

ORDINANCE NO. 1439

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, relating to access from 8th Avenue South in the Downtown Commercial Zone, amending Ordinance No. 1427 (uncodified) and amending DMMC 18.27.050(3).

WHEREAS, the Downtown Element of the Des Moines Comprehensive Plan states in pertinent part: Policies 10-03-06 "Maintain 8th Avenue South as a local access street. Discourage commercial traffic from using 8th Avenue South through project design and roadway improvements," and

WHEREAS, on February 14, 2008, Council passed Ordinance No. 1427 (uncodified), amending DMMC 18.27.050(3) by restricting customer/employee vehicular access to 8th Avenue South between So. 223rd Street and Kent/Des Moines Road, and

WHEREAS, Council desires to change the southern boundary from the subject area from Kent-Des Moines Road to So. 227th Street, and

WHEREAS, amending Ordinance No. 1427 is necessary since it has not been codified, and

WHEREAS, a public hearing was scheduled for October 16, 2008, to consider the proposed amendment to DMMC 18.27.050(3), and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on the 16th day of October, 2008, and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendment contained in this ordinance is appropriate and necessary for the preservation of the public health and welfare; now therefore,

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

Sec. 1. Ordinance No. 1427 (uncodified) is hereby amended.

Sec. 2. DMMC 18.27.050(3) and section 1 of Ordinance No. 1427 (uncodified) and section 5 of Ordinance No. 1104 as amended by section 3 of Ordinance No. 1237 are amended to read as follows:

(3) Vehicular access and other right-of-way improvements. There shall be no customer/employee vehicular access to 8th Avenue South between So. 223rd Street and South 227th Street from commercial properties. Vehicular access and other right-of-way improvements shall otherwise conform to the provisions of Title 12 DMMC.

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.

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 16th day of October, 2008 and signed in authentication thereof this 16th day of October, 2008.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: November 12, 2008

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1439, Adopted October 16, 2008.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to access from 8th Avenue South in the Downtown Commercial Zone and amends Ordinance No. 1427 (uncodified) and DMMC 18.27.050(3).

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

Denis Staab
City Clerk

Published: November 12, 2008