

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION**

**Meeting Date:** December 3, 2018

**Item:** Amendment to Comprehensive Plan and City Code – Amend Comprehensive Plan text and City Code Title 9 (Zoning) to enable residential use within the Professional Commerce Park (PCP) zoning district – City Initiated (CPA-004139-2018 & AO-004122-2018)

**Request Action:** Recommend approval of an amendment to Comprehensive Plan and City Code

**Case Advisor:** Lynne Twed 

**Applicant's Request:** Development Services Staff requests an amendment to the Comprehensive Plan text document to incorporate provisions to enable residential land use to be implemented within Office (OF) designated land use areas. The following sections of the Comprehensive Plan are affected:

- Chapter 4: Land Use, Commercial and Office Designations (page IV-4)
- Chapter 4: Land Use, Office – OF (page IV-9)
- Chapter 6: Comprehensive Plan Implementation, Table 6-1 Comprehensive Plan-Zoning Compatibility Matrix

In addition, amendments to the following sections of Title 9, Zoning, are proposed to establish regulations to govern the development of residential more specifically within the Professional Commerce Park (PCP) zoning district. The following chapters and sections of Title 9 are affected:

- Chapter 3: *General Zoning Provisions*, Section 7: *Yards*, Subsection A: *Front Yard*
- Chapter 6: *Commercial, Office, and Industrial Zoning District*, Section 4: *Specific Use Regulations*, Subsection A3
- Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*) Table 7.9 (*Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts*)
- Chapter 11 (*PCP Professional Commerce Park District*), Section 2 (*Use Regulations*)
- Chapter 11 (*PCP Professional Commerce Park District*), Section 4 (*Height Regulations*)
- Chapter 11 (*PCP Professional Commerce Park District*), Section 5 (*Site Plans, Lot Area, Lot Frontage, and Yard Requirements*)

These amendments are proposed to enable housing opportunities for employees in closer proximity to establishments in which they may work and to provide a built-in patron base to help support office and commercial areas. While the amendment is being moved forward in response to anticipation of a multi-story residential condominium project, the concept of allowing residential within commercial and office areas has been under consideration by the Planning Staff for a while. The traditional approach of zoning in which residential and commercial/office land uses are completely segregated is changing as it has, in part, led to heavy dependence on automobiles, traffic congestion due to concentrations of a single land use generating traffic peaks at the same time, forces individuals to commute often without available suitable mass-transit and discourages physical activity as part of everyday life. It is being recognized that providing various land uses in proximity to each other provides more vibrancy and activity within a community while reducing traffic congestion and benefiting people's health. Housing close to employment centers provides a viable and dependable workforce and aids in eliminating after 5:00pm and weekend dead-zones within a city. Allowing for residential uses in PCP can also benefit areas of aging office development, offering additional re-use options when the buildings reach functional obsolescence.

As part of the on-going Comprehensive Plan update, staff is evaluating whether to eliminate future designation of Residential High-Density zoned areas in favor of placing high-density as an allowed use only in commercial and office areas. At this time, staff is only proposing the multi-family use in the Professional Commerce Park district be incorporated as standalone, single-use residential buildings as a baby-step into understanding the potential impacts. As part of anticipated redevelopment studies and future adoption of the Comprehensive Plan update, allowing and/or encouraging multi-family residential as part of mixed use will be evaluated.

**City Council Subcommittee:** This item was presented at the November 12, 2018, Development and Planning City Council Subcommittee. The subcommittee expressed no objection to the proposed ordinance.

**Staff Review and Comment:** There are no outstanding issues. Staff would note the following:

- **Comprehensive Plan Amendment Chapter 4 Land Use:** On Office (OF) Comprehensive Land Use designated properties, the applicable zoning designation that may be assigned is either Office (OF) or Professional Commerce Park (PCP). Although the intent currently is to only allow multi-family residential within the Professional Commerce Park (PCP) zoning district and not the Office (OF) zoning district, the Comprehensive Plan only utilizes an Office land use designation. Staff recommends the modifications to the existing Comprehensive Plan language as shown in Exhibit A attached to the Resolution approving the proposed amendment which will enable residential in the Office land use category and subsequently the Professional Commerce Park (PCP) zoning district:
- **Chapter 6: Comprehensive Plan Implementation, Table 6-1 Comprehensive Plan-Zoning Compatibility Matrix:** With this amendment, multi-family residential will be allowed in both the Support Commercial and Office land use districts. The difference in residential between these two land use categories is that Support Commercial allows the residential only as part of a mixed-use development in which non-residential and residential uses are implemented within the same site, although not specifically stated to mean the same building; while residential in the Office district is intended to place residential in proximity to employment areas on either a separate parcel as a standalone building or as one of multiple buildings within a 'complex' or development. Consistent with the allowance of residential within the Support Commercial land use district, the compatibility matrix requires amendment to reflect the allowance of residential in Office land use areas. Table 6-1 will be amended to add an asterisk to PCP within the Office land use category. Additionally, the current notes and paragraph at the bottom of the table will be modified as provided in Exhibit A attached to the Resolution.
- **Infrastructure Capacity:** Comprehensive Plan Goal 2, Policy 2.5 states "*New developments shall not exceed the capacity of the private and public utility, streets, and service infrastructure to provide services at safe and adequate levels, unless the inadequacy of the infrastructure is concurrently mitigated.*" Title 9 of City Code, Chapter 2 provides that approval of a site development permit shall only be granted if the following finding can be made: *That there is adequate on site and off site public infrastructure to support the proposed development.* If existing infrastructure does not provide for the development as determined by traffic, water and/or sanitary sewer studies, it is expected that the developer will be responsible for necessary infrastructure improvements. With this mindset, staff is not proposing any density maximums. This is consistent to what code allows today for Nursing and Personal Care facilities operating under SIC 805. The maximum number of dwellings that would be allowed is dependent on adequate infrastructure and the development of the property complying with all zoning regulations: including setbacks, open space, and off-street parking.
- **Bulk Regulations:** Staff proposes to utilize the same general setback regulations for residential development in the Professional Commerce Park that is currently required of projects in Residential High-Density zoned districts. Required setback, building heights and building separations are somewhat similar between the two districts, with some variation in requirements when addressing building height. The open space percentage to be provided will need to comply with the 35% required of PCP zoning rather than the 25% specified for Residential High-Density zoning

**Noticing Information:** On November 9, 2018, notice of the November 19, 2018, Plan and Zoning Commission and November 26, 2018, City Council public hearings for this project was published in the *Des Moines Register*. It was realized after publication that notice of the Comprehensive Plan Amendment was not mentioned in the notice. On November 23, 2018, a revised notice of the December 3, 2018, Plan and Zoning Commission and December 10, 2018, City Council public hearings for this project was published in the *Des Moines Register*.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the amendments to the Comprehensive Plan and Title 9, (Zoning) of City Code, to enable residential use within the Professional Commerce Park (PCP) district.

Attachments:

- Attachment A – Plan & Zoning Commission Resolution – Comprehensive Plan Amendment
- Attachment B – Plan & Zoning Commission Resolution – Zoning Code Amendment
- Exhibit A – Proposed Ordinance Amendments

**RESOLUTION NO. PZC-18-081**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AMENDMENTS TO THE COMPREHENSIVE PLAN TO ENABLE RESIDENTIAL USE IN OFFICE LAND USE DESIGNATED DISTRICTS**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Development Services staff has requested approval for a Comprehensive Plan Amendment (CPA-004139-2018) as provided in attached Exhibit A, to enable multi-family residential use within Office (OF) designated land use districts;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on December 3, 2018, this Commission held a duly-noticed hearing to consider the application for an amendment to Comprehensive Plan (CPA-004139-2018);

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings for approval in the staff report, dated December 3, 2018, or as amended orally at the Plan and Zoning Commission public hearing of December 3, 2018, are adopted.

**SECTION 2.** Comprehensive Plan Amendment (CPA-004139-2018) to enable multi-family residential land use within Office (OF) designated districts as presented in attached Exhibit A is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on December 3, 2018.

\_\_\_\_\_  
Craig Erickson, Chairperson  
Plan and Zoning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 3, 2018, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

## Exhibit A

### Proposed Comprehensive Plan Text Changes

(Proposed deletions indicated by highlighted strikethrough text and additions as bolded italicized text)

Chapter 4: Land Use, Commercial and Office Designations (page IV-4): The commercial and office land use designations are divided into thirteen (13) categories, discussed below. Uses in and designs of these areas shall be consistent with all pertinent policies stated in the Comprehensive Plan. This Comprehensive Plan shall enable the addition of residential units as part of a cohesive development in any Support Commercial District or ***Office District*** where the mix is reasonable and appropriate. The appropriateness of residential units as part of an overall project ***or area within*** ~~in~~ the district will be evaluated and decided during the development review process for a specific development project. ~~Such a~~ ***A*** development that includes primary non-residential uses and primary residential uses on the same development site will be referred to as “mixed use development” throughout this Chapter.

Chapter 4: Land Use, Office - OF (page IV-9): Office areas shall be designated to attract desirable and stable professional office development which will be in harmony with adjacent land uses. Typical office uses include insurance, medical, law, real estate, finance and investment, and other services. ***In addition, to provide opportunities for employees to live in proximity to employment areas, multi-family residential use shall be allowed.*** Adequate landscape buffering shall be provided between Office uses and residential uses ***with the exception of multi-family residential buildings incorporated adjacent to existing office which shall not be required to buffer as otherwise required per regulations in response to differing land uses.*** Multi-family residential and Office uses immediately adjacent to single-family residential land uses should not exceed three (3) stories in height unless adequate buffering and additional setbacks, as provided by the Zoning Ordinance are provided. Primary access to Office areas should generally not be directly off of residential streets. Office areas shall incorporate pedestrian orientation to and from the surrounding land uses into their design. Other uses such as sit-down restaurants without drive thrus, and hotels/motels are only allowed where previously entitled.

Chapter 6: Comprehensive Plan Implementation, Table 6-1: Comprehensive Plan-Zoning Compatibility Matrix (pages VI-5 and VI-6):

- Residential units may be allowed in the Support Commercial ***and Office District with approval of the City Council when there is adequate on site and off site public infrastructure to support the proposed development or inadequacy of the infrastructure is concurrently mitigated*** ~~as part of an overall commercial of office development where the mix seems reasonable and appropriate if approved by City Council in conjunction with a Planned Unit Development (PUD) or Specific Plan (SP)~~

Chapter 4 of this Comprehensive Plan, Land Use Designations, states that residential uses can be allowed in Support Commercial designations where reasonable and appropriate as part of a mixed use development with Council approval. Since a mixed use development incorporation of multi-family residential is not an inherent right, office and commercial zoning districts do not appear as compatible zones for the residential districts, ***nor are medium or high-density residential districts identified as compatible or partially compatible in support commercial or office*** in Table 6-1. ***This Comprehensive Plan shall enable the addition of residential units with the approval of the City Council in any Support Commercial District or Office District where the mix is reasonable and appropriate. Multi-family residential in the Support Commercial district shall only be allowed as part of a multi-use building (multi-family residential and non-residential in the same building) or as part of a cohesive and master-planned multi-building commercial/office and residential development. Multi-family residential in the Office District shall be allowed in close proximity to employment areas, (generally meaning within acceptable walking distance), on either a single parcel as a standalone building or as one of multiple buildings within a cohesive and master-planned ‘complex’ or development. Within the Office land use district, multi-family residential may not be located within the same building as non-residential uses.*** ~~The matrix does include an asterisk as partially compatible; however, this should not be construed as a right to include residential uses in commercial developments. Such mixed use developments are only allowed by approval of the City Council as part of the development review process.~~

**RESOLUTION NO. PZC-18-082**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AMENDMENTS TO TITLE 9 (ZONING) TO ENABLE MULTI-FAMILY RESIDENTIAL USE IN THE PROFESSIONAL COMMERCE PARK (PCP) DISTRICT**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Development Services staff requests an amendment to the chapters and sections within Title 9, *Zoning* as provided in attached Exhibit 'A' to enable multi-family residential use and buildings within Professional Commerce Park (PCP) zoned districts;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, this Commission held a duly-noticed hearing on December 3, 2018, to consider the application for an amendment to ordinance (AO-004122-2018);

**WHEREAS**, this Commission did consider the application for an amendment to ordinance;

**NOW, THEREFORE**, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

**SECTION 1.** The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

**SECTION 2.** The AMENDMENT TO ORDINANCE (AO-004122-2018) to enable multi-family residential use and buildings in Professional Commerce Park (PCP) zoning districts is recommended to the City Council for approval, as provided in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on December 3, 2018.

\_\_\_\_\_  
Craig Erickson, Chairperson  
Plan and Zoning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 3, 2018, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

ORDINANCE NO.

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9 (ZONING), TO ALLOW FOR MULTI-FAMILY RESIDENTIAL USE AND BUILDINGS WITHIN THE PROFESSIONAL COMMERCE PARK (PCP) ZONING DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 3 (*General Zoning Provisions*), Section 7 (*Yards*) Subsection A is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text:

9-3-7: YARDS:

A. Front Yard:

1. ***Unless provided elsewhere within this title or defined within a Planned Unit Development (PUD) or Specific Plan Ordinance (ZCSP), in any residential district in which residential dwellings are allowed,*** there shall be a minimum front yard depth required as stated in the yard requirements for ~~this~~ ***the*** particular district; provided, however: a) any replat in any residential district adjacent to an existing plat with dwellings located thereon, the front yard depth for the lots in the replat shall not be less than the smallest front yard depth of existing dwellings located within two hundred feet (200') of the replat, but in no event shall the front yard depth be less than the smallest front yard depth of the existing dwelling immediately adjacent thereto which fronts on the same side of the street; b) no front yard depth of any existing lot without a dwelling shall be less than the smallest front yard depth of any lot with existing dwelling immediately adjacent thereto and within two hundred feet (200') fronting on the same side of the street.

~~2. Nothing in this regulation shall be interpreted as to permit a front yard depth which is less than the minimum required front yard depth for the district in which it is located.~~

**Section 2. Amendment.** Title 9 (*Zoning*), Chapter 6 (*Commercial Office and Industrial Zoning District*), Section 4 (*Specific Use Regulations*), Subsection A-3 is hereby amended by adding the bolded italicized text:

3. Unless allowed elsewhere in this title ***or defined within a Planned Unit Development (PUD) or Specific Plan Ordinance (ZCSP)***, residential uses shall be prohibited within the commercial, office and industrial districts. Residential uses located above nonresidential uses and single-family detached dwellings in the Valley Junction Historical Business District and Valley Junction Commercial District may be permitted in accordance with Building, Fire and Rental Codes. Residential uses are not allowed on the first floor of a mixed-use building in the Valley Junction Historical Business District and Valley Junction Commercial District. Multi-family residential uses are permitted within the Support Commercial Zoning District when incorporated and approved by the City Council as part of a mixed use building and/or development. ***Multi-family residential uses shall be permitted within the Professional Commerce Park (PCP) Zoning District when the only use within a standalone building and approved by the City Council.***

**Section 3. Amendment.** Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*) Table 7.9 (*Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts*) is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text:

TABLE 7.9

BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS

Required Standards	BP	VJLI	LI	GI	OF	PCP <sup>7</sup>	OS
Minimum lot area <sup>1</sup>	20,000 square feet	7,250 square feet	10,000 square feet	20,000 square feet	10,000 square feet	60,000 square feet	20 acres
Minimum setback (feet) <sup>2</sup>							
- Front yard	50	15	30	40	30	50	50
- Rear yard	50	10 (from alleyway)	35	35	35	50	50
- If abuts like zoning district			15		15	25	
- Side yard	50	10	20	35	10	50	50
- If abuts like zoning district		0	0	0	0	25	
- If abuts residential zoned or used property		10					
Minimum lot width (feet)	75	50	75	75	80	150	200
Maximum height (feet)	60 <sup>3</sup>	15 30 <sup>4</sup>	60 <sup>3</sup>	60 <sup>3</sup>	36 <sup>3</sup>	60 <sup>3</sup>	60 <sup>3</sup>
Open space required (minimum percentage)	35	20	20	20	25	35	75

Notes:

1. Except for condominium ownership.
2. Refer to setback definitions in the zoning ordinance.
3. Additional 12 feet of height allowed for each additional 10 feet of setback.
4. Setback of 0 feet allowed if abuts a similar district.
5. Setback of 10 feet required if abuts a residential property.
6. Maximum height of 30 feet allowed with a building setback of 20 feet.
7. ***See chapter 11 of this title for regulations of multi-family residential buildings in PCP district.***  
(Codifier: only change to table is superscript addition of '7' to PCP title in top row of table)

**Section 4. Amendment.** Title 9 (Zoning), Chapter 11 (PCP Professional Commerce Park District), Section 2 (Use Regulations) is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text:

9-11-2: USE REGULATIONS:

For the purpose of this Section, it shall be recognized that the name of a use is not so important as the manner in which the use is accomplished. Further, in the interest of general community welfare, it is recognized that the community should be beautiful as well as financially prosperous, spacious as well as efficient; physically balanced

as well as regulated. Therefore, it is considered impractical, if not impossible, to accurately enumerate those uses which would be beneficial or detrimental to the community; and that it is intended only that this District shall not be used indiscriminately to permit any use which might violate the general welfare of the community; but that it shall be restricted and confined to only those integrated professional-commerce uses which produce net gain to the community in both aesthetic and material quality.

Certain uses not considered professional-commerce and certain inherent physical characteristics are considered compatible or incompatible with the intent of this District as follows:

- A. Any enterprise or service which is specifically intended to augment, facilitate, be subsidiary and be accessory to the planned principal uses shall be permitted, providing such use shall be physically accomplished in an aesthetically compatible manner and shall comply with all restrictions or performance standards applicable to the principal uses.
- B. ~~Any residential use shall be prohibited, except for caretakers' quarters incidental to the principal permitted use. Accessory apartment or transient quarters planned as an integral subsidiary element of the principal use may be authorized by special permit.~~ ***Multi-family residential buildings shall be allowed as standalone buildings in close proximity to existing employment and commercial areas, (generally meaning within acceptable walking distance), only when 2/3 of the properties bordering the multi-family property have already been developed with office and/or commercial use buildings and when compliant with all performance standards specified within this chapter and approved by the City Council. The total amount of multi-family residential within a PCP zoning district shall be secondary to the amount of commercial and office use within the PCP zoned area.***
- C. Any retail commercial use shall be prohibited, except as provided in subsection A of this Section.
- D. Any enterprise, regardless of professional-commerce category, which cannot wholly enclose its functions within the principal structures or otherwise effectively conceal its functions from public observation, shall be prohibited except as otherwise identified in this Title.

**Section 5. Amendment.** Title 9 (Zoning), Chapter 11 (PCP Professional Commerce Park District), Section 3 (Performance Standards), Subsection B is hereby amended by adding the following bolded italicized text:

- B. The principal of spacious separation and adaptation of the manmade elements to be harmonious with the natural environment shall dominate the central design theme of the site and structural planning. To accomplish this objective, the following standards shall be considered as minimum acceptable standards:
  - 1. The total ground area devoted to open space for natural landscape and landscape beautification shall be not less than thirty five percent (35%) of the total land area within the immediate site under ownership and consideration. Such open space shall be free of all drives, parking areas, structures, buildings, etc., except for those walkways, monuments, ornamental structures, etc., considered to be necessary but essential to the central landscape theme.
  - 2. ***Pedestrian pathways to facilitate resident's movement from residential buildings to and between offices, retail, recreational, and commercial areas shall be provided.***

**Section 6. Amendment.** Title 9 (Zoning), Chapter 11 (PCP Professional Commerce Park District), Section 4 (Height Regulations) is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text:

9-11-4: HEIGHT REGULATIONS:

~~The~~ ***Unless provided elsewhere within this title or defined within a Planned Unit Development (PUD) or Specific Plan Ordinance (ZCSP), height regulations in the PCP district shall be as designated in chapter 7, "Setback And Bulk Density Regulations", of this title. In addition, no building or structure shall be constructed to a height which***

may create an air traffic hazard to the approach or departure of an existing airport within a fifteen (15) mile radius of the building or structure.

**Section 7. Amendment.** Title 9 (*Zoning*), Chapter 11 (*PCP Professional Commerce Park District*), is hereby amended by adding a Section 5 (*Bulk Regulations*) with the following bolded italicized text and renumbering subsequent sections accordingly:

**9-11-5: BULK REGULATIONS:**

- A. Unless provided elsewhere within this title or defined within a Planned Unit Development (PUD) or Specific Plan Ordinance (ZCSP), bulk regulations for the development of office and commercial use buildings shall abide by the minimum requirements specified in chapter 7 of this title.*
- B. Unless provided elsewhere within this title or defined within a Planned Unit Development (PUD) or Specific Plan Ordinance (ZCSP), bulk regulations for the development of standalone multi-family residential use buildings shall abide by the following minimum requirements:*
- 1. Minimum lot area shall be 60,000 square feet*
  - 2. Principal and Accessory building setbacks shall be as follows:*
    - a. Front Yard = 50'*
    - b. Rear Yard = 50'*
    - c. Side Yard = 50'*
  - 3. Minimum lot width = 150'*
  - 4. Minimum street frontage on one frontage = 150'*
  - 5. Minimum separation between principal buildings = 30'; buildings over three (3) stories in height shall provide an additional ten feet (10') of building separation*
  - 6. Minimum separation between accessory buildings = 20'; buildings over three (3) stories in height shall provide an additional ten feet (10') of building separation*
  - 7. Maximum building height = 60'; an additional twelve feet (12') of height shall be allowed for each additional ten feet (10') of building setback.*

**Section 8. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 9. Savings Clause.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**Section 10. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**Section 11. Other Remedies.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**Section 12. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

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Ryan T Jacobson  
City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was adopted by the Council for the City of West Des Moines, Iowa, on \_\_\_\_\_, 2018, and was published in the Des Moines Register on \_\_\_\_\_, 2018.

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Ryan T. Jacobson  
City Clerk