

ORDINANCE NUMBER 2016-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 4, ARTICLE 4, SECTION 4-4.1 “PURPOSE OF ARTICLE”, AND SECTION 4-4.2 (d) “SOURCE STANDARDS”, BY INCLUDING THE “AIR INSTALLATIONS COMPATIBLE USE ZONES STUDY FOR NAS PENSACOLA AND NOLF SAUFLEY 2010”, AND SECTION 4-4.2 (f) TO CHANGE THE “DAY-NIGHT AVERAGE SOUND LEVEL ABBREVIATION (Ldn) TO (DNL), AND SECTION 4-4.4 (b)(3) “ESTABLISHMENT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3175, Florida Statutes, requires that local governments seek military installation involvement to jointly establish the specific ways in which the plans and programs of the military installations and the local governments will be coordinated to achieve, to the greatest degree possible, compatibility of land use and land development on lands adjacent or closely proximate to the military installations with the activities and mission of such military installations; and

WHEREAS, Section 333.03, Florida Statutes, states that in order to prevent the creation or establishment of airport hazards, as defined in s.333.01(3), Florida Statutes, every political subdivision having an airport hazard area, as defined in s.333.01(4), Florida Statutes, within its territorial limits is required to adopt, administer, and enforce, under its police power and in the manner and upon the conditions prescribed therein, airport zoning regulations for such airport hazard area; and

WHEREAS, incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission and does further find that such development also threatens the public safety due to the increased introduction of citizens into areas surrounding the military installations characterized as susceptible to aircraft accidents, noise and vibration resulting from military aircraft operation; and

WHEREAS, the County recognizes that it is desirable to cooperate with military installations to achieve compatible land use near each military installation, which, in turn, shall facilitate the continued presence of the military installations within the County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 4 Article 4 is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

Sec. 4-4.1 Purpose of article.

This article establishes land use regulations that implement Comprehensive Plan policies requiring the prevention of airport and airfield hazards and incompatible land uses around those facilities. It is the intent of these regulations to ensure the continued safe and efficient use of navigable airspace and operation of airports, airfields and other air navigation or communication facilities within the county. Airport and airfield hazards effectively reduce the size of areas available for the landing, taking off and maneuvering of aircraft, tending to destroy or impair both the present and future utility of aviation facilities and any public investment in them. Incompatible uses and activities have the potential for being hazardous to persons and property on the ground as well as aircraft operations. This article also implements and puts into regulatory effect certain recommendations of the Escambia County Joint Land Use Study, September , 2003, as amended through the Air Installations Compatible Use Zones (AICUZ) Study for NAS Pensacola and NOLF Saufley, 2010.

Sec 4.4-2(d) Source Standards.

(d) Source standards. The obstruction provisions of this article are derived from federal obstruction standards in *Safe, Efficient Use, and Preservation of the Navigable Airspace*, 14 CFR pt. 77, and Unified Facilities Criteria (UFC) 3-260-01, *Airfield and Heliport Planning and Design*. The land use compatibility provisions are derived from *Airport Noise Compatibility Planning*, 14 CFR pt. 150, and the Air Installations Compatible Use Zones (AICUZ) program, (*Air Installations Compatible Use Zones Study for NAS Pensacola and NOLF Saufley 2010*) , as described in OPNAV Instruction 11010.36C. However, whenever the provisions of this section reference federal standards or recommendations, the latest version is intended unless the context clearly indicates otherwise.

Sec. 4-4.2(f) Interior Noise Reduction

(f) Interior noise reduction. In areas of high noise exposure from normal airport and airfield operations, interior noise reduction methods are required to maintain compatibility for some uses. Anticipated high noise exposure is represented by noise zones according to a FAA standard measure of the 24-hour day-night average sound level (~~L_{dn}~~) (DNL). Noise reduction required by the applicable noise zone shall be identified on building construction plans and accomplished according to nationally accepted sound attenuation methods. For the habitable space within any new building or building addition, the following noise reductions are required by exposure:

(1) Below 65 ~~L_{dn}~~ DNL. For noise exposures less than 65 ~~L_{dn}~~ (DNL), no interior noise reduction is required.

(2) Between 65 and 70 Ldn DNL. For noise exposures between 65 and 70 Ldn (DNL), an interior noise level reduction of at least 25 decibels (dB) is required for residential uses or educational facilities, and is recommended for other noise sensitive uses.

(3) Between 70 and 75 Ldn DNL. For noise exposures between 70 and 75 Ldn (DNL), an interior noise level reduction of at least 30 dB is required for residential, educational, public assembly or reception, office, and other noise sensitive uses.

(4) Above 75 Ldn DNL. For noise exposures above 75 Ldn (DNL), residential and educational uses are prohibited regardless of noise reduction measures, but an interior noise level reduction of at least 35 dB is required for public assembly or reception, office, and other noise sensitive uses.

Sec. 4-4.4(b)(3) Establishment

(3) Establishment. AIPDs and their constituent zones and areas are established through their definition and adoption within the LDC. The Airfield Influence Planning District Overlay maps for NAS Pensacola, NOLF Saufley, and NOLF 8, as included in Air Installations Compatible Use Zones Study NAS Pensacola and NOLF Saufley 2010, are specifically adopted here by reference and declared to be part of the LDC, with the information shown on the maps having the same force and effect as the text of the LDC. The AIPD maps are maintained digitally in the county's "Geographic Information System" (GIS).

Section 2. Severability.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Inclusion in Code.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68; and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "chapter," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date.

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this _____ day of _____, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

By: _____
Grover C. Robinson, IV, Chairman

**ATTEST: PAM CHILDERS
Clerk of the Circuit Court**

By: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: