

House File 2512 - Introduced

HOUSE FILE 2512
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 632)

(COMPANION TO SF 2264 BY
COMMITTEE ON LOCAL GOVERNMENT)

A BILL FOR

1 An Act relating to county zoning procedures, and including
2 effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 335.2, Code 2020, is amended by adding
2 the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. A county shall not require an
4 application, an approval, or the payment of a fee in order for
5 an ordinance to be deemed inapplicable to land, farm barns,
6 farm outbuildings, or other buildings or structures that are
7 primarily adapted for use for agricultural purposes under this
8 section.

9 NEW UNNUMBERED PARAGRAPH. Land, farm houses, farm barns,
10 farm outbuildings, or other buildings or structures may
11 qualify under this section independently or in combination with
12 other agricultural uses. Land enrolled in a soil or water
13 conservation program shall be considered land primarily adapted
14 for use for agricultural purposes under this section.

15 Sec. 2. Section 335.5, subsection 4, Code 2020, is amended
16 to read as follows:

17 4. *a.* A comprehensive plan recommended for adoption or
18 amendment by the zoning commission established under section
19 335.8, may be adopted by the board of supervisors. The
20 board of supervisors shall not hold a public hearing or take
21 action on the recommendation until it has received the zoning
22 commission's final report containing the recommendation.

23 *b.* Before taking action on the recommendation, the board
24 of supervisors shall hold a public hearing at which parties in
25 interest and citizens shall have an opportunity to be heard.
26 Notice of the time and place of the hearing shall be published
27 as provided in section 331.305.

28 *c.* The board of supervisors may amend a proposed
29 comprehensive plan or amendment prior to adoption. The board
30 of supervisors shall publish notice of the meeting at which
31 the comprehensive plan or amendment will be considered for
32 adoption. The notice shall be published as provided in section
33 331.305.

34 ~~*b.*~~ *d.* Following its adoption, copies of the comprehensive
35 plan or amended plan shall be sent or made available to

1 neighboring counties, cities within the county, the council of
2 governments or regional planning commission where the county is
3 located, and public libraries within the county.

4 ~~c. Following its adoption, a comprehensive plan may be~~
5 ~~amended by the board of supervisors at any time.~~

6 Sec. 3. Section 335.8, subsection 1, Code 2020, is amended
7 to read as follows:

8 1. In order to avail itself of the powers conferred by this
9 chapter, the board of supervisors shall appoint a commission,
10 ~~a majority of whose members shall reside within the county~~
11 ~~but outside the corporate limits of any city,~~ consisting of
12 eligible electors, as defined in section 39.3, who reside
13 within the area regulated by the county zoning ordinance, to
14 be known as the county zoning commission, ~~to.~~ The commission
15 may recommend the boundaries of the various ~~original~~ districts
16 and appropriate regulations and restrictions to be enforced
17 ~~therein in the districts.~~ Such The commission shall, with
18 due diligence, prepare a preliminary report and hold public
19 hearings ~~thereon~~ on the preliminary report before submitting
20 ~~its~~ the commission's final report; ~~and the.~~ The board of
21 supervisors shall not hold its public hearings or take action
22 until it has received the final report of ~~such~~ the commission.
23 After the adoption of ~~such~~ the regulations, restrictions, and
24 boundaries of districts, the zoning commission may, from time
25 to time, recommend to the board of supervisors amendments,
26 supplements, changes, or modifications. The commission's
27 report and any recommendations may include a proposed ordinance
28 or amendments to an ordinance.

29 Sec. 4. Section 335.11, Code 2020, is amended to read as
30 follows:

31 **335.11 Membership of board.**

32 The board of adjustment shall consist of five members, ~~a~~
33 ~~majority of whom shall reside within the county but outside~~
34 ~~the corporate limits of any city~~ who are eligible electors,
35 as defined in section 39.3, and who reside within the area

1 regulated by the county zoning ordinance, each to be appointed
2 for a term of five years, excepting that when the board shall
3 first be created one member shall be appointed for a term of
4 five years, one for a term of four years, one for a term of
5 three years, one for a term of two years, and one for a term
6 of one year. Members shall be removable for cause by the
7 appointing authority upon written charges and after public
8 hearing. Vacancies shall be filled for the unexpired term of
9 any member whose term becomes vacant.

10 Sec. 5. CODE EDITOR DIRECTIVE. The Code editor may number
11 unnumbered paragraphs within section 335.2, as amended in this
12 Act, in accordance with established section hierarchy and
13 correct internal references in the Code and in any enacted Iowa
14 Acts, as necessary.

15 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
16 importance, takes effect upon enactment.

17 Sec. 7. APPLICABILITY. The following applies to
18 comprehensive plans and amendments to comprehensive plans
19 proposed or adopted on or after July 1, 2020:

20 The section of this Act amending section 335.5, subsection
21 4.

22 Sec. 8. APPLICABILITY.

23 1. The following apply on and after the effective date of
24 this Act to members of county zoning commissions and county
25 boards of adjustment holding office on or after that date:

26 a. The section of this Act amending section 335.8,
27 subsection 1.

28 b. The section of this Act amending section 335.11.

29 2. If a current member of a county zoning commission or
30 county board of adjustment does not meet the eligibility
31 requirements provided in this Act, the position of the member
32 shall be deemed vacant as provided in section 69.2, and the
33 county board of supervisors shall appoint a successor member
34 who meets the eligibility requirements provided in this Act
35 within one year of the effective date of this Act.

1

EXPLANATION

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

3

4 This bill relates to the applicability of county zoning
5 ordinances, the zoning duties of county boards of supervisors,
6 and the membership of county zoning commissions and county
7 boards of adjustment.

8 Current law exempts certain buildings and structures used
9 for agricultural purposes from county zoning ordinances.
10 The bill prohibits a county from requiring an application,
11 approval, or payment of a fee for the exemption to apply to
12 land, farm barns, farm outbuildings, or other buildings or
13 structures that are primarily adopted for use for agricultural
14 purposes. Under the bill, agricultural land, buildings, and
15 structures can qualify for the exemption independently or in
16 combination with other agricultural uses. The bill specifies
17 that land enrolled in a soil or water conservation program
18 qualifies for the agricultural exemption.

19 Current law allows a county board of supervisors to amend
20 a comprehensive plan at any time. The bill strikes this
21 provision and requires county boards of supervisors to follow
22 the same procedures to adopt amendments to a comprehensive plan
23 that they would for adopting the comprehensive plan. The bill
24 prohibits a county board of supervisors from holding a public
25 hearing or otherwise acting on a recommendation proposed by the
26 county zoning commission until the county zoning commission
27 provides a final report with its recommendation. The bill
28 requires the county board of supervisors to hold a public
29 hearing before adopting a comprehensive plan. This provision
30 of the bill applies to comprehensive plans and amendments to
31 comprehensive plans proposed or adopted on or after July 1,
32 2020.

33 Current law requires only a majority of members of a
34 given county zoning commission or county board of adjustment
35 to reside in the county outside of the corporate limits of

1 any city. The bill instead requires a member of the zoning
2 commission or board of adjustment to be an eligible elector,
3 as defined in Code section 39.3, and to reside in the area that
4 the county zoning ordinance regulates. These provisions of
5 the bill apply to members of zoning commissions and boards of
6 adjustment on and after the effective date of the bill. If
7 a person currently serving on a zoning commission or board
8 of adjustment is no longer eligible to hold that position
9 due to the new eligibility requirements of the bill, that
10 position shall be deemed vacant and the county board of
11 supervisors shall have up to one year from the enactment of
12 the bill to appoint a new member who meets the new eligibility
13 requirements.

14 The bill takes effect upon enactment.