

2-1. DEFINITIONS

These definitions are grouped in the following functional groups 1) Building and Structure, 2) Drainage and Watershed Protection, 3) Dwelling, 4) Easements, 5) Erosion and Sedimentation Control, 6) Flood Damage Prevention, 7) General, 8) Hazardous Waste, 9) Lot, 10) Setback, 11) Signs, 12) Streets, Drives, and Lanes, and 13) Historic Districts, 14) Lighting Definitions, and 15) Farm Definitions.

2-1.15 Farm Definitions

A) *BONA FIDE FARM* Bona Fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture.

Agriculture includes but is not limited to the production, harvesting, cultivation of crops, fruits, vegetables, ornamental/flowering plants, shrubs, the planting and production of trees and timber, the operation, management, raising, care, and training of dairy, livestock, poultry, bees, horses, and aquaculture, and grain warehouse operations where grain is held 10 days or longer as well as any associated structure or building related to the agriculture operation. When performed on the Bona Fide farm, agriculture also includes the marketing and selling of agricultural products, agritourism, packing, treating, processing, sorting, storage and other activities performed to add value to agricultural items produced on the farm.

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 (the burden of proof lies with the owner of the subject property or a designated agent)

- i. A copy of the property tax listing showing that the property is participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105-277.7; or
- ii. A copy of the farm owner's or operator's Schedule F from the owner's or operator's federal income tax return; or
- iii. A farm sales tax exemption certificate issued by the Department of Revenue; or
- iv. A forest management plan; or
- v. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

B) *FARM BUILDING* A structure meeting the definition of a Farm Building, Greenhouse, Primitive Camp, or Primitive Farm Building as defined by N.C.G.S. 143-138:

- i. A Farm Building shall include any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training of horses and the instruction and training of riders. Structures that are associated with equine activities include, but are not limited to, free standing or attached sheds, barns, or other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with equine activities. The specific types of equine activities, structures, and uses set forth in this subdivision are for illustrative purposes, and should not be construed to limit, in any manner, the types of activities, structures, or uses that may be considered under this subsection as exempted from building rules. A Farm Building that might otherwise qualify for exemption from building rules shall remain subject only to an annual safety inspection by the county building inspection department of any grandstand, bleachers, or other spectator-seating structures in the Farm

Building. An annual safety inspection shall include an evaluation of the overall safety of spectator-seating structures as well as ensuring the spectator-seating structure's compliance with any building codes related to the construction of spectator-seating structures in effect at the time of the construction of the spectator seating.

- ii. A Greenhouse is a structure that has a glass or plastic roof, has one or more glass or plastic walls, has an area over ninety-five percent (95%) of which is used to grow or cultivate plants, is built in accordance with the National Greenhouse Manufacturers Association Structural Design manual, and is not used for retail sales.
- iii. A Farm Building shall include any structure used for the display and sale of produce, no more than 1,000 square feet in size, open to the public for no more than 180 days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.
- iv. A Primitive Camp shall include any structure primarily used or associated with outdoor camping activities, including structures used for educational, instructional, or recreational purposes for campers and for management training, that are (i) not greater than 4,000 square feet in size and (ii) are not intended to be occupied for more than 24 hours consecutively. "Structures primarily used or associated with outdoor camping activities" include, but are not limited to, shelters, tree stands, outhouses, sheds, rustic cabins, campfire shelters, picnic shelters, tents, tepees or other indigenous huts, support buildings used only for administrative functions and not for activities involving campers or program participants, and any other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with outdoor camping activities such as hiking, fishing, hunting, or nature appreciation, regardless of material used for construction. The specific types of primitive camping activities, structures, and uses set forth in this subdivision are for illustrative purposes and should not be construed to limit, in any manner, the types of activities, structures, or uses that are exempted from building rules.
- v. A Primitive Farm Building shall include any structure used for activities, instruction, training, or reenactment of traditional or heritage farming practices. "Primitive Farm Buildings" include, but are not limited to, sheds, barns, outhouses, doghouses, or other structures that are utilized to store any equipment, tools, commodities, livestock, or other items supporting farm management. These specific types of farming activities, structures, and uses set forth by this subdivision are for illustrative purposes and should not be construed to limit in any manner the types of activities, structures, or uses that are exempted from building rules.
- vi. A Farm Building shall not lose its status as a Farm Building because it is used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

3-2.1. Building Permit Exemptions.

The following are exempt from building permit requirements:

- (A) Farm Buildings (other than residences) for farm use (see Article 2-1.15, Definitions) per N.C.G.S. 143-138.

- (B) Facilities for storing, handling and utilizing liquefied petroleum gases for fuel and anhydrous ammonia or other liquid fertilizers; but not including tanks and tank farms;
- (C) Facilities of a public utility or an electric or telephone membership corporation (except buildings);
- (D) Accessory buildings with no horizontal dimension greater than twelve (12) feet; and
- (E) Federal or State owned buildings.

3-8.1. Certificate of Occupancy and Compliance.

(A) *Certificate of Occupancy Required:* No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a Certificate of Occupancy is issued by the Enforcement Officer. This certificate shall state that the building and/or proposed use thereof complies with the provisions of this Ordinance. Farm uses (see Article 2-1.15, Definitions) and Farm Buildings (per N.C.G.S 143-138), except residences, are exempt from the provisions of this Ordinance outside municipalities.
(Case #14-08-GCPL-04262, 11/6/2014)