

ZONING AMENDMENTS 2023 PUBLIC HEARING

TABLE OF PERMITTED PRINCIPAL USES – PROPOSED & PETITIONED

January 11, 2023

SUMMARY OF DISCUSSION

At the November 30, 2022 & December 28, 2022 Planning Board meetings the Board reviewed an amendment to the Table of Permitted Principal Uses to “dissect” the use category E.8 into multiple new categories. The concern is that the current E.8 category includes use with very different land use characteristics into one use classification. For instance, a self-storage facility clearly has different land use impacts than a distribution facility. However, since they are the same category (E.8), site plan approval would not necessarily be required if a self-storage facility changed into a distribution facility. §334-16.1 “Site Plan Approval” change of use requires site plan approval from the Planning Board, where a change of use occurs when the use of land or building is changed from one category to another. Conversely, if there is no category change, site plan approval is not required under §334-16.1.

Excerpt of Current Table of Permitted Principal Uses:

	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES							
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

In its current form, E.8 appears to describe four different types of land use:

1. Distribution facility
2. Warehouse
3. Wholesale
4. Self-storage (which is presumed to include parking of recreational vehicles, buses and/or boats)

Notes:

- *Staff reasons that the inclusion of parking of recreational vehicles is a common ancillary function of self-storage as opposed to the other listed uses.*
- *The term “self-storage mini-warehouse” was shortened to “self-storage.”*
- *Categories following the new inserted categories would be renumbered.*

Therefore, the amendment below is before the Planning Board for review, discussion and if the Board desires to move forward, the scheduling of a public hearing.

A) Amendment #1 under Planning Board discussion (change in bold/underline):

	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES							
<u>8. Distribution facility</u>	N	N	N	N	P	P	P
<u>9. Warehouse</u>	N	N	N	N	P	P	P
<u>10. Wholesale</u>	N	N	N	N	P	P	P
<u>11. Self-storage; includes parking of recreational vehicles, buses and/or boats</u>	N	N	N	N	P	P	P
<u>12.</u> Heating fuel storage and sales	N	N	N	N	P	P	P
<u>13.</u> Contractor’s yard or landscaping business	N	N	N	N	P	P	P
<u>14.</u> Transportation or freight terminal	N	N	N	N	P	N	N

PETITIONED AMENDMENT

On December 13, 2022 the Town Clerk received a Petition Zoning Amendment for the March 2023 Town Ballot. A copy of the petition is attached hereto.

From the petition:

Commentary: Remove warehouses and distribution centers from G and G1 zones and allowing them only in I (Industrial) zones.

Warrant Article:

‘Amend Town Code 334, Attachment I, Table of Permitted Principal Uses to remove from permitted use under General (G), and General-I (G-1) zones, warehouses or distribution facilities greater than 100,000 square feet and allow them ONLY in Industrial (I) zones effective immediately following passage of this warrant article.’

The commentary proposes prohibiting warehouses and distribution centers entirely from G and G-1 zones while the Warrant Article language provides an additional level of detail: only warehouses and distribution facilities larger than 100,000 square feet would be removed from the G and G-1 zones, presumably allowing these uses in the G and G-1 zones if they are 100,000 square feet or less. Since the warrant article would be the ballot item and provides more detail, staff believe its effect would prevail over that of the commentary language.

(continued on following page)

If passed, the petitioned amendment would affect the Table of Permitted Principal Uses as follows:

B) Petition Amendment (change in bold/underline):

	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES							
<u>8. Distribution facility or warehouse of 100,000 square feet or less</u>	N	N	N	N	P	P	P
<u>9. Distribution facility or warehouse greater than 100,000 square feet</u>	N	N	N	N	<u>P</u>	<u>N</u>	<u>N</u>
<u>10. Wholesale, self-storage; includes parking of recreational vehicles, buses and/or boats</u>	N	N	N	N	P	P	P
11. Heating fuel storage and sales	N	N	N	N	P	P	P
12. Contractor’s yard or landscaping business	N	N	N	N	P	P	P
13. Transportation or freight terminal	N	N	N	N	P	N	N

COMBINED EFFECT OF BOTH AMENDMENTS

If both amendments were to pass they would overlap yet, fortunately, the intent of each would remain intact. The amended table below shows the resulting Table of Permitted Principal Uses in the event the Planning Board amendment under discussion (in its current form) and the Petitioned Amendment passed Town vote.

C) Combined amendments if both pass (change in bold/underline):

	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES							
<u>8. Distribution facility of 100,000 square feet or less</u>	N	N	N	N	P	P	P
<u>9. Distribution facility greater than 100,000 square feet</u>	N	N	N	N	<u>P</u>	<u>N</u>	<u>N</u>
<u>10. Warehouse of 100,000 square feet or less</u>	N	N	N	N	P	P	P
<u>11. Warehouse greater than 100,000 square feet</u>	N	N	N	N	<u>P</u>	<u>N</u>	<u>N</u>
<u>12. Wholesale</u>	N	N	N	N	P	P	P
<u>13. Self-storage; includes parking of recreational vehicles, buses and/or boats</u>	N	N	N	N	P	P	P
14. Heating fuel storage and sales	N	N	N	N	P	P	P
15. Contractor’s yard or landscaping business	N	N	N	N	P	P	P
16. Transportation or freight terminal	N	N	N	N	P	N	N

DRAFT MOTIONS

Planning Board amendment (additions in bold/underline, deletions in ~~strikethrough~~):

334 Attachment 1

	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES							
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
<u>8. Distribution facility</u>	N	N	N	N	P	P	P
<u>9. Warehouse</u>	N	N	N	N	P	P	P
<u>10. Wholesale</u>	N	N	N	N	P	P	P
<u>11. Self-storage; includes parking of recreational vehicles, buses and/or boats</u>	N	N	N	N	P	P	P
<u>12.</u> Heating fuel storage and sales	N	N	N	N	P	P	P
<u>13.</u> Contractor’s yard or landscaping business	N	N	N	N	P	P	P
<u>14.</u> Transportation or freight terminal	N	N	N	N	P	N	N

Ballot Question:

Are you in favor of the adoption of Amendment No. ___ as proposed by the planning board for the Town of Hudson Zoning Ordinance as follows: revising the Table of Permitted Principal Uses to separate Wholesale, Warehouse, Self-storage mini-warehouse and Distribution facilities into their own separate categories? They are all currently one category. By passing this amendment, a site would need Planning Board approval to change from one category to another.

MOTION:

I move to recommend the amendment to 334 Attachment 1 – Table of Permitted Principal Uses to separate the uses listed in Category E.8 into individual categories.

Motion by: _____ Second: _____ Carried/Failed: _____

Petition Amendment (additions in **bold/underline**, deletions in **strikethrough**):

	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES							
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
<u>8. Distribution facility or warehouse of 100,000 square feet or less</u>	N	N	N	N	P	P	P
<u>9. Distribution facility or warehouse greater than 100,000 square feet</u>	N	N	N	N	<u>P</u>	<u>N</u>	<u>N</u>
<u>10. Wholesale, self-storage; includes parking of recreational vehicles, buses and/or boats</u>	N	N	N	N	P	P	P
11. Heating fuel storage and sales	N	N	N	N	P	P	P
12. Contractor’s yard or landscaping business	N	N	N	N	P	P	P
13. Transportation or freight terminal	N	N	N	N	P	N	N

Ballot Question:

Are you in favor of the adoption of Amendment No. ___ as proposed by petition for the Town of Hudson Zoning Ordinance as follows: Amend Town Code 334, Attachment I, Table of Permitted Principal Uses to remove from permitted use under General (G), and General-I (G-1) zones, warehouses or distribution facilities greater than 100,000 square feet and allow them ONLY in Industrial (I) zones effective immediately following passage of this warrant article.

The petition amendment will appear on the ballot and is required to indicate if the Planning Board approves or disapproves it.

MOTION:

I move to **recommend/not recommend** the petition zoning amendment to prohibit distribution facilities and warehouses greater than 100,000 square feet from the G and G-1 zones.

Motion by: _____ Second: _____ Carried/Failed: _____