Ten points to understand about Iowa Land Use Law

1. Your and may be subject to zoning by a city or the county depending on where it is located and whether the local political body has enacted a zoning ordinance – over 2/3 of Iowa counties have enacted county zoning and almost all towns of any size have land use and zoning ordinances
2. County zoning law in Iowa includes an important “agricultural exemption” that covers most traditional forms of farming and livestock production and makes them exempt from the application of zoning rules – such as a requirement to obtain a permit to build a machine shed. This means as long as what you are doing on the land is agriculture zoning rules should not apply.
3. The agricultural exemption has been subject to a number of court cases and is broadly defined by the courts. It has been used to limit local attempts to impose zoning regulation on things like livestock confinement facilities. However because some farming activities can interfere with how neighbors use and enjoy their property, it is important to understand when zoning might apply.
4. The law giving cities the power to zone does not include an exemption for agriculture and farms may come under the zoning rules of nearby cities and towns. This can either through annexation of the land such as when a city grows by changing its boundaries – or through what is known as “extra-territorial” reach which allows cities to apply zoning rules to land located within 2 miles of the existing city limits – so landowners need to stay aware of land uses changes in your area.
5. When current farming activities become subject to zoning or to new zoning rules, the activities are typically “grandfathered” in – and considered non-conforming uses – which means they are allowed to continue but any growth or changes may be restricted. The farming uses may come under scrutiny from new neighbors especially if residential development happens nearby.
6. If a zoning ordinance does apply to your land the typical zoning method is to map the land into different districts – such as Agricultural and Residential. Then for each district the ordinance sets out a list of principal permitted and accessory uses, as well as other detailed guidelines and definitions for how the zoning rules work.
7. The zoning ordinance is developed by a local planning and zoning commission, which holds public hearings and creates a comprehensive plan. The zoning rules are designed to implement the plan. The zoning ordinance is enacted – and can be amended - by the locally elected political body such as the county board of supervisors or the city council.
8. Once a zoning ordinance is in place most of the legal and political activity for zoning concerns the various methods by which landowners can apply to the local authorities to let them make changes in how the zoning rules might apply to their property. Zoning ordinances often include several different ways for the zoning rules to be made more flexible to accommodate landowners desires – as long as they are reasonable and don’t impact the neighbors.
9. Most decisions to allow landowners to make land uses changes not otherwise allowed under the zoning rules – such as building closer to the property line than a set back rule requires - are made by what is known as the “board of adjustment.” This committee of local residents is appointed by the political body – such as the city council – and given the authority to grant variances or exceptions under the zoning rules.
10. To obtain relief from a zoning restriction – a landowner applies to the board which will notify the neighboring landowners of the request and hold a public hearing, after which it can grant or deny the request. Decisions of the board can be appealed to the local district court. As a general rule neighbors are often happy with existing zoning rules and can be expected to oppose requests to allow changes – that is why it can be very important to talk with the neighbors to get support for any desired change. The other major way zoning rules can be altered is by amendments enacted by the local political body which is ultimately responsible for the zoning rules.