

CITY OF KENNEWICK
ORDINANCE NO. 5729

AN ORDINANCE RELATING TO ZONING AND AMENDING SECTIONS
18.12.010 A.1 AND ADDING SECTION 18.12.255 TO THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. Section 18.12.010 A.1 of the Kennewick Municipal Code, be, and the same hereby
is, amended to read as follows:

18.12.010: Use and Standards Tables:

18.12.010 A.1: Residential Use Table: The following table lists uses allowed by zone and the applicable City review process as follows: Review Process I = Staff review, Review Process II = Conditional Use Permit, Review Process III = Temporary Homeless Encampment Permit. If a use is listed with a blank, it shall be prohibited in that zone. For certain categories of uses, additional requirements are also noted:

Residential Use Table	RMH	RS	RL	RM	RH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP	IL	IH	JF	PF	OS
Accessory Dwelling Units (See Title 18.12.020)	I	I	I	I	I		I			I						I							
Accessory uses and structures	I	I	I	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I	I	I	I	I
Animal Keeping (See Title 18.12.040)	I	I	I	I	I	I										I							
Bed and breakfast inns (5 guest rooms or less)	I	I	I	I	I		I			II						I							
Churches or religious places of worship	II	II	II	II	II	II	II		I		I	I		I	I	II							
Day Care Centers (See Section 18.12.060)				II	I		I	I	I		I	I		I		I	I	I	I	I		I	I
Family Day Care Home (see Section 18.12.070 and footnotes)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)		(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Farm Animals (see footnote 9)		I																					
Group Living I (See footnote 5)																							
Group Living II (See footnote 6)				I	I				I		I	I		I									
Home occupation	I	I	I	I	I	I	I	I	I	I	I	I		I	I	I							
Mini-Day Care Center (Located in Family Abode – Section 18.12.060)	II	II	II	I	I	II	I	I	I	I	I	I		I	I	I	I	I	I	I	I	I	I
Mini-Day Care Center (Not located in Family Abode – See 18.12.060)				I	I		I	I	I		I	I		I	I	I	I					I	I
Mini Storage (See 18.12.130)					I						I	I		I					I	I			
Motels (See Title 18.12.140)					II					I	I	I		I	I								
Nursing homes and congregate care facilities (over 10 residents)				II	II				I		I	I		I									
Nursing homes and congregate care facilities (up to 10 residents)	II	II	II	II	II		I		I		I	I		I		I							
Recreational vehicle park, transient (up to 30-day stay) (See Title 18.12.170, 180) (see also, footnote 7)																						I	I
Residences, multi-family				I	I		I	I (8)	I (8)		I (8)	I (8)		I (8)	I (8)	I (8)							

Residential Use Table	RMH	RS	RL	RM	RH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP	IL	IH	JF	PF	OS
Residences, single-	I	I	I	I	I	I	I	I (8)	I (8)		I (8)	I (8)		I (8)	I (8)	I (8)							
Rooming Houses and Boardinghouses (See Title 18.12.190)				II	II		I																
Swimming Pools (See Title 18.12.240) (see footnote 10)							I															I	I
Temporary Homeless Encampments (See Title 18.12.255)	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III
Trailers, Boats, Camper Tops, Travel Trailers, Recreational Vehicles (See Title 18.12.260)	I	I	I	I	I																		

FOOTNOTES for Table 18.12.010 A-1 Residential Use Table:

(1) No permit required for a family day care home (up to six charges). Per 18.12.070, if alterations are made a building permit will be required. A state license and city business license is required.

(2) Not used.

(3) Not used.

(4) Not used.

(5) Residential Care Homes, state or federally approved, with six (6) or fewer residents and any required on-site residential staff permitted by right; all larger group living uses prohibited.

(6) Residential Care Centers are permitted outright, subject to all of the applicable provisions of this title.

(7) Recreational vehicle storage in R districts shall refer to Title 18.12.180 and shall be subject to special provisions applicable to Master Planned subdivisions.

(8) Subject to KMC 18.42 and KMC 18.78.

(9) In “RS” zones, agriculture and animal husbandry are permitted including keeping of farm animals such as horses, cows, and sheep, but maintained only on lots of at least 30,000 square feet. The keeping of farm animals must not exceed one animal per half acre.

(10) Swimming pools considered an accessory use.

(Ord. 5729 Sec. 1, 2017: Ord. 5712 Sec. 1, 2017: Ord. 5558 Sec. 2, 2014: Ord. 5528 Sec. 2, 2013: Ord. 5462 Sec. 3, 2012: Ord. 5434 Sec. 4, 2012: Ord. 5309 Sec. 8, 2010: Ord. 5262 Sec. 2, 2009: Ord. 5204 Sec. 5, 2007: Ord. 5180 Sec. 1, 2007)

Section 2. There is hereby added a new section 18.12.255 to the Kennewick Municipal Code, to read as follows:

18.12.255: Temporary Homeless Encampments:

(1) An application for a temporary homeless encampment permit will be reviewed and decided upon by the Planning Director (hereafter “Director”) in accordance with Kennewick Municipal Code Section 18.42.105. The temporary homeless encampment applied for must meet the following standards:

- (a) An application for a temporary homeless encampment permit must include a religious organization as a sponsor or managing agency.
- (b) The proposed site of the temporary homeless encampment must be on property owned or controlled by the religious organization.
- (c) The applicant shall submit an irrevocable, signed, and notarized statement granting the City permission to summarily abate the temporary use and all physical evidence of that use if it is not removed by the applicant within the period specified as part of the permit, and agreeing to reimburse the City for any expenses incurred by the City in abating the temporary use.
- (d) The encampment shall meet all setbacks for the zoning districts described in Section 18.12.010 of the Kennewick Municipal Code. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
- (e) The Director may require a sight-obscuring fence around the perimeter of the encampment unless it is determined that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.
- (f) Exterior lighting for the homeless encampment must meet the requirements of Kennewick Municipal Code Section 18.39.030.
- (g) The maximum number of residents at a temporary homeless encampment site shall be determined by the Director taking into consideration site conditions, but in no case shall the number be greater than 100 people.
- (h) Parking requirements shall be determined by the Director taking into consideration site conditions and information about the proposed encampment contained in the application.
- (i) The applicants shall submit a transportation plan which shall include provision of transit services. The homeless encampment shall be located within one-half (1/2) mile of transit.
- (j) No children under the age of eighteen (18) are allowed in the homeless encampment. If a child under the age of eighteen (18) attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- (k) No animals shall be permitted in the encampments except for service animals.
- (l) The applicant shall submit a code of conduct for the encampment and describe how it is to be enforced by the managing agency. The code shall contain the following at a minimum:
 - (i) No drugs or alcohol;
 - (ii) No weapons;
 - (iii) No violence;
 - (iv) No open flames;

- (v) No loitering in the surrounding neighborhood; and
- (vi) Quiet hours.
- (m) The managing agency shall ensure compliance with Washington State and City codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials. The City shall coordinate review of the temporary homeless encampment permit with the Benton County Health District and Kennewick Fire Department to check compliance with the standards for homeless encampments.
- (n) The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the City of Kennewick Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- (o) The sponsor and the managing agency shall immediately contact the Kennewick Police Department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the sponsor or managing agency the rejected/ejected person is a potential threat to the community.
- (p) The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.
- (q) Homeless encampments may be approved for a time period not to exceed six months.
- (r) A three-month separation will be required between temporary homeless encampments at the same location.
- (s) Simultaneous temporary homeless encampments may not be located within 1,000 feet of each other. (Ord 5729 Sec. 2, 2017)

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 5th day of December, 2017, and signed in authentication of its passage this 5th day of December, 2017.

Attest:

STEVE C. YOUNG, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5729 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 6th day of
December, 2017.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, Deputy City Clerk

DATE OF PUBLICATION _____