

# Senate File 57 - Enrolled

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SENATE FILE 57

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## AN ACT

AUTHORIZING THE APPOINTMENT OF A NINE-MEMBER CITY ZONING BOARD OF ADJUSTMENT.

1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8  
1 9 Section 1. Section 414.8, Code 2005, is amended to read as follows:

1 10 follows:  
1 11 414.8 MEMBERSHIP.

1 12 The board of adjustment shall consist of five, ~~or seven, or~~  
1 13 ~~nine~~ members as determined by the council. Members of a five=  
1 14 member board shall be appointed for a term of five years,  
1 15 excepting that when the board shall first be created one  
1 16 member shall be appointed for a term of five years, one for a  
1 17 term of four years, one for a term of three years, one for a  
1 18 term of two years, and one for a term of one year. Members of  
1 19 a seven-member board shall be appointed for a term of five  
1 20 years, except when the board shall first be created two  
1 21 members shall be appointed for a term of five years, two  
1 22 members for a term of four years, one for a term of three  
1 23 years, one for a term of two years, and one for a one-year  
1 24 term. ~~Members of a nine-member board shall be appointed for a~~  
1 25 ~~term of five years, except when the board shall first be~~  
1 26 ~~created three members shall be appointed for a term of five~~  
1 27 ~~years, two members for a term of four years, two for a term of~~  
1 28 ~~three years, one for a term of two years, and one for a one=~~  
1 29 ~~year term.~~ A five-member board shall not carry out its

1 30 business without having three members present, ~~and~~ a seven=  
1 31 member board shall not carry out its business without having  
1 32 four members present, ~~and a nine-member board shall not carry~~  
1 33 ~~out its business without having five members present.~~ A  
1 34 majority of the members of the board of adjustment shall be  
1 35 persons representing the public at large and shall not be  
2 1 involved in the business of purchasing or selling real estate.  
2 2 Members shall be removable for cause by the appointing  
2 3 authority upon written charges and after public hearing.  
2 4 Vacancies shall be filled for the unexpired term of any member  
2 5 whose term becomes vacant.

2 6 Sec. 2. Section 414.14, Code 2005, is amended to read as follows:

2 7 follows:  
2 8 414.14 VOTE REQUIRED.

2 9 The concurring vote of three members of the board in the  
2 10 case of a five-member board, and four members in the case of a  
2 11 seven-member board, ~~and five members in the case of a nine=~~  
2 12 ~~member board,~~ shall be necessary to reverse any order,  
2 13 requirement, decision, or determination of any such  
2 14 administrative official, or to decide in favor of the  
2 15 applicant on any matter upon which it is required to pass  
2 16 under any such ordinance or to effect any variation in such  
2 17 ordinance.

2 18 Sec. 3. Section 414.25, Code 2005, is amended to read as follows:

2 19 follows:  
2 20 414.25 TRANSITIONAL PROVISIONS.

2 21 Of the two additional members which may be appointed to  
2 22 increase a five-member board of adjustment to a seven-member  
2 23 board after January 1, 1980, one member shall be appointed to  
2 24 an initial term of five years and one member shall be  
2 25 appointed to an initial term of four years. The terms of  
2 26 office of members of a board of adjustment serving unexpired  
2 27 terms of office on ~~or after~~ January 1, 1980, shall expire  
2 28 according to their original appointments.

2 29 Sec. 4. Section 414.25, Code 2005, is amended by adding  
2 30 the following new unnumbered paragraphs:

2 31 NEW UNNUMBERED PARAGRAPH. Of the four additional members

2 32 which may be appointed to increase a five-member board of  
2 33 adjustment to a nine-member board on or after July 1, 2005,  
2 34 one member shall be appointed to an initial term of five  
2 35 years, one member to an initial term of four years, one to an  
3 1 initial term of three years, and one to an initial term of two  
3 2 years. The terms of office of members of a board of  
3 3 adjustment serving unexpired terms of office on or after July  
3 4 1, 2005, shall expire according to their original  
3 5 appointments.

3 6 NEW UNNUMBERED PARAGRAPH. Of the two additional members  
3 7 which may be appointed to increase a seven-member board of  
3 8 adjustment to a nine-member board on or after July 1, 2005,  
3 9 one member shall be appointed to an initial term of five years  
3 10 and one member shall be appointed to an initial term of four  
3 11 years. The terms of office of members of a board of  
3 12 adjustment serving unexpired terms of office on or after July  
3 13 1, 2005, shall expire according to their original  
3 14 appointments.

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3 19 JOHN P. KIBBIE  
3 20 President of the Senate

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3 24 CHRISTOPHER C. RANTS  
3 25 Speaker of the House

3 26 I hereby certify that this bill originated in the Senate and  
3 27 is known as Senate File 57, Eighty-first General Assembly.

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3 31 \_\_\_\_\_  
3 32 MICHAEL E. MARSHALL  
3 33 Secretary of the Senate

3 34 Approved \_\_\_\_\_, 2005

4 1 \_\_\_\_\_  
4 2 THOMAS J. VILSACK  
4 3 Governor