

**House Study Bill 632 - Introduced**

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

BY (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:

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 ~~e. 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 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.