

SEP 20 2011 NP/BS

RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding
**BOGGY CREEK AREA ELEMENTARY SCHOOL
CONSTRUCTION WITHIN RUNWAY CLEAR ZONE**

Resolution No. ~~11~~ 2011-M-38

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 Public School Siting Regulations and the Airport Noise Impact Areas 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, Wyndham Lakes and Oakshire Elementary Schools are 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 Wyndham Lakes and Oakshire Elementary Schools are 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 "Boggy Creek Area School Site") which is located within the Orlando International 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 Boggy Creek Area 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 public educational facilities which is codified in Orange County Code of Ordinance section 38-1751 et.seq. ("Public School Siting Regulations") which, *inter alia*, help promote health and safety.

3. The Public School Siting Regulations require that public schools be located to minimize average home to school travel distances. In order to accomplish the requirements of the Public School Siting Regulations, the School Board must locate public school sites in the vicinity of the new growth.

4. The Public School Siting Regulations prohibits public school sites in the following locations:

- a. On a site within one hundred (100) feet of gas transmission lines unless such 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 Impact Areas Ordinance").

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

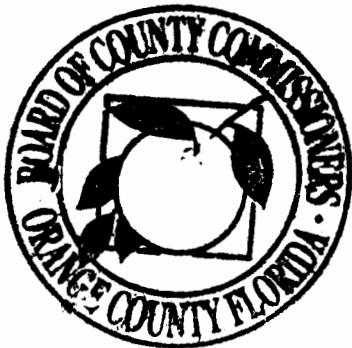
7. The Public School Siting Regulations, together with the Airport Noise Impact Areas Ordinance, promote health and safety.

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)(2011) and allows for the construction of the Boggy Creek Area Elementary School within the RCZ.

ADOPTED this _____ day of SEP 20 2011, 2011.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

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

By: *Martha O. Haynie*
Deputy Clerk

