

ORIGINAL

ORDINANCE NO. 2011 - 13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AMENDING TITLE 16 OF THE SUNNYSIDE MUNICIPAL CODE, BY AMENDING CHAPTER 16.12 AND ADDING NEW CHAPTER 16.14 PERTAINING TO THE REGULATION AND DEVELOPMENT OF RECREATIONAL VEHICLE PARKS

WHEREAS, the City Council of the City of Sunnyside has encouraged the study of issues pertaining to the regulation and development of recreational vehicle parks; and

WHEREAS, the Sunnyside Planning Commission has held a public hearing on such issues, including a public hearing on June 14, 2011, and has received and considered all evidence and testimony offered therein; and

WHEREAS, the Sunnyside Planning Commission has thereafter recommended adoption of a recreational vehicle park ordinance by the City Council of the City of Sunnyside, which ordinance would amend Title 16 of the Sunnyside Municipal Code ("SMC" herein) by amending Chapter 16.12 and adding new Chapter 16.14; and

WHEREAS, in accordance with the provisions and procedures of Title 19 SMC, the City Council has received the recommendation of the Sunnyside Planning Commission, and has scheduled and held a hearing on such recommendation, and having received all evidence and testimony therein, adopts the following findings: and

WHEREAS, the City Council finds and determines that Title 16 SMC should be amended to add new Chapter 16.14 SMC pertaining to the

development and regulation of recreational vehicle parks as set forth in Exhibit "A" attached hereto and incorporated herein by this reference, and that Chapter 16.12 should be amended as set forth in exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the City Council finds and determines that such enactment is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. Title 16 SMC is hereby amended to add new Chapter 16.14 SMC, as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. The effective date for such new Chapter 16.14 SMC shall be October 20, 2011.

Section 3. Upon the effective date of new Chapter 16.14 of the SMC, Chapter 16.12 of the SMC is hereby amended as set forth in Exhibit "B" attached hereto and incorporated herein by this reference.

Section 4. Except as amended herein, Title 16 SMC shall remain unchanged.

Section 5. This Ordinance shall be effective five (5) days after passage, approval and publication as required by law.

PASSED this 10th day of October, 2011.



JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS & HARPER LLP
Attorneys for the City of Sunnyside

EXHIBIT "A"

**Chapter 16.14
RECREATIONAL VEHICLE PARKS**

Sections:

- 16.14.010 Purpose of provisions.
- 16.14.020 Interpretation of provisions.
- 16.14.030 Definitions.
- 16.14.040 Applicability of building codes.
- 16.14.050 Recreational Vehicle Park plans – Approval required.
- 16.14.060 Minimum standards.
- 16.14.070 Compliance with comprehensive plan.
- 16.14.080 Prohibited uses.
- 16.14.090 Setbacks.
- 16.14.100 Utilities.
- 16.14.110 Screening.
- 16.14.120 Swimming pools.
- 16.14.130 Guest parking.
- 16.14.140 Vehicular exits.
- 16.14.150 Street standards.
- 16.14.160 Development plan – Contents.
- 16.14.170 Final development plans.
- 16.14.180 Development plan – Denial for specified conditions.
- 16.14.190 Development plan – Decisions.
- 16.14.200 Development plan – Appeals to Council.
- 16.14.210 Construction inspection and as-built drawings.
- 16.14.220 Recreational Vehicle Parks – Conditions and restrictions.
- 16.14.230 Recreational Vehicle Parks administration.
- 16.14.240 Recreational Vehicle parks – Construction and design.
- 16.14.250 Recreational Vehicle parks – Permits, licenses and occupancy certificates.
- 16.14.260 Recreational Vehicle parks – Service buildings.
- 16.14.270 Recreational Vehicle parks – Barrier free design.
- 16.14.280 Recreational Vehicle parks – Administrative rules.
- 16.14.290 Variances.
- 16.14.300 Improvements to pre-existing parks – Compliance required.
- 16.14.310 Legal action.

EXHIBIT "A"

16.14.010 Purpose of provisions.

The Council declares that the purpose of this chapter is to regulate and provide for the proper development of recreational vehicle parks and assure the general safety, health and welfare of the people of the City. [Ord. 1672, 1989; 1956 Code § 4-1201.]

16.14.020 Interpretation of provisions.

The provisions of this chapter shall be liberally construed to affect the purpose of this chapter. These provisions are declared to be the minimum requirements necessary to accomplish those purposes, and where conditions imposed under this chapter are less restrictive than comparative conditions imposed by any other provision of this chapter, or by provision of any other city or state ordinance, resolution or regulation, then the more restrictive shall govern. [Ord. 1672, 1989; 1956 Code § 4-1213.]

16.14.030 Definitions.

For the purpose of this chapter, certain terms are defined as follows:

“Arterial Street” means a street used primarily for through traffic.

“Awning” means an accessory shade fully supported by a recreational vehicle.

“Collector” means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.

“Common area” means any area or space designed for joint use of tenants occupying recreational vehicles; it does not include off-street parking areas.

“Comprehensive Plan” means a plan adopted by the Planning Commission and the City Council as a guide to the growth and improvement of the City, including modifications or refinements which may be made from time to time.

“Corner lot” means a lot situated at the intersection of two or more streets, and which at least two sides abut for their full lengths on a street. A corner lot shall be deemed to have two front lines, and the remaining lot lines shall be deemed to be side lines.

“Cul-de-sac” or “dead-end street” means a minor street with only one outlet.

“Curb line” means the line dividing the roadway from the planting strip or footway.

“Density” means the number of recreational vehicle spaces per gross acre.

“Design” means the design of any street or alley alignments, grade or width; alignment or width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities; and lot area, width or layout.

EXHIBIT "A"

"Double-frontage lot" means a lot having frontage on two parallel or approximately parallel streets.

"Driveway" means a minor private way used by vehicles and pedestrians on a lot or for common access to a small group of lots or common facilities.

"Easement" means a grant of the right to use a strip of land for specific purposes.

"License" means a certificate for operation issued by the City pursuant to this chapter.

"Local Street" means a street primarily for access of abutting properties.

"Lot line" means a line bounding the lot as shown on the accepted lot plan.

"Mobile home" means a portable residence, office or structure constructed on a chassis that may or may not meet the International Building Code standards for a given occupancy and is transportable on public highways on its own running gear. The minimum length for a mobile home is 32 feet and the minimum width is eight feet for any equivalent dimension.

"Motor home" means a self-propelled recreation vehicle that is not used as a permanent residence and does not exceed 45 feet in length.

"Official map" means the map or maps upon which the zone locations in the City are indicated in detail with exactness, so as to furnish the basis for property acquisition or building restrictions.

"Open space". See "Common area."

"Owner" means the individual, firm, association, syndicate, partnership, corporation, or other entity having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop same under these regulations.

"Pedestrian way" means a right-of-way for pedestrian traffic.

"Porch" means an outside walking area, the floor of which is elevated more than eight inches from the ground.

"Recreational vehicle park" means a lot or tract where the primary use is the parking on a fee basis or otherwise of occupied motor homes, truck campers, travel trailers or other recreational vehicles.

"Reversed corner lot" means a corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

"Right-of-way" means the area between boundary lines of a street or other easement.

EXHIBIT "A"

"Slide-out" means a room or rooms that folds, collapses, or telescopes into a recreational vehicle during transport and which can be expanded at the site to provide additional living space.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Tent" means a portable shelter of skins, canvas, plastic, or the like, supported by one or more poles or a frame and often secured by ropes fastened to pegs in the ground.

"Travel trailer" means a recreational vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed 45 feet in length, or eight feet in width, or any equivalent dimension combination.

"Truck camper" means a recreational vehicle, camper, or canopy that fits onto the bed of a pickup or flatbed truck and that is not used as a permanent residence.

"Vehicle site" means the area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hookups. [Ord. 1752 § 1, 1991; 1956 Code § 4-1202.]

16.14.040 Applicability of building codes.

All structures except residential trailers, or travel trailers shall comply with all codes and ordinances which apply to buildings or structures. [Ord. 1672, 1989; 1956 Code § 4-1204.]

16.14.050 Recreational vehicle park plans – Approval required.

No land within the City shall be developed for use as a recreational vehicle park until submitted to and approved by the Planning Commission and the City Council. [Ord. 1672, 1989; 1956 Code § 4-1205(A).]

16.14.060 Minimum standards.

The requirements and standards set forth in this chapter are the minimum ones to which a recreational vehicle park must conform before approval by the Commission and the Council. [Ord. 1672, 1989; 1956 Code § 4-1205(B).]

16.14.070 Compliance with Comprehensive Plan.

The recreational vehicle park development shall conform to and be in harmony with the City Comprehensive Plan of that portion of the City within which the development is located. [Ord. 1672, 1989; 1956 Code § 4-1205(C).]

EXHIBIT "A"

16.14.080 Prohibited Uses.

A. Mobile homes or manufactured homes are not permitted to be located inside of a recreational vehicle park.

B. Recreational vehicles established as rental units for permanent residence are not permitted in a recreational vehicle park.

16.14.090 Setbacks.

All recreational vehicle sites shall be located at least 20 feet from the property boundary line abutting upon a public street or highway and at least five feet from the other boundary lines. There shall be a minimum side to side dimension of 10 feet between units and a minimum end to end dimension of 10 feet.

16.14.100 Utilities.

Lighting. Adequate lighting shall be provided within the park, including one 21,000-lumen light at the entrance to the park.

16.14.110 Screening.

Buffering or screening shall be by a sight-obscuring fence, wall, evergreen or other suitable planting at least five feet high and not more than six feet high except where necessary to comply with other ordinances. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(15).]

16.14.120 Swimming pools.

Swimming pools may be permitted; provided, that the requirements set forth in SMC 17.04.070 are met. [Ord. 1682 § 2, 1989; Ord. 1672, 1989; 1956 Code § 4-1205(D)(16).]

16.14.130 Guest parking.

There shall be established and maintained within each park a paved automobile parking area for use by guests. The number of spaces within this area shall be equal to one for every four recreational vehicle sites. This requirement shall be waived when streets within the park are improved to 36 feet in width. [Ord. 1672, 1989.]

16.14.140 Vehicular exits.

At least two vehicular exits shall be provided in every recreational vehicle park. One of the exits may be closed off with a fire access gate in order to control security within the park. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(18).]

EXHIBIT "A"

16.14.150 Street standards.

All vehicular ways shall be adequately based, graded and paved with asphalt or concrete. Street improvements must be completed within one year of plan approval. Minimum street improvement width shall be 24 feet. Where street improvement width is 36 feet, the required guest parking shall be waived. [Ord. 1672, 1989.]

16.14.160 Development plan – Contents.

All applications submitted for approval of a recreational vehicle park development shall consist of two copies of a development plan. Such plan shall be submitted at least 20 days before the meeting at which they will be reviewed and shall contain, but not be limited to, the following information:

- A. Name of person who prepared plan.
- B. Names of persons controlling the land proposed for a park.
- C. Name of recreational vehicle park and address.
- D. Scale and north point of the plan.
- E. Boundaries and dimensions of the recreational vehicle park.
- F. Vicinity map showing relationship of recreational vehicle park to adjacent properties and surrounding zoning.
- G. Locations and dimensions of each recreational vehicle site, with each site designated by number, letter or name.
- H. Location and dimensions of each existing or proposed building.
- I. Location and width of recreational vehicle park streets and pedestrian ways.
- J. Location of each lighting fixture for the lighting of park.
- K. Location of recreational areas and buildings and common area.
- L. Location and type of landscaping plantings, fences, walls, or combination of any of these, or other screening materials.
- M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
- N. Location of available fire hydrants.

EXHIBIT "A"

O. A plan showing the topography of the park site with contour intervals of not more than five feet, except that the Planning Director may require closer contour intervals.

P. A drainage plan.

Q. Preliminary public water systems approved by the Director of Public Works.

R. Preliminary sewage disposal system plans approved by the Director of Public Works.

S. Method of garbage disposal. [Ord. 1672, 1989; 1956 Code § 4-1205(F)(1).]

16.14.170 Final development plans.

Sanitary sewer, water and drainage system plans, for those portions to be dedicated to the city, shall be provided following plan approval and shall be designed by an engineer licensed in the State of Washington and shall be in substantial compliance with the approved preliminary plans. Plans submitted shall be reviewed and approved by the Director of Public Works. [Ord. 1672, 1989.]

16.14.180 Development plan – Denial for specified conditions.

If it appears to the Planning Commission or the City Council that for the protection of public health, safety and welfare, the economic stability of the City, or the proper utilization of land resources, it is necessary or prudent to deny approval of a development plan for a recreational vehicle park, such denial shall be made until specified conditions are met by the developer or by the landowners involved in the development. [Ord. 1672, 1989; 1956 Code § 4-1205(G).]

16.14.190 Development plan – Decisions.

A. After reviewing the development plan, the Planning Commission shall hold a public hearing, and shall:

1. Recommend denial of the plan, providing a list of its reasons for recommending such action, and forward on to Council for final decision; or
2. Recommend approval subject to specified conditions, and forward on to Council for final decision; or
3. Accept and recommend approval of the development; and forward on to Council for final decision.

B. Approval will expire and become null and void if work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work is suspended or abandoned at anytime after the work is commenced for a period of 180

EXHIBIT "A"

days. Before such work can be recommenced, a new permit shall be first obtained to do so. [Ord. 1672, 1989; 1956 Code § 4-1205(H).]

16.14.200 Development plan – Appeals.

Any landowner or developer or any interested person may appeal a decision of the City Council to the City Hearings Examiner. An appeal must be filed with the City Community Development Department within 10 days of mailing of the decision of City Council. [Ord. 1672, 1989; 1956 Code § 4-1205(I).]

16.14.210 Construction inspection and as-built drawings.

All construction is to comply with approved final plans and to be inspected, tested where applicable, and approved prior to covering or utilizing. As-built drawings of all completed systems are to be submitted to the Public Works Department and retained for permanent record. [Ord. 1672, 1989.]

16.14.220 Recreational Vehicle Park – Conditions and restrictions.

A. Signed, approved copies of the development plan and all components thereof shall be forwarded to the Community Development Department.

B. No occupancy permit for any recreational vehicle park, building or facility shall be issued by the City Building Official until such time as the development has been completed according to the provisions of this chapter. Deviations from the approval plan must be submitted to the Commission and the Council for approval as revisions of the plan.

C. Permits shall not be granted for such a park in an R-1 or M-2 as provided in SMC Title 17. [Ord. 1672, 1989; 1956 Code § 4-1205(J).]

16.14.230 Recreational Vehicle Park Administration.

It shall be the responsibility of the park owners and manager to see that the provisions of this chapter are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this code. [Ord. 1672, 1989; 1956 Code § 4-1205(E)(1).]

16.14.240 Recreational Vehicle Parks – Construction and design.

A. Recreational vehicle parks shall be designed in a fashion to accommodate recreation vehicles and not mobile homes. For this purpose recreational vehicle parks shall provide the following:

1. Sinks, shower and toilets as follows:

EXHIBIT "A"

One to 40 units	Male	Female
Toilets	1	2
Urinals	1	–
Sinks	2	2
Showers	1	1
For each additional 40 units		
Toilets	1	1
Sinks	1	1
Showers or bathtubs	1	1

Urinals may be substituted partially for toilet requirements above, but not more than one-third of total.

2. Sanitary dumping stations shall be in accordance with state regulations. There shall be a minimum of one station per 100 spaces and stations shall be located at least 100 feet from any residential area. (Exception) if all spaces excluding tent sites are provided with a sewer connection a sanitary dump station shall not be required.

3. Minimum recreational vehicle park size shall be two acres, and maximum size shall be 10 acres.

4. The maximum gross density allowed shall be one recreational vehicle space per each 2,000 square feet of land area. During the permit review, the density may be limited further to ensure compatibility with the surrounding area.

5. The minimum individual recreational vehicle space shall not be less than 1,100 square feet in area with a minimum average width of 25 feet

6. All commercial landscaping requirements as defined in Sunnyside Municipal Code chapter 17.65 apply to Recreational Vehicle Parks.

16.14.250 Recreational Vehicle Parks – Permits, licenses and occupancy certificates.

A. No recreational vehicle park shall be operated in the City without a certificate of occupancy provided by the City Building Official.

B. No recreational vehicle park shall be operated in the City without a city business license. Such City business license is valid for a calendar year or any part thereof and the fee amount is specified in SMC 2.02.020(B)

EXHIBIT "A"

C. Recreational Vehicle Parks shall be a permitted use in the B-1 freeway commercial zone and shall be allowed by a conditional use permit in the R-3 high density residential and B-2 general commercial zones.

16.14.260 Recreational Vehicle Parks – Service Buildings.

Service buildings housing sanitation facilities shall comply with all applicable ordinances and statutes regulating electrical installations, and plumbing and sanitation systems. Such buildings shall be maintained in a sanitary and orderly condition. Buildings shall have adequate ventilation, screening and lighting. [Ord. 1672, 1989; 1956 Code § 4-1206(C).]

16.14.270 Recreational Vehicle Parks – Barrier Free Design.

Provisions shall be made to provide sanitation facilities accessible to and for use by disabled persons. Facilities shall comply with Chapter 51-10 WAC. [Ord. 1672, 1989; 1956 Code § 4-1206(D).]

16.14.280 Recreational Vehicle Parks – Administrative Rules.

A. It shall be the responsibility of the park owners and manager to see that the provisions of this chapter are observed and all service buildings, community facilities, access ways and roads, walkways, and public parking areas are maintained, and, for failure to do so, the owners and manager shall be subject to the penalties provided for violation of this code.

B. An accurate registration book or electronic record shall be maintained containing the names and home addresses of all guests, along with the lot number or street address and dates of entry and departure from the park. Such register shall be available to any authorized person inspecting the recreational vehicle park.

C. A minimum of 25 percent of planned spaces and sanitary facilities must be available for occupancy before first occupancy is permitted. [Ord. 1672, 1989; 1956 Code § 4-1206(E).]

D. Fire Extinguishers. The Fire Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be a type suitable for the probable class of fire associated with such buildings or premises and shall have the approval of the Fire Chief. Portable fire extinguishers shall be in accordance with U.F.C. Standard No. 10-1.

E. Presence of Management. Either the owner, owner's designee, or resident manager shall be available while it is open for use. Such person shall be responsible for the direct management of the recreational vehicle park.

EXHIBIT "A"

F. Fire Hydrants. Approved fire hydrants shall be installed so that all, recreational vehicles and other structures are within 600 feet of an approved fire hydrant.

G. Electrical Connections. All electrical connections shall comply with the State Electrical Code and be duly inspected. [Ord. 1672, 1989.]

16.14.290 Variances.

A. Any owner of recreational vehicle park may apply to the hearings examiner for a variance of the requirements of this chapter. Application will be made on forms provided by the City Community Development Department and will be accompanied by a fee of the amount specified in SMC 2.02.020(D) and a site plan of the variance requested.

B. A public hearing on the application will be held by the hearings examiner within 60 days of receipt of the completed application.

C. Variances from the provisions of this chapter may be granted if the following criteria are met:

1. Exceptional or extraordinary circumstances apply to the property which do not generally apply to other properties in the same area and result from the topography or other circumstances over which the applicant has no control.

2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

3. The variance would not be materially detrimental to the purposes of this chapter or to property in the vicinity zone in which the property is located or otherwise conflict with the objectives of any City plan or policy.

4. The variance requested is the minimum variance which would alleviate the hardship.

D. Decision of the hearings examiner shall be final unless appealed to the City Council within 10 days of the mailing of the notification of the Board's decision. [Ord. 2172 § 1, 2007; Ord. 1672, 1989; 1956 Code § 4-1209.]

16.14.300 Improvements To Pre-Existing Parks – Compliance Required.

Before a permit for the expansion of any park shall be granted, a plan for expansion shall be filed and approved in accordance with the requirements of this chapter for new parks. At the time of any change or improvement of or within the existing park, any nonconforming use(s) affected by such change or improvement must be upgraded to comply with this chapter or approved variance be obtained. [Ord. 1672, 1989; 1956 Code § 4-1210.]

EXHIBIT "A"

16.14.310 Legal Action.

When any recreational vehicle park or any property contained within such park is or is proposed to be developed, used or altered in violation of this chapter, the City Council through the City Attorney, or any person whose interest in real property is or may be affected by the violation may, in addition to other remedies provided by law, institute proceedings to prevent temporarily or permanently enjoin, abate, or set aside such use, construction, development, transfer, sale, operation, repair or alteration.

A violation of the provisions of this chapter shall be a misdemeanor. Each day during which a violation occurs shall constitute a separate offense. [Ord. 1675 § 6, 1989; Ord. 1672, 1989; 1956 Code § 4-1211.]

EXHIBIT "B"

**Chapter 16.12
MOBILE HOME PARKS**

Sections:

<u>16.12.010</u>	Purpose of provisions.
<u>16.12.020</u>	Interpretation of provisions.
<u>16.12.030</u>	Definitions.
<u>16.12.040</u>	Nonapplicability to unoccupied units.
<u>16.12.050</u>	Applicability of building codes.
<u>16.12.060</u>	Mobile home park plans – Approval required.
<u>16.12.070</u>	Minimum standards.
<u>16.12.080</u>	Compliance with comprehensive plan.
<u>16.12.090</u>	Mobile home park – Design standards generally.
<u>16.12.100</u>	Minimum acreage.
<u>16.12.110</u>	Permitted uses.
<u>16.12.120</u>	Setbacks.
<u>16.12.130</u>	Density.
<u>16.12.140</u>	Installation.
<u>16.12.150</u>	Exterior finishing and accessories.
<u>16.12.160</u>	Reserved.
<u>16.12.170</u>	Location on collector street.
<u>16.12.180</u>	Off-street parking.
<u>16.12.190</u>	Utilities.
<u>16.12.200</u>	Screening.
<u>16.12.210</u>	Swimming pools.
<u>16.12.220</u>	Guest parking.
<u>16.12.230</u>	Vehicular exits.
<u>16.12.240</u>	Street standards.
<u>16.12.250</u>	Development plan – Contents.
<u>16.12.260</u>	Final development plans.
<u>16.12.270</u>	Development plan – Denial for specified conditions.
<u>16.12.280</u>	Development plan – Decisions.
<u>16.12.290</u>	Development plan – Appeals to Council.
<u>16.12.300</u>	Construction inspection and as-built drawings.
<u>16.12.310</u>	Mobile home park – Conditions and restrictions.
<u>16.12.320</u>	Mobile home park administration.
<u>16.12.380</u>	General health and sanitation provisions.
<u>16.12.390</u>	Variances.
<u>16.12.400</u>	Improvements to pre-existing parks – Compliance required.
<u>16.12.410</u>	Legal action.
<u>16.12.420</u>	Annual license fees.

16.12.010 Purpose of provisions.

The Council declares that the purpose of this chapter is to regulate and provide for the proper development of mobile home parks and assure the general safety, health and welfare of the people of the City. [Ord. 1672, 1989; 1956 Code § 4-1201.]

16.12.020 Interpretation of provisions.

The provisions of this chapter shall be liberally construed to affect the purpose of this chapter. These provisions are declared to be the minimum requirements necessary to accomplish those purposes, and where conditions imposed under this chapter are less restrictive than comparative conditions imposed by any other provision of this chapter, or by provision of any other City or State ordinance, resolution or regulation, then the more restrictive shall govern. [Ord. 1672, 1989; 1956 Code § 4-1213.]

16.12.030 Definitions.

For the purpose of this chapter, certain terms are defined as follows:

“Accessory” means any structural addition to a mobile home, including awnings, carports, cabanas, porches, ramadas, and similar structures.

“Arterial street” means a street used primarily for through traffic.

“Awning” means an accessory shade supported by posts or columns and partially supported by a mobile home.

“Building line” means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

“Cabana” means a room enclosure erected or constructed adjacent to a mobile home for use as an addition to the mobile home.

“Carport” means a type of awning or shade structure for a vehicle or vehicles which may be freestanding or partially supported by a mobile home.

“Collector” means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.

“Common area” means any area or space designed for joint use of tenants occupying mobile home developments; it does not include off-street parking areas.

“Comprehensive plan” means a plan adopted by the Planning Commission and the City Council as a guide to the growth and improvement of the City, including modifications or refinements which may be made from time to time.

“Corner lot” means a lot situated at the intersection of two or more streets, and which at least two sides abut for their full lengths on a street. A corner lot shall be deemed to have two front lines, and the remaining lot lines shall be deemed to be side lines.

EXHIBIT "B"

"Cul-de-sac" or "dead-end street" means a minor street with only one outlet.

"Curblin" means the line dividing the roadway from the planting strip or footway.

"Density" means the number of mobile homes or mobile home spaces per gross acre.

"Design" means the design of any street or alley alignments, grade or width; alignment or width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities; and lot area, width or layout.

"Double-frontage lot" means a lot having frontage on two parallel or approximately parallel streets.

"Double-wide mobile home" means a mobile home consisting of two coach units constructed on two separate chassis that are combined horizontally at the site to complete the living unit.

"Driveway" means a minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.

"Easement" means a grant of the right to use a strip of land for specific purposes.

"Expando" means a room or rooms that folds, collapses, or telescopes into a mobile home during transport and which can be expanded at the site to provide additional living space.

"License" means a certificate for operation issued by the City pursuant to this chapter.

"Local street" means a street primarily for access of abutting properties.

"Lot area" means the total area reserved for exclusive use of the occupants of a mobile home.

"Lot line" means a line bounding the lot as shown on the accepted lot plan.

"Mobile home" means a portable residence, office or structure constructed on a chassis that may or may not meet the International Building Code standards for a given occupancy and is transportable on public highways on its own running gear. The minimum length for a mobile home is 32 feet and the minimum width is eight feet for any equivalent dimension.

"Mobile home community" means a mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

"Mobile home lot" means a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

"Mobile home park" means a place where four or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership.

EXHIBIT "B"

"Mobile home space" means that part of an individual lot or parcel reserved for the placement of a mobile home.

"Motor home" means a self-propelled recreation vehicle that is not used as a permanent residence and does not exceed 32 feet in length.

"Occupied area" means that area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.

"Official map" means the map or maps upon which the zone locations in the City are indicated in detail with exactness, so as to furnish the basis for property acquisition or building restrictions.

Open space. See "Common area."

"Owner" means the individual, firm, association, syndicate, partnership, corporation, or other entity having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop same under these regulations.

"Pedestrian way" means a right-of-way for pedestrian traffic.

"Porch" means an outside walking area, the floor of which is elevated more than eight inches from the ground.

"Ramada" means a freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

"Recreational vehicle park" means a lot or tract where the primary use is the parking on a free basis or otherwise of occupied motor homes, truck campers, travel trailers or other recreational vehicles.

"Residential trailer" means a portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed 32 feet in length, or eight feet in width, or any equivalent dimension combination.

"Reversed corner lot" means a corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

"Right-of-way" means the area between boundary lines of a street or other easement.

"Single-wide mobile home" means one complete unit constructed on a single chassis. Stand. See mobile home space.

EXHIBIT "B"

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Tie-downs" means strapping or cables attached to the mobile home and connected to anchors embedded in the ground and which secure a mobile home from damage and movement during high winds.

"Travel trailer" means a recreational vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed 32 feet in length, or eight feet in width, or any equivalent dimension combination.

"Truck camper" means a recreational vehicle, camper, or canopy that fits onto the bed of a pickup or flatbed truck and that is not used as a permanent residence.

"Vehicle site" means the area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hookups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehicle sites. [Ord. 1752 § 1, 1991; 1956 Code § 4-1202.]

16.12.040 Nonapplicability to unoccupied units.

Nothing in this chapter shall prevent the parking of a single unoccupied trailer, camp trailer, camperette, and all other vehicles not in daily use, upon the premises of the owner thereof in setback areas other than the front yard setback areas, except in parks where a specific area has been designated for that use. [Ord. 1672, 1989; 1956 Code § 4-1203.]

16.12.050 Applicability of building codes.

All structures except mobile homes, residential trailers, or travel trailers shall comply with all codes and ordinances which apply to buildings or structures. [Ord. 1672, 1989; 1956 Code § 4-1204.]

16.12.060 Mobile home park plans – Approval required.

No land within the City shall be developed for use as a mobile home park, and no plan for a mobile home park shall be filed or recorded until submitted to and approved by the Planning Commission and the City Council. [Ord. 1672, 1989; 1956 Code § 4-1205(A).]

EXHIBIT "B"

16.12.070 Minimum standards.

The requirements and standards set forth in this chapter are the minimum ones to which a mobile home park must conform before approval by the Commission and the Council. [Ord. 1672, 1989; 1956 Code § 4-1205(B).]

16.12.080 Compliance with comprehensive plan.

The mobile home park development shall conform to and be in harmony with the City comprehensive plan of that portion of the City within which the development is located. [Ord. 1672, 1989; 1956 Code § 4-1205(C).]

16.12.090 Mobile home park – Design standards generally.

The standards and requirements set forth in SMC 16.12.100 through 16.12.240 shall govern the application of a mobile home park development in an area in which it is permitted. [Ord. 1672, 1989; 1956 Code § 4-1205(D).]

16.12.100 Minimum acreage.

A mobile home park shall not be less than three acres in area. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(1).]

16.12.110 Permitted uses.

No building, structure, or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted as follows:

A. Mobile homes for single-family residential uses only, together with the normal accessory uses such as cabana, ramada, patio slab, carport or garage and a storage or washroom building;

B. Private and public utilities and services by permit from the City Council;

C. Community recreation facilities, including swimming pools, for residents of the park and guests only;

D. One residence for the use of a caretaker or manager responsible for maintaining or operating the property. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(2).]

16.12.120 Setbacks.

A. All mobile homes shall be located at least 20 feet from the property boundary line abutting upon a public street or highway and at least five feet from the other boundary lines.

EXHIBIT "B"

B. Mobile homes, appurtenances or detached structures shall not be located closer than five feet from lot lines nor closer than 10 feet from any other mobile home or structure on any adjoining lot within the mobile home park. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(3) – (5).]

16.12.130 Density.

No more than seven residential units shall be located per gross acre, except that the Commission may vary this density as follows:

A. If dedicated open space equals 50 percent or more of the total area of the park, a maximum 10 percent increase in units per acre may be granted.

B. If, in addition to subsection (A) of this section, a maintained playground area with approved equipment, such as goalposts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional five percent.

C. If, in addition to subsections (A) and (B) of this section, an approved recreation/community building is provided, an additional 10 percent increase of units per acre may be allowed.

D. The maximum total increase possible is 25 percent. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(6).]

16.12.140 Installation.

All mobile home installations shall comply with Chapter 15.58 SMC. [Ord. 1672, 1989.]

16.12.150 Exterior finishing and accessories.

All mobile homes shall be required to be skirted per SMC 15.58.060 within 60 days of occupancy. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(8).]

16.12.160 Reserved.

16.12.170 Location on collector street.

All mobile home parks over 10 acres in size shall be located so as to have access on a street designated by the City as a collector or arterial street. [Ord. 1672, 1989; Ord. 1444 § 1, 1984; 1956 Code § 4-1205(D)(10).]

16.12.180 Off-street parking.

Two off-street parking spaces shall be provided at each mobile home site. All off-street parking spaces are to be asphalt or concrete surfaces. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(11).]

EXHIBIT "B"

16.12.190 Utilities.

A. Lighting. Adequate street lighting shall be provided within the park, including one 21,000-lumen light at the entrance to the park.

B. Utilities.

1. New Construction. Each mobile home park constructed after January 31, 2005, shall be developed according to then-current residential development standards of the City of Sunnyside for City utilities, including, but not limited to, installation of individual water meters for each manufactured home or other residential unit within the mobile home community or mobile home park and construction of all water, sewer and storm drainage mains, lines and infrastructure, with dedication of such completed utility infrastructure and streets, curbs, gutter and sidewalk, with appropriate easements and rights-of-way to the City. The owner of the mobile home park shall also install water meters to control water flow and supply to all playgrounds, parks, landscaping areas and other areas intended for use and enjoyment of residents of the park or members of the public.

2. Existing Mobile Home Parks. Each mobile home park existing as of February 1, 2005, shall have the option to construct and install separate water meters for each water connection to an individual manufactured home and any other residential unit in the park, subject to the conditions and standards set forth herein and below. The owner of the park shall enter into a written agreement with the City, approved and executed by the City Manager, containing, but not limited to, the following provisions:

a. Ownership, Installation and Maintenance of Meters. Owner shall be solely responsible for purchasing, installing and maintaining each meter and shut-off valve. Such meters and valves shall be owned, maintained and repaired as necessary by the owner at owner's expense. No meter or shut-off valve shall be installed unless first approved and permitted by the City as compatible with any meter-reading technology and procedures of the City, of sufficient quality, with sufficient capabilities to meet City standards, and with City-approved location of the installed meter assembly, shut-off valve and any electronic meter reading devices or ports.

b. Ownership, Installation and Maintenance of Water and Sewer Lines and Utility Infrastructure. Owner shall be solely responsible for purchasing, installing, maintaining and repairing the water and sewer mains, lines, laterals, connections and infrastructure within and serving the mobile home park at owner's sole expense. No water meter installation fee or water system equity fee described in SMC 13.20.130 will be assessed or charged to each owner.

EXHIBIT "B"

c. Meter Reading and Billing. The City shall provide for or perform water meter reading for such meters installed pursuant to such agreement. Owner shall grant to City an access easement to all areas of the mobile home park necessary for the City to read meters, shut-off valves and electronic meter reading ports, available to the City at a location outside the mobile home and not behind any locked fences or obstructions or underneath any mobile home. The resident of the manufactured home or other residential unit in the mobile home park shall be directly responsible for payment of the water, sewer, garbage and other utility charges ("utility bill") unless the owner of the manufactured home specifically in writing requests such billing be made to such owner. In all cases, any unpaid bills by tenants are the responsibility of the owner of such manufactured home or other residential unit. The City shall bill the owner and/or resident of such manufactured home or other residential unit served by the water meter connection in accordance with the residential billing rates, schedule and procedures of the City. Any water delivered through meters regulating the flow and supply for water used for irrigation of playgrounds, parks, landscaping or other areas intended for use by residents of the park or the public shall be billed to, and paid by, the owner of the park. The City shall also read the master meter serving the mobile home park. Billing for any City water flowing through the master meter in excess of the water accounted through the total water flowing through the individual meters in any billing cycle shall be delivered to, and paid by, the owner of the mobile home park.

d. Delinquent Utility Accounts. In the event any utility billing is delinquent, the City has the authority, and reserves the right, to enforce its ability to collect such unpaid amounts, plus penalties, costs and assessments as authorized by law and City ordinances, including but not limited to shutting off the water meter or sewer connection serving the delinquent account and levying any other lien allowed by law. In all cases, any unpaid bills by tenants are the responsibility of the owner of the manufactured home and shall become a lien on the manufactured home if unpaid.

e. Early Termination. Each agreement shall be for a set term of years. Either party may terminate such agreement prior to the agreed term by providing the other party with such advance written notice that both parties determine is reasonable set forth in such agreement.

C. All utilities shall be installed underground.

D. If a master TV cable is installed, the owner of the park shall assure that a coordinated plan is prepared and executed to provide service to all lots and that a guarantee is obtained from the cable company to ensure its proper functioning. [Ord. 2096 § 1, 2005; Ord. 1672, 1989; 1956 Code § 4-1205(D)(12) – (14).]

EXHIBIT "B"

16.12.200 Screening.

Buffering or screening shall be by a sight-obscuring fence, wall, evergreen or other suitable planting at least five feet high and not more than six feet high except where necessary to comply with other ordinances. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(15).]

16.12.210 Swimming pools.

Swimming pools may be permitted; provided, that the requirements set forth in SMC 17.04.070 are met. [Ord. 1682 § 2, 1989; Ord. 1672, 1989; 1956 Code § 4-1205(D)(16).]

16.12.220 Guest parking.

There shall be established and maintained within each park a paved automobile parking area for use by guests. The number of spaces within this area shall be equal to one for every four mobile home sites. This requirement shall be waived when streets within the park are improved to 40 feet in width. [Ord. 1672, 1989.]

16.12.230 Vehicular exits.

At least two vehicular exits shall be provided in every mobile home park. [Ord. 1672, 1989; 1956 Code § 4-1205(D)(18).]

16.12.240 Street standards.

All vehicular ways shall be adequately based, graded and paved with asphalt or concrete and provided with concrete curb, gutter and sidewalks. Street improvements must be completed within one year of plan approval. Minimum street improvement width shall be 28 feet. Where street improvement width is 40 feet, the required guest parking shall be waived. Minimum sidewalk width shall be 30 inches. [Ord. 1672, 1989.]

16.12.250 Development plan – Contents.

All applications submitted for approval of a mobile home park development shall consist of five copies of a development plan. Such plan shall be submitted at least 20 days before the meeting at which they will be reviewed and shall contain, but not be limited to, the following information:

- A. Name of person who prepared plan.
- B. Names of persons controlling the land proposed for a park.
- C. Name of mobile home park and address.

EXHIBIT "B"

- D. Scale and north point of the plan.
- E. Boundaries and dimensions of the mobile home park.
- F. Vicinity map showing relationship of mobile home park to adjacent properties and surrounding zoning.
- G. Locations and dimensions of each mobile home site, with each site designated by number, letter or name.
- H. Location and dimensions of each existing or proposed building.
- I. Location and width of mobile home park streets and pedestrian ways.
- J. Location of each lighting fixture for the lighting of park.
- K. Location of recreational areas and buildings and common area.
- L. Location and type of landscaping plantings, fences, walls, or combination of any of these, or other screening materials.
- M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
- N. Location of available fire hydrants.
- O. A plan showing the topography of the park site with contour intervals of not more than five feet, except that the Building Official or Planning Director may require closer contour intervals.
- P. A drainage plan.
- Q. A survey provided by a land surveyor licensed in the State of Washington and plat of the property.
- R. Preliminary public water systems approved by the Director of Public Works.
- S. Preliminary sewage disposal system plans approved by the Director of Public Works.
- T. Method of garbage disposal. [Ord. 1672, 1989; 1956 Code § 4-1205(F)(1).]

16.12.260 Final development plans.

Sanitary sewer, water and drainage system plans, together with roadway improvement plans, shall be provided following plan approval and shall be designed by an engineer licensed in the State of Washington and shall be in substantial compliance with the

EXHIBIT "B"

approved preliminary plans. Plans submitted shall be reviewed and approved by the Director of Public Works. [Ord. 1672, 1989.]

16.12.270 Development plan – Denial for specified conditions.

If it appears to the Hearing Examiner or the City Council that for the protection of public health, safety and welfare, the economic stability of the City, or the proper utilization of land resources, it is necessary or prudent to deny approval of a development plan for a mobile home park, such denial shall be made until specified conditions are met by the developer or by the landowners involved in the development. [Ord. 1672, 1989; 1956 Code § 4-1205(G).]

16.12.280 Development plan – Decisions.

A. After reviewing the development plan, the Hearing Examiner shall hold a public hearing after at least five days' published notice in the official newspaper, and shall:

1. Reject the plan, providing the developer with a list of its reasons for taking such action;
2. Deny or withhold approval subject to specified conditions, providing the developer with a list thereof; or
3. Accept and approve the development by signing a statement of approval on the finished plan for acceptance and approval by the Council.

B. Approval will expire and become null and void if work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work is suspended or abandoned at anytime after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so. [Ord. 1672, 1989; 1956 Code § 4-1205(H).]

16.12.290 Development plan – Appeals to Council.

Any landowner or developer or any interested person may appeal a decision of the Hearing Examiner to the City Council. An appeal must be filed with the Community Development Department within 10 days of mailing of the decision [Ord. 1672, 1989; 1956 Code § 4-1205(I).]

16.12.300 Construction inspection and as-built drawings.

All construction is to comply with approved final plans and to be inspected, tested where applicable, and approved prior to covering or utilizing. As-built drawings of all completed systems are to be submitted to the Public Works Department and retained for permanent record. [Ord. 1672, 1989.]

EXHIBIT "B"

16.12.310 Mobile home park – Conditions and restrictions.

A. Signed, approved copies of the development plan and all components thereof shall be forwarded to the City Clerk and City Building Official.

B. No occupancy permit for any mobile home park, building or facility shall be issued by the City Building Official until such time as the development has been completed according to the provisions of this chapter. Deviations from the approval plan must be submitted to the Commission and the Council for approval as revisions of the plan.

C. Permits shall not be granted for such a park in an R-1 or M-2 as provided in SMC Title 17. [Ord. 1672, 1989; 1956 Code § 4-1205(J).]

16.12.320 Mobile home park administration.

It shall be the responsibility of the park owners and manager to see that the provisions of this chapter are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this code. [Ord. 1672, 1989; 1956 Code § 4-1205(E)(1).]

16.12.380 General health and sanitation provisions.

A. Supervision of Installations. The management shall supervise the placements in a mobile home park of each mobile home on its stand, which shall include securing its stability and installation of all utility connections.

B. Accumulation of Debris. All mobile home ~~and recreational vehicle~~ parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. All units shall have adequate garbage containers as provided in Chapter 8.04 SMC.

C. Connection to City Water and Sewer. All mobile homes, service buildings, etc., shall be connected to the City sewer and water systems in a manner that provides these services to the same degree as other residents of the City.

D. Fire Regulations. Fire regulations are as follows:

1. Fire protection requirements for mobile homes shall be the same as for an R-3 occupancy under the International Building Code and in compliance with Chapter 212-10 WAC as regards to fire detection devices.

2. Storage of putrescible, combustible, or other unhealthy or unsafe materials inside or beneath any mobile home is not permitted, but may be allowed in an outside accessory building if such installation is approved by the City Building Official and the County Health Officer.

EXHIBIT "B"

3. Installation of any LPG tanks to comply with the International Fire Code, as adopted by the Sunnyside Municipal Code.

E. Fire Extinguishers. The Fire Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be a type suitable for the probable class of fire associated with such buildings or premises and shall have the approval of the Fire Chief. Portable fire extinguishers shall be in accordance with U.F.C. Standard No. 10-1.

F. Mail Boxes. The owner or operator of a mobile home park shall provide individual mail boxes or distribution facilities for incoming mail and shall provide at least one collection box for outgoing mail.

G. Presence of Management. Either the owner, an operator, or resident manager shall be available while it is open for use. Such person shall be responsible for the direct management of the mobile home park.

H. Fire Hydrants. Approved fire hydrants shall be installed so that all mobile homes, and other structures are within 600 feet of an approved fire hydrant.

I. Electrical Connections. All electrical connections shall comply with the State Electrical Code and be duly inspected. [Ord. 1672, 1989.]

16.12.390 Variances.

A. Any owner of a mobile home park may apply to the Hearing Examiner for a variance of the requirements of this chapter. Application will be made on forms provided by the Community Development Department and will be accompanied by a fee of the amount specified in SMC 2.02.020(B) and a site plan of the variance requested.

B. A public hearing on the application will be held by the Hearing Examiner within 60 days of receipt of the completed application.

C. Variances from the provisions of this chapter may be granted if the following criteria are met:

1. Exceptional or extraordinary circumstances apply to the property which do not generally apply to other properties in the same area and result from the topography or other circumstances over which the applicant has no control.

2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

EXHIBIT "B"

3. The variance would not be materially detrimental to the purposes of this chapter or to property in the vicinity zone in which the property is located or otherwise conflict with the objectives of any City plan or policy.

4. The variance requested is the minimum variance which would alleviate the hardship.

D. Decision of the Hearing Examiner shall be final unless appealed to the City Council within 10 days of the mailing of the notification of the decision. [Ord. 2172 § 1, 2007; Ord. 1672, 1989; 1956 Code § 4-1209.]

16.12.400 Improvements to pre-existing parks – Compliance required.

Before a permit for the expansion of any park shall be granted, a plan for expansion shall be filed and approved in accordance with the requirements of this chapter for new parks. At the time of any change or improvement of or within the existing park, any nonconforming use(s) affected by such change or improvement must be upgraded to comply with this chapter or approved variance be obtained. [Ord. 1672, 1989; 1956 Code § 4-1210.]

16.12.410 Legal action.

When any mobile home park or any property contained within such park is or is proposed to be developed, used or altered in violation of this chapter, the City Council through the City Attorney, or any person whose interest in real property is or may be affected by the violation may, in addition to other remedies provided by law, institute proceedings to prevent temporarily or permanently enjoin, abate, or set aside such use, construction, development, transfer, sale, operation, repair or alteration.

A violation of the provisions of this chapter shall be a misdemeanor. Each day during which a violation occurs shall constitute a separate offense. [Ord. 1675 § 6, 1989; Ord. 1672, 1989; 1956 Code § 4-1211.]

16.12.420 Annual license fees.

A. An annual City business license is required to operate a mobile home park.