Memorandum

MIAMI-DADE COUNTY

Date: November 3, 2009

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

Agenda Item No. 5(I)

From: George M. Burgess
County Manager

Subject: Resolution regarding temporary moratorium, as directed 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

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the proposed resolution continuing the temporary moratorium for ninety (90) days in order to provide time for the BCC to consider the adoption of the proposed Villa Development Zoning District and the Mobile Home Resident Protection ordinances.

Scope

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

Fiscal Impact

The item has no fiscal impact.

Track Record/Monitor

The Department of Planning and Zoning will monitor all issues pertaining to mobile home parks.

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 directed 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.

On June 2, 2009, the Board adopted Resolution R-647-09 to extend the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in unincorporated Miami-Dade County for five months. As part of the BCC's discussion leading to the motion, the Board requested that the administration conduct an analysis of potential land use/rezoning of the mobile home parks sites listed in *Attachment A*.

Rezoning Analysis:
The Table below is a summary of the CDMP Land Use and Current Zoning analysis prepared by staff and attached *(Attachment B)* to this document. This analysis is based on the CDMP land use and existing zoning designations for each of the 40 mobile home parks that are subject to the current moratoria. Specifically, **the analysis examines the *Land Use and Zoning processes that each site would need in order to convert (redevelop) a mobile home park to another use***. Accordingly, the 40 mobile home parks have been analyzed and categorized as follows:

(1) Mobile home parks that ***would require a CDMP Land Use Plan map amendment and a subsequent rezoning to convert the park to another use.*** (14 Sites)
(2) Mobile home parks that ***would require a rezoning but no CDMP Land Use Plan map amendment to convert the park to another use.*** (15 Sites)
(3) Mobile home parks that ***would neither require a CDMP Land Use Plan map amendment nor a subsequent rezoning to convert the park to another use.*** (11 Sites)

Another important factor that should be considered when analyzing potential rezoning of mobile home parks is that many of the parks have been planned for redevelopment are the result of area-wide plans, neighborhood plans, charrette plans and Community Redevelopment Area (CRA) plans. As shown below, staff analysis identified the sites located within (1) a CDMP designated urban center, (2) an Area Plan/Charrette area, and (3) a Community Redevelopment Area (CRA). Of the sites located within CDMP designated urban centers, the ones located in the Ojus Urban Area District (Sites No. 3 through 5) are currently zoned as such (OUAD). All the sites located along NW 79th Street and west of NW 7th Avenue (Sites No. 11 through 18) are located within the North Central Charrette Area and are subject to several ongoing efforts including the implementation of the charrette recommendations which include the development of zoning regulations for the NW 79th Street and NW 27th Avenue corridors as well as the planning efforts of the proposed NW 79th Street CRA. The NW 79th Street corridor is designated in the CDMP as a mixed-use corridor and it is also impacted by three designated urban centers

(Northside, Tri-Rail and North Corridor -81st Street Stations). Sites 39 and 40 are located within both the Leisure City Community Urban Center area and the Leisure City/Naranja Lakes CRA.

All the mobile homes park sites reviewed have legally established zoning and respective Land Use Plan map designation. The County's current zoning code allows mobile home park use through a public hearing process on a property irrespective of any zoning classification. Properties currently zoned RU-3B (a zoning district that has been deleted) should eventually be rezoned to a current zoning district. Lastly, each of the existing parks will continue to remain as a Mobile Home Park as long as the park remains in operation.

Proposed Villa Development Zoning District:
The diversity in layout, density, intensity and subsequent changes at the 40 mobile home parks evidences the complexity of regulating these types of facilities over the years. Many of these parks have also changed over time resulting in communities that do not resemble the original plans. Acknowledging this diversity was the first step in the development on the proposed Villa Development District (VDD), as it meant that the proposed district could only effectively address some given existing conditions but not all. Thus, the proposed VDD seeks to:

- Establish a contemporary residential district where mobile home parks are permitted;
- Provide a legitimization and improvement alternative for low-density mobile home parks;
- 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. 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 *(Attachment C)* 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.

During the previous public hearings on this issue, a suggestion was made that the County should establish and subsequently rezone the existing mobile home parks to a "**Mobile Home Park Only Zoning District.**" In other words, the only use and dwelling unit type allowed in such district would be mobile home parks regardless of current CDMP and zoning designations. In some instances, (as explained in attachment B) restricting the use and dwelling unit type to mobile homes only may impact the owner's property rights given the current land use and zoning designations. Furthermore, a "**Mobile Home Park Only Zoning District**" that includes legalizing existing conditions would also be problematic due to the potential of legitimizing unknown conditions that could be hazardous to the public, health, safety and welfare of our community.

Proposed Mobile Home Resident Protection Ordinance:
An ordinance has been prepared that codifies the statutory requirements for development applications on properties being utilized as mobile home park. The proposed 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 D). 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.

April 09 Proposed Comprehensive Development Master Plan (CDMP) Amendments:
The Comprehensive Development Master 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 an amendment application has been filed by Planning and Zoning staff for the April 2009 CDMP amendment cycle. The amendment application includes a proposed new Housing Element objective and set of policies that would support the 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 address the following:

- Support programs that assist residents of mobile home communities to purchase their parks.
- Development of programs and applicable regulations allowing the replacement of existing mobile home units with mobile homes, manufactured homes, modular homes, or permanent residential with replacement residential units meeting applicable design and building standards.
- Encourage the renovation, rehabilitation or replacement of existing mobile home units in order to ensure that housing units in mobile home communities comply with all applicable health, safety, and building standards.
- Ensure consistency with State laws governing the closing of mobile home parks, the approval of development/redevelopment applications, and the relocation of mobile home residents and requires proof of compliance with the regulations in Chapter 723 prior to the approval of any actions to develop or redevelop a mobile home park.
- Develop a program requiring any development or redevelopment of a mobile home park to designate at least 20 percent of the development for affordable housing, where feasible.
- Develop procedures for coordinating County services related to mobile home parks, including activities related to the closing of mobile home parks and the relocation of its residents.

Sites Requesting Release from Moratorium:
Representatives for a 10-acre parcel that is part of the Lil Abner Mobile Home Park (Site #28) have requested that this parcel be released from the moratorium. This parcel was never approved nor is currently in mobile home park use. Also, representatives from Colonial Acres Mobile Home Park (Site #10) have also indicated that they will be present at the public hearing to request that their site be released from the moratorium as well.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: November 3, 2009

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

SUBJECT: Agenda Item No. 5(I)

Please note any items checked.

_____ **"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**

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

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
11-3-09

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 CONTINUED; DIRECTING THE IMPLEMENTATION OF CERTAIN RECOMMENDATIONS IN THE COUNTY MANAGER'S MEMORANDUM DATED NOVEMBER 3, 2009

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, at their November 3, 2009 meeting the Board of County Commissioners considered a staff report titled: Resolution regarding temporary moratorium, as directed 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,

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 appropriate recommendations contained in the November 3, 2009 Report, and further orders the _____ of the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in Miami-Dade County.

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 3rd day of November, 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

By:_____
Deputy Clerk

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

John McInnis

iii Existing Mobile Home Park Inventory

Site	Commission District	Name	Status*	Address	Acres	Licensed Units	Density (Units/Acre)	Zoning	LUP MAP Designation	Year Established
1	1 / Barabara J. Jordan	HONEY HILL MOBILE HOME PARK	Open	4955 NW 199TH ST	48.28	438	9.1	AU	Low-Medium Density Residential	1969
2	1 / Barabara J. Jordan	ROYAL COUNTRY MOBILE HOME PARK	Open	5555 NW 202ND TER	174.17	864	5.0	AU & RU-1	Low-Medium Density Residential	1984
6	2 / Dorrin D. Rolle	SHADY OAK TRAILER PARK	Open	14721 NE 6TH AVE	1.99	36	18.1	RU-4M & BU-1	Business and Office, Low-Medium Density Residential	1946
7	2 / Dorrin D. Rolle	BOB'S TRAILERVILLE	Open	14752 NE 6TH AVE	2.0	14	7.0	BU-1 & RU-3	Business and Office, Low Density Residential	1977
10	2 / Dorrin D. Rolle	COLONIAL ACRES MOBILE HOME PARK	Open	9674 NW 10TH AVE	27.88	296	10.6	RU-2&GU-&RU-3B	Low-Medium Density Residential, Medium Density Residential, Medium-High Density Residential, Office/ Residential	1947
11	2 / Dorrin D. Rolle	J BAR J	Open	2980 NW 79TH ST	5.7	99	17.4	RU-3B & BU-2	Business and Office, Industrial and Office	1946
12	2 / Dorrin D. Rolle	MIAMI HEIGHTS TRAILER PARK	Open	3520 NW 79TH ST	9.34	127	13.6	IU-1 & BU-2	Business and Office, Industrial and Office, Restricted Industrial and Office	1950
13	2 / Dorrin D. Rolle	PALM LAKE TRAILER PARK	Open	7600 NW 27TH AVE	7.96	124	15.6	IU-2 & BU-2	Industrial and Office	1946
14	2 / Dorrin D. Rolle	TRADEWINDS TRAILER PARK	Open	1919 NW 79TH ST	3.79	80	21.1	RU-1 & BU-2	Business and Office, Low-Density Residential	1946
15	2 / Dorrin D. Rolle	SUNNY SOUTH TRAILER PARK	Open	1175 NW 79TH ST	4.61	114	24.7	RU-2 & BU-2	Business and Office, Low-Medium Density Residential	1946
16	2 / Dorrin D. Rolle	AVOCADO TRAILER PARK	Open	1170 NW 79TH ST	2.28	73	32.0	RU-2 & BU-2	Business and Office, Low-Medium Density Residential	1946
17	2 / Dorrin D. Rolle	ROVELL TRAILER PARK	Open	939 NW 81ST ST	8.4	138	16.4	RU-2 & RU-1	Low-Medium Density Residential	1946
18	2 / Dorrin D. Rolle	TROPICAL VILLAGE	Open	1398 NW 79TH ST	8.27	108	13.0	BU-2 & RU-1 & RU-2	Business and Office, Low-Medium Density Residential	1947
19	2 / Dorrin D. Rolle	TRINIDAD COURT	Open	7930 NW MIAMI CT	7.83	173	22.1	RU-3B	Low-Medium Density Residential	1947
20	2 / Dorrin D. Rolle	SUNNYLAND TRAILER PARK	Open	129 NW 79 ST.	4.17	105	25.2	RU-3B	Low-Medium Density Residential	1949
21	2 / Dorrin D. Rolle	LANDMARK MOBILE HOME PARK	Open	215-17 NW 79 ST.	2.77	76	27.4	RU-3B	Low-Medium Density Residential	1940
22	2 / Dorrin D. Rolle	CARLEY'S	Open	4111 NW 37TH AVE	6.01	70	11.6	IU-1	Industrial and Office	1958
23	2 / Dorrin D. Rolle	BLUE BELLE TRAILER PARK	Open	3586 NW 41ST ST	10.0	150	15.0	IU-1 & IU-2	Industrial and Office	1948

* Status as of October 2009

ATTACHMENT – A

Site	Commission District	Name	Status*	Address	Acres	Licensed Units	Density (Units/Acre)	Zoning	LUP MAP Designation	Year Established
24	2 / Dorrin D. Rolle	FRONTON TRAILER PARK	Open	3617 NW 36TH ST	2.32	57	24.6	IU-1	Industrial and Office	1936
25	2 / Dorrin D. Rolle	ROYAL DUKE	Open	3620 NW 30TH AVE	7.09	138	19.5	GU & RU-3B	Industrial and Office	1948
26	2 / Dorrin D. Rolle	ALL STAR 36 STREET	Open	3010 NW 36TH ST	1.89	73	38.6	RU-3B & BU-1A	Low-Medium Density Residential	1938
27	2 / Dorrin D. Rolle	RIVER PARK APTS & TRAILER PARK	Open	2260 NW 27TH AVE	5.94	110	18.5	IU-1	High Density Residential	1936
3	4 / Sally A. Heyman	LANDMARK PLAZA & TRAILER	Vacant	19800 W DIXIE HWY	1.7	48	28.2	OUAD (MC & R)	Business and Office, Low-Medium Density Residential	1936
4	4 / Sally A. Heyman	DIXIE MOBILE COURT	Open	19640 W DIXIE HWY	2.2	47	21.4	OUAD	Business and Office, Low-Medium Density Residential	1956
5	4 / Sally A. Heyman	COE'S TRAILER COURT	Vacant	19770 W DIXIE HWY	1.24	28	22.6	OUAD (MC & R)	Business and Office, Low-Medium Density Residential	1956
8	4 / Sally A. Heyman	PALM TRAILER PARK	Vacant	12000 NE 16TH AVE	8.96	160	17.9	RU-3M	Medium-Density Residential	1948
29	6 / Rebeca Sosa	MIAMI TERRACE MOBILE HOME PARK	Open	1040 SW 70TH AVE	4.01	89	22.2	IU-1	Industrial and Office	1947
30	6 / Rebeca Sosa	GABLES TRAILER PARK INC	Open	825 SW 44TH AVE	2.46	90	36.5	RU-3B & RU-2	Business and Office and Low-Density Residential	1936
33	8 / Katy Sorenson	SILVER PALM MOBILE HOME PARK	Open	17350 SW 232ND ST	9.1	112	12.3	AU	Agriculture	1958
34	8 / Katy Sorenson	REDLAND MOBILE HOME PARK	Open	17360 SILVER PALM DR	9.13	80	8.76	AU	Agriculture	1958
32	9 / Dennis C. Moss	AMERICANA VILLAGE CONDOMINIUM	Open	19800 SW 180TH AVE	110.2	529	4.8	GU	Agriculture	1967
35	9 / Dennis C. Moss	GATEWAY ESTATES CONDOMINIUM	Open	35250 SW 177TH CT	37.0	220	5.94	AU	Low-Medium Density Residential	1968
36	9 / Dennis C. Moss	GATEWAY WEST CONDOMINIUM	Open	35303 SW 180TH AVE	20.0	111	5.55	AU	Low-Medium Density Residential	1968
37	9 / Dennis C. Moss	GOLD COASTER TRAILER PARK	Open	34850 SW 187TH AVE	81.35	259	3.18	AU & GU	Low-Density Residential	1969
38	9 / Dennis C. Moss	PINE ISLE MOBILE HOME PARK	Open	28600 SW 132ND AVE	45.0	317	7.04	RU-1	Low-Density Residential	1958
39	9 / Dennis C. Moss	LEISURE EAST (PALM GARDEN RV PARK)	Open	28300 SW 147TH AVE	4.0	39	9.75	GU	Low-Medium Density Residential	1968
40	9 / Dennis C. Moss	LEISURE MOBILE HOME PARK/PALM GARDEN MH	Open	28501 SW 152ND AVE	36.2	279	7.7	RU-1 & RU-3	Low-Medium Density Residential	1958
31	11 / Joe A. Martinez	UNIVERSITY LAKES (HOMETOWN AMERICA MANAGEMENT LP)	Open	12850 SW 14TH ST	186.68	1153	6.2	GU & EU-1	Business and Office, Low-Medium Density and Low-Density Residential	1967
9	12 / Jose "Pepe" Diaz	JONES FISHING CAMP TRAILER	Open	14601 NW 185TH ST	9.95	57	5.7	BU-3 & AU	Open Land	1969
28	12 / Jose "Pepe" Diaz	LIL ABNER MOBILE HOME PARK	Open	11239 NW 4TH ST	101.0	908 (Approx. 441 in Uninc. Area)	8.9	GU	Medium Density Residential	1969
	TOTAL UNITS					7,989				

* Status as of October 2009

ATTACHMENT B
MOBILE HOME PARK SITES - CDMP LAND USE AND CURRENT ZONING ANALYSIS

(These analysis looks at the potential of these sites in accommodating the equivalent of their current mobile homes density or the maximum density permitted by the proposed Villa Development District)

Site	Name	Acreage	Licensed Units	Existing Zoning	Existing LUP Designation	Can Villa Ord. Apply?	Why Yes? / Why Not?
Mobile Home Park sites that would need CDMP Amendment and Re-zoning							
9	JONES FISHING CAMP TRAILER	9.95	57	BU-3 & AU	Open Land	No	Inconsistent with the CDMP
11	J BAR J	5.7	99	RU-3B & BU-2	Business and Office, Industrial and Office	No	Inconsistent with the CDMP
12	MIAMI HEIGHTS TRAILER PARK	9.34	127	IU-1 & BU-2	Business and Office, Industrial and Office, Restricted Industrial and Office	No	Inconsistent with the CDMP
13	PALM LAKE TRAILER PARK	7.96	124	IU-2 & BU-2	Industrial and Office	No	Inconsistent with the CDMP
22	CARLEY'S	6.01	70	IU-1	Industrial and Office	No	Inconsistent with the CDMP
23	BLUE BELLE TRAILER PARK	10	150	IU-1 & IU-2	Industrial and Office	No	Inconsistent with the CDMP
24	FRONTON TRAILER PARK	2.32	57	IU-1	Industrial and Office	No	Inconsistent with the CDMP
25	ROYAL DUKE	7.09	138	GU & RU-3B	Industrial and Office	No	Inconsistent with the CDMP
29	MIAMI TERRACE MOBILE HOME PARK	4.01	89	IU-1	Industrial and Office	No	Inconsistent with the CDMP
32	AMERICANA VILLAGE CONDOMINIUM	110.2	529	GU	Agriculture	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
33	SILVER PALM MOBILE HOME PARK	9.1	112	AU	Agriculture	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
34	REDLAND MOBILE HOME PARK	9.13	80	AU	Agriculture	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
37	GOLD COASTER TRAILER PARK	81.35	259	AU & GU	Low-Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
38	PINE ISLE MOBILE HOME PARK	45	317	RU-1	Low-Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
Mobile Home Park sites that would need Re-zoning but NO CDMP Amendment							
1	HONEY HILL MOBILE HOME PARK	48.28	438	AU	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
2	ROYAL COUNTRY MOBILE HOME PARK	174.17	864	AU & RU-1	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.

ATTACHMENT - B

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10	COLONIAL ACRES MOBILE HOME PARK	27.88	296	RU-2&GU-&RU-3B	Residential: Low-Medium D, Medium D, Medium-High D; Office/Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
19	TRINIDAD COURT	7.83	173	RU-3B	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
20	SUNNYLAND TRAILER PARK	4.17	105	RU-3B	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
21	LANDMARK MOBILE HOME PARK	2.77	76	RU-3B	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
26	ALL STAR 36 STREET	1.89	73	RU-3B & BU-1A	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
27	RIVER PARK APTS & TRAILER PARK	5.94	110	IU-1	High Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
28	LIL ABNER MOBILE HOME PARK	101	908	GU	Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
30	GABLES TRAILER PARK INC	2.46	90	RU-3B & RU-2	Business and Office and Low-Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
31	UNIVERSITY LAKES (HOMETOWN AMERICA MANAGEMENT LP)	186.44	1153	GU & EU-1	Business and Office, Low-Medium Density and Low-Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
35	GATEWAY ESTATES CONDOMINIUM	37	220	AU	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
36	GATEWAY WEST CONDOMINIUM	20	111	AU	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
39	LEISURE EAST (PALM GARDEN RV PARK)	4	39	GU	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
40	LEISURE MOBILE HOME PARK/PALM GARDEN MH	36.2	279	GU	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
Mobile Home Park sites that need NO CDMP Amendment Nor Re-zoning							
3	LANDMARK PLAZA & TRAILER	1.7	48	OUAD (MC & R)	Business and Office, Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
4	DIXIE MOBILE COURT	2.2	47	OUAD	Business and Office, Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
5	COE'S TRAILER COURT	1.24	28	OUAD (MC & R)	Business and Office, Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
6	SHADY OAK TRAILER PARK	1.99	36	RU-4M & BU-1A	Business and Office, Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
7	BOB'S TRAILERVILLE	2	14	BU-1 & RU-3	Business and Office, Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
8	PALM TRAILER PARK	8.96	160	RU-3M	Medium-Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
14	TRADEWINDS TRAILER PARK	3.79	80	RU-1 & BU-2	Business and Office, Low-Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
15	SUNNY SOUTH TRAILER PARK	4.61	114	RU-2 & BU-2	Business and Office, Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.

14

16	AVOCADO TRAILER PARK	2.28	73	RU-2 & BU-2	Business and Office, Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
17	ROVELL TRAILER PARK	8.4	138	RU-2 & RU-1	Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.
18	TROPICAL VILLAGE	8.27	108	BU-2 & RU-1 & RU-2	Business and Office, Low-Medium Density Residential	Yes	Consistent with the CDMP. However, CDMP threshold is lower than the maximum density allowed by the Villa Ord.

9

MOBILE HOME PARK SITES - CDMP LAND USE AND ZONING PROCESSES ANALYSIS SUMMARY

(This table summarizes the Land Use and Zoning processes needed to convert (redevelop) a mobile home park to another use.)

MOBILE HOME PARKS THAT NEED CDMP LAND USE PLAN MAP AMENDMENT AND REZONING		MOBILE HOME PARKS THAT NEED REZONING BUT NO CDMP LAND USE AMENDMENT		MOBILE HOME PARKS THAT DO NOT NEED CDMP LAND USE AMENDMENT OR REZONING	
Mobile Home Park Name (Site Number)		Mobile Home Park Name (Site Number)		Mobile Home Park Name (Site Number)	
Jones Fishing Camp	(9)	Honey Hill	(1)	Landmark Plaza[1]	(3)
J and J[1]	(11)	Royal Country	(2)	Dixie[1]	(4)
Miami Heights[1]	(12)	Colonial Acres	(10)	Coe's[1]	(5)
Palm Lake[1]	(13)	Trinidad	(19)	Shady Oak	(6)
Carley's	(22)	Sunnyland	(20)	Bob's Trailerville	(7)
Blue Belle	(23)	Landmark	(21)	Palm	(8)
Fronton	(24)	All Star 36	(26)	Tradewinds[2]	(14)
Royal Duke	(25)	River Park	(27)	Sunny South[2]	(15)
Miami Terrace	(29)	Lil Abner	(28)	Avocado[2]	(16)
Americana Village	(32)	Gables	(30)	Rovell[2]	(17)
Silver Palm	(33)	University Lakes	(31)	Tropical[2]	(18)
Redland	(34)	Gateway Estates	(35)		
Gold Coaster	(37)	Gateway West	(36)		
Pine Isle	(38)	Leisure East[1,3]	(39)		
		Leisure/Palm Garden[1,3]	(40)		

1. Located within a CDMP designated Urban Center
2. Located within an Area Plan/Charrette Area
3. Located within a Community Redevelopment Area

In summary:

- 14 of the 40 sites would require Land Use Plan Map amendments and subsequent rezoning to redevelop.
- 15 of the 40 sites would require rezoning but no Land Use Plan Map amendment to redevelop.
- 11 of the 40 sites would neither require Land Use Plan Map amendment nor zoning changed to redevelop.

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 Comprehensive Development Master Plan intentions.

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 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~~ 3,000 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 D

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

[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.

723.083, Florida Statutes, provides that "[n]o agency of government shall approve 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 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 vacated without duress, 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 in a form approved 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* <u>*>>administrative determination regarding development action or order issued pursuant to Section 33-169.1,<<*</u> *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, <u>>>administrative determination regarding relocation plans pursuant to Section 33-169.1<<</u> 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 is 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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