

House File 2636 - Introduced

HOUSE FILE 2636
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 2062)

A BILL FOR

1 An Act relating to the ability of property owners to protest
2 proposed changes in zoning districts.

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

unofficial

1 Section 1. Section 414.5, Code 2026, is amended to read as
2 follows:

3 **414.5 Changes — protest.**

4 The regulations, restrictions, and boundaries may, from
5 time to time, be amended, supplemented, changed, modified, or
6 repealed. Notwithstanding section 414.2, as a part of an
7 ordinance changing land from one zoning district to another
8 zoning district or an ordinance approving a site development
9 plan, a council may impose conditions on a property owner ~~which~~
10 that are in addition to existing regulations if the additional
11 conditions have been agreed to in writing by the property owner
12 before the public hearing required under this section or any
13 adjournment of the hearing. The conditions must be reasonable
14 and imposed to satisfy public needs ~~which~~ that are directly
15 caused by the requested change. In case, however, of a written
16 protest against a change or repeal ~~which~~ that is filed with the
17 city clerk and signed by a majority of the owners of twenty
18 ~~percent or more of the area of the lots included in the proposed~~
19 ~~change or repeal, or by the owners of twenty percent or more~~
20 ~~of the property which~~ that is located within two hundred feet
21 of the exterior boundaries of the property for which the change
22 or repeal is proposed, the change or repeal shall not become
23 effective except by the favorable vote of at least ~~three-fourths~~
24 two-thirds of all the members of the council. The protest,
25 if filed, must be filed before or at the public hearing. The
26 provisions of section 414.4 relative to public hearings and
27 official notice apply equally to all changes or amendments.

28 **EXPLANATION**

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

31 Under Code section 414.5, as a part of an ordinance changing
32 land from one zoning district to another zoning district or an
33 ordinance approving a site development plan, a city council may
34 impose conditions on a property owner in addition to existing
35 regulations if the additional conditions have been agreed to in

1 writing by the property owner before the public hearing required
2 or adjournment of the hearing. The conditions must be reasonable
3 and imposed to satisfy public needs that are directly caused by
4 the requested change. If, however, a written protest against
5 a change or repeal is filed with the city clerk and is signed
6 by the owners of 20 percent or more of the area of the lots
7 included in the proposed change or repeal, or by the owners of 20
8 percent or more of the property that is located within 200 feet
9 of the exterior boundaries of the property for which the change
10 or repeal is proposed, the change or repeal shall not become
11 effective except by the favorable vote of at least three-fourths
12 of all the members of the council. The protest, if filed, must
13 be filed before or at the public hearing.

14 This bill requires the written protest to be signed by a
15 majority of the owners of the lots included in the proposed
16 change or repeal, or by the owners of 20 percent or more of
17 the property that is located within 200 feet of the exterior
18 boundaries of the property. The bill requires two-thirds of all
19 the members of the council to vote favorably for the change to
20 become effective.