

AMEND: Article III- GENERAL REGULATIONS
AMEND: SECTION 352 Farming
AMEND: SECTION 331
(Zone A-Farm-Residence **Zone** — Permitted Principal Uses)

AMEND: **352 Farming**
It is the intention of the people of Sherman to encourage farming in the town, in accordance with the guidance of the Plan of Conservation and Development, in order to preserve open space, preserve the rural character of the town, maintain the historical integrity of the town, and manage the density of population consistent with the natural resources and the infrastructure in the town. The town recognizes, as well, that farming must be done responsibly, with consideration for the rights of one's neighbors.

ADD: **352 B. Farm**
352 B.1. General:
This section is intended to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Sherman. Farm activities are permitted to have certain complimentary activities that will help create a viable agricultural endeavor in accordance with all State and Federal laws or regulations governing such activities.

ADD: **352 B.2. Lot Size**
The lot upon which the principal buildings for farming are located shall be at least 200,000 square feet of contiguous zoning acres in area. Dwelling use on the same property is permitted but an additional 80,000 square feet shall be required for the dwelling and all requirements for the dwelling and lot must meet these Regulations.

352. B.3 Setbacks
Minimum setback requirements for barns housing animals shall be 100 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road, whichever is greater. Minimum setback requirements for other farm buildings shall be as in 331.5 and 332.5.

352. B.4 Seasonal Farm Stand
The accessory display and sale of farm produce at a Seasonal Farm Stand is considered to be a permitted use provided it meets the conditions below, in addition to Site Plan Approval by the Planning and Zoning Commission before such activity begins.

The activities must be conducted on the premises which contain the principal farming activity. Any structures used for this purpose shall meet all the requirements of these regulations.

- a. Size and Setbacks**
A Seasonal Farm Stand shall not exceed three hundred (300) square feet in size and shall be placed at least fifty (50) feet from the front lot line; at least one hundred (100) feet from any road intersection; and at least one hundred (100) feet from any side or rear lot line. A Seasonal Farm Stand of less than one hundred (100) square feet shall be exempted from the front lot setback.
- b. Sale of Products**
A majority of the produce offered for sale shall originate on the premises, and at least 70% of the gross value of the products available on site for sale shall be from agricultural goods produced on site.
- c. Parking**
To ensure public safety Seasonal Farm Stands are required to provide parking for at least three (3) cars, not located in a public road right of way or requiring backing out into a public road right of way, with adequate ingress and egress. A detailed plan of the parking area or areas shall be submitted to and approved by the Planning and Zoning Commission in accordance with procedures set forth in Section 372. Parking must be accessible and usable in all weather conditions for visiting vehicles.

d. Vehicles

Vehicles used in connection with such display or sale shall be garaged or otherwise screened and hidden from view of adjoining properties and the adjacent roads when not in use.

e. Signs

Signs shall be permitted as set forth in Section 362.

ADD: 352. B.5 Farm Store

One Farm store per active farm may be permitted by Special Permit provided the farm store meets all standards of this Section and has access from a collector road and is sited more than fifty (50) feet from any property boundary. A pre-existing non conforming structure may be converted to farm store use, with the Commission's approval.

a. Statement of Use

Every application for a farm store Special Permit shall include a Statement of Use. The Statement of Use shall describe the following as they apply to the proposed farm store use:

- i.** Hours of operation, number of employees, types of items sold, size of the retail area.
- ii.** The Statement of Use shall become a part of any Special Permit approval for a farm store use, and the farm store use shall be operated in accordance with the provisions of the Statement of Use. The Statement of Use may be amended by the Commission, at the request of the applicant, without a new public hearing if, in the Commission's opinion, the requested amendments are minor in nature. If the requested amendments are not minor in nature, the Commission shall require a modification to the Special Permit and hold a new Public Hearing.

b. Sale of Products

At least fifty percent (50%) of the gross sales of the farm store shall be from agricultural goods produced on the premises or processed products made from raw materials produced on the premises. The other forty five percent (45%) must be locally grown or regionally produced products, the remaining five percent (5%) may be non-regionally produced products.

c. Parking

To ensure public safety, farm stores are required to have off street parking that is code compliant as it relates to grade and drainage. A parking plan must be included with a Special Permit Application.

352. B.6 Farm Related Events

a. Event Types

Farm related events include events such as corn mazes, pick your own, harvest festivals and farm tours, educational demonstrations, hay rides, petting zoos or other accessory farm uses.

b. Parking

Farm related events are allowed on farms provided adequate off-street parking is provided for guests/customers. One parking space is required for every two guests/ customers/ employees. Parking does not have to be paved or improved, just accessible to and useable in all weather conditions for visiting vehicles. (a section of field is acceptable, provided it is passable).

c. Permanent Uses

Permanent farm related uses include events on a farm which are accessory to agricultural uses and which occur regularly, such as the processing of farm products and their related activities.

d. Site Plan

All proposed Farm related events must submit a Site Plan to the Commission. The Site Plan must show in detail planned use areas, parking and traffic movements. If lighting and signage is proposed they must be included on the Site Plan.

e. Statement of Intent

Once the Site Plan is approved and all conditions, if any, satisfied, the applicant must annually submit a Statement of Intent of proposed events noting the date, number of persons expected and the nature of the event. The applicant will not have to receive Site Plan approval on an annual basis so long as the approved activities do not significantly change.

352. B. 7 Non-Farm Related Events and Activities

a. Event Types

Non-farm related events and activities are uses on a farm that are not necessary to agriculture or tied to farm buildings, structures, equipment and fields. Such uses include, but are not limited to, fee based outdoor recreation such as cross country skiing, mountain biking and event hosting such as charity benefits and movie nights. Non-farm events and activities are allowed on farms only by Special Permit and shall meet Special permit requirements for special events as identified as below:

b. Outdoor Events

All outdoor functions with more than 50 guests, not including staff, in the outdoor area shall require an Event Permit from the Zoning Enforcement Officer and must meet the following criteria:

1. Such functions (whether open to the general public or invitation only) shall be held no more than 15 times per calendar year. The Zoning Enforcement Officer must receive an Event Permit application at least four (4) days prior to such a function.
2. The maximum occupancy for all such functions, whether held indoors or outdoors or any combination thereof, shall not exceed one hundred fifty (150) guests unless approved in advance by the Commission and will count towards the total of 15 events exceeding 50 guests.
3. The outdoor event area shall be readily accessible from a farm building, and outside tables must be located in such a manner as to maintain access to the building for emergency purposes. Areas in which parking is required by the approved Special Permit cannot be used for outdoor event activities. The designated outdoor event area must be clearly identified on the submitted plans with the Event Permit. Parking must be accessible and useable in all weather conditions for visiting vehicles. A section of field is acceptable, provided it is passable.
4. Any event held in the outdoor event area shall begin no earlier than 10 am and end no later than 10 pm on Friday and Saturday nights; and no earlier than 10 am and end no later than 9 pm Sunday through Thursday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 10 pm.
5. The outdoor event area shall be largely open to the elements, however may be enclosed with a canopy or tent, in accordance with Section 324.2 b, Temporary Buildings.
6. The property owner is responsible for cleanup of all trash generated from the outdoor dining area. All refuse containers shall be screened from view from offsite and located no closer than fifty (50') from any property line and no closer than one hundred (100') from any dwelling on an adjacent lot.
7. All entertainment and audio amplification shall terminate at least thirty (30) minutes prior to the closing times set forth in paragraph (4) above.
8. Lighting of the outdoor dining area must meet the criteria set forth in Section 322.8 of these regulations.

9. All outside dining is required to maintain all licensing from the State of Connecticut, Department of Consumer Protection and Liquor Control Division, and must submit all applications to the Zoning Enforcement Officer for approval and signatures.
10. The outdoor event area may include a service bar operating under caterer's liquor permit when private functions are occurring on the premises.
11. For any event contained in the approved statement of use, at least four (4) days as previously recommended prior to any such event, an Event Permit application shall be submitted to the Zoning Enforcement Officer. The applicant shall provide the date of the event(s) and the number of estimated guests and such other information required by this section and the statement of use.

352. B. 8 Open Public Events

Activities allowed on a farm could include artist receptions and artist exhibitions, music entertainment, farming related seminars, farming related meetings and food tastings in such location, of such frequency and size, and in accordance with the conditions as set forth in the approved statement of use. Maximum attendance for such events shall be fifty (50) not including employees. The statement of use shall specify the maximum anticipated attendance for each category of event that may occur at the farm, location on property, and hours of such events. Such information need not list every single event by date, but may group them by category. The Commission may modify any such proposed number, schedule, maximum attendance, location, and hours of such events. No alcoholic beverages shall be served or consumed on the premises, specifically including so-called "BYOB" (Bring Your Own Bottle) unless expressly authorized in the statement of use, such as authorization for properly licensed caterers to serve alcoholic beverages. Hours are limited to operating hours set forth in Section 352.A 3 b.

352. B. 9 Design and Site Plan Development Standards

a. Access and Circulation

- i. Where a Lot has frontage on two (2) or more streets, the entry and exit from the street shall be provided to minimize traffic congestion and eliminate hazards to traffic and pedestrians.
- ii. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street, provide for two way traffic and be a minimum width of twenty (20) feet.
- iii. There shall be no more than one (1) driveway connection from any lot to any street except that:
 1. Separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion.
 2. Additional driveway connections may be provided, particularly for, but not limited to, large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection.

352. B. 10. Application Requirements:

In addition to the requirements of Section 340 (Special Permits) of these Regulations, the Applicant shall submit a statement of use indicating the activities to be conducted on the premises, including the following:

- a. Written approval from the Sherman Health Department. A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- b. Written approval from the Sherman Fire Marshal. A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- c. The specific types of activities to be conducted on the premises; the location of such activities on the premises with the dimensions of such area; the typical and maximum attendance for such activities, either individually or by categories; the hours of such activities; the food, if any, to be served at such activities or products sold or offered for

sale, other than farm and farming related products; the frequency of such activities if to be conducted on a periodic or other than daily schedule.

- d. The location on the premises, number or frequency, maximum attendance, hours, and schedule for events proposed under Section 352A.3.c above.
- e. The location on the premises, number or frequency, maximum attendance, hours, and schedule for outdoor functions proposed under Section 352A.3.e above.
- f. Such other information as will enable the Commission to determine the type and character of activities to be conducted on the premises and the potential impact of such activities on the neighborhood and the local road system, and to establish that such activities meet the definition of accessory uses in these Regulations.

352B.11 Criteria for Evaluation:

In addition to the criteria of Section 340 of these Regulations, the Commission shall consider the following in any application a special permit:

- a. The type, number, frequency, size, potential traffic generation, and other aspects of the proposed activities in consideration of the fact that such activities are to be accessory to the farm use, and not to become principal commercial facilities in residential zones.
- b. The potential impact on adjacent properties including, but not limited to, noise, light, traffic, litter, and environmental impact.
- c. The relationship of the proposed activities to the farming operation being conducted on the premises, and how such activities would enhance the viability of such farming operations.

Amend :Section 610 Definitions:

Add: Connector Road:

A low to moderate capacity road which serves to move traffic from local streets to arterial roads, and designed to provide access to residential properties.

Amend: Farming:

Farm- A tract of land containing 200,000 contiguous square feet or more, used principally for agricultural purposes. A farm may include the keeping of livestock and other domestic animals when permitted by these regulations.

Add: Seasonal Farm Stand- An accessory building, structure or area of land used by a Farm for the temporary seasonal sale of raw and/or processed agricultural and horticultural products which is in compliance with Section 352.5 of these Regulations and is closed annually for no less than six consecutive weeks.

Add: Farm Store- A permanent accessory building or structure or area of land used by Farm for the year round sale of raw and/or processed agricultural and horticultural products which is in compliance with Section 352.6 of these Regulations