Planning and zoning commission — its role and an example of administrative rules

The responsibility to plan and zone on behalf of the community rests with a commission that the Iowa Code refers to as the “zoning commission.” Many cities and counties call this group the “planning and zoning commission.” Whichever title is used, the duties of the group are the same and the two terms can be thought of as synonymous.

Zoning Responsibilities

The commission is appointed by the legislative body and has three basic advisory responsibilities on matters affecting local zoning. The legislative body must solicit recommendations from the commission, but is not required to follow such recommendations. The three basic zoning responsibilities of the planning and zoning commission are:

1. Prepare the zoning ordinance
   While the legislative body has the power to adopt zoning, it cannot prepare the ordinance for adoption. Responsibility of preparing the original zoning ordinance is assigned by law to the zoning commission. Once the zoning ordinance and district map are prepared and put in final form, the commission forwards them to the legislative body with its recommendation that the ordinance be adopted.
   
   As stated previously, the legislative body is not bound by the recommendations of the commission. The legislative body may adopt the ordinance as submitted, make changes in the ordinance before adoption, or refuse to adopt it.

2. Recommendations on proposed changes in zoning
   Once the zoning ordinance has been adopted, it may be changed from time to time. Any proposed change, either in the written text or the district zoning map, must be submitted to the commission for consideration. The commission should study the proposed change and submit a recommendation to the legislative body, approving or disapproving the proposed change. As in the original adoption of the zoning ordinance, the legislative body is not bound by the commission’s recommendation.

3. Review and update the ordinance
   The zoning commission should conduct a review of the zoning ordinance from time to time to assure that it still reflects the needs and desires of the community. If such review reveals a need for changes in the text or district map, a recommendation should be forwarded to the legislative body proposing such changes.
   
   If these changes are acceptable to the legislative body, the same procedure must be followed as required for any other proposed amendment to zoning.

Other Responsibilities

The zoning responsibilities enumerated above are clearly spelled out in the Iowa Code. Many cities and counties assign additional duties to the planning and zoning commission.

The planning and zoning commission often works with other governmental departments (public works, recreation, police, etc.) and with many other public and private agencies, including school boards.

Because Iowa law is not specific, the size of the commission is left to the discretion of the governing body. Typically, the commission ranges in size from five to fifteen members, with seven members being the most common. As an advisory body, the commission may be assigned responsibilities, such as the following:

- To prepare, recommend to the governing body, and maintain a comprehensive plan for the physical development of the community.

- Depending on how the local zoning ordinance is written, the commission may have the responsibility to review and make recommendations on special types of development permitted under the ordinance, such as site plan review, planned unit developments, planned shopping centers, industrial parks, and others.
• To prepare subdivision regulations for adoption by the governing body. The commission participates in the review and makes recommendations on all preliminary and final subdivision plat proposals, street layouts, and other developments which involve expansion of the city, or county’s developed area.

• To review and make recommendations to the governing body on certain issues related to the physical development of the jurisdiction. Many times the legislative body will ask for recommendations on how the community should pursue federal and state directives dealing with highways, parks, conservation areas, airports, schools, public buildings and structures, solid waste disposal, air and water quality, sewage treatment plants, public water, housing rehabilitation, community development, and other activities involving public facilities or services.

• To participate in the preparation of a capital improvement plan (CIP) for the local city or county, based upon the comprehensive plan.

• To accomplish other special studies as requested by the city council or board of supervisors.

• To hold public hearings as necessary to receive comments from the public concerning proposed changes to the comprehensive plan, zoning ordinance, or other land use regulations. To work closely with the planning staff or planning consultants to insure that the local planning work program is acceptable and that technical assistance is being accomplished in a timely fashion.

• To inform and educate the public about the purposes of planning and how specific local problems are being resolved.

Summary

Not all of these duties and responsibilities are exercised by every planning and zoning commission. If a city or county elects to have zoning, there must be an appointed commission to perform, at a minimum, the zoning responsibilities outlined above.

Other duties may be given to the commission as appropriate so that it can serve as an integral part of the city or county government. A conscious effort should be made to determine the list of responsibilities that will fall to the commission in each city or county. The elected officials and the city or county attorney should be involved in determining the role of the planning and zoning commission. A determination can then be made as to what matters will come before the commission for their review and recommendation. A listing of such matters should be included in the commission’s administrative rules. An example of administrative rules that could be adopted by a planning and zoning commission is presented below.

Source: Portions of the material in this publication were taken from Planning and Zoning Handbook, State of Iowa, Office of Planning and Programming, 1983.

Administrative rules — an example

It is important that every planning and zoning commission adopt and follow a set of administrative rules. Adherence to such rules will allow the commission to operate openly, fairly, and professionally. In this way, the commission can provide itself with some protection against legal challenges on procedural grounds.

The following set of rules should be used only as an example. Please work closely with your city attorney or county attorney to formulate a set of administrative rules that is appropriate for your commission.

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The following rules of procedure are hereby adopted by the (name of jurisdiction) planning and zoning commission.

Section 1.0 Officers. The commission shall select from its membership a chairperson and vice chairperson, who will perform the usual duties pertaining to such offices.

1.1 Selection. At the first regular meeting in (January/July) of each year, the commission will pick its officers from its membership. All officers are eligible for re-election.

1.2 Tenure. The chairperson and vice chairperson shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

1.3 Duties. The chairperson will preside at all meetings, appoint committees, and perform such other duties as may be ordered by the commission. The vice chairperson shall act in the capacity of the chairperson in his or her absence and if the office of the chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the commission shall select a successor to the office of vice chairperson for the unexpired term. The (zoning administrator/city clerk/county administrator)
h) New business
i) Adjournment

2.5 Motions. Motions may be made by anyone on the commission except the chairperson. The chairperson will restate the motion before a vote is taken.

2.6 Voting. Voting will be by roll call and will be recorded by yeas and nays. Every member of the commission, including the chairperson, is required to vote on each motion. However, a member may abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature. A member who elects to abstain from voting shall state the reason for the abstention at the time of voting.

During the discussion of the matter under consideration, a member who plans to abstain from voting should so inform the commission so that other commission members can properly weigh the opinions given by a member who believes a conflict of interest exists.

2.7 Commission action. Action by the commission on any matter on which a hearing takes place will not be taken until the hearing has been conducted.

2.8 Parliamentary procedure. Roberts Rules of Order, Revised, will govern the commission meetings in all cases where these rules do not provide the procedures to be followed.

Section 3.0 Hearings.

3.1 Comprehensive plan and zoning hearings. Before the adoption or amendment of any part of the comprehensive plan, or recommending approval of an amendment to the zoning ordinance to the (governing body), the commission will conduct a public hearing on the matter. Notice of the time and place of the hearing will be given, not less than fifteen days before such hearing, by one publication in a newspaper of general circulation. (Note: Be sure to follow Iowa law in this regard. The zoning legislation [Chapters 414 and 358A], city legislation [Chapters 362 and 380], and for county legislation [Chapters 349 and 366] should be followed explicitly).

Special notice of a proposed rezoning will be given by (mail) to all interested parties including the owners and residents of property within (300 feet) of the boundaries of the premises under consideration. (Note: This is a courtesy and not required by Iowa law.)

Section 4.0 Expenses. Commission members may receive payment for actual expenses and mileage incurred only upon approval of the commission.
Mileage shall be paid at the rate allowed by state law.

4.1 **Annual appropriations.** The commission may request of the (city council/board of supervisors) an appropriate sum of money from the general fund for payment of the expenses of the commission. The commission has full and exclusive authority to expend, on behalf of the (city/county), all the money so appropriated. The (chairperson, secretary, planning director) shall have authority to expend up to ($200) for items covered by the commission’s budget. All expenditures above that amount shall first be authorized by vote of a majority of the commission.

4.2 **Gifts.** Gifts, donations, and payments of every kind received by the (city/county) for planning purposes shall be appropriated solely for use by the commission for the benefit of (city/county) planning. Commission members may not receive any type of gift for their personal use or enjoyment.

Section 5.0 **Meeting attendance.** Commission members are expected to attend all regular and special meetings of the commission. If a member has a valid reason for nonattendance, the member shall notify the commission chairperson before the meeting. A commission member will be asked to resign if at any time the member has three consecutive unexcused absences from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed (40) percent of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

Section 6.0 **Matters to be considered by the planning and zoning commission**

6.1 The following matters will be presented for consideration at a meeting of the commission: (Note: refer to “What is the Role of the Planning and Zoning Commission?” in Section II for listing.)

Section 7.0 **Committees.** The commission may create by resolution standing and special committees for certain purposes as determined by the commission.

7.1 **Appointment and tenure of committees.** The chairperson will appoint three or more members to each committee. The committee will decide when and where to meet, and announce these intentions to the commission. Members of the committee will serve for one year and until their successors are appointed or in the case of special committees until their work is completed. Vacancies will be filled by the commission chairperson.

7.2 **Spokesperson position created.** Every committee will choose a spokesperson who will assume the following duties: present the findings and recommendations of the committee to the whole commission, ensure that the committee meeting is open to the public and the public has been notified of each meeting, guide the committee meeting, and insure that proper minutes have been kept.

Section 8.0 **Planning staff.**

8.1 **Authorization for planning staff.**

8.2 **Relationship of planning staff to commission.**

8.3 **Matters to be acted upon by staff on behalf of the commission.**

8.4 **Planning director’s duties.**

   a) Administration of planning office
   b) Policy formulation of planning office
   c) Implementation of plans and land use controls
   d) Public relations of planning office

(Note: In cities and counties large enough to support a planning staff, the governing body will authorize and make final approval of the hiring of a planning director. The planning and zoning commission should seek to be involved in reviewing applications for the planning director and recommend the most desirable candidate to the governing body. This section of the administrative rules should be developed individually by each community and may cover the areas listed above.)

Section 9.0 **Amendments.** These rules may be amended at any regular or special meeting by a two-thirds vote of the members present.

Source: “Planning and Zoning Handbook” State of Iowa, Office of Planning and Programming, 1983