

# Amendments to the Cornwall Zoning Regulations

June 12, 2018 public hearing

## Section 5. 11 Rename from “Farmers’ Markets” to Farms, Farming and Agriculture

1. **Statement of Purpose:** As stated in Article 1.4 “Statement of Purpose” of the Cornwall Zoning Regulations, Cornwall seeks “to preserve and protect farmland and promote farming. The Town supports The Right to Farm and CT General Statutes Section 19q-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 the town was founded.
2. **Farms are permitted in any zone** provided that no building or structure used for housing livestock or poultry or 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.
3. **Definitions**
  - a. **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 modified herein, 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 (aka subordinate) 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.

- b. Other allowed accessory (aka subordinate) uses in Cornwall, 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; 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.
- c. **Roadside Farm Stand:** 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.
- d. **Farm Store:** 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.

#### **4. Accessory Uses and Application Requirements:**

- a. Accessory uses listed in 3.b above require either a Certificate of Compliance or a Zoning permit.
- b. Applications with 10 or less parking spaces shall include a Plot Plan meeting the requirements of Section 1.4.2.
- c. Applications with more than ten parking spaces shall require a Site Plan meeting the requirements of Section 6.6.
- d. **Parking:** Applications for year around uses and traffic generation such as farm stores, tasting rooms for products 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.
- e. All applications shall include a written statement describing the type and nature of the proposed use. 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.
- f. 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.

**5. Farmers' Markets:** Outdoor farmers' markets shall be permitted (ED 08/01/2016) subject to a zoning permit on property located only 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

**6. Signs:** 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.

**7. General Guidelines:** The Commission has established general guidelines or examples that can be used by future Planning and Zoning Commissions in determining what constitutes a subordinate use to farming and agriculture. These Guidelines are appended hereto.

**Amendment to 3.3 Special Permits Uses Permitted in Any Residential Zone**

p. The hosting of weddings more than three times per year.

**Amendment to 16. 1 Definitions and Interpretations**

Amend definition of Farm to refer to Section 5.11 Farms, Farming and Agriculture

Amend definition of Farming to Refer to Section 5.11 Farms, Farming and Agriculture