

ORDINANCE NO. 16 -

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY LAND DEVELOPMENT CODE, BE AMENDED BY REVISING SECTIONS 166-242 (DEFINITIONS) & 166-322 (DOCK REPAIR PERMITS); PROVIDING THAT THE DEFINITION OF “REPAIR PERMIT” BE REMOVED FROM SECTION 166-242 (DEFINITIONS); PROVIDING THAT SECTION 166-322 (DOCK REPAIR PERMITS) BE RENAMED “DOCK REPAIR AND RECONSTRUCTION” AND REVISING THE STANDARDS AND CRITERIA CONTAINED THEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2.04(v) of the Pinellas County Charter grants the Pinellas County Board of County Commissioners (the “Board”) Special Power to exercise countywide authority in implementing and enforcing water and navigation regulations; and

WHEREAS, the Board exercises this power through implementation of the Water and Navigation Regulations, which were codified through Ordinance 90-19 effective February 26, 1990; and

WHEREAS, the Water and Navigation Regulations are set forth in Article V of Chapter 166 (Environmental and Natural Resource Protection) of the Pinellas County Land Development Code as amended (the “Land Development Code”); and

WHEREAS, the existing Water and Navigation Regulations require a variance for any nonconforming dock reconstruction that does not qualify for a “Repair Permit” as defined in Section 166-242 (Definitions) of the Land Development Code, which may only be issued where the dock is reconstructed in the same configuration as the originally issued permit for the dock; and

WHEREAS, Section 166-291 (Variances) has historically been interpreted by County staff to allow dock reconstruction where such reconstruction does not increase the dock’s nonconformity with the Land Development Code; and

WHEREAS, the Board finds such interpretation to be rational, efficient, and consistent with the intent of the Water and Navigation Regulations and therefore desires to codify such interpretation; and

WHEREAS, the Board finds that removing the variance requirement in such instances will provide permit applicants and County staff with more explicit direction in preparing and processing dock permit applications respectively; and

WHEREAS, the Board finds that removing the variance requirement in such instances comports with the Natural Resource Conservation & Management and Coastal Management Elements

of the Comprehensive Plan and maintains adequate protection for the environment and public under the Water and Navigation Regulations.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. That the definition of “Repair Permit” in Section 166-242 (Definitions) of the Land Development Code is hereby repealed and declared null and void and of no effect.

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

SECTION 2. That Section 166-322 (Dock Repair Permits) of the Land Development Code is hereby retitled “Dock Repair and Reconstruction” and amended in its entirety to read as follows:

Section 166-322. ~~DOCK REPAIR PERMITS~~ DOCK REPAIR AND RECONSTRUCTION

~~(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.~~

(a) Where any dock permit was previously issued under this article, a variance granted under section 166-291 shall not be required for the county to issue a permit for repair, replacement, or reconfiguration of the dock where either subsection (a)(1) or (a)(2) below is satisfied:

(1) The dock is reconstructed in the same configuration approved in said permit.

(2) Said permit demonstrates nonconformance with any one or more of the following subsections in this article:

- i. Depth under subsection 166-321(f), 166-321(g), or 166-324(7); or
- ii. Length under subsection 166-324(1), 166-333(a)(3), 166-333(a)(4), or 166-333(a)(7); or
- iii. Dock and slip limits under subsection 166-324(3), 166-324(4), 166-333(a)(5); or
- iv. Prohibited structures under subsection 166-321(k), 166-321(l), 166-321(m), 166-324(5), or 166-333(a)(2); or
- v. Dock length and setback in the unincorporated county under subsection 166-333(b)(1), 166-333(b)(2), or 166-334(b)(1); or
- vi. Commercial and multiuse private dock width in the unincorporated county under subsection 166-334(b)(1); and

The dock is reconstructed subject to the following condition(s) relevant to any of the applicable subsections identified in this subsection (a)(2) above:

- i. Depth of the slips is not decreased;
- ii. Total length of the dock is not increased;
- iii. Total nonconforming number of docks and/or slips is not increased;
- iv. Square footage of each category of prohibited structure is not increased;

- v. The dock is reconstructed such that there are no new structures located beyond the applicable setback and length limits required in the unincorporated county;
- vi. Width of the multiuse or commercial dock in the unincorporated county is not increased.

This subsection (a)(2) does not permit nonconformance with any criteria, requirements, or restrictions not explicitly listed in this subsection (a)(2) above, including but not limited to the criteria set forth in section 166-281.

- (b) Where no dock permit was previously issued under this article, a variance granted under section 166-291 shall not be required for the county to issue a permit for repair or replacement of that dock where the dock was originally constructed on or prior to February 26, 1990, remained in existence until two years or less prior to application submittal, and is reconstructed in the same configuration as existed on February 26, 1990. For the purposes of this subsection (b), a dock shall be considered to have "remained in existence" if at least 75% of the dock's pilings remain.
- (c) 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.
- (d) 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 subsection 166-332(7).

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4. Inclusion in Land Development Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Land Development Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.