

AGENDA

**Finance and Economic Development Committee Meeting
Tuesday, July 2, 2013
5:00 p.m. – 6:30 p.m.
City Hall South Conference Room**

- 1. Call to Order**

- 2. Approval of the May 28, 2013, and the June 3, 2013, meeting minutes**

- 3. Economic Development Update – 10 minutes**
 - a. DMCBP**
 - b. Pacific Ridge Projects**
 - i. Artemis**
 - ii. Barcelona**
 - iii. House of Art**
 - iv. Others**
 - c. Marina Floor**
 - d. Pacific Highway Projects (south of Kent-Des Moines Road)**
 - i. HealthPoint**
 - ii. SeaMar**
 - iii. Mack Truck**
 - iv. Others**
 - e. QFC Site**
 - f. Others**

- 4. Parking Code Revision Ordinance-parking on landscaping – 20 minutes**

- 5. Discussion of Potential Sign Code Changes – 45 minutes**

- 6. Committee member comment – 15 minutes**

- 7. Future meetings**

MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

May 28, 2013

South Conference Room

21630 11th Avenue South, Des Moines, WA

Council Members

Chair Matt Pina

Carmen Scott

Jeanette Burrage

Guests

None

City Staff

Tony Piasecki – City Manager

Lorri Ericson – Assistant City Manager

Dan Brewer – PBPW Director

Tim George – Assistant City Attorney

Denise Lathrop – Acting Community Dev. Director

Marion Yoshino – Economic Development Mgr

Grant Fredricks – Consultant

1. Call to Order

The meeting was called to order at 5:31 by Chair Matt Pina

2. Approval of Minutes for April 30, 2013

Approved with a corrected location for agenda item 8.

3. Economic Development Update – 15 minutes

- a. **DMCBP** – ED Mgr Yoshino advised the proposals for this project continue to be evaluated.
- b. **Pacific Ridge and Pacific Highway South Projects** – The old “Barcelona Project” is under discussion again. It is the property formerly called the “Kost Auto” site. The developer has about a week to determine whether to purchase the property or not. He is considering a mixed use development. The Mack Truck project is moving forward and has added additional space to their building. SeaMar has selected a developer and the building permit is ready to be picked up. Healthpoint is about 2 months away from opening.
- c. **Artemis** – The building is demolished, but they have not applied for their grading permit.
- d. **Marina Floor** – The Marina RFQ deadline is Friday.
- e. **Other** – City Manager Piasecki updated the committee on the status of the former “Blueberry Lane Development.”

4. Pacific Ridge Zoning Code Revision Final Review – 10 minutes

The committee discussed the amount of “WHEREAS’s” in the document and the intent of the WHEREAS’s. As they are not binding and may cause confusion, staff was directed to limit their use of “WHEREAS’s.” Next, the committee reviewed ordinance 13-086.6 in conjunction with the list of questions Councilmember Burrage submitted by e-mail prior to the meeting. The majority the questions about this ordinance were concerning portions of the ordinance that are already part of the current code and are not proposed for a change. When this ordinance is brought forward to the full council, a track changes version will be in the Council packet so that it is clear what has been changed and Councilmember Burrage concerns will be highlighted in the Council packet.

8. Discussion of property owner request to rezone property located east of City Hall from RS-8400 (single family residential with lot size of 8,400 square feet) to RA-3600 (attached townhouse & duplex with lot size of 3,00 square feet) – 15 minutes

This item was taken next in an effort to respond to the citizen in a timely manner. Community Development Manager Lathrop detailed the request for a zoning change and suggested the entire area be rezoned to RM-2400 which would accomplish what the resident requested and be consistent with zoning in adjacent areas. Discussion ensued. Community Development Manager Lathrop will respond to the citizen.

5. Parking Code Revisions Ordinance-review of Committee directed changes and discussion of parking on landscaping – 15 minutes

We did not have time to discuss this item.

6. Code Enforcement Code Revision Ordinance Final Review – 5 minutes

We did not have time to discuss this item

7. Discussion of Potential Sign Code Changes – 10 minutes

We did not have time to discuss this item

9. Committee Member Comments – 15 minutes

There was not time for comments

10. Next Meeting

Next meeting is June 3, 2013 5:30-6:15 p.m. in the South Conference room to continue this meeting's agenda.

Adjourned at 7:09 p.m.

Respectfully submitted by:
Lorri Ericson, Assistant City Manager

MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

June 3, 2013

South Conference Room

21630 11th Avenue South, Des Moines, WA

Council Members

Chair Matt Pina

Carmen Scott

Jeanette Burrage

Guests

None

City Staff

Tony Piasecki – City Manager

Lorri Ericson – Assistant City Manager

Dan Brewer – PBPW Director

Tim George – Assistant City Attorney

Marion Yoshino – Economic Development Mgr

Grant Fredricks – Consultant

1. Call to Order

The meeting was called to order at 5:30 by Chair Matt Pina

2. Parking Code Revision Ordinance-review of Committee directed changes and discussion of parking on a landscaping – 20 minutes

Assistant City Attorney Tim George reviewed the issue in 18.44.097 that prohibits parking in “any required yard, open space or landscaped area.” He explained this is difficult to identify and enforce due to the vagueness of this language and the need for planner review of each incident. Discussion ensued. ACA George was directed to bring some suggestions forward for the next meeting to address this issue.

City Manager Piasecki addressed Councilmember Burrage’s concern about using the King County Multi-Family Residential Parking Calculator as a tool to determine the need for parking. This will move forward to the full council for discussion.

The next item discussed was the definition of temporary use of recreational vehicles as a living space on private property. After discussion, it was determined that this will go forward to the full council as written and we will highlight this as a policy discussion for the full council.

3. Code Enforcement Code Revision Ordinance Final Review – 10 minutes

The committee reviewed the proposed changes that would allow an enforcement mechanism for the maintenance of the exterior of commercial and multi-family property. Committee consensus was to move this forward to the full council as it exists.

4. Discussion of Potential Sign Code Changes – 15 minutes

Consultant Fredricks shared a document he had prepared reviewing the proposed changes to the sign code. There was not time to discuss the document item by item. Committee members will review the document and we will discuss this at the next meeting.

5. Future Meeting

Next meeting is June 25, 2013 5:00-7:00 p.m. in the South Conference room.

Adjourned at 6:18 p.m.

Respectfully submitted by:

Lorri Ericson, Assistant City Manager

Memorandum

Date: June 20, 2013
To: Finance & Economic Development Committee Members
From: Tim George, Assistant City Attorney
Re: Parking on Landscaping

City staff was asked to review different jurisdictions code provisions and report back to the Committee on how parking on landscaped areas was regulated, if at all. This memo provides a list of options of different code provisions as well as a staff recommendation based on priority and ability of enforcement.

The current DMMC addressing vehicles parked in residential zones on lawns, bark, and other non driveway areas states that no vehicles may be parked or stored in any required yard, open space, or landscaped area. Enforcement of this section is extremely difficult as it only applies to areas that are required to be yard or open space and therefore requires analysis according to the zone the vehicle is in and it requires a measurement of the open space. Applying this prohibition has created problems for staff as well as for the public and should be addressed using one of the options below.

Option #1 – Only prohibit junk vehicles (Recommended)

After reviewing available resources and priorities of enforcement, it is staff's recommendation to remove ambiguous language from the DMMC regarding parking in required yard areas and limit regulation of vehicles on private property to the removal of junk vehicles. The Junk Vehicle Ordinance prohibits damaged and inoperable vehicles from being on private property and sets discernible standards with effective enforcement capabilities. This option wouldn't prohibit working or undamaged vehicles from being parked or stored in required yard areas but would allow set a discernible standard for violations and would allow Code Enforcement to focus on higher priorities such as building and sanitation issues.

Option #2 – Prohibit vehicles in required setbacks

Amend the DMMC to add the word "setback" in DMMC 18.44.097. DMMC would read:

In no case shall a motor vehicle or trailer of any kind be parked or stored, nor shall internal aisles or roadways be permitted, in any required setback, yard, open space or landscaped area....

This amendment would clarify the confusion regarding how close a vehicle can be to a lot line and require that in a residential area, all vehicles would need to be parked back 20 feet from the lot line. There is an exception for vehicles parked on driveways. This wouldn't prohibit vehicles parked on lawns further than 20 feet from the front lot line and would still require a measurement and zoning analysis.

Option #3 – Limit total number of vehicles on single lot

Add language limiting number of vehicles on a single residential lot. Sample language:

On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in DMMC 7.32.

This would simplify a complicated zoning analysis; however, it could be subject to challenge for being arbitrary. Also, it doesn't take into consideration the size of property or location. Adding different numbers for size of property and location could create confusion in enforcement similar to option #1. Also, this wouldn't prohibit parking in lawns as long as the number of vehicles doesn't exceed six.

Option #4 – Regulate surface of parking areas

Insert language requiring all surfaces where vehicles are stored to meet a certain minimum requirement. Currently DMMC requires a specific surface for required parking spaces.

Current Language: The surface of any required off-street parking or loading facility and accessory accessways (driveways) shall be paved with asphalt or concrete to a standard comparable to the standard for the public street providing access thereto and shall be graded and drained as to dispose of all surface water, but shall not drain across sidewalks.

Language could be added to include non-required areas or a reduced standard could be initiated for non-required areas. The following are a number of different cities code provisions rewritten to apply to Des Moines. Input from Public Works and SWM would be collected regarding specific surface materials prior to drafting but these examples range from strict standards to lenient.

#4a (Seatac)

A. All motor vehicles, trailers, boats and RVs must be parked on one (1) of the approved surfaces listed in subsection (B) of this section.

B. All required off-street parking spaces shall be constructed in conformance with DMMC 18.44.096 through 18.44.107. Additional off-street parking surfaces shall be constructed of one (1), or a combination, of the following materials:

1. Concrete (four (4) inch Portland cement concrete over compact native soils); or
2. Blacktop (two (2) inch asphalt concrete pavement over gravel section); or
3. Two (2) inches of five-eighths (5/8) minus compacted rock, provided mud or other fine material do not work their way to the surface of the rock. Alternate sized minus compacted rock may be used upon approval by the City;
4. Any other configuration or materials, approved by the City that maintains a durable uniform surface.

#4b (Shoreline)

All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

#4c (Spokane Valley)

All off-street parking areas shall be paved with asphalt, Portland cement, grasscrete, paver blocks or other equivalent hard surface material.

#4d (Federal Way)

All vehicle parking and storage for residential uses containing either detached or attached dwellings shall be in a garage, carport, driveway, or a parking pad. A parking pad shall accommodate the size of the vehicle and be composed of asphalt, cement, gravel, pavers, or LID methods (pervious asphalt, pervious concrete, etc.). Grass shall be an acceptable parking pad surface except in the area located between the primary dwelling unit and the front property line.

CITY ATTORNEY'S FIRST DRAFT 06/27/2013

DRAFT ORDINANCE NO. 13-108

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

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

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

WHEREAS, development professionals and property owners have encouraged the City to be more flexible in waiving required parking, to reduce parking requirements by capitalizing on the proximity to Seattle-Tacoma International Airport and allowing the marketplace to decide how best to achieve the City's broad development goals, and

WHEREAS, current parking regulations in the Pacific Ridge commercial zone appear to be unduly burdensome and restrictive, helping to make it uneconomically feasible for property owners to redevelop their properties under current and projected future market conditions, and

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

WHEREAS, the City believes these goals can be achieved with changes implemented by this Draft Ordinance in conjunction with changes to the Pacific Ridge Zone, and

WHEREAS, the proposed textual code amendment is consistent with the range of impacts studied under the SEPA Planned Action Environmental Impact Statement, the Pacific Ridge Neighborhood Improvement Plan and the Comprehensive Plan, and

6/27/2013 12:21 PM
Draft Ordinance No. 13-108

WHEREAS, the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents, and

WHEREAS, the SEPA responsible official determined that the existing environmental documentation fulfilled the SEPA requirements established by Chapter 197-11 WAC and Chapter 16.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, pursuant to DMMC 18.56.080 amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.56.200 amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.60.120(3) requires that the date of the public hearing to consider amendments to Title 18 DMMC be set by motion of the City Council, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1228, fixing the public hearing for July 11, 2013, 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 _____ in accordance with the DMMC, and

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

Modification of parking provisions.

(1) **Number of spaces.** The ~~hearing Examiner~~City Manager or the City Manager's designee may, by formal action, waive or modify the number of spaces required, establishing the amount of required parking for uses involving very limited number of employees or which do not require personnel and daily attendance or for which the number of parking spaces proposed is demonstrated sufficient to fully serve the use, is consistent with the intent of this chapter and when strict application of the code would result in unnecessary hardship. The Institute of Transportation Engineers (ITE) Parking Generation Manual, an independent consultant study, or The use of King County's Multi-Family Residential Parking Calculator (online website and parking calculator tool) are examples that could be used ~~is to demonstrate sufficiency of proposed~~ parking.

(2) **Dimensions.** In cases where the strict application of this title would unreasonably limit full utilization of a site for parking, the code official may authorize a reduction of up to three percent of any minimum dimension required in this chapter, except where such reduction would substantially restrict ease of travel or maneuverability of vehicles using the parking facility.

(3) **Marina District.** The parking provisions for commercial uses established by DMMC

Comment [gf1]: CM Burrage recommends not including reference to this King County-developed calculator.

18.44.060 are waived; provided, that there is compliance with all the following standards:

(a) The property is zoned downtown commercial according to the official zoning map.

(b) Residential uses within a mixed-use development are not included in this exemption. Residential uses in a mixed use building shall comply with the requirements established by DMMC 18.44.060.

(c) The property owner shall enter into a no protest agreement regarding the formation of a downtown business or parking improvement district.

(d) This provision is only valid until December 31, 2013.

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

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

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

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

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

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

(5) Industrial and Manufacturing Activities.

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

(b) Manufacturing, including but not limited to the following, except that no retail operations are included: research and testing laboratories, creameries, bottling establishments, bakeries, upholstery shops, printing and engraving shops: two parking spaces for each three employees on a maximum work shift, or one space per 700 square feet of gross floor area; use whichever is greater.

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

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

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

(7) Medical Facilities.

(a) Convalescent, rest homes, retirement homes, nursing and health institutions:

one parking space for each two employees, plus one space for each four beds.

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

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

Comment [gf2]: This addition is based on a developer's recommendation and the SeaTac Code which refers to "bedrooms". To avoid using 3 terms ("sleeping unit", "bedroom" and "hotel room" – all meaning essentially the same thing), we're suggesting we just use "hotel room", which has a generally accepted, common meaning.

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

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

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

(12) Personal Services.

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

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

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

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

(14) Public Assembly and Recreation.

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

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

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

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

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

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

(15) Residences.

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

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

(c) Multifamily.

(i) Two parking spaces per dwelling.

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

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

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

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

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

(g) Mixed Use.

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

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

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

(h) Accessory living quarters: one parking space.

(16) Restaurants, including drive-in restaurants, night clubs, taverns, and lounges: one parking space for each 125 square feet of gross floor area, except that none shall be required for

establishments under 2,000 square feet located in the D-C and PR zones.

(17) Retail, Other.

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

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

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

(18) Uses Not Specified. The parking requirements for a use not provided for in this section is determined in the manner set forth in DMMC [18.36.050](#), and such determination is based upon the requirements for the most comparable use specified in this section.

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

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

Sec. 3. DMMC 18.44.097 and section 10(B) of Ordinance No. 695 and section 1 of Ordinance No. 800, and section 33 of Ordinance No. 1197 are amended to read as follows:

Comment [gf3]: After reviewing available resources and priorities of enforcement, it is staff's recommendation to remove ambiguous language from the DMMC regarding parking in required yard areas and limit regulation of vehicles on private property to the removal of junk vehicles. The Junk Vehicle Ordinance prohibits damaged and inoperable vehicles from being on private property and sets discernible standards with effective enforcement capabilities. This option wouldn't prohibit working or undamaged vehicles from being parked or stored in required yard areas but would allow set a discernible standard for violations and would allow Code Enforcement to focus on higher priorities such as building and sanitation issues.

On-site ~~parking facilities~~ driveway location. ~~In no case shall a motor vehicle or trailer of any kind be parked or stored, nor shall internal aisles or roadways be permitted, in any required yard, open space or landscaped area; provided, however, that~~ the following ~~exceptions~~ requirements shall apply:

(1) Single-Family Dwellings. Parking shall be permitted on a driveway serving individual single-family dwellings provided the driveway maintains a minimum five-foot setback from an interior lot line, a 20-foot setback from any alley right-of-way parallel to the driveway (except where access to the driveway is from the alley), a 25-foot setback from any street right-of-way parallel to the driveway, and a 45-foot setback from any arterial street right-of-way parallel to the driveway; provided further, however, that with regard to the 45-foot setback from arterial streets the ~~community development director upon consultation with the public works director~~ City Manager or City Manager's Designee shall be authorized to permit the location of a driveway at a point less than 45 feet but not less than 25 feet from an arterial street where the size of the lot is such that the 45-foot requirement is impractical; and provided further, that no driveway in which parking is permitted may be located under this subsection where in the professional opinion of the ~~community development director upon consultation with the public works director~~ City Manager or City Manager's Designee, documented in writing, dangerous traffic conditions may result.

(2) Duplexes. Parking shall be permitted on driveways serving a duplex constructed on a single lot, except in planned unit developments; provided, that the driveways shall have a maximum width of 24

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

(3) Townhouse Dwellings. Parking shall be permitted on a driveway serving one or more townhouse dwellings provided the driveway has a maximum width of 24 feet at its intersection with the street, a minimum 20-foot setback from any alley right-of-way parallel to the driveway (except where access to the driveway is from the alley), a 25-foot setback from any street right-of-way parallel to the driveway, and a 45-foot setback from any arterial street right-of-way parallel to the driveway; provided further, however, that with

regard to the 45-foot setback from arterial streets the City Manager or City Manager's Designee~~community development director upon consultation with the public works director~~ shall be authorized to permit the location of a driveway at a point less than 45 feet but not less than 25 feet from an arterial street where the size of the lot is such that the 45-foot requirement is impractical; and provided further, that no driveway in which parking is permitted may be located under this subsection where in the professional opinion of the City Manager or City Manager's Designee~~community development director upon consultation with the public works director~~, documented in writing, dangerous traffic conditions may result.

Sec. 4. DMMC 18.44.097 and section 10(D) of Ordinance No. 695 and section 343 of Ordinance No. 1197, and section 4 of Ordinance No. 1237 are amended to read as follows:

Driveways and maneuverability.

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

Comment [gf4]: The effect of this change would be to permit tandem or valet stacked parking. See (7) below.

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

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

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

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

(6) Driveway intersections with north-south bearing streets shall be minimized to the extent possible in order to diminish traffic hazards, to conserve space and to promote orderly development generally. Driveways shall be limited to one per building site per street frontage, except the lesser of one driveway for each 150 feet of street frontage or three driveways for two lots having

common parking may be permitted upon a finding of the City Manager or City Manager's Designee~~community development director~~ upon ~~consultation with the public works director~~ that smoother or safer flow of traffic can result without significant disruption of the streetscape.

(7) Stacked or tandem parking plan requirements.

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

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

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

(ii) The hours of operations;

(iii) A detailed description of the valet parking system's operation including

methods to control noise, glare from impacting adjacent properties, and methods to eliminate any impacts on adjacent or nearby residential neighborhoods;

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

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

Sec. 5. DMMC 18.44.110 and section 11 of Ordinance No. 695 are amended to read as follows:

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

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

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

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

(b) Vehicles shall not be parked in the front building setback unless there is no

reasonable access to the building side yards or rear yards because of topography or other physical conditions of the site.

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

(d) At no time shall parked or stored recreational vehicles be occupied or used as a permanent or temporary dwelling units on the host's premises for more than four (4) weeks except when specifically allowed under DMMC 18.36.130. ~~that guests may not reside in a recreational vehicle on the host's premises on a temporary basis.~~

Comment [gf5]: Should this be increased?

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

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

(3) **Truck Tractors, Trailers, and Large Commercial Vehicles.** Parking of commercial vehicles ~~over 10,000 pounds gross weight, exceeding 20 feet in length and/or 7.5 feet in width,~~ is prohibited in residential areas, except on a temporary and nonregular basis not exceeding ~~six~~ twenty four (24) hours when sight visibility is not obstructed.

NEW SECTION. Sec. 6. 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.

NEW SECTION. Sec. 7. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

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

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

CITY ATTORNEY'S FIRST DRAFT 06/27/2013

DRAFT ORDINANCE NO. 13-108

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

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

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

WHEREAS, development professionals and property owners have encouraged the City to be more flexible in waiving required parking, to reduce parking requirements by capitalizing on the proximity to Seattle-Tacoma International Airport and allowing the marketplace to decide how best to achieve the City's broad development goals, and

WHEREAS, current parking regulations in the Pacific Ridge commercial zone appear to be unduly burdensome and restrictive, helping to make it uneconomically feasible for property owners to redevelop their properties under current and projected future market conditions, and

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

WHEREAS, the City believes these goals can be achieved with changes implemented by this Draft Ordinance in conjunction with changes to the Pacific Ridge Zone, and

WHEREAS, the proposed textual code amendment is consistent with the range of impacts studied under the SEPA Planned Action Environmental Impact Statement, the Pacific Ridge Neighborhood Improvement Plan and the Comprehensive Plan, and

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Draft Ordinance No. 13-108

WHEREAS, the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents, and

WHEREAS, the SEPA responsible official determined that the existing environmental documentation fulfilled the SEPA requirements established by Chapter 197-11 WAC and Chapter 16.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, pursuant to DMMC 18.56.080 amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.56.200 amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.60.120(3) requires that the date of the public hearing to consider amendments to Title 18 DMMC be set by motion of the City Council, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1228, fixing the public hearing for July 11, 2013, 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 _____ in accordance with the DMMC, and

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

Modification of parking provisions.

(1) **Number of spaces.** The ~~hearing Examiner~~City Manager or the City Manager's designee may, by formal action, waive or modify the number of spaces required, establishing the amount of required parking for uses involving very limited number of employees or which do not require personnel and daily attendance or for which the number of parking spaces proposed is demonstrated sufficient to fully serve the use, is consistent with the intent of this chapter and when strict application of the code would result in unnecessary hardship. The Institute of Transportation Engineers (ITE) Parking Generation Manual, an independent consultant study, or The use of King County's Multi-Family Residential Parking Calculator (online website and parking calculator tool) are examples that could be used ~~is to demonstrate sufficiency of proposed~~ parking.

(2) **Dimensions.** In cases where the strict application of this title would unreasonably limit full utilization of a site for parking, the code official may authorize a reduction of up to three percent of any minimum dimension required in this chapter, except where such reduction would substantially restrict ease of travel or maneuverability of vehicles using the parking facility.

(3) **Marina District.** The parking provisions for commercial uses established by DMMC

Comment [gf1]: CM Burrage recommends not including reference to this King County-developed calculator.

18.44.060 are waived; provided, that there is compliance with all the following standards:

(a) The property is zoned downtown commercial according to the official zoning map.

(b) Residential uses within a mixed-use development are not included in this exemption. Residential uses in a mixed use building shall comply with the requirements established by DMMC 18.44.060.

(c) The property owner shall enter into a no protest agreement regarding the formation of a downtown business or parking improvement district.

(d) This provision is only valid until December 31, 2013.

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

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

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

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

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

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

(5) Industrial and Manufacturing Activities.

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

(b) Manufacturing, including but not limited to the following, except that no retail operations are included: research and testing laboratories, creameries, bottling establishments, bakeries, upholstery shops, printing and engraving shops: two parking spaces for each three employees on a maximum work shift, or one space per 700 square feet of gross floor area; use whichever is greater.

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

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

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

(7) Medical Facilities.

(a) Convalescent, rest homes, retirement homes, nursing and health institutions:

one parking space for each two employees, plus one space for each four beds.

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

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

Comment [gf2]: This addition is based on a developer's recommendation and the SeaTac Code which refers to "bedrooms". To avoid using 3 terms ("sleeping unit", "bedroom" and "hotel room" – all meaning essentially the same thing), we're suggesting we just use "hotel room", which has a generally accepted, common meaning.

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

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

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

(12) Personal Services.

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

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

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

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

(14) Public Assembly and Recreation.

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

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

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

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

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

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

(15) Residences.

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

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

(c) Multifamily.

(i) Two parking spaces per dwelling.

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

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

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

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

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

(g) Mixed Use.

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

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

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

(h) Accessory living quarters: one parking space.

(16) Restaurants, including drive-in restaurants, night clubs, taverns, and lounges: one parking space for each 125 square feet of gross floor area, except that none shall be required for

establishments under 2,000 square feet located in the D-C and PR zones.

(17) Retail, Other.

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

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

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

(18) Uses Not Specified. The parking requirements for a use not provided for in this section is determined in the manner set forth in DMMC [18.36.050](#), and such determination is based upon the requirements for the most comparable use specified in this section.

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

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

Sec. 3. DMMC 18.44.097 and section 10(B) of Ordinance No. 695 and section 1 of Ordinance No. 800, and section 33 of Ordinance No. 1197 are amended to read as follows:

Comment [gf3]: After reviewing available resources and priorities of enforcement, it is staff's recommendation to remove ambiguous language from the DMMC regarding parking in required yard areas and limit regulation of vehicles on private property to the removal of junk vehicles. The Junk Vehicle Ordinance prohibits damaged and inoperable vehicles from being on private property and sets discernible standards with effective enforcement capabilities. This option wouldn't prohibit working or undamaged vehicles from being parked or stored in required yard areas but would allow set a discernible standard for violations and would allow Code Enforcement to focus on higher priorities such as building and sanitation issues.

On-site ~~parking facilities~~ driveway location. ~~In no case shall a motor vehicle or trailer of any kind be parked or stored, nor shall internal aisles or roadways be permitted, in any required yard, open space or landscaped area; provided, however, that~~ the following ~~exceptions~~ requirements shall apply:

(1) Single-Family Dwellings. Parking shall be permitted on a driveway serving individual single-family dwellings provided the driveway maintains a minimum five-foot setback from an interior lot line, a 20-foot setback from any alley right-of-way parallel to the driveway (except where access to the driveway is from the alley), a 25-foot setback from any street right-of-way parallel to the driveway, and a 45-foot setback from any arterial street right-of-way parallel to the driveway; provided further, however, that with regard to the 45-foot setback from arterial streets the ~~community development director upon consultation with the public works director~~ City Manager or City Manager's Designee shall be authorized to permit the location of a driveway at a point less than 45 feet but not less than 25 feet from an arterial street where the size of the lot is such that the 45-foot requirement is impractical; and provided further, that no driveway in which parking is permitted may be located under this subsection where in the professional opinion of the ~~community development director upon consultation with the public works director~~ City Manager or City Manager's Designee, documented in writing, dangerous traffic conditions may result.

(2) Duplexes. Parking shall be permitted on driveways serving a duplex constructed on a single lot, except in planned unit developments; provided, that the driveways shall have a maximum width of 24

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

(3) Townhouse Dwellings. Parking shall be permitted on a driveway serving one or more townhouse dwellings provided the driveway has a maximum width of 24 feet at its intersection with the street, a minimum 20-foot setback from any alley right-of-way parallel to the driveway (except where access to the driveway is from the alley), a 25-foot setback from any street right-of-way parallel to the driveway, and a 45-foot setback from any arterial street right-of-way parallel to the driveway; provided further, however, that with

regard to the 45-foot setback from arterial streets the City Manager or City Manager's Designee~~community development director upon consultation with the public works director~~ shall be authorized to permit the location of a driveway at a point less than 45 feet but not less than 25 feet from an arterial street where the size of the lot is such that the 45-foot requirement is impractical; and provided further, that no driveway in which parking is permitted may be located under this subsection where in the professional opinion of the City Manager or City Manager's Designee~~community development director upon consultation with the public works director~~, documented in writing, dangerous traffic conditions may result.

Sec. 4. DMMC 18.44.097 and section 10(D) of Ordinance No. 695 and section 343 of Ordinance No. 1197, and section 4 of Ordinance No. 1237 are amended to read as follows:

Driveways and maneuverability.

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

Comment [gf4]: The effect of this change would be to permit tandem or valet stacked parking. See (7) below.

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

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

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

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

(6) Driveway intersections with north-south bearing streets shall be minimized to the extent possible in order to diminish traffic hazards, to conserve space and to promote orderly development generally. Driveways shall be limited to one per building site per street frontage, except the lesser of one driveway for each 150 feet of street frontage or three driveways for two lots having

common parking may be permitted upon a finding of the City Manager or City Manager's Designee~~community development director~~ upon ~~consultation with the public works director~~ that smoother or safer flow of traffic can result without significant disruption of the streetscape.

(7) Stacked or tandem parking plan requirements.

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

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

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

(ii) The hours of operations;

(iii) A detailed description of the valet parking system's operation including

methods to control noise, glare from impacting adjacent properties, and methods to eliminate any impacts on adjacent or nearby residential neighborhoods;

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

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

Sec. 5. DMMC 18.44.110 and section 11 of Ordinance No. 695 are amended to read as follows:

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

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

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

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

(b) Vehicles shall not be parked in the front building setback unless there is no

reasonable access to the building side yards or rear yards because of topography or other physical conditions of the site.

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

(d) At no time shall parked or stored recreational vehicles be occupied or used as a permanent or temporary dwelling units on the host's premises for more than four (4) weeks except when specifically allowed under DMMC 18.36.130. ~~that guests may not reside in a recreational vehicle on the host's premises on a temporary basis.~~

Comment [gf5]: Should this be increased?

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

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

(3) **Truck Tractors, Trailers, and Large Commercial Vehicles.** Parking of commercial vehicles ~~over 10,000 pounds gross weight, exceeding 20 feet in length and/or 7.5 feet in width,~~ is prohibited in residential areas, except on a temporary and nonregular basis not exceeding ~~six~~ twenty four (24) hours when sight visibility is not obstructed.

NEW SECTION. Sec. 6. 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.

NEW SECTION. Sec. 7. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

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

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

Chapter 18.42 SIGNS

Sections

ARTICLE I. GENERAL PROVISIONS

- [18.42.010](#) Purpose.
- [18.42.020](#) *Repealed.*
- [18.42.030](#) Definitions.

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- [18.42.040](#) Required.
- [18.42.050](#) Exemptions.
- [18.42.060](#) Application.
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ARTICLE III. COMPREHENSIVE DESIGN PLAN PERMITS

- [18.42.100](#) Purpose.
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- [18.42.120](#) Criteria for granting.

ARTICLE IV. ZONES GENERALLY

- [18.42.130](#) Applicability.
- [18.42.140](#) Structural requirements.
- [18.42.150](#) Prohibited signs.
- [18.42.160](#) Maintenance.
- [18.42.170](#) Abandoned signs.
- [18.42.180](#) Illumination.
- [18.42.190](#) Landscaping.
- [18.42.200](#) Clearance and sight distance.
- [18.42.210](#) Exposed angle irons and guy wires prohibited.
- [18.42.220](#) Electronic reader board and changeable message center signs.
- [18.42.230](#) *Repealed.*
- [18.42.240](#) *Repealed.*
- [18.42.250](#) Bonus provisions.
- [18.42.260](#) Signs prohibited on, above, or over right-of-way.
- [18.42.270](#) Placement.

ARTICLE V. REGULATIONS BY ZONE

[18.42.280](#) Applicability.

[18.42.290](#) Residential.

[18.42.300](#) Neighborhood commercial zones.

[18.42.310](#) Commercial zones.

[18.42.320](#) Marina district.

[18.42.325](#) *Repealed.*

[18.42.327](#) *Repealed.*

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

[18.42.330](#) *Repealed.*

[18.42.340](#) Removal of unlawful signs – Notice.

[18.42.350](#) Nonconforming signs.

[18.42.360](#) City not liable.

[18.42.370](#) *Repealed.*

ARTICLE I. GENERAL PROVISIONS

18.42.010 Purpose.

It is the purpose of this chapter to safeguard the life, health, property, and welfare of the citizens of the city by regulating and controlling the design, construction, location, use, illumination, and maintenance of signs and sign structures visible from any portion of public property or rights-of-way. The intent of the standards set forth in this chapter is:

- (1) To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction.
- (2) To encourage the design of signs that attract and invite rather than demand the public's attention and to curb the proliferation of signs.
- (3) To encourage the use of signs that enhance the visual environment of the city.
- (4) To assure equal protection and fair treatment under the law through consistent application of the regulations and consistent enforcement.
- (5) To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings. [Ord. 1509 § 4, 2011; Ord. 584 § 1(part), 1983.]

18.42.020 Exceptions.

Repealed by Ord. 1509. [Ord. 584 § 1(part), 1983.]

18.42.030 Definitions.

- (1) "Abandoned sign" means a sign that no longer correctly identifies, exhorts, or advertises any person, business, lessor, owner, product, or activity conducted or available on the premises where the sign is located.
- (2) "Advertising copy" means any letters, figures, symbols, logos, or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.
- (3) "Awning" means a cloth structure attached to, supported by, and projecting from a building and providing protection of the weather elements. Also called a "canopy."
- (4) "Awning sign" means any sign which forms part of or is integrated into an awning and which does not extend beyond the limits of the awning.
- (5) "Building" means a roofed and walled structure built for permanent use.
- (6) "Changing message center" means an electronically controlled message center with different copy changes of a public service or commercial nature.
- (7) "Comprehensive design plan" means building, design, landscaping, and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural, and electrical requirements.
- (8) "Double-faced sign" means a sign that has a sign on opposite sides of a single display surface or sign structure.
- (9) "Electrical sign" means a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.
- (10) "Facade" means the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation or elevations.
- (11) "Flashing sign" means a sign with any portion thereof which changes light intensity or switches on and off in a constant pattern or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination.
- (12) "Freestanding sign" means a sign attached to the ground and supported by uprights placed on or in the ground.
- (13) "Frontage" means the measurement of the length of the property line along a street.
- (14) "Grade" means the elevation as measured at the relative ground level in the immediate vicinity of the sign.

(15) "Ground sign" means a freestanding sign that is less than five feet in height.

(16) "Incidental sign" means a small nonelectric information sign two square feet or less in area which pertains to goods, products, services, or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on those premises.

(17) "Information sign" means a sign which gives directional information or identifies specific use areas and which is necessary to maintain the orderly internal use of the premises, such as those signs which identify employee parking, shipping, clearance, or which restrict ingress and egress. Excluded from this definition are signs which are not directly related to an identified need for orderly internal use of the property and off-premises or portable signs.

(18) "Inspector" includes any city employee working under the authority and direction of the city manager or designee.

(19) "Landscaping" means any material used as a decorative feature, such as textured concrete bases, planter boxes, rockeries, driftwood, pole covers, decorative framing, and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign but does not contain advertising copy.

(20) "Mansard roof" means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

(21) "Marquee" means a permanent structure attached to, supported by, and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For the purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee.

(22) "Marquee sign" means any sign which forms part of or is integrated into a marquee and which does not extend beyond the limits of the marquee.

(23) "Monument sign" means a sign above grade which is mounted or attached to a wide base or grade. These signs are composed of a sign face and a sign base. The base and architectural detail must be consistent with the character of the primary structure.

(24) "Multiple-building complex" means a group of structures housing at least one retail business, office, commercial venture, or independent or separate part of a business located on different properties but with shared accesses and parking facilities.

(25) "Multiple business property" means a single property housing more than one retail business, office, or commercial venture in a single structure; but not including residential apartment buildings or shopping centers.

(26) "Off-premises directional sign" means a sign erected for the purpose of directing pedestrian or vehicular traffic to a facility, service, or business located on other premises.

(27) "On-premises sign" means a sign which carries only advertisements strictly applicable to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, and goods sold or produced on the premises, name of the business, name of the person, firm, or corporation occupying the premises.

(28) "Perimeter" means the boundary lines used to define the extent of an area.

(29) "Person" means any person, firm, partnership, association, corporation, company, institution, or organization.

(30) "Pole sign" means any freestanding sign more than five feet in height that does not meet the definition of monument sign. These signs are composed of the sign cabinet or base and the sign pole or pylon by which it connects to the ground.

(31) "Portable sign" means a sign which is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their person.

(32) "Premises" means the real estate (as a unit) which is involved by the sign or signs mentioned in this chapter.

(33) "Projecting sign" means a sign which is attached to and projects more than one foot from a structure or building face.

(34) "Public commercial parking area" means an open area other than a street, alley, or private parking area serving the occupants, patrons, or employees of a dwelling, hotel, business, or apartment to which the private parking area is appurtenant, which area is used for the parking of more than four automobiles.

(35) "Reader board" means a sign face designed with readily changeable letters allowing frequent changes of copy either manually or electronically.

(36) "Real estate sign" means a portable or freestanding sign erected by the owner or his agent advertising the real estate upon which the sign is located for rent, lease, or sale or directing to the property.

(37) "Revolving sign" means a sign which rotates or turns in motion in a circular pattern.

(38) "Roof line" means the top edge of a roof or parapet; the top line of a building silhouette.

(39) "Roof sign" means a sign supported by and erected on or above the roof line of a building or structure.

(40) "Shopping center" means a grouping of retail business and/or service uses on a single development site consisting of five acres or more housed in multiple structures or a single building with common parking facilities.

(41) "Sign" means any visual communication device, structure, or fixture which is visible from off premises and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, business, or building. Painted wall designs or patterns which do not represent a product, service, or trademark or which do not identify the user are not considered signs.

(42) "Sign area" means the entire area within a circle or polygon enclosing the extreme limits of the advertising message together with any frame or decoration forming an integral part of the display or used to differentiate the sign from the background against which it is placed. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single square or rectangular figure is the area of the sign. Multi-sided signs, signs composed of two or more sides of equal area attached to each other but occupying different planes, shall have their areas computed by excluding the area of one side from the sum of the areas of all other sides. The total surface area of spherical or cylindrical signs is the sign area.

(43) "Sign height" means the vertical distance from grade to the highest point of a sign or any vertical projection thereof, including its supporting columns.

(44) "Sign structure" means any structure which supports or is designed to support any sign as defined in this chapter. A sign structure may be a single pole and may or may not be an integral part of the building.

(45) "Single business property" means a single structure housing one business located on a single property without shared access and/or parking facilities.

(46) "Street" means a right-of-way, dedicated to the public use, which provides vehicular access to adjacent properties.

(47) "Street frontage" means the linear frontage of a single parcel of property or common development site abutting a public street.

(48) "Temporary construction sign" means a sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, subcontractor, and/or materialman, upon which property the individual is furnishing labor or material.

(49) "Temporary sign" means any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, with or without frames, intended to be displayed for a limited time only. Signs painted upon window surfaces which are readily removed by washing shall be considered temporary signs.

(50) "Under marquee sign" means a sign attached to and suspended from the underside of a marquee or canopy.

(51) "Wall sign" means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of the wall or facade. Signs incorporated into mansard roofs, marquees, or canopies shall be treated as wall signs. [Ord. 1509 § 6, 2011: Ord. 1267 § 11, 2000; Ord. 584 § 2, 1983.]

ARTICLE II. PERMITS

18.42.040 Required.

No sign shall be erected, re-erected, constructed, painted, posted, applied, altered, structurally revised, or repaired except as provided in this chapter and pursuant to a permit issued by the city manager or designee. A separate permit shall be required for a sign or signs for each business entity and/or a separate permit for each group of signs or a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate permit. [Ord. 1509 § 5, 2011: Ord. 584 § 3(part), 1983.]

18.42.050 Exemptions.

The following shall not require a sign permit; these exemptions shall not be construed as relieving the owner of a sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance regulating the same:

- (1) The changing of the advertising copy or message on a lawfully erected, painted, or printed sign, theater marquee, or similar signs specifically designed for the use of replaceable copy.
- (2) Painting, repainting or cleaning of a lawfully erected sign structure or the changing of the advertising copy or message thereon and other normal maintenance unless a structural or electrical change is made.
- (3) Temporary decorations customary for special holidays, such as Christmas and Independence Day, erected entirely on private property.
- (4) Real estate signs subject to the following requirements:
 - (a) Signs shall not exceed eight square feet in residential zones and 24 square feet in commercial zones.
 - (b) Signs shall be limited to one sign per street frontage on the premises for sale, lease, or rent, and three portable directional signs to such property.
 - (c) Portable off-premises directional real estate signs providing directions to an open house at a specified residence or commercial building that is offered for sale or rent are permitted only when:

(i) Signs are not placed on trees, foliage, utility poles, or placed on or interfere with official traffic control devices and their support structures installed by the city traffic engineer or the state.

(ii) Each sign does not exceed four square feet in area and 36 inches in height.

(iii) The agent or seller is physically present at the property for sale or rent.

(iv) The total number of directional signs is limited to three.

(v) Each sign if located in the public right-of-way is subject to the requirements and regulations of subsection (12)(e) through (k) of this section.

(vi) The signs may only be in place during the hours of the open house.

(5) On-premises information signs guiding or directing traffic onto or off of a lot or within a lot, incidental signs, and internal information signs not over eight square feet in area and do not exceed six feet in height. The information or copy displayed by or on any internal informational sign shall be limited to only those letters and/or symbols necessary to convey the required message in as brief a manner as reasonably possible and shall not advertise in any manner the facility occupying the premises nor goods or services available nor hours of operation.

(6) Political signs subject to the following requirements:

(a) Political signs promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property. Such signs shall be removed within 10 days following the election; provided, that signs promoting successful candidates in a primary election may remain displayed until 10 days following the immediately subsequent general election.

(b) It is prohibited for any person to paste, paint, affix, or fasten a political sign on any tree, foliage, utility pole, on any public building or structure, or on or to interfere with any official traffic control device and their support structures installed by the city traffic engineer or the state.

(c) Political signs posted within public right-of-way are subject to the requirements and regulations of subsection (12)(e) through (k) of this section. Additionally, political signs in the right-of-way are limited to a maximum surface area of four square feet and a maximum height of five feet.

(d) It shall be the responsibility of the candidate to have the signs removed.

(7) One nonelectrical and nonilluminated business identification sign containing no advertising matter over four square feet in area.

Comment [gf1]: CM Burrage suggests that 4 be increased to 15

(8) One on-premises nonilluminated bulletin board not over 12 square feet in area for a charitable or religious organization.

Comment [gf2]: CM Burrage suggests that 12 be increased to 15

(9) For each street frontage of the premises, one nonilluminated temporary construction sign denoting the architect, engineer, and/or contractor when placed on work under construction, and not exceeding 32 square feet in area.

(10) Memorial signs or tablets, including names of buildings, and date of erection when cut into a masonry surface or when constructed of bronze or other noncombustible materials.

(11) Nonelectrical identification signs which contain no more than the name and address of the dweller or tenant of a residence shall be allowed. Only one such sign not over two square feet in area shall be allowed for each street frontage of a residential dwelling within the city.

(12) Portable signs located in the public right-of-way subject to the following requirements:

(a) Signs shall not be affixed to the ground, including through the use of stakes or other means that may damage property.

(b) No more than two signs are allowed per business and no person may have more than two signs at any one time.

(c) Sign area shall neither exceed six square feet per sign face nor 36 inches in height.

(d) Signs are allowed only during the hours of operation of the business or for the duration of special events and must be taken indoors each day.

(e) Signs may not be placed on or attached to other objects, including but not limited to buildings, structures, trees, plants, utility poles, utility boxes, utility equipment, other signs, or on or to interfere with any official traffic control device and their support structures installed by the city traffic engineer or the state.

(f) Signs shall not be placed in a manner that interferes with vehicle, bicycle, wheelchair, or pedestrian sight line views, or travel.

(g) Signs shall not be placed in street medians or traffic islands.

(h) Signs shall not be placed in a manner that will damage city landscaping, irrigation or other city infrastructure or obstruct a drainage system. Any damage as the result of the placement of the portable sign will be the responsibility of the owner of the sign.

(i) Signs shall be professionally prepared and maintained in good condition so as to preserve the aesthetic value of the total environment.

(j) Signs shall have a name and contact phone number or other contact information on them.

(k) Signs placed in violation of this subsection (12) are subject to immediate removal and may be subject to destruction by the city, without prior notice. If the owner of the sign is present at the time of removal, the owner is given an opportunity to remove the sign immediately.

(13) Signs used exclusively for:

(a) Display of official notices used by any court, public body, or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice; provided, however, that such notices are subject to the requirements and regulations of subsection (12)(e) through (k) of this section.

(b) Official directional, warning, or information signs of a public or semipublic nonprofit entity erected by or with the approval of the city; provided, however, the design and placement of such signs shall be subject to the approval of the city manager or designee and, if located in the public right-of-way, shall require a right-of-way use permit and shall be subject to the requirements and regulations of subsection (12)(e) through (k) of this section. All such signs shall be installed by or under the direction of the city manager or designee and may be removed by the city if they become damaged, unsightly, or otherwise fall into a state of disrepair. Upon such removal, replacement signs may be installed. The city manager is authorized to establish a fee schedule for labor, equipment, and materials expended from public funds for installation of signs and/or posts.

Comment [gf3]: CM Burrage believes "semipublic" entity be further defined asks why they should have an exemption.

(14) Official traffic control devices and their support structures installed by the city traffic engineer or state.

(15) Signs not intended to be viewed from and not readable from off premises.

(16) Window merchandise displays.

(17) Point-of-purchase advertising displays, such as product dispensers.

(18) National flags, flags of political subdivisions and symbolic flags of an institution.

(19) Barber poles.

(20) Historic site markers and plaques.

(21) Gravestones.

(22) Structures intended for separate use, such as phone booths.

(23) Identification signs upon recycling collection containers or other collection containers for public, charitable or nonprofit organizations.

(24) Lettering or symbols painted directly onto or flush-mounted magnetically onto an operable motor vehicle operating in the normal course of business.

(25) Sculptures, fountains, mosaics, or other public art features that do not incorporate advertising or identification of a business or product.

(26) Temporary construction signs subject to the following standards:

(a) Sign shall not exceed 32 square feet.

(b) No more than one sign is allowed per street frontage.

(c) Sign shall be removed upon completion of the project, except as provided in DMMC [18.42.120](#). [Ord. 1509 § 7, 2011; Ord. 1139 § 1, 1995; Ord. 637 § 1, 1985; Ord. 584 § 3(A), 1983.]

18.42.060 Application.

Applications for sign permits shall be made to the city manager or designee upon forms provided by the city.

(1) Applications for sign permits shall be accompanied by:

(a) Two site (plat) plans showing the location of the affected lot, building or buildings, and sign or signs, showing both existing signs and awnings and the proposed sign;

(b) Two copies of a scale drawing of the proposed sign or sign revision, including size, height, copy, structural and footing details, material specifications, methods of attachment, illumination, landscaping, front and end views of awning, sample of canvas, calculations for dead load and wind pressure, photograph of site and building marked to show where sign or awning is proposed, and any other information required to ensure compliance with appropriate laws;

(c) Written consent of the owner of the building, structure, or property where the sign is to be erected;

(d) A permit fee as set by written administrative directive.

(2) Exceptions.

(a) The city manager or designee may waive submission of plans and specifications when the structural aspect is of minor importance.

(b) If the sign to be installed is to replace a nonconforming sign, the permit and plan check fees may be waived at the discretion of the city manager or designee. [Ord. 1509 § 8, 2011; Ord. 584 § 3(B), 1983.]

18.42.070 Inspections.

(1) All signs controlled by this chapter are subject to periodic inspection by the inspector. The inspector shall keep records reflecting inspection dates and results thereof.

(2) Footing inspections shall be made by the inspector for all signs having footings.

(3) Every new sign shall bear the permit number and date of issue prominently and permanently affixed.

(4) Every temporary sign requiring a permit shall bear a legible notation of its expiration date.

(5) If the inspector is required to reinspect a new installation due to no fault of the inspector, a reinspection fee shall be charged in accordance with administration directive. [Ord. 1509 § 9, 2011: Ord. 584 § 3(C), 1983.]

18.42.080 Variances.

No variances are permitted from the requirement of this chapter; provided, however, that nothing prevents any interested party from appealing administrative decisions in accordance with the hearing examiner code. [Ord. 770 § 61, 1988: Ord. 584 § 3(D), 1983.]

18.42.090 Special use permits.

The city manager or designee is authorized to grant a special use permit for the following purposes:

(1) Temporary signs, banners and/or posters not exceeding 40 square feet, strings of pennants, ribbons, flags, streamers, balloons, spinners, or other devices of a carnival nature may be permitted for temporary or special events, such as a grand opening, but such use shall not exceed 45 days within a three-month period. No more than three types of temporary signs may be displayed at any one time.

(2) Temporary signs exceeding 40 square feet but not exceeding 200 square feet may be permitted for temporary or special events, such as a grand opening, but such use shall not exceed 45 days. Only five such permits shall be issued to any business during a calendar year. The total aggregate of temporary signs shall be no more than 400 square feet.

(3) Inflatable displays exceeding 40 square feet and searchlights may be permitted for temporary or special events, such as a grand opening, but such use shall not exceed 10 days. Only three such permits shall be issued to any business during a calendar year.

(4) Off-premises directional signs advertising group sales of single-family residences or condominiums; provided, the following conditions shall apply:

(a) Each sign permitted under this section may contain two sign faces, each of which is no larger than 16 square feet, and no more than two signs per group sale shall be permitted;

(b) The maximum height of any such sign shall be eight feet from grade;

(c) The maximum duration of any such sign shall be 90 days or whenever the property advertised in the sign is sold, whichever occurs first; provided, the special permit may be renewed and reissued for additional 90-day periods if the property advertised in the sign has not been sold;

(d) An applicant who is granted a permit under this section shall relinquish the general privilege to place three off-premises directional signs per property under the provisions of DMMC [18.42.050\(4\)](#) but shall be permitted to place an additional three off-premises directional signs for the entire group sale; provided, such signs comply with the requirements in DMMC [18.42.050\(4\)](#). [Ord. 1509 § 10, 2011: Ord. 1139 § 2, 1995: Ord. 873 § 1, 1990: Ord. 584 § 3(E), 1983.]

ARTICLE III. COMPREHENSIVE DESIGN PLAN PERMITS

18.42.100 Purpose.

The requirements and restrictions of this chapter may be modified by the city manager or designee when an applicant is using a comprehensive design plan to integrate signs into the framework of the building or buildings, landscaping, and other design features of the property, utilizing an overall design theme. Comprehensive design may be used on an existing building where the facade is being altered, new construction or in freestanding signs. [Ord. 1509 § 11, 2011: Ord. 584 § 3(F)(part), 1983.]

18.42.110 Application – Supplementary material.

Applications for comprehensive design plan permits shall be submitted on forms provided by the city manager or designee and shall be accompanied by the following:

(1) A narrative describing the proposed plan, including, but not limited to, the following information:

- (a) How the physical components of the sign structure relate to the copy area, detailing legibility and readability factors based on traffic speed, sign placement, and letter size;
- (b) How the sign(s) relate to the immediate surroundings, including buildings, other signs, landscaping, and other decorative features;
- (c) How the sign or signs relate to the desired land use characteristics promoted by the comprehensive plan and this chapter;
- (d) How the elements and design of the sign(s) promote and enhance the overall design theme established by the adopted design guidelines for the marina district or the Pacific Ridge neighborhood;
- (e) Evaluation of potential adverse effects on adjacent property.

(2) A site plan and colored renderings of the sign(s) and building faces on which the signs will be mounted. Graphic submittals shall illustrate how the total sign proposal will appear from the street(s) from which the signage is intended to be seen.

(3) Regular sign permit application. [Ord. 1509 § 12, 2011: Ord. 584 § 3(F)(1), 1983.]

18.42.120 Criteria for granting.

The city manager or designee shall employ the following criteria when evaluating the proposed comprehensive signage plan;

(1) Whether the proposal manifests an exceptional effort toward creating visual harmony between the sign, buildings, and other components of the subject property through the use of a consistent design theme;

(2) Whether the sign or signs promote the planned land use in the area of the subject property and enhance the aesthetics of the surrounding area;

(3) Whether the sign placement and size obstructs or interferes with any other signs or property in the area or obstructs natural or scenic views;

(4) Whether the proposed sign or signs is/are better coordinated, more harmonious with surrounding development including other signage and the architectural concepts employed in the building's site than could be installed under existing criteria in this chapter. [Ord. 1509 § 13, 2011: Ord. 584 § 3(F)(2), 1983.]

ARTICLE IV. ZONES GENERALLY

18.42.130 Applicability.

The regulations in this article shall apply in all zones and to all signs governed by this chapter, subject to the specific regulations of each zone. [Ord. 1509 § 14, 2011: Ord. 1237 § 3, 1999; Ord. 584 § 4(part), 1983.]

18.42.140 Structural requirements.

The structure and installation of all signs within the city shall be governed by the applicable provisions of Title [14](#) DMMC. [Ord. 977 § 1, 1992: Ord. 584 § 4(A), 1983.]

18.42.150 Prohibited signs.

The following signs are prohibited:

(1) Abandoned signs;

(2) Signs or sign structures, which by coloring, shape, wording, or location resemble or conflict with official traffic control signs or devices;

(3) Signs that create a safety hazard for pedestrian, wheelchair, bicycle, or vehicular traffic;

(4) All flashing signs;

(5) Signs attached to or placed on a vehicle or trailer parked on public or private property or public right-of-way; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Public transit vehicles and taxis are exempt from this provision;

(6) Off-premises signs, except real estate signs, political signs, and portable signs as expressly allowed in DMMC [18.42.050](#), public service/civic [event signs for City Council sanctioned events](#), garage sale signs, and off-premises signs permitted by special use permit as provided in DMMC [18.42.090](#);

(7) Any sign affixed to or painted on trees, rocks, or other natural features, or utility poles and the like including advertising signs affixed to or painted on [fences](#);

(8) Roof [signs](#);

(9) All portable reader board signs;

(10) Strings of pennants, banners, posters, ribbons, streamers, balloons, spinners, searchlights, or other devices of a carnival nature, except as provided in DMMC [18.42.090](#);

(11) Home occupation [signs](#);

(12) Any sign that is not specifically permitted by this chapter. [Ord. 1509 § 15, 2011: Ord. 584 § 4(B), 1983.]

18.42.160 Maintenance.

All signs, together with all of their supports, braces, guys, and anchors, shall be maintained in good repair and in a safe, neat, clean, and attractive condition. [Ord. 584 § 4(C), 1983.]

18.42.170 Abandoned signs.

Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within 90 days after the business or service advertised by the sign is no longer conducted on the premises. [Ord. 584 § 4(D), 1983.]

18.42.180 Illumination.

The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises or adversely affect safe vision of operators of vehicles moving on private or public roads, highways, or parking areas, or adversely affect safe vision of pedestrians on a public right-of-way. Light shall not shine upon nor reflect into residential structures. Beacon lights or searchlights shall not be permitted for advertising purposes except within the commercial zones and in conjunction with temporary or special events not exceeding 10 days as permitted by special use permit. Luminosity shall not exceed 100 foot lamberts measured at the sign face. [Ord. 1237 §§ 3, 4, 1999; Ord. 584 § 4(E), 1983.]

18.42.190 Landscaping.

Comment [gf4]: Should civic events be City Council sanctioned?

Comment [gf5]: CM Burrage suggests this prohibition of off-premises signs be deleted in its entirety, and that businesses be allowed to advertise whatever and wherever they want.

Comment [gf6]: (1) Should this prohibition be relaxed or even eliminated within strict time limits if property owner permission is given?
(2) CM Burrage suggests that signs affixed to fences on Marine View Drive for a limited time be outright permitted. Staff recommends that Marine View Drive Bridge and Des Moines Memorial Drive sites that have historically been used by community organizations be "legalized" with a City-approved temporary sign permit.

Comment [gf7]: It was suggested during the December 2012 Developer/Property Owner tour that roof signs be allowed.

Comment [gf8]: CM Burrage suggests that no City permit be required for temporary, owner approved signs on private property.

Comment [gf9]: It was suggested by a developer during an open F&ED meeting that these signs be allowed. CM Burrage suggests that a 6 sf sign with no lights be considered.

At the time of installation, all freestanding signs shall include landscaping and curbing around the base of the sign to prevent automobiles from hitting the sign structure and to improve the overall visual appearance of the structure. Landscaping shall be in proportion to the size and height of the signs, with a minimum of one-half square foot of landscaping for each square foot of sign area and shall be maintained throughout the life of the sign. No dead shrubs, broken parts, cracked, or extremely chipped material shall be allowed to remain without repair. [Ord. 584 § 4(F), 1983.]

18.42.200 Clearance and sight distance.

Marquees or projecting signs which project over areas where motor trucks may be required to pass beneath them shall maintain a minimum vertical clearance of 15 feet. No marquee or projecting sign may project closer than two feet from the curblin of the street. Signs must maintain a minimum of eight feet of vertical clearance over pedestrian ways. [Ord. 584 § 4(G), 1983.]

18.42.210 Exposed angle irons and guy wires prohibited.

No angle irons, guy wires, or braces used in conjunction with a projecting sign shall be visible, except those which are an integral part of the overall design. [Ord. 584 § 4(H), 1983.]

18.42.220 Electronic reader board and changeable message center signs.

Except as provided in subsection (11) of this section, all electronic reader board signs and changeable message center signs shall comply with the following:

(1) Advertising messages on electronic reader boards and message centers may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the reader board or message center, with all segments of the total message to be displayed within 10 seconds. A one-segment message may remain static on the reader board or message center with no duration limit.

(2) Displays may travel horizontally or scroll vertically onto electronic reader boards or message centers, but must hold in a static position for two seconds after completing the travel or scroll.

(3) Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or animate as it moves onto, is displayed on, or leaves the reader board or message center.

(4) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(5) Maximum brightness shall not exceed 5,000 nits during daylight hours when measured from the face of the sign and 500 nits from sunset to sunrise when measured from the face of the sign.

(6) Signs shall have programmable dimming capacity.

(7) Audio speakers associated with signs allowed under this section are prohibited.

(8) Signs allowed under this section shall not exceed or be in addition to the total allowable freestanding sign area allowed in the various zones established in Article V of this chapter.

(9) Signs allowed under this section shall not be used as wall signs and shall not be used as individual tenant signs.

(10) Electronic reader board and changeable message center signs shall not be placed on, above, or over the right-of-way.

(11) This section shall not apply to official traffic control devices installed by the city traffic engineer or the state. [Ord. 1509 § 2, 2011.]

18.42.230 Political signs.

Repealed by Ord. 1509. [Ord. 584 § 4(J), 1983.]

18.42.240 Temporary construction signs.

Repealed by Ord. 1509. [Ord. 1139 § 3, 1995; Ord. 584 § 4(K), 1983.]

18.42.250 Bonus provisions.

In each of the zones, total sign area may be increased by 25 percent if the business uses only wall signs. Allowable sign area for freestanding signs may be increased by 25 percent if ground signs or monument signs are used instead of pole signs. [Ord. 1237 § 3, 1999; Ord. 584 § 4(L), 1983.]

18.42.260 Signs prohibited on, above, or over right-of-way.

(1) Except as provided in subsections (2) and (3) of this section and DMMC [18.42.050](#), [18.42.310](#), and [18.42.320](#), no person shall place a sign of any size or description:

- (a) On, above, or over the right-of-way of a city street;
- (b) On, above, or over the right-of-way of a state highway;
- (c) On a bridge or overpass; or
- (d) On a public or utility improvement.

(2) For a period of 30 days or less, signs advertising community events sponsored by public service organizations may be placed on, above, or over the right-of-way of a city street or a state highway with the written permission of the city manager, and an approved right-of-way permit.

(3) Banners installed over a state highway shall be subject to the requirements established by WAC 468-95-148 and chapter 47.42 RCW. The city manager is authorized to establish a fee schedule for labor, equipment, and materials expended from public funds for installation of banners.

(4) This section shall not apply to official traffic control devices installed by the city traffic engineer, or the state. [Ord. 1509 § 1, 2011.]

18.42.270 Placement.

All signs, except real estate directional signs, [City operated signs communicating information on City services, community events and emergency management](#), political signs, and portable signs expressly allowed under DMMC [18.42.050](#), and off-premises signs approved under DMMC [18.42.090](#), must be located on the premises [or events or activities](#) of the business that they [identify or](#) advertise. [All other](#) advertising signs located on premises other than the premises of the business [or events or activities](#) they advertise are ~~forbidden~~[prohibited](#), notwithstanding single ownership of more than one premises, except where the premises are contiguous. For the purposes of this section “contiguous” means that such buildings [or properties](#) are joined and/or interior access [is](#) provided from one to the other. [Ord. 1509 § 16, 2011; Ord. 584 § 4(N), 1983.]

Comment [gf10]: CM Burrage has suggested that business park-zoned property be excluded from this section’s rules.

Comment [gf11]: CM Burrage suggests this off-premise sign phrase be deleted as unnecessary since 18.42.270(1)(a) will effectively prohibit billboards.

ARTICLE V. REGULATIONS BY ZONE

18.42.280 Applicability.

In addition to the provisions in Article IV, the regulations in this article shall apply within the various zones. [Ord. 1509 § 17, 2011; Ord. 1237 § 3, 1999; Ord. 584 § 5(part), 1983.]

18.42.290 Residential.

The following signs are permitted in all residential zones:

- (1) One nonelectrical identification sign per street frontage not exceeding two square feet which contains no more than the name and address of the dweller or tenant of the residence;
- (2) One nonelectric identification sign per entrance to a subdivision; providing, that the sign does not exceed 24 square feet in area;
- (3) Except in the PR-R zone where a wall sign for a nonresidential use within a mixed-use development may be illuminated, one nonelectric identification sign, not exceeding 24 square feet, per street frontage for nonresidential uses allowed in the residential zones;
- (4) Community centers, schools, and churches are permitted one readerboard sign not exceeding 24 square feet, not exceeding eight feet in height;
- (5) Temporary signs not exceeding 16 square feet per street frontage for nonresidential uses in a residential zone;
- (6) In areas zoned for multiple-family residences, other than duplexes, one nonelectric identification sign not exceeding 24 square feet per street frontage and appropriate to the architectural design and landscape;

(7) In the PR-R zone, on-site real estate signs for the individual dwellings shall be displayed together within or on a sign cabinet or display board. One display cabinet or board shall be allowed per street frontage;

(8) No pole signs shall be permitted and monument signs may not exceed 10 feet in height except by special use permit. No off-premises signs shall be permitted except as authorized by this chapter;

(9) Internally illuminated signs shall be constructed using individual letters/characters, or sign cabinets with an opaque field or background so that only the individual letters/characters are illuminated. [Ord. 1509 § 18, 2011: Ord. 1267 § 5, 2000: Ord. 584 § 5 (A), 1983.]

18.42.300 Neighborhood commercial zones.

The following signs are permitted in the neighborhood commercial zone (N-C) and commercially zoned properties located in the Redondo neighborhood:

(1) One nonelectrical and nonilluminated business identification sign containing no advertising matter more than four square feet in area which is permanently affixed to a wall;

(2) Total sign area for a single business shall not exceed one square foot per lineal foot of street frontage up to a maximum of 100 square feet and freestanding signs may not exceed 40 square feet. No freestanding sign shall exceed the height of the primary use structure;

(3) Revolving signs are prohibited;

(4) Temporary signs are permitted as provided in DMMC [18.42.050](#);

(5) Projecting signs are prohibited. [Ord. 1509 § 19, 2011: Ord. 1237 § 2, 1999; Ord. 584 § 5 (B), 1983.]

18.42.310 Commercial zones.

The following signs are permitted in the Pacific Ridge commercial zone 1, Pacific Ridge commercial zone 2, business park zone and all commercial zones abutting Pacific Highway South that are not within the Pacific Ridge neighborhood:

(1) Freestanding Signs. For single business properties, multiple-tenant buildings, multiple-building complexes, and shopping centers, freestanding signs are allowed as follows:

(a) Number of Freestanding Signs.

(i) For building sites with up to 300 feet of street frontage, one sign is allowed.

(ii) For building sites with more than 300 feet of street frontage and having more than one vehicular access, two signs are allowed; provided, that the total allowable sign area is not exceeded and the signs are more than 100 feet apart.

Comment [gf12]: CM Burrage suggests that signs on Pacific Highway be subject to different rules than those on other arterials.

Comment [gf13]: Should number of allowed signs be increased?

(b) Freestanding Sign Size.

(i) Each sign allowed shall not exceed 80 square feet in area.

(ii) For properties with less than 80 feet of street frontage, sign area shall not exceed one square foot of sign area for each lineal foot of street frontage.

(c) Freestanding Sign Height.

(i) For single business properties and multiple business properties, freestanding signs shall not exceed 15 feet in height as measure from median sidewalk grade.

(ii) For shopping centers and multi-building complexes freestanding signs shall not exceed 20 feet in height as measured from median sidewalk grade.

(d) Allowed signs, sign area, or sign height may not be transferred from one street frontage to another.

(e) Off-premises signs, including but not limited to billboards, are prohibited. The city manager or designee may approve monument signs located on a separate parcel of property within a multiple-building complex or shopping center when the following conditions exist.

(i) The multiple-building complex or shopping center appears and functions as one building site; and

(ii) The monument sign appears and functions as an on-premises sign; and

(iii) The approval would not result in additional signs or sign area for the multiple-building complex or shopping center than would otherwise be allowed; and

(iv) All monument and wall signs within the multiple-building complex or shopping center conform to the provisions of this chapter.

(f) Freestanding signs shall not be located on, above, nor project over the public right-of-way.

(2) Wall Signs.

(a) Each single business property is permitted a total sign area not to exceed one square foot per lineal foot of street frontage, up to a maximum of 100 square feet.

(b) Each multiple business property is permitted a total sign area not to exceed 20 square feet plus 40 square feet per licensed business; provided, however, that each business must be guaranteed a minimum of at least 25 square feet signage.

Comment [gf14]: The most frequently heard complaint from sign permit applicants is "why can't my sign be bigger".

Comment [gf15]: CM Burrage recommends increasing 80 sf to 250 sf on Pacific Highway and 150 sf on other arterials.

Comment [gf16]: Pole signs are defined as any sign taller than 5 feet so this section allows pole signs up to 15 feet for single business properties and 20 feet for multi-building sites. CM Burrage suggests that signs be allowed to be up to 50 feet tall.

Comment [gf17]: Should off premises signs be outright permitted?

Comment [gf18]: These guarantees were added in 2011 to ensure all properties are allowed some sign space in multiple business properties

(c) Each multi-building complex and shopping center is permitted a total sign area not to exceed 150 square feet plus 40 square feet per licensed business; provided, however, that each business must be guaranteed a **minimum of at least 35 square feet signage.**

(d) Except for buildings containing multiple business, wall signage shall not extend horizontally a distance greater than 50 percent of the width of the building wall on which it is displayed.

(e) Allowed wall signage is not transferable from one property to another; except within a shopping center or multi-building complex.

(f) Wall signs shall not be placed higher than 35 feet above median sidewalk grade.

(g) Projecting signs may not project further than six feet from the surface of the building. A right-of-way use permit shall be required for signs projecting over the public right-of-way.

(3) Internally illuminated signs shall be constructed using individual letters/characters, or sign cabinets with an opaque field or background so that only the individual letters/characters are illuminated.

(4) Reader board signs and changeable message center signs are permitted as per the requirements established in DMMC [18.42.220](#).

(5) Gasoline price signs shall not be located in, nor project over, the public right-of-way and shall not be portable. Such signs may be freestanding or attached to canopy columns. The area of the price sign shall not count towards the allowed total wall or freestanding signage.

(6) Temporary signs shall be permitted as provided in DMMC [18.42.090](#). [Ord. 1509 § 3, 2011.]

18.42.320 Marina district.

The following signs are permitted on commercially zoned properties within the marina district as established by the Des Moines Comprehensive Plan:

(1) Each public commercial parking lot may have one sign per street frontage not exceeding 24 square feet in sign area.

(2) Reader board signs and changeable message center signs are permitted as per the requirements established in DMMC [18.42.220](#).

(3) Projecting signs may not project further than six feet from the surface of the building. A right-of-way use permit shall be required for signs projecting over the public right-of-way.

(4) Freestanding signs may not exceed 15 feet in height as measured from the sidewalk grade, and shall not be located on or above, nor project over the public right-of-way.

(5) No more than one freestanding sign is permitted for properties with less than 300 feet of street frontage. Multiple business properties or multi-building complexes with over 300 feet of street frontage and more than one vehicular access are allowed one additional freestanding sign; provided, that the total allowable sign area is not exceeded and the signs are over 100 feet apart.

(6) Each single business property is permitted a total sign area not to exceed two square feet per lineal foot of street frontage, up to a maximum of 200 square feet. Freestanding signs may not exceed 50 square feet.

(7) Each multiple business property or multi-building complex is permitted one freestanding sign not to exceed one square foot per lineal foot of street frontage up to a maximum of 100 square feet. Each business within shall be permitted a wall sign not to exceed one square foot per lineal foot of street frontage; provided, however, that each business must be guaranteed a minimum of at least 24 square feet regardless of street frontage.

(8) Gasoline price signs shall not be located in, nor project over, the public right-of-way, and shall not be hand written. Such signs may be freestanding or attached to canopy columns. The area of the price sign shall not count towards the allowed total wall or freestanding signage.

(9) Temporary signs shall be permitted as provided in DMMC [18.42.050](#). [Ord. 1509 § 20, 2011: Ord. 584 § 5(D), 1983.]

18.42.325 Business park zone.

Repealed by Ord. 1509. [Ord. 920 § 10, 1991.]

18.42.327 Pacific Ridge commercial zones.

Repealed by Ord. 1509. [Ord. 1267 § 7, 2000.]

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

18.42.330 Authority of code administrator.

Repealed by Ord. 1509. [Ord. 584 § 6(part), 1983.]

18.42.340 Removal of unlawful signs – Notice.

The city manager or designee may order the removal of any sign erected, installed, or maintained in violation of this chapter.

(1) Signage, General. Any property owner or occupant erecting or maintaining signage not in compliance with the provisions of this chapter, except portable signs which are regulated in subsection (2) of this section, shall be given written notice, by certified letter, specifying the violation and a direction to correct the violation or remove the sign within 30 days. Such notice shall be given to the holder of the sign permit or, if no permit exists, to the named owner of the land where the sign is erected. In the event the violation is not corrected within the 30-day period, the city manager or designee shall thereupon revoke the permit

and remove, or cause the removal of the sign, and shall assess all costs and expenses incurred against the named owner of the sign and/or named owner of the land. Any sign which is a source of immediate peril to persons or property may be removed summarily and without notice. Alternatively, this subsection may be enforced pursuant to chapter [18.72](#) DMMC.

(2) Portable Signage. Portable signage includes any sign not permanently affixed; real estate signs; political signs; portable reader board signs; streamers; pennants; banners; signs attached to or mounted on trees, fences, utility poles, or vehicles parked in proximity to a business with the purpose of attracting attention to such business; or any similar signs. Except as provided for in DMMC [18.42.050\(12\)\(k\)](#), portable signs in violation of this chapter located in the right-of-way must be removed upon 24-hour notice. Such notice shall be given by delivering a written notice of violation to the owner, occupant, or person ostensibly in charge or control of the real property upon which the sign is located. Such notice shall state the violation and shall require that the violation be corrected within 24 hours. In the event the violation is not corrected within 24 hours, the city manager or designee shall cause the sign or signs to be impounded. If the portable sign is located off site of the premises to which the sign reasonably relates, or if ownership of the sign cannot be reasonably determined, no notice of violation shall be provided and the sign shall be impounded forthwith. In the event a sign is removed, there shall be a removal fee and a storage fee as set by administrative order of the city manager. No sign shall be returned until the removal and storage fee is paid in full. The sign shall be stored for not less than 10 days, and thereafter the city manager or designee shall dispose of the sign in any manner. No cause of action shall be maintained against the city for damage to signs properly impounded, whether such damage occurred during the impoundment or storage. A second violation occurring within a 12-month period shall be considered a Class 1 civil infraction. A third violation occurring within a 12-month period shall result in a criminal prosecution and immediate impoundment of the sign without notice. This enforcement provision supersedes the processes contained in DMMC [18.72.060](#), and provides for immediate prosecution pursuant to DMMC [18.72.070](#). For such repeat offenses sign alteration or substitution shall be no defense. [Ord. 1509 § 21, 2011; Ord. 791 § 1, 1989; Ord. 584 § 6(A), 1983.]

18.42.350 Nonconforming signs.

(1) Nonconforming signs that were legally and permanently installed prior to May 15, 2011, shall be allowed to continue in use so long as they are continuously maintained, are not relocated, are not structurally altered or made more nonconforming in any way.

(2) Nonconforming off-premises signs shall be abated in accordance with DMMC [18.48.090](#). [Ord. 1509 § 22, 2011; Ord. 1267 § 8, 2000; Ord. 584 § 6(C), 1983.]

18.42.360 City not liable.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing any sign in the city for damages to anyone injured or damaged either in person or property by any defect or action therein, nor shall the city, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized in this chapter or a certificate of inspection issued by the city or any of its agents. [Ord. 584 § 6(D), 1983.]

Comment [gf19]: This section was modified in 2011 to remove the requirement that all non-conforming signs be removed (even those for other businesses at the same complex) before new signage could be installed.

18.42.370 Other enforcement.

Repealed by Ord. 1509. [Ord. 584 § 6(B), 1983.]