

AGENDA

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

January 9, 2014 – 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

CONSENT AGENDA

- Page 1 Item 1: **APPROVAL OF MINUTES**
Motion is to approve the minutes from the Executive Sessions from September 5, September 12 and December 5, 2013 and the Regular City Council Minutes from December 5 and December 19, 2013.
- Page 17 Item 2: **APPROVAL OF VOUCHERS**
Motion is to approve for payment vouchers and payroll transfers included in the attached list and further described as follows:
Claim Checks: \$1,975,884.51
Payroll Fund Transfers: \$414,424.36
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$2,390,308.87
- Page 19 Item 3: **CONSULTANT CONTRACT AMENDMENT: TRANSPORTATION PROJECT MANAGER – LEONARD MADSEN**
Motion is to approve Amendment 6 to the Contract with Leonard D. Madsen, continuing professional project management services for the Transportation Gateway Project through June 30, 2014 not to exceed \$38,000, and authorize the City Manager to sign the contract amendment substantially in the form submitted.
- Page 33 Item 4: **INTERAGENCY AGREEMENT WITH HIGHLINE COMMUNITY COLLEGE FOR THE SMALL BUSINESS DEVELOPMENT CENTER**
Motion is to approve the Interagency Agreement with Highline Community College for support of the Small Business Development Center, and authorize the City Manager to sign the agreement, substantially in the form as submitted.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- Page 43 Item 1: **AMENDMENTS TO TITLE 18 DMMC, CONTINUED**
Staff Presentation: City Attorney Pat Bosmans

OLD BUSINESS

Page 117 Item 1: PAID PARKING AT THE MARINA AND BEACH PARK – STATUS REPORT
Staff Presentation: Harbormaster Joe Dusenbury

NEW BUSINESS

Page 119 Item 1: PACIFIC HIGHWAY SOUTH CORRIDOR POLICY DISCUSSION
Staff Presentation: Community Development Manager Denise Lathrop

Page 131 Item 2: 2015 COMPREHENSIVE PLAN PERIODIC UPDATE
Staff Presentation: Community Development Manager Denise Lathrop

NEXT MEETING DATE

January 11, 2014 City Council Retreat

ADJOURNMENT

**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

MINUTES
SPECIAL MEETING TO HOLD EXECUTIVE SESSION
September 12, 2013

CALL MEETING TO ORDER

The Special Meeting was called to order at 6:00 p.m. by Mayor Kaplan in the Council Chambers.

ROLL CALL

Present were Mayor Dave Kaplan; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

PURPOSE

The purpose of the special meeting was to hold an Executive Session to discuss the performance of a public employee under RCW 42.30.110(1)(g).

ADJOURNMENT

The Special Meeting was adjourned at 6:45 p.m.

Respectfully submitted,
Tony Piasecki
City Manager

MINUTES
SPECIAL MEETING TO HOLD EXECUTIVE SESSION
December 5, 2013

CALL MEETING TO ORDER

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

ROLL CALL

Present were Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, and Carmen Scott. Also present were City Manager Tony Piasecki, Assistant City Manager Lorri Ericson and City Attorney Pat Bosmans.

Councilmember Musser arrived at 6:47 p.m.

PURPOSE

The purpose of the special meeting was to hold an Executive Session to discuss labor negotiations under RCW 42.30.140(4)(a).

At 7:00 p.m. Mayor Kaplan announced that the meeting would extend an additional 5 minutes.

ADJOURNMENT

The Special Meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Tony Piasecki
City Manager

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MINUTES

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

December 5, 2013 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:08 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Scott.

SWEARING IN OF COUNCILMEMBER NUTTING

Judge Veronica Alicea-Galvan swore in newly elected Councilmember Jeremy Nutting.

ROLL CALL

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

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Civil Engineer Tommy Owen; City Attorney Pat Bosmans; Finance Director Paula Henderson; Harbormaster Joe Dusenbury; City Clerk Bonnie Wilkins.

CORRESPONDENCE

There were no correspondences.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott.

- Police Department is having a Toy Drive to benefit Harborview Hospital.
- Tree Lightings December 6th:
 - 6:00 p.m. Big Catch Plaza.
 - 7:15 p.m. Des Moines Marina.
- Argosy Christmas Ship:
 - December 12th.

Councilmember Sheckler:

- No report.

Councilmember Burrage:

- No report.

Mayor Pro Tem Pina:

- Public Safety & Transportation Committee Meeting:
 - Presentation by Police Department:
 - Safe City Des Moines Program:
 - Police Volunteer Program.
 - Police Foundation.
 - Draft of 2014 Public Safety & Transportation Work Program.
 - CIP Update.

Councilmember Musser:

- December 16 – Kick-starter fundraiser “Save our Cinema Fundraiser”.
 - www.desmoinesheater.com/kickstarter.

Councilmember Nutting:

- Squid-A-Rama at the MaST Center:
 - More people than expected.

PRESIDING OFFICER'S REPORT

- Attended National League of Cities with Councilmember Burrage:
 - Attended Supporting Start-Ups and Entrepreneurs session.
- Attended swearing in of first elected Municipal Court Judge, Judge Galvan.
- Police Department Quarterly Recognition Meeting:
 - Tenure Certificates:
 - Officer Justin Langhofer, 5 years.
 - CSO Kory Batterman, 5 years.
 - Office Manager Terryann Dell, 20 years.
 - Master Police Officer Paul Young, 25 years.
 - Animal Control Officer Jan Magnuson, 25 years.
 - Master Sergeant Doug Jenkins, 25 years.
 - Master Sergeant Dave Bell, 30 years.
 - Exemplary Performance Commendation:
 - Terryann Dell.
 - Records Specialist Division:
 - Charmaine Hall.
 - Judy Bibby.
 - Jennifer Schmidt.
 - Recognition on the Jayme Thomas murder and assault on Scott Kennedy case:
 - Detective Sergeant Dave Mohr.
 - Responding Officers, Detectives and Support Personnel:
 - Master Sergeant Dave Bell.
 - Officer Randy Gallagher.
 - Officer Bill Shepard.
 - Officer Eddie Ochart.
 - Detective Mike Thomas.
 - Detective Paul Young.
 - CSO Kory Batterman.
 - Received Medal of Merit Commendation:
 - Case Detective Cathy Savage.
 - Suspect was sentenced to 340 months.
- Attended the second Invitation to the Business Community:
 - Business Association or Chamber of Commerce.
 - Survey information will be compiled with the November 5th meeting and shared with everyone.

Mayor Kaplan presented Councilmember Scott with a plaque thanking her for her many years of service to the community as she is retiring at the end of the 2013.

ADMINISTRATION REPORT

EMERGING ISSUES

- Map with 5 different locations for licenses filed with the State for Marijuana.
 - Per Ordinance No. 1587, only 1 out of the 5 would be allowed to go in.
- Pay Parking in Beach Park and Marina:
 - Signs have gone up.
 - Stories on the Waterland Blog and the City of Des Moines web-site.
 - Reviewed information from Anthony's suggestions.

CONSENT CALENDAR

- Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes from the October 24, November 7 and November 14, 2013 City Council meetings.
- Item 2: INTERLOCAL AGREEMENT WITH NORMANDY PARK FOR PUBLIC WORKS SERVICES
Motion is to approve the attached Inter-Local Agreement with the City of Normandy Park for Public Works Services, and further authorize the City Manager to sign the Agreement, substantially in the form as submitted.
- Item 3: COMMUTE TRIP REDUCTION PROGRAM IMPLEMENTATION AGREEMENT
Motion is to approve the CTR Program Implementation Agreement between the City of Des Moines and King County, Department of Transportation, Metro Transit Division for the implementation of the CTR Program and to authorize the City Manager to sign the Agreement substantially in the form as attached.
- Item 4: HIGHLINE SCHOOL DISTRICT INTERLOCAL JOINT USE AGREEMENT
Motion is to enter into an Interlocal Joint Use Agreement between Highline School District No. 401 and the cities of Burien, Des Moines, Normandy Park and SeaTac, and between the said Cities one with the other and to authorize the City Manager to sign said Agreement in the form as submitted.

Direction/Action

Motion made by Councilmember Musser to approve the consent agenda; seconded by Councilmember Nutting.
The motion passed 7-0.

PUBLIC HEARING

- Item 1: AMENDMENTS TO THE PHASE IN SCHEDULE FOR TRANSPORTATION IMPACT FEES
Staff Presentation: Civil Engineer Tommy Owen

Mayor Kaplan opened the public hearing at 7:34 p.m.

Civil Engineer Owen gave a brief power point presentation on the Transportation Impact Fees.

Mayor Kaplan called David Litowitz who recommended approval of the motion.

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

Mayor Kaplan closed the public hearing at 7:40 p.m.

Direction/Action

Motion made by Councilmember Sheckler to suspend City Council Rule 26(a), allowing adoption of Draft Ordinance No. 13-256 on 1st reading; seconded by Councilmember Musser.
The motion passed 7-0.

Motion made by Councilmember Sheckler to adopt Draft Ordinance No. 13-256, modifying Chapter 12.56.040(6) of the DMMC relating to the phase in schedule of the City's Transportation Impact Fee program; seconded by Councilmember Musser.
The motion passed 7-0.

Mayor Kaplan read Draft Ordinance No. 13-256 into the record.

Item 2: MUNICIPAL CODE UPDATE, TITLE 18
Staff Presentation: City Attorney Pat Bosmans

City Attorney Bosmans gave a brief power point presentation on the continued Public Hearing of Municipal Code Update, Title 18.

Mayor Kaplan asked 3 times if anyone wished to speak. Seeing none Mayor Kaplan asked Council if they had any questions.

Direction/Action

Motion made by Councilmember Sheckler to continue the Public Hearing on Draft Ordinance No. 13-170 to January 9, 2014; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

OLD BUSINESS

Item 1: ADOPTION OF YEAR 2014 BUDGET
Staff Presentation: Finance Director Paula Henderson

Finance Director Henderson spoke before Council on the 2014 adopted budget.

Direction/Action

Motion made by Councilmember Burrage to enact Draft Ordinance No. 13-255 adopting the final budget for the City of Des Moines, Washington, for the fiscal year ending December 31, 2014; seconded by Councilmember Musser.

Motion made by Councilmember Sheckler to allocate an additional \$9,000 to the \$1,000 already given to the Southwest Chamber of Commerce for 2014; seconded by Councilmember Scott.

The motion fails 1-6.

For: Councilmember Sheckler.

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

Motion made by Councilmember Burrage to allocate \$50,000 to set up a Police Stabilization Account.

Motion fails for lack of a second.

The original motion passed 7-0.

Mayor Kaplan read Draft Ordinance No. 13-255 into the record.

NEW BUSINESS

Item 1:

MARINA RATES

Staff Presentation:

Harbormaster Joe Dusenbury

Harbormaster Dusenbury gave a brief presentation to Council on Marina Rates.

Direction/Action

First Motion made by Councilmember Musser to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-264 on first reading; seconded by Mayor Pro Tem Pina.

The motion passed 7-0.

Second Motion made by Councilmember Musser to enact Draft Ordinance No. 13-264 establishing a uniform rate structure for Marina charges and fees effective February 1, 2014 and a formula to determine future rates; seconded by Councilmember Sheckler.

Amendment made by Councilmember Nutting to amend appendix A of ordinance No. 13-264 in section E so that the baseline rate reflects the square footage to \$.80 square foot, which gives a baseline rental rate of \$200; seconded by Councilmember Sheckler.

The motion passed 7-0.

The motion, as amended, passed 7-0.

Mayor Kaplan read Ordinance No. 13-264 into the record.

Motion made by Councilmember Musser to adopt Resolution No. 13-264, setting 2014 monthly Marina moorage rates; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

Mayor Kaplan read Resolution No. 13-264 into the record.

NEXT MEETING DATE

December 12, 2013, Regular City Council Meeting.

ADJOURNMENT

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

The meeting was adjourned at 8:34 p.m.

Respectfully Submitted,
Bonnie Wilkins
City Clerk

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MINUTES

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

December 19, 2013 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Burrage.

ROLL CALL

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

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Finance Director Paula Henderson; Planning, Building and Public Works Director Dan Brewer; Acting City Clerk Autumn Lingle.

CORRESPONDENCE

Letter from City of SeaTac City Manager, Todd Cutts, to Sound Transit regarding bus base.

COMMENTS FROM THE PUBLIC

None

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott:

- Attended Destination Des Moines meeting and noted that a Waterland Festival facilitator was appointed.
- Announced that this was her last meeting as a Councilmember and thanked colleagues and the public.

Councilmember Sheckler:

- Acknowledge Councilmember Scott's contribution to the City.

Councilmember Burrage:

- Attended a South King County Transportation Board meeting where a president and vice president were elected to the board.
- Stated that Port of Seattle and Port of Tacoma propose a change in port tax distribution.

Mayor Pro Tem Pina:

- No report.

Councilmember Musser:

- Attended a South and South Valley Caucus of SCA where board members were elected. In addition, they discussed the bus barn issue.
- Expressed appreciation to Councilmember Scott for her service to the City of Des Moines.
- Promoted shopping at the City of Des Moines merchants.

Councilmember Nutting:

- No report.

PRESIDING OFFICER'S REPORT

- Asarco smelter report
 - 10 year management plan for smelt cleanup
 - Outreach to affected cities
- Noted that December 31, 2013, is the last meeting of the Planning Agency and he expressed gratitude to the following members for their contribution:
 - Shan Hoel
 - Cass Prindle
 - Mel McDonald
 - Shelley Murray
 - Christine Hall
 - Scott Evans
- Presented a plaque to Arts Commission volunteer, Luisa Bangs, in appreciation for her outstanding dedication.

EXECUTIVE SESSION

The purpose of the special meeting was to hold an Executive Session to discuss collective bargaining per Title 42.30.140(4)(a). In attendance were Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Carmen Scott, Bob Sheckler, Jeremy Nutting, Melissa Musser, and Jeanette Burrage; City Manager Tony Piasecki; Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans.

The Executive Session started at 7:16 p.m., was scheduled for 12 minutes, and concluded at 7:21 p.m.

ADMINISTRATION REPORT

- none

CONSENT CALENDAR

- none

PUBLIC MEETING

Item 1: REQUEST FOR MINOR DEVIATION, BLUEBERRY LANE PUD
 Staff Presentation: Planning, Building and Public Works Director
 Dan Brewer

PBPW Director Brewer providing an update to Council.

City Manager Piasecki commented on a letter received about noise from the third runway. He noted that the Developer will need to comply with a code that requires using a higher level of noise insulating windows than what was previously necessary.

Councilmember Sheckler asked the City Manager to seek clarification regarding boundaries from the Port of Seattle or FAA.

Councilmember Scott asked if verification of statements made in a letter had been confirmed:

1. In the 2002 part 150 study by the airport, that resident is considered an incompatible land use within the 65-70 DNL noise level contour and should be prohibited.
2. Washington State Department of Transportation Airports and Compatible Land Use Guide Book states this property is wholly located in a safety zone 2 and as such, residential uses are prohibited by that department.

City Manager Piasecki replied that they had not.

A presentation was made to Council by Courtney Flora, attorney for Richmond American Homes, to Council.

CES Principal Engineer Craig Deaver discussed the particulars of the Blueberry Lane plat.

Direction/Action

Motion made by Councilmember Sheckler to move to adopt Draft Resolution No.13-272 approving minor deviations to the preliminary Blueberry Land PUD subdivision and the attached Findings of Fact; seconded by Councilmember Musser.

Friendly Amendment was made by Mayor Kaplan to add "completed and the final plat is recorded in accordance with RCW 58.17.140. " Agreed to by maker and seconder.

Window soundproofing clarification was requested by Councilmember Scott. Attorney Bosmans stated that the more specific document would apply.

Michael Del Castillo, Richmond American Homes Vice President of Land Acquisition, clarified STC 44 windows would be used in construction of the Blueberry Lane homes.

The motion passed 7-0.

Mayor read Draft Resolution No. 13-272 into the record.

NEXT MEETING DATE

January 2, 2014 Regular City Council Meeting

ADJOURNMENT

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

The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,
Autumn Lingle
Acting City Clerk

CITY OF DES MOINES
Voucher Certification Approval

9-Jan-14

Auditing Officer Certification

Vouchers and Payroll transfers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the City Council.

As of January 09, 2014 the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the attached list and further described as follows:

The vouchers below have been reviewed and certified by individual departments and the City of Des Moines Auditing Officer.

Claims Vouchers:		Numbers				Amounts
Total A/P Checks/Vouchers		138029	-	138233	205	1,935,225.98
Electronic Wire Transfers	4	DEPT OF REVENUE, BOA VISA, WA DEPT LIC/FIREARMS				40,658.53
Subtotal for this Council Packet						1,975,884.51
Voided Claim Checks this check run:						0.00
Voided Claim Checks from previous check runs						0.00
Total Claims/Wire Transfers/Voids					209	1,975,884.51

Payroll Vouchers:		DISBURSED 12/20/13				Amounts
Payroll Checks		18385	-	18392	= 8	11,880.55
Direct Deposit		510001	-	510137	= 137	262,801.66
Payroll Taxes						57,260.96
Wage/Garnishments						744.07
Voids					0	0.00
Electronic Wire Transfers						81,737.12
ICMA 401 Forfeitures						0.00
Total Claims						414,424.36
Total certified Wire Transfers, Voids, A/P & Payroll vouchers for Jan 09, 2014						2,390,308.87

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Consultant Contract Amendment:
Transportation Project Manager – Leonard Madsen

FOR AGENDA OF: January 9, 2014

DEPT. OF ORIGIN: Planning, Building & Public Works

ATTACHMENTS:

1. Proposed Amendment 6: Madsen Contract (2014)
2. Contract for Project Management Services between the City of Des Moines and Leonard D. Madsen, January 12 , 2009
3. Amendment #5: Madsen Contract (2013)

DATE SUBMITTED: December 24, 2013

CLEARANCES:

- [X] Legal JS
 [X] Finance JS
 [] Marina N/A
 [] Parks, Recreation & Senior Services N/A
 [X] Planning, Building & Public Works DSB
 [] Police N/A
 [] Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: JS

Purpose and Recommendation

The purpose of this agenda item is to seek Council's approval of a consultant contract amendment (refer to Attachment 1) with Leonard D. Madsen for professional transportation management services thru June 30, 2014. The following motion will appear on the consent calendar.

Suggested Motion

Motion: "I move to approve Amendment 6 to the Contract with Leonard D. Madsen, continuing professional project management services for the Transportation Gateway Project through June 30, 2014 not to exceed \$38,000, and authorize the City Manager to sign the contract amendment substantially in the form submitted."

Background

Mr. Madsen has assisted the City in implementing transportation capital improvements since 2005. Recently he served as the transportation project manager for the three major capital improvements collectively referred to as Transportation Gateway Project. The original contract (refer to attachment 2) was approved in 2009. Since that time, Mr. Madsen has been assisting the City in design, right-of-way acquisition and construction of improvements to the segments of S. 216th Street (between 18th Ave. S. and 29th Ave. S.) and 24th Avenue South (between S. 216th Street to S. 208th Street). The term of that contract, via Amendment #5 (refer to Attachment 3), ends on December 31, 2013. Acting as the Project

Manager, Mr. Madsen has intimate knowledge of the project, including finalizing the design process, clearing the right-of-way, developing agreements with property owners, coordinating with local utilities and securing funding with the Puget Sound Regional Council, the Washington State Transportation Board, the Washington State Public Works Trust Board and the Port of Seattle and the Federal Highway Administration (FHWA). Mr. Madsen coordinates design work for the City including the engineering contract with KPG to finalize design and construction of the project.

The contract with Mr. Madsen manages the Transportation Gateway Project comprised of three (3) CIP elements: S. 216th Street Segment 1A, S. 216th Street Segment 2 and 24th Avenue South Improvements. Coordination includes oversight of a construction and construction engineering contracts for S. 216th Street, Segment 2 and 24th Avenue South. He is assisting the city to implement the Right-of-Way Plan for S. 216th Street, Segment 1A, approved by Council February 14, 2012. He has also provided assistance for right-of-way acquisition of the old SR-509 right-of-way for the Barnes Creek Trail Project.

As construction of S. 216th Street, Segment #2 nears completion, close out activities will be required including adherence to contract requirements as well as utility agreement reimbursements. 24th Avenue South construction and construction engineering contracts were approved last summer and construction will continue through 2014. Coordination with the pending Port of Seattle developer and City of SeaTac regarding the project's transition at S. 208th Street will be required. Underground utility agreements and the agreement with Highline Water District to replace the 12" water main will require oversight and administration.

Discussion

Mr. Madsen will continue to assist the City to complete the Transportation Gateway improvements under construction as well as advancing right-of-way acquisition on the S. 216th Street, Segment 1A corridor. He also will assist the City with right-of-way acquisition from WSDOT for the Barnes Creek Trail.

Staffing levels within the Department and Engineering Services Division have been curtailed and constrained due to several job transitions and consolidations. Currently, the Engineering Services Division is working to fill the vacant Associate Engineer position. Even if a candidate is selected and starts up in January or February of 2014, the start-up time associated with filling a position can take several months. There are numerous capital projects that await support from this position.

This work is exclusively funded by CIP monies dedicated for transportation improvements including obligated funds from the Port of Seattle Second Development agreement, the Washington State Transportation Improvement Board and the Federal Highway Administration. Mr. Madsen will continue to assist in the application for, and management of, grant and contract funds.

Mr. Madsen's work has been exemplary including coordination of work with staff, the community, technical agencies and the City Council to advance these capital projects through design, right-of-way acquisition, construction engineering and construction. Broad public and agency involvement is required to design and construct these improvements. Mr. Madsen will continue to coordinate the agreements with KPG for the Transportation Gateway project.

The level of effort is estimated to be approximately 20 hours per week to perform this work, at a rate of \$73 per hour and not to exceed \$38,000.

Financial Impact

The costs for this contract extension and continued project management of the Transportation Gateway project can be accommodated from the current capital budgets for S. 216th Street, Segment 1A; S. 216th Street Segment 2; the 24th Avenue South Improvements and the Barnes Creek Trail project.

Recommendation

Staff requests that Council approve the proposed motion.

Concurrence

Legal, Finance and Planning, Building and Public Works Departments are in agreement.

**AMENDMENT #6 TO THE CONTRACT FOR PROFESSIONAL
TRANSPORTATION MANAGEMENT SERVICES**

This is an addendum/amendment to the Contract for Professional Transportation Management Services executed between the CITY OF DES MOINES, hereinafter referred to as the "City" and LEONARD D. MADSEN (Mr. Madsen) on January 12, 2009, as last amended on July 30, 2013. This addendum/amendment will amend the Compensation for the term of the current phase of the Contract.

Paragraph 4 of said Contract is amended to add the following:

4. Compensation.

Compensation for extension of this contract for the period described in paragraph 5 shall not exceed \$38,000, payable at a rate of \$73.00 per hour for direct and indirect costs.

Paragraph 5 of said Contract is amended to read, in pertinent part as follows:

5. Term.

The term of this Contract shall be June 30, 2014.

Except as modified hereby, all terms and conditions of said contract shall remain in full force and effect.

IN WITNESS WHEREOF, four (4) identical counterparts of this Contract Addendum/Amendment, each of which shall be deemed an original, have been executed by the parties this _____ day of _____, 2014.

CITY OF DES MOINES

LEONARD D. MADSEN

By _____
Anthony A. Piasecki, City Manager

By _____

Dated _____

Dated _____

By Direction of the Des Moines City Council in Open Public Meeting on January 2, 2014

APPROVED AS TO FORM:

City Attorney

CONTRACT FOR PROFESSIONAL TRANSPORTATION MANAGEMENT SERVICES
Between
THE CITY OF DES MOINES
and
LEONARD D. MADSEN

THIS CONTRACT is made and entered into between the CITY OF DES MOINES, a Washington Municipal Corporation ("the City") and Leonard D. Madsen ("Mr. Madsen").

WHEREAS, the City has adopted the 2009 Capital Improvement Program and desires to advance engineering and eventually construction of improvements commonly known as the City of Des Moines Transportation Gateway Project including S. 216th Street Improvements (Segments 1 and 2) as well as improvements to 24th Avenue South north of South 216th Street;

WHEREAS, it is necessary for the City to secure project management services to assist in overseeing potential professional services for planning, pre-design, engineering, right of way, construction and construction management;

WHEREAS, Mr. Madsen, has adequately demonstrated the ability to provide management services functioning in the recent past as the interim City Transportation Engineer and 16th Avenue South Project Manager;

THEREFORE, in consideration of the mutual promises and covenants herein contained, to be kept, performed, and fulfilled by the parties, and other good and valuable consideration, it is mutually agreed as follows:

1. Scope of Service. Mr. Madsen shall serve as Special Transportation Project Manager for the Des Moines Gateway Project. Coordination of ongoing work related to the Gateway capital improvement projects and agreements including work of staff and consulting engineers. The project may be phased dependent upon the outcome Council approval of the following tasks:

- Draft a request for qualifications and assist the City in selection of professional engineering services for all phases of the project including design, PS&E, right of way plans and construction management. It is intended that this work proceed incrementally to scope and manage the work consistent with Council contract approval.
- Pending approval of a design contract, oversee work of consulting engineers to develop a design report, including a physical survey of the right of way. The design report shall be presented to the City Council including recommendations for phased design and/or construction of the Gateway project. Said work will include technical coordination with agencies and a community meeting during predesign process culminating in a recommended plan for approval the City Council.

Professional Services Contract
 Leonard D. Madsen
 Page 2 of 5

- o Manage ongoing design work consistent with the Design Report recommendations and direction of the City's Assistant Planning, Building, and Public Works Director.
- b. Assist the City in drafting and managing agreements with property owners, funding partners and utilities to advance the project as necessary during design and construction phases.
- c. Assist the City in drafting and managing a communications strategy for the project.
- d. Assist the City in forming and managing a technical stakeholders advisory group to provide input on the design report prepared for the project.
- e. Provide recommendations for payment of invoices in excess of the signing authority provided herein.
- f. Provide monthly updates on the status of the project.
- g. Obligate City funds and reimburse expenditures not to exceed \$5,000 as provided above and consistent with the adopted 2009 budget.
- h. Coordinate work under the direction of Dan Brewer, PE, Assistant Public Works Director.

2. Contractor's Obligations. All labor, materials, tools, software, equipment, utilities, services, and all other things necessary or required in the satisfactory performance of the work shall be furnished by the Mr. Madsen. The Contract will be performed and completed under the supervision of and subject to the approval of the City or its authorized representatives, except that the City shall provide Mr. Madsen with access to the City's computer systems, support staff including, but not limited to a civil engineer, engineering technician, right of way inspector and clerical assistance and office/work space when appropriate; and certain resources such as a City code book, files pertaining to the projects listed in Section 1 of this agreement, and a "door fob" for after hours access to City Hall, all of which shall be returned to the City at the end of the Contract term noted in Section 5, unless extended by mutual written agreement.

3. Records and Documents. All data, documents, and files created by Contractor under this Agreement may be stored at City facilities, or at Mr. Madsen's residence until such time as this contract expires or is terminated, at which time they will be turned over to the City. Mr. Madsen shall make such data, documents, and files available to the City upon its request at all reasonable times for the purpose of editing, modifying, and updating as necessary. Duplicate copies of this information shall be provided to the City upon its request, and at reasonable cost.

4. Compensation. In consideration for the complete and faithful performance of the Contract, Mr. Madsen shall be paid as follows: Excepting changes and modifications agreed upon, Contractor shall be paid sixty five dollars (\$65.00) per hour for direct and indirect costs

Professional Services Contract
Leonard D. Madsen
Page 3 of 5

and fees. The consultant is expected to work on average about 26 hours per week, although it is recognized that the work effort may fluctuate, unless modified by mutual agreement with the Assistant Planning, Building, and Public Works Director. The total compensation paid under this contract shall not exceed \$90,000.00 without prior written approval. Mr. Madsen shall submit monthly detailed invoices in a timely manner, in a form acceptable to the City's authorized representative(s), describing dates of service, services performed, and time expended. Invoices shall be paid within thirty (30) days of receipt.

5. **Term.** The term of this Contract shall be from January 9, 2009 to December 31, 2009. . This Contract may be extended upon written agreement of both parties. Performance of the consulting services under this contract may be terminated for any cause deemed sufficient by either the City or Mr. Madsen, in whole or in part, at any time, by either party giving the other written notice of such termination, specifying the extent and effective date thereof, but not sooner than fourteen (14) days from date of such notice, providing that the Mr. Madsen shall complete and be compensated for any projects or duties previously assigned and accepted, and shall be compensated for all expenses incurred or committed to, that cannot be canceled.

6. **Performance Standards.** The services, and all duties incidental or necessary thereto, shall be conducted and performed diligently and competently and in accordance with professional standards of conduct and performance.

7. **Record Keeping.** All records or papers of any sort relating to the City and the project will at all times be the property of the City and shall be surrendered to the City upon request. All information concerning the City and said services, which is not otherwise a matter of public record or required by law to be made public, is confidential, and Mr. Madsen will not, in whole or in part, now or at any time, disclose that information without the express written consent of the City Attorney.

8. **Assignment.** Mr. Madsen shall not assign this contract or any interest herein, nor any money due or to become due hereunder without first obtaining the written consent of the City, nor shall Mr. Madsen subcontract any part of the consulting services to be performed hereunder, without first obtaining the consent of the City.

9. **Modification.** No change, alteration, modification, or addition to this Contract will be effective unless it is in writing and properly signed by both parties.

10. **Independent Contractor.** The services provided by Mr. Madsen under this Contract are provided as an independent Contractor. Nothing in this Contract shall be considered to create the relationship of employer and employee between the parties. Neither Mr. Madsen nor any employee of Mr. Madsen shall be entitled to any benefits accorded City employees by virtue of the services provided under this Contract. The City will not be responsible for withholding or otherwise deducting federal income tax or social security payments, or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to the Contractor.

Professional Services Contract
 Leonard D. Madsen
 Page 4 of 5

11. Indemnification. The City releases and agrees to indemnify, defend, and hold harmless Mr. Madsen from any and all actions, errors or omissions, claims, damages, or injuries to persons or property, penalties, obligations or liabilities arising out of or related to services performed by Mr. Madsen that are within the course and scope of work performed for the City under this contract. Mr. Madsen releases and agrees to indemnify, defend, and hold harmless the City, its officers, employees, and consultants, from any and all actions, claims damages or injuries arising out of or related to the acts or omissions of Mr. Madsen, up to \$1 million, that are not under control of the City and are not within the scope of this contract.

12. Liability Insurance. Mr. Madsen shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees or subcontractors as follows:

- a) Automobile Liability insurance with limits no less than \$500,000 combined single limit per accident for bodily injury, and property damage \$100,000 each accident, with the City added an additional insured for all driving that is required to perform the services outlined in Section 1. of this agreement. Mr. Madsen shall provide proof of such insurance prior to performing; and
- b) Mr. Madsen will be responsible for paying for Workers' Compensation coverage required by the Industrial Insurance laws of the State of Washington.

13. Dispute Resolution Procedures.

a) **Mediation/Arbitration.** If a dispute arises from or relates to this Contract or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under the American Arbitration Association's Rules before resorting to arbitration. The mediator may be selected by agreement of the parties or through the American Arbitration Association. Following mediation, any unresolved controversy or claim arising from or relating to this Contract or breach thereof shall be settled through arbitration which shall be conducted under the American Arbitration Association's Arbitration Rules. The arbitrator may be selected by agreement of the parties or through the American Arbitration Association. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

b) **Venue, Applicable Law and Personal Jurisdiction.** All questions related to this Contract shall be resolved under the laws of the State of Washington. In the event that either party deems it necessary to institute legal action arising from this Contract, such action shall be instituted in the King County Superior Court. The parties each consent to the personal jurisdiction of such court. Except as otherwise provided by law, it is expressly understood that

Professional Services Contract
 Leonard D. Madsen
 Page 5 of 5

neither party can institute any legal action against the other based on this Contract until the parties have exhausted the mediation procedures required by the previous paragraph.

14. Severability. If any term, provision, covenant, or condition of this Contract is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated as a result of such decision.

15. Waiver. The waiver by either party of any breach of any term, condition, or provision of the Contract shall not be deemed a waiver of such term, condition, or provision or any subsequent breach of the same or any condition or provision of this Contract.

16. Captions. The captions used herein are for convenience only and are not a part of this Contract and do not in any way limit or amplify the terms and provisions hereof.

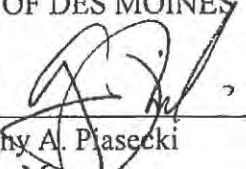
17. Time of Essence. Time is of the essence for each and all of the terms, covenants, and conditions of this Contract.

18. Concurrent Originals. This Contract may be signed in counterpart originals.

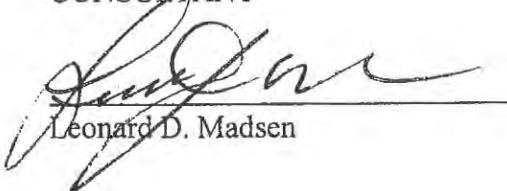
19. Ratification and Confirmation. Any acts consistent with the authority and prior to the effective date of this Contract are hereby ratified and confirmed.

IN WITNESS THEREOF, three (3) identical counterparts of this Contract, each of which shall be deemed an original thereof, have been duly executed by the parties herein named, on the day and year first above written.

CITY OF DES MOINES

By 
 Anthony A. Plasecki
 Its City Manager
 As authorized by the Des Moines City Council
 in open public session on January 8, 2009

CONSULTANT


 Leonard D. Madsen

Dated 1/12/09

Dated 1/12/09

APPROVED AS TO FORM:


 City Attorney

**AMENDMENT #5 TO THE CONTRACT FOR PROFESSIONAL
TRANSPORTATION MANAGEMENT SERVICES**

This is an addendum/amendment to the Contract for Professional Transportation Management Services executed between the CITY OF DES MOINES, hereinafter referred to as the "City" and LEONARD D. MADSEN (Mr. Madsen) on January 12, 2009, as last amended on December 4, 2012. This addendum/amendment will amend the Compensation for the term of the current phase of the Contract.

Paragraph 4 of said Contract is amended to add the following:

4. Compensation.

Compensation for extension of this contract for the period described in paragraph 5 shall not exceed \$66,000 in total, payable at a rate of \$72.00 per hour for direct and indirect costs.

Paragraph 5 of said Contract is amended to read, in pertinent part as follows:

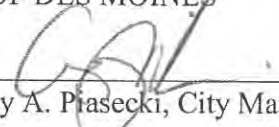
5. Term.

The term of this Contract shall be December 31, 2013.

Except as modified hereby, all terms and conditions of said contract shall remain in full force and effect.

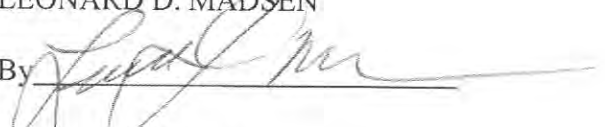
IN WITNESS WHEREOF, four (4) identical counterparts of this Contract Addendum/Amendment, each of which shall be deemed an original, have been executed by the parties this 30th day of July, 2013.

CITY OF DES MOINES

By 
Anthony A. Piasecki, City Manager

Dated 7/30/13

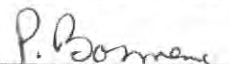
LEONARD D. MADSEN

By 

Dated 7/15/13

By Direction of the Des Moines City Council in Open Public Meeting on July 25, 2013.

APPROVED AS TO FORM:


City Attorney

A G E N D A I T E M

SUBJECT: Interagency Agreement with
Highline Community College for
the Small Business Development
Center

ATTACHMENTS:

1. Interagency Agreement Between Highline
Community College and City of Des Moines
2. SBDC Report: Quarter Three, City of Des
Moines

AGENDA OF: January 9, 2014

DEPT. OF ORIGIN: Economic Development

DATE SUBMITTED: January 2, 2014

CLEARANCES:

☒ Economic Development 
☐ Finance _____
☐ Planning, Building & Public Works _____
☐ Legal _____

**APPROVED BY CITY MANAGER
FOR SUBMITTAL:** 

Purpose:

The purpose of this agenda item is to request City Council approval of an interagency agreement between the State of Washington Highline Community College and the City of Des Moines for continuing support of the College's Small Business Development Center (SBDC). The City contributed \$10,000 each year since the SBDC started in 2004, except in 2010 when the contribution was \$8,000.

Suggested Motion:

"I move to approve the Interagency Agreement with Highline Community College for support of the Small Business Development Center, and authorize the City Manager to sign the agreement, substantially in the form as submitted."

Background:

The City of Des Moines was a founding partner of the Southwest King County Economic Development Initiative (SKCEDI) dedicated to collaboration related to the economic development of Southwest King County and to working together to solve the economic development issues common to its members. The Small Business Development Center (SBDC) is one example of this cooperation and it has been kept solvent and effective since its inception in large part due to each partner's commitment to funding. That funding commitment is an investment in the community and in area-wide economic development.

Discussion:

The Small Business Development Center at Highline continues to do very well, with two knowledgeable advisors that assist Des Moines businesses with questions small and large throughout the year. Attached for reference is the Quarter Three report from the SBDC.

The Interagency Agreement provides for \$10,000 in City funding for 2014. It further provides for automatic renewal unless terminated by either party upon 30 days written notice by either party.

Alternatives:

The Council may decide not to enter into the agreement, or may approve the agreement for 2014.

Financial Impact:

The 2014 contribution of \$10,000 is provided for in the 2014 adopted budget.

Recommendation/Conclusion:

Staff recommends approval of the Interagency Agreement.

Concurrence:

The Legal and Finance Departments reviewed the Interagency Agreement in 2012.

INTERAGENCY AGREEMENT**Between****STATE OF WASHINGTON****HIGHLINE COMMUNITY COLLEGE****and****CITY OF DES MOINES**

THIS AGREEMENT is made and entered into by and between **HIGHLINE COMMUNITY COLLEGE, PO BOX 98000 MS 99-101, DES MOINES, WA 98198**, hereinafter referred to as "**HIGHLINE COMMUNITY COLLEGE**," and the **CITY OF DES MOINES, 21630 11TH AVE S, DES MOINES, WA 98198** hereinafter referred to as the "**CITY OF DES MOINES**".

IT IS THE PURPOSE OF THIS AGREEMENT to provide partnership and support for the community through the efforts of the Small Business Development Center and to provide complimentary business development services and resources to small to medium sized businesses.

THEREFORE, IT IS MUTUALLY AGREED THAT:

STATEMENT OF WORK

To provide partnership and support for the community through the efforts of the Small Business Development Center and to provide complimentary business development services and resources to small to medium sized businesses.

PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this Agreement shall commence on **January 1, 2014**, and be completed on **December 31, 2014**, and will be renewed automatically on an annual basis unless terminated as specified in the termination clause of this agreement by either party.

PAYMENT

Compensation for the work provided in accordance with this agreement has been established under the terms of RCW 39.34.130. The parties have estimated that the cost of accomplishing the work herein will not exceed **\$10,000.00 annually**. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount prior to the commencement of any work which will cause the maximum payment to be exceeded.

BILLING PROCEDURE

Highline Community College shall submit invoices **automatically on an annual basis**. Payment to the **Highline Community College** for approved and completed work will be made by warrant or account transfer by the **City of Des Moines** within 30 days of receipt of the invoice. Upon expiration of the contract, any claim for payment not already made shall be submitted within 30 days after the expiration date or the end of the fiscal year, whichever is earlier.

RECORDS MAINTENANCE

The parties to this contract shall each maintain books, records, documents and other evidence which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records shall be subject to inspection, review or audit by personnel of

both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by **Highline Community College**. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

AGREEMENT ALTERATIONS AND AMENDMENTS

This agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

TERMINATION

Either party may terminate this Agreement upon 30 days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, contract terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

GOVERNANCE

This contract is entered into pursuant to and under the authority granted by the laws of the state of

Washington and any applicable federal laws. The provisions of this agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. applicable state and federal statutes and rules;
- b. statement of work; and
- c. any other provisions of the agreement, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

INDEMNIFICATION

Each party to this agreement will be responsible for the negligent acts or omissions of its own employees, officers, or agents in the performance of this Agreement. Neither party will be considered the agent of the other and neither party assumes any responsibility to the other party for the consequences of any act or omission of any person, firm, or corporation not a party to this Agreement.

WAIVER

A failure by either party to exercise its rights under this agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Agreement are declared to be severable.

ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

CONTRACT MANAGEMENT

The program manager for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

Highline Community College:

Communications contact person shall be the Director of Community Education and Training Services, Judy Perry, Highline Community College, PO Box 98000 MS 99-101, Des Moines, WA 98198.

Billing contact person shall be Crystal Kitterman, Highline Community College, PO Box 98000 MS 99-101, Des Moines, WA 98198.

City of Des Moines:

Communications and billing contact person shall be Tony Piasecki, City Manager, 21630 11th Ave S, Des Moines, WA 98198

IN WITNESS WHEREOF, the parties have executed this Agreement.

State of Washington

Highline Community College

...

City of Des Moines

By: *L. E. / a*

By: _____

Title: *VP of Admin*

Title: _____

Date: *12/3/2013*

Date: _____

The Small Business Development Center For Southwest King County At Highline Community College

Third Quarter 2013 Operations Report

Compiled By: Rich Shockley and Asbury Lockett, Advisors
Report Date: October 7, 2013

The SBDC served 85 clients this quarter. Clients reported to us that they assembled \$359,500 in new capital through both debt and equity infusions. In addition, 24 new jobs were created.

Clients Served, Third Quarter 2013

Funder	Active Clients
Soundside Alliance	
Burien	9
Des Moines	8
Normandy Park	2
SeaTac	5
Tukwila	5
Soundside Alliance Subtotal	29
Federal Way	32
Highline Community College	3
The Washington SBDC	<u>21</u>
Grand Total, Clients, Second Quarter	85

The Port of Seattle is a founding member of Soundside Alliance and, through Soundside Alliance, is also a founding funder of the SBDC.

Clients are people who have met with an SBDC advisor, or received research services from our center directly related to the clients' businesses. There is a gradual turnover of clients from quarter to quarter.

Client Demographics, Third Quarter 2013

The demographics of our clients reflect the geographic area we serve and continue to be among the most diverse of all SBDCs in the state.

<u>Race</u>		
African-American	13	15%
Asian	7	8%
Hispanic	1	1%
Female	37	44%
Veteran / Reserve	10	12%
High Impact Potential*	28	33%

* *High Impact Potential* indicates a client who is working with the SBDC on a plan that could result in significant dollar and/or jobs impacts.

Total Hours of Service to Clients, Third Quarter 2013

This quarter, the SBDC provided 408 hours of service to 85 clients in a combination of one-to-one service, prep time and group sessions.

Summary of Economic Impacts Created By SBDC Clients Third Quarter 2013

3Q 2013 Impact		New	Saved	Business	Loans	New	Other
	Soundside Alliance	Jobs	Jobs	Starts	Closed	Equity	Impacts**
	Burien	16		1	\$219,000	\$93,000	
	Des Moines	1					
	Normandy Pk					\$20,000	
	SeaTac	1		2		\$7,500	
	Tukwila	1					
Federal Way						\$10,000	
WSBDC		5			\$10,000		
Impacts 3Q13		24		3	\$229,000	\$130,500	

*** Other Impacts =landlord-provided tenant improvements*

Soundside Alliance Economic Impacts, Current Year

SA					Equity	New
Impacts	New	Saved	Business	Loans	Investments	Other
	Jobs	Jobs	Starts	Closed	Made	Impacts
1Q13	3			\$25,000		
2Q13	2			\$100,000	\$2,000	
3Q13	19		3	\$219,000	\$120,500	

Federal Way Economic Impacts, Current Year

Federal Way				New	New	New
Impacts	New	Saved	Business	Loans	Equity	Other
	Jobs	Jobs	Starts	Closed	Closed	Impacts
1Q13	9		2	\$125,000	\$155,000	
2Q13	3		1		\$30,000	
3Q13				\$10,000		

Client Achievements, Third Quarter 2013

Burien restaurateur who originally came to the SBDC over three years ago when first starting up operations is now being assisted in efforts to buy a nearby building in a better location than its current leased space. Assisting client in determining all costs that would be incurred in this relocation and assisting in its attempts to find suitable financing for the building purchase and improvements.

A **Des Moines** startup providing technical support for small to medium sized companies sought the help of the SBDC to develop a marketing plan to reach out to its potential clients. Worked with the client to create targeted contact lists of prospective companies in the area. Assisted client in developing a marketing strategy, then reviewed and extensively updated their marketing collateral to improve its effectiveness.

A **Normandy Park** resident is an artist who creates designs for fabric, sewing and applique. The art and design has a Scandinavian flare. The SBDC has been working with the client to market and sell the designs. Recently, the client been notified that she is receiving a book deal with C&T Publishing out of San Francisco. The book will contain patterns and designs solely from the artist. The client has also secured a licensing arrangement with an international company to promote some of her work exclusively through them.

A **SeaTac** resident is a partner in a construction business that has experienced good growth over the past few years. The company is a design build firm who has their own in-house architects. Given the company's growth, their processes and controls have not been able to give them the reporting capabilities to manage and control the business. Working with the SBDC and a referral CPA firm, the clients will be implementing a new financial controls process that will reduce the time required for invoicing, tracking and job costing. The same date will then be used to set and measure key performance indicators. The company believes that with these new controls they can grow their revenue by 3-4 times over the next year.

The SBDC assisted a **Tukwila** couple to establish a driving school catering to Spanish-speaking clientele. The wife had extensive experience in operating driving schools. Connected them with a commercial realtor who was able to find them a suitable initial leased location. Arranged for another SBDC advisor who specializes in leases to meet with the couple to help them to decipher each section of the lease they were entering into. After just two months in operation, the school is quickly becoming the "go-to" driving school among the Spanish speaking community.

The SBDC has been working with a **Federal Way** client to market and grow their business. The company designs products for the high end audio industry. Their product is manufactured in China then imported for sale within the United States. Their initial product which launched last year has seen slow growth. Originally selling exclusively online they saw limited sales. After better understanding their target client, we have been able to set up a number of local resellers to enhance the online sales. Through working with the SBDC and with a referral to an online marketing company and local web designer, the client's sales have increased 300 % over the past 4-6 months. This increase does not mean they are producing large volumes but they are now optimistic they can reach the sales level to make the company viable. With increased sales they now have sufficient cash flow to design and launch a second product that they hope will hit the market in 2014.

Community Relationships, Third Quarter 2013

Although summer networking events are typically slower, this summer brought a packed calendar of community involvement. Some of the meetings and events attended by the SBDC include;

- Attending the open house event by State Representative Linda Kochmar
- Visit with Seattle EDA regarding the extension of a grant for Soundside Alliance
- Participation in the Ex Im Bank Global Access Forum
- Attendance at King County Small Business Awards banquet
- Attendance to Washington Diversity and Veterans Foundation
- Meeting with Melanie Forthun, SBA Economic Development Specialist for Marketing and Outreach
- Assistance in planning for a Free Tax clinic for low to moderate income business owners [sponsored jointly with Highline Community College, United Way of King County and other host sponsors of the project]
- Various Soundside Alliance planning meetings
- Chamber luncheons
- Presentation to Community Services public forum in Seattle
- Met with Brian MacDonald, newly-appointed Program Manager for the Small Business Administration in Washington D.C.
- Attended Rotary club presentation by the Center of Advanced Manufacturing for Puget Sound (CAMPS) on its Military to Manufacturing (M2M) program which facilitates getting recently discharged military personnel jobs with area manufacturers.

Advisor Skills Training, Third Quarter 2013

Congratulations Asbury! It's not often that a major training and education degree is completed while maintaining full time employment. However, Asbury Lockett completed his Juris Doctorate, a degree he has been working on for the last four years.

Referral-Relationship Building, Second Quarter 2013

Asbury continues to participate in the monthly meetings for the Center of Advanced Manufacturing for Puget Sound (CAMPS). This is a fee-based organization for area manufacturing company leaders.

Rich attended the King County Small Business Awards banquet and the Ex-Im Bank Global Access Forum and continues to serve on the board of Cascadia Velocity Accelerator.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Amendments to Title 18 DMMC.

ATTACHMENTS:

1. Title 18 Part II
2. Koegen Edwards January 3, 2014
Memorandum Re: *Proposed Amendments to Section II of Title 18*
3. Cross Reference Charts DMMC 18.08 - 18.20

FOR AGENDA OF: January 9, 2014

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: January 3, 2014

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is to revise Title 18 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. We ask that the Council consider the amendments to chapters 18.52 – 90, the use charts and the residential zones and then continue the public hearing to January 30, 2014.

Suggested Motion

FIRST MOTION: “I move to continue the Public Hearing on Draft Ordinance No. 13-170 to January 30, 2014.”

Background

The City Attorney seeks to make certain amendments to the City Code, specifically Title 18 DMMC, to bring uniformity to the DMMC, to organize chapter 18 in a manner that is easier to search and to ensure compliance with current state law and case law. The purpose of these amendments 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 Title 18 be reviewed this evening and considered on January 30, 2014 for final passage.

A public hearing is required for enacting an ordinance which amends Title 18 DMMC commonly referred to as the Zoning Code. Resolution No. 1241 setting the public hearing was passed on October 10, 2013.

Discussion

Over the last nine months the staff of the Legal Department, the Planning, Building and Public Works Department, and 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.

Title 18 DMMC is the largest Title in the DMMC and has required considerably more work to update. Given the complexity and length of Title 18, staff has divided the Title into five separate sections. Staff brought Sections 1 and 3 to the Council on November 14, 2013 and Sections IV and V on December 5, 2013. At tonight's meeting, Council will review the *Proposed Amendments to Section II of Title 18*, specifically the Use Charts and the residential zones (DMMC 18.52 -90). After consideration of the use charts and the residential zone amendments we will ask that the Council continue the public hearing to January 30, 2014 for final consideration of Draft Ordinance No. 13-170. At that time, the reorganization of Title 18 will be complete. All five sections will make up the entirety of the newly enacted Title 18, with an effective date of March 1, 2014.

The City Clerk will place working copies on the City of Des Moines website along with the Cross Reference Chart for DMMC 18.08 – 18. These documents will be updated as each Section is completed.

Alternatives

None.

Recommendation or Conclusion

Staff recommends the proposed motion.

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**Title 18
ZONING**

II. ZONES AND SPECIAL CONDITIONS

Chapters:

Chapter 18.52 Permitted Uses

Chapter 18.55 Single-Family Residential Zone

Chapter 18.60 RA-3,600 Residential: Attached Townhouse and Duplex 3,600 Zone

Chapter 18.65 RM-2,400 Residential: Multifamily 2,400 Zone

Chapter 18.70 RM-1,800 Residential: Multifamily 1,800 Zone

Chapter 18.75 RM-900 Residential: Multifamily 900 Zone

Chapter 18.80 RM-900A and RM-900B Residential: Multifamily

Chapter 18.85 R-SE Residential: Suburban Estate Zone

Chapter 18.90 N-C Neighborhood Commercial Zone

Chapter 18.95 I-C Institutional Campus Zone

Chapter 18.105 B-P Business Park Zone

Chapter 18.110 C-C Community Commercial Zone

Chapter 18.115 D-C Downtown Commercial Zone

Chapter 18.125 H-C Highway Commercial Zone

Chapter 18.130 R-SR Residential: Suburban Residential Zone

Chapter 18.135 Pacific Ridge Zone

Chapter 18.140 Classified and Conditional Use Permits

Chapter 18.52 Permitted Uses

Uses within the zones identified in DMMC 18.05.080 shall be permitted, not permitted or allowed by conditional use permit unclassified use permit as is set forth in DMMC 18.52.09A Residential use chart and 18.52.090B Commercial use chart below. Uses are also be subject to the specific provisions of the chapter applicable to that zoning classification.

18.52.010A. Residential use chart.

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	TABLE 18.52.010A RESIDENTIAL ZONE PRIMARY USES										
	SFR	RA-3,600	RM-2,400	RM-1,800	RM-900	RM-900A	RM-900B	R-SE	R-SR > 35,000	R-SR < 35,000	PR-R
Accessory buildings and uses	P/L[1]	P/L[1]	P/L[1]	P/L[1][16]	P/L[1][16]	P	P	P/L[1][27]	P/L[1][27]	P/L[1]	P
Adult family homes	P/L[13]	P/L[13]	P/L[13]	P/L[13]	P/L[13]			P/L[13]	P/L[13]	P/L[13]	P
Agricultural crops								P/L[26]	P/L[26]		
Amusement parks											P/L[44]
Antenna systems (one)	P/L[1]	P/L[1]	P/L[1]	P/L[1]	P/L[1]			P/L[1]	P/L[1]	P/L[1]	
Antenna systems (not accessory)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Apartment hotels					P						
Art galleries	P/L[2]	P/L[2]	P/L[2]	P/L[2]	P/L[2]			P/L[2]	P/L[2]	P/L[2]	
Arts, entertainment, and recreation facilities											P/L[44]
Automobile, parking				P/L[17]							
Bed and breakfast facilities	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP
Boarding homes							P				
Boats, moorage, noncommercial in connection with community or recreational facilities	CUP/L[3]	CUP/L[3]	CUP/L[3]	CUP/L[3]	CUP/L[3]			CUP/L[3]	CUP/L[3]	CUP/L[3]	
Booster stations		UUP	UUP	UUP	UUP					UUP	UUP
Cemeteries (pre-1964)	P	P	P	P	P			P	P	P	
Cemeteries (post-1964)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Churches	P/L[4]	P/L[4]	P/L[4]	P/L[4]	P/L[4]	P/L[4]	P/L[4]	P/L[4]	P/L[4]	P/L[4]	P
Columbariums, crematories, mausoleums with permitted cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Community care facilities											P/L[44]
Continuing care retirement communities							P				P/L[44]
Day care centers and mini day care providers	P/L[5]	P/L[5]	P/L[5]	CUP/L[5]	CUP/L[5]	CUP/L[5]	CUP/L[5]	CUP/L[5]	P/L[5]	P/L[5]	P/L[5]
Day care, child and adult											P/L[38]
Duplex		P/L[14]	P/L[14]	P/L[14]	P						P
Family day care providers	P/L[41]	P/L[41]	P/L[41]	P/L[41]	P/L[41]	P/L[41]	P/L[41]	P/L[41]	P/L[41]	P/L[41]	P/L[41]
Fire stations	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Food services and drinking places											P/[36][44]
Foster care home (24 hour)	P	P	P	P	P	P		P	P	P	P
Fraternal organizations/societies	CUP				P/L[21]			CUP	CUP	CUP	P/L[44]
Fraternal societies, libraries, museums, meeting rooms, and admin. offices							UUP				P/L[44]
Group home facilities	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP
Golf courses, public or private	P/L[6]	P/L[6]	P/L[6]	P/L[6]	P/L[6]			P/L[6]	P/L[6]	P/L[6]	P
Greenhouse	P/L[1]	P/L[1]	P/L[1]	P/L[1]	P/L[1]	P/L[1]	P/L[1]	P/L[1]	P/L[1]	P/L[1]	
Hamsters, nutria and chinchillas for commercial use								P/L[31]	P/L[31]		P/L[31]
Health care and social services											P/L[35][44]
Home occupation	P/L[11]	P/L[11]	P/L[11]	P/L[11]	P/L[11]	P/L[11]		P/L[11]	P/L[11]	P/L[11]	P/L[44]
Horticultural nurseries	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP
Horses or cattle, private use	P/L[12]	P/L[12]	P/L[12]	P/L[12]	P/L[12]			P/L[28]	P/L[28]	P/L[12]	
Hospitals [except mental and alcoholic]					P/L[18]						

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	TABLE 18.52.010A RESIDENTIAL ZONE PRIMARY USES										
	SFR	RA-3,600	RM-2,400	RM-1,800	RM-900	RM-900A	RM-900B	R-SE	R-SR > 35,000	R-SR < 35,000	PR-R
Hospitals (mental and alcoholic)					CUP	CUP	CUP				CUP
Hotels					P/L[19]						
Libraries (public)	P	P	P	P	P	P	P	P	P	P	
Management of companies and enterprises											P/L[44]
Mixed use	UUP	UUP	UUP	UUP	UUP			UUP	UUP	UUP	P
Motels					P/L[20]						
Multiple family dwelling				P	P	P					P
Museums	P/L[2]	P/L[2]	P/L[2]	P/L[2]	P/L[2]			P/L[2]	P/L[2]	P/L[2]	
Nursing homes					P/L[42]		P				P
Nursery schools, day care centers or mini-care facilities and respite care facilities on same site as retirement housing, nursing homes, continuing care retirement communities, boarding homes or churches							P				
Parks (public)	P/L[7]	P/L[7]	P/L[7]	P/L[7]	P/L[7]	P/L[7]	P/L[7]	P/L[7]	P/L[7]	P/L[7]	P/L[44]
Pasture and grazing								P/L[29]	P/L[29]		
Planned unit development	P	P	P	P	P	P		P	P	P	
Professional, scientific, technical services											P/L[44]
Professional offices, medical, dental					P/L[22]		P/L[25]				P/L[44]
Public administration facilities											P/L[44]
Public utility facilities	P/L[8]	P/L[8]	P/L[8]	P/L[8]	P/L[8]	P/L[8]	P/L[8]	P/L[8]	P/L[8]	P/L[8]	P/L[32]
Public works maintenance and storage facility buildings	CUP	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP	CUP
Race tracks, drag strips, motorcycle hills and Go-Kart tracks								CUP	CUP	CUP	CUP
Raising chickens, squab, rabbits	P/L[43]	P/L[43]	P/L[43]	P/L[43]	P/L[43]	P/L[43]	P/L[43]	P/L[30]	P/L[30]	P/L[43]	
Real estate renting and leasing											P/L[34][44]
Recreational facilities - commercial	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Recreational facilities - noncommercial	CUP/L[9]	CUP/L[9]	CUP/L[9]	CUP/L[9]	CUP/L[9]	CUP/L[9]	P/L[9]	CUP/L[9]	CUP/L[9]	CUP/L[9]	P/L[39]
Religious grant writing, civic and professional organizations											P/L[44]
Retail services and trade											P/L[33][44]
Retirement housing							P				P
Sanitariums					P/L[23]						
Sewage treatment plants	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP	UUP
Single family dwellings	P	P	P	P	P	P		P	P	P	
Schools (elementary, middle or high schools), public or private	P/L[10]	P/L[10]	P/L[10]	P/L[10]	P/L[10]	P/L[10]	P/L[10]	P/L[10]	P/L[10]	P/L[10]	
Services, miscellaneous											P/L[37][44]
Telecommunication facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P/L[40]
Townhouse development		P/L[15]	P/L[15]	P/L[15]							
Trailer parks					P/L[24]						
Notes: - Limitations that correspond to the bracketed numbers [] are set forth below. - Uses and developments are also subject to the specific standards for each zone. - Conditional and Unclassified Use Permit requirements may be found in DMMC chapter 18.140. - Uses permitted in PR-C Zone when part of a contiguous PR-C development under single ownership shall be permitted in the PR-R zone.											

The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010A.

1. Accessory Buildings and Uses

This regulation applies to all parts of Table 18.52.010A that have a [1].

Accessory buildings and uses including, but not limited to, the following:

- (a) Accessory living quarters;
- (b) Private garages designed to accommodate not more than four cars;

- (c) Lodgers limited to two;
- (d) Private docks and mooring facilities and a private boathouse or hangar for the sole use of occupants of the premises to accommodate private noncommercial pleasure craft. Boathouses, hangars, docks and moorings shall be accessory to the primary use on the property to which they are contiguous, provided:
 - (i) No part of the boathouse or hangar shall extend more than 16 feet above the mean high water level;
 - (ii) A structure shall not be located closer to a property side line, or property side line extended, than the width of the required side yard on the lot to which such facilities are accessory;
 - (iii) The total area of covered moorages, boathouses, or hangars shall not exceed 1,000 square feet;
 - (iv) Covered structures shall abut upon the natural shoreline;
 - (v) Such structure shall not have a width greater than 50 percent of the width of the lot at the natural shoreline upon which it is located; and
 - (vi) A boat using such moorage shall not be used as a place of residence when so moored.
- (e) Foster family day care home;
- (f) Greenhouses, private and noncommercial, for propagation and culture only and no sales from the premises are permitted;
- (g) One antenna system that exceeds the maximum building height specified for the Residential Zone and which:
 - (i) (Does not exceed 15 feet in height above the building height limitation specified for the zone;
 - (ii) Is set back the greater of the applicable building setback for the zone where located, or the vertical height of the antenna system measured from the center point of the base of the mast horizontally to the nearest property line;
 - (iii) Has a maximum horizontal cross-sectional area for that part of the mast that is above the building height limitation for the zone such that an imaginary four-inch diameter circle would encompass all points of the horizontal cross-section;
 - (iv) Has a maximum allowable three-dimensional space intrusion of 1,200 cubic feet for single ground plane antennas with a single driven element, and 200 cubic feet for beams, quads, and other multi-element antennas; except these limitations on three-dimensional space intrusion are not applicable to single long-wire antennas, single whip antennas, and single coaxial antennas. In this subsection, "three-dimensional space intrusion" means the space within an imaginary rectangular prism that contains all extremities of an antenna;
 - (v) Does not encroach into the front, side, or rear setbacks required for the zone. A guy wire and anchor point for an antenna system is prohibited in the required front yard or within three feet of the side or rear property lines; except if an alley abuts a rear property line, a guy wire and anchor point may extend to the rear property line; and
 - (vi) A variation from the above limitations not to exceed 10 percent may be granted by the Department of Community Development; such variation shall be granted when it will not significantly increase the hazard factor, the aesthetic impact, or the economic consequences of such antenna systems.
- (h) Swimming pools and other recreational facilities for the sole use of occupants of premises and their guests.

2. Art Galleries and Museums

This regulation applies to all parts of [Table 18.52.010A](#) that have a [2].

Art galleries and museums may be permitted when located in a public park.

3. Boat Moorages for Pleasure Craft

This regulation applies to all parts of [Table 18.52.010A](#) that have a [3].

Boat moorages for pleasure craft shall be permitted only in connection with community and noncommercial recreational facilities, whether the moorage is publicly or privately owned, subject to the issuance of a conditional use permit provided the following minimum conditions are conformed to:

- (a) No boat sales, service, repair, boat charter, or rental are permitted on the premises;
- (b) The deck of a pier shall be no more than five feet above high water level;
- (c) On-shore toilet facilities shall be provided;
- (d) Boats using such moorage facilities shall not be used as a place of residence;
- (e) No overhead wiring shall be permitted on piers or floats except within covered moorage structures;
- (f) All covered structures over water shall abut upon the shore and be at least 40 feet apart when placed side by side; when covered structures are placed end to end or side to end, one of the structures shall abut upon the shore and the structures shall be at least 15 feet apart;
- (g) No covered structures over water shall be permitted to extend out from shore a distance greater than 50 percent of the maximum permitted distance from shore of a pier on subject premises, but in no case a distance of more than 300 feet from shore, unless the outer line of the property is less than 200 feet from shore, a covered structure may be permitted to extend to the outer property line;
- (h) No pier, including finger piers, shall occupy more than 10 percent of the water area of a lot upon which the same is built, nor shall the total area of covered structures over water occupy more than 20 percent of the water area of such lot;

- (i) All covered structures over water under one ownership shall be built in a uniform manner and design and no point in the roof of such structure shall be higher than 16 feet above high water in fresh water and no floating moorage located in fresh or tidal water shall have a structure higher than 16 feet from the water line;
- (j) The roofs of covered moorage shall contain no more than 7,200 square feet of area in any one unit and such roofs shall not be supported directly by extended piling; and
- (k) Side walls on covered structures shall not exceed 50 percent of the area of any three sides and shall be of rigid or semirigid material and shall cover from external view all roof bracing.

4. Churches

This regulation applies to all parts of Table 18.52.010A that have a [4].

Churches shall be permitted provided the following conditions are conformed to:

- (a) All buildings and structures on the site shall not cover more than 40 percent of the area of the site;
- (b) The depth of the required front yard shall be the same as that required for the zone in which the site is located as identified on the zoning map;
- (c) Buildings and structures on the site shall not be closer than 30 feet to any property line that is a common property line with residential property, except that a detached one-family dwelling on such site need conform only to the yard requirements and required distance between buildings as prescribed by the zone in which the site is located;
- (d) The height limits of the zone in which the site is located shall apply, except that the height shall be measured to the mean height of the roof.
- (e) On interior lots the required side yards may be used to provide off-street parking areas and on corner lots the interior side yard may be similarly used. Under no circumstances may the required front yard or the side yard on the side street be used for off-street parking;
- (f) Where areas devoted to off-street parking are contiguous to residentially zoned property, then on the property line common with such residentially zoned property there shall be erected and maintained a solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height, and such walls or fences may be built progressively as the parking facilities are installed;
- (g) All lights provided to illuminate a parking area or building on such site shall be so arranged as to direct the light away from adjoining premises;
- (h) Church sites shall abut and be accessible from at least one public street having two moving traffic lanes and a dedicated width that will permit not less than a 36-foot roadway;
- (i) Signs are allowed as provided in chapter 18.200 DMMC; and
- (j) For purposes of determining conformance to the foregoing conditions and the parking requirements, a plot plan showing ultimate location and use of all buildings, location of signs, location and amount of off-street parking areas, location and adequacy of ingress to and egress from parking areas, landscaping and sketches to scale showing the building elevations and floor space to be devoted to seating or assembly purposes shall be filed with and approved by the building department prior to the issuance of any building permit and thereafter the issuance of building permits shall be governed by and conform to the approved plot plan. If, later, a modified plot plan is submitted, the modified plan shall conform to the conditions and requirements of this title or any amendments in effect at the time the modified plan is submitted.

5. Day Care Centers or Mini Day Care Programs

This regulation applies to all parts of Table 18.52.010A that have a [5].

Nursery schools, day care centers, or mini-day care programs shall be permitted when located on the same site with public or private schools or churches.

6. Golf Courses, Public or Private

This regulation applies to all parts of Table 18.52.010A that have a [6].

Golf courses, private or public, including clubhouse, accessory driving range, pitch and putt courses shall be permitted, except the following minimum conditions are required:

- (a) A building or structure shall maintain a distance of not less than 50 feet from an exterior boundary line that is a common property line with residential property and from a street boundary line;
- (b) A service area, a side of which constitutes a common property line with residential property, shall be screened from such property line by the erection and maintenance on such common property line of a solid wall or view-obscuring fence or hedge not less than five or more than six feet in height;
- (c) No required yard or open space on the premises shall be used to provide parking spaces for cars or vehicles; and
- (d) Where property devoted to these purposes is bounded by a street, and then on a street property line no entrance-exit facilities for automobiles shall be located closer than 100 feet to a street intersection.

7. Parks, Public

This regulation applies to all parts of Table 18.52.010A that have a [7].

Parks, publicly owned and operated shall be permitted, except the following minimum conditions are required:

- (a) No bleachers or stadiums are permitted if the site is less than 10 acres, and no public amusement devices for hire are permitted;

- (b) Lights provided to illuminate a building or recreational area shall be so arranged as to reflect the light away from a lot upon which a dwelling unit is located; and
- (c) A building or structure or service yard on the site shall maintain a distance not less than 50 feet from a property line that is a common property line with residential property and from a public street.

8. Public Utility Facilities

This regulation applies to all parts of [Table 18.52.010A](#) that have a [8].

Public Utility Facilities shall be permitted, except the following minimum conditions shall apply:

- (a) Public utility distribution permitted by chapter [18.125 DMMC](#) (Public utilities – Distribution) is not affected by this section;
- (b) Public utility facilities necessary for the transmission and distribution of services for the area when the facilities are located underground below the natural grade of the site, except that surface-mounted transformers, telephone terminals, and metering devices less than five feet in height required in connection with underground services are permitted above ground;
- (c) Public utilities facilities, such as but not limited to telephone exchanges, sewage or water pumping stations, electrical distribution substations, water storage reservoirs or tanks necessary for distribution, but not including business offices, warehousing, storage buildings or yards, service yards, sewage treatment plants or bulk gas storage or the like, are permitted above ground, subject to the following minimum standards:
 - (i) Any equipment or structure except architectural screens and fences shall observe a distance of one foot for each one foot the equipment or structure rises above the grade but in no case less than 20 feet from a property line that is a common property line with a street, alley, or with residential property;
 - (ii) When security fences are used, they shall be supplemented with a Type II landscaping strip so as to minimize the industrial character of such fences;
 - (iii) Public utility facilities shall be landscaped as required in DMMC [18.5.320](#) (Public or institutional uses);
 - (iv) When the facility includes bulky structures such as water towers or standpipes, the landscaping shall include either existing or planted trees of such size as will partially screen and effectively break up the massive appearance of such structures;
 - (v) Landscaping shall be planted according to industry standards and chapter [18.195 DMMC](#), Article II (General Landscaping Requirements). The landscaping will be maintained in good condition at all times. Landscaping shall be planted as a yard improvement at or before the time of completion of the first structure or within a reasonable time thereafter considering weather and planting conditions; and
 - (vi) Site plans, elevation and landscape plans shall be submitted and approved by the Building Department prior to the issuance of a building permit. The Building Department may require the posting of a surety bond guaranteeing to the City the installation and improvement of the site in accordance with the approved screening and landscape plans in an amount estimated to be equal to the cost of such screening and landscaping.

9. Recreational Facilities

This regulation applies to all parts of [Table 18.52.010A](#) that have a [9].

Recreational facilities, community and noncommercial, including clubhouse facilities, subject to the issuance of a conditional use permit, except the following minimum conditions are required:

- (a) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained on any exterior boundary line that is a common property line with residential property, except that on a portion of the common property line constituting the depth of the required front yard on the adjoining residential property such wall, fence, or hedge shall be not less than 36 inches nor more than 42 inches in height. Wherever a six-foot wall, fence, or hedge is permitted, open wire mesh screens may be erected to heights greater than six feet where needed for protective purposes;
- (b) A building or structure on the site shall maintain a distance not less than 25 feet from any abutting residential property;
- (c) Lights provided to illuminate a building or recreational area shall be so arranged as to reflect the light away from a lot upon which a dwelling unit is located; and
- (d) The site shall be located upon, or have adequate access to, a public thoroughfare.

10. Schools

This regulation applies to all parts of [Table 18.52.010A](#) that have a [10].

Schools, elementary, junior high, middle, and high, and community colleges, public and private; provided, the following minimum conditions are required:

- (a) No less than the following minimum site areas shall be provided for public schools:
 - (i) For elementary schools, five acres;
 - (ii) For junior high or middle schools, 10 acres;
 - (iii) For senior high schools, 15 acres;
 - (iv) For community colleges, 20 acres;
- (b) For private elementary, junior high or middle, and senior high schools, the minimum site area shall be three acres. These private schools shall be approved by the State Board of Education;
- (c) Buildings or structures on the site shall maintain all yards required in the zone in which the site is located as identified on the zoning map;

- (d) Buildings and structures shall maintain a distance not less than 30 feet from a property line that is a common property line with residential property;
- (e) Buildings, including accessory buildings and structures, shall not cover more than 40 percent of the area of the site;
- (f) Renovation, rehabilitation, or construction of schools, both public and private, shall be processed as a Type II land use action;

11. Home Occupation

This regulation applies to all parts of Table 18.52.010A that have a [11].

Home occupations shall be permitted, except the following minimum conditions are required:

- (a) Occupation shall be conducted entirely within the dwelling and not in an accessory building, except for a bona fide garage;
- (b) Such use does not involve construction features not customary or incidental in a dwelling;
- (c) The entrance to the area used for the home occupation shall be only from an entrance customary to a residential use and not exceeding four feet in width at its opening;
- (d) There shall be no signs related to the home occupation or other exterior evidence of the occupation being conducted within the dwelling, including functional evidence;
- (e) Such home occupation is approved by the City Manager, the criteria for such approval to be whether such home occupation will adversely affect the residential qualities of the location in which it will operate. Without limitation, factors for such decision may be size of building, parking, potential noise, potential nuisance, potential traffic, and the like;
- (f) The decision of the City Manager may be appealed to the Hearing Examiner by filing a written notice of appeal with the City Clerk within 14 days of the mailing of the notification of denial. The appeal is heard as provided in DMMC 18.20 and 18.240;
- (g) Should a business license be granted and should the nature of the business thereafter acquire features that may have resulted in a denial of a business license in the first instance, the City Manager shall have authority to revoke the business license and the provisions codified in DMMC 5.04.020 (License or license registration required – Transfer prohibited), 5.04.030 (Licenses – Fees – Appeal), 5.04.060 (License or license registration revocation – Appeal), 5.04.070 (Renewal – Appeal), and 5.04.090 (Reasons for enactment of chapter) shall become effective;
- (h) Motor vehicle repair operations are prohibited;

12. Keeping of Horses or Cattle for Private Use

This regulation applies to all parts of Table 18.52.010A that have a [12].

The keeping of horses or cattle for private use only shall be permitted in any Residential Zone, except the following minimum conditions are required:

- (a) The minimum area of land shall not be less than one acre, in which area the animal shall be restrained or controlled in such a manner that the animal cannot freely leave the premises;
- (b) Not more than one horse or one cow for each one-half acre of the total site area is permitted;
- (c) To restrain an animal from causing damage to adjacent property, the owner of that property where animals are to be kept shall be responsible to erect and maintain an animal-control fence no closer than five feet from the adjacent property line;
- (d) Stables, corrals, exercise yards, or rings shall not be located closer than 35 feet to any boundary property line or closer than 45 feet to a building containing a dwelling unit or accessory living quarters on the same premises; and there shall be no open-air storage of hay, straw, shavings, or similar organic materials closer than 35 feet to any boundary property line or closer than 45 feet to any dwelling unit or accessory living quarters on the same premises; and
- (e) A person keeping horses or cattle in a Residential Zone under the provisions of this section is required to file a declaration of ownership form with the City Clerk. The declaration of ownership form shall be specified by the City Clerk and is filed without fee. The declaration of ownership form shall provide the name and address of the legal owner of the property, the legal description of the property, the name and address of the owner of the horse or cow if the horse or cattle owner is not the legal owner of the property.

13. Adult Family Homes

This regulation applies to all parts of Table 18.52.010A that have a [13].

Adult family homes, subject to the following conditions:

- (a) The adult family home is licensed as an adult family home by the Department of Social and Health Services of the State of Washington or successor agency; and
- (b) The adult family home shall meet City licensing, zoning, building, housing, and fire regulations.

14. Duplex

This regulation applies to all parts of Table 18.52.010A that have a [14].

A duplex shall be permitted in the RA-3,600 zone if only a single-family dwelling existed on a lot on August 3, 1964, any additional dwelling unit shall be attached to and made a part of the building containing the existing dwelling unit.

15. Townhouse Development

This regulation applies to all parts of Table 18.52.010A that have a [15].

Townhouse developments shall be permitted in the RA-3,600 zone with no more than one townhouse dwelling per lot.

16. Accessory Uses, Buildings, and Structures

This regulation applies to all parts of Table 18.52.010A that have a [16].

Where more than one dwelling unit is located on the premises private garages shall be limited to accommodating not more than two cars for each dwelling unit and a boathouse or hangar shall be limited to accommodating not more than one private noncommercial pleasure craft for each dwelling unit on the premises.

17. Open Air Public Parking Areas

This regulation applies to all parts of Table 18.52.010A that have a [17].

Open air public parking areas for the parking of automobiles without monetary charge except when operated by, or for, a public parking authority, when the property upon which it is located in an RM-1,800 zone abuts upon a lot zoned for commercial purposes whether or not an alley intervenes; provided:

- (a) Access to such parking lot shall be only from the commercial or business park zoned property it is intended to serve, or from an alley if there is one;
- (b) In either such case there shall be installed along the entire length of all street property lines of the lot used for such public parking purposes a continuous fence, hedge, or wall five feet in height located no closer to the street property line than 10 feet and the area between the fence and the street lot line shall be landscaped and maintained with grass, hardy evergreen shrubs, or ground cover;
- (c) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained on any exterior boundary line which is a common property line with residential property when such residential property is used for residential purposes; and
- (d) The parking area shall be developed as required, and no such area shall be used for an automobile, trailer, or boat sales area or for the accessory storage of such vehicles.

18. Hospitals

This regulation applies to all parts of Table 18.52.010A that have a [18].

Hospitals shall be permitted; provided:

- (a) All buildings and structures shall maintain a distance of not less than 45 feet from the property front line and not less than 20 feet from any residential property; and
- (b) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be established and maintained on any exterior boundary line which is a common property line with residential property, when such residential property is used for residential purposes; provided, that on any portion of such common property line constituting the depth of the required front yard on the residential property such fence, wall, or hedge shall not be less than 36 inches nor more than 42 inches in height.

19. Hotels

This regulation applies to all parts of Table 18.52.010A that have a [19].

Hotels shall be permitted; provided:

- (a) Restaurants, cocktail lounges, and specialty shops are permitted accessory uses; provided¹, the floor area devoted to such uses shall not exceed 20 percent of the total floor area and entry to such uses shall be from within the main building;
- (b) All buildings and structures shall maintain a distance of not less than 20 feet from any lot in a residential zone; and
- (c) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained on any exterior boundary line which is a common property line with residential property when such residential property is used only for residential purposes, except that on any portion of such common property line constituting the depth of the required front yard on the residential property such fence, wall, or hedge shall not be less than 36 inches nor more than 42 inches in height.

20. Motels

This regulation applies to all parts of Table 18.52.010A that have a [20].

Motels shall be permitted; provided:

- (a) Restaurants, cocktail lounges, and specialty shops are permitted accessory uses; provided¹, the floor area devoted to such uses shall not exceed 20 percent of the total floor area and entry to such uses shall be from within the main building;
- (b) All buildings and structures shall maintain a distance of not less than 20 feet from any lot in a residential zone;
- (c) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be established and maintained on any exterior boundary line which is a common property line with residential property when such residential property is used only for residential purposes, except that on any portion of such common property line constituting the depth of the required front yard on the residential property such fence, wall, or hedge shall not be less than 36 inches nor more than 42 inches in height.

21. Fraternal Organizations and Societies

This regulation applies to all parts of Table 18.52.010A that have a [21].

Private clubs and fraternal societies, except those the chief activity of which is a service customarily carried on as a business; provided:

- (a) All buildings and structures shall maintain a distance not less than 20 feet from any lot in a residential zone; and

- (b) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained on any exterior boundary line which is a common property line with residential property when such residential property is used for residential purposes, except that on that portion of such common property line constituting the depth of the required front yard on the residential property such wall, fence, or hedge shall be not less than 36 inches nor more than 42 inches in height.

22. Professional Offices, Medical and Dental

This regulation applies to all parts of Table 18.52.010A that have a [22].

Professional offices and medical-dental buildings and clinics shall be permitted; provided:

- (a) All buildings and structures shall maintain a distance not less than 20 feet from any lot in a residential zone; and
- (b) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained on an exterior boundary line which is a common property line with residential property when such residential property is used for residential purposes, except that on that portion of such common property line constituting the depth of the required front yard on the residential property such wall, fence, or hedge shall be not less than 36 inches nor more than 42 inch in height.

23. Sanitariums

This regulation applies to all parts of Table 18.52.010A that have a [23].

Sanitariums shall be permitted; provided:

- (a) All buildings and structures shall maintain a distance not less than 20 feet from any lot in a residential zone; and
- (b) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained across the full width of the site and such wall, fence, or hedge shall be located on, or to the rear of, the rear line of the required front yard; on corner lots and reverse corner lots such a wall, fence, or hedge shall also be installed and maintained along the side street side of the site, and shall observe the required yard on such side street side;

24. Trailer Parks

This regulation applies to all parts of Table 18.52.010A that have a [24].

Trailer parks shall be permitted; provided:

- (a) The minimum site area for a trailer park shall be not less than three acres;
- (b) There shall be at least 2,000 square feet of site area per trailer space;
- (c) The property used for a trailer park shall have no access except from a major or secondary street;
- (d) Any driveways providing entrance to or exit from the trailer park shall not be closer than 50 feet to a street intersection measured from the street line established by an official control for either of the streets at the intersection;
- (e) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be established and maintained across the full width of the site and such wall, fence, or hedge shall be located on, or to the rear of, the rear line of the required front yard; on corner lots and reverse corner lots such a wall, fence, or hedge shall also be installed and maintained along the side street side of the site, and shall observe the required yard on such side street side;
- (f) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be established and maintained on any exterior boundary line which is a common property line with residential property, except that on any portion of such common property line constituting the depth of the required front yard on the residential property no such fence, wall, or hedge shall be required;
- (g) If there are any openings in the required wall, fence, or hedge for driveway purposes, such openings shall not be wider than 30 feet;
- (h) No residence shall be permitted on the trailer park site except a residence for the owner or manager of such trailer park;
- (i) The trailer park must meet all requirements of the King County health department covering the establishment of mobile home parks; and
- (j) A surety bond guaranteeing to the city the installation of walls, fences, or hedges required in this title is posted prior to the issuance of any permits to construct the park.

25. Professional Offices in the RM-900B Zone

This regulation applies to all parts of Table 18.52.010A that have a [25].

Professional offices and medical-dental buildings and clinics shall be permitted in the RM-900B zone if accessory to retirement housing, nursing homes, continuing care retirement communities, or boarding homes.

26. Agricultural Crops

This regulation applies to all parts of Table 18.52.010A that have a [26].

Agricultural crops shall be permitted, provided no retail sales of products are permitted on the premises.

27. Private Stables

This regulation applies to all parts of Table 18.52.010A that have a [27].

Private stables shall be permitted as an accessory building or structure, provided such buildings or structures shall not be located closer than 35 feet to any boundary property line or closer than 45 feet to any building containing a dwelling unit or accessory living quarters on the same premises; and provided further, that there shall be no open-air storage of hay, straw, shavings, or similar organic materials closer than 35 feet to any boundary property line or closer than 45 feet to any dwelling unit or accessory living quarters on the same premises;

28. Horses, Private Use

This regulation applies to all parts of Table 18.52.010A that have a [28].

Horses for use of the occupants of the premises only; provided, not more than one horse for each one-half acre of the total site area shall be permitted.

29. Pasture and Grazing

This regulation applies to all parts of Table 18.52.010A that have a [29].

Pasture and grazing, but not including feed, lots shall be permitted; provided, where such pasture or grazing area abuts upon any property line which is a common property line with residential property, there shall be erected and maintained on such common property line a fence not less than five feet nor more than six feet in height.

30. Raising of Chickens, Squab, and Rabbits

This regulation applies to all parts of Table 18.52.010A that have a [30].

Raising of chickens, squab, and rabbits for use of the occupants of the premises only; provided:

- (a) No more than 30 of any one or combination of such fowl or animals may be kept on the premises;
- (b) Any birds kept on the premises shall be confined within an aviary; and
- (c) Any buildings, pens, aviary, or structure used to house or contain such fowl and animals shall not be located closer than 35 feet to any boundary property line of the premises, or closer than 45 feet to any building containing a dwelling unit or accessory living quarters on the same premises.

31. Raising of Hamsters, Nutria, and Chinchilla

This regulation applies to all parts of Table 18.52.010A that have a [31].

Raising of hamsters, nutria, and chinchilla for commercial purposes shall be permitted; provided:

- (a) Not more than 100 hamsters, or 100 chinchillas, or 100 of such animals in combination, may be kept on the premises; and
- (b) Any building, pens, cages, or structures used to contain or house such animals shall not be located closer than 35 feet to any boundary property line of the premises, or closer than 45 feet to any building containing a dwelling unit or accessory living quarters on the same premises.

32. Public Utility Facilities Distribution of Services

This regulation applies to all parts of Table 18.52.010A that have a [32].

Public utility facilities and appurtenances shall be permitted when necessary for the distribution of utility services to final customers within the immediate area.

33. Retail Trade

This regulation applies to all parts of Table 18.52.010A that have a [33].

Retail trade (44-45) shall be limited to the following:

- (a) Food and beverage stores (445);
- (b) Health and personal care stores (446);

34. Real Estate and Rental Leasing

This regulation applies to all parts of Table 18.52.010A that have a [34].

Real estate and rental and leasing (53) shall be limited to the following:

- (a) Lessors of residential buildings and dwellings (531110);
- (b) Offices of real estate agents and brokers (531210);
- (c) Real estate property managers (53131);
- (d) Offices of real estate appraisers (531320);
- (e) Other activities related to real estate (531390);

35. Health Care and Social Assistance

This regulation applies to all parts of Table 18.52.010A that have a [35].

Health care and social assistance (62) shall not include temporary shelters (624221).

36. Food Services and Drinking Places

This regulation applies to all parts of Table 18.52.010A that have a [36].

Food services and drinking places (722) shall be permitted, further limited to the following:

- (a) Full-service restaurants (722511);
- (b) Limited-service restaurants (722513);
- (c) Cafeterias, grill buffets and buffets (722514); and
- (d) Snack and nonalcoholic beverage bars (722515);

37. Services

This regulation applies to all parts of Table 18.52.010A that have a [37].

Other services (81) shall be permitted, further limited to the following:

- (a) Footwear and leather goods repair (811430);
- (b) Personal care services (81211 – 812199);
- (c) Dry-cleaning and laundry services (except coin operated) (812320);
- (d) One-hour photofinishing (812922);
- (e) Religious organizations (813110);
- (f) Civic and social organizations (813410);
- (g) Business associations (813910);
- (h) Professional organizations (813920);
- (i) Labor unions and similar labor organizations (813930);
- (j) Political organizations (813940);

38. Child and Adult Day Care

This regulation applies to all parts of Table 18.52.010A that have a [38].

Child and adult day care as regulated and licensed by the Washington State Department of Social and Health Services, or its successor agency, shall be permitted when accessory to a use otherwise permitted.

39. Recreational Facilities for Residents

This regulation applies to all parts of Table 18.52.010A that have a [39].

Recreation facilities for use by residents of the property shall be permitted when accessory to a use otherwise permitted.

40. Telecommunication Facilities

This regulation applies to all parts of Table 18.52.010A that have a [40].

Telecommunication facilities, as allowed by Title 20 DMMC, shall be permitted when accessory to use otherwise permitted.

41. Family Day Care Providers

This regulation applies to all parts of Table 18.52.010A that have a [41].

A family day care provider home facility is a permitted use in all zones, subject to the following conditions:

- (a) The family day care provider is currently licensed by the state of Washington Department of Social and Health Services and adheres to all licensing standards;
- (b) The family day care provider is currently licensed under chapter 5.04 DMMC;
- (c) Family day care services are provided in a residential dwelling exclusively in the family living quarters;
- (d) The structure in which family day care services are provided complies with all building, fire, safety, and health codes;
- (e) Signs identifying the residence as a family day care provider are prohibited;
- (f) The Washington State Department of Social and Health Services certifies that there are adequate child drop-off and pick-up areas;
- (g) Hours of operation are limited to 6:00 a.m. to 9:00 p.m.; and
- (h) Prior to state licensing, the family day care provider provides written notification to the immediately adjoining property owners of the provider of the intent to locate and maintain the facility in order to provide the Washington State Department of Social and Health Services an opportunity to provide a forum to resolve any dispute.

42. Rest Homes, Nursing Homes, and Convalescent Homes

This regulation applies to all parts of Table 18.52.010A that have a [42].

All such uses in the RM-900 zone shall conform to the conditions set forth in the zone in which they are first permitted except that for dwellings, rest homes, nursing homes, and convalescent homes, the yards, open spaces and lot coverage permitted by RM-900 shall apply, and day nurseries shall conform to the conditions set forth in the RM-2,400 zone pertaining to such use, except that they need not be in a dwelling unit.

43. Keeping of Animals in Residential Zones

This regulation applies to all parts of [Table 18.52.010A](#) that have a [43].

The keeping of animals in residential zones shall be consistent with DMMC chapter 18.150.

44. Mixed Use in PR-R Zone

This regulation applies to all parts of [Table 18.52.010A](#) that have a [44].

Use shall be permitted in the PR-R zone when part of a mix of residential and nonresidential uses compatible with residential uses, subject to the limitations provided in DMMC 18.135.060, Environmental performance standards.

18.52.010B. Commercial use chart.

TABLE 18.52-010B COMMERCIAL ZONE PRIMARY USES							
Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C
Accessory buildings and uses (as described in the applicable zone)	P	P	P	P	P	P	P
Admin, support services	P/L[3]		P	P/L[16]	P/L[22]		P
Adult family homes				P	P		P
Adult entertainment facilities							P/L[46][53]
Adult theaters						P/L[35]	P/L[46][53]
Amusement and recreational services				P/L[16]	P/L[22]		
Amusement parks	CUP	CUP	CUP	CUP		CUP	CUP
Animal or veterinary services			P	P	P	P	P
Antenna system (one)	P/L[6]						
Animal grooming	P/L[3]		P	P	P		P
Antenna systems (not accessory)	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Apparel and accessories stores	P/L[1]		P	P	P	P	P
Arrangement of passenger transportation	P/L[3]			P	P		P
Art galleries	P			P	P		P
Art, glassware manufacturing			P	P	P		
Art, ornamental ware				P	P		
Arts, entertainment, and recreation facilities				P/L[16]	P/L[22]		P
Auction houses or stores				P	P	P/L[41]	P
Automobile, body, paint, interior and/or glass repair				P/L[18]	P/L[25]		P/L[48]
Automobile, detail shop				P/L[18]	P/L[25]		P/L[48]
Automobile, maintenance and repair				P/L[18]	P/L[25]	P	P/L[48]
Automobile, parking	P/L[5]		P	P/L[16] [20]	P/L[22]	P	P
Automobile, sales						P	P/L[43]
Automobile, service stations				P/L[18]	P/L[25]	P/L[36]	P/L[48]
Automobile, trailer sales						P	P
Automotive equipment, rental and leasing				P	P	P	P
Bakeries, manufacturing and retail sales	P/L[1]		P			P	
Ballparks	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Banks				P	P		P
Barber, beauty and hairstyling shops	P/L[3]			P	P		P
Bed and breakfast facilities				P	P		P
Boats, building and repairing (less than 48 feet)						P	P
Boats, repair/ sale						P	P
Boat moorage	P/L[3]					P/L[42]	
Botanical and zoological gardens				P	P		P
Bookbinding			P			P	
Booster stations	UUP	UUP	UUP	UUP		UUP	UUP

**TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES**

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C
Boxing and wrestling arenas	CUP	CUP	CUP	CUP		CUP	CUP
Building materials and garden equipment supply	P/L _[1]		P	P	P	P/L _[28]	P
Business offices	P/L _[3]		P	P/L _[16]	P/L _[22]		P
Car washes				P/L _[18]	P/L _[25]	P	
Carpentry and cabinet shops	P/L _[1] [2]		P	P	P	P	P
Casino hotels and motels				P	P		P
Cemeteries	CUP	CUP	CUP	CUP		CUP	CUP
Ceramics, manufacture						P/L _[29]	
Columbariums, crematories, mausoleums with permitted cemeteries	CUP	CUP	CUP	CUP		CUP	CUP
Commercial and industrial machinery and equipment, rental and leasing			P			P	P
Community care facilities				P	P		P
Community gardens				P	P		
Community housing services				P/L _[56]	P/L _[56]		
Confectionery, manufacture			P			P	
Contractors, general	P/L _[3]		P/L _[14]			P	P
Convention facilities			P	P	P	P	
Correctional institutions			P				
Couriers and messengers	P/L _[3]		P				P
Data processing, business and record storage	P/L _[3]		P	P	P	P	P
Day care centers and mini day care providers	CUP	CUP	CUP	CUP	CUP		CUP
Death care services	P/L _[3]		P	P	P	P/L _[42]	P
Distribution Centers, home deliveries			P			P	
Drive-in or drive-through facilities	P			P/L _[18]	P/L _[25]		P
Dry cleaning and laundering services	P/L _[3]		P	P	P	P	P
Educational services		P	P/L _[7]	P	P/L _[27]	P/L _[37]	P
Electric power generation, biomass			P/L _[12]				
Electrical appliances and supplies, retail sales, wholesale trade and repairs						P	
Equipment rental and leasing			P	P/L _[16]	P/L _[22]	P	P
Fairgrounds and rodeos	CUP	CUP	CUP	CUP		CUP	CUP
Family day care providers					P/L _[55]		P/L _[55]
Financial and insurance services			P	P	P		P
Fish hatcheries and preserves					P		
Fix-it shops			P	P	P	P	P
Food, frozen or cold storage lockers			P	P	P	P	
Food stores	P/L _[1]		P	P	P		P
Footwear and leather goods repair	P		P	P	P	P	P
Foreign trade			P/L _[13]				
Fraternal organizations/societies		P	P/L _[7]	P	P		P
Fuel dealers, other							P
Furniture, home furnishings and equipment, sales	P/L _[1] [2]		P	P	P	P	P
Furniture, repair	P/L _[2] [3]		P	P	P	P	P
Gambling, amusement, and recreation industries			P/L _[7]	P/L _[16]	P/L _[22]		P
Garages, public						P/L _[30]	
General merchandise stores	P/L _[1]		P/L _[9]	P/L _[15]	P/L _[21]		P
Glass, edging, beveling, silvering			P			P/L _[31]	
Glass, stained glass studios	P					P	
Golf courses, with accessory driving ranges, club houses and pitch &				P	P	CUP	P

TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C
putt							
Golf driving ranges	CUP	CUP	CUP	CUP		CUP	CUP
Hardware Store	P/L ^[1]		P	P		P	P
Health care and social services			P/L ^[56]	P/L ^[56]	P		P/L ^[56]
Heating oil dealers							P
Horticultural and landscaping, services			P	P	P		
Horticultural nurseries	UUP	UUP	UUP	UUP		P	UUP
Hospitals [except mental and alcoholic]				P	P	P	P
Hospitals [mental and alcoholic]	CUP	CUP	CUP	CUP		CUP	CUP
Hotels				P	P	P/L ^[40]	P/L ^[47]
Information establishments						P	P
Internet, service providers			P				P
Job printing, newspapers, lithography, and publishing						P	
Kennels, commercial			P	P	P		P
Labor camps (transient)	CUP	CUP	CUP	CUP		CUP	CUP
Laboratories			P	P	P	CUP	P
Laboratories (incl. medical, dental, or photographic)			P/L	P	P	P	P
Laundry, industrial			P				P
Legal services	P/L ^[3]		P	P	P	P	P
Libraries (public)	P			P	P		P
Light Manufacturing, Fabrication, and Assembly			P/L ^[8]				
Limousine/Taxi service							P
Machine shop			P			P/L ^[32]	
Management of companies and enterprises	P/L ^[3]		P	P	P		P
Manufactured home sales							P
Marijuana Producer/Processor, Recreational			P/L ^[54]	P/L		P/L ^[54]	
Marijuana Retailer, Recreational				P/L ^[54]		P/L ^[54]	
Marinas					P/L ^[24]		
Mixed use	UUP	UUP	UUP	UUP	P/L ^[26]	UUP	P/L ^[50]
Motels				P	P	P/L ^[40]	P/L ^[47]
Motion picture services	P/L ^[3]			P	P		P
Museums	P		P/L ^[7]	P	P		P
Nursing homes (PR-R-Nursing care facility; IC-Nursing and Residential Care Facility)				P	P		P
Offices, business and professional						P	
Open air theaters	CUP	CUP	CUP	CUP		CUP	CUP
Parcel service delivery	P/L ^[3]		P			P	P/L ^[51]
Parole or probation offices			P	P	P		P
Pawnshop			P	P	P	P	P
Personal and business services	P/L ^[3]		P/L ^[7]	P/L ^[16]	P/L ^[22]		P
Pet boarding			P	P	P		P
Pet shop	P/L ^[1]			P	P	P/L ^[33]	P
Photocopying and duplicating services	P/L ^[1] ^[3]		P	P	P		P
Photo finishing	P/L ^[1]		P	P	P	P	P
Planned unit development	P						
Postal service	P		P	P	P		P
Professional, scientific, technical services	P/L ^[3]		P	P	P		P
Professional offices, medical, dental	P/L ^[3]		P	P	P		P
Public administration facilities	P		P	P/L ^[17]	P/L ^[25]		P/L ^[49]

**TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES**

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C
Public facilities	P		P/L _[10]	P	P/L _[25]		P
Public utility facilities	P/L _[4]		P/L _[10]	P/L _[17]	P	P/L _[34]	P/L _[52]
Publishing, telecommunications, internet service providers, data processing services	P/L _[3]		P	P	P	P	P
Race tracks, drag strips, motorcycles hills and Go-Kart tracks	CUP	CUP	CUP	CUP		CUP	CUP
Real estate renting and leasing	P/L _[3]		P	P	P	P	P
Recreational facilities – commercial	CUP	CUP	CUP	CUP	CUP	P	CUP
Recreational vehicles, sales and storage						P	P
Religious grant writing, civic and professional organizations	P/L _[3]	P	P/L _[7]	P	P	P	P
Repair services	P/L _{[2][3]}		P/L _[7]	P/L _{[16][18]}	P/L _{[22][25]}		P
Repossession services	P/L _[3]		P	P	P		
Restaurants	P		P/L _[9]	P	P	P	P
Retail services and trade	P/L _[1]		P/L _[7]	P/L _{[15][19]}	P/L _[21]	P	P/L _[43]
Retirement housing		P		P	P		P
Reupholster	P		P	P/L _[19]	P	P	P
Saws and filing shops			P			P	
Sewage treatment plants	UUP	UUP	UUP	UUP		UUP	UUP
Signs, manufacturing						P	
Self-storage/ mini-warehouse leasing			P				P/L _[44]
Services to buildings and dwellings	P/L _[3]		P	P	P		P
Services, miscellaneous	P/L _[3]		P/L _[7]	P/L _{[16][18]}	P/L _[22]		P/L _{[45][48]}
Spectator sports	CUP		CUP	P	P		P
Stadiums	CUP	CUP	CUP	CUP		CUP	CUP
Supermarkets	P/L _[1]		P	P	P		P
Taverns and cocktail lounges	P/L _[1]		P	P	P	P/L _[38]	P
Telecommunication facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Telephone exchanges						P	
Tire sales and service	P/L _[3]						P
Theaters				P	P	P/L _[35]	P
Towing operations						UUP	
Transportation and wholesale trade			P/L _[11]				
Water transportation					CUP		
Welding repair	P/L _{[2][3][57]}		P	P/L _{[16][57]}	P/L _[57]	P	P
Wholesale business			P			P	
Wholesale trade and distribution of groceries				CUP			

Notes:

- Limitations that correspond to the bracketed numbers [] are set forth below.
- Uses and developments are also subject to the specific standards for each zone.
- Conditional and Unclassified Use Permit requirements may be found in DMMC chapter 18.140.

Neighborhood Commercial Zone

Every use locating in the N-C zone is subject to the standards of DMMC 18.90. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

45. On-Premises Retail Enterprise Dispensing Food or Commodities

This regulation applies to all parts of Table 18.52.010B that have a [1].

Not including automobiles, boats, trailers, and heavy-duty equipment and which may involve only incidental and limited fabrication or assembly of commodities.

46. Repair, Incidental

This regulation applies to all parts of Table 18.52.010B that have a [2].

Any repairing done on the premises shall be incidental only and limited to custom repairing of the types of merchandise sold on the premises at retail; the floor area devoted to such repairing shall not exceed 20 percent of the total floor area occupied by the particular enterprise of which it is a part, except that the limitations of this paragraph shall not apply to shoe, radio, television, or other small household appliance repair service.

47. Business Offices, Professional Services or Personal Services to the Individual

This regulation applies to all parts of Table 18.52.010B that have a [3].

Business offices and any type of use rendering professional services or personal services to the individual shall be permitted; provided:

- (i) The service does not involve keeping the person receiving the service overnight on the premises;
- (j) The service does not include selling alcoholic beverages for on-premises consumption unless accessory to restaurant;
- (k) The service does not involve in whole or in part the providing of recreation, recreational facilities, or entertainment other than moorage for private pleasure craft; and
- (l) The professional service does not include kennels or small animal hospitals or clinics.

48. Public Utility Installation

This regulation applies to all parts of Table 18.52.010B that have a [4].

Public utility installation shall be permitted in the N-C zone when relating directly to local distribution of services including switching and transmission stations, but not including warehouses, service yards, or the like unless otherwise permitted by this title.

49. Public Off-Street Parking Facilities (publicly or privately owned and operated)

This regulation applies to all parts of Table 18.52.010B that have a [5].

Any area so used shall not be used for a vehicle, trailer, or boat sales area or for the accessory storage of such vehicles.

50. One Antenna System (which exceeds the maximum building height specified for the commercial zone)

This regulation applies to all parts of Table 18.52.010B that have a [6].

- (a) Does not exceed 15 feet in height above the building height limitation for the applicable zone;
- (b) Is set back at least the vertical height of the antenna system measured from the center point of the base of the mast horizontally to the nearest property line;
- (c) Has a maximum horizontal cross-sectional area for that part of the mast which is above building height limitation for the zone such that an imaginary four-inch diameter circle would encompass all points of the horizontal cross-section;
- (d) Has a maximum allowable three-dimensional space intrusion of 1,200 cubic feet for single ground plane antennas with a single driven element, and 200 cubic feet for beams, quads, and other multi-element antennas; provided, that these limitations on three-dimensional space intrusion shall not be applicable to single long-wire antennas, single whip antennas, and single coaxial antennas. In this paragraph, "three-dimensional space intrusion" means the space within an imaginary rectangular prism which contains all extremities of an antenna;
- (e) Does not encroach into any required setback for the zone; a guy wire and anchor point for an antenna system is prohibited in any required setback or within three feet of the side or rear property lines; provided, if any alley abuts a rear property line, a guy wire and anchor point may extend to the rear property line;
- (f) Provided, that a variation from the above limitations not to exceed 10 percent may be granted by city administrative officials; such variation shall be granted when it will not significantly increase the hazard factor, the aesthetic impact, or the economic consequences of such antenna system; and
- (g) Further provided, that all antenna systems exceeding the above limitations and legally in place on November 5, 1978, the effective date of the ordinance codified in this subsection (8), shall have one year within which to satisfy the requirements for and receive a conditional use permit which authorizes the continued placement of such antenna system.

Institutional Campus Zone

Every use locating in the I-C zone is subject to the standards of DMMC 18.95.

Business Park Zone

Every use locating in the B-P zone is subject to the standards of DMMC 18.105. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

51. Services

This regulation applies to all parts of Table 18.52.010B that have a [7].

Services in the B-P zone are limited to the following:

- (a) Administrative support services (561);
- (b) Professional, scientific, and technical services (54);
- (c) Management of companies and enterprises (55);

- (d) Health care services (621); provided, that this use is prohibited north of South 200th Street;
- (e) Repair services (8112, 8113 and 8114);
- (f) Personal services (812);
- (g) Recreation services (711310, 712110, 712120, 712190, 713940, and 713990); provided, that these uses are prohibited north of South 200th Street;
- (h) Real estate institutions and rental services (53);
- (i) Publishing, telecommunications, Internet service providers, and data processing services (51);
- (j) Educational services (6114, 6115, 6116 and 6117); and
- (k) Religious, business and professional associations (813); provided, that these uses are prohibited north of South 216th Street.

52. Light Manufacturing, Fabrication, and Assembly

This regulation applies to all parts of Table 18.52.010B that have a [8].

Light manufacturing, fabrication, and assembly of the following and closely related products is limited to the following:

- (a) Food products (3114, 3117, 3118, 3119, and 3121);
- (b) Apparel manufacturing (315);
- (c) Wood products manufacturing (3219);
- (d) Furniture and related products manufacturing (337);
- (e) Pharmaceutical and medicine manufacturing (3254);
- (f) Computer and electronic product manufacturing (334);
- (g) Electrical equipment and components manufacturing (335);
- (h) Fabricated metal products manufacturing (3321, 3322, 3323, 3325, 3326, and 3327);
- (i) Medical equipment and supplies manufacturing (3391);
- (j) Printing and related support activities (323);
- (k) Stone, clay, glass, ceramics, pottery, china manufacturing (3271 and 3272); and
- (l) Toys, jewelry, and other miscellaneous manufacturing (3399).

53. Retail Trade

This regulation applies to all parts of Table 18.52.010B that have a [9].

Retail trade in the B-P zone is limited to the following:

- (a) Restaurants (722);
- (b) Building material and garden equipment and supplies dealers (444);
- (c) General merchandise stores (452 and 445); provided, that these uses are prohibited north of South 200th Street;
- (d) Furniture and home furnishing stores (442); and
- (e) Electronic and appliance stores (443).

54. Public Facilities

This regulation applies to all parts of Table 18.52.010B that have a [10].

Public Facilities in the B-P zone are limited to the following:

- (a) Public parks (no NAICS code);
- (b) Public administration (92); and
- (c) Public utilities (221121, 221122, and 221210).

55. Transportation and Wholesale Trade

This regulation applies to all parts of Table 18.52.010B that have a [11].

Transportation and wholesale trade is limited to the following:

- (a) Wholesale trade (42); provided, that 4235 is prohibited;
- (a) Motor freight transportation (484);
- (b) Support activities for freight transportation (4884, 4885, and 4889); and
- (c) Courier and postal services (492 and 493).

56. Electric Power Generation, Biomass

This regulation applies to all parts of Table 18.52.010B that have a [12].

Electric Power Generation, Biomass (221119), is prohibited south of South 216th Street and north of South 208th Street.

57. Foreign Trade

This regulation applies to all parts of Table 18.52.010B that have a [13].

Operation of foreign trade zones is limited to the permitted uses allowed in the B-P zone.

58. Contractors

This regulation applies to all parts of Table 18.52.010B that have a [14].

Contractors in the B-P zone shall be limited to building and special trade.

Community Commercial Zone

Every use locating in the C-C zone is subject to the standards of DMMC 18.110. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

59. Retail Trade (with ancillary wholesale trade)

This regulation applies to all parts of Table 18.52.010B that have a [15].

Retail trade, with ancillary wholesale trade in the C-C zone is limited to the following:

- (a) Building materials, hardware, and garden supply, except mobile home dealers (52);
- (b) General merchandise stores (53);
- (c) Food stores (54);
- (d) Gasoline service stations, and other alternative motor vehicle fuels (5541);
- (e) Apparel and accessory stores (56);
- (f) Home furniture, furnishings, and equipment stores (57);
- (g) Eating and drinking places (58); and
- (h) Miscellaneous retail (59), except fuel dealers (598).

60. Services

This regulation applies to all parts of Table 18.52.010B that have a [16].

Services in the C-C zone are limited to the following:

- (b) Hotels and motels (701);
- (c) Personal and business services, with ancillary wholesale trade (72-73), except the following:
 - (i) Industrial launderers (7218);
 - (ii) Billboard advertising (7312);
 - (iii) Heavy construction equipment rental and leasing (7353);
 - (iv) Industrial truck rental and leasing (7359); and
 - (v) Oil extraction equipment rental and leasing (7359).
- (d) Automobile parking (7521) limited to properties that are municipally owned or operated or controlled by a city-sanctioned business neighborhood association and provided that facilities for parking are constructed and maintained to meet minimum required parking improvements specified in chapter 18.210 DMMC within three years of the commencement of such use.
- (e) General automotive repair shops (7538);
- (f) Car washes (7542);
- (g) Miscellaneous repair services (76), except the following:
 - (i) Tank and boiler cleaning service (7699); and
 - (ii) Tank truck cleaning service (7699).
- (h) Motion picture services (78);
- (i) Amusement and recreation services (79), except the following:
 - (i) Adult entertainment facilities and adult motion picture theaters (no SIC); and
 - (ii) Racing, including track operation (7948).
- (j) Health services (80);
- (k) Legal services (81);
- (l) Educational services (82);

- (m) Social services (83);
- (n) Museums, art galleries, and botanical and zoological gardens (84);
- (o) Membership organizations (86);
- (p) Engineering, accounting, research, management, and related services (87); and
- (q) Services, not elsewhere classified (89).

61. Public Administration Facilities

This regulation applies to all parts of Table 18.52.010B that have a [17].

Public administration facilities (91-97) are permitted in the C-C zone with the exception of correctional institutions (9223).

62. Automobile Repair, Carwashes, Automobile Service Stations, and Uses with Drive-Through Facilities

This regulation applies to all parts of Table 18.52.010B that have a [18].

Automobile repair, carwashes, automobile service stations, uses with drive-through facilities, and similar uses shall conform to the following limitations and standards in the C-C zone:

- (a) Automobile repair and the installation of automobile parts and accessories shall be primarily contained within an enclosed structure;
- (b) Unless specifically authorized by the community development director, vehicular access shall be limited to one driveway per street frontage;
- (c) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines;
- (d) A six-foot high, 100 percent sight-obscuring fence shall be provided along property lines that abut residentially zoned properties, unless waived by the residential property owner prior to building permit issuance; and
- (e) Vehicle storage shall be limited to those vehicles contracted for repair or service.

63. On Site Retail

This regulation applies to all parts of Table 18.52.010B that have a [19].

All products which are manufactured, processed, or treated on the premises must also be sold at retail to the general public on-site.

64. Public Automobile Parking

This regulation applies to all parts of Table 18.52.010B that have a [20].

Public automobile parking (7521) shall not be permitted in the C-C zone.

Downtown Commercial Zone

Every use locating in the D-C zone is subject to the standards of DMMC 18.115. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B

65. Retail Trade (with ancillary wholesale trade)

This regulation applies to all parts of Table 18.52.010B that have a [21].

Retail trade, with ancillary wholesale trade in the D-C zone is limited to the following:

- (i) Building materials, hardware, and garden supply, except mobile home dealers (52);
- (j) General merchandise stores (53);
- (k) Food stores (54);
- (l) Gasoline service stations, and other alternative motor vehicle fuels (5541);
- (m) Apparel and accessory stores (56);
- (n) Home furniture, furnishings, and equipment stores (57);
- (o) Eating and drinking places (58); and
- (p) Miscellaneous retail (59), except fuel dealers (598).

66. Services

This regulation applies to all parts of Table 18.52.010B that have a [22].

Services in the D-C zone are limited to the following:

- (r) Hotels and motels (701);
- (s) Personal and business services, with ancillary wholesale trade (72-73), except the following:
 - (i) Industrial launderers (7218);
 - (ii) Billboard advertising (7312);
 - (iii) Heavy construction equipment rental and leasing (7353);

- (iv) Industrial truck rental and leasing (7359); and
- (v) Oil extraction equipment rental and leasing (7359).
- (t) Automobile parking (7521) limited to properties that are municipally owned or operated or controlled by a city-sanctioned business neighborhood association and provided that facilities for parking are constructed and maintained to meet minimum required parking improvements specified in chapter 18.210 DMMC within three years of the commencement of such use.
- (u) General automotive repair shops (7538);
- (v) Car washes (7542);
- (w) Miscellaneous repair services (76), except the following:
 - (i) Tank and boiler cleaning service (7699); and
 - (ii) Tank truck cleaning service (7699).
- (x) Motion picture services (78);
- (y) Amusement and recreation services (79), except the following:
 - (i) Adult entertainment facilities and adult motion picture theaters (no SIC); and
 - (ii) Racing, including track operation (7948).
- (z) Health services (80);
- (aa) Legal services (81);
- (bb) Educational services (82);
- (cc) Social services (83);
- (dd) Museums, art galleries, and botanical and zoological gardens (84);
- (ee) Membership organizations (86);
- (ff) Engineering, accounting, research, management, and related services (87); and
- (gg) Services, not elsewhere classified (89).

67. Public Administration Facilities

This regulation applies to all parts of Table 18.52.010B that have a [23].

Public administration facilities (91-97) are permitted in the D-C zone with the exception of correctional institutions (9223).

68. Boat Storage

This regulation applies to all parts of Table 18.52.010B that have a [24].

Boat storage and repair shall be permitted only as an accessory use on property principally permitted for marina use and shall conform to the following additional limitations and standards:

- (a) The size and location of all boat storage facilities shall be consistent with the council-adopted marina master plan;
- (b) All out-of-water boat repair shall be within a fully secured and fenced area not accessible by the general public;
- (c) All boat repair work shall have containment areas and employ disposal methods for pollutants and toxic substances consistent with Puget Sound Clean Air Agency and NPDES standards;
- (d) Only those boats and similar vessels that will be immediately and actively under repair shall be moved to or placed within a designated boat repair facility.

69. Automobile Repair, Carwashes, Automobile Service Stations, and Uses with Drive-Through Facilities

This regulation applies to all parts of Table 18.52.010B that have a [25].

Automobile repair, carwashes, automobile service stations, uses with drive-through facilities, and similar uses shall conform to the following limitations and standards in the D-C zone:

- (a) Automobile repair and the installation of automobile parts and accessories shall be wholly performed within an enclosed structure approved by the building official for such occupancy;
- (b) Each automotive and service repair facility shall be limited to a maximum of one service bay for each 7,500 square feet of land area per business site;
- (c) Service bays shall be fully utilized to store and park vehicles contracted for repair or service;
- (d) The number of vehicles stored or parked outside for repair or service shall not be greater than the minimum number of required parking stalls serving the auto repair facility pursuant to chapter 18.210 DMMC;
- (e) No outside parking or storage of employee vehicles, customer vehicles, or vehicles contracted for service shall occur in any area that is not designated and approved by the city as an on-site parking stall;
- (f) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines; and
- (g) A six-foot-high, 100 percent sight-obscuring fence shall be provided along property lines that abut residentially zoned properties, unless waived by the residential property owner prior to building permit issuance.

70. Mixed Use

This regulation applies to all parts of Table 18.52.010B that have a [26]

Mixed use development in the D-C zone shall conform to the following limitations and standards:

- (a) Mixed use structures shall contain area for retail trade or personal and business services, at street level as follows:
 - (i) Pedestrian access from the public sidewalk to the retail trade or personal and business services shall be provided;
 - (ii) A minimum of 60 percent of the street level floor area shall be occupied by retail trade or personal and business services;
 - (iii) A minimum of 75 percent of the street level building frontage adjacent to public right(s)-of-way shall contain floor area for retail trade or personal and business services uses; and
 - (iv) Building space allocated for retail trade or personal and business service uses at the street level shall have a minimum gross interior depth dimension of 55 feet measured perpendicular to the property line abutting the public street(s) serving the site.
- (b) The city manager or designee is authorized to consider and approve up to a 20 percent reduction of the bulk requirements specified in subsection (9)(a) of this section when a development proposal incorporates on-site parking substantially at street floor level for retail trade or personal and business service uses and the city manager or designee determines that the proposed reduction(s) does not compromise, interrupt, or interfere with the desired functionality of the building or the continuity of city pedestrian-oriented design goals in the general area and pedestrian access to the site from the public sidewalk or right-of-way.
- (c) Mixed use developments shall comply with all the requirements of chapter 18.155 DMMC, except for private recreational requirements established by DMMC 18.155.050(2).
- (d) A detached structure that contains residential uses and does not meet the requirements for mixed use structures is prohibited.

71. Educational Services, Colleges and Professional Schools

This regulation applies to all parts of Table 18.52.010B that have a [27]

Educational services (82) are permitted in the D-C zone; however, colleges, universities, junior colleges, and professional schools (822) require an Unclassified Use Permit (UUP). See DMMC 18.140.

Highway Commercial Zone

Every use locating in the H-C zone is subject to the standards of DMMC 18.125. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B

72. Building Materials Stores and Yards, Retail Only

This regulation applies to all parts of Table 18.52.010B that have a [28].

Building materials stores and yards (retail only) are permitted in the H-C zone provided that any required wall on a property line common with residential property shall be not less than eight feet in height.

73. Ceramic Products

This regulation applies to all parts of Table 18.52.010B that have a [29].

The manufacture of ceramic products, including figurines (but not including bricks, drain, building, or conduit tile), shall be permitted in the H-C zone using only previously pulverized clay and batch kilns as distinguished from shuttle, tunnel, or beehive kilns, and such batch kilns shall not exceed a total capacity of 130 cubic feet.

74. Garages, Public

This regulation applies to all parts of Table 18.52.010B that have a [30].

Public garages, including repair, when entirely in an enclosed building.

75. Glass Edging, Beveling, and Silvering

This regulation applies to all parts of Table 18.52.010B that have a [31].

Glass edging, beveling, and silvering shall be permitted in the H-C zone in connection with the sales of mirrors and glass-decorated furniture.

76. Machine Shop

This regulation applies to all parts of Table 18.52.010B that have a [32].

No automatic screw machines or punch press over five tons.

77. Pet Shops

This regulation applies to all parts of Table 18.52.010B that have a [33].

Pet shops shall be permitted in the H-C zone if entirely within a building.

78. Public Utility Installations

This regulation applies to all parts of Table 18.52.010B that have a [34].

Public utility installations shall be permitted in the H-C zone if relating directly to the distribution of services.

79. Adult Motion Picture Theaters

This regulation applies to all parts of Table 18.52.010B that have a [35].

Adult motion picture theaters are prohibited within 500 feet of the property lines of churches, schools, preschool through high school, public facilities, adult entertainment facilities, or other adult motion picture theaters.

80. Automobile Service Stations

This regulation applies to all parts of Table 18.52.010B that have a [36].

Buildings, structures, and the leading edge of pump islands shall not be closer than 20 feet to any street property line, except that service station canopies and marquees may project 10 feet into the required setback.

81. Educational Services

This regulation applies to all parts of Table 18.52.010B that have a [37].

Education services in the H-C zone are limited to business or commercial schools.

82. Cocktail Lounges

This regulation applies to all parts of Table 18.52.010B that have a [38].

Cocktail lounges shall be permitted in the H-C zone when located within a restaurant.

83. Death Care Services

This regulation applies to all parts of Table 18.52.010B that have a [39].

Death care services in the H-C zone shall be limited to mortuaries.

84. Hotels/Motels

This regulation applies to all parts of Table 18.52.010B that have a [40].

Hotels and motels in the H-C zone shall not include apartment hotels.

85. Auction House

This regulation applies to all parts of Table 18.52.010B that have a [41].

Auction houses or stores in the H-C zone shall not include vehicles or livestock.

86. Boat Moorage

This regulation applies to all parts of Table 18.52.010B that have a [42].

Boat Moorage in the H-C zone shall be permitted for private pleasure craft.

Pacific Highway Commercial Zone

Every use locating in the PR-C zone is subject to the standards of chapter 18.135 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

87. Retail Trade, Use Car Dealers

This regulation applies to all parts of Table 18.52.010B that have a [43].

Retail trade (44-45) is permitted in the PR-C zone, but no more than two exclusive used car dealers (441120) shall be allowed.

88. Real Estate Rental and Leasing

This regulation applies to all parts of Table 18.52.010B that have a [44].

Mini-warehouses and self storage units (53113) may not front on SR 99.

89. Administrative and Support Services

This regulation applies to all parts of Table 18.52.010B that have a [45].

Limited to NAICS codes 561110 (administrative) and 561210 (support services).

90. Arts, Entertainment, and Recreation

This regulation applies to all parts of Table 18.52.010B that have a [46].

Adult entertainment facilities and adult motion picture theaters are prohibited north of South 216th Streets and within 500 feet of the property lines of churches, common schools, day care centers, public facilities, or other adult entertainment facilities or adult motion picture theaters.

91. Accommodation and Food Services

This regulation applies to all parts of Table 18.52.010B that have a [47].

Accommodation and food services (72) in the PR-C zone is limited to the following:

- (a) Hotels (except casino hotels) and motels (72111), except that these must contain a minimum of 75 guest rooms;

(b) Casino hotels (721120); and

(c) Food services (722310 – 7223515); however, mobile food services (722330) are also regulated by chapter 5.57 DMMC.

92. Automobile Repair, Automobile Service Stations, and Similar Uses

This regulation applies to all parts of Table 18.52.010B that have a [48].

General automotive repair (811111), automotive exhaust system repair (811112), automotive transmission repair (811113), automotive body, paint, and interior repair and maintenance (811121), automotive glass replacement shops (811122), automotive oil change and lubrication shops (811191), and similar uses shall be allowed in the PR-C Zone; provided, that all of the following requirements shall be met:

- (a) Repair and the installation of automobile parts and accessories shall be primarily contained within an enclosed structure;
- (b) Any business owner proposing to use a building or structure that the proposed use is located or proposed to be located within shall demonstrate to the City of Des Moines, South King Fire and Rescue, and Puget Sound Clean Air Agency that quantities, storage, and transport of hazardous materials are properly managed, work areas provide adequate containment to avoid pollution runoff, and facilities are equipped with proper pretreatment devices to avoid discharge of pollutants to the air or public drainage systems;
- (c) Unless specifically authorized by the City Manager or the City Manager's designee, views into automobile service bays from Pacific Highway shall be diminished by building orientation, screening, or other means;
- (d) Vehicular access shall be consistent with the City's street development and construction standards;
- (e) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines;
- (f) A six-foot-high, 100 percent sight-obscuring fence shall be provided along property lines that abut residential properties as designated by the Des Moines Comprehensive Plan; and
- (g) Vehicle storage shall be limited to those vehicles contracted for repair or service.

93. Public Administration

This regulation applies to all parts of Table 18.52.010B that have a [49].

Public administration (92) uses shall be permitted in the PR-C zone, except correctional institutions (92214).

94. Mixed Use

This regulation applies to all parts of Table 18.52.010B that have a [50].

Mixed use shall be permitted in the PR-C zone, except:

- (a) In that part of PR-C fronting on SR 99 and/or South 216th Street, dwellings may be located on the ground floor; provided, that they are accessed from the rear of the property; and provided, that the commercial uses in that portion of the building must front and be accessed from SR 99 or South 216th Street;
- (b) When a project fronting SR 99 or South 216th Street contains more than one building, those buildings not fronting on SR 99 or South 216th Street may be single purpose multifamily residential buildings; and
- (c) No residential use is permitted north of South 216th Street;

95. Parcel Service Delivery

This regulation applies to all parts of Table 18.52.010B that have a [51].

Parcel service delivery in the PR-C zone shall be limited to the postal service (491110).

96. Public Utility Facilities

This regulation applies to all parts of Table 18.52.010B that have a [52].

Public utility facilities and appurtenances shall be permitted in the PR-C zone when necessary for the distribution of utility services to final customers within the immediate area.

All Zones

97. Adult Entertainment Facilities

This regulation applies to all parts of Table 18.52.010B that have a [53].

Adult entertainment facilities are subject to the additional standards of chapter 18.16 DMMC and chapter 5.48 DMMC.

98. Recreational Marijuana

This regulation applies to all parts of Table 18.52.010B that have a [54].

State licensed marijuana producers, processors, and retailers may locate in the City of Des Moines pursuant to DMMC 18.XX.

99. Family Day Care Providers

This regulation applies to all parts of Table 18.52.010B that have a [55].

A family day care provider home facility is a permitted use in all zones, subject to the following conditions:

- (a) The family day care provider is currently licensed by the state of Washington Department of Social and Health Services and adheres to all licensing standards;

- (b) The family day care provider is currently licensed under chapter 5.04 DMMC;
- (c) Family day care services are provided in a residential dwelling exclusively in the family living quarters;
- (d) The structure in which family day care services are provided complies with all building, fire, safety, and health codes;
- (e) Signs identifying the residence as a family day care provider are prohibited;
- (f) The Washington State Department of Social and Health Services certifies that there are adequate child drop-off and pick-up areas;
- (g) Hours of operation are limited to 6:00 a.m. to 9:00 p.m.; and
- (h) Prior to state licensing, the family day care provider provides written notification to the immediately adjoining property owners of the provider of the intent to locate and maintain the facility in order to provide the Washington State Department of Social and Health Services an opportunity to provide a forum to resolve any dispute.

100. Social Service Facilities

This regulation applies to all parts of Table 18.52.010B that have a [56].

Social service facilities shall conform to the following limitations and standards:

- (a) Outdoor play/recreation areas for children shall be set back a minimum of five feet from property lines; and
- (b) Unless specifically authorized by the city manager or designee, passenger loading and unloading areas shall be provided on site.

101. Welding Repair

This regulation applies to all parts of Table 18.52.010B that have a [57].

Welding repair in shall only be permitted in an enclosed structure.

Chapter 18.55 Single-Family Residential Zone

Sections:

- 18.55.010 Title.
- 18.55.020 Application.
- 18.55.030 Purpose.
- 18.55.040 Authority.
- 18.55.050 Lot area.
- 18.55.060 Lot area per dwelling unit.
- 18.55.070 Lot width.
- 18.55.080 Front yard.
- 18.55.090 Side yard.
- 18.55.100 Rear yard.
- 18.55.110 Height.
- 18.55.120 Permissible lot coverage.
- 18.55.130 Placement of buildings and structures.
- 18.55.140 Accessory living quarters (ALQ).

18.55.010 Title.

This chapter shall be entitled "Single-Family Residential Zone."

18.55.020 Application.

This chapter shall apply to all areas zoned Single-Family Residential.

18.55.030 Purpose.

The principal objective and purpose to be served by this zone and its application is to create a living environment of the highest standards for single-family dwellings. Other related uses contributing directly to a complete living environment are considered compatible and therefore also permitted. A further related consideration is to make it possible to more efficiently and economically design, install, and maintain all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.

18.55.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.55.050 Lot area.

(1) To accomplish the purpose of this chapter, there are established in the single-family residential zone four minimum required lot area standards with respect to

each of which different related yards and open spaces and are identified on the zoning map by the designations RS-15,000, RS-9,600, RS-8,400, RS-7,200, and RS-4,000:

(a) The minimum required area of a lot in an area designated as RS-15,000 shall be 15,000 square feet;

(b) The minimum required area of a lot in an area designated as RS-9,600 shall be 9,600 square feet.

(c) The minimum required area of a lot in an area designated as RS-8,400 shall be 8,400 square feet.

(d) The minimum required area of a lot in an area designated as RS-7,200 shall be 7,200 square feet.

(e) The minimum required area of a lot in an area designated as RS-4,000 shall be 4,000 square feet.

(2) In a multiple-lot subdivision containing four or more lots, the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area requirement of the zone in which the property is located. In computing the average square foot area of lots in a subdivision not more than 25 percent of the number of lots may contain an area less than the prescribed minimum for the zone, but in no case shall a lot contain less area than as set forth in the following:

(a) In RS-15,000, 13,500 square feet of lot area;

(b) In RS-9,600, 8,640 square feet of lot area;

(c) In RS-8,400, 7,560 square feet of lot area;

(d) In RS-7,200, 6,400 square feet of lot area;

(e) In RS-4,000, 3,600 square feet of lot area; and

(3) Provided further, that for lots containing more than the minimum lot area required for the zone in which the property is located, not more than the following areas of such lots may be credited in determining the average lot area:

(a) In RS-15,000, 16,500 square feet of lot area;

(b) In RS-9,600, 10,560 square feet of lot area;

(c) In RS-8,400, 9,240 square feet of lot area;

(d) In RS-7,200, 7,920 square feet of lot area;

(e) In RS-4,000, 4,400 square feet of lot area.

18.55.060 Lot area per dwelling unit.

(1) In lots approved before August 3, 1964, the lot area per dwelling unit shall be no less than the minimum area of a lot as required for the zone in which the property is located. In lots approved after August 3, 1964, the lot area per dwelling unit for each individual lot shall be the area of the individual lots conforming to the approved subdivision.

(2) In the case of a permitted duplex, the lot area per dwelling unit shall be not less than one-half of the minimum required area of the lot. If a lot has less than 7,200 square feet, and was of record on August 3, 1964, the lot area per dwelling unit for a duplex shall be not less than 3,000 square feet.

18.55.070 Lot width.

Every lot in a single-family residential zone shall maintain a width of not less than the following:

- (1) The minimum width of a lot in an area designated as RS-15,000 – 80 feet;
- (2) The minimum width of a lot in an area designated as RS-9,600 – 75 feet;
- (3) The minimum width of a lot in an area designated as RS-8,400 – 70 feet;
- (4) The minimum width of a lot in an area designated as RS-7,200 – 60 feet;
- (5) The minimum width of a lot in an area designated as RS-4,000 – 40 feet.

18.55.080 Front yard.

Every lot in a single-family residential zone shall have a front yard with a depth of not less than 20 feet.

18.55.090 Side yard.

(1) In a single-family residential zone every lot shall have a side yard on each side of the lot.

(2) For lots 60 feet or more in width, the side yard shall have a width of not less than five feet on one side and 10 feet on the other side.

(3) For lots less than 60 feet in width, all side yards shall have a width of not less than five feet.

18.55.100 Rear yard.

(1) In a single-family residential zone every lot type except through lots shall have a rear yard.

(2) For lots 6,400 square feet or more in area, the rear yard shall have a depth of not less than 20 feet.

(3) For lots less than 6,400 square feet in area, the rear yard shall have a depth of not less than 10 feet.

18.55.110 Height.

In a single-family residential zone no residential building or structure shall exceed a height of 30 feet.

18.55.120 Permissible lot coverage.

(1) In a single-family residential zone all buildings and structures shall not cover more of the lot than the maximum lot coverage requirements provided in this section.

(2) The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools.

(3) For lots 6,400 square feet or more in area, maximum lot coverage shall be 35 percent of lot area.

(4) For lots less than 4,480 square feet in area, maximum lot coverage shall be 50 percent of lot area.

(5) For lots 4,480 to 6,399 square feet in area, maximum lot coverage shall be 2,240 square feet.

18.55.130 Placement of buildings and structures.

Placement of buildings and structures on any lot in a single-family residential zone shall conform to the following:

(1) Interior Lots.

(a) Any building any portion of which contains a dwelling unit or accessory living quarters shall not be located closer to any property line than allowed by the yard requirements of this chapter;

(b) The distance between a building containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a lot accessory buildings not containing accessory living quarters may be built on the lot side lines and the lot rear line; provided, not less than 10 feet of the lot rear line shall be free and clear of buildings; and provided further, if the lot rears upon an alley, a garage with a

vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of the alley.

(2) Corner Lots and Reverse Corner Lots.

(a) Except as specified below, any building containing a dwelling unit or accessory living quarters and any other building on the same lot shall observe a distance from any lot side line of five feet from one side and 10 feet from the side street side and the rear property line specified by this chapter;

(b) The distance between a building containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built on the lot interior side line and the lot rear line; provided, if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance not less than 15 feet from the centerline of such alley;

(d) On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer to the lot rear line than five feet unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than 15 feet from the centerline of the alley;

(e) In all cases the width of the required side yard on the side street side shall be observed.

18.55.140 Accessory living quarters (ALQ).

(1) Only one ALQ is allowed per residential lot.

(2) The fee owner(s) of the property must physically reside in either the primary single-family dwelling or the accessory unit. At no time shall the ALQ and the primary single-family dwelling be rented simultaneously.

(3) The ALQ shall be designed so that the appearance preserves or complements the architectural design and style of the primary single-family residence.

(4) ALQs shall be accessed either through the entrance of the primary dwelling unit or an additional side or rear entrance.

(5) The ALQ must not be less than 350 square feet of living space. Accessory living quarters shall not exceed 800 square feet if they are: (a) detached from the primary single-family dwelling; (b) created through an addition; or (c) designed into a

new structure at the time of construction. For ALQs created within an existing single-family residence, the square footage limitation on an ALQ shall be no more than 35 percent of the total square footage of the primary dwelling.

(6) To gain approval for an ALQ, a property owner shall file a completed ALQ development permit application, sign an affidavit of owner occupancy, provide an additional form of documentation such as a driver's license or voter registration record, and apply for a building permit for necessary remodeling or construction. Falsely certifying owner occupancy or failure to comply with the terms of the ALQ land use application approval shall result in the loss of ALQ registration and certificate of occupancy.

(7) The owner occupancy affidavit shall be recorded and filed as a deed restriction with the King County recorder before a certificate of occupancy shall be issued by the Des Moines Building Official.

Chapter 18.60
RA-3,600 Residential:
Attached Townhouse and Duplex 3,600 Zone

Sections:

- 18.60.010 Title.
- 18.60.020 Application.
- 18.60.030 Purpose.
- 18.60.040 Authority.
- 18.60.050 Application and review process for townhouse developments.
- 18.60.060 Dimensional standards.
- 18.60.070 General site design requirements.
- 18.60.080 General building design requirements.

18.60.010 Title.

This chapter shall be entitled "RA-3,600 Residential: Attached Townhouse and Duplex 3,600 Zone."

18.60.020 Application.

This chapter shall apply to all areas zoned RA-3,600.

18.60.030 Purpose.

The principal objective and purpose to be served by this zone and its application is to implement the City of Des Moines Comprehensive Plan by permitting a limited increase in population density in those areas to which this zone applies by permitting duplexes or attached, townhouse dwellings on individual lots. Furthermore, it is the objective and purpose of this chapter to provide development regulations that promote a desirable family living environment by establishing a minimum lot area and yards and open spaces. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet the needs resulting from a defined intensity of land use.

18.60.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.60.050 Application and review process for townhouse developments.

(1) A subdivision or short subdivision shall be required for all townhouse developments so that individual townhouse dwellings are located on separate lots.

(2) Townhouse developments containing four or fewer lots shall comply with the applicable provisions of this title and chapter 17.05 DMMC (Short Subdivisions) or chapter 17.15 DMMC (Modified Subdivisions and Short Subdivisions).

(3) Townhouse developments containing five or more lots shall comply with the applicable provisions of this title and chapter 17.10 DMMC (Subdivisions), or chapter 17.05 DMMC (Short Subdivisions), or chapter 18.230 DMMC (Planned Unit Development).

(4) In addition to the application materials specified by chapter 17.40 DMMC (Miscellaneous Provisions), applications for townhouse developments shall include the following:

(a) Site plan depicting site and lot boundaries, abutting streets, interior public and private streets, and off-street parking areas, sidewalks, open spaces, recreation facilities, solid waste collection areas, drainage systems, and building locations and setbacks.

(b) Landscaping plan.

(c) Typical building elevations including the exterior architectural design features and materials.

(d) Proposed topography indicated by contours at two-foot intervals. If the proposed townhouse development has slopes that exceed 15 percent, five-foot contour intervals may be used in those areas.

18.60.060 Dimensional standards.

(1) Lot Area.

(a) Except as provided below, the minimum required lot area shall be 7,200 square feet. Within a multiple lot subdivision the minimum lot area shall be deemed to have been met if the average lot area is not less than 7,200 square feet. In computing the average area of lots in a subdivision not more than 25 percent of the number of lots may contain an area less than 7,200 square feet and in no case shall a lot contain less than 6,400 square feet of area. For lots containing more than 7,200 square feet of area not more than 8,000 square feet of area may be credited in determining the average.

(b) The minimum required area for a townhouse development shall be 7,200 square feet. Within a townhouse development, internal lots for the purpose of individual ownership of dwellings with undivided interest in the common areas and facilities may be less than 7,200 square feet in area.

(2) Lot Area Per Dwelling Unit.

(a) For duplexes, the lot area per dwelling unit shall not be less than 3,600 square feet. Within multiple lot subdivisions where lots contain an area less than 7,200 square feet but not less than 6,400 square feet, the lot area per dwelling unit shall be one-half of the area of the lot.

(b) For townhouse developments, the overall lot area per dwelling unit shall not be less than 3,600 square feet. Within a townhouse development, internal lots for the purpose of individual ownership of dwellings with undivided interest in the common areas and facilities may be less than 3,600 square feet in area.

(c) In no case shall residential density exceed 12 dwelling units per acre. For properties where the City of Des Moines Comprehensive Plan specifies a residential density less than 12 units per acre, development upon that property shall not exceed the residential density specified by the City of Des Moines Comprehensive Plan.

(3) Lot Width.

(a) Except as provided below, every lot in an RA-3,600 zone shall have a width of not less than 60 feet.

(b) Every townhouse development shall have a width of not less than 60 feet. Within a townhouse development, internal lots that provide for individual ownership of dwellings with undivided interest in the common areas and facilities may have a width of less than 60 feet.

(4) Front Yard.

(a) Except as provided below, every lot shall have a front yard with a depth of not less than 20 feet.

(b) Within a townhouse development, the following front yard requirements shall apply:

(i) A front yard not less than 20 feet in depth shall be provided adjacent to the perimeter lot front line of a townhouse development. The Community Development Director shall determine which lot perimeter lines are lot front lines.

(ii) Every internal lot shall have a front yard with a depth of not less than 10 feet. This provision shall not apply where a 20-foot front yard is provided as specified by subsection (i) above and a combined front yard 30 feet in depth would be required.

(iii) For lots containing a dwelling and on-site parking, on-site parking shall not be located closer than 20 feet from the lot front line.

(5) Side Yard.

(a) Except as provided below, every lot shall have a side yard on each side of the lot. The side yards shall have a width of not less than five feet on one side and 10 feet on the other side.

(b) Within a townhouse development, the following side yard requirements shall apply:

(i) A side yard not less than 10 feet in depth shall be provided adjacent to the perimeter lot side lines of a townhouse development. The Community Development Director shall determine which perimeter lot lines are side lot lines. There may be no perimeter lot side lines.

(ii) Except where townhouse dwellings are attached, every internal lot shall have a side yard of not less than five feet.

(iii) Every internal corner lot shall have a side yard on the street side of the lot. The side yard adjacent to the street side line shall have width of not less than 10 feet.

(6) Rear Yard.

(a) Except as provided below, every lot except through lots shall have a rear yard with a depth of not less than 20 feet.

(b) Within a townhouse development, the following rear yard requirements shall apply:

(i) A rear yard not less than 10 feet in depth shall be provided adjacent to the perimeter lot rear line of a townhouse development. The Community Development Director shall determine which lot perimeter lines are rear lot lines. There may be no perimeter lot rear lines.

(ii) Every internal lot except through lots shall have a rear yard with a depth of not less than 10 feet.

(7) Placement of Buildings.

(a) The distance between a building containing one or more dwelling units or accessory living quarters and any other building shall be not less than 10 feet.

(b) On the rear third of an interior lot accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line; provided, not less than 10 feet of the lot rear line shall be free and clear of buildings; and provided further, if the lot rears upon an alley, a garage with a

vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of the alley.

(c) On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear line; provided, if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance not less than 15 feet from the centerline of such alley;

(d) On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer to the lot rear line than five feet unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than 15 feet from the centerline of the alley.

(e) In all cases a 10-foot side yard adjacent to a street side line shall be maintained.

(8) Height. No building or structure may exceed a height of 30 feet.

(9) Lot Coverage.

(a) Except as provided below and for churches and schools which shall conform to the lot coverage limitations provided by DMMC 18.52.010A, all buildings, including accessory buildings and structures but not including any open areas used to provide parking spaces and private swimming pools on residential lots, shall not cover more than 35 percent of the area on the lot.

(b) Within a townhouse development, the maximum permitted lot coverage shall be 50 percent of the area of the lot.

18.60.070 General site design requirements.

(1) Dwellings Per Lot. Except for one duplex on one lot, each dwelling shall be located on a separate lot with no lot having more than one dwelling.

(2) Walkways. Paved pedestrian walkways shall be provided on-site on newly developed properties or buildings materially remodeled, enlarged, or repaired to the extent of 50 percent of the market value as specified below:

(a) Pedestrian walkways shall be provided at or around buildings of sufficient extent to provide safe pedestrian passage between principal building entrances and the public sidewalk(s);

(b) Walkways shall be differentiated from vehicular circulation or vehicular parking areas as approved by the community development director;

(c) Walkways shall conform with all applicable provisions of chapter 51-30 WAC (Barrier-Free Facilities), as presently constituted or as may be subsequently amended; and

(d) Lighting shall be provided where stairs, curbs, ramps, or abrupt changes in walkway direction occur.

(3) Parking.

(a) All uses shall conform to the off-street parking provisions uses set forth by chapter 18.210 DMMC (Loading Areas and Off-Street Parking).

(b) Within a townhouse development, at least one of the parking spaces required for each dwelling unit shall be provided within an enclosed garage.

(c) Within a townhouse development, required parking for a dwelling may be provided on a different lot than the unit when the right to use that parking is formalized by an easement on the approved and recorded plat.

(4) Vehicular Access.

(a) Vehicular access via paved surfaces shall be provided to all on-site parking areas.

(b) Unless waived by the community development director after consultation with the public works director, one shared driveway shall be allowed for every two townhouse dwellings.

(5) Parks. All townhouse developments shall comply with the park land requirements specified by DMMC 17.35.180 (Parks).

(6) Private, usable open space for each townhouse dwelling shall be provided on the same lot as the townhouse dwelling.

(7) Landscaping. All developments in the RA-3,600 zone shall conform to the landscaping and screening requirements set forth by chapter 18.195 DMMC (Landscaping and Screening).

18.60.080 General building design requirements.

Townhouse developments shall conform to the following building design requirements:

(1) No more than four townhouse dwelling units shall be provided within any building.

(2) Residential buildings shall not exceed 125 feet in length.

(3) The common wall between attached townhouse dwellings shall be located on a lot side line. Attached townhouse dwelling units shall be separated as provided in Title 14 DMMC.

(4) The main entry and the first floor for each townhouse dwelling shall be within three vertical feet of ground level. Basements and daylight basements may be provided below the first floor.

(5) Every townhouse dwelling shall have a separate, individual entry.

(6) Entrances to residential buildings shall include two or more of the following design features: covered porch, covered entry, steps, or recessed or projecting doorway.

(7) Garage doors shall not constitute more than 40 percent of any wall area on a single townhouse dwelling.

(8) Residential building facade modulation shall include all the following:

(a) The maximum wall length without modulation shall be 25 feet.

(b) The sum of the modulation depth and width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet.

(c) Within a residential building containing two townhouses, the front yard setback for individual townhouse dwellings shall vary so that the dwellings do not have the same front yard setback.

(d) Within a residential building contained three or more townhouses, the front yard setback for individual townhouse dwellings shall vary so that no more than two-thirds of the dwellings have the same front yard setback.

(e) Any other technique approved by the community development director or city council that achieves the intent of this section.

(9) Residential buildings and buildings containing parking shall have pitched roofs with a minimum slope of 4:12 over a minimum of 65 percent of the building.

(10) Residential buildings with rooflines exceeding 60 feet in length shall provide roofline variation in accordance with all of the following:

(a) The maximum roof length without variation shall be 30 feet.

(b) The minimum horizontal or vertical offset shall be two feet.

(c) The minimum variation length shall be eight feet.

(d) Roofline variation shall be achieved using one or more of the following methods:

- (i) Vertical offset in ridge line.
- (ii) Horizontal offset in ridge line.
- (iii) Variations in roof pitch.
- (iv) Gables.

(v) Any other technique approved by the community development director or city council that achieves the intent of this section.

(11) Every townhouse dwelling shall have recorded with the county auditor a perpetually binding common party wall agreement as a covenant to each deed establishing the rights and obligations of each owner relative to the common party wall and foundation, and providing for the easements for purposes of maintenance and fire protection. Such agreement shall include provisions for upkeep and maintenance of all common areas and facilities such as landscaping, storm water facilities, utilities, park land, or other facilities.

(12) No subdivision or short subdivision of a site containing previously constructed townhouse dwellings shall be allowed unless all common walls meet current building code and fire code requirements for separately-owned townhouse units, and all other requirements of this chapter are satisfied.

Chapter 18.65
RM-2,400 Residential: Multifamily 2,400 Zone

Sections:

- 18.65.010 Title.
- 18.65.020 Application.
- 18.65.030 Purpose.
- 18.65.040 Authority.
- 18.65.050 Lot area.
- 18.65.060 Lot area per dwelling unit.
- 18.65.070 Lot width.
- 18.65.080 Front yard.
- 18.65.090 Side yard.
- 18.65.100 Rear yard.
- 18.65.110 Height.
- 18.65.120 Permissible lot coverage.
- 18.65.130 Placement of buildings and structures.
- 18.65.140 Recreation area required.

18.65.010 Title.

This chapter shall be entitled "RM-2,400 Residential: Multifamily 2,400 Zone."

18.65.020 Application.

This chapter shall apply to all areas zoned RM-2,400.

18.65.030 Purpose.

The principal objective and purpose to be served by this zone and its application is to establish areas permitting a greater population density than is allowed in more restrictive zones and at the same time maintain a residential environment consistent with such greater population density. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.

18.65.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.65.050 Lot area.

The minimum required area of a lot in an RM-2,400 zone shall be 7,200 square feet; provided, that in a multiple lot subdivision approved subsequent to August 3, 1964, the minimum lot area shall be deemed to have been met if the average lot area is not less

than 7,200 square feet. In computing the average square foot area of lots in a subdivision not more than 25 percent of the number of lots may contain an area less than 7,200 square feet but in no case shall a lot contain less than 6,400 square feet. For lots containing more than 7,200 square feet of area not more than 8,000 square feet of area may be credited in determining the average.

18.65.060 Lot area per dwelling unit.

In an RM-2,400 zone the lot area per dwelling unit shall be not less than 2,400 square feet. In multiple lot subdivisions approved subsequent to August 3, 1964, where lots contain an area less than 7,200 square feet but not less than 6,400 square feet, the lot area per dwelling unit shall be not less than one-third of the area of the lot. Where a lot contains more than 7,200 square feet of area, there may be one dwelling unit for each 2,400 square feet of lot area in excess of 7,200 square feet of area. In the case of a permitted transitional use, the lot area per dwelling unit shall be not less than 1,800 square feet.

18.65.070 Lot width.

Every lot in an RM-2,400 zone shall have a width of not less than 60 feet.

18.65.080 Front yard.

Every lot in an RM-2,400 zone shall have a front yard with a depth of not less than 20 feet.

18.65.090 Side yard.

In an RM-2,400 zone every lot shall have a side yard on each side of the lot which side yard shall have a width of not less than 15 feet. Exceptions:

- (1) Structures two stories in height may have side yards of 10 feet in width.
- (2) Structures one story in height may have a side yard of five feet from one side and 10 feet from the other side.

18.65.100 Rear yard.

In an RM-2,400 zone every lot shall have a rear yard with a depth of not less than 20 feet.

18.65.110 Height.

In an RM-2,400 zone no building or structure shall exceed a height of 35 feet.

18.65.120 Permissible lot coverage.

All buildings, including accessory buildings and structures but not including private swimming pools or any open areas used to provide parking on residential lots shall not cover more than 50 percent of the area of the lot.

18.65.130 Placement of buildings and structures.

Placement of buildings and structures on any lot shall conform to the following:

(1) Interior Lots.

(a) Any building containing one or more dwelling units or accessory living quarters shall observe a distance not less than 15 feet from any lot side line and 20 feet from the rear property line. Exceptions:

(i) Structures two stories in height may observe a distance of not less than 10 feet from any lot side line.

(ii) Structures one story in height may observe a distance of not less than five feet from one lot side line and not less than 10 feet from the other lot side line;

(b) The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a lot accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line; provided, not less than 10 feet of the lot rear line shall be free and clear of buildings; and provided further, if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of the alley.

(2) Corner Lots and Reverse Corner Lots.

(a) Any building containing a dwelling unit or accessory living quarters and any other building on the same lot shall observe a distance of not less than 15 feet from any lot side line and 20 feet from the rear property line. Exceptions:

(i) Structures two stories in height may observe a distance of not less than 10 feet from any lot side line;

(ii) Structures one story in height may observe a distance of not less than five feet from one side line and not less than 10 feet from the side street side;

(b) The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear line; provided, if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of such alley;

(d) On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer than five feet to the property line of any abutting lot to the rear unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than 15 feet from the centerline of the alley;

(e) In all cases the width of the required side yard on the side street side shall be observed.

18.65.140 Recreation area required.

On-site recreation area shall be provided as specified in chapter 18.155 DMMC.

Chapter 18.70
RM-1,800 Residential: Multifamily 1,800 Zone

Sections:

- 18.70.010 Title.
- 18.70.020 Application.
- 18.70.030 Purpose.
- 18.70.040 Authority.
- 18.70.050 Lot area.
- 18.70.060 Lot area per dwelling unit.
- 18.70.070 Lot width.
- 18.70.080 Front yard.
- 18.70.090 Side yard.
- 18.70.100 Rear yard.
- 18.70.110 Height.
- 18.70.120 Permissible lot coverage.
- 18.70.130 Placement of buildings and structures.
- 18.70.140 Recreation area required.

18.70.010 Title.

This chapter shall be entitled "RM-1,800 Residential: Multifamily 1,800 Zone."

18.70.020 Application.

This chapter shall apply to all areas zoned RM-1,800.

18.70.030 Purpose.

The principal objective and purpose to be served by this zone and its application is to establish areas permitting a greater population density than is allowed in more restrictive zones and to permit the providing of accommodations for those who desire to live in a residential atmosphere without the necessity to individually maintain a dwelling unit. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.

18.70.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.70.050 Lot area.

The minimum required area of a lot in an RM-1,800 zone shall be 7,200 square feet; provided, that in a multiple lot subdivision approved subsequent to August 3, 1964, the minimum lot area shall be deemed to have been met if the average lot area is not less

than 7,200 square feet. In computing the average square foot area of lots in a subdivision, not more than 25 percent of the number of lots may contain an area less than 7,200 square feet and in no case shall a lot contain less than 6,400 square feet. For lots containing more than 7,200 square feet of area not more than 8,000 square feet of area may be credited in determining the average.

18.70.060 Lot area per dwelling unit.

In an RM-1,800 zone the lot area per dwelling unit shall be not less than 1,800 square feet. Where a lot contains more than 7,200 square feet of area, there may be one dwelling unit for each 1,800 square feet of lot area in excess of 7,200 square feet of area.

18.70.070 Lot width.

In an RM-1,800 zone every lot shall have a width of not less than 60 feet.

18.70.080 Front yard.

In an RM-1,800 zone every lot shall have a front yard with a depth not less than 20 feet.

18.70.090 Side yard.

In an RM-1,800 zone every lot shall have a side yard on each side of the lot which side yard shall have a width of not less than 15 feet. Exceptions:

- (1) Structures two stories in height may have side yards of 10 feet in width;
- (2) Structures one story in height may have a side yard of five feet from one side and 10 feet from the other side.

18.70.100 Rear yard.

In an RM-1,800 zone every lot shall have a rear yard with a depth of not less than 20 feet.

18.70.110 Height.

In an RM-1,800 zone no building or structure shall exceed a height of 35 feet.

18.70.120 Permissible lot coverage.

If a dwelling, rest home, nursing home, or convalescent home is involved, all buildings, including accessory buildings and structures but not including private swimming pools on residential lots or any open areas used to provide parking space, shall not cover more than 50 percent of the area of the lot. If a dwelling or rest home, nursing home, or convalescent home is not involved, then the maximum permissible lot coverage shall not apply.

18.70.130 Placement of buildings and structures.

Placement of buildings and structures on any lot in an RM-1,800 zone shall conform to the following:

(1) Interior Lots.

(a) Any building containing one or more dwelling units or accessory living quarters shall observe a distance of not less than 15 feet from any lot side line and 20 feet from the rear property line. Exceptions:

(i) Structures two stories in height may observe a distance of not less than 10 feet from any lot side line;

(ii) Structures one story in height may observe a distance of not less than five feet from one lot side line and not less than 10 feet from the other lot side line;

(b) The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a lot accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line; provided, not less than 10 feet of the lot rear line shall be free and clear of all buildings; and provided further, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of the alley.

(2) Corner Lots and Reverse Corner Lots.

(a) Any building containing a dwelling unit or accessory living quarters and any other building on the same lot shall observe a distance of not less than 15 feet from any lot side line and 20 feet from the rear property line. Exceptions:

(i) Structures two stories in height may observe a distance of not less than 10 feet from any lot side line;

(ii) Structures one story in height may observe a distance of not less than five feet from one lot side line and not less than 10 feet from the side street side;

(b) The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear

line; provided, if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of such alley;

(d) On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer than five feet to the property line in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than 15 feet from the centerline of the alley;

(e) In all cases the width of the required side yard on the side street side shall be observed.

18.70.140 Recreation area required.

On-site recreation area shall be provided as specified in chapter 18.155 DMMC.

Chapter 18.75

RM-900 Residential: Multifamily 900 Zone

Sections:

- 18.75.010 Title.
- 18.75.020 Application.
- 18.75.030 Purpose.
- 18.75.040 Authority.
- 18.75.050 General design requirements.
- 18.75.060 Lot area.
- 18.75.070 Lot area per dwelling unit.
- 18.75.080 Lot width.
- 18.75.090 Front yard.
- 18.75.100 Side yard.
- 18.75.110 Height.
- 18.75.120 Permissible floor area.
- 18.75.130 Permissible lot coverage.
- 18.75.140 Placement of buildings and structures.
- 18.75.150 Recreation area required.
- 18.75.160 Prohibition on reclassification of property to RM-900.

18.75.010 Title.

This chapter shall be entitled "RM-900 Residential: Multifamily 900 Zone."

18.75.020 Application.

This chapter shall apply to all areas zoned RM-900.

18.75.030 Purpose.

The principal objective and purpose to be served by this zone and its application is to establish areas permitting the maximum population density. The uses permitted in this zone relate conveniently and consistently in terms of traffic generated, demands upon public service facilities, and impact upon each other. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.

18.75.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.75.050 General design requirements.

All new development and significant redevelopment proposals within the RM-900 zone in the downtown neighborhood, as delineated in the Des Moines comprehensive plan, shall demonstrate substantial compliance, as determined by the planning official, with the adopted Marina District Design Guidelines. The guidelines address design issues related to site planning; height, bulk and scale; architectural elements and materials; pedestrian environment; landscape design; and signs. The guidelines provide objectives and techniques for ensuring that new construction provides lasting benefit to the community; minimizes incompatibility among land uses; and promotes economic investment in the downtown neighborhood.

18.75.060 Lot area.

The minimum required area of a lot in an RM-900 zone shall be 7,200 square feet; provided, that in a multiple lot subdivision approved subsequent to August 3, 1964, the minimum lot area shall be deemed to have been met if the average lot area is not less than 7,200 square feet. In computing the average square foot area of lots in a subdivision, not more than 25 percent of the number of lots may contain an area less than 7,200 square feet and in no case shall a lot contain less than 6,400 square feet. For lots containing more than 7,200 square feet of area not more than 8,000 square feet of area may be credited in determining the average.

18.75.070 Lot area per dwelling unit.

In an RM-900 zone the lot area per dwelling unit shall be not less than 900 square feet. Where a lot contains more than 7,200 square feet of area, there may be one dwelling unit for each 900 square feet of lot area in excess of 7,200 square feet of area.

18.75.080 Lot width.

In an RM-900 zone every lot shall have a width of not less than 60 feet.

18.75.090 Front yard.

In an RM-900 zone every lot shall have a front yard with a depth not less than 20 feet. In the case of key lots and lots which side upon commercially or industrially zoned property, the required front yard depth shall be not less than 15 feet.

18.75.100 Side yard.

In an RM-900 zone every lot shall have a side yard on each side of the lot which side yard shall have a width of not less than five feet.

18.75.110 Height.

In an RM-900 zone no building or structure shall exceed a height of 35 feet.

18.75.120 Permissible floor area.

The total permissible floor area to be contained within all buildings on a lot or building site shall not exceed two times the square foot area of the lot. This restriction does not apply to dwelling units when they constitute the only use on the lot.

18.75.130 Permissible lot coverage.

If a dwelling, rest home, nursing home, or convalescent home is involved, all buildings, including accessory buildings and structures, but not including private swimming pools on residential lots or open areas used to provide parking space, shall not cover more than 60 percent of the area of the lot. If a dwelling, rest home, nursing home, or convalescent home is not involved, then the maximum permissible lot coverage shall not apply.

18.75.140 Placement of buildings and structures.

Placement of buildings and structures on any lot in an RM-900 zone shall conform to the following:

(1) Interior Lots.

(a) Any building any portion of which contains one or more dwelling units or accessory living quarters shall observe a distance of not less than five feet from any lot side line and the lot rear line;

(b) The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a lot accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line; provided, not less than 10 feet of the lot rear line shall be free and clear of all buildings; and provided further, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of the alley.

(2) Corner Lots and Reverse Corner Lots.

(a) Any building containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall observe a distance from any lot side line and the lot rear line of five feet;

(b) The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line and the lot rear line; provided, if the lot rears upon an alley a garage with a vehicular entrance

from the alley shall maintain a distance not less than 15 feet from the centerline of such alley;

(d) On the rear third of a reverse corner lot accessory buildings not containing accessory living quarters may be built to the lot interior side line, but no building shall be erected closer than five feet to the property line of any abutting lot to the rear unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than 15 feet from the centerline of the alley;

(e) In all cases the width of the required side yard on the side street side shall be observed.

18.75.150 Recreation area required.

On-site recreation area shall be provided as specified in chapter 18.155 DMMC.

18.75.160 Prohibition on reclassification of property to RM-900.

No real property shall be reclassified to a RM-900 zoning designation on or after January 8, 1990; provided, however, this provision shall not apply to any application for zoning reclassification filed prior to December 21, 1989.

Chapter 18.80 RM-900A and RM-900B Residential: Multifamily

Sections:

- 18.80.010 Title.
- 18.80.020 Application.
- 18.80.030 Purpose.
- 18.80.040 Authority.
- 18.80.050 Lot area in the RM-900A zone.
- 18.80.060 Lot area in the RM-900B zone.
- 18.80.070 Lot area per dwelling unit.
- 18.80.080 Lot width.
- 18.80.090 Front yard.
- 18.80.100 Side yard.
- 18.80.110 Rear yard.
- 18.80.120 Height.
- 18.80.130 Permissible floor area.
- 18.80.140 Permissible lot coverage.
- 18.80.150 Placement of buildings and structures.
- 18.80.160 Recreation area required.

18.80.010 Title.

This chapter shall be entitled "RM-900A and RM-900B residential: multifamily."

18.80.020 Application.

This chapter shall apply to call areas zoned RM-900A and RM-900B.

18.80.030 Purpose.

The principal objective and purpose of the zones in this chapter and their application is to establish areas permitting the maximum population density in the RM-900A zone for apartment use only, and permit uses other than apartment residential, such as medical, dental, and social services and shelter, all for human beings in the RM-900B zone for restricted services only. The uses permitted in the RM-900B zones relate conveniently and consistently in terms of traffic generated, demands upon public service facilities, and impact upon each other. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.

18.80.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.80.050 Lot area in the RM-900A zone.

The minimum required area of a lot in the RM-900A zone shall be 7,200 square feet.

18.80.060 Lot area in the RM-900B zone.

The minimum required area of a lot in the RM-900B zone shall be 65,340 square feet.

18.80.070 Lot area per dwelling unit.

In the RM-900A zone the lot area per dwelling unit shall be not less than 900 square feet.

18.80.080 Lot width.

In RM-900A and RM-900B zones every lot shall have a width of not less than 60 feet.

18.80.090 Front yard.

In an RM-900A and RM-900B zone every lot shall have a front yard with a depth not less than 20 feet.

18.80.100 Side yard.

In an RM-900A and RM-900B zone every lot shall have a side yard on each side of the lot which side yard shall have a width of not less than 15 feet. Exceptions:

- (1) Structures two stories in height may have side yards of 10 feet in width;
- (2) Structures one story in height may have a side yard of five feet from one side and 10 feet from the other side.

18.80.110 Rear yard.

In an RM-900A and RM-900B zone every lot shall have a rear yard with a depth of not less than 20 feet.

18.80.120 Height.

In RM-900A and RM-900B zones no building or structure shall exceed a height of 35 feet.

18.80.130 Permissible floor area.

In an RM-900B zone the total permissible floor area to be contained within all buildings on a lot or building site shall not exceed the square foot area of the lot. This restriction does not apply to dwelling units when they constitute the only use on the lot.

18.80.140 Permissible lot coverage.

In an RM-900B zone all buildings, including accessory buildings and structures, but not including private swimming pools on residential lots or open areas used to provide parking space, shall not cover more than 60 percent of the area of the lot.

18.80.150 Placement of buildings and structures.

Placement of buildings and structures on any lot in RM-900A and RM-900B zones shall conform to the following:

(1) The distance between a building containing one or more dwelling units or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet.

(2) On the rear third of a lot, accessory buildings not containing accessory living quarters may be built to the lot side lines and the lot rear line, except as provided below:

(a) On corner and reverse corner lots, structures one story in height shall observe a distance of not less than 10 feet from the lot side line abutting the street.

(b) On interior lots, no building shall be erected closer than 10 feet to the lot rear line.

(c) On corner and reverse corner lots not abutting an alley along the lot rear line, no building shall be erected closer than five feet to the lot rear line.

(d) On corner and reverse corner lots abutting an alley along the lot rear line, accessory buildings may be built to the lot rear line.

(e) On all lots which abut an alley along the lot rear line, a garage with a vehicular entrance from the alley shall maintain a distance not less than 15 feet from the centerline of such alley.

(3) In the RM-900B zone, all buildings and structures shall maintain a distance not less than 20 feet from any lot in a residential zone.

18.80.160 Recreation area required.

On-site recreation area shall be provided with multifamily developments as specified in chapter 18.155 DMMC.

**Chapter 18.85
R-SE Residential:
Suburban Estate Zone**

Sections:

- 18.85.010 Title.
- 18.85.020 Application.
- 18.85.030 Purpose.
- 18.85.040 Authority.
- 18.85.050 Lot area.
- 18.85.060 Lot area per dwelling unit.
- 18.85.070 Lot width.
- 18.85.080 Front yard.
- 18.85.090 Side yard.
- 18.85.100 Height.
- 18.85.110 Permissible lot coverage.
- 18.85.120 Placement of buildings and structures.

18.85.010 Title.

This chapter shall be entitled "R-SE Residential: Suburban Estate Zone."

18.85.020 Application.

This chapter shall apply to all areas zoned R-SE residential.

18.85.030 Purpose.

The principal objective and purpose to be served by this zone and its application is to provide areas permitting uses and activities more rural in character than is practical in more concentrated urban areas and, at the same time, establishing and maintaining a living environment of high standard for single-family residential use. As a means to this end, substantial lot areas and yards and open spaces are required.

18.85.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.85.050 Lot area.

The minimum required area of a lot in an R-SE zone shall be 35,000 square feet.

18.85.060 Lot area per dwelling unit.

In an R-SE zone the lot area per dwelling unit shall be not less than 35,000 square feet.

18.85.070 Lot width.

In an R-SE zone every lot shall have a width of not less than 135 feet.

18.85.080 Front yard.

In an R-SE zone every lot shall have a front yard with a depth of not less than 30 feet.

18.85.090 Side yard.

In an R-SE zone every lot shall have a side yard on each side of the lot which side yard shall have a width of not less than 10 feet.

18.85.100 Height.

In an R-SE zone no building or structure shall exceed a height of 35 feet, except for agricultural buildings as set forth in the general provisions.

18.85.110 Permissible lot coverage.

All buildings and structures including accessory buildings and structures and any areas used to provide parking space, shall not cover more than 35 percent of the area of the lot.

18.85.120 Placement of buildings and structures.

Placement of buildings and structures on any lot in an R-SE zone shall conform to the following:

(1) Interior Lots.

(a) Any building containing a dwelling unit or accessory living quarters shall observe a distance of not less than 10 feet from any lot side line and the lot rear line;

(b) The distance between a building containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than 20 feet;

(c) On the rear third of a lot, accessory buildings not containing accessory living quarters (but not stables) may be built to the lot side lines and the lot rear line; provided, not less than 10 feet of the lot rear line shall be free and clear of buildings; and provided further, if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of the alley.

(2) Corner Lots and Reverse Corner Lots.

(a) Any building containing a dwelling unit or accessory living quarters shall observe a distance of not less than 10 feet from any lot side line and the lot rear line;

(b) The distance between a building containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than 20 feet;

(c) On the rear third of a corner lot, accessory buildings not containing accessory living quarters (but not stables) may be built to the lot interior side line and the lot rear line; provided, if the lot rears upon an alley a garage with a vehicular entrance from the alley shall maintain a distance not less than 15 feet from the centerline of such alley;

(d) On the rear third of a reverse corner lot, accessory buildings not containing accessory living quarters (but not stables) may be built to the lot interior side line, but no buildings shall be erected closer than 10 feet to the lot rear line unless an alley intervenes, in which case accessory buildings may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building shall maintain a distance of not less than 15 feet from the centerline of the alley;

(e) In all cases the width of the required side yard on the side street side shall be observed.

Chapter 18.90 N-C Neighborhood Commercial Zone

Sections:

- 18.90.010 Title.
- 18.90.020 Application.
- 18.90.030 Purpose.
- 18.90.040 Authority.
- 18.90.050 Limitations on uses.
- 18.90.060 Permissible floor area.
- 18.90.070 Height.
- 18.90.080 Required open spaces.

18.90.010 Title.

This chapter shall be entitled "N-C Neighborhood Commercial Zone."

18.90.020 Application.

This chapter shall apply to all areas zoned N-C neighborhood commercial.

18.90.030 Purpose.

The purpose of this zone and its application is to provide for the location of and grouping of uses which are considered compatible uses having common performance standards in that they represent on-premises retail enterprises and involve only incidental and limited fabrication or assembly of commodities, or comprise a type of enterprise dispensing commodities, or providing professional services, or providing personal services to the individual. These services are intended to provide local facilities serve the everyday needs of the neighborhood area. To meet this need the facilities permitted in this zone shall locate adjacent to residential areas on access streets directly serving such residential areas. By establishing limitations upon building height and floor space as set forth in this zone, it is the further objective to maintain a limited intensity of land use compatible with serving the neighborhood residential areas, rather than on a community-wide basis. A further purpose of this zone and its application is to permit the more efficient and economical design and installation of all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use. Public utility installations, being governed by circumstances related to geographical area to be served, are also permitted in this zone.

18.90.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

18.90.050 Limitations on uses.

Every use locating in an N-C zone shall be subject to the following further conditions and limitations:

(1) All uses shall be conducted wholly within an entirely enclosed building except:

- (a) Public utility installations;
- (b) Growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers;
- (c) Moorages for private pleasure craft;
- (d) Parking and loading areas;

(2) All uses shall be conducted wholly within an entirely enclosed building except:

- (a) Public utility installations;
- (b) Growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers;
- (c) Moorages for private pleasure craft;
- (d) Parking and loading areas;
- (e) Public off-street parking lots;

(3) Any areas used as set forth in subsection (2) of this section, except horticultural nurseries, moorages, and public utility installations, shall be improved and maintained as required for off-street parking areas;

(4) All products made incident to a permitted use which are manufactured, processed, or treated on the premises shall be sold on the premises only and at retail only, and not more than three persons may be employed in the manufacturing, processing, or treatment of products, except that this limitation shall not apply to restaurants;

(5) No used or secondhand articles, materials, or equipment unless accessory to the primary activity may be sold, offered for sale, or stored on the premises except paintings, objects of art, or antiques as defined in this title;

(6) Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises;

(7) All operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, steam, odor, fumes, gases, smoke, vibration, hazard, or other causes, and any use which produces odor, fumes (toxic or nontoxic), gases, airborne solids, or other atmospheric contaminants shall be allowed to locate only if conforming in every respect to the rules and regulations established by an applicable and qualified public agency;

(8) If a building site has a boundary line which is a common line with residential property, a wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be installed and maintained for screening purposes and controlling access. Where the wall of a building is on such common property line, no separate wall or fence need be installed along that portion of the common property line occupied by the wall of the building. Public utility installations need not fence along such lines; provided, the conditions set forth in DMMC _____ are maintained adjacent to common boundaries with residential property;

18.90.060 Permissible floor area.

The maximum permitted floor area to be contained in all buildings on a lot or site in a N-C zone shall not exceed the square foot area of the lot or site upon which the building or buildings are located.

18.90.070 Height.

In a N-C zone no building or structure shall exceed a height of 35 feet.

18.90.080 Required open spaces.

Additional open spaces, both as to amount and location on the premises may be required in connection with a variance or planned unit development to apply the established requirements of this and related codes pertaining to such subjects as off-street parking, loading areas, convenient and safe circulation of vehicles and pedestrians, ingress and egress as related to marginal traffic pattern, vision clearance (traffic), drainage, and lighting.



MEMORANDUM

Attorney-Client Privileged Communication

TO: Pat Bosmans, City Attorney

FROM: Michael F. Connelly

DATE: January 3, 2014

RE: Proposed Amendments to Sections II of Title 18

GENERAL AMENDMENTS

This section amends existing chapters 18.08 – 18.32 which includes all of the various zoning classifications for the city of Des Moines and the chapter (18.32) dealing with unclassified uses and conditional uses. The substantive change includes two new charts which specify permitted uses and limitations, and uses allowed by conditional use permits or unclassified use permits. The charts can be found in proposed section 18.52.010A Residential use chart and proposed section 18.52.010B Commercial use chart. Both charts are followed by the specific restrictions or limitations that apply to a specific use and referenced by number on the charts.

Specific sections and language found in the individual zone classification chapters was incorporated into these charts but at times was modified or consolidated. I've attempted to identify all the language found in the charts and remove that same language from the individual chapters but would recommend a review of each section saved or removed to ensure that the City's intent is met. The specific sections removed from the individual chapters are discussed in more detail below.

All reference to prior ordinances has also been removed. All inter-code cite references have been changed to match the proposed code changes.

Each chapter was modified to begin with sections entitled: Title, Application, Purpose and Authority to be consistent with all other chapters contained within this Title.

SPECIFIC CHAPTER AMENDMENTS

1. Existing chapter 18.08 Single Family Residential Zone, is now found in proposed chapter 18.55. Section 18.08.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.08.025 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.



Pat Bosmans
January 3, 2014
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2. Existing chapter 18.10 RA-3,600 Residential: Attached Townhouse and Duplex 3,600 Zone, is now found in proposed chapter 18.60. Section 18.10.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.10.025 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.

3. Existing chapter 18.12 RM-2,400 Residential: Multifamily 2,400 Zone, is now found in proposed chapter 18.65. Section 18.12.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.12.025 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.

4. Existing chapter RM-1,800 Residential: Multifamily 1,800 Zone, is now found in proposed chapter 18.70. Section 18.14.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.14.025 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.

5. Existing chapter 18.16 RM-900 Residential: Multifamily 900 Zone, is now found in proposed chapter 18.75. Section 18.16.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.16.025 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.

6. Existing chapter 18.18 RM-900A and RM-900B Residential: Multifamily 900A Zone-RM 900A and Restricted Service Zone-RM-900B is now found in chapter 18.80. the Title has been shortened to RM-900A and RM0900B Residential: Multifamily. Section 18.18.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.18.025 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.

7. Existing chapter 18.19 R-SE Residential suburban Estate Zone, is now found in chapter 18.85. Section 18.19.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.19.025 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.

8. Existing chapter 18.20 N-C Neighborhood commercial Zone is now found in chapter 18.90. Section 18.20.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.20.030 has been modified with subsections (1), (4), (6) removed and incorporated into the charts discussed above. Section 18.20.035 has been removed and



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consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. All other provisions remain the same.

9. Existing chapter 18.22 I-C Institutional Campus Zone, is now found in chapter 18.95. Section 18.22.020 was removed and is assumed to be incorporated into the charts discussed above. All other provisions remain the same.

10. Existing chapter 18.24 B-C Business Commercial Zone, has been removed.

11. Existing chapter 18.25 B-P Business Park Zone, is now found in chapter 18.105. Section 18.25.020 was removed and is assumed to be incorporated into the charts discussed above. All other provisions remain the same.

12. Existing chapter 18.26 is now found in chapter 18.110. Section 18.26.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.26.040 was removed and is assumed to be incorporated into the charts discussed above. Section 18.26.050 was removed and is assumed to be incorporated into the charts discussed above. Section 18.26.055 has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. Section 18.26.090 has been removed (See chapters 18.20 and 18.240). All other provisions remain the same.

13. Existing chapter 18.27 D-C Downtown Commercial Zone, is now found in chapter 18.115. Section 18.27.020 was removed and is assumed to be incorporated into the charts discussed above. All other provisions remain the same.

14. Existing chapter 18.28 C-G General Commercial Zone has been removed.

15. Existing chapter 18.29 H-C Highway commercial Zone is now found in chapter 18.125. Section 18.29.020 was removed and is assumed to be incorporated into the charts discussed above. Section 18.29.030 was removed and is assumed to be incorporated into the charts discussed above. Section 18.29.045 has been removed and consolidated with other provisions concerning hazardous substances in propose chapter 18.165. All other provisions remain the same.

16. Existing chapter 18.30 R-SR Residential: Suburban Residential Zone, is now found in chapter 18.130. Section 18.30.020 was removed and is assumed to be incorporated into the charts discussed above. All other provisions remain the same.

17. Chapter 18.31 Pacific Ridge Zone is now found in chapter 18.135. Section 18.31.030 PR-R – Permitted uses was removed and is assumed to be incorporated into the charts discussed above. Section 18.31.040 PR-C1 – Permitted Uses was removed and is assumed to be



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incorporated into the charts discussed above. Section 18.31.050, 060 and 070 were also removed and is assumed to be incorporated into the charts discussed above. Subsection 18.31.080 (1) ((g) has been removed and consolidated with other provisions concerning hazardous substances in proposed chapter 18.165. **Recent changes to this zone classification by the city council created additional changes that are not identified here.**

18. Existing chapter 18.32 Unclassified Uses, has been retitled “Unclassified and Conditional Use Permits”. A new section 18.140.020 has been added setting forth the specific application of the chapter to both unclassified use permits and conditional use permits along with the path for processing such applications. I did not remove any specific uses listed in this chapter though some are included within the charts discussed above. Proposed section 18.140.100 Conditional uses – Criteria was added to this chapter and removed from the existing chapter 18.94 (See existing section 18.94.320). Section 18.140.110 was also added referencing proposed section 18.20. All other provisions remain the same.

CROSS REFERENCE CHARTS 18.55 -90	
CURRENT CODE	DRAFT AMENDED CODE
Chapter 18.08 - Single Family Residential Zone	
	18.55.010 - Title
	18.55.020 Application
18.08.010 Purpose of zone.	18.55.030 - Purpose
	18.55.040 - Authority
18.08.020 Permitted uses.	Charts
18.08.025 Hazardous substances.	Omitted
18.08.030 Lot area.	18.55.050
18.08.040 Lot area per dwelling unit.	18.55.060
18.08.050 Lot width.	18.55.070
18.08.060 Front yard.	18.55.080
18.08.070 Side yard.	18.55.090
18.08.075 Rear yard.	18.55.100
18.08.080 Height.	18.55.110
18.08.090 Permissible lot coverage.	18.55.120
18.08.100 Placement of buildings and structures.	18.55.130
18.08.110 Accessory living quarters (ALQ).	18.55.140
Chapter 18.10 - RA-3,600 Residential: Attached Townhouse and Duplex 3,600 Zone	
	18.60.010 - Title
	18.60.020 Application
18.10.010 Purpose of zone.	18.60.030 - Purpose
	18.60.040 - Authority
18.10.020 Permitted uses.	Charts
18.10.025 Hazardous substances.	Omitted
18.10.030 Application and review process for townhouse developments.	18.60.050
18.10.040 Dimensional standards.	18.60.040
18.10.050 General site design requirements.	18.60.050
18.10.060 General building design requirements.	18.60.060
Chapter 18.65 - RM-2,400 Residential: Multifamily 2,400 Zone	
	Title - 18.65.010
	Application - 18.65.020
18.12.010 Purpose of zone.	Purpose - 18.65.030
	Authority - 18.65.040

18.12.020 Permitted uses.	Charts
18.12.025 Hazardous substances.	Omitted
18.12.030 Lot area.	18.65.050
18.12.040 Lot area per dwelling unit.	18.65.060
18.12.050 Lot width.	18.65.070
18.12.060 Front yard.	18.65.080
18.12.070 Side yard.	18.65.090
18.12.075 Rear yard.	18.65.100
18.12.080 Height.	18.65.110
18.12.090 Permissible lot coverage.	18.65.120
18.12.100 Placement of buildings and structures.	18.65.130
18.12.110 Recreation area required.	18.65.140
Chapter 18.14	
RM-1,800 RESIDENTIAL: MULTIFAMILY 1,800 ZONE	
	Title - 18.70.010
	Application - 18.70.020
18.14.010 Purpose of zone.	Purpose - 18.70.030
	Authority - 18.70.040
18.14.020 Permitted uses.	Charts
18.14.025 Hazardous substances.	Omitted
18.14.030 Lot area.	18.70.050
18.14.040 Lot area per dwelling unit.	18.70.060
18.14.050 Lot width.	18.70.070
18.14.060 Front yard.	18.70.080
18.14.070 Side yard.	18.70.090
18.14.075 Rear yard.	18.70.100
18.14.080 Height.	18.70.110
18.14.090 Permissible lot coverage.	18.70.120
18.14.100 Placement of buildings and structures.	18.70.130
18.14.110 Recreation area required.	18.70.140
Chapter 18.16	
RM-900 RESIDENTIAL: MULTIFAMILY 900 ZONE	
	Title - 18.75.010
	Application - 18.75.020
18.16.010 Purpose of zone.	Purpose - 18.75.030
	Authority - 18.75.040
18.16.020 Permitted uses.	Charts

18.16.025 Hazardous substances.	Omitted
18.16.028 General design requirements.	18.75.050
18.16.030 Lot area.	18.75.060
18.16.040 Lot area per dwelling unit.	18.75.070
18.16.050 Lot width.	18.75.080
18.16.060 Front yard.	18.75.090
18.16.070 Side yard.	18.75.100
18.16.080 Height.	18.75.110
18.16.090 Permissible floor area.	18.75.120
18.16.100 Permissible lot coverage.	18.75.130
18.16.110 Placement of buildings and structures.	18.75.140
18.16.115 Recreation area required.	18.75.150
18.16.120 Prohibition on reclassification of property to RM-900.	18.75.160
Chapter 18.18	
RM-900A AND RM-900B RESIDENTIAL: MULTIFAMILY 900A	
ZONE – RM-900A	
AND RESTRICTED SERVICE ZONE – RM-900B	
	Title - 18.80.010
	Application - 18.80.020
18.18.010 Purpose of zones.	Purpose - 18.80.030
	Authority - 18.80.040
18.18.020 Permitted uses.	Charts
18.18.025 Hazardous substances.	Omitted
18.18.028 General design requirements.	
18.18.030 Lot area in the RM-900A zone.	18.80.050
18.18.035 Lot area in the RM-900B zone.	18.80.060
18.18.040 Lot area per dwelling unit.	18.80.070
18.18.050 Lot width.	18.80.080
18.18.060 Front yard.	18.80.090
18.18.070 Side yard.	18.80.100
18.18.075 Rear yard.	18.80.110
18.18.080 Height.	18.80.120
18.18.090 Permissible floor area.	18.80.130
18.18.100 Permissible lot coverage.	18.80.140
18.18.110 Placement of buildings and structures.	18.80.150
18.18.120 Recreation area required.	18.80.160
Chapter 18.19	
R-SE RESIDENTIAL:	

SUBURBAN ESTATE ZONE	
	Title - 18.85.010
	Application - 18.85.020
<u>18.19.010 Purpose of zone.</u>	Purpose - 18.85.030
	Authority - 18.85.040
<u>18.19.020 Permitted uses.</u>	Charts
<u>18.19.025 Hazardous substances.</u>	Omitted
<u>18.19.030 Lot area.</u>	18.85.050
<u>18.19.040 Lot area per dwelling unit.</u>	18.85.060
<u>18.19.050 Lot width.</u>	18.85.070
<u>18.19.060 Front yard.</u>	18.85.080
<u>18.19.070 Side yard.</u>	18.85.090
<u>18.19.080 Height.</u>	18.85.100
<u>18.19.090 Permissible lot coverage.</u>	18.85.110
<u>18.19.100 Placement of buildings and structures</u>	18.85.120
Chapter 18.20	
N-C NEIGHBORHOOD	
COMMERCIAL ZONE	
	Title - 18.90.010
	Application - 18.90.020
<u>18.20.010 Purpose of zone.</u>	Purpose - 18.90.030
	Authority - 18.90.040
<u>18.20.020 Permitted uses.</u>	Charts
<u>18.20.030 Limitations on uses.</u>	18.90.050
<u>18.20.035 Hazardous waste and hazardous substances.</u>	Omitted
<u>18.20.040 Permissible floor area.</u>	18.90.060
<u>18.20.050 Height.</u>	18.90.070
<u>18.20.060 Required open spaces</u>	18.90.080

PAID PARKING AT THE MARINA AND BEACH PARK – STATUS REPORT

No Agenda Item:

Presentation at Council Meeting

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Pacific Highway South Corridor
Policy Discussion

ATTACHMENTS:

1. Pacific Highway South Corridor Work Program Proposal
2. Map of Pacific Highway S Corridor
3. Finance and Economic Development Committee Possible 2014 Work Program

FOR AGENDA OF: January 9, 2014

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: December 24, 2013

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is to confirm policy and work plan direction from the City Council regarding the review of zoning and land use regulations along the Pacific Highway South corridor between Kent-Des Moines Road and South 272nd Street, also known as the Midway area. A general overview of the proposed work plan for the corridor is included in Attachment 1 and map of the area is illustrated on Attachment 2.

Suggested Motion

Motion 1: “I move to direct staff to proceed with Pacific Highway South corridor planning as proposed under the direction of the Finance & Economic Development Committee.”

Background

The Pacific Highway South Corridor is a key commercial area where significant private and public investment have been, are being, and will be made in the near future that support the City of Des Moines goals of fostering economic development, creating jobs, and increasing revenues. This commercial corridor contains the following two distinct geographical areas – Pacific Ridge (South 212th Street to Kent- Des Moines Road) and Midway (Kent-Des Moines Road to South 272nd Street). The Midway

area is illustrated on Attachment 2. These areas are influenced by planning and development efforts underway by the Port of Seattle, Panattoni, Artemis, Healthpoint, Sea Mar, Growing Transit Communities, Sound Transit, King County Metro, the Washington State Department of Transportation, Highline Community College (HCC), and the Cities of Des Moines, SeaTac, Kent and Federal Way. As such, Des Moines has an opportunity to influence decisions that will be made in the near future by having the planning, policy and regulatory framework in place that best represents the City's vision as to how it wants these areas to develop to support the City economically and support the following significant transportation improvements in these areas:

- Pacific Highway Redevelopment Project
- Metro's RapidRide
- Sound Transit's Federal Way Link Extension
- Des Moines' Transportation Gateway Project
- SeaTac's 28th/24th Connection
- WSDOT's SR509/I-5 Freight Mobility Project
- SeaTac Airport's South Access
- Metro's HCC Transit Center at HCC

The proposed project approach is to build upon the 18 months of work already completed with the community during the '*Envision Midway*' planning project with the City of Kent that was funded through a state grant. '*Envision Midway*' was formed by the Cities of Kent and Des Moines to work collectively to address inconsistent land use patterns along our shared "zig-zag border" and consider land use changes in anticipation of significant transportation improvements along SR-99 through Des Moines' Pacific Ridge, South Des Moines, and Woodmont neighborhoods and the Midway area in Kent. With the input from residents, property and business owners and other stakeholders, draft subarea plans, design guidelines, and coordinated development regulations for Kent and Des Moines were developed to undergo further refinement by our respective cities. The City of Kent completed their planning with the recent adoption of the Midway Subarea Plan, Design Guidelines and development regulations (Ordinance No. 4009, adopted December 13, 2011 and codified in Kent Municipal Code 15.04 and 15.05 with the formation of new Midway Transit Community 1 and 2, and Midway Commercial/Residential Districts).

In November 2009, Des Moines adopted the following Comprehensive Plan policies and strategies related to the extension of light rail to Des Moines and the need to further plan for the Midway area:

Land Use Element:

Strategy 2-04-11 Negotiate with Sound Transit and the Cities of Kent, SeaTac and Federal Way on the extension of light rail through Des Moines.

Strategy 2-04-12 Prepare a subarea plan/s, prepare zoning amendments and prepare design guidelines for the light rail station areas to be located within the South Des Moines and Woodmont Neighborhoods, considering the joint planning with the City of Kent on the Midway area.

Other City policies and strategies affecting the Midway Area are included in the Pacific Ridge Element of the Comprehensive Plan, the 2013 Council-adopted Intergovernmental Policy paper and the Federal Way Link Extension (FWLE) City Council-approved Draft EIS Scoping letter dated July 3, 2013.

On June 7, 2012, City Council directed staff to develop a subarea plan for the Midway area. Although this work was intended to commence in January 2013, Council priorities focused on changes to the Pacific Ridge zone, the sign code, and parking code. With the recent adoption of these changes, staff is now positioned to reinstate the work to develop the Midway Subarea Plan.

The Finance & Economic Development Committee discussed the Pacific Highway South Corridor at its recent meetings on September 24th and again on October 8th, evaluating the economic development opportunities, the relationship of corridor planning concurrent with Sound Transit's Federal Way Link Extension Draft EIS development efforts, and other economic development opportunities and needs throughout the City. As further detailed on Attachment 3, the Committee concluded that the Pacific Highway South Corridor was the most important and time-sensitive City planning effort after the state-required 2014 Comprehensive Plan update and staff support of large scale development projects.

Discussion

As previously discussed with Council, the Pacific Highway South planning effort is to build upon the work completed during the Envision Midway project working closely with staff from Sound Transit, the City of Kent, Highline Community College, property and business owners, and residents adjacent to the corridor. Remaining work items for Des Moines include: coordination with the stakeholders to finalize the subarea plan for the Midway area that includes: improving development regulations; creating overlay zones around future and potential light rail station areas; developing informative but not overly restrictive design guidelines; capital improvement plans; and funding strategies. These work products will be presented to the Council for consideration as part of a Public Hearing in the fall of 2014.

As noted in Attachment 1, staff proposes to approach corridor planning comprehensively, but to pause to immediately revise regulations in support of specific projects that have the ability to achieve the full economic potential of their properties while advancing the City's development vision of the corridor, using these changes to inform further corridor planning. Staff believes this planning work may be able to be completed by the fall of 2014, which coincides with the publication of the Federal Way Link Extension Draft EIS.

Also note that staff is recommending that the planning area be extended west of Pacific Highway South in order to *assess* the opportunity to expand the commercial and multi-family uses and create more economic development potential around light rail station areas.

In order to complete this work, staff would like Council confirmation of the proposed work program described in Attachment 1:

- Planning goals and outcomes
- Planning approach
- Conceptual schedule
- Other planning goals and assumptions

Next steps

Administration will present and finalize the program schedule and charter with the Finance and Economic Development Committee, which will include progress reports back to the Committee and the full Council throughout 2014.

Alternatives

1. Alternative 1: Move the suggested motion

This would allow Administration to begin planning work needed to ensure that key commercial areas will provide immediate financial and economic benefits to the City and potentially develop alternative revenue sources to address the City's structural deficit.

2. Alternative 2: Direct Staff effort to other current or long range planning

The City Council may decline to take any action. Under this option, the City would not embark on completing a subarea plan for the Midway area. As such, the City could be put in a reactive position as it relates to future decisions regarding extension of light rail through Des Moines and other development efforts along the Pacific Highway South Corridor. Although there may be benefit in other areas where planning efforts are redirected, the City would miss out on the economic opportunities created by the millions of dollars being invested in the Midway area.

Financial Impact

Planning for the Midway Area will build upon the recent efforts completed for Pacific Ridge and will help foster a strong economic environment for the City by creating new jobs, a stronger tax base, and tax revenues for the City of Des Moines. It will help the City strategically plan for capital improvements and investments in conjunction with growth and development, and will position the City competitively for grant funding. Some additional staff resources will be required to complete this planning work in 2014.

Recommendation or Conclusion

Staff recommends that City Council approve the planning approach and work program items identified for the Midway Subarea Planning.

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ATTACHMENT 1

**Pacific Highway South Corridor
Work Program Proposal**

October 8th F&ED Meeting Purpose: To receive Committee support on how to update land use, zoning and development regulations on the Pacific Highway South (PHS) corridor from Kent-Des Moines Road (KDM) to South 279th. This will be basis for a 10-24-13 briefing to the City Council.

Goals and Outcomes: Transform underutilized corridor from auto-oriented strip development to a mix of employment/activity centers and auto-oriented businesses capitalizing on the several hundred million dollar public transportation investments that will be made in this corridor over the next decade in order to foster economic development, increase revenues and job opportunities, and provide more housing choices.

Summary of Proposed Approach: By the fall of 2014, update zoning and development regulations along the corridor with the following general approach:

- (1) Immediately revise regulations in support of specific projects when those projects have the potential to achieve the full economic potential of their properties while advancing the City's development vision of the corridor. Use these changes to inform further corridor planning.
- (2) Evaluate the entire corridor in-depth for opportunities to modify and improve land use, zoning, and development regulations in a way that will foster economic growth that best fits the corridor. Engage the community throughout the planning process.
- (3) Identify areas for higher density development as well as areas for highway (auto-oriented) commercial development. General areas for higher density development potential will be centered around South 240th Street (Highline Community College), South 260th Street, and South 272nd Street (Redondo Shopping Center)/Redondo Park and Ride. The remainder of the corridor would provide opportunities for highway (auto-oriented) commercial development.
- (4) Consider the expansion of commercial and multi-family uses west of Pacific Highway South in areas now zoned single family.

Conceptual Schedule: Implement the proposed approach as follows:

- **Scoping: October 2013 - January 2014.** Identify the economic development opportunities and frame the threshold policy questions for F&ED and/or City Council direction with the assistance of the community.
- **Research: October 2013 - January 2014.** Complete analysis of current Des Moines, Kent and Federal Way comprehensive plans, zoning and development regulations for the S240th Street/HCC, S 260th Street and S 272nd Street areas and the connecting segments of the corridor. Identify differences that may need to be reconciled or which require F&ED or Council policy direction.
- **Preliminary Code Changes and Policy Changes: February - May 2014.** Identify policy questions, staff recommendations and recommended H-C and C-C Zone regulation changes and zoning map changes for community and F&ED review. Create development code that is simple and appealing to developers and compares favorably to the Cities of Kent and Federal Way.

- **Draft Ordinance: June - September 2014.** Finalize Subarea Plan, and Zoning. Prepare draft ordinance(s) for H-C and C-C Zones for first F&ED and then full Council consideration. Complete SEPA and state reviews.

Proposed Areas of Higher Density Development

- 1) Highline Community College Area (South 240th Street)
 - Focus for this area will be a larger “core” mixed-use development area with buildings up to 200 feet. Commercial uses will be retail, office and service oriented.
 - It could include more office and commercial uses along S 240th Street across from the College with multi-family residences/ student housing apartments providing buffer/transition to single family areas.
- 2) Redondo Shopping Center Area (South 272nd Street – Redondo Park and Ride)
 - Focus for this area would be neighborhood oriented providing local services and opportunity for offices, housing and mixed use development with buildings up to 55 feet.
 - Including the area west to 16th Avenue South would be evaluated.
- 3) South 260th Street Area: Based on the results of Sound Transit’s Alternative’s Analysis and Draft EIS scoping which included input from the community, the opportunities and potential for more dense development at this location will be evaluated.

Areas of Auto-oriented Highway Commercial Development

Planning for portions of the corridor that connect areas of higher density development will focus on:

- Providing opportunities for auto-oriented commercial and light industrial uses such as automobile sales and service, light industrial and manufacturing, trucking, outdoor storage, office, and flex-tech while accommodating some mixed use and live-work space housing with buildings up to 50 feet.

Expansion of Commercial and Multi-Family Uses West of Pacific Highway South

- Evaluate potential of expanding PHS corridor up to ½ mile to the west based on vacant and re-developable land, improvement value/land value, proximity to College/employment, and proximity to transit (including park and ride lots near S 272nd Street).

Other Planning Goals:

- Reconcile development standards along the border between the Cities of Des Moines, Kent, and Federal Way to be consistent and transparent to the public.
- Provide land uses and regulations that support and take advantage of existing Bus Rapid Transit and future Link Light Rail investments.
- Involve the community and potentially affected property owners in deliberate and inclusive ways with multiple opportunities to help shape the new plans and development regulations.

Assumptions for Moving Forward:

- Use the Envision Midway, Subarea Plan, and Design Guidelines as a spring board for moving forward and conducting updated planning and analysis.
- Build on the recent Pacific Ridge Zone changes and integrate City of Kent Midway changes into Des Moines' plans and regulations for the Highway-Commercial (H-C) zone. This should be done in ways that are complementary and transparent to property owners and developers.
- Consider combining Pacific Ridge Commercial (PR-C), Highway Commercial (H-C) and Community Commercial (C-C) zones.
- Inform and be informed by the Sound Transit FWTE Draft EIS and on-going planning effort. Use the Sound Transit effort to help us better understand the economic, land use and other activity through the corridor, assess potential impacts of the FWTE alignments and station locations, mitigate the potentially adverse impacts and realize the opportunities that light rail will provide the corridor.
- Inform and be informed by the needs for the College and King County METRO Transit Center. Help Highline Community College implement its campus master plan, including creation of a King County METRO transit center at the College, by Comprehensive Plan, zoning and development regulation changes.
- Be informed by demographic data from Highline Community College.

Staff Capacity

Existing staff may be able to complete this work and on-going commitments by the fall of 2014 as shown, but additional resources beyond the end of 2013 will be needed for reasons further explained in the F&ED Work Program proposal.



ATTACHMENT 3
Finance and Economic Development Committee
Possible Work Program Items

1. State Required Comprehensive Plan Update – 2014 major update
 - a. North Central Neighborhood Element
 - b. Economic Development Element (new)
 - c. Urban Center designation
2. Facilitate and support the implementation of large scale development projects such as:
 - a. Des Moines Creek Business Park
 - b. Artemis
 - c. Barcelona
 - d. House of Art
 - e. Landmark on the Sound rezoning and redevelopment
 - f. Wesley Homes rezoning and re-development
 - g. Large scale Marina/Beach Park Development
3. Pacific Highway South Corridor (*Kent Des Moines Road to South 272nd Street*)
4. Planning on the South 216th Street corridor (*15th Avenue South to 24th Avenue South*)
5. B&O Tax Model
6. Business Attraction Program
7. Parking /Business Improvement Area Options
8. Subdivision Code (Title 17)
9. Park Impact Fee
10. PUD Code

PBPW Department 2014 Work Program and Staff Resources

Existing staff may be able to complete Items 1, 2 and 3 in 2014 *without additional resources beyond the end of 2013, but most certainly will not have the capacity to work on Items 4 – 13 because of:*

- Current and on-going project and development related services
- The State required 2014 Comprehensive Plan update.
- Work programs for other Council Committees (Marijuana regulations, tree cutting/preservation policies, Street Standards Update, etc.)
- DMMC Reorganization
- Sound Transit FWTE Draft EIS involvement
- DMCBP implementation
- An extensive Capital Improvement Program

Council will need to be clear on its economic development-related policy and development regulation priorities and disciplined on staying focused on the most strategic City issues.

The limited planning and engineering staffs will be almost completely committed to environmental and design review, and permitting and inspecting projects already in the pipeline.

Two large dormant building projects (Barcelona and House of Art) are expected to move forward. Some commercial projects will be sold and new investors will require City help. Every large project developer will ask for DMMC changes to improve their project and its financial viability.

The following projects are expected to require substantial staff effort:

- (1) The Marina District including the Marina dock repairs, parking, and Marina floor will require attention to support existing businesses, facilitate new large scale development, address long term parking needs, and continue Beach Park rehabilitation.
- (2) The Artemis Hotel will require significant planning, building, and engineering attention until it opens in two years.
- (3) Wesley Homes is expected to finally move forward on their substantial re-development plans.
- (4) Rezoning and redevelopment of Landmark on the Sound is expected to require staff effort.
- (5) Planning on the S. 216th Street corridor will be needed.
- (6) Four or five subdivisions (Blueberry Lane, Crestwood Park, Highline View Estates, and Pacific Heights) will resume in response to increasing housing demand.
- (7) The Barnes Creek Trail (old 509 ROW) will require planning and engineering support.
- (8) Neighborhood issues and residential development regulations cannot be ignored.
- (9) On-going planning and grant efforts on Marina District Wayfinding, SEPA Infill Exemptions for Marina District and Pacific Highway, and design guidelines review will need to be suspended or deferred.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: 2015 Comprehensive Plan Periodic Update

ATTACHMENTS:

1. Work Program Schedule

FOR AGENDA OF: January 9, 2014

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: January 2, 2014

CLEARANCES:

[N/A] Legal _____

[N/A] Finance _____

[N/A] Marina _____

[N/A] Parks, Recreation & Senior Services _____

[X] Planning, Building & Public Works DEL

[N/A] Police _____

[N/A] Courts _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

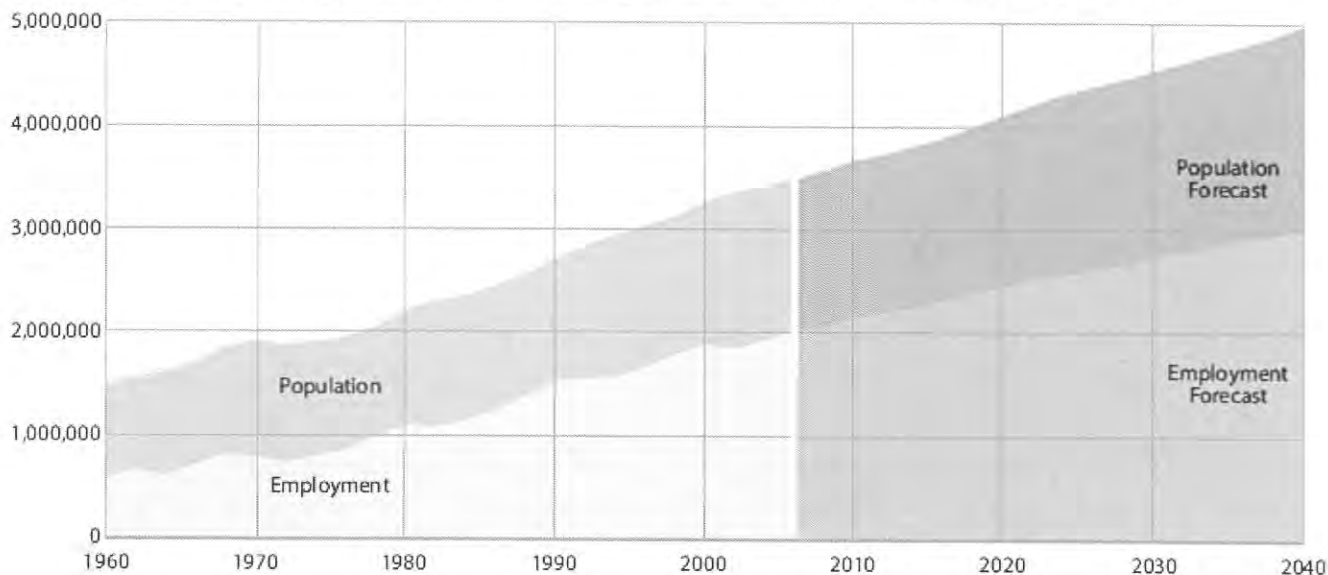
“The purpose of this report is to provide City Council a briefing on the work program and schedule for 2015 Comprehensive Plan Periodic Update. No Council action is required; however, policy direction is requested.

Background

Des Moines' Comprehensive Plan is the City's official statement with respect to its vision for future growth and development. It identifies goals, policies, and strategies for maintaining the health, welfare, and quality of life of the Des Moines' residents. The Comprehensive Plan is comprised of individual elements addressing general planning, land use, transportation, conservation, capital facilities/utilities/public services, parks, recreation and open space, housing, community character, neighborhoods and public health.

The City is required to review and, if needed, update its comprehensive plan and development regulations to ensure compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, by June 30, 2015 pursuant to RCW 36.70A.130. This periodic review and update is necessary to ensure that the City's comprehensive plan and development regulations reflect current laws, local needs and goals, and new data.

The need for the periodic update is also driven by the expected population and employment growth in the Puget Sound region which is expected to reach nearly five million people and three million jobs by 2040. King County is expected to receive the largest share of the region's forecast growth.



Source: Puget Sound Regional Council, Vision 2040, pg. 3, www.psrc.org

VISION 2040 establishes the Regional Growth Strategy that looks at how the region can distribute forecast growth, primarily within the designated urban growth area. In the *Regional Growth Strategy*, the region's landscape has been divided into seven types of geographies: Metropolitan Cities (five cities), Core Cities (14 cities), Larger Cities (18 cities, including Des Moines), Small Cities (46 cities), Unincorporated Urban Growth Areas, Rural Areas and Natural Resources Lands. These regional geographies provide a framework for the distribution of the region's forecast growth for the year 2040 while recognizing the roles of different types of cities in accommodating regional growth.

Larger Cities are expected to accommodate 14 percent of the region's population growth and 12 percent of its employment growth by the year 2040. This is an increased role compared to current adopted targets for the year 2025, which call for approximately 8 percent of regional population growth and 7 percent of regional employment growth to occur in Larger Cities (Vision 2040). Des Moines is expected to add another 3,000 households and 5,000 jobs to the City by 2040.

Discussion

Cities and counties fully planning under the GMA must complete period update for their entire comprehensive plan and development regulations. Under the GMA, the Legislature established a schedule for when the periodic update is required to be complete. King County and its cities must complete their update by June 30, 2015.

There are four overall tasks counties and cities must take during the periodic update process that provides the framework for the City's work program:

1. Establish a public participation program.

This task entails developing a plan that includes a schedule for steps in the update process to ensure the public is aware of the process and knows how they can participate. The program must provide for **early and continuous public participation** (RCW 36.70A.140). The program should

clearly identify the scope of the review and identify when legislative action on the review and update component are proposed to occur. Counties and cities must ensure that **notice** of the update process is broadly and effectively disseminated (RCW 36.70A.035).

2. Review relevant plans and regulations.

Evaluate whether there is a need to revise the urban growth area, comprehensive plan, or development regulations to ensure they are consistent with the GMA. The Department of Commerce periodic update checklists provide a concise summary of the GMA requirements. The checklists are a tool that enables the Counties and Cities to compare their comprehensive plan and regulations against the latest requirements, determine what needs to be reviewed in greater detail, and what may need to be added, deleted, and amended in plans and codes to maintain compliance with the act.

The GMA calls out a number of specific items that **must** be reviewed as part of the periodic update.

- Urban growth areas (UGAs), which by definition include all cities, to determine if the zoning as adequate capacity to accommodate the next twenty years of projected population and employment growth.
- Critical area ordinances to ensure “best available science” (BAS) is included in development regulations to protect critical area functions and values.
- Land use, housing, transportation and capital facilities elements and inventories as it relates to existing and projected needs.

3. Take legislative action. Adopt an ordinance or resolution finding that a review has occurred, and identifying revisions made or concluding that revisions were not needed.

4. Submit notice to state. Send formal notice of intent to adopt to the state at least 60 days prior to taking legislative action. Send a copy of the signed adopted ordinance or resolution 10 days after final action.

Attachment 1 shows a proposed schedule showing how the work program outlined above will be implemented in 2014. It also identifies key check-in points with Council and the public.

Alternatives

Periodic review of the City’s comprehensive plan and development regulations is a requirement of the GMA (Chapter 36.70A RCW). A jurisdiction that has missed an update deadline is also vulnerable to a “failure to act” petition for review to a Growth Management Hearings Board (or for partially-planning jurisdictions, to Superior Court).

If a local government has made significant progress on its update, but hasn’t finished all needed revisions by their periodic update deadline, it would be prudent to take steps to demonstrate good faith and progress. Local jurisdictions may adopt a resolution that documents progress already made and sets a schedule for completing the update.

Financial Impact

Missing the periodic update deadline has immediate financial consequences. A county or city that has not completed the basic actions described above by the deadline set in the GMA will be ineligible to

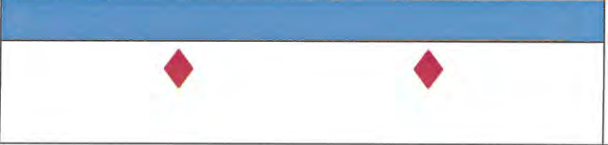
receive funds from the Public Works Trust Fund or the Centennial Clean Water account or to receive preference for other state grants and loans.

Recommendation or Conclusion

Administration will begin work on the 2015 Comprehensive Plan Periodic Update starting in January 2014.

Concurrence

N/A

COMPREHENSIVE PLAN UPDATE PROGRAM	J F M A M J J A S O N D	NOTES
<u>Initial Approach and Discussion</u> - Review existing comp plan, subarea plan(s) and development regulations - Review requirements in WA Department of Commerce Periodic Update Checklist - Review GMA amendments passed since last update - Determine approach and extent of update - Develop work program and schedule		Check required items against the comp plan and development regulations to see if they need to be updated. City Council review work program and schedule at committee level.
<u>Data Collection and Mapping</u> - Update any relevant inventories, demographics and population projections - Capacity analysis - GIS mapping - Housing needs assessment		
<u>Foundational Work and Element Review</u> - Review King County Countywide Planning Policies - Review PSRC Vision 2040 Multicounty Planning Policies - Review relevant elements - Identify potential plan amendments - Identify potential zoning amendments		Relevant refers to those elements, as determined during the scoping process, requiring a review and update.
<u>Prepare Draft Comprehensive Plan Amendments</u> - Draft goals, policies, maps, etc. - Draft code and map changes		City Council review of draft elements at committee level.
<u>SEPA Compliance and Notice</u> - Scoping - Complete environmental checklist - Provide 60 day notice to Department of Commerce - Publish notice of SEPA decision and public hearing - Distribute notice to interested parties		
<u>Final Plan Review</u> - City Council review, revision and adoption - City Council Public Hearing - Department of Commerce review		City Council review and provide direction on any revisions.
<u>Public Outreach</u> - Develop public outreach program - Develop informational materials - Continuous public involvement events		
 Public Open Houses  City Council Check-in Points		

