

414.23 Extending beyond city limits.

1. The powers granted by [this chapter](#) may be extended by ordinance by any city to the unincorporated area up to two miles beyond the limits of such city, except for those areas within a county where a county zoning ordinance exists. The ordinance shall describe in general terms the area to be included. The exemption from regulation granted by [section 335.2](#) to property used for agricultural purposes shall apply to such unincorporated area. If the limits of any such city are at any place less than four miles distant from the limits of any other city which has extended or thereafter extends its zoning jurisdiction under [this section](#), then at such time the powers herein granted shall extend to a line equidistant between the limits of said cities.

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 area 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 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 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.

4. Whenever a county in which this power is being exercised by a municipality adopts a county zoning ordinance, the power exercised by the municipality and the specific regulations and districts thereunder shall be terminated within three months of the establishment of the administrative authority for county zoning, or at such date as mutually agreed upon by the municipality and county.

[C71, 73, 75, 77, 79, 81, §414.23]

2002 Acts, ch 1078, §1; 2004 Acts, ch 1074, §1; 2017 Acts, ch 54, §76; 2022 Acts, ch 1019, §3

Referred to in §331.304, 331.321, 427B.2

Subsections 2 and 3 amended