



SUBSTITUTE ORDINANCE NO. 28498

1 AN ORDINANCE relating to zoning and land use controls; amending
2 Sections 13.06.635 and 13.06.700 of the Tacoma Municipal Code to enact
3 Temporary Shelters Permanent Land Use Regulations.

4 WHEREAS, on May 2, 2017, the City Council adopted Resolution
5 No. 39716, directing the City Manager to prepare an Emergency Temporary Aid
6 and Shelter Program and an ordinance declaring a state of emergency, in
7 response to the current homelessness crisis, and

8 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
9 declaring a State of Public Health Emergency, effective through October 9, 2017,
10 and, on that same date, the City Manager presented the three-phase Emergency
11 Aid and Sheltering Program and immediately began implementation of the
12 program, and

13 WHEREAS, on June 6, 2017, the City Council passed Ordinance
14 No. 28432, enacting interim zoning and land use controls as an emergency
15 measure, effective through November 14, 2017, to permit the City to site temporary
16 emergency shelters in response to the declared public emergency, and

17 WHEREAS, on October 3, 2017, the City Council passed Ordinance
18 No. 28458, extending the sunset date of the declared State of Public Health
19 Emergency from October 9, 2017, to December 31, 2017, and

20 WHEREAS, on October 17, 2017, the City Council passed Ordinance
21 No. 28460, retaining and modifying the interim regulations enacted per Ordinance
22 No. 28432, which enabled the continued operation of the current stability site and
23 allowed faith-based organizations and non-profits to host temporary homeless
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1 camps, as substantially outlined in Tacoma Municipal Code (“TMC”) 13.06.635.B.4,
2 and making said interim regulations effective through April 16, 2018, and

3 WHEREAS, on December 12, 2017, the City Council passed Ordinance
4 No. 28478, further extending the sunset date of the declared State of Public Health
5 Emergency to December 31, 2018, and

6 WHEREAS the Planning Commission has reviewed the interim regulations
7 as set forth in Ordinance No. 28460, within the context of the three-phase
8 Emergency Aid and Sheltering Program; developed draft permanent regulations for
9 the City Council's consideration for adoption prior to the expiration of the interim
10 regulations; conducted a public hearing on February 7, 2018, to receive public
11 comment on the draft regulations; and put forward its recommendation on
12 February 21, 2018, as documented in the Commission's Findings of Fact and
13 Recommendations Report, and

14 WHEREAS, on March 20, 2018, the City Council held a public hearing on
15 the proposed Emergency Shelters Permanent Regulations, as recommended by
16 the Planning Commission; and held a Study Session on March 27, 2018, to review
17 the citizen testimony received and consider any potential amendments to the
18 regulations, and

19 WHEREAS the City Council finds that it is in the best interest of the public
20 health, safety, and welfare to enact the proposed Temporary Shelters Permanent
21 Land Use Regulations, as recommended by the Planning Commission, as set forth
22 in Exhibit “A,” attached hereto; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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That Sections 13.06.635 and 13.06.700 of the Tacoma Municipal Code
are hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT "A"

Chapter 13.06
Zoning

* * *

13.06.635 Temporary use.

A. Purpose. The purpose of this section is to allow listed temporary uses which:

- 1. Are not contrary to the various purposes of this chapter;
- 2. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and
- 3. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

B. Temporary uses.

- 1. General. A temporary use shall be subject to the standards of development specified in this section.
- 2. Duration and/or frequency. Where permitted as a temporary use, the following uses may be authorized for the time specified in Table 1, and subject to Section 13.06.635.B.

Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED	
Temporary Use Type	Days Allowed Per Year
Seasonal sales	45
Carnival	14
Temporary housing	See Section 13.06.635.B.3.a
Temporary office space	See Section 13.06.635.B.3.b
Temporary storage	See Section 13.06.635.B.3.d
Temporary shelters homeless camps	See Section 13.06.635.B.4

a. The duration of the temporary use shall include the days the use is being set up and established, when the event actually takes place, and when the use is being removed.

b. A parcel may be used for no more than three temporary uses within a calendar year; provided, the time periods specified in Table 1 are not exceeded. Multiple temporary uses may occur on a parcel concurrently; provided, the time periods in Table 1 are not exceeded.

* * *

4. Temporary ~~Shelters~~Homeless Camps.

a. Purpose. In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious, non-profit, and governmental organizations to use property owned or controlled by them for temporary homeless ~~shelter~~seamps, while preventing harmful effects associated with such uses, including the use of open flames, the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

b. Application. In order to allow sponsoring religious, non-profit, and governmental organizations to establish a temporary ~~shelters~~homeless camp on qualifying property, a permit must be obtained from Planning and Development Services in accordance with TMC 13.05, Land Use Permit Procedures, and the following:

- (1) The Director of Planning and Development Services is authorized to issue permits for temporary ~~homeless camps~~shelters only upon demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements. A permit allowing a temporary shelter site may be terminated if the City determines the site is unfit for human habitation based on safety, sanitary conditions or health related concerns or activities have become disorderly or disorganized so as to impact the safety, health, and welfare of the neighborhood adjacent to the site.

(2) An application for a temporary ~~homeless campshelter~~ shall include the following:

(a) The dates of the start and termination of the temporary ~~homeless campshelter~~;

(b) The maximum number of residents proposed;

(c) The location, including parcel number(s) and address(es);

(d) The names of the managing agency, proposed self-management plan (the self-management plan would require consultation with the sponsor and oversight by City staff and meetings with neighboring property owners, businesses, Safe Streets organizations, Neighborhood Councils, and/or similar organizations), or manager and sponsor;

(e) A site plan showing the following shall be prepared and reviewed by staff, which will make recommendations for best practices, including Crime Prevention through Environmental Design (“CPTED”) principles:

(i) Property lines;

(ii) Property dimensions;

(iii) Location and type of fencing/screening (must be a minimum of ten feet from property lines);

(iv) Location of all support ~~tents~~/structures (administrative, security, kitchen, and dining areas) or planned space to be used inside an on-site structure;

(v) Method of providing and location of potable water;

(vi) Method of providing and location of waste receptacles;

(vii) Location of required sanitary stations (latrines, showers, hygiene, hand washing stations);

(viii) Location of vehicular access and parking;

(ix) Location of ~~tents and/or~~ dwellings for each person (must meet Tacoma-Pierce County Health Department requirements);

(x) Entry/exit control points;

(xi) Internal pathways, and access routes for emergency services.

(f) A statement from the sponsoring religious, ~~non-profit, or governmental~~-organization regarding its commitment to maintain liability insurance in types and amounts sufficient to cover the liability exposures inherent in the permitted activity during the existence of any sponsored temporary ~~homeless campshelter~~;

(g) a signed trespass order filed with the Tacoma Police Department

(h) a mandatory preapplication meeting to be attended by city representatives, such as agents from Planning and Development Services and Neighborhood and Community Services, as deemed appropriate.

(i) transition plan for assisting residents in moving to another location

c. Safety and health requirements. A temporary ~~homeless campshelter~~ shall be established in accordance with the following standards:

(1) No more than 100 residents shall be allowed per ~~camp-shelter~~ location. The City may further limit the number of residents as site conditions dictate.

(2) A minimum of 7,500 square feet of site area shall be required for ~~campshelters serving~~ up to 50 people. The minimum site area may be proportionally reduced if adjacent existing buildings are used for sleeping or support facilities such as kitchen, dining hall, showers, and latrines.

(3) For a ~~camp-shelter serving~~ more than 50 residents, the minimum 7,500 square-foot ~~camp-site~~ area shall be increased by 150 square feet for each additional resident, up to a total of 100 residents.

(4) The maximum duration of a ~~homeless camptemporary shelter~~ shall be ~~93~~185 consecutive days, except as provided below: ~~Gravel or paved camp sites and sites not zoned for residential use may extend the maximum duration of the camp to 123 consecutive days.~~

(a) The Director may extend the permit once for up to 40 days if unforeseen problems arise regarding shelter relocation. An extension must be requested before the last 30 days of the temporary permit and will not be granted if any violation of the temporary shelter permit has occurred. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.

(b) The Director may extend the permit once when inclement weather, natural disaster, or other emergency necessitates the continued use of the shelter location. The Director may extend the permit until the event necessitating the extension has ended but no longer than 90 days. An extension must be requested prior to the event or when reasonable given the circumstances of the event. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.

(c) The Director may extend the temporary permit for a longer period, up to 180 days, if the shelter has demonstrated continuing need and demonstrated compliance with this chapter. An extension must be requested before the last 60 days of the existing temporary permit. As indicated in Section 13.05.020.H, the maximum duration for this type of temporary permit is one year, however, successive permits for one shelter facility can also be approved under this section. If an extension is approved, the decision shall address any appropriate modifications to conditions of approval. This type of long-term extension, or successive long-term permits, shall be processed in the same manner required for the original Temporary Shelters Permit (as outlined in Section 13.05), including the same level of community notification, community meeting, and comment period. The Director's decision regarding this type of extension shall require periodic monitoring not less than every 45 days. An extension shall not be granted if any violation of the existing temporary shelter permit has occurred. In considering whether to grant this type of long-term extension, the Director shall consider factors such as:

i. The number of code compliance cases.

ii. The number of calls placed to police due to disruptions on-site by residents.

iii. The number of community engagements, which may include meetings or volunteer opportunities.

iv. A report documenting the status of resident jobs, skills, or behavioral trainings.

v. A report documenting efforts, up to and including, transitioning of residents into other temporary, long-term, or more stable housing.

(a) A one-time extension of up to 40 days, or longer in the case of:

~~i. inclement weather, may be granted by the Director if unforeseen problems arise regarding camp shelter relocation. An extension must be requested before the last 30 days of the temporary permit and will not be granted if any violation of the camp temporary shelter permit has occurred.~~

(5) A ~~camp temporary shelter~~ may only return to the same ~~church-owned site~~ after ~~two years six months~~ has lapsed since the ~~start-end date~~ of the previous ~~camp temporary shelter~~. ~~Gravel or paved camp sites and sites not zoned for residential use may decrease the relocation time to 18 months from the start date of the previous camp.~~

(6) In no event shall more than ~~two six homeless camp temporary shelter~~ sites be permitted within the City at any given time. Additionally, a maximum of two (2) shelters should be allowed in any single Police Sector at any given time and a minimum of one mile must separate each temporary shelter site. Prior to approving a request for a second temporary shelter location within a sector, all other sectors shall have a temporary shelter location. As part of process for approving a second location within a sector, the City shall determine whether there are adequate City services to support the second location in a sector.

(7) ~~Outdoor shelters~~ ~~The encampment~~ shall be enclosed on all sides with a minimum six-foot tall, ~~sight~~ ~~te~~-obscuring fence. ~~No fence will be required if the site is out of view of adjacent properties.~~

(8) Permanent structures are prohibited from being constructed within the ~~camp temporary shelter site~~. Existing permanent structures may be used for sheltering or service provision.

(9) Temporary ~~homeless camps~~ ~~shelters~~ are prohibited in Shoreline Districts, critical areas, and their buffers.

(10) The sponsoring religious, non-profit, or governmental organization shall work with Neighborhood and Community Services and other agencies to find more permanent housing solutions for the inhabitants of the camp shelter during its operation.

(11) One security/office/operations ~~tent or~~ structure shall be provided for the campsite manager. The manager must be on site at all times. Persons who are acting as the on-site manager must be awake while on shift to monitor the security of the campshelter and be ready and able to alert police and/or other emergency responders if the need arises.

(12) The minimum age for unaccompanied camp-shelter residents ~~inhabitants~~ is 18 years of age. Individuals under the age of 18 will only be allowed if accompanied by a guardian.

(13) Each resident shall be pre-screened for warrants and a background check shall be completed by the sponsor religious, non-profit, or governmental organization. No sex offenders will be permitted as camp-shelter residents.

(14) The temporary homeless campshelter must be located within one-~~quarter-half~~ mile of a bus-route/transit stop that is in service seven days per week.

(15) The following facilities and provisions must be made available on-site and approved for adequacy and location by the Tacoma-Pierce County Health Department prior to occupancy:

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five gallons per day, per resident.

(b) Provide sanitary ~~portable~~ toilets as provided in the following table:

Number of <u>camp</u> -residents	1-20	21-40	41-60	61-80	81-100
Number of toilets required	1	2	3	4	5

~~(c) Provide hand washing stations with warm water, soap, paper towels and covered garbage cans and recycling containers at the following locations:~~

(i) Hand washing stations next to ~~portable~~ toilets provided in the following manner:

Number of <u>camp</u> -residents	1-15	16-30	31-45	46-60	61-75	76-90	91-100
Number of stations required	1	2	3	4	5	6	7

~~(ii) One at the entrance to the dining area; and~~

~~(iii) One at the food preparation area.~~

(d) Showering facilities are required as provided in the following table:

Number of <u>camp</u> -residents	1-33	34-66	67-100
Number of showers required	1	2	3

(e) At least one food preparation area/~~tent~~ with refrigeration, sinks, and cooking equipment. If food is prepared on-site, adequate dishwashing facilities must be available.

(f) Food preparation, storage, and serving. No children under the age of ten shall be allowed in food preparation or storage areas.

(g) An adequate water source must be made available to the campsite.

(h) Indoor sleeping shelters-facilities must meet the following standards:

(i) Must comply with all life safety and building code requirements.

(i) Outdoor sleeping facilities must meet the following standards:

(i) Minimum two foot separation is required on sides and rear of tents from other tents, and a clear area of four feet is required at the entrance to all tents. All tents will be flame retardant. Appropriate spacing is required between all temporary, semi-permanent, and permanent sleeping structures of all types, materials, and sizes. Appropriate spacing will be specified during application intake and review.

~~(ii) Minimum of 30 square feet per resident in group tents.~~

~~(iii) Minimum 40-50 cubic feet of air space per resident in group tents.~~

~~(iv) Beds arranged at least three feet apart in group tents.~~

(j) Waste water disposal, ~~including mop sink~~, which drains to sanitary sewer.

(k) Solid waste: Garbage and recycling removal by local utilities. Adequate scheduled dumping to prevent overflow. ~~Estimate 30-gallon capacity per 10 residents.~~ Infectious waste/sharps disposal shall be made available.

(l) Premises must be maintained to control insects, rodents, and other pests.

(16) Premises must be maintained as approved by the Tacoma Fire Department (“TFD”), including:

(a) Approval letter from the TFD, should the ~~campshelter site~~ contain structures in excess of 200 square feet or canopies in excess of 400 square feet.

(b) Provide ~~fire extinguishers in quantity and locations as specified by TFD. at least one fire extinguisher, as specified by TFD, within 75 feet from every tent, and at least one fire extinguisher in the kitchen facility and security office/tent.~~

(c) Adequate access for fire and emergency services, with a minimum of two access points, shall be maintained.

(d) No smoking or open flames shall be allowed in ~~tentsleeping or food prep structures~~. Smoking within the ~~camp shelter site~~ will be within designated smoking areas only.

(e) Electrical inspections, in coordination with a Planning and Development Services electrical inspector, shall occur to ensure safe installation of power, if provided, ~~including~~ to support ~~tents and~~ facilities (administration, security, kitchen, dining, shower, hygiene, and latrine facilities) and ~~any individual living tentsleeping structures~~.

(f) Security Plan. The security plan shall:

(i) List the contact name and phone number of the on-site manager;

(ii) Contain an evacuation plan for the ~~camptemporary shelter~~;

(iii) Contain a controlled access plan for residents; and

(iv) Contain a fire suppression and emergency access plan.

(17) Parking standards.

(a) Parking spaces, layouts, and configuration shall be designed in accordance with TMC 13.06.510.

(b) A minimum of two off-street parking spaces per 25 residents are required for all temporary ~~homeless campshelters~~.

(c) Any required parking for the principal/existing use on-site shall not be displaced as a result of the temporary ~~homeless campshelter~~.

(18) Refuse and recycling containers shall be provided on-site, with service provided by Solid Waste Management and paid for by the applicant.

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13.06.700 Definitions and illustrations.

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13.06.700.P

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Plants; Plant; Plant Material. These terms refer to vegetation in general, including trees, shrubs, vines, groundcovers, ornamental grasses, bulbs, corms, tubers, or herbaceous vegetation.

Police Sector. Areas created by the Tacoma Police Department to support its Community Policing Division, which focuses on proactive policing in partnership with the community.

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13.06.700.T

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Temporary housing. A structure, usually an automobile house trailer or mobile home, of a temporary nature not involving permanent installations.

Temporary shelters. A temporary type of accommodation for persons without permanent housing or a fixed address that provides shelter by means of a structure or dwelling unit.

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Chapter 13.05

LAND USE PERMIT PROCEDURES

13.05.020 Notice process.

H. Notice and Comment Period for Specified Permit Applications. Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None

Temporary Homeless Camp Shelters Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet ⁷	No	No	14 days	Director	No ¹	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No ¹	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

- ¹ Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director’s decision and are not eligible for a one-year extension.
- ² Comment on land use permit proposal allowed from date of notice to hearing.
- ³ Must be recorded with the Pierce County Auditor within five years.
- ⁴ Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director’s decision.
- ⁵ If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- ⁶ Refer to Section 13.05.070 for preliminary plat expiration dates.
- ⁷ Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.