

Reprints 2/26/84

Local Government: Lloyd-Jones, Chair: Royer and Spear.

HOUSE FILE 205

FEB 10 1985
Do pass for 5168 2/15/84 (p. 412)

BY SPEAR

LOCAL GOVERNMENT

Passed House, Date 2-21-84 (p. 495) Passed Senate, Date 3-26-84 (P. 1012)
Vote: Ayes 95 Nays 2 Vote: Ayes 46 Nays 0
Approved May 2

A BILL FOR

- 1 An Act relating to the eligibility of property owners to
- 2 protest changes in zoning districts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 205

H-5168

- 1 Amend House File 205 as follows:
- 2 1. Page 1, by striking lines 6 through 9 and
- 3 inserting in lieu thereof the following: "case,
- 4 however, of a written protest against ~~such~~ a change
- 5 or repeal which is filed with the city clerk and
- 6 signed by the owners of twenty percent or more either
- 7 of the area of the lots included in ~~such~~ the proposed
- 8 change or repeal, or ~~of these immediately adjacent~~
- 9 ~~in the rear thereof extending~~".
- 10 2. Page 1, by striking lines 14 through 17 and
- 11 inserting in lieu thereof the following: "by the
- 12 owners of twenty percent or more of the property which
- 13 is located within two hundred feet of the exterior
- 14 boundaries of the property for which the change or
- 15 repeal is proposed, the change or repeal".

H-5168 FILED FEB. 15, 1984 BY COMMITTEE ON LOCAL GOVERNMENT
Adopted 2/21 (p. 475)

21
22
23
24
25

1 Section 1. Section 414.5, Code 1983, is amended to read
2 as follows:

3 414.5 CHANGES--HEARING--NOTICE. ~~Sueh~~ The regulations,
4 restrictions, and boundaries may, from time to time, be
5 amended, supplemented, changed, modified, or repealed. In
6 case, however, of a protest against ~~sueh~~ a change signed by
7 twenty percent of the owners of twenty-percent-or-more-either
8 ~~of-the-area-of-the-lots-included-in-sueh-proposed-change,
9 ~~or-of-these-immediately-adjacent-in-the-rear-thereof-extending~~
10 ~~the-depth-of-one-lot-or-not-to-exceed-two-hundred-feet~~
11 ~~therefrom,-or-of-these-directly-opposite-thereto,-extending~~
12 ~~the-depth-of-one-lot-or-not-to-exceed-two-hundred-feet-from~~
13 ~~the-street-frontage-of-sueh-opposite-lots,-sueh-amendment~~
14 of the property proposed to be affected by the change or by
15 twenty percent of the total of the owners of that property
16 and the owners of property which is located within two hundred
17 feet of the exterior boundaries of that property, the change
18 shall not become effective except by the favorable vote of
19 at least three-fourths of all the members of the council.
20 The provisions of section 414.4 relative to public hearings
21 and official notice apply equally to all changes or amendments.~~

22 EXPLANATION

23 This bill provides that twenty percent of the owners of
24 property proposed to be affected by a change in zoning or
25 twenty percent of the total owners of that property and the
26 owners of property within two hundred feet of the exterior
27 boundaries of that property may protest the proposed change.
28 If the protest petition includes twenty percent of the owners
29 involved, the proposed change to the zoned district must be
30 approved by at least a three-fourths favorable vote of the
31 city council.

32 Under current law, the protest petition must be signed
33 by owners of twenty percent of the property proposed to be
34 included in the change rather than twenty percent of the
35 owners of property included in the change. The bill bases

1 qualification for the protest petition on the number of
2 property owners involved rather than the area of the property
3 involved. Also, under current law, there are questions as
4 to what property located within two hundred feet of the
5 property included in the zoning change qualifies its owner
6 to be involved in the protest petition.

7 This bill takes effect July 1 following its enactment.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

See P 29 2/27/84
HOUSE FILE 205 Do Pass 3/15
Local Government: (p. 804)
Mann. Chair
Wells
Waldstein

HOUSE FILE 205
BY SPEAR

(As Amended and Passed by the House)

Passed House, Date 2-21-84 (p. 495) Passed Senate, Date 3-26-84 (p. 1012)
Vote: Ayes 95 Nays 2 Vote: Ayes 46 Nays 0
Approved May 2, 1984

A BILL FOR

1 An Act relating to the eligibility of property owners, to
2 protest changes in zoning districts.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

House Amendments _____

1 Section 1. Section 414.5, Code 1983, is amended to read
2 as follows:

3 414.5 CHANGES--HEARING--NOTICE. ~~Such~~ The regulations,
4 restrictions, and boundaries may, from time to time, be
5 amended, supplemented, changed, modified, or repealed. In
6 case, however, of a written protest against such a change
7 or repeal which is filed with the city clerk and signed by
8 the owners of twenty percent or more either of the area of
9 the lots included in such the proposed change or repeal, or
10 of those immediately adjacent in the rear thereof extending
11 the depth of one lot or not to exceed two hundred feet
12 therefrom, or of those directly opposite thereto, extending
13 the depth of one lot or not to exceed two hundred feet from
14 the street frontage of such opposite lots, such amendment
15 by the owners of twenty percent or more of the property which
16 is located within two hundred feet of the exterior boundaries
17 of the property for which the change or repeal is proposed,
18 the change or repeal shall not become effective except by
19 the favorable vote of at least three-fourths of all the members
20 of the council. The provisions of section 414.4 relative
21 to public hearings and official notice apply equally to all
22 changes or amendments.

23
24
25
26
27
28
29
30
31
32
33
34
35

of the council. The provisions of section 414.4 relative to public hearings and official notice apply equally to all changes or amendments.

HOUSE FILE 205

AN ACT
RELATING TO THE ELIGIBILITY OF PROPERTY OWNERS TO PROTEST
CHANGES IN ZONING DISTRICTS.

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

Section 1. Section 414.5, Code 1983, is amended to read as follows:

414.5 CHANGES--HEARING--NOTICE. Such The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. In case, however, of a written protest against such a change or repeal which is filed with the city clerk and signed by the owners of twenty percent or more either of the area of the lots included in such the proposed change or repeal, or ~~of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed two hundred feet therefrom; or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred feet from the street frontage of such opposite lots;~~ such amendment by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 205, Seventieth General Assembly.

JOSEPH O'HERR
Chief Clerk of the House

Approved May 2 1964

TERRY E. BRANSTAD
Governor

H.F. 205