

SEP 2006
LOCAL GOVERNMENT

HOUSE FILE 2185
BY WISE

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

A BILL FOR

1 An Act relating to the authority of the county board of
2 supervisors to approve or disapprove certain city zoning
3 ordinances or regulations and providing for the Act's
4 applicability.

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

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HF 2185

1 Section 1. Section 331.303, Code Supplement 2001, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 8A. Upon petition of twenty percent of
4 the eligible electors residing in the area outside the city
5 limits over which the zoning jurisdiction is extended, approve
6 or disapprove pursuant to section 414.23 a city zoning
7 ordinance or regulation or an amendment to such an ordinance
8 or regulation affecting such area.

9 Sec. 2. Section 414.23, unnumbered paragraph 3, Code 2001,
10 is amended to read as follows:

11 Property owners affected by such zoning regulations shall
12 have the same rights of hearing, protest, and appeal as those
13 within the municipality exercising this power. However, upon
14 petition of twenty percent of the eligible electors residing
15 in the area outside the city limits over which the zoning
16 jurisdiction is extended, the city zoning ordinance or
17 regulation or amendment to such an ordinance or regulation
18 shall not take effect within such area unless the zoning
19 ordinance or regulation or an amendment to such an ordinance
20 or regulation is approved by the board of supervisors. The
21 petition shall be submitted to the county auditor. The
22 auditor shall notify the city of receipt of the petition.

23 Sec. 3. APPLICABILITY. This Act applies to a city zoning
24 ordinance or regulation or an amendment to a city ordinance or
25 regulation affecting an unincorporated area of a county over
26 which a city has extended its jurisdiction, which is adopted
27 on or after the effective date of this Act.

28 EXPLANATION

29 This bill provides that upon petition, in those counties
30 where a city has extended its zoning authority two miles
31 outside the city's boundaries, a city zoning ordinance or
32 regulation or an amendment to such shall not take effect until
33 the county board of supervisors has approved the ordinance or
34 regulation or amendment. The authority of the board to
35 approve or disapprove the ordinance or regulation or amendment

1 must be petitioned for by eligible electors residing in the
2 unincorporated area of the county made subject to city zoning.

3 The bill applies to a city zoning ordinance or regulation
4 or to an amendment to a city zoning ordinance or regulation
5 adopted on or after the effective date of the bill.

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