

Senate File 2369 - Introduced

SENATE FILE 2369

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 3070)

(COMPANION TO HF 2252 BY
COMMITTEE ON LOCAL GOVERNMENT)

A BILL FOR

- 1 An Act relating to county and city regulation of accessory
- 2 dwelling units.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, subsection 29, paragraph a, Code
2 2026, is amended to read as follows:

3 a. A county shall allow a minimum of one accessory dwelling
4 unit on the same lot as a single family residence within a zoning
5 district where a single family residence is an allowed principal
6 use, in accordance with the following conditions:

7 (1) An accessory dwelling unit shall comply with all
8 applicable building regulations as defined in chapter 103A.

9 (2) An accessory dwelling unit shall not exceed one thousand
10 square feet or fifty percent of the size of the single family
11 residence, whichever is larger. The size calculation of an
12 accessory dwelling unit shall exclude unfinished basements.

13 (3) An accessory dwelling unit shall be prohibited or
14 limited only to the extent that ~~a state historic building code~~
15 ~~restriction, as adopted by a county in accordance with section~~
16 ~~103A.43, subsection 3, a deed restriction, or a rule of a common~~
17 ~~interest community, as defined in section 499C.1, limits or~~
18 ~~prohibits the construction or use of an accessory dwelling unit.~~
19 ~~The imposition of an ordinance, motion, resolution, or amendment~~
20 ~~regulating accessory dwelling units that is more restrictive when~~
21 ~~applied to a common interest community than when applied to a~~
22 ~~single family residence is prohibited.~~ An accessory dwelling
23 unit proposed for a lot within a historic preservation district
24 as defined in section 15.445, subsection 3, shall be regulated
25 only to the extent that the historic preservation commission
26 as defined in section 15.445, subsection 2, determines that the
27 proposed accessory dwelling unit would be incongruous with the
28 historical, architectural, archaeological, or cultural aspects of
29 the district, and enters into its records the reasons for such
30 determination.

31 (4) If a manufactured home as defined in section 435.1,
32 subsection 3, or a mobile home as defined in section 435.1,
33 subsection 5, is used as an accessory dwelling unit, the
34 manufactured home or mobile home shall be converted to real
35 property by being placed on a permanent foundation and assessed

1 for real estate taxes pursuant to section 435.26.

2 Sec. 2. Section 331.301, subsection 29, paragraph e, Code
3 2026, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (5) "Size" means the gross living area of
5 the primary dwelling unit excluding garages, decks, and unheated
6 porches.

7 Sec. 3. Section 364.3, subsection 23, paragraph a, Code 2026,
8 is amended to read as follows:

9 a. A city shall allow a minimum of one accessory dwelling
10 unit on the same lot as a single family residence within a zoning
11 district where a single family residence is an allowed principal
12 use, in accordance with the following conditions:

13 (1) An accessory dwelling unit shall comply with all
14 applicable building regulations as defined in chapter 103A.

15 (2) An accessory dwelling unit shall not exceed one thousand
16 square feet or fifty percent of the size of the single family
17 residence, whichever is larger. The size calculation of an
18 accessory dwelling unit shall exclude unfinished basements.

19 (3) An accessory dwelling unit shall be prohibited or
20 limited only to the extent that ~~a state historic building code~~
21 ~~restriction, as adopted by a city in accordance with section~~
22 ~~103A.43, subsection 3, a deed restriction, or a rule of a common~~
23 ~~interest community, as defined in section 499C.1, limits or~~
24 ~~prohibits the construction or use of an accessory dwelling unit.~~
25 ~~The imposition of an ordinance, motion, resolution, or amendment~~
26 ~~regulating accessory dwelling units that is more restrictive when~~
27 ~~applied to a common interest community than when applied to a~~
28 ~~single family residence is prohibited.~~ An accessory dwelling
29 unit proposed for a lot within an area designated as an area
30 of historical significance shall be regulated to the extent that
31 the city or commission, pursuant to section 15.459, subsection
32 3, determines that the proposed accessory dwelling unit would be
33 incongruous with the historical, architectural, archaeological,
34 or cultural aspects of the area, and enters into its records the
35 reasons for such determination.

1 (4) If a manufactured home as defined in section 435.1,
2 subsection 3, or a mobile home as defined in section 435.1,
3 subsection 5, is used as an accessory dwelling unit, the
4 manufactured home or mobile home shall be converted to real
5 property by being placed on a permanent foundation and assessed
6 for real estate taxes pursuant to section 435.26.

7 Sec. 4. Section 364.3, subsection 23, paragraph e, Code 2026,
8 is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (5) "Size" means the gross living area of
10 the primary dwelling unit excluding garages, decks, and unheated
11 porches.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 Under current law, a county or city shall allow a minimum of
16 one accessory dwelling unit (ADU) on the same lot as a single
17 family residence in accordance with certain conditions.

18 This bill specifies that a county or city shall allow a
19 minimum of one ADU on the same lot as a single family residence
20 within a zoning district where a single family residence is an
21 allowed principal use.

22 Under current law, an ADU shall not exceed 1,000 square
23 feet or 50 percent of the size of the single family residence,
24 whichever is larger. The bill specifies that the size
25 calculation of an ADU shall exclude unfinished basements.

26 Under current law, an ADU shall be prohibited or limited only
27 to the extent that a state historic building code restriction,
28 as adopted by a county or city in accordance with Code section
29 103A.43, would prohibit or limit the ADU. The bill strikes
30 this condition. The bill requires that an ADU proposed for a
31 lot within a historic preservation district as defined in Code
32 section 15.445, or an area designated as an area of historical
33 significance pursuant to Code section 15.459, shall be regulated
34 only to the extent that the historic preservation commission
35 or city determines that the proposed ADU would be incongruous

1 with the historical, architectural, archaeological, or cultural
2 aspects of the district, and enters into its records the reasons
3 for such determination.

4 The bill defines "size" to mean the gross living area of
5 the primary dwelling unit excluding garages, decks, and unheated
6 porches.

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