

FARM EXEMPTIONS, REGULATIONS AND PERMITS

Presented by

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169 Municipalities in CT

And Each one has
their own set of
rules and
regulations



Questions about Farming??

- Who should you ask ?? Go to the Source!

- The Town Planner

- Director of Development Services

- Wetlands Agent / Zoning Official

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- Who should you not ask?

- Your friend, neighbor, business owner,

or anyone NOT affiliated with the Land Use Department in your town



Zoning Regulations

- Establish uses permitted in each zone
- Setbacks for structures to a property line
- Minimum acreage for a parcel
- Definitions

Farming Definition in Zoning

- **Farm:** A tract of land of three (3) acres or more, used in whole or in part, for agricultural activities, which may include the growing of crops, raising of livestock, storing of crops, processing of crops, and the sale of agricultural product
- Typically describes minimum acres required
- References standard uses

Definition of Agriculture

- **Connecticut General Statutes, Sec. 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, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or 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, ranges, 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. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

What the local land use official needs to know from you

- *Location

- *Acreage

- *Use – growing of crops? Housing livestock?

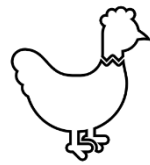
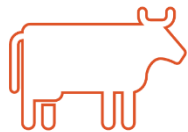
- *Proposed structures?

 - Storage Barn/Hoophouse/Shed/Animal Barn/Paddocks, etc.

- *Animals? How many and what kind?

The Land Use Official will check...

- The Zone – Are Farms Permitted in the area the property is located?
- What are your setbacks - i.e. the distance between a structure or use and the adjacent property line
- If livestock proposed, how many head? Typically regulated by # head/acre



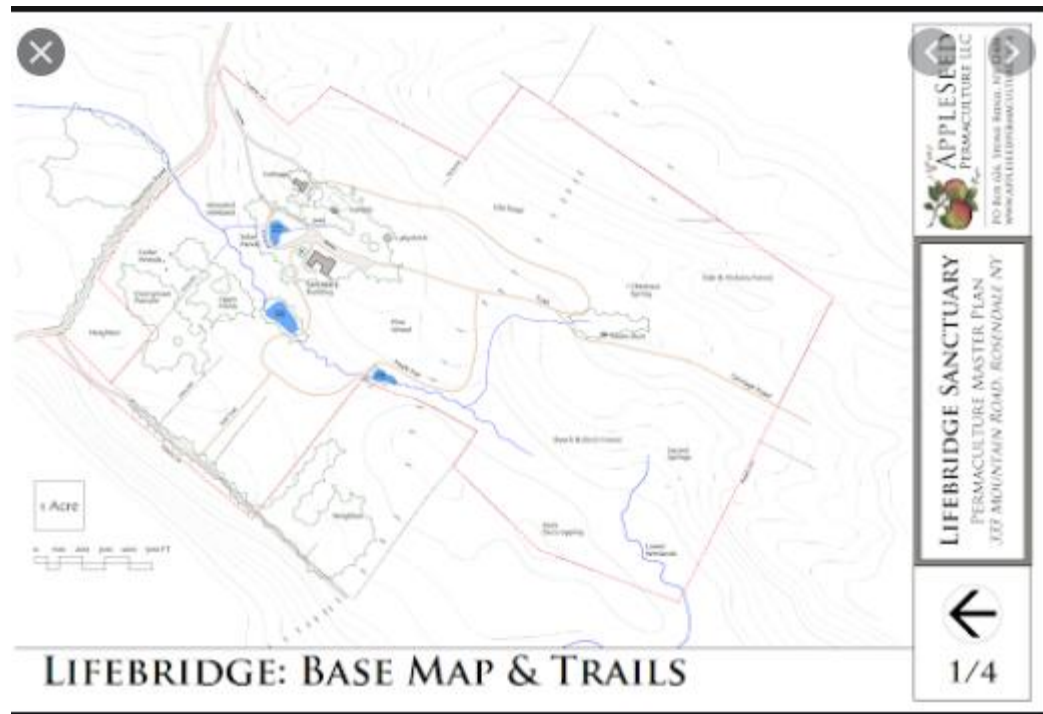
- Cats and Dogs are not considered Farm animals – regulated separately

You might need to apply for a

- **Special Permit** – a specific approval for a use that has been determined to be more intense or to have a potentially greater impact than a permitted use within the same district/zone.
 - Typically requires a public hearing before the Planning and Zoning Commission (PZC)
- **Site Plan Approval** – PZC reviews the development plan with or without a public hearing
- **Wetlands Permit** – should the farm activity encroach upon the setback (uplands) from a wetlands soil.
 - Many farm activities are EXEMPT from wetland permitting...BUT only after the Inland Wetland and Watercourse Commission (IWWC) has reviewed the activity and determined it exempt.

Most likely you may only need a

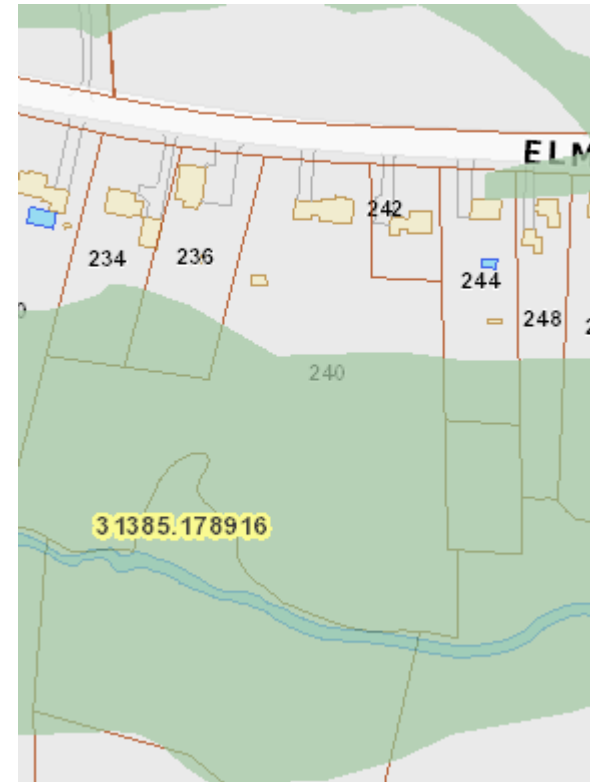
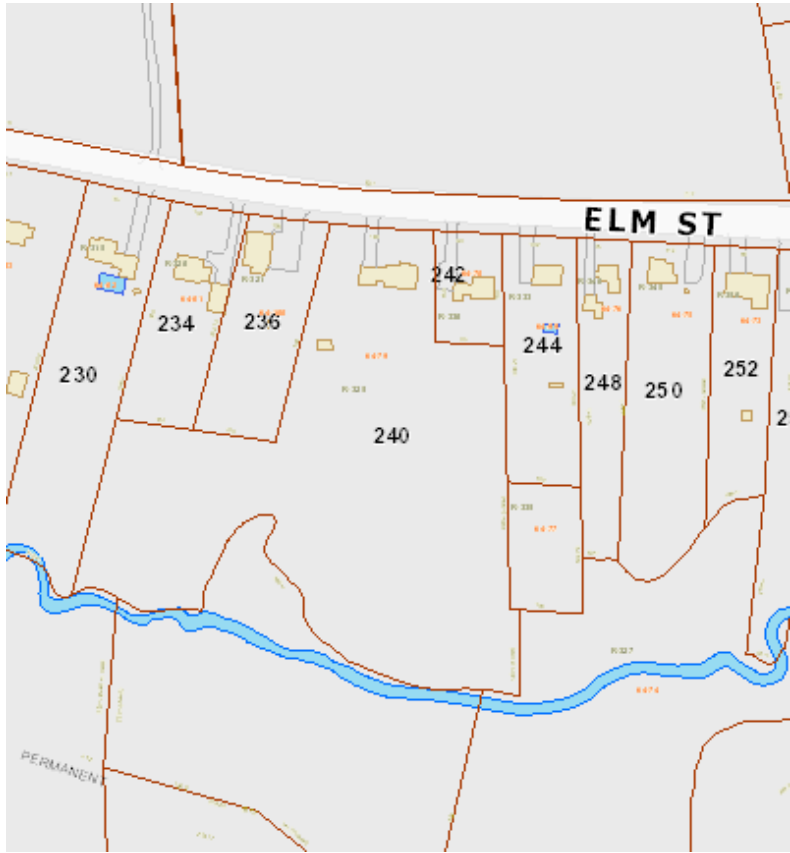
- Site Plan -



Site Plan Standard

- If a Special Permit or Site Plan Review is required, the Site Plan may need to be prepared by a Licensed Surveyor – normally, depends on intensity of activity or proximity to adjacent properties
- In some cases, local land use staff can assist you by utilizing GIS maps (aerial photographs and planimetrics) that may suffice

3 examples of maps from GIS



Other Permits – more the norm

- Zoning Permit – for location of structures and uses
- Building Permit – for structures, inclusive of Barns, Sheds, Hoop Houses, etc.

Backyard Chickens

- Some towns allow chickens on smaller residential properties, some as small as $\frac{1}{4}$ acre
- ALWAYS check with the Land Use Department first
- Rules may be different for keeping of backyard hens and roosters
- They must be contained on the property
- If coop is less than 200 sq. ft., a building permit is not required but may need a zoning permit
- Concerns with setback of coop, odors , rodents and flies, containment of hens

Little Boy Chickens typically prohibited



Takeaways:

Farms and farm activity may not be exempt

- Farms and Farm Uses may be exempt , but USUALLY require some sort of permit
- Some farm uses are exempt from Wetlands, but the IWWC must make that determination
- Backyard chickens MAY be permitted on small residential lots, but may be regulated
- Little Boy Chickens are typically not allowed on smaller residential lots

Takeaways

- MOST structures, temporary or otherwise, will require a Building Permit
(unless < 200 sq ft = Small Farm Stand, chicken coop etc.)
- Dogs and Cats are NOT farm animals and are regulated differently
- When in doubt ask your local Land Use Staff, they know more than your neighbor and can help you through the process