

TUESDAY, JUNE 14, 2022

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137(Fax)

AGENDA
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, JUNE 14, 2022 @ 7:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

1. PRESENTATIONS.

- A. REPORT OF Pinellas County Sheriff's Office.**
- B. REPORT OF Pinellas Suncoast Fire & Rescue District.**

2. PUBLIC COMMENTS. [3-minute time limit per speaker.]

(Any member of the audience may come forward, give their name and address, and state any comment or concern that they may have regarding any matter over which the City Commission has control, EXCLUDING AGENDA ITEMS. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent, or slanderous remarks shall be permitted. No speaker shall be interrupted, and no debate shall take place between the speaker and the City Commission.)

3. REPORTS OF:

- A. City Attorney.**
- B. City Manager.**
- C. City Commission.**
[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. **CONSENT AGENDA:**
 - A. **APPROVAL** of the May 10, 2022 Regular City Commission Meeting Minutes.
 - B. **REAPPOINTMENT OF KATHRYN BLANKENSHIP ALVAREZ** to the Finance and Budget Review Committee for a 3-year term, expiring May 31, 2025.
 - C. **RECEIVE/FILE** the Pinellas County Annual Report to the FloodPlain Management Program for Public Information (PPI) and the Local Mitigation Strategy (LMS).
 6. **PUBLIC HEARINGS:** None.
 7. **OTHER LEGISLATIVE MATTERS:** None.
 8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None.
 9. **OTHER BUSINESS.**
 10. **ADJOURNMENT.**
-

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 doreilly@irbcity.com, no later than FIVE (5) days before the proceeding for assistance.

POSTED: JUNE 10, 2022

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, JULY 12, 2022 @ 7:00 P.M.**

**CITY COMMISSION BUDGET MEETINGS
TUESDAY, JULY 26, 2022 @ 4:00 P.M.**

**SPECIAL CITY COMMISSION MEETING
TUESDAY, JULY 26, 2022 @ 7:00 P.M.
(Setting the tentative millage rate)**



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(Setting the tentative millage rate)**

AGENDA ITEM NO. 1A

**REPORT OF
Pinellas County Sheriff's Office**



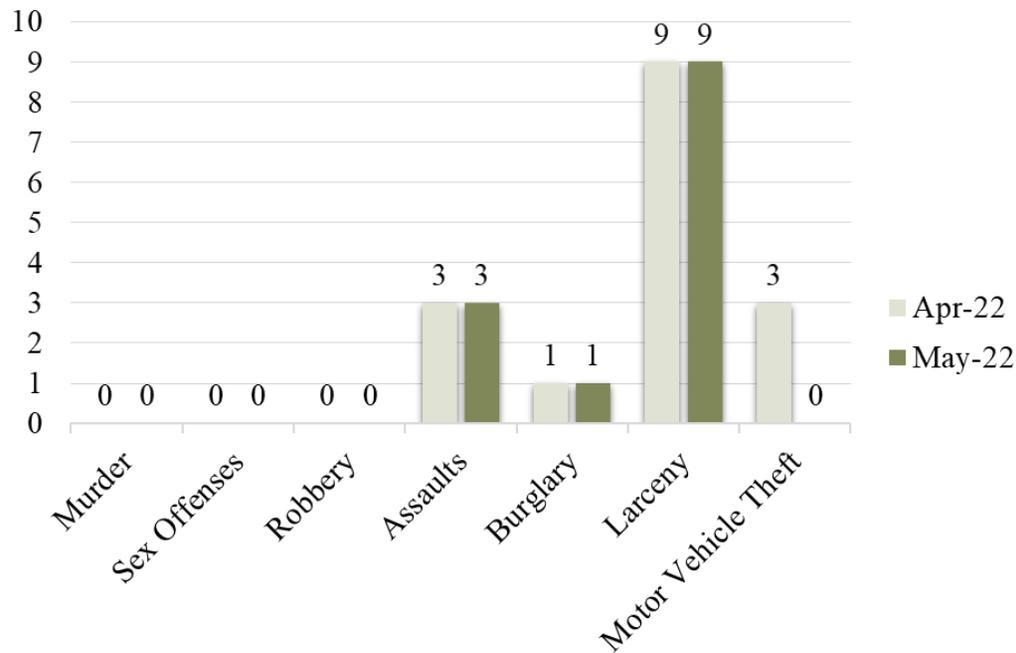
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

May 2022

Select UCR Property & Person Crimes	April 2022	May 2022	May 2021 YTD	May 2022 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	0
Robbery	0	0	0	2
Assaults	3	3	11	18
Burglary	1	1	6	4
Larceny	9	9	19	39
Motor Vehicle Theft	3	0	4	3
GRAND TOTAL	16	13	41	66



Arrests

May 2022

There were a total of **21** people arrested in the City of Indian Rocks Beach during the month of May resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
County Ordinance	2
County Ordinance Violation	1
Open Container Ordinance	1
Felony	2
Child Neglect	1
Possession Of Controlled Substance	1
Misdemeanor	15
Battery-Domestic Related	3
Disorderly Conduct/Breach Peace	1
Disorderly Intoxication	1
False Name Or ID By Person Arrested	1
Petit Theft-Shoplifting	1
Possession Of Controlled Substance	2
Resist/Obstruct LEO Without Violence	3
Trespass After Warning	2
Violation Of Probation/Community Control-Adult	1
Warrant	1
Warrant Arrest	1
Traffic Misdemeanor	6
Driver's License Suspended/Revoked	1
Driving Under The Influence	5
Grand Total	26

*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

Deputy Activity

There were a total of **887** events in the City of Indian Rocks Beach during the month of May resulting in **1,310** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of May. *CAD data is filtered by problem type.

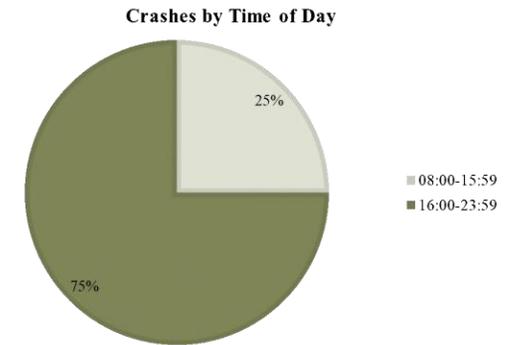
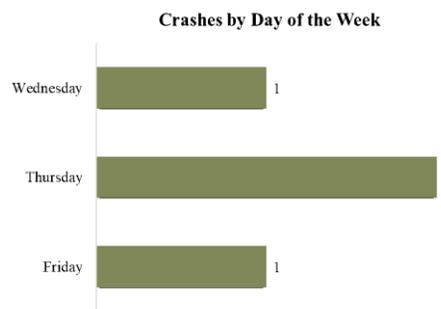
May 2022

DEPUTY ACTIVITY	TOTAL
Traffic Stop	190
Directed Patrol	126
Vehicle Abandoned/Illegally Parked	103
House Check	72
911 Hang-up Or Open Line	47
Assist Citizen	42
Suspicious Person	35
Noise	21
Trespass	17
Information/Other	17
Ordinance Violation	15
Transport Prisoner	12
Suspicious Vehicle	12
Lost/Found/Abandoned Property	12
Contact	11
Traffic Violation	10
Supplement	8
Special Detail	8
Building Check Business	8
Community Contact	8
Accident	8
Ambulance/Fire Department Call	7
Domestic-In Progress	7
Disorderly Conduct	6
Civil Matter	6

Crash & Citation Analysis

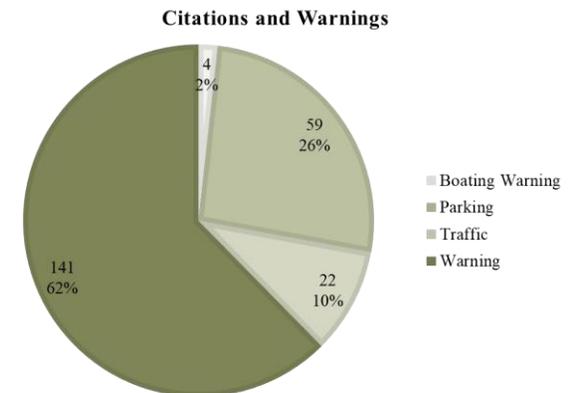
There were **4** crashes in the City of Indian Rocks Beach during May 2022. *Crash data is filtered by disposition type and may include “accident and hit and run” problem types.

CRASH LOCATIONS	TOTAL
Whitehurst Ave/Gulf Blvd	1
Gulf Blvd/5th Ave	1
304 1st St	1
60 Gulf Blvd	1



There were a total of **226** citations and warnings issued in the City of Indian Rocks Beach during May 2022.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
Gulf Blvd & 8th Ave	4
Gulf Blvd & Whitehurst Ave	3
Gulf Blvd & 21st Ave	1
Gulf Blvd & 7th Ave	1
Gulf Blvd & 3rd Ave	1
20th Ave & 1st St	1
1st St & Miami Ave	1
4th Ave & Gulf Blvd	1
Gulf Blvd & 25th Ave	1
501 Gulf Blvd	1





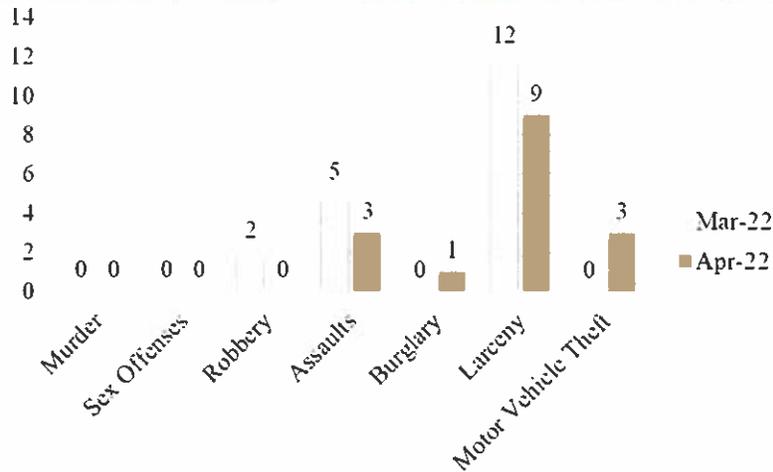
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

April 2022

Select UCR Property & Person Crimes	March 2022	April 2022	April 2021 YTD	April 2022 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	0
Robbery	2	0	0	2
Assaults	5	3	6	15
Burglary	0	1	5	3
Larceny	12	9	16	30
Motor Vehicle Theft	0	3	4	3
GRAND TOTAL	19	16	32	53



Arrests

April 2022

There were a total of 16 people arrested in the City of Indian Rocks Beach during the month of April resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	4
Battery On LEO	1
Escape	1
Petit Theft-Other Larceny	1
Resist LEO With Violence	1
Misdemeanor	5
Resist/Obstruct LEO Without Violence	3
Trespass After Warning	2
Other	1
Warrant Arrest	1
Traffic Misdemeanor	13
BUI	1
Driver's License Suspended/Revoked	2
Driving Under The Influence	6
No Valid Driver's License	3
Refusal Submit To Test-Intoxicated	1
Grand Total	23

*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

Deputy Activity

There were a total of **878** events in the City of Indian Rocks Beach during the month of April resulting in **1,250** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of April. *CAD data is filtered by problem type.

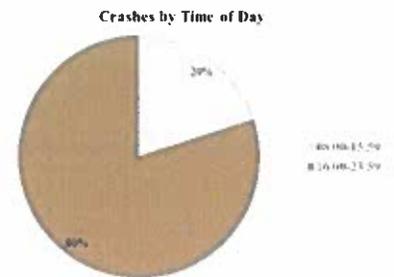
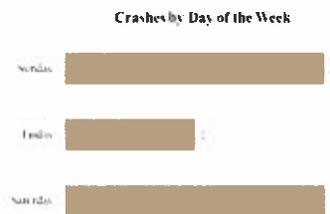
April 2022

DEPUTY ACTIVITY	TOTAL
Traffic Stop	269
Directed Patrol	160
Vehicle Abandoned/Illegally Parked	64
Assist Citizen	46
House Check	41
Suspicious Person	32
Information/Other	16
Community Contact	16
Noise	14
Lost/Found/Abandoned Property	14
Traffic Violation	12
Contact	12
Trespass	11
Building Check Business	11
Transport Prisoner	10
Suspicious Vehicle	9
Ordinance Violation	9
Theft-Not In Progress	8
911 Hang-up Or Open Line	8
Warrant Service/Attempt	7
Supplement	6
DUI	6
Assist Other Agency	5
Boating Vessel Stop	5
Traffic/DWLSR	5

Crash & Citation Analysis

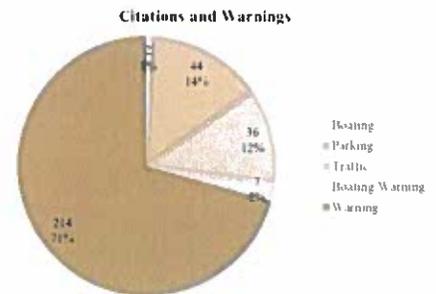
There were 5 crashes in the City of Indian Rocks Beach during April 2022. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
16th Ave/Beach Trail	1
2601 Gulf Blvd	1
302 1st St	1
6th Ave/Gulf Blvd	1
Gulf Blvd/2nd Ave	1



There were a total of 303 citations and warnings issued in the City of Indian Rocks Beach during April 2022.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
1st St & 16th Ave	7
Gulf Blvd & 22nd Ave	4
Gulf Blvd & 2nd Ave	3
3rd Ave & Gulf Blvd	2
Gulf Blvd & 19th Ave	2
Gulf Blvd & 16th Ave	2
800 E Gulf Blvd	1
Gulf Blvd & 25th Ave	1
24th Ave & Gulf Blvd	1
2311 Bay Blvd	1



AGENDA ITEM NO. 1B

**REPORT OF
Pinellas Suncoast Fire & Rescue
District**

AGENDA ITEM NO. 2
PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B
REPORTS OF City Manager

AGENDA ITEM NO. 3C

REPORTS OF City Commission

AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

**AGENDA ITEM NO. 5A
CONSENT AGENDA**

**APPROVAL OF
May 10, 2022 Regular City
Commission Meeting Minutes**

**MINUTES — MAY 10, 2022
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, MAY 10, 2022**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Denise Houseberg, Commissioner Jude Bond, Commissioner Philip J. Hanna, and Commissioner Joseph D. McCall.

STAFF PRESENT: City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Finance Director Daniel A. Carpenter, CGFO, Public Works Director Dean A. Scharmen, and Planning Consultant Hetty C. Harmon, AICP.

ABSENT: City Manager Brently Gregg Mims.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

1A. REPORT OF Pinellas County Sheriff's Office.

The Pinellas County Sheriff's Office presented the crime analysis report for March 2022.

1B. REPORT OF Pinellas Suncoast Fire & Rescue District.

Fire Chief Davidson presented the Fire District's report for April 2022.

Fire Chief Davidson stated the Fire District participated in IRB BeachFest, and the Fire Union had a booth where they passed out information and materials about the Fire Department.

Mayor-Commissioner Kennedy asked Fire Chief Davidson to go over EMS and Fire response times.

Fire Chief Davidson stated in April that the District's EMS response calls, which are medical calls handled by the Fire District, the average response time was 4 minutes, 41

seconds, which is the time from when the Fire District receives the alert to the time they arrive on the scene. He stated that the response time could be hindered by traffic congestion, narrow roadways, and pedestrians crossing Gulf Boulevard, which could be every quarter mile or less. He said they cannot drive very fast, as they have to drive very cautiously. Pinellas County's standard is 7 minutes, 30 seconds 90% of the time.

Fire Chief Davidson stated the fire responses are slightly higher at 5 minutes and 8 seconds because the firefighters need to put on their fire protective equipment before getting into the fire truck, so they are ready when they arrive. The national standard time for getting the first unit on the scene is 5 minutes, 40 seconds at 90% of the time.

Fire Chief Davidson invited the City Commission and the public to the monthly Fire Commission Meetings, held on the second Tuesday of the month at 6:00 p.m. The meeting location rotates between Indian Shores and Belleair Beach. They are trying to have a meeting in Indian Rocks Beach; however, there is a conflict with scheduling.

Fire Chief Davidson stated next Tuesday, May 17, 2022, at 6:00 p.m., at Indian Shores, he will be presenting the budget to the Fire Commission.

At the request of Mayor-Commissioner Kennedy, Fire Chief Davidson recapped the incidents that occurred on March 6, 2022, concerning the stolen vehicle/carjacking incident, and on March 10, 2022, regarding the structure fire at 700 Gulf Boulevard. He again wanted to recognize the firefighters and the paramedics for their efforts and what they do.

Mayor-Commissioner Kennedy stated the Fire District also purchased a new fire engine for Station 27 and had a "Washdown" or "Housing" Ceremony.

Mayor-Commissioner Kennedy stated she likes to recap everything because she wants everyone to know how great a job the firefighters and paramedics are doing, just like the Pinellas County Sheriff's Office and its deputies.

2. PUBLIC COMMENTS.

Phil Wrobel, 112-13th Avenue, thanked the City for co-sponsoring the HOA BeachFest, the HOA's biggest fundraiser. He thanked all the volunteers and the Public Works employees. He feels fortunate to live in a town where the City and its non-profit organizations get together and hold fantastic events.

Mr. Wrobel stated the water from the 12th Avenue showers is draining into the parking lot area, and it becomes slimy on the weekends. He said the City rebuilt this shower a couple of years ago because of the build-up of sand, which is happening again.

Mr. Wrobel stated years ago, the HOA paid for signs at the beach access walkovers on the beach that identified where a person was while walking on the beach. Those signs are now facing north or south and are covered up with sea oats and things like that. The signs cannot be seen from the beach and are not doing any good. He would like to see these signs adjusted so that beach-walkers or beach-goers can see the signs from the beach.

Mr. Wrobel stated he was at an event where a Gulfport person advised him that Gulfport handles their short-term rental violators through their nuisance ordinances where the City can revoke their business license from them.

3A. REPORTS OF City Attorney:

City Attorney Mora stated he is continuing to work with the City Manager and staff on revising the sign code.

City Attorney More stated he continues to track the legal issues as they come.

City Attorney Mora stated that a question was raised about chronic nuisance as an enforcement mechanism. That is an enforcement mechanism in some codes related to short-term rentals or otherwise. The challenge with it is that there is due process. Again, when he says challenges, he wants to be sure that it is clear because not many people are used to talking to attorneys. Issue spotting is not nay-saying. It is just letting the City Commission know the challenges. The issues with chronic-nuisance ordinances are the function of due process. Before it is declared a chronic nuisance violator, there has to be some form of procedure to contest the violation. The other part of that is being adjudicated in violation of the code on more than one occasion.

3B. REPORTS OF City Manager:

City Manager Mims submitted his written report.

Finance Director Carpenter submitted the Second Quarter Financial Report and asked if there were any questions or comments.

3C. REPORTS OF City Commission.

The City Commission stated that IRB BeachFest was fantastic and thanked everyone who volunteered and participated in the event.

COMMISSIONER HANNA:

- Stated the Nature Preserve Boardwalk is starting to show its age and needs a little facelift. He stated some of the handrails and boards need to be replaced and asked

if there is any grant funding available for this kind of maintenance project. He stated that a lot of people utilize the Nature Preserve Boardwalk.

COMMISSIONER BOND:

- Stated he lives right on Gulf Boulevard, and it is not so much about the traffic as it is with the noisiness of the drunk kids. For example, a group of young males hurled a drink at him as he was walking his dog on Gulf Boulevard. This kind of activity is not entirely out of character for the neighborhood anymore. He does not know how to address that, but if the City is talking about nuisances, that whole strip from the Business District Triangles to where they stay (short-term rentals) has become a problem area. He stated the young people drive up and down Gulf Boulevard at night raising cane, and he does not know what to do about that issue. He is personally offended now that he was hit by a drink thrown from a car. He stated that maybe ramped-up DUI enforcement might take care of the enforcement of this issue.

COMMISSIONER McCALL:

- Thanked the City, the volunteers, and the participants that helped the HOA put on two significant events in April, the Easter Egg Hunt and the IRB BeachFest, the HOA's largest fundraiser. He personally thanked the Pinellas County Sheriff's Office and the Pinellas Suncoast Fire and Rescue District for their professionalism. He stated BeachFest could not have gone off without a glitch without the dedicated Public Works employees.
- Thanked Crabby Bill's for sponsoring the IRB BeachFest and allowing the HOA to use their liquor license.
- Stated a couple from Redington Shores were taken back by the partnership between the City, the City Commission, and the non-profit organizations putting on the events. The Redington Shores resident was lamenting how he wished his town commission got along with the City and each other and how wonderful this is.

MAYOR-COMMISSIONER KENNEDY:

- Stated the beach mayors had a meeting with Representative DiCeglie, and he has asked the beach mayors to put together a document concerning issues that the beach towns are having with short-term rentals. She stated the City Commission should contact the City Attorney for items to be included in the document on behalf of the City of Indian Rocks Beach.
- Stated that if residents have noise issues with short-term rentals, they should contact the Pinellas County Sheriff's Office to document the incident officially.

4. ADDITIONS/DELETIONS.

City Attorney Mora stated Agenda Item 6C, BOA Case No. 2022-07, 2105 Bay Boulevard, is deleted from the Agenda. The property owners/applicants have voluntarily withdrawn

their application for a variance as they are attempting to develop within the structures of the City Code.

5. CONSENT AGENDA:

- A. APPROVAL OF the April 12, 2022 Investiture Ceremony Minutes.**
- B. APPROVAL OF the April 12, 2022 Regular City Commission Meeting Minutes.**
- C. REAPPOINTMENT OF Regular Board Member Peter Sawchyn to the Planning and Zoning Board for a two-year term, expiring May 31, 2024.**
- D. REAPPOINTMENT OF Regular Board Member Richard Antepenka to the Planning and Zoning Board for a two-year term, expiring May 31, 2024.**
- E. REAPPOINTMENT OF Regular Board Member James Labadie to the Board of Adjustments and Appeals for a three-year term, expiring June 30, 2025.**
- F. REAPPOINTMENT OF Regular Board Member David Watt to the Board of Adjustments and Appeals for a three-year term, expiring June 30, 2025.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Item Nos 5A through 5F, by title only.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5F. UNANIMOUS APPROVAL BY ACCLAMATION.

- 6A. ABT CASE NO. 17-2022 — WYNE IRB, INC., 311 GULF BOULEVARD, #5 CONSIDERING a 2COP Alcoholic Beverage Use Designation request *[beer; wine. By the drink or in sealed containers for consumption on or off premises where sold]*, to Wyne IRB, LLC, dba Wyne located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Being a replat of Lots 4, 5, 6, 7, 22, 23, 24, the westerly 21 feet of Lot 25 and a portion of Lots 8 and 21, Block 9, Indian Rocks Beach. Property ID #: 12-30-14-42858-009-0100.**

[Beginning of Staff Report.]

BACKGROUND:

Alcoholic Beverage Use Designations are governed by Chapter 6, Alcoholic Beverages.

All alcoholic beverage licenses are under the control of the State of Florida, Division of Alcohol Beverages and Tobacco. However, municipalities have the right to enact ordinances regulating the hours of business and location of the place of business and

prescribing sanitary regulations thereof of any license under the State Beverage Law within the county or corporate limits of such municipality. [F.S. 562.45(2)(a)]

On April 8, 2022, Jack Bennett submitted a 2COP Alcoholic Beverage Designation Application (*Beer; Wine. By the drink or in sealed containers for consumption on or off the premises where sold*) for the establishment Wyne IRB, located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach Block 9, Lots 9, 10, 11, & 20 together with Lots 8 & 21 less those parts lying within IRB Plaza LLC Sub according to Code Section 6-32(e).

Code Section 6-32 Alcoholic Beverage Use Designations are approved for a specific property location and a specific application. Any change in ownership of the establishment will require filing a new application and approval by the City Commission.

ANALYSIS:

Wyne IRB is located in the B-Business District. The surrounding zoning on the north and south sides is zoned B-Business, and the west side of Gulf Boulevard is zoned CT-Commercial Tourist.

The Planning Consultant has determined that the Alcoholic Beverage Application for Wyne IRB complies with Chapter 6, Alcoholic Beverages, and Chapter 110, Zoning.

On April 20, 2022, the Pinellas County Sheriff's Office reviewed its records for Jack Bennett and Suzanne Brown and determined there are no responsive public records. No criminal record checks were conducted by the Florida Department of Law Enforcement, other states, or the FBI.

Section 6-33, Authority of City Commission to designate locations, empowers the City Commission to designate the location and classification and to place reasonable restrictions which are deemed appropriate such as repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.

PUBLIC NOTIFICATION: A public meeting notice was mailed by first-class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on April 25, 2022, per Code Section 2-149.

CORRESPONDENCE: No correspondence was received.

A legal notice was published in the April 27, 2022-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on May 10, 2022, for ABT Case No. 17-2022.

[End of Staff Report.]

City Attorney Mora read by title only Agenda Item No. 6A, ABT Case No. 17-2022.

City Attorney Mora inquired of the City Commission Members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

City Attorney Mora duly swore in all persons planning to give testimony during the quasi-judicial proceeding.

City Clerk O'Reilly introduced the Agenda Item and reviewed the Agenda Memo.

City Clerk O'Reilly stated staff recommends approval of ABT Case No. 17-2022, a 2COP Alcoholic Beverage Use Designation (*Beer; Wine. By the drink or in sealed containers for consumption on or off the premises where sold*) for the establishment Wyne IRB, located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida. If approved, staff recommends that the following restriction be placed on the designation: Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage use designation.

Jack Bennett, 14002 Kensington Oak Place, Largo, owner of Wyne IRB, stated that he is an owner of Slyce and has been in IRB for almost 12 years. He said the Business District Triangle was not what it is today and stated that it is crazy now.

Mr. Bennett stated that partner Suzanne Bone knows about wine and has always talked about owning a wine place. The opportunity came directly next to Slyce, and they will open the most amazing, cute little place with beer and wine with small plates. There will be an inside and outside area.

Mr. Bennett stated he takes a lot of pride in the fact that they have been involved in the community for a long time and participate in the City events.

Mr. Bennett stated he is excited that they can open up a second business next-door to Slyce.

Mayor-Commissioner Kennedy asked if there would be any live entertainment, like a piano player.

Mr. Bennett stated there would be light music either inside or outside. Just one person, not bands.

Vice Mayor-Commissioner Houseberg asked if there would be wine tastings, to which Mr. Bennett responded in the affirmative.

Mayor-Commissioner Kennedy asked what would be the hours of Wyne IRB, to which Mr. Bennett responded that it is yet to be determined.

Mr. Bennett stated that there are three of them in this venture: him, Suzanne Bone, and Doug Mullins.

Doug Mullins, 18131 Gulf Boulevard, Redington Shores, stated his whole career has been in aviation, and this is a new adventure for him. He said he would be at Wyne every day.

Commissioner Bond asked what is Wyne's seating capacity?

Mr. Bennett stated there are ten seats inside and ten seats on the outside patio.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

MOTION MADE BY COMMISSIONER McCALL, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG TO APPROVE ABT CASE NO. 17-2022, AN ALCOHOLIC BEVERAGE USE DESIGNATION OF 2COP TO WYNE IRB, LLC, DBA WYNE IRB LOCATED AT 311GULF BOULEVARD, #5, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN ROCKS BEACH BLOCK 9, LOTS 9, 10, 11, & 20 TOGETHER WITH LOTS 8 & 21 LESS THOSE PARTS LYING WITHIN IRB PLAZA LLC SUB WITH THE FOLLOWING STIPULATION: REPEATED OR INTERMITTENT NUISANCE ACTIVITY AND/OR UNLAWFUL NOISE LEVELS ORIGINATING FROM THE ESTABLISHMENT OF THE PARKING AREA MAY RESULT IN THE REVOCATION OF THE ALCOHOLIC BEVERAGE DESIGNATION.

Commissioner McCall stated Wyne IRB will be a definite good neighbor. Mr. Bennett and Ms. Bone have been good stewards in Indian Rocks Beach for a long time and have always run a good business.

Mayor-Commissioner Kennedy stated she wanted to follow up on Commissioner Bond's question on seating. She asked what is the seating capacity for that location.

Mr. Bennett stated it could be 20 seats. It is not a big place.

City Attorney Mora stated just for clarity in the record as it relates to the application this evening, the alcoholic beverage use designation is separate and distinct from site plan approval and other review of similar elements.

ROLL CALL VOTE:

AYES: HANNA, BOND, HOUSEBERG, McCALL, KENNEDY

NAYS: NONE

MOTION TO APPROVE UNANIMOUSLY.

6B. BOA CASE NO. 2022-08— 349 12TH AVENUE

CONSIDERING a variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349-12th Avenue, Indian Rocks Beach Florida, and legally described as Indian Beach Re-Revised 2nd Add Blk 89, Lot 12. Parcel #: 06-30-15-42066-089-0120.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2022-08 — 349 12TH AVENUE:

Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re-Revised Map of Indian Beach. Parcel # 06-30-15-42066-089-0120

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends approval of the request.

BOARD OF ADJUSTMENTS AND APPEALS: The Board of Adjustments and Appeals recommended approval to the City Commission by a vote of 3 to 1.

OWNER: Jeff Schaefer
PROPERTY LOCATION: 349-12th Avenue
ZONING: Single Family Residential

Direction	Existing Use	Zoning Category
North	Residential	S
East	Residential	S
South	Intracoastal	N/A
West	Residential	S

BACKGROUND:

On December 10, 2019, Mr. Schaeffer was granted a variance to extend the dock to 56 feet from the seawall. The dock has been installed. At 56 feet, there is less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

Mr. Schaeffer is now requesting an additional 16 feet to the existing dock length of 56 for a total dock length of 72 feet from the seawall at its maximum projection.

Sec. 2-152. Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The Board of Adjustments and Appeals shall make recommendations on and the City Commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the Board or the City Commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The existing mangroves in front of the seawall are peculiar to this property and the adjacent property however are not typical of other properties in the area.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The mangroves are a natural condition of nature and did not result in actions of the applicant.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for access to a dock and a boat lift similar to others in the area.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*

- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *Granting of this variance would allow a dock and boat lift to be installed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will be in harmony with general intent and purpose of subpart B.*

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on the subject property on April 25, 2022.

CORRESPONDENCE: No correspondence has been received.

LEGAL NOTICE: A legal notice was published in the April 27, 2022-edition of the St. Pete Times Section of the Tampa Bay Times, for the public hearing that has been scheduled on May 10, 2022, for BOA Case No. 2022-07.

[End of Staff Report.]

City Attorney Mora inquired of the City Commission Members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

City Attorney Mora inquired of the City Commission Members if any of them had conducted a site visit for the limited purpose of evaluating the application before them, with all members responding negatively.

City Attorney Mora duly swore in all persons planning to give testimony during the quasi-judicial proceeding.

Planning Consultant Harmon presented a PowerPoint Presentation showing an aerial view, the proposed dock, and water depths.

Planning Consultant Harmon reviewed the staff report. She stated the applicant is requesting a variance from Section 94-87 of the Code of Ordinances for an additional 16 feet to the maximum dock length of 50 feet where there are less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum project.

Planning Consultant Harmon stated in December 2019, the applicant was granted a variance to extend his dock to 56 feet from the seawall. At 56 feet, there are less than 3

feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

The applicant, Jeff Schaefer, 349-12th Avenue, explained the variance request. He stated that at 56 feet, there is less than 3 feet of water; therefore, he is requesting to go out another 16 feet to reach 3 feet of water. He stated his hardship is the natural occurrence of existing mangroves, seagrass, the sandbar, and shallow water at 56 feet of water. He noted both abutting neighbors have signed off on the dock permit.

Mayor-Commissioner Kennedy asked the applicant when he purchased the house.

Mr. Schaefer responded about three years ago, they purchased the land. There was no house or dock on the property, and before that, he lived on La Hacienda.

Mayor-Commissioner Kennedy asked if the applicant knew there were issues there when he purchased the property.

Mr. Schaefer replied no. At first, his focus was on getting a variance to clear the mangroves.

Commissioner Bond asked if there was a reason for the "z" design rather than going straight out.

Mr. Schaefer stated this was the tenth proposed drawing, and finally, his neighbor to the west was in agreement. Initially, he was just going to take the catwalk straight out, which made a lot of sense and then put the boat on the left side. But unfortunately, another variance would be required because it was essentially 16 inches from the setback line.

Commissioner Hanna asked why this was not discovered a year ago when the dock was initially put in and had the water silted up that much in a year?

Mr. Schaefer stated he did not spend an enormous amount of time there because the house was under construction, and the boat was not being used a lot. For a short time, he kept the boat at his La Hacienda property that they sold, which had better access in and out. He thought he would be fine once the dock was built and the boat was moved to the 12th Avenue residence.

Commissioner Hanna asked if anyone in that area has contacted the Army Corps of Engineers or the State of Florida since they own the waterways for assistance with dredging.

Mr. Schaefer stated there is an 8 to 10 foot drop-off where he and his neighbors are trying to get.

Commissioner Bond asked how the applicant's neighbor to the west handled this issue.

Mr. Schaefer stated that the west's boat neighbor comes out a little further already, and he does not have the mangroves, so he has more water coming in. His boat definitely sets back a little more, and the boat's motors face south, so it is easier for his neighbor to get his boat in and out.

Mr. Schaefer stated the mangroves are creating problems for many residents in that area.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER McCALL, TO APPROVE BOA CASE NO. 2022-08:VARIANCE REQUEST FROM SECTION 94-87 OF THE CODE OF ORDINANCES OF AN ADDITIONAL 16 FEET TO THE MAXIMUM DOCK LENGTH OF 50 FEET WHERE THERE IS LESS THAN 3 FEET OF WATER AT THE MEAN LOW WATERMARK FOR A TOTAL DOCK LENGTH OF 72 FEET FROM THE SEAWALL AT ITS MAXIMUM PROJECTION, FOR THE PROPERTY LOCATED AT 349-12TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS BLOCK 89, LOT 12, SECOND ADDITION TO RE-REVISED MAP OF INDIAN BEACH.

Commissioner McCall stated the hardship is with the mangroves that go out approximately 30 to 35 feet into the Intracoastal waterway from the seawall and are going to continue to cause issues for that area.

Mayor-Commissioner Kennedy suggested the applicant call Pinellas County to see if the mangroves could be trimmed back.

ROLL CALL VOTE:

AYES: BOND, HOUSEBERG, McCALL, HANNA, KENNEDY

NAYS: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

6C. BOA CASE NO. 2022-07— 2105 BAY BOULEVARD

CONSIDERING a variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet for the installation of a swimming pool for the property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 13th Add Lot 6 & rip rts. Parcel #: 06-30-15-42264-000-0060.

On May 10, 2022, the applicants withdrew their BOA Case as the applicants they are attempting to develop within the structures of the City Code.

7. **OTHER LEGISLATIVE MATTERS:** None
8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None
9. **OTHER BUSINESS.** None.
10. **ADJOURNMENT.**

MOTION MADE BY COMMISSIONER BOND, SECONDED BY VICE CHAIR-COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:04 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

June 14, 2022
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/DOR

**AGENDA ITEM NO. 5B
CONSENT AGENDA**

**REAPPOINTMENT of
Kathryn Blankenship Alvarez to
the Finance and Budget Review
Committee**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: June 14, 2022 AGENDA ITEM: 5B

SUBMITTED AND

RECOMMENDED BY: Deanne Bulino O'Reilly, MMC, City Clerk *dor*

APPROVED BY:

Brently Gregg Mims, City Manager *BL*

SUBJECT:

The reappointment of **Regular Board Member KATHRYN BLANKENSHIP ALVAREZ**, to the Finance and Budget Review Committee for a three-year term, expiring May 31, 2025.

BACKGROUND:

As of June 1, 2022, two board member vacancies exist on the Finance and Budget Review Committee due to the expiration of terms and a resignation.

The current members of the Finance and Budget Review Committee:

Kathryn Blankenship Alvarez (*Term has expired*)
Angel "Mishelle" Hargett
Jean Scott
Jean Wesson
Vacant Position

ANALYSIS:

Board Member Kathryn Blankenship Alvarez would like to be considered for reappointment to the Finance and Budget Review Committee.

MOTION:

I move to **APPROVE/DENY** the reappointment of Regular Board Member Kathryn Blankenship Alvarez to the Finance and Budget Review Committee for a three-year term, expiring May 31, 2025.

/dor

**AGENDA ITEM NO. 5C
CONSENT AGENDA**

**RECEIVE AND FILE the Pinellas
County Annual Report to the
Floodplan Management Program
for Public Information (PPI) and
Local Mitigation Strategy (LMS)**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: June 14, 2022 **AGENDA ITEM:** 5C

SUBMITTED AND RECOMMENDED BY: Dean A. Scharmen, Public Works Director

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Receive and File the Pinellas County Annual Report to the Floodplain Management Program for Public Information (PPI) and the Local Mitigation Strategy (LMS).

BACKGROUND

The PPI is a comprehensive approach to flood hazard outreach and its purpose is to try to improve communication to citizens regarding critical aspects such as, flood hazards, flood safety, flood insurance and protection of natural flood plains in a systematic step-by-step manner.

The LMS is a Countywide Hazard Mitigation Plan. It also serves as Pinellas County's and many other municipalities (including IRB) Floodplain Management Plan.

Both the PPI and LMS are developed through a multi-agency effort.

ANALYSIS

Submittal of the Pinellas County Annual Report to the Floodplain Management Program for Public Information (PPI) and the Local Mitigation Strategy (LMS) to the Indian Rocks Beach City Commission is required as part of the City's participation in the National Flood Insurance Program's (NFIP) CRS Program.

The City's participation in the CRS Program results in over \$500,000 of savings to the Indian Rocks Beach residents who purchase flood insurance through the NFIP.

These subject documents were presented to the Pinellas BOCC on May 24, 2022 as attached.

Due to the size of the PPI and LMS documents, these documents are available at City Hall for review and/or can be provided upon request.

County Administrator

- 15. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending April 30, 2022.

APPROVED AS PART OF THE CONSENT AGENDA

Housing & Community Development

- 
- 16. Annual update to the Pinellas County's Community Rating System program for Public Information and Pinellas County's Local Mitigation Strategy.

APPROVED AS PART OF THE CONSENT AGENDA

Public Works

- 18. Award of bid to Bayshore Construction, Inc. for the Countywide Annual Boardwalk, Fishing Pier and Observation Tower improvements.

APPROVED AS PART OF THE CONSENT AGENDA

Utilities

- 20. Award of bid to TLC Diversified, Inc. for the construction of the South Cross Bayou digester gas equipment improvements.

APPROVED AS PART OF THE CONSENT AGENDA

COUNTY ATTORNEY

- 21. Receipt and file report of civil lawsuits filed against Pinellas County as delegated to the County Attorney.

APPROVED AS PART OF THE CONSENT AGENDA

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Housing Finance Authority

- 22. Housing Finance Authority of Pinellas County: 2021 Annual Report on the Pinellas County Housing Trust Fund Program.

APPROVED AS PART OF THE CONSENT AGENDA



Pinellas County

Staff Report

File #: 22-0308A, Version: 1

Subject:

Annual update to the Pinellas County's Community Rating System program for Public Information and Pinellas County's Local Mitigation Strategy.

Recommended Action:

Receive and file the annual report to the Floodplain Management program for Public Information (PPI) and the Local Mitigation Strategy (LMS).

- The PPI is a comprehensive approach to flood hazard outreach and its purpose is to, improve communication to citizens regarding critical aspects such as, flood hazards, flood safety, flood insurance, and protection of natural floodplains, in a systematic step-by-step manner.
- The LMS is a countywide hazard mitigation plan. It also serves as the County's and many municipalities' Floodplain Management Plan. This plan must be in accordance with the Federal Disaster Mitigation Act of 2000. Maintaining this plan, helps us meet the eligibility for Federal hazard mitigation grants.
- Both the PPI and LMS are developed through a multi-agency effort.
- Participation in the National Flood Insurance Program's Community Rating System (CRS) requires the adoption of a Floodplain Management Plan.
- Submittal of the PPI and LMS annual updates to the Board are required as part of the County's participation in the CRS.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to create and enhance a safe, secure, and healthy community.

Practice Superior Environmental Stewardship

3.2 Preserve and manage environmental lands, beaches, parks, and historical assets.

3.3 Protect and improve the quality of our water, air, and other natural resources.

3.5 Foster a sustainable and resilient community that is prepared for sea level rise and a changing climate.

Deliver First-Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach.

Summary:

The PPI is a step-by-step coordinated approach to flood hazard outreach. The County's purpose in developing this plan is to improve communication with citizens, and to provide information about flood hazards, flood safety, flood insurance, and ways to protect property and floodplain functions to those who can benefit from it.

The LMS is a countywide hazard mitigation plan that includes the County and participating municipalities, as well as several agencies and non-governmental stakeholders. LMS is a plan developed to reduce and/or eliminate the risks associated with natural and man-made hazards. These plans must be in accordance with the Federal Disaster Mitigation Act of 2000. Without an approved LMS, the County would be unable to apply for various Federal hazard mitigation grants. The current LMS also serves as the County's and many municipalities' Floodplain Management Plan. Participation in the National Flood Insurance Program's Community Rating System requires the adoption of a Floodplain Management Plan.

Submittal of the PPI and LMS annual updates to the Board are required as part of the County's participation in the CRS which results in almost \$8 million savings per year to residents, in the unincorporated area who purchase flood insurance through the NFIP.

Background Information:

N/A.

Fiscal Impact:

N/A.

Staff Member Responsible:

Kelli Hammer Levy, Director, Public Works.

Partners:

Pinellas County LMS Working Group
CRS PPI members of participating municipalities, various governmental agencies, local non-profits, universities, and neighborhood associations as well as real estate, insurance, and mortgage industry stakeholders.

Attachments:

LMS Annual Update Report



Pinellas County

Legislation Details (With Text)

File #: 22-0308A **Version:** 1

Type: Informational Report **Status:** Passed

File created: 2/15/2022 **In control:** Housing & Community Development

On agenda: 5/24/2022 **Final action:** 5/24/2022

Title: Annual update to the Pinellas County's Community Rating System program for Public Information and Pinellas County's Local Mitigation Strategy.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/24/2022	1	Board of County Commissioners		

Subject:

Annual update to the Pinellas County's Community Rating System program for Public Information and Pinellas County's Local Mitigation Strategy.

Recommended Action:

Receive and file the annual report to the Floodplain Management program for Public Information (PPI) and the Local Mitigation Strategy (LMS).

- The PPI is a comprehensive approach to flood hazard outreach and its purpose is to, improve communication to citizens regarding critical aspects such as, flood hazards, flood safety, flood insurance, and protection of natural floodplains, in a systematic step-by-step manner.
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Strategic Plan:

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5.1 Maximize partner relationships and public outreach.

Summary:

The PPI is a step-by-step coordinated approach to flood hazard outreach. The County's purpose in developing this plan is to improve communication with citizens, and to provide information about flood hazards, flood safety, flood insurance, and ways to protect property and floodplain functions to those who can benefit from it.

The LMS is a countywide hazard mitigation plan that includes the County and participating municipalities, as well as several agencies and non-governmental stakeholders. LMS is a plan developed to reduce and/or eliminate the risks associated with natural and man-made hazards. These plans must be in accordance with the Federal Disaster Mitigation Act of 2000. Without an approved LMS, the County would be unable to apply for various Federal hazard mitigation grants. The current LMS also serves as the County's and many municipalities' Floodplain Management Plan. Participation in the National Flood Insurance Program's Community Rating System requires the adoption of a Floodplain Management Plan.

Submittal of the PPI and LMS annual updates to the Board are required as part of the County's participation in the CRS which results in almost \$8 million savings per year to residents, in the unincorporated area who purchase flood insurance through the NFIP.

Background Information:

N/A.

Fiscal Impact:

N/A.

Staff Member Responsible:

Kelli Hammer Levy, Director, Public Works.

Partners:

Pinellas County LMS Working Group
CRS PPI members of participating municipalities, various governmental agencies, local non-profits, universities, and neighborhood associations as well as real estate, insurance, and mortgage industry stakeholders.

Attachments:

LMS Annual Update Report

AGENDA ITEM NO. 6

PUBLIC HEARINGS

NONE

AGENDA ITEM NO. 7

OTHER LEGISLATIVE MATTERS:

NONE

AGENDA ITEM NO. 8

WORK SESSION ITEMS: NONE

AGENDA ITEM NO. 9A

**OTHER BUSINESS
DISCUSSION OF
IRB Buoy System and Waterway
Markers.
(Code Sec. 74-63, No Anchoring
Zone)**

INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: June 14, 2022

SUBMITTED AND RECOMMENDED BY: Dean A. Scharmen, Public Works Director 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Discussion of IRB Buoy System / Waterway Markers

BACKGROUND:

In 1996, the State of Florida, Department of Environmental Protection issued Permit number 96-123 to the City of Indian Rocks Beach for the placement of Uniform Waterway Markers in the Gulf of Mexico, within Pinellas County.

The City of Indian Rocks Beach Code of Ordinances, Chapter 74, Waterways, Article III, Beaches, Section 74-63 – No Anchoring Zone specifically references Buoys, Speed, Transit and Anchoring (attached).

On April 21, 2022, the City was contacted by Mr. Thomas Arrington, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways who indicated that they had received a report from a neighboring jurisdiction that the IRB Buoy System may not comply with the current standards for a boating restricted area as outlined in Florida Statute 327.46 (attached).

On May 3, 2022, City Manager Mims, City Attorney Mora and Public Works Director Scharmen attended a conference call with the FFWC in regards to the IRB Buoy System.

Based upon the conversations with FFWC, it appears that in 2009 the Florida Statutes changed which limits what types of boating restricted areas that municipalities have the authority to establish.

In the case of IRB, the City has two-options:

1. Rescind Ordinance 591, which established the No Anchoring Zone and remove all the current Buoys in place.
2. Adopt a new Ordinance, which would designate the area as a swim zone and a boating-restricted area.

FISCAL IMPACT:

Should the City choose to move forward with enacting a new Ordinance, the staff will request funding within the FY 22/23 Operational Budget to accomplish the tasks of removing and re-installing the Buoy System.

“Estimated” costs are as follows:

Permitting/Engineering	\$ 3,500
Equipment/Hardware	\$ 26,500
Boating Services	\$ 8,500
Contingency	<u>\$ 1,500</u>
Total	\$ 40,000

RESTRICTED
SINGLE SPEED
300 FEET
OFF SHORE
NO WAKE
PERMIT NO 99-10

04/12/2022 09:15

The 2021 Florida Statutes

Title XXIV

VESSELS

Chapter 327

VESSEL SAFETY

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

(a) The commission may establish boating-restricted areas by rule pursuant to chapter 120.

(b) Municipalities and counties may establish the following boating-restricted areas by ordinance, including, notwithstanding the prohibition in s. 327.60(2)(c), within the portion of the Florida Intracoastal Waterway within their jurisdiction:

1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

c. On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.

d. On a lake or pond of less than 10 acres in total surface area.

e. Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.

3. An ordinance establishing a vessel-exclusion zone if the area is:

- a. Designated as a public bathing beach or swim area.
- b. Within 300 feet of a dam, spillway, or flood control structure.

Vessel exclusion zones created pursuant to this subparagraph must be marked with uniform waterway markers permitted by the commission in accordance with this chapter. Such zones may not be marked by ropes.

(c) Municipalities and counties have the authority to establish by ordinance the following other boating-restricted areas:

1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

2. An ordinance establishing a slow speed, minimum wake, or numerical speed limit boating-restricted area if the area is:

a. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

b. Subject to unsafe levels of vessel traffic congestion.

c. Subject to hazardous water levels or currents, or containing other navigational hazards.

d. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety.

3. An ordinance establishing a vessel-exclusion zone if the area is reserved exclusively:

a. As a canoe trail or otherwise limited to vessels under oars or under sail.

b. For a particular activity and user group separation must be imposed to protect the safety of those participating in such activity.

Any of the ordinances adopted pursuant to this paragraph shall not take effect until the commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety pursuant to this paragraph. Any application for approval of an ordinance shall be reviewed and acted upon within 90 days after receipt of a completed application. Within 30 days after a municipality or county submits an application for approval to the commission, the commission shall advise the municipality or county as to what information, if any, is needed to deem the application complete. An application shall be considered complete upon receipt of all requested

information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The commission's action on the application shall be subject to review under chapter 120. The commission shall initiate rulemaking no later than January 1, 2010, to provide criteria and procedures for reviewing applications and procedures for providing for public notice and participation pursuant to this paragraph.

(d) Owners of private submerged lands that are adjacent to Outstanding Florida Waters, as defined in s. 403.061(28), or an aquatic preserve established under ss. 258.39-258.399 may request that the commission establish boating-restricted areas solely to protect any seagrass and contiguous seagrass habitat within their private property boundaries from seagrass scarring due to propeller dredging. Owners making a request pursuant to this paragraph must demonstrate to the commission clear ownership of the submerged lands. The commission shall adopt rules to implement this paragraph, including, but not limited to, establishing an application process and criteria for meeting the requirements of this paragraph. Each approved boating-restricted area shall be established by commission rule. For marking boating-restricted zones established pursuant to this paragraph, owners of privately submerged lands shall apply to the commission for a uniform waterway marker permit in accordance with ss. 327.40 and 327.41, and shall be responsible for marking the boating-restricted zone in accordance with the terms of the permit.

(e) As used in this section, the term "seagrass" has the same meaning as in s. 253.04.

(2) Each such boating-restricted area shall be developed in consultation and coordination with the governing body of the county or municipality in which the boating-restricted area is located and, when the boating-restricted area is to be on the navigable waters of the United States, with the United States Coast Guard and the United States Army Corps of Engineers.

(3) It is unlawful for any person to operate a vessel in a prohibited manner or to carry on any prohibited activity, as defined in this chapter, within a boating-restricted area which has been clearly marked by regulatory markers as authorized under this chapter.

(4) Restrictions in a boating-restricted area established pursuant to this section shall not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.

History.—s. 7, ch. 63-105; s. 1, ch. 65-361; ss. 25, 35, ch. 69-106; s. 23, ch. 78-95; s. 7, ch. 81-100; s. 27, ch. 99-245; s. 16, ch. 2000-362; s. 13, ch. 2009-86; s. 8, ch. 2017-163; s. 31, ch. 2020-150; s. 16, ch. 2021-184.

Note.—Former s. 371.522.

Title XXIV VESSELS

Chapter 327 VESSEL SAFETY

SECTION 60Local regulations; limitations.

327.60 Local regulations; limitations.—

(1) The provisions of this chapter and chapter 328 shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the waters of this state or when any activity regulated hereby shall take place thereon.

(2) This chapter and chapter 328 do not prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality may not enact, continue in effect, or enforce any ordinance or local regulation:

(a) Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;

(b) Relating to the design, manufacture, or installation of any marine sanitation device on any vessel, except as authorized in subsection (4);

(c) Regulating any vessel upon the Florida Intracoastal Waterway;

(d) Discriminating against personal watercraft;

(e) Discriminating against airboats, for ordinances adopted after July 1, 2006, unless adopted by a two-thirds vote of the governing body enacting such ordinance;

(f) Regulating the anchoring of vessels outside the marked boundaries of mooring fields permitted as provided in s. 327.40, except for:

1. Live-aboard vessels; and

2. Commercial vessels, excluding commercial fishing vessels;

(g) Regulating engine or exhaust noise, except as provided in s. 327.65; or

(h) That conflicts with any provisions of this chapter or any amendments thereto or rules adopted thereunder.

(3) This section does not prohibit local governmental authorities from the enactment or enforcement of regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40.

(4)(a) A local government may enact and enforce regulations that require owners or operators of vessels or floating structures subject to the marine sanitation requirements of s. 327.53 to provide proof of proper sewage disposal by means of an approved sewage pumpout service, approved sewage pumpout

facility, or approved waste reception facility when anchored or moored for more than 10 consecutive days within the following areas:

1. Marked boundaries of a permitted mooring field under the jurisdiction of the local government;
2. No-discharge zones as published in Volume 53, No. 13 of the Federal Register, page 1678 (1988); Volume 64, No. 164 of the Federal Register, pages 46390-46391 (1999); and Volume 67, No. 98 of the Federal Register, pages 35735-35743 (2002); or
3. No-discharge zones established pursuant to 40 C.F.R. s. 1700.10.

(b) Before a local government may adopt an ordinance to enact and enforce such regulations, the local government must ensure that there are approved sewage pumpout services, approved sewage pumpout facilities, or approved waste reception facilities available within its jurisdiction. Any ordinance adopted pursuant to this subsection may not take effect until reviewed and approved as consistent with this subsection by the commission.

(c) Upon approval of the Administrator of the United States Environmental Protection Agency pursuant to 33 U.S.C. s. 1322, a county designated as a rural area of opportunity may create a no-discharge zone for freshwater waterbodies within the county's jurisdiction to prohibit treated and untreated sewage discharges from floating structures and live-aboard vessels not capable of being used as a means of transportation and from houseboats. Within no-discharge zone boundaries, operators of such floating structures, live-aboard vessels, and houseboats shall retain their sewage on board for discharge at a pumpout facility or for discharge more than 3 miles off the coast in the Atlantic Ocean or more than 9 miles off the coast in the Gulf of Mexico. Violations of this paragraph are punishable as provided in s. 327.53(6) and (7).

(d) This subsection does not prohibit a local government from enacting or enforcing such sewage pumpout requirements for live-aboard vessels, floating structures, and commercial vessels, excluding commercial fishing vessels, within any areas of its jurisdiction.

(e) The commission may adopt rules to implement this subsection.

(5) A local government may enact and enforce regulations to implement the procedures for abandoned or lost property that allow the local law enforcement agency to remove a vessel affixed to a public dock within its jurisdiction that is abandoned or lost property pursuant to s. 705.103(1). Such regulation must require the local law enforcement agency to post a written notice at least 24 hours before removing the vessel.

History.—s. 10, ch. 59-400; s. 16, ch. 63-105; s. 1, ch. 65-361; s. 3, ch. 72-55; s. 2, ch. 83-20; s. 38, ch. 95-143; s. 30, ch. 99-289; s. 20, ch. 2000-362; s. 3, ch. 2006-172; s. 3, ch. 2006-309; s. 14, ch. 2009-86; s. 9, ch. 2017-163; s. 3, ch. 2019-54.

Note.—Former s. 371.59.



Department of Environmental Protection

Lawton Chiles
Governor

Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

SEP 26 1996

September 6, 1996

RECEIVED

RECEIVED

SEP 23 1996

Tampa Bay Engineering, Inc. / CLW, FL
0158-38.00 4/5
F P GO PR C D

RECVD SEP 18 1996

CJ Hayes

Mr. Clayton J. Hayes
Tampa Bay Engineering
18167 U. S. Highway 19, North
Clearwater, Florida 34624

RE: File Number: 9608-0452-123BS
Location: City of Indian Rocks Beach - Gulf Side

Dear Mr. Hayes:

The Division of Law Enforcement has approved your request for the placement of Uniform Waterway Marker(s) in the Gulf of Mexico, within Pinellas County.

Permit number 96-123 has been issued to the City of Indian Rocks Beach and is subject to the following conditions:

1. Permit number 96-123 is contingent upon the consent of, and if necessary, the issuance of appropriate permits by the Department of Environmental Protection, Submerged Lands and Environmental Resources Program Office, 3804 Coconut Palm Drive, Tampa, Florida 33619; the United States Coast Guard at 909 S. E. 1st Avenue, Miami, Florida 33131; and the United States Department of Army Corps of Engineers at Post Office Box 19247, Tampa, Florida 33686; authorizing the placement of structures for the support of the uniform waterway marker(s).
2. This permit requires the City of Indian Rocks Beach to place forty-seven (47) uniform waterway marker(s) with the inscription of "Idle Speed No Wake" exactly as indicated on the attached marker list. Each marker shall be consistent with the Florida Uniform Waterway Marker System format as shown on the attached diagram.
3. All uniform waterway marker(s) must be either: BUOYS 36" above the mean high water mark; or SIGNS a minimum of three (3) feet high and three (3) feet wide. Permit number 96-123 must be displayed on each uniform marker(s) at any location where it is readily visible; the back of the marker(s) is authorized for this purpose. The City of Indian Rocks Beach ordinance number 591 (11-54) must be displayed in the lower right corner of the face of each marker(s). These numbers must be displayed in black block characters measuring at least one (1) inch in height.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

4. The placement of all uniform waterway marker(s) shall be completed within a reasonable time after receipt of this permit. *Upon completion of installation of markers, the City of Indian Rocks Beach shall, in writing, advise that markers are installed. Should the latitude/longitude coordinates of the subject markers, vary from attached marker list, the City of Indian Rocks Beach must immediately provide this office with the corrected information.*

The Office of Waterway Management has also approved the request for placement of these markers at approximately 450' from the existing mean high water mark. This is necessitated due to the impending beach restoration project which will begin on or about January 1, 1997. It is estimated that project will be completed on or about September 30, 1997. Tampa Bay Engineering and the City of Indian Rocks Beach will be required to forward periodic documentation of activity throughout the restoration project.

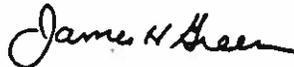
Upon completion of this project, these markers will be within 300' of the mean high water mark, as required by the United States Coast Guard. Tampa Bay Engineering and the City of Indian Rocks Beach will be required to notify the Office of Waterway Management and the United States Coast Guard in writing, the completion of this project.
5. *While the Florida Marine Patrol will enforce these restrictions if an officer is present and observes a violation, this agency will not assume primary responsibility for the City of Indian Rocks Beach ordinance. The City of Indian Rocks Beach must provide for the enforcement of its ordinance which establishes the approved boat speed restricted zone.*
6. All uniform waterway marker(s) authorized under this permit must be maintained in proper condition at all times. The City of Indian Rocks Beach must immediately report and correct any discrepancies of any marker(s) to this office by calling during normal working hours at 904-488-5600, extension 36, or by facsimile at 904-487-4590.
7. Permit number 96-123 does not authorize the invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other state, federal, or local laws and regulations.
8. By accepting permit number 96-123 and placement of the uniform waterway marker(s), the City of Indian Rocks Beach does hereby, to the extent authorized by law, agree and promise to hold harmless the State of Florida, its employees, agents or successors, from fault with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation, and removal of any and all marker(s) placed by the City of Indian Rocks Beach pursuant to this permit. The City of Indian Rocks Beach further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence

by the City of Indian Rocks Beach in the placement, maintenance, operation, or removal of the uniform waterway marker(s).

9. *Violation of any provision of the permit shall result in the revocation of the authorization to place uniform waterway markers in, on, or above the waters of this state.*

If you have any questions, please contact Tara Alford at 904-488-5600, extension 36.

Sincerely,



Major James H. Green
Office of Waterway Management
Division of Law Enforcement

JHG/tra
Attachment

cc: Captain Brian Hadler, USCG
Mr. Joe Bachelor, USDOA
Mr. Harry Michaels, DEP
Lieutenant Colonel Frank Feliciano, FMP
Major J. S. Venero, FMP
Captain Maurice Radford, FMP

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NOTICE OF RIGHTS

A party to this proceeding has the right to request review of this order by the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, in accordance with section 3, Chapter 90-211, Laws of Florida. To initiate such a review, your request must be filed within twenty (20) days of the date of this order with any member of the Land and Water Adjudicatory Commission at the Capitol, Tallahassee, Florida 32399-0001, or with the Secretary of the Commission at the Corbin Building, Room 213, Tallahassee, Florida 32399-0047. A copy of the request must also be served on both the Department of Environmental Protection, Agency Clerk, 3900 Converse Road Boulevard, Mail Station 35, Tallahassee, Florida 32399, and on any person named in this order, within 20 days from the date of this order if the request for review is to be effective.

Sec. 74-63. - No-anchoring zone.

- (a) *Established; buoys; speed; transit.* There is hereby established a no-anchoring zone, which is defined as that portion of the Gulf of Mexico lying between the northerly and southerly city limits of the city and easterly from the buoy line. The line shall be marked by regulatory buoys placed in accordance with permits and spaced, nominally, at 300-foot intervals along its length. As the buoys will move about their anchor location with the tides or currents, enforcement of this section shall extend to the area defined by the buoys at the water's surface at the time of infraction. Any boat or watercraft operating within the no-anchoring zone shall proceed cautiously at a speed not in excess of idle speed. The boat or watercraft shall transit the no-anchoring zone in the shortest and most direct route possible taking into consideration safe navigation and the safety and enjoyment of other users of the area.
- (b) *Anchoring vehicles prohibited.* It is unlawful for any person to anchor a watercraft within the restricted water area described in subsection (a) of this section and which is clearly marked by buoys.

(Code 1989, § 11-59; Ord. No. 591, § 1, 1-2-1996)

Sec. 74-35. - Parking of trailers; mooring of watercraft; abandoned watercraft; boat parking permit.

- (a) *Parking of trailers.* It shall be a violation of this article for any person to leave any boat, trailer, apparatus or device used for towing or carrying of watercraft on the beach or shore of the city in such a position so as to obstruct the free and peaceful use of the surrounding shoreline or water's edge. No person shall leave such boat, trailer, apparatus or device in such a position where it would be an obstruction or hazard to the flow of traffic or harm vegetation or so as to prevent reasonable access to the beach, shore or water's edge. A boat, trailer, apparatus or device obstructing the free and peaceful use of the surrounding shoreline or water's edge shall be removed by the city at the owner's expense.
- (b) *Mooring watercraft to sign, marker or buoy.* The operator of any watercraft shall not moor, anchor, tie up or otherwise secure a watercraft to any public sign, marker or buoy upon or beside waters of the city. Any boat moored, anchored, tied up or otherwise secured to a public sign, marker or buoy upon or beside the waters of this city shall be removed by the city at the owner's expense.
- (c) *Abandoned watercraft.* It shall be a violation of this article for the owner or operator of any watercraft to leave or abandon such watercraft upon, beneath or beside the waters within the city limits when such watercraft is aground, adrift, awash, in a sinking condition or in such a condition so as to be inoperative or which may constitute a hazard to other watercraft, or is in such condition as to be unsightly or unsafe or which may constitute a nuisance, or which may endanger the health, safety or welfare of the residents of the city. Any watercraft in violation of this subsection shall be removed by the city at the owner's expense.
- (d) *Boat parking permit.* All gulf-front property owners shall, upon application, be issued a boat parking permit for parking their boat directly adjacent to the seawall on the beach area within 25 feet of the property owner's seawall. Proof of property ownership shall be required for such permit. Other property owners in the city who have written permission from a gulf-front property owner shall, upon application, be issued a boat parking permit for parking their boat directly adjacent to that property owner's seawall on the beach area within 25 feet of that property owner's seawall who had granted permission to the non-gulf-front property owner. A nominal fee, based on production and administrative cost, shall be charged for each permit. Any storage of boats and trailers overnight on the beach without a city boat parking permit is prohibited. Boats left on the beach overnight without a boat parking permit or otherwise in violation of this subsection shall be ticketed and/or removed by the city at the owner's expense.
- (e) *Temporary mooring.* Nothing in this section shall be construed so as to keep an owner or operator of any boat or watercraft from temporarily leaving such boat or watercraft at the water's edge during daylight hours while the boat or watercraft is in use by the owner or operator.

(Code 1980, § 4-8; Code 1989, § 11-46; Ord. No. 495, §§ 1, 2, 4-17-1991; Ord. No. 591, § 2, 1-3-1996)

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AN AMENDMENT TO SECTION 74-63 OF THE CITY'S CODE OF ORDINANCES PERTAINING TO THE OPERATION OF VESSEL'S WITHIN THE CITY'S COASTAL WATERS IN THE GULF OF MEXICO; PROVIDING FOR THE INCOPORATION OF RECITALS; PROVIDING FOR APPROVAL OF AN AMENDMENT TO THE CITY'S CODE TO ESTABLISH [INSERT DECISION] TO CONFORM TO FLORIDA'S STATUTES AND ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 74-63 of the City's Code of Ordinances presently regulates the operation of vessels in the City's coastal waters; and

WHEREAS, Section 327.46, Florida Statutes, provides municipalities and counties with the authority to establish boating-restricted areas by ordinance including an ordinance establishing a vessel-exclusion zone if the area is designated as a public bathing beach or swim area; and

WHEREAS, Rule 68D-23.103(3)(f), Florida Administrative Code, defines the term "vessel-exclusion zone" and lists the most common examples of vessel-exclusion zones including: "No Vessels" or "Swim Area" – All vessels of any type are prohibited from entering the marked area."; and

WHEREAS, the City Commission of the City of Indian Rocks Beach desires to amend Section 74-63 of the City Code of Ordinances concerning regulations for the operation of vessels in the Gulf of Mexico within the City's corporate boundaries; and

WHEREAS, the City Commission finds that this Ordinance is in the best interests of the City's residents and property owners and furthers the public interest in protecting life, safety and property values.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Indian Rocks Beach, Florida, that:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That Section 74-63 ("No-anchoring zone") of the Indian Rocks Beach City Code, is amended to read as follows:

Section 74-63 No-Anchoring Zones Operation of Vessels in Coastal Waterways.

~~(a) Established; buoys; speed; transit. There is hereby established a no-anchoring zone, which is~~

~~defined as that portion of the Gulf of Mexico lying between the northerly and southerly city limits of the city and easterly from the buoy line. The line shall be marked by regulatory buoys placed in accordance with permits and spaced, nominally, at 300-foot intervals along its length. As the buoys will move about their anchor location with the tides or currents, enforcement of this section shall extend to the area defined by the buoys at the water's surface at the time of infraction. Any boat or watercraft operating within the no-anchoring zone shall proceed cautiously at a speed not in excess of idle speed. The boat or watercraft shall transit the no-anchoring zone in the shortest and most direct route possible taking into consideration safe navigation and the safety and enjoyment of other users of the area.~~

~~(b) Anchoring vehicles prohibited. It is unlawful for any person to anchor a watercraft within the restricted water area described in subsection (a) of this section and which is clearly marked by buoys.~~

(a) **[Insert Chosen Restriction for Designated Areas]**

See Fla. Stat. 327.46

(swim/vessel exclusion zones vs. vessels under oars or sails vs. no exclusions)

SECTION 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

SECTION 4. All other ordinances of the City of Indian Rocks Beach, Florida, or portions thereof, which conflict, with this or any part of this Ordinance are hereby repealed.

SECTION 5. This Ordinance shall become effective upon adoption by the City Commission of the City of Indian Rocks Beach, Florida and review by the Florida Fish and Wildlife Conservation Commission in accordance with Section 327.46(1)(c)(3)(b), Florida Statutes.

ADOPTED ON FIRST READING on the ___ day of _____, 2022, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED the ___ day of _____ 2022 in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the ___ day of _____, 2022, by the City Commission of the City of Indian Rocks Beach, Florida.

ATTEST:

Deanne B. O'Reilly, City Clerk

Joanne "Cookie" Kennedy, Mayor

APPROVED AS TO FORM:

Randol D. Mora, City Attorney

AGENDA ITEM NO. 10
ADJOURNMENT.