

ORDINANCE 20- 09

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING SECTION 130-107 OF THE COUNTY CODE RELATING TO VESSEL EXCLUSION ZONES; PROVIDING THAT THE NORTH BEACH EAST VESSEL EXCLUSION ZONE BE REPEALED AND THE NORTH BEACH WEST VESSEL EXCLUSION ZONE BE EXPANDED TO COVER THE AREA KNOWN AS OUTBACK KEY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, over the past decade, a large sandbar immediately south of the entrance to Bunces Pass known as “Outback Key” has formed at Fort De Soto Pinellas County Park;

WHEREAS, as Outback Key has migrated towards the mainland, it has created a lagoon (“Outback Key Lagoon”) that has become a popular swimming and recreation area;

WHEREAS, in addition to swimmers, Outback Key Lagoon attracts smaller vessels—most notably jet skis;

WHEREAS, the Board of County Commissioners (the “Board”) finds that vessels operating within Outback Key Lagoon pose a significant safety risk to swimmers;

WHEREAS, the Board finds that abundant open waters outside Outback Key Lagoon are accessible to vessels in Fort De Soto Park;

WHEREAS, F.S. § 327.46(1)(b)3.a. authorizes local governments to establish vessel exclusion zones over designated swim areas;

WHEREAS, the Board wishes to establish a vessel exclusion zone over Outback Key Lagoon (the “Outback Key Lagoon Vessel Exclusion Zone”);

WHEREAS, the Board wishes to highlight that the Outback Key Lagoon Vessel Exclusion Zone does not impede vessel access through Bunces Pass;

WHEREAS, the Board previously established four vessel exclusion zones around Fort De Soto Park: (1) North Beach East, (2) North Beach West, (3) East Beach, and (4) Dog Beach;

WHEREAS, the Board also previously established a separate combustion motor vessel exclusion zone immediately south of the North Beach West Vessel Exclusion Zone (the “Combustion Motor Vessel Exclusion Zone”);

WHEREAS, the Board finds that the North Beach East Vessel Exclusion Zone is no longer needed due to accretions and may be repealed;

WHEREAS, the Board finds that because the North Beach West Beach Vessel Exclusion Zone ends immediately south of Outback Key, it is sensible to combine the North Beach West Vessel Exclusion Zone with the Outback Key Lagoon Vessel Exclusion Zone; and

WHEREAS, the East Beach, Dog Beach, and Combustion Motor Vessel Exclusion Zones are unaffected by this Ordinance.

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

Section 1. Section 130-07 (Vessel exclusion zones; actions regulated) of the Pinellas County Code is hereby amended as follows:

Sec. 130-107. - Vessel exclusion zones; actions regulated.

The following described waterways or portions of waterways are hereby established as vessel exclusion zones. It shall be a violation of this article to operate a vessel of any kind, whether power-driven or non-motorized within any vessel exclusion zone.

(1) An area from the west abutment of the first bridge heading west on the Fred Howard Park Causeway to the western terminus of said causeway. The vessel exclusion zone shall extend 300 feet both north and south of the shoreline of the causeway. The vessel exclusion zone is depicted graphically (as a restricted boating area) on Appendix A attached to Ordinance No. 89-23.

(2) An area beginning at the south right-of-way line of Crystal Beach Boulevard, following along the shoreline and encompassing an area 150 feet in breath out into St. Joseph's Sound for a distance of approximately 880 feet to the south right-of-way line of Ohio Avenue, excluding a zone 50 feet wide, beginning at the existing boat ramp and extending into St. Joseph's Sound a distance of 150 feet.

(3) The following zones in Fort De Soto County Park, which are depicted graphically in the map attached as Appendix A to Ordinance No. 20 - 09 titled "Proposed Aquatic Regulatory Zones in Fort De Soto County Park":

- (a) East Beach, beginning directly south of Shelter #13 and extending 700 feet east along the shoreline and 150 feet into the water;
- (b) Dog Beach, beginning 600 feet southwest of the Bay Pier and extending 1,000 feet southwest along the shoreline along the extent of Dog Beach and 150 feet into the water; and
- (c) North Beach, beginning at a point directly to the west of the North Beach Swim Center, and forming a polygon around the area known as Outback Key. The latitude/longitude

points for the polygon constituting the North Beach Vessel Exclusion Zone are identified on a separate page of the map depicting the “Proposed Aquatic Regulatory Zones in Fort De Soto County Park” referenced in this Section 130-107(3) above.

(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 2. Severability.

If any section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, nor nullify the remainder of this Ordinance, and the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Inclusion in Code.

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

Section 4. Filing of Ordinance: Effective Date.

Pursuant to F.S. § 125.66, 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 days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

APPROVED AS TO FORM

By: 
Office of the County Attorney