



# A GUIDE TO BONA FIDE FARMS IN LEE COUNTY

## What is a Bona Fide Farm?

A *bona fide farm* is any property that's legally recognized for agricultural uses as determined by the North Carolina legislature. These uses include the production 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 agricultural as defined in [NCGS §106-581.1](#). Bona fide farms in North Carolina are eligible for certain exemptions from taxes, zoning standards, and development regulations.



## What Criteria Must I Have to Demonstrate That I Have a Bona Fide Farm?

According to [NCGS §160D-903](#), the State of North Carolina states that least *one* of the following criteria is sufficient to demonstrate that property is being used for bona fide farm purposes:

- 1) A [farm sales tax exemption certificate](#) issued by the NC Department of Revenue.
- 2) A **copy of the property tax listing** showing that the property is eligible for participation in the [present-use value \(PUV\) program](#) pursuant to NCGS §105-277.3.
- 3) A copy of the [farm owner's or operator's Schedule F](#) from the owner's or operator's most recent federal income tax return.
- 4) A [forest management plan](#).



## How Do I Obtain a Bona Fide Farm Exemption for my Farm Site Project?

- 1) Complete a [Bona Fide Farm Exemption Affidavit](#) and a [Zoning Clearance Permit Application](#) along with a site plan for your project(s) and submit them to the Community Development Department ([zoning@sanfordnc.net](mailto:zoning@sanfordnc.net)) for review.
- 2) Contact [Lee County Environmental Health](#) to determine if further review and permitting is required.
- 3) Contact [Sanford/Lee County Building Inspections](#) to determine if further review and permitting is required.

## What Kind of Land Uses Are Exempt from Zoning and Land Use Regulations as a Bona Fide Farm?

The following land uses are commonly associated with farms and agricultural land uses and may be exempt from some zoning and development standards if the bona fide farm criteria set forth by the state legislature is met:

- Barns
- Livestock
- Ranches
- Crops
- Stables
- Storage Buildings
- Run-In Sheds/Shelters
- Orchards
- Vineyards
- Migrant Housing
- Beekeeping
- Greenhouses
- Agritourism Uses (as defined by state statute)

For further information, please contact the Sanford/Lee County Department of Community Development at 919-718-4656 or [zoning@sanfordnc.net](mailto:zoning@sanfordnc.net).

## A Guide to What's Exempt or Not Exempt:

A barn used to store hay	<b>EXEMPT</b>
A kennel to board dogs and cats	<b>NOT EXEMPT</b>
A produce stand where the fruits and vegetables are grown on-site	<b>EXEMPT</b>
A produce stand where <i>no</i> products are grown on-site	<b>NOT EXEMPT</b>
A horse farm with stables and run-in shelters	<b>EXEMPT</b>

## Zoning Standards and Housing Located Within Bona Fide Farms

Zoning regulations typically do not apply to property used for bona fide farms, *except* for the following:

- Any **non-farm use** of farm property
- Any structure(s) that are located within a **flood hazard area** must comply with all regulations required by the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program

According to NCGS §160D-903(a), residential structures built on property used for bona fide farm purposes *may* be exempt from zoning standards. However, please note that state building code, local subdivision standards, and other development regulations will still apply.

For residential structures to qualify as exempt from zoning, housing must be:

- Constructed to applicable residential building code
- Located on the farm
- Occupied by the property owner, lessee, or farm operator.

Please note that *changes in occupancy* may change the exempt nature of the home, resulting in the house then being subject to zoning standards.

## On-Site Septic Systems and Lee County Environmental Health

A property having bona fide farm status does not result in an exemption from public health standards. State statutes relating to wells, septic systems, and food handling will still apply.

**For further information, please contact Lee County Environmental Health at 919-718-4641 or [envhealth@leecountync.gov](mailto:envhealth@leecountync.gov).**



More information for farmers is available at the [Lee County Office Cooperative Extension's webpage](#).

## Building Permits for New Construction

Bona fide farm status *may* exempt agricultural buildings from code standards, but any electrical work will require the issuance of an electrical permit from Sanford/Lee County Building Inspections. Please note that additional reviews/permits *may* also be required by the Fire Marshal.

**For further information, please contact the following:**

- **Sanford/Lee County Building Inspections Department at 919-718-4654**
- **Lee County Fire Marshal's Office at 919-718-4670.**



## Land Clearing and Grading

Lee County does not have any local land disturbance regulations, but NC Department of Environmental Quality (NCDEQ) standards may still apply if you're clearing land that exceeds one (1) acre in area.

**For further information, please contact the NC Department of Environmental Quality at 877-623-6748 or visit [www.deq.nc.gov/ESCforms](http://www.deq.nc.gov/ESCforms).**



## Agricultural Uses in Environmentally Sensitive Areas

Please note that with agricultural activities and uses associated with bona fide farms must still comply with **watershed regulations** and **floodplain development regulations**. Please contact the Department of Community Development before clearing land and building exempt structures in areas impacted by flood zone or identified as a watershed.

**For further information, please contact the Sanford/Lee County Department of Community Development at 919-718-4656 or [zoning@sanfordnc.net](mailto:zoning@sanfordnc.net).**