

**ORDINANCE NO. 1573**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** amending DMMC 17.36.050 relating to the construction of street system improvements on rights-of-way abutting a subdivision.

**WHEREAS**, the City of Des Moines requires a new subdivision to possibly dedicate rights-of-way to serve adjacent properties in order to provide a safe and efficient circulation system within the City, and

**WHEREAS**, the City of Des Moines also requires improvements on rights-of-way abutting the subdivision which typically include curb, gutter, sidewalk, surface water improvements, and possibly streetlights, and

**WHEREAS**, the City Council recognizes the need for pedestrian improvements in the city, and

**WHEREAS**, a request was made for the Council to consider providing an option for waiving or modifying the street system improvements when there is no existing surrounding sidewalk to connect the required new sidewalk to, and

**WHEREAS**, this request was discussed at the April 4, 2013 and May 9, 2013 Public Safety and Transportation Committee meeting, and

**WHEREAS**, this request was discussed at the April 11, 2013 City Council meeting, and

**WHEREAS**, the Public Safety and Transportation Committee recommended to the City Council that a modification section be added to Title 17.36.050 of the DMMC, and

**WHEREAS**, the Ordinance was properly noticed in accordance with chapter 17.44.030 DMMC, 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 17.36.050 and section 57 of Ordinance No. 931 as amended by section 1 of Ordinance No. 1003 are each amended to read as follows:

**17.36.050 Access - Rights-of-way.**

(1) General. All rights-of-way within and abutting the subdivision shall be improved in accordance with the standards set forth in chapter 12.28 DMMC.

(2) Designation of rights-of-way. If a new right-of-way is proposed within a subdivision, the Planning, Building and Public Works Director shall classify the right-of-way based on the projections for that right-of-way using the right-of-way definitions established in "City of Des Moines Street Development Standards" as adopted by chapter 12.28 DMMC.

(3) Dedication. The City may require the dedication of rights-of-way to serve adjacent properties in order to provide a safe and efficient circulation system within the City.

(4) Construction of street system improvements on rights-of-way abutting the subdivision and off-site from the subdivision. Such street system improvements as are defined in chapter 12.44 shall be constructed on rights-of-way abutting the subdivision and off-site from the subdivision as directed by the City Council in the course of discretionary review of the subdivision. The subdivision applicant required to construct off-site street system improvements are entitled to reimbursement as provided in chapter 12.44 DMMC.

(5) Modifications. The applicant may request and the Public Works Director may grant a modification of the right-of-way improvements defined in the current Street Development Standards for subdivisions that do not yield more than two lots based upon the following criteria:

(a) The subdivision contains less than 100 lineal feet of street frontage and would not match existing improvements; or

(b) The subdivision does not front on a street identified in the Priority Pedestrian Network in the current Comprehensive Transportation Plan and would not match existing improvements; or

(c) The subdivision does not front on a street identified in the Priority Pedestrian Network in the current Comprehensive Transportation Plan and unusual topographic or physical conditions preclude the construction of the improvements as required.

**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 thirty (30) 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 August, 2013 and signed in authentication thereof this 8th day of August, 2013.



M A Y O R

APPROVED AS TO FORM:



Assistant City Attorney

ATTEST:



City Clerk

Published: August 13, 2013

Effective Date: September 7, 2013

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1573, Adopted August 8, 2013

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance amends DMMC 17.36.050 relating to the construction of street system improvements on rights-of-way abutting a subdivision.

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

Bonnie Wilkins  
City Clerk

Published: August 13, 2013