

Reprinted 3/2/81

HOUSE FILE 304

BY COMMITTEE ON ENERGY

(Formerly Study Bill 26)

FEB 5 1981

Place On Calendar

Passed House, Date 3-2-81 (7 6.29) Passed Senate, Date _____

Vote: Ayes 83 Nays 10 Vote: Ayes _____ Nays _____

Approved May 4, 1981

A BILL FOR

1 An Act including energy conservation and solar access as
 2 objectives of city and county zoning regulations.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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304

1 Section 1. Section 358A.5, unnumbered paragraph 1, Code
2 1981, is amended to read as follows:

3 Such regulations shall be made in accordance with a
4 comprehensive plan and which is designed to lessen congestion
5 in the street or highway; to secure safety from fire, flood,
6 panic, and other dangers; to protect health and the general
7 welfare; to provide adequate light and air; to prevent the
8 overcrowding of land; to avoid undue concentration of
9 population; to promote the conservation of energy resources,
10 including petroleum products, fossil fuels, and other natural
11 resources; to assure reasonable access to solar energy; to
12 facilitate the adequate provision of transportation, water,
13 sewerage, schools, parks and other public requirements.

14 Sec. 2. Section 414.3, unnumbered paragraph 1, Code 1981,
15 is amended to read as follows:

16 Such regulations shall be made in accordance with a
17 comprehensive plan and which is designed to lessen congestion
18 in the street; to secure safety from fire, flood, panic, and
19 other dangers; to promote health and the general welfare;
20 to provide adequate light and air; to prevent the overcrowding
21 of land; to avoid undue concentration of population; to promote
22 the conservation of energy resources, including petroleum
23 products, fossil fuels, and other natural resources; to assure
24 reasonable access to solar energy; to facilitate the adequate
25 provision of transportation, water, sewerage, schools, parks,
26 and other public requirements.

27 EXPLANATION

28 This bill requires city and county zoning regulations to
29 be designed to promote energy conservation and to assure
30 reasonable access to solar energy. It takes effect July 1
31 following its enactment.

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HOUSE FILE 304

H-3064

1 Amend House File 304 as follows:

2 1. Page 1, line 13, by inserting after the word
 3 "requirements." the words "The regulations shall
 4 render unenforceable any covenant, restriction, or
 5 condition contained in a deed, contract, security
 6 instrument, or other instrument affecting the transfer,
 7 sale, or interest in real property which effectively
 8 prohibits or restricts the installation or use of
 9 a solar energy system. This paragraph does not apply
 10 to provisions which impose reasonable restrictions
 11 on solar energy systems. Reasonable restrictions
 12 on a solar energy system are those restrictions which
 13 do not significantly increase the cost of the system
 14 or significantly decrease its efficiency, or which
 15 allow for an alternative system of comparable cost
 16 and efficiency. As used in this paragraph, "solar
 17 energy system" means a solar energy system as defined
 18 in section 93.22, subsection 3."

19 2. Page 1, line 26, by inserting after the word
 20 "requirements." the words "The regulations shall
 21 render unenforceable any covenant, restriction, or
 22 condition contained in a deed, contract, security
 23 instrument, or other instrument affecting the transfer,
 24 sale, or interest in real property which effectively
 25 prohibits or restricts the installation or use of
 26 a solar energy system. This paragraph does not apply
 27 to provisions which impose reasonable restrictions
 28 on solar energy systems. Reasonable restrictions
 29 on a solar energy system are those restrictions which
 30 do not significantly increase the cost of the system
 31 or significantly decrease its efficiency, or which
 32 allow for an alternative system of comparable cost
 33 and efficiency. As used in this paragraph, "solar
 34 energy system" means a solar energy system as defined
 35 in section 93.22, subsection 3."

H-3064 FILED

FEBRUARY 11, 1981

BY BRUNER of Story

HOWELL of Floyd

Amended not german 2/16 (p. 424)

HOUSE FILE 304

H-3077

1 Amend House File 304 as follows:

2 1. Page 1, line 4, by striking the words "and"
 3 which is and inserting in lieu thereof the word A
 4 "and".

5 2. Page 1, line 11, by striking the word "assure" B
 6 and inserting in lieu thereof the word "promote".

7 3. Page 1, line 17, by striking the words "and"
 8 which is and inserting in lieu thereof the word A
 9 "and".

10 4. Page 1, line 23, by striking the word "assure"
 11 and inserting in lieu thereof the word "promote".

H-3077 FILED

FEBRUARY 12, 1981

BY JOHNSON of Linn

A- 6 deleted

B- 2/16 (p. 423)

motion to reconsider (p. 425)

Reconsidered 2/15/81 3/2 (p. 428)

HOUSE FILE 304

H-3060

1 Amend House File 304 as follows:
2 1. Page 1, by inserting after line 13 the following:
3 "Sec. _____. Section 358A.15 is amended by adding
4 the following new subsection:
5 NEW SUBSECTION. To authorize variances from the
6 terms of the ordinance where the board finds that the
7 variance under consideration will not result in a
8 nuisance or a danger to the health, safety, and welfare
9 of the community, but will result in a better conservation
10 of energy resources, including petroleum products, fossil
11 fuels, and other natural resources, or in helping assure
12 reasonable access to solar energy."
13 2. Page 1, by inserting after line 26 the following:
14 "Sec. _____. Section 414.12 is amended by adding the
15 following new subsection:
16 NEW SUBSECTION. To authorize variances from the
17 terms of the ordinance where the board finds that the
18 variance under consideration will not result in a
19 nuisance or a danger to the health, safety, and welfare
20 of the community, but will result in a better conservation
21 of energy resources, including petroleum products, fossil
22 fuels, and other natural resources, or in helping assure
23 reasonable access to solar energy."
24 3. By renumbering the sections as necessary to conform
25 with this amendment.

H-3060 FILED FEBRUARY 10, 1981

BY CONLON of Muscatine

Revised not germane 2/16 (p. 425)

HOUSE FILE 304

H-3092

1 Amend House File 304 as follows:
2 1. Page 1, by inserting after line 26 the
3 following:
4 "Sec. _____. It is the intent of the general assembly
5 that the amendments made by this Act to chapters 358A
6 and 414 shall not be construed to require zoning in
7 a city or county that did not have zoning prior to
8 the effective date of this Act."

H-3092 FILED

BY TYRRELL of Iowa

FEBRUARY 16, 1981

Placed out of order 3/2 (p. 629)

H-3157

1 Amend House File 304 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 358A.5, unnumbered paragraph
5 1, Code 1981, is amended to read as follows:
6 Such regulations shall be made in accordance with
7 a comprehensive plan and designed to lessen congestion
8 in the street or highway; to secure safety from fire,
9 flood, panic, and other dangers; to protect health
10 and the general welfare; to provide adequate light
11 and air; to prevent the overcrowding of land; to avoid
12 undue concentration of population; to promote the
13 conservation of energy resources; to promote reasonable
14 access to solar energy; to facilitate the adequate
15 provision of transportation, water, sewerage, schools,
16 parks and other public requirements. However,
17 provisions of this section relating to the objectives
18 of energy conservation and access to solar energy
19 shall not be construed as voiding any zoning regulation
20 existing on the effective date of this Act, or to
21 require zoning in a county that did not have zoning
22 prior to the effective date of this Act.

23 Sec. 2. Section 414.3, unnumbered paragraph 1,
24 Code 1981, is amended to read as follows:

25 Such regulations shall be made in accordance with
26 a comprehensive plan and designed to lessen congestion
27 in the street; to secure safety from fire, flood,
28 panic, and other dangers; to promote health and the
29 general welfare; to provide adequate light and air;
30 to prevent the overcrowding of land; to avoid undue
31 concentration of population; to promote the
32 conservation of energy resources; to promote reasonable
33 access to solar energy; to facilitate the adequate
34 provision of transportation, water, sewerage, schools,
35 parks, and other public requirements. However,
36 provisions of this section relating to the objectives
37 of energy conservation and access to solar energy
38 shall not be construed as voiding any zoning regulation
39 existing on the effective date of this Act, or to
40 require zoning in a city that did not have zoning
41 prior to the effective date of this Act."

BY PELTON of Clinton
JOHNSON of Woodbury
JOHNSON of Linn

HOWELL of Floyd
ANDERSON of Audubon
TYRRELL of Iowa

H-3157 FILED
FEBRUARY 24, 1981

Adopted 2/2 (p. 629)

Gen. Energy

Do Pass 4/14/81 (p. 1271)

HOUSE FILE 304

BY COMMITTEE ON ENERGY

(As Amended and Passed by the House)

Passed House, Date 3-2-81 (p. 629) Passed Senate, Date 4-23-81 (p. 1395)

Vote: Ayes 83 Nays 10 Vote: Ayes 45 Nays 2

Approved May 4, 1981

A BILL FOR

1 An Act including energy conservation and solar access as
2 objectives of city and county zoning regulations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ House Amendments

1 Section 1. Section 358A.5, unnumbered paragraph 1, Code
2 1981, is amended to read as follows:

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

18 Sec. 2. Section 414.3, unnumbered paragraph 1, Code 1981,
19 is amended to read as follows:

20 Such regulations shall be made in accordance with a
21 comprehensive plan and designed to lessen congestion in the
22 street; to secure safety from fire, flood, panic, and other
23 dangers; to promote health and the general welfare; to provide
24 adequate light and air; to prevent the overcrowding of land;
25 to avoid undue concentration of population; to promote the
26 conservation of energy resources; to promote reasonable access
27 to solar energy; to facilitate the adequate provision of
28 transportation, water, sewerage, schools, parks, and other
29 public requirements. However, provisions of this section
30 relating to the objectives of energy conservation and access
31 to solar energy shall not be construed as voiding any zoning
32 regulation existing on the effective date of this Act, or
33 to require zoning in a city that did not have zoning prior
34 to the effective date of this Act.

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HOUSE FILE 304

AN ACT

INCLUDING ENERGY CONSERVATION AND SOLAR ACCESS AS OBJECTIVES OF CITY AND COUNTY ZONING REGULATIONS.

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

Section 1. Section 358A.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on the effective date of this Act, or to require zoning in a county that did not have zoning prior to the effective date of this Act.

Sec. 2. Section 414.3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access

to solar energy; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on the effective date of this Act, or to require zoning in a city that did not have zoning prior to the effective date of this Act.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 304, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved May 4, 1981

ROBERT D. RAY
Governor

H.F. 304