

JAN 1 0 2005  
LOCAL GOVERNMENT

HOUSE FILE 8  
BY WHITEAD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act authorizing the appointment of a nine-member city zoning  
2 board of adjustment.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

HC  
8

1 Section 1. Section 414.8, Code 2005, is amended to read as  
2 follows:

3 414.8 MEMBERSHIP.

4 The board of adjustment shall consist of five, ~~or seven, or~~  
5 nine members as determined by the council. Members of a five-  
6 member board shall be appointed for a term of five years,  
7 excepting that when the board shall first be created one  
8 member shall be appointed for a term of five years, one for a  
9 term of four years, one for a term of three years, one for a  
10 term of two years, and one for a term of one year. Members of  
11 a seven-member board shall be appointed for a term of five  
12 years, except when the board shall first be created two  
13 members shall be appointed for a term of five years, two  
14 members for a term of four years, one for a term of three  
15 years, one for a term of two years, and one for a one-year  
16 term. Members of a nine-member board shall be appointed for a  
17 term of five years, except when the board shall first be  
18 created three members shall be appointed for a term of five  
19 years, two members for a term of four years, two for a term of  
20 three years, one for a term of two years, and one for a one-  
21 year term. A five-member board shall not carry out its  
22 business without having three members present, ~~and a seven-~~  
23 member board shall not carry out its business without having  
24 four members present, ~~and a nine-member board shall not carry~~  
25 out its business without having five members present. A  
26 majority of the members of the board of adjustment shall be  
27 persons representing the public at large and shall not be  
28 involved in the business of purchasing or selling real estate.  
29 Members shall be removable for cause by the appointing  
30 authority upon written charges and after public hearing.  
31 Vacancies shall be filled for the unexpired term of any member  
32 whose term becomes vacant.

33 Sec. 2. Section 414.14, Code 2005, is amended to read as  
34 follows:

35 414.14 VOTE REQUIRED.

1 The concurring vote of three members of the board in the  
2 case of a five-member board, and four members in the case of a  
3 seven-member board, and five members in the case of a nine-  
4 member board, shall be necessary to reverse any order,  
5 requirement, decision, or determination of any such  
6 administrative official, or to decide in favor of the  
7 applicant on any matter upon which it is required to pass  
8 under any such ordinance or to effect any variation in such  
9 ordinance.

10 Sec. 3. Section 414.25, Code 2005, is amended by adding  
11 the following new unnumbered paragraphs:

12 NEW UNNUMBERED PARAGRAPH. Of the four additional members  
13 which may be appointed to increase a five-member board of  
14 adjustment to a nine-member board on or after July 1, 2005,  
15 one member shall be appointed to an initial term of five  
16 years, one member to an initial term of four years, one to an  
17 initial term of three years, and one to an initial term of two  
18 years. The terms of office of members of a board of  
19 adjustment serving unexpired terms of office on July 1, 2005,  
20 shall expire according to their original appointments.

21 NEW UNNUMBERED PARAGRAPH. Of the two additional members  
22 which may be appointed to increase a seven-member board of  
23 adjustment to a nine-member board on or after July 1, 2005,  
24 one member shall be appointed to an initial term of five years  
25 and one member shall be appointed to an initial term of four  
26 years. The terms of office of members of a board of  
27 adjustment serving unexpired terms of office on July 1, 2005,  
28 shall expire according to their original appointments.

29 EXPLANATION

30 This bill allows a city council to appoint a nine-member  
31 city zoning board of adjustment. Current law allows a five-  
32 member or seven-member city zoning board of adjustment. The  
33 bill makes corresponding changes to staggering of initial  
34 terms, vote requirements, and staggering of terms when  
35 membership on an existing board of adjustment is increased

S.F. \_\_\_\_\_ H.F. 8

1 from five to nine members or from seven to nine members.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35