

ORDINANCE NO. 1412

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to permitted uses in the B-P Business Park Zone, and amending DMMC 18.25.020.

WHEREAS, the City Council for the City of Des Moines adopted Ordinance 1260 on June 8, 2000 providing for permitted uses in the in the Business Park Zones, and

WHEREAS, the North Central Neighborhood Element (NCNE) of the Des Moines Comprehensive Plan, Section 9-03-02 provides:

9-03-02 Allow a mixture of uses within business parks, including offices, wholesale trade, light manufacturing, research and other related uses. Permit recreational facilities, including sport facilities with related retail uses. Because of the potential for excessive truck traffic and large, unsightly buildings, allow warehousing only as an accessory use to permitted uses. Within the South Subarea, do not allow retail uses except for restaurants and other businesses that serve business park uses and employees. Within the North Subarea allow for large retail uses as part of an adopted Master Plan. Prohibit or limit businesses that create negative off-site impacts such as air or water pollution, excessive noise, light and glare impacts, odors, or significant health hazards; and

WHEREAS, the "First Development Agreement - City of Des Moines and Port of Seattle Development of the Des Moines Creek Business Park Property" (FDA) approved by the Des Moines City Council on June 9, 2005, Exhibit 2 provided a list of permitted uses for the Des Moines Creek Business Park, and

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 27th day of September 2007, and all persons wishing to be heard were heard, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official issued a determination of nonsignificance (DNS) on the 29th day of August 2007 and the accompanying comment and appeal periods have lapsed, and

WHEREAS, the City Council now seeks to amend DMMC 18.25.020 to add to that section the permitted uses not otherwise provided for in the that subsection; now therefore,

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

Sec. 1. DMMC 18.25.020 and section 2 of Ordinance No. 920 as amended by section 1 of Ordinance No. 1199, as amended by section 3 of Ordinance No. 1237 as amended by section 2 of Ordinance No. 1260 are each amended to read as follows:

Permitted uses. Only those uses listed below, and uses similar in nature as determined by the City Manager or designee, may be permitted in the B-P zone. Uses listed below, or uses similar in nature as determined by the City Manager or designee, utilizing quantities of hazardous materials exceeding the quantities in Uniform Building Code Table 3-D, "Exempt Amounts of Hazardous Materials Presenting a Physical Hazard - Maximum Quantities Per Control Area", and Table 3-E, "Exempt Amounts of Hazardous Materials Presenting a Health Hazard - Maximum Quantities Per Control Area", as presently constituted or subsequently amended, will require an unclassified use permit as specified in chapter 18.32 DMMC. Each use is more fully described in the "Standard Industrial Classification Manual," 1987 Edition, published by the United States Office of Management and Budget, which is adopted by reference pursuant to RCW 35.21.180. A copy of the Standard Industrial Classification Manual, 1987 Edition, shall be maintained on file in the office of the City Manager or designee and shall be available for public inspection. The numbers in parentheses following each of the following listed uses refer to the Standard Industrial Classification (SIC) code numbers:

- (1) Services, limited to the following:
 - (a) Business services (73);
 - (b) Engineering, accounting, research, management, and related services (87);
 - (c) Legal services (81);
 - (d) Medical and dental clinics and laboratories (801-804 and 809);
 - (e) Repair services (76), excluding repair of automobile and other large or motorized vehicles;
 - (f) Personal services (72);
 - (g) Recreation services, such as health clubs, athletic clubs, swimming pools, and tennis courts (791, 7991 and 7997), but not including theaters, bowling alleys, amusement arcades, and the like;
 - (h) Museums and art galleries (841);
 - (i) Social services (83), including nursery schools and day-care centers;
 - (j) Educational institutions (82);

(k) Business associations, professional associations, fraternal lodges, and similar uses (861-865 and 869);

(l) Churches and other religious institutions (866);

(m) Conference and meeting facilities (no SIC code);

(2) Finance, insurance, and real estate institutions and services (60-67);

(3) Light manufacturing, fabrication, and assembly of the following and closely related products:

(a) Food products (20), excluding meat packing; in the South subarea food products (20) including meat packing are prohibited;

(b) Apparel, fabric, and textile products (22 and 23);

(c) Lumber and wood products (24); in the South subarea lumber and wood products (24) are prohibited;

(d) Furniture and fixtures (25);

(e) Paper products (26), but excluding paper and pulp manufacturing;

(f) Chemical related products (28), but excluding manufacture of flammable, dangerous, or explosive materials; in the South subarea chemical related products (928) are prohibited;

(g) Plastic and rubber products (30);

(h) Computer and office and equipment (357);

(i) Small electrical equipment and components, such as appliances, lighting, electronics, and communications equipment (36);

(j) Fabricated metal products, except machinery and transportation equipment (34);

(k) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods, watches and clocks (38);

(l) Printing and publishing and allied products manufacturing (27);

(m) Stone, clay, glass, ceramics, pottery, china, and similar products (32);

(n) Toys, jewelry, musical instruments, signs, and other miscellaneous items (39).

(4) Building and special trade contractors (15 and 17).

(5) Retail trade, limited to the following:

(a) Restaurants (5812);

(b) Nurseries and greenhouses for the growing and sale of plants (5261);

(c) Retail uses selling products and providing services which are of a type and are located and designed to serve other business park tenants without attracting a significant number of patrons from outside the business park;

(6) Public facilities, including the following:

(a) Public parks (no SIC code);

(b) Government offices and facilities (91-97);

(c) Public utilities (48 and 49), excluding the production or storage, other than for use by the utility, of petroleum products.

(7) The following uses are only permitted in the North subarea:

(a) Wholesale trade of general merchandise, products, supplies, materials, and equipment, including sales offices for these goods (50 and 51); motor freight transportation and warehousing (42) transportation by air (45) and packing and crating (4783) when appropriately mitigated for excessive truck traffic and large unsightly buildings, excluding air transportation (451) and airports, flying fields and airport terminal services (458);

(b) Avionics (no SIC);

(c) Airline ticket sales and reservations (4729);

(d) Sales offices including, but not limited to, those sales offices related to light manufacturing in #3 and wholesale trade in #4 (no SIC);

(e) Specialty retail when consistent with the Comprehensive Plan and approved by the City Manager or designee;

(f) Department Stores (531);

(g) Variety Stores (533);

(h) Miscellaneous General Merchandise Stores (539);

(i) Home Furniture, Furnishing and Equipment Stores (Major Group 57).

(8) Operation of foreign trade zones limited to the uses listed above.

(9) Residential uses in the South subarea if established prior to January 1, 2000. No use other than single family residential use or home occupation use as further described in DMMC 18.08.020 shall be permitted in existing single family residential structures or sites.

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 8th day of November, 2007 and signed in authentication thereof this 8th day of November, 2007.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST

City Clerk

Published: November 16, 2007

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1412, Adopted November 8, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to permitted uses in the B-P Business Park Zone, and amends DMMC 18.25.020.

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

Denis Staab
City Clerk

Published: November 16, 2007