

Add Agritourism definition in Definitions Article,
Revise Article V Section 2 to look like this:

Section 2. ~~Uses~~ Permitted, Prohibited And Limited and Regulated Uses

A. Permitted Uses

1. It shall be a district of dwellings and farms.
2. A single-family or a two-family dwelling is permitted in this district.
3. ~~Agriculture except Agritourism as defined in RSA 21:34-a.~~
4. ~~Home produce and home products and agricultural products may be bought and sold and exposed for sale in this district.~~
5. Tourist homes may be maintained and operated in this district.
6. Property owners shall be allowed two information-advertising signs for produce sold on the premises or professional or business signs not to exceed fifteen square feet in area, set back at least 25 feet from the right of way; flashing or rotating lights are not permitted.
7. Building, structures, and uses, which are accessory to buildings or uses permitted by this ordinance
8. Accessory Apartments in accordance with Section 4 of this Article.

B. Prohibited Uses

1. No other uses than those specified will be permitted except the special exception uses which may be granted by the Board of Adjustments as provided under Article XV, SECTION 2.
2. Storage of waste or junk

C. Limited and Regulated Uses

1. Nursing homes, assisted living facilities and hospice facilities are permitted in this district if they have frontage on and are accessed by State Routes 108, 155 or 9. The facility must receive Site Plan Review approval by the Planning Board.
 - a. "Nursing home" means a place which shall provide, for 2 or more persons, basic domiciliary services (board, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required¹.
 - b. "Assisted Living Facility" means a supported residential health care facility, reflecting the availability of social or health services, as needed, from appropriately trained or licensed individuals, who need not be employees of the facility, but shall not require nursing services complex enough to require 24-hour nursing supervision. Such facilities may also include short-term medical care for residents of the facility who may be convalescing from an illness and these residents shall be capable of self-evacuation.²
 - c. "Hospice Facilities" means a free standing 24-hour residential setting licensed under RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his own home.³

Comment [RES1]: Revise structure to be consistent with other more recent sections

Comment [RES2]: Replace Section 2 C which provided alternate definition of agriculture. Agritourism will be dealt with as regulated use.

Comment [RES3]: This may be redundant with Agriculture definition in 21:34-a but kept for clarity.

2. Agritourism uses are permitted if a Conditional Use Permit is granted by the Planning Board. Such permits shall identify specific permitted activities and relevant limitations for the permitted use.
3. No junkyard shall be established or operated in the Town of Madbury without a written permit from the Town Selectmen. All junkyards so permitted to operate in the Town of Madbury shall be required to meet all the standards set by the State of New Hampshire for the operation of such facilities.
4. Residential Cluster Development in accordance with Article V-A
5. Home Occupations in accordance with Article V-B

Comment [RES4]: new

Comment [RES5]: Prohibition seems to extend beyond this zone...

Related footnotes:

- 1 See RSA 151 C-2 XXVI, as of March 2012
- 2 See RSA 151:9 VII (a) (2) , as of March 2012
- 3 See RSA 151 C-2 XIX (b) , as of March 2012

What do we do with these:

J. No dwelling or any other building shall be constructed less than fifty (50) feet from wetland soils.

L. Impervious improvements shall not cover more than 25% of the lot area.

M. All trailer coaches and mobile homes moved into Town shall conform as to safety, convenience, and welfare of the Town

J. seems to confound Article IX Section 5 B, which lists Wet Area setbacks. Can we delete this and let Article IX govern this?

L. Following the structure of other Articles this would be Design and Development standards. Since we don't have that Section here, could we stick this in Section 3 Minimum Dimensional Requirements?

M. belongs in Building Regulations, is probably implicit in building code and life safety code, may not be needed here. Can we delete this?