

PINELLAS COUNTY
WATER AND NAVIGATION REGULATIONS

PINELLAS COUNTY LAND DEVELOPMENT CODE
SECTIONS 166-241 THROUGH 166-364



January 1, 2005

Administered by the Pinellas County Department of Environmental Management

For additional information please contact us at:

Telephone (727) 453-3385

Fax (727) 453-3371

Table of Contents

<u>Section:</u>	<u>Page:</u>
Title	1
Definitions	1
Authority for Article.....	4
Violations and Penalties	4
Intent.....	5
Interpretation; Conflicting Provisions	6
Territory Embraced	6
Exemptions.....	6
Administration.....	7
Enforcement Procedure	7
Contractor=s License.....	8
Surety Bond.....	9
Building Permits.....	9
Protection of Adjacent Habitat	9
Signs and Fences on Submerged Lands	10
Permit Required; Review of Applications.....	10
Criteria for Approval of Permits.....	11
Mitigation and Enhancement.....	11
Criteria for Issuance	12
Special Conditions.....	12
Administrative Permits.....	13
Notice of Public Hearing	14
Appeals.....	14
Acceptance of Permits.....	14
Expiration of Permits; Extension.....	14
Variances	15
Fees.....	16
Posting.....	16
Revocation of Permits	16
Dock Permit Requirements and Restrictions.....	17
Dock Repair Permits.....	19
After-the-Fact Permits.....	19
Special Dock Restrictions for Lake Tarpon and Lake Seminole.....	19
Boardwalks and Observation Platforms	20
Disrepaired or Dilapidated Docks	21
Application Information	21
Private Dock Application Information	21
Multiuse Private Dock Application Information.....	23
Commercial Dock Application Information.....	24
Permitting Criteria for Docks	24
Minimum Construction Specifications for All Dock Construction.....	24
Design Criteria for Private Docks	26
Design Criteria for Commercial and Multiuse Private Docks.....	27
Dredge and Fill--Permit Required	28
Dredge and Fill--Application Information	28
Dredge and Fill--Permitting Criteria	30
Seawalls--Placement Restrictions.....	31
Seawalls--Permit Application Information.....	32
Seawalls--Placement Criteria	32
Seawalls--Design Criteria.....	32
Seawalls--Fronting the Gulf of Mexico.....	36
Standards for Seawall Construction	37
Index.....	38

DIVISION 1. GENERALLY

Sec. 166-241. Title.

The regulations set out in this article may be known and cited as the "Pinellas County Water and Navigation Control Authority Regulations."

Sec. 166-242. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative hearing means a public hearing held for the purpose of discovering facts in reference to an application under this article and for the purpose of providing a forum for affected parties to express their concerns. Such hearing shall be conducted by the staff of the Department of Environmental Management.

Aesthetics or natural beauty refers primarily to the natural beauty of the Waters of the County and shall be interpreted as seen from within or upon the Waters of the County.

Authority means the Pinellas County Water and Navigation Control Authority or its designated representative.

Beach means that area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent upland vegetation (usually the effective limit of storm waves).

Boat lift means a device for lifting boats out of the water for storage over the water. Boat lifts shall be inclusive of all post and floating lift systems but exclusive of davits where the davit base is not within the Waters of the County.

Building means any structure which has enclosing walls and was built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Chapter 31182 refers to Laws of Fla. ch. 31182(1955) (compiled in chapter 2, article VI, division 4 of the Pinellas County Code).

Coastal construction control line (CCCL) means the County coastal construction control line as depicted on the State Department of Natural Resources, Division of Beaches and Shores, August 1974, aerial map, including any updates or amendments.

Commercial dock, class A means any dock, pier or wharf used in connection with a hotel, motel or restaurant and where the slips are not rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility.

Commercial dock, class B means any dock, pier or wharf used in connection with a social or fraternal club or organization, and where use of the facility is restricted to the membership thereof.

Commercial dock, class C means any dock, pier or wharf constructed and maintained by a local municipality, the County or any state or federal agency.

Commercial dock, class D means any dock, pier or wharf where the primary function is the collection of revenue for profit. This classification shall include all commercial marinas, boatyards and commercial boat docking facilities.

Construction means new work, repairs, replacements and extensions to structures.

County Administrator means the County Administrator for the County or his designated representative.

County Engineer means the Director of Public Works or his designated representative.

Dock means any structure, including a pier, wharf, loading platform, tie poles, dolphins, accessory structures, or boat lift which is constructed on piling, over open water, or which is supported by flotation on the Waters of the County.

Dredging means excavation, by any means, in the Waters of the County.

Filling means the deposition, by any means, of materials in the Waters of the County.

Floating dock means any dock supported by flotation devices.

Listed species means those flora and fauna listed by the State or the federal government as endangered, threatened, or as species of special concern.

Lumber sizes means nominal sizes.

Mitigation means the creation of habitat in compensation for the adverse impacts associated with a permitted activity.

Multiuse private dock means any dock to be owned in common or used by the residents of an apartment house (more than two units), condominium, cooperative apartment, mobile home park or zero lot line attached structures.

Navigation means the maneuvering of watercraft within the Waters of the County, including ingress to and egress from an upland property.

New development means and includes new construction and remodeling of existing structures.

Person means any natural person, firm, corporation, county, municipality, township or any other public agency.

Private dock means any dock which will be used by an individual owner, his family and friends, and at which the property is zoned residential, single-family; or shall mean any single structure dock facility which provides dockage for a duplex type residential unit. This definition is not to include docks servicing zero lot line attached units.

Project means any development, redevelopment, construction, repair, or other activity which occurs in whole or in part within the jurisdiction of the Authority.

Property line means those lines described in the legal description of the applicant's deed.

Protective barrier means a physical structure limiting access to a designated area and composed of wooden and/or other suitable materials which gives reasonable assurance of compliance with the intent of this article.

Public hearing means an advertised hearing before the Authority, open to the public, for the purpose of presenting the facts of an application and for the purpose of providing a forum through which affected parties may make their concerns known to the Authority.

Repair permit means the permit for the repair of a previously permitted dock or seawall.

Restoration means the designed creation of desirable habitat.

Riprap means the hardening of shorelines by a means other than the installation or repair of seawalls.

Seawall means any hardening of the shore by the installation of a vertical wall where such structure is toed in within the Waters of the County. This definition specifically excludes upland retaining walls located outside of the Waters of the County.

Setback means a buffer area of a size to be determined on an individual basis within which no change to existing conditions may be made without a specific permit.

Standard Building Code means that code as adopted by the Pinellas County Construction and Licensing Board.

Survey means a one inch equal to 200 feet scale aerial and 1:10 to 1:60 scale drawing signed and sealed by a state registered land surveyor (P.L.S.) which accurately locates either designated stands of mangroves or designated individual trees in addition to other site characteristics (such as topography, mean high water, property lines, and upland trees) required for the review of the application.

Tie piles means and includes dolphin, batter, sister, or mooring piles which are placed to provide anchorage, mooring, structural support, or space for a ship or boat.

Utility means those public and private services such as telephone, power, sanitary sewer, potable water, etc.

Waters of the County means and includes:

- (1) All those waters having a measurable salinity at some point during the tidal cycle and lying within the legal boundaries of the County;
- (2) The following lakes: Tarpon, Seminole, St. George, Chautauqua (Township 28 South, Range 16 East), Salt, Leisure, Taylor, and Walsingham; or
- (3) All those areas which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation specifically adapted to life in saturated conditions, as listed in the Florida Administrative Code. These waters include, but are not limited to, rivers, estuaries, bays, swamps, marshes, sloughs, bayous, and open waters, whether such waters are on private or public lands and whether such waters are manmade or natural. Where vegetation would not normally be expected due to other environmental factors, such as in the high energy zone of marine beaches, the limits of the Waters of the County shall be determined by the coastal erosion control line. Where a coastal erosion control line has not been established, the limits of the Waters of the County shall be set by a reasonable alternative.

All other words, terms, and phrases used in this article shall be defined according to their commonly accepted meanings.

Sec. 166-243. Authority for article.

This article is adopted in compliance with and pursuant to Laws of Fla. ch. 31182(1955) (compiled in chapter 2, article VI, division 4 of the Pinellas County Code).

Sec. 166-244. Violations and penalties.

(a) Any person who shall violate the provisions of this article or any conditions imposed as a part of a permit issued pursuant to this article shall be punished as provided in section 134-8.

(b) In addition to the penalties provided in this section, any violation of the provisions of this article or any conditions made a part of the permit issued pursuant to this article may constitute grounds for revocation of that permit.

(c) In addition to other penalties provided in this section, the County Attorney may institute or participate in any appropriate civil or administrative action or proceeding to declare, prevent, restrain, correct or abate any violation, or threat thereof, of any provision of this article. The County may also seek civil remedies pursuant to Laws of Fla. ch. 90-403, the "Pinellas County Environmental Enforcement Act" (compiled in chapter 58, article II of the Pinellas County Code).

(d) In addition to other penalties provided in this section, the Authority may require restoration, mitigation, or enhancement in order to ameliorate the adverse impacts of unpermitted or improperly conducted activities.

(e) The County Administrator may withhold the issuance of other certificates, licenses, or permits on related developments or projects where violations of this article are outstanding until the violations of this article have been abated.

Sec. 166-245. Intent.

(a) It is the intent of the County Water and Navigation Control Authority to fulfill its obligations as delineated in Laws of Fla. ch. 31182(1955), as amended (compiled in chapter 2, article VI, division 4 of the Pinellas County Code). It is the further intent of the Authority to implement the regulations set out in this article throughout the jurisdiction of the Authority, except where otherwise stated in this article.

(b) It is the intent of the Authority to protect, through sound management and the judicious issuance of permits, the natural resources of the County.

(c) It is the intent of the Authority to regulate all dredge and fill activity within the jurisdiction of the Authority in order to minimize the adverse impacts of these activities on the natural resources of the County.

(d) It is the intent of the Authority to regulate the placement of seawalls within the jurisdiction of the Authority in order to minimize the adverse effects of these structures as well as assure the protection of upland lands from the erosive action of the Waters of the County.

(e) It is the intent of the Authority to regulate the construction of commercial and private docking facilities within the jurisdiction of the Authority in order to minimize the adverse impacts of such activities upon the natural resources of the County.

(f) It is the intent of the Authority to protect those species listed as endangered, threatened, or as species of special concern by federal and state agencies.

(g) It is the intent of the Authority to apply this article in a manner sensitive to both the property rights of the applicant and the rights of the citizens of the County to enjoy the benefits of their natural resources.

Sec. 166-246. Interpretation; conflicting provisions.

In interpreting and applying the provisions of this article, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the citizens of the County. It is not intended by this article to interfere with, abrogate or annul any lawful easements, covenants or other agreements between parties; provided, however, that where this article imposes a greater restriction upon the use of structures, premises or lands within the jurisdiction of the Authority than are imposed or required by other resolutions, rules, regulations or other lawful easements, covenants or agreements, the provisions of this article shall control.

Sec. 166-247. Territory embraced.

All those lands over which jurisdiction is given to the County by benefit of Laws of Fla. ch. 31182(1955) (compiled in chapter 2, article VI, division 4 of the Pinellas County Code), as amended, shall be embraced by the terms of this article.

Sec. 166-248. Exemptions.

(a) Waters of the County shall be limited around freshwater lakes to include only those vegetated areas, per the definition of Waters of the County, which immediately fringe the lake. It is specifically intended that the tributaries to such lakes not be included in such definition unless such tributaries are navigable waters.

(b) Waters of the County shall not be interpreted to include stormwater retention ponds.

(c) Dock owners and licensed marine contractors shall be allowed to repair docks that have been damaged by a natural disaster (act of God, heavy winds and/or seas), in the same configuration of the original permitted dock, without applying for an additional permit when this subsection is invoked by the Authority or the Director of the Department of Environmental Management. This subsection shall not apply in instances where the destroyed or damaged dock was not originally permitted by the Authority. The Director of the Department of Environmental Management, or his designated representative, shall be notified by the owner of the dock of such damage within 90 days of the occurrence of such damage in order for this subsection to be in force. The Director of the Department of Environmental Management, or his designated representative, shall also be notified upon completion of the repair and the dock shall be inspected by the Department of Environmental Management.

(d) The requirements contained in section 166-251 shall not apply where the construction activity is to be conducted by the property owner.

(e) Licensed class A general contractors or licensed marine contractors may install or repair tie poles, sister poles, batter poles and dolphin poles without having first obtained a permit, provided that such permit is applied for within 15 days of the activity. Such installation is conducted at the contractor's risk and may be required to be removed or relocated if the permit is not approvable.

(f) Application for the repair of multiuse private or commercial docks to be made in the same configuration and to the same material specifications as were originally permitted by the Authority will not require the signature and seal of a state registered civil engineer.

(g) The placement of cables or pipes via directional drilling techniques which does not result in any disturbance of Waters of the County is exempt from the requirement to obtain a dredge and fill permit.

Sec. 166-249. Administration.

(a) The administration and enforcement of this article is vested in the County Administrator.

(b) The County Administrator shall have the option of bringing any application for an administrative permit under this article before the Authority for final action.

(c) The Department of Environmental Management shall coordinate all permit review activities under this article and shall conduct administrative hearings.

(d) Where possible, in order to ease the application process as well as the permitting process, applications for multiple activities under this article shall be encouraged.

(e) All applications and revised applications under this article must be submitted through the Clerk of the Authority or the Clerk's representative.

Sec. 166-250. Enforcement procedure.

(a) All projects under this article will be subject to a final inspection by the Department of Environmental Management to assure compliance with the conditions of the permit.

(b) The Director of the Department of Environmental Management, or his designated representative, shall be notified when dredge, fill, or commercial and multiuse dock construction commences and upon the completion thereof. The Director of the Department of Environmental Management, or his designated representative, shall be notified upon completion of a private dock structure.

(c) The applicant, contractor and/or agent will be notified by the Director of the Department of Environmental Management, or his designated representative, in writing, of any discrepancies discovered during any inspection within ten working days. The responsible party shall have ten working days from the date of notice to correct such discrepancies.

(d) Any person may report a violation of this article to the Authority or to the County Department of Environmental Management.

(e) Inspectors for the Department of Environmental Management, their successor departments, or other designees of the County Administrator shall have the authority to investigate violations of this article.

(f) Investigations of violations of this article may be based upon statements of the complainant or upon inspections performed by County departmental personnel.

(g) In conducting investigations of violations of this article, departmental inspectors shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of a violation of this article.

Sec. 166-251. Contractor's requirements.

(a) All construction activity involving docks or boardwalks must be conducted by a contractor possessing a valid class A general contractor's license or a marine contractor's license issued by the Pinellas County Construction and Licensing Board. All such contractors and any contractor performing dredge and fill activities shall maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to, the provisions of the Longshoreman's & Harbor Worker's Compensation Act, or the Jones Act. The Authority may require proof of such coverage at any time.

(b) It shall be a violation of this section to cancel any required insurance after presenting proof of such coverage to the Authority and obtaining a permit, provided however that the contractor actually performs the construction activity covered by such permit without the appropriate insurance coverage in effect.

(c) It shall be a violation of this section for a property owner to procure any permit under this article with the intent to aid or abet a contractor that does not meet the requirements set forth in subsection (a) above in performing the permitted construction, alteration or repair.

Sec. 166-252. Surety bond.

(a) All persons, except the County and municipalities, shall deposit with the Authority, upon the issuance of the required contractor's license, a surety bond issued by a responsible surety company, in the sum of \$5,000.00, to secure the faithful performance of all permit conditions to be performed by such person, and in compliance with this article, for the expressed benefit of the property owner.

(b) The surety bond required by this section shall be renewed at a minimum annually or as otherwise required by its terms, and shall remain in full force and effect so long as the person possesses a valid contractor's license as required by this article. Upon annual renewal of their existing bond, licensed contractors shall be required to comply with this article.

Sec. 166-253. Building permits.

(a) *Municipal approval.*

- (1) It shall be the responsibility of the local government to set construction standards and issue building permits for seawalls. New seawalls placed within the jurisdiction of the Authority shall require a fill permit from the Authority.
- (2) Dock permits issued by the Authority will be for the structure only and do not include an approval or permit for other installations requiring plumbing or electrical facilities.
- (3) Nothing in this section is to imply that an improperly conducted activity such as the improper placement of a seawall or riprap is not a violation of this article.

(b) *Unincorporated areas of the County.* The County Building Department shall issue construction permits for seawalls in the unincorporated areas of the County once all other requirements have been satisfied.

Sec. 166-254. Protection of adjacent habitat.

Projects conducted within the unincorporated County are subject to all other County regulations and ordinances. Where projects are conducted in areas where article II of this chapter is in effect, the habitat protection requirements of that article will be enforced. Certain habitats will require protective barriers prior to permit issuance. The County Administrator shall make provisions necessary to issue the permit pursuant to this article and the Habitat Management and Landscape permits simultaneously where applicable. The provisions of this section may be expanded, at the discretion of the Administrator, to account for consistency with other County ordinances where applicable.

Sec. 166-255. Signs and fences on submerged lands.

The posting of signs and placing of fences upon the submerged lands of the County will be considered an obstruction to navigation and shall only be permitted upon application to the Authority and approval at public hearing of such sign or fence by the Authority and the issuance of a permit for such installation.

DIVISION 2. PERMITS GENERALLY

Sec. 166-281. Permit required; review of applications.

(a) It shall be a violation of this article for any person to undertake activities regulated by this article without a permit from the Authority.

(b) The Authority shall consider, in its review of permit applications under this article, the following criteria. If any of the following questions are answered in the affirmative, the application shall be denied or modified:

- (1) Would have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences;
- (2) Would restrict the free use of the waterways and navigable waters;
- (3) Would have a material adverse effect upon the flow of water or tidal currents in the surrounding waters;
- (4) Would have a material adverse effect upon erosion, erosion control, extraordinary storm drainage, shoaling of channels, or would be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area;
- (5) Would have a material adverse effect upon the natural beauty and recreational advantages of the County;
- (6) Would have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest;
- (7) Would have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development;
- (8) Would have a material adverse effect on the safety, health and welfare of the general public; or

- (9) Are inconsistent with adopted State plans (i.e., manatee protection, SWIM plans), County and municipal comprehensive plans, other formally adopted natural resource management plans, or any other County ordinances or regulations.

Sec. 166-282. Criteria for approval of permits.

(a) It shall be the burden of the applicant for a permit under this article to provide data and testimony to show the effect of the proposed plan and development on the criteria in sections 166-281(b) and 166-358.

(b) Permits are required for dredging or filling (section 166-356), seawall installation (section 166-359), dock construction (section 166-321), dock repair (section 166-322), after-the-fact dock construction (section 166-323), dock construction within Lake Tarpon and Lake Seminole (section 166-324), boardwalks (section 166-325), and associated habitat impacts (section 166-254).

(c) Administrative approval for certain types of permits may be granted pursuant to section 166-286. Where administrative approval is not authorized, the project must be considered at an administrative hearing and subsequent public hearing before the Authority.

(d) The Authority shall have the option of requiring the analysis of alternative designs where such alternatives have the potential to reduce environmental impacts or navigational impacts. It shall be the burden of the applicant to prove that alternatives do not result in lesser impacts than the proposed design. An analysis of alternatives may be submitted at the time of application at the option of the applicant.

(e) The use of alternative designs, such as the use of multiuse private docks in lieu of single-family private docks, may be required where the assessment of cumulative impacts indicates that such cumulative impacts would violate the general provisions under section 166-281.

Sec. 166-283. Mitigation and enhancement.

(a) The Authority may consider proposals for mitigation in the review of permit applications under this article. The replacement requirements for legally impacted wetlands shall be defined on a square footage basis and shall use, as a minimum, one acre (or portion thereof) created for each acre adversely impacted. Each acre (or portion thereof) shall contain sufficient wetland replants to reestablish the wetland habitat with 85 percent coverage within three years.

(b) Any proposal for mitigation under this article must be signed by a registered environmental professional (National Association of Environmental Professionals), a registered professional ecologist (Ecological Society of America), landscape architect, or other suitable recognized professional.

(c) The Authority may require the enhancement of the local habitat where such enhancement may be reasonably expected to enhance the natural functions of the local ecosystem and where such enhancement will not place an undue hardship upon the applicant under this article.

Sec. 166-284. Criteria for issuance.

(a) In all cases, the Authority shall consider consistency with the comprehensive plans of the County and local municipality, if applicable, in the review of permit applications. The Authority shall also consider adherence to this article, the information received as a part of the application, the information gathered by staff during field or literature reviews, or information supplied during the administrative and public hearings in the issuance or denial of permits under this article.

(b) The Authority shall have the right to modify, amend or alter any application brought before it in public hearing when, based on the criteria to be considered by the Authority, modification or alteration of the permit would be necessary to bring such application into conformance with the provisions of this article.

(c) In order to provide protection for those habitats having a high degree of ecological value, proposed projects shall be specifically reviewed for adverse impacts to vegetated wetland areas; vegetative, terrestrial, or aquatic habitats critical to the support of listed species in providing one or more of the requirements to sustain their existence, such as range, nesting or feeding grounds; habitats which display biological or physical attributes which would serve to make them rare within the confines of the County, such as natural marine habitats, grass flats suitable as nursery feeding grounds for marine life, or established marine soil suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life; designated preservation areas such as those identified in the comprehensive land use plan, national wildlife refuges, bird sanctuaries, manatee sanctuaries; natural reefs and any such artificial reef which has developed an associated flora and fauna which have been determined to be approaching a typical natural assemblage structure in both density and diversity; oyster beds; clam beds; known sea turtle nesting sites; commercial or sport fisheries or shell fisheries areas; habitats desirable as juvenile fish habitat.

Sec. 166-285. Special conditions.

(a) Upon issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by County staff, reports, monitoring, bonding, easements, guaranteed survival of nonaffected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the County and municipal comprehensive plans.

(b) It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the County Administrator.

Sec. 166-286. Administrative permits.

The Director of the Department of Environmental Management, or his designated representative, shall have the authority to issue the following types of permits without the further consent of the Authority and without the need for administrative or public hearings. The total square footage of deck area referred to in subsection (2) of this section shall be that square footage lying over the Waters of the County but shall not include the area of roofs covering boat slips.

(1) *Dredging, filling, and seawalls.*

- a. Maintenance dredge, up to 100 cubic yards, of small, private access channels and around private docks. In no case will approval be given under this administrative authorization for the dredging of submerged lands to create fill of submerged lands and thus create usable upland property.
- b. Fill of submerged lands, up to 100 cubic yards.
- c. The placement of riprap against an existing seawall.
- d. The installation of loose laid or buried cables or pipelines where such installation is in the public interest.
- e. The replacement or repair of existing bridges.

(2) *Docks.*

- a. All dock applications not exceeding 500 square feet of new deck area and which propose no variances that require approval by the Authority at a public hearing.
- b. Reconfigurations of existing marinas that result in no significant new impacts to the surrounding area and a net increase in deck area of not more than 500 square feet.
- c. Repair permits pursuant to section 166-322 of this article.
- d. In no case shall more than 500 square feet of new deck area be administratively approved within a period of one year.

Sec. 166-287. Notice of public hearing.

(a) The Clerk of the Authority shall mail or hand deliver to all property owners, as listed in the Property Appraiser's files, within a 500-foot radius of the project, a notice of the pending application to be heard by the Authority. The Clerk of the Authority may send notices to other interested parties upon receipt of a written request. The notice shall contain the legal description of the property and the date of the administrative and public hearings.

(b) The Clerk of the Authority shall cause the application to be advertised in a local newspaper of general circulation, in conformance with Laws of Fla. ch. 31182(1955), ' 8(b) (compiled in section 2-277(2)).

(c) The permitting process shall include an administrative hearing, conducted by staff of the Authority and held at least two weeks prior to the public hearing before the Authority.

Sec. 166-288. Appeals.

(a) Once approved, permits under this article shall not be effective until 30 days after the filing of the determination with the Clerk of the Authority and, if a petition for rehearing is filed, until such petition is heard and determined.

(b) Any person, including the State, aggrieved by the findings of fact and determination of the Authority under this article, may, within 30 days of such findings and determination, petition for a rehearing, stating in such petition the grounds upon which the Authority has erred in its findings and wherein such person is aggrieved by such findings. The Authority may, in its discretion, grant or deny such rehearing.

(c) Any person, including the State, who is aggrieved by the Authority's ruling on the petition for rehearing, shall have the right to have the entire cause reviewed by the Circuit Court of the Sixth Judicial Circuit of the State in and for the County as provided by law for other appeals to the Circuit Court.

(d) Failure to file an appeal as provided in this section shall constitute acceptance of the permit and its conditions.

Sec. 166-289. Acceptance of permit.

Failure to file a written appeal of the general or specific conditions of any permit under this article within 30 days of issuance shall constitute acceptance of the permit conditions by the applicant and other affected parties.

Sec. 166-290. Expiration of permits; extension.

(a) All permits issued under this article shall expire three years from the date of issuance.

(b) All construction must be completed within three years of the date of the issuance of the permit under this article.

(c) In the event that the project is not completed within three years of the date of the issuance of a permit under this article, the Authority may authorize a one-year extension upon application to the Authority and for good reason shown.

Sec. 166-291. Variances.

The Authority may grant variances to all permitting criteria under this article and the County Administrator may grant variances to Sections 166-283(a), 166-321(f), 166-321(g), 166-321(m), 166-324(a)(5), 166-324(b)(1), 166-333(a)(2), and 166-333(a)(7), provided that the following provisions are met:

- (1) A variance shall be necessary prior to construction for any project which does not comply with the criteria of this article.
- (2) A variance in construction materials or the minimum construction specifications may be approved by the County Engineer when, based on acceptable engineering criteria, such materials are equivalent to, or better than, that which is specified in this article.
- (3) No variance may be granted unless the applicant establishes, by substantial competent evidence, that:
 - a. A literal enforcement of the provisions of this article would result in extreme hardship due to the unique nature of the project and the applicant's property;
 - b. The variance sought to be granted is the minimum variance that will make possible the reasonable use of the applicant's property; and
 - c. The granting of the requested variance will be in harmony with the general intent and purpose of this article and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare.
- (4) In granting any variance, the Authority or the County Administrator may prescribe appropriate conditions and safeguards.
- (5) The Authority or the County Administrator shall prescribe a reasonable time limit within which the action for which the variance is required shall be completed.
- (6) Variances shall not be deemed to set precedence for other applications should they be either standard applications or those requiring variances.

Sec. 166-292. Fees.

(a) All fees and deposits required under this article shall be set by the Authority by resolution on an annual basis. Fees shall be sufficient to cover the cost of the review, advertising, and issuance of the permit.

(b) The permit fees for all docks shall be based upon the square footage of the deck which lies on or over the Waters of the County. In the event any structure is covered, the total square footage of the Waters of the County which are covered by the structure shall be used in determining the permit fee amount.

(c) After-the-fact dock applications and permits will be subject to ten times the normal fee plus any fines.

(d) Fees will be levied upon the contractor, or owner if the structure is self-built, and shall be paid to the Clerk of the Authority or the Clerk's representative.

(e) A waiver of permit application fees for governmental agencies shall be administratively granted.

(f) A waiver of permit application fees for the placement of riprap against an existing seawall shall be administratively granted.

Sec. 166-293. Posting.

All permits issued under this article shall be prominently and openly posted in close proximity to the work allowed by the permit for the duration of the permit or until the work is complete.

Sec. 166-294. Revocation of permits.

For any noncompliance with or for violations of its terms, any permit issued under this article may be revoked by the Authority after notice of the intent to do so has been furnished by the Authority and opportunity afforded within 30 days for the permit holder to request administrative and public hearings.

DIVISION 3. DOCKS AND SIMILAR STRUCTURES

Sec. 166-321. Dock permit requirements and restrictions.

(a) No person shall construct any dock within the Waters of the County without having first obtained a permit for such construction from the Authority.

(b) Live-aboard facilities shall not be permitted without the appropriate infrastructure and solid waste facilities to support equivalent residential units.

(c) The Authority, based on the location of natural resources, encourages, and may require, the use of a single mooring facility at apartments, condominiums, zero lot line attached units, and cooperative apartments, or where cumulative impacts would invoke section 166-282(e).

(d) All multiuse and commercial dock installations must be consistent with the zoning of the adjacent upland riparian property.

(e) Boat lifts shall not be permitted where the installation of such lifts can reasonably be expected to have an adverse impact on the natural resources in the immediate vicinity of the installation.

(f) In tidal waters, all docks shall have at least 18 inches of water depth at the slip at mean low tide and shall have a continuous channel with a minimum of 18 inches of water depth at mean low tide to allow access to the structure from open waters.

(g) In nontidal waters, all docks shall have at least 18 inches of water depth at the slip, as measured from ordinary low water, and shall have a continuous channel with a minimum of 18 inches of water depth at ordinary low water to allow access to the structure from open water.

(h) In accordance with the Comprehensive Plan Coastal Management Element policy 5.1.2, the Authority shall use the following criteria in the review of commercial and multiuse private dock structures:

- (1) Adequate water depth to accommodate the proposed boat use.
- (2) Preference shall be given to the expansion of suitable existing facilities rather than new construction.
- (3) Located in areas where there is adequate flushing of the basin to prevent stagnation and water quality deterioration.
- (4) No adverse impact on archaeological or historic sites as defined by State and local comprehensive plans.

- (5) Reasonable access to a large navigable water body.
- (6) Sufficient upland area to accommodate all needed utilities and support facilities, such as parking spaces, restrooms, dry storage, etc.
- (7) Capacity of the surrounding roadways to handle boating traffic to and from the facility.
- (8) Compatible land uses.
- (9) Adequate wastewater treatment capacity in accordance with state standards.
- (10) Commercial and multiuse private dock facility development shall be consistent with the special requirements for developing in the following areas:
 - a. Aquatic preserves.
 - b. Outstanding Florida Waters.
 - c. Class II waters.
 - d. Areas approved or conditionally approved by the State Department of Environmental Protection for shellfish harvesting.
 - e. Other highly productive and/or unique habitats as determined by the State Department of Environmental Protection based on vegetation and/or wildlife species.

(i) No commercial or multiuse private dock shall be constructed or expanded in areas determined by the State Department of Environmental Protection to be critical to the survival of the West Indian manatee.

(j) No new or substantial improvement to a commercial dock shall be approved until a hurricane plan for the project has been established. This requirement may be waived on projects for which the Director of Civil Emergency Services deems a hurricane plan unnecessary.

(k) No docking facility will be permitted on the open sandy beaches of the Gulf of Mexico.

(l) No dock, boardwalk or pier will be permitted to be constructed parallel to the shoreline or seawall within the littoral zone between the mean high water line and the mean low water line.

(m) No roofed structure other than covered boat slips and no vertical walls will be allowed.

Sec. 166-322. Dock repair permits.

(a) Repairs to a private dock, together with associated mooring piles, will require a repair permit from the Authority if the construction is done in the same configuration as the originally issued permit. If no original permit can be identified, a new permit is required.

(b) Repairs to a multiuse private dock or a commercial dock, or a replacement thereof, together with associated mooring pilings, will require a repair permit from the Authority if the construction is done in the same configuration as the originally issued permit.

(c) Repairs to or replacements of permitted boat lifts shall not require a permit from the Authority unless pilings are to be replaced. Such boat lifts are to be reconstructed without enclosed sides.

(d) Repairs to or replacement of deck boards only do not require a permit from the Authority. This exemption does not apply to any support structure such as stringers, caps or floaters and all deck boards must meet the minimum construction criteria of section 166-332(7).

Sec. 166-323. After-the-fact dock permits.

Any person who undertakes to construct a dock without obtaining the required permit from the Authority shall have ten days from the date of written notice from the Authority to file an application for an after-the-fact permit, or to remove the unpermitted structure. Such after-the-fact application must comply with all the terms and conditions of this article. In the event that the unpermitted structure has been constructed, even in part, by any person holding a valid license, the Department of Environmental Management shall copy the written notice of violation to the Pinellas County Construction and Licensing Board. Such notice shall constitute a complaint to the Pinellas County Construction and Licensing Board.

Sec. 166-324. Special dock restrictions for Lake Tarpon and Lake Seminole.

(a) The following restrictions apply to Lake Tarpon and Lake Seminole:

- (1) No new dock and/or tie pole installation shall be allowed to penetrate into the waters of Lake Tarpon or Lake Seminole further than 100 feet from the ordinary high water line as controlled by the U.S. Army Corps of Engineers outfall weir located on the Lake Tarpon outfall canal, or the weir located at the southern terminus of Lake Seminole (Park Boulevard).
- (2) Dilapidated docks shall be reconstructed in a manner which is in compliance with the provisions of this article.

- (3) No more than one private dock structure can be constructed per residential property under common ownership, provided it complies with the other sections of this article and the provisions of Laws of Fla. ch. 31182(1955) (compiled in chapter 2, art. VI, div. 2 of this Code). Mooring space including boat lifts and davits for two boats may be provided. The Authority may require boat lifts or davits to minimize adverse impacts to the natural resources of the lakes or to the navigational opportunities of the lakes.
 - (4) No more than one multiuse private dock or commercial dock can be constructed per 1,250 feet of lakefront property under common ownership, mooring space to be provided at the rate of two mooring spaces per each 100 feet of lakefront, except that, for property under common ownership of less than 1,250 feet of lakefront footage, one dock may be constructed with a minimum number of moorings not to exceed one space per 50 feet or fraction thereof of lakefront ownership (25 slips maximum per 1,250 feet of lakefront owned). Additional docks may be allowed at the rate of one dock per each 1,250 feet or fraction thereof of lakefront property owned. Mooring spaces shall be provided at the rate of two per 100 feet of waterfront. The dock shall be placed within the 1,250-foot increment. The space between dock structures (on waterfront in excess of 1,250 feet) shall equal or exceed 25 feet times the combined amount of mooring spaces at each structure.
 - (5) No building shall be permitted to be constructed over the waters of Lake Tarpon or Lake Seminole. Covered boat lifts without side walls may be permitted.
- (b) The following restrictions apply to Lake Tarpon, or the Lake Tarpon outfall canal, as follows:
- (1) All docks within Lake Tarpon shall have at least 2 1/2 feet of water depth at the slip as measured from ordinary low water (elevation 2.6 NGVD), except those within canals, which shall have at least 1 1/2 feet of water depth at the slip as measured from ordinary low water.
 - (2) No docks shall be allowed within the Lake Tarpon outfall canal.

Sec. 166-325. Boardwalks and observation platforms.

Commercial and multiuse boardwalks, observation platforms, elevated nature trails and other such structures located within the jurisdiction of the Authority and not intended for use as a dock facility shall not be required to comply with the criteria of section 166-321(f), (g), (h), (i), (j), (k) and (l); however, the structures shall be required to be built in such a manner as to deter or restrict the structure for boating use. Such requirements may include, but are not limited to, double railing, no lower landings, ladders, superelevated decks, signage, etc.

Sec. 166-326. Disrepaired or dilapidated docks.

If any dock constructed under this article or continued in existence under this article falls into disrepair so as to become a dangerous structure involving risks to the safety and well-being of the community or individual members thereof, such structure must either be removed or repaired so as to conform with the requirements of this article. Upon determination by the Authority or its designated representative that any dock has become a dangerous structure, written notice thereof shall be given by registered/certified mail or personal service to the owner of record of the riparian upland property. Such party so informed shall have three days from the date of the notice within which to secure the area and respond to the Authority indicating the intent regarding the dilapidated structure. Such party shall have an additional 60 days to remove the structure or apply for a permit to repair such structure to conform with the requirements of this article. The entire structure must be brought into conformance with the requirements of this article.

Sec. 166-327. Application information.

(a) All applications under this article are to be filed with the Clerk of the Authority or the Clerk's representative. Processing fees shall be paid at the time of application.

(b) Prior to the issuance of a permit under this article, the applicant must show that the proposed activity is consistent with the County Comprehensive Plan or municipal comprehensive plan, as applicable.

(c) Prior to a final determination on an application under this article, the applicant may be requested to supply any other information necessary to promote sound judgment in the issuance, modification or nonissuance of a permit.

(d) All applications under this article shall expire after a 90-day period of inactivity.

(e) All applications under this article must include a statement outlining the intended use of the project facility.

Sec. 166-328. Private dock application information.

(a) All applications for private dock permits must be submitted to the Clerk of the Authority or the Clerk's representative on approved application forms.

(b) All applications for permits for docks to be located within a municipal limit must have municipal approval prior to submission to the Authority.

(c) Where required, notarized statements of no objection signed by the adjacent property owners must be provided on the permit drawing accompanying the application for a private dock.

(d) Adequate water depth at the slip and to navigable waters must be evidenced on applications for the expansion of existing dock facilities or the creation of new dock facilities.

(e) The following information is required for applications for private dock permits:

- (1) The application form adopted by the Authority, properly filled out and signed.
- (2) A detailed statement describing the upland land use and activities (i.e., commercial marina, multiuse, condominium, restaurant, private single-family, etc.).
- (3) Satisfactory evidence of title or extent of interest of the applicant to the riparian upland ownership or submerged ownership with a copy of the trustee's deed in chain of title.
- (4) A copy of the State Department of Environmental Protection permit application, where applicable.
- (5) A copy of the U.S. Army Corps of Engineers permit application, where applicable.
- (6) An affidavit attesting to the dates any existing structures were built, and a copy of any prior authorization or permit for the structures, where applicable.
- (7) Permit sketches clearly depicting the proposed project. The sketches and application package must include the following:
 - a. Three copies of black and white drawings of the proposed project drawn to an appropriate scale (from 1:10 to 1:60, lettering to be 0.10 inch high or greater).
 - b. The drawings must clearly show the following:
 1. Name of waterway.
 2. North arrow and graphic scale.
 3. Existing shoreline, limits of the Waters of the County, and the mean high water line (or ordinary high water) based on NGVD.
 4. Sufficient water depths in the affected areas.
 5. Locations of existing structures.
 6. Linear footage of riparian shoreline.

7. All drawings and legal descriptions pertaining to proof of ownership submitted as part of an application for a permit from the Authority must contain the required signature and seal of a registered professional land surveyor in accordance with F.S. ' 472.031(1).
 8. Location of the proposed activity, including half section, township, range, affected water body, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.
- (8) Proper fee as determined by the Authority.

Sec. 166-329. Multiuse private dock application information.

The following information is required for applications for multiuse private docks:

- (1) All information required under section 166-328.
- (2) Except for applications for tie piling and previously approved lifts, all applications for multiuse private and commercial docks shall have the signature and seal of a state registered professional engineer affixed to the plans submitted for approval.
- (3) Information shall be submitted, prepared by a state registered civil engineer, attesting to the fact that adequate flushing exists and that the project will not cause stagnation or water quality degradation.
- (4) The following additional information is required:
 - a. A detailed statement describing the proposed activity and how it affects the Waters of the County.
 - b. A copy of the Southwest Florida Water Management District permit application, where applicable.
 - c. Permit sketches must be signed and sealed by a state registered professional engineer.
- (5) A completed copy of the disclosure form provided by the County.
- (6) Location of the proposed activity, including half section, township, range, affected waterbody, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.
- (7) A 1:200 scale aerial photo of the area showing the location of the property therein.

Sec. 166-330. Commercial dock application information.

The following information is required for applications for commercial docks:

- (1) All information required under sections 166-328 and 166-329.
- (2) An approved hurricane plan unless waived per section 166-321(j).
- (3) Any other information necessary to meet the criteria of this article.

Sec. 166-331. Permitting criteria for docks.

The Authority shall use the criteria as contained in sections 166-284 and 166-358(a) in the issuance of dock permits. If any of the nine questions are answered in the affirmative, the application shall be denied or modified.

Sec. 166-332. Minimum construction specifications for all dock construction.

The following minimum construction specifications shall be required for all dock construction:

- (1) All piling shall be of precast class IV concrete, as specified by Florida Department of Transportation, Standard Specifications for Road and Bridge Construction, 1986 edition, or latest revision or superseding publication, 3,500 pounds per square inch or better in 28 days, or of Southern pine piles conforming in physical quality to American Society for Testing and Materials Specifications D 25-55, which have been treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA, type A, B, or C) in accordance with American Wood Preservers Association Standard P-5, and which have minimum butt size of nine inches diameter and tip sizes of six inches diameter.
- (2) When Southern pine piles treated with chromated copper arsenate, type A, B, or C, are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero to 1.5 inches from the surface and 1.5 p.c.f. in the zone 1.5 to 2.0 inches from the surface. In no event shall penetration be less than six feet into the submerged bottom. If impenetrable material is encountered, the Department of Environmental Management must be contacted to seek a variance to this minimum penetration requirement.

- (3) All concrete piling shall be at least eight inches square in cross section. Concrete pilings shall incorporate at least four no. 5 steel rods (five-eighths inch diameter) epoxy coated running the entire length thereof, and tied or welded in the form of a three-inch to four-inch square cage. All steel reinforcing rods shall be covered by at least two inches of concrete.
- (4) Tie piling shall project above the surface of the water or land only as high as may be reasonably necessary for use and application; in no case shall this be higher than ten feet above mean high water. All such piling shall be either concrete or Southern pine piling treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA) type A, B, or C, and as approved by the County Public Works Department.
- (5) All metal fastenings shall be hot-dip galvanized or better.
- (6) All other timber shall be pressure treated.
- (7) Spacing of pile bents shall not exceed 12 feet on-center. For timber decked dock construction, the second bent shall not exceed 14 feet in front of the beginning of the dock. The first bent of piling shall be located no further than two feet from the mean high water or the seawall. Outside stringer systems shall be doubled two-inch by eight-inch pressure treated timber or greater. Five-eighths inch diameter galvanized bolts or greater are to be used for attachment of stringers to piling. Intermediate stringers shall be single two-inch by eight-inch or greater, with a maximum three feet zero inches on-center spacing. Decking shall be two-inch by six-inch, or greater, pressure treated lumber. All pile bents shall have pile caps, two inches by eight inches, bearing stringers to support deck joists on main dock and only on docks with wood pilings. All intersections (stringers) shall be bolted.
- (8) All floating private docks to be constructed in the County must have a minimum of 20 pounds per square foot flotation.
- (9) Covered boat lifts:
 - a. All roof designs must conform to the Standard Building Code applicable to the type of construction being used to cover the lift.
 - b. Catwalks constructed in conjunction with boat lifts, will have stringers bolted to piling.
 - c. Vertical side walls for boat lifts are prohibited.

- (10) The intersection of the main dock and finger piers will be constructed by the installation of a pile under the finger pier at the intersection, or by an approved bolted connection; in no case will nailed connection be used.
- (11) Where, because of space restrictions, double stringers are abutted against the seawall, pile caps shall be installed. Such pile caps are to be doubled two inches by eight inches and bolted at each pile.
- (12) Wave break devices, when necessary, shall be designed to allow for maximum water circulation and shall be built in such a manner as to be part of the dock structure or tie poles.
- (13) Docks shall be constructed to allow for maximum light penetration. Special restrictions may be applied where natural resources are present on a case by case basis.
- (14) Where appropriate, structures shall provide for passage of pedestrian traffic by elevation or design so as not to obstruct normal pedestrian traffic on lands along the shoreline. The dock or pier shall be constructed in a manner that would minimize harm to natural resources.
- (15) Walkways to dockhead intersections not supported directly by piles under the connection must be diagonally bolted through the intersecting stringers (minimum triple two-inch by eight-inch dock head stringers) or the use of a two-inch by four-inch by one-fourth-inch galvanized angle bracket or larger must be utilized.
- (16) Catwalks supported by a single pile at each bent and cantilevered structures shall be no wider than 30 inches.

Sec. 166-333. Design criteria for private docks.

- (a) Design criteria for all private docks shall be as follows:
 - (1) All criteria contained in section 166-332 shall also apply to private docks.
 - (2) No building shall be permitted to be constructed over the Waters of the County.
 - (3) No dock structure or tie pole shall be allowed to project into the navigable portion of a waterway more than 25 percent of such waterway.
 - (4) No dock shall extend waterward of the seawall, mean or ordinary high water line more than 300 feet.

- (5) A dock shall not be designed or constructed to accommodate more than two boats for permanent mooring. No more than one structure shall be located at a private residential site.
 - (6) Docks for the joint use of adjacent waterfront property owners may be centered on the extended common property line without being in variance to the setback requirements.
 - (7) No portion of a docking facility shall encroach closer than 150 feet to the centerline of the Intracoastal Waterway.
 - (8) Personal watercraft lifts shall not be considered a boat slip and as such are exempt from the depth criteria of these rules. In addition, open grated personal watercraft lifts without outer piling shall not be considered when calculating dock dimensions or setbacks.
- (b) The following additional design criteria shall apply only to those private docks in the unincorporated areas of the County:
- (1) Private docks to be constructed in the Waters of the County shall be constructed so that the length of the dock shall not extend from the mean high water line or seawall of the property further than one-half the width of the property at the waterfront. This requirement may be waived by the Director of the Department of Environmental Management provided that signed statements of no objection from both adjacent waterfront property owners have been submitted.
 - (2) Private docks and boat lifts must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the Director of the Department of Environmental Management, provided that signed statements of no objection from the property owner encroached upon has been submitted.

Sec. 166-334. Design criteria for commercial and multiuse private docks.

- (a) Design criteria for all commercial and multiuse private docks shall be as follows:
 - (1) All criteria contained in subsections 166-333(a)(1), (2), (3), (4), , (7), and (8) shall also apply to commercial and multiuse private docks.
- (b) The following additional criteria shall apply only to commercial and multiuse private docks in the unincorporated areas of the County:

- (1) Docking facilities constructed in the Waters of the County shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront. All docking facilities must be so located that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront. Multiuse private and commercial docks abutting adjacent waterfront residential property must be setback a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property . This requirement may be waived by the Director of the Department of Environmental Management provided that signed statements of no objection from the affected property owners have been submitted.

DIVISION 4. DREDGING AND FILLING; SEAWALLS

Sec. 166-356. Dredge and fill--Permit required.

No person shall undertake any dredging or filling in the Waters of the County without first obtaining a permit from the Authority.

Sec. 166-357. Same--Application information.

All dredge and fill applications submitted to the Authority shall consist of the following:

- (1) The application form adopted by the Authority, properly filled out and signed.
- (2) Approval of the municipal authority if within any corporate limits.
- (3) A completed copy of the disclosure form provided by the County.
- (4) Location of the proposed activity, including half section, township, range, affected water body, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.
- (5) A detailed statement describing the proposed activity and how it affects the Waters of the County.

- (6) A detailed statement describing the upland land use and activities (i.e., commercial marina, multiuse, condominium, restaurant, private single-family, etc.).
- (7) An aerial photo of the area showing the location of the property therein.
- (8) Satisfactory evidence of title or extent of interest of the applicant to the riparian upland ownership or submerged ownership with a copy of the trustee's deed in chain of title.
- (9) A copy of the State Department of Environmental Protection permit application, where possible.
- (10) A copy of the Southwest Florida Water Management District permit application, where applicable.
- (11) A copy of the U.S. Army Corps of Engineers permit application, where applicable.
- (12) A copy of the State Department of Transportation authorization or permit, where applicable.
- (13) An affidavit attesting to the dates any existing structures were built, and a copy of any prior authorization or permit for the structure or excavation, if applicable.
- (14) Permit sketches, signed and sealed by a state registered professional engineer, as follows:
 - a. Four copies of black and white drawings of the proposed project drawn to an appropriate scale (from 1:10 to 1:60, lettering to be 0.10 inch high or greater).
 - b. The drawings must clearly show the following:
 1. Name of waterway.
 2. North arrow and graphic scale.
 3. Existing shoreline, limits of the Waters of the County, and the mean high water line (or ordinary high water) based on NGVD.
 4. Sufficient water depths in the affected areas.
 5. Proposed dredge and/or fill areas with proper dimensions (cross sections and profiles are required in addition to plan view).

6. Locations of existing structures and reference points.
 7. Location and plan of spoil site, if applicable, along with detail of site.
 8. Linear footage of riparian shoreline.
 9. Cubic yardage of material, removed or placed within, and landward of, the Waters of the County.
 10. All drawings and legal descriptions pertaining to proof of ownership submitted as part of an application for a permit from the Authority must contain the required signature and seal of a registered professional land surveyor in accordance with F.S. ' 472.031(1).
- (15) Legal description of dredge and/or fill and spoil areas.
 - (16) Any other information necessary to meet the criteria of this article.
 - (17) Proper fee as determined by the Authority.

Sec. 166-358. Same--Permitting criteria.

(a) The Authority shall use the following criteria for the issuance of dredge and fill permits. If any of the following nine questions are answered in the affirmative, the application shall be denied or modified:

- (1) Would the project have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences?
- (2) Would the project restrict the free use of the waterways and navigable waters?
- (3) Would the project have a material adverse effect upon the flow of water or tidal currents in the surrounding waters?
- (4) Would the project have a material adverse effect upon erosion, erosion control, shoaling of channels, or would the project be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area?
- (5) Would the project have a material adverse effect upon the natural beauty and recreational advantages of the County?

- (6) Would the project have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest?
- (7) Would the project have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development?
- (8) Would the project have a material adverse effect upon the safety, health and welfare of the general public?
- (9) Would the project be in conflict with the adopted state plans (i.e., manatee protection, SWIM plans), the County and municipal comprehensive plans, other formally adopted resource recovery and management plans, or any other County ordinances or regulations?

(b) The Authority shall also consider, in its review of dredge and fill permit applications, the following five criteria. A minimum of one affirmative response is required.

- (1) Such dredging and/or filling is in connection with a public navigation or transportation project;
- (2) Such dredging and/or filling is necessary for erosion control or the protection of upland riparian property;
- (3) Such dredging and/or filling is necessary to improve ingress and egress with respect to upland riparian property;
- (4) Such filling would be accomplished by the use of material brought in from sources other than from the dredging of lands regulated by the Authority; or
- (5) Such dredging and/or filling is necessary to enhance the quality or utility of the submerged lands or the public health, safety and welfare generally.

Sec. 166-359. Seawalls--Placement restrictions.

Placement of seawalls shall be governed by the following restrictions:

- (1) New seawalls placed within the Waters of the County shall require a dredge and fill permit from the Authority. The construction permit for the seawall shall be obtained from the local government.

- (2) Existing seawalls may be repaired or replaced without a dredge and fill permit from the Authority. Replacement seawalls can be placed no further than one foot in front of the face of an existing seawall. The construction permit for the replacement or repair of a seawall shall be obtained from the local government.
- (3) Seawalls shall not be placed upon a shoreline which generally supports wetland vegetation. Exceptions may be authorized by the County Administrator where the project site lies between two existing seawalls, where the length of the new seawall is less than 100 feet, and where the project qualifies for an administrative permit.
- (4) The Authority may require the installation of riprap at the base of new seawalls, replacement seawalls, or where more than 25 percent of the face of the seawall is to be repaired.
- (5) Riprap shall be utilized in lieu of seawalls, where possible, as a protection to existing upland properties. All riprap must consist of clean concrete or natural rock and must generally range in size from six inches to three feet in diameter. Riprap is to be placed on a slope no steeper than two to one (horizontal to vertical).
- (6) The use of seawalls or riprap to increase the usable upland area of properties shall not be allowed, the provisions of subsection (3) of this section notwithstanding.
- (7) Stabilization by the use of vegetation shall be required in lieu of shoreline hardening wherever possible.
- (8) It shall be the burden of the applicant to show that the vegetative option of shoreline stabilization is not viable.

Sec. 166-360. Same--Permit application information.

All criteria in sections 166-327, 166-357 and 166-359 shall apply to applications for a seawall permit.

Sec. 166-361. Same--Placement criteria.

The criteria for placement of seawalls shall be the same as those found in sections 166-284 and 166-358. In addition, no seawall shall be approved unless it is proven by the applicant that no other alternative is reasonable.

Sec. 166-362. Same--Design criteria.

All seawalls, bulkheads, and retaining walls constructed or altered, projected or prolonged, on or adjacent to Waters of the County, other than those of the Gulf of Mexico, shall be of concrete, aluminum, or wood construction in compliance with the following minimum standards:

(1) *Concrete seawalls.*

- a. All seawalls, retaining walls and bulkheads may be of concrete, utilizing the tongue and groove, or other approved method of sheet pile-type construction, with poured-in-place concrete cap and tieback anchors. The concrete shall have a minimum test strength of 3,500 psi at 28 days, and all reinforcing steel shall be covered with a minimum of two inches concrete.
- b. The concrete sheet piling shall have a minimum thickness of 5 5/8 inches and contain vertical steel reinforcement equivalent in cross-sectional area to one no. 4 deformed reinforcing bar spaced at eight inches on-center. Each slab shall have two no. 4 steel hairpins extending into the cap a minimum of three inches.
- c. The poured-in-place concrete cap shall not be less than 9 1/2 inches in thickness, nor less than 16 inches in width.
- d. The cap shall contain continuous horizontal steel reinforcement equivalent in cross-sectional area to four no. 4 deformed reinforcing bars. All splices shall be lapped not less than 40 diameters; provided, however, that the steel shall not be continuous through expansion joints. Expansion joints shall normally be provided every 40 feet.
- e. All tieback rods shall be steel and have a cross-sectional area equal to, or greater than, a no. 8 reinforcing bar. All such rods shall be spaced not more than ten feet on-center and shall have two or more coats of an approved protection material. The length of all tie rods shall be equal to, or greater than, two times the height of the seawall slab projecting above the ground line. In no case shall the tie rods be of shorter length than 12 feet.
- f. All anchors shall be poured-in-place concrete, containing not less than 4.5 cubic feet of concrete, and have not less than 4.5 square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent in cross-sectional area to two no. 4 deformed reinforcing bars per square foot, in each direction.
- g. The penetration of each seawall slab into firm ground shall be equal to 0.67 times the height of the wall above the ground line, or 0.4 times the total length of the slab, whichever is greater. In no case shall the seawall slab be of shorter length than eight feet.

- h. The elevation for all seawalls, bulkheads and retaining walls fronting on the bay shall be equal to or greater than elevation 5.0 feet USCGS datum mean sea level.

(2) *Aluminum seawalls.*

- a. Aluminum seawalls shall not have an exposed height of more than five feet.
- b. Sheet piles shall be fabricated from aluminum alloy 6061-T6, conforming to ASTM designation B209 alloy 6061-T6 for chemical composition; also having a minimum thickness of 0.125 inch and minimum tensile strength of 35,500 psi. Corrugations shall have nominal nine-inch pitch, and nominal 2.5-inch depth. The penetration into firm ground shall be equal to 0.67 times the height of the wall above the ground line, or 0.4 times the total length of the sheet, whichever is greater. In no case shall the total sheet be less than six feet in length. Where sheet lengths required are more than 8.5 feet, and when soil conditions, surcharges and other factors exceed the scope of these standard specifications, a special design shall be submitted, signed and sealed by a state registered professional engineer.
- c. Cap and joint extrusion shall be fabricated from aluminum alloy 6063-T6, conforming to ASTM designation B221 alloy 6063 for chemical composition; and shall have a minimum thickness of 0.15 inch and a minimum tensile strength of 30,000 psi. The cap shall be a minimum of six inches wide and 5.75 inches deep.
- d. Anchor rods and deadman anchor plates shall be fabricated from aluminum alloy 6061-T6, conforming to ASTM designation B221 alloy 6061 for chemical composition; and shall have a minimum thickness of anchor plates of 0.10 inch and minimum tensile strength of 38,000 psi. The anchor plates shall not be less than 1.5 by 2.5 feet equipment with a three-inch by 2.25-inch backing channel 0.25-inch thick and 1.5 feet long. Anchor plates shall be placed with the top at least two feet below the elevation of the wall cap. The anchor rods shall be not less than 0.75 inch in diameter and equipped with a rod sleeve, nut and curved washer where it passes through the cap. Anchor rods shall be installed continuously along the wall at a maximum spacing of 6.5 feet. The normal length shall be 12 feet. One tieback system shall be constructed at each end of the wall, and thereafter one tieback system shall be constructed six feet six inches on-center throughout. All tie rods shall be pretensioned after placement of backfill around anchor plates, but before final backfill of sheeting. Such pretensioning shall not tend to move the sheets or anchors. Tie rods shall be placed in the coping so that the anchor pull brings the coping in direct contact with a bayside corrugation of the wall sheeting.

- e. Surcharge from fill behind the wall shall be controlled by limiting the slope to a maximum of ten degrees, and prohibiting objects other than landscaping to be located closer than five feet from the wall cap. The minimum standards described above assume sandy soil with an angle of repose of 30 degrees for soil against the wall. They also assume that the environment is not highly alkaline or acidic. If conditions require a design in excess of the limitations specified in this subsection, the wall shall be of concrete construction in accordance with subsection (1) of this section.
- f. If the aluminum material is brought in contact with mortar or concrete, a coating of clear methacrylate lacquer shall be applied to the aluminum contact surface to prevent corrosion. There shall be no dissimilar metals or metal systems bonded to the wall.

(3) *Wooden seawalls.*

- a. All wood shall be rough cut Southern pine pressure treated with a minimum retention and distribution of solid preservative chromated copper arsenate (CCA); salt water 2.5 CCA Round piles will be a minimum of nine inches in diameter or square posts six inches by six inches, minimum. Boards used must be two inches by eight inches minimum, rough cut Southern pine, pressure treated. The wall must penetrate the ground by 50 percent of its total length. Piles or posts are to be placed eight feet on-center. All steel used must be hot-dipped galvanized. A single tieback rod shall be installed at every post or pile through the wall whalers and piles or posts with the connection being through a three-inch by three-inch by one-fourth-inch hot-dipped galvanized steel plate and bolted. A single two-inch by eight-inch board will be used as a cap. A strip of tarpaper is to be installed underneath the capboard. Filter fabric material will be placed vertically between the back of the wall and soil or backfill.
- b. All tieback rods shall be hot-dipped galvanized or epoxy-coated PVC encased steel and have a cross-sectional area equal to, or greater than, a no. 8 reinforcing bar. All such rods shall be spaced on eight-foot centers. The ends shall be threaded. They must pass through the wall, whaler and piling or post and fastened with a three-inch by three-inch by one-fourth-inch hot-dipped galvanized steel plate and bolted three inches below the top of the piling or post.

- c. All anchors shall be poured-in-place concrete, three feet eight inches by 12 inches by 18 inches, containing not less than 4.5 cubic feet of concrete, and have not less than 4.5 square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent in cross-sectional area to two no. 4 deformed reinforcing bars per square foot in each direction. All steel reinforcement shall be epoxy coated.
- d. Southern pine piles conforming in physical quality to American Society for Testing and Materials specifications D 25-55, which have been treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate type A, B, or C, in accordance with American Wood Preservers Association Standard P-5, and which have minimum butt size of nine inches diameter and tip sizes of six inches diameter. When Southern pine piles treated with chromated copper arsenate type A, B, or C are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero to 1.5 inches from the surface and 1.5 p.c.f. in the zone 1.5 inches to 2.0 inches from the surface.

Sec. 166-363. Same--Fronting the Gulf of Mexico.

All seawalls, bulkheads or retaining walls constructed, altered, projected or prolonged on the Gulf of Mexico shall be of masonry construction in compliance with the following minimum standards:

- (1) All seawalls and bulkheads shall be of concrete, utilizing the tongue and groove, or other approved method of sheet pile type construction with poured-in-place concrete cap and tieback anchors. The concrete shall have a minimum test strength of 3,500 psi at 28 days, and all reinforcing steel shall be covered with a minimum of 2 1/2 inches of concrete.
- (2) The concrete sheet piling shall have a minimum thickness of 7 1/2 inches and contain vertical steel reinforcement equivalent in cross-sectional area to no. 6 deformed reinforcing bars spaced at six inches on-center. Each slab shall have two no. 6 steel hairpins extending into the cap a minimum of three inches. All reinforcing steel shall be epoxy coated.
- (3) The poured-in-place concrete cap shall not be less than 12 inches in thickness, nor less than 18 inches in width.

- (4) The cap shall contain continuous horizontal steel reinforcement equivalent in cross-sectional area to four no. 5 deformed epoxy-coated reinforcing bars. All splices shall be lapped not less than 40 diameters; provided, however, that the steel shall not be continuous through expansion joints. The cap shall also contain not less than four no. 2 stirrups that encircle the horizontal steel, spaced equally, 12 inches on centers. Expansion joints shall normally be provided every 40 feet.
- (5) All tieback rods shall be steel and have a cross-sectional area equal to, or greater than, a no. 9 reinforcing bar. All such rods shall be spaced not more than ten feet on-center and shall be encased in concrete with a minimum coverage of three inches. The length of all tie rods shall be equal to, or greater than, two times the height of seawall slab projecting above the ground line. In no case shall the tie rods be of shorter length than 16 feet.
- (6) Tieback anchors shall be poured-in-place concrete, containing not less than 7.5 cubic feet of concrete, and have not less than 7.5 square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain horizontal steel reinforcement equivalent in cross-sectional area to four no. 4 deformed epoxy-coated reinforcing bars and be provided with no. 2 steel stirrups, 12 inches on centers.
- (7) The penetration of each seawall slab into firm ground shall be equal to, or greater than, 0.5 times the total length of the slab. In no case shall the seawall slab be of shorter length than 12 feet.
- (8) The elevation for all seawalls, bulkheads and retaining walls fronting on the Gulf of Mexico shall be equal to, or greater than, elevation 6.0 feet USCGS datum mean sea level.

Sec. 166-364. Standards for seawall construction.

(a) The Standard Specifications of the Florida State Department for Road and Bridge Construction, dated edition of 1986, or latest revision or superseding publication, shall govern seawall construction, covering materials and workmanship where applicable.

(b) The minimum standards in the seawall design criteria assume sandy soil with an angle of repose of 30 degrees for soil against the wall.

(c) No tiebacks shall be cut or removed in connection with the construction of facilities other than seawalls, or otherwise, without making provisions in some manner to secure the stability of the installation, and such plans shall be approved by the Building Director prior to the cutting or removing of any tiebacks.

INDEX OF COMMONLY REFERENCED SUBJECTS

Subject	Page
25% projection into waterway.....	26
Administrative approval.....	26
After-the-fact applications (see also "Fees").....	13
Appeals.....	19
Boardwalks, commercial and multi-use.....	14
Bonding requirements.....	20
Buildings over the water.....	9
Center one-third rule.....	27
Construction specifications, docks.....	24
Construction specifications, seawalls.....	32
Contractor requirements.....	17
Depth criteria (Lake Tarpon).....	20
Depth criteria.....	21
Dilapidated docks.....	14
Expiration of permits.....	14
Extensions.....	16
Fees.....	30
Findings of Fact (Permitting criteria).....	20
Fishing piers, commercial and multi-use.....	18
Hurricane plans.....	19
Lake Tarpon and Lake Seminole restrictions.....	27
Length and setback criteria, private docks.....	28
Length, width, setback (commercial and multi-use).....	8
Mitigation.....	11
Observation platforms, commercial and multi-use.....	20
Permitting criteria (Findings of Fact).....	30
Personal watercraft.....	27
Projection into waterway.....	26
Repairs, deck boards only.....	19
Repairs, docks.....	19
Repairs, lifts.....	19
Repairs, seawalls.....	32
Riprap.....	32
Roofs.....	18
Seawalls.....	31
Setback and length criteria, private docks.....	27
Setback, length, width (commercial and multi-use).....	28
Slip limits (private docks).....	27
Storm damage.....	6
Surety bond.....	9
Tie pole (installation before permit).....	7
Variances.....	15
Width, length, setback (commercial and multi-use).....	28