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OPNAV INSTRUCTION 11010.36B

19 DEC 2002

Suggested Land Use Compatibility Guidelines

TABLE 2 - AIR INSTALLATIONS COMPATIBLE USE ZONES SUGGESTED LAND USE COMPATIBILITY IN NOISE ZONES

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 ( DNL or CNEL)		Noise Zone 2 ( DNL or CNEL)		Noise Zone 3 ( DNL or CNEL)		
SLUCM NO	LAND USE NAME	< 55	55- 64	65 - 69	70 -74	75- 79	80 -84	85+
	<b>Residential</b>							
11	Household Units	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
11.11	Single units: detached	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
11.12	Single units: semidetached	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
11.13	Single units: attached row	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
11.21	Two units: side-by-side	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
11.22	Two units: one above the other	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
11.31	Apartments: walk-up	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
11.32	Apartment: elevator	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
12	Group quarters	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
13	Residential Hotels	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
14	Mobile home parks or courts	Y	Y <sup>1</sup>	N	N	N	N	N
15	Transient lodgings	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N
16	Other residential	Y	Y <sup>1</sup>	N <sup>1</sup>	N <sup>1</sup>	N	N	N
20	<b>Manufacturing</b>							
21	Food & kindred products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
22	Textile mill products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 ( DNL or CNEL)		Noise Zone 2 ( DNL or CNEL)		Noise Zone 3 ( DNL or CNEL)		
SLUCM NO.	LAND USE NAME	< 55	55- 64	65 - 69	70 -74	75- 79	80 -84	85+
23	Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
24	Lumber and wood products (except furniture); manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
25	Furniture and fixtures; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
26	Paper and allied products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
27	Printing, publishing, and allied industries	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
28	Chemicals and allied products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
29	Petroleum refining and related industries	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
31	Rubber and misc. plastic products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
32	Stone, clay and glass products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
33	Primary metal products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
34	Fabricated metal products; manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
35	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	Y	Y	Y	25	30	N	N
39	Miscellaneous manufacturing	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 ( DNL or CNEL)		Noise Zone 2 ( DNL or CNEL)		Noise Zone 3 ( DNL or CNEL)		
SLUCM NO	LAND USE NAME	< 55	55- 64	65 -69	70 -74	75-79	80 -84	85+
<b>40</b>	<b>Transportation, communication and utilities.</b>							
41	Railroad, rapid rail transit, and street railway transportation	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
42	Motor vehicle transportation	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
43	Aircraft transportation	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
44	Marine craft transportation	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
45	Highway and street right-of-way	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
46	Automobile parking	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
47	Communication	Y	Y	Y	25 <sup>5</sup>	30 <sup>5</sup>	N	N
48	Utilities	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
49	Other transportation, communication and utilities	Y	Y	Y	25 <sup>5</sup>	30 <sup>5</sup>	N	N
<b>50</b>	<b>Trade</b>							
51	Wholesale trade	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
52	Retail trade - building materials, hardware and farm equipment	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
53	Retail trade - shopping centers	Y	Y	Y	25	30	N	N
54	Retail trade - food	Y	Y	Y	25	30	N	N
55	Retail trade - automotive, marine craft, aircraft and accessories	Y	Y	Y	25	30	N	N
56	Retail trade - apparel and accessories	Y	Y	Y	25	30	N	N
57	Retail trade - furniture, home, furnishings and equipment	Y	Y	Y	25	30	N	N

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 ( DNL or CNEL)		Noise Zone 2 ( DNL or CNEL)		Noise Zone 3 ( DNL or CNEL)		
SLUCM NO	LAND USE NAME	< 55	55- 64	65 -69	70 -74	75-79	80 -84	85+
58	Retail trade - eating and drinking establishments	Y	Y	Y	25	30	N	N
59	Other retail trade	Y	Y	Y	25	30	N	N
<b>60</b>	<b>Services</b>							
61	Finance, insurance and real estate services	Y	Y	Y	25	30	N	N
62	Personal services	Y	Y	Y	25	30	N	N
62.4	Cemeteries	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4,11</sup>	Y <sup>6,11</sup>
63	Business services	Y	Y	Y	25	30	N	N
63.7	Warehousing and storage	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
64	Repair Services	Y	Y	Y	Y <sup>2</sup>	Y <sup>3</sup>	Y <sup>4</sup>	N
65	Professional services	Y	Y	Y	25	30	N	N
65.1	Hospitals, other medical fac.	Y	Y <sup>1</sup>	25	30	N	N	N
65.16	Nursing Homes	Y	Y	N <sup>1</sup>	N <sup>1</sup>	N	N	N
66	Contract construction services	Y	Y	Y	25	30	N	N
67	Government Services	Y	Y <sup>1</sup>	Y <sup>1</sup>	25	30	N	N
68	Educational services	Y	Y <sup>1</sup>	25	30	N	N	N
69	Miscellaneous	Y	Y	Y	25	30	N	N
<b>70</b>	<b>Cultural, entertainment and recreational</b>							
71	Cultural activities (& churches)	Y	Y <sup>1</sup>	25	30	N	N	N
71.2	Nature exhibits	Y	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N	N
72	Public assembly	Y	Y <sup>1</sup>	Y	N	N	N	N
72.1	Auditoriums, concert halls	Y	Y	25	30	N	N	N
72.11	Outdoor music shells, amphitheaters	Y	Y <sup>1</sup>	N	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	Y	Y	Y <sup>7</sup>	Y <sup>7</sup>	N	N	N
73	Amusements	Y	Y	Y	Y	N	N	N
74	Recreational activities (golf courses, riding stables, water rec.)	Y	Y <sup>1</sup>	Y <sup>1</sup>	25	30	N	N

Land Use		Suggested Land Use Compatibility						
		Noise Zone 1 ( DNL or CNEL)		Noise Zone 2 ( DNL or CNEL)		Noise Zone 3 ( DNL or CNEL)		
SLUCM NO	LAND USE NAME	< 55	55- 64	65 -69	70 -74	75-79	80 -84	85+
75	Resorts and group camps	Y	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N
76	Parks	Y	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N
79	Other cultural, entertainment and recreation	Y	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N
<b>80</b>	<b>Resource Production and Extraction</b>							
81	Agriculture (except live stock)	Y	Y	Y <sup>8</sup>	Y <sup>9</sup>	Y <sup>10</sup>	Y <sup>10,11</sup>	Y <sup>10,11</sup>
81.5,	Livestock farming	Y	Y	Y <sup>8</sup>	Y <sup>9</sup>	N	N	N
81.7	Animal breeding	Y	Y	Y <sup>8</sup>	Y <sup>9</sup>	N	N	N
82	Agriculture related activities	Y	Y	Y <sup>8</sup>	Y <sup>9</sup>	Y <sup>10</sup>	Y <sup>10,11</sup>	Y <sup>10,11</sup>
83	Forestry Activities	Y	Y	Y <sup>8</sup>	Y <sup>9</sup>	Y <sup>10</sup>	Y <sup>10,11</sup>	Y <sup>10,11</sup>
84	Fishing Activities	Y	Y	Y	Y	Y	Y	Y
85	Mining Activities	Y	Y	Y	Y	Y	Y	Y
89	Other resource production or extraction	Y	Y	Y	Y	Y	Y	Y

**KEY TO TABLE 2 - SUGGESTED LAND USE COMPATIBILITY IN NOISE ZONES**

SLUCM Standard Land Use Coding Manual, U.S. Department of Transportation

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

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

Y\* (Yes with Restrictions) The land use and related structures are generally compatible. However, see note(s) indicated by the superscript.

N <sup>x</sup> - (No with exceptions)	the land use and related structures are generally incompatible. However, see notes indicated by the superscript.
NLR (Noise Level Reduction)	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	The numbers refer to Noise Level Reduction levels. Land Use and related structures generally compatible however, measures to achieve NLR of 25, 30 or 35 must be incorporated into design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is warranted. Also, see notes indicated by superscripts where they appear with one of these numbers.
DNL	Day-Night Average Sound Level.
CNEL	Community Noise Equivalent Level (Normally within a very small decibel difference of DNL)
Ldn	Mathematical symbol for DNL.

**NOTES FOR TABLE 2 - SUGGESTED LAND USE COMPATIBILITY IN NOISE ZONES**

1.

a) Although local conditions regarding the need for housing may require residential use in these Zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones.

b) Where the community determines that these uses must be allowed, measures to achieve and outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79.

c) Normal permanent 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, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.

d) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure NLR particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

2. Measures to achieve NLR of 25 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 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 of 35 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.
5. If project or proposed development is noise sensitive, use indicated NLR; if not, land use is compatible without NLR.
6. No buildings.
7. Land use compatible provided special sound reinforcement systems are installed.
8. Residential buildings require a NLR of 25
9. Residential buildings require a NLR of 30.
10. Residential buildings not permitted.
11. Land use not recommended, but if community decides use is necessary, hearing protection devices should be worn.

**TABLE 3-AIR INSTALLATIONS COMPATIBLE USE ZONES SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES <sup>1</sup>**

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
<b>10</b>	<b>Residential</b>				
11	Household Units				
11.11	Single units: detached	N	N	Y <sup>2</sup>	Maximum density of 1-2 Du/Ac
11.12	Single units: semidetached	N	N	N	
11.13	Single units: attached row	N	N	N	
11.21	Two units: side-by-side	N	N	N	
11.22	Two units: one above the other	N	N	N	
11.31	Apartments: walk-up	N	N	N	
11.32	Apartment: elevator	N	N	N	
12	Group quarters	N	N	N	
13	Residential Hotels	N	N	N	
14	Mobile home parks or courts	N	N	N	
15	Transient lodgings	N	N	N	
16	Other residential	N	N	N	
<b>20</b>	<b>Manufacturing <sup>3</sup></b>				
21	Food & kindred products; manufacturing	N	N	Y	Maximum FAR 0.56
22	Textile mill products; manufacturing	N	N	Y	Same as above
23	Apparel and finished products; products from fabrics, leather, similar materials; manufacturing	N	N	N	

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
25	Furniture and fixtures; manufacturing	N	Y	Y	Same as above
26	Paper and allied products; manufacturing	N	Y	Y	Same as above
27	Printing, publishing, and allied industries	N	Y	Y	Same as above
28	Chemicals and allied products; manufacturing	N	N	N	
29	Petroleum refining and related industries	N	N	N	
<b>30</b>	<b>Manufacturing<sup>3</sup> (continued)</b>				
31	Rubber and misc. plastic products; manufacturing	N	N	N	
32	Stone, clay and glass products; manufacturing	N	N	Y	Maximum FAR 0.56
33	Primary metal products; manufacturing	N	N	Y	Same as above
34	Fabricated metal products; manufacturing	N	N	Y	Same as above
35	Professional scientific, & controlling instrument; photographic and optical goods; watches & clocks	N	N	N	
39	Miscellaneous manufacturing	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
41	Railroad, rapid rail transit, and street railway transportation	N	Y <sup>5</sup>	Y	Same as above.
42	Motor vehicle transportation	N	Y <sup>5</sup>	Y	Same as above
43	Aircraft transportation	N	Y <sup>5</sup>	Y	Same as above
44	Marine craft transportation	N	Y <sup>5</sup>	Y	Same as above
45	Highway and street right-of-way	N	Y <sup>5</sup>	Y	Same as above
46	Auto parking	N	Y <sup>5</sup>	Y	Same as above
47	Communication	N	Y <sup>5</sup>	Y	Same as above
48	Utilities	N	Y <sup>5</sup>	Y	Same as above
485	Solid waste disposal (Landfills, incineration, etc.)	N	N	N	
49	Other transport, comm. and utilities	N	Y <sup>5</sup>	Y	See Note 3 below
<b>50</b>	<b>Trade</b>				
51	Wholesale trade	N	Y	Y	Maximum FAR of 0.28 in APZ I. & .56 in APZ II.
52	Retail trade - building materials, hardware and farm equipment	N	Y	Y	Maximum FAR of 0.14 in APZ I & 0.28 in APZ II
50	Trade (Continued)				
53	Retail trade - shopping centers	N	N	Y	Maximum FAR of 0.22.
54	Retail trade - food	N	N	Y	Maximum FAR of 0.24
55	Retail trade - automotive, marine craft, aircraft and accessories	N	Y	Y	Maximum FAR of 0.14 in APZ I & 0.28 in APZ II

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
57	Retail trade - furniture, home, furnishings and equipment	N	N	Y	Same as above
58	Retail trade - eating and drinking establishments	N	N	N	
59	Other retail trade	N	N	Y	Maximum FAR of 0.22
<b>60</b>	<b>Services</b>				
61	Finance, insurance and real estate services	N	N	Y	Maximum FAR of 0.22 for "General Office/Office park"
62	Personal services	N	N	Y	Office uses only. Maximum FAR of 0.22.
62.4	Cemeteries	N	Y7	Y7	
63	Business services (credit reporting; mail, stenographic, reproduction; advertising)	N	N	Y	Max. FAR of 0.22 in APZ II
63.7	Warehousing and storage services	N	Y	Y	Max. FAR 1.0 APZ I; 2.0 in APZ II
64	Repair Services	N	Y	Y	Max. FAR of 0.11 APZ I; 0.22 in APZ II
65	Professional services	N	N	Y	Max. FAR of 0.22
65.1	Hospitals, nursing homes	N	N	N	
65.1	Other medical facilities	N	N	N	
66	Contract construction services	N	Y	Y	Max. FAR of 0.11 APZ I; 0.22 in APZ II

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
68	Educational services	N	N	N	
69	Miscellaneous	N	N	Y	Max. FAR of 0.22
<b>70</b>	<b><i>Cultural, entertainment and recreational</i></b>				
71	Cultural activities	N	N	N	
71.2	Nature exhibits	N	Y <sup>B</sup>	Y <sup>B</sup>	
72	Public assembly	N	N	N	
72.1	Auditoriums, concert halls	N	N	N	
72.11	Outdoor music shells, amphitheaters	N	N	N	
72.2	Outdoor sports arenas, spectator sports	N	N	N	
73	Amusements - fairgrounds, miniature golf, driving ranges; amusement parks, etc	N	N	Y	
74	Recreational activities (including golf courses, riding stables, water recreation)	N	Y <sup>B</sup>	Y <sup>B</sup>	Max. FAR of 0.11 APZ I; 0.22 in APZ II
75	Resorts and group camps	N	N	N	
76	Parks	N	Y <sup>B</sup>	Y <sup>B</sup>	Same as 74
79	Other cultural, entertainment and recreation	N	Y <sup>B</sup>	Y <sup>B</sup>	Same as 74

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
<b>80</b>	<b>Resource production and extraction</b>				
81	Agriculture (except live stock)	Y <sup>4</sup>	Y <sup>9</sup>	Y <sup>9</sup>	
81.5, 81.7	Livestock farming and breeding	N	Y <sup>9,10</sup>	Y <sup>9,10</sup>	
82	Agriculture related activities	N	Y <sup>9</sup>	Y <sup>9</sup>	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
83	Forestry Activities <sup>11</sup>	N	Y	Y	Same as Above
84	Fishing Activities <sup>12</sup>	N <sup>12</sup>	Y	Y	Same as Above
85	Mining Activities	N	Y	Y	Same as Above
89	Other resource production or extraction	N	Y	Y	Same as Above
<b>90</b>	<b>Other</b>				
91	Undeveloped Land	Y	Y	Y	
93	Water Areas	N <sup>13</sup>	N <sup>13</sup>	N <sup>13</sup>	

KEY TO TABLE 3 - SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES

SLUCM -	Standard Land Use Coding Manual, U.S. Department of Transportation
Y (Yes) -	Land use and related structures are normally compatible without restriction.
N (No) -	Land use and related structures are not normally compatible and should be prohibited.
Y <sup>x</sup> - (Yes w/ restrictions)	the land use and related structures are generally compatible. However, see notes indicated by the superscript.
N <sup>x</sup> - (No with exceptions)	the land use and related structures are generally incompatible. However, see notes indicated by the superscript.
FAR - Floor Area Ratio.	A floor area ratio is the ratio between the square feet of floor area of the building and the site area. It is customarily used to measure non-residential intensities.
Du/Ac -	Dwelling Units per Acre. This metric is customarily used to measure residential densities.

**NOTES FOR TABLE 3 - SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES**

The following notes refer to Table 3.

1. A "Yes" or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist installations and local governments, general suggestions as to floor/area ratios are provided as a guide to density in some categories. In general, land use restrictions which limit commercial, services, or industrial buildings or structure occupants to 25 per acre in APZ I, and 50 per acre in APZ II are the range of occupancy levels considered to be low density. Outside events should normally be limited to assemblies of not more than 25 people per acre in APZ I, and maximum assemblies of 50 people per acre in APZ II.
  
2. The suggested maximum density for detached single-family housing is one to two Du/Ac. In a Planned Unit Development (PUD) of single family detached units where clustered housing development results in large open areas, this density could possibly be increased provided the amount of surface area covered by structures does not exceed 20 percent of the PUD total area. PUD encourages clustered development that leave large open areas.
  
3. Other factors to be considered: Labor intensity, structural coverage, explosive characteristics, air-pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.
  
4. No structures (except airfield lighting), buildings or aboveground utility/ communications lines should normally be located in Clear Zone areas on or off the installation. The Clear Zone is subject to severe restrictions. See NAVFAC P-80.3 or Tri-Service Manual AFM 32-1123(I); TM 5-803-7, NAVFAC P-971 "Airfield and Heliport Planning & Design" dated 1 May 99 for specific design details.
  
5. No passenger terminals and no major above ground transmission lines in APZ I.
  
6. Low intensity office uses only. Accessory uses such as meeting places, auditoriums, etc. are not recommended.

7. No Chapels are allowed within APZ I or APZ II.
8. Facilities must be low intensity, and provide no tot lots, etc. Facilities such as clubhouses, meeting places, auditoriums, large classes, etc. are not recommended.
9. Includes livestock grazing but excludes feedlots and intensive animal husbandry. Activities that attract concentrations of birds creating a hazard to aircraft operations should be excluded.
10. Includes feedlots and intensive animal husbandry.
11. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zones will be disposed of in accordance with appropriate DOD Natural Resources Instructions.
12. Controlled hunting and fishing may be permitted for the purpose of wildlife management.
13. Naturally occurring water features (e.g., rivers, lakes, streams, wetlands) are compatible.

**Escambia County Article 11 AIRPORT ENVIRONS**

**11.00.00. Findings**

The board of county commissioners of Escambia County has considered, among other things, the character of the operations conducted and proposed to be conducted at the various airports in the applicable areas of Escambia County, the nature of the terrain and the character of the area within the airport hazard area, the current uses of property and the uses for which it is applicable, and the board finds as follows:

- A. There exist airports within Escambia County and in proximity to Escambia County whose operations are potentially harmful to the health, safety and general welfare of the citizens of Escambia County;
- B. Airport hazards endanger the lives and property of users of airports and occupants and owners of property in their vicinity;
- C. Airports produce noise which is not compatible with residential uses and certain commercial and industrial uses;
- D. Obstructions reduce the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein;
- E. The creation or establishment of an airport hazard injures the community served by the airport in question; and
- F. In the interest of the public health, safety and general welfare, it is necessary that the creation or establishment of airport hazards be prevented.

*11.00.01. Applicability.* This section is adopted pursuant to the authority conferred by F.S. chs. 125, 163 and 333. It is hereby found that incompatible land uses have the potential for being hazardous to aircraft operations as well as to the persons and property on the ground in the vicinity of the incompatible land use. Incompatible land use reduces the size of areas available for the landing, taking off and maneuvering of aircraft, thus, tending to destroy or impair the utility of Pensacola Regional, NAS Pensacola, Ferguson and Coastal airports and OLF Saufley, OLF Bronson, OLF Site 8 and Corry Hospital heliport and the public investment therein. Accordingly, it is declared:

- A. That the creation or establishment of incompatible land uses around airports is a nuisance and injurious to the region served by the Pensacola Regional, Ferguson and Coastal airports and NAS Pensacola, OLF Saufley, OLF Bronson, OLF Site 8, and Corry Hospital heliport.
- B. The regulations on land uses set forth herein are applicable to all lands designated as accident potential zones or noise zones on the official "Escambia County Airport Zoning Map Series." In addition, all of the property as designated on the "Height Limitations Maps" are regulated pursuant to the provisions of this Code for height limitations only. The official maps shall be available for public inspection during regular office hours at the office of planning and zoning.
- C. For any rezoning, conditional uses involving height, variances involving height and development review committee cases within the boundaries of any military airport environ areas; airport imaginary surfaces or published approach/departure procedures, registered mail

notice shall be sent by the office of planning and zoning to:

Commanding Officer  
 Naval Air Station Pensacola  
 Attn: Staff Judge Advocate (Code OOA00)  
 190 Radford Blvd.  
 Pensacola, FL 32508-5217

*11.00.02. Definitions.*

A. *Accident potential zones (APZ).* As applied to military airfields, those areas which are identified as being significantly impacted by accident potential from aircraft.

B. *Airport.* Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes, including but not limited to:

1. Pensacola Regional Airport (Elevation 121 MSL)
2. Ferguson Airport (Elevation 27 MSL)
3. Coastal Airport (Elevation 110 MSL)
4. NAS Pensacola (Elevation 30 MSL)
5. OLF Saufley (Elevation 85 MSL)
6. OLF Site 8 (Elevation 110 MSL)
7. Corry Hospital Heliport (Elevation 25 MSL)

C. *Airport elevation.* The highest point of an airport's landing area measured in feet above mean sea level (MSL). See airport definition B for elevations.

D. *Airport environs area.* The area which has been identified as being significantly impacted by airport noise and accident potential.

E. *Airport hazard.* Any structure, tree or use of land which would exceed the federal standards as contained in Title 14 CFR Part 77, "Objects Affecting Navigable Airspace"; FAA Handbook 7400.2(x) [x=current version], "Procedures for Handling Airspace Matters;" FAA Handbook 8260.3(x), "Terminal Instrument Procedures," and FAA Advisory Circulars 70/7460-2(x), "Proposed Construction or Alteration of Objects that may affect the Navigable Airspace," 70/7460-1(x); "Obstruction Marking and Lighting"; 150/5190-4A, "Zoning and Grants"; which obstructs the airspace required for the flight of aircraft taking off, maneuvering or landing of aircrafts and which has not previously obtained a permit or

variance pursuant to F.S. § 333.025 or F.S § 333.07.

- F. *Airport hazard area.* Any area of land or water upon which an airport hazard might be established if not prevented by this Code.
- G. *Airport land use administrator (administrator).* The county administrator or his duly appointed designee.
- H. *Airspace height.* To determine height limits in all zones set forth in this Code, the datum shall be above mean sea level elevation (AMSL) unless otherwise specified.
- I. *Clear zone (NAS Pensacola).* A fan-shaped area extending outward 3,000 feet from the end of each runway. The inner boundary is the same width as the primary surface and commencing 200 feet from the end of the runway, expands at an angle of 7 degrees 58 minutes and 11 seconds to a width of 2,312 feet, single runway; 2,812 parallel runway. The Type I clear zone is the first 1,000 feet adjacent to the end of the runway. The Type II clear zone is 500 feet wide and extends outward from the Type I clear zone on the extended centerline. The Type III clear zone is laterally adjacent to the Type II clear zone. Except as provided for in the permitted use sections contained herein, no structure or obstruction that is not a part of the landing and takeoff area is permitted in the Type I, Type II, or Type III clear zones. (See NAVFAC P80.3, pg E-10, and 11, d. Clear Zones a.; b.; c.--this document used per FAR 77.2, "Definitions of Terms.")
- J. *Clear zone (OLF Saufley).* The area adjacent to the runway end extending outward for 3,000 feet with a width of 1,000 feet centered on the extended runway centerline. The Type I clear zone is the first 1,000 feet adjacent to the end of the runway. The Type III clear zone is the same width, and extends outward 2,000 feet from the Type I clear zone on the extended centerline. No structure or obstruction that is not a part of the landing or takeoff area is permitted in the Type I or Type III clear zones. (See NAVFAC P80.3, pg. E-10 and 11, d. Clear Zones a., b., c.)
- K. *Day-night average sound level (Ldn).* A basic measure for quantifying noise exposure, namely. The A-weighted sound level averaged over a 24-hour time period, with a ten decibel penalty applied to nighttime (10.00 p.m. to 7.00 a.m.) sound levels.
- L. *Decibel (dB).* A unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one for the faintest audible sound.
- M. *dBA.* The unit of noise level measured in accordance with the "A-weighted scale" which replicates the response characteristics of the ear. This scale is a quantity, in decibels, read from a standard sound-level meter with A-weighting circuitry. The A-space weighting discriminates against the lower frequencies according to a relationship approximating, and to more accurately reflect the auditory sensitivity and response of the human ear. The A-scale sound level measures approximately the relative "noisiness" or "annoyance" of many common sounds.
- N. *Decision height.* The height at which a pilot must decide during an instrument approach (i.e., landing) to either continue the approach or to execute a missed approach and regain altitude.
- O. *Easements.* A servitude imposed as a burden on land. Easements regarding airport facilities usually involve a form of right-of-way above the land together with a restriction applied to the uses to which the land itself may be put in order to avoid interference with airport

operations.

- P. *Height.* The overall height (in feet) of a structure, including any appurtenance thereon (above ground level--AGL) for the purpose of determining the height limitations set forth herein, the datum shall include AGL elevation (mean sea level and above mean sea level (AGL + MSL = AMSL) elevation, unless otherwise specified.
- Q. *Instrument runway.* A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums has been approved.
- R. *Minimum descent altitude.* The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is approved.
- S. *Minimum en route altitude.* The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- T. *Minimum obstruction clearance altitude.* The specified altitude in effect between radio fixes on variable omnidirectional range (VOR) airways, off-airway routes, or route segment which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 nautical miles or 25 statute miles of a VOR.
- U. *Minimum vectoring altitude.* The lowest MSL altitude at which an IFR aircraft will be vectored by a radar controller, except as otherwise authorized for radar approaches, departures, and missed approaches. The altitude meets IFR obstacle clearance criteria.
- V. *Noise level reduction (NLR).* Amount of noise reduction required through construction and incorporation of sound attenuation material to reduce interior noise level.
- W. *Nonprecision instrument runway.* A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, nonprecision 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's military airport planning document.
- X. *Owner.* Any person, group of persons, firm or firms, corporation or corporations, commanding officer of any local military base, or any other legal entity having legal or equitable title to or sufficient proprietary interest in or to any property subject to this Code.
- Y. *Precision instrument runway.* A runway having an instrument approach procedure utilizing an instrumented landing system with glide slope information.
- Z. *Runway.* A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- AA. *Surface.* An imaginary geometric plane enclosing an area, penetration into which may be restricted, prohibited or controlled.
- AB. *Utility runway.* A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross

weight.

AC. *Visual runway.* A runway intended solely for the operation of aircraft using visual approach procedures and no instrument designation indicated on an FAA-approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-42, § 4, 9-9-1998)

11.01.00. Airport environs overlay zones

A. *Basis for zones.* Certain airport environs areas have been established around each of the airports within the unincorporated areas of the county. These environs areas have been identified through data provided to the county from the United States Navy and City of Pensacola in studies completed by each of the entities for the airfields which they operate. These studies have established accident potential zones and noise zones for each of the airports which are established as overlay zoning districts by this article.

B. *Aviation zone characteristics.*

1. Military accident potential zones (APZ's) are divided into three types along primary flight paths. The clear zone is an area which possesses a high potential for accidents. APZ 1 is the area normally beyond the clear zone which possesses a significant potential for accidents. APZ 2 is an area normally beyond APZ 1 which has a measurable potential for accidents.

Accident Potential Zones	Zone Type
A	Clear
B	APZ 1
C	APZ 2

2. Airport noise zones are hereby established as follows

Airport Noise Zones	Ldn Values	Correspond to City of Pensacola Noise Zone
1	65--70	A
2	70--75	B
3	75 +	C

For Pensacola Regional Airport Noise Zones and for the land use objective and limitations applicable thereto within the corporate boundaries of the City of Pensacola, refer to City of Pensacola Ordinance #43-82, or an approved successor, known as the Comprehensive Airport Ordinance.

3. Airport environs zones are hereby established as follows

Area	Characteristics
A	Clear Zone
B4	Accident Potential Zone 1--Immediately in line with Sherman Field north and west runways
B3	Accident Potential Zone 1 and Noise Zone 3
B2	Accident Potential Zone 1 and Noise Zone 2
B1	Accident Potential Zone 1 and Noise Zone 1
B	Accident Potential Zone 1
C4	Accident Potential Zone 2--Immediately in line with Sherman Field north and west runways
C3	Accident Potential Zone 2 and Noise Zone 3
C2	Accident Potential Zone 2 and Noise Zone 2
C1	Accident Potential Zone 2 and Noise Zone 1
C	Accident Potential Zone 2
3	Noise Zone 3
2	Noise Zone 2
1	Noise Zone 1

C. *Airport environs overlay zones.* Such overlay zones are hereby established as follows and as shown on the aerial map approved by Ordinance No. 2001-44 which is to be used as an overlay to the official zoning map of Escambia County:

Overlay Zone	Maximum Density	Aviation Characteristics
A	2	Clear Zone
B4	0*	Accident Potential Zone 1--Immediately in line with Sherman Field north and west runways
B3	3	Accident Potential Zone 1 and Noise Zone 3
B2	3	Accident Potential Zone 1 and Noise Zone 2
B1	3	Accident Potential Zone 1 and Noise Zone 1
B	3	Accident Potential Zone 1
C4	2	Accident Potential Zone 2--Immediately in line with Sherman Field north and west runways
C3	3	Accident Potential Zone 2 and Noise Zone 3
C2	3	Accident Potential Zone 2 and Noise Zone 2
C1	3	Accident Potential Zone 2 and Noise Zone 1
C	3	Accident Potential Zone 2
3	3	Noise Zone 3
2	3	Noise Zone 2
1	3	Noise Zone 1

Note: The maximum residential density is shown for each zone: See section 11.01.15 for restrictions on density transfers or cluster development. Section 11.02.00 specifies the building height and other requirements.

D. *Noise reduction standards, methods and construction list.* The provisions of this subsection shall apply to new construction and moving of buildings (including mobile homes/manufactured homes) into noise zones 1, 2 and 3 located within the airport environs overlay zones. Noise reduction standards, construction and methods are specified in Appendix G of the Airport FAR Part 150 Study adopted by the City of Pensacola in 1990, which is available for review in the county building inspections office.

1. *Noise Zone 1.* Appendix G of the Part 150 Study recommends a sound reduction of 25 dB for residential construction within the 65--70 Ldn noise contour. The standards specified in Appendix G for a reduction of 25dB are recommended in Noise Zone 1.\
2. *Noise Zone 2.* Appendix G of the Part 150 Noise Study recommends a sound reduction of 30 dB for residential construction within the 70--75 Ldn noise contour. The standards specified in Appendix G for a reduction of 30 dB are required in Noise Zone 2.
3. *Noise Zone 3.* Residential construction is discouraged in Noise Zone 3. The standards specified in Appendix G for a reduction of 35 dB are required in Noise Zone 3.
4. Any existing residence may be added to, structurally altered, or repaired without conforming to the referenced specifications provided the property owner signs a waiver that he/she was notified of said specifications.
5. Where state or federal law preempts the imposition of the noise attenuation construction standards of this section, mobile homes/manufactured homes not conforming to the referenced specifications, but meeting all other Land Development Code requirements, are allowed provided the property owner signs a waiver that he/she was notified of said specifications.
6. It shall be the duty of the building official to administer and enforce the noise reduction standards, construction and methods specified in Appendix G of the Part 150 Study.

11.01.01. Airport Environs Overlay A (OL-A)

- A. *Uses permitted.* See underlay zoning districts
- B. *Uses prohibited*

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted.

- C. *Height limitations.* See section 11.02.00

D. Airport environs area A encompasses the Clear Zones which are located fully within the boundary of Naval Air Station Pensacola. No structures (except airfield lighting), buildings or above ground utility/communication lines should be located in the Clear Zone.

11.01.02. Airport Environs Overlay B4 (OL-B4).

- A. *[Permitted and conditional uses.]* Permitted and conditional uses are based upon the underlay zoning along with recommended land uses in accident potential zones as contained in "Appendix H, Details of Recommended Land Use Objectives in Accident Potential Zones," OPNAVINST 11010.36, Air Installations Compatible Use Zones (AICUZ) Program.

1. Where the underlay zoning is R-1, R-2, R-3 or R-4 the permitted and conditional uses are as follows:

a. *Permitted uses.*

- 1) One single-family dwelling per lot of record existing as of August 21, 2001.
- 2) The growing of vegetables or other food crops is permitted as long as the primary purpose for such activity is to provide for personal consumption by the residents. The raising of crops or other plants for commercial purposes is prohibited.
- 3) Public utility distribution and/or collection facilities and structures.
- 4) Marina (private).
- 5) Residential dock or pier.

b. *Conditional uses.*

- 1) Home occupations with employees.
- 2) Golf courses, tennis centers, swimming clubs with customary attendant facilities and accessory buildings.
- 3) Covered boathouses and covered boat docks as accessory uses.
- 4) Stables accessory to a principal structure for private, noncommercial use only. Minimum lot size 100,000 square feet.

c. *Prohibited uses.*

- 1) Any use not listed in subparts a. or b., above.

2. Where the underlay zoning is SDD the permitted and conditional uses are as follows:

a. *Permitted uses.*

- 1) One single-family dwelling per lot of record existing as of August 21, 2001.

- 2) Home occupations.
  - 3) Horticulture, floriculture and greenhouses.
  - 4) Mariculture and aquiculture.
  - 5) Reserved.
  - 6) Areas for display and sale of fruit, vegetables and similar agricultural products.
  - 7) The growing of crops and plants.
  - 8) The keeping of horses and private stables.
  - 9) Silviculture.
  - 10) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
- b. Conditional uses.
- 1) Public riding stables.
3. Where the underlay zoning is AG, the permitted and conditional uses are as follows:
- a. Permitted uses.
- 1) One single-family dwelling per lot of record existing as of August 21, 2001, will be allowed. Mobile homes are allowed as single-family dwellings, subject to the other relevant provisions of this Code.
  - 2) Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
  - 3) Silviculture.
  - 4) Mariculture and aquiculture.

- 5) Public utilities.
  - 6) Stables, private and public.
  - 7) Kennels.
  - 8) Display and sale of fruit, vegetables and similar agricultural products.
  - 9) Public utility distribution and/or collection facilities and structures not included in subparts C or D below.
  - 10) Feed and farm equipment stores.
  - 11) Other rural area related commercial uses meeting the locational requirements of comprehensive plan policy 8.A.1.11.
  - 12) Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings.
- b. Prohibited uses.
- 1) Solid waste storage facilities (permanent), but not including such conditional use operations as solid waste transfer stations or solid waste collection points.
- c. Conditional uses.
- 1) Hunting preserve, shooting ranges, gun and rifle clubs, etc.
  - 2) Wastewater treatment facilities, electric power generation facilities or substations, fire and police uses, and county solid waste transfer stations or collection points.
  - 3) Oil wells/mineral extraction.
  - 4) The raising of exotic animals and birds.
  - 5) Borrow pits

4. Where the underlay zoning is RR, the permitted and conditional uses are as follows:
  - a. Permitted uses.
    - 1) Any use permitted in the preceding district except as noted below.
  - b. Conditional uses.
    - 1) Public riding stables.
    - 2) Kennels.
    - 3) Home occupations with employees.
    - 4) Shooting ranges, gun and rifle clubs, etc.
    - 5) Country clubs, golf courses and tennis clubs.
    - 6) Any conditional use permitted in the preceding district except antenna towers.
  - c. Prohibited uses.
    - 1) Any use prohibited in the AG district.
    - 2) Commercial communication towers.
  
5. Where the underlay zoning is R-5 or R-6, the permitted and conditional uses are as follows:
  - a. Permitted uses.
    - 1) Any use permitted in the preceding district.
    - 2) One single-family dwelling per lot of record existing as of August 21, 2001.
    - 3) Legally existing commercial uses existing as of August 21, 2001.
    - 4) Appliance repair shops (no outside storage or work permitted).

- 5) Fortune tellers, palm readers, psychics, etc.
  - 6) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
- c. Conditional uses.
- 1) Any conditional use allowed in the preceding districts.
  - 2) Cemeteries, mausoleums and crematoriums.
  - 3) Any building exceeding 120 feet height.
  - 4) Neighborhood commercial uses that do not exceed 35,000 square feet of floor area (comprehensive plan policy 7.A.4.13.A.).
  - 5) Automobile service operations, including repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
  - 6) Mini-warehouses meeting the following standards:
    - a) One acre or less in size (building and accessory paved area).
    - b) Three-foot hedge along any right-of-way line,
    - c) Dead storage use only.
  - 7) Motorcycle rental service; outside storage and outside vehicle repair is prohibited.
  - 8) Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02 L.)
6. Where the underlay zoning is C-1, the permitted and conditional uses are as follows:
- a. Permitted uses.
    - 1) Any use permitted in the preceding district.

- 2) One single-family dwelling per lot of record existing as of August 21, 2001.
- 3) Legally existing commercial uses existing as of August 21, 2001.
- 4) Automobile repair shops for ignition, fuel, brake and suspension systems or similar uses.
- 5) Automobile service stations including minor auto repairs.
- 6) Automobile washing facility.
- 7) Off-premises signs, billboards and other sign structures erected, located and maintained as provided for in Article 8 of this Code.
- 8) Health and fitness clubs.
- 9) Convenience stores, including the incidental sale of gasoline.
- 10) Printing, bookbinding, lithography and publishing companies.
- 11) Interior decorating, home furnishing, and furniture stores.
- 12) Music, radio and television shops.
- 13) Mortuary and funeral homes.
- 14) Wholesale warehousing (if less than 10,000 square feet).
- 15) Mini-warehouses.
- 16) Recreational and commercial marinas.
- 17) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

b. Conditional uses.

- 1) Any conditional use permitted in the preceding district.

2) Any permitted use which requires minor outside storage only in the rear yard and only if covered and adequate screening is provided.

3) Used automobile sales. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway Barrancas Avenue (SR 292), Blue Angel Parkway (SR 173). Pine Forest Road from I-10 to SR 173, Navy Boulevard (SR 295 and US 98), and Scenic Highway (SR 10A).

7. Where the underlay zoning is C-2, the permitted and conditional uses are as follows:

a. Permitted uses.

1) Any use permitted in the preceding district.

2) One single-family dwelling per lot of record existing as of August 21, 2001.

3) Legally existing commercial uses existing as of August 21, 2001.

4) Distribution warehousing.

5) New and used car sales, mobile home and motorcycle sales and mechanical services. No such activities are permitted on a public right-of-way.

6) Automobile repairs, including body work and painting services.

7) Commercial food freezers and commercial bakeries.

8) Building trades or construction office and warehouses with outside on-site storage.

9) Marinas, all types including industrial.

10) Cabinet shop.

11) Manufacturing, fabrication and assembly type operations which are contained and enclosed within the confines of a building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare.

12) Taxicab companies.

13) Boat sales and service facilities.

14) Adult entertainment uses subject to the locational criteria listed below (See Ordinance 99-26 for definitions and enforcement; additionally refer to Escambia County, Code of Ordinances Chapter 1-26 titled "Public Nudity and Indecency"). However, these C-2 type uses are not permitted in the Gateway Business Districts:

a) Adult entertainment uses must meet the minimum distances as specified in the following locational criteria:

(i) One thousand feet from a pre-existing adult entertainment establishment;

(ii) Three hundred feet from a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption;

(iii) One thousand feet from a pre-existing place of worship;

(iv) One thousand feet from a pre-existing educational institution;

(v) One thousand feet from parks and/or playgrounds;

(vi) Five hundred feet from residential uses and areas zoned residential within the county.

15) Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board (LPA).

b. Conditional uses.

1) Kennels.

2) Automobile race track.

B. Uses prohibited. Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted. For uses within Airport Environs Area B4, this limitation is intended to apply to theaters, health clubs, retail stores, or any other use built to such a scale that gatherings of more than 25 people would be expected on a regular basis. Also prohibited within Airport Environs Area B4 are hotels, motels, hospitals and commercial communication towers.

C. Height limitations. See section 11.02.00.

11.01.03. Airport Environs Overlay B3 (OL-B3) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Prohibited uses.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted.

C. Height limitations. See section 11.02.00.

11.01.04. Airport Environs Overlay B2 (OL-B2) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted.

C. Height limitations. See section 11.02.00.

11.01.05. Airport Environs Overlay B1 (OL-B1) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted.

C. Height limitations. See section 11.02.00.

11.01.06. Airport Environs Overlay B (OL-B) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted.

C. Height limitations. See section 11.02.00.

11.01.07. Airport Environs Overlay C4 (OL-C4) (0 --2 d.u.'s/acre).

A. [Permitted and conditional uses.] Permitted and conditional uses are based upon the underlay zoning along with recommended land uses in accident potential zones as contained in "Appendix II, Details of Recommended Land Use Objectives in Accident Potential Zones," OPNAVIST 11010.36, Air Installations Compatible Use Zones (AICUZ) Program.

1. Where the underlay zoning is R-1, R-2, R-3 or R-4 the permitted and conditional uses are as follows:

a. Permitted uses.

- 1) Single-family detached dwellings and their customary accessory structures and uses at a maximum density of two dwelling units per acre.
- 2) The growing of vegetables or other food crops is permitted as long as the primary purpose for such activity is to provide for personal consumption by the residents. The raising of crops or other plants for commercial purposes is prohibited.
- 3) Public utility distribution and/or collection facilities and structures.
- 4) Marina (private).
- 5) Residential dock or pier.

b. Conditional uses.

- 1) Home occupations with employees.
- 2) Golf courses, tennis centers, swimming clubs with customary attendant facilities and accessory buildings.
- 3) Covered boathouses and covered boat docks as accessory uses.
- 4) Stables accessory to a principal structure for private, noncommercial use only. Minimum lot size 100,000 square feet.
- 5) Buildings used by federal, state, county or city governments for public purposes.

- c. Prohibited uses.
  - 1) Any use not listed in subparts a. or b. above.
- 2. Where the underlay zoning is SDD the permitted and conditional uses are as follows:
  - a. Permitted uses.
    - 1) Single-family detached dwellings and their customary accessory structures and uses at a maximum density of two dwelling units per acre.
    - 2) Home occupations.
    - 3) Horticulture, floriculture and greenhouses.
    - 4) Mariculture and aquiculture.
    - 5) Areas for display and sale of fruit, vegetables and similar agricultural products.
    - 6) The growing of crops and plants.
    - 7) The keeping of horses and private stables.
    - 8) Silviculture.
    - 9) Major public utility and service structures.
    - 10) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
  - b. Conditional uses.
    - 1) Public riding stables.

3. Where the underlay zoning is AG, the permitted and conditional uses are as follows:

a. Permitted uses.

- 1) Single-family detached dwellings and their customary accessory structures and uses at a maximum density of two dwelling units per acre. Mobile homes are allowed as single-family dwellings, subject to the other relevant provisions of this Code.
- 2) Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
- 3) Silviculture.
- 4) Mariculture and aquiculture.
- 5) Public utilities.
- 6) Stables, private and public.
- 7) Animal hospitals, clinics and kennels.
- 8) Display and sale of fruit, vegetables and similar agricultural products.
- 9) Guest residences.
- 10) Public utility distribution and/or collection facilities and structures not included in subparts C or D below.
- 11) Feed and farm equipment stores.
- 12) Other rural area related commercial uses meeting the locational requirements of comprehensive plan policy 8.A.1.11.
- 13) Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings.

b. Prohibited uses.

- 1) Multifamily dwellings
- 2) Solid waste storage facilities, (permanent), but not including such conditional use operations as solid waste transfer stations or solid waste collection points.

- c. Conditional uses.
  - 1) Hunting preserve, shooting ranges, gun and rifle clubs, etc.
  - 2) Buildings used by federal, state, county or city governments for public purposes.
  - 3) Wastewater treatment facilities, electric power generation facilities or substations, fire and police uses, and county solid waste transfer stations or collection points.
  - 4) Oil wells/mineral extraction.
  - 5) The raising of exotic animals and birds.
  - 6) Borrow pits.
  
- 4. Where the underlay zoning is RR, the permitted and conditional uses are as follows:
  - a. Permitted uses.
    - 1) Any use permitted in the preceding district except as noted below.
  - b. Conditional uses.
    - 1) Public riding stables.
    - 2) Kennels.
    - 3) Animal hospitals and veterinary clinics.
    - 4) Buildings or facilities used by federal, state, county or city governments for public purposes.
    - 5) Home occupations with employees.
    - 6) Shooting ranges, gun and rifle clubs, etc.
    - 7) Country clubs, golf courses and tennis clubs.

- 8) Any conditional use permitted in the preceding district except antenna towers.
- c. Prohibited uses.
  - 1) Any use prohibited in the AG district.
  - 2) Commercial communication towers.
- 5. Where the underlay zoning is R-5, the permitted and conditional uses are as follows:
  - a. Permitted uses.
    - 1) Any use permitted in the preceding district.
    - 2) Legally existing commercial uses existing as of August 21, 2001.
    - 3) Single-family detached dwellings and their customary accessory structures and uses at a maximum density of two dwelling units per acre. Mobile homes are allowed as single family dwellings, subject to the other relevant provisions of this Code.
    - 4) Professional offices including, but not limited to, those of architects, engineers, lawyers, tax consultants, accountants and medical and dental clinics, real estate and insurance offices.
    - 5) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
  - b. Prohibited uses.
    - 1) Any business which displays merchandise to be sold on the premises unless such business is part of a predominately residential project or accessory to the office use.
  - c. Conditional uses.
    - 1) Any conditional uses allowed in the preceding districts.
    - 2) Cemeteries, mausoleums and crematoriums.

- 3) Enclosed animal hospitals and veterinary clinics.
6. Where the underlay zoning is R-6, the permitted and conditional uses are as follows:
- a. Permitted uses.
    - 1) Any use permitted in the preceding district.
    - 2) Legally existing commercial uses existing as of August 21, 2001.
    - 3) Retail sales and services (gross floor area of building not to exceed 6,000 square feet). No permanent outside storage allowed.
    - 4) Food and drugstore (including convenience stores without gasoline sales).
    - 5) Personal service shop.
    - 6) Clothing and dry goods store.
    - 7) Hardware, home furnishings and appliances.
    - 8) Specialty shops.
    - 9) Banks and financial institutions.
    - 10) Bakeries, whose products are made and sold at retail on the premises.
    - 11) Florists shops provided that products are displayed and sold wholly within an enclosed building.
    - 12) Health clubs, spa and exercise centers.
    - 13) Studio for the arts.
    - 14) Martial arts studios.
    - 15) Bicycle sales and mechanical services.

- 16) Other retail/service uses of similar type and character of those listed herein above.
- 17) Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
- 18) Appliance repair shops (no outside storage or work permitted).
- 19) Fortune tellers, palm readers, psychics, etc.
- 20) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

c. Conditional uses.

- 1) Any conditional use allowed in the R-5 district.
- 2) Any building exceeding 120 feet height.
- 3) Neighborhood commercial uses that do not exceed 35,000 square feet of floor area (comprehensive plan policy 7.A.4.13.A.).
- 4) Automobile service operations, including repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
- 5) Mini-warehouses meeting the following standards:
  - a) One acre or less in size (building and accessory paved area).
  - b) Three-foot hedge along any right-of-way line.
  - c) Dead storage use only.
  - 6) Motorcycle rental service; outside storage and outside vehicle repair is prohibited.
- 7) Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02 L.)

7. Where the underlay zoning is C-1, the permitted and conditional uses are as follows:

a. Permitted uses.

- 1) Any use permitted in the preceding district.
- 2) Legally existing commercial uses existing as of August 21, 2001.
- 3) Personal service establishments such as, but not limited to, banks, beauty parlors, medical and dental clinics, financial institutions, professional and other offices, parking garages and lots, laundry and dry cleaning pickup stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, locksmiths and data processing.
- 4) Retail business including, but not limited to: drug, package, hardware stores, book, stationary, china and luggage shops, newsstands, florists, photographic supplies and studios, wearing apparel shops, paint and wallpaper; accessory storage for retail uses.
- 5) Automobile repair shops for ignition, fuel, brake and suspension systems or similar uses.
- 6) Automobile service stations including minor auto repairs.
- 7) Automobile washing facility.
- 8) Off-premises signs, billboards and other sign structures erected, located and maintained as provided for in Article 8 of this Code.
- 9) Grocery, produce, meat and convenience stores, including the incidental sale of gasoline.
- 10) Health and fitness clubs.
- 11) Printing, bookbinding, lithography and publishing companies.
- 12) Interior decorating, home furnishing, and furniture stores.
- 13) Music conservatory, dancing schools and art studios.
- 14) Music, radio and television shops.
- 15) Mortuary and funeral homes.

- 16) Dry cleaning establishments provided that equipment used emits no smoke or escaping steam and uses non-flammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.).
  - 17) Enclosed animal hospitals and veterinary clinics.
  - 18) Second-hand stores and used clothing deposit boxes when such boxes are operated (placed) by charitable organizations.
  - 19) Wholesale warehousing (if less than 10,000 square feet).
  - 20) Mini-warehouses.
  - 21) Bowling alleys, skating rinks and billiard parlors providing such activities and facilities are enclosed within a soundproof building.
  - 22) Recreational and commercial marinas.
  - 23) Garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery.
  - 24) Antique shops, pawn shops.
  - 25) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
- b. Conditional uses.
- 1) Any conditional use permitted in the preceding district.
  - 2) Any permitted use which requires minor outside storage only in the rear yard and only if covered and adequate screening is provided.
  - 3) Used automobile sales. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR 292), Blue Angel Parkway (SR 173), Pine Forest Road from I-10 to SR 173, Navy Boulevard (SR 295 and US 98), and Scenic Highway (SR 10A).

8. Where the underlay zoning is C-2, the permitted and conditional uses are as follows:

a. Permitted uses.

- 1) Any use permitted in the preceding district.
- 2) Legally existing commercial uses existing as of August 21, 2001.
- 3) Distribution warehousing.
- 4) New and used car sales, mobile home and motorcycle sales and mechanical services. No such activities are permitted on a public right-of-way.
- 5) Automobile repairs, including body work and painting services.
- 6) Commercial food freezers and commercial bakeries.
- 7) Building trades or construction office and warehouses with outside on-site storage.
- 8) Marinas, all types including industrial.
- 9) Cabinet shop.
- 10) Manufacturing, fabrication and assembly type operations which are contained and enclosed within the confines of a building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare.
- 11) Taxicab companies.
- 12) Boat sales and service facilities.
- 13) Adult entertainment uses subject to the locational criteria listed below (See Ordinance No. 99-26 for definitions and enforcement; additionally refer to Escambia County, Code of Ordinances Chapter 1-26 titled "Public Nudity and Indecency"). However, these C-2 type uses are not permitted in the Gateway Business Districts:

a) Adult entertainment uses must meet the minimum distances as specified in the following locational criteria:

- (i) One thousand feet from a pre-existing adult entertainment establishment;
- (ii) Three hundred feet from a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption;

- (iii) One thousand feet from a pre-existing place of worship;
  - iv) One thousand feet from a pre-existing educational institution;
  - (v) One thousand feet from parks and/or playgrounds;
  - (vi) Five hundred feet from residential uses and areas zoned residential within the county.
- 14) Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board (LPA).

b. Conditional uses.

- 1) Kennels.
- 2) Automobile race track.

B. Uses prohibited. Meeting places, auditoriums and similar uses of gatherings of more than 25 people are not permitted. For uses within Airport Environs Area C4, this limitation is intended to apply to theaters, health clubs, retail stores, or any other use built to such a scale that gatherings of more than 25 people would be expected on a regular basis. Also prohibited within Airport Environs Area C4 are hotels, motels, hospitals and commercial communication towers.

C. Height limitations. See section 11.02.00.

11.01.08. Airport Environs Overlay C3 (OL-C3) (0--3 d.u.'s/acre).

- A. Uses permitted. See underlay zoning districts.
- B. Uses prohibited.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted.

C. Height limitations. See section 11.02.00.

11.01.09. Airport Environs Overlay C2 (OL-C2) (0--3 d.u.'s/acre).

- A. Uses permitted. See underlay zoning districts.
- B. Uses prohibited.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted, or greater than 50 people in an outdoor park setting, playgrounds area not permitted.

C. Height limitations. See section 11.02.00.

11.01.10. Airport Environs Overlay C1 (OL-C1) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted, or greater than 50 people in an outdoor park setting, playgrounds are not permitted.

C. Height limitations. See section 11.02.00.

11.01.11. Airport Environs Overlay C (OL-C) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Meeting places, auditoriums and similar uses for gatherings of more than 25 people are not permitted, or greater than 50 people in an outdoor park setting, playgrounds are not permitted.

C. Height limitations. See section 11.02.00.

11.01.12. Airport Environs Overlay 3 (OL-3) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Playground and neighborhood parks.

C. Height limitations. See section 11.02.00.

11.01.13. Airport Environs Overlay 2 (OL-2) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Playgrounds and neighborhood parks.

C. Height limitations. See section 11.02.00.

11.01.14. Airport Environs Overlay 1 (OL-1) (0--3 d.u.'s/acre).

A. Uses permitted. See underlay zoning districts.

B. Uses prohibited.

Playgrounds and neighborhood parks.

C. Height limitations. See section 11.02.00.

11.01.15. Density limitations. Density limits in each of the airport zones is absolute, meaning that the minimum lot size is established as the inverse of the maximum density for each overlay zone, exclusive of any required infrastructure. For example, when the maximum density is three dwelling units per acre, the minimum lot size is one-third acre. When the maximum density is two dwelling units per acre, the minimum lot size is one-half acre. Clustering of residential lots or dwellings whether by density transfers, planned unit development or other means is prohibited on-site.

11.01.16. Existing single-family dwelling units. Single-family dwelling units existing as of August 21, 2001, shall be considered conforming uses regardless of the allowable density in the overlay district or the date of construction.

11.01.17. Nonconforming uses and noncomplying structures. Article 9, pertaining to nonconforming uses and noncomplying structures, shall apply to the AICUZ Overlay Zones.

11.01.18. Family conveyance exception. The exception for family conveyance found in section 4.01.03 will apply in the AICUZ Overlay Zones.

11.01.19. Temporary medical waiver for mobile home as a guest residence. Section 6.04.10, allowing for a temporary medical waiver for mobile home as a guest residence, will apply in the AICUZ Overlay Zones.

11.01.20. Variances, conditional uses and other relief.

A. Variances and conditional uses. Section 2.05.00 providing for variances and conditional uses shall apply in the AICUZ Overlay Zones. When considering a variance under section 2.05.02 proximity to the AICUZ Overlay Zone boundary lines shall be considered an unusual physical condition.

B. Other relief. Any person who is denied a development order because of the restrictions imposed herein within the AICUZ Overlay Zones may apply for relief under sections 78-211 through 78-220 of Part I of the Escambia County Code of Ordinances, which provides an administrative process for resolution of such disputes.

C. [Concurrence by the Navy.] Variances, conditional uses and other relief within AICUZ Overlay Zones shall require concurrence by the Navy.

11.01.21. Subdivision of land for commercial use. Land within the AICUZ Overlay Zones may be subdivided for commercial use subject to all other provisions of this Code. Parcels limited to one single-family dwelling unit per lot of record as of August 21, 2001, may be subdivided for commercial use provided that the one unit per lot of record requirement is not exceeded.

11.01.22. Clustering, intraparcels density transfers and off-site transfer of development rights. At such time as the county develops a comprehensive program for clustering and intraparcels density transfers, the AICUZ Overlay Zones and areas abutting/contiguous to such zones will not be included in that program. At such time as the county develops a comprehensive program for off-site transfer of development rights, the AICUZ Overlay Zones and areas abutting/contiguous to such zones will not be included in that program as receiving parcels.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-27, § 2, 5-3-2001; Ord. No. 2002-8, § 1, 2-7-2002)

## Escambia County Comprehensive Plan Language

### OBJECTIVE 8.E.2: NAVAL AVIATION FACILITIES DEVELOPMENT COMPATIBILITY

The naval aviation facilities in Escambia County are of significant value to the county. Protecting these important economic resources requires that the development of airport hazards and incompatible land uses be prevented. The county will evaluate development proposals for property located within the established APZ and noise zones of the existing aviation facilities to ensure compatibility and to protect airport facilities from encroachment of incompatible land uses.

#### *Policy 8.E.2.1: DRC Coordination with Navy*

As part of the regular development review committee (DRC) process, the county will inform the Navy of development proposals *within the accident potential zones and noise zones* established for the Navy by providing Navy officials copies of the weekly DRC agenda.

#### *Policy 8.E.2.2: Air Installation Compatible Use Zones*

The county will coordinate with the Navy to effectively regulate land uses in areas covered by the air installation compatible use zones (AICUZ) to support the Navy's aviation mission while protecting the private property rights of the land owners.

#### *Policy 8.E.2.3: Consideration of Compatible Uses*

Future revisions of this comprehensive plan will analyze any continued development of land uses surrounding aviation facilities in the county, and designate compatible uses as appropriate.

#### *Policy 8.E.2.4: Use of Information from the Navy*

The county will utilize information provided by the Navy, such as the Air Installation Compatible Use Zone Study and Aircraft Noise Survey, when developing plans to control the encroachment of incompatible development in the vicinity of NAS Pensacola and outlying fields, to ensure protection of the installation's aviation mission.

### Sample Avigation Easement

This sample easement was developed from an existing easement used by a local government in Florida and has been successfully used as a pattern by other local governments.

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

CITY OF \_\_\_\_\_

THIS INDENTURE, dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_,

by and between \_\_\_\_\_, hereinafter called GRANTOR,  
and [County/City] a [political subdivision or municipality] of the State of  
Florida, hereinafter

called GRANTEE.

WHEREAS, the GRANTOR is the owner of certain premises situate, lying and being in *the*  
[County/City] of \_\_\_\_\_ Florida, as hereinafter described; and

WHEREAS, the GRANTEE, is the owner and operator of the \_\_\_\_\_ Airport located in  
the [County/City] of \_\_\_\_\_, Florida.

NOW, THEREFORE, in consideration of [Ten Dollars (\$10.00)] and other good and valuable  
consideration paid by the GRANTEE to the GRANTOR, the receipt of which is hereby acknowledged, the  
GRANTOR does hereby grant and convey unto the GRANTEE, its successors and assigns, an easement  
and right-of-way for the over-flight of aircraft in and through the airspace above the following  
described property located within

\_\_\_\_\_ [County/City], to wit:

*[Property Description]*

The GRANTOR hereby gives and grants to the GRANTEE, its successors and assigns, and to all persons lawfully using said airport, the right and easement to use the airspace above the GRANTOR'S property and to create noise normally associated with the routine operation of aircraft and for avigation purposes and without liability for any necessary, convenient or operational incident, the effects thereof whether as the same presently or in the future exist, but said right or easement hereby granted is to be executed only in a manner reasonably or substantially consistent with the safe and proper flying procedures promulgated by any agency of the government of the United States or the State of Florida.

The rights and easements hereby granted and conveyed, and the covenants hereby entered into, shall not be construed to deprive the GRANTOR of any claims for injury or damages against any person for negligence whereby injury or damage is caused by actual or direct physical contact, without intervening media, but shall operate and constitute a full, complete and total release, quit claim and discharge of the GRANTEE, its successors and assigns, its agents and employees, and all persons lawfully using said airport and the owners and operations of aircraft lawfully using the airspace hereby conveyed, from all claims and demands whatever, not solely and proximately resulting from negligent actual or direct physical contact, it being the intent of the GRANTOR herein to waive its right to suit for nuisance and noise incident to the operation of the *[Name]* Airport by the GRANTEE herein.

All rights, easements, releases, benefits and estates granted hereunder shall be covenants running with the land as is hereinabove described.

In the event the GRANTEE abandons the operation of said airport, all rights herein granted shall cease and revert to the GRANTOR, his successors or assigns.

IN WITNESS WHEREOF, said GRANTOR in pursuance to his due and legal action, has executed these presents, as of the date first above written.

\_\_\_\_\_  
GRANTOR

WITNESSETH:  
  
\_\_\_\_\_

WITNESSETH:  
  
\_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

THE FOREGOING instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, by \_\_\_\_\_ GRANTOR, who is personally known to me or who has produced \_\_\_\_\_ [type of identification] as identification and who did (or did not) take an oath.

\_\_\_\_\_  
Signature of Notary

Typed/Printed Name of Notary

\_\_\_\_\_  
Title \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Source: Florida Department of Transportation, Aviation Office. "Airport Compatible Land Use Guidance for Florida Communities." 1994.

### Recommended Disclosure Language

Sec. 58-2. Airport environs real estate sales disclosure (existing section title)

Sec. 58-2. Escambia County Airfield Influence Planning Districts Real Estate Sales Disclosure Ordinance (proposed section title)

(a) Short title. The title of this section shall be "Escambia County Airfield Influence Planning Districts Real Estate Sales Disclosure Ordinance."

(b) Scope and purpose

(1) The Airfield Influence Planning Districts (AIPD) established by the Joint Land Use Study identify areas in the vicinity of NAS Pensacola, NOLF Saufley, and NOLF Site 8 in which land use compatibility regulations and additional protective measures are necessary to preserve the utility and operational effectiveness of military airfields and to protect the public health, safety and welfare.

The disclosure requirements of this section shall apply to the AIPDs established for Naval Air Station Pensacola (Sherman Field) NOLF Saufley, and NOLF Site 8 as designated in the official Escambia County Zoning Map Series maintained by the Growth Management Department.

(2) The purpose of this section is to establish a mechanism whereby buyers and/or lessees of real property will be notified of the varying potential for accidents involving military planes as well as the attendant noise levels generated by military aircraft within the established Airfield Influence Planning Districts of NAS Pensacola, NOLF Saufley and NOLF Site 8.

(d) Disclosure as Soon as practicable

(1) The transferor of any real property within the Airfield Influence Planning Districts shall provide the buyer or lessee with written notice that the real property is within the established AIPD. As proof of compliance with this disclosure requirement, the owner and the buyer or lessee shall execute the disclosure form which is attached to Ordinance No. 2001-13, as amended by Ordinance No. 2001-48, on file in the office of the county clerk, as amended Exhibit "A," incorporated by reference and made a part hereof, provided however that a "blanket disclosure," i.e., a copy of the lessor's execution of the form may be utilized in subsequent lease transactions so long as each subsequent lessee signs a disclosure form.

(2) The transferor shall disclose information on the property's inclusion in the Airfield Influence Planning District as soon as practicable before transfer of title. In the case of transfer by a sales contract, or by a lease together with an option to purchase, the disclosure shall be delivered as soon as practicable before execution of the contract, i.e., before the making or acceptance of an offer.

(3) Such notification will be accomplished by inclusion of this disclosure with all listing agreements and sales contracts for existing residences, and any individual marketing materials for the sale of newly constructed residences, or the sale of lots for the subsequent

development of residences, including any brochures and promotional documents at any sales related offices, as well as in Homeowner Association documents, all subdivision and site plans and within the Deeds of Conveyance.

(4) The determination as to which established area of the Airfield Influence Planning Districts the real property lies within shall be made by the department of growth management based upon the official Airfield Influence Planning Districts of the "Escambia County Airport Zoning Map Series" upon the written request of the owner. The request must include the street address as to the leased property and both the street address and the legal description contained in the deed for such real property in the event of a sale. The county shall provide the requested information to such owner in writing within five business days.