



Zoning Use Permit Application – Bona Fide Farm and Horse Farm

Instructions

1. Review Ordinance regulations for this use and select Farm Type.
2. Complete **all sheets** of this Zoning Use Permit Application.
3. Use the Town Plot Plan to draw the site plan for the proposed use. Write in “See Attached” on the Plot Plan if you need to include a larger, more detailed site plan sheet.
4. Email this application to permits@huntersville.org.
5. There is no fee required for Zoning Use Permits for Bona Fide Farms.

Ordinance

Bona-Fide Farm. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, 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, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) includes the farm within the Town and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. (Article 12, Huntersville Zoning Ordinance). Only property located in the Town’s extraterritorial planning and development regulation jurisdiction shall be eligible for this exception. As used herein, "property" means a single tract of property or an identifiable portion of a single tract.

● **Article 2.1.2.a:** Huntersville zoning regulations “shall not apply to bona-fide farms, as defined in Article 12, except that non-farm uses on farms shall be regulated herein, and land within the Mountain Island Lake and Lake Norman Watershed Overlay Districts shall comply with the regulations of Articles 3.3.2 and 3.3.3.”

OF EXISTING STRUCTURE(S) _____

Will this farm be used by any person outside the farmer and farm employees? Yes No

What is the purpose of each structure? (Please attach additional descriptions, if necessary)

Per § 160D-903. Agricultural uses.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:

- (1) A farm sales tax exemption certificate issued by the Department of Revenue.
- (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 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.

Please attach one of the documents indicated per § 160D-903 to demonstrate the subject property is a bona fide farm. If the farm property is located within any of the Mountain Island Lake or Lake Norman Watershed, please include a list of the impervious area used on the property.

Huntersville Code of Ordinances

§ 94.46 LIVESTOCK.

- (A) No person, firm or corporation shall keep, possess or maintain, within the corporate limits of the town, any livestock, including horse, mule, pony, cow, cattle, hog, swine (except potbellied pigs considered to be domestic pets), sheep, goat or any rabbits or fowl, (with the exception of pet birds maintained within a residence), except in compliance with this chapter.
- (B) Large animals, such as horses, cows or pigs, shall be kept on tracts of two acres or more, and the total number shall not exceed one such animal per acre, except that for riding academies permitted under the Huntersville zoning ordinance, the standards of the zoning ordinance shall control.
- (C) Small animals, such as goats or sheep, shall be kept only on tracts of one acre or more, and the total number shall not exceed one animal per 1/2 acre.
- (D) Domestic fowl, such as chickens, turkeys, ducks and the like and rabbits shall be kept only in appropriate coops, fowl houses or hutches, and no more than 20 such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits should be proportionate to the acreage. For agricultural industry in Residential Districts, as permitted under the Huntersville zoning ordinance, the standards of the zoning ordinance shall control.
- (E) Shelters for large livestock such as cows and horses shall be kept at a minimum distance of 75 feet from any property line. Shelters for small livestock and hutches, coops or pens for fowl and rabbits shall be kept at a minimum of 25 feet from any property line. No such stall, stable, shed, barn or coop or hutch shall be closer than 100 feet to the nearest point of any adjoining residence or other building used for the purpose of human habitation or any public meeting place, such as schools, churches, recreation areas or the like. Notwithstanding the foregoing, for riding academies and for agricultural industry in residential districts, as permitted under the Huntersville zoning ordinance, the standards of the zoning ordinance shall control.
- (F) No animals covered by this section shall be permitted to run at large and shall at all times be confined within proper fencing or other enclosures, except when under the physical control of the owner or other person. All fencing for any livestock must be constructed in such a manner that the animals may not reach legs, necks, wings or other body parts on to a neighbor's property or to any shrub or growing plant on a neighbor's property. Fencing shall be constructed in a manner reasonably expected to confine the animal and prevent it from leaving the owner's property.
- (G) Venomous reptiles and wild or exotic animals shall not be kept in the Town of Huntersville except in connection with recognized zoological parks, academic institutions, museums, raptor center, pet shops, veterinarians holding such animals for medical treatment, wildlife rehabilitators with proper permits and similar facilities, provided that such animals are maintained in quarters so constructed and maintained as to prevent escape. A wild or exotic animal shall be defined as one which would ordinarily be confined to a zoo or one which would otherwise cause a reasonable person to be fearful of significant destruction of property or bodily harm and the latter includes but is not limited to such animals as monkeys, raccoons, squirrels, ocelots, bobcats, wolves, hybrid wolves and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or nonvenomous reptiles weighing over 50 pounds at maturity, which are known at law as ferae naturae. Wild or exotic animals specifically do not include animals of a species customarily used in North Carolina as ordinary house pets, animals of a species customarily used in North Carolina as domestic farm animals, fish confined in an aquarium, birds or insects.
- (H) These regulations shall not be construed to restrict the present operation of any bona fide farm, dairy farm or horse farm in existence at the time of the adoption of this chapter or which comes into the town because of subsequent annexations.

- (I) Any new annexations into the Town of Huntersville shall have 180 days from the date of annexation to bring their property and maintenance of their livestock into compliance with this section; provided, however, such annexation shall not affect any bona fide farm, horse farm or dairy farm existing within the area annexed at the time of annexation; provided, further, those annexes not in compliance as to the number of animals permitted or for whom it would be impossible to relocate existing shelters or fencing because of the size of the property shall not be required to do so, but shall not replace any animals on their property until such time as the number are in compliance with this chapter and shall thereafter not exceed the permitted numbers nor make any additions to construct any new shelter except in compliance with this chapter.
- (J) Persons maintaining such animals shall not permit the same to become a nuisance to neighbors, and neighbors shall not be limited to actions to abate a nuisance, subject to the provisions of G.S. § 106-701.

Zoning Use Permit Application

Property Address/Use

Street # _____ N, S, E, W _____ Street Name _____ AV, RD, ST, etc. _____ Suite _____

Project/Subdivision Name: _____ Phase: _____ Section: _____

Current Property Use: _____ If Commercial, specify (restaurant, office, etc.): _____
Choose an item. _____

Proposed Property Use: _____ If Other, specify: _____
Choose an item. _____

Description of Proposed Use: _____

Applicant

By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant the use will comply with all regulations related to the above use as indicated within the Town of Huntersville Zoning Ordinance.

Printed Name of Applicant _____

Corporation LLC Trust Partnership Individual – Property Owner Other: _____

Phone _____ Email _____

Signature _____ Date _____

CEO President Vice-President Individual – Homeowner Manager Other: _____

Property Owner (if different than applicant)

By signature below, I hereby acknowledge, as/on behalf of (circle one) the property owner 1) the use will comply with all regulations related to the above use as indicated within the Town of Huntersville Zoning Ordinance and 2) and hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Printed Name of Property Owner _____

Corporation LLC Trust Partnership Individual – Property Owner Other: _____

Signature _____ Date _____

CEO President Vice-President Individual – Property Owner Manager Other: _____

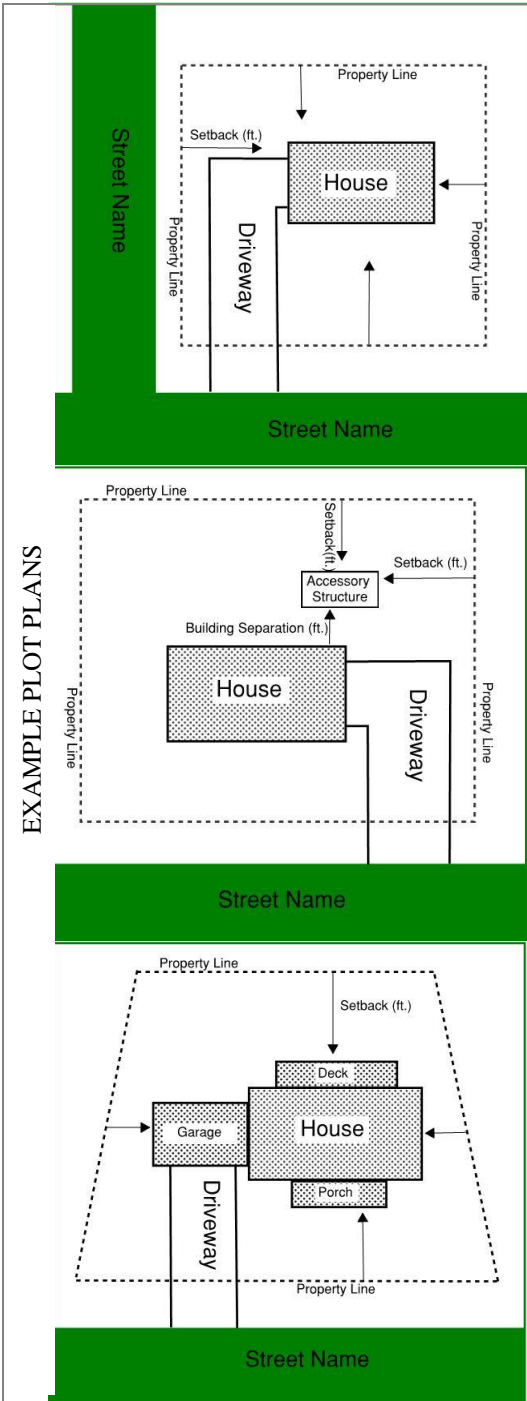
Phone _____ Email _____

Address of Property Owner _____

If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner(s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Street #	N,S,E,W	Street Name	AV, RD, ST, etc.	Suite
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EXAMPLE PLOT PLANS



The first example shows a house with a driveway, setbacks on all sides, and property lines. The second example shows a house with a driveway, setbacks, and an accessory structure with its own setbacks. The third example shows a house with a driveway, setbacks, a garage, a deck, and a porch.

INSTRUCTIONS:

In the space provided, draw plot plan as neatly and accurately as possible, from a survey if available. Separate applications and plot plans are required for each building.

1. Draw street(s) and right-of-ways(s).
2. Draw property lines with showing setbacks for proposed structure.
3. Draw proposed buildings and existing structures including any driveway(s), walkway(s), attached porch(es), deck(s), chimney(s), carport(s), garage(s), shed(s), barn(s), pool(s), accessory dwelling(s), etc.
4. Show area of existing and proposed structures.
5. Write amount of existing impervious use and area of proposed structure, if subject to Watershed regulations.

Show access easements, open space, tree save, and environmental buffers if applicable.

Applicant Name	Date	Applicant Signature	
Zoning Approved By	Date	Notes	Parcel ID