

ORDINANCE 3989

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE TEMPORARY USE PERMITS AND THE FREQUENCY AND DURATION OF HOMELESS ENCAMPMENTS UNDER KIRKLAND ZONING CODE SECTION 127.30.

WHEREAS, the City has the authority to adopt interim zoning regulations pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, in November 2004, Tent City 4, a homeless encampment, moved to the St. Vianney church property in unincorporated King County in the Finn Hill neighborhood near Kirkland; and

WHEREAS, approximately three months earlier, Tent City 4 was located in the City of Woodinville and prior to that the City of Bothell; and

WHEREAS, on Sunday, February 13, 2005, the Kirkland Congregational Church, United Church of Christ extended an invitation to host Tent City 4 in Kirkland; and

WHEREAS, on Tuesday, February 15, 2005, the Kirkland Congregational Church, United Church of Christ and SHARE/WHEEL, as co-applicants, requested a Temporary Use Permit to locate Tent City 4 in the Church parking lot for a period of 90 days; and

WHEREAS, on Friday, March 11, 2005, the Planning Director granted a Temporary Use Permit to Tent City 4; and

WHEREAS under KMC 127.30 the City may not grant a temporary use permit to the same user more frequently than once in every 365-day period or for a time period to exceed 60 days; and

WHEREAS, in order to allow for a homeless encampment of the duration recently experienced by neighboring jurisdictions, and requested by the co-applicants, the 60-day maximum for temporary use permits under Kirkland Zoning Code ("KZC") 127.30 must be expanded; and

WHEREAS, based upon recent court decisions, any attempt to limit churches to hosting homeless encampments to once in every 365-day period is of doubtful validity; and

WHEREAS, the Kirkland City Council has determined that there is a need for interim zoning regulations for the permitting of homeless encampments; and

WHEREAS, pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing on this interim Ordinance was held prior to the passage of this Ordinance;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Kirkland City Council makes the following findings:

a. The purpose and intent of this Ordinance is to set forth interim regulations governing temporary use permits for homeless encampments.

b. The City of Kirkland Zoning Code temporary use permit provisions do not currently provide sufficient frequency and duration for homeless encampments, once permitted.

c. The City of Kirkland is working with the other King County cities and "A Regional Coalition for Housing" (ARCH) to develop common approaches for the regulation and permitting of homeless encampments.

d. Until a new, permanent ordinance regarding the regulation and permitting of homeless encampments can be implemented; there is a need for an interim ordinance that specifically addresses the frequency and duration of homeless encampments.

Section 2. Frequency and Duration of Temporary Use. In order to allow existing and future homeless encampments for the duration recently allowed by neighboring jurisdictions, the 60-day maximum for temporary use permits under KZC 127.30 shall be expanded for homeless encampments for a time period not to exceed 90 days. Any such shorter time period imposed by the City prior to the effective date of this Ordinance is hereby expanded to 90 days. Further, in order to ensure that future homeless encampments are not precluded from locating in Kirkland, the limitation that the City may not grant a temporary use permit to the same user more frequently than once in every 365-period is eliminated as to homeless encampments hosted by churches.

Section 3. Duration. This Ordinance shall be effective for six months. This Ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

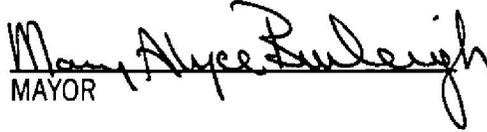
Section 5. Houghton Community Council. To the extent the subject of this Ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this Ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Ordinance within 60 days of the date of passage of this Ordinance.

Section 6. Emergency Ordinance. This is an emergency Ordinance

necessary for the protection of the public health and safety and shall be in force and effect immediately upon passage by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 5th day of April, 2005.

Signed in authentication thereof this 5th day of April, 2005.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney