

ORDINANCE 1484

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RENEWING THE MORATORIUM ON ACCEPTANCE OF LODGING LEVEL 1 APPLICATIONS ESTABLISHED BY ORDINANCE 1467 BY 6-MONTHS; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, under the authority of RCW 35.A.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, in 2006, the City of Gig Harbor City Council passed Ordinance No. 1046, redefining the definitions for the following lodging uses: boardinghouse, bed and breakfast, hotel/motel and motel/hotel, into lodging levels 1, 2 and 3 categories, with lodging level 1 being the least intense, and added definitions for these categories; and

WHEREAS, short term vacation rentals have become a popular form of lodging in recent years creating increased demand for the use within traditionally single-family neighborhoods; and

WHEREAS, the City's zoning code doesn't directly address short term rentals as a land use, nor provide for any direct regulations; and

WHEREAS, the City of Gig Harbor Community Development Department has found short term vacation rentals to be most consistent with the definition for Lodging, level 1, GHMC 17.04.444; and

WHEREAS, the zoning code allows for Lodging, level 1 as a conditional use in the following zones: R-1, R-2, B-2, C-1, WR, WM, WC; and

WHEREAS, the zoning code allows for Lodging, level 1 as a permitted use in the following zones: R-3, RB-1, RB-2, DB, B-1; and

WHEREAS, market demand has produced an increase in the number of short term vacation rentals offered throughout the City; and

WHEREAS, the City has processed very few permits for short term rentals relative to the number thought to be operating within the City; and

WHEREAS, the City has not had sufficient time to fully evaluate the number of existing short term rentals, the effects they could have on the community, and any necessary mitigating zoning controls; and

WHEREAS, the City of Gig Harbor Planning and Building Committee of the City Council took up the issue at its regularly scheduled meeting of September 7, 2021, voting to move the issue on to the full City Council for consideration; and

WHEREAS, the Planning and Building Committee of the City Council, at its regularly scheduled meeting of September 7, 2021 directed staff to draft interim zoning controls for short term rentals and place on the next City Council regular meeting agenda; and

WHEREAS, the City Council chose to immediately cease acceptance of permits for Lodging Level 1 on an interim basis to provide City staff and the Planning Commission time to make recommendations to the City Council with respect to short term vacation rentals. The immediate nature of the action was deemed necessary in order to preserve the status quo and to prevent applicants from potentially vesting rights inconsistent with the City's future regulatory framework to be considered and adopted during the period of this moratorium and to ensure the protection of the community's health, safety and well-being while the topic is analyzed and researched further; and

WHEREAS, the City Council adopted Ordinance 1467 on September 27, 2021, which became effective immediately upon adoption; and

WHEREAS, pursuant to RCW 36.70A.390, concerning moratoria and interim zoning controls, the City Council conducted a public hearing on October 11, 2021 and adopted findings of fact; and

WHEREAS, the City Council received several comments from the public that were taken under consideration and added to the record for future consideration in the decision making process; and

WHEREAS, the Planning Commission took up the issue at a regularly scheduled meeting on January 27, 2022 voting to open a public comment period prior to studying the issue further; and

WHEREAS, a public comment period was noticed, soliciting public input from February 4, 2022 to February 18, 2022; and

WHEREAS, City Staff received thirty-six comments during the public comment period; and

WHEREAS, the Planning Commission studied all public comment received, including those from the City Council public hearing, at a regularly scheduled meeting on March 2, 2022; and

WHEREAS, the Planning Commission is scheduled to study the issue further at a special meeting on March 31, 2022 with additional meetings and a hearing proposed pursuant to the work program included in the agenda bill related to this ordinance dated March 28, 2022; and

WHEREAS, the moratorium is set to expire on April 6, 2022 and additional time is required;

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

Section 1. Findings of Fact. The whereas statements above are hereby adopted as Findings of Fact.

Section 2. Hearing. The City Council held a public hearing on March 28, 2022 as required for any renewal of a moratorium.

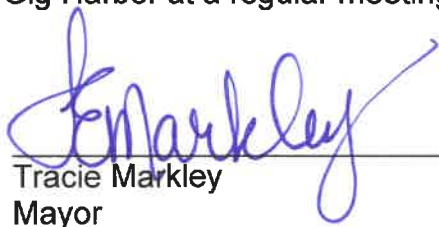
Section 3. Renewal. The Moratorium enacted by Ordinance 1467 is hereby renewed for a period of 6-months.

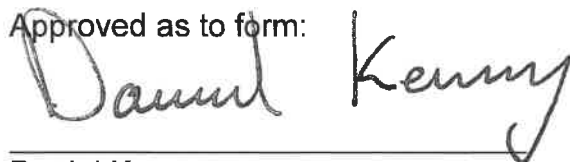
Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.


Section 5. Declaration of Emergency; Immediate Effective Date; Sunset. The findings and conclusions above are adopted by the City Council in support of the designation of this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property and public welfare. This ordinance shall take effect immediately upon adoption by the Council, by a vote of a majority of the Council plus one; otherwise it shall take effect and be in force from and after the earliest period allowed by law, and shall remain effective for six months unless terminated earlier or renewed by the City Council.

Section 6. 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.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 28th day of March, 2022.


Tracie Markley
Mayor

Approved as to form:

Daniel Kenny
City Attorney

Attest:

Joshua Stecker, CMC
City Clerk

EFFECTIVE DATE: March 28, 2022