



ORDINANCE NO. 28460

1 AN ORDINANCE relating to zoning and land use controls; retaining and modifying
2 the Emergency Temporary Shelters Interim Regulations, as enacted
3 pursuant to Ordinance No. 28432, passed on June 6, 2017; modifying the
4 interim regulations by including temporary amendments to Tacoma Municipal
5 Code 13.06.635.B.4, to provide more flexibility for religious and non-profit
6 organizations to host temporary shelters; and extending the duration of the
7 interim regulations for six months, effective through April 16, 2018.

8 WHEREAS, on May 2, 2017, the City Council adopted Resolution
9 No. 39716, directing the City Manager to prepare an Emergency Temporary Aid
10 and Shelter Program in response to the current homelessness crisis, and
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12 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
13 declaring a State of Public Health Emergency, effective through October 9, 2017,
14 and
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16 WHEREAS, also on May 9, 2017, the City Manager developed the three-
17 phase Emergency Aid and Sheltering Program ("Program") and immediately began
18 implementation of the Program, and
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20 WHEREAS, on June 6, 2017, the City Council passed Ordinance
21 No. 28432, enacting interim zoning and land use controls as an emergency
22 measure, effective through November 14, 2017, to permit the City to site temporary
23 emergency shelters in response to the declared public emergency, and
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25 WHEREAS, while the three-phase Program has been effective, the
26 homelessness crisis continues to exist, and in response, the City Council has
determined that the State of Public Health Emergency shall be sustained, and



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WHEREAS the City Council recognizes the need to modify and renew the Interim Regulations prior to their expiration on November 14, 2017, to enable the continued operation of the current stability site, and

WHEREAS. The City Council further acknowledges the need to include temporary amendments to Tacoma Municipal Code 13.06.635.B.4, to provide more flexibility for religious and non-profit organizations to host temporary shelters as set forth in the attached Exhibit "A," and

WHEREAS the City Council is scheduled to conduct a public hearing on the proposal on October 10, 2017, pursuant to TMC 13.02, and

WHEREAS the Interim Regulations, as modified, are an important element of the Program to address homelessness, and, with the inclusion of additional opportunities for faith-based organizations and non-profits, members of the community will be able to support additional people as means and methods to combat this epidemic are developed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the Emergency Temporary Shelters Interim Regulations, as enacted pursuant to Ordinance No. 28432, passed on June 6, 2017, and now including temporary amendments to Tacoma Municipal Code 13.06.635.B.4, to provide more flexibility for religious and non-profit organizations to host temporary shelters are hereby retained and modified as set forth in the attached Exhibit "A."



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Section 2. That the duration of the Interim Regulations is hereby extended for a period of six months, through April 16, 2018.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



Temporary Shelters Interim Regulations

PROPOSED LAND USE REGULATORY CODE CHANGES

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

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 <u>homeless camps</u> | 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.

3. Temporary structure standards.

a. Temporary housing.

(1) Such use shall be placed on a lot, tract, or parcel of land upon which a main building is being in fact constructed. The applicant shall have a valid building permit approved by Planning and Development Services;

(2) Such uses are of a temporary nature not involving permanent installations, including structures and utilities;

(3) That such a house trailer or mobile home shall be located at least 25 feet away from any existing residences;

(4) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said house trailer or mobile home shall be observed.

(5) The temporary housing shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

b. Temporary office space.

- (1) Such use shall be in accordance with the use regulations of the zoning district within which the temporary office is located.
- (2) Such use is appropriate due to the construction or reconstruction of a main building or the temporary nature of the use.
- (3) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.
- (4) Such a temporary building shall be located at least 25 feet away from any existing structure or structures under construction unless it can be demonstrated that a lesser distance will be adequate to safeguard adjacent properties and provide a safe distance from any construction occurring on the site.
- (5) Such temporary building shall not be required to comply with the design standards found in Section 13.06.501.
- (6) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said temporary building shall be observed.
- (7) The temporary office shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

c. Carnival.

- (1) Such uses are of a temporary nature not involving permanent installations, including both structures and utility services, except those already existing on the premises.
- (2) Proper regard shall be given to the controlling of traffic generated by the use with respect to ingress and egress to the given site and the off-street parking of automobiles attracted by the use.
- (3) That any structures, buildings, tents, or incidental equipment shall be located at least 200 feet from existing residences;
- (4) That off-street parking for the primary use on the site shall not be reduced below the required parking for that use.

d. Temporary storage. Temporary storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis, Temporary storage units, where allowed, shall be subject to the following standards:

- (1) Temporary storage units shall be allowed as part of an active construction project or active moving process.
- (2) In residential zoning districts, the maximum duration of temporary storage shall be 180-days in any two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.
- (3) In commercial, mixed-use or industrial zoning districts, temporary storage units shall be removed within 30 days after final inspection of the project.
- (4) Temporary storage units shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties and shall be located in accordance with all applicable building, health and fire safety ordinances and regulations. Units shall provide a minimum 5-foot setback from all exterior property lines and shall not be located within required buffer areas. Units shall not block, impair, or otherwise unduly inconvenience pedestrian or vehicular traffic patterns, emergency access, access points to the site, parking lots, or adjacent uses.
- (5) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(6) Such temporary building shall not be required to comply with the standard locational, bulk and area requirements or the design, landscaping, parking and other standards found in Sections 13.06.500-.522.

(7) Planning and Development Services shall have full discretion to stipulate additional limitations or conditions on such temporary use to ensure that it does not unduly affect the health, safety, or general welfare of adjacent properties or residences or the general public.

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 and non-profit 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 and non-profit organizations to establish a temporary ~~shelter~~~~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 sanitary conditions or health related concerns.

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

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

(b) The maximum number of residents proposed;

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

(d) The names of the managing agency 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 or non-profit 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 camp~~~~shelter~~;

c. Safety and health requirements. A temporary ~~homeless camp~~shelter 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 ~~camps~~shelters servingof 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 servingof 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 camp~~temporary shelter shall be ~~93~~ 185 consecutive days. ~~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) A one-time extension of up to 40 days, ~~or longer in the case of 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) camps 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 should 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-obscurating fence.

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

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

(10) The sponsoring religious ~~or non-profit~~ 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 ~~camp~~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 ~~camp~~shelter 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 ~~or non-profit~~ organization. No sex offenders will be permitted as ~~camp~~shelter residents.

(14) The temporary ~~homeless camp~~shelter must be located within one-~~quarter~~ half mile of a bus route 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 camp 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 camp 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 camp 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.~~

~~(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 ~~camp-shelter 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 tents. 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 tents.

(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 ~~camp~~temporary 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 camp~~shelters.

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

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

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 |
| Boundary line adjustment | Required | No | No | No | No | Director | No | No | 5 years ³ |
| Binding site plan | Required | No | No | No | No | Director | No | No | 5 years ³ |
| Environmental SEPA DNS | Optional | Same as case type | Yes if no hearing required | No | Same as case type | Director | No | No | None |
| Environmental Impact Statement (EIS) | Required for scoping, DEIS and FEIS | 1000 feet | Yes | Yes | Minimum 30 days | Director | No, unless part of associated action. Public scoping meeting(s) required | No | None |
| Variance, height of main structure | Required | 400 feet | No | Yes | 30 days | Director | No ¹ | No | 5 years |
| Open space classification | Required | 400 feet | No | Yes | 2 | Hearing Examiner | Yes | Yes | None |
| Plats 10+ lots | Required | 1000 feet | Yes | Yes | 21 days SEPA ² | Hearing Examiner | Yes | Final Plat | 5 years ⁶ |
| Rezones | Required | 400 feet; 1000 feet for public facility site | No; Yes for public facility site | Yes | 21 days SEPA ² | Hearing Examiner | Yes | Yes | None |
| Shoreline/CUP/ variance | Required | 400 feet | No | Yes | 30 days ⁵ | Director | No ¹ | No | 2 years/ maximum ⁶ |
| Short plat (2-4 lots) | Required | No | No | No | No | Director | No | No | 5 years ³ |
| Short plat (5-9 lots) | Required | 400 feet | No | Yes | 14 days | Director | No ¹ | No | 5 years ⁶ |
| Site approval | Optional | 400 feet | No | Yes | 30 days ⁵ | Director | No | No | 5 years |

| Permit Type | Preapplication Meeting | Notice: Distance | Notice: Newspaper | Notice: Post Site | Comment Period | Decision | Hearing Required | City Council | Expiration of Permit |
|--|------------------------|--|-------------------|-------------------|----------------------|------------------|------------------|--------------|----------------------|
| Conditional use | Required | 400 feet; 1000 feet for development sites over 1 acre in size | No | Yes | 30 days ⁵ | Director | No | No | 5 years ⁴ |
| Conditional use, correctional facility (new or major modification) | Required | 1,000 feet | Yes | Yes | 30 days ² | Hearing Examiner | Yes | No | 5 years |
| Conditional use, large-scale retail | Required | 1,000 feet | Yes | Yes | 30 days ² | Hearing Examiner | Yes | No | 5 years |
| Conditional use, master plan | Required | 1000 feet | Yes | Yes | 30 days ² | Director | Yes | No | 10 years |
| Conditional Use, Minor Modification | Optional | No | No | No | No | Director | No | No | 5 years |
| Conditional Use, Major Modification | Required | 400 feet; 1000 feet for public facility sites and master plans | No | Yes | 14 days ⁵ | Director | No | No | 5 years |
| 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 |
| Wetland/Stream/FWHCA development permits | Required | 400 feet | No | Yes | 30 days | Director | No ¹ | No | 5 years* |
| Wetland/Stream/FWHCA Minor Development Permits | Required | 100 feet | No | Yes | 14 days | Director | No ¹ | No | 5 years* |
| Wetland/Stream/FWHCA verification | Required | 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.