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ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**ORDINANCE 19-**  
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE IN THE ALACHUA COUNTY CODE OF ORDINANCES, PART III, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AN AMENDMENT TO CHAPTER 405 SPECIAL DISTRICTS AND ACTIVITY CENTERS ARTICLE VIII PRESERVATION BUFFER OVERLAY DISTRICT; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2001-2020 Comprehensive Plan, which became effective on May 2, 2005; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make amendments to the Alachua County Code of Ordinances Part III, Unified Land Development Code, relating to development of land in Alachua County; and

1 WHEREAS, the Board of County Commissioners, acting as the Land Development  
2 Regulation Commission, has determined that the land development regulations that are the  
3 subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

4 WHEREAS, a duly noticed public hearing was conducted on such proposed amendment  
5 on October 8, 2019 by the Board of County Commissioners, with the hearing being held after  
6 5:00 o'clock p.m.;

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

9 Section 1. Legislative Findings of Fact. The Board of County Commissioners of  
10 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of  
11 this ordinance are true and correct.

12 Section 2. Unified Land Development Code. The Unified Land Development Code of  
13 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and  
14 attached hereto.

15 Section 3. Modification. It is the intent of the Board of County Commissioners that the  
16 provisions of this ordinance may be modified as a result of considerations that may arise during  
17 public hearings. Such modifications shall be incorporated into the final version of the ordinance  
18 adopted by the Board and filed by the Clerk to the Board.

19 Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith  
20 are, to the extent of the conflict, hereby repealed.

21 Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of  
22 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time  
23 as the Development Regulations of Alachua County are codified, the provisions of this ordinance

1 shall become and be made part of the Unified Land Development Code of Alachua County,  
2 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such  
3 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate  
4 designation. The correction of typographical errors that do not affect the intent of the ordinance  
5 may be authorized by the County Manager or designee, without public hearing, by filing a  
6 corrected or re-codified copy of the same with the Clerk of the Circuit Court.

7 Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally  
8 construed in order to effectively carry out the purposes hereof which are deemed not to adversely  
9 affect public health, safety, or welfare.

10 Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is  
11 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such  
12 portion shall be deemed a separate, distinct and independent provision, and such holding shall  
13 not affect the validity of the remaining portions thereof.

14 Section 8. Effective Date. A certified copy of this ordinance shall be filed with the  
15 Department of State by the Clerk of the Board of County Commissioners within ten (10) days  
16 after enactment by the Board of County Commissioners, and shall take effect upon filing with  
17 the Department of State.

1 DULY ADOPTED in regular session, this 8<sup>th</sup> day of October, A.D., 2019.

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5 BOARD OF COUNTY COMMISSIONERS OF  
6 ALACHUA COUNTY, FLORIDA  
7

8 By:\_\_\_\_\_

9 Charles S. Chestnut, IV, Chair

10 ATTEST:

11 \_\_\_\_\_ APPROVED AS TO FORM

12 J. K. 'Jess' Irby, Esq.  
13

14 \_\_\_\_\_

15 (SEAL)

Alachua County Attorney

16  
17 DEPARTMENT APPROVAL

18 AS TO CORRECTNESS

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20 \_\_\_\_\_  
21 Department of Growth Management

22 Authorized Designee  
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## ARTICLE VIII. - PRESERVATION BUFFER OVERLAY DISTRICT

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### Sec. 405.33. - Description.

The preservation buffer overlay district includes all real property within 660 feet of lands that are designated as preservation according to the future land use map of Alachua County, or an equivalent category designated on the future land use map of any adjacent jurisdiction or any other public park or preserve established for the purpose of preserving natural habitats.

(a) *Intent.* The intent of the preservation buffer overlay district is to protect the quality and integrity of preservation lands from impacts of adjacent development on wildlife, including listed species, wildlife habitat, water quality and quantity, native vegetation, and human use and enjoyment of Preservation lands, while protecting the rights of property owners. The intent is also to provide the appropriate management entities of the identified Preservation areas an opportunity to review and provide recommendations on development activities within the overlay district.

(b) *Application and administration.*

(1) *Development plan review required.*

- a. Development plan review, as provided in article X of [chapter 402](#), shall be required for all development activity within the preservation buffer overlay district.
- b. The construction or alteration of a single-family residence on an individual lot of record that otherwise meets the requirements of this article shall not require development plan review.

(2) *Notification of affected agencies.*

- a. The Florida Department of Environmental Protection; the applicable water management district; or any other relevant state, regional, or local public agencies with management responsibility for the adjacent preservation lands shall be notified of each development application within the district and requested to provide written comments and recommendations regarding:
  - i. The recommended width of the buffer area to be established based on the proposed development activity and on the standards and criteria contained in this article; and
  - ii. The development limitations which should apply within such buffer area.
- b. Where listed species are identified on lands within the preservation buffer overlay district proposed for development, or on adjacent preservation lands, the Florida Fish and Wildlife conservation commission shall be notified of a development application and requested to provide written comments and recommendations.

(3) *Development location.* All development on lands within the preservation buffer overlay district shall be located on the portion of the site that results in the least adverse impact on adjacent preservation lands.

1 (4) *Required buffer width.* A minimum buffer width of 100 feet shall be required from  
2 the boundary of any preservation lands, unless otherwise provided in this  
3 subsection.

4 a. A buffer width of less than 100 feet may be approved, in conjunction with  
5 the construction of a public park, ~~or a~~ single-family residence, **or accessory**  
6 **structure** on an individual lot of record, through the development plan  
7 review process. **The Development Review Committee may approve**  
8 **buffers below the thresholds of section 405.33(b)(4)c of the ULDC if the**  
9 **applicant can show that the provisions of that section cannot be met or**  
10 **that strict adherence to the buffer standards of that section would**  
11 **result in the complete loss of the economic beneficial use of the**  
12 **property or the creation of an undue burden on the property. In**  
13 **granting a reduced buffer below those set forth in section 405.33(b)(4)c**  
14 **of the ULDC, the Development Review Committee must find that the**  
15 **approved reduction only allows impacts in accordance with section**  
16 **405.33(b)(3), above.** The development review committee or board of  
17 county commissioners may include conditions to ensure that the reduced  
18 buffer width is consistent with the intent of the preservation buffer overlay  
19 district regulations and the recommendations of the managing entity for the  
20 adjacent preservation lands.

21 b. A buffer width of more than 100 feet may be required through the  
22 development plan review process if scientific evidence indicates it is  
23 necessary to protect habitat of listed species whose range includes any  
24 lands within the preservation buffer overlay district and adjacent  
25 preservation lands, or to address water quality or quantity concerns.

26 c. For existing lots of record less than or equal to three acres in size, **or with**  
27 **three acres or less of buildable area outside of conservation**  
28 **management areas or other protected resources,** the **EPD** director may  
29 grant a reduction in buffer width as it applies to placement of single-family  
30 residential structures, **accessory structures** and related improvements only,  
31 according to the following provisions. If the following provisions cannot be  
32 met, **or the applicant can show that strict adherence to the provisions**  
33 **below will prohibit all economically beneficial use of the property or**  
34 **create an undue burden on the property, then** an applicant may request  
35 a reduction from the development review committee in accordance with  
36 subsection a above.

37 i. For lots smaller than one acre in size, **or with less than one acre of**  
38 **buildable area outside of conservation management areas or**  
39 **other protected resources,** the buffer width for placement of single  
40 family residential structures, **accessory structures,** and related  
41 improvements may be no less than 25 feet. Activities listed in **§**  
42 **405.33(c)(3)** are still prohibited activities within the entire 100-foot  
43 buffer area, with the exception of the activities listed in ~~item~~ **§**  
44 **405.33(c)(3)b.** and the placement of any fill necessary for  
45 construction of the residential structure.

1                   ii. For lots one acre in size to three acres in size, **or with one to three**  
2                   **acres of buildable area outside of conservation management areas**  
3                   **or other protected resources**, the buffer width for placement of  
4                   single family residential structures, **accessary structures**, and related  
5                   improvements may be no less than 50 feet. Activities listed in section  
6                   405.33(c)(3) are still prohibited activities within the entire 100-foot  
7                   buffer area, with the exception of the activities listed in ~~item~~ §  
8                   405.33(c)(3)b. and the placement of any fill necessary for  
9                   construction of the residential structure.

10           **iii. For lots with a pre-existing single family residence and existing impacts and**  
11           **encroachments within the preservation buffer overlay at the time the**  
12           **Preservation Buffer Overlay District became applicable, new activities or**  
13           **encroachments within these impacted areas may be authorized by the EPD**  
14           **director upon meeting the requirements of 405.33(b)(2) and on a**  
15           **determination that the proposed activity will not create a new adverse impact**  
16           **on adjacent preservation lands based on factors listed in 405.33(b)(4) d.**

17           d. The determination for a reduction or increase in the width of the buffer shall  
18           be based on the following general factors:

- 19                   i. Type of development proposed and associated potential for adverse  
20                   site-specific impacts;  
21                   ii. Type of development proposed and associated potential for adverse  
22                   off-site impacts;  
23                   iii. Natural community type and associated hydrologic or management  
24                   requirements of the adjacent preservation lands;  
25                   iv. Characteristics of the overlay zone, such as vegetation, soils, and  
26                   topography;  
27                   v. Required buffer function (e.g., water quality protection or wildlife  
28                   habitat requirements); and  
29                   vi. Presence of rare, threatened, or endangered species of plants and  
30                   animals; and vii. Recommendations of the managing entity of the  
31                   adjacent Preservation area.

32                   **vii. The loss of all economically beneficial use of the property, or**  
33                   **creation of an undue burden on the property, due to strict**  
34                   **adherence to the buffers set forth above.**

35           (c) *Development standards for buffer area.* Within the buffer area, the standards listed  
36           below shall apply:

- 37                   (1) *Maintenance in natural state.* The buffer area shall be maintained in its natural  
38                   undisturbed state. No activity shall occur within the required buffer area,  
39                   except as expressly provided in this article or as approved by Alachua County.  
40                   The above shall not be interpreted to prohibit the removal of non-native, dead,  
41                   or fallen vegetation or the planting of non-invasive native vegetation that is  
42                   compatible with site characteristics and with the vegetation and wildlife  
43                   requirements of adjacent properties.

- 1 (2) *Firewise*. If the required buffer is located in an area identified as a high  
2 wildfire hazard, selective thinning or clearing of dead, diseased, and fire-prone  
3 vegetation may be permitted within the buffer area in order to comply with the  
4 Firewise Requirements identified in [section 407.43](#)(i) of this ULDC. A  
5 landowner must receive administrative approval from the county prior to such  
6 thinning or clearing of vegetation. The following information must be  
7 submitted with a request for administrative approval:
- 8 a. An analysis of the wildfire hazards as influenced by existing vegetation and  
9 topography;
  - 10 b. A map showing the location of the areas to be cleared of dead, diseased, or  
11 fire-prone vegetation or trees;
  - 12 c. A map showing the location of areas where vegetation or trees will be  
13 thinned to reduce the interlocking canopy; and
  - 14 d. Proposed methods of clearing or removal.
- 15 (3) *Prohibited activities*. The following activities shall be prohibited within the buffer  
16 area:
- 17 a. Septic tanks and drainfields;
  - 18 b. Placement of any roads, utilities, or structures except as provided in  
19 subsection (e) of this article;
  - 20 c. Planting of invasive, nonnative vegetation;
  - 21 d. Excavation or fill;
  - 22 e. Maintaining livestock, except as specifically allowed by an approved  
23 management plan;
  - 24 f. Storage or parking of equipment, supplies, materials, machinery, and  
25 portable or temporary buildings; and
  - 26 g. Application, use, or storage of herbicides, pesticides, fertilizers, or chemical  
27 agents, except any application of herbicides which may be specifically  
28 allowed by an approved management plan for the purpose of controlling  
29 the spread of existing invasive vegetation onto preservation lands.
- 30 (4) *Permitted activities*. Within the setback area, the following uses are permitted:
- 31 a. Elevated walkways and stairs;
  - 32 b. Elevated decking, not to exceed a total of 200 square feet;
  - 33 c. Post and rail fencing not to exceed four feet in height and not to have opacity  
34 greater than ten percent; and
  - 35 d. Public trails.
- 36 (5) *Protective barriers*. Prior to the commencement of any construction activity  
37 within the developable area, placement of temporary barriers may be required to  
38 protect existing vegetation within the setback area.
- 39 (6) *Damage to buffer area*. Any damage resulting from development activities to  
40 existing vegetation, soils, or topographic features within the buffer area shall be  
41 repaired using equivalent native materials. Any damage shall be repaired prior to  
42 the issuance of a certificate of occupancy for any portion of the development site.



1 (7) *Compliance with management plan.* Any other conditions contained in an  
2 approved management plan, other than continuing maintenance responsibility,  
3 shall be carried out prior to issuance of a Certificate of Occupancy for any portion  
4 of the development site.

5 (d) *Management plan.* A management plan may be required in order to provide for protection  
6 of natural and historic resource values and characteristics in the buffer and adjacent  
7 preservation areas, in accordance with Article XX, Management Plans, of [Chapter 406](#).

8 (e) *Exemptions.* The following sites and activities shall be exempt from the provisions of this  
9 article:

10 (1) All exemptions identified in [chapter 406](#) of this Code, Natural and Historic  
11 Resources Protection, [section 406.06](#).

12 (2) Upon notice to the county, emergency repairs on public or private projects  
13 necessary for the preservation of life, health or property.

14 (3) Maintenance of publicly or privately owned portions of a structural stormwater or  
15 drainage control system that does not constitute major construction or rebuilding.  
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17