

## ORDINANCE NO. 4047

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTER 127, "TEMPORARY USE PERMITS," OF THE KIRKLAND ZONING CODE, ORDINANCE NO. 3719 AS AMENDED, TO ADDRESS HOMELESS ENCAMPMENTS, FILE NO. ZON05-00028.

WHEREAS, the City Council passed Ordinance No. 4040 on February 21, 2006, to amend Chapter 127, "Temporary Use Permits," of the Kirkland Zoning Code, Ordinance No. 3719 as amended, to address homeless encampments, bearing Kirkland Department of Planning and Community Development File No. ZON05-00028; and

WHEREAS, the Houghton Community Council considered Ordinance No. 4040 on February 27, 2006, in open meeting and by majority vote passed Resolution 2006-1 to disapprove it thereby exercising the disapproval authority provided by RCW 35.14.030 and KMC 2.12.040; and

WHEREAS, the Houghton Community Council differed with the substance of Ordinance No. 4040 only with respect to the sponsorship of homeless encampments determining that homeless encampments should only be sponsored by churches; and

WHEREAS, on March 21, 2006, the City Council reconsidered the position of the Houghton Community Council on the sponsorship issue and chooses to amend Chapter 127.

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance No. 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as set forth in Attachment A attached to this Ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. To the extent the subject matter 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 the passage of this Ordinance.

Section 4. Except as provided in Section 3, this Ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council.

## 127.25.1. Definitions

- c. Sponsor - ~~An entity A local church or other local, community-based organization~~ that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A "sponsor" may be the same entity as the managing agency.

## 2. Standards

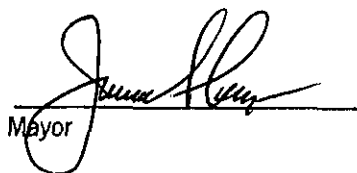
- a. An application for a homeless encampment must include a local church or other community based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.
- b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
- c. Sight obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.
- d. Exterior lighting must be directed downward and contained within the homeless encampment.
- e. The maximum number of residents within a homeless encampment is 100.
- f. Parking for 5 vehicles shall be provided.
- g. A transportation plan is required which shall include provision of transit services.
- h. The homeless encampment shall be located within ½ mile of transit service.
- i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- j. No animals shall be permitted in encampments except for service animals.

- k. A Code of Conduct is required to be enforced by the managing agency. The Code shall contain the following as a minimum:
- i. No drugs or alcohol.
  - ii. No weapons.
  - iii. No violence.
  - iv. No open flames.
  - v. No loitering in the surrounding neighborhood.
  - vi. Quiet hours.
- l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire resistant materials.
- m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- n. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

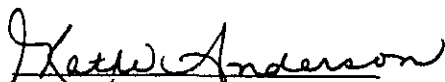
Section 5. A complete copy of this Ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this 21st day of March, 2006

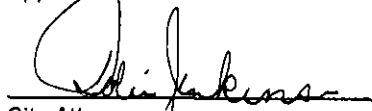
SIGNED IN AUTHENTICATION thereof this 21st day of March, 2006

  
Mayor

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney