

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH80286-MH-148A (03/22)

Short Title: Local Authority/Large-Scale Chicken Farms. (Public)

Sponsors: Representatives Blackwell and Wells (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 that
13 is located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases
14 to be used for bona fide farm purposes or that contains an agricultural operation described by
15 subdivisions (3) and (4) of G.S. 153A-340(b) shall become subject to exercise of the
16 municipality's extraterritorial jurisdiction under this Article."

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

18 "§ 153A-340. Grant of power.

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

27 (b) (1) These regulations may affect property used for bona fide farm purposes only
28 as provided in ~~subdivision~~ subdivisions (3) and (4) of this subsection. This
29 subsection does not limit regulation under this Part with respect to the use of
30 farm property for nonfarm purposes.

31 (2) Except as provided in G.S. 106-743.4 for farms that are subject to a
32 conservation agreement under G.S. 106-743.2, bona fide farm purposes
33 include the production and activities relating or incidental to the production
34 of crops, fruits, vegetables, ornamental and flowering plants, dairy,
35 livestock, poultry, and all other forms of agriculture as defined in
36 G.S. 106-581.1. For purposes of this subdivision, the production of a



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1 nonfarm product that the Department of Agriculture and Consumer Services
2 recognizes as a "Goodness Grows in North Carolina" product that is
3 produced on a farm subject to a conservation agreement under
4 G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining
5 whether a property is being used for bona fide farm purposes, any of the
6 following shall constitute sufficient evidence that the property is being used
7 for bona fide farm purposes:

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

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

25 (4) A county may adopt zoning regulations governing poultry farms with an
26 animal waste management system having a design capacity of 150,000 or
27 more confined poultry, provided that the zoning regulations may not have
28 the effect of excluding poultry farms with an animal waste management
29 system having a design capacity of 150,000 or more confined poultry from
30 the entire zoning jurisdiction.

31"

32 **SECTION 3.** This act becomes effective July 1, 2013, and applies to poultry farms
33 constructed on or after that date.