

Frequently Asked Questions About Part 10_____

General Questions

- **What constitutes an airfield or airstrip?**

An airfield is defined as a place where aircraft can land and take off, while an airstrip (or landing strip) is defined as an aircraft runway without airport facilities.

- **Does the city have the authority to take away a person's property rights?**

The city had a requirement by the State of Florida to take action to prevent encroachment around active military installations. The process to revise Part 10 of the City of Jacksonville's zoning code and the resulting change to property owner rights for residents around active airports and airfields was a 13 month process. During that time, the revisions were the subject of numerous City Council committee meetings and public meetings. Ultimately, however, the city's outreach to those impacted by the changes was not enough given the significance of the changes.

- **Why doesn't the city just repeal Part 10 and start the process over?**

The city believes that the quickest way to reach an agreement that is acceptable to everyone involved is to further revise the existing zoning code.

If the city moved forward with the repeal of the existing "Part 10," it could be approved by the council in three to four weeks. However, the process for redrafting the code would begin again and could take anywhere from six months to two years to complete. In addition, the city would also have to complete a revision to the city's Comprehensive Plan, which must be approved by the state Department of Community Affairs.

- **Did the City of Jacksonville make a deal with the Navy to keep OLF Whitehouse open when Cecil Field was closed?**

No. The City of Jacksonville has no jurisdiction over OLF Whitehouse, a federal military installation. The decision to close NAS Cecil Field was made by the Base Realignment And Closure Commission while the decision to retain OLF Whitehouse was made by the Navy.

- **Did the Navy order the city to impose these development restrictions?**

No. The Navy does not have jurisdiction over local zoning codes. The city began the process to revise Part 10 as a result of state requirements to update the code, including legislation passes by the State Legislature in 2004.

- **Can the city change the Noise Zone designations?**

From time to time the Navy can change its flight patterns or flight operations. When this occurs, the DNL zones can be reviewed and possibly amended based on the change in operations.

The City of Jacksonville has proposed revisions to the current zoning code that would require the city to individually notice all adversely affected property owners prior to adopting any new map.

Development Restrictions

- **Under the current zoning code, if my existing home burns down or is destroyed, can I rebuild it?**

Yes. The current zoning code allows for existing homes to be expanded, renovated or rebuilt. The new structure would be required to meet the noise reduction requirements. The revisions to Part 10 also required a new structure to be built within 12 months. (NOTE: The city recommends eliminating this time limit in any future revisions to Part 10.)

- **Under the current zoning code, can I make improvements to my home such as replacing the roof or remodeling?**

Yes. The current zoning code allows for existing homes to be repaired, expanded, renovated or rebuilt.

- **Under the current zoning code, can residents build external structures (garages, sheds, barns, etc.)?**

Yes. The current zoning code does not restrict the construction of external, accessory structures such as detached carports, tool sheds, barns, etc. These structures are also not required to meet noise reduction requirements unless intended for human occupation (i.e. mother-in-law suite or carriage house.)

- **Why is the city allowing new construction in subdivisions in this area when the zoning code prevents others from building on their property?**

Master planned communities that were approved prior to the adoption of the revised zoning code in March 2007 can complete their development of

single-family homes. These new structures are subject to notice and noise reduction requirements.

▪ **Can I have a foster child in the airport zone?**

Yes. The restriction on “Foster Care/Group Homes” is intended to address large concentrations of people in group care facilities. It does not restrict an individual from taking caring for an individual foster child. (NOTE: This would be clarified in any future revisions to Part 10.)

Noise Reduction Requirement

▪ **I have an existing home, am I required make changes to meet the noise reduction requirements to my house?**

No. The 30 decibel noise reduction requirement only applies to new construction. If an existing home is expanded, the requirements only apply to the new portion of the structure.

▪ **What are the building requirements necessary to meet the 30 decibels noise reduction requirement?**

The current ordinance requires an average noise reduction inside a home versus outside a home by 30 decibels. This can be accomplished with a combination of measures including elimination of fireplaces and chimneys, installation of additional insulation, brick construction versus stucco and/or installation windows with greater sound resistance.

▪ **What is the total cost to meet noise attenuation requirements?**

The cost will vary based on a number of factors including the external façade of the home (brick versus wood, etc), number of windows, if there is a fireplace, etc. The requirement is for an average reduction of 30 decibels and the exact method to reach that level will vary by homeowner, therefore the costs will also vary.

▪ **Planes have been operating at Whitehouse for years, why is there a push to impose noise ordinances now?**

In January 2002, the State of Florida began leading an effort to ensure protection of communities surrounding military airfields and civilian airports. Further, in May 2004, the state began requiring local governments to prevent encroachment that might impact military operations. As a result, in February 2006 the City of Jacksonville began the comprehensive process to revise Part 10 of the zoning code.

Notice Requirements

- **Why are you requiring residents to complete the Airport Notice Zone Acknowledgement form?**

People who buy or build homes and around a military airfield or civilian airport deserve to know they are moving into an area with increased noise levels as a result of aircraft operations. Seller disclosure requirements are not uncommon and already required for items like the existence of lead paint. Additionally, the disclosure requirements are consistent with the National Association Realtor's Code of Ethics.

Proposed Solution

- **What changes is the city proposing?**

- Restoring residential development rights in Noise Zone A (area with 75 or greater DNL) and APZ 1 as they existed by right prior to the enactment of 2006-1225E on March 27, 2007
- Changing Noise Zone B from 65 to 69.99 DNL to 65 to 74.99 DNL
 - Restore all residential development for these properties subject to noise reduction and notice requirements
 - Allows property owners to seek changes to land use and zoning designations
- Requiring the City of Jacksonville to send written notice by mail to all affected property owners if any future changes are proposed to geographic boundaries of or regulations within any Noise Zone or Accident Potential Zone. Notice will be sent 14 days in advance of the first public hearing on the proposed changes.
- Clarifying that single family homes can house foster children
- Clarifying that accessory structures (garages, barns, etc) can be built
- Clarifying that orphanages and group foster homes are not permitted
- Developing additional language to allow Navy review and input in the subdivision review process for properties wholly or partially within the APZ-1 or Noise Zone A (75 or greater DNL)
- Eliminating requirement to rebuild a single family structure within 12 months from the date the use ceases.
- Amending language contained within the Airport Notice Zone Acknowledgement form