

ARTICLE VIII. - PRESERVATION BUFFER OVERLAY DISTRICT

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.
 - (4) *Required buffer width.* A minimum buffer width of 100 feet shall be required from the boundary of any preservation lands, unless otherwise provided in this subsection.
 - a. A buffer width of less than 100 feet may be approved, in conjunction with the construction of a public park, ~~or a single-family residence,~~ **or accessory structure** on an individual lot of record, through the development plan review process. **The Development Review Committee may approve buffers below the thresholds of section 405.33(b)(4)c of the ULDC if the applicant can show that the provisions of that section cannot be met or that strict adherence to the buffer standards of that section would result in the complete loss of the economic beneficial use of the property or the creation of an undue burden on the property. In granting a reduced buffer below those set forth in section 405.33(b)(4)c of the ULDC, the**

Development Review Committee must find that the approved reduction only allows impacts in accordance with section 405.33(b)(3), above. The development review committee or board of county commissioners may include conditions to ensure that the reduced buffer width is consistent with the intent of the preservation buffer overlay district regulations and the recommendations of the managing entity for the adjacent preservation lands.

- b. A buffer width of more than 100 feet may be required through the development plan review process if scientific evidence indicates it is necessary to protect habitat of listed species whose range includes any lands within the preservation buffer overlay district and adjacent preservation lands, or to address water quality or quantity concerns.
- c. For existing lots of record less than or equal to three acres in size, **or with three acres or less of buildable area outside of conservation management areas or other protected resources,** the **EPD** director may grant a reduction in buffer width as it applies to placement of single-family residential structures, **accessory structures** and related improvements only, according to the following provisions. If the following provisions cannot be met, **or the applicant can show that strict adherence to the provisions below will prohibit all economically beneficial use of the property or create an undue burden on the property, then** an applicant may request a reduction from the development review committee in accordance with subsection (a) above.
 - i. For lots smaller than one acre in size, **or with less than one acre of buildable area outside of conservation management areas or other protected resources,** the buffer width for placement of single family residential structures, **accessory structures,** and related improvements may be no less than 25 feet. Activities listed in **§ 405.33(c)(3)** are still prohibited activities within the entire 100-foot buffer area, with the exception of the activities listed in ~~item~~ **§ 405.33(c)(3)b.** and the placement of any fill necessary for construction of the residential structure.
 - ii. For lots one acre in size to three acres in size, **or with one to three acres of buildable area outside of conservation management areas or other protected resources,** the buffer width for placement of single family residential structures, **accessory structures,** and related improvements may be no less than 50 feet. Activities listed in **section 405.33(c)(3)** are still prohibited activities within the entire 100-foot buffer area, with the exception of the activities listed in ~~item~~ **§ 405.33(c)(3)b.** and the placement of any fill necessary for construction of the residential structure.
- iii. **For lots with a pre-existing single family residence and existing impacts and encroachments within the preservation buffer overlay at the time the Preservation Buffer Overlay District became applicable, new activities or encroachments within these impacted areas may be authorized by the EPD director upon meeting the requirements of 405.33(b)(2) and on a determination that the proposed activity will not create a new adverse impact on adjacent preservation lands based on factors listed in 405.33(b)(4) d.**
 - d. The determination for a reduction or increase in the width of the buffer shall be based on the following general factors:
 - i. Type of development proposed and associated potential for adverse site-specific impacts;
 - ii. Type of development proposed and associated potential for adverse off-site impacts;
 - iii. Natural community type and associated hydrologic or management requirements of the adjacent preservation lands;
 - iv. Characteristics of the overlay zone, such as vegetation, soils, and topography;

- v. Required buffer function (e.g., water quality protection or wildlife habitat requirements); and
- vi. Presence of rare, threatened, or endangered species of plants and animals; and
- vii. Recommendations of the managing entity of the adjacent Preservation area.

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

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

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

(2) *Firewise.* If the required buffer is located in an area identified as a high wildfire hazard, selective thinning or clearing of dead, diseased, and fire-prone vegetation may be permitted within the buffer area in order to comply with the Firewise Requirements identified in [section 407.43\(i\)](#) of this ULDC. A landowner must receive administrative approval from the county prior to such thinning or clearing of vegetation. The following information must be submitted with a request for administrative approval:

- a. An analysis of the wildfire hazards as influenced by existing vegetation and topography;
- b. A map showing the location of the areas to be cleared of dead, diseased, or fire-prone vegetation or trees;
- c. A map showing the location of areas where vegetation or trees will be thinned to reduce the interlocking canopy; and
- d. Proposed methods of clearing or removal.

(3) *Prohibited activities.* The following activities shall be prohibited within the buffer area:

- a. Septic tanks and drainfields;
- b. Placement of any roads, utilities, or structures except as provided in subsection (e) of this article;
- c. Planting of invasive, nonnative vegetation;
- d. Excavation or fill;
- e. Maintaining livestock, except as specifically allowed by an approved management plan;
- f. Storage or parking of equipment, supplies, materials, machinery, and portable or temporary buildings; and
- g. Application, use, or storage of herbicides, pesticides, fertilizers, or chemical agents, except any application of herbicides which may be specifically allowed by an approved management plan for the purpose of controlling the spread of existing invasive vegetation onto preservation lands.

(4) *Permitted activities.* Within the setback area, the following uses are permitted:

- a. Elevated walkways and stairs;
- b. Elevated decking, not to exceed a total of 200 square feet;
- c. Post and rail fencing not to exceed four feet in height and not to have opacity greater than ten percent; and
- d. Public trails.

- (5) *Protective barriers.* Prior to the commencement of any construction activity within the developable area, placement of temporary barriers may be required to protect existing vegetation within the setback area.
- (6) *Damage to buffer area.* Any damage resulting from development activities to existing vegetation, soils, or topographic features within the buffer area shall be repaired using equivalent native materials. Any damage shall be repaired prior to the issuance of a certificate of occupancy for any portion of the development site.
- (7) *Compliance with management plan.* Any other conditions contained in an approved management plan, other than continuing maintenance responsibility, shall be carried out prior to issuance of a Certificate of Occupancy for any portion of the development site.
- (d) *Management plan.* A management plan may be required in order to provide for protection of natural and historic resource values and characteristics in the buffer and adjacent preservation areas, in accordance with Article XX, Management Plans, of [Chapter 406](#).
- (e) *Exemptions.* The following sites and activities shall be exempt from the provisions of this article:
 - (1) All exemptions identified in [chapter 406](#) of this Code, Natural and Historic Resources Protection, [section 406.06](#).
 - (2) Upon notice to the county, emergency repairs on public or private projects necessary for the preservation of life, health or property.
 - (3) Maintenance of publicly or privately owned portions of a structural stormwater or drainage control system that does not constitute major construction or rebuilding.