

ORDINANCE _____

AN ORDINANCE relating to land use and zoning; amending Sections 23.50.012, 23.54.015, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and adding new Section 23.42.056; to permit transitional encampments for homeless individuals as an interim use on City-owned or private property; and correcting an error in the use chart for accessory transitional encampments in Industrial 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, agreements are encouraged between transitional encampment operators and the owner of the property on which the encampment is located to provide 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, Section 23.42.056, is added to the Seattle Municipal Code, as follows:

23.42.056 Transitional Encampment Interim Use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this section.

A. Operation.

1. The transitional encampment shall be operated by the City of Seattle or a private party that has prepared an encampment operations plan addressing: site management, maintenance, and security.

2. If the transitional encampment is operated by a private party; the operator shall have at least two continuous years experience managing and operating shelters, low-income housing, or homeless encampments; and the activity shall have been provided for 50 or more

1 low-income or indigent persons in a single location. The permit applicant shall include
2 documentation that the encampment operator meets this standard when applying for a
3 transitional encampment interim use permit.

4 3. The Director shall adopt by rule according to subsection 23.88.010.A:

5 a. Community outreach standards the encampment operator shall comply
6 with before filing a transitional encampment interim use permit application; and
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8 b. Transitional encampment operations standards the encampment
9 operator shall implement while a transitional encampment is operating.

10 B. Location. The transitional encampment shall be located on property meeting the
11 following requirements:

12 1. The property is zoned Industrial, Downtown, Seattle Mixed, C2, C1, NC3, or
13 NC2.
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15 2. The property is at least 50 feet from any residentially-zoned lot.

16 3. A property may be less than 50 feet from a residentially--zoned lot and used as
17 a transitional encampment site if:

18 a. All transitional encampment improvements, activities, and uses are
19 located at least 50 feet from any residentially-zoned lot. Access to the transitional encampment
20 site may be located within this 50-foot setback area.

21 b. Screening is installed and maintained along each transitional
22 encampment boundary, except boundaries fronting on a public street. The screening may consist
23 of: vegetation, existing or installed, sufficiently dense to obscure viewing the transitional
24 encampment site; or a six-foot high view-obscuring fence or wall.
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1 4. The property is owned by the City of Seattle or a private party.

2 5. The property is within one-half mile of a transit stop. This distance will be the
3 walking distance measured from the nearest transit stop to the lot line of the lot containing the
4 transitional encampment interim use.

5 6. The property is at least one-half mile from any other legally-established
6 transitional encampment use.

7 7. The property is 7,500 square feet or larger and provides a minimum of 100
8 square feet of land area for each occupant that is permitted to occupy the transitional
9 encampment site.

10 8. The property does not contain a wetland, wetland buffer, steep slope or steep
11 slope buffer, or fish and wildlife habitat conservation area defined and regulated by SMC
12 Chapter 25.09, Regulations for Environmentally Critical Areas.

13 9. The encampment site is not used by an existing legally-permitted use for code
14 or permit-required purposes including but not limited to parking or setbacks.

15 10. The property is not an unopened public street right of way or property
16 designated as a park, playground, viewpoint, or multi-use trail by the City or King County.

17 C. Requirements. The encampment shall meet the requirements for transitional
18 encampment accessory uses in Sections 23.42.054.B and 23.42.054.C.

19 D. Duration and timing.

20 1. A permit for a transitional encampment interim use under this Section
21 23.42.056 may be authorized for up to six months and may not be renewed.

2. At least 12 months shall elapse before a transitional encampment use may be located on any portion of a property where an encampment was previously located.

Section 2. Table A for Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123729, 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)) <u>(16)</u>	P ((15)) <u>(16)</u>	P ((15)) <u>(16)</u>	P ((15)) <u>(16)</u>

	(16)				
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P

* * *

(15) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.

~~((15))~~(16) 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. Table A for Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.54.015 Required parking

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Table A for Section 23.54.015			
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS			
Use			Minimum parking required
<u>I. General Nonresidential Uses (other than institutions)</u>			
A.	AGRICULTURAL USES		1 space for each 2,000 square feet
B.	COMMERCIAL USES		
	B.1.	Animal shelters and kennels	1 space for each 2,000 square feet
	B.2.	Eating and drinking establishments	1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below (1)	For public assembly areas: 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats

Bill Mills
 DPD Transitional Encampment Amendment (Non-religious) ORD
 April 23, 2012
 Version #12

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		B.3.a	Adult cabarets	1 space for each 250 square feet
		B.3.b	Sports and recreation uses	1 space for each 500 square feet
	B.4.	Food processing and craft work		1 space for each 2,000 square feet
	B.5.	Laboratories, research and development		1 space for each 1,500 square feet
	B.6.	Lodging uses		1 space for each 4 rooms; For bed and breakfast facilities in single family and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms
	B.7.	Medical services		1 space for each 500 square feet
	B.8.	Offices		1 space for each 1,000 square feet
	B.9.	Sales and services, automotive		1 space for each 2,000 square feet
	B.10.	Sales and services, general, except as noted below		1 space for each 500 square feet
		B.10.a.	Pet Daycare Centers (2)	1 space for each 10 animals or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 animals.
	B.11.	Sales and services, heavy		1 space for each 2,000 square feet
	B.12.	Sales and services, marine		1 space for each 2,000 square feet
C.	HIGH IMPACT USES			1 space for each 2,000 square feet
D.	LIVE-WORK UNITS			0 spaces for units with 1,500 square

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				feet or less; 1 space for each unit greater than 1,500 square feet; 1 space for each unit greater than 2,500 square feet, plus the parking that would be required for any nonresidential activity classified as a principal use
E.	MANUFACTURING USES			1 space for each 2,000 square feet
F.	STORAGE USES			1 space for each 2,000 square feet
G.	<u>TRANSITIONAL ENCAMPMENTS</u>			1 space for every <u>vehicle used as shelter; plus 1 space for each 2 staff members on-site at peak staffing times</u>
(G) H.	TRANSPORTATION FACILITIES			
	(G) H.1.	Cargo terminals		1 space for each 2,000 square feet
	(G) H.2.	Parking and moorage		
		(G) H.2.a.	Principal use parking	None
		(G) H.2.b.	Towing services	None
		(G) H.2.c.	Boat moorage	1 space for each 2 berths
		(G) H.2.d.	Dry storage of boats	1 space for each 2,000 square feet
	(G) H.3.	Passenger terminals		1 space for each 100 square feet of waiting area
	(G) H.4.	Rail transit facilities		None
	(G) H.5.	Transportation facilities, air		1 space for each 100 square feet of waiting area
	(G) H.6.	Vehicle storage and maintenance uses		1 space for each 2,000 square feet

((H))I.	UTILITIES	1 space for each 2,000 square feet
II. Nonresidential Use Requirements with Locational Criteria		
((F))J.	Nonresidential uses (other than institutions) in urban centers or the Station Area Overlay District (3)	No minimum requirement
((F))K.	Nonresidential uses (other than institutions) permitted ((iH)) on the ground floor in MR and HR zones pursuant to Section 23.45.504.	No minimum requirement

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Section 4. Exhibit 23.76.004 A of Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.76.004 Land use decision framework((+))

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Table A for 23.76.004

**LAND USE DECISION FRAMEWORK
 DIRECTOR'S AND HEARING EXAMINER'S
 DECISIONS REQUIRING MASTER USE PERMITS**

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
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TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
<ul style="list-style-type: none"> • Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Intermittent uses • Interim use parking authorized under subsection 23.42.040.G • Uses on vacant/underused 	<ul style="list-style-type: none"> • Temporary uses, more than four weeks, except for temporary relocation of police and fire stations • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions 	<ul style="list-style-type: none"> • Subdivisions (preliminary plats)

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
<p>lots per Section 23.42.038</p> <ul style="list-style-type: none"> • <u>Transitional encampment interim use</u> • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses for relocation of police and fire stations • Exemptions from right-of-way improvement requirements 	<ul style="list-style-type: none"> • Special Exceptions • Design review, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested • Light rail transit facilities • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold 	

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TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
<ul style="list-style-type: none"> • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit • Determination of public benefit for combined lot FAR • Determination of whether an amendment to a Property Use and Development Agreement is major or minor • Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested • Other Type I decisions that are identified as such in the Land Use Code 	<p>determination or EIS required)</p> <ul style="list-style-type: none"> • Major Phased Development • Downtown Planned Community Developments 	

COUNCIL LAND USE DECISIONS

<p>TYPE IV (Quasi-Judicial)</p>	<p>TYPE V (Legislative)</p>
<ul style="list-style-type: none"> • Amendments to the Official Land Use Map (rezones), except area-wide amendments, and adjustments pursuant to Section 23.69.023 • Public project approvals • Major Institution Master Plans, including major amendments and renewal of a master plan's development plan component • Major amendments to Property Use and Development Agreements • Council conditional uses 	<ul style="list-style-type: none"> • Land Use Code text amendments • Area-wide amendments to the Official Land Use Map • Concept approval for City facilities • Major Institution designations • Waiver or modification of development standards for City facilities • Planned Action Ordinance

Section 5. Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 123649, is amended as follows:

23.76.006 Master Use Permits required((=))

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1 1. Determination that a proposal complies with development standards;

2 2. Establishment or change of use for uses permitted outright, temporary uses for
3 four weeks or less not otherwise permitted in the zone, interim use parking under subsection
4 23.42.040.G, uses allowed under Section 23.42.038, transitional encampment interim use, and
5 temporary relocation of police and fire stations for 24 months or less;

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8 Section 6. Section 23.76.032. A of the Seattle Municipal Code, which section was last
9 amended by Ordinance 123566, is amended as follows:

10 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

11 A. Expiration.

12 1. An issued Type I or II Master Use Permit expires three years from the date a
13 permit is approved for issuance as described in Section 23.76.028, except as follows:

14 a. A Master Use Permit with a shoreline component expires pursuant to
15 WAC 173-27-090.

16 b. A variance component of a Master Use Permit expires as follows:

17 1) Variances for access, yards, setback, open space, or lot area
18 minimums granted as part of a short plat or lot boundary adjustment run with the land in
19 perpetuity as recorded with the Director of the King County Department of Records and
20 Elections.

21 2) Variances granted as separate Master Use Permits pursuant to
22 subsection 23.76.004.G expire three years from the date the permit is approved for issuance as
23 described in Section 23.76.028 or on the effective date of any text amendment making more
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1 stringent the development standard from which the variance was granted, whichever is sooner. If
2 a Master Use Permit to establish the use is granted within this period, the variance's expiration
3 date shall be extended until the expiration date established for the use approval.

4 c. The time during which litigation is pending related to the Master Use
5 Permit or the property subject to the permit made it reasonable not to submit an application for a
6 building permit, or to establish a use if a building permit is not required, is not included in
7 determining the expiration date of the Master Use Permit.
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9 d. Master Use Permits with a Major Phased Development or Planned
10 Community Development component under Section 23.47A.007, 23.49.036, or 23.50.015 expire
11 as follows:

12 1) For the first phase, three years from the date the permit is
13 approved for issuance;
14

15 2) For subsequent phases, expiration shall be determined at the
16 time of permit issuance.

17 e. Permits for uses allowed under Section 23.42.038, (~~and~~) temporary,
18 interim, or intermittent use permits issued pursuant to Section 23.42.040, and transitional
19 encampment interim use permits issued under Section 23.42.056 expire on the date stated in the
20 permit.
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23 Section 7. Section 23.84A.038 of the Seattle Municipal Code, which section was last
24 amended by Ordinance 123729, is amended as follows:

25 **23.84A.038 "T"**
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2 "Transitional Encampment" means a use having tents or a similar shelter, including vehicles used
3 for shelter that provides temporary quarters for sleeping and shelter. The use may have common
4 food preparation, shower, or other commonly-used facilities that are separate from the sleeping
5 shelters.

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8 Section 8. The provisions of this ordinance are declared to be separate and severable.
9 The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this
10 ordinance, or the invalidity of the application thereof to any person or circumstance shall not
11 affect the validity of the remainder of this ordinance, or the validity of its application to other
12 persons or circumstances.
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1 Section 9. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2012, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2012.

7 _____
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10 President _____ of the City Council

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12 Approved by me this ____ day of _____, 2012.

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16 Michael McGinn, Mayor

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18 Filed by me this ____ day of _____, 2012.

19 _____
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21 Monica Martinez Simmons, City Clerk

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23 (Seal)