

Senate Study Bill 1131 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GREEN)

A BILL FOR

1 An Act relating to residency requirements for members of county
2 zoning commissions and county boards of adjustment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 335.8, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. In order to avail itself of the powers conferred by this
4 chapter, the board of supervisors shall appoint a commission
5 ~~consisting of eligible electors, as defined in [section 39.3](#),~~
6 ~~who reside within the county, but outside the corporate limits~~
7 ~~of any city,~~ to be known as the county zoning commission. The
8 commission shall consist of eligible electors, as defined in
9 section 39.3, who reside within the county but outside the
10 corporate limits of any city. However, an eligible elector
11 who resides in the county and inside the corporate limits of
12 any city may serve on the commission if the eligible elector
13 owns land within the county but outside the corporate limits of
14 any city. The commission may recommend the boundaries of the
15 various districts and appropriate regulations and restrictions
16 to be enforced in the districts. The commission shall, with
17 due diligence, prepare a preliminary report and hold public
18 hearings on the preliminary report before submitting the
19 commission's final report. The board of supervisors shall not
20 hold its public hearings or take action until it has received
21 the final report of the commission. After the adoption of
22 the regulations, restrictions, and boundaries of districts,
23 the zoning commission may, from time to time, recommend to
24 the board of supervisors amendments, supplements, changes, or
25 modifications. The commission's report and any recommendations
26 may include a proposed ordinance or amendments to an ordinance.

27 Sec. 2. Section 335.11, Code 2023, is amended to read as
28 follows:

29 **335.11 Membership of board.**

30 The board of adjustment shall consist of five members who
31 are eligible electors, as defined in [section 39.3](#), and who
32 reside within the county, but outside the corporate limits of
33 any city, ~~each to~~. However, an eligible elector who resides
34 in the county and inside the corporate limits of any city may
35 serve on the board if the eligible elector owns land within

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

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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This bill relates to residency requirements for members of

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county zoning commissions and county boards of adjustment.

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Under current law, only an eligible elector who resides within

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a county but outside the corporate limits of any city may serve

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on a county zoning commission or a county board of adjustment.

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The bill allows an eligible elector who lives within the county

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and inside the corporate limits of any city to serve on a

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county zoning commission or county board of adjustment if the

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eligible elector owns land within the county but outside the

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corporate limits of any city.