

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 255
Committee Substitute Favorable 4/1/09

Short Title: Zoning/Agri. Annexation Exemption.

(Public)

Sponsors:

Referred to:

February 23, 2009

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING A ZONING EXEMPTION FOR ANY AGRICULTURAL INTEREST
3 ANNEXED BY A MUNICIPALITY AND EXEMPTING COVERAGE OF ANY
4 AGRICULTURAL INTEREST IN THE EXTRATERRITORIAL PLANNING
5 JURISDICTION OF A MUNICIPALITY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 19 of Chapter 160A of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 160A-393. Part not applicable to annexed agricultural interest.**

10 (a) The provisions of this Part are not applicable to any agricultural interest included in
11 an area to be annexed by a municipality pursuant to Article 4A of this Chapter.

12 (b) For the purposes of this section, the phrase "agricultural interest" means an area of
13 land, including any structures, used primarily for, or as, any of the following:

14 (1) The production of produce, grains, livestock, or fibers.

15 (2) The production of horticultural products.

16 (3) The production of aquaculture products.

17 (4) The production of trees and timber.

18 (5) A demonstration, research, or test farm.

19 (6) A petting zoo.

20 (7) Agritourism.

21 (8) Equine activities."

22 **SECTION 2.** G.S. 160A-360 is amended by adding a new subsection to read:

23 "(a2) The provisions of this section are not applicable to any agricultural interest located
24 within the extraterritorial jurisdiction of a municipality. For the purposes of this subsection, the
25 phrase "agricultural interest" means an area of land, including any structures, used primarily
26 for, or as, any of the following: (i) the production of produce, grains, livestock, or fibers; (ii)
27 the production of horticultural products; (iii) the production of aquaculture products; (iv) the
28 production of trees and timber; (v) a demonstration, research, or test farm; (vi) a petting zoo;
29 (vii) agritourism; or (viii) equine activities."

30 **SECTION 3.** This act is effective when it becomes law.

