

February 6, 1969

HOUSE FILE 208

Cities and Towns, *Pass 2-25*  
*Pass as amended 1-28, Pass 2-12*

By MILLER of Des Moines, BAKER,  
MAYBERRY, FRANKLIN, TAPSCOTT,  
JESSE, SCHWARTZ, GANNON and  
CROSIER

Passed House, Date 2-5-70 Passed Senate, Date 3-6-70  
Vote: Ayes 86 Nays 19 Vote: Ayes 37 Nays 23  
Approved 3/20/70

## A BILL FOR

- 1 An Act relating to zoning of unincorporated areas within two
- 2 miles of cities and towns.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. Chapter four hundred fourteen (414), Code 1966,
- 5 is hereby amended by adding the following section:
- 6 "The powers granted by this chapter may be extended by
- 7 ordinance by any city or town to the unincorporated area up to
- 8 two miles beyond the limits of such city or town, except for
- 9 those areas within a county where a county zoning ordinance
- 10 exists. The ordinance shall describe in general terms the area
- 11 to be included. The exemption from regulation granted by
- 12 section three hundred fifty-eight A point two (358A.2) to
- 13 property used for agricultural purposes shall apply to such
- 14 unincorporated area. If the limits of any such city or town
- 15 are at any place less than four miles distant from the limits
- 16 of any other city or town which has extended or thereafter ex-
- 17 tends its zoning jurisdiction under this section, then at such
- 18 time the powers herein granted shall extend to a line equidistant
- 19 between the limits of said cities or towns.
- 20 A municipality, during the time its zoning jurisdiction is
- 21 extended under this section, shall increase the size of its
- 22 planning and zoning commission and its board of adjustment each
- 23 by two members. Said additional members shall be residents of
- 24 the area outside the city or town limits over which the zoning
- 25 jurisdiction is extended. They shall be chosen in the same

1 manner and for the same terms of office and have the same  
2 rights, privileges, and duties as other members of each of  
3 said bodies.

4 Property owners affected by such zoning regulations shall  
5 have the same rights of hearing, protest, and appeal as those  
6 within the municipality exercising this power.

7 Whenever a county in which this power is being exercised by  
8 a municipality adopts a county zoning ordinance the power  
9 exercised by the municipality and the specific regulations  
10 and districts thereunder shall be terminated within three  
11 months of the establishment of the administrative authority  
12 for county zoning, or at such date as mutually agreed upon by  
13 the municipality and county."

#### EXPLANATION OF HOUSE FILE 208

This bill authorizes extraterritorial zoning for two miles outside the boundaries of cities and towns unless the county is exercising its zoning powers.

1 Amend House File 208 as follows:

2 1. Page 1, by inserting the following as section 1:

3 "Section 1. Section four hundred nine point  
4 fourteen (409.14), Code 1966, is hereby amended  
5 as follows:

6 (1) By striking from line ten (10) the words  
7 "one mile" and inserting in lieu thereof the words  
8 "two miles".

9 (2) By striking from line seventeen (17) the  
10 word "two" and inserting the word "four".

11 2. By renumbering section 1 as Sec. 2.

12 3. Amend the title by striking all after the word "to"  
13 and inserting in lieu thereof the following: "the platting  
14 and zoning jurisdiction in unincorporated areas outside of  
15 cities and towns."

Filed - *adopted 2-5*  
April 8, 1969

COMMITTEE ON CITIES AND TOWNS  
RAY C. CUNNINGHAM, Chairman