

ORDINANCE NO. 1544

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON adding a new chapter to Title 18 DMMC entitled I-C Institutional Campus Zone, establishing new development standards for a new Institutional Campus Zone (I-C) in the City of Des Moines and amending DMMC 18.06.020 and 18.06.030 to add the new I-C zone to the list of existing zoning categories in the City.

WHEREAS, clear and predictable development regulations to encourage efficient permitting is a planning goal established by the Growth Management Act, Chapter 36.70A RCW, and

WHEREAS, the *Des Moines Comprehensive Plan* Policy 2-03-14 directs the City to establish an Institutional Campus land use designation and zone that supports Highline Community's College Master Plan, and

WHEREAS, there are other large institutional facilities in the City that serve a regional clientele that include Wesley Homes, Judson Park, and the Highline School District that also require the development of a land use designation and zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in agency Master Plans, and

WHEREAS, the Des Moines Planning Agency at its March 5, 2012 meeting recommended that the City Council adopt a zoning classification to accommodate large institutional campus uses that serve regional clientele, and

WHEREAS, the Finance and Economic Development Committee has determined that modifications to the City's development regulations are required to accommodate large institutional campus uses that serve regional clientele, and

WHEREAS, pursuant to DMMC 18.56.080 amendment of the zoning code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on May 24, 2012, and all persons wishing to be heard were heard, and

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

WHEREAS, the SEPA review determined that there is adequate water, sewer, utility and transportation capacity to serve the potential growth associated with the proposed zoning amendments as determined by the relevant capital facility plans, and

WHEREAS, a Determination of Non-significance was issued on May 8, 2012 by the SEPA Responsible Official, and the applicable SEPA comment period has concluded, and

WHEREAS, the textual code amendments proposed in this ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, the City Council finds that the amendments to Title 18 DMMC contained in this ordinance are appropriate to provide clear and predictable development regulations for institutional campus uses 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 and conclusions. The findings of fact set forth in Exhibit 1, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to establish an Institutional Campus zoning designation.

Sec. 2. A new chapter is added to Title 18 DMMC entitled "I-C Institutional Campus Zone" to read as follows:

1. Purpose of zone.

(a) To provide a zoning district for colleges, universities, educational facilities, and retirement facilities.

(b) To ensure that colleges, universities, educational facilities, and retirement facilities that occupy

large sites are planned, designed, and managed in a way that minimizes impacts on adjacent areas.

(c) To ensure that the expansion of existing institutional uses does not significantly adversely impact quality of life in adjacent residential areas.

2. Permitted uses. Only those uses listed below, shall be permitted in the I-C Zone. Each use is more fully described in the United States Office of Management and Budget, North American Industry Classification System (2007) or as subsequently revised. The numbers in parentheses following each of the listed uses refer to the North American Industry Classification System (NAICS) code numbers:

(a) Educational Services (61)

(b) Nursing and Residential Care Facilities (623);

(c) Religious, Grant-making, Civic, And Professional Organizations (813)

3. Master Plans.

(a) Purpose. The purpose of the master plan is to define the development of property promote compatibility with neighboring areas and benefit the community with flexibility and innovation. With the exception of those uses and standards contained in this section, all other aspects of development, redevelopment or expansion will be regulated as prescribed in this title and other applicable codes.

(b) Master Plan required. Master plan approval shall be required for all institutional uses with 150,000 square feet of total gross floor area or more. The calculation of the total gross floor area is calculated by combining the total gross floor area of all the buildings located within a contiguous campus area.

(c) Contents of Master Plan. A master plan shall consist of the following:

(i) Site plans drawn at a maximum scale of 1:40 and illustrating the following:

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

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

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

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

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

(ii) Conceptual landscaping plans for all required landscaping areas, exterior boundaries, internal streets, and common open space areas. The conceptual landscaping plans shall be drawn at a maximum scale of 1:20 and shall be prepared by a Licensed Landscape Architect; and

(iii) Conceptual utilities plan drawn at a maximum scale of 1:20;

(iv) Environmental checklist;

(v) 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;

(vi) A narrative description of the proposal, including a discussion of how it is consistent with applicable comprehensive plan policies; 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

(vii) 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.

(viii) A technical information report containing the elements required by the City's adopted Surface Water Design Manual.

(ix) Covenants, conditions, and restrictions proposed by the applicant to control future development of the area subject to the master plan;

(x) 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.

4. Master Plan decision criteria. A master plan approval shall be granted by the City only if the applicant demonstrates that:

(a) The master development plan includes a general phasing timeline of development and associated mitigation.

(b) The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.

(c) There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there

will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

(d) There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

(e) The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.

(f) The applicant shall demonstrate that proposed commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.

5. Master Plan amendments. 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:

(a) 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

(b) 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

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

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

(e) 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.

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.

6. Property development standards. All properties zoned I-C shall be subject the following development standards:

(a) The maximum building height for master plan sites of 10 acres or more shall be as follows

(i) The maximum building height for multi-unit residential buildings shall be 85 feet as measured from the average finished grade.

(ii) The maximum building height for all other buildings and structures shall be 65 feet as measured from the average finished grade.

(b) The maximum building height for master plan sites of less than 10 acres shall be as follows:

(i) The maximum building height for multi-unit residential buildings shall be 45 feet as measured from the average finished grade,

(ii) The maximum building height for all other buildings and structures shall be 35 feet as measured from the average finished grade.

(c) Buildings with a height of 35 feet or less shall be setback a minimum of 20 feet from all property lines. Buildings with a height above 35 feet shall be setback 20 feet for the first 35 feet plus one foot for every 2 feet of height above 35 feet.

(d) Buildings, parking areas, and other paved 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.

7. Performance standards. Every property within the I-C zone shall conform to the following performance standards:

(a) 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.

(b) Loading and parking areas.

(i) 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 Single-Family, Multifamily, or Park by the City of Des Moines Comprehensive Plan.

(ii) Load 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) All uses shall conform to the off-street parking and loading area requirements as set forth in Chapter 18.44 DMCC, or as hereinafter amended; provided, however, employee

parking may be reduced through implementation of a transportation demand management (TDM) program.

(d) Landscaping.

(i) All uses shall conform to the landscaping and buffering requirements as set forth in Chapter 18.41 DMMC.

(ii) 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.

(e) Trash and recycling receptacles. Trash and recycling receptacles shall be a minimum of 15 feet from any properties designated as Single-Family, Multifamily, or Park by the City of Des Moines Comprehensive Plan.

(f) 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 established by Chapter 173-60 WAC as presently constituted or as may be subsequently amended.

(g) Exterior lighting.

(i) Lighting shall comply with the Zone 2 requirements for exterior light established by the 2009 Washington State Energy Code as presently adopted or as subsequently amended;

(ii) 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.

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

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

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

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

Sec. 3. DMMC 18.06.020 and section 1 of Ordinance No. 1397 are each amended to read as follows:

Names of zones. To accomplish the purpose of this title, the following use zones are established and regulations are set forth therein defining the permissible uses, the height and bulk of buildings, the area of yards and other open spaces about buildings, and the density of population; such zones are known as follows:

(1) Residential Zones.

(a) Single-family residential zones:

(i) R-SR Residential: Suburban Residential;

(ii) R-SE Residential: Suburban Estate;

(iii) RS-15,000 Residential: Single-Family 15,000;

(iv) RS-9,600 Residential: Single-Family 9,600;

(v) RS-8,400 Residential: Single-Family 8,400;

(vi) RS-7,200 Residential: Single-Family 7,200;

(vii) RS-4,000 Residential: Single-Family 4,000;

(b) Multifamily residential zones:

(i) RA-3,600 Residential: Attached Townhouse and Duplex 3,600;

(ii) RM-2,400 Residential: Multifamily 2,400;

(iii) RM-1,800 Residential: Multifamily 1,800;

(iv) RM-900 Residential: Multifamily 900;

(v) RM-900A Residential: Multifamily 900A;

(vi) RM-900B Restricted Service Zone.

(2) Commercial Zones.

(a) N-C Neighborhood Commercial;

(b) B-C Business Commercial;

(c) C-C Community Commercial;

(d) D-C Downtown Commercial;

(e) C-G General Commercial

(f) I-C Institutional Campus;

(g) B-P Business Park;

(h) H-C Highway Commercial.

Sec. 4. DMMC 18.06.030 and section 2 of Ordinance No. 1397 are each amended to read as follows:

Degree of restrictiveness. In the different major categories of zones established by this title, the residential zones are considered the most restrictive and other zones are less restrictive. Although the elements of required minimum lot areas and open spaces are involved in varying degrees in determining the position of uses in the scale of restrictiveness, the characteristics of uses as set forth in the various individual zones are the primary criteria. In the commercial zones the uses permitted actually determine the sequence of restrictiveness. To further distinguish the degree of restrictiveness in the various major categories of zones within which there is more than one zone, the sequence is as follows:

(1) In the residential zones, the zone that establishes the lowest population density and requires the highest standards of lot area, yards, and open spaces is considered to be the most restrictive, and the uses permitted in such zone are considered to be the lightest and most restricted. The single-family residential zones and the uses permitted therein are considered to be the lightest and most restrictive, and in this category there is a further distinction in terms of required minimum lot area and open spaces that establish a degree of less restrictiveness in the following sequence: R-SR, R-SE, RS-15,000, RS-9,600, RS-8,400, RS-7,200, and RS-4000, the numeral suffix referring to required minimum lot areas. As greater population density is permitted by zone, the uses permitted are considered to be heavier and less restrictive in the following sequence: RA-3,600, RM-2,400, RM-1,800, RM-900A, RM-900B, and RM-900. In the residential zones the numeral suffix refers to required lot area per dwelling unit.

Ordinance No. 1544

Page 14 of 14

Sec. 7. 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 28th day of June, 2012 and signed in authentication thereof this 28th day of June, 2012.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Effective Date: July 28, 2012

Published: July 3, 2012

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1544, Adopted June 28, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance adds a new chapter to Title 18 DMMC entitled I-C Institutional Campus Zone, establishing new development standards for a new Institutional Campus Zone (I-C) in the City of Des Moines and amends DMMC 18.06.020 and 18.06.030 to add the new I-C zone to the list of existing zoning categories in the City.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: July 3, 2012

EXHIBIT A TO ORDINANCE NO. 1544

FINDINGS of FACT

1. The Des Moines Planning Agency held a public meeting on March 5, 2012 and recommended that the City Council adopt a zoning classification to accommodate large institutional campus uses that serve regional clientele.
2. A SEPA Determination of Nonsignificance (LUA2012-0004) was issued on May 8, 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 April 12, 2012 and concluded on June 11, 2012.
4. A public hearing with the City Council was held on May 24, 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 April 23, 2012 pursuant to Resolution 1190 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. Staff mailed a copy of the notice and the Draft Ordinance to Wesley Homes, Landmark on the Sound, Judson Park, Highline Community College, the Highline School District and the Federal Way School District.
8. 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.
9. 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.

10. 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.
11. The *Des Moines Comprehensive Plan* Policy 2-03-014 states the City should, "[W]orking with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan."
12. The *Des Moines Comprehensive Plan*, Strategy 2-04-16 states that the City should, [E]stablish standards for new development to provide on- and off-site roadways, utilities and other public facilities as necessary to serve the additional demand generated by the development.