

CHAPTER 1034

COUNTY ZONING — EXEMPTIONS AND PROCEDURES

H.F. 2512

AN ACT relating to county zoning procedures, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 335.2](#), Code 2020, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A county shall not require an application, an approval, or the payment of a fee in order for an ordinance to be deemed inapplicable to land, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted for use for agricultural purposes under [this section](#).

NEW UNNUMBERED PARAGRAPH. Land, farm houses, farm barns, farm outbuildings, or other buildings or structures may qualify under [this section](#) independently or in combination with other agricultural uses. Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes under [this section](#).

Sec. 2. [Section 335.5, subsection 4](#), Code 2020, is amended to read as follows:

4. a. A comprehensive plan recommended for adoption or amendment by the zoning commission established under [section 335.8](#), may be adopted by the board of supervisors. The board of supervisors shall not hold a public hearing or take action on the recommendation until it has received the zoning commission's final report containing the recommendation.

b. Before taking action on the recommendation, the board of supervisors shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in [section 331.305](#).

c. The board of supervisors may amend a proposed comprehensive plan or amendment prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan or amendment will be considered for adoption. The notice shall be published as provided in [section 331.305](#).

b. d. Following its adoption, copies of the comprehensive plan or amended plan shall be sent or made available to neighboring counties, cities within the county, the council of governments or regional planning commission where the county is located, and public libraries within the county.

e. Following its adoption, a comprehensive plan may be amended by the board of supervisors at any time.

Sec. 3. [Section 335.8, subsection 1](#), Code 2020, is amended to read as follows:

1. In order to avail itself of the powers conferred by [this chapter](#), the board of supervisors shall appoint a commission, ~~a majority of whose members shall reside within the county but outside the corporate limits of any city, consisting of eligible electors, as defined in [section 39.3](#), who reside within the area regulated by the county zoning ordinance,~~¹ to be known as the county zoning commission, ~~to~~. The commission may recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein in the districts. Such ~~The~~ commission shall, with due diligence, prepare a preliminary report and hold public hearings ~~thereon~~ on the preliminary report before submitting its ~~the~~ commission's final report; ~~and the~~. The board of supervisors shall not hold its public hearings or take action until it has received the final report of ~~such~~ the commission. After the adoption of ~~such~~ the regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes, or

¹ See chapter 1121, §116 herein

modifications. The commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.

Sec. 4. [Section 335.11](#), Code 2020, is amended to read as follows:

335.11 Membership of board.

The board of adjustment shall consist of five members, ~~a majority of whom shall reside within the county but outside the corporate limits of any city who are eligible electors, as defined in [section 39.3](#)~~, and who reside within the area regulated by the county zoning ordinance,² each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Sec. 5. CODE EDITOR DIRECTIVE. The Code editor may number unnumbered paragraphs within [section 335.2](#), as amended in this Act, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. APPLICABILITY. The following applies to comprehensive plans and amendments to comprehensive plans proposed or adopted on or after July 1, 2020:

The section of this Act amending [section 335.5, subsection 4](#).

Sec. 8. APPLICABILITY.

1. The following apply on and after the effective date of this Act to members of county zoning commissions and county boards of adjustment holding office on or after that date:

- a. The section of this Act amending [section 335.8, subsection 1](#).
- b. The section of this Act amending [section 335.11](#).

2. If a current member of a county zoning commission or county board of adjustment does not meet the eligibility requirements provided in this Act, the position of the member shall be deemed vacant as provided in [section 69.2](#), and the county board of supervisors shall appoint a successor member who meets the eligibility requirements provided in this Act within one year of the effective date of this Act.

Approved June 1, 2020

² See chapter 1121, §117 herein