



PLANNING *and* INSPECTIONS

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LAND USE REGULATION OF FARMS & AGRITOURISM

Orange County works with all property owners to help ensure everyone's rights and responsibilities are respected in regard to land use and development, as regulated by the county's Unified Development Ordinance (UDO) and State laws. In North Carolina, county laws cannot be more restrictive than State laws unless the State specifically allows it. The State of North Carolina exempts certain farm uses from County-level regulation.

North Carolina General Statute 160D-903(a) defines "bona fide farm purposes" and "agritourism," and prohibits their regulation by county zoning. More details may be found in the Bona Fide Farm Guide [available at this link](#), but a farm use is defined by NC General Statute 160D-903(a):

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, but other evidence may also be considered:

- (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. (Affirmation from Land Records staff regarding PUV status is also sufficient).*
- (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.*

Orange County has no application for a bona fide farm and cannot legally require one. Instead, the County accepts affidavits ([linked here](#)) and will provide Advisory Opinions when requested by farms seeking more certainty of their rights and responsibilities. These are done as courtesies and are not legally binding. Without the ability to require applications, the County must wait until activities on farms occur or the property owner seeks a courtesy review to determine whether or not county zoning regulations should be applied.

This same State law defines "agritourism" uses as "... ***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, hunting, fishing, equestrian 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.***"

When a proposed activity is **not** encompassed by those definitions, it is subject to Orange County Unified Development Ordinance (UDO) zoning regulations and the North Carolina State Building Code. These non-farm uses follow all normal County application and permitting processes that are required by the Orange County UDO.

The Planning Department responds to land use complaints, including possible violations of local and State laws, that are provided to the department using the form [available at this link](#). The staff does not respond to anonymous or informal complaints. The Planning Department investigates all complaints to determine if any action is needed, and if so, what enforcement measures are necessary to remedy the non-conformity of land use or other relevant regulatory violation. Noise complaints are directed to the Sheriff's Office, as his office enforces the Noise Ordinance. Planning staff has no legal right of entry to a property without an open county permit or a warrant, or an invitation from the owner. Without permission from the owner, staff investigating a complaint are only able to observe the property from the public road, an adjacent private property with permission from the owner, or using satellite imagery.

All further questions or concerns may be directed to Orange County Planning and Inspections Director Cy Stober (cstober@orangecountync.gov; 919-245-2592).