

1 Introduced by the Council President at the Request of the Mayor:
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4 **ORDINANCE 2008-**

5 AN ORDINANCE AMENDING PART 10, CHAPTER 656,
6 ORDINANCE CODE (REGULATIONS RELATED TO
7 AIRPORTS AND LANDS ADJACENT THERETO); AMENDING
8 SECTION 656.1004 (DEFINITIONS) TO REDEFINE
9 NOISE ZONES 'A' AND 'B'; AMENDING TABLE 656-1
10 TO REDEFINE NOISE ZONES 'A' AND 'B'; AMENDING
11 TABLE 656-2 TO REDEFINE NOISE ZONES 'A' AND
12 'B', TO CLARIFY FOSTER CARE USE AUTHORIZATION,
13 TO AUTHORIZE RESIDENTIAL USES IN NOISE ZONE
14 'A' UNDER LIMITED CONDITIONS, TO CONDITIONALLY
15 AUTHORIZE PLAYGROUNDS AND NEIGHBORHOOD PARKS
16 IN NOISE ZONE 'B' AND TO CREATE NEW FOOTNOTES
17 PERTAINING TO CONDITIONALLY ALLOWED
18 DEVELOPMENT; AMENDING TABLE 656-3 TO REDEFINE
19 NOISE ZONES 'A' AND 'B'; AMENDING TABLE 656-4
20 TO REDEFINE NOISE ZONES 'A' AND 'B', TO
21 CLARIFY FOSTER CARE USE AUTHORIZATION, TO
22 AUTHORIZE RESIDENTIAL USES IN APZ-1 AND NOISE
23 ZONE 'A' UNDER LIMITED CIRCUMSTANCES, TO
24 CONDITIONALLY AUTHORIZE PLAYGROUNDS AND
25 NEIGHBORHOOD PARKS IN NOISE ZONE 'B' AND TO
26 CREATE NEW FOOTNOTES PERTAINING TO
27 CONDITIONALLY ALLOWED DEVELOPMENT; AMENDING
28 SECTION 656.1007 (NOISE LEVEL REDUCTION
29 REQUIREMENTS) TO IDENTIFY ADDITIONAL NOISE
30 LEVEL REDUCTION REQUIREMENT AND TO CREATE A
31 NEW SUBSECTION (F) TO CREATE A CONCEPTUAL SITE

1 PLAN REVIEW PROCESS FOR NEW SUBDIVISIONS
2 LOCATED PARTIALLY OR WHOLLY WITHIN A >75 DNL
3 AND APZ-1 ZONE; AMENDING SECTION 656.1008
4 (NONCONFORMING USES AND STRUCTURES) TO
5 ELIMINATE SINGLE FAMILY RESIDENTIAL USE FROM
6 TERMINATION OF NONCONFORMING USE FOR USE
7 CESSATION; AMENDING 656.1010 (AIRPORT NOTICE
8 ZONE ACKNOWLEDGEMENT; RECORDING OF PLATS OF
9 LANDS LOCATED ALL OR PARTIALLY IN NOISE ZONES
10 A AND B AND/OR AIRPORT NOTICE ZONE) TO REQUIRE
11 NOTICE TO ALL PROPERTY OWNERS AFFECTED BY A
12 NOTICE ZONE BOUNDARY CHANGE; AMENDING EXHIBIT
13 1 (AIRPORT NOTICE ZONE ACKNOWLEDGMENT) TO
14 DELETE NOTICE THAT AIRPORT OPERATIONS MAY
15 NEGATIVELY AFFECT USE OF PROPERTY; PROVIDING
16 AN EFFECTIVE DATE.

17
18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1.** Part 10, Chapter 656 (Regulations Related to
20 Airports and Lands Adjacent Thereto), Ordinance Code, is amended as
21 follows:

22 **CHAPTER 656**

23 **ZONING CODE**

24 * * *

25 **PART 10. REGULATIONS RELATED TO AIRPORTS AND LANDS ADJACENT THERETO**

26 **SUBPART A. GENERAL REGULATIONS**

27 * * *

28 **Sec. 656.1004. Definitions.**

29 For the purposes of this part:

30 * * *

31 (W) Noise Zones are areas for which the boundaries are

1 represented by DNL noise contour ranges. All parcels partially or
 2 completely within the Noise Zone shall be denoted with the suffix
 3 of P10. The noise zones are Noise Zone A (DNL values ~~70~~75 and
 4 greater); and Noise Zone B (65 DNL to ~~69.99~~74.99 DNL range). These
 5 zones are determined by the Navy and the Jacksonville Aviation
 6 Authority. Maps associated with Noise Zones may be added to the
 7 Zoning Atlas and the requirements of Part 10 enforced within them
 8 only by action of the City Council, after recommendation by the
 9 Planning and Development Department and the Planning Commission.

10 * * *

11 **Sec. 656.10051. Subsection A. Regulations Applicable to**
 12 **Designated Civilian Airport Environs.**

13 (a) Civilian airport environ zones are designated in
 14 accordance with Table 656-1, below.

15 **Table 656-1**

16

Civilian Airport Environ Area	DNL Range/Comment
Noise Zone A	70 <u>75</u> or Greater
Noise Zone B	65- 69.99 <u>74.99</u>
Airport Notice Zone	60-64.99
Runway Safety Area	As defined in 656.1004 (Y)
Runway Protection Zones (RPZ)	As defined in 656.1004 (X)
Height and Hazard Zones (HH)	As defined in 656.1004 (R)

17 (b) Allowable land uses in noise zones.

18 Notwithstanding the zoning district regulations contained
 19 elsewhere in this chapter, the allowable land use for a parcel of
 20 land lying within a noise zone shall be modified as set forth by
 21 the regulations in this section.

22 (1) The land use requirements shown in Table 656-2,
 23 below, shall determine, subject to the zoning classification

1 of the parcel, allowable land uses for the noise zones within
2 which a given parcel of land lies.

3 (2) Land use requirements are delineated in three
4 categories:

5 (i) Unacceptable development (X), which means that,
6 even though otherwise permitted in the zoning
7 classification of the parcel, the land use is
8 prohibited as delineated by Table 656-2, below.

9 (ii) Conditional new development (C), which means
10 that, even though otherwise permitted in the
11 zoning classification of the parcel, prior to
12 commencement of the land use indicated, the use
13 shall meet the guidelines set forth in the
14 footnotes to Table 656-2, below.

15 (3) Acceptable development (A), which means that the
16 provisions of the appropriate zoning classification of the
17 parcel shall apply as well as Airport Notice Zone
18 Acknowledgement requirements.

19 **TABLE 656-2**

20

Land Use Category	Noise Zone A > <u>70</u> 75 DNL	Noise Zone B 65- 69-99 <u>74</u> . <u>99</u> DNL	Airport Notice Zone 60-64.99 DNL
<i>Residential:</i>			
Single-family dwelling, <u>including homes where foster</u> <u>children have been placed</u>	<u>X C, 11,</u> <u>12, 13,</u> <u>14</u>	C, 1, 2	C, 1

with an individual family			
<u>Accessory structures to single family residences</u>	<u>C,2</u>	<u>C,2</u>	<u>A</u>
Multifamily dwelling	X, 11	C, 1, 2	C, 1
Mobile home park	X	X	C, 1
<u>Orphanages and group foster care/family care homes</u>	X, 11	C, 1, 2	C, 1
Group care home and similar uses	X, 11	C, 1, 2	C, 1
Rooming house/boarding house	X, 11	C, 1, 2	C, 1
Commercial:			
Retail outlets for the sale of general merchandise (including sale of food), wearing apparel and similar uses	C, 1, 2	C, 1	C, 1
Retail sales of building materials, hardware, farm equipment, new or used automobiles, mobile homes, boats and similar uses	C, 1, 2	C, 1	C, 1
Commercial parking lot	C, 1	C, 1	C, 1
Retail sale of furniture, home furnishings and similar uses	C, 1, 2	C, 1	C, 1
Service establishments such as restaurants	C, 1, 2	C, 1, 3	C, 1

(including drive-in restaurants), service of alcoholic beverages and similar uses			
All types of professional and business offices, personal services, professional or business including building trades contractors and similar uses	C, 1, 2	C, 1, 3	C, 1
Commercial indoor recreational or entertainment facilities	C, 1, 2	C, 1, 3	C, 1
Repair services and services garages including automobile repair, radio and television repair and similar uses	C, 1	C, 1	C, 1
Automobile service station	C, 1	C, 1	C, 1
Motel or hotel	C, 1, 2	C, 1, 2	C, 1
Radio and television broadcasting offices and studios, telephone exchange and similar uses	C, 1, 2	C, 1, 2	C, 1
Medical and other health services such as hospitals, clinics and	X, 11	C, 1, 2	C, 1

similar uses			
Industrial:			
Wholesaling, warehousing storage or distribution establishments, assembling of components and similar uses	C, 1, 10	C, 1, 10	C, 1
Freight, bus, traveling, shipping or other transportation terminals	C, 1, 10	C, 1, 10	C, 1
Manufacturing of food and kindred products, apparel, textile mill products and similar uses	C, 1, 10	C, 1, 10	C, 1
Manufacturing of chemicals and allied products, petroleum refining and related activities, rubber and miscellaneous plastic products and similar uses	C, 1, 10	C, 1, 10	C, 1
Manufacturing of lumber and wood products, furniture and fixtures, paper and allied products, stone, clay and glass products, primary metal including fabrication of metal products and similar uses	C, 1, 10	C, 1, 10	C, 1

Printing, lithography, publishing or similar establishments	C, 1, 10	C, 1, 10	C, 1
Manufacturing of professional, scientific and control instruments, prosthetic appliances, dentures, eyeglasses, hearing and similar products	C, 1, 10	C, 1, 10	C, 1
Public and Quasi-public Services:			
Cemeteries	C, 1, 5	C, 1, 5	C, 1
Churches	X, 11	C, 1, 2	C, 1
Governmental services, such as offices, fire stations, postal services and prisons	C, 1, 2	C, 1, 2	C, 1
Schools	X, 11	X, 11	C, 1, 7
Cultural activities such as libraries, museums, art galleries and similar uses	X, 11	X, 11	C, 1
Private clubs and similar uses which provide for public assembly	X, 11	C, 1, 2	C, 1
Outdoor Recreation:			
Playgrounds, neighborhood parks	X, 11	X, 11 C, <u>1,8</u>	C, 1
Community and regional	X, 11	X, 11	C, 1

parks			
Nature exhibits	X, 11	X, 11	C, 1
Spectator sports, including arenas	X, 11	X, 11	C, 1
Golf courses, riding stables and similar uses	C, 1, 6	C, 1, 6	C, 1
Private camps (including day camps)	X, 11	X, 11	C, 1
Entertainment assembly, amphitheater, music shell and similar uses	X, 11	X, 11	X, 11
Resource Production, Extraction and Open Land			
Agriculture, including livestock grazing	C, 1, 8	C, 1, 8	C, 1,
Livestock farms, animal breeding	C, 1, 8	C, 1, 8	C, 1
Agriculture-related activities	C, 1, 8	C, 1, 8	C, 1
Forestry	C, 1, 4, 8	C, 1, 4, 8	C, 1

1 A--Acceptable development

2 X--Unacceptable development

3 C--Conditional development, with conditions as noted:

4 1 Recorded Airport Notice Zone Acknowledgement applied to the
5 parcel

6 2 Compatible development is conditioned on design and construction
7 providing for an average minimum NLR of average minimum 30 dBA
8 throughout the facility or dwelling.

9 3 Compatible development is conditioned on design and construction

1 providing for an average minimum NLR of average minimum 25 dBA
2 throughout the facility or dwelling.

3 4 Permitted only within height constraints.

4 5 Rooms / buildings for funeral services, prayer and meditation are
5 not permitted

6 6 Compatible development is conditioned on design and construction
7 providing for an average minimum NLR of average minimum 30 dBA in
8 the clubhouse or other interior meeting structure

9 7 Schools are further limited by FS 333, See Sec. 656.1009

10 8 Operations which attract a large concentration of birds should be
11 excluded

12 9 Compatible development is conditioned on design and construction
13 providing for a noise level reduction of average minimum 30 dBA in
14 reception, office and employee lounge areas.

15 10 Compatible development is conditioned on design and
16 construction providing for a noise level reduction of average
17 minimum 25 dBA in reception, office and employee lounge areas.

18 11 Development permitted in Planned Unit Developments approved
19 prior to the enactment date of this ordinance or pursuant to
20 preliminary site development reviews in accordance with Section
21 656.1003 and uses or structures permitted pursuant to Section
22 656.1008 shall also be subject to footnote 1 and footnote 2 of this
23 table.

24 12 Compatible development is conditioned on design and
25 construction providing for an average minimum NLR of average
26 minimum 35 dBA throughout the facility or dwelling.

27 13 New residential uses are limited to development number and
28 intensity existing by right pursuant the zoning code and
29 comprehensive plan as of March 27, 2007.

30 14 New subdivisions located partially within a >75 DNL area must
31 cluster development in a manner so as to eliminate or minimize

1 residential development in the >75 DNL portion of the property. If
 2 the entire property is located in a >75 DNL area, residential
 3 development must be clustered in such a manner so as to minimize
 4 exposure of residences to negative effects of proximity to the
 5 airport use. Reductions or waivers of lot development criteria
 6 (i.e. lot size, setbacks, road frontage) shall be authorized to
 7 accomplish this purpose through issuance of a final order by the
 8 Director, if it is determined that such reduction or waiver is not
 9 contrary to the density/intensity requirement of the land use
 10 category. This final order shall be appealable in the same manner
 11 as a Written Interpretation, pursuant to section 656.109.

12 * * *

13
 14 **656.10052. Subsection B. Regulations Applicable to**
 15 **Designated Military Airport Environs.**

16 (a) Military airport environ zones are designated in
 17 accordance with Table 656-3, below.

18 Table 656-3

19

Military Airport Environ Area	DNL Range/Comment
Noise Zone A	70 75 or Greater
Noise Zone B	65- 69.99 74.99
Airport Notice Zone	60-64.99
Height and Hazard Zones (HH)	As defined in 656.1004 (R)
Accident Potential Zone 1 (APZ1)	As defined in 656.1004 (A)
Accident Potential Zone 2 (APZ2)	As defined in 656.1004 (B)
Lighting Regulation Zone	As defined in 656.1004 (S)
Clear Zone (CLZ)	No development except as in 656.1004 (L)

20 (b) Allowable land uses in noise zones and accident potential

1 zones.

2 Notwithstanding the zoning district regulations contained
3 elsewhere in this chapter, the allowable land use for a parcel of
4 land lying within a noise zone and/or an accident potential zone
5 shall be modified as set forth by the regulations in this section.

6 (1) The land use objectives shown in Table 656-4, below,
7 shall determine, subject to the zoning classification of the
8 parcel, allowable land uses for the airport environs area
9 within which a given parcel of land lies.

10 (2) Land use objectives are delineated in three
11 categories:

12 (i) Unacceptable development (X), which means
13 that, even though otherwise permitted in the
14 zoning classification of the parcel, the land
15 use is prohibited as delineated by Table 656-
16 4, below.

17 (ii) Conditional new development (C), which means
18 that, even though otherwise permitted in the
19 zoning classification of the parcel, prior to
20 commencement of the land use indicated, the
21 use shall meet the guidelines set forth in
22 the footnotes to Table 656-4, below.

23 (3) Acceptable development (A), which means that the
24 provisions of the appropriate zoning classification of the
25 parcel shall apply as well as Airport Notice Zone
26 Acknowledgement requirements.

27 **Table 656-4**

28

Land Use Category	APZ1	APZ2	Noise Zone A	Noise Zone B	Airport Notice- Zone
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			<u>>7075</u> DNL	65- <u>69.99</u> <u>74.99</u> DNL	60- 64.99 DNL
Residential:					
Single-family dwelling, <u>including homes where</u> <u>foster children have been</u> <u>placed with an individual</u> <u>family</u>	X <u>C, 3,</u> <u>15, 16,</u> <u>17, 18,</u> <u>19</u>	C, 1, 7	X <u>C, 3,</u> <u>15 16,</u> <u>17,18,</u> <u>19</u>	C, 1, 2	C, 1
<u>Accessory Structure to</u> <u>Single Family Residence</u>	<u>A</u>	<u>A</u>	<u>C,2</u>	<u>C,2</u>	<u>A</u>
Multifamily dwelling	X	X	X, 15	C, 1, 2	C, 1
Mobile home park	X	X	X	X	C, 1
<u>Orphanages and group</u> <u>Foster care/family care</u> <u>homes</u>	X	X	X, 15	C, 1, 2	C, 1
Group care home and similar uses	X	X	X, 15	C, 1, 2	C, 1
Rooming house/boarding house	X	X	X, 15	C, 1, 2	C, 1
Commercial:					
Retail outlets for the sale of general merchandise (including sale of food), wearing apparel and similar uses	X	C, 1, 10	C, 1, 2	C, 1, 3	C, 1
Retail sales of building materials, hardware, farm equipment, new or	A	A	C, 1, 2	C, 1, 3	C, 1

used automobiles, mobile homes, boats and similar uses					
Commercial parking lot	A	A	C, 1	C, 1	C, 1
Retail sale of furniture, home furnishings and similar uses	X	C, 1, 10	C, 1, 2	C, 1, 3	C, 1
Service establishments such as restaurants (including drive-in restaurants), service of alcoholic beverages and similar uses	X	A,1	C, 1, 2	C, 1, 3	C, 1
All types of professional and business offices, personal services, professional or business including building trades contractors and similar uses	X	C, 1, 9	C 1, 2	C, 1, 3	C, 1
Commercial indoor recreational or entertainment facilities	X	X	C, 1, 2	C, 1, 3	C, 1
Repair services and services garages including automobile repair, radio and television repair and	A,1	A, 1	C, 1, 13	C, 1, 13	C, 1

similar uses					
Automobile service station	X	A, 1	C, 1, 13	C, 1, 13	C, 1
Motel or hotel	X	X	C, 1, 2	C, 1, 2	C, 1
Radio and television broadcasting offices and studios, telephone exchange and similar uses	X	C, 1, 9	C, 1, 2	C, 1, 2	C, 1
Medical and other health services such as hospitals, clinics and similar uses	X	X	X, 15	C, 1, 2	C, 1
Industrial:					
Wholesaling, warehousing storage or distribution establishments, assembling of components and similar uses	A	A, 1	C, 1, 14	C, 1, 14	C, 1
Freight, bus, traveling, shipping or other transportation terminals	C, 1, 8	A, 1	C, 1, 14	C, 1, 14	C, 1
Manufacturing of food and kindred products, apparel, textile mill products and similar uses	X	A, 1	C, 1, 14	C, 1, 14	C, 1
Manufacturing of chemicals and allied products, petroleum	X	X	C, 1, 14	C, 1, 14	C, 1

refining and related activities, rubber and miscellaneous plastic products and similar uses					
Manufacturing of lumber and wood products, furniture and fixtures, paper and allied products, stone, clay and glass products, primary metal including fabrication of metal products and similar uses	X	A, 1	C, 1, 14	C, 1, 14	C, 1
Printing, lithography, publishing or similar establishments	X	A, 1	C, 1, 14	C, 1, 14	C, 1
Manufacturing of professional, scientific and control instruments, prosthetic appliances, dentures, eyeglasses, hearing and similar products	X	A, 1	C, 1, 14	C, 1, 14	C, 1
Public and Quasi-public Services:					
Cemeteries	C, 1, 5	C, 1, 5	C, 1, 5	C, 1, 5	C, 1
Churches	X	X	X, 15	C, 1, 2	C, 1
Governmental services,	X	C, 1, 9	C 1, 2	C, 1, 2	C, 1

such as offices, fire stations, postal services and prisons					
Schools	X	X	X, 15	X, 15	C, 1, 11
Cultural activities such as libraries, museums, art galleries and similar uses	X	X	X, 15	X, 15	C, 1
Private clubs and similar uses which provide for public assembly	X	X	X, 15	C, 1, 2	C, 1
Outdoor Recreation:					
Playgrounds, neighborhood parks	X	X	X, 15 C, 1, 12	X, 15	C, 1
Community and regional parks	C, 1, 9	C, 1, 9	X, 15	X, 15	C, 1
Nature exhibits	C, 1, 9	C, 1, 9	X, 15	X, 15	C, 1
Spectator sports, including arenas	X	X	X, 15	X, 15	C, 1
Golf courses, riding stables and similar uses	C, 1, 9	C, 1, 9	C, 1, 6	C, 1, 6	C, 1
Private camps (including day camps)	X	X	X, 15	X, 15	C, 1
Entertainment assembly, amphitheater, music shell and similar uses	X	X C, 20	X C, 15, 20	X C, 15, 20	X
Resource Production,					

Extraction and Open Land					
Agriculture, including livestock grazing	C, 1, 12	C, 1, 12	C, 1, 12	C, 1, 12	C, 1
Livestock farms, animal breeding	C, 1, 12	C, 1, 12	C, 1, 12	C, 1, 12	C, 1
Agriculture-related activities	C, 1, 12	C, 1, 12	C, 1, 12	C, 1, 12	C, 1
Forestry	C, 1, 4, 12	C, 1, 4, 12	C, 1, 12	C, 1, 4, 12	C, 1

- 1 A--Acceptable development
- 2 X--Unacceptable development
- 3 C--Conditional development, with conditions as noted:
- 4 1 Recorded Airport Notice Zone Acknowledgement applied to the
- 5 parcel
- 6 2 Compatible development is conditioned on design and construction
- 7 providing for an average minimum NLR of average minimum 30 dBA
- 8 throughout the facility or dwelling.
- 9 3 Compatible development is conditioned on design and construction
- 10 providing for an average minimum NLR of average minimum 25 dBA
- 11 throughout the facility or dwelling.
- 12 4 Permitted only within height constraints.
- 13 5 Rooms / buildings for funeral services, prayer and meditation are
- 14 not permitted
- 15 6 Compatible development is conditioned on design and construction
- 16 providing for an average minimum NLR of average minimum 30 dBA in
- 17 the clubhouse or other interior meeting structure
- 18 7 Maximum density 2 dwelling units per acre
- 19 8 No passenger terminals and no major above ground transmission
- 20 lines
- 21 9 Structures shall be limited to 5,000 square feet of gross floor

1 area and development is subject to the condition that meeting
2 places, auditoriums and so forth for a gathering of more than fifty
3 people are not permitted or built.

4 10 Small neighborhood retail stores are compatible but strip malls
5 and shopping malls are not

6 11 Schools are further limited by FS 333, See Sec. 656.1009

7 12 Operations which attract a large concentration of birds should
8 be excluded.

9 13 Compatible development is conditioned on design and construction
10 providing for a noise level reduction of average minimum 30 dBA in
11 reception, office and employee lounge areas.

12 14 Compatible development is conditioned on design and construction
13 providing for a noise level reduction of average minimum 25 dBA in
14 reception, office and employee lounge areas.

15 15 Development permitted in Planned Unit Developments approved
16 prior to the enactment date of this ordinance or pursuant to
17 preliminary site development reviews in accordance with Section
18 656.1003 and uses or structures permitted pursuant to Section
19 656.1008 shall also be subject to footnote 1 and footnote 2 of this
20 table.

21 16 Compatible development is conditioned on design and construction
22 providing for an average minimum NLR of average minimum 35 dBA
23 throughout the facility or dwelling.

24 17 New residential uses are limited to development number and
25 intensity existing by right pursuant the zoning code and
26 comprehensive plan as of March 27, 2007.

27 18 New subdivisions located partially or wholly within a >75 DNL
28 and APZ-1 zones are subject to the conceptual site plan review
29 process in 656.10052(f).

30 19 The Building Inspection Division will provide to the U.S. Navy
31 copies of any building permit applications for properties located

1 within a >75 DNL and/or APZ-1 zones.

2 20 Allowed only if use is scheduled with the consent of the U.S.
3 Navy.

4 * * *

5 (f) New subdivisions located partially or wholly within a >75
6 DNL and APZ-1 zone.

7 (1) New subdivisions located partially or wholly within a >75
8 DNL and APZ-1 area must provide the Planning and
9 Development Department and the U.S. Navy a conceptual
10 site plan prior to preliminary civil plan review. The
11 Director of the Planning and Development Department shall
12 review the application for sufficiency, and may request
13 additional information. The U.S. Navy and the Planning
14 and Development Department must provide comments to the
15 applicant within 30 days of receipt of the submittal of a
16 sufficient conceptual plan. During the 30-day period the
17 U.S. Navy may request a meeting with the applicant to
18 consider acquisition of property or development rights or
19 a potential land exchange.

20 (2) New subdivisions must cluster development in a manner so
21 as to eliminate or minimize residential development in
22 the >75 DNL and/or APZ-1 portion of the property and
23 minimize exposure of residences to negative effects of
24 proximity to the airport use.

25 (3) Administrative deviations from subdivision regulations
26 and reductions or waivers of lot development criteria
27 (i.e. lot size, setbacks, road frontage) shall be
28 authorized to accomplish the purpose set forth in
29 subsection (f)(3) above through issuance of a final order
30 by the Director, if it is determined that such reduction
31 or waiver is not contrary to the limitations set forth in

1 footnote 17 to Table 656-4.

2 (4) Any final order issued pursuant to this subsection shall
3 be appealable in the same manner as a Written
4 Interpretation, pursuant to section 656.109. The Navy
5 shall be considered an affected party for the purposes of
6 appealing such deviations and waivers.

7 **SUBPART B. (Requirements for both Civilian and Military**
8 **Airports)**

9 * * *

10 **Sec. 656.1007. Noise Level Reduction Requirements.**

11 As outlined in Table 656-2 and 656-~~34~~, design and construction
12 providing minimum noise level reduction of average minimum 25, ~~or~~
13 30, ~~or~~ 35 dBA is required in some zones for some uses. The
14 applicant shall provide a testing certificate from an accredited
15 noise testing lab that a structure built pursuant to the proposed
16 engineering plans will achieve a average minimum dBA reduction
17 equal to or greater than the reduction required. In lieu of the
18 required test, an applicant may submit an engineering judgment
19 signed and sealed by an engineer licensed in the state of Florida,
20 that in his/her opinion a structure built according to the
21 submitted plans will meet the required noise reduction, or may use
22 standards contained within Section 4, Appendix D or the computer
23 program referenced in Section 1.4 representing an average minimum
24 30 dBA reduction within "Guidelines for Sound Insulation of
25 Residences Exposed to Aircraft Operations", prepared for the
26 Department of the Navy, by Wyle Research and Consulting, Arlington
27 Virginia, April 2005, on file with the Office of Legislative
28 Services. Notwithstanding the requirements contained in the
29 Guidelines pertaining to doors and windows, the maximum required
30 STC shall be 28.

31 **Sec. 656.1008. Nonconforming uses and structures.**

1 To the extent set forth herein, the restrictions on
2 nonconforming uses and structures contained in Part 7 are modified
3 or supplemented as follows:

4 (a) The owner of a nonconforming structure shall allow
5 the installation, operation and maintenance during hours of
6 darkness of the markers and lights deemed necessary by the
7 Aviation Authority office of Planning and Development or the
8 United States Navy as appropriate to indicate to the operators
9 of aircraft in the vicinity of the airport the presence of the
10 structures or aircraft hazards. The markers and lights shall
11 be installed, operated and maintained at the expense of the
12 owners of the airport concerned.

13 (b) The owner of a tree or other natural growth which
14 exceeds the limitations on height as provided in the Zoning
15 Code shall allow the Aviation Authority or United States Navy
16 at its expense to make lower, remove or take other action
17 necessary to bring the tree or growth into conformity with the
18 Zoning Code.

19 (c) A structure which is nonconforming by virtue of the
20 regulations contained in this part may be structurally
21 altered, reconstructed or replaced, provided there is no
22 increase in the floor area of the structure. However, the
23 floor area of single-family dwellings may be increased, if the
24 structural alteration, reconstruction or addition provides for
25 the sound attenuation required by the airport noise zone
26 within which the parcel is located (the sound attenuation
27 requirement only applies to the new construction/addition).

28 (d) Notwithstanding other provisions of this part, a
29 manufactured home park existing on March 18, 1985 may place a
30 manufactured home not meeting the requirements of this part
31 within the park on each manufactured home space established as

1 existing on March 18, 1985 by the Florida Department of
2 Health, the City of Jacksonville Environmental Resource
3 Management Department or the Planning and Development
4 Department. The requirements contained in section 656.1010
5 for execution of an Airport Notice Zone Acknowledgement shall
6 also be met.

7 (e) If ~~a nonconforming~~ any use, other than a single
8 family use becomes nonconforming by virtue of the regulations
9 contained in this part, and ceases for any reason for a period
10 of twelve consecutive months, the subsequent use other than a
11 single family use shall conform to the regulations of this
12 part.

13 * * *

14 **Sec. 656.1010. Airport Notice Zone Acknowledgement; Recording**
15 **of Plats of lands located all or partially in Noise Zones A and B**
16 **and/or Airport Notice Zone.**

17 Within Noise Zones A and B and the Airport Notice Zone, the
18 following requirements apply:

19 (a) For any proposed subdivision (as defined in Chapter 654,
20 Ordinance Code) located all or partially within Noise Zones A and B
21 and/or the Airport Notice Zone as defined in this Chapter, which
22 proposed subdivision is required to meet the platting requirements
23 set forth in Chapter 654, Ordinance Code, the plat for such
24 subdivision shall include in a prominent place the following
25 statement: "NOTICE: Individual lots may be located in an Airport
26 Environ Zone and/or Air Installation Compatible Use Zone (AICUZ)
27 and may be subject to increased noise or hazard levels associated
28 with air traffic operations." Additionally, a separate note shall
29 indicate which lots are located within Noise Zone A, B and/or the
30 Airport Notice Zone, and such lots shall be annotated with a
31 reference to the paragraph of the note which indicates in which

1 noise zone such lot falls. Additionally, the covenants and
2 restrictions for any subdivision subject to the provisions hereof
3 shall contain the aforementioned statement and shall identify which
4 lots within said subdivision are in Noise Zone A, B, and/or the
5 Airport Notice Zone.

6 (b) For any new proposed residential use within Noise Zones A
7 and B and the Airport Notice Zone, an Airport Notice Zone
8 Acknowledgement shall be executed by the owner of the property upon
9 which a such proposed residential use is being constructed and
10 shall be recorded in the public records of Duval County, Florida
11 prior to issuance of building permits for multi-family uses or
12 residential uses that are not subject to a final plat or
13 subdivision.

14 (c) For any non-residential, existing residential or newly
15 constructed residential properties or structures as of the
16 effective date of this ordinance, no person shall sell, or
17 otherwise transfer, lease or offer to lease or offer to sell, or
18 otherwise transfer a structure or land within Noise Zones A and B
19 and/or an Airport Notice Zone as defined in this chapter, unless
20 the prospective transferee or lessee has been given an Airport
21 Notice Zone Acknowledgement in writing, at the time of contract of
22 sale, transfer, or lease, which Airport Notice Zone Acknowledgement
23 shall be included in the contract of sale, transfer, or lease
24 agreement for leases greater than three months. For conveyances
25 evidenced by a recorded instrument, the Airport Notice Zone
26 Acknowledgement shall be recorded simultaneously with the
27 instrument that conveys the real property interest in the lands
28 lying within the aforereferenced Noise and Airport Notice Zones. It
29 shall be the responsibility of the buyer or lessee to perform all
30 reasonable due diligence prior to entering into any contract to
31 purchase or lease property within a Noise or Airport Notice Zone.

1 Any person who knowingly violates the provisions of this section
2 shall be subject to an enforcement action by the City. Nothing in
3 this section shall affect the validity or enforceability of any
4 sale, transfer, or lease or contract for the sale, transfer, or
5 lease of any interest in real property, nor shall anything in this
6 section create a defect in the sale, transfer, or lease agreement.
7 Lease transactions shall require an Airport Notice Zone
8 Acknowledgement signed by two witnesses. Sales transactions shall
9 require a fully executed and recorded Airport Notice Zone
10 Acknowledgement. This subsection shall not apply to developers and
11 sellers required to comply with the provisions contained in
12 subsection 656.1010(a) of this Part.

13 (d) No building permit subject to Planning Department review
14 and approval will be issued within Noise Zones A and B and the
15 Airport Notice Zone, as defined in this chapter, unless the
16 applicant provides a copy of a fully executed Airport Notice Zone
17 Acknowledgement, to the Planning and Development Department. This
18 subsection shall not apply to those parties required to comply with
19 the provisions contained in subsections 656.1010(a), (b) or (c) of
20 this Part.

21 (e) If the geographic boundary of or regulations within any
22 Noise Zone or APZ is modified, resulting in additional use
23 restrictions on property, the Department shall notify all affected
24 property owners of such boundary modification and the additional
25 use restrictions resulting therefrom. Such notice shall be in the
26 form of written notice by U.S. mail to each individual property
27 owner set at least fourteen days prior to the first public hearing
28 on the proposed modification.

29 * * *

30 **Sec. 656.1016. Airport Notice Zone Acknowledgement.**

31 An Airport Notice Zone Acknowledgement shall be created for

1 use as described in this Part in substantially the form attached
2 hereto and incorporated herein as Exhibit 1. The original Airport
3 Notice Zone Acknowledgment for conveyances will be recorded in the
4 official public records of Duval County, Florida, and copies shall
5 be provided to the Jacksonville Planning and Development
6 Department, JAA or the US Navy, as appropriate.

7 **Exhibit 1. AIRPORT NOTICE ZONE ACKNOWLEDGMENT**

8 **Return to: Chief, Regulatory Planning**

9 **Jacksonville Planning and Development Department**

10 **AIRPORT NOTICE ZONE ACKNOWLEDGMENT**

11
12 The City of Jacksonville has determined that persons on the
13 premises may be exposed to significant noise level and/or accident
14 potentials or may be subject to special lighting regulations as a
15 result of the airport operations. The city has established that,
16 within its boundaries, there exist certain Airport Notice Zones as
17 defined in Section 656.1004 (J). The city has also placed certain
18 restrictions on the development, construction methods and use of
19 property within airport environ areas. The property at

20 _____
21 _____ (Real Estate Parcel # and address), which is
22 more particularly described in the legal description (Exhibit A)
23 attached hereto and made a part hereof, is located within the
24 Airport Notice Zone of _____ (airport).

25
26 **CERTIFICATION (AS APPLICABLE)**

27
28 As the owner/sellor/lessor (circle one) of the subject property, I
29 hereby certify that I am aware that the property is located in an
30 Airport Notice Zone. I have been advised to consult Part 10 of

1 Chapter 656, Ordinance Code, concerning the restrictions that have
2 been placed on the subject property. ~~I further acknowledge that I~~
3 ~~am aware that, as a result of the proximity of the subject property~~
4 ~~to the airport noted above, airport operations may affect the quiet~~
5 ~~enjoyment and use of the subject property.~~ Additionally, I
6 acknowledge that airport operations may change due to changes in
7 type of aircraft operating, changes in flight paths and general
8 operations of the airport, and changes resulting from expansion,
9 reconfiguration or additional runways.

10
11
12
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14

Dated this ____ day of _____ 20__.

Print Witness Name: _____
By: _____
Name: _____
Title: _____

Print Witness Name: _____

15
16
17
18
19

STATE OF FLORIDA
COUNTY OF DUVAL

20 The foregoing instrument was acknowledged before me this
21 ____ day of _____, 200_, by _____ and.
22 _____Such person(s): *(notary must check applicable box)*

23

1 is (are) personally known to me; or
2 produced a current _____ driver's license as
3 identification; or
4 produced _____ as identification.

5 _____
6 _____

7 [print or type name]
8 Notary Public, State of Florida at Large

9
10 As the purchaser/lessor of the subject property, I hereby certify
11 that I am aware that the property is located in an Airport Notice
12 Zone. I have been advised to consult Part 10 of Chapter 656,
13 Ordinance Code, concerning the restrictions that have been placed
14 on the subject property.

15
16
17 Dated this ____ day of _____ 20__.

18
19

Print Witness Name: _____ By: _____
Name: _____
Title: _____

Print Witness Name: _____

20
21 The foregoing instrument was acknowledged before me this
22 ____ day of _____, 200_, by _____ and
23 _____ Such person(s): *(notary must check applicable box)*

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is (are) personally known to me; or
produced a current _____ driver's license as
identification; or
produced _____ as identification.

[print or type name]
Notary Public, State of Florida
at Large

Copies will be recorded at the Duval County Clerk of Court, and
filed with the Jacksonville Planning and Development Department,
and will be provided to JAA or the US Navy, as appropriate.

Section 2. Effective Date. This Ordinance shall become
effective upon signature by the Mayor or upon becoming effective
without the Mayor's signature.

Form Approved:

Office of General Counsel

Legislation Prepared By: Jason R. Teal

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