

ORDINANCE NO. 1420

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending the official zoning map of the City of Des Moines in order to rezone a selected portion of a property within currently zone R-SE to RS-7200.

WHEREAS, approximately 0.56 acres of property controlled by Northlake Crestwood Park LLC is currently zoned R-SE and the remaining property is zone RS-7200, and

WHEREAS, primary propose of the zoning code as provided in Chapter 18.06 DMMC, is for the orderly development of property in the City and to prevent the intrusion of incompatible uses which would damage the security and stability of land and improvements, and

WHEREAS, the R-SE zone is incompatible with the surrounding zoning since all of the properties in the area are zoned RS-7200; the only property zoned RS-E is the Lakehaven property, and

WHEREAS, the rezone would not have a negative impact of the surrounding property owners or uses and would provide for a more orderly and consistent development pattern in the neighborhood, and

WHEREAS, the City of Des Moines has received a request to evaluate a rezone to facilitate the development of the Crestwood Park project to prevent split zone properties once the plat is recorded, and

WHEREAS, Properties that are split zoned make enforcing the City development regulations significantly more difficult since different portions of the same property are regulated differently, and

WHEREAS, Strategy 1-04-03(2) of the Des Moines Comprehensive Plan states that the City should "review and amend as appropriate the Zoning Code, Subdivision Code and other development regulations to establish development standards that are clear and predictable, that simplify the review process, and adapt to varied site or neighborhood conditions, and

WHEREAS, clear and predictable development regulations to encourage efficient permitting is a planning goal established by the Growth Management Act, and

WHEREAS, on April 22, 1999, the Des Moines City Council adopted a computer-drawn Zoning Map by enactment of Ordinance No. 1235, and

WHEREAS, pursuant to DMMC 18.56.060 approval of a site specific rezone is a Type IV land use decision, and

WHEREAS, the City Council recently passed Ordinance No. 1374 which, among other things, amends the City's Comprehensive Plan to eliminate minimum lot sizes for residential zones within the City, and

WHEREAS, the proposed rezone have been processed in accordance with the requirements of SEPA, a determination of nonsignificance (DNS) was issued on October 18, 2007 by the SEPA responsible official, and the applicable SEPA comment period has concluded, and

WHEREAS, on November 5, 2007 the Des Moines planning agency reviewed the proposed site specific rezone during a public meeting and recommended approval, and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearings were held on the 15th day of November 2007, and all persons wishing to be heard were heard, and

WHEREAS, Des Moines City Council conducted a public hearing on November 15, 2007 and December 6, 2007, to consider the textual code amendments contained in this ordinance, and

WHEREAS, the City Council finds that the amendment contained in this ordinance are appropriate and necessary for the preservation of the public health and welfare; now therefore,

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

Sec. 1. DMMC 18.80.010 and section 1 of Ordinance No. 179 as amended by section 1 of Ordinance No. 1235, as amended by section 8 of Ordinance No. 1237, as amended by section 1 of Ordinance No. 1261, as amended by section 1 of Ordinance No. 1267, as amended by section 1 of Ordinance No. 1289, as amended by section 1 of Ordinance No. 1372, as amended by section 5 of Ordinance No. 1397 are each amended as follows:

18.80.010 Designated. The map filed in the City Clerk's office and marked Exhibit "A" to Ordinance No. 1420 and adopted December 6, 2007, constitutes the zoning map for the City. The map referenced herein supersedes all previously adopted maps. If the designations of the map are found to be in conflict with other land use designations, the map is deemed to control. Conditional rezones or other special zoning designations shall be clearly outlined on the map along with the associated ordinance number.

Section 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.

Section 3. 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 6th day of December, 2007 and signed in authentication thereof this 6th day of December, 2007.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: January 8, 2008

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1420, Adopted December 6, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends the official zoning map of the City of Des Moines in order to rezone a selected portion of a property within currently zone R-SE to RS-7200.

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

Denis Staab
City Clerk

Published: January 8, 2008



City of Des Moines Zoning Map

RESIDENTIAL ZONING

- R-SE Residential: Suburban Estates
- R-SR Residential: Suburban Residential
- RS-15,000 Residential: Single Family 15,000
- RS-9,600 Residential: Single Family 9,600
- RS-8,400 Residential: Single Family 8,400
- RS-7,200 Residential: Single Family 7,200
- RS-4,000 Residential: Single Family 4,000
- RA-3,600 Residential: Attached
- Townhouse & Duplex
- RM-2,400 Residential: Multifamily 2,400
- RM-1,800 Residential: Multifamily 1,800
- RM-900 Residential: Multifamily 900
- RM-900A Residential: Multifamily 900A
- RM-900B Restricted Service Zone
- PR-R Pacific Ridge Residential

COMMERCIAL ZONING

- N-C Neighborhood Commercial
- B-C Business Commercial
- C-C Community Commercial
- D-C Downtown Commercial
- C-G General Commercial
- B-P Business Park
- H-C Highway Commercial
- PR-C1 Pacific Ridge Commercial 1
- PR-C2 Pacific Ridge Commercial 2

- See Comprehensive Plan for Development Potential
- Planned Unit Development
- Des Moines City Limits
- Tax Parcels
- Tidelands

Enacting Ordinances

Description	Ordinance	Effective Date
Adoption of digital zoning map	1236	May 6, 1999
Renaming of zones	1237	May 17, 1999
Business Park (B-P) zones	1261	June 21, 2001
Pacific Ridge zones	1267	July 25, 2001
Palmetto Towers annexation	1270	September 1, 2001
Adoption of GIS maps	1285	October 11, 2001
Michael/Chambers zone	1372	January 11, 2006
Redondo Rezone	1397	March 7, 2007
Creswood Park	1420	December 8, 2007

IN PROVIDING THIS MAP, THE CITY MAKES NO WARRANTY OF ANY KIND, expressed or implied, including without limitation, any warranties as to its fitness for a particular purpose or use. To the extent allowed by law, the City shall not be liable for any damages (personal or property, whether direct, indirect, special or consequential, arising from the application or use of this map, including without limitation claims for damages based upon the receipt of erroneous information presented on this document. The user should rely only upon the document as a complete, current or accurate depiction of existing city zoning, detentions, or other regulations, and IN USING THIS DOCUMENT, THE USER ASSUMES ALL RISK OF INJURY OR DAMAGE THAT MIGHT FLOW THEREFROM.



Planning, Building & Public Works

21630 11th Ave S, Suite D
Des Moines, WA 98198-6398
PHONE: (206) 870-7576 * FAX: (206) 870-6544
WEB: <http://www.desmoineswa.gov>

Map Generated: Dec 31, 2007

File: Zoning.mxd

Product of City of Des Moines GIS

Ordinance No. 1420, Exhibit A