

#000882 submitted by WW 10/15/01

## Conservation, Open Space and Groundwater Recharge Element

### Goal 1

Establish and maintain an integrated and urban-defining open space network that protects and conserves key environmental features.

### Objective 1.1

Upon adoption of this Plan, the City shall protect all significant environmental lands and resources identified in the map series within the Future Land Use Map Series. The City shall continue to identify environmentally significant open space and recreation sites for acquisition.

### Policies

1.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the map series within of the Future Land Use Map Series. **The City shall develop and implement land development regulations that establish criteria and guidelines for expansion of, on a case by case basis, the minimum standards addressed below. The City shall develop the aforementioned guidelines with the consultation of the highest level of professional expertise.**

- a. Creeks: **Between 35 and 150 feet from the break in slope at the top of the bank, there is a presumption that development is detrimental to the regulated creek. Developments must conform to applicable provisions of the land development regulations, which prohibits development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek .**
  
- b. Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority. Degradation or loss of function that is unavoidable shall be minimized, and the applicant must demonstrate that the cause of the degradation or loss of function is clearly in the public interest **as understood from in-depth review by City staff, appropriate City boards, qualified professionals, and the public, with final approval by the city commission on appeal if necessary.** The City shall develop and implement land development regulations that at a minimum:
  - 1) Establish criteria for determining whether or not the proposed development or activity is clearly in the public interest;
  - 2) Establish mitigation ratios for wetland preservation, restoration, and creation. **Wetland creation is assumed to be the least desirable mitigation strategy with the least chance of success. Creation strategies shall be subject to the highest levels of requirements, restrictions, and review as outlined in the land development codes. Areas presently functioning to some degree as wetlands that were clearly established by human activity, e.g., artificial ponds, ditches, cow paths, etc., may be mitigated by the creation of new wetlands of comparable performance.**

- 3) **Establish bonding, long-term monitoring and enforceable long-term maintenance requirements for wetland mitigation projects to verify that all the negative impacts--direct, indirect, cumulative and synergistic--have been mitigated; Monitoring should be executed by the Alachua County Environmental Protection Department and/or the appropriate water management district with costs assumed by the permitted applicant.**
- 4) **All mitigation should be completed before the permitted project is completed.**
- 5) Establish mitigation ratios of at least 5:1 (acreage of mitigation area to impacted area);
- 6) Require off-site mitigation to be performed within the same sub-basin and basin in which the impact occurred, unless it is shown that mitigation outside the sub-basin is more appropriate. The order of preference for the location of the mitigated area(s) in relation to the impacted areas will be:
  - a. In the same basin and sub-basin;
  - b. In an adjacent sub-basin within the basin;
  - c. In an adjacent sub-basin outside the basin; and
  - d. In an adjacent basin;
- 7) **Remove:** Require mitigation to be performed within the city limits of Gainesville;
- 8) Require that development shall not cause hydrological or wetland impacts off-site;
- 9) **Between 35 and 100 feet of the landward extent of a wetland there is a presumption that development is detrimental to the wetland. Developments must conform to applicable provisions of the land development regulations, which prohibits development within a minimum of 35 feet of the landward extent of a wetland. The land development regulations will provide guidelines for decisions to expand any buffer beyond 35 feet.**
- 10) Specify that these protections shall be extended to all wetlands, regardless of whether they are currently mapped;
- 11) Require review and approval of wetland mitigation projects by qualified professionals.

12) **Outstanding Florida Waters shall have a buffer of 200 feet and areas with listed plant or animal species within 300 feet of surface waters and wetlands shall have a buffer of 300 feet. If this precludes all economic development of the parcel, exceptions can be made after approval by a majority of the city commission and with appropriate mitigation of wetland loss at a minimum of a 5:1 ratio.**

13) **Wetlands damaged on or subsequent to the effective date of this policy shall be restored to their original state at the owner's expense except as may be provided above.**

14) **Areas annexed by the City from the County shall retain the County's comprehensive plan buffers with respect to wetlands and creeks after the area is incorporated.**

c. **Lakes:** Developments containing or adjacent to a **natural** lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within **75 feet** of the landward extent of a lake.

d. **Wellfields:** Developments must be consistent with Policy 2.3.2 and 2.3.3 of this Element.

e. **Major Natural Groundwater Recharge Areas:** Developments within this area must be consistent with Policies 2.3.3 and 2.3.5 of this Element.

f. **Upland Areas:** Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75 percent of the parcel.

1.1.2 The City shall adopt criteria for use the environmentally significant properties inventory/ranking report the urban area, and use these criteria to develop and maintain an inventory of open space and natural reservations to be considered for acquisition. These criteria shall be designed to identify viable populations of native plant and animal species, environmentally significant areas, and unique geological or historic features that should be preserved, and show connectivity with other public lands and environmentally significant areas that should be maintained.

1.1.3 The City shall continue to have land development regulations that require new developments to dedicate land and easements, particularly for the creation of buffers along and around surface waters and natural reservations and to facilitate the development of greenways and other open space.

1.1.4 The City shall **allocate** a minimum **\$300,000 per year** for the purchase of environmentally significant open space and of active and passive recreation sites.

## Objective 1.2

The City shall coordinate with Alachua County on the Alachua County Forever program, and with other potential funding sources for land acquisition for environmental and open space protection.

### Policies

- 1.2.1 The City shall seek to maximize the protection of environmentally sensitive lands through the nomination of properties for acquisition with Alachua County Forever and other relevant funds.

## Goal 2

Mitigate the effects of growth and development on environmental resources.

## Objective 2.1

Upon adoption of this Plan, existing citywide levels of wetland acreage and functions within City limits shall be maintained to the extent feasible through the year 2010.

### Policies

- 2.1.1 The City shall continue to update, augment and maintain an inventory of wetlands, and adopt land development regulations designed to conserve wetland acreages and preserve natural functions **within the Gainesville urban area**. When wetlands are unavoidably lost to development, mandatory mitigation shall be required to ensure no net loss of acreage and functions occurs. Mitigation location protocol shall follow policy 1.1.1.b.6.
- 2.3.3 The City shall only allow new development in commercial, institutional, and industrial districts to place septic tanks:
  - b. In areas not shown as regulated creek, lake, and wetland, identified in the Environmentally Significant Land and Resources map series of the Future Land Use Map Series.
- 2.4.3 The City shall develop continue to have guidelines for the design of stormwater basins that require the use of native vegetation and basin slopes suitable for stormwater treatment that promote highly diverse plant and animal habitats, particularly within stream-to-sink basins, and that enhance the hydrological and ecological functions of **related wetland areas**.