

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO VESSEL ANCHORING; PROVIDING FOR ESTABLISHMENT OF THREE ANCHORING LIMITATION AREAS PURSUANT TO F.S. § 327.4108 OVER (1) PART OF MANDALAY CHANNEL IN THE CITY OF CLEARWATER AND (2) IMMEDIATELY SOUTHEAST OF BELLEAIR CAUSEWAY IN UNINCORPORATED COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has exclusively granted counties—not municipalities—the authority to adopt anchoring limitations areas pursuant to Laws of Fla. Ch. 2021-192 (codified at F.S. § 327.4108); and

WHEREAS, F.S. § 327.4108(2)(a) provides the conditions for establishing an anchoring limitation area, including that a given area must be less than 100 acres and adjacent to urban areas that have residential docking facilities and significant recreational boating traffic; and

WHEREAS, F.S. § 327.4108(2)(b) provides that a person may not anchor a vessel for more than forty-five consecutive days in any six-month period within any anchoring limitation area, subject to certain exceptions listed in F.S. §§ 327.4108(4), (5); and

WHEREAS, F.S. §§ 327.4108(6), (7) provide the remedies for non-compliance with F.S. § 327.4108(2)(b), including civil penalties and vessel removal/impoundment; and

WHEREAS, F.S. § 327.4108(2)(c) provides that a county seeking to establish an anchoring limitation area must provide the Florida Fish & Wildlife Conservation Commission (FWC) with thirty days' notice prior to adopting the ordinance establishing the anchoring limitation area; and

WHEREAS, F.S. § 327.4108(2)(a)3 provides that an anchoring limitation area must be marked with signs and buoys permitted by FWC pursuant to F.S. §§ 327.40, 41; and

WHEREAS, citing concerns over stationary live-aboard vessels and stored vessels, some of which may be at-risk of becoming derelict, the City of Clearwater has asked the Board of County Commissioners (the “Board”) to establish a ninety-two (92) acre anchoring limitation area within Mandalay Channel to the immediate northwest of Dolphin Point; and

WHEREAS, in light of similar concerns, the Board desires to establish a thirty-nine (39) acre anchoring limitation area within Clearwater Harbor to the immediate southeast of Belleair Causeway (in unincorporated County); and

WHEREAS, the Board recognizes that, within the two proposed anchoring limitation areas, live-aboard vessels and stored vessels—some of which may be at risk of becoming derelict vessels—present serious navigational, aesthetic, and environmental concerns; and

WHEREAS, the two proposed anchoring limitation areas each satisfy the criteria in F.S. § 327.4108(2)(a); and

WHEREAS, Pinellas County (“County”) Staff has provided FWC with a copy of this Ordinance pursuant to F.S. § 327.4108(2)(c); and

WHEREAS, although the Board—as the adopting agency—must be the FWC permittee for the signs and buoys required by F.S. § 327.4108(2)(a)3 to mark the two proposed anchoring limitation areas, Clearwater has executed an interlocal agreement providing for installation and maintenance of the requisite signs and buoys within Clearwater’s proposed anchoring limitation area; and

WHEREAS, through such interlocal agreement, Clearwater has further agreed to exercise good faith efforts to enforce its proposed anchoring limitation area and field citizen comments regarding same; and

WHEREAS, County Staff is prepared to mark the proposed anchoring limitation area in unincorporated County and coordinate with law enforcement on enforcement of same; and

WHEREAS, the Board wishes to establish the two proposed anchoring limitation areas.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA that:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. Chapter 130 (WATERWAYS) of the County Code is hereby amended by adding Article III (ANCHORING LIMITATION AREAS) as follows:

Sec. 130-123: Purpose and Intent.

As of 2022, over 50,000 vessels were registered in the County, second only to Miami-Dade. With significant vessel registration comes significant vessel traffic. Many of these vessels, however, are left in a generally stationary state; some of these vessels are simply being “stored,” while others are actually being lived in. These vessels are often anchored near one another in specific locations, resulting in navigational and aesthetic impacts to the surrounding community. Moreover, many of these vessels are unattended or abandoned, making them at risk of becoming derelict; dereliction not only exacerbates navigational and aesthetic impacts, but presents environmental concerns as well. Indeed, without incentive to move, vessels are more likely to unlawfully dump sewage (instead of traveling to a pump station), creating water quality problems. In sum, clustered stationary vessels in County waters pose significant navigational, aesthetic, and environmental impacts warranting intervention by this Board.

To address the concerns noted above, this Article establishes certain “anchoring limitation areas” pursuant to Laws of Fla. 2021-192 (codified at F.S. § 327.4108). Significantly, per F.S. § 327.4108(2)(a), only counties—not municipalities—can establish anchoring limitation areas. Consequently, this Article includes all anchoring limitation areas in the County. The Legislature provides a comprehensive regulatory scheme for anchoring limitation areas in F.S. § 327.4108, and local governments are otherwise heavily preempted from regulating vessel anchoring pursuant to F.S. § 327.60(2)(f). Therefore, outside of setting forth the geographical boundaries of specific anchoring limitation areas, this Article essentially incorporates F.S. § 327.4108. To that end, the intent of this Article is for anchoring limitation areas to be implemented and enforced in strict accordance with State law. Finally, nothing herein is intended to prohibit mooring to private docks.

Sec. 130- 124. Definitions.

For purposes of this article, the following definitions apply:

“Person” means an individual, partnership, firm, corporation, association, or other entity.

“Vessel” is synonymous with boat as referenced in § 1(b), Art. VII of the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Sec. 130- 125. Enforcement.

Consistent with F.S. § 327.4108(2)(b), a person may not anchor a vessel within any anchoring limitation area for more than forty-five days consecutive days in any six-month period, subject to the exceptions provided in F.S. §§ 327.4108(4), (5). Consistent with F.S. § 327.4108(6), a vessel within an anchoring limitation area must travel at least one mile away from the anchoring limitation area during the preceding forty-five days to comply with this Section. This Section is enforceable by law enforcement officers in accordance with F.S. §§ 327.4108(6), (7), which also provide the remedies for non-compliance with this Section.

Sec. 130- 126. Anchoring Limitation Areas.

The following areas are established as anchoring limitation areas pursuant to F.S. § 327.4108:

1. An area of Mandalay Channel approximately ninety-two (92) acres in size to the immediate northwest of Dolphin Point in the City of Clearwater as described and depicted in Exhibit A to this Ordinance.
2. An area of Clearwater Harbor approximately thirty-nine (39) acres in size to the immediate southeast of Belleair Causeway in unincorporated County as described and depicted in Exhibit B to this Ordinance.

The County Administrator is directed to apply for permits for signs and buoys marking these areas pursuant to F.S. § 327.4108(2)(a)3; municipalities may be required to satisfy permit obligations through interlocal agreement.

SECTION 3. Severability. If any section 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. Areas Embraced. This Ordinance applies countywide.

SECTION 5. Inclusion in Code. It is the intention of the Board that the provisions of this Ordinance be made a part of the County Code and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to section, article, or other such appropriate word or phrase to accomplish such intentions.

SECTION 6. Pursuant to F.S. § 125.66(b), within ten (10) days of adoption of this Ordinance, a certified copy of this Ordinance shall be filed with the Department of State by the County Clerk of the Circuit Court. This Ordinance shall take effect upon filing with the Department of State.

AERIAL MAP



Gulf of Mexico

Clearwater Harbor

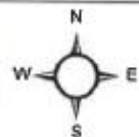
Area Size
+/- 91.5 ac.

Mandalay Channel



Prepared by:
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 Geographic Technology Division
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Mandalay Channel Anchoring Limitation Area



Scale: N.T.S.

Map Gen By: KF	Reviewed By: TM	Aerial Flown 2021	Date: 4/12/2023	Page: 1 of 1
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Mandalay Channel Anchoring Limitation Area

General (Legal) Description:

All of the waters of that portion of Mandalay Channel lying between the Mean High-Water Line on the East and West side of said Channel, lying North of 27°58'51.02"N Latitude, being the easterly extension of the South line of Lot 7, Block C, A Replat of Block "A" and Lots 1 to 15 Incl. Block "B" of Clearwater Beach Park First Addition, according to the map or plat thereof, recorded in Plat Book 21, Page 21 of the Public Records of Pinellas County, and lying South of 27°59'21.75"N Latitude, being the easterly extension of the North line of Block 76, A Replat of Lots 1 to 8 Incl. Block 83 – Lots 11 to 20 Incl. Block 84 – Lots 9 to 16 Incl. Block 85 – Lots 5-6-7 Block 86 and All of Blocks 76-77-78-79-80-81-82-87 Unit No. 5 Mandalay Clearwater Beach;

less and except those inlets on the East side of said channel, lying between Harbor Passage and Palm Island NW, Palm Island NW and Palm Island SW, Palm Island SW and Skiff Point, Skiff Point and Dolphin Point;

less and except that inlet on the West side of said channel, lying between Clearwater Beach Recreation Center and Belle Harbor Condominium, and the inlet easterly of Royal Way.

EXHIBIT B

PINELLAS COUNTY
 PUBLIC WORKS
 SURVEY AND MAPPING DIVISION
 22211 U.S. HIGHWAY 19 N.
 CLEARWATER, FLORIDA 33765-2328
 PHONE # (727) 464-8904



SECTION 31, TOWNSHIP 29 SOUTH, RANGE 15 EAST
 DESCRIPTION

All the submerged lands in that portion of Clearwater Harbor lying South of the Belleair Bridge and the southern boundary of the landward extension of the Belleair Beach Causeway; bounded on the East by the westerly platted line of A Replat of Blocks A, H, I and J of Harbor Bluffs Section 1, according to the plat thereof, as recorded in Plat Book 34, Page 8, public records of Pinellas County, Florida; bounded on the South by the north side of Palm Drive bridge, and bounded on the South by Harbor Bluffs Section Five, according to the plat thereof, as recorded in Plat Book 57, Pages 97-98, public records of Pinellas County, Florida, and bounded on the south by the westerly extension of the Southerly line of lot 74 of said Harbor Bluffs Section Five; and bounded on the West by the easterly right-of-way line of the Intracoastal Waterway Canal as described in Official Records Book 1104, Pages 532-605, public records of Pinellas County, Florida.

Containing 39 acres, more or less.

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LEGEND	
O.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG(S)	PAGE(S)
S'LY	SOUTHERLY
W'LY	WESTERLY

Additions or deletions by other than the Professional Surveyor and Mapper in responsible charge are prohibited. This Sketch and/or Description, or the copies thereof, are not valid without the original signature and seal of the Professional Surveyor and Mapper.

The above Sketch and Land description was prepared under my supervision and is true and correct to the best of my knowledge and belief.

Gregory Duque
 GREGORY DUQUE, PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NUMBER: 6647, STATE OF FLORIDA

5/31/2023
 DATE



S.F.N.: 01332_00642	P.I.D.: 001851B	CALCULATED BY: GD	CHECKED BY: AZ	Pinellas County Survey and Mapping Division
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Parcel No.: P001
 SHEET 1 OF 2

EXHIBIT _____

PINELLAS COUNTY
 PUBLIC WORKS
 SURVEY AND MAPPING DIVISION
 22211 U.S. HIGHWAY 19 N.
 CLEARWATER, FLORIDA 33765-2328
 PHONE # (727) 464-8904



SECTION 31, TOWNSHIP 29 SOUTH, RANGE 15 EAST
 SKETCH - NOT A SURVEY



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S.F.N.: 01332_00642	P.I.D.: 0018518	CALCULATED BY: GD	CHECKED BY: AZ	Pinellas County Survey and Mapping Division	FOR LEGEND, SEE SHEET 1 OF 2
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Parcel No.: P001
 SHEET 2 OF 2

EXHIBIT _____