

## CHAPTER 406. – ARTICLE XIII. - HISTORIC STRUCTURES AND SITES

### SEC. 406.76. - APPLICABILITY.

Historic resource is a comprehensive term that refers to both historic structures and sites, and archaeological resources and properties. For the purposes of this Article only, historic structures and sites, and archaeological resources, are treated as two distinct categories.

- (a) *Purpose.* It is the purpose of this Section to implement the Alachua County Comprehensive Plan; and to preserve, protect, restore, rehabilitate, and encourage adaptive use consistent with preservation of historic character of structures, sites, travel routes, cemeteries, districts, buildings, objects, or other real or personal properties with intrinsic historical or architectural value relating to the history, government, and culture of the State and County.
- (b) *Significant historic structures and sites.* Significant historic structures and sites are those historic structures and sites that are listed, or are eligible for listing, on the National Register of Historic Places (see 36 CFR Ch. I, Part 60; [www.cr.nps.gov/places.htm](http://www.cr.nps.gov/places.htm)).

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12)

### SEC. 406.77. - IDENTIFICATION.

- (a) *General mapping.* Maps of known historic structures and sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File, and by the Alachua County Department of Growth Management. Historic structures and sites have been inventoried in Alachua County, "Historic Structures Survey of Unincorporated Alachua County," by Sherry Anderson, M.H.P. June 2000.
- (b) *Site specific determination.* Surveys and analyses for historic structures and sites shall be required prior to alteration of a property known or likely to contain structures or sites of historical significance.
  - (1) Where historic structures or sites are mapped, surveys and analyses shall be required by the County without recommendation of the Department of State, Division of Historical Resources.
  - (2) Where historic structures or sites are not mapped, surveys and analyses may be required by the County upon recommendation of the Department of State, Division of Historical Resources, or qualified professional.
- (c) *Standards for authorized investigation.* Surveys and analyses for historic structures and sites shall be conducted in accordance with standards and methodology for the natural and historic resources assessment, Section 406.04. Authorized investigations and reporting of historic structures and sites shall, at a minimum, conform to Chapter 1A-46, Florida Administrative Code, and the provisions and standards contained in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation",

Sept. 29, 1983 (see [https://www.nps.gov/history/local-law/arch\\_stnds\\_0.htm](https://www.nps.gov/history/local-law/arch_stnds_0.htm) ), prepared under the authority of Sections 101(f), (g), and (h), and Section 110 of the National Historic Preservation Act of 1966, as amended. These documents are adopted and made part of this Chapter by reference. Copies are available from the County Environmental Protection Department.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12)

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**SEC. 406.78. - PROHIBITED ACTIVITIES.**

Except as otherwise expressly provided in this section, no activity shall occur on a property that contains, or has reasonable potential to harbor, structures or sites of historical significance, without the appropriate analysis and opportunity for mitigation, as specified under Section 406.79 below.

(Ord. No. 05-10, § 2, 12-8-05)

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**SEC. 406.79. - STANDARDS FOR PROTECTION.**

- (a) Preservation, restoration, or rehabilitation of historic structures shall be encouraged and incentives provided where possible.
- (b) The demolition of a historic structure or a structure that is integrally related to a historic structure shall be prohibited without allowing an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the structure(s).
- (c) Adaptive use of historic structures consistent with preservation of their historic character shall be encouraged. Where possible, variances to building codes and regulations shall be made to facilitate the rehabilitation and maintenance of historic structures. Historic structures originally built for residential use shall be maintained as residential dwellings to the greatest extent possible, but may be adapted to other uses.

(Ord. No. 05-10, § 2, 12-8-05)

CHAPTER 406. – ARTICLE XIV. - ARCHAEOLOGICAL RESOURCES

SEC. 406.80. - PURPOSE.

It is the purpose of this Article to implement the Alachua County Comprehensive Plan, and to preserve, protect, and restore archaeological resources. These resources constitute the physical evidences of past human activity, as well as evidences of the effects of that activity on the environment, including but not limited to: monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other sites, landforms, properties, objects, or features with intrinsic archaeological value.

(Ord. No. 05-10, § 2, 12-8-05)

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SEC. 406.81. - SIGNIFICANT ARCHAEOLOGICAL RESOURCES.

Significant archaeological resources are those archaeological resources that are listed, or are eligible for listing, on the National Register of Historic Places (see 36 CFR Ch. I, Part 60; [www.cr.nps.gov/places.htm](http://www.cr.nps.gov/places.htm)).

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12)

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SEC. 406.82. - IDENTIFICATION.

- (a) *General mapping.* Maps of known archaeological sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File. Areas of known or probable archaeological resources have been modeled in Alachua County, "An Archaeological Survey of Unincorporated Alachua County, Florida (Phase I and Phase 2), by Southeastern Archaeological Research, Inc., October 2001.
- (b) *Site-specific determination.* Surveys and analyses for archaeological resources shall be required prior to alteration of a property known or likely to contain resources of archaeological significance, as set forth for historic sites and structures in Section 406.77(b).
- (c) *Standards for authorized investigation.* Surveys and analyses for archaeological resources shall be conducted in accordance with standards and methodology appropriate to archaeological resources, as set forth for historic sites and structures in Section 406.77(c).

(Ord. No. 05-10, § 2, 12-8-05)

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SEC. 406.83. - PROHIBITED ACTIVITIES.

Except as otherwise expressly provided in this Section, no development activity involving ground disturbance shall occur on a property containing, or having reasonable potential to harbor, resources of archaeological significance, without the appropriate analysis and opportunity for mitigation as specified in Section 406.84.

(Ord. No. 05-10, § 2, 12-8-05)

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SEC. 406.84. - STANDARDS FOR PROTECTION.

- (a) Avoidance, minimization, and mitigation (in that order of preference) of adverse impacts on significant archaeological resources shall be required as appropriate to the scale and significance of the resource.
- (b) Development orders for parcels containing known or suspected areas of archaeological significance shall be conditioned, where appropriate based on recommendation from qualified professional, to accomplish the following:
  - (1) Insure proper archaeological investigation prior to construction and, where appropriate, avoidance, minimization, and mitigation of impacts.
  - (2) Preserve and provide perimeter buffering around significant archaeological sites in order to maintain the security and integrity of the resource. This may include, if necessary, alteration to the proposed or originally approved development plan.
  - (3) Where archaeological sites are to be preserved, incentives to encourage retention of these areas may be provided.
- (c) Mitigation of archaeological resources may include but is not limited to the following:
  - (1) The excavation of an archaeological resource or an object or property that is integrally related to a significant archaeological resource shall be prohibited without allowing an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the resource(s).
  - (2) Adaptive use of archaeological landforms or properties consistent with preservation of their archaeological character shall be encouraged.
- (d) When unmarked human remains are discovered during excavation, construction, development, or any other circumstances, such discovery must be reported to the State Archaeologist, or to the County Medical Examiner, District 8 (see <https://district8me.com/>), as appropriate. Any activities on the site that may disturb the remains shall not be resumed until authorized in writing by such offices. This requirement is enforced under F.S. §§ 872.02 and 872.05 and is a violation of this ULDC (see also [www.flheritage.com/archaeology/FS872/procedure.cfm](http://www.flheritage.com/archaeology/FS872/procedure.cfm)).

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12)

## CHAPTER 406. – ARTICLE XV. - PALEONTOLOGICAL RESOURCES

### SEC. 406.85. - PURPOSE.

It is the purpose of this Section to implement the Comprehensive Plan, and to preserve, protect, and restore paleontological resources through recovery concurrent with onsite ground disturbing activities. Paleontological resources constitute the physical evidences of non-human life forms which lived in the past, generally 7,000 years ago or more, i.e. during and prior to the Rancholabrean glaciation, the most recent glaciation which earth has experienced. These resources may include, but are not limited to fossils, traces, imprints, objects, sites, or other real or personal property of paleontological value.

(Ord. No. 05-10, § 2, 12-8-05)

### SEC. 406.86. - SIGNIFICANT PALEONTOLOGICAL RESOURCES.

Significant paleontological resources include but are not limited to scientifically significant fossil finds, as well as those resources determined to be significant in the field based on number, type, and context of the resource.

- (a) A "scientifically significant fossil find" is a fossil or fossils consisting of at least one of the following:
  - (1) Two or more teeth attached to a jawbone (mandible or maxilla);
  - (2) Half or more of a skull;
  - (3) Six or more bones of a skeleton arranged as they were in the living animal (articulated);
  - (4) Fifty or more bones and teeth found in close proximity, not necessarily from the same species, excluding shark, fish, and ray teeth, spines, and scales;
  - (5) Three-fourths or more of an articulated exoskeleton of a crab, shrimp, insect, or other arthropod;
  - (6) An articulated skeleton of a starfish or sea star (but excluding finds of the more common sea urchins or sand dollars [echinoids]);
  - (7) Impressions or fossilized remains of leaves, fruit, nuts, or other macrobotanical structures.
- (b) Specifically excluded are the most common types of fossils found in Alachua County, listed below:
  - (1) Isolated teeth of sharks, rays, fish, dolphin, sperm whale, horse, bison, llama, or peccary;

- (2) Isolated spines and vertebrae of sharks, rays, and fish;
- (3) Dugong ribs and vertebrae;
- (4) Isolated dolphin and whale ear bones and vertebrae;
- (5) Isolated vertebrae, ribs, and leg bones of horse, llama, peccary, bison, and other mammals;
- (6) Shells of clams, oysters, snails, and other mollusks;
- (7) Sea urchins and sand dollars;
- (8) Foraminifera ("coin fossils");
- (9) Any fossils of marine or aquatic animals, plants, and protists whose total size is less than 0.1 inch; and
- (10) Fossil pollen or phytoliths (microscopic-sized remains of plants).

(Ord. No. 05-10, § 2, 12-8-05)

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**SEC. 406.87. - PUBLIC PROJECTS.**

When significant paleontological resources are encountered in the course of construction or maintenance of any public project, or on any publicly owned land, the County Manager shall be notified within 24 hours of the discovery, and further activity within 100 feet of the resource shall be postponed to allow proper paleontological investigation. The County Manager shall report the discovery to the Florida Museum of Natural History, and reasonable opportunity shall be provided for Museum personnel to investigate and excavate the resource prior to further disturbance. The following practices are specifically prohibited:

- (a) No person shall conduct field investigations on, or remove or attempt to remove, or deface, destroy, or otherwise alter any paleontological resource or property, except in the course of activities authorized by the County Manager.
- (b) No person shall offer for sale or exchange any object with knowledge that it has been collected or excavated in violation of this Section, or procure, counsel, solicit, or employ any other person to violate any prohibition contained herein, or to sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any paleontological resource or property excavated or removed, except with the express written consent of the County Manager.
- (c) In the instance that specimens, objects, and materials are removed or attempted to be removed, or defaced, destroyed, or otherwise altered, each item may constitute a separate violation. In addition, all such specimens, objects and materials, together with all photographs and records relating to such materials, shall be forfeited to the County.

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SEC. 406.88. - PRIVATE PROJECTS.

When significant paleontological resources are encountered in the course of construction or maintenance of any private project, notification to either the County Manager or the Florida Museum of Natural History is encouraged. Upon notification, Museum personnel will perform appropriate paleontological investigations and excavations concurrent with site grading, installation of utilities, stormwater construction, or other land disturbing activities, in a manner that minimizes disruption to the construction activity and project schedule.

(Ord. No. 05-10, § 2, 12-8-05)