

# House File 753

## Bill Text

PAG LIN

1 1 TITLE IX  
1 2 LOCAL GOVERNMENT  
1 3 SUBTITLE 5  
1 4 COMPREHENSIVE PLANNING AND LAND DEVELOPMENT  
1 5 CHAPTER 420A  
1 6 COMPREHENSIVE PLANNING AND LAND DEVELOPMENT  
1 7 SUBCHAPTER I  
1 8 DEFINITIONS AND INTENT  
1 9 Section 1. NEW SECTION. 420A.1 INTENT AND PURPOSE.  
1 10 1. This chapter shall be known and may be cited as the  
1 11 "Comprehensive Planning and Land Development Act".  
1 12 2. It is the intent of this chapter to encourage the  
1 13 orderly use and development of land, control sprawl, preserve  
1 14 farm land, and encourage redevelopment in cities. It is the  
1 15 intent of this chapter to strengthen the role, processes, and  
1 16 powers of local governments in the establishment and  
1 17 implementation of comprehensive planning programs to guide and  
1 18 control future development. It is the intent of this chapter  
1 19 to encourage the most appropriate use of land, water, and  
1 20 natural resources by local governments, consistent with the  
1 21 public interest. Through the process of comprehensive  
1 22 planning, it is intended that local governments can preserve,  
1 23 promote, protect, and improve the public health, safety, and  
1 24 general welfare; prevent overcrowding; facilitate the adequate  
1 25 and efficient provision of transportation, water, sewerage,  
1 26 schools, parks, recreational facilities, housing, law  
1 27 enforcement and fire prevention, and other services; and  
1 28 conserve, develop, utilize, and protect natural resources and  
1 29 preserve prime agricultural land within or adjacent to their  
1 30 boundaries. It is the intent of this chapter to encourage and  
1 31 assure cooperation between and among cities and counties and  
1 32 to encourage and assure coordination of planning and  
1 33 development activities of units of local government in accord  
1 34 with applicable provisions of law. It is the intent of this  
1 35 chapter to encourage and assure coordination of the goals and  
2 1 policies of the state with those of local governments and  
2 2 regional planning areas.  
2 3 3. The provisions of this chapter in their interpretation  
2 4 and application are declared to be the minimum requirements  
2 5 necessary to accomplish the stated intent and purposes of this  
2 6 chapter.  
2 7 4. It is the intent of the general assembly that this  
2 8 chapter be construed broadly to accomplish its stated purposes  
2 9 and objectives.  
2 10 Sec. 2. NEW SECTION. 420A.2 DEFINITIONS.  
2 11 As used in this chapter, unless the context otherwise  
2 12 requires:  
2 13 1. "Adjoining" means having a common boundary for not less  
2 14 than fifty feet. Land areas may be adjoining although  
2 15 separated by a roadway or waterway.  
2 16 2. "Annexation" means the addition of territory to a city.  
2 17 3. "Board" means the city development board created in  
2 18 section 420A.51.  
2 19 4. "Boundary adjustment" means annexation, severance, or  
2 20 consolidation.  
2 21 5. "City development" means an incorporation,

2 22 discontinuance, or boundary adjustment.

2 23 6. "Committee" means the board members, and the local  
2 24 representatives appointed as provided in sections 420A.56 and  
2 25 420A.57, to hear and make a decision on a petition or plan for  
2 26 city development.

2 27 7. "Comprehensive plan" means a document, adopted by a  
2 28 local government, that contains, in text, maps, or graphics, a  
2 29 method of proceeding, based on analysis and projections, to  
2 30 guide, direct, or constrain land use actions in order to  
2 31 achieve stated goals. A plan shall contain goals, policies,  
2 32 guidelines, and implementation measures and standards that  
2 33 meet the requirements of subchapter II.

2 34 8. "Consolidation" means the combining of two or more  
2 35 cities into one city.

3 1 9. "Density" means the total number of dwelling units  
3 2 existing or permitted on a tract divided by the total gross  
3 3 area of the tract, including street rights of way and other  
3 4 public improvements. The result is expressed as dwelling  
3 5 units per acre.

3 6 10. "Developer" means a person, including a governmental  
3 7 agency, undertaking any development.

3 8 11. a. "Development" means all of the following:  
3 9 (1) Any building, construction, renovation, mining,  
3 10 extraction, dredging, filling, excavation, or drilling  
3 11 activity or operation.  
3 12 (2) Any material change in the use or appearance of any  
3 13 structure or in the land itself.  
3 14 (3) The division of land into parcels.  
3 15 (4) Any change in the use or intensity of use of land.  
3 16 (5) Any activity that alters a shore, beach, stream, lake,  
3 17 pond, canal, marsh, dune area, woodlands, wetland, endangered  
3 18 species habitat, aquifer, or other natural resource area.

3 19 b. "Development" does not include any of the following:  
3 20 (1) Work by a highway or road agency or railroad company  
3 21 for the maintenance or improvement of a highway, road, or  
3 22 railroad track.  
3 23 (2) Work by a utility or persons engaged in the  
3 24 collection, distribution, or transmission of gas, water,  
3 25 sewage, storm water, electricity, steam, telephone  
3 26 communications, or data for the purpose of inspecting,  
3 27 repairing, renewing, or constructing on established rights of  
3 28 way any sewers, mains, pipes, cables, utility tunnels, power  
3 29 lines, towers, poles, or tracks.  
3 30 (3) Work for the maintenance, renewal, or improvement of  
3 31 the interior of any existing structure excluding the  
3 32 expansion, alternation, or change in use of the structure.  
3 33 (4) The use of any structure or land devoted to dwelling  
3 34 uses for any purpose incidental to enjoyment of the dwelling.  
3 35 (5) The use of any land for the purpose of raising  
4 1 livestock or growing plants, crops, trees, and other  
4 2 agricultural or forestry products, or for other agricultural  
4 3 purposes including the construction of related accessory  
4 4 structures for those purposes.  
4 5 (6) A change in use of land or structure from a use within  
4 6 a class specified in an ordinance or rule to another use in  
4 7 the same class.  
4 8 (7) A change in the ownership or form of ownership of any  
4 9 parcel or structure.  
4 10 (8) The creation or termination of rights of access,  
4 11 riparian rights, easements, covenants concerning development  
4 12 of land, or other rights in land.

4 13 12. "Development permit" includes any building permit,  
4 14 zoning permit, subdivision or platting approval, plat of  
4 15 survey, or similar division of land for rezoning,  
4 16 certification, special exception, variance, or any other local  
4 17 government action having the effect of permitting the  
4 18 development of land.

4 19 13. "Discontinuance" means termination of a city.  
4 20 14. "Governing body" means the board of supervisors of a  
4 21 county or the city council of a city.  
4 22 15. "Governmental agency" means:  
4 23 a. The United States or any department, commission,  
4 24 agency, or other instrumentality of the United States.  
4 25 b. This state or any department, board, commission,  
4 26 agency, or other instrumentality of this state.  
4 27 c. Any local government, as defined in this section, or  
4 28 any department, board, commission, agency, or other  
4 29 instrumentality of such local government.  
4 30 d. Any school board or board of a special district or a  
4 31 benefited district.  
4 32 16. "Inclusionary development" means a residential  
4 33 development containing at least twenty percent low-income or  
4 34 moderate-income dwelling units. This term includes, but is  
4 35 not limited to, new construction of low-income or moderate-  
5 1 income dwelling units, conversion of a nonresidential  
5 2 structure to a residential structure, or rehabilitation of a  
5 3 vacant residential structure.  
5 4 17. "Incorporation" means establishment of a new city.  
5 5 18. "Island" means land which is not part of a city and  
5 6 which is completely surrounded by the corporate boundaries of  
5 7 one or more cities. However, a part of the boundary of an  
5 8 island may be contiguous with a boundary of the state, a  
5 9 river, or similar natural barrier which prevents service  
5 10 access from an adjoining area of land outside the boundaries  
5 11 of a city.  
5 12 19. "Land" means the earth or water on or below the  
5 13 surface and the air above the surface.  
5 14 20. "Land development regulation" means an ordinance  
5 15 enacted by a local governing body for the regulation of  
5 16 development and includes any local government zoning,  
5 17 rezoning, subdivision, building construction, or sign  
5 18 regulation, or any other regulation controlling the  
5 19 development of land.  
5 20 21. "Land use" means the development that has occurred on  
5 21 the land, the development that is proposed by a developer on  
5 22 the land, or the use of the land that is permitted under a  
5 23 comprehensive plan, land development regulation, or a land  
5 24 development code.  
5 25 22. "Local government" means any city and those counties  
5 26 that have elected to adopt a zoning ordinance.  
5 27 23. "Parcel of land" means any quantity of land capable of  
5 28 being described with such specificity that its location and  
5 29 boundaries may be established, which is designated by its  
5 30 owner or developer as land to be used, or developed as a unit,  
5 31 or which has been used or developed as a unit.  
5 32 24. "Person" means the same as defined in section 4.1.  
5 33 25. "Planning and zoning commission" means a commission  
5 34 designated by a local government to develop for the governing  
5 35 body of the local government, recommendations for the  
6 1 comprehensive plan and land development regulations which  
6 2 implement the comprehensive plan.  
6 3 26. "Planning area" means the total area under the  
6 4 jurisdiction of a local government as a result of authority  
6 5 conferred by the provisions of this chapter.  
6 6 27. "Policy" means a general rule for action focused on a  
6 7 specific issue, derived from more general goals.  
6 8 28. "Public facilities" means capital improvements,  
6 9 including, but not limited to, transportation, sanitary sewer,  
6 10 solid waste, drainage, potable water, educational, parks,  
6 11 recreational facilities, fire, police, and emergency medical  
6 12 services facilities, government buildings, and public  
6 13 airports.  
6 14 29. "Public notice" means notice provided as required by  
6 15 section 331.305 for counties or 362.3 for cities.

6 16 30. "Public utility" means a public utility subject to  
6 17 regulation pursuant to chapter 476.  
6 18 31. "Registered voter" means a person who is registered to  
6 19 vote pursuant to chapter 48A.  
6 20 32. "Severance" means the deletion of territory from a  
6 21 city.  
6 22 33. "Standard" means a criterion that defines the meaning  
6 23 of a policy by providing a way to measure its attainment.  
6 24 34. "State agency" means any department, board,  
6 25 commission, or other administrative unit of state government.  
6 26 35. "Territory" means the land area or areas proposed to  
6 27 be incorporated, annexed, or severed, whether or not  
6 28 contiguous to all other areas proposed to be incorporated,  
6 29 annexed, or severed. Except as provided for by an agreement  
6 30 pursuant to chapter 28E, "territory" having a common boundary  
6 31 with the rights of way of a secondary road extends to the  
6 32 center line of the road.  
6 33 36. "Urban services area" means a designated area adjacent  
6 34 to the corporate limits of a city within which development is  
6 35 planned for and can be accommodated with appropriate  
7 1 infrastructure and outside of which development is  
7 2 discouraged.

## 7 3 SUBCHAPTER II

### 7 4 LOCAL GOVERNMENT COMPREHENSIVE PLANS

#### 7 5 Sec. 3. NEW SECTION. 420A.3 SCOPE OF ACT.

7 6 Local governments shall have the power and responsibility  
7 7 to do all of the following:

7 8 1. To plan for their future development and growth.

7 9 2. To adopt and amend comprehensive plans to guide future  
7 10 development and growth.

7 11 3. To implement comprehensive plans by the adoption of  
7 12 appropriate land development regulations.

7 13 4. To establish, support, and maintain administrative  
7 14 procedures to carry out the provisions and purposes of this  
7 15 chapter.

#### 7 16 Sec. 4. NEW SECTION. 420A.4 PROCESS FOR ADOPTION OF THE 7 17 COMPREHENSIVE PLAN OR PLAN AMENDMENTS.

7 18 1. Each local government shall prepare and adopt a  
7 19 comprehensive plan. The comprehensive plan shall be prepared  
7 20 and adopted in the manner set out in this subchapter, or the  
7 21 local government shall prepare amendments to its existing  
7 22 comprehensive plan and conform it to the requirements of this  
7 23 subchapter.

7 24 2. Each local government that prepares a comprehensive  
7 25 plan or amendment to an existing comprehensive plan shall have  
7 26 until July 1, 2004, to adopt a comprehensive plan and land  
7 27 development regulations in conformance with this subchapter.

7 28 Within two years of adoption of the comprehensive plan and  
7 29 land development regulations, each local government shall  
7 30 adopt a zoning map consistent with the comprehensive plan.

7 31 3. Petitions for involuntary annexation filed on or after  
7 32 July 1, 1999, shall not be approved by the city development  
7 33 board unless the petitioning city has a comprehensive plan  
7 34 prepared in accordance with this subchapter. Until July 1,  
7 35 2004, the city development board may approve voluntary

8 1 annexation requests by a city without an approved  
8 2 comprehensive plan and without a certified urban services  
8 3 area. After July 1, 2004, the city development board shall  
8 4 not approve any annexation request for a city that has not  
8 5 adopted a comprehensive plan with an urban services area  
8 6 certified in accordance with this subchapter.

8 7 4. Prior to adoption by the local government's governing  
8 8 body of a comprehensive plan, or adoption of an amendment to  
8 9 the plan, the local government's planning and zoning  
8 10 commission shall hold a public hearing. Public notice of the  
8 11 hearing shall be provided.

8 12 5. The local government's governing body shall hold a

8 13 public hearing to review the recommendations of the planning  
8 14 and zoning commission as well as any public, consultant, or  
8 15 staff comments on the proposed comprehensive plan or amendment  
8 16 to the comprehensive plan. Public notice of the hearing shall  
8 17 be provided.

8 18 6. Upon adoption by the local government's governing body  
8 19 of a comprehensive plan and zoning regulations, a copy of the  
8 20 plan and regulations shall be sent to the department of  
8 21 economic development for its review. The department shall  
8 22 have one hundred twenty days after receipt of a plan and  
8 23 regulations to notify the local government whether or not the  
8 24 plan and regulations are in compliance with this subchapter.  
8 25 If a local government is determined not to be in compliance,  
8 26 the local government shall have one hundred eighty days to  
8 27 come in compliance with a resubmittal to the department. If  
8 28 the department of economic development has not notified the  
8 29 local government within one hundred twenty days as to whether  
8 30 or not the plan and regulations are in compliance, the plan  
8 31 and regulations shall be deemed in compliance.

8 32 7. If a city has not prepared all of the required elements  
8 33 or has not amended its plan or has not adopted zoning  
8 34 regulations and a zoning map as required by subsection 2; or  
8 35 has not met the schedule set for submission of its  
9 1 comprehensive plan, zoning regulations, and zoning map to the  
9 2 department of economic development as required by subsection  
9 3 6, the city shall not annex territory until the deficiencies  
9 4 cited by the department have been corrected and the department  
9 5 has notified the city that the city is in compliance with this  
9 6 subchapter.

9 7 8. The department of economic development shall adopt  
9 8 rules for the review of comprehensive plans.

9 9 Sec. 5. NEW SECTION. 420A.5 COMPREHENSIVE PLAN  
9 10 ELEMENTS.

9 11 1. The purpose of a comprehensive plan is to encourage  
9 12 local governments to give consideration to the future physical  
9 13 appearance and qualities of their communities and to establish  
9 14 a planning process with meaningful public participation.  
9 15 Neighboring local governments, especially those sharing  
9 16 natural resources, or physical or economic infrastructure, are  
9 17 encouraged to create collective visions for regional areas.  
9 18 Local governments are encouraged to make the planning process  
9 19 an ongoing process allowing full public participation in  
9 20 creating a collective vision for community development.

9 21 2. The comprehensive plan shall include all of the  
9 22 elements contained in this section.

9 23 a. The comprehensive plan shall articulate statements of  
9 24 the goals, policies, objectives, principles, assumptions, and  
9 25 standards upon which the local government is basing its  
9 26 proposal for the physical, economic, land, and social  
9 27 development of the local government's planning area. The  
9 28 comprehensive plan shall describe specific measures to be  
9 29 taken in implementing the plan.

9 30 b. The comprehensive plan shall show the existing and  
9 31 proposed location, extent, and intensity of development of  
9 32 land for residential, commercial, industrial, agricultural,  
9 33 recreational, educational, and other public and private  
9 34 purposes and shall state the relationship of such future  
9 35 development to the zoning ordinance and zoning map. The plan  
10 1 shall include standards for determining appropriate levels of  
10 2 population density and development intensity for the local  
10 3 government's planning area. One goal of the comprehensive  
10 4 plan for a city shall be to promote development on undeveloped  
10 5 or underdeveloped land within the city's boundaries.

10 6 The local government shall prepare an official map  
10 7 depicting the land use designation for the entire local  
10 8 government planning area, which map shall be updated on a  
10 9 regular basis. A matrix showing what zoning districts are

10 10 consistent with each land use category shall also be required.

10 11 c. The comprehensive plan shall analyze the need for and  
10 12 the manner in which the local government plans to address the  
10 13 availability of affordable housing to all economic segments of  
10 14 the population, to promote a variety of housing densities and  
10 15 housing types, and to encourage the preservation of existing  
10 16 housing stock.

10 17 d. The comprehensive plan shall analyze the need for and  
10 18 show the general location and type of facilities for all modes  
10 19 of transportation required for the efficient movement of  
10 20 people, goods, and services in the local government's planning  
10 21 area. The plan shall take into account other local  
10 22 government's transportation plans. The plan shall consider  
10 23 the types, location, conditions, and availability of existing  
10 24 and proposed transportation facilities, including air, water,  
10 25 road, pedestrian, bike, and rail. The plan shall also show  
10 26 the existing and proposed location of any airports and the  
10 27 boundaries of any airport safety zones.

10 28 This portion of the plan shall be forwarded to the  
10 29 appropriate metropolitan planning organization or council of  
10 30 governments for its review and comment prior to approval by  
10 31 the department of economic development. The metropolitan  
10 32 planning organization or council of governments shall have  
10 33 forty-five days upon receipt of the transportation portion of  
10 34 the plan to forward its comments to the governing body of the  
10 35 local government.

11 1 e. The comprehensive plan shall analyze the need for and  
11 2 show the general location of existing and proposed water  
11 3 supply and distribution facilities, drainage, storm water and  
11 4 flood control facilities, sewerage and waste treatment  
11 5 facilities, solid waste disposal, and other related facilities  
11 6 and utilities.

11 7 f. The comprehensive plan shall analyze the need for and  
11 8 show the location and type of existing and proposed  
11 9 educational and cultural facilities, libraries, medical  
11 10 facilities, fire protection facilities and services, emergency  
11 11 medical facilities and services, law enforcement facilities  
11 12 and services, and other related facilities and services.

11 13 g. The comprehensive plan shall analyze the need for and  
11 14 show the general location of existing and proposed public and  
11 15 private sites for recreation, including but not limited to,  
11 16 nature reserves, parks and playgrounds, parkways and trails,  
11 17 beaches and public access to beaches, open spaces, and other  
11 18 recreational facilities. Nationally recognized standards for  
11 19 acres of park ground per one hundred population may be used to  
11 20 evaluate the adequacy of the parks and open spaces provided by  
11 21 a local government.

11 22 h. For cities, the comprehensive plan shall contain a  
11 23 designation of an urban services area certified pursuant to  
11 24 section 420A.9. The plan shall analyze the need for and show  
11 25 how the local government plans to provide infrastructure and  
11 26 facilities under public ownership or operated or maintained  
11 27 for public benefit that are necessary to support development  
11 28 and redevelopment of the territory within the urban services  
11 29 area. Infrastructure and facilities shall include, but are  
11 30 not limited to, transportation, farmland protection, water  
11 31 supply, wastewater disposal, storm water management, open  
11 32 space and recreation, solid waste disposal, public education,  
11 33 and public safety. The plan shall include a timetable for  
11 34 extension of infrastructure and facilities to planned annexed  
11 35 areas.

12 1 An urban services area shall include or permit existing or  
12 2 proposed land uses at densities and intensities sufficient to  
12 3 permit urban growth that is projected for the area for the  
12 4 succeeding twenty-year period and shall include or permit  
12 5 existing or proposed facilities or services to adequately  
12 6 support that urban growth. Services that are provided at

12 7 urban-level densities and intensities include:  
12 8 (1) The provision of sanitary sewers and collection and  
12 9 treatment of sewage.  
12 10 (2) The provision of water lines and the pumping and  
12 11 treatment of water.  
12 12 (3) Fire protection.  
12 13 (4) Parks.  
12 14 (5) Open space.  
12 15 (6) Streets and roads.  
12 16 (7) Other services and facilities of an urban nature, such  
12 17 as storm water management or flood control.  
12 18 i. The comprehensive plan shall analyze the need for and  
12 19 show how the local government plans to conserve, use, and  
12 20 protect the natural resources within its planning area. For  
12 21 purposes of this chapter, "natural resources" includes air,  
12 22 water, water recharge areas, wetlands, marshes, soils, flood  
12 23 plains, rivers, lakes, forests, fisheries, wildlife habitat,  
12 24 minerals, and other natural and environmental resources. For  
12 25 counties, the natural resources protection goal shall be to  
12 26 preserve prime agricultural land within its planning area.  
12 27 The land use map contained in the plan shall identify and  
12 28 depict the location of natural resources in the planning area.  
12 29 3. The comprehensive plan may also include the following:  
12 30 a. A historic and scenic preservation element that does  
12 31 all of the following:  
12 32 (1) Identifies scenic areas.  
12 33 (2) Indicates the location and significance of historic  
12 34 sites and historic districts.  
12 35 (3) Indicates the location and significance of  
13 1 archaeological sites.  
13 2 (4) Identifies standards used to classify historic site or  
13 3 historic district.  
13 4 (5) Analyzes the impact of each element of the  
13 5 comprehensive plan regarding the preservation of scenic areas,  
13 6 archaeological sites, or historic sites and districts.  
13 7 (6) Includes plans for the preservation of scenic areas,  
13 8 archaeological sites, or historic sites or districts.  
13 9 b. An economic development element that analyzes all  
13 10 aspects of economic development and sustained economic  
13 11 vitality, including a comparison of the types of employment  
13 12 expected to be provided by the economic development to be  
13 13 promoted and an analysis of the stability and diversity of the  
13 14 economic development to be promoted.  
13 15 c. A safety element that analyzes and plans for the  
13 16 protection of residents and property of the area from fire,  
13 17 floods, tornadoes, or other manmade or natural catastrophe.  
13 18 The plan shall include a description of protective and  
13 19 preventive features such as evacuation routes, emergency  
13 20 shelters, early warning systems, water supply requirements,  
13 21 minimum road widths, structure clearances, elevation of  
13 22 structures, and similar matters.  
13 23 d. A downtown revitalization element that analyzes and  
13 24 plans for the preservation, redevelopment, and growth of the  
13 25 downtown area in an orderly, efficient, and fiscally sound  
13 26 manner.  
13 27 4. All elements of the comprehensive plan, whether  
13 28 mandatory or optional, shall be based upon appropriate data.  
13 29 Surveys and studies utilized in the preparation of the  
13 30 comprehensive plan shall not be deemed a part of the  
13 31 comprehensive plan unless adopted as a part of the  
13 32 comprehensive plan. Copies of such studies, surveys, and  
13 33 supporting documents shall be made available to public  
13 34 inspection, and copies of comprehensive plans shall be made  
13 35 available to the public upon payment of reasonable charges for  
14 1 reproduction.

14 4 1. a. After a comprehensive plan has been adopted by a  
14 5 local government in conformity with this subchapter, all  
14 6 development undertaken by the local government, and all  
14 7 actions taken in regard to approval of a development permit by  
14 8 the local government shall be consistent with the plan.

14 9 b. A comprehensive plan shall be implemented by adoption  
14 10 and enforcement of regulations on development of land within  
14 11 the planning area. Land development regulations adopted by  
14 12 the local government shall be consistent with the  
14 13 comprehensive plan, and land development regulations existing  
14 14 at the time the plan is adopted shall be amended to conform to  
14 15 the plan. A local government shall adopt conforming  
14 16 amendments to its land development regulations no later than  
14 17 ninety days after the plan is adopted. During the period  
14 18 before the land development regulations are adopted to conform  
14 19 to the comprehensive plan, the plan shall govern any action  
14 20 taken in regard to approval of a development permit.

14 21 2. After a comprehensive plan is adopted by the governing  
14 22 body, no land development regulation or ordinance shall be  
14 23 adopted by the governing body until such regulation or  
14 24 ordinance has been referred to the planning and zoning  
14 25 commission for review and recommendation as to the  
14 26 relationship and consistency of such proposal to the  
14 27 comprehensive plan. The recommendation shall be made no later  
14 28 than ninety days after the referral. If a recommendation is  
14 29 not made within the time provided, the governing body may act  
14 30 to adopt the regulation or ordinance or may allow additional  
14 31 time for the planning and zoning commission's review and  
14 32 recommendations.

14 33 Sec. 7. NEW SECTION. 420A.7 EVALUATION OF THE  
14 34 COMPREHENSIVE PLAN.

14 35 1. A local governing body shall prepare periodic  
15 1 evaluation reports regarding the comprehensive plan at least  
15 2 once every seven years after the adoption of the plan. The  
15 3 evaluation report process shall be the primary process for  
15 4 updating local comprehensive plans to reflect changes in state  
15 5 or local policy on planning and growth management.

15 6 2. The report shall present an evaluation of the  
15 7 comprehensive plan and shall contain statements using words,  
15 8 maps, and illustrations to describe the following:

15 9 a. The major problems of development, physical  
15 10 deterioration, and the location of land uses and the social  
15 11 and economic effects of such uses in the planning area.

15 12 b. The condition of each element in the comprehensive plan  
15 13 at the time of adoption and at the date of the report.

15 14 c. The comprehensive plan objectives as compared with  
15 15 actual results at the date of the report.

15 16 d. The extent to which unforeseen problems and  
15 17 opportunities occurred between the date of adoption and the  
15 18 date of the report.

15 19 e. The identification of any actions taken, or proposed to  
15 20 be taken, to address the planning issues identified in the  
15 21 report.

15 22 f. Proposed plan amendments necessary to address or  
15 23 implement the identified changes.

15 24 g. A description of the public participation process used  
15 25 by the local government in preparing the report.

15 26 h. The number and type of comprehensive plan amendments  
15 27 approved since the previous evaluation.

15 28 3. The report shall also recommend changes to the  
15 29 comprehensive plan, including restated goals, objectives,  
15 30 policies, and standards. A local government is encouraged to  
15 31 use the report to develop a process to serve as the basis for  
15 32 revision of the comprehensive plan consistent with the  
15 33 requirements of this subchapter.

15 34 4. a. After completion of the report, the governing body  
15 35 shall hold a public hearing on the evaluation report. Public

16 1 notice of the hearing shall be provided.

16 2 b. The governing body shall require a review and  
16 3 recommendation on the evaluation report by the planning and  
16 4 zoning commission following the public hearing. The written  
16 5 review and recommendations shall be included in the final  
16 6 evaluation report.

16 7 c. The governing body shall adopt a final evaluation  
16 8 report within ninety days after receiving the evaluation  
16 9 report from the local planning and zoning commission. The  
16 10 governing body shall amend its comprehensive plan based on the  
16 11 recommendations contained in the adopted evaluation report.

16 12 d. The governing body may make the conforming amendments  
16 13 to the comprehensive plan at the same meeting at which the  
16 14 final evaluation report is adopted. If the plan is not  
16 15 amended simultaneously with the adoption of the evaluation  
16 16 report, the report shall contain a schedule for adoption of  
16 17 proposed amendments within one year after the report is  
16 18 adopted, except that the department of economic development  
16 19 may grant a six-month extension for adoption of such plan  
16 20 amendments if the request is justified by good and sufficient  
16 21 cause as determined by the department.

16 22 e. The evaluation report shall be transmitted to the  
16 23 department of economic development with the related amendments  
16 24 when the amendments are completed.

16 25 5. Notwithstanding subsection 1, a local government with  
16 26 less than two thousand five hundred residents shall submit its  
16 27 initial evaluation report no later than twelve years after  
16 28 adoption of its plan and at least every ten years thereafter.

16 29 6. The department of economic development may adopt by  
16 30 rule a phased schedule for submittal of reports. A local  
16 31 government may transmit its report in advance of the submittal  
16 32 date set by rule if the local government gives the department  
16 33 and the public adequate notice as prescribed by rule.

16 34 7. The department of economic development shall review  
16 35 each report to determine whether it has been submitted in a  
17 1 timely fashion and contains the prescribed elements. The  
17 2 department shall complete the sufficiency determination within  
17 3 sixty days of receipt of the report. If the department has  
17 4 not notified the local government within the prescribed time  
17 5 period, the report shall be deemed sufficient to satisfy the  
17 6 requirements of this section.

17 7 8. The department of economic development may delegate the  
17 8 review of reports to the appropriate regional council of  
17 9 governments planning council. If the review has been  
17 10 delegated to a regional planning council, any local government  
17 11 in the region may elect to have its report reviewed by the  
17 12 regional planning council. The department shall adopt rules  
17 13 for uniform and adequate review of reports by the department  
17 14 or by a regional planning council.

17 15 9. The department of economic development may refuse to  
17 16 accept or process any petition or application for annexation  
17 17 from a local government that fails to implement its evaluation  
17 18 report by amending its comprehensive plan. This refusal to  
17 19 allow annexation to proceed shall be available to the  
17 20 department only after a final determination letter has been  
17 21 sent to the local government by the department and a  
17 22 reasonable period of time has been allowed for the local  
17 23 government to comply with an adverse determination by the  
17 24 department through adoption of appropriate plan amendments.

17 25 If an interagency hazard mitigation report is prepared in  
17 26 response to a presidential disaster declaration, its  
17 27 recommendations may be incorporated into a local comprehensive  
17 28 plan, as deemed appropriate by the applicable local  
17 29 government, when the plan is revised during the evaluation  
17 30 report process.

17 31 Sec. 8. NEW SECTION. 420A.8 SELECTED LOCAL PLANNING  
17 32 ISSUES.

17 33 1. The department may enter into a written agreement with  
17 34 a city of fewer than five thousand residents or a county with  
17 35 fewer than fifty thousand residents so that such a  
18 1 jurisdiction may focus planning resources on selected issues  
18 2 or elements when updating its plan, if the local government  
18 3 submits such a request to the department. However, any review  
18 4 under this section shall include review of the land use,  
18 5 transportation, and agricultural and conservation portions of  
18 6 the plan and shall include an update of the official map.  
18 7 Approval of the request does not authorize the local  
18 8 government to repeal any portion of its comprehensive plan  
18 9 required by this chapter to be included in the plan.

18 10 2. The department shall consider the following factors  
18 11 when considering a request to review selected issues:

18 12 a. Population growth rate or changes in land area since  
18 13 adoption of the plan update.

18 14 b. The extent of vacant and developable land and land  
18 15 vested for development.

18 16 c. The need for redevelopment.

18 17 d. The extent to which public services and facilities for  
18 18 residents are supplied by providers other than the local  
18 19 government.

18 20 e. Past performance in local plan implementation.

18 21 f. The presence in the planning area of natural resources,  
18 22 scenic areas, archaeological sites, or historic areas or  
18 23 districts.

18 24 3. The agreement shall set forth the findings that are the  
18 25 basis for the decision and the portions or elements of the  
18 26 plan to be updated. The agreement shall provide that, within  
18 27 eighteen months of termination of the agreement, the local  
18 28 government shall adopt plan amendments that would update any  
18 29 portion of the comprehensive plan which was not previously  
18 30 updated pursuant to the agreement.

18 31 4. A local government that enters into an agreement to  
18 32 target its planning resources pursuant to this section shall  
18 33 update and amend its local plan when the local government  
18 34 exceeds the population criteria provided in this section.

18 35 Sec. 9. NEW SECTION. 420A.9 ADOPTION AND CERTIFICATION  
19 1 PROCESS FOR URBAN SERVICES AREA ELEMENT.

19 2 1. Prior to the adoption of the urban services area  
19 3 portion of the comprehensive plan, a city shall hold a  
19 4 consultation meeting with all city councils of cities and  
19 5 boards of benefited districts whose boundaries are located  
19 6 within two miles of the city's proposed urban services area.

19 7 A city shall not include in its urban services area  
19 8 territory that is contained in another city's certified urban  
19 9 services area.

19 10 2. Upon adoption by the city council of the urban services  
19 11 area portion of the plan, the city clerk shall forward a copy  
19 12 of such portion to the city development board for its review  
19 13 and certification.

19 14 3. In its review, the city development board shall  
19 15 consider all of the following:

19 16 a. Whether any portion of the proposed urban services area  
19 17 is being contested by another city because it is within  
19 18 another city's certified urban services area.

19 19 b. Whether the city has provided a detailed phasing plan  
19 20 and projected timetable for development relating to the  
19 21 proposed urban services area.

19 22 c. Whether the city has provided a detailed phasing and  
19 23 financing plan, and timetable for the provision of urban  
19 24 services to the urban services area.

19 25 d. Whether the proposed urban services area represents an  
19 26 orderly expansion of the city.

19 27 4. The city development board shall have one hundred  
19 28 twenty days after the latest submittal of a proposed urban  
19 29 services area to notify a local government whether or not the

19 30 urban services area has been certified. If a local  
19 31 government's proposed urban services area is rejected, the  
19 32 local government shall have one hundred eighty days to submit  
19 33 a revised urban services area proposal to the city development  
19 34 board. If the city development board has not notified the  
19 35 local government within one hundred twenty days, the local  
20 1 government's urban services area shall be deemed certified.

20 2 5. Upon certification of an urban services area by the  
20 3 city development board, the city may establish zoning,  
20 4 building, and land use controls over the urban services area.  
20 5 The city shall have sole jurisdiction over review and approval  
20 6 of any development application, platting or plat of survey  
20 7 request, and building permits within its certified urban  
20 8 services area.

20 9 6. This chapter does not prohibit a city from amending the  
20 10 urban services area portion of its comprehensive plan if the  
20 11 city determines it is necessary and as long as the procedures  
20 12 of this subchapter are followed.

20 13 7. This subchapter does not preclude a city from entering  
20 14 into a chapter 28E agreement with another local government to  
20 15 jointly review and approve development proposals, issue  
20 16 building permits, perform inspections, and exercise land use  
20 17 controls within a certified urban services area.

20 18 Sec. 10. NEW SECTION. 420A.10 DISPUTE RESOLUTION PROCESS  
20 19 PLANNING COORDINATION MEDIATORS.

20 20 The department of economic development shall maintain a  
20 21 list of dispute resolution mediators who are available to  
20 22 assist in resolving disputes arising under this subchapter.  
20 23 The list of mediators shall include only persons who possess  
20 24 expertise in mediation, land use, planning, zoning, real  
20 25 estate, public administration, or related disciplines.

20 26 Sec. 11. NEW SECTION. 420A.11 CERTIFICATION OF DISPUTE  
20 27 MATTERS SUBJECT TO MEDIATION.

20 28 1. A dispute under this subchapter may be initiated by the  
20 29 filing of a petition with the department of economic  
20 30 development alleging that a local government has done any of  
20 31 the following:

20 32 a. Failed to obtain certification for an urban services  
20 33 area or to adopt or amend a comprehensive plan meeting the  
20 34 requirements of this subchapter.

20 35 b. Adopted a comprehensive plan that is in conflict with  
21 1 or inconsistent with the comprehensive plan adopted by another  
21 2 local government and approved by the department.

21 3 c. Adopted development regulations and programs that are  
21 4 in conflict with its comprehensive plan.

21 5 2. A petition may be filed with the department of economic  
21 6 development by any person, entity, or local government  
21 7 alleging that the petitioner is aggrieved by the failure of  
21 8 the local government to comply with the requirements of this  
21 9 subchapter. For purposes of this section, a person, entity,  
21 10 or local government is any of the following:

21 11 a. An adjacent planning jurisdiction.

21 12 b. An adjacent jurisdiction that is required to prepare an  
21 13 urban services area element pursuant to section 420A.5.

21 14 c. A participant in person or in writing in proceedings  
21 15 before the local government concerning the identification of  
21 16 the urban services area or adoption of the comprehensive plan  
21 17 or development regulations or ordinances at issue.

21 18 d. An owner or renter of real property within the planning  
21 19 area of the local government.

21 20 e. A registered voter of the local government or of its  
21 21 proposed urban services area.

21 22 3. Petitions must be filed with the department no later  
21 23 than thirty days after adoption of the local government's  
21 24 comprehensive plan by the governing body or no later than  
21 25 thirty days following the board's certification of an urban  
21 26 services area portion of the comprehensive plan or no later

21 27 than thirty days after the local government's governing body  
21 28 adopts development regulations or ordinances implementing the  
21 29 comprehensive plan.

21 30 4. A person, entity, or local government challenging the  
21 31 approval or denial of a project permit or development permit  
21 32 is not considered aggrieved for purposes of sections 420A.12  
21 33 through 420A.16.

21 34 Sec. 12. NEW SECTION. 420A.12 RECEIPT OF PETITION  
21 35 APPOINTMENT OF DISPUTE HEARING PANELS.

22 1 1. The department shall notify all the parties to a  
22 2 dispute of their option to select three persons to act as a  
22 3 dispute hearing panel. If, within thirty days, the parties  
22 4 have not notified the department of their selection of a panel  
22 5 member, the department shall appoint a panel member to serve  
22 6 on the dispute hearing panel.

22 7 2. Each dispute hearing panel shall consist of three  
22 8 members. The members of each panel shall be selected so that  
22 9 at the time of their appointment and during their terms:

22 10 a. Not more than two members shall be members of the same  
22 11 political party.

22 12 b. No two members shall reside in the same county. If  
22 13 appointed by the department, the members of each panel shall  
22 14 be selected from a list of potential panel members maintained  
22 15 by the department.

22 16 4. The department shall establish procedures by rule for  
22 17 proceedings before the dispute hearing panels.

22 18 Sec. 13. NEW SECTION. 420A.13 FINAL DECISIONS.

22 19 1. The panel shall make a final decision within ninety  
22 20 days after receipt of the latest petition filed in a  
22 21 consolidated hearing.

22 22 2. Each panel shall make findings based upon substantial  
22 23 evidence and shall prepare a written decision in each case  
22 24 decided by the panel. Such findings and decision shall be  
22 25 effective upon being signed by a majority of the panel and  
22 26 upon being filed with the department, and shall be available  
22 27 for public inspection.

22 28 3. In the case of petitions based on the grounds set forth  
22 29 in section 420A.11, the final decision shall find one of the  
22 30 following:

22 31 a. An identified urban services area element or adopted  
22 32 comprehensive plan conforms to this subchapter.

22 33 b. The applicable urban services element or comprehensive  
22 34 plan, if any, fails to conform in whole or in part to this  
22 35 subchapter, in which case the decision shall specify the  
23 1 particular parts of the urban services area element or the  
23 2 adopted comprehensive plan that do not conform and shall  
23 3 specify a reasonable time not exceeding one hundred eighty  
23 4 days within which the deficiencies shall be corrected. The  
23 5 decision shall provide specific guidance to the local  
23 6 government in correcting deficiencies.

23 7 c. The applicable urban services area element or  
23 8 comprehensive plan is inconsistent with or in conflict with  
23 9 the requirements of this subchapter.

23 10 d. A conflict or inconsistency exists between the  
23 11 applicable urban services area element and the comprehensive  
23 12 plan.

23 13 4. If such a conflict, inconsistency, or failure to  
23 14 conform is found, the decision shall direct that the urban  
23 15 services area element or comprehensive plan be amended in a  
23 16 manner consistent with this subchapter and shall provide  
23 17 specific guidance to the applicable local government for  
23 18 amending the applicable urban services area element or  
23 19 comprehensive plan to eliminate the conflict, inconsistency,  
23 20 or nonconformity and shall remand the urban services areas  
23 21 element or comprehensive plan to the local government and  
23 22 specify a reasonable time not exceeding one hundred eighty  
23 23 days within which to correct the conflict, inconsistency, or

23 24 nonconformity. In evaluating consistency with the intent of  
23 25 this subchapter, the panel shall consider the recommended  
23 26 elements of the comprehensive plan set forth in section  
23 27 420A.5. In addition, the panel shall give a higher weight to  
23 28 an element of a comprehensive plan that has been adopted or  
23 29 amended within the previous five years. In resolving  
23 30 conflicts, the panel shall afford priority to a city that can  
23 31 demonstrate the ability to provide services to the proposed  
23 32 urban services area.

23 33 5. Written decisions of the panel may be cited as  
23 34 authority in the courts of the state only if such decision has  
23 35 been upheld by a district court of this state upon appeal from  
24 1 such decision. Written decisions that have not been upheld by  
24 2 a district court shall have no precedential effect except in  
24 3 appeals or subsequent proceedings arising from the same  
24 4 nucleus of material facts.

24 5 6. Findings of conflict, inconsistency, or nonconformity  
24 6 shall not affect the validity of those portions of the  
24 7 applicable services area element or comprehensive plan which  
24 8 are not specifically cited in the panel decision.

24 9 Sec. 14. NEW SECTION. 420A.14 APPEALS FROM DISPUTE  
24 10 HEARING PANELS STANDING STANDARD OF REVIEW.

24 11 A party who has entered an appearance before the panel and  
24 12 who is aggrieved by a final decision of a panel may appeal the  
24 13 decision to the district court of the county in which the  
24 14 applicable dispute is located within thirty days of the final  
24 15 decision of the panel. The appeal shall be tried de novo as  
24 16 an equitable proceeding and accorded a preference in  
24 17 assignment so as to assure its prompt disposition.

24 18 Sec. 15. NEW SECTION. 420A.15 PROCESS FOR ADOPTION OF  
24 19 LAND DEVELOPMENT REGULATIONS.

24 20 1. Each local government that prepares a comprehensive  
24 21 plan or amendment to an existing comprehensive plan shall have  
24 22 until July 1, 2004, to adopt land development regulations in  
24 23 conformance with the comprehensive plan and this subchapter.

24 24 2. Prior to adoption by a local government's governing  
24 25 body of land development regulations or amendments to existing  
24 26 regulations, the local planning and zoning commission shall  
24 27 hold a public hearing. Public notice of the hearing shall be  
24 28 provided.

24 29 3. The local government's governing body shall hold a  
24 30 public hearing to review the recommendations of the planning  
24 31 and zoning commission as well as any relevant public,  
24 32 consultant, or staff input on the proposed land development  
24 33 regulations. Public notice of the hearing shall be provided.

24 34 4. Upon adoption of zoning regulations and a zoning map by  
24 35 a local government, a copy of such documents certified by  
25 1 either the city clerk or county auditor, as the case may be,  
25 2 shall be sent to the department of economic development for  
25 3 its review and determination of compliance with this  
25 4 subchapter. The department shall have one hundred twenty days  
25 5 after a submittal or resubmittal to notify the local  
25 6 government whether or not the regulations are in compliance  
25 7 with this subchapter. If the department has not notified the  
25 8 local government whether or not it is in compliance within one  
25 9 hundred twenty days, the local government shall be deemed in  
25 10 compliance. If a local government is found not to be in  
25 11 compliance, the local government shall have one hundred eighty  
25 12 days to submit revised regulations to the department.

25 13 5. Within two years after submission of its comprehensive  
25 14 plan or revised comprehensive plan and land development  
25 15 regulations for review, each local government in this state  
25 16 that wishes to regulate by zoning, or a city which desires to  
25 17 annex adjacent territory, shall have adopted a zoning map that  
25 18 is consistent with its comprehensive plan.

25 19 6. If a city has not adopted zoning regulations and a  
25 20 zoning map as required by subsections 1 and 5 and has not met

25 21 the schedule set for submission or resubmission of its zoning  
25 22 regulations or zoning map to the department of economic  
25 23 development as required by this section, the city shall not be  
25 24 allowed to file a petition or application for annexation of  
25 25 territory.

25 26 7. The department of economic development may require a  
25 27 local government to submit one or more land development  
25 28 regulations if the department has reasonable grounds to  
25 29 believe that a local government has failed to adopt all land  
25 30 development regulations required by this section.

25 31 8. The department of economic development shall consult  
25 32 local governments in the adoption of rules for the review of  
25 33 land development regulations.

25 34 Sec. 16. NEW SECTION. 420A.16 LAND DEVELOPMENT  
25 35 REGULATIONS CONTENT.

26 1 1. Local land development regulations shall contain  
26 2 specific and detailed provisions necessary to implement the  
26 3 comprehensive plan and shall, at a minimum, do all of the  
26 4 following:

26 5 a. Regulate the subdivision of land.

26 6 b. Regulate the use of land and water for those land use  
26 7 categories included in the comprehensive plan and ensure the  
26 8 compatibility of adjacent uses and provide for open space.

26 9 c. Provide for protection of potable water well fields and  
26 10 supply.

26 11 d. Regulate areas subject to seasonable and periodic  
26 12 flooding and provide for drainage and storm water management.

26 13 e. Ensure the protection of environmentally sensitive  
26 14 lands designated in the comprehensive plan.

26 15 f. Regulate placement of signs.

26 16 g. Provide public facilities and services that meet or  
26 17 exceed the standards established by the local government and  
26 18 are available when needed for development, or require that  
26 19 development permits are conditioned on the availability of  
26 20 these public facilities and services necessary to serve the  
26 21 proposed development. Upon adoption of the land development  
26 22 regulations, a local government shall not approve a  
26 23 development permit which results in a reduction in the level  
26 24 of services for the affected public facilities below the level  
26 25 of services provided in the comprehensive plan by the local  
26 26 government for its planning area.

26 27 h. Ensure safe and convenient onsite traffic flow,  
26 28 considering needed vehicle parking.

26 29 i. Ensure adequate park land and open space for its  
26 30 citizens.

26 31 j. Ensure the protection of the soil and prevention of  
26 32 soil erosion.

26 33 2. This section shall be construed to encourage the use of  
26 34 innovative land development regulations which include  
26 35 provisions such as transfer of development rights, incentive  
27 1 and inclusionary zoning, planned-unit development, and  
27 2 performance zoning. These and all other such regulations  
27 3 shall be combined and compiled into a single land development  
27 4 code for the local government.

27 5 3. A local government shall not adopt an ordinance or a  
27 6 land use regulation making agricultural uses a nuisance.

27 7 4. A parcel, tract, lot, or other area of land not located  
27 8 within the corporate limits of a city shall not be divided or  
27 9 subdivided through any means into a parcel, tract, lot, or  
27 10 other area of land that is less than forty acres or creates a  
27 11 remnant piece that is less than forty acres, except as  
27 12 provided in subsections 5 and 6.

27 13 5. In areas outside the corporate limits of a city, lots  
27 14 of record or plats with lots or division or subdivision of a  
27 15 parcel of land with a remnant piece less than forty acres may  
27 16 be approved by the local government if the average size of the  
27 17 lots within the plat of survey or plat is forty acres or

27 18 greater and an agricultural or open space use easement is  
27 19 placed on the entire property involved in the division or  
27 20 subdivision limiting its use to agricultural or open space  
27 21 uses. This easement shall run for twenty years and be  
27 22 dedicated to the local government.

27 23 6. This chapter shall not prohibit the subdivision of a  
27 24 parcel of land less than forty acres by a local government or  
27 25 government agency for public utility or road purposes.

27 26 SUBCHAPTER III  
27 27 CITY ZONING

27 28 Sec. 17. NEW SECTION. 420A.17 BUILDING RESTRICTIONS  
27 29 POWERS GRANTED.

27 30 For the purpose of promoting the health, safety, morals, or  
27 31 the general welfare of the community or for the purpose of  
27 32 preserving historically significant areas of the community, a  
27 33 city may regulate and restrict the height, number of stories,  
27 34 and size of buildings and other structures, the percentage of  
27 35 a lot that may be occupied, the size of yards, courts, and  
28 1 other open spaces, the density of population, and the location  
28 2 and use of buildings, structures, and land for trade,  
28 3 industry, residence, or other purposes.

28 4 Sec. 18. NEW SECTION. 420A.18 DISTRICTS.

28 5 For any or all of the purposes set out in section 420A.17,  
28 6 the governing body, hereinafter referred to as the council,  
28 7 may divide the city into districts, including historical  
28 8 preservation districts but only as provided in section 303.34,  
28 9 of such number, shape, and area as may be deemed best suited  
28 10 to carry out the purposes of this subchapter; and within such  
28 11 districts the city may regulate and restrict the erection,  
28 12 construction, reconstruction, alteration, repair, or use of  
28 13 buildings, structures, or land. All such regulations and  
28 14 restrictions shall be uniform for each class or kind of  
28 15 buildings throughout each district, but the regulations in one  
28 16 district may differ from those in other districts.

28 17 Sec. 19. NEW SECTION. 420A.19 BASIS OF REGULATIONS.

28 18 The regulations shall be made in accordance with a  
28 19 comprehensive plan and designed to preserve the availability  
28 20 of agricultural land; to consider the protection of soil from  
28 21 wind and water erosion; to encourage efficient urban  
28 22 development patterns; to lessen congestion in the street; to  
28 23 secure safety from fire, flood, panic, and other dangers; to  
28 24 promote health and the general welfare; to provide adequate  
28 25 light and air; to prevent the overcrowding of land; to avoid  
28 26 undue concentration of population; to promote the conservation  
28 27 of energy resources; to promote reasonable access to solar  
28 28 energy; and to facilitate the adequate provision of  
28 29 transportation, water, sewerage, schools, parks, and other  
28 30 public requirements. However, provisions of this section  
28 31 relating to the objectives of energy conservation and access  
28 32 to solar energy do not void any zoning regulation existing on  
28 33 July 1, 1981, or require zoning in a city that did not have  
28 34 zoning prior to July 1, 1981.

28 35 Such regulations shall be made with reasonable  
29 1 consideration, among other things, as to the character of the  
29 2 area of the district and the peculiar suitability of such area  
29 3 for particular uses, and with a view to conserving the value  
29 4 of buildings and encouraging the most appropriate use of land  
29 5 throughout such city.

29 6 Sec. 20. NEW SECTION. 420A.20 ZONING REGULATIONS,  
29 7 DISTRICT BOUNDARIES, AMENDMENTS.

29 8 The council of the city shall provide for the manner in  
29 9 which the regulations and restrictions and the boundaries of  
29 10 the districts shall be determined, established, and enforced,  
29 11 and from time to time amended, supplemented, or changed.  
29 12 However, the regulation, restriction, or boundary shall not  
29 13 become effective until after a public hearing at which parties  
29 14 in interest and citizens shall have an opportunity to be

29 15 heard. The notice of the time and place of the hearing shall  
29 16 be published as provided in section 362.3, except that at  
29 17 least seven days notice must be given and in no case shall the  
29 18 public hearing be held earlier than the next regularly  
29 19 scheduled city council meeting following the published notice.

29 20 Sec. 21. NEW SECTION. 420A.21 CHANGES PROTEST.

29 21 The regulations, restrictions, and boundaries may, from  
29 22 time to time, be amended, supplemented, changed, modified, or  
29 23 repealed. Notwithstanding section 420A.18, as a part of an  
29 24 ordinance changing land from one zoning district to another  
29 25 zoning district or an ordinance approving a site development  
29 26 plan, a council may impose conditions on a property owner  
29 27 which are in addition to existing regulations if the  
29 28 additional conditions have been agreed to in writing by the  
29 29 property owner before the public hearing required under this  
29 30 section or any adjournment of the hearing. The conditions  
29 31 must be reasonable and imposed to satisfy public needs which  
29 32 are directly caused by the requested change. In case,  
29 33 however, of a written protest against a change or repeal which  
29 34 is filed with the city clerk and signed by the owners of  
29 35 twenty percent or more of the area of the lots included in the  
30 1 proposed change or repeal, or by the owners of twenty percent  
30 2 or more of the property which is located within two hundred  
30 3 feet of the exterior boundaries of the property for which the  
30 4 change or repeal is proposed, the change or repeal shall not  
30 5 become effective except by the favorable vote of at least  
30 6 three-fourths of all the members of the council. The protest,  
30 7 if filed, must be filed before or at the public hearing. The  
30 8 provisions of section 420A.20 relative to public hearings and  
30 9 official notice apply equally to all changes or amendments.

30 10 Sec. 22. NEW SECTION. 420A.22 PLANNING AND ZONING  
30 11 COMMISSION.

30 12 In order to avail itself of the powers conferred by this  
30 13 subchapter, the council shall appoint a commission, to be  
30 14 known as the planning and zoning commission, to recommend the  
30 15 boundaries of the various original districts, and appropriate  
30 16 regulations and restrictions to be enforced within the  
30 17 districts. If a city planning commission already exists, it  
30 18 may be appointed as the planning and zoning commission. Such  
30 19 commission shall, with due diligence, prepare a preliminary  
30 20 report and hold public hearings thereon before submitting its  
30 21 final report; and such council shall not hold its public  
30 22 hearings or take action until it has received the final report  
30 23 of such commission. After the adoption of such regulations,  
30 24 restrictions, and boundaries of districts, the planning and  
30 25 zoning commission may, from time to time, recommend to the  
30 26 council amendments, supplements, changes, or modifications.

30 27 Sec. 23. NEW SECTION. 420A.23 BOARD OF ADJUSTMENT  
30 28 REVIEW BY COUNCIL.

30 29 The council shall provide for the appointment of a board of  
30 30 adjustment and in the regulations and restrictions adopted  
30 31 pursuant to the authority of this subchapter shall provide  
30 32 that the board of adjustment may in appropriate cases and  
30 33 subject to appropriate conditions and safeguards make special  
30 34 exceptions to the terms of the ordinances in harmony with its  
30 35 general purpose and intent and in accordance with general or  
31 1 specific rules contained in the exceptions and provide that  
31 2 any property owner aggrieved by the action of the council in  
31 3 the adoption of such regulations and restrictions may petition  
31 4 the board of adjustment direct to modify regulations and  
31 5 restrictions as applied to such property owners.

31 6 The council may provide for its review of variances granted  
31 7 by the board of adjustment before their effective date. The  
31 8 council may remand a decision to grant a variance to the board  
31 9 of adjustment for further study. The effective date of the  
31 10 variance is delayed for thirty days from the date of the  
31 11 remand.

31 12 Sec. 24. NEW SECTION. 420A.24 MEMBERSHIP.

31 13 The board of adjustment shall consist of five or seven  
31 14 members as determined by the council. Members of a five-  
31 15 member board shall be appointed for a term of five years,  
31 16 excepting that when the board shall first be created one  
31 17 member shall be appointed for a term of five years, one for a  
31 18 term of four years, one for a term of three years, one for a  
31 19 term of two years, and one for a term of one year. Members of  
31 20 a seven-member board shall be appointed for a term of five  
31 21 years, except when the board shall first be created two  
31 22 members shall be appointed for a term of five years, two  
31 23 members for a term of four years, one for a term of three  
31 24 years, one for a term of two years, and one for a one-year  
31 25 term. A five-member board shall not carry out its business  
31 26 without having three members present and a seven-member board  
31 27 shall not carry out its business without having four members  
31 28 present. A majority of the members of the board of adjustment  
31 29 shall be persons representing the public at large and shall  
31 30 not be involved in the business of purchasing or selling real  
31 31 estate. Members shall be removable for cause by the  
31 32 appointing authority upon written charges and after public  
31 33 hearing. Vacancies shall be filled for the unexpired term of  
31 34 any member whose term becomes vacant.

31 35 Sec. 25. NEW SECTION. 420A.25 RULES MEETINGS  
32 1 GENERAL PROCEDURE.

32 2 The board shall adopt rules in accordance with the  
32 3 provisions of any ordinance adopted pursuant to this  
32 4 subchapter. Meetings of the board shall be held at the call  
32 5 of the chairperson and at such other times as the board may  
32 6 determine. The chairperson, or in the chairperson's absence,  
32 7 the acting chairperson, may administer oaths and compel the  
32 8 attendance of witnesses. All meetings of the board shall be  
32 9 open to the public. The board shall keep minutes of its  
32 10 proceedings, showing the vote of each member upon each  
32 11 question, or if absent or failing to vote, indicating such  
32 12 fact, and shall keep records of its examinations and other  
32 13 official actions, all of which shall be immediately filed in  
32 14 the office of the board and shall be a public record.

32 15 Sec. 26. NEW SECTION. 420A.26 APPEALS.

32 16 Appeals to the board of adjustment may be taken by any  
32 17 person aggrieved or by any officer, department, board, or  
32 18 bureau of the city affected by any decision of the  
32 19 administrative officer. Such appeal shall be taken within a  
32 20 reasonable time as provided by the rules of the board by  
32 21 filing with the officer from whom the appeal is taken and with  
32 22 the board of adjustment a notice of appeal specifying the  
32 23 grounds of the appeal. The officer from whom the appeal is  
32 24 taken shall forthwith transmit to the board all the papers  
32 25 constituting the record upon which the action appealed from  
32 26 was taken.

32 27 Sec. 27. NEW SECTION. 420A.27 EFFECT OF APPEAL.

32 28 An appeal stays all proceedings in furtherance of the  
32 29 action appealed from, unless the officer from whom the appeal  
32 30 is taken certifies to the board of adjustment after the notice  
32 31 of appeal shall have been filed with the officer that by  
32 32 reason of facts stated in the certificate a stay would in the  
32 33 officer's opinion cause imminent peril to life or property.  
32 34 In such case proceedings shall not be stayed otherwise than by  
32 35 a restraining order which may be granted by the board of  
33 1 adjustment or by a court of record on application on notice to  
33 2 the officer from whom the appeal is taken and on due cause  
33 3 shown.

33 4 Sec. 28. NEW SECTION. 420A.28 POWERS.

33 5 The board of adjustment shall have the following powers:

33 6 1. To hear and decide appeals where it is alleged there is  
33 7 error in any order, requirement, decision, or determination  
33 8 made by an administrative official in the enforcement of this

33 9 subchapter or of any ordinance adopted pursuant to this  
33 10 subchapter.

33 11 2. To hear and decide special exceptions to the terms of  
33 12 the ordinance upon which such board is required to pass under  
33 13 such ordinance.

33 14 3. To authorize upon appeal in specific cases such  
33 15 variance from the terms of the ordinance as will not be  
33 16 contrary to the public interest, where owing to special  
33 17 conditions a literal enforcement of the provisions of the  
33 18 ordinance will result in unnecessary hardship, and so that the  
33 19 spirit of the ordinance shall be observed and substantial  
33 20 justice done.

33 21 Sec. 29. NEW SECTION. 420A.29 DECISION ON APPEAL.

33 22 In exercising the above-mentioned powers the board of  
33 23 adjustment may, in conformity with the provisions of this  
33 24 subchapter, reverse or affirm, wholly or partly, or may modify  
33 25 the order, requirement, decision, or determination appealed  
33 26 from and may make such order requirement, decision, or  
33 27 determination as ought to be made, and to that end shall have  
33 28 all the powers of the officer from whom the appeal is taken.

33 29 Sec. 30. NEW SECTION. 420A.30 VOTE REQUIRED.

33 30 The concurring vote of three members of the board in the  
33 31 case of a five-member board, and four members in the case of a  
33 32 seven-member board, shall be necessary to reverse any order,  
33 33 requirement, decision, or determination of any such  
33 34 administrative official, or to decide in favor of the  
33 35 applicant on any matter upon which it is required to pass  
34 1 under any such ordinance or to effect any variation in such  
34 2 ordinance.

34 3 Sec. 31. NEW SECTION. 420A.31 PETITION FOR CERTIORARI.

34 4 Any person or persons, jointly or severally, aggrieved by  
34 5 any decision of the board of adjustment under the provisions  
34 6 of this subchapter, or any taxpayer, or any officer,  
34 7 department, board, or bureau of the city, may present to a  
34 8 court of record a petition, duly verified, setting forth that  
34 9 such decision is illegal, in whole or in part, specifying the  
34 10 grounds of the illegality. Such petition shall be presented  
34 11 to the court within thirty days after the filing of the  
34 12 decision in the office of the board.

34 13 Sec. 32. NEW SECTION. 420A.32 WRIT RESTRAINING ORDER.

34 14 Upon the presentation of such petition, the court may allow  
34 15 a writ of certiorari directed to the board of adjustment to  
34 16 review such decision of the board of adjustment and shall  
34 17 prescribe in the writ time within which a return to the board  
34 18 must be made and served upon the relator's attorney, which  
34 19 shall not be less than ten days and may be extended by the  
34 20 court. The allowance of the writ shall not stay proceedings  
34 21 upon the decision appealed from, but the court may, on  
34 22 application, on notice to the board and on due cause shown,  
34 23 grant a restraining order.

34 24 Sec. 33. NEW SECTION. 420A.33 RETURN.

34 25 The board of adjustment shall not be required to return the  
34 26 original papers acted upon by the board, but may return  
34 27 certified or sworn copies of the original papers or of such  
34 28 portions of the original papers as may be called for by such  
34 29 writ. The return shall concisely set forth such other facts  
34 30 as may be pertinent and material to show the grounds of the  
34 31 decision appealed from and shall be verified.

34 32 Sec. 34. NEW SECTION. 420A.34 TRIAL JUDGMENT

34 33 COSTS.

34 34 If, upon the hearing which shall be tried de novo, the  
34 35 court determines that testimony is necessary for the proper  
35 1 disposition of the matter, the court may take evidence or  
35 2 appoint a referee to take such evidence as the court directs  
35 3 and report the same to the court with the referee's findings  
35 4 of fact and conclusions of law, which shall constitute a part  
35 5 of the proceedings upon which the determination of the court

35 6 shall be made. The court may reverse or affirm, wholly or  
35 7 partly, or may modify the decision brought up for review.  
35 8 Costs shall not be allowed against the board, unless the  
35 9 court determines that the board acted with gross negligence or  
35 10 in bad faith or with malice in making the decision appealed  
35 11 from.

35 12 Sec. 35. NEW SECTION. 420A.35 PREFERENCE IN TRIAL.

35 13 All issues in any proceedings under the foregoing sections  
35 14 shall have preference over all other civil actions and  
35 15 proceedings.

35 16 Sec. 36. NEW SECTION. 420A.36 ACTIONS TO CORRECT  
35 17 VIOLATIONS.

35 18 In case any building or structure is erected, constructed,  
35 19 reconstructed, altered, repaired, converted, or maintained; or  
35 20 any building, structure, or land is used in violation of this  
35 21 subchapter or of any ordinance or other regulation made under  
35 22 authority conferred by this subchapter, the council, in  
35 23 addition to other remedies, may institute any appropriate  
35 24 action or proceedings to prevent such unlawful erection,  
35 25 construction, reconstruction, alteration, repair, conversion,  
35 26 maintenance, or use, to restrain, correct, or abate such  
35 27 violation, to prevent the occupancy of the building,  
35 28 structure, or land, or to prevent any illegal act, conduct,  
35 29 business, or use in or about such premises.

35 30 Sec. 37. NEW SECTION. 420A.37 CONFLICTING RULES,  
35 31 ORDINANCES, AND STATUTES.

35 32 If the regulations made under this subchapter require a  
35 33 greater width or size of yards, courts or other open spaces,  
35 34 or a lower height of building or less number of stories, or a  
35 35 greater percentage of a lot to be left unoccupied, or impose  
36 1 other higher standards than are required in any other statute  
36 2 or local ordinance or regulation, the regulations made under  
36 3 this subchapter govern. If any other statute or local  
36 4 ordinance or regulation requires a greater width or size of  
36 5 yards, courts or other open spaces, or a lower height of  
36 6 building or a less number of stories, or a greater percentage  
36 7 of lot to be left unoccupied, or impose other higher standards  
36 8 than are required by the regulations made under this  
36 9 subchapter, the other statute or local ordinance or regulation  
36 10 governs. If a regulation proposed or made under this  
36 11 subchapter relates to any structure, building, dam,  
36 12 obstruction, deposit or excavation in or on the flood plains  
36 13 of any river or stream, prior approval of the department of  
36 14 natural resources is required to establish, amend, supplement,  
36 15 change, or modify the regulation or to grant any variation or  
36 16 exception from the regulation.

36 17 Sec. 38. NEW SECTION. 420A.38 ZONING FOR FAMILY HOMES.

36 18 1. It is the intent of this section to assist in improving  
36 19 the quality of life of persons with a developmental disability  
36 20 or brain injury by integrating them into the mainstream of  
36 21 society by making available to them community residential  
36 22 opportunities in the residential areas of this state. In  
36 23 order to implement this intent, this section shall be  
36 24 liberally construed.

36 25 2. a. "Brain injury" means brain injury as defined in  
36 26 section 135.22.

36 27 b. "Developmental disability" means a disability of a  
36 28 person which has continued or can be expected to continue  
36 29 indefinitely and which is one of the following:

36 30 (1) Attributable to mental retardation, cerebral palsy,  
36 31 epilepsy, or autism.

36 32 (2) Attributable to any other condition found to be  
36 33 closely related to mental retardation because the condition  
36 34 results in impairment of general intellectual functioning or  
36 35 adaptive behavior similar to that of persons with mental  
37 1 retardation or requires treatment and services similar to  
37 2 those required for the persons.

37 3 (3) Attributable to dyslexia resulting from a disability  
37 4 described in either subparagraph (1) or (2).

37 5 (4) Attributable to a mental or nervous disorder.

37 6 c. "Family home" means a community-based residential home  
37 7 which is licensed as a residential care facility under chapter  
37 8 135C or as a child foster care facility under chapter 237 to  
37 9 provide room and board, personal care, habilitation services,  
37 10 and supervision in a family environment exclusively for not  
37 11 more than eight persons with a developmental disability or  
37 12 brain injury and any necessary support personnel. However,  
37 13 family home does not mean an individual foster care family  
37 14 home licensed under chapter 237.

37 15 d. "Permitted use" means a use by right which is  
37 16 authorized in all residential zoning districts.

37 17 e. "Residential" means regularly used by its occupants as  
37 18 a permanent place of abode, which is made one's home as  
37 19 opposed to one's place of business and which has housekeeping  
37 20 and cooking facilities for its occupants only.

37 21 3. Notwithstanding any provision of this subchapter to the  
37 22 contrary, a city, city council, or city planning and zoning  
37 23 commission shall consider a family home a residential use of  
37 24 property for the purposes of zoning and shall treat a family  
37 25 home as a permitted use in all residential zones or districts,  
37 26 including all single-family residential zones or districts, of  
37 27 the city. A city, city council, or city planning and zoning  
37 28 commission shall not require that a family home, its owner, or  
37 29 operator obtain a conditional use permit, special use permit,  
37 30 special exception, or variance. However, new family homes  
37 31 owned and operated by public or private agencies shall be  
37 32 dispersed throughout the residential zones and districts and  
37 33 shall not be located within contiguous city block areas.  
37 34 Section 135C.23, subsection 2, shall apply to all residents of  
37 35 a family home.

38 1 4. Any restriction, reservation, condition, exception, or  
38 2 covenant in any subdivision plan, deed, or other instrument of  
38 3 or pertaining to the transfer, sale, lease, or use of property  
38 4 in a city which permits residential use of property but  
38 5 prohibits the use of property as a family home for persons  
38 6 with a developmental disability or brain injury, to the extent  
38 7 of the prohibition, is void as against the public policy of  
38 8 this state and shall not be given legal or equitable effect.

38 9 Sec. 39. NEW SECTION. 420A.39 TRANSITIONAL PROVISIONS.

38 10 Of the two additional members which may be appointed to  
38 11 increase a five-member board of adjustment to a seven-member  
38 12 board after January 1, 1980, one member shall be appointed to  
38 13 an initial term of five years and one member shall be  
38 14 appointed to an initial term of four years. The terms of  
38 15 office of members of a board of adjustment serving unexpired  
38 16 terms of office on January 1, 1980, shall expire according to  
38 17 their original appointments.

38 18 Sec. 40. NEW SECTION. 420A.40 MANUFACTURED HOME.

38 19 A city shall not adopt or enforce zoning regulations or  
38 20 other ordinances which disallow the plans and specifications  
38 21 of a proposed residential structure solely because the  
38 22 proposed structure is a manufactured home. However, a zoning  
38 23 ordinance or regulation shall require that a manufactured home  
38 24 be located and installed according to the same standards,  
38 25 including but not limited to, a permanent foundation system,  
38 26 set-back, and minimum square footage which would apply to a  
38 27 site-built, single family dwelling on the same lot, and shall  
38 28 require that the home is assessed and taxed as a site-built  
38 29 dwelling. A zoning ordinance or other regulation shall not  
38 30 require a perimeter foundation system for a manufactured home  
38 31 which is incompatible with the structural design of the  
38 32 manufactured home structure. A city shall not require more  
38 33 than one permanent foundation system for a manufactured home.  
38 34 For purposes of this section, a permanent foundation may be a

38 35 pier footing foundation system designed and constructed to be  
39 1 compatible with the structure and the conditions of the site.  
39 2 When units are located outside a mobile home park,  
39 3 requirements may be imposed which ensure visual compatibility  
39 4 of the permanent foundation system with surrounding  
39 5 residential structures. As used in this section,  
39 6 "manufactured home" means a factory-built structure, which is  
39 7 manufactured or constructed under the authority of 42 U.S.C. }  
39 8 5403 and is to be used as a place for human habitation, but  
39 9 which is not constructed or equipped with a permanent hitch or  
39 10 other device allowing it to be moved other than for the  
39 11 purpose of moving to a permanent site, and which does not have  
39 12 permanently attached to its body or frame any wheels or axles.  
39 13 This section shall not be construed as abrogating a recorded  
39 14 restrictive covenant.

39 15 Sec. 41. NEW SECTION. 420A.41 ELDER FAMILY HOMES.  
39 16 A city council or city planning and zoning commission shall  
39 17 consider an elder family home a family home, as defined in  
39 18 section 420A.38, for purposes of zoning, in accordance with  
39 19 section 231A.2, and may identify limitations regarding the  
39 20 proximity of one proposed elder family home to another.

39 21 Sec. 42. NEW SECTION. 420A.42 HOMES FOR PERSONS WITH  
39 22 PHYSICAL DISABILITIES.  
39 23 A city council or city planning and zoning commission shall  
39 24 consider a home for persons with physical disabilities a  
39 25 family home, as defined in section 420A.38, for purposes of  
39 26 zoning in accordance with chapter 504C.

39 27 Sec. 43. NEW SECTION. 420A.43 ELDER GROUP HOMES.  
39 28 A city council or city planning and zoning commission shall  
39 29 consider an elder group home a family home, as defined in  
39 30 section 420A.38, for purposes of zoning, in accordance with  
39 31 section 231B.2, and may establish limitations regarding the  
39 32 proximity of one proposed elder group home to another.

#### 39 33 SUBCHAPTER IV

#### 39 34 CITY DEVELOPMENT

39 35 Sec. 44. NEW SECTION. 420A.44 NAME CHANGE.  
40 1 A city may change its name as follows:  
40 2 1. The city council shall propose the name change and  
40 3 shall notify the county commissioner of elections that the  
40 4 question shall be submitted at the next regular city election.  
40 5 2. The county commissioner of elections shall publish  
40 6 notice, as provided in section 362.3, of the proposed new  
40 7 name, and of the fact that the question will be submitted at  
40 8 the next regular city election. The county commissioner of  
40 9 elections shall report the results of the balloting on the  
40 10 question to the mayor and the city council.

40 11 3. If a majority of those voting on the question approves  
40 12 the proposed new name, the city clerk shall enter the new name  
40 13 upon the city records and file certified copies of the  
40 14 proceedings, including the council's proposal, proof of  
40 15 publication of notice, and certification of the election  
40 16 result, with the county recorder of each county which contains  
40 17 part of the city, and with the secretary of state. Upon  
40 18 proper filing the name change is complete and effective.

40 19 Sec. 45. NEW SECTION. 420A.45 DISCONTINUANCE CEMETERY  
40 20 FUND TRANSFER.

40 21 A city is discontinued if, for a period of six years or  
40 22 more, the city has held no city election and has caused no  
40 23 taxes to be levied. If the board receives knowledge of facts  
40 24 which cause an automatic discontinuance under this section,  
40 25 the board shall make a determination that the city is  
40 26 discontinued, shall take control of the property of the  
40 27 discontinued city, and shall carry out all necessary  
40 28 procedures as if the city were discontinued under a petition  
40 29 or plan.

40 30 If a city is discontinued under this section or under  
40 31 sections 420A.53 through 420A.65, and that city owns a

40 32 cemetery, the board shall determine if any perpetual care  
40 33 funds exist and provide for their transfer to a trustee named  
40 34 by a district court or to the county or other suitable  
40 35 governmental entity.

41 1 Sec. 46. NEW SECTION. 420A.46 ANNEXING MORATORIUM.

41 2 A city, following notice and hearing, may by resolution  
41 3 agree with another city or cities to refrain from annexing  
41 4 specifically described territory for a period not to exceed  
41 5 ten years and, following notice and hearing, may by resolution  
41 6 extend the agreement for subsequent periods not to exceed ten  
41 7 years each. Notice of a hearing shall be served on the board,  
41 8 and a copy of the agreement and a copy of any resolution  
41 9 extending an agreement shall be filed with the board within  
41 10 thirty days of enactment. If such an agreement is in force,  
41 11 the board shall dismiss a petition or plan which violates the  
41 12 terms of the agreement.

41 13 Sec. 47. NEW SECTION. 420A.47 ANNEXING STATE AND COUNTY  
41 14 PROPERTY.

41 15 Territory owned by the state of Iowa may be annexed, but  
41 16 the attorney general must be served with notice of the hearing  
41 17 and a copy of the proposal.

41 18 Territory within the road right of way owned by a county or  
41 19 for which the county has an easement may be annexed, but the  
41 20 county attorney of that county must be served with notice of  
41 21 the hearing and a copy of the proposal.

41 22 Sec. 48. NEW SECTION. 420A.48 VOLUNTARY ANNEXATION OF  
41 23 TERRITORY.

41 24 1. All of the owners of land in a territory adjoining a  
41 25 city and within the city's urban services area may apply in  
41 26 writing to the city council of the adjoining city requesting  
41 27 annexation of the territory. Territory comprising railway  
41 28 right of way or territory comprising not more than twenty  
41 29 percent of the land area may be included in the application  
41 30 without the consent of the owner to avoid creating an island  
41 31 or to create more uniform boundaries if a copy of the  
41 32 application is mailed by certified mail to the owner and each  
41 33 affected public utility, at least ten days prior to any action  
41 34 taken by the city council on the application. The application  
41 35 must contain a legal description and a map of the territory  
42 1 showing its location in relationship to the city. An  
42 2 annexation including territory comprising not more than twenty  
42 3 percent of the land area without consent of the property  
42 4 owners is not complete without approval by four-fifths of the  
42 5 members of the board after a hearing for all affected property  
42 6 owners and the county.

42 7 2. An application for annexation of territory within an  
42 8 urban services area of a city must be approved both by  
42 9 resolution of the city council which receives the application  
42 10 and by the board. The board shall not approve an application  
42 11 which creates an island. Notice of the application shall be  
42 12 mailed by certified mail, by the city to which the annexation  
42 13 is directed, at least ten days prior to any action by the city  
42 14 council on the application to the council of each city whose  
42 15 boundary adjoins the territory or is within two miles of the  
42 16 territory, to the board of supervisors of each county which  
42 17 contains a portion of the territory, each affected public  
42 18 utility, and to the regional planning authority of the  
42 19 territory. Notice of the application shall be published in an  
42 20 official county newspaper in each county which contains a  
42 21 portion of the territory at least ten days prior to any action  
42 22 by the city council on the application. In the discretion of  
42 23 a city council, the resolution may include a provision for a  
42 24 transition for the imposition of taxes as provided in section  
42 25 420A.53, subsection 13. The annexation is completed when the  
42 26 board has filed and recorded copies of applicable portions of  
42 27 the proceedings as required by section 420A.63, subsection 2.

42 28 Sec. 49. NEW SECTION. 420A.49 SECONDARY ROAD ANNEXATION.

42 29 1. The board of supervisors of each affected county shall  
42 30 notify the city development board of the existence of that  
42 31 portion of any secondary road which extends to the center line  
42 32 but has not become part of the city by annexation and has a  
42 33 common boundary with a city. The notification shall include a  
42 34 legal description and a map identifying the location of the  
42 35 secondary road. The city development board shall provide  
43 1 notice and an opportunity to be heard to each city in or next  
43 2 to which the secondary road is located. The city development  
43 3 board shall certify that the notification is correct and  
43 4 declare the road, or portion of the road extending to the  
43 5 center line, annexed to the city as of the date of  
43 6 certification. This section is not intended to interfere with  
43 7 or modify existing chapter 28E agreements on jurisdictional  
43 8 transfer of roads, or continuing negotiations between  
43 9 jurisdictions.

43 10 2. The remaining title and interest of a county in any  
43 11 secondary road or portion of the road which has been annexed  
43 12 by a city is transferred to the annexing city on July 1, 1993.  
43 13 The title and interest of a county in any secondary road which  
43 14 is annexed by a city after July 1, 1993, is transferred to the  
43 15 city upon the effective date of the annexation.

43 16 Sec. 50. NEW SECTION. 420A.50 VOLUNTARY SEVERING OF  
43 17 TERRITORY.

43 18 Any territory may be severed upon the unanimous consent of  
43 19 all owners of the territory and approval by resolution of the  
43 20 council of the city in which the territory is located. The  
43 21 council shall provide in the resolution for the equitable  
43 22 distribution of assets and equitable distribution and  
43 23 assumption of liabilities of the territory as between the city  
43 24 and the severed territory. The city clerk shall file a copy  
43 25 of the resolution, map, and a legal description of the  
43 26 territory involved with the county board of supervisors,  
43 27 secretary of state, and state department of transportation.  
43 28 The city clerk shall also record a copy of the map and  
43 29 resolution with the county recorder. The secretary of state  
43 30 shall not accept and acknowledge a copy of a map and  
43 31 resolution of severance which would create an island. The  
43 32 severance is completed upon acknowledgment by the secretary of  
43 33 state that the secretary of state has received the map and  
43 34 resolution.

43 35 Sec. 51. NEW SECTION. 420A.51 CITY DEVELOPMENT BOARD.

44 1 1. A city development board is created. The department of  
44 2 economic development shall provide office space and staff  
44 3 assistance, and shall budget funds to cover expenses of the  
44 4 board and committees formed under its supervision. The board  
44 5 consists of five members appointed by the governor subject to  
44 6 confirmation by the senate. The appointments must be for six-  
44 7 year staggered terms beginning and ending as provided by  
44 8 section 69.19, or to fill an unexpired term in case of a  
44 9 vacancy. Members are eligible for reappointment, but no  
44 10 member shall serve more than two complete six-year terms.

44 11 2. The board shall be composed of the following members:

44 12 a. One member appointed from a city with a population of  
44 13 more than forty-five thousand, according to the most recent  
44 14 certified federal census.

44 15 b. One member appointed from a city with a population of  
44 16 forty-five thousand or less, according to the most recent  
44 17 certified federal census.

44 18 c. One member appointed from a county with a population of  
44 19 more than fifty thousand, according to the most recent  
44 20 certified federal census.

44 21 d. One member appointed from a county with a population of  
44 22 fifty thousand or less, according to the most recent certified  
44 23 federal census.

44 24 e. One member appointed to represent the general public.

44 25 3. Each member is entitled to receive from the state

44 26 actual and necessary expenses in performance of board duties  
44 27 and may also be eligible to receive compensation as provided  
44 28 in section 7E.6.

44 29 Sec. 52. NEW SECTION. 420A.52 RULES ESTABLISHMENT OF  
44 30 FILING FEES.

44 31 The board may establish rules for the performance of its  
44 32 duties and the conduct of proceedings before it. The rules  
44 33 may include establishing filing fees for applications and  
44 34 petitions submitted to the board. The board's rules are  
44 35 subject to chapter 17A, as applicable.

45 1 Sec. 53. NEW SECTION. 420A.53 PETITION FOR INVOLUNTARY  
45 2 CITY DEVELOPMENT ACTION.

45 3 A petition for incorporation, discontinuance, or boundary  
45 4 adjustment may be filed with the board by a city council, a  
45 5 county board of supervisors, a regional planning authority, or  
45 6 five percent of the qualified electors of a city or territory  
45 7 involved in the proposal. Notice of the filing, including a  
45 8 copy of the petition, must be served upon the council of each  
45 9 city for which a discontinuance or boundary adjustment is  
45 10 proposed, the board of supervisors for each county which  
45 11 contains a portion of a city to be discontinued or territory  
45 12 to be incorporated, annexed, or severed, the council of a city  
45 13 if an incorporation includes territory within the city's urban  
45 14 services area, and any regional planning authority for the  
45 15 area involved.

45 16 Within ninety days of receipt of a petition, the board  
45 17 shall initiate appropriate proceedings or dismiss the  
45 18 petition. The board may combine for consideration petitions  
45 19 or plans which concern the same territory or city or which  
45 20 provide for a boundary adjustment or incorporation affecting  
45 21 common territory. The combined petitions may be submitted for  
45 22 consideration by a special local committee pursuant to section  
45 23 420A.57.

45 24 The petition must include substantially the following  
45 25 information as applicable:

- 45 26 1. A general statement of the proposal.
- 45 27 2. A map of the territory, city or cities involved.
- 45 28 3. Assessed valuation of platted and unplatted land.
- 45 29 4. Names of property owners.
- 45 30 5. Population density.
- 45 31 6. Description of topography.
- 45 32 7. Plans for disposal of assets and assumption of  
45 33 liabilities.
- 45 34 8. Description of existing municipal services, including  
45 35 but not limited to water supply, sewage disposal, and fire and  
46 1 police protection.
- 46 2 9. Plans for agreements with any existing special service  
46 3 districts.
- 46 4 10. In a case of annexation or incorporation, the petition  
46 5 must state that none of the territory is within a city.
- 46 6 11. In a case of incorporation or consolidation, the  
46 7 petition must state the name of the proposed city.
- 46 8 12. Plans shall include a formal agreement between  
46 9 affected cities and counties for the maintenance, improvement,  
46 10 and traffic control of any shared roads involved in an  
46 11 incorporation or boundary adjustment.
- 46 12 13. In the discretion of a city council, a provision for a  
46 13 transition for the imposition of city taxes against property  
46 14 within an annexation area. The provision shall not allow a  
46 15 greater exemption from taxation than the tax exemption formula  
46 16 schedule provided under section 427B.3, subsections 1 through  
46 17 5, and shall be applied in the levy and collection of taxes.  
46 18 The provision may also allow for the partial provision of city  
46 19 services during the time in which the exemption from taxation  
46 20 is in effect.

46 21 At least ten days before a petition for involuntary  
46 22 annexation is filed as provided in this section, the

46 23 petitioner shall make its intention known by sending a letter  
46 24 of intent by certified mail to the council of each city whose  
46 25 urban services area contains a portion of the territory, the  
46 26 board of supervisors of each county which contains a portion  
46 27 of the territory, the regional planning authority of the  
46 28 territory involved, each affected public utility, and to each  
46 29 property owner listed in the petition. The written  
46 30 notification shall include notice that the petitioners shall  
46 31 hold a public meeting on the petition for involuntary  
46 32 annexation prior to the filing of the petition.

46 33 Before a petition for involuntary annexation may be filed,  
46 34 the petitioner shall hold a public meeting on the petition.  
46 35 Notice of the meeting shall be published in an official county  
47 1 newspaper in each county which contains a part of the  
47 2 territory at least five days before the date of the public  
47 3 meeting. The mayor of the city proposing to annex the  
47 4 territory, or that person's designee, shall serve as  
47 5 chairperson of the public meeting. The city clerk of the same  
47 6 city or the city clerk's designee shall record the proceedings  
47 7 of the public meeting. Any person attending the meeting may  
47 8 submit written comments and may be heard on the petition. The  
47 9 minutes of the public meeting and all documents submitted at  
47 10 the public meeting shall be forwarded to the board by the  
47 11 chairperson of the meeting.

47 12 Sec. 54. NEW SECTION. 420A.54 DISMISSAL.

47 13 The board may dismiss a petition only if the board finds  
47 14 that the petition does not meet the requirements of this  
47 15 subchapter, or that substantially the same incorporation,  
47 16 discontinuance, or boundary adjustment has been disapproved by  
47 17 a committee formed to consider the proposal, or by the voters,  
47 18 within the two years prior to the date the petition is filed  
47 19 with the board, or that the territory to be annexed, or a  
47 20 portion of that territory, has been voluntarily annexed under  
47 21 section 420A.48. The board shall file for record a statement  
47 22 of each dismissal and the reason for dismissal, and shall  
47 23 promptly notify the parties to the proceeding of its decision.

47 24 Sec. 55. NEW SECTION. 420A.55 BOARD MAY INITIATE  
47 25 PROCEEDINGS.

47 26 Based on the results of its studies, the board may initiate  
47 27 proceedings for the incorporation, discontinuance, or boundary  
47 28 adjustment of a city. The board may request a city to submit  
47 29 a plan for city development or may formulate its own plan for  
47 30 city development. A plan submitted at the board's initiation  
47 31 must include the same information as a petition and be filed  
47 32 and acted upon in the same manner as a petition. A petition  
47 33 or plan may include any information relevant to the proposal,  
47 34 including but not limited to results of studies and surveys,  
47 35 and arguments.

48 1 Sec. 56. NEW SECTION. 420A.56 LOCAL REPRESENTATIVES.

48 2 If an involuntary petition is not dismissed, the board  
48 3 shall direct the appointment of local representatives to serve  
48 4 with board members as a committee to consider the proposal.  
48 5 Each local representative is entitled to receive from the  
48 6 state the representative's actual and necessary expenses spent  
48 7 in performance of committee duties. Three board members and  
48 8 one local representative, or if the number of local  
48 9 representatives exceeds one, three board members and at least  
48 10 one-half of the appointed local representatives, are required  
48 11 for a quorum of the committee. A local representative must be  
48 12 a registered voter of the territory or city which the  
48 13 representative represents, and must be selected as follows:

48 14 1. From a territory to be incorporated, one representative  
48 15 appointed by the county board of supervisors. If the  
48 16 territory is in more than one county, the board shall direct  
48 17 the appointment of a local representative from each county  
48 18 involved.

48 19 2. From a city to be discontinued, one representative

48 20 appointed by the city council.

48 21 3. From a territory to be annexed to or severed from a  
48 22 city, one representative appointed by the county board of  
48 23 supervisors. If there are no registered voters residing in an  
48 24 area to be annexed to or severed from a city, the county board  
48 25 of supervisors shall appoint as the local representative an  
48 26 individual owning property in the territory whether or not the  
48 27 individual is a registered voter or appoint a designee of such  
48 28 individual. If the territory is in more than one county, the  
48 29 board shall direct the appointment of a local representative  
48 30 from each county involved by its board of supervisors.

48 31 4. From a city to which territory is to be annexed or from  
48 32 which territory is to be severed, one representative appointed  
48 33 by the city council. If the territory is in more than one  
48 34 county, the board shall direct the appointment of an equal  
48 35 number of city and county local representatives.

49 1 5. From each city to be consolidated, one representative  
49 2 appointed by each city council.

49 3 Sec. 57. NEW SECTION. 420A.57 SPECIAL LOCAL COMMITTEES.

49 4 If two or more petitions for city development action or  
49 5 applications for voluntary annexation describing common  
49 6 territory are being considered together, the board shall  
49 7 direct the appointment of representatives for each of the  
49 8 petitions to serve on one special committee to consider the  
49 9 petitions. Expense reimbursement and qualifications of these  
49 10 representatives shall be as provided in section 420A.56.  
49 11 Three board members and at least one-half of the appointed  
49 12 local representatives are required for a quorum of the special  
49 13 local committee. The manner of appointment of representatives  
49 14 shall be the same as for single petition committees as  
49 15 provided in section 420A.56. The special committee shall  
49 16 consider the petitions in conformity with the provisions of  
49 17 this subchapter, and shall resolve common territory issues  
49 18 between petitioners. The special committee shall conduct a  
49 19 public hearing on the petitions pursuant to section 420A.58.  
49 20 If the common territory issue is resolved, the special local  
49 21 committee may approve the resulting compatible petitions by a  
49 22 single vote or separately, in its discretion.

49 23 Sec. 58. NEW SECTION. 420A.58 PUBLIC HEARING.

49 24 The committee shall conduct a public hearing on a proposal  
49 25 as soon as practicable. Notice of the hearing must be served  
49 26 upon the council of each city for which a discontinuance or  
49 27 boundary adjustment is proposed, the county board of  
49 28 supervisors for each county which contains a portion of a city  
49 29 to be discontinued or territory to be incorporated, annexed,  
49 30 or severed, and any regional planning authority for the area  
49 31 involved. A notice of the hearing, which includes a brief  
49 32 description of the proposal and a statement of where the  
49 33 petition or plan is available for public inspection, must be  
49 34 published as provided in section 362.3, except that there must  
49 35 be two publications in a newspaper having general circulation  
50 1 in each city and each territory involved in the proposal. Any  
50 2 person may submit written briefs, and in the committee's  
50 3 discretion, may be heard on the proposal. The board may  
50 4 subpoena witnesses and documents relevant to the proposal.

50 5 Sec. 59. NEW SECTION. 420A.59 APPROVAL OF PROPOSAL.

50 6 Subject to section 420A.60, the committee shall approve any  
50 7 proposal which the committee finds to be in the public  
50 8 interest. A committee shall base its finding upon all  
50 9 relevant information before the committee, including but not  
50 10 limited to the following:

50 11 1. Statements in the petition or plan, and evidence  
50 12 supporting those statements.

50 13 2. Recommendations of the regional planning authority for  
50 14 the area.

50 15 3. Commercial and industrial development.

50 16 4. Potential growth in population.

50 17 5. Cost and adequacy of existing services and facilities.  
50 18 6. Potential effect of the proposal and of possible  
50 19 alternative proposals on the cost and adequacy of services and  
50 20 facilities.  
50 21 7. Potential effect of the proposal on adjacent areas, and  
50 22 on any unit of government directly affected, including but not  
50 23 limited to the potential effect on future revenues of any such  
50 24 unit of government.  
50 25 Sec. 60. NEW SECTION. 420A.60 WHEN APPROVAL BARRED.  
50 26 The committee shall not approve:  
50 27 1. An incorporation unless it finds that the city to be  
50 28 incorporated will be able to provide customary city services  
50 29 within a reasonable time.  
50 30 2. A discontinuance or severance if the city to be  
50 31 discontinued or the territory to be severed will be surrounded  
50 32 by one or more cities unless a petition for annexation of the  
50 33 same area is also filed and approved.  
50 34 3. A discontinuance or severance unless it finds that the  
50 35 county or another city will be able to provide necessary city  
51 1 services to the residents.  
51 2 4. An annexation unless the territory is adjoining the  
51 3 city to which the territory will be annexed, and the committee  
51 4 finds that the city will be able to provide to the territory  
51 5 substantial city services and benefits not previously enjoyed  
51 6 by such territory, and that the motive for annexation is not  
51 7 solely to increase revenues to the city.  
51 8 5. A consolidation unless the cities are contiguous.  
51 9 6. An incorporation of territory, any part of which is  
51 10 within two miles of an existing city, unless a petition for  
51 11 annexation of substantially the same territory to such city  
51 12 has been dismissed, disapproved, or voted upon unfavorably  
51 13 within the last five years.  
51 14 7. A city development action which creates an island.  
51 15 Sec. 61. NEW SECTION. 420A.61 AMENDMENT.  
51 16 The committee may amend a petition or plan. If a petition  
51 17 or plan is substantially amended, the committee shall continue  
51 18 the hearing to a later date and serve and publish a notice  
51 19 describing the amended petition or plan, as required in  
51 20 section 420A.58  
51 21 Sec. 62. NEW SECTION. 420A.62 TIME LIMIT ELECTION.  
51 22 The committee shall approve or disapprove the petition or  
51 23 plan as amended, within ninety days of the final hearing, and  
51 24 shall file its decision for record and promptly notify the  
51 25 parties to the proceeding of its decision. If a petition or  
51 26 plan is approved, the board shall set a date not less than  
51 27 thirty days nor more than ninety days after approval for a  
51 28 special election on the proposal and the county commissioner  
51 29 of elections shall conduct the election. In a case of  
51 30 incorporation or discontinuance, registered voters of the  
51 31 territory or city may vote, and the proposal is authorized if  
51 32 a majority of those voting approves it. In a case of  
51 33 annexation or severance, registered voters of the territory  
51 34 and of the city may vote, and the proposal is authorized if a  
51 35 majority of the total number of persons voting approves it.  
52 1 In a case of consolidation, registered voters of each city to  
52 2 be consolidated may vote, and the proposal is authorized only  
52 3 if the proposal receives a favorable majority vote in each  
52 4 city. The county commissioner of elections shall publish  
52 5 notice of the election as provided in section 49.53 and shall  
52 6 conduct the election in the same manner as other special city  
52 7 elections.  
52 8 The city shall provide to the commissioner of elections a  
52 9 map of the area to be incorporated, discontinued, annexed,  
52 10 severed, or consolidated, which must be approved by the  
52 11 commissioner as suitable for posting. The map shall be  
52 12 displayed prominently in at least four places within the  
52 13 voting precinct, and inside each voting booth, or on the left-

52 14 hand side inside the curtain of each voting machine.

52 15 The costs of an incorporation election shall be borne by  
52 16 the initiating petitioners if the election fails, but if the  
52 17 proposition is approved the cost shall become a charge of the  
52 18 new city.

52 19 Sec. 63. NEW SECTION. 420A.63 PROCEDURE AFTER APPROVAL.

52 20 After the county commissioner of elections has certified  
52 21 the results to the board, the board shall:

52 22 1. Serve and publish notice of the result as provided in  
52 23 section 362.3.

52 24 2. File with the secretary of state and the clerk of each  
52 25 city incorporated or involved in a boundary adjustment, and  
52 26 record with the recorder of each county which contains a  
52 27 portion of any city or territory involved, copies of the  
52 28 proceedings including the original petition or plan and any  
52 29 amendments, the order of the board approving the petition or  
52 30 plan, proofs of service and publication of required notices,  
52 31 certification of the election result, and any other material  
52 32 deemed by the board to be of primary importance to the  
52 33 proceedings. Upon proper filing and expiration of time for  
52 34 appeal, the incorporation, discontinuance, or boundary  
52 35 adjustment is complete. However, if an appeal to any of the  
53 1 proceedings is pending, completion does not occur until the  
53 2 appeal is decided, unless a subsequent date is provided in the  
53 3 proposal. The board shall also file with the state department  
53 4 of transportation a copy of the map and legal land description  
53 5 of each completed incorporation or corporate boundary  
53 6 adjustment completed under sections 420A.53 through 420A.62,  
53 7 this section, and sections 420A.64 and 420A.65 or approved  
53 8 annexation within an urban services area.

53 9 Sec. 64. NEW SECTION. 420A.64 SUPERVISION OF PROCEDURES.

53 10 When an incorporation, discontinuance, or boundary  
53 11 adjustment is complete, the board shall supervise procedures  
53 12 necessary to carry out the proposal. In the case of an  
53 13 incorporation, the county commissioner of elections shall  
53 14 conduct an election for mayor and council of the city, who  
53 15 shall serve until their successors take office following the  
53 16 next regular city election. In the case of a discontinuance,  
53 17 the board shall publish two notices as provided in section  
53 18 420A.58 that the board will receive and adjudicate claims  
53 19 against the discontinued city for a period of six months from  
53 20 the date of last notice, and shall cause necessary taxes to be  
53 21 levied against the property within the discontinued city to  
53 22 pay claims allowed. All records of a discontinued city shall  
53 23 be deposited with the county auditor of the county designated  
53 24 by the board. Any remaining balances shall be deposited in  
53 25 the county treasury where the former city was located. In the  
53 26 case of boundary adjustments, the proper city officials shall  
53 27 carry out procedures necessary to implement the proposal.

53 28 Sec. 65. NEW SECTION. 420A.65 APPEAL.

53 29 A city, or a resident or property owner in the territory or  
53 30 city involved may appeal a decision of the board or a  
53 31 committee, or the legality of an election, to the district  
53 32 court of a county which contains a portion of any city or  
53 33 territory involved.

53 34 Appeal must be filed within thirty days of the filing of a  
53 35 decision or the publication of notice of the result of an  
54 1 election.

54 2 Appeal of an approval of a petition or plan does not stay  
54 3 the election.

54 4 The judicial review provisions of this section and chapter  
54 5 17A shall be the exclusive means by which a person or party  
54 6 who is aggrieved or adversely affected by agency action may  
54 7 seek judicial review of that agency action. The court's  
54 8 review on appeal of a decision is limited to questions  
54 9 relating to jurisdiction, regularity of proceedings, and  
54 10 whether the decision appealed from is arbitrary, unreasonable,

54 11 or without substantial supporting evidence. The court may  
54 12 reverse and remand a decision of the board or a committee,  
54 13 with appropriate directions. The following portions of  
54 14 section 17A.19 are not applicable to this subchapter:  
54 15 1. The part of subsection 2 which relates to where  
54 16 proceedings for judicial review shall be instituted.  
54 17 2. Subsection 5.  
54 18 3. Subsection 8.  
54 19 4. Subsections 10 through 12.  
54 20 Sec. 66. NEW SECTION. 420A.66 FEES AND TAXES OF PUBLIC  
54 21 UTILITIES.  
54 22 Additional or increased fees or taxes, other than ad  
54 23 valorem taxes, imposed on a public utility as a result of an  
54 24 annexation of territory to a city shall become effective sixty  
54 25 days after the effective date of the annexation.  
54 26 Sec. 67. NEW SECTION. 420A.67 NOTIFICATION TO PUBLIC  
54 27 UTILITIES.  
54 28 Notwithstanding any other provision of law to the contrary,  
54 29 any city that annexes territory shall provide written  
54 30 notification consisting of a legal description and map of the  
54 31 annexed territory, each street address within the annexed  
54 32 area, where possible, a statement containing the effective  
54 33 date of the annexation and a copy of the order, resolution, or  
54 34 ordinance proclaiming the annexation to all public utilities  
54 35 operating in the annexed area. If the notification of the  
55 1 annexation is provided to a public utility less than sixty  
55 2 days prior to the effective date of the annexation, the public  
55 3 utility shall have sixty days from the date of notification to  
55 4 adjust its tax and accounting records to reflect the  
55 5 annexation for any tax purpose.  
55 6 Sec. 68. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
55 7 3, shall not apply to this Act.

55 8 EXPLANATION

55 9 This bill creates a new subtitle and chapter, both entitled  
55 10 "Comprehensive Planning and Land Development" in the Local  
55 11 Government Title of the Code of Iowa. The new Code chapter  
55 12 contains the following four subchapters: 1) Definitions and  
55 13 Intent; 2) Local Government Comprehensive Plans; 3) City  
55 14 Zoning; and 4) City Development. City Zoning and City  
55 15 Development are current law, chapters 414 and 368,  
55 16 respectively.

55 17 The bill requires local governments to prepare  
55 18 comprehensive plans containing specified elements, including  
55 19 designation of urban services areas if the local government is  
55 20 a city. The bill defines local government as a city and any  
55 21 county that has adopted zoning for the county. Local  
55 22 governments are required to hold public hearings on the  
55 23 proposed comprehensive plans. Each comprehensive plan must be  
55 24 submitted to the department of economic development for  
55 25 review. The department has 120 days in which to review a  
55 26 comprehensive plan submitted by a local government. If the  
55 27 department does not respond to the local government within 120  
55 28 days of receipt of the comprehensive plan, the plan is deemed  
55 29 approved. After adoption and review of a comprehensive plan,  
55 30 the bill provides that development action taken within a local  
55 31 government's planning area must be consistent with the local  
55 32 government's comprehensive plan. The bill requires local  
55 33 governments to evaluate their comprehensive plans every seven  
55 34 years. Local governments with a population of less than  
55 35 2,500, may evaluate their plans every 10 years.

56 1 A city is required to also submit its urban services area  
56 2 portion of the comprehensive plan to the department of  
56 3 economic development for certification. The certification  
56 4 process is separate from the review of comprehensive plans by  
56 5 the department. The department must certify or reject with  
56 6 recommendations an urban services area designation no later  
56 7 than 180 days after receipt of the urban services area portion

56 8 of the comprehensive plan. If the department does not respond  
56 9 with 180 days, the urban services area is deemed certified.

56 10 The bill requires that local governments adopt land  
56 11 development regulations to implement their comprehensive  
56 12 plans. Review of the regulations by the local government's  
56 13 planning and zoning commission is required, as well as public  
56 14 hearings on the proposed regulations. The bill requires that  
56 15 proposed land development regulations be submitted to the  
56 16 department of economic development for review. The department  
56 17 has 120 days to review regulations and contact the local  
56 18 government with objections or recommendations. If the  
56 19 department has not notified the local government within 120  
56 20 days, the regulations are deemed to be in compliance with  
56 21 statutory requirements.

56 22 The bill provides a process by which an aggrieved party may  
56 23 appeal the adoption of a comprehensive plan, certification of  
56 24 an urban services area, or adoption of land development  
56 25 regulations. The bill establishes a dispute resolution panel  
56 26 process to resolve appeals initially. Final decisions of the  
56 27 panel may be appealed to district court.

56 28 In transferring Code chapter 414, "City Zoning", to  
56 29 subtitle 5, provisions relating to the two-mile  
56 30 extraterritorial area of a city are stricken. Also stricken  
56 31 is the section allowing cities to establish restricted  
56 32 residence districts within the city. The bill also strikes  
56 33 restrictions on cities relating to regulating placement and  
56 34 construction of manufactured homes. The bill also strikes the  
56 35 section which prohibits cities from disallowing establishment  
57 1 of land-leased communities within the city.

57 2 In transferring Code chapter 368, "City Development", to  
57 3 subtitle 5, the bill strikes the intent section in that  
57 4 chapter. Also stricken is the provision which gives priority  
57 5 to a voluntary annexation application over an involuntary  
57 6 petition if they involve the same territory and if they were  
57 7 filed within 30 days of each other.

57 8 This bill may include a state mandate as defined in Code  
57 9 section 25B.3. This bill makes inapplicable Code section  
57 10 25B.2, subsection 3, which would relieve a political  
57 11 subdivision from complying with a state mandate if funding for  
57 12 the cost of the state mandate is not provided or specified.  
57 13 Therefore, political subdivisions are required to comply with  
57 14 any state mandate included in this bill.

57 15 LSB 2406YH 78

57 16 sc/jw/5