

**Proposal for Farming Regulation Section
Cornwall Zoning Regulations**

[Amend Section 3.1 to read as follows:]

3.1 Uses Permitted in Any Zone

.1 The following uses are permitted in any zone:

a. **Statement of Purpose.** As stated in Article I of these regulations, Cornwall seeks to preserve and protect farmland and promote farming. The Town supports The Right to Farm and CT General Statutes Section 19a-341, that is, “no agricultural or farming operation shall be deemed to constitute a nuisance provided such operation follows generally accepted agricultural practices.” Farming has been a by-right occupation and land use since Cornwall adopted Zoning Regulations on June 6, 1940. Innovative accessory farming uses are desirable to continue the viability of farming in Cornwall. Farms are permitted in any zone provided that no building or structure used for housing livestock or poultry or building or area for storage of fertilizer or manure shall be within 60 feet of any street line or 100 feet of any property line except in the event that the subject parcel abuts a permanently protected parcel of open space or other agricultural use.

b. **Definition**

i. **Farms, Farming and Agriculture:** A farm is a tract of land used for farming as defined as follows. For the purpose of this regulation the words “farming” and “agriculture” shall have the same meaning and shall include all activities defined by CT General Statutes Section 1-1 (q). Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment. Accessory activities shall include salvaging timber or cleared land of brush or other debris left by a storm, as an

incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, greenhouses, hoop-houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

ii. Accessory Uses: Allowed accessory uses, *as an incident to ordinary farm operations*, shall include pick-your-own operations; fee-based outdoor recreation such as bird-watching, snow-shoeing and hayrides, or other similar uses related to enjoying nature and outdoor recreation; commercial manufacture of compost from farm generated materials or products; sale of cordwood; roadside farm stands; farm stores; farmer's markets; production of wine, beer or distilled spirits; farm vacations; the hosting of farm based weddings, tours, culinary and harvest events and other accessory uses as stated in this section of the Regulations. As used herein, a roadside Farm Stand is a structure with minimal infrastructure/utilities used by a farm business for the seasonal sale of raw and/or processed agricultural and horticultural products that are primarily grown on the farm. As used herein, a Farm Store is a permanent structure used by a farm business for the year-round sale of raw and/or processed agricultural and horticultural products that are primarily grown on the farm.

[Eliminate Sec. 8.13 of the regulations regarding Roadside Stands.]

iii. Procedures for Accessory Uses Related to Farming: Each application shall initially contain an informal plot plan and narrative of the accessory use proposed. The Commission shall review the information and decide whether the proposed use represents a significant or insignificant impact on the neighborhood. In making that decision, the Commission may consider all factors relevant to the public health, safety and welfare, including but without limitation, proximity to neighbors, noise, traffic, access and highway safety, parking, lighting, hours of operation, size and number of structures required, if any, and customers expected. If the Commission finds that the impact is insignificant, it may grant the application with modifications or conditions it deems necessary to protect the public health, safety and welfare. If the Commission finds that the proposed use is a significant activity, it may then require the applicant to submit a formal site plan with an application for a special permit use in accordance with Article VIII of the Regulations.

iv. Additional Requirements for Accessory Uses:

- a. Applications with 10 or less parking spaces shall include a Plot Plan meeting the requirements of Section 1.4.2.
- b. Applications with more than 10 parking spaces shall require a Site Plan meeting the requirements of Section 6.6.
- c. Parking: Application for year around uses and traffic generation such as farm stores, tasting rooms for wine, beer or distilled spirits produced on the farm, farm vacations and similar use shall require all weather parking spaces as defined in Section 9.15.1. Seasonal and occasional uses such as road-side farm stands, farm-based seasonal and recreational businesses such as harvest festivals, corn mazes and weddings limited to three times per year may provide parking in farm fields or other open spaces on the premises.
- d. For uses requiring more than 10 parking spaces, the application shall also include a calculation of the number of parking spaces based on peak demand. Farm stores shall meet the parking space requirements of Section 9.15.3.d, with one parking space for every 100 square feet of non-storage business floor area.

- e. The hosting of weddings more than three times per year shall require a Special Permit meeting the requirements of Section 8.1 through 8.8 of these Regulations.
- c. Necessary non-commercial excavation as defined and provided for in Article XIV of these regulations.

[Amend Regulation Section 5.11 Farmers' Markets to read as follows:]

5.11 Farmers' Markets.

Outdoor farmers' markets shall be permitted (ED 08/01/2016) subject to a zoning permit on property located in a General Business Zone, or on town owned property, provided:

- a. Items on display and offered for sale shall be limited to agricultural produce and goods.
- b. It may be open (ED 08/01/2016) between the hours of 7 am and 7 pm, on Fridays (ED 06/15/09), Saturdays, Sundays, and State recognized holidays.
- c. No permanent structure is constructed for the temporary farmers' market and there is no external evidence of the market when it is not in use except for advertising signs as permitted by these regulations.
- d. A minimum of one off-street parking space shall be provided for every 100 square feet of vendor display area. The Commission may approve the joint use of an existing parking lot provided the applicant can document that there is adequate capacity available in the parking lot to safely support both the principal use and the farmers' market.
- e. A simple sketch plan shall be submitted showing the location of vendor display areas and parking. No more than 10 vendor display areas shall be allowed on an individual site.
- f. A vendor display area shall be defined as a temporary shelter or display fixture (tents, tables, etc.), set up for the sale of agricultural products and/or goods. Each vendor display area shall be less than 200 square feet in area. A temporary zoning permit issued for this use shall be valid for one year.

[Add Section 9.11.5 as follows:]

9.11.5 Signs For Farming and Farm Accessory Uses

Signs for farming and farm accessory uses shall be allowed as follows: one sign on the wall of a farm building displaying the name of the farm with a maximum area of 12 square feet, two on-premises signs, not to exceed 12 square feet each, and two off-premises signs with a maximum area of 6 square feet per sign.