

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2026-10, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 6, SECTION 641, AIRPORT IMPACT DISTRICT (AID), TO INCLUDE STANDARDS FOR PERMIT AND NOTICE REQUIREMENTS UNDER THE POLK COUNTY AIRPORT ZONING REGULATIONS AND JOINT AIRPORT ZONING BOARD (JAZB); INCLUDE AIRPORT HEIGHT ZONES AND AMEND AIRPORT NAMES AS NEEDED; PROVIDING FOR SEVERABILITY; AND 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 a 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 August 5, 2026; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code regarding Chapter 6, Section 641, Airport Impact District (AID) to include standards for permit and notice requirements under the Polk County Airport Zoning Regulations and Joint Airport Zoning Board (JAZB); include airport height zones and amend airport names as needed; and

WHEREAS, the Board of County Commissioners held two public hearings on September 1, 2026 and September 15, 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 August 5, 2026, to consider the LDC text amendments contained within Application LDCT-2026-10 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2026-10.
- c) The adoption of LDCT-2026-10 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 6, Section 641, Airport Impact District (AID), of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 641 Airport Impact District (AID)

A. Purpose and Intent

~~The Polk County Comprehensive Plan and Land Development Code shall effect aviation-compatible land uses for airports licensed for public use by limiting or restricting aviation-incompatible land uses and activities, as defined by the Polk County Airport Zoning Regulations. As the County is a member of the Polk County Joint Airport Zoning Board (JAZB), which adopts and administers airport zoning regulations pursuant to F.S. ch. 333 the Airport Impact District overlay and its related development criteria are established to incorporate the provisions of the Polk County Airport Zoning Regulations to ensure the establishment of aviation-compatible land uses and activities in the County. All development within the County shall comply with the Polk County Comprehensive Plan, the Land Development Code, and the Polk County Airport Regulations.~~

The Airport Impact District (AID) overlay is established to ensure that land uses and activities are compatible with the existing operations of public-use airports and the planned operations of those with adopted Airport Master Plans. The AID includes all of unincorporated Polk County in order to protect the health and safety of its residents and to preserve the public investment in, and utility and benefits arising from public use airports. Permit applications under this Section shall include documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study.

B. Applicability

The Airport Impact District overlay shall apply to all of unincorporated Polk County. The existing public-use and private-use airports within the Airport Impact District (AID) include:

- a. Bartow Executive Municipal Airport;
- b. Chalet Suzanne Airport;
- c. Brown Seaplane Base;

- d. Lakeland Linder International ~~Regional~~ Airport;
- e. Lake Wales Municipal Airport;
- f. River Ranch Resort Airport;
- g. South Lakeland Airstrip ~~park~~, and
- h. Winter Haven Regional ~~Municipal~~ Airport;
- i. SunTrax Air

C. Development Standards

The following land use compatibility criteria shall be reviewed for all new development within the County for compliance with the Polk County Airport Zoning Regulations:

- 1. Height of structures and objects of natural growth on such land;
- 2. Uses of land in areas subject to airport noise;
- 3. Uses of land in areas subject to aircraft overflight potential;
- 4. Establishment of educational facilities of public and private schools on such land;
- 5. Uses of land which result in the generation of in-flight visual or electronic interference;
and
- 6. Uses of land which result in aircraft bird strike hazard;
- 7. Other applicable regulations or restrictions that may be required by, including amendments to, the Polk County Airport Zoning Regulations.

D. Airport Zones of Influence

In the development of the Regulations, Polk County established two zones of influence: The Airport Height Notification Zone and the Airport Overflight Zone. These two zones were established to protect land uses, people and objects on the ground, and airspace surrounding airports. These zones apply to all of Polk County's nine public use airports. Any proposed development within these zones is required to comply with the Regulations, any applicable state or federal regulations, and any additional applicable requirements of local governments.

- 1. Airport Height Notification Zones as defined in 14 Code of Federal Regulations (CFR), Part 77.19:
 - a. Primary Surface
 - b. Approach Surface
 - c. Transitional Surface
 - d. Horizontal Surface
 - e. Conical Surface
- 2. Airport Overflight zones as defined in 14 CFR, Part 150 and F.S. 333:
 - a. Runway Protection Zone
 - b. Noise Zones
 - c. Landfill Surface Limits
 - d. Educational Facility Surface Limits

E. Airport Height Notification Zones

The following requirements apply to all proposed structures and objects of natural growth within the Airport Height Notification Zone or Airport Overflight Zone:

- 1. To determine whether an aeronautical study is required, refer to the FAA Notice

Criteria Tool (NCT) or another pre-screening tool offered by the FAA. This does not constitute a final determination in accordance with the Polk County Airport Zoning Regulations.

2. Property owners are required to provide notice to the Federal Aviation Administration (FAA) for the construction and alteration of certain structures, including:
 - a. Those structures greater than 200 feet in height above ground level (AGL);
 - b. Any construction exceeding the imaginary surfaces extending upward and outward at a ratio of either 1:50' or 1:100', depending on an airport's runway length;
 - c. If requested by the FAA or;
 - d. Any development described under CFR 77.9.

F. Airport Obstruction Permit

Any applicant who receives a "Notice of Potential Airport Obstruction" may obtain an Airport Obstruction Permit from the Land Development Director, or agent thereof.

1. No proposed development that constitutes a "potential airport obstruction" shall be approved unless coordinated with the FAA on appropriate permits. The FAA Form 7460-1 "Notice of Proposed or Alteration" will be filed with the FAA, pursuant to 14 CFR 77.
 - a. A determination resulting from the submittal of a Notice of Proposed Construction or Alteration does not preclude the requirement to obtain an Airport Obstruction Permit.
2. The Airport Obstruction Permit shall be submitted to the Land Development Director and shall include a copy of the final written Determination as issued by the FAA.
3. No Airport Obstruction Permit shall be granted by the Land Development Director or agent thereof:
 - a. Where the FAA has determined it would result in an exceedance of the federal obstruction standards contained in 14 CFR Part 77, the establishment of a "Hazard to Air Navigation," or both;
 - b. Where the Florida Department of Transportation (FDOT) has advised that a FAA Determination is not valid relative to state law;
 - c. Any conflict with other federal or state regulations
4. In addition to the standard submittal documents associated with a building or development permit applications, permit applications under this Section shall include documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study.

G. Airport Noise Compatibility

To determine the extent of the noise impact around an airport, Table 6.2 describes compatible land uses as a function of yearly day-night average sound level (YDNL) values. All land uses are considered to be compatible with noise levels less than 65 YDNL.

1. Noise Zones

- a. For airports that do not have a noise study approved by the FAA, educational facilities (except for aviation school facilities) are prohibited in the Educational Facility Surface Limits.
- b. For airports that do have a noise study noncompatible uses as detailed in Table 6.1 are prohibited (unless specifically addressed and permitted with acceptable mitigations detailed in the study that developed the noise contours) in areas of 65 YDNL or greater.

2. Solid Waste Management Facilities

- a. New landfills are prohibited in the Landfill Surface Limits.

<u>Table 6.2 – Land Use Compatibility*</u>						
<u>Land use</u>	<u>Yearly day-night average sound level (L_{dn}) in</u>					
	<u>decibels</u>					
	<u>Below</u> <u>65</u>	<u>65-70</u>	<u>70-75</u>	<u>75-80</u>	<u>80-85</u>	<u>Over</u> <u>85</u>
<u>Residential</u>						
<u>Residential, other than mobile homes and transient lodgings</u>	<u>Y</u>	<u>N(1)</u>	<u>N(1)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Mobile home parks</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Transient lodgings</u>	<u>Y</u>	<u>N(1)</u>	<u>N(1)</u>	<u>N(1)</u>	<u>N</u>	<u>N</u>
<u>Public Use</u>						
<u>Schools</u>	<u>Y</u>	<u>N(1)</u>	<u>N(1)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Hospitals and nursing homes</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Churches, auditoriums, and concert halls</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Governmental services</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Transportation</u>	<u>Y</u>	<u>Y</u>	<u>Y(2)</u>	<u>Y(3)</u>	<u>Y(4)</u>	<u>Y(4)</u>
<u>Parking</u>	<u>Y</u>	<u>Y</u>	<u>Y(2)</u>	<u>Y(3)</u>	<u>Y(4)</u>	<u>N</u>
<u>Commercial Use</u>						
<u>Offices, business and professional</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Wholesale and retail—building materials, hardware and farm equipment</u>	<u>Y</u>	<u>Y</u>	<u>Y(2)</u>	<u>Y(3)</u>	<u>Y(4)</u>	<u>N</u>
<u>Retail trade—general</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Utilities</u>	<u>Y</u>	<u>Y</u>	<u>Y(2)</u>	<u>Y(3)</u>	<u>Y(4)</u>	<u>N</u>
<u>Communication</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Manufacturing and Production</u>						
<u>Manufacturing, general</u>	<u>Y</u>	<u>Y</u>	<u>Y(2)</u>	<u>Y(3)</u>	<u>Y(4)</u>	<u>N</u>
<u>Photographic and optical</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>
<u>Agriculture (except livestock) and forestry</u>	<u>Y</u>	<u>Y(6)</u>	<u>Y(7)</u>	<u>Y(8)</u>	<u>Y(8)</u>	<u>Y(8)</u>
<u>Livestock farming and breeding</u>	<u>Y</u>	<u>Y(6)</u>	<u>Y(7)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Mining and fishing, resource production and extraction</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

<u>Recreational</u>						
<u>Outdoor sports arenas and spectator sports</u>	<u>Y</u>	<u>Y(5)</u>	<u>Y(5)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Outdoor music shells, amphitheaters</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Nature exhibits and zoos</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Amusements, parks, resorts and camps</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Golf courses, riding stables and water recreation</u>	<u>Y</u>	<u>Y</u>	<u>25</u>	<u>30</u>	<u>N</u>	<u>N</u>

* The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities.

Key for Table 6.2

Y (Yes) = Land Use and related structures compatible without restrictions.

N (No) = Land Use and related structures are not compatible and should be prohibited.

NLR = Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

25, 30, or 35 = Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

Footnotes for Table 6.2

1. Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
2. Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
3. Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
4. Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal level is low.
5. Land use compatible provided special sound reinforcement systems are installed.
6. Residential buildings require an NLR of 25.
7. Residential buildings require an NLR of 30.
8. Residential buildings not permitted.

H. Covenants & Deed Restrictions, Plat Notice

1. Constructive knowledge shall be made available to all purchasers of property located in any Airport Overflight Zone and/or Airport Noise Zone. For any proposed subdivision located all or partially within AID as defined in this Section, in which the proposed subdivision is required to meet the platting requirements, the plat for such subdivision shall include in a prominent place the following statement:

NOTICE: Individual lots may be located partially or entirely within an Airport Impact District (AID), Overflight Zone and/or Airport Noise Zone. Property(ies) may be subject to increased noise or hazard levels associated with air traffic operations.

2. Covenants and deed restrictions shall disclose the proximity of property to the airports and the potential airport-related effects on the property with the aforementioned notice and obligate owners to disclose this information to prospective buyers and lessees.

C. ~~Development Standards~~

~~The County's Land Development Code shall include provisions applicable to the Airport Impact District (AID) to ensure the establishment of aviation compatible land uses and thus include appropriate land development criteria, consistent with the provisions of the Polk County Airport Zoning Regulations.~~

- ~~1. The following land use compatibility criteria shall be reviewed for all existing and new development within the County for compliance with the Polk County Airport Zoning Regulations.~~
 - ~~a. Height restrictions based on the federal obstruction standards contained in 14 CFR Part 77. Property owners are required to provide notice to the Federal Aviation Administration (FAA) for the construction and alteration of certain structures, including those structures greater than 200 feet in height above ground level, and any such structure must obtain an airport obstruction permit from the Airport Zoning Administrator, or agent thereof, and/or airport obstruction variance from the Airport Zoning Board of Adjustment (AZBA);~~
 - ~~b. Restrictions on noise sensitive land uses and requirements for certain structures to meet sound level reduction (SLR) standards within the Airport Noise Zones established by the Polk County Airport Zoning Regulations;~~
 - ~~c. Restrictions on land uses subject to the recurring overflight of aircraft in the Airport Overflight Zones established by the Polk County Airport Zoning Regulations;~~
 - ~~d. Restrictions on the location of educational facilities of public and private schools in areas defined by the Polk County Airport Zoning Regulations;~~
 - ~~e. Restrictions on land uses or activities that induce aircraft bird strike hazard;~~
 - ~~f. Restrictions on land uses or activities that generate In-flight visual or electronic interference;~~
 - ~~g. Other applicable regulations or restrictions that may be required by, including amendments to, the Polk County Airport Zoning Regulations.~~
- ~~2. Consistent with applicable law, all development within an Airport Impact District shall be subject to the County's development review procedures.~~

~~D.I.~~ Variances/Special Exceptions/Appeals

Variances, special exceptions, and appeals must be approved by the Airport Zoning Board of Adjustment (AZBA) in order for certain land developments to be in compliance with the Polk County Airport Regulations and the Land Development Code. Requests for variances, special exceptions, and appeals under Section 641 must be made to the Airport Zoning Administrator, Land Development Director who is appointed by the Joint Airport Zoning Board (JAZB). The Land Development Director shall also consider the criteria enumerated in Section 333.025(6), Florida Statutes, in the consideration of an Airport Obstruction Variance request.

SECTION 3: 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 4: 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 15th day of September 2026.