



June 11, 2025

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

RE: Zoning Ordinance Update – **Revised Home-Based Business and Home Industry (06-11-25)**

Dear Lori,

Attached is the revised Home-Based Business and Home Industry draft (06-11-25) for the Zoning Ordinance Update for review and approval by the Zoning Commission at their June 16, 2025 meeting.

Discussion

Revisions are based on the recent Iowa Code Section 335.35 (see attachment), and direction from the Zoning Commission at their May 19, 2025 meeting and further staff discussions. The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure. A chart comparing the current Ordinance and Iowa Code also is attached. Major updates are as follows:

- **Home Occupation** is allowed as an Accessory Use in the A-1 and R-1 Districts. It's replaced by **Home-Based Business** in accordance with Iowa Code Section 335.35 definitions and characteristics of a "no-impact home-based business." It is moved from being regulated in Chapter 6. Definitions to Section 2.9. Note: Iowa Code 335.35 restricts the number onsite employees and clients by occupancy limit. A proposed occupancy limit is for no more than 1 employee outside the family residing on the premises.
- **Farm Home Occupation** is allowed as an Accessory Use in the A-1 District. It is proposed to be deleted as a Farm Exempt use in accordance with Iowa Code definitions and characteristics of "Farm."
- **Home Industry** is proposed to be renamed from a Special Exception to a Conditional Use in the A-1 Agricultural District as a home-based business with 2 or more employees outside the family residing on the premises. It has a blend of characteristics from the current Ordinance and from Iowa Code. It is moved from being regulated in Chapter 6. Definitions to Section 2.9.

Recommendation

The Zoning Commission is asked to review and approve the revised Home-Based Business and Home Industry draft (06-11-25). Please let me know if you have any questions. Thank you.

Sincerely,

Laura Carstens, Senior Planner
Attachments

5. For the purposes of [this section](#), “*home and community-based services waiver*” means “*waiver*” as defined in [section 249A.29](#).

[2007 Acts, ch 218, §130, 132; 2023 Acts, ch 112, §64, 66](#)

Similar provision, see [§414.32](#)

335.35 Home-based businesses.

1. For purposes of [this section](#):

a. “*Goods*” means any merchandise, equipment, products, supplies, or materials.

b. “*Home-based business*” means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

c. “*No-impact home-based business*” means a home-based business for which all of the following apply:

(1) The total number of on-site employees and clients does not exceed the county occupancy limit for the residential property.

(2) The business activities are characterized by all of the following:

(a) The activities are limited to the sale of lawful goods and services.

(b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.

(c) The activities occur inside the residential dwelling or in the yard of the residential property.

(d) The activities are not visible from an adjacent property or street.

2. The use of a residential property for a home-based business is a permitted use. However, [this subsection](#) does not supersede any of the following:

a. A deed restriction, covenant, or agreement restricting the use of land.

b. A master deed, bylaw, or other document applicable to a common interest ownership community.

3. A county shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the county to operate a no-impact home-based business.

4. A county may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:

a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.

b. Ensuring that the business is all of the following:

(1) Compatible with residential use of the property and surrounding residential use.

(2) Secondary to the use of the property as a residence.

(3) Complying with state and federal laws and paying applicable taxes.

c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A county shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a county regulation does not comply with [this section](#), the county that enacted the regulation must establish by clear and convincing evidence that the regulation complies with [this section](#).

[2022 Acts, ch 1129, §12](#)

Similar provisions, see [§414.33](#)

| Comparison of Home Occupation & Home Industry with Home-Based Business | |
|--|---|
| Home Occupation (HO) and Home Industry (HI) Zon Ord Section 3.1 | Home-Based Business (HBB) Iowa Code 335.35 |
| | 1. For purposes of this section: |
| | a. "Goods" means any merchandise, equipment, products, supplies, or materials. |
| Both: Is carried on by a member of the family residing in the dwelling unit. | b. "Home-based business" means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates. |
| | c. "No-impact home-based business" means a home-based business for which all of the following apply: |
| HO: Does not employ more than one (1) person outside the immediate family on the premises. | (1) Total number of on-site employees and clients does not exceed County occupancy limit for residential property. |
| | (2) The business activities are characterized by the following: |
| | (a) Limited to the sale of lawful goods and services. |
| | (b) Do not generate on-street parking or a substantial increase in traffic through the residential area. |
| HO: is conducted entirely within a dwelling unit or its customary accessory structures. HI: is conducted on a residential premises, inside or adjacent to the dwelling and/or customary structures. | (c) Occur inside the residential dwelling or in the yard of the residential property. |
| HO: Has no exterior display, no exterior storage of materials and no other exterior indication of the home-based business occupation visible from an adjacent property or street, or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district. | (d) Not visible from an adjacent property or street. |
| | 2. Does not supersede: a. A deed restriction, covenant, or agreement restricting the use of land; or b. A master deed, bylaw, or other document applicable to a common interest ownership community. |
| HO: Allowed accessory use, no permit required | 3. A county shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the county to operate a no-impact home-based business. |
| | 4. The County may establish reasonable regulations on a HBB if the regulations are narrowly tailored for any of the following purposes: |
| HI: Allowed as a Special Exception Use or Structure with Board of Adjustment approval | a. The protection of public health and safety, including fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control. |
| | b. Ensuring that the business is all of the following: |
| Both: Produces no offensive noises, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood. | (1) Compatible with residential use of the property and surrounding residential use. |

| Comparison of Home Occupation & Home Industry with Home-Based Business | |
|---|---|
| Home Occupation (HO) and Home Industry (HI) Zon Ord Section 3.1 | Home-Based Business (HBB) Iowa Code 335.35 |
| Both: Is clearly secondary to the use of the dwelling unit for residential purposes. HO: Does not occupy an area greater than thirty percent of the floor area of the dwelling unit. | (2) Secondary to the use of the property as a residence. |
| | (3) Complying with state and federal laws and paying applicable taxes. |
| | c. Prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal or legal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business. |

Section ~~36~~.1 Definitions

Home-Based Business. Any business as defined and regulated as a “no impact home-based business” by Iowa Code Section 335.35 and by Section 2.9 of this Ordinance.

~~30. Home Occupation. A business which~~

- ~~a. is conducted entirely within a dwelling unit or its customary accessory structures, and~~
- ~~b. is carried on by a member of the family residing in the dwelling unit, and~~
- ~~c. is clearly secondary to the use of the dwelling unit for residential purposes, and~~
- ~~d. does not employ more than one (1) person outside the immediate family on the premises, and~~
- ~~e. has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and~~
- ~~f. does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and~~
- ~~g. produces no offensive noises, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.~~

31. Home Industry. Any home-based business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates in compliance with Section 2.9 and Section 4.5 of this Ordinance.

~~31. Home Industry. A business which~~

- ~~a. is conducted on a residential premises, inside or adjacent to the dwelling and/or customary structures, and~~
- ~~b. is carried on by a member of the family residing in the dwelling unit, and~~
- ~~c. is clearly secondary to the use of the dwelling unit for residential purposes, and~~
- ~~d. produces no offensive noises, vibration, smoke, dust, heat or glare rendering the premises objectionable or detrimental to the character of the neighborhood.~~

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.~~

Section 2.9 Supplemental Regulations

AA. Home-Based Business.

1. For purpose of this section, a home-based business shall operate as a “no impact home-based business” as defined and regulated by this section and **Iowa Code Section 335.35**.

2. For purposes of this section only, the County occupancy limit for the total number of employees and clients for the residential property shall be: does not employ more than one (1) person outside the immediate family on the premises.

Commented [LC1]: Note: Iowa Code for HBB restricts # of onsite employees and clients by occupancy limit. A proposed occupancy limit is set forth here using current County regulations.

3. ~~30. Home Occupation.~~ The business activities shall be characterized by all of the following: which
- a. is conducted entirely within a dwelling unit or its customary accessory structures, and
 - b. is carried on by a member of the family residing in the dwelling unit, and
 - c. is clearly secondary to the use of the dwelling unit for residential purposes, and
 - d. does not employ more than one (1) person outside the immediate family on the premises, and
 - e. has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and
 - f. does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and and
 - g. is compatible with residential use of the property and surrounding residential use.
 - g. ~~produces no offensive noises, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.~~

Commented [LC2]: Moved to 2. Above to serve as County occupancy limit.

Commented [LC3]: This somewhat subjective language is replaced by Iowa Code Section 335.35 Subsection 4.b.(1).

4. A home-based business is prohibited from:
- a. Operating as any business prohibited by Iowa Code Section 335.35.
 - b. Operating a junk yard, salvage and/or recycling operation.

Commented [LC4]: This last prohibited use is in addition to the Iowa code's list of possible prohibited use. It is recommended due to its potential impacts on adjacent property.

31BB. Home Industry.

- 1. Any proposed home-based business not specifically prohibited by this ordinance or Iowa Code and that employs two (2) or more persons who do not reside on the premises herein shall be considered as the conditional use of "Home Industry", and may be granted or denied by the Board of Adjustment upon finding that the proposed home industry can meet the provisions of this section and Section 4.5 of this Ordinance.
- 2. For purpose of this section, a home industry shall operate as a "no impact home-based business" as defined and regulated by this section and Iowa Code Section 335.35, with the exception of Iowa Code Section 335.35 Subsections 1.c.(1) and 1.c.(2) (c).
- 3. ~~31. Home Industry.~~ The business which activities shall be characterized by all of the following:
 - a. is conducted on a residential premises, inside or adjacent to the dwelling and/or customary accessory structures, and
 - b. is carried on by a member of the family residing in the dwelling unit, and
 - c. is clearly secondary to the use of the dwelling unit for residential purposes, and
 - d. has no exterior display, no exterior storage of materials and no other exterior indication of the home industry or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and
 - e. does not occupy an area greater than the floor area of the dwelling unit, and

f. is compatible with residential use of the property and surrounding residential use.
~~produces no offensive noises, vibration, smoke, dust, heat or glare rendering the premises
objectionable or detrimental to the character of the neighborhood.~~

Commented [LC5]: This somewhat subjective language is replaced by Iowa Code Section 335.35 Subsection 4.b.(1).

Section 6.1 Definitions

Home-Based Business. Any business as defined and regulated as a “no impact home-based business” by Iowa Code Section 335.35 and by Section 2.9 of this Ordinance.

Home Industry. Any home-based business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates in compliance with Section 2.9 and Section 4.5 of this Ordinance.

Section 2.9 Supplemental Regulations

AA. Home-Based Business.

1. For purpose of this section, a home-based business shall operate as a “no impact home-based business” as defined and regulated by this section and Iowa Code Section 335.35.
2. For purposes of this section only, the County occupancy limit for the total number of employees and clients for the residential property shall be: does not employ more than one (1) person outside the immediate family on the premises.
3. The business activities shall be characterized by all of the following:
 - a. is conducted entirely within a dwelling unit or its customary accessory structures, and
 - b. is carried on by a member of the family residing in the dwelling unit, and
 - c. is clearly secondary to the use of the dwelling unit for residential purposes, and
 - d. has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and
 - e. does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and
 - f. is compatible with residential use of the property and surrounding residential use.
4. A home-based business is prohibited from:
 - a. Operating as any business prohibited by Iowa Code Section 335.35.
 - b. Operating a junk yard, salvage and/or recycling operation.

BB. Home Industry.

1. Any proposed home-based business not specifically prohibited by this ordinance or Iowa Code and that employs two (2) or more persons who do not reside on the premises herein shall be considered as the conditional use of “Home Industry”, and may be granted or denied by the Board of Adjustment upon finding that the proposed home industry can meet the provisions of this section and Section 4.5 of this Ordinance.

2. For purpose of this section, a home industry shall operate as a “no impact home-based business” as defined and regulated by this section and Iowa Code Section 335.35, with the exception of Iowa Code Section 335.35 Subsections 1.c.(1) and 1.c.(2) (c).
3. The business activities shall be characterized by all of the following:
 - a. is conducted on a residential premises, inside or adjacent to the dwelling and/or customary accessory structures, and
 - b. is carried on by a member of the family residing in the dwelling unit, and
 - c. is clearly secondary to the use of the dwelling unit for residential purposes, and
 - d. has no exterior display, no exterior storage of materials and no other exterior indication of the home industry or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and
 - e. does not occupy an area greater than the floor area of the dwelling unit, and
 - f. is compatible with residential use of the property and surrounding residential use.