

# **ZONING AMENDMENTS**

FOR 2022 BALLOT

## **STAFF REPORT**

December 22, 2021

### **PURPOSE**

The following proposed amendments to the Zoning Ordinance were moved to a public hearing on December 22, 2021 at the Planning Board's December 8, 2021 meeting. Full text of the amendments can be found in Attachment A. The report below provides draft motion and draft ballot questions.

### **SCHEDULE**

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

### **ATTACHMENTS:**

- A. Notice of Zoning Amendments

### **PROPOSED ZONING AMENDMENTS**

See Attachment A for full text of proposed amendments. Deletions are shown in ~~strikethrough~~, additions are shown in **bold**. Draft motions and ballot questions are presented in the following pages.

**#1 - Repeal of Article XIII – Housing for Older Persons. This will not affect any existing or approved age restricted developments.**

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.

I move to recommend the repeal of §334 Article XIII – Housing for Older Persons, to discontinue incentivizing age-restricted developments. This amendment will not effect on existing and/or currently approved age-restricted developments.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_

**#2 - Reduction of side and rear yard setbacks for accessory structures & features in the TR zone.**

Ballot Question:

Are you in favor of reducing the side-yard and rear-yard setbacks for accessory structures & features, such as sheds and pools in the Town Residential zone? This does not apply to garages. These neighborhoods are in the core of Town and have much smaller lots than elsewhere in Town.

I move to recommend amending §334 Attachment 4, “Table of Minimum Dimensional Requirements” to reduce the side-yard and rear-yard setback for accessory structures in the TR zone from 15-feet to 5-feet. This amendment applies to accessory structures and features such as sheds and pools. Garages must still adhere to setbacks for principal structures.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_

**#3 - To eliminate the need for a special exception for mixed-use buildings with a residential component, while site plan review would still be required.**

Ballot Question:

Are you in favor of eliminating the requirement for a special exception from the ZBA for mixed-use buildings with residential in the Business zone? Such proposals would still require site plan review.

I move to recommend amending §334-10 to eliminate subsection D, which requires a special exception for mixed use buildings with residential in the Business zone. Such proposals would still require site plan review.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_

**#4 - To revise the Home Occupation Special Exception to allow outdoor play areas for daycare as required by the State of New Hampshire.**

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?

I move to recommend amending §334-24.D to allow outdoor activity for daycare home occupations.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_

**#5 - To amend the Table of Permitted Uses to separate Distribution Facilities from Self-Storage and Warehouses, and to restrict Distribution Facilities to Industrial Zones.**

Ballot Question:

Are you in favor of defining Distribution Facilities and restricting them to Industrial Zones? This amendment also establishes Distribution Facilities as a different use than Warehouses; they are grouped together currently.

I move to recommend amending §334 Attachment 1 “Table of Permitted Principal Uses” and to add a definition of Distribution Facilities to §334-6 “Definitions” to distinguish Distribution Facilities from warehouses and self-storage and restricting Distribution Facilities to the Industrial Zone.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_



# TOWN OF HUDSON

## Planning Board



Timothy Malley, Chairman      Marilyn McGrath, Selectmen Liaison

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### PUBLIC HEARING – DECEMBER 22, 2021

The Town of Hudson Planning Board will hold a public hearing on Wednesday, **December 22, 2021** at **7:00 p.m.** in the “Buxton Community Development Conference Room” at Town Hall for proposed Zoning Amendments for the 2022 Ballot. The text of the amendments are listed below with deletions in ~~strike through~~ and addition in **bold**. The general purpose of the amendments are as follows:

1. Repeal of Article XIII – Housing for Older Persons. This will not affect any existing or approved age restricted developments.
2. Reduction of side and rear yard setbacks for accessory structures & features in the TR zone.
3. To eliminate the need for a special exception for mixed use buildings with a residential component, while site plan review would still be required.
4. To revise the Home Occupation Special Exception to allow outdoor play areas for daycare as required by the State of New Hampshire.
5. To amend the Table of Permitted Uses to separate Distribution Facilities from Self-Storage and Warehouses, and to restrict Distribution Facilities to Industrial Zones.

### #1 - Repeal of Article XIII – Housing for Older Persons. This will not affect any existing or approved age restricted developments.

#### ~~Article XIII Housing for Older Persons~~

~~[Amended 3-14-1995 by Amdt. No. 12; 3-13-2001 by Amdt. No. 6; 3-9-2004 ATM, Art. 5; 9-12-2006 by Amdt. No. 1]~~

#### ~~§ 334-70 Applicability; purpose.~~

~~A. Housing planned specifically for older persons, in the form of multiple attached units or detached units, as defined as "Housing for Older Persons," in NHRSA 354 A:15 (I), (II), and (III), as the same may be, from time to time, amended, may be developed only in the R-2, TR and G Districts, in accordance with the provisions of this article.~~

~~B. Purpose: to provide affordable alternative housing for the older persons population.~~

#### ~~§ 334-71 Lot size.~~

~~A. For housing which conforms to the definition of "housing for older persons," in NHRSA 354-A:15(II), as same may be from time to time amended, the minimum buildable land area shall be 7,500 square feet per bedroom and shall have Town water and Town sewer. For housing which conforms to the definition of "housing for older person," in NHRSA 354 A:15(III), as same may be from time to time amended, the minimum buildable land area shall be 10,000 square feet per bedroom and shall have Town water and Town sewer. Further, the maximum building ground coverage of each older persons housing development shall not exceed 20% of the tract and 3,000 square feet, per unit. In addition, all such housing shall conform to the following~~

~~additional standards:~~

- ~~(1) Each dwelling unit shall have no more than two bedrooms, and shall be specifically designed for occupancy by older persons.~~
- ~~(2) The occupancy of units within the development shall be limited to family units in which the head of household or spouse is at least 55 years old.~~
- ~~(3) The minimum tract area shall be 10 acres and the tract shall have at least 200 feet of frontage on a public road.~~
- ~~(4) The development shall, where possible, make provision for on or off site pedestrian access to the various community facilities.~~
- ~~(5) Emergency vehicle access shall be provided to all structures.~~

~~B. For the purposes of this section, single room or efficiency units are considered to be one bedroom.~~

~~C. Units are to be no less than 600 square feet.~~

~~D. Parking spaces shall be calculated as 1.4 spaces per unit.~~

~~§ 334-72 Buffers and screening.~~

~~The Planning Board may require sufficient landscaped or naturally vegetated buffers for adjacent uses. Buffers shall be maintained to provide continued screening.~~

~~§ 334-73 Planning Board approval of site plan required.~~

~~Planning Board approval of the site plan is required. The Planning Board may adopt specific regulations for reviewing older persons housing development site plans.~~

#2 - Reduction of side and rear yard setbacks for accessory structures & features in the TR zone.

334 Attachment 4

**Town of Hudson**

**Table of Minimum Dimensional Requirements**

	<b>Zoning District</b>						
	<b>R-1</b>	<b>R-2</b>	<b>TR</b>	<b>B</b>	<b>I</b>	<b>G</b>	<b>G-1</b>
Minimum lot area (square feet)							
With Town water and sewer	30,000	43,560	10,000	30,000 <sup>2</sup>	30,000	43,560	87,120
Without Town water or sewer	43,560	60,000 (43,560 for single-family)	10,000 <sup>1</sup>	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 roadways	150	150	90	150	150	150	200
<b>Principal Building setback requirements</b> (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
<b>Accessory Building setback<sup>3</sup></b> (front/side/rear, in feet)			<b>30/5/5</b>				

Notes:

<sup>1</sup> Must obtain proper state/municipal permits.

<sup>2</sup> 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.

<sup>3</sup> **Applies to all sheds, pools and other accessory structures or features items requiring a building permit. Garages must adhere to Principal Building Setbacks. In zones where no dimensions are listed, Principal Building Setbacks apply.**

#3 - To eliminate the need for a special exception for mixed use buildings with a residential component, while site plan review would still be required.

§ 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]~~



#4 - To revise the Home Occupation Special Exception to allow outdoor play areas for daycare as required by the State of New Hampshire.

§ 334-24 Home occupations.

[Amended 3-13-2007 by Amdt. No. 3; 3-10-2009 by Amdt. No. 3]

Home occupations are defined by the Zoning Ordinance as "any activity carried out for gain by a resident in their dwelling unit, and such activity is a secondary use to the residence." The intent of providing a home occupation special exception is to allow for growth and development of a small in-home business while maintaining the character of residential areas. The applicant acknowledges that if the business grows and no longer meets the listed requirements, the business shall be moved to an appropriately zoned location such as Business, General or Industrial. Home occupations which include sales or service operations for wholesale goods produced or services provided on-site shall be permitted only as a special exception. The Zoning Board of Adjustment must find any such home occupation application to be in full compliance with the following requirements prior to approval of such special exception:

- A. The home occupation shall be secondary to the principal use of the home as the business owner's residence.
- B. The home occupation shall be conducted only by the residents of the dwelling who reside on the premises. If the applicant is the owner, the owner must sign an affidavit, stating he/she is the owner, and the residents of the dwelling are the only individuals conducting the activities associated with the home occupation. Said affidavit shall also state that the owner is responsible for any violations of this chapter. If the applicant is a renter, the owner of the dwelling must sign an affidavit, stating he/she is the owner, and shall acknowledge that the home occupation for the premises shall only be conducted by the current renter(s), who shall be identified on the application. The owner shall also acknowledge that he/she, as the owner of the dwelling, is responsible for any violations of this chapter conducted at said dwelling. Approval of the home occupation special exception expires with the change of ownership of the property or the rental agreement in effect at the time the home occupation special exception was granted. The home occupation special exception is conditional on the residents of the dwelling and not on the property.
- C. There shall be no employees or "for hire" staff conducting the home occupation activities, unless the employee(s) also resides on the premises.
- D. **With the exception of daycare businesses, which are allowed to have outdoor activity, the** home occupation business shall be carried out within the residence and/or within a structure accessory to the residence, such as a garage.

*[this section continues but is omitted here as no further changes are proposed]*

#5 - To amend the Table of Permitted Uses to separate Distribution Facilities from Self-Storage and Warehouses, and to restrict Distribution Facilities to Industrial Zones.

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
<b>E. INDUSTRIAL USES (cont'd)</b>	N	N	N	N	P	P	P
8. Wholesale, warehouse, self-storage mini-warehouse, <del>or distribution facility</del> ; 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
<b>12. Distribution Facility</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>N</b>	<b>N</b>

ADD TO §334-6 Definitions:

**DISTRIBUTION FACILITY - a specialized warehouse that serves as a hub to strategically store finished goods, streamline the picking and packing process, and ship goods out to another location or final destination.**