ORDINANCE NO.: 11-12

AN ORDINANCE OF THE COUNTY OF PINELLAS REPEALING DIVISION 4, ARTICLE VI, CHAPTER 2 OF THE PINELLAS COUNTY CODE AND INTEGRATING THAT DIVISION’S PROVISIONS INTO ARTICLE V CHAPTER 166 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; REVISIGN THE DEFINITIONS; PROVIDING A NEW STATEMENT OF AUTHORITY FOR THE ARTICLE; REVISIGN APPLICABLE VIOLATIONS AND PENALTIES; REVISIGN AND RESTATING THE PURPOSE AND INTENT; REVISIGN AND RESTATING THE AUTHORITY FOR COUNTYWIDE JURISDICTION; PROVIDING ADDITIONAL EXEMPTIONS; REVISIGN THE DELEGATION OF ADMINISTRATION AND ENFORCEMENT OF THE ARTICLE; REPEALING THE PROVISION FOR A SURETY BOND; REVISIGN PROVISIONS RELATED TO THE REVIEW OF PERMIT APPLICATIONS; REPEALING THE PROVISION FOR ISSUANCE OF ADMINISTRATIVE PERMITS, BUT DELEGATING FURTHER AUTHORITY TO THE COUNTY ADMINISTRATOR TO ISSUE DOCK PERMITS; REVISIGN NOTICE OF PUBLIC HEARING REQUIREMENTS; REVISIGN PROVISIONS RELATED TO APPEALS; REVISIGN PROVISIONS RELATED TO THE EXPIRATION, EXTENSION, OR REVISION OF PERMITS; REVISIGN PROVISIONS RELATING TO THE ISSUANCE OF VARIANCES INCLUDING DELEGATING AUTHORITY TO ISSUE VARIANCES TO THE ARTICLE TO THE PINELLAS COUNTY BOARD OF ADJUSTMENT; REVISIGN PROVISIONS RELATED TO FEES; MAKING ADDITIONAL MINOR ADJUSTMENTS TO ADMINISTRATIVE PROVISIONS THROUGHOUT THE ARTICLE; CORRECTING VARIOUS TERMS AND REFERENCES OF AUTHORITY THROUGHOUT THE ARTICLE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES.

WHEREAS, the Pinellas County Water and Navigation Control Authority was created by Special Act of the Florida Legislature in 1955 via Laws of Florida, ch 31182; and

WHEREAS, prior to 2006, the Pinellas County Charter specifically provided that the status, duties or responsibilities of the Pinellas County Water and Navigation Control Authority were to be unaffected by the County’s Charter authority; and

WHEREAS, the Pinellas County Charter was amended in 2006 to convert the status of Laws of Florida ch. 31182 to a county ordinance, and said change was approved by the voters of Pinellas County at referendum; and

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WHEREAS, the Pinellas County Board of County Commissioners desires to exercise its Charter Authority to amend Chapter 31182, which is now a county ordinance, by integrating its relevant provisions into the Water and Navigation Regulations currently found in the County’s Land Development Code; and

WHEREAS, in doing so, it is the Board’s desire to create a more streamlined and efficient permitting process for the benefit of the citizens of Pinellas County.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Pinellas County, Florida, in this regular meeting duly assembled on this 26th day of April, 2011, that:

SECTION 1. Sections 2-271 through 2-299 of the Pinellas County Code, which were originally enacted via Laws of Florida ch. 31182 (1955), but converted to County Ordinance status via Laws of Florida ch. 2006-322, are hereby repealed.

SECTION 2. Article V, Chapter 166 of the Pinellas County Land Development Code is hereby amended to read as follows:

ARTICLE V. – WATER AND NAVIGATION REGULATIONS

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 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 designated by the county administrator to implement the article.

_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.

_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).

_Board_ means the Pinellas County Board of County Commissioners, or its designated representative.

_Board of Adjustment_ means and refers to the board established pursuant to section 138-111 of the Pinellas County Land Development Code.

_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.

_Clerk_ means the Clerk to the Pinellas County Board of County Commissioners, or his or her designated representative.

_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, wharf, or mooring field 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, wharf, or mooring field 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, wharf, or mooring field constructed and maintained by a local municipality, the county or any state or federal agency.
Commercial dock, class D means any dock, pier, wharf, or mooring field 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 means Pinellas County, Florida, or any employee or agent thereof.

County administrator means the county administrator for the county or his or her designated representative.

Dock means any structure, including a pier, wharf, loading platform, tie pole, mooring buoy, dolphin, accessory structure, 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.

Florida Building Code means that code as adopted by the State of Florida, as that code may be amended over time.

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. Docks serving both commercial and residential uses shall fall under the appropriate commercial dock category.

Navigable waters means and includes all tidal waters, such fresh waters as are in fact navigable, and swamp and overflow lands.

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, but shall not include the State of Florida or Pinellas County when used in this article.

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 intended 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 county.

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 board or board of adjustment, 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 board or board of adjustment.

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

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.

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 associated with (1) or (2) above, 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 Article II, Section 2.04(v) of the Pinellas County Charter.

**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 may be punished as provided in section 134-8.
(b) In addition to the penalties provided in subsection (a), any violation of the provisions of this article may be punished as provided for in Article VIII, Chapter 2 of the Pinellas County Code.

(c) 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.

(d) 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, as amended, the "Pinellas County Environmental Enforcement Act" (compiled in chapter 58, article II of the Pinellas County Code).

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

(f) 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. – Purpose and Intent.

(a) It is the intent of the board to exercise the special power granted to the county in Article II, Section 2.04(v) of the Pinellas County Charter. It is the further intent of the board to implement the regulations set out in this article throughout the waters of the county, except where otherwise stated in this article.

(b) It is the intent of the board to protect, through sound management and the judicious issuance of permits, the natural resources and scenic beauty of the county.

(c) It is the intent of the board to regulate all dredge and fill activity within the waters of the county in order to minimize the adverse impacts of these activities on the natural resources and scenic beauty of the county.

(d) It is the intent of the board to regulate the placement of seawalls within the waters of the county 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 board to regulate the construction of commercial and private docking facilities within the waters of the county in order to minimize the adverse impacts of such activities upon the natural resources and scenic beauty of the county.
(f) It is the intent of the board 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 board 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.

(h) It is the intent of the board that the provisions of this article be liberally construed in order to effectively carry out its purpose of protecting the public’s interest and preserving natural resources.

(i) The purposes of this article are hereby declared and found to be good and valid public and county purposes.

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 waters of the county 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.

Pursuant to the jurisdiction given to the county by benefit of Article II, Section 2.04(v), Pinellas County Charter, this article shall be applicable throughout the county, including both incorporated and unincorporated areas of the county.

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 county. This subsection shall
not apply in instances where the destroyed or damaged dock was not originally permitted by the county. The county 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 county shall also be notified upon completion of the repair and the dock shall be inspected by county staff.

(d) The requirements contained in section 166-251 may not apply where the construction activity is to be conducted by the property owner. Persons undertaking activities authorized by a permit issued pursuant to this article are advised that contractor licensing requirements in the county are administered by the Pinellas County Construction Licensing Board.

(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 county 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.

(h) Federal and state projects are exempt from the requirement to obtain a permit under this article. This exemption does not include those projects where the federal or state government solely provides funds for projects undertaken by other entities.

(i) Signs, buoys, and markers posted pursuant to the State of Florida Uniform Waterways Markers program do not require a separate permit under this article.

**Sec. 166-249. - Administration.**

(a) The administration and enforcement of this article is vested in the county administrator, or his or her designee.

(b) The county administrator shall have the authority to issue all permits pursuant to this article without the further consent of the board and without the need for administrative or public hearings. Those permits requiring variance approval by the board or board of adjustment shall be subject to the administrative and public hearing process set forth in this article. However, the county administrator shall have the option of bringing any application for a permit under this article before the board for final action.
(c) County staff shall coordinate all permit review activities under this article and shall conduct administrative hearings.

(d) All applications, revised applications, requests for permit extension and associated fees under this article must be submitted through the Clerk.

Sec. 166-250. - Enforcement procedure.

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

(b) The county shall be notified when dredge, fill, or commercial and multiuse dock construction commences and upon the completion thereof. The county shall be notified upon completion of a private dock structure.

(c) The applicant, contractor, and/or agent will be notified by the county, 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 county.

(e) Any designee 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 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 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 Longshoremen's and Harbor Worker's Compensation Act, or the Jones Act. The county 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 county and obtaining a permit, unless the contractor actually performs the construction activity covered by such permit with 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. Reserved

Sec. 166-253. - Building permits.

(a) It shall be the responsibility of the municipality if within municipal limits or the county if within unincorporated areas to set construction standards and issue building permits for seawalls. New seawalls placed within the waters of the county shall require a fill permit from the county.

(b) Dock permits issued by the county will be for the structure only and do not include an approval or permit for other installations requiring plumbing or electrical facilities.

(c) 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.

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 the habitat management and landscaping provisions of this chapter are in effect, those habitat protection requirements 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 county 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. Such signs or fences shall only be permitted if an application is submitted to the county and the issuance of a permit for such installation is approved at public hearing before the board.

Secs. 166-256—166-280. - Reserved.
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 county.

(b) The board and its staff 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 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, 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 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 on the safety, health and welfare of the general public?

(9) Would the project be inconsistent with adopted State plans (e.g., manatee protection, SWIM plans), county and municipal comprehensive plans, other formally adopted natural resource management plans, or any other county ordinances or regulations?
(c) If an application for a permit for any activity regulated under this article is denied, the county shall provide written notice to the applicant. Such notice shall provide citations to the applicable portions of this article under which the permit is denied.

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).

(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) The county 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.

(d) 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(b).

Sec. 166-283. - Mitigation and enhancement.

(a) The county 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 county 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 county shall consider consistency with the comprehensive plans of the county and local municipality, if applicable, in the review of permit applications. The county 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 board, board of adjustment, or county staff shall have the right to modify, amend, or alter any application brought before it, including at public hearing when, based on the criteria to be considered, 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.
Sec. 166-286. -Reserved.
Sec. 166-287. - Notice of public hearing.

(a) The Clerk shall mail 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 board or board of adjustment. The Clerk may send notices to other interested parties upon receipt of a written request. The notice shall contain the parcel identification number and/or address of the property, a brief description of the project, and the date of the administrative and public hearings.

(b) The county may also provide notice by posting such notice on the subject property.

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

Sec. 166-288. - Appeals.

(a) Permits under this article shall not be effective until 30 days after approval and, if a petition for hearing is filed, until such petition is heard and determined.

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

(c) Any person, including the State, who is aggrieved by the board’s ruling on the petition for hearing, 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) Appeals of variances granted or denied by the board of adjustment shall be as set forth in section 138-120.

(e) 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 request a hearing or otherwise file a written appeal of a permit or any general or specific condition thereof which is issued under this article within 30 days of issuance shall constitute acceptance of the permit and any conditions by the applicant and other affected parties.
Sec. 166-290. - Expiration of permits; extension or revision.

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

(b) In the event that the project is not completed within one year of the date of the issuance of a permit under this article, the county shall authorize a one-year extension upon written request to the county. A second one year extension shall be granted upon written request if the project is not completed by the end of the second year. The county may authorize two additional one year extensions upon written request to the county and for good reason shown. Extensions shall be requested within 90 days before or after the permit expiration date.

(c) Applications for revisions to permits issued pursuant to this article shall only be accepted within one year of the original issuance of the permit unless the applicant can demonstrate that the project has been under active review by another government agency and that the revision is a requirement of said agency.

Sec. 166-291. - Variances.

(a) The board may review and decide whether to grant variances to all permitting criteria under this article. Additionally, the board of adjustment shall have the authority to review and decide whether to grant variances to sections 166-333(b)(1), 166-333(b)(2), and 166-334(b)(1) of this article.

(b) The county administrator, or his or her designee, may grant variances to sections 166-283(a), 166-283(b), 166-321(f), 166-321(g), 166-321(l), 166-321(m), 166-324(1), 166-324(4), 166-324(5), 166-324(7), 166-333(a)(2), 166-333(a)(3), 166-333(a)(4), and 166-333(a)(7).

(c) In deciding whether to grant a variance, the board, board of adjustment or county administrator shall consider the criteria set forth in section 138-113, Pinellas County Land Development Code, as applicable, and any variance issued shall be subject to the following:

(1) A variance shall be necessary prior to the issuance of a permit for any project that does not comply with the criteria of this article. The granting of any variance shall not be deemed as automatic approval for any such permit.

(2) A variance in construction materials or the minimum construction specifications may be approved by the county when, based on acceptable engineering criteria, such materials are equivalent to, or better than, that which is specified in this article.
(3) In granting any variance, appropriate conditions, time limits, and safeguards, may be prescribed.

(4) Variances shall not be deemed to set precedence for other applications should they be either standard applications or those requiring variances.

(d) On all proceedings held before the board of adjustment, the county shall review the application and file a report on each item. Such reports shall be received by the board of adjustment prior to final action on any item and shall be part of the record of the application.

(e) All public hearings conducted by the board of adjustment shall be noticed pursuant to section 166-287. An applicant’s failure to appear at such public hearing may be sufficient cause to deny the requested variance.

(f) Review of a decision of the board of adjustment shall be as provided in section 138-120.

(g) Reapplications for variances granted or denied by the board of adjustment shall be as provided in section 138-121.

(h) Any variance granted by the board of adjustment pursuant to this article shall be effective in perpetuity unless revoked or modified as provided in section 138-122.

Sec. 166-292. - Fees.

(a) All fees and deposits required under this article for applications, permit extensions, and public hearings shall be set by the board by resolution on an annual basis. Fees shall be sufficient to cover the cost of the review, public notice, and issuance or extension 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.

(c) After-the-fact dock applications and permits will be subject to increased fees as set by the board annually by resolution.

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

(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.
(g) A waiver of permit application fees for projects conducted solely for environmental enhancement or environmental restoration 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 county after notice of the intent to do so has been furnished by the county 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 or other obstruction to navigation within the waters of the county without having first obtained a permit for such construction from the county.

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

(c) The county, 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, the county 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 county 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 docks, or replacements thereof, together with associated mooring piles, will require a repair permit from the county 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 or replacements of permitted boat lifts shall not require a permit under this article from the county unless pilings are to be replaced. Such boat lifts are to be reconstructed without enclosed sides.

(c) Repairs to or replacement of deck boards only do not require a permit under this article from the county. 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 county shall have ten days from the date of written notice from the county 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 county 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.

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. Mooring space including boat lifts and davits for two boats may be provided. The county 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.

(6) No docks shall be allowed within the Lake Tarpon outfall canal.

(7) All docks within Lake Tarpon shall have at least 2½ 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 1½ feet of water depth at the slip as measured from ordinary low water.

Sec. 166-325. - Boardwalks and observation platforms on commercial and multiuse properties.

Commercial and multiuse boardwalks, observation platforms, elevated nature trails and other such structures located within the waters of the county 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 within the waters of the county 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 county that any dock has become a dangerous structure, written notice thereof shall be given to the owner of record of the riparian upland property. Such party so informed shall have a maximum of three days from the date of the notice within which to secure the area and respond to the county 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. 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 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 county, except for after-the-fact applications, which may be submitted to the county and municipality simultaneously.

(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 county, 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 county 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 set by the board.

(9) A completed copy of the disclosure form provided by the county.

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 poles 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) 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.

(6) 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 county shall use the criteria as contained in sections 166-281(b) and 166-284 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 county 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.

(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 waters of 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 Florida 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.

(17) Applicants are encouraged to use environmentally sustainable building practices.
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 county 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
county, provided that signed statements of no objection from the property owners encroached upon have 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 set back 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 county 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.

(a) No person shall undertake any dredging or filling in the waters of the county without first obtaining a permit from the county.

(b) There shall be in no case any dredging seaward of a bulkhead line for the sole and primary purpose of providing fill for any area landward of a bulkhead line.

(c) There shall be no drilling for oil or gas wells, excavation for minerals, except the dredging of dead oyster shells as approved by the Department of Environmental Protection, and no erection of any structures unless such activity is associated with activity authorized by this article.

Sec. 166-357. - Same—Application information.
All dredge and fill applications submitted to the county shall consist of the following:

1. The application form adopted by the county, properly filled out and signed.

2. Approval of the municipal authority if within any corporate limits, except for after-the-fact applications, which may be submitted to the county and municipality simultaneously.

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).


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 county must contain the required signature and seal of a registered professional land surveyor in accordance with Florida Statute section 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 board.

Sec. 166-358. - Same—Permitting criteria.
The county shall use the criteria as contained in sections 166-281(b) and 166-284 in the issuance of dredge and fill permits. If any of the nine questions are answered in the affirmative, the application shall be denied or modified.

The county 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) Is the dredging and/or filling connected with a public navigation or transportation project?

(2) Is the dredging and/or filling necessary for erosion control or the protection of upland riparian property?

(3) Is the dredging and/or filling necessary to improve ingress and egress with respect to upland riparian property?

(4) Will such filling be accomplished by the use of material brought in from sources other than from the dredging of lands regulated by the county?

(5) Is dredging and/or filling 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 county. 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 county. 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 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 county 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 166-281(b) and 166-284. 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% 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 9½ 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 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 2½ inches of concrete.

(2) The concrete sheet piling shall have a minimum thickness of 7½ 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.

Sec. 166–365 — 166–390. - Reserved.

Sec. 166 – 391. - Petitions for specific dredging improvements.

(a) Following the approval of the appropriate local government, petitions may be accepted for specific dredging improvements. The entire cost of the dredging provided for under this section shall be assessed against the properties specially benefited by such improvements. Such assessments shall be directly proportionate to the benefits of the property. The county is given all necessary authority to promulgate rules and regulations relating to the establishment of criteria in determining allocation of costs against property specially benefited and the establishment of procedures relating to the preparation, confirmation and filing of assessment rolls, including the methods of payment of such assessments.

(b) By a written petition, the owners of 60 percent of the waterfront footage of the real estate described in said petition as contiguous and bounding or abutting upon the proposed waterway improvement project area may request the county to make such improvements to said waterway. The petition shall also request the county to assess the
entire cost of such improvements, or such portion thereof as the board may designate, against the abutting property owners specially benefited thereby. The county, upon finding that the petition is sufficient in form, substance and execution, may by resolution order the improvement to be made and may assess against the property specially benefited by such improvement that portion of the cost which the county has designated.

(c) The special improvement projects provided for under this section may be initiated by the board at any time without the filing of a petition by affected landowners following review and comment by the appropriate local government. Such action shall be evidenced by a resolution ordering the dredging project. The resolution shall state the nature and location of the improvement together with that portion of the cost thereof to be assessed against the benefited property and that portion, if any, to be paid by the county.

(d) If the improvements be ordered, the county shall prepare plans, specifications and an estimate of the cost of constructing the improvements together with an estimate of incidental expenses, including preliminary and other surveys, inspections and superintendence of work, preparation of plans, specifications and estimates, printing and publishing of notices and proceedings, authorization of bonds, interest during the period of construction, legal services, engineering and fiscal fees, abstracts and any other expenses necessary or proper in connection therewith.

(e) Before taking action on any petition filed hereunder, the county may require deposits sufficient to cover all incidental expenses, which shall be used to reimburse the county for all incidental expenses incurred, regardless of whether the improvements are made. If any money remains on deposit after such incidental expenses have been paid, it shall be refunded on a pro rata basis.

SECTION 3. Severability.

It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity of unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 4 Effective Date.

This ordinance shall become effective upon receipt of acknowledgement from the Department of State that the ordinance has been duly filed.

SECTION 5. Inclusion in the Code.

The provisions of this ordinance shall be included and incorporated in the Pinellas County Code, as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.
APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By [Signature]
Attorney