

TOWN  
OF  
HUDSON  
NEW HAMPSHIRE

PROPOSED AMENDED ZONING ORDINANCE  
AND  
MAP

January 1966

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**METCALF & EDDY, INC. • Engineers**

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Statler Bldg., Boston 16, Mass.

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ZONING ORDINANCE  
OF THE  
TOWN OF HUDSON, NEW HAMPSHIRE

ARTICLE I

PREAMBLE AND TITLE

Section 1 - Preamble. In pursuance of authority conferred by Chapter 31, Sections 60-89, New Hampshire Revised Statutes Annotated, 1955, and as it may be amended and for the purpose of promoting the health, safety, morals, prosperity, convenience or general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the incorporated Town of Hudson, New Hampshire, by securing safety from fire, panic and other dangers, providing adequate areas between buildings and various rights-of-way, the promotion of good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means, now therefore the following amended ordinance is hereby enacted by the voters of the Town of Hudson, New Hampshire, in legal town meeting convened.

Section 2 - Title. This amended ordinance shall be known and may be cited as the "Town of Hudson Zoning Ordinance of 1966" hereinafter referred to as the "Zoning Ordinance."

ARTICLE II

ESTABLISHMENT OF ZONING DISTRICTS

Section 1 - Districts. For the purpose of the zoning ordinance the Town of Hudson is divided into the following six districts as shown on the Zoning Map.

<u>Full name</u>	<u>Short name</u>
Residential-One	R-1
Residential-Two	R-2
Residential-Three	R-3
Business-Neighborhood	B-1
Business-Highway	B-2
Industrial	I-1

Section 2 - Zoning Map. The several districts listed in Article II, Section 1 shall be bounded as shown on the map titled "Town of Hudson Zoning Map of 1966" which map is attached hereto and made a part of the Zoning Ordinance and is hereinafter referred to as the Zoning Map. The authenticity of the Zoning Map shall be identified by the signature of the chairman of the Selectmen attested by the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Town of Hudson Zoning Map of 1966 adopted by the Town on

Amendments shall be noted in the same manner and the Town Clerk is hereby charged with the responsibility of seeing that the Zoning Map is corrected within 30 days of the adoption of any amendment. The Zoning Map which shall be drawn with ink over a linen tracing of the large-scaled Town Base Map shall be kept by the Town Clerk and shall be the final authority. Photographic reductions of this large-scaled Zoning Map shall be attached to and serve as copies of the Zoning Map in any subsequent publication of the Zoning Ordinance.

Section 3 - Boundaries. Unless otherwise indicated, Zoning District boundary lines as shown on the Zoning Map, are the centerlines of highways and roads, the middle of the channel of waterways or other bodies of water, or where such boundary is also a town boundary then to the limits of the town boundary. Where the Zoning District boundaries are so indicated that they parallel the centerline of highways or roads, such boundaries shall be interpreted as parallel thereto and at the distance therefrom as shown on the Zoning Map. Where no dimension is given on the Zoning Map, distances shall be determined by use of the scale shown on the map.

### ARTICLE III

#### INTERPRETATION AND APPLICATION

Section 1 - Interpretation. In interpreting any provision of the Zoning Ordinance, it shall be held to be the minimum requirement, adopted for the promotion of the public health, morals, safety or other general welfare. Whenever any requirement of the Zoning Ordinance is at variance with the requirement of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standard, shall govern.

Section 2 - Application. The provisions of the Zoning Ordinance shall apply to all uses, structures and lots within the Town of Hudson, New Hampshire whether privately or publicly owned.



Whenever any existing use or structure is not in conformity with the provisions of the Zoning Ordinance, it may continue to exist subject to the provisions of Article IX. Any use not listed as a permitted use shall be construed to be prohibited. No conforming use or structure shall become nonconforming or any nonconforming use or structure become further nonconforming by any manner or action whatsoever except in accordance with the provisions of the Zoning Ordinance or by other legal action of a jurisdiction setting aside a provision of the Zoning Ordinance.

#### ARTICLE IV

##### GENERAL PROVISIONS

Section 1 - Ruins. No owner or occupant of land in any District shall permit a fire or other ruins to be left but shall remove the same within one year.

Section 2 - Dumps. No private dump, or other above-ground area for the disposal of garbage, sewage, rubbish or offal shall be permitted any place in the Town.

Section 3 - Earth Removal. The removal of clay, sod, loam, peat moss, sand, or gravel is permitted in any District, provided: sod or loam may be removed except that after removal a minimum depth of 4 in. of sod or loam shall remain; all excavating, handling, processing and storage facilities are removed; the land cleared of all stumps, logs and rocks, and regraded to the level of the approximate adjoining land and seeded, all such actions to be completed within 90 days of the use of the land as a source of supply. Any discontinuance of earth removal for an interval of 180 days shall constitute the completion of earth removal.

Section 4 - Foresting. The production, cutting and sawing of forest products shall be permitted in any District provided: no sawing or attendant operation shall be carried on or slash left within 200 ft. of any residence or other building.

Section 5 - Flood Areas. No building for human occupancy shall be permitted to be built in any District within any floodway or have its first floor level less than 1 ft. above any known flood elevation.

Section 6 - Cellar Occupancy. No person shall be permitted in any District to live in a cellar or basement pending completion of the upper portion of the residence.

## Section 7 - Sanitary Protection

- (a) No privy, cesspool, septic tank, or any portion of a sewage disposal area shall be constructed or maintained less than 75 ft. from the edge of a public water body, from a well, or from a building, trailer or mobile home other than that to which it is appurtenant.
- (b) No waste waters or sewage shall be permitted to run free into a public water body or be discharged in any way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through use of an accepted sanitary system or in such a way that it will not be offensive or detrimental to health.
- (c) No privy, cesspool, septic tank or sewage disposal area shall be permitted to be built in any questionable area unless a percolation test or soil analysis made and certified to by a Registered Engineer or other qualified person as to its appropriateness for such system shall have been filed.
- (d) All buildings and sanitary systems shall be constructed and maintained in accordance with the standards set and enforced by the New Hampshire State Department of Health and by the New Hampshire Water Pollution Commission.

## ARTICLE V

### USE REGULATIONS

Section 1 - Applicability of Regulations. Except as provided by law or in this Zoning Ordinance in each district no building, structure or land shall be used or occupied except for the purposes permitted in the district in the Section of this Article applicable thereto.

Section 2 - Permitted Uses. In Section 4 of this Article, Table of Use Regulations, the uses permitted by right shall be designated by the letter "P." Those uses that shall be permitted by special exception in accordance with Section 10 of Article X shall be designated by the letter "S." Uses designated by "-" shall not be permitted in the district.



Section 3 - Uses Subject to Other Regulations. Uses permitted by right or by special permit shall be subject, in addition to use regulations, to such regulations of height, area, yard, setback, lot size and area, lot width, provisions for off-street parking and loading, and to such other provisions as are specified in other Articles hereof.

Section 4 - Table of Use Regulations. See table on accompanying pages which are declared to be a part of this Zoning Ordinance.

## ARTICLE VI

### AREA, HEIGHT AND BULK REGULATIONS

Section 1 - Applicability of Area, Height and Bulk Regulations. The regulations for each district pertaining to minimum lot area, minimum lot width, maximum height of buildings, maximum number of stories, maximum building area, minimum usable open space, minimum front yard depth, minimum side yard width, minimum rear yard depth and minimum residential net floor area shall be as specified in this section and set forth in the Tables of Area Regulations and Height and Bulk Regulations, and subject to the further provisions of this Section.

Section 2 - Tables of Area and Height and Bulk Regulations. See tables on accompanying page plus attached notes which are declared to be a part of this Ordinance.

Table of Use Regulations

	R-1	R-2	R-3	B-1	B-2	I-1
<b>RESIDENTIAL</b>						
1. One-family detached dwelling	P	P	P	-	-	-
2. Two-family dwelling	P	P	P	S	-	-
3. Multifamily dwelling	-	-	-	S	-	-
4. Accessory residential building such as tool shed, boat house, playhouse, shelter for domestic pets, private greenhouse, private swimming pool and private detached garage for noncommercial vehicles	P	P	P	P	-	-
5. Cluster residential development (see Section 10-b-(1) of Article X)	S	S	-	-	-	-
<b>COMMUNITY FACILITIES</b>						
1. Church or other religious purpose	P	P	P	P	P	P
2. Educational purpose which is religious sectarian, denominational or public	P	P	P	P	P	P
3. Nonprofit recreational facility, not including a membership club	P	P	P	S	S	-
4. Nonprofit country, hunting, fishing, tennis, or golf club	P	P	S	-	-	-
5. Nonprofit day camp or other nonprofit camp	P	P	S	-	-	-
6. Town building except equipment garage	P	P	P	S	S	S
7. Town cemetery, including any crematory therein	S	S	S	-	S	S
8. Nonprofit hospital, sanitarium or sanatorium	S	S	S	-	-	-
9. Street, bridge, tunnel	P	P	P	P	P	P
10. Town equipment garage	S	-	-	-	-	P



R-1 R-2 R-3 B-1 B-2 I-1

COMMUNITY FACILITIES Cont.

11. Public utility except power plant, water filter plant, sewage treatment plant, and refuse facility	P	P	P	P	P	P
12. Power plant, water filter plant, sewage treatment plant and refuse facility	S	-	-	-	-	P

AGRICULTURAL

1. Agriculture, horticulture and floriculture except a stand for retail sale	P	P	S	-	S	P
2. Temporary (not to exceed erection or use for a period exceeding 6 months in any one year) stand for retail sale of agricultural or farm products raised primarily on the same premises	P	P	P	S	S	S
3. Raising and keeping of livestock, horses and poultry, not including the raising of swine or fur animals for commercial use	P	P	S	-	-	S
4. Commercial stables, kennels, or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures	P	P	S	-	S	-
5. Noncommercial forestry and growing of all vegetation	P	P	P	P	P	P

RETAIL AND SERVICE

1. Stores usually selling one or a combination of two or more of the following: dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware and food	-	-	-	P	P	-
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R-1 R-2 R-3 B-1 B-2 I-1

RETAIL AND SERVICE Cont.

2. Establishments primarily selling prepared food and drink for consumption on their own premises or elsewhere	-	-	-	P	P	-
3. Sales by vending machines	-	-	-	S	S	-
4. Establishments selling new automobiles or new and used automobiles and trucks, new automobile tires and other accessories, aircraft, boats, motorcycles, and household trailers	-	-	-	S	P	-
5. Hotels and motels	S	S	-	P	P	-
6. Trailer court (see Section 10-b-(3) of Article X)	S	-	-	-	-	-
7. Personal service establishments	-	-	-	P	P	-
8. Funeral home or mortuary establishment	S	S	S	S	S	-
9. Convalescent or nursing home	P	P	P	-	-	-
10. Membership club	S	S	S	P	S	-
11. Miscellaneous business offices and services	-	-	-	P	P	S
12. Home occupation	S	S	S	-	-	-
13. Automotive repair, automobile services and garages (not including a junk yard or open storage of abandoned automobiles or other vehicles)	-	-	-	S	P	S
14. Automotive or other junk yard or open storage or abandoned automobiles or other vehicles in accordance with Chapter 267-A of the New Hampshire Revised Statutes Annotated, 1955, and as may be amended	-	-	-	-	S	S
15. Miscellaneous repair service	-	-	-	S	P	-



	R-1	R-2	R-3	B-1	B-2	I-1
RETAIL AND SERVICE Cont.						
16. Motion picture establishment	-	-	-	P	S	-
17. Amusement and recreation services	S	-	-	S	S	-
18. Taxi and bus terminals	-	-	-	P	P	P
19. Communications and television towers	S	-	-	-	S	S
20. Airport and landing strip	S	-	-	-	-	-
21. Commercial parking lot or structure	S	-	-	P	P	P
22. Planned business development (see Section 10-b-(2) of Article X)	-	-	-	S	S	S
23. Filling of land or watercourse, water body or wetlands	S	S	S	S	S	S
24. Construction of drainage facilities or damming up or relocating any watercourse, water body or wetlands	S	S	S	S	S	S
WHOLESALE AND MANUFACTURING						
1. Mining and quarrying	S	-	-	-	-	S
2. Construction activities or suppliers	S	-	-	-	-	P
3. Manufacturing	-	-	-	-	-	P
4. Trucking service and warehousing	-	-	-	-	S	P
5. Other transportation services	-	-	-	-	S	P
6. Wholesale trade	-	-	-	-	S	P

Table of Area Regulations (No. refer to attached notes)

Dis- trict	Use	Minimum required lots <sup>1</sup>			Yards <sup>2-9</sup>		
		Area (sq.ft.)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)	
R-1	Two-family dwelling	50,000	200	40	20	50	
	Any other permitted structure or principal use	40,000	175	40	20	50	
R-2	Two-family dwelling	25,000	150	30	15	40	
	Any other permitted structure or principal use	20,000	120	30	15	40	
R-3	One-family detached dwelling	15,000	100	30	15	30	
	Two-family dwelling	20,000	120	30	15	30	
B-1	Hotel and motel	5,000 plus 1,000 sq.ft. per unit	100	15	10	20	
	Two-family and multifamily dwellings	5,000 plus 1,000 sq.ft. per unit	60	15	10	20	
	Any other permitted structure or principal use	1,000	20	5	none	15	
B-2	(With public water and public sewer service) Hotel and motel	5,000 plus 1,000 sq.ft. per unit	100	15	10	20	
	Any other permitted structure or principal use	1,000	20	15	none	15	



Table of Area Regulations (Cont.)

Dis- trict	Use	Minimum required lots <sup>1</sup>		Yards <sup>2-9</sup>		
		Area (sq.ft.)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)
B-2	(With public water only or public sewer only) Hotel and motel	10,000 plus 5,000 sq.ft. per unit	125	30	10	30
	Any other permitted structure or principal use	20,000	100	25	10	30
B-2	(With no public water and no public sewer service) Any permitted structure or principal use	40,000	200	30	10	25
I-1	Any permitted structure or principal use	20,000	150	30	20	30

1. Except for multiple-family developments, shopping center, industrial complex, community facilities and public utilities, only one principal structure shall be permitted on one lot. Principal structures, so limited shall be completely unobstructed in view from the street, except for vegetation and permitted accessory signs.
2. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
3. A side yard which is used for a legal service driveway shall have a minimum width of 15 ft.
4. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
5. No building except a boat house shall be within 10 ft. of any watercourse or wetland area or, if subject to flooding, within 10 ft. beyond its flood line.

FOOTNOTES (Cont.)

6. Projections into required yards or other required open spaces are permitted subject to the following:
  - a. Balcony or bay window not more than 2 ft.
  - b. Open terrace or steps or stoop, under 4 ft. in height, up to one-half the required yard setback.
  - c. Steps or stoop over 4 ft. in height, window sill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than 2 ft.
7. In any "R" District any permitted accessory building shall conform to the following provisions: it shall not occupy more than 40 percent of the required rear yard; it shall be subject to the same front yard requirements as are set for the principal structure in the same district; it shall not be less than 15 ft. from any lot line; it shall not exceed 25 ft. in height; and, if a private swimming pool, it shall be completely enclosed by a fence at least 5 ft. in height secured by a padlocked gate.
8. In any "B" District any permitted accessory building shall conform to the following provisions: it shall not occupy more than 80 percent of the required rear yard; it shall be not less than 25 ft. from any street lot line, except on a corner lot, then the same distance as the required depth of the front yard for the adjacent lots; it shall not be less than 10 ft. from any lot line and it shall not exceed 25 ft. in height.
9. In the "R-1" District the required minimum front yard may be reduced to 30 ft. provided that the public way on which the lot has frontage shall have an existing right-of-way width of at least 50 ft. or such greater right-of-way width as may be required in accordance with the Town Comprehensive Plan.



Table of Height and Bulk Regulations

Dis- trict	Maximum permitted height (ft.) <sup>1</sup>	Maximum permitted height (stories)	Maximum build- ing coverage of lot (covered area as percent of total lot area	Minimum residential net floor area (sq. ft.)
R-1	35	2-1/2	10	850
R-2	35	2-1/2	20	850
R-3	35	2-1/2	25	850
B-1	30	2	80	Not permitted
B-2	20	1	80	Not permitted
I-1	30	2	60	Not permitted

1. Any maximum height permitted in this Ordinance shall not apply to:

- a. Community facility and public utility structures, provided: the side and rear yards or setbacks required in the district for the highest permitted principal structure shall be increased 2 ft. in width for each foot by which the height of such structure exceeds the height permitted in the district.
- b. Necessary appurtenant structures such as: church spire, belfry, cupola, smokestack, monument, flagpole, radio or television tower, mast, antenna, aerial, airplane hangar, roof tank, building service equipment, roof structure other than a penthouse, chimney or parapet wall, or any similar appurtenance provided: any such structure shall set back from the vertical plane of the required setback building line 1 ft. horizontally for each 2 ft. of extra height.
- c. Special industrial structures such as: a cooling tower and other similar structure where the industrial process requires a greater height, provided: any such structure shall not occupy more than 15 percent of the lot area, and shall be not less than 50 ft. from any lot line.

## ARTICLE VII

SIGNS

Section 1 - Permitted Signs. No sign or advertising device(s) shall be permitted except as specified herein.

Section 2 - Signs Permitted in Any "R" District

- (a) One sign for each dwelling unit, provided: such sign shall not exceed 2 sq. ft. in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy, and it shall set back at least one-half of the required depth of the front yard.
- (b) One sign for each community facility or public utility use: provided the sign shall not exceed 6 sq. ft. in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall set back at least one-half of the required depth of the front yard.
- (c) One unlighted sign offering premises for sale or lease for each parcel in one ownership, provided: it shall not exceed 4 sq. ft. in surface area; and it shall set back at least one-half of the required depth of the front yard.
- (d) One unlighted temporary sign of a painter, or other artisan erected during the period such person is performing work on the premises on which such sign is erected, provided: it shall not exceed 4 sq. ft. in surface area; and it shall set back at least one-half of the required depth of the front yard.

Section 3 - Signs Permitted in Any "B" District

- (a) Any sign permitted in the "R" District subject to the same provisions of use.
- (b) One business sign for each street frontage of each building unit, provided: it shall be set back 10 ft. from any street lot line; it shall be erected at a height not less than 10 ft., nor more than 30 ft. above the ground or sidewalk; it shall not exceed 48 sq. ft. in surface area; and if lighted, it shall be illuminated by indirect method with white or blue lights only.



Section 4 - Signs Permitted in Any "I" District

- (a) One wall sign for each building unit, provided: it shall be attached to the main wall of a building; it shall not project horizontally more than 12 in. therefrom; it shall be erected at a height not more than 30 ft. above the ground or sidewalk; it shall not exceed 100 sq. ft. in surface area; and if lighted, it shall be illuminated by indirect method with white or blue lights only.
- (b) One business sign for each building unit provided: it shall not exceed 100 sq. ft. in surface area; it shall set back at least one-half the depth of the required front yard; and, if lighted, it shall be illuminated by indirect method with white or blue lights only.

Section 5 - General Sign Provisions

- (a) Any traffic or directional signs owned and installed by a governmental agency shall be permitted.
- (b) A sign or its illuminator shall not, by reason of its location shape, or color, interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.
- (c) A sign or its illuminator shall not by reason of its location, shape or color interfere with residential neighborhoods and adjacent residential properties.

## ARTICLE VIII

OFF-STREET PARKING AND LOADING REGULATIONSSection 1 - Off-Street Parking and/or Loading Requirements.

In any district, if any structure is constructed, enlarged or extended, and any use of land established, or any existing use is changed, after the effective date of this Zoning Ordinance, parking and loading spaces shall be provided in accordance with the following tables. An existing structure which is enlarged or an existing use which is extended after the effective date of this Zoning Ordinance shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use unless the



Table of Off-Street Parking Standards

Use	Number of parking spaces per unit
Dwelling	Two per unit
Lodging house, motel or hotel	One and one-half per rental unit
Retail, service, finance, insurance or real estate establishment	One per each 100 sq. ft. of net floor space
Wholesale establishment	One per each 300 sq. ft. of net floor space
Manufacturing or industrial establishment	One per each 600 sq. ft. of net floor space
Auditorium, church or amusement or other place of public assembly	One for each eight seats provided for patrons (based on maximum seating capacity)
Hospital or nursing home	Two per bed at design capacity
School	Two per classroom in an elementary and intermediate school and four per classroom in a high school plus spaces needed above for auditorium or gymnasium, whichever has the larger capacity
Other community facility (town building, recreation etc.) or public utility	One for each 300 sq. ft. of net floor space

Table of Off-Street Loading Standards

Use	Number of loading spaces per unit
Business, industrial, community facility, (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 sq. ft. of net floor space	One per 15,000 sq. ft. or fraction thereof of net floor space

increase in units or measurements amounts to less than 25 percent whether such increase occurs at one time or in successive stages.

Section 2 - General Parking and Loading Provisions

- (a) Accessory parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Ordinance shall hereafter be maintained so long as said use remains, unless an equivalent number of parking or loading spaces is constructed elsewhere conforming to the requirements of the following tables, provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.
- (b) When units or measurements determining number of required parking or loading spaces result in a requirement of a fractional space, any fraction over one-half shall require one parking or loading space.
- (c) The parking spaces required for the uses listed in the above table shall be on the same lot as the use they are intended to serve or, when practical difficulties as determined by the Building Inspector prevent their establishment upon the same lot, they shall be established no further than 300 ft. from the premises to which they are appurtenant. In no case shall the required parking spaces be part of the area used to satisfy any loading requirements of this Zoning Ordinance.
- (d) Where required parking spaces are provided away from the lot on which the use, other structure, or lot they are intended to serve is located, such spaces shall be in the same possession, either by deed or long-term lease, as the property occupied by the use, structure or lot to which the parking spaces are accessory.
- (e) The loading spaces required for the uses listed in the above table shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Zoning Ordinance.



Section 3 - Parking and Loading Space Standards. All parking or loading areas containing over five spaces including automobile service and drive-in establishments shall be either contained within structures, or subject to the following:

- (a) The area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District. The screening shall consist of a solid fence or wall not less than 3 ft. nor more than 6 ft. in height or shrubbery planted not less than 3 ft. apart on center, at least 2 ft. from the lot line, and all maintained in good condition. The screening required by this subsection shall be set back from each street the same as if it were a main building wall.
- (b) The area and access driveways thereto shall be surfaced with a durable and dustless material and shall be graded and drained so as to dispose of all surface water accumulation.
- (c) A substantial bumper of masonry, steel or heavy timber or concrete shall be placed at the edge of surfaced areas except driveway in order to protect abutting structures, properties and sidewalks.
- (d) Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
- (e) In no case shall any off-street parking or loading spaces be permitted within the required front yard area.

## ARTICLE IX

### NONCONFORMING USES, STRUCTURES AND LOTS

Section 1 - Nonconformity by Initial Enactment or Amendment. The provisions of this section affecting nonconforming uses, structures, and/or lots cited herein and certain related nonconformities shall apply under the provisions of this Ordinance and established districts as enacted initially or as subsequently amended, except that any use, structure, or condition, permitted by special exception as a result of this Ordinance and in existence at the time of the adoption shall not be governed by Section 2-a, b, c, and d of Article IX but rather shall be permitted to expand provided such expansion does not violate the maximum building area and yard regulations of the District in which it is located.



## Section 2 - Extension and Alteration

- (a) Any nonconforming principal use of a portion of a structure shall not be extended.
- (b) Any conforming principal use of a portion of a nonconforming structure may be extended throughout the existing structure.
- (c) Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40 percent of the floor area of the existing structure.
- (d) Any nonconforming structure may be altered and the use extended throughout the altered portion provided: any conforming use shall not be made nonconforming; and any resultant alteration shall not cause the structure to violate the maximum building area and yard regulations of the District in which it is located.
- (e) Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.

## Section 3 - Reduction or Increase

- (a) Any nonconforming lot or open space on the lot (yards, setbacks, courts, usable open space, or building area) if already smaller or greater, as the case may be than that required shall not be further reduced or increased so as to be in greater nonconformity.
- (b) Any off-street parking or loading spaces, if already less than the number required to serve their intended use shall not be further reduced in number.

## Section 4 - Change

- (a) Any nonconforming use of a structure may be changed to another nonconforming use provided: the changed use is not a substantially different use.
- (b) Any nonconforming use which has been once changed to a permitted use or another nonconforming use which is not a substantially different use shall not again be changed to another nonconforming use.

- (c) Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

Section 5 - Restoration. Any nonconforming structure damaged by fire or other cause in excess of 75 percent of its value may be rebuilt, if in accordance with the yard regulations of this Zoning Ordinance, but not used except for a conforming use.

Section 6 - Abandonment. Any nonconforming use of a structure and/or lot which has been abandoned for a continuous period of six months or more shall not be used again except by a conforming use.

Section 7 - Moving. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof and the lot shall be conforming.

Section 8 - Unsafe Structure. Any structure determined by the Building Inspector to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall not place it in greater nonconformity.

## ARTICLE X

### ADMINISTRATION AND ENFORCEMENT

Section 1 - Building Inspector. It shall be the duty of the Selectmen to appoint an agent, the Building Inspector, to administer and enforce the provisions of this Zoning Ordinance.

Section 2 - Permit Required. It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot without applying for and receiving from the Building Inspector the required building permit therefor. Such permit shall become null and void if such erection or alteration is not commenced within 60 days.

Section 3 - Previously Approved Permits. Nothing in this Ordinance shall require changes in the plans, construction and/or use of any structure and/or lot for which a lawful permit has been issued or otherwise lawfully authorized within one year before the effective date of this Ordinance,



provided such construction or use shall be actively prosecuted within 180 days and completed within one year of the effective date of this Ordinance.

Section 4 - Certificate of Use and Occupancy Required. It shall be unlawful to use or occupy any structure or lot for which a permit is required herein without the owner applying for and receiving from the Building Inspector a certificate of use and occupancy.

Section 5 - Permit and Certificate Fees. Fees shall be in accordance with the following schedule:

- (a) Alterations and additions to existing residential and farm buildings, both interior and exterior: Permit required for all such alterations, with fee of \$2 if work required has cost greater than \$500.
- (b) Alterations and additions to existing commercial and industrial buildings, both interior and exterior: Permit required for all such alterations, with fee of \$5 if work required has cost greater than \$500.
- (c) Permits for the construction of single-family residences: \$5.
- (d) Permits for multiple-family residences: \$5 for the first unit plus \$3 for each additional unit.
- (e) Single-story commercial and industrial buildings: \$15.
- (f) Multi-story commercial and industrial buildings: \$25.
- (g) Fee for moving structures normally on fixed foundations from one location to another shall be \$10.
- (h) The erection of detached garages and carports for the housing of private motor vehicles and the erection of detached farm buildings shall carry a fee of \$2.

All fees shall be payable to the Town of Hudson through its duly appointed Building Inspector and shall be collected at the time permits are issued.

Section 6 - Permit Time Limits. Any work for which any permit has been issued by the Building Inspector shall be actively prosecuted within 180 days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended for up to an additional year at the discretion of the Board of Selectmen.



Section 7 - Violations. The Building Inspector shall serve a notice of VIOLATION and ORDER to any owner or person responsible for the erection, construction, reconstruction, conversion, alteration of a structure or change in use, increase in intensity of use, or extension or displacement of use of any structure or lot in violation of the provisions of this Ordinance or in violation of any approved plan, drawing, information or drawing pertinent thereto; or in violation of a permit or certificate issued under the provisions of this Ordinance, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Building Inspector. Any owner who having been served with a notice and who ceases any work or other activity, shall not leave any structure or lot in such conditions as to be a hazard or menace to the public safety, health, morals or general welfare. The Building Inspector shall have the power to require that such premises be put in such condition as he directs.

Section 8 - Prosecution of Violation. If the notice of VIOLATION and ORDER is not complied with promptly, the Building Inspector shall request the Selectmen to institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation.

Section 9 - Board of Adjustment

- (a) Membership - There shall be a Board of Adjustment of five members. There shall be three associate members.
- (b) Appointment - Members of the Board in office at the effective date of this Ordinance shall continue in office. Hereafter as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to The Community Zoning Enabling Act.
- (c) Powers - The Board shall have those powers granted under The Community Zoning Enabling Act.
- (d) Adoption of Rules - The Board shall adopt rules to govern its proceedings pursuant to The Community Zoning Enabling Act.
- (e) Appeals - A person aggrieved by a decision or order of the Town Building Inspector may appeal therefrom to the Zoning Board of Adjustment. Such an appeal must be made within 30 days from the date of the order or decision complained of, in writing, addressed to

the Clerk of the Zoning Board of Adjustment. Such appeal shall state every reason for reversing or modifying the order complained of. Petitions for variance shall also be filed with the said Clerk. Upon receipt of such an appeal or a petition for variance (accompanied by the consent of owners required by Article X, Section 2) the said Clerk shall within 7 days set the time and place for hearing and shall thereafter send a notice of the hearing to the Town Building Inspector, the members of the Zoning Board of Adjustment and to the person filing the appeal or petition for variance by ordinary mail sent to their last known addresses not less than 2 days prior to the date of the hearing. The aggrieved party shall receive the decision of the Board in writing not later than 7 days after the hearing.

Section 10 - Exceptions. Certain uses, structures or conditions are designated as exceptions in Article IV, Table of Use Regulations, and elsewhere in this Ordinance. Upon application duly made to the Board, the Board may, in appropriate cases and subject to appropriate conditions and safeguards and following a public hearing, grant a special permit for such exceptions and no others:

- (a) In acting upon an application for an exception, the Board shall take into consideration whether: the specific site is an appropriate location for the use or structure; the adequacy of public sewerage and water facilities, or the suitability of soils for on-lot sewerage and water systems; the use developed will adversely affect the neighborhood; there will be undue nuisance or serious hazard to vehicles or pedestrians; and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition. The Board shall authorize such special permit only when it finds that, in view of these considerations, such exception is consistent with the spirit of this Ordinance and generally in conformity with the Comprehensive Plan for the Town.
- (b) The Board shall also impose in addition to the conditions specified for the following uses such additional conditions to those specified in this Ordinance as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purpose of this Ordinance, including, but not limited to, the following: front, side or rear yards greater



than the minimum required by this Ordinance; screening, buffers or planting strip, fences, or walls, as specified by the Board; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, or extent of facilities; regulation of number and location of driveways, or other traffic features; and off-street parking or loading or other special features beyond the minimum required in this Ordinance.

- (1) For the cluster residential development of land for one-family residential purposes in any "R-1" District subject to area regulations less than the minimum required in the Table of Area Regulations provided: the tract in single or consolidated ownership at the time of application shall be at least 10 acres in size and subject to approval by the Planning Board in accordance with their Subdivision Regulations; a development plan shall be presented for the entire tract; each individual lot shall be subject to all requirements for a one-family dwelling in any "R-2" District; the total number of proposed lots in the development shall not exceed the number of lots which could be developed under normal application requirements of the "R-1" District; the proposed plan shall be in accordance with the Comprehensive Plan; the development shall be served by either public water or sewerage systems; at least 10 percent of the total tract area of which at least 50 percent shall not be wetlands or over 5 percent slope land shall be set aside as common land and may be either deeded to the town or covenanted to be maintained as permanent "open space" in private or cooperative nonprofit ownership; such common land shall be deeded to the town or permanently covenanted simultaneously with the Planning Board's approval of the Final Plot; such common land shall be restricted to open space uses such as tot lot, park, playground, playfield or conservation area; and such common land shall have access to a street.

- (2) For the planned business development of land for any permitted use in any "B" District subject to a maximum building area more than the maximum permitted in the Table of Area Regulations and less than the parking requirements contained in Article VIII, provided: the tract of single or consolidated ownership at the time of application shall be at least 3 acres in size; a development plan shall be presented for the entire tract; uses shall be contained in one continuous building; the development shall be served by one common parking area, exit and entrance; the maximum building area shall be 70 percent; and the reduction in parking space requirements shall not exceed more than 10 percent of those required under normal application requirements of the "B" District.
- (3) The provisions of this subsection shall not apply to the continued use of any house trailer now parked and occupied as a dwelling in the Town of Hudson, nor to a house trailer hereafter acquired as a replacement by the owner of a trailer now parked and occupied as a dwelling. Provided, however, that if a house trailer now parked and occupied as a dwelling in the Town of Hudson is moved from its present location, the subsequent use of such trailer must comply with the following provisions.

Except as above provided, every house trailer hereinafter occupied as a dwelling in the Town of Hudson shall be parked in a licensed trailer court.

The licensing of trailer courts shall be the function of the Town Building Inspector, the Town Health Officer and the Board of Selectmen, who shall issue an annual license without fee upon their determination that the provisions of this Article are satisfied by the trailer court owner.

Such trailer courts shall contain facilities for not less than four house trailers. Such courts shall contain a minimum land area of one acre. Each individual trailer lot shall contain at least 7,500 sq. ft., and shall be furnished with a suitable right-of-way, and



properly installed facilities to ensure the health and safety of the occupants including running water, drainage, sewerage, electricity and such other facilities as the Health Officer may find required by any other Ordinances or statutes.

A plan of the proposed trailer court showing the individual trailer lots and arrangements for facilities shall be filed with the Town Building Inspector prior to the issuance of license to operate a trailer court.

- a. Whenever the words "a house trailer" are used in this Ordinance it shall be construed to include a mobile home.
- b. No license shall be issued for a trailer court or mobile home court by the Building Inspector, Town Health Officer or Board of Selectmen until the same has been voted favorably upon by the voters of the Town of Hudson at an annual Town Meeting.

Section 11 - Variances. The Board may authorize a variance for a particular use or parcel of land or to an existing building thereon from the terms of this Ordinance where, owing to conditions especially affecting such a building but not affecting generally the Zoning District in which it is located, a literal enforcement of the provisions of this Ordinance would involve substantial hardship, financial or otherwise to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Ordinance. In authorizing such variance the Board may impose limitations both of time and use, such as, but not limited to those specified in Section 10, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time hereafter.

## ARTICLE XI

### PENALTIES

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine for each violation of not more

than \$10. Each day that a violation is permitted to exist shall constitute a separate violation. Such fines shall be in addition to the Remedies for Violation provided for by Chapter 36, Section 36, New Hampshire Revised Statutes Annotated.

## ARTICLE XII

### AMENDMENT, VALIDITY, REPEALER AND EFFECTIVE DATE

Section 1 - Amendment. This Ordinance may be amended from time to time in accordance with The Community Zoning Enabling Act. During the amendment procedure subdivision plans in process of review by the Planning Board under their Subdivision Regulations shall be subject to the provisions of The Community Zoning Enabling Act.

Section 2 - Validity. The invalidity, unconstitutionality or illegality or any provision of this Ordinance or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality or legality of any other provision or boundary.

Section 3 - Repealer. The Zoning Ordinance for the Town of Hudson, New Hampshire adopted in 1942 and all subsequent amendments thereto are repealed in whole.

Section 4 - Effective Date. This Ordinance shall take effect upon its passage.

## ARTICLE XIII

### DEFINITIONS

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural and the plural the singular; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building," "structure," "lot" or "premises" shall be construed as though followed by the words "or any portion thereof," and the word "structure" includes the word "building." The word "shall" is always mandatory and not merely directory.



Abandonment: The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or building by a conforming use or building.

Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories, size, use or location of a building or other structure.

Associate Member, Board of Adjustment: One appointed by the Selectmen to carry out the duties of a regular member only at such time as the regular member is unable to perform his duties in accordance with The Community Zoning Enabling Act.

Board: The Board of Adjustment of the Town of Hudson, New Hampshire.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purposes of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A detached subordinate 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.

Cellar: A portion of a building partly underground which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground.

Community Facilities: Premises owned and operated by a governmental or other chartered nonprofit organization but not including fraternal, sports or similar membership organizations.

Driveway, Legal Service: An open space, located on a private lot, which is not more than 24 ft. in width built for access to a private garage or off-street parking space.

Dwelling Unit: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single house-keeping unit, with cooking, living, sanitary and sleeping facilities.

Dwelling, Multifamily: A building containing three or more dwelling units.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings necessary for the furnishing of adequate service by such public utilities or governmental agencies for the public health or safety or general welfare.

Exception: A use of a structure or lot or any action upon a premise which may be permitted under this Ordinance only upon application to and following an advertised public hearing, the approval of the Board and in accordance with provisions of Article X, Section 10.

Floor Area, Net: The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment.

Height: The vertical distance from the adjacent ground to the top of the structure of highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof.

Home Occupation: An accessory use which by custom has been carried on entirely within and only by occupants of a dwelling unit, which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building.

Junk: The word "junk" in this Ordinance shall mean any old metals, old bottles, cotton, or woolen waste, unfinished cloth, old rags, old paper products, old rubber products, two or more unregistered motor vehicles which are unfit for reconditioning for use on the highways, used parts and materials for motor vehicles the quantity of which would be equal in bulk to two or more vehicles, and any other second hand articles.



Loading Space: An off-street space used for loading or unloading and which is not less than 14 ft. in width, 45 ft. in length and 14 ft. in height and containing not less than 1,300 sq. ft. including both access and maneuvering area.

Lot: An area or parcel of land not including water area in the same ownership, or any part thereof designated by its owner or owners as a separate lot. For purposes of this Ordinance, a lot may or may not have boundaries identical with those recorded in the Hillsborough County Registry of Deeds.

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection of the street lot line, or in case of a curved street extended lot lines, being not more than 135 degrees.

Lot, Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The property line dividing a lot from a street (right-of-way). On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line.

Lot Line, Rear: The lot line opposite from the front lot line, except in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines which are not street lines is to be considered the rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Ordinance, or any subsequent amendment thereto, which is not in conformity with all provisions of this Ordinance.

Lot, Through: An interior lot, the front and rear lot lines of which abut streets, or a corner lot two opposite lines of which abut streets.

Lot Width: The horizontal distance between the side lot lines as measured at the required front yard depth which may or may not coincide with the actual front setback line.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee or any person having vested or equitable interest in the use, structure or lot in question.

Parking Space: An off-street space having an area of not less than 200 sq. ft., plus access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

Public Utility: A structure or use by a public service corporation.

Sign: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion of illumination.

Sign, Business: A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

Street: Street means and includes all town roads, and state and federal highways and the land on either side of same as covered by statutes to determine the widths of rights-of-way.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like.

Structure, Nonconforming: A structure lawfully existing at the effective date of this Ordinance or any subsequent amendment thereto, which is not in conformity with all provisions of this Ordinance.

Substantially Different Use: Any use which is not permitted either by right, or by Exception of the Board of Adjustments within the district in which the lot is located.

Substantially Greater Extent: An accessory use which exceeds 40 percent of the floor area of the existing structure or any principal use which encroaches into any yard or setback area.

Usable Open Space: Space in a yard or within a setback area on a lot that is unoccupied by buildings, unobstructed to the sky, not devoted to service driveways or off-street loading or parking spaces and available to all occupants of the building on the lot expressed as a percentage of gross floor area.



Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory: A use customarily incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Use, Nonconforming: A use lawfully existing at the effective date of this Ordinance or any subsequent amendment thereto which is not in conformity with the provisions of this Ordinance.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this Ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.

Yard: A portion of a lot, other than a court on the same lot as the principal building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front: A space extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A space, unoccupied, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side: An unoccupied space extending for the full length of a building between the nearest building wall and the side lot line.

Variance: Such departure from the terms of this Ordinance as the Board, upon appeal in specific cases, is empowered to authorize under the terms of Section 11 of Article X herein.