

ORDINANCE NO. 20-263

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE VI, DIVISION 1, CREATING SECTION 13-1617. - SCHOOL FACILITIES SAFETY CONSIDERATIONS, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (CID)**

**WHEREAS**, educational facilities are considered soft targets by the United States Department of Homeland Security; and,

**WHEREAS**, many educational facilities are already prone to school shootings; and,

**WHEREAS**, there have been multiple incidents near oil and gas facilities all over the United States that would have put children in danger if they were present at the educational facility; and,

**WHEREAS**, residential buildings with two or more stories pose as threat to educational facilities; and,

**WHEREAS**, Florida law prevents educational facilities from being situated near an airport by a distance worth half a runway; and,

**WHEREAS**, commercial establishments selling food near educational facilities has shown a direct effect on child obesity in the United States; and,

**WHEREAS**, the Administrative Official reviewed the proposed amendment to the Land Development Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated May 5, 2020 and incorporated into this Ordinance by reference; and

**WHEREAS**, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, on May 5, 2020, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

**WHEREAS**, on May 19, 2020, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the

Administrative Official, the Town Council moved the proposed amendment on first reading for second reading and consideration of adoption; and

**WHEREAS**, notwithstanding the passage of the Ordinance on First Reading, the Council provided their concern of increasing the radius restricting the addition of businesses that provide for the consumption or purchase of alcoholic beverages; and

**WHEREAS**, a review of our Code provides for a 500 feet radius; and

**WHEREAS**, a closer analysis of our current code, local businesses that neighbor existing schools, and the impact of those businesses on local schools reveals that an increase is not likely to produce beneficial results and may impact existing uses; and

**WHEREAS**, the proposed Ordinance in Second Reading has removed paragraph “(d)” in its entirety, effectively removing any mention of an increase in the restrictive radius on establishments that engage in the sale or consumption of alcoholic beverages; and

**WHEREAS**, on June 16, 2020, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.**

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Findings.** After considering Staff’s report, both submitted in writing and presented orally and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis Report.

**Section 3. Approval.** The Town Council hereby adopts the amendment as provided at Exhibit "A"

**Section 4. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

**Section 7. Effective date.** This Ordinance shall become effective immediately upon adoption.

### FIRST READING

The foregoing ordinance was offered by Mayor Cid who moved its adoption on first reading. The motion was seconded by Councilmember Collazo and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	yes
Vice Mayor Nelson Rodriguez	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Luis Collazo	yes
Councilmember Josh Dieguez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed on first reading this 19th day of May, 2020.

[THIS SPACE INTENTIONALLY LEFT BLANK]

**SECOND READING**

The foregoing ordinance was offered by Councilmember Mayor Cid who moved its adoption on second reading. The motion was seconded by Councilmember J. Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	yes
Vice Mayor Nelson Rodriguez	yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis Collazo	yes
Councilmember Josh Dieguez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed and adopted on second reading this 14th day of June, 2020.



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Manny Cid  
MAYOR

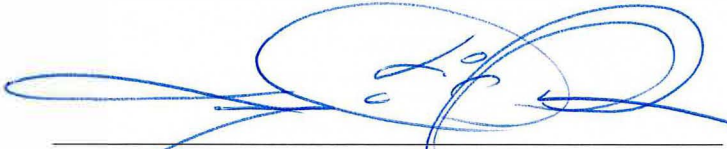
Attest:



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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



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Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre, PLLC.  
TOWN ATTORNEY

EXHIBIT A  
ORDINANCE

Chapter 13 - LAND DEVELOPMENT CODE

ARTICLE VI. - SUPPLEMENTARY REGULATIONS

**Section 13-1617. - School facilities safety considerations**

The following regulations apply to properties adjacent to lots where either a public or private school with grades Kindergarten through 12<sup>th</sup> is located, except for boarding schools or schools where overnight staying is available.

- (a) Any new construction adjacent to a school shall construct an eight-foot masonry fence along all property lines in common with the school property, school grounds or fenced in recreational facility.
- (b) Commercial, hotel or multifamily structures of more than two stories in height shall be set back a minimum of 25 feet from any property line that is shared with the school, school grounds, or fenced in recreational facility. This setback shall be heavily landscaped using shade trees and bushes as to impede the wall from being climbed.
- (c) Any existing structure that is renovated by 50% or more of its appraised value as determined by the Building Official, shall comply with the above requirement if possible, or if not possible, comply with the following:
  - 1. No balconies, catwalks, terraces or operable windows shall face the school property. Private bedroom windows must be located as to not look down upon school grounds.
  - 2. All roofs shall be either gabled or sloped, and any roof access shall be restricted and monitored.
- ~~(d) Any establishment within 1000 feet shall require a Conditional Use in order to sell alcoholic beverages as per procedures outlined in Sec. 13-782. No conditional use for the sale of alcoholic beverages shall be issued to establishments within 250 feet without approval through the Public Hearing process.~~
- (e) No firearm or weapon sales establishment or shooting range shall be located within 500 feet from a school property, school grounds or fenced in recreational facility.
- (f) No gas stations, service stations or any other use that offers or stores gasoline, diesel or any other fuel shall be located within 500 feet from a school property, school grounds or fenced in recreational facility.
- (g) No storage of chemicals, fireworks or flammable or explosive products shall be located within 500 feet from a school property, school grounds or fenced in recreational facility.