



Planning, Development & Inspections

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Wake County Board of Commissioners Proposed Ordinance Amendment OA-02-20 August 17, 2020

Purpose:

To amend the Wake County Unified Development Ordinance (UDO) Article 1 – *General Provisions*, Article 9 – *Stormwater Management*, and Article 19 – *Review and Approval Procedures*, to clarify exemptions related to bona fide farms.

Applicant

Wake County Planning, Development & Inspections

Background

In accordance with NC General Statute 153A-340(b), bona fide farms are exempt from zoning. However, any use of such property for non-farm purposes is subject to the zoning regulations.

In 2006, Wake County combined several stand-alone ordinances, such as zoning, subdivision, stormwater, and sedimentation and erosion control, into what is now our Unified Development Ordinance. Current language in UDO Article 1 – *General Provisions*, states that bona-fide farms are exempt from the provisions of the UDO. This language needs to be revised as bona-fide farms, pursuant to NC General Statute 153A-340(b), are only exempt from zoning, not all development regulations within the UDO.

Additionally, Articles 9 and 19 require similar text changes that clarify bona-fide farm exemptions.

Overview of Changes

1. Amend UDO Section 1-15 *General Provisions* to clarify which sections in the UDO apply and do not apply to bona fide farms and uses that support a farm.
2. Amend UDO Section 9-12 *Stormwater Management* to clarify which sections of the stormwater management regulations apply and do not apply to bona fide farms and uses that support a farm.
3. Amend UDO Section 19-42 *Review and Approval Procedures* to clarify the process to determine and establish a bona fide farm use.

Staff Findings

The proposed amendments:

1. Clarifies exemptions for bona fide farms in accordance with North Carolina General Statutes
2. Clarifies exemptions for bona fide farms relative to the County's local stormwater regulations.