



DUBUQUE COUNTY ZONING

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ANNA M. O'SHEA
Administrator

FARMS EXEMPT FROM ZONING

The State of Iowa has given Iowa counties the authority to develop zoning regulations for their unincorporated areas. However, the State recognizes that farms should be able to operate relatively free from local restrictions. This "right to farm" is contained in Section 335.2 of the Code of Iowa and has been adopted by Dubuque County as follows:

1-6 Farms Exempt

The provisions of this ordinance shall not be construed to 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 ordinances which relate to any structure, building, dam, obstruction or excavation in or on the flood plains of any river or stream shall apply thereto and provided further that all farm buildings and structures are subject to the air navigation obstruction provisions set out in Section 1-17 of this Ordinance. [Dubuque County Zoning Ordinance]

Although the State exempts farms from zoning, it has provided few guidelines as to what should be considered a farm. In order to qualify under the farm exemption in Dubuque County an applicant must clearly demonstrate that the principal use of the land and of the proposed building(s) is farm-related. This includes any proposed dwellings. An applicant must demonstrate that the occupant(s) of the dwelling is primarily engaged in a farming practice. Only one owner occupied farm home will be allowed through this process. Additional dwelling units on a farm must follow the Special Use Permit process or rezoning process.

Please complete the attached application and return it to this office so that a determination may be made regarding a zoning exemption for your farm property. The reverse side of this sheet contains definitions which we will use, along with the information you provide, to help us make a determination. If the farm operation is new or has a new location or new owner, additional information regarding a timeline for improvements and additional investment in the operation, production and harvest schedule and a site plan with any proposed new buildings may be requested.

Thank you for your cooperation and if you have any questions regarding this matter, please call (563) 589-7827.

Sincerely,
DUBUQUE COUNTY
PLANNING & ZONING

FARM EXEMPTION DEFINITIONS:

1. **AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal poultry husbandry, and the necessary accessory uses for packing, treating or storing the product; provided, however that the operation of such shall be secondary to that of normal agriculture activities. (Dubuque County Zoning Ordinance)

2. ***AGRICULTURAL REAL ESTATE:**

Agricultural real estate shall include all tracts of land and the improvements and structures located on them which are in good faith used **primarily for agricultural purposes**. Land and the improvements and structures located on them shall be considered to be used primarily for agricultural purposes if its **principal use** is devoted to the raising or harvesting of crops or forest or fruit trees, the rearing, feeding and management of livestock, or horticulture, **all for intended profit**.

*(EXCERPTED FROM THE IOWA ADMINISTRATIVE CODE, TITLE IX, CHAPTER 71, ASSESSMENT PRACTICES AND EQUALIZATION)

3. **FARM:**

An area used for the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk, the production of fruit or other horticultural crops, and the production of timber or forest products as long as there is a tree farm certification, timber management plan and/or past timber sales or sales of related timber or forest products. It includes breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine and honey bees. All of these farm uses must be for the purpose of selling such animals or products for a profit in the marketplace. The term "farming" includes the operating of such an area for one or more of the above uses, with the necessary accessory uses for treating or storing the product; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities. Farming does **not** include the raising of plants and/or animals primarily for the purpose of personal use and enjoyment of the owners or occupants of the subject property and not for the purpose of selling such animals, plants or products for profit in the marketplace; auction sales yards; recreational facilities including game preserves or hunting preserves; nor areas used primarily for residential or recreational purposes. Nursery products (if grown inside a building), sod farming, dog kennels are all considered to be commercial uses and are not considered farming in regard to this ordinance. Farming also does not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products or services, if that is the only farming activity taking place on the property.

**FARM EXEMPTION
APPLICATION**

TO BE COMPLETED BY APPLICANT – APPLICANT INFORMATION

Applicant Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Email Address: _____

PROPERTY INFORMATION

Property Address (if any): _____

Legal Description of the property to be built on: _____

Current Zoning: _____ Acres: _____ PIN: _____

Please list any other adjacent parcels that are under the same ownership and are a part of this farm, if any. (The Planning & Development staff can assist you with the PIN.)

PIN: _____	ACRES: _____

For this farm, how many acres do you:

- Own? _____
- Rent from another? _____
- Rent to another? _____

Please list crops produced on property last two years: (i.e. grains and feed crops, pasturage, fruits, vegetables):

<u>CROP TYPE(S)</u>	<u>TOTAL#ACRES</u>	<u>%FOR COMMERCIAL PRODUCTION</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please list livestock produced on property last two years: (i.e. cattle, poultry, swine, sheep, horses)

<u>LIVESTOCK TYPE(S)</u>	<u>TOTAL NO. HEAD</u>	<u>%FOR COMMERCIAL PRODUCTION</u>

Please list other farm products produced on property last two years: (i.e. dairy or poultry products, trees, fish, honey):

<u>FARM PRODUCT</u>	<u>AMOUNT PRODUCED</u>	<u>%FOR COMMERCIAL PRODUCTION</u>

List farm equipment owned by property owner:

List or describe other Agriculturally-Related activities on property (i.e. treatment or storage of farm products, seed or other sales, etc.):

Do you receive Ag Land Credit? _____ On how many acres? _____

Do you receive Farm Land Credit? _____ On how many acres? _____

Do you file a Schedule F for income tax purposes? Yes: _____ No: _____

(This form, or other documentation of farm sales, may be required to be produced if farm operation is marginal to prove commercial farm use of the property).

TYPE OF FARM MANAGEMENT:

Owner Operated _____ Hours spent working on farm per week _____

Lease Out Land and/or Buildings _____ Hours spent working on farm per week _____

(If leasing land, give name, address & phone of lessee)

Name: _____ Address: _____

City/St/Zip: _____ Phone: _____

Please list all **Existing** houses, buildings & structures on farm property and current use:

Please list all **Proposed** houses, buildings or structures and intended use for each:

If you are claiming the Exemption for a proposed dwelling, please include the following information:

Name of Occupant: _____

Relationship to Applicant (if any): _____

The Occupant(s) will be employed on the farm: _____ Full Time (min. 40 hours per week)
_____ Part Time ¾ (min. 30 hours per week)
_____ Part Time ½ (min. 20 hours per week)
_____ Part Time ¼ (min. 10 hours per week)
_____ Temporary (less than 10 hours per wk)

Please provide any additional information which may be helpful: Do you own and/or farm adjacent land not included here? Do you participate in farm or soil conservation programs for the subject property? Please provide details as appropriate.

Is the parcel in the flood plain? Yes No
Is the parcel in the Airport Height (AH) Zone? Yes No
Is the parcel in the Restricted Height (RH) Zone? Yes No

I hereby acknowledge that the zoning exemption granted by the Code of Iowa applies to "land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature or area, for 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 to not qualify under the zoning exemption, such use shall be subject to zoning regulations.

SIGNATURE

DATE

SIGNATURE

DATE

To the best of my knowledge, the foregoing information is true and correct. I hereby give my consent for the Planning and Zoning Director to inspect the subject property.

SIGNATURE

DATE

SIGNATURE

DATE