

STRUCTURE

DEFINITIONS

Code Definition

Structure means anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area; provided, however, neither a fence, a permitted stormwater management system nor an elevated boardwalk shall be considered a structure for the purposes of this division.

Comp Plan Definition

Structure - anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground.

Zoning Definition

Structure means anything constructed or erected, the use of which requires rigid location on the ground, or attachment to something having permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area; provided, however, neither a fence, nor a non-supporting wall acting as a screen or fence, nor an elevated boardwalk shall be considered a structure for the purpose of setbacks.

SJRWMD Chapter 40C-400, F.A.C. Definition

None

FDEP 1996 Mangrove Trimming & Preservation Act

None

USES

Use in County Code

Sec. 62-3661. Definitions

Accessory use means a building, structure or use as defined in, and consistent with, article VI of this chapter. Accessory uses shall include but not be limited to all impervious surfaces within the shoreline protection buffer requiring a county building permit.

Bulkhead and seawall mean a manmade shoreline wall, breakwater or encroachment, excluding riprap, designed or positioned to break the force of waves or to hold back or protect the shoreline from erosion. Headwalls and other similar minor structures necessary for the implementation of permitted stormwater management systems shall not be considered bulkheads.

Dock, private means a fixed or floating structure, including moorings, used for berthing buoyant vessels or for shoreline access or water-oriented recreation. A private dock shall contain no more than two boat slips, and shall not be utilized for the purpose of producing or as an inducement to producing income.

Elevated means those structures designed, constructed and located above the ground surface so as to not impede the natural flow of water on the ground surface.

Hardening means alteration of the shoreline from its natural state utilizing riprap material, interlocking brick systems, rock revetments, seawalls and bulkheads or similar structures.

Impervious surface means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This shall include but not be limited to semi-impervious surfaces such as compacted clay, as well as most surfaced areas, roofs, sidewalks and other similar structures.

Marina means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.

1. Residential/recreational marina means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas.
2. Commercial/recreational marina means facilities having greater than 30 slips or any marina which has fueling, wastewater pumpout or repair facilities serving recreational interests.
3. Commercial/industrial marina means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are permitted within this category.

Minor structures means non-habitable structures such as storage sheds, pump houses and gazebos, and which do not exceed 400 square feet in total area.

Reinforced rock revetment habitat means an approved bulkhead or seawall established between existing seawalls on each immediately adjacent shoreline, with a required rock revetment adjoining the structure on the seaward (waterward) side, designed to allow for aquatic habitat and additional shoreline benefits.

Sec. 62-3666. General provisions.

(2) For shorelines not within the criterion of subsection (1) of this section, hardening of the shoreline shall be allowed only when the applicant can demonstrate that erosion is causing a significant shoreline loss as recognized by the natural resources management division, pursuant to subsection (4) of this section. All requests for shoreline hardening must be submitted to and approved by the natural resources management division prior to any hardening activities. Riprap material, pervious interlocking brick systems, filter mats and other similar stabilization methods, combined with vegetation, shall be used in lieu of seawalls and bulkheads when hardening of the shoreline is approved under this subsection. For those properties on the Indian River lagoon immediately between two adjacent existing seawalls, the natural resources management division may permit reinforced rock revetment habitats, provided all additional required permits and reviews from appropriate agencies have been obtained. All permitted structures shall be subject

to the additional requirements of this division. When feasible, the seawall portion of the structure shall be located above the mean high-water line.

(4) Utilizing the following minimum criteria, the natural resources management division shall assess each estuarine or riverine shoreline under application for shoreline hardening for significant shoreline loss. Shorelines must exhibit one or more of the following criteria to qualify for local approval of stabilization alternatives other than the establishment of native vegetation:

- a. Clear and convincing evidence of increasing destructive loss of existing established native vegetation due to wave, wake or stormwater activity;
- b. Clear and convincing evidence of properly designed, permitted and installed alternatives to shoreline hardening which have failed to stabilize the shoreline, such as but not limited to the establishment of native vegetation, gently sloping or tiered shorelines, or other similar alternatives;
- c. Clear and convincing evidence of lawfully existing permanent structures which face imminent threat of destruction from continued shoreline loss; or
- d. Clear and convincing evidence of continuous historical accelerated shoreline loss greater than one foot per year, for a period of not less than ten consecutive years.

Clear and convincing evidence shall be the responsibility of the applicant or his authorized agent. The criteria set out in this subsection shall be the minimum required. All applicants shall be subject to and responsible for obtaining all additional necessary approvals or permits, prior to local approval. State or federal approval of shoreline hardening shall not exempt the applicant from local approval or denial of a project. All appeals of decisions of the natural resources management division shall be subject to the provisions of section 62-3665.

(5) New navigation canals connected to the Indian River lagoon system are not permitted. Existing ditches, drainage rights-of-way, drainage easements and stormwater facilities which connect to the Indian River lagoon system shall not be widened or deepened to accommodate boat traffic. New boat docks, boathouses and other related structures, or the expansion of these existing structures, shall not be allowed or permitted within or adjacent to existing ditches, drainage rights-of-way, drainage easements or stormwater facilities which connect to the Indian River lagoon system. Existing ditches, drainage rights-of-way, drainage easements or stormwater facilities which connect to the Indian River lagoon system that have been specifically designated for boat traffic on subdivision plats or site plans, or which have been historically and effectively utilized for buoyant vessel navigation prior to the effective date of the ordinance from which this division is derived, shall be exempt from this subsection.

(10) For structures that existed prior to the effective date of the ordinance from which this division is derived, remodeling and other types of development which do not increase the amount of impervious surfaces within or threaten the integrity of the shoreline protection buffer will be allowed.

(14) The provisions of this division shall not prohibit the location or construction of public utility crossings or other similar public structures by public utilities, provided these utilities have received all additional required permits or approvals.

Sec. 62-3667. Class I waters.

(2) Alteration within the shoreline protection buffer other than that which is permitted under this division shall be prohibited, unless it is shown to be in the best public interest and does not adversely impact water quality and natural habitat. Acceptable uses within the shoreline protection buffer are passive recreation, hunting, fishing, fish and wildlife management, open space and nature trails, and similar uses. Development within the buffer is limited to structures for water access such as docks, boat ramps and pervious walkways and elevated minor structures.

Sec. 62-3668. Class II waters, Outstanding Florida Waters, aquatic preserves, conditionally approved Class III shellfishing waters and Class III waters.

(8) For residential lots platted or established by deed on the official record books of the county prior to September 8, 1988, the following shall apply: Structures may be built within the shoreline protection buffer only if it can be shown that there is insufficient lot depth to allow the development of primary and accessory structures permitted and defined by the existing zoning classification of the property, and if all other alternatives and remedies are not applicable.

- a. Within class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters, structures may be built within the landward 25 feet of the shoreline protection buffer if all other requirements of this division are met.
- b. Within class III waters, structures may be built within the landward ten feet of the shoreline protection buffer if all other requirements of this division are met.
- c. In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment up to 720 square feet within the shoreline protection buffer shall be permitted if additional measures are taken to preserve water quality and natural habitat within the adjacent water body. These additional measures shall, at a minimum, be consistent with Chapters 17-25 and 17.302 F.A.C., as may be amended, and shall include but are not limited to: (1) the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering the surface waters, and (2) revegetation with native shoreline vegetation.

(10) A surface water protection plan must be submitted to and approved by the natural resources management division prior to the establishment of structures or uses described in subsection (8) of this section. The surface water protection plan must include:

- a. A survey of the property, signed and sealed by a surveyor registered in the state, locating the mean high-water line, the ordinary high-water line or the safe upland line.
- b. A sketch, drawn to scale, on the survey described in subsection (10)a of this section, indicating the location and building dimensions of the structures, and any proposed alteration of the shoreline protection buffer.
- c. A description of the type of structures proposed and the construction materials to be used.
- d. A description of how the surface water quality will be protected. The following methods may be used by the applicant in most circumstances. However, combinations

of these methods or other methods may be required, depending upon site-specific characteristics:

1. A stormwater system shall be designed by an engineer registered by the state. The stormwater system must be capable of retaining the first one inch of runoff from all impervious surfaces which drain to the shoreline. The stormwater system may be located within the shoreline protection buffer, but shall not be located or designed to require the removal of existing native shoreline vegetation within ten feet of the shoreline without approval by the county office of natural resources.
2. A densely planted shoreline of viable native vegetation, a minimum of ten feet in width for the entire length of the shoreline, may be utilized. The types and numbers of plants must be determined and approved by the county office of natural resources on a site-specific basis, however, total ground cover must be maintained. The ground must be stabilized with mulch or similar material to protect against erosion until plant material completely covers the ground.

(11) Dredging and filling shall not be permitted in or connected to class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters unless the activity is clearly in the public interest, such as approved maintenance dredging on existing public navigational channels, or where dredging may improve the water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility crossings, or for shoreline hardening as allowed by this division.

Use in Comp Plan

Policy 3.3.C (Class II Waters)

For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the fifty (50) foot shoreline protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure or pool with its associated decking and features. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the shoreline protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment of up to 720 square feet within the shoreline protection buffer shall be available if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures should, at a minimum, be consistent with DEP 17-25 and 17.302 F.A.C. and may include but are not limited to the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering surface waters and revegetation with native shoreline vegetation. Within the shoreline protection buffer, development shall be limited to those activities outlined in 3.4 (B).

Policy 3.3.E (Class II Waters)

Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat and adjacent shoreline uses. Dredging shall not be permitted in or connected to

Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline hardening as allowed by this element.

Policy 3.4.C (Class III Waters)

For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the twenty five (25) foot shoreline protection buffer described above along Class III waters shall be available for those lots which have insufficient lot depth to construct a primary structure or pool with its associated decking and features. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the shoreline protection buffer to be reduced to fifteen (15) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment of up to 720 square feet within the shoreline protection buffer shall be available if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures should, at a minimum, be consistent with DEP 17-25 and 17.302 F.A.C. and may include but are not limited to the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering the surface waters and revegetation with native shoreline vegetation. Within the shoreline protection buffer, development shall be limited to those activities outlined in this policy.

Use by State

Not researched