Memorandum

MIAMI-DADE COUNTY

Date: September 21, 2010

Agenda Item No. 5(I)

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

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, R-144-A-09, R-1230-09, R-6-34-10 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 upon adoption of the proposed Ordinance pertaining to Mobile Home Parks and Park Redevelopment.

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

Fiscal Impact/Funding Source
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 36 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 7,425 (Attachment A). The County Manager's item was presented to the BCC 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 administration 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 directed the administration to return on June 2, 2009 with a revised report further addressing zoning options for the mobile home park sites.

On November 3, 2009, the Board adopted Resolution R-1230-09 directing the administration to implement appropriate recommendations contained in the November 3, 2009 Manager's Report, and further, ordering the continuance of the temporary moratorium for 120 days in order to provide time for the Board to consider adoption of the proposed Villa Development District Zoning Regulation and a proposed Ordinance establishing criteria for redevelopment of property currently being utilized as a mobile home park. The adopted resolution also released the following sites listed in Attachment A: #28- tract 3, #10 with the acceptance of proffered covenant, #14 with the acceptance of proffered covenant, #3, #5, and #8.

On January 21, 2010, the Board considered and adopted in first reading the Villa Development Zoning Regulation and the proposed Ordinance pertaining to the redevelopment of property being utilized as a mobile home park.

On February 9, 2010, the Budget, Planning and Sustainability Committee held a public hearing on the two proposed Ordinances (Ordinance pertaining to the Villa Development District Zoning Regulation and Ordinance pertaining to the redevelopment of property being utilized as a mobile home park). The Committee amended the Ordinance pertaining to the redevelopment of the property being utilized as a mobile home park to include a two-year look back provision to address mobile home parks that have closed prior to seeking zoning action or a development.

On March 2, 2010, the Board enacted the Ordinance pertaining to the Villa Development District Zoning Regulation and adopted Resolution R-209-10 directing the administration to implement certain recommendations contained in the County Manager's March 2, 2010 Memorandum. The resolution further directed the continuance of the temporary moratorium for 120 days in order to provide time for the County Attorney's Office to request an opinion from the Florida Attorney General (Attorney General) regarding whether certain provisions of the proposed Ordinance are preempted to the State by the provisions of Chapter 723, Florida Statutes; especially, the two year "look back" provision included in Section 5. After

the discussion, the Board voted to remand the Ordinance back to Committee in order to provide sufficient time for the Attorney General to issue an opinion.

On April 9, 2010, the County Attorney's Office submitted the request for an opinion from the Attorney General.

On April 13, 2010, the Budget, Planning and Sustainability Committee deferred the proposed ordinance to a date uncertain pending the response from the Attorney General.

On June 3, 2010, the Board passed Resolution R-634-10 directing the administration to implement appropriate recommendations contained in the June 3, 2010 Memorandum, and further ordering the continuance of the temporary moratorium until September 9th, 2010, in order to provide for additional time for the Board to receive the opinion of the Attorney General on the proposed Ordinance pertaining to the redevelopment of property being utilized as a mobile home park.

On June 7, 2010, the County received correspondence from the Attorney General outlining his opinion of the two-year look back provision included in the proposed ordinance. The opinion, referenced Chapter 723 of the Florida Statutes, which provides specific procedures to be followed when a mobile home park owner evicts mobile home owners due to a change in use or land comprising the mobile home park. The opinion, also states, that the Legislature has made clear its intent to preempt all matters and things relating to the landlord-tenant relationship treated by or falling within the purview of Chapter 723, and further stated that any attempt by the County to alter or augment such requirement would be null and void.

On July 13th, 2010, the Budget, Planning and Sustainability Committee held a Public Hearing on the proposed Ordinance. After consideration of the information provided by the County Attorney, the Committee amended the ordinance to remove Section 5 pertaining to the two-year look back provision.

Assistant County Manager

iii Existing Mobile Home Park Inventory

ATTACHMENT A

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
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
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
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

*** Status as of October 2009** ****Tract 3 was released from the temporary moratorium by Resolution 1230-09 adopted by the BCC on 11/3/2009.**

Site	Commission District	Name	Status*	Address	Acres	Licensed Units	Density (Units/Acre)	Zoning	LUP MAP Designation	Year Established
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
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					**7,425**				

5

* Status as of October 2009

MEMORANDUM
(Revised)

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

DATE: September 21,2010

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**

6

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
9-21-10

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

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; and

WHEREAS, at their November 3, 2009 meeting the Board of County Commissioners passed Resolution R-1230-09 directing the Mayor or his designee to implement appropriate recommendations contained in the November 3, 2009 Report, and further, ordering the continuance of the temporary moratorium for (120) days in order to provide time for the BCC to consider adoption of the proposed Villa Development District Ordinance and the proposed Ordinance pertaining to redevelopment of property being utilized as a mobile home park, and the release of six mobile home parks from the moratorium; and

WHEREAS, at their meeting of January 21, 2010, the Board of County Commissioners considered the proposed Villa Development District Ordinance and the proposed Ordinance pertaining to the redevelopment of property being utilized as a mobile home park for first reading; and

WHEREAS, at their meeting of February 9, 2010, the Budget, Planning and Sustainability Committee held a public hearing on the proposed Villa Development District Ordinance and the proposed Ordinance pertaining to redevelopment of property being utilized as a mobile home park and amended the Ordinance to include a two-year provision look back provision to address mobile home parks that have closed prior to seeking zoning action or a development permit; and

WHEREAS, at their March 2, 2010 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, R-144-A-09 and R-209-10 for properties being utilized as mobile home parks in unincorporated Miami-Dade County; and

WHEREAS, at their March 2, 2010 meeting the Board of County Commissioners adopted the proposed Villa Development District and remanded the proposed Ordinance pertaining to redevelopment of property being utilized as a mobile home park to the Committee in order to request a Attorney General's Opinion pertaining to whether certain provisions contained in the proposed Ordinance concern matters preempted to the State pursuant to Chapter 723, Florida Statutes; and

WHEREAS, at their meeting of April 13th, 2010, the Budget, Planning and Sustainability Committee held a public hearing on the proposed Ordinance pertaining to redevelopment of property being utilized as a mobile home park and deferred the item in order to allow for additional time to receive the Attorney General's Opinion; and

WHEREAS, at their June 3rd , 2010 meeting the Board of County Commissioners passed Resolution R-6-34-10 directing the Mayor or his designee to implement appropriate recommendations contained in the June 3, 2010 Report, and further, ordering the continuance of the temporary moratorium until September 9th, 2010 in order to provide for additional time for the BCC to receive the opinion of the State of Florida Attorney General on the proposed legislation pertaining to Zoning Regulations of Mobile Home Parks and Park Development; and

WHEREAS, on June 7th, 2010 , the County received the Opinion from the Attorney General Opinion pertaining to the proposed legislation pertaining to the Zoning Regulations of Mobile Home Parks and Park Development. The proposed legislation included a provision with a two-year look back for mobile home owners seeking to change in the use of the land to demonstrate the 24-month period prior to the filing an application for a change that there were suitable housing alternatives for the relocation of mobile home owners in the park. In the Opinion, the Attorney General concludes that the two year look-back provision is preempted by

provisions of Chapter 723, Florida Statutes. The Opinion further states that the Legislature has made clear its intent to preempt all matters and things relating to the landlord-tenant relationship treated by or falling within the purview of Chapter 723 and that any attempt by the County to alter or augment such requirement would be null and void; and

WHEREAS, at their meeting of July 13th, 2010, the Budget, Planning and Sustainability Committee held a public hearing on the proposed Ordinance pertaining to redevelopment of property being utilized as a mobile home park and amended the Ordinance to remove the two-year look back provision, in order to comply with the Opinion of the Attorney General issued on June 7th, 2010,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board 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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of September, 2010. 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