

# PRESERVATION AREAS

## FACTS SHEET

Updated: 7/31/2019

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As per Section 124-251, Article 13 – Subdivision or Site Development Plan Regulation of Sarasota County’s Unified Development Code (UDC):

*Subsection 124-251(a)(2) states: “All activities involving filling, excavating, disturbing of vegetation (both trees and understory) and storing of materials shall be prohibited within preservation or conservation areas and buffer areas”.*

The following are general ‘Question and Answer’ comments relating to Preservation Areas within site developments and subdivisions of Sarasota County. Please contact Environmental Protection Division (EPD) staff with additional questions and concerns.

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### **1. What types of habitats are in Sarasota County?**

Sarasota County has a wide array of habitats that may be located in your community, and near or within your backyard. In the coastal area of the County, habitats include beaches, dunes, coastal hammocks, mangrove swamps, salterns, tidal marshes, and coastal streams. In other parts of the County, habitats include freshwater wetlands, sloughs, wet and dry prairies, mesic and xeric hammocks, pine flatwoods and scrub. The most common habitat in Sarasota County is freshwater wetlands, which typically have an upland buffer surrounding the wetlands.

These types of habitats are generally preserved during development and set aside as Preservations Areas to be left in perpetuity as undeveloped areas in their natural state.

### **2. Who determines that there should be Preserves, and why?**

The protection of native habitat areas and wildlife has long since been a community priority for Sarasota County. As a result, Sarasota County has adopted standards that protect specific types of native habitats to ensure that their functions and values are retained for future generations. These standards are

applied during the land development review process and Preservation and Conservation Areas are established with conditions to ensure their protection. Many of these preservation and conservation areas also have specific environmental management requirements.

**3. What is the difference between a *Common Property* and a *Preservation Area*; and, how do I know which may be adjacent to my property?**

*Common Land or Area.* Any parcel of land owned near or used jointly for mutual benefit of more than one party (such as open space or recreational areas). A condominium association, homeowner's association, or similar organization shall be construed as being more than "one party" for the purposes of this definition.

*Preservation or Preserve.* To set aside in perpetuity, areas of native habitat that must not be disturbed, in accordance with the Principles for Evaluating Development Proposals in Native Habitats in the Environment Chapter of the Comprehensive Plan.

The best ways to determine if a common property or a Preservation Area is adjacent to your property is to:

- 1) Consult the survey for your property.
- 2) Consult the Plat for your subdivision or construction plans for your development. Plats are generally available on the County's web site and you can search for them by the name of the subdivision at <https://secure.sarasotaclerk.com/SubPlatsSearch.aspx>. Construction plans can be found at the County's records department at 1001 Sarasota Center Blvd., Sarasota, Florida 34240. A copy of these documents may also be located at your property manager's office, if applicable.
- 3) Review the deed restrictions for your subdivision.
- 4) Contact the Environmental Protection Division at (941) 861-5000.

**4. What are the functions and values of having a Preserve?**

- Water quality
- Flood control
- Privacy/screening by native vegetation
- Wildlife viewing
- Aesthetics
- Property value

**5. What are nuisance and exotic vegetation?**

Nuisance and exotic vegetation are plants that displace and/or negatively affect native plants in a habitat. Nuisance plants may be native to Florida but can become invasive by growing out of control and displacing pre-existing native plants in the habitat. Exotic plants are non-native and do not belong to the area, state, country, or even this continent. Exotic plants often become invasive because they do not have common predators to maintain them; thus, they become established, and displace native vegetation within the habitat.

When a habitat is disturbed through development, earthmoving, or landscaping, exotic and nuisance vegetation will invade the impacted areas. Nuisance and exotic invasive plants may be different in each habitat type, but among the most common species are Brazilian pepper, melaleuca, Australian pines, cattails, air potato and grape vine.

Brazilian pepper trees are an example of exotic-invasive vegetation that will outcompete and displace native vegetation by growing into monocultures and dominating a habitat. Grape vines, though a native species, are an example of nuisance invasive vegetation that grow rapidly, covering plants and trees, and obstructing sunlight until the native species die-off from stress.

**6. Who is responsible for taking care of the Preservation Areas?**

Most Preservation Areas are separate tracts of land not owned by any one person, but owned by the Homeowners Association (HOA), which is the *responsible* entity. Some areas fall within individual residential property boundaries, in which case, the residential property owner is responsible for the Preservation Area.

**7. What is a Buffer Zone?**

A Buffer Zone is an upland portion of a Preservation Area which is located directly adjacent to a wetland habitat. This zone helps mitigate impacts from the adjacent development, such as artificial light, noise, pets, fertilizers, construction, pollution run-off, etc. These factors have the potential to impact the wetland functions and wildlife utilization. Additionally, the buffer zone is considered an upland component of the wetland habitat that is utilized by many wildlife species.

**8. The Buffers look aesthetically unpleasant due to layers of fallen palm fronds and vines. Can the Association hire somebody to “clean up” the litter?**

Buffers generally do not need to be “cleaned” up. Instead, buffers should be left in their natural state because they are an important element for protecting the interior habitats. Buffers are commonly pine-flatwoods habitat that provide an upland component to the adjacent wetland ecosystem. Leaving the buffer in its natural state encourages the decomposition cycle, which is an important biological process that creates microhabitats, food sources, nesting areas, denning areas, and returns nutrients to the soil.

In recent years, the County requires new developments to have a Resource Management Plan, which is a set of scheduled activities (“maintenance”) that improve the habitat by removing nuisance (e.g. vines) and exotic (e.g. Brazilian peppers) species to allow native species to establish. These activities are conducted on cyclical timeframes.

Some older developments might not have a Resource Management Plan if developed prior to current permitting requirements. To conduct any activity within a Preservation Area, written approval from the County is required. Resource Management Plans are to be prepared by professionals of natural areas, such as Environmental Scientists, Ecologists, Biologists or a person with similar training, and submitted through the Homeowners’ Association Board of representatives to Environmental Protection Division (EPD) staff for approval.

**9. Can residents explore the Preservation Areas or the natural areas in their neighborhood?**

Residents can explore and enjoy these areas and learn more about living next to a native habitat. Residents may walk through the Preserves for enjoyment of these habitats; however, please be aware that no chopping trails, removal of natural litter or wildlife is allowed. Pets are only allowed if they are on a leash and picked up after.

**10. If a tree limb or other vegetation from a Preservation Area encroaches into my property, may the limb be trimmed?**

Yes, except for Grand Trees. For all other native trees, limbs that extend out of a preservation area and beyond a property line may be trimmed if ANSI standards are followed. These standards have been developed to ensure the health of the trees and vegetation within the preservation area. Please discuss your plans with your homeowner’s association board/property manager and contact the County’s arborist.

**11. If a tree is dead in a Preservation Area, but in reach of my property, may I cut it down?**

Residents should contact their property manager and the Environmental Permitting office at (941) 861-5000. County staff will conduct an inspection to determine if the tree is dead, stressed, or diseased and the proper way to address it.

**12. Can residents' plant in a Preservation Area?**

Residents may not plant vegetation in the Preservation Areas. The County encourages the planting of native plants and trees within native habitat preservation areas; however, to ensure the appropriate vegetation is being planted in the appropriate place, planting within a Preservation Area is required to be part of the management plan for the site. The management plan must be approved and authorized by Environmental Protection Division (EPD) staff, and the work must be conducted or supervised by an Environmental Consultant/Professional. The planting of exotic, ornamental landscape plants is not allowed within Preservation Areas.

**13. Can residents use herbicides on a property next to a Preservation Area?**

Although a resident can apply herbicide within their property boundary, herbicides could potentially impact the native vegetation if applied directly adjacent to a Preserve boundary. Herbicide applications near or within a Preservation Area or natural area should be applied by a licensed Natural Areas Weed Applicator. These licensed professionals are trained to handle chemicals which can be harmful to the environment if applied in an appropriate manner.

Please be aware that most home store (Home Depot, Lowes, etc.) chemicals are oil based with restrictions and are not permitted within or near natural areas that retain water, such as wetlands or mesic hammocks. Homeowners applying herbicides adjacent to Preservation Areas may use water soluble herbicides.

**14. Can vegetative or other debris and materials be dumped into the Preservation Area?**

Vegetative debris, yard waste, and any other materials, waste, or trash, **may not** be dumped, thrown, buried, or burned within a Preservation Area. All materials must be disposed of properly at an off-site location or by your communities scheduled waste collection.

**15. What is the probability of a wildfire in a Preservation Area next to your home?**

The possibility of a natural fire in a Preservation Area is considered low because most of the preserved habitats located in subdivisions are wetlands or mesic hammocks. Both systems hold water in their soils and rarely become a fire hazard.

Please be aware that the 30-foot defensible space around homes applies mostly to medium and high-risk areas (suburban/rural neighborhoods). The buffers between a residence and a protected Preserve boundary varies throughout the county (5 to 50 feet). Again, there are several factors that rate a site from low hazard to extreme hazard, such as: Access, Vegetation, Building Construction, Fire Protection, and Utilities.

In some instances, if the Preserve is not a wetland or a mesic hammock, and your home is adjacent to large area of pine flatwoods or scrub, then the possibility of a fire is higher. Sarasota County does not generally permit fire management not allow fire management in these areas due to the high residential volume, but other techniques, such as roller-chopping, brush hogging, mowing, disking, and logging, can be implemented to maintain the vegetative fuel at a low density and reduce the probability of wildfires. These types of management techniques may be addressed in a Resource Management Plan.

Overall, most of the subdivisions within the urban area of Sarasota County are considered low hazard for wildfires.

**16. What types of wildlife live in Preservation Areas?**

Florida wildlife is abundant and diverse. Some are permanent residents, while others winter in our area. Wildlife ranges from micro-organisms, invertebrates, spiders and insects to reptiles, birds and mammals. The most common observed wildlife in Sarasota Preserves are otters, raccoons, rabbits, deer, herons, egrets, ibis, ducks, hawks, frogs, turtles, snakes, and alligators, to name a few.

Unfortunately, much of the wildlife may be displaced from their homes with increased development.

**17. Is wildlife protected in the Preserves?**

Only wildlife considered “listed” would be protected by state and/or federal rules. The term “listed” relates to species that are threatened or endangered of extinction. The agencies that have jurisdiction over wildlife protection are the U.S. Fish and Wildlife (federal government) and the Florida Fish and Wildlife Conservation

Commission (state). Sarasota county coordinates with these agencies in reviewing development/permit proposals. Examples of these species in our area are: bald eagles, Florida sandhill cranes, gopher tortoises, indigo snakes, alligators, manatees, and sea turtles to name a few.

The Preservation Areas within your community, or the communities nearby, create corridors that wildlife utilize as their home range. The size of their home range varies from small to large areas, depending on the species.

**18. What can my community do to prevent encroachments, and pass along information regarding the natural resources within the community?**

There are several helpful steps to synergize your community's residents to protect the Preservation Areas, avoid encroachments, and enjoy the natural beauty of the various habitats. The following is a list of ideas that many communities accomplished:

- a. Survey the boundary of the Preservation Area(s) and install 'Preservation Area' signs to delineate the boundary line. This helps mark the location of the regulated Preservation Area(s) and will remind residents and landscapers where the limits of the Preserve boundary are located.
- b. Provide information regarding the Preservation Area requirements and guidelines in an informational packet, pamphlet, community webpage or newsletter.
- c. Arrange a presentation by EPD staff for the residents within your community to attend for information and outreach.

**19. Who do you contact for questions or concerns regarding the Preservation Area(s)?**

If you have questions or concerns regarding the Preservation Area(s) within your community, contact your HOA, Property Manager, or Master HOA first, and then have your representative contact Environmental Protection Division (EPD) staff for additional information. Any proposed works within the Preservation Area must come from the HOA Board, Property Manager, and/or HOA Master Association, and must be approved by EPD staff.

Environmental Protection Division (EPD) Staff:

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