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FARM STANDS

Zoning and Building Code Considerations

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A common sight along roads in the summer is the farm stand. People like to shop at roadside farm stands to obtain fresh, high-quality, locally-grown produce. Farmers turn to farm stands as a way of by

passing the middleman and selling directly to consumers. While many people view the farm stand as an American institution representing the rural character of a community, others view them as commercial uses that should be regulated as to location, items sold, on-site characteristics and hours of operation. This paper looks at roadside stands from the perspective of local officials, such as zoning commissioners, as well as those contemplating opening a farm stand.

Zoning and Farm Stands

Zoning regulations in Connecticut have traditionally favored agricultural uses. During the 1940s and 1950s when most communities adopted zoning regulations, farming and associated activities were generally permitted as a right in all zoning districts. Even in the more urban municipalities, agriculture was generally an accepted land use with few, if any, restrictions.

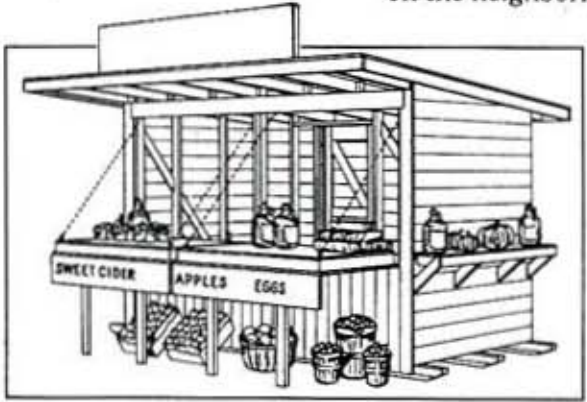
Farming, agriculture and farm stands are activities that zoning regulations either permit by right, with conditions or prohibit. They are activities that are either allowed in all zoning districts or delegated to certain districts. Most communities have established residential, commercial and industrial zoning districts. However, few have exclusive agricultural zones. This is important because unless a community has an agricultural

district, farming and farm related activities such as farm stands, even where permitted, are usually treated as secondary or subordinate to the major land use in the district.

Some commissions feel that farm stands are true commercial uses and should be limited to commercial zones as any other retail outlet. Other communities are concerned with farm stand traffic, off-street

parking, noise, dust, lighting, signs and hours of operation. The size of the stand and type of products sold are also areas of concern. Roadside sales of agricultural products can range in size from youths selling vegetables on a fold up card table, to a simple wooden shed, to a substantial building affording light, heat and ventilation manned by dozens of full time employees selling a variety of natural and man-made products.

While everyone has their own image of the ideal farm stand, it is important for land use regulatory boards to define stands and set standards for their operation. With increased emphasis on direct marketing of agricultural produce, roadside stands will continue to be popular. The goal should be to allow farm stands where possible, yet establish reasonable standards to lessen any negative impacts they might have on the neighborhood and community.



Definitions

Local zoning commissions can develop their own definitions for uses such as farming and farm stands. Local definitions are what the courts analyze when they review local zoning decisions. As a zon-



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ing commission has wide latitude in defining terms found within their regulations, it is important to review your community's zoning regulations to determine how farm stands are defined and where they are permitted, if at all. While many towns allow roadside farm stands, few zoning regulations actually define them. For purposes of discussion, the following definitions of farm retail outlets are offered:

Farm Stand—a small, often open-air structure, situated at the side of a road in which agricultural products are publicly displayed and offered for sale. Its use is generally seasonal.

Roadside Market—a building, generally used year-round, in which fruits, vegetables, other agricultural products, handicrafts or hardgoods are offered for sale.

Garden Center—a building and outside sales areas in which annual plants, potted plants, nursery stock, fertilizer, pesticides, tools or related items are offered for sale.

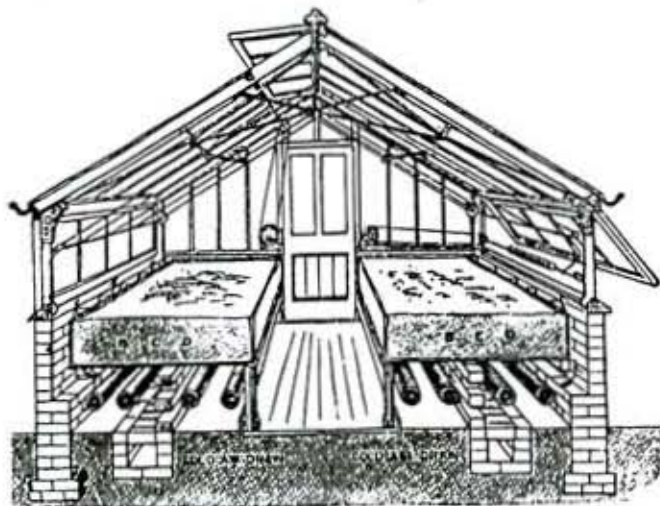
Greenhouse—a structure, covered with transparent material that utilizes solar radiant energy to grow plants. These structures have heating and ventilating equipment for the purpose of optimum temperature control.

Overwintering Structure (hoop house)—a wood or metal frame covered with translucent material, such as white polyethylene plastic, used solely to protect nursery stock, herbaceous perennials and perennial herbs from wind and extreme temperatures during the winter season.

High Tunnel—a wood or metal frame covered with a transparent material and used over field grown, row crops to modify the environment and extend the normal growing season.

Shade House—a wood or metal frame covered with screen or lath material used primarily to provide shading for plants.

Greenhouses come under the Miscellaneous Section of the State Building Code and require a building permit. They are also taxable.



Structures that are used to protect plants for short periods of time and do not contain a permanent heating or fan ventilation system are considered temporary structures and are exempt from taxation. Any structure, farm stand or greenhouse to which the public has access, comes under the mercantile section of the State Building Code. The code addresses materials that can be used, egress, handicapped access, electrical and heating system safety.

Items Sold

Historically, farmers would erect stands near the road to sell the products of their land to persons passing on the public way or to customers attracted by advertising. Such stands seem to be clearly commercial uses. However, they have been distinguished from other retail businesses by the fact that the products sold were raised on the land on which the stand is located. Based on this, many zoning regulations limit what might be sold at the stands to agricultural products grown on the property on which they are sold. Other regulations stipulate a certain percent of the products sold must be grown on the land where the stand is located. Others provide that products sold must be grown on the site of the stand, on adjacent contiguous parcels or other agricultural parcels in the county or state owned or leased by the owner of the site on which the stand is located. Still other communities mandate that sales be limited to locally, regionally or state grown produce.

Some communities limit sales to crops. Others permit a wider range including meat products and handicrafts. Some permit manufactured products such as ice cream made from milk produced on the farm. Other "improved" products one might want to sell at a farm stand include dressed, cured or packed meat; dried herbs and flowers; churned butter and cheese; and bottled or packaged products such as relishes, dressings, jams, jellies, maple syrup and honey.

While limiting sales to produce grown on the farm might seem simple enough, it can cause problems for zoning enforcement officers. Trying to determine the origin of a particular bushel of corn or jar of honey may prove impractical to a zoning enforcement officer who generally deals with issues such as the correct placement of structures on a lot.

Size of Stand

The size of the stand will depend on the grower's type and scale of operation. Some stands are nothing more than tables or wheelbarrows filled with produce. Others use horse-drawn wagons or push carts that are filled with produce each morning and removed from the roadside at night.

The more typical stand consists of a simple wood frame construction ranging in size from a 10 foot x 10 foot shed to more elaborate buildings of 2,000 square feet or more. Many stands are sheds built on



skids so they can easily be removed after the harvest season. Most towns that permit roadside stands set limits on their size.

Some regulations state that the stand shall contain no space for customers within the structure itself. Others permit stands within existing barns or accessory buildings, as long as the modification will retain or improve the structure's appearance. Some towns limit the materials of which the stand can be made, i.e. wood.

Setback Requirements

Most regulations require that the farm stand be setback from the public right of way or property lines. Setback requirements vary from 10 to 200 feet. Some regulations state that farm stands shall conform to the setback requirements for all structures within the zoning district. Some communities require that the stand be set back from dwellings on adjacent lots, wetlands, road intersections, etc. Setback requirements often apply to signs as well as the stand.

Signs

Farm stand regulations should also address the issue of signs. Some communities limit the number, type, location and size of signs. From the farmer's perspective, signs are important to let customers know they exist and what is sold. Often a colorful sign that is easily read is ideal. Signs shaped like the fruit or vegetables sold are often effective.

One Connecticut town limits the number of farm stand signs to two, not aggregating over 12 square feet which must be located on the stand's premises and set back 10 feet from the public right-of-way.

Parking

Inadequate or unsafe off-street parking is a common problem at many roadside stands. Parking spaces should be planned before the stand is established. The direction and volume of traffic as well as the provision of safe entrances and exits should also be considered. A permit may be required from the town if located on a town road or from the Department of Transportation if it is on a state highway.

Parking spaces or areas should be marked rather than letting customers park anywhere. Adequate space between and behind the cars should be provided so that doors and trunks can be opened to load purchases.

Traditionally parking spaces are designed at a minimum width of 9 or 10 feet with lengths from 18 to 20 feet. Some communities have reduced parking space requirements to reflect the popularity of small cars. Los Angeles, for example, now permits parking stalls of 8 feet 4 inches x 18 feet. Ample parking should be a major concern for roadside stand operators as shoppers are less likely to stop if there is no safe, convenient parking area. The Great Lakes Fruit Growers Association offers the following standards to determine the number of spaces required:

1. Allow a ratio of 4 square feet of parking space for each square foot of stand size. For example a 10 x 20 foot stand (200 square feet) would require 800 square feet of parking or four 10 x 20 foot stalls.
2. Allocate one parking space for each \$100.00 sale.
3. Provide 15 parking spaces for each 100 cars expected daily.

Numbers 2 and 3 above might help the stand owner plan parking space but are more difficult for local zoning commissions to administer. Another standard that might be useful is to provide a minimum of three off-street parking spaces for each stand and one additional space for each 100 sq. ft. of stand.

Parking at 90 degrees to a curb accommodates the most cars on a lot. However, this arrangement encourages two-way traffic, as the spaces can be entered equally well from either direction.

To encourage a well-defined internal one-way traffic flow where all cars enter and exit the site at desig-

nated locations, smaller angle parking at 45 to 60 degrees should be provided. Barriers should be established to prevent people from driving or parking where you don't want them. To prevent cars from rolling or getting stuck in mud, parking spaces should be level and well drained. Some communities require that the parking spaces be paved or of a "dustless surface."

Dust, Odor, Noise and Light Generation

Communities are concerned with the impact various uses will have on the neighborhood and community. Particular attention should be given to the effect of the farm stand on the adjacent properties regarding the following:

Dust—parking areas and access driveways to the farm stand should be graveled or paved. Areas around the stand should be maintained in lawns.

Odor—proper disposal, preferably composting, should be made of unsold produce, garden waste, dead plants and material from cider operations.

Noise—compressors, fans, pumps and other motorized equipment should be located or shielded to reduce noise levels. Parking lots can be buffered to contain auto traffic noise.

Drainage—rainwater from roof areas and paved parking areas should be directed so as not to impact adjoining property.

Light—where night operation is planned or the stand is lighted at night for security, indirect and shielded lighting should be used.

Appearance

A person contemplating a farm stand should plan the layout of the stand before erecting the building or establishing a parking area. Consideration should be given to whether electricity or water will be needed and if some activity areas should be screened from public view. Storage, refrigeration and checkout

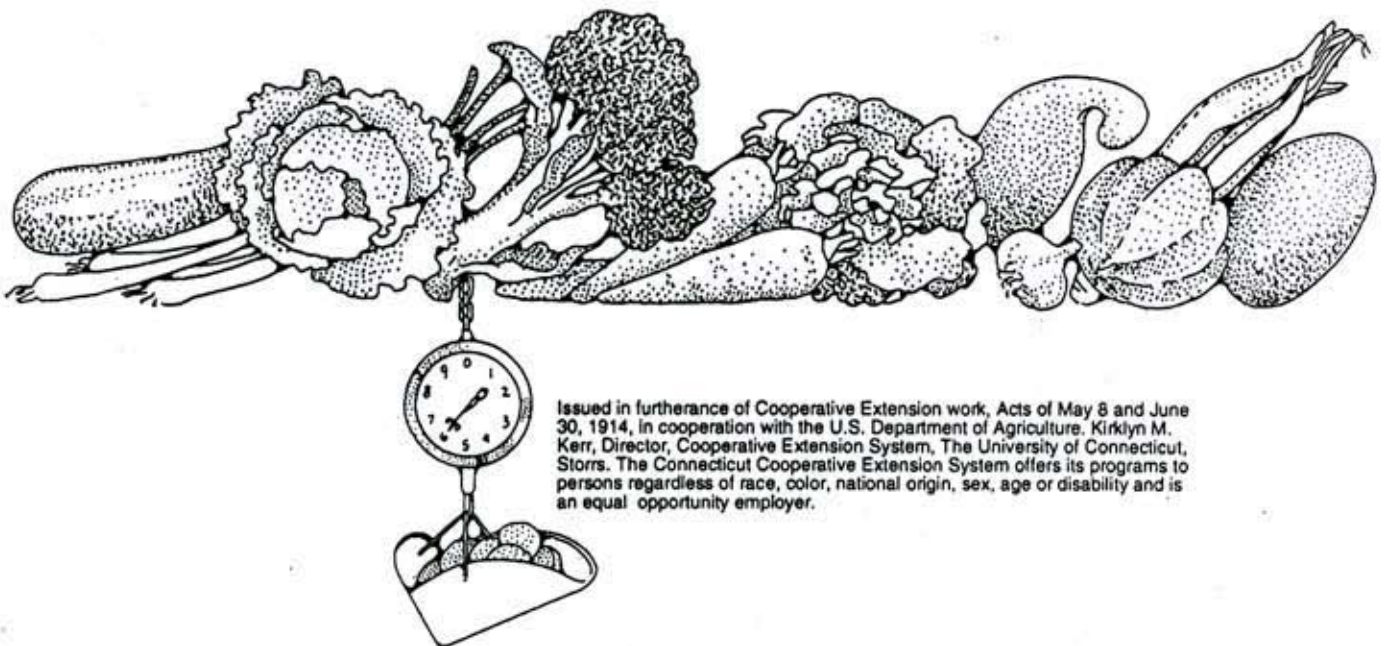
areas should be planned for maximum efficiency. For example, to help prevent lines backing up at the checkout, a reserve area with another cash register or cigar box can be set up.

People like to buy food from an operation that is clean and well maintained. However, good quality produce—not decor—is what customers ultimately buy. Produce can be used to attract customers. If a stand has an early crop of sweet corn, potential customers should see that corn attractively displayed on easy-to-reach shelves. Trash cans and cigarette disposal containers placed in front of the stand or by the door help reduce on-site litter.

Permits Required

Some communities allow farm stands in all districts as a permitted use requiring no zoning applications or permits. Other towns limit stands to certain zones. Many regulations require that all stands obtain a permit from the zoning enforcement officer after submitting a simple sketch plan and/or require a site visit to determine site suitability. In many communities, the operator must submit a list of products to be sold with hours and dates of intended operation. Some communities issue annual permits while others require only one application which is valid unless there is a change in the farm stand operation.

Some communities require more detailed site plans requiring the assistance of an engineer, soil scientist or land planner. It is also important to contact the local building inspector to obtain any required building permits. The State Department of Agriculture, Department of Consumer Protection and Department of Revenue Services should also be contacted to ensure the stand complies with all state regulations regarding the sale of food and nonfood items. 🍀



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