



SUBSTITUTE
ORDINANCE NO. 28636

1 AN ORDINANCE relating to zoning; making minor adjustments to Chapter 13.06 of
2 the Tacoma Municipal Code, relating to Zoning, by amending
3 Section 13.06.635, entitled "Temporary Use," to update geographic location
and square footage requirements for temporary shelter sites.

4 WHEREAS, in April 2018, following extensive study by the Planning
5 Commission and a February 2018 public hearing held by the Planning Commission,
6 the City Council passed regulations for temporary shelters through Substitute
7 Ordinance No. 28498, and

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9 WHEREAS these regulations allow for the establishment of temporary
10 shelter sites by non-profit, faith-based, and governmental organizations, and

11 WHEREAS, since the passage of Substitute Ordinance No. 28498,
12 Neighborhood and Community Services ("NCS") staff conducted more than
13 50 consultations with religious and non-profit organizations which are interested in
14 obtaining permits to operate a shelter on their properties, and

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16 WHEREAS, during consultations with NCS staff, prospective shelter hosts
17 stated a variety of perceived barriers and reasons for not utilizing the regulations to
18 establish a temporary shelter site, and

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20 WHEREAS one of the perceived barriers is the restriction of one shelter per
21 police sector, which was originally put in place to allow for equitable distribution of
22 services, access to services for individuals experiencing homelessness across the
23 City, and limiting impacts to City services in any given location in the City, and

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1 WHEREAS NCS staff recommends refining the limitation on geographic
2 location to address the number of individuals served in any given area, rather than
3 limiting the number of sites, and

4 WHEREAS a second perceived barrier is the minimum square footage
5 requirement, which is a difficult threshold to meet, and NCS staff recommends
6 refining language related to required square footage for sheltering sites, and

7 WHEREAS, in response to the declared public health emergency related to
8 homelessness (Ordinance No. 28430), recent changes to legislation regarding
9 structures in parks that will become effective December 1, 2019 (Ordinance
10 No. 28615), and the increased desire of prospective service providers to provide
11 temporary shelters, it is in the best interest of the City to enact emergency
12 modifications to the Emergency Temporary Shelters Permanent Regulations
13 (Substitute Ordinance No. 28498), and

14 WHEREAS the proposed minor adjustments to Section 13.06.635 of the
15 Tacoma Municipal Code will allow more achievable thresholds for the size, location,
16 and dispersal of temporary homeless shelters, and are fully consistent with the
17 intent of the original recommendations of the Planning Commission and the intent
18 and findings of Substitute Ordinance No. 28498; Now, Therefore,

19 BE IT ORDAINED BY THE CITY OF TACOMA:

20 Section 1. That the Recitals are hereby adopted as the City Council's
21 legislative findings.

22 Section 2. That Section 13.06.635 of the Tacoma Municipal Code is hereby
23 amended as set forth in the attached Exhibit "A."
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Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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13.06.635 Temporary use.

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B. Temporary uses.

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4. Temporary Shelters.

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

(2) A minimum of ~~7,500~~150 square feet of site area per resident shall be required for any given shelters, provided that the site meets all safety, health, logistical, operational, and site plan requirements for temporary shelters, as set forth in this section serving up to 50 people. ~~The~~Such 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 shelter serving more than 50 residents, the minimum 7,500 square foot site area shall be increased by 150 square feet for each additional resident, up to a total of 100 residents.~~

~~(34)~~ The maximum duration of a temporary shelter shall be 185 consecutive days, except as provided below:

* * *

~~(45)~~ A temporary shelter may only return to the same site after six-months has lapsed since the end date of the previous temporary shelter.

~~(56)~~ In no event shall there be located in any one Police Sector shelter sites serving more than a cumulative total of 150 residents at any given time, and a minimum of one mile must separate each temporary shelter site, except where the Director determines adjusting proximity will not result in over-concentration or an adverse impact to the surrounding community. Prior to approving shelter sites, the total capacity of temporary shelter sites in a given sector will be evaluated. As part of the process for approving additional locations within a sector, the City shall determine whether there are adequate services to support additional locations in a sector. ~~In no event shall more than six 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.~~

~~(67)~~ Outdoor shelters shall be enclosed on all sides with a minimum six-foot tall, sight-obscuring fence. No fence will be required if the site is out of view of adjacent properties.

~~(78)~~ Permanent structures are prohibited from being constructed within the temporary shelter site. Existing permanent structures may be used for sheltering or service provision.

~~(89)~~ Temporary shelters are prohibited in Shoreline Districts, critical areas, and their buffers.

~~(94)~~ 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 shelter during its operation.

~~(104)~~ One security/office/operations structure shall be provided for the site 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 shelter and be ready and able to alert police and/or other emergency responders if the need arises.

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(~~1112~~) The minimum age for unaccompanied shelter residents is 18 years of age. Individuals under the age of 18 will only be allowed if accompanied by a guardian.

(~~1213~~) 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 shelter residents.

(~~1314~~) The temporary shelter must be located within one-half mile of a transit stop that is in service seven days per week.

(~~1415~~) 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:

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(~~1516~~) Premises must be maintained as approved by the Tacoma Fire Department (“TFD”), including:

* * *

(~~1617~~) Parking standards.

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(~~1718~~) Refuse and recycling containers shall be provided on-site, with service provided by Solid Waste Management and paid for by the applicant.