

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

WHEREAS, Seattle is facing a housing affordability challenge, evidenced by the fact that 42 percent of the Seattle renters pay more than 30 percent of their income for housing; and

WHEREAS, a detached home with a ground-level entry is an increasingly difficult housing option for moderate- and low-income households to obtain, because townhouses and detached homes rent for roughly twice as much as one-bedroom apartments; and

WHEREAS, physical displacement occurs when new development replaces existing lower-cost housing that does not have the protection of ownership by a non-profit housing provider or public housing authority; and

WHEREAS, to address physical displacement, The City of Seattle (“City”) has promulgated an affirmative marketing and community preference policy in the *Housing Funding Policies*, adopted by Ordinance 125308 and amended by Ordinance 125832, to create opportunities for eligible displaced residents to return to new affordable housing developments in their former neighborhoods; and

WHEREAS, Seattle’s mobile home parks have been in operation for more than 50 years, and continue to provide relatively low-cost housing to approximately 140 households; and

1 WHEREAS, numerous cities in Washington, including Tumwater, Bothell, and Kenmore, have
2 enacted mobile home park zoning regulations to encourage long-term viability of mobile
3 home parks as one of several allowed land uses in those zones; and

4 WHEREAS, one of the City’s planning goals under the Growth Management Act, chapter
5 36.70A RCW, and expressed in the Housing Element of the City’s Comprehensive Plan,
6 is to make adequate provision for the housing needs of all economic segments of Seattle;
7 and

8 WHEREAS, in January 2019 the City Council passed Ordinance 125764 placing a one-year
9 moratorium on development of mobile home parks and requested the Office of Planning
10 and Community Development to analyze and propose a permanent land-use framework
11 for mobile home parks; and

12 WHEREAS, to allow additional time for the City to develop a permanent land-use framework
13 for mobile home parks, the moratorium has been extended for three additional six-month
14 periods through Ordinances 126006, 126090, and 126241; and

15 WHEREAS, the current moratorium extension will lapse in July 2021; NOW, THEREFORE,

16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17 Section 1. Page 14 of the Official Land Use Map, Chapter 23.32, is amended to establish
18 the Mobile Home Park Overlay District, as shown in Map A for 23.70.004 of the Seattle
19 Municipal Code.

1 Section 2. A new Chapter 23.70 is added to the Seattle Municipal Code as follows:

2 **Chapter 23.70 MOBILE HOME PARK OVERLAY DISTRICT**

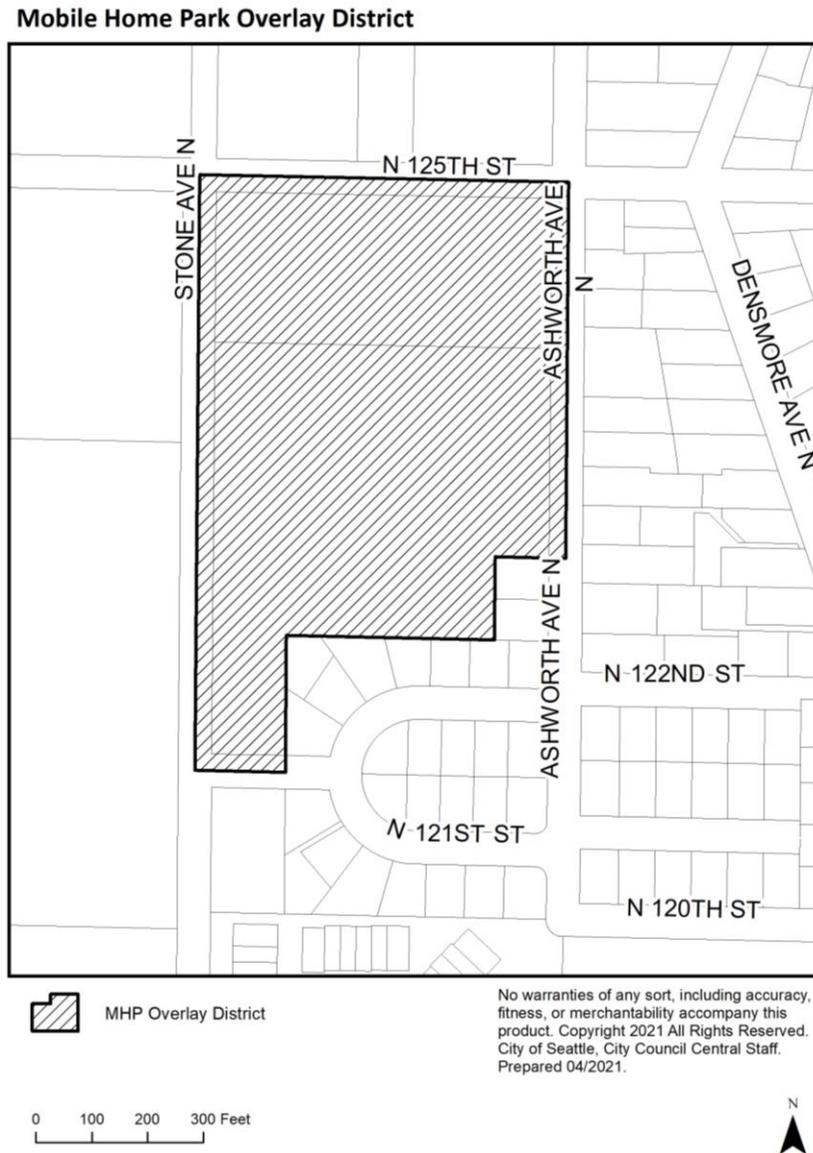
3 **23.70.002 Purpose and intent**

4 The purpose of this Chapter 23.70 is to implement the Comprehensive Plan and provide for the
5 preservation of existing mobile home parks. Mobile home parks provide a source of lower-cost,
6 medium-density housing that provides a range of land tenancy options. The Mobile Home Park
7 Overlay District supports the long-term viability of mobile homes located in mobile home parks,
8 while allowing a variety of other uses.

9 **23.70.004 Mobile Home Park Overlay District established**

10 There is hereby established, pursuant to Chapter 23.59, the Mobile Home Park Overlay District
11 as shown on page 14 of the Official Land Use Map, Chapter 23.32, and Map A for 23.70.004.

1 **Map A for 23.70.004: Mobile Home Park Overlay District**



2

3 **23.70.006 General provisions**

4 A. Replacement of a structure, construction of a new structure, and establishment of a
5 new use within the Mobile Home Park Overlay District shall comply with the development
6 standards in this Chapter 23.70.

7 B. Standards specific to redevelopment within the Mobile Home Park Overlay District
8 apply when 25 percent or more of the mobile homes in a mobile home park are to be replaced

1 (with new mobile homes or one or more non-mobile home uses) pursuant to a single land use or
2 building permit application or pursuant to multiple land use or building permit applications filed
3 with the Department within a 365-day period. Any permit issued for replacement of less than 25
4 percent of the mobile homes with new mobile homes or one or more non-mobile home uses in a
5 mobile home park shall be conditioned on no additional application to replace a mobile home use
6 with new mobile homes or one or more non-mobile home uses being filed within 365 days of the
7 original application.

8 C. Institutions in the Mobile Home Park Overlay District shall meet all development
9 standards for institutions in the LR1 zone pursuant to Section 23.45.570.

10 **23.70.008 Permitted and prohibited uses**

11 A. Residential uses. Mobile homes and mobile home parks are permitted outright. All
12 other residential uses are prohibited.

13 B. Non-residential uses. The following non-residential uses are permitted outright. All
14 other non-residential uses are prohibited.

- 15 1. Community gardens;
- 16 2. Urban farms;
- 17 3. Restaurants;
- 18 4. Sports and recreation uses, indoor or outdoor;
- 19 5. Food processing and craft work;
- 20 6. Medical services;
- 21 7. Offices;
- 22 8. Retail sales, major durables;
- 23 9. Retail sales and services, automotive;

1 10. Flexible-use parking;

2 11. Institutions;

3 12. Religious facilities and schools, elementary or secondary;

4 13. Parks and open space.

5 **23.70.010 Development standards for residential uses**

6 A. Density limits and requirements. The average density of residential units within a
7 mobile home park shall meet the following requirements:

8 1. Minimum required density: one unit allowed per 5,000 square feet; and

9 2. Maximum allowed density: one unit allowed per 2,400 square feet.

10 B. Height limit. The maximum height for residential structures is 30 feet. The height limit
11 exceptions and additions of the LR zones pursuant to Section 23.45.514 apply.

12 C. Setbacks and separations. Setbacks shall be from mobile home park lot lines as
13 follows:

14 1. Minimum of 5 feet from any street lot line; and

15 2. Minimum of 5 feet from any lot line abutting a single-family zone.

16 D. Common amenity areas. Ten percent of the mobile home park lot area not subject to
17 redevelopment shall be developed as a common amenity area. The common amenity area shall
18 be physically separate and distinct from yards and landscaped areas that are associated with
19 individual mobile homes. The required common amenity area shall include one or more of the
20 following elements:

21 1. Open space for active and/or passive recreation such as children's play area,
22 ball fields, or flat open lawn areas;

23 2. Improved ADA accessible walking or biking trails;

1 3. Pools or water features; or

2 4. Indoor community and gathering spaces, such as a community center,
3 recreation room, or fitness center.

4 **23.70.012 Development standards for non-residential uses**

5 A. Height limit. The maximum height for any non-residential structure is 40 feet. No
6 height limit exceptions are allowed other than for smokestacks, chimneys, flagpoles, and
7 religious symbols for religious institutions.

8 B. Maximum size of use. The maximum size of any non-residential use on any lot in the
9 Mobile Home Park Overlay District is 5,000 square feet of gross floor area.

10 C. Floor area ratio. The maximum floor area ratio for all non-residential uses on any lot
11 in the Mobile Home Park Overlay District is two.

12 D. Setbacks and separations. Setbacks shall be as follows.

13 1. Minimum of 7 feet from any street lot line; and

14 2. Minimum of 15 feet from any lot line abutting a single-family zone.

15 **23.70.014 Signs**

16 All signs shall comply with the standards and requirements for signs in the residential
17 commercial (RC) zone pursuant to Section 23.55.024.

18 **23.70.016 Communication utilities**

19 A. Permitted and prohibited locations for major communications utilities are the same as
20 those specified for single-family zones pursuant to Chapter 23.57.

21 B. Development standards for communications utilities are the same as those specified
22 for single-family zones pursuant to Chapter 23.57.

1 **23.70.018 Applicability of Chapter 23.58B and Chapter 23.58C**

2 While this Chapter 23.70 is in effect, development or redevelopment within the Mobile Home
3 Park Overlay is not subject to the provisions of Chapter 23.58B and Chapter 23.58C.

4 **23.70.020 Expiration of overlay**

5 The Mobile Home Park Overlay District established in this Chapter 23.70 shall expire on
6 January 1, 2051.

7 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance
8 126287, is amended as follows:

9 **23.84A.032 “R”**

10 * * *

11 “Residential use” means any one or more of the following:

12 * * *

13 15. “Mobile home” means a structure that is designed and constructed to be
14 transportable in one or more sections and built on a permanent chassis, designed to be used as a
15 dwelling unit without a permanent foundation, and connected to utilities that include plumbing,
16 heating, and electrical systems. A structure that was transportable at the time of manufacture is
17 still considered to meet this definition notwithstanding that it is no longer transportable.

18 ~~((15))~~ 16. “Mobile home park” means a tract of land that is rented for the use of
19 more than one mobile home that is occupied as a dwelling unit.

20 ~~((16))~~ 17. “Multifamily residential use” means a use consisting of two or more
21 dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

22 ~~((17))~~ 18. “Multifamily residential use, low-income disabled” means a
23 multifamily residential use in which at least 90 percent of the dwelling units are occupied by

1 one or more persons who have a handicap as defined in the Federal Fair Housing Amendments
2 Act and who constitute a low-income household.

3 ((18)) 19. “Multifamily residential use, low-income elderly” means a residential
4 use in which at least 90 percent of the dwelling units are occupied by one or more persons 62 or
5 more years of age who constitute a low-income household.

6 ((19)) 20. “Multifamily residential use, low-income elderly/low-income
7 disabled” means a multifamily residential use in which at least 90 percent of the dwelling units
8 (not including vacant units) are occupied by a low-income household that includes a person
9 who has a handicap as defined in the Federal Fair Housing Amendment Act or a person 62
10 years of age or older, as long as the housing qualifies for exemptions from prohibitions against
11 discrimination against families with children and against age discrimination under all applicable
12 fair housing laws and ordinances.

13 ((20)) 21. “Permanent supportive housing” means a multifamily residential use,
14 which is paired with on or off-site voluntary human services to support a person living with a
15 complex and disabling behavioral health or physical health condition who was experiencing
16 homelessness or was at imminent risk of homelessness prior to moving into housing:

17 a. In which at least 50 percent of the dwelling units are occupied by
18 households whose income at original occupancy does not exceed 30 percent of median income
19 and the remaining dwelling units are occupied by very low-income households at original
20 occupancy;

21 b. That receives public funding or an allocation of federal low-income
22 housing tax credits; and

1 c. That is subject to a regulatory agreement, covenant, or other legal
2 instrument, the duration of which is at least 40 years, recorded on the property title and
3 enforceable by The City of Seattle, Washington State Housing Finance Commission, State of
4 Washington, King County, U.S. Department of Housing and Urban Development, or other
5 similar entity as approved by the Director of Housing.

6 ((21)) 22. “Nursing home” means a use licensed by the State of Washington as a
7 nursing home, which provides full-time convalescent and/or chronic care for individuals who,
8 by reason of chronic illness or infirmity, are unable to care for themselves, but that does not
9 provide care for the acutely ill or surgical or obstetrical services. This definition excludes
10 hospitals or sanitariums.

11 ((22)) 23. “Rowhouse development” means a multifamily residential use in
12 which all principal dwelling units on the lot meet the following conditions:

13 a. Each dwelling unit occupies the space from the ground to the roof of
14 the structure in which it is located;

15 b. No portion of a dwelling unit, except for an accessory dwelling unit or
16 shared parking garage, occupies space above or below another dwelling unit;

17 c. Each dwelling unit is attached along at least one common wall to at
18 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
19 abuts another dwelling unit on a common lot line;

20 d. The front of each dwelling unit faces a street lot line;

21 e. Each dwelling unit provides pedestrian access directly to the street that
22 it faces; and

1 f. No portion of any other dwelling unit, except for an attached accessory
2 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

3 ((23)) 24. “Single-family dwelling unit” means a detached principal structure
4 having a permanent foundation, containing one dwelling unit, except that the structure may also
5 contain one or two attached accessory dwelling units where expressly authorized pursuant to
6 this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit
7 for purposes of this Chapter 23.84A.

8 ((24)) 25. “Townhouse development” means a multifamily residential use that is
9 not a rowhouse development, and in which:

10 a. Each dwelling unit occupies space from the ground to the roof of the
11 structure in which it is located;

12 b. No portion of a dwelling unit occupies space above or below another
13 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units
14 constructed over a shared parking garage; and

15 c. Each dwelling unit is attached along at least one common wall to at
16 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
17 abuts another dwelling unit on a common lot line.

18 * * *

19 Section 4. The City Council finds that the Mobile Home Park Overlay District is located
20 in a high displacement risk area identified in *Seattle 2035 Growth and Equity: Analyzing Impacts*
21 *on Displacement and Opportunity Related to Seattle’s Growth Strategy*. The Council requests
22 that the Office of Housing add census tract 6, which includes the Mobile Home Park Overlay

1 District, to those areas eligible for the affirmative marketing and community preference policy
2 adopted in the *Housing Funding Policies* (2019).

3 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the _____ day of _____, 2021,
7 and signed by me in open session in authentication of its passage this _____ day of
8 _____, 2021.

9 _____
10 President _____ of the City Council

11 Approved / returned unsigned / vetoed by me this _____ day of _____,
12 2021.

13 _____
14 Jenny A. Durkan, Mayor

15 Filed by me this _____ day of _____, 2021.

16 _____
17 Monica Martinez Simmons, City Clerk

18 (Seal)