



**Department of Land Development Services
Growth Management Division, Planning & Regulation**

STAFF CLARIFICATION: SC-2011-02

DATE: August 18, 2011

LDC SECTIONS: 2.03.07.G.6, 4.02.33, and 10.02.05.F. Nonconforming Mobile Home Parks

INITIATED BY: Staff

BACKGROUND/CONSIDERATION: The above referenced LDC sections deal with nonconforming mobile home parks located within the Nonconforming Mobile Home Park Overlay Subdistrict in the Immokalee Overlay. The applicability and processing of mobile home parks within the overlay is not clear within the various sections of these LDC provisions. Staff has been requested to clarify the applicability and correct processing of existing mobile home parks wishing to utilize these LDC provisions.

Note that the County Attorney has determined that the date to submit an SIP by Code Board Order has lapsed and that the only vehicle to apply Sections 2.03.07.G.6, 10.02.05.F and 4.02.33 is by settlement agreement approved by the BCC.

DETERMINATION (CLARIFICATION):

Non-Conforming Use:

Staff has determined that these code provisions are applicable for all mobile home parks that are located in zoning districts that previously allowed mobile homes as a permitted principal use at the time the park was established but do not currently allow mobile homes as a permitted use if an SIP was submitted in accordance with Section 2.03.07.G.6 (SIP before 1/9/03 or by date in Code Board Order or by settlement agreement with BCC). Mobile home parks that meet these standards shall comply with the applicable SIP application process outlined in LDC Section 10.02.05.F. The number of allowable mobile home units for each development that is reviewed under the applicable SIP provisions shall be the same number of units that existed on-site before November 13, 1991 as provided for in Section 2.03.07.G.6.b. of the LDC.

If the mobile home park property is located in a zoning district that does not currently permit mobile homes as a permitted principal use, and the property was never zoned to allow mobile homes as a permitted principal use, then these LDC provisions do not apply.

If the existing mobile home park is in a district that allows mobile home parks, then the mobile home park may use the SIP application process in Section 10.02.03.B.2, if applicable, and apply the standards of the underlying zoning district.

Non-Conforming Structures:

Staff has determined that these code provisions are applicable for all mobile home parks that are located in zoning districts that presently allow mobile homes as a permitted principal use but which park does not meet development standards of the present zoning district if an SIP was submitted in accordance with Section 2.03.07.G.6 (SIP before 1/9/03 or by date in Code Board Order or by settlement agreement with BCC). Mobile

home parks that meet these standards shall comply with the applicable SIP application process outlined in LDC Section 10.02.05.F. and may apply the development standards of 4.02.33.

If the existing mobile home property is in a district that allows mobile home parks, and the property owner does not qualify under Section 2.03.07.G.6, then the mobile home park may use the SIP application process under the 10.02.03.B.2, if applicable, and apply the standards of the underlying zoning district.

Permitted Density for New Mobile Homes and Existing Mobile Homes:

For Multi-Family Units: based on criteria of applicable zoning district and definition of multi-family.

For Lots with separate single family buildings: based on criteria including lot width and minimum lot size of applicable zoning district.

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Zoning Clarification File

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