

UNION COUNTY, NORTH CAROLINA
FARM STRUCTURE/USE AFFIDAVIT

Property Address: _____

Parcel Number: _____

PART I – NORTH CAROLINA BUILDING CODE

1. The proposed structure/use is a **“Farm Building”** as defined by N.C.G.S. § 143-138 (b4) (definition below)

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 applicable city or 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.

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.

Per NCGS § 160D-903 a “farm building” includes any structure or building used in the production of and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental or flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS § 106-581.1

NCGS § 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) *The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.*
- (2) *The planting and production of trees and timber.*

- (3) *Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.*
- (4) *Aquaculture as defined in G.S. 106-758.*
- (5) *The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.*
- (6) *When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm.*
- (7) *A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.*

Does the proposed/existing structure meet this definition? YES _____ NO _____

If yes, please give a detailed description of the use of the building (specifically noting whether there is any spectator seating associated with the use)

- 2. The proposed structure/use is for **“Agritourism”** as defined in NCGS § 160D-903 (see below)

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E (a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure 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.

Does the proposed/existing structure meet this definition? YES _____ NO _____

If yes, please give a detailed description of the use _____

Please check components of structure/use

Bedroom	<input type="checkbox"/>
Bathroom	<input type="checkbox"/>
Kitchen	<input type="checkbox"/>
Office	<input type="checkbox"/>

Living Area	<input type="checkbox"/>
Rec Room	<input type="checkbox"/>
Laundry Room	<input type="checkbox"/>
Storage Area	<input type="checkbox"/>

Animal Housing	<input type="checkbox"/>
Tack Room	<input type="checkbox"/>
Stalls	<input type="checkbox"/>
Other	<input type="checkbox"/>

Describe other _____

Note: Modifications and/or additions to existing electrical systems and new electrical services and systems require permitting regardless of the use of the structure or building.

Just because the structure/use may qualify for an exemption to the North Carolina Building Code does not necessarily mean that the structure/use will qualify for an exemption of the Union County Zoning regulations.

OFFICE USE ONLY – Union County Building Inspections Departments		
Approved _____	Denied _____	Official _____
Signature _____	Date _____	

PART II – UNION COUNTY ZONING REGULATIONS

1. As provided by NCGS 160D-903, the zoning regulations of this ordinance in no way regulate, restrict, prohibit or otherwise deter or affect property used for bona fide farm purposes, except that:
 - A. *Farm property used for non-farm purposes must comply with applicable zoning regulation; and*
 - B. *Bona fide farms and other farm properties must comply with any flood protection regulations required to be imposed by the National Flood Insurance Program.*

2. For purposes of determining whether a property is being used for bona fide farm purposes, any one of the following constitutes 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;*
 - B. *A copy of the property tax listing showing that the property is eligible for participation in the present-use value program, pursuant to NCGS 105-277.3;*
 - C. *A copy of the farm owner’s or operator’s most recent Schedule F federal income tax return; or*
 - D. *A forest management plan*

Please note below which document is being provided to meet the definition of a Bona Fide Farm. Also, **please attach a copy of the appropriate documentation.**

Note: For an agribusiness to qualify as a bona fide farm you must have one of the documents listed in items A or B above. Please refer to number 2 under Part 1 – NC Building Code for NC General Statute pertaining to agribusiness.

3. Please provide any additional information/description of the structure/use that may be relevant in determining if it qualifies under a relevant exemption:

OFFICE USE ONLY – Union County Planning Department

Approved _____ Denied _____ Official _____

Signature _____ Date _____

PART III – ENVIRONMENTAL HEALTH REGULATIONS

For purposes of determining whether a property that is being used for bona fide farm purposes requires involvement from the Union County Environmental Health Division, please respond to the following questions and provide a brief description of the intended use of the property:

1. Are there existing septic systems on the property? Y/N
2. Are there existing wells on the property? Y/N
3. Are any new buildings being constructed or additions being added to existing buildings on the property? Y/N
4. Will the structures include bedrooms/living quarters? Y/N
5. Will plumbing be added to existing or new structures? Y/N
6. Will the property be used to operate a business? Y/N
7. If yes, will the property and/or structures be open to the public? Y/N
8. If yes to question 6, what type of business (i.e. wedding/party venue, winery, produce stand, camp, etc.)? _____
9. Will food and or drinks be prepared and/or sold? Y/N

Description of Structure/Use (**please attach a site plan**):

I, the undersigned, do certify that the information I have provided in PART I, PART II, and PART III of this document is true and accurate. I hereby declare that the property referenced in this affidavit is a bona fide farm and that the proposed structure/use meets the requirements for agricultural and/or farm building exemption from the North Carolina Building Code and/or the Union County Development Ordinance. I acknowledge that any proposed building/structure will not contain any bedroom, or other form of sleeping quarters, and will not be used for storage of residential items.

I, the undersigned, acknowledge and understand that the property referenced in this affidavit as a bona fide farm is subject to all applicable North Carolina Public Health Laws and Rules as found in the North Carolina General Statutes and the North Carolina Administrative Code.

I, the undersigned, acknowledge and understand that the property referenced in this affidavit as a bona fide farm is subject to all applicable provisions of the Union County Code.

I, the undersigned, also acknowledge and understand that if any information I have provided is inaccurate by negligence or intent or any structure/use that is found to be inconsistent with the information I have provided will result in corrective action as deemed appropriate by Union County and I as the undersigned property owner assume full responsibility.

Print owner name

Email (Print Clearly)

Signature of owner

Date

Phone number



NOTARY

_____ County, North Carolina

I certify that _____ personally appeared before me this day, each acknowledging to me that he / she signed the forgoing document.

Names of Principal (s): _____

Date: _____

Official Signature of Notary

, Notary Public

Notary's Printed Name

My Commission Expires