

1
2 ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

3 **ORDINANCE NO. 2022-__**

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
5 OF ALACHUA COUNTY, FLORIDA, AMENDING ALACHUA
6 COUNTY CODE, LAND DEVELOPMENT REGULATIONS,
7 CHAPTER 404, ARTICLE XXVIII, SECTION 404.108 ENTITLED
8 “DOCKS”; AMENDING CHAPTER 406, SECTION 406.50 ENTITLED
9 “EXEMPTIONS”; AMENDING CHAPTER 406, A SUBSECTION OF
10 SECTION 406.56 ENTITLED “FLOODPLAIN DEVELOPMENT
11 PERMIT REQUIRED”; PROVIDING FOR MODIFICATION AT
12 PUBLIC HEARING; PROVIDING FOR SEVERABILITY;
13 PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING
14 AN EFFECTIVE DATE.

15 **WHEREAS**, Section 125.01, Florida Statutes, provides that adoption of ordinances to
16 provide standards that provide for the health, safety, and welfare of citizens is an innate
17 responsibility of the governing body of each political subdivision of the state; and

18 **WHEREAS**, docks are allowed as limited uses to access to the water bodies of Alachua
19 County, Florida so that the public may continue to enjoy the recreational uses of those waters such
20 as swimming, boating, and fishing; and

21 **WHEREAS**, any structures proposed in, on, or over a surface water must be water
22 dependent and designed to minimize adverse impacts regarding the conservation of populations of
23 fish or wildlife or their habitats; and

24 **WHEREAS**, our water resources are vital to maintenance of water quality, diversity of
25 aquatic and terrestrial flora and fauna, recreational opportunities, and to the quality of life in
26 Alachua County; and

27 **WHEREAS**, the Board of County Commissioners of Alachua County, Florida (the
28 “Board”) adopted its initial Boat Docks ordinance in March 1980; and

29 **WHEREAS**, the Board now desires to update and amend said provisions to minimize

1 adverse impacts of dock construction and use on the natural resources of Alachua County.

2 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY**
3 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

4 **SECTION 1. Amendment.** Alachua County Code, Land Development Regulations,
5 Chapter 404, Article XXVIII, Section 404.108 entitled “Docks” is hereby amended as follows:

6 **Sec. 404.108 – Docks.**

7 ~~Private docks are allowed as limited uses in the unincorporated area, provided the following~~
8 ~~conditions are satisfied:~~

9 ~~(a) *Maximum enclosure width.* If the property width at the lateral shoreline is 80 feet or less,~~
10 ~~the maximum enclosure width, including any roofed areas, shall not measure more than~~
11 ~~16 feet and for lots with more than 80 feet of property width at the lateral shoreline, the~~
12 ~~maximum enclosure width, including any roofed areas, of a dock may not exceed 20~~
13 ~~percent of the property width at the lateral shoreline unless otherwise approved by the~~
14 ~~Development Review Committee (DRC) or administrative development plan approval~~
15 ~~process pursuant to section 402.48. The determination must be based on visual impacts~~
16 ~~and compliance with the standards below. Up to three feet of roof overhangs may be~~
17 ~~excluded from these calculations for covered structures. For purposes of this section, the~~
18 ~~property width at the lateral shoreline is measured as a straight perpendicular line from~~
19 ~~one property line to the other at the lake edge.~~

20 ~~(b) *Other agency permits required.* All applicable federal, state, and water management~~
21 ~~district permits must be received before beginning construction. Modifications to the~~
22 ~~design of the dock may be necessary to meet federal, state, or water management~~
23 ~~district permits.~~

24 ~~(c) *Hazards to navigation.* A dock may not create a hazardous condition to the navigation~~
25 ~~of waterways and to other pursuits of water sports.~~

26 ~~(d) *Impact on natural systems.* A dock may not be detrimental to the continued function~~
27 ~~of natural systems, including aquatic vegetation.~~

28 ~~(a) *Purpose.* The purpose of this section is to regulate dock construction, which includes dock~~
29 ~~repairing, within unincorporated areas of the county in order to minimize adverse impacts of~~
30 ~~such activities upon the natural resources of the County. This is intended to protect the~~
31 ~~county’s water bodies while providing access so that the public may continue to enjoy the~~
32 ~~recreational uses of those waters such as swimming, boating, and fishing.~~

33 ~~(b) *Applicability.* Docks are allowed as limited uses in the unincorporated area, provided the~~
34 ~~conditions of this section are satisfied. Docks include any permanently fixed or floating~~
35 ~~structure extending from the upland into the water, capable of use for vessel mooring and/or~~
36 ~~other water-dependent recreational activities. The term "dock" also includes any floating~~
37 ~~structure, boat lift or mooring piling, detached from the land, capable of use for mooring~~
38 ~~vessels and/or for other water-dependent recreational activities and any area adjacent to the~~

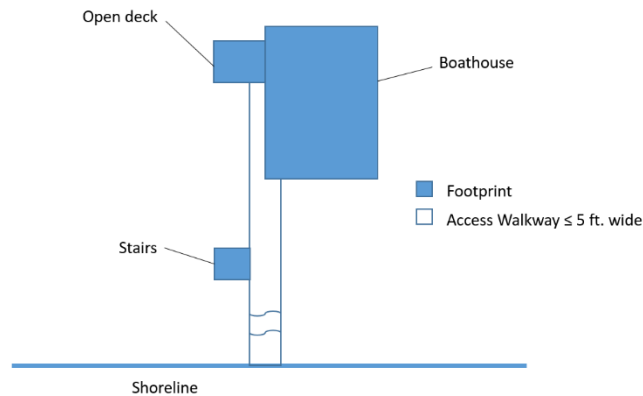
1 dock designated for mooring purposes. This term does not include any vessel that is not
2 permanently docked, moored, or anchored. Additional requirements applicable to docks are
3 included in other portions of this ULDC, including but not limited to Sec. 406.50(c) and
4 406.56(a)(1).

5 (c) Standards for approval through the Pre-application Screening Process. Exact repairs and
6 replacements of an existing dock in its same configuration or reconfigurations that do not
7 result in further non-compliance with the standards below may be reviewed and approved
8 through the Pre-application screening process per Section 402.04(a). Docks may also be
9 approved through the Pre-application screening process, provided the following conditions
10 are satisfied:

11 (1) Size limits.

12 a. Maximum size. The maximum total footprint of a dock shall not exceed 600
13 square feet. For the purposes of calculating footprint size, access walkways may
14 be excluded, provided they are no greater than 5 feet in width. Access walkway
15 means that portion of the dock that extends from the upland into the water and
16 terminates at the junction with the terminal platform (see figure below).

17 Figure 404.108.1



18
19 b. Maximum total width and covered width. The width of a dock is calculated as
20 the total width of uncovered and covered areas, including any roofed areas and
21 stairs. If the property width at the lateral shoreline is 80 feet or less, the maximum
22 width of a dock shall not exceed 20 feet. If the property width is greater than 80
23 feet, the maximum width shall not exceed 25 feet. Docks on upland cut canals and
24 the Santa Fe River will be evaluated on a case-by-case basis and the maximum
25 width provisions may not apply.

26 c. Maximum height. The maximum height shall not exceed 14 feet as measured
27 from the floor elevation to the highest point of the dock.

28 d. Santa Fe River. Docks located on the Santa Fe River shall be limited to a single
29 platform, 160 square feet in maximum size, and shall not include any roofed
30 areas.

1
2 (2) Other permits required. All applicable local, federal, state, and water management
3 district permits must be received before beginning construction, including a building
4 permit from the Alachua County building official. If modifications to the design of a
5 County permitted dock are necessary to meet federal, state, or water management district
6 permits, the applicant shall resubmit revised plans to the appropriate County reviewing
7 body.

8 (3) Hazards to navigation. A dock may not create a hazardous condition to the navigation
9 of waterways and to other pursuits of water sports. Hazard to navigation means a
10 watercraft or structure erected, under construction or moored that obstructs the navigation
11 of watercraft proceeding along a navigable water or obstructs reasonable riparian access
12 to adjacent properties.

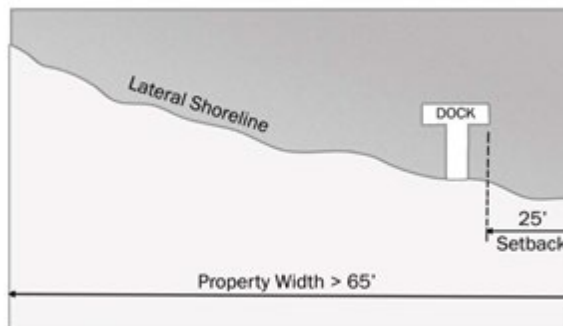
13 (4) Impact on natural systems. A dock may not be detrimental to the continued function
14 of natural systems, including aquatic vegetation. All structures shall be constructed to
15 cause the least possible impact to wetland and aquatic vegetation.

16 ~~(e) Setbacks. If the property width of the lateral shoreline is 65 feet or greater, the dock~~
17 ~~must be set back at least 25 feet from the side property lines unless otherwise approved~~
18 ~~by the DRC or administrative development plan approval process (see figure below). If~~
19 ~~the property width at the lateral shoreline is less than 65 feet, docks must be set back at~~
20 ~~least ten feet from the property line unless otherwise approved by the DRC or~~
21 ~~administrative development plan approval process.~~

22 **Figure 404.108.1**

23 (5) Setbacks. If the property width of the lateral shoreline is 65 feet or greater, the dock
24 must be set back at least 25 feet from the side property lines (see figure below). If the
25 property width at the lateral shoreline is less than 65 feet, the dock must be set back at
26 least ten feet from the property line.

27 Figure 404.108.2



28
29 (6) Walls are prohibited. There shall be no structures enclosed by walls on any side,
30 temporary or permanent.

1 (7) One dock per property. There shall be no more than one dock per single family
2 residential parcel of land.

3 ~~(f) — Review process.~~

4 ~~(1) — Existing docks.~~

- 5 ~~a. — Exact replacements of an existing dock may be reviewed and approved through~~
6 ~~the application screening process per Section 402.04(b).~~
- 7 ~~b. — Modifications of docks that are less than 1,000 square feet in total surface area~~
8 ~~that meet the standards of paragraphs (a) through (e) above may be reviewed~~
9 ~~and approved through the application screening process per section 402.04(b).~~
- 10 ~~c. — Modifications of an existing dock over 1,000 square feet or that does not meet~~
11 ~~the standards in both paragraphs (a) and (e) above may be reviewed and~~
12 ~~approved through the administrative development plan approval process~~
13 ~~provided there is no expansion of covered areas. The administrative~~
14 ~~development plan approval process may allow an increase of the total area if~~
15 ~~necessary to meet the standards of paragraphs (b) through (e) above and may be~~
16 ~~reviewed and approved through the administrative development plan approval~~
17 ~~process provided it is the minimum increase necessary to meet those standards.~~
- 18 ~~d. — Modifications to docks that do not meet all of the requirements of paragraphs a.~~
19 ~~through e. of 404.108(f) must be reviewed by the DRC.~~

20 ~~(2) — New docks.~~

- 21 ~~a. — New docks less than 1,000 square feet in total surface area that meet all of the~~
22 ~~standards of paragraphs (a) through (e) above may be reviewed and approved~~
23 ~~through the application screening process per section 402.04(b). For purposes of~~
24 ~~calculating total surface area, the calculation excludes walkways, but includes~~
25 ~~the surface area of the dock and the area under any other covered structure. For~~
26 ~~purposes of this section, walkway is defined as the portion of the structure~~
27 ~~landward of the ordinary high water line, and dock is defined as that portion of~~
28 ~~the structure waterward of the ordinary high water line.~~
- 29 ~~b. — New docks that exceed 1,000 square feet of surface area, or do not meet the~~
30 ~~standards in both (a) and (e) of section 404.108, may only be reviewed and~~
31 ~~approved by the DRC, in accordance with Chapter 401 Article V. For purposes~~
32 ~~of this section walkway is defined as the portion of the structure landward of the~~
33 ~~ordinary high water line, and dock is defined as that portion of the structure~~
34 ~~waterward of the ordinary high water line.~~

35 (d) Development review committee (DRC) approval. Per Chapter 401, Article V, the DRC may
36 approve docks that do not meet the standards in 404.108(c) provided the following conditions
37 are satisfied (see table below). The DRC may also approve reconfigurations of existing docks
38 that do not meet one or more of the standards in 404.108(c) and/or this section provided
39 those standards are not made further non-compliant.

40 (1) Maximum size. The total footprint as calculated in 404.108(c)(1)a. shall not exceed 900
41 square feet.

1 (2) Maximum width. The maximum width of a dock shall not exceed 40 feet or 40% of the
 2 property width at the lateral shoreline, whichever is less. For purposes of this section, the
 3 property width at the lateral shoreline is measured as a straight perpendicular line from one
 4 property line to the other at the lake edge. The DRC may authorize a dock serving multiple
 5 residences or public access docks to exceed the maximum size and width standards upon
 6 determination that such joint use would result in greater environmental protection.

7
 8 (3) Maximum covered width. The maximum covered width of a dock shall not exceed 30
 9 feet.

10 (4) Setbacks. The DRC may approve exceptions to the setback standard when the County
 11 determines that locating any portion of the dock within the setback area is necessary to avoid
 12 or minimize adverse impacts to natural resources or riparian rights.

13 (5) Santa Fe River. The total footprint of a dock located on the Santa Fe River shall not
 14 exceed 300 square feet and all other standards in 404.108(c) must be satisfied. A single
 15 covered platform may be approved not to exceed 160 square feet.

16 Table 404.108.1

<u>Standard</u>	<u>Pre-application screening approval limit</u>	<u>Development Review Committee approval limit</u>
<u>Maximum platform size</u>	<u>600 square feet</u>	<u>900 square feet</u>
<u>Maximum width</u>	<u>25 feet for properties > 80 feet wide</u> <u>20 feet for properties ≤ 80 feet wide</u>	<u>The lesser of 40 feet or 40% of the property width at the shoreline</u>
<u>Maximum covered width</u>	<u>25 feet for properties > 80 feet wide</u> <u>20 feet for properties ≤ 80 feet wide</u>	<u>30 feet</u>
<u>Maximum height</u>	<u>14 feet</u>	<u>14 feet</u>
<u>Setbacks</u>	<u>10 feet for properties <65 feet wide</u> <u>25 feet for properties ≥ 65 feet wide</u>	<u>Less only if it is necessary to avoid or minimize adverse impacts to natural resources or riparian rights</u>
<u>Santa Fe River docks</u>	<u>Limited to a single uncovered platform ≤ 160 square feet</u>	<u>Limited to a single covered platform ≤160 square feet and total footprint ≤300 square feet</u>

17 **SECTION 2.** Amendment. Alachua County Code, Land Development Regulations,

18 Chapter 406, Article VI, Section 406.50 entitled “Exemptions” is hereby amended as follows:

1 **Sec. 406.50 - Exemptions.**

2 The following activities are allowed on regulated surface waters, wetlands, and wetland
3 buffers, subject to the specified limitations, restrictions and conditions. Persons wishing to
4 make use of an exemption shall submit a natural resources inventory or comparable
5 administrative notice in order to demonstrate that they qualify for exemption prior to
6 initiating any of the following activities in surface waters, wetlands, and buffers:

7 (a) *Bona fide agricultural activities.*

8 (1) *Silvicultural activities.* Forestry operations conducted in accordance with the
9 practices outlined in Best Management Practices for Silviculture (October 2003 edition
10 published by the Department of Agriculture and Consumer Services, Division of
11 Forestry). This exemption shall be available only to those operations which meet the
12 criteria of Subsection 406.05(c).

13 (2) *Non-silvicultural activities.*

14 a. Existing bona fide agricultural activities that did not require approval prior to October
15 29, 1992, the adoption of the Alachua County Surface Waters and Wetlands
16 Ordinance (Ordinance No. 92-42), provided that the activities are conducted
17 according to applicable best management practices.

18 b. Operations that cannot qualify for an exemption pursuant to this Subsection may apply
19 for an administrative determination. The County may approve administratively the
20 pursuit of agricultural activities in, on or over a surface water or wetland area or
21 buffer, or adjacent to or connected to a surface water or wetland area, if it is
22 determined that the proposal:

23 1. Will have minimal impact on navigational access, water quality, fish, wildlife,
24 exceptional associations of plant life, listed species, or hydrologic characteristics
25 critical to the support of the surface water and/or wetland system; and

26 2. Will not result in the draining or permanent filling of a surface water or wetland
27 area; and

28 3. Will incorporate mitigating conditions where necessary to ensure minimal
29 impact.

30 (b) *Minor nature trails.* Construction and maintenance of public or private nature trails no
31 greater than ten (10) feet in width, including boardwalks and foot bridges, provided that
32 no more dredging or filling is performed than necessary to install, repair or replace piling.

33 (c) Minor docks ~~and boardwalks~~. The installation of a dock ~~and/or boardwalk~~ less than ~~one~~
34 ~~thousand (1,000) square feet in total surface area six hundred (600) square feet in footprint~~
35 ~~size~~, excluding walkways, provided that the requirements of section 404.108 of this ULDC

1 are met.

2 (d) *Navigational aids*. The installation of aids to navigation, including but not limited to bridge
3 fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids,
4 provided that the devices are marked pursuant to F.S. § 327.40.

5 (e) *Treatment wetlands*. In the case where specific permitted use(s) and associated required
6 modifications are allowed in "treatment wetlands" or in a "wetlands stormwater discharge
7 facility" pursuant to Chapter 62-611 and Rule 62-25.042, Florida Administrative Code,
8 respectively. Failure to comply with operating conditions of such permit(s) shall nullify
9 this exemption.

10 (f) *Connection of stormwater facilities*. Dredging or filling which is required to connect
11 stormwater management facilities permitted by the St. Johns River Water Management
12 District, the Suwannee River Water Management District, or the Alachua County
13 Department of Public Works to nontidal wetlands and which is incidental to the
14 construction of such stormwater management facilities. Incidental dredging or filling shall
15 include:

16 (1) Headwalls and discharge structures; and

17 (2) Erosion control devices or structures to dissipate energy which are associated with
18 discharge structures; and

19 (3) Outfall pipes less than twenty (20) feet in length, provided the pipe does not interfere
20 with navigation; and

21 (4) The connection of ditches dug through the uplands where the dredging or filling for the
22 connection to wetlands extends less than twenty (20) feet in length into the wetland; and

23 (5) Other dredging or filling which the Environmental Protection Department determines
24 will have a similar effect as those activities listed above.

25 (g) *Repair or replacement*. The repair or replacement of existing vehicular bridges, open-foot
26 trestle bridges, functional piers, mooring piles, boat ramps, or stormwater discharge pipes,
27 at the same location and of the same dimensions and configuration as the original being
28 repaired or replaced, provided that no more dredging or filling is performed than necessary,
29 and no debris from original structures shall be allowed to remain in jurisdictional wetlands.

30 (h) *Emergency repairs*. Emergency repairs consistent with the requirements of Florida
31 Administrative Code.

32 (i) *Maintenance dredging*. The performance of maintenance dredging of existing man-made
33 ditches, canals, channels, and intake and discharge structures, where the spoil material is
34 to be removed and deposited on a self-contained, upland spoil site which will prevent the
35 escape of the spoil material and return water from the spoil site into surface waters,
36 provided no more dredging is performed than is necessary to restore the canals, channels,
37 and intake and discharge structures to original design specifications, and provided further
38 that control devices are used at the dredge site to prevent turbidity and toxic or deleterious
39 substances from discharging into adjacent waters during maintenance dredging. This
40 exemption shall not apply to the removal of a natural or man-made barrier separating a
41 canal or canal system from adjacent waters.

42 (j) *Previously approved permits*.

1 (1) Dredge and fill permits. Specifically permitted dredge and fill or surface water
2 management activities that were approved by a federal or state agency or a water
3 management district, prior to October 29, 1992, the adoption of the Alachua County
4 Surface Waters and Wetlands Ordinance (Ordinance No. 92-42). Failure to comply with
5 operating conditions of such permits shall nullify this exemption.

6 (2) Other permits. Projects for which the applicant demonstrates that formal development
7 approvals or permits have been issued by other regulatory agencies prior to October 29,
8 1992, the date of adoption of the Alachua County Surface Waters and Wetlands Ordinance
9 (Ordinance No. 92-42).

10 (k) *Altered wetlands*. In instances where the water regime of a wetland has been artificially
11 altered, but the dominant vegetation of the area in question continues to be comprised of
12 listed species, a feasibility of hydrologic restoration shall be made by County staff.
13 Hydrologic restoration that can be accomplished by minor earth work or drainage controls,
14 and would not be contrary to the public health, safety, and welfare, shall be viewed as the
15 preferable alternative to the proposed development activity. This provision for exemption
16 is not intended to apply in the case where a surface water and/or wetland has been filled or
17 altered in violation of any rule, regulation, statute, or this Chapter.

18 (l) *Artificial wetlands*. All man-made impoundments, lakes, streams, ponds, artificial, or
19 created wetlands, and all stormwater management facilities, provided that development
20 activities in these areas will not adversely impact natural or mitigation surface waters and
21 wetlands. If these facilities were required as a mitigation project they shall not be exempt
22 from this Chapter. If any wetlands or surface waters are part of a stormwater management
23 facility approved by the County, the same function must be provided, and any
24 modifications shall be subject to approval by the County Engineer.

25 (m) *Miscellaneous*. Those other projects for which the Alachua County Environmental
26 Protection Department determines, in writing, that there will be no significant adverse
27 impacts based on the factors and criteria set forth in this Section.

28 (n) *Surface water recreational access*. Removal of aquatic vegetation no more than 25 foot in
29 width or 25% of the shoreline, whichever is less, may be allowed provided the Alachua
30 County Environmental Protection Department determines, in writing, that there will be no
31 significant adverse impacts based on the factors and criteria set forth in this section.

32 **SECTION 3. Amendment.** Alachua County Code, Land Development Regulations,
33 Chapter 406, Section 406.56(a) entitled “Floodplain development permit required” is hereby amended
34 as follows. Only subsection 406.56(a) *Administrative approval*, is amended by way of this
35 Ordinance. Subsection (b) and its parts of Sec. 406.56 remain unchanged by this Ordinance.

36 **Sec. 406.56 – Floodplain development permit required.**

37 Any development in a flood hazard area is hereby prohibited, unless a floodplain
38 development permit and building permit is first obtained. All newly created lots shall include
39 adequate buildable area above the 100-year floodplain and all new habitable structures on

1 such lots must be outside the floodplain. Existing lots of record as of October 2, 1991 may
2 only develop in conformance with the flood hazard reduction standards and the Florida
3 Building Code as applicable. Any owner or owner's authorized agent (hereinafter
4 "applicant") who intends to undertake any development activity within the scope of this
5 Article, including buildings, structures and facilities exempt from the Florida Building Code
6 which is wholly within or partially within any flood hazard area shall first make application
7 to the Floodplain Administrator, and the building official if applicable, and shall obtain the
8 required permit(s) and approval(s). No such permit or approval shall be issued until
9 compliance with the requirements of this Article and all other applicable codes and
10 regulations has been satisfied.

11 (a) *Administrative approval.* The DRC shall approve, approve with conditions, or deny all
12 floodplain development permits, with the exception of the following uses which can be
13 approved by the floodplain administrator:

14 (1) Boat docks less than ~~one thousand (1,000) feet~~ six hundred
15 (600) square feet in footprint size meeting the minimum standards of Section 404.108 of
16 this ULDC.

17 (2) Single-family residence or mobile or manufactured home on a legal lot of record.

18 * * *

19 SECTION 4. Modification. It is the intent of the Board of County Commissioners that
20 the provisions of this ordinance may be modified as a result of considerations that may arise
21 during public hearings. Such modifications shall be incorporated into the final version of the
22 ordinance adopted by the Board and filed by the Clerk to the Board.

23 SECTION 5. Severability. If any word, phrase, clause, paragraph, section or provision of
24 this ordinance or the application hereof to any person or circumstance is held invalid or
25 unconstitutional, such finding shall not affect the other provisions or applications of the ordinance
26 which can be given effect without the invalid or unconstitutional provisions or application, and to
27 this end the provisions of this ordinance are declared severable.

28 SECTION 6. Inclusion in the Code. It is the intent of the Board of County Commissioners
29 of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall

1 become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section
2 of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word
3 “ordinance” may be changed to “section”, “article”, or other appropriate designation.

4 SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the
5 Department of State by the Clerk of the Board within ten (10) days after enactment by the Board
6 and shall take effect upon filing with the Department of State.

7
8 **DULY ADOPTED** in regular session, this ___ day of _____, 2022.

9
10 **BOARD OF COUNTY COMMISSIONERS OF**
11 **ALACHUA COUNTY, FLORIDA**

12
13 ATTEST:

14 BY: _____
15 Marihelen Wheeler, Chair
16 Board of County Commissioners

17 _____
18 J.K. “Jess” Irby, Esq.
19 Clerk

APPROVED AS TO FORM

20 _____
21 County Attorney

22 (SEAL)