

ITEM #:	51
DATE:	06-09-26
DEPT:	P&H

COUNCIL ACTION FORM

SUBJECT: ACCESSORY DWELLING UNIT STANDARDS ZONING ORDINANCE TEXT AMENDMENT

BACKGROUND:

Earlier this year, the Iowa General Assembly passed Senate File 2369, which makes changes to the way counties and cities in Iowa can regulate Accessory Dwelling Units (ADUs). The new bill amends standards approved last year by the state, Senate File 592, which preempted certain county and city regulations regarding ADUs.

The new bill (SF 2369) was signed into law by Governor Reynolds on April 9, 2026, and comes into effect on July 1, 2026. The minimum requirements of the new state law necessitate some changes to the City's local zoning standards. Fundamentally, the legislation requires municipalities to permit ADUs on single-family lots in manner that is similar to that of a single-family dwelling.

The 2025 legislation defines an accessory dwelling unit as: "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." A single-family residence as defined by the state corresponds to one- and two-family homes as defined in the Ames Zoning Ordinance.

The new law passed by the State legislature this year requires the following changes to the City's Zoning Ordinance:

- Clarifying that municipalities are only required to permit ADUs on properties where single-family residences are allowed as a principal use. *The law in 2025 was unclear as to whether municipalities were required to allow ADUs on properties with nonconforming single-family residences.*
- Adding that an unfinished basement does not count towards size limitations. *Last year's law stipulated that an ADU is limited in size to 1,000 square feet or 50% of the size of the single-family residence, whichever is larger. This year's law states that the size calculation of an ADU shall exclude unfinished basements. Note that finishing out basement space in the future may not be permissible if the size limit is already met.*
- Amends the language relating to the review of ADUs on properties designated as historic (including historic districts). *No specific change to Chapter 31 is needed to implement this requirement; it is consistent with the City's current process.*
- Defines "the gross living area of the primary dwelling unit excluding garages, decks, and unheated porches." *Last year's law did not explain how size was defined for calculating the area of an ADU and City relied upon its own zoning definition of gross floor area.*

Staff also has identified two changes to the City's own standards as companion changes to the mandated State requirements:

- **Clarifying that in zoning districts where side setbacks are based on the number of building stories (six feet for one story, eight feet for two story, etc.), side setbacks for attached ADUs shall match the single-family residence and side setbacks for detached ADUs shall be considered independent of the setbacks applied to the house. This means a one-story ADU could have a lesser setback on the same lot as a two-story principal dwelling or vice versa.**
- **Affirming that ADU standards for side and rear setbacks and lot coverage are eligible for Alternative Design (the 20% Alternative Design Rule). Staff believes minor flexibility similar to principal dwellings will help for reasonable construction of ADUs for smaller lots. The overall size and other main limitations on ADUs are not affected by this allowance for flexibility.**

A draft ordinance for the changes is Attachment A.

Planning & Zoning Commission:

On May 20, 2026, the Planning and Zoning Commission reviewed the proposed changes. The Commission voted 4-0-0 to recommend that Council approve the changes to the Zoning Ordinance that includes the both the state requirements and staff-suggested changes.

ALTERNATIVES:

1. Approve the text amendment for Accessory Dwelling Units as shown in Attachment A.
2. Approve the text amendment for Accessory Dwelling Units with language other than what is shown in Attachment A.
3. Refer the matter back to staff for further consideration.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has prepared a draft ordinance (Attachment A) to comply with the new state statute for Accessory Dwelling Units, which comes into effect on July 1 of this year. The revised code amends the regulations in response to state law and makes two additional changes that staff believe are beneficial. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as stated above.

ATTACHMENT(S):

[Attachment A - ADU Text Amendment.pdf](#)

[Attachment B - Draft ADU Ordinance.pdf](#)