

# East Central Intergovernmental Association

a regional response to local needs



May 27, 2025

Lori Roling, Zoning Administrator  
Jackson County Zoning Department  
201 West Platt Street  
Maquoketa, IA 52060

**RE: Zoning Ordinance Update – Revised Farm Definition & Related Items (5-27-25)**

Dear Lori,

Attached is information regarding the revised Farm Definition & Related Items (5-27-25) for review and consensus approval by the Zoning Commission at their June 16, 2025 meeting.

## Discussion

The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure. Also attached are the relevant sections of Iowa Code and Iowa Administrative Code referenced in the proposal. Major updates proposed are as follows:

- In Chapter 1 General Provisions, Section 1.20 Farms exempt is revised to reference Iowa Code Section 335.2 and the County's Floodplain Management Ordinance.
- In Chapter 2, Section 2.2 A-1 Agricultural District is amended in subsection C. Accessory Uses and Structures to:
  - Remove reference to home occupation (which will be replaced with Home-Based Business) and farm home occupation (which is farm exempt).
  - Remove reference and conditions for roadside stands (which are farm exempt).
- In Chapter 6. Definitions:
  - NEW definition for Farm refers to relevant sections of Iowa Code and Iowa Administrative Code.
  - The definition for Home Occupation, Farm is deleted because it is covered under the proposed new definition for Farm.

## Recommendation

The Commission is asked to review the revised Farm Definition & Related Items (5-27-25), and to provide direction to staff for moving forward with the proposal. Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Carstens".

Laura Carstens, Senior Planner

Attachment

**Section 1.20 Farms exempt.** In accordance with Iowa Code Section 335.2, farms as defined in Chapter 6 of this Ordinance shall be exempt from any No-regulation or requirement adopted under the provisions of this Ordinance; however, this Ordinance shall be construed to may apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, construction, deposit or excavation in or on the flood-plains of any river or stream which may be contained herein, or which may be subsequently adopted under this Ordinance shall apply equally to agricultural and nonagricultural lands, buildings, and structures, in accordance with the Jackson County Floodplain Management Ordinance.

**Commented [LC1]:** Revise to refer to Iowa Code Section Iowa Code Section 335.2 Farms exempt.

~~No Construction Compliance Certificate or Occupancy Compliance Certificate shall be required for the construction, reconstruction, alteration, remodeling or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farm dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used.~~

~~Any farm dwelling, building or structure, while not requiring a Construction Compliance Certificate or Occupancy Compliance Certificate, shall comply with the same flood plain zoning regulations as non farm buildings and structures.~~

## **Section 2.2 A-1 Agricultural District.**

**C. Permitted Accessory Uses and Structures.** The table below lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance.-

1. Uses and structures clearly incidental to the permitted-allowed principal uses and structures of this district ~~including home occupations and farm home occupations as defined.~~

~~6. Roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.~~

**Commented [LC2]:** Delete. Roadside stands are listed in the definition of "Farm operation" in Iowa Code Section 352.2 Definitions. This means that they are "Farm exempt."

**Commented [LC3]:** Replace with new definition that refers to Iowa Code.

## **Section 3.16.1 Definitions**

**Farm.** An area of not less than ten (10) acres which is primarily adapted by reason of nature and area for use for agricultural purposes and is used for the growing of the usual farm products and their storage on the area as well as for the raising thereof of the usual farm poultry and farm animals. The term "farming" includes the operation of such area for one (1) or more of the

**Commented [LC4]:** Recommend deleting the 10 acres requirement. There is no legal authority for evaluating parcels of more than ten acres differently from parcels of less than ten acres for [property tax] classification purposes. Source: Iowa Dept. of Revenue 2017 Directive on Ag Classification.

**Commented [LC5R4]:**

~~above uses with the necessary accessory uses for treating or storing the produce provided; however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include commercial feedlots or livestock cooperatives as defined herein. As defined and regulated in Iowa Code 352.2 Definitions 4. Farm, 5. Farmland, 6. Farm operation, 7. Farm products, and 8. Livestock; Iowa Code Section 96.1A Definitions 16. g. (3) (f) for “farm”; and Iowa Administrative Code (IAC) 871—23.26(96) Definition of a farm—agricultural labor.~~

~~32. Home Occupation, Farm. An occupation customarily engaged in on a farm, as a supplementary source of income, which~~

- ~~a. is clearly incidental and secondary to the operation of the farm, and~~
- ~~b. is carried on by a member of the family residing in the farm dwelling, and~~
- ~~c. does not employ more than one (1) person outside the resident family on the premises, and~~
- ~~d. is conducted within or adjacent to the farm dwelling or the customary farm out buildings, and~~
- ~~e. has no exterior displays or storage of materials visible from the public road or other exterior indication or variation from the agricultural character of the farm other than not more than one (1) sign identifying the product or service available, which sign shall not exceed thirty two (32) square feet, and~~
- ~~f. produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farm dwelling.~~

**Commented [LC6]:** Delete; now covered under proposed updated definition of Farm, and therefore would Farm Exempt.

**Section 1.20 Farms exempt.** In accordance with Iowa Code Section 335.2, farms as defined in Chapter 6 of this Ordinance shall be exempt from any regulation or requirement adopted under the provisions of this Ordinance; however, this Ordinance may apply to any structure, building, dam, construction, deposit or excavation in or on the floodplains of any river or stream, in accordance with the Jackson County Floodplain Management Ordinance.

**Section 2.2 A-1 Agricultural District.**

**C. Accessory Uses and Structures.** The table below lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance.

Uses and structures clearly incidental to the allowed principal uses and structures of this district.

**Section 6.1 Definitions**

**Farm.** As defined and regulated in Iowa Code 352.2 Definitions 4. Farm, 5. Farmland, 6. Farm operation, 7. Farm products, and 8. Livestock; Iowa Code Section 96.1A Definitions 16. g. (3) (f) for “farm”; and Iowa Administrative Code (IAC) 871—23.26(96) Definition of a farm—agricultural labor.

The following terms are related to the proposed update for the definition of “Farm”:

**Iowa Code Section 335.2 Farms exempt.**

1. Except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream.

2. A county shall not require an application, an approval, or the payment of a fee in order for an ordinance to be deemed inapplicable to land, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted for use for agricultural purposes under this section.

3. Land, farm houses, farm barns, farm outbuildings, or other buildings or structures may qualify under this section independently or in combination with other agricultural uses. Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes under this section

**Iowa Code Section 352.2 Definitions.**

As used in this chapter unless the context otherwise requires:

4. “*Farm*” means the land, buildings, and machinery used in the commercial production of farm products.

5. “*Farmland*” means those parcels of land suitable for the production of farm products.

6. “*Farm operation*” means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock; the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

7. “*Farm products*” means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

8. “*Livestock*” means the same as defined in section 267.1.

**Iowa Code 267.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

4. “Livestock” means the same as defined in section 717.1.
6. “Producer” means a person engaged in the business of producing livestock for profit.

**Iowa Code 717.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

4. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus; farm deer as defined in section 170.1; or poultry.

**Iowa Code Section 96.1A Definitions 16. g. (3) (f):** The term “farm” includes livestock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

**Iowa Administrative Code (IAC) 871—23.26(96) Definition of a farm—agricultural labor.**

**23.26(1)** “Farm” as used in Iowa Code section 96.1A(16) “g”(3) and in these rules means one or more plots of land not necessarily contiguous, including structures and buildings, used either primarily for raising or harvesting any agricultural or horticultural commodity, including caring for and the raising, shearing, feeding, training, and management of livestock, bees, poultry and furbearing animals and wildlife or both such uses, if the activities conducted have an agricultural purpose.

**23.26(2)** The definition of farm in subrule 23.26(1) includes but is not limited to nurseries, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities. A plot of land used primarily for the raising of nursery stock from seeds, cuttings or transplanted stock is a farm. If any plot of land is used both for the raising of nursery stock and for display of nursery stock or allied products for sale, the parcel or portion is not a farm if the raising is not the primary operation. A parcel of real property or a portion of a parcel of real property that is used primarily to display nursery stock for sale or to display an allied product for sale, or both, is not a farm. Allied product, as used in this rule, includes but is not limited to garden supplies, lawn supplies, tools, equipment, fertilizers, sprays, insecticides or pottery.

**23.26(3)** If other than incidental sales of an allied product are made in connection with a nursery, the operations in connection with the sales area are commercial operations as distinguished from ordinary farm operations and services performed with respect to the sales areas are not agricultural labor.

**23.26(4)** A plot of land used primarily for the raising of Christmas trees is a farm.

**23.26(5)** The following shall be used to determine whether services are defined as agricultural labor.

- a.* Services performed by an individual on a farm, employed by the owner, tenant or operator, in connection with the operation constitutes agricultural labor if:
  - (1) The services are on the farm on which the materials in their raw or natural state were produced, and
  - (2) Processing, packing, packaging, transportation, or marketing is carried on as incidental to ordinary farming operation.
- b.* If the service performed is incidental to industrial, manufacturing or commercial operation, it does not constitute agricultural labor. Example: Services performed for an insurance company in repair and construction of farm buildings do not constitute agricultural labor.

**23.26(6)** Services performed on nonfarm property by an employee of one who is not the owner, tenant or operator of the farm to which the operation relates or any service rendered in connection with the maintenance and repair of equipment, used in operation on the farm, as well as related collection, clerical and bookkeeping services, are not agricultural labor.

**23.26(7)** Services performed in the handling or processing of any agricultural or horticultural commodity are agricultural employment if performed by an employee of the owner, tenant, or other farm operator, only if the commodity is in a nonmanufactured state and only if the operator produced more than half of the commodity with respect to which the service was performed.

**23.26(8)** Aerial seeding, fertilizing, spraying, dusting, custom planting, cultivating or combining of farm acres by an employee of any agricultural enterprise is agricultural labor. This includes mixing or loading into an airplane the spraying or dusting material, as well as the measuring of the swaths and the marking and flagging of the fields, and is considered agricultural as long as it is performed on a farm. If any of these services are performed on property other than a farm, they are not agricultural labor and are covered by other provisions of the Iowa employment security law.

**23.26(9)** If the employer does not own or operate the farm that is being sprayed or dusted, any service related to employees in connection with maintenance and repair of the aircraft, trucks, or other equipment used in those operations, as well as related collection, clerical and bookkeeping services, are not agricultural labor and are not exempt under the Iowa employment security law.

**23.26(10)** Services performed on a farm by an employee of any person in connection with hatching poultry are agricultural labor. A plot of land together with the structures and buildings located off the farm, devoted to the hatching of poultry, is not considered to be a farm. Any service, under any contract of hire, performed off the farm in connection with the hatching of poultry is not considered agricultural labor.

**23.26(11)** Executive, supervisory, administrative, clerical, stenographic, and office work are not agricultural labor even if performed on a farm and in relation to a farm.

**23.26(12)** Services performed on a farm incidental to the overall commercial activities that are not incidental to ordinary farming operation or directly related to the farming operation are not agricultural labor.

**23.26(13)** Services performed in connection with the processing of agricultural commodities performed on a farm, for a farm operation, are not agricultural labor unless one-half or more of the commodities processed are produced by the farm operator.

**23.26(14)** Services performed in agricultural employment as defined in Iowa Code section 96.1A(16)“g”(3) or rule 871—23.26(96) by an agricultural employee for one-half or more of any calendar month are considered agricultural employment the whole of that calendar month.

This rule is intended to implement Iowa Code section 96.1A(16)“g”(3).