

ORDINANCE NO. 1453

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending Ordinance No. 1448 by removing the employee parking requirement from the parking exemption established for commercial uses in the Downtown Commercial Zone.

WHEREAS, the City Council supports the redevelopment of the Downtown Neighborhood, and

WHEREAS, the City of Des Moines Comprehensive Plan (hereinafter "the Plan") provides policy guidance regarding land use and related matters including policies and strategies to achieve the goals established by each element of the Plan, and

WHEREAS, the Plan should guide the decisions of elected officials, appointed officials, City staff, property owners, and consultants, and

WHEREAS, Policy 2-03-05 of the Land Use Element of the Plan 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 Land Use Element of the Plan states that the City should "[E]ncourage improvement of the ... Downtown 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 10-03-08 of the Downtown Neighborhood Element of the Plan states that the City should "[E]ncourage use of alternative modes of transportation, including walking, bicycling, carpooling, and use of mass transit," and

WHEREAS, according to the preliminary data collected for the Comprehensive Transportation Plan update being prepared by the City's transportation consultant Fehr & Peers / Mirai, "[P]arking in downtown is a mix of defined parking spaces, unmarked angle parking, and restricted parking zones. In the downtown area, defined by 218th Street, 8th Avenue S, 227th Street and 5th Avenue S, there are a total of 585 parking on-street spaces", and

WHEREAS, in June 2008, staff completed a land use inventory in the Downtown Neighborhood to gain an understanding of the range of businesses and services currently operating in the Downtown Neighborhood and the requirement of parking to support those businesses, and

WHEREAS, the June 2008 inventory indicated that there are 182 business operating in the Downtown Neighborhood in six primary groups: grocery, restaurant, retail, general services, health services, and public/quasi-public, and

WHEREAS, given the existing on-site parking stalls and the 585 public parking spaces available throughout the Downtown Neighborhood, it appears that there is adequate parking supply to meet the current and possibly future demands for customer parking within the Downtown Neighborhood, and

WHEREAS, the textual code amendment proposed by this ordinance has been processed in accordance with the requirements

of the State Environmental Policy Act (hereinafter "SEPA), a determination of nonsignificance (DNS) was issued on October 1, 2008 by the responsible official, and the applicable SEPA comment period has concluded, and

WHEREAS, the SEPA responsible official adopted the existing environmental documentation dated October 1, 2008 pursuant to WAC § 197-11-600 and DMMC § 16.04.108, and

WHEREAS, 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 document, and

WHEREAS, 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, the textual code amendments proposed in this ordinance were provided to the Department of Community, Trade and Economic Development as required by RCW 36.70A.130, 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 8th day of January, 2009 and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that this ordinance is appropriate and necessary; now therefore,

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

Sec. 1. DMMC 18.44.040 and section 8 of Ordinance No. 695 amended by section 32 of Ordinance No. 1197 amended by section 4 of Ordinance No. 1237 amended by section 1 of Ordinance No. 1448 (uncodified) are each amended to read as follows:

Modification of parking provisions.

(1) Number of spaces. The hearing examiner may, by formal action, waive or modify the number of spaces required, establishing the amount of required parking for uses involving very limited number of employees or which do not require personnel and daily attendance or for which the number of parking spaces proposed is demonstrated sufficient to fully serve the use, is consistent with the intent of this chapter and when strict application of the code would result in unnecessary hardship.

(2) Dimensions. In cases where the strict application of this title would unreasonably limit full utilization of a site for parking, the code official may authorize a reduction of up to three percent of any minimum dimension required in this chapter, except where such reduction would substantially restrict ease of travel or

maneuverability of vehicles using the parking facility.

(3) Downtown Commerical. The parking provisions for commerical uses established by DMMC 18.44.060 are waived provided that there is compliance with all the following standards:

(a) The property is zoned Downtown Commerical according to the official Zoning Map.

(b) Residential uses within a mixed-use development are not included in this exemption. Residential uses in a mixed use building shall comply with the requirements esblished by DMMC 18.44.060.

(c) The property owner shall enter into a no protest agreement regarding the formation of a Downtown Business or Parking Improvement District.

(d) This provision is only valid until December 31, 2009.

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 be in full force and effect five (5) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 8th day of January, 2009 and signed in authentication thereof this 8th day of January, 2009.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1453, Adopted January 8, 2009.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends Ordinance No. 1448 by removing the employee parking requirement from the parking exemption established for commercial uses in the Downtown Commercial Zone.

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

Denis Staab
City Clerk

Published: January 16, 2009