

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2023-8, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTERS 2, 4, & 5 TO ADD PRIVATE AIRSTRIPS TO USE TABLES IN AGRICULTURAL/RESIDENTIAL RURAL LAND USE DISTRICTS; AMENDING SECTION 303 TO ADD STANDARDS FOR THE PRIVATE AIRSTRIPS; AMENDING CHAPTER 10 TO UPDATE DEFINITIONS FOR AIRSTRIPS; 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 (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the “LDC”); 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 June 7, 2023; and

WHEREAS, LDCT-2023-8 is a County-initiated request to add “Private Airstrip” as a conditional use in Agricultural/Residential Rural land use districts; and

WHEREAS, the Board of County Commissioners of Polk County has determined it appropriate to adopt regulations that are consistent with the Comprehensive Plan;

WHEREAS, the Board held two public hearings on July 11, 2023 and July 25, 2023 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, if any.

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 June 7, 2023 to consider the LDC text amendments contained within Application LDCT-2023-8 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2023-8.
- c) The adoption of LDCT-2023-8 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

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AIRPORT: A facility licensed, designed, and used for the taking-off and landing of aircraft.

AIRPORT, ACTIVE: A public use or private use airport that has an active and valid airport license from the State of Florida.

AIRPORT, PRIVATE USE: 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.

AIRPORT, PUBLIC USE: Any publicly or privately owned airport licensed by the State of Florida as a public airport, which meets minimum safety and service standards and is open for use to the general flying public.

AIRSTRIP, PRIVATE: A private use airport where an unpaved strip of ground meeting minimum physical standards for use by small aircraft serves as an accessory use to a single-family residential property or bona fide agricultural operation. Private airstrips are used primarily by the owner or licensee and are not open to the public. Fly-in communities, heliports, and helistops are excluded from this definition.

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SECTION 3: Chapter 3, Section 303, Conditional Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

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Airstrip, Private

In addition to the applicable federal, state, and local regulations, and the Polk County Joint Airport Regulations Resolution No. 78-07, as amended, these requirements apply to all private airstrips:

1. Level 3 Review applications shall be accompanied with supporting documentation that a favorable airspace determination has been issued by the Federal Aviation Administration (FAA) and a favorable preliminary Site Feasibility Inspection Report has been prepared by the Florida Department of Transportation (FDOT).
2. The length of usable runways for private airstrips shall not exceed 4,000 feet. Paved runways are prohibited at private airstrip facilities. No more than one unpaved runway shall be approved at each site.
3. The applicant shall provide a flight path demonstrating that the proposed approach/departure corridor minimizes impacts to existing residential development.
4. Fuel sales, aircraft repair, and related commercial uses shall be prohibited at all private airstrip facilities. Regular maintenance and light repair of the property owner's aircraft is permitted within enclosed structures.
5. Flight training schools and activities shall be prohibited at all private airstrip facilities.
6. No more than three (3) aircraft shall be based at the facility. Accessory hangars shall be set back at least fifty feet from perimeter property boundaries. Hangar spaces shall not be leased.

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SECTION 4: Chapter 2, Section 205, Table 2.1 Use Table for Standard Land Use Districts, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	CAC	RAC	OC	TCC	HIC	BPC-1	BPC-2	IND	PM	L/R	INST1	INST2
Airport	C4											C4		C4		C4	C4	C4	C4			C4
Airstrip, Private	C3																					

SECTION 5: Chapter 4, Section 401.04, Table 4.12, Allowable Uses for US Highway 98 SAP, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RHX	OCX	TCX	BPC-1 X	BPC-2 X	INDX	L/RX
Agricultural Support, Off-Site	C3	C3	C3				C3		C3	P	P	

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RHX	OCX	TCX	BPC-1X	BPC-2X	INDX	L/RX
<u>Airstrip, Private</u>	<u>C3</u>											

SECTION 6: Chapter 4, Section 401.06, Table 4.16, Use Table for Standard Land Use Districts in the North Ridge SAP, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

	A/RRX	RSX	RL1X	RMX	RHX	CCX	CEX	LCCX	NACX	CACX	RACX	TCCX	BPC1X	BPC2X	INDX	INSTX
Airport	C4										C4	C4	C4	C4	C4	C4
<u>Airstrip, Private</u>	<u>C3</u>															

SECTION 7: Chapter 4, Section 401.07, Table 401.07, Use Table for Brewster Selected Area Plan Land Use Districts, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

LAND USE	A/RRX	TCCX	PMX	L/RX
Airport	C4			
<u>Airstrip, Private</u>	<u>C3</u>			

SECTION 8: Chapter 4, Section 401.08, Table 401.08.01, Use Table for SE Polk SAP, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

	Outside the Village Centers (Scenic Highway overrides)																			
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
Airport	C4												C4	C4	C4			C4		
<u>Airstrip</u> Private	<u>C3</u>																			

SECTION 9: Chapter 4, Section 403, Table 4; Wahneta Neighborhood Plan – Use Table, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

	A/RRX	RSX	RL-1X	RMX	NACX	BPC-1X	BPC-2X	HICX	INDX	INST-1X
Airport	C4					C4	C4		C4	C4
<u>Airstrip, Private</u>	<u>C3</u>									

SECTION 10: Chapter 5, Section 502, Table 5.2 Use Table for Green Swamp ACSC, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

	Rural Special Protection Area						
	INST-1X	INST-2X	PRESVX	L/RX	A/RRX	CORE	CEX
Agriculture, Intensive					C2		
Airstrip, Private					C3		

SECTION 11: 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 12: 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 on this 25th day of July, 2023