

An ordinance to promote the health, safety, morals and general welfare of the community by regulating the use of land in the Town of Shelburne

PREAMBLE

In pursuance of authority conferred by **Chapter 31, sections 60-89, New Hampshire Revised Statutes annotated 1955, and for the purpose of promoting the health, safety, morals, and general welfare of the inhabitants of the incorporated Town of Shelburne, New Hampshire, and to insure the preservation of the rural charm attached to our town, through the promotion of an orderly process of its development, by providing adequate areas between buildings and various rights of way, by preventing overcrowding of land, avoiding undue concentration of population, securing safety from fire and other hazards, facilitating adequate provisions for water, sewerage and other public requirements, and by other means, now therefore the following ordinance is hereby enacted by the voters of the Town of Shelburne, New Hampshire, in official annual town meeting convened.

SECTION 1

DISTRICTS

In conformance with our Master Plan, with the purposes expressed in the preamble and with special concern for the preservation of our unique environmental assets, it seems desirable to divide the town of Shelburne into four districts in the following areas:

1) Forest District

A) **Purpose:** The primary purpose of the Forest District is to preserve and protect Shelburne's natural heritage of large tracts of undeveloped forest land in the more remote sections of Town and thereby serve the following additional objectives: (1) encourage continuation of large contiguous tracts of forest land in private ownership to provide forest resources; (2) encourage forestry and timber harvesting and permit other compatible uses including very low intensity development that will allow the land to appreciate in value; (3) protect natural areas and wildlife habitat; (4) protect water supplies and aquifers; (5) preserve scenic views; and (6) avoid the dangers and costs of providing municipal services to remote locations.

B) **Description of: (North of Route 2)** – To include all areas north of a line beginning at the intersection of the railroad tracks and the Gorham Town line continuing east along the railroad tracks to the North Road near the power dam. Then following north along North Road, crossing the river and then west along the river to an arc offset to the north of North Road by 2000 feet. Then following the offset arc to the Maine State Line as illustrated on the District Reference Map. **(South of Route 2)** – To include all areas south of a line beginning at the intersection of the 1100 foot contour as shown on the USGS topographic map and the

Gorham Town line and continuing east along the 1100 foot contour to the western border of the Industrial District. Then following the southern Industrial District boundary east to its intersection with Route 2 (a point approximately 300 feet west of the trail leading to the “Old Man of the Valley”) and then along a line due north to the railroad tracks and then east along the railroad tracks to the Maine State Line as illustrated on the District Reference Map.

2) River Valley District

- A) **Purpose:** The purpose of the River Valley District is to provide for agricultural uses and residential development while conserving the rural character of the Town, maintaining natural resources and protecting the health and safety of residents. Any uses perceived as being detrimental or incompatible with farming operations and rural lifestyles shall be forbidden in this district.
- B) **Description of:** To include the area between the railroad tracks and the North Forest District bordered by North Road on the west and the Maine State Line on the east as illustrated on the District Reference Map.

3) Route 2 District

- A) **Purpose:** The purpose of the Route 2 District is to provide for mixed residential and commercial uses. In this district, it is important to promote uses that are compatible with one another; preserve existing structures and encourage new developments that conform to the existing character.
- B) **Description of:** To include the area between the railroad tracks and the South Forest District bordered by Gorham town line on the west and the Industrial District on the east as illustrated on the District Reference Map.

4) Industrial District

- A) **Purpose:** The purpose of the Industrial District is to provide for light industrial uses and commercial uses that will have the least impact on the surrounding residential and forest districts. Permitted uses shall minimize noise, smoke, odor, lighting or other nuisance that may be detrimental to the town of Shelburne.
- B) **Description of:** Beginning at the intersection of the west transfer station boundary and the railroad tracks, and following the boundary south to Route 2, and then along a line due south to the 1100 foot contour line. Then due east to a point on the southern edge of Route 2 that is 0.45 miles from the Maine/New Hampshire State Line via Route 2 (approximately 300 feet west of the “Old Man of the Valley”). Then north to the railroad tracks and then west along the railroad tracks to the beginning point, as illustrated on the District Reference Map.

**SECTION 2
PERMITTED USES***

	Forest District	River Valley District	Route 2 District	Industrial District
AGRICULTURE				
Agriculture	Permitted	Permitted	Permitted	Permitted
Forestry	Permitted	Permitted	Permitted	Permitted
RESIDENTIAL				
Single Family	Permitted	Permitted	Permitted	
Multi Family		Permitted	Permitted	
COMMUNITY FACILITIES				
Churches		Special Exception	Special Exception	
Recreational Facilities with no Structures	Permitted	Permitted	Permitted	
Commercial Business				
Recreational Facilities with Structures	Special Exception	Special Exception	Special Exception	
Earth excavations including gravel pits	Special Exception	Special Exception	Special Exception	Special Exception
Home Business		Special Exception	Permitted	
Home Occupations	Special Exception	Permitted	Permitted	
Bed & Breakfasts		Special Exception	Permitted	
Tourist Homes	Special Exception	Special Exception	Permitted	
Hotels / Motels		Special Exception	Permitted	
Inns / Resorts		Special Exception	Permitted	
Recreational Campground	Special Exception	Special Exception	Permitted	Special Exception
Retail Stores up to 1500 sq. ft. of display area			Permitted	
Retail Stores over 1500 sq. ft. of display area			Special Exception	
Mini-Storage Facilities			Special Exception	
Restaurants		Special Exception	Permitted	
Warehouses				Special Exception
Heavy Equipment Sales and service				Permitted
Primary Forest Product Mills up to 1.5 mm Board FT	Special Exception		Special exception	Permitted
Primary Forest Product Mills over 1.5 mm Board FT				Special Exception
Light Industry				Special Exception

*** If it is not listed, then it is not permitted.**

SECTION 3

CONDITIONS FOR SPECIAL EXCEPTIONS

All special exceptions shall comply with the following conditions:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area.
3. The proposed use will not cause an undue burden on the Town through the provision of basic Town services.
4. The project shall not be a nuisance to any allowable use within the district. Nuisance includes but is not limited to excessive noise, odor, smoke and lighting, or hours of operation that are generally incompatible with pre-existing uses and allowable uses within the district.
5. The project shall visually fit in with the aesthetic character of the district.
6. The project shall provide for smooth, safe and convenient movement of vehicles both on and off site.
7. The project shall provide adequate parking facilities without creating a surplus of rarely used parking spaces. Whenever feasible parking should be located behind the buildings or berms.
8. If the project is a commercial or industrial activity, buffers may be required between the proposed project and existing uses.
9. The Zoning Board of Adjustment in granting any special exception may include such restrictions or conditions as may be necessary to ensure compliance with this section.

SECTION 4

DEFINITIONS

1. **Accessory Building** – means a detached building, the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building and complies with all building and zoning requirements.
2. **Accessory Use** – A use subordinate to and incidental to the principal use of land and building, including signs.
3. **Agriculture** - The production, keeping, or maintenance, for sale, lease, or personal use, of plants, insects and animals useful to man, or lands devoted to a soil conservation or forestry management program. Agriculture includes all horticultural uses, including related facilities and including roadside stands for sale of farm products, greenhouses, horse stables, orchards

and/or nurseries. Agriculture does not include high intensity industrial farming, which may cause serious environmental issues and be considered a nuisance to adjacent property owners. (Note that agricultural operations that market directly to the public on site such as riding stables or nurseries may have to apply as a business.).

4. **Aquifer**- A geologic formation that contains a useable supply of water.
5. **Buffer**- (Buffer strip). Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
6. **Camp** - *see Section 5-A # 11 (amended March 9, 2004)*
7. **Church** - A Church is a building or location set apart for public worship.
8. **Cluster Development** - A form of development which allows a reduction in lot size provided there is no increase in the number of families, individuals, dwelling units, households, or housing structures per unit of land and the remaining land is dedicated open space.
9. **Commercial** - (Commercial use). Activity involving the sale of goods or services carried out for profit.
10. **Communication Tower** - (Communication use). Establishments furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations and the exchange or recording of messages.
11. **Corridor** - A delineated section of land or road with specified characteristics including but not limited to a transportation corridor and a utility corridor.
12. **Development** – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure and any mining, excavation or landfill
13. **Driveway** – An area located on a lot, tract, or parcel of land, and built for access to a garage or off-street parking space, serving not more than **two (2) dwelling units**. (amended March 9, 2004)
14. **Dwelling** - **Any** permanent building designed and used as a residence, containing one or more dwelling units. The term shall not be deemed to include tourist accommodations, travel or camping trailer.
15. **Dwelling Unit** – One or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.
16. **Earth Excavations** - This includes all work covered by the Town of Shelburne, NH, Planning Board, REGULATIONS GOVERNING EARTH EXCAVATIONS, effective May 18, 1998, and any revisions thereto.

17. **Farm** - Agricultural, forestry and all horticultural uses, including related facilities and including roadside stands for sale of farm products, greenhouses, horse stables, orchards and/or nurseries.
18. **Forestry**- The science of silviculture and the practice and art of managing and using for human benefit forestlands and the natural resources that occur in association with forestlands, including trees, other plants, animals, soil, water, and related air and climate. Forestry includes timber-harvesting operations when conducted in accordance with best management practices so as to prevent soil erosion and damage to surface waters.
19. **Frontage** - The distance that a front yard borders on a public street or a street that has been approved by the Planning Board in a subdivision.
20. **Front Yard** - The distance between the nearest portion of a building on a lot and the front property line of the lot.
21. **Heavy Equipment Sales** - A location where goods such as trucks, skidders, bulldozers, excavators and the like are displayed for sale. This includes the maintenance and servicing of this type of equipment, and the warehousing of an inventory of spare parts.
22. **Height, Building or Structure** - The height of a building or structure and all alteration and/or enlargements of buildings or structures shall be measured from the highest point of the building or structure, exclusive of chimneys, to a plane parallel to the average of the natural ground surface at the location of the building or structure. (amended March 9, 2004)
23. **Home Business – is defined as follows:**
 - A. The business is carried on by the residents of the premises and by no more than two on premise employees
 - B. It shall be operated entirely within the dwelling unit or accessory building and shall be clearly secondary to the use of the premises as a dwelling unit. It shall not alter the general character of the neighborhood or reduce the value of surrounding property
24. **Home Occupation** – is defined as follows:
 - A. It shall be carried out only by the residents of the premises and involve only a service provided or a product produced by those residents
 - B. It shall be operated entirely within the dwelling unit or accessory building and shall be clearly secondary to the use of the premises as a dwelling unit. It shall not alter the general character of the neighborhood or reduce the value of surrounding property.
24. **Industry** - Any activity or establishment used for the fabrication assembly, processing, storage, or research relating to the production of industrial and/or manufactured goods.
25. **Junk Yard** - Any place of storage or deposit, whether in connection with another business or not, of old metal, bottles, paper, plastic, cotton or woolen wastes, two or more unregistered motor vehicles, which are unfit for use on the highways, used parts and materials of any kind the accumulation of which is detrimental, injurious, or unsightly to the neighborhood.

26. **Leased Lots** - Parcels of land with contractually agreed upon uses, structures, buildings or parts thereof for a fixed time
27. **Light Industry** - A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products; but excluding basic industrial processing.
28. **Lot - A** designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
29. **Manufactured Housing** - Any structure transportable in one or more sections, which in the travel mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein.
30. **Mini-storage Facility(s)** – A structure or structures, divided or undivided into separate rooms or units, areas of which are individually rented for the storage of non-hazardous goods with structures and permanent improved areas occupying less than 50% of the lot.
A mini-storage facility shall:
 1. Use existing access into the buildings interior if constructed within an existing building.
 2. Have a sloped roof(s) with a pitch of at least 4” in 12” and have a siding /color scheme that is consistent with the neighborhood in which it is located if a newly constructed building.
 3. Not include any outside storage.
31. **Mining** - The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; gases, such as natural gases; and gravel
32. **Mobile Home** - (see manufactured housing).
33. **Multi Family Dwelling** - A Dwelling with a maximum of two (2) units.
34. **Natural Limitations of the Land** - Any physical limitations that may restrict where and how development can occur including but not limited to steep slope, wet areas and floodplain.
35. **Natural Resources** - A material source of wealth such as timber, water, or a mineral deposit, occurring in a natural state.
36. **Natural Vistas** - A unique view of natural beauty to or from a particular point.
37. **Noise** - Any audible sound.

38. **Non-Conforming Use** - A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.
39. **Open Space** - Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
40. **Overlay District** - A zoned district that is superimposed over another previously existing district.
41. **Pollution** - The presence of matter or energy whose nature, location, or quantity produces undesired environmental effects.
42. **Portable Storage Structure** - any container or storage unit (other than an accessory building) that can be used for storage of personal property of any kind and which is located for such purposes outside an enclosed building. A temporary, movable set of poles with a horizontal covering of an area less than 200 square feet, designed to shelter personal property (such as a car, lawnmower, stove wood, etc.) from exposure to the elements shall not be considered a portable storage structure.
43. **Pre-site built housing** - Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development (HUD) minimum property standards and local building codes, for installation, or assembly and installation, on the building site. For the purposes of this Ordinance pre-site built housing shall be treated as a conventional constructed dwelling and shall not include manufactured housing as defined in this Ordinance.
44. **Primary Forest Product (Processing) Mill** – Any permanent or portable mill, wherever located, sawing or otherwise processing logs, bolts, pulpwood, other primary forest products into secondary forest products such as wood chips, lumber, furniture stock or other wooden specialty items.
45. **Rear Yard** - The distance between the nearest portion of a building on a lot and the rear property line of the lot.
46. **Recreational Uses** - Leisure-time activities, sometimes requiring equipment and taking place at prescribed places, sites, or fields. A Recreational Facility may or may not have structures. An example of a facility without structures would be a nature trail without any shelters, blinds etc. An example of a facility with structures would be a ski area with lifts, lodges, maintenance buildings etc.
47. **Restaurant** – An establishment at which meals are purchased, served and eaten on the premises.

48. **Retail Store** - A building used for the display and sale of goods to the general public.
(Examples include facilities for the sale of appliances, groceries, clothing, plants, lawn ornaments, and similar items)
49. **Right of Way** - 1. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; 2. Generally, the right granted to one to pass over the property of another.
50. **Setback** – The distance between the nearest portion of the building or structure and the property line
51. **Shoreland Protection** - All land located within 250 feet of the reference line of public waters. See RSA 483-B:3 for full details.
52. **Side Yard** - The distance between the nearest portion of a building on a lot and a side property line of the lot.
53. **Sign** – *See Appendix D Sign Standards*
54. **Single Family Dwelling** - One or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.
55. **Special Exception** - An exception is a use that would not be appropriate, generally or without restriction, throughout a particular district, but which, if controlled as to number, area, location or relation to neighborhood, would be in concert with the purposes of the district. Such uses may be permitted in a particular district as an exception only if specific provision for such exception is made in this Ordinance, after review by the Board of Adjustment.
56. **Structure** - Anything constructed or erected with a fixed location on the ground. Structures include but are not limited to buildings, swimming pools, manufactured housing, garages, barns, signs, etc. It shall not include minor installations such as fences less than four feet high, agricultural and safety fences, mailboxes, and flagpoles.
57. **Subdivision** - The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
58. **Surface Water Body** - (Surface water). Both perennial and seasonal water on the earth's surface exposed to the atmosphere as rivers, lakes, streams etc
59. **Trailer** - A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

60. **Tourist Accommodation** - An establishment that supplies temporary stay to overnight guests for a fee. Tourist Accommodation includes the following:

- A. **Bed and Breakfast** – A building of a residential nature, other than a hotel or motel, in which rooms are rented with breakfast included with accommodations for between four (4) and twenty (20) guests.
- B. **Hotel** – A facility open to the general public offering transient lodging accommodations for more than twenty (20) persons and providing additional services, such as restaurants, meeting rooms and entertainment
- C. **Inn** – See Resort.
- D. **Motel** – A building or group of detached or connected buildings designed or intended to be used primarily for the providing of sleeping accommodations for transient automobile travelers, with the majority of rooms having direct access to each lodging unit from the outside, or from a common corridor, and with on-site parking for each lodging unit. A tourist court with more than one unit or a motor lodge shall be deemed to be a motel.
- E. **Resort** – A building or group of detached or connected buildings designed or intended to be used primarily for the providing of accommodations for transient travelers, and supplying a list of amenities which include meals and facilities such as golf, boating, skiing, hiking, dancing, etc. Generally these would be for more than twenty (20) guests.
- F. **Tourist Home** – A building of a residential nature, other than a hotel or motel, in which rooms are rented with or without meals with no more than three (3) bedrooms for rent
- G. **Recreational Campground** – A parcel of land with a state-approved sewage disposal system on which campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only.

Camping Cabin – a structure in a campground that is less than 400 square feet in area, calculated by taking the measurements of the exterior of the cabin, but not the roof or porch (if unenclosed) overhang. It shall be designed as a temporary dwelling for recreational camping and vacation use. It may not be used as, nor converted to, a permanent dwelling. (added March 9, 2004)

61. **Utility Corridor** - (Utility easement). The right-of-way acquired by a utility or governmental agency to locate utilities, including but not limited to all types of pipelines, telephone and electric cables, and towers.

62. **Variance** - A permit authorizing a use of property that is contrary to this Zoning Ordinance. Variances may be granted by the Zoning Board of Adjustment in accordance with RSA 674:33 in cases where, owing to specific conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

63. **Warehouse** - A building where wares or goods are stored, as before being distributed to retailers.
64. **Yard Sale** - The temporary sale of used and new items, of personal property to the general public, in an indoor or outdoor display, conducted upon a lot as an accessory use and shall not exceed a period of two (2) days and shall not occur more than three (3) times a year at one particular location. This term shall also include lawn sales, barn sales, garage sales, porch sales and flea markets.

SECTION 5

A. STANDARDS FOR ALL DEVELOPMENT

All development must comply with the following physical land restrictions:

1. The development must conform to applicable local, state and federal water quality standards, including but not limited to erosion and sedimentation, runoff control, solid wastes and hazardous substances.
2. Wet areas may be subdivided. Further development may require a NHDES wetlands permit.
3. All development within a floodplain must meet the regulations set forth in the Town of Shelburne Floodplain Overlay District - Appendix E.
4. Development above an elevation of 1400 feet shall be by Special Exception.
5. There shall be no development on slopes greater than 20%.
6. Major utility construction should be located within the utility corridor shown on the Town's District Reference Map.
7. All development shall be located on a minimum of a one (1) acre lot except within the Forest District where the minimum lot size is **(15)** acres.
8. For all new residences, construction or removal of an old house to a new lot, building lots shall have a frontage of at least 200 feet on a public or private right of way, unless approved as a back lot; the second lot being served by a combined driveway, in which case the frontage requirement is not applicable.
9. On all new construction or relocated buildings, the minimum depth of setback from the nearest existing edge of all public or private right-of-ways shall be 25 feet. The setback from all other lot lines shall be a minimum of 25 feet, **except for lots less than 2 acres, in which case it shall be a minimum of 15 feet.** The only exception shall be temporary (less than six

months) roadside stands erected for the purpose of selling home produce which may be located a minimum of 15 feet from the nearest existing edge of the public or private right-of-way. (Amended March 9, 2004)

10. Two dwelling units may be allowed on one lot only according to the following provisions: (Amended March 9, 2004)
 - a. The conversion of a single dwelling unit into two dwelling units is permitted if the following requirements are met:
 - i. The dwelling unit exists on the date of adoption of this provision (3/8/83);
 - ii. There must be adequate off street parking for both units;
 - iii. A septic system construction approval from WSPCC is submitted as a part of the building permit application to insure that the existing system is adequate or to require additional capacity;
 - iv. If the existing building is on a lot at least two acres in size and the second dwelling unit is created, future subdivision of the lot shall maintain at least a two-acre lot on which the two dwelling units are located. This is, the ratio of one dwelling unit per acre is the maximum density allowed in future subdivisions.
 - b. New construction (after 3/8/83) of a single dwelling containing two dwelling units may be allowed if the following requirements are met:
 - i. The lot is at least two acres with frontage and set-back requirements as set down in numbers 8 and 9 of this section;
 - ii. There must be adequate off-street parking for both units;
 - iii. A septic system construction approval from WSPCC is submitted as a part of the building permit application.
11. Camps designed and built for occupancy during a portion of the year are permitted subject to the same restrictions as those applying to permanent residences.
12. An individual manufactured home may be used by a homeowner as their place of residence subject to all the restrictions of this ordinance that pertain to dwelling units.
13. Trailers or manufactured housing shall not be used as permanent residences on leased land. Trailers or manufactured housing are allowed at licensed campgrounds, but if the length of occupancy is such to indicate year-round residence, they come under the prohibition pertaining to manufactured housing parks (Year-round is greater than six-months in a twelve month period.)
14. Limitations of the number of manufactured homes: There shall not be more than one manufactured home to every six (6) dwellings.
15. Structures, including any changes or additions to existing structures, may not be greater than thirty-five feet (35) in height unless approved as a special exception by the Board of Adjustment excepting telecommunications facilities as covered in Appendix B.

16. All commercial development must go through Site Plan Review. Site Plan Review may be waived by the Board upon written request by the applicant for a Home Occupation, depending upon the size of the operation, parking requirements and other factors.
17. There shall be no Primary Buildings within one hundred and fifty (150) feet of protected waters as defined by the New Hampshire Shoreland Protection Act. A special exception may be granted by the ZBA.
18. No owner or occupant in the town shall permit fire or other ruins to be left, but shall remove the same to ground level or rebuild the structure within one year.
19. No cesspool, septic tank, or sewerage disposal area shall be constructed or maintained in such a way as to affect a public body of water, a spring, a well or a dwelling from the point of view of health or as an offensive nuisance. No wastewaters or sewerage shall be permitted to run free into a public body of water or be offensive or detrimental to health.
20. All utility service entrance lines shall be installed underground from the near edge of the nearest road or utility corridor to the structure.
21. Camping on Residential lots

Recognizing the lure of New Hampshire for vacationers, the intent of this section is to provide the opportunity for temporary, non-commercial recreational use of any residential property, provided that such use is otherwise consistent with state law (for example sewer disposal, gray water disposal camp fire permits, etc.) and the goals of the Master Plan

- a) Temporary camping (i.e. tents, camping trailers and motor homes) is allowed without a permit for up to a cumulative total of fourteen (14) days (consecutive or non consecutive) in any calendar year.
 - b) Camping for fifteen (15) days up to ten weeks requires an annually updated permit from the Town of Shelburne. Camping for longer than 10 weeks is not allowed.
 - c) Storage of a camping trailer or motor home as an accessory use to a residential property, otherwise in compliance with all local regulations, is allowed without a permit, however, any overnight use of a camping trailer or motor home shall be considered camping, and the provisions of this section shall apply.
 - d) Placement of tents, camping trailers and motor homes must conform to all setbacks.
 - e) No commercial camping is allowed except in an authorized recreational campground.
22. Use of Portable Storage Structures:
- A. Portable storage structures are not permitted on any property for non-commercial use.
 - B. When used for temporary construction, a portable storage structure is allowed at the construction site for the duration of the building permit. Any extension of this time period is only by permit of the Selectpersons.
 - C. When used for temporary commercial purposes that are consistent with the primary business function, portable storage structures shall require a special exception from the

Zoning Board of Adjustment that meets the criteria in Section 3 and does not exceed 18 months of permissible use.

- 23. Noise standard - see Appendix A
- 24. Telecommunications Facilities Ordinance– see Appendix B
- 24. Outdoor Lighting standards – see Appendix C
- 25. Sign standards – see Appendix D
- 26. Floodplain Overlay District – see Appendix E

B. LANDS FALLING IN TWO OR MORE DISTRICTS

- 1. The owner of a parcel that falls into two Districts may elect to combine the portions and have them regulated in the more restrictive District.
- 2. If a parcel falls into the Forest District and another District at the time of adoption, and the portion(s) within the Forest District is (are) less than the fifteen (15) acre minimum, than the portion(s) in the Forest District may be recognized as a building lot(s). The remainder of the parcel that is in another District shall be regulated according to the standards for that District.
- 3. If a parcel in the Forest District is subdivided into fifteen (15) acre lots and the remainder of the acreage in the parcel is greater than ten (10) acres, it may be recognized as a building lot in the Forest District.

SECTION 6

NON-CONFORMING USES

- 1. If, at the time of the adoption of the ordinance, any land, building or structure is being used in a lawful manner, except that such as is not in conformity with the provisions of this ordinance, such non-conforming use of said land, building, or structure may be continued. No interruption of such non-conforming use shall prevent its continuance except as hereinafter provided in paragraph 2 of this Section 6.
- 2. Any and all non-conforming property which is partially (50% or more) or totally destroyed by reason of obsolescence, fire or other destructive force may be restored, remodeled and operated

if done within one (1) year; providing, however, that the restored or remodeled property shall not be more non-conforming than before the destruction.

3. A non-conforming use may not be extended or enlarged or changed to another non-conforming use.
4. A lot with less frontage and depth than required by this ordinance, which is recorded and taxed as a lot of record at the time of the passage of this ordinance, may be used for building a residence conforming to frontage and depth requirements as closely as possible (March 1964)
5. A non-conforming temporary building may be permitted by the Board of Adjustment for use incidental to construction and building operations for an initial period of not more than two years, upon application accompanied by a bond and bill of sale to the town, effective in case such a building is not removed at the expiration of the permit. A permit may be renewed by the Board of Adjustment for a period of one year, provided that hardship or other good cause can be shown.
6. Any lot with acreage of less than **(15)** acres but at least one (1) acre in size which exists as a lot of record in the Forest District as of the passage of this ordinance (March, 2002) may be developed in accordance with all of the other standards of development of this ordinance.

SECTION 7

ENFORCEMENT AND ADMINISTRATION

1. It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority, to enforce the provisions of this ordinance.
2. There shall be a Building Inspector and the administration of this ordinance is hereby confirmed upon him. The Building Inspector shall be appointed by the Board of Selectmen.
3. A building permit shall be required before any of the following activities occurs:
 - a. The erection, construction, change in ground plan , or structural additions, or reconstruction of a building
 - b. The demolition of a building
 - c. The change in the number of dwelling units
 - d. The conversion of seasonal dwelling to year round dwelling
 - e. The placement of a pre-site built house or a manufactured house on a lot
 - f. The placement of any sign per Appendix D.

A building permit application shall be filed with the Building Inspector. The application must have a plot plan showing the outline of the building and its position on the lot and all WSPCC permits and other necessary federal, state and local permits shall be attached. The permit shall be issued within 15 days of receipt, **provided** such proposed use is in conformity with the provisions of this ordinance, the subdivision regulations, and any other local or state regulation.

4. A record of all building permits and of plot plans shall be kept on file in the office of the Building Inspector and the Selectpersons office. A copy shall be furnished on request to any person having proprietary or tenancy interest in this building or land affected.
5. A building permit must be renewed after eighteen (18) months.
6. A fee based on a schedule set up by the Selectmen shall be charged for issuing a building permit, and the Building Inspector shall collect this at the time the permit is issued. All such fees shall be transmitted to the Town Treasury.
7. Upon any violation of this ordinance, the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other proper legal action.

SECTION 8

BOARD OF ADJUSTMENT

A five member Board of Adjustment shall be appointed by the Board of Selectmen as provided in RSA 673, as amended. The Board of Selectmen shall also appoint up to a maximum of five alternate members as provided for by RSA 673, as amended.

SECTION 9

AMENDMENTS

This ordinance may be amended by a majority vote of any legal town meeting when such amendment is published in the warrant calling for the meeting and when such amendment has received public hearings, as specified in Chapter 31:63a of the Community Zoning Enabling Act.

SECTION 10

PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be fined not more than the maximum penalty permitted by the state law upon conviction, for each day such violation may exist.

SECTION 11

SEPARABILITY CLAUSE

The invalidity of any provisions of this ordinance shall not affect the validity of any other provision.

SECTION 12

WHEN EFFECTIVE

This ordinance was passed at Town Meeting March 12, 2002.

Amended March 9, 2004
Amended March 8, 2005
Amended March 13, 2007
Amended March 11, 2008
Amended March 8, 2011