

ORDINANCE NO. 1672

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to textual code amendments to the permitted uses in the Pacific Ridge-Commercial ("PR-C") Zone north of South 216th Street and associated land use and development regulations, and amending chapters 18.52 and 18.135 DMMC, to facilitate economic development in the City.

WHEREAS, the City has a limited opportunity to accelerate economic development by expanding the commercial uses permitted in the PR-C Zone north of South 216th Street to add light industrial, distribution and associated professional offices similar to the type of business park development occurring in the adjacent Des Moines Creek Business Park to the west, and

WHEREAS, there is considerable market interest from a number of companies seeking this type of space for integrated corporate headquarters including a retail component, light manufacturing, distribution and other similar uses, and

WHEREAS, there are both direct and indirect financial benefits to the City including increased direct and indirect City revenues from increased employment and commercial activity, capturing the opportunity benefits and immediate versus delayed revenue, thereby accelerating economic development in Des Moines, all while not reasonably reducing the opportunity for other commercial development on SR 99, and avoiding risks of not acting now, and

WHEREAS, these reasons for the change, benefits of such a change and other considerations were discussed with the Council Finance and Economic Development Committee as a noticed agenda item at its November 10, 2016 meeting, and

WHEREAS, the City Council directed City staff to prepare an ordinance for its consideration which would amend the permitted uses in the PR-C Zone north of South 216th Street, and

WHEREAS, the City's Chief Operations Officer, 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 require the City Council to conduct a public hearing to receive public comment on the proposed textual code amendments, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1347, fixing the public hearing for January 19, 2017 as required by DMMC 18.30.070, 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 and SEPA threshold Determination of Nonsignificance was issued on December 6, 2016 in accordance with the DMMC and the comment and appeal periods have lapsed with no comments received or appeals filed, and

WHEREAS, a public hearing was held on January 19, 2017 where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the Title 18 DMMC amendments contained in this Ordinance comply with the requirements of chapter 36.70A RCW and are appropriate and necessary; now therefore,

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

Sec. 1. DMMC 18.52.010B, and those parts of the Commercial Use Chart and Limitations 14, 21, and 44, and section 133 of Ordinance No. 1591 as amended by section 12 of Ordinance No. 1601 as amended by section 8 of Ordinance 1618-A as amended by section 2 of Ordinance 1644 as amended by section 1 of Ordinance No. 1645 as amended by section 8 of Ordinance 1655 as amended by section 4 of Ordinance 1656 as amended by section 2 of Draft Ordinance 16-181, shall be amended to read as follows:

COMMERCIAL-ZONE PRIMARY USES (Changes to Full Table)

Use is:									
P: Permitted									
P/L: Permitted, but with special limitations	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C	W-C
CUP: Conditional use review required									
UUP: Unclassified use review required									
Glass, edging, beveling, silvering			P			P/L _[31]	P/L _[52.5]		
...									
Horticultural and landscaping services			P	P	P		P/L _[52.5]		P
...									
Light manufacturing, fabrication, and assembly			P/L _[8]				P/L _[8] [52.5]		
...									
Machine shop			P			P/L _[32]	P/L _[52.5]		
...									
Marijuana producer/processor, recreational			P/L _[79]	P/L _[79]		P/L _[9]	P/L _[52.5] [79]	P/L _[79]	P/L _[79]
...									
Repossession services	P/L _[3]		P	P	P		P/L _[52.5]		P
...									
Saws and filing shops			P			P	P/L _[52.5]		
...									
Wholesale business			P			P	P/L _[52.5]	P/L _[66]	P/L _[77]

...

8. Light Manufacturing, Fabrication, and Assembly. This regulation applies to all parts of Table 18.52.010B that have an [8].

Light manufacturing, fabrication, and assembly of the following and closely related products are limited to the following:

- (a) Food products (3114, 3117, 3118, 3119, and 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, and 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); and
- (l) Toys, jewelry, and other miscellaneous manufacturing (3399).

...

13. Foreign Trade. This regulation applies to all parts of Table 18.52.010B that have a [13]. Operation

of foreign trade zones is limited to the permitted uses allowed in the B-P and PR-C Zones.

...

52.5. This regulation applies to all parts of Table 18.52.010B that have a [52.5]. These Business Park-type uses shall be permitted in the PR-C Zone north of S. 216th St.

...

79. Recreational Marijuana. This regulation applies to all parts of Table 18.52.010B that have a [79]. State licensed marijuana producers, processors, and retailers may locate in the City pursuant to chapter 18.250 DMMC.

Sec. 2. DMMC 18.135.060(3), Provisions Applicable to the PR-C Zone, Pacific Ridge Environmental performance standards and general limitation, and section 316 of Ordinance No. 1591, shall be amended to read as follows:

Environmental performance standards and general limitations. Every use permitted within the PR Zone shall conform to the following general limitations and standards:

...

(3) Provisions Applicable to the PR-C Zone.

(a) All uses shall be primarily contained within an enclosed structure except the following:

- (i) Outdoor seating and dining;
- (ii) Signs;
- (iii) Loading areas;
- (iv) Motor vehicle fuel pumps;

(v) Retail nursery and garden centers (44422) in the PR-C Zone;

(vi) Incidental outdoor display areas for merchandise sold on-site as approved through the design review process;

(vii) Play/recreation areas; and

(viii) Miscellaneous storage when limited to 10 percent of the site area and when perimeter landscaping and fencing is provided as approved through the design review process for PR-C south of South 216th Street and for up to 25 percent of the site area north of South 216th Street when as part of an approved planned unit development (PUD) in accordance with chapter 18.230 DMMC.

(ix) Industrial, warehousing, and distribution uses north of South 216th Street shall be processed as part of a planned unit development (PUD) in accordance with chapter 18.230 DMMC.

Sec. 3. DMMC 18.135.080, Pacific Ridge general site design requirements, and section 318 of Ordinance No. 1591, shall be amended to read as follows:

General site design requirements. All development proposals shall demonstrate substantial compliance with the adopted Pacific Ridge Neighborhood Design Guidelines or modified by an approved planned unit development (PUD) in accordance with chapter 18.230 DMMC as determined by the City Manager or the City Manager's designee.

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Sec. 4. 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. 5. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its final approval by the Des Moines City Council in accordance with law.

PASSED BY the City Council of the City of Des Moines this 19th day of January, 2017, and signed in authentication thereof this 19th day of January, 2017.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Effective Date: February 18, 2017

Published: January 24, 2017

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1672, Adopted January 19, 2017.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to textual code amendments to the permitted uses in the Pacific Ridge-Commercial ("PR-C") Zone north of South 216th Street and associated land use and development regulations, and chapters 18.52 and 18.135 DMMC, to facilitate economic development in the City.

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

Bonnie Wilkins, CMC
City Clerk

Published: January 24, 2017