

ORDINANCE NO. 1406

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, related to the mixed use requirements established for the Pacific Ridge by chapter 18.31 of the Des Moines Municipal Code, and amending DMMC 18.31.030.

**WHEREAS**, the City Council supports the redevelopment of the Pacific Ridge Neighborhood as a high density and pedestrian oriented community, and

**WHEREAS**, Policy 2-03-05 of the Land Use Element of the Comprehensive plans states that the City should "promote a land use pattern, scale, and density that supports public transportation services and encourages people to walk and bicycle, as well as provide convenient and safe automobile usage," and

**WHEREAS**, Strategy 2-04-08 of the Land Use Element of the Comprehensive plans states that the City should "encourage improvement of the Pacific Ridge Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan," and

**WHEREAS**, Policy 11-03-01 of the Pacific Ridge Element of the Comprehensive plans states that the City should "Allow multifamily development (with minor and incidental commercial uses) on properties south of South 216th Street that do not front upon Pacific Highway South," and

**WHEREAS**, Policy 11-03-03 of the Pacific Ridge Element of the Comprehensive plans states that the City should "Encourage land uses that promote long-term residency and activity during both daytime and nighttime hours, such as mixed-use buildings and condominium dwellings, and

**WHEREAS**, Policy 11-03-06 of the Pacific Ridge Element of the Comprehensive plans states that the City should "ensure that development requirements, land use review procedures, and mitigation measures do not unnecessarily hinder redevelopment," within the Pacific Ridge, and

**WHEREAS**, Policy 11-03-07 of the Pacific Ridge Element of the Comprehensive plans states that the City should "Promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge," and

**WHEREAS** DMMC 18.31.010 states that the objective and purpose of the Pacific Ridge zone is "to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside," and

**WHEREAS** DMMC 18.31.010 states that the "redevelopment of Pacific Ridge is appropriate because this area has excellent access to transportation facilities," 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 City adopted a SEPA Planned Action for the Pacific Ridge under Ordinance No. 1298, and

**WHEREAS**, the SEPA Planned Action was based on the adopted the Pacific Ridge Neighborhood Improvement Plan and Comprehensive Plans, and

**WHEREAS**, the City has adopted zoning regulations which are codified in the Des Moines Municipal Code to facilitate the implementation of the SEPA Planned Action, the Pacific Ridge Neighborhood Improvement Plan, the Comprehensive Plan, and

**WHEREAS**, the proposed textual code amendment is consistent with the range of impacts studied under the SEPA Planned Action Environmental Impact Statement, the Pacific Ridge Neighborhood Improvement Plan, the Comprehensive Plan, and

**WHEREAS**, the Des Moines Planning, Building and Public Works director acting as the SEPA responsible official adopted the existing environmental documentation entitled "Pacific Ridge Neighborhood Improvement Plan and Integrated Draft Environmental Impact Statement" dated May 24, 2000 pursuant to WAC 197-11-600 and DMMC 16.04.108, and

**WHEREAS**, the Des Moines Planning, Building and Public Works director acting as the SEPA responsible official adopted the existing environmental documentation entitled "Pacific Ridge Neighborhood Improvement Plan and Integrated Final Environmental Impact Statement" dated July 5, 2000 pursuant to WAC 197-11-600 and DMMC 16.04.108, and

**WHEREAS**, the Des Moines 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

**WHEREAS**, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official determined that the existing environmental documentation fulfilled the SEPA requirements established by chapter 197-11 WAC and chapter 16.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

**WHEREAS**, notice of the public hearing was given to the public in accordance with law and a public hearing was held on July 19, 2007, and 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 18.31.030 and section 2(part) of Ordinance No. 1267 are each amended as follows:

**18.31.030 PR-R - Permitted uses.** Only those uses listed below, and uses similar in nature as determined by the Planning, Building and Public Works Director, are permitted in the PR-R zone. Uses are more fully described in the "North American Industrial Classification System". Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:

- (1) Multifamily dwellings (no NAICS code);
- (2) Religious organizations (813110);
- (3) Nursing care facilities (623110) and community care facilities for the elderly (6233);
- (4) Public utility facilities and appurtenances necessary for the distribution of utility services to final customers within the immediate area;
- (5) Mixed use (no NAICS code), subject to the limitations below and the limitations provided in DMMC 18.31.090, Environmental performance standards and general limitations:
  - (a) Total nonresidential floor area shall not exceed fifteen percent (15%) of the total floor area of the individual building and a minimum of twenty-five percent (25%) of commercial space must be located along the ground floor;
  - (b) Permitted nonresidential uses shall be limited to the following:
    - (i) Retail trade (44-45), limited to the following:
      - (A) Food and beverage stores (445);
      - (B) Health and personal care stores (446);
    - (ii) Real estate and rental and leasing (53), limited to the following:
      - (A) Offices of real estate agents and brokers (5312);

(B) Real estate property managers (53131);

(C) Offices of real estate appraisers (53132);

(D) Other activities related to real estate (53139); and

(E) Video tape and disc rental (53223);

(iii) Health care and social assistance (62), limited to the following:

(A) Ambulatory health care services (621) except blood and organ banks (621991); and

(B) Child care facilities (6244);

(iv) Food services and drinking places (722), limited to the following:

(A) Full service restaurants (7221); and

(B) Limited-service eating places (7222);

(v) Other services (81), limited to the following:

(A) Footwear and leather goods repair (811430);

(B) Personal care services (8121);

(C) Drycleaning and laundry services (8123); and

(D) Photofinishing (81292);

(vi) Public administration (92), limited to police protection (92212);

(6) Botanical gardens (712130);

(7) Public parks (no NAICS code);

(8) The following buildings, structures and uses are allowed when accessory to a use otherwise permitted by this chapter:

(a) Ancillary and incidental indoor storage and maintenance facilities related to onsite buildings and uses;

(b) Telecommunication facilities as allowed by Title 20 DMMC;

(c) Recreation facilities for use by residents of the property;

(d) Child and adult day care as regulated and licensed by the Washington State Department of Social and Health Services, or its successor agency;

(e) Home occupation, subject to the following limitations:

(i) The occupation shall be conducted entirely within the dwelling;

(ii) The occupation shall not require structural features that are not customary or incidental in a dwelling;

(iii) No signs identifying or advertising the home occupation, or other exterior evidence of the home occupation is allowed;

(iv) A business license as provided by Title 5 DMMC is granted by the city for the home occupation;

(v) In authorizing a home occupation, the city manager may impose conditions of approval as necessary to ensure the activity is compatible with the surrounding uses;

(vi) In the event the city manager determines that the home occupation has resulted in adverse land use impacts, the city manager is authorized to impose additional conditions of approval as necessary; and

(viii) In the event the nature or extent of the home occupation changes so that the adverse land use impacts cannot be satisfactorily mitigated, the city manager may revoke all approvals and licenses related to the home occupation.

**Sec. 2. 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. 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 26th day of July, 2007 and signed in authentication thereof this 26th day of July, 2007.

  
M A Y O R

APPROVED AS TO FORM:

  
City Attorney

ATTEST:

  
City Clerk

Published: July 31, 2007

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1406, Adopted July 26, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to mixed use requirements established for Pacific Ridge by chapter 18.31 of the Des Moines Municipal Code, and amends DMMC 18.31.030.

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

Denis Staab  
City Clerk

Published: July 31, 2007