

FILED JAN 12 2005

SENATE FILE 25 LOCAL GOVERNMENT
BY WARNSTADT and WIECK

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

A BILL FOR

1 An Act authorizing the appointment of a nine-member city zoning
2 board of adjustment.

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

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SF 25 LOCAL GOVERNMENT

1 Section 1. Section 414.8, Code 2005, is amended to read as
2 follows:

3 414.8 MEMBERSHIP.

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

33 Sec. 2. Section 414.14, Code 2005, is amended to read as
34 follows:

35 414.14 VOTE REQUIRED.

1 The concurring vote of three members of the board in the
2 case of a five-member board, and four members in the case of a
3 seven-member board, and five members in the case of a nine-
4 member board, shall be necessary to reverse any order,
5 requirement, decision, or determination of any such
6 administrative official, or to decide in favor of the
7 applicant on any matter upon which it is required to pass
8 under any such ordinance or to effect any variation in such
9 ordinance.

10 Sec. 3. Section 414.25, Code 2005, is amended by adding
11 the following new unnumbered paragraphs:

12 NEW UNNUMBERED PARAGRAPH. Of the four additional members
13 which may be appointed to increase a five-member board of
14 adjustment to a nine-member board on or after July 1, 2005,
15 one member shall be appointed to an initial term of five
16 years, one member to an initial term of four years, one to an
17 initial term of three years, and one to an initial term of two
18 years. The terms of office of members of a board of
19 adjustment serving unexpired terms of office on July 1, 2005,
20 shall expire according to their original appointments.

21 NEW UNNUMBERED PARAGRAPH. Of the two additional members
22 which may be appointed to increase a seven-member board of
23 adjustment to a nine-member board on or after July 1, 2005,
24 one member shall be appointed to an initial term of five years
25 and one member shall be appointed to an initial term of four
26 years. The terms of office of members of a board of
27 adjustment serving unexpired terms of office on July 1, 2005,
28 shall expire according to their original appointments.

29 EXPLANATION

30 This bill allows a city council to appoint a nine-member
31 city zoning board of adjustment. Current law allows a five-
32 member or seven-member city zoning board of adjustment. The
33 bill makes corresponding changes to staggering of initial
34 terms, vote requirements, and staggering of terms when
35 membership on an existing board of adjustment is increased

- 1 from five to nine members or from seven to nine members.
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