

Senate File 569 - Introduced

SENATE FILE 569
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1185)

(COMPANION TO HF 652 BY COMMITTEE
ON LOCAL GOVERNMENT)

A BILL FOR

- 1 An Act concerning county and city regulation of real property and
- 2 the powers granted to a board of adjustment.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 335.15, Code 2025, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. To authorize on appeal, in specific
4 cases, such variance from the terms of the ordinance with respect
5 to the area, dimensional, or other numerical limitations as
6 will not be contrary to the public interest, where owing to
7 special conditions a literal enforcement of the provisions of the
8 ordinance will result in practical difficulties to the property
9 owner in making a beneficial use of the property allowed by the
10 zoning ordinance, and so that the spirit of the ordinance shall
11 be observed and substantial justice done. Area, dimensional, or
12 other numerical limitations subject to variances include but are
13 not limited to requirements for minimum lot size, setbacks, yard
14 widths, height, bulk, sidewalks, fencing, signage, and off-street
15 parking. To receive the requested area, dimensional, or other
16 numerical variance, the property owner must prove that the
17 practical difficulties faced are unique to the property at issue
18 and not self-created and must also demonstrate that granting the
19 variance will not significantly alter the essential character of
20 the surrounding neighborhood.

21 Sec. 2. Section 414.12, Code 2025, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 4. To authorize on appeal, in specific
24 cases, such variance from the terms of the ordinance with respect
25 to the area, dimensional, or other numerical limitations as
26 will not be contrary to the public interest, where owing to
27 special conditions a literal enforcement of the provisions of the
28 ordinance will result in practical difficulties to the property
29 owner in making a beneficial use of the property allowed by the
30 zoning ordinance, and so that the spirit of the ordinance shall
31 be observed and substantial justice done. Area, dimensional, or
32 other numerical limitations subject to variances include but are
33 not limited to requirements for minimum lot size, setbacks, yard
34 widths, height, bulk, sidewalks, fencing, signage, and off-street
35 parking. To receive the requested area, dimensional, or other

1 numerical variance, the property owner must prove that the
2 practical difficulties faced are unique to the property at issue
3 and not self-created and must also demonstrate that granting the
4 variance will not significantly alter the essential character of
5 the surrounding neighborhood.

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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.

9 Counties and cities are granted the power to regulate the
10 character and use of real property under their respective
11 jurisdictions by ordinance, motion, resolution, or amendment. A
12 board of adjustment is appointed by a county board of supervisors
13 or a city council to hear appeals from property owners aggrieved
14 by regulations and restrictions placed on their property. The
15 board of adjustment may grant a variance from the terms of an
16 ordinance not contrary to the public interest, where owing to
17 special conditions a literal enforcement of the provisions of the
18 ordinance will result in unnecessary hardship, and so that the
19 spirit of the ordinance shall be observed and substantial justice
20 done.

21 This bill allows a board of adjustment to grant a variance
22 from the terms of the ordinance with respect to the area,
23 dimensional, or other numerical limitations not contrary to the
24 public interest, where owing to special conditions a literal
25 enforcement of the provisions of the ordinance will result
26 in practical difficulties to the property owner in making a
27 beneficial use of the property allowed by the zoning ordinance,
28 and so that the spirit of the ordinance shall be observed
29 and substantial justice done. The bill lists examples of
30 restrictions that may include area, dimensional, and other
31 numerical limitations. The property owner must prove that
32 the practical difficulties faced are unique to the property at
33 issue and not self-created and will not significantly alter the
34 essential character of the surrounding neighborhood.