

ITEM 6.2 (2/24/10)
Review of Ordinance #50-09, Article I
Keeping of Certain Animals Restricted

The following is inventory of animal-related regulations.

GENERAL REGULATIONS-----

SECTION 15- PERFORMANCE STANDARDS

15.01 GENERAL REQUIREMENTS- No land or structures in any zone shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element; in such a manner or in such quantities and of such characteristics and duration as to be, or likely to be, injurious to public welfare, to the health of human, plant or animal life or to property in the adjoining premises or surrounding area (referred to herein as "dangerous or objectionable elements") provided that any use permitted or not prohibited by this Code may be established and maintained provided it conforms to the provisions of this section.

SECTION 16- DEFINITIONS

16.01 "A"

16.01.02 AGRICULTURE- The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals.

16.02 "B"-

16.02.08 BUILDING- Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements, as hereinafter provided.

16.11 "K"-

16.11.01 KENNEL- Any structure or premises on which five (5) or more dogs over four (4) months of age are kept for commercial purposes.

USE SPECIFIC REGULATIONS-----

SECTION 60- RESIDENTIAL ZONES AND SOME T.D. ZONE USE SCHEDULES-

60.01- PERMITTED USES- The following uses may be operated as Permitted Uses:

60.01.03- Farming or other agriculture uses--any green house that brings the total of such ground area to 5,000 sq. ft. or more shall be a Special Exception. Seasonal farm stands shall be allowed provided they receive site plan approval and are a part of a farming operation in excess of twenty (20) acres and selling only products grown on-site. Appropriate parking as determined during the site plan process shall be required.

ZONES: R-15, R-30, R-45, R-60, RPZ

(Amended effective 10/31/92)

SECTION 61- BUSINESS ZONES, INDUSTRIAL ZONES AND OTHER NON-RESIDENTIAL ZONES USES SCHEDULE-

61.01- PERMITTED USES- The following uses may be operated as permitted uses:

61.01.01- Agriculture, including nurseries and farms, hydroponics farming.

ZONES: I-1, I-2, I-3, IT

61.01.02- Animal hospitals, veterinary clinics, etc. Animal hospitals, kennels, display and housing and board of pets and other domestic animals, provided that any enclosures or buildings in which animals are kept shall be at least two hundred (200) feet from any residential zone, and at least one hundred (100) feet from any B-1 zone, and exercise runs shall be enclosed on four (4) sides by a sight-obscuring unpierced fence or wall at least five (5) feet in height.

ZONE: I-1

SECTION 44- SPECIAL EXCEPTIONS

44.08.14 PERMANENT YEAR ROUND FARM MARKETS- may be approved by the Commission provided they meet all of the following conditions:

1. The market shall be on the premises of, and accessory to, an active farm of at least 20 acres which abuts a state highway.
2. At least fifty (50%) per cent of the products sold each year, based on gross dollar sales, shall be grown or produced on the premises where the market is located or elsewhere in Middletown or in immediately surrounding areas except in case of weather conditions due to an act of god.
3. Products and services which may be sold shall include dairy and food products primarily from products grown or produced on the premises or elsewhere in Middletown or immediately surrounding areas; farm bakery products; coffee service station; cider, juice and soda; vegetables, fruits; flowers; seasonal farm products (such as honey, maple syrup, jams dried fruits and candy); seasonal crafts (such as wreaths, baskets, ornaments, flower pots); pick your own vegetables and fruits; pre-cut Christmas trees, and horticultural supplies.
4. Accessory uses shall include greenhouses, hay rides, farm animals petting zoo, and farm and craft related seminars.
5. Buildings shall meet yard requirements of the zone.
6. Adequate off street parking shall be provided but in no event less than one (1) space for each 300 square feet of gross building area of the market.
7. The market shall be located either within an existing farm structure or a separate rural, farm-like structure compatible with the neighborhood.

(Section adopted effective 6/1/01)

44.08.34 VETERINARY HOSPITALS/PRACTICE-

1. The site shall have a minimum of five (5) acres.
2. The facility shall be lighted in such a fashion that illumination is not directed onto abutting properties.
3. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise and number of animals cared for. The facility shall also be compatible with its setting in scale, material and design.
4. Noise and other possible disturbing aspects connected with the operation of such use shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use of properties or streets in the surrounding area. (Added effective 7/11/90.)

Ordinance No. 50-09

6.2
2/24/10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN that Article I, Keeping of Certain Animals Restricted, Sec. 107-1, Poultry and other birds, cattle, horses, swine, goats and sheep, of Chapter 107 of the Middletown Code of Ordinances be amended to read as follows:

ARTICLE I
Keeping of Certain Animals Restricted

Sec. 107-1. Poultry and other birds, cattle, horses, swine, goats and sheep.

[The keeping of poultry and other species of birds, cattle, horses, swine, goats and sheep within a distance of 200 feet from a dwelling is prohibited, unless authorized by the Board of Health.]

The keeping of poultry and other species of birds, cattle, horses, goats, sheep or any other animal that, in the opinion of the Director of Health, may create a nuisance or public health hazard are prohibited unless the following requirements and separating distances are kept, or if authorized by the Director of Health for good cause, including, but not limited to, past use of the property, physical configuration of the property or environmental and/or public health impact, by the person(s) requesting the exception:

- A. Twenty Five (25) feet from a property line.
- B. Seventy Five (75) feet from any private water supply well or body of water that is used for any other purpose or flows into another body of water.
- C. The storage of manure shall be kept seventy five (75) feet from a private well water supply or body of water. Manure must be maintained/removed on a weekly basis in order to break up reproductive cycle of flies and mosquitoes.
- D. Manure shall be kept in accordance with Sec. 19-14-B21 of the State of Connecticut Public Health Code, which provides as follows: "In populous districts manure shall be kept in a covered water-tight pit or chamber and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the Director of Health. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the director of health."
- E. A minimum of one hundred (100) feet shall be maintained from any neighboring structure.
- F. A secured fence of appropriate size shall completely surround any area(s) used by the animals.
- G. A minimum of one (1) acre is needed for the keeping of one (1) horse or cattle. An additional half (1/2) acre is required for each additional horse or cattle.

- H. No animal shall be kept or maintained within ten (10) feet from any public road.
- I. Residents requesting an exception will be required to notify adjacent property owners via certified mail and/or posting a sign on the property.
- J. The keeping of swine shall be consistent with regulations set forth in the Public Health Code of The State Of Connecticut Sec. 19-13-B 23(a).

[] = deletion

Boldface type = addition

Approved by Ordinance Study Committee February 17, 2009; October 21, 2009
Approved by Board of Health May 12, 2009; October 13, 2009

**STATUS: REFERRED TO ORDINANCE STUDY, PLANNING AND ZONING
AND**

**CITY ATTORNEY
BY COMMON COUNCIL, CITY OF MIDDLETOWN
AT ITS MEETING HELD ON: NOVEMBER 2, 2009**

Hinze, Ellen

From: Mike Johnson [mike@bettygallo.com]
Sent: Tuesday, January 19, 2010 4:07 PM
To: Hinze, Ellen
Subject: FW: Your CCM Research Request (Farm Definitions)

62
2/24/10

Ellen,

The message is posted below and the ordinances are attached in a PDF.

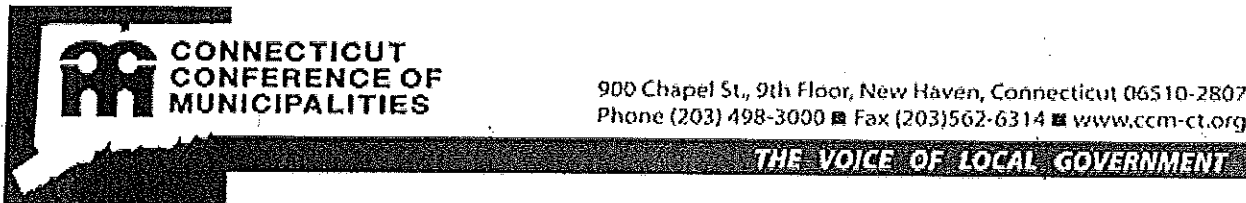
Thanks you for your help.

-Mike

From: Mike Johnson [mailto:johnsonm631@gmail.com]
Sent: Tuesday, January 19, 2010 9:22 AM
To: Mike Johnson
Subject: Fwd: Your CCM Research Request (Farm Definitions)

----- Forwarded message -----

From: ANTHONY BOCCAMAZZO <ABOCCAMAZZO@ccm-ct.org>
Date: Fri, Jan 15, 2010 at 11:37 AM
Subject: Your CCM Research Request (Farm Definitions)
To: johnsonm631@gmail.com
Cc: MAYOR@cityofmiddletown.com



January 15, 2010

Dear Mr. Johnson,

The following is in response to your request for information regarding sample zoning definitions for "farms" and "farmlands."

Attached, please find sample definitions from *A Planners Dictionary*. By Michael Davidson and Fay Dolnick. Chicago: American Planning Association, 2004.

Also attached, please find sample definitions from the following municipalities:

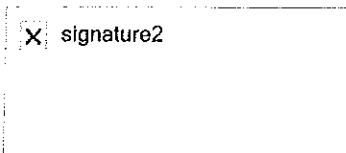
- Clinton

2/16/2010

- Coventry
- Danbury
- Enfield
- North Stonington
- Southington
- Torrington
- Wethersfield
- Willington

I hope that this information is helpful. Please feel free to contact me directly at (203) 498-3055 or by email at aboccamazzo@ccm-ct.org, should you have any further inquiries.

Regards,

A rectangular box with a dashed border containing the text 'signature2' and a small 'x' icon in the top-left corner.

Tony Boccamazzo
Member Services Analyst
Connecticut Conference of Municipalities
900 Chapel Street, 9th Floor
New Haven, CT 06510
W: 203-498-3055
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aboccamazzo@ccm-ct.org

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The following materials and/or statutes are provided for your reference and are neither intended as, nor should be interpreted as, a legal opinion. You should consult with your legal counsel regarding interpretation of the aforementioned materials and/or statutes.

however, may be struck down by the courts if they limit the housing opportunities of non-traditional families, such as group homes for people with developmental disabilities. The Federal Fair Housing Act, state law, case law, and the attorney for the jurisdiction should all be consulted before adopting or drafting a definition of family.

■ **family day care home** (See *day care home definitions*)

■ **family, immediate** Husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law. (Clarkdale, Ariz.)

A father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter. (Rock Hall, Md.)

A member of the immediate family includes any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the owner of the real property. (Campbell County, Va.)

■ **family, shared living arrangement** The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and to provide social contact, mutual support, and assistance. (Larkspur, Calif.)

■ **farm** (See also *agriculture; orchard; ranch*) A parcel of land containing no less than 40 acres or a parcel of land that is a portion of a larger tract of land containing no less than 40 acres owned in fee or leased to a single legal entity and which is devoted to agriculture, pasturage, or stock or poultry raising. The term "farm" does not include: (a) truck gardens; (b) commercial tree farms; (c) sales of agricultural equipment or chemicals; (d) commercial storage of agricultural produce or chemicals; (e) commercial feedlots and poultry lots; and (f) nurseries. (Grand Forks, N.Dak.)

No less than 40 contiguous acres of land, or one-quarter of one-quarter of a section, as legally described and recorded, while used for agricultural purposes. Residential structures occupied by persons engaged in farm operations shall be included in the term "farming", as are

roadside stands for the sale of farm products. (Iowa City, Iowa)

An area with a minimum size of 10 acres which is used for the growing of the usual farm products as vegetables, fruits, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. (North Liberty, Iowa)

A parcel of land containing at least five acres used for the primary purpose of agriculture, horticulture, floriculture or viticulture, including facilities for the sale of produce, wine, and dairy products, insofar as the majority of such products for sale have been produced or grown by the owner of the land on which the facility is located. (Mashpee, Mass.)

Any land or buildings or structures on or in which agriculture and farming operations are carried on and shall include the residence or residences of owners, occupants, or employees located on such land. (Merrimack, N.H.)

Land consisting of five acres or more on which produce, crops, or flowers are grown primarily for off-premise consumption, use, or sale, or on which horses or livestock are housed or raised for personal use. (Chenequa, Wisc.)

■ **farm, animal** (See also *animal husbandry*) Any premises on which a primary use is the breeding, raising, or maintaining of animals for sale or where the primary income from the premises is derived from such uses. (Santa Rosa, Calif.)

■ **farm building** (See also *agricultural building*) Any building used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings, but shall include a barn or silo. (Willistown Township, Pa.)

Any building or structure, other than a dwelling unit, built or placed upon land within a bona fide farm and considered essential and standard to the carrying on of farm operations. (Trenton Township, Ohio)

Structures, other than residences and structures appurtenant thereto, for on-

farm use (barns, sheds, poultry houses, etc.). (Concord, N.C.)

Any structure utilized for agricultural operations. (Wayne County, Ind.)

■ **farm dwelling** A single-family dwelling that is located on and used in connection with a farm. (Maui County, Hawaii)

A single-family dwelling located on or used in connection with a farm, or if the agricultural activity provides income to the family occupying the dwelling. (Hawaii County, Hawaii)

■ **farm equipment and supplies sales establishment** (See also *agricultural sales and service*) Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching. (Rancho Mirage, Calif.)

Establishments selling, renting or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching. (Rancho Mirage, Calif.)

■ **farm, exclusive farm use** (See also *agricultural protection zoning; large-lot zoning*) Land zoned primarily for farming and restricting many uses that are incompatible with farming, such as rural housing . . . (Portland, Ore.)

■ **farm, family** (See also *right-to-farm law*) A farming operation conducted by a person or persons, including a family farm corporation . . . but not a corporate farm. (Ford County, Kans.)

Land within areas designated as [zoning designation] which may be used by family members of the property owner for use as a permanent residence at densities higher than that permitted by the land use classification, upon approval by the [county commissioners]. However, densities may not exceed one acre. This provision is intended for the perpetuation of the family farm by making it possible for family members to both work and reside

the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products from such farm. (*Merrimack, N.H.*)

■ **farming, large livestock** The keeping of domesticated animals such as horses, ponies, burros, dairy and beef cattle, sheep, goats, swine, and similar animals which are kept for personal or agricultural use, or raised for sale and profit. (*Richland, Wash.*)

■ **farming operation, dairy** An agricultural operation on a tract of land at least 20 acres in size, which produces milk and milk products. (*Fort Wayne, Ind.*)

An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment, and processes. (*Dona Ana County, N. Mex.*)

A commercial establishment for the manufacture, processing, or sale of dairy products. (*Vernal City, Utah*)

A structure or use where dairy products are processed, packaged, and/or stored for shipment. (*Garrett, Ind.*)

■ **farming, small livestock** (*See also livestock, small*) The keeping of four or more domesticated animals such as rabbits, chickens, ducks, turkeys, and similar fowl and animals which are kept for personal or agricultural use, or raised for sale and profit. (*Richland, Wash.*)

The raising or keeping of small animals which may include the following: chickens, pigeons, hogs, rabbits, ducks, geese, guinea fowl, peafowl, goats, sheep, or similar fowl or animals. (*Monterey County, Calif.*)

■ **farmland** (*See also agricultural land*) Land in active agricultural or horticultural use. (*Blacksburg, Va.*)

Refers to eight classifications of land mapped by the U.S. Department of Agriculture Soil Conservation Service. The five agricultural classifications defined here—except Grazing Land—do not include publicly owned lands for which there is an adopted policy preventing agricultural use. (1) *Prime Farmland*. Land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops within the last three years. (2) *Farmland of Statewide Importance*. Land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the last three years. (3) *Unique Farmland*. Land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance that is currently used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. (4) *Farmland of Local Importance*. Land other than Prime Farmland, Farmland of Statewide Importance, or Unique Farmland that is either currently producing crops, or that has the capability of production. This land may be important to the local economy due to its productivity. (5) *Grazing Land*. Land on which the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock. This classification does not include land previously designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance, and heavily brushed, timbered, excessively steep, or rocky lands which restrict the access and movement of livestock. (*California Planning Roundtable*)

■ **farmland preservation property** (*See also conservation, agricultural land*) A lot, tract, or parcel of land, which is encumbered with a deed restriction prohibiting its use for purposes other than agriculture. (*Colt's Neck, N.J.*)

Land designated for agriculture or conservation. (*California Planning Roundtable*)

■ **farmstead** That portion of a farm designated for accessory dwellings and other buildings necessary to the farm's operation. (*Loveland, Colo.*)

The area of a farm in which the outbuildings sit and is normally protected by a grove(s) and not used for crops or grazing. (*Sioux Falls, S.Dak.*)

■ **fault** A fracture in the earth's crust forming a boundary between rock masses that have shifted. (*California Planning Roundtable*)

A fracture in the earth's crust along which there has been displacement of land masses relative to one another. (*Monterey County, Calif.*)

■ **fault, active** A fault along which there has been displacement during the last 11,000 years. (*Monterey County, Calif.*)

■ **fault, inactive** A fault along which there has been no major displacement for more than 3 million years. (*Monterey County, Calif.*)

■ **fault, potentially active** A fault along which the most recent major displacement occurred between 11,000 and 3 million years ago. (*Monterey County, Calif.*)

■ **fault trace** The intersection of a fault with the earth's surface. (*Monterey County, Calif.*)

■ **fault zone** (*See also geologically hazardous areas; hazard-prone area*) A zone consisting of interconnected, closely spaced faults and fault traces. (*Monterey County, Calif.*)

■ **feasibility study** An analysis of a specific project or program to determine if it can be successfully carried out. (*Iowa State University Extension Service*)

■ **fee** A payment of funds to the city for any of the applications or other entitlements. (*San Juan Capistrano, Calif.*)

- 3.7.2 Farm: A lot or lots of contiguous land containing at least three (3) acres on which the land and buildings are devoted to farming and such other uses as are accessory thereto and may include adjacent pastures, wooded land, natural drainage access and other open space.

SAMPLE

Farm: A tract of land containing two (2) acres or more and used principally for agriculture, with or without an associated single-family dwelling. In zoning districts in which a farm is allowed, both the agricultural activities and any single-family dwelling that may exist shall be deemed to be permitted principal uses.

SAMPLE

Farm. A tract of five (5) acres or more used for agriculture, forestry, nursery or truck gardening, or for raising of animals for laboratory use or for fur.

SAMPLE

33. 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 products.

SAMPLE

Farm

A tract of land used principally for agriculture, with or without an associated single-family dwelling. In zoning districts in which a farm is allowed, both the agricultural activities and any single-family dwelling that may exist shall be deemed to be permitted principal uses.

Farm pond

Accessory ponds established in conjunction with an agricultural use. Such ponds shall conform to the requirements for excavation, as provided in Section 1525 of these Regulations, and have a maximum size of three-quarters of an acre and have a maximum ratio of one pond per five (5) acres. All boundaries of excavation are to be wholly within the building setback line of the property

SAMPLE

FARM - A plot, tract or parcel of land at least three acres in size devoted primarily to fanning.

East Windsor Planning and Zoning Regulations

FARM: A parcel of land containing at least three acres, used principally for the raising of crops, livestock, poultry, dairy products, plants, trees or other forms of agriculture.

SAMPLE

Farm - a lot with a minimum area of 3 acres that is used for the raising of plants or farm animals.

SAMPLE

FARM -- A parcel or parcels of land of five (5) or more acres under single ownership or leasehold and used for farming. The term "farm" shall include farm buildings and accessory buildings, nurseries, orchards, ranges, pastures, greenhouses and structures used primarily for the raising and incidental sale of agricultural and horticultural commodities.

FARMING -- The use of a farm for agricultural activities:

- including forestry; cultivation of the soil for raising and harvesting any agricultural or horticultural commodity; the raising, dairying, shearing, feeding, caring for, training and management of livestock; the production or harvesting of maple syrup or another agricultural commodity as an incident to ordinary farming operations; and the handling, packing, storing or delivery to storage or to market or the direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operations.
- excluding the commercial raising of pigs, commercial slaughtering, commercial reduction of inedible animal matter, commercial kennels, or animal hospitals.

SAMPLE

3.57 Farm. Any tract of land no less than five (5) acres in area for which the principal use is dairying or the raising of agricultural products, forest products, livestock, or poultry, and any uses accessory thereto, but excluding: Commercial dog kennels; commercial propagation and growing of flowers, plants, nursery stock, and berries, when combined with on-site sales to the general public; commercial greenhouses; commercial livery and boarding stables; commercial veterinary hospitals; cattle feed lots; rendering plants, slaughter and/or packing houses and other similar commercial and/or industrial operations which do not directly relate to the production of raw, unprocessed agricultural products. [* see end note]

SAMPLE