



IOWA CHAPTER

Understanding Planning and Zoning

In Iowa, zoning regulations are determined by municipal and county ordinances; some guidelines are set at the state level. Zoning regulations define land use, such as transportation, housing, manufacturing and industry, commercial uses. There are three sets of documents involved in zoning

1. the comprehensive plan which sets out the vision
2. the zoning regulations that lay out the zoning designations and activities allowed for each designation
3. the land use map which lays out the county or municipality and its zoning designation



Photo credit: Lynn Betts, USDA NRCS

Steps in getting a zoning change

For each city or county that participates in zoning of the land in its jurisdiction, a staff person will be responsible for administering the zoning regulations. That individual will be able to guide you through the process. There is a lot of variation between the cities and counties across the state in the processes and laws related to zoning and comprehensive plans, how development projects are permitted, and the time-lines required for each step.

When a developer wants to build a new building, remodel a building, or make an addition, the project will first be brought to the staff administering the zoning regulations. The staff person will review the project and make recommendations on the next steps. All projects are first taken to the planning and zoning commission.

For each jurisdiction, a planning and zoning commission will review development projects and decide if a project meets the comprehensive plans and the zoning regulations. If it meets the guidelines, then the planning and zoning commission recommends that the project be allowed to proceed; if the project does not meet the guidelines, then the planning and zoning commission recommends that the project be denied. The project then goes before the city council or board of supervisors for a final decision. The planning and zoning commission recommendation is just that, a recommendation, and the council or supervisors can make a decision contrary to that recommendation.

Zoning ordinances establish permitted uses for each zoning district. The ordinance will also allow conditional uses in each district. A developer or landowner may also want a variance from the zoning

regulations if the regulation imposes an unjustifiable hardship. Conditional use permits and variances are determined by a board of adjustment.

Both the planning and zoning commission and the board of adjustment are subject to the open meetings laws. They must issue agendas 24-hours in advance of the meetings. Both allow the public to speak for or against a given project.

The zoning ordinance determines the permitted use for each zoning regulation. For example, a single family home designation would allow single family homes and would not allow apartment buildings.

The zoning ordinance will also allow conditionally permitted uses for a designation. These uses are acceptable structures and functions in the zoning designation, only if the board of adjustment reviews the design and function and agrees to issue a special use permit. For example, let's say that the zoning ordinance has a zoning designation as residential with a conditional use as allowing duplexes. If someone wanted to build a duplex in an area zoned as residential, they would have to present drawings and designs to the board of adjustment. The board could then issue a conditional use permit to allow the duplex to be built.

Influencing the decision in permitting a project

When a comprehensive plan and zoning map are created, the community, as a whole, knows what is expected and planned for an area. Citizens make plans for their residences based on how a neighborhood is zoned. Companies make decisions for their businesses based on the zoning of an area.

However, today, if a developer decides to develop some land and the zoning does not match, jurisdictions regularly fall over backward to do whatever it takes to get the development, including changing comprehensive plans, changing zoning regulations, and changing zoning maps. The same happens if a new business wants to locate in a community. However, when a jurisdiction does whatever it can for a new project, the existing neighboring landowners can find their existing uses of the land to be incompatible with what the new development is proposing.

Members of the community have several opportunities to express their concerns about new proposed development projects. The steps involve:

1. Familiarize yourself with the project and process for approval.
 - a. Become acquainted with the staff person who is responsible for administering the zoning regulations and who is reviewing the development request. The staff person will have the details of the project, maps, design documents, and other related material. This information is open for public inspection. You can also get copies of the documents, subject to paying a fee for the copies.
 - b. It is important to familiarize yourself with the procedures, ordinances, zoning maps, and comprehensive plan for your county or municipality.
 - c. Also become familiar with the deadlines for each step, including an appeal to district court if you later chose that route.
 - d. Determine where agendas will be posted and monitor the agendas for the issue you are interested in.
2. Develop your arguments, issues, and concerns.
3. Organize your community in response to the project
 - a. Get your like-minded neighbors and friends involved in the issue.

- b. Write letters to the editor about the issue.
4. Speak at each public hearing on the project. It is important that you do this. By presenting your issues and concerns, you are making a record that can be used in the decision-making process and in the appeal process.
 - a. Prior to the meeting determine the amount of time that you will be able to speak, by asking the staff assigned to the project.
 - b. Organize your thoughts in a written document that can be handed to the commission or board members. Have extra copies for the staff and the press.
 - c. Ask your like-minded neighbors and friends to speak at the meetings.
 - d. During the presentation, be civil and polite. If you are presenting facts, have references to the facts.

The stages of approval include:

1. The project will first appear before the planning and zoning commission for a recommendation to proceed or to deny the project.
2. It will go before the board of adjustment, if there is a conditional use permit or a variance requested.
3. It will go to the city council or the board of supervisors if a zoning change is requested.
4. A decision by the council or supervisors can be appealed to district court.

The project may be referred to staff for further research or review, so that some of the stages are repeated. Also the developer may decide to make changes to the project and may need to restart a stage. It will be important to keep on top of the progress of the project by having regular contact with the staff.

The comments made during the public comment period will be considered during the deliberations; anything mentioned outside of the public comment period should not be considered by the planning and zoning commission, the board of adjustment, city council, or board of supervisors.

There may be additional permits needed besides a conditional use permit or a zoning change. The staff should be able to provide more information on the permits. These permits may include water or air pollution discharge permits, which are issued by the Iowa Department of Natural Resources. If there is a wetland that will be filled, the Army Corps of Engineers will be requested to issue a 404 permit.

Who sits on the Planning and Zoning Commission and the Board of Adjustment?

The members of the planning and zoning commission and the board of adjustment are named by either the mayor or the city council or the board of supervisors, depending on the jurisdiction.



Photo credit: Lynn Betts, USDA NRCS

The members are citizens who volunteer their time. The city council or board of supervisors will have an application that a citizen can use to apply for appointment to the planning and zoning commission or to the board of adjustment.