

Environmental Protection Division

**Proposed Amendments to Chapter 8
Boats and Water Safety Ordinance**

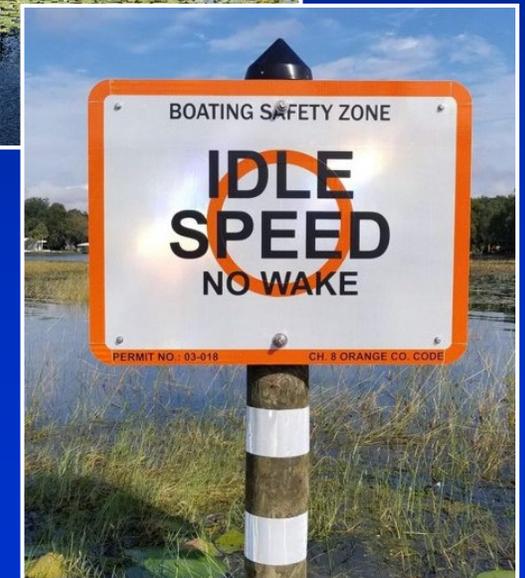
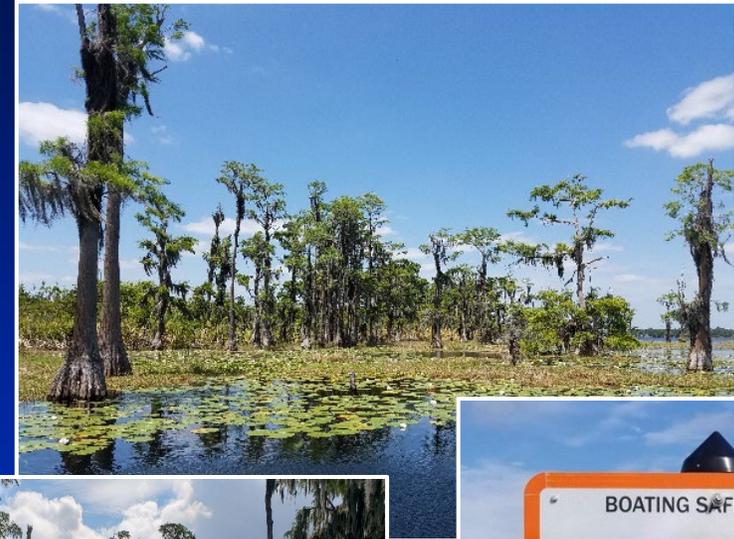
Work Session

March 22, 2022



Presentation Outline

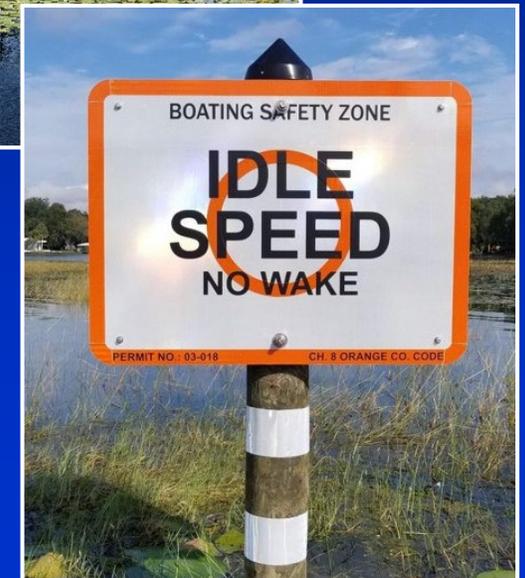
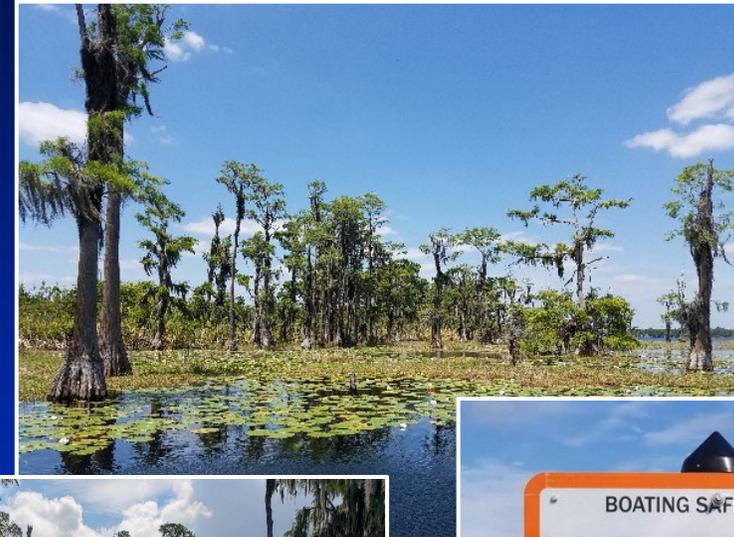
- Background
- Goals of Ordinance Update
- Ordinance Amendments - Phase I
- Ordinance Amendments - Phase II
- Next Steps
- Summary





Presentation Outline

- **Background**
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Background

- **In 1965, the Board adopted Chapter 8 - Boats and Water Safety.**
 - **Codified enforceable boating rules and regulations to protect the health, safety and general welfare of users of waterways of the County**
 - **Minimum boating safety equipment (life vests, paddle, whistle, lighting, etc.)**
 - **General vessel operation restrictions (minimum distance from shoreline, no-wake zones, speed limits)**
 - **Miscellaneous (swimmer rules, no trespassing on docks, no tampering with markers/buoys)**
 - **Ordinance updated in 1983, 1985, 1987, and 1995**



Background

- **Various State boating regulations to maintain boating safety have been adopted, thereby preempting Chapter 8 by statute.**
 - **Conflicting statutes and County ordinance occasionally leads to confusion by the public**
 - **Current ordinance doesn't meet State requirements for existing boating safety zones**

Background

- In August 2020, the District 1 Commissioner submitted a memo to the Board which identified several issues associated with Egret Island:
 - Public safety
 - Congested gatherings
 - Natural resource impacts
 - Wildlife impacts



Background

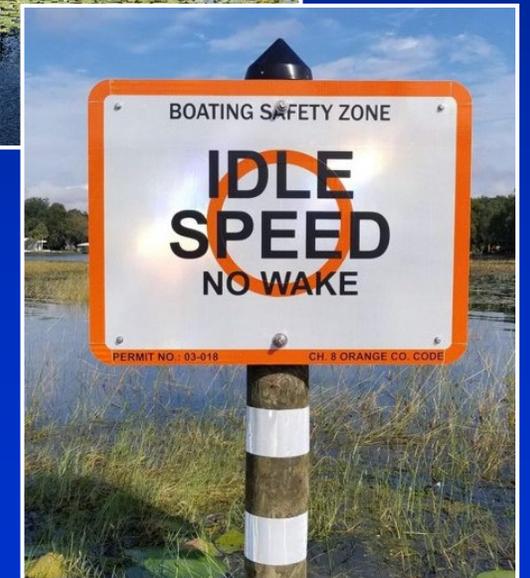
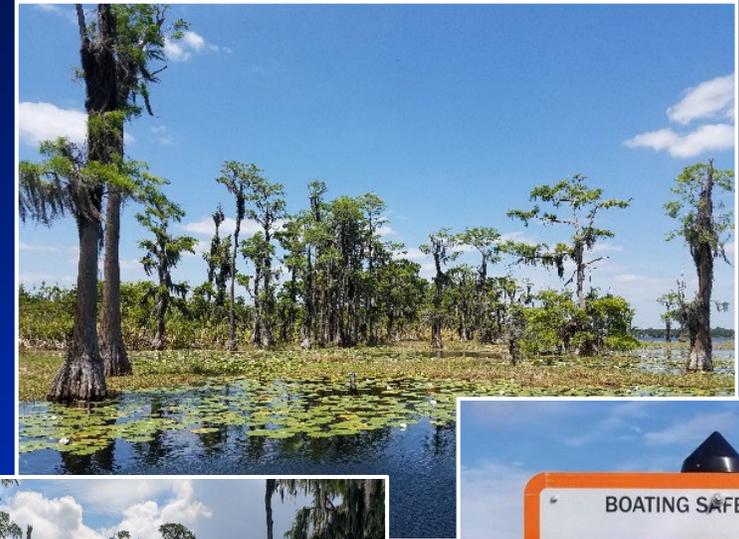
- On September 1, 2020, the Board directed staff to identify a swim area/vessel exclusion zone adjacent to Egret Island
- FWC requires that the County adopt an ordinance to establish and enforce any swim area/vessel exclusion zone
- FWC directed the County to amend Chapter 8, Boats and Water Safety





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Goals of Ordinance Update

▪ Phase I

- Address safety, natural resources and wildlife issues at Egret Island that have been identified as a concern by residents and the Board
- Designate a new swim area/vessel exclusion zone at Egret Island to address these concerns

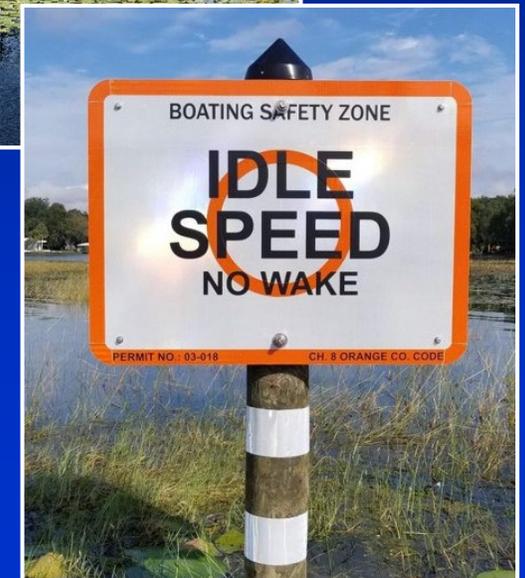
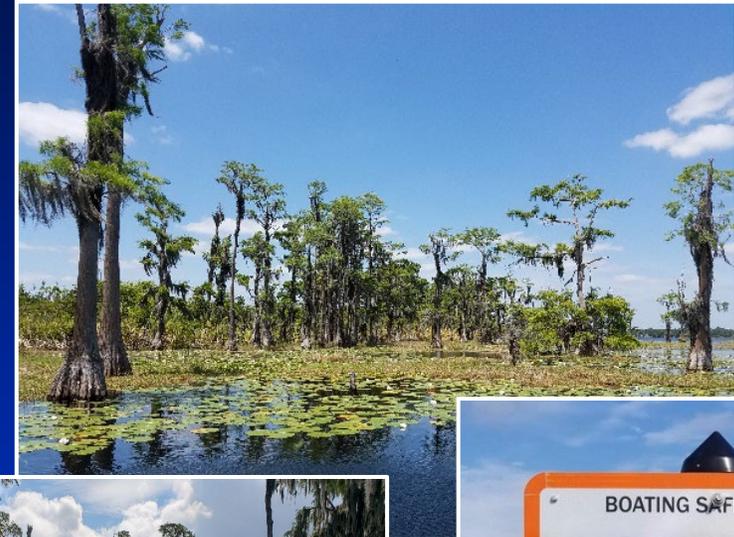
▪ Phase II

- Bring ordinance up-to-date to meet state requirements for existing and proposed boating safety zones throughout the County
- Update language for enforceability of water safety regulations



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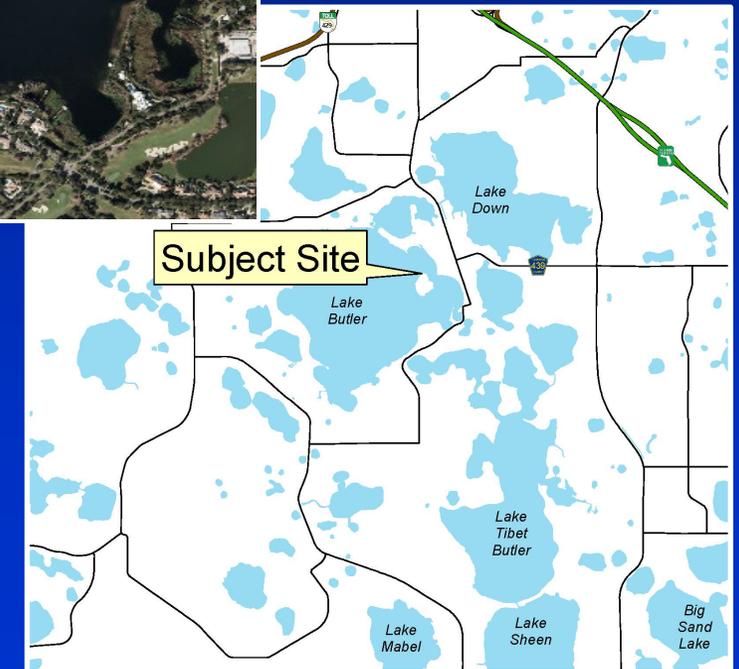
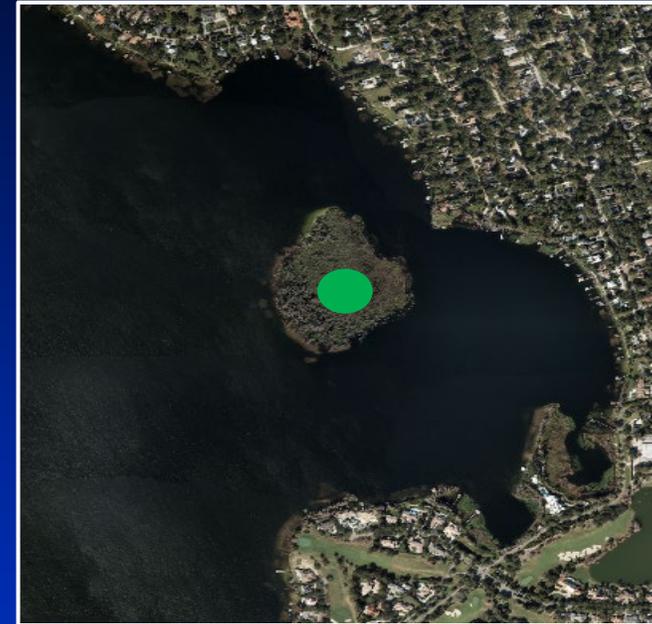
Ordinance Amendments – Phase I

- Designate a swim area/vessel-exclusion zone in Lake Butler adjacent to Egret Island
 - Egret Island background
 - Proposed swim area/vessel exclusion zone
 - Stakeholder outreach
 - Timeline



Ordinance Amendments – Phase I

- Egret Island is 23 acres in size, located near the eastern shoreline of Lake Butler
- The island is owned by the State of Florida and the Florida Audubon Society
- The island is utilized as a wildlife sanctuary and bird refuge





Ordinance Amendments – Phase I

- The area proposed for the swim area/vessel exclusion zone is a shallow sandy area along the northwest side of the island
- Varies from 45 feet to 80 feet in width
- Approximately 540 feet in length
- The area will be marked with buoys





Ordinance Amendments – Phase I

▪ Stakeholders

- Audubon of Florida
- Butler Chain of Lakes Advisory Board (BCLAB)
- Citizens
- Florida Fish and Wildlife Conservation Commission (FWC)
- Environmental Protection Commission (EPC)
 - February 23, 2022: Supported proposed Phase I revision
- Orange County Sheriff’s Office (OCSO)
- Town of Windermere





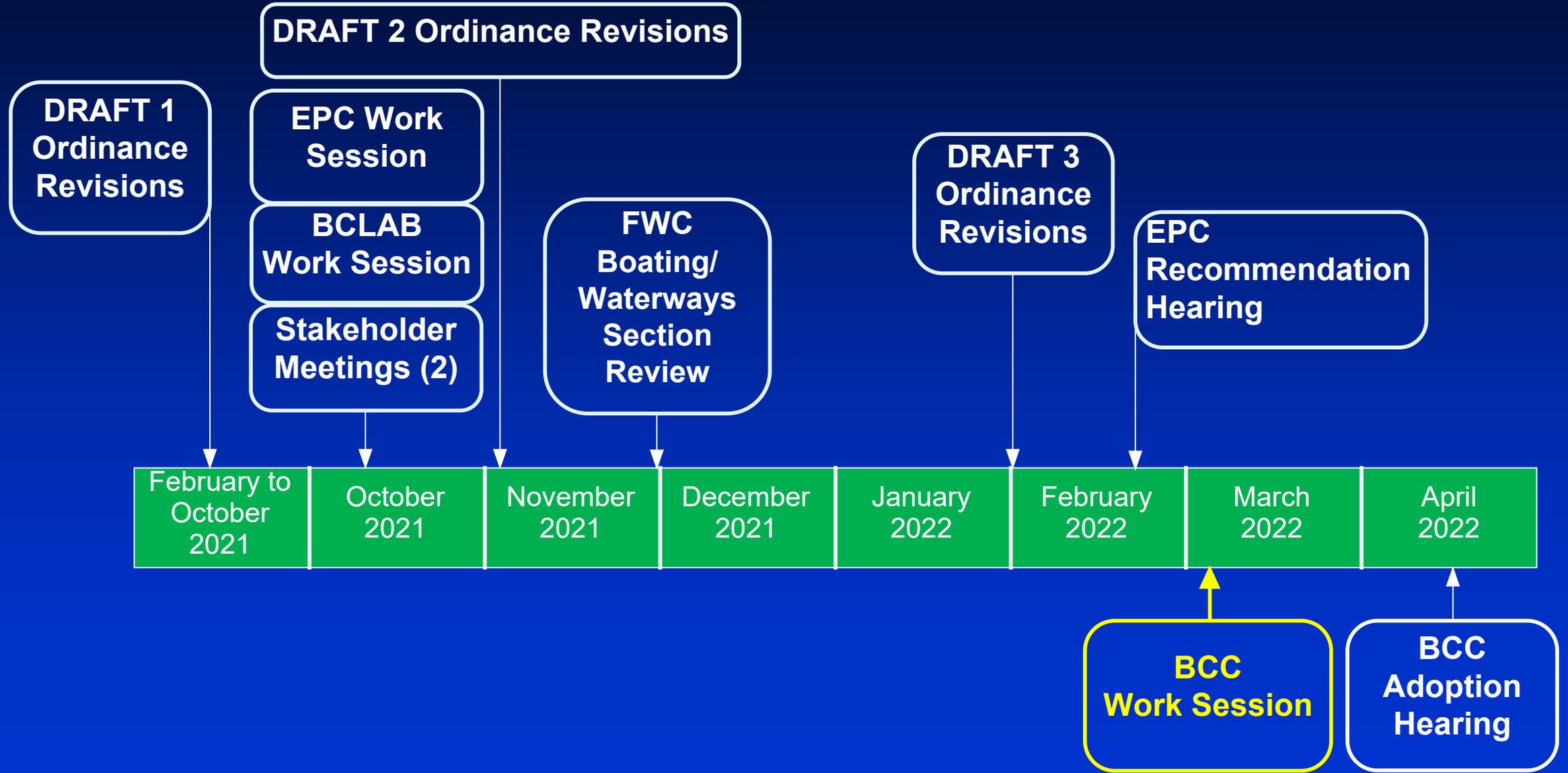
Ordinance Amendments – Phase I

▪ Stakeholder comments:

- Increases public safety
- Reduces environmental impact
- Reduces disturbance to wildlife
- Concerns about boats being pushed further out into navigable waters
- Concerns about swimmers in between vessels or in navigable area
- Encouraged EPD to continue to evaluate dimensions of swim area/vessel exclusion zone



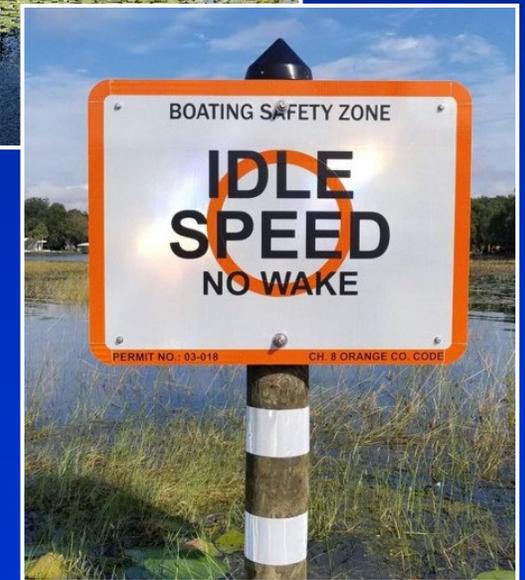
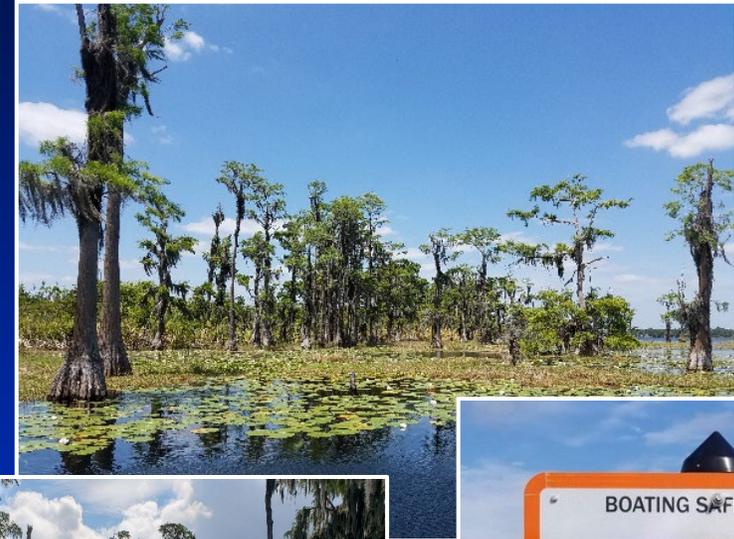
Ordinance Amendments – Phase I





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Ordinance Amendments – Phase II

- During stakeholder meetings, FWC identified that all existing County boating safety zones must be re-evaluated for compliance with current statutes
- These zones must also be legally described in Chapter 8
- Additional time is required to assess and review existing and several proposed boating safety zones



Ordinance Amendments – Phase II

- **Florida Uniform Waterway Marker (FUWM) Permit**
 - The County’s waterway markers are permitted by a FWC FUWM Permit
 - Several lake MSTUs with navigation programs have markers across the following waterbodies: Big Sand Lake, Butler Chain of Lakes, Conway Chain of Lakes, and Lake Jessamine
 - EPD utilizes a grandfathered FWC provision for our waterway markers. Any changes to Chapter 8 require reevaluation under current statutes
 - Installation and maintenance of markers funded by lake MSTUs





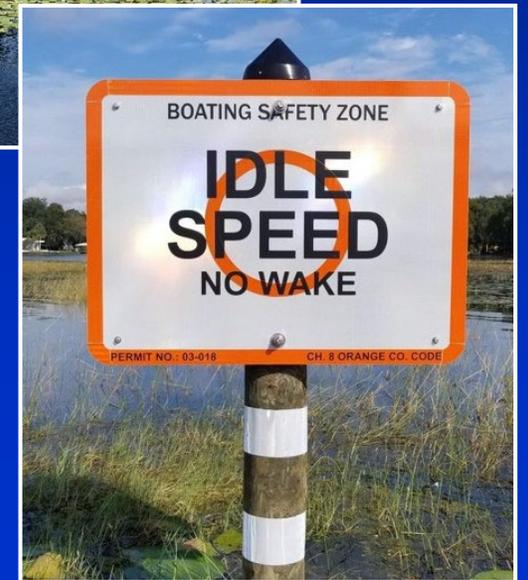
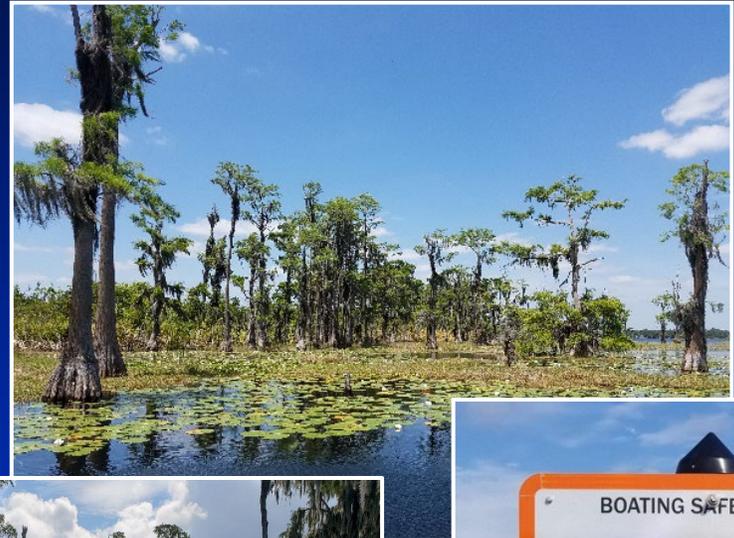
Ordinance Amendments – Phase II

- **Changes will include:**
 - Reevaluate existing boating safety zones for state statute compliance
 - Establish additional boating safety zones suggested by OCSO
 - Update the code to reflect current FWC FUWM permit requirements for boating safety zones
 - Remove preempted, unenforceable boating regulations



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Next Steps

▪ Phase I

- April 5, 2022: Anticipated adoption public hearing; effective date June 1, 2022
- April 2022: Apply to FWC for swim area/vessel exclusion zone permit
- July 2022: Buoy installation

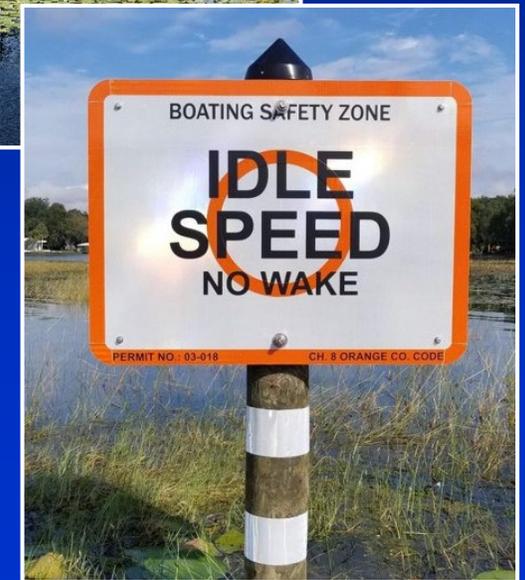
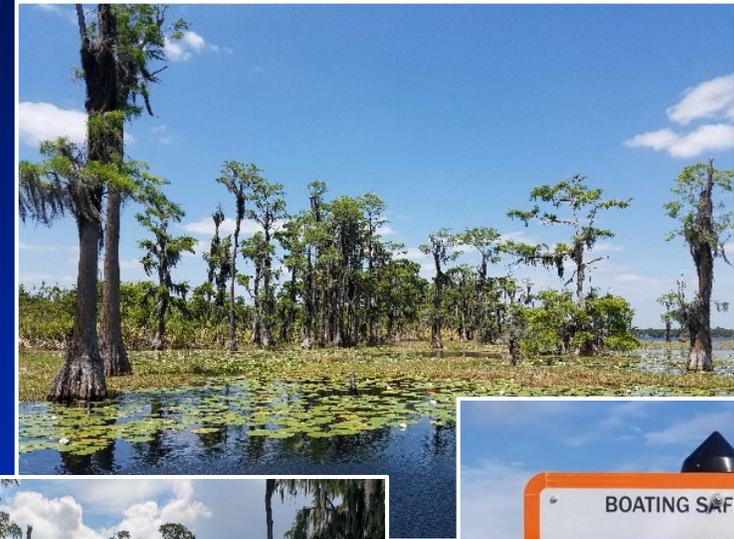
▪ Phase II

- Continue to evaluate existing and proposed new boating safety zones for compliance with State statutes
- Draft proposed language for Phase II update
 - Obtain stakeholder and lake advisory boards input
 - EPC recommendation
 - BCC work session
 - Late fall 2022: BCC adoption hearing



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Summary

- Chapter 8 is out of date and needs updating for enforceability of water safety regulations and FUWM Permit requirements.
- Various safety, natural resources and wildlife issues at Egret Island have been identified as a concern by residents and the Board.
- The new swim area/vessel exclusion zone should address these concerns.
- The draft of Phase I, Chapter 8 amendment, has been finalized.
- Phase I Board adoption public hearing: April 5, 2022, with an effective date of June 1, 2022.
- Late fall of this year, staff will bring back updated language for existing and proposed boating safety zones as Phase II of the Chapter 8 update.