**Senate Study Bill 1175 - Introduced**

## A BILL FOR

1 An Act related to special exceptions and variances from city
2    zoning regulations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 414.12, subsections 2 and 3, Code 2015,
2 are amended to read as follows:
3 2. To hear and decide special exceptions to the terms of
4 the ordinance upon which such board is required to pass under
5 such ordinance, unless procedures to hear and decide special
6 exceptions are otherwise provided by ordinance.
7 3. To authorize upon appeal in specific cases such variance
8 from the terms of the ordinance as will not be contrary to the
9 public interest, where owing to special conditions a literal
10 enforcement of the provisions of the ordinance will result in
11 ~~unnecessary hardship~~ practical difficulty, and so that the
12 spirit of the ordinance shall be observed and substantial
13 justice done.

14                              EXPLANATION

15        *The inclusion of this explanation does not constitute agreement with*
16        *the explanation's substance by the members of the general assembly.*

17 This bill relates to special exceptions and variances from
18 city zoning regulations.
19 Under current law, a city's zoning board of adjustment is
20 granted the power to hear and decide special exceptions to
21 city zoning regulations. The bill provides that the board
22 of adjustment is granted such powers unless procedures are
23 otherwise provided by the city council by ordinance.
24 Current law also allows the board of adjustment to authorize
25 a variance from zoning regulations not contrary to the public
26 interest if, based upon special conditions, enforcement of the
27 provisions of the zoning regulations will result in unnecessary
28 hardship. The bill allows the granting of a variance if
29 enforcement of the provisions of the ordinance will result in
30 practical difficulty, rather than unnecessary hardship.