

ORDINANCE NO. 2025-02

AN ORDINANCE AMENDING CHAPTERS 166, 168, 172, 175, AND 179 OF THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, WITH REGARD TO ACCESSORY DWELLING UNITS AND GENERAL AMENDMENTS

WHEREAS, the City of Windsor Heights seeks to protect and preserve the rights, privileges and property of the City of Windsor Heights and its residents and business owners; and

WHEREAS, the City of Windsor Heights Planning and Zoning Commission held a public hearing on June 25, 2025 and recommended that the City Council approve the amendments; and

WHEREAS, the City Council deems it necessary to adopt this ordinance to align accessory dwelling units language with State law and general amendments conformance and ease of use for city staff, developers, and residents alike; and

WHEREAS, the City Council of the City of Windsor Heights do hereby find and declare that the amendments will protect and preserve the rights, privileges and property of the City of Windsor Heights and its residents, business owners, and staff.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapters 166, 168, 172, 175, and 179 of the City Code is to align accessory dwelling units language with State law and general amendments conformance and ease of use for city staff, developers, and residents alike.

SECTION 2. Revised. Revised Chapters 166, 168, 172, 175, and 179, 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

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

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
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Residential, Accessory Dwelling Unit	CP	P	P	P		P	
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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>1721.0</u> <u>2</u>
Minimum Lot Width (feet)	50	50	50	See Section <u>1721.0</u> <u>2</u>
Minimum Yards <u>Setbacks</u> (Feet)				
Front Yard <u>Setback</u>	25	25	25	See Section <u>1721.0</u> <u>2</u>
Street Side Yard <u>Setback</u>	25	25	25	See Section <u>1721.0</u> <u>2</u>
Interior Side Yard <u>Setback</u>	5	5	5	See Section <u>1721.0</u> <u>2</u>
Rear Yard <u>Setback</u>	15	15	15	See Section <u>1721.0</u> <u>2</u>
Maximum Height (feet)				
Main Building	35	35	35	See Section <u>1721.0</u> <u>2</u>
Accessory Building	25	25	25	See Section <u>1721.0</u> <u>2</u>

				<u>1721.0</u> <u>2</u>
Maximum Building Coverage	40%	50%	50%	See Section <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.

172.06 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 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.
 - B. Accessory Dwelling Unit (ADU) structures will conform to the setbacks of the Single-Family Residential dwelling units within their respective Zoning District instead of the Accessory Structure setbacks established in 172.07(2)(b).
 - 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.

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.

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

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this 15th day of September, 2025.


1st Reading: August 4, 2025


2nd Reading: August 18, 2025

3rd Reading: September 15, 2025

Publish Date: *Sept 25, 2025*




Mike Jones, Mayor

ATTEST:

Adam Strait, City Clerk