



Department of Planning, Zoning and Code Compliance
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Staff Analysis and Recommendation

To: Honorable Mayor and Honorable Councilmembers
From: Edward Pidermann, Town Manager
Subject: School Safety Considerations
Date: June 16, 2020

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. (Manny Cid)

A. BACKGROUND

On February 18, 2020, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions that address safety of public and private school facilities.

The request came about after a presentation from a group of students from Miami Lakes Middle School regarding safety needs of school facilities. The students presented several recommendations regarding the areas in the immediate surroundings of the schools. Staff worked with the students to narrow the recommendations to the most feasible ones.

On May 20, 2020 the Town Council moved the item on first reading, requesting that the provisions related to alcohol sales be removed from the ordinance.

The proposed ordinance provides for stricter controls in the development of properties directly adjacent to school facilities, and regulations for uses within 250 feet of the school property. Since first reading, the provisions related to alcohol sales have been removed from the ordinance.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance adding *Sec. 13-1617. - School Facilities Safety Considerations* to the Land Development Code, providing for regulations of development and uses in properties directly abutting and within 250 feet of the facility.

C. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: See Section “A,” Background, of this report. The proposed ordinance complies with the following policies of the Comprehensive Development Master Plan. Explanations follow each Policy.

Policy 1.1.4: Code enforcement and other available regulatory measures shall be used to prevent incompatible land uses from locating adjacent to or near otherwise stable and viable uses, especially residential neighborhoods. The rezoning process shall be used to discourage residential development in close proximity to industrial zoned areas and areas with unacceptable noise and/or odor levels. Incompatible non-residential land uses within established residential neighborhoods may be given incentives to adaptively reuse or replace structures to uses that are compatible with the residential area. Where it is physically not feasible to separate incompatible land uses such as residential and non-residential, buffering shall be required to promote a smooth land use transition. Buffering used may include the following:

- a. Physical barriers, including berms, hedges or other landscaping, as well as walls or fences aesthetically designed for screening purposes. Physical barriers may also include densely vegetated open space; and/or*
- b. The development of a transitional use between the incompatible uses. For example, a low intensity office development could be used to buffer a retail commercial center and a residential area.*

The proposed ordinance provides for physical barriers, increased setbacks and design regulations for all properties adjacent to school properties.

Policy 1.2.8: In preparing use, density and intensity standards for the new LDC, pay special attention to providing for the compatibility of adjacent uses.

The proposed ordinance provides for regulations that improve the compatibility of uses in the areas immediately surrounding school facilities, particularly on regards to safety.

Finding: Complies

2. **Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.**

Analysis: See Section “A”, Background, of this report. The proposed is conformance with all applicable sections of the code.

Finding: Complies.

3. **Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.**

Analysis: See Section “A”, Background, and Criterion 2 of this report. Security concerns around schools have been amplified in recent years due to a number of mass shooting incidents.

Finding: Complies.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

Analysis: The amendment provides for regulations to mitigate some of the impacts of adjacent properties on the security and safety of the school facilities.

Finding: Complies.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

6. **Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

- 7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Section “A”, Background, and Criterion 2 of this report. The proposed amendment serves a compelling governmental interest to increase security and safety on school facilities.

Finding: Complies.

- 8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: The proposed amendment does not change the permitted use of land.

Finding: Complies.

- 9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

Analysis: See Section “A”, Background, and Criterion 2 of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC.

Finding: Complies.

- 10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

Analysis: See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

Finding: As determined by the Town Council.