

Business, Operations, Finance and Construction
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: PROPOSED MIAMI-DADE COUNTY ZONING ORDINANCE
RELATING TO MIAMI INTERNATIONAL AIRPORT**

COMMITTEE: FACILITIES MANAGEMENT

Introduction

The Legislature of the State of Florida has mandated the adoption of land use regulations by Miami-Dade County, as a political subdivision authorized to establish and operate airports within its territorial limits, to assure compatible land uses in the areas surrounding such airports. Chapter 333, Florida Statutes, specifically requires the regulation of the siting and construction of educational facilities, including but not limited to traditional public schools, charter schools and private schools, in certain defined areas in proximity to airports.

On July 27, 2004, the Board of County Commissioners of Miami-Dade County (County Commission) passed on first reading a proposed Ordinance (Ordinance) establishing zoning regulations for Miami International Airport (MIA). The County's Governmental Operations and Environmental (GOE) Committee will hold a public hearing on September 14, 2004 to discuss the Ordinance. Second and final reading is scheduled to be heard by the County Commission in October (a specific date has not yet been determined).

District staff has reviewed the Ordinance, and has prepared a detailed summary (see Exhibit I). A copy of the proposed Ordinance has been provided to the Board as supplemental information.

Staff Review and Recommendations

Staff's review revealed that the Ordinance would, to varying degrees, impact the establishment, expansion or modification of public educational facilities located within the airport zone area. However, adoption of the Ordinance would provide an opportunity for the District to construct educational facilities in an area where such construction is currently prohibited. As such, adoption of the Ordinance may prove beneficial to the District. Because areas of potential conflict exist with current Florida Statutes, existing District procedures and the ability of the District to plan for future schools in urban areas to alleviate overcrowding, County and District staff have met to review these issues, and it is anticipated that alternate language addressing some of these issues, and acceptable to both parties, may be forthcoming. In the interim, pending any additional revisions to the proposed Ordinance, it is recommended that the following comments be forwarded to the County, for consideration:

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1. In conformance with Florida Statute, the Ordinance should provide for any educational structure or site in existence as of July 1, 1993, to be specifically exempt from this Ordinance. It is suggested that the District still provide notification to the County when projects are undertaken involving any such site.
2. To allow the District to address the issue of severe overcrowding in a timely fashion and maintain the flexibility of delivering new student stations at existing school sites experiencing rapid growth, the Ordinance should provide an automatic administrative waiver in connection with additions to, or replacements of, schools located within the Critical Approach Zone, irrespective of when the original school was built.
3. In order to allow the District more flexibility in securing sites for new schools, the Ordinance should provide an automatic administrative waiver in connection with site selection, for prospective sites located only partially within the Critical Approach Zone.
4. To allow the District more flexibility in addressing the overcrowded conditions experienced in urban area schools, the Ordinance should provide for an automatic administrative waiver in connection with new sites located in urban areas to be developed as host sites for other overcrowded schools already located in the same general area.
5. The District must comply with Chapter 1013, Florida Statutes, which has specific requirements dealing with the development and construction of educational facilities by a School Board. To avoid potential conflicts with this Statute, the Ordinance should incorporate language that reads: *"when not otherwise in conflict with Florida Statutes."*
6. Currently, all District construction permits for work on Board-owned land are issued by the Educational Facilities Compliance Department, acting in the capacity of the District's Building Department. The Ordinance, however, provides for the issuance of permits by the local municipal building department. In order to maintain responsibility for plan review, granting of permits, on-site inspections and issuance of certificates of occupancy, the following language should be added to the Ordinance: *"all permits for public educational facility projects will be issued through the Miami-Dade County Public Schools Building Department, or other certified building department, at the election of Miami-Dade County Public Schools."*
7. The 25% threshold specified in Critical Approach Zones B and C as determinants of expansion, modification or establishment of educational facilities should specifically exclude non-occupied spaces such as bus drop-offs, parking lot expansions, play field improvements, etc. In addition, the Ordinance should allow for the 25% threshold to be met on a cumulative basis, rather than only one project.

In addition to the above recommendations dealing with the proposed Miami International Airport Ordinance, and because the area surrounding the Opa-Locka Airport is faced with similar challenges, it is recommended that the County develop and adopt a similar zoning Ordinance for the Opa-Locka Airport, incorporating the same District comments.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent and the Board Attorney to review the proposed Miami-Dade County Zoning Ordinance relating to Miami International Airport, and provide comments and suggested revisions to the Board of County Commissioners of Miami-Dade County prior to the date established for the hearing to discuss the ordinance.

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EXHIBIT I

Proposed Ordinance

Terms of the Ordinance would establish the following:

1. an airport zone area for MIA (covering all applicable portions of unincorporated and incorporated Miami-Dade County), to include height restrictions and land use zoning classification maps, criteria and use restrictions;
2. land use zones:
 - a. **Inner Safety Zone (ISZ)** – This zone begins 200 feet from the end of the runway and extends 2,500 feet. New educational facilities are prohibited, except aviation related schools. The George T. Baker Aviation School is located in the ISZ.
 - b. **Outer Safety Zone (OSZ)** – This zone extends 5,000 feet outward from the ISZ. New educational facilities are prohibited, except aviation related schools. The George T. Baker Aviation School is located in the OSZ.
 - c. **Inner Land Use Zone (ILZ)** - New educational facilities are prohibited, except aviation related schools. There are no District educational facilities in the ILZ.
 - d. **Outer Land Use Zone (OLZ)** - New educational facilities (excluding aviation related schools) are only permitted where not otherwise prohibited and where noise reduction materials are incorporated into the design and construction of the structure. There are nine existing District educational facilities located in the OLZ: Miami Jackson Senior, Juvenile Justice Center, Jose de Diego Middle, Buena Vista Elementary, Comstock Elementary, Eneida M. Hartner Elementary, Maya Angelou Elementary, Melrose Elementary and Santa Clara Elementary.
 - e. **Critical Approach Zone (CA)** – This zone extends 5 statute miles from the end of each runway and has a width measuring one-half the length of the longest runway, and consist of three sub-zones:
 - i. **CA-A** – extends two miles from the end of the runway. No new educational facilities (except aviation related schools) are permitted. Existing educational facilities shall be permitted to expand, upon demonstration that the requirements and standards of the proposed Ordinance have been met, including a public hearing. There are seven existing District educational facilities located in Critical Approach Zone-A: Juvenile Justice Center, George T. Baker Aviation, Kinloch Park Middle, Kensington Park Elementary, Primary Learning Center "D", Kinloch Park Elementary and Melrose Elementary.
 - ii. **CA-B** – extends one and one-half miles from the end of CA-A. Establishment of a new educational facility, or expansion or modification of existing facilities is permitted after public hearing, as follows: If no prior expansion or modification has been approved after the effective date of the Ordinance, one expansion or

modification of an existing educational facility up to an additional 25% of the existing square footage is permitted. If no prior expansion or modification has been approved after the effective date of the Ordinance, one expansion or modification of an existing educational facility of greater than an additional 25% of the existing square footage is permitted. Thereafter, all applications for expansion and modification shall comply with the provisions of the Ordinance. There are six existing District educational facilities located in the Critical Approach Zone-B: Miami Jackson Senior, Miami Senior, Auburndale Elementary, Comstock Elementary, Maya Angelou Elementary and Shenandoah Elementary.

- iii. **CA-C** - extends one and one-half miles from the end of CA-B. Establishment, expansion or modification of an educational facility is permitted, as follows: If no prior expansion or modification has been approved after the effective date of the Ordinance, one expansion or modification of an educational facility up to 25% of the existing square footage is permitted, upon application for a County building permit. If no prior expansion or modification has been approved after the effective date of the Ordinance, one expansion or modification of an existing educational facility of greater than an additional 25% of the existing square footage is permitted. Thereafter, all applications for expansion and modification shall comply with the provisions of this Ordinance. There are 15 District educational facilities located in the Critical Approach Zone-C: Booker T. Washington Senior, Design and Architecture Senior, Lindsey Hopkins Technical Education Center, Miami Skills Center, Jose de Diego Middle, Shenandoah Middle, Buena Vista Elementary, Coral Way Elementary, F. D. Douglass Elementary, Paul L. Dunbar Elementary, Eneida M. Hartner Elementary, Santa Clara Elementary, John I Smith Elementary, PLC "Y" and Phillis Wheatley Elementary.

3. a process for requesting variances, exceptions, or any other authorization for any structure or use not expressly authorized by the Ordinance;
4. conditions for site plan approvals, public hearing approvals and variances; and
5. an Airport Developmental Impact Committee Executive Council to review and make recommendations to the County Commission on all applications for exceptions, variances and appeals of decisions.