

Proposed Amendments to New Milford Zoning Regulations Regarding Agriculture:

- **bold/underlined** is language to add.
- ~~[Strikethrough]~~ is language to delete)
- ~~**bold underlined and strikethrough**~~ is language deleted from initial submittal
- **Red Bold** = New text from initial submittal

Proposed Definitions (to add to Chapter 15 – Definitions) Agriculture

Chapter 15- Definitions

Agriculture and Farming: The terms agriculture and farming shall be defined as outlined in Connecticut General Statutes Section 1-1 (q).

Agricultural Buildings and Structures: Buildings or other structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies.

Agritourism: ~~Agritourism is defined as the opening to the public of a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation, including, but not limited to, hayrides, corn mazes; weddings, meetings, events; on farm sales such as farm stands and pick your own operations; retailing farm and farm related products, farm store; and/or recreational enterprises; on farm processing operations; and passive recreation such as bird watching and hiking. Agritourism is a permitted accessory use on any farm.~~ **The term Agritourism shall be as defined by the U.S. Department of Agriculture.**

Farm: A tract or tracts of land [containing five (5) acres or more], used in part or wholly for agricultural purposes, excluding fertilizer manufacture. A “farm” may include premises used for keeping livestock and other domestic animals when permitted by these regulations. A “farm” may include as an incidental use, structures and facilities for slaughtering and processing of animals, as may be permitted by these regulations. (Amended Effective: June 8, 2018)

Farm: **A parcel or parcels whose land and building(s) are in active use for Agriculture or Farming as defined in Connecticut General Statutes Section 1-1 (q).**

Farmer’s Market: A for-profit or nonprofit cooperative, enterprise, or association that regularly occupies a given location, and that operates principally as a common marketplace for a group of farmers to sell locally-grown, raised or produced farm products directly to consumers.

Farm Products/Agricultural Commodities: Any products of agriculture, including fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock, Christmas trees, other horticultural commodities; livestock food products, including meat, milk, cheese and other dairy products; products from any tree, vine or plant and their flowers; or any such products that have been processed by a farmer, including, but not limited to, baked goods, soaps, crafts or other products made with farm products; subject to any other required license and/or permits.

Farm Products Stand: ~~A temporary moveable tent, table or stand setup from which locally grown, raised or produced Farm Products are sold.~~ **Agricultural Products are grown or produced on the Working Farm.**

Farm Store: A building from which locally grown, raised or produced Farm Products are sold.

FARM: ~~A parcel or parcel engaged in agricultural production of a Farm Product or Agricultural Commodity, as a trade or business and who:~~

- ~~1. in the preceding taxable year had gross income of \$2,500 or more from such agricultural production, or,~~
- ~~2. on average, a gross income of not less than \$2,500 for the two immediately preceding taxable years, or~~
- ~~3. has begun the production of a Farm Product or Agricultural Commodity and has filed a Certificate of Trade Name with the Town Clerk.~~

Locally Grown, Raised or Produced Farm Products: Farm Products or Agricultural Commodities that are grown, raised or produced anywhere in Connecticut, Berkshire County in Massachusetts or in Dutchess or Putnam Counties in New York State.

Working Farm: ~~A Farm whose agricultural land and buildings are in active use for crop production and/or the raising of livestock or other Agricultural Commodities.~~ **A parcel or parcels whose land and building(s) are in active use for Agriculture or Farming as defined in Connecticut General Statutes Section 1-1 (q) and in the preceding taxable year had a minimum gross income or loss, as demonstrated on IRS Form 1040, Schedule F, of \$2,500 or more from such agricultural production.**

Section 025-050 Agricultural Uses

~~[Preserving the Town's existing farms and encouraging new farming activities are goals of the Town's Plan of Conservation and Development. The purpose of these regulations is to clearly define agriculture and to promote the economic and operational vitality of existing agricultural operations while facilitating and promoting new operations.]~~

A. **Agriculture and Farming uses as defined in Connecticut General Statutes Section 1-1(q) are permitted in any residential zone and subject to the following standards and application procedures as outlined below and in Table A:** [The following agricultural uses: farming, forestry, truck gardening, nursery gardening, and the display and sale of farm and garden produce are permitted in any residential zone subject to the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer:]

- ~~1. [Any parcel of land intended for the above noted permitted agricultural uses must contain at least three fourths (3/4) of an acre.]~~
2. **Required Yard Setbacks:**
 - ~~i. [Any buildings temporary and permanent, to be erected associated with said agricultural uses must be located in conformance with the minimum yard setbacks for the zone. Any buildings temporary and permanent, to be erected associated with said agricultural uses must be located in conformance with the minimum yard setbacks for the zone.]~~

- ii. Any proposed building must be located in conformance with the minimum yard setbacks for the zone.
- iii. An existing building or structure which is legally nonconforming with regard to minimum yard setbacks may be used for agricultural purposes, subject to standards and application requirements as may be required by these regulations, and in accordance with the Connecticut Public Health Code and local ordinances.

3. Building Height:

- i. Any proposed Farm Store, must conform to the allowed heights in § 025-110.
- ii. Other structures such as green houses, lean-to's and sheds, must conform to the allowed heights in § 025-110.
- iii. Barns proposed as accessory structures to a Working Farm may be built to a Building Height of 35'.
- iv. Silos used for the storage of agricultural products on a Working Farm are exempt from height requirements.
- v. Cupolas accessory to and attached to agricultural buildings are exempt from height requirements.

4. Agritourism is an allowed Accessory Use to any Working Farm.

Outdoor events that include amplified sound or music are limited to Working Farms and subject to the following restrictions, in addition to applicable Special Permit criteria within §180-40:

- i. events are restricted to Friday – Sunday and must cease by 10 p.m. on Friday and Saturday and 7 p.m. on Sunday
- ii. venue locations must be a minimum of one hundred (100) feet from any property line
- iii. approved locations must provide the schedule of events held, to the Zoning Enforcement Officer by December 31st of each year

5. Product Sourcing Requirement:

- i. All products sold shall all be labeled, indicating the origin and source.
- ii. A minimum of fifty (50)% of the products are grown or produced on the Working Farm.
- iii. Up to 50% of the products may be Locally Grown, Raised or Produced Farm Products
- iv. Up to 25% of the products may be grown or produced beyond where Locally Grown or Raised Farm Products are obtained, provided that they are transported no more than four hundred (400) miles from where they are produced, as indicated in the Food, Conservation and Energy Act of 2008.
- v. In the event that some or all of the Farm Products/Agricultural Commodities have been destroyed or damaged by fire, explosion, flood or any act of God or public enemy, a Working Farm shall be exempt from providing a minimum of 50% of their products from the Farm.

6. Parking and Access for Farm Products Stands/Stores and Agritourism:

- i. [A minimum of one (1) off-street parking space, consisting of a dustless surface shall be provided for each 50-square feet of Farm Stand sales area. All parking areas must be located in conformance with the minimum yard setbacks for the zone.]
- ii. Agritourism operations must be able to safely accommodate a minimum of seven (7) off-street parking spaces on the Working Farm for every acre of Agritourism use. This calculation shall be inclusive for any parking required for a Farm Stands and/or Farm Store located on the farm. Such parking facilities need to comply with the area requirements outlined in Section 135-060 of the regulations; except the parking space may be accommodated in a farm field or similar area, where formal space designation is not required.

7. Local Farm Products Requirement:

90% of the products shall be locally produced, grown or raised with at least 50% of the products produced, grown, or raised on the Farm, except as may be modified in Table A. Locally for the purposes of this section of the regulations shall include all Connecticut counties as well as Berkshire County in Massachusetts and Dutchess and Putnam counties in New York. 10% of the products may be produced elsewhere, but must be an agricultural product.

8. Agritourism is considered to be an accessory use to an established agricultural operation and is permitted subject to the standards and application procedures outlined in Table A of this chapter.

9. Horses and Livestock: The additional standards of Section 025-060 shall apply to the keeping and stabling of horses and livestock.

<u>TABLE A Proposed Use</u>	<u>Minimum Percentage of Agricultural Products produced, grown or raised on the Farm where the use is located.</u>	<u>Parking Standards</u>	<u>Application Process</u>
<u>Farm Products Stand (A temporary movable tent, table or stand set up) (not exceeding 200 s.f.)</u>	<u>50% 100%</u>	<u>1 space required</u>	<u>No zoning permit required. All products must be grown on the subject property</u>
<u>Farm Store</u>	<u>50%</u>	<u>1 space per 250 200 s.f. of building sales area</u>	<u>A) A Farm Store with a Retail Floor Area 500 1,000 s.f. or less of building sales floor area requires a Zoning Permit. B) A Farm Store with a Retail Floor Area greater than 1,000 s.f. of building sales floor area requires a Site Plan Application</u>
<u>All other Agricultural Buildings or Structures</u>	<u>50%</u>	<u>None</u>	<u>Zoning Permit</u>

<u>Farmer's Market</u>	<u>N/A</u>	<u>Per Chapter 175 of the zoning regulations</u>	<u>Site Plan Application Required</u>
<u>Agritourism Outdoor Uses</u>	<u>50%</u>	<u>Ability to provide 7 spaces per active acre of Agritourism use*, inclusive of any Farmstand or Farm Store parking requirements</u>	<u>A one-time Zoning Permit is required to establish an Outdoor Agritourism use on a property</u>
<u>Agritourism Indoor Uses – including but not limited to education, exhibition, meetings and non-wedding events for up to 50 people.</u> <ul style="list-style-type: none"> • <u>including but not limited to education, exhibition, meetings</u> • <u>include less than 150 people</u> 	<u>n/a</u>	<u>1 space per 250 200 s.f. of building floor area*, exclusive of any other parking required for farm uses.</u>	<u>A one-time Zoning Permit is required to establish an Indoor Agritourism use on a property</u>
<u>Agritourism Special Events for such uses as outdoor weddings and similar events</u> <u>Agritourism-special events (indoor or outdoor)</u> <ul style="list-style-type: none"> • <u>that include amplified sound or music, or</u> • <u>includes over 150 people</u> 	<u>n/a 50%</u>	<u>As determined by the Commission</u>	<u>Special Permit Application Required</u>

** This calculation shall be inclusive for any parking required for a Farm Stands and/or Farm Store located on the farm. Such parking facilities need to comply with the area requirements outlined in Section 135-060 of the regulations; except the parking space may be accommodated in a farm field or similar area, where formal space designation is not required.*

B. [Farm Products Stand: In a commercial zone a temporary, moveable table, tent, or stand setup for the sale of locally grown produce in season may be permitted as an incidental use to the principal commercial use of the lot subject to the site plan approval in accordance with Chapter 175 of these regulations. Such stand may be permitted where this is sufficient parking and circulation for both the principal and incidental use.]

C. Slaughterhouse and Animal Processing Facility (NO CHANGES TO THIS SECTION)

Proposed Amendment to Section 025-060 Horses and Livestock

The keeping or stabling of horses and livestock is permitted subject to the following limitations and conditions:

A minimum of three-fourths of an acre of required lot area [~~land~~] is available for the first unit and one half an acre of land is available for each additional unit. A unit shall be defined as the following:

- One (1) cow or horse
- Three (3) llamas [~~or similar ruminants~~] **or alpacas**
- Two (2) young stock
- Five (5) goats or sheep
- Fifty (50) chickens

No limitation with respect to the number of units is imposed on parcels of land containing five (5) acres or more.

Adequate fencing must be installed and maintained. Any building ***to be erected*** associated with the keeping or stabling of horses or livestock must be located [~~at least 50 feet to any property line~~] **in conformance with the minimum required yard setbacks for the zone.**

Section 025-110 Accessory Uses and Buildings Permitted in a Single-Family Residential District

Existing

- B. Accessory buildings, **except for agriculturally related buildings and structures outlined in § 025-050, such as** swimming pools, gazebos and decks are permitted accessory structures subject to the following standards and issuance of a zoning permit by the Zoning Enforcement Officer.
1. All accessory buildings, swimming pools, hot tubs, gazebos and decks must meet the required yard setbacks outlined in Section 020-010, with the following exceptions:
 - a. An accessory building or gazebo with a footprint no greater than 200 square foot in area and 12' in peak height may be located in a rear yard or side yard provided said location is at least 20' to all property lines. In the event the lot is located in a zone with a setback requirement of less than 20', the less restrictive setback standard would apply.
 - b. A swimming pool or hot tub with associated deck or a freestanding deck may be located in a rear yard provided said location is at least 20' to all property lines. In the event the lot is located in a zone with a setback requirement of less than 20', the less restrictive setback standard would apply.
 2. No accessory building shall exceed a height of 18', as building height is defined in Chapter 15 of these regulations.
 3. An accessory building with a building footprint greater than 900 square feet, or a maximum peak height greater than 20', or which is proposed to be connected to a separate septic system shall require approval of a special permit and site plan application in accordance with the provisions of Chapters 180 and 175.

Section 145-050 Permitted Signs

All signage described in this section requires a zoning permit, **except as indicated below.**

1. Residential Zones: In a residential district, MR District, AACZ, MPRDD, CCSD, R-MH, or any future residential zone which may be created, one (1) sign is permitted for legally existing uses as follows:

a. One (1) sign not exceeding four (4) square feet in area is permitted for legally pre-existing home occupations, professional offices, bed and breakfast inns, riding academies, **farm stands**, and general home occupations. The sign may be either free standing, wall-hung, or a wall sign. A free-standing sign may not exceed a height of eight feet (8') from the ground to the top of the sign.

b. The following signs are permitted on **Working Farms or **Farm Stands****

- i. **One (1) free standing sign, per Lot, not exceeding sixteen (16) square feet in area and eight (8) feet, measured from grade, for farms or farm stands; provided that the sign is not internally illuminated or backlit and may only be downlit from a single fixture, whose light source is shielded; and**
- ii. **One (1) wall mounted sign, per Lot, not exceeding sixteen (16) square feet in area affixed to an agricultural structure; and**
- iii. **Murals and barn quilts depicting agriculturally themed activities are exempt from the sign regulations.**

c. One (1) sign not exceeding sixteen (16) square feet in area and ten feet (10') in height for a freestanding sign may be permitted for churches, schools, colleges, ~~[farms]~~, public libraries, community buildings, public parks, public playgrounds, public recreation buildings, stadium or athletic field, golf course, nursery, hospitals, nursing homes, convalescent homes, cemeteries, marinas, municipal buildings, and other philanthropic organizations.

~~[Section 025-110 – Fences~~

~~C. Fences shall not be placed in such a manner as to inhibit lines of sight or otherwise affect traffic safety. Razor wire and other similar types of hazardous fencing are prohibited in residential zones, with the exception that barbed wire and electric fencing may be erected on properties with agricultural uses. No fence in excess of 8' in height from the ground level to the top of the fence may be erected on any lot in the residential zone.]~~