

JAN 29 1997
LOCAL GOVERNMENT

HOUSE FILE 103
BY DINKLA

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for city zoning of unincorporated areas located
2 beyond the limits of the city.

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

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HF 103

1 Section 1. Section 414.23, Code 1997, is amended to read
2 as follows:

3 414.23 EXTENDING BEYOND CITY LIMITS.

4 1. The powers granted by this chapter may be extended by
5 ordinance by any city to the unincorporated area up to two
6 miles beyond the limits of ~~such the city, -except-for-those~~
7 ~~areas-within-a-county-where-a-county-zoning-ordinance-exists~~
8 with the concurrence of the board of supervisors in the county
9 where the unincorporated area is located. The ordinance shall
10 describe in general terms the area to be included. ~~The~~
11 ~~exemption-from-regulation-granted-by-section-335.2-to-property~~
12 ~~used-for-agricultural-purposes-shall-apply-to-such~~
13 ~~unincorporated-area.~~ If the limits of ~~any-such~~ the city are
14 at any place less than four miles distant from the limits of
15 any other city which has extended or ~~thereafter~~ later extends
16 its zoning jurisdiction under this section, then at ~~such that~~
17 time the powers ~~herein~~ granted in this section shall extend to
18 a line equidistant between the limits of ~~said~~ the cities.

19 2. A municipality city, during the time that its zoning
20 jurisdiction is extended under to the unincorporated area as
21 provided in this section, shall increase the size of its
22 planning and zoning commission and its board of adjustment
23 each by two members. The additional members shall be
24 residents of the unincorporated area outside the city limits
25 over which the zoning jurisdiction is extended. ~~They~~ The
26 additional members shall be appointed by the board of
27 supervisors of the county in which ~~such-extended~~ the
28 unincorporated area is located ~~and.~~ The additional members
29 shall serve for the same terms of office and have the same
30 rights, privileges, and duties as other members of ~~each-of~~
31 ~~said-bodies~~ the commission or board.

32 3. ~~Property-owners~~ Owners of property located within the
33 unincorporated area and affected by such the zoning
34 regulations shall have the same rights of hearing, protest,
35 and appeal as ~~these~~ owners of property located within the

1 municipality city exercising this power.

2 ~~Whenever a county in which this power is being exercised by~~
3 ~~a municipality adopts a county zoning ordinance the power~~
4 ~~exercised by the municipality and the specific regulations and~~
5 ~~districts thereunder shall be terminated within three months~~
6 ~~of the establishment of the administrative authority for~~
7 ~~county zoning, or at such date as mutually agreed upon by the~~
8 ~~municipality and county.~~

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EXPLANATION

10 This bill amends Code chapter 414 providing for city
11 zoning. The bill specifically amends Code section 414.23
12 which currently provides for extending a city's zoning
13 authority to an unincorporated area up to two miles beyond the
14 limits of the city. This bill removes a requirement that the
15 city's right to extend its authority depends upon a county not
16 exercising zoning authority over the area. The bill provides
17 that for a city to extend its jurisdiction, it must have the
18 concurrence of the county board of supervisors. The bill
19 eliminates a provision that prohibits the city from applying
20 zoning requirements to land used for agricultural purposes.
21 Finally, the bill eliminates a provision which terminates the
22 city's zoning authority over the area three months after
23 county zoning regulations become effective. The bill also
24 makes changes to enhance the readability of the section.

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