## House Study Bill 632 - Introduced

HOUS	SE FILE
ВУ	(PROPOSED COMMITTEE ON
	STATE GOVERNMENT BILL BY
	CHAIRPERSON KAUFMANN)

## 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:

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- 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

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- 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

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

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- 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

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- 12 the bill to appoint a new member who meets the new eligibility
- 13 requirements.
- 14 The bill takes effect upon enactment.