

ORDINANCE NO. 1527

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON,**  
~~relating to the Zoning Code and uses allowed by conditional use~~  
permit in the Community Commercial (CC) zone, amending DMMC  
18.32.030.

**WHEREAS,** with the exception of certain specific uses, outright permitted uses and accessory uses and the regulations for such uses located in the CC, Community Commercial, zone are referenced to the DC, Downtown Commercial, zone and are listed in DMMC 18.27.020, and

**WHEREAS,** conditional uses applicable to all zones that exist in the City, including the CC, Community Commercial, zone are listed in DMMC 18.32.030, and

**WHEREAS,** the City Council passed Ordinance No. 1493 on October 14, 2010 which eliminated several uses from the DC zone determined to be not appropriate for the City's downtown and marina district neighborhood planning areas and in the process of doing so also eliminated these uses from the CC zone because of an internal code reference, and

**WHEREAS,** Development Services of America (DSA) owns 7.2 acres of vacant CC zoned property located at 26915 Pacific Highway South and has submitted a request that the City provide for uses that it plans on establishing at the subject site, and

**WHEREAS,** DSA currently plans to develop the site for cross-dock food distribution, specialty meat cutting, and beverage vending machine repair uses, and

**WHEREAS,** the DSA request was reviewed by the City Council Finance and Economic Development Committee on June 30, 2011 and by the City Council at its regular meeting on August 11, 2011, and

**WHEREAS,** the City Council directed staff to prepare an ordinance that amends the zoning code to provide for the uses requested by DSA, but under the increased regulation of a special use permit process and limited only to the CC zone, and

**WHEREAS,** notice of the public hearing was given to the public in accordance with law and a public hearing was held on September 22, 2011, and all persons wishing to be heard were heard, 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**, the textual code amendments proposed by this Ordinance are exempt from the requirements of SEPA pursuant to WAC 197-11-800(19), 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 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 18.32.030 and sections 1 and 28 of Ordinance No. 175 as amended by section 8 of Ordinance No. 248 as amended by section 1 of Ordinance No. 391 as amended by section 5 of Ordinance No. 445 as amended by section 4 of Ordinance No. 793 as amended by section 7 of Ordinance No. 1106 as amended by section 27 of Ordinance No. 1197 as amended by section 123 of Ordinance No. 1200 as amended by section 4 of Ordinance No. 1237 are each amended to read as follows:

**18.32.030 Uses requiring conditional use permit.**  
The following uses may locate subject to the issuance of a conditional use permit processed as provided in the hearing examiner code:

(1) Cemeteries; except such use is not permitted in the downtown commercial (D-C) zone; and further provided:

(a) No building shall be located closer than 100 feet from a boundary line;

(b) A protective fence and a landscaped strip of evergreen trees and shrubs at least 10

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feet in width shall be installed on all common boundary lines with residential zoned property;

(2) Columbariums, crematories, and mausoleums; provided, these uses are specifically excluded from the DC and all residential zones unless inside a cemetery;

(3) Commercial establishments or enterprises involving large assemblages of people or automobiles as follows; provided, these uses are specifically excluded from the DC and all residential zones:

- (a) Amusement parks;
- (b) Boxing and wrestling arenas;
- (c) Ballparks;
- (d) Fairgrounds and rodeos;
- (e) Golf driving ranges;
- (f) Labor camps (transient);
- (g) Open-air theaters;
- (h) Race tracks, drag strips, motorcycle hills, and Go-Kart tracks;
- (i) Stadiums;

(4) Fire stations and public works maintenance and storage facility buildings when located in any residential zone; provided, the following conditions shall be conformed to:

- (a) All buildings and structures shall maintain a distance of not less than 20 feet from any property line that is a common property line with residential zoned property; and

(b) A building from which firefighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.

(5) Hospitals, mental and alcoholic; provided, they are specifically excluded from all single-family residential, RA, RM-2,400 and RM-1,800 and DC zones;

(6) Institutions for training of religious orders except such use is not permitted in the downtown commercial (D-C) zone;

(7) Antenna systems which:

(a) Are not within the limitation of DMMC 18.08.020(2)(h) or (8); or

(b) Consist of parabolic antennas such as microwave dishes; or

(c) Consist of broadcasting or communication stations which transmit electromagnetic radiation;

(8) Recreational areas, commercial, including yacht clubs, beach clubs, tennis clubs, parks, marinas, and similar activities;

(9) Fraternal societies when located in single-family residential zone;

(10) Day care centers, but excluding family day care providers subject to the following minimum conditions:

(a) A play yard or equipment yard shall not be located in any required side or front yard;

(b) All buildings and structures on the lot shall maintain a distance of not less than 20 feet from any property line that is common property line with single-family residential property. If a

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greater setback is specified in a particular zone then the setback requirements of the particular zone shall prevail over the minimum setback set forth in this subsection;

(c) No day care center shall be located within 150 feet of a highway commercial zone;

(d) State licensing standards for such facilities, chapter 388-73 WAC, shall be met;

(e) Such uses shall comply with the parking code requirements of chapter 18.44 DMMC.

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(11) Telecommunication facilities as described in the provisions of Title 20 DMMC.

(12) Wholesale trade and distribution of Groceries (SIC 5141), Grocery and related products not elsewhere classified (SIC 5149), Fish and Seafoods (SIC 5146,) Meats and Meat Products (SIC 5147), Manufacturing and processing of sausages and other prepared meat products (SIC 2013), and Servicing Machines, coin-operated (SIC 3589); provided, the following conditions shall be conformed to:

(a) Uses shall be limited only to property zoned CC, Community Commercial; and

(b) Required perimeter landscape and screening requirements adjacent to residentially zoned properties shall be increased as follows:

(i) Minimum width of required landscape planters shall be 15 feet; and

(ii) Planting beds shall contain appropriately amended soils and be bermed to a height of three (3) feet; and

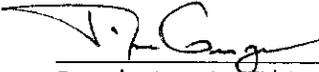


**Sec. 3. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

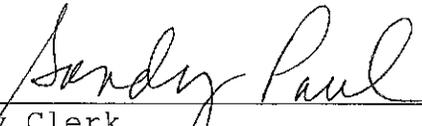
**PASSED BY** the City Council of the City of Des Moines this 17th day of November, 2011 and signed in authentication thereof this 17th day of November, 2011.

  
M A Y O R

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: November 22, 2011

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1527, Adopted November 17, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the Zoning Code and uses allowed by conditional use permit in the Community Commercial (CC) zone, and amends DMMC 18.32.030.

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

Sandy Paul, CMC  
City Clerk

Published: November 22, 2011