

ZONING AMENDMENTS

FOR 2022 BALLOT

STAFF REPORT

December 8, 2021

PURPOSE

While 2021 has continued the busy trend of 2020, keeping the Planning Board docket full, it is important to continue improving the Zoning Ordinance. While bigger picture changes are anticipated to be discussed following the completion of the Master Plan update, the list of amendment items for discussion below represent topics that have been discussed throughout the year in the context of various applications the Board has seen.

SCHEDULE

- November 17, 2021 – Identify which amendments to be developed.
- December 8, 2021 – Staff presents requested amendments.
- December 22, 2021 – First public hearing on amendments.
- January 12, 2022 – Second (or First) public hearing on amendments.
- January 26, 2022 – Final hearing on amendments, if needed.

ATTACHMENTS

- A. Table of Minimum Dimensional Requirements Amendment
- B. Building Height Amendment
- C. Table of Permitted Principal Uses Amendments

ZONING TOPICS

The following are presented in no particular order for the Board's discussion.

REPEAL ARTICLE XIII - HOUSING FOR OLDER PERSONS

Since 1990 NH has accelerated from 28th oldest state (by median age) to 2nd oldest. A balanced population is a critical factor in the long-term sustainability of a community. Hudson currently offers density bonuses for housing developments that only allow people 55+ or 62+ to reside. A zoning amendment can remove this provision. This would have NO effect on existing age-restricted developments, this action would simply not allow new ones to be developed.

As discussed at the November 17, 2021 meeting, the Board is considering the repeal of Article XIII.

Ballot Question:

Are you in favor of repealing, in its entirety, Hudson Zoning Ordinance Article XIII – Housing for Older Persons? This would have no effect on age-restricted developments that currently exist or have been approved. The effect of the repeal would be to stop incentivizing future development of age-restricted developments.

REDUCE SETBACKS FOR ACCESSORY STRUCTURES IN THE TR ZONE

As discussed on November 17, 2021, the Board is considering proposing a reduction in side and rear yard setbacks for accessory structures to be more representative of the existing character of these neighborhoods. Separate from Zoning, the Planning Board may also amend the Driveway Regulations to allow driveways closer to the side yard setback with a public hearing at a regular meeting.

See **Attachment A** for this amendment. The Board should consider whether or not this should apply to garages, or put a height limits on structures within 5 to 15 feet of the property line.

Ballot Question:

Are you in favor of reducing the side-yard and rear-yard setbacks for accessory structures, such as sheds in the Town Residential zone? These neighborhoods are in the core of Town and have much smaller lots than elsewhere in Town.

BUILDING HEIGHT IN INDUSTRIAL ZONES

Much attention has been drawn to the allowable building height permitted at 43 Steele Road and in the Sagamore Industrial Park where land abuts residential areas. The intent of increasing the building height by 12 feet was in response to the economic demand for high cube warehouses which require 50 feet in height. If the height was reduced, current and previous applications would not be affected. Seeing as no other parcel in the Sagamore Industrial Park directly abuts a residential neighborhood as 43 Steele Road and 161 Lowell Road do, reducing the building height would impact the future of the interior of the park. The park is currently 97% occupied, providing tax revenue that reduces the burden on residents.

Staff does not recommend a blanket reduction of building height but instead a graduated approach. This amendment may avoid some of the concerns the Board is presently hearing. See **Attachment B** for alternative approaches to this amendment.

Ballot Question:

Are you in favor of reducing the allowable building height of industrial buildings near residential zones by requiring additional separation for buildings that exceed 38-feet in height?

DEFINITION: BUILDABLE AREA AND/OR AMEND 334-27.1.B

Currently, §334-27.1.B defines the buildable area required in a subdivision of land, stating:

- B. The minimum buildable lot area shall not contain wetlands, as defined by the Hudson Zoning Ordinance, shall be contiguous dry land and shall contain no slopes in excess of 25%.

Suggested Revision (deletions in ~~striketrough~~, additions in **bold**):

- B. The minimum buildable lot area shall not contain ~~wetlands~~ **lands within the Wetlands Conservation Overlay District as defined by §334-35**, ~~as defined by the Hudson Zoning Ordinance~~, shall be contiguous dry land and shall contain no slopes in excess of 25%.

Staff recommends that the term “wetlands” be expanded to “lands within the wetland conservation overlay district” because it is not apparent today. Would you consider a proposed house lot that is entirely in the wetland buffer to be buildable? Without a Conditional Use Permit (CUP), it is not, and it would be difficult to meet the CUP criteria for a lot that has yet to be established.

Ballot Question:

Are you in favor of revising the description of minimum buildable lot area for new subdivisions to require contiguous dry land that is not within the wetland conservation overlay district?

The term also appears in a footnote in the Table of Minimum Dimensional Requirements:

Multifamily developments with both Town water and sewer shall require 53,560 square feet of buildable lot area for the building of three attached dwelling units of a multifamily complex, with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area.

The Board may want to consider adding a reference to §334-27.1.B, leaving as-is, or consider an alternative method in addressing lot requirements for multi-family housing.

MIXED USE IN BUSINESS ZONES

Section 334-10 “Mixed or dual use on a lot” requires a Special Exception for mixed-use lots or building that include a residential use. A typical mixed-use building has a commercial use on the ground floor and residential on the floor(s) above. The Planning Board may wish to consider proposing that the Special Exception is not required in the Business (B) Zone. Site plan approval would still be required in the event a new building is proposed or if an existing building is converted.

Suggested Revision (deletions in strikethrough):

§ 334-10 Mixed or dual use on a lot.

[Amended 3-13-2018 ATM by Amdt. No. 1]

- A. Multiple Principal Uses on a lot in the Industrial or Business Zones are permitted provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and each use is in conformity with all other requirements set forth in this chapter and the Hudson Land Use Regulations pertaining to that use. **[2-2-2019 ATM, Art. 06, adopted 3-12-2019]**
- (1) The Business or Industrial lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage.
- (2) The Business or Industrial lot is of sufficient size to satisfy the minimum lot size requirement for the principal use requiring the most lot area.
- B. For the purposes of this chapter, multiple commercial or industrial uses/activities developed as part of a single site are considered a single principal use.
- C. For the purposes of this article, the addition of accessory uses to a principal use does not result in a dual or mixed use of property.
- D. ~~Multiple or mixed uses on a single lot, which includes a residential use, shall only be allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual uses shall be compatible. [2-2-2019 ATM, Art. 06, adopted 3-12-2019]~~

Ballot Question:

Are you in favor of revising the mixed use requirements in the Business zones to allow for mixed use buildings with residential without requiring special exception? Such proposals would still require site plan review.

TABLE OF USES

The table of permitted uses is slightly outdated and eventually needs to be modernized. In the short term, it would be wise to separate Distributiou Facilities from the Self-Storage & Warehouse category, E.8. A new category, E.12 – Distribution Facilities is shown in **Attachment C**. The Board may wish to consider in what zones this will be permitted.

Further, the Board may wish to suggest other modifications to the permitted use table.

HOME OCCUPATION – DAYCARE

Identified by the ZBA, the Home Occupation Special Exception ordinance, §334-24, currently prohibits outdoor activity of home occupations while also recognizing that daycare is a customary home occupation. Subsection D states:

- D. The home occupation business shall be carried out within the residence and/or within a structure accessory to the residence, such as a garage.

State licensed daycares are required to have outdoor activities, therefore Staff recommends amending Subsection D to exempt daycare from this provision.

Suggested Revision (deletions in ~~striketrough~~, additions in **bold**):

- D. **With the exception of daycare businesses, which are allowed to have outdoor activity,**
~~The~~ ~~the~~ home occupation business shall be carried out within the residence and/or within a structure accessory to the residence, such as a garage.

Ballot Question:

Are you in favor of changing the home occupation ordinance to allow outdoor activity for daycares as required by state licensing of daycare operations?

334 Attachment 4

Town of Hudson

Table of Minimum Dimensional Requirements

*** PROPOSE CHANGES SHOWN IN BOLD TEXT BELOW***

	Zoning District						
	R-1	R-2	TR	B	I	G	G-1
Minimum lot area (square feet)							
With Town water and sewer	30,000	43,560	10,000	30,000 ²	30,000	43,560	87,120
Without Town water or sewer	43,560	60,000 (43,560 for single-family)	10,000 ¹	43,560	43,560	43,560	87,120
Minimum lot frontage (linear feet)							
Local roadways with Town water and sewer	120	120	90	150	150	150	200
Arterial and collector	150	150	90	150	150	150	200
Building setback requirements (front/side/rear, in feet)							
Arterial and collector roadways	50/15/15	50/15/15	30/15/15	50/15/15	50/15/15	50/15/15	50/15/15
Local roadways	30/15/15	30/15/15	30/15/15	50/15/15	50/15/15	30/15/15	30/15/15
Accessory Building setback³			30/5/5				

Notes:

- ¹ Must obtain proper state/municipal permits.
- ² Multifamily developments with both Town water and sewer shall require 53,560 square feet of buildable lot area for the building of three attached dwelling units of a multifamily complex, with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area.
- ³ **Applies to sheds, pools and other items requiring a building permit.**

§ 334-14 **Building height.**

No occupiable structure may exceed 38 feet in height in any district, except as provided in Subsection A below. **[truncated for reference only]**.

- A. In the following described zoning districts/parcels, the maximum allowed occupiable building height shall be 50 feet, and said maximum height shall be restricted to those areas of buildings used exclusively for manufacturing, warehouse, distribution and office space ancillary to said principal uses **[truncated for reference only]**

ADD SUBSECTION B

Alternative 1 – setback distance related to size of building footprint

- B. Notwithstanding subsection A above, buildings that are 50-feet in height shall be setback a minimum 250-feet from residential zones. This setback shall increase by 10-feet for buildings with a footprint of 100,000 square feet and additionally at a rate of 10-feet for every 100,000 square feet thereafter. This is applicable at a fractional rate (ex: 190,000 square foot footprint imputes an additional 19-feet of setback).

Alternative 2 – additional setback required for additional height.

- B. Notwithstanding subsection A above, building height shall not exceed 38-feet within 250-feet of a residential zone.

ZONING

334 Attachment 1

Town of Hudson

Table of Permitted Principal Uses
[Amended 3-8-1994 by Amdt. No. 5; 3-9-1999; 3-13-2001 by Amdt. No. 3;
3-13-2001 by Amdt. No. 7; 3-12-2002 by Amdt. No. 3; 3-9-2004; 3-13-2007 by Amdt. No. 5;
3-13-2018 by Amdt. No. 5]

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
A. RESIDENTIAL USES							
1. Single-family detached dwelling	P	P	P	N	N	P	P
2. Two-family dwelling	N	P	N	N	N	P	P
3. Multifamily dwelling	N	N	N	P ¹	N	N	N
4. Manufactured housing parks/subdivisions	N	N	N	N	N	P	P
5. Older persons housing developments	N	P ¹	P ¹	N	N	P ¹	N
6. Assisted living facility	P	P	P	P	N	P	P
B. AGRICULTURAL USES							
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	P	P	P	P	P	P	P
2. Facilities for the sale of produce, and wine and dairy products	P	P	P	P	P	P	P
C. COMMUNITY FACILITIES USES							
1. Use of land or structures for religious purposes	S	P	S	P	N	P	P
2. Child daycare facility and group daycare facility, public/private	N	N	N	P	P	P	P
3. Cemeteries, public/private	S	S	N	N	N	S	S
4. Municipal services and facilities	P	P	P	P	P	P	P
5. Water towers, reservoirs and sewer and water pumping stations	P	P	P	P	P	P	P
6. Hospital, public/private	N	N	N	P	P	P	P
7. Schools, public/private	P	P	P	P	P	P	P
D. COMMERCIAL USES							
1. Seasonal farm stand for retail sale of produce or Christmas trees	P	P	P	P	N	P	P
2. Animal clinic or hospital; kennel	N	N	N	S	P	P	P
3. Personal service establishment, per definition provided in § 334-6	N	N	N	P	P	P	P
4. Funeral home	N	N	N	P	P	P	P
5. Hotel/motel	N	N	N	S ¹	P ¹	P ¹	P ¹
6. Bed-and-breakfast	N	N	N	N	N	P	P
7. Retail food or drug store	N	N	N	P	P	P	P

HUDSON CODE

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
D. COMMERCIAL USES (cont'd)							
8. Retail sale of beer and wine and state liquor stores	N	N	N	P	P	P	P
9. Motor vehicle, motorcycle, trailer, snowmobile, or boat sales and rental	N	N	N	P	P	P	P
10. Motor vehicle light service; motor vehicle general and body repair	N	N	N	P	P	P	P
11. Automotive fuel station	N	N	N	P	P	P	P
12. Automotive fuel station with general retail	N	N	N	P	P	P	P
13. Car wash	N	N	N	P	P	P	P
14. Limousine, taxicab or livery business	N	N	N	P	P	P	P
15. Restaurant	N	N	N	P	P	P	P
16. Restaurant, fast-food or drive-in	N	N	N	P	P	P	P
17. Business or professional office	N	N	N	P	P	P	P
18. Convalescent or nursing home	N	S	N	P	N	P	P
19. Adult, child and group child daycare facilities	N	N	N	P	P	P	P
20. Indoor commercial recreation	N	N	N	P	P	P	P
21. Outdoor commercial recreation	N	N	N	S	P	P	P
22. Membership club, civic, social, professional or fraternal organization	N	N	N	P	P	P	P
23. Adult use establishment, per definitions provided in § 334-6	N	N	N	N	S	N	N
24. Wireless communications facility, per Article XVIII, §§ 334-91 – 334-107	N	N	N	N	S	S	S
25. Mobile parked food service	N	N	N	N	P	N	N
26. Itinerant roadside vending	N	N	N	N	P	N	N
27. Massage therapy (licensed)	N	N	N	P	P	P	P
28. Garaging or parking of one light commercial vehicle	P	P	P	P	P	P	P
29. Garaging or parking of two or more light commercial vehicles	N	N	N	P	P	P	P
30. General retail	N	N	N	P	P	P	P
31. Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P	P	P
32. Retail sale of agriculture horticulture, floriculture and viticulture products	N	N	N	P	N	P	P
33. Tattoo parlor	N	N	N	P	N	N	N
34. Body art/piercing	N	N	N	P	N	N	N
E. INDUSTRIAL USES							
1. Removal of loam, sand or gravel	N	N	N	N	P	P	P
2. Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances	N	N	N	N	P	P	P
3. Welding shop	N	N	N	N	P	P	P
4. Machine shop	N	N	N	N	P	P	P
5. Stone or monument works	N	N	N	N	P	P	P
6. Manufacturing	N	N	N	N	P	P	P

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USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES (cont'd)	N	N	N	N	P	P	P
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility ; includes parking of recreational vehicles, buses and/or boats	N	N	N	N	P	P	P
9. Heating fuel storage and sales	N	N	N	N	P	P	P
10. Contractor's yard or landscaping business	N	N	N	N	P	P	P
11. Transportation or freight terminal	N	N	N	N	P	N	N
12. Distribution Facility	N	N	N	N	P	P	P

NOTES:

¹ = Permitted only if serviced by Town water and sewer

S = Special Exception Required (see article VI)

P = Permitted Use

N = Not an Allowed Use