

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 841  
Apr 10, 2013  
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH70286-MH-165 (03/22)

Short Title: Urban Farms/Zoning Laws Exclusion. (Public)

Sponsors: Representatives Ramsey and Moffitt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE COUNTIES AND CITIES WITH LIMITED ZONING AUTHORITY  
3 OVER CERTAIN LARGE-SCALE POULTRY FARMS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-360 reads as rewritten:

6 "§ 160A-360. Territorial jurisdiction.

7 ...

8 (k) As used in this subsection, "bona fide farm purposes" is as described in  
9 G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an  
10 identifiable portion of a single tract. Property that is located in the geographic area of a  
11 municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt  
12 from exercise of the municipality's extraterritorial jurisdiction under this Article. Property  
13 located in the corporate limits of a municipality and that is used for bona fide farm purposes is  
14 exempt from exercise of the municipality's powers under this Article, unless the exercise of  
15 zoning power is required by a compelling public safety, health, or environmental protection  
16 interest. Property that is located in the geographic area of a municipality's extraterritorial  
17 jurisdiction and that ceases to be used for bona fide farm purposes shall become subject to  
18 exercise of the municipality's extraterritorial jurisdiction under this Article."

19 SECTION 2. G.S. 153A-340 reads as rewritten:

20 "§ 153A-340. Grant of power.

21 (a) For the purpose of promoting health, safety, morals, or the general welfare, a county  
22 may adopt zoning and development regulation ordinances. These ordinances may be adopted as  
23 part of a unified development ordinance or as a separate ordinance. A zoning ordinance may  
24 regulate and restrict the height, number of stories and size of buildings and other structures, the  
25 percentage of lots that may be occupied, the size of yards, courts and other open spaces, the  
26 density of population, and the location and use of buildings, structures, and land for trade,  
27 industry, residence, or other purposes. The ordinance may provide density credits or severable  
28 development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

29 (b) (1) These regulations may affect property used for bona fide farm purposes only  
30 as provided in subdivision (3) of this subsection. This subsection does not  
31 limit regulation under this Part with respect to the use of farm property for  
32 nonfarm purposes.

33 (2) Except as provided in G.S. 106-743.4 for farms that are subject to a  
34 conservation agreement under G.S. 106-743.2, bona fide farm purposes  
35 include the production and activities relating or incidental to the production  
36 of crops, fruits, vegetables, ornamental and flowering plants, dairy,



\* D R H 7 0 2 8 6 - M H - 1 6 5 \*

1 livestock, poultry, and all other forms of agriculture as defined in  
2 ~~G.S. 106-581.1~~.G.S. 106-581.1, including small-scale retail operations at the  
3 bona fide farm with a primary function of selling products grown or  
4 produced on the farm. For purposes of this subdivision, the production of a  
5 nonfarm product that the Department of Agriculture and Consumer Services  
6 recognizes as a "Goodness Grows in North Carolina" product that is  
7 produced on a farm subject to a conservation agreement under  
8 G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining  
9 whether a property is being used for bona fide farm purposes, any of the  
10 following shall constitute sufficient evidence that the property is being used  
11 for bona fide farm purposes:

- 12 a. A farm sales tax exemption certificate issued by the Department of
- 13 Revenue.
- 14 b. A copy of the property tax listing showing that the property is
- 15 eligible for participation in the present use value program pursuant to
- 16 G.S. 105-277.3.
- 17 c. A copy of the farm owner's or operator's Schedule F from the owner's
- 18 or operator's most recent federal income tax return.
- 19 d. A forest management plan.
- 20 e. A Farm Identification Number issued by the United States
- 21 Department of Agriculture Farm Service Agency.

22 (3) The definitions set out in G.S. 106-802 apply to this subdivision. A county  
23 may adopt zoning regulations governing swine farms served by animal waste  
24 management systems having a design capacity of 600,000 pounds steady  
25 state live weight (SSLW) or greater provided that the zoning regulations  
26 may not have the effect of excluding swine farms served by an animal waste  
27 management system having a design capacity of 600,000 pounds SSLW or  
28 greater from the entire zoning jurisdiction.

29 ....."

30 **SECTION 3.** This act is effective when it becomes law.