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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: March 2, 2010

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

Agenda Item No. 7(G)

Ordinance No. 10-22

From: George M. Burgess
County Manager

Subject: Ordinance Establishing Article XIA of the Code - Villa Development District Regulations

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This item was amended and forwarded to the BCC without recommendation at the BPSC meeting of February 9, 2010. The amendment to the item is as follows:

- **Sec. 33-163 was amended to delete "a detached single family residence" from the proposed definition of dwelling unit in the ordinance. Thus, a dwelling unit now means a mobile or manufactured home.**

Recommendation
It is recommended that the Board of County Commissioners adopt the attached ordinance defining manufactured home and establishing Article XIA of the Code of Miami-Dade County, the Villa Development District Regulations.

Scope
This ordinance only applies in the unincorporated area of Miami-Dade County.

Fiscal Impact/Funding Source
The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor
The Department of Planning and Zoning will administer of the mandates of this ordinance.

Background
On October 16, 2007, the Board of County Commissioners (BCC) adopted Resolution R-1161-07, imposing a temporary moratorium in the unincorporated area of Miami-Dade County on the appropriateness of existing zoning districts for mobile home park use. The moratorium postponed the issuance of building permits on 40 properties being utilized as mobile home parks. The temporary moratorium was subsequently extended by the BCC in February 2008 (Resolution No. R-167-08), May 2008 (Resolution No. R-567-08), October 2008 (Resolution No. R-1115-08), February 2009 (Resolution No. R-144A-09), and June 2009 (Resolution No.R-647-09).

On November 3, 2009 the BCC adopted Resolution R-1230-09 extending the temporary moratorium for 120 days in order to provide time for the BCC consideration of the proposed Mobile Home Owner Protection ordinance and the proposed Villa Development Zoning District.

The proposed ordinance defines manufactured homes and establishes Article XIA of the Code of Miami-Dade County, the Villa Development District (VDD) regulations. The diversity in layout, density, intensity and subsequent changes at the 40 mobile home parks in unincorporated Miami-Dade County 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 of the proposed Villa Development District regulations, as it meant that the proposed district could effectively address some, but not all existing conditions. Thus, the proposed Villa Development District seeks to:

- Establish a contemporary residential district where mobile home parks are permitted;
- Provide a legalized improvement alternative for low-density mobile home parks;
- Allow for a mix of affordable housing types including: mobile homes or manufactured homes that would be developed and maintained in a high quality park-like setting.

It is presumed 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.

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: March 2, 2010

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

SUBJECT: Agenda Item No. 7(G)

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. 7(G)

3-2-10

ORDINANCE NO. **10-22**

ORDINANCE CREATING SECTION 33-1(70.1) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING A DEFINITION OF MANUFACTURED HOME; CREATING SECTIONS 33-163 THROUGH 33-163.15 OF THE CODE PROVIDING FOR THE VILLA DEVELOPMENT ZONING DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

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 will advance the goals, objectives and policies of the Comprehensive Development Master Plan,

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

Section 1. Section 33-1(70.1) of the Code of Miami-Dade County is hereby created as follows:[1]

>>(70.1) Manufactured home. A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.<<

Section 2. Sec. 33-163 through Sec. 33-163.15 of the Code of Miami-Dade County, Florida, are hereby created as follows:

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[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.

>>ARTICLE XIA. VILLA DEVELOPMENT DISTRICT

Section 33-163. Dwelling unit type; minimum size of dwelling unit lot

As used herein, a "dwelling unit" shall mean<< [[~~a detached single-family,~~]][2] >>a mobile home, or a manufactured home. A mix of these housing types shall be permitted in the Villa Development District.

Only one dwelling unit shall be placed on any one villa lot within the development. The minimum villa lot shall not be less than 2700 square feet in net lot area, with a minimum frontage of 30 feet.

Section 33-163.1. Minimum acreage for villa development.

A minimum of 5 acres gross is required for a parcel of land to be developed under this article of the code.

Section 33-163.2. Minimum Setbacks.

	Principal Building	Accessory Building	
Front	12.5 feet	Rear	5 feet
Rear	7.5 feet	Interior side	5 feet
Interior side	5 feet	Side street	15 feet
Side street	15 feet	Spacing from dwelling unit	5 feet

Section 33-163.3. Maximum height.

A dwelling unit shall be limited to two stories, not to exceed 25 feet in overall height.

Section 33-163.4. Maximum lot coverage.

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

Section 33-163.5. 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 villa 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,

[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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 33-163.6. Tree requirements.

Each villa lot shall require a minimum of 3 trees in accordance with the standards for RU-1M(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 33-163.7. Perimeter greenbelt and maintenance.

A minimum 10-footwide landscaped buffer area shall be provided and maintained along and extending inward from the property lines of the villa development that are adjacent to other private property, and shall be expanded to 20 feet along property lines adjacent to rights-of-way. The buffer area shall be landscaped with a balanced arrangement of ground cover, shrubs, vines, hedges and trees and 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 a 75 percent visual barrier, after 2 years growth, along the entire 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 may be planted as part of the required landscaping.

Planting at street intersections of any vehicular or pedestrian exits shall be 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 such a manner as to ensure 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 delivery system, to ensure the good health and appearance of all planted material.

Section 33-163.8. 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. 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 33-163.9. Street right-of-way width and improvements.

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

Section 33-163.10. 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 33-163.11. Conveyance and Maintenance provisions.

All land designated on approved plans as common open space will be conveyed and maintained under one (1) of the following procedures:

(1) For those projects developed under a condominium arrangement, common open space shall be maintained under the applicable Florida State law.

(2) The common open space may 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; or (ii) such other funding mechanism as may be approved by the Miami-Dade Board of County Commissioners or its successor entity, provided that the instrument shall specify the common use elements to be funded by such special taxing district or other funding mechanism. Said instrument shall be created and approved by the Board of County Commissioners prior to the earlier of plat approval or building permit issuance.

(3) The common open space may be conveyed to a homeowners' association, in which case conveyance shall be subject to covenants to be approved by the County restricting the open space to uses specified in the final plan and providing for the maintenance of the common open space in a manner that assures its continuing use for its intended purpose provided that:

(a) Approval by the Miami-Dade County Attorney's Office shall be required.

(b) A homeowners' association shall be established before the units or individual building lots are sold.

(c) Membership shall be mandatory for each resident and said association shall have the authority to adjust the assessment to meet the needs of maintaining the open space.

(d) Any sums levied by the homeowners' association that remain unpaid shall become a lien on the individual property and said lien shall be superior to all other liens save and except tax liens and mortgage liens, provided said mortgage liens are first liens against the property encumbered thereby, subject only to tax liens and secure indebtedness which are amortized in monthly or quarter annual payments over a period of not less than ten (10) years.

(e) The homeowners' association shall be responsible for maintenance and local taxes.

Section 33-163.12. Private open space.

Private open space is required for each dwelling unit villa lot. Said space shall be for the exclusive recreational or leisure use of the inhabitants of the dwelling unit, and shall be located immediately adjacent to the unit. The dwelling unit homeowner or tenant shall be responsible for the maintenance of the lot, which shall comply with the lot maintenance standards of Chapter 19 of the Miami-Dade County Code. Said private open space shall be in addition to the common open space required. Provision shall be made in the sale or rental of such units to require that such private open space is for the exclusive use of the unit concerned.

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

Upon the approval of a district boundary change application to the Villa Development District, all previously approved legally established uses and structures shall be deemed to be legally non-conforming structures and uses. Such nonconforming structure(s) shall be allowed to be rebuilt within a reasonable time after destruction or damage and such non-conforming uses resumed in compliance with initial plans at first approval. 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 33-169.14. Applications for villa district development action

The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the

appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.

Section 33-163.15. Site plan review.

The Department shall review proposed plans for compliance with zoning regulations including the site plan review exhibits and criteria hereinafter provided.

Procedure. Exhibits prepared by registered 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 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 incompatible 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 this section, and 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 3. 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 4. 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 5. 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: **March 2, 2010**

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Joni Armstrong Coffey