



AGENDA
DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Suite C
Des Moines, Washington
Thursday, June 12, 2025 - 6:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE NOT PREVIOUSLY RECEIVED BY COUNCIL

PROCLAMATIONS

Item 1. DES MOINES FARMERS MARKET 20 YEAR PROCLAMATION
Motion: To adopt the proclamation recognizing and celebrating the 20th season of the Des Moines Farmers Market.
[Des Moines Farmers Market 20 Year Proclamation](#)

COMMENTS FROM THE PUBLIC

COMMITTEE CHAIR REPORTS

ENVIRONMENT COMMITTEE: Chair JC Harris

REGIONAL COMMITTEE REPORT

CITY MANAGER REPORT/PRESENTATIONS/BRIEFINGS

Item 1. WSDOT SR 509 COMPLETION PROJECT UPDATE
Item 2. DISCUSSION OF 2025 CITY LEGISLATIVE PRIORITIES
[Discussion of 2025 City Legislative Priorities](#)

CONSENT AGENDA

Item 1. APPROVAL OF VOUCHERS
Motion: To approve the payment vouchers through May 29, 2025 and payroll transfers through May 20, 2025 in the attached list and further described as follows:

EFT Vendor Payments	#11851-11941	\$ 845,899.60
Wires	#2967-2976	\$1,962,630.80
Accounts Payable Checks	#166763-166796	\$1,134,275.95
Payroll Voided Advice	#11879	\$ (3,000)
Payroll Advice	#13608-13764	\$ 474,354.00
Total Checks and Wires for A/P & Payroll:		\$4,414,160.35

[Approval of Vouchers](#)

Item 2. APPROVAL OF MINUTES
Motion: To approve the minutes from the City Council Study Session held on May 01, 2025 and the City Council Regular Meeting held on May 08, 2025.
[Approval of Minutes](#)

Item 3. WATER RESOURCE INVENTORY AREA 9 - INTERLOCAL AGREEMENT RENEWAL
Motion: To approve the 2026-2035 Interlocal Agreement between the jurisdictions located within Water Resource Inventory Area 9 for the purpose of sharing costs for implementing the Salmon Habitat Plan, and to authorize the City Manager to sign such agreement substantially in the form submitted.
[Water Resource Inventory Area 9 – Interlocal Agreement Renewal](#)

Item 4. 2026 SKHHP WORK PLAN AND BUDGET
Motion: To enact Draft Resolution No. 25-046, approving the 2026 South King Housing and Homelessness Partners Budget and the 2026 Work Plan.
[2026 SKHHP Work Plan and Budget](#)

Item 5. AMENDMENT TO INTERAGENCY AGREEMENT BETWEEN WSDOT AND CITY OF DES MOINES
Motion: To approve the Amended Interagency Agreement between the Washington State Department of Transportation and the City of Des Moines – Agreement GCB 3807, and further authorize the City Manager to sign said Agreement substantially in the form as submitted.
[Amendment to Interagency Agreement GCB 3807 Between WSDOT and City of Des Moines](#)

Item 6. CONTRACT FOR CONSTRUCTION SUPPORT SERVICES WITH MOFFATT & NICHOL

Motion: To approve the contract with Moffatt & Nichol for construction support services of the Dock Replacement Project in the amount of \$179,102.00 plus a contingency of \$18,000.00 for a total authorization of \$197,102.00 and authorize the City Manager to sign the contract substantially in the form as attached.

[Contract for Construction Support Services with Moffatt & Nichol](#)

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1. WOODMONT BEACH APARTMENTS LLC DEVELOPMENT AGREEMENT
Staff Presentation by: Community Development Director Rebecca Deming
[Woodmont Beach Apartments LLC Development Agreement](#)

Item 2. ACCESSORY DWELLING UNITS
Staff Presentation by: Community Development Director Rebecca Deming
[Accessory Dwelling Units](#)

Item 3. MIDDLE HOUSING
Staff Presentation by: Planning and Development Services Manager Laura Techico
[Middle Housing](#)

NEW BUSINESS

Item 1. NEW AGENDA ITEMS FOR CONSIDERATION – 10 Minutes

UNFINISHED BUSINESS

Item 1. AIRPORT ADVISORY COMMITTEE ESTABLISHMENT AND APPOINTMENTS
Staff Presentation by: Community Development Director Rebecca Deming
[Airport Advisory Committee Establishment and Appointments](#)

COUNCILMEMBER REPORTS

(4 minutes per Councilmember) - 30 minutes

PRESIDING OFFICER'S REPORT

EXECUTIVE SESSION

NEXT MEETING DATE

June 26, 2025 City Council Regular Meeting

ADJOURNMENT

[Projected Future Agenda Items](#)

City Council meeting can be viewed live on the City's website, Comcast Channel 21/321 or on the City's [YouTube](#) channel.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Accessory Dwelling Units

FOR AGENDA OF: June 12, 2025

ATTACHMENTS:

1. Draft Ordinance No. 25-056

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: May 29, 2025

CLEARANCES:

[] City Clerk _____
[X] Community Development *[initials]*
[] Courts _____
[] Finance _____
[] Human Resources _____
[X] Legal */s/* TG
[] Marina _____
[] Police _____
[] Parks, Recreation & Senior Services _____
[] Public Works _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *Katherine Coffey*

Purpose and Recommendation

The purpose of this agenda item is for the Council to consider the proposed Accessory Dwelling Unit (ADU) Draft Ordinance No 25-056.

Suggested Motion

Motion: “I move to approve Draft Ordinance 25-056 relating to land use, updating regulations related to accessory dwelling units.”

Background

The 2023 Washington State legislative session passed several housing and land use bills, including Engrossed House Bill 1337. HB 1337 aims to expand housing options by easing barriers to the construction and use of accessory dwelling units. State law requires all local governments in Washington State planning under the Growth Management Act to update their ADU regulations to comply with HB 1337 by June 30, 2025.

An accessory dwelling unit (ADU) is a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit. ADUs are also known by various other names, including accessory living quarters, mother-in-law suites, backyard cottages, attached accessory dwelling units (AADUs), and detached accessory dwelling units (DADUs). These units provide complete independent living facilities for one or more persons and that includes provisions for living, sleeping, eating, cooking, and sanitation.

Accessory dwelling units offer many benefits, including diversifying housing options, increasing access to more affordable housing options, fostering diverse communities, and addressing the legacy of economic and racial exclusion in housing. They also play a key role in supporting first-time homeowners and essential workers, providing opportunities for older adults to age in place, accommodating smaller household sizes, increasing opportunities to build equity, and more.

The code update process required a thorough review of Des Moines's existing ADU regulations to ensure they reflect new laws and requirements and respond to changing conditions within the community.

To help frame the scope of our update, City staff completed a review of Des Moines's existing ADU regulations for consistency with Engrossed House Bill 1337, RCW 36.70A.680-681, and the Washington State Department of Commerce's Guidance for ADUs in Washington State, and identified updates needed to comply with these requirements.

April 3, 2025 Committee of the Whole Meeting

Staff presented proposed amendments to Des Moines Municipal Code (DMMC) 18.55.140 Accessory living quarters (ALQ) and supplementary amendments to DMMC 18.52.010A Residential use chart. The committee reviewed the proposed amendments and discussed the requirements of HB 1337. Given the breadth of the information, the committee opted to continue the discussion in a follow up meeting.

April 10, 2025 Council Meeting

Staff presented proposed amendments to Des Moines Municipal Code (DMMC) 18.55.140 Accessory living quarters (ALQ) and supplementary amendments to DMMC 18.52.010A Residential use chart based on feedback from the April 3 committee meeting. The Council discussion primarily focused on size, parking requirements, and the number and configuration of ADUs. Council recommended increasing the maximum size of ADUs to 1,200 sq. ft. and opted to continue the discussion on ADU parking and the number of ADUs in a follow up meeting for Middle Housing requirements.

May 1, 2025 Committee of the Whole Meeting

Staff presented proposed amendments to the City of Des Moines' Development Regulations to align with recent Middle Housing legislation, including E2SHB 1110 (2023) and ESHB 2321 (2024), enacted by the Washington State Legislature. The discussion also addressed Accessory Dwelling Units (ADUs), given their relevance to both HB 1337 and HB 1110. The Committee recommended setting the maximum size of ADUs at 1,200sq. ft., allowing up to three ADUs per residential lot, and removing the parking requirement for ADUs in accordance with SB 5184 which will not require parking for structures under 1,200 sq. ft.

Discussion

Tonight's discussion will focus on the draft ADU ordinance which includes amendments to Des Moines Municipal Code (DMMC) 18.55.140 Accessory living quarters (ALQ) and supplementary amendments to DMMC 18.52.010A Residential use chart. City staff prepared a draft ordinance of the proposed ADU regulations (Attachment 1).

Framework

City staff are proposing a draft ordinance which includes amendments to DMMC 18.55.140 Accessory living quarters (ALQ) and DMMC 18.52.010A Residential use chart to comply with Engrossed House Bill HB 1337 and RCW 36.70A.680-681. Per these new legislative requirements, cities:

- May not impose impact fees that are greater than 50% of impact fees imposed on the principal unit;
- May not require owner occupancy;
- Must allow at least two ADUs in any configuration;
- Must allow detached ADUs;
- Must allow ADUs on any lot that meets the minimum lot size required for the principal unit;
- Must allow ADUs to have a minimum of 1,000 square feet of gross floor area;
- May not limit roof heights to be less than 24 feet;
- May not impose design standards that are more restrictive than those for the principal unit;
- Must allow ADUs to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;
- May not prohibit the sale or other conveyance of an ADU as a condominium unit independently of the principal unit;
- May not require public street improvements as part of the permit process for ADUs; and
- May not require off-street parking for ADUs within ½ mile walking distance of a major transit stop.

City staff conducted a review of Des Moines' existing ADU regulations to ensure compliance with HB 1337, RCW 36.70A.680-681, and the Washington State Department of Commerce's Guidance for ADUs in Washington State. As a result of the review, the draft ordinance addresses impact fees, owner occupancy, number and configuration of ADUs, size, design standards, location, conversions, separate sale, and parking.

Proposed Code/Rationale:

Definition. An Accessory dwelling Unit (ADU) is a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other middle housing unit. An ADU can be a detached structure or an attached part of a structure that is subordinate and incidental to the main or primary dwelling unit. ADUs provide complete independent living facilities for one or more persons and that includes provisions for living, sleeping, eating, cooking, and sanitation.

General. Accessory dwelling units must meet all of the standards of the underlying zone in which the property is located. Additionally, accessory dwelling units shall be included in the calculation for allowable units per lot. Example: If 4 units is the maximum total number of units allowed on a given lot and a triplex has been developed, one (1) ADU may be added to the lot.

Impact fees. All ADUs are subject to adopted impact fees. Refer to the adopted Development and Engineering Services Fee Schedule. Transportation impact fees assessed on Accessory Dwelling Units shall be subject to the limitation contained in RCW 36.70A.681(1)(a).

HB 1337 states that impact fees may not exceed 50% of the impact fees imposed on the principal unit. Currently, all ADUs in Des Moines are subject to traffic impact fees, and while the impact fee cost is not the same as the principal unit's, it is greater than 50% of the traffic impact fees imposed on the principal unit.

Number and configuration. A single-family residential unit or middle housing unit may have up to three ADUs per lot in the following configurations: attached ADUs, detached ADUs, or a combination of attached and/or detached ADUs.

HB 1337 permits up to two ADUs in any configuration per residential lot that allows for single-family homes. Des Moines currently allows a single-family residence and one ADU per residential lot.

Size. The ADU must not be less than 350 square feet of gross floor area and shall not exceed 1,200 square feet of gross floor area.

HB 1337 states that a city may not establish a maximum gross floor area requirement for ADUs that is less than 1,000 sq. ft. of gross floor area.

Design standards. The ADU shall be consistent and complimentary with the architectural style, materials, and color(s) of the primary residence.

The new legislation asserts that a city may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or design review requirements for accessory dwelling units that are more restrictive than those for principal units.

Location. An ADU may be sited at a lot line if the lot line abuts a public alley, unless the city routinely plows snow on the public alley, but all other setbacks of the underlying zone apply.

HB 1337 permits detached ADUs to be sited at a lot line if the lot line abuts a public alley unless the city routinely plows snow on that public alley.

Conversions. An ADU may be converted from legal nonconforming* structures, including but not limited to detached garages, even if they violate current code requirements for setbacks and lot coverage for the underlying zone.

The new bill states that cities must allow ADUs to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage.

Separate sale. An ADU may be sold or otherwise conveyed separately as a condominium unit independently from the primary unit.

HB 1337 cities may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit simply on the basis the structure has been permitted as an ADU.

Parking. Des Moines currently requires one off-street parking stall in addition to the two parking stalls required for single-family homes. Under HB 1337, Des Moines may retain that requirement; however, the city must comply with the additional parking regulation that eliminates off-street parking for ADUs within one-half mile walking distance of a major transit stop. Based on Council direction parking will not be required for ADUs as no parking will be required for residences under 1,200 square feet in compliance with SB 5184.

Alternatives

State law (RCWs 36.70A.680 and 36.70A.681) requires all local governments planning under the Growth

Management Act (GMA), regardless of population, to revise their regulations as needed to conform, within six months after their periodic update due date, to conform with current requirements. If a city or county does not amend its rules to be consistent with the law, the statute will "supersede, preempt and invalidate any conflicting local development regulations." RCW 36.70A.680(1)(b), RCW 36.70A.697(2)

Financial Impact

Unknown.

Recommendation

I move that the City Council approve Ordinance 25-056 relating to the land use, updating regulations related to accessory dwelling units at its first and final reading.

CITY ATTORNEY'S DRAFT 05/28/2025

DRAFT ORDINANCE NO. 25-056

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the land use, updating regulations related to accessory dwelling units, and amending DMMC 18.52.010A, 18.55.140, and 12.40.120.

WHEREAS, The City of Des Moines is an incorporated city within a fully planning jurisdiction under the Growth Management Act (GMA), per RCW 36.70A.040, and

WHEREAS, the City of Des Moines is subject to the provisions of Engrossed House Bill ("EHB") 1337 as a fully planning jurisdiction, and

WHEREAS, the City has identified sections of the Des Moines Municipal Code (DMMC) that require updates to be compliant with EHB 1337, and

WHEREAS, On April 10, 2025, the City submitted the proposed amendment to the Washington State Department of Commerce for its expedited 30-day review and received documentation of completion of the procedural requirement (Submittal ID 2025-S-8271), and

WHEREAS, the changes proposed by this ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), a final determination of non-significance was issued by the responsible official, and the appropriate comment has expired and is not subject to legal challenge under chapter 43.21C RCW, and

WHEREAS, the Des Moines City Council held a duly noticed public hearing on June 12, 2025, and

WHEREAS, based on the careful consideration of the facts and law, the City Council finds that the proposed amendments attached and incorporated herein should be approved as presented; now therefore,

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

Sec. 1. DMMC 18.01.050 and section 5 of Ordinance No. 1591 as amended by section 1 of Ordinance No. 1628 as amended by section 1 of Ordinance No. 1655 as amended by section 3 of

Ordinance No. 1661 as amended by section 3 of Ordinance No. 1669 as amended by section 15 of Ordinance No. 1671 as amended by section 1 of Ordinance No. 1697 as amended by section 3 of Ordinance No. 1714 as amended by section 2 of Ordinance No. 1719 as amended by section 1 of Ordinance No. 1737 as amended by section 1 of Ordinance No. 1750 are each amended to read as follows:

Definitions.

As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

...

"Accessory dwelling unit (ADU)" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other middle housing unit. An ADU can be a detached structure or an attached part of a structure that is subordinate and incidental to the main or primary dwelling unit. ADUs provide complete independent living facilities exclusive for one single housekeeping unit, including or more persons and that includes provisions for living, sleeping, eating, cooking, and sanitation. References to "accessory living quarters" or "ALOs" throughout the DMMC shall mean "accessory dwelling units" or "ADUs" and may be used interchangeably.

...

"Zone" means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this Title.

Sec. 2. DMMC 18.52.010A, and those parts of the Residential Use Chart and Limitation 1, and section 132 of Ordinance No. 1591 as amended by section 7 of Ordinance No. 1655 as amended by section 2 of Ordinance No. 1697 as amended by section 8 of Ordinance No. 1737 as amended by section 2 of Ordinance No. 1750 as amended by section 5 of Ordinance No. 1775 are each amended as follows:

Residential Use Chart.

Use is: P: Permitted P/L: Permitted but with special limitations CUP: Conditioned use review required UUP: Unclassified use review required	SFR	RA-3600	RM-2400	RM-1800	RM-900	RM-900A	RM-900B	R-SE	R-SR>3500	R-SR<3500	PR-R
Accessory buildings and uses	P/L [1]	P/L [1]	P/L [1]	P/L [1] [16]	P/L [1] [16]	P	P	P/L [1] [27]	P/L [1] [27]	P/L [1]	P
<u>Accessory dwelling units</u>	<u>P/L [52]</u>		<u>P/L [52]</u>	<u>P/L [52]</u>	<u>P/L [52]</u>						
...											

1. Accessory Buildings and Uses. This regulation applies to all parts of Table 18.52.010A that have a [1].

Accessory buildings and uses including, but not limited to, the following:

(a) Accessory dwelling units (ADUs);

— (b) Private garages designed to accommodate not more than four cars;

(e) Lodgers limited to two;

| (eC) Private docks and mooring facilities and a private boathouse or hangar for the sole use of occupants of the premises to accommodate private noncommercial pleasure craft. Boathouses, hangars, docks and moorings shall be accessory to the primary use on the property to which they are contiguous, provided:

- | (i) No part of the boathouse or hangar shall extend more than 16 feet above the mean high water level;
- | (ii) A structure shall not be located closer to a property side line, or property side line extended, than the width of the required side yard on the lot to which such facilities are accessory;
- | (iii) The total area of covered moorages, boathouses, or hangars shall not exceed 1,000 square feet;
- | (iv) Covered structures shall abut upon the natural shoreline;
- | (v) Such structure shall not have a width greater than 50 percent of the width of the lot at the natural shoreline upon which it is located; and
- | (vi) A boat using such moorage shall not be used as a place of residence when so moored.

| (ed) Foster family day care home;

| (ee) Greenhouses, private and noncommercial, for propagation and culture only and no sales from the premises are permitted;

| (ef) One antenna system that exceeds the maximum building height specified for the Residential Zone and which:

- | (i) Does not exceed 15 feet in height above the building height limitation specified for the zone;

(ii) Is set back the greater of the applicable building setback for the zone where located, or the vertical height of the antenna system measured from the center point of the base of the mast horizontally to the nearest property line;

(iii) Has a maximum horizontal cross-sectional area for that part of the mast that is above the building height limitation for the zone such that an imaginary four-inch diameter circle would encompass all points of the horizontal cross-section;

(iv) Has a maximum allowable three-dimensional space intrusion of 1,200 cubic feet for single ground plane antennas with a single driven element, and 200 cubic feet for beams, quads, and other multi-element antennas; except these limitations on three-dimensional space intrusion are not applicable to single long-wire antennas, single whip antennas, and single coaxial antennas. In this subsection, "three-dimensional space intrusion" means the space within an imaginary rectangular prism that contains all extremities of an antenna;

(v) Does not encroach into the front, side, or rear setbacks required for the zone. A guy wire and anchor point for an antenna system is prohibited in the required front yard or within three feet of the side or rear property lines; except if an alley abuts a rear property line, a guy wire and anchor point may extend to the rear property line; and

(vi) A variation from the above limitations not to exceed 10 percent may be granted by the Department of Planning, Building and Public Works; such variation shall be granted when it will not significantly increase the hazard factor, the aesthetic impact, or the economic consequences of such antenna systems.

| (hg) Swimming pools and other recreational facilities for the sole use of occupants of premises and their guests.

...

52. Accessory Dwelling Units. This regulation applies to all parts of Table 18.52.010A that have a [52].

Additional requirements for Accessory Dwelling Units per DMMC 18.55.140.

Sec. 3. DMMC 18.55.140 and section 147 of Ordinance No. 1591 are each repealed, and the following is substituted:

Accessory Dwelling Units (ADU).

General. Accessory dwelling units must meet all of the standards of the underlying zone in which the property is located. Additionally, accessory dwelling units shall be included in the calculation for allowable units per lot. Example: If 4 units is the maximum total number of units allowed on a given lot and a triplex has been developed, one (1) ADU may be added to the lot.

(1) Impact fees. All ADUs are subject to adopted impact fees. Refer to the adopted Development and Engineering Services Fee Schedule.

(2) Number and configuration. A single-family residential unit or middle housing unit may have up to three ADUs per lot in the following configurations: attached ADUs, detached ADUs, or a combination of attached and/or detached ADUs.

(3) Design Standards. The ADU shall be consistent and complimentary with the architectural style, materials, and color(s) of the primary residence.

(4) Size. The ADU must not be less than 350 square feet of gross floor area and shall not exceed 1,200 square feet of gross floor area.

(5) Location. An ADU may be sited at a lot line if the lot line abuts a public alley, unless the city routinely plows snow on the public alley, but all other setbacks of the underlying zone apply.

(6) **Conversions.** An ADU may be converted from legal and legal nonconforming structures existing on the effective date of this ordinance, including but not limited to detached garages, even if they violate current code requirements for setbacks and lot coverage for the underlying zone.

(7) **Separate sale.** An ADU may be sold or otherwise conveyed separately as a condominium unit independently from the primary unit.

(8) **Required permits.** A property owner shall apply for both a land use permit and a building permit for necessary remodeling or construction. If the ADU is to be a rental, the property owner shall also apply for and obtain a City of Des Moines business license prior to renting out the unit.

Sec. 4. DMMC 12.40.120 and section 125 of Ordinance No. 1578 as amended by section 3 of Ordinance no. 1816 are each amended to read as follows:

Exemptions.

(1) Except as provided for below, the following shall be exempted from the payment of transportation impact fees:

(a) Alteration or replacement of an existing structure that does not expand the usable space, add any residential units or generate any additional p.m. peak trips.

(b) Miscellaneous improvements which do not generate increased p.m. peak trips, including, but not limited to, fences, decks, walls, residential swimming pools, and signs.

(c) Demolition or moving of a structure when additional p.m. peak hour trips are not generated.

(d) A change of use that does not generate one or more p.m. peak hour trips.

(2) Early learning facilities shall be exempted from paying fifty percent (50%) of the transportation impact fees imposed under this chapter.

(3) Transportation impact fees assessed on Accessory Dwelling Units shall be subject to the limitation contained in RCW 36.70A.681(1)(a).

(34) The ~~Planning, Building and~~ Public Works Director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section or under other applicable law. Determinations of the ~~Planning, Building and~~ Public Works Director shall be in writing and shall be subject to the appeals procedures set forth in DMMC 12.40.160.

Sec. 5. Severability - Construction.

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

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

Sec. 6. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2025 and signed in authentication thereof this _____ day of _____, 2025.

M A Y O R

APPROVED AS TO FORM:

Ordinance No. 25-056
Page 9 of 9

City Attorney

ATTEST:

City Clerk

Published: _____

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Middle Housing

FOR AGENDA OF: June 12, 2025

ATTACHMENTS:

1. Draft Ordinance No. 25-057

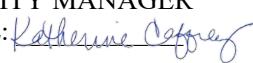
DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: May 30, 2025

CLEARANCES:

[] City Clerk _____
[X] Community Development 
[] Courts _____
[] Finance _____
[] Human Resources _____
[X] Legal /s/TG
[] Marina _____
[] Police _____
[] Parks, Recreation & Senior Services _____
[] Public Works _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is for the Council to consider the proposed Middle Housing draft Ordinance No 25-057.

Suggested Motion

Motion: "I move to approve draft Ordinance 25-057 relating to zoning and the regulation of middle housing."

Background

The 2023 Washington State legislative session passed several housing and land use bills, including House Bill (HB) E2SHB 1110 related to Middle Housing, and ESHB 2321 in 2024 which modified middle housing requirements in HB 1110. HB 1110 aims to create more homes for Washington by increasing middle housing in areas traditionally dedicated to single-family detached housing. State law requires all local governments in Washington State planning under the Growth Management Act to update their regulations to comply with HB 1110 by June 30, 2025.

Middle housing is defined as buildings that are compatible in scale, form, and character with single-family houses and contain two or more dwelling units. Middle housing types can include duplexes, townhouses, cottage housing, and others. Depending on the proximity to transit, between two and four housing units per lot would be allowed, provided development standards such as yard setbacks and lot coverage are met.

City staff conducted a review of Des Moines' existing regulations to ensure compliance with HB 1110 and the Washington State Department of Commerce's Guidance for Middle Housing in Washington State. As a result of the review, proposed code amendments address affected zoning districts, middle housing types allowed, permitted unit density in coordination with accessory dwelling units, affordable housing provisions, requirements for multi-family recreation areas, design standards, and infrastructure standards.

May 1, 2025 Committee of the Whole Meeting

Staff presented proposed amendments to the City of Des Moines' Development Regulations to align with recent Middle Housing legislation, including E2SHB 1110 (2023) and ESHB 2321 (2024), enacted by the Washington State Legislature. The discussion also addressed Accessory Dwelling Units (ADUs), given their relevance to both HB 1337 and HB 1110. The Committee recommended setting the maximum size of ADUs at 1,200sq. ft., allowing up to three ADUs per residential lot, and removing the parking requirement for ADUs in accordance with ESSB 5184 (2025) which will not require parking for structures under 1,200 sq. ft. Given the breadth of the information, the committee opted to continue the discussion in a follow up meeting.

May 8, 2025 Council Meeting

Staff presented proposed amendments to Title 18 Des Moines Municipal Code (DMMC) to align with recent Middle Housing and parking legislation as well as feedback from the May 1 committee meeting. The continued Council discussion primarily focused on unit sizes for ADUs and cottage housing, the number and configuration of dwelling units for middle housing and ADUs (overall unit density), and parking. Council recommended unit sizes of 350 – 1,200 sq. ft. for ADUs and 800 – 1,600 sq. ft. for cottage housing (a type of Middle Housing), allowing overall unit density of up to four units per lot or 24 dwelling units/acre, and incorporating the minimum residential parking requirements of SB 5184.

Discussion

Tonight's discussion will focus on proposed amendments to DMMC 18.01.050 Definitions, DMMC 18.52.010A Residential Use Chart and Limitations, DMMC 18.210.090(15) Loading Areas and Off-Street Parking, DMMC 18.235.020 Design Review, as well as adding a new chapter entitled 'Middle Housing Provisions and Chapters' (Attachment 1).

Framework

In accordance with RCW 36.70A.635(1), as a Tier 2 city with a population between 25,000 and 75,000, the development regulations for zoning districts in Des Moines which are predominantly for residential use must be adjusted to permit the following:

- The development of at least two units per lot on all lots,
- The development of at least four units per lot in cases where a lot is within one-quarter mile walking distance of a major transit stop, and
- The development of at least four units per lot in cases where at least one unit is affordable housing. Provided, that these standards do not apply after subdivision below 1,000 square feet. In all cases the number of units per lot applies unless zoning permitting higher densities or intensities applies and cities are not required to allow accessory dwelling units or middle housing types beyond the density requirements.

Proposed Code/Rationale:

Zoning Districts. HB 1110 applies to zones predominantly for residential use, excluding portions designated as environmentally critical areas or lots created through the splitting of a single residential lot. The zoning districts include:

- R-SE: Suburban Estate Zone;
- R-SR: Suburban Residential Zone;
- Single Family Residential (SFR) Zones designated as: RS-15,000; RS-9,600; RS-8,400; RS-7,200 and RS-4,000;
- RA-3600: Attached Townhouse and Duplex 3,600 Zone; and
- RM-2400: Multifamily 2,400 Zone.

Those excluded are RM-1,800, RM-900 and RM-900A as these zones already allow development to meet or exceed densities required by HB 1110 and/or already allow for a variety of housing types.

Middle Housing Types. As a Tier 2 city, Des Moines must accommodate at least six of the nine middle housing types described in HB 1110. Based upon input from the public and City Council and subject to allowed density, the following middle housing uses are permitted by right in the zoning districts above:

- Duplexes – units may be stacked or side-by-side;
- Tripleplexes;
- Fourplexes;
- Townhouses;
- Stacked flats; and
- Cottage housing.

Those not selected are fiveplexes, sixplexes and courtyard apartments as these would exceed the maximum density in most areas.

Unit Density and Configuration. HB 1110 requires the following minimum unit density on all lots regardless of lot size (greater than 1,000 square feet), unless zoning permits higher densities:

- Two units per lot on all lots;
- Four units per lot in cases where a lot is within one-quarter mile walking distance of a major transit stop (as defined by HB 1110); or
- Four units per lot in cases where at least one unit is affordable housing as defined and conditioned in HB 1110.

As recommended, Accessory Dwelling Units would count toward the allowed unit density, with a maximum of three. Overall unit density of up to four units per lot or 24 dwelling units/acre would be permitted on all lots, regardless of proximity to transit or affordable housing for the simplicity and equity of implementation by staff and the public.

Multifamily Recreation Areas. Chapter 18.155 DMMC Multifamily Recreation Areas will apply to middle housing developments with four units or more, provided that requirements for preadolescent play space improvements shall not apply to middle housing and the chapter would not apply to cottage housing which has its own common space requirements.

Design Standards. Administrative design review standards may be applied to middle housing in order to promote compatibility with other residential uses. These include de-emphasizing the visual impact of garages and driveways from the street, providing pedestrian routes between buildings and street, and HB 1110 requirements for cottage housing standards. Proposed new cottage housing sizes would be from 800 sq. ft. minimum to 1,600 sq. ft. maximum. Middle Housing would be subject to the same dimensional standards, including yard setbacks and lot coverage, as single family residential.

Infrastructure. Des Moines currently requires a minimum of two off-street parking stalls for single-family homes. Under HB 1110, no off-street parking shall be required for Middle Housing within one-half mile walking distance of a major transit stop. A maximum of one off-street stall per unit may be required on lots smaller than 6,000 square feet and two stalls per unit for lots greater than 6,000 square feet. These provisions would not be required to apply to lots within a one-mile radius of Sea-Tac Airport. However, recent legislation (SB 5184) further limits the City's ability to regulate parking. The Bill states that the City may not require any parking minimums for residences under 1,200 square feet and no more than one space per single family residence. Additional standards for multi-family, mixed use and commercial uses are also included in the bill. The City is required to implement these parking requirements within three years. Council recommendation is to incorporate the residential (single family, middle housing, and ADU) off-street parking stall minimums at this time.

Alternatives

State law (RCW 36.70A.635(1)) requires Tier 2 cities to revise their regulations as needed to conform, within six months after their periodic update due date, to conform with current middle housing requirements. If a city or county does not amend its rules to be consistent with the law, Commerce's model ordinance "supersedes, preempts and invalidates local development regulations." RCW 36.70A.636(2)(b)

Financial Impact

Unknown.

Recommendation

I move that the City Council approve Ordinance 25-057 relating to zoning and the regulation of middle housing at its first and final reading.

CITY ATTORNEY'S FIRST DRAFT 05/28/2025

DRAFT ORDINANCE NO. 25-057

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to zoning and the regulation of middle housing, amending DMMC 18.01.050, 18.52.010A, 18.210.090, 18.235.020, and 18.235.100, and adding and codifying a new DMMC Chapter 18.57 entitled "Middle Housing Provisions and Standards".

WHEREAS, in 2023, the Washington State Legislature passed Engrossed Second Substitute House Bill 1110 (E2SHB 1110), as codified in chapters 36.70A, 64.32, 64.34, 64.38, and 64.90 RCW, which requires cities like Des Moines to increase development of middle housing in areas traditionally dedicated to single-family detached housing in order to create more homes for Washington, and

WHEREAS, in passing E2SHB 1110 (Chapter 332, Laws of 2023) the State legislature found that Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet affordability goal for future populations, and

WHEREAS, E2SHB 1110 became effective on July 23, 2023, and requires cities to regulate middle housing consistent with E2SHB 1110 six months after the next periodic comprehensive plan update required under RCW 36.70A.130, which is June 30, 2025, and

WHEREAS, Des Moines is a Tier 2 City, as defined in RCW 36.70A.635, which means a city with a population of at least 25,000 but less than 75,000 based on 2020 Washington State Office of Financial Management population estimates, and

WHEREAS, in November 2023, The Washington State Department of Commerce awarded \$75,000 in grant funding to the City of Des Moines supporting updates to its zoning codes to allow more middle housing in residential neighborhoods, and

WHEREAS, in December 2023, the City Council authorized the City Manager to sign the Middle Housing Grant Agreement (Contract No. 24-63326-113) between the City of Des Moines and the Washington State Department of Commerce, and

WHEREAS, in 2024, the Washington State Legislature passed Engrossed Substitute House Bill 2321 (ESHB 2321), as codified in

chapters 36.70A, 64.32, 64.34, 64.38, and 64.90 RCW, which modifies middle housing requirements and the definition of transit stops found in ESSHB 1110, and

WHEREAS, the City of Des Moines Zoning Code currently does not define all required types of middle housing as distinct land uses, and

WHEREAS, the City of Des Moines Zoning Code currently does not meet required minimum density requirements for all lots in predominately residential zones, and

WHEREAS, nothing in this ordinance prohibits the city from requiring any development, including middle housing development, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand or modify the requirements of an existing affordable housing program enacted under RCW 36.70A.540, and

WHEREAS, nothing in this ordinance requires the issuance of a building permit if other federal, state, and local requirements for a building permit are not met, and

WHEREAS, nothing in this ordinance affects or modifies the responsibilities of the city to plan for or provide "urban governmental services" as defined in RCW 36.70A.030, and

WHEREAS, the city shall not approve a building permit for middle housing without compliance with the adequate water supply requirements of RCW 19.27.097, and

WHEREAS, the city shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including, but not limited to, set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements, and

WHEREAS, the same development permit and environmental review processes shall apply to middle housing that apply to detached single-family residences, unless otherwise required by

state law, including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW, and

WHEREAS, many Goals, Policies and Implementation Strategies set out in the Comprehensive Plan support the adoption of Middle Housing regulations including:

- *Goal HOU 4* directs the City to encourage, through innovative land use and well-crafted regulations, an appropriate mix of housing choices, and
- *Policy HOU 1.1* directs the City to provide, through land use regulation, an appropriate mix of housing types to accommodate Des Moines' projected share of population growth, and
- *Policy HOU 4.1* directs the City to promote consistency with its Land Use Element's residential policies that focus on density, population, housing mix, and siting criteria, and
- *Policy HOU 4.4* directs the City to provide guidelines that encourage flexibility in housing types and ensure compatibility of surrounding neighborhoods, and
- *Implementation Strategy HOU 1.1.2* directs the City to promote, where appropriate, other "middle housing" types, as alternative means of accommodating residential growth and provide affordable housing options, and

WHEREAS, as a Tier 2 city the city is required to accommodate at least six of the following nine middle housing types in zones which predominately allow residential use: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing; and the following six middle housing types are found to be the most appropriate to fulfill the requirements in Des Moines: duplexes, triplexes, fourplexes, townhouses, stacked flats, and cottage housing, and

WHEREAS, public engagement and participation was gathered in many different ways including meetings with stakeholders and community members, development and maintenance of a project website, and a survey, and

WHEREAS, on June 8, 2023 the City Council adopted a Housing Action Plan (HAP) which identified that allowing Middle Housing was one way that interviewed stakeholders identified that options could be broadened to meet housing needs in the community, and adoption of this ordinance aligns with Strategy 3 as set out in the HAP to "Amend the development code to support housing options;", and

WHEREAS, the Council finds that the following zoning districts are zones designated predominately for residential use and allow single family residential homes in Des Moines and are therefore subject to E2SHB 1110 and ESHB 2321:

R-SE: Suburban Estate zone

R-SR: Suburban Residential zone

Single Family zones designated as: RS-15,000, RS-9,600, RS-8,400, RS-7,200, RS-4,000

RA-3600: Attached Townhouse and Duplex 3,600 zone

RM-2400: Multifamily 2,400 zone, and

WHEREAS, the Council finds that the following zoning districts are also zones designated predominately for residential use and which allow single family residential homes in Des Moines and are therefore subject to E2SHB 1110 and ESHB 2321, however, these zones already allow development to meet or exceed the densities required by the legislation, and additionally they already include a wide variety of housing types and therefore they are excluded from the middle housing provisions set out by this Ordinance:

RM-1800: Multifamily 1,800 zone;

RM-900: Multifamily 900 zone;

RM-900A: Multifamily zone, and

WHEREAS, the Council finds that the PR-R: Pacific Ridge Residential zone is designated for high-density uses, generally characterized with development regulations requiring a minimum building height of over 35 feet and in the zone single-family homes are not a permitted use, and therefore the zone is not appropriate for middle housing provisions set out by this Ordinance, and

WHEREAS, in accordance with RCW 36.70A.635(5) a city may count accessory dwelling units as dwelling units to achieve the unit density requirements in RCW 36.70A.635(1) and it is in the public interest to do so in Des Moines, and

WHEREAS, in accordance with RCW 36.70A.635(1), as a Tier 2 city the development regulations for zoning districts in Des Moines which are predominantly for residential use must be adjusted to permit the following: (a) The development of at least two units per lot on all lots, (b) The development of at least four units per lot in cases where a lot is within one-quarter mile walking distance of a major transit stop, and (c) the development of at least four units per lot in cases where at least one unit is affordable housing. Provided that these standards do not apply after subdivision below 1,000 square feet. In all cases the number of units per lot applies unless zoning permitting higher densities or intensities applies and cities are not required to allow accessory dwelling units or middle housing types beyond the density requirements, and

WHEREAS, in order to broadly accommodate Middle Housing in Des Moines and reduce the burden of incorporating intricate rules, the city will accommodate four units per lot regardless of the status of a lot in terms of proximity to a major transit spot or inclusion of an affordable housing unit, and

WHEREAS, the Title 18 DMMC sets out development standards for the various zoning districts subject to this ordinance which do not need to be modified, in order to ensure that middle housing options that are introduced maintain a "house-scale" width, depth and height configuration in order to blend into the existing neighborhoods where they are allowed, sustaining neighborhood character, and

WHEREAS, the City conducts design review as set out in chapter 18.235 DMMC and changes to that Chapter are necessary to set our requirements for the purposes of promoting the compatibility of middle housing with other residential uses including single family homes, to de-emphasize garages and driveways as major visional elements along streets, to provide clear and accessible pedestrian routes between buildings and streets, and to implement the definition of cottage housing, and

WHEREAS, the City Council Economic Development Committee directed City staff to prepare an ordinance addressing E2SHB 1110 and ESHB 2321 for City Council consideration, and

WHEREAS, during the course of developing the proposed ordinance, various means of public outreach were used including, but not limited to, public meetings, a middle housing webpage, presentations at various community groups, notification of public hearings, and

WHEREAS, the changes proposed by this ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), a final determination of non-significance was issued by the responsible official, and the determination is exempt from SEPA appeal per RCW 36.70A.636 (3) (e), and

WHEREAS, the textual code amendments proposed in a draft of this ordinance were provided to the Department of Commerce as required by RCW 36.70A.106 on April 9th under item number 2025-S-8267 and expedited review was granted and no agency comments were received, and

WHEREAS, notice of the public hearing was provided on May 29, 2025 in accordance with the Des Moines Municipal Code, and

WHEREAS, a public hearing was held on June 12, 2025 where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the Title 18 DMMC amendments contained in this Ordinance comply with the requirements of chapter 36.70A RCW and are appropriate and necessary to serve the general welfare of the public and

adoption of the ordinance will bring the City into compliance with RCW 36.70A.635; now therefore,

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

Sec. 1. DMMC 18.01.050 and section 5 of Ordinance No. 1591 as amended by section 1 of Ordinance No. 1628 as amended by section 1 of Ordinance No. 1655 as amended by section 3 of Ordinance No. 1661 as amended by section 3 of Ordinance No. 1669 as amended by section 15 of Ordinance No. 1671 as amended by section 1 of Ordinance No. 1697 as amended by section 3 of Ordinance No. 1714 as amended by section 2 of Ordinance No. 1719 as amended by section 1 of Ordinance No. 1737 as amended by section 1 of Ordinance No. 1750 are each amended add or amend the following definitions:

Definitions.

As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

...

"Administrative design review" means a development permit process where an application is reviewed, approved, or denied by the Director or the Director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated historic property of local significance, King County landmark, or located within a historic district in accordance with chapter 18.215 DMMC.

...

"Cottage housing" means residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. Cottage housing is further defined as units having at least 800 square feet but no more than 1,600 square feet per unit.

...

"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court.

...

"Development regulations" or "regulation" means the controls placed on development or land use activities by the city, including, but not limited to, zoning codes, critical areas ordinances, shoreline master programs, official controls, planned unit development codes, subdivision codes, and binding site plan codes together with any amendments thereto.

"Duplex" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units. Duplexes may contain units that are not at ground level means a residential building comprised of two attached dwelling units. Duplexes may contain units that are not at ground level.

"Dwelling" means a building designed exclusively for residential purposes, including one-family, duplex, triplex, fourplex, fiveplex, sixplex, townhouse, stacked flats, courtyard apartments, cottage housing, and multiple dwellings, which is constructed in accordance with Title 14 DMMC, City Buildings and Construction Code, as presently constituted or as may be subsequently amended, but not including hotels or motel units having no kitchens.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A bachelor apartment constitutes a dwelling unit within the meaning of this Title means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

...

"Fiveplex" means a residential building with five attached dwelling units.

...

"Fourplex" means a residential building with four attached dwelling units.

...

"Major transit stop" means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes, including those stops that are under construction.

...

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, and cottage housing as further described below. For the purposes of this Title and permitting within the City of Des Moines, fiveplexes and sixplexes are not included as Middle Housing.

...

"Multiple dwelling" or "Multiple family dwelling" means a building designed exclusively for occupancy by three or more families (or households) living independently of each other, and containing three or more dwelling units.

...

"Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

"Parent lot" means a residential lot that is subdivided into unit lots through the unit lot subdivision process.

"Principal unit" means the single-family housing unit or other original housing unit located on the same lot as an accessory dwelling unit.

...

"Single-family zones" means those zones where single-family detached residences are the predominant land use.

"Sixplex" means a residential building with six attached dwelling units.

...

"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

...

"Townhouse dwelling" or "Townhouse" or "Townhome" means one dwelling unit on an internal lot within a townhouse development designed exclusively for occupancy by one family. A townhouse dwelling is located at an internal lot line and attached to one or more other townhouse dwellings. The first floor of a townhouse dwelling is at or near ground level. A townhouse dwelling occupies the building area from ground level to the roof with no townhouse dwelling located above or below another townhouse dwelling.

"Townhouses- Middle Housing" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

...

"Triplex" means a residential building with three attached dwelling units.

"Unit lot" means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

"Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot. By June 30, 2026, all unit lot subdivisions shall require notification to purchasers of their legal status as further described in RCW 58.17.060.

...

"Zone" means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this Title.

Sec. 2. DMMC 18.52.010A, and those parts of the Residential Use Chart, and section 132 of Ordinance No. 1591 as amended by section 7 of Ordinance No. 1655 as amended by section 2 of Ordinance No. 1697 as amended by section 8 of Ordinance No. 1737 as amended by section 2 of Ordinance No. 1750 as amended by section 5 of Ordinance No. 1775 are each amended as follows:

Residential Use Chart.

Use is: P: Permitted	SFR	RA-3600	RM-2400	RM-1800	RM-900	RM-900A	RM-900B	R-SE	R-SR>35000	R-SR<35000	PR-R
P/L: Permitted but with special limitations											
CUP: Conditional use review required											

UUP: Unclassified use review required										
...										
Duplexes		P/L _[4]	P/L _[4]	P/L _[4]	P					P
...										
Multiple-family dwelling		P/L _[4]	P	P	P					P
...										
Middle housing	P/L _[5] [3]	P/L _[5] [53]	P/L _[5] [53]				P/L _[5] [53]	P/L _[5] [53]	P/L _[5] [53]	
...										
Townhouses <u>developmen</u> t		P/L _[5] [53]	P/L _[5] [53]	P/L _[15] [15]	P/L _[15] [5]					
...										

The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010A

...

53. Middle Housing. This regulation applies to all parts of Table 18.52.010A that have a [53].

Duplexes and cottage housing may be located in all residential zoning districts subject to the requirements of DMMC Chapter 18.57 and other related provisions of this Title. Townhouses, stacked flats, triplexes, and fourplexes are permitted in all RA- and RM- zoning districts subject to the requirements of DMMC Chapter 18.57 and other related provisions of this Title.

NEW SECTION. Sec. 3. Title. Chapter 18.57 shall be entitled "Middle Housing Provisions and Standards."

NEW SECTION. Sec. 4. Authority. This chapter is established to regulate the siting of middle housing.

NEW SECTION. Sec. 5. Purpose. This chapter implements the requirements of Engrossed Second Substitute House Bill 1110

and Engrossed Substitute House Bill 2321 codified in RCW 36.70A.030, 36.70A.280, 36.70A.635, 36.70A.636, 36.70A.367, 36.70A.638, 43.21C495, and 43.21C.450, 64.32, 64.34, and 64.38, and 64.90, by providing land use, development, design, and other standards for middle housing developed on all lots zoned predominantly for residential use.

NEW SECTION. Sec. 6. Application. This chapter applies to the following zoning districts which are zones predominately for residential use in Des Moines are therefore subject to E2SHB 1110 and ESHB 2321:

R-SE: SUBURBAN ESTATE ZONE;

R-SR: SUBURBAN RESIDENTIAL ZONE;

SINGLE FAMILY RESIDENTIAL (SFR) ZONES DESIGNATED AS: RS-15,000; RS-9,600; RS-8,400; RS-7,200; and RS-4,000;

RA-3600: ATTACHED TOWNHOUSE AND DUPLEX 3,600 ZONE;

RM-2400: MULTIFAMILY 2,400 ZONE; and

The provisions of this chapter do not apply to:

(1) Portions of a lot, parcel, or tract, designated with critical areas or their buffers as identified in chapter 16.10 DMMC (except that restrictions for critical aquifer recharge areas in section DMMC 16.10.260 are not included in this limitation).

(2) A lot that was created through the splitting of a single residential lot or via unit lot subdivision.

NEW SECTION. Sec. 7. Middle Housing Types Allowed. Subject to the requirements of RCW 36.70A.635(5), and limited by the Permitted Unit Density Allowed as set out by Section 8 of this ordinance, the following uses are permitted by-right:

- (1) Duplexes - units may be stacked or side-by-side
- (2) Triples

- (3) Fourplexes
- (4) Townhouses (also called townhomes)
- (5) Stacked flats; and
- (6) Cottage housing.

NEW SECTION. Sec. 8. Permitted Unit Density Allowed.

The permitted unit density (the number of dwelling units allowed on a lot, provided that the lot is equal to or greater than 1,000 square feet and is a "parent lot" and not a "unit lot" or lot created from "lot splitting") is the greater of four units per lot or 24 units per acre, unless the zoning yields a high unit count for the lot.

NEW SECTION. Sec. 9. Accessory Dwelling Units - Calculation of Permitted Unit Density.

(1) An Accessory Dwelling Unit (ADU) is considered a dwelling unit when calculating permitted unit density and determining the number of units allowed on a lot or as part of a development proposal. Example: If four units are allowed on a lot and a fourplex has been developed, no ADUs may be added.

(2) ADUs must be accessory to a single-family home or a middle housing unit. No more than three ADUs may be included on a single lot; provided, that this will apply to the "Parent Lot" in cases where unit lot subdivision has occurred).

(3) ADUs situated in a single-family residential zone (zones beginning with RS-) are additionally subject to the standards contained in DMMC 18.55.140.

NEW SECTION. Sec. 10. Requirements for multifamily recreation areas.

(1) Chapter 18.155 DMMC Multifamily Recreation Areas applies to developments that are established under the Middle Housing Provisions and Standards as set out by this chapter, when a multifamily building or complex is established having four or more units, provided that:

(a) The requirements of DMMC 18.155.060 Play space for preadolescent children do not apply for projects that are built under the middle housing provisions.

(b) chapter 18.155 DMMC does not apply to cottage housing, which instead has a specific common space requirement.

NEW SECTION. Sec. 11. Design Standards for Middle Housing.

(1) These design standards do not apply to the conversion of a structure to a middle housing type with up to four attached units, if the floor area of the structure does not increase more than 50 percent.

(2) The purpose of these standards is to promote compatibility of middle housing with other residential uses, including single-family houses; de-emphasize garages and driveways as major visual elements along the street; provide clear and accessible pedestrian routes between buildings and street; and implement the definitions of cottage housing provided by state law.

(3) The process used for reviewing compliance with middle housing design standards shall be administrative design review.

(4) Cottage housing standards.

(a) Open space. Open space shall be provided equal to a minimum 20 percent of the lot size. This may include common open space, private open space, setbacks, critical areas, and other open space.

(b) Common open space.

(i) At least one outdoor common open space is required.

(ii) Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.

(iii) Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.

(iv) Parking areas and vehicular areas shall not qualify as common open space.

(v) Critical areas and their buffers, including steep slopes, shall not qualify as common open space.

(c) Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.

(d) Community building. A cottage housing development shall contain no more than one community building and the community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.

NEW SECTION. Sec. 12. Access Standards for Middle Housing.

(1) Pedestrian Access. A paved pedestrian connection at least three feet wide is required between each middle housing building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

(2) Vehicle access, carports, garages, and driveways - for Middle Housing projects.

(a) For Lots abutting an improved alley that meets the city's standard for width, vehicular access shall be taken from the alley. Lots without access to an improved alley and taking vehicular access from a street shall meet the standards (b) (1) through (e) below:

(b) Garages, driveways, and off-street parking areas shall not be located between a building and a street, except when any of the following conditions are met:

(i) The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units [See exhibit option a]; or

(ii) The garage, driveway, or off-street parking area is separated from the street property line by a dwelling [See exhibit option b]; or

(iii) The garage, driveway, or off-street parking is located more than 100 feet from a street [See exhibit option c].

(c) All detached garages and carports shall not protrude beyond the front building façade.

(d) The adopted "City of Des Moines Street Development Standards" (as amended) for driveway separation and access from collector streets and arterial streets shall apply.

NEW SECTION. Sec. 13. Landscape Standards for Middle Housing.

(1) Landscaping and tree standards. Development regulations for landscaping and tree standards for middle housing shall be equally or less restrictive than those required for detached single-family residences.

NEW SECTION. Sec. 14. Infrastructure Standards for Middle Housing.

(1) Transportation, lot access and road standards. The adopted "City of Des Moines Street Development Standards" (as

amended) apply to Middle Housing, provided that regulations for driveways, frontage improvements, alley improvements, and other transportation public works and engineering standards which are more restrictive for middle housing than for detached single-family residences shall only apply where life-safety provisions are involved.

(2) This section is not intended to limit the applicability of the adopted International Fire Code and the adopted "City of Des Moines Street Development Standards" (as amended).

Sec. 15. DMMC 18.210.090 and section 513 of Ordinance No. 1591, as amended by Section 16 of Ordinance No 1601, as amended by section 12 of Ordinance No 1618-A, as amended by section 19 of Ordinance No 1655 as amended by section 5 of Ordinance No. 1656, as amended by Section 9 of Ordinance No. 1750 shall be amended as follows:

Required number of off-street parking spaces.

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

...

(15) Residences.

(a) Parking standards for Residences. The following apply to parking that is provided for residences exclusively, and the standards replace other provisions as set out in this chapter. For the purposes of this section, the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure is used to calculate the unit size.

(i) No off-street parking shall be required for any dwelling unit with 1,200 or fewer square feet.

(ii) One off-street parking space is required for every traditional housing unit and middle housing unit on a lot, when the units are larger

than 1,200 square feet. However, this requirement does not apply to middle housing units located within one-half mile walking distance of a major transit stop, which are not required to have off-street parking spaces.

(iii) Parking spaces provided pursuant to this section may be tandem parking spaces, and the spaces can be enclosed (such as under a carport or within a garage) or unenclosed.

(iv) Parking spaces must be a minimum of eight feet by twenty feet in size, unless a smaller size is allowed in accordance with DMMC 18.210.100(b)

(b) Single-family: ~~two~~^{one} parking spaces per dwelling unit ~~except that no off-street parking spaces are required for residences under 1,200 square feet.~~

(bc) Duplex and townhouse: ~~two~~^{one} parking spaces per dwelling unit ~~except that no off-street parking spaces are required for residences under 1,200 square feet,~~ and one parking space for every five dwellings for use as visitor parking. A minimum of one visitor parking space shall be provided.

(ed) 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.

(de) Retirement apartments: one parking space per dwelling unit, except that the plan shall show two parking spaces, spaces not initially installed. The additional parking spaces plus required landscaping shall be

installed at such time that the structure is not used for retirement apartment purposes.

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

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

| (g) Mixed Use.

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

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

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

| (iv) Multifamily (As Part of a Mixed Use Development) in the T-C Zone.

| (A) For a studio dwelling: one parking space.

| (B) For one-bedroom dwellings: one parking space.

| (C) For two-bedroom or more dwellings: 1.75 parking spaces.

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

| (e) Accessory dwelling units: ~~one parking space~~one.

(~~h~~j) Emergency Housing and Emergency Shelter. One parking space for each two employees plus one space for each four beds.

(~~h~~k) Permanent Supportive Housing and Temporary Housing. One parking space for each two employees plus one parking space for each dwelling unit in all residential zones, and one-half parking space for each dwelling unit in the C-C, D-C, H-C, I-C, N-C, PR-C, PR-R, T-C and W-C Zones.

(1) Community building for a cottage housing development: none.

...

Sec. 16. Section DMMC 18.235.020 and section 569 of Ordinance No. 1591 shall each be amended to read as follows:

Application.

(1) Except as provided below, no building permit shall be issued by the City for any regulated improvement except upon prior approval of the Planning, Building and Public Works Department and no significant changes, as defined in chapter 1 of the International Building Code ("IBC"), shall be made in or to an architectural feature of any regulated improvement without the prior approval of the Planning, Building and Public Works Department. Deviation from a plan approved by the Planning, Building and Public Works Department shall be permitted only after the filing and approval of an amended plan.

(2) The following development projects or changes shall be exempt from design review:

(a) Re-striping and other minor changes to parking lots that do not result in changes to landscaping, a reconfiguration of the lot or the creation of five or more new parking spaces.

(b) Fences that do not require a separate development permit.

(c) Underground utilities are not included as development subject to design review.

(d) Right-of-way improvements not associated with development subject to design review.

(e) Landscaping alterations shall not be subject to design review.

(f) Storm water facilities located within street rights-of-way or regional storm water facilities shall not be subject to design review.

(g) Expansion or remodeling work of any building which is equal to or less than five percent of the building's existing floor area, or overall size in cases where the overall floor area is not applicable due to replacement remodeling where significant changes to the building are made without changing the floor area.

(h) Any improvement to multifamily, commercial or institutional structures not open to exterior view.

(3) The Planning, Building and Public Works Department may require a bond to the City in an amount reasonable to secure the installation of landscaping, screens, exterior lighting, walkways, and other similar site improvements.

(4) The standards outlined in this chapter apply to all middle housing types. Specific standards for cottage housing and courtyard apartments shall only apply to those types of housing.

(5) These design standards do not apply to the conversion of a structure to a middle housing type with up to four attached units, if the floor area of the structure does not increase more than 50 percent.

Sec. 17. Nothing in this ordinance prohibits the city from permitting detached single-family residences in accordance with RCW 36.70A.635(A).

Sec. 18. Codification. Sections 3 through 12 of this Ordinance shall be codified as a new DMMC chapter 18.57.

Sec. 19. Severability - Construction.

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

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

Sec. 20. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2025 and signed in authentication thereof this _____ day of _____, 2025.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____