

Senate File 2285 - Introduced

SENATE FILE 2285
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2096)

A BILL FOR

1 An Act relating to requirements for additional members of
2 a city planning and zoning commission and a board of
3 adjustment when a city extends its zoning jurisdiction.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 414.23, subsections 2 and 3, Code 2022,
2 are amended to read as follows:

3 2. A municipality, during the time its zoning jurisdiction
4 is extended under this section, shall increase the size of its
5 planning and zoning commission and its board of adjustment
6 each by two members. The planning and zoning commission shall
7 include a member of the board of supervisors of the affected
8 county, or the board's designee, and a resident of the area
9 outside the city limits over which the zoning jurisdiction
10 is extended. The member of the board of supervisors or the
11 board's designee, if any, shall also be a resident of the
12 county in which such extended area is located outside the
13 city limits over which the zoning jurisdiction is extended.
14 The additional members of the board of adjustment shall be
15 residents of the area outside the city limits over which
16 the zoning jurisdiction is extended. At least one of the
17 additional members of the planning and zoning commission
18 and at least one of the additional members of the board
19 of adjustment shall own land that is actively used for an
20 agricultural purpose as defined in section 570A.1. The county
21 supervisor, or the board's designee, and the residents shall
22 be appointed by the board of supervisors of the county in
23 which such extended area is located. The county supervisor,
24 or the board's designee, and the residents shall serve for the
25 same terms of office and have the same rights, privileges, and
26 duties as other members of each of the bodies. However, if the
27 extended zoning jurisdiction of a municipality extends into an
28 adjacent county without a county zoning ordinance, the boards
29 of supervisors of the affected counties, jointly, shall appoint
30 one of their members, or a designee, to the planning and zoning
31 commission.

32 3. Property owners affected by ~~such~~ zoning regulations
33 pursuant to this section shall have the same rights of hearing,
34 protest, and appeal as those property owners residing within
35 the municipality exercising this power. Property owners

1 affected by zoning regulations pursuant to this section
2 may, but are not required to, consent to annexation under
3 chapter 368 as a condition of receiving approval for a zoning
4 classification, special or conditional use, variance, permit,
5 or division of land into two tracts.

6 EXPLANATION

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

9 This bill relates to requirements for additional members of
10 a city planning and zoning commission and a board of adjustment
11 when a city extends its zoning jurisdiction. Current law
12 authorizes a city to extend its zoning jurisdiction into the
13 unincorporated area up to two miles beyond the limits of the
14 city, subject to limitations. When a city extends its zoning
15 jurisdiction in this manner, the city shall increase its
16 planning and zoning commission and its board of adjustment
17 each by two members. One of the members appointed to the
18 planning and zoning commission shall be a member of the board
19 of supervisors or the board's designee. The board's designee,
20 if any, shall be a resident of the county in which the extended
21 area is located. The other appointee to the planning and
22 zoning commission shall be a resident of the area outside the
23 city limits over which the zoning jurisdiction is extended.

24 The bill requires the member of the board of supervisors or
25 the board's designee, if any, appointed to the planning and
26 zoning commission to also be a resident of the area outside the
27 city limits over which the zoning jurisdiction is extended.
28 Additionally, at least one of the appointees to the planning
29 and zoning commission and at least one of the appointees to the
30 board of adjustment shall own land that is actively used for
31 an agricultural purpose.

32 The bill allows, but does not require, a property
33 owner affected by a city's extended zoning to consent to
34 annexation as a condition of receiving approval for a zoning
35 classification, special or conditional use, variance, permit,

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1 or division of land into two tracts.