

CHAPTER 1019

COUNTY AND CITY ZONING — SALE OF CONSUMER FIREWORKS — EFFECT OF EXTENSION OF CITY ZONING JURISDICTION BEYOND CITY LIMITS

S.F. 2285

AN ACT relating to zoning by counties and cities, and including effective date provisions.

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

Section 1. **NEW SECTION. 335.2A Sale of consumer fireworks — limitation.**

A county shall not adopt or enforce any ordinance under [this chapter](#) to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to [section 100.19](#), in any location zoned for commercial or industrial purposes.

Sec. 2. [Section 414.1, subsection 1](#), Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A city shall not adopt or enforce any regulation or restriction under [this chapter](#) to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to [section 100.19](#), in any location zoned for commercial or industrial purposes.

Sec. 3. [Section 414.23, subsections 2 and 3](#), Code 2022, are amended to read as follows:

2. A municipality, during the time its zoning jurisdiction is extended under [this section](#), shall increase the size of its planning and zoning commission and its board of adjustment each by two members. The planning and zoning commission shall include a member of the board of supervisors of the affected county, or the board's designee, and a resident of the area outside the city limits over which the zoning jurisdiction is extended. The member of the board of supervisors or the board's designee, if any, shall also be a resident of the county in which such extended area is located outside the city limits over which the zoning jurisdiction is extended. The additional members of the board of adjustment shall be residents of the area outside the city limits over which the zoning jurisdiction is extended. At least one of the additional members of the planning and zoning commission and at least one of the additional members of the board of adjustment shall own land that is actively used for an agricultural purpose as defined in [section 570A.1](#), except when such requirement prevents the identification of an eligible and willing appointee for the planning and zoning commission or board of adjustment for at least six months from the effective date of the extension of zoning jurisdiction. The failure to identify an eligible and willing appointee who owns land that is actively used for an agricultural purpose shall be determined independently for the planning and zoning commission and the board of adjustment. The county supervisor, or the board's designee, and the residents shall be appointed by the board of supervisors of the county in which such extended area is located. The county supervisor, or the board's designee, and the residents shall serve for the same terms of office and have the same rights, privileges, and duties as other members of each of the bodies. However, if the extended zoning jurisdiction of a municipality extends into an adjacent county without a county zoning ordinance, the boards of supervisors of the affected counties, jointly, shall appoint one of their members, or a designee, to the planning and zoning commission.

3. Property owners affected by ~~such~~ zoning regulations pursuant to [this section](#) shall have the same rights of hearing, protest, and appeal as those property owners residing within the municipality exercising this power. A city may request, but shall not require, from a property owner affected by zoning regulations pursuant to [this section](#) the consent to annexation under [chapter 368](#) as a condition of receiving approval for a zoning classification, special or conditional use, variance, permit, or division of land into two or more tracts.

Sec. 4. **EFFECTIVE DATE.** The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting [section 335.2A](#).

2. The section of this Act enacting [section 414.1, subsection 1](#), paragraph “f”.

Approved April 21, 2022