

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

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

- (a) For any proposed subdivision (as defined in Chapter 654, Ordinance Code) located all or partially within Noise Zones A and B and/or the Airport Notice Zone as defined in this Chapter, which proposed subdivision is required to meet the platting requirements set forth in Chapter 654, Ordinance Code, the plat for such subdivision shall include in a prominent place the following statement: "NOTICE: Individual lots may be located in an Airport Environ Zone and/or Air Installation Compatible Use Zone (AICUZ) and may be subject to increased noise or hazard levels associated with air traffic operations." Additionally, a separate note shall indicate which lots are located within Noise Zone A, B and/or the Airport Notice Zone, and such lots shall be annotated with a reference to the paragraph of the note which indicates in which noise zone such lot falls. Additionally, the covenants and restrictions for any subdivision subject to the provisions hereof shall contain the aforementioned statement and shall identify which lots within said subdivision are in Noise Zone A, B, and/or the Airport Notice Zone.
- (b) For any new proposed residential use within Noise Zones A and B and the Airport Notice Zone, an Airport Notice Zone Acknowledgement shall be executed by the owner of the property upon which a such proposed residential use is being constructed and shall be recorded in the public records of Duval County, Florida prior to issuance of building permits for multi-family uses or residential uses that are not subject to a final plat or subdivision.
- (c) For any non-residential, existing residential or newly constructed residential properties or structures as of the effective date of this ordinance, no person shall sell, or otherwise transfer, lease or offer to lease or offer to sell, or otherwise transfer a structure or land within Noise Zones A and B and/or an Airport Notice Zone as defined in this chapter, unless the prospective transferee or lessee has been given an Airport Notice Zone Acknowledgement in writing, at the time of contract of sale, transfer, or lease, which Airport Notice Zone Acknowledgement shall be included in the contract of sale, transfer, or lease agreement for leases greater than three months. For conveyances evidenced by a recorded instrument, the Airport Notice Zone Acknowledgement shall be recorded simultaneously with the instrument that conveys the real property interest in the lands lying within the aforereferenced Noise and Airport Notice Zones. It shall be the responsibility of the buyer or lessee to perform all reasonable due diligence prior to entering into any contract to purchase or lease property within a Noise or Airport Notice Zone. Any person who knowingly violates the provisions of this section shall be subject to an enforcement action by the City. Nothing in this section shall affect the validity or enforceability of any sale, transfer, or lease or contract for the sale, transfer, or lease of any interest in real property, nor shall anything in this section create a defect in the sale, transfer, or lease agreement. Lease transactions shall require an Airport Notice Zone Acknowledgement signed by two witnesses. Sales transactions shall require a fully executed and recorded Airport Notice Zone Acknowledgement. This subsection shall not apply to developers and sellers required to comply with the provisions contained in subsection 656.1010(a) of this Part.
- (d) No building permit subject to Planning Department review and approval will be issued within Noise Zones A and B and the Airport Notice Zone, as defined in this chapter, unless the applicant provides a copy of a fully executed Airport Notice Zone Acknowledgement, to the Planning and Development Department. This subsection shall not apply to those parties required to comply with the provisions contained in subsections 656.1010(a), (b) or (c) of this Part.
- (e) If the geographic boundary of or regulations within any Noise Zone or APZ is modified, resulting in additional use restrictions on property, the Department shall notify all affected property owners of such boundary modification and the additional use restrictions resulting therefrom. Such notice shall be in the form of written notice by U.S. mail to each individual property owner set at least 14 days prior to the first public hearing on the proposed modification.

(Ord. 2006-1225-E, § 1; Ord. 2007-727-E, § 1; Ord. 2008-258-E, § 1)