

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	March 30, 2023	<b>Level of Review:</b>	4
<b>PC Date:</b>	June 7, 2023	<b>Type:</b>	LDC Text Amendment
<b>BoCC Date:</b>	July 11, 2023	<b>Case Numbers:</b>	LDCT-2023-8
	July 25, 2023	<b>Case Name:</b>	Private Airstrips
<b>Applicant:</b>	Polk County BoCC	<b>Case Planner:</b>	Ian Nance

<b>Request:</b>	This is a County-initiated request for a LDC Text Amendment to add Private Airstrips to Use Tables in Agricultural/Residential Rural Land Use Districts and to provide standards and a definition for this use.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending Hearing

## Among the changes to the Land Development Code:

- **Chapter 10:** Provide a definition for Private Airstrips.
- **Section 303:** Provide Conditional Use Standards for Private Airstrips.
- **In the Use Tables in Chapters, 2, 4, and 5:** Add Private Airstrips as “C3” Conditional Uses in A/RR land use districts.

## Data and Analysis Summary

LDCT-2023-8 is a County-initiated Land Development Code (LDC) Text Amendment to add Private Airstrips into the Code’s Use Tables, provide standards for them in Section 303, and define this term in the glossary found in Chapter 10. This use is intended for single-family residential properties and agricultural operations large enough to support aircraft activities in A/RR land use districts throughout the County.

Currently, the requirements to add a private, unpaved runway in such situations would require approval as an airport, which is a Level 4 Review. This is unnecessary when the intensity of private use is limited, with no proposed impervious surfaces, support facilities such as fueling tanks, and no commercial endeavors open to the public. The County also supports Fly-In Communities, but these are subdivisions with shared platted access to runways and other infrastructure with a separate definition and set of standards than what is proposed here.

Staff recommends approval. The proposed private airstrip is essentially an accessory to a single-family residential property, but the potential intensities of aircraft coming and going brings this use to the level public review with standards assuring not only compatibility with surroundings but also compliance with other regulatory agencies responsible for air travel.

## Findings of Fact

- *LDCT-2023-8 is a County-initiated request County-initiated request for a Land Development Code (LDC) Text Amendment to add Private Airstrips to Use Tables in Agricultural/Residential Rural Land Use Districts, and to provide standards and a definition for this use.*
- *LDC Chapter 10 defines an Airport as, “a facility licensed, designed, and used for the taking-off and landing of aircraft.”*
- *LDC Chapter 10 defines a Private Use Airport as, “any airport licensed by the State of Florida as a private airport, used primarily by the airport licensee, but available for use by others upon specific invitation of the licensee.”*
- *LDC Chapter 10 defines a Fly-In Community as, “a residential subdivision designed around one or more runways in such a manner so that airfield facilities are accessible to some or all of its component residential lots.”*
- *Comprehensive Plan POLICY 2.109-A4 states, “the purpose of the Agriculture/Residential-Rural (A/RR) land use district is to provide lands for the continuation of productive agricultural uses and for compatible residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, single-family dwelling units, farm labor housing, group living facilities, and community facilities.”*
- *A/RR land use districts are found in the US Highway 98, North Ridge, Brewster, and the Southeast Polk Selected Area Plans (SAPs). A/RR Districts are also located in the Wahneta Neighborhood Plan and the Green Swamp Area of Critical State Concern.*
- *Where they are listed as allowable uses, airports are categorized as “C4” Conditional Uses requiring BoCC approval in A/RR land use districts.*
- *Where they are listed as allowable uses, fly-in communities are categorized as “C3” Conditional Uses requiring Planning Commission approval in A/RR land use districts.*
- *Staff has reviewed land development standards for private airstrips or their equivalent in eight local counties.*
- *Staff finds this request consistent with relevant sections of the Comprehensive Plan and LDC.*

## Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2023-8.**

*On June 7, 2023, the Planning Commission will vote on a recommendation to the BoCC.*

## **Analysis**

The proposed Private Airstrip use is to allow for an individual residential or agricultural property owner to operate private aircraft from their property. It is not intended to be used to service commercial interests, to be open to the public, to be available for other nearby property owners, or to provide for a more intense facility with paved runways and fueling stations. It is intended as an accessory use for the residents and guests, as needed.

Though this is an accessory use which will not permit runways with impervious surfaces, the potential intensity from operating aircraft near other residential properties raises this to the level of requiring a public hearing for approval. Conditions have been proposed to provide for the safety and harmony of the use relative to other uses. Documentation must be provided showing compliance from the Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) qualifying the site as suitable to the landing and take off of aircraft. The applicant must provide a flight path that shows that aircraft will not pass over existing residential development. No more than three aircraft can be stored onsite, and any hangars must be at least 150 feet from residential property lines. Furthermore, this use is not intended for commercial uses, including fuel sales and leasing of hangar space. Flight training activities open to the public are not allowed. These standards are similar to what are found for this use in other nearby counties, as detailed in Table 1 below.

Throughout Polk County, where allowable, airports are “C4” uses requiring BoCC approval; however, these are far more intense than the use proposed here. The major differences between airports and airstrips would be the availability of infrastructure and potential for public use for the former. Polk County also permits Fly-In Communities through “C3” Planning Commission approvals. A Fly-In Community is a residential subdivision that is designed around the availability of a runway, paved or unpaved, that is usable by members of that plat. Of the three uses, the proposed airstrip use is less intense.

## **Limits of the Proposed Ordinance**

This amendment will add Private Airstrips into the Agricultural/Residential Rural (A/RR & A/RRX) land use districts in Polk County, including in the Green Swamp ACSC and in Selected Area Plans (SAPs) where A/RRX districts are located. The A/RR district is most appropriate for this use, as it is defined by large, rural properties that can support the safe operation of aircraft. While large tracts might be found in Residential Low (RL) and other districts, the potential for incompatibility with other developments in RL is higher. Likewise, the private airstrip is intended only for residential and agricultural uses, so it is not being added in non-residential land use districts.

A/RR land use districts are found in the US Highway 98, North Ridge, Brewster, and the Southeast Polk Selected Area Plans (SAPs). A/RR Districts are also located in the Wahneta Neighborhood Plan and the Green Swamp Area of Critical State Concern. Where they are listed as allowable uses, airports are categorized as “C4” Conditional Uses requiring BoCC approval in A/RR land use districts. Where they are listed as allowable uses, fly-in communities are categorized as “C3” Conditional Uses requiring Planning Commission approval in A/RR land use districts. DEO will have 45 days to review this amendment for comments on its impact to the Green Swamp ACSC.

## **Comparisons to other Jurisdictions:**

Staff has reviewed the development standards in eight surrounding counties as they pertain to airport and private airstrip uses. Though the terminology varies from county to county, each of the

surveyed jurisdictions had a similar use in their use tables in agricultural zones and districts, with most requiring a public hearing or advances level of review for approval. Table 1, below, provides a summary of these findings.

**Table 1**

<b>Jurisdiction</b>	<b>Use Category &amp; Approval</b>	<b>Zoning/Districts</b>	<b>Notable Standards</b>
<i>Hardee County</i>	<b>Airports &amp; Aviation Uses</b> Major Special Exception Use Permit	Light Industry	No approach areas shall be permitted over existing residential areas or over vacant areas zoned for future residential development
<i>Highlands County</i>	<b>Airports &amp; Aviation Related Uses</b> Public Hearing Approval	A-1 Airport District AU Agricultural District	Airport, air park, or airfield with turf or grass runways are permissible in AU district by the BOA after public hearing.
<i>Hillsborough County</i>	<b>Aircraft Landing Field Class I-III</b> Special & Conditional Use Permit	Agricultural Zones	Class I - Runway no greater than 1,800 feet in length.  Class II - Runway no greater than 3,200 feet in length.  Class III - Runway in excess of 3,200 feet in length.
<i>Lake County</i>	<b>Airport &amp; Airstrip Facilities</b> Conditional Use Approval	Green Swamp ACSC	1. Limited to Private Residential Uses. 2. No more than 3 aircraft. 3. Max. total runaway of 4,000'
<i>Manatee County</i>	<b>Aircraft Landing Fields</b> Permitted	Agricultural District	Used for agriculture and personal planes. No sale of fuel or maintenance. No leasing of hangars or flight schools.
<i>Orange County</i>	<b>Airports, Flying Fields, and Services</b> Special Exception Permit	Agricultural & Rural Zoning	No Specific Conditions Found.
<i>Osceola County</i>	<b>Aircraft Landing Fields</b> Permitted subject to Siting Standards	Agricultural & Institutional Zones	Class I – Runway no greater than 1,800 feet in length.  Class II – Runway not greater than 3,200 feet in length.  Class III – Runway in excess of 3,200 feet in length.
<i>Pasco County</i>	<b>Aircraft Landing Fields</b> Conditional Use Permit	Agriculture, Light Manufacturing, Light Industrial, Agricultural, Planned Unit Developments	Not located closer than 1,000 feet from the closest property line of a school.

### **Consistency with the Comprehensive Plan & Land Development Code**

The request is consistent with the Comprehensive Plan Section 2.108 Rural-Development Areas (RDA) Objective 2.108-A: The Polk County Plan shall provide areas for rural activities such as agricultural uses, mining activities, and rural residential uses.

The LDC provides for other, more-intense aviation uses in A/RR land use districts through a similar lever of review, such as for Fly-In communities requiring Level 3 approval.

**Comments from Other Agencies:** None

**Draft Ordinance:** under separate attachment