

ORDINANCE NO. 1701

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to textual code amendments to the permitted uses in the Institutional Campus ("I-C") Zone and associated land use and development regulations, and amending chapters 18.52 and 18.95 DMMC, to facilitate economic development in the City and to encourage the appropriate reuse of surplus institutional buildings.

WHEREAS, the Institutional Campus Zone was established to support institutional facilities that serve a regional clientele by allowing for the needed uses, services and operations, and facilitating the redevelopment plans as established in agency Master Plans, and

WHEREAS, allowing for additional permitted uses reviewed in conjunction with a master plan will facilitate the incorporation of appropriate uses to support the City's large institutional uses, and

WHEREAS, allowing for additional permitted uses reviewed in conjunction with a master plan will enable organizations that need to surplus buildings/properties to respond to market or demographic changes, encourage the appropriate reuse of surplus buildings and avoid long term vacancies, and

WHEREAS, there are benefits to the City including increased direct and indirect City revenues from added employment, commercial and residential activity, and encouraging economic development in Des Moines, and

WHEREAS, these reasons for the proposed changes, benefits of such a change and other considerations were discussed with the Council Economic Development Committee as a noticed agenda item at its April 26, 2018, May 24, 2018 and June 28, 2018 meetings, and

WHEREAS, the City Council directed City staff to prepare an ordinance for its consideration which would amend the permitted uses in the I-C Zone, 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. 1389, fixing the public hearing for August 23, 2018 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, the City's Chief Strategic Officer, acting as the SEPA responsible official, reviewed this proposed non-project action and determined that the changes proposed by this Ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), and a determination of non-significance was issued on July 26, 2018, and the appeal period concluded on August 20, 2018, and

WHEREAS, a public hearing was held on August 23, 2018 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 section 133 of Ordinance No. 1591 as amended by section 12 of No. Ordinance 1601 as amended by section 8 of Ordinance No. 1618-A as amended by section 2 of Ordinance No. 1644 as amended by section 1 of Ordinance No. 1645 as amended by section 8 of No. Ordinance 1655 as amended by section 4 of Ordinance No. 1656 as amended by section 2 of Ordinance No. 1661 as amended by section 2 of Ordinance No. 1669 as amended by section 1 of Ordinance No. 1672 as amended by section 3 of Ordinance No. 1697, 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 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
...									
Admin, support services	P/L _[3]	P/L _[6.1]	P	P/L _[16]	P/L _[22]		P	P	P
...									
Art galleries	P	P/L _[6.1]		P	P		P	P	P
Art, glassware manufacturing		P/L _[6.1]	P	P	P		P/L _[52.5]		P
...									
Arts, entertainment, and recreation facilities		P/L _[6.1, 6.2]		P/L _[16]	P/L _[22]		P	P	P
...									
Barber, beauty and hairstyling shops	P/L _[3]	P/L _[6.1]		P	P		P	P	P
...									
Brewery/winery/distillery		P/L _[6.1]			P/L _[21]				
...									
Columbariums, crematories, mausoleums	CUP		CUP	CUP		CUP	CUP		CUP

COMMERCIAL ZONE PRIMARY USES (Changes to Full Table)

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
...									
Community gardens		P/L _[6.1]		P	P				P
...									
Convention facilities		P/L _[6.1]	P	P	P	P		P	P
...									
Day care centers and mini-day care providers	CUP/ L _[89]	P/L _[6.1, 89]	CUP/ L _[89]	CUP/ L _[89]	CUP/ L _[89]		CUP/ L _[89]	CUP/ L _[89]	CUP/ L _[89]
...									
Fairgrounds and rodeos	CUP		CUP	CUP		CUP	CUP		CUP
...									
Financial and insurance services		P/L _[6.1]	P	P	P		P	P	P
...									
Fraternal organizations/societies		P/L _[6.1]	P/L _[7]	P	P		P	P	P

COMMERCIAL ZONE PRIMARY USES (Changes to Full Table)

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
...									
Glass, stained glass studios	P	P/L _[6.1]				P			
...									
Hotels		P/L _[6.1]		P	P	P/L _[40] J	P/L _[47]	P	P
...									
Labor camps (transient)	UUP/L _[84,85]		UUP/L _[84,85]	UUP/L _[84,85]		UUP/L _[84,85]	UUP/L _[84,85]		UUP/L _[84,85]
...									
Legal Services	P/L _[3]	P/L _[6.1]	P	P	P	P	P	P	P
...									
Libraries (public)	P	P/L _[6.1]		P	P		P	P	P
...									
Management of companies and enterprises	P/L _[3]	P/L _[6.1]	P	P	P		P	P	P

COMMERCIAL ZONE PRIMARY USES (Changes to Full Table)

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
...									
Mixed use	UUP	P/L _[6.1, 6.3]		UUP	P/L _[26]	UUP	P/L _[50]	P/L _[58]	P/L _[58]
...									
Motion pictures services	P/L _[3]	P/L _[6.1]		P	P		P	P	P
...									
Museums	P	P/L _[6.1]	P/L _[7]	P	P		P	P	P
...									
Nursing homes (PR-R-Nursing care facility; IC-Nursing and residential care facility)		P		P	P		P		
...									
Offices, business and professional	P/L _[3]	P/L _[6.1]	P		P/L _[26]	P	P	P	P
...									
Personal and business services	P/L _[3]	P/L _[6.1]	P/L _[7]	P/L _[16]	P/L _[22]		P	P	P/L _[68]

COMMERCIAL ZONE PRIMARY USES (Changes to Full Table)

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
Taverns and cocktail lounges	P/L _[1]	P/L _[6.1]	P	P	P	P/L _[38] 1	P	P/L _[64]	P/L _[75]
...									
Theaters		P/L _[6.1]		P	P	P	P	P/L _[65]	P/L _[76]

...

Institutional Campus Zone

Every use locating in the I-C Zone is subject to the standards of chapter 18.95 DMMC.

6.1. This regulation applies to all parts of Table 18.52.010B that have a [6.1]. These uses shall be permitted only in conjunction with a mixed use or educational facility development reviewed under a master plan pursuant to chapter 18.95 DMMC.

6.2. NAICS Sector 71 - Arts, Entertainment, and Recreation uses are permitted in the I-C Zone, with the exception of Amusement Parks and Arcades (7131) and Gambling Industries (7132).

6.3. Mixed use. In the I-C Zone, mixed use developments reviewed under a master plan pursuant to chapter 18.95 DMMC may incorporate structures containing single-purpose

multifamily residential buildings or single-purpose commercial buildings.

6.4 Small scale to serve site development.

6.5 To serve colleges, universities or educational facilities.

Sec. 2. DMMC 18.95.030, Purpose, and section 239 of Ordinance No. 1591, shall be amended to read as follows:

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

(2) 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.

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

(4) To provide flexibility to allow for appropriate reuse of surplus institutional buildings and properties.

Sec. 3. DMMC 18.95.060, Master plan decision criteria, and section 242 of Ordinance No. 1591, shall be amended to read as follows:

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

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

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

(3) 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.

(4) 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.

(5) The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, façade 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 consistent with this Title that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.

(6) The master plan development proposal incorporates the principles of Crime Prevention through Environmental Design (CPTED).

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

Sec. 4. DMMC 18.95.080. Property development standards, and section 244 of Ordinance No. 1591, shall be amended to read as follows:

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

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

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

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

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

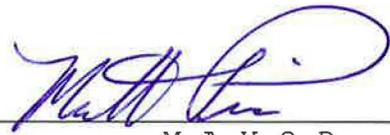
(a) The maximum building height for multi-unit residential buildings shall be 45 feet as measured from the average finished grade.

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

(3) Buildings with a height of 35 feet or less shall be set back a minimum of 20 feet from all property lines. Buildings with a height above 35 feet shall be set back 20 feet for the first 35 feet plus one foot for every two feet of height above 35 feet. Buildings greater than 35 feet in height shall utilize the minimum setback associated with the highest point of the building. Setbacks previously

Sec. 6. Effective date. This Ordinance shall take effect and be in full force five (5) 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 23rd day of August and signed in authentication thereof this 23rd day of August 2018.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Effective Date: August 28, 2018

Published: August 28, 2018