



Floyd County Planning & Zoning Department

101 S. Main Street

Charles City, IA 50616

Phone: (641) 257-6145; Fax: (641) 257-6155

(Time stamp)
Official Use Only

AGRICULTURAL BUILDING PERMIT EXEMPTION APPLICATION

Q: What is the Agricultural Exemption?

A: The State of Iowa has given counties authority to develop zoning regulations for their unincorporated areas. However, the State has declared that farms should be able to operate relatively free from local restrictions. This “right to farm” is contained in the following section 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.

The purpose of this Agricultural Building Permit Exemption Application, hereinafter known as Exemption Application, is to give the Planning & Zoning Department a fair and effective tool in determining whether a particular improvement is eligible for the agricultural exemption, which in turn determines whether a building permit fee is required pursuant to Floyd County Zoning Regulations. In order to qualify under the agricultural exemption, it must be clearly demonstrated that the principal use of the land and the proposed building(s) are farm-related. Please complete and submit this application along with a Site Diagram, to the Floyd County Planning & Zoning Department. The Planning & Zoning Department shall review the information and provide a written determination to the applicant stating whether the exemption was granted or denied within five (5) business days after the completed application was received by the Floyd County Planning & Zoning Department. Please be advised that if your proposal qualifies for an agricultural exemption it is applicable to the proposed improvement only. Building permit fees will be collected only if the farm exemption is denied. If the Exemption Application is approved, voluntary compliance with the Floyd County, Iowa Zoning Ordinance is requested but not required.

Agricultural Exemptions do not apply for:

- Floodplain regulations that relate to any structure, building, dam, obstruction, deposit or excavation in or on a flood plain.
- Health regulations for on-site wastewater septic systems and wells.

- Entrance permits for driveways (obtained from County Engineer's office).

The undersigned hereby applies for an Agricultural Building Permit Exemption based on the information provided within this application or attached hereto.

1. _____
 Name of Applicant Phone

 Interest in Land (owner, renter, etc.) E-mail (optional)

 Street Address City, State and Zip

2. _____
 Titleholder (if different from applicant) Phone

 Address, City, State and Zip E-mail (optional)

3. Subject Property Information:

_____ Parcel # _____ Zoning District
 Property Address

 Legal Description (attach if necessary)

4. Building Information:

- Please list all proposed buildings or structures and intended uses for each: _____
- What are the dimensions and square footage of the proposed structure?: _____
- How many bedrooms, if any, are included in the plans for the proposed structure?: _____
- How many bathrooms, if any, are included in the plans for the proposed structure?: _____
- Will there be running water in the proposed structure? Yes No
 If yes, will an existing well be utilized? Yes No
- Will the structure be erected in a location that is not in the flood plain? Yes No
 (Applicant needs to confirm this with the Floyd County Flood Plain Manager.)
- Will there be any signage erected on the subject property? Yes No

5. Agricultural/Farming Information – Please complete the following statements regarding the subject property. (Attach information if necessary)

- a. Is the applicant actively engaged in the farm operation listed in 3. Subject Property Information?
Yes No
 - b. Does the applicant file a Schedule F with their income tax return OR include gross farm receipts from a corporation on line 10 of a Form 1120 corporate income tax return? (Copy is not required or requested.) Yes No
 - c. If the Exemption Application is for a proposed farm house, is the occupant of the proposed farm house engaged in agriculture on the land where the house is located? Yes No
 - d. Please provide any information which may be helpful in reviewing the application to determine if the proposed building or structure is primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. (Attach if necessary.)
6. Required Documentation (include with submittal of application)
- a. A Site Diagram showing all existing buildings, septic system, well location, and entrances from roadways. Site Diagram must include the size, shape, and location of any proposed building included in the Exemption Application. Site Diagram need not be drawn to scale.
7. Certification: I hereby certify that I have read and examined this application and verify to the best of my knowledge the information contained herein to be true and correct. I hereby acknowledge that the exemption cited in Iowa Code Section 335.2 applies to “land, farm houses, farm barns, farm outbuildings, or other building or structures which are primarily adapted, by reason of nature or area, for the use for agricultural purposes while so used”. I further acknowledge that should the use of the land or buildings change, or be discovered, so as not to qualify under this exemption, such use shall be subject to Floyd County Zoning Regulations. I hereby give my consent for the Planning & Zoning Department to enter and inspect the subject property. As titleholder/applicant, I understand that this application must be reviewed by the Planning & Zoning Department, and I may not initiate improvements until the exemption has been granted. I also understand that any violation of any of the above provisions may bring legal action against me by Floyd County.

 Signature of Titleholder

 Date

 Signature of Applicant

 Date

**A completed application with required documentation must be submitted.
 Incomplete submittals will not be processed.**

Return forms to: Floyd County Planning & Zoning Department, 101 S. Main Street, Charles City, IA 50616

OFFICIAL USE ONLY:

Denied: Reason _____ Date: _____

Approved: Signature _____ Date: _____

| OFFICIAL USE ONLY | | | |
|--|--------|---|--------|
| Date Submitted: | | Received by: | |
| Site Inspection Date: | | Site Inspection By: | |
| # of Acres of Parcel | | Zoning District | |
| Floodplain Map # | | Flood Zone | |
| Entrance Permit needed (obtained from Engineer) | Y/N | Septic Permit needed | Y/N |
| Well Permit needed | Y/N | Does use comply with Zoning regulations? | Y/N |
| Was Radon Brochure given to applicant? | Y/N | Electrical Permit Notice given to applicant? | Y/N |
| Is property within 5 miles of airport? | Y/N | Does airport need to be contacted? | Y/N |
| Was Cond. Use/Variance granted? | Y/N/NA | Was Zoning request granted? | Y/N/NA |
| Date Issued: | | Issued by: | |
| Date Permit Fee Paid: | | Other/notes | |

- A copy of the building permit needs to be given to the applicant and to the Assessor's office.
 - If applicant is surveying and splitting off less than 10 acres to build a new home, a zoning request from AG to R-1 will need to be filed prior to a building permit being issued unless the subject property has evidence of a building site that existed prior to September 11, 1990. If the rezoning request is denied, the applicant **will not** be allowed to build any structure on the subject property. Additionally, all surveys are subject to our land division review form. If it is discovered that a surveyed parcel is the third split of a Quarter Quarter (40 acre) section, subdivision regulations will be imposed, which will also require a zoning request from AG to R-1 Minor/Major Subdivision to be filed prior to a building permit being issued.
 - All wind turbines and cell towers are subject to a conditional use hearing before the Floyd County Board of Adjustment prior to a building permit being issued.
 - Any person desiring to construct a building closer than the required setbacks listed on the site plan must file a request for a variance with the Floyd County Board of Adjustment prior to a building permit being issued.