicant may relocate existing vegetation to another portion of the site or establish
11 a new area of native vegetation on another portion of the site, as part of an approved
12 management plan. Relocation of listed species may be permitted only as a last resort in
13 consultation with the appropriate state or federal agency, provided that the listed
14 individuals are relocated prior to any site alterations, in accordance with an approved
15 plan.

16 (2) The applicant may provide at least one acre of comparable significant habitat or listed
17 species habitat area for every one acre of habitat that would have otherwise been
18 required to remain unaltered by this chapter. The County may consider alternative
19 proposals that result in equal or greater management success of the resource.

20 (3) Alternatives to the 25% unaltered habitat area shall be evaluated by the Alachua County
21 Board of County Commissioners (BOCC) in accordance with the criteria of this Article.
22 Final BOCC approval of the alternative proposal must be secured prior to any
23 alteration.

24 **SECTION 4. Chapter 78, Article II of the Alachua County Code is created to read:**

25 **ARTICLE II. – STRATEGIC ECOSYSTEMS PROTECTION STANDARDS**

26 **Sec. 78.15. – Purpose.**

27 The purpose of this article is to conserve, enhance, and manage the ecological integrity of
28 natural systems in Alachua County that have aesthetic, ecological, economic, educational,
29 historical, recreational, or scientific value due to the interrelationship of one or more landscape,
30 natural community, or species scale characteristics. It is also the purpose of this article to
31 promote connectivity and minimize fragmentation of natural systems, and to maintain wetlands,
32 floodplains, and associated uplands in a broad systems context through resource-based planning,
33 including inter-jurisdictional and inter-agency coordination, across multiple parcels rather than
34 individual parcel planning.

35 **Sec. 78.16. – Required unaltered strategic ecosystem area.**

36 Applicants shall refer to Section 78.06 for application and approval process requirements.
37 Except as provided herein, no strategic ecosystem shall be altered. Where a planning parcel is or
38 includes strategic ecosystem, approval to alter the strategic ecosystem may be granted upon
39 submittal of a management plan in accordance with Section 78.06(c) demonstrating that at least
40 50 percent of the upland portion of a parcel or the entire strategic ecosystem, whichever is

1 less, will remain unaltered because it is or includes strategic ecosystem unless local, state or
2 federal agencies require additional area. This provision shall be applied as follows:

3 (a) Upland areas required to remain unaltered pursuant to regulations for significant geologic
4 features (Chapter 78, Article III) and wetland and surface water buffers (Chapter 77, Article
5 II) shall be counted in the calculation of the 50 percent limitation. However, significant
6 geological features and wetland and surface water buffers shall not be reduced by this
7 limitation.

8 (b) If the strategic ecosystem in combination with any of the features identified in (a) above,
9 equal less than 50 percent of the planning parcel, the entire strategic ecosystem shall remain
10 unaltered and no additional unaltered area shall be required.

11 (d) Where the strategic ecosystem alone or in combination with the features identified in (a)
12 above, is greater than 50 percent of the upland portion of the planning parcel, no more than
13 50 percent of the upland portion of the parcel may be required to remain unaltered.

14 (e) For proposals that comply with all applicable provisions of this article, the strategic
15 ecosystem unaltered area limitations in this section shall constitute full compliance with
16 Countywide Natural Resource regulations addressing avoidance, minimization and
17 mitigation related to the regulated resources.

18 (f) Alternatives to the 50 percent unaltered strategic ecosystem area shall be evaluated by the
19 Alachua County Board of County Commissioners (BOCC) in accordance with the criteria of
20 this Article. Final BOCC approval of the alternative proposal must be secured prior to any
21 alteration.

22 **Sec. 78.17. - Identification.**

23 Strategic ecosystems are identified in the KBN/Golder Associates report, "Alachua County
24 Ecological Inventory Project" (1996), and mapped generally by the KBN/Golder Ecological
25 Inventory Map shown in COSE Map 4, which is adopted and made a part of this chapter by
26 reference. The specific location and extent of regulated strategic ecosystem resources shall be
27 determined through ground-truthing using the KBN/Golder Associates report as a guide to
28 determine the location and extent of the ecological community or communities described,
29 generically, in the KBN/Golder report or of other resources generally consistent with the
30 pertinent site summary in the KBN/Golder report. Variability of community quality shall not be
31 a basis for the delineation, but may be a basis for determining the most appropriate locations for
32 alteration and conservation. The ground-truthing process shall be implemented prior to submittal
33 of a Self-certification or application, in conjunction with the resource assessment. Those areas
34 found not to contain regulated strategic ecosystem resources may be altered provided the
35 ecological integrity of the strategic ecosystem as a whole will be sufficiently protected. The
36 resource assessment shall be prepared by person(s) qualified in the appropriate fields of study,
37 conducted according to professionally accepted standards, and based on data that is considered
38 to be recent with respect to the resource, and shall include:

39 (a) Site-specific identification, mapping, and analysis of Countywide Natural Resources
40 and Wetlands (Chapter 77, Article II) or characteristic present on the site, and
41 background research and analysis with aerial map review and ground-truthing of
42 resources adjacent to the site (same or contiguous tax parcels).

- 1 (b) General analysis of adjacent properties sufficient to provide resource context;
- 2 (c) Ownership and use information, including parcel numbers and acreage, for all land under
- 3 common ownership or control within the strategic ecosystem or contiguous to the
- 4 proposed development site; and;
- 5 (d) All proposed management strategies for the Countywide Natural Resources on the
- 6 planning parcel.

7 **Sec. 78.18. – Evaluation of proposals within strategic ecosystems.**

8 County staff shall evaluate whether a proposed alteration damages or harms the ecological

9 integrity of the strategic ecosystem prior to the alteration occurring. The evaluation shall be

10 made using the information required in Section 78.17 that is based on consideration of natural

11 resource and land use characteristics specific to the system as identified by the KBN/Golder

12 Ecological Inventory Map and through ground-truthing.

13 (a) Evaluation. The evaluation shall include an assessment as to whether the proposal

14 impacts resources within the project area and within the ecosystem as a whole, according

15 to the following:

- 16 (1) Features that define the strategic ecosystem;
- 17 (2) Areas critical for system connectivity;
- 18 (3) Important plant or wildlife habitat areas and characteristics;
- 19 (3) Feasibility of important management strategies, such as prescribed burning; and
- 20 (4) Management of additional resources for all properties under common ownership
- 21 and control within the strategic ecosystem.

22 (b) Equal to or less than 50 percent strategic ecosystem. Where the evaluation shows that

23 the strategic ecosystem comprises no more than 50 percent of the upland portion of the

24 subject property, alteration will be allowed to proceed within those areas outside the

25 strategic ecosystem and other regulated water and natural resources.

26 (c) More than 50 percent strategic ecosystem. Where the evaluation shows that the

27 strategic ecosystem comprises more than 50 percent of the subject property, alteration

28 may be allowed to proceed subject to a management plan for the unaltered strategic

29 ecosystem in accordance with Section 78.06(c).

30 **SECTION 5. Chapter 78, Article III of the Alachua County Code is created to read:**

31 **ARTICLE III.- SIGNIFICANT GEOLOGIC FEATURES PROTECTION STANDARDS**

32 **Sec. 78.19. - Purpose.**

33 The purpose of this section is to promote the public health, safety, and general welfare of the

34 citizens of Alachua County, and to preserve, protect, and improve geologic features which are

35 significant due to the interrelationship of natural resource values, characteristics, and hazards

36 with land capability and suitability. Significant geologic features include but are not limited to:

37 point source features such as sinkholes, caves, and limestone outcrops; lineal features such as

38 lineaments, ridges, escarpments, springs and swallets; and areal features such as steep slopes and

39 springsheds. For the purposes of this section, certain karst features, such as paleo or relic

1 sinkholes, closed landscape depressions, and small solution pipe features on a case-by-case basis
2 may not be considered significant geologic features. Final determination of significance shall be
3 made by the Alachua County Environmental Protection Department Director or designee upon
4 consultation with relevant experts.

5 **Sec. 78.20. – Required Buffers.**

6 Perimeter edge buffering shall be required around significant geologic features in order to
7 maintain natural context, edge vegetation, and structural protection. Buffers for sinkholes shall
8 be measured from the outermost distinct closed contour associated with the feature. Buffers for
9 caves, lineaments, ridges, escarpments, limestone outcrops, springs and swallets shall be
10 determined based on evaluation of the unique characteristics of the particular geologic feature
11 and the contributing watershed. For the following features, absent scientific information which
12 demonstrates that another buffer width is appropriate, the following default buffer widths shall
13 be applied:

14 (a) Sinkholes: an average of 75 feet, but no less than 50 feet.

15 (b) Springs, quarries, karst windows, or other karst features with a direct connection to the
16 Floridan aquifer; significant geologic features located within Outstanding Florida Springs
17 Priority Focus Areas (PFAs); and caves: an average of 150 feet, but no less than 100 feet.

18 (c) All other significant features: no less than 25 feet.

19 (d) In instances where geologic features function as habitats for listed species, the size of the
20 buffer and unaltered area will be commensurate with the character of the habitat and
21 needs of the species.

22 **Section 78.21. – Alternatives to the required buffers and unaltered areas.**

23 Applicants shall refer to Section 78.06 for application and approval process requirements.
24 Except as provided herein, significant geologic features and their buffer shall not be altered.
25 Where a parcel includes significant geologic feature or their buffer, approval to alter the
26 significant geologic feature and/or buffer may be granted by the Alachua County Environmental
27 Protection Department Director or designee under the following scenarios, subject to a
28 management plan in accordance with Section 78.06(c) and Section 78.24:

29 (a) Applicants may request a reduction in buffer width provided the following criteria are
30 addressed:

31 (1) Demonstration that the alteration activity cannot occur in any other feasible location
32 outside of the designated buffer area, or that it is the most appropriate location to
33 limit impacts to other natural resources based on existing site conditions, or, if the
34 lot of record is too small, to accommodate permitted alterations in compliance with
35 the minimum buffer width; and

36 (2) Efforts have been made to minimize disturbance of the buffer; and

37 (3) The alteration activity will not impact the integrity of the feature or cause water
38 quality impacts to the surficial, intermediate or Floridan aquifers.

39 (b) Alternatives to the required buffers and avoidance of impacts to the feature may be
40 considered when physical constraints of the parcel preclude maintenance of the integrity

1 of the resource or when public health and safety are jeopardized. Any alteration activity
2 proposed within or affecting a significant geological feature may require remediation
3 and/or mitigation in accordance with the standards of Section 78.23.

- 4 (c) Applicants requesting buffer encroachments or alternatives that do not meet the standards
5 in (a) or (b) above must submit proposals to the Alachua County Board of County
6 Commissioners (BOCC) for review. Final BOCC approval of the alternative proposal
7 must be secured prior to any alteration.

8 **Sec. 78.22. - Identification**

9 Any alteration activity request shall provide an inventory and assessment of karst features on
10 the project site and off-site within 150 feet of the project boundary. The inventory and
11 assessment shall include analysis and demonstration of the following:

- 12 (a) Where karst features are present, the following minimal information shall be collected
13 and evaluated as part of the inventory and assessment:

- 14 (1) Regional potentiometric surface map of the Florida aquifer using available data or
15 maps;
16 (2) Geologic bulletins and papers specific to the project area;
17 (3) Geotechnical and hydrogeologic reports or studies, such as test borings, ground
18 penetrating radar, electrical resistivity and other tests as applicable;
19 (4) Assessment of sinkhole, cave, lineament, escarpment, solution pipe and other
20 known and potential karst features.

- 21 (b) No untreated stormwater shall be directed into a karst feature. Applicants shall
22 demonstrate that other onsite improvements, such as, but not limited to, stormwater
23 management facilities, do not hydrologically impact the significant geologic feature.

24 **Sec. 78.23. – Remediation and mitigation**

- 25 (a) If remediation of a significant geologic feature is proposed, a remediation plan containing all
26 details for the remediation activity shall be included with the inventory and assessment. A
27 final certification documenting that the feature was successfully remediated in accordance
28 with the plan shall be submitted upon completion of the work in accordance with the
29 approved timeline. The remediation plan and final certification must be signed and sealed by
30 a Professional Engineer or Professional Geologist licensed in the State of Florida. Features
31 remediated in compliance with this paragraph shall not be subject to the buffer requirements
32 of this Article.

- 33 (b) Where alterations are authorized under Section 78.21, mitigation may be required, and may
34 include, but is not limited to, the following:

- 35 (1) Design and construction of a stormwater control feature, such as swale and/or berm, that
36 effectively prevents direct drainage into the karst feature;
37 (2) Enhancement plantings within or adjacent to the significant geologic feature; and
38 (3) Other activities specified in a management plan, to be submitted in accordance with
39 Section 78.06(c) and 78.24 below.

1 **Sec. 78.24. – Additional management requirements for significant geologic features.**

2 Significant geologic features and their buffers may require unique management strategies to
3 maintain water quality, hydrologic integrity, and ecological value. Management strategies may
4 include, among other techniques, filling and excavation restrictions, enhanced buffers, runoff
5 diversion, muck and debris removal, berm and weir construction, and filtration. A management
6 plan shall be required for projects proposing alteration activities within a significant geologic
7 feature and its buffer. In addition to complying with Section 78.06(c), the management plan shall
8 include considerations specific to significant geologic features, including, but not limited to:

- 9 (a) The management plan shall specify that the use of reclaimed water or fertilizer within
10 significant geologic features and their buffers is prohibited.
- 11 (b) Where applicable, a restoration plan shall be provided detailing actions such as:
- 12 (1) Provisions for the restoration of the land to a natural condition, which may include
13 removal of trash and debris;
- 14 (2) Stabilization of erosion channels, if any, and restoration of drainage from
15 surrounding lands to prevent future erosion;
- 16 (3) Restoration and enhancement of buffer areas that have been disturbed, or within the
17 reduced buffer areas, if the applicant’s request for a reduction in buffer is granted.

18 **SECTION 6. Severability.**

19 It is the declared intent of the Alachua County Board of County Commissioners that, if any
20 section, subsection, sentence, clause, phrase, word or provision of this ordinance, or the
21 application of this ordinance to any person or circumstance, is held invalid or unconstitutional by
22 a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed
23 as to render invalid or unconstitutional the remaining provisions of this ordinance and, to this
24 end, the provisions of this ordinance are declared severable.

25 **SECTION 7. Inclusion in the Code.**

26 It is the intent of the Alachua County Board of County Commissioners, and it is hereby provided
27 that the provisions of this ordinance shall become and be made part of the Alachua County Code
28 of Ordinances of Alachua County, Florida; that the Code may be renumbered or relettered to
29 accomplish this intent and that the word “ordinance” may be changed to “section”, “article”, or
30 other appropriate designation.

31 **SECTION 8. Modification.**

32 It is the intent of the Alachua County Board of County Commissioners that the provisions of this
33 ordinance may be modified as a result of considerations that may arise during public hearings.
34 Such modifications shall be incorporated into the final version of the ordinance adopted by the
35 Board and filed by the Clerk to the Board.

36


1 **SECTION 9. Effective Date.**

2 A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the
3 Board of County Commissioners within ten days after enactment by the Board of County
4 Commissioners, and shall take effect upon filing with the Department of State.

5 DULY ADOPTED in regular session, this 13th day of July, 2021.
6

7 **BOARD OF COUNTY COMMISSIONERS OF**
8 **ALACHUA COUNTY, FLORIDA**

9
10 ATTEST:

11
12 
13 _____
14 J.K. "Jess" Irby, Esq.
15 Clerk

11 BY: 
12 _____
13 Ken Cornell, Chair
14 Board of County Commissioners

16 APPROVED AS TO FORM
17 
18 _____
19 County Attorney

19 (SEAL)
20