Primary Chapter 406 Revisions

Article I – General

Sec. 406.07. - Recapture prior to submitting an application.
Regulated natural and historic resources that have been cleared ~~after May 2, 2005 and~~ within ~~three (3)~~ five (5) years prior to the submittal of a development plan, rezoning or land use change application shall be required to restore or mitigate that portion of the parcel that would have otherwise required protection in accordance with the standards of this chapter.

Article VI – Surface Waters and Wetlands

Table 406.43.1
Surface Water and Wetland Buffers

Protected Resource	Buffer Distance (feet)*
Surface waters and wetlands less than or equal to 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	50 average, 35 minimum
Surface waters and wetlands greater than 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	75 average, 50 minimum
Areas where federally and/or state regulated vertebrate wetland/aquatic dependent animal species have been documented within 300 feet of a surface water or wetland	100 average, 75 minimum
Outstanding Florida Waters (OFWs)	~~150~~200 average, 100 minimum

*If the buffer precludes all economically viable use of a particular property, development may be allowed within the buffer in accordance with COSE policy 3.6.5., and where applicable, section 406.45, COSE policy 4.6.6 and 4.7.4.

Sec. 406.46. - Mitigation and monitoring plan.
For projects that do not meet the general approval criteria of section 406.44, and are not specifically exempted by this section, the county may evaluate proposals for mitigation. Mitigation plans shall be evaluated as part of preliminary plan review by the Board of C~~c~~ounty C~~c~~ommissioners. The Development Review Committee (DRC) shall approve of a final development plan ensuring implementation of the BoCC-approved mitigation plan prior to wetland or buffer alteration. BoCC/DRC-approved mitigation generally shall be required to be completed prior to issuance of a project construction permit, unless an alternate timeline is specifically authorized as part of the BoCC/DRC approval.

Article XII – Conservation Management Areas

Sec. 406.103. - Permanent protection.
Conservation management areas shall be permanently protected as follows:

(a) Dedication. All areas protected under this section shall be restricted from further subdivision, and protected in perpetuity using a legal instrument that runs with the land, in a form acceptable to the county and duly recorded in the public record which assures the preservation and continued maintenance of the conservation management area.

(1) The preferred legal instrument shall be a conservation easement in accordance with F.S. 704.06, to be recorded in the public records of Alachua County, which shall restrict the use of the land in perpetuity to non-development uses, runs with the land, and be expressly enforceable by the county. The Board of County Commissioners may consider adding high quality conservation management areas to the County Registry of Protected Public Places.

(2) The Board of County Commissioners may consider deed restrictions and oOther forms of dedication may be considered by the county if comparable protection is demonstrated which for low quality, small, isolated conservation management areas under four acres in size, to assures the preservation and continued maintenance of the conservation management area.

Article XVI – Significant Geologic Features

Sec. 406.89. - Purpose.

It is tThe purpose of this section is to promote the public health, safety, and general welfare of the citizens of Alachua County; to implement the Alachua County Comprehensive Plan; and to preserve, protect, and improve geologic features which are significant due to the interrelationship of natural resource values, characteristics, and hazards with land capability and suitability. Significant geologic features include but are not limited to: point source features such as sinkholes, caves, and limestone outcrops; lineal features such as lineaments, ridges, escarpments, and springs and swallets; and areal features such as steep slopes and springsheds. For the purposes of this section, certain karst features, such as paleo or relic sinkholes, closed landscape depressions, and small solution pipe features on a case-by-case basis may not be considered significant geologic features. Final determination of significance shall be made by county staff upon consultation with relevant experts.

Sec. 406.90. - Protection strategies for karst features and topography.

Strategies for protection shall be based on the unique characteristics of the resource and shall be tailored to address diverse geometries, connections to surface water and ground water, habitat functions and values, and the dynamics of natural systems processes. Avoidance, minimization, and mitigation of significant adverse impacts shall be required. Strategies may include but are not limited to the following.

(a) ~~—~~*Onsite protection.*

(1) ~~—~~Significant geologic features shall be designated and protected as conservation management areas in accordance with the requirements of Aarticle XVII of this chapter. Significant geological features that are capable of being managed onsite shall be identified on development proposals and protected during construction and after development.

(2) ~~—~~Other Ffeatures may be incorporated as aesthetic open space or common area elements into the project design for a site.

(3) ~~—~~Natural topographic features may be retained through lot layout and infrastructure siting within the context of significant geologic features.

(b) ~~—~~*Buffers for significant geologic features.* Perimeter edge buffering shall be required around protected significant geologic features in order to maintain natural context, edge vegetation, and structural protection. Buffers for sinkholes shall be measured from the outermost distinct closed contour associated with the feature. Buffers for caves, lineaments, ridges, escarpments, limestone outcrops, springs and swallets shall be determined based on evaluation of the unique characteristics of the particular geologic feature and the contributing watershed. For the following features, a~~A~~bsent scientific information which demonstrates that another buffer width is appropriate, the following default buffer widths shall be applied:

(1) ~~—~~Sinkholes: an average of 75~~0~~ feet, but no less than 50~~35~~ feet ~~away from the outermost closed contour~~.

~~(2) Caves, lineaments, ridges, and escarpments: an average of 75 feet, but no less than 50 feet, away from the outermost contour associated with the feature.~~

~~(3) Springs, and significant geologic features located within springsheds: an average of 150 feet, but no less than 100 feet, away from the outermost contour associated with the feature.~~

(2~~4~~) ~~—~~Springs, ~~Sinkholes, swallets,~~ quarries, karst windows, or other ~~water containing~~ karst features ~~that are surface expressions of~~ with a direct connection to the Floridan aquifer; significant geologic features located within Outstanding Florida Springs Priority Focus Areas (PFAs); and caves: ~~shall have~~ an average ~~buffer width~~ of 150 feet, but no less than 100 feet.~~,~~ ~~away from the outmost contour associated with the feature.~~

(3) All other significant features: No less than 25 feet.

(c) ~~—~~*Habitat functions.* In instances where geologic features function as habitats for listed species, special protection will be provided commensurate with the character of the habitat and needs of the species.

(d) ~~—~~*Other karst features*. Paleo or relic sinkholes, small solution pipes or other karst features commonly referred to as closed landscape depressions are encouraged to be protected by locating outside of developable area or within the limits of open space. Buffers or preservation of the feature may not be required if the habitat functions in (c) do not apply and it can be determined that remediation or the absence of a buffer will not cause water quality impacts to the surficial, intermediate or Floridan Aquifer. ~~*Use of best management practices.* Use of best management practices may be required to minimize erosion and maintain water quality, as provided in the Alachua County Water Quality Code, including but not limited to: Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988) (see Rules 40C-4.381(1)(d), 40C-42.032(2)(a)7, 40B-400.115(1)(d), F.A.C.)~~

(e) *Steep slopes*. Where steep slopes greater than or equal to five percent are found adjacent to watercourses, existing vegetation shall be substantially retained to minimize erosion consistent with best management practices and surface water and wetland buffers.

(f) *Seepage slopes and shallow groundwater tables*. Development shall be designed to include retention of the natural character of seepage slopes and shallow ground water tables.

Sec. 406.941. – Significant geologic feature ~~nkhole~~ management plan.

Significant geologic features and their buffers may require unique ~~M~~management strategies ~~for sinkholes and sinkhole-prone areas shall be applied as part of the development approval process~~ to protect water quality, hydrologic integrity, and ecological value. Management strategies may include, among other techniques, filling and development restrictions, buffers, runoff diversion, muck and debris removal, berm and weir construction, and filtration. The use of reclaimed water or fertilizer within significant geologic features and their buffers is prohibited. The following considerations shall be included in the Management Plan as required per Chapter 406, Article XX. Any significant geologic feature for which access is sought, regardless of size, shall submit a Management Plan and include details in accordance with subsection (b) below.

(a) ~~*Sinkholes.* Open sinkholes and sinkholes with stream inflow shall be identified and protected as conservation management areas. The sinkhole shall be fully protected or restored as a natural area as required in subsection (1) below. Where the applicant seeks to continue access or make improvements to existing access, a special exception shall be sought as provided in subsection (2) below.~~

~~(1)~~ *Restoration plan.* The applicant shall submit a plan that demonstrates the elimination of access and the restoration of the land to a natural condition, including stabilization of erosion channels, limiting drainage from non-natural areas, and restoration of buffer areas that have been disturbed, as applicable.

(b) ~~(2)~~ *Access.* If there are (or were) points of access to the ~~sinkhole's bottom~~significant geologic feature, or if access is proposed, all the conditions in (a) above shall be met. In addition, an applicant ~~for development~~ shall ~~demonstrate the following in the proposed management plan, or if access to the sinkhole is proposed after a management plan has been approved, a revised management plan must be submitted for review,~~provide a detailed access management plan demonstrating the following:

(1) ~~a.~~ That there is a recreational or scientific benefit that the public derives from the retention or creation of access. If access exists, ~~show that use of the area is such~~the applicant must demonstrate that closing the access would not be practical based on the current level of use.

(2) ~~b.~~ That all sources of erosion or pollution ~~within~~ to the ~~sinkhole~~ significant geologic feature and buffers ~~and the sinkhole~~ are mitigated to eliminate or reduce erosion and pollution to the lowest reasonable level.

(3) ~~c.~~ That the access is the minimum needed to meet the needs. The route chosen shall be the least damaging and least vulnerable to erosion.

(4) ~~d.~~ There is dedicated funding for continued ~~at a plan for the~~ maintenance of the access, stormwater controls, waste collection, and landscaping. ~~has been submitted, approved by the county, and funded.~~

~~(b) *Sinkhole buffer.* The buffer areas around sinkholes or other karst surficial features are intended to protect the feature and groundwater by providing areas where surface or subsurface flows into the features are preserved or restored to a natural condition, allowing vegetation and soil dwelling life to clean the water and trap surface debris, and restoration of tree canopy to maintain microclimate conditions within the feature.~~

~~(c) *Drainage area of sinkhole*. The drainage area is the surface drainage shed of the sinkhole. The management objective is to limit impervious surfaces and design drainage to ensure that sediments or contaminated water does not reach the feature. The following should govern the design of development within the drainage area:~~

~~(1) *Recharge*. The stormwater management facilities for any development should be located as far from the feature as possible, including outside the drainage area so that stormwater flows toward the feature are reduced.~~

~~(2) *Professional geologic study*. A professional geologic study may be required to assess subsurface conditions for avoiding recharge over significant solution channels.~~