

## Chapter 18.49

### MHP MANUFACTURED HOME PARK ZONE DISTRICT

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18.49.010 Intent.

The manufactured home park (MHP) zone district is established to promote residential development that is high density, single-family in character and developed to offer a choice in land tenancy. The MHP zone is intended to provide sufficient land for manufactured homes in manufactured home parks.

(Ord. O2008-009, Added, 02/17/2009)

18.49.020 Permitted uses.

Permitted uses within the MHP zone district are as follows:

- A. Manufactured home parks in accordance with the provisions of TMC Chapter 18.48;
- B. Designated manufactured homes on existing single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- C. Mobile home parks which were legally established prior to July 1, 2008;
- D. One single-family detached dwelling per existing single lot of record;
- E. Parks, trails, open space areas, and other related recreation facilities;
- F. Support facilities;
- G. Family child care home; child mini-day care center, subject to review by the community development director, the building official, and the fire chief.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-009, Added, 02/17/2009)

18.49.030 Accessory uses.

Accessory uses within the MHP zone district are as follows:

- A. Storage sheds, tool sheds, greenhouses;
- B. Private parking garages or carports;
- C. Home occupations, as approved by the director of community development;
- D. Noncommercial recreational structures which could include but are not limited to swimming pools and recreational ball courts;
- E. Clubhouses and community centers associated with manufactured home parks.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-009, Added, 02/17/2009)

18.49.040 Conditional uses.

Conditional uses within the MHP zone district are as follows:

- A. Churches;
- B. Freestanding wireless communication facilities;
- C. Cemeteries;
- D. Child day care center;
- E. Public and/or private schools;
- F. Neighborhood community center;
- G. Neighborhood-oriented commercial center;
- H. The following essential public facilities:
  - 1. Emergency communications towers and antennas;
  - I. Group foster homes;
  - J. Agriculture;

K. Bed and breakfasts.

(Ord. O2008-009, Added, 02/17/2009)

18.49.050 Density regulations.

Density regulations in the MHP zone district are as follows:

A. Site Area. All residential developments (except for the use listed in TMC 18.49.020(D)) must meet the following density requirements:

1. Minimum: six dwelling units per acre;
2. Maximum: nine dwelling units per acre, except that any density greater than eight dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with TMC Chapter 18.57.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs, open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.
2. Land that is intended for future phases of development.
3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to support facilities (except for stormwater detention, treatment and infiltration facilities).

C. Land coverage, maximum for all buildings: seventy percent of total area of the parcel.

D. Structure height: forty feet, maximum; provided, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

E. Yards.\*

1. Front: ten feet minimum from frontage property line.

a. Driveways in front yards on property lines abutting a public right-of-way must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line.

2. Side: five feet from property line, minimum.

3. Rear: five feet from property line, minimum.

Where structures are constructed over one story, the setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with TMC Chapter 18.47.

F. Open Space/Park Area. To the extent necessary to reasonably mitigate direct impacts, a minimum of ten percent of the gross site area shall be set aside as open space/park area meeting the following minimum standards:

1. For the purpose of calculation of the open space/park requirement, the open space/park area shall be separate and distinct from required yards, setbacks and landscaped areas, but may include areas of native vegetation that are allowed to fulfill the landscaping requirements of TMC Chapter 18.47. Open space/park areas may also include wetlands and their buffers, other critical areas, and stormwater facilities that are designed for active and/or passive recreation opportunities in accordance with the drainage design and erosion control manual for Tumwater.

2. All open space/park areas must include any two or more facilities for active and/or passive recreation from the lists below. At least one of the required recreation facilities must be from the list of active recreation facilities (this area may include stormwater facilities that are designed for active and/or passive recreation opportunities in accordance with the drainage design and erosion control manual for Tumwater).

a. Active Recreation Facilities.

i. Children's play equipment, such as slides, swings, and play structures.

ii. A paved hard court for activities such as basketball, tennis, pickleball, etc.

iii. A flat, open lawn area that may serve as a ball field for active play.

iv. Other active recreation facility if approved by the community development director upon consultation with the Tumwater parks and recreation director.

b. Passive Recreation Facilities.

i. Facilities for walking, such as trails, benches, etc.

- ii. Picnicking facilities, such as picnic tables, shelters, etc.
  - iii. Public plazas.
  - iv. Year-round water features such as a fountain, pond, stream, etc. These water features may be incorporated as part of a stormwater facility designed in accordance with the drainage design and erosion control manual for Tumwater.
  - v. Other passive recreation facility if approved by the community development director upon consultation with the Tumwater parks and recreation director.
3. The open space/park area shall have convenient access for residences of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance. The requirement that the open space/park area be consolidated may be waived by the director of community development upon a finding that the residents of the development would receive a greater benefit if the required open space/park area were provided in another configuration due to the unique topographic conditions or fish and wildlife habitat values of the site.
4. The open space/park area shall be designed and placed in consideration of existing and potential open space/park areas on adjacent parcels to consolidate or provide future opportunities for consolidation of neighborhood open space areas.
5. Except where removal is required to meet active recreation requirements in this chapter, existing trees and significant vegetation shall be retained in open space/park areas unless an alternate landscaping plan for such areas is required or approved by the community development director.
6. Cash, or like value of land area and improvements located within the appropriate neighborhood parks planning area, may be donated to the city to fulfill the requirements of this section. The amount of cash required will be determined using a formula based on the cost of meeting the adopted level of service for neighborhood parks in the Tumwater parks and recreation plan.
7. Open space/park areas shall be held in single ownership where such ownership assumes full responsibility for maintenance and operation, or held in common ownership by all of the owners in the development area through a homeowners' association or similar organization. The city as a condition of approval may choose to accept dedication, or the maintenance and operation responsibilities for the area, when the area to be dedicated is one or more of the following:
- a. Greater than five acres.
  - b. Adjacent to an established or future city park or school grounds.

c. Includes access to a body of water, wetland, important fish/wildlife habitat, or other environmentally sensitive area.

d. If the city determines it is in the public interest to accept public dedication.

\*See TMC 18.04.670.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-009, Added, 02/17/2009)

18.49.070 Use exception.

A. A mobile/manufactured home park owner may request a use exception or modification from the application of the MHP zoning to their property as set forth below.

B. The property owner shall submit an application on forms prepared by the community development department, with documentation demonstrating that application of the MHP zoning meets the criteria below.

C. The city council may approve the property owner's request for a use exception if the property owner demonstrates:

1. They do not have reasonable use of their property under the MHP zoning; or
2. The uses authorized by the MHP zoning are not economically viable at the property's location.

If the request is granted by the city council, the property shall revert to its previous zoning designation without further action by the council.

D. In addition to the application, a relocation plan must be submitted detailing, at a minimum, the pertinent laws (city, county, or state), an explanation of tenants' rights according to state law, a list of sources of assistance (governmental, financial, etc.), available vacant spaces within the mobile/manufactured home park, a list of nearby parks with available spaces, and a list of companies that move manufactured or mobile homes.

E. Except as otherwise provided herein, the application shall be reviewed consistent with TMC Title 14, and the council's decision may be appealed to Thurston County superior court.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-009, Added, 02/17/2009)

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