

**ORDINANCE NO. 1645**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to land use and development regulations for the Pacific Ridge area, and amending DMMC 18.52.010B, Permitted Uses Commercial Use Chart.

**WHEREAS**, the City Council supports the redevelopment of the Pacific Ridge Neighborhood as a high density, commercially viable mixed use neighborhood, and

**WHEREAS**, the City Council directed City staff to prepare an ordinance for its considerations which clarifies DMMC inconsistencies between DMMC 18.52.010B and 18.135.060 (1)(d)(i) for mixed use commercial development in Pacific Ridge and maximizes the amount of commercial development 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 16.05 DMMC, and

**WHEREAS**, the City Council set the date for the public hearing by Resolution No. 1323, fixing the public hearing for March 10, 2016 as required by DMMC 18.30.070, 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 February 24, 2016 in accordance with the DMMC, and

**WHEREAS**, a public hearing was held on March 10, 2016 where all persons wishing to be heard were heard, and

**WHEREAS**, the City Council finds that the amendment contained in this Draft Ordinance is appropriate and necessary; now therefore,

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

**Sec. 1.** DMMC 18.52.010B, Commercial Use Chart, Footnote 50, and section 133 of Ordinance 1591 as amended by section 12 of Ordinance 1601 as amended by section 8 of Ordinance No. 1619-A, are each amended to read as follows:

50. Mixed Use. This regulation applies to all parts of Table 18.52.010B that have a [50]. Mixed use shall be permitted in the PR-C Zone, except:

(a) In that part of PR-C fronting on Pacific Highway South and/or South 216th Street, at least 75 percent of the ground floor shall be dedicated to commercial uses and dwellings may not be located on the ground floor;

(b) The City Manager or City Manager's designee may, by formal action, waive or modify the requirements of this Mixed Use requirement for commercial uses, upon approval of a plan that is consistent with the legislative intent to maximize ground floor commercial activity;

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

**Sec. 2. Severability - Construction.**

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

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

**Sec. 3. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its final approval by the Des Moines City Council in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 10th day of March, 2016 and signed in authentication thereof this 10th day of March, 2016.

  
M A Y O R

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: March 15, 2016

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1645, Adopted March 10, 2016.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to land use and development regulations for the Pacific Ridge area, and amends DMMC 18.52.010B, Permitted Uses Commercial Use Chart.

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

Bonnie Wilkins, CMC  
City Clerk

Published: March 15, 2016