



# CLIVE PLANNING & ZONING COMMISSION

AGENDA, REGULAR MEETING

8800 Hickman Road

June 3, 2025 5:30 PM

This meeting will be conducted in-person in the Public Safety Facility Training Room and virtually via Zoom platform. To participate virtually use the following link: <https://us06web.zoom.us/j/81194871820>

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## **Call to Order**

## **Roll Call**

## **Approval of Meeting Minutes**

1. Approve Meeting Minutes 05/01/2025

## **Action Items**

1. Final Plat - Valley Court Plat 3
2. Amendment to Zoning Ordinance - Accessory Dwelling Units

## **Presentation**

## **Staff Report**

## **Adjournment**

# CLIVE PLANNING AND ZONING COMMISSION MEETING MINUTES

Regular Session  
May 6, 2025

This meeting was held in the Clive Public Safety Training Room and public access was provided in-person at City Hall and via Zoom. Information on how to access via Zoom was provided on the city's website and on the agenda. The recording of the meeting is available on the city's website at:

[https://www.cityofclive.com/connect/boards\\_and\\_commissions/planning\\_and\\_zoning\\_commission.php](https://www.cityofclive.com/connect/boards_and_commissions/planning_and_zoning_commission.php)

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## Call to Order/Roll Call

**ALOWITZ CALLED THE MEETING TO ORDER AT 5:30 p.m.**

**PRESENT: LINDSAY BRANDON, MILLY ORTIZ-PAGAN, JULIE CORREA, MARCIA HUNTER, JEFFREY ANDERZHON, MICHAEL ALOWITZ**

**ABSENT: CHRIS PANZI**

**STAFF: AMANDA GRUTZMACHER, KATHRYN PURVIS, KELLY RIVERA**

## Action Items

### 1. **Approve Meeting Minutes – April 1, 2025**

Anderzhon motioned to approve the April 1, 2025 meeting minutes, seconded by Correa.

Roll Call: Ayes: Anderzhon, Correa, Brandon, Hunter, Alowitz.

Abstain: Ortiz

Motion carried.

### 2. **Final Plat - Silverstar Addition Plat 1**

The Silverstar Addition Plat 1 Final Plat will create 3 lots and 1 outlot and has been developed in accordance with the approved preliminary plat. Each lot is approximately 1.3 acres and will support a variety of commercial projects with restricted uses identified in the Zoning Change and Development Agreement. The outlot was created in anticipation of IDOT right-of-way acquisition needs to support future improvements to Hickman Road and NW 156th Street. Consistent with the Zoning Change and Development Agreement, the final plat identifies an "Enhanced Parking Setback Landscape Zone" that will be permanently established by declaration and will be planted with the development on Lot 2.

Brandon motioned to recommend approval of Silverstar Addition Final Plat, seconded by Correa.

Roll Call: Ayes: Brandon, Correa, Ortiz, Hunter, Anderzhon, Alowitz.

Motion carried.

**3. Site Plan Amendment – Weissenburger Investment and Financial Planning – 16400 Sheridan AVE**

The Weissenburger office building was constructed in 2007 as a single-story office building approximately 4,487 square feet in size. City Council recently approved an amendment to the Declaration of Easements, Restrictions and Covenants for Berkshire Commons Office Park to increase the maximum building square footage on Lot 15 from 4,500 to 6,000 square feet.

The owners requested a site plan amendment to construct a 1,035 sf office addition which will bring the total building square footage to 5,522 sf. The site plan also has a 221 sf patio at the northwest corner of the building. The addition proposes to use face brick and cut stone to replicate the existing building for a seamless extension of the facades visible to the north, east, and west.

The property included excess parking at the time it was constructed; the 17 existing stalls are what is required including the addition, so no additional parking has been provided.

Minor landscaping will be provided along the new northern facade and patio space.

No additional stormwater management will be required with the project.

Correa motioned to recommend approval of the Site Plan Amendment for Weissenburger Investment and Financial Planning, 16400 Sheridan AVE, seconded by Ortiz.

Roll Call: Ayes: Correa, Ortiz, Brandon, Hunter, Anderzhon, Alowitz.

Motion carried.

**Staff Report**

**Adjournment at 6:04 p.m.**



## Staff Report

**TO:** Planning and Zoning Commission members

**FROM:**

Amanda Grutzmacher, Senior Planner

**DATE:** June 3, 2025

**RE:** Final Plat - Valley Court Plat 3

Civil Design Advantage, on behalf of Buyers Realty/IPE1031 REV565 LLC, has submitted a final plat application for Valley Court Plat 3. A site plan amendment for modifications to the building and additional parking was approved on November 14, 2024. The east property line of 10001 University Avenue required adjustment to maintain the minimum required parking lot setback. The final plat for Valley Court Plat 3 is consistent with the approved site plan amendment. Due to the ongoing bankruptcy proceedings for Joanns, the entirety of Lot 1, Valley Court Plat 2 is not included in the final plat; additional platting work may be required with future development activities at 9999 University Avenue.

Staff recommends approval of the Valley Court Plat 3 Final Plat.

### Attachments:

1. Application
2. Valley Court Plat 3 Final Plat



City of Clive

1900 NW 114th Street

Clive, IA 50325-7077

Phone (515) 223-6221

[www.cityofclive.com](http://www.cityofclive.com)

## APPLICATION FOR DEVELOPMENT REVIEW

### **PERMIT**

FPT25-000001 Final Plat

### **PROJECT LOCATION**

10001 University Ave

### **PROJECT DESCRIPTION**

### **APPLICANT**

Doug Mandernach

4121 NW Urbandale Dr

Urbandale, IA 50322

(515) 369-4400

[dougm@cda-eng.com](mailto:dougm@cda-eng.com)

### **DEVELOPER**

Buyers Realty

4350 Westown Pkwy, Ste 100

West Des Moines, IA 50266

(515) 277-4000

[ron.daniels@buyersrealtyinc.com](mailto:ron.daniels@buyersrealtyinc.com)

### **SURVEYOR**

Michael Brooner

4121 NW Urbandale Dr

Urbandale, IA 50322

(515) 369-4400

[mikeb@cda-eng.com](mailto:mikeb@cda-eng.com)

### **APPLICATION DATE**

01/16/2025

### **PROJECT NAME**

Valley Court Plat 3 Final Plat

### **PROPERTY OWNER**

IPE1031 REV565 LLC

4350 Westown Pkwy, Ste 100

West Des Moines, IA 50266

(515) 277-4000

[ron.daniels@buyersrealtyinc.com](mailto:ron.daniels@buyersrealtyinc.com)

### **PROJECT MANAGER**

Doug Mandernach

4121 NW Urbandale Dr

Urbandale, IA 50322

(515) 369-4400

[dougm@cda-eng.com](mailto:dougm@cda-eng.com)

### **ARCHITECT**

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### **MEETING DATES**

#### **PLANNING & ZONING COMMISSION**

06/03/2025

#### **CITY COUNCIL**

06/12/2025

# VALLEY COURT PLAT 3 FINAL PLAT

**INDEX LEGEND**

LOCATION: LOT 2, VALLEY COURT PLAT 1 & PT. LOT 1, VALLEY COURT PLAT 2, CLIVE, POLK COUNTY, IOWA

REQUESTOR & PROPRIETOR: BUYERS REALTY  
4350 WESTOWN PARKWAY, STE. 100  
WEST DES MOINES, IOWA 50266

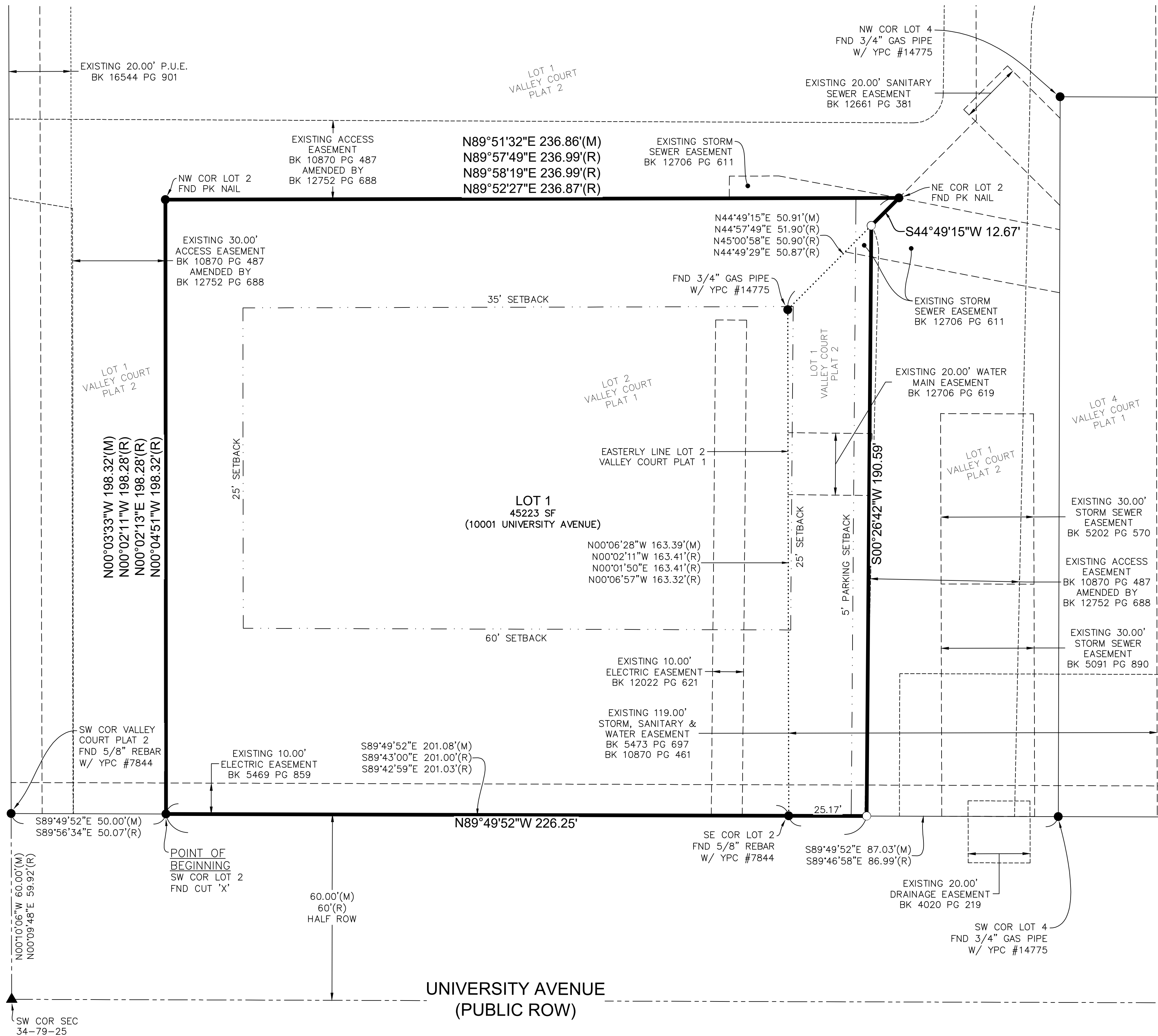
SURVEYOR: MICHAEL A. BROONER

COMPANY: CIVIL DESIGN ADVANTAGE

PREPARED BY & RETURN TO: CIVIL DESIGN ADVANTAGE  
4121 NW URBANDALE DRIVE  
URBANDALE, IOWA 50322  
PH: 515-369-4400

AREA ABOVE RESERVED FOR RECORDING STAMP

DATE	10/17/2024
REVISIONS	
PREPARED	



**OWNER / DEVELOPER**

BUYERS REALTY  
4350 WESTOWN PARKWAY, STE. 100  
WEST DES MOINES, IOWA 50266  
CONTACT: RON DANIELS

**ENGINEER / SURVEYOR**

CIVIL DESIGN ADVANTAGE  
4121 NW URBANDALE DRIVE  
URBANDALE, IA 50322

**ZONING**

C-4: PLANNED SHOPPING CENTER COMMERCIAL DISTRICT

**BULK REGULATIONS**

FRONT SETBACK: 60 FEET  
REAR SETBACK: 35 FEET  
SIDE SETBACK: 25 FEET

**DATE OF SURVEY**

OCTOBER 16, 2024

**PLAT DESCRIPTION**

ALL OF LOT 2, VALLEY COURT PLAT 1, AND A PART OF LOT 1, VALLEY COURT PLAT 2, BOTH BEING OFFICIAL PLATS IN THE CITY OF CLIVE, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00°03'33\"/>

**NOTES**

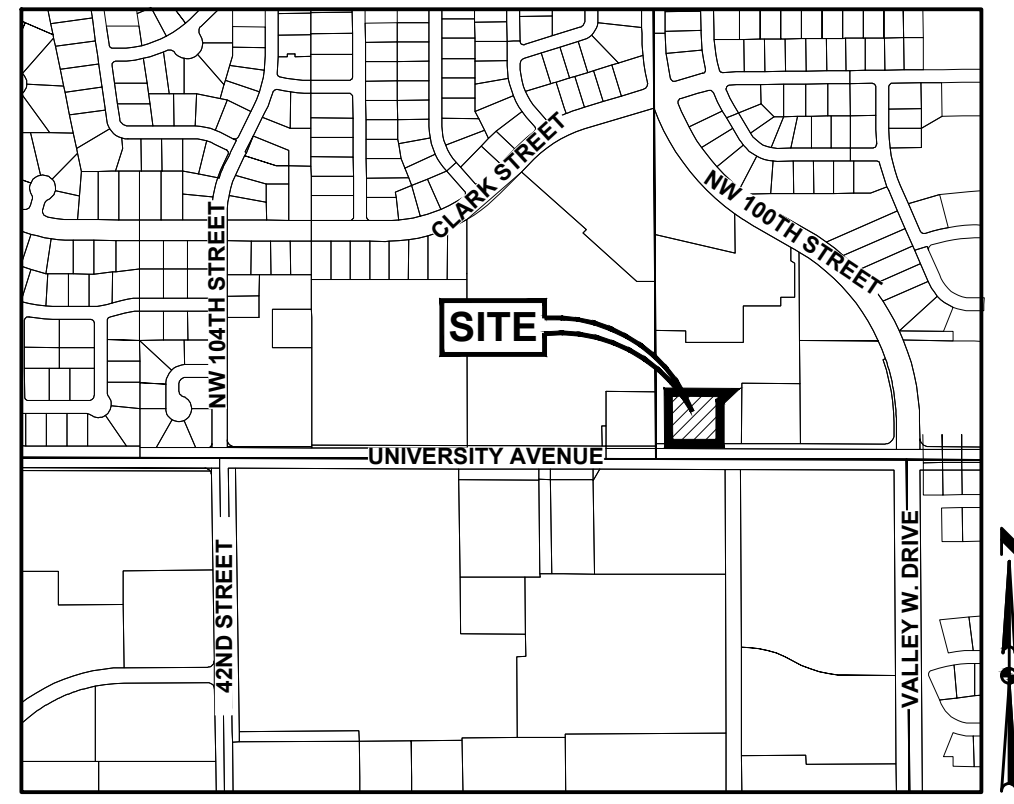
1. ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
2. LOTS MAY BE SUBJECT TO MINIMUM PROTECTION ELEVATIONS AND OTHER ELEVATION RESTRICTIONS NOT SHOWN ON THIS PLAT. REFER TO THE APPROVED PROJECT ENGINEERING DOCUMENTS FOR ANY ELEVATION RESTRICTIONS.

**LEGEND**

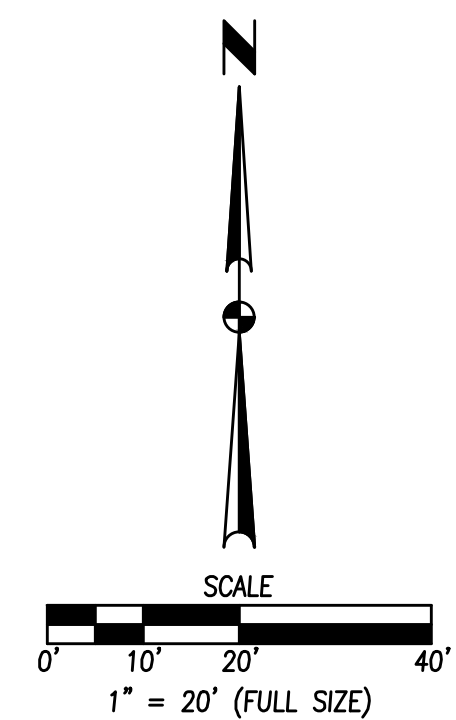
	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW PLASTIC CAP #15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
PUBLIC UTILITY EASEMENT	P.U.E.	
CURVE ARC LENGTH	AL	
LOT ADDRESS	(1234)	
CENTERLINE	---	
SECTION LINE	----	
EASEMENT LINE	----	
BUILDING SETBACK LINE	----	
PLAT BOUNDARY	----	

**VICINITY MAP**

NOT TO SCALE



CLIVE, IOWA



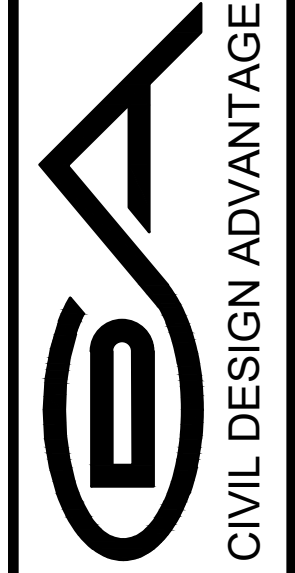
PRELIMINARY  
NOT FOR CONSTRUCTION

MICHAEL A. BROONER, P.E.  
LICENSE NUMBER 15980  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024  
PAGES OR SHEETS COVERED BY THIS SEAL:  
THIS SHEET

DATE

COMMENT: ENCL  
 FILE: H:\2024\2409742\IOWA\2409742-FINAL PLAT.DWG  
 PLOTTED BY: JACOB BRENNER  
 DATE: 11/07/2024 1:50 PM

4121 NW URBANDALE DRIVE  
URBANDALE, IA 50322  
PHONE: (515) 369-4400



**VALLEY COURT PLAT 3**  
**FINAL PLAT**



## Staff Report

**TO:** Planning and Zoning Commission members

**FROM:**

Amanda Grutzmacher, Senior Planner

**DATE:** June 3, 2025

**RE:** Amendment to Zoning Ordinance - Accessory Dwelling Units

On May 1, 2025, Governor Reynolds signed into law Senate File 592, an Act relating to county and city regulations of accessory dwelling units. In the 2024 Strategic Planning sessions, City Council prioritized creation of an ADU ordinance. Prior to introduction of the state legislation, staff had been developing an ADU program and ordinance; however, the requirements of SF 592 necessitate changes to the final direction and content of the city's regulations. Staff believe all the necessary ordinance revisions will be accommodated in the zoning ordinance and no changes to the building codes are necessary. Community Development staff in all divisions (building, planning, and code enforcement) have worked collaboratively on the proposed ordinance with the following objectives.

### **Compliance with SF592**

Though not an exhaustive list of the requirements in SF592, staff has identified the following as the most impactful requirements for Clive's ordinance revision:

- cities shall allow minimum of 1 ADU on the same lot as single-family (as defined by the state),
- ADU shall not exceed 1,000 sf or 50% of the principal dwelling, whichever is larger,
- cannot have more restrictive requirements for placement or appearance of ADU than imposed on the principal dwelling,
- cannot mandate the appearance of the ADU to match the principal dwelling,
- cannot require owner occupant on-site or restrict ADUs as rental units,
- cannot require additional parking beyond what is required for the principal dwelling,
- cannot require separate services for the utilities,
- city regulations may be more permissive than the requirements in SF 592

### **Support property owner investments and enhancements while keeping community character intact**

Clive's median income and housing supply tend toward the higher end of the local housing market, which means existing homes in Clive typically have a variety of amenities and improvements. Zoning ordinances commonly rely on the presence of a kitchen or permanent cooking provisions to identify a dwelling unit; many homes in Clive have a second kitchen or similar provisions, so distinguishing between an Accessory Dwelling Unit and, for example, an addition or basement finish in a traditional single-family home requires a more thoughtful approach. Community Development staff have iterated on many potential addition and remodel configurations in considering the best definitions for various dwelling types and what will constitute an

ADU in order to have minimal impact on property owner flexibility and improvements.

### **Accessory dwelling is key**

SF592 preempts local size limits on ADUs and allows for up to 1,000 sf or 50% of the principal dwelling square footage, whichever is larger. This presents challenges in ensuring that ADUs are truly accessory to the principal dwelling on the property. To a large extent, the maximum size of an ADU is functionally limited by the typical lot size and existing principal dwelling area. More recent development areas tend to have larger homes than older areas, which could allow for a larger ADU based on 50% of the principal dwelling size, but the larger homes also tend to occupy the majority of the lot area outside of the principal building setbacks. Generally, staff does not have significant concern that an influx of ADUs larger than 1,000 square feet of livable space will be proposed by Clive property owners.

Size is not the only factor that staff feel is important to maintaining the "accessory" intent of ADUs. Staff has identified presence of a separate address and presence of a "front door" serving an ADU as generally incompatible with single-family residential areas as the properties would no longer have the appearance of single-family living. Additionally, staff identified separate metered utilities as generally incompatible with single-family residential areas as a higher intensity of use within an ADU is more likely if costs of utilities can be separated by the utility provider for the ADU resident.

### **Building codes ensure safety for occupants and neighbors**

In order to adequately protect the life, safety, and general welfare of the community, staff has determined detached ADUs shall meet all the International Residential Code (IRC) requirements for a one-family dwelling. Minimum separation and fire protection is required between the ADU and principal dwelling. Staff has determined attached and/or interior ADUs shall meet all the IRC requirements for a two-family dwelling. Though an ADU will typically have a lower intensity use than a duplex, the ADU should still ensure the occupants are adequately protected against fire and occupants have control over their own HVAC, among other requirements. Residential additions will not be subject to all of the same building requirements as an attached ADU.

### **Zoning code ensures location and design consistent with community character**

In order to have ADU regulations most similar to what was in process at the time SF592 was adopted, staff is recommending additional flexibility be allowed beyond the state requirements. With the General Regulations chapter update adopted in 2021, two categories of accessory buildings were created. The first category is small accessory buildings smaller than 75 square feet. The second category is large accessory buildings. Large accessory buildings are 75+ square feet and are allowed to be constructed in rear yards at a 5' property line setback up to 599 square feet. Once an accessory building reaches 600 square feet, it is required to meet the same setbacks as the principal dwelling. Staff has included reference to Section 11-4-7 Accessory Buildings that will allow ADUs to be located with the same requirements of large accessory buildings. In other words, ADUs smaller than 600 square feet will be able to be located in rear yards with a 5' property line setback when meeting the requirements of Section 11-4-7.

Staff has included two decision trees as attachments to this staff report to facilitate

discussion of the proposed ordinance. The first decision tree demonstrates a detached building, while the second decision tree demonstrates an attached ADU.

**Staff recommendation**

Legal counsel is in process of reviewing the proposed ordinance. Members of Clive's Building Code Appeals Board have been invited to join Planning and Zoning Commission for the ADU discussion. The state legislation has an effective date of July 1, 2025. Staff recommends approval of the proposed ordinance Amending Provisions of the Zoning Ordinance Regarding Regulations Associated with Accessory Dwelling Units.

If you have questions or need additional information prior to the meeting, contact Amanda at [agrutzmacher@cityofclive.com](mailto:agrutzmacher@cityofclive.com) or 515-223-6221.

Attachments:

- 1. Ordinance
- 2. ADU Decision Trees
- 3. SF592

ORDINANCE NO. 1\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2024, BY AMENDING PROVISIONS OF THE ZONING ORDINANCE REGARDING REGULATIONS ASSOCIATED WITH ACCESSORY DWELLING UNITS

Be It Enacted by the City Council of the City of Clive, Iowa:

SECTION 1. INTERNAL REFERENCES. All references to section numbers in this ordinance shall be to sections contained with Title 11 in the Zoning Ordinance, unless otherwise specified.

SECTION 2. AMENDMENT – WORDS AND TERMS DEFINED. In Title 11, Chapter 2-1 (entitled “WORDS AND TERMS DEFINED”) shall be amended as in “Exhibit A” attached hereto.

SECTION 3. NEW SECTION – ACCESSORY DWELLING UNITS. In Title 11, Chapter 4, Section 21 (entitled “ACCESSORY DWELLING UNITS”) shall be added as in “Exhibit B” attached hereto.

SECTION 4. REPEALER. All parts of the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2024" in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

PASSED AND APPROVED by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Matthew Graham, City Clerk

\_\_\_\_\_  
John Edwards, Mayor

Ordinance No. \_\_\_\_\_ authenticated this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Matthew Graham, City Clerk

\_\_\_\_\_  
John Edwards, Mayor

Officially published on the \_\_\_\_ day of \_\_\_\_\_, 2025.

CERTIFIED BY:

\_\_\_\_\_  
Matthew Graham, City Clerk

Exhibit “A”

1. The following shall be added in Section 11-2-1(3) Words beginning with “C.”
  - Z. “Condominium” means one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, and notwithstanding whether the rooms are intended for use or used as a residence or office for the operation of any industry or business, or for any other use not prohibited by law, where ownership of the general common elements of the structure, as defined under Chapter 499B of the *Code of Iowa*, is shared by one or more persons, corporations, or other legal entities capable of holding or owning an interest in real property.
  - AA. “Cooking provisions, permanent” means a room or space within a dwelling unit that is used or designed to be used for the preparation and cooking of food. The minimum components include a countertop, a sink with running water, and a stove or stove hookup.
2. Section 11-2-1(4)(P) through Section 11-2-1(4)(X) shall be deleted from Section 11-2-1(4) Words beginning with “D.” and replaced as follows:
  - P. “Dwelling” means any building that contains one or more dwelling units occupied or designed to be occupied for living purposes. Dwelling excludes boarding houses, lodging houses, hotels, mobile homes, nursing facilities, and assisted living residential facilities. Types of dwellings and/or dwelling units include:
    - (1) “Dwelling, accessory unit” means an additional dwelling unit that is subordinate to the principal dwelling unit on the same lot, does not provide direct and free access to the principal dwelling unit and its amenities, and provides a reasonable expectation of privacy from residents of the principal dwelling. Accessory dwelling units may be a detached building or attached or internal to the principal building. For the purposes of this definition, a dwelling unit is “subordinate” to the principal dwelling when all of the following apply:
      - a. The additional dwelling unit does not have an exterior door oriented toward a front yard;
      - b. The additional dwelling unit does not have a separate address;
      - c. The additional dwelling unit is provided water, sanitary sewer, electrical, and/or gas from the same metered service as the existing principal dwelling.
    - (2) “Dwelling, apartment” means a dwelling unit within a multiple family dwelling. Apartments may be either leased or owned by the occupant.
    - (3) “Dwelling, duplex” means a building containing only two dwelling units located on the same lot, where neither unit is accessory nor subordinate to the other in terms of size, scale, and use. A duplex dwelling shall have a separate address and, for units constructed after July 1, 2025, a separate metered service for each dwelling unit.
    - (4) “Dwelling, multiple-family” means a building that contains three or more

dwelling units located on the same lot, exclusive of permitted Accessory Dwelling Units.

- (5) “Dwelling, single-family” means a building that contains only one principal dwelling unit and occupied exclusively for residence purposes, including naturally or commonly occurring uses specified herein.
- (6) “Dwelling, townhouse” means a single dwelling unit in a townhouse development that extends from foundation to roof and that has a yard or public way on not less than two sides. Townhouse dwelling units may be either attached by one or more common walls or detached.
- (7) “Dwelling unit” means a single unit providing completed independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall contain no more than two interior rooms or spaces providing permanent cooking provision.

3. The following shall be added in Section 11-2-1(12) Words beginning with “L.”

- L. “Livable space” means the habitable space within a dwelling unit that has finished walls, floors, and ceilings. Walls and ceilings shall be considered finished only if they are covered by wallboard or similar material; floors shall be considered finished only if they are covered by carpet, tile, linoleum, polished concrete, or similar material. For finished second floor or attic spaces, the livable space includes only the floor area with a ceiling height of 5 feet or greater. For finished basement spaces, the livable space includes only the floor area with a ceiling height of 7 feet or greater. Unfinished basements and attics, unheated porches and breezeways, garages, and maintenance shops shall be excluded from the livable space.

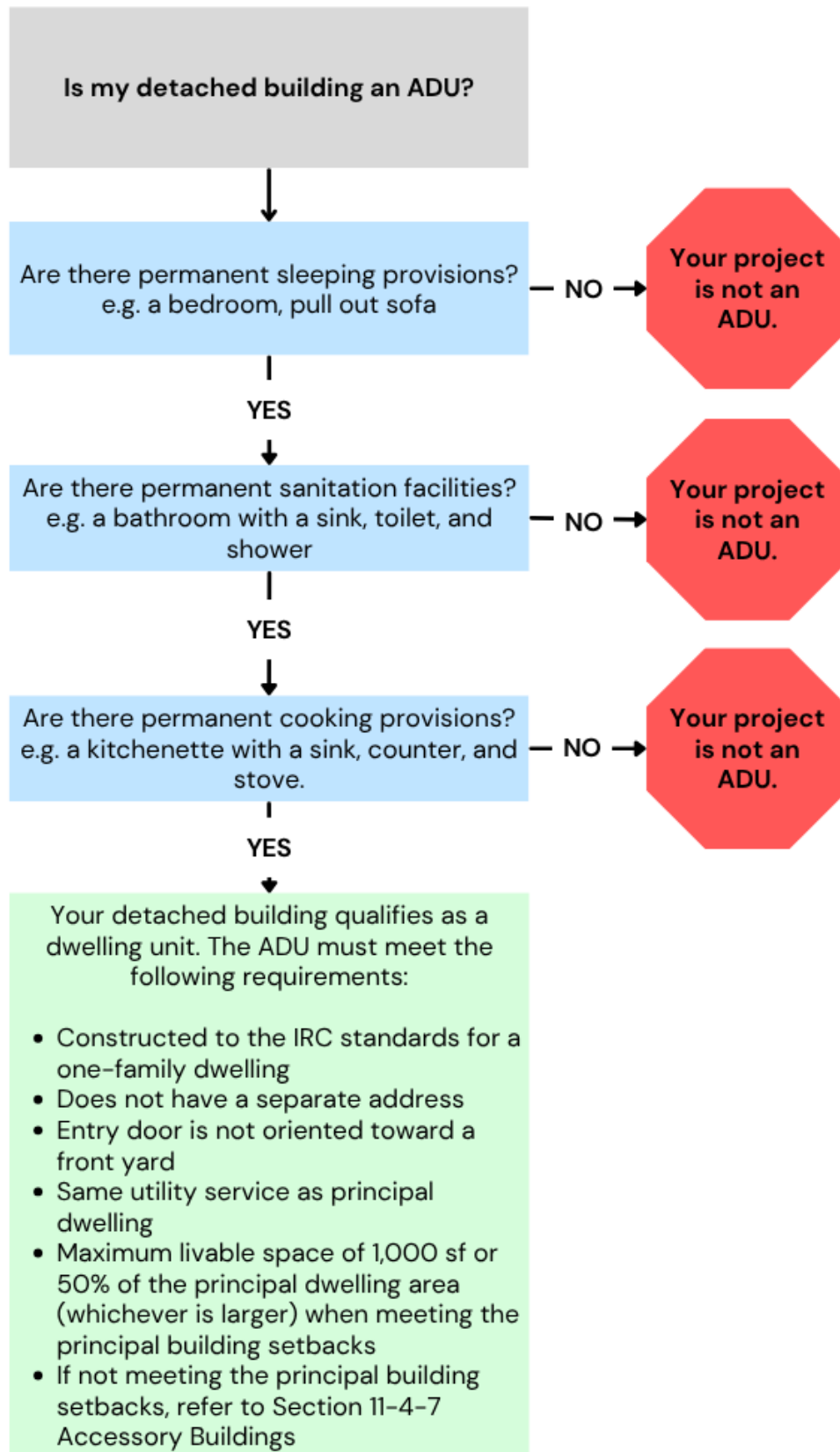
4. The following shall be added in Section 11-2-1(20) Words beginning with “T.”

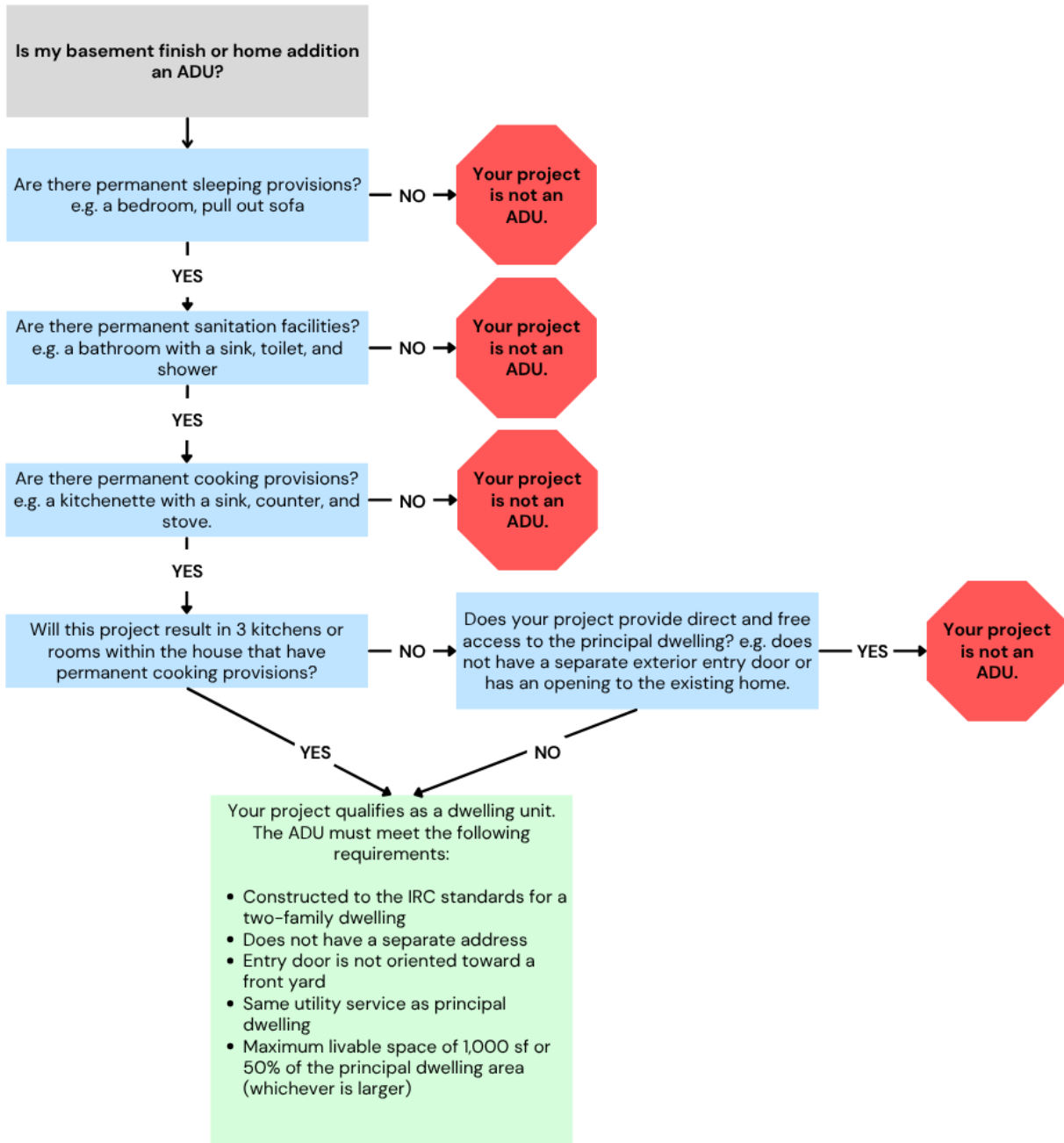
- M. “Townhouse development” means a subdivision for attached or detached townhouse units wherein the land or lot beneath each dwelling unit may be individually owned by the owner of the dwelling unit and where the development is characterized by common elements, which are specified in or determined under the rules and regulations set forth by recorded covenants.

Exhibit "B"

11-4-21 Accessory Dwelling Units.

- A. Accessory dwelling units shall be permitted as an accessory use to a single-family dwelling or townhouse unit in all residential zoning districts subject to compliance with the regulations within this title and any other applicable law.
- B. Construction of an accessory dwelling unit requires a permit and a fee in an amount determined, from time to time, by Resolution of the Council.
- C. Accessory Dwelling Units shall comply with the following:
  - 1. Quantity. No lot shall contain more than 1 accessory dwelling unit.
  - 2. Dimension Regulations. Accessory dwelling units shall comply with the same dimension requirements as applicable to the principal dwelling in Section 11-6-7 of this title. Notwithstanding the foregoing, detached accessory dwelling units may be constructed in conformance with the requirements of 11-4-7 Accessory Buildings when the requirements of 11-4-10 Yard Coverage and 11-4-21(C)(7) of this section are met.
  - 3. Density. Accessory dwelling units shall not be counted in density calculations or limits on total dwelling units.
  - 4. Accessory dwelling unit floor area. The livable space of an accessory dwelling unit shall not exceed 1,000 square feet or 50% of the livable space of the principal dwelling unit, whichever is larger.
  - 5. Dwelling occupant load. The maximum permitted occupant load within an accessory dwelling unit shall be calculated in conformance with Section 11-6-10 of this title.
  - 6. Architectural standards. Accessory dwelling units shall have the same architectural standards as required for the principal dwelling on the same lot.
  - 7. Building regulations. To ensure adequate consideration of life, safety, and general welfare, accessory dwelling units shall meet the following requirements:
    - a. Detached accessory dwelling units shall be constructed in conformance with all provisions of Section 10-1 Building Code applicable to a one-family dwelling.
    - b. Attached accessory dwelling units shall be constructed in conformance with all provisions of Section 10-1 Building Code applicable to a two-family dwelling.
  - 8. Flood Control. Accessory dwelling units shall be subject to the requirements of Chapter 11 Flood Control.







**STATE OF IOWA**  
KIM REYNOLDS  
GOVERNOR

May 1, 2025

The Honorable Paul Pate  
Secretary of State of Iowa  
State Capitol  
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

Senate File 592, an Act relating to county and city regulation of accessory dwelling units.

The above Senate File is hereby approved on this date.

Sincerely,

Kim Reynolds  
Governor of Iowa

cc: Secretary of the Senate  
Clerk of the House



Senate File 592

AN ACT

RELATING TO COUNTY AND CITY REGULATION OF ACCESSORY DWELLING UNITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.301, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 27. *a.* A county shall allow a minimum of one accessory dwelling unit on the same lot as a single family residence in accordance with the following conditions:

- (1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.
- (2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger.
- (3) An accessory dwelling unit shall be prohibited or limited only to the extent that a state historic building code restriction, as adopted by a county in accordance with section 103A.43, subsection 3, a deed restriction, or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited.
- (4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in 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 section 435.26.

*b.* Except as otherwise provided in paragraph "a" or by state law, a county shall not impose any of the following limitations or restrictions:

(1) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a county shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

(2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided for in subsection 18 of this section and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) The requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the county can require new or separate utility lines.

(6) Imposition of a different county impact fee structure or

development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

c. A county shall approve an accessory dwelling unit permit application that meets the requirements set forth in paragraph "a" and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a county's normal review schedule for a single family residence. If the county denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

d. A county ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts with this subsection is void. Nothing in this subsection prohibits a county from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

e. For the purposes of this subsection:

(1) "*Accessory dwelling unit*" means an additional residential dwelling unit located on the same lot as a single family residence that is either attached to or detached from the single family residence.

(2) "*Detached*" includes being part of any accessory structure such as a detached garage.

(3) "*Dwelling unit*" means the same as defined in section 562A.6, subsection 3.

(4) "*Single family residence*" means the same as defined in section 562A.6, subsection 15, except to the extent that a single family residence may share utility lines with the accessory dwelling unit if full utility access that includes a separate metering system for billing purposes can be provided to the accessory dwelling unit.

Sec. 2. Section 364.3, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 20. *a.* A city shall allow a minimum of one accessory dwelling unit on the same lot as a single family residence in accordance with the following conditions:

- (1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.
- (2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger.

- (3) An accessory dwelling unit shall be prohibited or limited only to the extent that a state historic building code restriction, as adopted by a city in accordance with section 103A.43, subsection 3, a deed restriction, or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited.

- (4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in 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 section 435.26.

*b.* Except as otherwise provided in paragraph "a" or by state law, a city shall not impose any of the following limitations or restrictions:

- (1) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a city shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

- (2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided

for in subsections 9 and 16 of this section, section 414.1, subsection 1, paragraph "e", and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single-family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) A requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the city can require new or separate utility lines.

(6) Imposition of a different city impact fee structure or development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

*c.* A city shall approve an accessory dwelling unit permit application that meets the requirements set forth in paragraph "a" and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a city's normal review schedule for a single family residence. If the city denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

*d.* A city ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts

with this subsection is void. Nothing in this subsection prohibits a city from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

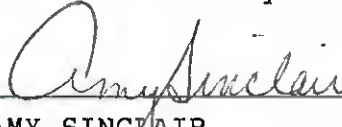
e. For the purposes of this subsection:


(1) "Accessory dwelling unit" means an additional residential dwelling unit located on the same lot as a single family residence that is either attached to or detached from the single family residence.

(2) "Detached" includes being part of an accessory structure such as a detached garage.

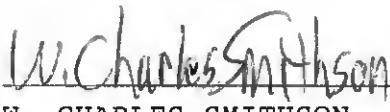
(3) "Dwelling unit" means the same as defined in section 562A.6, subsection 3.

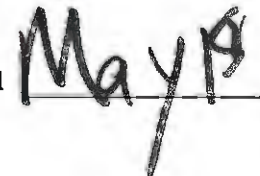
(4) "Single family residence" means the same as defined in section 562A.6, subsection 15, except to the extent that a single family residence may share utility lines with the accessory dwelling unit if full utility access that includes a separate metering system for billing purposes can be provided to the accessory dwelling unit.

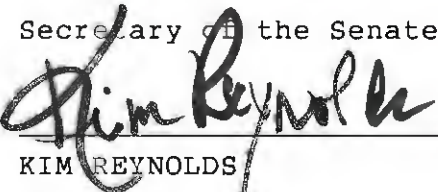
  
\_\_\_\_\_  
AMY SINCLAIR  
President of the Senate

  
\_\_\_\_\_  
PAT GRASSLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 592, Ninety-first General Assembly.

  
\_\_\_\_\_  
W. CHARLES SMITHSON  
Secretary of the Senate

Approved  , 2025

  
\_\_\_\_\_  
KIM REYNOLDS  
Governor