

JAN 28 2002

Place On Calendar

HOUSE FILE 2135
BY COMMITTEE ON LOCAL GOVERNMENT

REPRINTED

(SUCCESSOR TO HF 2023)

Passed House, ^(P.263) Date 2-6-02 Passed Senate, ^(P.785) Date 3-25-02
Vote: Ayes 94 Nays 0 Vote: Ayes 37 Nays 12
Approved April 5, 2002

A BILL FOR

1 An Act relating to the membership of the planning and zoning
2 commission in certain cities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2135

1 Section 1. Section 414.23, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 A municipality, during the time its zoning jurisdiction is
4 extended under this section, shall increase the size of its
5 planning and zoning commission and its board of adjustment
6 each by two members. The planning and zoning commission shall
7 also include a member of the board of supervisors of the
8 affected county as one of the additional members. The
9 additional ~~members~~ member, except the county supervisor, shall
10 be ~~residents~~ a resident of the area outside the city limits
11 over which the zoning jurisdiction is extended. ~~They~~ The
12 county supervisor and the resident shall be appointed by the
13 board of supervisors of the county in which such extended area
14 is located and for the same terms of office and have the same
15 rights, privileges, and duties as other members of each of
16 ~~said~~ the bodies.

17 EXPLANATION

18 This bill provides that the planning and zoning commission
19 of a city exercising its zoning jurisdiction in the
20 unincorporated area within two miles beyond the boundaries of
21 the city shall be expanded to include one member of the board
22 of supervisors and one public member residing in the
23 unincorporated area subject to the city zoning jurisdiction.
24 Currently, two public members residing in the unincorporated
25 area subject to the city zoning jurisdiction are appointed to
26 the zoning commission.

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1 Amend House File 2135 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 331.303, Code Supplement 2001,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 8A. Upon petition of twenty
 7 percent of the eligible electors residing in the area
 8 outside the city limits over which the zoning
 9 jurisdiction is extended, approve or disapprove
 10 pursuant to section 414.23 a city zoning ordinance or
 11 regulation or an amendment to such an ordinance or
 12 regulation affecting such area."
 13 2. Page 1, by inserting after line 16 the
 14 following:
 15 "Sec. ____ . Section 414.23, unnumbered paragraph 3,
 16 Code 2001, is amended to read as follows:
 17 Property owners affected by such zoning regulations
 18 shall have the same rights of hearing, protest, and
 19 appeal as those within the municipality exercising
 20 this power. However, upon petition of twenty percent
 21 of the eligible electors residing in the area outside
 22 the city limits over which the zoning jurisdiction is
 23 extended, the city zoning ordinance or regulation or
 24 amendment to such an ordinance or regulation shall not
 25 take effect within such area unless the zoning
 26 ordinance or regulation or an amendment to such an
 27 ordinance or regulation is approved by the board of
 28 supervisors. The petition shall be submitted to the
 29 county auditor. The auditor shall notify the city of
 30 receipt of the petition.
 31 Sec. ____ . APPLICABILITY. This Act applies to a
 32 city zoning ordinance or regulation or an amendment to
 33 a city ordinance or regulation affecting an
 34 unincorporated area of a county over which a city has
 35 extended its jurisdiction, which is adopted on or
 36 after the effective date of this Act."

By WISE of Lee

H-8021 FILED JANUARY 31, 2002

Withdrawn
2-6-02
(p. 262)

HOUSE FILE 2135

-8029

1 Amend House File 2135 as follows:

2 1. Page 1, by striking lines 6 through 12 and
3 inserting the following: "each by two members. The
4 planning and zoning commission shall include a member
5 of the board of supervisors of the affected county and
6 a resident of the area outside the city limits over
7 which the zoning jurisdiction is extended. The
8 additional members of the board of adjustment shall be
9 residents of the area outside the city limits over
10 which the zoning jurisdiction is extended. ~~They~~ The
11 county supervisor and the residents shall be appointed
12 by the".

13 2. Page 1, line 16, by inserting after the word
14 "bodies." the following: "However, if the extended
15 zoning jurisdiction of a municipality extends into an
16 adjacent county without a county zoning ordinance, the
17 boards of supervisors of the affected counties,
18 jointly, shall appoint one of their members to the
19 planning and zoning commission."

20 3. Page 1, by inserting after line 16 the
21 following:

22 "Sec. ____ . TRANSITION. If, on the effective date
23 of this Act, a vacancy does not exist in one of the
24 two seats on the planning and zoning commission,
25 represented by residents of the area outside the city
26 limits pursuant to section 414.23, the incumbents may
27 serve their unexpired terms. Thereafter, one of the
28 two additional members of the planning and zoning
29 commission of a city extending its zoning jurisdiction
30 shall be a member of the board of supervisors of the
31 affected county pursuant to section 1 of this Act."

By EDDIE of Buena Vista

H-8029 FILED FEBRUARY 4, 2002

Adopted
2-6-02
(p. 263)

5-3/21/02 *2 votes* *5-2/15/02 Do Pass*

UNFINISHED BUSINESS CALENDAR

HOUSE FILE **2135**
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 2023)

(As Amended and Passed by the House February 6, 2002)

Passed House, Date _____ Passed Senate, Date ^(p. 786) 3-25-02
Vote: Ayes _____ Nays _____ Vote: Ayes 37 Nays 12
Approved April 5, 2002

A BILL FOR

1 An Act relating to the membership of the planning and zoning
2 commission in certain cities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments _____

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1 Section 1. Section 414.23, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 A municipality, during the time its zoning jurisdiction is
4 extended under this section, shall increase the size of its
5 planning and zoning commission and its board of adjustment
6 each by two members. The planning and zoning commission shall
7 include a member of the board of supervisors of the affected
8 county and a resident of the area outside the city limits over
9 which the zoning jurisdiction is extended. The additional
10 members of the board of adjustment shall be residents of the
11 area outside the city limits over which the zoning
12 jurisdiction is extended. They The county supervisor and the
13 residents shall be appointed by the board of supervisors of
14 the county in which such extended area is located and for the
15 same terms of office and have the same rights, privileges, and
16 duties as other members of each of said the bodies. However,
17 if the extended zoning jurisdiction of a municipality extends
18 into an adjacent county without a county zoning ordinance, the
19 boards of supervisors of the affected counties, jointly, shall
20 appoint one of their members to the planning and zoning
21 commission.

22 Sec. 2. TRANSITION. If, on the effective date of this
23 Act, a vacancy does not exist in one of the two seats on the
24 planning and zoning commission, represented by residents of
25 the area outside the city limits pursuant to section 414.23,
26 the incumbents may serve their unexpired terms. Thereafter,
27 one of the two additional members of the planning and zoning
28 commission of a city extending its zoning jurisdiction shall
29 be a member of the board of supervisors of the affected county
30 pursuant to section 1 of this Act.

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HOUSE FILE 2135

AN ACT

RELATING TO THE MEMBERSHIP OF THE PLANNING AND ZONING COMMISSION IN CERTAIN CITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 414.23, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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 and 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. They The county supervisor and the residents shall be appointed by the board of supervisors of the county in which such extended area is located and for the same terms of office and have the same rights, privileges, and duties as other members of each of said 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 to the planning and zoning commission.

Sec. 2. TRANSITION. If, on the effective date of this Act, a vacancy does not exist in one of the two seats on the planning and zoning commission, represented by residents of the area outside the city limits pursuant to section 414.23, the incumbents may serve their unexpired terms. Thereafter, one of the two additional members of the planning and zoning

commission of a city extending its zoning jurisdiction shall be a member of the board of supervisors of the affected county pursuant to section 1 of this Act.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2135, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/5, 2002

THOMAS J. VILSACK
Governor