Roles and Responsibilities – Elected Officials

The elected body (city council or county board of supervisors) is the primary policy-making entity responsible for setting the direction of the community's government. The policy dimension of planning and zoning is substantial: It addresses how land in the community is to be used in the future. Councils and boards of supervisors are the key drivers of land use policy. Several activities of the elected body have an impact on community land use. Perhaps the three most important are: (1) adopting and amending plans and ordinances; (2) approving some types of development proposals; and (3) making appointments to boards, commissions and (in some communities) staff positions.

(1) Adopting Plans and Ordinances

The primary tools for guiding land use and development are the comprehensive plan, the zoning ordinance and the subdivision ordinance. The elected body plays a critical role in the development and application of all three.

The comprehensive plan establishes long-range goals and objectives for all activities that affect growth and development in the community, including public and private land development proposals, expenditure of funds for infrastructure and public facilities, and methods to address issues of pressing concern. The plan provides the underpinnings for the zoning ordinance and other development regulations. The comprehensive plan is adopted by resolution of the elected body after the planning commission holds its own public hearings and forwards its recommendations to the elected body.

The zoning ordinance is the primary mechanism for implementing the policies of the comprehensive plan. The zoning ordinance assigns compatible land uses to defined districts throughout the community, and it controls the placement, height, bulk and coverage of buildings and other structures. The elected body adopts the zoning ordinance after the planning commission develops the ordinance and holds public hearings.

The subdivision ordinance regulates the division of land into two or more parcels, lots or sites for building. It is one of the essential tools used by cities to influence the layout of lots and streets, coordinate the construction of public infrastructure to support homes and businesses, and, generally, assure that land divisions are consistent with community goals. Counties use subdivision regulations to control congestion on county roads, protect highly productive farmland from development and reduce the need to provide urban levels of public services to rural areas. The subdivision ordinance is adopted by the elected body, generally after the planning commission develops the ordinance and holds public hearings.

(2) Approving Development Proposals

There are several circumstances under which state law or local ordinances may require the elected body to approve specific development proposals initiated by landowners. In doing so the elected body is implementing pre-established policy by applying the standards set forth in the plan and ordinance. In these cases the elected body is wearing a different hat; acting more like a judge and jury than a policy-making body.

Rezonings. A rezoning is a request by a landowner to change the district classification of his or her parcel. It is also known as a map amendment, because the request is, in effect, to change the designation of the parcel on the zoning map.

Site plans. The Iowa Code gives the elected body the authority to approve site development plans via a separate ordinance. Many communities require elected body approval of major site plans, while minor plans are handled by zoning staff.

Site plans are scale drawings that depict the general layout of a subdivision or development project, the proposed access, roads, building footprints, sewer and water infrastructure, lighting,
and other features. Site plans are used to insure zoning ordinance compliance and to study both the on-site and off-site impacts of a proposed development. These impacts include traffic flow, ingress and egress, storm water drainage, grading, landscaping, lighting and parking. A site plan can vary in detail depending on the size and complexity of the project, and the administrative needs and capacity of the local government. Some site plans are highly detailed, while others are simply sketches drawn on a zoning permit form.

Subdivision plats. If a local government has adopted subdivision regulations, Iowa Code § 354.8 requires the elected body to review and approve subdivision plats prior to recording. A “plat” is simply a graphical representation of the subdivision of land. The elected body should consider “the possible burden on public improvements” and balance the “interests between the proprietor, future purchasers, and the public interest. The elected body must apply “reasonable standards and conditions” when reviewing subdivisions and must require compliance with all applicable state laws. The elected body approves the subdivision plat via a resolution that is certified and recorded, along with the plat, with the county recorder, auditor and assessor. Most communities require that the planning commission review subdivision plats before they are taken up by the elected body.

(3) Appointing Land Use Decision Makers

The experiences and beliefs of the individuals appointed to these positions affect the way land use policies are developed and implemented. For planning commissions this means that policy recommendations coming from the commission to the elected body are reflective of the members’ opinions about growth and development, property rights, and the future. The board of adjustment interprets the ordinance and applies strict criteria in deciding appeals, special exceptions and variances. Therefore its members must recognize the limited scope of the board’s authority.

Appointing planning commissioners. The Iowa Code mandates the appointment of a planning commission if the local government chooses to undertake zoning. The Iowa Code gives city and county elected officials wide latitude on the appointment of planning commissioners, with two exceptions. For counties, the Iowa Code requires the county board of supervisors to make appointments such that “a majority of [county planning commission] members shall reside within the county but outside the corporate limits of any city.” For cities exercising extraterritorial zoning controls, the city planning commission must include two representatives appointed by the county board of supervisors. In all cases the size of the planning commission is left to the discretion of the elected body.

Appointing board of adjustment members. The Iowa Code requires a county’s board of adjustment to be five members, a majority of whom must live in the county but outside the corporate limits of any city. A city board of adjustment may be five, seven or nine members, but a majority of the board must not be involved in the business of purchasing or selling real estate. In both cases the Iowa Code specifies how the terms are to be staggered, and requires a majority of the board’s membership to be present to conduct official business.