

APPROVED

BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

APR 07 2009 JB/CAS/BS

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

**AZALEA PARK ELEMENTARY RELIEF SCHOOL
CONSTRUCTION WITHIN RUNWAY CLEAR ZONE**

Resolution No. 2009-M-11

WHEREAS, Section 1013.33, Florida Statutes, requires the coordination of planning between the School Board and the County to ensure that plans for construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services; and

WHEREAS, the pattern of residential development within the County has necessitated that the School Board acquire infill school sites and accept reserved school sites within planned developments which have recently been or will be approved by the County; and

WHEREAS, the County has implemented the School Siting Ordinance and the Airport Noise Ordinance to address the health and safety concerns regarding the siting of schools in Orange County, Florida; and

WHEREAS, section 333.03(3), Florida Statutes requires that the County adopt zoning regulations which restrict the location of education facilities within a runway clear zone (the "RCZ") as defined by the statute and shown on Exhibit "A", attached hereto and incorporated herein, which depicts the RCZs for both Orlando Executive Airport and Orlando International Airport; and

WHEREAS, section 333.03(3), Florida Statutes also provides that the County may make exceptions for educational facilities within the RCZ where it makes specific findings detailing how the public policy reasons for allowing the educational facilities outweigh any risks to health or safety; and

WHEREAS, Azalea Elementary School is currently over capacity and a new elementary school must be constructed in the area to relieve the overcrowding at these schools; and

WHEREAS, the area of the County in which Azalea Elementary School School is located is well-developed and does not contain many tracts of vacant land suitable for an elementary school site, Orange County School District (the "School District") has acquired an elementary school site (the "Azalea Park Reliever School Site") which is located within the Orlando Executive Airport RCZ; and

WHEREAS, the School District has requested that Orange County grant an exception to the prohibition of construction of an educational facility within the RCZ for the Azalea Park Reliever School Site; and

WHEREAS, the County wishes to set forth specific findings for allowing construction of educational facilities within the RCZ.

NOW THEREFORE, the County finds the following:

1. The foregoing recitals are true and correct and are incorporated herein.

Zoning Ordinances:

2. The County has adopted ordinances governing the siting of educational facilities which is codified in Orange County Code of Ordinance section 38-1751 et.seq. ("School Siting Ordinance") which, *inter alia*, help promote health and safety.

3. The School Siting Ordinance requires that schools be located to minimize average home to school travel distances. In order to accomplish the requirements of the school siting ordinance, the School Board must locate school sites in the vicinity of the new growth.

4. The School Siting Ordinance prohibits school sites in the following locations:

- a. On a site within one hundred (100) feet of gas transmission lines unless areas are fenced and separated from the campus and buildings.
- b. Adjacent to water and waste water treatment plants.
- c. Within one-quarter mile of active landfills.
- d. Within the 100-year flood plain unless compensating storage is provided on site.
- e. On roads identified as hazardous for pedestrian access as determined by the county engineer, who shall not deny reasonable access.
- f. Where the school board determines that high capacity telephone/fiber optics lines located on the site would interfere with construction of the school.
- g. Adjacent to or in the vicinity of any nonresidential property from which noise exceeding sixty (60) decibels at the property line is produced.

5. The County has also adopted zoning ordinances regarding compatible uses within the vicinity of a publicly operated airport, which is codified in Orange County Code of Ordinances section 9-601 et.seq. ("Airport Noise Ordinance").

6. The Noise Ordinance prohibits schools from being located within certain noise zones.

7. The School Siting Ordinance, together with the Noise Ordinance, promote health and safety.

Growth Patterns:

8. Due to the growth within the County, the County acknowledges that the School District must continue to locate and construct schools to serve the citizens of Orange County in the vicinity of the residential growth and that the rapid growth over the past decade in Orange County has caused residential development to occur within the RCZs.

9. The County finds that development pattern has necessitated new educational facilities to be sited within the RCZ. Further the County finds that it has adopted ordinances to ensure the safety and welfare of children have been considered when siting schools in the vicinity of airports. So long as the School Board adheres to the County Ordinances relating to same, the County hereby waives the requirement of FS §333.03(3)(2007) and allows for the construction of the Azalea Park Relief School within the RCZ.

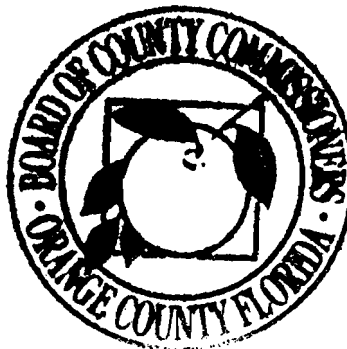
ADOPTED this APR 07 2009 day of _____, 2009.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Richard T. Crotty*
Richard T. Crotty
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*
Deputy Clerk



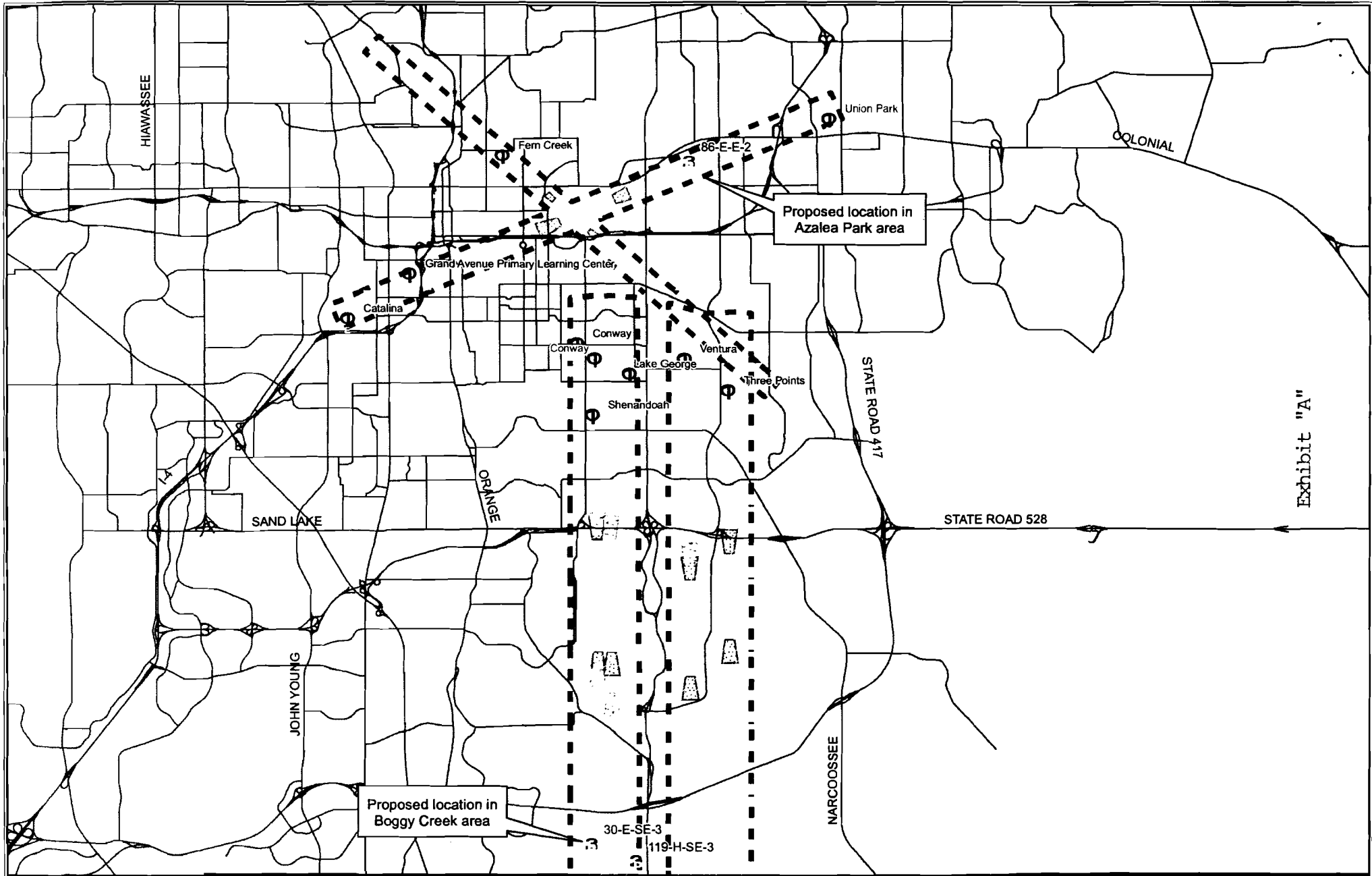


Exhibit "A"

- OEA Existing Runway Protection Zone
- OIA Existing Runway Protection Zone
- OIA Future Runway Protection Zone
- Airport Runway Clear Zones