

BOARD OF COUNTY COMMISSIONERS

DATE: October 21, 2008  
AGENDA ITEM NO. 40.

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature

ew

**Subject:**

Combustion Motor Exclusion and Vessel Exclusion Zones for Ft. DeSoto and Sand Key Parks

**Department:**

Culture Education & Leisure  
Environmental Management

**Staff Member Responsible:**

Paul Cozzie, Director  
William M. Davis, Director

**Recommended Action:**

I RECOMMEND THE BOARD RECEIVE PUBLIC COMMENT AND ADOPT AN ORDINANCE TO ESTABLISH COMBUSTION MOTOR EXCLUSION AND VESSEL EXCLUSION ZONES FOR FT DESOTO AND SAND KEY PARK.

**Summary Explanation/Background:**

Definitions: Vessel exclusion zones prohibit all vessels from entering. A swim zone is a type of vessel exclusion zone. Combustion motor exclusion zones permit vessels to enter as long as the fuel-powered motor is not running. For example, a boat can enter under electric power (trolling motor), sail, or by poling into the zone.

An existing swim area along North Beach at Ft. DeSoto Park will be extended to include the entire public use area and a combustion motor exclusion zone will be established to the south. A vessel exclusion zone will also be established at Dog Beach, along the southwest shoreline of the park (Attachment A). In addition, the ordinance codifies an existing swim zone at Sand Key Park (Attachment B) that was originally created and managed by the City of Clearwater. The County now maintains this zone.

These zones are proposed to address safety concerns among swimmers and boaters. The zones do not prohibit surfing. Pinellas County Marine Unit deputies who patrol the existing, adjacent zones at Ft. DeSoto Park and Clearwater Pass will provide enforcement.

**Fiscal Impact/Cost/Revenue Summary:**

Funds have been budgeted in the Coastal Management Operating Budget.  
Installation and/or maintenance of 45 buoys: \$15,500.

**Exhibits/Attachments Attached:**

1. Ordinance Review Form
2. Strike-through version of Proposed Ordinance
3. Proposed Ordinance
4. Maps of Proposed Boating Zones

CATS # 27266

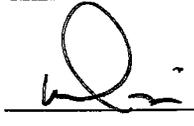
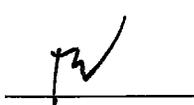
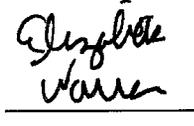
**ORDINANCE REVIEW FORM**

Type of Resolution or Ordinance: Ordinance Adopting Combustion Motor Exclusion Zone and Vessel Exclusion Zones for Ft. DeSoto and Sand Key Parks

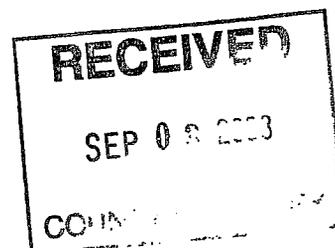
Estimated Revenue or Expenditure: Installation and/or maintenance of sixty buoys: \$18,600.

Available Budget: Yes

The attached documentation is submitted for your review and comment. Upon finalization of your review, please complete this Review Form below and forward to the next Review Authority on the list.

<u>REVIEW AUTHORITY</u>	<u>REVIEW DATE</u>	<u>SIGNATURE</u>	<u>COMMENTS</u>	<u>COMMENTS ADDRESSED ORIGINATOR'S INITIALS &amp; DATE</u>
<u>Originating Department</u> Environmental Mgmt William M. Davis	<u>8/25/08</u>			<u>WMD 9/9/08</u>
<u>Lead Department</u> CEL Paul Cozzie	<u>9/2/08</u>		EXCLUSION ZONE AT FORT DESOTO EXTENDS BEYOND DOG BEACH - NEED TO REDUCE SIZE	<u>WMD 9/9/08</u>
<u>Asst. County Administrator</u> Elizabeth Warren	<u>9/3/08</u>			<u>WMD 9/9/08</u>
<u>County Attorney</u> Jewel W. Cole	<u>9-8-08</u>		See revised ord. enclosed	<u>WMD 9/9/08</u>

Please return to Nicole Elko via interoffice mail. All inquiries should be made to Nicole Elko, at ext. 43774. Thank you.



PINELLAS COUNTY ORDINANCE NO. 08-\_\_\_\_\_

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, PROVIDING THAT SECTIONS 130-106 and 130-107 BE AMENDED TO ADD AREAS ALONG THE SHORE OF FORT DESOTO PARK AND SAND KEY PARK AS VESSEL EXCLUSION ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ANY MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, pursuant to Sections 125.01 and 327.60, Florida Statutes, is empowered to regulate operations and conduct of all watercraft using the waterways within the County;

WHEREAS, it has been determined that under certain circumstances, hazards may be created to persons or property, unless certain limitations are placed upon the operation of boats and vessels;

WHEREAS, the establishment of vessel exclusion zones along segments of Fort DeSoto Park and Sand Key Park, which are public beaches, and thus deemed as an appropriate limitation;

WHEREAS, activities that present a risk to public safety will be prohibited in the vessel exclusion zones; and

NOW, THEREFORE, BE IT ORDAINED BY THE Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Section 130-106 of the Pinellas County Code is hereby amended by adding paragraph (4) as follows:

- 4) A zone within Ft. DeSoto Park as shown on the attached map entitled "Proposed Aquatic Regulatory Zones – Ft. De Soto Park" that extends 150 feet out into the adjacent waterway beginning directly west of the North Beach Swim Center, extending 5,000 feet south.

SECTION 2. Section 130-107 of the Pinellas County Code is hereby amended by revising paragraph (3) and adding paragraph (4) as follows:

- 3) A zone within ~~the Shell Key Management Area~~ Ft. DeSoto Park as shown on the attached map entitled "Proposed Aquatic Regulatory Zones ~~Shell Key~~/Ft. De Soto - Ft. De Soto Park Vessel Exclusion Zones". ~~Three~~ Four areas along the shoreline of Fort De Soto Park that extend 150 feet out into the adjacent waterway: (1) North Beach East, beginning directly west of Shelter #~~2~~ 6, extending ~~8400~~ 8400 feet south along the shoreline to a point directly west of Shelter #~~48~~, (2) North Beach West, beginning directly west of Shelter #~~5~~ Restroom #1, extending ~~1,400~~ 2,000 feet south along the shoreline to a point directly west of Shelter #~~9~~ the North Beach Swim Center, (3) East Beach, beginning directly south of Shelter #13, extending 700 feet east along the shoreline, and (4) Dog Beach – beginning 600 feet southwest of the Bay Pier, extending 1,000 feet southwest along the shoreline along the extent of Dog Beach.
- 4) A zone within Sand Key Park as shown on the attached map entitled "Boating Regulatory Zones – Sand Key Park" that extends 150 feet out into the adjacent waterway beginning at the south jetty of Clearwater Pass, extending 2,000 feet south to the south property line of Sand Key Park.

SECTION 3. Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or degree shall be rendered.

SECTION 4. Inclusion in the Pinellas County Code

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Pinellas Code.

SECTION 5. Filing of Ordinance: Effective Date

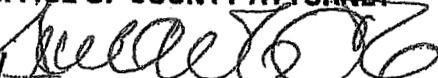
Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of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

APPROVED AND ADOPTED  
OFFICE OF COUNTY CLERK

BY \_\_\_\_\_

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By



A handwritten signature in black ink, appearing to be 'J. [unclear]', written over a horizontal line.

Attorney

PINELLAS COUNTY ORDINANCE NO. 08-\_\_\_\_\_

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, PROVIDING THAT SECTIONS 130-106 and 130-107 BE AMENDED TO ADD AREAS ALONG THE SHORE OF FORT DESOTO PARK AND SAND KEY PARK AS VESSEL EXCLUSION ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ANY MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, pursuant to Sections 125.01 and 327.60, Florida Statutes, is empowered to regulate operations and conduct of all watercraft using the waterways within the County;

WHEREAS, it has been determined that under certain circumstances, hazards may be created to persons or property, unless certain limitations are placed upon the operation of boats and vessels;

WHEREAS, the establishment of vessel exclusion zones along segments of Fort DeSoto Park and Sand Key Park, which are public beaches, and thus deemed as an appropriate limitation;

WHEREAS, activities that present a risk to public safety will be prohibited in the vessel exclusion zones; and

NOW, THEREFORE, BE IT ORDAINED BY THE Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Section 130-106 of the Pinellas County Code is hereby amended by adding paragraph (4) as follows:

- 4) A zone within Ft. DeSoto Park as shown on the attached map entitled "Proposed Aquatic Regulatory Zones – Ft. De Soto Park" that extends 150 feet out into the adjacent waterway beginning directly west of the North Beach Swim Center, extending 5,000 feet south.

SECTION 2. Section 130-107 of the Pinellas County Code is hereby amended by revising paragraph (3) and adding paragraph (4) as follows:

- 3) A zone within Ft. DeSoto Park as shown on the attached map entitled "Proposed Aquatic Regulatory Zones Ft. De Soto - Ft. De Soto Park Vessel Exclusion Zones". Four areas along the shoreline of Fort De Soto Park that extend 150 feet out into the adjacent waterway: (1) North Beach East, beginning directly west of Shelter #6, extending 400 feet south along the shoreline to a point directly west of Shelter #48, (2) North Beach West, beginning directly west of Restroom #1, extending 2,000 feet south along the shoreline to a point directly west of the North Beach Swim Center, (3) East Beach, beginning directly south of Shelter #13, extending 700 feet east along the shoreline, and (4) Dog Beach – beginning 600 feet southwest of the Bay Pier, extending 1,000 feet southwest along the shoreline along the extent of Dog Beach.
- 4) A zone within Sand Key Park as shown on the attached map entitled "Boating Regulatory Zones – Sand Key Park" that extends 150 feet out into the adjacent waterway beginning at the south jetty of Clearwater Pass, extending 2,000 feet south to the south property line of Sand Key Park.

SECTION 3. Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or degree shall be rendered.

SECTION 4. Inclusion in the Pinellas County Code

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Pinellas Code.

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.

OFFICE OF COUNTY CLERK  
APPROVED AND FILED  
JANUARY 11 1994

BY \_\_\_\_\_

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on \_\_\_\_\_ relative to:

**ORDINANCE NO. 08-\_\_\_\_\_**

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, PROVIDING THAT SECTIONS 130-106 and 130-107 BE AMENDED TO ADD AREAS ALONG THE SHORE OF FORT DESOTO PARK AND SAND KEY PARK AS VESSEL EXCLUSION ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ANY MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

KEN BURKE  
Clerk of the Circuit Court and  
Ex-officio Clerk to the  
Board of County Commissioners

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk

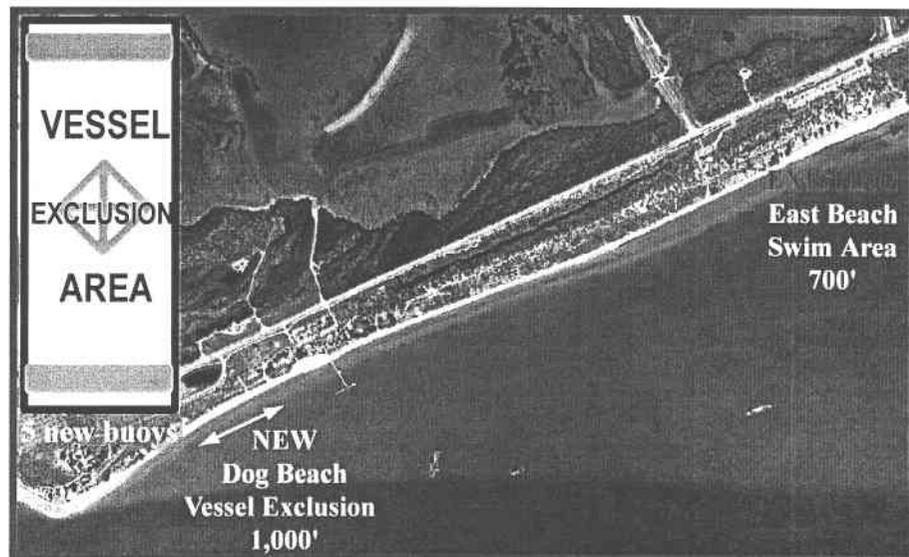
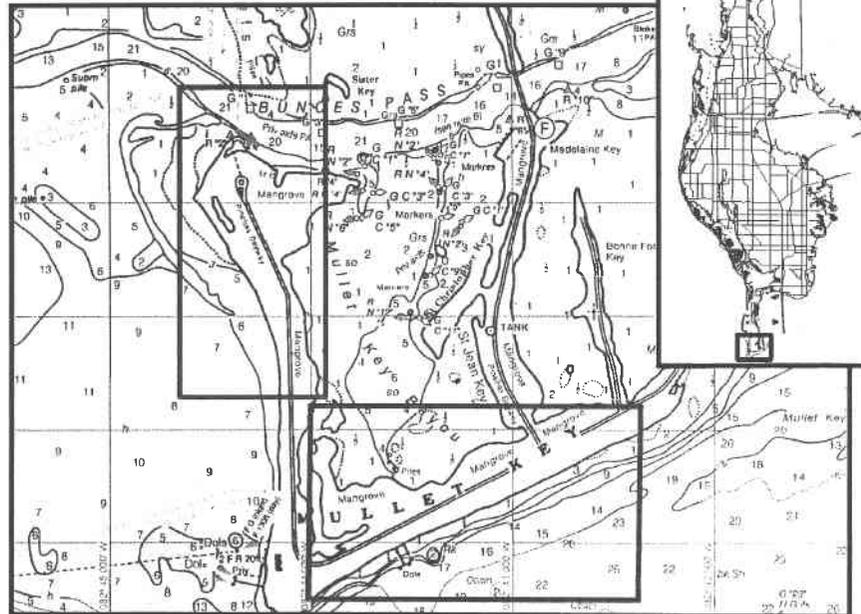
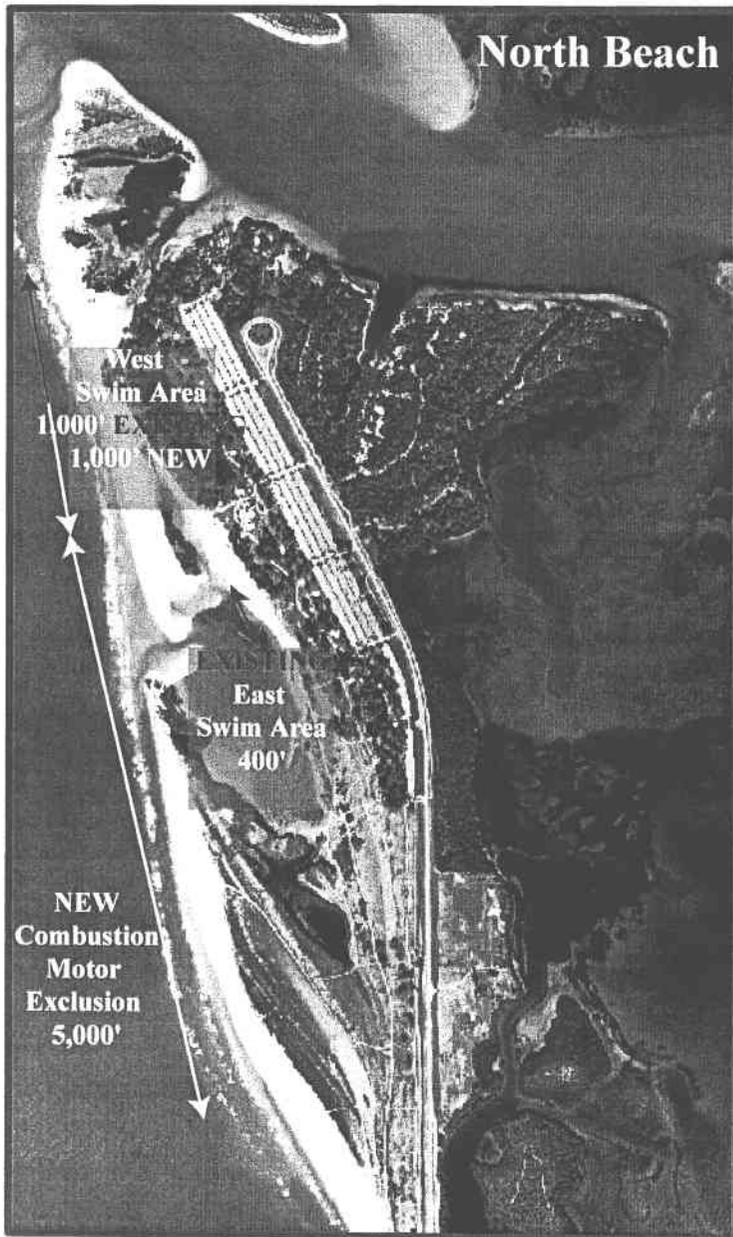
**North Beach**



5 new buoys



25 new buoys

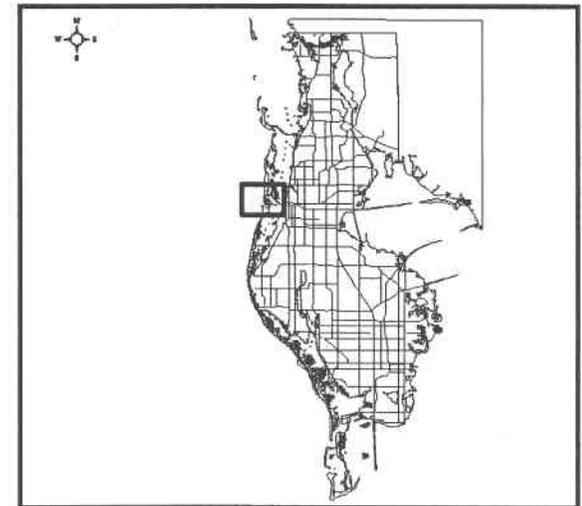
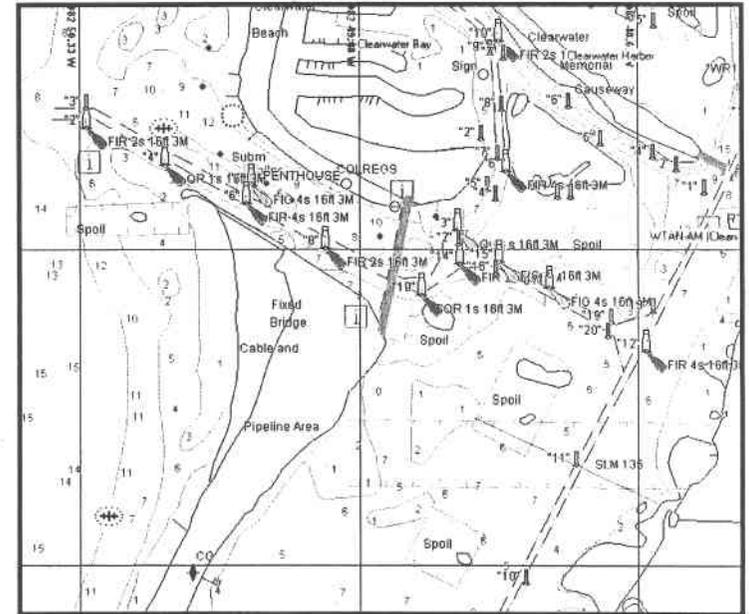


Pinellas County  
DEM  
Coastal Mgmt.

**Proposed Aquatic Regulatory Zones -  
Ft. De Soto Park**

ATTACHMENT A

Date: August 8, 2008



Pinellas County  
DEM  
Coastal Mgmt.

## Proposed Boating Regulatory Zone - Sand Key Park

ATTACHMENT B

Date: August 15, 2008