

## MEMORANDUM

**To:** Howard Tipton, Town Manager  
**From:** Isaac Brownman, Public Works Director  
**Report date:** October 14, 2024  
**Meeting date:** October 21, 2024  
**Subject:** Greer Island Non-Motorized Boat Swim Zone

### Recommended Action

None, informational only.

### Background

Greer Island is a popular destination for residents and guests for boating, swimming, sunbathing, and kayaking. Greer Island, also known as Beer Can Island, is located at the extreme north end of Longboat Key near Longboat Pass and due to sand migration over time, extends eastward beyond the Longboat Pass bridge.

With the migration of sand to the east side of the bridge, residents along the north end began to raise concerns that recreational boaters mooring along or near the extension of Greer Island closest to the dock at the Michael Saunders Trustee property (Manatee County Parcel No. 7772900109) were blocking access to Canal 1A and becoming a public nuisance. Concerns raised include people trespassing onto the private dock and increased noise and activity closer to residential property.

As noted in the Town Commission meeting memorandum of May 16, 2022 on this topic:

Authority is granted to local governments (per Section 327.46, Florida Statutes) to establish boating-restricted-area 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.”*

Florida Statutes allow for three types of boating restricted areas. These boating-restricted area types include:

- 1) Idle-Speed-No-Wake areas;
- 2) Slow-Speed-Minimum-Wake; and
- 3) Vessel-Exclusion Zones for areas designated as a “public bathing beach or swim area” or for areas reserved for *“a canoe trail or otherwise limited to vessels under oars or under sail”* or *“for a particular activity and user group separation must be imposed to protect the safety of those participating in such activity.”*

Establishing any of those three types of boating-restricted areas require review and approval by the Florida Fish and Wildlife Conservation Commission (FWC). In addition, an ordinance designating a boating-restricted area generally requires the submission of substantial and competent evidence showing that it is necessary to protect public safety. The substantial competent evidence requirement typically includes the submission of

data, such as records of boating accidents or issuance of citations, gathered over an extended period of time, to demonstrate that there is a statistical or factual basis to justify the public safety benefits of a boating restricted area. The one exception, to the submission of substantial competent evidence, is for the establishment of vessel exclusion areas for public bathing or swimming. The establishment of this type of boating-restricted area is at the discretion of a local jurisdiction and does not require accompanying evidence.

The Town Commission directed the Town Manager to review options to establish a motorized vessel exclusion zone under the provision of a 'public bathing or swimming' area on a portion of the area east of the bridge, aimed to enhance safety and provide a safe space for swimmers while considering the unique conditions of the location. The designated swim zone would concurrently prohibit mooring by motorized vessels.

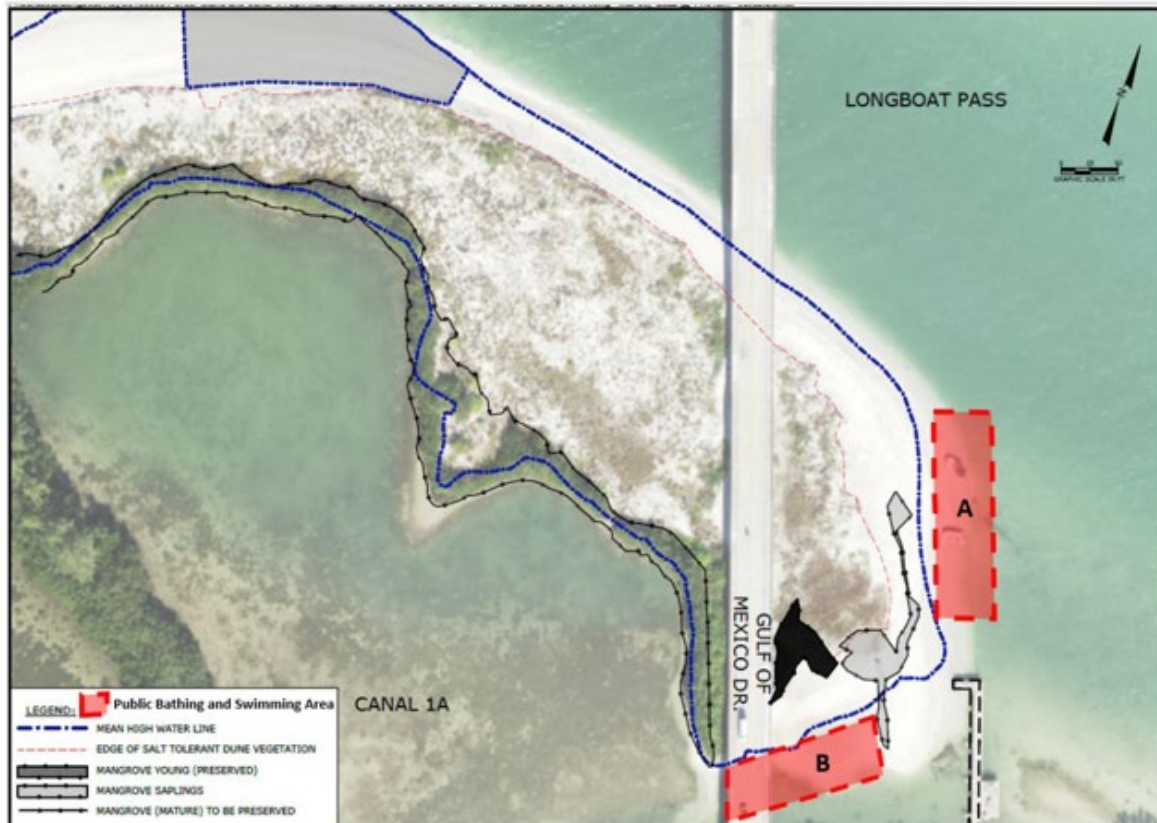
As staff investigated the possibility of a designated swim zone, one concern raised by both Town staff and Manatee County lifeguard staff is the presence of strong currents near Longboat pass. As such, staff cautioned extending the proximity of the swim zone further north into the areas of strong currents. To balance the desire for a designated swim zone, which effectuated a non-motorized boat zone, and maintaining a limit to extending that zone into strong current areas, the Town Commission agreed on the area that exists today and was established by Ordinance 2022-08 on June 20, 2022, and is now codified in Chapter 89 of Town Code.

While both smaller and larger zones were considered throughout Town commission meetings prior to the June 20, 2022, ordinance adoption, the existing zone allows for bathers to be within reasonable wading depths. The current zone begins 50 feet north of the Michael Saunders Trustee property dock, extends another 180 feet north from there, and is 50 feet wide. Areas further north are subject to higher water current velocities and are not deemed safe bathing or swim zones by Public Works.

Once the implementing ordinance was adopted, Town staff pursued and obtained a permit from the Florida Fish and Wildlife Conservation Commission (FWC), approval from the U.S. Army Corps of Engineers (USACOE), and the U.S. Coast Guard did not raise an objection to the prohibition.

One challenge with maintaining swim zone buoys 50 feet wide off of the Greer Island mean high water line is the ephemeral nature of the Greer Island shoreline. Once the buoys are placed, the shoreline can move dramatically over time causing the 50-foot width to look somewhat diminished. However, the static and stable landside signs indicating "motorboats prohibited" clearly message to boaters about the prohibition.

Town law enforcement has not experienced difficulties in enforcing Town Code Chapter 89, which pertains to public bathing protection. Based on conversations with PD, compliance has been excellent among the majority of boaters who frequent the area. Families and residents constitute the primary user group, contributing to a positive environment.



Some residents have expressed interest in extending the swimming only zone to the Longboat Pass bridge. Again, this is not recommended due to the strong currents further north. Should extending the zone be considered by the Town Commission, the commission would need to adopt a new ordinance, and once adopted, staff would need to begin new permitting through the FWC with subsequent consent obtained from USACOE and the U.S. Coast Guard. The FWC has a 90-day review period, and no additional buoys or restrictions can be placed without their permit and those authorizations. Coordination with Manatee County would be required as well.

### **Next Step**

Maintain the current Non-Motorized Boat Swim Zone. Town Law Enforcement will continue to monitor and enforce the area.

### **Staff Recommendation**

None, informational only.

### **Attachment (Available in the Town Clerk's Office)**

PowerPoint Presentation

Ordinance 2022-08

*Town Commission Meeting Memo: Motorized Vessel Exclusions February 22, 2022*

**End of Agenda Item**