

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2026-1, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 403.01 WAHNETA NEIGHBORHOOD PLAN, TO ADD THE MAIN STREET COMMERCIAL OVERLAY AND REINSTATING TABLE 3, WAHNETA NEIGHBORHOOD PLAN TEMPORARY USES MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

**WHEREAS**, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

**WHEREAS**, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on April 1, 2026; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code regarding Amending Chapter 403.01, Wahneta Neighborhood Plan, to add the Main Street Commercial Overlay and reinstate Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications; and

**WHEREAS**, the Board of County Commissioners held two public hearings on May 5, 2026 and May 19, 2026, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Polk County, Florida that:

*NOTE:* The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

**SECTION 1: FINDINGS** The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on March 4, 2026 and April 1, 2026, to consider the LDC text amendments contained within Application LDCT-2026-1 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2026-1.
- c) The adoption of LDCT-2026-1 is consistent with the Comprehensive Plan and LDC.

**SECTION 2:** Chapter 4, Section 403.01.L. Wahneta Neighborhood Plan, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 403.01 – Wahneta Neighborhood Plan**

**L. Main Street Commercial Overlay** - These requirements implement the purpose and intent of the Wahneta Main Street Commercial (MSC) Overlay, as contained in Policy 2.134-A4: Main Street Commercial Overlay, of the Wahneta Neighborhood Plan.

1. Allowed Uses – Allowable uses are listed in the MSC Overlay as shown below: In addition to the uses allowed in Table 4, the following uses are allowed:
  - a. Residential Uses:
    - Duplex, Two-family Attached
    - Triplex and Quad
    - Multi-family
    - Planned Development
  - b. All Other Uses:
    - Adult Day Care (7 or more clients)
    - Child Care Center
    - Clinics and Medical Offices
    - Community Center
    - Cultural Facility
    - Financial Institution
    - Flea Market Open
    - Government Facility
    - Nurseries, Retail
    - Office
    - Personal Service
    - Religious Institution
    - Restaurant, Sit-down/Take-out

Retail, Less than 5,000 sq.ft.  
Retail, 5,000-19,999 sq.ft.  
Retail, Outdoor Sales/Display

## 2. Conditional Use Standards:

Purpose and Intent - Conditional uses have unique characteristics that require the imposition of development criteria in order to ensure that they are not harmful to the health, safety, and welfare of residents, surrounding uses and surrounding properties. These criteria may be applied in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations. The uses are listed in this Section together with the specific criteria that apply to each conditional use. These criteria shall be met in addition to all other standards of this Code, unless specifically exempted by this section or if the Code states otherwise, and all applicable regulations of other governmental agencies.

### Duplex

- a. Individual Duplexes shall be a C1 Use within the Overlay.
- b. Duplex Development shall be a C2 Use within the Overlay.
- c. Duplexes in the Overlay shall be exempt for the other requirements of the Wahneta Neighborhood Plan.
- d. Duplexes shall be required to comply with the requirements in Section 303.

### Child Care Centers

- a. Child Care Centers shall be a C2 Use within the Overlay.
- b. Child Care Centers within the Overlay shall be exempt from the requirements that Child Care Centers display the characteristics of a residential unit, as contained in Section 403.01.E.1. of the Wahneta Neighborhood Plan.

### Clinic and Medical Office

- a. Clinics and Medical Offices shall be a C2 Use within the Overlay.
- b. Interconnection with adjacent commercial properties shall be required.
- c. No outside storage of any equipment or supplies shall be allowed on site.
- d. The following requirements for Clinics and Medical Offices listed in Section 303 shall be exempt within the Overlay:
  1. The clinic or medical office structure shall be consistent with the character of any adjacent residential neighborhood but maybe allowed to locate in existing non-residential structure without the requirement of being consistent with the character of any adjacent residential neighborhood.
  2. There shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or higher facility.
- e. All other requirements for clinics and medical offices in Section 303 shall be met.

### Community Center

- a. Community Centers shall be a C2 Use within the Overlay.
- b. Community Centers shall be required to comply with the requirements in Section 303.
- c. Community Centers in the Overlay shall be exempt from the requirement that any proposed parking facilities shall be setback at least 25 feet from adjacent residential property, as contained in Section 303 of the Land Development Code.

### Cultural Facility

- a. Cultural Facilities shall be a C2 Use within the Overlay.
- b. Cultural Facilities in the Overlay shall comply with the Compatibility Standards in Section 220, and the Conditional Use standards listed in Section 303 of the Land Development Code.
- c. Cultural Facilities in the Overlay shall be exempt from the requirement that any proposed parking facilities shall be setback at least 25 feet from adjacent residential property as contained in Section 303 of the Land Development Code.

### Flea-Market, Open

- a. Flea-Market, Open shall be a C2 use in the Overlay.
- b. All Flea-Market, Open in the Overlay shall comply with the Conditional Use standards listed in the Wahneta Neighborhood Plan and Section 303 of the Land Development Code.

### Financial Institution

- a. Financial Institutions shall be a C2 use in the Overlay.
- b. Financial Institutions shall comply with the Compatibility Standards in Section 220 of the Land Development Code.

### Government Facility

- a. Governmental Facilities shall be a C2 use in the Overlay.
- b. Governmental Facilities with the Conditional Use Standards in Section 303 of the Land Development Code.

### Multi-Family

- a. Multi-Family uses shall be a C2 use in the Overlay.
- b. Multi-Family uses in the Overlay shall be exempt from the requirements for multi-family development within residential low-density districts (RCC-R, RL-1, RL-2, RL-3, and RL-4) contained in Section 303, Multi-Family, Item 5. a. thru h.

### Nurseries, Retail

- a. Nurseries, Retail shall be a C2 use in the Overlay.
- b. All Nurseries, Retail in the Overlay shall comply with the Conditional Use standards listed in the Wahneta Neighborhood Plan.

### Religious Institutions

- a. Religious Institutions shall be a C2 use in the Overlay.
- b. Religious Institutions in the Overlay shall comply with the Compatibility Standards in Section 220, and the Conditional Use standards listed in Section 303 of the Land Development Code.
- c. Religious Institutions in the Overlay shall be exempt from the requirement that any proposed parking facilities shall be setback at least 25 feet from adjacent residential property.

### Restaurant, Sit-down/Take-out

- a. Restaurant, Sit-down/Take-out uses shall be a C2 use in the Overlay.

- b. Restaurant, Sit-down/Take-out uses shall be exempt from the following requirements listed in Section 303:
  - 1) All structures shall connect to water and sewer facilities.
  - 2) Within OC districts (including OCX), Restaurant, Sit-down/Take-out uses shall comprise no more than 20 percent of the overall district.

#### Retail

- a. Retail shall be a C2 use in the Overlay.
- b. Retail uses in the Overlay shall be exempt from the requirement in Section 303 of the Land Development Code that all structures shall not exceed 10 percent of the existing developed OC land use district, and the retail is an accessory use that supports the OC land use.

#### Retail, Outdoor Sales/Display

- a. Retail, Outdoor Sales/Display shall be a C2 use in the Overlay.
- b. Within the Overlay, all outdoor storage shall be at a minimum of 25 feet from any side or rear lot line. An 8-foot-high opaque fence, limited to solid PVC fences, solid wooden fences, or solid masonry walls shall be required along these lot lines.
- c. Retail, Outdoor Sales/Display uses in the Overlay shall be exempt from the minimum-distance requirement from other Outdoor Sales/Display Retail Uses listed in Section 303.

#### Triplex or Quad

- a. Triplexes or Quads shall be a C2 use in the Overlay.
- b. All Triplexes or Quads in the Overlay shall be exempt from the Conditional Use standards listed in the Wahnetta Neighborhood Plan.

#### 3. Review/Approval Process:

Uses in the MSC Overlay that are listed in Section L.1. that are in the Neighborhood Activity Center (NACX) & Linear Commercial Corridor (LCCX) Land Use Districts that are not already listed in Table 4 of the Wahnetta Neighborhood Plan shall be processed as a Level 2 review.

#### 4. Right-of-Way Setbacks:

- a. To promote maximum flexibility in site design, and to also promote a more urban, walkable community, a reduction in the minimum right-of-way front setback for structures on property in the MSC Overlay, may be allowed, subject to approval as a Level 2 review.
- b. Buildings shall not be placed within a clear visibility triangle, utility, drainage, or any other type of easement unless approval is granted by the easement holder.
- c. Landscaping – Buildings that are placed within 6 feet of a front setback property line may request an alternate landscape plan from that required in Section 720. These alternate landscape plans shall be reviewed through the Level 2 process. This requirement may be waived as outlined in Section 932 (Waivers to Technical Standards) if a building is within one foot of a property line.
- d. Clear Visibility Triangle – No buildings, signs, landscaping, fences, walls, or other structures and parking areas shall be located in a clear visibility triangle.

#### 5. Compatibility Zone:

- a. Due to the layout of properties within the MSC Overlay, along with the desire to promote redevelopment, a reduction in the width of the Compatibility Zone is allowed in the MSC Overlay.
- b. A reduction of the Compatibility Zone from the required from 50 feet to a maximum of 25 feet, may be allowed, subject to approval as a variance by the Land Use Hearing Officer. In order to

authorize this variance, the Land Use Hearing Officer shall consider the following factors in addition to the criteria contained in Section 931:

- 1) Whether the dimensions of the subject parcel(s) prevent the reasonable use of the land;
  - 2) Whether the location of the buildings on the proposed site plan would adversely impact existing buildings to the north and south of the site;
  - 3) Whether granting the variance would adversely impact adjoining residentially designated and used properties; and
  - 4) Whether the intensity of the requested use would adversely impact adjoining properties.
- c. All other requirements of Section 220 for Compatibility Zones shall still apply, regardless of ultimate width of the Zone, and will be reviewed as part of the Level 2 review.
6. Signage:
- a. Within the MSC Overlay, Pole-mounted Free-standing Signs shall be prohibited.
  - b. Only Ground-mounted Free-standing and Monument Signage (as shown in Figure 7.5) shall be permitted.
  - c. All other signage within the MSC Overlay shall comply with the requirements of Section 760 (Signs).
7. Parking:
- a. No food truck parking shall be allowed in parking lots that receive the 60% reduction per Section 403.01. F.9. unless additional spaces are included for the food truck and related parking.
  - b. The food truck location and associated parking shall be shown on the site plan.

**Table 3: Wahneta Neighborhood Plan Temporary Uses Modifications**

<b>Table 3: Wahneta NP Temporary Uses Modifications (Districts that Allow Temporary Uses along Rifle Range Road)</b>				
<b>Districts</b>	<b>Food &amp; Retail Stands</b>	<b>Produce Stands</b>	<b>Meeting Places</b>	<b>Special Events</b>
INSTX	X	X	X	X
RSX	X	X		X
RL-3X	X	X		X
RL-4X	X	X		X
RMX	X	X	X	X
Notes: Refer to Section 207 and Table 2.3, of the Land Development Code, for temporary uses permitted in other land use districts and beyond Rifle Range Road.				

**SECTION 4: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 5: EFFECTIVE DATE**

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA  
this 19<sup>th</sup> day of May 2026.