



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS
PLANNING AND ZONING COMMISSION
Wednesday, June 25, 2025 - 5:30 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST
ZOOM: <https://us02web.zoom.us/j/7832856334>
Meeting ID: 783 285 6334

1. **Call to Order**
2. **Approval of Agenda**
3. **Approval of the Minutes:**
 - A. Consideration of the Planning and Zoning Commission Meeting Minutes on February 26, 2025
4. **Public Hearing to Review an Update to Chapters 168, 172, 175, and 179 Regarding General-Variance Zoning Code**
 - A. Consideration of an Update to Chapters 168, 172, 175, and 179 Regarding General-Variance Zoning Code
5. **Public Hearing to Review an Update to Chapters 166 and 172 Regarding Accessory Dwelling Units**
 - A. Consideration of an Update to Chapters 166 and 172 Regarding Accessory Dwelling Units
6. **Adjourn**

*It is possible that members, including a quorum of members of the City Council and other committees may be present. No City business will be discussed outside of this agenda.

City of Windsor Heights Planning and Zoning Commission Meeting Minutes
Wednesday, February 26, 2025 - 5:30 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST

1. Call to Order

Commission Chair Geoff Wood called the meeting to order at 5:31 PM. Members present: Diane Foss, Donna Mueller, Bob Bishop, and Georgie Libbie. Members absent: Dave Ferree and Tyler Holtorff. Staff present: City Planner Trey Rouse with Bolton & Menk and Deputy City Clerk Nate Leuthold.

2. Approval of Agenda

Motion by Donna Mueller to APPROVE. Seconded by Bob Bishop. Motion passed 5-0.

3. Approval of the Minutes:

Motion by Donna Mueller to APPROVE. Seconded by Diane Foss. Motion passed 5-0.

- A. Consideration of the Planning and Zoning Commission Meeting Minutes on October 23rd, 2024

4. Public Hearing to Review a Site Plan at 6500 Hickman Rd

Trey Rouse gave the staff presentation. Bob Bishop spoke regarding the parkland dedication and whether it should be required. Trey advised that it would be required under our current code. Bob asked about the valuation of the parkland dedication, and whether it should be higher due to the valuation of land within Windsor Heights. Trey advised that, per code, he used the Polk County average for the calculation. After some discussion, Trey agreed to have staff review how this number is reached to see if it warrants a change. Wally Pelds of Pelds Design Services at 2323 Dixon St, Des Moines, IA, spoke on behalf of the applicants regarding their plan for ADA compliance and parking lot surfacing. The applicant Mila Schwatz of 511 7th St, West Des Moines, IA, answered questions about the units and explained how they specified "one bedroom" vs "studio" apartments. She also discussed future plans for a clubhouse-style area with amenities for the residents. The amenities are still in discussion, but may include a workout facility, laundry room, conference room, and vending machines. Motion by Diane Foss to open the Public Hearing at 6:00 PM. Seconded by Bob Bishop. No public comment. Motion by Diane Foss to close the Public Hearing at 6:01 PM. Seconded by Georgie Libbie. Motion passed 5-0.

- A. Staff Presentation

- B. Site Plan & Supporting Documents

5. Consideration of a Site Plan at 6500 Hickman Rd

Bob Bishop again raised the question of whether the parkland dedication should be required. Trey advised again that per current Windsor Heights code, yes it would be required. Motion from Bob Bishop to amend the staff-recommended motion so as not to include the parkland dedication. Motion failed due to lack of second. Motion from Bob Bishop to amend the staff-recommended motion so as to adjust the parkland dedication valuation to \$300,000 per acre. Motion failed due to lack of second. Motion by Donna Mueller to recommend for approval of the 6500 Hickman Road Site Plan (The Windsor Court Apartments) with the conditions of approval laid out by City Staff to the City Council. Seconded by Georgie Libbie. Motion passed 4-1. Yes: Geoff Wood, Diane Foss, Georgie Libbie, Donna Mueller. No: Bob Bishop.

6. Public Hearing to Review a Signage Code Amendment to Chapter 175 Regarding Projecting Signs

Trey Rouse gave the staff presentation. Bob Bishop spoke regarding the history of projecting signs in Windsor Heights. He also asked questions regarding how signs are reviewed. Nate Leuthold advised that all signs require a permit and review by Safe Building to ensure compliance with state and local code and safety standards. Motion by Diane Foss to open the Public Hearing at 6:24 PM. Seconded by Bob Bishop. Motion passed 5-0. No public comment. Motion by Georgie Libbie to close the Public Hearing at 6:25 PM. Seconded by Diane Foss. Motion passed 5-0.

A. Staff Presentation

B. Code Redline & Supporting Documents

7. **Consideration of a Signage Code Amendment to Chapter 175 Regarding Projecting Signs**

Motion by Donna Mueller to recommend approval and adoption of the updated Signage Code narrative for the City of Windsor Heights to the City Council. Seconded by Diane Foss. Motion passed 4-0. Yes: Geoff Wood, Diane Foss, Georgie Libbie, Donna Mueller. No: Bob Bishop.

8. **Adjourn**

Motion by Bob Bishop to adjourn at 6:26 PM. Seconded by Donna Mueller. Motion passed 5-0.

Chapter 168 Zoning Code – Zoning District Regulations

168.02 ESTABLISHMENT OF DISTRICTS.

The following base districts and overlay districts are hereby established. Table 168.08-01 displays the purposes of these districts.

<u>BASE ZONING DISTRICT</u>	<u>DISTRICT NAME</u>
R-1	Low Intensity Residential District
R-2	Urban Family Residential District
R-3	Multiple-Family Residential District
MH	Mobile Home Residential District
CC	Community Commercial District
UC	Urban Center District
LI	Limited Industrial District

<u>OVERLAY DISTRICT</u>	<u>DISTRICT NAME</u>
PUD	Planned Unit Development Overlay District
F	Floodplain/Floodway Overlay District

168.04 DEVELOPMENT REGULATIONS.

For each Zoning District: Purposes are set forth in Table 168.08-01; uses permitted are set forth in Table 168.08-02; and site development regulations are presented in Table 168.08-03. Supplemental regulations may affect specific land uses or development regulations in each zoning district. The applicable supplemental regulations are noted in Table 168.08-02.

Table 168.08-01: Purposes of Zoning Districts

Only change/update is to the title of the table.

Table 168.08-02: Permitted Uses by Zoning District

Only change/update is to the title of the table.

Table 168.08-03: Summary of Site Development Regulations

Regulator	R-1	R-2	R-3	MH
Minimum Lot Area (square feet)	7,200	7,200	7,200	See Section <u>172+.0</u> <u>2</u>
Minimum Lot Width (feet)	50	50	50	See Section <u>172+.0</u> <u>2</u>

Minimum Yards <u>Setbacks</u> (Feet)				
Front Yard <u>Setback</u>	25	25	25	See <u>Section</u> <u>1721.0</u> <u>2</u>
Street Side Yard <u>Setback</u>	25	25	25	See <u>Section</u> <u>1721.0</u> <u>2</u>
Interior Side Yard <u>Setback</u>	5	5	5	See <u>Section</u> <u>1721.0</u> <u>2</u>
Rear Yard <u>Setback</u>	15	15	15	See <u>Section</u> <u>1721.0</u> <u>2</u>
Maximum Height (feet)				
Main Building	35	35	35	See <u>Section</u> <u>1721.0</u> <u>2</u>
Accessory Building	25	25	25	See <u>Section</u> <u>1721.0</u> <u>2</u>
Maximum Building Coverage	40%	50%	50%	See <u>Section</u> <u>1721.0</u> <u>2</u>
Maximum Impervious Coverage	65%	65%	65%	50%
Maximum Residential Units Per Acre (du/ac)	7.5	10	20	20
Lighting Zone	LZ-1	LZ-1	LZ-2	LZ-2

Chapter 172 Zoning Code – Supplemental Site Development Regulations

172.05 MAXIMUM PERMITTED SOUND LEVELS ADJACENT TO RESIDENTIAL ZONING DISTRICTS.

Table 171.056-01 displays the maximum permitted sound levels that may be generated by uses in the CC, UC, or LI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting American National Standards Institute (ANSI) specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 172.05-01 – Maximum Permitted Sound Levels At Residential Boundaries

Originating Zoning District	Time	Maximum One Hour LEQ* (dBa)
CC, UC	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	50
LI	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	50

*LEQ (or equivalent continuous sound level) is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

Only change/update is to the title of the table.

172.15 PARKLAND DEDICATION

No Table Title → **Table 172.15-01 Average Individuals Estimated Per Land Use Unit Type**

Land Use Type (Unit)	Individuals Per Residential Living Unit
Dwelling, Single-Unit	2.5 Individuals
Dwelling; Two, Three, or Four Unit; Townhouse,	2.0 Individuals
Dwelling; Apartment or Live-Work Unit	1.5 Individuals
Manufactured or Mobile Home	1.5 Individuals

Only change/update is to the title of the table.

Chapter 175 Zoning Code – Sign Regulations

Table 175.09-04 – Permitted Signs by Numbers, Dimensions, and Locations

Zoning District:	R-1 R-2	R-3 MH	CC UC	LI
Detached Signs				
Number Permitted Per Premises	1	1	NA	NA
Maximum Size* (square feet)	8	32	90	90
Maximum Height (feet) of Structure Above Ground	10	10	10	10
Front Yard Setback (feet)	5	5	10	0
Side Yard Setback (feet)	10	10	5	0
Attached Signs				
Maximum Size* (square feet)	8	32	150	200
* For those uses only permitted a sufficient maximum sign area in Table 175.09-03-				

3

Chapter 179 Zoning Code – Board of Adjustment

179.04 Powers.

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
2. To grant a variation from the terms of this ordinance; provided, however, that all variations granted under this clause shall be in harmony with the intent of this ordinance and the applicable State Statute Iowa Code Section 414. In granting approval or conditional approval of a variance, the Board of Adjustment shall prepare written findings of fact that all of the conditions below apply to the application:
 - A. Special Circumstances. Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this ordinance, a general rule to cover them.
 - B. ~~Hardship or~~ Practical Difficulties. Because of these special circumstances, the literal application of the provisions of this ordinance would, without a variance, result in

unnecessary ~~and undue hardship or~~ practical difficulties for the applicant, as distinguished from mere inconvenience.

- C. Not Resulting from Applicant Action. The special circumstances and either practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this ordinance or any applicable amendment thereto, of any party with a present interest in the property.
 - D. Reasonable Use and Return. Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.
 - E. Not Alter Local Character. The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.
 - F. Minimum Variance Needed. The variance approved is the minimum required to allow reasonable use and enjoyment of the property.
- 3. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under this ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
 - 4. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

STAFF REPORT

Date: June 25th, 2025
To: Windsor Heights Planning and Zoning Commission
From: Trey Rouse
Subject: General Updates to the City of Windsor Heights Zoning Code

Summary

Through changes in the Iowa Legislation and current use of the Zoning Code as it exists, City Staff has gone through, reviewed, and documented updates to make to the zoning code pertaining to ease of use and updates to links within the code. These recommended updates by city staff are to create easier navigation of the existing code. Additionally, changes in state legislation have taken place that impact the Zoning Code. House File 652 was passed and signed and impacts the Zoning Board of Adjustments and variance approval process. An update to Chapter 179 has also been recommended to come into conformance with the new state legislation.

The recommended changes within this staff report consist of text amendments and updates to links within the code for conformance and ease of use for city staff, developers, and residents alike.

Changes by the Iowa Legislature

With the latest legislative session now closed, House File 652 signed by Governor Reynolds and going into effect on July 1st, 2025, impacts the powers of the Zoning Board of Adjustments and their criteria for approval and denial of variances. This bill changes the criteria of “Hardship” that has previously been required to be shown to be able to gain a variance on a property within Windsor Heights. This criterion, which was previously hardship, is now required to show a “Practical Difficulty” that without the variance would be an unnecessary practical difficulty to utilize the property while also meeting the existing other conditions for a variance. No other requirements of conditions of approval or denial were changed with the passing and signing of House File 652.

Changes Proposed to the Zoning Code

Chapter 168 Zoning Code – Zoning District Regulations

168.02 Establishment of Districts.

The following base districts and overlay districts are hereby established. Table 168.08-01 displays the purposes of these districts.

<u>BASE ZONING DISTRICT</u>	<u>DISTRICT NAME</u>
R-1	Low Intensity Residential District
R-2	Urban Family Residential District
R-3	Multiple-Family Residential District
MH	Mobile Home Residential District

CC	Community Commercial District
UC	Urban Center District
LI	Limited Industrial District

<u>OVERLAY DISTRICT</u>	<u>DISTRICT NAME</u>
PUD	Planned Unit Development Overlay District
F	Floodplain/Floodway Overlay District

168.04 Development Regulations.

For each Zoning District: Purposes are set forth in Table 168.08-01; uses permitted are set forth in Table 168.08-02; and site development regulations are presented in Table 168.08-03. Supplemental regulations may affect specific land uses or development regulations in each zoning district. The applicable supplemental regulations are noted in Table 168.08-02.

Table 168.08-01: Purposes of Zoning Districts

Only change/update is to the title of the table.

Table 168.08-02: Permitted Uses by Zoning District

Only change/update is to the title of the table.

Table 168.08-03 – Summary of Site Development Regulations

Regulator	R-1	R-2	R-3	MH
Minimum Lot Area (square feet)	7,200	7,200	7,200	See Section 172+.02
Minimum Lot Width (feet)	50	50	50	See Section 172+.02
Minimum Yards <u>Setbacks</u> (Feet)				
Front Yard <u>Setback</u>	25	25	25	See Section 172+.02
Street Side Yard <u>Setback</u>	25	25	25	See Section 172+.02
Interior Side Yard <u>Setback</u>	5	5	5	See Section 172+.02
Rear Yard <u>Setback</u>	15	15	15	See

				<u>Section</u> <u>172+.02</u>
Maximum Height (feet)				
Main Building	35	35	35	See <u>Section</u> <u>172+.02</u>
Accessory Building	25	25	25	See <u>Section</u> <u>172+.02</u>
Maximum Building Coverage	40%	50%	50%	See <u>Section</u> <u>172+.02</u>
Maximum Impervious Coverage	65%	65%	65%	50%
Maximum Residential Units Per Acre (du/ac)	7.5	10	20	20
Lighting Zone	LZ-1	LZ-1	LZ-2	LZ-2

Chapter 172 Zoning Code – Supplemental Site Development Regulations

172.05 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts.

Table 171.056-01 displays the maximum permitted sound levels that may be generated by uses in the CC, UC, or LI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting American National Standards Institute (ANSI) specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 172.05-01 – Maximum Permitted Sound Levels At Residential Boundaries

Originating Zoning District	Time	Maximum One Hour LEQ* (dBa)
CC, UC	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	50
LI	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	50

*LEQ (or equivalent continuous sound level) is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

Only change/update is to the title of the table.

172.15 Parkland Dedication.

No Table Title → ***Table 172.15-01 Average Individuals Estimated Per Land Use Unit Type***

Land Use Type (Unit)	Individuals Per Residential Living Unit
Dwelling, Single-Unit	2.5 Individuals
Dwelling; Two, Three, or Four Unit; Townhouse,	2.0 Individuals
Dwelling; Apartment or Live-Work Unit	1.5 Individuals
Manufactured or Mobile Home	1.5 Individuals

Only change/update is to the title of the table.

Chapter 175 Zoning Code – Sign Regulations

Table 175.09-04 – Permitted Signs by Numbers, Dimensions, and Locations

Zoning District:	R-1 R-2	R-3 MH	CC UC	LI
Detached Signs				
Number Permitted Per Premises	1	1	NA	NA
Maximum Size* (square feet)	8	32	90	90
Maximum Height (feet) of Structure Above Ground	10	10	10	10
Front Yard Setback (feet)	5	5	10	0
Side Yard Setback (feet)	10	10	5	0
Attached Signs				
Maximum Size* (square feet)	8	32	150	200
* For those uses only permitted a sufficient maximum sign area in Table 175.09-03-3				

Chapter 179 Zoning Code – Board of Adjustments

179.04 Powers.

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
2. To grant a variation from the terms of this ordinance; provided, however, that all variations granted under this clause shall be in harmony with the intent of this ordinance and the applicable State Statute Iowa Code Section 414. In granting approval or conditional approval of a variance, the Board of Adjustment shall prepare written findings of fact that all of the conditions below apply to the application:
 - A. Special Circumstances. Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this ordinance, a general rule to cover them.
 - B. ~~Hardship or~~ Practical Difficulties. Because of these special circumstances, the literal application of the provisions of this ordinance would, without a variance, result in unnecessary ~~and undue hardship or~~ practical difficulties for the applicant, as distinguished from mere inconvenience.
 - C. Not Resulting from Applicant Action. The special circumstances and either practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this ordinance or any applicable amendment thereto, of any party with a present interest in the property.
 - D. Reasonable Use and Return. Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.
 - E. Not Alter Local Character. The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.
 - F. Minimum Variance Needed. The variance approved is the minimum required to allow reasonable use and enjoyment of the property.
3. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under this ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Conclusion and Recommendation

After reviewing all of the documentation available, changes put forth by the Iowa Legislation, and discussion, City Staff compared the changes proposed to the current zoning code and their impact to the community. After review and comparison, Staff came to their recommendation.

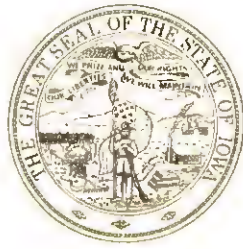
The staff recommends to the Planning & Zoning Commission to recommend approval and adoption of the updates to the Windsor Heights Zoning Code for the City of Windsor Heights to the City Council.

Recommended Motion

Motion to recommend approval and adoption of the updated Zoning Code for the City of Windsor Heights to the City Council.

Attachments:

1. Windsor Heights Redlined Zoning Code (Proposed)
2. House File 652



STATE OF IOWA
KIM REYNOLDS
GOVERNOR

April 25, 2025

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

Dear Mr. Secretary,

I hereby transmit:

House File 652, an Act concerning county and city regulation of real property and the powers granted to a board of adjustment.

The above House File is hereby approved on this date.

Sincerely,

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 652

AN ACT

CONCERNING COUNTY AND CITY REGULATION OF REAL PROPERTY AND THE POWERS GRANTED TO A BOARD OF ADJUSTMENT.

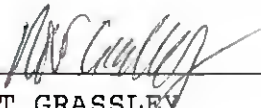
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 335.15, Code 2025, is amended by adding the following new subsection:

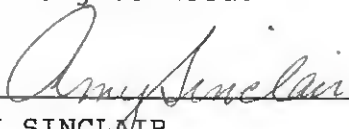
NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

Sec. 2. Section 414.12, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

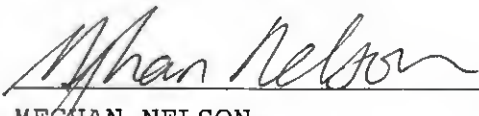


PAT GRASSLEY
Speaker of the House



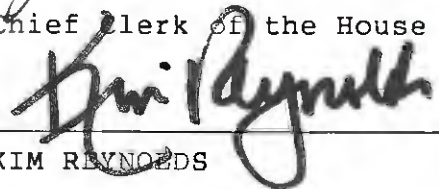
AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 652, Ninety-first General Assembly.



MEGHAN NELSON
Chief Clerk of the House

Approved April 25th, 2025



KIM REYNOLDS
Governor

Chapter 166 Zoning Code – Definitions

188. “Residential” means the use of a site for one or more dwelling units.
- a. “Residential, Single-Family Detached” means a single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
 - b. “Residential, Townhomes” means a townhome residential use with six or more units, in which the dwelling units have a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
 - c. “Residential, Accessory Dwelling Unit” means ~~a non-principal dwelling unit that is separate from the principal dwelling.~~ **an additional, non-principal residential dwelling unit located on the same lot as a single-family residence that is either attached or detached from the single-family residence.**
 - d. “Residential, Duplex” means a residential use with two dwelling units contained within the same structure. Units do not have to contain a common wall and may be above or below each other.
 - e. “Residential, Multi-Family” means a residential use with more than three units on a single lot in which all units do not contain at least one common wall with another unit. Units do not have to contain a common wall and may be above or below each other. Also known as Residential, Multiple-Family.
 - f. “Residential, Downtown” means the use of upper levels above the street level of a building within the Urban Center District of the City for single- or multiple-family residential uses.

Chapter 168 Zoning Code – Zoning District Regulations

Table 168-2 Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Residential, Accessory Dwelling Unit	CP	P	P	P		P	

Chapter 172 Zoning Code – Supplemental Site Development Regulations

172.06 ACCESSORY USES.

1. Home-Based Businesses; Home Occupations. Each home-based business shall register with the City, on a form established by the Zoning Administrator. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

- a. External Effects.
 - A. There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.

- B. No noise, odors, bright lights, electronic interference, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
 - C. A home occupation that is run within a detached accessory building shall be approved by the Board of Adjustment in accordance with these zoning regulations. All “external effects” criteria in subparagraphs (1), (2), (4), (5), and (6) of this paragraph A are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.
 - D. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 - E. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
 - F. No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
- b. Employees. The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit.
 - c. Extent of Use. For all residential zoning districts, a maximum of 30% of the floor area of the dwelling may be devoted or used for a home based business/home occupation, inclusive of any attached garage or detached accessory buildings used for the home occupation.
 - d. Signage. Signage designating the home occupation shall be consistent with regulations for zoning districts set forth in Chapter 175 of this Zoning Code.
 - e. Traffic Generation.
 - a. Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
 - f. Nuisance. No home occupation shall be noxious, offensive, or hazardous due to vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions that would cause an adverse impact on the neighborhood, as determined by the zoning administrator.
2. **Accessory Dwelling Units (ADU).** Each ADU shall go through the Site Plan review process to confirm conformity with the City of Windsor Heights Zoning Code. ADUs are a permitted accessory use on all single-family residential lots. The following standards are applied to the ADUs:
- a. An ADU shall not exceed one thousand (1,000) square feet or 50% of the square footage of the Single-Family residence on the property, whichever is larger.
 - b. Any manufactured home that is being utilized on a property must meet all standards of the City of Windsor Heights Zoning Code pertaining to ADUs, converted to Real Property by being placed on a permanent foundation.

- c. If the ADU is intended to be a rental property, it must be registered as a rental property with the City of Windsor Heights and go through the appropriate inspections as per the Rental Property City Code.
- d. If utilities to the ADU can't be provided in their entirety from the existing utilities on the lot with the single-family residence, then a new set of utility connections is required for the ADU.
- e. If the ADU is attached and/or connected to the principal structure and/or single-family residential dwelling unit on the property, then it is required to have a connecting doorway between the ADU and principal structure that does not go outside either structure.
- f. The maximum number of ADUs permitted on any lot is one (1).

172.07 ACCESSORY STRUCTURE.

1. Accessory structures are enclosed, covered, or walled structures that are customarily incidental and subordinate to the principal use or structure. The accessory buildings and structures include free standing garages, trash enclosures, sheds, play structures, underground shelters, **accessory dwelling units (detached)**, and above-ground and in-ground pools and hot tubs.
2. Standards.
 - a. Construction. No accessory structure shall be constructed upon a lot until the construction of the principal building has been commenced, and no accessory structure shall be used if the principal building has not completed construction within a 2 year period.
 - b. Setback. Structures shall maintain a minimum distance of five feet from any lot lines, alley lines, and adjoining lots.
 - A. Must have a greater front yard setback than the primary structure.
 - c. Height. All structures shall have a maximum height of 25 feet.
 - d. Zoning. Must comply with all underlying standards set forth in Chapter 168.
 - e. Exempt Structures.
 - A. Unwalled structures under 120 square feet in size and under 15 feet in height.
 1. This does not include carports or concrete slabs.
 - B. **Accessory Dwelling Unit (ADU) structures are exempt from the Height Maximum of Accessory Structures and will conform to the Height Maximum provided for Single-Family Residential dwelling units within their respective Zoning District.**

STAFF REPORT

Date: June 25th, 2025
To: Windsor Heights Planning and Zoning Commission
From: Trey Rouse
Subject: Accessory Dwelling Unit (ADU) Zoning Code Update

Summary

The Windsor Heights Zoning Code is subject to change and update based upon staff recommendation, changing needs within the community, and changes within State of Iowa legislation. This zoning code update is initiated through changes within the State of Iowa legislation related to Accessory Dwelling Units (ADUs) through Senate File 592 (SF 592) signed by Governor Reynolds and being implemented as of July 1st, 2025. SF 592 supersedes the county and city government oversight when it comes to restrictions to ADUs within county and city limits. This requires the timely update of the current zoning code for the city to come into conformance with the new standards for ADUs.

Senate File 592 and Accessory Dwelling Unit Standards

These changes decided upon by Iowa legislators allow for ADUs to be permitted by right within any zoning district that allows for single-family residence. It further goes onto restrict county and city governments from enacting standards that are more restrictive than those placed on single-family residence within the same zoning district as proposed ADUs. The list of standards set by Iowa legislators within SF 592 and list of standards that can't be set by county and city governments are listed below:

- Must allow one ADU on any single-family residential lot by right (no CUP or SUP)
- Can't restrict ADUs beyond what the single-family residence standards are (maximum height, minimum setbacks, minimum lot sizes, minimum building frontages, maximum lot coverage, density, and aesthetics/architectural requirements).
- Can't require the exterior design/architectural requirements/materials/roof pitch to match the single-family residence on the property.
- No additional parking standards can be required when adding an ADU to a property beyond what the existing single-family residence requires.
- No additional public street or sidewalk maintenance/update/improvement requirements can be set when adding an ADU to a property beyond what the single-family residence requires.
- Can't restrict the occupancy of the single-family residence or ADU by requiring property owner(s) to live on property, familial status, marital status, employment relationship, by income, or by age.
- Can't require a new or separate series of utilities be installed to the ADU unless the property is unable to connect all utilities through the existing utilities on the property, then the city may require this.

With the changes made to ADU permissions within county and city limits, the Windsor Heights Zoning Code must be amended to come into compliance with the State of Iowa legislation. The following staff report goes over the recommended amendments to the existing zoning code and corresponding chapters. These edits are recommended by city staff after reviewing the new standards put forth for the State of Iowa.

Changes Made to the Zoning Code for Accessory Dwelling Units (ADUs)

Changes recommended for the Zoning Code are as follows:

Chapter 166 Zoning Code – Definitions

- 188. “Residential” means the use of a site for one or more dwelling units.
 - a. “Residential, Single-Family Detached” means a single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
 - b. “Residential, Townhomes” means a townhome residential use with six or more units, in which the dwelling units have a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
 - c. “Residential, Accessory Dwelling Unit” means ~~a non-principal dwelling unit that is separate from the principal dwelling.~~ **an additional, non-principal residential dwelling unit located on the same lot as a single-family residence that is either attached or detached from the single-family residence.**
 - d. “Residential, Duplex” means a residential use with two dwelling units contained within the same structure. Units do not have to contain a common wall and may be above or below each other.
 - e. “Residential, Multi-Family” means a residential use with more than three units on a single lot in which all units do not contain at least one common wall with another unit. Units do not have to contain a common wall and may be above or below each other. Also known as Residential, Multiple-Family.
 - f. “Residential, Downtown” means the use of upper levels above the street level of a building within the Urban Center District of the City for single- or multiple-family residential uses.

Chapter 168 Zoning Code – Zoning District Regulations

Table 168-2 Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Residential, Accessory Dwelling Unit	CP	P	P	P		P	

Chapter 172 Zoning Code – Supplemental Site Development Regulations

172.06 Accessory Uses

1. Home-Based Businesses; Home Occupations. Each home-based business shall register with the City, on a form established by the Zoning Administrator. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

- a. External Effects.
 - A. There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 - B. No noise, odors, bright lights, electronic interference, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
 - C. A home occupation that is run within a detached accessory building shall be approved by the Board of Adjustment in accordance with these zoning regulations. All “external effects” criteria in subparagraphs (1), (2), (4), (5), and (6) of this paragraph A are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.
 - D. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 - E. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
 - F. No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
 - b. Employees. The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit.
 - c. Extent of Use. For all residential zoning districts, a maximum of 30% of the floor area of the dwelling may be devoted or used for a home based business/home occupation, inclusive of any attached garage or detached accessory buildings used for the home occupation.
 - d. Signage. Signage designating the home occupation shall be consistent with regulations for zoning districts set forth in Chapter 175 of this Zoning Code.
 - e. Traffic Generation.
 - a. Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
 - f. Nuisance. No home occupation shall be noxious, offensive, or hazardous due to vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions that would cause an adverse impact on the neighborhood, as determined by the zoning administrator.
2. Accessory Dwelling Units (ADU). Each ADU shall go through the Site Plan review process to confirm conformity with the City of Windsor Heights Zoning Code. ADUs are a permitted accessory use on all single-family residential lots. The following standards are applied to the ADUs:

- a. An ADU shall not exceed one thousand (1,000) square feet or 50% of the square footage of the Single-Family residence on the property, whichever is larger.
- b. Any manufactured home that is being utilized on a property must meet all standards of the City of Windsor Heights Zoning Code pertaining to ADUs, converted to Real Property by being placed on a permanent foundation.
- c. If the ADU is intended to be a rental property, it must be registered as a rental property with the City of Windsor Heights and go through the appropriate inspections as per the Rental Property City Code.
- d. If utilities to the ADU can't be provided in their entirety from the existing utilities on the lot with the single-family residence, then a new set of utility connections is required for the ADU.
- e. If the ADU is attached and/or connected to the principal structure and/or single-family residential dwelling unit on the property, then it is required to have a connecting doorway between the ADU and principal structure that does not go outside either structure.
- f. The maximum number of ADUs permitted on any lot is one (1).

Chapter 172 Zoning Code – Supplemental Site Development Regulations

172.07 Accessory Structures

1. Accessory structures are enclosed, covered, or walled structures that are customarily incidental and subordinate to the principal use or structure. The accessory buildings and structures include free standing garages, trash enclosures, sheds, play structures, underground shelters, **accessory dwelling units (detached)**, and above-ground and in-ground pools and hot tubs.
2. Standards.
 - a. Construction. No accessory structure shall be constructed upon a lot until the construction of the principal building has been commenced, and no accessory structure shall be used if the principal building has not completed construction within a 2 year period.
 - b. Setback. Structures shall maintain a minimum distance of five feet from any lot lines, alley lines, and adjoining lots.
 - A. Must have a greater front yard setback than the primary structure.
 - c. Height. All structures shall have a maximum height of 25 feet.
 - d. Zoning. Must comply with all underlying standards set forth in Chapter 168.
 - e. Exempt Structures.
 - A. Unwalled structures under 120 square feet in size and under 15 feet in height.
 1. This does not include carports or concrete slabs.
 - B. **Accessory Dwelling Unit (ADU) structures are exempt from the Height Maximum of Accessory Structures and will conform to the Height Maximum provided for Single-Family Residential dwelling units within their respective Zoning District.**

Conclusion and Recommendation

After reviewing all of the documentation available, changes put forth by the Iowa Legislation, and discussion, City Staff compared the changes proposed to the current Accessory Dwelling Unit code to how the code exists today. After review and comparison, Staff came to their recommendation.

The staff recommends that the Planning and Zoning Commission recommend approval and adoption of the updates to the Accessory Dwelling Unit narrative for the City of Windsor Heights to come into conformance with State legislation to the City Council.

Recommended Motion

Motion to recommend approval and adoption of the updated Accessory Dwelling Unit narrative to come into conformance with State legislation for the City of Windsor Heights to the City Council.

Attachments:

1. Windsor Heights Redlined Zoning Code (Proposed)
2. Senate File 592



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.

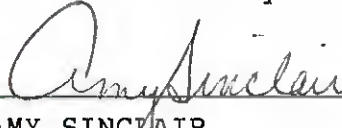
e. For the purposes of this subsection:

(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.

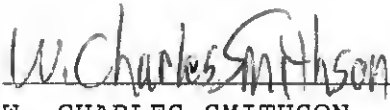


AMY SINCLAIR
President of the Senate

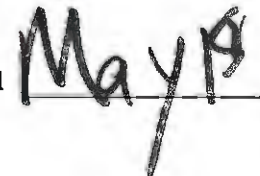


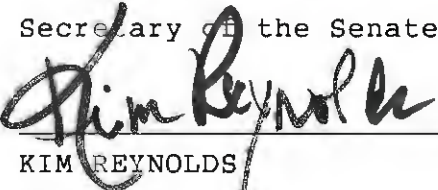
PAT GRASSLEY
Speaker of the House

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