

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	July 7, 2022	<b>Level of Review:</b>	4
<b>PC Date:</b>	August 3, 2022	<b>Type:</b>	LDC Text Amendment
<b>BoCC</b>	September 6, 2022	<b>Case Numbers:</b>	LDCT-2022-7
<b>Date:</b>	September 20, 2022	<b>Case Name:</b>	SE Polk Mobile Homes
<b>Applicant:</b>	Polk BoCC	<b>Case Planner:</b>	Ian Nance

<b>Request:</b>	This is a County-initiated request to amend Table 401.08.01 and Section 401.08.01.K of the LDC to add Individual Mobile Homes into the Village Centers and Village Center Cores of the Southeast Polk SAP and provide conditions for approval.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Approve 7-0

## Among the changes to Table 401.08.01 are:

- Adding “Mobile Homes, Individual” as a “C1” conditional use in residential land use districts in the Village Center and Village Center Core Overlay Areas .

## Among the changes to Section 401.08.01.K are:

- Adding conditional use criteria on where to place mobile homes within the Village Center and Village Center Core Overlay Areas.

## Summary:

This is a County-initiated request to amend Table 401.08.01 and Section 401.08.01.K of the LDC to add Individual Mobile Homes into the Village Center and Village Center Core Overlay Areas of the Southeast Polk SAP and provide conditions for approval. When the SE Polk SAP was adopted, it created these overlays which were based on a one to a one-and-a-half-mile market radii around existing municipal commercial nodes and activity centers adopted on the Future Land Use map. Based upon public input, individual mobile homes, as land uses, were omitted from these overlays when the SAP was adopted in 2012.

However, existing communities and subdivisions in which the predominate single-family uses were mobile homes were captured within these overlays when they were adopted. Individual units thus became non-conforming to the LDC. Furthermore, properties on the rural outskirts of the overlays in which minimum lot sizes are achievable have been left without an opportunity to develop with a mobile home.

This amendment seeks to correct this situation by adding Individual Mobile Homes as a “C1” conditional uses in residential land use districts within these overlays with conditions that must be met to administratively approve this use.

## Findings of Fact

1. *LDCT-2022-7 is a County-initiated request to amend Table 401.08.01 and Section 401.08.01.K of the LDC to add Individual Mobile Homes into the Village Center and Village Center Core Overlay Areas of the Southeast Polk SAP and provide conditions for approval.*
2. *The SE Polk SAP is generally located south of State Road 60, north of the Polk/Hardee/Highlands County line, east of Lake Buffum Road East and west of Tiger Creek Preserve/ Avon Park Air Force Range. The purpose of the SE Polk SAP is to develop a vision and supporting plan that encourage quality future growth that recognizes and protects existing community resources. It was adopted on December 18, 2012 by CPA 12E-03 (Ordinance 12-035) and is approximately 65,554 acres.*
3. *Comprehensive Plan POLICY 2.131-UB6 created the Village Center and Village Center Core Overlay Areas. Village Center Overlay Areas are those areas surrounding existing RCCs, NACs, or significant existing commercial nodes, generally within a one to one-and-a-half-mile Market Area Radii. Core areas of Village Center Overlay Areas located within a quarter (1/4) mile radius of existing RCCs, NACs, or CEs and allow for increased densities/intensities.*
4. *Four Village Center Overlay Areas and their corresponding cores are found in the SE Polk SAP. They total 23,996 acres which is approximately 36.6% of the SAP.*
5. *LDC Section 401.08 implements the Southeast Polk SAP. Allowable uses for both inside and outside of the Village Center and Village Center Cores can be found in Table 401.08.01.*
6. *“Mobile Homes, Individual” are listed as a “C1” conditional uses in A/RRX, RCC-RX, RSX, RL-1X, RL-2X, RL-3X, and RL-4X land use districts outside of the Village Centers, according to Table 401.08.01.*
7. *Mobile Homes are subject to LDC Section 303 which states, “Mobile homes shall be permitted in all of the following locations:*
  1. *Within any registered mobile home park that has been approved by Polk County;*
  2. *Within any platted residential subdivision that has been approved by Polk County as mobile home subdivision;*
  3. *Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*
  4. *On any un-platted parcel in the A/RR district;*
  5. *On any un-platted parcel that is five acres or larger in the RS district;*
  6. *On any un-platted parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation; and*

*7. On any residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.”*

8. *POLICY 2.102-A2: COMPATIBILITY of the Comprehensive Plan states, “land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished:*
- a. there have been provisions made which buffer incompatible uses from dissimilar uses;*
  - b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use;*
  - c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.”*
9. *Chapter 553 of the Florida Statutes states that “Mobile Home” means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of the Florida Statutes.*
10. *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that “Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County's Land Development Code.”*

#### **Development Review Committee Recommendation:**

The Land Development Division, based on the Findings of Fact, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDCT-2022-7.

#### **Analysis:**

The Southeast Polk Selected Area Plan (SE Polk SAP) is generally located south of State Road 60, north of the Polk/Hardee/Highlands County line, east of Lake Buffum Road East and west of Tiger Creek Preserve/ Avon Park Air Force Range. The purpose of the SE Polk SAP is to develop a vision and supporting plan that encourage quality future growth that recognizes and protects existing community resources. It was created as a response to the public’s concern about development in this area of Polk County. Identified issues of concern were received from comments and feedback gathered from the public, the SE Polk Selected Area Study (SAS) Focus Group, other governmental agencies, and recommendations that came out of the SE Polk Selected Area Study process that were implemented into the Comprehensive Plan and LDC.

At the time of the adoption of the SAP in 2012, the Focus Group was concerned about the diversity of housing within and surrounding the municipal areas as mobile homes and mobile home parks were already a significant source of housing. As a result, individual mobile homes, as land uses, were left out of the Village Center Overlay Areas.

None the less, the implementation of the overlays has created problems. The market radius, which can extend up to 1.5 miles from the municipal areas or the County's activity centers, captured existing subdivisions in which mobile homes were the primary uses. These homes were rendered non-conforming to the LDC upon the adoption of the SAP. LDC Section 120 allows the replacement of non-conforming structures within their original footprint, whether they are destroyed through natural disasters or demolished under the owner's own volition; however, there is a two-year timeframe in which the structure must be replaced or the property loses this right. Similarly, undeveloped platted lots and legal lots-of-record within unrecorded subdivisions are currently ineligible for individual mobile homes in areas that are otherwise predominately mobile homes.

This prohibition on mobile homes in the overlays also excluded un-platted properties on the outskirts of the market radii in land use districts that require large lot sizes to obtain a residential building permit, such as A/RRX, but which are not within programmed plans for the extension of centralized utilities, thus limiting their future development potential. While mobile homes will not offer the local economic benefits of hiring contractors for the various needs of constructing a site-built home, the option to have mobile homes is important to a prospective buyer. Generally speaking, in rural areas such as these where densities are lower and development is less frequent, the costs of site construction are higher than in urbanized areas because the travel distance affects the cost of labor and equipment and materials. Factory-built housing is more feasible for homebuyers.

In summary, this issue here is one of implementation. Properties that would normally be expected any where else in the County to be developed with a mobile home cannot be during a time when housing shortages are common and property prices are high. Still, this SAP was derived from the input of citizens in the area who were concerned about the diversity of housing. In an attempt to stay true to the goals of the SAP, this amendment will implement the following criteria into the SE Polk SAP Village Center Overlay areas to ensure that mobile homes will be placed where they are compatible with surrounding uses:

- 1. Within any registered mobile home park that has been approved by Polk County;*
- 2. Within any platted residential subdivision that has been approved by Polk County as mobile home subdivision;*
- 3. Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*
- 4. On any un-platted parcel in the A/RRX district;*
- 5. On any un-platted parcel that is five acres or larger in the RSX district;*
- 6. On any un-platted parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation.*

These conditions are found throughout the rest of Polk County with one *caveat*. Elsewhere, there is a seventh option that would allow a mobile home to be placed on any legal property following a

Level 3 Review and Planning Commission approval. This has been omitted here so as to prevent mobile homes on lots where they might not be compatible with the established pattern of a neighborhood and preserve an element of the housing diversity that was critical to the original Focus Group.

### **Limits of the Proposed Ordinance**

The proposed ordinance amends LDC by adding “Mobile Homes, Individual” as a “C1” conditional use to Table 401.08.01 in the Village Center and Village Center Core Overlay Areas, subject to the criteria listed above that will be added to Section 401.08.01.K. This use will be added to the following land use districts within the Village Center and Village Center Core Overlay Areas: Agricultural/Residential Rural-X (A/RRX); Rural Cluster Center-Residential-X (RCC-RX); Residential Suburban-X (RSX); Residential Low-1X (RL-1X); Residential Low-2X (RL-2X); Residential Low-3X (RL-3X); Residential Low-4X (RL-4X); and Residential Medium-X (RMX). Within these land use categories, “Mobile Home Park & Subdivision” are existing “C3” conditional uses which require approval from the Planning Commission. This action is specific to the Village Center and Village Center Core Overlay Areas in the SE Polk SAP. The placement of mobile homes outside of this overlay is subject to LDC Section 303.

### **Consistency with the Comprehensive Plan**

*POLICY 2.102-A2: COMPATIBILITY of the Comprehensive Plan states, “land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element... so that one or more of the following provisions are accomplished:*

- a. there have been provisions made which buffer incompatible uses from dissimilar uses;*
- b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use;*
- c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.”*

The subject amendment has provided conditions to help ensure the placement of Mobile Homes is compatible with surrounding uses and takes advantage of those areas in which they exist or are anticipated to exist.

*POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that “Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County's Land Development Code.”*

The subject amendment will add “Mobile Homes, Individual” to all residential land use districts in the Village Center & Core Overlay Areas in the SE Polk SAP.

*POLICY 2.501-A1 of the Comprehensive Plan (Property Rights Element) states: “The following statements related to the protection of private property rights shall be considered in the local decision-making process:*

- 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.*

*2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*

*3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.*

*4. The right of a property owner to dispose of his or her property through sale or gift.*

No part of the subject amendment will violate a property owner's private property rights. This amendment will provide landowners with more development options.

**Comments from Other Agencies:** Input from Land Development's engineering staff and the Division of Roads & Drainage was used in the creation of this staff report.

**Draft Ordinance:** Under separate attachment