ORDINANCE NO. O-26-25

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE II, DIVISION 2, TABLE 21-32(A) OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA BY AMENDING USES RELATED TO INDOOR COMMERCIAL RECREATION AND PRIVATE CLUBS IN THE COMMERCIAL- DOWNTOWN (C-1), COMMERCIAL- NEIGHBORHOOD (C-2), AND MIXED USE (MX) ZONING DISTRICTS; AMENDING CHAPTER 21, ARTICLE IX, SECTION 21-531 DEFINITIONS RELATED TO INDOOR COMMERCIAL RECREATION AND PRIVATE CLUBS; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a proposed amendment to the Winter Haven Land Development Code, has been studied, documented, advertised, and heard by the Winter Haven Planning Commission; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that it is expedient to revise Chapter 21, Article II, Division 2, Table 21-32(A) Table of Land Uses by amending uses related to indoor commercial recreation and private clubs in the Commercial-Downtown (C-1), Commercial- Neighborhood (C-2), and Mixed Use (MX) zoning districts; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that it is expedient to revise Chapter 21, Article IX, Section 21-531, Definitions related to indoor commercial recreation and private clubs; and

WHEREAS, a Business Impact Statement has been prepared to demonstrate compliance with Chapter 2024-145, Laws of Fla. (CS/CS/SB 1628 (2024)) to the extent that such compliance is even necessary.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 21, Article II, Division 2, Table 21-32(A), of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "A", attached hereto and made a part hereof.

2. That Chapter 21, Article IX, Section 21-531, Definitions, is hereby amended to read as shown in Exhibit "B", attached hereto and made a part hereof.

3. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

4. If any provision or portion of this Ordinance is declared by any court of competent

jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

6. This Ordinance shall become effective immediately upon passage on second reading.

INTRODUCED on first reading this 26th day of October, 2026.

PASSED on second reading this 9th day of November, 2026.

CITY OF WINTER HAVEN, FLORIDA

_____
MAYOR-COMMISSIONER
William Brian Yates

ATTEST:

_____
CITY CLERK
Vanessa Castillo, MMC

Approved as to form:

_____
CITY ATTORNEY
Frederick John Murphy, Jr.

Exhibit “A” - Page 1 of 5

New text is <u>underlined</u> and deleted text is ~~stricken through~~ in red

Table 21-32(A)
Table of Land Uses

Category/Use																					
Key to Table: P = Permitted Use; A = Accessory Use; S = Special Use approval required; C = Conditional Use approval required																					
Single Family Detached and Auxiliary uses	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**R5**	**RM**	**MX**	**C-1**	**C-2**	**C-3**	**C-4**	**I-1**	**I-2**	**PI**	**PR**	**CON**
Single family, std. construction	P	P	P	P	P	P			P									
Single family, modular home	P	P	P	P	P	P			P									
Single family, manufactured home	P							P										
Agricultural uses with house	P																	
Caretaker's Cottage															P	P	P	
Fruit stand	P	P																
Accessory Residential Unit	P	P	P	P	P	P			P									
Home Occupation/Home-based Business	P	P	P	P	P	P	P	P	P									
Limited agricultural uses with house	P	P																P
Manufactured home park								P										
Private stable, one horse per acre, limited to two horses	P	P																
RV park								S										
Servants Quarters	P	P	P															
Multiple Family Residential	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**R5**	**RM**	**MX**	**C-1**	**C-2**	**C-3**	**C-4**	**I-1**	**I-2**	**PI**	**PR**	**CON**
Multi-unit Residential Building					P	P	P		P	P		P						
Zero Lot Line House					P	S												
Dormitory						P	P		P							P		
Duplex, twin house					P	P			P									
Garden Apartment, atrium house					P													
Patio house					P	P			P									
Rooming House/Boarding House						S	S											
Townhouse					P	P			P	P								
Group Care Facilities	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**R5**	**RM**	**MX**	**C-1**	**C-2**	**C-3**	**C-4**	**I-1**	**I-2**	**PI**	**PR**	**CON**
Adult family care home, Family day care home, Family foster home		P	P	P	P	P		P	S									
Special needs facility					S	S	P		P		P	P				P		
Child care facility					S	S	AS		S	S	P	P				P		
Adult day care center					S	S	AS		P		P	P				P		
Assisted living facility					S	P	P		P		P	P				P		
Foster care facility					S	S	P		P		P	P				P		

Exhibit "A" - Page 2 of 5

Group home facility						S	S	P		P		P	P					P						
Hospice residential unit						S	S	P		P		P	P					P						
Nursing Home								P		P														
Transitional Housing								S																
Lodging	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON						
Bed and breakfast	P	P	P	P	P	P			P	P	P	P	P	P										
Hotel/motel							S		S	P		P	P	P										
RV campground								S					P	P										
Offices/Services	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON						
Business office						S			P	P	P	P	P	P										
Clubs, community/fraternal									P	P	P	P	P	P										
Crematorium													P	P	P									
Funeral home/mortuary									S		S	P	P	P										
Medical/Health-care/Dental Office							AS		P	P	P	P	P											
Medical Clinic							AS		P	P	P	P	P											
Personal Services							AS		P	P	P	P	P	P										
Professional Office						S	S		P	P	P	P	P	P										
Retail Commercial, No Outdoor Storage or Activities	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON						
Antique shops									P	P	P	P	P											
Bake shop									P	P	P	P	P	P	P									
Bakery plant													P	P	P									
Convenience store									S	P	P	P	P	P	P									
Convenience store, with gas											P	P	P	P	P									
Dry cleaning drop-off site									P		P	P	P	P										
Gas station												P	P	P	P									
Laundromat—Self Service						A	AS		P		P	P	P	P										
Medical Marijuana Dispensing Facility									AS	S	S	P	P											
Minor repair shop												P	P	P	P									
Pet services, no outdoor activities									S	P	P	P	P											
Pharmacy									AS	S	S	P	P											
Recreation, indoor, commercial- Greater than 10,000 s.f.										S	P	P	P											
Recreation, indoor, commercial- Small Scale (10,000 s.f. or less)										P	P	P	P											
Restaurant—Conventional Sit-down.									P	P	P	P	P	P										
Cafeterias						A	A		P	P	P	P	P											
Delicatessens						A	P		P	P	P	P	P	P										

Restaurant—Short-order; min. seating for 20									S	P	P	P	P	P				
Restaurant—Drive-in, drive-thru or walk-up; and short-order with seating for less than 20										S	S	P	P	P				
Retail sales										P		P	P					
Retail shops							AS		P	P	P	P	P	P				
Repair shop for small appliances									P	P	P	P	P					
Shopping center less than 20,000 s.f.											P	P	P	P				
Shopping center small, 20,000—50,000 s.f.											S	P	P					
Shopping center large, more than 50,000 s.f.												P	P					
Retail Commercial Outdoor Storage and Displays Allowed	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Agricultural roadside stand	P												P	P				
Artisan production, small scale									S	P	S	S	P	S				
Artisan production, large scale												S	P	P				
Automotive paint/body shop													P	P	P			
Boat and water craft sales, service and light repair												P	P	P				
Farm equipment sales													P	P				
Major automotive repairs													P	P	P			
Manufactured home sales and/or RV sales													P	P	P			
Marinas						A	A						P	P				
Mobile Food Vending									S	P	S	P	P	P	P	P	P	
Nursery with outdoor displays/storage												P	P	P				
Parking lot - Stand alone			S	S	S	S	S		S	S	S	P	P	P				
Pet services: indoor/outdoor												P	P	P				
Private club: indoor/outdoor									P	P	P	P	P	P				
Recreation, outdoor, commercial												P	P	P				
Recreational vehicle sales and accessory servicing												P	P	P				
Recycling center (outdoor)														P	P			
Rental of motor scooters, motorcycles, automobiles or any other self-propelled conveyance												P	P	P				
Retail sales, outdoor activities												P	P	P				
Retail services, outdoor activities												P	P	P				
Vehicle dealership, except RVs												P	P	P				
Vehicle sales, used												P	P	P				
Vehicle repair shop													P	P				

Exhibit "A" - Page 4 of 5

Non-retail or Service Commercial	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Contractor storage yard													P	P	P			
Heavy equipment sales/repair													P	P	P			
Personal Storage Units										AS		S	P	P	P			
Mini-warehouse													P	P	P			
Petroleum, bulk, storage and distribution														P	P			
Radio and television studios and offices									P	P	P	P	P	P	P			
Recreation vehicle repair, assembly or overhaul													P	P	P			
Septic tank storage/service														P	P			
Boat repair, overhaul and assembly													P	P	P			
Warehouse														P	P			
Wholesale distributor <50,000 sq. ft.													P	P	P			
Wholesale distributor 50,000+ sq. ft.														P	P			
Alcoholic Beverage Establishments	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Small Scale Drinking Establishment (See Sec. 21-96(f)1.i.a.)										P		P	P	P	P			
Small Scale Drinking Establishment (See Sec. 21-96(f)1.i.b.)										S		S	S	S	S			
Large Scale Drinking Establishment/Nightclub (See Sec. 21-96(f)2.i.a.)										S		S	S	S	S			
Bottle Clubs and Banquet Halls (See Sec. 21-96(f)3.i.a.)										S		S	S	S	S			
Bottle Clubs and Banquet Halls (See Sec. 21-96(f)3.i.b.)										S		S	S	S	S			
Package Stores										P	S	P	P	P	P			
Light Industry	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Airports/aviation uses														C	C	C		
Food processing/packaging														P	P			
Freight/trucking terminal														P	P			
Light industrial park														P	P			
Manufacture of finished products													P	P	P			
Printing/publishing													P	P	P			
Propane gas													P	P	P			
Research and development facilities									S	S	S	P	P	P	P	P		
Heavy Industry	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Auto/vehicle salvage															P			
Citrus processing plant	P														P			
Cold storage and frozen food lockers														P	P			

Exhibit “A” - Page 5 of 5

									S	S	S	S	S	S	S	S	S	S		
Communication towers									S	S	S	S	S	S	S	S	S	S		
Antennas					A	A		A	S	S	S	S	S	S	S	S	S	S		
Concrete plant																P				
Crate and pallet plant																P				
Dairy	P													P	P	P				
Dry cleaning plant																P				
Industrial park																P				
Junkyard, general																P				
Junkyard for vehicles																P				
Laundry plant														P	P					
Manufacturing														P	P					
Mining	C														C					
Storage of sand/gravel/blocks														P	P					
Truck/vehicle repair for large vehicles/trucks													P	P	P					
Truck stop													P	P	P					
Public Service Facilities	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON		
Public buildings and grounds/public facilities									P	P	P	P	P	P	P	P	P	P		
Power substation/utility buildings	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P		
Education and Cultural Facilities/Institutional Uses/Recreation Uses/Conservation Uses	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON		
Cemetery	S	S	S	S	S	S						P	P			P	P			
Church/religious meeting place		S	S	S	S	S	P	S	S	P	P	P	P	P	P	P	P			
Golf course	P	P	P	P	P	S		P				P	P	P	P	P	P			
Hospital												P	P			P				
Private school (Preschool—12)	P	P	P	P	P	S	S	P	P	P	P	P	P	P	P	P	P			
Park/open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public school (K—12)	P	P	P	P	P	S	S	P	P	P	P	P	P	P	P	P	P	P		
Recreation, indoor, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Recreation, outdoor, public	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P		
Social centers/museums		S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P			
Vocational/technical school												P	P	P	P	P				
University/college, small scale									S			P	P	P	P	P				
University/college, large scale												P	P	P	P	P				

Exhibit "B"
Page 1 of 1

Revisions to Article IX, Section 21-531, Definitions

New language underlined in red and deleted language is ~~stricken through~~ in red.

Club, private means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. This definition shall include, but not be limited to, the terms "lodge," "fraternal orders" and "societies" and shall apply to all social organizations ~~not operated for a profit other than for their own purpose.~~

Recreation uses, indoor commercial consist of uses in greater than 10,000 square feet of gross leasable space that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. These uses include, but are not limited to, arcades and gaming rooms (excluding games of chance), billiards, bowling alleys, dance studios, escape rooms, schools for martial arts, indoor sporting centers, physical fitness centers, private clubs or lodges, movie theater, theaters and auditoriums, and indoor skating rinks.

Recreation uses, indoor commercial- Small Scale consist of uses in 10,000 square feet or less of gross leasable space that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. These uses include, but are not limited to, arcades and gaming rooms (excluding games of chance), billiards, bowling alleys, dance studios, escape rooms, schools for martial arts, indoor sporting centers, physical fitness centers, private clubs or lodges, movie theater, theaters and auditoriums, and indoor skating rinks.