

414.1 Building restrictions — powers granted — rental properties — consumer fireworks.

1. a. For the purpose of promoting the health, safety, morals, or the general welfare of the community or for the purpose of preserving historically significant areas of the community, any city is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

b. A city shall not, after January 1, 2018, adopt or enforce any regulation or restriction related to the occupancy of residential rental property that is based upon the existence of familial or nonfamilial relationships between the occupants of such rental property.

c. (1) Except as provided in subparagraph (2), when there is a replacement of a preexisting manufactured, modular, or mobile home with any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the city shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home, home site upon which the home sat, or the owner's property.

(2) Subparagraph (1) does not apply if any of the following conditions exist:

(a) The replacement of the preexisting home with the replacement home would substantially increase the risk to the safety of life or property.

(b) The property owner has discontinued and abandoned the nonconforming use for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year. For purposes of this subparagraph division, circumstances outside the control of the property owner include floods, fires, destructive thunderstorm events such as derechos and tornadoes, and similar catastrophic events causing widespread or localized severe property damage. For purposes of this subparagraph division, a property owner shall not be considered to have discontinued and abandoned the nonconforming use if the property owner demonstrates that the applicable home site continues to be available for use as a home site for a replacement home.

(c) The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

(d) The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

d. A city shall not adopt or enforce any regulation, restriction, or other ordinance related to residential property rental permit caps on single-family homes or duplexes.

e. (1) For purposes of this paragraph, "short-term rental property" means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. "Short-term rental property" does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

(2) A city shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the city. A short-term rental property shall be classified as a residential land use for zoning purposes.

(3) Notwithstanding subparagraph (2), a city may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

(a) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.

(b) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.

(c) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an adult-oriented entertainment establishment as described in [section 239B.5, subsection 4](#), paragraph "a".

(d) To provide the city with an emergency contact for a short-term rental property.

(4) A city shall not require a license or permit fee for a short-term rental property in the city.

f. A city shall not adopt or enforce any regulation or restriction under [this chapter](#) to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to [section 10A.519](#), in any location zoned for commercial or industrial purposes.

g. For purposes of this paragraph, "energy benchmarking" means requiring a decrease in the average energy use of a property or requiring the average energy use of a property to be less than the average energy use of a similarly situated property. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment to require energy benchmarking requirements for a private property.

2. The city of Des Moines may, for the purpose of preserving the dominance of the dome of the state capitol building and the view of the state capitol building from prominent public viewing points, regulate and restrict the height and size of buildings and other structures in the city of Des Moines. Any regulations pertaining to such matters shall be made in accordance with a comprehensive plan and in consultation with the capitol planning commission.

[C24, 27, 31, 35, 39, §6452; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.1]

[99 Acts, ch 204, §36; 2017 Acts, ch 94, §1; 2019 Acts, ch 43, §2; 2019 Acts, ch 68, §1, 2; 2020 Acts, ch 1118, §148; 2022 Acts, ch 1019, §2, 4; 2022 Acts, ch 1070, §18; 2023 Acts, ch 66, §95; 2023 Acts, ch 147, §3](#)

Similar provision on consumer fireworks, see [§335.2A](#)

Subsection 1, paragraph c, subparagraph (1) amended

Subsection 1, NEW paragraph g