

M E M O R A N D U M

TO: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report Date: February 11, 2022

Meeting Date: February 22, 2022

Subject: Motorized Vessel Exclusion Options and Update on
Waterway Signage Related to the Town's Sound Ordinance.

Recommended Action

Provide direction to Manager.

Background

The Town Commission has received ongoing citizen complaints associated with boating and recreational activity, primarily in the vicinity of Greer Island to Jewfish Key. The Town Commission has both directed and received status updates on a number of recent efforts intended to improve the public's enjoyment of public spaces and private property owner's enjoyment of residentially zoned property.

These include:

- **Adoption of a new Noise Ordinance.**

The Town Commission adopted Ordinance 2021-13 on January 10, 2022, which instituted new noise regulations with two alternative, objective, enforcement standards (a "plainly audible" standard and a decibel level standard) and clearer standards regarding noise limitations, which are also applicable on the water within the Town limits.

- **Adoption of an Emergency Ordinance providing for Enforcement by Citation with Appeals to the Town's Special Magistrate.**

The Town Commission adopted Emergency Ordinance 2021-10 on July 2, 2021, which allows for enforcement of violations of the Town's Sound Regulations via citations, and providing that those citations can be contested to the Special Magistrate. The Town Commission also passed Resolution 2021-18 revising the Administrative Fine Schedule to add violations of the Sound Ordinance to be subject to a citation.

- **Coordinating with Manatee County Sheriff on enforcement in the area.**

The Manatee County Sheriff is currently assisting with general patrol and enforcement in the Jewfish Key and Greer Island area. The Manatee County Commission funded an additional Marine Patrol vessel and officers to help patrol the sound end of Longboat Key and the north end of Anna Maria Island. The staff also worked with the County to replace the signs on Greer Island with a new set of signs that address both the County regulations and Town ordinances regarding activity in that area. The County also agreed to put

signage on the Greer Island spit designating a kayak and paddleboard launching and landing area.

- **Providing Longboat Key patrol coverage later in afternoon/early evening.**

The Police Department is flexing their hours of marine patrol operations to later in the day on weekends, holidays and/or special events and will continue to coordinate with Manatee County Sheriff on coverage in the area.

- **Working with Sarasota County Dispatch Center to ensure they understand Greer Island and Jewfish Key locations.**

The Police Department has completed sector mapping of Greer Island and Jewfish Key, and has provided that mapping to Sarasota County Dispatch, citizen groups, and other interested parties.

Waterway Signage related to Town's Sound Ordinance

The Town Attorney has been researching the steps that are necessary for the Town to post waterway signage informing boaters of the Town's sound regulations. Attached is a memorandum that outlines the process to install signs. The Town Attorney will provide an overview of the requirement at the meeting.

Vessel Exclusion Areas.

The Town Commission also directed the investigation of restrictions for motorized vessels within the Greer Island lagoon area. In addition, the staff has received some safety concerns and complaints about motorized vessels in general beaching on the island and in the area of bathers and swimmers.

There are several Florida Statutes that regulate vessel operation, anchoring and speed(s).

Section 327.46, Florida Statutes, grants authority to Florida Fish and Wildlife Conservation Commission (FWC) and local governments (counties and cities) to establish ordinances 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.*" Fla. Stat. 327.46(1).

In most instances, FWC has to review the locally adopted ordinance and determine by substantial competent evidence that the ordinance is necessary to protect public safety such that some sort of statistical or factual basis is needed to justify the boating restricted area. Additionally, the U.S. Coast Guard and Army Corps of Engineers (ACOE) must also be consulted in the establishment of certain vessel restriction/exclusion area.

Pursuant to the Florida Statute 327.46, such municipal ordinances can establish the following areas:

A. Idle speed, no wake boating restricted areas:

- When the area is within 500 ft (or 300 ft) of certain public vessel launch areas used by the general public, or marine fueling station or within 300ft of any lock structure. See, Fla. Stat. 327.46 (1)(b)(1).
- When the area is within 300 ft. of an area where there are visibility issues. See, Fla. Stat. 327.46 (1)(c)(1).

B. Slow speed, minimum wake boating restricted areas:

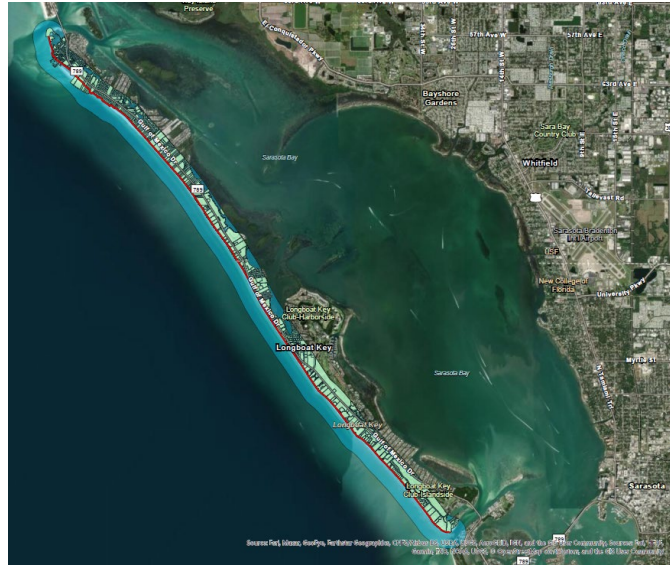
- When the area is within 300 ft of certain bridge infrastructure or certain linear waterways. See, Fla. Stat. 327.46 (1)(b)(2).
- When the area has visibility issues, unsafe levels of vessel traffic congestion, navigational hazards, areas of accidents or significant threats to boating safety. See, Fla. Stat. 327.46 (1)(c)(2).

C. Motorized Vessel exclusion zones:

- When the area is designated as a public bathing beach or swim area, or within 300 ft of a flood control structure. See, Fla. Stat. 327.46 (1)(b)(3).
- When the area is reserved exclusively as a canoe trail or for non-motorized vessels, for a particular activity and user group separation to protect safety of those participating in such activity. See, Fla. Stat. 327.46 (1)(c)(3).

Staff is of the opinion that nearly the entire gulf beach side, including Greer Island, would be existing areas in the Town that could qualify for item C above. The Town does receive complaints about boats and personal water craft beaching their vessels and creating a safety hazard for residents and the public. This has become more prevalent on the north end over the past couple of years, especially with the on-going construction on Coquina Beach.

Staff will be seeking Commission input on options to potentially consider with regard to enacting motorized vessel restrictions. Options can include considering implementing motorized vessel exclusion areas: 1) along the entire beach frontage (see image below);



2) within specified distances of public beach access points; 3) along the Greer Island/New Pass Beach frontage (Note: Because this is a Manatee County park, there have been indications that Manatee County wanted to make sure that boats would still be allowed to beach on the portion of their property on the pass side.); or 4) some combination of the above or other alternative suggestions.

Existing County Restrictions

Sarasota County restricts the operation of motorboats and watercraft within a marked swimming/bathing area or within 500 ft. of a public beach (Sarasota County Code Sec. 130-33); and Manatee County prohibits motorized vessels within 400 ft. of defined shoreline areas, including Coquina Beach Park (Manatee County Code Sec. 2-32-5).

Greer Island Lagoon

As mentioned, we have specifically received requests to designate the lagoon on the back side of Greer Island as a recreational vessel exclusion zone. The request is to maintain access for property owners to legally access their docks, but to prohibit other motorized vessels from entering the area due to the shallow nature of the lagoon, potential to damage sea grass, and reports that the area also can be a manatee breeding area. Staff is also of the opinion that the lagoon area (outlined in red, in the image below), south of Greer Island, would qualify for the second motorized vessel exclusion option.



Allowing for residents with docks in the Greer Island lagoon area, to be able to continue to have access to their properties via motorized vessels, would need to be factored consideration of such an option.

During previous discussions with Manatee County staff and their County Attorney, the County has indicated that they are supportive of placing signs on Greer Island (county property) to assist the Town's goals to create a non-motorized vessel landing area and to and to consolidate the signage on the island. As part of that discussion, the County made it clear that they would not be involved in any regulation of the lagoon as that is not part of the County's property and it is within the Town's jurisdiction.

Staff will be seeking Commission input on the motorized vessel exclusion area options above. The requested feedback includes:

- Does the Commission support establishing a motorized vessel exclusion zone on the gulf side of Longboat Key?
- If so, is there a preference for the exclusion zone to be based on areas around the existing public beach access points, or for the entire beach front?
- Does the Commission support proceeding with a proposed ordinance restricting motorized recreational vessels from the lagoon area?

In addition, based on Commission direction, the staff will work with the Town Attorney on any follow-up on the waterway signage related to the Town's Sound Regulations.

Staff Recommendation

Provide direction to Manager.

Attachments

- A. Town Attorney Memorandum regarding Waterway Signage Relating to Town's Sound Regulations, dated February 11, 2022, including supporting documents (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item