

ORDINANCE NO. 1545

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON amending chapter 18.25 DMMC relating to development standards for the Business Park Zone in the City of Des Moines.

WHEREAS, the City Council Finance and Economic Development Committee has determined that land zoned Business Park is highly underutilized and changes to the Business Park Zone are needed to facilitate economic growth within the City, and

WHEREAS, the textual code amendments proposed by this Ordinance have been processed in accordance with the requirements of chapter 43.21C RCW the State Environmental Policy Act (SEPA), and

WHEREAS, a determination of nonsignificance was issued on June 22, 2012 by the SEPA Responsible Official, and the applicable SEPA comment period has concluded, and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on July 26, 2012, and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments to the Business Park Zone contained in this Ordinance are appropriate to provide clear and predictable development regulations in a manner that promotes the health, safety, and welfare of the citizens of the City; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings of fact. The findings of fact set forth in Exhibit A, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to amend chapter 18.25 DMMC - Business Park Zone.

Sec. 2. DMMC 18.25.010 and section 1 of Ordinance No. 920 as amended by section 7 of Ordinance No. 1237 as amended by section 1 of Ordinance No. 1260 are each amended to read as follows:

Purpose of zone.

(1) The primary purpose and objective of the Business Park (B-P) Zone is to provide areas of the City for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade, and limited retail uses. Such uses shall be developed within master planned sites in park-like settings pursuant to development standards.

(2) It is the purpose of this zone to ensure compatibility between business parks and adjacent uses in terms of height, bulk, scale, and design; to mitigate potential adverse environmental impacts and nuisance effects on-site and off-site through careful planning, the use of buffering and screening, and the imposition of environmental performance standards and appropriate off-site mitigation requirements; to provide for the planned economic development of the City; to ensure that business park development is coordinated with the provision of adequate infrastructure by private applicants and the City, such as roads, drainage, and other utility systems; to require that business park developments pay their fair share of the costs of needed services and facilities; and to ensure that development occurs consistent with the goals and policies of the City of Des Moines Comprehensive Plan.

Further it is the purpose of this zone to establish standards to ensure that development occurs in a manner that is compatible with the Des Moines Creek Park, Des Moines Creek Trail, Steven J. Underwood Memorial Sports Park, City of Des Moines Senior Center and adjacent residential designated properties.

Sec. 3. DMMC 18.25.020 and section 2 of Ordinance No. 920 as amended by section 1 of Ordinance No. 1199 as amended by section 3 of Ordinance No. 1237 as amended by section 2 of

Ordinance No. 1260 as amended by section 1 of Ordinance No. 1412
are each amended to read as follows:

Permitted uses. Only those uses listed below, shall be permitted in the B-P zone. Each use is more fully described in the "North American Industry Classification System," (hereinafter "NAICS" 2007 Edition, published by the United States Office of Management and Budget, A copy of the 2007 edition of the NAICS, shall be maintained on file in the office of the city manager or designee and shall be available for public inspection. The numbers in parentheses following each of the following listed uses refer to the NAICS' code numbers:

(1) Services, limited to the following:

(a) Administrative Support Services (561);

(b) Professional, Scientific, and
Technical Services (54);

(c) Management of Companies and
Enterprises (55);

(d) Health Care Services (621), provided
that this use is prohibited north of South 200th
Street;

(e) Repair Services (8112, 8113 and 8114);

(f) Personal Services (812);

(g) Recreation Services (711310, 712110,
712120, 712190, 713940, and 713990), provided that
these uses are prohibited north of South 200th
Street;

(h) Real Estate Institutions and Rental
Services (53);

(i) Publishing, Telecommunications, Internet Service Providers, and Data Processing Services (51);

(j) Educational Services (6114, 6115, 6116 and 6117);

(k) Religious, Business and Professional Associations (813), provided that these uses prohibited north of South 216th Street;

(2) Finance and, Insurance Services (52), and;

(3) Light manufacturing, fabrication, and assembly of the following and closely related products:

(a) Food Products (3114, 3117, 3118, 3119, 3121);

(b) Apparel Manufacturing (315);

(c) Wood Products Manufacturing (3219);

(d) Furniture and Related Products Manufacturing(337);

(e) Pharmaceutical and Medicine Manufacturing (3254);

(f) Computer and Electronic Product Manufacturing (334);

(g) Electrical Equipment and Components, Manufacturing (335);

(h) Fabricated Metal Products Manufacturing (3321, 3322, 3323, 3325, 3326, 3327);

(i) Medical Equipment and Supplies Manufacturing (3391);

(j) Printing and Related Support Activities (323);

(k) Stone, Clay, Glass, Ceramics, Pottery, China Manufacturing (3271 and 3272);

(l) Toys, Jewelry, and Other Miscellaneous Manufacturing (3399);

(4) Building and Special Trade Contractors (23);

(5) Retail trade, limited to the following:

(a) Restaurants (722);

(b) Building Material and Garden Equipment and Supplies Dealers (444);

(c) General Merchandise Stores (452 and 445), provided that these uses are prohibited north of South 200th Street;

(d) Furniture and Home Furnishing Stores (442)

(e) Electronic and Appliance Stores (443)

(6) Public facilities, including the following:

(a) Public parks (no NAICS code);

(b) Public Administration (92);

(c) Public utilities (221121, 221122, and 221210);

(7) Transportation and Wholesale Trade Limited to the following:

(a) Wholesale Trade (42), provided that 4235 is prohibited;

(b) Motor Freight Transportation (484);

(c) Support Activities for Freight Transportation (4884, 4885, 4889);

(d) Courier and Postal Services (492 and 493);

(8) Operation of foreign trade zones limited to the uses listed above.

Sec. 4. DMMC 18.25.030 and section 3 of Ordinance No. 920 as amended by section 3 of Ordinance No. 1260 are each amended to read as follows:

Master Plan Submittal Requirements.

(1) Master Plan Required. All development within the B-P Zone shall be consistent with an approved master plan.

(2) Contents of Master Plan. Each master plan shall consist of the following:

(a) Site plans illustrating planned development at a maximum scale of 1:40, including the following:

(i) Boundaries, dimensions, and acreage of the site;

(ii) Location of lot lines, rights-of-way, easements, and tracts within the site;

(iii) Location and nature of planned improvements to the vehicular and pedestrian circulation system within and abutting the site;

(iv) Location of planned buildings, structures, parking areas, and other improvements within the site;

(v) Location of proposed landscaped areas, recreation areas, and areas to be left undisturbed;

(b) Conceptual landscaping plans for all exterior boundaries, internal streets, and common open space areas. The landscaping plans shall be prepared by a licensed landscape architect and drawn at a maximum scale of 1:20; and

(c) Conceptual utilities plan prepared by a licensed professional engineer and drawn at a maximum scale of 1:20;

(d) Covenants, conditions, and restrictions proposed by the applicant to control future development of the area subject to the Master Plan;

(e) A sign program indicating the general location, dimensions, height, and materials of signs consistent with the requirements for a Comprehensive Sign Review provided in Article III of Chapter 18.42 DMMC.

(3) Master Plan Submittal Requirements. The following information shall be submitted for review and approval of a proposed master plan in such form as required by the City Manager or designee:

(a) Subdivision application (if applicable);

(b) Environmental checklist;

(c) Vicinity map(s) showing existing conditions within and surrounding the site including: land uses, zoning, buildings, vehicular

and pedestrian circulation systems, existing topography indicated with five-foot contours, environmentally critical areas, and significant natural vegetation. The vicinity map shall be drawn at a maximum scale of 1:100;

(d) A proposed master plan containing the elements listed in DMMC 18.25.030(2);

(e) A narrative description of the proposal, including a discussion of how it is consistent with Des Moines Comprehensive Plan and applicable provision of the Zoning Code, Title 18 DMMC; how the proposal relates to other potential business parks in the vicinity; how any off-site environmental impacts will be mitigated; and a description of planned improvements, including the maximum site coverage, maximum gross square feet of occupiable floor area and the maximum floor area to be occupied by different types of uses, maximum building height for each building location, the nature and extent of off-site improvements, and development phasing; and

(f) A traffic analysis and report indicating the following: current and future traffic volumes and levels of service on the street system; planned and programmed traffic improvements and their relationship to any adopted state, local, and/or regional transportation plans or programs; anticipated traffic volumes and distribution; impacts generated by the proposal on future traffic volumes and levels of service; measures necessary to mitigate the proposal's effects on traffic and traffic systems, including the proposal's pro rata share of identified traffic improvements; a proposed transportation demand management (TDM) plan to reduce traffic impacts; and such other information as may be required by the City.

(5) Amendments to Approved Master Plans.

(a) Minor amendments to an approved master development plan may be approved by the City Manager or designee if the amendment meets the development standards and criteria applicable to the zoning and requirements set forth in this section. Minor amendments include any revision or modification of the previously approved master development plan that would result in any one or more of the following:

(i) An increase in the square footage of any proposed building or structure of greater than ten (10) percent but less than fifteen (15) percent; or

(ii) A change in the number of new parking spaces, parking spaces created by re-striping existing parking areas and/or a combination of both except for an increase in parking spaces for bicycles or electric vehicles, or carpools that is greater than ten (10) percent but less than fifteen (15) percent; or

(iii) A change in the original phasing timeline for mitigation of the master development plan; or

(iv) Changes to building placement when located outside of the required setbacks and any required setbacks for critical areas; or

(v) A cumulative increase in impervious surface that is greater than ten (10) percent but less than fifteen (15) percent or a cumulative decrease in tree cover that is greater than ten (10) percent and less than fifteen (15) percent.

(b) Major amendments are changes that exceed the thresholds for a minor amendment or were not analyzed as part of an approved master

development plan. Major amendments to an approved master development plan shall be processed as a new master plan.

(c) Amendments for Adjacent Properties. Applicants for business park proposals adjacent to property covered by an approved master plan may request an amendment to the master plan to incorporate their proposed development. Such proposals shall be consistent with the approved master plan and shall be processed as a new master plan.

Sec. 5. DMMC 18.25.040 and section 4 of Ordinance No. 920 as amended by section 5 of Ordinance No. 1260 are each amended to read as follows:

Property Development Standards

(1) Minimum Site Area.

(a) The minimum area of a master plan shall be 2 acres. Master plans containing less than the minimum area shall be allowed only if the site adjoins a previously approved master plan.

(2) Maximum Site Coverage. Buildings, parking areas, and other paved or graveled surfaces, exclusive of public rights-of-way and recreation areas developed and accessible to the public, shall cover no more than seventy-five (75) percent of the building site.

(3) Maximum Height. The maximum height of buildings and structures shall be as set forth below:

(a) For properties north of South 200th Street, the maximum building height shall be 35 feet as measured from the average finish grade as defined in DMMC 18.04.320.

(b) For properties north of South 216th Street, the maximum building height shall be 75 feet as measured from the average finish grade as defined in DMMC 18.04.320.

(c) For properties south of South 216th Street, the maximum building height shall be 35 feet as measured from the average finish grade as defined in DMMC 18.04.320.

(4) Minimum Setbacks. All structures, parking areas, and loading areas shall maintain minimum setbacks from property lines as set forth below:

(a) Perimeter of building sites abutting any street classified as a major arterial, a secondary arterial or collector by the City's Comprehensive Transportation Plan, as presently constituted or as subsequently amended, and/or abutting any property designated as multifamily by the Des Moines Comprehensive Plan, as presently constituted or as subsequently amended: 20 feet;

(b) Perimeter of building sites abutting any property designated as single-family residential by the Des Moines Comprehensive Plan, as presently constituted or as subsequently amended: 30 feet;

(c) Perimeter of building sites abutting any street other than a major arterial, secondary arterial, or collector: 15 feet;

(d) Perimeter of building sites, other than those abutting a street or residential designated property: 10 feet.

Sec. 6. DMMC 18.25.050 and section 5 of Ordinance No. 920 as amended by section 2 of Ordinance No. 1199 as amended by section 3 of Ordinance No. 1237 as amended by section 6 of Ordinance No. 1260 are each amended to read as follows:

Performance Standards. Every use permitted within the B-P zone pursuant to this chapter shall conform to the following performance standards:

(1) Nuisances. No use, activity, or equipment shall be permitted which creates a nuisance or is offensive, objectionable, or hazardous by reason of creation of odors, noise, sound, vibrations, dust, dirt, smoke, or other pollutants, noxious, toxic, or corrosive fumes or gases, radiation, explosion or fire hazard, or by reason of the generation, disposal, or storage of hazardous or dangerous wastes or materials.

(2) Hazardous Waste and Hazardous Substances.

(a) A use permitted by this chapter that involves hazardous waste storage or the use or handling of hazardous substances shall comply with all applicable regulations to include Chapter 70.105 RCW (Hazardous Waste Management) and Chapter 70.109D RCW (Hazardous Waste Cleanup -- Model Toxics Control Act).

(b) On-site hazardous waste disposal facilities shall be prohibited.

(c) The use or handling of hazardous substances is permitted as an accessory use only; provided, that the transport, storage, containment, application, and disposal of such hazardous substances shall be performed so as not to jeopardize the health and safety of an individual or harm the environment.

(3) Outdoor Storage.

(a) Outdoor storage shall only be allowed as an accessory use to another principal use.

(b) The material(s) being stored shall not exceed 12 feet in height as measured from the high point of the outdoor storage area.

(c) The material(s) being stored shall be wrapped or enclosed to prevent wind-blown debris.

(d) The outdoor storage area shall not exceed 40 percent of the building footprint or 15 percent of the lot area, whichever is less.

(e) Outdoor storage shall be screened from adjacent properties by a 12-foot landscaped buffer. The buffer shall contain at least 75 percent coniferous trees of a minimum size of six feet at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper as measured per ANSIZ 60.1-2004. All trees shall be planted no less than 20 feet apart on-center. For every 16 square feet of buffer area, at least one evergreen shrub of a minimum size of two feet shall be provided. Ground cover of a minimum one-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting. Landscaping shall not serve as a substitute for the required setbacks of the underlying zoning.

(f) Outdoor storage areas adjacent to public streets and to future or existing bicycle or pedestrian paths shall be screened by a minimum of a six-foot masonry wall in addition to the landscaping requirements established by DMMC 18.25.050(3)(e). The screening wall shall be set back a maximum distance of 15 feet from the property line. The height of the wall shall be measured from the high point of the outdoor storage area.

(g) Outdoor storage shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor storage is allowed between a building and a side street lot line.

(h) The City Manager may modify the requirements for spacing, number and size of plantings upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals.

(4) Warehouse, light manufacturing and distribution facilities shall comply with the following additional standards:

(a) Loading areas shall be set back, recessed and/or screened so as not to be visible from adjacent public rights-of-way or properties designated as residential by the City of Des Moines Comprehensive Plan.

(b) Loading areas shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no loading areas are allowed between a building and a side street lot line.

(c) The office portion of a warehouse use shall be oriented towards the adjacent public street which the highest classification as determined by the City's Comprehensive Transportation Plan, as presently constituted or as subsequently amended.

(d) The portion of a building visible from public rights-of-way shall be architecturally treated to break up the box like look of the buildings.

(e) The building(s) shall be designed and oriented to locate the shorter width of the building towards the public right-of-way.

(f) The main entries to the building shall portray a quality office appearance while being architecturally related to the overall building composition.

residentially by the City of Des Moines Comprehensive Plan.

(9) Trash and Recycling Receptacles. Trash and recycling receptacles shall be a minimum of 15 feet from any properties designated as residential by the City of Des Moines Comprehensive Plan.

(10) Solid Waste. All solid waste materials shall be transported to an official landfill waste disposal site or recycling center. No such materials shall be disposed of on site.

(11) Liquid Waste Disposal.

(a) Liquid waste materials except potable water shall not be disposed of on-site, however, where such materials are temporarily stored on the property, they shall be contained in a manner so as to prevent their entry into the surface water drainage system and/or any ground water aquifer.

(b) Temporary storage of liquid waste materials shall comply with DMMC 18.86.240 for sites located within Critical Aquifer Recharge Areas.

(12) Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall comply with the Maximum Environmental Noise Levels set out in Chapter 173-60 WAC as presently constituted or as may be subsequently amended.

(13) Exterior Lighting.

(a) Lighting shall comply with the Zone 3 requirements for exterior light established by the 2009 Washington State Energy Code as presently adopted or as subsequently amended;

(b) Lighting shall be fully shielded in such a manner that the bottom edge of the shield shall be below the light source so no light is emitted above the horizontal plane of the lighting fixture.

(c) Ground-mounted floodlighting shall only be used to illuminate landscaping areas, accentuate key architectural features or illuminate flag poles.

(d) Exterior lighting shall provide a minimum of at least 1.5 foot candle for parking lots and walkways.

(e) Exterior Lighting shall be less than 0.2 foot candles at the property lines which abutted properties designated as Single-Family, Multifamily, or Park by the Des Moines Comprehensive Plan.

(f) A Photometric Plan and Exterior Lighting Summary shall be submitted as part of the Building Permit application.

(14) Site Design.

(a) Sites shall provide for convenient pedestrian linkages to abutting streets and/or trails.

(b) Sites shall not gain access from a right-of-way classified as a Local Street in the City's Comprehensive Transportation Plan - Chapter 4.

(15) Public Services and Utilities.

(a) All pre-existing and newly installed utilities on site, within abutting rights-of-way, and extended to the site, shall be placed underground.

(b) All development shall be required to install or pay for a proportional share of any new facilities or utilities required to serve the development. Mechanisms such as in-lieu fees, latecomer's agreements, and impact fees may be used to equitably distribute the cost of required improvements.

(c) All public services and utilities must be adequate to support the proposed master plan development, including but not limited to drainage; street and walkway systems, both on site and off site; sewer and water systems; fire protection; police service; electrical power; and telecommunications.

(d) Drainage systems shall be designed to be consistent with the surface water design manual for the City, and shall be consistent with drainage studies or plans for the applicable basin.

(e) All traffic impacts directly caused by a proposed business park shall be mitigated by the applicant.

(16) Existing single-family residential structures located in the BP Zone shall not be used for any business other than a home occupation business as further described in DMMC 18.08.020.

Sec. 7. Repealer.

(1) DMMC 18.25.035 and section 4 of Ordinance No. 1260.

(2) DMMC 18.25.060 and section 6 of Ordinance No. 920, section 3 of Ordinance 1237 and section 7 of Ordinance 1260.

(3) DMMC 18.25.080 and section 8 of Ordinance No. 920, section 9 of Ordinance 1260 and section 1 of Ordinance 1404.

Sec. 8. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

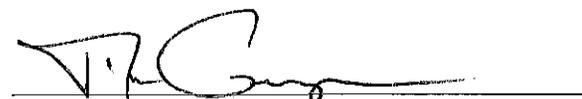
(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 9. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 26th day of July, 2012 and signed in authentication thereof this 26th day of July, 2012.


M A Y O R

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Effective Date: August 25, 2012

Published: July 31, 2012

EXHIBIT A TO ORDINANCE NO. 1545

FINDINGS of FACT

1. The Des Moines Planning Agency held a public meeting on February 6, 2012 and March 5, 2012 and recommended that the City Council adopt the amendments the Business Park Zone.
2. A SEPA Determination of Nonsignificance (LUA2012-0003) was issued on June 22, 2012.
3. Pursuant to the Growth Management Act - Chapter 36.70A RCW the Draft Ordinance was provided to the Department of Commerce for review and comment by the Department and other State agencies. This mandatory 60 day review and comment period commenced on May 25, 2012 and concluded on July 25, 2012.
4. A public hearing with the City Council was held on July 26, 2012 as required by DMMC 18.56.200 and 18.60.040.
5. The date of the public hearing to consider the Draft Ordinance was set by the City Council on June 28, 2012 pursuant to Resolution No. 1195 as required by DMMC 18.60.120(3).
6. Notice of the public hearing was posted at the City's official posting locations, the City website, Channel 21, and the Seattle Times as required by DMMC 18.60.120(3).
7. RCW 36.70.547 requires that, "[E]very county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport."
8. *Des Moines Comprehensive Plan* Policy 2-03-11 directs the City to "[R]egulate the siting of incompatible uses adjacent to the Sea-Tac Airport, as defined in RCW 36.70.547 and the Washington State Department of Transportation's *Airports and Compatible Land Use Volume 1* (1999)."

9. The *Washington State Department of Transportation's Airports and Compatible Land Use Guidebook* (2011) establishes six Safety Zones based on where accidents have historically been most concentrated around airports.
10. The greatest restrictions apply within Safety Zone 1 which contains the highest concentration of historical accident points. Of the other zones, Safety Zone 2 encompasses the second highest concentration of accident points.
11. The permitted uses allowed in the Business Park Zone are consistent with the *Washington State Department of Transportation's Airports and Compatible Land Use Guidebook Appendix F - Compatibility Criteria*.
12. The area designated Business Park by the *Des Moines Comprehensive Plan* Figure 2-07 is wholly located in Safety Zone 2 as such uses prohibited in Safety Zone 2 by the *Washington State Department of Transportation's Airports and Compatible Land Use Guidebook Appendix F - Table F-2* are prohibited north of South 200th Street.
13. The *Des Moines Comprehensive Plan*, Strategy 1-04-03(2) states that the City should "review and amend as appropriate the Zoning Code, Subdivision Code and other development regulations to establish development standards that are clear and predictable, that simplify the review process, and adapt to varied site or neighborhood conditions.
14. The *Des Moines Comprehensive Plan*, Strategy 1-04-03(2) states that the City should, "[C]onsistently and equitably enforce development standards. If such enforcement is not possible, re-evaluate the standards and amend them to be more precisely defined.
15. The *Des Moines Comprehensive Plan*, Policy 2-03-03 states that the City should, "[E]nsure that future development has adequate public facilities and services or such services can be concurrently provided.

(5) All uses shall conform to the off-street parking and loading area requirements set forth in chapter 18.44 DMMC, or as hereinafter amended; provided, however, employee parking may be reduced through implementation of a Commute Trip Reduction Program consistent with the requirements of chapter 16.16 DMMC.

(6) Landscaping.

(a) All developments shall conform to the landscaping and buffering requirements set forth in chapter 18.41 DMMC.

(b) Landscaping shall be designed to achieve an aesthetically pleasing park-like setting; integrate landscaping in master plan design; preserve significant trees, particularly tree clusters; reinforce the relationship to its natural setting; soften building masses; provide visual screening from, and provide transition to, adjacent residential areas, and noise and wind buffering; define automobile and pedestrian circulation patterns; maintain and strengthen public vistas; provide screening for on-site parking areas, and refuse and recycling receptacles; create functional and accessible active and passive outdoor activity spaces; and create linkages, where feasible, to city and regional parks and trail systems.

(7) Parking Facilities. Parking facilities that are not an accessory use to another permitted use but are the primary use on the site shall be located in a multistory parking structure. Surface parking shall not be used to provide paid parking facilities.

(8) Manufacturing Uses. All master plan sites which contain manufacturing uses as established by the NAICS shall provide a six (6) foot tall masonry wall or wood fence along the property lines which abut properties designated as