ORDINANCE NO. 4050

AN ORDINANCE of the city council of the city of Kent, Washington, amending chapter 12.05 of the Kent City Code, specifically sections 12.05.040, 12.05.050, 12.05.080, 12.05.100, 12.05.110, 12.05.120, 12.05.140, 12.05.150, 12.05.160, 12.05.260, 12.05.270, 12.05.300, and 12.05.370 and repealing sections 12.05.070 and 12.05.090; related to mobile home parks [ZCA-2012-2].

RECITALS

A. Local planning legislation arises from many sources, including, but not limited to, Federal, State or regional mandates; changes to local community vision; complaints; need for clarity; updated technologies, business operations or strategies that make existing codes outdated; and conflicts with updated regulations in other City departments.

B. The city has determined that amendments to Chapter 12.05, Kent City Code (KCC), are necessary to reflect updates the Mobile Home Park code for consistency with current code enforcement regulations, definitions noted elsewhere in the KCC, and existing permit process.

C. The City's State Environmental Policy Act (SEPA) Responsible Official has determined that the proposed amendments are procedural in nature and thus categorically exempt from further SEPA review.

1 Mobile Home Parks Ordinance
D. On July 17, 2012, notice was sent to the Washington State Department of Commerce and expedited review was requested as required under RCW 36.70A 106(3)(b). On August 13, 2012, the City was granted expedited review and was informed that it had met the Growth Management Act notice requirements under RCW 36.70A.106.

E. The Land Use and Planning Board considered this matter at its July 23, 2012 workshop, and held a public hearing on August 13, 2012 regarding this issue.

F. The Economic and Community Development Committee considered this matter at its October 8, 2012 meeting, and the city council considered this matter at its October 16, 2012 meeting.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. Section 12.05.040 of the Kent City Code is amended as follows:

Sec. 12.05.040. Enforcement.

A. Inspection. In regard to the closure or change in use of mobile home parks, it shall be the duty of the manager of housing and human services to enforce the applicable provisions of this chapter. In regard to all of the remaining provisions of this chapter, it shall be the duty of the building official to enforce the applicable provisions of this chapter after a final site plan has been approved. The manager of housing and human services and
the building official may inspect any mobile home park in order to verify compliance with this chapter. Each mobile home shall be inspected when it is placed on a mobile home lot to insure that all setback, separation requirements, etc., are met. Such inspection shall be performed at the time such mobile home is placed on the lot or as soon thereafter as is reasonably practicable. Failure to make such inspection shall not constitute a waiver of any of the provisions of this chapter. For inspection purposes, the manager of housing and human services and the building official or their duly authorized representative shall have the right and is hereby empowered to enter any mobile home park.

B. Enforcement. The code enforcement division of the fire department may require a permit for the placement of a mobile home on a lot and may charge for such permit. If, after due investigation, the building official determines that any provision of this chapter has been violated, the mobile home park owner shall have fourteen (14) days to remedy the violations. Enforcement of this chapter by the building official shall be in accordance with KCC 1.04. If the violations are not corrected within fourteen (14) days, the violations shall be forwarded to the city attorney for action under KCC 12.05.300, Penalties. If, after due investigation, Enforcement of this chapter by the manager of housing and human services determines that a provision of this chapter has been violated, enforcement action may be taken under shall be in accordance with KCC 12.05.360.

SECTION 2. - Amendment. Section 12.05.050 of the Kent City Code is amended as follows:

Sec. 12.05.050. Definitions.
The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure* shall mean any structure on an interior mobile home lot or site that is appurtenant to the principally permitted mobile home or nonconforming recreational vehicle. For purposes of nonconforming mobile home parks, carports, and porches open on three (3) sides shall not be considered accessory structures.

*Combining district* shall mean district regulations superimposed on an underlying zone district which impose additional regulations for specific uses, and which are valid for a stipulated time period. Uses permitted by the underlying zone may also be developed.

*Common open space* shall mean a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a mobile home park which are designed and intended for the use or enjoyment of residents of the park.

Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the mobile home park. Common open space may also include all landscaped buffer areas.

*Comprehensive plan* shall mean the plans, maps and reports which comprise the official city development plan as adopted by the city council in accordance with Chapter 35.63 RCW or RCW Title 35A, means the document, including maps, adopted by the city council which outlines the city’s goals and policies relating to management of growth, and prepared
in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36 70A RCW.

**Conditional use and conditional use permit** shall mean a use permitted in a zoning district only after review and approval by the hearing examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

**County auditor** shall be as defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County Charter.

**Cul-de-sac** shall mean a short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

**Dedication** shall mean a deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final site plan showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such site plan for filing by the city.

**Dependent unit** shall mean a mobile home that does not have toilet and bathtub or shower facilities.

**Developer** shall mean the person, firm or corporation developing a mobile home park.

**Hearing examiner** shall mean that person appointed by the city administrator to conduct public hearings on applications outlined in Ch. 5 Mobile Home Parks Ordinance.
2.32 KCC creating the hearing examiner, and who prepares a record, findings of fact and conclusions on such applications.

*Independent unit* shall mean a mobile home that has a toilet and bathtub or shower facilities.

*Land Use and Planning Board* shall mean the city Land Use and Planning Board as defined in this code.

*Lot* shall mean a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

*Lot* means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required in this title. A lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record and portions of lots of record;

D. A parcel of land described by metes and bounds;

Provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.
Lot, corner shall mean a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

Lot frontage shall mean the front of a lot and shall be that portion nearest the street or, if the lot does not abut a street, the portion nearest an ingress/egress easement. On a corner lot, the front yard shall be considered the narrowest part of the lot that fronts on a street, except in industrial and commercial zones, in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage.

Lot lines shall mean the lines bounding the lot.

Lot measurements shall mean:

1. Depth of a lot shall be considered to be the distance between the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

2. Width of a lot shall be considered to be the distance between the side lines connecting front and rear lot lines, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

Lot, through shall mean a lot that has both ends fronting on a street. Either end may be considered front.

7 Mobile Home Parks Ordinance
Meander line shall mean a line along a body of water intended to be used solely as a reference for surveying.

Mobile home shall mean a factory constructed residential unit with its own independent sanitary facilities, that is intended for year round occupancy, and is composed of one (1) or more major components which are mobile in that they can be supported by wheels attached to their own integral frame or structure and towed by an attachment to that frame or structure over the public highway under trailer license or by special permit.

Mobile home lot or site shall mean a lot or site designed to accommodate a mobile home in a mobile home park.

Mobile home park shall mean an area under one (1) ownership designed to accommodate five (5) or more mobile homes according to the provisions of this chapter.

Nonconforming use or structure shall mean any mobile home park, individual mobile home, recreational vehicle, accessory structure, mobile home lot or site dimension established prior to the effective date of this chapter or subsequent amendment to it which would not be permitted by or is not in full compliance with the regulations of this chapter.

Official plans shall mean those maps, development plans, or portions thereof, adopted by the city council as provided in RCW 35A.63.100, as amended. Such plans or maps shall be deemed to be conclusive with respect to the location and width of streets, public parks, and playgrounds and drainage rights-of-way as may be shown thereon.

Performance bond or guarantee shall mean that security which may be accepted in lieu of a requirement that certain improvements be made
before the city council approves the final site plan including performance bonds, escrow agreements, and other similar collateral or surety agreements.

*Planning commission* shall mean the city planning commission as defined in this code.

*Recreational vehicle* shall mean any vehicle or structure so designed and constructed to permit occupancy thereof, with sleeping quarters for one (1) or more persons, and constructed in such manner as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, propelled, drawn or transported by its own or other power.

*Service building* shall mean a building housing separate toilet, lavatory, and bath or shower accommodations for men and women, with separate service sink and laundry facilities.

*Setbacks* shall mean the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a mobile home or appurtenant structure. All setbacks from a line of reference shall be measured on a line perpendicular to said line of reference.

**SECTION 3.** - *Repealer.* Section 12.05.070 of the Kent City Code, entitled “Preliminary Meetings” is hereby repealed.

**SECTION 4.** - *Amendment.* Section 12.05.080 of the Kent City Code is amended as follows:

**Sec. 12.05.080. Application for mobile home park.**
The general procedure for submitting and processing applications for a mobile home park are as follows: preparation and submission of a pre-application conference form for subdivision/mobile home park to the planning department of a tentative site plan of the proposed mobile home park; submission of a preliminary site plan to the Permit Center using the forms for a preliminary subdivision application—planning department; public hearing before the hearing examiner and city council for public hearing; installation or bonding of improvements according to the approved site plan; and recordation of the approved final site plan with the planning department and city clerk.

**SECTION 5. - Repealer.** Section 12.05.090 of the Kent City Code, entitled "Tentative site plan procedures" is hereby repealed.

**SECTION 6. - Amendment.** Section 12.05.100 of the Kent City Code is amended as follows:

**Sec. 12.05.100. Preliminary site plan procedures.**

A. **Zoning.** If the proposed mobile home park lies within an existing mobile home park combining district (MHP), the procedures for processing the mobile home site plan shall be as outlined in KCC 12.05.080 regarding the application for mobile home parkpreliminary plat/mobile home site plan and shall be processed in accordance with the procedures established for Process IV applications under Chapter 12.01 KCC. If the proposed mobile home park does not lie within an existing MHP zone, an application for the mobile home combining district shall be applied for and considered concurrently with the preliminary site plan application for preliminary plat/mobile home site plan. The application shall be processed in accordance with the procedures established for Process IV applications under Chapter 12.01 KCC.
B. Application. Application for a preliminary site plan approval and for the mobile-home combining district, if necessary, shall be filed with the planning department on forms prescribed by the planning department. The application shall be submitted at least forty-five (45) days prior to the next regularly scheduled public hearing date, and shall be heard by the hearing examiner within one hundred (100) days of the date of the application. This period may be extended in any case for which an environmental impact statement is required. If a full environmental impact statement is required under the State Environmental Policy Act, the applicant shall not file the preliminary site plan application until such time as the draft environmental impact statement is ready for circulation. Twelve (12) copies of the preliminary site plan shall be submitted.

C. Preliminary site plan requirement. A vicinity map of the area, adequate to show the location of the proposed mobile home park shall be filed with the application. The preliminary site plan shall include the entire parcel zoned MHP or to be zoned MHP and shall conform to the following:

1. The mobile home park name, the name and address of the developer, and the name and address of owner or owners;

2. The date of preparation, the true north point, a graphic scale and legal description of the MHP district;

3. Preliminary site plans shall be drawn to an appropriate engineering (decimal) scale, preferably not less than one hundred (100) feet to the inch;

4. Show the location of existing and proposed platted property lines, and existing section lines, streets, buildings, watercourses, railroads,
bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on the adjoining lands (land that abuts the proposed subdivision), to a distance of one hundred (100) feet from the edge of the subject property.

5. Contours and/or elevations (at five (5) foot intervals minimum) shall be shown to that extent necessary to accurately predict drainage characteristics of the property. Contour lines shall be extended at least one hundred (100) feet beyond the boundaries of the proposed mobile home park.

6. Give the names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations and utilities.

7. Indicate the total acreage of the mobile home park; the number of lots; the area of the smallest lot and the approximate square footage and approximate percent of total acreage in open space.

8. Indicate the dimensions of each lot.

9. Indicate the location, dimensions and design of off-street parking facilities within the site.

10. Indicate the proposed location and horizontal and vertical dimensions of all buildings and structures to be located on the site.

11. Indicate proposed grading, drainage and landscaping plans.

D. Referral to City Departments and Agencies. The planning department shall distribute copies of the preliminary map to the department of public

12 Mobile Home Parks Ordinance
works, the building department, the health agency, the fire department, the school district, and each of the public utility agencies serving the area in which the mobile home park is to be developed. Each department or agency may file recommendations with the planning department within ten (10) days of receipt of the preliminary site plan or if a preliminary site plan meeting is called by the planning department, they may present their recommendation at that time.

E. Preliminary Site Plan Meeting. The planning department shall compare the applicant's tentative and preliminary site plan and shall reach a decision as to whether a preliminary site plan meeting is necessary within three (3) working days after the applicant's submission. A preliminary site plan meeting may be deemed necessary when there are significant differences between the tentative and preliminary site plans. The determination of the necessity of a preliminary site plan meeting shall be based on the following considerations:

1. The degree of commonality between the two (2) plans, i.e., the preliminary site plan is a refinement of the tentative site plan, or it is a completely new site plan for the same property:

2. The presence or absence of revisions present in the preliminary site plan resulting from objections raised at the tentative site plan meeting:

F. Hearing Examiner Public Hearing. The hearing examiner shall hold public hearings first on the proposed MHP district, if not already zoned MHP, and if the MHP district is approved, on a preliminary site plan. The hearing examiner shall hold the public hearings on a rezone to MHP, mobile home park, and the preliminary site plan (special use—combining district). The application shall be submitted at least forty-five (45) days prior to the next
regularly-scheduled public hearing date, and shall be heard by the hearing examiner within one hundred (100) days of the date of the application. This period may be extended in any case for which an environmental impact statement is required. The hearing examiner shall forward its recommendations to the city council. The hearing examiner shall file a decision with the city council at the expiration of the period provided for a rehearing or within fourteen (14) days of the conclusion of a rehearing, if one is conducted. Within thirty (30) days of receipt of the hearing examiner's recommendation, the city council shall, at a regular public hearing, consider the recommendation. The planning department shall give notice of the hearing in the following manner:

1. One (1) notice of the public hearing shall be posted on or adjacent to the subject property at least ten (10) days prior to the public hearing:

2. One (1) notice of the public hearing shall be given in a newspaper of general circulation at least ten (10) days prior to the public hearing:

3. Notice shall be given to all property owners within at least two hundred (200) feet and when determined by the planning director a greater distance of the exterior boundaries of the property subject of the application. Such notice to be sent ten (10) days prior to the public hearing. The failure of any property owner to receive such notice of hearing will not invalidate the proceedings:

4. All hearing notices shall include a legal description of the location of the proposed mobile home park and either a vicinity location sketch or a location description in nonlegal language.
GB. Health agency recommendation. The health agencies responsible for approval of the proposed means of sewage disposal and water supply shall file with the planning department services, prior to the hearing examiner's public hearing on the preliminary site plan/mobile home site plan, written statements as to the general adequacy of the proposed means of sewage disposal and water supply.

H. City council action. The city council shall hold a public hearing within thirty (30) days of the date of receipt of the hearing examiner's recommendation.

I. Approval period. Preliminary site plans of any proposed mobile home park shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of submission, unless the applicant consents to an extension of such time period.

J. Expiration date. If the use for which the MHP district site plan was approved is not begun within one (1) year, approval of the MHP district and preliminary site plan shall lapse one (1) year from the date of such approval unless the city council grants an extension of time for a period of not greater than one (1) year.

SECTION 7. Amendment. Section 12.05.110 of the Kent City Code is amended as follows:

Sec. 12.05.110. Installation of improvements or bonding in lieu of improvements.

A. Tangible improvements may be required before a final site plan is submitted. Every developer may be required to grade and pave streets and
alleys, install curbs and gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains, and street name signs, together with all appurtenances thereto in accordance with specifications and standards of this chapter, approved by the department of public works and in accordance with other standards of the city.

B. The department of public works shall be responsible for the supervision, inspection, and acceptance of all required mobile home park improvements and shall make a charge to the developer in the amount of the hourly cost to the city. The hourly cost shall include the wages of the inspector and the city's cost for fringe benefits calculated on an hourly basis.

C. Prior to proceeding with the mobile home park improvements as are necessary, the developer shall make application for such permits from the city. The developer is responsible for complying with all permit requirements of federal, state, and local agencies.

D. No final site plan shall be submitted to the city council until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond has been satisfactorily posted for deferred improvements.

E. If a developer wishes to defer certain onsite improvements until construction, written application shall be made to the department of public works and planning department services stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a performance bond to the city in the amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of the required improvements. The decision of the city engineer and planning director as to amount of such bond shall be conclusive. Such bond shall list the exact work that shall be performed by the applicant and shall specify that all of

16 Mobile Home Parks Ordinance
the deferred improvements be completed within the time established by
the department of public works. If no time is established, then not later
than one (1) year after approval of the final map by the city council. The
bond shall be held by the city clerk. The developer may substitute an
assignment of funds in lieu of a performance bond. Such assignment shall
be made payable to the finance director and shall be in the same amount
as the bond it is substituting. The city reserves the right, in addition to all
other remedies available to it by law, to proceed against such bond or
other payment in lieu thereof. In case of any suit or action to enforce any
provisions of this chapter, the developer shall pay unto the city all costs
incidental to such litigation including reasonable attorney’s fees. The
applicant shall enter into an agreement with the city requiring payment of
such attorney’s fees. The requirement of the posting of any performance
bond or other security shall be binding on the applicant, his heirs,
successors and assigns.

F. The department of public works shall notify the planning department
services in writing of the improvements deferred, amount of bond or check
deposited, time limit of bond or check, name of bonding company, and any
other pertinent information.

G. The department of public works shall submit a certificate in duplicate to
the planning department services verifying that the developer has
completed the required installations and/or bonding in accordance with the
provisions of this code and the specifications and standards of the
departments. One (1) copy of the completed certificate shall be furnished
to the developer by the planning department services together with a
notice advising the developer to proceed with preparation of a final
site plan for that portion of the area in which minimum improvements have
been installed and approved or adequate security has been posted.
Certificate originals shall be retained by the planning department services.
**SECTION 8.** - *Amendment.* Section 12.05.120 of the Kent City Code is amended as follows:

**Sec. 12.05.120. Final site plan procedures.**

A. Application for the final site plan approval shall be filed with the planning department on forms prescribed by the planning department. Eleven (11) copies of the final site plan plus the original shall be submitted to the permit center using the application for final plat/final mobile home site plan.

B. The final site plan shall be drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless otherwise approved by the planning department on sheets eighteen (18) by twenty two (22) inches. Five (5) copies of the final site plan shall be submitted. Approval of the final site plan shall be evidenced by the signatures of the director of public works and planning director on the site plan. The approved site plan shall then be filed with the city clerk and planning department.

C. A permit to occupy a mobile home park shall be issued by the building department official.

**SECTION 9.** - *Amendment.* Section 12.05.140 of the Kent City Code is amended as follows:

**Sec. 12.05.140. Compatibility with existing land use and plans.**

A. Mobile home parks shall provide buffer strips along all boundary property lines. All buffer strips shall be at least ten (10) feet in width. No plan for a mobile home park shall be approved by the city council unless
the streets shown therein are connected by surfaced road or street according to city specifications to an existing street or highway.

B. The location of all streets shall conform to any adopted plans for streets in the city. If a mobile home park is located in the area of an officially designated trail, provisions may be made for reservation of the right-of-way or for easements to the city for trail purposes. A grading permit shall be required as per the International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended in Ch. 14.01 KCC, prior to any grading or filling.

SECTION 10. - Amendment. Section 12.05.150 of the Kent City Code is amended as follows:

Sec. 12.05.150. Minimum requirements and standards.

Mobile home parks shall comply with the following minimum requirements and standards:

1. A minimum of five (5) mobile home spaces shall be required in a mobile home park.

2. A mobile home park containing more than twenty (20) spaces shall have at least two (2) places of access, at least one (1) of which shall be on a major or secondary street as defined by the city street plan.

3. A fixed lighted map indicating unit numbers, and street names shall be placed at all entrances of the mobile home park.

4. The distance from the entrance or exit of a mobile home park to the street intersection shall be closer than fifty (50) feet to a street.
intersection measured from the nearest right of way line of the intersecting street conform to the separation requirements outlined in the City of Kent Design and Construction Standards.

5. One (1) access may be for emergency use only.

6. A ten (10) foot minimum width buffer strip will be required on all boundaries of the mobile home park. A wall, one hundred (100) percent sight-obscuring fence or landscape screen shall be established along all boundaries of the park. The ten (10) foot buffer strip inside this sight-obscuring screen may be part of mobile home lots or may be an area maintained by the mobile home park management.

**SECTION 11. - Amendment.** Section 12.05.160 of the Kent City Code is amended as follows:

**Sec. 12.05.160. Structures.**

A. The only permanent dwelling allowed in the mobile home park may be a single-family dwelling for the owner or manager. Service buildings are optional for mobile home parks serving only independent mobile homes. All service buildings shall be designed to comply with State Health Department requirements. A permanent storage facility may be provided for each lot. One (1) central storage building for the park as a whole is permitted. Separate permits will be required for all permanent structures.

B. Pads for individual mobile homes are optional on a complete development basis. No mobile home placed on such a site shall overhang the edges of the pad. All plans and construction of pads, foundations, and tiedowns for mobile homes are subject to approval of the city code enforcement department building official.

*Mobile Home Parks Ordinance*
**SECTION 12. - Amendment.** Section 12.05.260 of the Kent City Code is amended as follows:

Sec. 12.05.260. **Nonconforming mobile home park standards.**

To assure reasonable opportunity for the continued use of mobile home parks existing prior to adoption of the ordinance from which this chapter was derived and therefore not in compliance with all or some of the development standards required herein, the parks shall be considered legal nonconforming uses. The following minimum standards shall apply to the placement or relocation of individual mobile homes and recreational vehicles within nonconforming mobile home parks and to the construction of accessory structures:

1. A site plan drawn to scale that shows the perimeter park boundaries, the dimensions and the location of all existing mobile homes, accessory buildings, carports and porches, utility hookups and internal roadways shall be submitted in conjunction with permit application for placement or relocation of individual mobile homes or construction of accessory buildings.

2. The placement or relocation of individual mobile homes in nonconforming mobile home parks shall be subject to the minimum fire safety separation standards of the National Fire Protection Association, NFPA 501A, 1987 edition Section 4.2.1.1 as adopted by reference in KCC 13.02.010 for required standards. Lot coverage requirements need not apply. (See diagram in KCC 12.05.270.)

3. Recreational vehicles shall be allowed in a nonconforming mobile home park under the following circumstances:
a. A recreational vehicle may be relocated on an individual mobile home space that is occupied by a similar unit at the time of adoption of the nonconforming standards.

b. The existing mobile home space cannot be used for a mobile home due to the minimum setbacks specified in diagram in KCC 12.05.270. All recreational vehicles in nonconforming mobile home parks shall be placed in a location which complies with the separation requirements specified in the diagram in KCC 12.05.270.

4. No nonconforming mobile home park boundaries shall be expanded nor shall any additional mobile home lots be created as a result of these provisions. Any new expansion shall be subject to the provisions of this chapter.

5. Appeals of any building official decision with regard to placement or relocation of a mobile home, recreational vehicle and/or accessory structure are subject to the appeal procedures specified in Ch. 14.01 KCC.

**SECTION 13. - Amendment.** Section 12.05.270 of the Kent City Code is amended as follows:

**Sec. 12.05.270. Minimum nonconforming mobile home park separations.**

The following example illustrates the minimum fire safety separation standards required by KCC 12.05.260 for the placement of mobile homes or manufactured homes in nonconforming mobile home parks:
Any portion of a mobile home or manufactured home shall not be located closer than ten (10) feet side to side, eight (8) feet end to side, six (6) feet end to end horizontally or six (6) feet diagonally from any other mobile home or manufactured home, recreational vehicle or community building. No portion of a mobile home or manufactured home can encroach on an internal driveway. The site plan must reflect adjacent park spaces and separations between units and accessory structures and roads. Additional permits and review may be required by other agencies or city departments as a result of the placement of a mobile home or manufactured home. Upon approval of the building official, construction of an approved two (2) hour fire resistive wall may decrease required separation distances.

**SECTION 14. - Amendment.** Section 12.05.300 of the Kent City Code is amended as follows:
Sec. 12.05.300. Penalties.

Any person, firm, corporation, or association, or any agent of any person, firm, corporation, or association who violates the provisions of this chapter shall be guilty of a misdemeanor and upon conviction be subject to a fine not to exceed five hundred dollars ($500) for each such violation, or imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment. Violations of this chapter shall be subject to the penalties provided in KCC 1.04.030 and KCC 1.04.200.

SECTION 15. - Amendment. Section 12.05.370 of the Kent City Code is amended as follows:

Sec. 12.05.370. Appeal.

Any appeal from a determination of the manager of housing and human services under KCC 12.05.320(A), 12.05.340, and 12.05.360(A) shall be an open record hearing filed within fourteen (14) days of the determination in accordance with the procedures established for Process I applications under Ch. 12.01 KCC.

SECTION 16. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and the same shall maintain its full force and effect.

SECTION 17. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section or subsection numbering;
or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 18. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication as provided by law.

Suzette Cooke
Suzette Cooke, Mayor

ATTEST:
Brenda Jacob
Brenda Jacob, City Clerk

APPROVED AS TO FORM:
TOM BRUBAKER, CITY ATTORNEY

PASSED: 16 day of October, 20_.
APPROVED: 16 day of October, 20_.
PUBLISHED: 19 day of October, 20_.

I hereby certify that this is a true copy of Ordinance No. 4050 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Brenda Jacob (Seal)
Brenda Jacob, City Clerk