

*Reprinted 2/19/85*

FEB 11 1985

Place On Calendar

HOUSE FILE 265

BY COMMITTEE ON LOCAL  
GOVERNMENT

(Formerly House Study Bill 53)

Passed House, Date 2-18-85 (p. 482) Passed Senate, Date 2-19-85 (P. 437)  
Vote: Ayes 90 Nays 0 Vote: Ayes 47 Nays 0  
Approved March 5, 1985 (P. 681)

## A BILL FOR

3117 1 An Act authorizing a city to impose additional conditions on  
2 property owners as a condition to zoning changes.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*HF 265*

3117 1 Section 1. Section 414.5, Code 1985, is amended to read as  
2 follows:

3 414.5 CHANGES -- PROTEST.

4 The regulations, restrictions, and boundaries may, from  
5 time to time, be amended, supplemented, changed, modified, or  
6 repealed. Notwithstanding section 414.2, as a part of an  
7 ordinance changing land from one zoning district to another  
8 zoning district or an ordinance approving a site development  
9 plan, a council may impose conditions on a property owner  
10 which are in addition to existing regulations if the  
11 additional conditions have been agreed to in writing by the  
12 property owner before the public hearing required under this  
13 section or any adjournment of the hearing. The conditions  
14 must be reasonable and imposed to satisfy public needs which  
15 are directly caused by the requested change. In case,  
16 however, of a written protest against a change or repeal which  
17 is filed with the city clerk and signed by the owners of  
18 twenty percent or more of the area of the lots included in the  
19 proposed change or repeal, or by the owners of twenty percent  
20 or more of the property which is located within two hundred  
21 feet of the exterior boundaries of the property for which the  
22 change or repeal is proposed, the change or repeal shall not  
23 become effective except by the favorable vote of at least  
24 three-fourths of all the members of the council. The  
25 provisions of section 414.4 relative to public hearings and  
26 official notice apply equally to all changes or amendments.

27 EXPLANATION

28 This bill authorizes a city and a developer to agree in  
29 advance of a zoning change or approval of a site development  
30 plan on conditions which will be imposed on the developer.  
31 One condition might be the method of payment for those public  
32 improvements which are needed to support a new project  
33 proposed by a developer.

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HOUSE FILE 265

H-3117

1 Amend House File 265 as follows:

2 1. Page 1, by striking line 1 and inserting the  
3 following:

4 "Section 1. Section 358A.7, Code 1985, is amended  
5 to read as follows:

6 358A.7 CHANGES AND AMENDMENTS.

7 Such The regulations, restrictions, and boundaries  
8 may, ~~from-time-to-time~~, be amended, supplemented,  
9 changed, modified, or repealed. Notwithstanding  
10 section 358A.4, as a part of an ordinance changing  
11 land from one zoning district to another zoning  
12 district or an ordinance approving a site development  
13 plan, a board of supervisors may impose conditions on  
14 a property owner which are in addition to existing  
15 regulations if the additional conditions have been  
16 agreed to in writing by the property owner before the  
17 public hearing required under this section or any  
18 adjournment of the hearing. The conditions must be  
19 reasonable and imposed to satisfy public needs which  
20 are directly caused by the requested change. In case,  
21 however, of a protest against such the change signed  
22 by the owners of twenty percent or more either of the  
23 area included in such the proposed change, or of the  
24 area immediately adjacent thereto to the proposed  
25 change and within five hundred feet of the boundaries  
26 thereof of the proposed change, such the amendment  
27 shall not become effective except by the favorable  
28 vote of at least sixty percent of all of the members  
29 of the board of supervisors. The provisions of  
30 section 358A.6 relative to public hearings and  
31 official notice shall apply equally to all changes or  
32 amendments.

33 Sec. 2 Section 414.5, Code 1985, is amended to  
34 read as".

35 2. Amend the title, line 1, by inserting after  
36 the word "city" the following: "or a county".

H-3117 FILED FEBRUARY 13, 1985 BY RENKEN of Grundy

*Adapted 2/18/85 (p. 482)*

HOUSE FILE 265

BY COMMITTEE ON LOCAL  
GOVERNMENT

(As Amended and Passed by the House February 18, 1985)

Passed House, Date 2-18-85 (p. 482) Passed Senate, Date 2-19-85 (p. 437)

Vote: Ayes 90 Nays 0 Vote: Ayes 47 Nays 0

Approved March 5, 1985 (p. 681)

## A BILL FOR

1 An Act authorizing a city or a county to impose additional  
2 conditions on property owners as a condition to zoning  
3 changes.

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

House Amendments \_\_\_\_\_

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6 modified, or repealed. Notwithstanding section 358A.4, as a  
7 part of an ordinance changing land from one zoning district to  
8 another zoning district or an ordinance approving a site  
9 development plan, a board of supervisors may impose conditions  
10 on a property owner which are in addition to existing  
11 regulations if the additional conditions have been agreed to  
12 in writing by the property owner before the public hearing  
13 required under this section or any adjournment of the hearing.  
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15 public needs which are directly caused by the requested  
16 change. In case, however, of a protest against such the  
17 change signed by the owners of twenty percent or more either  
18 of the area included in such the proposed change, or of the  
19 area immediately adjacent thereto to the proposed change and  
20 within five hundred feet of the boundaries thereof of the  
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23 of the members of the board of supervisors. The provisions of  
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Study Bill 53

Local Government: Teaford, Chair; Cooper and Diemer.

*now  
HF 265*

HOUSE FILE 265

BY (PROPOSED COMMITTEE ON LOCAL GOVERNMENT BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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28 This bill authorizes a city and a developer to agree in  
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31 One condition might be the method of payment for those public  
32 improvements which are needed to support a new project  
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HOUSE FILE 265

AN ACT

AUTHORIZING A CITY OR A COUNTY TO IMPOSE ADDITIONAL CONDITIONS  
ON PROPERTY OWNERS AS A CONDITION TO ZONING CHANGES.

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

Section 1. Section 358A.7, Code 1985, is amended to read  
as follows:

358A.7 CHANGES AND AMENDMENTS.

Such The regulations, restrictions, and boundaries may, ~~from time to time,~~ be amended, supplemented, changed, modified, or repealed. Notwithstanding section 358A.4, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a board of supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy

public needs which are directly caused by the requested change. In case, however, of a protest against such the change signed by the owners of twenty percent or more either of the area included in such the proposed change, or of the area immediately adjacent ~~thereto~~ to the proposed change and within five hundred feet of the boundaries thereof of the proposed change, such the amendment shall not become effective except by the favorable vote of at least sixty percent of all of the members of the board of supervisors. The provisions of section 358A.6 relative to public hearings and official notice shall apply equally to all changes or amendments.

Sec. 2. Section 414.5, Code 1985, is amended to read as follows:

414.5 CHANGES -- PROTEST.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the city clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or 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 of the council. The

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

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 265, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved March 5, 1985

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TERRY E. BRANSTAD  
Governor