

**ORDINANCE NO. 1466**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING INTERIM ZONING CONTROLS PERTAINING TO PERMANENT SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING FOR A PERIOD OF SIX MONTHS IN RESPONSE TO ESSHB 1220, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, under the authority of RCW 35A.63.220 and RCW 36.70A.390, the City may impose interim regulations to be effective for a period of up to six months, and for six-month intervals thereafter; and

**WHEREAS**, earlier this year, the state legislature enacted Engrossed Second Substitute House Bill (ESSHB) 1220 signed by Governor Inslee on May 12, 2021, became Chapter 254 Laws of 2021, took effect on July 25, 2021, with regulations required by September 30, 2021; and

**WHEREAS**, Section 3 of ESSHB 1220 mandates that a city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed and shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed; and

**WHEREAS**, ESSHB 1220 was passed, in part, to address the growing homeless crisis currently facing Washington State; and

**WHEREAS**, the City of Gig Harbor has no regulations related to the development and operation of transitional housing, permanent supportive housing, emergency housing or emergency shelters needed to protect the community and residents of these units; and

**WHEREAS**, the City has not had sufficient time to evaluate the needs of transitional housing or permanent supportive housing and develop regulations between the time ESSHB 1220 was signed by the Governor and became law and the effective date; and

**WHEREAS**, in response to ESSHB 1220, the Gig Harbor City Council would like to make certain changes to its development regulations on an interim basis to provide City staff and the Planning Commission time to make recommendations to the City Council with respect to permanent regulations for transitional and supportive housing;

**NOW THEREFORE**, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

**Section 1.** Gig Harbor Municipal Code Section 17.14.020 “Land use matrix” is hereby amended as shown in Exhibit A.

**Section 2.** A new Chapter 17.55 “Permanent Supportive Housing and Transitional Housing” is hereby added to the Gig Harbor Municipal Code as follows:

Chapter 17.57          Permanent Supportive Housing and Transitional Housing

17.57.010          Regulations for Permanent Supportive Housing and Transitional Housing.

- A. The maximum allowed number of dwelling units on any property shall not exceed the number of dwelling units that would be allowed under the zoning classification adopted for the property.
- B. The maximum occupancy load of a permanent supportive housing unit and transitional housing unit shall not exceed one person for every 200 square feet of habitable space as established in Table 1004.5 of the 2018 International Building Code.
- C. The maximum occupancy of a bedroom within a permanent supportive housing unit or transitional housing unit shall be minimum of 70 square feet per person. In determining is this occupancy limit, rounding to the nearest whole number shall not be allowed.
- D. All bedrooms within a permanent supportive housing unit or transitional housing unit shall comply with the criteria established in the International Residential Code.
- E. No permanent supportive housing or transitional housing unit may be located within half a mile of another property that contains permanent supportive housing or transitional housing. Compliance with this standard will be based on the date of complete application.
- F. All operators of permanent supportive housing or transitional housing shall utilize the Pierce County Homeless Information Management System.
- G. For the purposes of this chapter, definition for permanent supportive housing shall be consistent with RCW 36.70A.030 and the definition for transitional housing shall be consistent with WAC 458-16-320(e).

**Section 3.** A new Chapter 17.55 “Emergency Shelters and Emergency Housing” is hereby added to the Gig Harbor Municipal Code as follows:

Chapter 17.55          Emergency Shelters and Emergency Housing

17.55.010          Regulations for Emergency Shelters and Emergency Housing.

- A. The occupancy of an emergency shelter or emergency housing shall be limited to no more than 10 families or forty people, whichever is fewer.
- B. No more than one continuously operating emergency shelter and no more than one continuously operating emergency housing facility shall be in operation at the same time in city limits.

- C. No emergency shelter or emergency housing facility may be located within a half mile of another emergency shelter or emergency housing facility.
- D. No emergency housing facility or emergency shelter shall be located within a half mile of permanent supportive housing or transitional housing units.
- E. For the purposes of this section, the definition of emergency shelter shall be, "A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations."
- F. For the purposes of this section, the definition of emergency housing shall be, "Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement."
- G. All operators of emergency shelters or emergency housing shall utilize the Pierce County Homeless Information Management System.

**Section 4. Hearing.** In accordance with the requirements of state law, a public hearing on these interim regulations will be held within 60 days of adoption of interim regulations.

**Section 5. Duration of Interim Zoning Control.** The interim zoning control adopted herein shall be in effect for a period of 6 months, commencing on the effective date unless the City Council shall adopt appropriate permanent development regulations which replace this interim ordinance, or unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Gig Harbor City Council.

**Section 6. Transmittal to Department of Commerce.** Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce, as required by law.

**Section 7. Severability.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 8. Correction of Errors.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

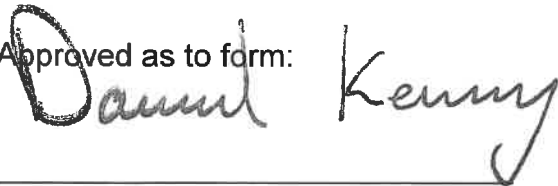
**Section 9. Effective Date.** This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**ADOPTED** by the Council of the City of Gig Harbor at a regular meeting thereof, held this 27th day of September, 2021.



\_\_\_\_\_  
Kit Kuhn  
Mayor

Approved as to form:



\_\_\_\_\_  
Daniel Kenny  
City Attorney

Attest:

  
\_\_\_\_\_  
Joshua Stecker  
Interim City Clerk

PUBLICATION DATE: 9/30/21  
EFFECTIVE DATE: 10/5/21

**EXHIBIT A**

**17.14.020 Land use matrix.**

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>19</sup>	PCD-C	ED <sup>18</sup>	WR	WM	WC	PCD-BP	PCD-NB	MUD <sup>24</sup>
Dwelling, single-family	-	P	P	P	P	C	P	P	P <sup>31</sup>	P <sup>14</sup>	C	C	P <sup>14</sup>	-	P	P	P	-	P <sup>14</sup>	P
Dwelling, duplex	-	-	-	P	P	P	-	P	P <sup>31</sup>	P <sup>14</sup>	C	C	P <sup>14</sup>	-	P	P	P	-	P <sup>14</sup>	P
Dwelling, triplex	-	-	-	C	P	P	-	P	P <sup>31</sup>	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	C <sup>17</sup>	P	-	P <sup>14</sup>	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	P <sup>31</sup>	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	C <sup>17</sup>	P	-	P <sup>14</sup>	P
Dwelling, multiple-family	-	-	-	-	P	P <sup>6</sup>	-	P	P <sup>31</sup>	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	-	-	-	P <sup>14</sup>	P
Accessory apartment <sup>1</sup>	-	C	P	-	P	-	C	C	P <sup>31</sup>	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	-	P	-	P <sup>14</sup>	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Home occupation <sup>2</sup>	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C <sup>21</sup>	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
<u>Permanent Supportive Housing</u> <sup>32</sup>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	=	=	<u>C</u>	<u>C</u>	<u>C</u>
<u>Transitional Housing</u> <sup>32</sup>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	=	=	<u>C</u>	<u>C</u>	<u>C</u>
<u>Emergency Housing</u> <sup>33</sup>	=	=	=	=	=	=	=	<u>C</u>	<u>C</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	=	=	=	<u>C</u>	<u>C</u>	=	<u>C</u>
<u>Emergency Shelter</u> <sup>33</sup>	=	=	=	=	=	=	=	<u>C</u>	<u>C</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	=	=	=	<u>C</u>	<u>C</u>	=	<u>C</u>
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>19</sup>	PCD-C	ED <sup>18</sup>	WR	WM	WC	PCD-BP	PCD-NB	MUD <sup>24</sup>
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	C	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P <sup>5</sup>	C	P <sup>5</sup>	C	C	C	C	P	C	C	P	C	-	-	-	C	-	P/C <sup>15</sup>
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	C	C	P	-	-	-
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	-	-	-	C	P	P	-
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	C	-	C <sup>20</sup>	P	P	C	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	-	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Electric vehicle charging station <sup>25</sup>	P	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P	P	P	P	P	P	P	P <sup>26</sup>	P <sup>26</sup>	P	P	P	P
Rapid charging station <sup>27</sup>	P	-	-	-	P <sup>28</sup>	P <sup>28</sup>	-	P <sup>28</sup>	P	P	P	P	P	P	-	-	P	P	P	P <sup>28</sup>
Battery exchange station	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Cemetery	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	P	-	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Business services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Ancillary services	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>19</sup>	PCD-C	ED <sup>18</sup>	WR	WM	WC	PCD-BP	PCD-NB	MUD <sup>24</sup>
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P <sup>16</sup>
Sales, level 1	-	-	-	-	-	-	C <sup>7,8</sup>	-	P	P	P	P	P	C <sup>22</sup>	-	-	P	C <sup>23</sup>	P <sup>13</sup>	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C <sup>22</sup>	-	-	-	-	-	-
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	C	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	C	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P <sup>10</sup>	P	P	C	-	-	-	C	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	C	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P <sup>9</sup>	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C <sup>8</sup>	P	P	P	P	P	P	P	-	C <sup>12</sup>	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C <sup>22</sup>	-	C <sup>29</sup>	P	C <sup>23</sup>	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C <sup>22</sup>	-	C <sup>29</sup>	P	C <sup>23</sup>	P	P
Food truck <sup>30</sup>	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	-	-	-

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>19</sup>	PCD-C	ED <sup>18</sup>	WR	WM	WC	PCD-BP	PCD-NB	MUD <sup>24</sup>
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C <sup>22</sup>	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	C	-	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	P <sup>11</sup>	C	-	-	-
Wireless communication facility <sup>4</sup>	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

- 1 Accessory apartments requiring conditional use permits are subject to the criteria in GHMC [17.64.045](#).
- 2 Home occupations are subject to Chapter 17.84 GHMC.
- 3 Adult entertainment facilities are subject to Chapter 17.58 GHMC.
- 4 Wireless communication facilities are subject to Chapter 17.61 GHMC.
- 5 Houses of religious worship shall be limited to parcels not greater than five acres.
- 6 Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- 7 Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- 8 See GHMC 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- 9 Animal clinics shall have all activities conducted indoors in the DB district.
- 10 Drive-in theaters are not permitted in the B-2 district.
- 11 Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- 12 Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.



- 13 Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- 14 Residential uses shall be located above a permitted business or commercial use.
- 15 Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- 16 Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- 17 Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- 18 Planned unit developments (PUDs) are conditionally permitted in the ED district.
- 19 Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- 20 Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- 21 Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- 22 See GHMC 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- 23 See GHMC 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.
- 24 Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).
- 25 Level 1 and Level 2 charging only.
- 26 Electric vehicle charging stations, Level 1 and Level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.
- 27 The term “rapid” is used interchangeably with Level 3 and “fast charging.”

- 28 Only “electric vehicle charging stations – restricted” as defined in Chapter 17.73 GHMC.
- 29 Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a restaurant 2 or restaurant 3 use. In other areas of WM zone, restaurant 2 and restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.
- 30 Food truck permits shall be processed with a special use permit, per Chapter 17.65 GHMC.
- 31 Permitted above and below street-level nonresidential uses.
- 32 Permanent supportive housing and transitional housing shall comply with the standards of GHMC 17.55.
- 33 Emergency shelters and emergency housing shall comply with the standards of GHMC 17.57.