

Senate File 2265

H-8369

1 Amend the amendment, H-8341, to Senate File 2265,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 3, through page 2, line
5 34, and inserting:

6 <___. By striking everything after the enacting
7 clause and inserting:

8 <Section 1. NEW SECTION. 18B.1 Iowa smart planning
9 principles.

10 It is the intent of the general assembly that this
11 section assist state agencies, local governments,
12 and other public entities during consideration and
13 development of innovative planning strategies and
14 policies to reduce the impact of future natural
15 disasters, promote growth, protect natural resources,
16 and safeguard the quality of life for all Iowans.
17 Nothing in this section shall be construed to limit
18 the authority of a state agency, local government,
19 or other public entity relating to planning, zoning,
20 development, and resource management. State agencies,
21 local governments, and other public entities may
22 consider and apply the following principles during
23 deliberation of all appropriate planning, zoning,
24 development, and resource management decisions:

25 1. *Collaboration.* Governmental, community, and
26 individual stakeholders, including those outside
27 the jurisdiction of the entity, are encouraged to be
28 involved and provide comment during deliberation of
29 planning, zoning, development, and resource management
30 decisions and during implementation of such decisions.
31 The state agency, local government, or other public
32 entity is encouraged to develop and implement a
33 strategy to facilitate such participation.

34 2. *Efficiency, transparency, and*
35 *consistency.* Planning, zoning, development, and
36 resource management should be undertaken to provide
37 efficient, transparent, and consistent outcomes.
38 Individuals, communities, regions, and governmental
39 entities should share in the responsibility to promote
40 the equitable distribution of development benefits and
41 costs.

42 3. *Clean, renewable, and efficient*
43 *energy.* Planning, zoning, development, and resource
44 management should be undertaken to promote clean and
45 renewable energy use and increased energy efficiency.

46 4. *Occupational diversity.* Planning, zoning,
47 development, and resource management should promote
48 increased diversity of employment and business
49 opportunities, promote access to education and
50 training, expand entrepreneurial opportunities,

1 and promote the establishment of businesses in
2 locations near existing housing, infrastructure, and
3 transportation.

4 5. *Revitalization.* Planning, zoning, development,
5 and resource management should facilitate the
6 revitalization of established town centers and
7 neighborhoods by promoting development that conserves
8 land, protects historic resources, promotes pedestrian
9 accessibility, and integrates different uses of
10 property. Remediation and reuse of existing sites,
11 structures, and infrastructure is preferred over new
12 construction in undeveloped areas.

13 6. *Housing diversity.* Planning, zoning,
14 development, and resource management should encourage
15 diversity in the types of available housing, support
16 the rehabilitation of existing housing, and promote the
17 location of housing near public transportation.

18 7. *Community character.* Planning, zoning,
19 development, and resource management should promote
20 activities and development that are consistent with the
21 character and architectural style of the community and
22 should respond to local values regarding the physical
23 character of the community.

24 8. *Natural resources and agricultural protection.*
25 Planning, zoning, development, and resource management
26 should emphasize protection, preservation, and
27 restoration of natural resources, agricultural
28 land, and cultural and historic landscapes, and
29 should increase the availability of open spaces and
30 recreational facilities.

31 9. *Sustainable design.* Planning, zoning,
32 development, and resource management should promote
33 developments, buildings, and infrastructure that
34 utilize sustainable design and construction standards
35 and conserve natural resources by reducing waste and
36 pollution through efficient use of land, energy, water,
37 and materials.

38 10. *Transportation diversity.* Planning, zoning,
39 development, and resource management should promote
40 expanded transportation options for residents of
41 the community. Consideration should be given to
42 transportation options that maximize mobility, reduce
43 congestion, conserve fuel, and improve air quality.

44 11. For purposes of this section:

45 a. "Development" means any of the following:

46 (1) Construction, reconstruction, renovation,
47 mining, extraction, dredging, filling, excavation, or
48 drilling activity or operation.

49 (2) Man-made changes in the use or appearance of
50 any structure or in the land itself.

1 (3) The division or subdivision of land.
2 (4) Any change in the intensity of use or the use
3 of land.

4 *b. "Development"* does not include any of the
5 following:

6 (1) Activities on or uses of agricultural land,
7 farm houses, or agricultural buildings or structures,
8 unless such buildings or structures are located in the
9 flood plain of a river or stream.

10 (2) Installation, operation, and maintenance of
11 soil and water conservation practices.

12 (3) The choice of crops or a change in the choice
13 of crops on agricultural land.

14 Sec. 2. Section 28I.4, Code 2009, is amended to
15 read as follows:

16 **28I.4 Powers and duties.**

17 1. The commission shall have the power and duty
18 to make comprehensive studies and plans for the
19 development of the area it serves which will guide
20 the unified development of the area and which will
21 eliminate planning duplication and promote economy and
22 efficiency in the ~~co-ordinated~~ coordinated development
23 of the area and the general welfare, convenience,
24 safety, and prosperity of its people. The plan or
25 plans collectively shall be known as the regional
26 or metropolitan development plan. The plans for
27 the development of the area may include, but shall
28 not be limited to, recommendations with respect to
29 existing and proposed highways, bridges, airports,
30 streets, parks and recreational areas, schools and
31 public institutions and public utilities, public
32 open spaces, and sites for public buildings and
33 structures; districts for residence, business,
34 industry, recreation, agriculture, and forestry; water
35 supply, sanitation, drainage, protection against floods
36 and other disasters; areas for housing developments,
37 slum clearance and urban renewal and redevelopment;
38 location of private and public utilities, including
39 but not limited to sewerage and water supply systems;
40 and such other recommendations concerning current
41 and impending problems as may affect the area served
42 by the commission. Time and priority schedules
43 and cost estimates for the accomplishment of the
44 recommendations may also be included in the plans.
45 The plans may be made with consideration of the smart
46 planning principles under section 18B.1. The plans
47 shall be based upon and include appropriate studies
48 of the location and extent of present and anticipated
49 populations; social, physical, and economic resources,
50 problems and trends; and governmental conditions and

1 trends. The commission is also authorized to make
2 surveys, land-use studies, and urban renewal plans,
3 provide technical services and other planning work
4 for the area it serves and for cities, counties, and
5 other political subdivisions in the area. A plan or
6 plans of the commission may be adopted, added to,
7 and changed from time to time by a majority vote of
8 the planning commission. The plan or plans may in
9 whole or in part be adopted by the governing bodies of
10 the ~~co-operating~~ cooperating cities and counties as
11 the general plans of such cities and counties. The
12 commission may also assist the governing bodies and
13 other public authorities or agencies within the area it
14 serves in carrying out any regional plan or plans, and
15 assist any planning commission, board or agency of the
16 cities and counties and political subdivisions in the
17 preparation or effectuation of local plans and planning
18 consistent with the program of the commission. The
19 commission may ~~co-operate~~ cooperate and confer, as far
20 as possible, with planning agencies of other states or
21 of regional groups of states adjoining its area.

22 2. A planning commission formed under the
23 provisions of this chapter shall, upon designation as
24 such by the governor, serve as a district, regional, or
25 metropolitan agency for comprehensive planning for its
26 area for the purpose of carrying out the functions as
27 defined for such an agency by federal, state, and local
28 laws and regulations.

29 Sec. 3. Section 329.3, Code 2009, is amended to
30 read as follows:

31 **329.3 Zoning regulations — powers granted.**

32 Every municipality having an airport hazard area
33 within its territorial limits may adopt, administer,
34 and enforce in the manner and upon the conditions
35 prescribed by this chapter, zoning regulations for such
36 airport hazard area, which regulations may divide such
37 area into zones and, within such zones, specify the
38 land uses permitted, and regulate and restrict, for the
39 purpose of preventing airport hazards, the height to
40 which structures and trees may be erected or permitted
41 to grow. Regulations adopted under this chapter
42 may be made with consideration of the smart planning
43 principles under section 18B.1.

44 Sec. 4. Section 335.5, Code 2009, is amended to
45 read as follows:

46 **335.5 Objectives.**

47 1. The regulations shall be made in accordance
48 with a comprehensive plan and designed to preserve
49 the availability of agricultural land; to consider
50 the protection of soil from wind and water erosion;

1 to encourage efficient urban development patterns; to
2 lessen congestion in the street or highway; to secure
3 safety from fire, flood, panic, and other dangers; to
4 protect health and the general welfare; to provide
5 adequate light and air; to prevent the overcrowding
6 of land; to avoid undue concentration of population;
7 to promote the conservation of energy resources; to
8 promote reasonable access to solar energy; and to
9 facilitate the adequate provision of transportation,
10 water, sewerage, schools, parks, and other public
11 requirements. However, provisions of this section
12 relating to the objectives of energy conservation
13 and access to solar energy shall not be construed as
14 voiding any zoning regulation existing on July 1, 1981,
15 or to require zoning in a county that did not have
16 zoning prior to July 1, 1981.

17 2. ~~Such~~ The regulations shall be made with
18 reasonable consideration, among other things, as to the
19 character of the area of the district and the peculiar
20 suitability of such area for particular uses, and
21 with a view to conserving the value of buildings and
22 encouraging the most appropriate use of land throughout
23 such county.

24 3. The regulations may be made with consideration
25 of the smart planning principles under section 18B.1.

26 Sec. 5. Section 414.3, Code 2009, is amended to
27 read as follows:

28 **414.3 Basis of regulations.**

29 1. The regulations shall be made in accordance
30 with a comprehensive plan and designed to preserve
31 the availability of agricultural land; to consider
32 the protection of soil from wind and water erosion;
33 to encourage efficient urban development patterns;
34 to lessen congestion in the street; to secure safety
35 from fire, flood, panic, and other dangers; to promote
36 health and the general welfare; to provide adequate
37 light and air; to prevent the overcrowding of land; to
38 avoid undue concentration of population; to promote the
39 conservation of energy resources; to promote reasonable
40 access to solar energy; and to facilitate the adequate
41 provision of transportation, water, sewerage, schools,
42 parks, and other public requirements. However,
43 provisions of this section relating to the objectives
44 of energy conservation and access to solar energy do
45 not void any zoning regulation existing on July 1,
46 1981, or require zoning in a city that did not have
47 zoning prior to July 1, 1981.

48 2. ~~Such~~ The regulations shall be made with
49 reasonable consideration, among other things, as to the
50 character of the area of the district and the peculiar

1 suitability of such area for particular uses, and
2 with a view to conserving the value of buildings and
3 encouraging the most appropriate use of land throughout
4 such city.

5 3. The regulations may be made with consideration
6 of the smart planning principles under section 18B.1.>

7 _____. Title page, by striking lines 1 through 4
8 and inserting <An Act establishing smart planning
9 principles for state agencies, local governments, and
10 other public entities.>>

11 2. By renumbering as necessary.

HELLAND of Polk

WAGNER of Linn