

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	February 27, 2025	Level of Review:	4
PC Date:	April 2, 2025	Type:	LDC Text Amendment
BoCC Date:	April 15, 2025	Case Numbers:	LDCT-2025-6
	May 6, 2025	Case Name:	Mobile Homes allowed in all plats prior to 5/20/1971
Applicant:	Polk County	Case Planner:	Erik Peterson, AICP

Request:	An LDC text amendment to Chapter 3 Conditional Uses, Section 303, Criteria for Conditional Uses, Individual Mobile Homes, to allow mobile homes by right in subdivision plats recorded prior to May 20, 1971; providing for severability; providing an effective date.
Location:	n/a
Property Owner:	n/a
Parcel Size (Number):	n/a
Development Area:	n/a
Nearest Municipality:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	6:1 Approval

The changes to Chapter 3, Section 303, Criteria for Conditional Uses, Individual Mobile Homes are:

- Elimination of the prohibition to placing mobile homes in older platted subdivisions (pre 5/20/1971) that are less than 50% developed with mobile homes.

Summary:

The purpose of this ordinance is to lower the barriers to the installation of mobile homes where there has been universal acceptance of them. In the last five years, a total of 66 cases within plats recorded before May 20, 1971, were heard and approved by the Planning Commission. Only one case was appealed to the Board who found the objections unsubstantiated and approved the mobile home request. The significance of the 1971 date is when the first land use ordinance was adopted restricting the placement of mobile homes in certain areas of the County. The last approval prior to the ordinance effective date was Plat Book 50, Page 41 Lakeview Park.

Many of the platted residential subdivisions recorded before 1971 are located in areas where there are many varieties of housing such as duplex and multifamily dwellings in addition to site built and mobile homes. Many of them are built out with the exception of a few infill lots. Many are located in areas where the cost of contracting for a site-built home is far greater than installing a mobile home. This amendment will open up opportunities for infill development and lower the cost of housing.

There are differences between mobile homes and site-built homes, but they are not planning related issues. Planning is about the efficient use of public investments and the protection of the County's resources. The review of mobile homes versus site-built dwellings is more of a decision on architectural standards than the allocation of public infrastructure and services. While there are differences in construction standards and public perception, mobile homes provide an essential element in meeting the demands for housing in a growing community. Providing an adequate number

of locations for mobile homes where the barriers to entry are lower is essential for managing growth. This amendment encourages infill development, which improves our return on public investments and reduces intrusion into environmentally marginal areas.

Data and Analysis Summary

Staff have reviewed past ordinances dating back to November 4, 1970, to determine when there were zoning or land use districts that prohibited the placement of mobile homes. Staff have reviewed past applications for Planning Commission approval for mobile homes from January 2020 to December 2024 (five years). Staff have researched the mobile home locational requirements in the land development regulations of 12 similar or abutting counties and Polk's two largest cities. Staff have reviewed the differences in construction standards, permitting costs, and methods for impact fee requirements between mobile and site-built homes. Staff have reviewed studies of the effect of mobile homes on area property values.

This amendment applies to platted parcels within subdivisions that were recorded prior to May 20, 1971, in the unincorporated areas of the County regardless of the Future Land Use Map district, including the Green Swamp Area of Critical State Concern. Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection.

There are no conflicts with the Comprehensive Plan or Florida Statutes in the implementation of this amendment. POLICY 2.203-A2 of the Comprehensive Plan 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." There are many regulations regarding mobile homes in the Florida Statutes that relate to the sale and registration of mobile homes. There are many regulations regarding mobile home parks. However, there are no statutes regarding the restriction of mobile homes within platted subdivisions.

Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 3 Conditional Uses, Section 303, Criteria for Conditional Uses, Individual Mobile Homes, to allow mobile homes by right in subdivision plats recorded prior to May 20, 1971.*
2. *This amendment applies to platted parcels within subdivisions that were recorded prior to May 20, 1971, in the unincorporated areas of the County regardless of the Future Land Use Map district, including the Green Swamp Area of Critical State Concern.*
3. *POLICY 2.203-A2 of the Comprehensive Plan states, "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.*
4. *POLICY 2.204-A8 of the Comprehensive Plan states "Polk County shall provide adequate locations for mobile home developments, with supporting infrastructure."*
5. *Section 303, Individual Mobile Homes, of the Land Development Code 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 a 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 legal residential lot or parcel in the A/RR district;*
 5. *On any un-platted legal residential lot or parcel that is five acres or larger in the RS district;*
 6. *On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*
 7. *On any un-platted legal residential lot or parcel where at least one property abutting the subject property's side lot line has a mobile home;*
 8. *On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*
 9. *On any legal residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area."*
6. *Planning staff has reviewed the land development requirements of 12 central Florida counties that bear commonalities with Polk and the two largest municipalities in the County. Staff found that all of the jurisdictions surveyed set out specific zoning districts where mobile homes may be placed.*
7. *Impact fees for mobile homes on individual lots are currently between \$5,196 and \$5,445 (depending on impact fee district) less than the impact fees for site-built single-family detached dwellings.*

8. *There have been 88 Level 3 Review request requests for Planning Commission approval of an individual mobile home where the criteria do not permit them in the five years from January 2020 to December 2024. Of the cases heard, 66 have been for mobile homes in platted subdivisions recorded before 1971 where there were mobile homes but less than 50% of the developed lots. None of the 66 cases were denied by the Planning Commission. Only one was appealed to the Board by a nearby property owner. The Board approved the Mobile home.*

Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, 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-2025-6.

Planning Commission Recommendation:

At an advertised public hearing on April 2, 2025, the Planning Commission voted 6-1 to recommend APPROVAL of LDCT-2025-6 to the Board of County Commissioners after hearing public testimony.

Analysis

Introduction

Mobile homes are dwelling units like any other in the planning sense. Planning is about matching development density and intensity with the existing and programmed infrastructure and the environmental conditions of the land. For the most part, a mobile home is an architectural style which is more of a zoning issue. Planning is not zoning. Polk County decided over 30 years ago to get away from zoning and focus efforts on managing growth in the most efficient manner. This did not entail dictating architectural styles. However, there are some disparities between the construction standards of mobile homes versus site-built homes that do lend some credence towards the sustainability of mobile homes as a long-term solution to increasing the available housing stock of a community. So, regulations were included in the LDC to curtail mobile home development by limiting the places where mobile homes could be used as housing. There are varying perceptions regarding mobile homes. They do not meet the same construction standards as site-built homes and are not as permanent, but they do have a purpose and a place in the County for meeting the wide variety of housing needs of a growing population. This amendment further broadens the opportunities for meeting those needs.

Differences between Mobile Homes and Site Built Homes

Mobile homes are built to the U.S. Department of Housing and Urban Development (HUD) standards and are usually installed on temporary foundations such as concrete pads or dry-stacked blocks and tiedowns; and generally, depreciate in value similar to an automobile. Insurance rates will generally be higher for mobile homes, especially in Florida. The transport and set-up of mobile homes is regulated in Florida by the Department of Highway Safety and Motor Vehicles (DHSMV). Upon installation, a mobile home's wheels and axles may be removed, but the integral chassis must stay in place. A mobile home must bear the HUD label and be installed by a mobile home installer licensed by DHSMV to be considered a year-round habitable dwelling in the state. Anything less, such as HUD Park Trailers or American National Standards Institute (ANSI) units are not considered permanent dwellings at all and bear a recreational vehicle status.

Site-built homes are built, permitted and inspected under the Florida Building Code (FBC), and must be installed on permanent foundations such as poured footers, stem walls, poured piers or engineered slabs. There is a hybrid style of home that is manufactured to the FBC standards offsite and transported and assembled on a home site which is called a Modular Home. These may be referred to

as “manufactured homes” along with mobile homes, but they are considered the same as site-built homes for permitting purposes. Mobile homes are built to a lesser standard than homes built to the FPC; therefore, they require more maintenance and are not expected to last as long. When looked to as affordable housing, they are cheaper in the beginning, but do not provide as great an asset for the investment. However, for many this is only perceived as a marginal difference. There are many other factors that affect the housing market beyond a unit’s construction and architectural standards. And, not everyone is seeking to enhance their wealth through their housing choice. Detached site-built homes, modular, townhomes and multifamily condominiums are all susceptible to a variety of market factors, insurance, and maintenance costs over time. They can be bad investment decisions as well.

Permitting and Impact Fee rates are less for mobile homes than site-built homes. Permitting fees are less because the interior construction is inspected at the factory and not at the jobsite. Factory built structures require less local building inspection staff. Building inspection fees are directly related to the labor costs. Impact fee and utility connection fee rates are lower because impact fee rates are based on statistical studies and utility fees are based on water consumption. The size of a mobile home is smaller than the majority of the site-built homes and they have fewer bedrooms. The average population of people that inhabit mobile homes have fewer occupants, vehicles, and children. Therefore, studies reveal that the occupants of mobile homes drive less, have fewer emergency calls, send fewer kids to school, consume less water, produce less wastewater, etc.

Mobile Home Safety

Safety with regards to housing style is mostly a non-issue today. Since 1974, mobile home construction has continually improved. After 1992, the standards for wind load on both mobile homes and site-built homes were raised. After 2003, more improvements to the construction and installations standards were added for mobile homes to adjust for weather changes in Florida. There are few arguments today that mobile homes are not just as resilient as site-built homes when it comes to storms. Mobile home weather resiliency standards have been better since 2003 than the site-built dwelling construction standards were in the 1970s and 80s.

Why is Polk Different from other Jurisdictions

Many jurisdictions choose to separate eligible locations for mobile homes into mapped districts which allow them in some residential areas but not in others (*see Table 1 to follow*). Polk County had originally wanted to get away from this practice because it appeared in many ways to create a separation of economic classes from one another which should never be the role of government in any form. However, there were many concerns voiced by the public on many occasions regarding the suitability of mobile homes in certain communities in the County. Instead of creating separate mapped locations, the Board chose a more fluid system for mobile home locations that set forth a series of criteria that embodies where mobile homes would be acceptable to the residents that surround them. Originally, there were only a few characteristics for properties that were suitable for mobile homes. But over the past five years, amendments have been made to expand the possibilities. Currently, these criteria are as follows:

- Mobile home parks
- Platted mobile home subdivision
- Platted residential subdivisions with mobile homes on 50% or more of the developed lots
- Un-platted parcels that are either
 - in the A/RR district
 - five (5) acres or more in the RS district, or
 - *abutting vacant properties on the side and rear**
- *All parcels where at least one abutting property has a mobile home* and*

- **Where the Planning Commission determines it to be compatible with the established character of the surrounding area.**

**Criteria added recently*

The option for approval by the Planning Commission has been an option since the beginning. The sole criterion for evaluation is “*compatible with the established character of the surrounding area.*” There are no other forms of evaluation since mobile homes are no different from site-built homes when it comes to demand for infrastructure and services such as transportation, utilities, drainage, public safety services, schools, law enforcement, garbage collection and disposal, or parks and recreation. There is nothing to evaluate from a public investment perspective, and mobile homes pose no greater threat to environmental resources and are regulated no differently with regard to wetlands or floodplains so there is not an issue with the suitability of the land that is any different. With the only criteria being rather broad, subjective, and unquantifiable, it is extremely difficult to justify denial of any of requests.

Recommended Changes

As the number of cases consistently approved by the Planning Commission without any substantive objections grew more and more, staff were directed to find more options for where mobile homes could be located without perceived community objections. This amendment focuses on the policy that created this need to distinguish locations for mobile homes in the first place. On May 20, 1971, Ordinance 1971-01 became effective. This was the first ordinance that established a map where mobile homes could and could not be located. All the other developments approved by the Board of County Commissioners before the ordinance were not regulated unless designated with restrictions on the housing type other than single-family, duplex, or multifamily in another manner. Typically, if the developer of a platted community wanted to restrict mobile homes within it, deed covenants were recorded, and enforcement became a civil matter. Government played no role in the choice of housing type. This amendment will allow mobile homes in platted subdivisions established when such a distinction was not determined by the government.

There have been 66 mobile homes approved by the Planning Commission in platted subdivisions recorded before 1971 in the last five years. There were no denials during this period and only one case that went to De Novo Hearing only to later be approved by the Board. This is a clear signal that the public perspective on where mobile homes can be located has changed. This proposed amendment will reduce the number of cases that go before the Planning Commission and lower the cost of new housing in many areas of the County. This amendment is also good planning. It will enable more infill development in areas where there is ample public infrastructure and services. Infill development helps the County achieve greater return on the public’s investments.

Benefit-cost Analysis of the Amendment

Who does it help?

This amendment helps families seeking affordable housing. It helps revitalize older developments by attracting new housing stock to areas with older and dilapidated housing. This amendment enables more infill development. There are a lot of fixed costs involved with site-built housing development. Building on individual lots where there is no new housing development nearby places all of the cost of builder/contractor/crew travel, site security, and material delivery on one property rather than spreading those fixed costs over multiple properties. Most platted and developed subdivisions have available infrastructure and services established. Filling in the vacant lots within them does not add anymore financial burden to the public and enables more citizens to use parts of the public realm that

have been paid for in the past. Allowing mobile homes where there are infill lots provides more return on investment.

Who does it hurt?

There are people who believe that the presence of a mobile home in their neighborhood can cause a reduction in the value of their home. There are also those who find that mobile homes are an insufficient approach to improving the housing stock in low-income neighborhoods or that it is cheating the investor. Many studies have been conducted regarding the effect of mobile homes on nearby site-built homes. Most findings suggest that there is little or no impact on neighboring property values. Staff reviewed five studies. One of them endorsed by the U. S. Housing and Urban Development found no significant influence on property values. Staff also reviewed the differences between mobile and site-built home construction standards, permitting fees, impact fees, and other costs. Staff find that mobile homes are a necessary element of the County's housing stock.

What is the cost?

Staff have found no definitive studies that quantify the difference in sales value of site-built homes located in proximity to mobile homes. There are so many variables that are considered in the sale price of a home. Many of the studies reviewed lacked statistical significance and did not account for external conditions.

The cost to a prospective mobile homeowner to gain approval from the Planning Commission is currently \$966.00 and a 3½ month delay. The majority of these requests are in subdivisions recorded prior to 1970 where there are nearby mobile homes but represent less than 50% of the subdivision. This hinders improvements to aging housing stock in communities like Eloise, Inwood, Waverly, Florence Villa, Eaton Park, and K-Ville (Kossuthville).

Regulatory History

The first zoning restriction on the types of homes that could be placed in a residential district became effective on May 20, 1971 (Ord. 1971-001). Prior to that, there were no regulations regarding site built or manufactured housing. Plats recorded prior to this date did not have a particular zoning district that designated whether they could or could not have a mobile home. The last approval prior to the ordinance effective date was Plat Book 50, Page 41, the Lakeview Park subdivision near the town of Frostproof. The 1971 ordinance mapped the County with RE-1, R-1, and R-2 residential districts to restrict development to conventional housing only, and in districts RE-2, R-3, and R-4 it allowed "all types" of housing including "factory-built units." In 1973, a separate ordinance was adopted for mobile home parks. In 1983, the revised zoning ordinance used the same district classification but added a lower-case letter "m" extension to indicate which were approved for mobile homes.

When the Comprehensive Plan went into effect, the zoning ordinance was still utilized to implement most development standards while the Land Development Code (LDC) was being drafted. The LDC took over nine years to reach final adoption. The intention of the LDC was to move away from zoning by tying development approvals to planning for infrastructure investment and environmental qualities of the land. Density and intensity along with development types were to be bound to an overall growth management plan rather than arbitrary zoning map designations. However, there were many opposed to a planning method being the sole factor in determining density and housing type. Therefore, a hybrid method of sub-districts and criteria for siting mobile homes and other notorious land uses were intertwined with other considerations in the code. Section 303 of the LDC holds most of these zoning standards.

There were 117 applications submitted for Planning Commission approval of an individual mobile home between January of 2020 and December of 2024. There were 89 cases for approval within plats that were developed with less than 50% mobile homes. There were 83 cases within subdivisions recorded prior to May 20, 1971. In the last five years, a total of 66 cases within plats recorded before May 20, 1971, were heard and approved by the Planning Commission. Only one was appealed to the Board which found the objections to a mobile home to be unsubstantiated.

Limits of the Proposed Ordinance

This amendment applies to all plats in the unincorporated area up to Plat Book 49, page 21, which was recorded on May 20, 1971. Coincidentally, it was for a mobile home subdivision (River Ranch Shores on Lake Kissimmee). The first platted subdivisions that were zoned or not zoned for mobile homes included the Poinciana Plats. The Poinciana Planned Unit Development (PUD 71-10) designated certain phases for mobile homes.

Since this amendment applies to residential lots or parcels within the unincorporated areas of the County regardless of the Future Land Use Map district, it includes the Green Swamp Area of Critical State Concern. Staff consider this amendment to be neutral to any impacts upon the critical area because it does not result in any changes to permitted density or intensity of development. It is an architectural design issue. Whether property is developed with a site-built home or a mobile home, it's still just a dwelling. However, staff will forward this to the State for review.

Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the Florida Commerce Community Planning Department Areas of Critical State Concern Program. Staff believe that this amendment will have no impact on the Critical Area since it does not allow the creation of new dwelling units.

Comparisons to other Jurisdictions

Staff commonly survey counties along the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. Some of the abutting counties are reviewed along with the two largest cities within the County (Lakeland and Winter Haven). Alachua and Duval counties are also reviewed because of similar demographic and urban-rural mixtures to Polk County. This method of selection creates a survey of 14 total local jurisdictions. Polk County has a rare form of land use regulation with its direct connection between the Comprehensive Plan Future Land Use Map and the zoning of use and structure types. It is because of our one map system that we must use other means to designate appropriate locations for mobile homes. Every one of the 14 jurisdictions surveyed has specific zoning districts for mobile homes. However, some of them have limiting criteria in agricultural districts. Where zoning districts conflict with existing mobile homes, most of the jurisdictions prohibited the replacement. However, five of the 14 established dates for which mobile homes located prior could be replaced prior to certain identified dates.

Table 1

Jurisdiction <i>(Code citation)</i>	Where are Mobile homes allowed?	Exceptions?
Alachua County <i>Section 404.22</i>	Agriculture (A), 1 out of 6 residential districts (R-1c), Mobile Home Park (RM) district,	A manufactured or mobile home established as a legal permanent residence prior to September 28, 1992 , and which has not been vacant for longer than one hundred eighty

Table 1

Jurisdiction <i>(Code citation)</i>	Where are Mobile homes allowed?	Exceptions?
		(180) days may be repaired, rebuilt or replaced.
Brevard County <i>62.1187, 1946, 1951</i>	Mobile Home Parks, agricultural zoning classification (AU) on five acres or more, Temporary Medical Hardship on 2 acres or more, Single-family mobile home cooperative (TRC-1) zoning district.	Replacement in non-mobile home parks is prohibited.
Duval County <i>Section 656.505</i>	RMD-MD Districts only	Where existed lawfully in a district on September 5, 1969 . Replacement up to 1 year.
Hardee County <i>Sec. 3.03.00, 11.06.05</i>	Agricultural (A-1), 3 of 4 residential districts (R-0.5, 2, 3), all three mixed-use districts (FR-2.5, FR-2, FR)	“The replacement of an existing mobile home on property which is not designated for mobile home use on the official zoning map shall be prohibited.”
Highlands County <i>Section 12.06</i>	Agricultural Districts (AU). Estate District (EU), Mobile Home Districts (M-1, M-1-S, M-2), RV Park (FUD), Campground district (CG-3),	Security Residence in Business District (B-4), and Industrial districts (I-1, I-2) Mobile homes may not be replaced in districts where prohibited.
Hillsborough County <i>Section 11.03.04</i>	Only allowed in Mobile Home Parks. All Mobile home parks require PUD district.	Mobile homes existing prior to July 26, 1989 , may be replaced if destroyed by calamity.
Lake County <i>Sec. 3.01.02.A.1</i>	All residential districts as long as it is on a solid foundation or permanent skirting and wheels and tongue are removed.	Double-wide prior to October 15, 2003
Manatee County <i>Section 531.32</i>	General Agriculture (A) , Residential Single Family Mobile Home (RMSH), Village (VIL) districts	Non-conforming may be replaced within one year if destroyed by a calamity.
Orange County <i>Section 38-577</i>	Mobile homes may be located in R-T, R-T-1 and R-T-2 districts and under certain circumstances, on individual lots in other districts. Cannot be replaced where non-conforming.	A mobile home shall only be permitted as an accessory dwelling unit in agricultural zoning districts, and when the subject lot/parcel contains a minimum of two (2) developable acres.
Osceola County <i>Chapter 3, Article 1</i>	Districts ending in “manufactured product” US-M, MDR-M, RS-M, R1-M, RMH	May not replace a non-conforming mobile home. Only allowed to repair if damaged less than 50% is damaged.
Seminole County <i>Sec. 30.4.10</i>	RM-1 Single-Family Mobile Home Residential District.	lots or parcels of record platted or recorded prior to September 11, 1991 , that are in Agricultural zones.
Volusia County <i>Section 72-241,206</i>	Mobile home districts (MH-1 thru MH-8)	“mobile home dwellings, which are nonconforming, shall not be extended or enlarged unless the nonconforming structure is of equal or improved character”
City of Lakeland <i>Sec. 5.11, and 13.3.2.6</i>	MH zoning districts only.	“the presence of a mobile home as a nonconforming structure in a zoning district shall be considered a nonconforming use, subject to removal when its actual use or occupancy has ceased for a period of 365 consecutive days.”
City of Winter Haven <i>Sec. 21-31, 21-437</i>	Agriculture (AG1) and Manufactured Home Park (RM)	“Once a nonconforming manufactured home is removed from its location, no other manufactured home shall be substituted in its place. The exception is a manufactured home replacement in an existing manufactured home park zoned to allow manufactured homes.”

Polk County established its first ordinance that separated the locations for mobile homes from site-built development in 1971. Platted residential subdivisions that were established prior to the effective date of the ordinance were either recorded with deed restrictions prohibiting mobile homes or the intent was not to discriminate. These deed restrictions, if not re-established by the property owners, typically dissolved after 20 years.

Consistency with the Comprehensive Plan

Throughout the Comprehensive Plan, overall density is addressed for each Future Land Use Map and Overlay District. However, architectural or construction standards are avoided to the greatest extent practicable. There are two particular policies in the Housing Element that address mobile homes directly and neither calls out for a particular location. These policies are:

POLICY 2.203-A2: 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.

POLICY 2.204-A8: Polk County shall provide adequate locations for mobile home developments, with supporting infrastructure.

Consistency with the Florida Statutes

The Florida Statutes provides uniform standards for mobile home sales, transport, set-up, and disposal in Chapter 320, Sections 822 through 835. There are no state regulations on where a mobile home can be located.

Comments from Other Agencies: None.

Draft Ordinance: under separate attachment