



## GUILFORD COUNTY PLANNING AND DEVELOPMENT

## Bona Fide Farm Procedures

### OVERVIEW

North Carolina General Statute (NCGS) 153-A-340 and Section 1-4 of the Guilford County Development Ordinance specifically exempt Bona Fide Farms (farm land and related structures) from zoning and some North Carolina State Building Code (the Building Code) requirements.

The provisions of this Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses, except that any use of farm property for non-farm purposes is subject to the applicable provisions of the Development Ordinance.

### CRITERIA

The Guilford County Planning and Development Department - Zoning Section is charged with enforcement of the Development Ordinance and is responsible for determining if a property qualifies as a Bona Fide Farm. This determination is separate from any designation made by the County Tax Department, Soil and Water Conservation District or other governmental entity.

In order to qualify for the bona fide farm exemption under NCGS 153A-340, the land use must meet one of the following three farm classifications:

1. Agricultural Land - to qualify for this class, three requirements must be fulfilled:
  - a. The tract or tracts, one of which must contain at least ten acres, must be part of a farm unit. Contiguous woodland and wasteland may be counted in making up the ten acres for the agricultural classification. A tract of less than ten acres may qualify where federally regulated crops are grown in keeping with designated acreage allotments.
  - b. The land must constitute an agricultural unit actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. An exception to this active management requirement would be a qualified federal soil bank program.
  - c. Over the period of a year, the gross income from the sale of agricultural products produced on the land must have exceeded \$1,000. Boarding animals does not constitute a farm use.
2. Horticultural Land - to qualify for this class, three requirements must be fulfilled:
  - a. The tract or tracts, one of which must contain at least five acres, must be part of a horticultural unit. Even if contiguous, woodland and wasteland may not be counted in making up the ten acres.

- b. The land must constitute a horticultural unit actively engaged in the commercial production or growing of fruits, vegetables, nursery, or floral products under a sound management program.
    - c. Over the period of a year, the gross income from the sale of horticultural products produced on the land must have exceeded \$1,000.
3. Forest Land – to qualify for this class, only two requirements must be fulfilled:
  - a. The tract or tracts, one of which must contain at least twenty acres, must be part of a forest unit.
  - b. The land must constitute a forest unit engaged in the growing of trees under a sound management program.Forest land contiguous to and part of a qualifying agricultural unit comes within the agricultural land class and need not meet the requirements of the forest unit class to obtain an exemption.

These standards closely parallel NCGS 105-277.2 through 277.7 which designate special classes for property for ad valorem taxation purposes. The decision of the Enforcement Officer concerning Bona Fide Farm designations may be appealed to the Guilford County Board of Adjustment.

### EXEMPTIONS

NCGS 153A-340 exempts "bona fide" farm operations and farm related structures from county zoning regulations and some North Carolina State Building Code requirements. Any use of the property for non-farm purposes shall be subject to such regulations. Exemptions include but are not limited to...

1. The number and location of any farm related buildings or structures (i.e. barns, stables, sheds, silos). Such buildings and structures are not required to meet the Building Code Volume I General Construction requirements. If electrical service is planned, an electrical permit is required. Other Volumes of the Building Code may apply, for example Plumbing, Gas, and Mechanical. Buildings and structures used for residential purposes and whose use or occupancy involve the health and safety of the public or can be considered a business shall meet all provisions of the Building Code. Contact the Plans Review section for clarification.
2. The number, location, and type of residential dwelling units for migrant or farm tenant housing. Residential dwelling units not used for migrant or tenant housing are subject to zoning and subdivision regulations. Buildings used for sleeping purposes require a building permit and are subject to the requirements of the Building Codes.



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3. The number and location exemption for residential dwellings shall be applied only to the primary farm unit or a tract of land greater than 10 acres.

### NON-EXEMPTIONS

The following is a list of uses or activities that cannot be classified as a Bona Fide Farm. This list is not inclusive and is subject to additions:

1. The boarding of animals, including horses and dogs.
2. Animal Feeder/Breeder Operation
3. Wholesale Trade of Agricultural Products, not grown on site.
4. Nothing exempts farm related activities, including dwelling units, from Guilford County Environment Health and other state or federal requirements.

### FUNCTIONAL DEFINITIONS

These definitions apply only with respect to Bona Fide Farms.

Animals - Including, but not limited to, cattle, hogs, sheep, goats, poultry, fur bearing animals, rabbits, equines, finfish, shell fish emu, and ostrich. Feral, exotic, dangerous or non-domestic animals are excluded.

Animal Feeder/Breeder - Defined as a Principal Permitted use in the Permitted Use Schedule of the Guilford County Development Ordinance. Any operation required to register as an Animal Feedlot Operation with the North Carolina Division of Environmental Management is defined as an Animal Feeder/Breeder. Other operations may be classified as an Animal Feeder/Breeder based upon the intensity of the use resulting from the number of animals and the nature of the confinement area(s).

Contiguous - For the purposes of this bulletin, contiguous does not necessarily mean abutting or touching. It can mean "near, though not in contact" or "neighboring," so that, for example, woodland or wasteland separated from the rest of an agricultural unit by a road may still be counted as part of that unit.

Farm Unit - Under each of the three classifications of bona fide farm, the potentially qualifying land must constitute a management unit. If lands are managed or worked as a single operation, such lands apparently would qualify as a "farm unit." For the agricultural and horticultural classifications management must be active and continuous. Land meeting forest classifications need not be actively managed.

Primary Farm Unit - A tract greater than 10 acres for Agricultural Land and greater than 5 acres for Horticultural Land that contains the majority of the farm operation as it relates to structures, storage of equipment, and production of crops.

Sound Management Program - This term embraces a program designed to obtain the greatest net return from the land consistent with the particular classification assigned to that land. It means primarily the operation of the land to obtain the greatest net return consistent with its conservation and long-term improvement. The Inspections Director will determine whether the Sound Management test is met.

*This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the Guilford County Development Ordinance in any legal proceeding.*