

DO NOT WRITE IN THE SPACE ABOVE, RESERVED FOR RECORDER

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**Please return to:
Planning & Development**

**STORY COUNTY IOWA
ORDINANCE NO. 308
AN ORDINANCE AMENDING CHAPTER 85 – GENERAL PROVISIONS AND DEFINITIONS
AND CHAPTER 86 – DISTRICT REQUIREMENTS, OF THE STORY COUNTY LAND
DEVELOPMENT REGULATIONS, OF THE STORY COUNTY CODE OF ORDINANCES FOR
ACCESSORY DWELLING UNITS.**

BE IT ENACTED by the Board of Supervisors of Story County, Iowa:

Section 1. Purpose. An Ordinance amending Chapter 85—General Provisions and Definitions and Chapter 86 – District Requirements, of the Story County Land Development Regulations, as follows, to define and allow for accessory dwelling units under the provision.

Section 2. Proposed Amendments. The amendments are as shown in Attachment A of this ordinance and are summarized below.

85.08, Definitions:

- Added definitions for “accessory dwelling units (ADUs)” and “bedrooms”.
- Amended definitions for “dwelling multiple”, and “dwelling, two family”.

86.04, A-1 Agricultural District:

- Added regulations for accessory dwelling units permitted within the A-1 zoning district and removed structure area minimums from Table 86-2.

86.06, A-R Agricultural Residential District:

- Added regulations for accessory dwelling units permitted within the A-R zoning district and removed structure area minimums from Table 86-4.

86.07, R-1 Transitional Residential District:

- Added regulations for accessory dwelling units permitted within the R-1 zoning district and removed structure area minimums from Table 86-5.

86.08, R-2 Urban Residential District:

- Added regulations for accessory dwelling units permitted within the R-2 zoning district and removed structure are minimums from Table 86-6.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Saving Clause. If any section, provision, 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 section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be effective after its final passage, approval and publication of the ordinance or a summary thereof, as provided by law.

Action upon FIRST Consideration: _____

DATE: December 20, 2022

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

Not Voting: _____

Absent: _____

Action upon SECOND Consideration: _____

DATE: January 3, 2022

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

Not Voting: _____

Absent: _____

Action upon THIRD Consideration: _____

DATE: January 10, 2022

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

Not Voting: _____

Absent: _____

ADOPTED THIS _____ day of _____, _____.

Chairperson, Board of Supervisors

Attest:

County Auditor

ROLL CALL	Latifah Faisal	Yea___	Nay___	Absent___
FOR ALLOWANCE	Lisa Heddens	Yea___	Nay___	Absent___
	Linda Murken	Yea___	Nay___	Absent___

ALLOWED BY VOTE OF BOARD	Yea___	Nay___	Absent___
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_____ CHAIRPERSON	Above tabulation made by _____
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Attachment A

85.08 DEFINITIONS.

“Accessory Dwelling Unit” means an additional dwelling unit that has been added to or created within an existing single-family dwelling, or that is detached from an existing single-family dwelling on the same parcel, tract, or lot as the single-family dwelling. A modular or manufactured home may be permitted as an accessory dwelling unit.

“Bedroom” means a room designed for sleeping including a bed and closet.

"Dwelling, multiple" means a residence arranged, designed, and occupied or intended to be occupied by three or more household units, with separate dwelling units for each. The dwelling shall be placed on permanent foundation and taxed as a site-built dwelling. This term also includes family homes with three or more dwelling units.

"Dwelling, two-family" means a residence arranged, designed, and occupied, or intended to be occupied, by two household units only, with two separate dwelling units for each. The dwelling shall be placed on permanent foundation and taxed as a site-built dwelling. This term also includes family homes with two dwelling units only.

86.04 A-1 AGRICULTURAL DISTRICT.

3. Permitted Accessory Uses. The following are permitted accessory uses in the A-1 Agricultural District:

L. An accessory dwelling unit conforming to the requirements specified herein:

- (1) Zoning Permit Required. A zoning permit shall be submitted for any accessory dwelling unit, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein.
- (2) Wastewater and Water facilities. The accessory dwelling unit shall be provided with wastewater and water facilities. A septic permit application shall be required to be submitted to the Environmental Health Department for all accessory dwelling units, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein, prior to issuance of the zoning permit for an accessory dwelling unit.
- (3) 911 Address Required. The accessory dwelling unit shall have an established 911 address that is separate from the 911 address of the existing single-family dwelling. An application for a 911 address shall be required to be submitted for all accessory dwelling units prior to issuance of the zoning permit for an accessory dwelling unit.
- (4) Size and Other Design Standards.
 - a. The accessory dwelling unit shall not exceed 1,200 square feet in gross floor area.
 - b. The accessory dwelling unit shall have a paved or gravel access leading to the parking for the unit, unless the accessory dwelling unit shares parking with the existing single-family

dwelling. A separate garage for an accessory dwelling unit shall not be larger than 600 square feet.

- c. There shall not be more than one accessory dwelling unit per parcel, tract, or lot.
- d. The accessory dwelling unit shall meet all applicable bulk requirements for single-family dwellings within the zoning district, including for setbacks and height.
- e. The accessory dwelling unit shall not be further than 200 feet from the existing single-family dwelling, unless prohibited by the location of the existing wastewater treatment system and laterals and required setbacks. In this instance, it shall be as sited as close as possible to the existing single-family dwelling, as allowed by the required setbacks from the wastewater treatment system and laterals and required setbacks.
- f. The accessory dwelling shall contain at least one window on an exterior wall in every bedroom that is no smaller than 5.7 square feet.

(5) Conversion of Existing Accessory Structures.

- a. Existing accessory structures conforming to the bulk requirements for accessory structures in Table 86-2, or that are legal nonconforming structures, shall be permitted to be converted to an accessory dwelling unit. Additions to a converted accessory structure shall meet the bulk requirements for a single-family dwelling in Table 86-2.
- b. Overhead doors, or garage doors, shall be removed from structures being converted to Accessory Dwelling Units and shall be replaced with a new, matching facade. This requirement only applies to the portions of a structure being converted to living space for the accessory dwelling unit.

(6) Division of land. The division of land to separate the accessory dwelling unit onto a separate parcel, lot, or tract than the existing single-family dwelling unit shall not be permitted.

5. Bulk Requirements. The bulk requirements listed in Table 86-2 shall apply to all development within the A-1 Agricultural District.

Table 86-2 - Bulk Requirements - A-1 District

Permitted Uses	Minimum Lot Area (Net)	Front Setback (Min.)	Side Setback (Min.)	Side Setback Corner Lot (Min.)	Flag Yard Setback (Min.)	Rear Setback (Min.)	Lot Width (Min.)	Structure Area (Min.)	Maximum Structure Height
Single-Family Dwelling	35 acres	50 feet	10 feet	37½ feet	20 feet	40 feet	100 feet	400 square feet	40 feet

Single-Family Dwelling - 35-acre exception met	1 acre	50 feet	10 feet	37½ feet	20 feet	40 feet	100 feet	400 square feet	40 feet
Other Permitted Uses	No minimum**	50 feet	50 feet	50 feet	50 feet	50 feet	100 feet	No minimum	40 feet
Accessory Structures	No minimum	50 feet	10 feet	37½ feet	20 feet	2 feet*	No minimum	No minimum	40 feet
* 5 feet from alley lines ** may be specified through a conditional use permit									

86.06 A-R AGRICULTURAL RESIDENTIAL DISTRICT.

3. Permitted Accessory Uses. The following are permitted accessory uses in the A-R Agricultural Residential District:

K. An accessory dwelling unit conforming to the requirements specified herein:

- (1) Zoning Permit Required. A zoning permit shall be submitted for any accessory dwelling unit, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein.
- (2) Wastewater and Water facilities. The accessory dwelling unit shall be provided with wastewater and water facilities. A septic permit application shall be required to be submitted to the Environmental Health Department for all accessory dwelling units, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein, prior to issuance of the zoning permit for an accessory dwelling unit.
- (3) 911 Address Required. The accessory dwelling unit shall have an established 911 address that is separate from the 911 address of the existing single-family dwelling. An application for a 911 address shall be shall be required to be submitted for all accessory dwelling units prior to issuance of the zoning permit for an accessory dwelling unit.
- (4) Size and Other Design Standards.
 - a. The accessory dwelling unit shall not exceed 1,200 square feet in gross floor area.
 - b. The accessory dwelling unit shall have a paved or gravel access leading to the parking for the unit, unless the accessory dwelling unit shares parking with the existing single-family dwelling. A separate garage for an accessory dwelling unit shall not be larger than 600 square feet.
 - c. There shall not be more than one accessory dwelling unit per parcel, tract, or lot.

- d. The accessory dwelling unit shall meet all applicable bulk requirements for single-family dwellings within the zoning district, including for setbacks and height.
- e. The accessory dwelling unit shall not be further than 200 feet from the existing single-family dwelling, unless prohibited by the location of the existing wastewater treatment system and laterals and required setbacks. In this instance, it shall be as sited as close as possible to the existing single-family dwelling, as allowed by the required setbacks from the wastewater treatment system and laterals and required setbacks.
- f. The accessory dwelling shall contain at least one window on an exterior wall in every bedroom that is no smaller than 5.7 square feet.

(5) Conversion of Existing Accessory Structures.

- a. Existing accessory structures conforming to the bulk requirements for single-family dwellings in Table 86-2 shall be permitted to be converted to an accessory dwelling unit.
- b. Overhead doors, or garage doors, shall be removed from structures being converted to accessory dwelling units and shall be replaced with a new, matching facade. This requirement only applies to the portions of a structure being converted to living space for the accessory dwelling unit.

(6) Division of land. The division of land to separate the accessory dwelling unit onto a separate parcel, lot, or tract than the existing single-family dwelling unit shall not be permitted.

5. Bulk Requirements. The bulk requirements listed in Table 86-4 shall apply to all development within the A-R Agricultural Residential District.

Table 86-4 - Bulk Requirements - A-R District

Permitted Uses	Minimum Lot Area (Net)	Front Setback (Min.)	Side Setback (Min.)	Side Setback Corner Lot (Min.)	Flag Yard Setback (Min.)	Rear Setback (Min.)	Lot Width (Min.)	Structure Area (Min.)	Maximum Structure Height
Single-Family Dwelling	1 acre	50 feet	10 feet	37½ feet	20 feet	40 feet	100 feet	400 square feet	40 feet
Other Permitted Uses	No minimum**	50 feet	50 feet	50 feet	50 feet	50 feet	100 feet	No minimum	40 feet
Accessory Structures	No minimum	50 feet	10 feet	37½ feet	20 feet	2 feet*	100 feet	No minimum	25 feet

* 5 feet from alley lines

** may be specified through a conditional use permit

86.07 R-1 TRANSITIONAL RESIDENTIAL DISTRICT.

3. Permitted Accessory Uses. The following are permitted accessory uses in the R-1 Transitional Residential District:

- J. An accessory dwelling unit conforming to the requirements specified herein:
- (1) Zoning Permit Required. A zoning permit shall be submitted for any accessory dwelling unit, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein.
 - (2) Wastewater and Water facilities. The accessory dwelling unit shall be provided with wastewater and water facilities. A septic permit application shall be required to be submitted to the Environmental Health Department for all accessory dwelling units, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein, prior to issuance of the zoning permit for an accessory dwelling unit.
 - (3) 911 Address Required. The accessory dwelling unit shall have an established 911 address that is separate from the 911 address of the existing single-family dwelling. An application for a 911 address shall be required to be submitted for all accessory dwelling units prior to issuance of the zoning permit for an accessory dwelling unit.
 - (4) Size and Other Design Standards.
 - a. The accessory dwelling unit shall not exceed 1,200 square feet in gross floor area.
 - b. The accessory dwelling unit shall have a paved or gravel access leading to the parking for the unit, unless the accessory dwelling unit shares parking with the existing single-family dwelling. A separate garage for an accessory dwelling unit shall not be larger than 600 square feet.
 - c. There shall not be more than one accessory dwelling unit per parcel, tract, or lot.
 - d. The accessory dwelling unit shall meet all applicable bulk requirements for single-family dwellings within the zoning district, including for setbacks and height.
 - e. The accessory dwelling shall contain at least one window on an exterior wall in every bedroom that is no smaller than 5.7 square feet.
 - (5) Conversion of Existing Accessory Structures.
 - a. Existing accessory structures conforming to the bulk requirements for single-family dwellings in Table 86-2 shall be permitted to be converted to an accessory dwelling unit.
 - b. Overhead doors, or garage doors, shall be removed from structures being converted to Accessory Dwelling Units and shall be replaced with a new,

matching facade. This requirement only applies to the portions of a structure being converted to living space for the accessory dwelling unit.

(6) Division of land. The division of land to separate the accessory dwelling unit onto a separate parcel, lot, or tract than the existing single-family dwelling unit shall not be permitted.

5. Bulk Requirements. The bulk requirements listed in Table 86-5 shall apply to all development within the R-1 Transitional Residential District.

Table 86-5 - Bulk Requirements - R-1 District

Permitted Uses	Minimum Lot Area (Net)	Front Setback (Min.)	Side Setback (Min.)	Side Setback Corner Lot (Min.)	Flag Yard Setback (Min.)	Rear Setback (Min.)	Lot Width (Min.)	Structure Area (Min.)	Maximum Structure Height
Single-Family Dwelling	35 acres	50 feet	10 feet	37½ feet	20 feet	40 feet	100 feet	400 square feet	40 feet
Single-Family Dwelling - 35-acre exception met	1 acre	50 feet	10 feet	37½ feet	20 feet	40 feet	100 feet	400 square feet	40 feet
Other Permitted Uses	No minimum**	50 feet	50 feet	50 feet	50 feet	50 feet	100 feet	No minimum	40 feet
Accessory Structures	No minimum	50 feet	10 feet	37½ feet	20 feet	2 feet*	No minimum	No minimum	40 feet

* 5 feet from alley lines

** may be specified through a conditional use permit

86.08 R-2 URBAN RESIDENTIAL DISTRICT.

3. Permitted Accessory Uses. The following are permitted accessory uses in the R-2 Urban Residential District.

An accessory dwelling unit conforming to the requirements specified herein:

(1) Zoning Permit Required. A zoning permit shall be submitted for any accessory dwelling unit, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein.

- (2) Wastewater and Water facilities. The accessory dwelling unit shall be provided with wastewater and water facilities. A septic permit application shall be required to be submitted to the Environmental Health Department for all accessory dwelling units, including when an existing single-family dwelling or accessory structure is modified to create an accessory dwelling unit therein, prior to issuance of the zoning permit for an accessory dwelling unit.
- (3) 911 Address Required. The accessory dwelling unit shall have an established 911 address that is separate from the 911 address of the existing single-family dwelling. An application for a 911 address shall be required to be submitted for all accessory dwelling units prior to issuance of the zoning permit for an accessory dwelling unit.
- (4) Size and Other Design Standards.
- a. The accessory dwelling unit shall not exceed 1,200 square feet in gross floor area.
 - b. The accessory dwelling unit shall have a paved or gravel access leading to the parking for the unit, unless the accessory dwelling unit shares parking with the existing single-family dwelling. A separate garage for an accessory dwelling unit shall not be larger than 600 square feet.
 - c. There shall not be more than one accessory dwelling unit per parcel, tract, or lot.
 - d. The accessory dwelling unit shall meet all applicable bulk requirements for single-family dwellings within the zoning district, including for setbacks and height.
 - e. The accessory dwelling shall contain at least one window on an exterior wall in every bedroom that is no smaller than 5.7 square feet.
- (5) Conversion of Existing Accessory Structures.
- a. Existing accessory structures conforming to the bulk requirements for single-family dwellings in Table 86-2 shall be permitted to be converted to an accessory dwelling unit.
 - b. Overhead doors, or garage doors, shall be removed from structures being converted to Accessory Dwelling Units and shall be replaced with a new, matching facade. This requirement only applies to the portions of a structure being converted to living space for the accessory dwelling unit.
- (6) Division of land. The division of land to separate the accessory dwelling unit onto a separate parcel, lot, or tract than the existing single-family dwelling unit shall not be permitted.

5. Bulk Requirements. The bulk requirements listed in Table 86-6 shall apply to all development within the R-2 Urban Residential District.

Table 86-6 - Bulk Requirements - R-2 District

Permitted Uses	Minimum Lot Area (Net)	Front Setback (Min.)	Side Setback (Min.)	Side Setback Corner Lot (Min.)	Flag Yard Setback (Min.)	Rear Setback (Min.)	Lot Width (Min.)	Structure Area (Min.)	Maximum Structure Height
Single-Family Dwelling:									
Private Systems	25,000 square feet	40 feet	10 feet	25 feet	20 feet	35 feet	90 feet	400 square feet	40 feet
Common Systems	10,000 square feet	30 feet	10 feet	25 feet	20 feet	35 feet	80 feet	400 square feet	40 feet
Other Permitted Uses:									
Private Systems	no minimum	40 feet	35 feet	25 feet	35 feet	35 feet	90 feet	no minimum	40 feet
Common Systems	no minimum	30 feet	35 feet	25 feet	35 feet	35 feet	80 feet	no minimum	40 feet
Accessory Structures:									
Accessory Structures	no minimum	same as required front	same as required side	25 feet	same as required flag	2 feet*	no minimum	no minimum	25 feet
* 5 feet from alley lines									