

ORDINANCE NO. 1592

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the Des Moines Parking Code amending DMMC 18.210.070.

WHEREAS, chapter 18.210 DMMC establishes regulations for loading areas and off-street parking throughout the City as well as in the Downtown Commercial Zone specifically, and

WHEREAS, the City Council supports reducing restrictive development regulations in the Marina District to facilitate redevelopment as a commercially viable mixed use neighborhood, and

WHEREAS, many Marina District properties are not improved to the extent presently allowed by the City of Des Moines Comprehensive Plan and the Zoning Code and are unlikely to be redeveloped in the near future without continued waiver of the Downtown Commercial Zone parking requirement, and

WHEREAS, current parking regulations in the Marina District Downtown Commercial Zone appear to be unduly burdensome and restrictive, helping to make it uneconomically feasible for property owners to redevelop their properties under current and projected future market conditions, and

WHEREAS, the City Council directed City staff to prepare an ordinance for its consideration which would continue a waiver of the commercial parking requirement for the Marina District, and

WHEREAS, pursuant to DMMC 18.20.080, amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.20.210, amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.30.100(3) requires that the date of the public hearing to consider amendments to Title 18 DMMC be set by motion of the City Council, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1249, fixing the public hearing for March 13, 2014, and

WHEREAS, the textual code amendments proposed in this Ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, notice of the public hearing was issued on February 26, 2014 in accordance with the DMMC, and

WHEREAS, a public hearing was held on March 13, 2014 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 18.210.070 and section 511 of Ordinance No. 1591, "Modification of parking provisions", are amended to read as follows:

(1) Number of spaces. The City Manager or the City Manager's designee 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. The Institute of Transportation Engineers (ITE) Parking Generation Manual or an independent consultant study are examples that could be used to demonstrate sufficiency of proposed parking.

(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) Marina District. The parking provisions for commercial uses established by DMMC 18.210.090 are waived; provided, that there is compliance with all the following standards:

(a) The property is zoned Downtown Commercial 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 established by DMMC 18.210.090.

(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, 2015.

(4) Interim uses. The City Manager or City Manager's designee may, by formal action, waive or modify other requirements of this chapter for uses not to exceed five (5) years including but not limited to exceptions for non-conflicting time in use and design requirements in DMMC 18.210.220 through 18.210.240 for commercial developments, upon approval of a plan that is consistent with the intent of this chapter and when strict application of the code would result in unnecessary hardship. The site plan showing the location of the parking on the property and parking plan must include provisions for:

(a) Improved parking meeting all City design requirements meeting at least fifty (50) percent of the required parking.

(b) User safety, including lighting and site security.

(c) The required number of ADA parking stalls per the International Building Code and required pedestrian access to and from the building for physically disabled as well as able bodied.

(d) Adequate site drainage.

(e) Safe vehicle access to and egress from the parking lot.

(f) A parking operations plan including:

(i) The hours of operations;

(ii) A detailed description of the parking operation including methods to control noise, glare from impacting adjacent properties, and methods to eliminate any impacts on adjacent or nearby residential neighborhoods;

(iii) The name, address and phone number of the operator of the parking.

(5) Assurances and guarantees to suspend interim parking use at the end of the permitted period unless extended and restore the site.

The interim use may be extended an additional three (3) years upon application. In approving the plan or the extension request, the City Manager or the City Manager's designee may impose additional conditions including but not

limited to a requirement for the applicant to post a performance bond or other security guaranteeing that it will cease the interim use at the end of approved period.

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, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 13th day of March, 2014 and signed in authentication thereof this 13th day of March, 2014.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: March 18, 2014

Effective Date: April 12, 2014

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1592, Adopted March 13, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the Des Moines Parking Code and amend DMMC 18.210.070.

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

Bonnie Wilkins
City Clerk

Published: March 18, 2014