

FEB 3 2004  
Place On Calendar

HOUSE FILE 2145  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO HSB 515)

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

**A BILL FOR**

1 An Act relating to membership on certain city planning and zoning  
2 commissions.

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

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HF 2145

1 Section 1. Section 414.23, unnumbered paragraph 2, Code  
2 2003, is amended to read as follows:

3 A municipality, during the time its zoning jurisdiction is  
4 extended under this section, shall increase the size of its  
5 planning and zoning commission and its board of adjustment  
6 each by two members. The planning and zoning commission shall  
7 include a member of the board of supervisors of the affected  
8 county, or the board's designee, and a resident of the area  
9 outside the city limits over which the zoning jurisdiction is  
10 extended. The board's designee, if any, shall be a resident  
11 of the county in which such extended area is located. The  
12 additional members of the board of adjustment shall be  
13 residents of the area outside the city limits over which the  
14 zoning jurisdiction is extended. The county supervisor, or  
15 the board's designee, and the residents shall be appointed by  
16 the board of supervisors of the county in which such extended  
17 area is located and. The county supervisor, or the board's  
18 designee, and the residents shall serve for the same terms of  
19 office and have the same rights, privileges, and duties as  
20 other members of each of the bodies. However, if the extended  
21 zoning jurisdiction of a municipality extends into an adjacent  
22 county without a county zoning ordinance, the boards of  
23 supervisors of the affected counties, jointly, shall appoint  
24 one of their members, or a designee, to the planning and  
25 zoning commission.

26 EXPLANATION

27 Under current law, a city is permitted to extend its zoning  
28 powers to the unincorporated area up to two miles beyond the  
29 limits of the city if the county where the two-mile area is  
30 located has not adopted a zoning ordinance for the county. If  
31 a city does exercise its extraterritorial zoning powers, it  
32 must add two members to its planning and zoning commission and  
33 its board of adjustment. One of the members to be added to  
34 the planning and zoning commission shall be a member of the  
35 board of supervisors of the county where the extended area is

1 located.

2 This bill provides that, for supervisor membership on the  
3 planning and zoning commission, the board of supervisors may  
4 designate a person other than a member of the board to fill  
5 that office.

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## HOUSE FILE 2145

## H-8038

1 Amend House File 2145 as follows:

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

4 "Sec. \_\_\_\_\_. Section 335.7, Code 2003, is amended to  
5 read as follows:

6 335.7 CHANGES -- PROTEST.

7 The regulations, restrictions, and boundaries may  
8 be amended, supplemented, changed, modified, or  
9 repealed. Notwithstanding section 335.4, as a part of  
10 an ordinance changing land from one zoning district to  
11 another zoning district or an ordinance approving a  
12 site development plan, a board of supervisors may  
13 impose conditions on a property owner which are in  
14 addition to existing regulations if the additional  
15 conditions have been agreed to in writing by the  
16 property owner before the public hearing required  
17 under this section or any adjournment of the hearing.  
18 The conditions must be reasonable and imposed to  
19 satisfy public needs which are directly caused by the  
20 requested change. In case, however, of a protest  
21 against the change signed by the owners of twenty  
22 percent or more either of the area included in the  
23 proposed change, or of the area immediately adjacent  
24 to the proposed change and within five hundred feet of  
25 the boundaries of the proposed change, the amendment  
26 shall not become effective except by the favorable  
27 vote of at least sixty percent of all of the members  
28 of the board of supervisors. The provisions of  
29 section 335.6 relative to public hearings and official  
30 notice shall apply equally to all ~~changes or~~  
31 amendments, supplements, changes, modifications, or  
32 repeals of regulations, restrictions, and boundaries.  
33 In addition, notice of such amendments, supplements,  
34 changes, modifications, or repeals shall be sent by  
35 regular mail to all owners of property located in the  
36 area, or adjacent to the area, to which the  
37 amendments, supplements, changes, modifications, or  
38 repeals apply.

39 Sec. \_\_\_\_\_. Section 414.5, Code 2003, is amended to  
40 read as follows:

41 414.5 CHANGES -- PROTEST.

42 The regulations, restrictions, and boundaries may,  
43 from time to time, be amended, supplemented, changed,  
44 modified, or repealed. Notwithstanding section 414.2,  
45 as a part of an ordinance changing land from one  
46 zoning district to another zoning district or an  
47 ordinance approving a site development plan, a council  
48 may impose conditions on a property owner which are in  
49 addition to existing regulations if the additional  
50 conditions have been agreed to in writing by the

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Page 2

1 property owner before the public hearing required  
2 under this section or any adjournment of the hearing.  
3 The conditions must be reasonable and imposed to  
4 satisfy public needs which are directly caused by the  
5 requested change. In case, however, of a written  
6 protest against a change or repeal which is filed with  
7 the city clerk and signed by the owners of twenty  
8 percent or more of the area of the lots included in  
9 the proposed change or repeal, or by the owners of  
10 twenty percent or more of the property which is  
11 located within two hundred feet of the exterior  
12 boundaries of the property for which the change or  
13 repeal is proposed, the change or repeal shall not  
14 become effective except by the favorable vote of at  
15 least three-fourths of all the members of the council.  
16 The protest, if filed, must be filed before or at the  
17 public hearing. The provisions of section 414.4  
18 relative to public hearings and official notice apply  
19 equally to all ~~changes or~~ amendments, supplements,  
20 changes, modifications, or repeals of regulations,  
21 restrictions, and boundaries. In addition, notice of  
22 such amendments, supplements, changes, modifications,  
23 or repeals shall be sent by regular mail to all owners  
24 of property located in the area, or adjacent to the  
25 area, to which the amendments, supplements, changes,  
26 modifications, or repeals apply."

27 2. Title page, line 1, by inserting after the  
28 words "relating to" the following: "city and county  
29 zoning, including requiring notice to property owners  
30 and providing for".

31 3. By renumbering as necessary.

By FALLON of Polk

H-8038 FILED FEBRUARY 17, 2004

*Chair Tjepkes  
Jones  
Fallor*

Succ  
St  ed By **HSB 515**  
**2/45** LOCAL GOVERNMENT

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT  
BILL BY CHAIRPERSON  
VAN ENGELENHOVEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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14 zoning jurisdiction is extended. The county supervisor and  
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18 residents shall serve for the same terms of office and have  
19 the same rights, privileges, and duties as other members of  
20 each of the bodies. However, if the extended zoning  
21 jurisdiction of a municipality extends into an adjacent county  
22 without a county zoning ordinance, the boards of supervisors  
23 of the affected counties, jointly, shall appoint one of their  
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25 EXPLANATION

26 Under current law, a city is permitted to extend its zoning  
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28 limits of the city if the county where the two-mile area is  
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32 its board of adjustment. One of the members to be added to  
33 the planning and zoning commission shall be a member of the  
34 board of supervisors of the county where the extended area is  
35 located.

1 This bill provides that the member of the board of  
2 supervisors appointed to the planning and zoning commission  
3 may designate a person to fill that office in place of the  
4 supervisor.

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HOUSE FILE 2145

AN ACT

RELATING TO MEMBERSHIP ON CERTAIN CITY PLANNING AND ZONING COMMISSIONS.

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

Section 1. Section 414.23, unnumbered paragraph 2, Code 2003, is amended to read as follows:

A municipality, during the time its zoning jurisdiction is extended under this section, shall increase the size of its planning and zoning commission and its board of adjustment each by two members. The planning and zoning commission shall include a member of the board of supervisors of the affected county, or the board's designee, and a resident of the area outside the city limits over which the zoning jurisdiction is extended. The board's designee, if any, shall be a resident of the county in which such extended area is located. The additional members of the board of adjustment shall be residents of the area outside the city limits over which the zoning jurisdiction is extended. The county supervisor, or the board's designee, and the residents shall be appointed by the board of supervisors of the county in which such extended area is located and. The county supervisor, or the board's designee, and the residents shall serve for the same terms of office and have the same rights, privileges, and duties as other members of each of the bodies. However, if the extended zoning jurisdiction of a municipality extends into an adjacent county without a county zoning ordinance, the boards of supervisors of the affected counties, jointly, shall appoint

\_\_\_\_\_  
CHRISTOPHER C. RANTS  
Speaker of the House

\_\_\_\_\_  
JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2145, Eightieth General Assembly.

\_\_\_\_\_  
MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2004

\_\_\_\_\_  
THOMAS J. VILSACK  
Governor