

AGENDA

**Finance and Economic Development Committee Meeting
Thursday January 8, 2015
5:30 p.m. – 6:30 p.m.
South Conference Room**

- 1. Call to Order**
- 2. Approval of the November 13, 2014 meeting minutes**
- 3. Update on Nuisance Property Abatement**
- 4. Pacific Highway South Corridor – Community Commercial Zoning
(252nd Street to 272nd Street)**
- 5. Committee member comments**

MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

November 18, 2014
South Conference Room
21630 11th Avenue South, Des Moines, WA

Council Members

Chair Matt Pina
Jeremy Nutting
Jeanette Burrage

City Staff

Tony Piasecki – City Manager
Michael Matthias – Asst. City Manager
Dan Brewer – PBPW Director
Denise Lathrop – Community Development Mgr
Grant Fredricks – Consultant
Tim George – Assistant City Attorney

1. Call to Order

The meeting was called to order at 5:02 p.m. by Chair Matt Pina

2. Approval of the October 9, 2014 Meeting Minutes

Minutes approved as submitted.

3. Development Updates

The following projects were discussed:

- Artemis Hotel
- DMCBP
- Highline Place
- Waterview Crossing
- Marina Development Project

4. Economic Development Element of the Comprehensive Plan

Assistant City Manager Matthias provided a draft Economic Development Element for the Comprehensive Plan. Matthias discussed the draft policies, and implementation strategies. If the Council ultimately decided to include an Economic Development element in the Comprehensive Plan, staff would use the implementation strategies and action items to develop an Economic Development Strategic Plan for use as a guiding and strategic document for economic development activities.

5. Adult Entertainment Uses

Assistant City Attorney George provided a set of City Codes regulating Adult Entertainment, and discussed fees collected for the two existing Adult Entertainment locations. There was discussion about changing the language in the Zoning Code to allow this use specifically in the PR-C zone, but staff clarified that the Zoning Code now only allows such use in PR-C. There was also discussion about modifying the separation requirements from 500 feet to 1,000 feet in the Adult Entertainment Facility Zoning Chapter (18.160) as suggested in a report conducted by the City in 1984. There was also a discussion about strengthening the regulations related to the activities of the patrons of these facilities. The Committee directed staff to prepare draft ordinances for further discussion and consideration at upcoming Council meetings.

6. Pacific Highway South Corridor – Community Commercial Zoning (South 252nd St – South 272nd St.)

PBPW Director Brewer discussed options for addressing the remainder of the Pacific Highway South corridor currently zoned Community Commercial (C-C). There was some discussion about the possibility of rezoning some properties closest to South 272nd Street to Transit Community (T-

C). There was some reluctance from the committee on this idea. PWPB Director Brewer suggested that staff prepare a working draft ordinance to address the C-C zoning regulations following the process that has been used along the corridor in order to provide consistency. Staff will address building heights, setbacks from residential areas, allowed uses, parking, and landscaping requirements.

The Committee directed staff to prepare a draft ordinance for further discussion and consideration at upcoming Council meeting. The committee asked that the draft ordinance be e-mailed to them in advance of the Council meeting for review.

7. Committee Member Comments

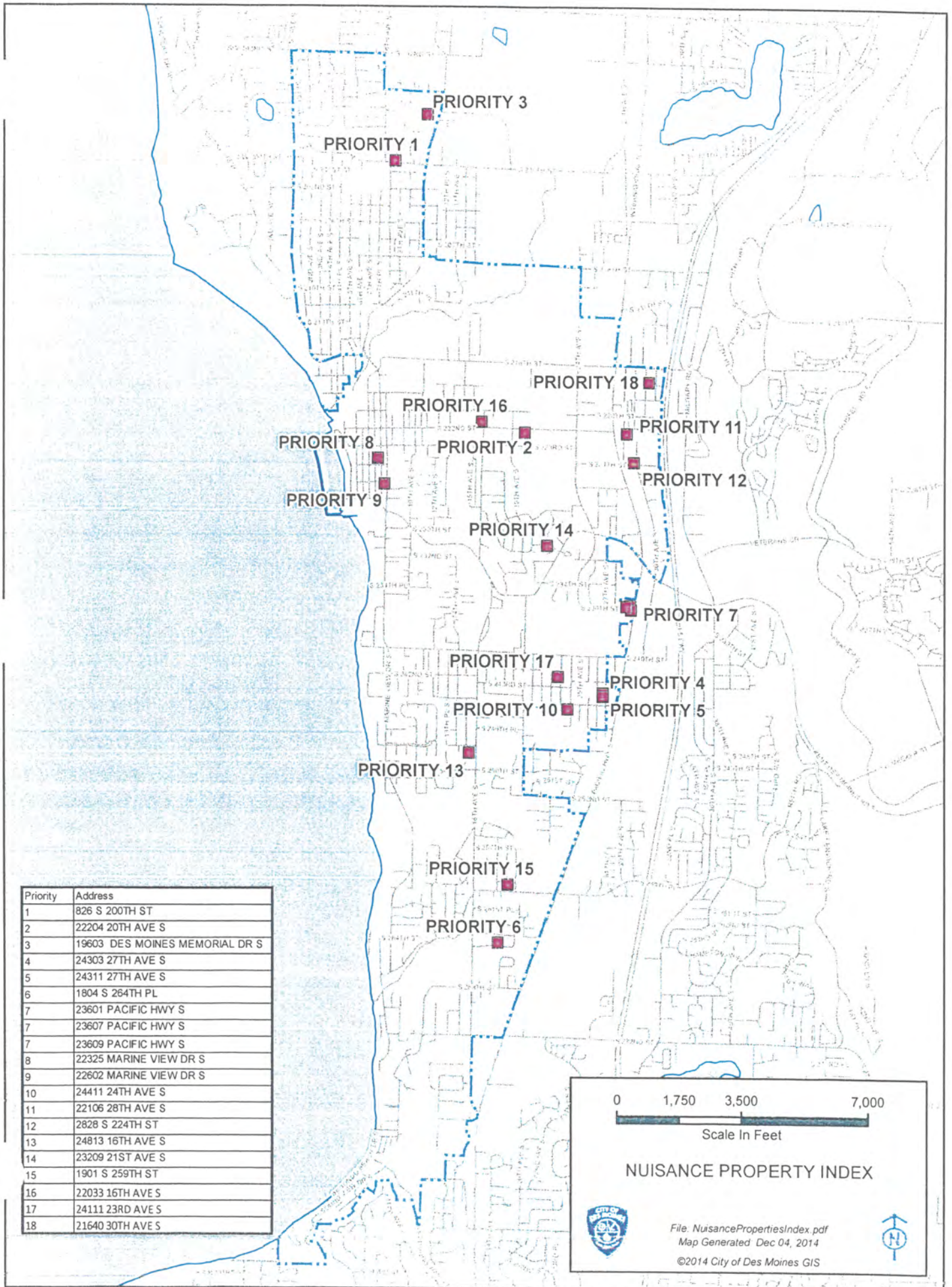
None.

The next regular meeting is tentatively scheduled for December 11th, 2014, from 5:30-6:50 p.m. in the South Conference room.

Adjourned at 6:12 p.m.

Respectfully submitted by:

Dan Brewer, Planning, Building and Public Works Director



MAP #	Property Address	Owner	Assessed Value	KC Assessor Condition	Police Calls for Service	Fire Calls for Service	Number of Contacts between Code Enforcement and Owner/Manager (last 2 years)	Number of Citations written by Code Enforcement (last 2 years)	Basis for Citation	Staff Comments/Updates
11	22106 28TH Ave S	Andrew Jack Steen (deceased)	\$ 72,000	Poor	0	0	5	0		Vacant secured house, property used as dump. In probate, new owner plans to knock down.
12	2828 S 224TH St	Wanda J. Golka (deceased)	\$ 143,000	Poor	3	1	5	0		Vacant and unsecured. In probate, attorney informed of interested buyer. (Stafford)
13	24813 16TH Ave S	Victor Golka (deceased)	\$ 72,000	Poor	0	0	1	1	1) Unsafe Structure	Vacant and unsecured. Extensive arson damage.
16	22033 16th Ave S	William Kirk	\$ 107,000	Poor	0	0	3	0		Vacant and secure. Foreclosure, trustee sale May 8, 2015.
2	22204 20TH Ave S	Darshan and Meena Jourha	\$ 35,000	Fair	2		12	2	1) Weeds 2) UnSecured Structure	Vacant house, no sewer, working with owner to secure
10	24411 24th Ave S	John Pfeffer	\$ 185,000	Fair	0		10	9	Weeds	Municipal Court date 1/15/15 for excessive weeds.
14	23209 21ST Ave S	Joseph M. Culler (deceased)	\$ 199,000	Fair	0		15	1	1) Weeds & Junk Vehicle	Vacant and secure. Began probate and then foreclosed on by Home Street Bank.
1	826 S 200TH St	Pete D. and Stacy Vowels	\$ 225,000	Average	7		13	0		Vacant house, red-tagged. Safe Guard Properties

MAP #	Property Address	Owner	Assessed Value	KC Assessor Condition	Police Calls for Service	Fire Calls for Service	Number of Contacts between Code Enforcement and Owner/Manager (last 2 years)	Number of Citations written by Code Enforcement (last 2 years)	Basis for Citation	Staff Comments/Updates
4	24303 27TH Ave S	JV Financial	\$ 360,000	Average	5		12	2	1) Unsecured Structure 2) Garbage	Vacant 4-Plex, red-tagged. Safe Guard Properties
5	24311 27TH Ave S	Saechao Wan Poo and Feuy Ta	\$ 360,000	Average	6		5	0		Vacant 4-Plex, red-tagged. Altisource Property Management
6	1804 S 264th Place	Juanita Sinclair	\$ 177,000	Average	0		10	2	1) Garbage & Weeds 2) Garbage & Weeds	Vacant house, red-tagged. New Leaf Property Preservation
15	1901 S 259TH St	Mick and Donni Millici	\$ 137,000	Average	8		12	3	1) Garbage 2) Garbage 3) Weeds	Vacant, red-tagged. Extensive Fire Damage. Partially Secure. Vacant and secure. Extensive mold damage. Foreclosure, managed by New Leaf Property Preservation.
17	24111 23rd Ave S	Federal Home Loan Mortgage	\$ 210,000	Average	0		6	1	1) Weeds	DM Theater. Possible sale of property.
8	22325 Marine View Dr S	Plutus II LLC	\$ 589,200	Average (Bldg)	0		7	1	1) Peeling Paint & Weeds	BeBe Nails. Remodel plans submitted, staff waiting for resubmittal with required revisions.
9	22602 Marine View Dr S	Tuyet Vu	\$ 174,500	Average (Bldg)	0		12	3	1) Weeds 2) Peeling Paint 3) Abandoned Signage	
18	21640 30th Ave S	Nathaniel Greene	\$ 432,000	Average / Good	100		6	4	1) Garbage 2) No Business License	Foreclosure, trustee sale pending. Vacant and secure.

MAP #	Property Address	Owner	Assessed Value	KC Assessor Condition	Police Calls for Service	Fire Calls for Service	Number of Contacts between Code Enforcement and Owner/ Manager (last 2 years)	Number of Citations written by Code Enforcement (last 2 years)	Basis for Citation	Staff Comments/Updates
3	19603 DM Memorial Dr S	Xin Wen and Yan Wang	\$ 225,000	Good	3		9	0		Vacant house, owner secured property. Remains vacant for possible re-development
7	23601-23609 Pacific Hwy S	Recently Sold		Commercial / No condition	0		6	0		New ownership group purchased in Dec with plans to re-develop.
	COMBINED ASSESSED PROPERTY VALUE		\$ 3,702,700							

King County Assessor Property Classifications

1 = Poor- Worn out. Repair and overhaul needed on painted surfaces, roofing, plumbing, heating and numerous functional inadequacies. Excessive deferred maintenance and abuse, limited value-in-use, approaching abandonment or major reconstruction; reuse or change in occupancy is imminent. Effective age is near the end of the scale regardless of the actual chronological age.	2 = Fair- Badly worn. Much repair needed. Many items need refinishing or overhauling, deferred maintenance obvious, inadequate building utility and systems all shortening the life expectancy and increasing the effective age.	3 = Average- Some evidence of deferred maintenance and normal obsolescence with age in that a few minor repairs are needed, along with some refinishing. All major components still functional and contributing toward an extended life expectancy. Effective age and utility is standard for like properties of its class and usage.	4 = Good- No obvious maintenance required but neither is everything new. Appearance and utility are above the standard and the overall effective age will be lower than the typical property.	5= Very Good- All items well maintained, many having been overhauled and repaired as they have shown signs of wear, increasing the life expectancy and lowering the effective age with little deterioration or obsolescence evident with a high degree of utility.
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2012	27 Citations/ 11 Declines	Outcome
I 1078832	Rifkin, Robert V.	Infraction Committed - \$100
I 1078844	LDH Investments	Infraction Dismissed
I 1079502	Allan, Douglas	Infraction Committed - \$1,078
I 1079503	Pfeffer, John C.	Infraction Committed - \$513
I 1079511	Chahal, Tajnder	Infraction Committed - \$250
I 1079505	Carbajal, Reben	Infraction Committed - \$565
I 1079504	Castillo, Florencio	Infraction Committed - \$1,078
I 1079515	Yee Two LLC	Infraction Committed - \$513
I 1079516	Pfeffer, John C.	Infraction Committed - \$513
I 1079518	Anbesse, Kalio	Infraction Dismissed
I 1079521	Pothinen, Aon	Infraction Committed - \$150
I 1079520	Pfeffer, John C.	Infraction Committed - \$513
I 1079519	Allan, Douglas	Infraction Committed - \$1,591
I 1079514	Saint - Hilaire, Jeann	Infraction Committed - \$150
I 1079517	Milici, Mick Justice	Infraction Committed - \$565
I 1079523	Griffin, William	Infraction Committed at trial, reversed on appeal
I 1079524	Griffin, William	Infraction Committed at trial, reversed on appeal
I 1079522	Chahal, Tajnder	Infraction Committed - \$250
I 1081213	Milici, Mick Justice	Infraction Committed - \$565
I 1081210	Culler, Joseph	Infraction Committed - \$1591, Dismissed after death of Mr. Culler
I 1081179	Milici, Mick Justice	Infraction Committed - \$565
I 1081183	Bal, Surjit K.	Infraction Committed - \$1,078
I 1081214	Pfeffer, John C.	Infraction Committed - \$513
I 1081178	Allan, Douglas	Infraction Committed - \$1,591
I 1081184	Chahal, Tajnder	Infraction Committed - \$250
I 1081216	Parks, Kimberly	Infraction Committed - \$565
I 1081217	Milici, Mick Justice	Infraction Committed - \$565
2012	Decline	Basis for Decline
I 1078847	Saint-Hilaire, Jean M - D	Property in compliance.

I 1079501	Rifkin, Robert - D	Per Nancy notes, 4/12/12 - "structure secured and garbage removed from property."
I 1079508	Yee, King - D	Citation issued to wrong person - Reissued to Yee Two LLC, I1079515
I 1079507	Langston, James - D	Declined for lack of information, sought Development Services review and referred back to CE for follow-up. No further information.
I 1079513	Pothineni, Hari - D	Not filed pursuant to resolution of I 1079521
I 1078845	Griffin, William - D	Citations written for same offense overturned on appeal in Superior Court.
I 1081201	Griffin, William - D	Citations written for same offense overturned on appeal in Superior Court.
I 1079525	Foster, Herman - D	Person cited no longer owned property
I 1081203	Bank of America - D	Incorrect Owner Cited
I 1081205	Tuyet, Vu - D	Citation issued to wrong person - weeds on property cleared
I 1081215	Bradford, Michelle - D	Factually insufficient, owner storing items outside under awning, did not meet DMMC definition of "garbage"
2013	30 Citations/ 7 Declines	Outcome
I 1081179	Golka, Victor	Infraction Committed - \$565
I 1081185	Abeyta, Davy A	Infraction Committed - \$152
I 1081218	Okawa, K	Infraction Committed - \$565
I 1081219	Riley, Daniel	Infraction Dismissed
I 1081188	Monarca, Martin	Infraction Committed - \$50
I 1081221	Bradford, Michelle	Infraction Committed - \$565
I 1081222	Padilla, Kathleen	Infraction Committed - \$1,078
I 1081191	Pfeffer, John	Infraction Committed - \$513
I 1081193	Yazdani, Shahzad	Infraction Committed - \$565
I 1081190	Milici, Mick Justice	Infraction Committed - \$565
I 1081187	Thayer, Margie	Infraction Committed - \$513
I 1081195	Johnson, Barry	Infraction Committed - \$1,078

I 1081194	Greene, Nathaniel	Infraction Committed - \$250
I 1083451	Allan, Douglas	Infraction Committed - \$1,078
I 1081199	Medina, Jose Enrique	Infraction Committed - \$100
I 1083478	Jackson, James M.	Infraction Committed - \$150
I 1083452	Pfeffer, John	Infraction Committed - \$513
I 1083477	Johnson, Barry T.	Infraction Committed - \$1,591
I 1083458	Young, Charles	Infraction Committed - \$565
I 1081200	Vu, Tuyet Thi Anh	Infraction Dismissed - Written to wrong person
I 1083461	Sinclair, Juanita	Infraction Committed - \$1,078
I 1083480	Elkins, Andrea C.	Infraction Committed - \$200
I 1083460	Rena, Rea	Infraction Committed - \$565
I 1083481	Allan, Douglas	Infraction Committed - \$565
I 1083483	Greene, Nathaniel	Infraction Committed - \$1,026
I 1083462	Cuevas-Rodriguez, Normelio	Infraction Committed - \$150
I 1083463	Goli, Lima	Infraction Committed - \$250
I 1083482	Pfeffer, John	Infraction Committed - \$5,130
I 1083454	Olson, Leonard A.	Infraction Committed - \$1,026
2013	Decline	Basis for Decline
I 1081186	Pothineni, Hari - D	Insufficient factual evidence. Garbage de minimus.
I 1081189	Carlson-Chaney, Julie - D	Insufficient factual evidence. One flat tire on vehicle does not meet DMVC definition of "extensively damaged."
I 1083457	Sunset Development - D	Written for excessive weeds on vacant property with no structure. Instructed to re-write for garbage on property.
I 1081220	Castillo, Roberta - D	Insufficient factual evidence. Vehicle not "extensively damaged" according to DMVC.
I 1081225	Morozzo, Linda - D	Citation for No Business License. Business License was obtained and late penalty was paid.
I 1081224	Sunset Development -D	Written for excessive weeds on vacant property with no structure. Instructed to re-write for garbage on property.

I-1083453	Bal, Surjit Kaur -D	Property brought into compliance.
2014	48 Citations/ 5 Declines	Outcome
I 1083464	Jourha, Darshan	Infraction Committed - \$200
I 1083484	Milici, Mick J.	Infraction Committed - \$565
I 1067258	White, Mark J.	Infraction Committed - \$513
I 1083465	Kanev, Mark E.	Infraction Committed - \$513
I 1083466	White, Mark J.	Infraction Dismissed pursuant to Correction Agreement
I 1083467	White, Mark J.	Infraction Dismissed pursuant to Correction Agreement
I 1083469	Kanev, Mark E.	Infraction Committed - \$513
I 1083472	Zerai, Kibrom	Infraction Committed - \$100
I 1083488	Allan, Douglas	Infraction Committed - \$1,078
I 1083487	Pfeffer, John C,	Infraction Committed - \$5,130
I 1083471	White, Mark J.	Infraction Dismissed pursuant to Correction Agreement
I 1083486	Ramirez, Moises	Infraction Dismissed
I 1083490	Milici, Mick J.	Infraction Committed - \$1,078
I 1083491	Sinclair, Juanita M.	Infraction Committed - \$1,078
I 1083489	Pothineni, Hari	Infraction Committed - \$250
I 1083492	Hoi, Ty	Infraction Dismissed
I 1083494	Goli, Uma M.	Infraction Committed - \$0
I 1083485	Chea, Chok H.	Infraction Committed - \$150
I 1083473	White, Mark J.	Infraction Dismissed pursuant to Correction Agreement
I 1083474	White, Mark J.	Infraction Dismissed pursuant to Correction Agreement
I 1083496	Greene, Nathaneal	Infraction Committed - \$513
I 1083497	Pham, Victor	Infraction Committed - \$1,078
I 1083498	Singh, Jagendar	Infraction Committed - \$250
I 1083495	Pfeffer, John C	Infraction Committed - \$5,130
I 1084277	Buttar, Baljinder	Infraction Committed - \$513

I 1084279	Valdez Rivas, Antonio	Infraction Committed - \$150
I 1083475	Mengistu, Rioane	Infraction Committed - \$250
I 1083499	Truong, Vi	Infraction Committed - \$565
I 1083500	Christensen, David	Infraction Committed - \$513
I 1084276	Patridge, Timothy	Infraction Committed - \$150
I 1084283	Gasparyan, Tigran	Infraction Committed - \$1539
I 1084281	Goli, Uma M.	Infraction Dismissed
I 1084280	Olson, Leonard A	Infraction Committed - \$565
I 1084285	Greene, Nathanael	Infraction Committed - \$300
I 1084282	Studdard, D'Ann	Infraction Committed - \$400
I 1084286	Vu, Tuyet Thi Anh	Infraction Dismissed - Written to wrong person
I 1084287	Bautista, Agustin	Infraction Committed - \$100
I 1084290	Miles, Imelda N	Infraction Committed - \$100
I 1084292	Pfeffer, John C	Infraction Committed - \$10,260
I 1084291	Federal Home Loan Mortgage	Infraction Committed - \$1,078
I 1084293	Elkins, Andrea	Infraction Committed - \$200
I 1084294	Chasa, Yeshi G	Pending
I 1084298	Pfeffer, John C	Pending
I 1084300	Vu, Tuyet Thi Anh	Pending
I 1084299	Lin Wu, Chen-Ju	Pending
I 2084295	Jourha, Darshan	Pending
I 1084296	Sunset Development & Investment	Pending
I 1084297	Goli, Uma M.	Pending
2014	Decline	Basis for Decline
I 1083468	Bal, Surit Kaur - D	Written for "yard waste" on property. This is not illegal under DMMC.
I 1083493	Sunset Development - D	Instructed to re-write to legal owner, Victor Pham. Citation #I1083497 Issued, Committed \$1,078
I 1084278	Stark, Benjamin - D	Declined per Nancy request on 5/26/14
I 1084288	Markwell, Dave - D	Citation for No Business License. Business License was obtained and late penalty was paid.

I 1084289	Golden, Cheri - D	Citation for No Business License. Business is out of business.
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CITY ATTORNEY'S FIRST DRAFT 12/29/2014

DRAFT ORDINANCE NO. 14-240

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Zoning Code and development regulations for the area along Pacific Highway South between South 252nd Street and South 272nd Street, and amending DMMC 18.52.010B, 18.110.050, 18.110.060, 18.110.080, 18.195.290, 18.210.090, and 14.05.130, and repealing DMMC 18.110.070 and section 271 of Ordinance No. 1591.

WHEREAS, in 2008 the cities of Des Moines and Kent initiated *Envision Midway*, a joint planning effort for the Midway-Woodmont area from Kent-Des Moines Road to South 272nd Street, and

WHEREAS, in 2009, Des Moines adopted Comprehensive Plan Strategy 2-04-12 that directs the City to 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, and

WHEREAS, Transportation Element Public Transit Strategies 3-05-04 (7) supports the Sound Transit light rail (LRT) station(s) in the Pacific Ridge, Midway and Woodmont areas on Pacific Highway South, (10) directs the City to work with Sound Transit on station area planning for the Midway and South 272nd Street stations, and (11) directs the City to coordinate with the City of Kent for the Midway subarea, and

WHEREAS, Parks, Recreation and Open Space Strategy 6-02-04 identifies the Pacific Highway Business Districts in Midway, East Woodmont and Redondo as opportunities for interconnections between economic and recreational expansion and for the establishment of other recreational facilities for Des Moines citizens, and

WHEREAS, the City of Kent completed their planning work and updated their development regulations for this area in 2011, and

Community Commercial Zone 122914

WHEREAS, on January 9, 2014, the City Council directed City staff to evaluate existing land use and zoning along the Pacific Highway South corridor and identify opportunities to create more appropriate development regulations under the direction of the Finance and Economic Development Committee, and

WHEREAS, on June 26, 2014, the City Council enacted Ordinance 1601 thereby establishing new Transit Community Zone development regulations for that portion of the corridor between Kent-Des Moines Road and South 252nd Street, and

WHEREAS, the City Council supports higher density redevelopment along Pacific Highway South in the area south of South 252nd Street, and possibly stations at South 260th Street and South 272nd Street to complement the new Transit Community Zone created by Ordinance 1601, and

WHEREAS, the current Community Commercial zoning was designed to capitalize on the 33,000 cars per day which use Pacific Highway South, but fails to anticipate the recent expansion of high capacity transit and possible extension of Link Light Rail to this area in the near future, and

WHEREAS, many Community Commercial zoned properties south of South 252nd Street cannot be optimally re-developed because of the City's current development regulations, and

WHEREAS, the City Council desires to maintain continuity and consistency to the extent possible in the City's development regulations along Pacific Highway South, and

WHEREAS, the City Council directed City staff to prepare an ordinance for its consideration which creates more appropriate development regulations for this commercial area along Pacific Highway South, and

WHEREAS, the Planning, Building and Public Works Director acting as the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents and fulfilled the SEPA requirements established by chapter 197-11 WAC and chapter 165.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

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

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

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

WHEREAS, the City Council set the date for the public hearing by Resolution No. 14-240, fixing the public hearing for XXXX, 2015 as required, and

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

WHEREAS, notice of the public hearing was issued on XX, 2015 in accordance with the DMMC, and

WHEREAS, a public hearing was held on XX, 2015 where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Draft Ordinance are appropriate and necessary; now therefore,

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

Sec. 1. DMMC 18.52.010B, and Section 133 of Ordinance No. 1591, as amended by Section 12 of Ordinance 1601, are each amended to read as follows:

18.52.010B. Commercial use chart.

TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is:	N-C	I-C	B-P	C-C	D-C	R-C	PR-C	T-C
P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required								
Accessory buildings and uses (as described in the applicable zone)	P	P	P	P	P	P	P	P
Admin./support services	P/L[3]		P	P/L[11-14]	P/L[4+14]		P	P
Adult family homes				P	P		P	P
Adult entertainment facilities							P/L[4+50] [4+50]	
Adult theaters						P/L[4+50]	P/L[4+50] [4+50]	
Amusement and recreational services				P/L[16]	P/L[4+10]			
Amusement parks	CUP	CUP	CUP	CUP		CUP	CUP	CUP
Animal or veterinary services			P	P	P	P	P	P
Antenna system (one)	P/L[6]							
Animal grooming	P/L[3]		P	P	P		P	P
Antenna systems (not accessory)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Apparel and accessories stores	P/L[1]		P	P	P	P	P	P
Arrangement of passenger transportation	P/L[3]			P	P		P	P
Art galleries	P			P	P		P	P
Art, glassware manufacturing			P	P	P			
Art, ornamental ware				P	P			
Arts, entertainment, and recreation facilities				P/L[11-14]	P/L[4+10]		P	P
Auction houses or stores				P	P	P/L[4+10]	P	
Automobile, body, paint, interior and/or glass repair				P/L[18]	P/L[4+10]		P/L[4+10]	
Automobile, detail shop				P/L[18]	P/L[4+10]		P/L[4+10]	
Automobile, maintenance and repair				P/L[18]	P/L[4+10]	P	P/L[4+10]	
Automobile, parking	P/L[5]		P	P/L[11-14] [20]	P/L[4+10]	P	P	P/L[4+10]
Automobile, sales						P	P/L[4+10]	
Automobile, service stations				P/L[18]	P/L[4+10]	P/L[4+10]	P/L[4+10]	
Automobile, trailer sales						P	P	
Automotive equipment, rental and leasing				P	P	P	P	P/L[4+10]
Bakeries, manufacturing and retail sales	P/L[1]		P	P/L[11-14] [4+21]		P		P/L[4+10]
Ballparks	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Banks				P	P		P	P
Barber, beauty and hairstyling shops	P/L[3]			P	P		P	P
Bed and breakfast facilities				P	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[4+10]		
Botanical and zoological gardens				P	P		P	
Bookbinding			P	P		P		P
Booster stations	UUP	UUP	UUP	UUP		UUP	UUP	UUP
Boxing and wrestling arenas	CUP	CUP	CUP	CUP		CUP	CUP	CUP
Building materials and garden equipment supply	P/L[1]		P	P	P	P/L[4+10]	P	
Business offices	P/L[11-14]		P	P/L[11-14]	P/L[11-14]		P	P
Car washes				P/L[18]	P/L[4+10]	P		

Comment [DB1]: This section is redundant with "Offices, Business and Professional" below

TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is:	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
P: Permitted								
P/L: Permitted, but with special limitations								
CUP: Conditional use review required								
UUP: Unclassified use review required								
Carpentry and cabinet shops	F/L[1][2]		P	P	P	P	P	
Casino hotels and motels				P	P		P	P
Cemeteries	CUP	CUP	CUP	CUP		CUP	CUP	
Ceramics, manufacture						F/L[44][1]		
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	P
Community gardens				P	P			
Community housing services				P/L[45][1]	P/L[46][1]			
Confectionery, manufacture			P	P/L[66][1]		P		P/L[47][1]
Contractors, general	P/L[3]		P/L[14]	P		P	P	P
Convention facilities			P	P	P	P		P
Correctional institutions			P					
Couriers and messengers	P/L[3]		P	P			P	P
Data processing, business and record storage	P/L[3]		P	P	P	P	P	P
Day care centers and mini day care providers	CUP	CUP	CUP	CUP	CUP		CUP	CUP
Death care services	P/L[3]		P	P	P	P/L[48][1]	P	
Distribution Centers, home deliveries			P			P		
Drive-in or drive-through facilities	P			P/L[18]	P/L[49][1]		P	
Dry cleaning and laundering services	P/L[3]		P	P	P	P	P	P
Educational services		P	P/L[7]	P	P/L[50][1]	P/L[51][1]	P	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[52][1]	P	P	
Fairgrounds and rodeos	CUP	CUP	CUP	CUP		CUP	CUP	
Family day care providers				P/L[73]	P/L[53][1]		P/L[54][1]	P/L[55][1]
Financial and insurance services			P	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	P
Footwear and leather goods repair	P		P	P	P	P	P	P
Foreign trade			P/L[13]					
Fraternal organizations/societies		P	P/L[7]	P	P		P	P
Fuel dealers, other							P	
Furniture, home furnishings and equipment, sales	P/L[1][2]		P	P	P	P	P	P
Furniture, repair	P/L[2][3]		P	P	P	P	P	P
Gambling, amusement, and recreation industries			P/L[7]	P/L[56][1]	P/L[57][1]		P	P
Garage, public						P/L[58][1]		
General merchandise stores	P/L[1]		P/L[9]	P/L[59]	P/L[60][1]		P	P
Glass, edging, beveling, silvering			P				P/L[61][1]	
Glass, stained glass studios	P					P		

TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is:	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
P: Permitted								
P/L: Permitted, but with special limitations								
CUP: Conditional use review required								
UUP: Unclassified use review required								
Golf courses, with accessory driving ranges, club houses and pitch & putt				P	P	CUP	P	
Golf driving ranges	CUP	CUP	CUP	CUP		CUP	CUP	
Hardware Store	P/L[1]		P	P		P	P	P
Health care and social services			P/L[2-7]	P/L[2-7]	P		P/L[2-7]	P/L[2-7]
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	P
Hospitals [mental and alcoholic]	CUP	CUP	CUP	CUP		CUP	CUP	CUP
Hotels				P	P	P/L[4-6]	P/L[4-6]	P
Information establishments				P		P	P	P
Internet, service providers			P	P		P	P	P
Job printing, newspapers, lithography, and publishing						P		P
Kennels, commercial			P	P	P		P	P/L[8-10]
Labor camps (transient)	CUP	CUP	CUP	CUP		CUP	CUP	
Laboratories			P	P	P	CUP	P	P
Laboratories [incl. medical, dental, or photographic]			P/L	P	P	P	P	P
Laundry, industrial			P				P	
Legal services	P/L[3]		P	P	P	P	P	P
Libraries (public)	P			P	P		P	P
Light Manufacturing, Fabrication, and Assembly			P/L[6]					
Limousine/Taxi service							P	
Machinist shop			P			P/L[4-6]		
Management of companies and enterprises	P/L[3]		P	P	P		P	P
Manufactured home sales							P	
Marijuana Producer/Processor, Recreational			P/L[4-7]	P/L[4-7]		P/L[4-7]		P/L[4-7]
Marijuana Retailer, Recreational				P/L[4-7]		P/L[4-7]		P/L[4-7]
Marinas					P/L[4-6]			
Mixed Use	UUP	UUP	UUP	UUP	P/L[4-6]	UUP	P/L[4-6]	P/L[4-6]
Motels				P	P	P/L[4-6]	P/L[4-6]	
Motion picture services	P/L[3]			P	P		P	P
Museums	P		P/L[7]	P	P		P	P
Nursing homes (PR-R-Nursing care facility; IC-Nursing and Residential Care Facility)				P	P		P	
Offices, business and professional	P/L[3]		P	P	P/L[3]	P	P	P
Open air theaters	CUP	CUP	CUP	CUP		CUP	CUP	
Parcel service delivery	P/L[3]		P			P	P/L[4-6]	
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[4-6]		P	P
Pet boarding			P	P	P		P	P/L[4-6]
Pet shop	P/L[3]			P	P	P/L[4-6]	P	P
Photocopying and duplicating services	P/L[11]		P	P	P		P	P

Comment [DB2]: Policy Question 1. Does the Council want to allow Mixed Use Developments as an outright permitted use in the C-C Zone?

Comment [DB3]: Policy Question 2. Does the Council eliminate this as a permitted use in the C-C Zone given that it is allowed in the D-C and PR-C zones?

TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is:	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
P: Permitted								
P/L: Permitted, but with special limitations								
CUP: Conditional use review required								
UUP: Unclassified use review required								
Photo finishing	P/L[1]		P	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	P
Professional offices, medical, dental	P/L[3]		P	P	P		P	P
Public administration facilities	P		P	P/L[17]	P/L[10-12]		P/L[4-12]	P/L[10-14]
Public facilities	P		P/L[10]	P	P		P	P
Public utility facilities	P/L[4]		P/L[10]		P	P/L[4-12]	P/L[10-14]	P/L[10-14]
Publishing, telecommunications, internet service providers, data processing services	P/L[3]		P	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	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	P
Repair services	P/L[2][3]		P/L[7]	P/L[16][18]	P/L[10-12]		P	
Repossession services	P/L[3]		P	P	P			
Restaurants	P		P/L[9]	P	P	P	P	P
Retail services and trade	P/L[1]		P/L[7]	P/L[15] + P/L[10-12]	P	P	P/L[4-12]	P
Retirement housing		P		P	P		P	P
Reupholster	P		P	P/L[15]	P	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[4-12]	P/L[10-14]
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[10-12]		P/L[4-12]	P/L[10-14]
Spectator sports	CUP	CUP	CUP	P	P		P	
Stadiums	CUP	CUP	CUP	CUP		CUP	CUP	
Supermarkets	P/L[1]		P	P	P		P	P
Taverns and cocktail lounges	P/L[1]		P	P/L[12]	P	P/L[10-12]	P	P/L[10-14]
Telecommunication facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Telephone exchanges						P		
Tire sales and service	P/L[3]						P	
Theaters				P/L[2]	P	P/L[10-12]	P	P/L[10-14]
Towing operations						UUP		
Transportation and wholesale trade			P/L[11]					
Water transportation					CUP			
Welding repair	P/L[2][3]		P	P/L[16][18]	P/L[10-12]	P	P	
Wholesale business			P	P/L[23]		P		P/L[10-14]
Wholesale trade and distribution of groceries				CUP				

Comment [DB4]: Policy Question 2. Does the Council eliminate this as a permitted use in the C-C Zone given that it is allowed in the D-C, PR-C, and T-C zones?

TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is:	N-C	I-C	B-F	C-C	D-C	H-C	PR-C	T-C
P: Permitted								
P/L: Permitted, but with special limitations								
CUP: Conditional use review required								
UUP: Unclassified use review required								
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 chapter 18.90 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

1. 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.

2. 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.

3. 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:

(a) The service does not involve keeping the person receiving the service overnight on the premises;

(b) The service does not include selling alcoholic beverages for on-premises consumption unless accessory to restaurant;

(c) 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

(d) The professional service does not include kennels or small animal hospitals or clinics.

4. 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.

5. 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.

6. 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 (6), 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 chapter 18.52 DMMC.

Business Park Zone

Every use locating in the B-P Zone is subject to the standards of chapter 18.52 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

7. 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.

8. Light Manufacturing, Fabrication, and Assembly. This regulation applies to all parts of Table 18.52.010B that have an [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).

9. 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).

10. 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 221120).

11. 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;
- (b) Motor freight transportation (484);
- (c) Support activities for freight transportation (4884, 4885, and 4889); and
- (d) Courier and postal services (492 and 493).

12. 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.

13. 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.

14. 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 chapter 18.100 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

15. 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 ~~allowed for all retail trade uses~~

- ~~(i) Building materials, hardware, and home supply, except mobile home dealers (522);~~
- ~~(ii) General merchandise stores (523);~~
- ~~(iii) Food stores (524);~~
- ~~(iv) Clothing stores, children's stores, and footwear stores (525);~~
- ~~(v) Apparel and accessory stores (526);~~
- ~~(vi) Book, electronics, sporting goods, and department stores (527);~~
- ~~(vii) Consumer electronics stores (528);~~
- ~~(viii) Miscellaneous retail stores (529); except car dealerships (529.01).~~

16. 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:

- (a) Hotels and motels (701);
- (b) Personal and business services, with ancillary wholesale trade (72-73), except the following:
 - (i) Industrial laundrers (7218);
 - (ii) Billboard advertising (7312);

(iii) Heavy construction equipment rental and leasing (7353);

~~(iv) Industrial process plants and refineries (7354);~~

(iv) Oil extraction equipment rental and leasing (7359).

~~Operating as a business, a vehicle repair shop is a use that is not permitted in the C-C Zone. The facilities for parking are prohibited and prohibited. It is not allowed to be used for other purposes except as provided in Chapter 18.52.010B of the Comprehensive Zoning Ordinance.~~

(v) General automotive repair shops (7538);

(vi) Car washes (7542);

(vii) Miscellaneous repair services (76), except the following:

(i) Tank and boiler cleaning service (7699); and

(ii) Tank truck cleaning service (7699).

(viii) Motion picture services (78);

(ix) 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).

(x) Health services (80);

(xi) Legal services (81);

(xii) Educational services (82);

(xiii) Social services (83);

(xiv) Museums, art galleries, and botanical and zoological gardens (84);

(xv) Membership organizations (86);

(xvi) Engineering, accounting, research, management, and related services (87); and

(xvii) Services, not elsewhere classified (89).

17. 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).

18. 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 Planning, Building and Public Works Director, vehicular access shall be limited to one driveway per street frontage.

Comment [gf5]: Adequately covered by Note 20

(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.

19. 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.

20. 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.

21. Bakeries manufacturing and retail sales, and ~~drive-through~~ ~~mobile~~ ~~units~~. This regulation applies to all parts of Table 18.52.010B that have a [21]. Bakeries shall be permitted in C-C zone provided:

(a) At least 25% of the gross floor area is dedicated to retail sales; and

(b) All storage, display, and manufacturing occur within enclosed buildings.

22. Taverns and Cocktail Lounges. This regulation applies to all parts of Table 18.52.010B that have a [22]. Cocktail lounges shall be permitted in the C-C Zone when located within a restaurant.

23. Theaters. This regulation applies to all parts of Table 18.52.010B that have a [23]. Adult motion picture theaters are prohibited within the C-C Zone.

24. Wholesale business. This regulation applies to all parts of Table 18.52.010B that have a [24]. Wholesale business shall be permitted in the C-C Zone when accessory to a permitted retail use.

Downtown Commercial Zone

Every use locating in the D-C Zone is subject to the standards of chapter 18.119 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

2420. Retail Trade (with ancillary wholesale trade). This regulation applies to all parts of Table 18.52.010B that have a [2420].

Retail trade, with ancillary wholesale trade in the D-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 (55);

(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 (599).

~~220~~. Services. This regulation applies to all parts of Table 18.52.010B that have a ~~(700)~~.

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

- (a) Hotels and motels (701);
- (b) Personal and business services, with ancillary wholesale trade (72-73), except the following:
 - (i) Industrial laundrerers (7218);
 - (ii) Billboard advertising (7312);
 - (iii) Heavy construction equipment rental and leasing (7323);
 - (iv) Industrial truck rental and leasing (7359); and
 - (v) Oil extraction equipment rental and leasing (7359).
- (c) 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 MMC within three years of the commencement of such use.
- (d) General automotive repair shops (7538);
- (e) Car washes (7542);
- (f) Miscellaneous repair services (76), except the following:
 - (i) Tank and boiler cleaning service (7699); and
 - (ii) Tank truck cleaning service (7699).
- (g) Motion picture services (78);
- (h) 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).
- (i) Health services (80);
- (j) Legal services (81);
- (k) Educational services (82);
- (l) Social services (83);
- (m) Museums, art galleries, and botanical and zoological gardens (84);
- (n) Membership organizations (86);
- (o) Engineering, accounting, research, management, and related services (87); and
- (p) Services, not elsewhere classified (89).

~~221~~. Public Administration Facilities. This regulation applies to all parts of Table 18.52.010B that have a ~~(900)~~. Public administration facilities (91-97) are permitted in the D-C Zone with the exception of correctional institutions (9223).

~~222~~. Boat Storage. This regulation applies to all parts of Table 18.52.010B that have a ~~(900)~~.

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.

~~4-20~~. 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 ~~(a)(1)~~.

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.

~~4-21~~. Mixed Use. This regulation applies to all parts of Table 18.52.010B that have a ~~(a)(1)~~. 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 (26)(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.

18.52.010B. Educational Services, Colleges and Professional Schools. This regulation applies to all parts of Table 18.52.010B that have a 18.52.010B.

Educational services (62) are permitted in the D-C Zone; however, colleges, universities, junior colleges, and professional schools (822) require an Unclassified Use Permit (UUP). See Chapter 18.140 DMMC.

Highway Commercial Zone

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

18.52.010B. Building Materials Stores and Yards, Retail Only. This regulation applies to all parts of Table 18.52.010B that have a 18.52.010B.

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.

18.52.010B. Ceramic Products. This regulation applies to all parts of Table 18.52.010B that have a 18.52.010B.

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.

18.52.010B. Garages, Public. This regulation applies to all parts of Table 18.52.010B that have a 18.52.010B.

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

18.52.010B. Glass Edging, Beveling, and Silvering. This regulation applies to all parts of Table 18.52.010B that have a 18.52.010B.

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

18.52.010B. Machine Shop. This regulation applies to all parts of Table 18.52.010B that have a 18.52.010B. No automatic screw machines or punch press over five tons.

18.52.010B. Pet Shops. This regulation applies to all parts of Table 18.52.010B that have a 18.52.010B.

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

~~4418~~. Public Utility Installations. This regulation applies to all parts of Table 18.52.010B that have a ~~(4418)~~. Public utility installations shall be permitted in the H-C Zone if relating directly to the distribution of services.

~~4419~~. Adult Motion Picture Theaters. This regulation applies to all parts of Table 18.52.010B that have a ~~(4419)~~. 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.

~~4420~~. Automobile Service Stations. This regulation applies to all parts of Table 18.52.010B that have a ~~(4420)~~. 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.

~~4421~~. Educational Services. This regulation applies to all parts of Table 18.52.010B that have a ~~(4421)~~. Education services in the H-C Zone are limited to business or commercial schools.

~~4422~~. Cocktail Lounges. This regulation applies to all parts of Table 18.52.010B that have a ~~(4422)~~. Cocktail lounges shall be permitted in the H-C Zone when located within a restaurant.

~~4423~~. Death Care Services. This regulation applies to all parts of Table 18.52.010B that have a ~~(4423)~~. Death care services in the H-C Zone shall be limited to mortuaries.

~~4424~~. Hotels/Motels. This regulation applies to all parts of Table 18.52.010B that have a ~~(4424)~~. Hotels and motels in the H-C Zone shall not include apartment hotels.

~~4425~~. Auction House. This regulation applies to all parts of Table 18.52.010B that have a ~~(4425)~~. Auction houses or stores in the H-C Zone shall not include vehicles or livestock.

~~4426~~. Boat Moorage. This regulation applies to all parts of Table 18.52.010B that have a ~~(4426)~~. Boat Moorage in the H-C Zone shall be permitted for private pleasure craft.

Pacific Ridge 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.

~~4427~~. Retail Trade, Used Car Dealers. This regulation applies to all parts of Table 18.52.010B that have a ~~(4427)~~. Retail trade (44-45) is permitted in the PR-C Zone, but no more than two exclusive used car dealers (441120) shall be allowed.

~~4428~~. Real Estate Rental and Leasing. This regulation applies to all parts of Table 18.52.010B that have a ~~(4428)~~.

Mini-warehouses and self storage units (53113) may not front on Pacific Highway South.

~~4429~~. Administrative and Support Services. This regulation applies to all parts of Table 18.52.010B that have a ~~(4429)~~. Limited to NAICS codes 561110 (administrative) and 561210 (support services).

~~4430~~. Arts, Entertainment, and Recreation. This regulation applies to all parts of Table 18.52.010B that have a ~~(4430)~~. Adult entertainment facilities and adult motion picture theaters are prohibited north of South 216th Street 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.

~~4431~~. Accommodation and Food Services. This regulation applies to all parts of Table 18.52.010B that have a ~~(4431)~~.

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 - 722351); however, mobile food services (722330) are also regulated by chapter 5.57 DMMC.

~~4-101~~. Automobile Repair, Automobile Service Stations, and Similar Uses. This regulation applies to all parts of Table 18.52.010B that have a [4-101]. General automotive repair (811111), automotive exhaust system repair (811121), automotive transmission repair (811131), 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.

~~4-102~~. Public Administration. This regulation applies to all parts of Table 18.52.010B that have a [4-102]. Public administration (92) uses shall be permitted in the PR-C Zone, except correctional institutions (92214).

~~4-103~~. Mixed Use. This regulation applies to all parts of Table 18.52.010B that have a [4-103]. Mixed use shall be permitted in the PR-C Zone, except:

(a) In that part of PR-C fronting on Pacific Highway South 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 Pacific Highway South or South 216th Street;

(b) When a project fronting Pacific Highway South or South 216th Street contains more than one building, those buildings not fronting on Pacific Highway South or South 216th Street may be single purpose multifamily residential buildings; and

(c) No residential use is permitted north of South 216th Street.

~~4-104~~. Parcel Service Delivery. This regulation applies to all parts of Table 18.52.010B that have a [4-104]. Parcel service delivery in the PR-C Zone shall be limited to the postal service (491110).

~~4-105~~. Public Utility Facilities. This regulation applies to all parts of Table 18.52.010B that have a [4-105]. 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.

Transit Commercial Zone

Every use locating in the T-C Zone is subject to the standards of Sections 4-10 of this ordinance. The paragraphs listed below contain specific limitations and correspond with the bracketed () footnote numbers from Table 18.52.010B.

57. **Automobile equipment, rental and leasing.** This regulation applies to all parts of Table 18.52.010B that have a [4-40]. Truck sales, repairs and rentals is permitted in the T-C Zone, but no more than one exclusive truck sales, repair and rental use shall be allowed.

58. **Automobile, Parking.** This regulation applies to all parts of Table 18.52.010B that have a [4-40]. Paid and stand alone surface parking shall not be permitted in the T-C Zone after June 30, 2024 except that existing on June 30, 2014.

59. **Bakeries, manufacturing and retail sales.** This regulation applies to all parts of Table 18.52.010B that have a [4-40]. Bakeries shall be permitted in the T-C zone provided:

- (a) At least 25% of the gross floor area is dedicated to retail sales; and
- (b) All storage, display, and manufacturing occur within enclosed buildings.

60. **Confectionery, manufacture.** This regulation applies to all parts of Table 18.52.010B that have a [4-40]. Confectionaries shall be permitted in the T-C zone provided:

- (a) At least 25% of the gross floor area is dedicated to retail sales; and
- (b) All storage, display, and manufacturing occur within enclosed buildings.

61. **Kennels, commercial.** This regulation applies to all parts of Table 18.52.010B that have a [4-40]. Kennels shall be allowed in the T-C Zone when accessory to a permitted use.

62. **Mixed use.** This regulation applies to all parts of Table 18.52.010B that have a [4-40].

Mixed use development shall conform to the following limitations and standards in the T-C Zone:

(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-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 the City Manager's designee is authorized to consider and approve up to a 20 percent reduction of the bulk requirements specified in subsection (58)(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 DMHC, except for private recreational requirements established by DMHC 18.155.020(3).

(d) A detached structure that contains residential uses and does not meet the requirements for mixed use structures is prohibited.

63. **Pet boarding.** This regulation applies to all parts of Table 18.52.010B that have a [44C]. Pet Boarding shall be allowed in the T-C Zone when accessory to a permitted use.

64. **Public Administration Facilities.** This regulation applies to all parts of Table 18.52.010B that have a [44D]. Public administration (92) uses shall be permitted in the T-C Zone, except correctional institutions (92214).

65. **Public Utility Installations.** This regulation applies to all parts of Table 18.52.010B that have a [44E]. Public utility installations shall be permitted in the T-C Zone if relating directly to the distribution of services.

66. **Self-storage/ mini-warehouse leasing.** This regulation applies to all parts of Table 18.52.010B that have a [44F]. Only public storage existing on June 30, 2014 shall be permitted.

67. **Services, Miscellaneous.** This regulation applies to all parts of Table 18.52.010B that have a [44G]. Limited to NAICS codes 561110 (administrative) and 561210 (support services).

68. **Taverns and Cocktail Lounges.** This regulation applies to all parts of Table 18.52.010B that have a [44H]. Cocktail lounges shall be permitted in the T-C Zone when located within a restaurant.

69. **Theaters.** This regulation applies to all parts of Table 18.52.010B that have a [44I]. Adult motion picture theaters are prohibited within the T-C Zone.

70. **Wholesale business.** This regulation applies to all parts of Table 18.52.010B that have a [44J]. Wholesale business shall be permitted in the T-C Zone when accessory to a permitted retail use.

All Zones

71. **Adult Entertainment Facilities.** This regulation applies to all parts of Table 18.52.010B that have a [44K]. Adult entertainment facilities are subject to the additional standards of chapter 18.18 DMMC and chapter 5.48 DMMC.

72. **Recreational Marijuana.** This regulation applies to all parts of Table 18.52.010B that have a [44L]. State licensed marijuana producers, processors, and retailers may locate in the City of Des Moines pursuant to chapter 18.250 DMMC.

73. **Family Day Care Providers.** This regulation applies to all parts of Table 18.52.010B that have a [44M]. A family day care provider home facility is a permitted use in all zones, subject to the conditions in chapter 18.160 DMMC.

74. **Social Service Facilities.** This regulation applies to all parts of Table 18.52.010B that have a [44N]. 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.

75. **Welding Repair.** This regulation applies to all parts of Table 18.52.010B that have a [44O]. Welding repair shall only be permitted in an enclosed structure.

Sec. 2. DMMC 18.110.050 and Section 269 of Ordinance 1591, are amended to read as follows:

18.110.050 Environmental performance standards and general limitations.

(1) Every use permitted within the C-C Zone pursuant to this chapter shall conform to the following general limitations and standards:

(a) As provided by chapter 9.64 DMMC, no use, activity, or equipment shall be permitted that creates a nuisance or is offensive, objectionable, or hazardous by reason of creation of odors, noise, sound, vibrations, dust, dirt, smoke, or other pollutants, noxious, toxic, or corrosive fumes or gases, radiation, explosion or fire hazard, or by reason of the generation, disposal, or storage of hazardous or dangerous wastes or materials in a manner(s) inconsistent with Title 70 RCW as presently constituted or as may be subsequently amended;

(b) Accessory uses are permitted that are customarily appurtenant or incidental to the principally permitted uses;

(c) Landscaping and fencing are required in accordance with chapter 18.195 DMMC;

(d) All uses shall be primarily contained within an enclosed structure except the following:

- (i) Outdoor seating and dining;
- (ii) Signs;
- (iii) Off-street parking, drive-through facilities, and loading areas;
- (iv) Motor vehicle fuel pumps;
- (v) Display of merchandise sold on-site;
- ~~(vi) Boat storage;~~
- (vi+) Play/recreation areas; and
- (vii+) Miscellaneous storage when limited to 25 percent of the site area and when perimeter landscaping and fencing is provided;

Comment [DB6]: To correspond to Permitted Use Table.

(e) In reviewing a proposed permitted use, the Planning, Building and Public Works Director may waive or include minimal conditions as may be reasonably needed to ensure that the use is consistent with the purpose of the C-C Zone, and to minimize the likelihood of adverse impacts.

~~(2) Adult entertainment facilities and adult motion picture theaters are not permitted in the C-C Zone.~~

Comment [DB7]: This is not necessary as it is redundant with Permitted Use Table.

~~(3) Automobile repair, car washes, automobile service stations, uses with drive-through facilities, and similar uses shall conform to the following limitations and standards:~~

Comment [DB8]: This is not necessary as it is redundant with Permitted Use Table Note 18.

~~(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 Planning, Building and Public Works 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.~~

~~(4) Welding repair (7692) is only permitted in an enclosed structure.~~

Comment [DB9]: This is not necessary as it is redundant with Permitted Use Table Note 75.

~~(5) All products which are manufactured, processed, or treated on the premises must also be sold at retail to the general public on-site.~~

Comment [DB10]: This is not necessary as it is redundant with Permitted Use Table Note 19.

~~(6) 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;~~

~~(b) Unless specifically authorized by the Planning, Building and Public Works Director, passenger loading and unloading areas shall be provided on-site.~~

Comment [DB11]: This is not necessary as it is redundant with Permitted Use Table Note 74.

Sec. 3. DMMC 18.110.060 and Section 270 of Ordinance 1591, are amended to read as follows:

18.110.060 Dimensional standards.

(1) Height. Maximum building height is ~~45~~55 feet.

(2) Minimum Building Height. Except for buildings containing only a full-service restaurant, and other instances specifically authorized by the City Manager or the City Manager's designee in writing, no building shall be less than the height specified below:

Comment [DB12]: 55' is the standard metric used in most cities and provides for higher ceiling heights. 55 feet will allow 5 story building whereas 50 feet generally limits building to only 4 stories.

(a) No minimum building height for commercial projects.

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

Comment [DB13]: This section will need to be modified if Mixed Use is added as permitted use, in which case 55 feet should be considered as a minimum building height for Mixed Use.

(3) Building Height Limitation Adjacent to Single-Family. When an abutting property is zoned Single-Family Residential, building height shall be limited as follows:

Comment [DB14]: This section added to make building height provisions adjacent to SF-R homes consistent with T-C zones and to avoid confusion.

(a) Every lot shall have a rear yard setback of not less than 20 feet when abutting single-family zoned properties, except as otherwise permitted in subsection (7) of this section.

(b) Within 40 feet of the abutting Single-Family Residential zone, maximum building height shall be 45 feet.

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

(4) Front Yard. No front yard setback is required.

(5) Side Yard. A 10-foot minimum setback is required from single-family zoned property.

(6) Rear Yard. Every lot shall have a rear yard of not less than 20 feet when abutting single-family zoned properties, except as otherwise permitted in subsection (7) of this section.

(7) Adjustment of Required Yards. The required rear yard area shall be reduced to a minimum of five feet; provided, that:

(a) A development site or potential project area is planned or may be planned for multiple buildings together as one development or in different development phases either under common ownership or separate ownership; and

(b) Buildings on a site or potential project area are served by a private, joint-use access or street which separates the rear yard area of one development site or project area from another development site or project area; and

Comment [DB15]: Policy Question 3.
Should the side yard setback to residential properties match the 20 foot rear yard setback?

(c) A physical separation of not less than 30 feet is provided between buildings which shall include the space or distance located within any such shared, joint-use access or street together with the yard areas adjoining and abutting buildings and said shared streets.

Comment [DB16]: These sections are added in lieu of the deleted (2) below to provide consistent setback requirements as in T-C to the north.

~~(2) Setbacks. Placement of buildings and structures including additions to existing buildings or structures, excluding signs, shall maintain minimum setbacks established by the Planning, Building and Public Works Department based on the following criteria:~~

~~(a) When the front or side lot line abuts the public right-of-way, the building or structure shall abut the public right-of-way unless:~~

~~(i) This subsection (2) requires that the building or structure be set back; or~~

~~(ii) Through the permitting process, the Planning, Building and Public Works Director finds it is in the public interest to allow the proposed building or structure to be set back from the right-of-way. In considering a request for a setback, the Director shall consider matters such as adopted land use policies, vehicular and pedestrian circulation, landscaping, existing site improvements, adjacent site improvements, and public benefit features such as plazas and public artwork. Decisions of the Director regarding setbacks are appealable to the Hearing Examiner pursuant to chapter 18.240 DMNC.~~

~~(b) Where any lot line lies adjacent to a public right-of-way or private street and residentially zoned property lies adjacent to such public right-of-way or private street, or when the lot line abuts a residentially zoned property, a minimum building or structure setback of 10 feet shall be maintained.~~

~~(3) Parking in the C-C Zone shall be provided pursuant to chapter 18.210 DMNC.~~

(4B) Underground structures are permitted in all required setback areas.

Sec. 4. DMMC 18.110.070 and Section 271 of Ordinance 1591, are repealed.

~~18.110.070 General site design requirements.~~

~~Development within the C-C Zone shall conform to the following site design requirements:~~

~~(i) Walkways. Paved pedestrian walkways shall be provided on-site on newly developed properties or 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 building(s) of sufficient extent to provide safe pedestrian passage. A minimum six-foot walkway shall be provided adjacent to the principal building entrance(s);~~

~~(b) A minimum six-foot pedestrian walkway shall be provided that connects walkways at the building to the street sidewalks. Where no street sidewalk exists, the connecting walkway shall extend to the public right-of-way;~~

~~(c) Walkways and sidewalks shall be differentiated from vehicular circulation or vehicular parking areas as approved by the Planning, Building and Public Works Director;~~

~~(d) Walkways shall conform with all applicable provisions of chapter 51-10 WAC, Barrier-Free Facilities, as presently constituted or as may be subsequently amended; and~~

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

Comment [DB17]: General Site Design Requirements were eliminated in the T-C Zone because it was felt that these requirements could be satisfied during the City's design review of projects and/or were redundant with other DMMC requirements.

~~(2) Parking and Loading Areas. All uses shall conform to the off-street parking provisions and loading area provisions set forth by chapter 18.210 DMNC.~~

~~(3) Vehicular Access and Other Right-of-Way Improvements. Vehicular access and other right-of-way improvements shall conform to the provisions of Title 12 DMNC.~~

~~(4) Uses within the Right of Way. Sidewalk cafes, vendors, and similar temporary commercial uses within the public right-of-way shall conform to the provisions of Title 12 DMNC and the following provisions:~~

~~(a) A minimum of six feet of unobstructed sidewalk shall be maintained;~~

~~(b) The applicant shall demonstrate proof of public liability insurance and consent to a public place indemnity agreement;~~

~~(c) The duration of right-of-way use permits for commercial purposes shall be limited to one year. Applicants may reapply for right-of-way use permits;~~

~~(d) Sale or consumption of alcoholic beverages is prohibited;~~

~~(e) Applications for right-of-way use permits for commercial purposes shall include the following information:~~

~~(i) Proposed items to be placed within the right-of-way, such as seating, tables, fencing, vending carts, etc.;~~

~~(ii) Proposed activities to occur within the right-of-way, such as dining, amplification of music, preparation and sale of food or beverage items, etc.;~~

~~(iii) Proposed periods of operation, including months of the year, days of the week, hours, etc., and~~

~~(iv) Proposed source(s) of utilities such as electrical power;~~

~~(f) Applicants must immediately clear the public right-of-way when ordered to do so by City authorities for reasons of public health or safety; and~~

~~(g) In reviewing a proposed use within the public right-of-way, the Planning, Building and Public Works Director may include conditions as may reasonably be needed to ensure that the use is consistent with the purpose of the C-C Zone, and to minimize the likelihood of adverse impacts. The Planning, Building and Public Works Director shall deny the request if it is determined that adverse impacts cannot be mitigated satisfactorily.~~

~~(5) Landscaping. All uses shall conform to the landscaping and screening provisions set forth by chapter 18.195 DMMC.~~

~~(6) Outdoor Uses. Outdoor activities such as sales, display, storage, dining, etc., shall not obstruct vehicular or pedestrian visibility or movement.~~

Sec. 5. DMMC 18.110.080 and Section 272 of Ordinance 1591, are amended to read as follows:

18.110.080 General building design requirements.

Development within the C-C Zone shall conform to the following building design requirements:

(1) General Design Guidelines.

(a. Building design shall be compatible with the site and with adjoining buildings. Building modulation and other design techniques to add architectural interest and minimize building mass shall be used. Variety in detail, form, and siting shall be used to provide visual interest.

Comment [DB18]: Added to be consistent with T-C general design guidelines.

(b) Building components such as windows, doors, eaves, and parapets shall be in proportion to each other.

(c) Colors shall be harmonious, with intense colors used only for accent.

(d) Mechanical equipment shall be integrated into building design or screened from on-site and off-site views.

(e) Exterior lighting fixtures and standards shall be part of the architectural concept and harmonious with building design.

12) Development within the C-C Zone shall conform to the Design Review requirements established in Chapter 15.35.00 DMMC.

~~(1) Structural encroachments into the right-of-way, such as cornices, signs, eaves, sills, awnings, bay windows, balconies, facade treatment, marquees, etc., shall conform to the provisions set forth by Title 12 DMMC, the International Building Code (IBC), and the following provisions:~~

~~(a) Structural encroachments into the right-of-way shall be capable of being removed without impact upon the structural integrity of the primary building.~~

~~(b) Structural encroachments into the right-of-way shall not result in additional building floor area than would otherwise be allowed.~~

~~(c) Except for awnings, signs, and marquees, the maximum horizontal encroachment into the right-of-way shall be two feet.~~

~~(d) The maximum horizontal encroachment in the right-of-way by signs shall be four feet.~~

~~(e) The maximum horizontal encroachment in the right-of-way by awnings and marquees shall be six feet.~~

Comment [DB19]: Redundant with Titles 12 and 14.

~~(f) The minimum horizontal distance between the structural encroachment and the curbline shall be two feet;~~

~~(g) Except for awnings over the public sidewalk which may be continuous, the maximum length of each balcony, bay window, or similar feature that encroaches the right-of-way shall be 12 feet;~~

~~(h) The applicant shall demonstrate proof of public liability insurance and consent to a public place indemnity agreement;~~

~~(i) Owners of structural encroachments into the right-of-way must clear the public right-of-way when ordered to do so by City authorities for reasons of public health or safety; and~~

~~(j) In reviewing a proposed structural encroachment into the public right-of-way, the Planning, Building and Public Works Director may include conditions as may be reasonably needed to ensure that the structure is consistent with the purpose of the C-C Zone, and to minimize the likelihood of adverse impacts. The Planning, Building and Public Works Director shall deny the request if it is determined that adverse impacts cannot be mitigated satisfactorily.~~

~~(2) Pedestrian entrances to commercial uses at street level shall conform to all applicable provisions of chapter 51-10 WAC, Barrier Free Facilities, as presently constituted or as may be subsequently amended.~~

~~(3) The width of all floors above the second level floor shall not exceed 80 percent of the width of the street level floor.~~

(3) Maximum Gross Floor Area.

(a) The maximum gross floor area for buildings within the Community Commercial Zone shall be determined by

Comment [DB20]: Redundant with Title 14 and IBC.

Comment [DB21]: Deleted in favor of the FAR approach used in PR-C and T-C Zones in (3) below.

multiplying the lot area of the site by the floor area ratio (FAR) number established in the following table:

<u>Building Height</u>	<u>C-C FAR</u>
<u>35 Feet or Less</u>	<u>2.8</u>
<u>35 - 50</u>	<u>3.5</u>
<u>50 - 55</u>	<u>4</u>

(b) Gross floor area shall include the total square footage of the enclosed building as further defined in DMMC 18.01.050.

Sec 6. DMMC 18.195.290 and Section 440 of Ordinance No. 1591 is amended to read as follows:

18.195.290 Community Commercial, C-C Zone.

(1) The perimeter of properties adjacent to a Residential Zone or public or institutional use shall provide a Type I landscaping strip with a minimum depth of 10 feet, maintaining existing mature buffering vegetation to the extent possible.

(2) A Type III landscaping strip, an average of five feet but not less than three feet in depth, shall be provided along all property lines abutting public rights-of-way excluding alleys. When the building setback from a public right-of-way is 10 feet or when such setback is utilized as a public open space plaza not accommodating parking, no perimeter landscaping strip shall be permitted, but street trees as set forth in DMMC 18.195.400 shall be provided within tree planters. Such tree planters shall have a minimum interior dimension of three and one-half feet and be protected by a cast iron grate.

(3) Parking facilities landscaping as prescribed in DMMC 18.195.360.

Comment [DB22]: Adjust C-C FAR Table to match the selected maximum building height for the zone - currently proposed at 55 feet.

Comment [DB23]: Like the recent D-C discussions, we intend to apply the definition of floor area in 18.01.050 which exempts all parking and loading areas. "Floor area" means a total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts and light courts and except for the area devoted exclusively to loading and unloading facilities and to parking of motor vehicles.

Comment [DB24]: This is added to reinforce the F&ED Committee's desire to retain mature buffer vegetation.

Sec. 7. DMMC 18.210.090(12) and (17), and subsections 513(12) and (17) of Ordinance No. 1591, as amended by Section 16 of Ordinance 1601 are each amended to read as follows:

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

(12) Personal Services.

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

(a) D-C, PR, ~~C-C~~ and T-C Zones: one parking space per 350 square feet of gross floor area.

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

(17) Retail, Other.

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

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

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

(c) ~~C-C~~ and T-C Zones: one parking space per 400 square feet of gross floor area, except there shall be a minimum of six spaces.

Comment [DB25]: C-C Zone changed to be consistent with parking requirements in T-C Zone.

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Sec. 8. DMMC 14.05.130 and section 23 of Ordinance No. 1581, as amended by Section 19 of Ordinance 1601 are each amended to read as follows:

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

Pacific Ridge Commercial, Pacific Ridge Residential, Business Park, ~~Community Center Zone~~ and Transit Community Zones.

Sec. 9. Severability - Construction.

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

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

Sec. 10. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this XX day of XXXX, 2015 and signed in authentication thereof this ____ day of _____, 2015.

M A Y O R

APPROVED AS TO FORM:

City Attorney

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ATTEST:

City Clerk

Published: _____