



City Commission Regular Meeting

Agenda

May 14, 2025 @ 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings/ and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed 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." (F.S. 286.0105).

please note

Times are projected and subject to change.

1. Meeting Called to Order**2. Invocation - Pastor Preston Free - Encounter Christian Church****3. Pledge of Allegiance****4. Approval of Agenda****5. Mayor's Report**

- a. Proclamation for Historic Preservation Month 5 minutes

6. City Manager's Report**7. City Attorney's Report****8. Non-Action Items****9. Public Comments | 5 p.m. or soon thereafter**

(If the meeting ends earlier than 5 p.m., public comments will be at the end of the meeting. Three minutes are allowed for each speaker.)

10. Consent Agenda

- a. Approve the minutes of the regular meeting, April 23, 2025. 1 minute
- b. Approve the minutes of the executive session, April 23, 2025 1 minute
- c. Approve the following formal solicitations: 1 minute
 - 1. Air Mechanical & Service Corp. - IFB4-25 - HVAC Installation, Repair, & Replacement REBID, not to exceed \$500,000.
 - 2. Climate Control Mechanical Services, Inc. - IFB4-25 - HVAC Installation, Repair, & Replacement REBID, not to exceed \$500,000.
 - 3. Irvine Mechanical - IFB4-25 - HVAC Installation, Repair & Replacement REBID, not to exceed \$500,000.
- d. Approve the following piggyback contracts: 1 minute
 - 1. Chuck Robinson Concrete and Bobcat - Seminole County Contract #RFP-604273-22/LNF - Aquatic Maintenance Services and Dredging - Renewal; for services as needed during the term of the agreement through May 30, 2026, not to exceed \$750,000.
 - 2. Amazon.com Services LLC - OMNIA partners of Prince William County Public Schools, VA Contract #R-TC-17006 - Online

Marketplace for the Purchase of Products and Services; for goods on an as-needed basis during the term of the agreement through January 18, 2026, not to exceed \$350,000.

3. Zabatt Engine Systems, Inc. - Sourcewell Contract #092222-CMM - Electrical Energy Power Generation Equipment; additional funds for the purchase and installation of generators during the term of the agreement through November 22, 2026, not to exceed: \$500,000.

e. Approve the following contracts:

1 minute

1. IFB9-24 - PowerGrid Distribution Services, LLC - Overhead to Underground Electric Conversion - Renewal; for services on an as-needed basis during the term of the agreement through May 13, 2026, not to exceed \$2,000,000.
2. RFQ6-23 - Singhofen & Associates, Inc. - Professional Stormwater Management Engineering Services - Renewal; for services on an as-needed basis during the term of the agreement through May 2, 2026.
3. RFQ7-23 - NV5, Inc. - Geotechnical & Environmental Consulting Services - Renewal; for services on an as-needed basis during the term of the agreement through April 27, 2026.
4. RFQ20-24 - Vision Urban, LLC - Urban Design Advisor; Task Order for Phase 1 of the Park Avenue Refresh Project, not to exceed \$289,550.
5. RFQ8-23 - Redevelopment Management Associates, LLC - General Planning Services - Renewal; for services on an as-needed basis during the term of the agreement through May 22, 2026.
6. RFQ8-23 - GAI Consultants Southeast, Inc. - General Planning Services - Renewal; for services on an as-needed basis during the term of the agreement through May 21, 2026.
7. RFQ8-23 - Inspire Placemaking Collective, Inc. - General Planning Services - Renewal; for services on an as-needed basis through May 20, 2026.
8. RFQ7-23 - Pond & Company, Inc. - Geotechnical & Environmental Consulting Services - Renewal; for services on an as-needed basis through May 09, 2026.

f. Final plat approval for the Allen Trovillion's Addition to Winter Park Replat, located along Palmetto Avenue between Harmon Avenue and Cypress Avenue.

1 minute

11. Action Items Requiring Discussion

a. Winter Park Benefit Shop Lease

20 minutes

12. Public Hearings: Quasi-Judicial Matters

(Public participation and comment on these matters must be in-person.)

- a. Ordinance amending Chapter 58, Article VIII, Historic Preservation, concerning the process and procedures for certificates of review subject to public notice and public hearing, and penalties for unauthorized significant alterations or demolitions. (1st reading)
Tabled on March 12, 2025. 30 minutes
- b. Ordinance Amending Boating Regulations 20 minutes

13. Public Hearings: Non Quasi-Judicial Matters

(Public participation and comment on these matters may be virtual or in-person.)

14. City Commission Reports**15. Summary of Meeting Actions****16. Adjournment**



City Commission

agenda item 5.a

item type

Mayor's Report

meeting date

May 14, 2025

prepared by**approved by**

Rene Cranis, City Clerk

subject

Proclamation for Historic Preservation Month

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item 10.a

item type

Consent Agenda

meeting date

May 14, 2025

prepared by

Rene Cranis, City Clerk

approved by

Rene Cranis, City Clerk

subject

Approve the minutes of the regular meeting, April 23, 2025.

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

1. Minutes - 04-23-25



City Commission Regular Meeting Minutes

April 23, 2025 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Mayor Sheila DeCiccio, Commissioners Marty Sullivan, Craig Russell, Kris Cruzada and Warren Lindsey; City Manager Randy Knight; Assistant City Manager Michelle del Valle; City Attorney Kurt Ardaman and City Clerk Rene Cranis.

1. Meeting Called to Order

Mayor DeCiccio called the meeting to order at 3:30 p.m.

2. Invocation - Director of Office of Management and Budget Peter Moore

3. Pledge of Allegiance

4. Approval of Agenda

Motion made by Commissioner Lindsey to approve the agenda; seconded by Commissioner Sullivan. The motion carried unanimously by a 5-0 vote.

5. Mayor's Report

a. Proclamation for Building Safety Month

Mayor DeCiccio read a proclamation for Building Safety Month. Director of Building and Permitting Services Gary Hiatt introduced city staff. International Code Council Vice President Dottie Mazzarella thanked the city for recognizing building staff's work.

Mayor DeCiccio read excerpts from an article in the *New York Times* Travel Section about the City of Orlando in which Winter Park was mentioned as a place to visit.

6. City Manager's Report

7. City Attorney's Report

Mr. Ardaman said the city has no documentation of expenditures made by Winter PAC.

8. Non-Action Items

a. Annual Board Appointments Commissioner Cruzada Commissioner Lindsey

Vice-Mayor Sullivan reported the appointment of Charles Steinberg to the Planning and Zoning Board to fill the unexpired term of Commissioner Lindsey ending in April 2026.

Commissioner Cruzada reported the reappointment of Jay Trent (Community Redevelopment Advisory Board), Jason Ellison (Lake Killarney Board), Leah Bonich (Parks and Recreation Advisory Board), Peggy Bohol (Public Art Advisory Board), and Sid Cash (Winter Pines Golf Course Advisory Board).

Commissioner Lindsey reported the following: Jim Fitch (Board of Adjustments), Kristen Matt (Code Compliance Board), James Everett (Community Redevelopment Advisory Board), Alan Chambers (Economic Development Advisory Board), Margie Bridges (Historic Preservation Board), Susy Scarlatos (Keep Winter Park Beautiful and Sustainable Advisory Board), Jeanne Wall (Lake Killarney Board), Matt Morgan (Lakes and Waterways Board), Wade Miller (OAO Appearance Review Advisory Board, Lisa Tinker Marsh (Parks and Recreation Advisory Board), Michael Dick (Planning and Zoning Board), Elizabeth Ingram (Public Art Advisory Board), Thomas Lochrane (Transportation Advisory Board), Todd Weaver (Utilities Advisory Board) and Dr. Patti Dowling (Winter Pines Golf Course Advisory Board).

9. Public Comments | Heard after Public Hearings

The following spoke about the importance of saving Austin's Coffee:

Liam Gray, 1201 Oxford Road, Maitland
Kendal Rivera, 2829 S. Brown Avenue, Orlando
Aloe Bellochi, 4725 Walden Circle, Orlando
Sophia Nguyen, 8019 Crushed Pepper Avenue, Orlando
Giancarlo Rodriguez, 10725 Cypress Trail Drive, Orlando
Newn Wave, Azalea Park
Roman Bonilla, 1647 E. Colonial Drive, Orlando
Lacey Quinn, 11963 Boardwalk Drive, Orlando
Monty Custer, 325 Park Court, Winter Garden
Tawnee DiDomenico, 1012 Vizcaya Lake Road, Ocoee
Ashley Weston, 1700 Jeanette Street, Apopka

Gigi Papa, 1440 Hibiscus Avenue, spoke about the board appointment process and the importance of protecting children from the harmful effects of marijuana.

10. Consent Agenda

- a. Approve the minutes of the regular meeting, April 9, 2025
- b. Approve the minutes of the work session, April 10, 2025.
- c. Approve the following formal solicitations:
 1. HDD of Florida - RFP2-25 - Underground Conduit/Pipe Installation; Amount: \$3,000,000
- d. Approve the following contracts:
 1. RFQ6-23 - Baxter & Woodman, Inc. - Professional Stormwater Management Engineering Services - Renewal; for services on an as-needed basis during the term of the agreement through April 24, 2026.
 2. RFQ6-23 - Geosyntec Consultants - Professional Stormwater Management Engineering Services - Renewal; for services on an as-needed basis during the term of the agreement through April 25, 2026.
 3. FY25-30 - Hylant Group, Inc. - Employee Benefit Agent of Record; for services during the term of the agreement through April 24, 2027, not to exceed \$185,000.

4. RFP8-24 - Branch Management Tree Care, Inc. - Tree Pruning and Removal Services - Renewal; for services on an as-needed basis during the term of the agreement through June 4, 2026, not to exceed \$125,000.
5. IFB9-24 - HDD of Florida - Overhead to Underground Electric Conversion - Renewal; for services on an as-needed basis during the term of the agreement through May 8, 2026, not to exceed \$6,000,000.
6. IFB11-23 - Lewis Outdoor Solutions - Landscape Maintenance for City Facilities - Renewal; for services on an as-needed basis during the term of the agreement through April 16, 2026, not to exceed \$275,000.
- e. Approval of terms to provide School Resource Officers to OCPS schools located in Winter Park through the 2026/27 school year.

Mayor DeCiccio provided information on the School Resource Officer (SRO) program and the city's commitment to provide SROs in its schools.

Motion made by Commissioner Russell to approve the Consent Agenda, seconded by Commissioner Cruzada. The motion carried unanimously by a 5-0 vote.

11. Action Items Requiring Discussion

- a. Board Appointments:
Winter Park Firefighters' Pension Board
Winter Park Police Officers' Pension Board
Winter Park Housing Authority Board

Motion made by Mayor DeCiccio to reappoint Michael Baldwin to the Firefighters' Pension Board, David Moore to the Police Officers' Pension Board and Karen Jacobs to the Winter Park Housing Authority Board, seconded by Commissioner Cruzada. The motion carried unanimously by a 5-0 vote.

- b. Park Avenue Refresh streetlight pole design and purchase approval.

Director of Communications Clarissa Howard provided the background on the project. Alex Stringfellow gave a presentation on the improvements and recommendation to issue a purchase order for all the streetlights to lock in pricing, but to purchase the streetlights in three phases and a Phase I cost of approximately \$316k. He and Bob Watson of Landreth responded to questions about the construction and maintenance of the streetlights. Mr. Knight said only \$316k would be from the Phase I budget and future purchases will be discussed during the budget process.

Motion made by Mayor DeCiccio to approve the streetlights and purchase, seconded by Commissioner Russell. The motion carried unanimously by a 5-0 vote.

12. Public Hearings: Quasi-Judicial Matters

- a. Resolution 2294-25 - designating the property at 1051 Lake Bell Drive to the Winter Park Register of Historic Places. (Tabled January 8, 2025 at applicant's request.) **Withdrawn by applicant.**

- b. RESOLUTION 2330-25 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1303 CANTERBURY ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title. Director of Planning and Zoning Allison McGillis presented this request. There were no public comments.

Motion made by Mayor DeCiccio to approve the historic designation, seconded by Commissioner Russell. Upon a roll call vote, Commissioners Sullivan, Russell, Cruzada and Lindsey and Mayor DeCiccio voted yes. The motion carried unanimously by a 5-0 vote.

13. Public Hearings: Non-Quasi-Judicial Matters

14. City Commission Reports

Commissioner Russell announced that Winter Park High School students will have an art show at the Capen House on May 14th.

Commissioner Lindsey noted Run for the Trees and other events this weekend.

15. Summary of Meeting Actions

- Presented a Proclamation for Building Safety Month.
- Received report of board appointments
- Approved the Consent Agenda.
- Appointed members to the Pension Boards and Winter Park Housing Authority Board.
- Approved Park Avenue Refresh streetlights, purchase and budget.
- Designated 1303 Canterbury Road to the Register of Historic Resources.

Mr. Knight advised that the notice of public hearings on historic preservation code amendments will be sent to residents who live in a designated historic home or district.

16. Adjournment

The meeting adjourned at 4:50 p.m.

Mayor Sheila DeCiccio

ATTEST:

City Clerk Rene Cranis



City Commission

agenda item 10.b

item type

Consent Agenda

meeting date

May 14, 2025

prepared by

Rene Cranis, City Clerk

approved by

Rene Cranis, City Clerk

subject

Approve the minutes of the executive session, April 23, 2025

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

1. Minutes -04-23- 25 Executive Session es



City Commission Executive Session Minutes

April 24, 2025 at 2:45 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Mayor Sheila DeCiccio, Commissioners Marty Sullivan, Craig Russell, Kris Cruzada and Warren Lindsey; City Manager Randy Knight; and City Attorney Kurt Ardaman.

1. Meeting Called to Order

Mayor DeCiccio called the public meeting to order at 2:45 p.m.

2. Business

Attorney Ardaman explained the purpose of the executive session is to discuss the lawsuit filed against the city by Jonathan Cole. The session is closed to the public and recordings/transcripts of the session will not be public until litigation is complete and appeals have been finalized.

Mayor DeCiccio reported the attendance of members of the Commission, City Manager, City Attorney and the court reporter.

Mayor DeCiccio closed the public meeting and convened the Executive Session in the Chapman Room.

3. Reopen Public Meeting for termination of Executive Session

Mayor DeCiccio reopened the public meeting terminating the Executive Session.

4. City Commission Meeting

5. Adjournment

The public meeting adjourned at 3:25 p.m.

Mayor Sheila DeCiccio

ATTEST:

City Clerk Rene Cranis



City Commission

agenda item 10.c

item type

Consent Agenda

meeting date

May 14, 2025

prepared by**approved by****subject**

Approve the following formal solicitations:

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item 10.c.1

item type

Consent Agenda

meeting date

May 14, 2025

prepared by

Rebecca Watt, Procurement Agent

approved by

Rene Cranis, City Clerk

subject

1. Air Mechanical & Service Corp. - IFB4-25 - HVAC Installation, Repair, & Replacement REBID, not to exceed \$500,000.
2. Climate Control Mechanical Services, Inc. - IFB4-25 - HVAC Installation, Repair, & Replacement REBID, not to exceed \$500,000.
3. Irvine Mechanical - IFB4-25 - HVAC Installation, Repair & Replacement REBID, not to exceed \$500,000.

motion | recommendation

Commission approve items as presented and authorize Mayor to execute.

background

1-3. A formal solicitation was issued on January 21, 2025, with bids due on February 21, 2025. We received nine (9) submittals. Staff recommends awarding the three (3) selected vendors as it is the best value and most advantageous to the City. Vendors will be assigned tasks and projects on a rotating basis to ensure balanced workloads, continuity, and shared responsibilities.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approved budgets:

1-3. Capital Projects Fund, General Fund

attachments

None



City Commission

agenda item 10.d

item type

Consent Agenda

meeting date

May 14, 2025

prepared by**approved by****subject**

Approve the following piggyback contracts:

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None

**item type**

Consent Agenda

meeting date

May 14, 2025

prepared by

Rebecca Watt, Procurement Agent

approved by

Rene Cranis, City Clerk

subject

1. Chuck Robinson Concrete and Bobcat - Seminole County Contract #RFP-604273-22/LNF - Aquatic Maintenance Services and Dredging - Renewal; for services as needed during the term of the agreement through May 30, 2026, not to exceed \$750,000.
2. Amazon.com Services LLC - OMNIA partners of Prince William County Public Schools, VA Contract #R-TC-17006 - Online Marketplace for the Purchase of Products and Services; for goods on an as-needed basis during the term of the agreement through January 18, 2026, not to exceed \$350,000.
3. Zabatt Engine Systems, Inc. - Sourcewell Contract #092222-CMM - Electrical Energy Power Generation Equipment; additional funds for the purchase and installation of generators during the term of the agreement through November 22, 2026, not to exceed: \$500,000.

motion | recommendation

Commission approve items as presented and authorize Mayor to execute.

background

1. The Originating Agency (Seminole County) issued a formal solicitation to award this contract in FY22.
2. The Cooperative Purchasing Agency (OMNIA) issued a formal solicitation to award this contract in FY16.
3. The Cooperative Purchasing Agency (Sourcewell) issued a formal solicitation to award this contract in FY22.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approved budgets:

1. Stormwater Fund, Designation Trust Fund
2. General Fund
3. Water and Wastewater Utility Fund

attachments

None



City Commission

agenda item 10.e

item type

Consent Agenda

meeting date

May 14, 2025

prepared by**approved by****subject**

Approve the following contracts:

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None

**item type**

Consent Agenda

meeting date

May 14, 2025

prepared by

Rebecca Watt, Procurement Agent

approved by

Rene Cranis, City Clerk

subject

1. IFB9-24 - PowerGrid Distribution Services, LLC - Overhead to Underground Electric Conversion - Renewal; for services on an as-needed basis during the term of the agreement through May 13, 2026, not to exceed \$2,000,000.
2. RFQ6-23 - Singhofen & Associates, Inc. - Professional Stormwater Management Engineering Services - Renewal; for services on an as-needed basis during the term of the agreement through May 2, 2026.
3. RFQ7-23 - NV5, Inc. - Geotechnical & Environmental Consulting Services - Renewal; for services on an as-needed basis during the term of the agreement through April 27, 2026.
4. RFQ20-24 - Vision Urban, LLC - Urban Design Advisor; Task Order for Phase 1 of the Park Avenue Refresh Project, not to exceed \$289,550.
5. RFQ8-23 - Redevelopment Management Associates, LLC - General Planning Services - Renewal; for services on an as-needed basis during the term of the agreement through May 22, 2026.
6. RFQ8-23 - GAI Consultants Southeast, Inc. - General Planning Services - Renewal; for services on an as-needed basis during the term of the agreement through May 21, 2026.
7. RFQ8-23 - Inspire Placemaking Collective, Inc. - General Planning Services - Renewal; for services on an as-needed basis through May 20, 2026.
8. RFQ7-23 - Pond & Company, Inc. - Geotechnical & Environmental Consulting Services - Renewal; for services on an as-needed basis through May 09, 2026.

motion | recommendation

Commission approve items as presented and authorize Mayor to execute.

background

1. A formal solicitation was issued in FY24. This renewal represents the first of five

- allowable renewals under the terms of the original executed agreement.
2. A formal solicitation was issued in FY23. This renewal represents the second of five allowable renewals under the terms of the original executed agreement.
 3. A formal solicitation was issued in FY23. This renewal represents the second of five allowable renewals under the terms of the original executed agreement.
 4. The proposed add service continues Stringfellow Planning & Urban Design's project management and urban design consulting for Phase I of the Park Avenue Refresh project, in addition to ongoing coordination for surveying and design of Phase 2.
 5. A formal solicitation was issued in FY23. This renewal represents the second of five allowable renewals under the terms of the original executed agreement.
 6. A formal solicitation was issued in FY23. This renewal represents the second of five allowable renewals under the terms of the original executed agreement.
 7. A formal solicitation was issued in FY23. This renewal represents the second of five allowable renewals under the terms of the original executed agreement.
 8. A formal solicitation was issued in FY23. This renewal represents the second of five allowable renewals under the terms of the original executed agreement.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approved budgets:

1. Electric Utility Fund.
2. Each task order will be brought to the City Commission with the funding source listed.
3. Each task order will be brought to the City Commission with the funding source listed.
4. CRA Fund.
5. Each task order will be brought to the City Commission with the funding source listed.
6. Each task order will be brought to the City Commission with the funding source listed.
7. Each task order will be brought to the City Commission with the funding source listed.
8. Each task order will be brought to the City Commission with the funding source listed.

attachments

1. TO_Park Avenue Refresh Phase 1_Vision Urban

An aerial watercolor illustration of a town square. In the center is a green gazebo surrounded by palm trees and other vegetation. The square is bordered by several buildings, including a large brick building and a white building with a brown roof. A river flows along the top edge of the square. The overall style is artistic and colorful.

STRINGFELLOW PLANNING & DESIGN

ADD SERVICE

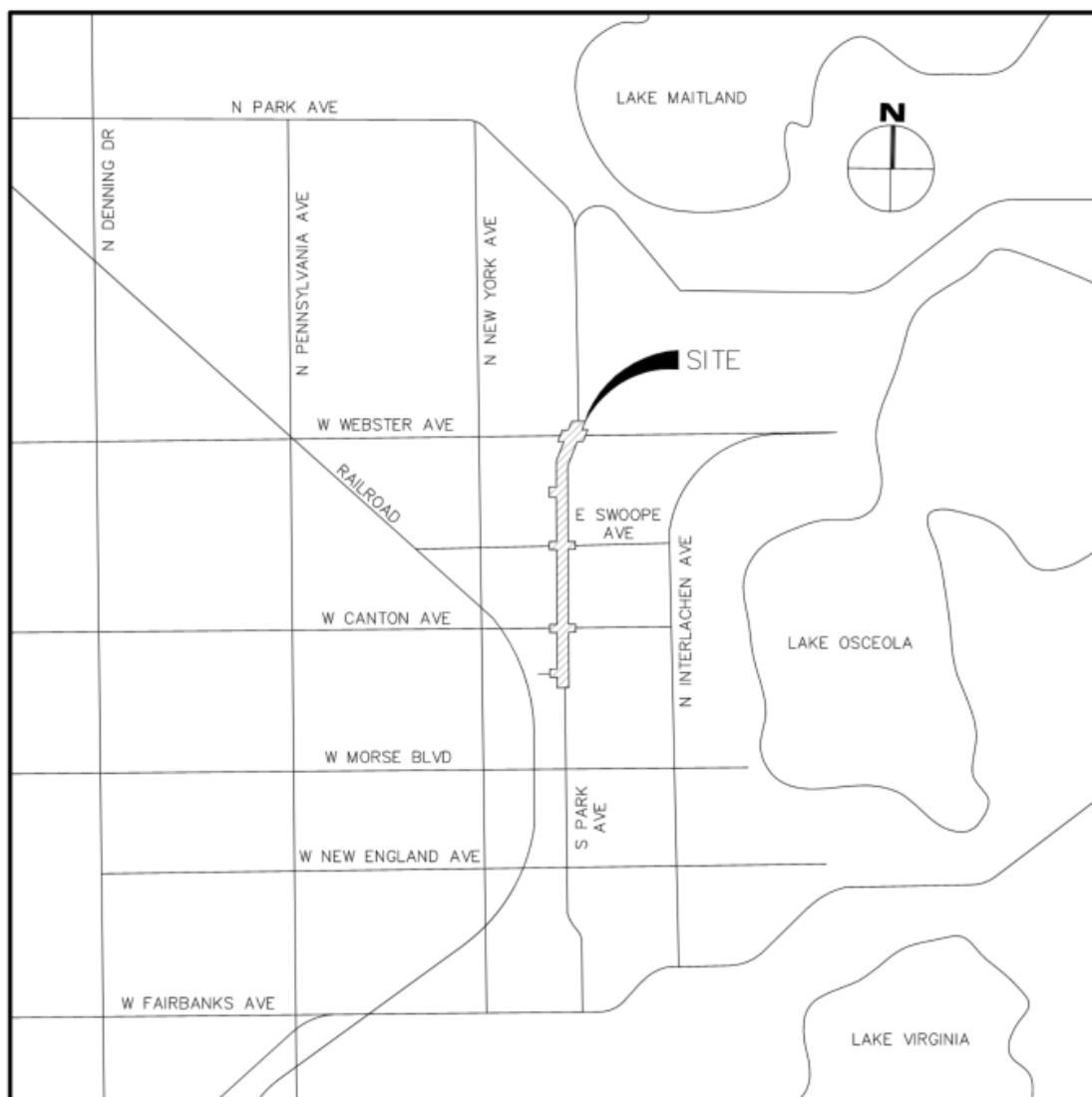
Planning and Design Services

PROPOSAL - ADD SERVICE 2

Project Understanding:

The proposed project is in Winter Park, Florida. The scope of work includes an analysis of existing conditions and findings, design intent and recommendations, and design and program development. The proposed additional service will involve project management and urban design consulting for ongoing construction in Phase 1 and ongoing coordination of the surveying and design of Phase 2.

Subject Right of Way (Park Ave.):



PROPOSAL - ADD SERVICE

ADD SERVICE		
Initial Service Amount (Urban Design)		\$32,400.00
Add Service One (Civil Engineering - Conceptual)		\$19,800.00
CURRENT CONTRACT		\$52,200.00
Add Service #2 (Webster to Garfield)		\$237,850.00
1. Landscape Architecture & Irrigation		\$41,000.00
2. Structural Engineer		\$2,500.00
3. Civil Engineer		\$59,500.00
4. Electrical Engineer		\$14,350.00
Project Management & Urban Planning (Covers April 2025 - April 2026)		\$120,000.00
NEW CONTRACT TOTAL		\$289,550.00

Retainage:

The retainer fee is waived.

Additional Work:

This proposal assumes that a satisfactory product includes sub-consultant coordination (see attached proposals) and associated urban design consulting. The added service described above is also included in the scope of this project. Should the CLIENT's needs exceed the scope described herein, the CLIENT will be notified and all additional work shall be approved in writing and agreed upon by both parties.

Exclusions:

Surveying, transportation/traffic studies, legal council or other services not expressly mentioned here.

Acceptance:

As our written authorization, please complete, sign and return one copy of this proposal.

We appreciate the opportunity to offer our professional services on this project. If you have questions regarding this proposal, please contact 352-217-7710.

Sincerely,



Alex Stringfellow
Stringfellow Planning & Design
Vision Urban LLC

Signed & Authorized By:

CLIENT Signature: _____

CLIENT Printed Name: _____

Title: _____

Date: _____

**item type**

Consent Agenda

meeting date

May 14, 2025

prepared by

Allison McGillis, Director of Planning and Zoning

approved by

Rene Cranis, City Clerk

subject

Final plat approval for the Allen Trovillion's Addition to Winter Park Replat, located along Palmetto Avenue between Harmon Avenue and Cypress Avenue.

motion | recommendation

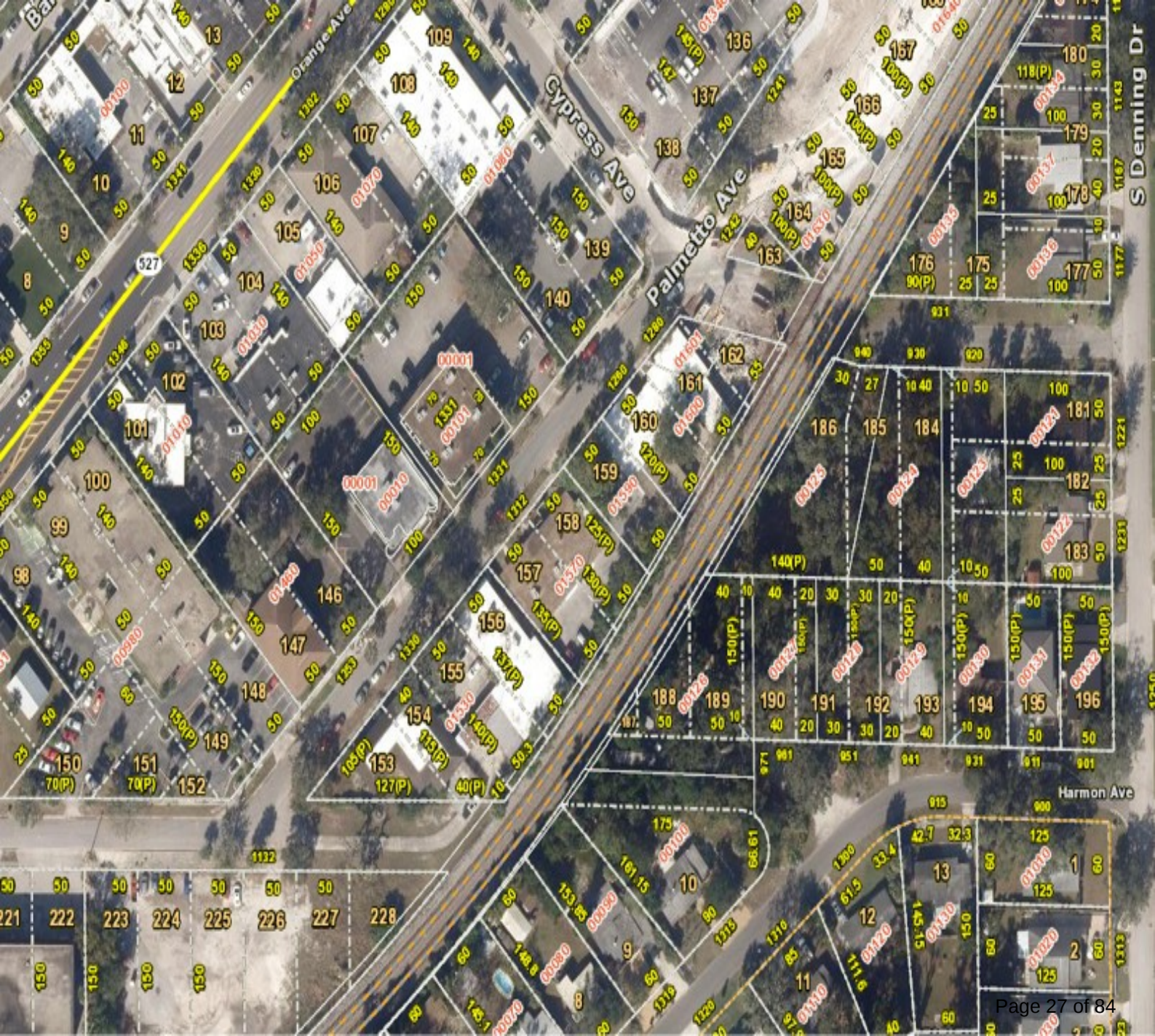
Staff recommendation is for approval.

background

The applicant, Z Properties, is requesting final plat approval for the Allen Trovillion's Addition to Winter Park Replat, located along Palmetto Avenue between Harmon Avenue and Cypress Avenue. The proposed plat includes combining all of the lots within the boundary, totaling approximately 1.34 acres. Relevant city staff, the city attorney and Orange County have reviewed the plat and confirmed that the plat meets all technical requirements for final approval.

alternatives | other considerations**fiscal impact****attachments**

1. Location Map
2. IS-130004_Plat_v2.1



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item type

Action Items Requiring Discussion

meeting date

May 14, 2025

prepared by

Michelle del Valle, Assistant City Manager

approved by

Rene Cranis, City Clerk

subject

Winter Park Benefit Shop Lease

motion | recommendation

Make final policy decisions and approve the lease.

background

The Winter Park Benefit Shop Association (WPBSA) has worked in the community for many years, selling donated used household items to benefit local charities. Annually, they raise approximately \$15,000, which benefits approximately 10 organizations. A secondary benefit is the upcycling of used items and making clothing and other necessities available to the community at very reasonable prices.

Most recently, the Benefit Shop's lease expired on August 20, 2024, and the City determined it needed additional office space in City Hall to conduct City business. The City Manager extended the lease through December 2024 to allow the WPBSA an opportunity to find an alternative location. After many unsuccessful attempts to relocate, Lake Island Hall at 450 Harper Street was proposed. This building was slated for demolition related to providing additional parking on the MLK Park, Library and Event Center campus. A revised design of the parking lot and phased approach to increasing parking allowed for the building to remain. The City has made minimal improvements to the building and assisted the WPBSA with moving furniture and inventory.

Staff have been working with the Board to finalize a lease for the new location at Lake Island Hall. Attached is the lease as suggested by the WPBSA Board. Staff were unable to come to terms on a couple of key policy issues related to the relevance of the historical agreements, term of the lease and the termination clause. These are policy issues that affect the future use of city-owned property.

The WPBSA is eager to reopen and continue their work on behalf of the community, with more volunteers and an expanded inventory.

alternatives | other considerations

fiscal impact

Annual rent is proposed at \$1 per year. The agreement proposes the City cover costs associated with utilities, cleaning and light maintenance.

attachments

1. Winter Park Benefit Shop Association Lease_CC0514

Lease Agreement

This LEASE AGREEMENT (hereinafter referred to as the "Lease") is made and entered into this ____ day of _____, 2025 ("Effective Date") by and between the **City of Winter Park**, a Florida municipal corporation, whose address is 401 South Park Avenue, Winter Park, Florida 32789 (hereinafter referred to as "City"), and **Winter Park Benefit Shop Association, Inc.**, a Florida not-for-profit corporation, whose address is 450 Harper Street, Winter Park, Florida 32789 (hereinafter referred to as "Tenant"), collectively the "Parties".

WHEREAS, the Tenant is in need of a place to operate its Benefit Shop and has requested to lease the Premises defined herein owned by the City in exchange for Tenant paying nominal rent; and

WHEREAS, the City acknowledges the hard work and service to the community the Tenant has provided and will continue to provide; and

WHEREAS, the City further recognizes the spirit of the 1972 ~~Agreement~~ between the Parties ~~that has been fully satisfied and is no longer in effect~~, whereby the City provided space for the charitable work of the Tenant to occur in exchange for the donation to the City of the land and building (since replaced) where the current Welcome Center and Chamber of Commerce are located; and WHEREAS, the City is willing to lease the Premises to the Tenant pursuant to the terms and conditions of this Lease.

NOW THEREFORE, the Parties hereby agree to the following terms and conditions:

1. **LEASED PREMISES.** The building, including floor space and interior wall and ceiling space, located at 450 Harper Street, Winter Park, FL 32789 known as Lake Island Hall ("Premises"). The City hereby leases to the Tenant and the Tenant hereby takes from the City, for the Term and upon the conditions hereinafter provided, the Premises.

2. **TERM.** Benefit Shop Board Recommendation: This Lease is for a period of fifteen (15) years commencing on the Effective Date ("Term"). The Term shall expire on the ____ day of _____, 2040. The Lease and the Term hereof may be renewed or extended for two additional 10-year periods automatically at the discretion of the Winter Park Benefit Shop Association with 180 days' notice to the City ahead of the expiration of the current lease.

3. The City may terminate this Lease by providing one-hundred eighty (180) days prior

written notice to Tenant except as otherwise provided in this Lease. In such an event, the City will ~~make a good faith and concerted effort to~~ find an alternative location for Tenant. ~~However, the City cannot and does not hereby represent, promise, or guarantee that it will be able to find an alternative location for Tenant.~~

4. **LEASEHOLD IMPROVEMENTS.** Tenant is taking the Premises and accepting the condition of the Premises "AS IS" and the City is under no obligation to make any structural or other improvements. Tenant may not build, construct, alter, demolish, or make any improvements to the Premises or attach any fixtures in or to the Premises without the prior written consent of the City. The City is not responsible for any upgrades, improvements, or modifications to the building. The City intends to provide basic maintenance, specifically related to safety issues and provide utilities (including electricity, water, sewer, garbage, recycling, internet access and telephone), pest control and custodial services consistent with other City owned and operated properties.
5. **RENT.** The Tenant agrees to pay to the City annual Rent in the amount of One Dollar (\$1.00).
6. **TENANT'S ADDITIONAL WARRANTIES.** In addition to any warranties or covenants made or to be kept by the Tenant pursuant to any other provision contained elsewhere herein, the Tenant hereby agrees:
 - a. To not commit any nuisance or waste on the Premises, throw foreign substances in plumbing facilities, or waste the services, if any, furnished by the City;
 - b. To comply with guidance from the Fire Marshall, not place any items in or otherwise obstruct entries, halls, sidewalks, or other Common Areas, and to not use the same for anything other than their intended purpose;
 - c. To comply with any and all of the Tenant's other covenants and agreements contained in this Lease;
 - d. To store all trash and garbage and make the same available for regular pick-up;
 - e. To conduct its business at all times in good faith, and in a high grade and reputable manner;
 - f. To not use the Premises for any unlawful purpose or in a manner inconsistent with applicable zoning ordinances or other local, state, or federal laws and regulations.
7. **REPAIR.** City shall be responsible to perform basic repair and maintenance of the Premises sufficient to keep the building operational, subject to the obligation of the Tenant to operate the Premises in a safe and responsible manner and to keep the Premises clean

during ordinary operations of the business conducted within the Leased Premises. If the Premises becomes un-useable due to catastrophic structural issues or extremely expensive maintenance problems, then the City will attempt to relocate the Benefit Shop according to the provisions in Paragraph 3 ~~Term~~.

8. **USE.** Tenant may use and occupy the Leased Premise for a benefit shop, which benefit shop shall have as part of its purpose a "charitable purpose". The City shall allow operations of the allowable use conducted by Tenant on days which are not a state, municipal or federal holiday, Monday through Saturday, at Tenant's option, between the hours of 9:00 a.m. through 5:00 p.m. The Tenant may not close the Premises to the public for more than ninety (90) consecutive days.
9. **COMPLIANCE WITH LAWS.** The Tenant warrants that it will abide by all laws that apply to Tenant's conformance with health, safety, and building codes.
10. **TENANT'S MAINTENANCE OBLIGATIONS.** The Tenant, at its own expense, shall always maintain the Premises in a good, clean, sanitary, and safe condition in accordance with laws, ordinances, and regulations. The City shall provide janitorial services once per week, but the City is not otherwise obligated to ensure the cleanliness or sanitation of the Premises.
11. **THE CITY'S RIGHT OF ACCESS.** The City, its employees, and agents shall have the right to enter the Premises at all reasonable times for the purpose of inspecting, cleaning, or repairing the Premises.
12. **ALTERATIONS.** Tenant shall not make any alterations, additions, or improvements in or to the Premises, or add, disturb, or in any way change any plumbing or wiring therein without the written consent of the City.
13. **ASSIGNMENT OR SUBLETTING.** Tenant will not assign, transfer, mortgage or encumber this Lease or sublet or rent or permit occupancy or use of the Premises, or any part thereof by any third party. The Tenant may, from time to time, jointly host special events with other not-for-profit organizations that also serve Winter Park residents, on the exterior patio. The Tenant shall be responsible for the maintenance and cleanliness of the grounds following such special events.
14. **SURRENDER AND TREATMENT OF IMPROVEMENTS.** On the last day of the Term, or on the sooner termination thereof, the Tenant shall peaceably surrender the Premises.
15. **DEFAULT BY TENANT:** Events which would constitute default by Tenant (individually, an "Event of Default") include the following:

- a. Breach of any material provision of this Lease.
- b. If a notice of lien, levy or assessment is filed of record with respect to all or any part of the property of the Tenant by the United States, or any other governmental authority, unless contestable and actually and diligently contested in accordance herewith;
- c. If the Tenant shall file a voluntary petition for bankruptcy or for arrangement, reorganization or other relief under any chapter of the Federal Bankruptcy Code or any similar law, state or federal, now or hereafter in effect;
- d. If the Tenant shall file an answer or other pleading or any proceeding admitting insolvency, bankruptcy, or inability to pay its debts as they mature;
- e. If, within thirty (30) days after the filing against it of any involuntary proceedings under the Federal Bankruptcy Code or similar law, state or federal, now or hereafter in effect, the Tenant shall fail to have such proceeding vacated;
- f. If the Tenant shall be adjudicated as bankrupt;
- g. If the Tenant be dissolved, terminated or merged;
- h. If the Tenant shall sell, convey, transfer or assign all or a major portion of its inventory, fixtures or other personal property, either on or off the Premises, without replacing same with comparable equivalents within thirty (30) days;
- i. If the Tenant abandons the Premises before the end of the Term, including the event that the Premises are closed to the public for more than ninety (90) consecutive days;
- j. If the Tenant shall, at any time during the Term of this Lease, fail to carry in full force and effect any insurance coverage required by Paragraph 17 of this Lease.
- k. The City shall provide Tenant with written notice of any alleged default pursuant to this Lease. The Tenant shall have ninety (90) days to commence to contest or cure the alleged default.

16. **REMEDIES.** Upon the occurrence of any Event of Default, the City shall have all rights under Florida law.

17. **INSURANCE.** The Tenant agrees to secure and keep in force from and after the Commencement Date of this Lease and throughout the full Term of this Lease, at the Tenant's own cost and expense, the following:

- a. Commercial general liability insurance on the Premises, which policy shall include

coverage for Bodily Injury, Property Damage, Personal Injury, Contractual Liability (applying to this Lease), and Independent Contractors, in current Insurance Services Office form or other form which provides coverage at least as broad. Tenant shall maintain a combined policy limit of at least \$200,000 applying to Bodily Injury, Property Damage and Personal Injury.

- b. Other Requirements. All policies of insurance procured by the Tenant shall:
 - i. Be issued by insurance companies reasonably acceptable to the City.
 - ii. Be written as primary policies not contributing with and not in excess of coverage that the City may carry.
 - iii. All comprehensive general liability insurance procured by the Tenant under this section shall be issued for the benefit of the City and the Tenant, as their respective interests may appear.
 - iv. Contain endorsements providing as follows:
 - 1. That such insurance may not be materially changed, amended, or canceled with respect to the City except after twenty (20) days' prior written notice from the insurance company to the City, sent by registered mail;
 - 2. That the Tenant be solely responsible for the payment of all premiums under such policy and that the City shall have no obligation for the payment thereof notwithstanding that the City is named as an insured.
- c. Proof of Coverage. The original policy or policies, or duly executed certificates for the same, together with reasonably satisfactory evidence of payment of the premium thereof, shall be delivered to the City within five (5) days of the Effective Date of this Lease, and on renewals of such policies not less than twenty (20) days prior to the expiration of the term of any such coverage. Failure to maintain insurance coverage is grounds for immediate closure of the Benefit Shop and termination of the lease.
- d. The Tenant shall hold in reserve enough revenues to cover the required deductible and/or co-insurance.
- e. Non-Waiver of Sovereign Immunity. The limits of liability in Section 768.28, Florida Statutes, and the sovereign immunity of the City of Winter Park shall not be waived by virtue of this requirement that Tenant maintain insurance

adding the City as an additional insured.

- f. Nothing herein shall prohibit the City from contributing an amount of money sufficient to fund the insurance, although the City is not required to do this. Any such expenditure shall be consistent with the regular practice of the City for any fiscal year in question in which the City elects to provide funding for charitable purposes directly benefitting the citizens of Winter Park.

18. **SIGNAGE.** The city will provide appropriate signage.

19. GENERAL PROVISIONS.

- a. **Indemnity and hold harmless.** The City is protected by sovereign immunity. Tenant shall indemnify, defend and save the City harmless, from and against claims, demands, obligations, liabilities, penalties, fines, charges, costs and expenses, including, but not limited to, attorneys' fees, costs and expenses for the defense thereof, arising from occurrences on or about the Premises caused or allowed by Tenant's actions/inactions. Should a claim be brought against the City or the City be made a party to any action relating to the Premises, then Tenant shall reimburse the City for the foregoing and the city's attorneys' fees, costs and expenses incurred by the City in connection with the claim or action. The individual members and officers of the Tenant shall not be personally liable for the foregoing indemnity and hold harmless obligations.
- b. **Construction liens.** The Tenant agrees to promptly pay all sums of money owed in respect of labor, services, materials, supplies, or equipment furnished to the Tenant in or about the Premises, and the Tenant shall not permit any construction, material man's, or other lien to arise or be filed against the Premises or the City's interest therein. The Tenant shall save, hold harmless, and defend the City from liability or other damage that the City may incur as a result of such liens.
- c. **Keys.** Any and all keys to the Premises shall be surrendered to the City on the termination of this Lease.
- d. **No partnership, joint venture, third party beneficiary or fiduciary relationship created.** Nothing contained in this Lease shall be interpreted as creating a partnership, joint venture, or relationship of principal and agent between the City and Tenant, it being understood that the sole relationship created hereby is one of the City and tenant. Nothing contained in this Lease shall have the effect of creating a third party beneficiary and no non-party to this Lease shall be deemed to have any third party rights, it being understood that the sole relationship created hereby is one

of the City and Tenant.

- e. Notices. All communications permitted or required to be given under this Lease shall be in writing and shall be deemed to have been duly given or served if delivered in person to the other party or its duly authorized agent, or deposited in the United States mail, postage prepaid, for mailing by certified or registered mail, return receipt requested, by fax or email transmission addressed to the other party to this Lease. For purposes of notice, the addresses of the parties shall be as follows:

City: **City of Winter Park**
Attn: Assistant City Manager
401 South Park Avenue
Winter Park, Florida 32789

Copy to: **Fishback Dominick LLP**
Attn: City Attorney – Winter Park
1947 Lee Road
Winter Park, FL 32789

Tenant: **Winter Park Benefit Shop Association, Inc.**
Attention: _____
450 Harper Street
Winter Park, FL 32789

- f. Amendment. modification. or waiver. No amendment, modification, or waiver of any condition, provision, or term of this Lease shall be valid or of any effect unless made in writing, signed by the party or parties to be bound, or its duly authorized representative, and specifying with particularity the extent and nature of such amendment, modification, or waiver. Any waiver by any party of any default shall not affect or impair any right arising from any subsequent default.
- g. Entire agreement. This Lease contains the entire understanding of the parties hereto with respect to the transactions contemplated hereby and supersedes all prior agreements and understandings between the parties with respect to such subject matter.
- h. Captions. headings. or titles. All captions, headings, or titles in the paragraphs or sections of this Lease are inserted for convenience of reference only and shall not constitute a part of this Lease as a limitation of the scope of the particular paragraphs or sections to which they apply.
- i. Florida Law. This Lease shall be construed and enforced in accordance with the

laws of the state of Florida. No provision of this Lease shall be construed by any court against either party by reason of such party being deemed to have drafted or structured such provision.

- j. Jurisdiction and Venue. Each of the parties irrevocably consents to exclusive jurisdiction and venue in the Florida state courts located in Orlando, Orange County, Florida, and in the Federal district court which includes Orlando, Orange County, Florida.
- k. Time is of the essence. Time is of the essence of this Lease, and of each and every covenant, term, condition, and provision hereof.
- l. Dispute Resolution. In the event of any dispute or claim arising under this Lease, the parties agree to attempt to resolve the matter through good-faith mediation prior to initiating litigation.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK –
SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, the City and Tenant have hereunto set their hands and seals the day and year above written.

Signed, sealed, and delivered in the presence of:

CITY:

CITY OF WINTER PARK, a Florida municipal corporation.

Witness

Print

Witness

Print

Sheila DeCiccio, Mayor

Date: _____

TENANT:

WINTER PARK BENEFIT SHOP ASSOCIATION, INC., a Florida not-for-profit corporation.

Witness

Print

Witness

Print

By: _____

Title: _____

Date: _____

**item type**

Public Hearings: Quasi-Judicial Matters

meeting date

May 14, 2025

prepared by

Allison McGillis, Director of Planning and Zoning

approved by

Rene Cranis, City Clerk

subject

Ordinance amending Chapter 58, Article VIII, Historic Preservation, concerning the process and procedures for certificates of review subject to public notice and public hearing, and penalties for unauthorized significant alterations or demolitions. (1st reading) **Tabled on March 12, 2025.**

motion | recommendation

The Historic Preservation Board has recommended approval of Version 1 of the Ordinance.

background

This item was originally presented to the City Commission on January 8, 2025, but was tabled to allow staff the opportunity to hold a community meeting and gather additional public input. That community meeting was held on February 20, 2025, and following thoughtful feedback from residents, staff revised the proposed ordinance to incorporate community suggestions and concerns. The updated ordinance was then presented in two versions for consideration by the Historic Preservation Board (HPB) on April 9, 2025. Version 1 excludes a monetary contribution provision related to historic preservation violations, while Version 2 retains the previously proposed monetary contributions and enforcement language introduced earlier this year. HPB made a recommendation for approval of Version 1.

In summary, both versions of the ordinance aim to improve clarity in the design review process, enhance application requirements, and address limitations in enforcing regulations related to unauthorized alterations or demolitions of historic properties. Key improvements include the introduction of a formal pre-application process and preliminary design concept review by the HPB, allowing applicants to receive early, non-binding feedback prior to formal review. Application requirements are also strengthened, with more detailed specifications required for proposed exterior materials, architectural elements, and site features to ensure more comprehensive evaluations. Additionally, the ordinance provides clearer criteria for the HPB when considering demolition requests or significant exterior changes and requires applicants to submit a due diligence assessment identifying all proposed demolition or alteration areas as part of their application.

For noncontributing structures within historic districts, both versions streamline the demolition approval process for non-contributing structures, but maintains the requirement that any replacement construction must conform to established district design guidelines or reflect an architectural style consistent with the district's historic character.

The primary distinction between the two versions lies in how violations are addressed. Both versions provide HPB with the authority to (1) revoke the certificate of approval and any variances, requiring full reconstruction, or (2) amend the certificate of approval and revoke some or all variances. However, Version 2 includes an additional enforcement mechanism that allows HPB to impose further conditions on amended approvals, including the option to require a monetary contribution toward historic preservation efforts. This contribution would be proportionate to the violation and may not exceed thirty (30) percent of the affected building's value, as determined by the most recent Orange County Property Appraiser's tax roll. This provision establishes a maximum limit but does not mandate an automatic contribution—any amount would be determined based on the nature and extent of the violation. Both versions provide the same appeal process for HPB decisions, as outlined in Section 58-477 of the Land Development Code.

alternatives | other considerations

fiscal impact

attachments

1. Ordinance to Update to Historic Preservation Regs - April 2025 v1
2. Ordinance to Update to Historic Preservation Regs - April 2025 v2

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING ARTICLE VIII HISTORIC PRESERVATION OF
CHAPTER 58 OF THE LAND DEVELOPMENT CODE
CONCERNING THE PROCESS AND PROCEDURES FOR
CERTIFICATES OF REVIEW SUBJECT TO THE PUBLIC
NOTICE AND PUBLIC HEARING PROCESS, PENALTIES FOR
UNAUTHORIZED SIGNIFICANT ALTERATIONS OR
DEMOLITIONS; PROVIDING FOR CONFLICTS,
CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the preservation of historic homes is important to the health, safety and general welfare of the community; and

WHEREAS, the City Commission recognizes that the Historic Preservation Board plays an important role in the review of changes, modification to historically designated structures and contributing structures within historic districts; and

WHEREAS, the City Commission has received a recommendation from the Historic Preservation Board for improvements to the Historic Preservation regulations concerning the process for certificates of review and for occasions of unauthorized significant alterations to or demolitions; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City's local planning agency, which is the designated Planning and Zoning Board, has also reviewed and made recommendations as to the amendments set forth herein;

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: Portions of Chapter 58, Land Development Code, Article VIII, Historic Preservation, are hereby amended to read as shown in Section III below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text. Sections and provisions not included are not being amended.

SECTION III: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Division 4 – Certificate of Review is hereby amended to read as follows:

DIVISION 4. - CERTIFICATE OF REVIEW

Sec. 58-467. - Pre-application conference/preliminary review.

(a) Before entering binding commitments or incurring substantial expense in the preparation of plans, surveys and other data, and before submitting an application for a certificate of review, an applicant may schedule shall a preapplication conference confer with the city HPB staff to obtain information and guidance. The purpose of such preapplication conference is to further discuss and clarify conservation objectives and design guidelines in cases that do not conform to established objectives and the Land Development Code, but is not a requirement to apply for a certificate of review. In no case shall any statement or representation made prior to the official application review be binding on the HPB, the city commission or any city departments.

(b) Applicants may request and obtain a preliminary review by the HPB prior to proceeding for formal review of and a final decision from the HPB on an application for certificate of review. The purpose of the HPB preliminary review is for the applicant to receive non-binding input from the HPB on what aspects and features of the design concept plan and variance requests, if any, appear to be acceptable or not. If an applicant elects to use the preliminary review process, an applicant must submit a design concept plan for HPB review.

Sec. 58-473. - Certificates of review.

(d) All approvals of certificates of review shall require subsequent review and approval by staff for the construction plans to ensure the plans and representations made at the public hearing are incorporated accurately into the building permit plans and application submissions. If staff does not agree that the plans submitted accurately represent the HPB certificate of review approval, or if changes have been made, subsequent review and approval by the HPB shall be required. An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval if the approved construction, rehabilitation, restoration, renovation, addition, demolition, or relocation has not physically commenced on the property within such time period. Upon the request of the property owner, staff may administratively extend the approval for an additional year. Thereafter, upon request by the property owner one additional one-year extension may granted by the HPB upon good cause.

(e) Applications for certificates of review (for both residential and non-residential buildings) shall include comprehensive and specific details on all proposed exterior materials and architectural elements of the project. This includes, but is not limited to, roofing type, material, color, style, pitch, and features such as dormers, skylights, chimneys, or mechanical equipment screening; exterior façade details including materials, finishes, textures, colors; window specifications including type, material, size, shape, glazing, muntin and mullion details, trim, surrounds, and colors; and all exterior doors including entry, garage, and service doors, with details

on materials, finishes, and fenestration patterns. Site elements for non-residential projects such as fences, walls, gates, driveways, walkways, screening elements, and the location and treatment of mechanical and utility equipment. All material specifications, color swatches, and architectural renderings shall be included to support a full and informed review. Applications lacking sufficient specificity may be deemed incomplete.

(f) Minor exterior alterations that are consistent with the current architectural style of the structure such as window and door replacements, façade treatments, and roof replacements are exempt from the certificate of review process and are solely subject to the building permit review process.

(g) In order for HPB to make a determination on demolition on portions of a structure, a due diligence assessment must be completed and submitted as part of the certificate of review application materials to clearly indicate any demolition, exterior alteration, rehabilitation, restoration, renovation, or addition areas. A due diligence assessment is a comprehensive evaluation of the structure's architectural integrity, and structural condition to ensure informed decision-making regarding proposed changes. Any portion of a historic home proposed for demolition, exterior alteration, rehabilitation, restoration, renovation, or addition must be explicitly identified in the application and visually marked on architectural plans. These areas shall be reviewed by the HPB, which must provide approval before any demolition activities commence. The HPB may require additional justification or modifications to ensure the integrity and character of the historic home are preserved to the maximum extent feasible. Certificate of review applications that do not satisfy the due diligence requirements or fail to clearly indicate any demolition, exterior alteration, rehabilitation, restoration, renovation, or addition areas will be deemed incomplete and will not proceed to review by the HPB until such areas are clearly identified.

Sec. 58-479. - Guidelines for demolition/significant changes of designated properties or properties within historic districts.

In addition to all other provisions of this article, in determining whether to approve or deny an application involving more than minor exterior changes to the exterior façade(s) or the demolition of designated structures on properties or properties located within designated historic districts, the HPB shall consider the following criteria:

- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.

(4) The structure contributes to the historic character and scale of a designated historic district.

(5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

(6) There are definite plans for reuse of the property presented to the HPB for approval, if the proposed demolition is carried out, and such plans shall be for an authentic re-creation of architectural styling prevalent during the era of the predominant development of the district and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

Noncontributing elements (see section 58-481 (9)) are exempt from the provisions of subsections (1) through (5) above.

Sec. 58-481. - Procedure for demolition of buildings and structures on properties designated on the Winter Park Register of Historic Places, or located within designated historic districts or as identified in the Florida Master Site File or the historic survey.

(9) *Noncontributing structures.* Owners of noncontributing structures within any historic district shall not be required to show economic hardship in applying for a certificate of approval for demolition for such structures. However, the new construction proposed as a replacement must conform to the adopted design guideline standards of the historic district when such design standards have been adopted and if no design standards have been adopted, then the replacement shall be an authentic re-creation of an architectural style that reflects a prevalent architectural style of the era of development of the district.

Sec. 58-482. - Reconstruction of destroyed historic landmarks.

The loss of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. The HPB shall encourage reconstruction when deemed appropriate and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the demolished building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places. This section shall only apply as indicated above to circumstances where an individually designated historic landmark structure or a contributing historic structure within a local or national register historic district has been damaged or destroyed by fire, tornado or other natural disaster.

Sec. 58-500. - Violations.

(a) Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a certificate of review approved by the HPB. This civil remedy shall be in addition to and not in lieu of any other code enforcement remedy or penalty afforded by law to the city criminal prosecution and civil penalty otherwise provided in this Code.

~~(b) Any person who carries out or causes to be carried out any work in violation of this article that causes irreparable or irreversible damage to a designated historic resource, or to any contributing or noncontributing resource within a designated historic district a fine not to exceed three times the amount per violation provided for in section 2-107 in this Code. Any person who violates this article is subject to code enforcement fines and lien as may be imposed by the Code Compliance Board. Without limiting the foregoing, the Code Compliance Board has the authority to order the restoration of any unauthorized removal or significant alteration to the exterior of a structure, or demolition in part or in whole, to a designated historic structure, or to any contributing or noncontributing structure within a designated local or national register historic district to exactly the same condition and exterior materials as existed prior to the alteration or demolition and impose a fine for each day until such is achieved. After finality on any timely filed, allowable appeal of the HPB's decision, the Code Compliance Board has the authority to enforce the HPB's decision under subsection (c) and impose a fine for each day until compliance is achieved.~~

(c) In violation cases where there exists a certificate of review approval by the HPB for said property or structure and no such specific HPB approval has been granted for such unauthorized significant alterations to the exterior or demolitions, the HPB, after conducting a noticed public hearing and giving the applicant an opportunity to be heard, may (i) revoke the certificate of approval and any variances previously granted by the HPB and require full reconstruction of the pre-existing structure, which may include an authentic replica with authentic exterior materials; or (ii) amend the certificate of approval and revoke some or all variances previously granted by the HPB. Any decision rendered by the HPB may be appealed subject to the provisions in Section 58-477.

SECTION IV: CONFLICTS. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VI: CODIFICATION. Sections III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2025.

City of Winter Park

Sheila DeCiccio, Mayor

Attest: _____
Rene Cranis, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING ARTICLE VIII HISTORIC PRESERVATION OF
CHAPTER 58 OF THE LAND DEVELOPMENT CODE
CONCERNING THE PROCESS AND PROCEDURES FOR
CERTIFICATES OF REVIEW SUBJECT TO THE PUBLIC
NOTICE AND PUBLIC HEARING PROCESS, PENALTIES FOR
UNAUTHORIZED SIGNIFICANT ALTERATIONS OR
DEMOLITIONS; PROVIDING FOR CONFLICTS,
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WHEREAS, the City Commission recognizes that the Historic Preservation Board plays an important role in the review of changes, modification to historically designated structures and contributing structures within historic districts; and

WHEREAS, the City Commission has received a recommendation from the Historic Preservation Board for improvements to the Historic Preservation regulations concerning the process for certificates of review and for occasions of unauthorized significant alterations to or demolitions; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City's local planning agency, which is the designated Planning and Zoning Board, has also reviewed and made recommendations as to the amendments set forth herein;

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(b) Applicants may request and obtain a preliminary review by the HPB prior to proceeding for formal review of and a final decision from the HPB on an application for certificate of review. The purpose of the HPB preliminary review is for the applicant to receive non-binding input from the HPB on what aspects and features of the design concept plan and variance requests, if any, appear to be acceptable or not. If an applicant elects to use the preliminary review process, an applicant must submit a design concept plan for HPB review.

Sec. 58-473. - Certificates of review.

(d) All approvals of certificates of review shall require subsequent review and approval by staff for the construction plans to ensure the plans and representations made at the public hearing are incorporated accurately into the building permit plans and application submissions. If staff does not agree that the plans submitted accurately represent the HPB certificate of review approval, or if changes have been made, subsequent review and approval by the HPB shall be required. An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval if the approved construction, rehabilitation, restoration, renovation, addition, demolition, or relocation has not physically commenced on the property within such time period. Upon the request of the property owner, staff may administratively extend the approval for an additional year. Thereafter, upon request by the property owner one additional one-year extension may granted by the HPB upon good cause.

(e) Applications for certificates of review (for both residential and non-residential buildings) shall include comprehensive and specific details on all proposed exterior materials and architectural elements of the project. This includes, but is not limited to, roofing type, material, color, style, pitch, and features such as dormers, skylights, chimneys, or mechanical equipment screening; exterior façade details including materials, finishes, textures, colors; window specifications including type, material, size, shape, glazing, muntin and mullion details, trim, surrounds, and colors; and all exterior doors including entry, garage, and service doors, with details

on materials, finishes, and fenestration patterns. Site elements for non-residential projects such as fences, walls, gates, driveways, walkways, screening elements, and the location and treatment of mechanical and utility equipment. All material specifications, color swatches, and architectural renderings shall be included to support a full and informed review. Applications lacking sufficient specificity may be deemed incomplete.

(f) Minor exterior alterations that are consistent with the current architectural style of the structure such as window and door replacements, façade treatments, and roof replacements are exempt from the certificate of review process and are solely subject to the building permit review process.

(g) In order for HPB to make a determination on demolition on portions of a structure, a due diligence assessment must be completed and submitted as part of the certificate of review application materials to clearly indicate any demolition, exterior alteration, rehabilitation, restoration, renovation, or addition areas. A due diligence assessment is a comprehensive evaluation of the structure's architectural integrity, and structural condition to ensure informed decision-making regarding proposed changes. Any portion of a historic home proposed for demolition, exterior alteration, rehabilitation, restoration, renovation, or addition must be explicitly identified in the application and visually marked on architectural plans. These areas shall be reviewed by the HPB, which must provide approval before any demolition activities commence. The HPB may require additional justification or modifications to ensure the integrity and character of the historic home are preserved to the maximum extent feasible. Certificate of review applications that do not satisfy the due diligence requirements or fail to clearly indicate any demolition, exterior alteration, rehabilitation, restoration, renovation, or addition areas will be deemed incomplete and will not proceed to review by the HPB until such areas are clearly identified.

Sec. 58-479. - Guidelines for demolition/significant changes of designated properties or properties within historic districts.

In addition to all other provisions of this article, in determining whether to approve or deny an application involving more than minor exterior changes to the exterior façade(s) or the demolition of designated structures on properties or properties located within designated historic districts, the HPB shall consider the following criteria:

- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.

(4) The structure contributes to the historic character and scale of a designated historic district.

(5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

(6) There are definite plans for reuse of the property presented to the HPB for approval, if the proposed demolition is carried out, and such plans shall be for an authentic re-creation of architectural styling prevalent during the era of the predominant development of the district and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

Noncontributing elements (see section 58-481 (9)) are exempt from the provisions of subsections (1) through (5) above.

Sec. 58-481. - Procedure for demolition of buildings and structures on properties designated on the Winter Park Register of Historic Places, or located within designated historic districts or as identified in the Florida Master Site File or the historic survey.

(9) *Noncontributing structures.* Owners of noncontributing structures within any historic district shall not be required to show economic hardship in applying for a certificate of approval for demolition for such structures. However, the new construction proposed as a replacement must conform to the adopted design guideline standards of the historic district when such design standards have been adopted and if no design standards have been adopted, then the replacement shall be an authentic re-creation of an architectural style that reflects a prevalent architectural style of the era of development of the district.

Sec. 58-482. - Reconstruction of destroyed historic landmarks.

The loss of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. The HPB shall encourage reconstruction when deemed appropriate and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the demolished building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places. This section shall only apply as indicated above to circumstances where an individually designated historic landmark structure or a contributing historic structure within a local or national register historic district has been damaged or destroyed by fire, tornado or other natural disaster.

Sec. 58-500. - Violations.

(a) Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a certificate of review approved by the HPB. This civil remedy shall be in addition to and not in lieu of any other code enforcement remedy or penalty afforded by law to the city criminal prosecution and civil penalty otherwise provided in this Code.

~~(b) Any person who carries out or causes to be carried out any work in violation of this article that causes irreparable or irreversible damage to a designated historic resource, or to any contributing or noncontributing resource within a designated historic district a fine not to exceed three times the amount per violation provided for in section 2-107 in this Code. Any person who violates this article is subject to code enforcement fines and lien as may be imposed by the Code Compliance Board. Without limiting the foregoing, the Code Compliance Board has the authority to order the restoration of any unauthorized removal or significant alteration to the exterior of a structure, or demolition in part or in whole, to a designated historic structure, or to any contributing or noncontributing structure within a designated local or national register historic district to exactly the same condition and exterior materials as existed prior to the alteration or demolition and impose a fine for each day until such is achieved. After finality on any timely filed, allowable appeal of the HPB's decision, the Code Compliance Board has the authority to enforce the HPB's decision under subsection (c) and impose a fine for each day until compliance is achieved.~~

(c) In violation cases where there exists a certificate of review approval by the HPB for said property or structure and no such specific HPB approval has been granted for such unauthorized significant alterations to the exterior or demolitions, the HPB, after conducting a noticed public hearing and giving the applicant an opportunity to be heard, may (i) revoke the certificate of approval and any variances previously granted by the HPB and require full reconstruction of the pre-existing structure, which may include an authentic replica with authentic exterior materials; (ii) amend the certificate of approval and revoke some or all variances previously granted by the HPB; or (iii) impose further conditions on an amended certificate of approval and variances, which may include requiring the applicant to make a monetary contribution for historic preservation purposes that shall not exceed an amount equal to thirty (30) percent of the value of the affected building according to the most recent tax roll of the Orange County Property Appraiser. Any decision rendered by the HPB may be appealed subject to the provisions in Section 58-477.

SECTION IV: CONFLICTS. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held

to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VI: CODIFICATION. Sections III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2025.

City of Winter Park

Sheila DeCiccio, Mayor

Attest: _____
Rene Cranis, City Clerk

**item type**

Public Hearings: Quasi-Judicial Matters

meeting date

May 14, 2025

prepared by

Victoria Tabor, Administrative Coordinator II

approved by

Rene Cranis, City Clerk

subject

Ordinance Amending Boating Regulations

motion | recommendation

Staff recommendation is for approval.

background

This ordinance amends regulations on boating and water safety. It introduces definitions, penalties, and boating-restricted areas to enhance safety and environmental protection. Key points include:

- Boating-Restricted Areas: Designated zones like idle speed, no wake zones, and vessel-exclusion zones to reduce congestion and promote safety.
- Operational Restrictions: Speed limits and equipment requirements in designated zones.
- Emergency Management: Establishing no wake zones following a major storm or flooding event.

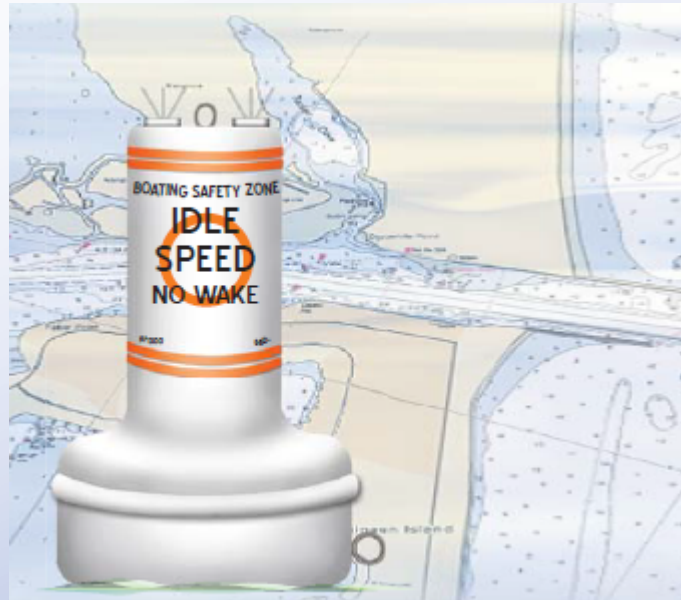
The ordinance aims to ensure safety, protect the environment, and promote responsible use of public waterways.

alternatives | other considerations**fiscal impact****attachments**

1. Establishing Boating Restrictions- 2025 Update
2. Boating Ordinance - Winter Park May 2025
3. Winter Park Chain Regulatory Zones (figure1)

4. Winter Park Killarney No Wake Zones (figure2)

Establishing Boating Restriction Zones

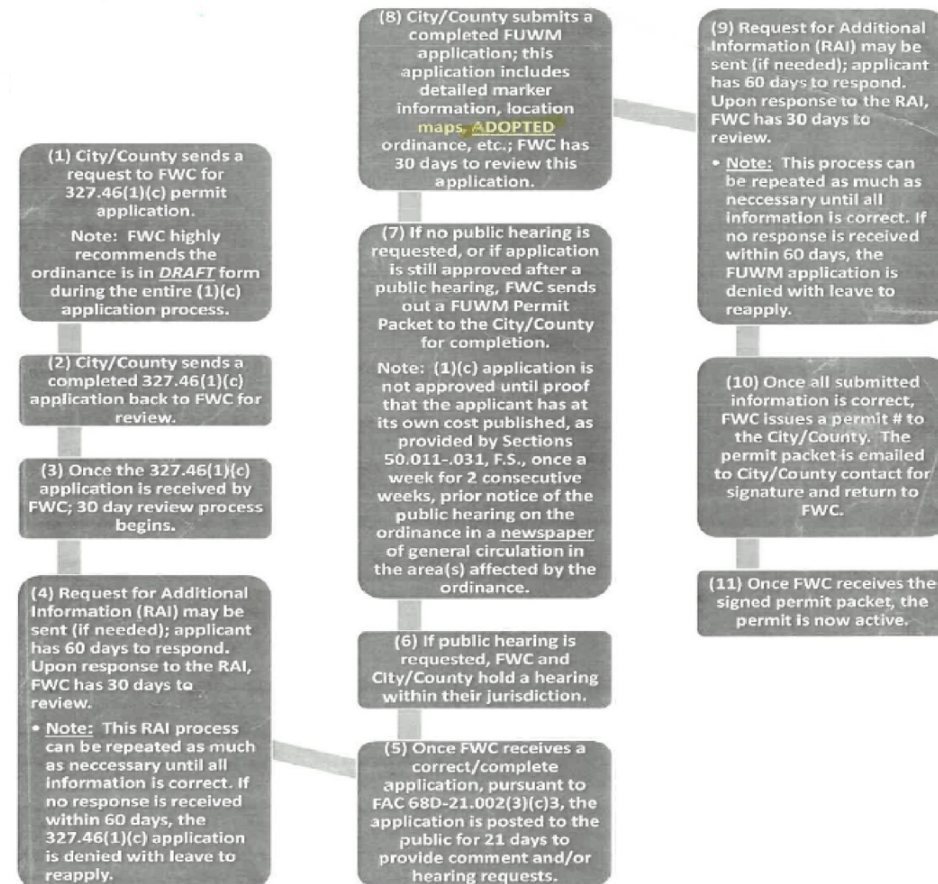


Florida Uniform Waterway Marker (FUWM) Process

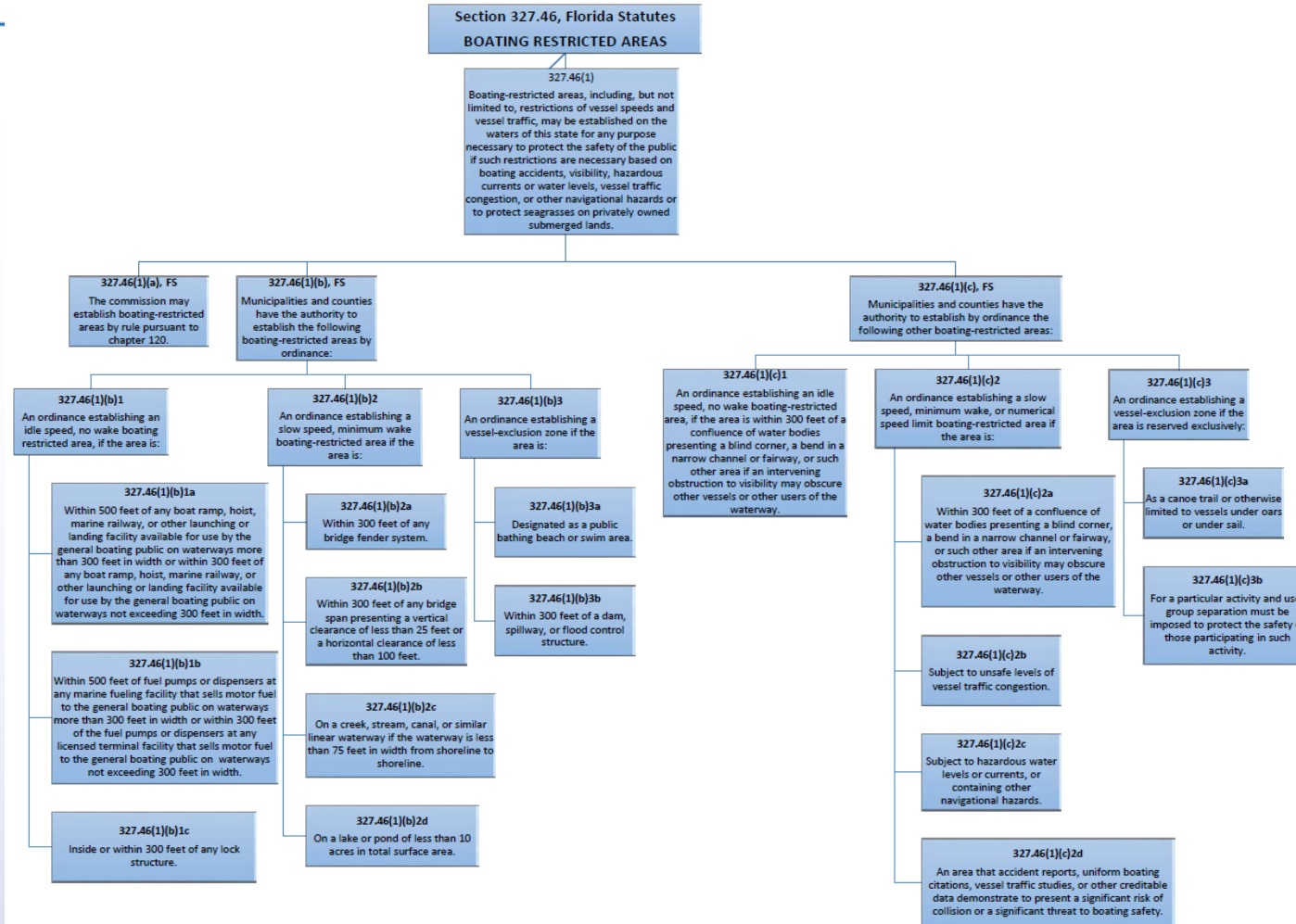


- Florida Uniform Waterway Marker (FUWM) Permit
- Florida Fish and Wildlife Conservation Commission (FWC) Coordination
- Adopted City Ordinance
- Public Hearings

F.A.C. 327.46(1)(c) Application Process:



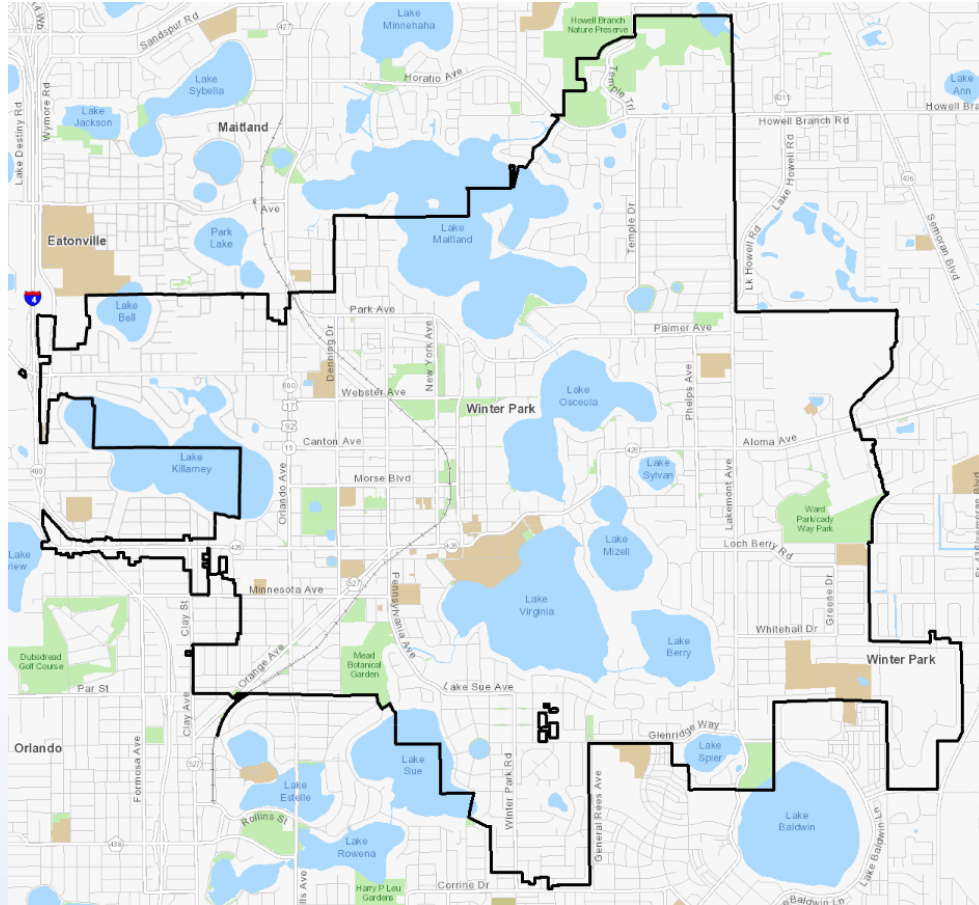
FWC Process



Proposed Zones

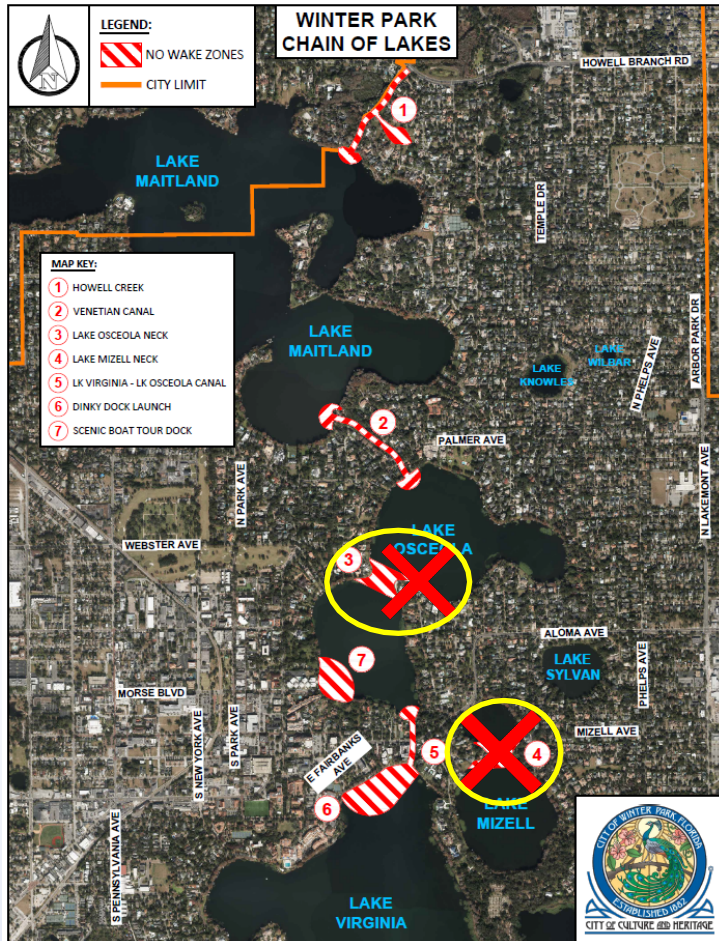


327.46(1)(b)2d
On a lake or pond of less than 10
acres in total surface area.



- **10 acres or less:** ~~Orlton, Compton, Forest Grace, Knowels, Mendsen, Midlet, Rose, Temple, Tuscany, Winbar~~
- **Chain of Lakes:** Maitland, Osceola, Mizell, Virginia
- **Informational buoys- 150 ft from shoreline:** Baldwin, Bell, Berry, Killarney, Sylvan, Spier, Sue, Sylvan
- **Howell Creek**

Proposed Zones



- **Chain of Lakes:** Maitland, Osceola, Mizell, Virginia
- Lakes & Waterway Board Previously Approved Zones

Zones: 6, 7

327.46(1)(b)1a
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.

327.46(1)(b)1b
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.

Zones: 1, 2, 5

327.46(1)(b)2c
On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.

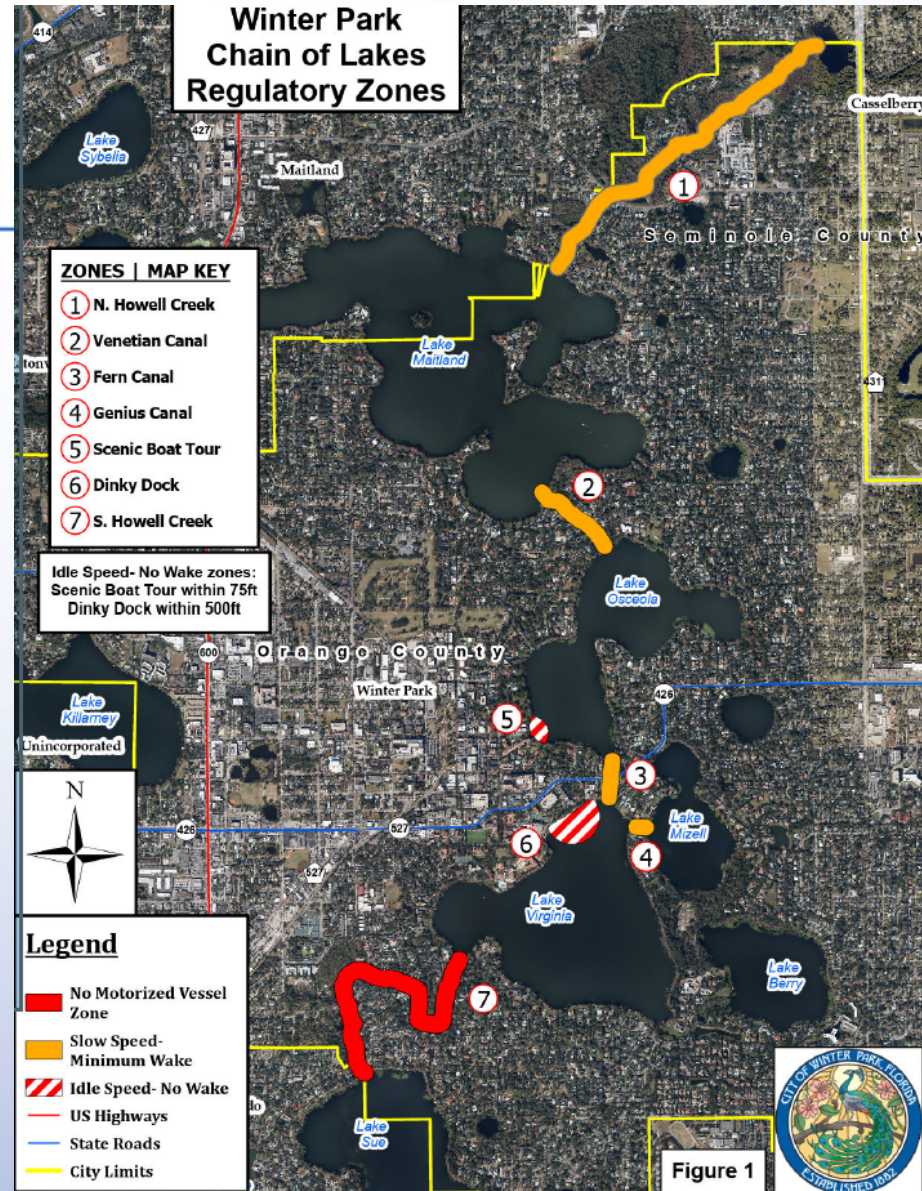
Zones: 1

327.46(1)(b)2d
On a lake or pond of less than 10 acres in total surface area.

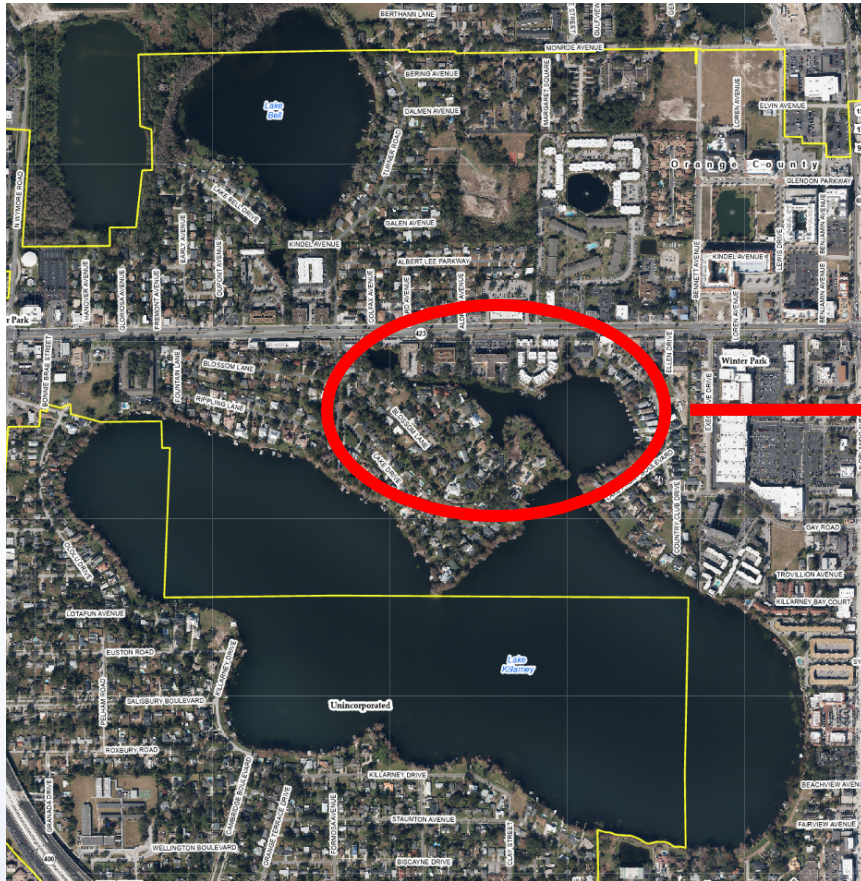
Zones: 3, 4

327.46(1)(b)2b
Subject to the levels of vessel traffic congestion.

Proposed Zones



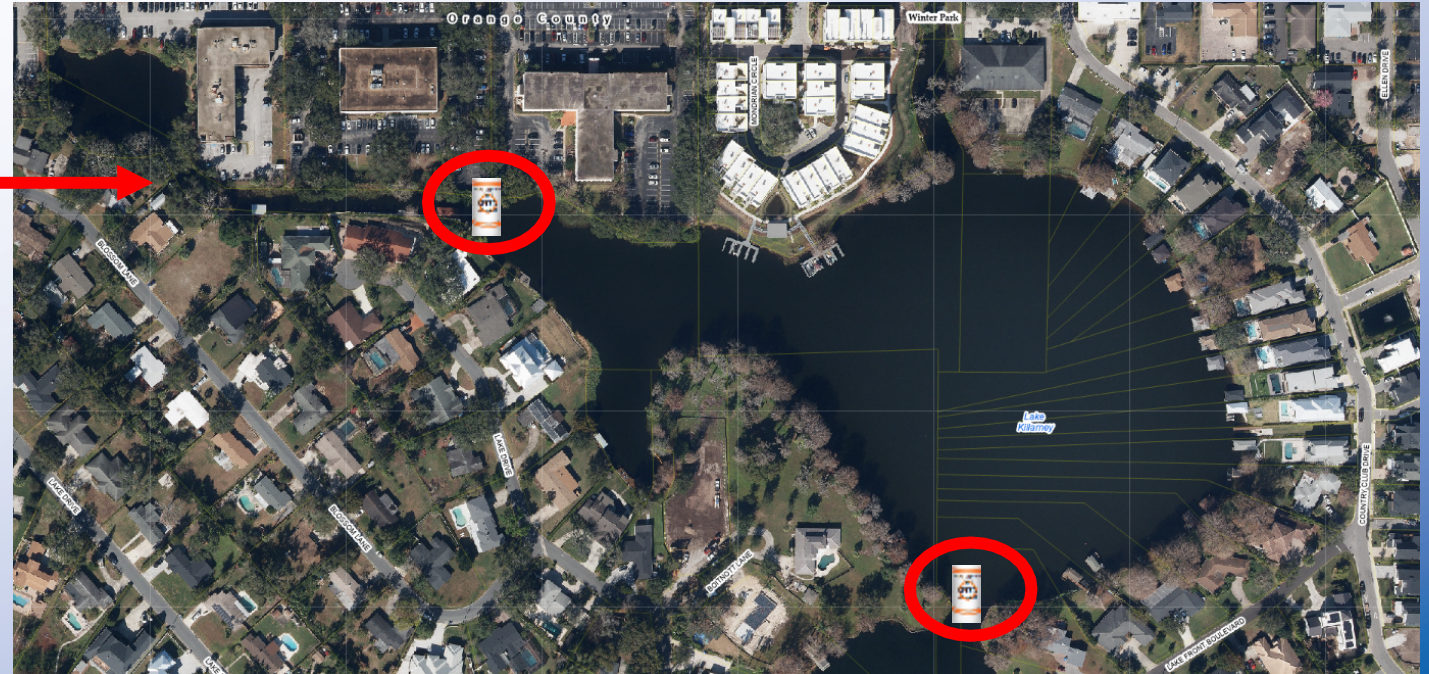
Proposed Zones



- Lake Killarney

327.46(1)(b)2c

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

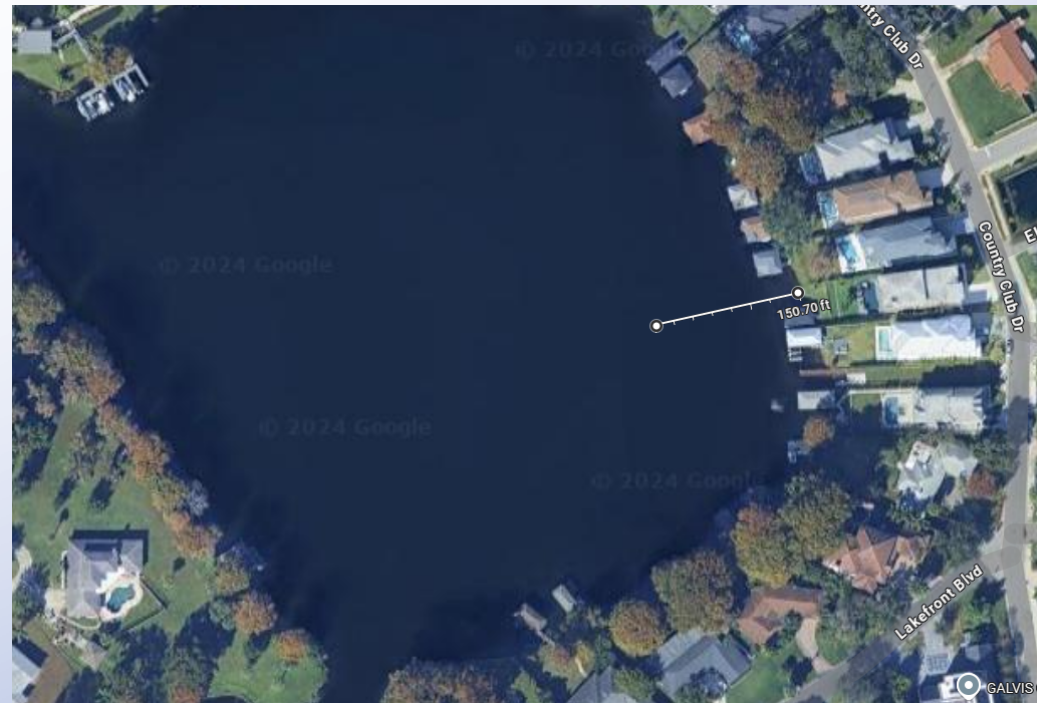


Proposed Zones

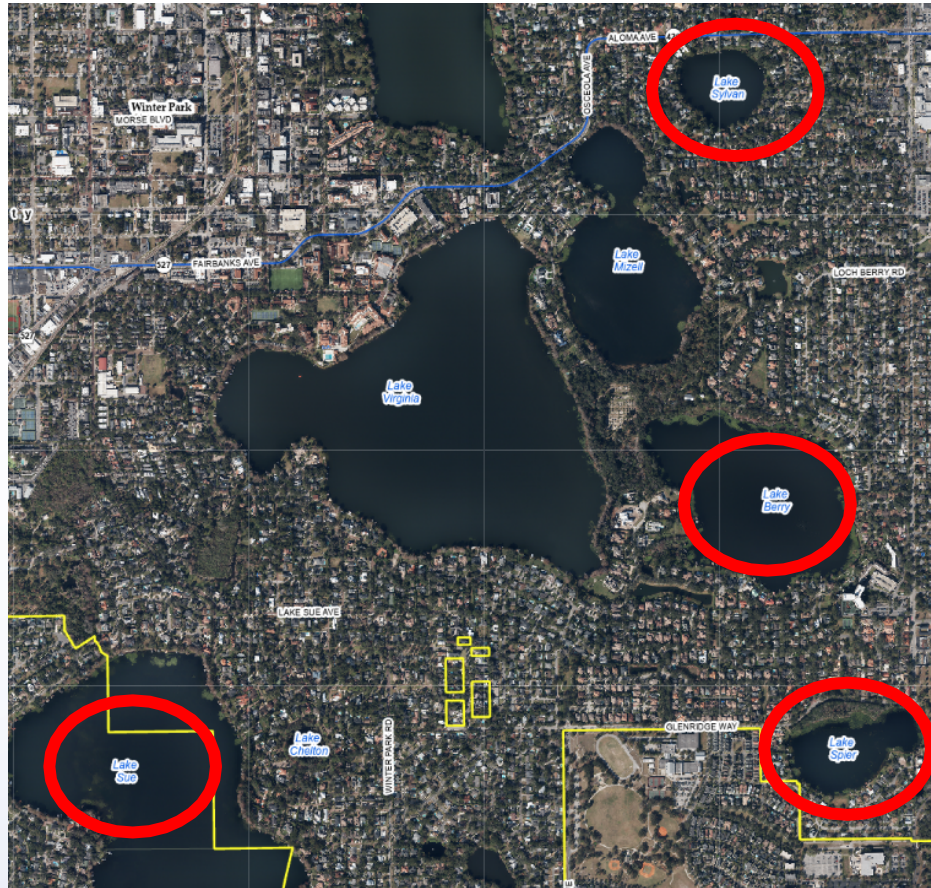


- 150 ft from Shoreline- Idle Speed/No Wake

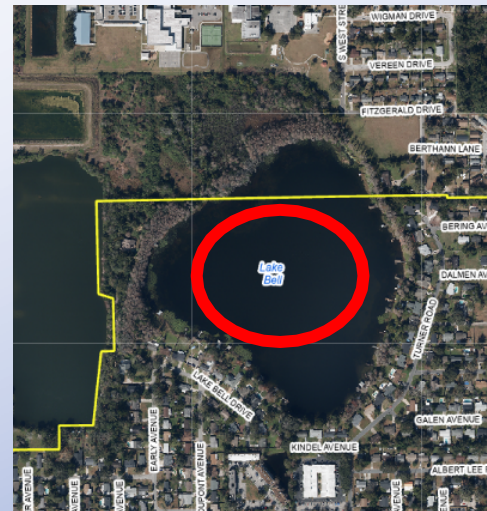
327.46(1)(c)2b
Subject to unsafe levels of
vessel traffic congestion.



Proposed Zones



- **Informational buoys- 150 ft from shoreline:**
Baldwin, Bell, Berry, Killarney, Sylvan, Spier,
Sue, Sylvan





Establishing Lake Closures

Emergency Management Ordinance

City to issue and enforce emergency ordinances, declarations, and orders pertaining to emergency management establishment and enforcement of "No Wake" Zones in public access lakes is necessary to protect adjacent persons and property following a major storm or flooding event.

ORDINANCE NO. -25

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING SECTION 114-1 DEFINING TERMS RELATED TO
THE REGULATION OF CITY WATERWAYS; AMENDING
SECTION 114-2 ESTABLISHING PENALTIES FOR
NONCRIMINAL BOATING INFRACTIONS; AMENDING
CHAPTER 114, ARTICLE IV GOVERNING BOATING AND
WATER SAFETY; PROVIDING FOR SEVERABILITY,
CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the City has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, certain provisions of the City Code relating to boating and water safety require revision to better align with current Florida Statutes; and

WHEREAS, Section 327.46, Florida Statutes, authorizes the City to establish by ordinance certain boating-restricted areas for certain designated purposes; and

WHEREAS, the City finds that it is necessary to establish boating-restricted areas in waterways within the jurisdictional limits of the City of Winter Park; and

WHEREAS, the City finds that the establishment and enforcement of “No Wake” Zones in public access lakes is necessary to protect adjacent persons and property following a major storm or flooding event; and

WHEREAS, the City of Winter Park is responsible for managing and protecting public resources, including public boat ramps, for the benefit of its residents and visitors; and

WHEREAS, the City has determined that allowing commercial rental operations of motorized boats and personal watercraft at public boat ramps can cause safety issues, environmental harm, and congestion in public areas and that regulations to preserve public boat ramps for local use is in the public interest; and

WHEREAS, the City Commission of the City of Winter Park finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Park, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Section 114-1 of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means all rafts, skiffs, dredges, canoes, dinghies, dugouts, rowboats, sailboats, motorboats, personal watercraft and every other device used or capable of being used as a means of transportation on water. This term is synonymous with vessel as used in this chapter.

Boating-restricted area means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded. Such areas may consist of idle speed, no wake areas; slow speed, minimum wake areas; or vessel-exclusion zones, as appropriate, as authorized by F.S. § 327.46.

City boats means boats owned by residents of the city.

Clearance means the alteration of or removal of vegetation by the deposit of sand, dirt or other material or by uprooting and removal by mechanical or nonmechanical means or by chemical treatment.

Fill means the addition of materials, including but not limited to dirt, sand, gravel, stone, crushed stone, cement, cement rubble, mulch, wood or railroad ties, which results in changes to the topography or vegetation that exists on the shoreline and waterfront areas of waterfront properties.

Idle Speed, No Wake Zone means a boating-restricted area within which a vessel must proceed at a speed no greater than that necessary to maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

Motorboat means any boat, including personal watercraft, powered by an internal combustion engine, whether inboard, outboard, or otherwise.

No city boats means boats owned by nonresidents of the city.

No Wake Zone is synonymous with an Idle Speed, No Wake Zone as defined in this section.

Operate means to be in charge of, in command of, or in actual physical control of a vessel upon the waters of the state.

Operator means any person in charge of or having immediate control over a boat, whether such person is the owner, a permittee or an unauthorized user.

Ordinary High Water Mark means the highest reach of a navigable, nontidal water body as it usually exists when in its ordinary condition and is not the highest reach of such water body during the high water season or in times of freshets.

Owner means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person which is reserved or created by agreement and securing payment of performance of an obligation. The term does not include a lessee under a lease not intended as security.

Personal watercraft means a class A inboard vessel, as defined by the United States Coast Guard, which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion and which is designed to be operated by a person sitting, standing or kneeling on the product, rather than in the conventional manner of boat operation.

Retaining wall means the same as seawall.

Revegetation means the planting and establishment of terrestrial and aquatic grasses and plants, both emergent and nonemergent, associated with waterfront and shoreline environments.

Revetment means any sloped structure with a horizontal to vertical slope of 2:1 or greater that is constructed of rock, other aggregate material or geotextile fabric that is intended to protect the shoreline against erosion or water action.

Seawall means any structure involving stone, brick, concrete, metal or wood intended to stabilize the shoreline as protection against erosion or water action.

Slow Speed, Minimum Wake Zone means a boating-restricted area within which a vessel must be fully off-plane and completely settled into the water. Vessels within such areas must proceed at a speed which is reasonable and prudent under the prevailing circumstances to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or persons using the waterway.

Shoreline means the land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured ten feet landward of such normal high-water elevation. (Reference normal high-water elevations for the major lakes in the zoning ordinance.)

Vessel is synonymous with boat as used in this chapter and as referenced in section 1(b), Article VII of the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

Vessel-Exclusion Zone means an area from which all vessels or certain classes of vessels are excluded.

Wake means any waves created by a vessel's movement through the water.

Waterfront means the water area or occasional land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured 30 feet out seaward of the normal high-water elevation.

Waters of the state means any navigable waters of the United States within the territorial limits of the State of Florida, including all inland lakes, rivers, and canals under the jurisdiction of the State of Florida.

Waterway means any waters, lakes, canals, streams, lagoons, or connecting waters, whether natural or manmade, partially or wholly within the boundaries of the City of Winter Park.

Winter Park Chain of Lakes means Lake Maitland, Lake Mizell, Lake Osceola, and Lake Virginia.

SECTION 3. City Code Amendment. Section 114-1 of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 114-2. Penalty.

- (a) Violations of the following provisions of this chapter are noncriminal infractions:
- (1) Section 114-58(e), relating to display of an appropriate valid user fee receipt;
 - (2) Section 114-60, relating to protective guards;
 - (3) Section 114-61, relating to audible warning devices;
 - ~~(4) Section 114-62, relating to age of operator of motorboat or personal watercraft;~~
 - ~~(5) Section 114-65, relating to prohibition of motor boats on certain lakes;~~
 - ~~(4)(6)~~ Section 114-69, relating to navigation hazards;
 - ~~(5)(7)~~ Section 114-70, relating to lighting of temporary obstructions;
 - ~~(6)(8)~~ Section 114-72, relating to boats adrift;
 - ~~(7)(9)~~ Section 114-74(a)(1), (2), (3), (4), (5), (6), and (7) ~~and (9)~~, section 114-74(b), section 114-74(c), and section 114-74(d), relating to water sports;
 - ~~(8)(10)~~ Section 114-77, relating to display of house numbers.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50.00, plus applicable administrative fees and applicable court costs.

- (b) Nonreckless violations of the following provisions of Chapter 114 of this Code are noncriminal infractions, provided they do not cause a boating accident:
- (1) Section 114-66, relating to passing of boats;
 - (2) Section 114-67, relating to speed of boats;
 - (3) Section 114-68, relating to operation of boats.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before

the county court. The civil penalty for any such infraction is \$50.00, plus applicable administrative fees and applicable court costs.

- (c) Any person violating any provision of this chapter not listed in section 114-2(a) or (b) above shall be punished as provided in section 1-7 and may have his boat user fee receipt revoked for a period not exceeding one year, either or both.

SECTION 4. City Code Amendment. Chapter 114, Article IV of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 114-56. Reciprocity with City of Maitland.

At such time as the City of Maitland shall adopt and have in effect an ordinance with sufficient similarity to this chapter relating to boats and containing a like reciprocity section, all motorboats and personal watercraft for which the user fee has been duly and properly paid to the City of Maitland for the use of the chain of lakes (including Lake Nina, Lake Minnehaha, Lake Maitland, Lake Mizell, Lake Osceola, and Lake Virginia) shall be permitted to be operated upon any waterway within the corporate limits of the City of Winter Park without the payment of any further user fee to the City of Winter Park or requirement for securing any user fee from the City of Winter Park.

Sec. 114-57. Applicability of federal and state laws.

All ~~vessels~~boats operating on or about the waterways of the city shall be subject to federal and state laws and regulations relating thereto, the provisions of this chapter being supplementary to such laws and regulations.

Sec. 114-58. User fees.

- (a) *Required.* Every owner of a motorboat having an inboard or outboard motor, including personal watercraft, operating upon the Winter Park Chain of Lakes~~any waterway~~, either partially or wholly within the corporate limits of the city, shall be required to pay the city a user fee to offset the cost of patrolling and maintaining such waterways. ~~However, owners of boats on Lake Killarney shall not be required to pay such fee for use of their boat on Lake Killarney.~~
- (b) *Prerequisites.* In order to use a ~~motorboat~~boat, including personal watercraft, on the Winter Park Chain of Lakes~~city waterways~~, the owner shall give the make, model, horsepower, length of ~~vessel~~boat and state registration number and certify that such boat has all equipment required by the state and the city by obtaining a boat permit from the city. ~~Owners of boats carrying more than four persons for hire shall also present satisfactory evidence that the boat has been safety inspected and found to be safe either by the Coast Guard or the police department.~~
- (c) *Collection agents.* The city commission may, from time to time, designate an agent to collect user fees and dispense receipts and may provide for a service fee to be paid by the city to the collection agent for user fees collected.

- (d) *Transfer of receipt.* Sale or transfer of ownership of a motorboat to which is attached a receipt showing payment of the user fee shall not invalidate the receipt, provided the police department or ~~lakes division~~~~finance department~~ is notified within ten days of such change in ownership. The intent of the city commission is that a user fee be paid and receipts issued for each motorboat utilizing the Winter Park Chain of Lakes~~city waterways~~, regardless of ownership or transfer of ownership. Receipts, however, are not transferable from one ~~vessel~~~~boat~~ to another.
- (e) *Display of receipt.* The owner shall at all times display an appropriate valid user fee receipt in the form of the city-issued motorboat registration decals, or the operator shall have in his or her possession a valid electronic daily user fee receipt. Motorboat decals must be affixed on both sides of the bow (front) of the vessel, above the waterline, and within six inches of the state registration number~~on the boat, or the operator shall have in his possession a valid daily user fee receipt.~~

Sec. 114-59. User fee schedule; receipts; application of revenues.

- (a) *Receipts.* Upon payment of the annual user fee required by this article, two motorboat decal receipts shall be issued to the payer of the user fee. Those decal receipts shall be affixed, one on each side of the bow, within six inches fore or aft of the state registration numbers. User fee decals issued shall be triangular in shape, with a square used for the following year and a circle for the next following year. These shapes shall be repeated in the same sequence during each succeeding three-year period. Upon payment of the daily user fee required by this article, a receipt in the form established by the city manager or his designee shall be issued to the payer of the user fee.
- (b) *User fee schedule.* A daily user fee of \$6.00 shall be paid prior to the operation of any motorboat, including personal watercraft. In lieu of the daily user fee, an annual user fee may be paid based upon the dollar amount and unit as set forth in this subsection. The unit shall be calculated by adding the length of the ~~vessel~~~~boat~~ in feet, rounded to the next higher whole foot, together with the manufacturer's advertised maximum horsepower of the engine, at maximum RPM, rounded to the next higher whole horsepower. The total of these two numbers is the number of units assigned to each motorboat and will be the basis for calculating ~~vessel~~~~boat~~ user fees. Length shall mean the measurement from end to end over the deck parallel to the centerline, excluding sheer. The user fee shall be imposed by applying the unit for each ~~vessel~~~~boat~~ times the user's fee factor set forth as follows:

	Noncommercial Annual	Commercial Annual
Motorboat owned by city resident	\$0.50	\$1.00
Motorboat owned by non-city resident	0.75	1.50

Annual user fees paid between January 1 and June 30 shall be one-half of this amount.

-
- (c) *Dealers.* Recognized watercraft dealers ~~in boats~~ may obtain annual user fees receipts decals to be attached to vessels~~boats~~ for the sole purpose of boat demonstrations without supplying identification data for individual vessels~~boats~~ as required by section 114-58.
- (d) *Application of revenues.* All revenues received by the city from payments of daily and annual user fees shall be expended for the patrol, maintenance and improvement of lakes, rivers or waters and for other boating-related activities in the city.

Sec. 114-60. Protective guards.

Where conditions or the size of any vessel~~boat~~ is such that undue contact may be made with the canal retaining walls, such vessel~~boat~~ shall not enter the canals unless it is equipped with adequate protective guards or bumpers to prevent damage to the walls.

Sec. 114-61. Audible warning devices.

All motorboats~~power boats~~ operating on the city chain of lakes shall carry a whistle or horn audible up to 300 feet.

Sec. 114-62. Reserved. ~~Licensing of certain minors.~~

- ~~(a) No person under 18 years of age shall operate a motorboat without first obtaining an operator's license. In order to obtain such a license, a person under 18 years of age shall submit to the police department a license application joined in by a parent or guardian of the minor wherein the parent or guardian accepts all responsibility for any damage or injury to persons or property caused by the minor while operating a motorboat and certifies that the minor can swim at least 100 feet. A motorboat operator's license shall be issued only after the applicant has:~~
- ~~(1) Successfully completed the auxiliary power squadron instruction course or the police department administered junior boatman's safety course;~~
 - ~~(2) Passed an examination on the provisions of this chapter and the contents of the city-prepared manual on the operation of boats; and~~
 - ~~(3) Passed a practical test in the operation of a motorboat.~~
- ~~(b) No person under 14 years of age shall operate a motorboat powered by over ten horsepower unless licensed as provided in subsection (a) of this section and accompanied when operating such boat by an adult fully qualified to operate such boat.~~
- ~~(c) No person under 14 years of age shall operate a personal watercraft. A person between 14 and 18 years of age may operate a personal watercraft only after obtaining the motorboat operator's license and successfully completing and passing a further test demonstrating proficiency in the operation and use of a personal watercraft. Upon successful completion of this test, the motorboat operator's license shall be amended to authorize the operation of a personal watercraft.~~

Sec. 114-63. Reserved. Permitting unauthorized minor to operate motorboat.

No person shall cause or knowingly permit a child or ward under the age of 18 years to operate a motorboat when such minor is not authorized by the provisions of this chapter.

Sec. 114-64. Reserved. Suspension or revocation of license.

- ~~(a) If any person is found to have committed four or more violations of this chapter, or the rules and regulations promulgated thereunder, the police department may suspend such person's motorboat operator's license for a period of not more than one year. Upon such suspension the licensee must surrender to the police department the license so suspended.~~
- ~~(b) The police department shall revoke the motorboat operator's license of any person who:~~
- ~~(1) Operates any motorboat when such license or privilege is cancelled or suspended; or~~
 - ~~(2) Is found to have violated the provisions of F.S. § 327.351;~~
- ~~and such person shall not be eligible to be relicensed for a period of three years from the date of revocation. Upon such revocation the licensee must surrender to the police department the license so revoked.~~
- ~~(c) When any person's license has been suspended or revoked pursuant to the provisions of this section, the police department shall not grant a new license nor shall the person's motor boating privileges be restored, except upon the reexamination of the licensee after the expiration of the period of suspension or revocation so prescribed.~~

Sec. 114-65. Boating-Restricted Areas Established. Motorboats prohibited on certain lakes.

- (a) *Idle Speed, No Wake Zones.* It shall be unlawful to operate any vessel at a speed that creates a wake within the zones referenced below which are under the jurisdiction of the City of Winter Park. The following describe locations of designated Idle Speed, No Wake Zones as depicted within Figure 1:
- (1) Scenic Boat Tour Dock (Zone 5) shall establish an Idle Speed, No Wake Zone in accordance with F.S. § 327.46(1)(b)1.b., extending between points: (-081° 20' 47.43814797", +28° 35' 55.40448182"), (-081° 20' 45.37020814", +28° 35' 53.98863739"), and (-081° 20' 45.13312369", +28° 35' 51.54068808").
 - (2) An area of the Dinky Dock Launch (Zone 6) shall establish an Idle Speed, No Wake Zone in accordance with F.S. § 327.46(1)(b)1.a., extending between points: (-081° 20' 48.30477240", +28° 35' 52.53431209") [Center- this is the same], (-081° 20' 47.72370565", +28° 35' 51.99728387"), (-081° 20' 47.56500330", +28° 35' 52.88807294"), and (-081° 20' 48.48526741", +28° 35' 53.25960189")
- (b) *Slow Speed, Minimum Wake Zones.* It shall be unlawful to operate a vessel at a speed that creates more than minimum wake within the zones referenced below which are under the jurisdiction of the City of Winter Park. The following describe locations of designated Slow Speed, Minimum Wake Zones as depicted within Figures 1 and 2.

-
- (1) An area of Howell Creek (Zone 1) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 43.37371271", +28° 37' 15.92694540") and (-081° 19' 50.77642212", +28° 37' 55.84371001")
- (2) An area of Venetian Canal (Zone 2) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 33.09259038", +28° 36' 25.41282467"), and (-081° 20' 46.77247495", +28° 36' 35.54831552").
- (3) An area of Fern Canal (Zone 3) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 32.55902308", +28° 35' 40.70096068"), (-081° 20' 32.18567183", +28° 35' 48.26813223").
- (4) An area of Genius Canal (Zone 4) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 27.39129855", +28° 35' 35.68314178"), (-081° 20' 24.84072506", +28° 35' 35.83437626").
- (5) Lake Killarney (Zone 8) shall establish two Slow Speed, Minimum Wake Zones in accordance with F.S. § 327.46(1)(b)2.c., as follows:
- a. Killarney Canal – extending between points: (-081° 22' 27.55144171", +28° 36' 16.98306661") and (-081° 22' 35.63793972", +28° 36' 19.40739612"); and
- b. North Lobe Entrance – extending between points: (-081° 22' 27.55144171", +28° 36' 16.98306661"), (-081° 22' 34.25256464", +28° 36' 18.63421618").
- (c) Vessel-Exclusion Zones. It shall be unlawful to operate any motorboat within areas designated as Vessel-Exclusion Zones referenced below which are under the jurisdiction of the City of Winter Park. The following describe locations of designated Vessel-Exclusion Zones as depicted within Figure 1:
- (1) An area of Howell Creek connected to Lake Sue (Zone 7) shall establish a Vessel-Exclusion Zone in accordance with F.S. § 327.46(1)(c)3., extending between points: (-081° 21' 22.14416977", +28° 34' 51.46684615") and (-081° 21' 02.98130440", +28° 35' 11.78420842").
- (d) Temporary Emergency No Wake Zone. The City Manager shall have the authority to issue a temporary, emergency no wake order to any lake within the jurisdiction of the City of Winter Park during any declared state of emergency issued by the Governor or any declared state of local emergency issued by the Mayor under Chapter 38 of the City Code.
- (e) Information signs. Informational signs or buoys may be implemented 150 feet from the Ordinary High Water Mark to reduce the potential for vessel operation that poses a risk to the public in the following lakes: Baldwin, Bell, Berry, Killarney, Maitland, Mizell, Osceola, Spier, Sue, Sylvan, Virginia.
- (f) Operational restrictions.
- (1) Vessels within a designated No Wake Zone must operate at idle speed, defined as the minimum speed necessary to maintain steerage.
- (2) Motorboats in canals shall be operated at idle speed so as not to create a wash or wave.

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- (3) No owner, operator, or person in command of any vessel shall operate or permit the operation of a vessel at a speed that causes a wake within a No Wake Zone.
- (4) Vessels operating in a zone posted as Slow Speed, Minimum Wake must operate fully off-plane and completely settled in the water.
- (5) Additional boating-restricted zones including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of the state within the jurisdictional limits of the City of Winter Park if such restrictions are necessary to protect the safety of the public due to boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.
- (g) Exemptions. The following vessels are exempt from the prohibitions contained in this section:
- (1) Vessels used solely for law enforcement, firefighting, or rescue.
- (2) Vessels used by any employee, officer, or authorized agent of local, state, or federal government for ensuring compliance with local, state, or federal law or for performing other official duties.
- (3) Vessels operating under emergency conditions during an emergency.
- (h) Penalties. The provisions of this ordinance shall be enforced by the issuance of a uniform boating citation by any law enforcement officer as defined in F.S. § 943.10, in accordance with the procedures set forth in F.S. §§ 327.73 and 327.74.
- ~~(a) No motorboats, other than those authorized by the city, shall be allowed in Lakes Baldwin, Chelton, Compton, Forest, Grace, Knowles, Mendsen, Midget, RoseMendsen, Temple, Tuscany, and Grace, Francis, Sylvan, Knowles, Wilbar and Baldwin except that fishing boats or sailboats with internal combustion engines may be launched at the Fleet Peoples Park boat ramp on Lake Baldwin, as long as the internal combustion engines are not used.~~

Sec. 114-66. Passing of boats.

- (a) *Boats under power.* For boats under power, an overtaking boat shall pass leaving the privileged boat on the starboard hand. Boats approaching each other from opposite directions on parallel or nearly parallel courses shall pass port to port. When boats are approaching on a collision course, the one which has the other on port hand shall maintain course at a safe speed. Boats proceeding in the same direction shall not pass in the canals.
- (b) *Nonpowered boats and motorboats.* Canoes, rowboats, kayaks, paddle boards, and sailboats shall have the right-of-way when approached, passed or overtaken by motorboats or boats under power.
- (c) *Boats in or entering canals.* Whenever boats must pass within a canal in a constricted area, the boat nearest a passing area shall return to that area to effect the passing. All boats intending entrance to a canal shall yield the right-of-way to boats making an exit. If there is a passing area closer than the exit, the boat in the canal shall return or remain in that area to effect the passing.

Sec. 114-67. Speed of boats.

It shall be unlawful to operate any boat within the area between the shoreline and the safety zone buoys, except in an emergency or for docking and departure, except at idle speed. It shall be unlawful to operate any boat between the shoreline and the safety zone buoys at such speed as will cause a wake. In the canals, motorboats shall be operated at idle speed which will not create a wash or wave. Motorboats in the near proximity of boats not under power shall operate at a safe reduced speed which will not create a wash or wave which would endanger the occupants of boats not under power. Boats not under power shall include both nonpowered boats and motorboats not under power, including those which are anchored or being used for fishing. ~~The speed of boats shall not exceed 40 miles per hour during daylight hours, and 20 miles per hour between sunset and sunrise.~~

During any declared state of emergency issued by the Governor or any declared state of local emergency issued by the Mayor under Chapter 38 of the City Code, the City Manager shall have the authority to issue a temporary, emergency no wake order shall be in effect without further action by the city on any lake in which the water level is 1.1 feet or more above the ordinary high water elevation (OHW) as defined in the Winter Park Land Development Code. City law enforcement officers are authorized to enforce such emergency no wake orders pursuant to F.S. § 254.47. Such emergency no wake order must describe each lake to which it applies and may not extend in duration beyond the termination of the declared state of emergency or state of local emergency.

Sec. 114-68. Operation of boats generally.

- (a) Motorboats or boats under power shall keep at least 300 feet behind any boat towing a skier and shall stay clear of, by at least 100 feet, any boat moored, not under power,~~anchored~~ or used for fishing.
- (b) When a ski jump is in use, all other boats shall stay clear of the area 100 feet on either side and 500 feet ahead of and 500 feet behind the ski jump.
- (c) No person shall operate any boat recklessly or overload any boat, indulge in any motorboat race or make sudden turns at excessive speed, follow too closely to other boats or operate any boat in any way so that it may endanger other boats, life or property.
- (d) All boat operators shall sit within the confines of the boat and shall ensure~~insure~~ that their passengers do likewise. Bow riding and gunwale riding are prohibited.
- ~~(e) Care shall be taken by the operators of all motorboats to prevent damage from their wash or bow wave or from objects towed by such boats to beached or moored boats, docks, piers, shorelines and boathouses.~~

Sec. 114-69. Hazards to navigation.

Any person having knowledge of any hazardous object adrift or any underwater obstruction which would endanger the safe navigation of any vessel~~boat~~ shall report the location and nature of such hazard or obstruction to the police department as soon as possible.

Sec. 114-70. Temporary obstructions; time restrictions; emergency markers; authorization of "no wake zone" buoys.

- (a) *Temporary obstructions.* It shall be unlawful for any person to leave or permit any ~~vessel~~boat, barge dredge, temporary dock or pier or any other temporary obstruction to be left extending further than 20 feet from the shoreline or to anchor any float, buoy or other hazard more than 40 feet from the shoreline between the hours of sunset and sunrise, unless such boat, barge, dredge, buoy or other temporary obstruction is properly lighted to show its overall length, or prior approval is given by the city commission after a public hearing.
- (b) *Time restrictions.* It shall be unlawful for any person to leave or permit any lighted or approved temporary obstruction to be left in any city lake for more than 48 hours during any 30 day period unless prior approval is given by the city commission after a public hearing.
- (c) *Emergency markers.* Temporary floats or buoys denoting the location of potential hazards to navigation or lost valuables may be placed in a lake provided that the following conditions are met:
 - (1) The marker must be clearly visible to boaters;
 - (2) The city police department or the lakes division must be notified immediately as to the location and purpose of the emergency marker and the length of time it will be in the water;
 - (3) The marker must be removed immediately upon retrieval of the hazard or lost object or upon notification by the city.
- (d) *Authorization of "no wake zone" buoys.* Buoys maintained by the city for the purpose of denoting state approved no wake zones or other boating-restricted areas, including canals, publicly accessible fueling stations, public boat ramps, and designated swimming areas~~the 100-foot no wake zone around shorelines or other navigational features~~ are authorized by this section. The sizes and measurements of such buoys shall meet state approved standards.

Sec. 114-71. Disturbing boat or contents.

It shall be unlawful for any person to molest, tamper with or cast loose or set adrift any boat belonging to another or to disturb, destroy, steal, take or carry away any of the contents, fixtures or appurtenances of any boat belonging to another.

Sec. 114-72. Boats adrift.

Any person finding a boat adrift shall secure it at a safe moorage and report such finding to the police department or lakes division as soon as possible. Any recovered boat will be retained in storage for 30 days, after which time it becomes the property of the city if unclaimed.

Sec. 114-73. Damage to ~~channel markers~~, buoys, signs or signals.

It shall be unlawful for any person to remove, damage or destroy any ~~channel markers~~, buoys or, ~~speed limit signs or directional signals~~ maintained by the city in or about any of the

waterways within the corporate city limits. Any person injuring or damaging any ~~channel markers~~, buoys, signs, bulkheads, docks or boathouses or involved in any collision or upset with any other craft shall report such incident to city police department as soon as possible.

Sec. 114-74. Water sports.

- (a) *Water skiing, aquaplaning, etc.* All water sports such as water skiing, surfboarding, aquaplaning, sledding, tubing and operation of a personal watercraft shall be subject to the following:
- (1) The sports are expressly prohibited from one-half hour after sunset to one-half hour before sunrise. However, an agent or employee of a fire or emergency rescue service may operate a personal watercraft at any hour during the performance of his or her official duties.
 - (2) No person shall ski, surfboard, aquaplane, sled, or tube ~~or operate a personal watercraft~~ in the canals or under the bridges.
 - ~~(3) Skiers, personal watercraft, surfboarders, aquaplaners, sledders or tubers, where practicable, shall take turns in a counterclockwise direction.~~
 - ~~(4) No person shall ski, surfboard, aquaplane, sled, tube or operate a personal watercraft nor shall any boat towing such skier, surfboarder, aquaplaner, sledder or tuber come between safety buoys and the shoreline except when making a direct taking off or landing.~~
 - ~~(3)(5)~~ Water skiers, surfboarders, aquaplaners, sledders, tubers or operators of personal watercraft are prohibited from using buoys as slalom markers.
 - ~~(4)(6)~~ All water skiers, surfboarders, aquaplaners, sledders, tubers and operators and riders of personal watercraft must be equipped with and wear a United States Coast Guard approved personal flotation device in conformance with current United States Coast Guard safety requirements, except when engaged in police-sanctioned races, contests or regattas. A special permit may be issued by the police department allowing persons preparing to participate in an official regatta, race, tournament or exhibition to practice trick water skiing without personal flotation devices. Any such person desiring to practice trick water skiing without a personal flotation device shall submit a letter of application to the police department, detailing the particular type of trick water skiing, the official event for which practice is intended and approved by the coach or trainer of the applicant. Every skier shall have his special permit in his immediate possession or in the towing boat at all times when skiing without a personal flotation device and shall display the permit upon demand. The special permit shall be valid only for trick water skiing in Lake Virginia and Lake Mizell.
 - ~~(7) All boats and personal watercraft towing water skiers, surfboarders, aquaplaners, sledders or tubers shall have two persons in the boat or personal watercraft, one facing aft and the other facing forward.~~

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- (5)(8) No person shall manipulate any water ski, surfboard, aquaplane, sled, tube or similar device from a boat while under the influence of alcohol or any controlled or chemical substance to the extent that his normal faculties are impaired.
- (6)(9) No personal watercraft shall be utilized to tow any person on water skis, an aquaplane, innertube, a sled or similar device unless the personal watercraft is designed by the manufacturer to carry three or more persons.
- (7)(10) No person may place permanent slalom course buoys or other similar markers in any lake or waterway within the corporate city limits unless authorization is granted by the City Commission and is permitted by the respective regulatory agency. Temporary placement of buoys is regulated under section 114-70 of the Code of Ordinances.
- (b) *Swimming and diving.* It shall be unlawful for any person to swim further from the shore than 100 feet unless accompanied by a boat. No person shall scuba dive or skin dive unless accompanied by a boat identified by a scuba diving or skin-diving flag. Scuba diving or skin diving shall not be permitted in any of the canals.
- (c) *Regattas, crew races, swimming meets.* Authority is given to the police department to regulate and direct the conduct and operation of any regatta, swimming meet, crew race or other aquatic activity. Persons sponsoring regattas, races or other contests shall provide adequate traffic control at their expense as may be required by the police department and shall notify the police department and lakes division at least seven days prior to any event in order that appropriate arrangements for safety and navigation may be assured.
- (d) *Personal watercraft.* In addition to the regulations set forth in subsection (a) of this section, the following regulations shall apply to the operation and use of personal watercraft:
- (1) No person shall operate a personal watercraft without the state registration number and decal being affixed and the applicable city toll having been paid.
 - (2) Personal watercraft under power shall keep at least 300 feet behind any boat towing a skier and shall stay clear of, by at least 100 feet, any boat anchored or used for fishing. When a ski jump is in use, all personal watercraft shall stay clear of the area 300 feet on either side and 500 feet ahead of and 500 feet behind the ski jump.
 - (3) No person shall operate a personal watercraft within 300 feet of any persons in the water, with the exception of entering and exiting the shoreline adjacent to the designated swimming area at Dinky Dock.
 - (4) No person shall operate a personal watercraft while exceeding the manufacturer's recommended maximum weight or number of occupants.
 - (5) Personal watercraft shall not be operated in a manner or at a speed that causes the exhaust jet to come out of the water in order to avoid an increase in the noise level or pitch above that experienced in normal operation on smooth water.
 - (6) As with all other vessels, vessel registration is required at all times during use.

Sec. 114-75. Use of lakes as landing places for seaplanes.

It shall be unlawful for any person to use any lake within the City of Winter Park excluding Lake Killarney covered by this chapter as a regular landing place or base of operation for float planes or seaplanes, but nothing in this section shall be construed to prohibit the use of the lakes by such planes in case of emergency.

Sec. 114-76. Hang gliding, parachuting, parasailing, airboating.

Hang gliding, parachuting, parasailing and airboating are prohibited on the lakes, except ~~for that~~ airboats may be used in the city's official ~~aquatic plant management~~~~weed control~~ program. A special permit may be issued by the city manager for such activities in conjunction with special events. Persons desiring to sponsor such activities shall submit a letter of application to the police department.

Sec. 114-77. Display of house numbers.

House numbers shall be prominently displayed on all boathouses and docks.

Sec. 114-78. Size of boats.

The maximum length of any boat to be launched or operated on the Winter Park Chain of Lakes~~city chain of lakes~~ only shall not exceed 24 feet in length as listed on boat registration, ~~with the exception of city vessels that is used for official business~~. No boat exceeding a width of eight and one-half feet shall enter any canal. All ~~motorboat~~~~power boat~~ operators must comply with the maximum horsepower and maximum occupant capacity as stated on the manufacturer's capacity plate of that boat. City boats that are used for official business are exempt from this section.

Sec. 114-79. Storage and mooring of boats on or adjacent to public lands.

- (a) It shall be unlawful for any person to store any boat in any city park or other public lands owned or maintained by the city. For purposes of this section, a boat will be considered "stored" if it is left unattended on public lands at any time between the hours of 11:00 p.m. and 6:00 a.m. This subsection shall not apply to the temporary storage of a boat on a trailer on a public street.
- (b) It shall be unlawful for any person to moor, anchor, park or otherwise situate a boat unattended on or within the shoreline or waterfront of any city park or public lands owned or maintained by the city between the hours of 11:00 p.m. and 6:00 a.m.
- (c) The owner of a boat is responsible and liable for any violation of this section unless the owner can furnish evidence that the boat was, at the time of the violation, in the care, custody or control of another person. In such instances, the owner of the boat is required, within a reasonable time after notification of the violation, to furnish to the appropriate law enforcement authorities an affidavit setting forth the name and address of the person who leased, rented or otherwise had the care, custody or control of the boat. The affidavit submitted pursuant to this subsection shall be admissible in a proceeding charging a

violation of this section and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for the violation of this section. The owner of a boat is not responsible for a violation of this section if the boat involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the boat.

Sec. 114-80. Reserved. ~~Wakeboarding in Lake Mizell prohibited.~~

~~Wakeboarding and activities using similar devices shall not be allowed in Lake Mizell. It shall be unlawful for any person to wakeboard or engage in activities using devices similar to wakeboards within Lake Mizell. No person shall operate a motor boat towing a wakeboarder or person using a similar device within Lake Mizell.~~

Sec. 114-81. Boat ramps prohibited.

The City of Winter Park shall be prohibited from permitting the construction or use of any public boat ramp on Lake Killarney. The prohibition on public boat ramps shall also include any commercial boat ramps used for the sale of boats, jet skis, etc. Private boat ramps used exclusively by a private neighborhood association, apartment or condominium complex shall not be construed to be public boat ramps if use of those boat ramps is restricted exclusively to property owners or members of that association.

Sec. 114-82. Prohibited Use of Public Boat Ramps for Commercial Rentals

(a) Prohibition of Commercial Rentals at Public Boat Ramps. It is prohibited for any person to use public boat ramps within the city limits of Winter Park for the purpose of renting out motorboats, including personal watercraft.

(b) Penalties. Violations of this section will result in a fine not to exceed \$50.00 for each violation. Each day of violation shall be considered a separate offense. In addition to issuing fines, the city is authorized to remove any motorboats, including personal watercraft, in violation of this section from public property.

SECTION 5. Adoption of Referenced Figure Maps. The map attached to this Ordinance as Exhibit “A” is hereby adopted as Figure 1 as referenced in Section 114-65, Winter Park Code of Ordinances. The map attached to this Ordinance as Exhibit “B” is hereby adopted as Figure 2 as referenced in Section 114-65, Winter Park Code of Ordinances.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as

allowable under the law.

SECTION 8. Codification. Sections 2 through 4 of this Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

SECTION 9. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

FIRST READING: _____.

SECOND READING: _____.

ADOPTED this ____ day of _____, _____, by the City Commission of the City of Winter Park, Florida.

**CITY COMMISSION OF THE CITY OF
WINTER PARK, FLORIDA**

Mayor Sheila DeCiccio

ATTEST:

Rene Cranis, City Clerk

Winter Park Chain of Lakes Regulatory Zones

ZONES | MAP KEY

- ① N. Howell Creek
- ② Venetian Canal
- ③ Fern Canal
- ④ Genius Canal
- ⑤ Scenic Boat Tour
- ⑥ Dinky Dock
- ⑦ S. Howell Creek

Idle Speed- No Wake zones:
Scenic Boat Tour within 75ft
Dinky Dock within 500ft

Unincorporated



Legend

- █ No Motorized Vessel Zone
- █ Slow Speed- Minimum Wake
- ▨ Idle Speed- No Wake
- US Highways
- State Roads
- City Limits

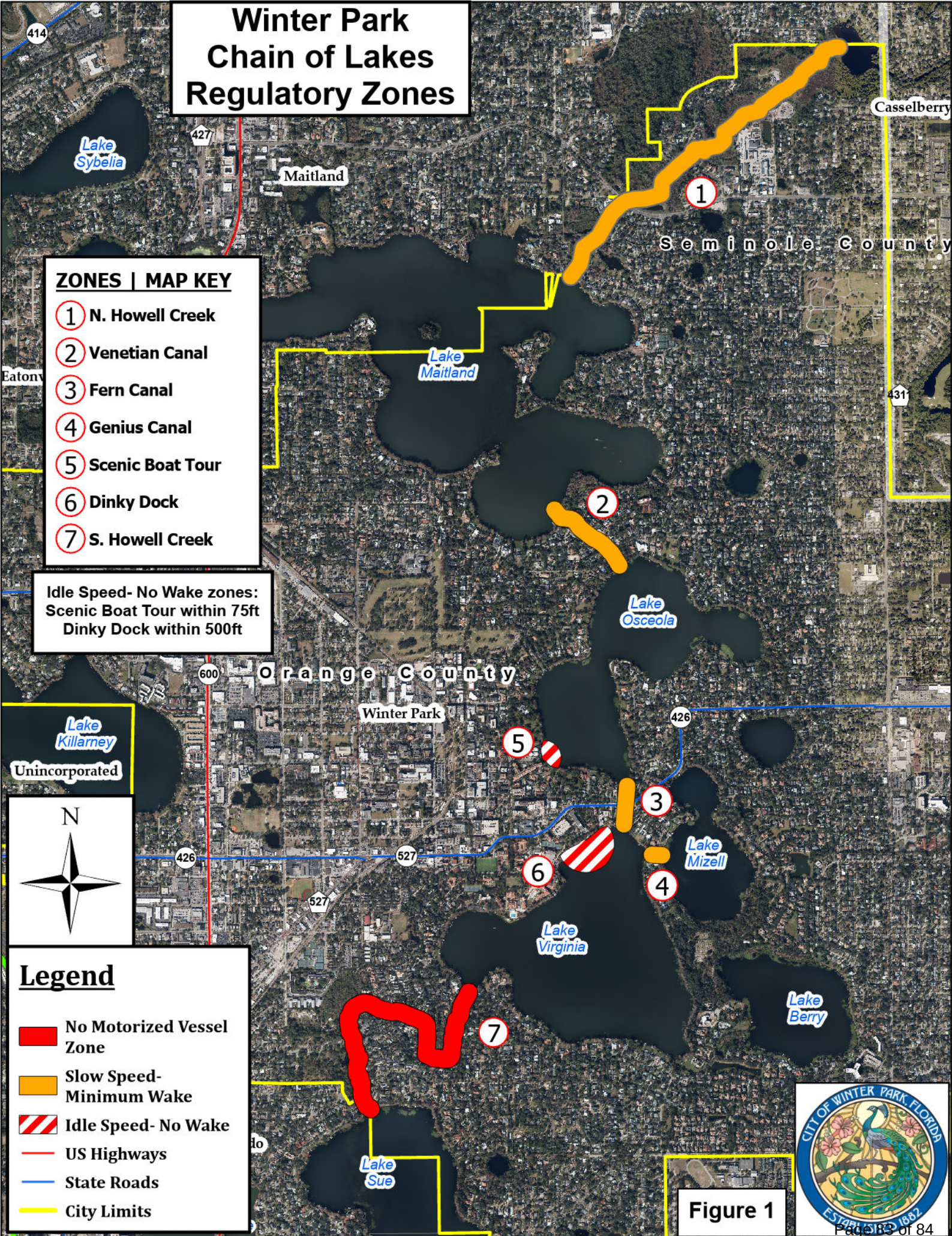


Figure 1



Winter Park Chain of Lakes Regulatory Killarney Regulatory Zone

