

By Senator Garcia

40-1439-04

See HB 881

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A bill to be entitled  
An act relating to airport zoning; amending s.  
333.03, F.S.; providing exceptions from certain  
airport zoning prohibitions for the placement  
of educational facilities in certain counties;  
amending s. 1013.36, F.S., to conform;  
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (e) is added to subsection (2) of  
section 333.03, Florida Statutes, and subsection (3) of that  
section is amended, to read:

333.03 Power to adopt airport zoning regulations.--

(2) In the manner provided in subsection (1), interim  
airport land use compatibility zoning regulations shall be  
adopted. When political subdivisions have adopted land  
development regulations in accordance with the provisions of  
chapter 163 which address the use of land in the manner  
consistent with the provisions herein, adoption of airport  
land use compatibility regulations pursuant to this subsection  
shall not be required. Interim airport land use compatibility  
zoning regulations shall consider the following:

(c) Where an airport authority or other governing body  
operating a publicly owned, public-use airport has conducted a  
noise study in accordance with the provisions of 14 C.F.R.  
part 150, neither residential construction nor any educational  
facility as defined in chapter 1013, with the exception of  
aviation school facilities, shall be permitted within the area  
contiguous to the airport defined by an outer noise contour  
that is considered incompatible with that type of construction

1 by 14 C.F.R. part 150, Appendix A or an equivalent noise level  
2 as established by other types of noise studies.

3 (d) Where an airport authority or other governing body  
4 operating a publicly owned, public-use airport has not  
5 conducted a noise study, neither residential construction nor  
6 any educational facility as defined in chapter 1013, with the  
7 exception of aviation school facilities, shall be permitted  
8 within an area contiguous to the airport measuring one-half  
9 the length of the longest runway on either side of and at the  
10 end of each runway centerline.

11 (e) Notwithstanding paragraphs (c) and (d), any county  
12 with a population of more than 1.5 million as of the most  
13 recent decennial census shall not be subject to the  
14 limitations contained in such paragraphs related to placement  
15 of educational facilities.

16 (3) In the manner provided in subsection (1), airport  
17 zoning regulations shall be adopted which restrict new  
18 incompatible uses, activities, or construction within runway  
19 clear zones, including uses, activities, or construction in  
20 runway clear zones which are incompatible with normal airport  
21 operations or endanger public health, safety, and welfare by  
22 resulting in congregations of people, emissions of light or  
23 smoke, or attraction of birds. Such regulations shall prohibit  
24 the construction of an educational facility of a public or  
25 private school at either end of a runway of a publicly owned,  
26 public-use airport within an area which extends 5 miles in a  
27 direct line along the centerline of the runway, and which has  
28 a width measuring one-half the length of the runway; however,  
29 any county with a population of more than 1.5 million as of  
30 the most recent decennial census shall not be subject to this  
31 requirement. Exceptions approving construction of an

1 educational facility within the delineated area shall only be  
2 granted when the political subdivision administering the  
3 zoning regulations makes specific findings detailing how the  
4 public policy reasons for allowing the construction outweigh  
5 health and safety concerns prohibiting such a location.

6 Section 2. Subsection (3) of section 1013.36, Florida  
7 Statutes, is amended to read:

8 1013.36 Site planning and selection.--

9 (3) Sites recommended for purchase or purchased must  
10 meet standards prescribed in law and such supplementary  
11 standards as the State Board of Education prescribes to  
12 promote the educational interests of the students. Each site  
13 must be well drained and suitable for outdoor educational  
14 purposes as appropriate for the educational program or  
15 collocated with facilities to serve this purpose. As provided  
16 in s. 333.03, the site must not be located within any path of  
17 flight approach of any airport, except as provided in s.  
18 333.03(2)(e). Insofar as is practicable, the site must not  
19 adjoin a right-of-way of any railroad or through highway and  
20 must not be adjacent to any factory or other property from  
21 which noise, odors, or other disturbances, or at which  
22 conditions, would be likely to interfere with the educational  
23 program. To the extent practicable, sites must be chosen which  
24 will provide safe access from neighborhoods to schools.

25 Section 3. This act shall take effect July 1, 2004.  
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