TOWN OF SHELBURNE—ZONING AMENDMENTS
(Public Hearing, 7 pm December 7, 2026)

Section 2- Definitions

The following proposed zoning ordinance definition changes below as recommended by the planning board ***to comply with recent changes in New Hampshire State law****. These are the law and a vote to approve the changes will allow us to update our ordinances to match these law changes. A no vote will not change the enforcement of these changes.*

- **Existing :** *#8* – Church – A Church is a building or location set apart for public worship.
- **Proposed :** 8 – Church – A Church is a building or location set apart for public worship ***per RSA 546-C.***

- **Existing:** 15 - 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).
- **Proposed :** - 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 ***one (1) to five (5) Dwelling units. Site Plan Review may be required if serving more than two (2) dwelling units.***

- **Existing :** 33 Manufactured Housing **–** Any structure, transportable in one or more sections, which, in the traveling 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.

- **Proposed :** 33 Manufactured Housing***/Mobile Home*** – Any structure, transportable in one or more sections, which, in the traveling 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 a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein. ***Manufactured housing shall not include pre-site built housing as defined in RSA 674:31-a.***

- **Existing :** 36 Mobile Home (see manufactured housing}

- **Proposed :** *36* Mobile Home – ***Remove.***

- **Existing :** 37 Multi Family Dwelling – **a dwelling with a maximum of 2 units.**

- **Proposed :** 37 Multi Family Dwelling **-** ***A residential building containing Two (2) to five (5) dwelling units, each with separate cooking, sleeping, and sanitation facilities. Multi-family dwellings must have direct access to a public road meeting Town road standards to ensure access for emergency vehicles and other services required of the Town or School District. Multi-family dwellings larger then two units are permitted by right in the Route 2 District only. In all other districts, multi-family dwellings greater than two 2 units (are expressly prohibited unless approved by Special Exception granted by the Zoning Board of Adjustment under strict compliance with all applicable requirements of this Ordinance. (Per NH RSA 674:59 - Workforce Housing)***

- ***Existing :*** - 65-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 and is the primary residence and legal domicile of the owner of the property (amended March 10, 2021

- **Proposed :** - 65-F Tourist Home - A building of a residential nature, other than a hotel or motel, in which rooms are rented with or without meals ***for transient occupancy of not more than thirty (30) days,*** with no more than three (3) bedrooms for rent, and which is the primary residence and legal domicile of the owner of the property ***who maintains continuous occupancy of the premises. The owner or his designated agent must be present on the property during all rental periods and maintain the property as their permanent address for tax, voting, and legal purposes.***

Section 2- Definitions-Continued:

Proposed zoning ordinance definition changes as recommended by the planning board.

- **Existing :** 12 – 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

- **Proposed :** 12 - **Communication Tower** (Communication use). Establishments furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio, television broadcasting stations, ***and cellular towers*** for the exchange or recording of messages

- **Existing :** 21- Forestry - **The practice of silviculture** is the management and use of forest lands for the benefit of humans, plants, animals, soil, and water. Forestry activities include any timber harvest utilizing equipment such as log trucks, skidders, portable sawmills, and portable chippers. Timber harvest is permitted in all districts for the duration established in the permits granted by the State of New Hampshire.

- **Proposed :** 21 – Forestry - ***Forestry*** is the management and use of forest lands for the benefit of humans, plants, animals, soil, and water. Forestry activities include any timber harvest utilizing equipment such as log trucks, skidders, portable sawmills, and portable chippers. Timber harvest is permitted in all districts for the duration established in the permits granted by the State of New Hampshire.

- **Existing :** 26 Home Business – is defined as follows:

  A. The business is carried out 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.

- **Proposed :** 26 Home Business – is defined as follows:

- A. The business is carried out 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.
- ***C. If the home business requires outside storage of equipment or materials screening or fencing must be provided to minimize any impact on abutting properties and may require Site Plan Review***

Section 5 – Standards for all Development

The following proposed zoning ordinance definition changes below as recommended by the planning board ***to comply with recent changes in New Hampshire State law*** *regarding Accessory Dwelling Units (ADUs). These are the law and a vote to approve the changes will allow us to update our ordinances to match these changes. A no vote will not change the enforcement of these changes.*

Existing: 10. Accessory Dwelling Units

A. An attached Accessory Dwelling Unit (ADU) shall be permitted in all zoning districts that permit single-family dwellings, subject to the following: (section amended 2017)

a. Only one (1) ADU shall be permitted for each single-family dwelling.

b. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.

c. The ADU shall have an independent means of ingress and egress or shall have ingress and egress through a common space such as a shared hallway to an exterior door.

d. If the ADU is attached to the principal dwelling, there must be a common wall between the principal dwelling unit and the ADU and there must be a connecting door between the units.

e. Either the ADU or the principal dwelling unit shall be the primary residence and legal domicile of the owner of the property.

f. The ADU shall not exceed 1000 square feet except by special exception.

g. The ADU cannot be larger than the primary dwelling unit.

h. The ADU shall have no more than two bedrooms except by special exception. Bedroom maximum occupancy must be consistent with U.S. Dept. of Housing & Urban Development guidelines.

i.The ADU must be of similar structural design as the original dwelling unit.

j.An ADU must be provided adequate off-street parking space.

k. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA-A 485:38, and regulations adopted by the NH Department of Environmental services.

l. Must comply with all other applicable state regulations.

Proposed : 10. Accessory Dwelling Units

A. An attached or detached Accessory Dwelling Unit (ADU) shall be permitted in all zoning districts that permit single-family dwellings, subject to the following:

a. Only one (1) ADU shall be permitted for each single-family dwelling. ***A second ADU may be permitted by Special exception.***

b. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.

c. The attached ADU shall have an independent means of ingress and egress or shall have ingress and egress through a common space such as a shared hallway to an exterior door.

d. If the ADU is attached to the principal dwelling, there must be a common wall between the principal dwelling unit and the ADU.

e. Either the ADU or the principal dwelling unit shall be the primary residence and legal domicile of the owner of the property.

f. ***REMOVE***

g.***REMOVE***

h. The ADU shall have no more than two bedrooms except by special exception. Bedroom maximum occupancy must be consistent with U.S. Dept. of Housing & Urban Development guidelines.

l. ***REMOVE***

j.An ADU must be provided adequate off-street parking space.
k. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA-A 485:38, and regulations adopted by the NH Department of Environmental services ***prior to receiving a building permit.***
l. Must comply with all other applicable state regulations.
m. The ADU must meet all setback requirements.

Existing: 10 C. A detached accessory dwelling unit may be allowed by special exception, taking into account lot size, in all zoning districts that permit single family dwellings and shall meet all of the requirements listed above with the exception of item d.

Proposed : 10 C - ***Remove***

Existing: 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.

Proposed : 12. ***Remove***