

ORDINANCE NO. 1559

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, related to Pacific Ridge zoning and amending DMMC 18.31.090 by amending the height allowance provisions for enhanced design of distinctive rooflines.

WHEREAS, the City seeks to encourage and promote new development in the Pacific Ridge Zone, and

WHEREAS, additional building height flexibility for enhanced design of distinctive rooflines is required to achieve desired internal ceiling height clearances for buildings of high quality and appropriate scale, and

WHEREAS, in addition to the zoning code, the building and fire codes also limit and control other facets of building height making it difficult for applicants to meet all City requirements as currently regulated, and

WHEREAS, some additional flexibility of existing zoning controls regulating building height will allow for the quality of design envisioned for the Pacific Ridge neighborhood area, and

WHEREAS, The *Des Moines Comprehensive Plan* Strategy 2-04-08 of Land Use Element states that the City should "[E]ncourage improvement of the ... Pacific Ridge 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, the intent of the Pacific Ridge Neighborhood as established by the *Des Moines Comprehensive Plan* Goal 11-01-01 of the Pacific Ridge Element is "...to transform Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential. The transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the appearance, character, economics, and safety of the area", and

WHEREAS, the Des Moines Planning Agency at its regular meeting on December 3, 2012 reviewed the provision allowing a portion of a building to exceed the maximum building height for

enhanced design of distinctive rooflines in the PR-R, PR-C1, and PR-C1 zones, and

WHEREAS, the City adopted a SEPA Planned Action for the Pacific Ridge under Ordinance No. 1298, and

WHEREAS, the SEPA Planned Action was based on the adopted the Pacific Ridge Neighborhood Improvement Plan and Comprehensive Plans, and

WHEREAS, the City has adopted zoning regulations which are codified in the Des Moines Municipal Code to facilitate the implementation of the SEPA Planned Action, the Pacific Ridge Neighborhood Improvement Plan, the Comprehensive Plan, and

WHEREAS, the Des Moines Planning, Building and Public Works director acting as the SEPA responsible official adopted the existing environmental documentation entitled "Pacific Ridge Neighborhood Improvement Plan and Integrated Draft Environmental Impact Statement" dated May 24, 2000 pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, the Des Moines Planning, Building and Public Works director acting as the SEPA responsible official adopted the existing environmental documentation entitled "Pacific Ridge Neighborhood Improvement Plan and Integrated Final Environmental Impact Statement" dated July 5, 2000 pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, the Des Moines Planning, Building and Public Works director acting as 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 documents, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as 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, pursuant to DMMC 18.56.080 amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.56.200 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 18.60.120(3) requires that the date of the public hearing to consider amendments to the Title 18 be set by motion of the City Council, and

WHEREAS, The City Council set the public hearing and date by resolution which was, in this case, established by Resolution No. 1209, fixing the public hearing for December 13, 2012, 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 November 21, 2012 in accordance with the DMMC, and

WHEREAS, a public hearing was held on December 13, 2012, 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 18.31.090 and section 1 of Ordinance No. 1513 are each amended to read as follows:

Dimensional standards.

(1) Lot Area. Every lot shall have a minimum area of 7,500 square feet.

(2) Lot Width. Every lot shall have a minimum width of 75 feet.

(3) Front Yard.

(a) In the PR-R zone, every lot shall have a front yard of not less than 15 feet.

(b) In the PR-C1 and PR-C2 zones, no front yard is required.

(4) Side Yard.

(a) In the PR-R zone, every lot shall have a side yard on each side of the lot. The side yards shall have a width of not less than 10 feet.

(b) In the PR-C1 and PR-C2 zones, no side yard is required.

(5) Rear Yard. Every lot shall have a rear yard of not less than 15 feet.

(6) Measurement of Building Height.

(a) PR-R zone: Building height shall be measured from average finish grade.

(b) PR-C1 zone: Building height shall be measured from mean sidewalk grade of Pacific Highway South.

(c) PR-C2 zone: Building height shall be measured from mean sidewalk grade as follows:

(i) Building height for properties abutting Pacific Highway South is measured from Pacific Highway South.

(ii) Building height for properties abutting 24th Avenue South is measured from 24th Avenue South.

(iii) Building height for properties that do not abut Pacific Highway South or 24th Avenue South is measured from South 216th Street.

(7) Minimum Building Height.

(a) Except for buildings containing only a full-service restaurant or a gasoline service station, and other instances specifically authorized by the city manager or designee in writing, no building shall be less than the height specified below:

(i) PR-R zone: 35 feet.

(ii) PR-C1 zone: 35 feet.

(iii) PR-C2 zone: No minimum building height.

(b) For the purposes of this subsection, minimum building height shall not include decorative towers or appurtenances, roof slopes out of character with the building's architecture, or other contrivances provided solely for achievement of the required minimum building height. In calculating minimum building height, the city manager or designee shall include regular architectural features enclosing functional, occupiable building areas.

(8) Maximum Building Height. Buildings and structures may be built to the height specified:

(a) PR-R zone: 35 100 feet. Buildings may be built to a height of 120 feet with approval of a condominium height bonus or with approval of a floor area clustering height bonus as provided by this chapter.

(b) PR-C1 zone:

(i) Except as provided by subsection (8)(b)(ii) of this section, 55 feet.

(ii) In that portion of the PR-C1 zone east of Pacific Highway: 85 feet.

(c) PR-C2 zone: 55 feet.

(9) Building Height Limitation Adjacent to Single-Family. When an abutting property is designated single-family residential by the Des Moines Comprehensive Plan, building height shall be limited as follows:

(a) Within 20 feet of the abutting single-family residential property, maximum building height shall be 35 feet.

(b) Within 40 feet of the abutting single-family residential property, maximum building height shall be 45 feet.

(c) During the design review and environmental review, the city manager or designee may impose other conditions of approval in order to mitigate potential height, bulk, and scale impacts upon adjacent single-family residents not sufficiently mitigated by existing regulations.

(10) Condominium Building Height Bonus. In the PR-R zone, the city manager or designee may authorize buildings 36 to 120 feet in height when a condominium declaration which satisfies chapter 64.34 RCW is recorded for all dwellings within the building.

(11) Floor Area Clustering Building Height Bonus. In the PR-R zone, the city manager or designee may authorize buildings up to 200 feet in height when all of the following provisions are met:

(a) A condominium height bonus was granted pursuant to the condominium building height bonus established by subsection (10) of this section.

(b) The total floor area of the building does not exceed the total maximum floor area of a building that could have been built under the condominium building height bonus established by subsection (10) of this section.

(c) The minimum building site area is 43,560 square feet.

(d) Useable pedestrian plazas and open space are provided.

(12) Height Allowance for Enhanced Design of Distinctive Rooflines. In the PR-C1, PR-C2 and PR-R zones, a portion of a building may exceed the maximum building height; provided, that the following provisions are met:

(a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of Pacific Ridge Design Guideline 2.B.2.

(b) The maximum building height established in subsections (8) and (9) of this section shall only be increased by a maximum of ten percent (10%).

(c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the buildings orientation to a corner,

or to provide for pitched or sloped roofs for the building.

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under DMMC 18.31.110(3).

(e) The building area or amount of building structure extending above the maximum height established in subsection (9) of this section shall be limited to 30 percent of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30 percent requirement shall only apply to the area of the roof deck of the tallest portion of a building.

(13) Placement of Buildings.

(a) Where a building site abuts the public right-of-way of Pacific Highway South, at least one of the main buildings on the site shall be placed as follows:

(i) Except as provided below, the building shall abut, or be in close proximity to, the public right-of-way of Pacific Highway South.

(ii) Through the permit review process, the city manager or designee may determine it is in the public interest to allow the proposed building to be set back from the right-of-way. In considering a request for setback, the director shall consider matters such as adopted land use policies, vehicular and pedestrian circulation, sight distances, landscaping, existing site improvements, adjacent site improvements, easements or other encumbrances, and public benefit features such as plazas and public artwork.

(b) The distance between a building containing dwelling units and any other building shall be not less than 10 feet.

(c) On the rear third of an interior lot, accessory buildings not containing dwellings may be built to the side lot lines and the rear lot line; provided, not less than 10 feet of the rear lot line shall be free and clear of buildings.

(d) On the rear one-third of a corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line and the rear lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

(e) On the rear third of a reverse corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

(iii) No building shall be erected closer than five feet to the rear lot line.

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.

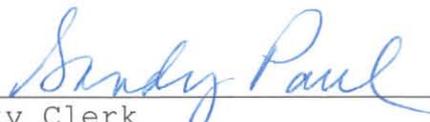
PASSED BY the City Council of the City of Des Moines this 13th day of December, 2012 and signed in authentication thereof this 13th day of December, 2012.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Effective Date: January 12, 2013

Published: December 18, 2012

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1559, Adopted December 13, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to Pacific Ridge zoning and amends DMMC 18.31.090 by amending the height allowance provisions for enhanced design of distinctive rooflines.

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

Sandy Paul
City Clerk

Published: December 18, 2012