

ORDINANCE NO. 9925-26

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, REPEALING SECTION 33.058 (17) & (18) OF THE CODE OF ORDINANCES, RELATING TO AREAS DEFINED AS NO WAKE ZONES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Florida Legislature has declared the State of Florida a refuge and sanctuary for the Florida manatee (*Trichechus manatus latirostris*); and

WHEREAS, pursuant to Section 379.2431(2)(p), Florida Statutes, a local government may regulate motorboat speed and operation within its jurisdiction where the best available scientific information supports the conclusion that manatees inhabit the area on a regular basis; and

WHEREAS, the City of Clearwater has reviewed available data, including manatee observation records, citizen-science documentation, habitat assessments, navigation characteristics, and other relevant and reliable information regarding Stevenson Creek; and

WHEREAS, the establishment of a Slow Speed Minimum Wake Manatee Protection Zone in Stevenson Creek will be established by Ordinance 9931-26; and

WHEREAS, Ordinance 9931-26 establishes a new minimum wake zone that conflicts with existing zones defined in section 33.058 of the Code of Ordinances; and

WHEREAS, Due to the conflicting zones it was determined by FWC the no wake zones should be repealed.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. Section 33.058 (17) & (18), Code of Ordinances, are hereby repealed with the following strikethrough language:

“Sec. 33.058. - Same—Areas defined.

- (1) *Slow speed—Minimum wake zone, west of Clearwater Pass Bridge.* All waters of Clearwater Pass Channel from shoreline to shoreline, westward of Clearwater Pass Bridge to a point approximately 900 yards west of the bridge, which point is marked by Clearwater Pass Light No. 6, are designated as a slow speed—minimum wake zone.

- (2) *Slow speed—Minimum wake zone, east of Clearwater Pass Bridge.* All waters east of Clearwater Pass Bridge and within the following described area are designated as a slow down—minimum wake zone: Begin at the point where the Clearwater Pass Bridge connects with Sand Key on the south, then to a point 470 yards east of the center span of the bridge, which point is marked by Clearwater Pass day beacon no. 16, then to a point approximately 500 yards north, northeast of day beacon no. 16, marked by Marina Channel light no. 8, then due west to the shoreline of Clearwater Beach Island, then following the shoreline southwesterly and westerly to the bridge, and then south to the point of beginning.
- (3) *Slow speed—Minimum wake zone, Clearwater Marina Channel.* All waters of the Clearwater Marina Channel from a point marked by a buoy designated number #1 at latitude 27 degrees 58 minutes .577 seconds north, longitude 82 degrees 49 minutes .316 seconds west then following the mean low water mark (MLW) north-northwest to the point of the idle speed no wake zone at latitude 27 degrees 58 minutes 33.7(.5617) seconds north, longitude 82 degrees 49 minutes 17.8(.2967) seconds west, then continuing south along the idle speed zone to the point of the eastern tip of the Devon Drive, at approximate latitude 27 degrees 58 minutes 25(.4167) seconds north, longitude 82 degrees 49 minutes 22(.3667) seconds west, then following the shoreline along the channels between Devon Drive and Brightwater Drive, and Brightwater Drive and Bayside Drive to a point marked by a buoy designated by number #5 at latitude 27 degrees 58 minutes .238 seconds north, longitude 82 degrees 49 minutes .149 seconds west, then north to Marina Channel day board number 9, marked by buoy designated by number #3 at latitude 27 degrees 58 minutes .290 seconds north, longitude 82 degrees 49 minutes .085 seconds west, then along the Marina Channel west to a point marked by a buoy designated by number #2 at latitude 27 degrees 58 minutes .530 seconds north, longitude 82 degrees 49 minutes .299 seconds west, and back to point of beginning are designated as slow speed -minimum wake zone.
- (4) *Idle speed—No wake zone, Clearwater Marina basin.* All waters of the Clearwater Marina basin lying west of the following described line are designated as an idle speed—no wake zone: From the point on the shoreline nearest the eastern terminus of Devon Drive (latitude 27 degrees 58 minutes 24 seconds north, longitude 82 degrees 49 minutes 23 seconds west), north-northeast approximately 150 yards to a point marked by Marina Channel day beacon no. 11, then continuing north-northeast approximately 200 yards to a point on the shore of Memorial Causeway.
- (5) *Slow speed—Minimum wake zone; internal canal of Bayside*

subdivisions. All waters of the canal between Brightwater Drive and Bayside Drive are designated as a slow speed—minimum wake zone.

- (6) *Slow speed—Minimum wake zone; internal canals of Island Estates.* All waters of the internal canals of Island Estates are hereby designated as a slow speed—minimum wake zone.
- (7) *Slow speed—Minimum wake zone, north of Memorial Causeway for vessels greater than 25 feet in length.* Single engine vessels 25 feet or less may operate at a speed limit of 35 mph from Somerset Street to the northernmost point of the slow speed minimum wake zone on Island Estates. All waters in the following described area are designated as a slow down-minimum wake zone: Begin at a point approximately 75 yards, more or less, to a point approximately on Island Way, located at 27 degrees 59 minutes 51 seconds north, 82 degrees 49 minutes 21 seconds west, then westerly to the easternmost point of Kipling Plaza on Clearwater Beach Island, then southerly along the shoreline of Clearwater Beach Island to the fixed highway bridge at the west end of Memorial Causeway, then easterly along the bridge and Memorial Causeway to the west shoreline of Island Way, then northeasterly along the shoreline of Island Way to the shoreline of Island Estates, then along the shoreline of Island Estates to the point of beginning.
- (8) *No internal combustion motors zone; Clearwater Community Sailing Center and Adjacent Sand Key Beach.* All waters in the following described area are designated as a no internal combustion motors zone: Begin at the designated wake zone on the southeast corner under the Clearwater Pass Bridge, at marker buoy 11, located at 27 degrees 57 minutes 33.6 seconds north, 82 degrees 49 minutes 18.54 seconds west, and continue in a southeast direction to a point approximately 100 yards offshore, then in a southerly direction approximately 800 yards, more or less, to a point marked by a buoy at 27 degrees 57 minutes 09 seconds north, 82 degrees 49 minutes 49 seconds west, then in a westerly direction 100 yards, more or less, to a point approximately on the mean high-water line at the Clearwater Community Sailing Center, located at 27 degrees 57 minutes 55 seconds north, 82 degrees 49 minutes 49 seconds west, then in a northerly direction along the mean high-water line, then to the point of beginning at marker buoy 11.
- (9) *Slow speed—Minimum wake zone; internal canals, of Marina Del Rey and Isle of Sand Key.* All waters of the internal canals of Marina Del Rey and Isle of Sand Key, south of Harborage Court and north of the southern boundary of the city are designated as a slow speed—minimum wake zone.
- (10) *Slow speed—Minimum wake zone; Island Estates-Palm Island SE-Harbor Island.* All waters in the following described area are

designated as a slow speed—minimum wake zone: Begin at a point approximately on Palm Island SE located at 27 degrees 59 minutes 05 seconds north, 82 degrees 48 minutes 48 seconds west, then in an easterly direction 75 yards, more or less, to a point marked by a buoy, then in a northerly direction 1,600 yards, more or less, to a point marked by a buoy, then in a southerly direction 75 yards, more or less, to a point approximately on Island Way, located at 27 degrees 59 minutes 51 seconds north, 82 degrees 49 minutes 16 seconds west, then in a easterly direction to Harbor Island and southerly direction along the shoreline to the point of beginning.

(11)*Slow speed—Minimum wake zone; Windward Island.* All waters in the following described area are designated as a slow speed—minimum wake zone: Begin at a point approximately on Palm Island SE, located at 27 degrees 59 minutes 07 seconds north, 82 degrees 48 minutes 46 seconds west, then in a southerly direction 1,600 yards, more or less, to Private Aids number "5"—27 degrees 58 minutes 22 seconds north, 82 degrees 48 minutes 35 seconds west, then in a westerly direction to Windward Island and northerly in direction along the shoreline to Palm Island SE, then approximately 75 yards east from the shoreline to the point of beginning.

(12)*Slow speed—Minimum wake zone, along the Gulf of Mexico side of Sand Key Beach.* All waters in the following described area are designated as a slow speed—minimum wake zone: Begin at a point on the shoreline of the southernmost property line of the Sheraton Sand Key Resort at 1160 Gulf Blvd. to a point approximately 300 feet offshore, more or less, located at 27 degrees 57 minutes 11 seconds north, 82 degrees 49 minutes 59 seconds west, then southerly approximately 1,900 yards, more or less, to the southernmost City of Clearwater limits, located at 27 degrees 56 minutes 11 seconds north, 82 degrees 50 minutes 30 seconds west, then easterly approximately 300 feet to shore, parallel to Sand Key Estates Court, then northerly along the shoreline of Sand Key Beach to the point of beginning.

(13)*Idle speed—No wake zone. Clearwater Harbor Marina basin.* All waters of the Clearwater Harbor Marina basin lying within the following described line are designated as an idle speed—no wake zone: From the point of the farthest southwestern point of dock A (latitude 27 degrees 57.88 minutes north, longitude 82 degrees 48.38 minutes west), east to the northernmost point of the seawall at Pierce 100 and continuing along that seawall to the shore, then north along the shoreline to the fishing pier behind the dock master office at 210 Drew Street, then west to the farthest western point at the end of the fishing pier (latitude 27 degrees 58.09 minutes north, longitude 82 degrees 48.27 minutes west), then south along the outside wave attenuators of the northern and southern docks adjacent to the Intracoastal Waterway channel under the Memorial Causeway Bridge

back to point of origin.

- (14) *Slow speed—Minimum wake zone, Stevenson Creek.* Stevenson Creek area within a 300 feet distance, easterly of the center point located at the center of Betty Lane Bridge, that point having a latitude of 27°58'43.73" north and longitude 82°47'01.11" west.
- (15) *Slow speed—Minimum wake zone, Stevenson Creek.* Stevenson Creek area between Betty Lane Bridge and Douglas Avenue Bridge.
- (16) *Slow speed—Minimum wake zone, Stevenson Creek.* Stevenson Creek area within a 300 feet distance, northwesterly of the center point located at the center of Douglas Avenue Bridge, that point having a latitude of 27°58'59.53" north and longitude 82°47'17.41" west.
- ~~(17) *Slow speed—Minimum wake zone, Stevenson Creek.* Stevenson Creek area within a 300 feet distance, southeasterly and northwesterly of the center point located at the center of Pinellas Trail Bridge, that point having a latitude of 27°59'13.34" north and longitude 82°47'30.92" west.~~
- ~~(18) *Slow speed—Minimum wake zone, Stevenson Creek.* Stevenson Creek area within a 300 feet distance, easterly of the center point located at the center of Edgewater Drive Bridge, that point having a latitude of 27°59'22.93" north and longitude 82°47'44.56" west. 6. Intercoastal Waterways area within a 300 feet distance, westerly of the center point located at the center of North Fort Harrison Avenue/Edgewater Drive (US-19A) Bridge over Stevenson Creek, that point having a latitude of 27°59'22.93" north and longitude 82°47'44.56" west."~~

Section 2. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:

Melissa Isabel
Assistant City Attorney

Rosemarie Call
City Clerk