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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](http://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           submission 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 13<sup>th</sup> 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