



**Pottawattamie  
County**  
**INFORMATIONAL GUIDE  
AND  
REQUEST FOR DETERMINATION**  
Pottawattamie County  
Planning & Development Department  
Building & Safety Division

**Agricultural Exemption  
From  
Zoning & Building Regulations**

What is the “Agricultural Exemption” and what does the exemption allow for?

The State of Iowa has given counties the authority to develop zoning regulations and to adopt building codes for their unincorporated areas. However, the State has declared that farms should be able to operate relatively free from local restrictions.

An Agricultural Exemption provides relief from setback distances and allows for agricultural uses in all zoning districts. Floodplain, Onsite sewage system, Entrance permitting and well regulations still apply to agricultural projects.

For each project, please submit an Agricultural Exemption Request via Informational guide or provide other information and documentation to show the level of agricultural activities. Information can be provided electronically or in paper format and may be supplemented by any documents which the preparer deems may be helpful to make a determination. The factors which may be considered when determining whether land or structures are primarily used for agricultural purposes include, but are not limited to: the number of acres used for agricultural activities, the nature of those activities, the financial input by the owner or occupant, the role of the occupant in the agricultural activities, the time spent engaged in these activities, and the income derived from agricultural activities.

**NOTE:** Some financial institutions may require a “Certificate of Occupancy” as part of mortgage financing. The County will only issue a Certificate of Occupancy if building permits have been issued, building codes have been adhered to and inspections performed. If your proposed dwelling is granted a farm exemption, no permits will be issued and no inspections are performed, therefore, the County **WILL NOT ISSUE A CERTIFICATE OF OCCUPANCY**. However, if you choose to apply for building permits, pay the required fees and have inspections performed, a Certificate of Occupancy can be granted provided the structures are constructed to the applicable codes.

The Development Director will make a determination and inform you of the decision in writing within 7 to 10 working days. Any appeal of the Director’s decision must be made within 30 days of the date of the decision to the Zoning Board of Adjustment.

Effective March 1, 2009 all agricultural buildings and dwellings will be required to obtain electrical permits. Effective July 1, 2009 agricultural electrical permits will be issued and inspected by the State of Iowa. The state electrical division contact phone number is (515)725-6147. Their website is <http://iowaelectrical.gov>.

Sections from the Code of Iowa:

335.2 Farms exempt.

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 which 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 flood plains of any river or stream.

331.304.3.b Farms exempt.

A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so uses or under construction for that use.

Agricultural Exemption and related definitions from the Pottawattamie County, Iowa, Zoning Ordinance, Chapter 8.001 and 8.002-Defintions.

- 8.001.050      AGRICULTURAL USES EXEMPT: In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto. (Ordinance #2004-14/07- 01-04)
- .01      No Building Permit or Certificate of Occupancy shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located. (Ordinance #2015-05/12-18-2015)
- .02      Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes.
- .03      It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes. (Ordinance #81-6/10-01-81)
- .04      The factors which may be considered when determining whether land or structures are primarily used for agricultural purposes include, but are not limited to: the number of acres used for agricultural activities, the nature of those activities, the financial input by the owner or occupant, the role of the occupant in the agricultural activities, the time spent engaged in these activities, and the income derived from agricultural activities.
- .05      No conditional use permit, special use permit, special exception, or variance shall be required for agricultural experiences on property of which the primary use is agricultural production.

8.002.020.030 AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities.

8.002.0070.040 FARM: A tract or area of land which is primarily used for agricultural purposes and the growing and production of all farm products thereon, and their storage on the area, or for the raising thereon of poultry or livestock.

8.02.70.50 FARMSTEAD: The buildings and adjacent service areas of a farm.