

House File 298 - Introduced

HOUSE FILE 298

BY BUSH

A BILL FOR

1 An Act relating to the authority of a county to adopt set-back
2 requirements.

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

1 Section 1. Section 335.2, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. Except to the extent required to implement section
4 335.27 or as provided in section 335.3, subsection 1, paragraph
5 "b", no ordinance adopted under this chapter applies to
6 land, farm houses, farm barns, farm outbuildings, or other
7 buildings or structures that are primarily adapted, by reason
8 of nature and area, for use for agricultural purposes, while
9 so used. However, the ordinances may apply to any structure,
10 building, dam, obstruction, deposit, or excavation in or on the
11 floodplains of any river or stream.

12 Sec. 2. Section 335.3, subsection 1, Code 2021, is amended
13 to read as follows:

14 1. a. Subject to section 335.2, the board of supervisors
15 may by ordinance regulate and restrict the height, number of
16 structures, and size of buildings and other structures, the
17 percentage of lot that may be occupied, the size of yards,
18 courts, and other open spaces, the density of population,
19 and the location and use of buildings, structures, and land
20 for trade, industry, residence, or other purposes, and may
21 regulate, restrict, and prohibit the use for residential
22 purposes of tents, trailers, and portable or potentially
23 portable structures. However, such powers shall be exercised
24 only with reference to land and structures located within the
25 county but lying outside of the corporate limits of any city.

26 b. Pursuant to paragraph "a", the board of supervisors may
27 adopt an ordinance that establishes a building or structure
28 set-back requirement of up to seventy-five feet from a public
29 right-of-way regardless of the use of any affected property.

30 EXPLANATION

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

33 This bill relates to the authority of a county to adopt
34 set-back requirements.

35 Under current law, a county board of supervisors may by

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1 ordinance regulate certain physical characteristics of property
2 located in the county but outside the corporate limits of a
3 city. Such an ordinance does not apply to land, farm houses,
4 farm barns, farm outbuildings, or other buildings or structures
5 that are primarily adapted, by reason of nature and area,
6 for use for agricultural purposes while so used. The bill
7 authorizes a county board of supervisors to adopt an ordinance
8 that establishes a building or structure set-back requirement
9 of up to 75 feet from a public right-of-way regardless of the
10 use of any affected property.