



DO NOT WRITE IN THE SPACE ABOVE, RESERVED FOR RECORDER

Prepared By: Leanne Harter, Story County Planning and Development, 900 6th Street, Nevada, IA 50201 (515) 382-7245

**Please return to:
Planning & Development**

**STORY COUNTY IOWA
ORDINANCE NO. 326
AN ORDINANCE AMENDING CHAPTER 85, GENERAL PROVISIONS AND
DEFINITIONS, CHAPTER 86, DISTRICT REQUIREMENTS, AND CHAPTER 92,
ADMINISTRATION OF THE STORY COUNTY CODE OF ORDINANCES—LAND
DEVELOPMENT REGULATIONS FOR A TEXT AMENDMENT TO ENSURE
COMPLIANCE WITH IOWA CODE**

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

Section 1. Purpose. An Ordinance amending Chapter 85—General Provisions and Definitions, Chapter 86, District Requirements, and Chapter 92, Administration of the Story County Code of Ordinances – Land Development Regulations for a Text Amendment to Ensure Compliance with Iowa Code.

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

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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: Approved

DATE: July 8, 2025

Moved by: Murken

Seconded by: Faisal

Voting Aye: Murken, Faisal, Heddens

Voting Nay: None

Not Voting: None

Absent: None

Action upon SECOND Consideration: Waived

DATE: WAIVED

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

Not Voting: _____

Absent: _____

Action upon THIRD Consideration: Waived

DATE: WAIVED

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

Not Voting: _____

Absent: _____

ADOPTED THIS 8th day of JULY, 2025.

[Signature]
Chairperson, Board of Supervisors

Attest:
[Signature]
County Auditor

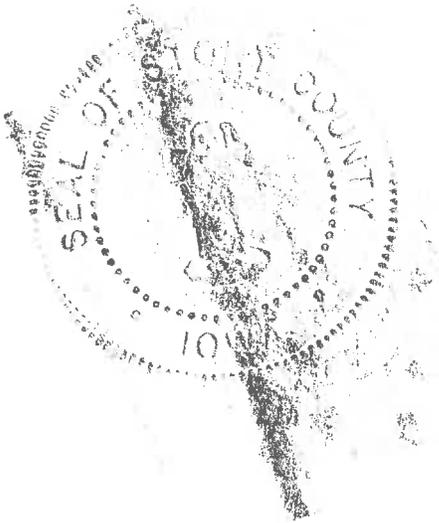
ROLL CALL	Latifah Faisal	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
FOR ALLOWANCE	Lisa Heddens	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
	Linda Murken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>

ALLOWED BY VOTE
OF BOARD

Yea 3 Nay 0 Absent 0

[Signature]
CHAIRPERSON

Above tabulation made by [Signature]



[Handwritten signature]

ATTACHMENT A

Page 4

Proposed Amendments to Chapter 85, General Provisions and Definitions

2. "Accessory dwelling unit" means an additional residential dwelling unit located on the same parcel, tract, or lot as a single-family dwelling that is either attached to or detached from the single-family dwelling, ~~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.

Proposed Amendments to Chapter 86, District Requirements

86.04 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 ~~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~~ 1,000 square feet in gross floor area or fifty percent of the size of the single-family dwelling, whichever is larger. This does not include finished or unfinished basements.

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 closest wall of the accessory dwelling unit shall not be further than 200 feet from the existing single-family dwelling, unless a greater distance is necessary to avoid either the location of the existing wastewater treatment system and laterals and required setbacks therefrom or impact to critical natural resource areas, as mapped by the C2C Future Land Use Map. In these~~

instances, it shall be as sited as close as possible to the existing single family dwelling while avoiding impacts to these areas.

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.

f. An accessory dwelling unit shall comply with all applicable building regulations as defined in Iowa Code Chapter 103A.

g. If a manufactured home as defined in Iowa Code Section 435.1, Subsection 3, or a mobile home as defined in Iowa Code Section 435.1, Subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code Section 435.26.

(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.

86.05 A-2 AGRIBUSINESS 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 1,000 square feet in gross floor area or fifty percent of the size of the single-family dwelling, whichever is larger. This does not include finished or unfinished basements.
- 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.
- f. An accessory dwelling unit shall comply with all applicable building regulations as defined in Iowa Code Chapter 103A.
- g. If a manufactured home as defined in Iowa Code Section 435.1, Subsection 3, or a mobile home as defined in Iowa Code Section 435.1, Subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code Section 435.26.

(5) Conversion of Existing Accessory Structures.

- a. Existing accessory structures conforming to the bulk requirements for accessory structures in Table 86-3, 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 86-3.
- 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.

86.06 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~~ 1,000 square feet in gross floor area or fifty percent of the size of the single-family dwelling, whichever is larger. This does not include finished or unfinished basements.

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 closest wall of the accessory dwelling unit shall not be further than 200 feet from the existing single-family dwelling, unless a greater distance is necessary to avoid either the location of the existing wastewater treatment system and laterals and required setbacks therefrom or impact to critical natural resource areas, as mapped by the C2C Future Land Use Map. In these instances, it shall be as sited as close as possible to the existing single-family dwelling while avoiding impacts to these areas.~~

~~ef.~~ 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.

f. An accessory dwelling unit shall comply with all applicable building regulations as defined in Iowa Code Chapter 103A.

g. If a manufactured home as defined in Iowa Code Section 435.1, Subsection 3, or a mobile home as defined in Iowa Code Section 435.1, Subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code Section 435.26.

(5) Conversion of Existing Accessory Structures.

a. Existing accessory structures conforming to the bulk requirements for single-family dwellings in ~~Table 86-24~~ 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 86-4.

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.

86.07 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 ~~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~~ 1,000 square feet in gross floor area or fifty percent of the size of the single-family dwelling, whichever is larger. This does not include finished or unfinished basements.

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.

f. An accessory dwelling unit shall comply with all applicable building regulations as defined in Iowa Code Chapter 103A.

g. If a manufactured home as defined in Iowa Code Section 435.1, Subsection 3, or a mobile home as defined in Iowa Code Section 435.1, Subsection 5, is used as an accessory dwelling unit,

the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code Section 435.26.

(5) Conversion of Existing Accessory Structures.

a. Existing accessory structures conforming to the bulk requirements for single-family dwellings in Table 86-25 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 86-5.

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.

86.08 R-2 URBAN 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 ~~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~~ 1,000 square feet in gross floor area or fifty percent of the size of the single-family dwelling, whichever is larger. This does not include finished or unfinished basements.

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.

f. An accessory dwelling unit shall comply with all applicable building regulations as defined in Iowa Code Chapter 103A.

g. If a manufactured home as defined in Iowa Code Section 435.1, Subsection 3, or a mobile home as defined in Iowa Code Section 435.1, Subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code Section 435.26.

(5) Conversion of Existing Accessory Structures.

a. Existing accessory structures conforming to the bulk requirements for single-family dwellings in Table 86-26 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 86-6.

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.

86.10 C-LI COMMERCIAL/LIGHT INDUSTRIAL 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 1,000 square feet in gross floor area or fifty percent of the size of the single-family dwelling, whichever is larger. This does not include finished or unfinished basements.
- 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.
- f. An accessory dwelling unit shall comply with all applicable building regulations as defined in Iowa Code Chapter 103A.
- g. If a manufactured home as defined in Iowa Code Section 435.1, Subsection 3, or a mobile home as defined in Iowa Code Section 435.1, Subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code Section 435.26.

(5) Conversion of Existing Accessory Structures.

- a. Existing accessory structures conforming to the bulk requirements for accessory structures in Table 86-8, 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 86-8.
- 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.

Proposed Amendments to Chapter 92 – Administration

92.03 VARIANCES.

B. Interagency and Staff Review of Application. Following submittal, including applicable filing fee, of a completed application for a variance, Planning and Development shall review application materials for compliance with the legal principles in Section 92.03(4)(D)(1) [in accordance with Iowa Code Section 335.15](#). The application shall also undergo review by members of the Interagency Review Team.

D. Public Hearing before the Board of Adjustment and Board of Adjustment Action. Following completion of interagency and staff review of the application for a variance, a staff report setting forth findings of fact concerning the application's conformance to the legal principles in Section 92.03(4)(D)(1) of this chapter [in accordance with Iowa Code Section 335.15](#) and any recommendations for requirements or conditions to be imposed shall be prepared by Planning and Development staff and placed on the Board of Adjustment agenda. The staff report shall be presented by the Planning and Development staff at the Board of Adjustment meeting. Any person may submit comments or request to speak on the items prior to the start of the meeting. The public hearing shall be scheduled according to standard agenda procedures. After reviewing the application at a public hearing, the Board of Adjustment shall determine whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Board does not concur, the Board shall propose its own findings of fact concerning the application's conformance to the legal principles in Section 92.03(4)(D)(1) of this chapter [in accordance with Iowa Code Section 335.15](#) or recommendations and provide supporting reasons. The Board of Adjustment shall make a motion regarding compliance or noncompliance of the application to the legal principles, and such motion becomes the official decision of the Board of Adjustment.

E. Any such motion regarding compliance or noncompliance of the application to the legal principles shall specify the supporting reasons for the motion. To the extent the Board does not concur with staff's findings and recommendations, the Board shall propose its own findings of fact concerning the application's conformance to the legal principles in Section 92.03(4)(D)(1) of this chapter [in accordance with Iowa Code Section 335.15](#) or recommendations and provide supporting reasons, including, but not limited to new facts or evidence presented at the public hearing. It shall be presumed that the Board adopts staff's findings and recommendations if the Board does not specifically make a motion regarding the compliance or noncompliance of the application of the legal principles.

F. The Board of Adjustment may attach a condition to a variance that limits the duration of said variance or other condition related to the legal principles in Section 92.03(4)(D)(1) [in accordance with Iowa Code Section 335.15](#).