
Council Bill Number: 117288

Ordinance Number: 123729

AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054, 23.44.053, 23.45.595, and 23.47A.036; to permit transitional encampments for homeless individuals as a use accessory to religious facilities in all zones.

Status: Passed as amended

Note: Second Quarter Supplemental Ordinance

Vote: 9-0

Date filed with the City Clerk: 2011/10/13

Date of Mayor's signature: 2011/10/04 ([about the signature date](#))

Date introduced/referred to committee: 2011/09/12

Committee: Housing, Human Services, Health, and Culture

Sponsor: LICATA

Committee Recommendation: Pass

Date of Committee Recommendation: 2011/09/28

Committee Vote: 3 (Licata, Clark, Rasmussen) - 0

Index Terms: RELIGIOUS-INSTITUTIONS, HOMELESS, LAND-USE-REGULATIONS, ZONING, PUBLIC-REGULATIONS, CAMPS

Fiscal Note: [Fiscal Note to Council Bill No. 117288](#)

Electronic Copy: [PDF scan of Ordinance No. 123729](#)

Reference: Related: [C.F. 311196](#)

Text:

AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054, 23.44.053, 23.45.595, and 23.47A.036; to permit transitional encampments for homeless individuals as a use accessory to religious facilities in all zones.

WHEREAS, there is a well-documented history of homelessness in Seattle and a demonstrated need for additional facilities to address the issue; and

WHEREAS, faith-based communities have proven effective in providing shelter and support for homeless persons, including providing space on their property for transitional encampments that do not include permanent structures; and

WHEREAS, faith-based communities have made support of homeless persons an integral part of their religious mission, and their transitional encampment activity is incidental to their religious facilities; and

WHEREAS, transitional encampments may currently be allowed as a temporary use, in any zone, without specific health and safety standards in the Seattle Land Use Code; and

WHEREAS, this ordinance does not change the current code provision that allows entities, including secular entities, to continue to host transitional encampments after obtaining a temporary use permit according to existing procedures in the Seattle Land Use Code; and

WHEREAS, RCW 35.21.915, permits cities regulating homeless encampments on property owned or controlled by a religious organization to impose conditions necessary to protect the health and safety of the public; and

WHEREAS, adding specific transitional encampment health and safety standards to the Code, including limits to numbers of occupants and provisions for cooking and utilities, provides clear guidance to religious facilities and protects the health and safety of the public; and

WHEREAS, agreements between religious facilities and transitional encampment operators may address encampment rules that extend beyond zoning standards, including prohibiting alcohol, drugs, weapons and sex offenders; or establishing rules for children in encampments; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.42.054 of the Seattle Municipal Code is adopted to read as follows:

23.42.054 Transitional Encampments Accessory to Religious Facilities or to Other Principal Uses Located on Property Owned or Controlled by a Religious Organization

A. Transitional encampment accessory use. A transitional encampment is allowed as an accessory use on a site in any zone, if the established principal use of the site is as a religious facility or the principal use is on property owned or controlled by a religious organization, subject to the provisions of subsection 23.42.054.B. A religious facility site includes property developed with legally- established parking that is accessory to the religious facility. Parking accessory to a religious facility or located on property owned or controlled by a religious organization that is displaced by the encampment does not need to be replaced.

B. The encampment operator or applicant shall comply with the following provisions:

1. Allow no more than 100 persons to occupy the encampment site as residents of the encampment.

2. Comply with the following fire safety and health standards:

a. Properly space, hang, and maintain fire extinguishers within the encampment as required by the Fire Department;

b. Provide and maintain a 100-person first-aid kit;

c. Establish and maintain free of all obstructions access aisles as required by the Fire Department.

d. Install appropriate power protection devices at any location where power is provided;

e. Designate a smoking area;

f. Keep the site free of litter and garbage;

g. Observe all health-related requirements made by the Public Health Department of Seattle & King County; and

h. Post and distribute to encampment residents, copies of health or safety information provided by the City of Seattle, King County or any other public agency.

i. Prohibit any open flames except an outdoor heat source approved by the Fire Department.

3. Provide toilets, running water, and garbage collection according to the following standards:

a. Provide and maintain chemical toilets as recommended by the portable toilet service provider or provide access to

toilets in an indoor location;

b. Provide running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City; and

c. Remove garbage frequently enough to prevent overflow.

4. Cooking facilities, if they are provided, may be located in either an indoor location or outdoors according to the following standards:

a. Provide a sink with running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City;

b. Provide a nonabsorbent and easily-cleanable food preparation counter;

c. Provide a means to keep perishable food cold; and

d. Provide all products necessary to maintain the cooking facilities in a clean condition.

5. Allow officials of the Public Health Department of Seattle & King County, the Seattle Fire Department, and Seattle Department of Planning and Development to inspect areas of the encampment that are located outdoors and plainly visible without prior notice to determine compliance with these standards.

C. A site inspection of the encampment by a Department inspector is required prior to commencing encampment operations.

D. Parking is not required for a transitional encampment allowed under this Section 23.42.054.

Section 2. Section 23.43.040 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

23.43.040 Accessory uses and structures(~~(-; exceptions to development standards for solar collectors and solariums.-))~~)

* * *

F. Transitional encampments accessory use. Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.

Section 3. A new Section 23.44.053 of the Seattle Municipal Code is adopted to read as follows:

23.44.053 Transitional encampments accessory use

Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054, Transitional Encampments Accessory to Religious Facilities.

Section 4. A new Section 23.45.595 of the Seattle Municipal Code is adopted to read as follows:

23.45.595 Transitional encampments accessory use

Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054, Transitional Encampments Accessory to Religious Facilities.

Section 5. A new Section 23.47A.036 of the Seattle Municipal Code is adopted to read as follows:

23.47A.036 Transitional encampments accessory use

Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054, Transitional Encampments Accessory to Religious Facilities.

Section 6. Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

23.50.012 Permitted and Prohibited Uses

* * *

Table A for 23.50.012

Uses in Industrial Zones

PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
* * *					
E. INSTITUTIONS					
E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB	X(6)	X(6)
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(7)	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
E.10. Museums	EB	EB(9)	EB	X(8)	X(8)
E.11. Private clubs	EB	EB	EB	X	X
E.12. Religious facilities	P(15)	P(15)	P(15)	P(15)	P(15)
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P
* * *					
(15) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.					

Section 7. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.038 "T"

* * *

"Transitional Encampment" means a use having tents or a similar shelter that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 9. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this

____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

Monica Martinez Simmons, City Clerk

(Seal)

Bill Mills DPD Transitional Encampment ORD October 3, 2011 Version #12

1 Form Last Revised: May 2, 2011