

MAR 4 1997
LOCAL GOVERNMENT

HOUSE FILE 426
BY METCALF

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

A BILL FOR

1 An Act relating to the location of certain community-based
2 residential homes in residential areas of cities and counties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 426

1 Section 1. Section 335.25, subsection 3, Code 1997, is
2 amended to read as follows:

3 3. Notwithstanding the optional provision in section 335.1
4 and any other provision of this chapter to the contrary, a
5 county, county board of supervisors, or a county zoning
6 commission shall consider a family home a residential use of
7 property for the purposes of zoning and shall treat a family
8 home as a permitted use in all residential zones or districts,
9 including all single-family residential zones or districts, of
10 the county. A county, county board of supervisors, or a
11 county zoning commission shall not require that a family home,
12 its owner, or operator obtain a conditional use permit,
13 special use permit, special exception, or variance. However,
14 new family homes owned or operated by public or private
15 agencies shall be dispersed through the residential zones and
16 districts ~~and shall not be located within contiguous areas~~
17 equivalent in size to city block areas based on a ratio of not
18 more than one new family home for each one thousand residents
19 in a residential zone or district. Section 135C.23,
20 subsection 2, shall apply to all residents of a family home.

21 Sec. 2. Section 414.22, subsection 3, Code 1997, is
22 amended to read as follows:

23 3. Notwithstanding any provision of this chapter to the
24 contrary, a city, city council, or city zoning commission
25 shall consider a family home a residential use of property for
26 the purposes of zoning and shall treat a family home as a
27 permitted use in all residential zones or districts, including
28 all single-family residential zones or districts, of the city.
29 A city, city council, or city zoning commission shall not
30 require that a family home, its owner, or operator obtain a
31 conditional use permit, special use permit, special exception,
32 or variance. However, new family homes owned and operated by
33 public or private agencies shall be dispersed throughout the
34 residential zones and districts ~~and shall not be located~~
35 within contiguous city block areas based on a ratio of not

1 more than one new family home for each one thousand residents
2 in a residential zone or district. Section 135C.23,
3 subsection 2, shall apply to all residents of a family home.

4 EXPLANATION

5 This bill provides that zoning ordinances or restrictions
6 allow a new family home which is a community-based residential
7 home which is licensed as a residential care facility under
8 Code chapter 135C or as a child foster care facility under
9 Code chapter 237 to be located in the residential areas of a
10 county or a city based on a ratio of one family home for each
11 1,000 residents in a residential area.

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