

**Public Hearing
Town of Lee Planning Board
Proposed Changes and/or Amendments To The 2005 Lee Zoning Ordinance**

The Town of Lee Planning Board will conduct a public hearing on the following proposed changes/amendments to the 2005 Lee Zoning Ordinance on Wednesday, February 1, 2006 at 7:00PM at the Lee Town Hall. You are invited to appear in person or by representation of agent of counsel and state reasons why this proposed change should or should not be accepted/approved. Proposed change information is on file at the Office of Planning & Zoning located at the Lee Town Hall.

Items underlined and **bold** are to be deleted and the new text is in *Italics*.

Changes/Amendments to the 2005 Lee Zoning Ordinance is as follows:

Article II: Definitions: (replace the following Agriculture definition with the definition in italics.

Agriculture, Farm, Farming: The word "farm" shall mean any land and/or building 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. The words "agriculture" and "farming" shall mean all operations of a farm such as the cultivation's, conserving and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod, or horticultural commodities, the raising of livestock, bees, fur-bearing animals, poultry or fish-farm or any practices on the farm as an incident to or in conjunction with such farming operations including but not necessarily restricted to 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 other related supplies that do not exceed in average yearly dollar volume the value of products from the farm.

Agriculture, Farm, Farming:

- 1.) The word "farm" means any land, buildings or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, in the production and storage of fruit, vegetables, or nursery stock, in the

production of maple syrup, the production of annual or perennial plants, and any other structures used in the agricultural operations.

2.) The words "agriculture" and "farming" shall mean all operations of the farm, but shall not be limited to:

- a.) The cultivation, conservation, and tillage of the soil,
- b.) The storage, use, and application of fertilizers, manures and other soil amendments,
- c.) The storage, use, and application of agricultural crop protection materials,
- d.) The raising and sale of livestock, including but not limited to; dairy cows and the production of milk and other dairy products, beef animals, swine, sheep, goats, domesticated strains of buffalo or bison, llamas, alpacas, emu, ostriches, yaks, elk, fallow deer, red deer, and reindeer,
- e.) The breeding, board, raising, training, riding instruction, and selling of equines,
- f.) The commercial raising, harvesting, and sale of fish or other aquaculture products,
- g.) The raising, breeding and sale of poultry or game birds,
- h.) The raising of bees and the production of honey,
- i.) The raising, breeding, and sale of domesticated strains of fur-bearing animals,
- j.) The production and sale of greenhouse crops,
- k.) The production, cultivation, growing, harvesting, and sale of any other agricultural, floriculture, forestry, or horticultural crops including, but not limited to, berries, herbs, maple syrup, fruit, vegetables, tree fruit and nuts, flowers, seeds, grasses, nursery stock, sod, trees and tree products, including Christmas trees, trees grown for short rotation fiber, or any other plant that can be legally grown and harvested for sale or subsistence,
- l.) Any other practice or activity on the farm incident to, or in conjunction with such farming operations, including , but not restricted to:

- 1.) Preparation for market, delivery to storage, markets or other distribution points, of any products or materials from the farm,
- 2.) The transportation to the farm of supplies and materials,
- 3.) The transportation of farm workers,
- 4.) Forestry or lumbering operations,
- 5.) The irrigation of growing crops, from private, public and or other riparian water supplies where not prohibited by regulation,
- 6.) The marketing or selling at wholesale or retail, or in any other manner on-site and off-site, any products from the farm, and other related supplies or materials that do not exceed in average yearly dollar volume the value of the products from the farm,
- 7.) A roadside farm stand or farm market, as defined below, shall be considered part of an agriculture or farming operation and not considered commercial, provided that at least 50% of the average gross sales yearly dollar value is attributable to products produced on the farm or farming operation by the stand or market operator.

Farm Market

The purpose of the farm market is to provide opportunities for agricultural producers to retail their products directly to consumers and enhance income through value-added products, services and activities. Permitted activities include but are not limited to; the marketing of agricultural products, products that are agriculture-

related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America; crafts; agricultural tourism, pick- your-own operations; community supported agriculture; farm vacations. If the Farm Market includes any permanent structures/buildings, they are subject to the current Zoning Regulations in the Town of Lee and subject to site review by the Town of Lee's Planning Board.

Roadside Farm Stand

The purpose of a temporary roadside farm stand is to allow farmers, who are actively farming, low cost entrance into direct marketing their farm products. It is characterized as a direct marketing operation is seasonal in nature and features on-farm produce as well as locally produced agricultural products, enhanced agricultural products and handmade crafts. Permitted activities include: but are not limited to; the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America; crafts, pick- your-own fruits, vegetable and nuts; community supported agriculture (CSA), agricultural tourism. The roadside farm stand is required to be registered with the Town of Lee. Any temporary buildings/structures are exempt from the definition of building/structures as defined in Article V, Residential Zone of the 2006 Town of Lee Zoning Ordinance as amended - (example if future changes are done to the Articles it may change the numbering) and Article XV, Wet soils Conservation Zone and they are exempt from the Setback provisions from Article V, Residential Zone and Article XV, Wet Soils Conservation Zone

Agricultural Tourism

The purpose of Agricultural Tourism is to attract people to farms, promote the sale of agricultural products using agriculture related tours, events and activities, as well as non-agricultural related activities. These tours, events, and activities are intended to supplement farm income. Activities include, but are not limited to petting farms, farm animal attraction, school tours, outdoor

trails, crop mazes, hayrides, pony rides, livestock and or equine events, group picnics, on-and- off site food catering services, craft shows, outdoor recreation, and educational activities. If a fee is charged, in order to be a permitted use, the farm must be actively producing agricultural products for sale. Farms where the seller is not actively producing agricultural products for sale will require a Special Exception.

Items underlined and **bold** are to be deleted and the new text is in *Italics*.

Changes/Amendments to the 2005 Lee Zoning Ordinance Article V, Section D is as follows:

Article V, Section D

D. SPECIAL EXCEPTION

The purpose of this section is to allow, on a selective basis, certain types of low-impact enterprises to be located in the residential zone. The intent is not to allow such enterprises in the midst of compact residential subdivisions or neighborhoods, but rather in areas which are otherwise suitable to such uses. Such enterprises should be low-impact in terms of noise, lighting, hours of operations, traffic, etc., so as to inflict as little disturbance as possible on the quality of life of nearby residences.

Special Exception shall be required for any use requiring expanded parking facilities, a sign over four (4) square feet in area, outside storage of materials, or agents or employees other than the owner and his spouse and children. A Special Exception shall be obtained from the Zoning Board of Adjustment according to the criteria set forth in Article XXI herein and New Hampshire RSA 674:33. Site Approval must be obtained from the Planning Board unless waived. If a building is to be erected, a Building Permit must also be obtained from the Building Inspector.

The following are the only uses which may be permitted by Special Exception:

- Antique Shops
- Barbershops and Beauty Salons
- Day Care Centers and Nursery Schools
- ***Agribusiness's**, Nurseries, **Farm stands (Beyond that permitted by Article II)**
- Professional Office
- Real Estate Offices
- Craft Shops, Woodworking or Cabinetry
- Nursing Homes, Retirement Homes,
- Kennels
- Public Utility Boxes and Equipment
- Bed & Breakfast – Site Review required by Planning Board ¹

*Note this change is being purposed as in keeping with the proposed changes in the definition of Agriculture in Article II. Therefore the two have been redefined.

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impact in terms of noise, lighting, hours of operations, traffic, etc., so as to inflict as little disturbance as possible on the quality of life of nearby residences.

Special Exception shall be required for any use requiring expanded parking facilities, a sign over four (4) square feet in area, outside storage of materials, or agents or employees other than the owner and his spouse and children. A Special Exception shall be obtained from the Zoning Board of Adjustment according to the criteria set forth in Article XXI herein and New Hampshire RSA 674:33. Site Approval must be obtained from the Planning Board unless waived. If a building is to be erected, a Building Permit must also be obtained from the Building Inspector.

The following are the uses which may be permitted by Special Exception:

Antique Shops
Barbershops and Beauty Salons
Day Care Centers and Nursery Schools
Nurseries
Professional Office
Real Estate Offices
Craft Shops, Woodworking or Cabinetry
Nursing Homes, Retirement Homes,
Kennels
Public Utility Boxes and Equipment
Bed & Breakfast – Site Review required by Planning Board ¹

Items underlined and **bold** are to be deleted and the new text is in *Italics*.

Changes/Amendments to the 2005 Lee Zoning Ordinance Article III, Section D is as follows:

Article III

D. AGRICULTURE: Normal agricultural practices shall be permitted in all zones (See the definition in Article II herein) according to the following standards:

1. Animals shall be housed in structures not less than one hundred (100) feet from adjacent property lines.
2. A piggery or poultry farm (defined as more than four (4) animal or bird units by the U.S. Department of Agriculture) shall require a Site Approval and Special

Exception under the terms of this ordinance. (An animal unit equals 2 1/2 adult pigs or 32 adult birds.)

3. When agricultural practices involve the selling of products to a retail market on the site, Site Approval by the Planning Board shall be required where there will be permanent parking and/or structures in excess of that which would be required for normal residential use. Temporary structures for seasonal farm stands must be removed upon conclusion of the seasonal activity.

Proposed Change

Article III

D. AGRICULTURE: Normal agricultural practices shall be permitted in all zones (See the definition in Article II herein) according to the following standards:

1. Animals shall be housed in structures not less than one hundred (100) feet from adjacent property lines.
2. A piggery or poultry farm (defined as more than four (4) animal or bird units by the U.S. Department of Agriculture) shall require a Site Approval and Special Exception under the terms of this ordinance. (An animal unit equals 2 1/2 adult pigs or 32 adult birds.)
3. **Agricultural practices as defined in Article II.** Temporary structures for seasonal farm stands must be removed upon conclusion of the seasonal activity. The roadside farm stand is required to be registered with the Town of Lee.

POSTED ON FRIDAY, JANUARY 20, 2006 AT 12:00 NOON AT THE LEE TOWN HALL; THE LEE TOWN CLERK TAX COLLECTORS OFFICE: OFFICE OF PLANNING & ZONING: LEE LIBRARY

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