

ORDINANCE NO. 25-32

AN ORDINANCE AMENDING CHAPTER 340 ZONING REGULATIONS PERTAINING TO ZONING DEFINITIONS, DISTRICT USE TABLES, AND SPECIFIC USE STANDARDS OF THE MARION CODE OF ORDINANCES RELATED TO AUXILIARY DWELLING UNITS (ADUS)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1: Section 340-2.2 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting and inserting in lieu thereof the definitions as indicated below:

§ 340-2.2

DWELLING UNIT

A room, or group of rooms, which are arranged, designed, used or intended for use exclusively as living quarters for one household, as defined by this chapter, and which include permanently installed living, sleeping, sanitation, and cooking facilities.

PRINCIPAL BUILDING

The primary building on a lot, parcel, or tract of land in which the principal use is conducted.

PRINCIPAL USE

The primary-use of a building or lot, parcel, or tract of land, distinguished from accessory uses.

Section 2: Section 340-2.2 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by inserting the following definition:

§ 340-2.2

ACCESSORY USE OR STRUCTURE

A use or structure secondary in use, area or purpose to the principal use or structure on the same lot and serving a subordinate function customarily incidental to the principal use or structure. This general definition does not apply to accessory uses or structures that are separately defined in this chapter, including accessory dwelling units, whether newly constructed or created through the conversion of an existing accessory structure.

Accessory structures include but are not limited to, signs, fences, decks, stairways, barns, gazebos, swimming pools, and similar structures.

Section 3: Section 340-2.2 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting in entirety the following definitions:

§ 340-2.2

ACCESSORY BUILDING

A building that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used or occupied for a permitted accessory use.

Examples of accessory buildings include private garages and storage buildings.

ACCESSORY STRUCTURE

A structure that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used for a permitted accessory use. Examples of accessory structures include signs, fences and decks.

ACCESSORY USE

A use that is subordinate in area, extent and purpose to the principal use on the lot, and that is customarily maintained for the benefit of a permitted principal use. Examples of accessory uses include off-street parking facilities and outdoor storage.

Section 4: Section 340-5.2 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting and inserting in lieu thereof:

§ 340-5.2-2 Table 5.2-2

Residential Uses	AG	RR-1	Specific Use Standards
Dwelling unit, auxiliary (attached)	P	P	Y
Dwelling unit, auxiliary (detached)	P	P	Y

Section 5: Section 340-5.3 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting and inserting in lieu thereof:

§ 340-5.3-2 Table 5.3-2

Residential Uses	SR-E	SR-1	SR-2	SR-3	SR-4	SR-5	Specific Use Standards
Dwelling unit, auxiliary (attached)	P	P	P	P	P	P	Y
Dwelling unit, auxiliary (detached)	P	P	P	P	P	P	Y

Section 6: Section 340-5.4 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting and inserting in lieu thereof:

§ 340-5.4-2 Table 5.4-2

Residential Uses	TR-1	TR-2	TR-3	TR-4	Specific Use Standards
Dwelling unit,	P	P	P	P	Y

auxiliary (attached)					
Dwelling unit, auxiliary (detached)	P	P	P	P	Y

Section 7: Section 340-9.2 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting and inserting in lieu thereof:

§ 340-9.2

ACCESSORY BUILDINGS AND USES

This section is intended to provide that accessory buildings and uses are compatible with the principal use of the property on which they are located, as well as adjacent properties. Accessory dwelling units, as defined in Article II, are subject to the specific use standards in section § 340-9.8 and are not governed by the provisions of this section.

A. Attached buildings and structures. Attached accessory buildings and structures shall meet all the requirements of this chapter which apply to the principal structure to which they are attached.

B. Detached buildings.

(1) Location.

(a) Detached accessory buildings and structures shall not be located in a required front yard.

(b) If located partially or completely between the side lot line and the main building on the lot, detached accessory buildings and structures shall meet the minimum side yard requirements established for the principal building to which they are accessory.

(c) Detached accessory buildings and structures shall not be closer than three feet to any other lot line. However, a roof or canopy of an accessory building may project into a required side yard a point 1/3 the distance to the lot line from an exterior wall.

(d) Detached accessory buildings and structures shall not occupy more than 40% of the required rear yard.

(e) Detached accessory buildings and structures shall be set back from any adjacent street in accordance with the minimum distance required for a principal building on a lot.

(f) No portion of an accessory building shall be located closer than three feet to the principal building or other accessory structure on the same lot.

(g) Except when located within the UTR-1, UTR-2, UTC-1, UTC-2 and UC-1 Districts, the detached building shall follow the accessory building standards as required by the zoning district.

(2) Size.

(a) In districts that permit one-unit homes, the aggregate total square footage of a detached accessory structure shall be no greater than 900 square feet.

(b) The height of a detached accessory structure may not exceed the height of the principal building.

(3) Design. The detached accessory structure shall be constructed to complement the principal building, including the use of similar materials and color palette of the principal building when the detached accessory structure exceeds 900 square feet.

C. Exceptions for accessory structures. Detached accessory structures may exceed the limitation of 900 square feet after approval of a conditional use permit, provided the following conditions are met:

(1) All other standards of this § 340-9.2 are maintained and met.

(2) In the AG and RR-1 Zoning Districts, the detached accessory structure shall meet the setback requirements established for the principal building, except that the setback shall be established at 50 feet from any property line adjacent to a residential district.

D. Time and construction. An accessory structure or use may not be constructed or established prior to commencement of construction or establishment of the principal structure or use to which it is accessory.

E. Use of dwelling restricted. No accessory structure shall be used for living, sleeping or housekeeping services except where permitted as a caretaker's dwelling for a watchperson, custodian, or on-site manager within a manufactured/mobile home community, as provided in subsection I below or when permitted as an accessory dwelling unit in accordance with § 340-9.8.

F. Accessory retail and service uses.

(1) A coffee shop, gift shop, cafeteria, news stand, barber shop, beauty shop, pharmacy or similar accessory commercial service uses may be established as an accessory use within a nursing, rest or convalescent home in a TR-4, MR-1, MR-2 or UTR-2 Zoning District, provided such home contains at least 50 patient beds.

(2) A coffee shop may be established as an accessory use in a multi-unit structure, provided such structure or related complex of structures contains at least 36 dwelling units.

(3) Such accessory commercial service uses shall be for the convenience of and for service to the residents, patients, guests or employees occupying the building. No off-premises advertising of any kind shall be allowed in connection with an accessory use.

(4) No exterior signs shall be placed on the premises indicating to the general public that a portion of the premises is being used for an accessory use.

G. Accessory child-care facilities. Child-care facilities, including nursery and preschools, shall be permitted as accessory uses in places of worship and public, quasi-public, and private institutional buildings, subject to compliance with City building codes and all other applicable state and local regulations.

H. Swimming pools. Private swimming pools may be located in rear yards, subject to compliance with City building codes and all other applicable state and local regulations.

I. One-unit dwellings in the PD-MH District. One dwelling unit may be considered an accessory use in a manufactured/mobile home community for a watchperson, custodian or on-site manager located on the premises where they are employed.

J. Solar energy collector. A solar energy collector and heat storage unit of a size needed to supply the building to which it is appurtenant shall be considered an accessory use and be so regulated. Said unit may encroach into a required side yard not to exceed 36 inches but shall not project into the required front yard.

K. Garage setbacks. The front side (that is, the side containing the main garage door) of either a detached or attached garage shall be set back a minimum of 25 feet from the property lines.

Section 8: Section 340-9.8 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting and inserting in lieu thereof:

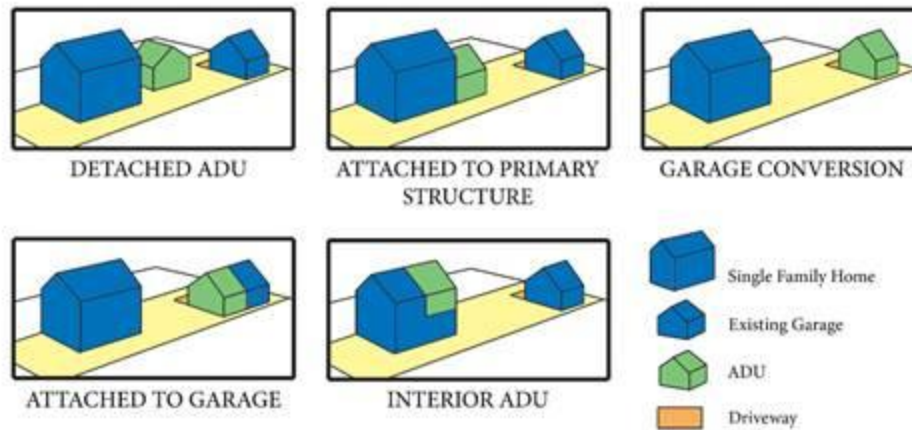
§ 340-9.8

Auxiliary dwelling units, attached and detached, are permitted in all zoning districts where one-unit dwellings are permitted and shall comply with the following standards:

A. An ADU may be established in the following forms, and as illustrated in the accompanying figure below:

- (1) An internal unit located entirely within the principal one-unit dwelling;
- (2) An attached addition constructed as part of the principal one-unit dwelling;
- (3) A detached structure constructed separately from the principal one-unit dwelling; or
- (4) A unit incorporated within (fully or partially), or structurally attached to, an accessory structure.

AUXILIARY DWELLING UNIT EXAMPLE OPTIONS



B. No more than one ADU is permitted on a lot containing a single principal dwelling unit.

C. Annual registration and inspection of any non-owner-occupied dwelling unit (auxiliary, primary, or both) is required. If the property owner fails to register and submit to an inspection, the dwelling unit shall not be occupied until compliance is obtained.

D. ADUs shall not exceed 1,000 square feet or 50% of the size of the principal one-unit dwelling, whichever is larger.

E. ADUs shall meet the same setbacks, height limitations, bulk requirements, and yard requirements applicable to one-unit dwellings in the applicable zoning district.

F. ADUs shall provide and maintain direct access to the public right-of-way by means of a sidewalk, driveway, or other approved access for safe egress and emergency purposes. The access route may be fully separate from the principal one-unit dwelling or shared with the principal one-unit dwelling partially or in-full.

G. Each one-unit residential property shall be limited to one access point. A request for an additional access point may be granted if the residential property is a corner lot or a double-wide lot and approval by the City Engineer is provided. Driveway width restrictions shall comply with Statewide Urban Design and Specifications (SUDAS), City of Marion General Supplement to SUDAS Design Manual, and the City of Marion Supplementary Specifications to SUDAS.

H. All off-street vehicular access and parking serving an accessory dwelling unit shall be accommodated entirely on the same lot as the principal dwelling.

I. The vehicle access door of any new garage associated with the construction of an ADU shall be set back a minimum of 25 feet from the property line it faces.

J. Where an ADU is located within or attached to the principal dwelling or an accessory structure, it shall comply with all applicable egress requirements of the City of Marion's Municipal Code §126, Building and Construction Codes.

K. An ADU may be connected to the same public utility service lines as the principal dwelling. Separate service lines shall not be required for an accessory dwelling unit, except where separate metering for billing purposes cannot otherwise be provided, in which case a new or separate line may be installed. For purposes of this section, "public utility" means any person, partnership, business association, or corporation, domestic or foreign, owning or operating facilities for furnishing gas, electricity, communications services, water by piped distribution, or sanitary sewage or storm water disposal by piped collection to the public for compensation, consistent with Iowa Code.

L. An accessory dwelling unit shall be assigned a separate unit/suite number different from the principal dwelling for purposes of emergency services and mailing. For example, if the principal dwelling is assigned "Suite A," the accessory dwelling unit may be assigned "Suite B" or another distinct unit designation to ensure clear identification. A separate house number will not be assigned for an ADU.

M. No accessory dwelling unit shall be constructed on or above any existing easement Marion's Municipal Code §284, Subdivision of Land.

N. Recreational vehicles, travel trailers, shipping containers, and any other temporary or wheeled/portable structures shall not be used as auxiliary dwelling units. This shall not be construed to prohibit the use of a modular dwelling, manufactured home, or mobile home converted to real property and placed on a permanent foundation if such manufactured home or mobile home is required to be allowed by Iowa Code.

O. An ADU shall not be sold, divided or otherwise segregated in ownership from the primary dwelling unit.

P. An accessory dwelling unit shall obtain a building permit from the Community Development Department prior to construction. No accessory dwelling unit may be occupied until a certificate of occupancy for the unit has been issued following completion of all required inspections.

Q. Both the accessory dwelling unit and principal building shall comply with the City of Marion's Municipal Code §126, Building and Construction Codes, for construction requirements, separation distances, minimum living space, fire exits and smoke alarms, and any other applicable fire or building provisions as set forth within Marion's Municipal Code.

Section 9: That all other sections and subsections shall remain unchanged.

Section 10: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

Section 11: This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved on December 02, 2025.

Rachel Bolender, City Clerk