

CORNWALL PLANNING AND ZONING COMMISSION

Proposed Zoning Regulation Amendments concerning

Farms, Farming and Agriculture Regulations 1.15.19

Revise Article III, Section 3.1 to read:

3.1 Uses Permitting in Any Zone – The following uses are permitted in any zone:

- a. Farms, farming and agriculture. For the purpose of this regulation the words “farm”, “farming” and “agriculture” have the same meaning. The uses and activities permitted shall be those appropriate to Cornwall under CT General Statutes Section 1-1 (q) as stated in Article V, Section 5.11 and Article III, Section 3.3.
- b. Necessary non-commercial excavation as defined and provided for in Article XIV of these Regulations. (no change)

Revise Article V Supplementary Regulations, Section 5.11 to read:

5.11 Farms, Farming and Agriculture

Statement of Purpose: Farming has always been a part of Cornwall’s economy, culture and landscape. Preservation of farm land and supporting viable farming businesses is a land conservation and economic development objective of the Town Plan of Conservation and Development. The purpose of this regulation is to assist in implementation of these Town Plan objectives. It permits farming in all zones, allows farm activities consistent with the State statutes definition of farming as it applies to Cornwall and provides options for related accessory farm uses, both traditional and innovative, supportive of farming businesses in Cornwall.

.1 Farms are permitted in any zone provided 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 other non-street property line. The Commission may reduce a non-street property line setback to not less than 50 feet where the subject parcel abuts a permanently protected parcel of open space or other agricultural use.

.2 Definition of Farms, Farming and Agriculture: For the purpose of this regulation the words “farm”, “farming” and “agriculture” have the same meaning and include the following uses and activities appropriate to Cornwall as stated in the CT General Statutes Section 1-1 (q).

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 uses shall include salvaging timber or clearing land of brush or 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 of 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 and 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 and horticultural commodities.

.3 Permitted Traditional Farm Commercial Accessory Uses and Application Requirements:

- a. Permitted accessory uses requiring a Zoning Permit shall include traditional farm commercial accessory uses such as pick-your-own operations, corn-mazes, hayrides, farm stands and farm tours. Except farm tours or programs conducted by non-profit, governmental or educational institutions shall not require a Zoning Permit.
- b. A Zoning Permit is required with a plot plan meeting the requirements of Article I, Section 1.4.2 of these Regulations. The plot plan shall include areas designated for parking space and street entrances and exits. Where more than 10 parking spaces are proposed a plan meeting the requirements of Article VI, Section 6.6.1 may be required.
- c. The Zoning Permit application shall include a narrative describing the nature, size and scope of the existing farm operation and the proposed accessory use. It shall explain how the proposed use qualifies as accessory and incident to the primary farm operation.
- d. A farm stand shall have the minimal infrastructure/utilities used by a farm business. The stand shall be limited to the seasonal display, storage and sale of raw and/or processed agricultural and horticultural products, the majority of which are grown on the farm premises. A farm stand floor plan shall be submitted showing square footage for storage, display and sale areas.

.4 Farmers' Markets. Outdoor farmers' markets shall be permitted 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 between the hours of 7am and 7pm on Fridays, 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.
- 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.

Add a new subsection “p.” to Article III, Section 3.3 Special Permit Uses Permitted in any Zone to read:

p. Farms, farming and agricultural accessory uses subject to the following and the requirements of Article VIII, Section 8.28:

1. Farm store structure used by a farm business designed for year-round sale of raw and/or processed agricultural and horticultural products, the majority of which are grown on the farm.
2. Farm products based food and fiber processing facilities with or without rooms for product display, sale and tasting where there is a minimum of 5 acres of agricultural produce planted on site. This includes, but is not limited to, a winery or brewery.
3. Farm vacation stays of not more than 30 days.
4. Farm product culinary and/or farm harvesting related products.

Revise Article VIII under SPECIFIC REQUIREMENTS add a new subsection 8.28 to read:

8.28 Farm, Farming and Agriculture Special Permit Accessory Uses requirements:

- .1 The farm property shall have a minimum of 5 contiguous acres.
- .2 Written Statement. The Special Permit application shall include a written statement describing the nature, size and scope of the existing farm operation and the Special Permit use, including the number of non-family full or part time employees and projected parking spaces in accord with Article VIII, Section 8.5.8.. The Statement shall explain how the proposed Special Permit use will fit with and relate to the farm’s buildings, products and operations.
- .3 Parking. Parking for occasional events may be provided in farm fields or other open suitable spaces on the premises and for occasional overflow parking needs for other events/uses. Where permanent parking is required and there are more than 10 parking spaces the Commission shall assess the plans for number of spaces, parking surfacing, drainage and vehicular access. This assessment shall consider nature and scope of vehicular traffic, plans and information provided by the applicant, the Commission’s advisors, accepted standards for parking and suitability of site’s parking plans for proper drainage and safety of vehicular access, egress and circulation. Where necessary based on this assessment the Commission may apply conditions to the Permit.
- .4 A farm store shall provide one parking space for every 100 square feet of business floor area, exclusive of storage space.

Revise Article VI Site Plan Requirements Section 6.1 to read:

6.1 An application for any permitted or special permit use, or any extension thereof, shall be accompanied by a site plan as prescribed in this Article. The Commission may require a Site Plan with an application for a single-family dwelling on any lot, which is not part of an approved subdivision.

Exceptions to this requirement apply to single-family dwellings and permitted accessory structures and uses on approved subdivision lots *and other exceptions stated in these Regulations. (Note: this paragraph was revised and the words in italics added to be consistent with the proposed farm use regulations)*

Revise Article VIII Special Permit Requirements, Section 8.13 - delete the words “Roadside Produce Stands” and “Greenhouses” to read: *(Note: Both these uses are provided for in these Proposed revisions to the farm regulations.)*

8.13 Garden Centers, Nurseries or Landscape Services

Subject to the following conditions the Commission may permit garden centers, nurseries or landscape services:

Revise Article IX, Sections 9.9 and 9.11 as follows:

Section 9.9 Delete subsection 9.9.9 and incorporate it into subsection 9.9.3. Revise Subsection 9.9.3 to read:

.3 Signs for Farming and Farm Accessory Uses:

- a. One wall sign on a farm building displaying the name of the farm. Maximum area - 12 square feet.
- b. Two on-premises signs. Maximum area - 12 square feet each.

Section 9.11 Revise subsection .1 and .1 a. and .1 b to read:

.1 Off-premises signs for the purpose of identifying and/or directing traffic to local governmental services, religious, educational, or institutional facilities, non-profit service organizations and *farms* subject to the following: *(note: in this paragraph on the second line the only change is to delete the word “stands” from “farm stands”)*

- a. Two off-premises signs for farms. Maximum area – 6 square feet. One off-premises sign for all other uses. Maximum area - 2 square feet.
- b. Maximum area per sign – 2 square feet, except farms 6 square feet.