Memorandum

MIAMI-DADE COUNTY

Date: June 2, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 5(J)

From: George M. Burgess
County Manager

Subject: Resolution regarding temporary moratorium, as ordered by Resolutions R-1161-07, R-167-08, R-567-08, R-1115-08 and R-144-A-09 for properties being utilized as mobile home parks in unincorporated Miami-Dade County

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Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the proposed resolution dissolving the temporary moratorium. It is further recommended that the Board of County Commissioners review and consider the adoption of the proposed ordinances establishing the Villa Development Zoning District and an exit plan at a future BCC meeting.

Scope

This item will be applicable within unincorporated Miami-Dade County.

Fiscal Impact

The recommendations involve adoption of ordinances and creating procedures for reviews of plans and will not have any fiscal impact.

Track Record/Monitor

The Department of Planning and Zoning will monitor all issues pertaining to mobile home parks and coordinate with other County agencies on this and other affordable housing initiatives. Additionally, the Department will finalize the two proposed ordinances included in this item.

Background

On October 16, 2007, the Board of County Commissioners adopted Resolution R-1161-07, on the appropriateness of existing zoning districts for mobile home park use, which imposed a temporary moratorium in the unincorporated area of Miami-Dade County for issuance of building permits on 40 properties being utilized as mobile home parks. The resolution directed the County Manager to prepare a comprehensive report with recommendations taking into account the surrounding development, the availability of public facilities and resources, and the availability of alternative mobile home parks or affordable housing for the residents of mobile home parks removed or relocated by a change in land use of the mobile home park property. The estimated number of units in the parks, subject to the temporary moratorium, is approximately 8,000. The County's Manger's Report was presented to and reviewed by the Board on February 19, 2008. The Board heard testimony from interested parties. Based on the information received and testimony heard, the Board adopted Resolution R-167-08 and ordered the extension of the moratorium for an additional period of ninety (90) days and directed the staff to analyze in greater detail the appropriateness of existing zoning districts or creation of a new zoning district for mobile home parks.

Based on the February 19, 2008 directive, staff prepared and presented a number of implementation strategies at the Board meeting of May 6, 2008. The Board again heard testimony from interested parties. Based on the information received and testimony heard, the Board adopted Resolution R-567-08 and ordered the extension of the moratorium for an

additional period of one hundred and eighty (180) days and directed staff to further analyze in greater detail the appropriateness of the existing zoning districts or creation of a new zoning district for mobile home park and other zoning regulations.

On October 21, 2008, the Board adopted Resolution R-1115-08 extending the temporary moratorium for an additional one hundred and twenty (120) days on the issuance of building permits for properties being utilized as mobile home parks in unincorporated Miami-Dade County. The Board directed the County Manager to continue reviewing zoning options for the subject mobile home park sites.

On February 17, 2009, the Board adopted Resolution R-144-A-09 to extend the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in unincorporated Miami-Dade County and ordered the administration to return to the Board of County Commissioners on June 2, 2009 with a revised report further addressing zoning options for the mobile home park sites.

The County's efforts in providing both housing program assistance and human services outreach services to owners of mobile home parks are detailed in the attached Appendix *(Attachment A).*

An updated list of Mobile Home sites (*Attachment B*) is attached. Based on an inspection done during November 2008, three (3) of the park sites: Landmark Plaza & Trailer, Coe's Trailer Court and Palm Trailer Park have been vacated and no longer house any residents.

Zoning Analysis:
Staff conducted a zoning analysis (*Attachment C*) of all the mobile home park sites that are still affected by the moratorium. Each of the remaining mobile home park properties was analyzed for suitability for development. All the properties with mobile home uses on them have legally established zoning and a Land Use Plan map designation. Currently, the Miami Dade County code allows mobile home park use through a public hearing process on a property irrespective of any zoning classification. Each of the existing parks will continue to remain as a Mobile Home Park as long as the park remains in operation. It is anticipated that twenty-five (25) of the properties, including the three recently vacated sites could be redeveloped without a public hearing. The remaining fifteen (15) properties, which are either wholly or partially zoned Agricultural (AU) or General Use (GU), will require public hearing to redevelop beyond one dwelling unit per five acres. Review of other jurisdictions indicates that a few of communities in Florida have zoning classifications that exclusively allow for mobile homes.

Zoning Recommendations:
Consistent with actions taken by other jurisdictions and in keeping with the legal advice from the County Attorney's Office, staff recommends the following zoning actions:

a) Adopt a new Villa/Mobile Home Zoning District that allows for mobile homes, manufactured homes and site-built detached affordable units.
b) Adopt an Exit Plan that codifies the statutory requirements.

New Villa/Mobile Home Zoning District:
It is recommended that a new Zoning District be created that would allow for mobile homes and similar dwelling units with specific regulations. The purpose of the proposed Villa Development Zoning District is to allow for a mix of affordable housing types including: detached single-family residences, mobile homes, or modular homes that would be developed and maintained in a high quality park-like setting. It is intended that a rezoning of a property to the new Villa Development

Zoning District would be by application from the property owner(s) and not a County sponsored application at this time.

This new zoning district will allow properties to be rezoned to the newly created district and allow any future mobile home park use as a matter of right. Any rezoning would have to be consistent with the Comprehensive Development Master Plan and Land Use Plan map designations. Property owners themselves can initiate any changes in land-use and zoning classifications of their properties. The attached draft of the proposed Villa Development Zoning District specifically defines a suitable lot size for a mobile home unit and provides for the re-construction of a mobile home park in the event of significant damage.

The proposed zoning ordinance (*Attachment D*) has been prepared and can be presented for First Reading at an upcoming BCC meeting if directed by the Board for the Board's consideration, subject to final review for legal sufficiency.

Exit Plan Zoning Ordinance:
A zoning ordinance has been prepared that codifies the statutory requirements for development applications on properties being utilized as mobile home park. The ordinance sets forth standards to ensure compliance with the statutory requirements regarding availability of alternative housing for mobile home unit owners and expands notice requirements for any development that would result in the removal or relocation of mobile home owners to also include park residents. The proposed ordinance establishing additional standards for applications for a development action or order applications regarding existing mobile home park has been revised to include a provision that applies to all mobile home parks vacated within (2) years prior to the date of an application. The proposed ordinance requires that a park owner must demonstrate substantial competent evidence that park residents vacated without duress, coercion, or that all the former residents found alternative suitable housing, prior to the approval of the application (Attachment E). Additionally, the proposed ordinance includes a provision that requires a park owner of any existing mobile home property that reaches a vacancy rate in excess of 20% of the approved capacity, to notify the Department and Planning and Zoning of such vacancy and inform the Department of any possible redevelopment plans for the property.

A proposed ordinance (*Attachment E*) has been prepared and can be presented for First Reading at an upcoming BCC meeting if directed by the Board for the Board's consideration, subject to final review for legal sufficiency.

Comprehensive Development Master Plan (CDMP):
The Comprehensive Development Master Plan recognizes the importance of mobile home parks as a critical piece of the overall affordable housing issue. The plan contains important policies to support affordable housing, however, no policies currently exist that are specific to mobile home parks. A review of the applicable policies regarding this matter has been conducted and a set of policy recommendations have been included in the April 2009 CDMP amendment cycle. The draft texts amendments includes language to the Comprehensive Development Master Plan that would further enhancement and preservation of mobile home parks as viable options for affordable housing, while assuring the health and safety of such communities.

The proposed policies addresses the following:

- Support programs that assist residents of mobile home communities to purchase their parks.

- Encourage the replacement/upgrading of existing mobile home units in order to assure code compliance and safety from natural disasters.,
- Require any application for development or redevelopment of an existing mobile home site to provide a covenant which: 1) prohibits involuntary displacement of mobile home residents; 2) requires a displacement plan for any residents that may need permanent or temporary relocation; 3) requires residential development projects to replace the removed mobile units with affordable housing units which are to be made available to mobile home residents; 4) requires developers to submit documentation indicating that they have followed Chapter 723.061 of the Florida Statutes related to relocation of mobile home unit owners.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 2, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 5(J)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **Housekeeping item (no policy decision required)**

✓ **No committee review**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(J)
6-2-09

RESOLUTION NO. _____

RESOLUTION PERTAINING TO TEMPORARY MORATORIUM FOR PROPERTIES BEING UTILIZED AS MOBILE HOME PARKS IN UNINCORPORATED MIAMI-DADE COUNTY; DETERMINING WHETHER OR NOT THE MORATORIUM SHOULD BE TERMINATED; DIRECTING THE IMPLEMENTATION OF THE STRATEGIES RECOMMENDED IN THE MOBILE HOME PARK REPORTS DATED FEBRUARY 19, 2008 AS ORDERED BY RESOLUTION R-1161-07 AND MAY 6, 2008 AS ORDERED BY RESOLUTION R-167-08 AND OCTOBER 21, 2008 AS ORDERED BY RESOLUTION R-567-08 AND FEBRUARY 17, 2009 AS ORDERED BY RESOLUTION R-1115-08 AND JUNE 2, 2009 AS ORDERED BY R-144-A-09 TO MITIGATE THE IMPACT OF REDEVELOPMENT ON PROPERTIES IN THE STUDY AREA DESCRIBED IN RESOLUTION R-1161-07

WHEREAS, on October 16, 2007, this Board adopted Resolution R-1161-07 ordering a temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in Miami-Dade County for the study area described in that Resolution, finding that a detailed comprehensive zoning analysis of the study area was reasonably necessary to study and make a recommendation as to what zoning district is most appropriate for the particular parcel on which a mobile home park lies, taking into account the surrounding development, the availability of public facilities and resources, and the availability of alternative mobile home parks or affordable housing for the residents of the mobile home park should an application for rezoning be filed, and directing the County Manager to prepare a comprehensive report and recommendation relating to appropriate zoning districts for the study area as soon as reasonably possible within a one hundred twenty (120) day period; and

WHEREAS, the County Manager's report titled "Mobile Home Report dated February 19, 2008 as ordered by Resolution R-1161-07" was presented to and reviewed by this Board; and

WHEREAS, on February 19, 2008 the Board directed the County Manager to immediately implement the recommendations contained in the Report, including, without limitation, the recommendation for an appropriate "exit plan" applicable to all properties in unincorporated Miami-Dade County being utilized as mobile home parks and to submit for this Board's approval such ordinances or resolutions as necessary to implement the recommendations; and the continuation of the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in unincorporated Miami-Dade County for the study area described in Resolution R-1161-07 for a period not to exceed 90 days, and directed the County Manager to analyze in greater detail the appropriateness of existing zoning districts of the creation of new zoning districts for mobile home parks in unincorporated Miami-Dade County and to report to the Board within 90 days; and

WHEREAS, the County Manager was further directed by the Board to submit within 90 days for the Board's consideration a report on the feasibility of acquisition of mobile home parks by Miami-Dade County, such report to address all funding sources available for this purpose, and the County Manager was directed to invite the Secretary of the Department of Community Affairs or his representative to come to Miami-Dade County for a public meeting to discuss the housing crisis in Miami-Dade County, particularly as it pertains to persons residing in mobile home parks; and

WHEREAS, the County Manager's report titled "Report regarding temporary moratorium, as ordered by Resolutions R-1161-07 and R-167-08 for properties being utilized as mobile home parks in unincorporated Miami-Dade County" dated May 6, 2008 as ordered by Resolution R-167-08 (the "May 6 Report") has been presented to and reviewed by this Board; and

WHEREAS, the County Manager was further directed by the Board to submit within 180 days for the Board's consideration a report on the appropriateness of the existing zoning districts in greater detail or the creation of a new zoning district for mobile home parks and other zoning regulations; and

WHEREAS, the County Manager's report titled "Resolution regarding temporary moratorium, as ordered by Resolutions R-1161-07, R-167-08 and R-567-08 for properties being utilized as mobile home parks in unincorporated Miami-Dade County" dated October 21, 2008 as ordered by Resolution R-567-08 (the "October 21 Report") has been presented to and reviewed by this Board; and

WHEREAS, the County Manager was further directed by the Board to submit within 120 days for the Board's consideration a report on the appropriateness of the existing zoning districts additional details or further clarification of the creation of a new zoning district for mobile home parks and other zoning regulations; and

WHEREAS, the County Manager's report titled "Resolution regarding temporary moratorium, as ordered by Resolutions R-1161-07, R-167-08, R-567-08 and R-1115-8 for properties being utilized as mobile home parks in unincorporated Miami-Dade County" dated February 17, 2009 has been presented to and reviewed by this Board; and

WHEREAS, the County Manager was further directed by the Board to submit a report at its June 2, 2009 meeting for the Board's consideration on the appropriateness of the existing zoning districts additional details or further clarification of the creation of a new zoning district for mobile home parks and other zoning regulations; and

WHEREAS, the County Manager's report titled "Resolution regarding temporary moratorium, as ordered by Resolutions R-1161-07, R-167-08, R-567-08, R-1115-8 and R-xxx-09 for properties being utilized as mobile home parks in unincorporated Miami-Dade County" dated June 2, 2009 has been presented to and reviewed by this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the Mayor or his designee to implement the recommendations contained in the June 2, 2009 Report and further orders _____ of the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in Miami-Dade County for the study area described in Resolution R-1161-07 with subsequent updates.

The foregoing resolution was offered by Commissioner ,

who moved its adoption. The motion was seconded by Commissioner

and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. JM

By:_____
Deputy Clerk

John McInnis

ATTACHMENT A

Miami-Dade County Programs and Efforts to Assist Residents of Mobile Home Parks

This paper serves to provide information on the County's efforts to assist mobile home parks owners who are at risk of displacement by providing them information and assistance through the county's available housing programs and through human services outreach assistance.

Housing Assistance Programs

Historically, in Miami-Dade County mobile homes have been viewed as an option to maintain affordable housing. In 2007, the average price for a new mobile home was $ 37,100 for a single wide and $73,600 for a double wide (not including land). Rental prices for land are as low as $300 to $ 400 per month through the execution of a land lease.

During the South Florida construction boom that lasted between 2003 and 2007, developers purchased mobile home park properties with the intent to develop high-rise condominium developments. Many of the evicted mobile home owners were not able to find other alternate locations for their mobile homes and as result many mobile home park residents were driven out of their communities. Other housing options are not affordable. The following are the housing services and programs that are available to the residents of mobile home parks.

Manufactured and Modular Homes

Mobile homes, also known as manufactured homes, are built with a non-removable steel chassis or frame. These transportable units have a certification label on the exterior section and are built to Manufactured Home Construction and Safety Standards under US Housing and Urban Development (HUD) Code. Manufactured homes may or may not be placed on a permanent foundation. In contrast, modular homes must conform to state, local and regional building codes and must be on a permanent foundation and are generally more expensive and safer than manufactured homes. Modular homes are discussed later in this report under a pilot program taking place in Punta Gorda, FL.

The pool of lenders involved in mobile home financing is very limited. The lenders extend credit as title loans (such as done with an automobile loan) as opposed to conventional real estate mortgages, thereby limiting the loan amount. Credit is granted based upon the applicant's credit history and ability to repay the loan in regular monthly payments. A HUD Title I loan may be used for the purchase or refinancing of a mobile home and the maximum loan amount for the mobile home and lot is $64,800, which is subject to change. The dollar limits may be increased in designated high cost areas. In addition, the Manufactured Housing Program is a national HUD program established to protect the health and safety of manufactured (mobile home) owners. While FHA insures loans and mortgages for mobile housing, HUD helps purchasers learn more about the FHA process including insured loans, label verification and permanent foundations.

Under HUD Title II, loans are available for modular (not manufactured) homes as they must conform to relevant state, local and regional building codes and are on a permanent foundation. Under Title II, the maximum loan amount is $175,000 (based on home and land, subject to change) and the pool of lenders is larger than manufactured homes.

While there are high risks associated with both manufactured and modular mobile homes, which limits a purchaser's financing options, a reported 12 percent of all mobile home loans end up in default, which is four times the rate for conventional mortgage defaults. Despite these challenges, most of the residents are quite content in the parks and are very resistant to

relocating. Many park residents own their mobile homes and only pay a monthly lease fee to the mobile home park owner to lease the land.

Affordable Housing Funds/Programs
An analysis of the various funding sources managed by the County reveals that there is no funding for the rehabilitation or acquisition of mobile homes. However, through a change to the County's Action Plan or State Housing Initiative Partnership (SHIP) program, additional federal and state funding sources can be made available for rehabilitation and acquisition.

Currently, Federal HOME funds can be used to provide housing assistance to low- to moderate-income individuals and their families through Housing Assistance Grants (HAG), similar to the program originally approved in the FY 2006-07 Adopted Budget. This program provides families with short term assistance when relocating. The County has used this program when outreaching to mobile home park residents by providing the one time upfront costs (first month rent, security deposits, etc.) to residents who have agreed to relocate out of the park. However, despite these outreach efforts, only 67 mobile home park families have applied for assistance to date.

Tenant Based Rental Assistance
Through the FY 2009 Action Plan, the County allocated $500,000 of HOME funds to various non-profit agencies that administer the Tenant Based Rental Assistance (TBRA) program. The program provides rental assistance to qualified residents by making direct payments to the landlord, and the resident only pays 30 percent of their monthly adjusted gross income pursuant to federal guidelines. The family can receive this assistance for up to 24-months. The family cannot be receiving any other housing assistance.

Mobile home park residents who access the HAG grant can also be referred to the non-profit agency for assistance. OCED will work with the funded agencies to ensure that former mobile home park residents receive an expedited review of their case.

Neighborhood Stabilization Program (NSP)
Under the Housing and Economic Recovery Act of 2008, Miami-Dade County was allocated $62.2 million through the Neighborhood Stabilization Program (NSP). Funds may be used for the purchase and redevelopment of foreclosed and abandoned homes and property. The County's plan for the funds includes $21.5 million for the purchase of foreclosed multi-family properties. Although NSP funds cannot be used to purchase mobile homes, the rental properties purchased with NSP funds can be made available and affordable to the displaced or evicted mobile home park residents. NSP also provides second mortgage assistance to qualified homebuyers. The home must be in an area of greatest need and the family's income cannot exceed 120 percent of area median income (AMI) as set by HUD guidelines.

Modular Home Pilot Project
In an effort to preserve mobile home parks, Charlotte County (Punta Gorda) is currently involved in a pilot program which converts old manufactured homes in need of repair to modular homes within the same park. As previously defined, modular homes are permanent and non-transportable, whereas manufactured homes are the traditional mobile homes on non-permanent foundations.

Modular homes are built on a permanent foundation on the same spot as the old mobile home and meet hurricane safety standards, and are energy efficient and maintenance free. In addition, the new home is less costly to build than a traditional site built home. This conversion

from manufactured to modular homes will not affect the marketability of the mobile home park in case the park owner wants to sell the property in the future. However, the conversion by the developer is a way to solidify the end use as a single-family home subdivision instead of high rise condominiums. The single-family market is more stable and is not as cyclical as the condominium market and is more desirable for stabilizing a neighborhood. In addition, the homeowner will qualify for federal and state second mortgage subsidy programs.

Feasibility of County Purchasing and Operating Mobile Home Trailer Parks

Staff researched the sales status of 47 trailer parks. Five trailer parks sold between July 2005 and February 2007. Prices ranged from $735,000 to $11,289,270. Since these sales occurred prior to the real estate market softening, it is likely that prices are much lower now. Notwithstanding, the cost to purchase one trailer park is still likely to be in the million dollar range. This does not include any additional cost assumptions for remedying code violations.

If funding sources were identified to purchase a trailer park, the County would have to hire a management company to operate and manage the park, similar to other rental housing currently owned by the County. Rents would have to be sufficient to cover operating costs, including the management fee.

In an effort to try to determine the costs to operate a trailer park, staff contacted the management company of a 222 unit trailer park located in the south end of the County, and obtained a copy of their annual operating budget for 2009. This trailer park is set up as a condominium, so each trailer pad is individually owned. The total operating budget for the year 2009 is $266,423.99, which equates to approximately $1,200 per unit. In this particular example, it appears to be economically feasible to operate a trailer park; however, each trailer park would have to be individually evaluated prior to considering a purchase. This particular trailer park is in very good condition, which is likely a result of it being operated as a condominium and not a rental project. Operating costs of a rental project are likely to be higher due to normal wear and tear of rental projects.

Human Services Outreach Services

Historically the County's Department of Human Services (DHS), working in conjunction with the prior Team Metro, has been called to action to assist when notification of closure has been given to residents of a mobile home park. Upon notification by Team Metro, DHS assembled teams of multi-lingual workers that are dispatched to the affected trailer park to advise residents of the services available, assess each resident/owner's individual needs and provide referrals for services. The teams typically visit a park multiple times, including Saturdays, and will arrange and present information fairs and provide distributions of flyers in order to ensure that all residents are advised of the services available and afforded the opportunity to access them. Residents are routinely given packets of relocation assistance forms and applications for the Florida Mobile Home Relocation Trust Fund. While the initial goal is to assist residents with their housing and relocation needs, residents are also assessed to determine their need for other collateral services such as Child Care, Elderly Care, etc. Based upon need, team workers also provide referrals for these services as appropriate.

Over the past two and half year period, the County's Outreach Task Force workers have provided services to both the Blue Lakes and Palm Trailer Parks.

Blue Lakes Trailer Park

From February 25, 2006 thru August 18, 2007, Outreach team members provided a combined total of thirty-nine (39) on-site visits and outreach events to the residents of the Blue Lakes Trailer Park. Included among these visits was a Holiday Toy and Food basket distribution in December 2006. Over the course of the visits each trailer park resident was visited and provided the opportunity to access services through the County's social service continuum. In total, there were one thousand seven hundred and twenty-two (1,722) contacts with residents for the purposes of providing direct assistance and/or service referrals. At the onset of the visits, there were 278 trailers on-site. At the conclusion of the visits in August 2007, there were 81 remaining with 197 of the trailers having been demolished. Of those remaining, the majority of the occupants were squatters. While information was provided to over 200 residents, only sixty-seven (67) individuals/families received relocation housing assistance through the Housing Assistance Grant and the Miami-Dade Housing Agency.

Palm Trailer Park

For the five month period commencing on January 23, 2008 thru May, 2008 County Outreach Team workers conducted a total of eleven (11) on-site visits and outreach events at the Palm Trailer Park. Contact was made with occupants of all the 160 trailers on-site to advise the residents of the County's services. A total of seventy-three (73) residents were contacted and provided direct assistance referrals. However, none of these residents were provided relocation assistance. Assistance to these residents was minimal due to the residents having been offered cash payments from the park owner's insurance company to help offset their expenses for moving.

Recommendations for Both Housing and Human Services Programs

Housing Program Recommendations and Conclusion

As affordable housing continues to be an important need for residents in Miami-Dade County, the County will continue to be pro-active exploring multiple options for residents of Mobile Parks. The County will continue to follow the Modular Home Pilot Project underway in Punta Gorda, and explore options that permit funding to convert manufactured homes to modular homes. The Department of Planning and Zoning has already analyzed the zoning requirements for this option. County Staff will continue to investigate funding sources to determine what monies may be utilized to specifically assist mobile park residents, either to assist in relocation costs or mitigation costs for the conversion process from manufactured to modular.

In the interim, the existing Housing Assistance Grants and Tenant Based Rental Assistance programs can be used for relocation and rental assistance for those displaced mobile home park residents. However, additional federal HOME funds must be programmed by the Board of County Commissioners (Board) to pursue this activity. Policy recommendations to assist residents to stay within their mobile home park community will be considered and presented in the County's Policy Paper for the 2010 Action Plan which will be presented to the Board in July 2009. This may include funding for the conversion into modular homes, as allowable under federal and state guidelines

Human Services Outreach Conclusions and Recommendations

The ability of social services agencies to provide relocation assistance to residents of trailer parks is hampered by two primary factors that while they are not unique, they are predominant in this environment. First and foremost is the fact that a significant number of trailer park residents have issues related to the legality of their immigration status. As such, many are reluctant to access services for fear that it will alert authorities, i.e. "the government" to their status and jeopardize their ability to work and live in the area. Secondly, the rent in a trailer park is generally lower than that of other types of housing. Many times, unless a displaced resident can locate another trailer park or similar type site for relocation, they are unable to sustain the costs of maintaining the housing, beyond payment of the initial move in costs.

In terms of future/ongoing efforts in this area , the following actions are recommended:

- Continue coordination and presentation of public meetings at mobile home parks to encourage and assist residents in developing relocation plans:

  Through the use of the County Outreach Task Force efforts need to continue to coordinate all public meetings at trailer parks to encourage and assist residents to develop a relocation plan. These teams will conduct a comprehensive needs assessment with the affected individuals/families; and make referrals and placements to available shelter(s) and/or support services such as medical care, mental health services, medical detoxification, educational and vocational programs, employment, or other appropriate services including immigration support services. It is important to note that the number of available Outreach Teams through the Department of Human Services have been reduced from eight to three teams as a result of grant funding reductions.

- Continue County outreach services through the ongoing collaboration between human services providers to assist residents of Trailer Parks with information on social services, housing and relocation assistance:

  Emergency and financial related services are currently provided by the Community Action Agency (CAA) through its network of fifteen (15) neighborhood multi-purpose community service/enrichment centers geographically dispersed from Florida City to the Broward County line; two (2) emergency housing complexes and a listing of contracted boarding homes. Services available through this network include: financial assistance to the medically disabled, employment training, emergency assistance, emergency housing, boarding home placement, utility assistance and information and referral.

  While financial relocation assistance was previously provided to assist eligible residents with the costs of relocation through the Housing Assistance Grant (HAG), the FY 2008 allocation of these funds through the Community Development Block Grant (CDBG) has been exhausted and the FY 2009 allocation is pending a Plan Amendment scheduled to be presented to the Board in April 2009.

Future outreach and direct service provision at the same level as previously provided through designated Outreach Teams will require additional funding, given reductions sustained as a result of diminishing state and local resources to fund these services.

State Legislative Update

The County's 2009 State Legislative Package included two items which address issues pertaining to Mobile Home Parks:

1. Board of County Commissioners Resolution No. 442-08, specifically addresses Long Term Mobile Home Park Tenants. This resolution urged the Legislature to enact legislation requiring that current long-term mobile home park tenants be given the right to first refusal to purchase individual mobile home park parcels when the underlying mobile home park properties are subdivided or change in the use of land is proposed.

2. Board of County Commissioners Resolution No. R-1392-08 urged the Florida Legislature to pass legislation assisting mobile home residents when mobile home parks are redeveloped, including:

• Providing additional funding at the state level for affordable housing.
• Increasing the amount of reimbursement currently available to displaced residents for relocation from the State Relocation Trust Fund and allow for adjustments to reflect current market conditions.
• Extending the time beyond 45 days that is currently allowed for First Right of Refusal by a mobile home park homeowners' association when a park is for sale.
• Allowing for longer notice period for eviction in case of sale of the property.
• Providing financial incentives to park owners to convert to owner occupied parks and for affordable housing on mobile home park sites.

Two companion bills were filed during the Legislature for the 2009 session:
Senate Bill 1032 (Mobile Home Park Lot Tenancies), sponsored by Senator Fasano, was filed. This bill would authorize the court to refer actions to binding arbitration under certain conditions. It also amends a provision relating to grounds and proceedings for eviction. It requires a mobile home park owner to apply to the local government for change of use or rezoning under specified conditions. Additionally, the bill requires such owners provide a specified relocation plan and revises notice requirements relating to the sale of mobile home parks. House Bill 609 (Companion Bill of SB 1032), Mobile Home Park Lot Tenancies, sponsored by Representative Jenne, was filed on January 23, 2009. This bill was identical to SB 1032.

Also included in the State Legislative Package, was language in support of legislation that would assist mobile home owners and tenants and owners in the event of a mobile home park's conversion to another land use.

As the Legislative Session came to a close on May 1, 2009 the results for the legislation pertaining to Mobile Home Parks was as follows: Senate Bill 2484 (Mobile Home Park Tenants) by Smith and House Bill 1321 by Representative Brise, Senate Bill 1032 by Senator Fasano, House Bill 1298 by Representative Detert and House Bill 609 by Representative Jenne – required park owners to give tenants right of first refusal to purchase individual parcels within mobile home parks, and other measures targeted at helping mobile home park tenants. During the legislative session these bills died in Committee. In addition,

Senate Bill 880 by Senator Fasano and House Bill 27 by Representative Ambler, were amended with some language included from the Senate Bills referenced above. Senate Bill 880 died on the Senate Calendar and House Bill 27 passed in the House but died in messages when the Senate did not take up the bill.

iii Existing Mobile Home Park Inventory

Site	Name	Status*	Folio	Address	Acres	Licensed Units	Density (Units/Acre)	Zoning	LUP MAP Designation	Year Established	Comm. District
1	HONEY HILL MOBILE HOME PARK	Open	30-1131-001-0290	4955 NW 199TH ST	48.28	438	9.1	AU	Low-Medium Density Residential	1969	1
2	ROYAL COUNTRY MOBILE HOME PARK	Open	30-1131-003-0010;30-1131-004-0010; 30-1131-002-0010 thru 0020	5555 NW 202ND TER	174.17	864	5.0	AU & RU-1	Low-Medium Density Residential	1984	1
3	LANDMARK PLAZA & TRAILER	Vacant	30-2203-000-0070	19800 W DIXIE HWY	1.7	48	28.2	OUAD (MC & R)	Business and Office, Low-Medium Density Residential	1936	4
4	DIXIE MOBILE COURT	Open	30-2203-005-0040	19640 W DIXIE HWY	2.2	47	21.4	OUAD	Business and Office, Low-Medium Density Residential	1956	4
5	COE'S TRAILER COURT	Vacant	30-2203-005-0060	19770 W DIXIE HWY	1.24	28	22.6	OUAD (MC & R)	Business and Office, Low-Medium Density Residential	1956	4
6	SHADY OAK TRAILER PARK	Open	30-2219-000-0410	14721 NE 6TH AVE	1.99	36	18.1	RU-4M & BU-1	Business and Office, Low-Medium Density Residential	1946	2
7	BOB'S TRAILERVILLE	Open	30-2219-000-0740	14752 NE 6TH AVE	2.0	14	7.0	BU-1 & RU-3	Business and Office, Low Density Residential	1977	2
8	PALM TRAILER PARK	Vacant	30-2229-001-0020 thru 0040; 30-2229-001-0100 thru 0140	12000 NE 16TH AVE	8.96	160	17.9	RU-3M	Medium-Density Residential	1948	4
9	JONES FISHING CAMP TRAILER	Open	30-2909-001-0021 30-2910-001-0250	14601 NW 185TH ST	9.95	57	5.7	BU-3 & AU	Open Land	1969	12
10	COLONIAL ACRES MOBILE HOME PARK	Open	30-3102-000-0400	9674 NW 10TH AVE	27.88	296	10.6	RU-2&GU-&RU-3B	Application 4 Apr. 2005 Cycle from Low-Medium Density Residential to Medium-Density Residential	1947	2
11	J BAR J	Open	30-3109-000-0160 thru 0200; 30-3109-015-0070	2980 NW 79TH ST	5.7	99	17.4	RU-3B & BU-2	Business and Office, Industrial and Office	1946	2
12	MIAMI HEIGHTS TRAILER PARK	Open	30-3109-007-0010	3520 NW 79TH ST	9.34	127	13.6	IU-1 & BU-2	Business and Office, Industrial and Office, Restricted Industrial and Office	1950	2
13	PALM LAKE TRAILER PARK	Open	30-3109-008-0470	7600 NW 27TH AVE	7.96	124	15.6	IU-2 & BU-2	Industrial and Office	1946	2
14	TRADEWINDS TRAILER PARK	Open	30-3110-000-0010 thru 0020	1919 NW 79TH ST	3.79	80	21.1	RU-1 & BU-2	Business and Office, Low-Density Residential	1946	2
15	SUNNY SOUTH TRAILER PARK	Open	30-3111-000-0170	1175 NW 79TH ST	4.61	114	24.7	RU-2 & BU-2	Business and Office, Low-Medium Density Residential	1946	2
16	AVOCADO TRAILER PARK	Open	30-3111-024-0030	1170 NW 79TH ST	2.28	73	32.0	RU-2 & BU-2	Business and Office, Low-Medium Density Residential	1946	2
17	ROVELL TRAILER PARK	Open	30-3111-000-0180	939 NW 81ST ST	8.4	138	15.2	RU-2 & RU-1	Low-Medium Density Residential	1946	2
18	TROPICAL VILLAGE	Open	30-3111-026-0010 thru 0020;30-3111-016-0130;30-3111-026-0010; 30-3111-030-0080.	1398 NW 79TH ST	8.27	108	13.1	BU-2 & RU-1 & RU-2	Business and Office, Low-Medium Density Residential	1947	2
19	TRINIDAD COURT	Open	30-3112-000-0010;30-3112-000-0015;30-3112-000-0040	7930 NW MIAMI CT	7.83	173	22.1	RU-3B	Low-Medium Density Residential	1947	2
20	SUNNYLAND TRAILER PARK	Open	30-3112-000-0060	129 NW 79 ST.	4.17	105	25.2	RU-3B	Low-Medium Density Residential	1949	2

* Status as of December 2008

ATTACHMENT B

Site	Name	Status*	Folio	Address	Acres	Licensed Units	Density (Units/Acre)	Zoning	LUP MAP Designation	Year Established	Comm. District
21	LANDMARK MOBILE HOME PARK	Open	30-3112-000-0070	215-17 NW 79 ST.	2.77	76	27.4	RU-3B	Low-Medium Density Residential	1940	2
22	CARLEY'S	Open	30-3121-000-0980;30-3121-000-0961;30-3121-000-0970;30-3121-000-1080;30-3121-000-0890.	4111 NW 37TH AVE	6.01	70	11.6	IU-1	Industrial and Office	1958	2
23	BLUE BELLE TRAILER PARK	Open	30-3121-000-1020 thru 1030	3586 NW 41ST ST	10.0	150	15.0	IU-1 & IU-2	Industrial and Office	1948	2
24	FRONTON TRAILER PARK	Open	30-3121-000-1200	3617 NW 36TH ST	2.32	57	24.6	IU-1	Industrial and Office	1936	2
25	ROYAL DUKE	Open	30-3121-022-0010 thru 0011	3620 NW 30TH AVE	7.09	138	19.5	GU & RU-3B	Industrial and Office	1948	2
26	ALL STAR 36 STREET	Open	30-3128-012-0010;30-3128-007-0010 thru 0030; 30-3128-007-0080.	3010 NW 36TH ST	1.89	73	38.6	RU-3B & BU-1A	Low-Medium Density Residential	1938	2
27	RIVER PARK APTS & TRAILER PARK	Open	30-3128-018-0010	2260 NW 27TH AVE	5.94	110	18.5	IU-1	Application 3 Apr. 2006 Cycle from Business and Office and Industrial and Office to High-Density Residential	1936	2
28	LIL ABNER MOBILE HOME PARK	Open	30-4006-001-2390 thru 2420; 30-4006-001-2431;30-4006-001-2440.	11239 NW 4TH ST	101.0	908 (Approx. 441 in Uninc. Area)	8.9	GU	Medium Density Residential	1969	12
29	MIAMI TERRACE MOBILE HOME PARK	Open	30-4011-012-0010 thru 0020;30-4011-012-0100	1040 SW 70TH AVE	4.01	89	22.2	IU-1	Industrial and Office	1947	6
30	GABLES TRAILER PARK INC	Open	30-4108-014-0010	825 SW 44TH AVE	2.46	90	36.5	RU-3B & RU-2	Business and Office and Low-Density Residential	1936	6
31	UNIVERSITY LAKES (HOMETOWN AMERICA MANAGEMENT LP)	Open	30-4911-000-0010;30-4902-000-0150	12850 SW 14TH ST	186.68	1153	6.2	GU & EU-1	Business and Office, Low-Medium Density and Low-Density Residential	1967	11
32	AMERICANA VILLAGE CONDOMINIUM	Open	30-6801-001-0001	19800 SW 180TH AVE	110.2	529	4.8	GU	Agriculture	1967	9
33	SILVER PALM MOBILE HOME PARK	Open	30-6919-000-0150	17350 SW 232ND ST	9.1	112	12.3	AU	Agriculture	1958	8
34	REDLAND MOBILE HOME PARK	Open	30-6919-000-0151	17360 SILVER PALM DR	9.13	80	8.76	AU	Agriculture	1958	8
35	GATEWAY ESTATES CONDOMINIUM	Open	30-7825-011-0001	35250 SW 177TH CT	37.0	220	5.94	AU	Low-Medium Density Residential	1968	9
36	GATEWAY WEST CONDOMINIUM	Open	30-7825-014-0001	35303 SW 180TH AVE	20.0	111	5.55	AU	Low-Medium Density Residential	1968	9
37	GOLD COASTER TRAILER PARK	Open	30-7826-011-0010	34850 SW 187TH AVE	81.35	259	3.18	AU & GU	Low-Density Residential	1969	9
38	PINE ISLE MOBILE HOME PARK	Open	30-7902-000-0061 thru 0062	28600 SW 132ND AVE	45.0	317	7.04	RU-1	Low-Density Residential	1958	9
39	LEISURE EAST (PALM GARDEN RV PARK)	Open	30-7904-000-0020	28300 SW 147TH AVE	4.0	39	9.75	GU	Low-Medium Density Residential	1968	9
40	LEISURE MOBILE HOME PARK/PALM GARDEN MH	Open	30-7904-000-0090	28501 SW 152ND AVE	36.2	279	7.7	RU-1 & RU-3	Low-Medium Density Residential	1958	9
TOTAL UNITS						**7,989**					

*** Status as of December 2008**

ATTACHMENT C

Attachment C /updated 12/21/08

TRAILER PARK REZONING CHART

ID	TRAILER PARK	Can Redevelop Without Public Hearing	AU and/or GU Zoned Properties (Public Hearing required if seeking more than 1 dua / 5 acres)	Can Rezone to a More Intense Use Without a CDMP Amendment		
				YES	NO	
1	HONEY HILL MOBILE HOME PARK		X	X		
2	ROYAL COUNTRY MOBILE HOME PARK		X	X		
3	LANDMARK PLAZA & TRAILER /**PARK VACATED**	X			X	
4	DIXIE MOBILE COURT	X			X	
5	COE'S TRAILER COURT /**PARK VACATED**	X			X	
6	SHADY OAK TRAILER PARK	X			X	
7	BOB'S TRAILERVILLE	X		X		
8	PALM TRAILER PARK /**PARK VACATED**	X			X	
9	JONES FISHING CAMP TRAILER		X	X		
10	COLONIAL ACRES MOBILE HOME PARK		X	X		
11	J BAR J	X			X	
12	MIAMI HEIGHTS TRAILER PARK	X			X	
13	PALM LAKE TRAILER PARK	X			X	
14	TRADEWINDS TRAILER PARK	X		X		
15	SUNNY SOUTH TRAILER PARK	X		X		
16	AVOCADO TRAILER PARK	X		X		
17	ROVELL TRAILER PARK	X		X		
18	TROPICAL VILLAGE	X		X		
19	TRINIDAD COURT	X		X		
20	SUNNYLAND TRAILER PARK	X		X		
21	LANDMARK MOBILE HOME PARK	X		X		
22	CARLEY'S	X			X	
23	BLUE BELLE TRAILER PARK	X			X	
24	FRONTON TRAILER PARK	X			X	
25	ROYAL DUKE		X	X		
26	ALL STAR 36 STREET	X		X		
27	RIVER PARK APTS & TRAILER PARK	X		X		
28	LIL ABNER MOBILE HOME PARK		X	X		
29	MIAMI TERRACE MOBILE HOME PARK	X			X	
30	GABLES TRAILER PARK INC	X		X		
31	HOMETOWN AMERICA MANAGEMENT LP - (Univ. Lakes)		X	X		
32	AMERICANA VILLAGE **CONDOMINIUM**		X		X	
33	SILVER PALM MOBILE HOME PARK		X		X	
34	REDLAND MOBILE HOME PARK		X		X	
35	GATEWAY ESTATES **CONDOMINIUM**		X	X		
36	GATEWAY WEST **CONDOMINIUM**		X	X		
37	GOLD COASTER TRAILER PARK		X	X		
38	PINE ISLE MOBILE HOME PARK	X		X		
39	LEISURE EAST (PALM GARDEN RV PARK)		X	X		
40	LEISURE MOBILE HOME PARK/PALM GARDEN MH		X	X		
	TOTAL	**25**	**15**	**25**	**15**	

20

ATTACHMENT D

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; CREATING ARTICLE XIA VILLA DEVELOPMENT DISTRICT; CREATING SECTIONS 33-163 THROUGH 33-163.13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Comprehensive Development Master Plan encourages the establishment of all varieties of affordable products to meet the housing requirements of all current and future residents regardless of household type or income; and

WHEREAS, the creation of a villa development zoning district may advance the objectives, goals and policies of the Comprehensive Development Master Plan.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article XIA and Sections 33-163 through 33-163.13 of the Code of Miami-Dade County are hereby created as follows:[1]

ARTICLE XIA. VILLA DEVELOPMENT DISTRICT

Section 33-163. Purpose and intent.

It is the purpose and intent of this article (a) to provide a villa development zoning district, and to establish regulations and standards for villa developments in an economically and aesthetically pleasing manner, with park-like common open space and other amenities restricted so that the same will be continually maintained by the property owner(s) and (b) to establish a zoning district in which property owners, as a matter of right, may develop and maintain mobile home parks.

Notwithstanding the provisions of the Comprehensive Development Master Plan and the Land Use Plan Map designation, property owners of mobile home parks existing prior to the adoption of this ordinance shall be permitted, upon approval for a district boundary change to Villa Development District, to rebuild the mobile home park up to their existing approved number of units, subject to the regulations contained in this article.

1. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 33-163.1. Dwelling unit type, minimum size of dwelling unit lot, and limitation of occupancy.

As used herein a "dwelling unit" shall mean a detached single family residence, a mobile home, or a modular home. A mix of these housing types shall be permitted in the Villa Development District.

Only one dwelling unit, occupied by only one family, shall be placed on any one villa lot within the development. The minimum villa lot shall not be less than ~~3,600~~ 2,750 square feet in net lot area, with a minimum frontage of 30 feet.

Section 33-163.2. Minimum size for villa development.

The minimum lot size for villa development shall be 5 acres gross.

Section 33-163.3. Setbacks.

Principal Building		Accessory Building	
Front	15 feet	Rear	5 feet
Rear	15 feet	Interior side	5 feet
Interior side	5 feet	Side street	15 feet
Side street	15 feet	5 foot spacing from house	

Section 33-163.4. Maximum height.

A dwelling unit shall be limited to two stories not to exceed 35 feet in overall height.

Section 33-163.5. Maximum lot coverage.

The maximum lot coverage shall not exceed 50% of the gross villa lot area. The principal building and any accessory building(s) shall be computed into the maximum lot coverage.

Section 33-163.6. Common open space and amenities.

A minimum of 500 net square feet shall be devoted to common open space for each proposed dwelling unit in the development. Such open space shall be comprised of playgrounds, recreation areas, landscaped parks or greenways as included in the site plan approval, but shall not include the required landscaped perimeter buffer areas, parking courts, streets, utility, service or accessory business areas, or lake, lagoon or canal areas. Such common open space is to be so located that the different areas of the villa development will be logically and conveniently served and benefited by such open space.

Section 33-163.7. Tree requirements.

Each villa lot shall require a minimum of 3 trees in accordance with the standards for RU-1(M)(a) in Chapter 18A. The common open space area shall contain a minimum of 28 trees per net acre of such common open space.

Section 33-163.8. Perimeter greenbelt and maintenance.

A minimum 15-foot landscaped buffer area shall be provided and maintained along and extending inward from the property lines of the villa development which are adjacent to other private property and 20 feet along property lines adjacent to rights-of-way. The buffer area shall be completely landscaped with a balanced arrangement of ground cover, shrubs, vines, hedges and trees or other landscape features such as walls, fences and berms, or a combination of any of the above items.

Those buffer areas adjacent to other private properties shall be designed to provide at least 75 percent visual barrier, after 2 years growth along the entire such property line. Buffer areas adjacent to public rights-of-way shall be designed to provide at least 50 percent visual barrier, after 2 years growth along the entire such property line. Plant material and other such landscape features shall be arranged in such a way so as to prevent vehicular access through, or parking in such buffer areas.

Landscaping and trees shall be provided in accordance with Chapter 18A of this Code. Plant materials used shall conform in definition, quality, and size when planted, to the provisions of Chapter 18A of this Code for each type of plant except that trees shall be a minimum of 7 feet tall by three and one-half-foot spread when planted. This minimum size tree shall be required for those trees placed 75 feet on center, but additional smaller trees can be planted as part of the required landscaping.

Plants shall be spaced to provide the required visual screen within a two-year growing period.

Planting at street intersections of any vehicular or pedestrian exits shall be done in accordance with the safety standards of this Code to prevent visual obstructions along street rights-of-way.

All plant material shall be installed in accordance with good planting practices to insure the survival and healthy growth of the plants. The buffer area shall be maintained in accordance with good landscape maintenance practices, including installation and use of sprinklers, or other acceptable water deliver system, to insure the good health and appearance of all planted material.

Section 33-163.9. Utilities and services.

Each dwelling unit shall be independently served by separate heating, air conditioning, sewer, water, electric power, gas, and other facility and utility services, wherever such utilities and services are provided, and no dwelling unit shall be in any way dependent upon such services or utility lines located within another unit, except as may be installed in public easements. All dwelling units shall be connected to water and sewer lines and all electrical and telephone lines in the development site shall be placed underground. Proper and adequate access for firefighting purposes, and access to service areas to provide garbage and waste collection, and for other necessary services shall be provided.

Section 33-163.10. Street right-of-way width and improvements.

The right-of-way width of public streets and private streets shall conform to all applicable minimum Miami-Dade County standards and requirements for such streets.

Section 33-163.11. Off-street parking.

Each dwelling unit shall be provided a minimum of 2 off-street parking spaces. Such parking spaces may be provided on the lot of the dwelling unit, or in a commonly owned and maintained off-street parking bay or facility; provided, that no parking space shall be more than 150 feet, by the most direct pedestrian route, from the door of the dwelling unit to the parking space it is intended to serve.

Common parking courts shall be screened by properly maintained hedges or decorative walls of a minimum height of 4 feet except for necessary entrances and exits.

Section 33-163.12. Maintenance provisions.

Provisions satisfactory to the Board of County Commissioners shall be made to assure that areas and facilities for the common use of occupants of the villa development shall be maintained in a satisfactory manner, without expense to the general taxpayer of Miami-Dade County. Such provision shall provide for the proper and continuous payment of taxes and maintenance and shall be governed by an instrument incorporating such provisions as approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County prior to the earlier of plat approval or building permit issuance.

The instrument shall specify that the common use elements shall be funded by either (i) a special taxing district, subject to approval by the County, composed of the owners of dwelling units located in the Villa Development District; (ii) a homeowners association composed of the dwelling unit owners of the villa development; or (iii) such other funding mechanism as may be approved by the Miami-Dade Board of County Commissioners, or its successor entity. Such special taxing district, homeowners association, or funding mechanism shall be created prior to the earlier of plat approval or building permit issuance.

Section 33-163.13. Nonconforming structures, uses and occupancies.

All legal nonconforming structures, uses, and occupancies in the Villa Development District that were existing on the effective date of this ordinance shall be exempt from the provisions of Section 33-35(c) of this Code upon compliance with the requirements of this section. Such nonconforming structure(s) shall be allowed to be rebuilt and such uses and occupancies resumed in compliance with plans of record and certificates of use approved as of the effective date of this ordinance. Such structures, uses and occupancies shall be in compliance with all other provisions of this Code in effect at the time of the application to rebuild or resume occupancy. Building permits for rebuilding pursuant to this section shall be obtained within one year after the date of damage or destruction of the nonconforming structure(s). If the building permits necessary to rebuild a nonconforming structure have not been obtained within one year after the date of damage or destruction, or if such permits expire or are revoked after that year has concluded, the structure(s) shall be subject to the provisions of 33-35(c).

Section 33-163.134. Site plan review.

The Department shall review plans for compliance with zoning regulations, including the site plan review exhibits and criteria hereinafter provided. The recommendation of the Department shall be transmitted to the Community Zoning Appeals Board for their consideration simultaneously with the application for district boundary change to Villa Development District.

Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department of Planning and Zoning and shall include, but not be limited to the following:

1. Site plan including the following information:
   a. Lot lines, dimensions and setbacks.
   b. Location, shape, size and height of existing and proposed buildings, vehicular and pedestrian circulation systems, entrance features, bike paths, recreational facilities, accessory business uses and any other physical features that are proposed for the site that can be shown in plan form.
   c. Landscaping in accordance with this article and Chapter 18A of this Code.
   d. Location of all parking spaces and waste collection area(s).
   e. Indication of exterior graphics, as required.
   f. Indication of any site design methods used to conserve energy.
2. Floor plans and elevations for typical and floor plans and elevation of any recreation buildings, community buildings and other similar structures.
3. Figures indicating the following:
   a. Gross and net acreage.
   b. Amount of common open space in square feet and percentage required and provided.
   d. Total trees as herein provided, subject to the standards provided in Chapter 18A of this Code.
   e. Parking required and provided.
   f. Such other design data as may be needed to evaluate the project.

Site plan review criteria. The following criteria shall be utilized in the plan review process:

1. Purpose and intent: The proposed development fulfills the objectives of this article.
2. Planning studies: Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.

3. Landscape: Landscape shall be reserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.

4. Buffers: Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.

5. Scale: Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.

6. Street system: A well-defined system shall be designed to allow free movement throughout the development while discouraging excessive speeds. All dwelling units should be located on residential service streets or courts designed to discourage all traffic except that of the owner/occupants, their guests, and their services. Pedestrian and auto circulation shall be separated insofar as is practicable.

7. Visibility: No obstruction to visibility at street intersections shall be permitted, and such visibility clearances shall be as required by the Department of Public Works.

8. Energy consideration: Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.

9. Parking: Where parking is provided in a group arrangement, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parked cars. This requirement is in addition to the requirements of the landscape regulations of Chapter 18A of the Code of Miami-Dade County.

10. Open spaces: Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.

11. Privacy: Due consideration of aural and visual privacy shall be evidenced in the design of the overall development and in the design of the individual units.

12. Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the project.

13. Art display: Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.

14. Emergency access: Access to emergency equipment shall be provided.

15. Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

    a. *Wall with landscaping.* The wall shall be setback 2½ feet from the right-of-way line and the resulting setback area shall contain a continuous extensively

landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one or more of the following planting materials:

1. *Shrubs.* Shrubs shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.
2. *Hedges.* Hedges shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.
3. *Vines.* Climbing vines shall be a minimum of 36 inches in height immediately after planting.

b. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____

ATTACHMENT E

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; CREATING SECTION 33-169.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); ESTABLISHING ADDITIONAL STANDARDS FOR APPLICATIONS FOR A DEVELOPMENT ACTION OR ORDER FOR PROPERTY UTILIZED AS AN EXISTING MOBILE HOME PARK; PROVIDING LEGISLATIVE INTENT, FINDINGS, PURPOSE, APPLICABILITY, CREATING SECTION 33-310.2 OF THE CODE ESTABLISHING ADMINISTRATIVE PROCEDURES FOR NOTICE AND APPEALS OF SECTION 33-169.1 DETERMINATIONS AND NOTICE REQUIREMENT WHEN MOBILE HOME PARK VACANCY REACHES 20%; AMENDING SECTION 33-311 PERTAINING TO COMMUNITY ZONING APPEALS BOARDS; AMENDING SECTION 33-314 PERTAINING TO DIRECT APPLICATIONS AND APPEALS TO THE COUNTY COMMISSION, CREATING CHAPTER 19B PERTAINING TO MOBILE HOME PARKS NOTICE; AMENDING SECTION 8CC-10 SCHEDULE OF CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-169.1 of the Code of Miami-Dade County is hereby created as follows:[1]

Sec. 33-169.1. Applications for a development action or order for property utilized as an existing mobile home park.

(A) *Legislative intent, findings, and purpose.* Numerous mobile home parks have been approved throughout the unincorporated area of Miami-Dade County following public hearing. Mobile home parks often provide housing at costs affordable to many Miami-Dade County residents of limited means. The Comprehensive Development Master Plan encourages the establishment of all varieties of affordable products to meet the housing requirements of all current and future residents regardless of household type or income.

Chapter 723, Florida Statutes, regulates mobile home park tenancies and intends to balance the basic property rights of park owners with the housing needs of mobile home owners renting sites within mobile home parks. Further, section 723.083, Florida Statutes, provides that "[n]o agency of government shall approve

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners".

The Department of Legal Affairs, Office of the Attorney General, has specifically found that the required finding of adequate or suitable facilities pursuant to Section 723.083, Florida Statutes, should "be appropriate to the financial and other needs of the specific population of mobile home owners."

The Miami-Dade County Board of County Commissioners (Board) is empowered under the Miami-Dade County Home Rule Charter to enact ordinances for the safety, health and welfare of the people of the County. The Board finds that there are limited affordable housing options available to mobile home owners and tenants subject to removal or relocation as a result of a mobile home park redevelopment. The standards of this section were, therefore, adopted for applications for a development action or order for property utilized as an existing mobile home park.

The term "development action or order" is defined in Section 2-114(d)(1) of this code.

(B) Application for a development action or order on a property previously used as a mobile home park and that has been vacated within the twenty four (24) months prior to the date of the application shall be approved, provided the application meets all other applicable requirements, only upon determination through substantial competent evidence that the park residents were displaced vacated without duress or coercion, or that all the former residents found alternative suitable housing.

(C) Applications for a development action or order on properties utilized at the time the application is filed as an existing mobile home park shall be approved only upon determination that (1) approval of the development action or order would not result in the removal or relocation of mobile home owners residing in the mobile home park or (2) adequate mobile home parks or other suitable alternative facilities exist for the relocation of the mobile home owners.

(D) Applications for development of properties utilized as mobile home parks at the time of filing shall include the following information, which shall be presented in a sworn statement by the applicant and the owner of the property:

(1) The total number of mobile homes in the park that are owned by mobile home owners; and

(2) The range of rents and number of mobile home spaces occupied; and a summary of all lease or rental agreements currently in place with mobile home park residents; and

(3) A list of the names and mailing addresses of the present mobile home tenants within the subject property. This list should identify those units that are suitable for moving and for which only vacant replacement lots will be identified in subsection (C) herein; and

(4) An estimate of the household profile for each mobile home within the park, including an estimate of the number of adults, and number of children under eighteen years of age, and whether pets have been allowed in the park. Replacement units identified should be suitable for similar household profiles; and

(5) A list of other mobile home parks or other suitable facilities with vacant units or vacant replacement lots available at the time of application, that are of a similar cost profile as that of the tenants residing in the subject property. within a 10 mile radius. This list will include, at a minimum, name and address of the park, park contact name and phone number, the number of vacant spaces available and the cost of those spaces, park guidelines on age and condition of acceptable units, number of rental units or vacant replacement lots available and the rental costs of such units or replacement lots. All parks or other suitable facilities must be located within a ten-mile radius of the subject property and serve the same general age, household, and occupancy profiles as the subject property; and

(6) Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources; and

(7) Other actions the owner will take to minimize the hardship mobile home park tenant households will suffer as a result of the closure or conversion of the mobile home park; and

(8) A statement of the anticipated timing for park closure.

Section 2. Section 33-310.2 is hereby created as follows:

Section 33-310.2 An administrative application for a development action or order subject to Section 33-169.1(B) herein shall be submitted to the Department on a form required by the Director.

Within thirty (30) days of the filing of an application for a development action or order pursuant to Section 33-169.1(B) herein, the Director shall, at the cost to applicant, provide mailed written notice to all tenants indicated in 33-169.1(C)3 and to those property owners reflected on the Miami-Dade County Property Appraiser's tax roll as updated within the property subject to the application. Additionally, within fifteen (15)

days after the determination, notice of the Director's decision shall be published, at the cost to applicant, in a newspaper of general circulation.

Any aggrieved person may appeal the Director's decision pursuant to Section 33-314 within thirty (30) days after the date of newspaper publication. If no timely appeal is taken, the decision shall become final, and the necessary changes shall be made upon the zoning maps and records.

Section 3. Section 33-311 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-311. Community Zoning Appeals Board--Authority and duties.

(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

(2) *Appeal of administrative variances, administrative adjustments; and appeals of >>administrative determination regarding development action or order issued pursuant to Section 33-169.1,<< administrative site plan review substantial compliance determinations, and administrative correction of clerical or scrivener's errors.*

(a) Upon application for, hear and decide appeals where it is alleged there is an error in the granting or denial of an administrative variance, administrative adjustment, >>administrative determination regarding relocation plans pursuant to Section 33-169.1<< administrative site plan

review, determination of substantial compliance, or administrative correction of a clerical or scrivener's error, pursuant to the provisions of this Code. Such administrative decisions shall not include appeals filed pursuant to Sections 2-114.1 through 2-114.4.

* * *

(F) Detriments or benefits shall not be denied consideration on the grounds that they are indirect, intangible or not readily quantifiable. In evaluating the application, among other factors related to the general welfare, whether, and the extent to which:

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida.

(4) The applicant has demonstrated that for mobile home park residents subject to eviction or relocation there are available affordable housing, including, without limitation, mobile home parks or other suitable facilities, as required by section 33-169.1.<<

* * *

Section 3. Chapter 33-314 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:

* * *

>> (10) All decisions involving a Section 33-169.1 determination except approvals pursuant to Chapter 24 of the Code of Miami-Dade County.<<

Section 4. Chapter 19B-1 of the Code of Miami-Dade County is hereby created as follows:

CHAPTER 19B. MOBILE HOME PARKS NOTICE

Chapter 19B-1. Mobile home parks notice when vacancy rate in excess of 20%.

The following shall apply when any mobile home park in the unincorporated Miami-Dade County has a vacancy rate in the mobile home park of 20% or greater of the total number of spaces or units approved at public hearing for that mobile home park.

(A) Whenever 20% or more of the total number of mobile home sites or mobile homes at a mobile home park are vacant or otherwise uninhabited and such situation was not caused by physical disaster, including but not limited to fire, flood, storm, earthquake, landslide, or by another natural condition beyond the control of the owner or operator of the mobile home park, the owner or operator of the park shall file with the Director of Planning & Zoning, a written notice informing the County of the current vacancy rate at the park. For purposes of this Chapter, a mobile home site is "uninhabited" or "vacant" when it is either:

(1) Unoccupied by a mobile home, or

(2) Occupied by a mobile home in which no persons reside.

(3) A mobile home shall not be considered vacant for purposes of this Chapter if rent is being paid pursuant to a bona fide rental or lease agreement and the mobile home is merely unoccupied.

(B) The written notice to the Director of Planning and Zoning from the owner or operator of the mobile home park shall clearly state any known reasons for the vacancy rate to be in excess of 20% and whether or not the property owner intends in the immediate future to convert the mobile home park to another use.

(C) If it is determined that the owner of the mobile home park intends to apply for a conversion of the mobile home park to another use, the Director of Planning & Zoning shall immediately inform the property owner of the requirements of this Chapter.

Section 4. Section 8CC-10 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

19-15.12(C)	Second or subsequent offense of illegal use of vehicle as business adverting display	500.00
>>19A-1	Failure to provide notice	1,000.00<<
21-20.18	Failure to perform criminal history records check in connection with sale of firearm	500.00

* * *

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____

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