

ORDINANCE NO. 1602

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to alternative methods of design and construction of mixed use buildings in the areas zoned Downtown Commercial and Institutional Campus, amending DMMC 14.05.130 entitled *Five-story Wood Frame Buildings* and DMMC 14.05.190 entitled *Heights*.

**WHEREAS**, the City Council finds that it is the City's desire to provide additional tools to build economically viable mixed-use and multi-family buildings, and

**WHEREAS**, the City Council finds the International Building Code allows for the approval of alternate material, methods of design, and methods of construction, and

**WHEREAS**, in 2007 the City Council enacted Ordinance 1411 first establishing alternative methods of design and construction of mixed use buildings in Pacific Ridge Commercial, Pacific Ridge Residential, and Business Park Zones, and

**WHEREAS**, at that time the City solicited input from local technical professionals who recommended adoption of alternate methods and materials to allow an additional story of wood frame construction for mixed-use and multi-family buildings, provided that specific design and inspection standards are met, and

**WHEREAS**, the City Council finds that providing this alternate method of construction would provide an incentive for the construction of economically viable mixed-use and residential occupancies which is consistent with the City's Comprehensive Plan land use element policies, and

**WHEREAS**, on July 28, 2012 the City Council adopted Ordinance No. 1544 establishing the Institutional Campus Zone which permits building heights up to 75 feet within the Zone, and

**WHEREAS**, on July 11, 2011 the City Council adopted Ordinance No. 1415 that increased building heights in some areas of the Marina District to 55 feet, and

**WHEREAS**, Policy 2-03-06(2) of the Land Use Element states "multifamily dwellings should also be permitted in conjunction with commercial developments within the Marina District,

provided that such dwellings are designed to provide a quality residential environment while enhancing the appearance and commercial function of the business district," and

**WHEREAS**, Policy 2-03-08(2) of the Land Use Element states that the City should require that new construction in the Marina District "contain and exhibit high-quality design elements and building materials as outlined by the *Marina District Design Guidelines*," and

**WHEREAS**, Strategy 10-04-10 of the Marina District Element states that the City should "ensure that new development or redevelopment in the Marina District exhibits design excellence by paying particular attention to site design, building form, architecture and public space as described in the *Marina District Design Guidelines* (2009)," and

**WHEREAS**, on June 26, 2014 the City Council will consider Second Draft Ordinance No. 14-035, which is proposing to allow alternative methods of design and construction of mixed use buildings the Transit Community Zone, and

**WHEREAS**, pursuant to the Project Review Chart in 18.20.080 text code amendments to the building code (Title 14 DMMC) is a legislative (Type VI) land use decision, and

**WHEREAS**, pursuant to WAC 197-11-800(19) and DMMC 16.05.330 adoption of building codes is categorically exempt from State Environmental Policy Act (SEPA), and

**WHEREAS**, notice of the public meeting was given to the public in accordance with law and a public meeting was held on June 26, 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 14.05.130, section 23 of Ordinance No. 1581, and section 19 of Draft Ordinance 14-035 are amended to read as follows:

**Five-story wood frame buildings.** The following sections, DMMC 14.05.140 through 14.05.220, shall be applicable to the following zoning classifications:

Pacific Ridge Commercial, Pacific Ridge Residential, Business Park, Transit Community, Downtown Commercial, and Institutional Campus Zones.

**Sec. 2.** DMMC 14.05.190, and section 39 of Ordinance No. 1581 are amended to read as follows:

**Height.** The maximum height of five story buildings designed and constructed shall be 75 feet, unless limited otherwise in the Title 18, Zoning Code. The height shall be measured as provided in the IBC.

**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.

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**Sec. 4. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 26th day of June, 2014 and signed in authentication thereof this 26th day of June, 2014.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: July 1, 2014

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1602, Adopted June 26, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to alternative methods of design and construction of mixed use buildings in the areas zoned Downtown Commercial and Institutional Campus, amends DMMC 14.05.130 entitled *Five-story Wood Frame Buildings*, and DMMC 14.05.190 entitled *Heights*.

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

Bonnie Wilkins  
City Clerk

Published: July 2, 2014