



Montgomery County Central Permitting *Planning and Zoning Department*

444 North Main Street • Troy, North Carolina 27371
Phone • (910) 572-3304 Fax • (910) 576-0043

ZONING/BUILDING PERMIT EXEMPTION FOR AGRICULTURAL USE

Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure **shall not** be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

Definition: 2009 NC Building Code

Farm Building includes any building that is not open to the general public and is used primarily for a bona fide farm purpose. A bona fide farm purpose includes the production or storage of agricultural products or commodities including crops, fruits, vegetables, ornamental or flowering plants, dairy, timber, livestock, poultry and all other forms of agricultural products. Farm Buildings do not include such buildings used for purposes of education and research.

Commentary: 2009 NC Administrative Code and Policies

Bona Fide Farms – U.S. Census of Agriculture defines a farm as a unit with TEN or more acres of land, if sales are not less than \$50, and a unit with LESS THAN TEN acres, if sales are over \$250. Bona Fide Farms do not include intensive livestock operations as defined by the state of North Carolina.

Article I, Section 7.4 – Montgomery County Zoning Ordinance

H 329 – Farm Buildings Associated with Equine Activities Exempt

Enacted as Session Law 2011 – 364 (see page 2)

NCGS 153A-340 (B2) - For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- A. A farm sales tax exemption certificate issued by the Department of Revenue. ***(Note: A copy of this document must be supplied at time of exemption application).***
- B. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- C. A copy of the farm owner’s or operator’s Schedule F from the owner’s or operator’s most recent federal income tax return. ***(Note: A copy of this document must be supplied at time of exemption application).***
- D. A forest management plan ***(Note: A copy of this document must be supplied at time of exemption application).***
- E. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency ***(Note: Documentation from the USDA FSA must be supplied at time of exemption application).***

For Staff Use Only: Permit # _____ Date Received: _____

Examples of Agriculturally Exempt Uses	
A barn to be used for storage of hay for live stock	Qualifies for Bona Fide exemption
Kennel for boarding of dogs and cats	Does not qualify for exemption
Produce stand where no products are grown on site	Does not qualify for exemption
Horse Farm (including training, boarding, grooming and breeding)	Qualifies for Bona Fide exemption

Applicant Information:

Name: _____
 Mailing Address: _____
 Phone Number: _____
 Relationship to property (I.E. Owner, Tenant, etc.): _____



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Property Information:

Parcel Number: _____

Address for proposed building: _____

Farm Identification Number (if applicable): _____

Do you own multiple parcels in Montgomery County? YES NO

Acreage of property where building will be located: _____

Is the property in a subdivision? YES NO

Subdivision Name and Lot #: _____

Is there a residence on this property? YES NO

Is a well or septic system existing or permitted for the parcel? YES NO

If yes, a permit from Environmental Health will be required.

Is the property in land or forestry use? YES NO

Is property Class F with the state or federal tax dept.? YES NO

Do you participate in the Voluntary Agriculture District Program (VAD)? YES NO

Is the property currently in present use tax value (PUV) program? YES NO

Structure Information:

What will be stored in the building? _____

What is the size of the building? _____

Will the building be on a permanent foundation? YES NO

Will the building be of pole type construction? YES NO

Will this building have electric, plumbing or heating/air installed? YES NO

If yes, trade permits from the Inspections Department will be required.

Will the building store combustible or flammable materials beyond the threshold established by the state fire marshal?

_____ If yes, what is being stored? _____

Will the building be open to or used by the public? YES NO

_____ If yes, in what capacity? _____

Will a sign be posted on the property? YES NO

Will this building have bedroom(s) or sleeping room(s)? YES NO

If yes, a permit from Environmental Health will be required.

If yes, trade permits from the Inspections Department will be required.

Will this building have a bathroom? YES NO

If yes, a permit from Environmental Health will be required.

PLEASE READ THE FOLLOWING

INITIAL THE FOLLOWING AREAS AND SIGN BELOW

_____ I hereby declare that the proposed building described in this application is in whole an "Agriculture Building" and **will be used for no other purpose**. I hereby acknowledge that any change in use of the building that does not meet the definition of agriculture shall remove the agricultural exemption status. Compliance will require engineering and approval by other county departments prior to submittal for a building or commercial building permit. Penalty fees will apply.

Land disturbance for agriculture use is exempt from Soil and Erosion Sedimentation Control. Change in use of the building that does not meet the definition of agriculture shall remove the agricultural exemption status. Soil and Erosion Sedimentation Control permit submittal may be required and penalty fees may apply.

_____ I understand that I will need to obtain permits for inspection of any electrical, plumbing or heating/air related to this structure even if the proposed building is exempt from building permit issuance for agricultural use.

_____ I understand that the proposed building cannot contain sleeping quarters or bedrooms (*exception – migrant housing*).

_____ I acknowledge that I will not use this building for residential storage for residential items for example but not limited to: non-farm vehicles, boats, campers, residential lawnmowers, non-farm related tools of trade or hobbies.

_____ I understand that the proposed building cannot be used for commercial use or a business. The public cannot obtain a sale, a good or service from this property related in any way to this building. There will not be a business sign posted on site (*Exception – agritourism or equine businesses*).



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H 329 – Farm Buildings Associated with Equine Activities Exempt

Rep. Horn

Enacted as Session Law 2011 – 364

The building regulations of the North Carolina State Building Code do not apply to “farm buildings” located in a county’s building code enforcement jurisdiction. In 2009, Session Law 2009 – 245 added a G.S. 143-138(b4)(1) to clarify that building regulations do not apply to structures associated with the care, management, boarding, or training of horses and the instruction and training of riders. The exemption includes free-standing or attached sheds, barns, or other structures used to store equipment, tools, commodities, or other items associated with equine activities. However, the 2009 law also provided that a farm building associated with horses was NOT exempt if it were to be used for a spectator event at which more than ten (10) members of the public were to be present.

Action by the 2011 General Assembly serves to expand that exemption. Session Law 2011 – 364 (H 329) removes part of the 2009 law that applied building regulations generally to farm buildings used for a spectator event at which more than ten (10) members of the public were to be present. Thus horse arenas are generally NOT subject to the building regulations. The 2011 law, however, does provide that all such buildings are subject to an annual safety inspection by city or county inspectors of any grandstand, bleachers, or other spectator-seating structures in the building. The spectator-seating structures must comply with any building regulations that apply to them that are in effect at the time of the construction of the spectator-seating.

Session Law 2009 – 245 amends G.S. 143-138(b4)(1) and became effective June 27th, 2011, with respect to all farm buildings, including farm buildings where construction either began or was completed prior to June 27th, 2011.

Printed Owner Name _____

Landowner Signature _____

North Carolina
Montgomery County

I, _____, a Notary Public for said county and state, certify that
_____ appeared before me this day and acknowledge the due execution of the foregoing
instrument.

Witness my hand and notary seal, this _____ day of _____, _____.

My Commission Expires

Notary Public

*****FOR OFFICE USE ONLY*****

Environmental Health approval – if applicable (attached).

Planning and Zoning approval by _____ Date: _____