

1 The Land Use and Zoning Committee offers the following second
2 substitute for File Number 2008-258:

3
4 Introduced by the Council President at the Request of the Mayor and
5 substituted by the Land Use and Zoning Committee:

6
7 **ORDINANCE 2008-258**

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

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

20
21 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

25 **CHAPTER 656**

26 **ZONING CODE**

27 * * *

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

29 **SUBPART A. GENERAL REGULATIONS**

30 * * *

31 **Sec. 656.1004. Definitions.**

1 For the purposes of this part:

2 * * *

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

13 * * *

14 **Sec. 656.10051. Subsection A. Regulations Applicable to**
15 **Designated Civilian Airport Environs.**

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

18 **Table 656-1**

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)

19 (b) Allowable land uses in noise zones.

20 Notwithstanding the zoning district regulations contained
21 elsewhere in this chapter, the allowable land use for a parcel of
22 land lying within a noise zone shall be modified as set forth by
23

1 the regulations in this section.

2 (1) The land use requirements shown in Table 656-2,
3 below, shall determine, subject to the zoning classification
4 of the parcel, allowable land uses for the noise zones within
5 which a given parcel of land lies.

6 (2) Land use requirements are delineated in three
7 categories:

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

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

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

22 **TABLE 656-2**

23

Land Use Category	Noise Zone A > <u>70</u> 75 DNL	Noise Zone B 65- <u>69-99</u> 74. <u>99</u> DNL	Airport Notice Zone 60-64.99 DNL
Residential:			

Single-family dwelling, <u>including homes where foster children have been placed with an individual family</u>	× <u>C, 11, 12, 13, 14</u>	C, 1, 2	C, 1
<u>Accessory structures to single family residences</u>	<u>C, 12</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 (including drive-in restaurants), service of alcoholic beverages and similar uses	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	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	X, 11	C, 1, 2	C, 1

services such as hospitals, clinics and 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	C, 1, 10	C, 1, 10	C, 1

fabrication of metal products and similar uses			
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 <u>12</u>	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	X, 11	X, 11 C, <u>12</u>	C, 1

parks		<u>1,8</u>	
Community and regional parks	X, 11	X, 11	C, 1
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

1 throughout the facility or dwelling. Average minimum NLR is
2 applicable only to habitable portions of accessory structures.

3 3 Compatible development is conditioned on design and construction
4 providing for an average minimum NLR of average minimum 25 dBA
5 throughout the facility or dwelling.

6 4 Permitted only within height constraints.

7 5 Rooms / buildings for funeral services, prayer and meditation are
8 not permitted

9 6 Compatible development is conditioned on design and construction
10 providing for an average minimum NLR of average minimum 30 dBA in
11 the clubhouse or other interior meeting structure

12 7 Schools are further limited by FS 333, See Sec. 656.1009

13 8 Operations which attract a large concentration of birds should be
14 excluded

15 9 Compatible development is conditioned on design and construction
16 providing for a noise level reduction of average minimum 30 dBA in
17 reception, office and employee lounge areas.

18 10 Compatible development is conditioned on design and
19 construction providing for a noise level reduction of average
20 minimum 25 dBA in reception, office and employee lounge areas.

21 11 Development permitted in Planned Unit Developments approved
22 prior to the enactment date of this ordinance or pursuant to
23 preliminary site development reviews in accordance with Section
24 656.1003 and uses or structures permitted pursuant to Section
25 656.1008 shall also be subject to footnote 1 and footnote 2 12 of
26 this table.

27 12 Compatible development is conditioned on design and
28 construction providing for an average minimum NLR of average
29 minimum 35 dBA throughout the facility or dwelling. Average minimum
30 NLR is applicable only to habitable portions of accessory
31 structures.

1 13 New residential uses are limited to development number and
2 intensity existing by right pursuant the zoning code and
3 comprehensive plan as of March 27, 2007.

4 14 New subdivisions located partially within a >75 DNL area must
5 cluster development in a manner so as to eliminate or minimize
6 residential development in the >75 DNL portion of the property. If
7 the entire property is located in a >75 DNL area, residential
8 development must be clustered in such a manner so as to minimize
9 exposure of residences to negative effects of proximity to the
10 airport use. Reductions or waivers of lot development criteria
11 (i.e. lot size, setbacks, road frontage) shall be authorized to
12 accomplish this purpose through issuance of a final order by the
13 Director, if it is determined that such reduction or waiver is not
14 contrary to the density/intensity requirement of the land use
15 category. This final order shall be appealable in the same manner
16 as a Written Interpretation, pursuant to section 656.109.

17
18 * * *

19 **656.10052. Subsection B. Regulations Applicable to**
20 **Designated Military Airport Environs.**

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

23 Table 656-3

24

Military 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
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)

1 (b) Allowable land uses in noise zones and accident potential
2 zones.

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

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

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

13 (i) Unacceptable development (X), which means
14 that, even though otherwise permitted in the
15 zoning classification of the parcel, the land
16 use is prohibited as delineated by Table 656-
17 4, below.

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

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

Acknowledgement requirements.

Table 656-4

Land Use Category	APZ1	APZ2	Noise Zone A > 70 75 DNL	Noise Zone B 65- 69.99 <u>74.99</u> DNL	Airport Notice- Zone 60- 64.99 DNL
<i>Residential:</i>					
Single-family dwelling, <u>including homes where foster children have been placed with an individual family</u>	X <u>C,</u> 17, 18, 19	C, 1, 7	X <u>C,</u> 15 16, 17,18, 19	C, 1, 2	C, 1
<u>Accessory Structure to Single Family Residence</u>	<u>A</u>	<u>A</u>	<u>C, 16</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 Ffoster care/family care 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
<i>Commercial:</i>					
Retail outlets for the sale of general	X	C, 1, 10	C, 1, 2	C, 1, 3	C, 1

merchandise (including sale of food), wearing apparel and similar uses					
Retail sales of building materials, hardware, farm equipment, new or used automobiles, mobile homes, boats and similar uses	A	A	C, 1, 2	C, 1, 3	C, 1
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	X	X	C, 1, 2	C, 1, 3	C, 1

entertainment facilities					
Repair services and services garages including automobile repair, radio and television repair and similar uses	A, 1	A, 1	C, 1, 13	C, 1, 13	C, 1
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,	X	A, 1	C, 1, 14	C, 1, 14	C, 1

apparel, textile mill products and similar uses					
Manufacturing of chemicals and allied products, petroleum refining and related activities, rubber and miscellaneous plastic products and similar uses	X	X	C, 1, 14	C, 1, 14	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	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	X	A, 1	C, 1, 14	C, 1, 14	C, 1

products					
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, such as offices, fire stations, postal services and prisons	X	C, 1, 9	C 1, 2 <u>16</u>	C, 1, 2	C, 1
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	X, 15 C, 1, 12	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	✗ <u>C, 20</u>	✗ <u>C, 15, 20</u>	✗ <u>C, 15, 20</u>	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. Average minimum NLR is
- 9 applicable only to habitable portions of accessory structures.
- 10 3 Compatible development is conditioned on design and construction
- 11 providing for an average minimum NLR of average minimum 25 dBA
- 12 throughout the facility or dwelling.
- 13 4 Permitted only within height constraints.
- 14 5 Rooms / buildings for funeral services, prayer and meditation are
- 15 not permitted

1 6 Compatible development is conditioned on design and construction
2 providing for an average minimum NLR of average minimum 30 dBA in
3 the clubhouse or other interior meeting structure

4 7 Maximum density 2 dwelling units per acre

5 8 No passenger terminals and no major above ground transmission
6 lines

7 9 Structures shall be limited to 5,000 square feet of gross floor
8 area and development is subject to the condition that meeting
9 places, auditoriums and so forth for a gathering of more than fifty
10 people are not permitted or built.

11 10 Small neighborhood retail stores are compatible but strip malls
12 and shopping malls are not

13 11 Schools are further limited by FS 333, See Sec. 656.1009

14 12 Operations which attract a large concentration of birds should
15 be excluded.

16 13 Compatible development is conditioned on design and construction
17 providing for a noise level reduction of average minimum 30 dBA in
18 reception, office and employee lounge areas.

19 14 Compatible development is conditioned on design and construction
20 providing for a noise level reduction of average minimum 25 dBA in
21 reception, office and employee lounge areas.

22 15 Development permitted in Planned Unit Developments approved
23 prior to the enactment date of this ordinance or pursuant to
24 preliminary site development reviews in accordance with Section
25 656.1003 and uses or structures permitted pursuant to Section
26 656.1008 shall also be subject to footnote 1 and footnote ~~2~~ 16 of
27 this table.

28 16 Compatible development is conditioned on design and construction
29 providing for an average minimum NLR of average minimum 35 dBA
30 throughout the facility or dwelling. Average minimum NLR is
31 applicable only to habitable portions of accessory structures.

1 17 New residential uses are limited to development number, density
2 and intensity existing by right pursuant the zoning code and
3 comprehensive plan as of March 27, 2007.

4 18 New subdivisions located partially or wholly within a >75 DNL
5 and APZ-1 zones are subject to the conceptual site plan review
6 process in 656.10052(f).

7 19 The Building Inspection Division will provide to the U.S. Navy
8 copies of any building permit applications for properties located
9 within a >75 DNL and/or APZ-1 zones.

10 20 Allowed only if use is scheduled with the Planning Department
11 and the U.S. Navy to minimize conflicts and enhance safety.

12 * * *

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

15 (1) New subdivisions located partially or wholly within a >75
16 DNL and APZ-1 area must provide the Planning and
17 Development Department a conceptual site plan prior to
18 preliminary civil plan review. The Director of the
19 Planning and Development Department shall review the
20 application for sufficiency, coordinate with the U.S.
21 Navy and other government agencies and may request
22 additional information. The U.S. Navy and the Planning
23 and Development Department must provide comments to the
24 applicant within 30 days of receipt of the submittal of a
25 sufficient conceptual plan. During the 30-day period the
26 City of Jacksonville, the U.S. Navy or other government
27 agencies may request a meeting with the applicant to
28 consider acquisition of property or development rights or
29 a potential land exchange.

30 (2) New subdivisions must cluster development in a manner so
31 as to eliminate or minimize residential development in

1 the >75 DNL and/or APZ-1 portion of the property and
2 minimize exposure of residences to negative effects of
3 proximity to the airport use.

4 (3) Administrative deviations from subdivision regulations
5 and reductions or waivers of lot development criteria
6 (i.e. lot size, setbacks, road frontage) shall be
7 authorized to accomplish the purpose set forth in
8 subsection (f)(3) above through issuance of a final order
9 by the Director, if it is determined that such reduction
10 or waiver is not contrary to the limitations set forth in
11 footnote 17 to Table 656-4.

12 (4) Any final order issued pursuant to this subsection shall
13 be appealable in the same manner as a Written
14 Interpretation, pursuant to section 656.109. For the
15 purposes of appealing such deviations and waivers,
16 affected parties shall include the U.S. Navy and other
17 adversely affected governmental agencies.

18 **SUBPART B. (Requirements for both Civilian and Military**
19 **Airports)**

20 * * *

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

22 As outlined in Table 656-2 and 656-~~34~~, design and construction
23 providing minimum noise level reduction of average minimum 25, ~~or~~
24 30, or 35 dBA is required in some zones for some uses. The
25 applicant shall provide a testing certificate from an accredited
26 noise testing lab that a structure built pursuant to the proposed
27 engineering plans will achieve a average minimum dBA reduction
28 equal to or greater than the reduction required. In lieu of the
29 required test, an applicant may submit an engineering judgment
30 signed and sealed by an engineer licensed in the state of Florida,
31 that in his/her opinion a structure built according to the

1 submitted plans will meet the required noise reduction, or may use
2 standards contained within Section 4, Appendix D or the computer
3 program referenced in Section 1.4 representing an average minimum
4 30 dBA reduction within "Guidelines for Sound Insulation of
5 Residences Exposed to Aircraft Operations", prepared for the
6 Department of the Navy, by Wyle Research and Consulting, Arlington
7 Virginia, April 2005, on file with the Office of Legislative
8 Services. Notwithstanding the requirements contained in the
9 Guidelines pertaining to doors and windows, the maximum required
10 STC shall be 28.

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

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

15 (a) The owner of a nonconforming structure shall allow
16 the installation, operation and maintenance during hours of
17 darkness of the markers and lights deemed necessary by the
18 Aviation Authority office of Planning and Development or the
19 United States Navy as appropriate to indicate to the operators
20 of aircraft in the vicinity of the airport the presence of the
21 structures or aircraft hazards. The markers and lights shall
22 be installed, operated and maintained at the expense of the
23 owners of the airport concerned.

24 (b) The owner of a tree or other natural growth which
25 exceeds the limitations on height as provided in the Zoning
26 Code shall allow the Aviation Authority or United States Navy
27 at its expense to make lower, remove or take other action
28 necessary to bring the tree or growth into conformity with the
29 Zoning Code.

30 (c) A structure which is nonconforming by virtue of the
31 regulations contained in this part may be structurally

1 altered, reconstructed or replaced, provided there is no
2 increase in the floor area of the structure. However, the
3 floor area of single-family dwellings may be increased, if the
4 structural alteration, reconstruction or addition provides for
5 the sound attenuation required by the airport noise zone
6 within which the parcel is located (the sound attenuation
7 requirement only applies to the new construction/addition).

8 (d) Notwithstanding other provisions of this part, a
9 manufactured home park existing on March 18, 1985 may place a
10 manufactured home not meeting the requirements of this part
11 within the park on each manufactured home space established as
12 existing on March 18, 1985 by the Florida Department of
13 Health, the City of Jacksonville Environmental ~~Resouree~~
14 ~~Management~~ and Compliance Department or the Planning and
15 Development Department. The requirements contained in section
16 656.1010 for execution of an Airport Notice Zone
17 Acknowledgement shall also be met.

18 (e) If ~~a nonconforming~~ any use, other than a single
19 family use becomes nonconforming by virtue of the regulations
20 contained in this part, and ceases for any reason for a period
21 of twelve consecutive months, the subsequent use other than a
22 single family use shall conform to the regulations of this
23 part.

24 * * *

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

28 Within Noise Zones A and B and the Airport Notice Zone, the
29 following requirements apply:

30 (a) For any proposed subdivision (as defined in Chapter 654,
31 Ordinance Code) located all or partially within Noise Zones A and B

1 and/or the Airport Notice Zone as defined in this Chapter, which
2 proposed subdivision is required to meet the platting requirements
3 set forth in Chapter 654, Ordinance Code, the plat for such
4 subdivision shall include in a prominent place the following
5 statement: "NOTICE: Individual lots may be located in an Airport
6 Environ Zone and/or Air Installation Compatible Use Zone (AICUZ)
7 and may be subject to increased noise or hazard levels associated
8 with air traffic operations." Additionally, a separate note shall
9 indicate which lots are located within Noise Zone A, B and/or the
10 Airport Notice Zone, and such lots shall be annotated with a
11 reference to the paragraph of the note which indicates in which
12 noise zone such lot falls. Additionally, the covenants and
13 restrictions for any subdivision subject to the provisions hereof
14 shall contain the aforementioned statement and shall identify which
15 lots within said subdivision are in Noise Zone A, B, and/or the
16 Airport Notice Zone.

17 (b) For any new proposed residential use within Noise Zones A
18 and B and the Airport Notice Zone, an Airport Notice Zone
19 Acknowledgement shall be executed by the owner of the property upon
20 which a such proposed residential use is being constructed and
21 shall be recorded in the public records of Duval County, Florida
22 prior to issuance of building permits for multi-family uses or
23 residential uses that are not subject to a final plat or
24 subdivision.

25 (c) For any non-residential, existing residential or newly
26 constructed residential properties or structures as of the
27 effective date of this ordinance, no person shall sell, or
28 otherwise transfer, lease or offer to lease or offer to sell, or
29 otherwise transfer a structure or land within Noise Zones A and B
30 and/or an Airport Notice Zone as defined in this chapter, unless
31 the prospective transferee or lessee has been given an Airport

1 Notice Zone Acknowledgement in writing, at the time of contract of
2 sale, transfer, or lease, which Airport Notice Zone Acknowledgement
3 shall be included in the contract of sale, transfer, or lease
4 agreement for leases greater than three months. For conveyances
5 evidenced by a recorded instrument, the Airport Notice Zone
6 Acknowledgement shall be recorded simultaneously with the
7 instrument that conveys the real property interest in the lands
8 lying within the aforereferenced Noise and Airport Notice Zones. It
9 shall be the responsibility of the buyer or lessee to perform all
10 reasonable due diligence prior to entering into any contract to
11 purchase or lease property within a Noise or Airport Notice Zone.
12 Any person who knowingly violates the provisions of this section
13 shall be subject to an enforcement action by the City. Nothing in
14 this section shall affect the validity or enforceability of any
15 sale, transfer, or lease or contract for the sale, transfer, or
16 lease of any interest in real property, nor shall anything in this
17 section create a defect in the sale, transfer, or lease agreement.
18 Lease transactions shall require an Airport Notice Zone
19 Acknowledgement signed by two witnesses. Sales transactions shall
20 require a fully executed and recorded Airport Notice Zone
21 Acknowledgement. This subsection shall not apply to developers and
22 sellers required to comply with the provisions contained in
23 subsection 656.1010(a) of this Part.

24 (d) No building permit subject to Planning Department review
25 and approval will be issued within Noise Zones A and B and the
26 Airport Notice Zone, as defined in this chapter, unless the
27 applicant provides a copy of a fully executed Airport Notice Zone
28 Acknowledgement, to the Planning and Development Department. This
29 subsection shall not apply to those parties required to comply with
30 the provisions contained in subsections 656.1010(a), (b) or (c) of
31 this Part.

Print Witness Name: _____

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STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this
_____ day of _____, 200_, by _____ and.

Such person(s): *(notary must check applicable box)*

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

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

Dated this _____ day of _____ 20__.

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

Print Witness Name: _____

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

- 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.

1 Form Approved:

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4 Office of General Counsel

5 Legislation Prepared By: Jason R. Teal

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