

ORDINANCE NO. 2003-38

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 33 OF THE TOWN CODE; SPECIFICALLY AMENDING SECTION 33-18 TO CLARIFY THAT NONPUBLIC EDUCATIONAL AND PRIVATE SCHOOLS ARE PERMITTED AFTER A PUBLIC HEARING IN RU-1M(A), RU-1M(B) AND PAD ZONING DISTRICTS; AMENDING SECTION 33-18 TO CLARIFY THAT THE PROVISIONS OF SECTIONS 33-151.11 THROUGH 33-151.22 APPLY TO SUCH APPROVALS; AMENDING SECTION 33-151.18 TO ELIMINATE MINIMUM SITE SIZES FOR PHYSICAL STANDARDS FOR NONPUBLIC EDUCATIONAL, PRIVATE SCHOOLS AND CHILD CARE FACILITIES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 33 “Zoning,” of the Code of Miami-Dade County, Florida (“Chapter 33”), currently serves as the Town’s Land Development Code (the “Code”) pursuant to Article VIII, Section 8.3 of the Town Charter; and

WHEREAS, Chapter 33 of the Town Code regulates the location of non-public educational facilities and private schools; and

WHEREAS, the Town wishes to allow for the location of non-public educational facilities or private schools after a public hearing in RU-1M(A), RU-1M(B) and PAD zoning districts; and

WHEREAS, the Town wishes to clarify that the location of such non-public educational facilities or private schools meet certain physical standards and to delete minimum site sizes for such schools.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. That Section 33-18, “Same—Religious facilities and schools in certain districts” is hereby amended to read as follows:¹

Sec. 33-18. Same—Religious facilities and schools in certain districts.

* * *

(c) Churches in RU-1, RU-2, EU-M, EU-1, EU-1C, EU-2, AU and GU Districts will be permitted only upon approval after public hearing; schools in GU, EU-2, EU-1C, EU-1, EU-S, EU-M, RU-1, RU-2, RU-1(M)(a), RU-1(M)(b), RU-TH, RU-5, RU-5A, PAD, IU-2, IU-3 and IU-C will be permitted only upon approval after public hearing, and shall be subject to compliance with the requirements of section 33-151.11 through 33-151.22 of this code.

* * *

Section 3. That Section 33-151.18, “Physical Standards” is hereby amended to read as follows:

Sec. 33-151.18. Physical Standards.

(a) ~~[Minimum site sizes.] The following are the minimum site sizes that shall be required, based on the proposed maximum number of children who will use the facility at any one (1) time. All calculations for the number of children/students shall be based on the total proposed maximum enrollment. When the number of children permitted results in a fractional number, any such fraction equal to or greater than one half (1/2) shall be rounded off to the~~

¹/ Provisions added to existing text are shown by underline; provisions deleted from existing text are shown by ~~strikethrough~~.

~~next highest whole number. When grade levels overlap, the more restrictive standard shall be used.~~

~~Minimum site size for day nurseries, preschool and after school care. The maximum number of children for day nurseries, preschool and after school care shall not exceed the following:~~

~~One (1) child for each three hundred (300) square feet of site area up to sites of seven thousand five hundred (7,500) square feet.~~

~~One (1) additional child per each six hundred (600) square feet for the portion of the site above seven thousand five hundred (7,500) square feet to fifteen thousand (15,000) square feet.~~

~~One (1) additional child per each nine hundred (900) square feet for the portion of the site above fifteen thousand (15,000) square feet.~~

~~Minimum site size for grades kindergarten (K) through the sixth grade. The maximum number of children for kindergarten through the sixth grade shall not exceed sixty (60) children per acre.~~

~~Minimum site size for grades seven (7) through twelve (12). The maximum number of students for seventh through twelfth grade shall not exceed the following:~~

~~From zero (0) acres to two (2) acres (inclusive): Forty five (45) students per acre~~

~~From more than two (2) acres up to four (4) acres (inclusive): Fifty (50) students per acre~~

~~From more than four (4) acres up to six (6) acres (inclusive): Fifty five (55) students per acre~~

~~From more than six (6) acres up to eight (8) acres (inclusive): Sixty (60) students per acre~~

~~From more than eight (8) acres up to ten (10) acres (inclusive): Sixty five (65) students per acre~~

~~From more than ten (10) acres: Sixty seven (67) students per acre~~

~~(b)(a) Outdoor areas. Outdoor recreation/play areas shall be in accordance with the following minimum standards, calculated in terms of~~

the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.

| <i>School categories</i> | <i>Required area</i> |
|--|---|
| Day nursery/kindergarten and preschool and after-school care | 45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time |
| Elementary school (grades 1--6) | 500 square feet per student for the first 30 students; thereafter, 300 square feet per student |
| Junior and senior high school (grades 7--12) | 800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student |

Where there are category combinations, each classification shall be calculated individually.

(e)(b) *Signs.* Signs shall comply with district regulations as contained in Chapter 33 of the Town Code; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six (6) square feet in size.

(d)(c) *Auto stacking.* Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

(e)(d) *Parking requirements.* Parking requirements shall be as provided in the Town Zoning Code, Section 33-124(1).

~~(f)~~(e) *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:

- (1) Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil.
- (2) Elementary (grades 1--6), 30 square feet per pupil.
- (3) Junior high and senior high (grades 7--12), 25 square feet per pupil.
- (4) Baby-sitting service, 22 square feet of room area per child.

~~(g)~~(f) *Height.* The structure height shall not exceed the height permitted for that site by the existing zoning.

~~(h)~~(g) *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

~~(i)~~(h) [*Exemptions.*] Baby-sitting services are exempted from the requirements of Subsections (b), (d), (e) and (h), "Outdoor Areas," "Auto Stacking," "Parking" and "Trees," Section 33-151.18. Schools permitted within existing multifamily structures (Subsection (d), Section 33-151.17) are exempted from Subsections (d) and (e), Section 33-151.18, provided such schools are limited to the occupants of the subject multifamily structures.

~~(j)~~(i) Child care facilities as described in Section 33-151.11(a), (b) and (f), shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river, bay, or the ocean unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards. Swimming pools and permanent wading pools in excess of eighteen (18) inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of

forty-eight (48) inches in height and shall comply with the following standards:

- (1) Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the area is without adult supervision.
- (2) All safety barriers shall be constructed in accordance with the standards established in Section 33-12, except that screen enclosures shall not constitute a safety barrier for these purposes.

Section 3. Repeal Of Conflicting Provisions. All other provisions of the Code of Miami-Dade County as made applicable to the Town by Article VIII, Section 8.3 of the Town Charter which are in conflict with this Ordinance are hereby repealed.

Section 4. 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 5. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

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

Councilmember Mary Collins _____
Councilmember Robert Meador, II _____
Councilmember Michael Pizzi _____
Councilmember Nancy Simon _____
Councilmember Peter Thomson _____
Vice Mayor Roberto Alonso _____
Mayor Wayne Slaton _____

PASSED AND ADOPTED on first reading this 12th day of June, 2003.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Alonso, and upon being put to a vote, the vote was as follows: 7-0

Councilmember Mary Collins Yes
Councilmember Robert Meador, II Yes
Councilmember Michael Pizzi Yes
Councilmember Nancy Simon Yes
Councilmember Peter Thomson Yes
Vice Mayor Roberto Alonso Yes
Mayor Wayne Slaton Yes

PASSED AND ADOPTED on second reading this 10th day of July, 2003.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:
Beatris M. Arguelles
BEATRIS M. ARGUELLES
TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:

Nancy E. Stroud
TOWN ATTORNEY