

ORDINANCE NO. 1409

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, related to the mandatory parking requirements established for the Pacific Ridge by Chapter 18.44 of the Des Moines Municipal Code, and amending DMMC 18.44.050 and DMMC 18.44.060.

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 11-03-06 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 11-03-12 of the Pacific Ridge Element of the Comprehensive plans states that the City should "continue to allow shared and off-site parking when no adverse parking impacts will result," and

WHEREAS, the intent of the Pacific Ridge Neighborhood is to create a neighborhood that deemphasizes the automobile and the area dedicated to the automobile, and

WHEREAS, Section 1G of the Pacific Ridge Design Guidelines directs the City to the minimize the amount of space devoted to parking by utilizing shared parking facilities, and

WHEREAS, Section 1D, 1E, and 1F of the Pacific Ridge Design Guidelines requires the improvement of vehicular circulation within sites and between sites through the use of shared access points to increase utilization of land, promote efficient use of resources, reduce conflicts with parallel access points, reduce pedestrian/vehicular conflicts, and improve traffic flow, and

WHEREAS Section 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 Section 18.31.010 states that the "redevelopment of Pacific Ridge is appropriate because this area has excellent access to transportation facilities," and

WHEREAS, the 3rd Edition of the Parking Generation Manual prepared by the Institute of Transportation Engineers states that the Average Peak Period Demand for parking for condominiums is 1.46 stalls per unit, and

WHEREAS, requiring developers to set aside sufficient area to show two parking spaces, which are not required to be installed until the structure is not used for retirement apartment purposes creates an unfair burden of providing affordable senior housing, 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 1298, and

WHEREAS, the SEPA Planned Action was based on the adopted 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 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 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 197-11-00 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 hearings were held on

the 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 18.44.050 and section 5 of Ordinance No. 695 amended by section 9 of Ordinance No. 1267 are each amended as follows:

18.44.050 Parking spaces to serve one use, building, or complex - Exceptions.

(1) Off-street parking facilities approved in conjunction with one use, building, or complex of buildings shall not be considered as providing required parking facilities for any other use, except as hereinafter provided.

(2) Exception for Cooperative Use. Where adjoining parking facilities of two or more land uses can be joined or coordinated to achieve efficiency of vehicular and pedestrian circulation, provision of additional landscaping or usable public open space, economy of space, and a superior grouping of building or uses, a reduction of 20 percent of the total combined required parking may be permitted when consistent with the intent of this chapter. The common parking facilities for residential and nonresidential uses within a mixed-use development may be included in the Pacific Ridge Zone established by chapter 18.31 DMMC. The residential allowance shall not apply to residential land uses within other commercial zones of the City. Where cooperative use is permitted, assignment of parking spaces to individual uses or buildings shall be prohibited.

(3) Exception for Nonconflicting Time in Use. A reduction of up to fifty percent (50%) of required parking stalls, except for residential, may be authorized under the following conditions, as long as the total reduction doesn't fall below the levels for residential uses:

(a) The building or use for which application is made to utilize off-street parking facilities provided by another building or use shall be located within five hundred (500) feet of such parking facilities and shall be connected by continuous pedestrian walkways or sidewalks to the parking facility.

(b) The applicant must show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed, i.e., no more than one hour overlap in operating hours exists.

(i) For the purposes of this chapter, the following uses are considered as daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings, and other similar primarily daytime uses.

(ii) Nighttime or Sunday uses include: auditoriums incidental to a public or private grade school, churches, bowling alleys, dance halls, theaters, bars, or restaurants, and other similar primarily nighttime uses.

(4) Exemptions granted under the above provisions shall be made after filing with the City a record of covenant or other contract between the cooperating property owners approved by the City Attorney. Joint-use privilege shall continue in effect only so long as such agreement, binding on all parties, remains in force. If such agreement becomes legally ineffective due to changed circumstances including but not limited to a change in the type or nature of business activities, then parking shall be provided as otherwise required by this chapter.

(5) Nothing in this section shall be construed to prevent cooperative provision of off-street parking facilities for two or more buildings or uses when the total off-street parking is not less than the sum of the required parking facilities for the various uses computed separately.

Sec. 2. DMMC 18.44.060 and section 6 of Ordinance No. 695 amended by section 9 of Ordinance No. 793 amended by section 9 of Ordinance No. 1104 amended by section 7 of Ordinance No. 1140 amended by section 6 of Ordinance No. 1170 amended by section 13 of Ordinance No. 1197 amended by section 10 of Ordinance No. 1267 amended by section 12 of Ordinance No. 1378 are each amended as follows:

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

(1) Appliance (retail), bakeries, cabinet shops, drycleaning, furniture stores, heating services: one parking space per 400 square feet of gross floor area.

(2) Auto and boat sales, new and used: one space per 1,000 square feet of floor space of showroom and service facilities; but in no case shall there be less than six spaces provided.

(3) Day care centers and mini-day care programs: one space for each ten (10) children or one for each staff member, whichever is greater, and one passenger loading and unloading space for each twenty (20) children.

(4) Hardware and building supplies: one (1) space per four hundred (400) square feet of gross floor area.

(5) Industrial and Manufacturing Activities.

(a) Freight terminals and wholesale facilities: one parking space per two employees on a maximum work shift, or one (1) per one thousand (1,000) square feet of gross floor area; use whichever is greater.

(b) Manufacturing, including but not limited to the following, except that no retail operations are included: research and testing laboratories, creameries, bottling establishments, bakeries, upholstery shops, printing and engraving shops: two parking spaces for each three employees on a maximum work shift, or one space per 700 square feet of gross floor area; use whichever is greater.

(c) Uncovered storage area: one parking space for each two thousand (2,000) square feet of area.

(d) Warehouse and storage: two (2) parking spaces for each three employees or one (1) space for each fifteen hundred (1,500) square feet of gross floor area; use whichever is greater.

(6) Laundry, self-service: one (1) parking space per two hundred fifty (250) square feet of gross floor area.

(7) Medical Facilities.

(a) Convalescent, rest homes, retirement homes, nursing and health institutions: one (1) parking space for each two (2) employees, plus one (1) space for each four (4) beds.

(b) Hospitals: one (1) parking space for each three (3) beds, plus one (1) parking space for each staff doctor, plus one (1) parking space for each three (3) employees.

(8) Motels, motor hotels, and hotels: one (1) parking space per sleeping unit plus two (2) parking spaces for a resident manager or employees.

(9) Motor vehicle, small engine, and boat repair and services: one (1) parking space for each six hundred (600) square feet of gross floor area.

(10) Offices, including professional and business, banks, and related activities: one (1) space per three hundred fifty (350) square feet of gross floor area.

(11) Offices not providing customer services on the premises: one space for each eight hundred (800) square feet of gross floor area.

(12) Personal Services.

(a) C-C zone: one (1) parking space per three hundred (300) square feet of gross floor area.

(b) D-C and PR zones: one (1) parking space per three hundred fifty (350) square feet of gross floor area.

(c) H-C zone: one (1) parking space per two hundred (200) square feet of gross floor area.

(13) Pleasure craft moorage: one (1) parking space for each two (2) moorage stalls.

(14) Public Assembly and Recreation.

(a) Assembly halls, auditoriums, stadiums, sports arenas, and community clubs: one (1) parking space for every three (3) persons based on occupancy load.

(b) Churches: one (1) parking space per five (5) seats in the principal place of assembly for worship, including balconies and choir loft. Where fixed seats consist of pews or benches, the seating capacity is computed upon not less than twenty (20) lineal inches of pew or bench length per seat. If there are no fixed seats, then one (1) parking space for each forty (40) square feet of gross floor area in such principal place of assembly or worship shall be provided.

(c) Libraries and museums: one (1) parking space per two hundred fifty (250) square feet of gross floor area.

(d) Parks: as determined by the Planning Agency.

(e) Theaters: one (1) parking space for each three (3) seats.

(15) Residences.

(a) Single-family: two (2) parking spaces per dwelling unit.

(b) Duplex and townhouse: two (2) parking spaces per dwelling unit and one (1) parking space for every five (5) dwellings for use as visitor parking. A minimum of one (1) visitor parking space shall be provided.

(c) Multifamily.

(i) Two (2) parking spaces per dwelling.

(ii) One (1) guest parking space shall be provided per each ten (10) dwellings.

(iii) For one-bedroom dwellings within the PR zone: one and one-half (1.5) parking spaces per dwelling.

(d) Retirement apartments: One (1) parking space per dwelling unit, except that the plan shall show two (2) parking spaces, spaces not initially installed. The additional parking spaces plus required landscaping shall be installed at such time that the structure is not used for retirement apartment purposes.

(e) Rooming and lodging houses: one (1) space per occupant.

(f) Children's institutions, homes for the retired (group homes): one (1) space for each five (5) employees plus one (1) for each four (4) beds.

(g) Mixed Use.

(i) Except as provided below, two (2) parking spaces per dwelling.

(ii) For one-bedroom dwellings within the PR zone: one and one-half (1.5) parking spaces per dwelling.

(iii) On-site parking for nonresidential areas shall be provided based upon the ratio specified by this section.

(h) Accessory living quarters: one (1) parking space.

(16) Restaurants, including drive-in restaurants, night clubs, taverns, and lounges: one parking space for each one hundred twenty-five (125) square feet of gross floor area, except that none shall be required for establishments under two thousand (2,000) square feet located in the D-C and PR zones.

(17) Retail, Other.

(a) C-C zone: one (1) parking space per three hundred (300) square feet of gross floor area.

(b) D-C and PR zones: one (1) parking space per three hundred fifty (350) square feet of gross floor area.

(c) H-C zone: one (1) parking space per two hundred fifty (250) square feet of gross floor area, except there are a minimum of six (6) spaces.

(18) Uses Not Specified. The parking requirements for a use not provided for in this section is determined in the manner set forth in DMMC 18.36.050, and such determination is based upon the requirements for the most comparable use specified in this section.

(19) Fractional Spaces. When units of measurements determining the number of required parking spaces result in requirements of a fractional space, a fraction one-half (1/2) or more shall require one parking space.

(20) Maximum Number of Off-Street Spaces. Within the Pacific Ridge area, the number of off-street spaces provided shall not exceed one hundred fifty (150) percent of the minimum number of spaces specified by this section.

Sec. 3. 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.

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Sec. 4. 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 13th day of September, 2007 and signed in authentication thereof this 13th day of September, 2007.

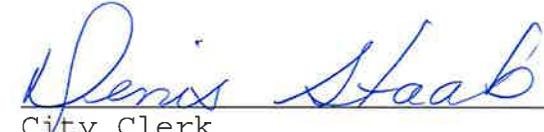

M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: September 20, 2007

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1409, Adopted September 13, 2007

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the mandatory parking requirements established for the Pacific Ridge by Chapter 18.44 of the Des Moines Municipal Code, and amends DMMC 18.44.050 and DMMC 18.44.060.

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

Denis Staab
City Clerk

Published: September 20, 2007