

Senate Study Bill 3070 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WEBSTER)

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,
2 Code 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
5 zoning district where a single family residence is an allowed
6 principal 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
17 common interest community, as defined in [section 499C.1](#), limits
18 or prohibits the construction or use of an accessory dwelling
19 unit. The imposition of an ordinance, motion, resolution, or
20 amendment regulating accessory dwelling units that is more
21 restrictive when applied to a common interest community than
22 when applied to a single family residence is prohibited.

23 An accessory dwelling unit proposed for a lot within a
24 historic preservation district as defined in section 15.445,
25 subsection 3, shall be regulated only to the extent that the
26 historic preservation commission as defined in section 15.445,
27 subsection 2, determines that the proposed accessory dwelling
28 unit would be incongruous with the historical, architectural,
29 archaeological, or cultural aspects of the district, and enters
30 into its records the reasons for such 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
5 of the primary dwelling unit excluding garages, decks, and
6 unheated porches.

7 Sec. 3. Section 364.3, subsection 23, paragraph a, Code
8 2026, 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
11 zoning district where a single family residence is an allowed
12 principal 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~~
21 ~~code restriction, as adopted by a city in accordance with~~
22 ~~[section 103A.43, subsection 3](#)~~, a deed restriction, or a rule
23 of a common interest community, as defined in [section 499C.1](#),
24 limits or prohibits the construction or use of an accessory
25 dwelling unit. The imposition of an ordinance, motion,
26 resolution, or amendment regulating accessory dwelling units
27 that is more restrictive when applied to a common interest
28 community than when applied to a single family residence is
29 prohibited. An accessory dwelling unit proposed for a lot
30 within an area designated as an area of historical significance
31 shall be regulated to the extent that the city or commission,
32 pursuant to [section 15.459, subsection 3](#), determines that the
33 proposed accessory dwelling unit would be incongruous with the
34 historical, architectural, archaeological, or cultural aspects
35 of the area, and enters into its records the reasons for such

1 determination.

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

8 Sec. 4. Section 364.3, subsection 23, paragraph e, Code
9 2026, is amended by adding the following new subparagraph:

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

13 EXPLANATION

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

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

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

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

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

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1 commission or city determines that the proposed ADU would be
2 incongruous with the historical, architectural, archaeological,
3 or cultural aspects of the district, and enters into its
4 records the reasons for such determination.

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