

January 16, 1951.
Passed on File.

House File 56
By NELSON of Woodbury and CROSIER.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act relating to municipal platting, planning, and zoning and to amend chapters four hundred nine (409), four hundred fourteen (414), three hundred seventy-three (373), and three hundred fifty-eight-A (358A), Code 1950, relating thereto.

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

PLATS

1 Section 1. Section four hundred nine point one (409.1),
2 Code 1950, is amended as follows:

3 1. By striking from lines one (1) and two (2) the word
4 "original".

5 2. By striking from lines three (3) and four (4) the
6 words "has subdivided, or shall hereafter subdivide" and
7 inserting in lieu thereof the word "subdivides".

8 3. By striking from line four (4) the word "three" and
9 inserting in lieu thereof the word "two".

1 Sec. 2. Section four hundred nine point five (409.5),
2 Code 1950, is amended by inserting after the word "council"
3 in line three (3) the words ", as shown on the profile and
4 cross-section plans which are made a part of the plat and
5 shall be submitted with the subdivision proposal,".

1 Sec. 3. Section four hundred nine point seven (409.7),
2 Code 1950, is amended as follows:

3 1. By striking from line six (6) the word "and".

4 2. By inserting in line six (6) after the numerals
5 "409.6," the following: "and 409.14,".

1 Sec. 4. Section four hundred nine point fourteen (409.14),
2 Code 1950, is amended by striking from lines five (5) to
3 seven (7) the words "having a population by the latest federal
4 census of twenty-five thousand or over".

1 Sec. 5. Section four hundred nine point twenty-two
2 (409.22), Code 1950, is amended as follows:

3 1. By striking from line two (2) the word "town".

4 2. By striking all of said section after the word
5 "situated," in line eight (8) and inserting in lieu thereof
6 the words "and a copy of said petition shall be filed with
7 the clerk of the municipal corporation having platting
8 jurisdiction."

1 Sec. 6. Section four hundred nine point twenty-three
2 (409.23), Code 1950, is amended as follows:

3 1. By striking from lines one (1) and two (2) the words
4 "At the term of court next following the" and inserting in
5 lieu thereof the word "Upon".

6 2. By striking from line three (3) the words "and notice".

7 3. By inserting after the word "county" in line six (6)
8 the words "by two publications, the second of which shall
9 appear".

1 Sec. 7. Section four hundred nine point forty-five
2 (409.45), Code 1950, is repealed and the following enacted in
3 lieu thereof:

4 “Whoever sells, contracts to sell, or attempts to sell
5 land located within the platting jurisdiction of any municipal
6 corporation by reference to, or by use in any other manner as
7 a sales promotion device of a plat of a subdivision which has
8 not been approved by the council and duly recorded and filed
9 in the office of the county recorder shall be guilty of a
10 misdemeanor.”.

ZONING

1 Sec. 8. Section four hundred fourteen point nine (414.9),
2 Code 1950, is amended by inserting after the word “public” in
3 line nine (9) the following sentence: “All hearings before
4 the board shall be open to the public and at least fifteen days
5 notice thereof shall be given by publications in the manner
6 provided by section six hundred eighteen point fourteen
1 (618.14).”.

1 Sec. 9. Chapter four hundred fourteen (414), Code 1950,
2 is amended by adding the following new section:

3 “The zoning commission shall have power, subject to the
4 approval of the council, to employ and fix the compensation
5 of such employees and special counsel as are necessary to
6 carry out the duties of the commission.”

1 Sec. 10. Section three hundred fifty-eight A point one
2 (358A.1), Code 1950, is repealed and the following enacted in

3 lieu thereof: "The provisions of this chapter shall apply to
4 all counties."

1 Sec. 11. Section three hundred fifty-eight A point three
2 (358A.3), Code 1950, is amended by striking the comma after
3 the word "town" in line eighteen (18), inserting a period (.)
4 in lieu thereof, and striking the balance of the section.

1 Sec. 12. Section three hundred fifty-eight A point six
2 (358A.6), Code 1950, is amended by adding the following sentence:
3 "Any amendment, supplement, change or repeal of district
4 regulations, restrictions, or boundaries shall be referred to
5 the county zoning commission for consideration and report at
6 least thirty days before final action thereon is taken by the
7 board of supervisors."

1 Sec. 13. Section three hundred fifty-eight A point
2 seven (358A.7), Code 1950, is amended by inserting after the
3 word "feet" in line nine (9) the words ", exclusive of
4 highways and railroad right of way,".

1 Sec. 14. Section three hundred fifty-eight A point eight
2 (358A.8), Code 1950, is amended by adding the following:
3 "Such commission shall consist of not less than seven
4 resident voters of the county, who shall hold office for terms
5 of five years except that the first commissioners appointed
6 in any county shall be appointed for such terms that not more
7 than one third of the membership will expire in any one year.
8 Vacancies caused by resignation or otherwise shall be filled
9 by appointments for the unexpired portion of said term."

1 Sec. 15. Chapter three hundred fifty-eight A (358A),
2 Code 1950, is amended by adding the following new section:

3 “The board of supervisors shall appropriate such funds
4 as they deem necessary for use of the zoning commission and
5 said commission, subject to the approval of the board of
6 supervisors, shall expend such funds for such purposes and may
7 hire and pay the compensation of such employees as are
8 necessary to carry out their duties.”.

PLANNING

1 Sec. 16. Section three hundred seventy-three point nine
2 (373.9), Code 1950, is repealed and the following enacted in
3 lieu thereof:

4 “Such plan commission shall prepare and submit to the
5 council as comprehensive plan for the development of the
6 municipality and related areas. For purposes of preparing
7 such plan the commission shall have power to make or cause
8 to be made all necessary surveys, studies, maps, plans,
9 drawings, charts, or other related descriptive matter.”.

1 Sec. 17. Section three hundred seventy-three point
2 twelve (373.12), Code 1950, is amended by striking from lines
3 four (4) and five (5) the words “adjacent thereto” and
4 inserting in lieu thereof the words “within a radius of
5 one mile outside the limits thereof”.

1 Sec. 18. Section three hundred seventy-three point
2 nineteen (373.19), Code 1950, is amended by inserting after
3 the word “council” in line sixteen (16) the words “, after

4 holding at least one public hearing upon published notice
5 in the same manner as aforesaid.”.

1 Sec. 20. Section three hundred seventy-three point
2 twenty (373.20), Code 1950, is amended by adding the following
3 sentence: “Before any such amendment shall be effective,
4 published notice shall be given and public hearings held
5 before the plan commission and before the council in the
6 same manner as provided for the adoption and approval of
7 city plans.”

EXPLANATION OF H. F. 56

The purpose of this bill is to amend the statutes relating to municipal platting, planning, and zoning so as to give municipal corporations some measure of assurance that future additions and developments will conform to the existing streets and give some regulation of the development of “fringe” areas.