

AGENDA

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines**

October 3, 2013 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORT

- GROWING TRANSIT COMMUNITIES STRATEGY BRIEFING
- Page 1 • EMERGING ISSUES

CONSENT CALENDAR

- Page 3 Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes of the August 8, 2013 and September 5, 2013 Regular City Council Meetings and the minutes from the September 5, 2013 Executive Session.

OLD BUSINESS

- Page 31 Item 1: RECONSIDERATION OF ORDINANCE NO. 1577, PARKING CODE
Staff Presentation: Community Development Manager Denise Lathrop

NEW BUSINESS

- Page 57 Item 1: REPEAL OF CHAPTER 13.08 DMMC
Staff Presentation: City Attorney Pat Bosmans
- Page 61 Item 2: AMENDMENTS TO TITLE 14 DMMC
Staff Presentation: City Attorney Pat Bosmans

NEXT MEETING DATE

October 10, 2013 Regular City Council Meeting

ADJOURNMENT

City Manager's Office

September 27, 2013

To: City Council

From: City Manager 

Re: Emerging Issues

The following are emerging issues for brief discussion during the October 3, 2013, Council meeting:

1. Health insurance expenses for "Cadillac Plans" will be subject to an excise tax under the Affordable Care Act in 2018. This tax is equal to 40% of the amount of the premium over \$10,200 for an individual and \$27,500 for a family to be paid by the sponsor of the plan (i.e. the City).
2. State requirements starting in 2018 that a certain percentage of city vehicles be alternative fuel vehicles.
3. National League of Cities Conference is in Seattle November 13-16.
 - a. \$755 registration fee for all three days
 - b. \$95 special fee for Friday, November 16 only.
4. Paid Parking in the Marina and Beach Park – target date first quarter of 2014. Communication/informational campaign to start before year's end.
5. Transportation funding/gas tax issues with more electric vehicles being produced.
6. Communicating with the Community during emergency situations.
7. Legislative session begins in January. It will be a short session. We should get our Legislative positions together before the end of the year.
8. Marina District zoning issues from property owners/developers:
 - a. Building heights
 - b. Amount of commercial required in mixed use

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines**

August 8, 2013 - 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Mayor Kaplan.

ROLL CALL

Council present: Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Engineering Services Manager Brandon Carver; SWM Utility Manager Loren Reinhold; Community Development Manager Denise Lathrop; Management Consultant Grant Fredricks; City Clerk Bonnie Wilkins.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

BOARD & COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott:

- Farmer's Market:
 - Kids fishing derby this Saturday.

Councilmember Sheckler:

- Artemis Hotel:
 - EB5 Regional Center Designation.
 - Thanked the following for all their support and hard work:
 - City Council
 - City Staff

Councilmember Burrage:

- Got a 15 minute massage from Quikmassage and it was wonderful.

Mayor Pro Tem Pina:

- Council retreat last Saturday:
 - Thanked staff for preparation.
- Finance & Economic Development Committee:
 - Updates to projects in community.
 - Permitted uses in the Business Park.
 - Discussion of B&O Tax Structure.
 - Policy discussion around Pacific Highway Corridor.
 - Parking solutions in Marina District.
 - Several business owners came in to speak at a meeting held on August 7, 2013.
 - Thanked City Manager and Economic Development Manager.

- Public Safety & Transportation Committee Meeting:
 - Marijuana Regulations are coming forward.
 - Ordinances and Zoning.
 - Transportation Capital Improvement Plan.
 - Pavement Preservation Program, if Proposition 1 passes;
 - Not likely to pass; will have more discussions around what to do next with paving issues.

Councilmember Musser:

- Municipal Facilities Committee Meeting:
 - Met with the 2 finalists from the Request for Qualifications for the Marina Development.
 - Interviews available to view on the City's web site.
 - Committee will meet on August 15 to discuss proposals.
- Editor of the *Highline Times*, Eric Mathison is retiring after many years and wished him well.

Councilmember Nutting:

- National Night Out:
 - Thanked the following for attending:
 - Des Moines Police Department.
 - South King County Fire.
 - Code Enforcement.
 - There were 32 get-togethers throughout the City.
- School starts in one month, please drive safe and pay attention in school zones.
- Attended the Concert in the Park, *Des Moines Got Talent*.
- Friday, August 9th Movie in the Park, *The Avengers*.

PRESIDING OFFICER'S REPORT

- Received comments back from people who are appreciative of the crosswalks and better signage on Marine View Drive.
- Listened to comments regarding the South part of the Marina.
 - Staff working hard to make adjustments.
 - Ordinance passed changing the closing time of the parking lot.
 - Received appreciative communication back on that Ordinance.
- Budget Retreat-some things that were discussed:
 - How to fund services everyone wants given the challenging revenue stream.
 - Approximately \$300,000 loss in revenue from the assessed property value from the County Assessor's Office.
 - Looking at all options to try to solve the budget deficit.
 - Ways to make things more efficient in every Department.
 - Grow economic base in City.
 - Approximately \$2.5 to \$3 million shortfall.
 - More conversations regarding budget options going forward.

- Proposition 1:
 - Appreciated the voters taking the time to vote.
 - Second time out to voters, this time to specifically fund paving of streets in Des Moines.
 - Proposition appears to be failing.

Mayor Kaplan presented former Councilmember Dan Caldwell a plaque acknowledging his years of service to the Community and Council and thanking him for his commitment.

Mayor Pro Tem Pina spoke to the size of the Council packet for this week, 492 pages. Mayor Pro Tem Pina proposed a few suggestions to help eliminate the size of future packets. Councilmember Sheckler asked for a status update on electronic council packet for Councilmembers. City Clerk Wilkins updated Council with the status of electronic packets and briefed them on some of the concerns that the IT Manager has.

ADMINISTRATION REPORTS

AHMADIYYA MUSLIM COMMUNITY BLOOD DRIVE SUPPORT OF PUBLIC SAFETY

- Chief George Delgado gave a brief introduction and introduced members of the Ahmadiyya Muslim Community.

Those that spoke were:

- Irfan Chaudhry, President of the Ahmadiyya Muslim Community.
- John Yasutake, Conciliation Specialist Northwest Regional Office, US Department of Justice Community Relations Service.

Announced Des Moines Community Blood Drive:

- Saturday, September 7, 2013.
- 10:00 – 4:00 p.m. (closed 12:00-1:00 p.m.).
- Blood Mobile in Public Works Parking Lot (2255 S 223rd Street, Des Moines WA).

CONSENT CALENDAR

- Item 1: NATIONAL RECOVERY MONTH
Motion is to move that the City of Des Moines supports National Recovery Month by passing the proposed proclamation.
- Item 2: DRAFT ORDINANCE ADOPTING STATE MARIJUANA INFRACTION
First Motion is to suspend Rule 26(a) in order to enact Draft Ordinance 13-074 on first reading.

Second Motion is to enact Draft Ordinance 13-074, adopting by reference RCW 69.50.445, creating a civil infraction for opening or consuming marijuana in public view.
- Item 3: INTERLOCAL AGREEMENT – FEDERAL WAY SCHOOL DISTRICT IMPACT FEES
Motion is to approve the Interlocal Agreement between the City of Des Moines and the Federal Way School District to enable the City to distribute school impact fees collected for the Landmarque Development in accordance with the March 26, 2007 Environmental Mitigation Agreement, and to authorize the City Manager to sign the ILA substantially in the form submitted.

- Item 4: NORTH HILL ELEMENTARY SCHOOL ZONE FLASHING BEACON PROJECT GRANT ACCEPTANCE
Motion is to accept the Washington Traffic Safety Commission grants for North Hill and Aviation School awarded for a total amount of \$15,000 and direct staff to bring forward a budget amendment to include this project as part of the 2013-2013 Transportation CIP.
- Item 5: DRAFT RESOLUTION 13-180 SETTING A PUBLIC HEARING FOR PERMITTED USES WITHIN THE B-P ZONE
Motion is to adopt Draft Resolution No. 13-180 setting a public hearing on September 5, 2013 to consider Draft Ordinance 13-180 amending the permitted uses within the B-P Business Park Zone codified in Chapter 18.25 DMMC.
- Item 6: TRANSPORTATION GATEWAY PROJECT: CONSTRUCTION CONTRACT AWARD AND CONSULTANT AGREEMENT SUPPLEMENT FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE 24TH AVENUE S IMPROVEMENT PROJECT (S 216TH STREET TO S 208TH STREET)
Motion 1 is to award the 24th Avenue South (S 216th Street to S 208th Street) construction contract, to DPK, Inc. in the amount of \$4,858,947.95, which includes all Bid Schedules (A through E), and authorize the City Manager to sign said contract substantially in the form as submitted. I further authorize a contingency for the construction project of up to \$485,895 (10%) to cover unforeseen conditions and change orders as determined necessary by the Planning, Building and Public Works Director.
- Motion 2 is to approve Supplement #10 with KPG Consulting Engineers, Inc. for Construction Engineering and Inspection Services necessary for the 24th Avenue South Improvements (S 216th Street to S 208th Street) in the amount of \$688,091.86, bringing the total Agreement amount to \$3,577,950.85, and further authorize the City Manager to sign the contract supplement substantially in the form as submitted.

Direction/Action

Motion made by Councilmember Musser to approve the consent agenda; seconded by Mayor Pro Tem Pina.

Councilmember Burrage removed item #3 for further discussion.
The motion passed 7-0 for remainder of consent agenda.

Councilmember Musser moved to approve the Interlocal Agreement between the City of Des Moines and the Federal Way School District to enable the City to distribute school impact fees collected for the Landmarque Development in accordance with the March 26, 2007 Environmental Mitigation Agreement, and to authorize the City Manager to sign the ILA substantially in the form submitted; seconded by Mayor Pro Tem Pina.

The motion passed 6-1

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Sheckler and Scott.

Against: Councilmember Burrage.

Mayor Kaplan asked that Old Business go before the Council prior to the Public Hearings, council agreed.

OLD BUSINESS

- Item 1: MODIFICATION TO SHORT SUBDIVISION FRONTAGE IMPROVEMENT REQUIREMENTS
Staff Presentation: Engineering Services Manager Brandon Carver

Motion made by Councilmember Sheckler to enact Draft Ordinance No. 13-118 creating a new section to DMMC 17.36.050, allowing for modifications to 2 lot short subdivision frontage improvements when certain criteria are met; seconded by Councilmember Musser.

Councilmember Burrage offered an amendment to change the language from 2 lot short subdivisions to 4 lot subdivisions; seconded by Councilmember Scott. The motion failed 2-5.

For: Councilmembers Burrage and Scott.

Against: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser and Sheckler.

The original motion passed 7-0.

Mayor Kaplan read Draft Ordinance No. 13-118 into the record.

- Item 2: SURFACE WATER MANAGEMENT RATES
Staff Presentation: SWM Utility Manager Loren Reinhold

Motion made by Mayor Pro Tem Pina to enact Draft Ordinance No. 13-123, revising the definition the Equivalent Billing Unit, eliminating the 70% rate discount for private streets, revising the classification base rate calculations, and providing rate adjustments for non-single family residences and private streets that mitigate water quality and water quantity impacts to current development standards; seconded by Councilmember Sheckler.

The motion passed 5-2.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser and Sheckler.

Against: Councilmembers Burrage and Scott.

Mayor Kaplan read Draft Ordinance No. 13-123 into the record.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- Item 1: PUBLIC HEARING FOR DRAFT ORDINANCE 13-080, PLANNING AGENCY DISSOLUTION
Staff Presentation: Community Development Manager
Denise Lathrop

Mayor Kaplan opened the Public Hearing at 7:50 p.m.

Community Development Manager Denise Lathrop gave a brief power point presentation on the role of the Planning Agency over the years and shared comments from current members. See Attachment "A"

Mayor Kaplan called 3 times for those wishing to speak; seeing none, Mayor Kaplan asked for Councilmember questions.

Mayor Kaplan closed the public hearing at 8:12 p.m.

Direction/Action

Motion made by Councilmember Sheckler to suspend City Council Rule 26(a) in order to enact Draft Ordinance No. 13-080 on first reading; seconded by Councilmember Musser.

The motion passed 6-1.

For: Mayor Kaplan, Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Sheckler.

Against: Councilmember Scott.

Motion made by Councilmember Sheckler to enact Draft Ordinance No. 13-080 to dissolve the Des Moines Planning Agency; seconded by Mayor Kaplan.

The motion passed 6-1.

For: Mayor Kaplan, Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Sheckler.

Against: Councilmember Scott.

Mayor Kaplan read Ordinance No. 13-080 into the record.

At 8:25 p.m. Council took a 5 minute break and resumed the council meeting at 8:30 p.m.

Item 2:

PUBLIC HEARING FOR DRAFT ORDINANCE 13-086, PACIFIC RIDGE ZONE

Staff Presentation: Management Consultant Grant Fredricks and
Community Development Manager Denise
Lathrop

Mayor Kaplan opened the Public Hearing at 8:35 p.m.

Management Consultant Grant Fredricks gave a brief power point presentation on the Pacific Ridge Zone.

Mayor Kaplan called those who signed in to speak.

Ronald Dupard, 11023 SE 240th Street #D-2, Kent, represents Wayne and Deb Ferguson, Managing Partners of the Smith Corp Property. Spoke about future development in the Pacific Ridge Zone and easing up on the City's requirements on how much recreation space is required. He also spoke about driveway access; leaving the requirements wide open.

Mayor Kaplan called 3 times for those wishing to speak; seeing none, Mayor Kaplan asked for Councilmember questions.

Councilmember Scott asked that an e-mail document and pictures be included in the record. See Attachment "B"

Mayor Kaplan also asked that an e-mail from Robyn and Randy Clark be included in the record. See Attachment "C"

Direction/Action

Motion made by Councilmember Sheckler to continue the public hearing on Draft Ordinance No. 13-086 amending DMMC 18.31, Pacific Ridge Zone Code, to September 12, 2013 or as soon thereafter as the matter may be heard or scheduled by the Mayor; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

- Item 3: PUBLIC HEARING FOR DRAFT ORDINANCE 13-108, PARKING CODE
Staff Presentation: Management Consultant Grant Fredricks and
Community Development Manager Denise
Lathrop

Mayor Kaplan opened the Public Hearing at 8:58 p.m.

Management Consultant Grant Fredricks gave a brief power point presentation on the Parking Code.

Mayor Kaplan called 3 times for those wishing to speak; seeing none Mayor Kaplan asked for Councilmember questions.

Direction/Action

Motion made by Councilmember Sheckler to continue the public hearing on Draft Ordinance No. 13-108 amending DMMC 18.44, Parking Code, to September 12, 2013 or as soon thereafter as the matter may be heard or scheduled by the Mayor; seconded by Councilmember Musser.
The motion passed 7-0.

- Item 4: CONTINUED PUBLIC HEARING ON DRAFT ORDINANCE 13-011, SIGN
CODE CHANGES
Staff Presentation: Management Consultant Grant Fredricks and
Community Development Manager Denise
Lathrop

Management Consultant Grant Fredricks gave a brief power point presentation on the proposed Sign Code Changes and introduced a list of Councilmember proposed amendments.

Mayor Kaplan asked if anyone wished to speak on the issue.

BJ Bjorneby, 517 S 212th, Des Moines thanked Council for what they are doing to promote business in Des Moines. Mr. Bjorneby specifically spoke about eliminating the opaque regulations for signs as it washes out the lettering during the night.

Mayor Pro Tem Pina asked Mr. Bjorneby to expand on his previous comments on roof signs.

Mr. Bjorneby commented that by raising the signs on the building tops they can be visible to those in the northbound lanes of Pacific Highway.

Malcolm Case, President of Grace Lutheran Church commented that the Church is trying to upgrade the looks to the church more than the consistency of signs throughout the City. Allow the Church to electronically advertise to the public rather than hang banners that have less visibility.

Mayor Kaplan asked 3 times if anyone else wished to speak; seeing none, Mayor Kaplan asked Council if they had any questions.

Councilmember Burrage asked staff to bring back Mr. Bjorneby's concerns to Council; council agreed.

Mayor Kaplan closed the public hearing at 9:30.

Direction/Action

Motion made by Mayor Kaplan to waive Council Rule 26(a) in order to enact Draft Ordinance No. 13-011 amending DMMC 18.42, Sign Code, on first reading; seconded by Councilmember Sheckler.
The motion passed 7-0.

Motion made by Mayor Kaplan to enact Draft Ordinance No. 13-011 amending DMMC 18.42, Sign Code; seconded by Councilmember Sheckler.

Motion made by Councilmember Burrage to amend Sec. 3 of Draft Ordinance 13-011, DMMC 18.42.050(7) on p. 21 to read "One nonelectrical and nonilluminated business identification sign not over thirty six square feet in area if allowed in that zone"; seconded by Councilmember Musser.
The motion passed 7-0.

Motion made by Councilmember Burrage to amend Sec. 3 of Draft Ordinance 13-011, DMMC 18.42.050(8) on p. 21 to read: "One on-premises nonilluminated bulletin board not over 24 square feet in area for a charitable or religious organization"; seconded by Councilmember Musser.
The motion passed 7-0.

Motion made by Councilmember Burrage to amend Sec. 3 of Draft Ordinance 13-011, DMMC 18.42.050(12)(i) on p. 23 to read "Portable signs located in the public right-of-way subject to the following requirements: i) Signs shall be professionally looking and maintained in good condition so as to preserve the aesthetic value of the total environment"; seconded by Councilmember Musser.

Mayor Kaplan offered a friendly amendment to change the word "professionally looking" to "professional appearance"; agreeable to the maker and the seconder of the motion.
The motion passed 7-0.

Motion made by Councilmember Burrage to amend Sec. 4 of Draft Ordinance 13-011, DMMC 18.42.150(6) on p. 26 to read: "The following signs are prohibited: (6) Off-premises signs, except as provided in DMMC 18.42.270; or any one sign for a Des Moines business that is 12 square feet or under"; seconded by Councilmember Scott.
The motion passed 5-2.

For: Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Mayor Kaplan; Councilmember Sheckler.

Motion made by Councilmember Burrage to amend Sec. 5 of Draft Ordinance 13-011, DMMC 18.42.270 on p. 27 to read: "All signs, except real estate directional signs, political signs, City operated signs communicating information on City services, community events and emergency management, portable signs expressly allowed under DMMC 18.42.050 and off-premises signs approved under DMMC 18.42.090, must be located on the premises or events or activities of the business that they identify or advertise. All other advertising signs located on premises other than the premises of the business or events or activities they advertise are prohibited, notwithstanding single ownership of more than one premises, except where the premises are contiguous. For the purposes of this section "contiguous" means that such buildings or properties are joined and/or interior access is provided from one to the other. Except those signs approved pursuant to DMMC 18.42.090 DMMC 18.42.150"; seconded by Mayor Pro Tem Pina.

The motion passed 6-1.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Councilmember Sheckler.

Motion made by Councilmember Burrage to amend Sec. 6 of Draft Ordinance 13-011 to delete DMMC 18.42.300(1) on p. 27 to read: "The following signs are permitted in the neighborhood commercial zone (N-C) and commercially zoned properties located in the Redondo neighborhood"; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Musser to amend DMMC 18.42.290(4) to add subsections (a)-(c) to read: "The following signs are permitted in all residential zones. (4) Community centers, schools, and churches are permitted one unlit wall sign no larger than 40 square feet in area and one freestanding sign not exceeding 80 square feet in area and 10 feet in height including a readerboard not exceeding 32 square feet in area"; seconded by Councilmember Nutting.

Motion made by Mayor Pro Tem Pina to extend the meeting until 10:15 p.m.; seconded by Councilmember Musser.

The motion passed 7-0.

Councilmember Sheckler stated he would be a protest vote on the proposed amendment.

The motion passed 6-1.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Councilmember Sheckler.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(1)(a)(i)-(ii) and add (iii) to read: "The following signs are permitted in the Pacific Ridge commercial zone: 1, Pacific Ridge commercial zone 2, business park zone and all commercial zones abutting Pacific Highway South that are not within the Pacific Ridge neighborhood: (1) Freestanding Signs. For single business properties, multiple-tenant buildings, multiple building complexes, and shopping centers, freestanding signs are allowed as follows: (1) Number of Freestanding Signs. (i) For building sites with up to 200 feet of street frontage, one sign is allowed. (ii) For building sites with more than 200 feet of street frontage and having more than one vehicular access, two signs are allowed; provided, that the total allowable sign area is not exceeded. (iii) If the building site is on two arterials one additional freestanding sign is allowed"; seconded by Councilmember Scott.

The motion failed 3-4.

For: Councilmembers Musser, Burrage & Scott.

Against: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting and Sheckler.

Motion made by Councilmember Sheckler to extend the meeting an additional 5 minutes, until 10:20 p.m.; seconded by Mayor Pro Tem Pina.

The motion passed 7-0.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(i)(b) to read: "For single business properties, multiple-tenant buildings, multiple-building complexes, and shopping centers, freestanding signs are allowed as follows: (i) Each sign allowed shall not exceed 100 square feet in area"; seconded by Councilmember Musser.

The motion passed 4-3.

For: Mayor Pro Tem Pina; Councilmembers Musser, Burrage and Scott.

Against: Mayor Kaplan; Councilmembers Nutting and Sheckler.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(i)(c) to read: "For single business properties and multiple business properties, freestanding signs shall not exceed 20 feet in height as measured from median sidewalk grade"; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(1)(e), to read: "The city manager or designee may approve monument signs located on a separate parcel of property within a multiple-building complex or shopping center when the following conditions exist"; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(2) to read: "Each single business property is permitted a total sign area not to exceed two square feet per lineal foot of street frontage, up to a maximum of 200 square feet or not more than 10% of the front wall size, whichever is larger"; seconded by Councilmember Musser.

Motion made by Councilmember Sheckler to extend the meeting an additional 5 minutes, until 10:25 p.m.; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

The motion passed 5-2.

For: Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Mayor Kaplan and Councilmember Sheckler.

Motion made by Councilmember Musser to strike section 18.42.310(3) which reads: "Internally illuminated signs shall be constructed using individual letters/characters, or sign cabinets with an opaque field or background so that only the individual letters/characters are illuminated"; seconded by Mayor Pro Tem Pina.

The motion passed 7-0.

The original motion passed as amended 7-0.

Mayor Kaplan read Draft Ordinance 13-011 into the record.

NEXT MEETING DATE

September 5, 2013 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Sheckler to adjourn; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,
Bonnie Wilkins
City Clerk

Denise Lathrop

From: Melvin McDonald [melmcDonald@mac.com]
Sent: Saturday, August 03, 2013 9:40 AM
To: Denise Lathrop
Subject: Re: August 8th Public Hearing - Dissolution of Des Moines Planning Agency
Importance: High

Denise, I am president of SeaTac Rotary and our meetings are on Thursday's therefore I won't be able to attend the public hearing.. I am sorry.

I think the Planning Agency's role is a positive one for the city. It gives the council another set of eyes on the future of the city. Anytime a city can make decisions with more input it is best for all concerned.

I would hope the council reinstates the agency.

Hope to hear a positive outcome on the decision.

Denise Lathrop

From: Shelley Murray [shelleymurray@yahoo.com]
Sent: Wednesday, August 07, 2013 11:05 AM
To: Denise Lathrop
Subject: Re: August 8th Public Hearing - Dissolution of Des Moines Planning Agency

Denise,

Currently, I'm out of town on vacation.

I wanted to reply to your email and hope you will share my thoughts on the matter to Council member Musser and the Council .

As a community volunteer I welcome the opportunity to assist the Council. Especially, with the issues that have been put in front of the Agency for review and consideration. I am not an elected official, not bound to the same level of duty and responsibility or part of the political process. I'm an interested citizen willing to give freely of her time, energy, and experiences.

As a community volunteer I listen to those around me in my day to day happenings whether it be, shopping, running errands, enjoying the community activities or taking a walk around the neighborhood. In my role as Planning Agency Member I consider the comments presented by concerned citizens and businessmen during the official meetings and public hearings. As a concerned citizen, I truly consider the impact of the pending decisions and how the decisions made will affect my neighbors and local businesses.

Each of the Agency Members, went through a screening process and have committed themselves to serve for a four year term. This is a diverse group with varied professional experiences and the discussions have been both lively and informative. In addition, seminars have been offered to this group and I have personally attended a very informative seminar on local economic development. With these types of free resources, individual dedication and the opportunity given to make a difference, the Planning Agency could be utilized further in the Council's work for City.

The Council must make the decisions in the end, and with the assistance and input from a committed group such as the Planning Agency I believe the Council can better support it's decisions.

Sincerely,

Shelley Murray



21 Exterior Tenant Parking Spaces



Viewpoint Apartments Playground

214XX Pacific Hwy So. (Hwy 99)



10 Exterior Staff & Visitor Parking Spaces , available to tenants on evenings and weekends



103 Underground Assigned Parking Spaces are all full at night



Medium Size SUV fills tight spaces

last time increased
market rents was 4/19/13

MTW
2/28/2013 12:15 PM

Market Rent Schedule

Viewpoint (10285)

As Of = 02/28/2013

Unit Type	Units	Unit Type	Rent	Unit Type	Sq Ft	Unit Type	Total Rent	Total Unit Rent	Average Unit Rent	Occupied Units	Average Resident Rent
1x1 Small (285111)	6.00	955.00	529.00	5,730.00	5,740.00	956.67	5.00	899.80			
1x1 Medium (285112)	10.00	920.00	561.00	9,200.00	9,865.00	986.50	10.00	937.80			
1x1 Large (285113)	10.00	974.00	638.00	9,740.00	10,160.00	1,016.00	10.00	960.40			
2x1 Small (285211)	9.00	1,073.00	740.00	9,657.00	10,592.00	1,176.89	8.00	1,116.88			
2x1 Medium (285212)	15.00	1,115.00	833.00	16,725.00	17,955.00	1,197.00	15.00	1,111.00			
2x2 Small (285221)	1.00	1,170.00	817.00	1,170.00	1,195.00	1,195.00	1.00	1,120.00			
2x2 Medium (285222)	3.00	1,250.00	966.00	3,750.00	3,855.00	1,285.00	3.00	1,213.00			
2x2 Large (285223)	4.00	1,315.00	1,101.00	5,260.00	5,290.00	1,322.50	4.00	1,249.25			
Studio Small (285stu1)	7.00	760.00	337.00	5,320.00	5,445.00	777.86	7.00	721.29			
Studio Medium (285stu2)	17.00	805.00	409.00	13,685.00	14,510.00	853.53	17.00	792.41			
Studio Large (285stu3)	8.00	885.00	532.00	7,080.00	7,240.00	905.00	8.00	845.00			
Grand Total	90.00	970.19	622.00	87,317.00	91,847.00	1,020.52	88.00	955.88			

Monthly rent until April 19, 2013

Rent since April 19th

OX1 = \$780. - \$945

\$950. - \$1,015.

1X1 = \$970. - \$1,200.

\$1,040. - \$1,270.

2X1 = \$1,183. - \$1,300.

\$1,253. - \$1,370.

2X2 = \$1,220. - \$1,366.

\$1,290. - \$1,435.

Carmen Scott

From: Carmen Scott [carmenscott3@comcast.net]
Sent: Thursday, July 18, 2013 5:53 PM
To: 'Marion Yoshino'; 'JBurrage Home'
Cc: 'Matt Pina'
Subject: Visit to Viewpoint Apartments
Attachments: Rent schedule VIEWPOINT 216th & 99.pdf

Marion and Jeanette,

These are my notes from our visit with the manager at Viewpoint Apartments Tuesday afternoon. Please let me know if I have left anything out or made any errors.

There are a total of 90 units.

See attached PDF for unit sizes and rental amounts.

There are a total of

103 assigned parking spaces in the secure underground garage. Every unit has one underground space. Twelve larger units have two underground spaces.

21 additional tenant spaces are located in the fenced outdoor parking lot, first come, first served.

10 additional outdoor spaces for management and potential renters, are **available for tenant use after hours and weekends**.

Highline Community College International students live in at least 6 units. They do not have vehicles. Other tenants use their spaces.

134 total parking spaces.

30 units are Studio.

26 units are one bedroom

24 Two bedroom one bath units

8 Two bedroom 2 bath units.

(The rental office takes up one unit)

Studio and one bedroom units have a limit of no more than two occupants each.

When everyone is home, all spaces are full. One tenant parks across Hwy 99 to free up his space for someone else. Each individual has a one-car-on-site limit.

The basement spaces are tight. A medium size SUV fills its space. The turning radius is tight. People park carefully.

Commuters?? Public Transportation?? (Manager's comments)

People don't use Rapid-Ride, the stop is in a horrible location (fears about safety).

Those who do use public transportation drive to the light rail stop or to the Park & Ride.

Balconies? Great Views & Balconies. The back (East) units do not have balconies. People pay an extra \$40 to \$60. Per month for a unit with a balcony.

Playgrounds?? We don't need both. One would be plenty. Not many children.

What are the main reasons people do or don't rent here??

Plusses:

New, clean, attractive, terrific views from many of the units, secure grounds and parking, responsible management.

Excellent local shopping across the street. Handy to the airport.

Minuses:

Price is a deterrent to some. We have increased rent an average of \$90. In the last 3 months. (Our units are full)

The lack of an exercise room or party space causes some to look elsewhere. Our strongest nearby competition seems to be Belvidere, in the valley at the bottom of 216th.

Flight noise deters some who have not lived near airports or flight patterns.

Some people won't rent this close to an area of crime concerns (Pacific Ridge)

Tell me what needs to be added or changed.

My main new thought is that the more amenities and conveniences, the more people are willing to pay. These are high rents for the size spaces. The one thing that ~~Riverview~~ lacks (which a lot of renters want) is a workout room. We might benefit by visiting Belvidere, just to broaden our knowledge base. Belvidere would not have any good shopping nearby, except a big 7-11 & gas station, but

They are close to the river trail, away from the flight pattern, and not near any deteriorated/higher crime areas.

Carmen

→ Viewpoint

From: Robyn Clark <robynclark@hotmail.com>
To: dkaplan <dkaplan@desmoineswa.gov>; jnutting <jnutting@desmoineswa.gov>; mpina <mpina@desmoineswa.gov>; mmusser <mmusser@desmoineswa.gov>; jburrage <jburrage@desmoineswa.gov>; bsheckler <bsheckler@desmoineswa.gov>; cscott <cscott@desmoineswa.gov>
Sent: Wed, Aug 7, 2013 6:35 pm
Subject: Allowed Pacific Ridge Permitted Uses

Hello,

My husband and I currently operate a used car dealership called Emerald Valley Auto Sales at 22002 Pacific Hwy S in Des Moines and are interested in relocating our business within the city limits. The property we currently occupy has been sold and is slated for development in the near future – hence the need to move.

We are interested in possibly moving to the old Hertz Rental property that is vacant at 22868 Pacific Hwy S. Unfortunately, the property is in the Pacific Ridge development area and does not allow for used car dealerships. I see that the City is considering changing the permitted uses to allow new car dealerships but not stand alone used car ones and I would like to ask that used stand alones be included in the changes.

We have been in business 17 years (3 of those in Des Moines) and have developed a good reputation for fair and honest transactions. Our specialty is lower mileage, well kept vehicles with an emphasis on lower cost collector cars – though we carry other types as well. We like to keep our premises clean and tidy, our vehicles displayed neatly and the landscape trimmed. The police have never been called to our lot for unruly behavior from ourselves or our customers though we have experienced the occasional theft. We believe ourselves to be a valuable business asset to the community and would like you to consider stand alone used car dealerships as a permitted use within the Pacific Ridge area.

Our reviews speak to the type of business owners that we are:
<http://www.cars.com/dealers/208624/emerald-valley-auto-sales/reviews/>

Thank you for your consideration,
Robyn and Randy Clark
Emerald Valley Auto Sales
206-824-4457

23
MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines**

September 5, 2013 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:07 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Mayor Kaplan.

ROLL CALL

Council present: Mayor Dave Kaplan, Mayor Pro Tem Matt Pina; Councilmembers Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Councilmember Jeremy Nutting was absent. Councilmember Musser moved to excuse Councilmember Nutting; seconded by Mayor Pro Tem Pina. The motion passed 6-0.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Community Development Manager Denise Lathrop; Parks, Recreation & Senior Services Director Patrice Thorell; and City Clerk Bonnie Wilkins.

COMMENTS FROM THE PUBLIC

Kris Van Gasken, 22032 10th Avenue S started off by thanking Council for their continued financial support of the Food Bank. Ms. Van Gasken also updated council on the summer lunch program, which was a huge success again this year.

Barb Schimizu, 20830 8th Avenue S spoke about the health of the community and how important the summer lunch program has been and how the Food Bank wishes to expand the program with activities and educational opportunities to their meal sites next summer. Also thanked Council, the City and partnering members of the community; Des Moines Park & Recreation, Highline School District, Highline Community College, Des Moines Lions Club, Des Moines Rotary, The MaST Center, Des Moines Marina Staff and The Farmer's Market for helping make this summer's lunch program a success.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott:

- Des Moines 2014 Calendar is at the printer; available September 20th
- Farmer's Market, 10:00-2:00 p.m. through the end of October.

Councilmember Sheckler:

- Thanked everyone that had anything to do with the new City Currents that just went out:
 - Exceptional format.
 - Covered a lot of the activities happening in the City.
- Letter from Yarriton Investment (Artemis Hotel):
 - Asked council to read it and sign it if they wished.

Councilmember Burrage:

- No Report

Mayor Pro Tem Pina:

- No report

Councilmember Musser:

- Municipal Facilities Committee
 - Reviewed the Marina RFQ Proposals.
 - Looking for other potential developers/investors to bring their ideas to the table.
 - Concerns on the connectivity of existing Marina District to Marina floor.
 - Concerns about parking.
 - Looking for the very best product on the Marina Floor when it's all done.
- Highline schools went back to school. Please be patient and careful and look out for the kids. School cameras are back on again.
- Mount Rainier High School Sports Report:
 - Mount Rainier Rams football home opener September 6th at 5:00 p.m.
 - Girls Volleyball, September 10th at 7:00 p.m.

Councilmember Nutting:

- Absent

PRESIDING OFFICER'S REPORT

- No Report

ADMINISTRATION REPORT

- City Manager Piasecki let Council know that he is now paperless with his Council packets and offered to demonstrate how it looked on his laptop.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes of the July 25, 2013 Regular City Council Meeting and the August 3, 2013 City Council Retreat.

Item 2: SURPLUS OF PROPERTY

Motion is to adopt Draft Resolution No. 13-179 declaring 51 computers, 38 monitors and 46 printers identified by Exhibit "A" as surplus and authorizing disposal of said surplus computer equipment by auction, sale or recycling.

Item 3: COUNCIL AUTHORIZATION FOR PURCHASE OF PHONE SYSTEM

Motion 1 is to ratify and confirm the Interlocal Cooperation Contract with the state of Texas Department of Information Resources (Texas) allowing the City of Des Moines to piggyback off a previously negotiated contract between Texas and Black Box Network Services to purchase a new City phone system.

AND

Motion 2 is to enter into an agreement with Black Box Network Services for the purchase and installation of a new City phone system in the total amount of \$66,509.41, including tax and to authorize the City Manager to sign the agreement substantially in the form as attached.

- Item 4: **AGREEMENT WITH THE SOUTH COUNTY AREA TRANSPORTATION BOARD (SCATBd) FOR CONTINUED CITY PARTICIPATION**
Motion is to approve entering into an Agreement with the South County Area Transportation Board for a period of two years, ending December 31, 2015 with an automatic two-year extension, authorize the City to make an annual contribution of \$100, and for the City Manager to sign said Agreement substantially in the form submitted.
- Item 5: **INTERLOCAL AGREEMENT BETWEEN THE CITY OF DES MOINES AND THE HIGHLINE SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER AT MT. RAINIER HIGH SCHOOL**
Motion is to approve the ILA between the City of Des Moines and the Highline School District, for the City to provide a police officer to serve as a school resource officer and for the District to compensate the City \$50,000.00 for ten months the officer will be assigned to the school; and to authorize the City Manager to sign the ILA substantially in for the form as attached.
- Item 6: **CONSULTANT CONTRACT AMENDMENT – GRANT FREDRICKS**
Motion is to approve Amendment 4 to the Contract with Grant Fredricks, continuing professional consulting services through December 31, 2013 for an additional \$13,478 with a total not to exceed \$72,000 for 2013, and authorize the City Manager to sign the contract amendment substantially in the form submitted.

Direction/Action

Motion made by Councilmember Musser to approve the consent agenda; seconded by Mayor Pro Tem Pina.

Councilmember Burrage wished to make a comment on Item #5 and Item #6
Item #5, Interlocal Agreement with Highline School District; would like the District to reimburse the City for actual cost of the officer in 2014.
Item #6, Contract Amendment with Grant Fredricks; Supports the amendment but feels that effort should be put into parking and connectivity between the Marina and the Marina District and not on a new City Hall.

Mayor Kaplan would like to amend the Council retreat minutes of August 3, 2013, page 2 of the minutes; Mayor Kaplan would like to add the word “acquiring” after the word pursue when discussing the area between I-5 and Highway 99 and between Kent-Des Moines Road and South 272nd Street.
The motion passed 6-0.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- Item 1: **DRAFT ORDINANCE 13-180 AMENDING THE PERMITTED USES WITHIN THE BUSINESS PARK ZONE**

Staff Presentation: Community Development Manager Denise Lathrop

Mayor Kaplan opened the Public Hearing at 7:21 p.m.

Community Development Manager Denise Lathrop gave a brief power point presentation on permitted uses within the Business Park Zone.

Mayor Kaplan asked 3 times if anyone wished to speak. Seeing none Mayor Kaplan asked for Councilmember questions.

Mayor Kaplan closed the public hearing at 7:26 p.m.

Direction/Action

Motion made by Councilmember Musser to suspend City Council Rule 26(a) in order to consider Draft Ordinance 13-180 on first reading; seconded by Councilmember Sheckler.

The motion passed 6-0.

Motion made by Councilmember Musser to enact Draft Ordinance No. 13-180 amending the permitted uses within the B-P Business Park Zone codified in Chapter 18.25 DMMC; seconded by Councilmember Sheckler.

The motion passed 6-0.

Mayor Kaplan read Draft Ordinance No. 13-180 into the record.

NEW BUSINESS

Item 1:

2014 BUDGET DISCUSSION

Staff Presentation: City Manager Tony Piasecki

Direction/Action

Motion made by Councilmember Burrage to move that the City Council allocate \$67,000 toward the 2014 Human Services Budget; seconded by Councilmember Sheckler.

Mayor Pro Tem Pina offered a friendly amendment to allocate \$72,350 toward the 2014 Human Services Budget; seconded by Councilmember Sheckler.

Motion died as it was not acceptable to the maker of the motion.

Councilmember Burrage accepted the friendly amendment Mayor Pro Tem offered after hearing other Councilmember's comments; agreeable to the seconder of the original motion.

The motion passed 5-1.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmember's Burrage, Sheckler and Scott.

Against: Councilmember Musser.

At 8:20 p.m. Council took a 10 minute break at which time Councilmember Sheckler left the meeting.

Council resumed the meeting at 8:30 p.m.

Item 2:

DES MOINES BEACH PARK BUILDINGS

Staff Presentation: Parks, Recreation & Senior Services Director
Patrice Thorell

Direction/Action

Motion made by Councilmember Scott moved to restore the 5 beach park historic beach park buildings and leave them in the 2014-2020 CIP as unfunded; seconded by Councilmember Musser.

Mayor Kaplan moved to amend the motion to add only the Sunhome Lodge back into the CIP as an unfunded project, and remove the other 4; seconded by Councilmember Burrage.

The amended motion failed 1-4.

For: Mayor Kaplan.

Against: Mayor Pro Tem Pina, Councilmembers Musser, Burrage and Scott.

The original motion passed 4-1.

For: Mayor Pro Tem Pina; Councilmembers Musser, Burrage and Scott.

Against: Mayor Kaplan.

NEXT MEETING DATE

September 12, 2013 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Musser to adjourn; seconded by Mayor Pro Tem Pina.
The motion passed 6-0.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,
Bonnie Wilkins
City Clerk

**MINUTES
SPECIAL MEETING TO HOLD EXECUTIVE SESSION
September 5, 2013**

CALL MEETING TO ORDER

The Special Meeting was called to order at 6:30 p.m. by Mayor Kaplan in the Council Chambers.

ROLL CALL

Present were Mayor Dave Kaplan; Mayor Pro-Tem Matt Pina; Councilmembers Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott. Also present were City Manager Tony Piasecki, Assistant City Manager Lorri Ericson and Engineering Services Manager Brandon Carver.

PURPOSE

The purpose of the special meeting was to hold an Executive Session to discuss the purchase and sale of real estate under RCW 42.30.110(1)(b) and (c) and labor negotiations under RCW 42.30.140(4)(a).

At 6:44 p.m. Engineering Services Manager Carver left the meeting.

At 6:55 p.m. Mayor Kaplan announced in Council chambers that the Special Meeting will extend for an additional 10 minutes, until 7:05 p.m.

ADJOURNMENT

The Special Meeting was adjourned at 7:04 p.m.

Respectfully submitted,
Tony Piasecki
City Manager

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Reconsideration of Ordinance
No. 1577, Parking Code

ATTACHMENTS:

1. Ordinance 1577
2. City Council Rule 28, Reconsideration

FOR AGENDA OF: October 3, 2013

DEPT. OF ORIGIN: Planning, Building &
Public Works

DATE SUBMITTED: September 27, 2013

CLEARANCES:

[X] Planning, Building & Public Works DJB
[X] Legal LB
[X] Economic Development Manager [Signature]

APPROVED BY CITY MANAGER FOR
SUBMITTAL: [Signature]

Purpose and Recommendation:

The purpose of this agenda item is to assist the Council in the reconsideration of Ordinance No. 1577 relating to the Des Moines Parking Code and amending Chapter 18.44 DMMC. The City Council adopted Ordinance No. 1577 on September 12, 2013. Pursuant to Council Rule 28, a majority of the Council voted to reconsider Section 3 beginning on page 11 of the Ordinance amending DMMC 18.44.070, Compact Car Allowance. The City Council will review Section 3 and determine if the Ordinance approving the change to DMMC 18.44.070 should be modified or remain unchanged.

Suggested Motion

Motion 1 : "I move to repeal the motion adding Section 3 to the newly enacted Ordinance No. 1577 (Draft Ordinance 13-108), amending DMMC 18.44.070 Compact Car Allowance adopted at the September 12, 2013 meeting and reenacting DMMC 18.44.070 to read:

18.44.070 Compact car allowance.

- (1) A maximum of 50 percent of the total required off-street parking stalls may be permitted and designated for compact cars.
- (3) Dimensions of compact parking stall shall be eight feet by 16 feet, 128 square feet, as depicted in the table on the following page.

Background:

The City Council adopted Ordinance No. 1577 following eight months of work by the City Council Finance and Economic Development Committee, public hearings and public testimony on August 8th and September 12th, state review and the opportunity for public SEPA review and comment.

The Ordinance authorizes the City Manager or City Manager's designee, not the hearing examiner, to formally waive or modify the number of parking spaces required, reduces the amount of required parking when hotels offer airport shuttle services to their guests, removes ambiguous language from the DMMC regarding parking in required yard areas and limits regulation of vehicles on private property to the removal of junk vehicles, permits tandem or valet stacked parking which was formerly not allowed, clarifies that recreational vehicles may be occupied for up to four weeks, or longer when approved as a building permit condition, and clarifies several sections of the Parking Code to address long standing code enforcement or judicial issues with antiquated DMMC language.

On September 26, 2013, the Council voted to reconsider the Ordinance because of potential unintended impacts of changes made to the Compact Car Allowance section of the Ordinance.

Discussion:

Section 3 amendments were offered during the Council deliberations on the Ordinance and staff did not have adequate time to fully understand and inform the Council of the potentially adverse impacts on economic development in the City. The changes to the parking stall dimensions in effect, eliminated the compact parking stall. As such, this change limits the ability for developers to provide compact parking spaces in their developments and further reduces the total number of parking spaces a project might be able to provide. Staff comments below provide further thought on this:

18.44.070 Compact car allowance.

- (1) A maximum of ~~50~~ 30 percent of the total required off-street parking stalls may be permitted and designated for compact cars.

Staff Note: This section refers to a maximum allowed percentage of compact spaces. Developers may provide all standard parking spaces if they so choose and the market drives. Applicants to the City in recent years have expressed interest in incorporating more than the 50% compact stalls in order to meet the required and/or desired number of parking spaces and to maximize their building area. By reducing the number of compact spaces allowed, requests to modify/reduce the number of required spaces will most likely increase.

- (3) Dimensions of compact parking stall shall be eight and one-half feet by ~~16~~ 17 feet, ~~128~~ 144.5 square feet.....

Staff Note: These dimensions are approaching the industry standard dimensions of 9'x18' and may not provide much relief in terms of space savings on the site. 8'x16' is a commonly used compact stall dimension, including Kent and King County Codes. An alternate approach could be to retain the original compact dimensions and look solely at the maximum allowed percentage.

Staff understands it was Council's desire to ensure new development provided enough stalls that could accommodate larger vehicles. The amendment that reduced the maximum percentage of compact parking stalls allowed from 50% to 30% achieves this intent; however, it also reduces the total number of parking spaces a development might be able to provide.

Alternatives:

The City Council has three alternatives:

- (1) Leave Ordinance No. 1577 unchanged;
- (2) Restore the original percentage (from 30% back to 50%) and/or dimensions (from 8.5' x 17' back to 8' x 16') language of Ordinance No. 695; or
- (3) Eliminate DMMC 18.44.070, compact car allowance, in its entirety leaving this issue as a market decision by the developer. The City of SeaTac repealed their Compact Car Allowance code in 2001.

ORDINANCE NO. 1577

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the Des Moines Parking Code amending DMMC 18.44.040, 18.44.060, 18.44.097, 18.44.099 and 18.44.110.

WHEREAS, DMMC 18.44 establishes regulations for loading areas and off-street parking throughout the City as well as in the Pacific Ridge Neighborhood specifically, and

WHEREAS, the City Council supports reducing restrictive development regulations in the Pacific Ridge Neighborhood to facilitate redevelopment as a high density, commercially viable mixed use neighborhood, and

WHEREAS, the City Council supports reducing ambiguity and increasing clarity in the code related to parking regulations throughout the City to ensure a better understanding of what is currently allowed and prohibited, and

WHEREAS, many Pacific Ridge 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 changes to the City's development regulations, and

WHEREAS, Strategy 2-04-08 of the Land Use Element of the Comprehensive Plan states that the City should "encourage 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, those development professionals and Pacific Ridge property owners have encouraged the City to be more flexible in waiving required parking and reducing parking requirements by capitalizing on the proximity to Seattle-Tacoma International Airport and allowing the marketplace to decide how best to achieve the City's broad development goals, and

WHEREAS, the City Council directed City staff to prepare ordinances for its considerations which create more flexible development regulations for Pacific Ridge, and

WHEREAS, the City believes these goals can be achieved with changes implemented by this Ordinance in conjunction with

Ordinance No. 1577
Page 2 of 20

changes to the Pacific Ridge Zone and City-wide sign regulations as envisioned by Policies 11-03-14 and 11-03-15, and

WHEREAS, the proposed textual code amendment is consistent with the range of impacts studied under the SEPA Planned Action Environmental Impact Statement, the Pacific Ridge Neighborhood Improvement Plan and the Comprehensive Plan, 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 documents, 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, 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 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. 1235, fixing the public hearing for August 8, 2013, 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 July 17, 2013 in accordance with the DMMC, and

Ordinance No. 1577
Page 3 of 20

WHEREAS, a public hearing was held on August 8, 2013 and continued to September 12, 2013 where 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 18.44.040 and section 4 of Ordinance No. 695 as amended by section 62 of Ordinance No. 770 as amended by section 1 of Ordinance No. 1448 as amended by section 1 of Ordinance No. 1453 as amended by section 1 of Ordinance No. 1475 as amended by section 1 of Ordinance No. 1530 are amended to read as follows:

Modification of parking provisions.

(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

Ordinance No. 1577
Page 4 of 20

maneuverability of vehicles using the parking facility.

(3) Marina District. The parking provisions for commercial 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 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 18.44.060.

(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, 2013.

(4) Interim uses. The City Manager or the 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 18.44.096 through 18.44.107 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.

Ordinance No. 1577
Page 5 of 20

(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.

(4) Adequate site drainage.

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

(6) A parking operations plan including:

(a) The hours of operations;

(b) 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;

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

(7) 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.

Ordinance No. 1577
Page 6 of 20

Sec. 2. DMMC 18.44.060 and section 6 of Ordinance No. 695 as amended by section 9 of Ordinance No. 793 as amended by section 9 of Ordinance No. 1104 as amended by section 7 of Ordinance No. 1140 as amended by section 6 of Ordinance No. 1170 as amended by section 13 of Ordinance No. 1197 as amended by section 10 of Ordinance No. 1267 as amended by section 12 of Ordinance No. 1378 as amended by section 2 of Ordinance No. 1409 are amended to read as follows:

Required number of off-street parking spaces. The minimum number of off-street parking spaces required of each use shall be provided as follows:

(1) Appliance (retail), bakeries, cabinet shops, dry-cleaning, furniture stores, heating services: one parking space per 400 square feet of gross floor area.

(2) Auto and boat sales, new and used: one space per 1,000 square feet of floor space of showroom and service facilities; but in no case shall there be less than six spaces provided.

(3) Day care centers and mini-day care programs: one space for each 10 children or one for each staff member, whichever is greater, and one passenger loading and unloading space for each 20 children.

(4) Hardware and building supplies: one space per 400 square feet of gross floor area.

(5) Industrial and manufacturing activities.

(a) Freight terminals and wholesale facilities: one parking space per two employees on a maximum work shift, or one per 1,000 square feet of gross floor area; use whichever is greater.

(b) Manufacturing, including but not limited to the following, except that no retail

Ordinance No. 1577
Page 7 of 20

operations are included: research and testing laboratories, creameries, bottling establishments, bakeries, upholstery shops, printing and engraving shops: two parking spaces for each three employees on a maximum work shift, or one space per 700 square feet of gross floor area; use whichever is greater.

(c) Uncovered storage area: one parking space for each 2,000 square feet of area.

(d) Warehouse and storage: two parking spaces for each three employees or one space for each 1,500 square feet of gross floor area; use whichever is greater.

(6) Laundry, self-service: one parking space per 250 square feet of gross floor area.

(7) Medical facilities.

(a) Convalescent, rest homes, retirement homes, nursing and health institutions: one parking space for each two employees, plus one space for each four beds.

(b) Hospitals: one parking space for each three beds, plus one parking space for each staff doctor, plus one parking space for each three employees.

(8) Motels, motor hotels, and hotels: one parking space per hotel room plus two parking spaces for a resident manager or employees. In Pacific Ridge, this is reduced to 0.9 parking spaces per hotel room when no airport shuttle is provided and to 0.75 parking spaces per hotel room when airport shuttle is provided.

(9) Motor vehicle, small engine, and boat repair and services: one parking space for each 600 square feet of gross floor area.

Ordinance No. 1577
Page 8 of 20

(10) Offices, including professional and business, banks, and related activities: one space per 350 square feet of gross floor area.

(11) Offices not providing customer services on the premises: one space for each 800 square feet of gross floor area.

(12) Personal services.

(a) C-C zone: one parking space per 300 square feet of gross floor area.

(b) D-C and PR zones: one parking space per 350 square feet of gross floor area.

(c) H-C zone: one parking space per 200 square feet of gross floor area.

(13) Pleasure craft moorage: one parking space for each two moorage stalls.

(14) Public assembly and recreation.

(a) Assembly halls, auditoriums, stadiums, sports arenas, and community clubs: one parking space for every three persons based on occupancy load.

(b) Churches: one parking space per five seats in the principal place of assembly for worship, including balconies and choir loft.

Where fixed seats consist of pews or benches, the seating capacity is computed upon not less than 20 lineal inches of pew or bench length per seat. If there are no fixed seats, then one parking space for each 40 square feet of gross floor area in such principal place of assembly or worship shall be provided.

Ordinance No. 1577
Page 9 of 20

(c) Libraries and museums: one parking space per 250 square feet of gross floor area.

(d) Parks: as determined by the planning agency.

(e) Theaters: one parking space for each three seats.

(15) Residences.

(a) Single-family: two parking spaces per dwelling unit.

(b) Duplex and townhouse: two parking spaces per dwelling unit and one parking space for every five dwellings for use as visitor parking. A minimum of one visitor parking space shall be provided.

(c) Multifamily.

(i) Two parking spaces per dwelling.

(ii) One guest parking space shall be provided per each 10 dwellings.

(iii) For one-bedroom dwellings within the PR zone: one and one-half parking spaces per dwelling.

(d) Retirement apartments: One parking space per dwelling unit, except that the plan shall show two parking spaces, spaces not initially installed. The additional parking spaces plus required landscaping shall be installed at such time that the structure is not used for retirement apartment purposes.

(e) Rooming and lodging houses: one space per occupant.

Ordinance No. 1577
Page 10 of 20

(f) Children's institutions, homes for the retired (group homes): one space for each five employees plus one for each four beds.

(g) Mixed use.

(i) Except as provided below, two parking spaces per dwelling.

(ii) For one-bedroom dwellings within the PR zone: one and one-half parking spaces per dwelling.

(iii) On-site parking for nonresidential areas shall be provided based upon the ratio specified by this section.

(h) Accessory living quarters: one parking space.

(16) Restaurants, including drive-in restaurants, night clubs, taverns, and lounges: one parking space for each 125 square feet of gross floor area, except that none shall be required for establishments under 2,000 square feet located in the D-C and PR zones.

(17) Retail, Other.

(a) C-C zone: one parking space per 300 square feet of gross floor area.

(b) D-C and PR zones: one parking space per 350 square feet of gross floor area.

(c) H-C zone: one parking space per 250 square feet of gross floor area, except there are a minimum of six spaces.

(18) Uses not specified. The parking requirements for a use not provided for in this section is determined in the manner set forth in

Ordinance No. 1577
Page 11 of 20

DMMC 18.36.050, and such determination is based upon the requirements for the most comparable use specified in this section.

(19) Fractional spaces. When units of measurement determining the number of required parking spaces result in requirements of a fractional space, a fraction one-half or more shall require one parking space.

(20) Maximum number of off-street spaces. Within the Pacific Ridge area, the number of off-street spaces provided shall not exceed 150 percent of the minimum number of spaces specified by this section.

Sec. 3. DMMC 18.44.070 and section 7) of Ordinance No. 695 are amended to read as follows:

18.44.070 Compact car allowance.

(1) A maximum of 30 percent of the total required off-street parking stalls may be permitted and designated for compact cars.

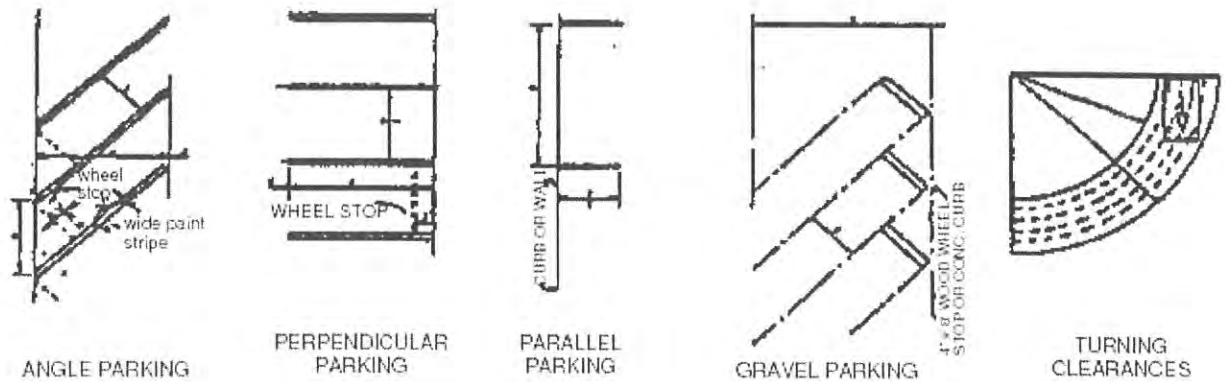
(2) Each compact stall shall be designated as such.

(3) Dimensions of compact parking stall shall be eight and one-half feet by 17 feet, 144.5 square feet, as depicted in the table on the following page.

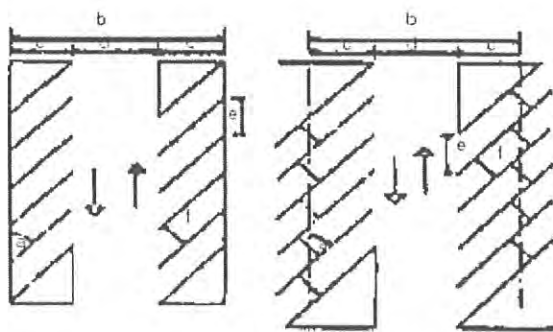
(4) Compact stalls shall be dispersed throughout the parking facility.

Ordinance No. 1577
Page 12 of 20

Table 1



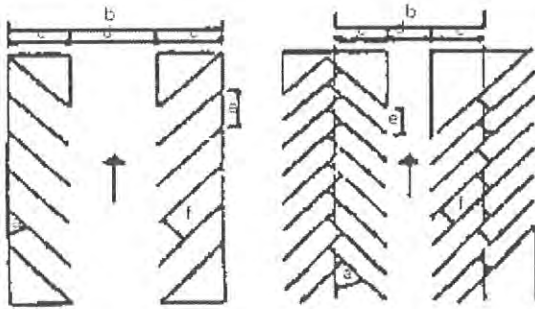
TWO-WAY TRAFFIC



a	b	c	d	e	f	b ¹	c ¹
Parking Angle	Parking Section Width	Parking Stall Width	Traffic Aisle Width	Curb Length Per Car	Car Stall Width	Parking Section Width	Parking Stall Width
0°	56'	8'	20'	23'	8'		
—	—	—	—	—	—	—	—
35°	56'	18'	20'	14.8'	8.5'	49'	14.5'
40°	57'	18.5'	20'	13.2'	8.5'	50'	15'
45°	58'	19'	20'	12.0'	8.5'	51'	15.5'
50°	59'	19.5'	20'	11.1'	8.5'	53'	16.5'
55°	60'	20'	20'	10.4'	8.5'	55'	17.5'
60°	60'	20'	20'	9.8'	8.5'	55'	17.5'
65°	60'	20'	20'	9.7'	8.8'	56'	18'
70°	60'	20'	20'	9.6'	9'	57'	18.5'
—	—	—	—	—	—	—	—
90°	64'	20'	24'	9'	9'		

Ordinance No. 1577
Page 13 of 20

ONE-WAY TRAFFIC



a	b	c	d	e	f	b ¹	c ¹
Parking Angle	Parking Section Width	Parking Stall Width	Traffic Aisle Width	Curb Length Per Car	Car Stall Width	Parking Section Width	Parking Stall Width
0°	22'	8'	12'	23'	8'	—	—
—	—	—	—	—	—	—	—
35°	43'	10'	12'	14.8'	8.5'	41'	14.5'
40°	49'	18.5'	12'	13.2'	8.5'	42'	15'
45°	50'	19'	12'	12.0'	8.5'	43'	15.5'
50°	51'	19.5'	12'	11.1'	8.5'	45'	16.5'
55°	52'	20'	13'	10.4'	8.5'	48'	17.5'
60°	55'	20'	15'	9.8'	8.5'	50'	17.5'
65°	57'	20'	17'	9.7'	8.8'	53'	18'
70°	59'	20'	19'	9.6'	9'	56'	18.5'
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

Compact Car Stall Dimensions: minimum 8.5' x 17', 144.5 square feet.

Sec. 4. DMMC 18.44.097 and section 10(B) of Ordinance No. 695 and section 1 of Ordinance No. 800, and section 33 of Ordinance No. 1197 are amended to read as follows:

On-site driveway location. The following requirements shall apply:

(1) **Single-family dwellings.** A driveway serving individual single-family dwellings shall maintain a minimum five-foot setback from an interior lot line, a 20-foot setback from any alley right-of-way parallel to the driveway (except where access to the driveway is from the alley), a 25-foot setback from any street right-of-way parallel to the driveway, and a 45-foot setback from any arterial street right-of-way parallel to the driveway; provided further, however, that with regard to the 45-foot setback from arterial streets the City Manager or City Manager's Designee shall be authorized to permit the location of a driveway

Ordinance No. 1577
Page 14 of 20

at a point less than 45 feet but not less than 25 feet from an arterial street where the size of the lot is such that the 45-foot requirement is impractical; and provided further, that no driveway in which parking is permitted may be located under this subsection where in the professional opinion of the City Manager or City Manager's Designee, documented in writing, dangerous traffic conditions may result.

(2) **Duplexes.** A driveway serving a duplex constructed on a single lot, except in planned unit developments; shall have a maximum width of 24 feet at their intersections with the street; the width of all driveways serving a particular lot shall consist of not more than 40 percent of the lot frontage footage; the driveway shall maintain a 20-foot setback from any alley right-of-way parallel to the driveway (except where access to the driveway is from the alley), a 25-foot setback from any street right-of-way parallel to the driveway, and a 45-foot setback from any arterial right-of-way street parallel to the driveway; provided further, however, that with regard to the 45-foot setback from arterial streets the City Manager or City Manager's Designee shall be authorized to permit the location of the driveway at a point less than 45 feet but not less than 25 feet from an arterial street where the size of the lot is such that the 45-foot requirement is impractical; and provided further, that no driveway in which parking is permitted may be located under this subsection where in the professional opinion of the City Manager or City Manager's Designee, documented in writing, dangerous traffic conditions may result.

(3) **Townhouse dwellings.** A driveway serving one or more townhouse dwellings shall have

Ordinance No. 1577
Page 15 of 20

a maximum width of 24 feet at its intersection with the street, a minimum 20-foot setback from any alley right-of-way parallel to the driveway (except where access to the driveway is from the alley), a 25-foot setback from any street right-of-way parallel to the driveway, and a 45-foot setback from any arterial street right-of-way parallel to the driveway; provided further, however, that with regard to the 45-foot setback from arterial streets the City Manager or the City Manager's Designee shall be authorized to permit the location of a driveway at a point less than 45 feet but not less than 25 feet from an arterial street where the size of the lot is such that the 45-foot requirement is impractical; and provided further, that no driveway in which parking is permitted may be located under this subsection where in the professional opinion of the City Manager or City Manager's Designee, documented in writing, dangerous traffic conditions may result.

Sec. 5. DMMC 18.44.099 and section 10(D) of Ordinance No. 695 and section 343 of Ordinance No. 1197, and section 4 of Ordinance No. 1237 are amended to read as follows:

Driveways and maneuverability.

(1) Adequate ingress to and from each parking space shall be provided without moving another vehicle and without backing more than 50 feet, except that vehicles may be parked in a stacked or tandem way upon City approval of a stacked or valet parking plan developed in accordance with section 18.44.097 (7) below. All parking spaces shall be so arranged that ingress and egress is possible without backing over a sidewalk or walkway/ bicycle area unless specifically approved by the City Manager or the City Manager's Designee.

Ordinance No. 1577
Page 16 of 20

(2) Turning and maneuvering space shall be located entirely on private property except that the usable portion of an alley may be credited as aisle space subject to approval as to safety by the City Manager or City Manager's Designee.

(3) Backing onto public streets to exit a parking stall shall be prohibited, except in single-family residential and RA zones.

(4) When off-street parking is provided in the rear of a building and a driveway lane alongside the building provides access to the rear parking area, such driveway shall require a minimum width of 12 feet and a sidewalk of at least a three-foot section, adjoining the building, curbed or raised six inches above the driveway surface.

(5) Ingress and egress to any off-street parking lot shall not be located closer than 20 feet from point of tangent to an intersection or crosswalk. They may not be permitted where, in the opinion of the City Manager or City Manager's Designee, dangerous or confusing traffic patterns would result.

(6) Driveway intersections with north-south bearing streets shall be minimized to the extent possible in order to diminish traffic hazards, to conserve space and to promote orderly development generally. Driveways shall be limited to one per building site per street frontage, except the lesser of one driveway for each 150 feet of street frontage or three driveways for two lots having common parking may be permitted upon a finding of the City Manager or City Manager's Designee that smoother or safer flow of traffic can result without significant disruption of the streetscape.

Ordinance No. 1577
Page 17 of 20

(7) Stacked or valet parking plan requirements.

(a) Stacking spaces for vehicle parking or for auto rental/sales uses may be allowed; provided, that the area utilized for stacking spaces conforms with the parking lot landscaping requirements of DMMC 18.44.105. Stacking of required off-street parking spaces shall not be allowed for employee or customer parking. Stacking aisle widths shall be a minimum of eight (8) feet, six (6) inches.

(b) Stacking spaces for commercial uses other than vehicle parking or auto rental/sales may be allowed through the use of valet parking, upon approval of a valet parking plan, by the City Manager or the City Manager's designee. The area of the lot utilized for stacking spaces shall conform with the parking lot landscaping requirements of DMMC 18.44.105. Stacking aisle widths shall be a minimum of eight (8) feet, six (6) inches. At a minimum, the valet parking plan shall include, but not be limited to:

(i) A site plan showing the location of the valet parking on the property;

(ii) The hours of operations;

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

Ordinance No. 1577
Page 18 of 20

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

Valet parking is allowed on or off-site. No valet parking shall be allowed on public rights-of-way.

Sec. 6. DMMC 18.44.110 and section 11 of Ordinance No. 695 are amended to read as follows:

Parking and storage of recreational, utility, and commercial vehicles in residential neighborhoods.

(1) Exemptions. Vehicles 10,000 pounds gross weight or less and not exceeding 20 feet in length or 7.5 feet in width, with or without a mounted camper unit, which are primarily used by the property owner for transportation purposes are exempt from this subsection.

(2) Recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, and utility trailers. Recreational and utility vehicles may be parked in residential areas provided the following conditions are met:

(a) Vehicles shall not intrude into publicly maintained rights-of-way or obstruct sight visibility from adjacent driveways.

(b) Vehicles shall not be parked in the front building setback unless there is no reasonable access to the building side yards or rear yards because of topography or other physical conditions of the site.

(c) Vehicles shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area.

Ordinance No. 1577
Page 19 of 20

(d) At no time shall parked or stored recreational vehicles be occupied or used as permanent or temporary dwelling units on the host's premises for more than four (4) weeks except when specifically allowed under DMMC 18.36.130.

(e) For the purposes of this section, commercial vehicles are defined as any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire.

(f) For the purposes of this section, publicly maintained right-of-way is defined as right-of-way currently opened and maintained by City.

(3) Truck tractors, trailers, and large commercial vehicles. Parking of commercial vehicles is prohibited in residential areas, except on a temporary and nonregular basis not exceeding twenty four (24) hours when sight visibility is not obstructed.

Sec. 7. 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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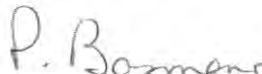
Ordinance No. 1577
Page 20 of 20

Sec. 8. 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 12th day of September, 2013 and signed in authentication thereof this 12th day of September, 2013.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: September 20, 2013

Effective Date: October 12, 2013

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1577, Adopted September 12, 2013.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the Des Moines Parking Code and amends DMMC 18.44.040, 18.44.060, 18.44.097, 18.44.099 and 18.44.110.

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

Bonnie Wilkins
City Clerk

Published: September 20, 2013

ORDINANCES

RULE 26. The procedure for ordinances is as follows:

(a) All ordinances shall have two separate readings. At each reading the title of an ordinance shall in all cases be read prior to its passage; provided that should a Councilmember request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting.

(b) The provision requiring two separate readings of an ordinance may be temporarily suspended at any meeting of the Council by a majority vote of all members present.

(c) If a Motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.

(Res. 525 S1, 1988, Amended by Res. 1140, 2011.)

PERMISSION REQUIRED TO ADDRESS THE COUNCIL

RULE 27. Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Presiding Officer. (Res. 525 S1, 1988, Amended by Res. 1140, 2011).

RECONSIDERATION

RULE 28. Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. (Res. 525 S1, 1988).

LEGISLATIVE PROCESS, PREPARATION, INTRODUCTION AND FLOW OF ORDINANCES AND RESOLUTIONS AND MOTIONS

RULE 29. Ordinances and resolutions shall be prepared, introduced, and proceed in the manner described on the flow chart attached hereto as Exhibit "A", and by this reference incorporated herein. Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as DRAFTS as follows:

(a) PROPOSED DRAFTS shall contain the name of the group, organization, committee or individual originating, initiating or sponsoring the proposal prior to the first presentation to the City Council where a vote is taken directing some official action or further consideration.

(b) COUNCIL DRAFTS shall be documents or proposals which have been presented

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Repeal of Chapter 13.08 DMMC

FOR AGENDA OF: October 3, 2013

ATTACHMENTS:

1. Draft Ordinance No. 13-207.

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: September 24, 2013

CLEARANCES:

- ☒ Legal 18
- ☐ Finance N/A
- ☐ Marina N/A
- ☐ Parks, Recreation & Senior Services N/A
- ☒ Planning, Building & Public Works DSB
- ☐ Police N/A
- ☐ Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL 

Purpose and Recommendation

The purpose of this agenda item is to repeal the remaining chapter in Title 13 DMMC, chapter 13.08 DMMC, entitled "Fire Hydrants and Water Mains."

Suggested Motions

FIRST MOTION: "To suspend Rule 26(a) in order to enact Draft Ordinance No. 13-207 on first reading."

SECOND MOTION: "To enact Draft Ordinance No. 13-207, repealing chapter 13.08 DMMC."

Background

While reorganizing Titles 12, 13, and 14 DMMC, it became apparent that chapter 13.08 DMMC was the only chapter remaining in Title 13. Chapter 13.04 DMMC was repealed in 1989. The provisions of chapter 13.08 are provided for by other adopted regulations and are no longer necessary in Title 13 DMMC.

Discussion

This is the next phase of amendments to the City Code to bring uniformity to Title 12, 13, 14, 16, 17, and 18 DMMC. The purpose and intent of the repeal of chapter 13.08 DMMC is to eliminate duplicate regulations. The repeal does not make any policy change.

By making the DMMC more user friendly, citizens hoping to develop property in the City or to simply remodel their current home will be able to obtain the information needed in a more comprehensive manner.

The proposed repeal of chapter 13.08 DMMC has been reviewed and approved by South King Fire & Rescue's Deputy Fire Marshal, Chris Ingham.

Alternatives To not pass Draft Ordinance No. 13-207 repealing chapter 13.08 DMMC.

Financial Impact None.

Recommendation It is recommended that chapter 13.08 DMMC be repealed, along with underlying Ordinances.

Concurrence The Planning, Building and Public Works Director, City Building Official, City Attorney, and South King Fire & Rescue Deputy Chief concur with the repeal of chapter 13.08 DMMC.

CITY ATTORNEY'S FIRST DRAFT 9/19/2013

DRAFT ORDINANCE NO. 13-207

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to Water and Sewers, and repealing chapter 13.08 DMMC relating to fire hydrants and water mains.

WHEREAS, chapter 13.04 DMMC entitled "Sewage Disposal System" was repealed by Ordinance No. 783 on January 26, 1989, and

WHEREAS, the only remaining chapter in Title 13 DMMC, chapter 13.08 DMMC entitled "Fire Hydrants and Water Mains," contains sections pertaining to fire hydrants and water mains that are covered by other adopted regulations and are therefore duplicative, and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and general welfare to repeal chapter 13.08 DMMC; now therefore,

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

Sec. 1. Repealer. Chapter 13.08 DMMC, "Fire Hydrants and Water Mains," and Ordinance No. 461 as amended by section 54 of Ordinance No. 1009 are each repealed.

Sec. 2. Savings clause. Chapter 13.08 DMMC, which is repealed by this Ordinance, shall remain in force and effect until the effective date of this Ordinance.

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.

Draft Ordinance No. 13-207.1

Page 1 of 2

Ordinance No. ____
 Page 2 of 2

(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. 4. Effective date. This Ordinance shall take effect and be in full force on January 1, 2014.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2013 and signed in authentication thereof this ____ day of ____, 2013.

 M A Y O R

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

Published: _____

Effective Date: January 1, 2014

Draft Ordinance No. 13-207.1
 September 19, 2013

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Amendments to Title 14 DMMC.

FOR AGENDA OF: October 3, 2013

ATTACHMENTS:

1. Draft Ordinance No. 13-167
2. Koegen Edwards 8/28/13 Memorandum
Re: Proposed Title 14 Amendments

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: September 26 2013

CLEARANCES:

- [X] Legal DB
 [] Finance NA
 [] Marina NA
 [] Parks, Recreation & Senior Services NA
 [X] Planning, Building & Public Works DJB
 [] Police NA
 [] Courts NA

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is to revise Title 14 DMMC to bring uniformity to the Title, to organize the Title in a manner that is easier to search, and to ensure compliance with current state law and case law.

Suggested Motions

FIRST MOTION: "To suspend Rule 26(a) in order to enact Draft Ordinance No. 13-167 on first reading."

SECOND MOTION: "To enact Draft Ordinance No. 13-167, repealing and replacing Title 14 DMMC, entitled *Buildings and Construction*."

Background

The City Attorney seeks to make certain amendments to the City Code, specifically Titles 12, 13, 14, 16, 17, and 18 DMMC, to bring uniformity to the Titles, to organize the Titles in a manner that is easier to search and to ensure compliance with current state law and case law. The purpose of the amendments to be brought to you over the next several months is to provide uniformity and consistency within our

DMMC and not to make substantive or policy changes. The DMMC will also include any textual code amendments the Council has passed up to this point. We have asked that these amendments to the various titles and chapters be effective on January 1, 2014 so that delays between changes to the individual titles and chapters will be referenced correctly in January; i.e., a change to a term or definition in Title 18 that effects a section in Title 12 will be accurate once all effected titles are enacted.

Discussion

Over the last six months, the staff of the Legal Department and the Planning, Building and Public Works Department, along with Mike Connelly of Koegen Edwards, LLP, have met to discuss how to better organize the DMMC so that it is user friendly and consistent with current statutes and case law. This effort has required input from the Departments that read and enforce the DMMC routinely. While the amendments to 14 DMMC are minimal; changing references to departments and directors, we have also checked for any authorities cited (state law, WAC references and references to adopted codes, Building, Fire, etc.) to ensure their accuracy. Some definitions have been eliminated because the terms are defined in other chapters or because the words have a plain meaning; antiquated references such as to telegraph as a communication system were also eliminated. Some portions have been eliminated as those sections are now included in the International Building Code and International Fire Code, and other codes that we adopt by reference.

We intend to bring Titles 16 and 17 DMMC to Council on October 10, 2013 and Title 18 DMMC on October 24, 2013. Title 18 is the land use Title and will require review by the Department of Commerce before it will be set for consideration.

We also hope that in making the DMMC more user friendly that citizens hoping to develop property in the city or to simply remodeling their current home can get to the information they need in a more comprehensive manner.

Alternatives To not enact Draft Ordinance No. 13-167.

Recommendation or Conclusion

Staff recommends passage on first reading of Draft Ordinance Nos. 13-167.

CITY ATTORNEY'S FIRST DRAFT 9/26/2013

DRAFT ORDINANCE NO. 13-167

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to buildings and construction; replacing Title 14 DMMC; and repealing the previously codified provisions of Title 14 DMMC and underlying Ordinances.

WHEREAS, Title 14 DMMC, entitled "Buildings and Construction," contains many Ordinances pertaining to the regulations of buildings and construction within the City, and

WHEREAS, numerous amendments to Title 14 DMMC since 2007 have adversely affected the Title's organization, and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and general welfare to establish comprehensive, uniform, and current provisions for the City's Buildings and Construction Code; now therefore,

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

Title 14 DMMC and all underlying ordinances are hereby repealed and replaced with the following:

TITLE 14
BUILDINGS AND CONSTRUCTION

Chapter 14.01
Adoption, Administration, and Enforcement

Sections:

- 14.01.010 Title.
- 14.01.020 Application.
- 14.01.030 Purpose.
- 14.01.040 Authority.
- 14.01.050 Rules of construction.
- 14.01.060 Adoption by reference.
- 14.01.070 Definitions.
- 14.01.080 Application of references.

Draft Ordinance No. 13-167.2 COUNCIL FINAL
September 26, 2013

Ordinance No. ____
Page 2 of 41

1 14.01.090 Fees.
2 14.01.100 Hours of construction.
3 14.01.110 Liability.
4 14.01.120 Violations and penalties.
5 14.01.130 Severability.
6 14.01.140 Appeals.
7

8 **Sec. 1. 14.01.010. Title.** Title 14 shall be
9 entitled "Buildings and Construction." This chapter shall be
10 entitled "Adoption, Administration, and Enforcement."

11 **Sec. 2. 14.01.020. Application.** This chapter shall
12 apply to all chapters contained in Title 14 DMMC. Except as
13 otherwise provided herein, this Title shall apply to all:

14 (1) New construction and additions; and

15 (2) The entire building when all additions,
16 alterations, remodels, or repairs to existing structures in
17 which the area of the additions, alterations, or repairs exceeds
18 more than 50 percent of the habitable area of the existing
19 structure. In the case of a series of additions, alterations, or
20 repair projects, this Title shall become effective at the point
21 where in any three-year period the cumulative area of additions,
22 alterations, or repairs exceeds 50 percent of the area of the
23 structure at the time such additions, alterations, or repairs
24 are commenced and shall apply to the entire building.

25 Land use review procedures provided in chapter 18.20 DMMC (Land
26 Use Review Procedures) shall apply in addition to the provisions
27 within this Title.

28 **Sec. 3. 14.01.030. Purpose.** The purpose of this
29 Title and the technical codes adopted is to regulate buildings
30 and construction within the City and to promote the public
31 health, safety, and general welfare and to establish the minimum
32 requirements to safeguard the public health, safety and general
33 welfare through structural strength, means of egress facilities,
34 stability, sanitation, adequate light and ventilation, energy
35 conservation, and safety to life and property from fire and
36 other hazards attributed to the built environment and to provide
37 safety to firefighters and emergency responders during emergency
38 operations.

Ordinance No. ____
Page 3 of 41

Sec. 4. 14.01.040 Authority.

(1) General authority. These provisions are adopted pursuant to the authority set forth in chapters 19.27 and Title 35A RCW and other applicable laws.

(2) Building Division established. There is established for the City the Building Division of the Planning, Building and Public Works Department that shall be under the supervision and control of the City Manager or the City Manager's designee.

(3) Building Official designated. The Building Official, as defined in the International Building Code (hereinafter "IBC"), the International Residential Code (hereinafter "IRC"), and the International Mechanical Code (hereinafter "IMC"), shall be appointed by the City Manager or the City Manager's designee.

(4) Administration and enforcement. The Building Official is hereby authorized and directed to enforce the provisions of the IBC. The Building Official shall have the authority to render interpretations of the IBC and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the IBC and IRC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the IBC and IRC. Except as otherwise provided in this Title, the provisions of this Title shall be administered and enforced by the Building Official of the City.

(5) Fire Chief and Fire Marshal designated.

(a) The Chief of South King Fire and Rescue shall be deemed to be the "Chief" or "Chief of the Fire Department" or "Fire Code Official" for the purposes of enforcing and administering all provisions of the Fire Code, under the direction of the Building Official.

(b) The Fire Marshal of South King County Fire and Rescue shall be deemed to be the "Fire Marshal" for the

Ordinance No. ____
Page 4 of 41

1 purposes of this Title, under the direction of the Building
2 Official.

3 **Sec. 5. 14.01.050 Rules of construction.** The
4 following rules of construction shall apply unless inconsistent
5 with the obvious meaning in the context of the provision.

6 (1) Tense. Words used in the present tense shall
7 include the future tense.

8 (2) Number. Words used in the singular shall include
9 the plural, and words used in the plural shall include the
10 singular.

11 (3) Headings. In the event that there is any conflict
12 or inconsistency between the heading of a chapter, section, or
13 paragraph of this code, and the content thereof, the said
14 heading shall not affect the scope, meaning, or intent of the
15 content.

16 (4) Citations. Citations to state or federal laws
17 shall mean that law as presently constituted or as it may be
18 subsequently amended in the future.

19 **Sec. 6. 14.01.060. Adoption by reference.** The
20 following codes, standards, rules, and regulations, as amended,
21 added to, or excepted in this Title, are adopted by reference
22 pursuant to chapter 19.27 RCW and RCW 35.21.180 as presently
23 constituted or as may be subsequently amended, added to, or
24 excepted as though fully set forth in this Title:

25 (1) Chapter 51-11C WAC - International Energy
26 Conservation Code (IECC), Commercial;

27 (2) Chapter 51-11R WAC - International Energy
28 Conservation Code (IECC), Residential;

29 (3) Chapter 51-50 WAC - International Building Code
30 (IBC);

31 (4) Chapter 51-51 WAC - International Residential Code
32 (IRC);

Ordinance No. ____
Page 5 of 41

1 (5) Chapter 51-52 WAC - International Mechanical Code;

2 (6) Chapter 51-54A WAC - the 2012 edition of the
3 International Fire Code (IFC), including the Appendices B, C, E,
4 F and I;

5 (7) Chapter 51-56 WAC - Uniform Plumbing Code;

6 (8) The Washington Cities Electrical Code as published
7 and printed by the Washington Association of Building Officials.

8 Not less than one copy of each such code, standards, rules, and
9 regulations, in the form in which it was adopted, and suitably
10 marked to indicate amendments, additions, deletions and
11 exceptions as provided in this Title, shall be filed in the
12 Building Official's office and be available for use and
13 examination by the public.

14 **Sec. 7. 14.01.070. Definitions - Use of words and**
15 **phrases.** As used in this Title, unless the context or subject
16 matter clearly requires otherwise, the words or phrases defined
17 in this section shall have the indicated meanings. Words not
18 defined shall have the meanings set forth in the most recent
19 version of the Merriam-Webster Dictionary.

20 "Action" means a specific response complying fully with a
21 specific request by the jurisdiction.

22 "Building service equipment" means and refers to the
23 plumbing, mechanical and electrical equipment including piping,
24 wiring, fixtures, and other accessories which provide
25 sanitation, lighting, heating, ventilation, cooling,
26 refrigeration, firefighting, and transportation facilities
27 essential to the occupancy of the building or structure for its
28 designated use.

29 "Complete response" means an adequate response to all
30 requests from City staff in sufficient detail to allow the
31 application to be processed.

32 "Existing building" means a building erected prior to the
33 adoption of this code, or one for which a legal building permit
34 has been issued and approved.

Ordinance No. ____
Page 6 of 41

1 "Mobile home" or "manufactured home" as defined by RCW
2 46.04.302 means a structure, designed and constructed to be
3 transportable in one or more sections, is built on a permanent
4 chassis, and designed to be used as a dwelling with or without a
5 permanent foundation when connected to the required utilities
6 that include plumbing, heating, and electrical systems contained
7 therein.

8 "Modular home" as defined by RCW 46.04.303 means a
9 factory-assembled structure designed primarily for use as a
10 dwelling when connected to the required utilities that include
11 plumbing, heating, and electrical systems contained therein,
12 does not contain its own running gear, and is mounted on a
13 permanent foundation. A modular home does not include a mobile
14 home or manufactured home.

15 "Noise reduction coefficient" (NRC) is the arithmetic
16 average of the sound absorption coefficients of a material at
17 250, 500, 1,000, and 2,000 Hz.

18 "Occupancy" means the purpose for which a building, or
19 part thereof, is used or intended to be used.

20 "Sound transmission class (STC)" is a single number
21 rating for describing sound transmission loss of a wall,
22 partition, window, or door.

23 "Used mobile home" means a mobile home, which has been
24 previously sold at retail and has been subjected to tax under
25 chapter 82.08 RCW, or which has been previously used and has
26 been subjected to tax under chapter 82.12 RCW, and which has
27 substantially lost its identity as a mobile unit at the time of
28 sale by virtue of its being fixed in location upon land owned or
29 leased by the owner of the mobile home and placed on a
30 foundation (posts or blocks) with fixed pipe connections with
31 sewer, water, and other utilities.

32 "Technical codes" are the codes, appendices and
33 referenced code standards adopted by the jurisdiction.

34 "Valuation" or "value," means the total value of work,
35 including materials and labor, for which the permit is being
36 issued, such as electrical, gas, mechanical, plumbing equipment,

Ordinance No. ____
Page 7 of 41

1 the architectural and engineering design costs and permanent
2 systems as determined by the Building Official as applied to a
3 building or building service equipment, means and shall be the
4 estimated cost to replace the building and its building service
5 equipment in kind, based on current replacement costs. It shall
6 also include the contractor's overhead and profit.

7 **Sec. 8. 14.01.080. Application of references.**
8 References to chapter or section numbers, or to provisions not
9 specifically identified by number, shall be construed to refer
10 to such chapter, section, or provision of this Title.

11 **Sec. 9. 14.01.090. Fees.** Except as otherwise
12 provided in this Title, the fee for any permit issued by the
13 City under the authority of this Title shall be established by
14 the City Manager or the City Manager's designee.

15 **Sec. 10. 14.01.100. Hours of construction.** Except as
16 otherwise provided in this Title, the activities regulated by
17 this Title shall be limited to the following hours:

18 Monday through Friday: 7:00 a.m. to 7:00 p.m.

19 Saturday, Sunday and Holidays: 8:00 a.m. to 5:00 p.m.

20 **Sec. 11. 14.01.110. Liability.** This Title shall not
21 be construed to relieve or lessen the responsibility of a person
22 owning, building, altering, constructing, or moving a building
23 or structure as defined in this Title; nor shall the City or an
24 agent thereof be held as assuming such liability by reason of
25 inspection authorized in this Title or a certificate of
26 inspection issued by the City or any of its agencies.

27 **Sec. 12. 14.01.120. Violation and penalties.**

28 (1) Violation. No person shall violate or fail to
29 comply with the provisions of this Title.

30 (2) Civil Infraction. A violation or a failure to
31 comply with the provisions of this Title is a civil infraction
32 and a violator may be penalized as is more specifically set
33 forth in chapter 1.24 Civil Infractions.

Ordinance No. ____
Page 8 of 41

1 (3) Civil Violation and Penalty. A violation or a
2 failure to comply with the provisions of this Title is further a
3 civil violation and may be penalized and or abated as is set
4 forth in chapter 1.28 Civil Violations and Penalties.

5 (4) Criminal Penalty. In addition to or as an
6 alternative to any other penalty provided in this Title or by
7 law, a person convicted of a violation of this Title is guilty
8 of a gross misdemeanor. Upon conviction a person may also be
9 ordered to abate, discontinue or correct a violation of this
10 Title.

11 (5) Superior Court - Civil Action. In addition to or
12 an alternative to any other penalty provided in this Title or by
13 law, a violation or a failure to comply with the provisions of
14 this Title may be enforced by a civil action filed in King
15 County Superior Court in any manner allowed by law.

16 **Sec. 13. 14.01.130. Severability.** The provisions of
17 this Title are severable. If any section, sentence, clause or
18 phrase of this code is adjudged by a court of competent
19 jurisdiction to be invalid, the decision shall not affect the
20 validity of the remaining portions of the code.

21 **Sec. 14. 14.01.140. Appeals.**

22 (1) Except as otherwise provided in this Title, a
23 person aggrieved by the decision of a City employee made
24 pursuant to this Title shall be entitled to a review of such
25 decision by filing an appeal to the Hearing Examiner pursuant to
26 DMMC 18.20.150 and 18.20.160 and chapter 18.240 DMMC.

27 (2) The Hearing Examiner shall have no authority to
28 waive requirements of this Title.

29 (3) All references to "board of appeals" in any codes,
30 standards, rules, and regulations adopted in this Title shall
31 hereafter mean the Hearing Examiner.

32
33

Ordinance No. ____
Page 9 of 41

Chapter 14.02
Interpretation of Title 14 DMMC

Sections:

14.02.010 Title.
14.02.020 Application.
14.02.030 Purpose.
14.02.040 Authority.
14.02.050 Interpretation.
14.02.060 Provisions not affected by headings.

Sec. 15. 14.02.010. Title. This chapter shall be entitled "Interpretation of Title 14 DMMC."

Sec. 16. 14.02.020. Application. This chapter shall apply to the interpretation of Title 14 DMMC.

Sec. 17. 14.02.030. Purpose. The purpose of this chapter is to provide for the interpretation of the code provisions in Title 14 DMMC.

Sec. 18. 14.02.040. Authority. This chapter is adopted pursuant to the provisions of DMMC 14.010.040 and other applicable laws.

Sec. 19. 14.02.050. Interpretation.

(1) Interpretation of Title 14 shall be responsibility of the Building Official.

(2) Interpretations of Title 14 may be initiated by the submittal of a written request to the City Manager or the City Manager's designee.

(3) Requests for interpretations of code shall be processed as a Type I land use action.

(4) The City Manager or the City Manager's designee shall periodically submit to the City Council a summary of the interpretations requested and the corresponding interpretations made by the Building Official. As needed, the summary shall include recommendations regarding the need for textual code amendments that would clarify DMMC provisions.

Ordinance No. ____
Page 10 of 41

Sec. 20. 14.02.060. Provisions not affected by headings. Chapter and section headings contained in this title shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section hereof.

Chapter 14.05
Building Code, Additional Requirements and Amendments

Sections:

- 14.05.010 Title.
- 14.05.020 Application, Authority.
- 14.05.030 Purpose.
- 14.05.040 Conflicts.
- 14.05.050 Amendments adopted.
- 14.05.060 Applications for building permit - Other filings required.
- 14.05.070 Optional method of obtaining prior approvals - Agreement regarding vested rights.
- 14.05.080 Assurance device for building permit - requirements.
- 14.05.090 Manufactured housing.
- 14.05.100 Modular housing.
- 14.05.110 Amendments to the IBC.
- 14.05.120 International Property Maintenance Code (IPMC) amended.
- 14.05.130 Five-story wood frame buildings.
- 14.05.140 Purpose.
- 14.05.150 Construction.
- 14.05.160 Occupancy.
- 14.05.170 Stair enclosures.
- 14.05.180 Fire detection and protection.
- 14.05.190 Height.
- 14.05.200 Basic allowable floor area.
- 14.05.210 Fire department access.
- 14.05.220 Construction inspection.

Sec. 21. 14.05.010. Title. This chapter shall be entitled "Building Code, Additional Requirements and Amendments."

Ordinance No. ____
Page 11 of 41

1 **Sec. 22. 14.05.020. Application, Authority.** See DMMC
2 14.01.020, 14.01.040.

3 **Sec. 23. 14.05.030. Purpose.** The purpose of this
4 chapter is to set forth provisions that are supplemental to or
5 amend the International Building Code (IBC) as adopted by DMMC
6 14.01.060.

7 **Sec. 24. 14.05.040. Conflicts.** Where, in any
8 specific case, different sections of this code specify different
9 materials, methods of construction or other requirements, the
10 most restrictive shall govern except that the hierarchy of the
11 codes established in RCW 19.27.031.

12 **Sec. 25. 14.05.050. Amendments adopted.** The
13 amendments, additions, and exceptions to the International
14 Building Code ("IBC") are adopted and shall be applicable within
15 the City.

16 **Sec. 26. 14.05.060. Applications for building permit**
17 **- Other filings required.**

18 (1) At the time of filing a building permit
19 application, the applicant shall submit all required information
20 together with any application form and applicable fees, for any
21 of the following:

22 (a) Design review;

23 (b) Shorelines substantial development permit;

24 (c) Land clearing, grading, or filling permit;

25 (d) Development exceptions for environmentally
26 critical areas;

27 (e) Environmental review (SEPA).

28 (2) No building permit application shall be accepted
29 without the required information, completed application and
30 applicable fees.

31 (3) When the Planning, Building and Public Works
32 Director makes a determination that certain improvements

Ordinance No. ____
Page 12 of 41

1 including, but not limited to, curbs, gutters, sidewalks,
2 driveways across sidewalks, piped storm drainage, retaining
3 walls, street illumination, landscaping, slope protection, and
4 underground utilities are required at some future date by
5 existing ordinance(s), no building permit application shall be
6 approved by the Building Official for any proposed project
7 unless the building permit application is accompanied by a
8 properly executed local improvement district (LID) covenant that
9 has been recorded at the King County Department of Records.

10 (4) The filing of a complete building permit
11 application for a proposed construction project in compliance
12 with applicable state law, ordinances, and regulations of the
13 City, shall establish a vested right. For a building permit to
14 be issued, the proposed project must comply with the State
15 Environmental Policy Act. For the purpose of the IBC and the
16 IRC, a "complete building permit application" means an
17 application which contains all information required to be
18 submitted by any applicable provisions of this Code.

19 **Sec. 27. 14.05.070. Optional method of obtaining**
20 **prior approvals - Agreement regarding vested rights.**

21 (1) An applicant may apply for a design review
22 approval, a shorelines substantial development permit,
23 environmental review (SEPA), and/or a land clearing, grading, or
24 filling permit prior to filing an application for a building
25 permit, upon the following terms and conditions:

26 (a) The filing of an application for any of the
27 approvals referred to in this section prior to the filing of a
28 valid and complete application for a building permit shall not
29 establish or create a vested right to proceed with construction
30 of any proposed project in accordance with the ordinances and
31 regulations existing at the time of the filing of such
32 application, or at any time thereafter prior to the filing of a
33 valid and complete building permit application.

34 (b) An applicant who elects to take advantage of
35 the provisions of this section shall, at the time of making
36 application for the approvals referred to in this subsection,
37 execute an agreement with the City that the acceptance and
38 processing of such application shall in no way establish or

Ordinance No. ____
Page 13 of 41

1 create a vested right to proceed with construction of any
2 proposed project in accordance with the codes, ordinances, or
3 regulations existing at the time of filing of such application,
4 or at any time thereafter prior to the filing of a valid and
5 complete building permit application.

6 (c) The provisions of this section do not apply
7 to grading or filling done in preparation for the construction
8 of a single home.

9 (2) An applicant who elects to take advantage of the
10 provisions of this section may at any time elect to file a
11 complete building permit application, notwithstanding that the
12 approval applied for under subsection (1) of this section has
13 not previously been obtained.

14 **Sec. 28. 14.05.080. Assurance device for building**
15 **permit - requirements.** Before issuing any building permit the
16 City shall require the applicant to execute and file with the
17 City a cash bond or cash. The cash bond shall be in a form
18 approved by the City Manager or the City Manager's designee in
19 such reasonable sum and with such securities as the Building
20 Official may specify. The applicant will pay any and all damages
21 that may be recovered against the City by any person on account
22 of injury to persons or property occasioned by or in any manner
23 resulting from the issuance of the permit or by reason of any
24 act or thing done pursuant thereto, or from the occupancy or
25 disturbance of any street or sidewalk in the City and also to
26 save, keep, and defend the City free from all such damages and
27 costs as may be incurred in defending any such claim, and/or
28 further conditioned that the applicant shall pay to the City the
29 cost of repairing any and all damage which may be done by the
30 applicant or his/her agents to the streets, utilities, or
31 property of the City during or pursuant to the work covered by
32 such permit.

33 **Sec. 29. 14.05.090. Manufactured housing.** All
34 manufactured homes, which are newly installed in residentially
35 zoned areas outside of mobile home parks, shall comply with the
36 following requirements:

37 (1) Shall be newly constructed and shall not meet the
38 definition of a used mobile home.

Ordinance No. ____
Page 14 of 41

1 (2) Shall have a permanent perimeter foundation of
2 either concrete, concrete masonry units or other approved
3 concrete product.

4 (3) Shall meet the same design standard as the
5 surrounding neighborhood for new construction.

6 (4) Shall be thermally equivalent to the International
7 Energy Conservation Code (IECC).

8 (5) Shall be designed to support the local snow load of
9 25 pounds per square foot of ground snow load.

10 **Sec. 30. 14.05.100. Modular housing.** All modular
11 homes, which are newly installed in residentially zoned areas
12 outside of mobile home parks, shall comply with the following
13 requirements:

14 (1) Shall be constructed in accordance with the
15 International Residential Code. Factory-built homes are required
16 to have a gold seal.

17 (2) Shall have a permanent perimeter foundation of
18 either concrete, concrete masonry units or other approved
19 concrete product.

20 (3) Shall meet the design standards of Title 18 DMMC
21 for new construction.

22 (4) Shall meet the requirements of the International
23 Energy Conservation Code.

24 (5) Shall be designed to support the local snow load of
25 25 pounds per square foot of ground snow load.

26 **Sec. 31. 14.05.110. Amendments to the IBC.** The
27 following sections of the IBC as adopted by this Title shall be
28 amended as follows:

29 (1) Expiration of permit. Every permit issued shall
30 become invalid unless the work on the site authorized by such
31 permit is commenced within 180 days after its issuance, or if
32 the work authorized on the site by such permit is suspended or

Ordinance No. ____
Page 15 of 41

1 abandoned for a period of 180 days after the time the work is
2 commenced. The Building Official is authorized to grant, in
3 writing, one or more extensions of time, for periods not more
4 than 180 days each. The extension shall be requested in writing
5 and justifiable cause demonstrated.

6 (2) Action on application and time limit of
7 application. Applications for which no permit is issued within
8 180 days following the date of application filing shall expire
9 by limitation, and plans and other data submitted for review may
10 thereafter be returned to the applicant or destroyed by the
11 Building Official. The Building Official may extend the time for
12 action by the applicant for a period not exceeding 180 days on
13 request by the applicant showing that circumstances beyond the
14 control of the applicant have prevented action from being taken.
15 No application shall be extended more than once. In order to
16 renew action on an application after expiration, the applicant
17 shall reapply and pay a new plan review fee.

18 The Building Official shall extend the life of an application if
19 any of the following conditions exist:

20 (a) Compliance with a declaration of significance
21 under the State Environmental Policy Act provisions is in
22 progress; or

23 (b) Any other City review is in progress,
24 provided City staff determine that the review is proceeding to a
25 timely final City decision; or

26 (c) Litigation against the City is in progress,
27 the outcome of which may affect the validity of any permit
28 issued pursuant to such application.

29 (3) Use and occupancy. No building or structure shall
30 be used or occupied, and no change in the existing occupancy
31 classification of a building or structure or portion thereof
32 shall be made until the Building Official has issued a
33 certificate of occupancy as provided herein with the exception
34 of Group U Occupancies.

35 Issuance of a certificate of occupancy shall not be construed as
36 an approval of a violation of the provisions of this code or of

Ordinance No. ____
Page 16 of 41

other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

(4) Special construction - Marquee, is amended to read as follows:

A marquee is a permanent roofed structure attached to and supported by the building, providing protection from the weather elements, but does not include a projecting roof. For the purposes of this chapter, a freestanding permanent roof-like structure providing protection from the weather elements, such as a service station gas pump island, shall also be considered a marquee.

Sec. 32. 14.05.120. International Property Maintenance Code (IPMC) amended. All references to the International Property Maintenance Code (IPMC) in this chapter shall refer to the current edition of the IPMC as adopted by Section 101.4.4 of the IBC as presently constituted or as may be subsequently amended, added to, or excepted.

The IPMC is hereby amended, added to, and excepted as follows:

(1) References to an appeal of an administrative action regarding this chapter shall be in accordance with the city of Des Moines Hearing Examiner Code, chapter 18.94 DMMC, or with procedures set forth in chapter 1.24 DMMC for civil infractions or chapter 1.28 DMMC for civil violations and penalties.

(2) The following sections of the IPMC, or the corresponding section of any updated or amended version of the IPMC, are removed in their entirety and not adopted:

111	Means of Appeal
302.2	Grading and Drainage
302.5	Rodent harborage
302.8	Motor vehicles
302.9	Defacement of property

Ordinance No. ____
Page 17 of 41

1 304.2 Protective treatment
2 304.13.2 Openable windows
3 304.14 Insect screens
4 304.15 Exterior Doors
5 304.17 Guards for basement windows
6 304.18 Building security
7 305.3 Interior surfaces
8 305.6 Interior doors
9 307 Rubbish and Garbage
10 308 Extermination
11 404.4.1 Room area
12 404.5 Overcrowding
13 404.6 Efficiency unit
14 604.2 Electrical appliance service

15 (3) The IPMC shall read as follows:

16 The fees for activities and services performed by
17 the Department in carrying out its responsibilities
18 under this Code shall be set by the City Manager.

19 (4) The IPMC shall read as follows:

20 All premises and exterior property shall be
21 maintained free from weeds or plant growth in
22 excess of twelve (12") inches. All noxious weeds
23 shall be prohibited. Weeds shall be defined as all
24 grasses, annual plants and vegetation, other than
25 trees or shrubs, provided; however, this term shall
26 not include cultivated flowers and gardens.

27 (5) The IPMC shall read as follows:

28 All exterior surfaces, including but not limited
29 to, doors, door and window frames, cornices,
30 porches, trim, balconies, roofs, decks and fences,
31 of commercial properties and multi-family
32 residences shall be maintained in good condition.
33 Exterior wood surfaces, other than decay-resistant
34 woods, shall be protected from the elements and
35 decay by painting or other protective covering or
36 treatment. Peeling, flaking and chipped paint shall
37 be eliminated and surfaces repainted. All siding

Ordinance No. ____
Page 18 of 41

and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(6) The IPMC shall read as follows:

All overhang extensions, including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

Sec. 233. 14.05.130. Five-story wood frame buildings.

The following sections, DMMC 14.05.140 through DMMC 14.05.220, shall be applicable to the following zoning classifications:

Pacific Ridge Commercial, Pacific Ridge Residential, and Business Park Zones.

Sec. 34. 14.05.140. Purpose - Five-story wood frame buildings. The purpose of these provisions is to authorize the construction of five-story wood frame buildings as an approved alternate design and construction method under the IBC, and to set forth the criteria and standards which must be met before a building permit may be issued for a five-story wood frame building within the zoning classifications set forth in DMMC 14.05.130 above.

Sec. 30. 14.05.150. Construction - Five-story wood frame buildings.

(1) IBC requirements. Five-story wood frame buildings must comply with all requirements of the IBC, except as modified or supplemented by this chapter. In the event of a conflict between the IBC and the provisions of this chapter, the provisions of this chapter shall control. References in this

Ordinance No. ____
Page 19 of 41

1 chapter to building construction "types" (e.g., Type I or Type
2 V) shall have the same meaning as set forth in the IBC.

3 (2) Lowest Story Construction Requirements. The lowest
4 story in a five-story wood frame building shall be constructed
5 of Type V-A fire-resistive construction, except that all
6 structural frame and load-bearing elements must consist of
7 approved, two-hour fire-resistive construction.

8 (3) Upper Four Stories. The upper four stories of a
9 five-story wood frame building shall be constructed of at least
10 Type V-A fire-resistive construction.

11 (4) Use of Type V above Type I-A Construction. Where
12 Type V wood frame stories are constructed over Type I-A
13 construction, the Type V stories shall be separated from the
14 Type I stories as provided in the IBC.

15 **Sec. 35. 14.05.160. Occupancy.**

16 (1) Occupancy of five-story wood frame buildings shall
17 be allowed as provided in the IBC, except that B, M, and R-1
18 occupancies shall be allowed on any floor.

19 (2) Occupancy shall have the same meaning as set forth
20 in the IBC.

21 **Sec. 36. 14.05.170. Stair enclosures.** Where five-
22 story buildings are designed and constructed, all stair
23 enclosures shall be of two-hour fire-resistive construction as
24 set forth in the IBC. One-and-one-half-hour opening protection
25 shall be provided as set forth in the IBC.

26 **Sec. 37. 14.05.180. Fire detection and protection.**

27 (1) Five-story wood frame buildings shall be protected
28 throughout by an automatic fire sprinkler system complying with
29 the IBC and the IFC. Use of the automatic fire sprinkler system
30 shall be in addition to, not in lieu of, one-hour fire-resistive
31 construction. Automatic fire sprinklers may not be used to
32 increase the number of stories; no more than five stories of
33 wood frame construction may be permitted.

Ordinance No. ____
Page 20 of 41

1 (2) All stair enclosures and elevator shafts shall be
2 pressurized as set forth in the IBC. In addition, a class I
3 standpipe system as required by the IBC shall be installed.

4 (3) A standby power-generator set shall be provided on
5 the premises in accordance with the IBC and the Washington
6 Cities Electrical Code. The standby system shall have a capacity
7 and rating sufficient to supply all equipment required to be
8 operational at the same time, including but not limited to stair
9 enclosures, elevator shaft pressurization, and elevators.

10 **Sec. 38. 14.05.190. Height.** The maximum height of
11 five-story buildings designed and constructed shall be 75 feet.
12 The height shall be measured as provided in the IBC.

13 **Sec. 39. 14.05.200. Basic allowable floor area.** The
14 basic allowable area of floors of five-story wood frame
15 buildings shall be as allowed in the IBC. For the purpose of
16 this chapter only, the total allowable area, as calculated
17 subject to the IBC, may be increased by 25 percent.

18 **Sec. 40. 14.05.210. Fire Department access.** Site
19 design for any five-story wood framed building shall include
20 access sufficient for Fire Department vehicles, as determined by
21 the Fire Chief and Building Official. Fire Department vehicle
22 access shall be documented on site and building plans.

23 **Sec. 41. 14.05.220. Construction inspection.** The
24 following shall be required for buildings designed and
25 constructed pursuant to this chapter:

26 (1) Structural observation provided by the engineer of
27 record for structural frame elements as set forth in the IBC;
28 and

29 (2) Special inspections as required by the IBC.
30
31
32

Ordinance No. ____
Page 21 of 41

Chapter 14.10
Fire Code, Additional Requirements and Amendments

Sections:

14.10.010 Title.
14.10.020 Application, Authority.
14.10.030 Purpose.
14.10.040 Amendments adopted.
14.10.050 Automated alarm system.
14.10.060 Sprinkler installation.

Sec. 42. 14.10.010. Title. This chapter shall be entitled "Fire Code, Additional Requirements and Amendments."

Sec. 43. 14.10.020. Application, Authority. See DMMC 14.01.020 and 14.01.040.

Sec. 44. 14.10.030. Purpose. The purpose of this chapter is to set forth those provisions that are supplemental to or that amend the International Fire Code (hereinafter "IFC") as adopted by DMMC 14.01.060.

Sec. 45. 14.10.040. Amendments adopted. The amendments, additions and exceptions to the IFC, as adopted by this chapter, are adopted and shall be applicable within the City.

Sec. 46. 14.10.050. Automated alarm system. In addition to the Fire Alarm and Detection System requirements specified in the IFC, all new buildings and structures exceeding 3,000 square feet gross floor area shall be required to provide an approved automatic fire alarm system. Building additions which increase the gross square footage of the building by more than 3,000 gross square feet shall be required to provide an approved automatic fire alarm system serving the addition. Fire walls as noted in the IBC shall not be considered to provide a separate building under this section or to enable deletion of the required fire alarm system.

Exceptions: Group U or R and Division 3 occupancies.

Sec. 47. 14.10.060. Sprinkler installation. Fire sprinkler systems shall be installed:

Ordinance No. ____
Page 22 of 41

1 In addition to the Automatic Sprinkler System requirements
2 specified in the IBC and the IFC, the following new buildings
3 and structures, and existing buildings with new additional
4 square footage, are required to be protected by an approved
5 automatic sprinkler system.

6 (1) All occupancies without the basic fire flow
7 requirements of the IFC and appendix.

8 Exception: Group U occupancies.

9 (2) All occupancies without approved Fire Department
10 access as defined in the IFC. Exception: Group U occupancies,
11 and additions to single unit R3 structures, are not required to
12 be sprinklered, provided the new fire flow meets the
13 requirements of the IFC and appendix B, and the access is not
14 unduly compromised, as approved by the Fire Code Official.

15 (3) In all occupancies, other than group R3, U, and
16 open parking structures, where the total floor area included
17 within the surrounding exterior walls on all floor levels,
18 including basements, exceeds 5,000 square feet. Fire walls, as
19 noted in the IBC, shall not be considered to be a separate
20 building to enable deletion of the required fire sprinkler
21 system.

22 Exception: Additions to existing buildings, that through
23 alternate materials or methods, do not increase the hazards of
24 the building, as agreed and approved by the Building Official
25 and the Fire Code Official.

26 (4) In all occupancies where the building is classified
27 as an overwater structure.

28

29

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Chapter 14.15

Electrical Code, Additional Requirements and Amendments

31 Sections:

32 14.15.010 Title

33 14.15.020 Application, Authority

34 14.15.030 Purpose

35 14.15.040 Amendments adopted

Ordinance No. ____
Page 23 of 41

1 **Sec. 48. 14.15.010. Title.** This chapter shall be
2 entitled "Electrical Code, Additional Requirements and
3 Amendments."

4 **Sec. 49. 14.15.020. Application, Authority.** See DMMC
5 14.01.020 and 14.01.040.

6 **Sec. 50. 14.15.030. Purpose.** The purpose of this
7 chapter is to identify those provisions that are supplemental to
8 or that amend the Washington Cities Electrical Code (WCEC) as
9 adopted by DMMC 14.01.060.

10 **Sec. 51. 14.15.040. Amendments adopted.** The
11 amendments, additions and exceptions to the WCEC are adopted and
12 shall be applicable within the City.

13 Section 85.13(N) of the WCEC, is amended as follows:

14 (N) Fees.

15 (1) Payment of fees. A permit shall not be
16 valid until the fees prescribed by law have been
17 paid. Nor shall an amendment to a permit be
18 released until the additional fee, if any, has been
19 paid.

20 (2) Schedule of permit fees. A fee for each
21 permit shall be paid as required, in accordance with
22 the schedule as established by the City.

23 (3) Work commencing before permit issuance.
24 Except where authorized for emergencies by Section
25 85.13(B) exception, any person who commences any work
26 before obtaining the necessary permits shall be
27 subject to an additional fee established by the City,
28 which shall be in addition to the required permit
29 fees.

30 (4) Related fees. The payment of the fee for
31 the construction, alteration, removal or demolition
32 for work done in connection with, or concurrently
33 with, the work authorized by a permit shall not

Ordinance No. ____
 Page 24 of 41

relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(5) Refunds. The City may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code provided the request is made in writing and filed by the original permittee not later than 180 days after the date of permit issuance. The City may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done provided the request is made in writing and filed by the original applicant not later than 180 days after the date of application.

(6) Use of consultants. Whenever review of an application requires retention by the City for professional consulting services for other than normal plan review, the applicant shall reimburse the City the cost of such professional consulting services. This fee may be in addition to the normal plan review and permit fees. The City may require the applicant to deposit an amount with the City to be sufficient to cover anticipated costs to retain professional consultant services and to ensure reimbursement for such costs.

Chapter 14.20 Land Filling, Clearing and Grading Code

Sections:

- 14.20.010 Title.
- 14.20.020 Application.
- 14.20.030 Purpose.
- 14.20.040 Authority.
- 14.20.050 Definitions - Use of words and phrases.
- 14.20.060 Permit - Required.
- 14.20.070 Permit - Application.
- 14.20.080 Permit - Plans and specifications.

Ordinance No. ____
Page 25 of 41

- 1 14.20.090 Permit - Review.
- 2 14.20.100 Decision of code official.
- 3 14.20.110 Permit - Expiration - Extension.
- 4 14.20.120 Permit notice to be posted.
- 5 14.20.130 Project inspection.
- 6 14.20.140 Suspension or revocation of permits.
- 7 14.20.150 Operating conditions and standards of performance.
- 8 14.20.160 Fees.
- 9 14.20.170 Bonds and escrow.
- 10 14.20.180 Exemptions.
- 11 14.20.190 Appeal.

12
13 **Sec. 52. 14.20.010. Title.** This chapter shall be
14 entitled "Land Filling, Clearing and Grading Code."

15 **Sec. 53. 14.20.020. Application.** This chapter shall
16 apply to all grading, excavating or fill, or the authorization
17 of each, not expressly excluded by DMMC 14.20.180.

18 **Sec. 54. 14.20.030. Purpose.**

19 (1) These regulations are adopted for the following
20 purposes:

21 (a) To promote the public health, safety, and
22 general welfare of the citizens;

23 (b) To preserve and enhance the City's physical
24 and aesthetic character by preventing indiscriminate removal or
25 destruction of trees, soils, or ground cover on undeveloped and
26 partially developed property;

27 (c) To promote land development practices that
28 result in a minimal disturbance to the City's vegetation and
29 soils;

30 (d) To minimize surface and subsurface water
31 runoff volumes and to prevent erosion-sedimentation and reduce
32 the risk of slides and other unstable conditions;

33 (e) To minimize the need for additional storm
34 drainage facilities;

Ordinance No. ____
Page 26 of 41

1 (f) To retain clusters of trees for the abatement
2 of noise and wind protection as well as site stability
3 maintenance;

4 (g) To acknowledge that trees and ground cover
5 reduce air pollution by producing pure oxygen from carbon
6 dioxide;

7 (h) To minimize devaluation of property values
8 due to unnecessary destruction of trees and ground cover;

9 (i) To promote building and site planning
10 practices that are consistent with the City's natural
11 topographical and vegetational features while at the same time
12 recognizing that certain factors such as condition (e.g.,
13 disease, danger of falling, etc.), proximity to existing and
14 proposed structures and improvements, interference with utility
15 services, and the realization of a reasonable enjoyment of
16 property may require the removal of certain trees and ground
17 cover;

18 (j) To ensure prompt development, restoration and
19 replanting, and effective erosion and sedimentation control of
20 property during and after land clearing, grading, or filling
21 through the use of phase development, performance bonds, and
22 other reasonable controls;

23 (k) To reduce degradation of streams and other
24 water bodies located in and adjacent to the City via scouring,
25 siltation, and water pollution;

26 (l) To implement the goals and objectives of the
27 State Environmental Policy Act and the water quality standards
28 set forth by the State Department of Ecology; and

29 (m) To implement and further the City's
30 comprehensive plan.

31 (2) It is not the intent or purpose of this chapter to
32 prevent the reasonable development of land in the City.

Ordinance No. ____
Page 27 of 41

1 **Sec. 55. 14.20.040. Authority.** This chapter is
2 created pursuant to the authority set forth in chapters 35.23
3 and 35A.63 RCW and other applicable laws.

4 **Sec. 56. 14.20.050. Definitions - Use of words and**
5 **phrases.** As used in this chapter, unless the context or subject
6 matter clearly requires otherwise, the words or phrases defined
7 in this section shall have the indicated meanings.

8 "Bench terrace" means an embankment or combination of an
9 embankment and channel constructed across a slope which has a
10 bench-like cross-section and whose purpose is to control erosion
11 by diverting or storing surface water runoff instead of
12 permitting it to flow uninterrupted down the slope.

13 "Construction site" means a contiguous area owned and
14 operated as one development unit upon which earth-disturbing
15 activities are planned or underway.

16 "Developer" means a person engaged in constructing any
17 street, utilities, commercial, industrial, or residential
18 structures.

19 "Drainage" means the removal of excess water from land
20 either by surface or subsurface means.

21 "Erosion" means the wearing away of the land surface by
22 running water, wind, ice, or other geological agents including
23 such processes as gravitational creep, detachment, and movement
24 of soil or rock fragments by water, wind, ice, or gravity.

25 "Excavation" or "cut" means the physical manmade removal
26 of earth material.

27 "Existing grade" means the vertical location of the
28 existing ground surface before excavation or filling.

29 "Fill" means a deposit of earth or waste materials by
30 artificial means.

31 "Grading" means any stripping, excavating, and filling,
32 including hydraulic fill, stockpiling, or any combination

Ordinance No. ____
Page 28 of 41

1 thereof and includes the land in its excavated or filled
2 condition.

3 "Ground cover" means land plants growing on the earth's
4 surface and/or their remains and includes trees less than four
5 inches in diameter measured at 24 inches above the ground level.

6 "Land clearing" means the act of removing or destroying
7 trees, topsoil, or ground cover from any undeveloped or
8 partially developed lot, public lands, or public right-of-way.

9 "Partially developed lot" means a lot or parcel of land
10 upon which a usable structure is located and which is of
11 sufficient area so as to be capable of subdivision in accordance
12 with the subdivision code.

13 "Plan" means a proposed method of achieving an end;
14 including, but not limited to, specifications for design,
15 implementation, and maintenance.

16 "Sediment" means solid material, both mineral and
17 organic, that is in suspension, is being transported, or has
18 been moved from its site of origin by air, water, gravity, or
19 ice and has come to rest on the earth's surface either above or
20 below sea level.

21 "Sedimentation" means the deposition of sediment.

22 "Site alteration" means grading, excavating, filling, or
23 other alterations of the earth's surface where material or
24 manmade ground cover is destroyed and which may result in or
25 contribute to erosion and sedimentation.

26 "Slope" means an inclined ground surface the inclination
27 of which is expressed as a ratio of horizontal distance to
28 vertical distance.

29 "Soil" means unconsolidated mineral and organic material
30 on the immediate surface of the earth, overlying bedrock that
31 serves as a natural medium for the growth of land plants.

32 "Surface runoff" means water flowing over the ground
33 surface.

Ordinance No. ____
Page 29 of 41

"Tree" means a living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at 24 inches above ground level.

"Undeveloped lot" means a lot or parcel of land upon which no usable structure exists.

Sec. 57. 14.20.060. Permit - Required. Except as otherwise exempted by DMMC 14.20.180, no grading, filling, or land clearing within the City shall be performed by any person, corporation, or other legal entity without first having obtained a permit from the code official. A grading permit does not include the construction of retaining walls or other structures.

Sec. 58. 14.20.070. Permit - Application. An application for a land clearing, grading, or filling permit shall be submitted on a form provided by the City.

Sec. 59. 14.20 0.080. Permit - Plans and specifications. Permit applications shall be accompanied by two sets of specifications and plans drawn to the appropriate scale and containing the following information as determined necessary by the code official:

(1) Plan Sheet Specifications. All plan sheets will contain the following information:

(a) The date, basis, and datum of the contours, which shall be referenced to the City's network of benchmarks, if applicable;

(b) Date, north arrow, and adequate scale (1:10, 1:20, or 1:40) on all maps and plans;

(c) Contours will be at two-foot contour intervals;

(d) Contact information for the applicant and the property owner, and legal description of the property;

(2) Site Plan. An accurate plan for the entire site illustrating the existing conditions shall be submitted to the City containing the following information:

Ordinance No. ____
Page 30 of 41

1 (a) Plans shall show the existing grade for the
2 entire site and the adjoining properties within 100 feet;

3 (b) All property lines with bearings and
4 distances shown;

5 (c) Existing vegetation on the site designated by
6 its common names, location, type, size and condition of trees
7 and ground cover on site;

8 (d) The location of all existing drainage
9 facilities, natural and manmade, which transport surface water
10 onto, across, or from the site including: streams and surface
11 waters, artificial channels, drainpipe, or culverts;

12 (e) The location and estimated capacity of any
13 areas which impound surface water;

14 (f) Location and estimated discharge of all
15 visible springs in excess of one gallon per minute;

16 (g) The location of all structures, utilities,
17 and their appurtenances, including structures and utilities on
18 adjacent properties within 20 feet when such information is
19 reasonably available. Said improvement locations shall also be
20 staked on site to enable the City to review improvement
21 locations and their relationship to the site and existing
22 vegetation;

23 (h) Identification of all environmentally
24 critical areas governed by Title 16 DMMC;

25 (i) Identification of all areas regulated by the
26 provisions of Title 16 DMMC;

27 (j) Location and capacity of all drainage
28 facilities and related construction;

29 (3) Grading/Clearing Plan. An accurate plan for the
30 entire site illustrating the proposed conditions shall be
31 submitted to the City containing the following information:

Ordinance No. ____
Page 31 of 41

1 (a) Plans shall show the finish grade in relation
2 to the existing grade for the entire site and the adjoining
3 properties within 100 feet in sufficient detail to identify how
4 grade changes will conform to the requirements of this code;

5 (b) Location and capacity of all drainage
6 facilities and related construction;

7 (c) Boundaries of all areas to remain in the
8 existing or natural condition;

9 (d) Location of all vegetation shown on the plan
10 which will remain after completion of the work and the minimum
11 distance to the nearest excavation and/or filling;

12 (e) Landscape plan;

13 (f) The placement of excavated material, fill,
14 and other graded material;

15 (g) Location of building setback lines, and
16 approximate demarcation of land cuts including but not limited
17 to foundations, retaining walls, and driveways;

18 (4) Temporary Erosion and Sedimentation Control Plan.

19 (a) Sequence for clearing, grading, filling,
20 drainage alteration, and other land-disturbing activities;

21 (b) On-site soil or earth material storage
22 locations and source of import materials, and location of the
23 site where soils will be disposed;

24 (c) Schedule for installation and removal of all
25 temporary erosion and sediment control measures, including
26 vegetative measures;

27 (d) Schedule for construction of final
28 improvements, if any;

29 (e) Schedule for the installation of required
30 permanent erosion and sediment control devices, if any; and

Ordinance No. ____
Page 32 of 41

1 (f) An outline of the methods to be used in
2 clearing vegetation and in storing and disposing of the cleared
3 vegetative matter.

4 (5) Other information as deemed necessary by the code
5 official;

6 (6) Compliance with the State Environmental Policy Act
7 of 1971, including Title 197 WAC and Title 16 DMMC;

8 (7) Plans shall include a statement signed by a
9 registered professional engineer certifying that all provisions
10 of this code and all relevant laws, ordinances, rules, and
11 regulations, together with recommendations contained in any
12 soils engineering, engineering geology, and hydrology reports
13 applicable to the project have been incorporated in the plans
14 and specifications or if not, the exceptions and the reasons for
15 each exception.

16 **Sec. 60. 14.20.090. Permit - Review.** Permit
17 applications shall be referred to a technical advisory body for
18 review when deemed advisable by the City Manager or the City
19 Manager's designee.

20 **Sec. 61. 14.20.100. Decision of code official.** The
21 City Manager or the City Manager's designee shall complete the
22 review and make a decision within 120 days from the date a
23 complete application is submitted, unless an extension is
24 authorized by the City.

25 **Sec. 62. 14.20.110. Permit - Expiration - Extension.**

26 (1) Except when specific time limits are set by the
27 City Manager or the City Manager's designee, any permit granted
28 under this chapter shall expire one year from the date of
29 issuance.

30 (2) The City Manager or the City Manager's designee may
31 set specific limits to the project commencement and/or
32 completion for any reasonable purpose, including but not limited
33 to environmental reasons or for coordination with other
34 permitted site work.

Ordinance No. ____
Page 33 of 41

1 (3) Upon a showing of good cause, a permit may be
2 extended for six months. Approved plans shall not be amended
3 without authorization of the City Manager or the City Manager's
4 designee.

5 **Sec. 63. 14.20.120. Permit notice to be posted.** No
6 work shall commence until a permit notice has been posted on the
7 subject site at a conspicuous location. The notice shall remain
8 posted until the project has been completed.

9 **Sec. 64. 14.20.130. Project inspection.** All projects
10 which include land clearing, grading, or filling shall be
11 subject to inspection by the City Manager or the City Manager's
12 designee. The City Manager or the City Manager's designee shall
13 be granted unlimited right of entry to the work site by the
14 applicant for the purposes of making inspections to determine
15 that the requirements of the plans and permits are being
16 complied with and for the purposes of taking corrective measures
17 of an emergency nature. The cost of such corrective measures
18 shall be borne by the applicant. The City Manager or the City
19 Manager's designee may require inspection and testing by an
20 approved testing agency at any stage of the application or
21 project.

22 **Sec. 65. 14.20.140. Suspension or revocation of**
23 **permits.**

24 (1) A land clearing, grading, or filling permit may be
25 suspended or revoked by the City Manager or the City Manager's
26 designee because of incorrect information supplied or any
27 violation of the provisions of this chapter.

28 (2) Whenever the City Manager or the City Manager's
29 designee determines that the act or intended act of land
30 clearing, grading, or filling has become or will constitute a
31 hazard to life and limb, or endangers property, or adversely
32 affects the safety, use, or stability of a public way, drainage
33 channel, stream, or surface water, including siltation and
34 sedimentation therein, the City Manager or the City Manager's
35 designee shall immediately suspend the land clearing, grading,
36 or filling permit.

Ordinance No. ____
Page 34 of 41

(3) The permittee or other person or agent in control of the property, upon receipt of notice in writing from the City Manager or the City Manager's designee, shall, within the period specified therein, terminate such land clearing, grading, or filling, or eliminate the same from the development plans, or modify the plans, as may be required so as to eliminate the hazard and be in conformance with the requirements of this code. The permittee shall also be required to take measures to correct damages caused to adjacent and/or downstream or upstream properties, under the direction of the City Manager or the City Manager's designee, or if not accomplished in a reasonable period of time the City shall do so using the security provided as part of the land clearing, grading, and filling permit under which the work was done.

Sec. 66. 14.20.150. Operating conditions and standards of performance. Permits authorized under this section shall conform to the following provisions unless otherwise recommended or as approved by the City Manager or the City Manager's designee:

(1) Excavations. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than two horizontal to one vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

(2) Fills. Unless otherwise recommended in the soils report and approved by the City Manager or the City Manager's designee, fills shall conform to the following provisions:

(a) The ground surface shall be prepared to receive fill by removing vegetation, top soil, and other any unsuitable materials (oversized rock, concrete slabs, tree stumps, brush, and old car bodies, etc.) and scarifying the ground to provide a bond with the fill material.

(b) Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills.

Ordinance No. ____
Page 35 of 41

1 (c) All fill material shall be compacted to 90
2 percent of maximum density as determined by ASTM D1557, Modified
3 Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

4 (d) The slope of fill surfaces shall be no
5 steeper than is safe for the intended use. Fill slopes steeper
6 than two horizontal to one vertical (50 percent) shall be
7 justified by soils reports or engineering data.

8 (3) Erosion/Sedimentation Control. All disturbed areas,
9 including faces of cut and fill slopes, shall be prepared and
10 maintained to control erosion/sedimentation in accordance with
11 the specifications of the surface water design manual.

12 (4) Setbacks. The crests and toes of cut and fill
13 slopes shall be set back from property boundaries by at least 25
14 feet to prevent damages resulting from surface runoff or
15 erosion-sedimentation from the slopes. The top and the toes of
16 cut and fill slopes shall be set back from structures by at
17 least one-half the height of the slope plus 25 feet for adequacy
18 of foundation support and to prevent damages resulting from
19 surface runoff or erosion-sedimentation of the slopes.

20 (5) Excavations to Water-Producing Depth. All
21 excavations must be made to a water-producing depth or grade to
22 permit natural drainage. The excavations made to a water-
23 producing depth shall be reclaimed in the following manner:

24 (a) Depth of the excavation must not be less than
25 two feet measured below the low-water mark.

26 (b) All banks shall be sloped to the water line
27 no steeper than 2:1.

28 (c) In no event shall the term "water-producing
29 depth" be construed to allow stagnant or standing water to
30 collect or remain in the excavations.

31 (6) Bench Terrace. Benches at least 10 feet in width
32 shall be back-sloped and shall be established at no more than
33 10-foot vertical intervals to control surface drainage and
34 debris. Swales or ditches on benches shall have a maximum
35 gradient of one percent.

Ordinance No. ____
Page 36 of 41

1 (7) Hazardous Conditions. Signs warning of hazardous
2 conditions, if such exist, shall be affixed at clearly visible
3 locations.

4 (8) Fencing. Where required by the City Manager or the
5 City Manager's designee to protect life, limb, and property,
6 fencing shall be installed with lockable gates which must be
7 closed and locked when the site is not being attended. The fence
8 must be no less than five feet in height and the fence material
9 shall have no horizontal opening larger than two inches.

10 (9) Drainage. Provisions shall be made to prevent
11 surface water or seepage from damaging the cut face of
12 excavations or the sloping face of a fill and to carry surface
13 waters that are or might be concentrated as a result of a fill
14 or excavation to a natural watercourse or other means as
15 approved by the City Manager or the City Manager's designee.

16 (10) Drainage Review. All development activities shall
17 make provisions for drainage pursuant to the requirements of the
18 surface water design manual.

19 (11) All operations, conditions, and standards of
20 performance shall be subject to the limitations as per required
21 permits.

22 (12) Environmentally Critical Areas. Any land clearing,
23 grading, or filling activity in an environmentally critical area
24 as defined in Title 16 DMMC is prohibited except for activity
25 conducted in connection with a development exception approved in
26 accordance with the requirements of chapter 18.86 DMMC.

Ordinance No. ____
Page 37 of 41

1 **Sec. 67. 14.20.160. Fees.** There shall be a fee
2 assessed to compensate the City for the expense of reviewing and
3 processing plans, conducting inspections, providing for outside
4 consulting services, and the like. The fee shall be set by
5 written administrative directive and shall be related to the
6 amount of anticipated service for the particular application.
7 Fees for permits authorized under this section that are reviewed
8 after the proposed site work has started will be assessed at
9 twice the normal rate.

10 **Sec. 68. 14.20.170. Bonds and escrow.** The City
11 Manager or the City Manager's designee may require bonds in such
12 form and amounts as may be deemed necessary to assure that the
13 work, if not completed in accordance with the approved plans and
14 specifications, will be corrected. In lieu of a surety bond, the
15 applicant may elect to establish a cash escrow account with his
16 bank in an amount deemed by the code official to be sufficient
17 to reimburse the City if it should become necessary for the City
18 to enter the property for the purpose of correcting and/or
19 eliminating conditions relating to soil stability or aesthetic
20 blight. The bond or escrow shall be in an amount of the
21 estimated cost of correcting or eliminating the condition,
22 including but not limited to the cost of restoring soil
23 stability, eliminating drainage or erosion problems, or removal
24 of blight and restoration and replanting of the property either
25 in accordance with the terms of the permit or to restore the
26 property as nearly as possible to its condition prior to the
27 clearing or filling. The bond or escrow may be increased by the
28 code official in accordance with this chapter.

29 **Sec. 69. 14.20.180. Exemptions.** Applicants must
30 receive a written letter of exemption from the City Manager or
31 the City Manager's designee before commencing with the exempted
32 work. Exemption from the permit requirements of this section
33 shall not be deemed to grant authorization for any work to be
34 done in any manner in violation of the provisions of this code
35 or any other laws or ordinances of this jurisdiction.

36 (1) A grading or land clearing permit shall not be
37 required for any of the following activities; provided, that the
38 clearing and grading activity shall be subject to the minimum
39 requirements specified in this chapter:

Ordinance No. ____
Page 38 of 41

1 (a) The installation and maintenance of fire
2 hydrants, water meters, and pumping stations, and street
3 furniture by the City or its contractors;

4 (b) Removal of trees and ground cover in
5 emergency situations involving immediate danger to life or
6 property or substantial fire hazards;

7 (c) Removal of trees or ground cover or dumping
8 of fill on partially developed lots for the purpose of general
9 property and utility maintenance, landscaping, or gardening;
10 provided, that this exemption shall not apply to land clearing,
11 grading, or filling for the purpose of developing the property
12 with substantial permanent improvements such as roads,
13 driveways, utilities, or buildings;

14 (d) Removal of dead or diseased ground cover or
15 trees;

16 (e) A grading and filling activity less than a
17 total of 50 cubic yards which does not obstruct a drainage
18 course;

19 (f) Grading and filling activity to place a
20 building foundation approved under a City building permit and
21 involves less than 120 cubic yards of grading and filling;

22 (g) Clearing less than 200 square feet;

23 (h) Cemetery graves;

24 (i) Refuse disposal sites controlled by other
25 regulations;

26 (j) Exploratory excavations performed under the
27 direction of a registered design professional. Exploratory
28 excavation is not to begin construction of a building prior to
29 receiving a permit (the sole purpose for preparing a soils
30 report).

31 (2) Exemption from the permit requirements of this
32 section shall not be deemed to grant authorization for any work

Ordinance No. ____
Page 39 of 41

to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City.

Sec. 70. 14.20.190 Appeal. A person or persons aggrieved by any action of the City Manager or the City Manager's designee under the provisions of this chapter shall be entitled to review of such decision by filing an appeal to the Hearing Examiner pursuant to Title 18 DMMC.

Chapter 14.25 Sewage Disposal Systems Code

Sections:

- 14.25.010 Title.
- 14.25.020 Application.
- 14.25.030 Purpose.
- 14.25.040 Authority
- 14.25.050 County Sewage Code adopted.
- 14.25.060 Amendment adoption.
- 14.25.070 Disposal systems maintenance.
- 14.25.080 Administration and enforcement.

Sec. 71. 14.25.010. Title. This chapter shall be entitled "Sewage Disposal Systems Code."

Sec. 72. 14.25.020. Application. This chapter shall apply to the sewage system in the City.

Sec. 73. 14.25.030. Purpose. The purpose of this chapter is to allow for the King County Board of Health to promulgate standards, rules, and regulations to be administered by the Seattle-King County Department of Public Health in matters relating to the sewage disposal system.

Sec. 74. 14.25.040. Authority. This chapter relies on the authority granted to the King County Board of Health and chapter 70.05 RCW.

Sec. 75. 14.25.050. County Sewage Code adopted. Title 13 (Board of Health Sewage Regulations) of the Code of the King County Board of Health, as presently constituted or as may be subsequently amended, is adopted and shall be

Ordinance No. ____
Page 40 of 41

1 applicable within the City, as amended, added to, and excepted
2 in this chapter.

3
4 **Sec. 76. 14.25.060. Amendment adoption.** The
5 following amendments, additions, and exceptions to the board
6 of health sewage regulations, as adopted by this chapter, are
7 amended, added to, or excepted as adopted and shall be
8 applicable within the City.

9
10 **Sec. 77. 14.25.070. Disposal systems maintenance.**
11 Sewage disposal systems shall be maintained in accordance with
12 this chapter and no sewage disposal system shall be used which
13 directly or indirectly discharges upon the surface of the
14 ground or into any waters within the City unless the contents
15 of such system have been subjected to approved purification
16 and bactericidal treatment.

17
18 **Sec. 78. 14.25.080. Administration and enforcement.**
19 The codes, standards, rules, and regulations adopted by this
20 chapter shall be administered by the Seattle-King County
21 Department of Public Health.

22
23 **Sec. 79. Repealer.** Title 14 DMMC as presently
24 constituted and codified is hereby repealed in its entirety
25 along with all underlying ordinances.

26
27 **Sec. 80. Severability - Construction.**

28
29 (1) If a section, subsection, paragraph, sentence,
30 clause, or phrase of this Ordinance is declared unconstitutional
31 or invalid for any reason by any court of competent
32 jurisdiction, such decision shall not affect the validity of the
33 remaining portions of this Ordinance.

34
35 (2) If the provisions of this Ordinance are found to be
36 inconsistent with other provisions of the Des Moines Municipal
37 Code, this Ordinance is deemed to control.

38
39 **Sec. 81. Effective date.** This Ordinance shall take
40 effect and be in full force on January 1, 2014.

M A Y O R

Effective Date: January 1, 2014

KOEGEN EDWARDS LLP
ATTORNEYS AT LAW

MEMORANDUM

Attorney-Client Privileged Communication

TO: Pat Bosmans, City Attorney
FROM: Michael F. Connelly
DATE: August 28, 2013
RE: **Proposed Title 13 and Title 14 Amendments**

GENERAL AMENDMENTS

1. Title 13 is deleted. Other adopted regulations cover these sections.
2. The first chapter of proposed Title 14, chapter 14.01 "Adoption, Administration and Enforcement," contains provisions applicable to all chapters contained within Title 14, specifically: Rules of Construction, Adoption by reference, Definitions, other laws, Appendices, Application of References, Fees, Hours of Construction, Liability, Violations and Penalties, Severability, and Appeals. These provisions were found at various places throughout the existing title and chapters and have been consolidated in chapter 14.01 "General Provisions."
3. The first four sections of each chapter are entitled: "Title," "Application," "Purpose" and "Authority." Again these provisions were found in some chapters and not in others, and have been placed at the beginning of each chapter.
4. The name of the position responsible for the administration of this title has been identified as the "Building Official." All other grants of authority within the title are identified as the "City Manager or the City Manager's designee."
5. Changes have been made to the placement and order of words to ensure clarity and remove duplication. Substantive changes were generally not made. Definitions were not changed though duplicative definitions were removed. Most definitions were moved to chapter 14.01. Some definitions were kept in specific chapters when they appeared to facilitate understanding that chapter.
6. Any topics or directives that are contained within the adopted codes were deleted from the provisions of Title 14 to avoid inconsistencies. Title 14 adopts the various codes in chapter 14.01 and then identifies any additional requirements or amendments in subsequent specific chapters.



SPECIFIC AMENDMENTS

1. Chapter 14.01 “General Provisions” and chapter 14.04 “Administration and Enforcement” have been combined with some deletions and amendments.
2. Chapter 14.08 “Building Code” has been revised as chapter 14.05 “Building Code, Additional Requirements and Amendments.”
3. Chapter 14.12 “Five-Story Buildings” has been incorporated into chapter 14.05.
4. Chapter 14.16 “Fire Code” has been revised and entitled “Fire code, Additional Requirements and Amendments.”
5. Chapter 14.20 “Electrical Code” has been revised as chapter 14.15 “Electrical Code, Additional Requirements and Amendments.”
6. Chapter 14.24 “Land filling, Clearing and Grading Code” is now codified as chapter 14.20.
7. Chapter 14.28 “Sewage Disposal Systems Code” is now codified as chapter 14.25.
8. Chapter 14.32 “Mobile Home Park Regulation Code” is removed from Title 14 and incorporated into Title 18.
9. Chapter 14.36 “Building Transportation Code” is removed from Title 14 and incorporated into Title 12 and entitled “Building Transport Code.”
10. Chapter 14.40 “Flood Hazard Areas Code” is removed from Title 14 and incorporated into Title 16 and entitled “Flood Hazard Areas.”
11. Chapter 14.44 “Protective Parking Devices Code” is removed from Title 14 and incorporated into Title 18.
12. Chapter 14.48 “Street Names and Building Addresses” is removed from Title 14 and incorporated into Title 12.