

- **Chapter 5.5 - FARM VIABILITY ORDINANCE**

- **Sec. 5.5-1. - Purpose.**

The purpose of this chapter is to encourage farming and agricultural operations within the town by permitting in addition to the principal agricultural activities, supporting activities which add to the economic viability of the farm.

(Ch. 173, § 1, 9-2-03)

- **Sec. 5.5-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Farm-based contracting business. The use of a portion of a large farm as a place for an office and incidental work and storage in connection with an off-premises trade by a builder, carpenter, electrician, painter, plumber, arborist, logger, landscape gardener, or similar contractor and involves no retail sales from the premises.

Farm product. All agricultural, horticultural, silvicultural and firewood, vegetable, fruit or other products of the soil, livestock products, compost, poultry, eggs, dairy products, fish and other aqua cultural products, nuts, mushrooms, honey and beeswax that are produced on the farm. This definition does not include finished forest products, such as lumber or building materials unless the raw materials for such products are grown and processed on the site.

Farm related products. Products, other than farm products as defined above, which are built, constructed or manufactured on the farm such as crafts, art, books, clothing, quilts or finished wood products.

Farm retail sales building. A building or group of buildings located upon a large, intermediate or small farm, in which farm products, farm related products or food are sold at retail to the general public as provided in this chapter.

Farm stand. A freestanding structure, vehicle, wagon or trailer used only for the seasonal sale of farm products grown or raised on the premises at retail to the general public as provided in this chapter.

Farm supplemental dwelling. One (1) separate dwelling unit, attached or detached from the principal dwelling unit, located on the same unit of land and used for the purpose of providing residential living space for members of the farm family or for other household for which a household member is employed on the farm.

Intermediate farm. Land of at least fifteen (15) acres in area, together with principal and accessory buildings, actively devoted to agricultural or horticultural production and operated by an individual, partnership or corporation that has filed a U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service, has a State of Rhode Island farm tax number, and has earned at least two thousand five hundred dollars (\$2,500) gross income on farm products in either of the preceding two (2) years.

Large farm. Land of at least fifteen (15) acres in area, together with principal and accessory buildings, actively devoted to agricultural or horticultural production and operated by an individual, partnership or

corporation that has filed a U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service, has a State of Rhode Island farm tax number, and has earned at least ten thousand dollars (\$10,000.00) gross income on farm products in either of the preceding two (2) years.

Riding academy. A horse stable operation that may include indoor and outdoor riding rinks and which provides instruction in horseback riding.

Riding academy tack shop. A building or group of buildings located on a riding academy in which riding academy related products such as riding gear, riding clothing, horse feeds, and bedding are sold at retail to the general public as provided by this article.

Small farm. Land of at least five (5) acres in area, together with principal and accessory buildings, actively devoted to agricultural or horticultural production and operated by an individual, partnership or corporation that has filed a U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service, has a State of Rhode Island farm tax number, and has earned at least two thousand five hundred dollars (\$2,500.00) gross income on farm products in either of the preceding two (2) years.

(Ch. 173, § H, 9-2-03)

• **Sec. 5.5-3. - Farm-based retail sales.**

- (a) Upon any large, intermediate or small farm, as defined herein, the retail sales activities listed below are uses permitted by right.
 - (1) Retail sales of farm products and farm related products.
 - (2) Sale of compost or manure produced on the premises only.
 - (3) Sale of mulch of vegetative origin, such as bark mulch. No more than one hundred fifty (150) cubic yards of mulch may be stockpiled on the premises at any one time. Sale of mulch composed of earth products such as stone, sand, or loam shall be prohibited.
 - (4) Sale of timber or other wood products from raw material grown on site.
- (b) Retail sales permitted by right in this chapter may take place 1) outdoors anywhere upon the lot constituting the premises of the farm; or 2) within a farm retail sales building (see subsection (c) below) located on the premises of the farm; or 3) at a farm stand (see subsection (c) below).
- (c) Farm retail sales building. Retail sales of farm products and farm-related products may be conducted on a farm as provided for in this chapter.
 - (1) Within a principal dwelling; or
 - (2) Within a barn, garage, storage shed or similar accessory farm building; or
 - (3) Within a single building devoted solely to retail sales provided, the total cumulative floor area of such building does not exceed one thousand two hundred (1,200) square feet.

Any building or portion of a building in which such sales occur shall be considered a farm retail sales building.

A barn, garage, or a greenhouse shall not be considered to be a farm retail sales building if no retail sales are conducted anywhere within the building and if such buildings are not open to the public.

Storage areas not open to the public shall not be counted toward the maximum floor area.

A greenhouse that is open to the public shall not be counted toward the maximum floor area provided that only plants grown in the greenhouse may be stored or sold in the greenhouse.

Farm retail sales buildings shall meet the minimum yard setback distances for the zoning district in which the building is located.

- (d) Sale of food or food products within a farm retail sales building on a large farm is permitted as follows:
- (1) Prepared food items such as baked goods, sandwiches and meals, canned goods, preserves, herbs and the like may be sold provided that all food preparation and cooking is conducted upon the farm and within a kitchen licensed by the State of Rhode Island and the Town of Hopkinton. An exception to this is deli meats, breads and condiments and bottled or canned drinks that may be obtained from off the farm.
 - (2) Prepared foods may be consumed on the premises.
 - (3) Fresh or frozen meats, prepared or smoked meats, poultry or other perishable foods that are raised, prepared and packaged upon the farm premises.
 - (3) Food sale operations shall comply with all applicable State of Rhode Island and Town of Hopkinton Codes.
- (e) Farm stands. Farm stands located on large, intermediate or small farms shall not exceed two hundred (200) square feet in total floor area and twelve (12) feet in height. There shall be no space available to patrons inside the farm stand. Farm stands may however, provide a front counter security shutter that lifts to form a canopy roof when open for business, to shield patrons at the counter from rain and sun. Farm stands shall not be subject to minimum yard setbacks, but in all cases shall be set back from the edge of a public or private right-of-way by a minimum of fifteen (15) feet.
- (f) Off-street parking. Any structure or use, erected or constructed after the date of passage of this ordinance, shall provide off-street parking facilities in accordance with the following minimum requirements:
- (1) Farm retail sales building. One (1) space for every one hundred (100) square feet of floor area devoted to sales with a minimum of five (5) spaces provided. All such parking areas shall be on private property, and set back a minimum of ten (10) feet from the paved portion of the street and shall be physically restricted or channeled on the lot to define a readily recognizable driveway. There are no off-street loading requirements for farm retail sales buildings.
 - (2) A farm-based service business shall provide a minimum number of off-street parking spaces in

accordance with the appropriate use category requirement in Section 28 of Appendix A, Zoning. Parking for a farm conference center or a riding school shall be located at least fifty (50) feet from all property lines and shall be screened from residential abutters.

- (3) Farm stand. Minimum of two (2) spaces. All such parking areas shall be on private property, off the edge of a public or private right-of-way for a farm stand and set back a minimum of ten (10) feet from the paved portion of the street for a farm retail sales building and shall be physically restricted or channeled on the lot to define a readily recognizable driveway. There are no off-street loading requirements for farm stands.

(Ch. 173, § III, 9-2-03)

- **Sec. 5.5-4. - Farm-based light manufacturing.**

Farm-based light manufacturing on any large farm as defined herein shall be allowed by issuance of a special-use permit in accordance with the requirements of Appendix A, Section 10, Special-use permits. The applicant for a special use permit to conduct farm-based light manufacturing shall be the principal party who will operate the farm-based light manufacturing operation. When the applicant is different from the individual, partnership or corporation that has filed the required U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service, has the State of Rhode Island farm tax number, and has earned at least ten thousand dollars (\$10,000.00) gross income on farm products in either of the two (2) preceding years, then both the applicant and the qualifying party as noted herein shall be present or represented at the hearing. Use may be made of a portion of a dwelling or of an accessory building as a place for the manufacture of items which may not be related to the operation of a farm such as crafts, cabinetry, tools and clothing, etc. Use may also be made of a portion of a dwelling or of an accessory building as a place for the display and sale of such items provided they were manufactured on the farm premises.

Farm-based light manufacturing operations shall meet the following criteria:

- (1) There shall be no more than four (4) light manufacturing employees on the premises who are not members of the principal dwelling household or supplemental dwelling households. Two (2) additional light manufacturing employees from off the farm may be added for each additional fifty (50) acres of farm.
- (2) The external appearance and general aspect of any building used for light manufacturing shall be in conformity with the character of the neighborhood.
- (3) Machinery and materials used in the conduct of the light manufacturing operation, if stored outside, shall be hidden from public view, either by existing topography and or vegetation or by provision of new screening. Such screening shall, as a minimum, comply with the standards for screening of parking and loading areas from adjacent residential areas in Appendix A, Section 28, Off-street parking.
- (4) No vehicles used by the light manufacturing operation with gross vehicle weight greater than thirty thousand (30,000) pounds shall be stored or used on the property unless otherwise stipulated by special use permit.
- (5) Hours of light manufacturing activity shall be restricted to 7:00 a.m. until 7:00 p.m. unless otherwise stipulated as part of the special use permit.

(Ch. 173, § IV, 9-2-03)

- **Sec. 5.5-5. - Farm supplemental dwellings.**

A farm supplemental dwelling shall be allowed by issuance of a special use permit to the owner of record of the farm in accordance with the requirements of Section 10 of Appendix A, Zoning. The maximum density of farm supplemental dwellings shall be: One (1) farm supplemental dwelling on a large farm as defined herein and one (1) additional farm supplemental dwelling for each additional fifty (50) acres contained in the same large farm unit of land.

(Ch. 173, § V, 9-2-03)

- **Sec. 5.5-6. - Farm-based service businesses.**

Farm-based service businesses on any intermediate or large farm as defined herein shall be allowed by issuance of a special use permit in accordance with the requirements of Section 10 of Appendix A, Zoning. The applicant for a special use permit to conduct a farm-based service business shall be the principal party who will operate the farm-based service business. When the applicant is different from the individual, partnership or corporation that has filed the required U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service, has the State of Rhode Island farm tax number, and has earned at least two thousand five hundred dollars (\$2,500.00) gross income on farm products in either of the two (2) preceding years, then both the applicant and the qualifying party as noted herein shall be present or represented at the hearing.

(1) *Farm conference center.* A farm conference center shall meet the following requirements:

- a. All buildings used for the conference center shall be located at least one hundred (100) feet from all property lines.
- b. The zoning board may authorize the provision of temporary accommodations in conjunction with the Farm Conference Center. However, no permanent or continuing residential occupancy shall be authorized under this section.

(2) *Farm-based contracting business.* A farm-based contracting business shall meet the following requirements:

- a. The contracting business shall be carried on pursuant to a valid business certificate issued by the town clerk, through other registration with a state agency, as appropriate, and be assessed for personal property valuation by the municipal tax assessor.
- b. There shall be no more than four (4) contracting business employees on the premises who are not resident thereon and no more than four (4) non-resident contracting business employee vehicles.
- c. The external appearance and general aspect of the building so used shall be in conformity with the residential character of the neighborhood.
- d. The contracting business shall be compatible with any potentially affected residential premises.
- e. Machinery and materials used in the conduct of the contracting business, if stored outside, shall be hidden from public view, either by existing topography and/or vegetation or by provision of new screening. Such screening shall, as a minimum, comply with the standards for screening of

parking and loading areas from adjacent residential areas in Appendix A, Section 28, Off-street parking.

- f. No vehicles used for the contracting business with gross vehicle weight greater than thirty thousand (30,000) pounds shall be stored or used on the property unless otherwise stipulated by special use permit.
- g. Hours of contracting business activity shall be restricted to 7:00 a.m. until 7:00 p.m. unless otherwise stipulated as part of the special use permit.

(3) *Riding academy tack shop.* A riding academy tack shop shall meet the following requirements:

- a. The external appearance and general aspect of the tack shop shall be in conformity with the rural and residential character of the neighborhood.
- b. Hours of tack shop activity shall be restricted to 6:00 a.m. until 9:00 p.m. unless otherwise stipulated by special use permit.
- c. All tack shop buildings shall meet the minimum yard setback distances for the zoning district in which the building is located.

(Ch. 173, § 17, 9-2-03)

• **Sec. 5.5-7. - Farm Based Photovoltaic Solar Energy System (PSES).**

- A. Intermediate and Large Farms, as defined herein, may install PSES as an accessory use that meet the following requirements:
 - 1. Intermediate Farms may use up to one (1) acre of land for PSES.
 - 2. Large Farms may use up to two (2) acres of land for PSES and may use up to three (3) acres for farms in excess of fifty (50) acres
 - 3. Intermediate and Large Farms shall adhere to Chapter 246 – Photovoltaic Solar Energy Systems (PSES) in Chapter 134 of the Code of Ordinances, Town of Hopkinton entitled “Zoning”.

(Ch. 247, § 17, 7-18-16)