



MINIMUM PERMIT REQUIREMENTS FOR CONSTRUCTION IN AND UPON PUBLIC PROPERTY ABUTTING WATERWAYS

Construction of docks, boat ramps, seawalls, chain-link fences, gates or fans, and other related structures in and upon public property abutting waterways is allowed by City Code if certain requirements are met. Please refer to the primary City Code reference given below for limitations and restrictions.

To receive approval for the above mentioned construction the following must be submitted:

- Engineering Permit Application
- Hold Harmless Agreement (must be recorded at Broward County prior to permit issuance)
- Owner/Builder Affidavit (if work is being completed by the property owner, not a contractor)
- Environmental Resource License from Broward County (see attached Technical Bulletin No. 2013-4 to determine if this license is required for your dock, seawall, or bulkhead project)
- Plans for the structure, including a site plan showing the location of construction (3 copies)
 - Plans must be signed and sealed by a professional engineer if the structure would normally require an engineered design according to City Code or the building code
 - Show dimensions and property line locations on the site plan
- Construction cost estimate for work
 - If work is being completed by the property owner, include the cost of materials only
 - If work is being completed by a contractor, include the cost of material and labor (the signed contract is normally sufficient)
- Fees (paid at the time of permit issuance)

PERMIT FEES: Permit fees are 5.5% of the cost of the work or \$100.00, whichever is greater.

INSPECTION FEES: None

PERFORMANCE BOND: Not required

PRIMARY CITY CODE REFERENCE: City Code Section 35-16 – Private use of public property abutting waterways (see attached code language)

THE PERMIT APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE MINIMUM DOCUMENTATION. OTHER DOCUMENTS MAY BE REQUIRED, DEPENDING UPON THE SPECIFIC PROJECT CONDITIONS.

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Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

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**TECHNICAL BULLETIN
No. 2013-4**

DATE: JUNE 2013

SUBJECT: PDM GENERAL ENVIRONMENTAL RESOURCE LICENSE REQUIREMENTS FOR CONSTRUCTION AND REPAIR OF DOCKS, SEAWALLS, BULKHEADS

PURPOSE: This Technical Bulletin is intended to clarify requirements and procedures for obtaining a General Environmental Resource License for the construction, addition and or repair of docks, seawalls and bulkheads in Broward County.

AFFECTED PARTIES: Municipal agencies issuing permits or approvals for the construction, addition and or repair of docks, seawalls and bulkheads in Broward County. Any contractor, developer, landowner and others who are going to construct or repair docks, seawalls or bulkheads in any artificial or natural lake, canal or other surface water located within Broward County.

OVERVIEW: The process for obtaining a General License is a streamlined one, usually completed within three days. The general license process recognizes that certain minor projects present a limited environmental risk and the process required for obtaining this Environmental Resource license has been simplified. Nevertheless, the process will ensure that necessary precautions were taken by the applicant to protect wetlands, water quality, public drinking water supply, fish and wildlife. Minor projects eligible for this streamlined process are described more fully below.

DISCUSSION: The Planning and Development Management Division and Environmental Licensing and Building Permitting Division regulate most construction activities in and around the waters of Broward County. These activities include dredging new lakes and canals, any work within a wetland area, work in and over surface waters on projects such as, but not limited to, docks, seawalls, bulkheads, piers and pilings. Section 27-336 of the Broward County Code allows for a General Environmental Resource License to be issued for certain minor work associated with the activities noted above.

To be eligible for a General Environmental Resource License, the project must fall into one of the categories listed below. Upon successful completion of the process, plans will be approved and a General Environmental Resource License is issued.

**PROJECTS ELIGIBLE TO RECEIVE A
GENERAL ENVIRONMENTAL RESOURCE
LICENSE**

1. The repair or replacement of existing docks, provided that no additional water ward fill is used and the new or repaired dock is not enlarged beyond a total of five hundred (500) square feet over-water surface area for the new and existing structure.
2. The repair, maintenance, or restoration of existing functional seawalls no more than one (1) foot water ward of their original authorized location.

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3. The installation of private, noncommercial docks of five hundred (500) square feet or less of over-water surface area, where no dredging or filling is required except to install the pilings.
4. The construction, repair, maintenance or operation of any permitted storm water control structure.
5. The installation of natural lime rock rip- rap at the water ward face of an existing vertical bulkhead provided that the rip- rap is clean and free of debris, that no sea grasses are covered by the rip-rap, that no dredging or other filling is conducted and that the rip-rap is placed at a slope no steeper than 2H: 1V and that no interference to other riparian property rights, or navigation occurs.
6. The repair or replacement of existing functional headwalls, pipes, or culverts provided that they are otherwise in compliance with this Chapter and are in artificially created waterways that discharge water for storm water runoff. The pipes must be replaced in the original size and configuration and all elevations must be the same as the pre-replacement condition. Pipe or culvert material may change from the original but must not change the discharge capabilities of the original design.

All water quality protection features must be utilized and the rerouting of water bodies is not authorized by this general license except by pumps, pipes or cofferdams. Wetland areas may not be impacted as a result of this activity.

Special Note: Projects that are larger in scale than those listed or involve dredging and/or impact wetlands are required to obtain a regular Environmental Resource License.

APPLICATION REQUIREMENTS FOR A GENERAL ENVIRONMENTAL RESOURCE LICENSE

1. A completed general license application.
2. Four (4) legible sets of drawings on 8 1/2" X 11" sheets. These drawings should include:
 - a. A vicinity map showing location and extent of the project as proposed.
 - b. A plan view and cross-sectional drawing identifying the engineering and environmental conditions existing at the site.
 - c. A plan view and cross-sectional view drawing identifying the engineering and environmental conditions as they are proposed to exist after the completion of the project.
 - d. Mean high water elevations, mean low water elevations and bottom elevations if the project is located in a tidal canal.
 - e. A survey of the project site.
3. A licensing fee applies and payable by, cash check, or credit card. Checks should be made payable to the Broward County Board of County Commissioners.

FURTHER INFORMATION: For further information concerning PDM review and approval of plans to be submitted for building permits or for questions concerning this technical bulletin, please contact the PLANNING AND DEVELOPMENT MANAGEMENT DIVISION at (954) 357-6666.

Sec. 35-16. - Private use of public property abutting waterways.

- (a) *Intent.* The intent of this section is to permit construction in and upon the public canals, lakes and waterways of docks, boat ramps, seawalls, chain-link fences, gates or fans, and other related structures which do not interfere with the free use of the canals, lakes and waterways, endanger life or property, or deny the public reasonable viable access to public waterways. Structures not similar in nature to those listed herein shall be prohibited.

All improvements such as docks, seawalls, boat ramps, chain-link fences, gates or fans and the like which are made or placed upon or abut such public property or public waterways by a private person or entity shall be constructed and all maintenance and repairs shall be performed according to city engineering standards and in compliance with engineering permits obtained from the city engineer.

The holder of the permit shall be responsible for maintaining improvements to the area and for beautifying a reasonable area in and around the dock location to be specified, and failure to do so shall be grounds for revocation of permission.

The holder of such permits shall not charge or collect any rent or fees from anyone using such dock constructed on or abutting public property or public waterways.

A permit to a private individual or entity to construct a dock, boat ramp, seawall, chain-link fences, gates or fans, and other related structures upon or abutting public property or public waterways and the acceptance and use of same by such private person shall constitute a guarantee from such private person to the city to indemnify and hold the city harmless for any damage or injury to any person using such facilities.

- (b) *Permit required.*

- (1) It shall be unlawful for any person to construct or erect docks, boat ramps, seawalls, or any other structure on or in canals, waterways, lakes or basins without first obtaining a permit from the city engineer. The property owner or his agent shall be required to seek necessary approvals and/or permits from other governmental agencies as applicable to certain navigable waterways.
- (2) The application shall be accompanied by detailed plans and specifications for the structure at the proposed site, together with a plot plan or survey showing the location of the proposed structure in conjunction with adjoining lands, waters and lakes. Said plan shall provide for all proposed landscaping and the name of the person or entity maintaining same. The above shall be prepared by a professional engineer registered in the state. As-built drawings and final certification of completion and compliance to that engineer's design shall be submitted to the city prior to the city's certificate of occupancy being issued.
- (3) Before the issuance of the permit, the owner of the abutting private property shall execute an agreement that he/she shall indemnify or hold the city harmless for any claim or suit arising out of the operation of maintenance of the structure to be constructed extending into or abutting a public waterway and that same shall be binding on the heirs, assigns and successors of the owner of record. Said document shall be recorded in the public records of Broward County.
- (4) The engineering fee for a permit shall be five and one-half (5½) per cent of the cost of the proposed work with a minimum fee of one hundred dollars (\$100.00).

(c) *Minimum requirements.*

- (1) No dock, pier or piling, chain-link fence, gate or fan on any canal, lake or waterway within the city shall extend more than four (4) feet from the seawall. When there is no seawall, the distance shall be measured from the property line unless same is not submerged, in which case the measurement shall be from the average high water line. In no case shall a dock, pier or piling be constructed or installed in such a manner that it would impede the free use of the canal, lake or waterways for public recreational purposes, navigation or free flow of water for drainage purposes as determined by the city. Reflectors shall also be required for this construction.
- (2) When the lot frontage along a body of water is one hundred (100) feet or less, the dock shall not extend closer than ten (10) feet to the property line of the adjacent property.
- (3) When the lot frontage along a body of water exceeds one hundred (100) feet in length, a dock shall not extend closer than twenty-five (25) feet to the property line of adjacent property.
- (4) Neither finger piers nor floating docks shall be permitted within the city.
- (5) No dock or pier shall be constructed to a height greater than the height of a seawall. In the event a seawall is not constructed, a dock or pier shall be limited in height to four (4) feet, six (6) inches above mean high water level. Any extension of a terrace or patio past the landward side of the seawall shall be considered part of the dock or pier and the height limitations contained herein shall apply to such terrace or patio extension.
- (6) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the city in the event that it is unsafe or creates a hazard as determined by the city engineer, the cost thereof to be assessed against the owner.
- (7) This section shall take precedent over section 18.04(b)(1)d for the purpose expressed herein.

(Ord. No. 95-27, § 1, 12-20-1995; Ord. No. 2000-18, § 1, 8-30-2000; Ord. No. 2007-16, § 1, 8-29-2007)