ORDINANCE NO. 1656

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Zoning Code and development regulations for the W-C Woodmont Commercial Zone amending DMMC 18.52.010B, 18.127.030, 18.127.060, 18.127.070, and 18.210.090.

WHEREAS, in 2008 the cities of Des Moines and Kent initiated *Envision Midway,* a joint planning effort for the Midway-Woodmont area from Kent-Des Moines Road to South 272nd Street, and

WHEREAS, in 2009, Des Moines adopted Comprehensive Plan Land Use Element Strategy LU 4.1.2 that directs the City to encourage mixed-use, pedestrian, and transit-oriented development along major transit corridors and near transit nodes to enable residents to be physically active through daily activity, such as walking to school, work, and shopping, and LU 3.2.1 to prepare a subarea plan/s, prepare zoning amendments and prepare design guidelines for the light rail station areas to be located within the South Des Moines and Woodmont Neighborhoods, considering the joint planning with the City of Kent on the Midway area, and

WHEREAS, Transportation Element Strategies TR 4.1.10 directs the City to work with Sound Transit on station area planning for the Midway and South 272nd Street stations, and TR 4.1.11 directs the City to coordinate with the City of Kent for the Midway subarea, and

WHEREAS, Parks, Recreation and Open Space Economic Development Strategy 6-03-07 (4) encourages the City to make pedestrian-friendly improvements to downtown, Pacific Ridge, Midway, East Woodmont and Redondo for all citizens regardless of ability. Enhance business district rights-of-way with enhanced landscaping, way finding directional signs, and pedestrian pathways and areas in a manner that encourages pedestrian interaction between neighborhoods, recreation facilities, schools, business areas, waterfront parks, and the Marina and transportation links, and

WHEREAS, the City of Kent completed their planning work and updated their development regulations for this area in 2011, and

WHEREAS, on January 9, 2014, the City Council directed City staff to evaluate existing land use and zoning along the Pacific Highway South corridor and identify opportunities to create more

appropriate development regulations under the direction of the Finance and Economic Development Committee, and

WHEREAS, on June 26, 2014, the City Council enacted Ordinance No. 1601 thereby establishing new Transit Community Zone development regulations for that portion of the corridor between Kent-Des Moines Road and South 252nd Street, and

WHEREAS, the City Council supports commercial and higher density redevelopment along Pacific Highway South in the area between South 252nd Street and South 272nd Street to complement the new Transit Community Zone created by Ordinance No. 1601, and

WHEREAS, on March 12, 2015, the City Council enacted Ordinance No. 1618-A establishing development regulations for the Woodmont Commercial Zone for that portion of the corridor between South 252nd Street and South 272nd Street, and

WHEREAS, the current Woodmont Commercial zoning along Pacific Highway South was designed to capitalize on the 33,000 cars per day which use Pacific Highway South, but does not capitalize on transit oriented development opportunities related to the extension of Link Light Rail and Station to be located in the South 272nd Street vicinity in the near future, and

WHEREAS, the City Council directed City staff to prepare an Ordinance for its consideration which would increase density and allow for mixed use developments for the portion of the Woodmont Commercial zone south of South 268th Street, and

WHEREAS, the Planning, Building and Public Works Director acting as the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents and fulfilled the SEPA requirements established by chapter 197-11 WAC and DMMC 16.05.04 pursuant to WAC 197-11-600 and DMMC 16.05.280, and

WHEREAS, pursuant to DMMC 18.20.080A, amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.20.210 amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.30.100(3) requires that the date of the public hearing to consider amendments to Title 18 DMMC be set by motion of the City Council, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1328, fixing the public hearing for May 26, 2016 as required, and

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

WHEREAS, notice of the public hearing was issued on April 26, 2016 in accordance with the DMMC, and

WHEREAS, a public hearing was held on May 26, 2016 where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary; now therefore,

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

Sec. 1. DMMC 18.127.030 Purpose, and section 3 of Ordinance No. 1618-A are amended to read as follows:

> The W-C Commercial Zone is primarily intended to enhance, promote and maintain commercial business areas, and to ensure land use compatibility among businesses in terms of permitted uses, building height, bulk, and scale; to provide a commercial area that reflects its commercial-oriented function; to serve the general public; and to ensure that development occurs consistent with the goals, policies, and implementation strategies of the City of Des Moines Comprehensive Plan. South of South

268th Street, the zone allows for a more intense and efficient use of land at increased densities for the mutual support of public investments and private development, while acknowledging the existing businesses along the State Route 99 corridor that serve a broader, regional clientele. Uses and development are regulated to create a moderately dense built-up environment, oriented to pedestrians, and ensuring a density and intensity that is transit supportive.

Sec. 2. DMMC 18.127.060 Dimensional standards, and section 6 of Ordinance No. 1618-A are amended to read as follows:

(1) Maximum building height. Buildings and structures may be built to 55 feet, except that buildings and structures south of South 268th Street may be built to 70 feet.

(2) Minimum Building Height. Except for buildings containing only a full-service restaurant, and other instances specifically authorized by the City Manager or the City Manager's designee in writing, no building shall be less than the height specified below:

(a) No minimum building height for commercial projects, and 55 feet for residential or mixed use projects.

(b) For the purposes of this subsection, minimum building height shall not include decorative towers or appurtenances, roof slopes out of character with the building's architecture, or other contrivances provided solely for achievement of the required minimum building height. In calculating minimum building height, the City Manager or the City Manager's designee shall include regular architectural features enclosing functional, occupiable building areas.

(3) Building Height Limitation Adjacent to Single-Family. When an abutting property is zoned

Single-Family Residential, building height shall be limited as follows:

(a) Every lot shall have a rear yard setback of not less than 20 feet when abutting single-family zoned properties, except as otherwise permitted in subsection (7) of this section.

(b) Within 40 feet of the abutting Single-Family Residential Zone, maximum building height shall be 45 feet.

(c) During the design review and environmental review, the City Manager or the City Manager's designee may impose other conditions of approval in order to mitigate potential height, bulk, and scale impacts upon adjacent single-family residents not sufficiently mitigated by existing regulations.

(4) Front Yard. No front yard setback is required.

(5) Side Yard. Every lot shall have a side yard of not less than 20 feet when abutting single-family zoned properties, except as otherwise permitted in subsection (7) of this section.

(6) Rear Yard. Every lot shall have a rear yard of not less than 20 feet when abutting single-family zoned properties, except as otherwise permitted in subsection (7) of this section.

(7) Adjustment of Required Yards. The required rear or side yard area shall be reduced to a minimum of five feet; provided, that:

(a) A development site or potential project area is planned or may be planned for multiple buildings together as one development or in different development phases either under common ownership or separate ownership; and

(b) Buildings on a site or potential project area are served by a private, joint-use access or street which separates the rear yard area of one development site or project area from another development site or project area; and

(c) A physical separation of not less than 30 feet is provided between buildings which shall include the space or distance located within any such shared, joint-use access or street together with the yard areas adjoining and abutting buildings and said shared streets.

(8) Underground structures are permitted in all required setback areas.

(9) Height Allowance for Enhanced Design of Distinctive Rooflines. A portion of a building may exceed the maximum building height; provided, that the following provisions are met:

(a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of the design guidelines in DMMC 18.136.070.

(b) The maximum building height established in subsections (1) and (3) of this section shall only be increased by a maximum of 10 percent.

(c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the building's orientation to a corner, or to provide for pitched or sloped roofs for the building.

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under DMMC 18.136.070(3).

(e) The building area or amount of building structure extending above the maximum height established in subsection (3) of this section shall be limited to 30 percent of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30 percent requirement shall only apply to the area of the roof deck of the tallest portion of a building.

Sec. 3. DMMC 18.127.070 General building design requirements, and section 7 of Ordinance No. 1618-A are amended to read as follows:

Development within the W-C Zone shall conform to the following building design requirements:

(1) General Design Guidelines.

(a) Building design shall be compatible with the site and with adjoining buildings. Building modulation and other design techniques to add architectural interest and minimize building mass shall be used. Variety in detail, form, and siting shall be used to provide visual interest.

(b) Building components such as windows, doors, eaves, and parapets shall be in proportion to each other.

(c) Colors shall be harmonious, with intense colors used only for accent.

(d) Mechanical equipment shall be integrated into building design or screened from on-site and off-site views.

(e) Exterior lighting fixtures and standards shall be part of the architectural concept and harmonious with building design.

(2) Development within the W-C Zone shall conform to the design review requirements established in DMMC 18.235.100.

(3) Maximum Gross Floor Area.

(a) The maximum gross floor area for buildings within the Woodmont Commercial Zone shall be determined by multiplying the lot area of the site by the floor area ratio (FAR) number established in the following table:

Building Height	W-C FAR
35 Feet or Less	2.8
35 - 60	4.0
60 - 70	4.5

(b) Gross floor area shall include the total square footage of the enclosed building as further defined in DMMC 18.01.050.

Sec. 4. DMMC 18.52.010B Commercial use chart, and section 133 of Ordinance No. 1591, section 12 of Ordinance No. 1601, section 8 of Ordinance No. 1618-A, and section 2 of Ordinance No. 1644 are amended to read as follows:

TABLE 18.52.010B

COMMERCIAL ZONE PRIMARY USES

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C	W-C
Accessory buildings and uses (as described in the applicable zone)	P	P	P	P	P	P	P	P	P
Admin, support services	P/L[3]		P	P/L[16]	P/L[22]		P	P	P
Adult family homes				P	P		P	P	P
Adult entertainment facilities							P/L[46] [78]		
Adult theaters						P/L[35]	P/L[46] [78]		
Amusement and recreational services				P/L[16]	P/L[22]				P/L[68]
Amusement parks	CUP	CUP	CUP	CUP		CUP	CUP	CUP	CUP
Animal or veterinary services			P	P	P	P	P	P	P
Antenna system (one)	P/L[6]								
Animal grooming	P/L[3]		P	P	P		P	P	P
Antenna systems (not accessory)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Apparel and accessories stores	P/L[1]		P	P	P	P	P	P	P
Arrangement of passenger transportation	P/L[3]			P	P		P	P	P
Art galleries	P			P	P		P	P	P
Art, glassware manufacturing			P	P	P				P
Art, ornamental ware				P	P				P
Arts, entertainment, and recreation facilities				P/L[16]	P/L[22]		P	P	P
Auction houses or stores				P	P	P/L[41]	P		P

Use is: **P: Permitted** **P/L: Permitted, but with special limitations** **CUP: Conditional use review required** **UUP: Unclassified use review required**	**N-C**	**I-C**	**B-P**	**C-C**	**D-C**	**H-C**	**PR-C**	**T-C**	**W-C**
Automobile, body, paint, interior and/or glass repair				P/L[18]	P/L[25]		P/L[40]		P/L[70]
Automobile, detail shop				P/L[18]	P/L[25]		P/L[40]		P/L[70]
Automobile, maintenance and repair				P/L[18]	P/L[25]	P	P/L[40]		P/L[70]
Automobile, parking	P/L[5]		P	P/L[16] [20]	P/L[22]	P	P	P/L[54]	P/L[72]
Automobile, sales						P	P/L[43]		
Automobile, service stations				P/L[18]	P/L[25]	P/L[36]	P/L[40]		P/L[70]
Automobile, trailer sales						P	P		
Automotive equipment, rental and leasing				P	P	P	P	P/L[53]	P
Bakeries, manufacturing and retail sales	P/L[1]		P			P		P/L[55]	P/L[73]
Ballparks	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP
Banks				P	P		P	P	P
Barber, beauty and hairstyling shops	P/L[3]			P	P		P	P	P
Bed and breakfast facilities				P	P		P	P	P
Boats, building and repairing (less than 48 feet)						P	P		
Boats, repair/sale						P	P		
Boat moorage	P/L[3]					P/L[42]			
Botanical and zoological gardens				P	P		P		P
Bookbinding			P			P		P	P
Booster stations	UUP	UUP	UUP	UUP		UUP	UUP	UUP	UUP
Boxing and wrestling arenas	CUP	CUP	CUP	CUP		CUP	CUP	CUP	CUP
Building materials and garden equipment supply	P/L[1]		P	P	P	P/L[28]	P		P
Car washes				P/L[18]	P/L[25]	P			P/L[70]
Carpentry and cabinet shops	P/L[1] [2]		P	P	P	P	P		P

Use is: **P: Permitted** **P/L: Permitted, but with special limitations** **CUP: Conditional use review required** **UUP: Unclassified use review required**	**N-C**	**I-C**	**B-P**	**C-C**	**D-C**	**H-C**	**PR-C**	**T-C**	**W-C**
Casino hotels and motels				P	P		P	P	P
Cemeteries	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Ceramics, manufacture						P/L[29]			
Columbariums, crematories, mausoleums with permitted cemeteries	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Commercial and industrial machinery and equipment, rental and leasing			P			P	P		
Community care facilities				P	P		P	P	P/L[74]
Community gardens				P	P				P
Community housing services				P/L[80]	P/L[80]				P/L[80]
Confectionery, manufacture			P			P		P/L[56]	P/L[73]
Contractors, general	P/L[3]		P/L[14]			P	P	P	P
Convention facilities			P	P	P	P		P	P
Correctional institutions			P						
Couriers and messengers	P/L[3]		P				P	P	P
Data processing, business and record storage	P/L[3]		P	P	P	P	P	P	P
Day care centers and mini-day care providers	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP
Death care services	P/L[3]		P	P	P	P/L[42]	P		P
Distribution centers, home deliveries			P			P			
Drive-in or drive-through facilities	P			P/L[18]	P/L[25]		P		P/L[70]
Dry cleaning and laundering services	P/L[3]		P	P	P	P	P	P	P
Educational services		P	P/L[7]	P	P/L[27]	P/L[37]	P	P	P
Electric power generation, biomass			P/L[12]						

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	**N-C**	**I-C**	**B-P**	**C-C**	**D-C**	**H-C**	**PR-C**	**T-C**	**W-C**
Electrical appliances and supplies, retail sales, wholesale trade and repairs						P			
Equipment rental and leasing			P	P/L[16]	P/L[22]	P	P		P/L[68]
Fairgrounds and rodeos	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Family day care providers					P/L[80]		P/L[80]	P/L[80]	P/L[80]
Financial and insurance services			P	P	P		P	P	P
Fish hatcheries and preserves					P				
Fix-it shops			P	P	P	P	P		P
Food, frozen or cold storage lockers			P	P	P	P			P
Food stores	P/L[1]		P	P	P		P	P	P
Footwear and leather goods repair	P		P	P	P	P	P	P	P
Foreign trade			P/L[13]						
Fraternal organizations/societies		P	P/L[7]	P	P		P	P	P
Fuel dealers, other							P		
Furniture, home furnishings and equipment, sales	P/L[1][2]		P	P	P	P	P	P	P
Furniture, repair	P/L[2][3]		P	P	P	P	P	P	P
Gambling, amusement, and recreation industries			P/L[7]	P/L[16]	P/L[22]		P	P	P
Garages, public						P/L[30]			
General merchandise stores	P/L[1]		P/L[9]	P/L[15]	P/L[21]		P	P	P
Glass, edging, beveling, silvering			P			P/L[31]			
Glass, stained glass studios	P					P			
Golf courses, with accessory driving				P	P	CUP	P		P

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	**N-C**	**I-C**	**B-P**	**C-C**	**D-C**	**H-C**	**PR-C**	**T-C**	**W-C**
ranges, clubhouses and pitch and putt									
Golf driving ranges	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Hardware store	P/L[1]		P	P		P	P	P	P
Health care and social services			P/L[81]	P/L[81]	P		P/L[81]	P/L[81]	P/L[74] [81]
Heating oil dealers							P		
Horticultural and landscaping services			P	P	P				P
Horticultural nurseries	UUP	UUP	UUP	UUP		P	UUP		UUP
Hospitals (except mental and alcoholic)				P	P	P	P	P	P
Hospitals (mental and alcoholic)	CUP	CUP	CUP	CUP		CUP	CUP	CUP	P/L[74]
Hotels				P	P	P/L[40]	P/L[47]	P	P
Information establishments						P	P	P	P
Internet service providers			P				P	P	P
Job printing, newspapers, lithography, and publishing						P		P	
Kennels, commercial			P	P	P		P	P/L[57]	P
Labor camps (transient)	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Laboratories			P	P	P	CUP	P	P	P
Laboratories (incl. medical, dental, or photographic)			P/L	P	P	P	P	P	P
Laundry, industrial			P				P		
Legal services	P/L[3]		P	P	P	P	P	P	P
Libraries (public)	P			P	P		P	P	P
Light manufacturing, fabrication, and assembly			P/L[8]						
Limousine/taxi service							P		
Machine shop			P			P/L[32]			

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Management of companies and enterprises	P/L[3]		P	P	P		P	P	P
Manufactured home sales							P		
Marijuana producer/processor, recreational			P/L[79]	P/L[79]		P/L[79]		P/L[79]	P/L[79]
Marijuana retailer, recreational				P/L[79]		P/L[79]		P/L[79]	P/L[79]
Marinas					P/L[24]				
Mixed use	UUP	UUP		UUP	P/L[26]	UUP	P/L[50]	P/L[58]	P/L[58]
Motels				P	P	P/L[40]	P/L[47]		P
Motion picture services	P/L[3]			P	P		P	P	P
Museums	P		P/L[7]	P	P		P	P	P
Nursing homes (PR-R-Nursing care facility; IC-Nursing and residential care facility)				P	P		P		
Offices, business and professional	P/L[3]		P		P/L[26]	P	P	P	P
Open air theaters	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Parcel service delivery	P/L[3]		P			P	P/L[51]		
Parole or probation offices			P	P	P		P		P
Pawnshop			P	P	P	P	P		P
Personal and business services	P/L[3]		P/L[7]	P/L[16]	P/L[22]		P	P	P/L[68]
Pet boarding			P	P	P		P	P/L[59]	P
Pet shop	P/L[1]			P	P	P/L[33]	P	P	P
Photocopying and duplicating services	P/L[1][3]		P	P	P		P	P	P
Photo finishing	P/L[1]		P	P	P	P	P	P	P
Planned unit development	P								
Postal service	P		P	P	P		P		P
Professional, scientific, technical services	P/L[3]		P	P	P		P	P	P

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Professional offices, medical, dental	P/L[3]		P	P	P		P	P	P
Public administration facilities	P		P	P/L[17]	P/L[23]		P/L[49]	P/L[60]	P/L[69]
Public facilities	P		P/L[10]	P	P		P	P	P
Public utility facilities	P/L[4]		P/L[10]		P	P/L[34]	P/L[52]	P/L[61]	
Publishing, telecommunications, Internet service providers, data processing services	P/L[3]		P	P	P	P	P	P	P
Race tracks, drag strips, motorcycles hills and Go-Kart tracks	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Real estate renting and leasing	P/L[3]		P	P	P	P	P	P	P
Recreational facilities - commercial	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP
Recreational vehicles, sales and storage						P	P		
Religious grant writing, civic and professional organizations	P/L[3]	P	P/L[7]	P	P	P	P	P	P
Repair services	P/L[2] [3]		P/L[7]	P/L[16] [18]	P/L[22] [25]		P		P/L[68] [70]
Repossession services	P/L[3]		P	P	P				P
Restaurants	P		P/L[9]	P	P	P	P	P	P
Retail services and trade	P/L[1]		P/L[7]	P/L[15] [19]	P/L[21]	P	P/L[43]	P	P/L[67]
Retirement housing		P		P	P		P	P	
Reupholster	P		P	P/L[19]	P	P	P	P	P/L[71]
Saws and filing shops			P			P			
Sewage treatment plants	UUP	UUP	UUP	UUP		UUP	UUP		UUP
Signs, manufacturing						P			
Self-storage/mini-warehouse leasing			P				P/L[44]	P/L[62]	

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Services to buildings and dwellings	P/L[3]		P	P	P		P		P
Services, miscellaneous	P/L[3]		P/L[7]	P/L[16] [18]	P/L[22]		P/L[45] [48]	P/L[63]	P/L[68] [70]
Spectator sports	CUP		CUP	P	P		P		P
Stadiums	CUP	CUP	CUP	CUP		CUP	CUP		CUP
Supermarkets	P/L[1]		P	P	P		P	P	P
Taverns and cocktail lounges	P/L[1]		P	P	P	P/L[38]	P	P/L[64]	P/L[75]
Telecommunication facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Telephone exchanges						P			
Tire sales and service	P/L[3]						P		
Theaters				P	P	P	P	P/L[65]	P/L[76]
Towing operations						UUP			
Transportation and wholesale trade			P/L[11]						
Water transportation					CUP				
Welding repair	P/L[2] [3] [82]		P	P/L[16] [82]	P/L[82]	P	P		P/L[68] [82]
Wholesale business			P			P		P/L[66]	P/L[77]
Wholesale trade and distribution of groceries				CUP					CUP

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58. Mixed Use. This regulation applies to all parts of Table 18.52.010B that have a [58].

Mixed use development shall conform to the following limitations and standards in the T-C and W-C Zone:

(a) Mixed use structures within the W-C Zone shall only be permitted south of South 268th Street.

(b) Mixed use structures shall contain area for retail trade or personal and business services at street level as follows:

(i) Pedestrian access from the public sidewalk to the retail trade or personal and business services shall be provided;

(ii) A minimum of 60 percent of the street level floor area shall be occupied by retail trade or personal and business services;

(iii) A minimum of 75 percent of the street level building frontage adjacent to public right(s)-of-way shall contain floor area for retail trade or personal and business services uses; and

(iv) Building space allocated for retail trade or personal and business service uses at the street level shall have a minimum gross interior depth dimension of 55 feet measured perpendicular to the property line abutting the public street(s) serving the site.

(c) The City Manager or the City Manager's designee is authorized to consider and approve up to a 20 percent reduction of the bulk requirements specified in subsection (58)(b) of this section when a development proposal incorporates on-site parking substantially at street floor level for retail trade or personal and business service uses and the City Manager or designee determines that the proposed reduction(s) does not compromise, interrupt, or interfere with the desired functionality of the building or the continuity of City pedestrian-oriented design goals in the general area and pedestrian access to the site from the public sidewalk or right-of-way.

(d) Mixed use developments shall comply with all the requirements of chapter 18.155 DMMC, except for private recreational requirements established by DMMC 18.155.020(2).

(e) Mixed use projects in the W-C Zone shall include a Crime Prevention Through Environmental Design ("CPTED") review as part of the design review process.

(f) A detached structure that contains residential uses and does not meet the requirements for mixed use structures is prohibited.

....

Sec. 5. DMMC 18.210.090(17), and subsections 513(17) of Ordinance No. 1591, as amended by section 16 of Ordinance No. 1601, as amended by section 12 of Ordinance 1618-A are each amended to read as follows:

18.210.090. Required number of off-street parking spaces. The minimum number of off-street parking spaces required of each use shall be provided as follows:

….

(17) Retail, Other.

(a) C-C Zone: one parking space per 300 square feet of gross floor area.

(b) D-C and PR Zones: one parking space per 350 square feet of gross floor area.

(c) H-C Zone: one parking space per 250 square feet of gross floor area, except there are a minimum of six spaces.

(d) T-C Zone: one parking space per 400 square feet of gross floor area, except there shall be a minimum of six spaces.

(e) W-C Zone:

(i) For properties north of South 268th Street, one parking space per 250 square feet of gross floor area.

(ii) For properties south of South 268th Street, one parking space per 300 square feet of gross floor area, except there shall be a minimum of six spaces.

….

Sec. 6. 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. 7. Effective date. This Ordinance shall take effect and be in full force five (5) days after its final passage by the Des Moines City Council in accordance with law.

PASSED BY the City Council of the City of Des Moines this 7th day of July, 2016 and signed in authentication thereof this 7th day of July, 2016.

MAYOR

APPROVED AS TO FORM:

Interim City Attorney

ATTEST:

City Clerk

Published: July 12, 2016

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1656, Adopted July 7, 2016.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the City's Zoning Code and development regulations for the W-C Woodmont Commercial Zone and amend DMMC 18.52.010B, 18.127.030, 18.127.060, 18.127.070, and 18.210.090.

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

Bonnie Wilkins, CMC
City Clerk

Published: July 7, 2016