

## **AGENDA**

### **Finance and Economic Development Committee Meeting**

**Tuesday April 22, 2014**

**5:00 p.m. – 6:30 p.m.**

**South Conference Room**

- 1. Call to Order**
- 2. Approval of the March 13, 2014 meeting minutes**
- 3. Pacific Highway South Subarea Planning Draft Ordinance – 45 Minutes**
- 4. SEPA Exemption Thresholds Policy Discussion – 20 Minutes**
- 5. Development Updates – 15 minutes**
- 6. Committee member comments – 10 minutes**

## MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

March 13, 2014

South Conference Room

21630 11<sup>th</sup> Avenue South, Des Moines, WA

### **Council Members**

Chair Matt Pina

Jeremy Nutting

### **City Staff**

Tony Piasecki – City Manager

Lorri Ericson – Assistant City Manager

Dan Brewer – PBPW Director

Denise Lathrop – Community Development Mgr

Marion Yoshino – Economic Development Mgr

Grant Fredricks – Consultant

Nikole Coleman-Porter – Land Use Planner

### **1. Call to Order**

The meeting was called to order at 5:34 p.m. by Chair Matt Pina

### **2. Approval of the February 20, 2014 Meeting Minutes**

There was unanimous approval of the minutes for 2/20/2014.

### **3. Pacific Highway South Subarea Planning: Policy Direction**

An open house is scheduled for March 26<sup>th</sup> from 5:00 pm to 7:00 pm at Highline Community College Building #2.

Staff requested direction on building height recommendations for this area. There appeared to be general agreement that 75' seemed reasonable as long as it was stepped down and mitigated near the residential area.

There was also agreement that the majority of the same uses would be appropriate as those that are in Pacific Ridge Commercial with the exception of Adult Entertainment uses. Staff will return with a draft and a table indicating which uses will not be pulled from the other areas.

The committee recommended the same setbacks as currently exist in the PRC zone.

Staff requested guidance on the design guidelines as well. The conclusion was that they should not be the same as PRC. They should be simple, easy to follow and based on some citizen input.

There was discussion about extending the multi-family tax exemption to this area. The recommendation was that the city offer it for a specific, limited period of time with a sunset clause.

Staff requested permission to refer to this area as something other than Pacific Highway South Sub area.

### **4. Comprehensive Plan Update**

Community Development Manager reviewed the proposed changes to the Comp Plan. They plan to review it in groups of elements that make sense while following council policy direction. They would like to add graphics and images and remove some of the heavy numbering. The open house is scheduled for April 23, 2014.

### **4. Economic Development Update**

Economic Development Manager Marion Yoshino provided updates on the following items:

- Highline Place – Reception is being scheduled for mid-April

- Waterview Crossing – Prospective investors will be meeting with Matt Chan this month
- Landmark on the Sound – Purchase & sale is executed, buyers will present to the city at the next Finance & Economic Development meeting which will be rescheduled from April 11<sup>th</sup> to another date in April.
- QFC Property – There is some interest from a prospective tenant, but only for a one story retailer. The owners may wait to see how nearby developments
- “Good Az New” - Antique store opening May 1<sup>st</sup> just north of 223<sup>rd</sup> on MVD
- Marine View Market – Opening mid April where Corky Cellars used to be
- Scotch & Vine Bldg – Up for sale
- Amy’s Famous Peanut Brittle – New business on MVD opening soon
- Good Fit Development – Will present to the City on March 27<sup>th</sup>

#### **6. Committee Member Comments**

There was not time for Committee Member comments.

The next regular meeting was scheduled for April 10, 2014, from 5:30-6:50 p.m. in the South Conference room, but will be rescheduled to another date in April.

Adjourned at 6:46 p.m.

Respectfully submitted by:

Lorri Ericson, Assistant City Manager

## **Council Finance and Economic Development Committee 4/22/2014 Meeting** *Summary of Transit Community Zoning Proposal*

**Purpose:** To agree on contents of Draft Ordinance 14-035 that establishes a new transit oriented zone called “Transit Community (T-C)” and rezones most of the Highway Commercial-zoned properties in anticipation of the temporary end-of-line Link Light Rail station opening in 2023. If approved by the F&ED Committee, staff can set the public hearing date.

### **Policy Questions for the F&ED Committee:**

1. Should the proposed zone be called “Transit Community (T-C) Zone”?
2. Should staff begin to draft design standards for high capacity transit facilities to be considered after Draft Ordinance 14-035 is adopted and in conjunction with our Pacific Highway S planning work?

*Design standards for high capacity transit (HCT) facilities are intended to encourage facilities and stations that are well designed and provide distinctive community focal points; connections between the transit network, adjacent development, and community vehicular, pedestrian and bicycle routes; incorporation of pedestrian-oriented furnishings and a variety of public spaces; adequate buffers between different types of land uses; and use of alternative travel modes to single occupant vehicles. For example, design standards could relate to station design, architectural expression, site furnishings, lighting, platform landscaping and associated open space, restroom facilities, bicycle parking areas, etc.*

3. Should staff begin to draft special standards for station areas to be considered after Draft Ordinance 14-035 is adopted and in conjunction with our Pacific Highway S planning work?

*Special Standards for Station Areas are intended to implement the City’s vision for the Station Area (to be defined by current planning effort) by promoting integrated development and pedestrian-oriented design, a diversity of uses within close proximity, open space, and a focal point for community identity. For example, standards could stipulate use limitations, pedestrian amenities, lighting requirements, parking facility design, minimum building heights, etc.*

4. Should staff begin to draft interim overlay standards for high capacity transit station areas to be considered after Draft Ordinance 14-035 is adopted and in conjunction with our Pacific Highway S planning work?

*Interim standards are intended to limit land uses and development that could hinder transit oriented development while maintaining development opportunities for a wide range of transit supportive uses. For example, standards could identify any prohibited uses, unclassified uses, departures, architecture and urban design requirements.*

5. Are proposed rear yard setbacks appropriate?

6. Are proposed 75 and 100 feet maximum building heights okay?
7. Is a 35 foot maximum building height within 20 feet of single family property appropriate?
8. Is the proposed delegated authority to approve uses similar to but not specifically enumerated in Table 18.52.010B okay?
9. Should stand alone surface parking be permitted in the T-C zone?
10. Should paid parking be allowed in the T-C zone?
11. Should more flexibility be allowed in the amount of required 1st floor commercial space in mixed use buildings?
12. Should required parking for personal services uses be less than the PR-C zone?
13. Should required parking for multi-family uses be less than the PR-C zone?
14. Should required parking for retail services uses be less than the PR-C zone?
15. Should the T-C zone extend south of S 240<sup>th</sup> Street to include Mack Truck (undergoing expansion) and Sea Mar Community Health Center (under construction); both of which will not likely redevelop in the future.

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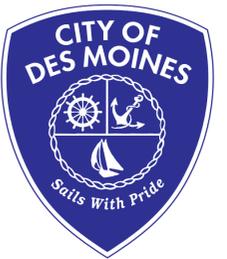
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City of Des Moines

# DRAFT Zoning

- Residential
  - R-SE Residential: Suburban Estates
  - R-SR Residential: Suburban Residential
  - RS-15000 Residential: Single Family 15,000
  - RS-9600 Residential: Single Family 9600
  - RS-8400 Residential: Single Family 8400
  - RS-7200 Residential: Single Family 7200
  - RS-4000 Residential: Single Family 4000
  - RA-3600 Residential: Attached Townhouse & Duplex
  - RM-2400 Residential: Multifamily 2400
  - RM-1800 Residential: Multifamily 1800
  - RM-900A Residential: Multifamily 900
  - RM-900B Restricted Service
  - RM-900 Multifamily 900
- Commercial
  - N-C Neighborhood Commercial
  - B-C Community Business
  - C-C Commercial
  - D-C Downtown Commercial
  - C-C General Commercial
  - B-P Business Park
  - H-C Highway Commercial
  - I-C Institutional Campus
  - T-C Transit Community
  - PR-R Pacific Ridge Residential
  - PR-C Pacific Ridge Commercial
- See Comprehensive Plan for Development Potential
- Planned Unit Development
- Des Moines City Limits
- Tax Parcel
- Tidelands

### Enacting Ordinances

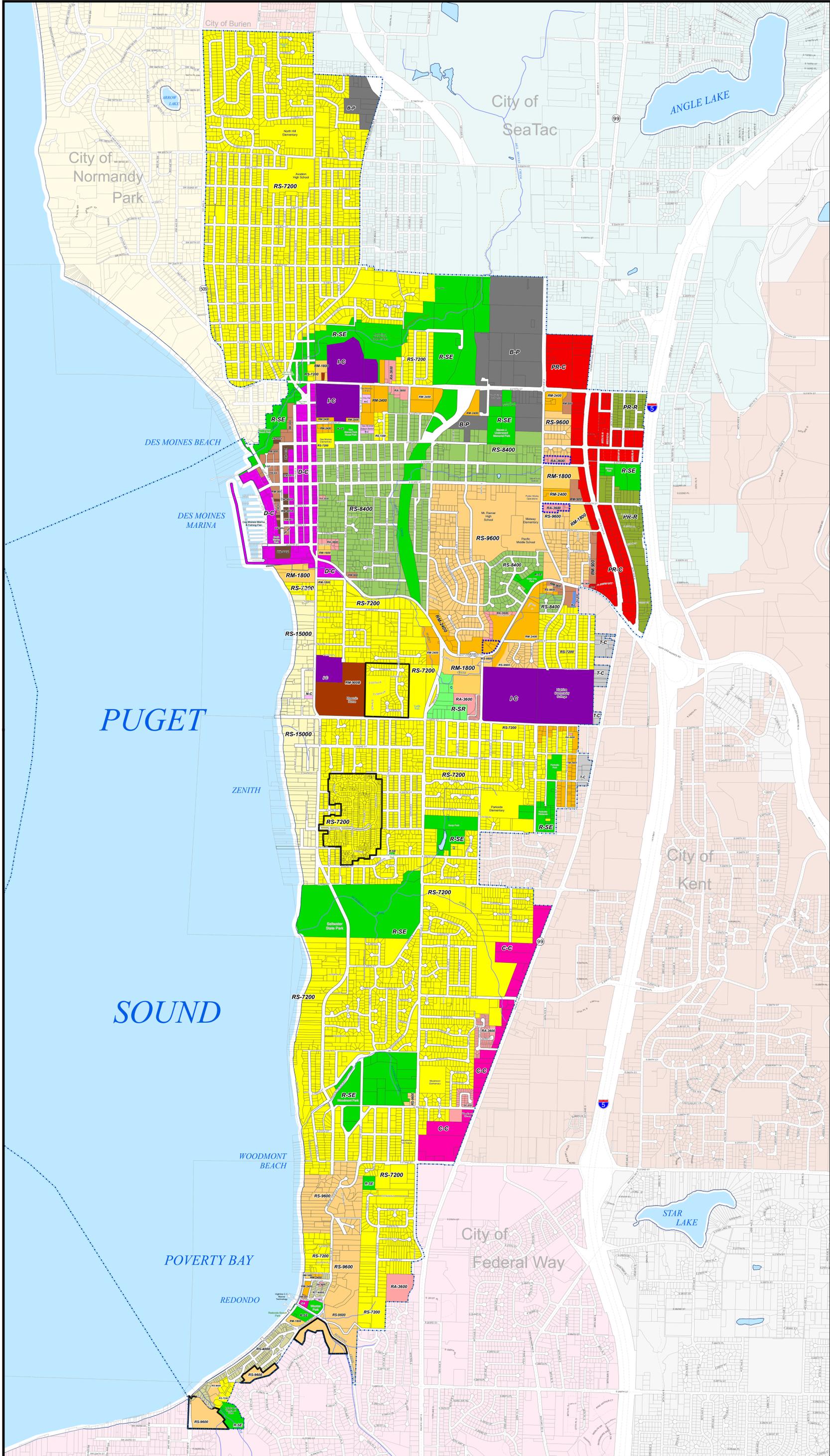
| Description                    | Ordinance | Effective Date     |
|--------------------------------|-----------|--------------------|
| Adoption of digital zoning map | 1235      | May 5, 1999        |
| Renaming of zones              | 1237      | May 17, 2000       |
| Business Park (B-P) zone       | 1261      | June 21, 2000      |
| Pacific Ridge zone             | 1267      | July 25, 2000      |
| Redondo Riviera annexation     | 1270      | September 1, 2000  |
| Adoption of GIS maps           | 1289      | October 11, 2001   |
| Michael/Chamlian zone          | 1372      | January 11, 2006   |
| Redondo zone                   | 1397      | March 7, 2007      |
| Crestwood Park                 | 1420      | December 6, 2007   |
| Granville zone                 | 1431      | June 26, 2008      |
| Sea Mar zone                   | 1520      | October 13, 2011   |
| Barton zone                    | 1548      | July 26, 2012      |
| Addition of I-C zone           | 1563      | March 28, 2013     |
| Pacific Ridge zone             | 1576      | September 12, 2013 |

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## WAC 197-11-800 Categorical exemptions.

The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

### (1) Minor new construction - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of four detached single family residential units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes stand-alone parking lots.

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation not associated with an exempt project in subsection (b)(i), (ii), (iii), or (iv); and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas).

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established project-level public comment opportunities that are provided for proposals included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(d) The maximum exemption levels applicable to (c) of this subsection are:

| Project types             | Fully planning GMA counties         |                            | All other counties                    |
|---------------------------|-------------------------------------|----------------------------|---------------------------------------|
|                           | Incorporated and unincorporated UGA | Other unincorporated areas | Incorporated and unincorporated areas |
| Single family residential | 30 units                            | 20 units                   | 20 units                              |

| Multifamily residential   | 60 units                                 | 25 units                                 | 25 units                                 |
|---|--|--|--|
| Barn, loafing shed, farm equipment storage, produce storage or packing structure        | 40,000 square feet                       | 40,000 square feet                       | 40,000 square feet                       |
| Office, school, commercial, recreational, service, storage building, parking facilities | 30,000 square feet and 90 parking spaces | 12,000 square feet and 40 parking spaces | 12,000 square feet and 40 parking spaces |
| Landfill or excavation  | 1,000 cubic yards                        | 1,000 cubic yards                        | 1,000 cubic yards                        |

(2) Other minor new construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) Water rights. Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) Purchase or sale of real property. The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) Minor land use decisions. The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(7) Open burning. Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) Clean Air Act. The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(9) Water quality certifications. The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) Activities of the state legislature. All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).

(11) Judicial activity. The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) Enforcement and inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) Business and other regulatory licenses. The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities including, but not limited to, taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) Activities of agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.

(15) Financial assistance grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) Local improvement districts. The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.

(17) Information collection and research. Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(18) Acceptance of filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(19) Procedural actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

(20) Building codes. The adoption by ordinance of all codes as required by the state Building Code Act (chapter 19.27 RCW).

(21) Adoption of noise ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

(22) Review and comment actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (up to and including 115,000 volts); within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: Provided, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) Natural resources management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(25) Personal wireless service facilities.

(a) The siting of personal wireless service facilities are exempt if the facility:

(i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;

(ii) Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or

(iii) Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

(iii) "Microcell" means a wireless communication facility consisting of an antenna that is either:

(A) Four feet in height and with an area of not more than five hundred eighty square inches; or

(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

[Statutory Authority: RCW 43.21C.110. WSR 13-02-065 (Order 12-01), § 197-11-800, filed 12/28/12, effective 1/28/13. Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. WSR 03-16-067 (Order 02-12), § 197-11-800, filed 8/1/03, effective 9/1/03. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. WSR 97-21-030 (Order 95-16), § 197-11-800, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. WSR 84-05-020 (Order DE 83-39), § 197-11-800, filed 2/10/84, effective 4/4/84.]

**16.05.330 Categorical exemptions – Adoption by reference.**

(1) The City adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC [173-806-070](#) (Flexible thresholds), [173-806-080](#) (Use of exemptions), and [173-806-190](#) (Critical areas):

(a) WAC [197-11-800](#), Categorical exemptions; except that the following flexible thresholds specified in WAC [197-11-800](#)(b) shall be adopted by the City as provided for under WAC [197-11-800](#)(1)(c) when a development action does not occur within any environmentally critical area described and regulated in chapter [16.10](#) DMMC:

(i) The construction or location of multifamily development containing up to 15 dwelling units;

(ii) The construction of an office, school, commercial, recreational, service or storage building with 10,000 square feet of gross floor area or less, and with associated parking facilities designed for up to 35 automobiles;

(iii) The construction of a parking lot designed for up to 35 automobiles; and

(iv) Any landfill or excavation of up to 300 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW [76.09.050](#) or regulations thereunder.

(b) WAC [197-11-880](#), Emergencies.

(c) WAC [197-11-890](#), Petitioning DOE to change exemptions.

(2) The City adopts by reference the categorical exemption for electrical vehicle charging and battery exchange stations established by RCW [43.21C.410](#). [Ord. 1583 § 44, 2013.]

**16.05.340 Agency compliance – Rules.**

DMMC [16.05.350](#) through [16.05.370](#) contain rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The City adopts by reference the sections contained in WAC [197-11-900](#) through [197-11-928](#). [Ord. 1583 § 45, 2013.]

**16.05.350 Environmentally critical areas and areas of special flood hazard.**

(1) The City has selected certain categorical exemptions that will not apply in one or more critical areas identified in the critical areas ordinances required under RCW [36.70A.060](#). The City's environmentally critical areas regulations (chapter [16.10](#) DMMC) were prepared pursuant to RCW [36.70A.060](#). Within environmentally critical areas as defined in chapter [16.10](#) DMMC and areas of special flood hazard as

defined in chapter [16.15](#) DMMC, the following exemptions within WAC [197-11-800](#) that are inapplicable are: WAC [197-11-800](#)(1); (2)(a) through (h); (5); (6)(a); (24)(a) through (g); and (25)(h), (i).

(2) The scope of environmental review of actions within environmentally critical areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of chapter [16.10](#) DMMC, and

(b) Evaluating potentially significant impacts on the environmentally critical area not adequately addressed by Growth Management Act (GMA) planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.

(3) All categorical exemptions not listed in subsection (1) of this section apply whether or not the proposal will be located in an environmentally critical area. [Ord. 1583 § 46, 2013.]

#### **16.05.360 Fees.**

The City shall require fees for its activities as established by the City Manager or the City Manager's designee.

(1) Environmental Impact Statement.

(a) When the City is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the City, the City may charge and collect a reasonable fee from any applicant to cover costs incurred by the City in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post a bond or otherwise ensure payment of such costs.

(b) The responsible official may determine that the City will contract directly with a consultant for preparation of the EIS, or portion of the EIS, for activities initiated by some persons or entity other than the City and may bill such costs and expenses directly to the applicant. The City may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by the City after a call for proposals and consultation with the applicant.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (1)(a) or (b) of this section which remain after incurred costs are paid.

(2) The City may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

(3) The City may charge any person for copies of any documents prepared under this chapter, and for mailing the document, in a manner provided by chapter [42.17](#) RCW. [Ord. 1583 § 47, 2013.]

**16.05.370 Forms – Adoption by reference.**

The City adopts by reference the sections contained WAC [197-11-960](#) through [197-11-990](#). [Ord. 1583 § 48, 2013.]

**The Des Moines Municipal Code is current through Ordinance 1592, passed March 13, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Des Moines Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

(NEW Zone)

Chapter 18.XXX

**T-C Transit Community Zone**

Comment [DB1]: **Policy Question 1:** Should the proposed zone be named "Transit Community (T-C) Zone"?

**Sections:**

- 18.136.010 Title.
- 18.136.020 Application.
- 18.136.030 Purpose.
- 18.136.040 Authority.
- 18.136.050 Environmental performance standards and general limitations.
- 18.136.060 Dimensional standards.
- 18.136.070 General building design requirements.
- 18.136.080 Required right-of-way improvements.

**18.136.010. Title.** This chapter shall be entitled "T-C Transit Community Zone."

**18.136.020. Application.** This chapter shall apply to all areas zoned T-C Transit Community.

**18.136.030. Purpose.** The Transit Community zone is intended to encourage a mixture of residential, commercial, and employment opportunities within identified light rail and transit station areas. The zone allows for a more intense and efficient use of land at increased densities for the mutual support of public investments and private development, while acknowledging the existing businesses along the State Route 99 corridor that serve a broader, regional clientele. Uses and development are regulated to create a moderately dense built-up environment, oriented to pedestrians, and ensuring a density and intensity that is transit supportive. The development standards of the zone also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging areas with shops, activities, and amenities such as benches, kiosks, and outdoor cafes.

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

**18.136.050. Environmental performance standards and general limitations.** Every permitted use within the T-C Transit Community Zone shall be subject to the following standards and limitations:

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

- (i) Outdoor seating and dining;
- (ii) Signs;
- (iii) Loading areas;
- (iv) Incidental outdoor display areas for merchandise sold on site as approved through the design review process; and
- (v) Play/recreation areas.

(b) If a building site has a boundary line which is a common property line with residential property, then on such common line a wall or view-obscuring fence or hedge not less than six feet in height shall be installed and maintained for screening purposes and controlling access.

(c) High capacity transit facilities shall be developed in accordance with DMMC 18.136.XXX (**to be developed**) to standards intended to achieve good design, provide a distinctive community focal point, integrate and accommodate multiple transportation modes, and provide adequate buffers between different types of land uses.

**Comment [gf2]: Policy Question 2:** Should Design Standards be developed (modeled on SeaTac's MC Ch 15.36, Design Standards for High Capacity Transit Facilities)?

(d) Sound Transit's Federal Way Link Extension Kent-Des Moines Road/Highline Community College (KDM/HCC) Station, shall be designed in accordance with DMMC 18.136.YYY (**to be developed**) to implement the City's vision for this station area by promoting integrated development and pedestrian-oriented design, a diversity of uses within close proximity, open space, and a focal point for community identity.

**Comment [gf3]: Policy Question 3:** Should Special Standards be developed (modeled on SeaTac's MC Ch 15.38, Special Standards for the South 154<sup>th</sup> Street Station Area)?

(e) Interim KDM/HCC zoning standards in accordance with DMMC 18.136.ZZZ (**to be developed**) are established for the period of time while an area plan and implementing regulations are developed to limit land uses and development that could hinder transit oriented development while maintaining development opportunities for a wide range of transit supportive uses.

**Comment [gf4]: Policy Question 4:** Should Station Area Overlay Standards be developed (modeled on SeaTac's MC Ch 15.41, Interim Angle Lake Station Area Overlay)?

**18.136.060. Dimensional standards**

(1) **Lot area.** Every lot shall have a minimum area of 7,500 square feet.

(2) **Lot width.** Every lot shall have a minimum width of 75 feet.

(3) **Front yard.** No front yard setback is required.

(4) **Side yard.** A 10-foot minimum setback is required from single family zoned property.

(5) **Rear yard.** Every lot shall have a rear yard of not less than 10 feet when abutting single family zoned properties, except as otherwise permitted in DMMC 18.136.070(11). No rear yard setback is required when abutting I-C zoned properties.

Comment [DB5]: Policy Question 5: Are rear yard setbacks appropriate?

(6) **Measurement of building height.** Building height shall be measured from mean sidewalk grade on Pacific Highway South.

(7) **Minimum building height.**

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

(i) No minimum building height for commercial projects and 55 feet for residential or mixed use projects.

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

(8) **Maximum building height.** Buildings and structures may be built to 75 feet, except that buildings abutting the I-C zone may be built to 100 feet.

Comment [gf6]: Increased from 35 feet

Comment [DB7]: Policy Question 6: Are proposed building heights okay?

(9) **Building height limitation adjacent to single-family.** When an abutting property is zoned single-family residential, building height shall be limited as follows:

(a) Every lot shall have a rear yard setback of not less than 10 feet when abutting single family zoned properties, except as otherwise permitted in DMMC 18.136.060(11).

(b) Within 20 feet of the abutting single-family residential zone, maximum building height shall be 35 feet.

Comment [DB8]: Policy Question 7: Is a maximum 35' building height within 20' of SF zoned property appropriate?

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

(10) Height allowance for enhanced design of distinctive rooflines. A portion of a building may exceed the maximum building height; provided that the following provisions are met:

(a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of the design guidelines in 18.136.070.

(b) The maximum building height established in subsections (8) and (9) of this section shall only be increased by a maximum of 10 percent.

(c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the building's orientation to a corner, or to provide for pitched or sloped roofs for the building.

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under DMMC 18.136.070(3).

(e) The building area or amount of building structure extending above the maximum height established in subsection (9) of this section shall be limited to 30 percent of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30 percent requirement shall only apply to the area of the roof deck of the tallest portion of a building.

(11) **Adjustment of required yards.** The required rear yard area shall be reduced to a minimum of 5 feet provided that:

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

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

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

**18.136.070. General building design requirements.** All development proposals shall demonstrate substantial compliance, as determined by the City Manager or the City Manager's designee, with the following design guidelines.

**(1) General Design guidelines.**

(a) Building shall be appropriate in scale and in harmony with neighboring development.

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

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

(d) Colors shall be harmonious.

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

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

(2) **Minimum floor-to-ceiling height for dwellings.** Dwellings shall have a minimum floor-to-ceiling height of eight feet, six inches.

(3) **Maximum gross floor area.**

Comment [gf9]: Same as PR Zone

(a) The maximum gross floor area for buildings within Transit Community zone shall be determined by multiplying the lot area of the site by the floor area ratio (FAR) number established in the following table:

| Building Height | T-C FAR |
|-----------------|---------|
| 35 Feet or Less | 2.8     |
| 35 - 50         | 3.5     |
| 50 - 60         | 4       |
| 60 - 70         | 4.5     |
| 70 - 80         | 5       |
| 80 - 90         | 5.5     |
| 90 - 100        | 6.5     |

(b) Gross floor area shall include the total square footage of the enclosed building; provided, that:

(i) For properties located adjacent to Pacific Highway South, the area of parking garages constructed below the adjacent sidewalk grade on Pacific Highway South shall not be included in the calculation of gross floor area.

(ii) For all other properties in the Transit Community Zone, the area of parking garages constructed below the lowest sidewalk grade adjacent to the property line shall not be included in the calculation of gross floor area.

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

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

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

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

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

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

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

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

(h) Structural encroachments into the right-of-way shall maintain adequate distance away from utility, transportation, or other facilities as determined by the City Manager or the City Manager's designee in consultation with the Public Works Director;

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

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

(k) In reviewing a proposed structural encroachment into the public right-of-way, the City Manager or the City Manager's designee may include conditions as may be reasonably needed to ensure that the structure is consistent with the purpose of the T-C Zone, and to minimize the likelihood of adverse impacts. The City Manager or the City Manager's designee shall deny the request if it is determined that adverse impacts cannot be mitigated satisfactorily.

**18.136.080. Required right-of-way improvements.** In the T-C Transit Community Zone, all new construction, additions, or alterations which exceed 50 percent of the value of the existing structure or, in the case of a series of addition or alteration projects, when in a five-year period the cumulative value of additions or alterations exceeds 50 percent of the value of the structure at the time such additions or alterations are commenced,

shall include construction of curb, gutters, and sidewalks in accordance with the City's Street Development Standards.

**Comment [D10]:** This section would only apply to the design and construction of 236<sup>th</sup> Lane, and other potential new public access roads in other parts of the zone, not frontage improvement along Pacific Highway South.

**Extract of Permitted Use Tables**

**Chapter 18.52  
Permitted Uses**

The City Manager may approve additional uses not explicitly set forth in DMMC 18.52.010A Residential Use Chart and 18.52.010B Commercial Use Chart below, provided that such additional uses are consistent with and meet the intent of the specific provisions of the chapter applicable to that zoning classification, the Comprehensive Plan and applicable provisions of the Title.

**18.52.010B. Commercial use chart.**

**Comment [DB11]: Policy Question 8:** Is the proposed delegated authority to approve similar uses not listed in 18.52.010B okay?

| TABLE 18.52-010B<br>COMMERCIAL ZONE PRIMARY USES   |                    |     |     |                                     |                     |                     |                                       |                     |
|--|--------------------|-----|-----|-------------------------------------|---------------------|---------------------|---------------------------------------|---------------------|
| Use is:<br>P: Permitted<br>P/L: Permitted, but with special limitations<br>CUP: Conditional use review required<br>UUP: Unclassified use review required | N-C                | I-C | B-P | C-C                                 | D-C                 | H-C                 | PR-C                                  | T-C                 |
| Accessory buildings and uses (as described in the applicable zone)   | P                  | P   | P   | P                                   | P                   | P                   | P                                     | P                   |
| Admin, support services  | P/L <sup>[3]</sup> |     | P   | P/L <sup>[16]</sup>                 | P/L <sup>[22]</sup> |                     | P                                     | P                   |
| Adult family homes   |                    |     |     | P                                   | P                   |                     | P                                     | P                   |
| Adult entertainment facilities   |                    |     |     |                                     |                     |                     | P/L <sup>[46]</sup> <del>[6465]</del> |                     |
| Adult theaters   |                    |     |     |                                     |                     | P/L <sup>[35]</sup> | P/L <sup>[46]</sup> <del>[6465]</del> |                     |
| Amusement and recreational services  |                    |     |     | P/L <sup>[16]</sup>                 | P/L <sup>[22]</sup> |                     |                                       |                     |
| Amusement parks  | CUP                | CUP | CUP | CUP                                 |                     | CUP                 | CUP                                   | CUP                 |
| Animal or veterinary services  |                    |     | P   | P                                   | P                   | P                   | P                                     | P                   |
| Antenna system (one)   | P/L <sup>[6]</sup> |     |     |                                     |                     |                     |                                       |                     |
| Animal grooming  | P/L <sup>[3]</sup> |     | P   | P                                   | P                   |                     | P                                     | P                   |
| Antenna systems (not accessory)  | CUP                | CUP | CUP | CUP                                 | CUP                 | CUP                 | CUP                                   | CUP                 |
| Apparel and accessories stores   | P/L <sup>[1]</sup> |     | P   | P                                   | P                   | P                   | P                                     | P                   |
| Arrangement of passenger transportation  | P/L <sup>[3]</sup> |     |     | P                                   | P                   |                     | P                                     | P                   |
| Art galleries  | P                  |     |     | P                                   | P                   |                     | P                                     | P                   |
| Art, glassware manufacturing   |                    |     | P   | P                                   | P                   |                     |                                       |                     |
| Art, ornamental ware   |                    |     |     | P                                   | P                   |                     |                                       |                     |
| Arts, entertainment, and recreation facilities   |                    |     |     | P/L <sup>[16]</sup>                 | P/L <sup>[22]</sup> |                     | P                                     | P                   |
| Auction houses or stores   |                    |     |     | P                                   | P                   | P/L <sup>[41]</sup> |                                       |                     |
| Automobile, body, paint, interior and/or glass repair  |                    |     |     | P/L <sup>[18]</sup>                 | P/L <sup>[25]</sup> |                     | P/L <sup>[48]</sup>                   |                     |
| Automobile, detail shop  |                    |     |     | P/L <sup>[18]</sup>                 | P/L <sup>[25]</sup> |                     | P/L <sup>[48]</sup>                   |                     |
| Automobile, maintenance and repair   |                    |     |     | P/L <sup>[18]</sup>                 | P/L <sup>[25]</sup> | P                   | P/L <sup>[48]</sup>                   |                     |
| Automobile, parking  | P/L <sup>[9]</sup> |     | P   | P/L <sup>[16]</sup> <sup>[20]</sup> | P/L <sup>[22]</sup> | P                   | P                                     | P/L <sup>[53]</sup> |
| Automobile, sales  |                    |     |     |                                     |                     | P                   | P/L <sup>[43]</sup>                   |                     |
| Automobile, service stations   |                    |     |     | P/L <sup>[18]</sup>                 | P/L <sup>[25]</sup> | P/L <sup>[36]</sup> | P/L <sup>[48]</sup>                   |                     |
| Automobile, trailer sales  |                    |     |     |                                     |                     | P                   | P                                     |                     |
| Automotive equipment, rental and leasing   |                    |     |     | P                                   | P                   | P                   | P                                     |                     |
| Bakeries, manufacturing and retail sales   | P/L <sup>[1]</sup> |     | P   |                                     |                     | P                   |                                       | P/L <sup>[54]</sup> |
| Ballparks  | CUP                | CUP | CUP | CUP                                 | CUP                 | CUP                 | CUP                                   |                     |
| Banks  |                    |     |     | P                                   | P                   |                     | P                                     | P                   |
| Barber, beauty and hairstyling shops   | P/L <sup>[3]</sup> |     |     | P                                   | P                   |                     | P                                     | P                   |

**Comment [gf12]: Policy Question 9:** Should stand alone surface parking be permitted in the zone?

TABLE 18.52-010B  
COMMERCIAL ZONE PRIMARY USES

| Use is:  | N-C       | I-C | B-P     | C-C      | D-C      | H-C     | PR-C     | T-C            |
|--|-----------|-----|---------|----------|----------|---------|----------|----------------|
| Use is:<br>P: Permitted<br>P/L: Permitted, but with special limitations<br>CUP: Conditional use review required<br>UUP: Unclassified use review required |           |     |         |          |          |         |          |                |
| Bed and breakfast facilities   |           |     |         | P        | P        |         | P        | <u>P</u>       |
| Boats, building and repairing (less than 48 feet)  |           |     |         |          |          | P       | P        |                |
| Boats, repair/ sale  |           |     |         |          |          | P       | P        |                |
| Boat moorage   | P/L[3]    |     |         |          |          | P/L[42] |          |                |
| Botanical and zoological gardens   |           |     |         | P        | P        |         | P        |                |
| Bookbinding  |           |     | P       |          |          | P       |          | <u>P</u>       |
| Boostel stations   | UUP       | UUP | UUP     | UUP      |          | UUP     | UUP      | <u>UUP</u>     |
| Boxing and wrestling arenas  | CUP       | CUP | CUP     | CUP      |          | CUP     | CUP      | <u>CUP</u>     |
| Building materials and garden equipment supply   | P/L[1]    |     | P       | P        | P        | P/L[28] | P        |                |
| Business offices   | P/L[3]    |     | P       | P/L[16]  | P/L[22]  |         | P        | <u>P</u>       |
| Car washes   |           |     |         | P/L[18]  | P/L[25]  | P       |          |                |
| Carpentry and cabinet shops  | P/L[1][2] |     | P       | P        | P        | P       | P        |                |
| Casino hotels and motels   |           |     |         | P        | P        |         | P        | <u>P</u>       |
| Cemeteries   | CUP       | CUP | CUP     | CUP      |          | CUP     | CUP      |                |
| Ceramics, manufacture  |           |     |         |          |          | P/L[29] |          |                |
| Columbariums, crematories, mausoleums with permitted cemeteries  | CUP       | CUP | CUP     | CUP      |          | CUP     | CUP      |                |
| Commercial and industrial machinery and equipment, rental and leasing  |           |     | P       |          |          | P       | P        |                |
| Community care facilities  |           |     |         | P        | P        |         | P        | <u>P</u>       |
| Community gardens  |           |     |         | P        | P        |         |          |                |
| Community housing services   |           |     |         | P/L[668] | P/L[668] |         |          |                |
| Confectionery, manufacture   |           |     | P       |          |          | P       |          | <u>P/L[55]</u> |
| Contractors, general   | P/L[3]    |     | P/L[14] |          |          | P       | P        | <u>P</u>       |
| Conversion facilities  |           |     | P       | P        | P        | P       |          | <u>P</u>       |
| Correctional institutions  |           |     | P       |          |          |         |          |                |
| Couriers and messengers  | P/L[3]    |     | P       |          |          |         | P        | <u>P</u>       |
| Data processing, business and record storage   | P/L[3]    |     | P       | P        | P        | P       | P        | <u>P</u>       |
| Day care centers and mini day care providers   | CUP       | CUP | CUP     | CUP      | CUP      |         | CUP      | <u>CUP</u>     |
| Death care services  | P/L[3]    |     | P       | P        | P        | P/L[42] | P        |                |
| Distribution Centers, home deliveries  |           |     | P       |          |          | P       |          |                |
| Drive-in or drive-through facilities   | P         |     |         | P/L[18]  | P/L[25]  |         | P        |                |
| Dry cleaning and laundering services   | P/L[3]    |     | P       | P        | P        | P       | P        | <u>P</u>       |
| Educational services   |           | P   | P/L[7]  | P        | P/L[27]  | P/L[37] | P        | <u>P</u>       |
| Electric power generation, biomass   |           |     | P/L[12] |          |          |         |          |                |
| Electrical appliances and supplies, retail sales, wholesale trade and repairs  |           |     |         |          |          | P       |          |                |
| Equipment rental and leasing   |           |     | P       | P/L[16]  | P/L[22]  | P       | P        |                |
| Fairgrounds and rodeos   | CUP       | CUP | CUP     | CUP      |          | CUP     | CUP      |                |
| Family day care providers  |           |     |         |          | P/L[667] |         | P/L[667] | <u>P/L[67]</u> |
| Financial and insurance services   |           |     | P       | P        | P        |         | P        | <u>P</u>       |
| Fish hatcheries and preserves  |           |     |         |          | P        |         |          |                |
| Fix-it shops   |           |     | P       | P        | P        | P       | P        |                |
| Food, frozen or cold storage lockers   |           |     | P       | P        | P        | P       |          |                |
| Food stores  | P/L[1]    |     | P       | P        | P        |         | P        | <u>P</u>       |
| Footwear and leather goods repair  | P         |     | P       | P        | P        | P       | P        | <u>P</u>       |
| Foreign trade  |           |     | P/L[13] |          |          |         |          |                |
| Fraternal organizations/societies  |           | P   | P/L[7]  | P        | P        |         | P        | <u>P</u>       |
| Fuel dealers, other  |           |     |         |          |          |         | P        |                |
| Furniture, home furnishings and equipment, sales   | P/L[1][2] |     | P       | P        | P        | P       | P        | <u>P</u>       |

TABLE 18.52-010B  
COMMERCIAL ZONE PRIMARY USES

| Use is:  | N-C                               | I-C | B-P                                | C-C                                | D-C                 | H-C                                | PR-C                               | T-C                                |
|--|-----------------------------------|-----|------------------------------------|------------------------------------|---------------------|------------------------------------|------------------------------------|------------------------------------|
| Furniture, repair  | P/L <sub>[2]</sub> <sup>[3]</sup> |     | P                                  | P                                  | P                   | P                                  | P                                  | <a href="#">P</a>                  |
| Gambling, amusement, and recreation industries                                       |                                   |     | P/L <sub>[7]</sub>                 | P/L <sub>[16]</sub>                | P/L <sub>[22]</sub> |                                    | P                                  | <a href="#">P</a>                  |
| Garages, public  |                                   |     |                                    |                                    |                     | P/L <sub>[30]</sub>                |                                    |                                    |
| General merchandise stores   | P/L <sub>[1]</sub>                |     | P/L <sub>[9]</sub>                 | P/L <sub>[15]</sub>                | P/L <sub>[21]</sub> |                                    | P                                  | <a href="#">P</a>                  |
| Glass, edging, beveling, silvering   |                                   |     | P                                  |                                    |                     | P/L <sub>[31]</sub>                |                                    |                                    |
| Glass, stained glass studios   | P                                 |     |                                    |                                    |                     | P                                  |                                    |                                    |
| Golf courses, with accessory driving ranges, club houses and pitch & putt            |                                   |     |                                    | P                                  | P                   | CUP                                | P                                  |                                    |
| Golf driving ranges  | CUP                               | CUP | CUP                                | CUP                                |                     | CUP                                | CUP                                |                                    |
| Hardware Store   | P/L <sub>[1]</sub>                |     | P                                  | P                                  |                     | P                                  | P                                  | <a href="#">P</a>                  |
| Health care and social services  |                                   |     | P/L <sub>[46]</sub> <sup>[8]</sup> | P/L <sub>[46]</sub> <sup>[8]</sup> | P                   |                                    | P/L <sub>[46]</sub> <sup>[8]</sup> | <a href="#">P/L<sub>[48]</sub></a> |
| Heating oil dealers  |                                   |     |                                    |                                    |                     |                                    | P                                  |                                    |
| Horticultural and landscaping, services  |                                   |     | P                                  | P                                  | P                   |                                    |                                    |                                    |
| Horticultural nurseries  | UUP                               | UUP | UUP                                | UUP                                |                     | P                                  | UUP                                |                                    |
| Hospitals [except mental and alcoholic]  |                                   |     |                                    | P                                  | P                   | P                                  | P                                  | <a href="#">P</a>                  |
| Hospitals [mental and alcoholic]   | CUP                               | CUP | CUP                                | CUP                                |                     | CUP                                | CUP                                | <a href="#">CUP</a>                |
| Hotels   |                                   |     |                                    | P                                  | P                   | P/L <sub>[40]</sub>                | P/L <sub>[47]</sub>                | <a href="#">P</a>                  |
| Information establishments   |                                   |     |                                    |                                    |                     | P                                  | P                                  | <a href="#">P</a>                  |
| Internet, service providers  |                                   |     | P                                  |                                    |                     |                                    | P                                  | <a href="#">P</a>                  |
| Job printing, newspapers, lithography, and publishing                                |                                   |     |                                    |                                    |                     | P                                  |                                    | <a href="#">P</a>                  |
| Kennels, commercial  |                                   |     | P                                  | P                                  | P                   |                                    | P                                  | <a href="#">P/L<sub>[66]</sub></a> |
| Labor camps (transient)  | CUP                               | CUP | CUP                                | CUP                                |                     | CUP                                | CUP                                |                                    |
| Laboratories   |                                   |     | P                                  | P                                  | P                   | CUP                                | P                                  | <a href="#">P</a>                  |
| Laboratories (incl. medical, dental, or photographic)                                |                                   |     | P/L                                | P                                  | P                   | P                                  | P                                  | <a href="#">P</a>                  |
| Laundry, industrial  |                                   |     | P                                  |                                    |                     |                                    | P                                  |                                    |
| Legal services   | P/L <sub>[3]</sub>                |     | P                                  | P                                  | P                   | P                                  | P                                  | <a href="#">P</a>                  |
| Libraries (public)   | P                                 |     |                                    | P                                  | P                   |                                    | P                                  | <a href="#">P</a>                  |
| Light Manufacturing, Fabrication, and Assembly                                       |                                   |     | P/L <sub>[8]</sub>                 |                                    |                     |                                    |                                    |                                    |
| Limousine/Taxi service   |                                   |     |                                    |                                    |                     |                                    | P                                  |                                    |
| Machine shop   |                                   |     | P                                  |                                    |                     | P/L <sub>[32]</sub>                |                                    |                                    |
| Management of companies and enterprises  | P/L <sub>[3]</sub>                |     | P                                  | P                                  | P                   |                                    | P                                  | <a href="#">P</a>                  |
| Manufactured home sales  |                                   |     |                                    |                                    |                     |                                    | P                                  |                                    |
| Marijuana Producer/Processor, Recreational   |                                   |     | P/L <sub>[66]</sub> <sup>[4]</sup> | P/L <sub>[66]</sub>                |                     | P/L <sub>[66]</sub> <sup>[4]</sup> |                                    | <a href="#">P/L<sub>[66]</sub></a> |
| Marijuana Retailer, Recreational   |                                   |     |                                    | P/L <sub>[66]</sub> <sup>[4]</sup> |                     | P/L <sub>[66]</sub> <sup>[4]</sup> |                                    | <a href="#">P/L<sub>[66]</sub></a> |
| Marinas  |                                   |     |                                    |                                    | P/L <sub>[24]</sub> |                                    |                                    |                                    |
| Mixed use  | UUP                               | UUP | UUP                                | UUP                                | P/L <sub>[26]</sub> | UUP                                | P/L <sub>[50]</sub>                | <a href="#">P/L<sub>[57]</sub></a> |
| Motels   |                                   |     |                                    | P                                  | P                   | P/L <sub>[40]</sub>                | P/L <sub>[47]</sub>                |                                    |
| Motion picture services  | P/L <sub>[3]</sub>                |     |                                    | P                                  | P                   |                                    | P                                  | <a href="#">P</a>                  |
| Museums  | P                                 |     | P/L <sub>[7]</sub>                 | P                                  | P                   |                                    | P                                  | <a href="#">P</a>                  |
| Nursing homes (PR-R-Nursing care facility; IC-Nursing and Residential Care Facility) |                                   |     |                                    | P                                  | P                   |                                    | P                                  |                                    |
| Offices, business and professional   |                                   |     |                                    |                                    |                     | P                                  | P                                  | <a href="#">P</a>                  |
| Open air theaters  | CUP                               | CUP | CUP                                | CUP                                |                     | CUP                                | CUP                                |                                    |
| Parcel service delivery  | P/L <sub>[3]</sub>                |     | P                                  |                                    |                     | P                                  | P/L <sub>[51]</sub>                |                                    |
| Parole or probation offices  |                                   |     | P                                  | P                                  | P                   |                                    | P                                  |                                    |
| Pawnshop   |                                   |     | P                                  | P                                  | P                   | P                                  | P                                  |                                    |
| Personal and business services   | P/L <sub>[3]</sub>                |     | P/L <sub>[7]</sub>                 | P/L <sub>[16]</sub>                | P/L <sub>[22]</sub> |                                    | P                                  | <a href="#">P</a>                  |
| Pet boarding   |                                   |     | P                                  | P                                  | P                   |                                    | P                                  | <a href="#">P/L<sub>[58]</sub></a> |
| Pet shop   | P/L <sub>[1]</sub>                |     |                                    | P                                  | P                   | P/L <sub>[33]</sub>                | P                                  | <a href="#">P</a>                  |

TABLE 18.52-010B  
COMMERCIAL ZONE PRIMARY USES

| Use is:  | N-C                         | I-C | B-P                 | C-C                       | D-C                     | H-C                 | PR-C                    | T-C                       |
|--|-----------------------------|-----|---------------------|---------------------------|-------------------------|---------------------|-------------------------|---------------------------|
| Use is:<br>P: Permitted<br>P/L: Permitted, but with special limitations<br>CUP: Conditional use review required<br>UUP: Unclassified use review required |                             |     |                     |                           |                         |                     |                         |                           |
| Photocopying and duplicating services  | P/L <sub>[1][3]</sub>       |     | P                   | P                         | P                       |                     | P                       | <u>P</u>                  |
| Photo finishing  | P/L <sub>[1]</sub>          |     | P                   | P                         | P                       | P                   | P                       | <u>P</u>                  |
| Planned unit development   | P                           |     |                     |                           |                         |                     |                         |                           |
| Postal service   | P                           |     | P                   | P                         | P                       |                     | P                       |                           |
| Professional, scientific, technical services   | P/L <sub>[3]</sub>          |     | P                   | P                         | P                       |                     | P                       | <u>P</u>                  |
| Professional offices, medical, dental  | P/L <sub>[3]</sub>          |     | P                   | P                         | P                       |                     | P                       | <u>P</u>                  |
| Public administration facilities   | P                           |     | P                   | P/L <sub>[17]</sub>       | P/L <sub>[26][23]</sub> |                     | P/L <sub>[49]</sub>     | <u>P/L<sub>[59]</sub></u> |
| Public facilities  | P                           |     | P/L <sub>[10]</sub> | P                         | P/L <sub>[26]</sub>     |                     | P                       | <u>P</u>                  |
| Public utility facilities  | P/L <sub>[4]</sub>          |     | P/L <sub>[10]</sub> | P/L <sub>[17]</sub>       | P                       | P/L <sub>[34]</sub> | P/L <sub>[52]</sub>     | <u>P/L<sub>[60]</sub></u> |
| Publishing, telecommunications, internet service providers, data processing services   | P/L <sub>[3]</sub>          |     | P                   | P                         | P                       | P                   | P                       | <u>P</u>                  |
| Race tracks, drag strips, motorcycles hills and Go-Kart tracks   | CUP                         | CUP | CUP                 | CUP                       |                         | CUP                 | CUP                     |                           |
| Real estate renting and leasing  | P/L <sub>[3]</sub>          |     | P                   | P                         | P                       | P                   | P                       | <u>P</u>                  |
| Recreational facilities – commercial   | CUP                         | CUP | CUP                 | CUP                       | CUP                     | P                   | CUP                     |                           |
| Recreational vehicles, sales and storage   |                             |     |                     |                           |                         | P                   | P                       |                           |
| Religious grant writing, civic and professional organizations  | P/L <sub>[3]</sub>          | P   | P/L <sub>[7]</sub>  | P                         | P                       | P                   | P                       | <u>P</u>                  |
| Repair services  | P/L <sub>[2][3]</sub>       |     | P/L <sub>[7]</sub>  | P/L <sub>[16][18]</sub>   | P/L <sub>[22][25]</sub> |                     | P                       |                           |
| Repossession services  | P/L <sub>[3]</sub>          |     | P                   | P                         | P                       |                     |                         |                           |
| Restaurants  | P                           |     | P/L <sub>[9]</sub>  | P                         | P                       | P                   | P                       | <u>P</u>                  |
| Retail services and trade  | P/L <sub>[1]</sub>          |     | P/L <sub>[7]</sub>  | P/L <sub>[15][19]</sub>   | P/L <sub>[21]</sub>     | P                   | P/L <sub>[43]</sub>     | <u>P</u>                  |
| Retirement housing   |                             | P   |                     | P                         | P                       |                     | P                       | <u>P</u>                  |
| Reupholster  | P                           |     | P                   | P/L <sub>[19]</sub>       | P                       | P                   | P                       | <u>P</u>                  |
| Saws and filing shops  |                             |     | P                   |                           |                         |                     | P                       |                           |
| Sewage treatment plants  | UUP                         | UUP | UUP                 | UUP                       |                         | UUP                 | UUP                     |                           |
| Signs, manufacturing   |                             |     |                     |                           |                         | P                   |                         |                           |
| Self-storage/ mini-warehouse leasing   |                             |     | P                   |                           |                         |                     | P/L <sub>[44]</sub>     |                           |
| Services to buildings and dwellings  | P/L <sub>[3]</sub>          |     | P                   | P                         | P                       |                     | P                       |                           |
| Services, miscellaneous  | P/L <sub>[3]</sub>          |     | P/L <sub>[7]</sub>  | P/L <sub>[16][18]</sub>   | P/L <sub>[22]</sub>     |                     | P/L <sub>[45][48]</sub> | <u>P/L<sub>[61]</sub></u> |
| Spectator sports   | CUP                         |     | CUP                 | P                         | P                       |                     | P                       |                           |
| Stadiums   | CUP                         | CUP | CUP                 | CUP                       |                         | CUP                 | CUP                     |                           |
| Supermarkets   | P/L <sub>[1]</sub>          |     | P                   | P                         | P                       |                     | P                       | <u>P</u>                  |
| Taverns and cocktail lounges   | P/L <sub>[1]</sub>          |     | P                   | P                         | P                       | P/L <sub>[38]</sub> | P                       | <u>P</u>                  |
| Telecommunication facilities   | CUP                         | CUP | CUP                 | CUP                       | CUP                     | CUP                 | CUP                     | <u>CUP</u>                |
| Telephone exchanges  |                             |     |                     |                           |                         | P                   |                         |                           |
| Tire sales and service   | P/L <sub>[3]</sub>          |     |                     |                           |                         |                     | P                       |                           |
| Theatres   |                             |     |                     | P                         | P                       | P/L <sub>[35]</sub> | P                       | <u>P/L<sub>[63]</sub></u> |
| Towing operations  |                             |     |                     |                           |                         | UUP                 |                         |                           |
| Transportation and wholesale trade   |                             |     | P/L <sub>[11]</sub> |                           |                         |                     |                         |                           |
| Water transportation   |                             |     |                     |                           | CUP                     |                     |                         |                           |
| Welding repair   | P/L <sub>[2][3][6][9]</sub> |     | P                   | P/L <sub>[16][6][9]</sub> | P/L <sub>[6][9]</sub>   | P                   | P                       |                           |
| Wholesale business   |                             |     | P                   |                           |                         | P                   |                         | <u>P/L<sub>[64]</sub></u> |
| Wholesale trade and distribution of groceries  |                             |     |                     | CUP                       |                         |                     |                         |                           |

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

TABLE 18.52-010B  
COMMERCIAL ZONE PRIMARY USES

| Use is:                                     | N-C | I-C | B-P | C-C | D-C | H-C | PR-C | T-C |
|---|-----|-----|-----|-----|-----|-----|------|-----|
| P: Permitted                                |     |     |     |     |     |     |      |     |
| PL: Permitted, but with special limitations |     |     |     |     |     |     |      |     |
| CUP: Conditional use review required        |     |     |     |     |     |     |      |     |
| UUP: Unclassified use review required       |     |     |     |     |     |     |      |     |

**Transit Commercial Zone**

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

**53. Automobile, Parking**

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

[Paid surface parking shall not be permitted in the T-C Zone.](#)

**54. Bakeries, manufacturing and retail sales**

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

[Bakeries shall be permitted in the T-C zone provided:](#)

1. [At least 25% of the gross floor area is dedicated to retail sales; and](#)
2. [All storage, display, and manufacturing occur within enclosed buildings.](#)

**55. Confectionery, manufacture**

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

[Confectionaries shall be permitted in the T-C zone provided:](#)

1. [At least 25% of the gross floor area is dedicated to retail sales; and](#)
2. [All storage, display, and manufacturing occur within enclosed buildings.](#)

**56. Kennels, commercial**

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

[Kennel shall be allowed in the T-C Zone when accessory to a permitted use.](#)

**57. Mixed use**

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

[Mixed use development shall conform to the following limitations and standards in the T-C Zone:](#)

- (a) [Mixed use structures shall contain area for retail trade or personal and business services, at street level as follows:](#)
  - (i) [Pedestrian access from the public sidewalk to the retail trade or personal and business services shall be provided;](#)
  - (ii) [A minimum of 60 percent of the street level floor area shall be occupied by retail trade or personal and business services;](#)
  - (iii) [A minimum of 75 percent of the street level building frontage adjacent to public right\(s\)-of-way shall contain floor area for retail trade or personal and business services uses; and](#)
  - (iv) [Building space allocated for retail trade or personal and business service uses at the street level shall have a minimum gross interior depth dimension of 55 feet measured perpendicular to the property line abutting the public street\(s\) serving the site.](#)
- (b) [The city manager or designee is authorized to consider and approve up to a 20 percent reduction of the bulk requirements specified in subsection \(9\)\(a\) of this section when a development proposal incorporates on-site parking substantially at street floor level for retail trade or personal and business service uses and the city manager or designee determines that the proposed reduction\(s\) does not compromise, interrupt, or interfere with the desired functionality of the building or the continuity of city pedestrian-oriented design goals in the general area and pedestrian access to the site from the public sidewalk or right-of-way.](#)
- (c) [Mixed use developments shall comply with all the requirements of chapter 18.45 DMMC, except for private recreational requirements established by DMMC 18.45.020\(2\).](#)
- (d) [A detached structure that contains residential uses and does not meet the requirements for mixed use structures is prohibited.](#)

**58. Pet boarding**

[This regulation applies to all parts of Table 18.52.010B that have a \[58\].](#)

[Pet Boarding shall be allowed in the T-C Zone when accessory to a permitted use.](#)

**59. Public Administration Facilities**

**Comment [nc13]: Policy question 10:**  
Should paid parking be allowed in the T-C zone?

**Comment [gf14]: Policy Question 11:**  
Should more flexibility be allowed in the amount of required 1st floor commercial space in mixed use buildings?

[This regulation applies to all parts of Table 18.52.010B that have a \[59\].](#)

[Public administration \(92\) uses shall be permitted in the T-C Zone, except correctional institutions \(92214\).](#)

**60. Public Utility Installations**

[This regulation applies to all parts of Table 18.52.010B that have a \[60\].](#)

[Public utility installations shall be permitted in the T-C Zone if relating directly to the distribution of services.](#)

**61. Services, Miscellaneous**

[This regulation applies to all parts of Table 18.52.010B that have a \[61\].](#)

[Limited to NAICS codes 561110 \(administrative\) and 561210 \(support services\).](#)

**62. Taverns and Cocktail Lounges**

[This regulation applies to all parts of Table 18.52.010B that have a \[62\].](#)

[Cocktail lounges shall be permitted in the T-C Zone when located within a restaurant.](#)

**63. Theaters**

[This regulation applies to all parts of Table 18.52.010B that have a \[63\].](#)

[Adult motion picture theaters are prohibited within the T-C Zone.](#)

**64. Wholesale business**

[This regulation applies to all parts of Table 18.52.010B that have a \[64\].](#)

[Wholesale business shall be permitted in the T-C Zone when accessory to a permitted retail use.](#)

**All Zones**

**63-65. Adult Entertainment Facilities**

This regulation applies to all parts of [Table 18.52.010B](#) that have a [\[6365\]](#).

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

**64-66. Recreational Marijuana**

This regulation applies to all parts of [Table 18.52.010B](#) that have a [\[6664\]](#).

State licensed marijuana producers, processors, and retailers may locate in the City of Des Moines pursuant to chapter 18.250 DMMC.

**65-67. Family Day Care Providers**

This regulation applies to all parts of [Table 18.52.010B](#) that have a [\[6766\]](#).

A family day care provider home facility is a permitted use in all zones, subject to the conditions in chapter 18.180 DMMC:

**66-68. Social Service Facilities**

This regulation applies to all parts of [Table 18.52.010B](#) that have a [\[6866\]](#).

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

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

**67-69. Welding Repair**

This regulation applies to all parts of [Table 18.52.010B](#) that have a [\[6967\]](#).

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

Extract of Zoning Classifications

**18.05.080. Names of zones.** To accomplish the purpose of this Title, the following use zones are established and regulations are set forth therein defining the permissible uses, the height and bulk of buildings, the area of yards and other open spaces about buildings, and the density of population; such zones are known as follows:

- (2) Commercial Zones.
  - (a) N-C Neighborhood Commercial;
  - (b) I-C Institutional Campus;
  - (c) B-C Business Commercial;
  - (d) B-P Business Park;
  - (e) C-C Community Commercial;
  - (f) D-C Downtown Commercial;
  - (g) C-G General Commercial;
  - (h) H-C Highway Commercial;
  - (i) PR-C Pacific Ridge Commercial; and
  - (j) T-C Transit Community.

**Parking Code Extract Affecting T-C Zone**

**18.210.070. Modification of parking provisions.**

(1) Number of spaces. The 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 or an independent consultant study are examples that could be used to demonstrate sufficiency of proposed parking.

**18.210.090. Required number of off-street parking spaces.**

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

(12) Personal Services.

(a) C-C 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.

(d) T-C zone: one parking space per 400 square feet of gross floor area.

(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.

**Comment [DB15]: Policy Question 12:**  
Should required parking for personal services uses be less than the PR-C zone?

(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) Multifamily (as part of a mixed use development) in the T-C Zone.

(i) For a studio dwelling - .75 parking space

(ii) For one-bedroom dwellings - one parking space

(iii) For 2 bedroom or more dwellings - 1.75 parking spaces

(iv) One guest parking space shall be provided per each 12 dwellings.

**Comment [DB16]: Policy Question 13:**  
Should required parking for multi-family uses be less than the PR-C zone?

(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.

(d) T-C Zone: one parking space per 400 square feet of gross floor area, except there are a minimum of six spaces.

**Comment [DB17]: Policy Question 14:**  
Should required parking for retail services uses be less than the PR-C zone?

**Extract from State-Licensed Marijuana Producers, Processors, and Retailers**

**18.250.060. Recreational marijuana regulations for producers and processors.** State-licensed marijuana producers and marijuana processors may locate in the City of Des Moines pursuant to the following restrictions:

(1) Marijuana producers and marijuana processors must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and other applicable Washington laws.

(2) Persons may conduct business within the City of Des Moines as a state-licensed marijuana producer and/or marijuana processor if located within the Business Park (B-P) Zone located north of South 216th Street and south of South 208th Street, and within the Highway Commercial (H-C), Transit-Community (T-C), and Community Commercial (C-C) ~~zones~~ Zones generally located along Pacific Highway South south of Kent-Des Moines Road.

**18.250.070 Recreational marijuana regulations for retailers.** State-licensed marijuana retailers may locate in the City pursuant to the following restrictions:

(1) Marijuana retailers must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and other applicable Washington laws.

(2) Persons may conduct business with the City as a state-licensed marijuana retailer if located within the Transit-Community (T-C), Highway Commercial (H-C) and Community Commercial (C-C) Zones generally located along Pacific Highway South south of Kent-Des Moines Road.

(3) Marijuana retailers shall not locate in a building in which nonconforming retail uses have been established in any location or zone other than those referenced in subsection (2) of this section.

(4) Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.