



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 11, 2023

Nikki Alvarez-Sowles, Esq.
Pasco County Clerk and Comptroller
The East Pasco Governmental Center
14236 6th Street, Suite 201
Dade City, Florida 33523

Dear Nikki Alvarez-Sowles:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 23-28, which was filed in this office on August 10, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 23-28

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; CHAPTER 600 OVERLAY AND SPECIAL DISTRICTS; CREATING SECTION 605 AIRPORT OVERLAY DISTRICTS; APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY; INCLUSION INTO THE LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Florida Constitution of 1968, and Chapters 125, 163, 330, and 333 Florida Statutes (2022), Pasco County has the authority to adopt regulations relating to zoning and land development; and

WHEREAS, Zephyrhills Municipal Airport is the only publicly owned, public use airport in Pasco County and is located in the City of Zephyrhills, a municipality within Pasco County; and

WHEREAS, the Brooksville-Tampa Regional Airport is a publicly owned, public use airport in Hernando County with a portion of its Conical Surface, as identified on that Airport's FAA Part 77 Surfaces Map, within Pasco County; and

WHEREAS, the Board of County Commissioners has entered into Interlocal Agreements with the City of Zephyrhills, Florida, and Hernando County pursuant to Chapter 333, Florida Statutes, for the purposes of regulating airport hazards and incompatible land uses around the Zephyrhills Municipal Airport and the Brooksville-Tampa Bay Regional Airport which shall be codified in the Land Development Code; and

WHEREAS, pursuant to said Interlocal Agreements, the County has adopted FAA Part 77 Surfaces Maps for Zephyrhills Municipal Airport and the Brooksville-Tampa Bay Regional Airport which shall be codified in the Land Development Code; and

WHEREAS, there are three privately owned airports located within Pasco County, Tampa North Aero Park and Pilot County, both public use airports; and one private use airport, Hidden Lake Airport ; and they are collectively referred to hereinafter as "Private Airports"; and

WHEREAS, the County is required by Section 333.03(1)(a), Florida Statutes, to adopt, administer, and enforce airport protection zoning regulations for airport hazard areas; and

WHEREAS, the County is required by Section 333.03(2)(a), Florida Statutes, to adopt, administer, and enforce airport land use compatibility zoning regulations for the use of land on, adjacent to or in the immediate vicinity of airports; and airport hazard areas; and

WHEREAS, as a part of the development of said regulations, the Board of County Commissioners established an Airport Zoning Commission, retained a consultant to create Airport Noise Contours Studies for the Private Airports, and draft regulations for adoption by the Board of County Commissioners; and

WHEREAS, the on January 11, 2022, the Board of County Commissioners adopted Ordinance No. 22-01 amending Chapter 2, Future Land Use Element, and Chapter 7, Transportation Element, relating to Airport Zoning and Land Use Compatibility; and

WHEREAS, on November 15, 2022, the Board of County Commissioners adopted Resolution No. 23-035, Adopting Noise Contour Study Reports for the Hidden Lake Airport, the Pilot Country Airport, and the Tampa North Aero Park; and

WHEREAS, the Planning and Development Department in conjunction with the County Attorney's Office finalized the draft Airport Zoning and Land Use Compatibility Regulations, consulted with the Airport Owners and Pilots Association, received feedback from interested parties, and took Regulations through the workshop process with the Airport Zoning Commission; and

WHEREAS, in accordance with Section 333.05(2), Florida Statutes the Airport Zoning Commission conducted duly noticed public hearings. During said public hearings all parties-in-interest and citizens were afforded notice and the opportunity to be heard; and

WHEREAS, the Local Planning Agency conducted a public hearing on June 22, 2023, and found the proposed Land Development Code Amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, in accordance with Section 333.05(2), Florida Statutes the Airport Zoning Commission has submitted its final report to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners conducted duly noticed public hearings on July 11, 2023, and August 8, 2023, where the Board of County Commissioners considered all oral and written comments received at public hearings, including staff reports and information received during said public hearings and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the foregoing airport protection and land use compatibility zoning regulations are in the interest of the health, safety, and welfare of the residents, visitors, and general public and that it advances a valid and important public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. Authority.

This ordinance is enacted pursuant to Chapters 125, 163, 330, and 333 Florida Statutes, as amended, and under the home rule powers of the County in the interest of health, peace, safety, and general welfare of the people of Pasco County.

SECTION 2. Legislative Findings of Fact.

The foregoing Whereas clauses, incorporated herein, are true and correct. The adoption of this Ordinance is undertaken by the County in good faith and is intended to further the goals of the Comprehensive Plan, Chapters 125, 163, 330, and 333 Florida Statutes, and Federal Law and is not intended to discriminate against those landowners which may be subject to this Ordinance.

SECTION 3. Applicability and Effect on Existing Development Approvals.

The applicability and effect of this amendment shall be as provided for in Sections 103.1, 103.2, 605.2, 605.3, and 605.11 of the restated Land Development Code. Notwithstanding the foregoing, nothing herein shall affect the validity of notice provided prior to the effective date of this ordinance.

SECTION 4. Repealer.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 5. Amendment.

The Pasco County Land Development Code is hereby amended as shown and described in Attachment A, attached hereto and made part hereof.

Section 6. Severability.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, clause, or provisions and shall not be affected by such holding.

Section 7. Effective Date.

A certified copy of this ordinances shall be filed with the Florida Department of State by the Clerk to the Board by electronic mail within ten (10) days after the adoption and shall take effect upon such filing.

Adopted with a quorum present and voting this 8th day of August, 2023.



NIKKI ALVAREZ-SOWLES, ESQ
PASCO COUNTY CLERK & COMPTROLLER

APPROVED
IN SESSION

AUG 08 2023

PASCO COUNTY
BOC

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

JACK MARIANO, CHAIRMAN

CHAPTER 600. OVERLAY AND SPECIAL DISTRICT AREAS

SECTION 605. AIRPORT OVERLAY DISTRICTS

605.1. Intent and Purpose

The intent and purpose of this Section is to establish reasonable airport protection zoning regulations to implement the requirements of federal law related to the height of structures; to implement the requirements of state law relating to airports; to implement local authority for land use restrictions around airports; to implement the Airport Zoning and Land Use Compatibility goals, objectives, and policies of the Pasco County Comprehensive Plan; to implement requirements of the Interlocal Agreement Between Pasco County, Florida and the City of Zephyrhills, Florida Regarding Airport Hazard and Incompatible Land Use Zoning Pursuant to Chapter 333, Florida Statutes ("Interlocal Agreement"); to provide for airspace protection and land use compatibility with airport operations; to facilitate proper land use planning and to prohibit the location of incompatible land uses and structures in areas surrounding existing or future airports; to protect the public health, safety and welfare in the vicinity of an airport by minimizing the exposure to hazards and noise levels generated by aircraft operations; to provide a process to issue or deny permits and enforcement thereof for airport obstructions; to provide for coordination and notification of airport protection permitting between municipalities and the county; and to provide for coordination of permit applications between the County and State.

605.2. Applicability

The regulations on land use set forth in this Section are applicable to all lands within the delineated Overlay Districts around the airport communities of Hidden Lake Airport, Tampa North Aero Park, Pilot Country Airport, and the Zephyrhills Municipal Airport. Land within the Zephyrhills Overlay District shown in Map 605-4 is also subject to the requirements of Zephyrhills Ordinance No. 1358-18, as applicable and consistent with said Interlocal Agreement. The height restrictions set forth herein are applicable to that portion of the Conical Surface of the Brooksville-Tampa Bay Regional Airport extending into Pasco County.

The regulations set forth in this Section are not applicable, except for Section 605.4 New or Expanded Airports, to the Zephyrhills Municipal Airport, the Private Airports, the land owned or under the control of the Private Airports and those lands located within the boundaries of the Airport communities of Hidden Lake, Pilot Country, and Tampa North Aero Park, as may be expanded in the future. The boundaries of these Private Airport communities shall be the areas within the Airport communities of Hidden Lake, Pilot Country, and Tampa North Aero Park with internal streets and/or driveways connecting to the Private Airport runways. The Airports shall comply with all FDOT Aviation Office regulations and all FAA regulations. Development within the Tampa North Aero Park shall comply with Section 605.6.A.5.

The regulations set forth in this Section are not applicable to the properties subject to the Conner Crossings Plat recorded at PB 88, PG 48; Rezoning Petition No. 7568, Ridge Road MPUD, approved by the Board of County Commissioners on December 7, 2021; or Rezoning Petition No. 7608, Longleaf Grove MPUD, approved by the Board of County Commissioners on October 25, 2022 ("Exempt Properties").

605.3. **Conflicting Regulations and Exemptions**

In the event of conflict between any regulations in this Section and any other regulations applicable to the same property (including Zephyrhills Ordinance No. 1358-18 and the Interlocal Agreement), the more stringent limitation or regulation shall govern.

Pursuant to the potential to create wildlife hazard attractants, the airport communities of Hidden Lake Airport, Tampa North Aero Park, and Pilot Country Airport are not subject to the provisions of the following Sections of this Code: Section 802, 804, 905.2, 905.4, and 1003.

605.4. **New or Expanded Airports**

Development or expansion of any airport after the effective date of this Section, requires an amendment of this Section to create or expand overlay districts. New airports or runways shall be located in designated districts as provided in Chapter 500 Zoning.

The City of Zephyrhills has indicated that it intends to expand the Zephyrhills Municipal Airport and is actively studying and planning for such expansion, more specifically to expand Runway 1-19. The City of Zephyrhills is also in the process of adopting the Zephyrhills Industrial Corridor Master Plan which may affect permitted uses in the future.

605.5. **Zones and Surfaces within Airport Overlay Districts**

The following terms describe special zones or surfaces within, adjacent to or near an airport. These special zones or surfaces are used to protect specific airspace areas or specific ground areas within the airport vicinity. All imaginary surfaces shall be consistent with the most recent applicable definitions set forth in Federal Aviation Regulations (FAR) Part 77 (Obstructions to Navigable Airspace) and their associated airspace height restrictions consistent with 14 CFR Part 77, Subpart C (77.19) and are incorporated herein by reference.

A. Primary Surface. A rectangular area located at each end of a runway, longitudinally centered on the runway. For hard surface runways, the Primary Surface extends 200 feet beyond each end. For runways without a hard surface, the Primary Surface ends at each runway end. The width depends on the existing or planned approach and runway type, as follows:

1. Precision Instrument Runways: 1,000 feet.
2. Non-Precision Instrument Runways: 500 feet.
3. Utility Visual Runways: 250 feet.

No structure or obstruction that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway centerline will be permitted within the Primary Surface.

- B. Runway Protection Zone (RPZ). A trapezoidal area at ground level beginning 200 feet beyond the end of a runway and centered about the extended runway centerline, with the shortest side of the trapezoid closest to the runway. The Runway Protection Zone enhances the protection of people and property on the ground. The Runway Protection Zone dimension for a particular runway end is a function of the type of aircraft and approach visibility minimum associated with that runway end. Its width corresponds to that approach zone. Its length varies as follows:

1. Precision Instrument Runways: 2,500 feet
2. Non-precision Instrument Runways: 1,000 – 1,700 feet
3. Utility Visual Runways: 1,000 feet

Very limited uses are permitted within the Runway Protection Zone (RPZ) due to the inherent hazards to pilots and people on the ground.

- C. Horizontal Surface. An area around each airport with an outer boundary, the perimeter of which is constructed by swinging arcs or specified radii from the center of each end of the Primary Surface of the airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius for each arc for the Horizontal Surface is 5,000 feet for visual approach runways, and 10,000 feet for all other approach types. The Horizontal Surface extends outward from the Transitional Surface to the edge of the Conical Surface.

No structure or obstruction can extend 150 feet above the established Airport Elevation.

- D. Conical Surface. The area extending outward from the periphery of the Horizontal Surface for a distance of 4,000 feet. Height limitations on structures or obstructions begin at 150 feet above the established Airport Elevation at the inner edge, with permitted height increasing one foot vertically for every 20 feet of horizontal distance.

- E. Approach Surface. An area longitudinally centered on the extended runway centerline and extending outward and upward from the end of the runway's Primary Surface. The Approach Surface begins at the end of the Primary Surface. An Approach Surface is designated for each runway based upon the type of approach available or planned for that runway end. Permitted height limitation within the Approach Surface is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

1. Precision Instrument Runway: Permitted height increases one foot vertically for every 50 feet horizontal distance for the first 10,000 feet and then increases vertically for every 40 feet horizontal distance for an additional 40,000 feet.

2. Non-precision instrument runways: Permitted height increases one foot vertically for every 34 feet horizontal distance for a total distance of 10,000 feet.
 3. Visual runways: Permitted height increases one foot vertically for every 20 feet horizontal distance for a total distance of 5,000 feet.
- F. Approach Surface Floor (ASF). The ground or water surface beneath the Approach Surface. Any portion of the Approach Surface Floor extending beyond the outer end of the Approach Surface will have the same width as the greatest width of the Approach Surface.
- G. Transitional Surface. The area extending outward and upward at a 7:1 slope from the sides of the Primary Surface and Approach Surface connecting them to the Horizontal Surface. Height limits within the Transitional Surface are the same as the Primary Surface or Approach Surface at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, extending out at right angles to the runway center line and extended center line for a distance of 5,000 feet. The Transitional Surfaces extend to where they intercept the Horizontal Surface at a height of 150 feet above the runway elevation.
- H. Airport Zone (AZ). A portion of an Overlay District that addresses land use compatibility with airport operations and structure height within the immediate airport vicinity most affected by take-off and landing patterns and airport ground activities. It covers an area extending one-half (1/2) mile from the runway. The Airport Zone includes any portion of imaginary surfaces defined by FAR Part 77 that lie within its half (1/2) mile perimeter. Serving primarily to protect the airport from the encroachment of incompatible development, the Airport Zone also serves to protect the health, safety, and quality of life of people living, working, or visiting the area most affected by airport activities.
- I. Airport Influence Area (AIA). The area extending a distance of two (2) miles from the runway centerline and contains all those areas defined by FAR Part 77 as imaginary surfaces. It serves principally to address land uses and structures heights that may create potential threat to flight safety and operation for aircraft approaching or departing an airport.

See Maps 605-1 through 605-4 for the areas covering the Runway Protection Zone (RPZ), Approach Surface Floor (ASF), Airport Zone (AZ), and Airport Influence Area (AIA) for the Hidden Lake Airport, Tampa North Aero Park, Pilot Country Airport, and Zephyrhills Municipal Airport.

See Map 605-5 for the Brooksville-Tampa Bay Regional Airport Part 77 Surfaces.

605.6. **Regulation of Airport Hazards and Incompatible Uses.**

Pursuant to Section 333.02 Florida Statutes, as amended, certain activities and uses of land in the Airport Overlay Districts are not compatible with normal airport operations

and/or aviation activities, and may, if not regulated, also endanger the lives of residents and/or adversely affect their health.

A. Airport Overlay Districts and Zones Restrictions

Airport Overlay Districts established in this Code contain several different zones: Runway Protection Zone (RPZ), Approach Surface Floor (ASF), Airport Zone (AZ), and the Airport Influence Area (AIA) which have restrictions specific to that zone. Table 605-1 Airport Overlay Districts Land Use Compatibility Chart provides for uses that are incompatible with airport operations or contribute to potential threat to flight safety; compatible with airport operations and aircraft flight safety; or require additional review as they are incompatible with and prohibited within an Airport Overlay District except when development complies with conditions or specific development standards that create compatibility.

Notwithstanding any provision of Chapter 500 Zoning, the permitted uses for any property within an Airport Overlay District shall be as provided in Table 605-1 Airport Overlay Districts Land Use Compatibility Chart.

1. Any area of land located in more than one of the Zones and Surfaces described in Section 605.5 shall be considered only in the Zone or Surface with the more restrictive or limited use. Land within the Zephyrhills Overlay District is also subject to the requirements of Zephyrhills Ordinance No. 1358-18, as applicable and consistent with said Interlocal Agreement.
2. Incompatible Uses or Activities. Uses or activities determined to be incompatible with airport operations, or contribute to potential threat to flight safety, are prohibited within the designated surface. An “N” appearing under a surface category in Table 605-1 means that the use or activity is incompatible and not allowed.
3. Compatible Uses or Activities. Table 605-1 provides a more detailed description of uses and activities that are determined to be compatible with airport operations and aircraft flight safety for airports. A land use is a permitted use within a Zone if such use is allowed within the underlying zoning designation and if denoted as a compatible use with Table 605-1. A use or activity is compatible in a Zone if denoted by a “Y” in Table 605-1.
4. Uses and Activities Requiring Additional Review. Certain uses and activities are incompatible with and prohibited within a Zone except when a development complies with conditions or specific development standards that create compatibility. Land uses identified as additional review “AR” shall be evaluated as to potential impacts on the airport regarding noise, concentration of people, height, visual restrictions, wildlife attractions, flammable substances and electrical, navigational or radio interference. Land Uses denoted with a “AR” in Table 605-1

are not allowed unless determined to be compliant with additional review criteria set forth in Section 605.7.

5. Uses identified in the column labeled AIA are not necessarily compatible in the RPZ, ASF, and AZ.
6. Specific to the Tampa North Aero Park, pursuant to Rezoning Petition No. 4920 there is a mandatory 135 foot buffer zone from the centerline of the runway for all structures.
7. Whenever there is any uncertainty as to the classification of a use, the County Administrator or designee shall determine the classification according to its similar characteristics.

Table 605-1 Airport Overlay Districts Land Use Compatibility Chart

Use/Activity	RPZ	ASF	AZ	AIA
<i>Residential</i>				
Single Family Dwellings	N	AR	Y	Y
Multifamily Dwellings up to two story	N	AR	Y	Y
Multifamily Dwellings three-story or greater	N	AR	AR	Y
Hotels, Motels and Condotel	N	AR	AR	Y
<i>Industrial/Manufacturing</i>				
Manufacturing, compounding, processing, packaging, treatment, and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food, and kindred products.	N	AR	Y	Y
Textile Mill Products	N	AR	Y	Y
Any Use or Industrial Activity Generating Smoke or Steam Reaching 150 Feet Above Ground Level	N	N	N	AR
Manufacturing, compounding, assembling, or treatment of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, stone, shell, textiles, tobacco, wax, wood, yarn, and paints.	N	AR	Y	Y
Chemicals and Allied Products Activities	N	AR	AR	AR
Refining or Mixing of Petroleum or its products, including asphalt plants	N	AR	AR	AR
Rubber or gutta-percha manufacturing or treatment	N	AR	AR	AR
Laboratories devoted to research, design, experimentation, processing, and fabrication incidental thereto	N	AR	Y	Y

Use/Activity	RPZ	ASF	AZ	AIA
Printing And Publishing	N	AR	Y	Y
Aerospace Product, Parts Manufacturing, Or Related Activities	N	AR	Y	Y
<i>Business and Professional Services</i>				
Professional Offices or Services	N	AR	Y	Y
Financial services, such as insurance, accountants, economic consultants, and stock brokerage and investments firms	N	AR	Y	Y
Veterinary Clinic	N	AR	Y	Y
Personal services, such as beauty and barber shops, tailor shops, laundries, shoe repair, dry cleaners, and florists.	N	AR	Y	Y
<i>Communications Facilities</i>				
Wireless Communications Facilities	N	N	N	AR
<i>Agriculture</i>				
Aviaries; Pigeonry Including Pigeon Lofts Or Racing	N	N	N	Y
Outdoor Aquaculture (fish hatcheries and ponds)	N	AR	AR	Y
Agriculture	Y ¹	Y	Y	Y
Kennels	N	Y	Y	Y
Forestry Activities	N	Y	Y	Y
Solar Facility in Agricultural Districts	N	AR ²	AR ²	AR ²
<i>Commercial/Retail Trade</i>				
Wholesale Trade; Building Material; Hardware; Farm Equipment (Retail); Auto, Marine, Aviation (Retail)	N	AR	Y	Y
General Merchandise (Retail); Food Retail; Apparel and Accessories(Retail); Shopping Centers	N	AR	Y	Y
Hospitals	N	N	AR	Y
Furniture; Home Furnishings (Retail)	N	AR	Y	Y
Restaurants	N	AR	Y	Y
Warehousing And Storage Services	N	AR	Y	Y
Self-Storage Facilities	N	AR	Y	Y

Use/Activity	RPZ	ASF	AZ	AIA
Repair Services	N	AR	Y	Y
Contractor's Office and Storage	N	AR	Y	Y
Automobile Service Stations	N	AR	Y	Y
Conservation				
Wetland Mitigation	AR	AR	Y	Y
Nature Exhibits, Zoos	N	N	Y	Y
Public, Public Assembly, Quasi-Public Services				
Government Services	N	N	Y	Y
Police and Fire Stations	N	AR	Y	Y
Post Office, Libraries, and Museums	N	N	Y	Y
Educational Services (Including Private Schools)	N	N	AR	Y
Civic or Non-Profit Social Organizations	N	N	Y	Y
Cemeteries	N	AR ³	Y	Y
Places of Religious Worship	N	N	Y	Y
Outdoor Recreation and Entertainment				
Playground; Neighborhood Parks	N	AR	Y	Y
Community and Regional Parks	N	N	Y	Y
Spectator Sports Including Arenas or Stadiums	N	N	Y	Y
Golf Courses; Driving Ranges (no lighted facilities)	N	N	Y	Y
Lighted Golf Courses; Driving Ranges	N	N	N	Y
Riding Stables; Equestrian Facilities	N	AR	Y	Y
Entertainment Assembly; Amphitheater; Music Shell	N	N	N	Y
Amusement Parks	N	N	Y	Y
Amusement Facilities	N	N	Y	Y
Resorts And Campgrounds; RV Parks	N	N	Y	Y
Outdoor Gun Clubs, Shooting, or Archery Ranges	N	AR	AR	Y
Movie Theatres, Live Theatre, Auditoriums, Concert Halls	N	N	AR	Y
Outdoor Movie Theatres	N	N	AR	AR
Light, Laser Shows	N	N	N	N

Use/Activity	RPZ	ASF	AZ	AIA
<i>Infrastructure, Transportation, and Utilities</i>				
Wet Stormwater Ponds	N	AR ⁴	AR ⁴	Y
Dry Stormwater Ponds	Y	Y	Y	Y
Floodplain Compensation	Y ⁵	Y ⁵	Y ⁵	Y
Railroads	N	Y	Y	Y
Automobile Or Truck Parking (single level)	N	Y	Y	Y
Streets	Y	Y	Y	Y
Solar Facilities in Industrial Districts	N	AR	AR	AR
Solid Waste Disposal (Landfills, Incineration, Etc.)	N	N	N	N
Construction and Demolition (C&D) Debris Disposal Facilities	N	N	N	AR
Medical Waste Disposal Facilities	N	N	N	N
Yard Trash Disposal Facilities	N	N	N	AR
Recycling Operations	N	N	N	AR
Mining Activities (Including Borrow Pits)	N	AR	AR	AR

¹ Except Tree Farm/Tree Nursery

² Solar facilities shall adequately mitigate any identified glare to an acceptable level per FAA standards.

³ No chapels.

⁴ Dry stormwater ponds are preferred.

⁵ Provided the bottom is not lower than the seasonal high water elevation.

605.7. **Additional Review Criteria**

This Section is used in conjunction with Table 605-1 for the purposes of placing regulatory conditions on proposed development or uses to establish land use compatibility with airport operations. These criteria are to be applied to those land uses denoted under an Airport Overlay District as an Additional Review (AR).

- A. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, and traffic as well as noise, vibration, odor or dust generated by airport activities.
- B. Visibility/Glare. The negative impacts of the proposed use on aircraft flight safety and on the use of airport facilities can be mitigated through application of other Code standards, or other reasonable conditions of approval. A property owner demonstrates that exhaust, emissions, light, glare, or dust will not reduce the effective use of the airport or increase risk for hazards or accidents within the Airport Influence Area (AIA). No operations from any type

shall produce smoke, glare or other visual hazards that endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. Digital billboards shall require additional review and structure lighting use controls/standards, such as light blocking technology, to protect against direct, intense light near airport approaches.

- C. Lighting. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from an airport, such as directed toward the runway environment, or in the vicinity thereof, by shielding, directing downwards, or other means as necessary.
- D. Electronic Interference. Interference can be direct interference (i.e., transmitting locally on a frequency that is close to the NAVAID frequency or a harmonic of that frequency) or indirect interference (through adverse reflections, blocking of the signal by structures, or some interfering activity at a location). No operations of any type shall produce electronic interference with navigation signals or radio communications between the airport, air traffic controller and the aircraft.
- E. Wildlife Hazard Attractants. Land uses that create wildlife hazard attractants shall be prohibited unless the potential to create a hazard is mitigated. Common attractants include certain agricultural and aquacultural activities, architectural features, landscaping, surface mining related ponds, wastewater treatment facilities, and wetlands. [The Airport Cooperative Research Program Report 32 Guidebook for Addressing Aircraft/Wildlife Hazards at General Aviation Airports](#) should be consulted for techniques and strategies for avoidances and management practices. The applicant shall identify actions to be taken to avoid attracting birds which could be a hazard to aircraft.
- F. Where stormwater management facilities are unavoidable, best management practices shall be used to decrease the potential to attract birds and wildlife, such as steep slopes, rip-rap lined detention areas, vegetation managements, bird balls, and use of dry detention areas, subject to review and approval.
- G. Hold Harmless Agreements.

For site plans, special exceptions, conditional uses, and rezoning applications for development within the Approach Surface Floor (ASF), a condition of approval shall be included that the property owner is required to propose to the applicable airport owner to enter into a hold harmless agreement acknowledging the potential for airport-related effects on the property and agree not to sue the Airport for lawful airport operations. The following language at a minimum shall be included in the agreement and shall be binding on successors and assigns:

“ _____ (name of property owner) by reason of their ownership or occupation of the following described real property, _____ shall not protest or bring suit or action against _____ (name of airport) for

aviation related noise, property damage, or personal injuries resulting from activities at or connected with said Airport when such activities conform to the then existing rules and regulations of said Airport, the applicable federal regulations, Florida law, and local rules and regulations, and no negligence on the part of said Airport is involved.”

605.8. Height Limitations within Airport Protection Overlay Districts

In addition to all other requirements of this Section height limitations shall be reviewed. A building, structure, use, or object of natural growth or terrain that penetrates any of the Federal Aviation Administration’s designated imaginary surfaces or zones, established by this Code, constitutes an obstruction, as defined by Federal Aviation Regulations (FAR), Part 77. Height of buildings, structures, or objects of natural growth or terrain within surfaces surrounding an airport shall not create an unreasonable threat to aircraft operations and safety.

- A. Any area located in more than one of the Zones or Surfaces described in this Section shall be considered to be only in the Zone or Surface with the more restrictive height limitation. Land within the Zephyrhills Overlay District is also subject to the requirements of Zephyrhills Ordinance No. 1358-18, as applicable and consistent with said Interlocal Agreement.
- B. Except as otherwise provided, no structure shall be constructed or maintained, or object of natural growth or terrain permitted to grow within any zone or surface created herein in excess of the height limitations established herein. In addition, no structure or obstruction will be permitted within the County that could potentially change minimum obstruction clearance altitude, minimum descent altitude or a decision height.
- C. A structure or object of natural growth or terrain shall not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77. Objects of natural growth, i.e., trees, shall be maintained by the property owner so as not to penetrate these surfaces as defined by FAR, Part 77. The height of new structures and objects of natural growth or terrain within an Airport Protection Overlay District shall comply with restrictions set forth in Table 605-2.

Table 605-2 Height Restrictions for Certain Airport Overlay Districts

Use/Structure Type	RPZ	ASF	AZ	AIA
Single-Family Residential	Structure Not Allowed	1	1	1
Multiple Family Residential	Structure Not Allowed	1	1	1
Office Uses	Structure Not Allowed	1	1	1
Commercial Uses	Structure Not Allowed	1	1	1
Industrial Uses	Structure Not	1	1	1

	Allowed			
Structure Type	RPZ	ASF	AZ	AIA
Wireless Communications Facilities	Structure Not Allowed	Structure Not Allowed	Structure Not Allowed	150'
Water Tower	Structure Not Allowed	Structure Not Allowed	Structure Not Allowed	150'
Above-Ground Local Utility or Electric Service Lines ²	Structure Not Allowed	Structure Not Allowed	50'	75'
Regional Electric Transmission Lines ²	Structure Not Allowed	Structure Not Allowed	Structure Not Allowed	150'
Tree Farm/Tree Nursery	Not Allowed	³	³	³

¹ Height restricted by applicable zoning designation (up to a maximum of 60 feet) unless otherwise restricted by this Section. If within ASF or AZ and located in an Urban Service Area, additional height above maximum building height for zoning designation shall not apply.

² Utility or electric distribution or transmission lines in place prior to the effective date of this Section that are non-conforming with regard to height may be replaced so long as the non-conformity is not increased.

³ Shall not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77

D. The review of height is subject to state and federal standards. The County will defer to the Federal Aviation Administration (FAA) for height review. The owner of any structure shall require the owner of an obstruction to install, operate and maintain lighting at his or her expense in accordance with [Federal Aviation Administration Advisory Circular 70-7460-1M, Obstruction Marking and Lighting](#), and amendments thereto, on such structure.

1. Permit Required. Any person proposing to construct, alter, or allow an obstruction in an airport hazard area, as determined by the Federal Aviation Administration (FAA), must apply for a building or development permit, as applicable. Such permit shall not be issued if it would allow the establishment or creation of an airport hazard as defined in this Code or if it would authorize a nonconforming obstruction to become a greater hazard to air navigation.
2. Permit Application. 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.
3. Hazard Marking and Lighting. Where the FAA has reviewed a proposed development and determined it would not affect the safe and efficient use of navigable airspace and the operation of planned or existing air

navigation and communication facilities, the County Administrator or designee may grant an Airport Obstruction Permit for a proposed development, provided that conditions are attached to said permit to ensure the installation, operation, and maintenance of appropriate obstruction marking, lighting, and/or flagging, if such obstruction marking, lighting, and/or flagging is required in its written Determination.

- E. Within in the Part 77 Conical Surface of the Brooksville-Tampa Bay Regional Airport (See Map 605-5) the height of proposed uses shall be reviewed pursuant to Table 605-2.
- F. The County Administrator or designee shall provide a copy of the application to the Florida Department of Transportation Aviation and Spaceports Office by certified mail, return receipt requested or by email to DOTAirportZoning@dot.state.fl.us. In accordance with subsection 333.025(4), Florida Statutes, the Department has a fifteen-day (15) review period following receipt of the application, which runs concurrently with the county's permitting process.
- G. FAA Coordination. All applicable FAA forms shall be completed, and a determination letter shall be filed with the application for a permit. Refer to the FAA Notice Criteria Tool located on the FAA website at <https://oeaaa.faa.gov/oeaaa/extenal/portal.jsp> to determine whether an aeronautical study is required for the proposed development.

605.9. **Airport Noise Contours.**

- A. No new noise-sensitive land uses shall be established within the limits of the 65 DNL noise exposure contour as delineated in The Airport Noise Contour Reports conducted in accordance with 14 CFR Part 150 Airport Noise Compatibility and adopted by the Board of County Commissioners through Resolution No. 23-035. See Maps 605-6 through 605-8 for 65 DNL Noise Exposure Contour for Hidden Lake Airport, Pilot Country Airport, and Tampa North Aero Park. Noise-sensitive land uses include, but are not limited to: single family residential, multi-family residential, mobile homes, places of religious worship, schools (with the exception of aviation schools), Residential Treatment and Care Facilities, Group Living Arrangements (GLA), hospitals, day care centers and museums. Pursuant to Chapter 66, Article IV, Division 2, Section 66-95(3) of the Pasco County Code of Ordinances, aircraft are exempt from noise regulations.

- B. Covenants and Deed Restrictions

For new and existing land uses outside the 65 DNL noise contour and within the Airport Zone (AZ); covenants and deed restrictions shall disclose the proximity of property to the airports and the potential airport-related effects on the property, and obligate owners to disclose this information to prospective buyers and lessees.

1. For existing leased premises all new leases after the effective date of this Section shall contain the following language:
“Tenant acknowledges that (insert name of project) is located in close proximity to an active airstrip, which is used for airplane and helicopter takeoffs and landings, among other things. As a result, Tenant may experience intermittent disruptions of varying intensity, including but not limited to noise, vibration, and light within the unit at any time of the day or night.
By executing this Lease, Tenant acknowledges that it is knowingly, willingly, and voluntarily agreeing to occupy the unit despite the potential for such disruptions. The presence or occurrence of such disruptions shall not constitute a public or private nuisance, a violation of Tenant’s right to quiet enjoyment, or a breach of any warranties under this Lease or the law of the State of Florida which (insert name of project) is located. Tenant waives any and all claims arising under this Lease or pursuant to the law of the State of Florida which (insert name of project) is located, which are based on activities occurring at the nearby airstrip.”
2. For site plans, special exceptions, conditional uses, rezoning, and building permit applications that include leased Residential Uses outside the 65 DNL noise contour and within the Airport Zone (AZ), a condition of approval shall be required or a restrictive covenant shall be recorded that states that each proposed lease shall contain the follow provision:

“Tenant acknowledges that (insert name of project) is located in close proximity to an active airstrip, which is used for airplane and helicopter takeoffs and landings, among other things. As a result, Tenant may experience intermittent disruptions of varying intensity, including but not limited to noise, vibration, and light within the unit at any time of the day or night.

By executing this Lease, Tenant acknowledges that it is knowingly, willingly, and voluntarily agreeing to occupy the unit despite the potential for such disruptions. The presence or occurrence of such disruptions shall not constitute a public or private nuisance, a violation of Tenant’s right to quiet enjoyment, or a breach of any warranties under this Lease or the law of the State of Florida which (insert name of project) is located. Tenant waives any and all claims arising under this Lease or pursuant to the law of the State of Florida which (insert name of project) is located, which are based on activities occurring at the nearby airstrip.”
3. For site plans, special exceptions, conditional uses, rezoning, and building permit applications that include Residential Uses outside of the 65 DNL noise contour and within the Airport Zone (AZ) to be conveyed fee simple, a condition of approval shall be required or a restrictive covenant shall be recorded that states that the developer shall cause to be recorded community covenants, including

but not limited to and as applicable, restrictive covenants, declaration of condominium, declaration of covenants, cooperative documents, prospectus or offering circulars that contains the following before the approval is effective:

“Declarant shall include a provision in all sales contracts, which shall be initialed by the purchaser, disclosing that the home is located in close proximity to an active airstrip, which is used for airplane and helicopter takeoffs and landings, among other things. As a result, the property owner may experience intermittent disruptions of varying intensity, including but not limited to noise, vibration, and light within the home at any time of the day or night.”

Additionally, or where community covenants are not proposed, individual deeds shall contain the following language:

“By accepting this Deed, Grantee acknowledges that the land is located in close proximity to an active airstrip, which is used for airplane and helicopter takeoffs and landings, among other things. The presence or occurrence of such disruptions shall not constitute a public or private nuisance, a violation of Grantee’s right to quiet enjoyment, or a breach of any warranties under this Deed or the law of the State of Florida. Grantee waives any and all claims arising under this Deed or pursuant to the law of the State of Florida which are based on activities occurring at the nearby airstrip.”

4. For site plans, special exceptions, conditional uses, rezoning, and building permit applications that include Residential Treatment and Care Facilities and Group Living Arrangement (GLA) outside the 65 DNL noise contour and within the Airport Zone (AZ), a disclosure to resident occupants stating the following shall be provided:

“Resident acknowledges that (insert name of facility) is located in close proximity to an active airstrip, which is used for airplane and helicopter takeoffs and landings, among other things. As a result, Resident may experience intermittent disruptions of varying intensity, including but not limited to noise, vibration, and light within the unit at any time of the day or night.”

If such Residential Treatment and Care Facility or Group Living Arrangement (GLA) require occupancy agreements or leases, the following additional language shall be included in that document:

“Resident acknowledges that (insert name of facility) is located in close proximity to an active airstrip, which is used for airplane and helicopter takeoffs and landings, among other things. As a result, Resident may experience intermittent disruptions of varying intensity, including but not limited to noise, vibration, and light within the unit at any time of the day or night. By executing this Lease or Agreement, Resident acknowledges that it is knowingly, willingly,

and voluntarily agreeing to occupy the unit despite the potential for such disruptions. The presence or occurrence of such disruptions shall not constitute a public or private nuisance, a violation of Resident's right to quiet enjoyment, or a breach of any warranties under this Lease or the law of the State of Florida which (insert name of project) is located. Resident waives any and all claims arising under this Lease or pursuant to the law of the State of Florida which (insert name of project) is located, which are based on activities occurring at the nearby airstrip."

- C. New or Expanded Airports. If an FAA noise study has not been conducted by an airport, residential construction and any educational facility, with the exception of aviation school facilities, shall be prohibited within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.
- D. This Section shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational facility or site in existence as of July 1, 1993.

605.10. **Procedures for Permits within Airport Overlay Districts**

In addition to submittal procedures in Chapter 300 of this Code and the permits required pursuant to Chapter 400 of this Code, additional procedures for approval of development within the Airport Overlay Districts shall apply.

- A. Exemptions. Notwithstanding any other provisions herein, the following activities and structures shall be exempt from the permitting requirements of this Section:
 - 1. Existing structures that received construction permits from the Federal Communications Commission (FCC) that exceed federal obstruction standards before May 20, 1975. A permit is not required for any necessary replacement or repairs to such existing structures if the height and location are unchanged.
 - 2. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed 18 consecutive months.
- B. For site plans, special exceptions, conditional uses, rezonings and comprehensive plan amendments, proof presented at the preapplication meeting of the transmission by electronic means to the applicable Airport all of the following: a concept plan, a project narrative, the applicants' contact information, and the response, if any from the Airport. Preapplication meetings cannot be waived in the RPZ, ASF, or AZ. Applications within the RPZ, ASF, or AZ do not qualify for the Quick Start Review process. For site plans approved prior to the effective date of this Section, building permit applications for structures other than single-family dwellings shall be forwarded by the County to the applicable Airport for review and comment prior to approval. The Airport has a fifteen-day (15) review period following receipt of the application,

which runs concurrently with the County's permitting process. Contacts for the airports:

Hidden Lake: bunnj@hiddenlakeairport.com

Pilot Country: spencerbrass53@gmail.com

Tampa North Aero Park: angelalbrammer@gmail.com

Zephyrhills Municipal Airport: ncoleman@ci.zephyrhills.us;

tvandeberg@ci.zephyrhills.us

- C. Within the RPZ, uses are strictly limited to those allowed within Table 605-1. The requirements of Section 605.9.B. shall be met. The proposed use shall also be reviewed by the appropriate Airport. The Airport has a fifteen-day (15) review period following receipt of the application, which runs concurrently with the county's permitting process. Review shall include the applicable review criteria found in Section 333.07(2), Florida Statutes, as amended.
- D. Within in the ASF, proposed uses shall be reviewed pursuant to Table 605-1 and additional review criteria and conditions may be applied to the project. The height of proposed uses shall be reviewed pursuant to Table 605-2. The requirements of Section 605.9.B. shall be met. The proposed use shall also be reviewed by the appropriate Airport. The Airport has a fifteen-day (15) review period following receipt of the application, which runs concurrently with the county's permitting process. Review shall include the applicable review criteria found in Section 333.07(2), Florida Statutes, as amended.
- E. Within the AZ, proposed uses are reviewed pursuant to Table 605-1 and additional review criteria and conditions may be applied to the project. The height of proposed uses shall be reviewed pursuant to Table 605-2. The requirements of Section 605.9.B. shall be met. The proposed use shall also be reviewed by the appropriate Airport. The Airport has a fifteen-day (15) review period following receipt of the application, which runs concurrently with the county's permitting process. Review shall include the applicable review criteria found in Section 333.07(2), Florida Statutes, as amended.
- F. Within the AIA, proposed uses are reviewed pursuant to Table 605-1 and additional review criteria and conditions may be applied to the project. The height of proposed uses shall be reviewed pursuant to Table 605-2.
- G. The County shall consider all comments received from the FAA, FDOT, the airports, and all other reviewing agencies and entities. The County Administrator or designee shall approve the permit if after evaluation, the proposed project meets the requirements of this Code. Should the proposed project not meet the requirements of this Code, the County Administrator or designee shall deny the permit. Should the permit be denied, the applicant shall have the right to appeal as prescribed in this Code.

605.11. **Existing Nonconforming Uses**

It is the declared intent of the Board of County Commissioners that all Airports within Pasco County are not nonconforming uses. Buildings and structures within the boundaries of the Airport communities of Hidden Lake, Pilot Country, and Tampa North

Aero Park are not nonconforming uses. The boundaries of these Airport communities shall be the areas within the Airport communities with internal streets and/or driveways connecting to the Airport runways. Further, all existing buildings within the 65 DNL noise contours are not nonconforming uses.

It is the declared intent of the Board of County Commissioners that the Exempt Properties and any development of or buildings or structures thereon are not and will not be nonconforming uses as a result of the regulations set forth in this Section 605, Airport Overlay Districts.

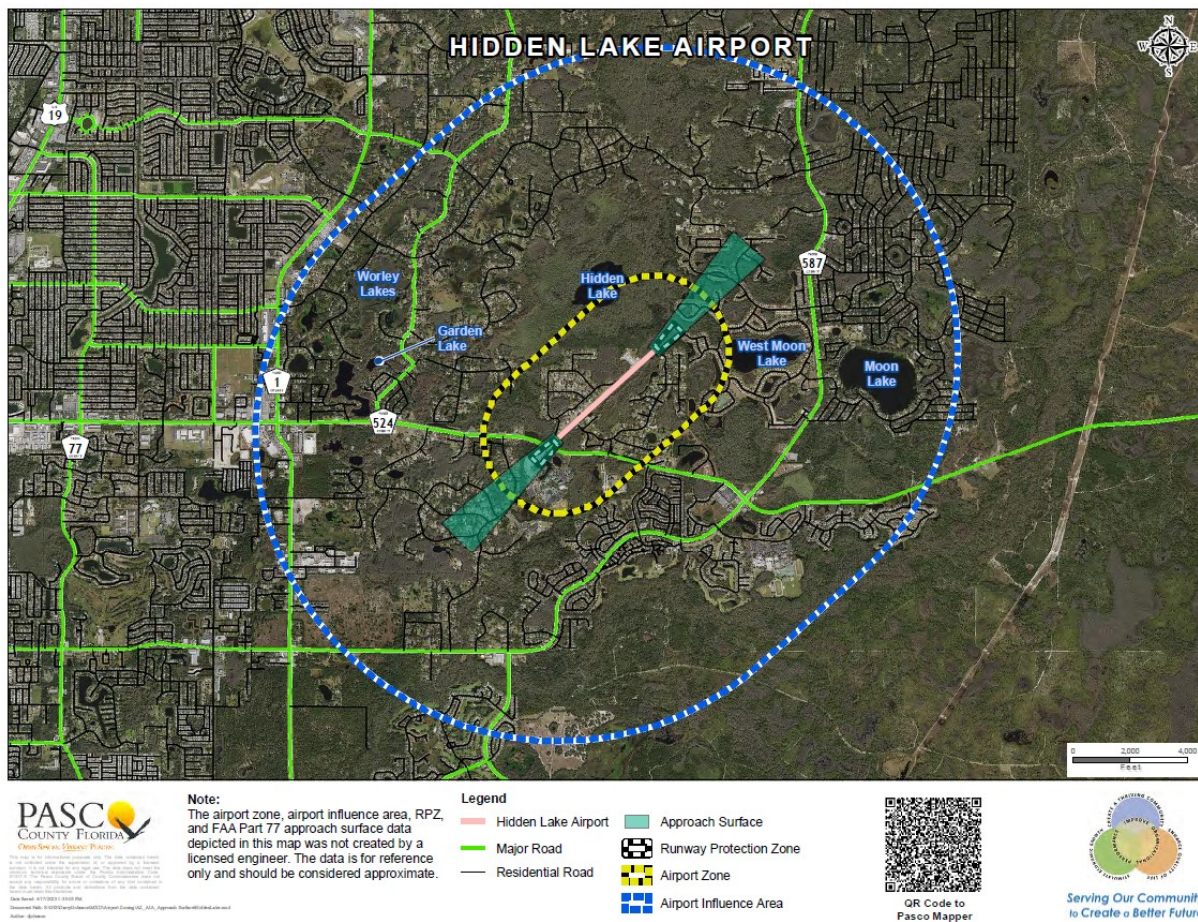
Existing structures and uses in the unincorporated area within the Runway Protection Zone (RPZ), Approach Surface Floor (ASF), Airport Zone (AZ), and Airport Influence Area (AIA) shall not be made nonconforming by the adoption of this Section.

605.12. **Appeals**

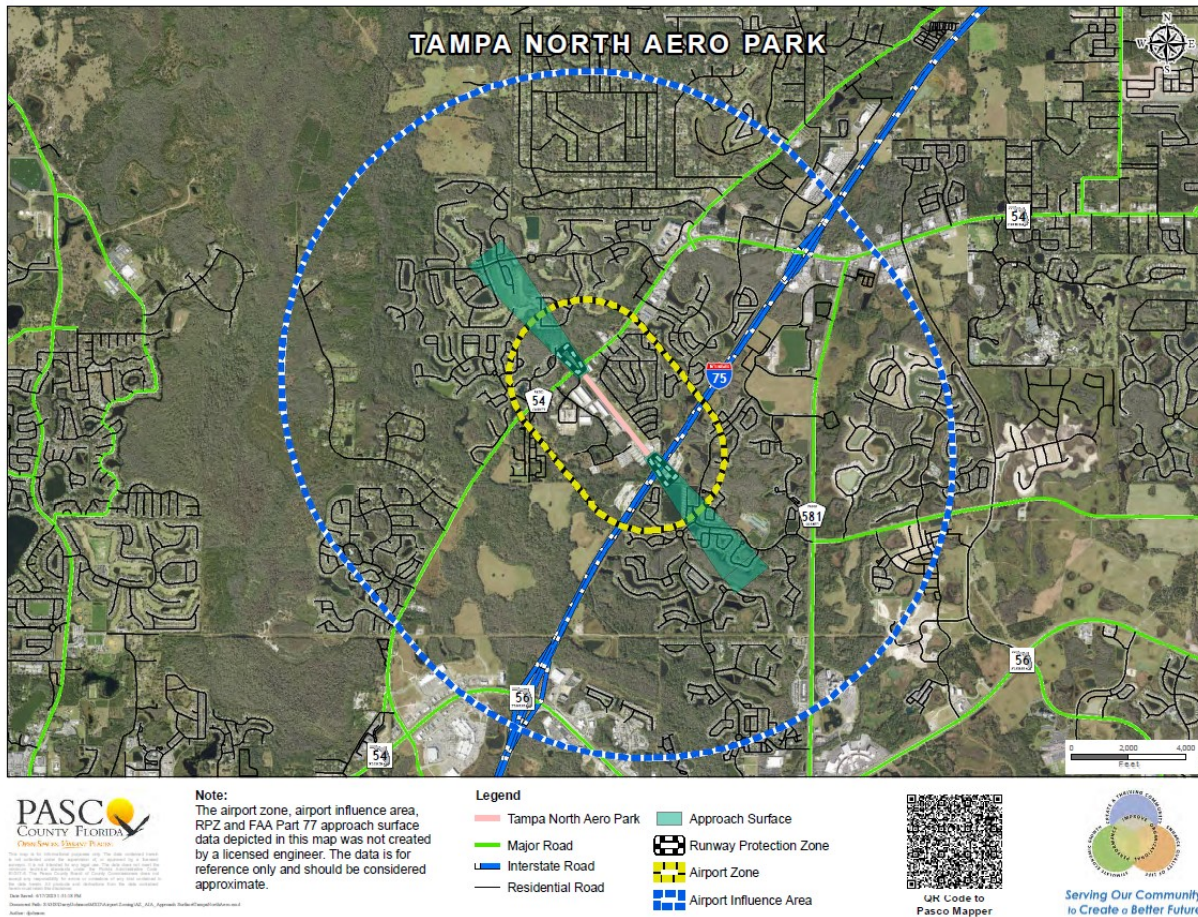
Appeals pursuant to this Section shall be to the Planning Commission and in accordance with Section 407.1 Appeals.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the agency from which the appeal is taken certifies to the County after notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril of life or property. In such cases, proceedings shall not be stayed otherwise than by an order of the County on notice to the agency from which the appeal is taken and on due cause shown.

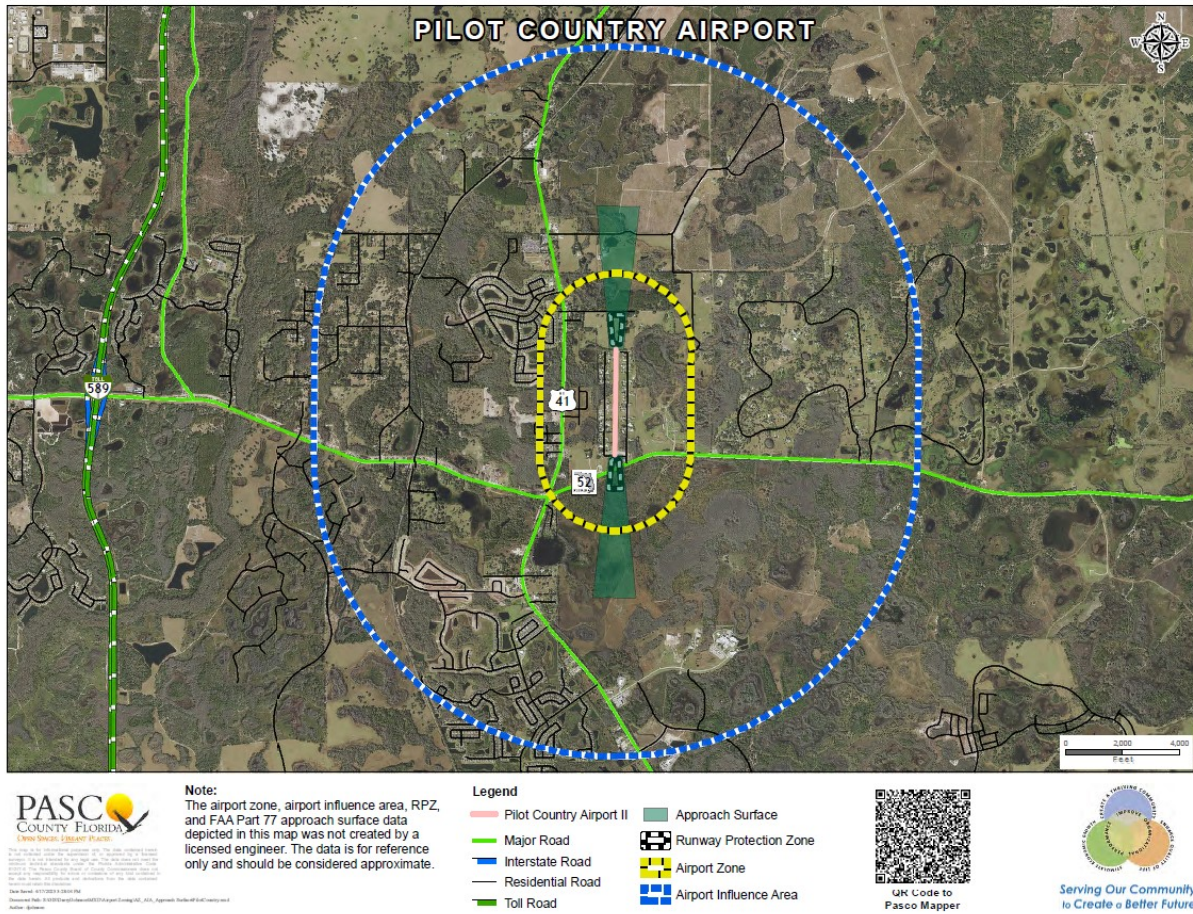
Map 605-1: Hidden Lake Airport



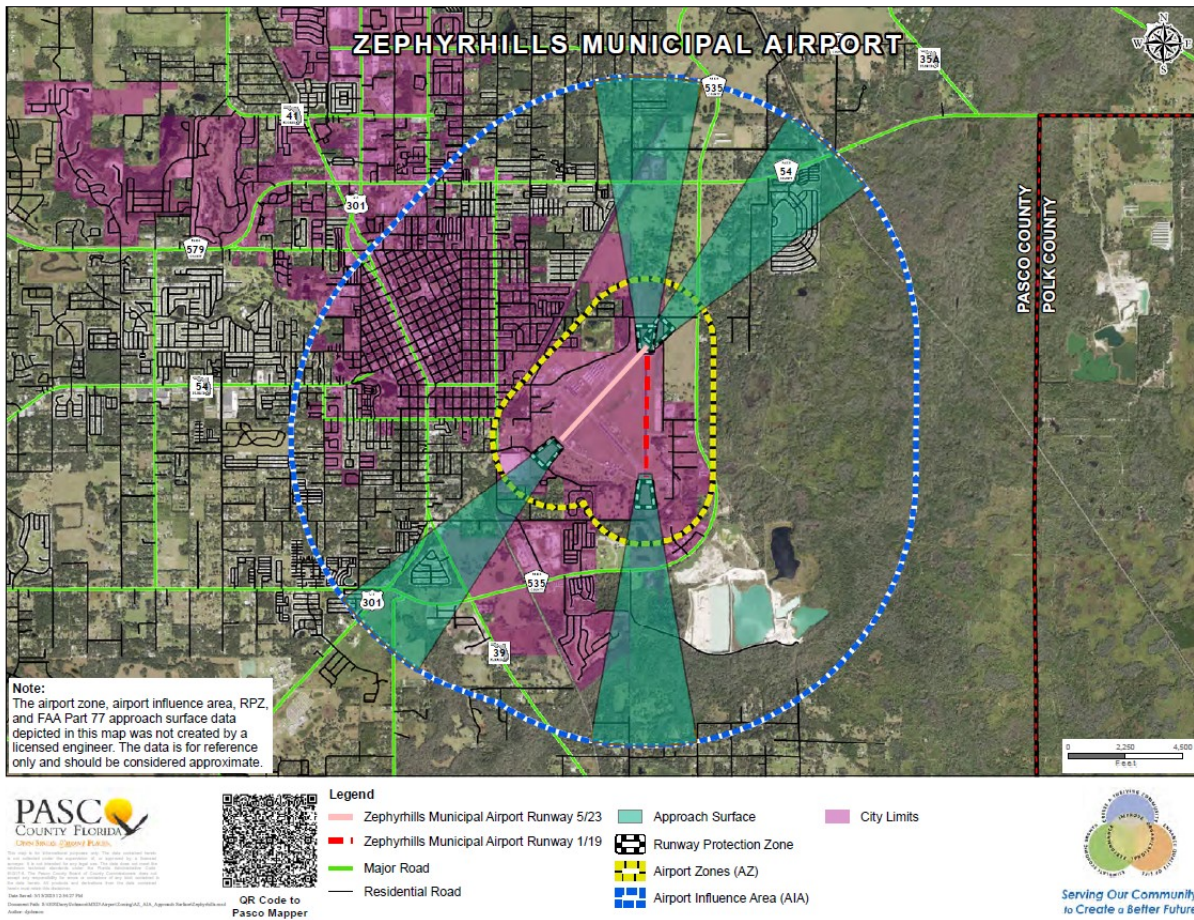
Map 605-2: Tampa North Aero Park



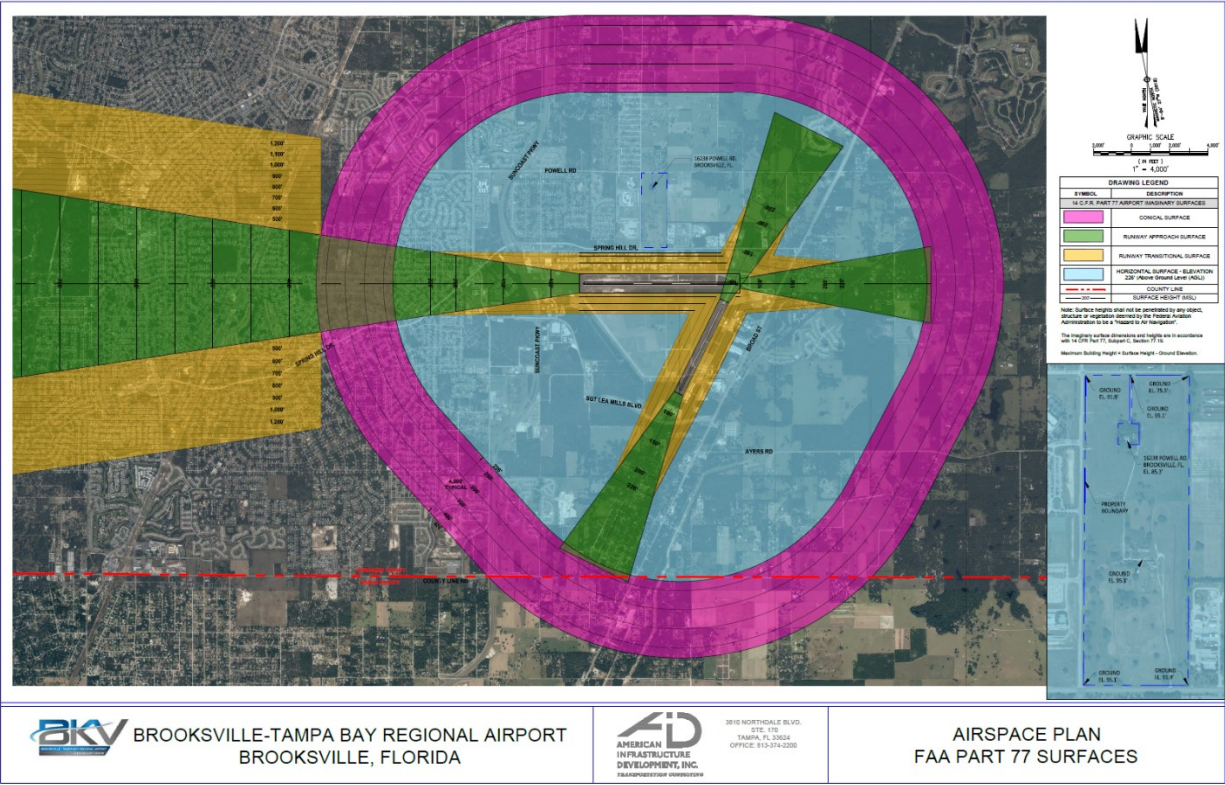
Map 605-3: Pilot Country Airport



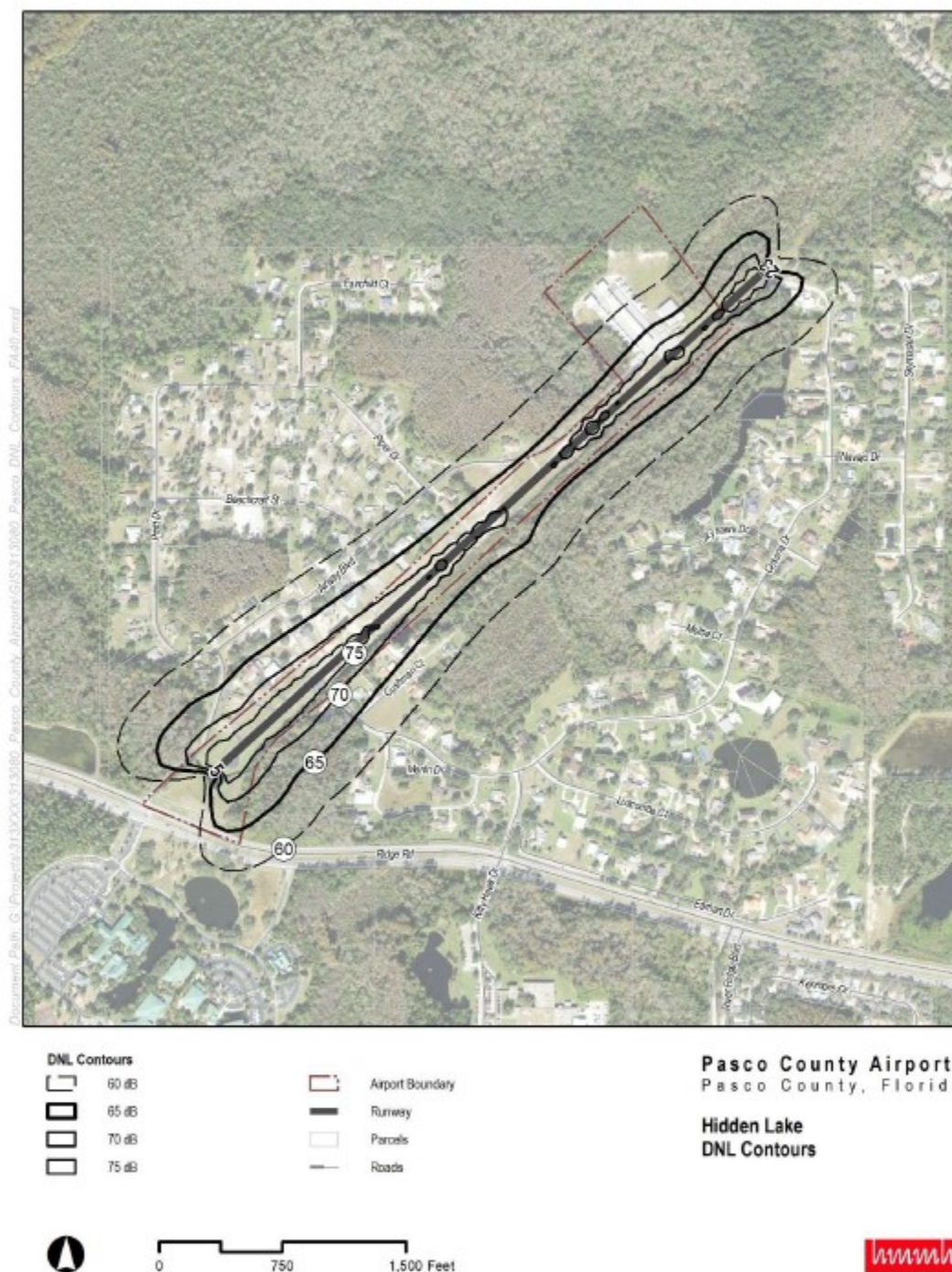
Map 605-4: Zephyrhills Municipal Airport



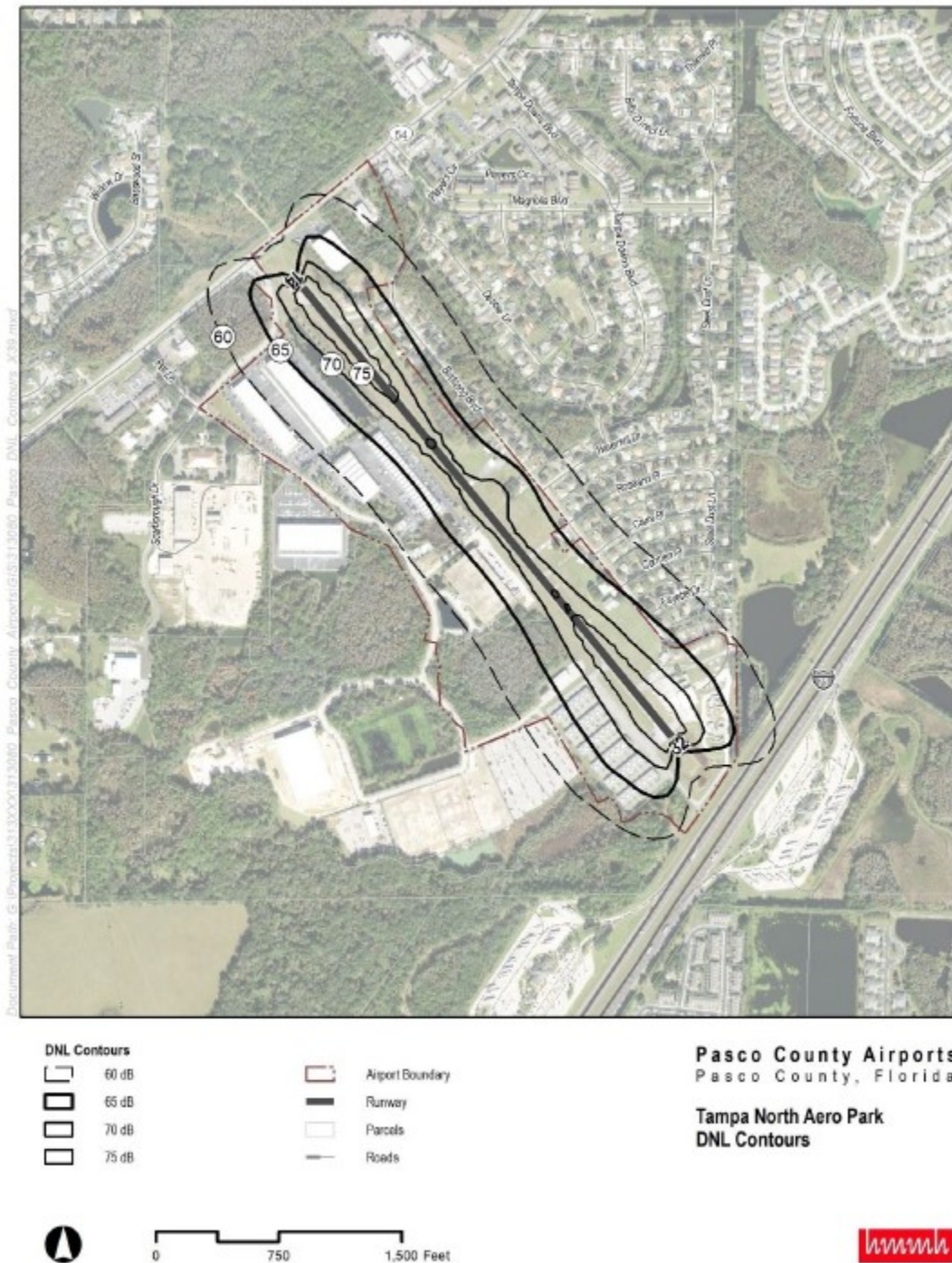
Map 605-5: Brooksville-Tampa Bay Regional Airport Part 77 Surfaces



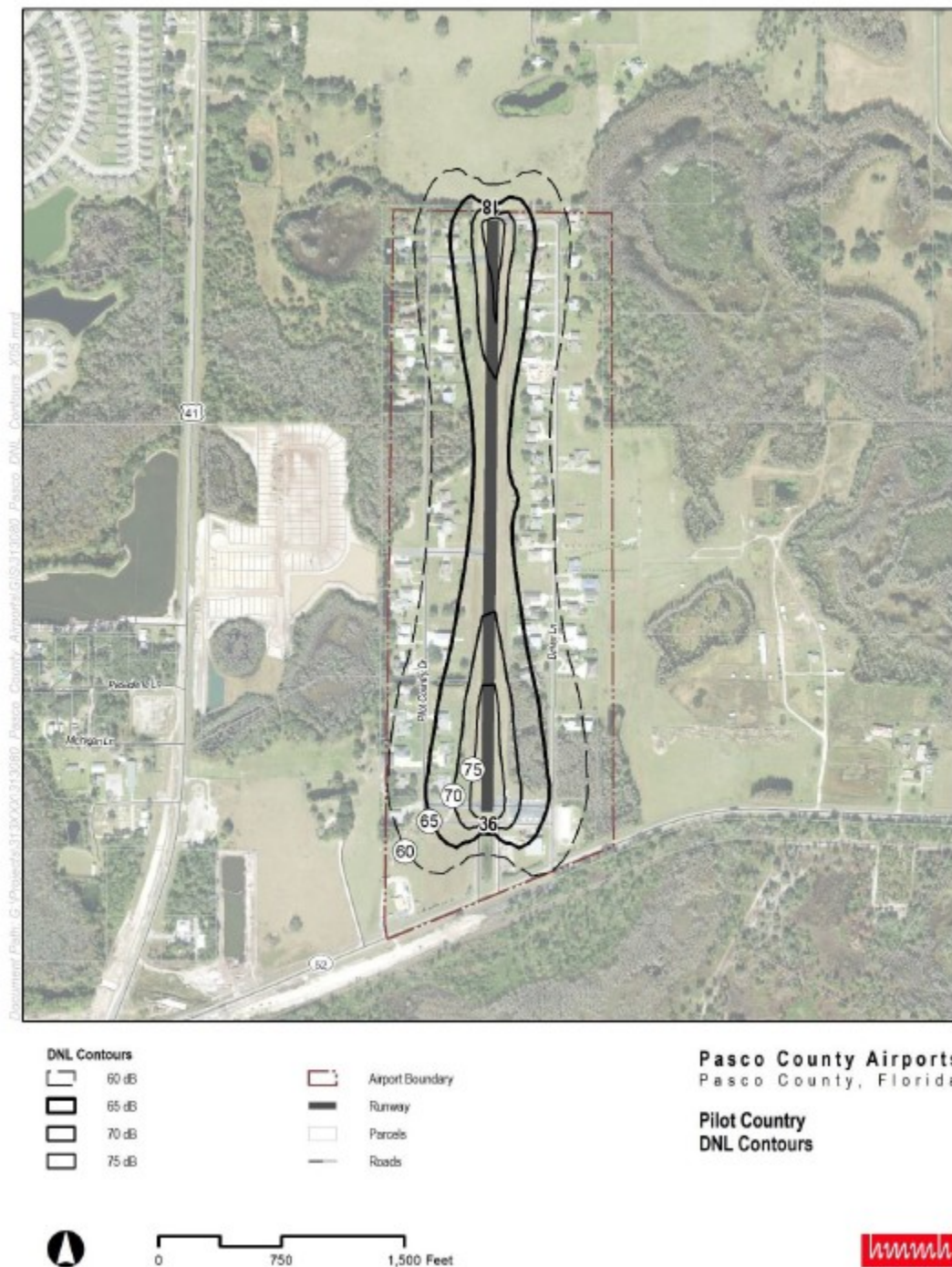
Map 605-6: Hidden Lake Airport 65 DNL Noise Contour Map



Map 605-7: Tampa North Aero Park 65 DNL Noise Contour Map



Map 605-8: Pilot Country Airport 65 DNL Noise Contour Map



Appendix A Definitions

Airports. For the purposes this Code, Section 605 Airport Overlay Protection Districts, the following words shall be defined as follows:

1. **Aeronautical Study.** A Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.
2. **Airport.** Any area of land or water designed and set aside for the landing and taking off of aircraft and used or to be used in the interest of the public for such purpose.
3. **Airport Elevation.** The highest point of an airport's usable landing area measured in feet above Mean Sea Level.
4. **Airport Hazard.** An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.
5. **Airport Hazard Area.** Any area of land or water upon which an airport hazard might be established, if not prevented, pursuant to Chapter 333, Florida Statutes.
6. **Airport Protection Zoning Regulations.** Airport zoning regulations governing airport hazards.
7. **Avigation Easement.** An agreement that compels property owners to surrender their property's air rights to the government.
8. **Bird Balls.** A floating bird and wildlife deterrent that rest on the surface of the water.
9. **CFR.** Code of Federal Regulations.
10. **Decision Height.** The height at which a decision must be made during all ILS instrument approach to either continue the approach or to execute a missed approach.
11. **Educational Facility.** Any structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multi-tenant building.
12. **FAR.** Federal Aviation Regulations, Title 14, Code of Federal Regulations. FAR Part 77 is entitled "Safe, Efficient Use, and Preservation of the Navigable Airspace".
13. **Minimum Descent Altitude.** The lowest altitude, expressed in feet above Mean Sea Level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach where no electronic glide slope is provided.

14. **NAVAID.** Navigational Aids (NAVAIDs) are physical devices on the ground that aircraft can detect and fly to.
15. **Object of Natural Growth.** Any organism of the plant kingdom, including a tree.
16. **Non-Precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.
17. **Obstruction.** Any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C that obstructs the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft. The term includes: Any object of natural growth or terrain; Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or Alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.
18. **Precision Instrument Runway.** A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.
19. **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length. Those existing or planned portions of each airport prepared for the landing and takeoff of aircraft, as shown on the approved airport layout plan of each publicly-owned airport, or those portions of each privately-owned airport prepared for the landing and takeoff of aircraft and identified as such by the Florida Department of Transportation.
20. **Utility Runway.** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
21. **Visual runway.** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedures and no instrument designation indicated on an FAA approved airport layout plan, a military services approved military layout plan, or by any planning document submitted to the FAA by competent authority.